



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Bellingham Field Office • 1204 Railroad Avenue, Suite 200 • Bellingham, Washington 98225  
(360) 738-6250 • FAX (360) 738-6253*

May 11, 2007

Mr. Andrew Maron  
SEPA Official  
Port of Bellingham  
PO Box 1677  
1801 Roeder Avenue  
Bellingham, WA 98227-1677

SUBJECT: New Whatcom Redevelopment Project EIS Scoping Document Comments

Dear Mr. Maron:

Thank you for the opportunity to provide comments on the April 19, 2007 Draft Scoping Document for the subject project. Our comments are organized into two parts – General Issues and Structure, and Specific Issues. Our understanding of the project is that it is being considered as a “planned action” under WAC 197-11-172 and related provisions. As such, this is the only opportunity for scoping of the issues to occur within the overall downtown waterfront acreage (220 acres) described in the proposal for the 20-30 year duration of the project. For this reason, we have attempted to be as specific as possible despite the lack of detail for much of the proposal.

General Issues & Structure

As defined in the SEPA rules, the “total proposal” means all interdependent parts of a proposal, including all phases.” (SEPA Handbook 2.3.3.5 and 3.3.1) The content of environmental review is specified in WAC 197-11-060 and requires the “range of proposed activities, alternatives, and impacts.” The timing of environmental review is also addressed under subsection (2) which states that the review, “Depends on each particular proposal, on an agency’s existing planning and decision-making processes, and on the time when alternatives and impacts can be most meaningfully evaluated.” Based on that, we conclude that the “total proposal” needs to include the activities that are proposed under the “No Action” alternative, including the Laurel Street Bridge, related sewer and utilities, Whatcom Waterway transient floats and infrastructure, and the proposed marina and related improvements.

The inclusion of these elements in the “No Action” alternative is inappropriate in our view. It deprives the public and other interested parties of the opportunity to have meaningful input to the complete planning and development process. We find this particularly troubling since Ecology is providing substantial public money for the cleanup effort and significant staff resources from our Shorelands Program, Toxics Cleanup Program and Bellingham Field Office, as well as funding a community liaison position to help keep the public informed.



Specific requirements that have a direct bearing on the SEPA approach being undertaken include the following:

The first requirement under WAC 197-11-060(3) is "Agencies shall make certain that the proposal that is the subject of environmental review is properly defined "

Under subsection (3a)iii), "proposals should be described in ways that encourage considering and comparing alternatives "

Subsection (b) states, "proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. Phased review is allowed under subsection (5).

Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document if they:

- (i) cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or
- (ii) are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation."

Ecology has participated in the Bellingham Bay Pilot Project since its inception 10+ years ago, including the land use, source control and habitat committees. We have also actively participated in the Waterfront Futures Group effort and a multitude of Port and City related meetings. During all of these discussions with the community it has been the collective perspective that the entire project area needed to be addressed in a comprehensive and coordinated fashion. The proposed marina, for instance, has been long recognized as the "anchor" feature drawing economic activity to the waterfront and inter-connecting with the many marine trade activities. The centerpiece around which much of the waterfront redevelopment is based should not be given any less attention concerning its benefits and impacts, possible design alternatives, and inter-relationship to the surrounding development scenarios than any of the other major components. Similarly, the over-water pedestrian bridge, parks, trail linkages, transient moorage floats and other related features should be evaluated at the same time.

#### Specific Issues

Topics that should be evaluated in the EIS include:

The management of stormwater originating from the many hillside springs located to the southeast. The large forested wetland complex adjacent to the railroad is sustained by these hillside springs (and stormwater drainages) and flows to the beach at the end of Cornwall Avenue. What will be the impact to this important aquatic system?

The Bellingham Shipping Terminal is an obstacle to juvenile salmonid migration along the nearshore environment. What are the options and alternatives for providing a more fish-friendly environment? The potential 'slough' route from the Cornwall Beach site across the redeveloped edge of the BST to the log pond should be re-evaluated as a fisheries mitigation/restoration measure as well as providing an urban environmental amenity. Similar measures have been accomplished along the Vancouver, BC waterfront.

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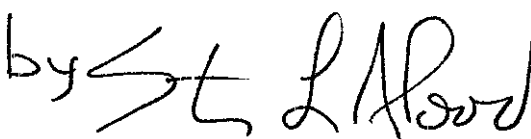
The various scenarios for building location, height and orientation to the prevailing wind and to maximize solar radiation should be considered with both public enjoyment of the waterfront space as well as use by wildlife (primarily shore birds) as an integrated component. The Westin Bayshore neighborhood near Stanley Park is a prime example of how this can be achieved by integrating water features, mini-green belts, and appropriately spaced and oriented tall buildings.

Another feature that should be evaluated is the potential modification or re-routing of existing utilities that pose obstacles to public access and wildlife movement. During the review and analysis of overall sewer plans for the new alternative waterfront developments, the raising or re-routing of the existing five-foot diameter sewer line that blocks Whatcom Waterway should be evaluated.

Marina issues that need to be evaluated include pollution-loading from boating activities, spill prevention and contingencies, shading effects relative to salmonid predator/prey relationships, marine bird and mammal habitat, basin flushing characteristics, relationship to adjacent nearshore habitat and anadromous fish populations, boat wake effects on nearby features, e.g., the log pond, and design alternatives regarding upland habitat relative to public access, e.g., windbreaks, amphitheater-shaped shelter areas, tree canopy/understory screens, etc. An alternative to the proposed Whatcom Waterway pedestrian or vehicular bridge such as a small passenger vessel shuttle, similar to the 'Plover' in Blaine, should be evaluated. Traffic impacts, related utility requirements, demand on emergency services and impacts to the surrounding marine trades businesses should be evaluated.

