

**Nisqually Reach and Henderson Inlet Shellfish Protection Districts
Combined Stakeholder Advisory Committee
Meeting Notes September 16, 2020**

Members: Tris Carlson, Emily Watts (City of Lacey), Margaret Homerding (Nisqually Tribe), Mary Catherine McAleer

Guests: Sarah Moorehead and Nicole Warren (Thurston CD), Scott Chernoff (WDOH), Barbara Ann Smolko (Pierce County), Alena Reynolds (Ecology)

Staff: Jane Mountjoy-Venning (TCEH), Andrew Deffobis (CPED)

1. Administrative

- Introductions were made.
- The committee approved the agenda. The Shoreline Master Program Update was moved ahead of the Shellfish Fund discussion.
- Minutes from the May 19, 2020 Shellfish Protection District meeting were approved.

2. Discussion: Thurston County Shoreline Master Program Update

- Staff provided an update of the Shoreline Master Program (SMP) update. Staff is preparing the next draft for Thurston County Planning Commission review, which incorporates Planning Commission direction to date.
- The Planning Commission will provide any additional direction ahead of publishing a public hearing draft, and scheduling a public hearing. A virtual open house will be launched, and will feature the public hearing draft.
- The Committee had discussion regarding shoreline environment designations, aquaculture permitting, and how shoreline permits are processed. The Chair suggested creating a list of shoreline reaches where designations are proposed to change, and providing specific information about why changes are being proposed.
- Staff will provide the committee with the memo that was prepared for the Planning Commission on shoreline environment designations, and look into how the SMP update could affect recycled asphalt production rules currently being considered by the County. Staff requested that comments be provided via e-mail so that they could be incorporated into the public comment record.

3. Discussion: Revisiting Shellfish Fund

- Several months ago, the committee expressed an interest in revisiting the Shellfish Fund. This fund represented a portion of the assessment collected by Thurston Conservation District that was used to fund water quality initiatives within the SPD, such as septic tank repairs and installation of pet waste bag stations.
- The committee is interested in finding ways to continue to fund this work.

- It was stated it would be useful to collect a list of property owners who would participate if funds were available.
- Sarah stated that the work itself is supported by TCD and the Board of Supervisors, but it would be difficult to try to re-establish a specific funding earmark because the rates and charges assessed by TCD are in the middle of a 5-year cycle. Rates and charges are also used as a match for grants, so there is a drawback to tying them to use in a specific geographic area.
- Sarah recommended the committee prepare a letter requesting the Board of Supervisors consider providing funds for shellfish projects. They will begin looking at the 2021 budget next month. The letter could touch on natural resource priorities the committee has identified, the type of work that could be funded, and how TCD could support an effort to fund more shellfish projects (e.g. providing staff review of proposals).
- **Action Item:** Tris will work with a subcommittee to send a recommendation later to the TCD Board of Supervisors. A draft will be circulated electronically to SPDAC members.

4. Updates

- **Committee Chair:** All NW 48 aquaculture permits previously authorized by the USACE were invalidated. Those authorizations must be reauthorized as Standard Individual Permits or Letters of Permission. Authorization for a NEW intertidal aquaculture project must now submit to the requirements for a USACE Standard Individual Permit.
- Reauthorization for those that previously received authorization under NW 48 may not necessarily be required to submit all documents since many if not all documents were required for the prior permit/authorization.
- The Programmatic Biological Assessment issued by the services, National Marine Fisheries (ESA) and US Fish and Wildlife (Magnuson Stevens/Essential Fish Habitat) would still be in effect for corps authorizations in regards to environmental oversight.
- It is also my understanding that the corps, for reauthorizations as well as for new applications, will review for cumulative effects per the federal court order.
- Tris expressed the desire that all marine counties be on the same page for intertidal shellfish farming regulatory processes for new applications. He suggested there be some acknowledgement, and it may be that the corps authorization stating only that one cannot proceed to do work, until the county or other necessary regulatory body has issued their permit/authorization, and that the county in particular be able to issue their SSDP or CUP as an administrative permit/authorization not requiring a public process involving a hearing examiner, as is currently required for SSDP's or CUP's. That does not mean that the applicant for a SSDP or CUP need not submit a document package for review. Each such administrative permit would need to be evaluated in light of the specific shoreline designations or other contingencies that might preclude the issuance of either type of permit. Of course for a CUP Ecology has the last say in the matter.
- **Dept. of Health:** Henderson Inlet: As of March 30, 2020, Station 187 is in threatened status. It will go on the warning list if fecal coliform levels remain high at the end of the year.

