CHAPTER 3

Comment Letters and Responses

CHAPTER 3
COMMENT LETTERS, TRANSCRIPT AND RESPONSES

This chapter of the Final EIS (FEIS) contains comments received on the January 2008 Draft EIS (DEIS), the October 2008 Supplemental Draft EIS (SDEIS) and the February 2010 EIS Addendum (EIS Addendum) and responses to the comments on all of these documents.

- A total of 59 letters were received during the comment period on the DEIS and 12 people commented at the public hearings held on February 20, 2008.
- A total of 18 letters were received during the comment period on the SDEIS and 10 people commented at the public hearing held on November 6, 2008.
- A total of 11 letters were received during the comment period on the EIS Addendum and 2 people commented at the public hearing held on March 3, 2010.

Each comment letter and the transcripts of each public hearing are included in this section of the FEIS. Comment letters/numbers are noted in the margins of the letters and transcripts and are cross-referenced to the corresponding responses. Responses are provided directly after each letter and transcript. Expressions of opinions, subjective statements and position for or against the Proposed Action(s) and Alternatives are noted without further comments.

Chapter 1 of this FEIS provides updates to the Proposed Actions and Alternatives, and summaries of updated and new analyses prepared since publication of the EIS Addendum.

Chapter 2 of this FEIS provides collective responses to comments made in six Key Topic Areas.

Chapter 4 of this FEIS contains an errata sheet providing updates and corrections to the DEIS, SDEIS and EIS Addendum including typographical errors, minor changes and clarifications.

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February 2010 EIS Addendum

MAYOR'S OFFICE
Dan Pike, Mayor
City Hall, 210 Lottie Street
Bellingham, WA 98225
Telephone (360) 676-6979
Fax (360) 738-7418

March 10, 2010

Mr. Andrew Maron
SEPA Responsible Official
Port of Bellingham
P.O. Box 1677
Bellingham, WA 98227

RE: Addendum to the Supplement to the Draft Waterfront District Environmental Impact Statement

Dear Mr. Maron,

Please allow this letter to serve as an updated City of Bellingham comment to the Addendum to the Supplement to the Draft Environmental Impact Statement (ASDEIS). As the City and Port have worked closely together on developing the ASDEIS, including the new transportation and building adaptive reuse analysis, this letter supersedes and replaces the City's comment letter dated November 4, 2008. Accordingly, the City offers the following comments for your consideration in preparing the Final Environmental Impact Statement (FEIS). 1

EIS Mitigating Measures Proposed for Transportation Impacts

The Bellingham Public Works Department has reviewed the proposed mitigating measures for transportation impacts analyzed in the ASDEIS and finds them to be sufficient for the purposes of the EIS process. The City may propose additional mitigating measures and programs in the development of the master plan for the Waterfront District, as well as specific performance requirements in the development requirements for the Waterfront District. All new development and redevelopment in the Waterfront District will be subject to City of Bellingham code requirements, including BMC 13.70 Transportation Concurrency and BMC 19.06 Transportation Impact Fees. 2

Planned Action Ordinance

The Bellingham Planning and Community Development Department appreciates the analysis conducted during this formal EIS process; however, review of specific Waterfront District projects may require additional analysis. The City expects these details to be resolved as we develop the Planned Action Ordinance. 3

Fireboat and Boathouse

The Bellingham Fire Department comments dated October 27, 2008, submitted as part of the technical comments in the City's November 4, 2008 comment letter, requested that adding replacement/upgrade of the fireboat and boathouse should be one of the mitigating measures necessary as part of the Waterfront District development. We request that this comment be addressed in the Final Environmental Impact Statement. 4

Parks and Trails

The Bellingham Parks and Recreation Department comments dated October 27, 2008, submitted as part of the technical comments in the City's November 4, 2008 comment letter, are submitted as a technical comment to this letter. We request that these comments be addressed in the Final Environmental Impact Statement. 5

Stormwater Issues

The Bellingham Public Works Department Engineering Division, SSWU Section, comments dated October 27, 2008, submitted as part of the technical comments in the City's November 4, 2008 comment letter, are submitted as a technical comment to this letter. We request that these comments be addressed in the Final Environmental Impact Statement. 6

Sincerely,

Dan Pike, Mayor
City of Bellingham

Attachments:
Bellingham Department of Public Works Engineering Division, SSWU Section, 10/27/08 Memorandum
Bellingham Parks and Recreation Department 10/27/08 Memorandum

Cc: Fred Seeger, Acting Executive Director, Port of Bellingham
Port of Bellingham Commissioners
Waterfront Advisory Group
Bellingham City Council
Tim Stewart, Director, Bellingham Planning and Community Development Department
Ted Carlson, Director, Bellingham Public Works Department
Paul Leuthold, Director, Bellingham Parks and Recreation Department
Joan Hoisington, Bellingham City Attorney
Les Reardanz, Bellingham Waterfront Redevelopment Project Manager
Linda Stewart, Bellingham Waterfront Redevelopment Project Manager

BELLINGHAM PARKS AND RECREATION, 3424 Meridian Street, Bellingham, WA 98225
TELEPHONE (360) 778-7000 TTY (360) 738-7366 FAX (360) 778-7001

MEMORANDUM

DT: October 27, 2008

TO: Paul Leuthold, Director of Parks and Recreation

FM: Leslie Bryson, Design and Development Mgr.

RE: **New Whatcom Redevelopment Project Supplemental Draft EIS**

The Supplemental Draft EIS analyzes environmental elements that may be impacted with the redevelopment of Bellingham's Waterfront area. Both the Port of Bellingham's preferred plan, "The Proposal" and the City's Waterfront Connections Plan (WCP) were considered in this review of the SDEIS. I did not review the January 2008 Draft EIS or the Volume II Technical Reports, including Parks, Recreation and Open Space.

PARKS

The SDEIS indicates (p. 2-5) that the amount of parkland under the preferred alternative is 33 acres. The Waterfront Connections Plan lists a total of 34.3 acres. While this is not a significant difference, the layout of the park space on the site differs in one very distinct way. The Port's Proposal includes street related boulevards as a component of the park acres. While the SDEIS indicates the Commercial Street Green is part of the 33 acres (p2-23), The Proposal conflicts with this statement on p. 88 by stating the total park acres "does not include the Commercial Street Green north of Paper Avenue." These conflicting statements should be resolved. 7

The impacts on public services, including parks, are addressed on pps. 6-33 and 6-34. The SDEIS assumes that increases in residents at the site will increase demand on local and regional parks and recreation facilities that will be distributed throughout the community and onsite parks and trails will help offset this demand. Under the proposed level of service acres in the City of Bellingham's 2008 Park, Recreation and Open Space Plan update, 3614 people expected under the preferred alternative of development will generate a need for an additional 4 acres of neighborhood parks, over 50 acres of community parks, 9.76 acres of special use areas, and 64.7 acres of open space and trails or a total of 129.4 acres for parks and recreation facilities. Only a portion of this demand will be accommodated on site and the remainder must be added somewhere in the community. This total impact should be more thoroughly addressed in the SDEIS. 8

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TRAILS

On p 2-24 of the SDEIS it states that "linkages to the existing (and developing) regional system of trails would be afforded." In The Proposal, on p. 28 it is stated that the intent is "to provide a continuous public connection...in the Waterfront District and from the Central Business District to the water with limited interruption by motorized vehicles...as the backbone for pedestrian and bike circulation." Throughout the SDEIS, an interconnecting trail system is touted as mitigation for the development. The Proposal, however, does not clearly show these linkages, with the only direct link to an existing trail being the proposed overwater boardwalk connecting to Boulevard Park. Finally on p. 3.12-11 it is stated that "future enhancements to offsite facilities would be necessary to facilitate walking and biking between the site and downtown" but does not indicate when these enhancements will occur. 9

P. 3.12-20 indicates the Straight Street Grid Option (WCP) is assumed to provide similar pedestrian and bicycle network. However, the WCP proposes a continuation of the Coast Millennium Trail through the site adjacent to the BNSF right of way. The WCP also presents a more integrated, connective non-motorized network. 10

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Memorandum

Department of Public Works
Engineering Division
SSWU Section

210 Lottie Street ◊ Bellingham, Washington 98225
(360) 778-7900 ◊ Fax (360) 778-7901

To: Tim Stewart, Planning Director

CC: Dick Mckinley, Public Works Director

From: William M. Reilly, Storm and Surface Water Utility Manager

Date: October 27, 2008

Subject: Comments on Waterfront Redevelopment SEIS

I have reviewed pertinent sections of the SEIS related to stormwater issues. Below is a list of comments on the document.

- There are comments regarding the need to locate stormwater outfalls higher in order to account for sea level rise or storm surge. To the extent that this minimizes the depth of excavation to avoid dealing with contaminated soils is fine. There is no need seen, however, to raise pipes purely for hydraulic purposes. The calculation of system capacities and pipe sizes, however, should be based on a conservative tailwater elevation that does account for sea level rise. 11

- There are comments regarding concern for contaminated materials being disturbed as a part of this development. Comments regarding grading activities and erosion controls, however, do not seem to capture that concern. Special erosion controls should be provided whenever there is possibility of contaminated soils being open and present on the site. Monitoring of sediments within erosion controls systems should be a part of the plan. 12

- Discussion of taking the ASB offline and replacing it with temporary stormwater controls lacks detail. While the ASB was primarily for the treatment of industrial waste it also served to treat existing stormwater from the GP site. Both temporary and permanent stormwater treatment facilities that are designed to supplant the ASB should be designed to meet or exceed the existing treatment capabilities of the ASB. This would be necessary to meet the anti-degradation requirements of the Phase II NPDES permit. 13

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- Discussion is provided regarding the use of Low Impact Development (LID) on this site. Extreme caution should be used before using any LID technique that involves infiltration. The use of infiltration is generally most important in basins that drain into a stream system in order to maintain stream hydrology. While some infiltration may be possible on a contaminated site such as this, the benefit of doing so is not likely to outweigh the risk. If infiltration does become a part of the mitigation plan it should be only after extensive monitoring of groundwater pathways or potential pathways. 14

- Other LID elements such as water reuse, maximization of building height, covered parking structures, green roofs, drought tolerant landscaping, etc, should be used to the maximum extent practicable. 15

- There is a statement on page 10 of Section 3 Proposed Improvements regarding the needs for temporary erosion controls during construction. The statement seems to convey that only minimally developed or undeveloped properties must meet the requirements for construction sediment controls. All portions of development will be required to comply with requirements for construction found within the 2005 Stormwater Management Manual for Western Washington at a minimum. Further requirements may be dictated based on the terms of Ecology orders or controls determined necessary by Ecology or the City for dealing with contaminated soils. 16

- Stormwater treatment alternatives indicated for use may meet "basic" treatment requirements. The use of a conditionally approved stormwater system such as the Filterra would be a concern. Until such time as this device has received full approval from Ecology it should not be a recommended BMP to be used extensively on the site. The use of engineered systems such as sand filters should be explored as an alternative to proprietary systems. Costs for a sand filter are similar to proprietary media treatment systems and removal rates for metals are often higher. 17

- It should be noted that under the City option for street alignments that the Laurel Street drainage system would not need to be relocated as it is suggested in the Preferred Alternative. This would eliminate a large excavation into subsurface soils of questionable quality. 18

- It should be noted that the preliminary plans for stormwater mitigation provided in the DEIS and Supplemental DEIS are not a substitute for in depth studies required for the development of individual sites or basins. Additional information needs include but are not limited to: detailed information on the handling of contaminated materials during construction, the effect of individual discharge points on shoreline mitigation efforts, specific sizing and selection of stormwater treatment systems, pollutant avoidance/source control measures to be undertaken, etc. 19

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Response to EIS Addendum Letter 1

City of Bellingham

1. Comment noted. As indicated in the City's comment letter on The Waterfront District EIS Addendum received on March 10, 2010, the March 10, 2010 letter supersedes previous EIS comment letters received from the Mayor's office and other City staff including: the SDEIS comment letters submitted by the City Mayor's Office (November 4, 2008) and Tim Stewart's Office (November 10, 2008) and the DEIS comment letters submitted by the City Mayor's Office (March 10, 2008), City Attorney's Office (March 6, 2008) and City Public Works Department (March 10, 2008).

2. Comment noted. As indicated in the comment, all new development and redevelopment in The Waterfront District will be subject to applicable City of Bellingham requirements.

3. Comment noted. As stated on page 2-12 of the DEIS, when specific redevelopment on The Waterfront District site is proposed in the future, determinations would be made by the City regarding whether the potential impacts are within the parameters analyzed and mitigation identified in this EIS and adopted as part of the Planned Action Ordinance. If not, additional environmental review may be required. As stated throughout the EIS, during the design and permit process for specific buildings and improvements, the City could require additional site specific analysis (such as seismic, vibrational, noise, etc.) to be conducted.

4. Comment noted. As stated on page 3.13-43 of the DEIS, increases in population and employment over the 20-year buildout of The Waterfront District site would be incremental and would be accompanied by increases in demand for public services, including Bellingham Fire Department (BFD) services. BFD services could include both landside and waterside fire department support services. A portion of tax revenues generated from redevelopment of the site would accrue to the BFD to help offset demands for fire department services and equipment needed to support the site. As part of redevelopment, the Port would work with the City to determine the requirements for possible upgrades to the existing BFD fire boat.

   The existing BFD fireboat boathouse is currently located on Squalicum Harbor. Any proposed fireboat purchased to provide waterside fire department services to The Waterfront District would be assumed to be located in the existing boathouse.

5. Responses to the SDEIS comment letter from the Bellingham Parks and Recreation Department are provided in responses 7 through 10 of this letter.

6. Responses to the SDEIS comment letter from the Bellingham Public Works Department Engineering Division are provided in responses 11 through 19 of this letter.

7. The Updated Preferred Alternative described in detail in the EIS Addendum is based on continued coordination between the City and Port, community meetings and community workshops, and is intended to be a medium density sustainable development that features a diversity of uses (including parks). The Updated Preferred Alternative assumes that 33 acres of parks, trails and habitat would be provided within The Waterfront District redevelopment. The area depicted in EIS Addendum Figure 2-4 as

"future green" would be in addition to the 33 acres assumed under the Updated Preferred Alternative.

8. Under the Updated Preferred Alternative, as described in the EIS Addendum, it is assumed that approximately 33 acres of public parks, trails and habitat areas would be provided on The Waterfront District site. Additional aquatic lands adjacent to public parks and trails onsite could add to the project's total open space acreage. As part of the Master Development Plan process and through future parks planning and design, the City of Bellingham and the Port would evaluate and determine the specific features of the onsite parks and trail system, including the specific amount, design configuration and amenities to be included. Please also refer to **Chapter 2** (Key Topic Areas) of this Final EIS.

   As indicated on page 3.13-21 of the DEIS, increases in onsite population would increase demands on local and regional parks and recreation facilities. Please refer to pages 3.13-9 through 3.13-14 and pages 3.13-19 through 3.13-22 of the DEIS for discussion on parks level of service guidelines.

9. An intent of the Updated Preferred Alternative is to not only connect the existing trail networks within the community, but also connect with the broader regional trail network.

10. Based on the ongoing public planning process for The Waterfront District, the Updated Preferred Alternative does not include a trail adjacent to the BNSF rail line right-of-way.

11. As described in Appendix H to the SDEIS and Appendix F to the DEIS, the design of the proposed stormwater control system would take into account the potential for sea level rise. The system design of any gravity-operated conveyance and treatment components would ensure that proper function is maintained at current and at future anticipated sea levels.

12. The nature and extent of contaminated soils and groundwater is described as part of the site investigation and cleanup activities overseen by Washington State Department of Ecology (Ecology). Redevelopment activities that would occur following implementation of site cleanup actions and that could disturb contaminated materials (e.g. soils contained under a soil/asphalt cap) would be required to comply with institutional controls implemented as part of the cleanup action. These may include specific erosion control measures, water quality treatment, and/or monitoring of construction stormwater. Please also refer to Section 2-4 of **Chapter 2** (Key Topic Areas) of this FEIS.

13. With installation of the proposed stormwater control system, the ASB and associated outfall would be disconnected and would no longer provide stormwater management for the site. The existing ASB was primarily designed for aerated treatment and stabilization of wastewater from multiple industrial sources. Certain aspects of the existing ASB (e.g. tendency to promote algal blooms and associated photosynthesis-induced alkalinity within the ASB during summer months) are less then optimal for a facility providing primarily stormwater quality treatment, as with proposed redevelopment. Proposed water quality treatment facilities would be designed to comply with Ecology's NPDES Phase II permit requirements, as described in Appendices H and I of the SDEIS and Appendix G of the DEIS.

14. It is acknowledged that the use of stormwater infiltration at cleanup sites should only be used where site investigation and cleanup activities have considered such infiltration, and where groundwater and surface water quality could be protected. In a marine nearshore environment, the benefits of stormwater infiltration are primarily to reduce the quantity of stormwater requiring treatment. Where site investigation and cleanup activities indicate that such infiltration does not pose a risk to water quality, infiltration may be appropriate. The proposed stormwater control system would comply with cleanup requirements and institutional controls established as part of the cleanup actions overseen by Ecology.

15. LID techniques, other than infiltration, would be considered during design of the stormwater control system, where practicable. These could include techniques such as: water reuse, covered parking structures, green roofs, and/or drought-tolerant landscaping.

16. Construction and operation of the proposed redevelopment would comply with applicable federal, state and local regulatory requirements. Where construction activities could impact contaminated soils at cleanup sites, these activities would also comply with any applicable site-specific institutional control requirements.

17. The final stormwater control system design would include water quality treatment facilities that would satisfy "basic" treatment requirements, per the *2005 Department of Ecology Stormwater Management Manual for Western Washington* (Ecology Manual). Technologies available at the time of design, including non proprietary methods such as sand filters, would be considered for inclusion in the system. Selection of water quality treatment facilities would take into account performance, capital and maintenance costs and other factors as appropriate, within the context of applicable stormwater regulations and permit requirements.

18. It is possible that the existing stormwater control system, located beneath Laurel Street, could be used temporarily in the near term. However, this may or may not avoid the need for soil excavation in this area, depending on whether capacity improvements are required for that existing stormwater control system, and depending on the need for drainage system maintenance or repair. Any soil excavation would need to characterize and appropriately manage contaminated soils, if generated.

19. Detailed engineering studies would be performed as part of final design and permitting for the proposed stormwater control system. Any disturbance of contaminated soils or groundwater during installation of this system would be managed consistent with applicable regulations and any institutional control requirements developed as part of the site cleanup overseen by Ecology. The proposed redevelopment and associated stormwater control facilities would include measures to control the sources and release of pollutants (see SDEIS Appendix H and DEIS Appendix F for details).

HISTORIC PRESERVATION COMMISSION
210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8300 Fax: (360) 778-8302

Historic Preservation Commission
City of Bellingham
March 8th, 2010

Mr. Andrew W. Maron
SEPA Responsible Official
Port of Bellingham
PO Box 1677
Bellingham, WA 98227-1677

Re: Comments on Waterfront District Redevelopment Project Addendum to the Environmental Impact Statement

Dear Mr. Maron:

The City of Bellingham Historic Preservation Commission appreciates the opportunity to comment on the Waterfront District Redevelopment Project Addendum to the Environmental Impact Statement ("Addendum"). The Historic Preservation Commission is the "the City's primary resource in matters of history, historic planning, and preservation." City of Bellingham Municipal Code 17.90.040.B. Our comments focus on Waterfront Redevelopment Project ("Project") impacts on historic resources.

The National Register of Historic Places is "the official list of the Nation's historic places worthy of preservation."[1] In a letter dated January 7, 2010, the State of Washington Department of Archaeology and Historic Preservation ("DAHP") determined that the following resources, in conjunction with the Wharf and the grid pattern of the street, are eligible for listing on the National Register of Historic Places as properties that contribute to a historic district:

> Boiler House (#6), Barking & Chipping Plant (#8), Chip Bins (#9), Board Mill (#12), Digesters (#13), Screen Room (#14), Bleach Plant (#15), Alcohol Plant (#17), Pulp Storage (#37), High Density Tanks (#49)

1

To be eligible for listing in the National Register, districts, sites, buildings, structures, and objects must "possess integrity of location, design, setting, materials, workmanship, feeling, and association" and meet additional criteria (*see* 36 C.F.R. § 60.4(a)-(d)). DAHP determined that the resources that are eligible for listing as a historic district "are

[1] National Park Service, *National Register of Historic Places* < http://www.nps.gov/nr/index.htm > (accessed Feb. 18, 2010.)

significant under *Criterion 'A'* for their broad association to the industrial development of Bellingham, and under *Criterion 'C'*, as resources that embody the distinctive characteristics of a type, period and/or method of construction." DAHP further noted that the Wharf is "an important contributing element to this district" and that the street grid pattern is also a key resource. DAHP further emphasizes that "[i]t is important to note that **the collection of resources (no matter how big, or small) is key in telling the story** about how the plant operated." (Emphasis added.)

In addition to the determination of eligibility for the historic district, DAHP determined that nine resources were individually eligible for listing on the National Register:

1. Boiler House (#6)
2. Washington Egg & Poultry Building (the Granary) (#7) (not a contributor to this district)
3. Barking & Chipping Plant (#8)
4. Board Mill (#12)
5. Digesters (#13)
6. Screen Room (#14)
7. Bleach Plant (#15)
8. Alcohol Plant (#17)
9. Pulp Storage (#37)

1 cont.

The DAHP letter concludes:

> "Intact historic industrial complexes in WA State are very, very rare, and we would encourage the City of Bellingham and the Port, to carefully weigh their options for the preservation and rehabilitation of the site. Retention of the resources can offer a uniquely Bellingham experience, that can both serve as a heritage tourist site and an economic boom for the community. Examples of the successful rehabilitation of industrial sites include Albers Mill in Tacoma, and the Steam Plant Square in Spokane."

The DAHP letter constitutes an official determination that the historic resources within the Project site are nationally significant. This determination, which was not available when the EIS or the Supplemental EIS were prepared, clearly comprises "**significant new information** indicating, or on, a proposal's probable significant adverse environmental impacts." WAC 197-11-405(4)(b) (emphasis added). It appears that the Project described by the Addendum would result in the destruction of resources that have been determined eligible for listing, and would also affect the integrity of the eligible historic district and of the resources that contribute to the historic district. None of these significant environmental impacts is identified or addressed in the Addendum.

2

Our specific comments derive from the fundamental fact that this significant new information is completely ignored by the Addendum. The DAHP letter is included as Appendix A1 to the Addendum, but it is not even mentioned in Section 3.4, which purports to evaluate "Historic and Cultural Resources." Perhaps the authors of the

3

Addendum were not aware of the DAHP letter when they prepared this section, which inaccurately states that "[a]s the 2008 SDEIS indicates, no direct impacts to listed[2] historic resources in the site vicinity would be anticipated." 3 cont.

It is important to note contradictory information contained in a letter prepared by the Port's other consultants, Johnson Architecture and Planning ("JAP"). In a letter dated January 20, 2010, and included as Appendix A2 to the Addendum, JAP describes several significant impacts of the Project as described by the Addendum:

> Project impacts on the street grid: "We also note that the DAHP considered the underlying street grid, extending the downtown Bellingham pattern across the site, to be an integral part of the site and a potential district designation. . . We also note that the planning framework developed for the new Waterfront District relies on an alternate street grid that. . . is in substantial but necessary conflict with the original extended street grid." 4

> Project impacts on the integrity and potential eligibility of resources for a National Historic District: "What the DAHP letter does not address is the integrity and potential eligibility of a collection of fewer than the extant 10 buildings/resources as an NRHP Historic District. It is our opinion that if several of the core buildings (e.g. The Bleach Plant and The Screen Room) were demolished, a cohesive district would be significantly weakened. We also believe that the importance of the collection of industrial equipment is key to understanding the scale and the inventiveness of the industrial processes." 5

The JAP letter further points out that their *Waterfront District Adaptive Reuse Assessment*, which appears to form the basis of the Addendum's Section 3.4, recommends the demolition of three buildings that have been determined to be individually eligible for listing: the Barking and Chipping Plant, the Bleach Plant and the Screen Room. 6

It is not the case that SEPA has been satisfied simply because JAP's January 20 letter states that its conclusions have not changed as a result of the determinations of eligibility. JAP's conclusions addressed adaptive reuse, not the existence and significance of the Project's environmental impacts or the availability of mitigation measures and alternatives. The *Adaptive Reuse Assessment* serves a different function from SEPA review. Adaptive reuse information may be useful *after* impacts have been identified and the feasibility of mitigation measures and alternatives is under consideration, but it does not supplant SEPA's environmental review requirements. **In short, the Port has skipped a step required by law: the environmental review step, as mandated by SEPA.** 7

[2] Resources that are eligible for listing on the National Register should not be treated differently from "listed" resources, and will not be treated differently during the Section 106 review required by federal law, as discussed below.

An EIS must "provide **impartial discussion of significant environmental impacts** and shall **inform decision makers and the public of reasonable alternatives**, including mitigation measures, that would **avoid or minimize adverse impacts** or enhance environmental quality." WAC 197-11-400(2) (emphasis added). The following measures are necessary in order to meet these requirements: 7 cont.

