



**PORTAGE BAY SHELLFISH PROTECTION DISTRICT
ADVISORY COMMITTEE**

MEETING SUMMARY

Date: January 14, 2004
Time: 3:00 – 5:00 p.m.
Place: 322 N. Commercial St., Bellingham – First Floor Conference Room

AGENDA

1.	3:00	Public Comment Period
2.	3:05	Review Agenda and 11/12/03 Meeting Summary
3.	3:10	George Boggs, Whatcom Conservation District—discussion of emergency manure applications in November
4.	3:50	Ed Halasz, Whatcom County Health—Ferndale septic findings, new boss
5.	4:20	Andy Ross, Lummi Nation—update on shellfish opening, Tribal update
6.	4:50	New Business
7.	4:55	Next Meeting's Agenda

MEETING ATTENDANCE

Committee Members

Chris Woodward
Bas Scholten
Justin McKay
Dorie Belisle

Others

John Gillies – Natural Resource Conservation Service
Sharon Roy – Whatcom County Council
Scarlet Tang – Whatcom County
Andrew Craig – Department of Ecology
Mark Henderson – Department of Ecology
Neil Lanning – Washington State Department of Agriculture
Kirk Robinson – Washington State Department of Agriculture
Jeff Hegedus – Whatcom County Health
Don Lennartson – Washington State Department of Health
Andy Ross – Lummi Natural Resources
David Nock – Citizen-at-large
Kati Johnson – Whatcom County

DOCUMENTS DISTRIBUTED

- 01/14/04 Agenda
- 11/12/03 IFA Portage Bay Advisory Committee (AC) Meeting Summary
- PB Station Locations and Classification Boundaries Map
- PB Summary of Marine Water Data: 02/14/01-12/31/03
- PB Water Quality Results (FC): 2003
- Bellingham Rainfall: October and November 2003
- Nooksack River/PB FC Data (NWIC Data Sets): 9/03-12/03



**PORTAGE BAY SHELLFISH PROTECTION DISTRICT
ADVISORY COMMITTEE**

MEETING CONTENTS

1. Public Comment Period

There was no public comment.

2. Review Agenda and Previous Meeting Summary

Agenda

AC members reviewed the agenda. Jeff Hegedus, Whatcom County Health Department, asked that item 4 be discussed first because he had to leave early.

Summary

AC members reviewed the 11/12/03 IFA Meeting Summary and approved it as Final.

- *Action:* Anvil Corporation will distribute the 11/12/03 summary as Final.

3. Emergency manure applications in November – Whatcom Conservation District.

John Gillies, attending in George Boggs' place, updated the Committee on the extended manure application period. The ideal time to apply manure is during the growing season, in early spring/late winter. Applications usually begin in February and end on October 15 before significant rainfall normally occurs. The deadline for 2003 was extended to November 15. The rain patterns in October and November played a major role in the decision to extend the application period.

There was little rain in early October 2003. Manure was applied before the October 15 deadline. Then, on October 16, there was a huge rain event—over 1.5+ inches in some areas—resulting in manure runoff from the fields. The storage ponds filled quickly so the decision was made to pump off the top to prevent the ponds from flowing over the rims.

The application deadline was extended to November 15. There was little rain from late October to early November. Again, manure was applied before the November 15 deadline. Again, a huge rain even came mid-month (over 1.5+ inches), just after application. The fields were already saturated from previous rains, which caused runoff. The extra two weeks of applications in November affected runoff but the situation might have been worse if the decision to pump was put off until spring.

John displayed an overhead showing the average daily precipitation (30 year climatic normal) that showed that soils are generally dry until mid-October. One can expect little runoff with applications up to this time. Another overhead showed the cumulative precipitation at Bellingham Airport from October to December 2003. The cumulative precipitation, 14 inches, is only about ½ inch above normal amounts for that time of year. The complications encountered in late 2003 were not entirely due to total precipitation but that the storms were intense and short and closely followed applications.

