

1 FILE NO. 21-A

PROPOSAL NO. 99-84

2
3 Sponsored by: Councilmember Karen S. Biskey

4 Requested by: Pierce County Water Programs

5
6 ORDINANCE NO. 99-84

7
8 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE
9 BURLEY LAGOON WATERSHED PROTECTION DISTRICT;
10 ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY
11 LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING
12 LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER
13 PROGRAMS' SUPPORT.

14
15 WHEREAS, The Washington State Department of Health on March
16 1, 1999, officially downgraded the classification of the
17 commercial shellfish growing area of Burley Lagoon, which is
18 located on Puget Sound in Pierce County; and

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20 WHEREAS, RCW Chapter 90.72, "Shellfish District" directs the
21 County to establish a District within 180 days of such a
22 downgrade and to establish a program to address the reason(s) for
23 the downgrade; and

24
25 WHEREAS, Burley Lagoon and its watershed fall within the
26 jurisdiction of two counties, Kitsap and Pierce, both of which
27 desire to coordinate a united effort to deal with the shellfish
28 downgrade and protect beneficial uses in the watershed; and

1 WHEREAS, RCW 90.72.040 encourages counties to work together
2 on District formation and implementation; and

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4 WHEREAS, It is important to protect shellfish; it is equally
5 important to protect other beneficial uses of water. Recognizing
6 this, the district will be called the Burley Lagoon Watershed
7 Protection District.

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9 WHEREAS, The Department of Health determined that degradation
10 of Burley Lagoon water quality is primarily due to nonpoint
11 sources of water pollution; and

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13 WHEREAS, Burley Lagoon is contained in the Key Peninsula, Gig
14 Harbor, and Islands Watershed, for which a Nonpoint Source
15 Watershed Action Plan is nearly completed; and

16
17 WHEREAS, pursuant to RCW Chapter 36.89 and Pierce County Code
18 Chapter 1.02, the Water Programs Section of the Pierce County
19 Public Works and Utilities Department (Pierce County Water
20 Programs) is responsible for providing management programs to
21 remedy nonpoint surface water pollution as it exists in
22 unincorporated Pierce County and, as per WAC 246.272, the Tacoma-
23 Pierce County Health Department is responsible for providing
24 management of on-site sewage systems in Pierce County; and

25
26 WHEREAS, Pierce County Water Programs and the Tacoma-Pierce
27 County Health Department support formation of the Burley Lagoon
28 Watershed Protection District; and

1 WHEREAS, Burley Lagoon is a major shellfish growing area in
2 Pierce County; and

3
4 WHEREAS, nonpoint water pollution sources, including (but not
5 limited to) failing on-site sewage systems and agricultural
6 surface water runoff, threaten the public health and safety of
7 consuming shellfish harvested within the watershed of Burley
8 Lagoon; NOW, THEREFORE,

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10 BE IT ORDAINED by the Council of Pierce County:

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12 Section 1. The Pierce County Council hereby jointly creates,
13 in cooperation with the Kitsap County Commissioners, the Burley
14 Lagoon Watershed Protection District as authorized in RCW Chapter
15 90.72.

16
17 Section 2. The legal boundaries of the two-county Burley
18 Lagoon Watershed Protection District, as agreed to by Pierce
19 County and Kitsap County, are as shown on Exhibit "A," attached
20 hereto and incorporated by reference.

21
22 Section 3. The Pierce County Council hereby adopts the
23 Burley Lagoon Watershed Protection Program as shown on Exhibit
24 "B," attached hereto and incorporated herein by reference.

25
26 Section 4. The Pierce County Council hereby directs Pierce
27 County Water Programs to serve as co-lead, along with Kitsap
28 County Surface and Storm Water Management and the Tacoma-Pierce
County Health Department, in coordination with the Washington

1 State Department of Health, the Puget Sound Water Quality Action
2 Team, the Washington State Department of Ecology, Kitsap County,
3 the Pierce County Conservation District, the Kitsap Conservation
4 District, the Bremerton-Kitsap County Health District, and other
5 appropriate entities, to implement the Burley Lagoon Watershed
6 Protection Program.

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8 Section 5. Pierce County Water Programs will provide support
9 in coordinating and implementing the Burley Lagoon Watershed
10 Protection Program in Pierce County.

11
12 PASSED this 10th day of August, 1999.

13
14 ATTEST: PIERCE COUNTY COUNCIL
Pierce County, Washington
15 [Signature] [Signature]
16 Clerk of the Council Council Chair

17 Approved as to Form Only: PIERCE COUNTY EXECUTIVE
18 [Signature] [Signature]
19 Deputy Prosecuting Attorney Approved Vetbed this
20 [Signature] 23rd day of Aug 1999.

21
22 Date of Publication of Notice of Public Hearing July 28, 1999
23 Effective Date of Ordinance: September 2, 1999

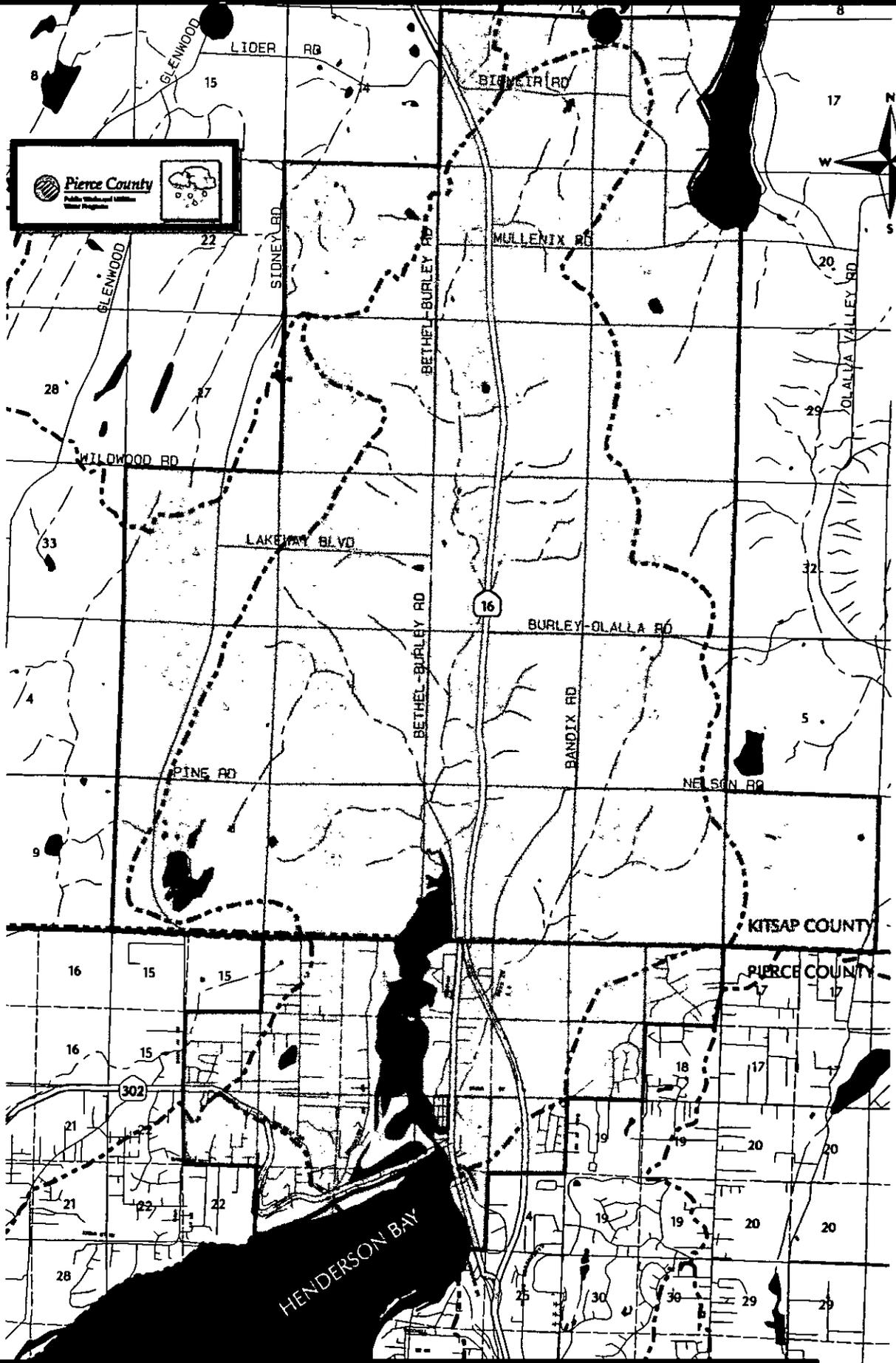
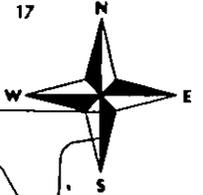
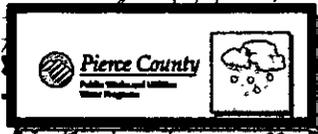


