

1 FILE NO. 21-A

PROPOSAL NO. 2002-3s

2 Sponsored by: Councilmember Karen Biskey

3 Requested by: County Executive/Public Works Department

4
5 **ORDINANCE NO. 2002-3s**

6
7 **AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CREATING THE FILUCY BAY**
8 **WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS**
9 **BOUNDARIES; ADOPTING THE FILUCY BAY CLOSURE RESPONSE**
10 **MATRIX; DESIGNATING LEAD AGENCIES; AND COMMITTING**
11 **PIERCE COUNTY WATER PROGRAMS' SUPPORT.**

12
13 WHEREAS, The Washington State Department of Health, on July
14 13, 2001, gave official notice of a pending downgrade in the
15 classification of the commercial shellfish growing area of Filucy
16 Bay, which is located on Puget Sound in Pierce County; and

17
18 WHEREAS, Revised Code of Washington (RCW) Chapter 90.72
19 "Shellfish District" directs the County to establish a District
20 within 180 days of such a downgrade and to establish a program to
21 address the reason(s) for the downgrade; and

22
23 WHEREAS, It is important to protect shellfish, equally
24 important to protect other beneficial uses of water, and
25 recognizing this, the district will be called the Filucy Bay
26 Watershed Protection District; and

1 WHEREAS, The Department of Health determined that degradation
2 of Filucy Bay water quality is primarily due to non-point sources
3 of water pollution; and
4

5 WHEREAS, Filucy Bay is contained in the Key Peninsula-Gig
6 Harbor-Islands Watershed, for which a Watershed Action Plan
7 focussing on non-point pollution has been completed and adopted by
8 the County Council; and
9

10 WHEREAS, Pursuant to RCW Chapter 36.89 and Pierce County Code
11 (PCC) Chapter 1.02, the Water Programs Division of the Pierce
12 County Public Works and Utilities Department (Pierce County Water
13 Programs) is responsible for providing management programs to
14 remedy non-point surface water pollution entering a County-
15 maintained system as it exists in unincorporated Pierce County and,
16 as per Washington Administrative Code (WAC) 246.272, the Tacoma-
17 Pierce County Health Department is responsible for providing
18 management of on-site sewage systems in Pierce County; and
19

20 WHEREAS, Pierce County Water Programs and the Tacoma-Pierce
21 County Health Department support formation of the Filucy Bay
22 Watershed Protection District; and
23

24 WHEREAS, Additional funding is needed for the Conservation
25 District to complete farm plans in a timely manner; and
26

27 WHEREAS, Filucy Bay is a major shellfish growing area in
Pierce County; and

1 WHEREAS, Non-point pollution sources, including (but not
2 limited to) failing on-site sewage systems, pet and livestock
3 wastes, and agricultural surface water runoff threaten the public
4 health and safety of consuming shellfish harvested within the
5 watershed of Filucy Bay; NOW, THEREFORE,

6
7 BE IT ORDAINED by the Council of Pierce County:

8
9 Section 1. The Pierce County Council hereby creates the Filucy
10 Bay Watershed Protection District as authorized in Revised Code of
11 Washington Chapter 90.72.

12
13 Section 2. The map and legal boundaries of the Filucy Bay
14 Watershed Protection District are set forth in Exhibit "A" which is
15 attached hereto and incorporated by reference.

16
17 Section 3. The Pierce County Council hereby adopts the Filucy
18 Bay Closure Matrix as set forth in Exhibit "B" which is attached
19 hereto and incorporated herein, that Pierce County Office of Water
20 Programs will serve as lead, in coordination with the Tacoma-Pierce
21 County Health Department, the Washington State Department of
22 Health, the Puget Sound Water Quality Action Team, the Pierce
23 County Planning Department, the Washington State Department of
24 Ecology, the Pierce County Conservation District, the Key
25 Peninsula-Gig Harbor-Islands Watershed Plan Coordinating Committee,
26 and other appropriate entities, to implement the Filucy Bay Closure
27 Matrix. It is understood that, as funding issues are resolved, the
above Team will work on completing a long-term Shellfish Protection

1 Program for Filucy Bay, beyond the early action items specified in
2 the Matrix.

3

4 Section 5. Pierce County Water Programs will provide support
5 in coordinating and implementing the Filucy Bay Watershed
6 Protection Program in Pierce County as indicated in the Filucy Bay
7 Closure Matrix.

8

9 PASSED this 12th day of February, 2002.

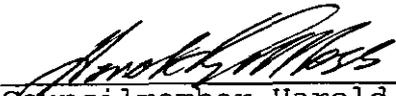
10

11 ATTEST:

PIERCE COUNTY COUNCIL
PIERCE COUNTY, Washington

12

13 
14 Gerri Rainwater
Clerk of the Council

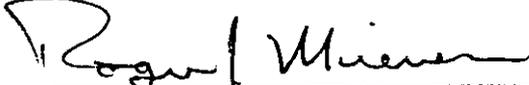

Councilmember Harold Moss
Council Chair

15

16 Approved As To Form Only:

PIERCE COUNTY EXECUTIVE

17

18 
19 Deputy Prosecuting Attorney


John Ladenburg
Approved Vetoed
this 21 day of Feb, 2002.

