

**APPENDIX E: NEHALEM BAY MANAGEMENT PLAN FOR
COMMERCIAL SHELLFISH HARVEST**

OREGON DEPARTMENT OF AGRICULTURE
NEHALEM BAY MANAGEMENT PLAN
FOR COMMERCIAL SHELLFISH HARVESTING
Interim for Intra-state **ONLY**, November 1998

I. **Classification of Shellfish Growing Areas in Nehalem Bay**
(see attached map)

- A. All growing waters lying south of a line drawn from the boat ramp at Nehalem Bay State Park east to Fishery Point are classified as "Conditionally Approved" and designated the "Main Bay".
- B. All waters lying to the north and east of the line described above are classified as "Prohibited".
- C. All commercial harvesting of shellfish from these waters shall be conducted in accordance with this management plan.

II. **Nehalem Bay Closures for Predictable Conditions**

To comply with US Food and Drug Administration standards for shellfish growing waters Nehalem Bay will be closed when conditions can be predicted to cause fecal coliform counts to exceed the standard in shellfish growing areas. Nehalem Bay will be temporarily closed under the following conditions:

- A. When the Nehalem River gauge rises to 6 feet (or 3610 cubic feet per second, cfs), the area designated "Main Bay" shall be closed.

The National Weather Service provides weather information 24 hours a day on FM 162.55. Repeated reports give a 3-day forecast for Western Oregon rivers including the Wilson River. Oregon river information is also available at 1-503-249-0666 or on the National Weather Service Hydrology web page.

III. **Nehalem Bay Closures Due to Sewage Spills, Toxic Material Spills, Marine Biotoxins or Catastrophic Events**

DEQ of Agriculture is the State agency responsible for closing the bay to the commercial industry and advising recreational shellfish harvesters. Oregon Department of Fish and Wildlife administrative rules require the closure of recreational shellfishing whenever a state agency issues a health advisory. Bay closure procedures will be initiated when any one of the following conditions occur:

- A. When a sewage spill of such magnitude to affect water quality and shellfish operations occurs, DEQ will close the bay to commercial shellfish harvesting and will provide notice to recreational harvesters.
- B. If there is a toxic material spill or contamination of a magnitude to affect shellfish or growing waters, DEQ will close the growing area to commercial harvesting of shellfish and provide notice to recreational harvesters.
- C. When flooding occurs which impairs the adequate treatment of sewage from subsurface sewage treatment systems on the bay, the bay shall be closed.
- D. When marine biotoxins in the edible portion of shellfish are determined to be near or above the alert levels established by the US Food and Drug Administration (FDA) DEQ will close the growing area to affected commercial shellfishing and notify

recreational shellfish harvesters.

IV. **Closure Notification of Commercial Shellfish Dealers**

- A. DEQ shall notify all commercial shellfish dealers operating in the area by telephone when the shellfish growing area is closed for a predictable (see II.) or non-predictable reason (see III.). Written notice will be sent to certified commercial shellfish growers, harvesters and dealers who have designated Nehalem Bay as an area where they harvest or buy product.
- B. All commercial shellfish harvesting of the shellfish growing area shall cease during closures. Any shellfish harvested during a closure shall be considered unfit for human food and shall be embargoed according to Oregon Revised Statutes (ORS) 622.
- C. Certified dealers who have not informed DEQ of their activity in a managed shellfish area and are therefore not contacted during closures may be subject to enforcement action if they harvest shellfish for human consumption during a commercial closure.

V. **Length of Closures for Nehalem Bay**

- A. The length of closure for sewage, toxic materials spills, or flood events (see III.) is variable and will consider the time needed for water conditions to return within shellfish growing water standards based on such factors as: the volume of sewage or toxic material spilled; the location of the spill; tides; and rainfall. Water quality sample results may be used to determine if standards are met.
- B. The length of closure for marine biotoxin contamination of shellfish is variable and will be based on testing and whether toxin levels have dropped below alert levels.
- C. The length of closure for predictable conditions (see II.) under the Nehalem Bay Management plan will be based on water quality and shellfish meat samples taken after such a condition occurs. Nehalem Bay will be closed a minimum of 5 days, or 10 high tides after a river stage closure.

VI. **Reopening the Nehalem Bay Following Closure**

- A. Reopening of the shellfish growing areas for any closure initiated under this plan is the responsibility of DEQ. DEQ will notify each of the following 1) state agencies; 2) local agencies; 3) commercial shellfish dealers and 4) local media (if applicable) when the shellfish growing areas are reopened. Written confirmation shall be sent.

VII. **Authority for Nehalem Bay Management Plan**

- A. ORS 622 States DEQ shall have authority to insure the sanitary production of shellfish. Oregon Administrative Rule's (OAR's) for shellfish sanitation give DEQ the authority to classify and close commercial shellfish growing waters to the direct harvest of commercial shellfish when growing water quality exceeds the acceptable standards. This plan sets out a procedure to be followed by DEQ and the certified shellfish dealers when the growing area water quality exceeds those standards.
- B. Any certified shellfish dealer who fails to follow the procedures of this plan shall be considered to have violated the above OAR's and will be subject to the penalties set forth in ORS 622.992.

VIII. **Modifications to the Nehalem Bay Management Plan**

- A. Modifications to this plan may be presented to the Tillamook County Bay Sanitation Technical Advisory Committee or DEQ by any party to the plan. Such proposals shall be reviewed by DEQ and the local Task Force and shall be forwarded to DEQ with a recommendation from the Task Force. DEQ shall have final authority over such recommendation. Contested issues shall be resolved according to ORS 183.
- B. Identification and corrections of pollution sources or change in shellfish growing water quality trends in the further sanitary survey of the Nehalem Bay may lead to modifications of this plan.

IX. **Nehalem Bay Notification List**

- A. When predictable closure conditions of the type written in this commercial shellfish management plan (see II.) the Shellfish Program Specialist shall implement the plan actions and immediately notify:

- 1. State & Federal Agencies See List A.
- 2. Local agencies See List B.
- 3. Commercial shellfish dealers designating
Nehalem Bay as an area of operation See certified dealers list C

- B. When a non-predictable closure condition occurs of the type described in this management plan (see III.) the shellfish Program Specialist shall notify appropriate management personnel and provide a recommendation whether or not the event is significant enough to impact the shellfish or the growing area.

If the event is determined to have an adverse effect on the shellfish, thus posing a potential health hazard to commercial shellfish consumers and recreational harvesters the Shellfish Sanitation Specialist may develop a press release.

- C. DEQ will maintain the phone numbers and addresses for the above lists. The Shellfish Program Specialist and designated alternate personnel will have the list available on a 24 hour basis for emergency notification.