

Ecology fines two livestock owners \$14,000 each

Ranchers say they're working to correct problems

By **WHITNEY PIPKIN**
Staff Writer

The state Department of Ecology fined two Skagit County property owners \$14,000 apiece for allowing their livestock to pollute waterways flowing into the Samish River.

The fines are the second and third that have been levied by the department against livestock owners over the past three years. Ecology is one of about 20 agencies involved in the Clean Samish Initiative and often acts as the regulatory arm of the effort to remove sources of fecal coliform pollution entering the Samish Bay.

Both livestock owners currently are working with the Skagit Conservation District to correct pollution problems on their land — but Ecology officials say it's too little too late.

"What we are after is compliance, not penalties. Penalties are a last resort," said Richard Grout, Ecology's Bellingham Field

Office manager.

The penalties issued last week went to a small-scale cattle rancher near Alger and to Rockin R Ranch, which raises bison in Bow. Ecology has been working for more than a year to correct problems at both farms, where an inspector found rainwater that contacts manure flowing directly into ditches and tributaries to the Samish River.

Mark Blackwood, who's in his 70s and semi-retired from his business of raising dairy cows for nearby farms, was one of the farmers who was fined. He said he thinks the fine is unwarranted. While he refuses to cooperate or communicate with Ecology, he said he has been working with the Conservation District to establish best management practices at his farm.

"I don't work with Ecology. I just don't get along with them," Blackwood said Monday.

Ecology said his farm contains a concrete slab and hillside partially covered in

manure-contaminated mud that ends up draining into Wear Creek, a tributary of the Samish River. Ecology's inspector made his first visit to the farm in February 2010 and issued multiple warnings and a final order before the fine.

A sample of water draining from the farm contained 7,500 times the state's clean water standard for fecal coliform bacteria, the department said.

Conservation District Manager Carolyn Kelly confirmed that her agency is working on plans with both livestock owners who received the fines. The district has helped more than 50 landowners voluntarily develop manure management plans in recent years, sometimes with the help of grants.

"We're nonregulatory, and we work voluntarily with people. Ecology has a different mandate," Kelly said.

Rick Clark, the owner of Rockin R Ranch, could not

be reached by phone Monday, but he did comment on the fines in a statement to Ecology.

"We have been working with the conservation district on the phone and on the property, but it's a really challenging property, and we're not there yet," Clark said in the statement.

Located along Chuckanut Drive, Ecology said the Clark property contained a large manure-contaminated muddy area that drains into a ditch and into the North Edison Slough with rainwater. Ecology's inspector first visited the property in May 2009 and referred the owner to the Conservation District. A year later, no progress had been made, and fecal coliform counts were still eight times what the state allows.

Grout said the bison owner did not contact the Conservation District until Oct. 17 of this year to work on a management plan.

"We have tried to be really patient and work with both of them, but we reach a point where we have to say, 'This isn't working,'" Grout

said.

Ecology and other agencies involved in Clean Samish are working under a tight deadline. Gov. Chris Gregoire sounded off on the cleanup effort in March and said she'd like to see some tangible progress by 2012.

If the Samish Bay is not closed to shellfish harvesting for too-high fecal coliform counts between March and June, it could be upgraded by the state Department of Health. The bay is currently considered "conditionally approved" — which results in automatic closures after heavy rains — and would return to "approved" status for shellfish harvesting.

The governor announced Friday that the Skagit County Health Department has received a \$480,000 grant to fund more staff and resources to remedy sources of pollution, such as on-site sewage or livestock, over the next three years.

■ Whitney Pipkin can be reached at 360-416-2112 or wpipkin@skagitpublishing.com. Follow her on Twitter at www.twitter.com/biz_svh.