



Cherry Point Aquatic Reserve

Implementation Committee Meeting Summary

June 18, 2020, 1:00 p.m. – 3:00 p.m.

Skype Teleconference

Participants: Birdie Davenport, Allison Brownlee, Lowell Dickson, Betty Bookheim, Dave Palazzi, Erica Bleke, Ross Zimmerman, Dennis Clark, Christina Maginnis (Department of Natural Resources); Sandi McMillan (Birch Bay Water and Sewer District); Andrew Gamble (Petrogas); Brendan Brokes (WDFW); Lovel Pratt (Friends of the San Juans); Lyle Anderson, Kim Clarkin, Steve Colson, Rick Hann, Alice Sigurdson (Cherry Point Aquatic Reserve Citizen Stewardship Committee); Laura McKinney, Katherine Mitchell (Alcoa Intalco); Devin Flawd (Lummi Natural Resources) Heather Conkerton, Eleanor Hines (RE Sources for Sustainable Communities), Rebecca Hardie (BP); Elizabeth Kilanowski, (Whatcom County MRC); Fred Felleman (Friends of the Earth, Port of Seattle); Alan Chapman, Barry Wenger

1:00 p.m.

Welcome & Introductions, Meeting Agenda

Birdie Davenport, Aquatic Reserves Program Manager, Department of Natural Resources

- Focus of the meeting is the ongoing update to the Cherry Point Aquatic Reserve Management Plan

1:10 p.m.

Department of Natural Resources

Review comments: Chapter 3 Ownership and Uses (Lowell Dickson) Birdie Davenport, Betty Bookheim, Allison Brownlee

- Elizabeth Kilanowski – On pg. 2 and 3 where it describes tidelands, suggest careful investigation of a shoreline publication put out by DOE. The description of the tideland ownership may not be correct and needs further scrutiny.
- Lowell is familiar with the publication and will follow-up.
- Sandy McMillan – On Pg. 14, before CP UGA, a page or two could be devoted to the Birch Bay UGA. Population growth monitoring in Whatcom County and how sewer outfall is helping with growth management.

Comments from chat:

- Kathryn Mitchell - On Page 10: Shipping activities associated with the BP Refinery, Petrogas and Phillips 66 terminals – all immediately adjacent to the reserve (located in the “cut-outs”) - are described in the DNR Authorized Uses section, and Appendix XX. I don't see Intalco.

- Dennis Clark replied that Intalco is not currently a lessee, they are a grantee, which is why they are not mentioned.
- Alan Chapman - There should be more information about the uses of the area by Lummi for harvest of many resources. The references about cherry point herring are not correct.
- Lummi NR and Lena from Lummi have been given the draft for review.
- Alan Chapman - Lummi Reservation extends to the tidelands south of the reservation. Lack of response from Lummi may be an opinion on the reserve.
- Rebecca Hardie - With reference to the Comprehensive Plan and Shoreline Management Plan have the updates been finalized or are these still in draft?
- Betty asked for more detail from Alan on herring comments. He responded: They should be in the status review. I know that there were SOK fisheries until the 92 or 93. There were annual co manager management plans.
- Barry Wenger – At the top of Pg. 3 – Question about the wording of private tidelands sentence, “Private tidelands extend down to extreme low tide...” This hasn’t yet been litigated in WA state, so it’s unclear whether or not this language isn’t legally supported. Alan Chapman recommends being careful on changing any reference to private tidelands.
- Barry Wenger - Pg. 7 - Cultural use and fish traps. Barry brings up a rock fish weir. Lyle mentions that there was one just east of the Intalco pier that is visible at low tide. Alan Chapman says, “I think it was a remnant of a Reef Net site. Rock weirs are also used to trap fish when the tide goes out in many societies.” Marie Hitchman says there’s another weir up close to BP.
- Birdie will follow-up with the DNR’s aquatic historian.

Review comments: Chapter 5 Management Guidance (Birdie)

Comments from chat:

- Katherine Mitchell – Chapter 5 states, Water quality: Improve and protect water quality to protect public health, fish and wildlife, and functional habitats." I don't see any reference to papers describing how the water quality within the reserve is degraded. Could you kindly educate me and/or direct me to that supporting references indicating it is degraded? Top of Pg. 2 under goals. Birdie has been updating language as we go because some language is outdated and issues may have been resolved. Dave Palazzi says there were (and still are) some stormwater runoffs as well as industrial outfalls in the reserve. When we wrote the original plan, we were hoping to improve this in any way we could, which is why things are written this way. Katherine’s response: “Yes, there are SW outfalls, but, is there any evidence the water in the aquatic reserve compromised or different than anywhere else?” Barry Wenger: Stormwater discharges, some have been sampled and some have not. Inputs may or may not have changed over the years. Treoil groundwater output was sampled and found, and then hard to find again. He says there are samples of stormwater plumes. Inputs from bilge, Katherine’s response, “My point remains. I think the language should be accurate... I don't mean to be difficult, but, this is a lot of history that isn't referenced. Could you direct me to written documentation?” Birdie’s response: A lot of what we do related to WQ is coordination and related to other agencies because DNR doesn’t have any regulative power over WQ.” Kathryn suggests being more specific. She will mark up a copy with questions and send it in. Alan Chapman - The water quality

was excellent relative to other Puget Sound Tidelands. WDFW presentation some time back at Intalco facility. Like the mention of the limits on DNR direct authority.

