



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# **Final Programmatic Environmental Impact Statement and Response to Comments**

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*Marine Spatial Plan for  
Washington's Pacific Coast*

Draft October 2017

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## Publication and Contact Information

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# **Final Programmatic Environmental Impact Statement and Response to Comments**

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## **Marine Spatial Plan for Washington's Pacific Coast**

*by  
Jennifer Hennessey*

Shorelands and Environmental Assistance Program  
Washington State Department of Ecology  
Olympia, Washington

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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 19, 2018

RE: Marine Spatial Plan for Washington's Pacific Coast Final Programmatic Environmental Impact Statement (EIS)

Dear Interested Parties, Jurisdictions, Tribes, and Agencies:

The Washington Department of Ecology (Ecology) has prepared and issued this Final EIS for the Marine Spatial Plan (MSP) for Washington's Pacific Coast pursuant to State Environmental Policy Act (SEPA, Chapter 43.21C RCW) and the SEPA Rules (Chapter 197-11 WAC). An interagency team developed the MSP as directed by the State Legislature and state law (RCW 43.372). In 2011, the Governor tasked Ecology with leading marine spatial planning efforts in Washington, in coordination with other state agencies.

The EIS evaluates the actions contained in the MSP, which are intended to inform the development of new ocean use proposals along Washington's Pacific Coast and to be used in all stages of decision-making to protect ocean resources and current human uses from adverse impacts arising from potential new ocean uses. This environmental review provides a formal process to evaluate the proposed actions in the MSP. The process helps decision makers and the public understand the specific actions and how they would affect people and the environment.

The EIS evaluates the actions in the MSP, including:

- Delivering baseline data, trends, and analyses.
- Improving consultation and coordination.
- Outlining project-specific information requirements.
- Protecting fisheries and Important, Sensitive, and Unique Areas.
- Providing spatial recommendations for state waters.

A No Action Alternative is also included, which is intended to represent the most likely future expected in the absence of implementing the MSP. Under the No Action Alternative, new ocean uses would only be evaluated using existing state policies and procedures.

Ecology released the Draft EIS on October 13, 2017. The Draft EIS was available for public review and comment until December 12, 2017. Ecology held four public hearings on the Draft Plan and Draft EIS during the comment period. Comments were received at public hearings, through an online form, and via email.



Interested Parties, Jurisdictions, Tribes, and Agencies

June 19, 2018

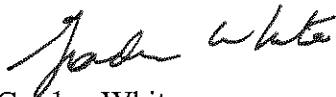
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The Draft EIS provided an opportunity for the public, interested tribes, agencies, stakeholders, and other parties to consider the effects of implementing a broad plan for evaluating new ocean uses. Ecology received 26 comment submissions during the Draft EIS public comment period. We appreciate the time and attention that commenters committed to reviewing the Draft EIS and Draft Plan.

The Final EIS includes comments received on the Draft EIS, Ecology's responses, and updates to the fact sheet, executive summary, and the EIS. These are published together as one final document. Public comments provided important feedback to update and clarify the final EIS. At the same time, no significant changes to the alternatives nor analyses have been made.

This Final EIS is being issued under WAC 197-11-460 and completes the SEPA process. The interagency team will use the Final EIS and the MSP to implement a comprehensive approach to evaluating new ocean uses and protecting marine resources and uses on Washington's Pacific Coast.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon White".

Gordon White

Program Manager

Shorelands and Environmental Assistance Program

# Fact Sheet

## Project Title

Marine Spatial Plan for Washington's Pacific Coast

## Brief Description of Proposal

The Washington State Department of Ecology (Ecology) prepared this Final Programmatic Environmental Impact Statement (EIS) to evaluate the environmental impacts of adopting a Marine Spatial Plan for Washington's Pacific Coast. Ecology is the lead agency and prepared this Final EIS in compliance with the Washington State Environmental Policy Act (SEPA).

The SEPA nonproject action is the adoption of the Marine Spatial Plan (MSP) for Washington's Pacific Coast. The Final EIS evaluates the proposed actions in the MSP, which provides a framework for evaluating proposed new ocean uses on Washington's Pacific Coast. The MSP includes:

- Baseline information on existing ocean uses and resources.
- Guidance for siting and evaluation of new ocean uses, including identifying requirements and recommendations that apply to different phases of project review, consistent with existing laws and regulations.
- Policies for the protection of important and sensitive ecological areas and existing uses.
- Improvements to coordination among governments and with stakeholders.

The No Action Alternative is the only alternative included in the Final EIS and represents the most likely future conditions expected in absence of a MSP. This includes evaluating new ocean uses under existing authorities and processes.

## Contact

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## Permits, Licenses, and Approvals Required

Numerous regulations, plans, laws, and treaty obligations guided or influenced the development of the MSP and Final EIS. Because this is a programmatic EIS for a nonproject action, and the specific nature of potential new ocean use projects is not yet known, it is not possible to present a complete list of permits, licenses, and approvals that could be required. However, the Marine

Spatial Plan provides important information in Chapter 1 on tribal treaties and federal management areas in the MSP Study Area and Chapter 4 (specifically Chapter 4.1) describes existing state and local regulations and authorizations.

Implementation of the alternatives in the Final EIS would require compliance with regulations and plans at federal, state, and local levels. A project proponent would need to comply with applicable laws, regulations, and Executive Orders. Examples of those requirements that are commonly associated with developments and activities in marine waters and shorelines, include:

- State Environmental Policy Act
- National Environmental Policy Act
- Coastal Zone Management Act
- Clean Air Act
- Clean Water Act - Sections 401, 402, and 404
- Endangered Species Act
- Energy Policy Act
- Federal Power Act
- National Historic Preservation Act
- Magnuson-Stevens Fishery Conservation and Management Act
- Ocean Resources Management Act
- Oil Pollution Act
- Outer Continental Shelf Lands Act
- Sanctuary permit (Olympic Coast National Marine Sanctuary)
- Section 10, Rivers and Harbors Act
- Submerged Lands Act
- Aquatic Use Authorization for state-owned aquatic lands
- Washington State Hydraulic Code
- Washington State Shoreline Management Act
- Governor's Executive Order 05-05: Archeological and Cultural Resources
- Water Right Permit
- Sand and Gravel General Permit
- Construction Stormwater General Permit
- Building Permit
- Local critical areas codes, zoning ordinances, and other land use requirements, including local Shoreline Master Programs

Federal planning and management efforts in the MSP Study Area, which may require federal permits or authorizations:

- Olympic Coast National Marine Sanctuary
- National Wildlife Refuges
- Olympic National Park – coastal unit



## **Authors and Contributors**

The EIS writing and evaluation team included:

- Washington Department of Ecology: Jennifer Hennessey (EIS and MSP project manager) and Brian Lynn (Coastal and Shorelands Section Manager)
- Washington Department of Natural Resources: Katrina Lassiter (Policy Analyst)
- Washington Department of Fish and Wildlife: Corey Niles (Coastal Marine Resource Policy Lead) and Jessi Doerpinghaus (Coastal Marine Resource Policy Analyst)

A number of other contributing authors and reviewers from state and federal agencies, tribes, academic institutions, and stakeholder interest groups participated in the development of the MSP. The acknowledgements section of the MSP provides a list of these individuals and organizations.

## **Date of Draft Environmental Impact Statement Issuance**

October 12, 2017

## **Date Draft Environmental Impact Statement Comments Were Due**

Comments on the Draft EIS were due December 12, 2017.

## **Date and Place of Draft Environmental Impact Statement Public Meetings**

Four public hearings were held during the comment period. The first was held on November 1, 2017 at the Department of Natural Resources Conference Room in Forks, the second on November 7, 2017 at Grays Harbor College in Aberdeen, the third on November 8, 2017 at the Cranberry Museum in Longbeach, and the fourth at Tukwila Community Center in Tukwila.

## **Date of Final Environmental Impact Statement Issuance**

June 20, 2018

## **Timing of Additional Environmental Review**

The analysis in this EIS is programmatic in nature and has been prepared to disclose probable significant adverse impacts associated with adopting and implementing the MSP. Any individual ocean use projects or activities that are proposed or carried out will require additional, more detailed, project-level environmental review prior to implementation. These projects and

activities could require SEPA compliance, National Environmental Policy Act compliance, or both, depending on the location of the proposal and/or types of permits required.

## Document Availability

The Final EIS for the Marine Spatial Plan is available online at:

<http://www.msp.wa.gov/learn/resources/>

or

<https://fortress.wa.gov/ecy/publications/SummaryPages/1706028.html>

Print copies or CDs of the document may be obtained by written request to Kaye Brozina, [kaye.brozina@ecy.wa.gov](mailto:kaye.brozina@ecy.wa.gov), or by calling (360) 407-6908. Persons with hearing loss can call 711 for Washington Relay Service, including TTY service. Persons with a disability can call 1-866-833-6341 to access a Communications Assistant with Washington's Speech-to-Speech service.

## Location of Background Materials

During the past several years, Ecology has coordinated a team of state agencies and worked with a wide range of experts to collect information on the MSP study area through a number of individual projects and studies. Ecology and the interagency team has collaborated with residents, stakeholders, tribes, and other agencies to develop a MSP that will protect existing sustainable uses and ocean resources while providing a framework to evaluate new economic opportunities. The Final EIS builds off this work. Background materials used in the preparation of the Final EIS are available online through the following links:

- Marine Spatial Plan Documents: <http://www.msp.wa.gov/learn/resources/>
- Marine Spatial Planning Projects: <http://msp.wa.gov/msp-projects/>
- SEPA register: <https://fortress.wa.gov/ecy/separ/Main/SEPA/Search.aspx>

The Final EIS also includes a list of environmental documents incorporated by reference and relevant studies.

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# Executive Summary

Proposals for new ocean uses are on the rise, raising the potential for increased conflict and impacts to ocean users, communities, and marine habitats and species. Washington's Pacific Coast has experienced unsuccessful proposals for offshore renewable energy that were not guided by upfront information and plans addressing these potential impacts. The Marine Spatial Plan provides information and a framework for guiding and responding to the challenges posed by new ocean uses.

The Washington State Department of Ecology (Ecology) prepared a State Environmental Policy Act (SEPA) Final Programmatic Environmental Impact Statement (EIS) for the Marine Spatial Plan for Washington's Pacific Coast (MSP). An interagency team developed the MSP as directed by the State Legislature and state law (RCW 43.372). The Governor tasked Ecology with leading this planning process.

The Final EIS evaluates the actions contained in the MSP, which are intended to inform the development of new ocean use proposals along Washington's Pacific Coast and to be used in all stages of decision-making to protect ocean resources and current human uses from adverse impacts arising from potential new ocean uses. This environmental review provides a formal process to evaluate the proposed actions in the MSP. The process helps decision makers and the public understand the specific actions and how they would affect people and the environment.

## Washington's Pacific Coast

Washington's Pacific Coast is rural and less developed than other coastal areas of the state. Coastal communities in this area are dependent on natural resources, recreation, and tourism. The marine waters along Washington's Pacific Coast contain abundant natural resources and diverse habitats that support biological diversity and resilience of the marine ecosystem. These ocean resources support multiple public uses that benefit the economies and cultures of nearby communities as well as the entire state such as fishing, recreation, shipping, shellfish aquaculture, tourism, and military training.

The MSP Study Area consists of marine waters of the Pacific Ocean from ordinary high water on the shoreward side out to a water depth of 700 fathoms (4,200 feet) offshore and from Cape Flattery south to Cape Disappointment at the Mouth of the Columbia River – a distance along the length of the coast of approximately 136 nautical miles. The 700 fathom curve ranges from 35 to 55 nautical miles offshore with an average distance of approximately 40 nautical miles westward of the shoreline. It also includes two large coastal estuaries, Grays Harbor and Willapa Bay. Altogether, the MSP Study Area covers approximately 480 nautical miles of coastline and spans 5,951 square nautical miles (7,881 square statute miles). The MSP Study Area overlaps with marine areas managed by federal agencies and Usual and Accustomed Areas of the four coastal treaty tribes.

## Purpose and Need

New ocean uses pose the potential to adversely impact existing uses, ecological resources, and communities. Multiple uses, and new uses, also constitute a management challenge for sustaining resources and coordinating state decision making in a proactive, comprehensive and ecosystem-based manner.

To address challenges posed by new ocean development, Washington needs to provide a framework for guiding and evaluating proposed new ocean uses on Washington's Pacific Coast. Developing a Marine Spatial Plan (MSP) provides opportunity to ensure that new ocean use developments are appropriately sited such that existing activities and new development can, if permitted, successfully coexist, while maintaining a productive, healthy marine ecosystem.

The MSP protects existing uses, cultural resources, and marine resources when new ocean uses are proposed and evaluated. It details the effects to people, communities and the environment that need to be evaluated and identifies ways that adverse effects can be avoided and minimized. It also identifies ecologically sensitive or unique areas that require protection and establishes protections for fisheries. Therefore, the Marine Spatial Plan will avoid and minimize significant adverse physical changes to the environment and people from new ocean uses.

## Alternatives

The EIS evaluates the actions in the MSP, including:

- Delivering baseline data, trends, and analyses.
- Improving consultation and coordination.
- Outlining project-specific information requirements.
- Protecting fisheries and Important, Sensitive, and Unique Areas.
- Providing spatial recommendations for state waters.

A No Action Alternative is also included, which is intended to represent the most likely future expected in the absence of implementing the MSP. Under the No Action Alternative, new ocean uses would only be evaluated using existing state policies and procedures.

The Final EIS also evaluates cumulative impacts, including past, present, and reasonably foreseeable future actions. This Final EIS does not evaluate the environmental impacts of particular new ocean use proposals, which would be done when a specific project is proposed.

## Next Steps

The analysis in the Final EIS identifies and assesses the possible environmental effects associated with the No Action Alternative and the actions in the MSP. The SEPA environmental review process helps decision-makers and the public understand how a proposed action would affect the natural environment and people, and provides a way to evaluate the possible environmental effects of a proposal before deciding whether to proceed. The Final EIS is available so that the public and other agencies and entities can see how comments provided were addressed.

# Background and Objectives

## Purpose and Need

New ocean development on Washington's Pacific Coast has the potential to:

- Adversely impact existing uses such as fishing, shellfish aquaculture, recreation, military training, and navigation, including reducing area or access for these activities.
- Adversely impact environmentally sensitive areas and resources, and reduce marine ecosystem functions and values.
- Reduce human safety and value of public and private property.

Multiple uses, and new uses, also constitute a management challenge for sustaining resources and coordinating state decision making in a proactive, comprehensive and ecosystem-based manner.

To address challenges posed by new ocean development, Washington needs to provide a framework for guiding and evaluating proposed new ocean uses on Washington's Pacific Coast. Developing a Marine Spatial Plan (MSP) provides opportunity to ensure that new ocean use developments are appropriately sited such that existing activities and new development can, if permitted, successfully coexist, while maintaining a productive, healthy marine ecosystem.

The MSP provides the following outcomes:

- Protect sustainable, existing marine uses.
- Support a healthier and more resilient ecosystem.
- Sustain traditional and cultural resources and uses.
- Improve alignment of management decisions through a collaborative process.
- Enhance sustainable economic opportunities.

## Legislative mandate

Revised Code of Washington (RCW) Chapter 43.372 authorizes a marine interagency team chaired by the Governor's office to coordinate the development of marine management plans, including marine spatial plans. The Governor's office designated Department of Ecology as lead for coordinating the development of the MSP for Washington's Pacific Coast (RCW 43.372.040(1)).

Chapter 43.372.040(11) directs the Department of Ecology to submit the completed plan to the National Oceanic and Atmospheric Administration (NOAA) for approval as part of the state's federally-approved Coastal Zone Management Program.

## Objectives and limitations

Upon completing a scoping process under SEPA in January 2014, Ecology identified the following objectives for the MSP:

**Objective 1:** Protect and preserve healthy existing natural resource- based economic activity on the Washington Coast.

**Objective 2:** Sustain diverse traditional uses and experiences to ensure continuity of Washington's coastal identity, culture, and high quality of life.

**Objective 3:** Foster healthy and resilient marine ecosystem functions, biodiversity and habitats.

**Objective 4:** Develop a locally supported and collaborative process that is coordinated with existing authorities for aligning management decisions.

**Objective 5:** Enhance sustainable economic opportunities to achieve a resilient economy and improved quality of life.

Overarching objectives that also apply to the MSP include:

- Be consistent with state laws, policies, and authorities.
- Provide credible, baseline information and analyses on the Washington coast.
- Be implemented/adopted by multiple entities.
- Clarify and enhance state's ability to review federal actions that may affect Washington's coastal resources and uses.

Existing treaties, the US and Washington State Constitutions, court decisions, and state and federal laws and regulations all define roles and processes for different agencies regarding various authorizations for aspects of marine uses and resources.

Washington's marine waters planning and management law (RCW 43.372):

- Requires state and local agencies to make decisions consistent with the final Marine Spatial Plan ([RCW 43.372.050\(1\)](#)).
- Limits the state and local agencies to using their existing authorities to implement the plan and does not create any new authorities ([RCW 43.372.060](#)).
- Does not affect projects existing prior to nor during the development of the plan ([RCW 43.372.060](#)).
- Cannot alter federal laws or tribal treaty rights.
- Requires Department of Ecology to submit the final plan to NOAA to be approved as part of the state's federally-approved Coastal Zone Management Program. Therefore, the federal regulations and policies implementing the federal Coastal Zone Management Act are also relevant to the approach or strategy chosen for the MSP.

These factors all limit the methods for achieving the objectives of the MSP. Furthermore, state and federal budgets play a role in controlling the development and implementation of the approach.

## Applicable Regulations, Plans, Laws, and Treaty Obligations

Numerous regulations, plans, laws, and treaty obligations guided or influenced the development of the MSP and Final EIS. Because this is a programmatic EIS for a nonproject action, and the specific nature of potential new ocean use projects is not yet known, it is not possible to present a complete list of permits, licenses, and approvals that could be required. However, the MSP provides important information in Chapter 1 on tribal treaties, including tribal “Usual and Accustomed Areas” (U&As), and federal management areas in the MSP Study Area. Chapter 4 (specifically Section 4.1) describes existing state and local regulations and authorizations.

Implementation of the alternatives in the Final EIS would require compliance with regulations and plans at federal, state, and local levels. A project proponent would need to comply with applicable laws, regulations, and Executive Orders. Examples of those requirements that are commonly associated with developments and activities in marine waters and shorelines, include:

- State Environmental Policy Act
- National Environmental Policy Act
- Coastal Zone Management Act
- Clean Air Act
- Clean Water Act - Sections 401, 402, and 404
- Endangered Species Act
- Energy Policy Act
- Federal Power Act
- National Historic Preservation Act
- Magnuson-Stevens Fishery Conservation and Management Act
- Marine Mammal Protection Act
- Ocean Resources Management Act
- Oil Pollution Act
- Outer Continental Shelf Lands Act
- Sanctuary permit (Olympic Coast National Marine Sanctuary)
- Section 10, Rivers and Harbors Act
- Submerged Lands Act
- Aquatic Use Authorization for state-owned aquatic lands
- Washington State Hydraulic Code
- Washington State Shoreline Management Act
- Governor’s Executive Order 05-05: Archeological and Cultural Resources
- Water Right Permit
- Sand and Gravel General Permit
- Construction Stormwater General Permit
- Building Permit
- Local critical areas codes, zoning ordinances, and other land use requirements, including local Shoreline Master Programs.

Federal planning and management efforts in the MSP Study Area such as:



- Olympic Coast National Marine Sanctuary
- National Wildlife Refuges
- Olympic National Park – coastal unit
- US Army Corps of Engineers – planning for maintaining navigation, including dredging, jetties, and other infrastructure.
- Bureau of Ocean Energy Management - planning for outer continental shelf leases (e.g. oil and gas, marine renewables and minerals)
- Navy Warning Area 237 (W-237) Surface Operating Areas" See NOAA Soundings and Fathom Chart 18003.
- Military range complex management plans.

Local or regional management plans that are in effect or under development that could influence implementation of the MSP include:

- Regional sediment management plan for the Mouth of the Columbia River (Lower Columbia Solutions Group).
- Salmon recovery plans, such as the *Washington Coast Sustainable Salmon Plan* (Washington Coast Sustainable Salmon Partnership).
- Habitat restoration plans, such as those developed through local shoreline master programs.
- Watershed management plans, which recommend strategies for setting in-stream flows, improving water quality, and protecting or enhancing fish habitat (plans currently adopted for Sol Duc-Hoh Basin and Chehalis Basin).
- Total Maximum Daily Load Implementation Plans, designed to address pollution and improve water quality. Includes TMDLs for Willapa River and its tributaries, Chehalis River Basin, and Grays Harbor, and a source investigation study for North Beach.
- Other local planning efforts such as those by ports, state parks, or other groups.

# Environmental documents and studies

## Environmental documents incorporated by reference

A number of environmental documents have been prepared for other state or federal activities or under their authorities noted above. Most are relevant because they summarize a portion or all of the MSP study area at various scales and evaluate issues and impacts of management actions, activities, or major proposed developments that occur or are proposed in the MSP study area. Some address the same uses that the MSP seeks to address (e.g. renewable energy). Therefore, these environmental documents are relevant to planning for the MSP study area and are incorporated by reference. The following lists and summarizes each document.

### Environmental Assessments

Olympic Coast National Marine Sanctuary. (2011). Olympic Coast National Marine Sanctuary final management plan and environmental assessment. Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration. Document available at:

<https://olympiccoast.noaa.gov/management/managementplan/managementplanwelcome.html#downloadmanagementplan>

This document summarizes the affected environment of the Olympic Coast National Marine Sanctuary (see Chapter 6). The document also includes background on coastal treaty tribes as well as evaluates the impacts of the proposed management plan alternatives such as management actions on vessel discharges, overflights, spills, research, education, and collaborative management. The document is relevant to the current proposal because the area and marine management issues described comprise much of Washington's Pacific coastline and over half of the MSP study area.

Washington Maritime National Wildlife Refuge Complex and Pacific Northwest Comprehensive Conservation Planning Team. (2007). Washington Islands National Wildlife Refuges: Flattery Rocks, Quillayute Needles, and Copalis National Wildlife Refuges Comprehensive Conservation Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Document available at:

<https://www.fws.gov/pacific/planning/main/docs/WA/waislands/WAIslCCP.pdf>

This document summarizes the affected environment and proposed management actions to protect wildlife of the national wildlife refuges. Management issues addressed include wildlife disturbance from public access, vessels and aircraft, oil spills, marine debris, invasive species, as well as scientific monitoring and research, education, and coordinated management activities.

### Environmental Impact Statements (NEPA or SEPA)

City of Hoquiam, & Washington State Department of Ecology. (2016). *Westway expansion project: Final environmental impact statement, main report*. Document available at:

<http://www.ecy.wa.gov/geographic/graysharbor/westwayterminal.html>

This document evaluates a proposal to expand a liquid bulk storage facility to receive, store, and export crude oil from the Port of Grays Harbor. It summarizes the affected environment, primarily within Grays Harbor, including details on environmental conditions and resources, tribal resources, and existing uses (e.g. fishing and recreation). The document analyses the potential adverse environmental effects from this proposal, including to existing vessel traffic volume and to environmental health and safety from a large oil spill or explosion.

United States Department of the Navy. (2015). *Northwest training and testing activities final Environmental Impact Statement/Overseas Environmental Impact Statement*. Silverdale, WA: United States Department of the Navy, Naval Facilities Engineering Command, Northwest. Document available at: <http://nwtteis.com/default.aspx>

This document evaluates the environmental effects of Navy training and testing activities in the Pacific Northwest, some of which overlaps with the MSP study area. Activities include training in anti-surface, anti-submarine, and anti-air warfare; mine and electronic warfare; and other training and testing activities. It summarizes the affected environment; describes training and testing activities proposed in the area; and evaluates the effects of the proposed Navy activities.

Willapa National Wildlife Refuge Complex. (2011). *Willapa National Wildlife Refuge: Final Comprehensive Conservation Plan and Environmental Impact Statement*. U.S. Fish and Wildlife Service. Document available at: [https://www.fws.gov/refuge/willapa/conservation/comprehensive\\_conservation\\_plan.html](https://www.fws.gov/refuge/willapa/conservation/comprehensive_conservation_plan.html)

This document summarizes the affected environment and proposed management actions to protect and restore wildlife and habitat of the Willapa Bay National Wildlife Refuge. It includes information on the physical and biological environment of Willapa Bay and evaluates management actions to protect and manage brandt, waterfowl, shorebirds, elk and other wildlife; manage and restore habitat such as breaching pasture land and returning to estuarine habitats and managing forested areas; and support recreation (e.g. wildlife watching, boating, camping, hunting, and fishing).

Minerals Management Service (2007). *Programmatic Environmental Impact Statement for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf: Final Environmental Impact Statement*. OCS EIS/EA, MMS 2007-046. Documents available at: <https://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/Guide-To-EIS.aspx>

Assesses environmental impacts that may arise from authorizing renewable energy development (wind, wave, and current technologies) on the Outer Continental Shelf. Volume I: Chapter 4 generally describes and compares the environmental and socioeconomic characteristics of the Pacific Region (Washington, Oregon, and California) as of 2007. Volume II: Chapter 5 addresses environmental and use impacts from all stages: testing, site characterization, construction, operation, and decommissioning. This section of the EIS also provides suggested mitigation measures. This is relevant to the MSP, since one of the major new ocean uses it addresses is marine renewable energy.

National Oceanic and Atmospheric Administration (1993). *Olympic Coast National Marine Sanctuary: Final Environmental Impact Statement/Management Plan Volumes 1 and 2*. U.S. Department of Commerce, NOAA, Sanctuaries and Reserves Division, Washington, D.C. Documents available at: <https://olympiccoast.noaa.gov/library/documents.html>

This document assesses the socioeconomic and environmental impacts of the implementing the designation of the Olympic Coast National Marine Sanctuary, including the study area and alternatives, including various boundaries, regulatory alternatives, and management plan actions.

## **Other relevant environmental studies, models and documents**

The state funded several studies aimed at developing baseline information, models, and other data to support this proposal (See Appendix A for the list of studies and references). Visit the marine spatial planning website at <http://www.msp.wa.gov> to download study reports and view ocean use or resource data using the online web mapping application.

# Alternatives

## Selected Alternative: Adopt the Marine Spatial Plan

The final, selected alternative is adopting the Marine Spatial Plan (MSP). By adopting the MSP, agency processes and future applicants would be supplemented with additional information and guidance to help address concerns about potential adverse impacts to the environment and existing users that stem from proposed new ocean uses.

In particular, the MSP:

- Delivers baseline information on existing ocean uses and resources.
- Provides guidance on siting and evaluation of new ocean uses, including identifying informational and procedural requirements for proposed projects and integrating stakeholder recommendations for different phases of project review.
- Establishes protections for important, sensitive, and unique areas (ISUs) and fishing.
- Improves coordination among governments and with stakeholders.
- Enhances the state's ability to review and influence federal activities that may affect Washington's ocean resources or uses, including those proposed in federal waters. These federal activities include activities undertaken by federal agencies and proposals by private entities that require federal leases, licenses, or permits.

The MSP provides a framework for guiding and evaluating new ocean uses through various phases of project review. The MSP does not directly stimulate new ocean use development or infrastructure. The likelihood of future developments and associated physical changes to the environment of the MSP Study Area will be largely based on outside factors such as the demand and market for new ocean uses and technological readiness.

It is possible that having compiled information and a state framework may be viewed by some potential applicants for new ocean uses as a benefit that would provide a more certain review process for projects over other locations (e.g. other states or regions). In this way, the MSP could possibly generate additional interest in and proposals for new ocean uses than would otherwise be expected. Even if proposed projects are more numerous, each project would still be subject to the same ultimate state approvals, policies, and existing criteria. Therefore, the differences in the types of impacts and degree of impacts would likely be minimal regardless of the number or types of projects proposed.

At the same time, the MSP directs and encourages the protection of sensitive ecological resources, protection of fisheries and other uses from significant adverse effects, and identifies ways to avoid and minimize impacts to the natural and built environment. By further detailing baseline information, standards, and recommended approaches for applicants and agencies, the MSP decreases the likelihood of adverse impacts to these resources.

Due to the variability in scale, siting, and design of potential new ocean uses, specific risks and impacts will be assessed at the project level. The MSP does not attempt to assess these specific impacts that may be posed by future projects. Rather, it provides the informational and procedural requirements to ensure

the risks and impacts are adequately addressed in future permitting processes. Therefore, there are no unavoidable adverse environmental impacts of adopting the plan.

## **No Action Alternative**

Under the No Action Alternative, agencies would use applicable existing laws, regulations and processes to assess projects individually at the time of application. Agency permit or lease decisions would be based solely on the applicable authorities.

Under the No Action Alternative, applicants and agencies would have:

- No information provided upfront to guide siting for new ocean uses.
- No additional coordination on projects among governments nor with stakeholders.
- No protections or guidance for evaluating new ocean uses and addressing potential impacts through siting, project design, or project planning. All potential impacts would be addressed at the project level.
- No clarification or enhancement of state's review of federal actions. State would have to request review of federal actions in federal waters on a case-by-case basis.

The No Action Alternative does nothing to encourage or direct changes to new ocean use development and the associated demands on the environment. Possible consequences of no-action alternative include:

- Applications submitted and possibly approved for locations or designs that are not ideally suited to avoid and minimize impacts to resources or existing uses. This could result in adverse impacts to the natural or built environment. Since proposals would still be subject to the same ultimate approvals as under the proposed action, these impacts would likely be minimal.
- Increased time and cost to process project applications.
- Lack of early involvement and engagement of stakeholders, which would minimize the ability for a project applicant to adjust their proposal to address concerns about impacts.
- Lack of coordination among agencies could result in disagreement on requirements and delay or divergence in agency decisions.
- Possible approval for multiple projects that together have large cumulative effects, but individually have minimal impacts.

Overall, adverse impacts would likely be mitigated in state waters using existing authorities, processes and criteria under the No Action Alternative. The No Action Alternative relies on these processes and does not provide more specific mitigation measures. Adverse impacts to state coastal uses and resources are more likely in federal waters due to lack of up-front information, guidance, and engagement by the state in reviewing and coordinating on proposed projects.

If these impacts were to occur, the No Action Alternative would not meet many of the proposal's core objectives to protect existing uses, sustain cultural uses and experiences, maintain marine ecosystem functions, and improve alignment and coordination among agencies. This alternative would also not satisfy the requirements in the state law (RCW 43.372).

## **Alternatives considered but not carried forward in the EIS**

Several alternatives were eliminated from further study for a variety of reasons, and were not carried forward for further analysis. These include:

### **Adopt or revise a rule**

Washington State has numerous laws and regulations that already apply to developments in marine waters. For the MSP Study Area in particular, the Ocean Resources Management Act (RCW 43.143) and its regulations (WAC 173-26-360) set forth comprehensive state policies and standards for permitting ocean uses. There is a need for detailed information and guidance regarding these policies and standards, rather than adopting new rules.

The MSP law does not create any new authorities; local and state agencies must rely on existing authorities to implement the MSP. (RCW 43.372.060). Therefore, this option was not pursued further.

### **Adopt a plan with detailed marine zoning**

To achieve the economic development objective (see objective 5), pursuing a zoning option would require positive identification of areas for future new ocean uses as well as areas where development would be discouraged or off-limits. Addressing a variety of potential new ocean uses with different potential impacts to the environment and users creates challenges for pursuing the zoning option effectively and adequately.

Using a zoning approach effectively requires reliable and more specific projections on future demand for new development (e.g. where, when, and how much). This specific information is lacking for most of the potential new ocean uses. Many technologies for new ocean uses are also in a nascent state of development, or are rapidly evolving, which makes it more challenging to plan for future conditions.

While general information is available on potential impacts and similarities across uses, the certainty in and degree of potential impacts will also depend widely on the particulars of the project proposal, including siting, design, scale, and proposed mitigation measures.

Combined, these factors mean it would be difficult to develop an effective zoning plan that is supported by sufficient data, provides adequate flexibility to achieve all objectives, and addresses the other issues. Therefore, a detailed zoning plan was considered but not pursued.

The proposed alternative (Adopting the Marine Spatial Plan) addresses the key considerations for siting and evaluating new ocean uses and addressing impacts consistent with existing state laws, regulations and standards. The specifics of a project and conditions will be further evaluated at the time of a proposal.

### **Propose legislation**

The Washington State Legislature passed RCW 43.372, which provided the basis for the development of the proposed alternative (Adopting the Marine Spatial Plan). This law limits the state and local agencies to using their existing authorities to implement the plan and does not create any new authorities (RCW 43.372.060). Additionally, it encourages improved coordination among state agencies and that plans

build off of existing efforts (RCW 43.372.005(3)). Given this context, proposing new legislation was not a viable alternative and was not pursued further.

### **Provide technical assistance**

Technical assistance can take many forms such as developing educational materials, conducting outreach or training, or providing informal guidance on existing state regulations. The Washington State Legislature passed RCW 43.372, which provided the basis for the development of the proposed alternative (Adopting the Marine Spatial Plan). Providing technical assistance was not comprehensive enough in scope to address the requirements of this statute and was eliminated from analysis.

## **Implementation considerations: consistency and monitoring**

Ecology considered the consistency of the proposed MSP with the marine planning law, Ecology's plans and regulations, and those plans and regulations of other agencies and jurisdictions. The MSP further describes agency implementation actions including those relevant to consistency and monitoring in Chapter 4: MSP Management Framework.

### **Internal consistency**

There are not inconsistencies with internal Ecology plans or regulations. However, to ensure the MSP is considered and implemented effectively and consistently through existing agency processes and authorities, the new policies and procedures outlined in the MSP will require internal staff training and outreach.

### **External consistency**

In implementing the MSP, Ecology will work to ensure relevant state agencies and local governments incorporate the MSP into their existing decision-making processes and make decisions consistent with the plan. This will include working with local governments to update and administer their local Shoreline Master Programs consistent with the MSP.

The MSP law requires Ecology, with the interagency team, to monitor compliance with the plan, identify any substantial inconsistencies, and make recommendations to the state agency or local government for resolving inconsistencies (RCW 43.372.050(2)). This includes Ecology reporting on inconsistencies to the Legislature no later than four years after the adoption of the plan (RCW 43.372.050(3)).

### **Monitoring**

Ecology and the interagency team will monitor and examine results of plan implementation and permitting processes. The MSP requires monitoring and adaptive management plans for projects to gather data on effectiveness of mitigation and make necessary adjustments to address impacts. With input from stakeholders, the state agencies will also consider if and when additional updates or amendments to the MSP are necessary.

# Affected Environment

Chapters 1 and 2 of the Marine Spatial Plan (MSP) describe the affected environment of the MSP Study Area, including the existing ecological resources, human uses, infrastructure, communities, and trends that may be affected by potential new ocean uses addressed by the MSP. The section provides a high-level overview of the MSP Study Area and affected environment. For the detailed description of the affected environment, please review Chapters 1 and 2 of the MSP.

Washington's Pacific Coast is rural and less developed than other coastal areas of the state. Coastal communities in this area are dependent on natural resources, recreation, and tourism. The marine waters along Washington's Pacific Coast contain abundant natural resources and diverse habitats that support biological diversity and resilience of the marine ecosystem. The study area is home to a number of threatened and endangered species; diverse habitats such as kelp forests, rocky islands and reefs, and deep-sea corals; commercially and recreationally important fish and shellfish; historic and cultural resources; and migration corridors for birds, marine mammals, and fish species.

These ocean resources support multiple public uses that benefit the economies and cultures of nearby communities as well as the entire state such as fishing, recreation, shipping, shellfish aquaculture, tourism, and military training. The citizens of Washington, as well as the Native American tribes that have rich histories and treaty-protected interests along the coast, depend upon marine resources and will continue to do so into the future.

The MSP Study Area consists of marine waters of the Pacific Ocean from ordinary high water on the shoreward side out to a water depth of 700 fathoms (4,200 feet) offshore and from Cape Flattery south to Cape Disappointment at the Mouth of the Columbia River – a distance along the length of the coast of approximately 136 nautical miles. The 700 fathom curve ranges from 35 to 55 nautical miles offshore with an average distance of approximately 40 nautical miles westward of the shoreline. It also includes two large coastal estuaries, Grays Harbor and Willapa Bay. Altogether, the MSP Study Area covers approximately 480 nautical miles of coastline and spans 5,951 square nautical miles (7,881 square statute miles).

The northern coastal portion of the Study Area consists of a mostly rocky coast with several coastal rivers, rocky outcrops and offshore islands, and pocket beaches. This portion also overlaps with the Usual and Accustomed Areas of four treaty tribes (3,924 square nautical miles, 67 percent of the MSP Study Area) and the Olympic Coast National Marine Sanctuary (2,561 square nautical miles, 44 percent of the MSP Study Area). Adjacent uplands are rural, consisting mostly of Olympic National Park land and tribal reservations of the Makah, Quileute, and Hoh Tribes and the Quinault Indian Nation.

The southern coastal portion of the Study Area has generally sandy beaches and dunes. These coastal beaches are largely contained within the Seashore Conservation Area and managed by Washington State Parks. The Study Area also overlaps with the lower half of the Quinault Indian Nation's Usual and Accustomed Area (U&A) and includes the large estuaries of Willapa Bay and Grays Harbor. Adjacent to the Study Area along the southern coast are several small cities and towns, as well as the Shoalwater Bay tribe's reservation. Uplands in the southern area are largely managed private and public timber lands and agriculture.



# Environmental Impacts of Alternatives

## Environmental impacts of new ocean uses

If ultimately approved, new ocean uses could produce physical changes in Washington's marine waters and to the communities that depend upon them. Many of the new uses share common potential impacts to the environment, such as:

### Direct impacts of installing new infrastructure

Examples of potential direct and immediate impacts at or near the project site include:

- Disturbing or damaging benthic habitat and altering water quality (e.g. construction and operation may generate noise, increase turbidity, discharge waste or nutrients, or introduce chemicals through spills or leaching of antifouling materials).
- Displacing existing uses from access to site.
- Altering electromagnetic fields (e.g. cables) and attracting marine species (e.g. biofouling and fish aggregation on/near structures).
- Entangling fishing gear or marine debris, and entangling or collision of marine species with structure (e.g. birds, marine mammals).

### Systemic physical and ecological disturbance

Examples of indirect impacts to ecological processes and the broader area from projects include:

- Altering wave and sediment dynamics, including sediment scouring, erosion, and altering sediment transport processes.
- Altering aesthetics or viewsheds.
- Changing marine species behaviors, distribution, and abundance.
- Introducing aquatic invasive species.

### Positive environmental impacts

Some new ocean uses may result in physical changes that also improve the environment. For example, marine renewable energy projects could increase the availability and use of locally-produced, renewable energy and lower reliance on imported, fossil fuel energy sources which contribute to air pollution and climate change. Using dredge material in new, nearshore sites can restore nearshore sediment processes and benefit coastal beaches and dune systems, while reducing shoreline erosion that impacts people and infrastructure.

### Similarities and differences in impacts

Some ocean uses like new dredged disposal sites or bioextraction involve temporary disturbance or displacement to a site and, generally, do not involve placing permanent infrastructure in the water. While these uses may have similar environmental impacts as listed above (e.g. benthic disturbance), other impacts may not be present (e.g. entanglement of marine species or altering electromagnetic fields). These uses may involve other impacts such as smothering or removing marine species that may be more prevalent than with other ocean uses that involve infrastructure.

The likelihood of physical changes to the environment resulting from the MSP depends upon: 1) the specific strategies and approaches chosen and evaluated and 2) the degree to which new ocean uses are

ultimately permitted (scope, type, and scale of projects, as well as mitigation measures employed). Since proposals would still be subject to the same state approvals and existing policy criteria, the differences in impacts and degree of impacts would likely be minimal between the proposed MSP and the no-action alternative in areas subject to state jurisdiction.

## **Final Alternative MSP Actions and Analysis of Impacts**

The MSP is intended to inform the development of new ocean use proposals along Washington's Pacific Coast and be used in all stages of decision-making to protect the resources and current uses in the Study Area from adverse impacts arising from potential new uses. The following summarizes the actions included in the MSP, assesses the potential environmental impacts of those actions, and compares it to impacts expected from the No-Action Alternative.

### **Baseline Conditions and Trends, Data Analyses**

The information in the MSP provides applicants and governments with the ability to:

- View other known activities, resources, interests, designations, and authorities that may conflict with or complement a proposal.
- Identify potential ways to avoid, minimize, and mitigate adverse impacts to marine resources or existing ocean uses prior to submitting an application, including alternative locations and configurations of projects.
- Identify appropriate parties with whom to discuss the proposal prior to submitting an application.

The MSP compiles an inventory of baseline conditions on existing uses of and resources in the Study Area (Chapter 2, Appendix A: maps) and provides data analyses to fulfill plan requirements and support plan designations and recommendations (Chapter 3).

#### *Impact of providing data, information, and analyses*

Providing data and analyses may serve to encourage new ocean use proposals, such as for marine renewable energy (wind, wave), offshore aquaculture, mining, or new dredge disposal sites. The MSP offsets the potential to increase the number of proposals by providing recommendations and requirements intended to make sure that, if development does occur, it is done with sensitivity to the environment and other uses.

As discussed above, the No Action Alternative would not supply this information to guide more appropriate site selection that avoids and minimizes impacts. This, in turn, may make it more likely for adverse effects to occur through either effects of an individual project or cumulative effects of poor site selection over multiple projects. Adverse impacts would likely still be mitigated in state waters using under the No Action alternative, since this alternative relies on existing authorities, processes, and criteria, which require that projects to demonstrate they will not result in likely, long-term significant adverse impacts to coastal resources or uses.

## **Management Actions**

The MSP contains several management actions related to new ocean uses (see Chapter 4: MSP Management Framework), which are summarized below:

### **1. Consultation and Coordination**

The MSP provides an improved process for state agencies and local governments to coordinate early on, including through joint pre-application meetings and evaluation of site-specific inventories, effects analyses, and plans for new ocean uses. It commits the state to collaborating and communicating with other government entities (tribal, state, local, and federal) on the review of proposed ocean uses as well. This includes activities such as notifying other governments regarding potential proposed project early; identifying project-specific coordination needs and mechanisms; working to understand one another's interests; and providing recommendations on project-specific data and information needs.

The MSP also requires applicants to notify the Washington Coastal Marine Advisory Council and to meet with Washington Department of Fish and Wildlife and affected fisheries stakeholders regarding proposed new ocean uses.

#### *Impacts of consultation and coordination actions*

Coordinating and aligning management decisions serves to improve the process for evaluating new ocean uses. It does not, in itself, encourage new physical changes to the environment. And, because the proposed alternative relies on existing authorities to be implemented, it does not produce major changes in the fundamental management structure for Washington's Pacific Coast.

At the same time, it is possible that having compiled information and improved coordination among agencies may be viewed by some potential applicants as a benefit that would provide a more certain and efficient review process for projects over other locations (e.g. other states or regions). In this way, a possible outcome could be additional interest in and proposals for new ocean uses than would otherwise be expected. Should additional project proposals result, the MSP balances this by establishing protection for sensitive areas and fisheries, identifying effects that should be assessed, and recommending ways to avoid and minimize significant adverse impacts.

The No Action Alternative would rely on existing processes for coordination and consultation. It would not encourage or discourage new physical changes to the environment. By relying on existing processes, it may result in less coordination and communication among agencies. In turn, it may be more likely to result in a longer permitting process, disagreement on project requirements, and delay or divergence in agency decisions.

### **2. Project-specific information requirements**

The MSP clarifies and further details the project-specific information needed to support the application of existing state laws and policies to potential new ocean uses. The MSP provides guidance for new ocean uses on:

- Site-specific information and assessment needs including information about the proposed project and the environment, existing uses, infrastructure, and other conditions at the proposed site.

- Effects that need to be evaluated, including ecological, socio-economic, safety, and cumulative effects.
- Plans outlining procedures and methods employed by the applicant to ensure compliance with permit or license conditions, including monitoring, adaptive management, financial assurance, and decommissioning.

The existing state regulations for ocean uses contain both general and specific standards designed to ensure a project avoids and minimizes adverse impacts throughout the stages of a project's development such as siting, design, construction, operation, and decommissioning. The MSP provides these detailed review standards that applicants and agencies must consider in determining possible significant adverse effects resulting from a proposed new ocean use. An applicant's written effects evaluation must address compliance with the both the general standards and any specific standards that apply to the particular type of new use. Furthermore, the MSP suggests additional approaches that could be employed to avoid and minimize impacts to particular coastal uses.

#### *Impacts of project-specific requirements*

The project-specific requirements outlined by the MSP do not encourage direct changes to the environment. They are designed to ensure projects are providing appropriate information, assessing effects to users and the environment thoroughly, creating effective plans, and developing projects that prevent, avoid, minimize, and mitigate any significant adverse impacts. The result is projects that reduce their impact on the environment and other users throughout the life cycle of the project.

