



**PORTAGE BAY SHELLFISH PROTECTION DISTRICT
ADVISORY COMMITTEE**

MEETING SUMMARY

Date: March 24, 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 January Meeting Summary
3.	3:10	Review of Draft Report with Loading Calculations – Mike Cochrane
4.	3:50	Toxins in Puget Sound Shellfish – Jamie Donatuto, Swinomish Tribe
5.	4:30	Planning for Celebration
6.	4:50	New Business
7.	4:55	Next Meeting's Agenda

MEETING ATTENDANCE

Committee Members

Chris Woodward
 Mike Cochrane
 Justin McKay
 Dorie Belisle
 Bob VanWeerdhuizen

Others

Sharon Roy – Whatcom County Council
 Mark Henderson – Department of Ecology
 Keith Caldwell – Washington State Department of Agriculture
 Neil Lanning – Washington State Department of Agriculture
 Ken Carrasco – WSU Extension/UW Sea Grant
 Andy Ross – Lummi Natural Resources
 Jamie Donatuto – Swinomish Tribe Planning Dept.
 Kati Johnson – Whatcom County Water Resources

DOCUMENTS DISTRIBUTED

- 03/24/04 Agenda
- 01/14/04 IFA Portage Bay Advisory Committee (AC) Meeting Summary
- Portage Bay Summary of Marine Water Data: Fecal Coliform Organisms/100 MI, 05/10/01 to 03/01/04

MEETING CONTENTS

1. Public Comment Period
 There were no public comments.

Two new participants were introduced to the group. Ken Carrasco is a water resources educator for the Washington State University Extension Office and University of Washington Sea Grant. Ken has a background in shellfish biology and water quality. Keith Caldwell, Jr.

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is a new dairy inspector for the Washington State Department of Agriculture. Keith will be working in Snohomish, Skagit, and Whatcom counties. Welcome, Ken and Keith.

2. Review Agenda and Previous Meeting Summary

Agenda

AC members reviewed the agenda and approved it as written.

Summary

AC members reviewed the 1/21/04 Issue for Approval Meeting Summary. Andy Ross had a few changes to suggest:

- Agenda item 3, page 3, end of paragraph 5 – add: “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”.
 - Agenda item 5, page 5, paragraph 1 – change 2nd sentence to “...and have begun harvesting *shellfish*”. Change 3rd sentence to “...to spill into Bellingham Bay in November 2003, which affected shellfish harvesting in Portage Bay”. Change 4th sentence to “There were some miscommunication issues...” Change 5th sentence to “...aware of the incident until a few days after the spill”.
 - Agenda item 5, page 5, paragraph 3 – change 1st sentence to “...concern from *the Lummi Nation* about...” Change 2nd sentence to “...to see more *pro-active* inspections, *not just* complaint-driven inspections”.
- *Action:* Kati Johnson will distribute the 1/21/04 meeting summary as Final after including suggested edits from Andy Ross.

3. Review of Draft Report with Loading Calculations – Mike Cochrane

Mike Cochrane is writing a quarterly summary with loading calculations. The report is not finished and is taking longer than expected. The USGS equations arrived later than anticipated, causing some grant deadlines to be missed. Mike noted that the USGS data allowed for creating equations to establish flow and concentrating measurements for 20 new sites. Previously, the figures for the main tributaries were estimated from old sampling data. Some stations are now using live data from USGS.

Mike noted some difficulty in figuring the rate curves because the data show more water coming into an area than going out. This makes all the tributaries off by the same amount, aggravating the load calculations. Mike noted that there are over 9000 data entries in the Portage Bay watershed. It will take some time to process all the data.

Neil Lanning, Washington State Department of Agriculture (Ag), noted that since he and Keith are new to the area and it would take time to become familiar with problem areas, they would like to know where to focus inspections. Mike noted that Andrew Craig, Department

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of Ecology, could answer questions about the data. Members agreed that communication between the County, Ag, Ecology, and others should remain as open as possible. One member noted that Whatcom County would again fund the shellfish coordinator position. The shellfish coordinator position is key to keeping awareness up and keeping organizations on top of what they are doing through quarterly reports.

