



**PORTAGE BAY SHELLFISH PROTECTION DISTRICT  
ADVISORY COMMITTEE**

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**MEETING SUMMARY**

Date: November 12, 2003  
Time: 3:00 – 5:00 p.m.  
Place: 322 N. Commercial St., Bellingham – Second Floor Conference Room

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**AGENDA**

1.	3:00	Public Comment Period
2.	3:05	Review Agenda and 9/8/03 Meeting Summary
3.	3:10	Update on Portage Upgrade and Next Steps (Don Lennartson – DOT)
4.	4:00	Where to Go from Here (Hilary Culverwell – PSAT)
5.	4:30	Agriculture Office Changes and What to Expect (Neil Lanning – WSDA)
6.	4:50	New Business
7.	4:55	Next Meeting's Agenda

**MEETING ATTENDANCE**

Committee Members

Chris Woodward  
Bob VanWeerdhuizen  
Mike Cochrane  
Bas Scholten

Others

Hilary Culverwell – Puget Sound Action Team  
Sharon Roy – Whatcom County Council  
Katie Callahan – Whatcom County Water Resources  
Andrew Craig – Department of Ecology  
Tamera Archer – Department of Ecology  
Neil Lanning – Washington State Department of Agriculture  
Mark Henderson – Department of Ecology  
Beth Chisholm – Whatcom Conservation District  
Don Lennartson – Washington State Department of Health  
Erika Stroebel – Whatcom County Water Resources  
Hillary Rockwell – Anvil Corporation

**DOCUMENTS DISTRIBUTED**

- 11/12/03 Agenda
- 9/8/03 IFA Portage Bay Advisory Committee (AC) Meeting Summary
- MOU between WSDA and Ecology relating to the Livestock Nutrient Management Program
- Memo regarding Coverage of Shellfish Activities

**MEETING CONTENTS**

1. Public Comment Period  
There was no public comment.



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2. Review Agenda and Previous Meeting Summary

Agenda

AC members reviewed the agenda but did not suggest revisions. Some members provided updates, which are summarized under New Business.

Summary

AC members reviewed the 9/8/03 IFA Meeting Summary and approved it as Final.

- *Action:* Anvil Corporation will distribute the 9/8/03 summary as Final.

3. Update on Portage Upgrade and Next Steps

The Washington State Department of Health (DOH) is in the process of upgrading most of Portage Bay (PB) from Restricted to Approved for shellfish harvest. The "Restricted" classification gave shellfish farmers the option of moving shellfish to other locations; however, this option was not implemented due to cost, shellfish mortality, and other factors. The "Approved" classification will allow shellfish harvest as long as stations in the area continue to meet criteria.

Don Lennartson, DOH, noted that the past 30 samples for PB stations showed some of the lowest Fecal Coliform (FC) counts in Western Washington. They provide a textbook example of what finding and fixing problems, and reducing FC counts can accomplish.

However, Don noted that the most recent samples, collected on 10/15/03, showed high numbers all over PB, most likely due to the effects of first rainfall runoff (although high, the counts were not nearly as high as they have been in the past). Unfortunately, high sample numbers stay on the list until 30 more samples are collected (i.e., there is a 30-sample window, and the oldest ones fall off the list in place of new ones). Sample dates are chosen far in advance, so coincidental events like first runoff have the potential for abnormally high FC counts.

The Portage Bay shellfish bed reclassification order will upgrade all Portage Bay stations to Approved, except Stations 271 and 52. Station 271 does not yet have the 30 samples needed to determine whether it is meeting DOH criteria. DOH and Lummi Natural Resources plan to sample cooperatively, so the 30-sample goal can be reached more quickly. Don predicts Station 271 will meet criteria. Station 52 does not yet meet criteria. This is partially because it lies in the middle of the Nooksack River outfall in the bay, mainly due to wind direction. Don noted that the public has 35 days to appeal the reclassification order once it has been issued, before the final order goes out. However, it is unlikely anyone would appeal an upgraded classification. If there are no appeals, the final order will be issued on 11/22/03.

Don noted that DOH would continue sampling 6 times per year and would maintain data after shellfish beds were upgraded. Other organizations need to supplement the sampling effort. Mike Cochrane noted that Northwest Indian College (NWIC) has a grant to collect samples, which they will continue until grant money runs out early next year.



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AC members agreed that it is vitally important to continue monitoring the FC situation in the Nooksack Basin, to ensure that the Portage Bay shellfish beds are not once again closed. They also expressed the need to celebrate the committee's success in working to reduce FC counts in PB and upgrade shellfish beds. The committee has proven what stakeholders and community members can accomplish when they collaborate to fix problems.

One member said the committee also needs to recognize that the Nooksack River Total Maximum Daily Load (TMDL) study, run by Ecology, is the only success story in all of Washington State, and one of only a few success stories in the United States.

For continuing discussion, see Item 4.

#### 4. Where to Go from Here

Hilary Culverwell, Puget Sound Action Team (PSAT), noted that PSAT has been involved in shellfish bed upgrade efforts with 9 shellfish protection districts across the Puget Sound region. The state statute that required Washington State to form protection districts for areas with downgraded shellfish beds did not specify what to do after beds have been upgraded. Unfortunately, it also did not specify that the protection districts actually had to do anything. However, statute RCW 90.72.030 states, "Local action in each watershed where shellfish are harvested is required to protect this vital resource. The legislature hereby encourages all counties having saltwater boundaries to establish shellfish protection districts and programs designed to prevent any further degradation and contamination . . ." which seems to indicate an understanding that protection activities are needed, regardless of the current shellfish bed classifications.