For example, entanglement of marine mammals or of fishing gear is a potential direct impact from new offshore structures. The MSP requires applicants meet with agencies and affected fisheries to discuss the proposal, potential risks, and ways to minimize risks. The MSP requires applicants to provide site-specific information on the types of species, migration routes, and fishing activities occurring where the new use is proposed. Next, the MSP outlines the types of effects that applicants must evaluate. In this example, that would include the potential for entangling marine species or risk of entangling fishing gear. As part of the process, applicants would need to develop any monitoring, adaptation, and contingency plans necessary to monitor and mitigate for any entanglement impacts. Before receiving state or local approvals, applicants have to demonstrate they have met all applicable standards, including the fisheries protection standard, and identifying how the project has minimized the risk of entangling fishing gear.

Altering the broader wave environment and sediment dynamics are examples of systemic effects that could result from new offshore structures. In this case, project-specific information required by the MSP would include information about the physical and geological conditions at the site, including wave conditions, sediment type, water depth, bottom slope, and current velocities. The effects analysis requires an analysis of the effects to physical processes, including wave and sediment processes onsite and in the broader area. The MSP standards provide various ways that projects should demonstrate they have minimized impacts such as using designs and methods that prevent, avoid, and minimize disturbance to physical processes. Again, plans provided must address monitoring and adaptive management. Applicants must also provide a decommissioning plan that demonstrates the rehabilitation measures they will use to restore the seabed to original state to the maximum extent feasible.

The No Action Alternative does not encourage or discourage changes to the environment. Existing policies, regulations, and processes would be used to evaluate effects of projects and conditions for state and local permits. While these are integrated in the MSP, the MSP provides more specificity on the steps necessary for projects to demonstrate they have met these existing requirements over the No Action Alternative. For example, the No Action alternative does not describe the types of project-specific information or effects that should be assessed to achieve existing state policies.

### **3. Protection of Important, Sensitive and Unique Areas**

The MSP identifies and establishes Important, Sensitive, and Unique areas (ISUs) to protect these areas in state waters from adverse effects of offshore development (See Section 4.3.3 of the MSP Management Framework). Specifically, ISUs are areas that contain:

- Unique or sensitive species or are environmentally sensitive.
- Historic and cultural sites or fixed infrastructure.

Ecological ISUs include:

- Biogenic Habitats: Aquatic vegetation, corals, and sponges
- Rocky reefs
- Seabird colonies: islands and rocks used for foraging and nesting by seabirds.
- Pinniped haul-outs
- Forage fish spawning areas: intertidal areas used for spawning by herring, smelt or other forage fish.

Adverse effects for ecological ISUs is defined as either:

- i. Degradation of ecosystem function and integrity, including, but not limited to, direct habitat damage, burial of habitat, habitat erosion, and reduction in biological diversity.
- ii. Degradation of living marine organisms, including, but not limited to, abundance, individual growth, density, species diversity, and species behavior.

Historic, Cultural, and Infrastructure ISUs include:

- Historic and archaeological sites, such as structures or sites over 45 years old that are listed or eligible for listing in local, state or national preservation registers (e.g. shipwrecks or lighthouses); or artifacts or other material evidence of tribal or historic use or occupation (e.g. burials, village sites, or middens).
- Buoys and submarine cables, fixed infrastructure such as navigation or monitoring buoys, fiber optic cables, electrical transmission cables, other fixed monitoring equipment in the marine environment (e.g. hydrophones) and any associated mooring lines, anchors or other equipment.

Adverse effects for historic, cultural or fixed-infrastructure ISUs are defined as any of the following:

- i. Direct impact by dredging, drilling, dumping, or filling.
- ii. Alteration, destruction, or defacement of historic, archaeological, or cultural artifacts.
- iii. Direct impacts from placement or maintenance of new, temporary or permanent structures in areas with existing infrastructure or historic, archaeological, or cultural artifacts.

An applicant may overcome the ISU protection standard using site-specific surveys, scientific data, and analysis that demonstrate either:

- The current ISU maps do not accurately characterize the resource or use, or the project area (mapped or not mapped) does not contain an ISU resource or use; or
- The weight of scientific evidence clearly indicates that the project will cause no adverse effects to the resources of the ISU.

#### *Impacts of establishing ISUs*

The establishment of ISUs identifies and protects the most sensitive areas in state waters from adverse effects of offshore development. These areas have known sensitivity and best available science indicates the potential for offshore development to cause irreparable harm to their habitats, species, or cultural resources. The MSP increases environmental protection from physical, biological, or cultural/historical impacts by identifying areas and establishing protections up-front. This limits the total area available for the types of offshore development that cannot meet this standard, yet preserves opportunities for development elsewhere in state waters.

The No Action Alternative does not include specific protections and, therefore, may result in projects proposed in these sensitive areas that either: 1) are ultimately rejected due to potential impacts in these areas and incompatibility with state policies, or 2) are possibly approved and result in adverse impacts to these areas.

#### **4. Fisheries Protections**

The MSP also establishes fisheries protection standards to ensure offshore development does not have long-term, significant adverse effects to fisheries and that all reasonable steps are taken to avoid and minimize adverse social and economic impacts to fishing (see Section 4.6.4 of the MSP Management Framework).

The fisheries protection standards also provide a definition for adverse effects to fisheries. Adverse effects can be direct, indirect or cumulative. Adverse effects for commercial or recreational fisheries are defined as any of the following:

- i. A significant reduction in the access of commercial or recreational fisheries to the resource used by any fishery or a fishing community(s).
- ii. A significant increase in the risk to entangle fishing gear.
- iii. A significant reduction in navigation safety for commercial and recreational fisheries.
- iv. Environmental harm that significantly reduces quality or quantity of marine resources available for harvest.

In addition to consulting with affected fisheries, the protection standard also identifies the following specific considerations that new offshore developments must meet:

- Avoid adverse social and economic impacts to fishing through proposed project location, design, construction, and operation, such as avoiding heavily used fishing areas. Where adverse impacts to fishing cannot be reasonably avoided, demonstrate how project has minimized impacts.
- Minimize the number of and size of anchors. Space structures for greater compatibility with existing uses and bury cables in the seafloor and through the shoreline.

- Minimize risk of entangling fishing gear from new structures installed in the seafloor or placed in the water.
- Minimize the displacement of fishers from traditional fishing areas, and the related impact on the travel distance, routing and navigation safety in order to fish in alternative areas.
- Minimize the compression of fishing effort caused by the reduction in the areas normally accessible to fishers.
- Minimize the economic impact resulting from the reduction in area available for commercial and recreational fishing for the effected sectors and ports.
- Limit the number and size of projects that are located in an area to minimize the impact on a particular port, sector, or fishery.
- Consider the distribution of projects and their cumulative effects.
- Other reasonable and relevant considerations as determined by the fisheries consultation process and specifics of the proposed project.

As part of the consultation requirements, applicants proposing offshore developments are also required to consult with WDFW and affected fisheries to identify potential adverse impacts and opportunities to avoid, reduce, or minimize impacts to fisheries.

#### *Impacts of Fisheries Protections*

The fisheries protection standard does not limit specific areas in state waters from project proposals, but, consistent with existing state laws, requires offshore development proposals to demonstrate they will not result in significant adverse impacts to fisheries and have taken all reasonable steps to avoid and minimize adverse effects. It outlines specific considerations that reduce physical, ecological, and socioeconomic impacts to fisheries from proposed projects. These considerations, along with a comprehensive definition for adverse effects for fisheries and a requirement to consult with WDFW and affected fisheries, provide greater specificity and assurance that projects will meet these requirements.

The No Action Alternative does not include more specific fisheries protections and relies solely on existing state policies, which articulate general protections for fisheries. However, relying on existing state policies alone, may result in projects proposed that either: 1) are ultimately rejected due to potential significant adverse impacts to fisheries and incompatibility with state policies, or 2) are possibly approved and result in adverse impacts to fisheries due to lack of specificity in state policies or procedures.

## **5. Spatial recommendations for state waters**

The MSP provides other spatial recommendations for state waters regarding estuaries and the scale of renewable energy projects.

### **Estuaries**

For new ocean use projects proposed in coastal estuaries (such as Grays Harbor or Willapa Bay), the MSP indicates that a more detailed analysis for spatial conflicts and impacts will be necessary to ensure projects avoid and minimize significant adverse impacts to resources and current uses.

Coastal estuaries, including Grays Harbor and Willapa Bay, are important ecological areas and are heavily used by existing uses and their associated infrastructure. They are home to critical saltwater

habitats and Priority Habitats and Species, such as spawning and juvenile rearing areas, aquatic habitats (e.g. eelgrass, kelp, mudflats, and shellfish beds), state-listed or candidate species, vulnerable aggregations, and species of commercial, recreational, or tribal importance. While estuaries themselves are not designated as an ISU (see above for description of ISUs), many ISUs occur within estuaries. Yet, the availability and resolution of current data is inadequate to aid in detailed siting within estuaries. Therefore, a more detailed and finer-scale analysis for proposed projects will be required to “provide special protection to the marine life and resources of the estuaries and to ensure all reasonable steps are taken to avoid and minimize impacts to the habitats, species, and uses in estuaries” (RCW 43.143.030(2)(d) and RCW 43.143.030(2)(e)).

### **Renewable Energy Projects**

The MSP analyses performed illustrate the large footprint required for projects designed to produce wind energy at a scale matching potential needs for renewable energy in the regional power grid in the next 10-15 years. In state waters on Washington’s Pacific coast, these analyses indicate that projects of this scale require large footprints that occupy a large proportion of the total area of state waters and intersect with many existing ocean uses and resources. Therefore, in state waters, industrial-scale renewable energy projects will likely have a very difficult time demonstrating that they can avoid significant adverse impacts to existing uses and resources. Community-scale renewable energy facilities proposed for state waters may find it easier to demonstrate consistency with state policies, plans, and authorities through existing permitting processes. The MSP Management Framework provides definitions for both industrial-scale and community-scale renewable energy facilities.

#### *Impacts of spatial recommendations for state waters*

Providing these spatial recommendations serves to notify potential applicants of challenges they may face in siting projects in certain areas in state waters. As a result, these spatial recommendations may discourage proposals for new ocean use projects of certain sizes in state waters or in coastal estuaries.

Another potential outcome of these recommendations is that applicants have early notice of additional requirements and analyses that may be needed in certain areas. With this advance notice, applicants would be better prepared to carefully select sites and scales for proposed projects, and to perform more detailed data gathering and assessments required in those areas. Improving the quality and type of applications for projects will reduce the likelihood of the state receiving applications for projects that will ultimately be unsuccessful. However, these recommendations do not, in themselves, direct the type of proposals an applicant may submit to the state.

The No-Action Alternative relies solely on existing state policies and procedures. No additional guidance would be provided to potential applicants on the challenges posed by certain areas or by certain scales of renewable energy projects. As a result, it may be more likely that the state receives a greater number of initial applications for projects that are ultimately rejected due to the scale of or siting of the project – i.e. due to potential significant adverse impacts and incompatibility with state policies. In addition, proposed projects may take longer to assess because applicants do not have advanced knowledge of potential challenges and information needs for certain areas.



# Cumulative Impacts

This cumulative impacts analysis is prepared in accordance with SEPA (Chapter 43.21C RCW), the SEPA Rules (WAC 197-11-060), and the SEPA Handbook. Additional guidance developed by the Council on Environmental Quality in the handbook entitled Considering Cumulative Effects under NEPA (1997) was also considered where SEPA requirements are consistent with requirements of NEPA.

Cumulative impacts are the effects that may result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions (40 Code of Federal Regulations [CFR] 1508.7). “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7). Generally, an impact can be considered cumulative if: (a) effects of several actions occur in the same locale; (b) effects on a particular resource are similar in nature; and (c) effects are long term in nature.

## Past actions

A range of past and current activities have altered the MSP Study Area and nearby communities, including:

- Construction of jetties, other public infrastructure, and residential and commercial properties.
- Navigation and training activities such as maritime shipping, military training, and dredging.
- Harvest and cultivation of natural resources such as fishing, hunting, shellfish aquaculture, and logging.
- Recreational uses of coastal beaches and marine waters.
- Designation of management areas such as sanctuaries, parks, refuges, and wilderness areas designed to protect and manage resources.

The MSP Study Area has experienced both large and small oil spills that have had significant adverse impacts on ocean resources and human uses in the area, including some of the largest oil spills in state history - the *Tenyo Maru* and *Nestucca*.

The primary actions and activities occupying the Study Area have remained largely the same over the past several decades. Yet, there have been fluctuations in the volume, nature, distribution, or patterns of those uses. These past and current activities provide important context for new ocean use proposals. For example, the consequences of past activities on sediment processes have led to erosion in some coastal areas and increased the desire for solutions. Another example is the presence of past proposals for wave and tidal energy, which suggest potential for future similar proposals.

## **Present and reasonably foreseeable future actions**

There are two ways present and reasonably foreseeable future actions on Washington's Pacific coast may be relevant to the MSP:

- 1) those actions that would alter the context, or marine-scape, for new ocean use proposals such as those that: a) result in shifts in resources or use patterns/intensity or b) change management (e.g. EFH areas) of the area.; or
- 2) those actions that influence likelihood of or requirements for new ocean use proposals.

### **Actions that alter the context for new ocean use proposals.**

Chapter 2 of the MSP describes the current and future trends regarding the resources and existing uses of the Study Area. For example, proposed port developments may increase the number of vessels or types of products shipped through the Study Area. Or, changes in fisheries management plans may alter where or how various fisheries are operating or the relative economic contribution of those fisheries to local communities. Furthermore, predicted changes in ocean conditions as a result of climate change may cause higher ocean temperatures; increases in sea level rise, coastal flooding, and erosion; increased ocean acidification; increased frequency, location, and persistence of harmful algal blooms; and changes to circulation and upwelling patterns. These changes, in turn, will likely alter abundance and distribution of species and habitats and influence marine-resource based industries and recreation. Collectively, these current and future trends may mean that new ocean uses could exacerbate pressure on already stressed marine resources and industries. Alternatively, new ocean uses could increase economic opportunities and resilience for coastal communities and marine industries.

### **Actions that influence likelihood of or requirements for new ocean use proposals.**

State, regional, national, and global demand for telecommunications, energy, and seafood have led to more project proposals, new types of ocean uses and technologies, and planning efforts for ocean and marine areas. Changes to local, state, or federal policies and regulations may increase the likelihood for certain types of projects. The remainder of this section focuses on those present or foreseeable actions that relate to the likelihood of new ocean use proposals in the MSP Study Area. This may include:

- Infrastructure upgrades such as jetty rehabilitation, dredging, and cables.
- Other local programs and plans, particularly sediment management.
- Energy and carbon policies and regulations.

Coastal infrastructure, particularly jetties and navigation channels, help maintain safe navigation for trade and marine-resource industries on Washington's Pacific coast. Jetties at the entrances of Grays Harbor and Columbia River are due for rehabilitation and upgrade. It is unclear when jetty improvements might occur. Jetty improvements could also assist with coastal erosion at the entrance to Grays Harbor. Dredging is currently underway in Grays Harbor deepening the existing navigation channel to accommodate larger vessels. Submarine cables may be proposed to transmit electricity in the region (e.g. across Willapa Bay) or to meet increasing demand for improved access and higher-speed telecommunications (e.g. fiber optic cables that cross the Pacific Ocean). As these types of infrastructure upgrades occur, that may attract additional interest by proponents of a variety of new ocean uses, as those uses also benefit from stable and improved coastal infrastructure.

Local programs and plans may influence potential for new ocean uses and requirements for them. These are discussed within the MSP. Specific foreseeable actions include ongoing sediment management

planning and work to address coastal erosion across the coast. The Lower Columbia Solutions Group is working to foster beneficial use of dredge material and reduce harm to navigation and resources. This may result in siting and permitting for new dredge disposal sites such as one currently proposed near North Head. Other local partnerships and projects, such as Grays Harbor Coastal Resilience Coalition and Willapa Erosion Control Action Now, are underway to address coastal vulnerabilities, especially coastal erosion. These efforts may result in additional coastal projects designed to increase beneficial use of sediment and address erosion hotspots. Depending on the specific project needs, this may increase the demand for additional nearshore or onshore dredge disposal sites or offshore sand or gravel mining as a source for beach and dune sand nourishment.

The State of Washington has adopted energy and carbon policies that influence the demand for new renewable energy developments. Washington's Energy Independence Act of 2006, also known as Initiative 937, enacted a Renewable Energy Portfolio Standard that requires electricity utilities with 25,000 or more customers to acquire at least 15 percent of their power from eligible renewable energy resources by January 2020. In 2017, Ecology adopted regulations aimed at reducing carbon pollution. These regulations included provisions for meeting carbon reduction targets through direct emission reduction, increases in energy efficiency, or investment in renewable energy. As utilities and industries work to meet these requirements, they may be increasingly interested in development of marine renewable energy as an option.

National energy policy has recently shifted to a focus on potentially increasing domestic oil and gas production, including from offshore sources in the U.S. It is possible the federal government may seek to pursue leases for potential resources off Washington's coast, although past national resource inventories and assessments have revealed smaller resources in this region than elsewhere in the nation and a general lack of industry interest.

## **Cumulative effects of alternatives**

The cumulative impacts of the MSP are expected to be largely beneficial - providing robust science and information for the siting and evaluation of potential new ocean uses; better coordination and communication among governmental entities; and increased protection for sensitive resources and existing uses. The individual action elements of the MSP are designed to ensure future ocean use projects prevent, avoid, and minimize adverse impacts to the environment, existing uses, and communities. They do not have cumulative, significant adverse impacts to the environment and existing uses.

Cumulative effects from future ocean use proposals are possible. However, these cumulative effects would be further identified at the project-level environmental review instead of the programmatic-level analysis included in this EIS.

As discussed earlier, the No Action Alternative relies on existing policies, processes, and information to guide new ocean uses and, overall, would likely result in mitigation of adverse effects in state waters. This existing process includes conducting project-level environmental review and ensuring projects meet state ocean policies such as ensuring no significant, long-term adverse impacts to resources or uses.

The No Action Alternative does not provide baseline and planning-scale information nor does it establish more specific protections for sensitive resources and fisheries. Without this information up-front, it is possible that projects or designs may be approved that are not best-suited to avoid cumulative adverse effects to ocean resources or existing uses. Again, since proposals would still be subject to the same ultimate approvals and policy criteria as under the proposed action, the cumulative adverse impacts would likely be minimal. Similarly, cumulative effects may be more likely from the potential approval of multiple projects that together have large cumulative effects, but individually have minimal impacts.

# Appendix A. Marine Spatial Plan studies

The state funded several studies aimed at developing baseline information, models, and other data to support development of the Marine Spatial Plan. Appendix A provides a list of these studies and their references. Other existing data, studies, and reports produced outside of the planning process also assisted with supporting the development of the plan. Please see citations listed within the plan for these additional studies and data.

## **Economic studies**

Taylor, Michael, Janet R Baker, Edward Waters, Thomas C Wegge, and Katharine Wellman. “Economic Analysis to Support Marine Spatial Planning in Washington.” Prepared for the Washington Coastal Marine Advisory Council, June 30, 2015. [http://www.msp.wa.gov/wp-content/uploads/2014/02/WMSP\\_2015\\_small.pdf](http://www.msp.wa.gov/wp-content/uploads/2014/02/WMSP_2015_small.pdf) [Source type 11].

NOAA Coastal Services Center. “Washington State’s Ocean Economy-A Profile Using the National Oceanic and Atmospheric Administration’s Economics: National Ocean Watch (ENOW).” NOAA Coastal Services Center [Source type 11], 2014.

Butler, Kyle, Chris Fryday, Max Gordon, Yolanda Ho, Seth McKinney, Mori Wallner, and Ele Watts. “Washington’s Working Coast: An Analysis of the Washington Pacific Coast Marine Resource-Based Economy.” Keystone Project, University of Washington Environmental Management Certificate Program, 2013. [http://media.wix.com/ugd/e2eea5\\_7a4796fc90c3f86ff0ae22e675bd6b55.pdf](http://media.wix.com/ugd/e2eea5_7a4796fc90c3f86ff0ae22e675bd6b55.pdf) [Source type 11].

## **Existing ocean uses studies**

Point 97, and Surfrider Foundation. “An Economic and Spatial Baseline of Coastal Recreation in Washington.” Prepared for Washington Department of Natural Resources, May 2015. <http://publicfiles.surfrider.org/P97SurfriderWACoastalRecreationReport.pdf>. [Source type 9].

Industrial Economics Inc. “Marine Sector Analysis Report: Recreation and Tourism.” Sector Analysis Report; Washington Department of Natural Resources Contract No. SC 14-327. Prepared for the Washington Coastal Marine Advisory Council, October 31, 2014. <http://msp.wa.gov/wp-content/uploads/2014/03/RecreationSectorAnalysis.pdf> [Source type 11].

Industrial Economics, Inc. “Marine Sector Analysis Report: Non-Tribal Fishing.” Sector Analysis Report; Washington Department of Natural Resources Contract No. SC 14-327. Prepared for the Washington Coastal Marine Advisory Council, October 31, 2014. <http://www.msp.wa.gov/msp-projects/> [Source type 11].

Industrial Economics, Inc. “Marine Sector Analysis Report: Marine Renewable Energy.” Sector Analysis Report; Washington Department of Natural Resources Contract No. SC 14-327. Prepared for the Washington Coastal Marine Advisory Council, October 31, 2014. <http://www.msp.wa.gov/msp-projects/> [Source type 11].

Industrial Economics, Inc. “Marine Sector Analysis Report: Aquaculture.” Sector Analysis Report; Washington Department of Natural Resources Contract No. SC 14-327. Prepared for: The Washington

Coastal Marine Advisory Council, October 31, 2014. <http://msp.wa.gov/wp-content/uploads/2014/03/AquacultureSectorAnalysis.pdf> [Source type 11].

BST Associates. “Washington Coast Marine Spatial Planning Assessment of Shipping Sector: Final Sector Assessment.” Prepared for the Washington Department of Natural Resources, August 30, 2014. <http://msp.wa.gov/wp-content/uploads/2014/03/ShippingSectorAnalysis.pdf> [Source type 11].

Maps of coastal recreation, Point 97 and Surfrider Foundation. Available as data layers in the mapping application.

Maps of coastal commercial and recreational fishing activities, WDFW. Available as data layers in the mapping application.

### **Ecosystem indicators and status studies**

Poe, Melissa R., Melissa K. Watkinson, Bridget Trosin, and Kevin Decker. “Social Indicators for the Washington Coast Integrated Ecosystem Assessment.” A report to the Washington Department of Natural Resources; Interagency Agreement No. IAA 14-204, 2015. [http://www.msp.wa.gov/wp-content/uploads/2015/03/SeaGrant\\_SocialIndicatorsReport.pdf](http://www.msp.wa.gov/wp-content/uploads/2015/03/SeaGrant_SocialIndicatorsReport.pdf) [Source type 11].

Andrews, Kelly S., J.M. Coyle, and Chris J. Harvey. “Ecological Indicators for Washington State’s Outer Coastal Waters.” Seattle, WA: Northwest Fisheries Science Center. Report to the Washington Department of Natural Resources, June 30, 2015. [http://www.msp.wa.gov/wp-content/uploads/2015/03/NWFSC\\_EcosystemIndicatorReport.pdf](http://www.msp.wa.gov/wp-content/uploads/2015/03/NWFSC_EcosystemIndicatorReport.pdf) [Source type 11].

Andrews, Kelly S., Chris J. Harvey, and Phillip S. Levin. “Conceptual Models and Indicator Selection Process for Washington State’s Marine Spatial Planning Process.” Conservation Biology Division, Northwest Fisheries Science Center, National Marine Fisheries Service, National Oceanic & Atmospheric Administration, June 30, 2013. [http://www.msp.wa.gov/wp-content/uploads/2013/07/NOAA\\_NWFSC\\_ConceptualModel\\_FinalReport.pdf](http://www.msp.wa.gov/wp-content/uploads/2013/07/NOAA_NWFSC_ConceptualModel_FinalReport.pdf) [Source type 11].

Decker, Kevin. “Economic Indicators Report.” Prepared for The Washington Coastal Marine Advisory Council by Washington Sea Grant, 2015. [http://www.msp.wa.gov/wp-content/uploads/2015/03/SeaGrant\\_EconomicIndicatorReport.pdf](http://www.msp.wa.gov/wp-content/uploads/2015/03/SeaGrant_EconomicIndicatorReport.pdf) [Source type 11].

### **Ecological surveys, studies, and models**

Menza, C., J. Leirness, T. White, A. Winship, B. Kinlan, L. Kracker, J.E. Zamon, et al. “Predictive Mapping of Seabirds, Pinnipeds and Cetaceans off the Pacific Coast of Washington.” NOAA Technical Memorandum NOS NCCOS 210, 2016. [http://www-stage.msp.wa.gov/wp-content/uploads/2016/12/Final\\_Report\\_NCCOS\\_MarineMammals\\_Birds.pdf](http://www-stage.msp.wa.gov/wp-content/uploads/2016/12/Final_Report_NCCOS_MarineMammals_Birds.pdf) [Source type 11].

Langness, Mariko, Phillip Dionne, Daniel Masello, and Dayv Lowry. “Summary of Coastal Intertidal Forage Fish Spawning Surveys: October 2012-October 2014.” FPA. Olympia, WA: Washington State Department of Fish and Wildlife, 2015. <http://www.msp.wa.gov/wp-content/uploads/2014/02/ForageFishReport.pdf> [Source type 9].

Marine mammal and bird geodatabases, WDFW 2014. Available as data layers in the mapping application.

Ecologically Important Areas analysis, WDFW 2016. See Chapter 3 of the MSP for summary of methods and results.

### **Oceanographic mapping, studies, and modeling**

#### **Seafloor data**

- Inventory of existing seafloor data and prioritization of future mapping needs
- Seafloor atlas – habitat maps  
<http://olympiccoast.noaa.gov/science/habitatmapping/habitatmapping.html>

Oceanographic conditions and trends, UW. <http://www.msp.wa.gov/msp-projects/ocean-conditions/>

### **Models of renewable energy technical suitability**

Van Cleve, F.B., C Judd, A Radil, J Ahmann, and S.H. Geerlofs. “Geospatial Analysis of Technical and Economic Suitability for Renewable Ocean Energy Development on Washington’s Outer Coast.” Pacific Northwest National Laboratory, June 2013. [http://www.msp.wa.gov/wp-content/uploads/2013/07/PNNL\\_EnergySuitability\\_Final-Report.pdf](http://www.msp.wa.gov/wp-content/uploads/2013/07/PNNL_EnergySuitability_Final-Report.pdf) [Source type 11].

### **Viewshed analysis**

- Offshore Facilities Viewshed Map: <http://www.msp.wa.gov/wp-content/uploads/2015/06/CoastalViewshedSummaryMap.pdf>
- Methods for determining sightlines: [http://www.msp.wa.gov/wp-content/uploads/2016/10/Viewshed\\_Final\\_Report\\_ONRC.pdf](http://www.msp.wa.gov/wp-content/uploads/2016/10/Viewshed_Final_Report_ONRC.pdf)

### **Comparative analyses of renewable energy with existing uses/resources**

Use Analysis, WDFW 2017. Uses different methods to compare the aggregate of existing ocean uses and resources with technical potential for renewable energy. See Chapter 3 of the MSP for summary of methods and results.

# **Response to Comments**

The Response to Comments portion of this document begins on the following page. Please note, it contains different page numbering.



# Comments and Responses

Washington State Department of Ecology reviewed and evaluated the comment submissions for the Draft Marine Spatial Plan for Washington's Pacific Coast and the Draft Environmental Impact Statement (EIS) with assistance from other members of the interagency team - Department of Natural Resources and Department of Fish and Wildlife. Comments were categorized into 32 areas for response, though many comments touched on aspects of more than one comment category.

The comment categories include:

- 1. Unclassified***
- 2. Other***
- 3. Draft Environmental Impact Statement (EIS)***
- 4. Fisheries Protection***
- 5. Important, Sensitive, and Unique Areas (ISUs)***
- 6. Spatial Recommendations***
- 7. Consultation/Coordination***
- 8. Coastal Zone Management (CZM)***
- 9. Data***
- 10. Analyses***
- 11. Technical Clarification***
- 12. Maps***
- 13. Military***
- 14. Sediment Dredged Disposal***
- 15. Tribal consultation coordination treaty rights***
- 16. Maps (Appendix A)***
- 17. Public involvement in planning process***
- 18. Ocean Energy***
- 19. Study Area***
- 20. Ocean Resources Management Act***
- 21. Plan Implementation***
- 22. Management framework***
- 23. Oil Spills***
- 24. Coastal hazards***
- 25. Natural Resource Protection***
- 26. Marine Noise***
- 27. Ecologically Important Areas (EIAs)***
- 28. Aquaculture***
- 29. Community Impacts***
- 30. Shoreline Master Programs (SMPs)***
- 31. Fisheries (general)***
- 32. Federal authorities***

A total of 26 comment submissions were provided on the draft documents during the public comment period. Comment coding resulted in 319 individual comments. In the response to comments tables, each commenter is referenced by an assigned commenter letter and number, as listed below. Furthermore, each comment has a unique code. The letter and first number refer to the commenter. The second number provided tracks each of that commenter's comments individually.

List of Commenters:

Albert Carter, Commenter: I-7  
Arthur Grunbaum, Commenter: I-10  
Lennett Hollandsworth, Commenter: I-2  
Key McMurry, Commenter: I-6  
Tami Pokorny, Commenter: I-11  
John Smith, Commenter: I-1  
Cathy Steiger, Commenter: I-4  
Solenne Walker, Commenter: I-5  
Frank Wolfe, Commenter: I-12  
Craig Zora, Commenter: I-3  
Olympic Coast National Marine Sanctuary (Carol Bernthal), Commenter: A-3  
US EPA (Justine Barton), Commenter: A-2  
USACE, Dredged Material Management Office (Kelsey van der Elst), Commenter: A-1  
Coalition of Coastal Fisheries & Columbia River Crab Fishermens Association (Dale Beasley),  
Commenter: O--1  
Coalition of Coastal Fisheries/Columbia River Crab Fishermen's Association (Dale Beasley),  
Commenter: O-8  
Coastal Trollers Association (Steve Wilson), Commenter: O-9  
Pacific County Economic Development Council (Jim Sayce), Commenter: O-6  
Surfrider Foundation (Gus Gates), Commenter: O-10  
Surfrider Foundation and Washington Chapters (Gus Gates), Commenter: O-2  
The Nature Conservancy (Jodie Toft), Commenter: O-1  
Washington Dungeness Crab Association (Larry Thevik), Commenter: O-11  
Washington Dungeness Crab Fishermen's Association (Larry Thevik), Commenter: O-5  
Willapa Resources (Dick Sheldon), Commenter: O-7  
Makah Office of Marine Affairs (Amy Trainer), Commenter: T-2  
Makah Tribe (Katie Wrubel), Commenter: T-1  
Navy Region Northwest (Christine Stevenson), Commenter: OTH-1

The commenters represented the following types of groups with the following number of submissions:

- 10 Individuals
- 10 Organizations (some both oral and written)
- 4 Federal Agencies
- 2 Tribes (both Makah)

This included duplicates of comments, since a few people opted to provide both oral and written submissions. The table below lists the categories with the highest number of comments, after submissions were coded.

**Table. Top 10 Comment Categories**

Comment Category	Number of comments
Other	33
Fisheries (general)	25
Draft EIS	22
Tribal consultation coordination treaty rights	21
Analyses	20
Technical Clarification	19
Sediment Dredged Disposal	16
Fisheries Protection	14
Public involvement in planning process	12
Management framework	12
ORMA	12
Maps	12
Ocean Energy	12
<b>Grand Total</b>	<b>230 of 319</b>

In general, in response to comments, Ecology and the interagency team:

- Added more statistics and description about the plan Study Area, particularly as it relates to tribal Usual and Accustomed areas and the Olympic Coast National Marine Sanctuary.
- Amended the fisheries protection standard to clarify that applicants must demonstrate how they have first avoided adverse impacts before identifying their steps to minimize impacts.
- Added language to clarify and further emphasize roles and authorities of coastal treaty tribes, tribal co-management, and the importance of early consultation with tribes.
- Provided additional information about local Shoreline Master Programs and the Ocean Resources Management Act.
- Made many technical corrections, clarifications, and updates to both the plan and the EIS.
- Clarified the intent and purpose of plan analyses, maps, data, and policies.

This response to comments provides individual responses to each of the coded comments by category in the following tables (see list above for the order in which these topics appear). The left-hand column gives the text of the comment received with a reference to the unique comment code at the top and commenter's reference code at the bottom. The right-hand column provides the response, including indicating what changes, if any, may have been made to address the comment in the final documents.

## 1. Unclassified

Comment	Response
<p>I-2-1 As the population of Washington State continues to increase due to the decades long economic boom of Puget Sound, recreational lands will become increasingly important along our coastline to replace what has been and will continue to be lost around the sound and inland areas from deveopment. Receational areas will prove to be a powerful economic engine for the coastal areas. Heavy industies along our coast will damage the coasts future economic opportunities., sending those potential customers to Canada or Oregon. [Commenter: I-2]</p>	<p>I-2-1 We agree that recreational lands and uses along Washington's coast are important culturally and economically - now and in the future. The plan provides information on the importance of recreation to the coast and requires project proponents to assess impacts to recreation. The plan also provides a mechanism for ensuring new uses do not have likely, long-term significant adverse impacts to coastal uses or resources, including recreation, and that all reasonable steps are taken to avoid and minimize adverse social and economic impacts to recreation.</p>

## 2. Other

Comment	Response
<p>I-7-1 First let me say that this is a huge undertaking and I am fully supportive of this endeavor. [Commenter: I-7]</p>	<p>I-7-1 Thank you for your comment.</p>
<p>I-10-1 I incorporate by reference those comments and concerns of the Quinault Indian Nation and the Washington State Crabbers Association.  In general I am in support of the MSP document. [Commenter: I-10]</p>	<p>I-10-1 Thank you for your comment. Please see responses to other comments. No comments were provided during the comment period by Quinault Indian Nation.</p>
<p>I-6-12 The website is extremely difficult to use, even to find where you can make comments is difficult and finding the plan was horrible. [Commenter: I-6]</p>	<p>I-6-12 Thank you for your comment. We're sorry you had difficulty with the website. We are working to improve the usability of the website.</p>
<p>I-6-14 7. We have had to repeatedly ask/fight for "existing sustainable uses" to be included in the plan. Somehow it keeps getting omitted, thanks to a Surfrider petition this wording got put back into the draft CMSP plan. [Commenter: I-6]</p>	<p>I-6-14 Thank you for your comment. This language is included in the objectives for the plan.</p>

<p>I-11-1 I'm grateful to the agency personnel, WCMAC members, Coast MRC members and others who worked tirelessly to contribute to this quality plan for the Coast. I'd especially like to compliment Jennifer Hennessey for her leadership and tenacity! [Commenter: I-11]</p>	<p>I-11-1 Thank you for your comment.</p>
<p>I-4-1 Keep Wa coast remote. Feeling green about energy resources, I hope those more knowledgable can find a way to keep it remote. Looking at Hwy 101 1930s photo to 1980 photo is heart wrenching. no casino on the beach or even close to 101. LaPush, your photo, is part of me. I am late to the MSP, living in SWWa,away from TheSalish Sea ,Puget Trough. And environmental thinking of our precious Coast. Remote is my best word. [Commenter: I-4]</p>	<p>I-4-1 Thank you for your comment. We believe the plan provides a framework for ensuring protection of ocean resources and uses on Washington's coast and evaluating proposals on a case-by-case basis.</p>
<p>I-5-6 Consider eco-tourism in partnership with Olympic National Park, Nature Bridge, local land trusts, DNR, tribes and the forest services who are all responsible for stewardship and sustainability of the natural resources of this area. It's a natural fact: Healthy ecosystems bring strong economies! [Commenter: I-5]</p>	<p>I-5-6 Thank you for your comment. The plan recognizes the importance of tourism to the economies of coastal communities and those communities as well as the Olympic National Park, DNR, and tribes participated in the planning process. At the same time, establishing such a partnership is outside the scope of this document.</p>
<p>I-12-1 The first is, I think that there needs to be some provision to ensure local government against unintended losses when an application is brought forward. We saw an application here for a land-based wind farm on Radar Ridge, which never went anywhere. But the outfall was the reason it was turned down was the [sound like] Marble Mirlat. And that brought the Marble Mirlat to center stage, which eventually closed down a whole bunch of timberland to the north, much of which is owned by the county. We've lost fully 50% of our income off of that and we're having a hard time making up the difference. This is already a poor county. We can't lose 5% of our budget and not have anything from the state to make up for it. That's even beyond the other money the state is taking from us. But that's another story for another time. So some sort of a program where an applicant would have to ensure the local government against losses, intended or not. [Commenter: I-12]</p>	<p>I-12-1 Thank you for your comment. The plan requires applicants assess the socio-economic costs and benefits of their project. This mechanism may assist local communities in understanding potential impacts to local government revenues from a project. During permitting processes, applicants will need to identify mitigation measures for their project, which can ameliorate or reduce the anticipated impacts. At the same time, the we don't have a mechanism to require an applicant to reimburse a local government for unanticipated losses that not related to a project.</p>

<p>O--1-5 The fishing industry appreciates all the hard work and effort put into this colossal project by all the participants [Commenter: O--1]</p>	<p>O--1-5 Thank you for your comment. We also appreciate the involvement by all who participated in the planning process.</p>
<p>O--1-12 Dropping the C from CMSP in the Plan and EIS is offensive to the coast that is specifically protected by ORMA that only affects the four Pacific coastal counties. This is a Coastal Marine Spatial Plan and does not affect the other two marine areas in the legislation and this part of the states Marine Spatial Plan has added protections not available to the other areas in the state. [Commenter: O--1]</p>	<p>O--1-12 Thank you for your comment. The geographic scope is defined by the plan and only applies to Washington's Pacific Coast. The plan recognizes the specific state policies that apply only to this area. We have always referred to this plan as a "Marine Spatial Plan" for Washington's Pacific Coast consistent with the term used in the state law.</p>
<p>O--1-27 CCF/CRCFA acknowledges and appreciates the considerable work, time, and guidance by numerous individuals, groups, agencies, and legislators associated in producing a Washington Coastal Marine Spatial Plan and Programmatic EIS as an active participant in this project; colossal and challenging effort. [Commenter: O--1]</p>	<p>O--1-27 Thank you for your comment.</p>
<p>O--1-53 At some point in cumulative impacts additional adverse impacts cross a threshold where the new use MUST be told NO! CCF strongly believes that Significant Adverse Cumulative Impact threshold exists offshore Washington where the Adverse Impact of the Rafeedie Decision has already issued a cumulative impact of a full loss of 50% of fishing revenues on a very significant 70% of the coast of Washington that is already occurring and not found in any other state in the nation. [Commenter: O--1]</p>	<p>O--1-53 Thank you for your comment. Under the plan, projects must evaluate their impacts to fishing, including cumulative impacts and satisfy the fisheries protection standard including demonstrating they will have no likely long-term significant adverse impacts to coastal and ocean uses or resources.</p>
<p>O--1-63 New Use is very very unlikely to proceed on the merits to outweigh the requirements of the legislation, particularly where fixed new use could easily cause irreputable harm standard to be breached beyond remediation, negatively affecting an entire high debt next generation of fishermen causing excessive bankruptcies as outlined in WCMAC discussions and highlighted by the fisheries representatives on the council on numerous occasions and somehow lost in this Plan and associated EIS. [Commenter: O--1]</p>	<p>O--1-63 The plan has noted the difficulty that some projects may have in meeting the state's policies and standards, such as industrial scale renewable energy projects proposed for state waters. Since potential projects vary widely in technology, location, and size, their impacts, too, will vary. The plan requires a case-by-case evaluation of projects, including evaluating potential for adverse social and economic impacts to fisheries. Regardless, as discussed elsewhere, projects must be able to demonstrate they meet state policies and standards.</p>

<p>O--1-65</p> <p>State agencies have through process directed WCMAC and ascribed "undue significance" to establishing a pathway to ocean energy and under ascribed "Protect and Preserve Existing Sustainable uses" from harm and to avoid conflict with existing ocean and estuary uses even though the first guiding principle of the Washington statute is to "Protect and Preserve Existing Sustainable uses". [Commenter: O--1]</p>	<p>O--1-65</p> <p>Thank you for your comment. The Washington Coastal Marine Advisory Council (WCMAC) played an important role in identifying the types of impacts of concern to existing uses and the environment. Their recommendations were woven into the plan. The plan reinforces the standards and requirements for protecting existing uses, including steps to avoid and minimize adverse impacts, that a project must satisfy in order to be approved by the state. The plan further details the information and effects to existing uses that need to be provided and assessed, and the plans to address impacts. The plan also includes requirements for applicants to consult with fishing interests, to notify WCMAC, and to meet the fisheries protection standards. The plan does not prescribe a particular decision.</p>
<p>O--1-78</p> <p>The state agency in charge of the CZMA/State/NOAA process has said time and again that there is no way to say NO and prohibit new use that is foreseeable to produce adverse impacts to fishing to a federal action in the outer continental shelf beyond 3 miles. [Commenter: O--1]</p>	<p>O--1-78</p> <p>Thank you for your comment. NOAA has advised us that prohibiting uses in federal waters is outside of our state's authority. Furthermore, they have advised us that a policy that prohibits certain uses in state waters or federal waters would be discriminatory and not able to be approved as part of our state's Coastal Zone Management Program. Instead, we have chosen to use effects-based policies that provide strong protections for uses and resources as the basis for the plan.</p>
<p>O-8-2</p> <p>The intent that the Washington coastal marine spatial plan is to protect and preserve existing uses including fishing and the high value and environmentally sensitive areas that the coast is depended upon for its economic stability and viability. Some of these words I've taken right out of the legislation. It is not evident anywhere in a draft plan that I've been able to tell so far that the legislature intended to locate new use in our off-shore waters that could supplement the coastal economy. [Commenter: O-8]</p>	<p>O-8-2</p> <p>We agree that plan is a mechanism to protect existing uses and ecologically sensitive areas, specifically related to potential adverse impacts from new ocean uses.</p> <p>The plan does not site specific areas for new ocean uses to occur. RCW 43.372.040(6)(c) requires the plan to include a series of maps, which included comparing areas suitable for renewable energy with existing uses and resources. As discussed in the responses to similar comments on analyses, maps, and the fisheries protection standard, applicants must satisfy the substantive requirements outlined in the plan's management framework.</p>

<p>O-8-12 I don't have a whole lot more to say but I do want to see the short-tailed albatross in this plan specifically. And I want new uses to be held to the same standard that fishing has two takes and two years to shut down. [Commenter: O-8]</p>	<p>O-8-12 The plan provides information on species, including the short-tailed albatross (see 2.1 Ecology of Washington's Pacific Coast). Short tailed albatross is referenced in the EIA and blackfooted albatross is used as a proxy due to a lack of data. Specific requirements for proposed projects regarding species listed under the Endangered Species Act will be addressed by those federal agencies with authority for consulting on requirements and establishing any take limitations.</p> <p>The Incidental Take Statement (ITS) is developed by US Fish and Wildlife Service and is applicable to those fisheries in the proposed action. In the 2017 ITS for the Pacific Coast Groundfish Fisheries, USFWS states that no more than one observed albatross may be taken in a two year period or estimated five albatross in a two year period. If the limit is exceeded, USFWS shall re-initiate consultation. The ITS does not require the fishery to close.</p>
<p>T-2-1 Definitely want to acknowledge the huge effort and the great amount of solid science has gone into this. I think there's so much that is very beneficial to have. [Commenter: T-2]</p>	<p>T-2-1 Thank you. We also believe the scientific information provided in the plan will be of great benefit.</p>
<p>T-1-10 Proposed text changes to bullets under Objectives Page 1-5 Goal 1, Objective 1, 4th bullet point: Add "individual and cumulative", to read: Following existing laws, protect and preserve existing uses by first avoiding and then minimizing significant individual and cumulative adverse impacts from potential future activities, including impacts . Page 1-7 Goal 4, Objective 4, 2nd bullet point: add tribal, to read: Engage local, State, federal and tribal governments in all phases of the marine spatial planning process to ensure relevant management information and requirements are integrated into the process. The use or activity must comply with all applicable local, state, and federal laws and regulations. [Commenter: T-1]</p>	<p>T-1-10 Under existing laws, such as the State Environmental Policy Act, the term "adverse impacts" is inclusive of both individual and cumulative impacts. Therefore, this change is not necessary.</p>



<p>T-1-28</p> <p>We appreciate the opportunity to provide comments on the Draft Plan. As stated above, the Makah Tribe strongly believes that, given our legal co-management status over natural resources with the State of Washington and federal government, language must be added to the final version of the Plan as provided above in order for us to find the Plan satisfactory. The Makah Tribe expects to complete our tribal marine plan in the near future and look forward to continued collaboration and management of our shared marine resources with the State. [Commenter: T-1]</p>	<p>T-1-28</p> <p>Thank you for providing detailed comments. We have largely incorporated the suggested language in revising the plan to better emphasize the unique status of the treaty tribes. We look forward to continued collaboration with the coastal treaty tribes, including the Makah Tribe.</p>
<p>T-1-1</p> <p>The Makah Tribal Council appreciates the opportunity to provide comments on the Draft Marine Spatial plan (Draft Plan). We also appreciate the technical and policy meetings that have been held throughout this process over the past several years, including allowing tribal input, technical assistance with data collection, and opportunities for comments in the development Of this marine spatial plan. [Commenter: T-1]</p>	<p>T-1-1</p> <p>Thank you for providing tribal input and technical assistance throughout the planning process.</p>
<p>A-3-1</p> <p>Congratulations on releasing the Draft Marine Spatial Plan (MSP) for Washington's Pacific Coast, an important milestone for the state of Washington and our shared vision for the long-term sustainability of marine resources, treaty rights, and compatible uses. [Commenter: A-3]</p>	<p>A-3-1</p> <p>Thank you for your comment.</p>
<p>O-6-3</p> <p>I'm also concerned about future impacts in the ocean-related developments that may occur worldwide in those impacts to us represent essentially alien forms of life for which structures placed in the continental shelf could negatively impact our productivity. And I'm not talking about one structure. I'm talking thousands or tens of thousands of structures 'cause clearly technology is yet undefined. [Commenter: O-6]</p>	<p>O-6-3</p> <p>Thank you for your comment. The plan requires applicants for new ocean uses to evaluate the effects of their project, including the risk of introducing invasive species and how any structures may impact the marine ecosystem and food chain.</p>

<p>O-10-1  So I just wanted to continue the appreciation to the Ocean Caucus and the state agencies involved for their leadership in this effort. We've been involved for many years ,Â really since the beginning part even before my own arriving in Washington State. But really, this I think has been a really good process and I appreciate the opportunity to provide public comment here tonight. But I also wanted to thank individually Jennifer and Katrina for their hard work and their persistence in this effort. And it's really been a pleasure to work with you both. Some have come and gone and you guys have just kept an eye on the ball there, and moved this really significantly forward. And I know its taken a long time, and sometimes you probably wondered if it was ever going to get done, but here we are, and I think there's a really good product here that all Washingtonians should feel proud about. And this is really a culmination of really the best available science, human use information, and a very stakeholder-inclusive process. And I think that that, in and of itself, is really a huge thing. So, it kind of feels like ,Â to me at least ,Â having not been in Washington for all that long - maybe kind of a paradigm shift in how we address natural resource challenges in this state. Really, and agencies and stakeholders all coming and sitting dovvn at the same table. And thats a cool thing. So kudos for all your work there. [Commenter: O-10]</p>	<p>O-10-1  Thank you for your comment.</p>
<p>O-10-5  And I think at the end of the day, this puts the state of Washington in a really strong position with our role and federal — any decisions that might be made in federal waters. And that's a really important perspective for us to have. And having this plan provides the state of Washington and its citizens a much stronger place at that table. So I appreciate that. [Commenter: O-10]</p>	<p>O-10-5  Thank you for your comment.</p>
<p>O-2-7  Most of our comments were addressed and if they were not, the reasoning was explained at the May WCMAC meeting. As these are already part of the public record we will not repeat them here. We appreciate that our prior comments were considered and most of them well addressed in the current draft plan. [Commenter: O-2]</p>	<p>O-2-7  Thank you for your comment.</p>

<p>O-2-1 The Surfrider Foundation has been involved in this process from the start and we are very pleased with the final product and all the hard work that has gone into getting it to this point Before we get to specific comments regarding the plan, we would like to compliment the ptocess that took nearly 7 years to complete. [Commenter: O-2]</p>	<p>O-2-1 Thank you for your comment and for your participation in the process.</p>
<p>O-1-1 We would like to congratulate the Washington Coastal Marine Advisory Council and the Department of Ecology for successfully drafting Washington's first Marine Spatial Plan. [Commenter: O-1]</p>	<p>O-1-1 Thank you for your comment.</p>
<p>O-11-1 Thank You for all of the work you have devoted to this process and the production of these documents. [Commenter: O-11]</p>	<p>O-11-1 Thank you for your comment.</p>
<p>O-11-7 1.3 Plan Goals and objectives: Suggested edit: Page 5 under Over Arching Goal, Objective 1: Note: It is unclear what a "healthy" existing resource - based economic activity on the Washington coast is. The term "healthy" does not have a specific scientific or regulatory meaning relative to resource based activity as far as I know. If it does please clarify. A more appropriate and meaningful word within regulatory language would be "sustainable". Further the statutory language at 43.143.060 (b) states " "The protection and preservation of existing sustainable uses for current and future generations, including economic stakeholders reliant on marine waters ..... " (To survive future scrutiny this document should incorporate statutory language rather than interpretive language where ever possible and appropriate.) Change Objective 1 to read: "Protect and preserve existing sustainable natural resource-based economic activity on the Washington coast for current and future generations." Suggested edit: Page 1-7 and 1-8 Bullets 1 and 3, Under Goal 5 Objective 5: Note; the Statutory language at 143.030 (e) and (f) does not refer to "significant adverse" impacts it instead refers to "adverse" impacts. Once again the authors of these documents should not insert language that is interpretive or insert language that is not a part of the statutory language or plain intent of the legislature. Change Page 1-7 under Objective 5, first bullet: Strike the word "significant" after ..... "potential" and before "adverse....". Change</p>	<p>O-11-7 The goals and objectives were established during initial scoping for the plan and are for planning purposes, not regulatory purposes. Therefore, we are not changing the overarching goal, nor to objective 1. We have corrected the language for the bullets under from "significant" adverse impacts to "adverse impacts" and "potential adverse impacts" (under Objective 5).</p>

Page 1-8 under Objective 5 , third bullet: Strike the word "significant" after. ..."address" and before "adverse...".. [Commenter: O-11]	
O-11-39 Chapter 5: WCMAC MSP Policy Recommendation; 3. Additional Issues Related to Protecting and Preserving Existing Sustainable Uses; Page 5-8, footnote 7; Identify miles as nautical miles for all three states and revise the number of miles for Washington, stated as 157 miles, (Which is Statute miles) to 136 nautical miles. Other States are already expressed in nautical miles. [Commenter: O-11]	O-11-39 Thank you for your comment. The numbers presented for all three West Coast states in the original draft are accurate as reported in federal reports. They do not include any tidal inlets or estuaries. We have adjusted all three state statistics to include both nautical miles and statute miles, as reported elsewhere in the plan.
O-5-7 I do not want to leave the room without recognizing the good work that has been done. I just think there's more work that has to be done to make this a better product. [Commenter: O-5]	O-5-7 Thank you for your comment.
O-7-4 Pacific County's very dependent on its marine resources and the people that use these things haven't been given a fair shake in the past. We've always been the ones that have lost out. I just don't want to see that happen again. [Commenter: O-7]	O-7-4 Thank you for your comment.