One member noted a water quality problem on Fish Trap Creek at Assink Road. Members were unsure whether there had been property access issues at this site. It was noted that if the water quality problems were due to a septic issue, Ag would refer it to the Whatcom County Health Department.

- *Action:* Mark Henderson will talk to Andrew Craig about Assink Road samples.

Mike noted that the Centennial Grant funding ended at the end of February 2004. Beginning in March, a new EPA grant will fund sampling once a month at 65 stations for the next year. Centennial Grant funding for the following year would be unlikely.

There is currently no ongoing source of funds for Portage Bay. Members discussed funding options in Portage Bay. One member noted that most grants provide seed funds and local communities are expected to step in to keep a project going. One member noted that Portage Bay is in competition with other groups for limited funds. It was also discussed that this issue has been ongoing. The County must find a way to incorporate continued sampling as an expenditure with County funds. Stable funding for this project has always been an issue.

4. Toxins in Puget Sound Shellfish – Jamie Donatuto

Jamie Donatuto, Swinomish Indian Tribe Office of Planning and Community Development, gave a presentation on “Bioaccumulative Toxins in Subsistence-Harvested Shellfish on the Swinomish Reservation”. State Department of Health currently looks at fecal coliform levels in Portage Bay but does not look at toxics. There has not been a toxics survey done in Portage Bay or Drayton Harbor.

Some results from the labs are not yet back, nor has the EPA validated the data. It is still too early to tell what the project has found thus far. Jamie emphasized that discontinuing shellfish harvesting is not an option for the Swinomish Tribe because it is a Treaty right. Tribal members rely on shellfish gathering for subsistence use.

This is a four-year EPA funded project that began two years ago. The average American's shellfish consumption was used in health risk analyses to determine exposure to bioaccumulative toxics, completely overlooking Native American subsistence harvesting and consumption issues. Tribal members eat many more shellfish than the average American. Some toxins occur in shellfish in low levels, but since some tribal members eat shellfish on a

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regular basis, the effect is more serious. The project will also take into consideration that some tribal members eat larger amounts of shellfish during certain times of the year.

The hypothesis of the project is that "Swinomish people are exposed to low level, chronic bioaccumulative toxics when participating in subsistence gathering and consumption of shellfish". The project is not trying to determine where the contamination is coming from.

The four goals of the project are: to determine if people are being exposed to bioaccumulative toxics; if yes, to effectively communicate the health risks to those affected; to develop mitigation measures; and to confirm major health problems on the reservation that may be related to contaminated shellfish.

Data was gathered at fifteen sites from sediments, clams, and crabs. The samples were tested for the presence of several chemicals, including heavy metals (arsenic, copper, cadmium, selenium, mercury, lead, nickel); PCBs (poly-chlorinated biphenyls); PAHs (Polyaromatic hydrocarbons); Dioxins/-furans; Chlorinated pesticides; and TBT (Tributyltin).

The second part of the project is public education. The Swinomish Tribe has an environmental educator who goes to schools in the La Connor area and teaches basic toxicology. The program is called "Tox in a Box". The children are taught about putting toxins into our bodies in general, but not the shellfish project specifically.

Community gatherings are also an effective way of educating the community about shellfish issues. This method is more effective than printing information in the newspaper and also builds trust. The Swinomish Tribe has a cable channel so project participants have been videotaping as many activities related to the project as possible. A documentary may be created to air on the cable channel or as part of the final report to the EPA.

One member asked if the project is using a control group of shellfish. Jamie noted that there is no control group of unpolluted shellfish because they are unable to find a source. Instead, groups of shellfish are compared to each other. The amount of toxics found in one group versus another is compared as a matter of degrees.

One member asked for more information on mitigation options. Jamie noted that the Swinomish Tribe has several lawyers who are aware of the study. The project will develop mitigation options, but what lawyers and tribal members do with that information is their decision.

One member noted that improvements to shellfish beds would not be seen without improvements to storm water drainage. It would take a cultural shift to accomplish this. Another member noted that it would be expensive to change the storm water system. There have been ideas to treat or otherwise deal with runoff (e.g., rain gardens), but they all cost money. One member noted that public education is needed to change how people think about storm water and its effects on the quality of marine life.