Stations 185, 186, 188, and 212 are failing, however they are in Prohibited waters. Preliminary data for May, June and July 2020 indicate fecal coliform levels are low.

- Nisqually Reach: As of April 13, 2020, Station 235 is the only failing station. This area is already classified Prohibited. Preliminary data since that time indicate low levels of fecal coliform. Some intertidal areas near Stations 251 and 876 are still prohibited.
- **City of Lacey:** The South Sound Green Interlocal Agreement is expiring. Staff are working on a renewal with TCD. Lacey, Olympia and Thurston County will provide the same amount of funding; Tumwater will increase funding slightly.
- The Regional Environmental Education Partnership (REEP) has purchased Thinkific software to continue building virtual education materials. Stream Team continues to post education online. This summer they posted Marine Creature Monday and bat videos which are all still up on the website. Staff are currently undertaking a survey of business owners and employees regarding open dumpsters to identify opportunities and barriers to reducing leaking dumpsters.
- **Ecology:** There has been one “ERTS” complaint since the last meeting, involving lawn clippings being dumped into Nisqually Reach. The matter was referred to TCD, who distributed shoreline materials to the landowner and others in the area.
- Alena continues to conduct watershed assessments to identify sources of pollution and provide outreach materials. The area of focus is areas within shellfish protection districts.
- **Thurston Conservation District:** Nicole Warren is the main technical lead in the Henderson and Nisqually watersheds. She is currently providing technical assistance to 20 landowners, 2 of which she is currently writing farm plans for. Thurston CD’s education and outreach team has provided 8 online workshops from May-August this summer. [Links to those presentations and provided resource materials is available here on our website.](#) Nicole has also been working with our education and outreach team to provide new guidance material on manure management and pasture management. [More resources can be found here on our website.](#)
- Further technical assistance in the Henderson and Nisqually watersheds is being provided through our Voluntary Stewardship Program (VSP) coordinated by Marguerite Abplanalp, the technical coordinator for the program. Through VSP, we identified a landowner that needed a manure storage structure for their alpaca farm, and this was successfully completed this summer. In addition, TCD is currently working on 2 other cost share projects in the Henderson and Nisqually watersheds.
- Karin Strellioff provided the following updates via email:
 - Shellfish Protection District Technical Assistance: Since July 2019, TCD has assisted (or is currently assisting) a total of 59 landowners located in the Nisq/Henderson SPDs (42 with livestock) using a variety of funding sources to assist them with a range of natural resource management concerns.
 - Shellfish NTA: 31 landowners received assistance funded with Shellfish NTA funds.

- 18 Best Management Practices have been implemented, 15 independently, 3 with WA State Conservation Commission cost-share. Additional BMPs are in-process, pending permitting through Thurston County.
- Targeted outreach: TCD plans to do targeted outreach with mailed postcards to likely ag landowners in the McLane Creek and Green Cove areas (not part of Nisqually/Henderson, but areas of concern for wq).
- **Nisqually Tribe:** The shellfish farm manager position has been filled by Richard Iyall. Here is his contact information:

Richard Iyall
 Nisqually Indian tribe, Shellfish Farm Manager
Iyall.Richard@Nisqually-NSN.gov
 360-456-5221 x 1302

- **Environmental Health:** PIC program continues. Sampling is underway at Green Cove Creek, and also McLane/Swift Creeks. There are high fecal coliform levels between Kaiser Rd. and Country Club Rd. Staff are working on a mailer and other outreach. Site visits will occur in the near future.
- Staff continue to work on ways to address septic improvements at the Pleasant Forest Camping Club.
- **Pierce County:** Barbara Ann is working on a two-part project in Mayo Cove, funded by a shellfish grant related to climate change. It involves studying Bay Lake toxic algal blooms to determine if they are reaching shellfish in Mayo Cove, and also studying what conditions are optimal for successful Olympia oyster restoration.
- She is working on a new agreement with the Pierce County DOH for the South Sound Shellfish Recovery Program, which will extend through June 2021.
- Minter Cove has been downgraded and a shellfish protection district is being created.
- **Mary Catherine McAleer:** A Water 100 summit highlighting solutions for cleaning up Puget Sound will be held Monday, September 21. Mary Catherine will provide information to Andy to distribute to the group.