### 3. Draft Environmental Impact Statement (EIS)

Comment	Response
O--1-11 The EIS even fails to list the Coastal Jurisdictions SMP's as local authorities that MUST be met as a part of the Plan. [Commenter: O--1]	O--1-11 The draft EIS included the state Shoreline Management Act, which guides development of local Shoreline Master Programs, and generally listed local requirements. We have added local Shoreline Master Programs to further clarify that these requirements typically apply to projects in marine waters.

<p>O--1-19</p> <p>The EIS focuses on minimizing adverse impacts which is a mischaracterizes the legislative intent to AVOID CONFLICT and added emphasis was added by the Washington Supreme Court to Preemptively Protect and Preserve Fisheries which the newer ORMA legislation intended to do by introducing higher protective standards for all existing uses in just the four coastal county area. Review of the Supreme Court Decision and its application to the Plan and EIS needs to be fully integrated into the Plan and EIS. [Commenter: O--1]</p>	<p>O--1-19</p> <p>The purpose of the EIS is to evaluate the impacts of adopting a Marine Spatial Plan and the No Action Alternative. The State Environmental Policy Act (SEPA) requires that such an analysis evaluate the potential significant adverse impacts and cumulative impacts of the alternatives. The EIS is also required to identify any actions taken to avoid or minimize potential significant adverse impacts. The document satisfies these SEPA requirements.</p>
<p>OTH-1-13</p> <p>5 PEIS/7 Under "Federal planning and management efforts in the MSP Study Area such as:"</p> <p>Recommend adding the following bullet: • Navy Warning Area 237 (W-237) Surface Operating Areas" See NOAA Soundings and Fathom Chart 18003.</p> <p>6 PEIS/7 Under "Local or regional management plans that are in effect or under development that could influence implementation of the MSP include:" Recommend adding the following bullet • Military range complex management plans</p> <p>7 PEIS/8 Under "Environmental Impact Statements (NEPA or SEPA)" Recommend including Olympic Coast National Marine Sanctuary EIS of November 1993.</p> <p>8 PEIS/28 Appendix A. Marine Spatial Plan studies</p> <p>Recommend adding 2015 NWTT FEIS.</p> <p>[Commenter: OTH-1]</p>	<p>OTH-1-13</p> <p>Thank you for your comment. We have added these references. We included the Military range complex management plans under the federal planning and management header, as the local and regional plan list is intended to address non-federal plans for smaller geographic areas. The Northwest Training and Testing FEIS is already included in the list of environmental documents. Appendix A is listing only studies specifically funded by the state for the purpose of the development of the MSP.</p>
<p>OTH-1-14</p> <p>1 PEIS/4 Para 1, bullet 1 Recommend adding Military Training to read as follows: "Adversely impact existing uses such as military training, fishing, shellfish aquaculture, recreation and navigation, including reducing area or access for these activities. [Commenter: OTH-1]</p>	<p>OTH-1-14</p> <p>Thank you for your comment. We have added military training to this list.</p>

<p>OTH-1-15 2 PEIS/4 Under "The MSP should provide the following outcomes" Recommend adding new bullet: • Mitigate to ensure sustainable existing and future military training uses. [Commenter: OTH-1]</p>	<p>OTH-1-15 Thank you for your comment. The outcome list is a summary of the general goals established for the MSP. While we appreciate the desire to call out a specific existing use, this section opts to use the more inclusive and general term "existing uses" rather than listing all specific existing uses such as military training. Mitigation in and of itself, it is not one of the overall goals for the MSP. Mitigation is a tool that can be used to avoid and minimize adverse impacts to existing uses. It is included in the bulleted list of actions under the plan's goals (see MSP Chapter 1: Introduction).</p>
<p>OTH-1-17 4 PEIS/5 Overarching objectives Recommend first bullet be: "Be consistent with state and federal laws, policies and authorities. [Commenter: OTH-1]</p>	<p>OTH-1-17 Thank you for your comment. The state's plan can only enforce consistency with the state's laws, policies, and authorities. The following paragraph recognizes and includes the influence of other authorities, such as federal laws and regulations, tribal treaties, and court decisions are recognized as having authority and influence over various aspects of marine uses and resources.</p>
<p>OTH-1-16 3 PEIS/5 Objectives and limitations Recommend adding objective 6. Ensure compatibility with existing and future military training needs. [Commenter: OTH-1]</p>	<p>OTH-1-16 Thank you for your comment. The MSP objectives were developed as part of scoping for the plan with significant public input. This was not identified as a main, stand-alone objective for the plan during the planning process. At the same time, actions to ensure avoidance and minimization of adverse impacts to a broad range of existing uses, including military training, are addressed by and included in the plan.</p>
<p>O-2-8 Speaking specifically to the DEIS, we support the preferred alternative. As a result of this planning process, clearly in this day and age, it makes more sense to have a plan that can help to inform management decisions moving forward. [Commenter: O-2]</p>	<p>O-2-8 Thank you for your comment.</p>

<p>O-11-40 Fact Sheet: Note; there are no page numbers in the Fact Sheet</p> <p>a. Second page, second paragraph, third sentence; strike "commonly"</p> <p>b. Second page, bullets; Insert bullet after second bullet: Ocean Resources Management Act</p> <p>c. Second page, bullets; add where appropriate acronyms</p> <p>d. Fourth page, first paragraph; insert Ocean Resources Management act after National Environmental Policy Act</p> <p>e. Fourth page, Under Location of Background Material, second sentence; note; The MSP is not charged with "providing" for new opportunities but rather to gather data, identify areas of conflicts, and among other things provide procedures and recommendations for potential new economic opportunities that meet all applicable laws and regulations. Suggested edit: modify sentence to reflect above. [Commenter: O-11]</p>	<p>O-11-40 The factsheet is a stand-alone document as well as included in the final document. Therefore, it does not contain page numbers. We added Ocean Resources Management Act to the list of laws. We did not strike commonly, as this is not intended to be exhaustive, but illustrative of which laws usually are triggered by projects. We did not include acronyms for the bulleted list. Acronyms are used when a law is referred to multiple times throughout the document. We did not add Ocean Resources Management Act to the section titled "Timing of Additional Environmental Review." This section is meant to only identify the potential for further comprehensive environmental review under SEPA or the National Environmental Policy Act. Finally, we clarified the role of the plan in evaluating new use opportunities.</p>
<p>O-11-42 Purpose and Need : page 3 first paragraph; Note; there is a presumption in this document that new uses WILL occur. That presumption should not be expressed in this summarizing document. New uses will occur only if successfully permitted. Page 3, first paragraph, second sentence; insert "if permitted" after "can" and before "successfully": .....new development can, "if permitted" successfully co exist..... Page 3, second paragraph; Note; The legislative direction through the MSP enabling statutes "require" the Plan to preserve and protect existing resources and existing uses. Statutes do not simply "encourage" protection. See RCW 43.372.040 (4), (a-f) and (8). Revise Page 3, second paragraph to reflect above. "The Draft MSP "requires" protection of existing uses..... Note: other areas within the MSP document , and MSP EIS document that do not reflect this mandate need to be modified to do so [Commenter: O-11]</p>	<p>O-11-42 Thank you for your comment. We have clarified under the purpose and need section that new development is subject to permitting decisions. This section is not designed to describe the legal mandates related to the MSP, but the desired outcomes. The legal mandates are discussed in other sections of the EIS.</p>

<p>O-11-45 Draft EIS Alternatives: a. Page 10, fourth paragraph; Note; there is a typo in third sentence; recommend re-read and correct. b. Page 10, fifth paragraph, first sentence strike "minimize" and replace with "present minimal" [Commenter: O-11]</p>	<p>O-11-45 Thank you for your comment. We have fixed this typo. We have kept "minimize" as it is the standard term used in SEPA documents, state laws and regulations, and throughout the MSP.</p>
<p>O-11-46 Draft EIS Affected Environment: Page 15, fourth and fifth paragraphs; As noted earlier Study Area description is insufficient: Revise paragraph to add information describing the distance, areas covered by tribal U&amp;As and sanctuary. See letter for detailed suggestions for revising description. [Commenter: O-11]</p>	<p>O-11-46 As suggested, we have added more statistics to help describe the MSP Study Area.</p>
<p>O-11-41 Executive Summary: First page under Washington's Pacific Coast second paragraph; Note present paragraph is insufficient description of the Study Area. Recommended edit "The MSP study area consists of marine waters of the Pacific Ocean adjacent to Washington's coast line from the intertidal zone out to the continental slope. It extends from ordinary high water on the shoreward side out to a water depth of 700 fathoms (4,200 feet). The 700 fathom curve ranges from 35 to 55 nautical miles offshore with an average distance of approximately 40 nautical miles westward of the shoreline. Extending from Cape Flattery on the north of the Olympic Peninsula south to Cape Disappointment at the Mouth of the Columbia River, the MSP study Area includes two large estuaries : Grays Harbor and Willapa Bay, covers a distance of 136 nautical miles, including 480 nautical miles of coastal shoreline and spans 5,839 square nautical miles (7,732 statute miles) of marine waters. " [Commenter: O-11]</p>	<p>O-11-41 We have added more statistics to help describe the MSP Study Area.</p>
<p>O-11-43 Draft EIS Background and Objectives: page 4, third paragraph, Purpose and Need: Note as above; there is a presumption in this document that new uses WILL occur. That presumption should not be expressed in the EIS document. New uses will occur only if successfully permitted. Page , third paragraph, second sentence; insert "if permitted" after "can" and before "successfully": .....new development can, "if permitted" successfully co exist..... [Commenter: O-11]</p>	<p>O-11-43 We have added a clarification that new developments are subject to permitting decisions.</p>



<p>O-11-44 Applicable Regulations, Plans, Laws, and Treaty Obligations:. a. Page 6, second paragraph, bullets; insert Ocean Resources Management act after National Environmental Policy Act b. Page 6 bullets; add where appropriate acronyms c. Page 7, first series of bullets add additional bullet that reads; " Federally designated Usual and Accustomed (U&amp;A) tribal treaty fishing areas." [Commenter: O-11]</p>	<p>O-11-44 We have added the Ocean Resources Management Act to the list of laws. We did not include acronyms for the bulleted list. Acronyms are used when a law is referred to multiple times throughout the document. The Usual and Accustomed areas are part of treaties signed with the United States. While federal courts usually assist in interpreting and establishing these boundaries, they are not designated by a federal agency nor by Congress, which could be how this phrase would be interpreted. We've added a reference to Usual and Accustomed areas to the sentence that describes tribal treaties, earlier in this section.</p>
<p>O-11-47 Draft EIS Environmental Impacts of Alternatives: Page 16, paragraph 2, second bullet, under Direct Impacts of installing new infrastructure; revise bullet to read; "Displacing existing uses from access to the site and if site presents potential entanglement displaces existing uses adjacent to site." [Commenter: O-11]</p>	<p>O-11-47 Thank you for your comment. Entanglement of fishing gear is already listed under the examples of direct impacts of installing new infrastructure.</p>
<p>O-11-48 Draft EIS under Similarities and differences in impacts: Page 17 first paragraph last sentence; Revise to read; Since proposals would still be subject to the same approvals and existing policy criteria, the difference in impacts and degree of impacts would likely be minimal between the Proposed MSP and the no-action alternatives in the areas of the MSP subject to state jurisdiction. [Commenter: O-11]</p>	<p>O-11-48 Thank you for your comment. We have added language about the alternatives applying in areas subject to state jurisdiction.</p>
<p>O-11-49 Draft EIS under Baseline Conditions and Trends, Data Analysis: Page 17, fourth paragraph; Note; As has been mentioned previously in my MSP comments (see submissions,) the mapping exercise in the MSP (Chapter2, Appendix A; maps and Chapter 3) are an "attempt" to fulfill the Statutory mandates in RCW 43.372.040(6)(c), differ substantially from that specific mandate and do not "fulfill" the mandate as stated in this paragraph. [Commenter: O-11]</p>	<p>O-11-49 We believe the commenter is misinterpreting the interagency team's intent in performing the Marxan Analysis and the nature of the mandate at question. The maps do not show preference for wind energy development. They simply compare alternative energy potential with maps of existing uses. Please see responses to similar comments, particularly O--1-41.</p>

<p>O-11-50 Draft EIS under Impacts of establishing ISUs: Page 17, first paragraph ISUs; revise first sentence to read; "The established ISUs are indentified throughout the entire Study area. The ISUs within state waters are protected with the Plan." [Commenter: O-11]</p>	<p>O-11-50 Thank you for your comment. We have added language about the application of ISU protection to state waters.</p>
<p>O-11-51 4. Fisheries Protections: Page 21, first paragraph, first sentence, under Protections; insert "adverse" after "minimize" and before " social" [Commenter: O-11]</p>	<p>O-11-51 Thank you for your comment. We have made this change.</p>
<p>O-11-52 Cumulative effects of alternatives: Page 27, first paragraph, last sentence; Revise sentence to read; "And ensure they do not have cumulative, significant adverse impacts on existing uses and to the environment." [Commenter: O-11]</p>	<p>O-11-52 We believe the action elements assessed in the EIS do not result in cumulative, adverse impacts to the environment and existing uses. As noted throughout the EIS, the action elements are designed to be beneficial and providing greater protection for resources and existing uses. We added "existing uses" to this sentence and the previous one.</p>
<p>O-11-53 Appendix A: Marine Spatial Plan Studies: Page 28, first paragraph, last sentence to read; "Please see additional studies below." Add referenced studies to page 29 before Ecosystem indicators and status studies. (studies are listed in Chapter 5 page, 5-3) [Commenter: O-11]</p>	<p>O-11-53 Thank you for your comment. Appendix A is not intended as a comprehensive list of all cited studies or references for the plan. It is listing only the MSP studies that were completed with the state's MSP funding. As noted in the introductory paragraph, these other data sources, studies and reports are cited throughout the plan itself. Readers are directed to consult the citations contained in the plan. The specific studies mentioned in this comment are already listed in Chapter 5 of the plan.</p>

#### 4. Fisheries Protection

Comment	Response
<p>I-7-11</p> <p>We should be able to determine how to have minimal adverse impact on fishing that AVOIDS HIGH VALUE FISHING GROUNDS and unique ecological areas. We can do better and should do better to value our existing uses and find ways for new uses and economic opportunities to be included.</p> <p>All of this can be done, it's harder to include everything and certainly takes more time. Time we have, resources are limited and once used up or destroyed that are certain to never return.</p> <p>[Commenter: I-7]</p>	<p>I-7-11</p> <p>Due to the variability over time, potential technologies, uses, and space, the plan is not designed to site specific areas for new ocean uses. The information in the plan, including the individual maps may be used by applicants to better understand the types of conflicts that may be present in different areas. Regardless, more specific analysis of impacts and consultation with those affected will be needed for any project.</p> <p>The plan's management framework establishes a process and considerations that will more fully examine projects on a case-by-case basis. It may be the case that certain projects could be sited with minimal conflict. The management framework requires projects to avoid and minimize adverse impacts and demonstrate they will have no likely, long-term significant adverse impacts to existing uses or resources. The plan also establishes specific new protections for fisheries and sensitive ecological areas.</p> <p>The plan's series of maps summarizes available spatial data on existing uses, ecological resources, and alternative energy potential. This was the mandate of RCW 43.372.040(6). The Use Analyses were exploratory in nature. For the development scenarios explored, the state agrees that the maps show no obvious areas where conflict could be presumed to be very minor.</p>

<p>I-6-1 1. Protect and Preserve Existing Sustainable Use including fishing JOBS for Current and Future Generations [Commenter: I-6]</p>	<p>I-6-1 The plan establishes a process and considerations that will more fully examine projects on a case-by-case basis. The plan requires projects to avoid and minimize adverse impacts and demonstrate they will have no likely, long-term significant adverse impacts to existing uses or resources.</p> <p>The marine spatial planning law requires the plan to minimize negative impacts to fisheries (RCW 43.372.040(8)). The plan accomplishes this with two requirements; applicants must: 1) meet with affected fisheries stakeholders to help identify potential adverse impacts and 2) demonstrate they are consistent with the fisheries protection standard. The fisheries protection standard requires applicants to prove their project has "no likely long-term significant adverse effects to fisheries" and that "all reasonable steps are taken to avoid and minimize social and economic impacts to fishing."</p>
<p>O--1-68 This draft CMSP, MAPS, and programmatic EIS needs to be changed and portray new use opportunities that AVOID and have MINIMAL NO HARM impacts to existing uses including fishing that most likely occur west of the continental slope break and outside 125 fathoms.</p> <p>The tone of the entire document needs to be upgraded to reflect this Protect and Preserve Existing Use Standard as the highest priority of the entire Plan as intended by the legislature. Yes, this protect and preserve is in the plan but not in such a manner that the general public or any new use proponent would find it or understand its importance that new use is conditional on AVOIDING CONFLICT "if" it is to ever be installed in Washington coastal marine waters. The Washington draft Coastal Marine Spatial Plan needs to clarify these very important legislative intents and very high Fishery Protection Standards which go well beyond ,Äüminimize,Äù impacts: PREEMPTIVELY PROTECT AND PRESERVE FISHING PREEMPTIVELY AVOID CONFLICT WITH FISHING PREEMPTIVELY ALLIOW ONLY MINIMAL ADVERSE IMPACT TO FISHING NEW USE IS CONDITIONAL TO THESE SIGNIFICANT ORMA REQUIREMENTS [Commenter: O--1]</p>	<p>O--1-68 As described in responses to other similar comments, the plan and EIS emphasizes the protection of fishing consistent with state laws and policies. We have added language to the fisheries protection standard to emphasize the need to both avoid and minimize adverse impacts. See responses to comments O--1-3, O--1-18, and O--1-24.</p> <p>For comments on maps and analyses, please see responses to similar comments O--1-41, O-8-7, and O-8-11. For the development scenarios explored, the state agrees that the maps show no obvious areas where conflict could be presumed to be very minor.</p>

<p>O--1-30</p> <p>The legislature put many legislative tools in place to accomplish that NO HARM standard that has been distorted but not completely abandoned by the CMSP process that did not fully understand this underlying NO HARM to fisheries intent, or simply disregarded or worse, defied the intent of the legislature. We prefer the use the "did not fully understand" rather than the defiance of the state legislature in order to give the agencies/council the benefit doubt of their wayward activities. [Commenter: O--1]</p>	<p>O--1-30</p> <p>We understand the concerns about potential impacts to fisheries. RCW 43.372.040(8) requires the plan to minimize negative impacts to fisheries. Therefore, the plan includes requirements for applicants to notify and consult with affected fisheries, for Department of Fish and Wildlife to provide recommendations to Ecology on actions to minimize impacts to fisheries, and for applicants to demonstrate they are consistent with the fisheries protection standard. The fisheries protection standard incorporates the Ocean Resources Management Act's substantive requirements that applicants demonstrate "no likely long-term significant adverse effects to fisheries" and that "all reasonable steps are taken to avoid and minimize social and economic impacts to fishing." The plan is consistent with these laws and regulations.</p>
<p>O--1-3</p> <p>The Fisheries Protective Standards rely to heavily on minimization of adverse impacts and insufficiently on avoidance of adverse impacts. The most recent ORMA additions 2010 and new rely on Avoid and minimal impacts, not the original recognition of "significant adverse impacts" and are a much higher standard of protection than the original 1989 portion of the Act. This very important distinction needs to be addressed in the final version of the Plan and EIS. [Commenter: O--1]</p>	<p>O--1-3</p> <p>Avoidance is part of the existing state policies and the fisheries protection standard. We understand concerns that avoidance may not have been emphasized enough in the fisheries protection standard. Therefore, we have added additional language in the fisheries protection standard clarifying the requirement that applicants demonstrate how they have avoided impacts.</p> <p>The Ocean Resource Management Act's (ORMA) policies and permit criteria are outlined in RCW 43.143.010 and RCW 43.143.030 and further described by implementing regulations in WAC 173-26-360. This includes a permit standard of "no likely long-term significant adverse impacts to coastal resources or uses" and "all reasonable steps are taken to avoid and minimize adverse social and economic impacts", including to fishing (RCW 43.143.030).</p> <p>Furthermore, RCW 43.372.040(8) requires the plan to minimize negative impacts to fisheries. To identify potential impacts and ways to avoid and minimize adverse impacts, the plan includes requirements for applicants to notify and consult with affected fisheries as well as to demonstrate they are consistent with the fisheries protection standard. The plan is consistent with these existing laws and regulations. Therefore, no change is needed.</p>

<p>O--1-16</p> <p>Basic defect 3 – the fate of the coastal fisheries that the legislature intended to protect and preserve is not secure in this draft CMSP where "process" alone that is inaccurately based on allowing up to additional significant impacts, not avoidance of impact to fish dependent communities is a serious defect that continually resets the baseline of cumulative adverse impacts already forcing the fishing industry toward bankruptcy from existing adverse impacts that are being ceremoniously ignored in this resetting of the impact baseline. Not acceptable, corrective action required. Continuing to ignore and continually resetting of the baseline impacts marginalizes the future of fishing on the coast and with it the entire economic stability of the coast which this draft Plan does and is totally unacceptable subdiverts the legislative intend and totally ignores the Washington Supreme Court interpretation of ORMA to preemptively protect and preserve existing use including fishing. [Commenter: O--1]</p>	<p>O--1-16</p> <p>The plan provides both a process for evaluating projects as well as the substantive standards they must satisfy. This includes mechanisms for protecting fisheries. It requires applicants to meet with affected fisheries stakeholders as well as to demonstrate they are consistent with the fisheries protection standard. This includes demonstrating "no likely long-term significant adverse effects to fisheries" and "all reasonable steps are taken to avoid and minimize social and economic impacts to fishing." We understand concerns that avoidance may not have been emphasized enough in the fisheries protection standard. We added additional language in the fisheries protection standard clarifying the requirement that applicants demonstrate how they have avoided impacts.</p> <p>The Washington Supreme Court's decision did not alter the policies nor permit criteria contained within ORMA (RCW 43.143.010 and 43.143.030). The plan emphasizes that projects must satisfy ORMA's permit criteria.</p>
<p>O--1-18</p> <p>Draft CMSP does far more than encourage the protection of existing uses enamored in the EIS, the Law demands that Conflict be Avoided and new use is conditional to only producing MINIMAL adverse impact to existing uses as much higher standard than the "significant" adverse impact listed in the EIS as well as standards to be placed much more prominently in the Fisheries Protective Standards in the Plan so that potential applicants understand up front that Washington Fisheries Protective Standards are much more protective than other states that have adopted a Coastal Marine Spatial Plan. [Commenter: O--1]</p>	<p>O--1-18</p> <p>As described in responses to other similar comments, the plan emphasizes that projects must satisfy policies and permit criteria, including those in the Ocean Resources Management Act (ORMA) and its implementing regulations - see RCW 43.143.030(2). Furthermore, the marine spatial planning law requires the plan to minimize negative impacts to fisheries (RCW 43.372.040(8)). The plan accomplishes this with two requirements, applicants must: 1) meet with affected fisheries stakeholders to help identify potential adverse impacts and 2) demonstrate they are consistent with the fisheries protection standard. The fisheries protection standard requires projects prove they have "no likely long-term significant adverse effects to fisheries" and that "all reasonable steps are taken to avoid and minimize social and economic impacts to fishing." These standards are referenced in the executive summary to help people understand what is in the plan at the very beginning.</p> <p>The EIS's evaluates the impacts of adopting a Marine Spatial Plan and the No Action Alternative. The State Environmental Policy Act (SEPA) requires that such an analysis evaluate the potential significant adverse impacts and cumulative impacts of the alternatives. To satisfy SEPA requirements, the EIS identifies any actions taken to avoid or minimize potential significant</p>

	adverse impacts.
<p>O--1-24</p> <p>Fisheries Protective Standards are laudable, and this comment letter addresses this issue throughout. The Fishery Protective Standards miss the legislative intent to ensure that Conflict with existing fishing is Avoided, not just significant conflict avoided but MUST preemptively protect and preserve fishing from harm employing much higher minimal adverse impact standard before a project can proceed in the coastal marine waters. The Fisheries Protective Standard mischaracterizes and under protects the fisheries that the newer higher standards legislated in 2010 and after actually provide including outright prohibition directed by the only Supreme Court Decision ever issued to interpret and better define the legal implications of ORMA that must be fully address the broad protections of ORMA only offered to the four coastal county area marine waters and associated uplands covered by the coastal counties Shoreline Master Programs that have been inadequately incorporated into the Plan or EIS. The Supreme Court clarified that the agencies are not at liberty to alter existing laws of the state or counties, this includes ignoring them. Use of the term minimize in the fisheries protective standards could easily result in far more than minimal impact to fisheries the legislative intended as new standard of coastal protection especially considering the massive extent of new use in ocean energy required to extract even "minimal" amounts of available</p>	<p>O--1-24</p> <p>The Ocean Resources Management Act (ORMA) sets forth more stringent permit criteria than for other areas in the state (RCW 43.143.030). The fisheries protection standard is consistent with ORMA's requirements that applicants demonstrate "no likely long-term significant adverse effects to fisheries" and that "all reasonable steps are taken to avoid and minimize social and economic impacts to fishing." We understand concerns that avoidance may not have been emphasized enough in the fisheries protection standard. Therefore, we have added additional language in the fisheries protection standard clarifying the requirement that applicants demonstrate how they have avoided impacts.</p> <p>The Washington Supreme Court's decision did not alter the policies nor permit criteria contained within ORMA (RCW 43.143.010 and 43.143.030). The plan emphasizes that projects must satisfy ORMA, as well as local Shoreline Master Programs.</p>

<p>energy from offshore waters that was not shared with the public or the legislature in this draft Plan or EIS. [Commenter: O--1]</p>	
<p>O--1-33 Fishing disturbances on the coast have already reached such a significant adverse cumulative impact the result is simply more fatal tragedy that is reasonably foreseeable on top of the significant fishing ground already in NO Fishing NO Income zones, tragedy reflected in the highest level of fatality in any occupation anywhere in the nation. This fatality rate increase is not conjecture or supposition it is current reality that is an effect of loss of access to natural resources that must be recognized and prevented from increasing that MUST be included in the Washington CZM state/NOAA certifications. The Fisheries Protective Standards must include methods to specifically address this miscarriage of justice that already plagues these coastal rural counties driving poor demographics further into the ditch. [Commenter: O--1]</p>	<p>O--1-33 We understand the concerns about safety and access faced by the fishing industry. These issues are multifaceted and complex. Fishing representatives advised the state on these issues as they relate to potential new ocean uses and ways to address them in the plan. Washington Coastal Marine Advisory Council provided consensus recommendations on how best to address safety and access issues, which were then incorporated into the plan's management framework. Applicants must provide information on their proposal, thoroughly evaluate the potential social and economic impacts to fishing, including meeting with affected fisheries stakeholders to identify potential impacts. To satisfy the fisheries protection standard, applicants must then describe how their project is consistent with specific standards for avoiding impacts (such as through siting, size, scale, design, and construction/operation) and for minimizing displacement from fishing areas, impacts to navigational safety, and compression of fishing effort and economic impacts due to reduced area for fishing.</p>



<p>O--1-47</p> <p>Currently the Fishery Protective Standards are too subjective and not clear enough to honestly protect the fisheries from serious HARM that is reasonably foreseeable depending on the location of the new use in the area of crab gear movement that is UNIQUE in the nation with the Highest Mass Weather Index in the nation outside of Alaska exceeding 130 on a relative scale with San Diego a 10. NEPA/SEPA Process alone fails to stop new projects 95% of the time. There is strong reasons why fixed gear inside of the crab gear movement zone should be OUTRIGHT PROHIBITED inside 45 fathoms as the primary Fisheries Protective Standard. [Commenter: O--1]</p>	<p>O--1-47</p> <p>The plan acknowledges the potential for gear entanglement posed by new ocean structures, including information from fishing industry representatives. Applicants must assess the risk their project poses for entangling fishing gear. The fisheries protection standard applies everywhere that fisheries may be adversely impacted. Applicants must demonstrate their project has avoided and minimized impacts to fisheries, including the risk of fishing gear entanglement from new structures. No scientific data sources exist to definitively map areas of gear movement.</p> <p>Because potential projects and their effects are highly variable (e.g. type, design, size), the state opted for including effects-based standards including specific protections for fisheries and environmentally sensitive areas. NOAA also advised the state that effect-based standards would likely be able to be approved into the Washington's Coastal Zone Management Program - a required step under RCW 43.372.040(12). NOAA indicated broad prohibitions were unlikely to be approved.</p>
<p>O--1-58</p> <p>The Fisheries Protective Standards in the Plan MUST include active escort tugs now to improve the prevention of an oil spill at the Mouth of the Columbia River which can easily be emphasized by the Millicoma oil barge hitting North Head in recent history through the parting of a tow cable; a potential defect in the plan that does not even mention a parted tow cable as a concern. Always delaying positive actions that are known to reduce a catastrophic spill is simply irresponsible, spill prevention must become a serious Fisheries Protective Standard that allows existing use, fishing to continue unimpeded as the legislature intended. This is one area that the Plan cannot prohibit oil transport on the Columbia since the river is a shared river with Oregon and Oregon does not prohibit crude from transiting the river; however every drop of oil that transits the MCR crosses 100% in Washington waters and should become susceptible to increased prevention strategies that should be a part of the Plan. [Commenter: O--1]</p>	<p>O--1-58</p> <p>The plan includes information on ongoing stressors, such as the impacts of oil spills from existing activities, as well as how future uses may increase those risks. The plan is not designed to address the risks posed by current, existing uses. The risks for spills related to new ocean uses will be evaluated when projects are proposed and those with authority will determine the best mechanisms for preventing adverse impacts due to spills.</p> <p>Ecology has a comprehensive approach to assessing risks and preventing oils spills through various activities, including Vessel Traffic Risk Assessments, prevention standards and requirements, inspections, and incident response investigations. Specific recommendations for preventing spills may be identified through these or other forums.</p>

<p>O--1-62</p> <p>This draft CMSP and EIS need to be looked at from the BIG PICTURE and not in isolation in order to carry out the Legislative Intent of the SIGNIFICANT PROTECTION for existing uses including fishing. CCF/CRCFA will continually bring up LEGISLATIVE INTENT, LEGISLATIVE INTENT, until the intent is fully incorporated successfully in the final draft of the Coastal Marine Spatial Plan, the programmatic EIS, and local authorities into the state/NOAA CZM program successfully to provide the protections the legislature and congress intended to protect coastal existing uses, FISHING, and the marine environment as INTENDED and fully upheld by the recent Washington Supreme Court Decision. [Commenter: O--1]</p>	<p>O--1-62</p> <p>The plan and EIS are consistent with existing state laws and regulations. The plan protects existing uses and resources. As described in other responses, the plan includes special protections for fisheries through a new policy and standards and requirements to meet with affected fisheries stakeholders. Once the plan is complete, the state will submit these protections to NOAA for approval into the state's federally-approved Coastal Zone Management Program.</p>
<p>O--1-72</p> <p>The Washington CMSP process could utilize some of the principles found in the LCSG NO HARM SOLUTION process that has taken over a decade to produce positive, durable results that have not risen in the Washington CMSP process because the needs of the coastal uses were not adequately addressed in the process to produce NO HARM SOLUTIONS with excessive deference given to unproven new uses that will disrupt and displace many on the coast with new uses that will not be beneficial to those impacted because the hunt for solutions has not adequately attempted to avoid conflict and keep adverse impacts to MINIMAL levels instead rely on "old time verbiage" to simply minimize adverse impacts which in the past is anything less than total displacement of the existing use. This verbiage is especially prevalent in the Fisheries Protective Standards. [Commenter: O--1]</p>	<p>O--1-72</p> <p>We understand the concern that there has not been enough emphasis in the plan on avoiding conflicts. Avoiding impacts is already part of the standards and processes in the plan's management framework. At the same time, we have added new language in the fisheries protection standard to more clearly emphasize that applicants must first demonstrate how they have avoided impacts first.</p>

<p>O-8-8</p> <p>The concern was that this plan could protect and preserve existing uses. And that, to me, isn't really clear from what I've been able to read out of the plan yet. [Commenter: O-8]</p>	<p>O-8-8</p> <p>The plan protects existing uses through scientific information and through the process and substantive requirements for evaluating proposed new ocean uses.</p> <p>First, the plan provides a scientific and management resource by identifying and providing baseline information about existing uses, their patterns, and how they relate to social and economic health of coastal communities.</p> <p>Second, the plan outlines the data, information, and plans required to evaluate a new ocean use project proposal. It also describes the effects on people, communities and impacts on environmental resources that need to be evaluated. The plan's process and standards were developed based on the concerns about impacts to existing uses and resources and recommendations provided by the Washington Coastal Marine Advisory Council - representing a diverse group of existing ocean users, stakeholders, coastal communities, and agencies.</p> <p>Finally, the plan establishes a fisheries protection standard to ensure that adverse fisheries impacts are avoided and minimized and that future projects do not cause long-term, significant adverse impacts to fisheries. The plan provides specific process and standards related to fisheries to ensure they are protected.</p>
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#### 5. Important, Sensitive, and Unique Areas (ISUs)

Comment	Response
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<p>O--1-23 Ecological ISU's set an AVOID standard to protect sensitive areas but does not coordinate with coastal economic dependencies that the communities depend upon for their economic stability and viability for which the SOC has failed to set adequate areas to avoid conflict existing uses leaving communities vulnerably unprotected by only an uncertain process that NEPA is not designed to adequately provide "certain" protective outcomes necessary to Avoid Conflict. Soft bottom which supplies over 90% of the fish tonnage necessary to maintain the fish dependent communities is devoid in the Plan or EIS and is a significant contributor to the wellbeing of the coast as an area to avoid leaving coastal fish dependent people extremely vulnerable to displacement, disruption, and ultimate failure of next generation fishermen. [Commenter: O--1]</p>	<p>O--1-23 We recognize the importance of various habitats in supporting different types of fisheries as well as the dependence of certain communities on fishing. The important, sensitive and unique areas (ISUs) were designed to protect specific, unique, and sensitive ecological areas based on best available science.</p> <p>The fisheries protection standard was established to protect fisheries and the economic contributions they provide to coastal communities. The fisheries protection standard applies everywhere to protect fisheries from adverse effects of proposed projects. Applicants must demonstrate their project will have no likely long-term significant adverse impacts to fisheries and that all reasonable steps have been taken to avoid and minimize potential social and economic adverse impacts to fisheries. They must address issues such as displacement, compression, and disruption of fisheries.</p>
<p>T-1-20 Page 4-22 Add language to ISUs: "Designation of an ISU, like the MSP itself, is not intended to and does not alter or affect tribal treaty rights." [Commenter: T-1]</p>	<p>T-1-20 We concur and have made this change.</p>
<p>T-1-26 We would appreciate additional technical and policy information on the designation of ISUs, and additional clarity on how the State's proposed designations will avoid conflicting with Makah's sovereignty and exercise Of treaty rights. Once we have received and reviewed this information, we can determine if formal consultation is required to resolve any remaining disagreements and, if appropriate, provide further comments or engage in further discussions. [Commenter: T-1]</p>	<p>T-1-26 State staff met with Makah staff to provide additional information and discuss their technical and policy questions about the ISU designations. ISUs support the protection of marine resources and treaty rights. Based on those conversations, we believe no further changes are required.</p>

<p>T-1-24</p> <p>We have concerns about the State's unilateral designation of ISUs. The process to designate ISUs has not included tribal consultation, despite that this new designation has the potential to affect Treaty resources and/or future economic development opportunities of the Makah Tribe. The northern coast is an ecologically rich region, in large part due to the strong stewardship ethic practiced by the Makah for generations, and this area represents a significant portion of the designated ISUs. It needs to be clear within the MSP and the designation of ISUs, that the designation of an ISU, like the MSP itself, is not intended to and does not alter or affect tribal treaty rights. We have provided language to support this point above. Identifying ISUs to protect existing uses, such as fishing, from offshore development is beneficial for the Tribe's Treaty fishing rights. However, the Makah Tribe strongly objects to the potential use of ISUs to restrict future economic development opportunities, such as energy security through the pursuit of marine renewable energy, for the Makah Tribe. [Commenter: T-1]</p>	<p>T-1-24</p> <p>As addressed under response to T-1-20 ISU designation does not alter or affect tribal treaty rights. State staff met with Makah staff to discuss their technical and policy questions about ISU designations. Based on those conversations, we believe no further changes are required.</p>
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## 6. Spatial Recommendations

Comment	Response
<p>I-6-17</p> <p>Recognize that ocean energy is in its infancy and is currently not a missed opportunity or need Footprint MATTERS New emerging use—prohibit inefficient devices as too area/kw intensive Industrial scale footprint requires hundreds and hundreds of square miles of ocean Maximum area needs to be established Need clear threshold analysis criteria for new use denial or acceptance [Commenter: I-6]</p>	<p>I-6-17</p> <p>Technologies are changing rapidly and their effects are highly variable (e.g. type, design, size). The state opted for using effects-based standards rather than a fixed device-based approach, which may quickly become outdated. The effect-based standards in the plan include specific protections for fisheries and environmentally sensitive areas. Furthermore, NOAA indicated broad prohibitions on new uses were unlikely to be approved as part of Washington's Coastal Zone Management Program.</p> <p>A number of other policies and standards included in the plan address scale and siting by encouraging applicants to avoid and minimize impacts, such as by reducing the size of their overall project. Regardless, projects must demonstrate they meet the permit criteria thresholds established by the Ocean Resources Management Act, including demonstrating there will be "no likely significant adverse impacts to coastal uses</p>

	or resources."
<p>O--1-52</p> <p>By not addressing specific area and size of the potential lease the project will cause undue harm and undoubtedly end up in valuable fishing grounds with significant adverse impacts. The Plan and EIS fails to locate any area whatsoever that could produce minimal adverse impact to fishing within the Plan which has been almost completely devalued to the stability and viability of the coastal communities through the Marxan mapping method that has placed equal value to all offshore uses – again valuing the crab fishery equal to walking the dog on the beach even when the Plan recognizes SW Washington as housing the 4th most fish dependent community in the nation. [Commenter: O--1]</p>	<p>O--1-52</p> <p>Because potential projects and their effects are highly variable (e.g. type, design, size), the state opted for using effects-based standards rather than a specific size. These effect-based standards included specific protections for fisheries and environmentally sensitive areas.</p> <p>The fisheries protection standard specifically addresses size and area by requiring applicants to avoid and minimize impacts. This includes specific considerations such as reducing the footprint of their project, minimizing displacement of fishers from traditional fishing areas, and minimizing compression of fishing effort. Regardless, projects must demonstrate they meet the permit criteria thresholds established by the Ocean Resources Management Act, including "no likely significant adverse impacts to coastal uses or resources."</p> <p>As part of the planning process, the state analyzed potential for industrial-scale renewable energy compared to existing uses and resources. The purpose of these analyses was not to identify where new uses should or should not be sited. These analyses provided illustrations of how challenging it would be to find a location on the Washington coast with no interaction with existing uses or resources.</p>
<p>O--1-34</p> <p>Ocean Zoning and directing new use to specific areas would be a far better way to direct potential</p>	<p>O--1-34</p> <p>Because potential projects and their effects are highly variable, the state opted for using effects-based</p>

