

**Governing the Ocean**  
**(Comments submitted to the U.S. Commission on Ocean Policy)**

My name is Dan Swecker. Presently I am a Washington State Senator. I believe my background provides a unique perspective that can assist you in your deliberations. Here is a quick summary of the experiences that give me insight into the problems of managing our oceans effectively and sustainably.

Army helicopter pilot, Viet Nam – 2 tours  
Graduate of Evergreen College, Olympia – BA in Cooperative Education  
Salmon farmer – 20 years  
President – Washington Fish Growers Assn. (WFGA) – 3 years  
Executive Director, WFGA – 8 years  
Participant in the development of a General Permit for Upland Finfish Facilities – 2 years  
Participant in the development of Standards for Siting Floating Marine Finfish Facilities in Washington – 2 years  
State Senator – 8 years  
Senate Chairman, Salmon Restoration Taskforce – 2 years (ESA response)  
State Aquaculture Coordinator (appointed) – 3 years  
Vice chair or Ranking member, Senate Environmental Affairs Committee – 6 years  
Ranking member, Senate Agriculture and International Trade Committee – 2 years  
JSA – EPA Aquaculture Effluent Taskforce – 2+ years  
Chairman, Transportation Permit Efficiency and Accountability Committee (TPEAC)

TPEAC is a multi-jurisdictional effort that includes Federal and State Agencies as well as local governments and interest groups. Our goal is to achieve permit streamlining for transportation projects of statewide significance in Washington. It is expected to last 2 years but probably will be extended. In many ways it is the culmination of all of the other experiences that shaped my understanding of resource governance and regulatory problem solving. To learn more about TPEAC go to:  
<http://www.wsdot.wa.gov/environment/streamlineact/default.htm>

**My personal story**

In 1970, I returned to Washington from military service to finish my education. After graduation from Evergreen College in Olympia in 1973 my wife and I established a salmon farm in rural Rochester WA. We raised salmon fingerlings in freshwater to sell to others for “grown out” in floating saltwater net pens. We started our business at about the same time that federal laws mandating huge expansions in environmental regulation were being enacted.

Fortunately, because of proper siting and good management, our freshwater operation continued successfully even as regulations and permits increased. However, in 1987 we applied for the permits to raise salmon in net pens in saltwater in Puget Sound. We spent

5 years, \$500,000 and a huge amount of personal effort struggling through 13 different hearings and appeals on our application. While we were finally successful at obtaining the permits, we had to sell our company to pay off all of the attorneys, consultants, accountants, and costs of the delays.

At that time, I decided to go to the state capitol to try to improve the regulatory process and especially permitting. Within 2 years I became a State Senator. It has been a steep learning curve, but one that I value. Now, I hope to apply my knowledge to “smooth the way” for others.

### **Some observations with regard to managing the oceans**

The near shore waters are currently under the jurisdiction of the adjacent states. That includes the bays and sounds as well as the marine environment out to 3 miles. Federal agencies could do a lot to influence the uniform application of federal laws such as the Clean Water Act (CWA) and the Endangered Species Act (ESA) in these areas. The development of General or Programmatic permits for specific activities to insure compliance with federal standards would help both applicants and regulators to know what is expected.

The Exclusive Economic Zone (EEZ) is fully under the jurisdiction of the federal government and presents an important opportunity for permit streamlining and collaborative decision-making among agencies. These activities should include input from adjacent jurisdictions such as state and local governments and Indian tribes.

A good model to develop streamlining and collaboration is the TPEAC process we are using in WA State. We have the full participation of many Federal agencies (FHWA, EPA, NMFS, USFW) and State Agencies (DOT, DOE, DFWL, DNR) as well as counties, cities, environmental groups, tribes and many others. This effort was originally funded by the state and has since received federal funding and high-level support from congress and the administration.

The regulatory structures used in our nation have evolved in response to the development of land and land-based resources as they were historically utilized. That means that we have moved into the marine environment bringing our regulatory structures with us from the land into the sea. We are now seeing that these older regulatory structures are only marginally effective in providing both the opportunities and protections needed for the development and preservation of the marine environment.