John created a model in SPAW to predict runoff amounts using rainfall, ground cover (grass) and other variables. He did not get the same degree of runoff in his model as what



PORTAGE BAY SHELLFISH PROTECTION DISTRICT ADVISORY COMMITTEE

occurred on the ground. One member asked how runoff is calculated. John explained that it is a combination of math and art. One would combine rainfall amounts with soil type, land use, etc. and have a figure for output downstream. With those two figures, one can deduce the amount of runoff.

In another model, Drayton Harbor, with 46% grass/pasture, accounted for half of the total runoff. Approximately 600 acres of manure was applied at 4/10 inch per acre and represented 1.4% of the runoff value. It is unclear if this is statistically significant.

The discussion moved on to the lagoons and what their status is after heavy fall rains. One member asked if covering the lagoons to keep rain water out would keep them from filling up in the winter, thus eliminating the necessity to pump. John noted that this method was tried in the South Fork region and there were problems with birds, the wind making the cover float around on the lagoon, and snow causing the cover to sink. One member asked how the lagoons look now, after heavy snow and ice in late December and early January. Though it is too early to tell, John replied that he is not worried at this time.

One member asked if there is a plan to revisit some of the farm plans. Out of 17 dairies in Drayton Harbor, there were seven requests for special consideration to apply after the October deadline. (Six of the seven applied). It was noted that the plan for applications was designed on climatic averages and sometimes there are above-average rain events. It was noted that there is no oversight to monitor who complied with the application requirements.

The agenda item ended with a discussion of what was learned from the emergency manure applications and subsequent runoff issues and how this affected the shellfish. This was the first time there were emergency pump outs on this scale and citizens were concerned. Don Lennartson, DOH, advised that he needs to be notified the next time the Whatcom Conservation District authorizes emergency applications and pumping so the DOH can consider an emergency health closure on shellfish beds. Harvesters could then be informed of a possible danger to their product that is sent all over the world. In this case, the area of Drayton Harbor affected by runoff was already restricted. The Committee agreed that there needs to be better communication between the Whatcom Conservation District, Washington Department of Health, and the Washington State Department of Agriculture. SDOH and the NRCS will work on this.

On October 15, 2003, Don Lennartson took some samples in Drayton Harbor where the manure would have gone, given the circulation patterns in the harbor. The results were the worst ever for Drayton. One member noted that pumping probably elevated the October figures for Portage. Since DOH did not know of the emergency pumping situation set in place by NRCS and Department of Ag, the elevated numbers for October must be included in the data set. The general consensus was that the late-season manure applications coupled with the large rain events were the cause of the elevated bacteria levels in Drayton Harbor in October 2003.



**PORTAGE BAY SHELLFISH PROTECTION DISTRICT
ADVISORY COMMITTEE**

4. Ferndale Septic Findings – Whatcom County Health Dept.

Jeff Hegedus, attending in Ed Halasz' place, updated the Committee on the Ferndale septic sites and revision of the OSS local code.

Upon further investigation, it was found that one-half of the six sites are on sewer and functioning as designed. One member asked what the Health Dept. would do if it could not get access to a property for an investigation. There is a process of notification to do an investigation and the Health Dept. will keep trying to contact the property owner to get access.

During the next nine months, the On-site Septic System (OSS) local code will be revised. This is an opportunity for shellfish districts to suggest ideas for policy changes in sensitive areas. The revisions to the local code are on a policy level. The shellfish districts would be wise to work together on suggested revisions. There is not a lot of time for revisions. The process is almost to the public comment period.

Members discussed ideas for revisions to the local code. For example, during a real estate transaction, there is currently a regulation to inspect a system only if the lender requires it. One member suggested an inspection of the system be done in every real estate transaction. This approach is pro-active, not reactive and would be especially useful in fast-growing areas such as Birch Bay. One member noted that a policy like this one would need to be defended against the real estate community. One member noted that some areas on the East Coast have successfully required system inspections with every real estate transaction. Another member noted there is precedent in other counties in Washington State for inspections of on-site systems. It is unclear whether such inspections are at the buyer's expense. One member noted that if an inspection is done at the seller's expense, there would be a financial incentive to maintain the on-site system.

