



Cherry Point Aquatic Reserve

Implementation Committee Meeting Summary

November 17, 2020, 1:00 p.m. – 2:30 p.m.

Zoom Call

Participants: Birdie Davenport, Allison Brownlee, Betty Bookheim, Erin Stehr, Dave Palazzi, Erica Bleke, Chris Jendrey, Hanna Bridgeham, 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); Robert Kaye, Marie Hitchman, Lyle Anderson, Kim Clarkin, John Bremer, Alice Sigurdson, Diane Hollands, Marie Hitchman: (Cherry Point Aquatic Reserve Citizen Stewardship Committee); Laura McKinney, Rondi Nordal, Eleanor Hines (RE Sources for Sustainable Communities); Alan Chapman, Barry Wenger, Amie Blystone, (Phillips 66), Oliver Grah (Nooksak Tribe), Becca Hardie (BP)

1:00 p.m. Welcome & Introductions, Meeting Agenda (Birdie)

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. Review draft chapters for 2021 management plan update in small groups:

Chapter 1 (Introduction) and Chapter 6 (Plan Implementation)

Participants: Birdie, Lovell, Ross, Christina, Erica, Laura, Brendan, Dennis, Amie Blystone, Andrew on phone

- Lovel asked if comments will still be accepted. Birdie says yes.
- Birdie has been advised to keep the language regarding lease management as close to the original as possible because so much work went into it.
- Lovel asked if lessees will be asked to return all impacts to CPAR outside the footprint of their lease – not just within the footprint of their lease in the event of any future environmental damage. Are structures in place to hold lessees/vessel owners responsible. Wants to ensure that when damage happens to the reserve, that whoever causes the damage is financially responsible for cleaning up the environment as well as the infrastructure. Birdie will follow up with Ecology to get recommendations.
- Brendan brought up Natural Resources damage assessment process, as one mechanism that could address the issues Lovel brought up. There are updates that need to be made to the parts of the plan that address the hydraulic code, etc. He will work with their habitat team and get us

some updated language. New habitat manager in Region 4 – he wasn't able to make this meeting, but hopes to make it to the next (Chuck Stambaugh.)

- Lovel – under important conservation elements, section 7, she couldn't find mention of the fact that the reserve is part of SRKW critical habitat and suggests it should be added.
- Lovel interested in the infrastructure change about the loading arm that used to be mobile and is now fixed. Does that come with increased vessel traffic? Andrew answered – in the past, Intalco had come up with a specialty piece that was attached to a mobile trailer to allow work. With curtailment now, it makes sense to put the industry standard piece out there so that each vessel can be loaded as they come through. It won't change number of ships or quantities, those are regulated by the lease – it's just to bring equipment to industry and safety standards. The project is not done, they have applied for a permit application and are waiting for it to be granted. Andrew isn't 100% sure about this, as he is focused on the Whatcom County SMP update. Lovel asked a follow-up question as to whether there was a separate application process for the DNR or if it's similar to Whatcom County. Ross answered – we are waiting for more information from Petrogas before we will review. He will give more information about this in his presentation later in this meeting.
- Brendan – Looking forward to rejoining this process more actively. Regarding the species using the aquatic reserve. Sockeye – Frasier and Sockeye River spp. use the region and would like to make sure they're mentioned in Chapter 2. He's also happy to look over the species list.

Chapter 2 (Ecosystem Elements)

Participants: John, Eleanor Hines, Diane, AJS, R. Kaye, Lyle Anderson, Hanna Bridgham, Betty Bookheim, Barry Wenger, Kim, Dave Palazzi, Chris Jendrey, Sandi McMillan, Becca Hardie, Rondi Nordal, Alan Chapman, Christina Maginnis, Marie, Allison Brownlee, Erin Stehr

Large Topics:

Contents of appendices – more details. Ch. 2 is an overview with the data, and details are in appendices. Want it to be readable. John suggested having a 1pg overview at beginning with bullets of main points (executive brief) for those wanting an even briefer overview.

Freshwater input - Sounds like there is an intermittent source as well as a permanent one near Gulf Rd. Wetlands north of gulf rd. Lots of freshwater seep in the Gulf Rd area especially which could be important for herring. Lots of potential run-off pollutants from the rds in this area. Barry had a lot of info. Kim and Marie contributed and also had some info. *Barry will send a link to some info on ground water and public trust doctrine.* Allison has read some of the Intalco related documents.