(1) Prepare and circulate a Supplemental EIS. An Addendum is only appropriate when the information it contains "does not substantially change the analysis of significant impacts and alternatives in the existing environmental document." WAC 197-11-706. For all of the reasons discussed in this letter, this is clearly not the case, and SEPA requires the preparation of a Supplemental EIS. 8

(2) Assess the impacts of the Project on (1) the eligible historic district, and (2) individually eligible buildings. The Supplemental EIS must evaluate the effects of the Project on the eligible historic district. This must include direct and indirect impacts of the Waterfront Redevelopment on the resources that contribute to the district, including the listed buildings, the Wharf, and the street grid. The Supplemental EIS must also assess impacts on the eligible buildings. 9

(3) Identify alternatives and mitigation measures that would reduce the Project's significant environmental effects. Because the Addendum fails to assess the Project's impacts on historic resources, it additionally fails to identify and discuss the availability of alternatives and mitigation measures that would reduce or avoid these effects. An obvious alternative that would reduce impacts on the eligible historic district would be the retention of the existing street grid, which should be evaluated as an alternative in light of the new information about the significance of historic resources. Alternatives that would avoid adverse impacts on eligible buildings, and especially demolition, should also be examined. Mitigation measures that would help to reduce Project incompatibilities with the eligible historic district and with individually eligible listed buildings should also be evaluated. 10

(4) Accurately assess the significance of impacts after mitigation and the implementation of alternatives. Incredibly, the Addendum concludes that "no significant adverse impacts to historic and cultural resources would be anticipated to result from redevelopment under the 2010 Updated Preferred Alternative" – despite the fact that the Port's own consultants (JAP) acknowledged that individually-eligible buildings would be demolished and that the eligible historic district's integrity would be threatened. Once the Supplemental EIS has identified impacts and applied all feasible mitigation measures and alternatives, it must make a realistic and *supportable* determination of the significance of impacts after mitigation. 11

(5) Section 106 review process. Environmental impact assessment under SEPA must be conducted "concurrently with and coordinated with environmental studies and related surveys that may be required for the proposal under other laws, when feasible." WAC 197-11-402(8). The Addendum lists Section 106 review as a necessary "permit or approval" (see "Fact Sheet," p. vi). Section 106 of the National Historic Preservation Act 12 cont.

(16 U.S.C. § 470f) requires consultation with the State Historic Preservation Officer when a federally-permitted or funded activity will affect any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. **This review must be commenced before, not after, buildings have been demolished and the eligible Historic District's integrity has been destroyed.** To delay this review until after eligible resources have been destroyed would be more than disingenuous.

12 cont.

The Addendum's failure to acknowledge and discuss significant new information that bears directly on Project impacts on historic resources violates SEPA. In order to ensure that the Port, the City, and the public can make a rational and informed decision about the Project, the informational requirements of SEPA must be met. Without this essential analysis, the Addendum is simply a rubber stamp of a previously-approved project. "EISs shall serve as **the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made.**" WAC 197-11-402(11) (emphasis added).

13

A Supplemental EIS must be prepared that takes a hard look at the Project's environmental impacts and that provides the basis for evaluating alternatives and mitigation measures.

Very truly yours,

George Volker, Chair
City of Bellingham Historic Preservation Commission

Rod Burton, Vice Chair
Sarah Campbell
Curt Carpenter
David Christensen
Marilyn Mastor
Jean Melious
James Talbot
Sean Walbeck

cc:
Mayor Dan Pike, City of Bellingham
Fred Seeger, Interim Executive Director, Port of Bellingham
Bellingham City Council
Port of Bellingham Commissioners
SHPO, Department of Archaeology and Historic Preservation

Response to EIS Addendum Letter 2

City of Bellingham Historic Preservation Commission

1. Comment noted. The DEIS analyzed all existing buildings on The Waterfront District site (approximately 36 buildings), a portion of which were assumed to be potentially eligible for listing on local, state, or national historic registers. As described in the EIS Addendum (page 3.4-3) and in **Chapter 2** (Section 2-1) of this FEIS, the Port submitted a request to the Washington State Department of Archaeology and Historic Preservation (DAHP) for a preliminary determination of eligibility for 11 on-site structures. Ten (10) structures were determined to be eligible for listing on the National Register of Historic Places (NRHP) by DAHP as structures that contribute to a historic district; nine (9) structures were also determined to be individually eligible for listing on the NRHP. As noted in the DAHP Letter (Appendix A1 of the EIS Addendum), the Wharf and on-site road grid were not determined to be eligible for listing, although they are considered important contributing elements and key in telling the story of how the site operated.

2. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the DEIS assumed that 13 structures on the site would be potentially eligible for listing on the NRHP. To provide a reasonable upper level determination of potential impacts for SEPA analysis purposes, the DEIS analysis assumed that 12 of the 13 potentially eligible structures would be removed from the site to accommodate redevelopment and that removal of these structures would constitute an environmental impact. However, the DEIS also indicated that some of the potentially eligible structures could be retained for adaptive reuse/rehabilitation, with the final decisions on removal or retention/reuse to be made by the Port and City in the future. In addition, the DEIS identifies mitigation measures that could be implemented to minimize the impact to potential eligible structures (refer to Section 3.11 of the DEIS for further details).

   The SDEIS continued with the assumption that 13 structures would be potentially eligible for listing on the NRHP. However, the SDEIS specifically identified five (5) potentially eligible structures that could be retained/reused under the Preferred Alternative based on additional analysis and economic considerations which would thereby reduce or avoid potential direct impacts to those structures that were identified in the DEIS.

   As part of the EIS Addendum, further analysis was conducted on 11 eligible on-site buildings based on structural, architectural, and economic evaluations. None of these structures would be financially viable for reuse based on current economic conditions or under an improved economy, even with the use of historic tax credits (this is due in part because the structures were constructed to house industrial operations and do not have floors or utilities that would be necessary for retention/reuse). In addition, the DAHP determination included as part of the EIS Addendum is consistent with the DEIS assumption that the structures could be potentially eligible for listing and would not substantially change the impacts identified in the DEIS.

   As a result of the analysis for the EIS Addendum, it was determined that none of the structures evaluated would be financially viable for reuse in the current economic climate, even with the consideration of historic tax credits. Because the current economic climate is affected by a significant and broad recession, the financial viability for reuse of the structures was also evaluated under a set of assumptions defined by a

reasonably improved economy in approximately five years. Even under improved economic conditions and with the use of historic tax credits, none of the structures were determined to be financially viable for reuse. Despite these conclusions, three (3) structures were identified as having sufficient potential for retention/reuse that they should be retained for some period of time to allow reconsideration prior to demolition, if site conditions or economic conditions allow in the future. In addition, three (3) structures were identified as potential icons reflecting the industrial heritage of the area. The six (6) structures were proposed to be temporarily held from demolition in the near term to allow for the opportunity to further consider site cleanup and redevelopment activities and market and economic conditions. Potential retention/reuse of these structures would further reduce or avoid potential direct impacts to eligible structures in comparison to those impacts that were identified in the DEIS and SDEIS (refer to Section 3.4 of the EIS Addendum for further details).

The Port and City recognize the unique attributes of the existing onsite structures and how they reflect the maritime industrial heritage of the site. However, based on extensive assessments, it was determined that the industrial nature of the structures substantially limits the economic viability of reuse, as compared to buildings designed for residential or commercial use. Throughout the SEPA process, the Port has identified provisions to commemorate the maritime industrial history of the site and to retain the potential for reuse of certain buildings depending upon actual economic and market conditions in the future.

3. As described in **Chapter 2** (Key Topic Areas) of this FEIS and in the response to Comment 2 of this letter, the DEIS assumed that 13 structures would be potentially eligible for listing on the NRHP and identified impacts and mitigation measures associated with the potential removal of 12 of these structures. The determination by DAHP regarding the eligibility of the on-site structures confirms the assumptions regarding the structures eligibility that was analyzed in the DEIS and SDEIS and does not change the impacts identified in the DEIS.

   The EIS Addendum included references to the DAHP letter on page 3.4-3, including a summary of those structures that were determined to be eligible for listing on the NRHP.

4. Comment noted. As described under the response to Comment 1 and in **Chapter 2** (Key Topic Areas) of this FEIS, the on-site road grid was not included in the DAHP list of on-site eligible features and was not determined to be eligible for listing on the NRHP.

5. Comment noted. As stated in Appendix A2 of the EIS Addendum (January 20, 2010 letter from Johnson Architecture and Planning), if several of the core buildings (i.e. Bleach Plant, Pulp Storage and Pulp Screen Room) were demolished as deemed necessary due to structural and economic constraints, it is unlikely that those structures that are identified as potentially viable for retention/reuse could form a cohesive historic district. However, the retention/reuse of on-site industrial equipment would help visitors to understand the scale and inventiveness of the industrial processes that took place on the site.

6. Comment noted. The Adaptive Re-Use Assessment (Appendix A to the EIS Addendum) indicates that the existing structures lack many of the structural features typically necessary for potential reuse.

7. As described in **Chapter 2** (Key Topic Areas) of this FEIS and the response to Comment 2 of this letter, prior to the DAHP determination of eligible buildings, the DEIS had previously assumed that 13 structures would be potentially eligible for listing on the NRHP and identified impacts and mitigation measures associated with the potential removal of up to 12 of these eligible structures (refer to Section 3.11 of the DEIS for further details on potential impacts and mitigation measures). The determination of eligibility by DAHP confirmed those assumptions analyzed in the DEIS and would not change the impacts identified in the DEIS.

   The potential retention/reuse of structures identified in the SDEIS and EIS Addendum would reduce or avoid direct impacts to those structures that were previously identified in the DEIS.

   As described in **Chapter 2** (Key Topic Areas) of this FEIS, the SEPA analyses conducted for The Waterfront District (including the DEIS, SDEIS and EIS Addendum) have addressed a wide range of redevelopment alternatives including an alternative assuming retention of existing structures (Alternative 4) and alternatives assuming a reasonable upper level determination of potential impacts where all buildings would be demolished (DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative). However, DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative do not preclude the retention of any structure. Please refer to **Chapter 2** (Key Topic Areas) of this FEIS for additional detail.

8. As described in **Chapter 2** (Key Topic Areas) of this FEIS, impacts associated with the removal of up to 12 potential eligible structures were identified in the DEIS (refer to Section 3.11.2 of the DEIS for further details on potential impacts associated with redevelopment of the site and removal of eligible structures). The DAHP determination is consistent with the DEIS assumption that the structures could be eligible for listing and would not change the impacts identified in the DEIS.

   Measures to mitigate the impacts associated with the removal of those structures were identified in the DEIS. Additional provisions related to the potential retention/reuse of structures identified in the SDEIS and EIS Addendum would further reduce or avoid direct impacts to those structures assumed for removal from the site in the SEPA analysis.

9. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, it is unlikely that the structures identified as potentially viable for reuse could form a cohesive historic district. However, the retention/reuse of on-site industrial equipment would help to mitigate those impacts and would allow visitors to understand the scale and inventiveness of the industrial processes that took place on the site.

   Impacts and mitigation measures associated with the potential removal of individually eligible buildings were identified in the DEIS (Section 3.11 of the DEIS).

10. As described in **Chapter 2** (Key Topic Areas) of this FEIS and the response to Comment 7 of this letter, the SEPA analyses conducted for The Waterfront District (including the DEIS, SDEIS and EIS Addendum) have addressed a wide range of redevelopment alternatives including an alternative assuming retention of existing structures (Alternative

4) and alternatives assuming a reasonable upper level determination of potential impacts where all buildings would be demolished (DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative). However, DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative do not preclude the retention of any structure. Please refer to **Chapter 2** (Key Topic Areas) of this FEIS for additional detail.

Mitigation measures associated with the potential removal of up to 12 eligible structures are included in the DEIS. In addition, the additional measures related to potential retention/reuse of structures identified in the SDEIS and EIS Addendum would further reduce or avoid direct impacts to those structures conservatively assumed for removal from the site for SEPA analysis purposes.

11. As described in **Chapter 2** (Key Topic Areas) and in the response to Comment 2 of this letter, the DEIS included a reasonable upper level determination of potential impacts associated with the potential removal of up to 12 eligible structures and identified mitigation measures to reduce the impact to eligible structures. Please refer to **Chapter 2** (Key Topic Areas) of this FEIS for a discussion on the EIS assumptions regarding the removal of eligible structures from the site. A range of alternatives was also analyzed in the DEIS, including an alternative (Alternative 4 – No Action) that would retain the existing eligible structures on the site.

    The potential retention/reuse of structures identified in the SDEIS and EIS Addendum would reduce or avoid direct impacts to those structures assumed for removal from the site to provide a reasonable upper level determination of potential impacts for SEPA analysis purposes.

12. Comment noted. As part of the redevelopment process, the Port would comply with all applicable provisions of the Section 106 review process.

13. As stated in **Chapter 2** (Key Topic Areas) of this FEIS and in the response to Comment 2 of this letter, the DEIS assumed that 13 structures on the site would be potentially eligible for listing on the NRHP. The determination of the historic eligibility of on-site structures by DAHP confirms the assumptions that were analyzed in the DEIS and would not be considered new information. Potential impacts and mitigation measures associated with the removal of up to 12 eligible structures were indentified in the DEIS.

March 9, 2010

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

RE: **The Waterfront District Redevelopment Project**
Draft Environmental Impact Statement Addendum
Via e-mail to sepaofficial@portofbellingham.com

Dear Mr. Maron,

The Waterfront District Redevelopment Project 2010 Draft Environmental Impact Statement Amendment (2010 DEISA) is the third State Environmental Policy Act document released for public review and comment by the Port of Bellingham in support of the Waterfront District Redevelopment Project. The other two are the Draft Environmental Impact Statement (2008 DEIS) issued in January 2008 and a Supplemental Draft Environmental Impact Statement (2008 SDEIS) issued in October 2008.

The only major transportation component in the 2010 Updated Preferred Alternative that has been significantly modified is the road grid configuration. Otherwise, the proposed project transportation actions evaluated in the 2010 DEISA are the same actions as those contemplated in the 2008 DEIS and 2008 SDEIS. The Bellingham Transportation Commission has not participated in the development of any of these transportation components or environmental documents. 1

A Master Development Plan (MDP) is also being developed to transform the Waterfront District into a new neighborhood. The MDP would include substantial new public access to the waterfront not available today. The MDP could be very appealing if it is primarily designed for people to access inviting places using public ways. The MDP could be equally unappealing if that access is primarily for vehicles using roads and bridges to access parking structures. The Bellingham Transportation Commission has not participated in the preparation of the MDP.

The Port plans to enter into a Development Agreement with the City that will further guide long-term redevelopment of the project site. As part of its efforts to plan and redevelop the site, the Port will propose amendments to the Port's *Comprehensive Scheme of Harbor Improvements* incorporating the MDP. Concurrent with the adoption of a Development Agreement, it is expected that the City will adopt a new Sub-Area Plan for the area (to be known as *The Waterfront District Master Development Plan*), along with implementing land use regulations and a Planned Action Ordinance, allowing for a change

from industrial to mixed use zoning. The Bellingham Transportation Commission has not participated in the preparation of the Port and City Development Agreement, the Port's *Comprehensive Scheme of Harbor Improvements* or the City's *Waterfront District Master Development Plan.* 1 cont.

The Bellingham Transportation Commission has confined its review to Chapter 3.5, Transportation, and Appendix C, Transportation Discipline Report, of the 2010 DEISA; Chapter 3.12, Transportation of the 2008 SDEIS; and, additional transportation documents as noted. The Bellingham Transportation Commission offers the following comments:

1. Parking

> *Parking demand associated with redevelopment on the site would be accommodated by approximately 12,892 parking spaces that would be provided throughout the site area. 2010 DEISA, page 3.5-2*

The amount of proposed parking capacity is a fatal flaw. Currently, the three largest parking space accumulations in our area are: 4,700 total parking spaces at Bellis Fair Mall, 3,800 total parking spaces within downtown Bellingham and 3,400 total parking spaces for Western Washington University (WWU).

The 12,892 spaces to be provided by the Preferred Alternative is greater than the above three examples combined. The total amount of combined parking at Bellis Fair Mall, in downtown Bellingham and for Western Washington University is about 11,900 spaces, almost a thousand less parking spaces than proposed for the Waterfront District Redevelopment Project Preferred Alternative. This would potentially make the Waterfront District Redevelopment Project Preferred Alternative the most auto-oriented project currently being proposed in the entire Pacific Northwest. 2

The entire University of Washington (UW) complex has 12,000 parking spaces; actually, 300 fewer spaces now than existed in 1989, even though substantial building additions involving over 4 million square feet have been made to the campus over the past twenty-five years. Why does Bellingham need more parking spaces to support about 6 million square feet than Seattle needs to support almost 20 million square feet? Why didn't the 2010 DEISA consider the type of approaches used by the UW to reduce the demand for parking and avoid the corresponding negative vehicle traffic impacts?

The transportation plan component of the MDP and the Development Agreement should be prepared in full response to policies in the "Parking Supply Reductions" section of the Bellingham Comprehensive Plan Transportation Chapter. The 2010 DEISA will need to be amended after the parking element of the plan is adopted and the agreement is signed.

2. Transportation Demand Management

The Waterfront District Redevelopment Project 2008 SDEIS did not properly account for the types of Transportation Demand Management (TDM) programs and alternative transportation infrastructure used by the types of project participants anticipated, or desired. The term "TDM" is never used in the 2008 SDEIS Chapter 3.12, or in the 2010 DEISA Chapter 3.5. The term "transportation demand management" is used once in the 2008 SDEIS Chapter 3.12 under the section on "Straight Street Grid Option" at the end of the discussion as though it were a negative consequence of this proposal rather than a desired program."

UW and WWU have excellent TDM Programs. WWU, one of the much anticipated occupants of New Whatcom, has reduced campus access by single occupant vehicles from 36% of all trips in 1992 to 20% of all trips in 2003. Why didn't the 2010 SDEISA consider the type of TDM approaches used by WWU to avoid the corresponding negative environmental impacts caused by excessive vehicle accommodation? 3

Instead of identifying the types of TDM actions needed to achieve a pleasant environment for pedestrians and bicyclists, the 2008 SDEIS essentially assumed The Waterfront District would be an auto-oriented development project. The impacts to be mitigated by this auto-orientation were those requiring more roadway and intersection capacity for vehicles.

The transportation plan component of the MDP and the Development Agreement should be prepared in full response to policies in the "Transportation Demand Management" section of the Bellingham Comprehensive Plan Transportation Chapter. The 2010 DEISA will need to be amended after the TDM element of the plan is adopted and the agreement is signed.

3. Non-Motorized Transportation

The Waterfront District Redevelopment Project 2008 SDEIS and 2010 DEISA transportation elements should have identified the probable environmental impacts, measures intended to mitigate these impacts, and any significant unavoidable adverse impacts that may be anticipated for the intended transportation element of the project. However, no balanced, multi-modal, comprehensive transportation element was established. Instead, the 2008 SDEIS and 2010 DEISA almost exclusively address vehicle requirements. 4

The 2008 SDEIS and 2010 DEISA identify vehicle-oriented streets, vehicle-based signalized intersections, vehicle-priority turn lanes and vehicle merge lanes. The "walkable" and "bicycle friendly" environment presented at public meetings is missing. The 2008 SDEIS Chapter 3.12 and the 2010 DEISA Chapter 3.5 never use the term "walkable."

The 2008 SDEIS Chapter 3.12 uses the term "bicycle friendly" once, but with no definition, no description of infrastructure required and no adequate discussion of safety issues. The 2010 DEISA Chapter 3.5 uses the term "bicycle friendly" once as an introduction explaining that the "Redevelopment of the site would also provide an extensive pedestrian and bicycle friendly environment that would accommodate the approximately 14,000 daily pedestrian/bicycle trips that would be generated by new mixed use development." The promised "…pedestrian and bicycle friendly environment…" is never introduced, never again mentioned. There is no definition, no description of infrastructure required and no discussion of safety issues. Pedestrians and bicyclists are presented as secondary references in the context of vehicle roadway development. There is no transportation mobility plan in the 2008 DEIS, 2008 SDEIS or 2010 DEISA as has been suggested in public meetings throughout the EIS review process.

4 cont.

The transportation plan component of the MDP and the Development Agreement should be prepared in full response to policies in the "Non-motorized Transportation" section of the Bellingham Comprehensive Plan Transportation Chapter. The 2010 DEISA will need to be amended after the non-motorized transportation element of the plan is adopted and the agreement is signed.

4. Alternative Transportation Mode Shift

Outdated technical methodologies were used. Institute of Transportation Engineers (ITE) vehicle trip generation rates and 2000 Highway Capacity Manual Level of Service calculations were directly correlated to development levels (see 2010 DEISA Tables 3.5-2 and 3.5-4). This approach is in direct contradiction to the direction established within the Bellingham Comprehensive Plan Transportation Chapter.

ITE trip generation rates are popular with some traditionalist traffic engineers, but they should be used as a starting point at most, not a decisive factor as was done in the 2008 SDEIS Chapter 3.12 and 2010 DEISA Chapter 3.5.

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There are many pitfalls to the approach used, especially with a project such as Bellingham's Waterfront District. The trip rates are based on data going back to the 1960's, they are from wherever in the U.S. data was collected and made available to ITE, they are predominately for an auto-oriented development. Page 1149 of the ITE's Trip Generation, 7th Edition, is the location for Land Use 710, General Office Building, one of the major trip rates used in the analysis. The description states "Nearly all of the buildings surveyed were in suburban locations." Is a typical suburban auto-oriented office park what we envisioned for Bellingham's waterfront?

Page 1149 of the ITE's Trip Generation manual has the following disclaimer "Transit service was either nonexistent or negligible at the majority of the sites surveyed…Users may wish to modify trip generation rates…to reflect the presence of public transit, carpools and other transportation demand management (TDM) strategies." This should be done in a context where candidate Waterfront District project occupants

such as WWU and NOAA are directly investigated to determine their trip generation history and their desired policy-driven future trip generation modal shares.

The Waterfront District's proposed actions should include the types of conditions in development regulations, development agreements and a Waterfront District Planned Action Ordinance that promote and detail such TDM programs. Shouldn't the Waterfront District transportation plan development be assessing the impacts of desired new urban transportation policies and practices, rather than old suburban auto-centric policies and practices that gave us what we have today along the Guide Meridian?

It is well understood in most major city planning departments that minimum parking requirements increase traffic, increase conflicts with pedestrians, increase safety hazards for bicyclists, increase air pollution, distort urban form, increase housing costs and damage the economy. Many examples exist of what other city planning efforts have done and what could be done to prepare a proper transportation plan for the Waterfront District Redevelopment Project driven by the type of transportation policy suitable for Bellingham's premier project.

One example is found to the south. The City of Seattle imposed a maximum, not a minimum, parking requirement on the University of Washington over twenty years ago. The Waterfront District transportation plan should follow current procedures driven by relevant transportation vision and policy, not old technical procedures driven by dozens of inappropriate assumptions.

5 cont.

Another example of policy-driven transportation planning can be obtained from our neighbor to the north. Vancouver B.C.'s Southeast False Creek (SEFC) area comprises a total of 80 acres of former industrial land near downtown Vancouver, a location very comparable to Bellingham's Waterfront District site. The Vancouver City Council directed that the City explore using Southeast False Creek as a model for "sustainable development." Isn't that what we want for Bellingham's Waterfront District?

The Southeast False Creek policy statement approved by the City of Vancouver in 1999 reads as follows:

> "Southeast False Creek is envisioned as a community in which people live, work, play and learn in a neighborhood that has been designed to maintain and balance the highest levels of social equity, livability, ecological health and economic prosperity, so as to support their choices to live in a sustainable manner."

Isn't this what we envision for Bellingham's Waterfront District? One of the objectives of the Southeast False Creek transportation policy is to eliminate the need to make a vehicle trip because individuals live/work/play/learn in the same place. The 2008 SDEIS Chapter 3.12, nor the 2010 DEISA Chapter 3.5, reflect such a policy.

The following vision was adopted by Vancouver for transportation and accessibility:

> "The transportation network in Southeast False Creek will greatly shape the neighborhood's form and livability. Developing transportation and circulation systems, which focus on pedestrian and bicycle paths and transit linkages, is of primary importance in ensuring a livable and environmentally sustainable waterfront neighborhood".

Isn't this the transportation network and circulation system we should envision for Bellingham's Waterfront District? One of the objectives of the Southeast False Creek transportation policy is to place greater emphasis on the utilization of walking and bicycling to make a trip. Neither the 2008 SDEIS Chapter 3.12, nor the 2010 DEISA Chapter 3.5, represent such a policy.

Instead, the Waterfront District Redevelopment Project 2008 SDEIS and 2010 DEISA rely upon parking, roads, bridges and more traffic signals to channel the increased vehicular traffic such designs encourage. Bicyclists are not encouraged. Bicycles must share 14-foot wide vehicle lanes, not a standard used in major urban redevelopment projects where pedestrian and bicycle infrastructure are given priority.

In Vancouver, the Southeast False Creek transportation design guidelines for the Ontario Street right-of-way dedicate 3-meters (about 10-feet) to a bike path, another 3-meters to a pedestrian path, another 1.5 meters to a sidewalk in the same cross-section as a 7.5 meter roadway. Front Street has a different cross-section with 4.2-meters dedicated to bicyclists, 8.8-meters to pedestrians and a reduced roadway for vehicles of 6-meters. This is to accommodate a target mode share with over half arriving by transportation modes other than automobiles.

A January 17, 2005 report from the Southeast False Creek Steering Committee to the Vancouver City Council set a target of "60% of all daily trips by non-auto modes based on reduced parking requirements, greater support for car-sharing and co-op vehicles, and increased support for alternative modes such as cycling and public transit." The 2008 SDEIS had no target. The 2010 DEISA had a target of only 30% non-auto and this was not part of the project, merely a possible mitigation measure with no corresponding transportation plan offered to articulate how the target would be achieved.