<p>new use in Washington coastal zone within the GLD to avoid conflict with existing uses or ecological function. Examination of the individual uses in the document are hard to discern. Uses that the coastal communities rely on heavily should be no new use zones or protections necessary for the coastal communities will not occur. Using the zoning concept is inappropriate on land to place an industrial development in a residential use area; in the coastal waters it would be inappropriate to locate an industrial facility in a high density marine vessel traffic area or a valuable fishing area. Pacific County addressed this by placing new use in a small explicitly dedicated industrial use areas where existing deepdraft shipping and ocean disposal activities were already well established and do not displace recreational or commercial fishing except by only minimal adverse impacts that are part of the high intensity areas. [Commenter: O--1]</p>	<p>standards rather than a zoning approach. These effect-based standards included specific protections for fisheries and environmentally sensitive areas.</p> <p>The spatial recommendations encourage applicants to review the existing use information to understand the potential number of and intensity of uses that would be affected and to improve site selection that avoids and minimizes potential adverse impacts. These spatial recommendations also indicate that industrial scale renewable energy projects with large footprints proposed in state waters would likely have a difficult time demonstrating they meet state policies and standards.</p> <p>NOAA advised that effect-based standards would likely be able to be approved into the Washington's Coastal Zone Management Program [required under RCW 43.372.040(12)]. NOAA indicated broad prohibitions were unlikely to be approved.</p>
<p>O--1-75 The Plan however in its preliminary rough draft did state that there is NO room on the Washington coast jurisdictional waters for industrial scale ocean development which all the preliminary information supports and this will need to be adequately incorporated into the Washington/NOAA CZM program which is at direct odds with BOEM leasing procedures. [Commenter: O--1]</p>	<p>O--1-75 NOAA indicated the preliminary draft's broad prohibitions for industrial scale renewable energy in state waters were unlikely to be approved as part of Washington's Coastal Zone Management Program - a required step under RCW 43.372.040(12). NOAA advised that effect-based standards would likely be able to be approved. The spatial recommendations in the plan still suggest that industrial scale renewable energy projects with large footprints proposed in state waters will likely have a difficult time demonstrating they meet state policies and standards.</p>
<p>O-10-2 A couple things that I really like about the plan — you mentioned the spatial recommendation. And just given how busy of a place it is off the Washington coast and that it would be a pretty challenging thing to find a space of 50 square miles for industrial uses of a renewable technology that doesn't significantly adversely impact those existing uses and habitats and resources we care so much about. And I think that's a really powerful statement in a lot of ways in that the reality is, maybe further offshore — maybe not. Maybe it's more of a community-driven conversation, and I think that that's maybe, hopefully where conversations eventually go. [Commenter: O-10]</p>	<p>O-10-2 Thank you for your comment. We agree that the spatial recommendations and information provided in the plan help demonstrate how busy the Washington coast is and indicate the types of challenges industrial scale renewable energy proposals, in particular, may face.</p>

## 7. Consultation/Coordination

Comment	Response
<p>A-3-4</p> <p>The MSP has the potential to enhance the excellent coordination that already exists between the sanctuary and Washington State. Collaboration and coordination are priorities identified in the sanctuary's management plan, which has informed our efforts to support the MSP process. We believe the MSP effort has been mutually beneficial to both the sanctuary and the state of Washington. In some cases, the MSP team has been able to leverage OCNMS research into data products that we would not otherwise been able to deliver to the public on our own such as production of the Washington State Outer Coast Seafloor Atlas. The MSP will be an important guide for NOAA as we consider future permit and authorization applications within the sanctuary. The detailed information and analysis collected to support the MSP will be of great value to the sanctuary as we prepare to update our 2008 Condition Report, and eventually update our 2011 management plan. [Commenter: A-3]</p>	<p>A-3-4</p> <p>Thank you for your comment. We agree that the MSP is an excellent mechanism to improve coordination and collaboration with the Sanctuary, to improve data and research, to leverage the expertise of and research conducted by the Sanctuary, and to support ongoing Sanctuary management.</p>

## 8. Coastal Zone Management (CZM)

Comment	Response
<p>I-6-2</p> <p>2. Rules and Protection should extend out from the 3 miles to 200 miles. The 3 miles is considered state waters and the Coastal Marine Spatial Planning (CMSP) is covering only the 3 miles. The Coastal Zone Management Act is the federal Line(CZMA) and is the 200 miles. The Shoreline Management Plan (SMP) that the county just finished but should be approved shortly, ask to meet the 200 miles. This all goes back to being the 4th most marine dependent county in the country. Our fish vessels both recreational and commercial do not stop at 3 miles, sometime they must go out 150-200 to get tuna for example. WDFW has existing rules and regulations that allow the CMSP to extend out to the 200 CZMA. In 2016 Pacific County Commissioner in a meeting with DOE, directed DOE to use the WDFW Rules and Regulations to extend the CMSP out to the 200'</p>	<p>I-6-2</p> <p>Important ocean resources and uses to Washington and its coastal communities span both state and federal waters, so the plan includes information on this broader geography. The plan also provides a pathway for improving how and when the state engages in reviewing federal activities in federal waters.</p> <p>The territorial and regulatory limit of the state over new ocean uses extends only to Washington's state waters out to 3 nautical miles offshore. While Washington State does have authority to manage certain fisheries in federal waters, this does not translate to additional authority over other types of proposed projects in federal waters. WDFW's authorities to manage these fisheries do not provide additional substantive standards for reviewing these types of projects, either. The federal government maintains jurisdiction from 3 to 200 nautical miles offshore.</p>



<p>miles to match with the federal CZMA. [Commenter: I-6]</p>	<p>As part of its NOAA-approved Coastal Zone Management Program, Washington may study federal waters and identify uses, resources, and areas of federal waters that are of interest to the state. However, the state may not establish regulatory standards or enforceable policies for federal agencies, lands, or waters. The plan does identify two new state enforceable policies and necessary data and information that Ecology proposes to include in revising its state coastal program after finalizing the plan.</p> <p>A state coastal program can seek authority to review a project occurring in federal waters to evaluate whether that project may have effects on the state's coastal uses or resources. The plan provides Washington with the information needed to make this case to the federal government and to receive approval to automatically review federal activities in federal waters for consistency with the state's coastal zone management program (referred to a Geographic Locator Description, or GLD). Ecology will apply to NOAA for a GLD after the final plan is adopted by the state.</p>
<p>I-6-8 5. I fully support making our WDFW Fishing and Crabbing Rules and Regulations (State Authority) part of the "Enforceable Acts" in our Washington State Coastal Zone Management Program. In addition after our WDFW Fishing and Crabbing Rules and Regulations (State Authority) have become an Enforceable Act, I fully support a "Geographic Location Description" be developed. This would allow our Pacific County SMP rules to meet the 200 mile CZMA line. We the public have asked countless times to have the CMSP authority extended out to the CMZA line. Pacific County Commissioner Frank Wolf also suggested this at the meeting on 1/13/2015 with DOE, and NOAA. [Commenter: I-6]</p>	<p>I-6-8 The territorial and regulatory limit of the state over new ocean uses extends only to Washington's state waters out to 3 nautical miles offshore. While Washington State does have authority to manage certain fisheries in federal waters, this does not translate to additional authority over other types of proposed projects in federal waters. WDFW's authorities to manage these fisheries do not provide additional substantive standards for reviewing these types of projects, either. The federal government maintains jurisdiction from 3 to 200 nautical miles offshore over leasing, licensing, and permitting of new ocean uses addressed in the plan.</p> <p>Important ocean resources and uses to the state span both state and federal waters, so the plan includes information on this broader geography. As part of its NOAA-approved Coastal Zone Management Program, Washington may study federal waters and identify uses, resources, and areas of federal waters that are of interest to the state. The CZMA does not allow the state to establish regulatory standards or enforceable policies for federal agencies, lands, or waters. The plan does identify two new state enforceable policies and necessary data and information that Ecology proposes to include in revising its state coastal program after</p>

	<p>finalizing the plan. Once these are approved, they can be used to evaluate federal activities for consistency with all of the enforceable policies in the state's federally-approved Coastal Zone Management Program.</p> <p>A state coastal program can seek authority to review a project occurring in federal waters to evaluate whether that project may have effects on the state's coastal uses or resources. The plan provides Washington with the information needed to make this case to the federal government and to receive approval to automatically review federal activities in federal waters for consistency with the state's coastal zone management program (referred to a Geographic Locator Description, or GLD). Ecology will apply to NOAA for a GLD after the final plan is adopted by the state.</p>
<p>I-6-20 Assemble local &amp; state guidelines for Coastal Zone Consistency determination of new uses and review [Commenter: I-6]</p>	<p>I-6-20 The plan provides a framework for coordinating decisions around new ocean uses, including applicable state and local authorities. In particular, it provides more detailed guidance for reviewing projects under existing approved enforceable policies included in the Washington Coastal Zone Management Program, specifically the Ocean Resources Management Act and it's regulations. The plan also proposes two new enforceable policies which, if approved, would also be included in Washington's Coastal Zone Management Program.</p> <p>In implementing the final plan, Ecology will continue to provide additional education, outreach, and guidance for local and state entities on implementation of the plan and on the federal consistency review process.</p>
<p>O--1-9 Pacific County Commissioners request that the county SMP be included in the State/NOAA CZM certifications to better protect coastal citizens and fishing that has not been properly integrated into the CMSP as an existing authority as intended by the legislature. The Pacific County ocean regulations date back to 1997 and specifically omitted from CMZ certifications undermining and disrespecting the will and intent of the legislature and congress. [Commenter: O--1]</p>	<p>O--1-9 Ecology works in close partnership with every local government developing and administering SMPs and shares a common interest with commenters in ensuring that when federal agencies take direct actions in Washington's Coastal Zone or adjacent waters those actions are consistent with Washington's Coastal Zone Management Program to the maximum extent practicable. Ecology will continue to work with local governments and NOAA to further evaluate the best approach to ensuring clarity on this topic.</p>

<p>O--1-70</p> <p>CZM state/NOAA certifications must also specifically address the significant threat of Domoic acid which could easily adversely impact coastal use, fishing which will significantly magnify any additional adverse cumulative anthropogenic interference and dislocation of the coastal crab fishery caused by addition of any new use in coastal waters on the continental shelf.</p> <p>[Commenter: O--1]</p>	<p>O--1-70</p> <p>The plan provides a framework to ensure effects of proposed new ocean use projects are fully analyzed and considered. Under the cumulative effects description, this includes analyzing the effects of the new ocean use project and of other projects, while also taking into account the broader environmental context and resources and uses that are especially vulnerable to incremental effects.</p> <p>Federal consistency reviews by Washington's Coastal Zone Management Program analyze whether federal activities are consistent with the approved enforceable policies in the state's program. The plan provides specifics on the types of information needed to inform that analysis and decision.</p>
<p>O--1-76</p> <p>The State/NOAA CZM Certifications are intended to look at reasonably foreseeable adverse impacts to coastal uses and preemptively prevent them from occurring while utilizing the informative science with NO important FACTS left behind to make informed decisions that protect existing uses including fishing from more than MINIMAL adverse impacts. [Commenter: O--1]</p>	<p>O--1-76</p> <p>The Coastal Zone Management Act provides a mechanism for states to review and weigh in on federal activities that have a reasonably foreseeable effects to the state's coastal uses and resources. The plan provides information that will assist the state in seeking approval to automatically review of federal activities in federal waters.</p> <p>Federal consistency reviews by Washington's Coastal Zone Management Program analyze whether federal activities are consistent with the approved enforceable policies in the state's program. The plan provides specifics on the types of scientific information and processes that can inform that analysis and decision. The plan includes a fisheries consultation process to assist in identifying potential impacts and recommendations for minimizing impacts to fisheries. The plan also proposes a new enforceable policy to protect fisheries. Applicants for proposed new ocean uses must demonstrate: 1) "there are no likely long-term significant adverse effects to fishing" and 2) "all reasonable steps are taken to avoid and minimize social and economic impacts to fishing."</p>

<p>O--1-25</p> <p>CZM state/NOAA certifications - This Washington Coastal Marine Spatial Plan is not done until there is a successful and protective certification in place that adequately addresses the UNIQUE nature of the Washington Plan that has been put forward in the specialized ORMA law that is specific to the four coastal county areas with added protections not offered in the rest of the state or nation. The WCMAC, coastal local jurisdictions, MRC's, and those most affected by this mandated integration of the Coastal Marine Spatial Plan fishing must remain fully engaged until the certifications accurately reflect the intent of the legislature to protect and preserve the existing uses including fishing that adequately address existing and future cumulative adverse impacts on the coastal communities not found any place else in the nation that the CMSP law intended to protect and preserve with added emphasis from the Washington Supreme Court to act preemptively to protect and preserve existing uses including fishing from reasonably foreseeable adverse impacts that will be difficult to achieve. This process is far from done, full engagement is still necessary. [Commenter: O--1]</p>	<p>O--1-25</p> <p>The plan includes proposed new enforceable policies to protect fisheries and necessary data and information for use in federal consistency reviews conducted by Ecology for federal activities related to new ocean uses proposed on Washington's coast. The plan also assists in application of already approved enforceable policies contained in the Ocean Resources Management Act (ORMA).</p> <p>Once the final plan is adopted, Ecology has next steps to integrate the plan into its federally approved Coastal Zone Management Program. Ecology will submit these policies to NOAA for review and approval into Washington's Coastal Zone Management Program. NOAA's review will address whether this change qualifies as a program change. Next, Ecology will use the plan's information to request approval from NOAA to automatically review federal activities in federal waters for consistency with the state's coastal zone management program (referred to a Geographic Locator Description, or GLD).</p>
<p>O--1-51</p> <p>The SOC does not exercise due diligence in its duty to fulfill the legislative intent by eliminating local Shoreline Master Programs in the State/NOAA CZM Certifications. The legislature gave specific instructions that new regulations were not to be created in the Washington Coastal Marine Spatial Plan but that existing legislation was to be utilized, not selectively omitted as is currently being done in the CZM certifications. The exception to no new legislation was the fact that the legislature mandated Shoreline Master Programs be updated and the counties and cities on the coast in the 4 county area have either updated or are in the process of updating and including ocean sections in their SMP's that must be included not only in the Plan but also the CZM state/NOAA CZM certifications when they become available. [Commenter: O--1]</p>	<p>O--1-51</p> <p>The plan provides applicants, agencies, and others with a full understanding of the various state and local permits and authorities that may be triggered by new ocean uses proposed in the MSP Study Area, including local Shoreline Master Programs (SMPs). In addition, the plan provides references to state and local authorities, because they provide important mechanisms for implementing the plan. Shoreline Master Programs are included and referenced in Section 4.1.4 of the plan and in other relevant areas.</p> <p>Ecology works in close partnership with every local government developing and administering SMPs and shares a common interest with commenters in ensuring that when federal agencies take direct actions in Washington's Coastal Zone or adjacent waters those actions are consistent with Washington's Coastal Zone Management Program to the maximum extent practicable. Ecology will continue to work with local governments and NOAA to further evaluate the best approach to ensuring clarity on this topic.</p>

<p>T-2-6</p> <p>But again, if this document is going to be submitted to NOAA to be certified for use as their coastal zone management authority review for the state and federal projects — I think from the tribe's perspective it's imperative that we have this policy and procedural language and just, kind of, recognition that from my perspective could be a lot stronger and more robust in our ideal situation. [Commenter: T-2]</p>	<p>T-2-6</p> <p>Throughout the planning process state staff met with tribes, provided updates on the development of the plan, and sought tribal input. Given that tribes have a government-to-government relationship with the state, Ecology is committed to promoting effective communication and collaboration with tribes as the plan is implemented. Edits have been included to clarify and recognize tribes' roles, authorities, and treaty rights.</p> <p>Ecology also clarified with NOAA any tribal consultation procedural requirements for a state coastal program under the Coastal Zone Management Act (CZMA) and to ensure we are fully complying with the CZMA.</p> <p>Submitting the state plan to NOAA for incorporation into Washington's federally-approved coastal program does not change how the plan is implemented in the state, nor provide NOAA any authority or implementation ability. If the Plan is approved by NOAA as part of Washington's Coastal Management Program, then Washington would be able to use specific enforceable policies in the Plan during the state's federal consistency review of certain federal actions, according to 15 CFR Part 930. Ecology will continue to provide early notice to tribes of projects that are being reviewed for consistency with the state, the CZM program.</p>
<p>T-1-3</p> <p>Unfortunately, due to this failure to recognize tribes in the state and federal statutory framework and the regulations that carry out coastal zone management laws, Tribal governments have not been allocated a proportional amount Of funding to perform necessary due diligence to ensure that projects, plans and policies proposed under the CZMA are consistent with tribal sovereignty and do not adversely affect Treaty resources. As a result, this lack of recognition and funding has resulted in state and federal governments diminishing the Tribe's sovereign authority over its Treaty resources, as well as its ability to serve as a co-manager collaborating as a co-equal owner. For the record, we reiterate our objection to both the lack of express tribal authority in the CZMA and the federal governments' lack of support for the Makah Tribe's requests for funding that would enable it to meet its resource trustee</p>	<p>T-1-3</p> <p>This comment appears to be directed at federal agencies and not the state. In the recent evaluation of Washington's Coastal Zone Management Program, NOAA acknowledged that tribes could benefit from increased funding and capacity and that there are limitations in the Coastal Zone Management Act (CZMA) and CZMA regulations that only authorize NOAA to make grants to "coastal states", the definition of which does not include tribes. Department of Ecology has recognized and supported amending the federal Coastal Zone Management Act to include tribes as long as it does not decrease support for coastal states.</p> <p>Changes have been made to the plan to increase understanding and recognition of the tribes' roles, authorities, and treaty rights.</p>

responsibilities. This inherent disparity is again playing out in the Draft Plan. Accordingly, the Makah Tribe insists that the State recognize the Tribe's sovereign authority over its Treaty Resources as a co-equal Owner and manager with NOAA and Ecology, as more fully set forth below, and looks to the federal government to provide the Tribe with a proportional amount Of financial resources in the future to perform the due diligence, project review and consultation necessary to ensure that any proposed project does not directly or indirectly cause adverse impacts to our Treaty Resources. [Commenter: T-1]	
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## 9. Data

Comment	Response
I-6-18 Recognize that marine science is in its infancy, "Best Science Available" often not satisfactory for decision making. [Commenter: I-6]	I-6-18 The plan provides the best available data on existing uses and resources as baseline information. This will assist applicants with understanding the current, general patterns of use and resources that could be impacted by a proposal. The data and maps in the plan do not substitute the requirement that a project applicant provide a more detailed impact analysis of a particular project with current information at the time of the proposal. The plan sets out site-specific information and analyses that need to be provided. Evaluation of proposed projects will need to consider new information and circumstances. Ultimately, decisions have to be made with the information available. Adaptive management plans provide tools for addressing unexpected issues and changing conditions.
I-6-7 4. I don't think the entire economic value of our Marine Resources or the impacts to the whole coastal economy has been captured very well. For example: it should not just be based on fish caught, but everything and every job it took to catch and eventually use/eat that fish. Things like boat repairs, restaurants, nets, tourism, fish licensing, deck hands, etc. [Commenter: I-6]	I-6-7 Thank you for your comment. The economic information included in the plan did account for these related economic impacts. The economic analysis used an input-output model to generate values for direct, indirect, and induced economic activity stemming from marine-resource based activities.

<p>I-12-2 If there's one thing I could tell you about the ocean, it is not static. Your wonderful maps about what areas are ecologically important and what are not look really nice. But I would imagine that if you did the science over a period of a decade or two, you'd find that they change pretty much constantly. So the idea of allowing something in an area which according to the present data may not be as heavily utilized as another area it may come back to bite us in the backside later on. [Commenter: I-12]</p>	<p>I-12-2 We recognize the challenges presented by the dynamic nature of the ocean and uses. The plan provides the best available data on existing uses and resources as baseline information. This will assist applicants with understanding the current, general patterns of use and resources that could be impacted by a proposal. The data and maps in the plan do not substitute for a more detailed impact analysis of a particular project with current information required at the time of the proposal. Evaluation of proposed projects will need to consider new information and changing circumstances.</p>
<p>O--1-50 Any review of existing WDFW surf smelt required grain size of the sediments on the Washington coast would have exposed the outcome fully predictable outcome without spending the half million dollars which should have been spent on acquiring new economic data similar to the Gunnar Knapp Bristol Bay Economic Salmon Study that CCF requested to better describe coastal economic production well beyond existing data that fell far short of the real value of the coastal fisheries to the local coastal communities, state and nation. [Commenter: O--1]</p>	<p>O--1-50 Thank you for your comment. The forage fish survey provided new and valuable information about the coast. Due to the importance of forage fish to the marine ecosystem and food web, these newly identified spawning areas were identified and protected as Important, Sensitive, and Unique (ISUs) areas. As part of the planning process, the state also funded projects to collect new economic information.</p>
<p>O-9-2 We remind the agencies involved that — and we've been assured that — current data is just that. It is current data and it's not with the ability to look 10-20 years into the future. For example, we have in the trolling industry an area north of LaPush, Washington — between LaPush and Neah Bay, on the coast — that is called the mushroom closure. We trollers voluntarily negotiate that area to be closed to us so as to reduce — among other things — to reduce impacts on Puget Sound stocks of salmon of concern. In the future, that concern may evaporate and we will be fishing in that area. So, as one example, some of the information that is current is just that — it's current. It's not able to look into the future — as none of us can. [Commenter: O-9]</p>	<p>O-9-2 We agree with the comment. Conditions and management restrictions like area closures are subject to change. Evaluation of proposed projects will need to consider new information and circumstances.</p> <p>The plan provides the best available data on commercial and recreational fishing and other resources as baseline information. This will assist applicants with understanding the current, general patterns of use and resources that could be impacted by a proposal.</p> <p>The data and maps in the plan do not substitute for a more detailed impact analysis of a particular project with current information at the time of the proposal. The plan requires applicants to notify affected fisheries at the earliest possible stage. This will assist in updating information about any changes to fisheries use patterns and in identifying potential adverse impacts to affected fisheries.</p>

<p>T-1-27</p> <p>The Coastal Treaty Tribes with the Northwest Indian Fisheries Commission and NOAA have developed a Habitat Framework Initiative. This project standardizes existing seafloor data into a consistent habitat classification scheme, the Coastal and Marine Ecological Classification Standard, or CMECS. These data are available for the entire west coast and for the State's marine spatial planning area of interest. This new data should be included in the marine spatial plan, specifically Map 3. [Commenter: T-1]</p>	<p>T-1-27</p> <p>We recognize the important data from the Habitat Framework Initiative and will be linking to this information on our website. We used the Habitat Framework to update the Ecologically Important Areas rocky areas map. Much of the Coastal and Marine Ecological Classification Standard information was incorporated in the Ecologically Important Areas analysis when it was performed. Furthermore, we will add a reference in the Ecology section (2.1) to indicate that other newer habitat data are available and the sources for those data. We look forward to incorporating future data and efforts as they are available.</p>
<p>OTH-1-12</p> <p>22 MSP/C-1 Contents Military use and training should be a subject line and appropriate table developed and added. [Commenter: OTH-1]</p>	<p>OTH-1-12</p> <p>We have added data on military use and training to the table in Appendix C that lists "additional designations and boundaries".</p>
<p>A-3-2</p> <p>We have reviewed the MSP and believe it provides a scientifically sound basis and framework for future management of the Washington coast and evolving uses such as alternative energy, and fully support it. We appreciate the strong public engagement throughout its development, and the leadership Washington State has shown in areas of mutual interest with NOAA's Olympic Coast National Marine Sanctuary (OCNMS or sanctuary) such as the spatial prioritization and additional work to characterize seafloor habitats, identification of ecologically important areas, and the studies to characterize ocean uses and values. [Commenter: A-3]</p>	<p>A-3-2</p> <p>Thank you for your comment. We appreciate the involvement of the Sanctuary in the many aspects of the planning process, including developing mapping and data products to better characterize resources and uses of the coast.</p>



<p>O-2-3</p> <p>One of the main objectives for MSP is the consolidation of numerous data sets relating to ocean resources and the various uses that occur in the marine environment We can confidently state that objective was achieved. The data viewer has a significant amount of information, from recreational use maps, to fisheries effort, to various habitat types, that is now available to anyone. We feel that this is a tremendous outcome and a great value to researchers, ocean users, and the general public. The Marine Spatial Plan is an amazing reference that will be useful for any individual or organization that is interested in conservation and stewardship of Washington's coastal ecosystems, communities, and history. Simply put, we now have more information of a higher quality than any time in Washington's history, and that will only help improve our stewardship and management decisions moving forward. [Commenter: O-2]</p>	<p>O-2-3</p> <p>We agree that the data consolidation in the plan is of great benefit to a wide range of people. We believe this information and improved access to it will help improve stewardship and management decisions.</p>
<p>O-1-3</p> <p>However, because data quality is poor in our Washington waters, and we strongly encourage agencies and other organizations to develop a plan for generating new science to fill the identified gaps. In this plan, we advocate for a focus on how climate change will affect species quantity and distribution and how species utilize the Study Area over time (through seasons and their own life cycles). [Commenter: O-1]</p>	<p>O-1-3</p> <p>Thank you for your comment. The plan provides the best available data on existing uses and resources as baseline information. This will assist applicants with understanding the current, general patterns of use and resources that could be impacted by a proposal. At the same time, we recognize the ongoing need to continue to fill data gaps. For this reason, the plan implementation activities include refining and finalizing ecosystem indicators and establishing a science and research agenda. (See Section 4.2.2, #1 and #2)</p>

## 10. Analyses

Comment	Response
<p>O--1-41</p> <p>WRONG OCEAN ENERGY MAP: The ocean energy placement in High Value Fishing Grounds flies in the face of the legislative intent to Avoid Conflict, and only produce Minimal Adverse Impact on Fishing. The intent of the legislature was to locate energy and other new uses in minimal impact areas, to protect and preserve existing use as the highest value in the CMSP mapping process in order to locate new use to be able to coexist in coastal waters without HARM to fishing. CORRECTION NECESSARY; the Marxan map of ocean energy potential location that has only MINIMAL ADVERSE IMPACT on fishing and other existing uses does NOT exist inside of 125 fathoms and needs to be the primary ocean energy map, not the existing map that is the best place for ocean energy location, but the one that does the very least HARM to existing uses including fishing as intended by the legislature. [Commenter: O--1]</p>	<p>O--1-41</p> <p>There has been some confusion throughout the development of the Plan as to the statutory mandates governing and incorporated into the Plan. The mandate at RCW 43.372.040(6) is the subject of several comments received. This provision called for a series of maps that, among other things, compared areas of alternative energy suitability with existing uses. It is an analytical mandate focused on summarizing available data. The interagency team used available spatial data, standard geographic overlay techniques, and the well-established Marxan software to make the comparisons.</p> <p>We agree that the Marxan analysis did not identify an obvious areas where large scale wind energy could be sited without potentially conflicting with existing uses. While using the best available information, the underlying maps are indeed uncertain and leave many questions unanswered.</p> <p>The criteria to avoid and minimize adverse impacts to existing uses comes from other statutory provisions, largely from the Ocean Resources Management Act (ORMA). ORMA's provisions are integrated into the plan's management framework which lays out case-by-case evaluation for proposed projects, including information requirements, standards, and policies.</p>
<p>O--1-42</p> <p>The Marxan mapping of ocean energy does not capture the intent of the legislation for new use including ocean energy to be located in areas of the coast that AVOIDS CONFLICT and only produces MINIMAL ADVERSE IMPACT on fishing and other existing uses in order to PROTECT AND PRESERVE FISHING, and the stability and economic viability of the coastal fish/water dependent communities in the four Pacific coastal counties that were specific and unique for ADDED PROTECTION in the state ORMA legislation as intended.</p> <p>In the maps there are about fourteen different uses indicated on the Marxan Maps but there is NO clarification of what those 14 individual uses are or how they relate directly or indirectly to the four</p>	<p>O--1-42</p> <p>As in the previous comment (see O-1-41), we stand behind the interpretations of the marine planning statute. The series of maps required to be in the plan and the substantive policy standards guiding the siting of new uses in the Study Area are separate. The Overlay Analysis and Marxan Analysis were exploratory and provided a synthesis of available information. The criteria for avoiding and minimizing the adverse impacts of new uses are set forth in the plan's management framework. That framework will be employed on a case-by-case basis when projects are proposed.</p> <p>The Overlay Analysis and Marxan Analysis synthesized and combined data from many sources. It is indeed difficult to connect the individual uses to the plan's static Marxan and Overlay Analysis maps. Table</p>

<p>coastal counties wellbeing the legislature offered special attention for protection and preservation. These individual uses should be listed and their relevancy to the Stability and economic Viability of the four coastal counties reliance upon them for their economic success. Obviously, the Dungeness crab fishery for example looms much larger in its coastal economic contribution than to walk the dog on the beach to the coastal wellbeing. [Commenter: O--1]</p>	<p>3.5 lists the individual uses and sources for these analyses. The individual use maps can be consulted separately. The online mapping tool is available for the public to explore the uses individually and in combination. The plan describes these existing uses in detail, including social and economic information and their connections to coastal communities.</p> <p>The potential impact to all existing uses will be considered under the plan's management framework as will the ties to coastal communities and the state economy. The state recognizes the importance of the Dungeness crab fishery to the state and coastal economies. Recreation is also an important and popular activity on the coast. During the use analysis process, Marxan was used to explore weighting existing uses differently and yet the results were not qualitatively different enough to warrant the added complexity from the many possible weighting schemes and the challenge of valuation.</p>
<p>O--1-44</p> <p>The energy maps in the Plan certainly will lend to misinterpretations as to where energy is best located offshore Washington to AVOID CONFLICT and produce only MINIMAL ADVERSE IMPACTS to FISHING in the future and lead to protracted and unnecessary legal battles similar to those being encountered on the east coast when an entity applies for an ocean energy or other new use lease from BOEM in federal waters sometime in the future which could be 25 or 30 years or more from the production of this Washington Plan. [Commenter: O--1]</p>	<p>O--1-44</p> <p>The Marxan results have indeed proven difficult to communicate. The results should be interpreted carefully. Section 3.3 of the plan captures the state's purpose for using Marxan and interpretation of the results. The analysis was exploratory and analytical in nature. The maps do not endorse the siting of projects in particular areas. The state believes the plan's management framework will provide a fair and rational process for considering the siting of new uses in the Study Area. That process will consider all relevant sources of information for evaluating project proposals. See response to comment O--1-41 for more a details.</p>
<p>O--1-54</p> <p>The Marxan mapping even though flawed provides some measure of significance that can be measured. Not all fishing ground is created equal, some areas are of much higher value to fishing than others depending on community dependency that is not properly presented in the Marxan maps. Some valuable fishing areas produce a magnitude or more per square mile than others ranging down toward zero community dependency use to fishing, depending on the specific fishery. Example: in recent years according to WDFW data the coast can be divided into four basic regions for the crab fishery moving down by one third at each division according to the use that the area received based on effort, only one measure of community dependency: 1. Oregon border to Klipsan Beach</p>	<p>O--1-54</p> <p>We agree that some areas to appear to be more valuable to fisheries than others, a pattern that does show up in the Use Analyses. With the coarse spatial scale and uncertainty in the input data, the patterns should not be viewed as definitive. Improved understanding of the connections between fishing communities and particular fisheries and areas of the Study Area would be important to consider when applying the plan's management framework. With the data that is typically available for fisheries, the analysis would likely be qualitative and dependent on expert judgement and stakeholder input. The need for this type of dialogue with affected fisheries is why the plan requires applicants to meet with affected fisheries stakeholders. We expect that it will remain difficult to make conclusions about relatively small areas. The basic</p>

<p>2300 pots/mile + Oregon pots 13 miles 2. Klipsan Beach to Pt. Chehalis 1000 pots/mile 25 miles 3. Pt. Chehalis to Pt. Grenville 375 pots/mile + tribal pots ?25 miles 4. Pt. Grenville to the Canadian border 75 pots/mile + tribal pots ?77 miles [Commenter: O--1]</p>	<p>regions described in this comment for the crab fishery may be one way of approaching the question.</p>
<p>O--1-77 Washington CMSP Marxan map products also fail the reasonable foreseeable effects test. There is NO way to determine coastal dependency on existing coastal uses as currently mapped with any degree of precision in order to avoid conflict from new use with only MINIMAL adverse impact that may come to the coastal zone that could be potentially inflicted by new use on fishing. Crab Fishing which supplies half the coastal fishing revenue on the coast most years is given the same weight as walking the dog on the beach as an existing use or sardine fishing that has not occurred in over three years and has NO coastal fishing vessels involved in the fishery. The entire basis of the current Plan maps is simply the individual number of uses that do not necessarily even contribute to the state or coastal economy in any meaningful manner. This map methodology is masking the reasonably foreseeable impacts on the coastal zone fish dependent communities and especially shortchanges the coastal dependency on fishing effects that both state and federal governments intended to utilize to protect and preserve coastal fishing stability and economic viability, particularly preserving high value fishing areas from future new development which was directed to AVOID CONFLICT. Correction Necessary. [Commenter: O--1]</p>	<p>O--1-77 We agree that the existing maps do not provide analysis of economic impacts nor of coastal dependency in full. They were not intended to do so. As described in responses to other comments, the Overlay Analysis and Marxan Analysis were largely exploratory in nature and intended to better understand broader patterns of use and energy suitability. More detailed analysis will be needed to understand the likely effects of any project that is proposed for the Study Area. Effects analysis, including a robust economic analysis, will be part of the case-by-case project evaluation process that is established by the plan's management framework.</p>

<p>O-8-1</p> <p>In reviewing the draft Washington Coastal Marine Spatial Plan and the associated draft EIS, I am very concerned that the public and coastal fishing fleet will not be able to discern the full legislative intent or statutory requirements of the coastal marine spatial plan to avoid conflict with existing uses, including fishing and that the enabling legislation [inaudible] was intended to protect. This lack of clarity that I've read so far - I've had trouble because I haven't read it all and I'll admit that - is troubling in reviewing the ocean energy maps in the area preferred energy placing them in very high value fishing grounds, which the legislature intended to avoid. [Commenter: O-8]</p>	<p>O-8-1</p> <p>It appears the commenter had not finished reading the plan when offering the comment. Chapter 4, which sets forth the plan's management framework, lays out the process and criteria for addressing the potential conflict between new projects and existing uses. The state has a mandate to closely consider effects on fisheries and fishing communities and to require that projects avoid and minimize adverse impacts. It also establishes a requirement to involve affected fisheries and additional protections for fisheries. The maps referred to are analytical and exploratory in nature and do not show preferred areas for energy development. They show that large scale wind energy projects do have the potential to conflict with existing uses.</p>
<p>O-8-11</p> <p>And if we're going to avoid conflict and hold that conflict to a minimal amount, I'm having a hard time justifying that in trying to understand from what I've seen when you put the best place for ocean energy is in one of the best crab fishing grounds that we have, especially here locally in Pacific County. I don't see how that avoided that. What the legislature intended to do was to find that sweet spot where the impact was minimal and say this is the best place for it. I don't see that in the plan. And put it in the middle of the ground and portray those maps, ocean energy got to say, "This is the best place for us and this is where we want to be." Contrary to that, fishing never got to say, "This is the best place for us and this is what we need to protect and preserve." That wasn't part of it. And that's an unfortunate aspect of this because I know that's what the legislature intended when this bill was written. It makes it difficult to look at this plan and reflect what I know what the legislature meant at the time. [Commenter: O-8]</p>	<p>O-8-11</p> <p>We do not interpret the Overlay Analysis and Marxan Analysis maps in the same way as the commenter. The wind energy suitability maps are based on wind potential and economic cost factors. These do indeed show that areas off the central and southern Washington coast would likely be most attractive to wind energy developers. These are also areas of importance to fisheries and existing uses, as represented by the fisheries use maps. Proposals for wind energy projects of the scale considered in these analyses would therefore be expected to have a high potential for conflict. Looking at the results caused the state interagency team to conclude that industrial scale projects in state waters would be highly likely to lead to unacceptable levels of impact. The plan's management framework lays out a process and considerations for close evaluation of project proposals.</p>
<p>O-8-7</p> <p>Off shore waters and instead of [inaudible] you list the number of uses and use that as a proxy. You don't really put the value to the community like crab fishermen supplies over 50% of fish income in any given year. It is equivalent to walking the dog on a beach as displayed on the use maps. I find this troubling. The use maps with these documents demonstrate that no new use of ocean space could be cited anywhere without conflict with existing fisheries. [Commenter: O-8]</p>	<p>O-8-7</p> <p>The fisheries maps produced for the plan are consistent with the comment that the entire Study Area is potentially of value to existing fisheries. The plan's management framework will be used to evaluate the potential for a project to adversely affect fisheries and fishing communities. Projects proponents will need to address how their projects will ensure no likely, long-term significant adverse impacts, how their projects avoid and minimize negative impacts to fisheries and existing uses, and how their projects are consistent with the fisheries protection standard.</p>

<p>O-2-4</p> <p>After reviewing the entire draft MSP, we are very pleased with the level of exhaustive description and analysis. The State and WCMAC have clearly invested significant time and energy into this plan and It shows. [Commenter: O-2]</p>	<p>O-2-4</p> <p>Thank you for your comment.</p>
<p>O-2-15</p> <p>Section 3.3 This section has considerable more detail about the methods and limitations of the Marxan spatial analysis compared with the earlier draft we reviewed. We very much appreciate this improvement as It conveys the complexities of Marxan and clearly articulates the high potential for use conflicts, even for areas that Marxan has identified as a "best solution." [Commenter: O-2]</p>	<p>O-2-15</p> <p>Thank you for your comment. We believed the complexities of the analyses performed and potential interpretations required more detailed information on the methods and limitations.</p>
<p>O-1-7</p> <p>3.3 Use Analysis</p> <p>A better understanding of the economics of various human uses, like fishing, would contribute to a more robust use analysis. For instance, in Washington State a tension emerged between high value fisheries (e.g. shellfish) and lower-value fisheries (e.g. hake) in terms of highlighting intensity of fishing in an area. As it stands, one high-value fishery in each area is valued lower than a corresponding combination of lower-value fisheries in terms of ex-vessel value. This is concerning to many Washington Dungeness crab fishermen, who may only fish one species in a specific area, while attaining most of their value in turn. Stakeholders want to be sure their uses are taken seriously, and more robust economic information that shows more detail in the spatial outputs could help alleviate some of their concerns. [Commenter: O-1]</p>	<p>O-1-7</p> <p>We agree that better understanding economic value of existing uses will be important in the future, especially when siting and evaluating specific projects in the Study Area. Illustrating some of the complexities involved, the whiting fishery is one of the more valuable to the state in terms of the financial return to fishers. At the same time, the fishery might not provide as much local economic activity as the Dungeness crab fishery because fewer fishing vessels are involved. Linking economic value to area will remain challenging for fisheries. Analysis will inevitably be qualitative and uncertain. The overall effects of a project on the state and region, on particular communities, and on individual participants in specific fisheries are all important perspectives to consider at the time a project is proposed. For this reason, the plan outlines the socio-economic effects that need to be thoroughly assessed for proposed projects.</p>

<p>O-11-32</p> <p>a. Page 3-24, second paragraph would be more accurate if modified to read: "Specifically, the state marine plan law requires the MSP to include a " A SERIES OF MAPS THAT AT A MINIMUM, SUMMARIZE available data on: The key ecological aspects of the marine ecosystem, including physical biological characteristics, as well as areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures; human uses of marine waters, particularly AREAS WITH HIGH VALUE FOR FISHING, SHELLFISH AQUACULTURE, RECREATION, AND MARITIME COMMERCE; AND APPROPRIATE LOCATIONS WITH HIGH POTENTIAL FOR RENEWAL ENERGY PRODUCTION WITH MINIMAL POTENTIAL FOR CONFLICTS WITH OTHER EXISTING USES OR SENSITIVE ENVIRONMENTS; (RCW 43.372.040(6)(c). (emphasis added).</p> <p>b. Page 3-24, second paragraph, second to last sentence should be struck. [Commenter: O-11]</p>	<p>O-11-32</p> <p>We have added language at the end of this paragraph to clarify ongoing confusion about the purpose of these analyses (see responses to other similar comments - O-11-34 and O-11-36). We have included a citation, so that people can refer to the complete language in the statute, if desired.</p>
<p>O-11-31</p> <p>Section 3.3 Use Analysis: page 3-24, second paragraph; Note; the reference to RCW 43.372.040 (6)(c) is incomplete. This incomplete statement does not present the legislative requirements of the maps the legislature expected to be completed as a part of the Ocean Planning data collection, presentation and process. Rather than edit the mapping statute this paragraph should state all of the Statutory language in (RCW 43.372.040(6)(c). Additionally as per the mandate the mapping methodology did not "meet" the requirements of the statute but was an "attempt" to meet the mandate of the statute. A clarification of what the use analysis did and did not utilize to identify and evaluate potential conflicts is important to the interpretation of results. The legislative direction to the agencies used the term "value" to identify and quantify conflicts whereas the state agency use analysis did not. The use analysis did not assign "value" to existing uses but instead used the number of differing existing uses and the intensity of each existing use as a proxy for "value" to identify areas and number of conflicts with potential new ocean uses. As referenced above the legislative directive as contained in RCW</p>	<p>O-11-31</p> <p>The state has addressed the series of maps mandate using the best available data and objective analytical techniques. Data availability and uncertainty limit the ability of anyone to precisely map the elements called for in RCW 43.372.040(6). The statute recognizes this in calling for maps that "summarize available data." While imperfect, the maps produced of the fisheries occurring in the Study Area have advanced knowledge considerably beyond what was previously available. The "intensity" metric does not equate perfectly to value. In general, intensity is presumed proportional to value yet there are many other factors to consider. In recognition of the uncertainty in spatial valuation, it is the plan's management framework, not the maps themselves, that will be used to guide the evaluation of specific project proposals.</p>

<p>43.372.040(6)(c) did not contain language that prescribed maps that identified areas of existing use intensity but required mapping to identify areas of "high value" for existing use (such as fishing) and areas of "minimal conflict" with existing use (such as fishing) and potential new ocean uses. Intensity of use and number of uses is being used as a proxy for value. While this may have merit it does need further explanation. and the claim that intensity of uses and number of uses meet the mandate is specious. and disingenuous. Similarly the second to last sentence "The outputs (what outputs? ) showed areas that have relatively higher renewable energy potential, but contain fewer uses or less heavily used areas" does not meet the legislative mapping mandate and should be struck. [Commenter: O-11]</p>	
<p>O-11-34 Chapter 3 Marxan Analysis a. Decision to use Marxan: Page 3-31 first paragraph, first sentence revise sentence to read " The State's main purpose for using Marxan was an attempt to fulfill the marine planning law..... [Commenter: O-11]</p>	<p>O-11-34 We understand the commenter's concerns about the degree to which the series of maps is able to answer the question asked by the Legislature. The state has addressed the series of maps mandate using the best available data and objective analytical techniques. Data availability and uncertainty limit the ability of anyone to precisely map the elements called for in RCW 43.372.040(6). The data sources and analyses performed are limited in their ability to evaluate the ultimate impact of new projects in the Study Area. The maps should be viewed as exploratory. The state has not identified preferred areas for alternative energy development. In fact, the main conclusion drawn by the state is that it is highly unlikely that an industrial scale project, in state waters, would be able to satisfy the state's policies and permit criteria. The plan's management framework is designed to address the commenter's concern about adverse impacts.</p>