Exhibit "A" to 99-84

**BURLEY LAGOON WATERSHED
PROTECTION DISTRICT - PIERCE/KITSAP COUNTY**

EXHIBIT "B"**BURLEY LAGOON SHELLFISH CLOSURE RESPONSE STRATEGY
AND PROTECTION PROGRAM****Executive Summary & Introduction**

Burley Lagoon, a 10,000-acre picturesque watershed located on the Key Peninsula in both Pierce and Kitsap counties, was downgraded in February 1999 from a Conditionally Approved to a Restricted shellfish growing area - the second downgrade in 18 years. The pollution sources appear to be failing on-site sewage systems, livestock and pet waste, and stormwater runoff. Concerned local and state officials started meeting in January 1999 to discuss the problems, actions already being taken, development of a shellfish closure response strategy and formation of a shellfish protection district. A shellfish closure response team started meeting in February and has met monthly since. The team consists of several representatives from Kitsap and Pierce counties, the shellfish industry, and the three lead state agencies - the Washington State Departments of Ecology and Health, and the Puget Sound Water Quality Action Team. This strategy will subsequently evolve into the implementation program for the Burley Watershed Protection District.

Goal

The overall goal of this strategy and protection program is to restore and protect the water quality and beneficial uses of water in the Burley Lagoon watershed. Beneficial uses of water include issues related to public health, recreational use, property values, and natural resources including shellfish and salmon.

The short-term objectives are (a) to continue identifying and correcting the causes of degraded water quality and habitat; and (b) to create a watershed protection district for the lagoon in both counties by mid-August 1999.

The long-term objectives are (a) to restore the shellfish classification for Burley Lagoon to Approved by the end of the year 2000; and (b) to maintain the watershed's health for the benefit of the public and natural resources.

Strategy and Protection Program

Pollution in Burley Lagoon will be reduced by a combination of voluntary, inspection and enforcement actions, supported by technical assistance and education. The strategy and program contain actions for reducing and preventing pollution from on-site sewage, agriculture, and stormwater runoff, as well as a monitoring and evaluation program. Effective implementation of the actions will depend upon adequate funding.

Background

Burley Lagoon is a picturesque 10,000-acre watershed located on the Key Peninsula in both Pierce and Kitsap counties. Approximately 60% of the lagoon (marine waters) is in Pierce County and 40% in Kitsap County. The percentages in each county are reversed for the watershed uplands. All of the commercial shellfish acreage, which is owned by Western Oyster Company, is in Pierce County. Historically rural, the lagoon is experiencing rapid growth as more people move to the area.

Burley Lagoon was an officially Approved commercial shellfish growing area until the summer of 1981, when high concentrations of fecal coliform bacteria were detected in the tissue of shellfish grown in this embayment. A shoreline survey and an assessment of the water quality showed that Burley Lagoon no longer qualified for an Approved classification; the area was downgraded to the Restricted classification in October of 1981. The pollution sources which caused the degradation in water quality at that time were considered to be failing on-site sewage systems situated along the waterfront properties, livestock and pet wastes from small farms and homes in the watersheds of Purdy and Burley Creeks, and stormwater runoff.

County and state agencies and local residents spent twelve years working together in intensive restoration efforts. The last significant source of pollution was removed when Pierce County connected the Purdy shopping center to a new sewer line tied into the Gig Harbor sewer district – the failed septic system had been discharging into Purdy Creek. The State Department of Health then upgraded Burley Lagoon in October of 1993, and the community hosted a celebration.

The upgrade was to a Conditionally Approved classification rather than Approved, though, due to a strong correlation between rainfall and fecal coliform concentration (based on a 24-hour rainfall of 0.5 inch or more which closes an area to shellfish harvest for a period of five days).

However, the slowly circulating, shallow lagoon waters revealed a vulnerability to increasing population growth. Water quality gradually deteriorated again over the next five years until the standards for the Conditionally Approved classification could no longer be met. Burley Lagoon was downgraded to a Restricted classification in February 1999. The pollution sources still appear to be failing on-site sewage systems, livestock and pet wastes, and stormwater runoff; the building of second and third tier houses above the original waterfront properties has exacerbated the stormwater runoff and increased the number of on-site systems.

State law requires the formation of a local shellfish protection district and protection program within 180 days after the official notification of the downgrade. The Puget Sound Water Quality Management Plan's shellfish program calls for the development of a shellfish closure response strategy after a shellfish growing area is officially downgraded. Under the terms of a joint Memorandum of Agreement, the Puget Sound Water Quality Action Team, and the Washington State Departments of Health and Ecology are to lead the development of the strategy in partnership with the affected local jurisdictions.

Shellfish Closure Response Team/Burley Lagoon Watershed District Team

The first official Burley Lagoon closure response strategy meeting was convened on February 4, 1999, bringing together representatives from state and local agencies concerned with public health, surface water management, agricultural management practices, and the larger issues of growth, land use, and development.

The Burley Lagoon Shellfish Closure Response team consists of key agencies at the local and state level responsible for managing, controlling and preventing pollution into Burley Lagoon, as well as the shellfish grower and Pacific Coast Shellfish Growers Association (PCSGA). The team met monthly beginning in February and jointly developed this strategy. The team also discussed longer-term solutions including the formation of a watershed protection district to address the closure.

The team includes representatives from:

Pierce County Council
Tacoma-Pierce County Health Department (TPCHD)
Bremerton-Kitsap County Health District (BKCHD)
Pierce County Water Programs
Kitsap County Surface and Storm Water Management (KCSSWM)
Pierce County Conservation District (PCD)
Kitsap Conservation District (KCD)
Pierce County Planning and Land Services (PALS)
Kitsap County Planning and Community Development
Western Oyster Company
Pacific Shellfish Growers Association (PCSGA)
Department of Ecology Southwest Regional Office
Department of Ecology Northwest Regional Office
State Department of Health (DOH)
Puget Sound Water Quality Action Team (PSWQAT)
Washington Sea Grant Program, University of Washington (WSGP)

Upon the team's request, the Puget Sound Water Quality Action Team assumed the lead for coordinating the development of this strategy. The two counties will assume the lead for formation and implementation of the Burley Lagoon Watershed Protection District. The Shellfish Closure Response Team will then become the Burley Lagoon Watershed District Team.

Existing programs and actions to date

Both counties have invested significant resources in addressing water quality problems in Burley Lagoon over the years. Following is a brief summary of what each county has accomplished so far.

Kitsap County

In October 1998, after learning of the potential for a downgrade, Kitsap County redirected resources through its Surface and Storm Water Management Program (SSWM) towards aggressive identification, inspection, and correction. The Bremerton Kitsap County Health District (Health District) obtained a special grant to conduct pollution identification and correction work on the lower Burley Creek Basin and Kitsap County portion of the Burley Lagoon shoreline. The Health District will have completed over 200 parcel inspections by July, 1999.

The Kitsap Conservation District (KCD) conducted an in-vehicle farm survey and prioritized 19 of 98 existing farms as high priority. The KCD and Health District have contacted all the priority farms, including checking their on-site sewage systems. The KCD conducted workshops for livestock owners in the watershed in the spring of 1999. These were focused on livestock waste management and farm planning. The KCD submitted a Centennial Clean Water Fund grant proposal for \$250,000 and received a draft offer for funding in June 1999.

Kitsap County is applying the lessons learned in the Port Gamble Bay closure response process. A critical aspect of the program is the use of the county's solid waste ordinance to address animal waste problems. When the KCD's technical support approach does not work - such as when property owners refuse to voluntarily work with the District or when it otherwise hits a snag - the county can apply this ordinance and proceed with enforcement based on observations of mishandled solid waste. This reduces the reliance on the Department of Ecology for enforcement based on water quality issues which are difficult to prove. The Health District has issued six Notice of Order to Correct Violation letters.

Washington Sea Grant, through funding from the Puget Sound Action Team's PIE funds, in June conducted on-site sewage operation and maintenance workshops in Pierce and Kitsap Counties. The Kitsap CD, through the same funding source, held

two workshops for property owners of both counties in the Burley watershed on farm best management practices.