20

21 Date of Publication of
22 Notice of Public Hearing: February 6, 2002

23

24 Effective Date of Ordinance: March 3, 2002

25

26

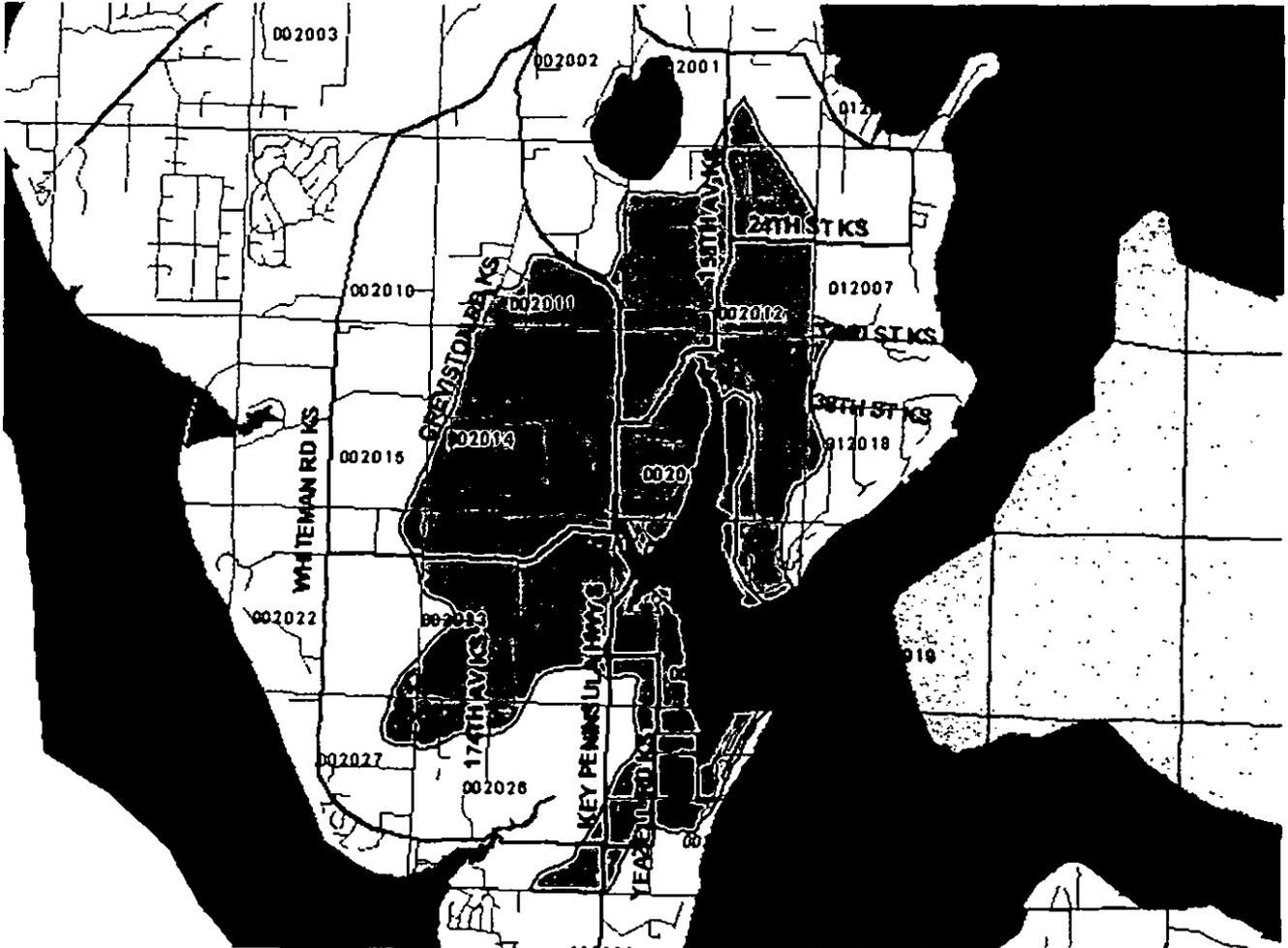
27

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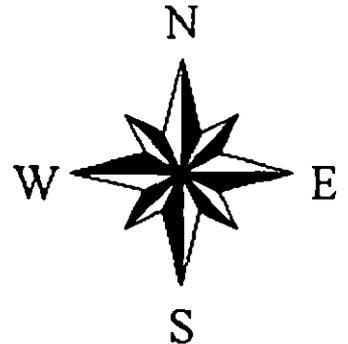
29

Exhibit A 2002-3s

Filucy Bay Watershed Protection District



0.5 0 0.5 1 1.5 2 Miles



1 EXHIBIT "A" TO ORDINANCE NO. 2002-3s

2 The resulting Restricted area in Filucy Bay is delineated as follows:

3 North of a line from a point on the western shoreline located at the GPS coordinates N
4 47.13245, W 122.44938, extending across the bay to a point at the GPS coordinates N
5 47.13262, W 122.44846. The two described points have been marked with gray PVC
6 piping with orange flagging tape for easy identification. The Conditionally Approved
7 area south of this line remains classified as Conditionally Approved.

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FILUCY BAY CLOSURE RESPONSE MATRIX

November 2001

OBJECTIVES	WHO	STATUS	TIMELINE	FUNDED?	AMOUNT	SOURCE	COMMENTS
FB1 Address On-Site Sewage Problems							
FB1.1 Find/correct failing on-site systems	TPCHD	In place	Through 2002	Yes	\$110,000	Sxn 319 Grant, Pierce County	Prioritize according to results from 1999 DOH shoreline survey
FB 1.2 Operation & Maintenance Program	TPCHD	In process	System in place by July 1, 2004	Yes	Est. \$6,000/yr	Operation Permit fees	This program will identify only grossly failing on-site systems. The primary purpose of this program is to ensure that systems are operated and maintained properly.
FB2 Public Education/Community Involvement							
FB2.1 Utilize the Key Peninsula-Gig Harbor-Islands Watershed Group as the liaison with the community	PCWP/ TPCHD/ Community	In place	Continuing			Pierce County	Collaborating with community members on watershed issues
FB2.2 Place articles in Key Peninsula News and Pen. Light newsletter	TPCHD	Done	August 2001		No cost	-	September issue- Sept. Newsletter
FB2.3 Continue public education efforts through Stream Team and other Water Programs education efforts.	PCWP	In place	Ongoing	Yes	Est. \$1,000	PCWP	Existing efforts primarily target schools
FB2.4 Provide public outreach to facilitate proper maintenance of private stormwater infrastructure maintenance needs identified in task FB4.4	PCWP	Proposed	November 2002	Yes	Est. \$1,000	PCWP	
FB2.5 Provide Outreach to the Agricultural Community	PCD	Application submitted but not	2001 and 2002	Not Yet	\$25,000-\$30,000	Grant	Will work to repackage the grant application and apply