Other new transportation policies and corresponding infrastructure investments were identified for Vancouver's Southeast False Creek, such as making the overall width of the walkway-bikeway 60-feet; and, requiring grade separation of pedestrian and bicycling modes in high traffic areas. This is not a recreational facility, but a functional part of the overall transportation network to serve all trip purposes. The Waterfront District 2008 SDEIS assumed non-recreational bicyclists will share the 14-foot lanes - "bicyclists would be accommodated within the street right-of-way" (2008 SDEIS pages 3.12-48 and 3.12-58).

5 cont.

Although extensive Level of Service (LOS) analysis was performed for vehicles, none is performed for other modes as would be required by Washington State's Growth Management Act (GMA) in a major urban project where transit, pedestrians and bicyclists are to be given priority. GMA requires a transportation LOS analysis, not one for just vehicle flow.

6

Giving proper attention to LOS impact analysis for transit, pedestrians and bicyclists would have been as appropriate as the attention given to all of the vehicle flows at intersections in the New Whatcom DEIS. The GMA requires local jurisdictions "…to prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies." The Waterfront District 2008 DEIS, 2009 SDEIS and 2010 DEISA did not adequately consider these GMA specified strategies or other Washington State Commute Trip Reduction (CTR) requirements.

Such GMA and CTR strategies are not foreign to transportation planning in Bellingham. Transportation policy as included in WWU's Institutional Master Plan places emphasis on these types of strategies. WWU works diligently on the types of alternative transportation connections to campus that should have influenced the transportation planning process for the Waterfront Redevelopment Plan, had there been one. The current WWU modal hierarchy is:

7

1. Pedestrians
2. Bicycles
3. Transit
4. Vehicles

Isn't this modal hierarchy preferable for the Waterfront District? Instead, the 2008 SDEIS Chapter 3.12 and 2010 DEISA Chapter 3.5 placed a priority on vehicles. It is predicated on parking those vehicles at the expense of the project participants. Page 3.12-49, 58 and 69 of the 2008 SDEIS all contain the following statement.

> "It is assumed that adopted standards for the future parking supply onsite would require that each future redevelopment project accommodate its parking demand"

Is WWU going to pay for the minimum required parking supply specified in the 2008 DEIS given their current transportation policies? Let's not burden the Port, the City, WWU, other project participants and especially local taxpayers with the estimated $386,760,000 it will cost to provide the parking supply the Waterfront District Redevelopment Project 2008 DEIS assumes is required at an estimated cost of $30,000

8

per parking space. How that cost is to be borne is critical, but neither the 2008 DEIS, the 2008 SDEIS or the 2010 DEISA has an economic analysis to assess this critical impact. 8 cont.

The transportation plan component of the MDP and the Development Agreement should be prepared in full response to policies in the "Alternative Transportation Mode Shift" section of the Bellingham Comprehensive Plan Transportation Chapter. The technical work should be performed using the latest best international transportation planning and design practices and the most recent U.S. technical methods such as those contained in the 2010 Highway Capacity Manual. The 2010 DEISA will need to be amended after the non-motorized transportation element of the plan is adopted and the agreement is signed. 9

The work included in the 2008 DEIS, the 2008 SDEIS Chapter 3.12 and the 2010 DEISA Chapter 3.5 represents best professional practices in transportation analysis used in the past. Those practices have changed. The Bellingham Comprehensive Plan requires adopting the more recent practices being used in other places we want to emulate. We can do better. We must if Bellingham's Waterfront District is to be sufficiently attractive in the global marketplace to be the success we want it to be. 10

The Bellingham Transportation Commission looks forward to working with all project participants on any of the ongoing transportation-related planning efforts cited in this letter in the future.

Sincerely,

Frank Ordway, Chair
City of Bellingham
Transportation Commission

Transportation Commission Members-
Frank Ordway, chair;
James Gebhardt
Tim Hostetler
Therese Kelliher
Jim McCabe
Dan Burwell
Wes Frysztacki

Response to EIS Addendum Letter 3

City of Bellingham Transportation Commission

1. Comments noted. The Bellingham Transportation Commission is a newly formed advisory committee, which was not previously available to participate in discussions related to The Waterfront District Redevelopment Project. As the project moves forwards, the City will involve the Transportation Commission where appropriate.

2. Comments noted. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand evaluates a reasonable upper level of parking supply for the purposes of disclosing potential parking impacts; although the actual parking supply associated with redevelopment may be less than that analyzed, the analysis provides a reasonable upper level determination of potential parking impacts. An intent of the analysis was to identify the potential for impacts to downtown Bellingham parking since parking in the downtown core is a continual topic of discussion and concern; the analysis assumed the highest potential number of parking stalls on the site to provide a reasonable upper level determination of potential impacts. The analysis assumes that parking would be provided in phases as the development occurs and that parking supply would be reduced, as appropriate.

   Land use type and density factor into the amount of parking supply needed for any development. The comparison of parking supply needs to other developments must consider both these components e.g., shopping malls, universities, and downtown Bellingham have very different land use types and densities than the proposed Waterfront District Redevelopment Project.

   The EIS Addendum discussed mitigation strategies that could be used to reduce the level of parking supply (see pages 3.5-16 through 3.5-20 of the EIS Addendum). These strategies include an increase in the non-auto modes to and from The Waterfront District, which would decrease the parking demand for the development. In addition, Appendix N pages 142 to 145 of the DEIS described parking demand management strategies that could be used to reduce the overall parking supply needed.

   Parking policies and strategies will be reviewed through the Master Planning process and modifications could be made to the City's parking requirements to be incorporated into the Development Agreement. As future redevelopment occurs on The Waterfront District site, parking would be evaluated for individual land use proposals and appropriate reductions would be made.

3. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS and the response to Comment 2 of this letter, the transportation analysis prepared for the EIS is intended to provide a reasonable upper level determination of potential transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies including implementation of transportation demand management (TDM). These mitigation strategies are described in detail in the EIS Addendum on pages 3.5-16 to 3.5-20 and Appendix C and the DEIS on pages 3.12-71 through 3.12-77 and Appendix N.

The EIS Addendum expands on the notion of implementing TDM and other strategies to reduce reliance on auto travel. The EIS Addendum indicated that an approximately 30 percent non-auto mode share (during the PM peak hour) would be needed to reduce congestion on-site and allow for better circulation. Street system operations are evaluated with this shift to non-auto modes providing an understanding of how the mitigation strategies would improve conditions. In addition, the transit facilities and services that would be necessary to achieve a shift in traffic to non-auto modes are outlined in the EIS Addendum. The EIS Addendum was prepared in coordination with Whatcom Transportation Authority (WTA). It is anticipated that coordination with WTA would be ongoing to ensure adequate service and facilities for The Waterfront District.

The EIS Addendum builds on the work completed as part of the SDEIS and DEIS. A full list of operational and management strategies including TDM are outlined in Tables 48 and 49 of the DEIS. In conjunction with transit service and facilities, additional measures will be needed to shift traffic to non-auto modes. As described in the DEIS, these measures would include provision of adequate pedestrian crossings and linkage to transit and land uses on-site, provision of bicycle amenities on-site, and implementation of systems such as transit priority and bus bulb-outs to improve transit efficiency.

As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, TDM programs are typically implemented by individual businesses and vary with the nature of the land use. Redevelopment of The Waterfront District would include multiple tenants and businesses making it more difficult to implement, enforce, and ultimately achieve higher mode share goals. Because this is a mixed use development and the individual businesses are unknown at this time, it is difficult to predict the level and extent of the TDM program that would be provided. It cannot be assumed that TDM will take place absent a mechanism to administer and regulate it for the entire site; therefore, the EIS provides a disclosure of reasonable upper level transportation impacts; although the actual level of vehicle trip generation may be less than that analyzed. The Port and the City fully support implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist.

4. The EIS Addendum and SDEIS disclosed only those transportation elements where impacts would change as a result of the Preferred and Updated Preferred Alternatives. Impacts and mitigations related to the non-motorized transportation system are fully disclosed in the DEIS and because the non-motorized transportations system would not substantially change under the Updated Preferred Alternative, are not revisited as part of the EIS Addendum and SDEIS.

   The EIS Addendum pages 3.5-4 through 3.5-6 and SDEIS page 3.12-11 and Appendix M described the Updated Preferred Alternative street cross-sections and non-motorized facilities. As described in the SDEIS Appendix M pages 5 to 8, all roadways on-site would provide pedestrian and bicycle facilities. In addition, there would be an extensive trail system on-site that connects to existing trails in the vicinity of the site.

   The EIS is a disclosure document that evaluates the Proposed Actions and makes recommendations for mitigations which could be incorporated into the Master Development Plan. Transportation plans and requirements, including requirements for non-motorized transportation, would be developed as part of the Master Development Plan review process and Development Agreement.

5. The 2000 *Highway Capacity Manual* is the most up to date level of service methodology and recommended by the City of Bellingham as the appropriate method for understanding intersection operations (see City's *Development Guidelines and Improvement Standards).*

As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, to substantiate the traffic assumptions and ensure they are reasonable it is important to be consistent with recognized trip generation sources including the Institute of Transportation Engineers (ITE) and the City's Comprehensive Plan goals. As described in the DEIS (page 3.12-26 to 3.12-27), ITE *Trip Generation* was only the starting point in estimating vehicular and other trips generated by the redevelopment. The transportation analysis assumes a reduced dependence on the automobile than observed in Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Infrastructure improvements would be phased overtime to keep pace with on-site vehicular traffic generation, and allow less vehicular infrastructure to be constructed if a greater transit/bike/walk mode share is realized.

Figure 14 of Appendix N of the DEIS illustrated the trip generation process as follows:

- The ITE daily vehicle trip rates were converted to a daily person trip rate based on average vehicle occupancy from ITE *Trip Generation* and the City of Bellingham 2000 US Census journey to work data.
- Using the size of the development and daily person trip rates, the total daily person trips were determined for each land use type.
- The daily person trips were broken down into auto, transit, and bicycle/walk/other trips. Transit trips represented 2 to 6 percent of the daily person trips while bicycle/walk/other trips represented 5 to 20 percent of the daily person trips. These mode shares were based on the City of Bellingham's Comprehensive Plan goals, and are higher than observed today.
- The result of the above step provided the number of auto, transit, and bicycle/walk/other trips. To determine the redevelopment vehicle trips, daily person auto trips was divided by the average vehicle occupancy.
- Based on daily vehicle trips, both AM and PM peak hour vehicle trips were determined using the estimated proportion of daily trips that occur during the peak hours.

The DEIS transportation analysis did not utilize data from smaller suburban developments as a basis for vehicle trip and parking generation. Instead standard ITE practices were used as a starting point and consideration was given to transit, pedestrian/bicycle, and other alternate modes. The transportation analysis assumes a reduced dependence on the automobile than observed in Bellingham today and is consistent with the City Comprehensive Plan mode share goals. In addition, mitigation measures such as TDM are provided that would likely reduced vehicular traffic. The ultimate Master Development Plan and Development Agreement with the City will identify policies and guidelines to encourage alternative modes. Infrastructure improvements would be phased overtime to keep pace with on-site vehicular traffic generation; this would allow less vehicular infrastructure to be constructed if a greater

transit/bike/walk mode share is realized. (See also response to EIS Addendum Letter 3, Comments 2 and 3)

6. The City of Bellingham does not have adopted LOS standards for transit, pedestrians, and bicyclists. Therefore, as described on pages 14 and 15 of the DEIS Appendix N, transit service was evaluated based on WTA's passenger loading factor which indicates the utilization of a transit corridor based on service capacity, and non-motorized facilities were evaluated qualitatively based on facilities condition, major attractors/accessibility, and conflicts with other modes. Based on these performance measures, the DEIS identifies potential transit and non-motorized impacts as a result of the redevelopment and identifies mitigation measures for non-motorized and transit facilities/services including corridor improvements to facilitate connections between off-site and on-site locations, creation of a pedestrian/bicycle friendly environment on-site, provision of linkage between transit and land uses, provision of bicycle amenities, coordination with WTA for transit routes and facilities, implementation of transit strategies to improve performance such as signal priority and bus bulbs, etc. These mitigations are also expanded on in the EIS Addendum and SDEIS and an evaluation is provided in the EIS Addendum showing the implication of a greater non-auto mode share on the street system.

7. Comment noted. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analysis assumes a reduced dependence on the automobile than observed in Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. The EIS Addendum pages 3.5-16 to 3.5-20 described operational and management strategies to reduce vehicular traffic on-site and the implications of this reduction. Additional discussion is provided in the DEIS Appendix N pages 142 to 150 with examples of mitigation strategies including implementation of a TDM program, provision of pedestrian, bicycle, and transit amenities, coordination with WTA to provide on-site transit routes, and ensuring adequate links between land uses and pedestrian, bicycle, and transit facilities. Infrastructure improvements would be phased overtime to keep pace with on-site vehicular traffic generation; this would allow less vehicular infrastructure to be constructed if a greater transit/bike/walk mode share is realized. (See also the response to EIS Addendum Letter 3, Comments 2 and 3)

8. As indicated in the response to Comment 2 of this letter, the analysis of parking demand presented in the DEIS, SDEIS, and EIS Addendum evaluated a reasonable upper level of parking supply for the purpose of disclosing potential parking impacts; although the actual parking supply associated with redevelopment may be less than that analyzed, the analysis provides a reasonable upper level determination of potential parking impacts. Mitigation strategies to reduce the level of parking supply have been identified. Refer to the response to Comment 2 of this letter and **Chapter 2** (Key Topic Areas) of this FEIS for additional details.

9. The transportation technical analyses prepared for the SEPA documentation was performed using the latest industry standards and methodologies. Adjustments were made to these standards, as appropriate, to account for the nature of The Waterfront District. The 2010 *Highway Capacity Manual* (HCM) is in the review and adoption process. Adoption and publication of the 2010 HCM is not anticipated until the end of 2010. Non-motorized impacts are fully disclosed in the SDEIS and DEIS. As part of the Master Planning process, modifications could be made to the on-site infrastructure.

10. As indicated in the response to Comment 9 of this letter, the transportation analysis was conducted consistent with Bellingham's Comprehensive Plan, which establishes LOS based on the 2000 HCM. The evaluation also integrated mode share based on the Comprehensive Plan goals.

March 10, 2010

Mr. Andrew Maron
SEPA Responsible Officer
Port of Bellingham
PO Box 1677
Bellingham, WA 98227-1677

Dear Mr. Maron,

We are submitting this letter on behalf of the owners of the Morse Square Condominiums. Our property is a mixed-use building consisting of seventy-six residential units and six commercial/business units located in downtown Bellingham.

We understand the Port feels they need to move the Railroad. We do not have a problem with the whistles/horns. We also know that whistles/horns will cease when there are no longer any at grade crossings which are both good things for downtown Bellingham.

What we have asked about is:

- The moving of the RR will directly impact an existing and growing residential neighborhood. I understand there has been and I support discussion around some type of tunnel or cover that would help mitigate noise from the RR and support a bike trail. This impact and mitigation should be addressed in the EIS. 1

- The moving of the RR will directly impact an existing and growing residential neighborhood. There will be increased, repetitive and ongoing vibration from the passing trains through the sandstone bluff on which our buildings are situated. A horizontal gap of some size could be seen across the center of the bluff prior to the pouring of the first massive foundation. Seismic studies should a part of the EIS in relation to these buildings. 2

We have asked these questions for two years and thought they would be included in the consideration of impacts. We have not found it in the EIS. 3
Would you please let us know how we can make certain that our well-founded and profound concerns have been addressed and what mitigations have been considered.

Respectfully,

Morse Square Condominium Association Board of Directors
Rollo Van Slyke, President
Sheryl Russell, Vice President
Michael J. Tomlinson, DVM, PhD, Secretary
Don Lamb, CPA, Treasurer

Response to Addendum Letter 4

Morse Square Condominium Owners

1. Comment noted. The DEIS Redevelopment Alternatives and the Preferred Alternative, as well as the Updated Preferred Alternative, assume relocation of the railroad corridor closer to the bluff, such relocation would be subject to a separate permitting and environmental review process that could be undertaken by BNSF/Washington State Department of Transportation in the future. As indicated on pages 3.6-6 and 3.6-7 of the DEIS, the existing operation of the rail line immediately adjacent to some of the receivers at the north and south ends of the site does result in noise that contributes to the ambient noise environment, although train noise has not resulted in any reported noise concerns or known impacts. As part of the future permitting and environmental review effort for the relocation, a review of noise impacts could be conducted. This review could include an evaluation of the potential to establish a 'quiet zone' under the Federal Railroad Administration (FRA) Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings.

2. Comment noted. As stated in the DEIS and SDEIS, the relocation of the BNSF railroad corridor is not an element of the proposal and railroad corridor relocation would be subject to a separate permitting and environmental review process; however, relocation of the railroad corridor was assumed in the EIS analysis even though it would be a separate action undertaken by BNSF/WSDOT. As indicated on pages 3.1-20 of the DEIS, relocation of the BNSF railroad adjacent to the bluff could potentially result in some increased level of vibration at nearby off-site buildings. The impact of vibrations due to vehicle and railroad traffic is difficult to quantify, and thus would need to be addressed on a case-by-case and location-specific basis at the future building/construction permit stage. Vibration impacts to existing buildings on top of the bluff due to railroad traffic along the relocated corridor could be buffered to some extent by the bluff. Vibration levels from railroad traffic would generally be anticipated to be similar to levels along other parts of the corridor that currently exist in the urban area and in proximity to existing buildings. If permit applications are submitted in the future for relocation of the railroad corridor, additional environmental review would likely be required; noise and vibration analyses could be required. Mitigation measures for traffic vibrations could include monitoring of traffic vibration levels and comparison with standard vibration levels that are perceptible to humans in nearby offsite buildings.

3. As commentors on the EIS Addendum, the Morse Square Condominium Association Board of Directors is now "parties of record" to The Waterfront District Redevelopment project. The Port is required to keep parties of record information any public hearings held or decisions made regarding The Waterfront District, including decisions regarding the potential relocation of the rail line adjacent to the site.

RE Sources
for Sustainable Communities

2309 Meridian Street • Bellingham, WA 98225 • (360) 733-8307 • fax (360) 715-8434 • resource@re-sources.org

SEPA Responsible Official
The Port of Bellingham
P.O. Box 1677,
Bellingham, WA 98227-1677
[sepaofficial@portofbellingham.com]

March 10, 2010

RE: Feb. 8, 2010 Addendum to "Waterfront District" Environmental Impact Statement.

To the SEPA Responsible Official:

Thank you for accepting these comments on behalf of RE Sources North Sound Baykeeper Team. The North Sound Baykeeper program represents over 500 people in Whatcom and Skagit County who value clean water and a healthy marine environment. The majority of our members live in Whatcom County.

In regard to the Feb. 8, 2010 Addendum to "Waterfront District" Environmental Impact Statement, I have one congratulatory remark and one concern:

The North Sound Baykeeper Team is pleased that the Central Avenue connection has shifted to the South side of granary building. This will enable the movement of major circulation routes, and a concomitant removal of vehicle and stormwater pollution sources away from the waters of Whatcom Creek, its estuary, and Bellingham Bay. In time, this may also allow the desired rehabilitation of the Central Avenue pocket beach and Roeder Avenue mudflat for habitat. 1

One abiding concern of the North Sound Baykeeper Team is that the proposed marina is visioned to contain 460 slips. Currently, there are no permits and no available detailed designs for this marina. In the environmental charrette held in March 2006, specific ways to enhance this marina for habitat were put forth. One of the most important ways to create fish habitat in the marina, was to create a more graded bank. It was acknowledged in the workshop that creating this graded bank would allow only 350 slips in the marina. Since no marina design has been put forth and the vision of this new marina is one that is habitat-and fish-friendly, I find it concerning that only the upper range of slips is now being advertised. Please re-instate the range of slips in the proposed marina as being 350-450, the original range given in the Port's initial description of the project. 2

Thank you for consideration of these comments.

Sincerely,

Wendy Steffensen [wendys@re-sources.org]
Lead Scientist, North Sound Baykeeper Team

Response to EIS Addendum Letter 5

Resources for Sustainable Communities

1. Comment noted.

2. The Port is continuing to work on the specific design features of the proposed new marina in coordination with remedial design for the Whatcom Waterway site, which is being performed under a Consent Decree with the Department of Ecology. Periodic updates on geotechnical and environmental sampling, hydrodynamic modeling and project engineering for environmental remediation and marina design have been presented to the Port Commission and the public at a number of work study sessions. Creation of marine habitat, fish passage, graded slopes and public access have remained as key features in the new marina design. The number and size mix of moorage slips is still being fine-tuned, based on market demand and other design features. A maximum of 460 slips is referenced in the EIS as a reasonable upper level for the potential number of slips.

WESTERN
WASHINGTON UNIVERSITY
Capital Planning and Development

An equal opportunity university
Bellingham, Washington 98225-9044
(360) 650-6550

March 10, 2010

Mr. Andrew W. Maron
SEPA Responsible Official
Port of Bellingham
P.O. Box 1677
Bellingham, WA 98227-1677

RE: WESTERN WASHINGTON UNIVERSITY RESPONSE TO THE WATERFRONT DISTRICT REDEVELOPMENT PROJECT EIS ADDENDUM DATED FEBRUARY 2010

Mr. Maron,

Thank you for the opportunity to respond to the EIS addendum. Western Washington University has been interested in the waterfront redevelopment since its inception and has been an active participant in its process. Over that time, we have developed and shared our vision for a university presence at the waterfront with the Port of Bellingham, the City, and the campus community. We have collectively developed a waterfront campus character that we believe will create a vibrant destination for students, faculty, staff, and the community to interact and prosper. It is in that framework that we respond to the EIS addendum.

Western has stressed repeatedly, and verified in the waterfront campus character study, the strong desire to have a contiguous core of at least six acres uninterrupted by single occupancy vehicles. We believe sustainability and support of alternative transportation systems are critical elements to the success of a waterfront campus. Therefore, we cannot support the EIS addendum recommendation of Paper Avenue extending north from Log Pond Drive to the southern loop of Commercial Street. There is insufficient data within the EIS addendum to demonstrate its need, even at full build-out. 1

However, if through additional information, it can be demonstrated that this connection is crucial to the success of the waterfront, Western requests that every effort be made by the Port and City to accommodate a vision for a vibrant waterfront community campus with a contiguous core. That effort should include, at a minimum, shifting the portion of Paper Avenue between Log Pond Drive and Commercial Street to the west where it could be adjacent to the park and the shorelines setback. 2 Additionally, options such as controlled hours of operation, alternative transportation only, one-way traffic, alternative surfaces that are more pedestrian friendly, and traffic calming features should be fully explored. 3

In conclusion, Western stands committed to being a partner in the waterfront redevelopment and all its unique opportunities for the community.

Thank you for considering our comments and suggestions.

Sincerely,

Rick Benner, AIA
Executive Director Capital Planning and Development
Western Washington University

Cc: Steve Swan, WWU Vice President for University Relations
Kathy Wetherell, WWU Interim Vice President for Business & Financial Affairs
Mike Stoner, Director of Environmental Programs

Response to EIS Addendum Letter 6

Western Washington University

1. Comment noted. Paper Avenue is identified as a possible link within the street system and the exact alignment has not been determined. The intent of Paper Avenue is to provide access to adjoining parcels. The need for this road is based on the planning efforts conducted to date. The City and the Port will work with Western Washington University on the Paper Avenue alignment and/or alternatives to this roadway link. As development occurs and more specific land use is identified, future planning and analysis will be undertaken to understand the full extent of the street system and the need for Paper Avenue or some other alternative to address on-site circulation and access

2. Comment noted. As indicated in the response to Comment 1 of this letter, the City and Port will work with Western Washington University on the Paper Alignment and/or alternatives for this roadway link.

3. Comment noted. Please refer to the response to EIS Addendum Letter 6, Comment 1.

From: Mark Buehrer [mark@2020engineering.com]
Sent: Wednesday, March 10, 2010 5:20 PM
To: SEPA
Subject: Waterfront District - EIS Addendum Comments
Attachments: BellinghamWaterfront_3-10-10.pdf; c - Bellingham Waterfront Concept A-B-C 2-11-08.pdf

To whom it may concern,

The main point of my comments is to make sure the EIS documents have adequate allowance for flexibility of the street configuration and would allow for some general changes to the latest site plan drawing that is currently shown in the EIS addendum. 1

In my opinion, the "Core Street Grid" and "Additional Arterial" streets that are currently shown are inadequate to provide optimal connection to the downtown core and other areas adjacent to the Waterfront District.