<p>O-11-35</p> <p>General comment on Use Analysis and Marxan Modeling: The Marxan modeling based on number of uses and intensity of uses can lead to visual presentations that miss the importance and value of areas having a fewer number of uses and fewer intensities yet may be extremely valuable to that use. Additionally, Marxan is grading on a curve. Marxan goals identify area that have less conflict than another area as a "preferred" or "low cost area" for placement of a new use. The fact is Marxan only identifies an area that exhibits conflicts something less than another area and not necessarily an area with "minimal" impact on an existing use. [Commenter: O-11]</p>	<p>O-11-35</p> <p>We agree with this comment's general interpretation of how Marxan was used. The scenarios used in the plan involved achieving a set level of energy production. The Marxan algorithm searches for enough cells that achieve that level with the least cost, with the measure of cost coming from the existing use intensity scores. The analyses were exploratory in nature. Chapter 3 of the plan provides the state's interpretation of the Marxan Analysis results.</p>
<p>O-11-37</p> <p>Fishery representatives both as WCMAC members and during public comments have consistently expressed concern over the use of the term "low" intensity to describe the lesser (not as great in quantity) 25% of a fishing sector intensity. The word "low" carries a pejorative interpretation. Further recent Court rulings including Lummi vs Corp of Engineers and Tribal Culvert Case have considered impacts of 5-7% of an activity as significant and to be avoided. "Low" intensity would be more accurately captured by less than 5-7% of fishing intensity. Under ORMA 43.143.030(2): "uses requiring federal, state or local government approvals...may be permitted only if the criteria below are met or exceeded"...among them : 43.143.030(2)(c) "there will be no likely long-term significant adverse impacts to coastal or marine uses" (including Fishing). If a significant impact is something less than 7% then the current "low" standard in the maps of 25% of fishing activity to reflect a "minimal" impact falls far short of the statutory mandate to describe maps where "minimal" conflicts would occur. As is pointed out in the Document page 3-31 last paragraph: "One of the results of the analysis was the demonstration that there is clearly no place within the Study Area that has a minimal potential for conflict with exiting uses. " This is the fundamental finding of the Spatial Analysis and this was not known prior to the MSP process. [Commenter: O-11]</p>	<p>O-11-37</p> <p>As noted in other responses to similar comments, the data and analyses provided in the plan do not constitute an impact analysis, nor do they provide interpretation of state policies. Such an analysis needs to be conducted for proposed projects on a case-by-case basis and would evaluate the types of significant adverse impacts that may occur. Projects will be required to demonstrate they meet the state's policies and criteria noted in the plan's management framework, including that the project has no likely long-term, significant adverse impacts to fisheries.</p> <p>We believe the fisheries and use maps and their rankings provide useful information. At the same time, we are aware of the confusion and varying perspectives about the use of the terms low, medium, and high. The methods used to produce the maps were based on relative rankings with a low ranking simply indicating that the hexagon was in the lowest 25th percentile of all hexagons as ranked by fishing effort. It is easy to equate relative and absolute metrics. The hexagons below the 25th percentile could equate to a very small percentage of the total overall fishing effort depending how fishing effort is distributed. The percentiles used to define the intensity rankings cannot be directly translated into impacts on a fishery. In general, the impact would be greater in areas ranked as high but the low ranking does not mean low impact. Additional questions about the fisheries maps can be directed to WDFW.</p>

<p>O-11-33</p> <p>Chapter 3 Overlay output: Page 3-30, third paragraph, second sentence; Note: This sentence is an overreach of agency authority. The sentence seems to indicate that the authors can determine what the goal of a conflict resolution would be. A conflict could have a resolution option with an impact that is relatively "minimized" over another option but that does not mean the "minimized" option is not still above the "significant adverse" impact standard in SEPA or the "adverse" impact standard in ORMA. Page 2-30 third paragraph, second sentence; strike sentence. [Commenter: O-11]</p>	<p>O-11-33</p> <p>The commenter seems to have misinterpreted the role of these analyses. These analyses are not an impact analysis for the purposes of the State Environmental Policy Act (SEPA), nor do they demonstrate whether a project would satisfy the policies regarding adverse impacts, such as those contained in the Ocean Resources Management Act (ORMA). At the time a specific project is proposed, the SEPA process will be used to determine whether a project has significant adverse impacts. The plan's management framework sets forth the process and standards that will be used to evaluate projects on a case-by-case basis.</p> <p>The analyses were designed to summarize and explore existing data for the plan. This section is describing patterns observed in these exploratory analyses and the challenges presented within those results.</p>
<p>O-11-36</p> <p>Washington legislation including ORMA legislation and legislation specific to a CMSP process identify the protection and preservation of existing sustainable uses as the primary and first order of a Washington State CSMP. The legislature has made it clear that there is not an expectation to force a new use into areas that will displace or harm existing sustainable uses and coastal resources. Marxan does exactly what the Legislature has directed the CSMP to avoid. The assumption and purpose of Marxan is it WILL find an area with less impact that is not guaranteed or necessarily expected to be no, or low impact or "minimal" conflict. Marxan will not find such an area within the Washington CMSP study area. The best we can expect from Marxan for this CSMP is to identify areas where no new uses could be placed without significant conflicts and not expect it to identify areas where new uses could be placed with "minimal" conflict. Marxan modeling and resulting mapping does not meet the requirements of 43.372.040(6)(c). Map 3-17 demonstrates how poor the best results of Marxan truly are. Example: The Marxan solution in map 3-17 for a monopole energy farm is in the middle of the most concentrated area of use of the most highly valued fishery on the Washington coast. [Commenter: O-11]</p>	<p>O-11-36</p> <p>We believe the commenter is misinterpreting the interagency team's intent in performing the Marxan Analysis and the nature of the mandate at question. The mandate of RCW 43.372.040(6) is to summarize available data. The interagency team conducted an objective evaluation using standard geographic and analytical techniques to do so. It is an analytical mandate, not a substantive mandate for siting projects. The maps do not show preference for wind energy development. They simply compare alternative energy potential with maps of existing uses.</p> <p>The example cited in this comment, led the state to conclude that an industrial scale project, in state waters, would probably not be able to satisfy the state's policies and permit criteria (see Section 4.3.4 Spatial Recommendations). The plan's management framework is designed to address the commenter's concern about adverse impacts, including criteria to avoid and minimize adverse impacts to existing uses that come from other statutory provisions, largely from the Ocean Resources Management Act (ORMA).</p>

<p>O-5-5</p> <p>The authors, recognizing that Marxan cannot locate areas of minimal conflict because there are none, have elected to interpret the clean language of the legislature to change the minimal conflict standard to find areas minimizing conflict. I believe the statute does not allow for that discretion. I believe the document needs to either eliminate or better explain the shortcomings of the preferred new use site maps based on Marxan. [Commenter: O-5]</p>	<p>O-5-5</p> <p>We believe the commenter is misinterpreting the interagency team's intent and the nature of the mandate at question. The mandate of RCW 43.372.040(6) is to summarize available data. The interagency team conducted an objective evaluation using standard geographic and analytical techniques to do so. The RCW provides an analytical mandate, not a substantive mandate for siting projects. The maps do not show preference for wind energy development. They simply compare alternative energy potential with maps of existing uses.</p> <p>In addition, the word "minimal" has relative ("as small as possible") and absolute ("very small") connotations. It is unclear which the Legislature intended. If the latter, the Overlay Analysis and Marxan Analysis both show that there are no obvious areas where conflict could be deemed to be very small for projects with the footprint of the type explored.</p>
<p>O-5-4</p> <p>But I would like to briefly discuss of the mapping presented in the documents based on Marxan. The reliance on a computer-generated model for site analysis called Marxan and the resulting maps in the documents mainly to be ill-informed decisions and misleading interpretation of potential conflicts between proposed new uses and existing ones. The Marxan model based on the number of uses and intensity of uses can lead to visual presentations that miss, as Doug Furdy pointed out, the importance of areas having fewer uses, yet may be extremely valuable to that use and to coastal communities and economies depended on that use. Additionally, Marxan is grading on a curve. Marxan goals identify areas that have less conflict than another area as a quote "preferred or least conflict or low-cost area for placement of a new use". The fact is, Marxan only identifies an area that exhibits conflicts something less than another area and not necessarily an area with a minimal impact on existing uses. [Commenter: O-5]</p>	<p>O-5-4</p> <p>See other responses regarding the purpose of these analyses, including O-5-5, O-11-34, and O-11-35.</p>

## 11. Technical Clarification

Comment	Response
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<p>I-10-2 Executive Summary PDF page 15 (xiii), I suggest that the 3rd paragraph should be amended "...and to assist state agencies, tribal governments and others in evaluating..." [Commenter: I-10]</p>	<p>I-10-2 While state agencies are responsible for implementing the plan, we agree that the plan will be useful to a wide range of entities, including federal agencies. We have added them to the list of "others" that will likely benefit from the plan.</p>
<p>I-10-3 Page 16 (xiv) Westport was recently named 10th in the nation for commercial seafood landings. [Commenter: I-10]</p>	<p>I-10-3 Thank you for your comment. This list is summarizing data and statistics provided in the plan. We recognize additional statistics and rankings may help further support the importance of the resources and uses in the study area to coastal communities. No source citation was provided for this particular statistic.</p>
<p>OTH-1-1 1. MSP/x Acknowledgements Please add U.S. Navy as a stakeholder. 7. MSP/2-32 Orca section, para 2 Please replace this sentence: „The NOAA Northwest Fisheries Science Center, Cascadia Research Collective, and the U.S. Navy use satellite tags on the resident orcas to learn more about their winter migrations and the extent of their range.“ With: „Satellite tags and passive acoustic recorders have been utilized to learn more about southern resident killer whale winter migrations and the extent of their range (Hanson et al. 2017). 8. MSP/2-35 Marshbirds Please remove citation to Navy 2015 and cite original studies on harlequin ducks. Navy, 2015 is not the authority on this subject area. 9. MSP/2-35 Shorebirds Please remove citation to Navy 2015 and cite original studies on shorebird stopover and colony habitat. Navy, 2015 is not the authority on this subject area. 10. MSP/2-36 First full para Please remove citation to Navy 2015 and cite original studies on marbled murrelet reproductive success. Navy has funded marbled murrelet studies through cooperation agreement with WDFW, but those studies have been focused on determining marbled murrelet density, and may not be the correct reference for this statement. Information on density and abundance should cite the original WDFW reports. 13. MSP/2-139 Lodging Consider mentioning Seabrook, a vacation home rental development established in 2006. [Commenter: OTH-1]</p>	<p>OTH-1-1 Thank you for your comments. We have made some of these technical corrections and clarifications. Complete citations were not provided. We have added a footnote to clarify that the Navy is not the original source for these studies. Since the information from these studies are included in the Navy's published EIS documents, the Navy is appropriate to cite as a secondary source.</p>

<p>O-2-10 Section 1.5, pg 1-13 Recommend naming the five national wildlife refuges that are in the MSP Study Area. [Commenter: O-2]</p>	<p>O-2-10 Thank you for your comment. We added names of the five national wildlife refuges.</p>
<p>O-2-11 Section 2.1, pg 2-6; Section 2.1, pg 2-7 Recommend spelling out Pacific Northwest instead of using PNW in the second to last paragraph. [Commenter: O-2]</p>	<p>O-2-11 Thank you for your comment. We spelled out Pacific Northwest the first time it is used under the Physical Oceanography section and used an acronym for future references. Per this suggestion, we spelled it out again the first time it was used under "storms and wave energy" and again provided the acronym.</p>
<p>O-2-12 Section 2.1, pg 2-7 The description of "the Blob" gives the impression that it is a regularly occurring phenomenon, similar to ENSO and PDO. Recommend language describing it as an anomaly, although a caveat could be included that shifting climate patterns might provide conditions to see similar events in the future. This is articulated in the Climate Change section (2.11) but not here. [Commenter: O-2]</p>	<p>O-2-12 Thank you for your comment. We have added some language to clarify this point.</p>
<p>O-2-13 Section 2.6, pg 2-136 More accurately, the Clean Water Classic is held in the late September to early October timeframe. [Commenter: O-2]</p>	<p>O-2-13 Thank you for your comment. We have made this correction.</p>
<p>O-2-16 Section 4.2.1 (4.c) &amp; (5.b) Second paragraph begins with unclear language: "The meeting shall be necessary data...,Ä" Please clarify. [Commenter: O-2]</p>	<p>O-2-16 As described further in Section 4.2.1, under the federal Coastal Zone Management Act, a state has the ability to list specific "necessary data and information" that goes beyond the federal requirements. Any approved and listed "necessary data and information" must be provided by an applicant for a federal license, lease, or permit to initiate the state's review of a federal consistency certification.</p> <p>As part of the plan, Washington has identified two additional "necessary data and information" requirements: 1) holding a meeting with Washington Department of Fish and Wildlife and affected fisheries stakeholders, including providing a copy of the meeting summary and sign-in; and 2) the notice provided to Washington Coastal Marine Advisory Council regarding the proposed project. Under Section 4.2.1, see header # 5 "Necessary data and information" for more complete description of the requirements for this provision under the federal law and regulations.</p>

O-2-17 Appendix C, Recreation and Tourism Data Table Remove "331" from Recreational Study Map Reference. [Commenter: O-2]	O-2-17 Thank you for your comment. We have made this correction.
A-2-15 Sand and Gravel Mining 2.10 Page 2-250 Yes, this is where the Shoalwater project should be...not in the beneficial uses section. Page 2-251 Environmental Concerns 1st. sentence. Yes it is...the Shoalwater project removed 700,000 cy to initially build the dunes in 2012-2013, and will dredge another 700,000 cy in 2018 if funding permits. They plan on maintenance using 250,000 cy every 5 years. [Commenter: A-2]	A-2-15 Thank you for your comment. We have updated information on the Shoalwater dune restoration project in this section.
A-1-3 Page 2-236: Change Water Quality Act to Clean Water Act [Commenter: A-1]	A-1-3 Thank you for your comment. This correction has been made.
A-1-4 Page 2-236: DNR's permit for dredged material disposal should be capitalized , "Site Use Authorization (SUA)". [Commenter: A-1]	A-1-4 Thank you for your comment. This correction has been made.
A-1-5 Page 2-237 under Site Selection: Change second sentence to say "As described above, several agencies are involved in designating, identifying, and managing disposal sites..." [Commenter: A-1]	A-1-5 Thank you for your comment. This correction has been made.
O-11-3 Recommended addition to Paragraph 4 (xiv) [Executive Summary]: Add additional bullet after second bullet to include information from recent Port of Grays Harbor economic study on contribution of fishing industry to Grays Harbor economy: * Port of Grays Harbor 2013 Economic Impact Study: 2052 jobs created by commercial fishing activities from just Port of Westport activity. Commercial fishing activity in Grays Harbor County generated \$203,000,000 in business revenue and \$8,890,000 in State and local taxes. Note; partial explanation for inconsistency with Taylor study: Taylor study did not include self-employed fishermen. Most fishers are self employed. Taylor used employment statistics from Washington State employment information which understates the number of jobs in the commercial fishing industry. Port of Grays Harbor study was based on direct interviews and other data sources. [Commenter: O-11]	O-11-3 Thank you for your comment. The executive summary is intended to provide an overall picture of the Washington fishing economy. The Port of Grays Harbor study is referenced elsewhere in the plan. Taylor et al. study also used direct interviews and self-employed numbers to estimate employment in the fishing sector. Different methodologies, models, and time periods can result in varying estimates from economic studies.

<p>O-11-4 Under How to use the Plan [Executive Summary]: Recommended edit Paragraph 1 (xvi): Fourth bullet after ....existing ocean uses, including but not limited to alternative locations..... [Commenter: O-11]</p>	<p>O-11-4 Thank you for your comment. We replaced the term "including" with "such as" to emphasize that these are just examples and are not intended to be all inclusive.</p>
<p>O-11-6 1.1 Purpose and Need for the Marine Spatial Plan: Suggested edit: Page 1-1 Paragraph 4 third bullet: "Requirements and recommendations for evaluating new ocean uses through the different phases of project review, comply with applicable local, state, and federal laws and regulations." Note; I am concerned with an interpretation of "existing" with the notion of laws" existing" at the time of this document and not those "existing" at the time of project review. I am also concerned with "existing laws and regulations" not being specific enough. Additionally, I am concerned that "consistent" is vulnerable to interpretation and challenge and "comply" less so. [Commenter: O-11]</p>	<p>O-11-6 Thank you for your comment. The plan provides requirements and recommendations that are consistent with existing state laws and regulations. That is, they have been developed in accordance with, and are compatible with, the state laws and regulations that currently exist. At the same time, we recognize that all applicants must comply with all applicable local, state, and federal laws and regulations that are in place at the time of project review. The state's plan is not the mechanism for ensuring compliance with all of the state, local, and federal laws and regulations (including those that may exist in the future), the permits, licenses, leases and authorizations issued by each entity are the mechanism for compliance for any given project.</p>
<p>O-11-13 2.1 Ecology of Washington's Coast: Oil Spills; Page 2-40, at end of paragraph one, add to last sentence; "....however at the present time no crude oil tanker traffic transits Grays Harbor or the Columbia River." [Commenter: O-11]</p>	<p>O-11-13 Thank you for your comment. The purpose of this section is to discuss the general stressors that exist in the entire MSP study area, such as oil spills, and their impact on the ecology of the region. A more detailed description of projects and trends in marine transportation is provided in Section 2.7: Marine Transportation, Navigation, and Infrastructure.</p>
<p>O-11-14 2.1 Marine Debris: Page 2-42 third paragraph, second sentence insert the word "pot" or "trap" between "All fixed pot (or trap) gear fisheries.....". Note third sentence same paragraph. There are not many "Other types of derelict gear that continue to catch.....". Perhaps authors could clarify what gear they are referring to? In Ocean waters there are no gillnets used for any fishery in the MSP Study Area. There could be some lost or abandoned trawl nets...probably not many. [Commenter: O-11]</p>	<p>O-11-14 Thank you for your comment. As suggested, we have clarified this paragraph. This includes specifying that lost gear such as trawl nets or fishing lines can continue to catch or entangle fish and wildlife.</p>

<p>O-11-16</p> <p>2.3 Socioeconomic Setting:</p> <p>a. Page 2-64, first paragraph, last sentence; change" .....as much as 40 nautical miles west into the Pacific." to read; ".....56 nautical miles west into the Pacific. ( Note; SW corner of Quileute U&amp;A extends to 125.44 W off of the Queets River a distance of 56 nautical miles-- authors can confirm).</p> <p>b. Page 2-64 third paragraph; insert new bullet: Industrial Economic Inc. (2014) Marine sector analysis report....." .See page 2-80 for reference) (Note; This study also included "Stakeholder views and future trends. It was not just specific to an economic marine sector analysis. Results of this study would be appropriate to reference in section 2.3 Socioeconomic Setting and should be included).</p> <p>[Commenter: O-11]</p>	<p>O-11-16</p> <p>We have added the suggested reference and checked the general offshore distance of the U&amp;As.</p>
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## 12. Maps

Comment	Response
<p>I-7-8</p> <p>The maps in this plan do not show the minimal conflict/ adverse impact areas with existing uses as the legislature intended. More should be shown that describes the impacts of these new uses on existing uses. [Commenter: I-7]</p>	<p>I-7-8</p> <p>The plan's series of maps summarizes available spatial data on existing uses, ecological resources, and alternative energy potential. This was the mandate of RCW 43.372.040(6). The Use Analyses were exploratory in nature. For the development scenarios explored, the state agrees that the maps show no obvious areas where conflict could be presumed to be very minor. The conclusions that can be drawn from the analysis are limited by the uncertainty in the input data and the limited scope of analysis. The analysis only considered spatial overlap using a coarse spatial scale. The plan's management framework establishes a process and considerations that will more fully examine projects on a case-by-case basis. It may be the case that certain projects could be sited with minimal conflict. The management framework requires projects to avoid and minimize adverse impacts and demonstrate they will have no likely, long-term significant adverse impacts to existing uses or resources.</p>



<p>I-7-10 The Washington CMSP and the EIS needs to fulfill the legislative intent to Protect and Preserve fishing, map all existing uses, and establish "if" there is a viable NO conflict place available for new uses like Ocean Energy off the Washington coast. [Commenter: I-7]</p>	<p>I-7-10 We agree that the Legislature mandated that adverse impacts on fisheries and existing uses from new projects be avoided and minimized. The plan's management framework, including the fisheries protection standard, are the means of achieving this mandate. Evaluation of proposed projects and their potential adverse impacts will be examined on a case-by-case basis.</p>
<p>I-6-6 3. The maps are still not very accurate in many areas. For example the fishing and crabs areas, the uses of Grays Harbor and Willapa Bay (should not just be listed as valuable). [Commenter: I-6]</p>	<p>I-6-6 The plan relies on the best available data to produce the plan maps. The plan acknowledges the uses of both Grays Harbor and Willapa Bay for fishing and shellfishing. Grays Harbor and Willapa require a finer spatial resolution than used in the ocean areas to map properly. Less is known about the ocean areas of the Study Area and the coarse resolution mapping was sufficient to explore broader patterns. If there are projects proposed with the potential to affect fisheries in these estuaries, it will be important to map areas of high fishing in those areas. With the limited data available, such maps will likely depend on input from fisheries experts and stakeholders.</p>
<p>I-6-15 the SOC has refused to map ocean area the legislature intended —the intent was to map valuable fishing area and place ocean energy or other new use in areas of the ocean that AVOIDED CONFLICT with existing uses like fishing, there is NO map in the Plan that accomplishes that directive with minimal impact on fishing — the SOC Plan is a cover up of the real facts which they did not want to put before the public. Remember, of all the public meetings ocean energy was not even once mentioned as a preferred use of the ocean, not once. Sound bites deep pushing "stuff" uphill as the FACTS are ignored. [Commenter: I-6]</p>	<p>I-6-15 The state addressed the series of maps mandate, which was to summarize available data on ecology, human uses, and alternative energy potential. It is not a substantive mandate governing the siting of projects in the study area. The maps do not set forth siting preferences for any particular use. The plan's management framework lays out the process and considerations for evaluating the impacts of proposed projects.</p>

<p>O--1-2</p> <p>The Plan needs a map showing where new use can exist that has the least amount of conflict and adverse impacts to fishing and other existing uses that meets the legislature's intent – currently this map is not in the CMSP. [Commenter: O--1]</p>	<p>O--1-2</p> <p>Per RCW 43.372.040(6), we included in the plan a series of maps that summarizes available spatial data on existing uses, ecological resources, and alternative energy potential. The Use Analyses (Overlay and Marxan) were exploratory in nature and are not intended to substitute for additional analysis by the applicant at the time of project application. For the development scenarios explored, the state agrees that the maps show no obvious areas where conflict could be presumed to be very minor. The conclusions that can be drawn from the analysis are limited by the uncertainty in the input data and the limited scope of analysis. The analysis only considered spatial overlap using a coarse spatial scale. The plan's management framework establishes a process and considerations that will more fully examine projects on a case-by-case basis. It may be the case that certain projects could be sited with minimal conflict. The management framework requires projects to avoid and minimize adverse impacts and meet all other state policies and standards.</p>
<p>O--1-40</p> <p>AVOID CONFLICT - existing use maps do not clearly portray areas to avoid for new use, particularly high value fishing areas as intended by the legislature. Energy maps are located in high value fishing areas, erroneously and do not portray the legislative intent to locate ocean energy in areas of MINIMAL ADVERSE IMPACT to existing uses including Fishing which may exist only outside of 125 fathoms in select areas of minimal existing use. CORRECTIVE ACTION REQUIRED. [Commenter: O--1]</p>	<p>O--1-40</p> <p>For the development scenarios explored, the state agrees that the maps show no obvious areas where conflict could be presumed to be very minor. The conclusions that can be drawn from the analysis are limited by the uncertainty in the input data and the limited scope of analysis.</p> <p>The Marxan scenario focused on achieving a fixed energy goal. The energy score was based on the PNNL suitability analysis that looked at wind potential and economic factors like distance to port and the energy grid. The Marxan algorithm searched for areas that achieved that goal while minimizing the number and intensity of existing uses (a simplified qualitative ranking). The Marxan results tells us that the energy goals can only be achieved in areas where there are existing uses. Conflict could occur outside of 125 fathoms as well.</p> <p>The Marxan analysis was a helpful first step in understanding the nature of conflicts that could arise. It should be viewed as an exploratory analysis and not as endorsing areas for development. The plan's management framework is designed to evaluate potential conflicts and impacts using all sources of information. Applicants will have to demonstrate they meet all the state policies and standards for avoiding</p>

	and minimizing potential impacts including that their project will have "no likely, long-term significant adverse impacts to ocean resources or uses."
<p>O--1-48</p> <p>The responsible action on the Marxan maps must have the 45 fathom curve etched into each map to better delineate where maximum protection is enforced by the Fishery Protective Standards. [Commenter: O--1]</p>	<p>O--1-48</p> <p>The fisheries protection standard applies everywhere that fisheries may be adversely impacted and is enforced equally to potentially affected fisheries.</p> <p>Commercial fishing representatives previously requested 100 fathom depth curves to be displayed on plan maps for ease of reference by commercial fishing interests. Therefore, plan maps display the 100 fathom depth curve. Many maps also display the 20 and 60 fathom depth curves.</p>
<p>O--1-64</p> <p>This gear movement area needs to be placed on a Map to clearly show where EXCESS CONFLICT between existing use, fishing, occurs and new fixed use MUST AVOID this CONFLICT to meet the fisheries protective standards found in the legislation. [Commenter: O--1]</p>	<p>O--1-64</p> <p>The plan acknowledges the potential for gear entanglement posed by new ocean structures, including information from fishing industry representatives. See response to comment O-1-47 for more details.</p> <p>The fisheries protection standard applies everywhere that fisheries may be adversely impacted, including avoiding and minimizing the risk of fishing gear entanglement from new structures. No scientific data sources exist to definitively map areas of gear movement.</p>
<p>O-8-9</p> <p>And so that's why they wanted to have use maps so that they could see what the use was and to protect that use from those maps. That was the primary use. And then if there was a hole left in that mapping system then new use was acceptable to be put in. And I don't think that's really clear in this plan. I don't think it really reflects the intent of the legislature. [Commenter: O-8]</p>	<p>O-8-9</p> <p>The maps of existing uses produced for the plan greatly advanced the state's understanding of how the Study Area is being used. As stated in responses to several other comments, the maps themselves identify no obvious areas where large scale developments could be sited and not affect existing uses.</p> <p>The plan's management framework is designed to evaluate projects on a case-by-case basis. Ultimately, applicants will have to demonstrate they meet all the state policies and standards for avoiding and minimizing potential impacts including that their project will have "no likely, long-term significant adverse impacts to ocean resources or uses."</p>

<p>T-1-25</p> <p>There needs to be clarity within the Draft Plan on where ISUs are being designated, the maps depicting ISUs extend far beyond state waters, however, the description of ISUs indicate they are only designated within state waters, i.e., shoreward of 3 nautical miles. We recommend each map make clear that designated ISUs are located only in State waters rather than in other waters depicted in the maps. [Commenter: T-1]</p>	<p>T-1-25</p> <p>The ISU protection standard clearly states that ISUs are designated in state waters only (see Section 4.3.3). While the maps themselves have not been altered, we have included a page prior to the ISU maps that emphasizes they apply in state waters and refers back to the ISU protection standard language in Chapter 4.</p>
<p>A-1-1</p> <p>Map 52 ,ÃThe purple dot indicating the Westport Marina is in the wrong place and should be moved to where the blue dots on the east side of the peninsula are. [Commenter: A-1]</p>	<p>A-1-1</p> <p>Thank you for your comment. We have corrected Map 52.</p>
<p>O-7-1</p> <p>Well, it seems like the elephant in the room is stationary projects off the coast of Washington. And to assume that this isn't going to have an impact on fisheries no matter how your charts and what not lay this out that you're using for reference and the hot spots where the fishing are. Fish move, salmon, albacore, all these other things. And so you can't define an area. You may define an area where a particular group of fishermen like draggers will find that that's the most productive areas to fish. But that doesn't mean that those fish don't travel up and down the coast. And so I noticed on your charts that you had these areas all marked out where this was the preferred place. And I think that's an error. [Commenter: O-7]</p>	<p>O-7-1</p> <p>We agree that the fisheries use maps should interpreted carefully and recognized as providing an uncertain representation of each fishery. Dynamic change is challenging to display on static maps. Patterns do change over time, varying from year to year, even with normal variability in the California Current ecosystem. Climate change may increase that variability or even show directional change by, for example, shifting the distribution of fish and shellfish stocks.</p> <p>The Marine Spatial plan recognizes the potential impact new uses may have on existing uses and resources and provides a framework to ensure their protection. The plan provides the best available data on commercial and recreational fishing and other resources as baseline information. This will assist applicants with understanding the current, general patterns of use and resources that could be impacted by a proposal. The data and maps in the plan do not substitute for a more detailed impact analysis of a particular project. The best available information should be updated when projects with the potential to adversely impact fisheries are proposed.</p> <p>The plan requires applicants to notify affected fisheries at the earliest possible stage. This will assist in updating information about any changes to fisheries use patterns and in identifying potential adverse impacts to affected fisheries. In addition, the applicants will be required to conduct a thorough effect analysis. Ultimately, applicants will have to demonstrate they meet all the state policies and standards for avoiding and minimizing potential impacts including that their project will have "no likely, long-term significant</p>

	adverse impacts to ocean resources or uses."
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### 13. Military

Comment	Response
<p>I-5-2 For planning purposes, we must be honest however, and take into account the tremendous negative impacts currently being conducted by military operations off the coast and within the Electromagnetic Warfare Zone practiced in the upland and coastal forests. Despite its natural beauty and sanctuary status for outdoor recreation, tourism and renewal, this area is also a practice war-zone and these impacts must always be accounted for and disclosed to the public. [Commenter: I-5]</p>	<p>I-5-2 While we understand the concerns raised about impacts of existing uses, the marine spatial plan is focused on evaluating and providing information to assess and guide new ocean use proposals. The MSP is not designed to evaluate impacts generated by existing uses such as fishing, shipping, or military training activities. Information on impacts for existing uses is available through the environmental review documents, plans, and permits for those uses. In the case of the Navy, various Environmental Impact Statements evaluate and disclose the impacts of different types of Naval training to the public (e.g. electronic warfare operations and training and testing operations offshore).</p>
<p>OTH-1-6 14 MSP/2-162 Military Use Please add additional information regarding the historic presence of the DoD in the Summary of History and Current Use. Please add: These sites have existed for decades, some dating back to the 1910s. Please also incorporate missing historical data on Military use of the Washington Peninsula for training and active use in defense of the Nation (i.e., Quileute Airfield was once Quillayute State Airport, a public airport located approximately 10 miles (16 km) west of the city of Forks, in Clallam County, Washington, United States. It is owned by the City of Forks. This former Naval Auxiliary Air Station was deeded to the City of Forks by the Washington State Department of Transportation in 1999. Quillayute was a Navy facility, the northern base for blimp patrols running up and down the Washington and Oregon coast during WWII. The Navy has for over 70 years and continues to use the airspace over the Washington Peninsula for training Navy, Air Force, and Coast Guard aircrews. The Navy currently has a facility on the coast of Washington at Naval Station Everett Annex Pacific Beach that provides electronic systems training for aircraft. [Commenter: OTH-1]</p>	<p>OTH-1-6 Thank you for your comment. More background on the history of this use has been added.</p>

<p>OTH-1-7 15 MSP/2-162 Military Use, para 1, last sentence Please add to end of last sentence: "although other military services occasionally use the MSP Study Area." [Commenter: OTH-1]</p>	<p>OTH-1-7 We have added a sentence acknowledging the occasional use of the area by other military services.</p>
<p>OTH-1-8 16 MSP/2-164 Future trends, sent 3-6 Please replace with: "At the time of writing, the Navy has proposed to conduct small unit, intermediate and advanced land and cold-water maritime training for Navy special operations personnel. The intent of the proposed training is to teach trainees: 1) the skills needed to avoid detection; and 2) not to leave any trace of their presence during or after training activities. The proposed training locations in the MSP Study Area include the following State Park properties: Westhaven, Westport Light, Twin Harbors, Leadbetter Point, Pacific Pines, and Cape Disappointment. [Commenter: OTH-1]</p>	<p>OTH-1-8 Thank you. We have updated the information about this proposed training activity.</p>
<p>OTH-1-9 17 MSP/2-190 Potential Impact on Human Uses Spatial conflicts Please add section heading for Conflicts with Military Use. This section should discuss effects on Navy training areas, including potential impacts to Navy gunnery training, ship and submarine maneuvers and transit, and aircraft training. Obstruction issues resulting from off shore renewable energy development should be addressed, including potential safety of flight issues due to the height of wind energy turbines and the cumulative effect of pushing commercial surface vessel traffic further off shore. Additionally, review of potential interference with both FAA and Western Air Defense radars is needed. [Commenter: OTH-1]</p>	<p>OTH-1-9 As suggested in this comment, we have added additional detail on potential conflicts with military uses to an existing section describing these impacts.</p>

#### 14. Sediment Dredged Disposal

Comment	Response
<p>O--1-73</p> <p>This Plan almost completely ignores coastal sediment requirements and needs to incorporate the new concept of "Coastal Sediment Rights". The Pacific County SMP update addressed the anthropogenic interruption of the coastal sediment supply and demand social justice for the coast by those that caused the federal interests that truncated the historical coastal sediment supply that needs federal mitigation to directly address our growing coastal erosion. This CMSP should address through initiation of a new concept, "Coastal Sediment Rights". Federal actions have truncated the sediment supply to the coast causing a growing coastal sediment deficiency which began over a hundred years ago with the construction of the North and South Jetties that act as a nozzle and blew over 300 - 400 million cubic yards of sand offshore beyond the littoral drift, lost to the coast to balance a rising sea forever. Mitigation required and not in the Plan. [Commenter: O--1]</p>	<p>O--1-73</p> <p>The plan provides detailed background information on dredging, dredged material disposal, and the increasing desire for beneficial use projects to address coastal erosion issues. It also provides information on collaborative planning efforts with local communities and state and federal agencies to understand impacts and address these needs through new disposal methods and locations. Consistent with existing state policies, the plan encourages the use of sediment for beneficial uses and discourages projects that would negatively impact littoral processes. It is not clear how the concept of "coastal sediment rights" would be implemented nor how it would achieve different outcomes to address the underlying problems related to coastal erosion and sediment management than are already reflected in the plan.</p>
<p>A-2-1</p> <p>Page 2-225 Add "the" to second sentence of the last paragraph. To read: "Surveys are planned in the approximately..." [Commenter: A-2]</p>	<p>A-2-1</p> <p>This technical clarification has been made.</p>
<p>A-2-3</p> <p>Page 2-222 Strike "is", replace "the sand" with "sandy dredged material", add "." for U.S. Current federal policies make disposal of material at in-water sites generally the economically preferred alternative for the U.S. Army Corps of Engineers. However, there is an expressed interest by agencies and communities to keep clean sand in our active coastal littoral systems (i.e. placing on the beach). [Commenter: A-2]</p>	<p>A-2-3</p> <p>This technical clarification has been made.</p>
<p>A-2-2</p> <p>Please globally change "dredge disposal" to "dredged material disposal" in the document and figures. (including on pg. 2-238) [Commenter: A-2]</p>	<p>A-2-2</p> <p>This technical clarification has been made.</p>

<p>A-2-4 Page 2-223: The Shoalwater Bay dune restoration project is not a beneficial uses site... it is the mining of sand from Willapa Bay to build a dune restoration project -- any references to this project should be in the sand and gravel mining chapter and on that figure. "Beneficial uses" is the use of dredged material from a project that is going to be dredged anyway -- ie. using that material beneficially. Shoalwater project should be removed from this narrative and from the associated beneficial uses figure in the back. [Commenter: A-2]</p>	<p>A-2-4 This technical clarification has been made.</p>
<p>A-2-5 Page 2-223 Please see my edits -- this statement as written is not true... portions of the Westport Marina are in fact contaminated and must be disposed upland. Change last sentence of third paragraph to read "Portions of the Westport Marina project in Grays Harbor have also been approved for in-water disposal and may pursue flow lane disposal." [Commenter: A-2]</p>	<p>A-2-5 This technical clarification has been made.</p>
<p>A-2-6 Page 2-224. There is a second ocean dredged material disposal site off Grays Harbor -- the 8-mile site, located to the northwest of the mouth of Grays Harbor. The EPA is currently in the process of withdrawing this site, because it was specifically designated for single project use, and was only used for that one project -- disposal of 2.8 million cy of dredged material in 1990 from the original Grays Harbor nav improvement project. The site has not been used since. EPA hopes to complete the withdrawal process in 2018-2019. Change 1st sentence of third full paragraph to read: The fifth in-water disposal site is the 3.9 Mile Southwest ocean dredged material disposal site (ODMDS) managed by the EPA (Map 52) [Commenter: A-2]</p>	<p>A-2-6 This technical clarification has been made.</p>
<p>A-2-7 Page 2-226 Add "d" to "dredge" under #1 to read "MCR dredged material disposal..." [Commenter: A-2]</p>	<p>A-2-7 This technical clarification has been made.</p>



<p>A-2-8 Page 2-226 Shoalwater Bay Project: Rather than "Washaway Beach", I believe this area is Graveyard Spit, at least that's what the project documents say. Strike and replace "a.k.a. Washaway Beach." This section should be updated as there is nourishment of the Shoalwater project proposed for next summer -- 700,000 cy of material on 71 acres. Melissa Leslie at the Corps is the contact. [Commenter: A-2]</p>	<p>A-2-8 This technical clarification has been made.</p>
<p>A-2-9 Page 2-228 Strike 2015 and replace with 2017 at bottom of the page (RE: Quileute Harbor Marina). [Commenter: A-2]</p>	<p>A-2-9 This technical clarification has been made.</p>
<p>A-2-10 Page 2-229 Dredging and dredge material disposal methods. Rewrite first two sentences to read: "Material is removed from navigation channels and harbors by hopper, hydraulic pipeline, or clamshell dredging. The material is then transported by hopper dredge, pipeline, or barge and placed directly at the placement location." [Commenter: A-2]</p>	<p>A-2-10 This technical clarification has been made.</p>
<p>A-2-11 Page 2-231 Shoalwater should be removed from the beneficial uses narrative and figure, and Rialto Spit (Quillayute River) should be added to both. Second paragraph suggested rewrite of sentence to read: "Dredging projects may also use beneficial placement for beach nourishment or other local projects (e.g. Rialto Spit)." [Commenter: A-2]</p>	<p>A-2-11 This technical clarification has been made. However, staff were unable to procure GIS data for Rialto Spit to include in Map 55.</p>
<p>A-2-12 Page 2-232 Add "relatively" to first sentence, to read: "Flow land disposal is the spreading of dredged material in relatively deep-water..." [Commenter: A-2]</p>	<p>A-2-12 This technical clarification has been made.</p>

<p>A-2-13</p> <p>Page 2-234 Why is only disposal and not dredging mentioned as having an effect? There are studies associated with the entrainment of crab and other species, especially during hopper dredging. This has been an issue and mitigation for crab in Grays Harbor has been required and provided in the past by the Corps of Engineers. New dredging (e.g. deepening and widening of existing Fed nav channels or Port dredging areas) can certainly have an effect on the species described in this effects of disposal section. [Commenter: A-2]</p>	<p>A-2-13</p> <p>The plan address a set of potential "new" ocean uses including the siting of new dredged material disposal locations. Therefore, the plan focuses on identifying information about the range of potential impacts of the disposal. The plan is not intended to focus on impacts generated by existing ocean uses, such as ongoing dredging operations. Therefore, this information has not been provided in the plan. However, we have added a footnote to acknowledge that impacts do occur from dredging operations, but are not the focus of this plan.</p>
<p>A-2-14</p> <p>Page 2-236 Suggested rewrite of second paragraph, starting with second sentence. To read: "Disposal sites in Washington waters are identified and managed by: the EPA, the Corps, and/or DNR. Ocean disposal sites in Washington are designated by EPA under Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA). Dredged material disposal sites in inland waters, and within 3 nm of the coast depending on the project purpose, may be advance identified by the Corps and EPA under the Clean Water Act 404(b)(1) guidelines per 40 CFR Section 230.80. Regardless of the type of site, state and federal agencies work together to evaluate and manage dredged material disposal. The specific process for disposal permits and authorizations varies slightly depending on whether the site is a designated MPRSA site or CWA Section 404(b)(1) identified site, and whether the project proponent is the Corps or a private entity. However, the sediment testing and environmental review requirements are the same, and are met by all dredging proponents. Environmental review for water quality , physical effects, and ESA consultations are always performed, regardless of the disposal project." [Commenter: A-2]</p>	<p>A-2-14</p> <p>As suggested, this paragraph has been amended to clarify the various federal authorities for designating sites in different locations.</p>

<p>A-1-2 Page 2-236 ,Ä Permitted Dredged Material Disposal, second paragraph. Change from: State and federal agencies work together to evaluate and manage dredged material disposal. Disposal sites in Washington waters are designated by one of three agencies: the EPA, Corps, or DNR. The specific process for disposal permits and authorizations varies slightly depending on which agency' designated the site and whether the project proponent is the Corps or a private entity. However, environmental review for water quality', physical effects, and species consultations are always performed, regardless of the disposal project.</p> <p>To: Ocean disposal sites in Washington waters are designated by EPA under Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA). Dredged material disposal sites in inland waters are advance identified by the Corps and EPA under Section 404 of the Clean Water Act. Regardless of the type of site, state and federal agencies work together to evaluate and manage dredged material disposal. The specific process for disposal permits and authorizations varies slightly depending on whether the site is a Section 103 or Section 404 site. The process for obtaining a permit varies slightly depending on whether the project proponent is the Corps or a private entity, but the sediment testing and environmental review requirements are the same and are met by all dredging proponents. Environmental review for water quality, physical effects, and species consultations are always performed, regardless of the disposal project.</p> <p>1-In-water disposal of dredged material must adhere to federal and state water quality standards. These water quality parameters include dissolved oxygen, turbidity, and contaminants [WAC-173-201(A)].</p> <p>2 In-water disposal of dredged material must adhere to federal and state water quality standards. These water quality parameters include dissolved oxygen, turbidity, and contaminants WAC-173-201(A)]. [Commenter: A-1]</p>	<p>A-1-2 This paragraph has been amended to clarify the various federal authorities for designating sites in different locations.</p>
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## 15. Tribal consultation coordination treaty rights

Comment	Response
<p>T-2-2</p> <p>And so I think in a lot of ways that reinforces the need to have stronger language about tribal consultation — that because the tribes aren't a stakeholder, they're a legal co-manager — that one of the very first steps that I think please broadcasts more often than not, or in greater detail — is this need to — the first step of anybody from our perspective should be coming and talking to our tribal council. You should be engaging with us first. [Commenter: T-2]</p>	<p>T-2-2</p> <p>We recognize the tribes' important co-management role and that project proponents will benefit from early tribal consultation. Language has been added throughout the plan to address this issue.</p>
<p>T-2-3</p> <p>And the fact is that the Makah Tribal Council has adopted a formal ocean policy. It sets out its consultation. It sets out its resources. It's sort of a brief history and it's sort of just policy statement about its relationship with the ocean, and so I'm not sure that the other 3 treaty tribes on the coast have that, but because the Makah do I think it's all the more important that they have a living document treated as an ordinance or however, like in the other government. It has to be complied within the same manner as a shoreline master program, a local ordinance, or whatever. [Commenter: T-2]</p>	<p>T-2-3</p> <p>Thank you for including information on the Makah Ocean Policy adopted in 2017. We have included more information on this in the section on the Makah Tribe and suggested that those interested should contact the tribe to obtain a copy.</p>
<p>T-2-5</p> <p>And then one other area that sort of jumped out at me also in the Chapter for Management Framework under New Ocean Uses Roadmap — under the application phase — and then I think like 3 pages further down you also have a section about government stuff — but, again, nothing really says Step 1. Tribal Consultations. That that is one of the very — if not the first thing — you do equally at the same time you're engaging with the state or local government. And so I think having those kinds of procedural issues just spelled out throughout the document is something I know the tribe would very much like to see. [Commenter: T-2]</p>	<p>T-2-5</p> <p>We recognize the tribes' important co-management role and that project proponents will benefit from early tribal consultation. We've added language in various places to highlight the need for early tribal notification and consultation. Each tribe should describe its specific procedures. It is not within the state's role nor authority to determine nor enforce tribal consultation pursued by third parties.</p>

<p>T-1-11 Page 1-14 Proposed text changes to description of treaty rights and court decisions, including footnote about Shoalwater Bay Tribe. See letter (pgs. 7-8) for detailed text changes. [Commenter: T-1]</p>	<p>T-1-11 Changes to Section 1.6 made consistent with the suggested edits. Retained language from the Shellfish court decision regarding harvest of fish and shellfish. This language is directly from the decision and the court decision provided important clarification that treaty rights covered harvest of other fish, not just salmon, as well as to harvest of naturally-occurring shellfish.</p> <p>To simplify objective 4, the statement was reworded to state "the use or activity must comply with all applicable laws and regulations."</p>
<p>T-1-16 Page 4-1 Proposed addition of language to 2nd and 3rd paragraphs of introduction to management framework regarding tribal co-management, early consultation, and supporting tribal review. See letter (page 11) for details. [Commenter: T-1]</p>	<p>T-1-16 We agree that proposed projects will benefit from early tribal consultation and review. We have added language to the introduction that emphasizes early tribal consultation is highly recommended and encouraged as well as the review and use of tribal policies and procedures in project planning.</p>
<p>T-1-4 The State of Washington also has a trust responsibility to the Makah Tribe and other Treaty Tribes by virtue of our legal co-management status over marine resources and fisheries. This Trust Responsibility imposes an affirmative duty on the State and federal governments, by and through all of their departments and agencies, with a legal and moral obligation to protect ocean and aquatic habitats and resources therein, and the Tribe's treaty reserved right to harvest those resources, in perpetuity. The language throughout the marine spatial plan exerting ownership over the resources, as Washington's resources, excludes this co-management relationship with the treaty tribes. [Commenter: T-1]</p>	<p>T-1-4 We recognize the important co-management role between tribes and state, which means these resources are shared. Edits have been made to clarify. In cases where such phrases may remain, it is not intended to imply exclusive ownership over resources.</p>