Comments by person:

Diane and John – John submitted some good comments on the influence of Vancouver and coal terminal. *RESources is compiling these notes and will pass them onto DNR soon.*

Lyle Anderson

- *Z. japonica* had a name change. Now *Nanozostera japonica*
- *Desmarestia* is misspelled
- Birds 3rd paragraph – it's Borso not Borsoa
- Surprised by how much has changed from the old version. Not disappointed just voiced how it seems like a total rewrite.

- It would be nice to have links or references to current data (orca population or crab population)
 - o Specifically interested in crab - Lummi might have data on crabs

Eleanor Hines

- Info from John Bowers presentation could be included – varnish clams and the scoters
- *Will send Betty kelp data from MRC.* WA State Kelp Recovery Plan was recently published and could be a good reference
- Suggested discussing marine debris in Ch. 2

Alan Chapman

- CPAR is such a respected site in Lummi Nation. Make sure that the chairman of the council has been looped in as well as natural resources directors. Make sure that those communications are documented to show that the effort was made. Really important to make sure Lummi are included.
- Wondering about extent of control over uplands. Birdie answered in the meeting. DNR only has control over tidelands and bedlands, but works with and supports upland land owners (parks, industry etc.) on projects that impact the reserve.

Marie – Crabbing is one of Lummi Tribe’s main sources of income so presumably they have some data.

Diane – wondering about Whatcom county growth and what happens if industry gives up their land. What the land transfer might look like. Response was unknown – we may have to cross the bridge if/when it occurs.

Kim Clarkin and Barry Wenger - Groundwater seepage into the reserve should be addressed. Herring tend to spawn where freshwater seeps occur, so Barry thinks this should be addressed in the main body of the plan rather than the Appendix. Gulf Rd run-off and local intermittent streams were also discussed. Barry mentioned the area was one large wetland before Gulf Rd was put in.

Full group Lightning Round of Issues

- Barry Wenger talked about seeps a bit more
- Kim - Road derived toxics from Henry Road
- Barry will send info on the Public Trust Doctrine
- John suggested updating information in the plan about blue carbon, global warming, and plastic. Dr. Rybczyk at WWU and Katrina Poppe have done a lot of work on blue carbon, including local examples. Dr. Rybczyk might be a good resource for the wetland at Gulf Road as well.
- Kim Clarkin volunteered to help with the 2-year work plan.

2:45 p.m. Land Management Update (Ross)

- Phillips 66 sediment sampling and causeway replacement.
 - o Steel pilings will replace creosote pilings and sediment sampling was required by DNR to ensure creosote wasn’t mobilized by this process. No additional BMPs were needed. They have installed 80 new steel pilings so far. Weather has delayed the project a bit, but we will continue updates as the process moves forward. The new pilings are bigger, but fewer in number and the improvements also allow more light below the dock.
- BP Cherry Point

- Currently working to repair storm damage. A JARPA is pending and an authorization will be issued after a 60 day process.
- Petrogas
 - Debris removal – removal of large cement slab that broke off by cutting into pieces. Permits have been issues and the weather has delayed them a bit.
 - Proposed dredge project – certain vessels ground out when tides are low, requiring them to disconnect from pier and pause fuel transfers. Petrogas required to conduct sediment sampling and results did not meet the requirements for open water disposal, they must be disposed upland. This project will require permitting through various agencies as well as a SEPA process. People are encouraged to submit comments.
 - Installation of a permanent marine loading arm (MLA) – plans aren't complete and a 60 day review will follow. Project doesn't appear to have any impact on vessel traffic. This project will also go through an environmental review process.
- Questions:
 - What was in the sediment to require it to be hauled upland and could the remaining sediment cause environmental damage? Ross doesn't have that answer, but will ask the sediment quality team and get the answer back to the committee through Birdie.
 - Do these projects deal with sediment build-up along the base of the piers and are there plans to address the issue of how the piers impact longshore drift? (Intalco and Phillips 66 in specific – because they have flow pads that prevent longshore drift.) The projects Ross was referring to do not address this problem and don't have the jurisdiction to address this as it doesn't take place on DNR land. Alan Chapman says DNR may not have authority, but they do have leverage related to offshore requirements.

2:50 p.m. Aquatic Reserves Update (Birdie & Allison)

Larval herring light trap project

- Three light traps will be set starting in April to study herring spawn up near Cherry Point in order to understand larval migration and drift after hatching. This will happen in conjunction with the WDFW herring exclosure experiment. The traps will be set off Birch Head, in Birch Bay, and off Point Whitehorn. We did a pilot last week with Lummi to test the gear which went well and gave us some ideas of what we need to adjust.

2:55 p.m. Announcements/Wrap-up (Birdie)

- Next meeting will likely be in 2021