

ORDINANCE NO. 116

AN ORDINANCE amending the Nisqually Reach Shellfish Protection District shellfish protection program set forth in Ordinance No. 12680.

WHEREAS, the Nisqually Reach Shellfish Protection District was established by Ordinance No. 12680 dated December 17, 2001; and

WHEREAS, Ordinance No. 12680, section 4, adopted a work program to implement a phased approach to address fecal coliform contamination of shellfish beds in Nisqually Reach and provided that the Board of County Commissioners shall amend the work program at the conclusion of Phase 1 or sooner as needed; and

WHEREAS, the Nisqually Reach Shellfish Protection District stakeholder group held a public meeting on June 26, 2003 and received comments from citizens on their draft Report and Recommendations; and

WHEREAS, on July 10, 2003 the Nisqually Reach Shellfish Protection District stakeholder group presented their Report and Recommendations to the Board of County Commissioners; and

WHEREAS, activities prescribed in Phase 1 Section I of the program have been substantially completed within 18 months as required in Ordinance No. 12680, Section 4; and

WHEREAS, the actions prescribed in Phase 1, Sections II and III are ongoing activities that were reviewed by the stakeholders; and

WHEREAS, an amended work program should be adopted to establish the activities to be conducted to implement the Report and Recommendations developed in Phase 1.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY hereby ordains that the Nisqually Reach Shellfish Protection District program adopted in Ordinance 12680, section 4, is amended to read as set forth in Attachment A which is attached hereto and incorporated herein by reference.

ADOPTED: December 8, 2003

ATTEST:

[Signature]
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

[Signature]
Chairman

APPROVED AS TO FORM:

EDWARD G. HOLM
PROSECUTING ATTORNEY

[Signature]
Commissioner

[Signature]
Jane Futterman
Deputy Prosecuting Attorney

[Signature]
Commissioner

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Sent for Certification

Exhibit A
Nisqually Reach Shellfish Protection District
Amended Work Program

The Nisqually Reach Shellfish Protection District Work Program is a first step leading to the development of a long-term strategy addressing fecal coliform contamination of recreational and commercial shellfish beds in the Nisqually Reach. The Nisqually Reach Shellfish Protection District Work Program outlines the necessary steps needed to accomplish the requirements of RCW 90.72.030.

The Nisqually Reach Shellfish Protection District Work Program utilizes a phased approach in addressing the causes of fecal coliform contamination.

Phase 1: The first phase of the Nisqually Reach Shellfish Protection District Work Program includes the following activities within the authority of Thurston County:

- I. Continue Public Involvement:
 - A. Build a public-involvement strategy that ensures the public remains involved in the decision making process.
 - B. In concert with the public develop a long-term strategy in the Phase 2 Work Program that includes but is not limited to:
 1. Defining the problem.
 2. Goals and objectives to address the problem.
 3. Actions necessary to address fecal contamination in the Nisqually Reach.
 4. A timeline for implementation.
 5. Funding options, if needed, to implement the long-term strategies in the Phase 2 Work Program.
 - C. Route land-use development proposals within the Nisqually Reach Shellfish Protection District boundaries to interest groups for review and comment.
 - D. Decide how to continue public involvement during implementation of Phase 2.
- II. Efforts to correct known sources of fecal coliform utilizing existing programs, regulations, and resources will include recognition and implementation of the "Response Strategy For Shellfish Growing Area Downgrades in Henderson Inlet and the Nisqually Reach" as funding and resources allow.
 - A. Failing Septic Systems: The Environmental Health Division will continue its current programs.
 1. Identify and seek corrections to failing systems by using complaints, evidence of failed systems, voluntary inspections, and existing permit-review processes.
 2. Provide loans to help qualified homeowners repair failing septic systems.
 3. Ensure that certified septic system owners are properly operating and maintaining their systems in accordance with their operational certificates.

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- B. Stormwater: The Thurston County Storm and Surface Water Utility will in coordination with other jurisdictions:
 - 1. Continue building capital projects within shellfish watersheds and continue to operate and maintain existing county-owned stormwater facilities within the watersheds to address water quality and stormwater discharges.
 - 2. Focus public information and education programs on methods residents can use to help reduce the amount of fecal coliform bacteria that ends up in stormwater runoff.
 - 3. Explore innovative project solutions aimed at reducing the amount of fecal coliform bacteria that is transported in stormwater.

- C. Land-Use enforcement: The Board of County Commissioners is committed to continue improving enforcement to seek compliance with existing land-use regulations and permit conditions, Critical Areas Ordinance, Sanitary Code and Building Code

- D. Agriculture: The Thurston Conservation District and the Thurston County Environmental Health Division will coordinate in performing the following activities.
 - 1. Encourage farm owners to voluntarily use best management practices.
 - 2. Promote compliance with existing regulations and the county's nonpoint pollution ordinance by following up on complaints and acting upon existing agreements between the Thurston Conservation District, the state Department of Ecology, and Thurston County.

- E. Water Quality Testing: The Environmental Health Division will perform the following activities to gain more information to assist in developing the Phase 2 Work Program. The following water quality-testing program will occur.
 - 1. Sample storm events in the McAllister Creek and Nisqually Reach watershed.
 - 2. Sample McAllister Creek.
 - 3. Help identify fecal coliform source types through DNA testing.
 - 4. Ecology and the county will coordinate water quality studies to support developing total maximum daily loads and wasteload allocations for bacteria in Nisqually Reach.
 - 5. Report test results to assist in developing the Phase 2 Work Program.

- III. Continued coordination of the work of the district with the Thurston Conservation District; City of Lacey; City of Olympia; Washington State Departments of Ecology, Health, and Transportation; tribal governments; Thurston County Departments of Water and Waste Management; Public Health and Social Services; Roads and Transportation Services; and Office of Program and Budget and Development Services.

Phase 2: Phase 2 will utilize the information and outcomes from Phase 1 to implement programs to achieve the goals and objectives developed through the public involvement process in Phase 1.

- I. Continue Public Involvement:
 - A. Combine the two shellfish district stakeholder groups into one committee for both districts; and
 - B. Operate in an advisory role to the Board of County Commissioners and City Councils; and
 - C. Assist in developing a Phase 2 implementation work plan; and
 - D. Track completed actions with effectiveness in improving water quality; and
 - E. Meet only when necessary; and
 - F. The Board of County Commissioners will annually evaluate whether to continue the committee.
- II. The county and cities will continue their normal work programs that address bacteria loading in water.
 - A. Activities in Phase 1, Section II will continue while the implementation work plan is being developed.
 - B. Implementation work plans will be submitted to the Board of County Commissioners for consideration as project details are identified.
- III. Continue to coordinate with other agencies identified in Phase 1, Section III.