<p>T-1-6</p> <p>We appreciate the inclusion of the language in section 1.6, Pacific Coast Tribes and Treaty Rights, which outlines the Boldt decision, its meaning and the existence of the Tribes' legal co-management relationship with the State over natural resources, as well as the federal governments Trust Responsibility to the Tribes. While we do not disagree with any of the language in that section, we believe it is missing an important, essential discussion of what those legal rights mean when applied in the context of the Draft Plan. Treaty Tribes are possessed with the legal right and obligation of co-management of marine resources within their Treaty area, and all duties and responsibilities that flow from that legal co-management Status — including consultation and project approval - must be fully acknowledged and incorporated into the operation of the Plan. This essential discussion is not included anywhere in Chapter 1, including section 1.6, but instead a reference to Chapter 4 is included.</p> <p>In the Chapter 4 discussion of the Management Framework, the Draft Plan makes a brief reference at the beginning of the chapter to the fact that tribes have Treaty rights and that the Draft Plan does not alter those rights. We certainly agree with these statements, though we proposed additional language below to clarify and strengthen them (both for the MSP and the designation of ISUs). However, the Draft plan fails to make clear to the reader that the any government permitting agency, working with a project proponent, has a proactive, mandatory responsibility to consult with all impacted tribal governments at the earliest possible stage of the process and that this is integral to the management and success of the Plan. The need to clearly state this affirmative duty is especially important in light of the fact that Ecology plans to submit the final Plan to NOAA to be incorporated into its federally-approved Coastal Zone Management Program. [Commenter: T-1]</p>	<p>T-1-6</p> <p>Thank you for providing suggested language regarding this topic. To address this issue, language has been added throughout the plan, as suggested, to better address tribal co-management status and consultation.</p> <p>Ecology recognizes the importance of tribal participation, coordination, and consultation, as part of our processes. Ecology also engaged with NOAA to clarify the procedures under the Coastal Zone Management Act (CZMA) and to ensure we are fully complying with the CZMA.</p> <p>Submitting the state plan to NOAA for incorporation into Washington's federally-approved coastal program does not change how the plan is implemented in the state, nor provide NOAA any authority or implementation ability. If the Plan is approved by NOAA as part of Washington's Coastal Management Program, then Washington would be able to use specific enforceable policies in the Plan during the state's federal consistency review of certain federal actions, according to 15 CFR Part 930. Ecology will continue to provide early notice to tribes of projects that are being reviewed for consistency with the state's CZM program.</p>
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<p>T-1-8</p> <p>It should also be made clear that it is the sole province of each Treaty Tribe to determine the potential impacts of a proposal on their treaty rights and resources, and this can only happen to a sufficient degree if the plan accurately articulates that Tribal Governments must be afforded early notice and consultation throughout the project application process. At this point the Draft Plan does not do this. For example, in Table 4.1.4-2: Local permits and other authorities for aquatic projects, the only mention of the need for tribal consultation is in a footnote that ambiguously states, "Formal and informal consultations among various federal, state, local, and tribal governments occur as part of these processes. The process varies by permit and lead agency." This vague language operates to dilute the clear duty that a permitting authority has to the Makah Tribe, and the vague statement's ambiguousness is compounded by the omission in Table 4.1.4-2 of any mention that a project should receive a formal determination by an impacted Tribal government that it does not adversely impact Treaty resources. While Ecology may be the lead agency for purposes of issuing state permits, the fact remains that this clear duty is not expressed in a sufficient manner in the Draft Plan, and a mere reference to RCW 43.376 is inadequate. [Commenter: T-1]</p>	<p>T-1-8</p> <p>Thank you for providing suggested language regarding the need for early tribal notice and consultation. We have added language in multiple places to highlight this need.</p> <p>The plan applies only to state waters and the purpose of this table is to provide applicants with a list of state and local authorities that apply to aquatic projects. Instead of adding this information to the table, we have made a note that: "Areas under tribal jurisdiction and/or in tribal waters may be subject to additional tribal requirements."</p>
<p>T-1-9</p> <p>Executive Summary, Page xvi and xvii Proposed text changes to add "tribal governments", "tribal waters" or "tribal rights and interests", recognize legal co-management and tribal consultation, and rephrase Washington's ocean resources or uses to "off the Washington coast." [Commenter: T-1]</p>	<p>T-1-9</p> <p>We have included some of the suggested language regarding tribes. The Marine Spatial Plan applies only to state waters. The plan provides information that tribes may find useful for analysis of impacts to treaty protected resources. We clarified that the utility of the plan for evaluating impacts to resources and uses "off the Washington coast".</p>
<p>T-1-12</p> <p>Page 1-15 Proposed text changes regarding government-to-government relationship. See letter (page. 8) for detailed text changes. [Commenter: T-1]</p>	<p>T-1-12</p> <p>Most changes on Government-to-Government Relationship made consistent with suggested edits. We combined suggested edits with other rephrasing to first sentence to read: "The State of Washington and federally-recognized tribes signed the Centennial Accord and subsequent Millennium Agreement and agreed to consult on matters that may affect tribal and State interests."</p>

<p>T-1-13 Page 1-15 Fishing Treaty Rights Co-Management Proposed text changes. See letter (page 9) for details. [Commenter: T-1]</p>	<p>T-1-13 We made changes consistent with suggested edits to Fishing Treaty Rights Co-Management section.</p>
<p>T-1-14 Page 1-16 Proposed text changes to Makah Tribe description, including clarifying involvement with management arenas, adding concerns about impacts, and adding paragraph on Makah Ocean Policy. See letter (pages 9 and 10) for detailed language. [Commenter: T-1]</p>	<p>T-1-14 Thank you for your comment. We made most changes consistent with suggested edits. The state cannot verify that all natural resource management agencies have received the Makah Ocean Policy and did not include this sentence. Instead, the state noted the existence of the policy as of 2017 and referred those interested to contact the Makah Tribe to obtain a copy.</p>
<p>T-1-17 Page 4-2, 4.1.2 Requirements to Implement the Final MSP, suggested text change to read: "The MSP and state law are not intended to and does not alter or affect tribal treaty rights" [Commenter: T-1]</p>	<p>T-1-17 We concur and suggested edit has been made.</p>
<p>T-1-18 Page 4-8, Table 4.1.4-2: Local permits and other authorities for aquatic projects. Include an additional row on the table as follows: Action: All federal. State and local permits and actions affecting U&amp;A Treaty areas Agency: Tribal Councils Primary Authority: Treaty Of Neah Bay. Treaty Of Olympia Location: State and federal shorelines and waters Focus Area/Purpose: Protects Treaty marine. aquatic. riparian and terrestrial resources for current and future generations [Commenter: T-1]</p>	<p>T-1-18 The purpose of this table is to provide applicants with a list of state and local authorities that apply to aquatic projects. Instead of adding this information to the table, we have made a note that: "Areas under tribal jurisdiction and/or in tribal waters may be subject to additional tribal requirements."</p>
<p>T-1-19 4-11 State Plan Implementation. Add tribal governments to first bullet to read: Applicant conducts pre-application meetings with agencies, affected tribal governments and stakeholder groups. Applicant continues to receive feedback from and respond to requests of agencies and tribal governments and others to refine proposed project. Add to second half of first sentence under #1. "and tribal governments must be consulted with beginning at the earliest possible stage of a new proposed project, and a review of tribal ordinances, policies and consultation procedures should be initiated at the earliest possible stage of project planning." [Commenter: T-1]</p>	<p>T-1-19 We have made most suggested changes. Under the consultation section, we have indicated that tribal governments should be consulted with at the earliest possible stage. It is not within the state's role nor authority to determine nor enforce tribal policies and procedures, nor enforce adherence to them by third parties. Minor adjustments have been made to clarify this.</p>



<p>T-1-5</p> <p>This legal co-management status with the state is inadequately applied in the Draft Plan. The management framework in chapter 4 does not include clear, concise language that state agencies have an affirmative duty to Treaty Tribes in both a procedural and substantive context. The Plan acknowledges Tribes as sovereign governments in section 1.6, but the management framework does not represent tribal governments as having the clear right of any decision-making authority over marine resources in their Treaty areas. [Commenter: T-1]</p>	<p>T-1-5</p> <p>To address this issue, language has been added to the management framework regarding tribal co-management status, consultation, and jurisdiction. This is a state plan guiding actions in areas over which the state has jurisdiction. It is not intended to address or attempt to apply the authority of treaty tribes. Presumably, the Makah's marine spatial plan would do that.</p>
<p>T-1-7</p> <p>The inclusion of the "Government Coordination" section on page 4-12 is insufficient to address our concerns in both substance and process because that section fails to represent to the reader that tribal governments are legal co-managers of resources under review or at issue under the Plan and that, as such, they have decision-making authority Over projects that may impact their Treaty resources. As a result, the Draft Plan should be substantially revised to clearly state in multiple places, from the introductory language and throughout Chapters 4 and 5, as we suggest below, that any government agency working with a project proponents has an affirmative duty to tribal governments to engage in consultation at the earliest possible state of a newly proposed project whenever Treaty resources may be affected by activities within or outside of the Tribe's U&amp;A. [Commenter: T-1]</p>	<p>T-1-7</p> <p>Thank you for providing suggested language regarding the need for early tribal notice and consultation. We have added language in multiple places to highlight this need.</p>

<p>T-1-2</p> <p>We believe that, given our legal co-management status over natural resources with the State Of Washington and treaty status with the federal government, language must be added to the final version of the Plan that is sent to NOAA as discussed below. We offer the following comments in order provide clarity to the document regarding Makah Tribal governance and authority. If this language is not added to the Draft Plan, the Makah Tribal Council would need to continue formal consultation with the Department of Ecology and/or the National Oceanographic and Atmospheric Administration (NOAA) to address our concerns. [Commenter: T-1]</p>	<p>T-1-2</p> <p>We have added suggested language throughout the plan to clarify and further emphasize the important and unique roles and authorities of treaty tribes, including the Makah Tribe. Ecology recognizes the importance of tribal participation, coordination, and consultation, as part of our processes. Ecology also clarified with NOAA any tribal consultation procedural requirements for a state coastal program under the Coastal Zone Management Act (CZMA) and to ensure we are fully complying with the CZMA.</p> <p>Submitting the state plan to NOAA for incorporation into Washington's federally-approved coastal program does not change how the plan is implemented in the state, nor provide NOAA any authority or implementation ability. If the Plan is approved by NOAA as part of Washington's Coastal Management Program, then Washington would be able to use specific enforceable policies in the Plan during the state's federal consistency review of certain federal actions, according to 15 CFR Part 930. Ecology will continue to provide early notice to tribes of projects that are being reviewed for consistency with the state's CZM program.</p>
<p>O-11-9</p> <p>1.6 Pacific Coast Indian Tribes and Treaty Rights: a. Suggested addition: Page 1-14 paragraph two, fifth sentence; after "usual and accustomed areas" insert (U&amp;As) b. Suggested edit: Page 1-14, fourth paragraph, third sentence: Note; It is critically important to understand the fundamental dynamics of the MSP study area. Tribal treaty rights and fishing areas are significant contributors to those dynamics. To that end a better textual explanation and additional detail of the scale of Tribal treaty right areas within the MSP Study Area is necessary. Suggested re-write: replace fourth sentence; The tribal U&amp;A fishing grounds are described on the east by 96 nautical miles of Washington's outer coast, extend as much as 56 nautical miles seaward and cover 3,956 square nautical miles of the MSP Study Area including Grays Harbor and can be seen in Map2 (National Oceanic and Atmospheric Administration, 2016). c. Suggested edit: Page 1-15 under Fishing Treaty Rights Co-Management paragraph two, second sentence; "The treaty tribes , the State of Washington, specifically the Washington Department of Fish and Wildlife (WDFW), and the</p>	<p>O-11-9</p> <p>We have included additional statistics on the areas covered by the tribes' "usual and accustomed areas" (U&amp;As) and clarified roles and authorities of tribes consistent with input from tribes and WDFW.</p>

<p>United States government (NOAA Fisheries and USFWS), co-manage through the Pacific Fisheries Management Council (PFMC) process federal fisheries resources in Washington. For fisheries under State jurisdiction, such as shellfish, including pink shrimp, spot prawns , and Dungeness crab (although extending into federal waters), the Tribes co-manage with the State." [Commenter: O-11]</p>	
<p>O-11-10 1.6 Quileute Tribe: Suggested addition: page 1-17 second paragraph. Note; As in Makaw, description of U&amp;A for Quileute should also quantify area of Quileute U&amp;A. Based on recent rulings this should be relatively easy to calculate. I estimate it to be approximately 1,700 square nautical miles. a. Add: Page 1-17 second paragraph add to end of sentence after " .....south to the Queets River , extends 40-56 nautical miles west and encompasses 1,700 square nautical miles." (authors can determine actual square miles 1,700 is my estimate). (note: SW corner of Quileute U&amp;A is 56 nautical miles from shore at 125.44 West and extending west of the Queets River.) b. Suggested edit: Page 1-17, last paragraph under Quileute Tribe: Note; It is my understanding that the several tribes are each developing and will provide their own SMPs. I am skeptical and concerned with the State's MSP document messaging for presumed tribal preferences or positions. Tribal preference is not a specific part of State's MSP mandate. The last paragraph in this section would be more appropriate in the Quileute MSP and not in the State's MSP. c. Strike: last paragraph page 1-17 which is one sentence in 1.6 Quileute Tribe. [Commenter: O-11]</p>	<p>O-11-10 We have added statistics on the area covered by the tribe's Usual and Accustomed Area, using the March 2018 court amended order on adjudicated boundaries and GIS tools to calculate approximate areas.</p>
<p>O-11-11 1.6 Quinault Indian Nation: Note; as in Makaw, description of Quinault U&amp;A should also be quantified. Add: Under Quinault Indian Nation Page 1-18 first paragraph after first sentence ending in "....Point Chehalis. The Quinault U&amp;A includes Grays Harbor and encompasses 1,725 square nautical miles." (authors can determine actual square miles 1,725 is my estimate). [Commenter: O-11]</p>	<p>O-11-11 We have added statistics on the area covered by the tribe's Usual and Accustomed Area, using the March 2018 court amended order on adjudicated boundaries and GIS tools to calculate approximate areas.</p>

## 16. Maps (Appendix A)

Comment	Response
<p>T-1-22</p> <p>We recommend the Plan strengthen the language surrounding analyses of existing uses to better reflect the lack of tribal uses data in these analyses. For example, the commercial fisheries maps need to reflect that those maps are solely non-tribal fisheries. The current language does not sufficiently emphasize the lack of tribal use data so that a project proponent would know the full extent Of ocean uses within these maps. For example, Table 2.4-8 and Maps 17-25 should clarify that they are maps of non-tribal commercial fishing. These suggested changes would not alter the length or intent of these figures; however, they would clarify within the plan that these figures are not comprehensive because they do not include tribal uses. [Commenter: T-1]</p>	<p>T-1-22</p> <p>We believe this issue has been adequately addressed as all fishing maps and figures (17-25) already indicate that tribal data are not included. Furthermore, Section 2.4 includes an early description of terminology that clarifies that tribal fishing is not included in descriptions of either commercial nor recreational fishing. We have added a reminder in Chapter 3 that tribal data are not included in the analyses.</p>

## 17. Public involvement in planning process

Comment	Response
<p>I-6-4</p> <p>4. Why as an involved local group are you just now becoming aware of the CMSP? Where has the public involvement and outreach bean? [Commenter: I-6]</p>	<p>I-6-4</p> <p>Thank you for your comment. Planning staff and representatives of different organizations communicated with many community organizations and members of the public across the coast throughout the process in a variety of ways. Section 1.4 of the plan covers a summary of the public involvement and outreach conducted during the planning process.</p>
<p>I-6-5</p> <p>2. The lack of public involvement with the entire CMSP process is been very limited. The "Draft CMSP" plan does not provide any time for public review. In fact I haven't seen any timeline for the plan. Just going out to the WCMAC, does not even come close to be able to say the public reviewed it. It needs to be sent out to the General Public. At a minimum it should be given a 90 day public comment period, just like any other DOE plans and permits (For example SMP plans). [Commenter: I-6]</p>	<p>I-6-5</p> <p>Thank you for your comment. Planning staff communicated with and involved many different stakeholders, government entities, community organizations, and members of the public across the coast throughout the process in a variety of ways. Section 1.4 of the plan covers a summary of the public involvement and outreach conducted during the planning process.</p> <p>As part of the review process, agencies provided a preliminary draft to the Washington Coastal Marine Advisory Council, tribes, federal agencies, and others. Staff incorporated changes from this early feedback</p>

	<p>into the formal draft plan and draft Environmental Impact Statement (EIS) that were released to the public with a 60 day comment period. The State Environmental Policy Act (SEPA) requires a minimum of a 30-day comment period for a draft EIS. Lead agencies have discretion to extend this comment period to allow for longer review, which Ecology did by opting for a 60-day comment period.</p>
<p>I-6-13</p> <p>There has been little public involvement, for example how does the Willapa Bay Resistance, which is a very intelligent, very involved, and very aware of issues facing Pacific County, not know about the plan until they read comments are due December 12, 2017 in the Chinook Observer from the article that came out November 15, 2017. This is being completely pushed upon us from DOE and DNR. They haven't listen to us at all from the very beginning It definitely a very heavy handed, top down approach. It makes me sick to know how much money has been wasted on this plan. [Commenter: I-6]</p>	<p>I-6-13</p> <p>Thank you for your comment. Planning staff communicated with and involved many different stakeholders, government entities, community organizations, and members of the public across the coast throughout the process in a variety of ways. Section 1.4 of the plan covers a summary of the public involvement and outreach conducted during the planning process. We apologize if members of the Willapa Bay Resistance were unaware of the planning process until the draft plan was released.</p> <p>The plan largely reflects the diverse range of input and concerns raised throughout the planning process. For example, the Washington Coastal Marine Advisory Council provided concerns and recommendations which were incorporated into the draft plan. For more details, see Chapter 4, which cross-references these recommendations where they are addressed, and Chapter 5, which provides the Council's recommendations verbatim. As with any planning process, some instances occurred where individuals requested specific information or positions that were not included in the draft plan. Often, the request was not supported by scientific or legal analyses. In other cases, the request was outside of the scope of the plan or beyond the state's authority.</p>
<p>O-8-3</p> <p>it is concerning that the documents as presented have not adequately reflected stakeholder or public input during meeting process and discussions leading up to the draft plan. I attended many of the public meetings and anywhere in the state that I have not, new use has not been identified as a preferred alternative to coastal waters. [Commenter: O-8]</p>	<p>O-8-3</p> <p>Thank you for your comment. We believe the plan largely reflects the diverse range of input and concerns raised throughout the planning process. For example, the Washington Coastal Marine Advisory Council provided concerns and recommendations which were incorporated into the draft plan. For more details, see Chapter 4, which cross-references these recommendations where they are addressed, and Chapter 5, which provides the Council's recommendations verbatim.</p> <p>The plan does not set out any preferences for new uses to occur or not occur. Instead it provides baseline information and standards to guide applicants, policies</p>

	<p>to ensure greater protection of fisheries and sensitive areas, and an improved the process for evaluating new use projects when they are proposed.</p> <p>As with any planning process, some instances occurred where individuals requested specific information or positions that were not included in the draft plan. Often, the request was not supported by scientific or legal analyses. In other cases, the request was outside of the scope of the plan or beyond the state's authority.</p>
<p>O-8-4</p> <p>The supporting documents are long, comment period is inadequate even though twice as long as the minimal 30 day requirement for careful review and forum public comments of this lengthy document and for a clear understanding of potential harm to coastal communities [Commenter: O-8]</p>	<p>O-8-4</p> <p>Thank you for your comment. As part of the plan development and review process, agencies provided early drafts to stakeholder representatives and experts to review. In addition, a preliminary draft was provided to the Washington Coastal Marine Advisory Council, tribes, federal agencies, and others. Staff incorporated changes from this early feedback into the formal draft plan and draft Environmental Impact Statement (EIS). As noted, Ecology extended the comment period over the minimum required to allow for extra time to review these documents.</p> <p>The plan itself is designed to provide better protection to coastal communities and ocean resources. It does so in several ways: providing baseline information and standards to guide applicants, establishing policies to ensure greater protection of fisheries and sensitive areas, and creating an improved the process for evaluating new use projects when they are proposed.</p>
<p>O-9-1</p> <p>We have, for several years now, been active and involved in the fact-finding process. We appreciate very much the opportunity to provide input towards this process. [Commenter: O-9]</p>	<p>O-9-1</p> <p>Thank you for your participation in the process and for your comments.</p>
<p>A-3-3</p> <p>We also commend your efforts to make the process transparent and data readily available to the public and resource agencies. [Commenter: A-3]</p>	<p>A-3-3</p> <p>Thank you for your comment.</p>

<p>A-3-5 We would like to recognize Washington's involvement in the OCNMS Advisory Council (AC), with representation from the WA Department of Ecology, WA Department of Natural Resources and WA Department of Fish and Wildlife. Those staff have been active participants in the AC and related working groups, providing the sanctuary with excellent advice, and regular updates on state agency activity throughout the MSP process. [Commenter: A-3]</p>	<p>A-3-5 Thank you for your comment.</p>
<p>O-2-2 It was a relatively long process that required considerable stakeholder outreach and engagement, while there were some challenges early on, we feel that overall it was an impressive feat to complete a plan of this scale while ensuring robust participation with the public and various stakeholder groups. Over the years we witnessed the advisory body for this effort, the Washington Coast Marine Advisory Council (WCMAC), develop into a board with diverse representation that works very well together in a collaborative manor. [Commenter: O-2]</p>	<p>O-2-2 Thank you for your comment.</p>
<p>O-2-19 In conclusion, thank you again for the opportunity to provide public comment on the draft plan and for the leadership and inclusiveness of the Ocean Caucus agencies throughout the planning process. [Commenter: O-2]</p>	<p>O-2-19 Thank you for your comment.</p>
<p>O-1-5 1.4 Planning Process Summary Add text to the Coastal Marine Resource Committees section (p. 1-9) to indicate that state planning staff presented to MRCs on MSP at the MRC Summit in November 2017. [Commenter: O-1]</p>	<p>O-1-5 Thank you for your comment. We have updated this information.</p>

O-5-2

I'm also concerned the documents as presented have not adequately reflected our state [inaudible] input during discussions leading up to this draft plan. I also believe that the comment period is inadequate for careful review of these lengthy documents and for a clear understanding of potential stakeholder impacts. [Commenter: O-5]

O-5-2

Thank you for your comment. As part of the plan development and review process, agencies provided early drafts to stakeholder representatives and experts to review. In addition, a preliminary draft was provided to the Washington Coastal Marine Advisory Council, tribes, federal agencies, and others. Staff incorporated changes from this early feedback into the formal draft plan and draft Environmental Impact Statement (EIS) that were released to the public with a 60-day comment period. State Environmental Policy Act (SEPA) requires a minimum of a 30-day comment period for a draft EIS. Lead agencies have discretion to extend this comment period to allow for longer review, which Ecology did by opting for a 60-day comment period.



## 18. Ocean Energy

Comment	Response
<p>I-7-2</p> <p>Words have meaning and how things are presented in these documents show a bias toward Ocean Energy and new ocean uses and show a lack of priority for existing uses. There is literally no way that a new use will NOT interfere, eliminate or compete with existing uses.</p> <p>What's in the plan? How to use the plan?</p> <p>The draft plan provides:</p> <p>Guidance for new ocean uses along Washington's Pacific coast, such as renewable energy projects and offshore aquaculture.</p> <p>Baseline data on coastal uses and resources to capture current conditions and future trends.</p> <p>Requirements and recommendations for evaluating new ocean uses through different phases of project review, consistent with existing laws and regulations.</p> <p>Recommendations to protect important and sensitive ecological areas and existing uses like fishing.</p> <p>Words have meaning. First sentence gives the priority of ocean uses to new uses. Why is a non-existent use (Ocean Energy) given the top spot in this report? This is an industry that does not exist, at all. Fishing, (shown as the fourth item in this list) is regulated to the bottom. This shows a complete bias towards a speculative use that could alter the landscape for existing uses by precluding them from being used in areas where Ocean Energy would be placed.</p> <p>This needs to be changed and existing uses <b>MUST</b> be given the priority that it deserves. Existing jobs, the existing culture of our coastal communities, the existing lives of working people and current industry <b>MUST</b> be given priority over highly speculative and non-proven technologies. There is no infrastructure for bringing ocean energy to the coastline. There is no infrastructure for taking the newly created energy and distributing it to the existing grid or put into use for any purpose. Existing industries and jobs and communities <b>MUST</b> be given the priority of ocean use above anything new that would interfere or eliminate existing uses. [Commenter: I-7]</p>	<p>I-7-2</p> <p>The plan does not encourage nor discourage any particular new use. Existing state laws and regulations give priority to existing uses and resources through the established permit criteria and standards, including ensuring a permitted ocean use has "no likely, long-term significant adverse impacts to coastal or ocean uses or resources." The management framework is built upon these existing laws and provides a process to evaluate projects and their potential impacts to existing uses, resources, and communities. Furthermore, the plan sets out additional policies to protect fisheries and sensitive resources.</p> <p>The section referenced in this comment provides a broad overview of all the things the plan does. These items are not listed in priority order, they are all important. Providing guidance to new uses does not indicate a preference for uses to occur or not occur. It means the plan identifies the requirements that any proposed project will have to satisfy.</p>

<p>I-7-5</p> <p>The move to set aside ocean space for an industry that doesn't exist, has not been tested to see if it is even feasible off the coast is very premature. Remember that this is a very dynamic ocean and is very violent and disruptive to any uses place in it. Before any space should be considered for Ocean Energy, exhaustive testing and actual on the ocean trials of equipment should be done to see if these projects are even feasible. [Commenter: I-7]</p>	<p>I-7-5</p> <p>The plan does not set aside ocean space for any new use such as ocean energy. The plan requires a survivability assessment for structures based on physical and geological conditions at the site and expected in the future. In-field testing of equipment is one way to gather additional information on survivability. The plan also requires an evaluation of the risk posed to infrastructure by these conditions, and the probability those hazards may result in loss, dislodging, or drifting of the installed infrastructure.</p>
<p>I-6-3</p> <p>3. No Coastal Ocean Energy. This includes wave, tidal and wind. The best place that has been determined to place wind and wave energy is off the Pacific County Coast. These would be placed over our fishing and crabbing grounds. For example: a purposed plan at Coos Bay of 520 Single turbines will cover 520 square miles. [Commenter: I-6]</p>	<p>I-6-3</p> <p>The plan does not suggest specific areas to site or not site renewable energy projects. NOAA indicated broad prohibitions on particular uses were unlikely to be approved as part of Washington's coastal program - a required step for the state's plan under RCW 43.372.040(12).</p> <p>The plan's spatial recommendations encourage applicants to review the existing use information to understand the potential number of and intensity of uses that would be affected and to improve site selection that avoids and minimizes potential adverse impacts to ocean and coastal resources and uses, including fishing and crabbing. These spatial recommendations also indicate that industrial scale renewable energy projects with large footprints proposed in state waters would likely have a difficult time demonstrating they meet state policies and standards.</p>

<p>I-6-11 I tried for over 2 years to get the SOC to include area/cost of ocean energy, they refused knowing the numbers were astounding and the public outcry would be enormous. That makes the entire Washington CMSP document a fraud; keeping these important FACTS covered in obscurity is not being honest with the taxpaying or ratepaying public. The visuals overpower the rhetoric, Pugetropolis will view the ocean energy maps and jump all over it, the rest won't matter. [Commenter: I-6]</p>	<p>I-6-11 Because potential projects and their costs are highly variable (e.g. type, design, size), it is impossible to come up with an accurate cost for a hypothetical project. As noted in responses to O-1-32 and O-1-49, costs depend on the technology type with some being more mature than others, as well as on other project-specific factors. At the same time, we used expert knowledge to identify a potential area and energy output for an offshore wind project to run the spatial analyses using different scenarios.</p> <p>Washington electric utilities have an obligation to seek the least-cost and least-risk combination of resources to serve their customers while also meeting the renewable energy requirements in statute. This type of cost evaluation is done routinely as part of utilities' energy planning and procurement processes.</p>
<p>I-12-3 We've already seen some wind generator projects proposed for the ridges around here in our timberland, which would be very ecologically benign places to put wind generators, not to mention a lot less expensive to install and maintain. And those have not been able to be made economically viable. Therefore, it seems to be unlikely that the economics of offshore wind, unless it's heavily subsidized, is going to be able to be viable either. [Commenter: I-12]</p>	<p>I-12-3 Thank you for your comment. We recognize economics will play an important role in whether a project is proposed in the future. At the same time, the plan sets forth a proactive framework for evaluating projects if future conditions exist that lead to projects proposals.</p>
<p>O--1-32 As long as the CMSP documents ignore the potential massiveness of the ocean energy FOOTPRINT required to produce any significant amount of energy and ignores the exorbitant costs associated with these new ocean energy uses any one reviewing the Washington Coastal Marine Spatial Plan and EIS is unburdened by FACTUAL REALITY that the ratepayer and taxpayer will ultimately shoulder untenable crushing debt as the existing coastal economy is flushed down the drain pushing more coastal citizens into deep poverty, lowering the median family income, and exacerbating the worst demographics in the state impinging on the DO NO HARM standard significantly. Not conjecture but FACT kept off the table during the CMSP process to prevent public outcry at the huge expense and massive loss of public access resulting in significantly diminished</p>	<p>O--1-32 The plan conducted analyses that examined the potential footprint involved with a potential offshore wind energy area based on similar projects currently proposed on the West Coast and on the projections for new renewable energy needs in Washington over the next 10-15 years. Proposed projects will be evaluated on a case-by-case basis and must meet state criteria related to protections for existing uses and resources, including fishing.</p> <p>Because potential projects and their costs are highly variable (e.g. type, design, size), it is impossible to come up with an accurate cost for a hypothetical project. Electrical utilities have a number of regulations and requirements related to electrical rates of their customers and the impact of energy projects they may be considering investing in or constructing to those rates. This type of cost evaluation is done routinely as</p>

<p>fishing grounds. [Commenter: O--1]</p>	<p>part of utilities' energy planning and procurement processes.</p>
<p>O--1-39 This first public draft of CMSP overly reflects agency HOPE of installing new use in the ocean, does not adequately present reality of realistic potential area consumed by new use, ignores exorbitant cost/benefit lacking the public interest, placement of ocean energy, misplaces and under represents the legislative intent not only in the Washington CMSP legislation but also other coastal management legislation of the last decade or more: [Commenter: O--1]</p>	<p>O--1-39 The plan does not install or site any new ocean uses. As required by the state law (RCW 43.372), the plan included information and analyses on renewable energy. The plan is built off of other existing state coastal management laws, provides a mechanism for evaluating new uses (including assessing costs and benefits of specific proposed projects), and ensures protection of existing uses and resources.</p>
<p>O--1-49 These types of costs are not in the public's best interest and the public and the legislature has a <b>RIGHT to KNOW</b> up front before a significant amount of time, energy, and public dollars are spent on projects destined to fail for lack of an affordable Power Purchase Agreement; the ultimate failure point in the Principle Power project at Coos Bay. This draft Plan has neglected this type of very important information that the public and the legislature needs to know to make informed decisions relative to future public investments in offshore vs. land based renewable energy which is cheaper by at least an order of magnitude. CCF requested this information be made available and presented the Tacoma Power and Light analysis of the Tacoma Narrows Current Turbine Analysis as an example of what information could have and should have been developed during the Washington CMSP process so a better understanding of the</p>	<p>O--1-49 Thank you for your comment. We recognize economics will play an important role in whether a project is proposed in the future. Because potential projects and their costs are highly variable (e.g. type, design, size), it is impossible to come up with an accurate cost for a hypothetical project. Electrical utilities have a number of regulations and requirements related to electrical rates of their customers and the impact of energy projects they may be considering investing in or constructing to those rates. This type of cost evaluation is done routinely at the time a project proposal is being initiated. The cost examples provided in this comment were able to be performed, because a specific project was being proposed by a specific entity.</p> <p>Building off of the response to comment O-I-32, regarding cost of immature technologies, the Tacoma Narrows Current Turbine is an example of an expensive emerging technology. Again, offshore wind</p>

<p>very high costs could have been readily available to anyone reviewing the Washington CMSP and EIS. The current turbine project analysis was determined to be uneconomical with negative cost/benefits requiring HUGE public subsidies from the taxpayer and ratepayer to even be built let alone maintained. This information and request was totally ignored, no suppressed by the SOC. The dollars allocated by the legislature was instead spent on a surf smelt survey (cost approximately \$500,000) that produced totally irrelevant information to making informed decisions relative to placing any new use in the Washington Coastal Marine Planning area that will never be used in any way to inform the location of any new use on the Washington coast. In two years of sampling the beaches of the coast, not one surf smelt egg was detected south of Pt. Grenville area to the Columbia River, where new use could be expected to be located, if at all. [Commenter: O--1]</p>	<p>technology is relatively mature and is becoming cost competitive with traditional energy sources without subsidies in Europe. Also, the technology available at offshore wind sites allows fewer turbines, and less environmental disturbance, per wind farm than onshore wind farms. It is not possible to predict whether onshore or offshore wind farms will be less expensive in the future as the costs for both technologies are rapidly decreasing and the technologies available between onshore and offshore are diverging. Washington electric utilities have an obligation to seek the least-cost and least-risk combination of resources to serve their customers while also meeting the renewable energy requirements in statute.</p>
<p>O-8-10 The plan does not address important information to make informed decisions about the potential extent of the ocean conflict to avoid that would be consumed by renewable energy, the prime motivator for Washington CMSP. We don't really - - we didn't address the potential for what was out there. And we refused to look at our neighbor next door that had an ocean power technology and just for example, we could've easily calculated how many units it would take to equal one Bonneville Dam. And then once we got that number of units, we could've calculated the square miles that it would've taken up. And that, you know, there's -- it's difficult to plan ahead if you only look at one or two or three or four or five units that really don't put out much power because those will never be economical. To put out something economical, you have to compare it to something reasonable. And I think the public really should know what kind of area consuming these things are. [Commenter: O-8]</p>	<p>O-8-10 The plan includes analyses that examined the potential footprint involved with a potential offshore wind energy area based on similar projects currently proposed on the West Coast and on the projections for new renewable energy needs in Washington over the next 10-15 years. This scenario was developed with information from regional energy planning documents and input from state energy planning and policy experts. This provided a realistic sense of a hypothetical project for analytical purposes.</p> <p>At the same time, the plan recognizes the possibility for a wide range of potential uses, technologies, sizes, and configurations in proposed projects. That's why the plan provides baseline information on existing uses and resources, uses effects-based standards, and sets out a framework for evaluating conflicts and impacts on a case-by-case basis.</p>

<p>O-2-6</p> <p>While renewable ocean energy has often been seen as a driver for completing this planning process, the paragraph bellow perhaps captures most accurately the state of our knowledge of this potential new use given all that we know regarding existing uses as a result of completing this effort. "Analyses produced for the MSP illustrate the large footprint required for projects designed to produce wind energy at a scale matching potential needs for renewable energy in the regional power grid in the next 10-15 years (See Chapter 3 for details on analyses and findings). In state waters on Washington's Pacific coast, these analyses indicate that projects of this scale require large footprints that occupy a large proportion of the total area of state waters and intersect with many existing ocean uses and resources. Therefore, in state waters, industrial-scale renewable energy projects will likely have a very difficult time demonstrating that they can avoid significant adverse impacts to existing uses and resources. Community-scale renewable energy facilities proposed for state waters may find it easier to demonstrate consistency with state policies, plans, and authorities through existing permitting processes." [Commenter: O-2]</p>	<p>O-2-6</p> <p>We agree that this statement captures important current knowledge related to future potential renewable energy proposals in state waters.</p>
<p>O-11-29</p> <p>2.10 Potential New and Expanded uses: Marine renewable Energy: Page 2-191 fourth paragraph, third sentence, re-write to read; Spatial conflicts with and spatial exclusion of fisheries will likely result in decreased catch, increased navigation and safety concerns, increased transit times and fuel consumption, and entanglements with and loss of fishing gear. [Commenter: O-11]</p>	<p>O-11-29</p> <p>Thank you for your comment. A generalized assumption that all, future renewable energy projects will result in decreased catch and other impacts is not well-founded in science or evolving technology. As described in this paragraph, the likelihood of these impacts depends upon project specifics such as type, location, size, and design.</p>

<p>O-7-3</p> <p>With a wind farm or anything that's anchored to the bottom, it forbids any type of fishing to be carried on. And the whole areas we're talking about, an eventual project or projects that would take up miles and miles of coastline. And what I'm afraid of is that the proponents for these projects are going to use this thing, basically their own project, as mitigation. And I think this should be looked at ahead of time because obviously, if you can't fish in an area, you've established another marine sanctuary. And so this should not offset or be allowed to offset anything that happens when they take this kind of area out of production.</p> <p>[Commenter: O-7]</p>	<p>O-7-3</p> <p>We agree that proposed projects could be large and have negative impacts to fishing. That's why the plan includes specific provisions related to assessing impacts, involving affected fisheries stakeholders, and protecting fisheries. Mitigation elements are developed and assessed at a project level (i.e. when a specific project is proposed).</p>
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## 19. Study Area

Comment	Response
<p>I-7-3</p> <p>Washington has the shortest coastline of all three coastal states at 136 nautical miles, and that vast areas, over 4000 square miles, are under co-management with coastal Indian tribes. The MSP area also includes 2408 square miles under marine sanctuary guile lines and large areas of military operating zones. These documents, as presented, do not adequately describe or reflect in the text, or in the narrative, that these existing spatial limitations exist. Nor do they describe the expected impact on space available for any potential new use. Any new use, (Ocean Energy always seems to be the new use that is discussed), will not be allowed into to the 4000 square miles that are currently under some kind of guide lines for existing use, (i.e.; coastal tribes, military or the marine sanctuary). That will leave only the area that is not under these guide lines to be the areas that will allow Ocean Energy devices. These devices, based on their own information, can take up to a square mile each. So that will leave only 3732 square miles, (the most critical areas for commercial fishing and sometimes the only areas available in Washington for existing fishing, as the only space available for these new uses. [Commenter: I-7]</p>	<p>I-7-3</p> <p>We have added more statistics to the Study Area description to more completely describe the areas that overlap with the tribes' Usual and Accustomed Areas and the Olympic Coast National Marine Sanctuary. We believe the plan adequately reflects and recognizes the important roles and authorities of tribes and the federal government within the MSP Study Area. In particular, we devoted sections within the Introduction to describing coastal tribes and the sanctuary. Other governmental authorities and interests will present additional complexities and challenges for those wishing to pursue a new ocean use in these areas. Projects may vary greatly in size, type, and purpose, which will also influence the reaction of other governments to new ocean use proposals.</p>

<p>OTH-1-2</p> <p>2. MSP/xiii Study Area Consider mentioning the five National Wildlife Refuges and Naval Station Everett Annex Pacific Beach.</p> <p>3. MSP/xiv Last bullet Include Navy (2016) in the references section.</p> <p>4. MSP/1-13 The MSP Study Area When discussing the cities and towns along the southern coast, please add Navy facility Naval Station Everett Annex Pacific Beach to the MSP Study Area. [Commenter: OTH-1]</p>	<p>OTH-1-2</p> <p>We have made these technical clarifications, except mentioning Pacific Beach in the executive summary. The executive summary is meant to be a high-level summary and this detail fit more appropriately in the longer study area description in the introduction.</p>
<p>O-11-2</p> <p>Under Marine Spatial Plan Study Area: Paragraphs 1 and 2 and 3 (xiii) are insufficient in describing the MSP study area and the subdivisions of differing authorities within it. Recommended edits for Paragraph 1: The MSP study area consists of marine waters of the Pacific Ocean adjacent to Washington's coast line from the intertidal zone out to the continental slope. It extends from ordinary high water on the shoreward side out to a water depth of 700 fathoms (4,200 feet). The 700 fathom curve ranges from 35 to 55 nautical miles offshore with an average distance of approximately 40 nautical miles westward of the shoreline. Extending from Cape Flattery on the north of the Olympic Peninsula south to Cape Disappointment at the Mouth of the Columbia River, the MSP study Area includes two large estuaries : Grays Harbor and Willapa Bay, covers a distance of 136 nautical miles, including 480 nautical miles of coastal shoreline and spans 5,839 square nautical miles (7,732 statute miles) of marine waters. Recommended edits for Paragraph 2 (xii): The northern coastal portion of the Study Area contains mostly rocky coast with several rivers, rocky outcrops, and pocket beaches. The northern portion of the Study Area overlaps with the majority of the 3,956 square nautical miles, of the Usual and Accustomed Areas (U&amp;A's) of four coastal treaty tribes, and the 2,408 square nautical miles of the Olympic Coast National Marine Sanctuary. Recommended edits for Paragraph 3 (xii): The southern coastal portion of the Study area has sandy beaches and includes Willapa Bay and Grays Harbor. The southern portion of the Study Area overlaps the lower half of the Quinault Tribal Usual and Accustomed Area, (U&amp;A), which includes Grays Harbor. Several small cities..... [Commenter: O-11]</p>	<p>O-11-2</p> <p>We have added more to the narrative, including statistics on tribal Usual and Accustomed Areas and the federal Olympic Coast National Marine Sanctuary, to assist in describing the MSP Study Area more completely.</p>



<p>O-11-8</p> <p>1.5 MSP Study Area: Note: It is vitally important that the MSP study area and the subdivision of authorities within in it are adequately described both in the visual mapping and in the text of the MSP plan. The textual explanation explanation Under 1.5 the MSP Study Area, page 1-12 is insufficient. Recommended changes to 1.5 the MSP Study Area pages 1-12-1-13: a. Page 1-12: "The MSP study area consists of marine state and federal waters along the Pacific Ocean. The Study Area extends from ordinary high water on the shoreward side out to 700 fathoms (4,200 feet). The 700 fathom depth curve ranges from 35 to 55 nautical miles offshore with an average distance of approximately 40 nautical miles westward of the shoreline. Extending from Cape Flattery on the north of the Olympic Peninsula south to Cape Disappointment at the Mouth of the Columbia River, the MSP Study Area encompasses estuaries along the coast, including two large estuaries : Grays Harbor and Willapa Bay covers a distance of 136 nautical miles, including 480 nautical miles of coastal shoreline and spans 5,839 square nautical miles (7,732 statute miles) of marine waters. (End of Paragraph). New paragraph continues as is written starting with: "The Study Area was chosen..... b. Page 1-13: Strike first sentence in first paragraph,,,,,, and begin paragraph with: "The Study Area includes the intertidal, nearshore, continental shelf.....(continue as written until end of fifth sentence ending with ....Strait of Georgia (Canada ). (End of paragraph). c. Start new paragraph beginning with; "A Large portion (Two thirds) of the MSP Study Area overlaps with the 3,956 square miles nautical miles of the Usual and Accustomed Areas (U&amp;A's) of four coastal treaty tribes. The Area also includes the 2,408 square nautical miles of the Olympic Coast National Marine Sanctuary, areas designated as US Naval Operations Areas and includes the Washington State Seashore....." (continue as written). [Commenter: O-11]</p>	<p>O-11-8</p> <p>We have added more to the narrative in this section to assist in describing the MSP Study Area more completely, particularly as it relates to overlapping tribal and federal areas.</p>
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<p>O-11-12 1.7 Olympic Marine Sanctuary: a. Suggested edits: Page 1-18, second paragraph, after second sentence insert revised sentence; "The Sanctuary described on the east by 84 nautical miles of the outer coast encompasses a densely complex shoreline of 141 nautical miles including all bays, inlets, points and other shoreline features. b. Suggested addition: Page 1-18, third paragraph, third sentence under Olympic Marine Sanctuary; Add "Naval Operations" after "....including shipping, Naval operations, tribal and non-tribal..... [Commenter: O-11]</p>	<p>O-11-12 As suggested by this comment, we have made some minor corrections to the description of the Sanctuary and the activities within it, and in accordance with statistics confirmed by the Sanctuary and GIS tools to approximate areas.</p>
<p>O-5-3 The documents as presented do not adequately describe or reflect in the text and in the narrative these existing spatial limitations and the expected impact on space available for potential new use because of them. The maps show a pretty good description but there needs to be a narrative interpretation of those maps as well. [Commenter: O-5]</p>	<p>O-5-3 We have added more to the narrative, including statistics, to assist in describing the MSP Study Area more completely. We believe the plan adequately reflects and recognizes the important roles that both tribes and the federal government play within the MSP Study Area. In particular, we devoted sections within the Introduction to describing coastal tribes and the sanctuary. Other governmental authorities and interests will present additional complexities and challenges for those wishing to pursue a new ocean use in these areas.</p>