The upper Burley Lagoon Watershed is largely rural in character and produces relatively little stormwater runoff. Most of the land is wooded and consists of stands of second and third growth Douglas fir, Western hemlock and Red alder. The land use is rural residential with homes and small farms on parcels ranging from one to twenty acres. The most recent Kitsap County Comprehensive Plan has the watershed zoned at one unit per five acres, but the predominant existing lot size is 2.5 acres. Stormwater from the Kitsap County portion of the watershed is unlikely to be a critical factor in shellfish protection efforts in the near future.

Pierce County

The TPCHD is an active participant in the multi-agency team working to improve water quality in Burley Lagoon and, if possible, bring about an upgrade in the shellfish growing area classification. The county has an Operation and Maintenance program, through which on-site sewage systems in the watershed have been permitted. The TPCHD has been conducting water quality monitoring and on-site sewage system inspections through the auspices of several grants over the past several years, and in May, 1999 hired an Environmental Technician to conduct sanitary surveys and monitoring studies. The TPCHD also has grant funds to help people repair their on-site systems. TPCHD staff have attended all of the Closure Response meetings and will be working closely with the other agencies to implement the Closure Response Strategy.

The Pierce Conservation District conducted a "windshield" survey of the lower watershed and identified twelve farms. The Pierce Conservation District has contacted all the livestock farm owners identified in the inventory and has offered assistance in the form of technical recommendations, site-visits, farm plans, and cost-share assistance. The Pierce Conservation District has also conducted a farm management workshop on the Key Peninsula and notified the identified livestock farm owners in the watershed prior to the workshop.

Pierce County Water Programs has just completed a draft watershed plan for the entire Key Peninsula, including the Burley Lagoon watershed. Kitsap County also participated in the watershed plan development, along with a management committee of citizens and agencies.

Burley Lagoon Closure Response Strategy and Program

Objective 1: Establish a Coordinated Response Program

This involves setting up a closure response team, identifying the lead agency, developing the strategy, coordinating among agencies, and identifying the lead agencies to create a watershed protection district and implement the protection district program. PSWQAT led the development of the strategy.

Objective 2 - Establish and Implement Watershed Protection District and Program

Pierce and Kitsap Counties will establish a joint "Burley Lagoon Watershed Protection District" and protection program. Currently the counties are drafting ordinances which will be presented to their respective legislative bodies during the summer of 1999, and enacted no later than August 28, 1999. The Shellfish Closure Response Team will evolve into the Burley Lagoon Watershed District Team, and continue coordination of actions to restore and protect water quality to meet the goals of the program. The Team will also support implementation of relevant actions in the Key Peninsula/Gig Harbor/Island Watershed Plan, and ensure consistency of local land and water regulations and programs with the protection program.

Objective 3 - Identify Pollution Sources

The TPCHD will conduct a sanitary survey of shoreline properties in the Pierce County portion of Burley Lagoon and Purdy Creek to identify and correct failing on-site sewage systems. The survey will include other sources of water quality problems, such as improper agricultural practices or solid waste violations; violators will be reported to the proper authorities. A letter will be sent to property owners in the survey area, requesting their participation in the survey. All cooperating properties will be dye tested, utilizing charcoal packets, to identify failing on-site sewage systems. Non-participating properties will be examined, from the road and the beach, for probable cause that the on-site sewage system is failing. If probable cause is found, an Administrative Search Warrant will be pursued and, if obtained, the property will be dye tested utilizing charcoal packets. If there is no standing or flowing water on or adjacent to the property, then charcoal packets won't be used and instead the site will be visited each day for two days following the dye test for signs of surfacing dye.

The BKCHD will continue the inspection and evaluation of land parcels in the Kitsap County portion of the watershed for fecal coliform contamination. Specifically, the BKCHD will conduct parcel inspections in the Kitsap County portion of the Burley Creek Basin according to its Fecal Coliform Pollution Identification and Correction Protocol (PIC - 8th Edition, BKCHD, January 1999).

The Kitsap Conservation District will coordinate with BKCHD to evaluate agricultural sites within the watershed. This will be on a parcel-by-parcel basis and will be implemented according to the BKCHD's protocol referred to above. The Kitsap CD has identified all farm properties in the Burley watershed. These sites have been entered into a Geographic Information System (GIS) format database for mapping and statistical management. The Kitsap CD will contact farm owners per the BKCHD/KCD cooperative agreement, to offer technical assistance and development of farm plans. As of May 1999 all farms were contacted.

The Pierce CD finished the inventory of small farms in Pierce County's part of the watershed in March. The Pierce Conservation District has contacted all the livestock farm owners identified in the inventory and will offer assistance as needed in the form of technical recommendations, site-visits, farm plans, and cost-share assistance.

The Kitsap County Surface and Storm Water Management Program (SSWM) will conduct an investigation into potential stormwater contamination sources and will perform corrective actions where needed. SSWM's Water Quality Specialist will review water quality data developed by the Bremerton Kitsap County Health District and will coordinate with the BKCHD and the Kitsap Conservation District in the identification of possible sources of contamination.

Pierce County Water Programs' Stormwater Technicians have located and inspected 16 stormwater outfall points. Those facilities requiring maintenance were referred to the local maintenance shop. Water Programs' GIS Technician has created maps of the watershed including this data and an address list developed from the Assessor's database.

DOH, TPCHD and BKCHD will identify possible other sources of contamination, such as from wildlife, primarily through the water quality sampling efforts and sanitary surveys.

Objective 4 - Control On-Site Sewage Sources

The BKCHD will enforce the correction of failing on-site sewage systems pursuant to local regulations and the PIC protocols (BKCHD, January 1999.) The TPCHD will enforce the correction of failing on-site sewage systems through their local regulations.

When a failing on-site sewage system has been identified, the TPCHD has grant monies available to assist in funding the repair. Until June 2000 or until the grant monies have been expended, the TPCHD will pay up to 70% of the repair cost for a

failing on-site sewage system that is adversely impacting water quality in Burley Lagoon.

The State Department of Ecology will provide technical assistance as needed.

Objective 5 - Correct Agricultural sources

Both Conservation Districts will provide technical assistance with farm plans, design of Best Management Practices (BMPs), implementation, and cost-share funding of BMPs. They will also provide assistance with operation, maintenance and inspection of best management practices. The BKCHD will enforce the correction of animal-related solid waste handling violations pursuant to local regulations and the Pollution Identification and Correction Protocols (BKCHD, January 1999).

The KCD will be available to assist owners of all farm sites in the Burley watershed in developing and implementing farm plans that protect the water quality of the watershed. This will include but not be limited to design of Best Management Practices (BMP), application for cost share funding for projects, installation of BMPs and follow-up operations and maintenance of installed BMPs. Priority will be focused on sites identified through previous site inspections and fecal coliform sampling data results. Those sites that are in nonconformance with state standards for water quality will be given the highest priority.

The State Department of Ecology will take the actions discussed in the Memorandum of Understanding with the conservation districts and enforce as needed. Ecology will also provide technical assistance as needed.

Objective 6 - Control Stormwater Sources

Pierce County will install BMPs as warranted and where feasible to control unidentified sources of fecal contamination

Maintenance of residential systems in the Kitsap portion of the watershed will be performed by Kitsap County's SSWM, while the owners of commercial systems will be required by SSWM to perform maintenance as needed. Any retrofit BMPs identified for potential water quality improvements will be evaluated for inclusion in the county's Capital Improvement Plan (CIP). The CIP is developed with a priority rating system favoring projects that are in response to state or federal mandates such as the Shellfish Closure Response and the NPDES requirements.

Objective 7 - Educate and Involve Public

The BKCHD will provide technical assistance and education to property owners through community workshops, parcel inspections (see Tasks 3.2, 4.1, and 5.3), and as requested or needed throughout the project. The TPCHD will provide ongoing technical assistance and education to homeowners for their on-site sewage systems during surveys and dye tests.

The Kitsap CD will dedicate funding and personnel to provide education to the landowners and realtors in the Burley community. Education and information on natural resources, waste management and water quality will be highlights in these programs. Education may be in the form of seminars, field days, fairs, newsletters, public meetings, personal contact with farmers, and media contact. The Pierce County CD will continue educating small farm owners on BMPs during the farm planning process.

All the team members will coordinate on targeted press releases about progress in Burley Lagoon. Washington Sea Grant will produce a regular newsletter on the Burley Lagoon effort for the community. All the team members will also work to promote watershed education programs in the local school districts.

Pierce County will work with homeowners to expand the Adopt-a-Beach program into beaches in Burley Lagoon. The TPCHD and PCSGA will develop an education program for employees of the shellfish growers.

