

Begin forwarded message:

**From:** "Steve Robinson" <[srobinson@nwifc.org](mailto:srobinson@nwifc.org)>

**Date:** March 30, 2010 5:36:57 PM PDT

**Subject:** FW: Squaxin Letter to Legislature re: shellfish aquaculture and draft DNR HCP

Incidentally, key recipients for tribal messages addressing DNR's proposed HCP to end new shellfish aquaculture would be [Chopp.Frank@leg.wa.gov](mailto:Chopp.Frank@leg.wa.gov); [Brown.Lisa@leg.wa.gov](mailto:Brown.Lisa@leg.wa.gov); [Prentice.Margarita@leg.wa.gov](mailto:Prentice.Margarita@leg.wa.gov); [Linville.Kelli@leg.wa.gov](mailto:Linville.Kelli@leg.wa.gov) and the Governor's Office ([Jay.Manning@gov.wa.gov](mailto:Jay.Manning@gov.wa.gov) and [john.mankowski@gov.wa.gov](mailto:john.mankowski@gov.wa.gov)).

As some of you may be aware, the Shellfish Growers have been working the Legislature trying to limit DNR's ability to adopt an HCP (governing state-owned aquatic lands) that increases the restrictions on how they conduct their shellfish aquaculture operations. Specifically, they are trying to insert a provision in the DNR's budget which limits DNR's ability to regulate shellfish aquaculture activities on state-owned aquatic lands. As you know, tribal technical staff met on the 12th to begin the discussion regarding the effects of the draft HCP on tribal salmon restoration efforts and tribal shellfish aquaculture. (Some of the key take-home messages of that meeting are summarized below). There are significant concerns regarding DNR's use of the available science on these issues and that the draft HCP simply isn't ready for prime time. The Squaxin Island Tribe has responded to these concerns by sending the attached letter. You may want to consider whether your tribe may want to weigh in on these issues in some way.

Jim Weber

---

From: James W. Weber

Sent: Wednesday, March 24, 2010 2:59 PM

To: Alan Chapman; Bill Sullivan; Byron Rot; Chris Weller; Curt Veldhuisen; Dave Herrera; David Troutt ; Eric Beamer; Fran Wilshusen; James W. Weber; Jeff Dickison; Joe Schumacker; John Konovsky; Jon Paul Shannahan ; Karen Walter; Katie Krueger ; Kurt Nelson ; Larry Wasserman; Mark Mobbs; Mike McHenry; Ned Currence; Pat Stevenson; Paul Dorn; Paul McCollum; Randy Lumper; Rob Purser; Russ Ladley; Russ Svec; Scott Chitwood; Scott Morris ; Scott Steltzner; Steve Todd; Warren Scarlett ; Andy Dalton; Cathy Stanley; Chris Whitehead; Colby Brady; David Fyfe; David Winfrey ; Doug Morrill; Eric Sparkman; Gary MacWilliams; Hansi Hals; Jim Gibson; Jim Jorgensen ; John Drotts; Jonathon Wolf ; Kelly Toy; Kristina Phelps; Kyle Deerkop; Leif Rasmuson; Mike McHugh ; Paul Williams; Randy Hatch; Scott Mazzone; Steve Joner; Tamara Gage; Tony Forsman; Viviane Barry

Cc: Tony Forsman; Cory Albright; Phillip Katzen; Lauren Rasmussen; Gary Graves  
Subject: Outcomes from 3/12 Meeting on DNR draft Aquatic Lands HCP

Please find attached my meeting notes for the March 12 technical meeting regarding the effects on shellfish aquaculture and salmon recovery of DNR's draft HCP for aquatic lands. The first 2 pages of the notes contain what appear to be the key "take-home" messages and suggested Next Steps. The rest of the notes are my largely unedited notes of the meeting that may or may not be of use (and my apologies for any misunderstandings or misquotes).

Following are the key "take home" messages and Next Steps. We would greatly appreciate any comments or suggestions regarding any and all of the following.

#### Key Take-Home Messages from Meeting -

- \* For years we've told DNR to err on the side of saving salmon. Now they seem to be doing it with gusto and we need to be careful about how we tell them to back off.
- \* A lot of the science is qualitative and where the science is missing they are taking an extreme precautionary approach which only considers potential negative impacts without considering beneficial impacts. Additionally DNR is not using results from ongoing investigations that are beginning to answer some of the habitat questions. At best, DNR's science is incomplete.
- \* DNR appears to have arbitrarily excluded other users of managed lands that have a significant deleterious impact. If the purpose of the document is to provide enhanced protection for listed species, then all uses of DNR land must be addressed, including ports and adjacent private landowners using DNR public property.
- \* If you look at their fish windows, proposed buffers, and definition of beds of aquatic vegetation, opportunities to access beds for harvest and other aquaculture activities in the South Sound are narrowed significantly. These narrowed windows appear to be a conservative attempt at protection, but also appear to not be grounded in the available science.
- \* The draft HCP treats shellfish aquaculture as if it is an important problem affecting the health of Puget Sound. We are not convinced that shellfish aquaculture impacts are a truly significant threat and in fact may provide some benefits.
- \* The draft HCP doesn't detail an adaptive management plan. Based on how adaptive management has failed to operate in the forest practices realm, we would be foolish to move head without developing a strategy that includes significant tribal involvement and perhaps specifies the initial research agenda.

\* The incomplete science, the lack of balanced science, and the failure to demonstrate the necessity of some of its extreme positions all indicate that it is premature for the DNR to propose an HCP that includes shellfish aquaculture.

\* There is general agreement that to assess the potential impacts of shellfish aquaculture on salmon, we need to look at the status of and effects on forage fish and submerged aquatic vegetation (particularly eelgrass).

\* There is interest in having SSHIAP map out future potential "build-out" of geoduck aquaculture in Puget Sound to see the extent of habitat use. Similarly, it would be good if SSHIAP could map out DNR's proposed tideland allocations and bulkheaded areas.

\* There is interest in having the draft HCP comprehensively address bank armoring, dredging, port operations and private docks on public land.

\* While the number of tidelands covered under DNR's HCP is small, other agencies adopting DNR's regulations and applying them on non-DNR tidelands could have a significant affect on the ability to conduct aquaculture in the future.

1.

Jim Weber

Conservation Policy Analyst

Northwest Indian Fisheries Commission

6730 Martin Way E.

Olympia, WA 98516

Direct Line: (360) 528-4364

FAX: (360) 753-8659