The attached file shows one example of a critical street grid connection that is not shown on the current EIS addendum site plan. The connection of the Waterfront District to the heart of our city's core is made via a 3-way intersection of Cornwall Ave. and the new extension of Log Pond Dr. (Also attached is a concept design of how this intersection could be configured, which was included as part of my Feb. 11, 2008 comment document. Note that Log Pond Dr. is called Sunset Boulevard in this exhibit.) 2

I believe that this street grid connection (Cornwall / Log Pond) is one example of a significant "wow" type feature that would help to inspire a serious developer to get involved with the Waterfront District, A boardwalk extending from the end of Log Pond Dr. would be another example of a "wow" feature…and there should be many more of these too…(such as a gondola to the WWU main campus and the lookout on top of Sehome Arboretum, that is also depicted in my attached Feb, 11, 2008 comments.) 3

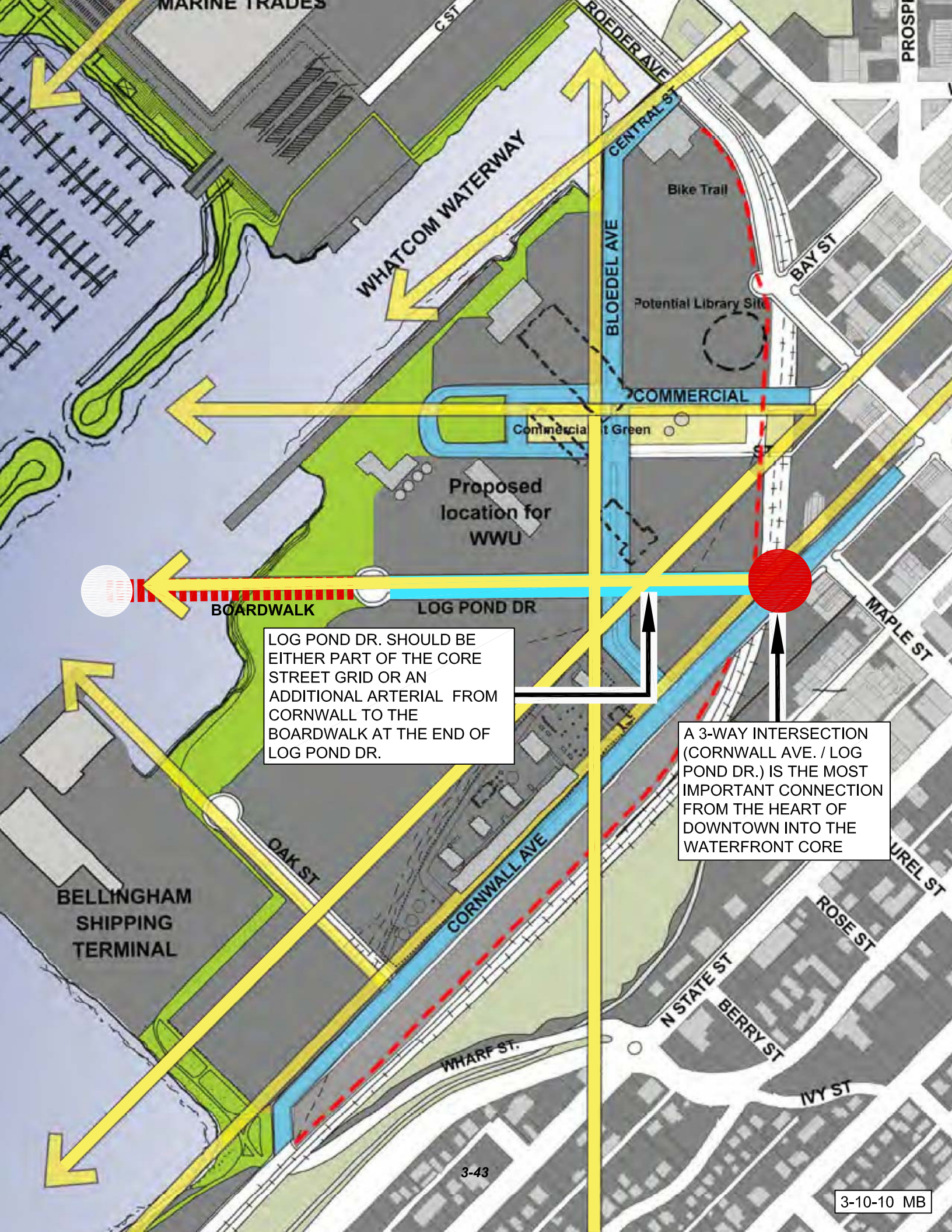
Please confirm receipt of this email and its addition to the public comments…

Thank you,

Mark

.....
Mark S. Buehrer, PE, Director
2020 ENGINEERING, Inc.
www.2020engineering.com
New Office Address:
814 Dupont Street
Bellingham, WA 98225
Ph: (360) 671-2020, Ext. 103
Fax: (360) 671-0322

"To provide simple economic solutions to complex environmental issues...to meet future needs."


MARINE TRADES
C ST
ROEDER AVE
CENTRAL ST
WHATCOM WATERWAY
Bike Trail
BLOEDEL AVE
BAY ST
Potential Library Site
COMMERCIAL
Commercial Green
Proposed location for WWU
BOARDWALK
LOG POND DR
MAPLE ST
LOG POND DR. SHOULD BE EITHER PART OF THE CORE STREET GRID OR AN ADDITIONAL ARTERIAL FROM CORNWALL TO THE BOARDWALK AT THE END OF LOG POND DR.
A 3-WAY INTERSECTION (CORNWALL AVE. / LOG POND DR.) IS THE MOST IMPORTANT CONNECTION FROM THE HEART OF DOWNTOWN INTO THE WATERFRONT CORE
OAK ST
CORNWALL AVE
BELLINGHAM SHIPPING TERMINAL
ROSE ST
N STATE ST
BERRY ST
WHARF ST.
IVY ST

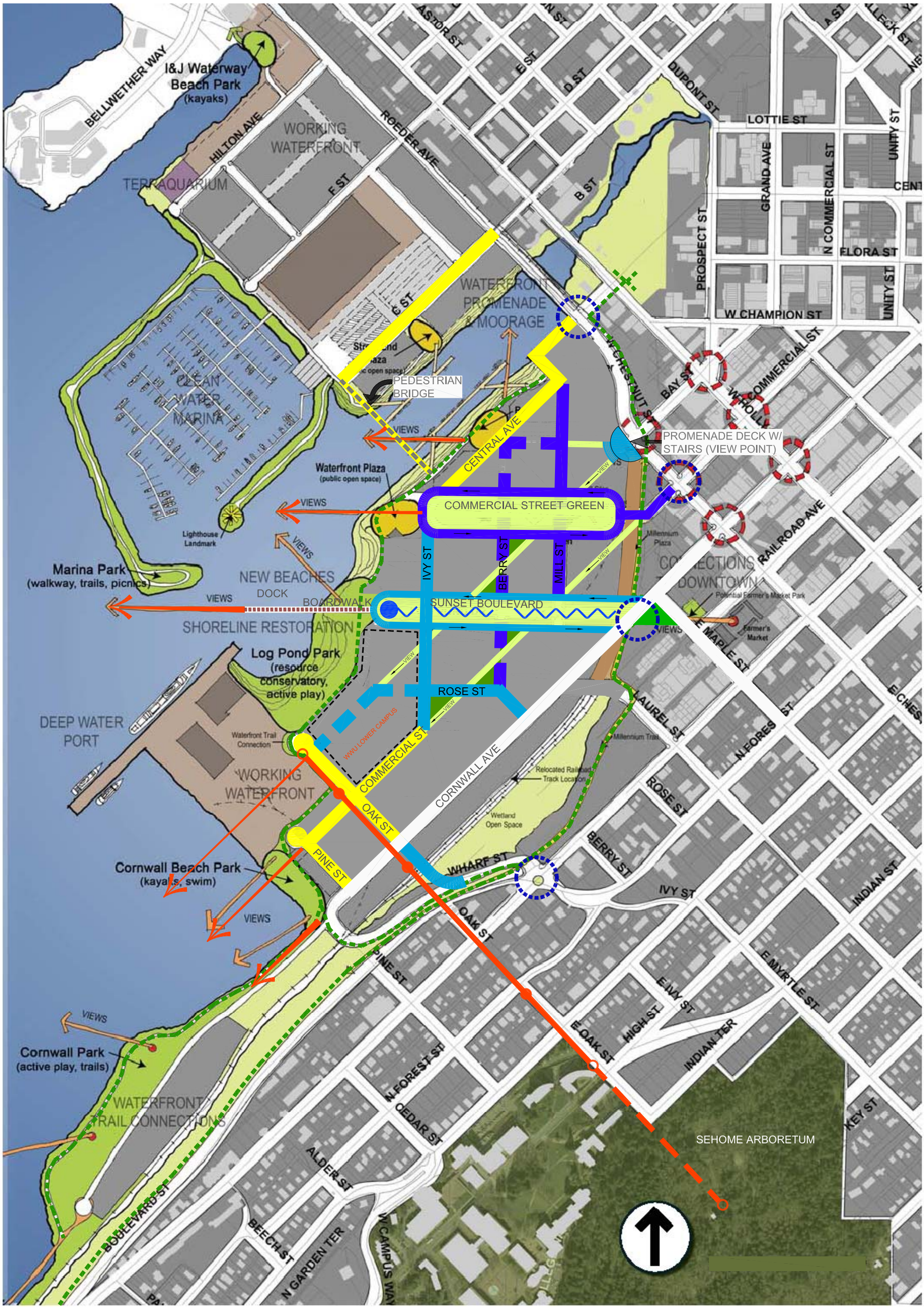
3-10-10 MB

LEGEND

- WATER FEATURE
- PEDESTRIAN TRAIL
- WOONERF (PEDESTRIAN PRIORITY LANE - LIMITED VEHICLE USE)
- VIEW CORRIDOR (MAINTAIN WITHOUT OBSTRUCTION)
- GONDOLA
- BOARDWALK / PIER
- PEDESTRIAN BRIDGE
- PRIMARY CONNECTION POINT
- OPEN SPACE
- POCKET PARK
- BUILDABLE AREA

PRELIMINARY
FEBRUARY 11, 2008

BELLINGHAM WATERFRONT CONCEPT A-B-C



LEGEND

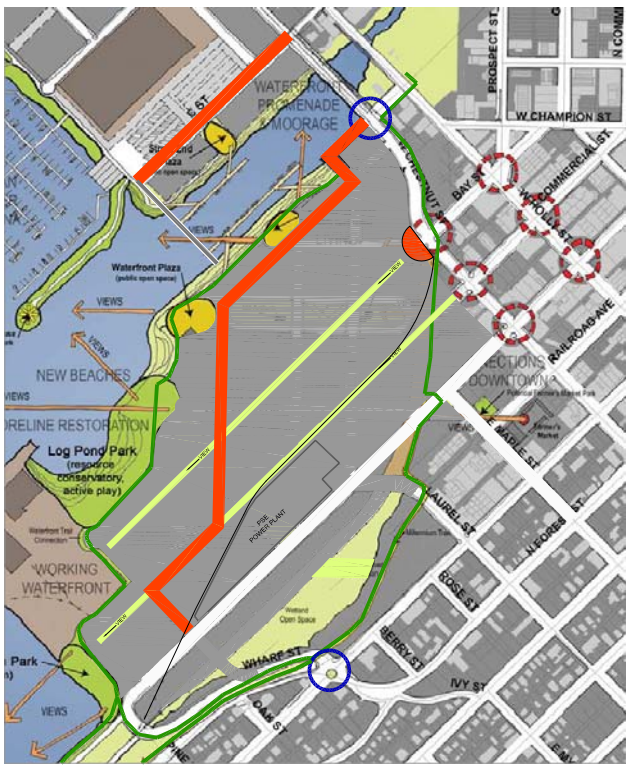
- CONCEPT A STREET
- CONCEPT B STREET
- PROPOSED CONNECTOR "C"
- EXISTING STREET

GRAPHIC SCALE
300' 0 300'
(APPROXIMATE) SCALE IN FEET

PRELIMINARY
FEBRUARY 11, 2008

BELLINGHAM WATERFRONT STREET BLEND SUMMARY (CONCEPT A-B-C)

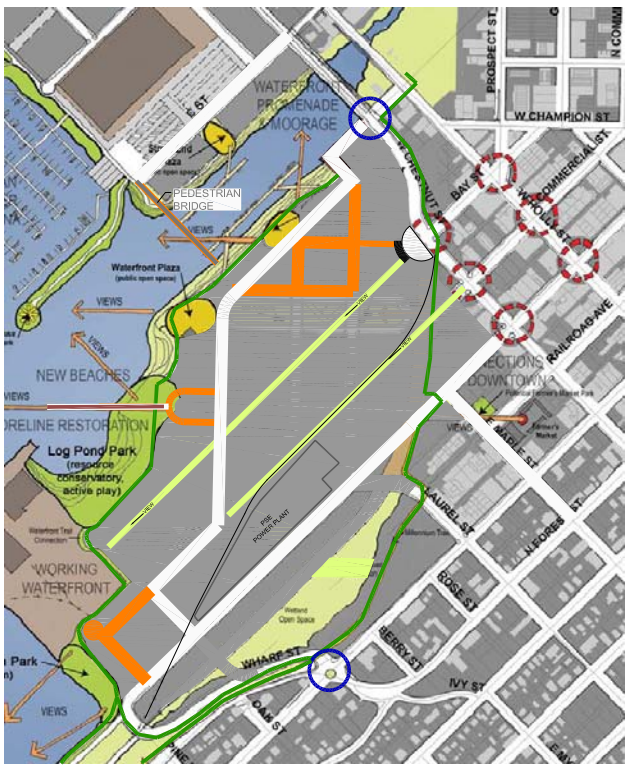
①



PHASE ONE

* "C" STREET, CENTRAL STREET/ PIER CONSTRUCTION
* PROMENADE DECK AT BAY STREET

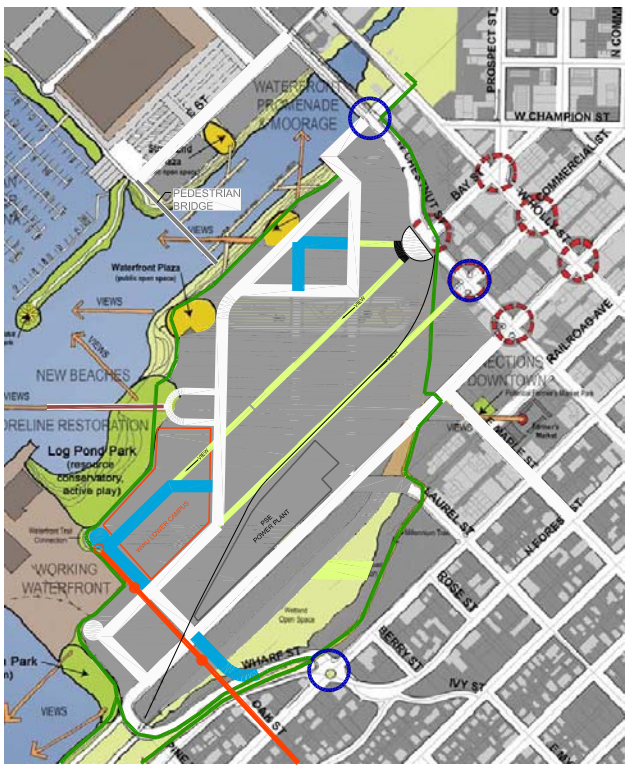
②



PHASE TWO

* PEDESTRIAN BRIDGE AND BOARDWALK/ PIER CONSTRUCTED
* STAIRS FROM BAY STREET PROMENADE DECK CONSTRUCTED

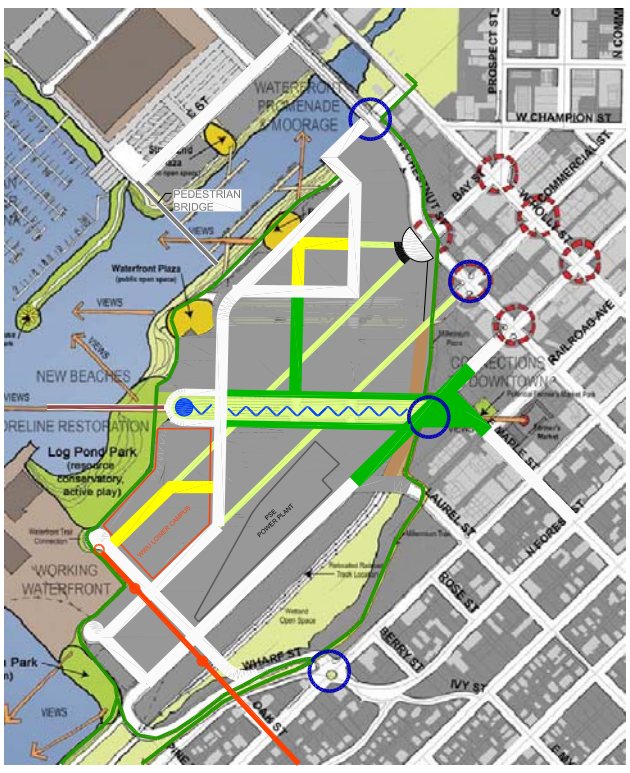
③



PHASE THREE

* WHARF STREET BRIDGE & STATE STREET ROUND-ABOUT CONSTRUCTED
* GONDOLA INSTALLED- CONNECTS WWU UPPER & LOWER CAMPUSES

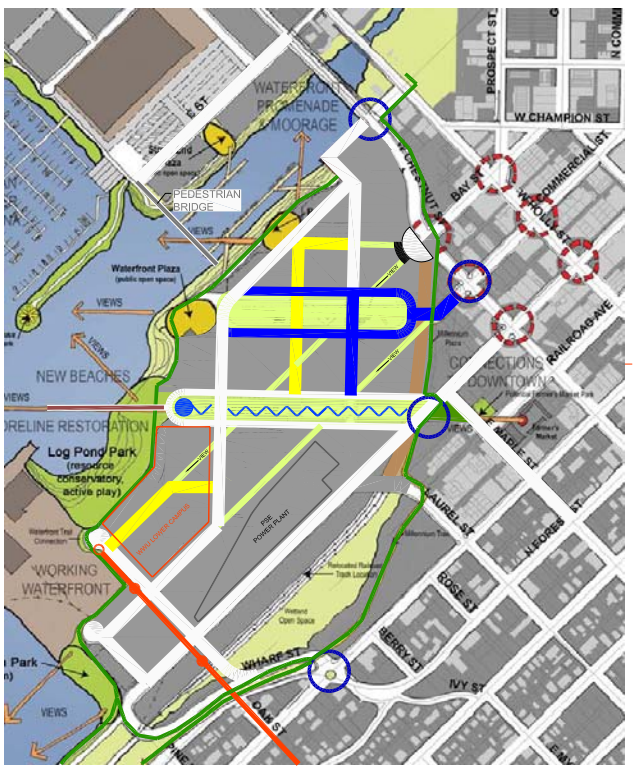
④



PHASE FOUR

* SUNSET- CORNWALL BRIDGE CONSTRUCTED
* TRAIN TRACKS RELOCATED

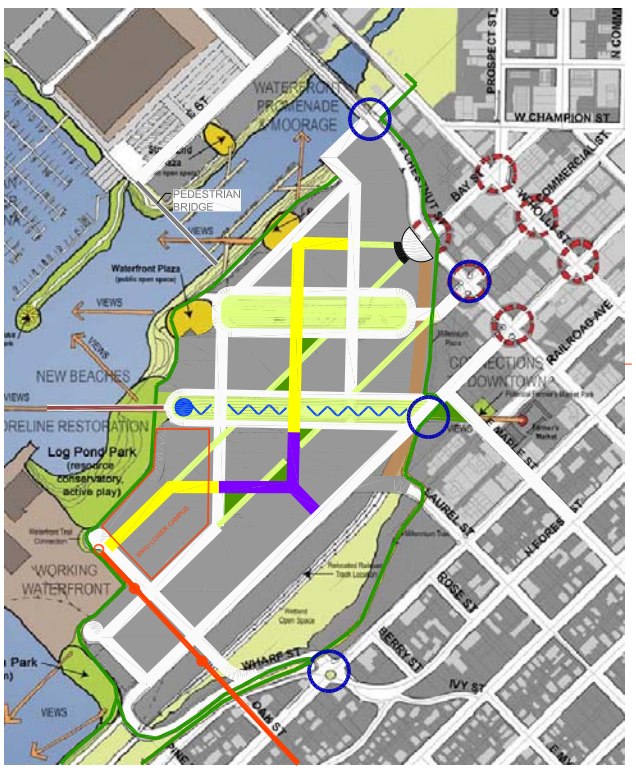
⑤



PHASE FIVE

* COMMERCIAL STREET BRIDGE TO STREET GREEN CONSTRUCTED

⑥

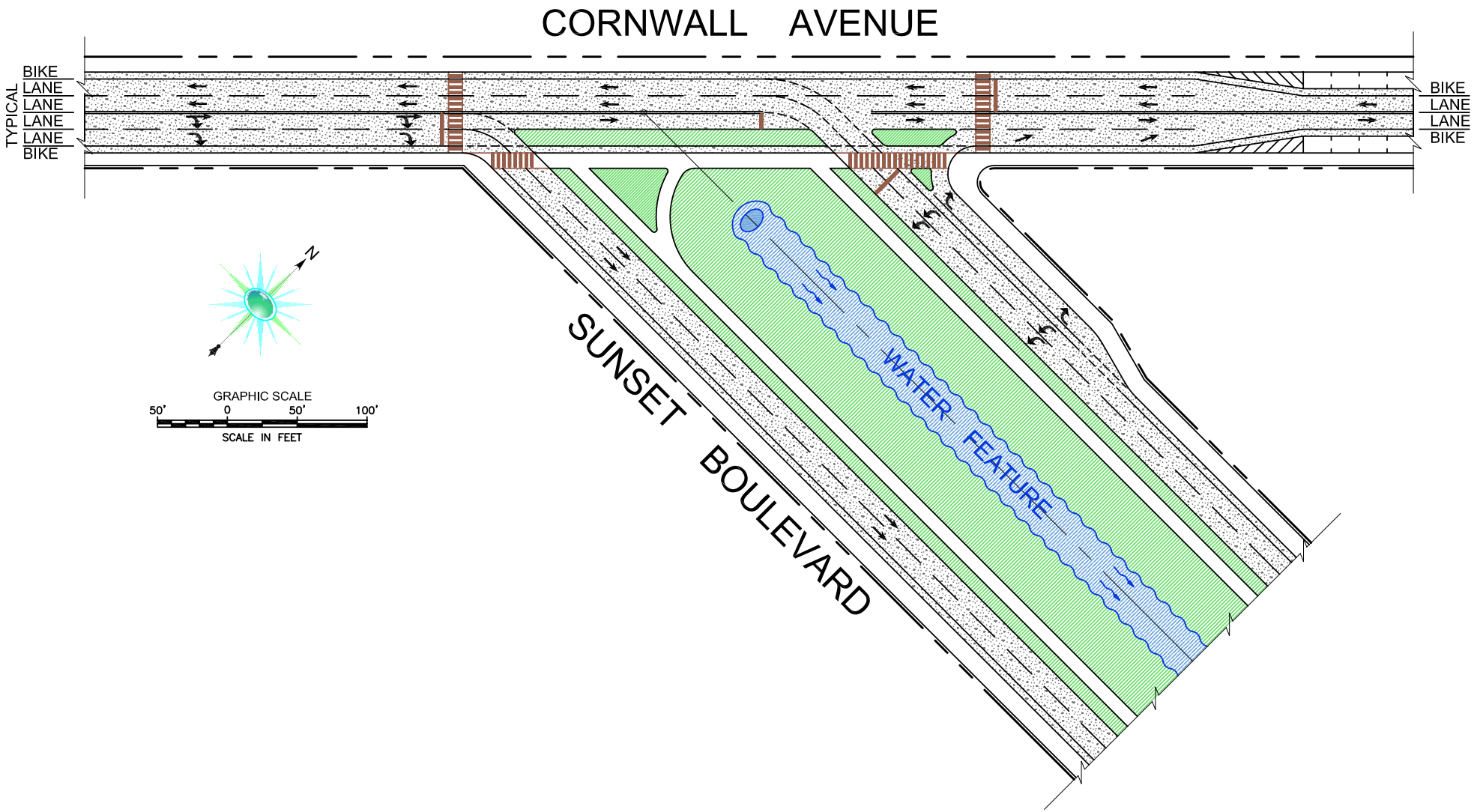


PHASE SIX

* PHASE SIX ROADWAYS POSSIBLE IF PSE POWER PLANT IS REMOVED

PRELIMINARY
FEBRUARY 11, 2008

BELLINGHAM WATERFRONT
PHASING: CONCEPT A-B-C



PRELIMINARY
NOT FOR CONSTRUCTION
JANUARY 30, 2008

CORNWALL AVENUE & SUNSET BOULEVARD INTERSECTION

DRAFT - CONCEPT

Response to EIS Addendum Letter 7

Mark Buehrer

1. Comment noted. It is the intent of the Updated Preferred Alternative to provide a high degree of flexibility with regards to roadway alignment while taking into consideration many other factors including pedestrian environment, views, future building development and vehicle access.

2. The Updated Preferred Alternative, as described and analyzed in the EIS Addendum was developed by the Port and City with consideration of input from citizen groups and community members.

3. Please refer to the response to Comment 2 of this letter.

Port of Bellingham

P.O. 1677

Bellingham, WA

March 10, 2009

Dear Responsible SEPA Official:

Thank you for this opportunity for public comment on the Waterfront Development EIS Addendum. A number of encouraging new details emerged at the February 10th Public Information Session. The new view corridor and efforts to mitigate transportation are welcome changes. As someone involved in historic preservation, I have been particularly interested in the Georgia-Pacific buildings in the Waterfront Project, and I would like to focus on them in my comments.

The EIS Addendum includes a promising new street alignment in order to save the Granary building for possible reuse. The idea to retain iconic features such as the high density tanks and chip bins would add visual and historic interest. 1

The creation of a museum to house smaller icons and memorabilia also would add to the site's attractions. It need not be large or expensive: it could share space with an event pavilion, for example, and would facilitate reuse of one of the historic buildings. 2

In perusing the EIS Addendum, however, I found additional information that was not brought up at the February meeting. For example, the appendix contains a letter from the State Architectural Historian, Michael Houser, of the Department of Archaeology and Historic Preservation. The letter evaluates the historic buildings on the Georgia Pacific site and finds that eleven of them are indeed potentially eligible for a National Register historic district because of their association with the industrial history of Bellingham and because of their distinctive building type. The State Architectural Historian also 3

determined that eight of the buildings are eligible as individual structures. The finding that the buildings could qualify for National Register listing is significant because it means the project would qualify for valuable tax incentives. A follow-up letter by architect Stevan Johnson acknowledges that six of the structures could have "architectural and structural potential for adaptive reuse under significantly improved economic conditions." 4

Moreover, the economic feasibility study of the project deserves reexamination. One of the major findings in the original Johnson report was that it was not financially feasible to reuse the historic buildings and adapt them to commercial, office, or residential use in this economy or the near future. However, some real estate comparables used to reach this conclusion seem questionable. For example, 5

of the residential comparables selected, condominiums sold in 2009, five were on High Street, two on Railroad Avenue, and one on N. State Street. The average sale price per net square foot was $278.35. One does not need to be a real estate appraiser to know that waterfront property has a higher value than inland properties, in a good economy *or* in a recession. Bellingham properties on the waterfront currently have asking prices of $800,000 to $1.6 million. Wouldn't more appropriate comparables be found in Fairhaven or nearer to the waterfront than on High Street in the university neighborhood? Accurate real estate and market surveys are crucial since the main argument against adaptive reuse was economic infeasibility.