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5. Planning for celebration

Members agreed that celebration planning should be put off until there is something more to celebrate. The celebration would require planning but some members do not feel Portage Bay's fecal levels are at a level worth celebrating yet. One member noted that there are some things to celebrate. The dairies are getting a lot of credit for the turnaround in water quality, which is an upside of receiving a lot of the blame for poor water quality.

One member noted that Portage Bay Shellfish Protection District has not developed a plan to keep shellfish beds open. To accomplish this, there could be another advisory group or an update of the old TMDL matrix. Portage Bay needs a report about all the work that has been done in the watershed to date. The AC could ask the County for funds to accomplish this or ask that the shellfish coordinator document all the Portage Bay activities thus far.

Sharon Roy, Whatcom County Council, suggested the AC present all the things it has done throughout the watershed to the County Council at a Tuesday evening meeting. The AC could present a short summary of its accomplishments. Sharon noted it would be great to get the AC public acknowledgement. A presentation could also be made to the Natural Resources Committee at another time.

- *Action:* Sharon Roy will let Chris Woodward know when the Portage Bay Advisory Committee could get on the Whatcom County Council Tuesday evening agenda.
- *Action:* Justin McKay, Dorie Belisle, and Rob Van Weerdhuizen volunteered to join Chris Woodward to represent the Portage Bay Advisory Committee at a Whatcom County Council meeting.

6. New Business

Portage Bay Water Quality

Chris distributed the latest water quality data for Portage Bay. All stations that have the required minimum 30 samples meet the standards except Station 52. Stations 271 and 272 do not yet have the required minimum 30 samples. It was noted that Station 58 does not have 30 samples but is classified as "Approved" because it is not a shellfish harvesting area. Chris noted that, in general, the fecal levels are looking pretty good.

One member asked if there are historical water quality data for Portage Bay. Mike Cochrane noted that he has data dating back to 1986.

New Dairy Inspector

Keith Caldwell, Jr. was introduced as a new Dairy Inspector for the Department of Agriculture (Ag). He has been introduced to the agriculture community via the Department of Ecology, county conservation districts, and other means.

Several members expressed the need to communicate to landowners that Ag is more than a regulatory body and is there to work with and educate the farmers and communities.

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Farmers need to be able to trust Ag and call them to report problems. Some farmers currently neglect to report a spill to avoid a fine. Other farmers continue to call Ecology, when they should now call Ag for these situations.

Some members expressed concern that farmers would not call to report a leak if they know they would be fined. Ag considers several factors when deciding whom to fine including if the farmer called to report (instead of a neighbor) and how big the spill is. Ag is able to make judgment calls depending on the situation.

Some members wondered how best to communicate to landowners the news of the change in inspections from Ecology to Ag. One member suggested sending out letters to all landowners. Several members thought this was a good idea. Another member suggested putting information in the Whatcom Conservation District newsletter.

One member suggested that Ag contact the watershed improvement districts (WID) that are trying to meet water quality standards. Getting involved with the watershed improvement districts would be a good way for Ag to build trust with landowners. Dorie Belisle suggested Ag should contact Henry Bierlink, Bertrand Creek WID.

Department of Agriculture Fly-overs

Neil Lanning noted that the Department of Agriculture (Ag) fly-overs in February. Nine inspections occurred as a result of the fly-overs, instead of being complaint-driven. More fly-overs were done in early March. Neil noted that things looked "mostly all right". Areas in the Nooksack watershed that looked like problems from the air turned out to not be problems once the inspectors were on the ground. All suspects were followed up on with site inspections.

Neil noted that the inspectors look for things such as overflowing lagoons, water leaking from a lagoon to a creek, and manure applications in swampy areas when doing fly-overs.

7. Next Meeting Agenda

The next meeting's agenda was not discussed

Next Meeting Date

Unless otherwise announced, the Portage Bay AC will meet next on 5/26/04 from 3:00 – 5:00 p.m. at Whatcom County Water Resources.

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