

**DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT
ADVISORY COMMITTEE
Meeting Summary**

Date: Wednesday, February 16, 2011
Time: 4:00-6:00 p.m.
Place: Port's Boating Center Conference Room – 235 Marine Drive, Blaine

Agenda

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| 1. | 4:00 | Introductions |
| 2. | 4:10 | Review Agenda and Previous Meeting Summary |
| 3. | 4:15 | Water Quality Update <ul style="list-style-type: none">• Marine• Freshwater |
| 4. | 4:35 | Priority Drainages <ul style="list-style-type: none">• Update on Agricultural AC- Regulations Subcommittee |
| 5. | 5:05 | Technical Assistance for Small Farms |
| 6. | 5:25 | Drayton TMDL Summary Implementation Strategy (SIS) |
| 7. | 5:40 | New Business |
| 8. | 6:00 | Adjourn |

Committee members present: Jackie Goodsir, Janet Hansen, David Thomson, Geoff Menzies, Charlie Hawkins, Mark Harting,

Others present: Greg Combs (WA DOH), Erika Stroebel (WCPW), Sara Brooke Benjamin (WCPW), George Boggs (Whatcom Conservation District), Mak Kaufman (DOE),

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| 1. | 4:00 | Introductions |
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Introductions were made around the table.

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| 2. | 4:10 | Review Agenda and Previous Meeting Summary |
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The February agenda and November meeting summary were both accepted as submitted.

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| 3. | 4:15 | Water Quality Update |
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Marine – Greg Combs from WA Department of Health (DOH) provided an update on marine water quality and distributed water quality data summary sheets. Under the Conditionally Approved Area Management Plan there is a seasonal closure on shellfish growing areas in



Drayton Harbor from November through February. Looking at all data from 04/08 to 01/11 including both the wet & dry seasons, two stations are well within standards (12 & 313), four are of concern but still within standards (3, 5, 314, & 315), two are within standards but threatened (4 & 11), and three are prohibited (15, 8 & 6). When seasonal closure months are omitted, data from 09/06 to 10/10 shows that all stations except 8 and 15 are within the bacteria standards.

A high bacteria event that occurred in January 2008 did drop off of the 30 sample dataset, but was promptly replaced by a new high bacteria event on December 1, 2010 with counts as high as 540 FC/100ml at stations 4, 11 & 15 and 920 FC/100ml at station 8. (The National Shellfish Sanitation Standards for marine waters is a geometric mean <14 FC/100ml.) Rainfall preceding this event was 0.73 inches, just short of the 0.75 inch criteria that would prompt a 6-day closure period in the harbor.

The implications for freeze-thaw and rain on snow weather events were discussed and the group agreed that these weather events do produce bacteria spikes upon thawing. The question was raised as to whether it would be possible to manage around these events as is done with excessive rainfall and floods. Greg said that we are bound by the National Shellfish Sanitation Program and that this would not be possible.

Freshwater – Freshwater sampling on November 30 (one day prior to the December 1 marine sampling event) showed very high bacterial counts (up in the 1000's of FC/100ml) everywhere except at the mouths of Dakota and California Creeks which were at 4 and 12 FC/100ml. In interest of time, freshwater update was abbreviated.

Action Item (Erika): Get water quality data from Little Campbell and Cain Creek from the around the time of the December 1, 2010 high bacteria event.

Action Item (Erika & Geoff): Get Ecology's water quality data from the water treatment plant from around the time of the December 1, 2010 high bacteria event (available online).

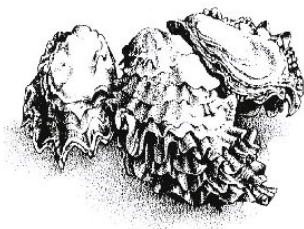
Action Item (Erika): Email Greg regarding possibility of lifting seasonal closures on recreational harvest at stations 12 and 313, i.e. "micro-managing" the harbor.

Action Item (Geoff): Email Greg regarding willingness to help collect more samples under a wider variety of meteorological and tidal conditions.

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| 4. | 4:35 | Priority Drainages <ul style="list-style-type: none">• Update on Agricultural AC- Regulations Subcommittee |
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A meeting organized by the Whatcom Conservation District (WCD) for the priority drainages was not well-attended because it was in the middle of the afternoon. Evening meetings were requested for future.

