

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING WHATCOM COUNTY CODE 16.20 WHATCOM COUNTY SHELLFISH PROTECTION DISTRICTS**

**WHEREAS**, RCW 90.72.045 requires the county legislative authority to create a shellfish protection district within one hundred eighty days after the Washington State Department of Health downgrades a shellfish growing area due to water quality degradation from ongoing nonpoint sources of pollution; and

**WHEREAS**, on July 18, 1995, the Whatcom County Council adopted Ordinance 95-036, creating the Drayton Harbor Shellfish Protection District due to shellfish growing area downgrades; and

**WHEREAS**, on March 24, 1998, the Whatcom County Council amended the Whatcom County Code Chapter 16.20 to create the Portage Bay Shellfish Protection District due to shellfish growing area downgrades; and

**WHEREAS**, on March 13, 2007, The Whatcom County Council adopted Ordinance 2007-019 establishing the Birch Bay Watershed and Aquatic Resources Management District as a stormwater management area; and

**WHEREAS**, on May 26, 2009, the Whatcom County Council adopted Ordinance 2009-042, creating the Birch Bay Shellfish Protection District due to shellfish growing area downgrades; and

**WHEREAS**, extensive efforts in the Drayton Harbor, Portage Bay, and Birch Bay Shellfish Protection Districts have been made to eliminate or reduce bacteria nonpoint pollution that affects the shellfish beds through improved partnerships, cooperative efforts, and increased community involvement; and

**WHEREAS**, on January 16, 2018, the Washington State Department of Health upgraded 129 acres of shellfish beds in Birch Bay from Prohibited to Approved, removing the downgrade that required the creation of the Birch Bay Shellfish Protection District; and

**WHEREAS**, since 2018 the marine water quality in the Birch Bay shellfish growing area has met classification standards to remain Approved; and

**WHEREAS**, the Birch Bay Watershed and Aquatic Resources Management District provides services to Birch Bay watershed rate payers designed to reduce the impacts of stormwater runoff and improve and protect water quality, aquatic habitat, and the quality of life that a healthy watershed provides; and

**WHEREAS**, downgrades remain in the Drayton Harbor and Portage Bay shellfish growing areas; and

**WHEREAS**, work needs to continue to ensure that Approved shellfish harvest areas maintain Approved status and remaining areas designated as Conditionally Approved and Prohibited are reopened; and

**WHEREAS**, ongoing work can be done most efficiently, in partnership with the wider

Whatcom County community, for the Drayton Harbor and Portage Bay Shellfish Protection Districts if their advisory committees are combined into one advisory committee to serve both districts; and

**WHEREAS**, some critical partners in shellfish recovery efforts are best represented through permeant, non-voting advisory committee positions; and

**WHEREAS**, dissolution of shellfish protection districts should be tied to removal of downgrades, sustained water quality improvements, and assessment of future threats to water quality.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code (WCC) 16.20 shall be amended as shown in Exhibit A; and

**BE IT FURTHER ORDAINED** by the Whatcom County Council that the Birch Bay Shellfish Protection District, previously established under Chapter 16.20 WCC, is hereby dissolved; and

**BE IT FURTHER ORDAINED** by the Whatcom County Council that tribal input and participation is encouraged and welcomed in Whatcom County's shellfish protection work. Tribes will be consulted on all shellfish recovery plans and are encouraged to send a representative to the advisory committee established in WCC 16.20.065 to serve as a non-voting member; and

**BE IT FINALLY ORDAINED** by the Whatcom County Council that as of [effective date], the current members of the Drayton Harbor and Portage Bay Shellfish Protection District advisory committees shall transfer to the new Shellfish Protection Advisory Committee. Each member's existing term expiration date shall be preserved, and any service toward term limits under WCC 2.03 shall continue uninterrupted, with no loss or reset of accumulated term credit.

**ADOPTED** this \_\_\_\_day of \_\_\_\_\_, 2026

WHATCOM COUNTY COUNCIL

ATTEST:

WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Cathy Halka, Clerk of the Council

\_\_\_\_\_  
Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

Christopher Quinn via email 6/24/2026  
Christopher Quinn, Senior Civil Deputy  
Prosecutor

\_\_\_\_\_  
Satpal Sidhu, County Executive

( ) Approved ( ) Denied

Date Signed: \_\_\_\_\_