Again, thank you for the opportunity to present comments on the scoping of this very important shoreline and environmental document. We look forward to working with you on the development of Bellingham's New Whatcom waterfront in the years to come.

Sincerely,

Richard M. Grout by 

Richard M. Grout  
Manager

cc: Tim Stewart, Planning Director, City of Bellingham

ecc: Jeannie Summerhays, Ecology

Jim Pendowski, Ecology

Gordon White, Ecology

Steve Alexander, Ecology

Lucy McInerney, Ecology



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000*

June 4, 2007

Mr. Andrew Maron  
SEPA Official  
Port of Bellingham  
P.O. Box 1677  
1801 Roeder Avenue  
Bellingham, WA 98227-1677

Dear Mr. Maron:

RE: New Whatcom Redevelopment Project EIS Scoping Document Comments

Thank you for the opportunity to provide comments on the April 19, 2007 Draft Scoping Document for the New Whatcom Redevelopment Project. This letter will supersede our comment letter originally dated May 11, 2007. These comments are based on further discussion with the Port and additional internal review by Ecology.

**Total Proposal and No Action Alternative:**

The scoping notice indicates that the "no action" alternative includes a marina and other features that do not currently exist, but would be allowed under existing zoning. These other features include the Laurel Street Bridge, related sewer and utilities, over-water pedestrian bridge, parks, trail linkages, and Whatcom Waterway transient moorage floats and infrastructure.

Under SEPA rules, the proposal should be defined to include all interdependent parts of a proposal, including all phases. (see SEPA Handbook sections 2.3.3.5 and 3.3.1) As such, the marina and other features\* are part of the total proposal. As they are included as part of the "no action" alternative and the other alternatives, we are assuming they will be evaluated in terms of their benefits and impacts, possible design alternatives, and inter-relationship to the surrounding development scenarios. Other related SEPA citations are attached.

It may be useful for the EIS to discuss any previous SEPA review of the marina, or other analysis of the marina that has taken place. From the material provided in the scoping notice, any previous review of the marina is not made apparent.



### **Planned Action and Level of Review:**

● Our understanding is that the project is being considered as a “planned action” under WAC 197-11-172 and related provisions. As discussed during our meeting, planned actions relate to on-the-ground projects and thus require project-level review\*\* during the SEPA process (WAC 197-11-164). The proposal components should be evaluated in sufficient detail regarding design and potential impacts in the SEPA document so that the public is adequately informed, has the opportunity to comment, and for that input to be formally taken into consideration during the SEPA process. Though the public will have additional opportunities to provide comment under the federal permitting process for the Corps permit (404) and in the MTCA consent degree process, they should still have the opportunity to comment on a planned action as defined in the SEPA requirements. We were encouraged to hear in our meeting that the port will indeed be providing analysis of the marina and other “no action” alternative features in the SEPA EIS document and fully expect to receive and evaluate public input.

### **Specific Recommendations for Environmental Analysis for the EIS:**

Ecology would like to provide the following recommendations for environmental topics to be analyzed in the EIS:

**Stormwater Management and Potential Wetland Impacts:** Ecology recommends that the EIS include an analysis of the impacts of the management of stormwater originating from the many hillside springs located to the southeast to the aquatic system. The large forested wetland complex adjacent to the railroad is sustained by these hillside springs (and stormwater drainages) and flows to the beach at the end of Cornwall Avenue.

**Shoreline Management and Public Access:** The various scenarios for building location, height, and other elements should be considered with both public enjoyment of the waterfront space as well as use by wildlife (primarily shore birds) as an integrated component. This is expected under the SMA and the local shoreline master program.

**Marina Considerations:** Issues for evaluation that relate to water quality and public access include pollution-loading from boating activities, spill prevention and contingencies, basin flushing characteristics, relationship to adjacent nearshore habitat and anadromous fish populations, boat wake effects on nearby features (e.g. the log pond), and design alternatives regarding upland habitat relative to public access.

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Again, thank you for the opportunity to comment on the scoping notice and for taking into consideration our recommendations for issues to analyze in the EIS. We look forward to continuing our work with the Port of Bellingham. If you have further questions, feel free to contact me at (425) 649-7010.

Sincerely,

A handwritten signature in cursive script, reading "Jeannie Summerhays".

Jeannie Summerhays  
Regional Director

JS:ll

cc: Dick Grout  
Barry Wenger  
Lucy McInerney  
Gordon White  
Jim Pendowski

\* The features include the proposed marina and related improvements, the Laurel Street Bridge, related sewer and utilities, over-water pedestrian bridge, parks, trail linkages, Whatcom Waterway transient moorage floats and infrastructure.

\*\* Project-level review provides an appropriate level of detail that relates, for example, to footprint, heights, number of units, etc. It does not include minuet detail.

## **Attachment – Select Relevant SEPA Citations:**

As defined in the SEPA rules (WAC 197-11-060), the “total proposal” means all interdependent parts of a proposal, including all phases. More information can be found in the SEPA Handbook in sections 2.3.3.5 and 3.3.1

Relevant sections of WAC 197-11-060 are cited below.

WAC 197-11-060: The content of environmental review is specified in this section and requires the “range of proposed activities, alternatives, and impacts.”

(2) The timing of environmental review is also addressed under this subsection and states that the review “Depends on each particular proposal, on an agency’s existing planning and decision-making processes, and on the time when alternatives and impacts can be most meaningfully evaluated.” .

(3a) “Agencies shall make certain that the proposal that is the subject of environmental review is properly defined.”

(3a) “proposals should be described in ways that encourage considering and comparing alternatives.”

(3b) “Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. Phased review is allowed under subsection (5).

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