OBJECTIVES	WHO	STATUS	TIMELINE	FUNDED?	AMOUNT	SOURCE	COMMENTS
		awarded					under a different grant program
FB3 Find/correct animal manure							
FB3.1 Investigate and work to correct animal keeping practices that are adversely impacting water quality	Ecology	In place	Ongoing	Yes	-	Ecology	Ecology will work co-operatively with the PCD to find and correct livestock related pollution sources
FB3.2 Provide Technical Assistance and Possible Cost Share monies to farmers	PCD	In place	Ongoing	Yes	\$30,000*	WSCC, CCWF	Assist Farmers with Farm Planning and BMP implementation
FB4 Find/correct stormwater problems							
FB4.1 Map/GPS stormwater infrastructure public and private in Filucy Bay sub-basin	PCWP	Underway	January 2002	Yes	Est. \$9,000	PCWP & Public Works roads division	Ongoing effort within road shop district would need to establish prioritization for Filucy Bay
FB4.2 Assessment of Road Maintenance BMP's within shellfish areas	PCWP	Proposed	January 2002	?	Est. \$3,000	PCWP	
FB4.2.1 Train/familiarization of road maintenance personnel with shellfish	PCWP	In planning	November 2001	Yes	Est. \$1,000	PCWP	As part of existing maintenance training program
FB4.3 Modify existing public drainage systems to minimize transport of pollutants	PCWP	As needed	Ongoing	Yes	Site specific	PCWP	Large projects may require 2+ years to schedule funding, design and permits
FB4.4 Conduct field assessment of existing stormwater infrastructure to determine maintenance needs	PCWP	Proposed	January 2002	Yes	Est. \$1,500	PCWP	Concurrent with Task FB4.1
FB5 Collect/analyze water samples							
FB5.1 Collect marine water samples and samples from the major streams	DOH	In place	Ongoing	Yes		Shellfish Office budget	Monthly, additional special sampling
FB5.2 Collect freshwater samples to identify potential sources of pollution	TPCHD/DOH	In place	Through 2002	yes	Est. \$4,000	Grant, Pierce County, DOH	Special sampling for source identification

Additional funding needs to be identified to address farm plans. The County Council & Executive branch will work together in 2002 to identify funding.

Page 2 of 2

2002-35
\$ 1463

AFFIDAVIT OF PUBLICATION

State of Washington, County of Pierce, ss: Judith A. East, being duly sworn on oath depose and say that they are publishers or publishers' authorized representatives of The Dispatch, a weekly newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of publication herein-after referred to, published in the English language continually as a weekly newspaper, in Eatonville, Pierce County, Washington, and is now and during all of said time was printed in an office maintained at the aforesaid place of said newspaper. That the annexed is a true copy of this legal advertisement as it was published in regular issues (not in supplement form) of said newspaper for consecutive weeks. First publication was on the 27th day of Feb, 2002 and last publication was on the 27th day of Feb, 2002 and that such newspaper was regularly distributed to its subscribers during all of said periods.

Judith A. East

Signature of Judith A. East

Subscribed and sworn to before me this 28th day of Feb, 2002.

Michele K. Stoney

Notary public in and for the State of Washington, residing in Pierce County.

Michele K. Stoney

Commission Expires September 11, 2005



NOTICE OF ADOPTION OF PIERCE COUNTY ORDINANCE NO. 2002-3a

NOTICE IS HEREBY GIVEN THAT ORDINANCE NO. 2002-3a, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CREATING THE FILUCY BAY WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE FILUCY BAY CLOSURE RESPONSE MATRIX; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT, HAS BEEN ADOPTED.

The resulting Restricted area in Filucy Bay is delineated as follows:
North of a line from a point on the western shoreline located at the GPS coordinates N 47.13245, W 122.44838, extending across the bay to a point at the GPS coordinates N 47.13262, W 122.44846. The two described points have been marked with gray PVC piping with orange flagging tape for easy identification. The Conditionally Approved area south of this line remains designated as Conditionally Approved.

If you have any questions about this ordinance, please call Gerri Rainwater, CMC, Clerk of the Council, at (253) 798-7777.

NOTICE IS FURTHER GIVEN that copies of this entire Ordinance are filed in the Pierce County Council's Office, 1046 County-City Building, Tacoma, WA 98402, and are available Monday through Friday between the hours of 9:00 A.M. and 4:00 P.M. A copy will be mailed upon request for a nominal photocopy fee.

Ordinance No. 2002-3a was passed by the Pierce County Council on February 12, 2002, signed by the Executive on February 21, 2002, and is effective March 3, 2002.

Gerri Rainwater, CMC
Clerk of the Council
Published February 27, 2002
THE DISPATCH

RECEIVED
MAR 05 2002
PIERCE COUNTY COUNCIL
By: _____



Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(253) 798-7777
FAX (253) 798-7509
1-800-992-2456
www.co.pierce.wa.us/council

February 21, 2002

Attn: Legal Publications
The Dispatch
P.O. Box 248
Eatonville, WA 98328

Enclosed for publication in your paper, issue of February 27, 2002, is the Notice of Adoption for Ordinance No. 2002-3s.