I would like to suggest a new approach. Lets go into the EEZ and develop a regulatory structure that meets the needs of that area and then bring some of the standards, patterns and models back to the near shore environment to help solve many of the emerging conflicts there.

## **How do we go about it?**

We should start by putting someone in the landlord, convener, and facilitator role. It is important to have one or two agencies that are committed to leading this effort. They would be the administrative lead(s). I would suggest DOC/ NOAA. Their job would be to provide the leadership and logistics for such an effort and to obtain funding to support the work of all of the participating agencies in the process. Once funded, they would host a steering committee of agencies and user groups to map out a timeline and action plan. An working committee would be established consisting of policy staff (decision-makers) with technical staff providing input through a technical subcommittee structure. The convening agency would coordinate the effort through the entire process.

We should focus the efforts of such a group on a particular area of activity such as aquaculture. Aquaculture presents an ideal industry to pioneer this effort. It is practiced in both fresh and marine waters. Available fresh water in the US is now heavily used and new aquaculture projects face intense competition from user groups interested in residential, commercial, industrial, recreational and environmental activities. Most of the future growth of freshwater aquaculture in the US will be built upon the rapidly developing technology of water re-use and recirculation systems. This technology is very expensive and limited in its application. Any major expansion in aquaculture in this country, particularly a five-fold increase envisioned by DOC, must take advantage of marine waters. There is far more capacity in our marine waters and the potential impact on other user groups would be much less.

Aquaculture has living products that move from one jurisdiction to another. It has the potential (though often overstated) of environmental impacts including water quality, bottom sediments, non-native species, escapement, and disease. There is a natural resource that can be impacted. Many property rights issues emerge depending on species and production methods employed. Possibilities exist for moving products through upland jurisdiction, from other countries, or directly within the EEZ. There are certainly safety and navigation issues to explore. Huge strides must be made in aquaculture to achieve the DOC goal of a five-fold increase in aquaculture in the next 20 years. Seafood products constitute the third largest balance of trade deficit for our nation. Finally, commercial aquaculture is the fastest growing sector of agriculture worldwide.

No agency would be asked to check its regulatory mandates at the door. Instead, this initiative would be viewed as a collaboration to make existing laws and regulations work in the new environment. Participating agencies would need to feel that the objectives are clear and their individual perspectives are being considered. That might come from a facilitated process (potentially with an outside, objective facilitator) that is not perceived as being driven by one single agency's issues or desired outcomes. Trust would be established by providing each participant with an equal opportunity to voice their objectives and desired outcomes, and to engage in collaborative activities throughout the process. Using this approach, TPEAC has shown that trust, a common language and full disclosure in the beginning have resolved the vast majority (at present – all) of the major

conflicts. TPEAC has a formal dispute resolution process, but so far, it has not been invoked.

Participation by adjacent states would be very important if the desired outcomes are to be used as models for problem solving in the Coastal Zone. To that end, I would suggest that resources be provided to other jurisdictions to fund the cost of participating. At the very least, many states have State Aquaculture Coordinators who should be at the table.

### **What can we hope to achieve?**

The goal of this group would be to develop a streamlined permit process for aquaculture projects in the EEZ. Hopefully this would include (a) a one-stop permit process, (b) programmatic permits for certain activities, (c) a consolidated permit document (d) standards that all the agencies can agree on (e) a best practices document to be adopted by industry and (f) a monitoring plan and adaptive management strategy to insure the desired outcomes are achieved. Standards should be developed for siting, operating and monitoring aquaculture projects of multiple species. These tools should then be tested in pilot situations to determine if they really work. In the TPEAC process they are being tested on a number of pilot projects with real problems to be solved. We have applied these products concurrently with the committee's activities as soon as they were developed during each phase of our work plan.

### **Conclusion**

I have spent most of my adult life involved in finfish aquaculture in Washington State. I have a \$500,000 education in how NOT to do permitting. I know it is possible to avoid significant environmental problems with proper siting and management. I am confident that a science-based process with input from all sectors can create the best opportunity for well-planned, properly sited, sustainable aquaculture in our oceans. With broad participation by agencies and interest groups, the outcomes of such an effort would have a high level of credibility and ensure that the gains made in the EEZ will be applied in other venues. Thanks you. I look forward to serving you in any way I can.

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