Photos of local farms posted online were a source of stress and residents requested a hiatus of scrutiny while they are engaged in a process and discussion with their neighbors and the WCD.



Letters requesting this forbearance were sent out to Re-Resources, Geoff Menzies, and the Drayton Harbor Shellfish Protection District Advisory Committee by WCD staff on behalf of drainage residents. Copies of response letters from this Committee and from Geoff Menzies were distributed. The response letter from this Committee clarified that the Drayton Harbor Shellfish Protection District Advisory Committee is strictly advisory to the County Council and does not have a policy, history or future intention of filing complaints against landowners. The response letter from Geoff Menzies agreed to “refrain from filing complaints against landowners for at least one year pending accomplishments on the ground designed to reduce the runoff of livestock waste into waterways.” Geoff also offered to donate oysters to landowners working with the WCD to implement BMPs or for any community events that bring landowners together to discuss the problem and the solutions.

Local water quality data was discussed and attendees concluded that there IS a water quality problem. Attendees want a water quality monitoring system that they can have confidence in. The next activity in the priority drainage is to get educated with respect to water quality sampling, variability, interpretation, protocol, etc. and look into conducting a volunteer sampling program.

Mak Kaufman (Ecology) reported that they are moving toward enforcement with three farms in the drainage as significant contributors based on samples collected on January 21; all three are trying to comply and have requested 60 day extensions.

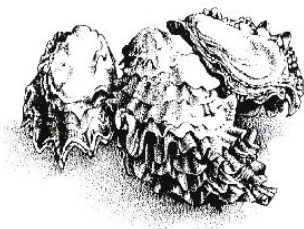
Action Item (Mak): Provide the Committee with some examples of “best scenario” case studies (including timelines) that document successful compliance efforts and resultant bacteria reductions.

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| 5. | 5:05 | Technical Assistance for Small Farms |
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The 2011 Public Works Natural Resources budget has ~\$35,000 to provide technical assistance for small farms, through the WCD, where water quality problems have been identified within the priority areas of the shellfish protection districts. There was discussion about creating a cost-share program that did not require a certified farm plan filed with the County. Through this option, landowners would need to work with the WCD to ensure appropriate BMPs were selected and sited in location where there would be a water quality benefit and thus a public benefit. Current cost-share program provides 75% assistance with 25% match from landowners and to date this has covered fencing options or off-channel watering facilities.

Feedback on how these funds should be spent was requested from the Committee. A focus on generating interest from willing landowners in highest priority drainages through neighborhood meetings and other outreach pathways was discussed and supported by the Committee. An inventory completed by the WCD (but not a certified farm plan that is reported to the County) was recommended as a pre-requisite to any assistance with BMPs.

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| 6. | 5:25 | Drayton TMDL Summary Implementation Strategy (SIS) |
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A subcommittee from this Committee met to provide feedback to Ecology for the public review draft of the TMDL summary implementation strategy in late 2010. The public review draft was anticipated by end of last year, but that timeline has been delayed. Ecology is continuing to accept feedback and will be moving forward with the public review draft soon, the exact time frame is not yet known.

Action Item (Erika): Forward the current TMDL summary implementation strategy draft to the Committee again.

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| 7. | 5:40 | New Business |
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- The WCD and the Natural Resources Conservation Service (NRCS) are re-visiting their nutrient management plan paradigm and will make recommendations for increased set-backs, etc. Would not supersede anything in existing plans.
- The Governor's budget has eliminated all money for livestock planning. Funds will only be available to those enrolled in the federal program. Some water quality related money may be available for livestock planning.
- Last Friday the Washington Association of Conservation Districts sent a letter to DOE Director Sturdevant indicating that they were advising all Conservation Districts to terminate their MOAs with DOE. The WCD board sent a letter to this effect on 2/16/11 and after 30 days they will no longer respond to the DOE through that process. Presuming sufficient funding, the WCD will continue to offer technical assistance upon request to any individual requesting it in accordance with the NRCS specifications.
- The Committee voted and endorsed a letter to the County Council requesting that the OSS O&M code within the Drayton Harbor watershed be changed to require that initial inspections be performed by licensed O&M specialists only, with the possibility for subsequent inspections to be done by properly trained homeowners.

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| 8. | 6:00 | Adjourn |
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