Please submit proof of publication and an invoice to the Office of the Pierce County Council, 930 Tacoma Avenue South, Room 1046, Tacoma, WA 98402.

Please submit the invoice and affidavit immediately after the last date of publication.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Bassett".

Sandy Bassett, Deputy Clerk
Pierce County Council

Attachment- Notice of Adoption

P.S. For your convenience, the Notice of Adoption will be e-mailed to you.



**NOTICE OF ADOPTION
OF PIERCE COUNTY ORDINANCE NO. 2002-3s**

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Gerri Rainwater, CMC
Clerk of the Council

Publish: February 27, 2002

2002-3
A 1853

AFFIDAVIT OF PUBLICATION

State of Washington, County of Pierce, ss: Judith A. East, being duly sworn on oath depose and say that they are publishers or publishers' authorized representatives of The Dispatch, a weekly newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of publication herein-after referred to, published in the English language continually as a weekly newspaper, in Eatonville, Pierce County, Washington, and is now and during all of said time was printed in an office maintained at the aforesaid place of said newspaper. That the annexed is a true copy of this legal advertisement as it was published in regular issues (not in supplement form) of said newspaper for 1 consecutive weeks. First publication was on the 6th day of FEB, 2002 and last publication was on the 10th day of FEB, 2002 and that such newspaper was regularly distributed to its subscribers during all of said periods.

Judith A. East
Signature of Judith A. East

Subscribed and sworn to before me this 7th day of Feb, 2002.

Michele K. Stoney

Notary public in and for the State of Washington, residing in Pierce County.
Michele K. Stoney
Commission Expires September 11, 2005

RECEIVED

FEB 11 2002

PIERCE COUNTY COUNCIL

By: _____

NOTICE OF PUBLIC HEARING
BEFORE THE PIERCE COUNTY COUNCIL

NOTICE IS HEREBY GIVEN that the Pierce County Council will hold a public hearing on Tuesday, February 12, 2002, at 3 p.m. in the Pierce County Council Chambers, Room 1045, 10th Floor of the County-City Building, 930 Tacoma Avenue South, Tacoma, WA 98402 to consider the following:

PROPOSAL NO. 2002-3, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE FILUCY BAY WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE FILUCY BAY CLOSURE RESPONSE MATRIX; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

The resulting Restricted area in Filucy Bay is delineated as follows:

North of a line from a point on the western shoreline located at the GPS coordinates N 47.13245, W 122.44938, extending across the bay to a point at the GPS coordinates N 47.13262, W 122.44846. The two described points have been marked with gray PVC piping with orange flagging tape for easy identification. The Conditionally Approved area south of this line remains classified as Conditionally Approved.

The boundaries of the proposed district are shown in map form. Contact the Council Office to review the map or obtain a copy.

This hearing date was set by action of the Pierce County Council at its January 29, 2002, meeting.

Copies of the entire proposed Ordinance are available in the Office of the Pierce County Council, County-City Building, 930 Tacoma Avenue South, Room 1046, Tacoma, WA 98402, and are available Monday through Friday between the hours of 9 a.m. and 4 p.m. A copy will be mailed upon request, for a nominal photocopy fee.

Public participation is encouraged. Public testimony will be taken. Written comments are welcome as well.

If you have any questions about this proposal, please call Shawn Bunney, Research Analyst, at (253) 798-3388 or the Council Office at (253) 798-7777.

Gerril Rainwater, CMC
Clerk of the Council
Published: February 6, 2002

THE DISPATCH



Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(253) 798-7777
FAX (253) 798-7509
1-800-992-2456

January 30, 2002

Attn: Legal Publications
Eatonville Dispatch
P.O. Box 248
Eatonville, WA 98328

Enclosed for publication in your paper, issue(s) of February 6, 2002, is the Notice of Public Hearing for Proposal No. 2002-3.

To receive payment, please submit an original invoice with proof of publication (an Affidavit and tear sheet) to the Office of the Pierce County Council, 930 Tacoma Avenue, Room 1046, Tacoma, WA 98402.

Please submit your bill and affidavit IMMEDIATELY after the last date of publication.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Bassett".

Sandy Bassett, Deputy Clerk
Pierce County Council

Attachment

e-mail address: Dispatchlegals@yahoo.com (Mail copy too.)



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BEFORE THE PIERCE COUNTY COUNCIL**

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PROPOSAL NO. 2002-3, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE FILUCY BAY WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE FILUCY BAY CLOSURE RESPONSE MATRIX; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

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If you have any questions about this proposal, please call Shawn Bunney, Research Analyst, at (253) 798-3388 or the Council Office at (253) 798-7777.

Gerri Rainwater, CMC
Clerk of the Council

Publish: February 6, 2002

**NOTICE OF PUBLIC HEARING
BEFORE THE PIERCE COUNTY COUNCIL**

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Public participation is encouraged. Public testimony will be taken. Written comments are welcome as well.

If you have any questions about this proposal, please call Shawn Bunney, Research Analyst, at (253) 798-3388 or the Council Office at (253) 798-7777.

Gerri Rainwater, CMC
Clerk of the Council

Publish: February 6, 2002

Note: I got a legal disc. from Shawn/Kate & got it into the paper.

See new art.

SJB 1/31/02

PIERCE COUNTY COUNCIL
REPORT OF STANDING COMMITTEE

Date February 5, 2002

The Public Works Committee of the Pierce County Council considered:

Proposal No. 2002-3, An Ordinance Of The Pierce County Council Jointly Creating The Filucy Bay Watershed Protection District; Establishing Its Boundaries; Adopting The Filucy Bay Closure Response Matrix; Designating Lead Agencies; And Committing Pierce County Water Programs' Support.

