

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

**Jon Hutchings
Director**



NATURAL RESOURCES

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MEMORANDUM

TO: The Honorable Jack Louws, County Executive
The Honorable County Councilmembers

THROUGH: Jon Hutchings, Public Works Director *JH*

FROM: Gary Stoyka, Natural Resources Manager *GS*
Erika Douglas, Senior Planner *ED*

DATE: November 11, 2018

RE: 2018 Shellfish Protection District Ordinance

Requested Action

Enclosed for your review and approval is an ordinance amending Whatcom County Code 16.20 Whatcom County Shellfish Protection Districts.

Background and Purpose

The current sunset date for the three Shellfish Protection Districts (Drayton Harbor, Portage Bay, and Birch Bay) is December 31, 2018. It is necessary to continue the work of these districts as we still have not achieved adequate improvements in water quality in Drayton Harbor and Portage Bay to achieve a complete upgrade of these shellfish growing areas and long-term commitment to water quality protection is needed to continue the Approved status in Birch Bay. The ordinance would also dissolve the Birch Bay Shellfish Protection District Advisory Committee and assign shellfish protection advisory duties to the Birch Bay Watershed and Aquatic Resources Management (BBWARM) District Advisory Committee, an existing committee with overlapping duties.

RCW 90.72 requires the legislative authority of a county to create a shellfish protection district within 180 days of the State Department of Health closing or downgrading a shellfish growing area due to the degradation of water quality from ongoing non-point source pollution. The regulations also require that a shellfish protection program be developed to identify and address the causes of the pollution.

The Whatcom County Council created a shellfish protection district for Drayton Harbor in July 1995, for Portage Bay in March 1998, and for Birch Bay in May 2009. These actions were required as a result of closures and downgrades in these areas due to pollution. Advisory committees were formed for all districts to assist the Council, by helping to identify and address the various pollution sources that could be affecting the shellfish growing areas. Shellfish recovery plans have been created and are being implemented for each of the districts.

Please contact Erika Douglas at extension 6294 or Gary Stoyka at 6218 if you have any questions.

Encl.