- Betty Bookheim: Perhaps for later, because unrelated to these chapters.... – Will talk with Marie H. about the Gulf Rd lagoon and salt marsh community, etc
- Lovel Pratt – Comments on 1.2 and 2.3 – suggests “Spill Risk Reduction and Response Preparedness” as a change in title. Says “cleanup” is a misnomer. In section 2.3.b, thanks DNR for including financial responsibility for restoration and wonders if it should be referenced in section 1.2 as well. In section 2.3, talking about spills, ballast water has been mentioned, like the recent allision at BP that damaged ballast water tanks. She asked Petrogas to speak to spill possibility. Barry Wagner then brought up how toxic substances can sink, and recovery of the bottomlands should also be addressed. He will send Birdie a list of questions. Andrew from Petrogas – The investigation from allision is ongoing, but there was no spill involved. Ships are double hulled and insulated, so spill possibility is low. He says ballast water is not used – ships come in floating high and leave low once loaded.
- Alan Chapman - Page 8, Large commercial herring harvests ended in 1983, but a small herring bait fishery still exists in central Puget Sound (average catch: 270 tons; Williams 2019) There is no copy of the reference in at the end of the chapter.
- Barry Wegner suggests looking into air quality and how it affects WQ.
- Lyle Anderson –the Management Plan document is unwieldy and there’s opportunity to reduce repetition and redundancy. Make it less of a “wish list”. Can the Gulf Road Salt Marsh be protected? He would like to see DNR reach out to County, tribes, property owner to see if it can be protected in perpetuity, as it’s a rare habitat in Washington State.
- Lyle will send suggestions on shortening and refining plan in comments.
- Elizabeth Kilanowski states that the plan will be read by industry, managers, etc. and that clarifying language is important, but it’s also important not to take out important details.
- Alan Chapman - A need for SMART goals, “specific, measureable, achievable, relevant and time bound”. You can’t fix what you cannot measure, and the lack of this type of goal makes it difficult to assess. Kim adds that many of the objectives are not specific: were they brought over from the earlier management plan? Because it’s so general, it’s easy to glaze over. She will send Birdie specifics. Alan suggests splitting objectives into actions we have complete authority over, and actions we rely on other agencies/people for to make them more specific and achievable. (Note: this chapter is being substantially edited and will be sent out for further review.)
- Birdie Davenport: We are sending out chapters as drafts are completed. Then we will put out a full draft document for full public review that includes all the details (images, etc.). Next meeting will likely happen in November.
- Lyle Anderson likes the Fidalgo Bay Management Plan. He suggests including more photos of people and organisms. (We will add them at the end, but request photos be sent to us as we are actively seeking photos.)
- Kim Clarkin spoke up about needing to research the importance about the Gulf Road Marsh in the context of the Aquatic Reserve and include it in the plan. Barry says that information is in the Shoreline update of 2007, including data, citations, and observations. It is the most valuable Category 1 marsh in Whatcom County.
- Fred Felleman – It’s great to see the focus on the herring, and sees that the primary role is to study herring. He is interested in vessel traffic and DNR’s role in that process. He’s looking

specifically at section 2.3 spill reduction and clean-up, specifically parts C and D. Birdie has talked to the Sediment Quality Unit, who said that we do monitoring work, but don't provide comments on those plans. Allison Brownlee says we have vessel traffic data from 2015 - 2017 that we're planning to display and are also hoping that 2018 will come out before the plan. Lovell Pratt says you get vessel data from Ecology that is used for their VEAT reports? The 2019 VEAT has been released.

2:45 p.m.

Land Management Updates

Ross Zimmerman, Aquatic Land Manager for Whatcom and West Skagit Counties, Department of Natural Resources

- Creosote pilling replacement continues at Phillips 66.
- Petrogas recently completed mooring dolphin and removed temporary anchoring system and are working to remove gear on the floor. This project also included creosote removal.
- BP alerted DNR of an oil sheen on the water after a bilge issue. Spill was removed.

2:50 p.m.

Aquatic Reserve Program Updates

Birdie Davenport, Aquatic Reserves Program Manager, Department of Natural Resources

- Larval herring light trap project is on hold due to Covid-19. We are planning on implementing it in 2021. A contract with Lummi has been created, but time will tell if this will be feasible due to upcoming budget cuts. Fred Fellerman says he has heard that this has been a bumper crop of herring and a lot of predation was seen up at Cherry Point. Devin weighed in on this and says that Lummi is looking into alternate funding. The Lummi might be able to cobble together resources in order to do a pilot study, and are hoping that we can start to talk about a larger scope and scale of work. If we had increased resources, what questions can we answer by scaling up? What other partners and experts would be needed.
- Betty Bookheim update on the spawn: WDFW missed the first full month of spawning surveys, but saw evidence of heavy predation. They surveyed May and the beginning of June and Todd Sandell projects that the spawn has been in the same range as it has been for a few years, around 200 tons. This would mean the population is stable and still low. Petrogas may be interested in contributing money toward light traps.

2:55 p.m.

Wrap up: There will be another meeting in November 2020 and possibly another online meeting before then for Chapter 2.