## 20. Ocean Resources Management Act (ORMA)

Comment	Response
<p>I-10-5 The Washington State Supreme Court's unanimous decision on ORMA suggests that the importance of the provisions of ORMA need to be highlighted in both the Executive Summary and throughout the document as a whole. I believe it requires special treatment as the law has not been dead, it has only been resting until its importance was reinvoked. [Commenter: I-10]</p>	<p>I-10-5 The purpose of Chapter 4 is to highlight existing state and local authorities and plan implementation requirements. The Ocean Resources Management Act and its implementing regulations are highlighted prominently throughout Chapter 4. References to the Supreme Court Decision No. 92552-6 (Quinalt Indian Nation, et al v. Imperium Terminal Svcs., et al.) are included in Chapter 4 of the plan as well. References to ORMA have also been added in the executive summary and introduction.</p>
<p>I-6-10 SOC not even close to carrying out intent of the legislature which the Washington Supreme Court told them to do with ORMA, all CMSP is legislated under ORMA and needs to be applied as the legislature and the Supreme Court directed the agencies to carry out. [Commenter: I-6]</p>	<p>I-6-10 The plan has been developed according to state law (RCW 43.372). References to the Supreme Court Decision No. 92552-6 (Quinalt Indian Nation, et al v. Imperium Terminal Svcs., et al.) are included in Chapter 4 of the plan. The court determined that ORMA applied to two proposed oil export terminal projects located on the shoreline of Grays Harbor. The court did not alter the policies nor permit criteria contained within ORMA (RCW 43.143.010 and 43.143.030). The plan emphasizes that projects must satisfy ORMA.</p>
<p>O--1-8 Unanimous ORMA Washington Supreme Court Decision affecting the Pacific coastal zone, only the four coastal counties, to preemptively protect and preserve fishing as well as reach as far as to prohibit harmful new use projects utilizing simple adverse impacts as the new higher protective standard for existing uses supports the AVOID CONFLICT directive to preemptively address the highest fatality rate of any occupation in the nation if the NW fisheries. The only Washington Supreme Court Decision relative to ORMA implementation and far reaching effect needs to be thoroughly reviewed and applied broadly to the Washington "Coastal" Marine Spatial Plan and EIS as the 9 justices' unanimous Decision is highly supportive of the legislative intent to preemptively stop HARM to coastal communities that does not have to be irreparable significant harm to be offered preemptive protection. [Commenter: O--1]</p>	<p>O--1-8 Applicants need to be consistent with the provisions of the Ocean Resources Management Act and its provisions will be applied, as indicated throughout the plan. In particular, see Chapter 4 for requirements of this law and its regulations. References to this Supreme Court Decision No. 92552-6 (Quinalt Indian Nation, et al v. Imperium Terminal Svcs., et al.) are included in Chapter 4 of the plan.</p>

<p>O--1-6</p> <p>Recent Washington Coastal Marine ORMA legislation has become even more rigorous to AVOID CONFLICT and conditionally allow new use that produces only MINIMAL ADVERSE IMPACTS to Pacific coastal marine waters and existing uses to prevent large new marine water projects from disrupting and displacing existing use like the Burt Hamner Grays Harbor Ocean Energy (GHOE) project that is a different intent than any other Coastal Marine Planning Legislations in the nation that were legislated to install new use in the ocean by trading off existing uses. [Commenter: O-1]</p>	<p>O--1-6</p> <p>The Ocean Resource Management Act's (ORMA) policies and permit criteria are outlined in RCW 43.143.010 and RCW 43.143.030 and further described by implementing regulations in WAC 173-26-360. This includes a permit standard of "no likely long-term significant adverse impacts to coastal resources or uses" (RCW 43.143.030). ORMA's implementing regulations (WAC 173-26-360(7)(e)) rely on the State Environmental Policy Act for procedures on identifying significant adverse impacts and using the mitigation sequence to address adverse impacts (WAC 197-11-768).</p> <p>Furthermore, RCW 43.372 requires the plan to minimize negative impacts to fisheries. To identify and minimize adverse impacts, the plan includes requirements for applicants to notify and consult with affected fisheries as well as to demonstrate they are consistent with the fisheries protection standard.</p> <p>The plan is consistent with these existing laws and regulations. Therefore, no change is needed.</p>
<p>O--1-15</p> <p>Basic defect 2 – The Plan and EIS addresses "significant" adverse impacts of 1989 original ORMA to existing coastal uses and does not adequately address the much higher NO HARM standards to simply "avoid conflict" and "minimal adverse impact" found in the recent ORMA legislation which places a much higher standard on new use in coastal waters to protect the fisheries and more specifically address the insane fatality rate already occurring in the fisheries. [Commenter: O--1]</p>	<p>O--1-15</p> <p>The Ocean Resource Management Act's (ORMA) policies and permit criteria are outlined in RCW 43.143.010 and RCW 43.143.030 and further described by implementing regulations in WAC 173-26-360. This includes a permit standard of "no likely long-term significant adverse impacts to coastal resources or uses" (RCW 43.143.030). ORMA's implementing regulations (WAC 173-26-360(7)(e)) rely on the State Environmental Policy Act for procedures on identifying significant adverse impacts and using the mitigation sequence to address adverse impacts (WAC 197-11-768). The plan is consistent with these existing laws and regulations. Therefore, no change is needed.</p>

<p>O--1-46</p> <p>The Plan also neglects the Washington Supreme Court 12 January Unanimous Decision that instructs agencies that certain adverse impacts by new use can be outright <b>PROHIBITED</b> and that ORMA was designed to <b>PREEMPTIVELY STOP</b> more than <b>MINIMAL ADVERSE IMPACTS</b> to existing coastal uses, including fishing. ORMA, especially the last 3 legislative additions in 2010, 2012, and 2013 were specific to Avoid Conflict, allow only <b>MINIMAL ADVERSE IMPACTS</b>, as opposed to the original 1989 ORMA legislation that called out "Significant" adverse impacts to coastal uses; a much higher standard of protection for fisheries is now in effect than in the original 1989 version of ORMA. In the last three additions to ORMA the legislature recognized the huge intolerable impact on fishing of the Rafeedie Decision and the legislature took several steps to ensure no additional damage occurred to the coastal fishing communities by placing some pretty serious protections in place that go well beyond minimize impact to fishing, in fact as mentioned numerous time before: 1. Avoid Conflict with fishing, 2. Allow only <b>MINIMAL</b> impacts to fishing, a huge increase in protection from the 1989 Significant adverse impact standard, and 3. make new use conditional to the Avoid Conflict and only minimal adverse impact to fishing allowed to occur and the Supreme Court added the fact that if Conflict and Adverse Impacts that the fishing fleet has shown are reasonably foreseeable, especially to next generation high debt fishermen then the fishery protective standard is to <b>PROHIBIT</b> the new use from occurring, especially in high value fishing areas that the coastal fish dependent communities depend upon for their economic stability and viability. [Commenter: O--1]</p>	<p>O--1-46</p> <p>The plan is consistent with existing laws and regulations and includes references to Washington Supreme Court Decision No. 92552-6 (Quinault Indian Nation, et al v. Imperium Terminal Svcs., et al.) in Chapter 4 of the plan. The court determined that the Ocean Resource Management Act's (ORMA) applied to two proposed oil export terminal projects located on the shoreline of Grays Harbor. Therefore, no change is needed.</p> <p>The Ocean Resources Management Act's (ORMA) policies and permit criteria are outlined in RCW 43.143.010 and RCW 43.143.030 and further described by implementing regulations in WAC 173-26-360. This includes a permit standard of "no likely long-term significant adverse impacts to coastal resources or uses" (RCW 43.143.030). ORMA's implementing regulations (WAC 173-26-360(7)(e)) rely on the State Environmental Policy Act for procedures on identifying significant adverse impacts and using the mitigation sequence to address adverse impacts (WAC 197-11-768). This sequence includes avoiding and minimizing impacts.</p> <p>RCW 43.372.040(8) requires the plan to minimize negative impacts on fishing. Therefore, the plan requires applicants to 1) consult with affected fisheries to identify potential impacts and ways to avoid and minimize those impacts and 2) provide information on how their project satisfies the fisheries protection standard.</p>
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<p>O--1-69</p> <p>That was the intent of the legislature, to STOP PROJECTS that had adverse impacts and did not AVOID CONFLICT with existing uses including Fishing. The ecology attorney got it RIGHT at the October 2016 Grays Harbor Oil Terminal Expansion hearing before the Supreme Court but that revelation has not been adequately transferred to the Plan, in fact ecology has maintained over and over that projects cannot be prohibited, contrary to the Supreme Court Decision that states unequivocally that projects that adversely affect the coastal zone can be prohibited outright. This prohibition is possible where conflict with existing use, fishing is not avoided, the minimal adverse impact is surpassed, and Fishing is not preemptively protected and preserved for current and future generations. [Commenter: O--1]</p>	<p>O--1-69</p> <p>References to Washington Supreme Court Decision No. 92552-6 (Quinault Indian Nation, et al v. Imperium Terminal Svcs., et al.) are included in Chapter 4 of the plan. The court determined that the Ocean Resource Management Act's (ORMA) applied to two proposed oil export terminal projects located on the shoreline of Grays Harbor.</p> <p>The court did not alter the policies nor permit criteria contained within ORMA (RCW 43.143.010 and 43.143.030). The plan emphasizes that projects must satisfy ORMA. The plan provides a framework to assist in the evaluation of proposals against ORMA's policies and standards. Because potential projects and their effects are highly variable (e.g. type, design, size), the state opted for including effects-based standards including specific protections for fisheries and environmentally sensitive areas.</p> <p>Furthermore, NOAA advised that effect-based standards would be likely able to be approved into the Washington's Coastal Zone Management Program - a required step under RCW 43.372.040(12). NOAA indicated broad prohibitions were unlikely to be approved. Therefore, no change is needed.</p>
<p>O--1-79</p> <p>Review of the application of ORMA as elaborated at the State Supreme Court and applied to the Washington Coastal Marine Spatial Planning process and the associated EIS is warranted to be adequately incorporated into the Plan. [Commenter: O--1]</p>	<p>O--1-79</p> <p>References to this Supreme Court Decision No. 92552-6 (Quinault Indian Nation, et al v. Imperium Terminal Svcs., et al.) are included in Chapter 4 of the plan.</p>
<p>O-2-14</p> <p>Section 2.7 pg 2-142-158 These sections don't seem to reflect the WA Supreme Court Decision regarding ORMA from early 2017, nor do they reflect the recent Energy Facility Site Evaluation Council recommendation regarding Tesoro-Savage Oil Terminal in Vancouver. A slight update based upon the final decision from Governor Inslee should be included prior to final submission of the Plan to NOAA [Commenter: O-2]</p>	<p>O-2-14</p> <p>The plan includes a reference to the Washington Supreme Court Decision under the Section 2.7 in the sub-section titled "Future Trends." We updated information regarding the recent recommendation and decision regarding the Tesoro-Savage terminal.</p>

<p>O-11-15 2.1 Shoreline Development: Page 2-44, Second paragraph after first sentence insert new sentence; A recent Washington State Supreme Court ruling (cite) on the application of the Ocean Resources Management Act, (ORMA) (RCW 43.143.010), has also tied the issuance of Shoreline Development Permits to the requirements of ORMA in cases where the shore side activity would be directly connected to, are a part of or impact ocean uses and coastal resources. [Commenter: O-11]</p>	<p>O-11-15 This section is briefly mentioning general regulations that govern shoreline development. Specific ocean resource and use laws and regulations are also part of what local governments on Washington's Pacific Coast are required to incorporate into their local Shoreline Master Programs. We have added a sentence acknowledging the additional ocean requirements in these local programs.</p>
<p>O-11-5 Under Outline of Plan Content [Executive Summary]: Recommended edit fourth and fifth bullet paragraph 1 (xvii): Note: The referred language in bullets four and five comes from statutory language in ORMA, specifically RCW 43.143.030. The bullets refer to "state waters" whereas the statute reads "Washington's coastal waters" . These two bullets should be changed to capture explicit statutory language. After recent Washington State Supreme Court ruling reaffirming the application of ORMA to "ocean uses" aligning MSP language with the ORMA statutory language, would be additionally appropriate for bullets four and five. This would also be more consistent with the mapping mandate (RCW 43.372.040) identifying those areas, (in fourth bullet), throughout the MSP Study Area. Change bullet four (4) to read: Identifying ecologically-sensitive resources in Washington's coastal waters to protect from adverse effects of offshore developments. Change bullet five (5) to read: Defining policies in Washington's coastal waters to protect fisheries from long term .. [Commenter: O-11]</p>	<p>O-11-5 These bullets are summarizing the proposed new enforceable policies. With the context of the plan, these policies only apply to state waters. Once approved as part of the Washington's Coastal Zone Management Program, these new policies can be used for evaluating federal activities occurring outside of state waters that have reasonably foreseeable coastal effects and whether they are consistent with all of the state's approved enforceable policies.</p>

<p>O-5-1</p> <p>While I have not had a chance to thoroughly review the marine spatial draft plan and the draft EIS presented with the plan, I am concerned that what I have reviewed has not completely captured either the legislative intent or statutory requirements of the WCMAC and the MSP enabling legislation for the policies of ORMA, the Ocean Resources Management Act. Especially the policies of ORMA pertaining to requirements and standards of new ocean uses and the limitations of potential impacts of those new uses on existing sustainable ocean uses. [Commenter: O-5]</p>	<p>O-5-1</p> <p>The Ocean Resource Management Act's (ORMA) policies and permit criteria are outlined in RCW 43.143.010 and RCW 43.143.030 and further described by implementing regulations in WAC 173-26-360. This includes a permit standard of "no likely long-term significant adverse impacts to coastal resources or uses" (RCW 43.143.030). ORMA's implementing regulations (WAC 173-26-360(7)(e)) rely on the State Environmental Policy Act for procedures on identifying significant adverse impacts and using the mitigation sequence to address adverse impacts (WAC 197-11-768). The plan is consistent with these laws and regulations. Therefore, no change is needed.</p>
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## 21. Plan Implementation

Comment	Response
<p>I-10-4</p> <p>A recurring theme seems to be to limit the MSP direction to offshore wind energy or offshore aquaculture (PDF page 15 xiii; PDF page 18, xvi) etc. The use of "or other development uses..." may solve this issue. For example, the Port of Grays Harbor Commissioner Meeting today, heard a proposal about a stationary barge anchored in coastal waters with a system to extract hydrogen as fuel. It would seem that this type of endeavour may not be covered nor require MSP guidance.</p> <p>Page 23 (Chapter 1-4), second bullet "...review of proposed renewable energy or other development uses requiring..." [Commenter: I-10]</p>	<p>I-10-4</p> <p>We have added the phrase "other development uses" in a few places to help clarify the application of the plan to a wide range of potential ocean uses. The phrase was not included in the bulleted list referenced on page 1-4 (Section 1.2) because this list is summarizing specific required plan elements contained in RCW 43.372.040. The law calls out a specific need for establishing a framework to coordinate review for renewable energy projects. Yet, this is the same type of coordination that will be employed for reviewing other development uses.</p>
<p>O--1-26</p> <p>This Plan once complete is a living document that must not be put on the shelf and forgotten; it is to be used as intended to protect, stabilize, and preserve the economic viability of the coast by utilizing some of the added toolkit in the ORMA legislation that has not been addressed to date. [Commenter: O--1]</p>	<p>O--1-26</p> <p>We agree that the plan is a useful, living document to guide management decisions. The plan's implementation actions include a process to review and update the plan on a regular basis.</p>



<p>O--1-29</p> <p>Fishing MUST to be directly at the table to ensure good faith deliberations to allow our unfiltered candid comments to help make better informed decisions to better protect those most affected by the Plan outcomes and to ensure the intent of the Washington CMSP legislation that is UNIQUE in the nation is carried out to the full extent of the law and legislative intent. [Commenter: O--1]</p>	<p>O--1-29</p> <p>We agree on the importance of including affected stakeholders, particularly fishing, in decision-making processes. To this end, the plan establishes a new requirement for applicants to meet with affected fisheries stakeholders regarding their proposed projects.</p>
<p>O--1-36</p> <p>In the Future, any BOEM of other agency Taskforce that may be established in relationship to leasing areas or establishing new use in the Washington Coastal Zone adjacent to the four ORMA covered counties MUST include direct representatives of the coastal fishing industry similar to the composition of the Washington Coastal Marine Spatial Plan to better protect and preserve, avoid conflict, and conditionally allow only minimal adverse impacts the coastal fish/water dependent communities as intended by the legislature by over a decade of protective coastal legislation involving a number of coastal protectionist bills. [Commenter: O--1]</p>	<p>O--1-36</p> <p>This comment appears directed at the federal agencies, such as Bureau of Ocean Energy Management (BOEM), and their processes for establishing intergovernmental taskforces. BOEM's taskforces are typically comprised of only governmental agencies. The state does not have authority over processes established by federal agencies. Recognizing the importance of dialogue with fishing communities and other stakeholders, the state's MSP requires applicants to meet with affected fisheries stakeholders and to notify the Washington Coastal Marine Advisory Council about their proposed projects.</p>
<p>O--1-55</p> <p>The implementation of the Washington Coastal Marine Spatial Plan MUST ensure that there is ZERO TAKE OF FISHERMEN as a result of this Plan or the rest does not matter. [Commenter: O--1]</p>	<p>O--1-55</p> <p>We understand the concerns about safety faced by the fishing industry. Safety issues are multi-faceted, complex, and include many factors that are outside of the plan's scope. Fishing representatives advised the state on these issues as they relate to potential new ocean uses and ways to address them in the plan. Washington Coastal Marine Advisory Council provided consensus recommendations on how best to address safety issues, which were then incorporated into the plan's management framework. Applicants proposing new ocean uses must provide information on their proposal, thoroughly evaluate the potential social and economic impacts to fishing, including meeting with affected fisheries stakeholders to identify potential impacts. To satisfy the fisheries protection standard, applicants must then describe how their project is consistent with specific standards for avoiding impacts (such as through siting, size, scale, design, and construction/operation) and for minimizing displacement from fishing areas, impacts to navigational safety, and compression of fishing effort and economic impacts due to reduced area for fishing.</p>

<p>O--1-74</p> <p>Washington Coastal Marine Spatial Plan is mandated by state law to become a part of the CZMA in order for the plan results to primarily protect and preserve existing sustainable uses, including fisheries, while addressing the possibility of new use in the coastal zone if NO conflict areas can be exposed through the CMSP process, which is not currently the case in this draft CMSP or EIS. This CMSP process has been considerably more difficult where the collision of coastal needs with inland carbon ideology has been very rocky and is not yet complete, but coming to CZMA fruition where it is our hope that the intent of the Washington state CMSP legislation is honored as described by the Washington State Supreme Court, explained later under the Grays Harbor Oil Terminal discussions deeper in this letter.</p> <p>[Commenter: O--1]</p>	<p>O--1-74</p> <p>We believe the legislative mandate to avoid and minimize adverse impacts to fisheries and existing uses is clear. The plan's management framework reflects this mandate by establishing a new fisheries protection standard and a process for involving affected fisheries stakeholders in discussing potential adverse impacts from proposed projects. The plan also includes other information requirements and standards related to protecting other existing uses. It integrates policies and regulations from the Ocean Resources Management Act (ORMA). The plan provides a process and comprehensive standards that together maximize the state's ability to apply these policies in the MSP Study Area. We agree that the ability for Washington to apply these policies through its Coastal Zone Management Program is an important aspect of implementing the plan.</p>
<p>A-3-6</p> <p>We believe periodic meeting with these representatives, the sanctuary and the State's Ocean Caucus could continue this productive relationship and serve as a venue for discussing OCNMS role in MSP implementation, as appropriate. We are specifically interested in identifying collaborative projects that support both the MSP and the sanctuary's management plan. [Commenter: A-3]</p>	<p>A-3-6</p> <p>Thank you. We agree that continued collaboration between the state and the Olympic Coast National Marine Sanctuary will have mutual benefits for MSP implementation and the sanctuary's management plan.</p>
<p>O-10-3</p> <p>And I think having that door open for periodic review in the future as things change — as we know that they will — is a really important piece.</p> <p>[Commenter: O-10]</p>	<p>O-10-3</p> <p>The plan implementation actions include a process for periodic review and update of the plan. We agree that this is an important aspect of the plan.</p>

<p>O-2-9</p> <p>Given that any potential future interest for developing larger, industrial scale projects will likely be more interested in federal waters offshore (nautical miles), completion of this plan and the subsequent adoption as part of the Washington Coastal Management Plan is a very important part of the State of Washington asserting its interest in any future decision making that may occur in federal waters. "Under the federal Coastal Zone Management Act (CZMA), the "federal consistency" provision gives a coastal state a strong voice that it would not otherwise have in federal agency decision-making for activities that may affect the coastal uses or resources of a state's coastal zone. Generally, federal consistency requires that federal actions, within and outside the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally- approved Coastal Zone Management Program (CZMP)."</p> <p>[Commenter: O-2]</p>	<p>O-2-9</p> <p>We agree that large-scale projects are more likely to be proposed in federal waters, which increases the importance of the next steps outlined in the implementation section for submitting the plan to NOAA for approval as part of the state's Coastal Zone Management Program.</p>
<p>O-2-18</p> <p>We look forward to working with the agencies and the Washington Coastal Marine Advisory Council in the months and years ahead to advance implementation of the plan and continue to address any data gaps. [Commenter: O-2]</p>	<p>O-2-18</p> <p>Thank you for your comment and for your commitment to assisting with plan implementation, including addressing data gaps.</p>
<p>O-1-4</p> <p>Additionally, future versions of the MSP will benefit from explicit consideration of how the MSP ties in with plans in adjacent areas (e.g., Oregon, California, British Columbia). There is increasing evidence in the literature that planning to the size of the ecosystem and its processes translates to better conservation and management outcomes. This need to plan to appropriate scale is heightened by effects of climate change and ocean acidification, that are already affecting Washington's marine resources. Regional and transboundary management decisions become especially relevant in fisheries, where the resource may be moving in and out of the study area depending on the time of year. As fish stocks move, interoperability of management systems across borders may become necessary for effective and equitable resource benefits. Working together from a zoomed-out perspective will likely enable more successful accomplishment of the desired</p>	<p>O-1-4</p> <p>We agree there is a need to link the state's MSP with the broader marine ecosystem along the West Coast, especially in light of large scale changes to ocean conditions. This linkage is already being made through Washington's participation in the West Coast Regional Planning Body. We look forward to continuing to advance connections in regional and transboundary partnerships and management venues as we implement the state's plan.</p>

conservation outcomes for the plan.  
[Commenter: O-1]

## 22. Management framework

Comment	Response
<p>I-7-4 What happens when a new use pushes into and interferes with or eliminates an existing use? How are those conflicts measured? Without have a priority set for existing uses the new uses will become the flavor of the day and push out uses that don't fit with the new owner's profit margins and can be viewed as just something that is in the way of their future projects. Too often when new uses are put to the test they push out or compete for existing space. Each use should be given its due, but not to the extent that existing lives and communities will be put at risk. [Commenter: I-7]</p>	<p>I-7-4 The plan provides a comprehensive framework for evaluating potential impacts from a proposed new use and for protecting existing uses and resources. The plan outlines the required information about a proposed project; details the effects to people, communities and the environment that need to be evaluated; and lists the policies and standards a project must satisfy. These standards include consideration of effects of displacement of existing uses and ensuring a project avoids and minimizes these impacts. The new fisheries protection standard includes more specific standards for minimizing displacement of fisheries.</p> <p>The plan also provides information designed to assist applicants in selecting locations, designs, construction and operations for projects that avoid and minimize impacts to uses and resources. Ultimately, applicants will need to demonstrate they satisfy all policies and standards, including achieving "no likely long-term significant adverse impacts to coastal resources or uses" (RCW 43.143.030).</p>
<p>I-7-9 Any project should that would displace an existing use should show how it will maximize the space available for jobs, benefits to coastal communities and to the state of Washington. We have the last areas of undeveloped coastal line left in the continental United States. We must be extremely careful how we move forward in the future with the uses that will be placed in our ocean. [Commenter: I-7]</p>	<p>I-7-9 The plan requires a thorough effects evaluation for proposed new ocean use projects, including an assessment of the social and economic costs and benefits to the affected communities over the short and long-term.</p>
<p>I-6-19 No Trash Left Behind — realistic rehabilitation BONDING for new use [Commenter: I-6]</p>	<p>I-6-19 The plan includes standards for site rehabilitation and financial assurance such as bonding. These requirements are included to ensure that the site is rehabilitated after the use or activity is completed. Please see Section 4.7 Construction and Operation Plan - 6. Decommissioning plan and 7. Financial assurance plan.</p>

<p>O--1-22</p> <p>Adequate Bonding to ensure that failed or abandoned industrial facilities needs to be far better clarified to ensure that LLC bankruptcies do not leave the taxpayer on the hook for complete decommissioning expenses that need to be the complete responsibility of the industrial developer. [Commenter: O--1]</p>	<p>O--1-22</p> <p>The plan includes standards for site rehabilitation and financial assurance such as bonding. These requirements are included to ensure adequate funds are available to the applicant to address decommissioning and rehabilitation of the site, compensatory mitigation, and other issues such as inflation or reasonably anticipated disasters. Please see Section 4.7 Construction and Operation Plan - 7. Financial assurance plan.</p>
<p>O--1-35</p> <p>Using process alone as found in this document is too easily manipulated and opaque a situation and similar to the Marxan mapping tool where the output that is desired can be decided by the input materials and not an open transparent process that the public or the legislature can follow easily to a realistic conclusion based on factual evidence presented. [Commenter: O--1]</p>	<p>O--1-35</p> <p>The management framework sets forth both a transparent process for evaluating projects and the clear, substantive requirements (standards), that applicants must meet. The plan outlines the required information about a proposed project; details the effects to people, communities and the environment that need to be evaluated; and lists the policies and standards a project must satisfy. It also requires increased participation by and notification of affected stakeholders, such as fisheries.</p> <p>Because potential projects and their effects are highly variable (e.g. type, design, size), the state opted for using effects-based standards. These effect-based standards included two new specific protections for fisheries and environmentally sensitive areas. This approach is consistent with existing state laws, regulations, and policies and enables future integration of these policies into the state's coastal zone management program.</p>
<p>O--1-61</p> <p>This much higher index means Washington has a lot more frequent and greater severity to the storms than our neighbor to the south increasing the difficulty of any anchored structures remaining in place. This much higher weather index also translates into a much higher failure rate of any anchored structures placed in Washington offshore waters demanding significantly more bonding security for cleanup and removal of failed facilities that need to be bonded at a rate equal to or greater than the cost of the initial installation, at a minimum. Adequate bonding requirements to fully ameliorate failed facilities helps incentivize smarter and cleaner operations offshore. This upfront cost of facility removal MUST be mandatory and adequate to cover reasonably expected removal costs considering the existing 100% failure rate of the devices in NW Waters, in waters not nearly as</p>	<p>O--1-61</p> <p>The plan includes standards for site rehabilitation and financial assurance such as bonding. These requirements are included to ensure adequate funds are available to the applicant to address decommissioning and rehabilitation of the site, compensatory mitigation, and other issues such as inflation or reasonably anticipated disasters. Applicants must provide financial assurance documentation prior to receiving project approvals from the state or local governments. Financial assurance is one of many state criteria that applicants must demonstrate they have satisfied. Please see Section 4.7 Construction and Operation Plan - 7. Financial assurance plan.</p>

extreme as Washington weather conditions. This is why adequate bonding in realistic amounts is necessary to get failed ventures out of the water. \$4 – 5 million per unit installed plus all connecting cables at a minimum is the current cost plus inflation over time. [Commenter: O--1]	
<p>T-2-4</p> <p>One specific — a couple specific things that I wasn't sure about: in section 4.1.4, the section is titled Relationship of the Marine Spatial Plan to other Existing State and Local Authorities and Plans — it says that MSP does contain new enforceable policies that state and local agencies will use in their regulatory processes. And I haven't gotten to the point where I've scrutinized enough to see, are those new enforceable policies set out — you said at the beginning there aren't any new rules. But if they're new policies, if they have the force and effect of a rule then it would be helpful if those could be set out and just be shown or highlighted. [Commenter: T-2]</p>	<p>T-2-4</p> <p>The proposed enforceable policies are described in detail in the Management Framework (in particular, see sections 4.3.3 and 4.6.3). In addition, Appendix E provides more details on how those proposed enforceable policies relate to federal consistency and the mechanisms for implementing the policies.</p>
<p>T-1-21</p> <p>Page 4-29 - Effects Evaluation</p> <p>Add text to read: "To enable evaluation of compliance with the state's ocean use policies and regulations, including the criteria of RCW 43.143.030(2), as well as tribal ordinances, policies and consultation procedures, applicants must provide a written effects evaluation that complies with..." [Commenter: T-1]</p>	<p>T-1-21</p> <p>The state law and plan provide a pathway for compliance with state policies and regulations only. It is not the state's responsibility to evaluate compliance with tribal ordinances, policies, or consultation procedures. We recognize the effects evaluation also may be useful to evaluate effects under applicable tribal laws and have added a separate sentence to note this.</p>
<p>OTH-1-11</p> <p>19. MSP/4-27 Table 4.4-1 Navy recommends that military uses be addressed separately in this table.</p> <p>20. MSP/4-31 2. Current Uses This section should include current and future military use within the MSP study area. [Commenter: OTH-1]</p>	<p>OTH-1-11</p> <p>Military uses have been added to the effects evaluation for current uses. Military uses are already listed as an individual bullet in Table 4.4-1 as an information need, therefore no change was made.</p>
<p>O-10-4</p> <p>I really like the inclusion of the standards. I think the language is very clear in those. I really appreciate the attention to detail that's being laid out there. [Commenter: O-10]</p>	<p>O-10-4</p> <p>Thank you for your comment.</p>
<p>O-2-5</p> <p>The guidelines and process for potential new uses in Washington State waters is clearly articulated while providing adequate protection to existing uses. It is our opinion that Washington's Marine Spatial Plan has set a new standard for other states and countries to follow. [Commenter: O-2]</p>	<p>O-2-5</p> <p>Thank you for your comment.</p>

O-11-38

The following comment was submitted on an earlier preliminary MSP Draft. The present document has incorporated some of my concerns. I am re-submitting the comment and concerns because as part of the Public Comment process specific answers to questions raised are expected. To confirm my concerns have been answered I re-submit my comment. COMMENT: The Ocean use definition in [WAC 1733-26-360(3)] may need an expanded interpretation to match the recent State Supreme Court ORMA ruling. The MSP document in its entirety and section 4 specifically need to be re-examined to determine if references to "Ocean Uses" match up with the Courts more liberal interpretation of "Ocean Uses" than prior DOE interpretation of what constitutes an "Ocean Use". Similarly, DOE has had a narrow view of what constitutes ocean transportation that would be covered by ORMA and deserving of an extended discussion within the SMP. The Court ruling on what constitutes transportation activities that trigger ORMA is more expansive than the DOE interpretation of its own [WAC 173-26-360 (12)]. While arguably not a new "Ocean Use" the Courts view begs the question whether the SMP has adequately acknowledged the threat and required review standards under ORMA for the potential high volume transport of hazardous materials through our marine space, including highly productive tribal and non-tribal fishing areas and estuaries identified as Important, Sensitive and Unique Areas (ISUs). While section 4 might not be the place to insert a more thorough discussion of hazardous material transport and potential significant adverse impacts of that transport, a more complete discussion should be included in the SMP document. It should also be recognized by the authors that with the Courts ruling on what transport activity qualifies as an ocean use, the reference to the ocean uses list in [WAC 173-26-360 (8)-(14)] in 4.1.4 (2) is now an acknowledgement that hazardous material transport, (for example: projects introducing high volume crude oil transport through Grays Harbor), would qualify for project review criteria described in the management framework. [Commenter: O-11]

O-11-38

References to the Supreme Court Decision No. 92552-6 (Quinault Indian Nation, et al v. Imperium Terminal Svcs., et al.) are included throughout Chapter 4 of the plan. The court determined that ORMA applied to two proposed oil export terminal projects located on the shoreline of Grays Harbor. The court did not alter the definition of the policies nor permit criteria contained within ORMA (RCW 43.143.010 and 43.143.030). The plan emphasizes that projects that trigger ORMA must satisfy ORMA's requirements. The plan also provides references to the regulatory standards for the general ocean uses and those specific to the type of ocean use.

We also acknowledge the plan is a useful resource for future projects that may trigger ORMA's requirements, but that were not within the scope for the plan's development. At the same time, the court decision does not alter the geographic scope for application of the plan (see definitions under RCW 43.372.010).

## 23. Oil Spills

Comment	Response
<p>I-5-3 Please protect the coast from oil spills - which is a tremendous threat. [Commenter: I-5]</p>	<p>I-5-3 The plan includes information on ongoing stressors, such as the impacts of oil spills from existing activities, as well as how future uses may increase those risks. The plan is not designed to address the risks posed by current, existing uses. The risks for spills related to new ocean uses will be evaluated when projects are proposed. The plan's management framework guides the evaluation of spill risks and outlines standards to prevent and minimize potential adverse impacts from spills.</p>
<p>O--1-57 The Washington Coastal Marine Spatial Plan ignores public input throughout the CMSP process that identified the fact that oil spills have negative adverse impacts to fish dependent communities and that the Plan MUST include all possible avenues of oil spill prevent which is missing in the Plan. During the Plan process CCF listed a number of scientific studies showing the deleterious impacts to fish and especially salmon one of the historical mainstays of the coastal fish dependent communities. Fishing, the public and the environment will pay the price of an oil spill for far too long and is just one more reasonably foreseeable cumulative adverse impact that the coastal communities will be forced to endure. The Plan needs to address situation now, not after the fact of an oil/chemical spill that degrades the natural environment and negatively impacts the coastal peoples' wellbeing. [Commenter: O--1]</p>	<p>O--1-57 We recognize the significant impacts that occur to the natural environment and coastal uses, when oil is spilled. The plan includes information on ongoing stressors, such as the impacts of oil spills from existing activities, as well as how future uses may increase those risks. The plan is not designed to address the risks posed by current uses, as these uses are managed by existing laws, policies, and programs. The plan's management framework guides the evaluation of spill risks and outlines standards to prevent and minimize potential adverse impacts from spills.</p>
<p>T-1-15 Page 2-41 Suggested addition of text to be added prior to OCNMS paragraph: The State of Washington stationed an emergency response towing vessel at Neah Bav in 1999: Since then, the response tug has been called out 57 times, thus preventing an estimated 18,677,954 gallons of spilled oil and gas in the waters off Cape Flattery. Citation: <a href="http://www.ecv.wa.gov/programs/spills/response_tug/tugresponsemainpage.htm">http://www.ecv.wa.gov/programs/spills/response_tug/tugresponsemainpage.htm</a>  Page 2-155 - Suggested similar language as above in the Emergency Towing Vessel, last paragraph.</p>	<p>T-1-15 We have updated the information on the response tug, where it is already mentioned in the plan (See Section 2.7 Marine transportation, Navigation, and Infrastructure) and have noted that it is an asset that significantly contributes to the prevention of oil spills. At the same time, precise statistics on the volume prevented are not easy to determine. Ecology does not have statistics on the volume of fuel on board at the time of a call-out, nor on the likelihood that the vessel requiring assistance would have resulted in a spill.</p>



[Commenter: T-1]	
<p>O-11-28</p> <p>2.4 Oil Spills: Page 2-113, re-write paragraph to read: " Oil spills from marine traffic could potentially affect multiple fisheries for significant periods of time. The potential introduction of crude oil shipments out of Grays Harbor and the Columbia River would bring new risks from oil spills. The oil to be transported include "Bakken" crude oil a highly volatile oil prone to fire and explosion when spilled, and Canadian Tar Sands oil, (dilbit) a heavy crude oil prone to sinking when spilled. The introduction of oil transport through coastal estuaries "particularly sensitive to the adverse effects of an oil spill" (WDFW DEIS), and increase in oil tanker traffic along the coast and potentially over the often dangerous conditions existing on both the Columbia River and Grays Harbor bars have led to stakeholder increased concern about the risks of an oil spill to commercial, recreational and tribal fisheries and how quickly they could recover from such an event (Industrial Economics., 2014 Taylor et al., 2015." [Commenter: O-11]</p>	<p>O-11-28</p> <p>Permits for the proposals referenced in this comment have been withdrawn. We recognize the specific concerns about impacts related to the type of oil involved in those proposals. We have kept the description about concerns related to oil spills impacts more general, as we believe it generally characterizes the concerns about impacts from oils spills on fisheries.</p>

## 24. Coastal hazards

Comment	Response
<p>I-5-5</p> <p>Fully take into account any coastal infrastructure development will always be at risk from inundation due to sea-level rise and tsunamis. That is one of the best reasons to minimize real infrastructure development since it will cost alot, not likely last and/or be very costly to maintain. [Commenter: I-</p>	<p>I-5-5</p> <p>The plan requires applicants to evaluate risk any infrastructure faces from coastal hazards, including assessing the risk due to tsunamis and sea-level rise. Applicants must also assess the survivability of any structures in current and future conditions.</p>

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<p>O-1-6 2.3 Socioeconomic Setting Reference the follow two efforts in the Coastal Hazards and Community Vulnerability, beginning on page 2-73:</p> <ul style="list-style-type: none"> <li>• Ruckelshaus Center Report, "Washington State Coastal Resilience Assessment Final Report. "</li> <li>• Sea level rise is another coastal hazard that is affecting community vulnerability along the outer coast. The Washington Coastal Resilience Project is working to refine sea level rise projections and integrate projections into local planning processes and capital funding projects.</li> </ul> <p>Reference the Washington Coast Works Sustainable Small- Business Competition in the Future Trends section (p. 2-77), as it is an example of "coastal communities identifying many opportunities for socioeconomic growth for an economically sustainable future" [Commenter: O-1]</p>	<p>O-1-6 We have added reference to these newer initiatives and reports.</p>

## 25. Natural Resource Protection

Comment	Response
<p>I-7-6 Overarching Goal: Ensure a resilient and healthy marine ecosystem on Washington's coast that supports sustainable economic, recreational, and cultural opportunities for coastal communities, visitors, and future generations.</p> <p>This comment really says it all and shows that the plan has given thought to how to keep and maintain our heathy marine ecosystem. [Commenter: I-7]</p>	<p>I-7-6 Thank you for your comment.</p>
<p>I-1-1 Please Protect our ocean [Commenter: I-1]</p>	<p>I-1-1 Thank you for your comment. The plan provides specific protections for the ocean and its resources from adverse impacts of new ocean uses.</p>

<p>I-5-1 The Pacific Coast of Washington is one of the last best wild ocean, beach and coastal ecosystems on the planet! Recognize that there are few left. It is imperative that we value conservation and protection of this area for future generations to come. [Commenter: I-5]</p>	<p>I-5-1 The plan includes information on the unique and important areas on Washington's coast. It also provides protections that assist in conserving these resources and protecting them from adverse impacts of new ocean uses.</p>
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## 26. Marine Noise

Comment	Response
<p>I-5-4 Reduce marine noise and pollution, especially from military operations. Prevent all coastal forests from clear-cutting. [Commenter: I-5]</p>	<p>I-5-4 While we understand the concerns raised about impacts of existing uses, the marine spatial plan is focused on evaluating and providing information to assess and guide new ocean use proposals. The MSP is not designed to evaluate impacts generated by existing uses such as fishing, shipping, military training, or timber harvest activities. Information on impacts for existing uses is available through the environmental review documents, plans and permits for those uses.</p>
<p>I-3-1 Please incorporate the new UN Guidelines for Regulating Marine Noise (file attached) into the Marine Spatial Plan. [Commenter: I-3]</p>	<p>I-3-1 Thank you for providing this reference. We are not establishing new regulations for marine noise in the plan, but have noted this document as a resource.</p>
<p>OTH-1-3 11. MSP/2-45 Ocean Noise, para 4, sent 2 This sentence suggests that Navy is the second primary source of noise in the Study Area waters. The Navy is not aware of data to support this statement. Unless there is citable data available, please remove the words "primarily from shipping as well as Navy training and testing activities" so that the sentence reads: "Study Area waters are impacted by both chronic and accumulated acute anthropogenic noise sources." [Commenter: OTH-1]</p>	<p>OTH-1-3 We have removed this phrase. As we recognized in the following sentence, chronic and acute noise and impacts are not currently adequately characterized for this area.</p>

## 27. EIA

Comment	Response
<p>O-1-2 We consider the Ecologically Important Areas (EIA) delineation key for determining where development could potentially adversely impact the marine ecosystem. Accordingly, Conservancy staff undertook an assessment of the EIA relative to a similar assessment done by the Conservancy in 2013 (Pacific Northwest Marine Ecoregional Assessment ). The full report of our comparison of the two analyses will be available online at WashingtonNature.org in coming months, along with a presentation by Conservancy staff to the WCMAC in May 2017. While the two analytical approaches differ, they both develop a feasible framework for mapping the complicated biodiversity off the Washington coast. [Commenter: O-1]</p>	<p>O-1-2 We agree that the Ecologically Important Areas (EIA) provides important information about the potential for adverse impacts. Thank you for performing a comparison of the EIA to a similar assessment performed by The Nature Conservancy and noting their compatibility in framework and results.</p>

## 28. Aquaculture

Comment	Response
<p>O--1-71 The Plan erroneously attempt to project some potential compatible uses in the Coastal Zone stating that fish rearing net pens may even be compatible with the co-location in marine protected areas. [Commenter: O--1]</p>	<p>O--1-71 The plan summarizes current research on offshore aquaculture, which indicates both potential compatibility with MPAs and potential conflicts with MPAs due to potential impacts (discussed under Potential impacts section). The plan discusses both.</p>
<p>O-11-30 2-10 Offshore Aquaculture: Page 2-215, first paragraph add sentence: The culture of non-native finfish and potential environmental and economic harm from escapes is of concern and could affect vast areas including areas beyond the Study Area and cause negative impacts on native finfish populations. [Commenter: O-11]</p>	<p>O-11-30 Please note that the 2018 Washington Legislature adopted a ban on all new commercial net pens for non-native finfish species in marine waters of Washington State (HB 2957).</p>

<p>O-7-2</p> <p>the department of ecology is presently promoting net pens and estuaries in Grays Harbor and [inaudible]. And it seems that this is putting the cart before the horse. I don't think the department of ecology should be doing this in this way. The basic design of what we're trying to accomplish here is to be able to protect and look into the ramifications of these types of projects where you put them in. Definitely the estuaries are part of this thing. And I think the department of ecology should not be promoting these kinds of things without this whole project in place. This is putting the cart before the horse. I think it's wrong.</p> <p>[Commenter: O-7]</p>	<p>O-7-2</p> <p>Ecology is one of many local, state and federal agencies that regulate commercial aquaculture projects. The role of regulatory review is not to promote individual projects, but to ensure compliance with all applicable laws and rules. Please note that the 2018 Washington Legislature adopted a ban on all new commercial net pens for non-native finfish species in marine waters of Washington State.</p>
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## 29. Community Impacts

Comment	Response
<p>I-7-7</p> <p>More emphasis needs to be given to local communities and the economic impact of new uses upon the existing jobs and the economies and cultures of these communities. [Commenter: I-7]</p>	<p>I-7-7</p> <p>We agree that social and economic impacts to local communities are an important consideration. The plan requires proposals to fully evaluate these impacts, including the short and long-term costs and benefits to the affected local community and on existing jobs. Consistent with state law, the plan requires applicants to demonstrate their project will not result in "likely, long-term significant adverse impacts to coastal uses or resources" and that they have taken "all reasonable steps to avoid and minimize adverse social and economic impacts".</p>

