

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

**Elizabeth Kosa
Interim Director**



NATURAL RESOURCES

322 N. Commercial, Suite 110
Bellingham, WA 98225
Telephone: (360) 778-6230
FAX: (360) 778-6231
www.whatcomcounty.us

MEMORANDUM

TO: The Honorable Satpal Singh Sidhu, County Executive
Honorable Members of the Whatcom County Council

THROUGH: Elizabeth Kosa, Interim Public Works Director

FROM: Gary Stoyka, Natural Resources Manager 

DATE: November 8, 2022

RE: Ordinance amending Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts

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, 2022. It is necessary to continue the work of these districts as adequate improvements in water quality have not been achieved in Drayton Harbor and Portage Bay to regain year-round tribal, commercial, and recreational shellfish harvest. Additionally, long-term commitment to water quality protection is needed to maintain upgrades that have been achieved in Birch Bay, Drayton Harbor, and Portage Bay.

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 with any questions.

Encl.