

RESOLUTION NO. 2004-10

**A RESOLUTION AFFIRMING THE IMPORTANCE OF
CONSERVATION AND PROTECTION OF THE
POST POINT GREAT BLUE HERON NESTING COLONY**

WHEREAS, in 1999, Great Blue Herons began nesting at an historic heron roosting location in city-owned trees abutting the City of Bellingham's Department of Public Works wastewater treatment facility at Post Point; and

WHEREAS, the Post Point heronry is the last known remaining nesting colony of Great Blue Herons in the City of Bellingham; and furthermore the Chuckanut Bay nesting colony was abandoned in 1999, at the time Heron Estates occurred; and

WHEREAS, the Post Point heronry has been utilized for nesting the past 5 consecutive years demonstrating: 1) site suitability, 2) tolerance with existing activities and disturbance (e.g., proximity to railroad operations, recreational activities, and Bald Eagle predation), and 3) the likelihood of the site's continued biological value into the future; and

WHEREAS, although Great Blue Herons are listed in Washington State as a priority species and their nest sites as priority habitat and they are afforded protection under state and federal laws, protection of their nest sites depends on many factors including local jurisdictional action and involvement; and

WHEREAS, the City of Bellingham's Public Works Department commissioned a study of the heronry titled the "Post Point Heron Colony Management Plan 2003" by local expert Ann Eissinger; and

WHEREAS, the City of Bellingham Hearing Examiner has ruled that no clearing or construction activity may occur within 200 feet of any heron nest between March 1 and July 31 based on two studies commissioned by the City of Bellingham on the Post Point Heron colony, including a heron colony management plan; and

WHEREAS, the Bellingham City Council acted to protect the Post Point Heronry in its March, 2000 decision to rescind the Post Point Vegetation Management Plan; and

WHEREAS, the Bellingham Department of Public Works has undertaken measures to protect the Post Point heronry through public education, relocation of a recreational trail and seasonal fencing of sensitive areas to minimize disturbance during the nesting season; and

WHEREAS, protecting the Post Point heronry is consistent with the goals and policies of the City of Bellingham Comprehensive Plan, Shoreline Master Program, Washington State Environmental Policy Act, Washington State Growth Management Act and the Federal Migratory Bird Treaty Act; and

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WHEREAS, protecting the Post Point heronry has received citizen and organizational support through public testimony and expressions of concern; and

WHEREAS, the Post Point heronry occupies a portion of a city-owned site that has been recognized for its high potential for wildlife habitat and conservation, furthermore, the site has been recognized as one in which wildlife conservation, light impact recreation, and public works operations exist concomitantly;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BELLINGHAM CITY COUNCIL:

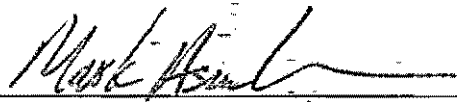
that in light of the value of the Post Point heronry, the City of Bellingham will continue conservation and protection measures for the heronry on its property at Post Point.

PASSED BY COUNCIL THIS 10th DAY OF MAY, 2004.



COUNCIL PRESIDENT

APPROVED BY ME THIS 1st DAY OF May, 2004.



MAYOR

ATTEST: 

FINANCE DIRECTOR

APPROVED AS TO FORM:



OFFICE OF THE CITY ATTORNEY

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