Objective 8: Establish a Coordinated Monitoring and Evaluation Program

The marine waters, streams and shoreline of Burley Lagoon and the watershed are being monitored, as well as stormwater runoff. The BKCHD began monitoring streams in November 1998. The BKCHD will continue to monitor established stream stations in the Burley Creek basin pursuant to the county-wide monitoring program. Stream stations will be monitored monthly for fecal coliform bacteria, flow, and conventional parameters (temperature, pH, DO, conductivity, and turbidity).

The State Department of Health, Shellfish Office (DOH) has been monitoring the marine water quality on at least a monthly basis, and will continue to do so.

The TPCHD began monitoring the Pierce County shoreline in May. To assess water quality changes over time and to identify fecal coliform sources, the TPCHD will assist DOH staff until June 2000 with their monthly sampling of the marine waters in the lagoon and several of the major tributaries. In addition, the TPCHD will collect water samples from the key tributaries during the third week of every month until June 2000 to provide greater temporal data coverage. The water samples will be analyzed either by the DOH Laboratory or by a contract laboratory. In addition to

fecal coliform concentrations, the tributary sampling will include an estimate of stream flow, water temperature, pH, and conductivity.

All three agencies will periodically evaluate the data and track trends to measure progress in restoring water quality in the lagoon. The BKCHD will provide DOH, TPCHD, and the Shellfish Closure Response Team with Kitsap County stream data summary reports on a quarterly basis. The data reports will evaluate and present monitoring information with respect to state water quality standards and observed trends with respect to the Shellfish Closure Response Plan. Pierce County may sample stormwater outfalls if future sampling by DOH and TPCHD indicates a possible problem. DOH will compile reports from the implementing agencies. DOH and TPCHD will coordinate the monitoring schedule and Quality Assurance/Quality Control.

Burley Lagoon Shellfish Closure Response Objectives	ESTIMATED TIMELINE	STATUS	WHO	COMMENTS
Objective 1: Establish Coordinated Response Program				
Task 1.1: Set up Closure Response Team	Feb	Done	DOH	This activity is an intrinsic aspect of the DOH Restoration Program.
Task 1.2 Identify lead agencies for short term	March	Done	PSAT for strategy	
Task 1.3 Develop Strategy	May 1	Draft April	PSAT in coordination with team	
Task 1.4 Agency coordination	Ongoing	Ongoing	PSAT lead for now	
Task 1.5 Identify lead agency for long term strategy	June	Done	TPCHD, PCWP, KCSSWM	Ordinances establishing shellfish protection district and protection Plan to be coordinated between counties
Objective 2: Establish and Implement Watershed Protection District and Program				
Task 2.1 Research options for creating joint district	April - June	Done	Pierce County Kitsap County	KC Staff is coordinating with Pierce County to create a joint "watershed protection district".
Task 2.2 Establish districts	May-Aug 28	Currently being developed	Pierce County Kitsap County	KC Staff is coordinating with Pierce County to create a joint "watershed protection district".
Task 2.3 Establish shellfish response and protection program	May - August 28	Shellfish closure response strategy will be the program	Pierce County and Kitsap County Team	
Task 2.4 Dedicate staff to Burley Watershed	To be determined	To be developed	Kitsap and Pierce counties, BKCHD, TPCHD, Kitsap and Pierce conservation districts	
Task 2.5 Establish/Support Burley Lagoon Watershed District Team and continue interagency coordination	Summer 1999 ongoing	Will meet monthly in 1999	All parties, led by Pierce and Kitsap Counties	Burley Lagoon Watershed District Team (BLWDT) will evolve from shellfish closure response team.
Task 2.6 Support and implement relevant sections of Key Peninsula, Gig Harbor and Island watershed plan	Ongoing	Draft issued July 13, 1999, public hearing August 11	All parties	Watershed Plan referenced in the Ordinances; BLWDT will coordinate on implementing relevant action items.
Task 2.7 Review and ensure consistency with the Burley Lagoon shellfish protection program for land and water regulations and programs eg CAO, SMP, ESA, stormwater etc.	Ongoing	To be determined	All parties	
Objective 3: Identify Pollution Sources				
Task 3.1: Dye test shoreline residences (first tier) and evaluate 2 nd tier if evidence – Pierce	May 1999 - May 2000	In development	TPCHD	

Task 3.2 Inspect and evaluate land parcels in Kitsap part of watershed for fecal coliform contamination	November 1998 until open	In progress	BKCHD	Under Pollution Identification and Control Program (PIC Program).
Task 3.3 Inventory small farms in Kitsap part of watershed	June 98 until open		Kitsap CD	New farms picked up under PIC program
Task 3.4 Inventory small farms in Pierce part of watershed	March 1999	Done	Pierce CD	
Task 3.7 Identify other sources eg wildlife			DOH TPCHD BKCHD	This task is an aspect of monthly monitoring. This task will be accomplished primarily through the water quality sampling efforts and sanitary surveys efforts detailed above. under task 3.2
Objective 4: Control On-Site Sewage Sources				
Task 4.1: Enforce the correction of failing OSS pursuant to local regulations in Kitsap	ongoing	In progress	BKCHD	Part of Task 3.2 - add'n \$60,000 from grants to implement repairs
Task 4.2 Enforce the correction of failing OSS pursuant to local regulations in Pierce	ongoing	in progress	TPCHD	This budget is based upon the assumption that eight on-site sewage system failures will be identified. The actual budget will vary depending on the number of failures found.
Task 4.3 Provide financial assistance with OSS repairs/design/installation in Pierce	May 98 - June 2000	in progress	TPCHD	70% repair costs for 6-8 failing systems
Objective 5: Correct Agricultural Sources				
Task 5.1: Provide technical assistance with farm plans, BMP design, implementation and O&M of BMPs in Kitsap	ongoing	ongoing	Kitsap CD	
Task 5.2 Provide technical assistance with farm plans, BMP design, implementation and O&M of BMPs in Pierce	ongoing	In progress	Pierce CD	Need new funds to keep going
Task 5.3 Enforce the correction of animal waste pollution sources pursuant to local regulations in Kitsap county	ongoing	in progress	BKCHD	Part of Task 3.2
Task 5.4 Refer small farm WQ violations to CD and enforce as needed	ongoing		Ecology	
Objective 6: Control Stormwater Sources				
Task 6.1: Install BMPs as warranted and where feasible to control sources of fecal contamination	ongoing		PCSSWM KCSSWM	As projects are identified, they will be evaluated for funding along with other projects within the Burley-Minter Watershed. No dedicated funds are set aside exclusively for Burley Lagoon projects. KC SSWM will create a GIS map of and inspect all stormwater systems in the watershed. Any need for

				BMP's will be noted, and may be required of property owners, depending on the specific situation
Task 6.2 Construct stormwater systems to reduce identified contamination	ongoing		PCSWM KCSSWM	see comment for task 6.1 Potential projects will be identified through the inspection and the monitoring programs. They will then be evaluated for inclusion in KC's Capital Improvement Plan, using the Priority Rating System which includes a bias favoring corrective actions in target watersheds such as the Burley Lagoon Watershed.
Objective 7: Educate and Involve				
Task 7.1 Provide technical assistance and education to homeowners on OSS systems	ongoing	in progress	BKCHD	Part of task 3.2
Task 7.2 Provide technical assistance and education to homeowners on OSS systems during surveys and dye tests	ongoing	in progress	TPCHD	
Task 7.3 Educate small farm owners on BMPs	ongoing		Kitsap CD	
Task 7.4 Educate small farm owners on BMPs during technical assistance or farm planning process	ongoing		Pierce CD	
Task 7.5 Conduct OSS workshops for homeowners	ongoing	Future schedule to be determined	Sea Grant, BKCHD, TPCHD	
Task 7.6 Conduct small farm and realtor workshops	ongoing	Future schedule to be determined	Kitsap CD	
Task 7.7 Conduct 1 small farm workshop	April 22	completed	Pierce CD	Over 40 attended
Task 7.8 Inform public about Burley Lagoon shellfish protection program and progress through targeted media releases and newsletter	ongoing	Pierce County Speaks in March, Soundwaves and other articles	All parties	Sea Grant will produce newsletter, all parties will coordinate on releases
Task 7.9 Promote watershed education programs in schools	Ongoing	To be determined	All parties	
Task 7.10 Expand Adopt-a-Beach program	To be determined	To be determined	Pierce County, homeowners	
Task 7.11 Educate employees of shellfish growers	September 1999		PCSGA	
Objective 8: Establish Coordinated				
Task 8.1: Monitor Pierce County shoreline	May 1999- May 2000	in development	TPCHD	
Task 8.2 Monitor Marine Waters shoreline	ongoing	in progress	DOH	
Task 8.3 Monitor Kitsap County	Nov 98 until	ongoing	BKCHD	Part of overall Kitsap County Monitoring Program

streams	open			
Task 8.4 Monitor stormwater inflows during storm events	ongoing	identified 13 sites	PCWP	Monitoring plan will established based on identified need
Task 8.5 Evaluate data, track trends	periodically	ongoing	DOH, BKCHD, TPCHD	Part of overall Kitsap County Monitoring Program
Task 8.6 Compile reports from implementing agencies			DOH	
Task 8.7 Coordinate monitoring schedule/QA and QC	May and June	in development	DOH TPCHD	

99-84

COUNTY COUNCIL

AFFIDAVIT OF PUBLICATION

State of Washington, County of Pierce, ss: Shannon Hirska, being first 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 Eighth day of September, 1999 and last publication was on the Eighth day of September, 1999 and that such newspaper was regularly distributed to its subscribers during all of said periods.