THE VOTING WAS AS FOLLOWS:

<input type="checkbox"/> DO PASS	<input type="checkbox"/> DO NOT PASS
<input type="checkbox"/> DO PASS AS AMENDED	<input type="checkbox"/> POSTPONE INDEFINITELY
<input checked="" type="checkbox"/> DO PASS AS SUBSTITUTED	<input type="checkbox"/> CONTINUE
<input type="checkbox"/> DO PASS AS SUBSTITUTED & AMENDED	<input type="checkbox"/> CONTINUE TO A DATE CERTAIN
<input type="checkbox"/> FORWARD WITHOUT RECOMMENDATION	<input type="checkbox"/> REFER TO THE _____

<u>Pat O'Malley</u> Pat O'Malley, Chair	For <input checked="" type="checkbox"/> Against <input type="checkbox"/>	<u>Kevin Wimsett</u> Kevin Wimsett, Vice Chair	For <input checked="" type="checkbox"/> Against <input type="checkbox"/>
<u>Karen S. Biskey</u> Karen S. Biskey	For <input checked="" type="checkbox"/> Against <input type="checkbox"/>	<u>Calvin Goings</u> Calvin Goings	For <input type="checkbox"/> Against <input checked="" type="checkbox"/>
<u>Harold Moss</u> Harold Moss	For <input checked="" type="checkbox"/> Against <input type="checkbox"/>		

Minority Report yes (attached) no

Interested Party list: none / yes (attached) 20023.000 7
(IPL name) No.

Notified of Final Hearing Date: yes no

Attachment(s) From Meeting: none / yes (attached)

Final Version Name(s): f:\wpfiles\prop\20023s.ord + 20023s.exe

Lead Committee Clerk: Kate Kennedy

Committee Research Analyst: Shawn Bunn



Pierce County

Office of the County Council

930 Tacoma Avenue So., Room 1046
Tacoma, WA 98402-2176
(253) 798-6654
FAX (253) 798-7509
1-800-992-2456

KAREN S. BISKEY
Councilmember, District No. 7

February 12, 2002

*passed
2-12-02
KSB*

COUNCIL AMENDMENT NO. 1
Pink

TO: Councilmembers

FROM: Councilmember *Karen S. Biskey*

SUBJECT: **PROPOSED AMENDMENTS TO ORDINANCE NO. 2002-3^S**

I recommend the following amendments to Proposed Ordinance No. 2002-3:

1. On page 2 of 4 of the Ordinance, line 24, insert a new WHEREAS clause to read as follows:

"WHEREAS, Additional funding is needed for the Conservation District to complete farm plans in a timely manner; and"

2. On page 1 of 2 of Exhibit "B", in the "FB2.5" row, under the "Amount" column, add an "i" after "\$25,000-\$30,000"; and

On page 2 of 2 of Exhibit "B", in the "FB3.2" row, under the "Amount" column, add an "i" after \$30,000; and

On the bottom of both pages of Exhibit "B", insert the following footnote:

"Additional funding needs to be identified to address farm plans. The County Council and Executive branch will work together in 2002 to identify funding."

KSB/lm

c: Gerri Rainwater, Chief Clerk of the Council

F:\wpfiles\lmedley\20023-1 council.amd.doc





Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(253) 798-7777
FAX (253) 798-7509
TDD (253) 798-4018
1-800-992-2456
www.co.pierce.wa.us/council

Incorporated into the substitute

COMMITTEE AMENDMENT NO. 1
blue

February 5, 2002

TO: Public Works Committee Members
FROM: Shawn Bunney, Legal Counsel
SUBJECT: Proposed Amendment to Proposal No. 2002-3

I recommend the following technical amendments to Proposal No. 2002-3:

- 1.) On page 3 of the Proposal, line 12, following the words "Section 2. The" insert "map and";
- 2.) Insert the following legal description in Exhibit "A":

"The remaining Restricted area in Hiney Bay is delineated as follows:

North of a line from a point on the western shoreline located at the GPS coordinates N 47.13245, W 122.44938, extending across the bay to a point at the GPS coordinates N 47.13262, W 122.44846. The two described points have been marked with gray PVC piping with orange flagging tape for easy identification. The Conditionally Approved area south of this line remains classified as Conditionally Approved."

RKennedy 2002 3.amd.doc





Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(253) 798-7777
FAX (253) 798-7509
1-800-992-2456

*2/6/02
Sent to
attached!
SB*

PIERCE COUNTY COUNCIL PUBLIC MEETING NOTICE

**PROPOSAL NUMBER 2002-01 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL
JOINTLY RELATING THE PILCUCY BAY WATERSHED PROTECTION
DISTRICT ESTABLISHING ITS BOUNDARIES, ADOPTING THE PILCUCY BAY
CLOSE RESPONSE MATRIX, DESIGNATING LEAD AGENCIES, AND
COMMITTING PIERCE COUNTY WATER PROGRAMS SUPPORT.**

MEETING DATE: Tuesday, February 12, 2002

TIME: 3 P.M.

PLACE: County Council Chambers, Room 1045
County-City Building
930 Tacoma Avenue South
Tacoma, Washington 98402

CONTACT: Shawn Bunney, Research Analyst, at (253) 798-3388 or the Council Office
at (253) 798-7777.

This proposal is scheduled for final consideration at this meeting. The Council encourages public participation. Public testimony will be taken. Written comments are welcome as well.