5 cont.

For all of these reasons, I urge you to keep an open mind about using more of the historic buildings as this plan evolves. Only one structure, the smokestack, has been determined to need immediate destruction. With a five-year projected cleanup and a thirty-to-fifty-year build out, there is plenty of time to consider alternatives and wait for the market to improve. The waterfront projects that have been most successful -- such as Baltimore's Inner Harbor and Albers Mill in Tacoma -- incorporate their material history, artifacts that speak to the city's individuality and character. The letter from the State Architectural Historian explains how rare it is to find an intact industrial site such as the one we have at our waterfront. A collection of generic high rise condo and office towers is far less interesting and less likely to attract investors and tenants than a unique site that offers incomparable evidence of our history.

6

Moreover, historic rehabilitation is green since it uses existing materials. And the cost of adaptive reuse may be less than estimated when one figures in the *total* costs of new materials, demolition, and the burden on the landfill. While requiring fewer materials, adaptive reuse is more labor intensive than new construction. Clearly, employing local workers is a desirable outcome of this project. In addition, it would give our local architects a creative design challenge – the opportunity to incorporate the new structures with the old, producing a distinctive and compelling landscape.

7

The creation of a mini-historic district within the old Georgia-Pacific site would pay tribute to the industrial heritage that made Bellingham what it is today and could a major attraction. Heritage tourism is a growing industry in Washington State, but Bellingham has not yet tapped into this economic potential. Heritage tourism is one of the least invasive and highest income-producing kinds of tourism, thus adding to the site's value for investors and tenants. Fairhaven, for example, has become a significant tourist zone because of the far-sighted preservation efforts of Ken Imus and others who realized that it is the historic character of Fairhaven that attracts visitors. Should maximum build-out always be the overriding goal? Sometimes less is more, and authenticity is priceless.

8

Sincerely,

Lynette Felber, Ph.D.

507 14th Street

Bellingham, WA 98225

Response to EIS Addendum Letter 8

Lynette Felber

1. Comment noted.

2. Comment noted.

3. Comment noted. The letter from DAHP is included in the EIS Addendum as Appendix A1 and is referenced in Section 3.4 of the EIS Addendum.

4. Comment noted. The *Waterfront District Adaptive Reuse Assessment* (Appendix A of the EIS Addendum) and the Johnson Architecture letter (Appendix A2 of the EIS Addendum) both assumed that historic tax credits would be available for redevelopment associated with retained/reused eligible structures. The historic tax credits were factored into the economic feasibility analysis for each structure and it was determined that none of the eligible structures would be financially viable for reuse in the current economic climate or under a potentially improved economy. However, the Port has identified six (6) structures as having sufficient potential that they should be temporarily held for some period of time to allow reconsideration prior to demolition.

5. Comment noted. Market research conducted as part of the *Waterfront District Adaptive Reuse Assessment* (Appendix A of the EIS Addendum) and by the Port (*Hebert Research: Demand Research Summary Report*, July 2007), including comparables from the Fairhaven neighborhood, determined that residences priced higher than $250 to $300 per square foot would not likely be absorbed into the Bellingham real estate market. While it is possible that residential development on The Waterfront District could potentially include some higher priced residences, a price range of $250 to $300 per square foot was deemed a more appropriate comparable based on current real estate market research for the area and the ability of the market to absorb residential units in that price range.

6. Comment noted. The Port and City recognize the unique attributes of the existing Georgia Pacific structures, and how they reflect the site's maritime industrial heritage. It is the intent of the Port to continue to evaluate the financial viability for the reuse/retention of certain onsite structures. Because the current economic climate is affected by a significant and broad recession, the financial viability for reuse of the structures was also evaluated under a set of assumptions defined by a reasonably improved economy within approximately five years. Even under improved economic conditions and with the use of historic tax credits, none of the structures were determined to be financially viable for adaptive reuse. Despite these conclusions, the Port determined that six (6) structures would be temporarily held from demolition for possible retention/reuse in some manner in the future. Three (3) structures have the sufficient potential for retention/reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition, to determine if site conditions or economic conditions in the future allow for retention or reuse, including: Old Granary Building (#7); Board Mill Building (#12); and, Alcohol Plant – East Portion (#17). These structures would be temporarily held from demolition pending a further evaluation of market and economic conditions.

In addition, three (3) additional structures were identified as potential heritage icons and would be temporarily held on site pending further icon evaluation. These structures include: Chip Bins (#9); Digester Tanks (#13); and, High Density Tanks (#49). Final decisions regarding the specific removal or potential reuse of the structures to be temporarily held from demolition would be made in the future by the Port/City in conjunction with a future developer and/or in conjunction with future infrastructure development.

7. Comment noted. Mitigation measures identified in the DEIS and SDEIS include the potential for building materials salvage and material reuse strategies for structures that are scheduled for removal and demolition. Salvaged materials could potentially include heavy timbers, brick, steel, and stone from onsite structures.

8. Comment noted. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the Port and City recognize the unique attributes of the existing Georgia Pacific structures and how they reflect the site's maritime industrial heritage. Through the SEPA process, the Port has identified provisions to commemorate the maritime industrial history of the site and to retain the potential for reuse of certain buildings depending upon actual economic and market conditions in the future.

   The DEIS analyzed three levels of redevelopment density for the site, including: high density (7.5 million sq. ft.), medium density (6.0 million sq. ft.), and low density (4.0 million sq. ft.). The Updated Preferred Alternative that was analyzed in the EIS Addendum includes a redevelopment density that would be similar to the medium level of redevelopment (approximately 6.0 million sq. ft.) and is below the maximum potential buildout for the site identified for DEIS Alternative 1.

From: J M [mccabejr@earthlink.net]
Sent: Wednesday, March 10, 2010 4:27 PM
To: SEPA
Subject: The Waterfront District Redevelopment Project DEIS

Mr. Andrew Maron:

I am in agreement with the comments developed by the Bellingham Transportation Commission regarding the transportation elements of the Draft EIS Amendment 2010.

I am a member of the Bellingham Energy Resource Scarcity/Peak Oil Task Force. For your information a link to the Task Force report and recommendations is included below. 1

The current auto-centric approach described in the DEIS is not consistent with a future that will very likely see increasing gasoline prices and possible scarcity of motor fuel. In such as future there will be a need for alternative, more fuel efficient, or non-fueled transportation such as transit, pedestrians and bikes. My concern is that a development based on motorized access will be less successful when fuel is scarce and expensive and other modes of transport predominate. 2

The City Comprehensive Plan has a transportation objective of mode shift away from automobiles to alternate modes over the next 12 years. The Waterfront Development Plan should be consistent with that objective.

Jim McCabe
Bellingham Energy Resource Scarcity/Peak Oil Task Force

http://www.cob.org/documents/mayor/boards-commissions/energy/energy-task-force-final-report.pdf

Response to EIS Addendum Letter 9

Jim McCabe

1. Comment noted. Responses to the comments submitted in the March 9, 2010 letter from the Bellevue Transportation Commission regarding the EIS Addendum are provided in EIS Addendum Letter 3.

2. Refer to the response to EIS Addendum Letter 3, Comment 7. The transportation analysis assumes a reduced dependence on the automobile than observed in the City of Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Mitigation strategies, including implementation of a TDM program, provision of pedestrian, bicycle, and transit amenities, and coordination with WTA to provide transit routes are provided in the EIS Addendum, SDEIS and the DEIS.

From: Larry McCarter [rdslarry@mac.com]
Sent: Monday, February 22, 2010 7:01 AM
To: SEPA
Subject: Comment Waterfront Redevelopment EIS addendum

My name is Larry McCarter. I live at 212 Hawthorn Road in Bellingham.

The repercussions caused by this development are not adequately mitigated. Specifically, the loss of 220 acres of Port property zoned Heavy Industrial has a "dormant" environmental effect where the relocation, or redevelopment of this finite resource (Heavy Industrial uses) is not study, proposed or even considered.

Removing this zoning and replacing it with light industrial, commercial or other uses without comment on or study of where these industrial, port type activities will be relocated makes this study inadequate. There is inadequate description of where the new 220 acres of Heavy Industrial, Rail and Deep water moorage can be replaced or recouped. Where in Bellingham can this type of industry re-occur? Heavy Industrial land is a vanishing asset and must be preserved. 1

Preserving only a portion of the deep water moorage is inadequate for future moorage needs. Future use of Docks and uplands are presumed to be minimal or even non-existent while numerous informational sources indicate future transportation needs for all communities indicate commodity shipments will all soon be either by ship or rail. Future Rail, or Sea Transportation needs are not adequately addressed. Future ancillary uses for these transportation requirements are inadequately reviewed as well. 2

Additionally, the Port is acting outside of its authority to be downzoning its properties to uses outside of the scope of Port Authority. Retail, commercial uses are not "Port related activities" nor is this development something a Port is authorized to develop (Airports/Terminals, Wharfs, Rail Depots, Tourism and Parks is the Port's role) - except under strict and confined guidelines which are not met. 3

The impacts of converting these lands into property uses that compete and degrade values of properties upland are not studied. Swamping Bellingham's already distressed commercial property market with 6,000,000 sq. ft. of buildings equally zoned will have devastating economic and environmental impacts on uplands are not adequately addressed. 4

Mixed use of Heavy industrial and other uses is not adequately reviewed including the impact noise, dust. light , traffic and activity at all hours, all will impact the lesser zoned areas abutting, further degrading the environment and usefulness created and needed especially for the Heavy Industrial user. 5

Permitted uses and capping the pollution with sod and turning this site into a Natural Park (natural buffering) and a Heavy Industrial Park are the suitable uses for this site and all commercial, retail activities negatively impacted by heavy uses should be excluded. 6

Response to EIS Addendum Letter 10

Larry McCarter

1. As stated in DEIS Section 3.8, Plans and Policies, in 2005 the City of Bellingham conducted an industrial land use supply inventory and forecast projected demand for industrial property until 2022. The study concluded that 374 acres of vacant or redevelopable land was available in the City of Bellingham for industrial development, including three acres within the Waterfront Mixed Use land use category (which is assumed to be within The Waterfront District site – the majority of The Waterfront District site was not identified as available industrial land due to its Industrial/Waterfront Mixed Use designation and the contemplated transition to a mixed use neighborhood). The study determined that the 2002 – 2022 forecasted demand for industrial land would be 180 acres – less than the 374 acres available. The study indicated that sufficient industrial land was available to meet the City's projected demand. Please refer to pages 3.8-12 and 3.8-13 of the DEIS for additional detail on industrial land supply in Bellingham.

2. Refer to the response to Comment 1 of this letter regarding the industrial land supply in Bellingham. As stated in the DEIS Chapter 2.8.2, the existing BNSF rail line located adjacent to The Waterfront District site is assumed to remain in operation through 2026, although the alignment of the rail line may be relocated closer to the bluff under a separate project. As stated in DEIS Chapter 2.8.4, the Port anticipates continuation of the current operations (including deep-water moorage) at the Shipping Terminal with or without The Waterfront District Redevelopment.

3. The Port acquired 137 acres of property from Georgia Pacific in January 2005, following a series of steps by the Port Commission in 2004. These steps included a moorage demand study published in March 2004, a public hearing on an proposed adjustment to the Comprehensive Scheme of Harbor Improvements (CSHI) in April 2004 to include the Aerated Stabilization Basin (ASB) and adjacent land, a resolution to amendment of the CSHI in May 2004, followed by a Port Commission resolution to condemn the ASB for the public purpose of developing a marina. In June 2004 the Port initiated a due diligence period, including numerous public meetings and public hearings to consider acquiring the ASB and additional property from Georgia Pacific. The Port has the statutory authority to lease property for such purposes as the Port Commission deems appropriate, to manage its properties and to sell its properties. The proposed zoning adjustment for The Waterfront District is within the Port's statutory authority.

4. The Washington State SEPA Rules (WAC 197-11-448(3)) indicate that examples of information that are not required to be discussed in an EIS include: methods of financing proposals, economic competition, profits and personal income and wages, and social policy. Consistent with the SEPA Rules, the EIS for The Waterfront District does not discuss the economic competition aspect of the site redevelopment with surrounding uses. As indicated on page 3.8-11 of the DEIS, the types of uses on the site would be similar to, and compatible with, uses in the area surrounding the site.

5. In DEIS and SDEIS Sections 3.7, Land Use, an extensive analysis of the compatibility of proposed land uses with existing/proposed onsite uses (including the relationship between industrial uses and mixed uses on the site) and adjacent offsite uses was

provided for Redevelopment Alternatives 1 through 3 and the Preferred Alternative. Both the DEIS and SDEIS concluded that the proposed redevelopment would be compatible with existing onsite and surrounding land uses (including downtown) and would not result in significant unavoidable adverse impacts. In DEIS and SDEIS Sections 3.6 (Noise), 3.2 (Air Quality), 3.10 (Aesthetics, Light and Glare) and 3.12 (Transportation), analysis of impacts on existing/proposed onsite uses and existing offsite uses in regards to noise, dust, light and traffic is provided. Each section also lists proposed mitigation measures to offset any potential impact (for example, the implementation of design and construction methods to mitigate noise impacts on sensitive uses such as residences from noise generated by existing or new industrial operations on the site). Each analysis concludes that with implementation of proposed mitigation measures, no significant unavoidable adverse impacts would result from the adjacency of residential or commercial uses to industrial uses. As stated in the EIS Addendum, the land use assumptions for the Updated Preferred Alternative would be consistent with the SDEIS Preferred Alternative.

6. Please refer to the response to Comment 5 of this letter.

From: Jeff Winslow [cadboyjw@hotmail.com]
Sent: Wednesday, March 10, 2010 4:59 PM
To: SEPA; Duckworth, Marie
Subject: Comment on 2010-02-08 EIS Addendum: email copy

10 March 2010

To the SEPA Official,

RE: Port and City Waterfront DEIS Passenger Rail Station

Five years ago I suggested that a passenger rail station could be the single most significant element in the successful redevelopment of the waterfront. Now as I review the various plans, including the February 2010 addendum to the Draft EIS for the Waterfront District Redevelopment Project, its apparent that the Port and City have missed the train.

I see a redeveloped waterfront with a new passenger rail station as a focal point for people in the heart of the community; the highest and best use of the site (given all constraints). The jewel in the crown: a well-considered multi-modal hub set to immediately serve Bellinghams Central Business District and its most densely populated residential neighborhoods, including transit-hungry Western Washington University. 1

Rail transit offers safe, sustainable, and rapid transportation and if increased, would spur the regions long-term economic vitality but it is oddly overlooked in the waterfront plans. Lots of work has gone into the road network for cars but the only mention of the train is in regards to moving the tracks out of the center of the site. (And our existing railroad station in Fairhaven, at three miles away, is too far from downtown to be considered anything but a peripheral connection.)

It is particularly odd that local agencies overlook connecting to the rail corridor at the waterfront while the US Department of Transportation designates the Northwest rail corridor as potential for high-speed rail and more significantly, recently awarded the corridor some $590 million. This should indicate to planners that a project as comprehensive as the redeveloping of the waterfront should attempt to align local efforts with state and federal projects. 2

The Port of Bellingham has in its core mission essential transportation so is uniquely positioned to promote and develop a passenger rail station on the Bellingham Waterfront.

The Draft EIS and other waterfront plans are incomplete if they leave a key regional transit resource virtually untapped. Please carefully consider re-calibrating with a passenger rail station as an essential core component of the plans. 3

Jeff Winslow
1110 E McLeod Road
Bellingham WA 98226

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Response to EIS Addendum Letter 11

Jeff Winslow

1. Comment noted. There are no existing plans to increase rail service and/or provide stops within The Waterfront District site; however, the Harris Avenue Station would continue to serve the site with transit access to and from the vicinity of the site.

   Rail typically serves more regional and intra-City trips whereas the EIS evaluated site specific and local transportation impacts. As shown in Figures 15 and 16 of the DEIS Appendix N, during the weekday PM peak hour, the majority of traffic generated by redevelopment of The Waterfront District would be local trips within Bellingham and adjacent communities, which are better served by transit. The site plan does not preclude the addition of rail service in the future if there is regional demand.

2. Comment noted. See the response to Comment 1 of this letter regarding rail service on the site.

3. Comment noted. The Updated Preferred Alternative site plan would not preclude the addition for rail service in the future if there is regional demand.

PORT OF BELLINGHAM PUBLIC HEARING

REGARDING

THE WATERFRONT DISTRICT EIS ADDENDUM

REPORTED BY: SANDRA B. SULLIVAN, RPR, CCR #2647

DATE TAKEN: MARCH 3, 2010

CORPOLONGO & ASSOCIATES

114 WEST MAGNOLIA STREET, SUITE 108

BELLINGHAM, WA 98225

(360) 671-6298

A P P E A R A N C E S

MR. ANDREW MARON
The Hearing Officer and
The Port SEPA Responsible Official

MR. RICH SCHIPANSKI
Blumen Consulting

ALSO PRESENT:
Members of the Public

A public hearing was held in the above-referenced matter, pursuant to notice, at the Bellingham Cruise Terminal, 355 Harris Avenue, City of Bellingham, County of Whatcom, State of Washington, before Sandra B. Sullivan, a Notary Public for the State of Washington, commencing at the hour of 7:00 p.m. on MARCH 3, 2010.

MR. MARON: It's 7 o'clock and I'd like to begin to honor you all being on time. If additional people come, that's great. They'll have the opportunity to come in.

My name is Andy Maron and I'm the SEPA responsible official and I'm proceeding -- presiding over this proceeding tonight. What we're going to do, as you all know, this is a public hearing on the environmental impact state -- study addendum, the EIS Addendum that has been issued by the Applicant, which is the Port of Bellingham. And because of the status of this project from being a Draft EIS to a Supplemental EIS to now an addendum, there actually is no -- no requirement in the law for a public comment period, but the Port has asked for that and, as the SEPA responsible official, that's fine with me.

So there is this 30-day public comment period, which ends on March 10. And the Port asked and I agreed to the public hearing so that anyone can come and comment verbally as well as any written submissions you might want to submit before the 10th.

So what we're going to do tonight, obviously we don't

have a big crowd, we're going to have plenty of time to do what we want to do, is, I'm going to ask the consultant for the Port, a representative of the consultant for the Port, to give a short briefing about what this is, and then I'll go ahead and begin a period in which you can comment.

During the comment, I will listen and take notes. It will be transcribed for the record. This is not a debate and I'm not going to debate with you. I don't have anything to debate about; that's not my job. And what we're going to do is just make sure that your -- your views are considered, transcribed, and they will be considered by the Port before the final document is released, sometime hopefully in the near future. I believe this began in 2007, but, you know, there's been changes along the way.

So that's the plan. And, again, we have a small group, so we don't have to be overly formal either.

So, Rich, would you begin?

MR. SCHIPANSKI: As Andy mentioned, the purpose of the meeting today is to gather comments on the EIS Addendum. And comments will be either received orally here today or

they can be provided in writing by March 10th and they will be responded to in the Final EIS. The Final EIS will include responses to the -- the Draft EIS.

As you can see on this table here, we've got all the documents that have been issued to date, the Draft EIS that was issued in early 2008 and the Supplemental EIS that was issued in late 2008, and now the EIS Addendum. The Final EIS will contain responses to comments received on all three of those documents.

(A PowerPoint presentation is ongoing.)

MR. SCHIPANSKI: As most of you probably know that the site boundary, the site area is about 260 acres on the -- on the waterfront bounded by Bellingham Bay on the west, Roeder Avenue and State Street to the north and east, and then Burlington Northern Railroad ends about to the south.

In -- in general, the purpose of SEPA and the EIS documents that we talked about before, it's not an approval per se, but they are documents and information that's intended to identify and evaluate environmental impacts, a

range of alternatives and mitigation measures that will provide the decision-makers, in this case, the -- the Port of Bellingham and the City of Bellingham, to give them information to help them base their decisions on.

The EIS will then be used by the Port Commission and the City Council, along with other information that was provided by public agencies, staff and the public to assist in the decision-making for the -- for the project.

SEPA is important and it -- it is required by State law for the decision-makers to consider the environmental consequences of any project and to look for ways to mitigate those impacts. In this case, we're -- we're looking at the impacts associated with transitioning from an industrial use, a former industrial use on the waterfront to a mixed use development. Again, it will help the Port and the City consider a reasonable development for the site, and it provides a mechanism for public involvement, as we're doing here today.

The Port of Bellingham is designated as the lead agency,

so they've been conducting environmental reviews with, of course, input from the City and their agencies. And, ultimately, it's going to lead to the Port and the City's agreement on a master development plan that we're going to talk about later. So, as I indicated, the Port and the City are developing a master development plan for the Waterfront District. The Port and the City intend to enter into a development agreement to further guide the long-term redevelopment of the project and, again, this environmental review is part of that process.

The Port's role in this partnership is acting as the proponent under SEPA. They're the lead agency, and then they're going to be using the master development plan, which will be the end product of this process, to amend the comprehensive scheme of harbor improvements. It's basically the plan that designates the Port's use of the various properties that they're in control of.

The City's role in this will be to adopt the master development plan to be considered as a subarea plan per the Growth Management Act as part of the Comprehensive Plan.

The City will also adopt a planned action ordinance. Basically, a planned action ordinance will indicate that the environmental review that's been conducted to date will satisfy future development projects, assuming that they fit within the range of development that was analyzed in the EIS. This means that, every time a project comes through, they won't have to go through SEPA, and as long as the project is consistent with what we looked at, the SEPA will be satisfied. So the City has to adopt the ordinance for that and has to be part of the process, this process.

And then after the master development plan, the planned action ordinance and the approvals are made, then there will be individual permits for infrastructure, construction projects, and redevelopment activities within the development plan.

So what we have up here is a -- kind of a flow chart of what's happened over the last three years. In early 2008, a Draft EIS was issued, and that's this pile of documents here that's the taller of the stack. That document analyzed a

range of development alternatives on the site from a high of 7.5 million square feet of development, 33 acres of parks, a marina, you know, various public access improvements and roadway improvements; a medium-level development of about six million square feet; and then a lower range of about four million square feet of development.

The EIS also looked at a no-action alternative, which assumed continuation of the industrial zoning on the site and a continued industrial use, and that was analyzed in the Draft EIS, and then there was a public comment period on that. Subsequent to that and the issuance of the draft, there were some -- basically, an agreement on a -- or a proposed preferred alternative, which was in -- in line with the medium-density alternative analyzed in the draft, about six million square feet. That was analyzed in the supplemental. There was also a -- a slightly different roadway configuration, angled streets, that was also looked at in the supplemental. And there was a 30-day comment period on that.

And then, subsequent to that period, the City and the

Port worked together on a preferred alternative, an updated preferred alternative, which is the subject of the EIS Addendum which we're here to comment on today. So right now we're right here (pointing).

As I indicated earlier, after this comment period is over, all those comments will be received and a Final EIS will be prepared and issued, which will include a response to the comments received here on the draft, on the supplemental, as well as on the EIS Addendum. And then -- then the Final EIS will be used to help finalize the master development plan and will be used by the Port Commission and the City Council in their deliberations on the master development plan.

So some other factors that will be used in the decision-making by the Port and the City will include, in the EIS, they'll be looking at the economic viability of a development, engineering analyses, staff input from both the Port and the City, agency input from, you know, the state Department of Transportation and so on, as well as public comment. All that information will be utilized by both the

Port Commission and the City Council to make their decision on the master plan.

So, you know, as indicated, there's a lot of additional public opportunities for input, you know, including the master planning process, the master plan, the development agreement, and development regulations and reviews that will be coming. As part of this process, we'll have public opportunity to comment. The Port Commission meetings will be open for comment as will the City Council for the City of Bellingham as well as future permits that would be proposed under the different plans. The district would then also be afforded public review.

So, you know, in summary, today's meeting is an opportunity for everybody to provide comments on the EIS Addendum. I think we were initially hoping that comments would be limited to five minutes. You know, I think, you know, Andy can comment on that. And forms are also available at the back of the room on the table if you want to provide written comments and provide them in the box, and

they will be included in the comments that we respond to as well.

MR. MARON: Thank you, Rich.

All right. So now we're going to begin the public comment section. Some of you are here, I presume, and do not wish to address this issue, and that's fine. Some of you I know signed in to do that, so we'll get the list right now and we will hear from you, from those that signed up. And then if anybody else wants to say anything, they're free to do that.

We have four. How many -- we have four people. How many others would like to address this? (No response.)

All right. So I'm not going to give you a five-minute time limit 'cause you're going to have plenty of time. But, actually, we only have two people who signed up. Four lines, two people, so we've got plenty of time.

So we'll hear from Sarah Campbell and Lynette Felber, and then if anybody else is struck with what they've heard and wants to say something else, we'll give you the opportunity

EIS Addendum Commentary 12

to do that, too. Okay?

All right. Sarah, you're first.

MS. CAMPBELL: Where should I be?

MR. MARON: Right there is fine.