Shannon Hirska

Signature Shannon Hirska

Subscribed and sworn to before me this 30 day of Sept 1999.

Joanne E. Hurd

Notary Public in and for the State of Washington, residing in Pierce County.
Joanne E. Hurd
Commission Expires April 20, 2002



NOTICE OF ADOPTION OF PIERCE COUNTY ORDINANCE NO. 99-84

NOTICE IS HEREBY GIVEN THAT ORDINANCE NO. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTING DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT, HAS BEEN ADOPTED. If you have any questions about this ordinance, please call Gerri Rainwater, CMC/AE, Clerk of the council, at 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. 99-84 was passed by the Pierce County Council on August 10, 1999, signed by the Executive on August 23, 1999, and is effective September 2, 1999. Gerri Rainwater, CMC/AE Clerk of the Council Publish: September 8, 1999 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

September 2, 1999

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

Enclosed for publication in your paper, issue(s) of September 8, 1999, is the Notice of Adoption for Ordinance No. 99-84.

To receive payment, please submit an original invoice with proof of publication (an Affidavit and tearsheet), to the Office of the Pierce County Council, 930 Tacoma Avenue South, 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

encl

P.S. This request will be faxed and a hard copy mailed to you.



**NOTICE OF ADOPTION
OF PIERCE COUNTY ORDINANCE NO. 99-84**

NOTICE IS HEREBY GIVEN THAT ORDINANCE NO. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT, HAS BEEN ADOPTED.

If you have any questions about this ordinance, please call Gerri Rainwater, CMC/AAE, Clerk of the Council, at 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. 99-84 was passed by the Pierce County Council on August 10, 1999, signed by the Executive on August 23, 1999, and is effective September 2, 1999.

Gerri Rainwater, CMC/AAE
Clerk of the Council

Publish: September 8, 1999

BURLEY ORDINANCE
REVISED: July 7, 1999
N:\WPFILES\WATERSHD\BURLEY\OR
DINANCE.ML

ROUTING:
STEVE MAREK
TPCHD

BRIAN ABBOTT
PIERCE COUNTY STREAM TEAM
1011 E. MAIN, STE. 106
PUYALLUP WA 98372

KELI MCKAY-MEANS
DEPT OF ECOLOGY -SW OFFICE
P O BOX 47775
OLYMPIA WA 98504-7775

KATHY MINSCH
PSWQAT
PO BOX 40900
OLYMPIA WA 98504-0900

RICK MCNICHOLAS
KITSAP COUNTY SSWM
614 DIVISION ST., MS 26
PT. ORCHARD WA 98366

ROUTING:
RAY HANOWELL
TPCHD

JOY GARITONE
KITSAP CONSERVATION DISTRICT
817 SIDNEY AVE
PORT ORCHARD WA 98366

E. YAMASHITA
902 E. ALLISON ST.
SEATTLE, WA 98102

KEITH GROELLNER
KITSAP COUNTY HEALTH DIST
ENVIRONMENTAL HEALTH
109 AUSTIN DR
BREMERTON WA 98312

DEBORAH CORNETT
WDOE
3195 160TH SE
BELLEVUE WA 98008-5452

ROUTING:
SHAWN BUNNEY
COUNTY COUNCIL

ROUTING:
FRANK DIBIASE
TPCHD

DON LENNARTSON
DOH - SHELLFISH
PO BOX 47824
OLYMPIA WA 98504-7824

HARRIET BEALE
PSWQAT
2503 SHERMAN ST
PORT TOWNSEND, WA 98368

KERRY CARROLL
DEPARTMENT OF ECOLOGY
P.O. BOX 47775
OLYMPIA, WA 98504-7775

SHELLEY KNEIP
614 DIVISION ST
MS 53A
PORT ORCHARD WA 98366

TERRI KING
WASHINGTON SEA GRANT
UNIVERSITY OF WASHINGTON
11840 N. HWY 101
SHELTON, WA 98584

CHUCK KLEEBURK
PALS - WAS ADDED
TO DISK



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

July 21, 1999

Attn: Legal Publications
Peninsula Gateway
P.O. Box 407
Gig Harbor, WA 98335

Dear Gateway:

Enclosed for publication in your paper, issue(s) of July 28, 1999, is the Notice of Public Hearing for Proposal No. 99-84.

To receive payment, please submit an original invoice with proof of publication (a tearsheet) 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

P.S. This request will be faxed and a hard copy mailed to you.



AFFIDAVIT OF PUBLICATION
STATE OF WASHINGTON
COUNTY OF PIERCE

99-84
\$ 99.75

I, Tamara Duncan, being first duly sworn, on oath, says that she is the legal clerk of The News Tribune, a daily newspaper, published in Tacoma, Pierce County, Washington, and of general circulation in said State, and having a daily circulation of over 144,900 copies. That said newspaper is now and at all times hereinafter mentioned as a legal newspaper as defined by the laws of the state, duly approved by the Superior Court of Pierce County, Washington.

That the advertisement, of which the attached is a printed copy as it was published in the regular issue of said newspaper, was published 1 time(s), commencing on the 28th day of July 1999, and ending on the 28th day of July 1999.

The full amount for said publication was the sum of \$99.75

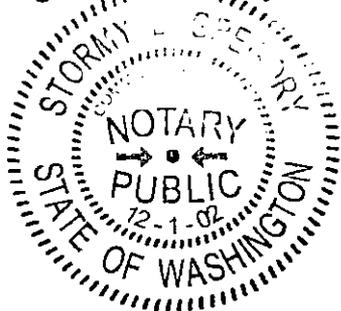
ad number T302845NT

Tamara Duncan

Subscribed to and sworn before me on this 3rd day of August 1999.

Stormy L Gregory

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



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, August 10, 1999, 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. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.
This hearing date was set by action of the Pierce County Council at its July 20, 1999, 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 Carolyn Pendle, Council Research Analyst, at (253) 798-3631 or the Council Office at (253) 798-7777.



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

July 21, 1999

The News Tribune
Attn: Legal Publications
P.O. Box 11000
Tacoma, WA 98411

Dear Teresa:

Enclosed for publication in your paper, issue(s) of July 28, 1999, is the Notice of Public Hearing for Proposal No. 99-84.

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

We are a unit of Pierce County government and are a part of the County's umbrella agreement. Submit your bill and affidavit under Account No. 650550 after publication. Please send the bills to the attention of Mardy Fairchild.

Sincerely,

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

Sandy Bassett, Deputy Clerk
Pierce County Council

Attachment

P.S. This request will be faxed and a hard copy mailed to you.



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, August 10, 1999, 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. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

This hearing date was set by action of the Pierce County Council at its July 20, 1999, 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 Carolyn Pendle, Council Research Analyst, at (253) 798-3631 or the Council Office at (253) 798-7777.

Gerri Rainwater, CMC/AAE
Clerk of the Council

Publish: July 28, 1999

AFFIDAVIT OF PUBLICATION

No. 9148

99-84
\$56.74

STATE OF WASHINGTON
COUNTY OF KITSAP

I, Rebecca J. Spieth, being first duly sworn on oath, deposes and says: That she is now, and at all times embraced in the publication herein mentioned was the principal clerk of the printers and publishers of THE SUN; that said newspaper has been approved as a legal newspaper by order of the Superior Court of the County of Kitsap, in which County it is published and is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a daily newspaper in Bremerton, Kitsap County, Washington, and is now and during all of said time, was *printed in an office maintained in the aforesaid place of publication of said newspaper*; that the following is a true text of a legal advertisement as it was published in regular issues (and not in supplement form) of said newspaper on the following dates, to wit: July 28, 1999, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$56.74, which amount has not been paid in full. ✓

Rebecca J. Spieth

(Signature of Principal Clerk)

Subscribed and sworn to before me this 13th day of September, 1999.