<p><b>I-6-16</b>  Washington Coast has <b>UNIQUENESS</b> found No Place else in the nation - Demands <b>UNIQUE NO HARM</b> CMSP Protect and Preserve public <b>ACCESS</b> to marine waters and fish including salmon Protect, Preserve, enhance public safety, health, and wellbeing- safeguard coastal quality of life Coastal <b>PEOPLE MATTER</b> — Cumulative Impacts accrue to <b>REAL People</b> - Coastal Wellbeing <b>MATTERS</b>.</p> <p>Defining a problem is much easier than delivering no harm solutions that must not come at coastal expense Lack of ownership = #1 reason plans <b>FAIL</b>, coast <b>MUST</b> own plan <b>OUTCOMES &amp;</b> address coastal <b>NEEDS</b></p> <p>See letter for list of concerns about unique conditions on the coast and concerns and other topics. [Commenter: I-6]</p>	<p><b>I-6-16</b>  We believe the plan helps identify, in detail, the many aspects of ocean uses and resources that are unique to Washington's coast and which support the well-being of coastal communities and people.</p> <p>The plan's management framework ensures potential impacts of new ocean uses are fully assessed, including cumulative impacts. The plan also builds off and incorporates the existing state requirements that applicants demonstrate their projects will have "no likely, long-term significant adverse impacts" and that "all reasonable steps have been taken to avoid and minimize adverse social and economic impacts." Additionally, the plan establishes two new protections: a fisheries protection standard and protections for sensitive ecological areas. The plan provides a process and comprehensive standards that together maximize the state's ability to apply these policies in the Study Area.</p> <p>No other letter was included with this comment letter.</p>
<p><b>O--1-7</b>  No tradeoffs, <b>NO HARM</b> to coastal communities in Washington - Protect and Preserve Existing uses including fishing as the priority use of <b>COASTAL</b> marine waters. The Plan and EIS need to better magnify this <b>UNIQUE</b> intent of the legislature to limit <b>HARM</b> to coastal communities so that it is crystal clear and easily understood by any potential new use arrivals. [Commenter: O--1]</p>	<p><b>O--1-7</b>  We believe the plan helps identify, in detail, the many aspects of ocean uses and resources that are unique to Washington's coast and which support the well-being of coastal communities and people.</p> <p>The plan's management framework ensures potential impacts of new ocean uses are fully assessed, including the short and long-term costs and benefits to the affected local community and on fishing. Consistent with legislative mandates, the plan requires applicants to demonstrate their project will not result in "likely, long-term significant adverse impacts to coastal uses or resources" and that they have taken "all reasonable steps to avoid and minimize adverse social and economic impacts". Additionally, the plan establishes two new protections: a fisheries protection standard and protections for sensitive ecological areas. The plan provides a process and comprehensive standards that together maximize the state's ability to apply these policies in the Study Area.</p>

<p>O--1-14</p> <p>Basic defect in the Washington Coastal Marine Spatial Plan is that a coastal needs assessment involving coastal citizens to inform decisionmaking utilizing evidence-based choices targeting the Big Picture of coastal needs was never accomplished so needs could not be directly addressed within the Plan. The John Kliem "Coastal Voices" report was buried and not utilized and did not specifically address All needs, but still had some valuable contributions that could have been much more closely addressed during the process. [Commenter: O--1]</p>	<p>O--1-14</p> <p>We recognize there are ongoing concerns about the broader needs of coastal communities that this plan cannot address.</p> <p>The plan includes the referenced report and themes raised within it. This report was used as starting point to further identify concerns and recommendations for addressing them in the plan during the planning process. As a result, the Washington Coastal Marine Advisory Council provided consensus recommendations on both concerns and ways to address them within the plan. The state incorporated and referenced all of these recommendations into the plan's management framework in Chapter 4.</p>
<p>O--1-56</p> <p>Cumulative adverse impacts matter, existing loss of access to fish has already crossed the <b>HIGHLY SIGNIFICANT IMPACT THRESHOLD</b> on the Washington coast. Continually resetting the impact threshold and ignoring the wellbeing of the coastal communities is simply <b>WRONG!</b> This draft Plan and EIS misses, no totally ignores this most important metric and places the outcome of a misplaced evaluation process into action potentially increasing coastal fish dependent community devastation and increased fatality rates. [Commenter: O--1]</p>	<p>O--1-56</p> <p>We believe the plan helps identify, in detail, the many aspects of ocean uses and resources that are unique to Washington's coast and which support the well-being of coastal communities and people.</p> <p>The plan's management framework ensures potential impacts of new ocean uses are fully assessed, including cumulative impacts and impacts to fisheries. The plan also builds off and incorporates the existing state requirements that applicants demonstrate their projects will have "no likely, long-term significant adverse impacts" and that "all reasonable steps have been taken to avoid and minimize adverse social and economic impacts." Additionally, the plan establishes a fisheries protection standard. The plan provides a process and comprehensive standards that together maximize the state's ability to apply these policies in the Study Area.</p> <p>See response to comment O-- 1-55 for related responses on how the plan addresses fishing safety, access, and potential for fatalities.</p>



<p>O-8-6</p> <p>For most who gaze upon the ocean from the shore, the ocean seems like a vast [inaudible] as far as the eye can see. Those of us who have lived and worked on coastal marine waters have a far different view. We see it as busy, limited, and already fully utilized space on the continental shelf, especially inside 125 [inaudible]. The CMSP process helped to support that view but with competing maps have failed to unravel the existing conflicts on coastal dependency. [Commenter: O-8]</p>	<p>O-8-6</p> <p>We agree that the plan has helped illuminate the very busy patterns and intensities of existing ocean uses, as well as how important these uses are to the social and economic well-being of coastal communities. The MSP study area is very busy and highly used. There continue to be gaps in the spatial data on economic value and dependency. As noted in responses to comments on the analyses and maps, this will continue to be challenging to fully address due to the nature of some of the existing uses. The degree of conflict posed by a new use will depend on the location, type, and scale of the proposal. This is why the plan has developed a comprehensive framework to evaluate and address potential conflicts and impacts from individual projects at the time they are proposed.</p>
<p>O-6-1</p> <p>And I guess my main point is that the natural resource industry and the recreation industry enjoy the coastline and the waters of the state as part of their bounty for their economics their fruitful economics, I should say. And those waters of the state as they flow out onto the coastal zone give it life. And those waters don't know any boundaries whatsoever. They flow across the state boundary into the economic exclusion zone or the federal jurisdiction waters. [Commenter: O-6]</p>	<p>O-6-1</p> <p>We agree that the natural resource-based industries, recreation, and tourism are important parts of the coastal economy. We also believe these uses are reliant on ocean resources and conditions that span both state and federal waters. For this reason, the plan used a study area that is much broader than the 3 n.m. limit of state waters.</p>
<p>O-5-6</p> <p>And the ill-conceived marine spatial plan could potentially set the stage for a major spatial displacement and disruption of our existing coastal economies and culture for a long time to come. We have a shared responsibility to ensure this MSP is well-thought, well-reviewed, and adequately preserves and protects existing uses. [Commenter: O-5]</p>	<p>O-5-6</p> <p>We believe the state is best off establishing a marine spatial plan with the information available at this time. The plan does not advocate for the displacement of existing uses nor disruption of economies by new ocean uses. Rather, it sets up a process and standards for evaluating these new proposals individually.</p> <p>The legislative mandate to avoid and minimize adverse impacts to fisheries and existing uses is clear. Applicants must demonstrate their projects will have "no likely, long-term significant adverse impacts" and that "all reasonable steps have been taken to avoid and minimize adverse social and economic impacts."</p> <p>The plan's management framework reflects this mandate by establishing a new fisheries protection standard and a process for involving affected fisheries stakeholders in discussing potential adverse impacts from proposed projects. The plan provides a process and comprehensive standards that together maximize the state's ability to apply these policies in the Study</p>

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### 30. Shoreline Master Programs (SMPs)

Comment	Response
<p>I-6-9 I support the prohibition of any fixed/permanent structures, within Pacific County SMP/CMZA waters. Ocean energy is simply not cost effective, invades upon existing sustainable uses and jobs. Why not look more into solar power or land wind turbines? [Commenter: I-6]</p>	<p>I-6-9 The Marine Spatial Plan provides a baseline of information and a framework for evaluating new ocean uses if and when they are proposed by others. The plan does not encourage nor discourage any particular new use. The plan does not substitute for other processes by utilities, energy planners, and energy developers, which takes into account the broader factors such as cost, land-based locations, and other types of power technologies in determining which specific projects they want to pursue. Individual projects will undergo environmental review which will incorporate public comment.</p>
<p>O--1-4 The updated coastal SMP's need to be much more prominent in this Plan, currently they are next to invisible. [Commenter: O--1]</p>	<p>O--1-4 The Executive Summary and Introduction were amended to clarify that Shoreline Master Programs (SMPs) are among the many existing authorities, and that projects must comply with the existing applicable authorities and review those specifics in more detail. The Management Framework (chapter 4) was also amended to further clarify how SMPs fit into the overall regulatory scheme in Washington waters.</p>
<p>O--1-10 The SMP update included serious curbs on new use to address new pressures on the coastal communities and to reduce excessive fatalities by initiating new use in specialized zones, areas for high intensity use only with minor exceptions. [Commenter: O--1]</p>	<p>O--1-10 Thank you for your comment. We recognize applicants will have varying specific requirements to address in different areas of the coast. The plan is not the appropriate place to provide all the detailed requirements included in every individual Shoreline Master Program on the coast, nor the other detailed requirements under other state or local authorities. However, the plan recognizes other state and local authorities and references them where appropriate. Currently approved Shoreline Master Programs remain in effect until future amendments are adopted by the local government and approved by Ecology.</p>

<p>O--1-20</p> <p>Agency MSP cannot create new law, but the Local Jurisdictions were mandated by the Legislature to update their Shoreline Master Programs which included the update of 1997 Pacific County SMP Ocean Section 6 that included a new adequate High Intensity Zoning Area specifically to protect existing industrial use (deepdraft shipping and dredge disposal sites) and supply a new use location that will still need to obtain the required permits. See new SMP local maps for inclusion in the Washington Coastal Marine Spatial Plan that effects 32 of the 38 miles south of Westport that effectively addresses the legislative mandates in ORMA to avoid conflict with existing use and to only allow MINIMAL adverse impact to existing uses, the new standards in recent ORMA updates. The old standard of "significant adverse impact" has been replaced in the four counties affected by ORMA and the Plan and EIS has failed to make this adjustment and properly add accountability to the new higher standards (Avoid Conflict and only Minimal Adverse Impact replacing Avoid, Minimize, and Mitigate) as intended by the legislature in the CMSP ORMA legislations is sorely lacking in this draft Plan and associated EIS. [Commenter: O--1]</p>	<p>O--1-20</p> <p>The plan provides guidance and recommendations for new ocean uses, including proposed new enforceable policies. Currently approved Shoreline Master Programs remain in effect until future amendments are adopted by the local government and approved by Ecology. The plan is not the appropriate place to provide all the detailed requirements included in every individual Shoreline Master Program on the coast, nor the other detailed requirements under other state or local authorities. These authorities are referenced so applicants, agencies, and others can consult those entities about specific requirements as-needed depending on their proposed project location.</p> <p>The Ocean Resource Management Act's (ORMA) policies and permit criteria are outlined in RCW 43.143.010 and RCW 43.143.030 and further described by implementing regulations in WAC 173-26-360. This includes a permit standard of "no likely long-term significant adverse impacts to coastal resources or uses" (RCW 43.143.030). ORMA's implementing regulations (WAC 173-26-360(7)(e)) rely on the State Environmental Policy Act for procedures on identifying significant adverse impacts and using the mitigation sequence to address adverse impacts (WAC 197-11-768). The plan is consistent with these existing laws and regulations. Therefore, no change is needed.</p>
<p>O--1-37</p> <p>In fact, the entire Coastal Marine Spatial Planning process was directed to rely exclusively on pertinent existing legislation including local authorities such as the Pacific County Shoreline Master Program that has contained an ocean management section since 1997, the only county in the state with management authority that currently supersedes existing ecology WAC's in the coastal zone that is NOT adequately brought into this draft CMSP Plan. This needs correcting and full inclusion into the Plan before the final Plan is adopted. [Commenter: O--1]</p>	<p>O--1-37</p> <p>The plan provides applicants, agencies, and others with a broad understanding of the various state and local permits and authorities that may be triggered by new ocean uses proposed in the MSP Study Area, including local Shoreline Master Programs (SMPs). In addition, the plan provides references to state and local authorities, because they provide important mechanisms for implementing the plan. SMPs are included and referenced in Section 4.1.4 of the plan. The revised plan includes additional clarifications of the role of SMPs.</p> <p>The plan is not the appropriate place to provide all the detailed requirements included in every individual SMP on the coast, nor the other detailed requirements under other state or local authorities. Currently approved SMPs remain in effect until future amendments are adopted by the local government and approved by Ecology. The MSP will be a source of information for future amendments to local SMPs. See also response to comment O-1-20.</p>

<p>O-6-2</p> <p>And my belief is that substantial deference should be given to the local shoreline master programs because of that. Without those waters, the continental shelf wouldn't be nearly as productive. And that, I guess, in my sort of observation that if you're going to have future economic development, it should include in the more sterile blue water portion of the Pacific Ocean, for indeed the continental shelf is tied more to the land and is affected by the sea. [Commenter: O-6]</p>	<p>O-6-2</p> <p>Currently approved Shoreline Master Programs (SMPs) remain in effect until otherwise amended and approved. The plan provides applicants, agencies, and others with a broad understanding of the various state and local permits and authorities that may be triggered by new ocean uses proposed in the MSP Study Area, including local SMPs. Shoreline Master Programs are included and referenced in Section 4.1.4 of the plan. The Marine Spatial Plan can be used to inform future SMP amendments.</p>
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### 31. Fisheries (general)

Comment	Response
<p>O--1-1</p> <p>Our hope is that these comments will generate some positive change in the draft CMSP &amp; EIS to better protect and preserve fishing, to Avoid Conflict, and only allow minimal adverse impacts to fishing and prevent new use from harming coastal communities anywhere in the EEZ as intended by the legislature. [Commenter: O--1]</p>	<p>O--1-1</p> <p>We believe the legislative mandate to avoid and minimize adverse impacts to fisheries and existing uses is clear. Based on comments received, we have amended the fisheries protection standard to clarify that applicants must demonstrate how they have first avoided adverse impacts. The plan's management framework reflects this mandate by establishing a new fisheries protection standard and a process for involving affected fisheries stakeholders in discussing potential adverse impacts from proposed projects. The plan provides a process and comprehensive standards that together maximize the state's ability to apply these policies in the Study Area.</p>
<p>O--1-17</p> <p>Basic defect 4 – NO needs assessment was done to understand or act upon what the coast needed to occur in offshore of Washington to ensure the coastal communities' wellbeing. Simple answer, rejuvenate the harvestable salmon to energize the coastal economy and add resiliency to make the coast great again. Salmon recovery key to coastal wellbeing needs to be sustainable with significant increased harvestable levels as a part of Washington CMPS is missing. As Domoic Acid threatens the major coastal use, Dungeness crab, alternatives to support coastal community economic stability and viability requires salmon recovery which will give added resiliency that needs to become a much more significant part of the Washington CMSP as indicated on pages 2 and 6 of SB 6350. Increasing harvestable salmon</p>	<p>O--1-17</p> <p>We appreciate the commenter's concerns about the challenges faced by fisheries and the coastal communities. The plan requires assessment of the social and economic impacts as part of the case-by-case review of project proposals. In reference to the information request and increased salmon hatchery production, Washington Department of Fish and Wildlife (WDFW) has been working with the commenter to provide the available information. Much of the information requested would require new analysis to evaluate. WDFW is currently conducting an analysis relevant to the commenter's concerns about salmon hatchery production. That analysis should become available later in 2018. Salmon hatchery production is a complex issue and a key challenge for the state and West Coast.</p>

<p>hatchery production will have positive impacts on the wellbeing of coastal communities and reduce the pressure to fish or go hungry in the dangerous midwinter Dungeness crab fishery reducing abysmal fatality rates in coastal fisheries by offering an alternative to participating at danger filled ragged edge of incoming midwinter storms. This response to the Plan would have been stronger and more fact filled if WDFW had honored their commitment to supply the materials in the CCF FOIA request of WDFW of last May 2017 relative to salmon. [Commenter: O--1]</p>	
<p>O--1-43 Fishing was denied the opportunity to designate areas of high value to fishing during the Washington CMSP process even though the WCMAC authorized Sea Grant to do just that and sent packing by Command/Control edict by a single entity, WDFW without consult to the WCMAC that authorized the fishery mapping. [Commenter: O--1]</p>	<p>O--1-43 We do not share the commentor's opinion of public and WCMAC involvement during development of the fisheries use maps. WDFW hosted a series of meetings in 2015-2016 with various industry groups in developing the final fishing maps as well as a fisheries mapping workshop that all WCMAC members were invited to attend and fisheries representatives participated in this workshop. The maps were also presented to the WCMAC and circulated to fishery representatives and made available for comment throughout review of the Plan.</p> <p>The commenter made proposals on how to produce the fisheries use maps early on in the process. While other methods for mapping fisheries were discussed at various times in the planning process, WCMAC did not provide a consensus recommendation to the state on pursuing those other methods. The importance of specific areas likely differs among fishery participants with many fisheries participants wishing to keep their location information confidential. For this and other reasons, the state preferred to use systematically collected data from logbooks, onboard observers, or other objective criteria (e.g. depth ranges, distance from shore) to produce the maps. For fisheries lacking such data, WDFW consulted fisheries participants and used their knowledge to draw the maps. If other experts had been used, the maps may have differed in their emphasis.</p> <p>As to the general concerns expressed about the designation of high value areas by this and other commenters, we emphasize that the fisheries use maps should not be relied upon on their own to drawn conclusions about the value of an area. The maps more accurately approximate the footprint of each fishery than the relative importance of areas within the</p>

	<p>footprints. The maps only provide a starting point. All sources of relevant information will be closely examined on a case-by-case basis as part of the Plan,Äôs management framework. Stakeholder input on the importance of specific areas to commercial and recreational fisheries will be highly relevant to the evaluation.</p>
<p>O--1-21</p> <p>Crab Gear entanglement impacts on communities in both the Plan and EIS are insufficiently portrayed by lumping this potential loss of any future fishing industry in Washington offshore waters which waters down the reality facing fishing by listing a real backbreaker of the fishing industry with marine debris and bird strikes by wind turbines. Deplorable presentation considering the dire consequence of potentially losing the Washington fishing industry completely.</p> <p>[Commenter: O--1]</p>	<p>O--1-21</p> <p>See response to comment O-1-47. The plan acknowledges the potential for gear entanglement and requires actions to evaluate and address this risk.</p>
<p>O--1-28</p> <p>Fishing is the existing coastal marine water user with the most to lose from initiation of any new use into extremely condensed available and valuable fishing grounds. This is quite honestly, uncharted territory in that Washington CMSP is UNIQUE in the nation with multiple federal obligations that NO other state in the nation must navigate; 70% of the coast is either Olympic National Marine Sanctuary and or under 1850's Stevens tribal treaty rights affecting most offshore waters with 50/50 fish sharing requirements found nowhere else in the nation, disproportionately burdening the Washington coastal fishing communities like NO other state in the nation as a cumulative adverse impact on coastal communities that is highly significant and not adequately put into proper perspective as such a large impact that new use may be completely incompatible with current existing uses of the coastal zone. Even minor additional tribulations could cause catastrophic, tragic consequences to current and future generations of fish dependent communities that are burdened by this adverse impact to the maximum extent pushing fishing extremely close to a major tipping point of no return. This is an extremely serious consequence that needs considerably more attention in a final draft EIS &amp; Plan. The Plan does not present the "sensitivity" necessary to preemptively protect and preserve fishing as directed in the CMSP ORMA legislation.</p>	<p>O--1-28</p> <p>As noted throughout the Plan, the Study Area is subject to a mix of state and federal jurisdictions including those conferred by the treaty rights held by the four coastal treaty indian tribes. The fish and shellfish of the Study Area are important resources for coastal and tribal communities, the state and the nation. The history of the Stevens treaties has involved controversial legal disputes and interpretations since the beginning that have at times negatively impacted individuals and communities on all sides. The state manages fisheries resources subject to those treaty rights in a sustainable and equitable manner in partnership with tribal and federal co-managers through various state, federal, and international management forums. The state does not share the commenter,Äôs speculation about the future of fishing communities. We emphasize that concerns about the effects of proposed projects on fishing communities will be objectively evaluated under the Plan,Äôs management framework. Concerns about tipping points were expressed through the WCMAC and taken into account. The Plan,Äôs management framework calls for an effects analysis that will take into account the direct, indirect, and cumulative impacts of proposed projects. Stakeholder input will be a necessary and valuable part of the evaluation of specific proposals.</p>

[Commenter: O--1]	
<p>O--1-31</p> <p>This Plan does not adequately address the Significant HARM that has already occurred to the Washington fishing fleet that is UNIQUE in the nation and found in NO other state that has enacted Coastal Marine Spatial Planning legislation. Any additional harm could easily lead to fisheries disaster because the fishing fleet is already at a tipping point that is not adequately addressed in this Plan but recognized by the legislature when the Plan legislation was enacted with directions to Protect and Preserve fishing. [Commenter: O--1]</p>	<p>O--1-31</p> <p>We recognize the commenter, "concern about the impacts fishing communities have experienced in the past. The state," fisheries have gone through changes relative to past decades based on the need to sustainably manage fisheries resources and share them equitably with treaty fishers as well as other states and nations. While fisheries are scarce resources that will continue to be impacted by outside economic and environmental factors, the Study Area, "fisheries are expected to continue to provide for important commercial and recreational fishing opportunities. The Plan concerns the siting of particular new uses in the Study Area. Concerns about the effects of proposed new uses on fishing communities will be objectively evaluated under the Plan," management framework. The Plan, "management framework calls for an effects analysis that will take into account the direct, indirect, and cumulative impacts of proposed projects. The prospect for tipping points, while likely difficult to identify, will be considered. Stakeholder input will be a necessary and valuable part of the evaluation for specific proposals.</p>
<p>O--1-45</p> <p>The Washington Coastal Marine Spatial draft Plan needs a serious redraft to far better and directly reflect the legislative intent which is identified in many lines throughout the three legislations; 6350, 6263, and 5603 which contains many tools to ensure fishing is adequately protect and preserved which are not clearly self-evident in the Plan. The Plan is never identified as UNIQUE in the nation, designed to protect and preserve existing use including fishing from disruption and displacement by new use in coastal marine waters as its PRIMARY OUTCOME. It should also be made clear that ORMA was specifically intended by the legislature to provide special protection for the four coastal counties' marine waters not offered in other areas of the state, Pacific, Grays Harbor, Jefferson, and Clallam Pacific marine waters. [Commenter: O--1]</p>	<p>O--1-45</p> <p>We disagree with the commenter's characterization of the Plan. The Plan's management framework is specifically designed to achieve the mandates and goals of the state's marine planning law and incorporates the planning and project review criteria of the Ocean Resources Management Act (ORMA).</p>

<p>O--1-59</p> <p>The reasonably foreseeable Failure of our coastal ports would be a serious disaster for the coastal fish dependent communities. This Washington Coastal Marine Spatial Plan neglects this significant aspect of the Port/Commercial Fish interdependency that is so vital to the stability and economic viability of the coastal water dependent communities that the legislature intended to Protect and Preserve. Limiting commercial fish tonnage across the channel equals no federal channel dredging equals no ports equals greatly depressed coastal economy equals increased deplorable coastal demographics a terrible situation the legislature intended to prevent and why the legislature made such high standards for new use on the Washington coast in these recent additions to ORMA. [Commenter: O--1]</p>	<p>O--1-59</p> <p>We recognize ports and safe navigation are critical to fisheries. The plan includes information on dredging activities and critical infrastructure that support fisheries, shipping, and navigation.</p>
<p>O--1-60</p> <p>This HIGH RISK OF TOTAL FAILURE is reaching a Tipping Point of significance to coastal commercial fish dependent communities is inadequately portrayed within this Washington Coastal Marine Spatial Plan and certainly not able to be properly portrayed in the state/NOAA CZM certifications to offer the adequate protections that the Washington legislature intended and easily detected over and over again throughout ORMA. The UNIQUE fragile nature of the coastal fisheries in Washington is not adequately portrayed in the draft Plan, especially the significant adverse impacts associated with the Rafeedie and other federal court decisions adversely impacting the fishing industry's stability and economic viability significantly in Washington that NO other state in the nation is subjected to the degree of impact found in Washington that makes the Washington coast overly vulnerable to additional adverse impacts of placing new use in valuable fishing grounds. This extreme vulnerability to fishing reaching a tipping point is not adequately addressed. [Commenter: O--1]</p>	<p>O--1-60</p> <p>We have heard the commenter's statements about tipping points throughout development of the plan and appreciate the worry that such speculation may cause. The Plan's management framework is designed to take into account direct, indirect, and cumulative impacts on fishing communities. We believe that tipping points will be difficult to detect but their possibility will be considered, where relevant.</p>



<p>O--1-66</p> <p>The loss of fishing grounds out to 40 fathoms is another 123 square miles of loss, this would be on top of the over 550 square miles of existing SMA loss north of Westport. The fleet is already at a tipping point in solvency, especially for the next generation of high debt fishermen. There is NO way to justify any additional adverse impact associated with any additional loss of fishing grounds. [Commenter: O--1]</p>	<p>O--1-66</p> <p>The plan, including the fisheries protection standard, addresses social and economic impacts related to reduction in access, compression of effort, and other related topics. Under the Plan's management framework and fisheries protection standard, projects that do not take all reasonable steps to avoid and then minimize adverse impacts on fisheries will be inconsistent with the state's enforceable policies. Based on the Marxan analyses for monopile wind technologies, the plan suggests that it is highly unlikely an industrial sized project in state waters could demonstrate it would satisfy the state's ocean policies and criteria. We do not envision a scenario where a project would remove 123 square miles of fishing grounds in the depth range noted and be consistent with the plan.</p>
<p>O--1-38</p> <p>By reference CCF/CRCFA includes all the multitude of presentations/correspondence, FOIA requests, and verbal communications and meeting interactions relevant to coastal issues affecting fishing in anyway and this Washington Coastal Marine Spatial Plan delivered including but not limited to the WCMAC/SOC, State and Federal agencies, Counties, SMP, LCSG, legislature, and congress over the course of the process leading up to and including this draft Washington Coastal Marine Spatial Plan dating back at least a decade or more that could have any bearing on the future of fishing resulting from execution of this Plan or Plan impacts now or in the future including the required CZM actions. This by reference is meant to be a broad brush of inclusiveness for the administrative record of the Washington CMSP process required to address reasonably foreseeable possible adverse impacts associated in any way with this or associated actions that may or may not be explicitly mentioned in this letter including effects of any actions to be taken in the future to adversely impact fishing. [Commenter: O--1]</p>	<p>O--1-38</p> <p>Thank you for your comment. We appreciate the commenter's long dedication to the public process on oceans and fisheries policy. As noted in responses to several comments, the Plan's management framework will require continued stakeholder engagement to effectively evaluate the impacts of proposed projects on fishing communities. Constructive and creative public engagement will be needed to best identify reasonable steps for avoiding and minimizing adverse impacts.</p> <p>This particular response to comments document includes responses to comments submitted directly on the draft MSP and draft EIS during the public comment period. The planning process included extensive stakeholder input and engagement with agencies to address comments and concerns that arose during plan development.</p>

<p>O--1-67  Washington CMSP process failed, no intentionally refused, the coastal fishing community to review the fishing maps and better incorporate the fishing fleets' designation of high value fishing areas significantly into the Plan, including but not limited to the non-existence a crab gear movement map to exemplify the entanglement CONFLICT certain to occur in Washington waters and not necessarily found in our neighbor's waters to the south where the Mass Weather Index is significantly lower and far less likely to occur. . CCF submitted Oregon Ecotrust fishing evaluation maps of SW Washington high value fishing areas; dead ended by process, the Plan does not provide any analysis of how the fleet valued the fishing grounds for protection and preservation as intended by the ORMA legislation. The WCMAC authorized Sea Grant to carry out similar investigations of fleet valuations of their ,Äúhigh value fishing grounds,Äù. Sea Grant enlisted Portland State University to carry out Oregon Ecotrust style mapping which they have had recent experience in mapping use of the Olympic National Park and surrounding areas by visitors utilizing the successful Ecotrust mapping model. WDFW killed that WCMAC mapping authorization. The fishing community was denied that invaluable opportunity to portray what the coastal fishing fleet valued as high value fishing grounds. [Commenter: O--1]</p>	<p>O--1-67  See response to O-1-43 regarding fisheries data and the process, with input from fishing interests, used to develop fisheries maps.</p>
<p>O-8-5  The next generation of fishermen will be the highest debt fishermen in the history with the least amount of fish to service that crushing debt, making the next generation extremely vulnerable to total failure. This high degree of vulnerability is not adequately addressed in the plans I see. A simple mention is not enough in a plan for the future of fishing as intended in the legislature to be protected and preserved. [Commenter: O-8]</p>	<p>O-8-5  The Plan,Äôs management framework and its fisheries protection standard were created to address a clear mandate from the Legislature for ensuring that the future projects in the Study Area take all reasonable steps to avoid and minimize adverse adverse social and economic impacts to fisheries. During the drafting of the plan, we heard the commenter,Äôs concern about the debt load held by the younger and upcoming generations of commercial fishery participants. We are not aware of public information on the financial status of fishery participants. At the same time, the issue of the graying of the fleet and new entrants is one that has been of increasing concern in the West Coast fisheries management community. Such considerations about the financial health and resilience of fishing activities can be taken into account in the evaluation of proposed projects. Stakeholder input will be a key piece of such evaluations.</p>

<p>T-1-23 Section 2.4 Fisheries Better reflect lack of tribal data. For example, Table 2.4-8 should clarify that they are maps of non-tribal commercial fishing. Additionally, on page 135, when discussing vessel participation in the Dungeness crab fishery it would be important to clarify the number of vessels do not include tribal vessels.</p> <p>Tribal Fisheries (page 2-105) - proposed text changes to description of general tribal fisheries management activities and the Makah Tribe description (see page 10 of comment letter). [Commenter: T-1]</p>	<p>T-1-23 We have added "non-tribal" to all tables and maps that display fisheries data in the document, including Table 2.4-8. We have made proposed changes to tribal fisheries management activities and the Makah Tribe description.</p>
<p>O-11-17 2.4 State and Tribal Fisheries: a. Note on Sources and Terminology, Page 2-80 first paragraph before bullets: add a footnote to last sentence referencing additional economic studies. Studies are presently listed in Chapter 5, page 5-3. with all necessary cites. All studies referenced in Chapter 5 (page 5-3) should be included as footnotes in 2.4 State and Tribal Fisheries with the exception of the study by Surfrider Foundation study (2015) specific to coastal recreation activities. Additional studies to be footnoted: BST Associates, (2014), Martin Associates (2014), Butler (2013), Radke (2011) Resource Dimensions (2015), National Marine Fisheries Service (2013). [Commenter: O-11]</p>	<p>O-11-17 These studies are already referenced in Section 2.4 State and Tribal Fisheries under "Economic Impact of Commercial and Recreational Fishing" (pages 2-105 and 2-106 of draft).</p>
<p>O-11-23 c. Note: In order to facilitate a better understanding of the dynamics of the fisheries occurring in the MSP Study Area each fishery discussion should include a reference to waters where they occur, (State, Federal or Both). It is important for readers to understand the significance of federal waters to the coastal fishing economy and the need for consistency in both areas of jurisdiction within the MSP and the Study Area. Suggested addition to fisheries description section: Include a reference to whether fishery occurs in State, Federal or both Jurisdictions. Groundfish-both, Fixed gear (sablefis)-federal, bottom trawl and midwater-federal, whiting-federal, salmon-both, ocean troll - both, gillnet-state, Albacore federal and international, Coastal pelagic- both, Pacific sardine-both, Dungeness crab-both pink shrimp-</p>	<p>O-11-23 We agree with the commenter, "emphasis on the importance of federal waters to the state," fishing communities. The Plan and its fisheries protection standard are intended to ensure that projects in federal waters are consistent with the state, "policies on avoiding and minimizing adverse impacts to fisheries to the maximum extent possible under current legal frameworks. The fisheries maps produced for the plan accurately represent whether a fishery occurs in state waters, federal waters or both. On the whole, every fishery in the Study Area occurs in federal waters except for the salmon gillnet fisheries of Grays Harbor and Willapa Bay.</p>

<p>federal, spot prawns-federal, razor clams-state, pacific halibut-federal, hagfish federal. [Commenter: O-11]</p>	
<p>O-11-27 2.4 Future Trends: 2.4 Barriers to Participation in the Commercial Fishing Industry: Page 2-111, second paragraph; Add new sentence at end of paragraph; " Uncertainty over future management decisions, allocation issues between user groups, the potential for future spatial displacement and restricted access to marine space causes additional uncertainty, clouds investment and entry decisions and adds additional barriers to future participants." [Commenter: O-11]</p>	<p>O-11-27 Thank you for your comment. We have added this language.</p>
<p>O-11-18 b. Page 2-80, last paragraph Note; as a commercial fisher and coastal community member for over 47 years I do not feel present paragraph reflects the reality of the interaction and relationship between "commercial" and treaty fisheries. Revise paragraph to read: "In addition, the term "commercial" in this section should not be read to include treaty tribal fisheries. While many tribal fisheries are comparable to non-tribal commercial fisheries in the areas they fish, the fishing methods they use, and also share markets into which fish are sold, and utilize many of the same on-shore support facilities, tribal fisheries are described separately because they are conducted under special authorities held by tribal governments. On a similar note tribal members also harvest fish and shellfish non-commercially, for ceremonial and subsistence purposes, yet they would not refer to their fishing as "recreational". Although "commercial" does not refer to tribal fisheries and the value of tribal commercial catches are not included in "commercial" fisheries value, tribal fishing contributes significantly to the overall value of the coastal fishing economy. The specific fishing activity of the four coastal treaty tribes are described in more detail below. [Commenter: O-11]</p>	<p>O-11-18 The proposed additional sentence starting with "Although 'commercial'" is appropriate and was added to the description.</p>

<p>O-11-19 2.4 Summary of History and Current Use: Page 2-82, second paragraph end of first sentence, footnote (4) Note; tribal fishers are not restricted only to U&amp;A areas in the MSP area for all fisheries. There exists no restriction on where tribal fishers can fish for Albacore. Similarly there exists no restriction on a tribal fishers ability to apply for a license under State authority for state fisheries in Alaska and elsewhere. Restriction on tribal fisheries is only on fisheries in the U&amp;A areas conducted under co-management with the State of Washington. Footnote (4) page 2- 82 serves no real purpose, is inaccurate, and should be struck. [Commenter: O-11]</p>	<p>O-11-19 Tribal members may only fish in their U&amp;As for those fisheries for which there is a treaty (e.g. groundfish, Dungeness Crab). However, tribal members can apply for a state fishing license and fish under the non-tribal commercial or recreational rules. The footnote will be deleted.</p>
<p>O-11-25 2.4 Tribal Fisheries: Page 2-102 First paragraph, after second sentence; add sentence. U&amp;A areas collectively cover 3,956 square nautical miles. [Commenter: O-11]</p>	<p>O-11-25 Based on the most recent Court Order, the combined, adjudicated tribal U&amp;A areas cover 3,311 square nautical miles within the Study Area. This reference will be added within this section and the value corrected throughout the document. Note that this does not include the Hoh Tribe's U&amp;A as their Western Boundary has not been adjudicated at the time of this document.</p>
<p>O-11-21 2.4 About fisheries Maps and Data: Note The methodology used to support maps in the MSP is a departure from the specific mapping mandate from the legislature. Legislative direction to the agencies used the term "value" to identify and quantify conflicts whereas the agencies use analysis did not. The legislative directive as contained in RCW 43.372.040(6)(c) did not contain language that prescribed maps that identified areas of existing use intensity but required mapping to identify areas of "high value" for existing use (such as fishing) and areas of "minimal conflict" with existing use (such as fishing) and potential new ocean uses. Intensity of use and number of uses is being used as a proxy for value. While this may have some merit it deserves further explanation. And the claim by the authors that the mapping exercise in the MSP plan meets the requirements of the referenced statute in first paragraph page 2-85 is a stretch.</p> <p>Suggested modifications: a. Paragraph one page 2-85, first paragraph; request the authors offer a better explanation of the use of</p>	<p>O-11-21 As noted in other comments, the "series of maps" mandate is an analytical mandate that has often been confused with the other substantive mandates the Plan proposes using to ensure that future projects take all reasonable steps to avoid and minimize negative impacts on fisheries. The state was aware of the commenter's and other stakeholders concerns about the metric of value used in the fisheries maps and stands behind that the methods and techniques used to produce the series of maps. The ability to determine conflict from the available spatial data is highly limited. The intensity rankings for the fisheries and other use maps are highly approximate and can only serve as proxies for the present and future value of an area to use. The Plan's management framework was designed in acknowledgment of the limited ability of spatial data to evaluate trade-offs between new and existing uses. The management framework seeks to bring more sources of information and expertise to the evaluation of specific project proposals. We added language in Section 3.3 Use Analysis to clarify the relationship between the series of maps mandate and the management framework.</p>

<p>intensity and number of uses as a proxy for value and explain that the use analysis is an attempt to meet the requirements of RCW 43.372.040(6)(c) and not claim that it does meet requirements. Need to include qualifiers to the present claim of satisfying the requirements of the statute.</p> <p>b. Note: Page 2-86 , Paragraph one and two; Keep as written. A clarification of what the use analysis and</p> <p>resulting maps did and did not utilize to identify and evaluate potential conflicts is important to the interpretation of results. These two paragraphs are helpful in clarifying the limitations of applying present use map methodology. But, they do not address the element of why this methodology was utilized and how it departs from the statutory mandate which should be better addressed in the first paragraph page 2-86. (see above).</p> <p>[Commenter: O-11]</p>	
<p>O-11-20</p> <p>2.4 Fisheries Management:</p> <p>Note; the following two edits (a.) and (b.) are for purpose of MSP readers to better understand the dynamics and complications of fisheries management within the MSP Study Area.</p> <p>a. Page 2-82 paragraph 2 after second sentence insert: The majority of the fish resource and corresponding value within the MSP Study Area is captured in Federal waters.</p> <p>b. Page 2-82 paragraph 2 after third sentence insert: Tribal treaty fishing areas (U&amp;As) cover two/ thirds of the MSP Study Area. ( or extend as much as 56 nautical miles west and cover 3,956 nautical miles of the MSP Study area.)</p> <p>c. Page 2-83, paragraph 3, third sentence; after 'forum' insert "....forum to discuss coordination..... ".</p> <p>d. Page 2-83 paragraph 3, last sentence; after Tri-State strike "Agreement" and insert "Committee".</p> <p>[Commenter: O-11]</p>	<p>O-11-20</p> <p>Item (a) does not belong within the suggested location, although the sentence is appreciated. Each of the fishery sector descriptions describes the location of the activity and is provided on the maps in terms of effort and use in state vs federal waters. Item (b) is already noted in the tribal treaty rights section. Item (c) is already addressed in the document as it says "The PSMFC does not regulate fisheries, but provides a forum for coordination between states for state-managed fisheries." Item (d) edit is appropriate and will be changed.</p>

<p>O-11-22</p> <p>2.4 Commercial Fisheries:</p> <p>a. Page 2-86, paragraph two, third sentence, after ".....(typically in weight but often also in numbers of fish, (insert) management t zones where caught and the price.....",</p> <p>b. Page 2-86, paragraph two, after last sentence add new sentence that reads; The "core" fish ticket information and landing value is just the first of many transactions within the commercial fishing economy and does not reflect the overall impact of commercial landings for values added form support industries and economic multipliers of "catch to plate".</p> <p>[Commenter: O-11]</p>	<p>O-11-22</p> <p>Item (a) is appropriate - we amended language to include catch area in list of items collected on fish ticket. Item (b) brings up a valid point in terms of the indirect effects of commercial landings and was noted in the Plan.</p>
<p>O-11-24</p> <p>d. Dungeness Crab:</p> <p>1. Page 2-94, first paragraph, after first sentence, add new sentence; Through specific Congressional authority the several states of the Pacific coast have jurisdiction over the management of Dungeness crab in both state and federal waters in those waters adjacent to each state.</p> <p>2. Page 2-94, second paragraph, rewrite paragraph to read; Co-management of the crab fishery began much later than that of the salmon fishery. Prior to 1994 tribal participation in the crab fishery was very limited accounting for only 1% of coastal 1990-1994 landings. After the 1994 Rafeedie Decision established that the Stevens Treaties and 50-50 sharing applied to shellfish as well as other species the tribal crab fishery ramped up. (this language was included in early drafts and was dropped for unknown reasons it is simply declarative and should be included.) Since 2004 tribal catches have averaged 20% of all coastal catches and have accounted for as much as 61% of the crab catch north of Point Chehalis (Westport) where treaty sharing occurs. The main tools for sharing catch have been Special Management Areas (SMAs) which close portions of the tribal U&amp;As to non-tribal fishers during part or all of the state fishing season and delayed state openings called "Head Starts. "Head Starts" within tribal U&amp;As have provided up to 49 days of exclusive tribal fishing opportunity over two-thirds of the MSP Study Area prior to opening the state fishery in those areas. "</p>	<p>O-11-24</p> <p>Thank you for your comments. We have made clarifications to this section that correspond with these comments and details about the crab fishery.</p>

<p>3. Page 2-94, fourth paragraph, second sentence after "..... until (insert) sometime in January." Note; openings in the last few years have been between January 1 and January 24).</p> <p>4. Page 2-94, fourth paragraph, third sentence; re-write sentence to read: " With these closures, there has been an increase in competition and concentration of fishing effort in the southern area that often opens earlier and a general shift of the state fleet to the southern one-third of the MSP study Area below the U&amp;As.</p> <p>Add sentence: In recent years as much as 85% of the state fleet has operated south of U&amp;A areas. (can confirm with WDFW). After recommended additions continue with existing last sentence. [Commenter: O-11]</p>	
<p>O-11-26</p> <p>2.4 Economic impact of Commercial and Recreational Fishing:</p> <p>a. Page 2-105 Footnote 34; Add Industrial Economics Study and Port of Grays Harbor Study to footnote list.</p> <p>b. Page 2-107 First paragraph, add after last sentence a new sentence reading; A 2013 Port of Grays Harbor study identified 2052 jobs and \$203,000,000 in business revenue from commercial fishing activity just from the Westport marina. [Commenter: O-11]</p>	<p>O-11-26</p> <p>The Industrial Economics was one of the primary studies used in the MSP document (pg 2-80) and Port of Grays Harbor Study is referenced within the footnote (on page 2-106 due to formatting limits for footnote space). For item (b), the paragraph is intended to provide an overall picture of the Washington fishing economy.</p>



### 32. Federal authorities

Comment	Response
<p>O--1-13</p> <p>At least two executive orders should be incorporated specifically into the Washington Coastal Marine Spatial Plan/CZM certifications – 12898 and 13777 for full consideration in the mandated CZM state/NOAA certifications. 12898 gives low income coastal areas special protections similar to ORMA. 13777 mandates that all federal regulations and actions are reviewed in the long shadow of impacts to JOBS and that for every regulation that is added one needs to be removed. This aligns well with the mandate in the Washington CMSP law that dictates NO new regulations will result from the implementation of the CMSP process. [Commenter: O--1]</p>	<p>O--1-13</p> <p>It is not clear how these executive orders would influence established federal statutes, regulations, and processes for the Coastal Zone Management Act. Federal agencies are responsible for implementation of their authorities, including any applicable executive orders. Since this is a state plan, the plan focuses on the state's implementation of the plan.</p>
<p>OTH-1-4</p> <p>5 MSP/1-19 Authority and Legal Framework, Para 2. "Prohibited activities include low-altitude overflights" only applies within 1-nm of the National Wildlife Refuges and within 1-nm of the coastal boundary, not the entire OCNMS.</p> <p>6. MSP/1-20 Para 2 Please add sentence after "The Sanctuary includes conditions in permits and authorizations to ensure that an approved project has minimal negative impacts to the marine environment" that states: "In accordance with 15 C.F.R. section 922.152(d), the military activities performed by the Department of Defense are exempt from Sanctuary prohibitions. Military activities are carried out in a manner that avoids adverse impacts on Sanctuary resources, to the maximum extent possible" [Commenter: OTH-1]</p>	<p>OTH-1-4</p> <p>We have made these clarifications.</p>
<p>OTH-1-5</p> <p>12 MSP/2-122 Table 2.5-2 As this plan goes out to the 700-ft. Fathom line well beyond state jurisdictional waters of 0-3 NM, those federal agencies that have jurisdiction beyond 3 NM will need to be noted as Primary Regulatory Agencies... NMFS, USDA. [Commenter: OTH-1]</p>	<p>OTH-1-5</p> <p>We recognize many federal agencies have jurisdiction over this activity in federal waters. The purpose of this section is to describe existing shellfish aquaculture activities in Washington, which currently occurs only in state waters. This table is intended to list those regulatory agencies for this existing activity. We have revised the title of the table to clarify that this table is listing only those regulatory agencies which are involved in state waters.</p>

<p>OTH-1-10</p> <p>18. MSP/4-10 Section 4.2 For the benefit of applicants and future users of this document, consider adding to Section 4.2 a list of federal agencies that may need to be coordinated with, including the U.S. Navy. 21 MSP/4-41 Section 4.8, last sent. Consider also including a table of Federal standards and requirements for activities occurring in the MSP study area, but outside state waters (e.g., beyond 3-nautical miles). [Commenter: OTH-1]</p>	<p>OTH-1-10</p> <p>We recognize a number of federal agencies, standards, and requirements will apply to projects outside of state waters. Since this is a state plan, this chapter is focused on the state's requirements and implementation of the plan.</p>
<p>A-2-16</p> <p>Sand and Gravel Mining 2.10 Page 2-255 Tribes or EPA will issue cert for projects occurring on reservations, depending on whether the Tribe has Treatment as a State for purposes of CWA 401. For example, EPA will do cert for Shoalwater project where work occurs on the Shoalwater Bay Tribe's reservation. [Commenter: A-2]</p>	<p>A-2-16</p> <p>We have made this technical clarification.</p>