MS. CAMPBELL: Okay. My name is Sarah Campbell and my address is 1232 East Racine Street, Bellingham. I'm here as a member of the City of Bellingham Historic Preservation Commission. One part of our general charge of promoting historic preservation or preservation of the history of Bellingham is to review public projects for their impact on historic buildings, structures, and other resources that embody aspects of Bellingham's history. 1

Following that charge, the Commission has written a letter commenting on the addendum to the EIS for the waterfront redevelopment, which we will be submitting shortly. The gist of our comments is our concern that the addendum does not comply with SEPA because it failed to acknowledge that there's significant new information that bears directly on project impacts on historic resources.

State regulations make it clear that substantial new information is available and a supplement to the EIS is necessary rather than an addendum. The new information to which we refer is a determination by the State of Washington 2

Department of Archeology and Historic Preservation that ten structures, the boilerhouse, bark chipping plant, chipping floor, digester, screen room --

COURT REPORTER: I'm sorry, ma'am.

MS. CAMPBELL: I shouldn't go so fast.

COURT REPORTER: Could you slow down just a little bit?

MS. CAMPBELL: Ten structures in conjunction with the wharf and the tissue industry are eligible for listing on the National Register of Historic Places as properties that contribute to the historic district and to significant public association with the industrial development of Bellingham.

MR. MARON: Are you reading that?

MS. CAMPBELL: Yes. No, I'm not -- I'm not reading the letter. The letter is, like, five pages long.

MR. MARON: Okay.

MS. CAMPBELL: This is shorter.

MR. MARON: Okay. That's fine. You just need to slow down when you're reading that, because you're really testing her the way you're talking.

COURT REPORTER: Yes.

MS. CAMPBELL: I'm sorry. In addition, DAHP, the Department of Archeology and Historic Preservation,

2 cont.

3

determined that all of the chip ends and the high-density tanks were also considered eligible individually, as is the granary. 3 cont.

In the addendum, the staff letter is included as an appendix, but it's not actually mentioned in Section 3.4, which evaluates historic resources. Furthermore, the section inaccurately states that, quote, "As the 2008 SDEIS indicates, no direct -- direct impacts on listed historic resources in the site vicinity would be anticipated," end quote.

To the contrary, it appears that the project described by the addendum would result in the destruction of resources that have been determined to be eligible for listing, and would also affect the integrity of the eligible historic district and of the resources that contribute to the historic district. 4

None of these significant environmental impacts is identified or addressed in the addendum. The adaptive reuse assessment provided information that will be useful after impacts have been identified and the feasibility of mitigation measures and alternatives is under consideration, 5

but it does not supplant SEPA's environmental review requirements.

We argue that a Supplemental EIS should be prepared that takes a hard look at the project's impacts on the registered eligible resources and provides the basis for evaluating alternatives. On the other hand, since the EIS has never been finalized, this analysis could be added to the Final EIS itself.

We're particularly concerned that -- that assessing the impacts of the project on the eligible historic district and the individually-eligible buildings, identifying alternatives and mitigation measures that would reduce the project's significant environmental impacts, and accurately assessing the significance of impacts after mitigation are really critical for complying with the federal review processes that are expected.

Section 106 review is identified, as expected. Section 4(f) of the Department of Transportation Act is not mentioned, but I understand that there are -- there are or are likely to be federal highway funds involved. And the Section 4(f) states that, "Any use of lands from a Section 4(f) property," that's a historic property, "shall be

5 cont.

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evaluated early in the development of the action when alternatives to the proposed action are under study."

And that no officer can -- can go ahead with a project unless -- that's going to affect historic properties unless that section's process has been completed and it's been shown that there are no other alternatives. And that review needs to be done before and during that review process and concurrently with SEPA, and certainly not after these buildings have been demolished.

8 cont.

So we -- we are concerned about the procedural order, and although I know that the -- the Port has been assuming that the buildings are historically significant and potentially eligible, we don't feel that the -- that the evaluation of impacts on the integrity of the historic district are really fully analyzed, and there's an alternative. And that the -- having the official determination of eligibility really requires that that be done at this point, especially right now. The -- those -- as it stands in the addendum, it's being recommended that three buildings are being demolished,

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but the impact of that on the -- on the historic district is not actually discussed.

So I wanted to just conclude with the comment that the State made in their letter, which is that, "Intact industrial -- historical industrial complexes in Washington state are very, very rare and we would encourage the City of Bellingham and the Port to carefully weigh their options for the preservation and rehabilitation of the site. Retention of the resources can offer youth in Bellingham experiences that will serve as the heritage of the site and the economic unity of the community."

9 cont.

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So that's it. Thank you very much.

EIS Addendum Commentary 13

MR. MARON: Okay. Lynette Felber, please.

MS. FELBER: Lynette Felber, 507 14th Street, Bellingham.

Thank you for this additional opportunity to comment on the part of the Port, to comment specifically on the EIS Addendum.

There were a number of encouraging new details that

emerged at the February information center. The new view corridor and efforts to mitigate the transportation, for example, are certainly welcome changes. As someone involved in historic preservation, I'm interested in the Georgia-Pacific buildings and I'd like to focus on them in my comments today.

The EIS includes a promising new street alignment in order to save the granary for possible reuse, and the idea to retain iconic features, such as the high-density tanks, adds visual and historic interest to the site. The creation of a museum to house historic memorabilia would add to the site's attraction and it could share space with the public events pavilion, one of the ideas in the -- in the architect's plan, and would facilitate reuse of one of the historic buildings. 1 2

As to the EIS Addendum, I found new information that did not come up at the February meeting. And my comments acknowledge Dr. Campbell. The appendix includes the evaluation from the Department of Archeology and Historic Preservation, and it finds that 11 of the buildings are potentially eligible for the National Register District. 3

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won't belabor this 'cause she just had talked about it, but what is really important in addition to the -- the process is that the finding that the buildings could qualify for National Register listing means the project could qualify for valuable tax incentives.

4 cont.

In addition, I wanted to comment on the economic capability of adaptive reuse. I think that that part of the report deserves further consideration. I'm not a real estate agent, but everyone who lives in Bellingham has some idea of what comparable properties should be. For example, in the section on residential comparables, of the eight condominiums that were used, five are located on High Street, two on Railroad, and one on North State Street.

5

These condominiums sold in 2009 and the average sale price was 278,000. It seems to me that this is rather low for waterfront properties, the kinds of properties that we could anticipate being built as part of this development. Wouldn't it be more appropriate to find comparables in higher-priced Fairhaven or on the waterfront than High Street in the university and college neighborhood?

So, for these reasons, I urge you to keep an open mind about holding more of the historic buildings as the plan

6

evolves. Only one structure, the smokestack, has been determined to need immediate destruction. With a five-year projected clean-up and a 30- to 50-year build-out, there's plenty of time to consider alternatives and wait for the market to improve.

6 cont.

The waterfront projects that have been the most successful, such as Baltimore's inner harbor or Alta down in Tacoma, incorporate their material history. They incorporate artifacts that speak to the history and the city's individuality and character. The history is part of the site's attraction, the part very likely to draw investors, tenants, and tourists to the site. Is maximum build-out always our highest goal? Sometimes less is more, and authenticity is a feature of the site that's priceless.

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MR. MARON: Thank you.

Okay. That's the two that have signed up. Would anybody else like to say anything? Or are you all ready to go home and watch the weather? Anyone else want to address the -- the subject? (No response.)

Okay. I'm not going to push anyone. I just wanted to make sure I gave everyone a chance. Should we do like an auctioneer? Going once. Going twice. Sold. 7:25, I guess we go home.

We're adjourned.

(The meeting was adjourned at 7:25 p.m.)

STATE OF WASHINGTON)
) ss: C E R T I F I C A T E
COUNTY OF WHATCOM)

I, SANDRA B. SULLIVAN, Notary Public in and for the State of Washington, do hereby certify:

That the foregoing transcript is true and correct to the best of my skill, ability, and knowledge, taken on the date and at the time and place as shown on Page Two hereto;

That I am not related to any of the parties to this litigation and have no interest in the outcome of said litigation;

Witness my hand and seal this 11th day of MARCH 2010.

_____

SANDRA B. SULLIVAN, NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT BELLINGHAM. MY NOTARY EXPIRES JUNE 14, 2011.

Response to EIS Addendum Commentary 12

Sarah Campbell

1. Comment noted.

2. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, the DEIS assumed that 13 structures on the site would be potentially eligible for listing on the NRHP. The DEIS analysis assumed that 12 of the 13 potentially eligible structures would be removed from the site to accommodate redevelopment and that removal of these structures would constitute an environmental impact. The DAHP determination regarding the eligibility of on-site structures is consistent with the EIS assumption that the structures could be potentially eligible for listing and does not substantially change the impacts identified in the DEIS, SDEIS, and EIS Addendum. Please refer to **Chapter 2** (Key Topic Areas) of this FEIS for additional details.

3. Comment noted.

4. The EIS Addendum includes references to the DAHP letter (page 3.4-3), including a summary of those structures that were determined to be eligible for listing on the NRHP. As stated in **Chapter 2** (Key Topic Areas) of this FEIS and the response to Comment 2 of this letter, impacts associated with the removal of eligible on-site structures were identified in the DEIS. The DAHP determination regarding the eligibility of on-site structures is consistent with the DEIS, SDEIS, and EIS Addendum and does not substantially change the impacts identified in the EIS.

5. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, impacts and mitigation measures associated with the removal of eligible on-site structures were identified in the DEIS, SDEIS and EIS Addendum. The SEPA analyses conducted for The Waterfront District have addressed a wide range of redevelopment alternatives including an alternative assuming retention of existing structures (Alternative 4) and alternatives assuming a reasonable upper level determination of potential impacts where all buildings would be demolished (DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative). However, DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative do not preclude the retention of any structure. Please refer to **Chapter 2** (Key Topic Areas) of this FEIS for additional detail.

6. As described in **Chapter 2** (Key Topic Areas) of this FEIS, impacts associated with the removal of eligible on-site structures were identified in the DEIS, SDEIS, and EIS Addendum and this assumption is confirmed by the determination by DAHP.

7. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, it is unlikely that the structures identified as potentially viable for reuse could form a cohesive historic district. However, the retention/reuse of on-site industrial equipment would help to mitigate those impacts and would allow visitors to understand the scale and inventiveness of the industrial processes that took place on the site.

   Impacts and mitigation measures associated with the potential removal of individually eligible buildings were identified in the DEIS, SDEIS, and EIS Addendum.

8. The Port and City would comply with all requirements of the Section 4(f) process, as applicable.

9. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, if several of the core buildings (i.e. Bleach Plant, Pulp Storage and Pulp Screen Room) were demolished as deemed possible due to structural and economic constraints, a collection of fewer than the extant buildings would substantially weaken the attributes of a cohesive historic district. However, the retention/reuse of on-site industrial equipment would help to mitigate those impacts and would allow visitors to understand the scale and inventiveness of the industrial processes that took place on the site.

10. Comment noted.

Response to EIS Addendum Commentary 13

Lynette Felber

1. Comment noted.

2. Comment noted.

3. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the DEIS assumed that 13 structures would be potentially eligible for listing on the NRHP and identified impacts and mitigation measures associated with the potential removal of 12 of these structures. The determination by DAHP regarding the eligibility of the on-site structures confirms the assumptions regarding the structures eligibility that was analyzed in the DEIS, SDEIS, and EIS Addendum and does not represent new information or change the impacts identified in the EIS.

4. As stated in **Chapter 2** (Key Topic Areas) of the FEIS, the analysis of the economic viability of adaptive reuse of existing structures (Appendix A of the EIS Addendum) indicated that even with the use of historic tax credits, the retention/reuse of existing structures would not be economically viable at this time or under potentially improved economic conditions.

5. Comment noted. Market research conducted as part of the *Waterfront District Adaptive Reuse Assessment* (Appendix A of the EIS Addendum) and by the Port (*Hebert Research: Demand Research Summary Report*, July 2007), including comparables from the Fairhaven neighborhood, determined that residences priced higher than $250 to $300 per square foot would not likely be absorbed into the Bellingham real estate market. While it is possible that residential development on The Waterfront District could potentially include some higher priced residences, a price range of $250 to $300 per square foot was deemed a more appropriate comparable based on current real estate market research for the area and the ability of the market to absorb residential units in that price range.

6. Comment noted. As described in **Chapter 2** (Key Topic Areas) of this FEIS, it is the intent of the Port to continue to evaluate the financial viability for the reuse/retention of certain onsite structures. As stated in the EIS Addendum, none of the buildings are financially viable for reuse in the current economic climate. Because the current economic climate is affected by a significant and broad recession, the financial viability

for reuse of the structures was also evaluated under a set of assumptions defined by a reasonably improved economy within approximately five years. Even under improved economic conditions and with the use of historic tax credits, none of the structures were determined to be financially viable for adaptive reuse. Despite these conclusions, the Port determined that six (6) structures have sufficient potential for retention or reuse and would be temporarily held from demolition for some period of time to allow reconsideration prior to demolition. These structures would be temporarily held from demolition pending a further evaluation of economic conditions. Please refer to **Chapter 2** (Key Topic Areas) of this FEIS and response to EIS Addendum Letter 6, Comment 6 for additional details.

7. Comment noted. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the Port and City recognize the unique attributes of the existing Georgia Pacific structures and how they reflect the site's maritime industrial heritage. Through the SEPA process, the Port has identified measures to commemorate the maritime industrial history of the site and to retain the potential for reuse of certain buildings depending upon actual economic and market conditions in the future.

8. Comment noted.

October 2008 Supplemental Draft EIS

From: Griffith, Greg (DAHP) [Greg.Griffith@DAHP.WA.GOV]

Sent: Monday, November 17, 2008 5:01 PM

To: SEPA

Cc: JLynch@cob.org; Holter, Russell (DAHP); Chris Moore

Subject: New Whatcom Redevelopment Project SDEIS

Good afternoon Mr. Maron. I am sending this email to you on behalf of the Washington State Department of Archaeology and Historic Preservation (DAHP) and regarding the New Whatcom Redevelopment Project Supplemental Draft Environmental Impact Statement (SDEIS). As you know, this review concerns the former Georgia Pacific (GP) property on the Bellingham waterfront and adjoining downtown.

Based upon our past involvement with this project and our review of documentation that has been produced on the cultural/historic resources at the site, we continue to urge the Port to work toward completing a historic preservation plan that will be used for short and long-term management of the GP property. This plan should be created and adopted before decisions are made about the property that are irreversible and represent an significant commitment of resources. The historic preservation plan should be developed with the assistance of qualified and experienced historic preservation professionals and involve a robust public review and comment process. 1

It is important that the preservation plan be developed first that will then serve to inform future decisions regarding other master site planning issues such as uses, circulation, economics, infrastructure, open space/recreation, environmental remediation, in-fill development, adaptive re-use, etc. In this way, preservation policies and opportunities are identified first, that in turn will serve to drive subsequent policies, plans, and designs for the site. This sequence is in contrast to the present path that gives the appearance of putting other external drivers in place to guide the redevelopment with historic preservation as an afterthought; the proposed "rotated grid" serves to illustrate our point. 2

In closing, I want to thank you for the opportunity to comment on the SDEIS and I apologize for the lateness of this submittal and any inconvenience that may result. Should you have any questions, please feel free to contact me at my contact information (below) or Russell Holter at 360-586-3533 or Russell.Holter@dahp.wa.gov.

Greg Griffith
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We've Changed our Office Hours! DAHP is now working 7:00 AM to 5:30 PM, Monday thru Thursday.

Response to SDEIS Letter 1

Department of Archaeology and Historic Preservation

1. As described in **Chapter 2** (Key Topic Areas) of this FEIS, while none of these structures would be financially viable for reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits) the Port recognizes the unique attributes of the existing structures and as a result of the Adaptive Re-Use Assessment prepared for the EIS Addendum, has identified three (3) structures as having sufficient potential for retention/reuse that they should be retained for some period of time to allow reconsideration prior to demolition, if site conditions or economic conditions allow. In addition, three (3) structures were identified as potential icons reflecting the industrial heritage of the area and were proposed to be temporarily held from demolition to allow for the opportunity to further consider site cleanup, redevelopment activities and economic conditions.

2. As stated in **Chapter 2** (Key Topic Areas) of this FEIS and the response to Comment 1 of this letter, the Port recognizes the unique attributes of the existing on-site structures and has identified six (6) structures as having sufficient potential for retention/reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. Throughout the SEPA process, the Port has identified measures to commemorate the maritime industrial heritage of the site and to retain the potential for reuse of certain structures depending on future economic conditions.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Bellingham Field Office • 1440 10th Street, Ste 102 • Bellingham, WA 98225
(360) 715-5200 • FAX (360) 715-5225

November 14, 2008

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

Dear Mr. Maron:

RE: New Whatcom Redevelopment Project SDEIS Comments

Thank you for the opportunity to provide comments on the October 15, 2008, Supplemental Draft Environmental Impact Statement (SDEIS) for the subject project. Our comments are focused on the SDEIS and should be considered in addition to the issues we raised in our prior comments on the DEIS in March 2008. The Department of Ecology (Ecology) recognizes the importance of this project to the Port of Bellingham (Port), City of Bellingham (City) and the community. We welcome the opportunity to provide additional input to ensure that the project is consistent with state environmental law, resulting in a renewed waterfront that will be of environmental and economic benefit to the Bellingham area. 1

The majority of our comments and questions relate to the following areas associated with Ecology's authority: 1) shoreline planning and land use issues and the Shoreline Management Act (SMA), 2) stormwater management and the Clean Water Act (CWA), and 3) the Washington Water Code.

Our comments are organized into the following categories: Process and General Environmental, General Shoreline, Transportation, Stormwater, Habitat, Public Access and Water Resources. In addition to our regulatory comments and questions in each of these categories, Ecology has also included suggestions for the Port's consideration that may enhance the project from an environmental and public access standpoint.

Process and General Environmental Issues

Planned Action (pp. 2-6,7):

Ecology recognizes the Port and City's intent to designate the project as a "Planned Action" pursuant to the State Environmental Policy Act (SEPA) (WAC 197-11-164). As noted in our March 10, 2008 letter, planned actions relate to on-the-ground projects and thus require project-level review during the SEPA process. In the scoping letter, we noted that project level review provides an appropriate level of detail that relates, for example, to footprint, heights, number of units, etc. We noted that minute detail was not necessary at the SEPA stage. However, we were unable to provide detailed comments regarding the appropriateness of building footprints, uses, sizes and designs as they have not been identified to date. Please ensure the final EIS (FEIS) includes the appropriate level of detail required for a Planned Action project. 2

Shoreline Master Program (SMP) Approval (pp. vii; 2-1):

The required actions of the City and Ecology on page vii do not include approval by both of these agencies of a new Shoreline Master Program that would allow mixed-use commercial development on the site. Both agencies would also need to approve a shoreline permit(s) for any development within shoreline jurisdiction, although since the new SMP isn't written yet, the type of permit has not determined. 3

General Shoreline Issues: Water Dependent and Related Uses

Water-dependent and water-related uses are required to be planned for and made a priority during the planning process (WAC 173-26-201-2-d, Basic Concepts – Preferred Uses). Significant effort has been made pursuing an in-water marina proposed for the former ASB site. Other water-dependent uses should also be planned for or protected. 4

It appears that water-dependent and water-related uses along the northern edge of Whatcom Waterway (e.g., barge facility, boat yards, etc.) will be displaced without a substitute location being identified. The FEIS should describe where these uses will be relocated and what the resulting impacts will be. 5

We recommend that other types of water-dependent and water-related development be planned for in order to address future demand. For example, a recent study by Westmar Consultants, Inc. (March 2006) suggests that the proposed ASB marina will meet 30 percent of the total 20-year boat moorage or storage demand. The study suggests that other alternatives, such as dry-stack storage, should also be investigated and planned for at this time. Dry stack storage is of particular interest to the community, and discussion in the FEIS could be included regarding this valuable 6

water-related shoreline use. Reserving lands for such uses would appear prudent as well, allowing for additional flexibility in designing the related moorage facilities along the waterfront. 6 cont.

Transportation Issues: Shoreline and Environmental Impacts

New Arterial in Shoreline Jurisdiction:

Consistent with the Shoreline Master Program Guidelines, major arterials and expansions should be located away from the shoreline when feasible. The SMA Guidelines (WAC 173-26-241-3k) require that "Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction."

Ecology recognizes and appreciates that nearly all of the arterials are proposed for non-shoreline locations. However, the proposed Central Avenue reconstruction and expansion is located within shoreline jurisdiction.

Whether or not the historic granary building (located adjacent and landward of the Central Avenue trestle) is removed, the option for relocating the arterial landward has apparently not been thoroughly evaluated in the SDEIS. The connection to Roeder Avenue of the proposed "Bloedel Avenue" to a location southeast of the existing granary building should be analyzed and pursued. Due to the potential for continuing creosote contamination, the portion of the deteriorated, overwater, creosote-pile-supported trestle should be removed if at all possible. This would allow the shoreline to be restored and blend in with the restoration efforts along the rest of the southern edge of Whatcom Waterway. The Port and City should consider that this Central Avenue connection to Maritime Park be developed into a pedestrian/non-vehicular promenade, allowing the public further shoreline access. The combined effect of these revisions would greatly lessen the vehicular impacts of noise, emissions and glare from truck, bus and car traffic upon the restored waterfront and provide a much more people-friendly atmosphere. 7

Although it is a challenging situation, one possibility might be for the traffic to be routed westerly from the intersection of West Champion and East Holly Street, either over or at grade level with the railroad tracks, to align with the proposed Central Avenue arterial, as illustrated by item 5 on Figure 2.18. The Roeder Street bridge approach would need to be modified accordingly. 8

The 700,000+ cubic yards of fill (pp. 2-21) needed to raise the site approximately 3-6 feet above the existing grade and the roadways south of the Waterway 6-11 feet will require a multitude of trucks to transport it. Impacts to the street system and preferred routes should be identified in the FEIS. Other modes of transportation should also be evaluated, such as barge or rail transportation with conveyor systems to lessen the impact on surrounding neighborhoods and the environment. 9

Stormwater Issues

In general, stormwater runoff from the New Whatcom redevelopment site impacts the nearshore area via direct outfalls to the Whatcom Waterway and Bellingham Bay. Given that the site today is mostly composed of impervious surfaces and has no water quality treatment for existing stormwater outfalls, the discussion of stormwater for the New Whatcom site alternatives should provide a clear plan for how stormwater runoff will be treated and managed to meet federal, state and local standards while undergoing cleanup and redevelopment. More information is needed in the FEIS to adequately determine the environmental impacts from stormwater on the receiving waterbodies under the alternative development scenarios listed. 10

Our stormwater comments and questions are divided into the following categories: 1) Compliance with Applicable Ecology Permits, 2) Existing Stormwater Outfalls, 3) Future Stormwater Site Plan, and 4) Infiltration of Stormwater On-Site. Due to the overlapping nature of some of these categories, there is some repetition.

We recognize that the Port has addressed stormwater management on a preliminary basis for some of these questions. However, Ecology feels it is important to document them due to the "planned action" approach. In addition, it will also be important for the agency and the public to understand how the Port intends to manage stormwater at the site. 11

1. Compliance with applicable Department of Ecology permits

It is still unclear who is responsible for meeting NPDES Phase II requirements at proposed **new** stormwater outfalls as some will be built and maintained by the Port and some by the City of Bellingham. Also, a timeline showing how Phase II stormwater permit requirements will be incorporated into the timeline for re-development milestones has not been provided. 12

2. Existing stormwater outfalls

It is still unclear where the temporary stormwater treatment systems will be installed once the ASB outfall is terminated. 13

3. Future stormwater site plan

In the addition to the AC Kindig Water Quality Technical Report, two options are given – Filterra and Storm Filter vault, for types of stormwater treatment systems; but these options need to be expanded to include other types of stormwater treatment for the site. No stormwater site plan is included. Also, environmental impacts were not discussed in regard to how temporary stormwater treatment systems would cover all stages of site pre-post , environmental cap, filling site to final elevation, and development. 14

In the new Storm Drainage Concept Report by KPFF, it has been determined that only 6 inches – 2 feet of soil fill placed over the environmental "cap" will be necessary to meet Ecology 2005 Stormwater Manual requirements for 15

water quality treatment. In contrast, the David Evans & Assoc. Technical Report included in the DEIS stated that 2-6 feet of fill above the environmental cap would be required. Please explain the new information used to determine that LESS fill will be required over a permanent environmental cap to meet Ecology's 2005 Stormwater Manual requirements for stormwater treatment on site. 15 cont.

Also, there is an apparent contradiction in the new Storm Drainage Concept report as it states that, "the existing stormwater system will be capped and abandoned as buildings are demolished and the new infrastructure is constructed." However it later states that, "the exact extent of existing systems still in use will be determined by development. Areas of the existing system will be abandoned and connected to the new system as development requires the existing systems to be capped. " 16

4. Infiltration of stormwater on site

In the new Stormwater Drainage Concept, infiltration is discussed in general, but the discussion is not based on either the existing drainage areas on site, or the re-development boundaries. It still does not provide sufficient detail to determine if infiltrating stormwater on certain areas of the site will cause or contribute to adverse environmental damage, given the site has a history of contamination. 17

Habitat Issues

Though urban parks and open space are highly desirable, they do not necessarily equate to good wildlife habitat, as is suggested throughout the document. The majority of these park/open space areas are grass or some type of hardened pedestrian traffic surfaces. Areas actually designed to provide specific types of habitat need to be differentiated from urban open space plazas. In addition to the memo in Appendix J, a summary of the areas described as "parks/open space (upland habitat)" should be provided to give a clearer understanding of the quantity and quality of upland habitat being proposed compared to the quantity and quality of urban open space. 18

Public Access – Visual and Physical Access

The Shoreline Management Act strongly supports the creation and enhancement of the public's enjoyment of the shoreline, both through visual and physical public access.