Dawn Blatt

Notary Public in and for the State of Washington, Kitsap County.





Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(253) 591-7777
FAX (253) 591-7509
1-800-992-2456

July 21, 1999

Attn: Legal Publications
The Bremerton Sun
P.O. Box 259
Bremerton, WA 98337

Enclosed for publication in your paper, issue(s) of July 28, 1999, is the Notice of Public Hearing for
Proposal No. 99-84.

To receive payment, please submit an original invoice with proof of publication (a tearsheet) 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,

Sandy Bassett, Deputy Clerk
Pierce County Council

Attachment

*9/1/99 Rec'd invoice
but no tearsheet.
Called Becky to req us to one.
Called again
9/13/99 tearsheet arrived.
9/28/99 SB*



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, August 10, 1999, 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. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

This hearing date was set by action of the Pierce County Council at its July 20, 1999, 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 Carolyn Pendle, Council Research Analyst, at (253) 798-3631 or the Council Office at (253) 798-7777.

Gerri Rainwater, CMC/AAE
Clerk of the Council

Publish: July 28, 1999

99-84
\$22.95

Affidavit of Publication

STATE OF WASHINGTON, }
COUNTY OF PIERCE } S.S.

JUL 29 1999

Donna Gebo being first duly sworn, an oath deposes and says that he/she is the bookkeeper of THE PENINSULA GATEWAY, 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 the publication hereinafter referred to, published in the English language continually as a weekly newspaper in Gig Harbor, Pierce County, Washington, and it is now and during all of said time was printed in an office maintained at the aforementioned place of publication of said newspaper.

That the annexed is a true copy of a P.C. Council Proposal No 99-84 as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of **One (1)** consecutive weeks, commencing on the 28th day of July, 1999, and ending on the 28th day of July, 1999, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period.

That the amount of the fee charged for the foregoing publication in the sum of **\$22.95** which amount has been paid in full, or billed, at the legal rate according to RCW,65,16.090

Donna Gebo

Subscribed to and sworn before me this
28th day of July, 1999

Donna L. Natucci
Notary Public in and for the State of Washington.

Residing at Gig Harbor

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, August 10, 1999, 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. 99-84 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT ESTABLISHING ITS BOUNDARIES ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM DESIGNATING LEAD AGENCIES AND COMMITTING PIERCE COUNTY WATER PROGRAMS SUPPORT.

This hearing date was set by action of the Pierce County Council at its July 20, 1999 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 1045, 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 Carolyn Pendle, Council Research Analyst, at (253) 798-3631 or the Council Office at (253) 798-7777.

Geri Rainwater, CMC/AAC
Clerk of the Council PC49/30



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, August 10, 1999, 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. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

This hearing date was set by action of the Pierce County Council at its July 20, 1999, 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 Carolyn Pendle, Council Research Analyst, at (253) 798-3631 or the Council Office at (253) 798-7777.

Gerri Rainwater, CMC/AAE
Clerk of the Council

Publish: July 28, 1999

COUNTY COUNCIL

AFFIDAVIT OF PUBLICATION

99-84
8/12/99

State of Washington, County of Pierce, ss: Shannon Hirska, being first 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 Twenty-eighth day of July, 1999 and last publication was on the Twenty-eighth day of July, 1999 and that such newspaper was regularly distributed to its subscribers during all of said periods.

Signature Shannon Hirska

Subscribed and sworn to before me this 16 day of Aug. 1999

Notary Public in and for the State of Washington, residing in Pierce County.
Joanne E. Hurd
Commission Expires April 20, 2002



**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, August 10, 1999, 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. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

This hearing date was set by action of the Pierce County Council at its July 20, 1999, 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 1048, 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 Carolyn Pendle, Council Research Analyst, at (253) 798-3631 or the Council Office at (253) 798-7777. Gerri Rainwater, CMC/AAC, Clerk of the Council

Publish: July 28, 1999
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

July 21, 1999

Attn: Legal Publications
The Dispatch
P.O. Box 248
Eatonville, WA 98328-0248

Enclosed for publication in your paper, issue(s) of July 28, 1999, is the Notice of Public Hearing for Proposal No. 99-84.

To receive payment, please submit an original invoice with proof of publication (a tearsheet) 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

P.S. This request will be faxed and a hard copy mailed to you.



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, August 10, 1999, 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. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

This hearing date was set by action of the Pierce County Council at its July 20, 1999, 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 Carolyn Pendle, Council Research Analyst, at (253) 798-3631 or the Council Office at (253) 798-7777.

Gerri Rainwater, CMC/AAE
Clerk of the Council

Publish: July 28, 1999

PIERCE COUNTY COUNCIL
REPORT OF STANDING COMMITTEE

K4

Date August 9, 1999

The Rules Committee of the Pierce County Council considered:

PROPOSAL NO. 99-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

THE VOTING WAS AS FOLLOWS:

- DO PASS
- DO NOT PASS
- DO PASS AS AMENDED
- POSTPONE INDEFINITELY
- DO PASS AS SUBSTITUTED
- CONTINUED
- FORWARD WITHOUT RECOMMENDATION
- CONTINUE TO A DATE CERTAIN
- REFER TO _____

Jan Shabro For Against
 Jan Shabro, Chair

Wendell Brown For Against
 Wendell Brown

Karen S. Biskey For Against
 Karen S. Biskey

Sarah Casada For Against
 Sarah Casada

Excused For Against
 Harold Moss

- Minority Report yes (attached) no
- Interested Party list: none /yes (attached) 9984.sec 20
 (IPL name) No.
- Notified of Final Hearing Date: yes no
- Attachment(s) From Meeting: none / yes (attached)
- Ordinance/Resolution Summary: yes no
- Final Version Name(s): clean f:\wpfiles\prop\
- Committee Clerk: Jenifer Schultz Jenifer Schultz
- Committee Research Analyst: _____



930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(253) 798-6696
FAX (253) 798-7509
1-800-992-2456

Jan Shabro, Chair
Karen S. Biskey, Vice Chair
Wendell Brown, Member
Sarah Casada, Member
Harold Moss, Member

August 4, 1999

**RULES COMMITTEE
PUBLIC MEETING
NOTICE**

PROPOSAL NO. 99-84 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT; ESTABLISHING ITS BOUNDARIES; ADOPTING THE BURLEY LAGOON WATERSHED PROTECTION PROGRAM; DESIGNATING LEAD AGENCIES; AND COMMITTING PIERCE COUNTY WATER PROGRAMS SUPPORT.

MEETING DATE: Monday, August 9, 1999
TIME: 2:00 p.m.
PLACE: County Council Chambers, Room 1045
County-City Building
930 Tacoma Avenue South
Tacoma, Washington 98402-2176
CONTACT: Jenifer Schultz, County Council 798-6696

You are encouraged to attend this public hearing. You may present any oral or written comments you have regarding this matter. In addition, you may mail any written comments to the address above.

The full Council will hear **Proposal No. 99-84 on Tuesday, August 10, 1999**, and at that time the Council may take final action. Public participation is encouraged at the full Council hearing as well.



Proposal No. 99-84

ROUTE TO:
Chuck Kleeberg, Director
Planning and Land Services Dept.
Annex

ROUTE TO:
Roy Huberd
Water Programs
Public Works & Utilities

ROUTE TO:
John Trent, Director
Public Works & Utilities
Annex

ROUTE TO:
Steve Merek
TPCHD

ROUTE TO:
Ray Hanowell
TPCHD

ROUTE TO:
Frank Dibiase
TPCHD

ROUTE TO:
Shawn Bunney
Council Office
Rm 1046m CC Bldg.