Dated: February 6, 2002



2002-3

Don Lennartson
Washington State Dept of Health
New Market Bldg.-4
Post Office Box 47824
Olympia, WA 98504-7824

Ed Miller
3813 Reeves Rd KPS
Longbranch, WA 98351

ROUTING
Heather Kibbey
Public Works and Utilities
Annex

Lisa Rozmyn
Department of Ecology
Post Office Box 47775
Olympia, WA 98495-7775

Dan Lind
5006 Mahncke Rd KPS
Longbranch, WA 98351

Monty Mahan
Pierce Conservation District
Puyallup Executive Park
1011 East Main, Suite 106
Puyallup, WA 98372

Kathy Taylor
Puget Sound Action Team
1909 21st St NW
Auburn, WA 98001

Type	FirstName	LastName	JobTitle	companyordepartment	Address1	Address2	City	State	PostalCode
	Monty	Mahan	District Manager	Pierce Conservation District	Puyallup Executive Park Annex	1011 East Main, Suite 106	Puyal lup	WA	98372
ROU TING ROU TING	Heather	Kibbey	Water Programs	Public Works and Utilities					
	Don	Lennartson		Washington State Dept of Health	New Market Bldg.-4	Post Office Box 47824	Olym pia	WA	98504-7824
	Lisa	Rozmyn		Department of Ecology	Post Office Box 47775		Olym pia	WA	98495-7775
	Kathy	Taylor	Office of the Governor	Puget Sound Action Team	1909 21st St NW		Aubu rn	WA	98001
	Ed	Miller			3813 Reeves Rd KPS		Long branc h	WA	98351
	Dan	Lind			5006 Mahncke Rd KPS		Long branc h	WA	98351



Public Works Comm
2/5/02
Attachment

Pierce Conservation District

Puyallup Executive Park - 1011 E. Main, Suite 106 - Puyallup, WA 98372 - Phone (253) 845-9770 - FAX (253) 845-4569

January 31, 2002

Nancy McKay, Chair
Puget Sound Water Quality Action Team
P.O. Box 40900
Olympia, WA 98504-0900

Subject: Letter of Concurrence with Filucy Bay Closure Response Matrix

The Pierce Conservation District hereby expresses its concurrence with, and support for the Filucy Bay Closure Response Matrix. We are identified as lead agency in objective FB3.2. Our 2001-2003 Centennial Clean Water Fund small farm planning grant allows us to commit up to \$30,000 towards outreach, and planning and construction of good farming practices in the Filucy Bay basin during the remainder of this biennium.

Pollution from agricultural livestock operations was identified in Washington State Department of Health's initial Filucy Bay sanitary survey as the prime contributor to water quality degradation. This report, however, significantly understated the number of contributing livestock operations in the basin. Our research has shown that over thirty-five properties bear livestock and contribute to the water quality problem, not five or six as mentioned in the WSDOH report.

Ongoing effort will be required if we are to resolve the current water quality problem in Filucy Bay. At our current funding levels, this will take a number of years. We must state *that any timely, effective response to the issue of fecal contamination from small farm operations around Filucy Bay (and throughout Pierce County) will require a substantially greater financial commitment from local and/or state sources.* You have already shown your understanding, and we are deeply grateful for your support of the 2002 proposed program expansion, that would have provided funding for this and other important water quality issues.

We look forward to working within the framework of the Filucy Bay Matrix toward a positive outcome.

Sincerely,

Paul Nee, Chair
Pierce Conservation District

Filucy Bay
Closure Response Costs
Pierce Conservation District

Alternative "A"

In this scenario PCD dedicates two small-farm planners to work fulltime within the Filucy Bay basin.

Time to Completion:	1.5 Years
FTE's	2
Farm Planner	\$110,000
Construction*	\$72,000
Equipment	\$8,000
Overhead**	<u>\$31,716</u>
Total Cost Per Year:	\$221,716

Alternative "B"

In this scenario PCD dedicates one small-farm planner to work fulltime within the Filucy Bay basin.

Time to Completion:	3 Years
FTE's	1
Farm Planner	\$55,000
Construction*	\$36,000
Equipment	\$4,000
Overhead**	<u>\$15,858</u>
Total Cost Per Year:	\$110,858

Current Situation

In this scenario PCD continues to dedicate 20% of its countywide small-farm planning budget to work within the Filucy Bay basin.

Time to Completion:	12.5 Years
FTE's	0.25
Farm Planner	\$13,750
Construction*	\$9,000
Equipment	\$4,000
Overhead**	<u>\$6,500</u>
Total Cost Per Year:	\$33,250

* Construction costs are shown for first year only. Adjusted for inflation, total construction costs equal approximately \$125,000 in Alternative "A", \$144,000 in Alternative "B", and \$356,000 in "Current Situation."

** Overhead includes administrative and travel costs.



ALL
CMS

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF FOOD SAFETY & SHELLFISH PROGRAMS
7171 Cleanwater Ln., Bldg. 4 • PO Box 47824 • Olympia, Washington 98504-7824
(360) 236-3330 • TDD Relay Services 1-800-833-6388

October 26, 2001

RECEIVED

OCT 29 2001

PIERCE COUNTY COUNCIL
BY: _____

Gerri Rainwater
Clerk of the Pierce County Council
Pierce County Council, District 7
930 Tacoma Avenue South
Tacoma, Washington 98402

Dear Ms. Rainwater:

Please find enclosed a Final Order regarding the reclassification of the commercial shellfish growing area in Filucy Bay. This Final Order became effective August 17, 2001. Due to an oversight on our part, you are just now being notified.

If you have any questions, please contact Don Lennartson at (360) 236-3318, or by email at don.lennartson@doh.wa.gov.