Visual Access:

WAC 173-26-221(4) requires, "To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water." 19

We appreciate that the City and Port are considering establishing formal public vistas and view corridors to permanently connect the shoreline to the city. Some of the areas that warrant special consideration are: 19 cont.

Section 2.38 View Corridors – end of Cornwall Avenue:

The visual analysis methodology does not provide a meaningful illustration of what the visual impact will be to the area at the end of Cornwall Avenue (the beach and shoreline adjacent to the corner common to areas 9 and 10).

Cornwall Beach, as it is locally known, faces due west out to the San Juan Islands, Lummi Island, Eliza Island and Portage Island. It is an informal but very popular area used by the citizenry. Currently, the site features vistas across the bay from the Bellingham Shipping Terminal (BST) and (project north) around to Eliza Island (project west). The visual analysis should illustrate how this marine panorama will be altered with the redevelopment of area 10 and the BST development. A visual representation of this (BST/NOAA) facility, the docks with and without vessels and related infrastructure should be provided in the visual analysis section. Views from the adjacent Cornwall Landfill should be included. The visual analysis should also illustrate all of the proposed bridges from the various viewpoints; i.e., Whatcom Waterway pedestrian bridge, Wharf Street Flyway from Cornwall Beach, etc. 20 21 22

F-Street:

Although illustrated in Figure 3.10-6, this representation doesn't demonstrate the positive impact that one encounters as one crowns the hill to see the bay for the first time, heading west from the upland neighborhoods. This view corridor should be protected from encroachment as it provides a strong visual tie to the waterfront for the city. Building articulation or "stair-stepping," as demonstrated in DEIS Figure 3.10-22, may be a good method to mitigate the "canyon-effect" common in many urban downtowns. 23

Bay Street; E. Laurel St:

The view of the High-Density Tanks from both viewpoint 6 (Bay Street) and from viewpoint 10 (E. Laurel Street and N. State Street) should be maintained in order to provide the visual connection of the downtown to the historic waterfront. Limiting building heights or reserving the two converging view corridors to these unique heritage structures would visually enhance the waterfront connection. 24

ASB at Southern Corner:

Another view point that should be added to the visual analysis is located at the end of the ASB at its southern-most corner. This will be the premier shoreline vista of the entire project. Potential expansion of the end of the breakwater to allow a more robust park area should be considered in light of the increasing resident and visitor demand for top quality public access. This location provides an unparalleled 360-degree panorama of the bay, the islands, the city, the marina, and New Whatcom, with a stunning backdrop of Mount Baker and the Twin Sisters. This location will be a primary public access destination and will function similarly to the very popular Zuanich Park to the north. 25

The visual analysis should show before and after renditions similar to the other figures. This view point would also provide an example of what boaters entering the marina might view. View 5 shows a perspective from near the end of C Street, less than halfway out the waterway. However, the simulation does not deliver a true impression of the actual panorama. View 5 should also simulate the 180-degree view seen across the waterway out to the BST and Area 10. 26

BST/NOAA Ship Berths:

A visual representation of this facility, the docks with and without vessels and related infrastructure should be provided in the visual analysis section. Views from the adjacent Cornwall Landfill and Cornwall Beach at the end of Cornwall Avenue should be included. 27

Public Access:

We recognize the amount of public access that is currently planned. We encourage you to continue to work toward optimal public access in the design concept that is ultimately selected. One option is explored below for your consideration. 28

Opportunity for Enhanced Public Access:

Opportunities to remove obstacles to public access, such as the five-foot diameter sewer pipe that spans Whatcom Creek between the two bridges, could be evaluated in the FEIS. It would appear that installing a lift station on the northwest side of the creek would allow the pipe to be raised the required 7 feet to open the channel and reconnect the Maritime Heritage estuary to the marine waters. This would provide a much needed visual enhancement. The placement of the sewer pipe between the two bridges would allow access by small dinghies, kayaks and other watercraft, as well as wildlife, especially marine birds, up into the estuary. 29

We recognize this may be cost prohibitive presently. However, this may also be an opportune time to evaluate this possibility while demolition and new construction is proposed in the immediate vicinity. Such an evaluation may also provide information vital for future activities, such as a sewer expansion or replacement related to build-out of the Central Waterfront District and Old Town, or rail trestle or bridge work that could be coordinated with raising the pipe between the bridges and providing an ancillary lift station. 29 cont.

In addition, it may be possible to extend the proposed float system under the bridges on the south side of the creek to allow pedestrians to traverse Roeder Avenue without stopping traffic, further connecting Old Town to New Whatcom. 30

Water Resources:

Washington State, like most of the rest of the western United States follows the Prior Appropriation Doctrine, the major tenet being first in time, first in right. State law defines water resources as "all water above, upon, or beneath the surface of the earth, located within the state." (RCW 43.27A.020). Rainwater is therefore legally considered a water resource of the State. As such, any collection and beneficial use of rainwater will require an approved water right from Ecology. 31

Again, thank you for the opportunity to comment. We commend the vision the City and Port have demonstrated to reconnect the downtown to the waterfront and recognize how hard both of you have worked on this project to date. We hope our questions and comments are useful to you as you continue with your design of the project and produce the FEIS. Please do not hesitate to contact me should you need additional information or if you have any questions regarding these comments.

Regards,

Richard M. Grout
Manager

rmg/bw/js/nr

cc: Tim Stewart, City of Bellingham

ecc: Jeannie Summerhays, NWRO, Department of Ecology
Patty Betts, HQ SEPA Unit, Department of Ecology
Kurt Baumgarten, Department of Ecology
Christina Maginnis, Department of Ecology
Lucy McInerny, Department of Ecology
Mary O'Herron, Department of Ecology
Barry Wenger, Department of Ecology
Kasey Ignac, Department of Ecology

Response to SDEIS Letter 2
Department of Ecology

1. Comment noted. Responses to the March 10, 2008 DEIS comment letter from the Department of Ecology are provided in DEIS Letter 3.

2. As noted in this comment, it is proposed that certain elements of redevelopment of The Waterfront District site be designated by the City of Bellingham as a Planned Action, pursuant to SEPA (WAC 197-11-168(C). The Planned Action review process is described in DEIS Section 2.3. The specific Waterfront District redevelopment projects that are anticipated to be included in the Planned Action Ordinance are identified in DEIS Section 2.10. The Planned Action Ordinance would pertain to future development features that have been reasonably defined for environmental review purposes and that are subject to City of Bellingham permit approvals. Ultimately, the City of Bellingham will determine which redevelopment features are to be included in the Planned Action Ordinance.

   DEIS Chapter 2 indicated that a definitive plan for long-term redevelopment of The Waterfront District site cannot be formulated at this stage, as specific developers, tenants and users have not and cannot reasonably be identified for a 20-year redevelopment buildout. Therefore, specific building footprints, sizes and designs, and the specific layout and design of parks and trails and the specific locations of uses cannot be pinpointed. However, in order to conduct comprehensive environmental review of the range of redevelopment features assumed under the EIS Alternatives in the DEIS, under the Preferred Alternative in the SDEIS and under the Updated Preferred Alternative in the EIS Addendum, a series of conservative assumptions were formulated regarding the mix and level of uses, parking, parks and open space, roadway network, stormwater treatment, etc. The assumptions create an envelope of potential redevelopment and a range of redevelopment scenarios (without having specific building plans) and allow for the analysis of significant environmental impacts under SEPA (refer to DEIS Section 2.8 and SDEIS Section 2.3 and 2.4 for descriptions of these assumptions). These assumptions allow the identification of probable significant environmental impacts and mitigation under SEPA for the range of environmental elements analyzed in the DEIS, SDEIS and EIS Addendum, consistent with a Planned Action designation.

   Certain elements of The Waterfront District redevelopment cannot be reasonable defined at this time and would not be subject to the City's Planned Action Ordinance. Such elements may require additional environmental review at the time application for permits are submitted to the relevant agencies (refer to DEIS Section 2.10 for identification of those projects that have not been defined and may require additional environmental review). When permit applications for the elements not covered by the Planned Action Ordinance are submitted to the City or applicable agencies, the City/agencies would determine if additional environmental review is required.

3. The DEIS (page ix), SDEIS (page vii) and EIS Addendum (page vi) Fact Sheets indicate that approval of future permits for infrastructure improvements, construction projects and redevelopment activities in The Waterfront District site shoreline area would require Shoreline Substantial Development Permit Approval from City of Bellingham and the

Washington State Department of Ecology. As indicated on DEIS page 2-53 and SDEIS page 2-24, the City is updating its Shoreline Master Program (SMP); the updating of the SMP is still in process. For purposes of the DEIS and SDEIS, it is assumed that the updated SMP regulations would be adopted prior to commencement of The Waterfront District redevelopment activities in the shoreline area, except for the development of the marina at the remediated ASB and its associated facilities, would be consistent with existing shoreline regulations. Features of The Waterfront District redevelopment within the shoreline jurisdiction under the Updated Preferred Alternative would be consistent with the current staff recommendations for the Draft SMP update approved by the City Council in December 2009 and currently under review by the Department of Ecology (applicable provisions relate to standards for permitted uses, buffers and setbacks, height and public access). Any future redevelopment within the site's shoreline area (with the exception of the marina, which is assumed to be regulated under the existing SMP) would be consistent with adopted City of Bellingham SMP regulations.

4. Comment noted. The Port concurs that creating a redevelopment attractive to water-dependent and marine industrial uses is a priority to The Waterfront District redevelopment and has stated in the Applicant Objectives in DEIS Section 2.4. The Updated Preferred Alternative includes 3.3 million square feet of building space for employment-generating uses, including 1.1 million square feet of employment-generating uses in the Marine Trades Areas. The Updated Preferred Alternative also assumes that the two warehouse buildings at the Bellingham Shipping Terminal will remain.

5. Neither the DEIS Redevelopment Alternative 1-3 nor the SDEIS or EIS Addendum Updated Preferred Alternative assumed the displacement of existing uses with the northern edge of the Whatcom Waterway.

6. Comment noted. The Updated Preferred Alternative assumed the flexibility to accommodate and provide for dry-stack storage facilities within the Marine Trades Area to support both the proposed marina and the needs of the broader Bellingham community.

7. Comment noted. The Updated Preferred Alternative analyzed in the EIS Addendum incorporates Central Avenue to the south of the existing Granary Building along Roeder Avenue. In addition, the Updated Preferred Alternative would close off-site Central Avenue between Holly Street and Roeder Avenue (see EIS Addendum page 3.5-5 and Figure 3.5-1) to vehicular traffic to provide a pedestrian/bicycle connection from Maritime Park to the waterfront.

   If the Central Avenue trestle is replaced or upgraded with proposed redevelopment, new construction would not likely utilize creosote-treated pilings. Any existing, creosote-treated pilings that are not necessary for the replaced or upgraded trestle would be removed. As the existing pilings are integral to the current structure, piling removal is contingent on replacement/upgrading of the structure.

8. See response to Comment 7 of this letter for a discussion on vehicular traffic associated with Central Avenue.

9. Construction impacts to the street system are described in the EIS Addendum on page 3.5-1, the SDEIS on page 3.12-7, and DEIS Section 3.12.2 and Appendix N page 71. Construction truck routes are illustrated on Figure 17 in the DEIS Appendix N.

   The EIS represents a reasonable upper level determination of construction traffic impacts. As noted on page 3.12-31 of the DEIS, "Fill. . .would be brought to the site via barge and/or truck (likely much of the fill material would be brought via barges). However, as a reasonable upper level determination, the transportation analysis assumes that construction traffic would use the street system and would consist of truck traffic bringing and removing soils..." The use of barges would decrease construction traffic impacts to the street system. Thus, although actual construction traffic levels may be less than analyzed, a reasonable upper level determination of impacts to the street system and preferred haul route has been provided.

   Where possible, the Port is planning for the beneficial reuse of on-site materials within the proposed redevelopment, consistent with LEED ND expectations and sustainable development practices. The reuse of site materials would lessen the amount of imported fill required to be transported via truck, rail, and other modes of upland transportation. Where truck transport of fill is required, such transport would comply with the City's existing truck routes to help reduce conflicts with other modes of traffic. Transportation improvements required to support the proposed redevelopment, including construction activities are discussed in the Appendix M to the SDEIS and Appendix N to the DEIS.

10. The DEIS and SDEIS included extensive analysis of the range of potential stormwater pollution prevention measures (including low impact development principles and stormwater quality treatment) that could be used to comply with applicable federal, state and local standards. The analyses in these documents are sufficient to describe the potential impacts of construction/redevelopment on water quality and identify appropriate mitigation measures. These analyses indicated that stormwater discharge under the proposal would not be expected to cause an exceedance of state water quality standards in Bellingham Bay (see Appendix I of the SDEIS and Appendix G of the DEIS for the evaluation of water quality impacts with construction and operation of the proposed redevelopment). Design-level information on the proposed stormwater control system would be developed as part of final design and permitting for construction and redevelopment activities.

11. As described in the response to Comment 10 in this letter, the DEIS and SDEIS included extensive analyses of potential stormwater pollution prevention measures (including low impact development principles and stormwater quality treatment) that could be used to comply with applicable federal, state and local standards. These analyses are sufficiently detailed to understand the potential for significant impacts and identify appropriate mitigation measures for the proposed redevelopment. As more specific plans for redevelopment are formulated and applications are submitted to the City, more detailed stormwater control design and analysis of this design would be available for review. Please also refer to **Chapter 2** (Key Topic Areas) in this FEIS.

12. The Port and City responsibilities for the Ecology NPDES Phase II permit overlap, consistent with the intent of that permit. The Port and City will be coordinating their review of infrastructure improvements and operations to ensure compliance with Phase

II permit requirements. The proposed redevelopment would not modify Phase II permit requirements.

13. The DEIS and SDEIS considered potential new outfall locations to provide for water discharge after the ASB outfall is no longer available for stormwater discharge. Water quality treatment would be provided for construction and operation of the proposed redevelopment, based on the type of redevelopment proposed and applicable regulatory and permit requirements. The DEIS and SDEIS provided evaluations of the range of stormwater management options and treatment measures that could be utilized to address these requirements (see Appendices H and I of the SDEIS and Appendices F and G of the DEIS for details). Detailed stormwater control plans and analysis of these plans would be available as specific plans for redevelopment on The Waterfront District site are formulated.

14. Detailed stormwater control plans would be developed as specific plans for development are formulated and applications are submitted to the City. These plans would consider available stormwater treatment methods that meet regulatory and permit requirements. These methods could include options other than the Filterra and Storm Filter Vault.

15. The placement of a 6-inch temporary soil cover over portions of the site during construction is not intended as a stormwater treatment method, but rather is proposed as a potential, temporary measure to stabilize soils and prevent the generation of contaminated stormwater. The extent of fill required for final site development could be affected by site cleanup requirements, as overseen by Ecology. The temporary cover and fill requirements are separate from the proposed water quality treatment. Where stormwater treatment by infiltration or sand filtration is proposed as part of the final stormwater control system design, further evaluation would ensure that the treatment complies with the 2005 Ecology Manual, or other more stringent requirements, where applicable.

16. Proposed redevelopment of the site would include transition from the existing stormwater infrastructure to the proposed stormwater infrastructure. Stormwater system components would continue in use until they would be replaced during redevelopment. System components that would no longer be required would be appropriately capped and abandoned. The specific phasing of replacements/abandonments would be coordinated with redevelopment phasing. Please also refer to **Chapter 2** (Key Topic Areas) in this FEIS and Appendix H to the SDEIS for details.

17. Detailed stormwater control plans would be prepared as redevelopment of the project area occurs, after completion of the site investigation (RI/FS) activities for that particular area. Where site investigation activities overseen by Ecology indicate that stormwater infiltration would not create or exacerbate environmental risks, stormwater infiltration could be considered as part of the final stormwater control system design. In other cases, alternative stormwater management methods that address site environmental constraints and that meet stormwater regulatory and permitting requirements (e.g. treatment vaults, sand filters or lined bioretention facilities) could be utilized. Redevelopment activities, including construction of stormwater control systems, on contaminated sites, would be subject to review by Ecology's Toxics Cleanup Program staff to ensure that appropriate mitigation measures are identified.

18. The intent of the analysis in the EIS was not to suggest that parks and open space represent high quality terrestrial habitat, but that these features, with lawn grass, landscaping, and limited trees, are a habitat improvement over the existing industrial infrastructure and impervious surfaces they would replace. It is acknowledged and discussed in the DEIS that parks/open space provide minimal upland habitat function and would not be intended to provide the sort of habitat function as proposed riparian/shoreline habitat—DEIS Chapter 1: "vegetation and trees in upland park and open space area would provide songbird habitat, while restored shoreline buffer would provide habitat to a wider range of species (p.1-20)." This statement conveys the distinction between "natural" open space/landscaping and habitat intended to provide ecological function. The proposed redevelopment is intended to improve the nearshore aquatic environment rather than the upland environment. Habitat improvements to the nearshore would provide more habitat function value than upland habitat improvements based on the species likely to utilize the habitat. Further, focusing habitat improvements on the nearshore environment would increase public access to the shoreline, creating a vibrant mixed-use waterfront community, and maintaining overall economic viability through the development and use of waterfront property.

19. As noted in the comment, the Port and City recognize the importance of establishing view corridors through the site to preserve and enhance visual connections to Bellingham Bay from downtown, Old Town and the Lettered Streets areas. Please refer to Figure 2-7 of the EIS Addendum for an illustration of the proposed view corridors.

20. Based on a comment from the Department of Ecology to provide additional information regarding visual conditions as viewed from the end of Cornwall Avenue, the Supplemental EIS included a new viewpoint from Cornwall Beach toward the Shipping Terminal area (Supplemental Draft EID Viewpoint D). This viewpoint illustrated the visual conditions from this viewpoint with redevelopment. Please refer to Figure 3.10-20 of the Supplemental Draft EIS for a simulation of the view from the end of Cornwall Avenue.

21. Comment noted. The visual simulations provided in the January 2008 Draft EIS and October 2008 Supplemental Draft EIS reflect those roadway infrastructure improvements intended to be covered by the Planned Action Ordinance. As indicated on page 2-104 of the January 2008 Draft EIS, bridge connections to the adjacent roadway system are not anticipated to be covered by the Planned Action Ordinance and a determination if additional environmental review (including visual analysis) would be made at the time permit applications were made. The pedestrian connection over the Whatcom Waterway is no longer proposed.

22. Please refer to response to comment 21 of this letter for information regarding visual simulation of bridge connections.

23. Comment noted. The view down F Street from the hillside to Bellingham Bay has been designated as a formal view corridor to preserve elements of the existing view. January 2008 Viewpoint 3 (F St. and Bancroft St.) generally illustrated the view down the F Street view corridor with mixed use redevelopment. Please refer to Figure 2-7 of the February 2010 EIS Addendum for an illustration of the proposed view corridors.

24. Comment noted. Based on a comment from the Department of Ecology on the January 2008 Draft EIS to provide visual simulations from viewpoints reflecting the retention of

the High-Density Tanks, visual simulations reflecting the retained High-Density Tanks were provided in the October 2008 Supplemental Draft EIS. Please refer to Figures 3.10-3, 3.10-9, 3.10-15 of the October 2008 Supplemental Draft EIS for simulations reflecting retention of the High-Density tanks.

25. Comment noted. Based on a comment from the Department of Ecology on the January 2008 Draft EIS to simulate views from the southern end of the ASB, visual simulations from the ASB/Marina looking south were provided for the October 2008 Supplemental Draft EIS. Please refer to Figures 3.10-3 and 3.10-5 of the October 2008 Supplemental Draft EIS for simulations reflecting mixed use redevelopment as viewed from the ASB/Marina.

26. As indicated in response to comment 25 of this letter, the October 2008 Supplemental Draft EIS included two new viewpoints reflecting the view from the ASB/Marina. Figures 3.10-3 and 3.10-5 represent a panoramic view from the ASB/Marina.

27. Figure 3.10-21 of the October 2008 Supplemental Draft EIS provided a simulation of redevelopment in the Shipping Terminal area of the site with an existing berthed ship. This simulation is intended to reflect visual conditions with vessels at the Shipping Terminal.

28. Comment noted. The Port agrees that providing new public access opportunities on The Waterfront District site is one of the priorities of the redevelopment design concept. As stated on page 2-17 of the DEIS, one of the Port's objectives for The Waterfront District redevelopment is "providing community benefits through the phased construction of public open spaces and beaches" and has proposed 33 acres of parks and open space as a component of the Updated Preferred Alternative. As design and construction progresses, the Port will continue to work with the City and other key stakeholders to identify public access and open space opportunities.

29. Comment noted. The Port and City have evaluated the potential to raise the cited sewer pipe and determined that there is no emergent reason to raise the subject sewer pipe and install the associated lift station other than to improve public access. It has been concluded that raising of the sewer pipe and installation of the associated lift stations would be cost-prohibitive at this time as the sewer pipe in question is the largest pipe in the City's system and would require a lift station with a large capacity construction of which are estimated to cost in excess of $12M. Additionally, the operating costs for the proposed lift station are estimated to be in excess of $10,000 per month.

30. The head of the Whatcom Waterway and the mouth of the Whatcom Creek estuary are locations that will be the focus of detailed project design efforts to achieve the best fit between multiple objectives, including marine and estuarine habitat restoration, environmental remediation, public access, transportation connections, cost feasibility and others. As Ecology is aware, the multi-agency/tribal Bellingham Bay Demonstration Pilot Team has identified this area as a priority for habitat restoration. Additional overwater coverage may be inconsistent with the restoration of this area.

31. Any rainwater collection and beneficial reuse would comply with Ecology regulatory and permitting requirements, including adhering to approved water rights, as applicable.

From: Wenger, Barry (ECY) [BWEN461@ECY.WA.GOV]
Sent: Friday, November 14, 2008 4:49 PM
To: SEPA
Cc: Summerhays, Jeannie (ECY); Grout, Richard (ECY); Stough, Greta (ECY); McInerney, Lucy (ECY)
Subject: New Whatcom Redevelopment Project SDEIS comments

Dear Mr. Maron:

Due to a unexpected glitch in our agency's SEPA protocol, a portion of our comments may not reach you until next week. We will be sending you the bulk of our comments momentarily, however, we would like to request a short comment deadline extension until November 19th to be able to provide you with any remaining comments. Thank you in advance for your consideration. 1

Barry A. Wenger
Senior Environmental Planner
Washington State Dept. of Ecology
Bellingham Field Office
1440 10th Street Suite 102
Bellingham, WA 98225
(360) 715-5220

Response to SDEIS Letter 3

Department of Ecology (request for extension)

1. Comment noted.

Response to SDEIS Letter 4

City of Bellingham, Mayor's Office

Per the March 10, 2010 letter from the City of Bellingham, the November 4, 2008 comment letter from the City of Bellingham Mayor's Office regarding The Waterfront District SDEIS has been withdrawn and is superseded by EIS Addendum Letter 1 (refer to EIS Addendum Letter 1, Comment 1).

Response to SDEIS Letter 5

City of Bellingham, Tim Stewart

Per the March 10, 2010 letter from the City of Bellingham, the November 10, 2008 comment letter from the Tim Stewart of the City of Bellingham regarding The Waterfront District SDEIS has been withdrawn and is superseded by EIS Addendum Letter 1 (refer to EIS Addendum Letter 1, Comment 1).

COMMUNITY DEVELOPMENT ADVISORY BOARD
c/o Planning and Community Development Department
210 Lottie St., Bellingham, WA 98225
Telephone: (360) 778-8311 Fax: (360) 778-8302

November 13, 2008

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

Re: New Whatcom Redevelopment Supplemental Draft Environmental Impact Statement (SDEIS)

Dear Mr. Maron:

Members of the Community Development Advisory Board attended the public hearing held on November 6, 2008 on the New Whatcom Redevelopment Supplemental Draft Environmental Impact Statement (SDEIS). With this letter we are submitting public comment on the SDEIS and the plans for future community waterfront redevelopment.

The Community Development Advisory Board (CDAB) is a 15 member board that advises the City Council, the Mayor, the Planning Commission, and various City Departments, as appropriate, concerning the formulation of policies and plans, and identification of projects in order to carry out the Community Development Block Grant (CDBG) Program and the HOME Investment Partnership (HOME) Program. These two programs focus on improving the lives and living conditions of the community's low and moderate-income households.

Our comments and concerns focus on three areas: 1) connectivity of the waterfront redevelopment area to the downtown core, 2) a balance of housing types which must include housing for low and moderate-income households and 3) the preservation of buildings which have historic and cultural significance. CDAB members are concerned with the connectivity between the city core and the waterfront because many low and moderate-income households live and work in the City's core. It is anticipated that jobs to be filled by low and moderate-income households as well as housing serving this population will be created in the waterfront area. The ability of these households to walk, or ride bicycles, with ease from their downtown residences to the waterfront area for jobs, services and recreation without resorting to automobile travel (with the attendant need for

1

parking) helps eliminate the need for households to own cars thereby reducing their cost of living. 1 cont.

We feel strongly that a balance of housing types serving all income groups should be included in the plans for the waterfront redevelopment area. There are many services provided in the City Center that benefit low and moderate-income households. Many of these household are employed in the downtown area and are essential to the economic welfare of businesses located in the core. We feel the vitality of the waterfront and the City is enhanced when all income groups are included. 2 Lastly, Bellingham's waterfront has always been a "working waterfront" and we believe the cultural and historic nature of the waterfront should be identified, embraced and preserved, as much as possible, to give future generations a sense of history and place. 3

We would be happy to give further comments. Please contact Thomas Stanley, CDAB Chairperson, through the City's Planning and Community Development Department for additional input. We have directed David Cahill, Block Grant Programs Manager, to forward our letter to you by e-mail.