The Health Dept. received an unusually large number of applications from pumpers for septage. Most pumpers currently take their waste to Post Point. There is a lack of records to track the waste from pick up to drop off. There is no way to catch a pumper dumping illegally unless someone sees the pumper illegally dumping. Pumpers have a financial incentive to get rid of the waste. They have to pay a tax of 1.5¢ per pound of waste. The system of making sure this happens is not foolproof, one member noted.

One member asked if there are financial incentives in any other states to maintain septic systems. Other members were not sure if there are. Counties focus on educating its residents about maintaining their septic systems. Some counties, like Snohomish, keep computerized records of when a system was inspected.

The State DOH has been involved in the management of septage because of cases of viral gastroenteritis. It takes a small amount of the virus to make people ill. With no oversight of pumpers, there is no way to track where the problem came from.

The Committee can support the issue of holding pumpers accountable for the septage they transport by supporting revisions to the local code. The County licenses pumpers and can



PORTAGE BAY SHELLFISH PROTECTION DISTRICT ADVISORY COMMITTEE

revoke their license. One member observed that the County should regulate more, fine those out of compliance and revoke licenses when necessary to help bring the industry, as a whole, into compliance.

- *Action:* Advisory Committee members will support revisions to the local code.

5. Update on shellfish opening, Tribal update – Lummi Nation

Andy Ross provided an update from the Lummi Nation. The Lummi Nation has been working to get their shellfish beds back into shape and have begun harvesting shellfish. The 'C' Street station in Bellingham experienced a generator failure causing millions of gallons of raw sewage to spill into Bellingham Bay in November 2003, which affected shellfish harvesting in Portage Bay. There were some miscommunication issues surrounding the incident. The Department of Ecology and Department of Health were not made aware of the incident until a few days after the spill. As of the 1/14/04, a report was not yet back detailing the amount of sewage that was released and the effects the spill had on the water quality.

The Lummi Nation has also been getting rid of old product (oysters and clams) that got too big during the closure. The market does not want oysters and clams that are too large.

Andy also related concern from the Lummi Nation about recent changes in the Livestock Nutrient Management Program's enforcement authority from Ecology to the Washington State Department of Agriculture (WSDA). The Lummi Nation would like to see more proactive inspections, not just complaint-driven inspections.

A new WSDA inspection supervisor is expected to begin by the end of February 2003. Neal Lanning will continue to be a temporary inspector until June 2003. Inspections will be focused primarily on new dairies and those who have not been inspected for the longest period of time. One member noted that it is important for inspectors to have a presence in the watershed to get the farmers' support and encourage compliance. Word will spread fast among the farmers when the inspectors are out there checking on compliance. One member noted that fly-overs, though not popular with the farmers, is a good strategy to see whose lagoons are full. A follow up on the ground can then be accomplished based on the findings from the fly-overs.

6. New Business

Last Meeting Follow-up

It was noted at the last meeting that Ami Stillings is no longer with the County as Shellfish Coordinator. Scarlet Tang will be the point-of-contact for shellfish related issues. Scarlet was introduced at the meeting.

New AC Member

The Committee welcomed new member, David Nock. David was with NOAA for years and comes to the Committee as a citizen-at-large. Welcome, David.



**PORTAGE BAY SHELLFISH PROTECTION DISTRICT
ADVISORY COMMITTEE**

Next Meeting Date

- *Action:* Unless otherwise announced, the Portage Bay AC will meet next on 3/24/04 from 3:00 – 5:00 p.m. at Whatcom County Water Resources.

7. Next Meeting Agenda

- Plan Celebration