Sincerely,

Jennifer Tebaldi
Office Director

Enclosure



26 according to the requirements of the NSSP. The resulting **Restricted** area in
27 Filucy Bay is delineated as follows:

28 North of a line from a point on the western shoreline located at the GPS
29 coordinates N 47.13245, W 122.44938, extending across the bay to a
30 point at the GPS coordinates N 47.13262, W 122.44846. The two
31 described points have been marked with gray PVC piping with orange
32 flagging tape for easy identification. The Conditionally Approved area
33 south of this line remains classified as Conditionally Approved.

- 34 1.5 That the results of the Department's evaluation require that the commercial
35 shellfish growing area in Filucy Bay, described in 1.4, be downgraded to
36 **Restricted**.

37

38 SECTION 2. CONCLUSIONS OF LAW

39 Based on the foregoing Findings of Fact, the Department makes the following
40 Conclusions of Law:

- 41 2.1 The Department of Health, Office of Food Safety and Shellfish Programs, has
42 jurisdiction over this matter.
- 43 2.2 That, according to RCW 69.30, WAC 246-282-005(1), and the NSSP, the
44 findings of the Department's evaluation mandate that the commercial shellfish
45 growing area in Filucy Bay described in Section 3 be reclassified as **Restricted**.

46

47 SECTION 3. FINAL ORDER

48 Based on the foregoing Findings of Fact and Conclusions of Law and under the
49 authority of 34.05.461, the Secretary enters the following Final Order:

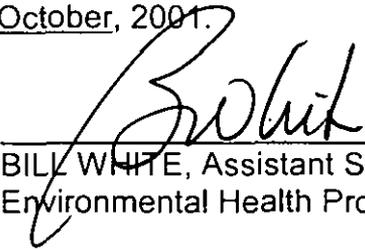
50 IT IS HEREBY ORDERED that the commercial shellfish growing area in Filucy
51 Bay be downgraded to **Restricted**, as delineated below:

52 North of a line from a point on the western shoreline located at the GPS
53 coordinates N 47.13245, W 122.44938, extending across the bay to a
54 point at the GPS coordinates N 47.13262, W 122.44846. The two
55 described points have been marked with gray PVC piping with orange

56
57

flagging tape for easy identification. The Conditionally Approved area south of this line remains classified as Conditionally Approved.

Dated this the 26th day of October, 2001.



BILL WHITE, Assistant Secretary
Environmental Health Programs

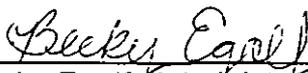
DECLARATION OF SERVICE BY MAIL

I declare that today I served a copy of this document upon the following persons:

Gerri Rainwater @ 930 Tacoma Ave. S. , Tacoma, WA 98402
Lilia Lopez, Assistant Attorney General @ PO Box 40109, Olympia WA 98504-0109.

by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA, WASHINGTON, THIS 26th DAY OF October, 2001.



Becky Egolf, Administrative Secretary
Food Safety and Shellfish Programs



Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, WA 98402-2176
www.co.pierce.wa.us
(253) 798-6065
(253) 798-7509 FAX
(253) 798-4018 TDD
(800) 992-2456

Denise D. Johnson
Deputy Clerk

ORIGINAL INVOICE

Malcom Russell 4414 S. 9 th St. Tacoma, WA 98405		Statement Date: January 29, 2002
Date	Item	TOTAL
January 28, 2002	Copy of Proposal No. 2002-3: 7 pages @ 15¢ per page \$1.05	
	TOTAL	<u>\$1.05</u>

Please make checks payable to "*Pierce County*" and remit payment directly to:

Pierce County Council
Attention: Kate Kennedy
930 Tacoma Avenue South, Room 1046
Tacoma, WA 98402





Pierce Conservation District

Monty Mahan
District Manager

Puyallup Executive Park Phone: (253) 845-9787
1011 East Main, Suite 106 Fax: (253) 845-4569
Puyallup, WA 98372 Email: montym@piersecountydc.org
www.piersecountydc.org

2002-3

PIERCE COUNTY ACTION MEMO		BUCK SLIP		WHILE OUT	
TO: DEPT	<input type="checkbox"/> CCB	<input type="checkbox"/> Approve	<input type="checkbox"/> Telephoned		
	<input type="checkbox"/> PSB (Annex)	<input type="checkbox"/> Handle	<input type="checkbox"/> Please Call		
Room #	<input type="checkbox"/> HEALTH	<input type="checkbox"/> Forward <input type="checkbox"/> File	<input type="checkbox"/> Will Call Back		
	<input type="checkbox"/> CITY	<input type="checkbox"/> Return	<input type="checkbox"/> Returned Call		
Individual	<input type="checkbox"/> HESS	<input type="checkbox"/> For Your Info/Note	<input type="checkbox"/> Want(s) to See You		
	<input type="checkbox"/> IBM BLDG.	<input type="checkbox"/> Per your Request	<input type="checkbox"/> Urgent		
Check appropriate box at right for building location	<input type="checkbox"/> OTHER (Building Location)	DATE	TIME		
NAME OF CALLER: <i>Monty - Filiceny Bay</i>		PHONE NO.			
MESSAGE: <i>Please save 845-9787 to Filiceny Bay interested Party list in show</i>					
FROM:	DEPT./RM. #	PHONE			

From: Gerri Rainwater
To: Karen Biskey; Susan Long; Tom Weber
Date: 3/13/02 11:30AM
Subject: Ordinance No. 2002-3s

This ordinance was adopted on February 12, 2002. It was introduced with an Exhibit "B" that contained 2 pages, it went through Committee in the same form, and was ultimately amended and adopted by the Council with Exhibit "B" containing two pages.

This morning Heather Kibbey called to say that Exhibit "B" is supposed to have 3 pages, and has e-mailed a copy of the third page to our office. The third page contains four additional objectives, with time lines, costs, etc. shown. It also contains a listing of all the acronyms that are used in the document.

