April 19, 2021

**Whatcom County Council**

311 Grand Avenue, Suite 105

Bellingham, WA 98225

 Re: Proposed No Shooting Zones in “**Drayton Harbor”**

 and “**Dearborn” AB2021-185 & AB2021-186**

To the **Whatcom County Council:**

By wayof 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***](http://app.leg.wa.gov/RCW/default.aspx?cite=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***repealed****, regardless of the nature of the code,*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:***

1. *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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