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<td>M. Blakely</td>
<td>5/26/2005</td>
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<td>7/12/2005</td>
<td>Introduction</td>
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**TITLE OF DOCUMENT:**
Interim Ord. amending Whatcom County Shoreline Mgmt Program Section 23.100.20.57

**ATTACHMENTS:**

**SEPA review required?**  ( ) Yes  ( ) No  
**SEPA review completed?** ( ) Yes  ( ) No  
**Should Clerk schedule a hearing?**  (X) Yes  ( ) No  
**Requested Date:** 7/26/2005

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Interim Ordinance amending the Whatcom County Shoreline Management Program, Section 23.100.20.57, Aquaculture Regulations.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:** Ord. #2005-060

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
PROPOSED BY: Barbara Brenner
Laurie Caskey-Schreiber
Dan McShane
SPONSORED BY: Consent
INTRODUCED: July 12, 2005

ORDINANCE NO. 2005-060

INTERIM ORDINANCE AMENDING THE WHATCOM COUNTY SHORELINE MANAGEMENT PROGRAM, SECTION 23.100.20.57, AQUACULTURE REGULATIONS

WHEREAS, on August 13, 2002, the Whatcom County Council approved Resolution 2002-036 supporting a moratorium on commercial marine salmon net pens; and

WHEREAS, residents of Whatcom County have made significant sacrifices and forgone harvest opportunity and restrictions on land and water use; and

WHEREAS, residents have volunteered considerable time, money, and resources to the restoration of native salmon runs; and

WHEREAS, various economic sectors in Whatcom County such as recreational and tourism businesses, the fishing industry, and fisheries depend on healthy wild fish populations; and

WHEREAS, scientific evidence indicates marine net pens degrade the marine environment through impacts to water quality, sediment quality, and the health of benthic and pelagic organisms; and

WHEREAS, the goals of federal, state, and local salmon recovery efforts are jeopardized by the negative impacts of commercial marine salmon net pens; and

WHEREAS, currently there are no commercial marine salmon net pens operating in Whatcom County and precautionary approaches to marine habitat protection are in the county’s best interest; and

WHEREAS, the Whatcom County Charter limits an emergency ordinance to a period not to exceed 60 days from the effective date of adoption; and

WHEREAS, the Whatcom County Council is required to hold a public hearing on this issue within 60 days of the adoption of this ordinance; and

WHEREAS, the Whatcom County Council finds the emergency moratorium imposed by this ordinance is necessary for the protection of public health, safety, property, or peace; and

WHEREAS, the Whatcom County Council finds the following facts in support of this ordinance:
FINDINGS-

1. The Washington State Pollution Control Hearings Board has determined that escapement of introduced Atlantic salmon are a serious biological pollutant under the Federal Clean Water Act and the State’s Water Pollution Control Act, Chapter 90.48, RCW.

2. Farmed salmon pose a threat to wild salmon stocks through the use of antibiotics to treat net pens, causing an increase of antibiotic resistant bacteria in a marine environment.

3. Scientific studies have shown that Atlantic salmon are capable of competing with native fish species for increasingly scarce quality habitat.

4. The Washington State Department of Fish and Wildlife reports that over 500,000 Atlantic salmon have escaped from net pens into Washington State’s waters in the last decade and even larger numbers of Atlantic salmon have escaped into British Columbia’s waters.

5. Recent scientific evidence documents the presence of Atlantic salmon in 78 rivers and streams in British Columbia, and spawning populations have been documented in three Vancouver Island rivers.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Shoreline Management Program, Section 23.100.20.57 is temporarily amended as indicated in Exhibit A to this ordinance.

BE IT FURTHER ORDAINED by the Whatcom County Council, pursuant to RCW 36.70.795, that this ordinance shall be effective for not longer than six months following its effective date, but may be renewed for one or more six-month periods if subsequent public hearings are held and findings of fact are made prior to each renewal.

APPROVED this ___ day of ___ , 2005.

Laurie Caskey-Schreiber, Council Chair

Pete Kremen, County Executive
Date: 7/28/05
EXHIBIT A
(SHORELINE REGS.)

23.100.20.57
Commercial salmon net-pen facilities shall not be located closer than twelve statute miles by transit on the surface of the water from the mouth of any river containing significant anadromous fish runs. in Whatcom County waters.