Because the language contained in Page 3 is substantive, it would be my recommendation that an amending ordinance is prepared to adopt this additional page. I believe this document is time sensitive, so this may not be ideal, but I know of no other way to incorporate the 3rd page. We have already done our distribution to local and State agencies, so a page 3 just can't magically, or administratively, appear! I'm just mystified why this omission wasn't discovered either at the Committee or Council level.

You can see from the way I numbered pages on Exhibit "B" and hand-wrote the amendments, that it was not transmitted electronically for us to load into our system.

Let's get together on this one and find the best approach, hopefully today, so we can let Heather know how it's being handled.

Thank you, Gerri

CC: Heather Kibbey; Sandy Bassett

Fiscal Note

Ordinance/Resolution Title (short version) Ordinance creating Filuey Bay Water Protection District, designating a lead response agency and committing County Participation as required by statute

This ordinance/resolution has No or only De-Minimus fiscal impact Otherwise, please complete the following:

A. EXPENDITURES

Program	Current Year	Full Year 1	Full Year 2	Full Years (3-5) Combined	Totals
<u>Filuey Bay Watershed Protection Dist</u>					
Operating Costs	<u>44,500⁰⁰</u>	<u>27,500⁰⁰</u>			
Capital Costs					
Total	<u>44,500⁰⁰</u>	<u>27,500⁰⁰</u>			

Number of F.T.E. Positions (Annual basis) 1

Program	Current Year	Full Year 1	Full Year 2	Full Years (3-5) Combined	Totals
Operating Costs					
Capital Costs					
Total					

Number of F.T.E. Positions (Annual basis)

Program	Current Year	Full Year 1	Full Year 2	Full Years (3-5) Combined	Totals
Operating Costs					
Capital Costs					
Total					

Number of F.T.E. Positions (Annual basis)

Comments _____

B. REVENUES (category):	Current Year	Full Year 1	Full Year 2	Full Years (3-5) Combined	Totals
<u>N/A</u>					

Comments County required to participate in developing response to down-grading of shellfish harvest area. Other agencies participating include Dept of Ecology, Dept of Health and Tacoma/Pierce County Health Dept.

Prepared By Karen Cooper / PWW Date 1/16/02
 Name/Department



PROPOSED ORDINANCE OR RESOLUTION DATA SHEET

TO BE NUMBERED BY THE
CLERK OF THE COUNCIL

Proposal

NO. 2002-35

Direct questions to Gerri Rainwater, Clerk of the Council, at 591-7777.

1. DATE PREPARED	2. EXECUTIVE'S SIGNATURE <i>[Signature]</i>	3. PRIME SPONSOR. (COUNCILMEMBER SIGNATURE) <i>[Signature]</i>
4. DATE RECEIVED IN COUNCIL CLERK'S OFFICE	5. REQUESTING DEPARTMENT Water Programs	PHONE 798-3388
6. DEPARTMENT HEAD'S SIGNATURE <i>[Signature]</i>	Shawn Bunney COUNCIL STAFF CONTACT	PHONE 798-3388
7. DRAFTED BY (NAME & DEPARTMENT) PHONE	Heather Kibbey, Water Programs, 798-4664	

8. ORDINANCE RESOLUTION 9. EFFECTIVE DATE DESIRED February 28, 2002

10. COMPLETE TITLE OF ORDINANCE OR RESOLUTION: An Ordinance of the Pierce County Council jointly Creating the Filucy Bay Watershed Protection District; Establishing Its Boundaries; Adopting The Filucy Bay Closure Response Matrix; Designating Lead Agencies; and Committing Pierce County Water Programs' Support.

11. LIST ANY SPECIAL ADVERTISING OR POSTING REQUIREMENTS INVOLVED IN PROCESSING THIS ORDINANCE/RESOLUTION: Regular public notice requirements N/A

12. CODE STATUS: 1) New Chapter/Section 2) Amends _____ 3) Repeats _____

13. SUMMARY AND INTENT OF THIS LEGISLATION. This ordinance creates a protection district as required by RCW 90.72 when a waterbody is downgraded for shellfish rearing and harvest.

It adopts a matrix of actions and committments by various agencies (state and local) that were developed by a team of these agencies, and are expected to improve water quality in Filucy Bay.

Similar ordinances and programs were put in place in Rocky Bay and Burley Lagoon, and these are now open to shellfish rearing and harvest.

14. SOURCE DOCUMENTS: LIST ALL MATERIALS INCLUDED AS BACKUP INFORMATION: N/A

A _____ C _____
B _____ D _____

15. FISCAL IMPACT:

A. TOTAL COST OF LEGISLATION FOR CURRENT FISCAL YEAR: COUNTY \$ 44,500 FEDERAL \$ 0 STATE \$ 0
B. ESTIMATED COST OF LEGISLATION IN FUTURE YEARS: COUNTY \$ 27,500 FEDERAL \$ 0 STATE \$ 0
C. COSTS INVOLVED ARE FOR: Grant match, monitoring, mapping, public outreach

D. ESTIMATED INCREASE IN REVENUE AS RESULT OF LEGISLATION FOR CURRENT YEAR: _____
E. ESTIMATED INCREASE IN REVENUE AS RESULT OF LEGISLATION FOR FUTURE YEARS: Possible
F. SOURCE(S) OF REVENUE: _____

THIS LEGISLATION HAS NO FISCAL IMPACT

16. A COPY OF THIS ORDINANCE/RESOLUTION IN FINAL FORM SHOULD BE SENT TO THE FOLLOWING:

Water Programs
Tacoma-PC Health Dept.
WA Dept. of Health
Department of Ecology

Monty Mahan, Pierce Conservation Dist 1011 East Main,