Brain Abbott
Pierce County Stream Team
1011 Main, Ste 106
Puyallup, WA 98372

Keli McKay-Means
Dept of Ecology-SW Office
P.O. Box 47775
Olympia, WA 98504-7775

Kathy Minsch
PSWQAT
P.O. Box 40900
Olympia, WA 98504-0900

Rich McNicholas
Kitsap County SSWM
614 Division Street, MS 26
Port Orchard, WA 98366

Joy Garitone
Kitsap Conservation Dist
817 Sidney Avenue
Port Orchard, WA 98366

E. Yamashita
902 E Allison Street
Seattle, WA 98102

Keith Groellner
Kitsap County Health Dept
Environmental Health
109 Austin Drive
Bremerton, WA 98312
Harriet Beale
PSWQAT
2503 Sherman Street
Port Townsend, WA 98368

Deborah Cornett
WDOE
3195 160th SE
Bellevue, WA 98008-5452

Don Lennartson
DOH-Shellfish
P.O. Box 47824
Olympia, WA 98504-7824

Kerry Carroll
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Shelley Kneip
614 Division Street, MS53A
Port Orchard, WA 98366

Terry King
Washington Sea Grant
University of Washington
11840 N Hwy 101
Shelton, WA 98584

From: Barbara Schatz
To: Gerri Rainwater
Date: Tue, Jul 27, 1999 10:26 AM
Subject: Power Point Presentation

FYI

I took a reservation for a Power Point Presentation (relating to Water Programs) to be done at the August 10, Council Meeting.

CC: Denise Johnson

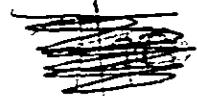
(44-84)

Ann Rees
6163

Roy H

7/20 Agenda file

9984



June 30, 1999

Karen would like a hearing date, etc. set for the Burley Lagoon Watershed Protection District Proposal.

The proposal should come to us between July 2 and 9. If it's not here by July 9, tell Karen, Betty, and/or Shawn. It will be coming from SWM through the Exec's Office. Barbara Ann Smolk PW&U (x6156) is the contact.

Karen would like it on the July 20 Council Agenda for referral to Rules and a final date of hearing set for August 10. Karen would like it heard in Rules on August 9.

Sandy

See Shawn Bunnery
e-mail attached. It has
a title if we
need it.
Sandy

c: file 7/20
Jennifer

From: Shawn Bunney
To: Barbara Ann Smolko, Harold Smelt, Ray Hanowell
Subject: Burley Lagoon

Upon taking a look at the ordinance I have another change. (sorry) Since the passage of the Rocky Bay ordinance we have put greater emphasis on having Ordinance titles which reflect every section of the Ordinance. Would you please incorporate this title into the ordinance. Thanks.

Please Change Title to Read:

AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT, ESTABLISHING ITS BOUNDARIES, ADOPTING A WATERSHED PROTECTION PROGRAM, DESIGNATING LEAD AGENCIES, AND COMMITTING PIERCE COUNTY WATER PROGRAMS' SUPPORT.

Also, we have set up new dates for hearing this ordinance when Karen can be present. We need the transmitted copy from the Executive no later than July 9th. It will be put into the Council Agenda for introduction at Rules Committee on Monday, July 12 for Introduction on July 20th. A final hearing date will also be set for August 10th with a hearing in Rules on the 9th.

CC: Betty Ringlee, Sandy Bassett

**Proposed
Burley Lagoon
Watershed Protection
District and Program**



History of Burley Lagoon Water Quality

- "Approved" Commercial Shellfish Growing Area until summer of 1981
- Downgraded to "Restricted" in October, 1981
- Upgraded to "Conditionally Approved" in October, 1993
- Downgraded to "Restricted" in February, 1999

NO. 125 (1/2000) ...
Department of ...

Classification System

* ...

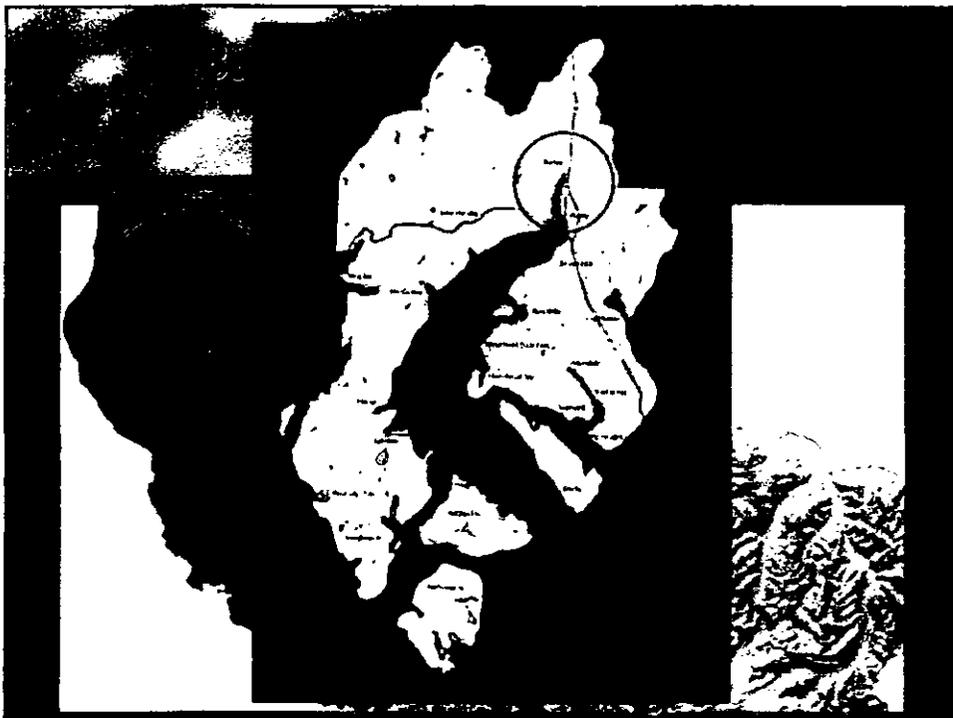
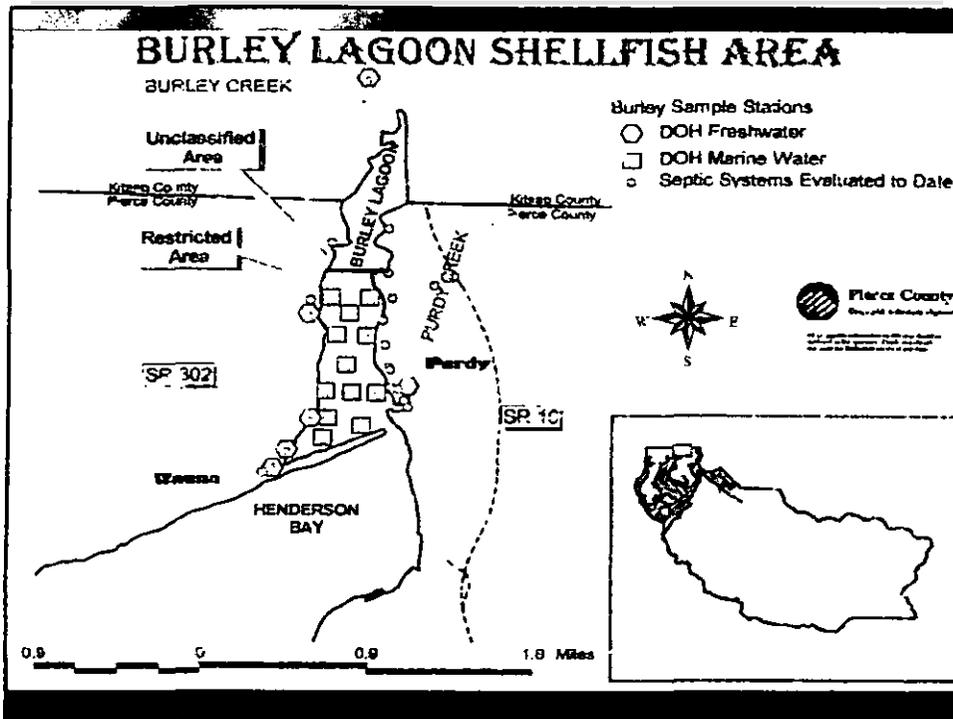
Early Lagoon Classification

