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Nisqually Reach Shellfish Protection District
Stakeholder Group
Meeting Notes of June 5, 2002

Present: All members were present with Stephanie Schilter sitting in as Jeff Schilter's alternate.
Staff Present: Mark J. Swartout (Thurston County)
Panel: Kirk Robinson (Thurston Conservation District)
Sue Davis (Thurston County Environmental Health / Resource Protection Division)
Don Melvin (Washington Department of Health)
Betsy Dicks (Ecology)
Debbie Sargent (Ecology)
Guests: Fred Michelson

I. Introductions, May 1st Meeting Notes were approved.

II. Panel:

a. Kirk Robinson presented:

- i. History of the agricultural activities of the McAllister Creek and Nisqually River area.
- ii. Work of the Thurston Conservation District (TCD) with small and large property owners; and commercial and hobby agricultural interests in developing farm plans that implement best management practices. He noted one of the challenges is the evolving nature of agricultural activities and that farm plans are works in progress.
- iii. The TCD is a non-regulatory agency that assists property owners and he mentioned that most landowners are cooperative.
- iv. The TCD will be taking water quality samples as part of their recent grant from Ecology. The results will help identify if there are problems from individual properties and evaluate the results of the implementation of best management practices.

b. Don Melvin presented:

- i. Oysters can filter up to 50 gallons of water a day.
- ii. Most oysters are either eaten raw or partially cooked.

iii. Explained the different closure responses:

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1. Conditionally approved – closed to shellfish harvesting for 5 days after either a one inch of rainfall or half inch of rainfall in 24 hours.
 2. Restricted – restricted to harvesting the shellfish from this area unless moved to an unrestricted area to allow shellfish to purge their contaminants.
 3. Prohibited – total restriction of shellfish harvesting.
- iv. The National Shellfish Safety Program – sets the standards and procedures that the state of Washington has adopted and include:
 1. Nearshore surveys for sources of fecal coliform.
 2. Water quality samples.
 - v. The WDOH convened the agencies and tribes to develop the Closure Response Strategy when the downgrade occurred.
 - vi. The County was responsible for creating the shellfish protection district when the downgrade occurred.
 - vii. During Don't presentation a discussion ensued where the committee learned that the Nisqually River Council is responsible for convening the Closure Response Implementation Review Committee, which provide oversight to its implementation.
 - viii. Don mentioned that if all the dikes were removed it could reduce the amount of fecal coliform.
- c. Sue Davis presented:
- i. Explained the history of the work of the Resource Protection Division beginning with the 1992 downgrade.
 - ii. Explained the septic system testing from Johnson Point to Luhr Beach.
 1. In 1994-1996 the first part of the testing program from Sandy Point to Luhr Beach had a 78% participation rate, which found 26% of the septic systems failing.
 2. In 1996-1998 the second part of the testing from Johnson Point to Sandy Point had a 37% participation rate, which found 29% failure rate.
 3. Several parameters that were found to cause failures were soil conditions, age of system, and distance to shoreline.
 4. Countywide there is a 13% septic failure on shoreline.
 - iii. Explained how the dye testing works.
 - iv. Explained the County's current on-site sewage system operation and maintenance program.
 - v. The current work is a grant from Ecology to do water quality sampling to include E. coli DNA typing. The results of the water quality sampling will be used by the County to identify and reduce pollution sources and to develop the TMDL and Water Cleanup Plan. Sampling will begin this fall.
- d. Betsy Dickes presented:
- i. McAllister Creek Water Quality Survey for Fecal Coliform Bacteria, Total Suspended Solids, Turbidity, and Nutrients (April 2002). The report was distributed to each of the committee members as well as a correction packet. The report was written assuming the creek was classified as a Class A waterbody. However, it has been verified that the creek is a Class AA waterbody. The criteria for a Class AA waterbody are more restrictive. The

freshwater Class AA standard for fecal coliform bacteria is: “fecal coliform organism levels shall both not exceed a geometric mean value of 50 colonies/100 mL and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 100 colonies/100 mL” (Chapter 173-201A WAC). From the sites that were sampled, high bacteria concentrations were found in McAllister Creek particularly from tidegates, Medicine Creek and the two stormdrains.

- ii. The results of the report will be used to assist in the design of Ecology’s Total Maximum Load Study that is slated to begin this summer. Data also may be used to document conditions prior to proposed tidegate replacements
 - iii. Enforcement was discussed. Large farms Ecology would enforce and small farms would be Thurston County Environmental Health Department. Ecology stated that Ecology emphasizes voluntary compliance rather than enforcement.
 - iv. Betsy mentioned that McAllister Creek has been diked, channelized, and rerouted. This has lowered the gradient and therefore reduced it’s effective flushing ability.
- e. Debbie Sargent presented:
- i. The federal Clean Water Act requires Ecology to do a Total Maximum Daily Load (TMDL) study and a Water Cleanup Plan once a waterbody is listed on the 303(d) list of impaired waterbodies.
 - ii. For the McAllister Creek area fecal coliform and dissolved oxygen parameters are not meeting water quality standards.
 - iii. TMDL is a measure of the capacity of a waterbody to absorb pollution yet meets water quality standards. The sampling will begin at the end of June 2002 and go through June – Sept. 2003.
 - iv. Loading includes the concentration of a pollutant and the amount of flow of water.

III. Administrative issues:

- a. Changed the August 14th meeting date back to August 7th.
- b. Distributed memo from David Troutt on Public Involvement.
- c. Distributed other shellfish protection district work to include:
 - i. Rocky Bay Shellfish Protection District.
 - ii. Clean Water Strategy for Addressing Fecal Coliform in Dungeness Bay and Watershed.
 - iii. Lower Hood Canal Shellfish Protection District
- d. Quick update on the Henderson Inlet Shellfish Protection Stakeholder Group.

IV. Agenda for the June 26th meeting – Bryan Wilson chair.

- a. Administrative issues.
 - i. Discuss public involvement – refer to David Troutt’s memo.
 - ii. Review Regulatory / Program Timeline - refer to last months packet.
 - iii. Henderson Inlet Shellfish Protection District update.
- b. Closure Response Strategy – please read the Strategy before the meeting. Copies of the updated matrix will either be sent as an email attachment, in the mail, or distributed at the meeting.
- c. Continue discussion on work plan approach and timeline.

- V. List of future agenda items – On April 24th the group brainstormed the following list of topics for future agendas. Those with asterisks have been or continue to be discussed.
- a. * Timeline and work program.
 - b. * Background discussion – Chronology, historical perspective, causes, and WDOH program.
 - c. * Formalize outstanding administrative issues i.e. group spokesperson, chair, and note taking.
 - d. * Fecal Coliform – what is it and what are its sources.
 - e. Examples of other jurisdictions work on shellfish closure responses (distributed at the June 5th meeting).
 - f. *Government Programs – state and local.
 - g. Keep the group informed on the work of the Henderson Inlet Shellfish Protection District Stakeholder group.
 - h. List of resources available to provide information.
 - i. Land Use Map.
 - j. Topography Map.
 - k. Maps showing land use changes over time.
 - l. Data.
 - m. Location and description of shellfish beds.
- VI. Public Comment:
- a. The PSWQAT has completed the updated matrix for the Closure Response Strategy.
- VII. Adjourn at 9:00 PM

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