Some members noted that inaction in Dungeness Bay caused shellfish bed closures, and a drop-off in activities after shellfish bed upgrades in other areas led to a rollercoaster of upgrades and downgrades. In the latter cases, shellfish protection districts were not formally dissolved but committee members stopped pursuing protection activities. Although shellfish districts might not be formally dissolved, it is possible that local governments might decide to stop funding protection activities.

It is not clear how the PB AC will be funded next year, since the Flood Fee that has been funding it will no longer be levied in 2004. Some members expressed the need to publicly announce the AC's success in upgrading shellfish beds and show the connection to tax dollars being well spent. The AC also needs to acknowledge landowners who made on-the-ground changes to improve water quality.

One Whatcom County Council member noted that the council has not indicated it would shut down protection districts after upgrades. Council members are concerned, however, about the Dairy Nutrient Management Program being weakened, since they view it as a crucial piece of the AC's success. Other members noted that the council members' concerns could be addressed under Item 5.



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AC members agreed it would be important to discuss the committee's future and consider funding options. One member noted that Skagit County made the entire county a shellfish protection district, so everyone pays a little bit instead of a few people paying a lot. Pierce County has a permanent Shellfish Coordinator position, which is continually funded rather than being reevaluated each quarter.

Chris noted that the PB shellfish protection district is unique because the district ends on the edge of the Lummi Indian Reservation and does not extend to shellfish beds. The AC's effort has focused on the Nooksack River watershed; however, success is reflected in the shellfish beds.

One member expressed that if Chris continues to be the AC's Chair, she should be paid for her work. Currently, she is volunteering her time.

### Shellfish Coordinator Position

Ami Stillings, who was Whatcom County's Shellfish Coordinator, no longer works for the county. AC members wondered how the county would handle the now-vacant coordinator position.

Chris reported that she met with Ami and Bruce Roll to determine what needed to happen after Ami left. As explained in a memo from Bruce to Pete Kremen, which Chris distributed to the AC, Scarlet Tang will temporarily be the point of contact for shellfish-related issues and will attend shellfish meetings. She will also help with community outreach. Other staff members will enter new shellfish data into the county's database.

Some members noted that Pete seemed to support the idea of filling the Shellfish Coordinator position in 2004. However, the county's budget is under scrutiny and it is therefore important to keep emphasizing the need for a Shellfish Coordinator.

### 5. Agricultural Office Changes and What to Expect

Neil Lanning, Washington State Department of Agriculture (WSDA), noted that recent legislation shifts Dairy Nutrient Management Program (now called the Livestock Nutrient Management Program) enforcement authority from Ecology to WSDA. Neil distributed a summary of the Memorandum of Understanding between WSDA and Ecology, which outlines which agency will do what from now on.

Neil is currently the only dairy inspector in Washington State, although WSDA is in the process of hiring 3 inspectors (Neil's position is only temporary). Neil met with Andrew Craig to see what Ecology has been doing in Whatcom County. They flew over dairies and noted that manure lagoons looked better than expected. WSDA and Ecology are trying to make the transition of enforcement authority smooth. Neil noted that Ecology would continue to issue NPDES permits.

Some members noted that Ecology had 6 inspectors dedicated to dairy in the state. They expressed concern that 3 inspectors for livestock, not just dairy, would be greatly



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inadequate. The inspector for Whatcom County was always available to respond to calls. Members were concerned about the possibility of slipping back to a time when they had to wait 3 months for responses to calls, and even then violators were merely slapped on the wrist. Ecology was involved in inspections and enforcement. Neil noted that it would be much easier to keep from moving backwards, now that Ecology has come so far, than it would have been to start from the old system and move forward.

Andrew noted that Neil has all of his files on Whatcom County dairies. Andrew and Neil have discussed approaches to inspections and enforcement and will continue to work together on a smooth transition. Once all 3 inspectors have been hired, the local inspector will come to Whatcom County and figure out what needs to happen next. The AC could put pressure on the appropriate authorities at WSDA to hire more inspectors. One member noted that it is important to notify authorities in Olympia of the need to keep up with the standards Ecology previously set.

Some members noted that if the trend of community education regarding dairy inspections continued, there would not be a culture of fear surrounding inspections. Another key to success is continual communication between the AC and WSDA.

Andrew stated that Ecology is committed to maintaining TMDL targets in the Nooksack River basin, which will involve all the key players in the basin.

- *Action:* Andrew will send the complete WSDA/Ecology Memorandum of Understanding regarding the Livestock Nutrient Program to Erika Stroebel and Sharon Roy.

### 6. New Business

#### Last Meeting Follow-up

The 9/8/03 Portage Bay AC Meeting Summary indicates, on page 3, that Mark Henderson would collaborate with Ami Stillings on developing a quarterly report. One member asked Mark if he and Ami finished the report before Ami left the county. Mark indicated the report was almost finished.

- *Action:* Mark will distribute the quarterly report to the Portage Bay AC when it is complete.

#### AC Member Leaving

Chris noted that Dave Ragsdale would no longer be on the AC since the shellfish beds are being upgraded. Dave will continue to be involved in other community efforts, however.

- *Action:* Chris will write a letter to Dave thanking him for his role on the AC.

#### Ecology Update

Ecology and Whatcom County DOH are still investigating potential sources of high FC counts in the Nooksack River Mainstem, which appeared in August 2003. In response to an



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AC member's question, Andrew Craig indicated that there is no need for the AC to push for further steps at this point.

Next Meeting Date

- *Action:* Unless otherwise announced, the Portage Bay AC will meet next on 1/14/04 from 3:00 – 5:00 p.m. at Whatcom County Water Resources.

7. Next Meeting Agenda

- Portage Bay AC's Future
- Plan Celebration