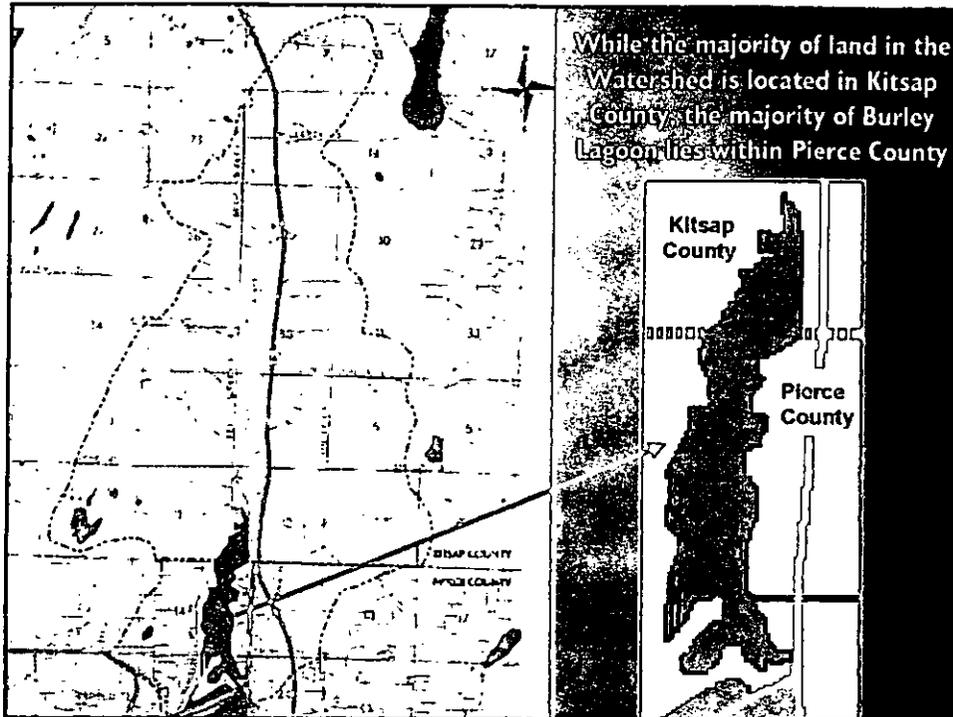
State ...
Washington ...

- Shellfish District

- Shellfish Protection Program

- 180 Days to Act





While the majority of land in the Watershed is located in Kitsap County, the majority of Burley Lagoon lies within Pierce County

Description - Burley Lagoon Watershed

- x 10,000 acres located on the Key Peninsula in both Pierce and Kitsap Counties
- x Mostly wooded; 2nd and 3rd growth
- x Burley Lagoon is a relatively shallow, slowly-circulating water body
- x Purdy & Burley Creeks flow into the Lagoon

Watershed
Action

OBJECTIVE 1: Establish a Response Program
**OBJECTIVE 2: Establish & Implement Watershed
Protection District & Program**

OBJECTIVE 3: Control Agricultural Sources

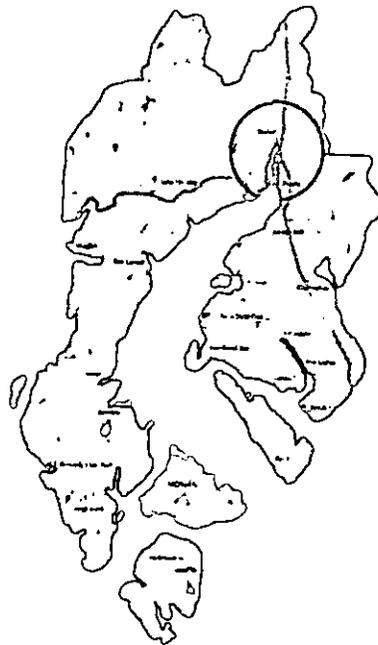
OBJECTIVE 4: Control Agricultural Sources
OBJECTIVE 6: Control Stormwater Sources

OBJECTIVE 7: Educate & Involve Public

OBJECTIVE 8: Establish a Monitoring & Evaluation
Program

Watershed
Picture

- Long-Term Solutions
- Strategies
- Actions



**KEY PENINSULA
GIG HARBOR
ISLANDS**

**Watershed Characterization
&
Action Plan**

Public Review Draft - July, 1999



A Water Quality Plan for Reducing Non-Point Pollution
Prepared by: The City of Gig Harbor, Pierce County, Washington
Sponsored by: Pierce County Water, Wastewater, and Solid Waste
Prepared by: Pierce County Water, Wastewater, and Solid Waste
P.O. Box 10000, Tacoma, WA 98402
(253) 798-2725

The purpose of the
Red Action Plan
is to protect beneficial use of
water by improving water quality.

The Plan was developed cooperatively
by citizens and staff to address
water pollution concerns such as:

- ✓ Agriculture
- ✓ Boats & Marinas
- ✓ Industry
- ✓ Septic Systems
- ✓ Stormwater
- ✓ Construction
- ✓ Household Hazardous
Waste
- ✓ Forestry
- ✓ Water Conservation
- ✓ Enforcement
- ✓ Habitat
- ✓ Education

**Proposed
Burley Lagoon
Watershed Protection
District and Program**

"Protecting and Ensuring our Quality of Life"

For further information, contact
Pierce County Water Programs (253) 798-2725
Tacoma-Pierce County Health Dept (253) 798-6470



PROPOSED ORDINANCE OR RESOLUTION DATA SHEET

TO BE NUMBERED BY THE CLERK OF THE COUNCIL

Proposal NO. 99-84

INSTRUCTIONS: Direct questions to Gerri Rainwater, Clerk of the Council, at 591-7777. Proposed ordinances and resolutions must be submitted to the Clerk of the Council, Room 1046 County-City Building, by the established deadline.

1. DATE PREPARED: 7/2/99
2. EXECUTIVE'S SIGNATURE: [Signature]
3. PRIME SPONSOR, (COUNCILMEMBER SIGNATURE): KB by BR
4. DATE RECEIVED IN COUNCIL CLERK'S OFFICE: 7/9/99
5. REQUESTING DEPARTMENT: Public Works & Utilities/Water Programs
6. DEPARTMENT HEAD'S SIGNATURE: [Signature] PHONE #: 7.8.99
7. DRAFTED BY (NAME & DEPARTMENT): Roy Huberd, Water Programs PHONE #: 798-6793

8. ORDINANCE [X] RESOLUTION []
9. EFFECTIVE DATE DESIRED 8/27/99 (Council Hearing on 8/10/99)

10. TITLE OF ORDINANCE OR RESOLUTION: AN ORDINANCE OF THE PIERCE COUNTY COUNCIL JOINTLY CREATING THE BURLEY LAGOON WATERSHED PROTECTION DISTRICT, ESTABLISHING ITS BOUNDARIES, ADOPTING A WATERSHED PROTECTION PROGRAM, DESIGNATING LEAD AGENCIES, AND, COMMITTING PIERCE COUNTY WATER PROGRAMS SUPPORT.

11. LIST ANY SPECIAL ADVERTISING OR POSTING REQUIREMENTS INVOLVED IN PROCESSING THIS ORDINANCE/RESOLUTION: PLEASE ADVERTISE IN THE PENINSULA GATEWAY, TACOMA NEWS TRIBUNE, THE DISPATCH, AND THE BREMERTON SUN. N/A []

12. CODE STATUS:
1) SHOULD NOT BE CODIFIED [X] 2) SHOULD BE PLACED IN PIERCE COUNTY CODE AS CHAPTER/SECTION N/A
3) AMENDS (Code, Ordinance & Resolution Numbers)
4) REPEALS (Code, Ordinance & Resolution Numbers)

13. EXPLAIN THE INTENT OF THIS LEGISLATION
TO CREATE A SHELLFISH/WATERSHED PROTECTION DISTRICT FOR BURLEY LAGOON WHICH WILL FACILITATE IMPROVED WATER QUALITY AND RESULT IN AN UPGRADE OF THE SHELLFISH BEDS IN THE LAGOON. ALSO, TO COMPLY WITH RCW 90.72.040.

14. SOURCE DOCUMENTS: LIST ALL MATERIALS INCLUDED AS BACKUP INFORMATION
A BURLEY LAGOON SHELLFISH CLOSURE RESPONSE STRATEGY AND PROTECTION PROGRAM - Exh B N/A []
B BURLEY LAGOON SHELLFISH CLOSURE OBJECTIVES MATRIX
C RCW 90.72.040
D G H

15. FISCAL IMPACT:
A. TOTAL COST OF LEGISLATION FOR CURRENT FISCAL YEAR: COUNTY \$ ND FEDERAL \$ 0 STATE \$ 0
B. ESTIMATED COST OF LEGISLATION IN FUTURE YEARS: COUNTY \$ ND FEDERAL \$ 0 STATE \$ 0
C. COSTS INVOLVED ARE FOR: STAFF TIME TO ORGANIZE AND ATTEND MEETINGS AND WATER QUALITY SAMPLING BY WATER PROGRAMS TECHNICIANS
D. ESTIMATED INCREASE IN REVENUE AS RESULT OF LEGISLATION FOR CURRENT YEAR: Undetermined at this time.
E. ESTIMATED INCREASE IN REVENUE AS RESULT OF LEGISLATION IN FUTURE YEARS: Undetermined at this time.
F. SOURCE(S) OF REVENUE: Undetermined at this time.
THIS LEGISLATION HAS NO FISCAL IMPACT []

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