



April 19, 2021

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Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225

WHATCOM COUNTY
COUNCIL

Re: Proposed No Shooting Zones in “Drayton Harbor”
and “Dearborn”

To the Whatcom County Council:

By way of introduction, the **Washington Waterfowl Association (WWA)** is a conservation and hunters’ rights, nonprofit corporation, first organized in 1945, that promotes waterfowl habitat conservation and waterfowl hunting all within the State of Washington. **WWA** supports the right to own, possess and bear arms in pursuit of the harvest of that waterfowl resource – this all under the provisions of the **Second Amendment** of the **U.S. Constitution** and the even more protective **Article I, Section 24**, of the **Washington State Constitution**. **WWA** is committed to protecting habitat and conserving our outdoor heritage for future generations.

1. See RCW 9.41.290 -- **State Preemption.**

*“The state of Washington hereby **fully occupies and preempts the entire field of firearms regulation** within the boundaries of the state, including... the discharge... of firearms... **Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW 9.41.300, and are consistent with this chapter... Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.**” [Emphasis Added].*

2. RCW 9.41.300(2)(a) – Safety Reasons Only, defined as:

“Cities, towns, counties, and other municipalities may enact laws and ordinances:

- (a) *Restricting the discharge of firearms in any portion of their respective jurisdictions **where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized.**”*
[Emphasis Added].

For a governmental entity to cause closures of these recreational areas because **“they may become annexed”** by any municipality -- such as the **City of Blaine** in the instant case -- is **NOT a reasonable safety reason** to justify a proposed no shooting ordinance under current Washington State law (RCW 9.41.300) where specific violations do not demonstrate any safety issue.

A **“maybe by chance”** situation also does **NOT** translate into a **reasonable safety reason** to justify a No Shooting Zone. A **reasonable likelihood** of a safety issue requires more than mere speculation. It requires at a minimum negligent shooting violations that have been:

- reported;
- investigated and confirmed; and
- on record;

with the **Whatcom County Sherriff’s Department** and/or the **Washington Department of Fish and Wildlife (WDFW)**.

3. Noise Is NOT Enough

Enforcement reports from the above entities have shown **NO** responses and **NO** safety issues, but mostly a lot of **“I (or We) heard gun shots.”** Again, a proposed no shooting zone must be justified by **“safety issues”** and not mere **“noise issues.”**

Indeed Washington state law **specifically EXEMPTS noise** “created by the discharge of firearms in the course of hunting” as a reason for creating a no-shooting zone.

[See WA Administrative Code (WAC 173-60-50(3)(j)) [Emphasis Added].

4. Discrimination Bordering on Racism

Finally the proposed no-shooting ordinance[s] purport to “carve out” an exemption to the ordinance for **Native Americans** in the following language:

“Be It FINALLY ORDAINED that Tribal members exercising treaty rights to hunt on traditional hunting grounds that are open and unclaimed are not subject to this ordinance.”

Ignoring for a moment (1) the blatant violation of the Constitutional principle of **“Equal Protection Under the Law,”** and (2) the possible racist aspect of this “carve out,” this purported exemption provides no **“safety”** nor **“noise abatement”** to area residents. The universal truth is – it is either safe or unsafe to allow the shooting of firearms within **“Drayton Harbor”** and **“Dearborn.”** Any safety issues as specifically mandated by **RCW 9.41.300 CAN NOT** be made contingent upon **WHO** is doing that shooting!

Summary

The **Washington Waterfowl Association** requests that the **Whatcom County Council VOTE NO** on the proposed **Drayton Harbor** and **Dearborn** No Shooting Ordinances for the multiple reasons set forth in this letter.

Respectfully,

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