Sincerely,

Members of the Community Development Advisory Board

Response to SDEIS Letter 6

City of Bellingham, Community Development Advisory Board

1. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analysis assumes the development of a full pedestrian and bicycle system connecting users throughout the site and to off-site locations. As described in the EIS Addendum and SDEIS, all roadways on-site would provide a certain level of pedestrian and bicycle facilities. In addition, off-site Central Avenue between Roeder Avenue and Holly Street would be closed to vehicular traffic providing a direct connection for bicyclists and pedestrians to and from downtown and Marina Park. With the provision of Central Avenue as a bicycle/pedestrian only facility, a direct connection from the off-site trail system to the on-site trail system would be created.

2. Comment noted. It is assumed that the site would contain a mix of housing types, including affordable housing units. As stated on DEIS page 3.9-11, specific provisions for affordable housing would be contained in the development regulations for The Waterfront District site. The Port would work with City of Bellingham, Bellingham/Whatcom County Housing Authority, and other public and private organizations to provide affordable housing opportunities on The Waterfront District site.

3. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, while none of the existing structures would be financially viable for reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits), the Port recognizes the unique attributes of the existing onsite structures and has identified six (6) structures as having sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. Throughout the SEPA process, the Port has identified provisions to commemorate the maritime industrial heritage of the site and to retain the potential for reuse of certain structures depending on future economic considerations.

HISTORIC PRESERVATION COMMISSION
210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8300 Fax: (360) 778-8302

November 13th, 2008

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

Dear Mr. Maron;

RE: *Supplement to the Draft Environmental Impact Statement / New Whatcom Development*

Many of the following comments are based on the statement found in the *Supplement to the Draft Environmental Impact Statement* (SDEIS). "It is possible that some of the buildings assumed to be removed could be retained, resulting in adaptive reuse and rehabilitation of some buildings. Final decisions on the removal or retention of buildings would be made in the future by the Port and City in conjunction with site developers" (page 6-26).

The Bellingham Historic Preservation Commission, being charged with the conservation of historic architectural resources in our community, would like to express our concerns about the street grid plans and demolition actions being proposed for the redevelopment of the former Georgia-Pacific site. 1

We prefer a plan where the street grid avoids the historic structures altogether. These structures include the old brick buildings that were part of the Georgia-Pacific facility, some of which date back to the original Puget Sound Pulp & Timber Company operations. In addition, another 2

important structure is the historic Granary building, which has been identified as a "most endangered building" by the Washington Trust for Historic Preservation. 2 cont.

The final Waterfront Master Plan should allow for the possibility of preservation and adaptive reuse of these structures. The Port's Preferred Alternative plan does not. 3

In 2003-04, the Bellingham Waterfront Futures Group (WFG) *"conducted the most significant and extensive of the waterfront visioning efforts."* [1] One of the WFG's Guiding Principles is *"To promote a healthy and dynamic waterfront economy"* by *"[encouraging the] re-use and renovation of existing buildings"* and *"[complementing the] existing downtown area with waterfront development."* We fail to see how the planning of streetscapes through most of the existing buildings promotes their adaptive re-use and renovation. We prefer plans that follow the above WFG's guiding principle. 4

The Port's New Whatcom Redevelopment presentation in August 2007, identifies that they have an *"opportunity to embark on sustainable development practices and LEED Neighborhood and adaptive reuse on existing structures."* The Port fails to provide any documentation that illustrates the transition from the above statement to the SDEIS, which proposes a street grid that demolishes nearly all historic buildings and structures. 5

It would be more appropriate to make decisions about building demolition after the entire plan has been reviewed. Using any and all means available to facilitate demolition without a complete assessment of the architectural and historical significance of the structures contradicts agreements the Port has made with the public, as well as studies performed by the Port's own consultants. 6

Preservation is a tool that advances economic development. Historic resources like the former Georgia-Pacific mill buildings and the Granary give character and a sense of identity to the city. Preserving them continues the cultural and historic legacy that tell the story of Bellingham's past – a past that makes the Bellingham waterfront particularly desirable and distinct from all other places. 7

Preserving buildings as physical reminders of our history, not just retaining a few industrial artifacts in the new planned development, 8

[1] *The Waterfront District Public Involvement Process Draft*, October 8th 2008, Port of Bellingham.

maintains a sense of place. The result is a distinctive environment that fosters our civic pride and community spirit. Demolition of structures while these issues of adaptive reuse and historical importance are still being researched suggests not every plan is preserved in that spirit. 8 cont.

Sincerely,

City of Bellingham Historic Preservation Commission

George Volker, Historic Preservation Commission Chair

Rod Burton, Vice Chair
Sarah Campbell
Curt Carpenter
Dave Christensen
Marilyn Mastor
Jim Talbot
Sean Walbeck

Cc: Mayor Dan Pike
Bellingham City Council
Governor Christine Gregoire
U.S. Senator Patty Murray
U.S. Senator Maria Cantwell
Congressman Rick Larsen
State Senator Harriet Spanel
State Senator Dale Brandland
State Department of Archaeology and Historic Preservation
Washington Trust for Historic Preservation
Representative Kelli Linville
Representative Doug Ericksen
Representative Jeff Morris
Representative Dave Quall
Commissioner of Public Lands Doug Sutherland
County Executive Pete Kremen
Whatcom County Council
President Bruce Shepard, Western Washington University
President Tom Eckert, Bellingham Technical College
Mr. Jay Manning, Director, Department of Ecology

Response to SDEIS Letter 7

City of Bellingham, Historic Preservation Commission

1. Comment noted.

2. Comment noted. The Updated Preferred Alternative analyzed in the EIS Addendum includes an updated street grid compared to the SDEIS Preferred Alternative. The layout of the updated street grid would allow for the potential retention/reuse of certain eligible structures (including the Granary Building) provided that the structures are economically, structurally and architecturally viable.

3. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, none of the structures would be financially viable for reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits). However, the Port has identified six (6) structures as having sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. Three (3) structures have sufficient potential for retention/reuse that they should be retained for some period of time to allow reconsideration prior to demolition, including: Old Granary Building (#7); Board Mill Building (#12); and, Alcohol Plant – East Portion (#17). These structures would be temporarily held from demolition pending a further evaluation of market and economic conditions.

   Three (3) additional structures were identified as potential heritage icons and were proposed to be temporarily held from demolition in the near term to allow for the opportunity to further consider site cleanup and redevelopment activities and market and economic conditions. These structures include: Chip Bins (#9); Digester Tanks (#13); and, High Density Tanks (#49). Final decisions regarding the specific removal or potential reuse of the structures to be temporarily held from demolition would be made in the future in conjunction with a future developer and/or in conjunction with future infrastructure development.

4. Refer to the response to Comment 2 of this letter. The Updated Preferred Alternative in the EIS Addendum includes an updated street grid that would allow for the potential retention/reuse of certain eligible structures pending a further evaluation of market and economic conditions.

5. Refer to the response to Comment 2 and Comment 3 of this letter. The Updated Preferred Alternative in the EIS Addendum included an updated street grid that would allow for the potential retention/reuse of certain eligible structures. Although none of the structures would be financially viable for reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits), the Port has also identified six (6) structures as having sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition.

6. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, the *2010 Waterfront District Adaptive Reuse Assessment* examined the potential for retention/reuse of 11 structures in regards to historic resource value, cost of construction, and market feasibility. The assessment concluded that none of the structures would be viable for reuse in the

current economic climate. Because the current economic climate is affected by a significant and broad recession, the financial viability for reuse of the structures was also evaluated under a set of assumptions defined by a reasonably improved economy within approximately five years. Even under improved economic conditions and with the use of historic tax credits, none of the structures were determined to be financially viable for adaptive reuse. However, the Port and City recognize the historic value of structures on the site and the Port has identified six (6) structures as having sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition.

7. Comment noted.

8. Comment noted. The Port and City recognize the unique attributes of the existing Georgia Pacific structures and how they reflect the site's maritime industrial heritage. The Port conducted an adaptive reuse assessment as part of the EIS Addendum and subsequently determined that six (6) structures have sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. Refer to the response to Comment 3 and 6 of this letter.

LUMMI INDIAN BUSINESS COUNCIL
2616 KWINA ROAD · BELLINGHAM, WASHINGTON 98226 · (360)384-1489
DEPARTMENT_____DIRECT NO. _____

November 14, 2008

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

SUBJECT: Lummi Natural Resources Department Comments on the October 15, 2008 New Whatcom Redevelopment Project Supplemental Draft Environmental Impact Statement

Dear Mr. Maron,

The purpose of this letter is to provide comments by the Lummi Natural Resources Department on the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed New Whatcom Redevelopment Project. The Lummi Cultural Resources Department may be submitting comments on this document under a separate cover.

1. As stated in our March 10, 2008 comment letter regarding the DEIS, the SDEIS should also address National Environmental Policy Act (NEPA) requirements. Writing the SDEIS in a manner that addresses both State Environmental Policy Act (SEPA) and NEPA requirements would ensure that the required federal permitting for the proposed clean up actions would be more stream-lined. This combined approach would better achieve Bellingham Bay Pilot Goal 6 (i.e., *Implement actions that are more expedient and more cost-effective, through approaches that achieve multiple objectives*). As written, the SDEIS does not comply with NEPA both because cumulative effects and environmental justice issues associated with the considered alternatives are not evaluated and because the SDEIS does not appropriately evaluate the proposed conversion of the ASB to a marina.

   Federal impact assessments specifically require treatment of cumulative effects during EIS procedures: "Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis. While impacts can be differentiated by direct, indirect, and cumulative, the concept of cumulative impacts takes into account all disturbances, since cumulative impacts result in the compounding of the effect of all actions over time. Thus, the cumulative impacts of an action can be viewed as the total effects on a resource, ecosystem, or human community of that action and all other activities affecting that resource, no matter what entity (federal, non-federal or private) is taking the actions." (EPA 315-R-99). 1

   In addition, Executive Order 12898 of February 11, 1994 requires federal agencies to achieve environmental justice by addressing "disproportionately high and adverse human health and environmental effects on minority and low-income populations." The impacts of the project, both

negative and positive, on minority and low-income populations must be analyzed. Environmental Justice issues include potential impacts on the physical and natural environment as well as social, cultural, and economic effects of the project. Based on the 2000 Census, the Lummi tribal members comprise the largest low income, minority population in the area and the physical, natural, social, cultural, and economic impacts of each of the proposed alternatives on the Lummi people need to be specifically addressed.

1 cont.

The SDEIS should be revised to comply with NEPA and specifically address both cumulative effects and environmental justice issues for each alternative.

2. As stated in our March 10, 2008 comments on the DEIS, the conversion of the Aerated Stabilization Basin (ASB) to a marina is an action that could significantly affect the quality of the human environment and should not be considered as part of the No Action alternative. By assuming that the ASB will be converted to a marina regardless of what else happens with the project area, the Port provides an inadequate analysis. The proposed ASB conversion should be evaluated as part of an alternative action, not part of the No Action alternative, because:
    - It will have an environmental impact;
    - It will result in adverse impacts which cannot be avoided with the proposed implementation;
    - The proposed conversion of the ASB should be compared to other alternative actions. At a minimum the proposed ASB conversion should be compared to the alternative identified as Habitat Action No. 13 the Bellingham Bay Pilot Team. As described in Appendix A of the 2006 draft Supplemental Environmental Impact Statement (SEIS), Habitat Action No. 13 is the removal of the ASB from the water and establishment of intertidal and shallow subtidal habitat and marine buffers and/or eelgrass. This alternative would result in the single largest habitat gain (33 acres) of all of the actions identified by the inter-agency Bellingham Bay Pilot Team. Habitat Action No. 13 is much more aligned with the Lummi Nation interests than the proposed ASB conversion and would therefore help the Port better address the cumulative effects of the proposed action, achieve environmental justice, and protect Lummi Nation treaty rights;
    - It will have both short and long-term effects; and
    - It is associated with irreversible and irretrievable commitments of resources.

2

The logic and level of analysis presented by the Port regarding the proposed conversion of the currently permitted ASB to a currently unpermitted marina defeats the purpose of NEPA and SEPA. The Port's presented logic is like stating that since an oil refinery is allowable in an area zoned for heavy impact industrial uses, constructing a new oil refinery could be considered as part of a No Action Alternative for a project to construct a new road network. Similar to the DEIS, the SDEIS fails to analyze the alternative uses of the ASB.

3. The listed elements on Page 2-7 that may require additional environmental review at the time applications for permits are submitted to relevant agencies should be expanded to include the conversion of the ASB to a marina. The in-water work associated with the proposed conversion will require a Section 404 permit from the U.S. Army Corps of Engineers (Corps) and, since it is a federal agency, the Corps will have to comply with NEPA. Since the SDEIS does not address either cumulative effects or environmental justice issues, which are required under NEPA, or alternatives to converting the ASB to a marina, additional environmental review will be required for this element of the proposed action.

3

4. The SDEIS erroneously concludes that there will be no impacts to navigation associated with the alternatives that were evaluated and therefore no mitigation measures are needed. In fact, the increased boat traffic in Bellingham Bay from the addition of the marina will interfere with the navigation of tribal fishers and therefore our ability to exercise our treaty rights.

   The DEIS and the SDEIS do not adequately evaluate impacts of the proposed alternatives to tribal members and, without listening to Lummi Nation representatives, actually portrays each of the proposed alternatives as a benefit to tribal members. A full discussion of the effects of each alternative on tribal members is needed. As described above, the DEIS and SDEIS present a single-focused evaluation that results in a marina regardless of any other action without actually conducting an appropriate assessment of alternative uses of the ASB. All of the alternatives that were evaluated have impacts on Lummi Nation members. As examples:

   - The proposed conversion of the ASB to a marina will preclude opportunities for tribal members to exercise our treaty right of taking fish at usual and accustomed grounds and stations (U&A). Although the ASB currently prevents the exercise of this treaty right in a portion of the U&A, restoring the ASB site pursuant to Condition "S" of Permit No. 071-OYB-2-004368 (the permit issued to Georgia Pacific Corporation to authorize the construction of the ASB under Section 404 of the Clean Water Act) could restore eelgrass beds, associated habitat, and Lummi Nation fishing grounds. It should be noted that this permit was issued in 1976 without regard to active treaty fishing activity that was taking place at this location, which the ASB displaced, and without any consultation with the Lummi Nation. The nearshore and tidal waters, and the tidelands, along all of Bellingham Bay are U&A of the Lummi Nation. *United States v. Washington*, 384 F.Supp. 384, 360-1 (WD WA 1974).
   - Tribal members cannot physically deploy fishing nets or crab pots in an area that is covered by a marina or that has large volumes of vessel traffic (nor can they harvest shellfish in these areas due to contamination associated with marinas and associated shellfish bed closures).
   - The additional vessel traffic associated with the proposed marina, boat launch ramp, and temporary moorage development will interfere with tribal fishing in Bellingham Bay and nearby areas.
   - Drifting off-site pollution, including without limitation human waste and chemical runoff resulting from marina use and misuse and chemical pollution from increased vessel traffic will result in closure of shellfishing and fishing areas around Bellingham Bay that are currently used by tribal members in the exercise of treaty fishing rights.

   These treaty right impacts need to be addressed in consideration of the current law, including without limitation, *Northwest Sea Farms v. U.S. Army Corps of Engineers,* 931 F.Supp. 1515 (WD WA 1996) and *Muckleshoot Indian Tribe v. Hall,* 698 F.Supp. 1504 (WD WA 1988); the failure of the initial permit issuance to consult with the Lummi Nation; and the failure of the initial permit issued to Georgia Pacific Corporation to address treaty right impacts.

4

5. Similar to the DEIS, the fact sheet (Page vii) in the SDEIS includes the following errors:
   - A Section 402 (NPDES) permit will be needed from Ecology both for the construction and for operation of the proposed plan (not the U.S. Army Corps of Engineers).
   - The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency jointly administer section 404 of the Clean Water Act.
   - The Corps of Engineers does not issue Section 401 Certifications. For the proposed project, the certification is issued either by the EPA or Ecology (in consultation with the Lummi Nation).

5

6. The off-site impacts associated with extracting and transporting the estimated 680,000 to 700,000 cubic yards of fill to the proposed project site need to be addressed. Specifically, particularly if the fill is going to be imported via barge, the effects of this increase traffic on tribal fisheries in the area needs to be evaluated. 6

7. The level of detail provided in the SDEIS related to mitigation measures for many of the analyzed elements is inadequate to support a finding of non-significant impacts. The identified mitigation measures in the SDEIS generally include a list of mitigation measures that could occur. Without knowing which, if any, of the listed mitigation measures will actually occur, it is not possible to evaluate whether or not identified impacts will be adequately mitigated. 7

In summary, objectively addressing NEPA requirements including those for cumulative effects and environmental justice issues, removing the marina conversion from the No Action alternative, evaluating other appropriate alternatives including restoration of the ASB site, addressing navigation and treaty rights impacts, evaluating offsite impacts associated with the proposed fill activities, and identification of-mitigation measures that will occur rather than listing measures that could occur, would help complete the analysis, support the selection of an appropriate preferred alternative, and potentially lead to a finding of non-significant impacts. As currently written, the analysis is incomplete and does not support a finding of non-significant impact. 8

Sincerely,

Merle Jefferson, Executive Director
Lummi Natural Resources Department

cc Henry Cagey, LIBC Chairman
Elden Hillaire, Lummi Natural Resources Commission Chairman
Richard Grout, Washington Department of Ecology
Michelle Walker, Corps of Engineers
Richard McAllister, Environmental Protection Agency
Dan Pike, Mayor of Bellingham

Response to SDEIS Letter 8

Lummi Indian Natural Resources Department

1. The Waterfront District EIS (DEIS, SDEIS, EIS Addendum and this FEIS) is intended to satisfy SEPA requirements for a range of actions (refer to the **Fact Sheet**, page vi, for a listing of required permits and approvals. For redevelopment actions requiring federal permits (i.e. from the US Amy Corp pf Engineers), the appropriate agencies would determine if this EIS satisfies NEPA requirements for such permits.

   The proposed conversion of the Aerated Stabilization Basin (ASB) to a marina was analyzed as part of the *Draft Supplemental Environmental Impact Statement: Bellingham Bay Comprehensive Strategy, Whatcom Waterway Cleanup Site*. This document analyzed a variety of alternatives for the ASB area, including and non-aquatic uses (capped, not capped, filled [Alternatives 1 through 4 and No Action Alternative]) and aquatic use (marina [Alternative 5 through 8 in the document]) and their potential impacts and mitigation measures. Analysis in the *Final Supplemental Environmental Impact Statement: Bellingham Bay Comprehensive Strategy, Whatcom Waterway Cleanup Site* determined that aquatic reuse of the ASB area as a marina would be the best use of that area and result in net beneficial and/or mitigated impacts to the environment. As stated on page x of the DEIS Fact Sheet, the *Draft and Final Supplemental Environmental Impact Statement: Bellingham Bay Comprehensive Strategy, Whatcom Waterway Cleanup Site* have been incorporated by reference into the DEIS and therefore the DEIS builds upon the analysis conducted as part of these documents.

2. The Marina within the ASB is indicated as an element of the No Action Alternative because it is the Port's intent to propose marina development with or without the Proposed Actions. However, the marina design with mixed-use redevelopment is assumed to differ from the marina under the No Action Alternative in that it would incorporate features to complement mixed-use redevelopment, including public walkways, small parks and enhanced habitat opportunities.

3. Please refer to the response to Comment 1 and 2 of this letter.

4. The purpose of the EIS is to analyze the potential impacts of converting The Waterfront District from marine industrial land uses to mixed use commercial. Under this proposed transition, navigation and commerce associated with the Whatcom Waterway federal channel would shift from traditional industrial uses to more recreational uses. There would be a decrease in the number of cargo ships, tugs and barges using the waterfront, and an increase in recreational boat traffic associated with the new marina. With the conversion of the Aerated Stabilization Basin (ASB) to a small boat marina, there would be a significant restoration of marine shorelines and aquatic land to support ecosystem functions. The EIS analyzes the potential environmental impacts of this proposed transition. However, the EIS is performed under the State Environmental Policy Act (SEPA). It anticipates that any project actions requiring federal permits will require appropriate environmental review under relevant federal laws and regulations, including the National Environmental Policy Act (NEPA). The federal government, in contrast to the Port, has entered into various treaties with Indian Tribes, including a treaty with the Lummi Nation. The federal government has recognized its obligation to comply with

these treaties. In this regard, the federal government requires that any impact to those tribal treaty rights from a particular project be addressed by the applicant as a condition of receiving a permit from the United States Army Corps of Engineers (a “Corps Permit”). The Aerated Stabilization Basin (ASB) was constructed in 1979 by Georgia-Pacific Corporation pursuant to a Corps Permit issued in 1978. Likewise, the conversion of the ASB into a marina will require a new Corps Permit. The Port anticipates appropriately addressing the potential impacts of the proposed marina and other inwater work on tribal treaty rights as a condition of receiving necessary Corp Permits for those projects.

5. Comment acknowledged. The list of permits and approvals in the Fact Sheet of this FEIS has been updated to reflect these comments (refer to page vii of this document).

6. Environmental review associated with extraction of fill material for the site is not appropriate for this EIS. SEPA compliance associated with surface mining and associated activities would have been conducted independently for surface mining permits.

7. The Waterfront District EIS assumes that mitigation measures would be provided for all significant adverse impacts. The use of the term "could" in the description of the applicability of proposed mitigation measures in this EIS is not intended to imply that providing mitigation measures for an identified significant impact is optional but rather to indicate either 1) that a mitigation measure may be one of a menu of mitigation options that could be selected for a particular impact or 2) that a particular mitigation measure could be applied if future technical analysis (completed as part of future design and permit processes) determined site conditions warranted a particular mitigation measure. Therefore, the Port considers the mitigation measures provided in this EIS adequate to determine no significant unavoidable adverse impacts would be assumed during redevelopment of The Waterfront District site with implementation of the proposed mitigation measures.

8. Comment noted. Please refer to the response to Comments 1 through 7 of this letter.

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November 14, 2008

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

Re: New Whatcom Redevelopment Project SDEIS

Dear Mr. Maron:

Western Washington University is pleased to respond to this Supplemental Draft EIS for the New Whatcom Redevelopment Project, which is thorough and comprehensive. This long analytic process has involved many hours of collaborative work among dedicated professionals at the City, the Port and the university. We are proud that we have come so far in developing this complex community project.

The Washington State Legislature and the Governor have provided funding for WWU to partner with the City and the Port through appropriation of money for WWU to engage in planning its possibilities, and WWU looks forward to continued opportunities to partner to better serve the needs of students, business and the wider community in this environmentally sustainable redevelopment project. Please consider these comments as supplemental to our March 6, 2008 comments on the DEIS. 1

1. 6-8 acres of contiguous property not divided by through streets. The SDEIS states that the Port and City are discussing the optimal street layout at the project site. In light of this discussion, we thought it would be timely for the University to comment on the location, optimal size, and configuration of planned University facilities. We have considered which University programs should be located initially at this site (generally discussed, within the Preferred Alternative, as south of Commercial Street southerly loop, west of Bloedel Avenue, and east of the Whatcom Waterway) and considered the optimal size and configuration of these facilities. Based on current plans, it appears that the University will need approximately 6-8 acres of property. (This estimate can change as new opportunities and needs arise, but it is our best estimate that this time.) The University strongly prefers that this property be contiguous and not be divided by through streets. We want to create a campus that allows for safe and convenient pedestrian flow between facilities. We would like to avoid pedestrian, bicycle, and vehicle conflicts that would result from having a through street internal to the University property. Our experience at the main campus demonstrates that it is best to keep through streets on the periphery of the campus for reasons of pedestrian and bicycle safety. We would greatly appreciate the Port and City considering this request as the street layout in the area is planned. 2

2. Minimum parking requirements. The SDEIS references proposed land use regulations (in Appendix D) including minimum parking requirements of two spaces per 1,000 square feet of floor area. This requirement appears to be higher than necessary for the University and counter-productive to our efforts to encourage alternatives to single-occupant-vehicles. Currently, the main campus has a parking space ratio of approximately 0.9 spaces per 1,000 square feet of floor area. We are trying to encourage efficient transit connections between the main campus and the 3

waterfront property to provide a more sustainable alternative to driving to the waterfront campus. We would like the opportunity to discuss with the Port and City what minimum parking requirement, if any, makes sense.

3 cont.

3. Efficient transit connections between the main campus and the waterfront. We are discussing with Whatcom Transit Authority the establishment of efficient, convenient, express transit service between the main campus and the waterfront facilities. The street layout at the waterfront, including connections across the railroad tracks, is an important component of efficient service. We respectfully request that the Port and City take this into consideration as you plan the street layout and railroad crossings. The University would also appreciate being notified of Port/City discussions on this topic and being given the opportunity to participate in those discussions.

4

As further planning occurs, we know that specifics will be further defined and we wish to make it clear in this record that Western is not persuaded that there is only one way to solve any number of issues. Western Washington University wishes to be a flexible and nimble partner in the future of the Waterfront and while its views regarding the SDEIS are being expressed, we would not oppose other approaches to these items if concerns can be met in a sustainable manner.

Thank you for your consideration of our comments.

Sincerely,

Rick Benner, AIA
Executive Director/University Architect
Facilities Planning and Development

Cc: WWU President Shepard
WWU Vice President Pierce
AAG Wendy Bohlke
Sherry Burkey
Buff Schoenfeld
Jane Vroman
Tom Walsh, Foster Pepper

Response to SDEIS Letter 9

Western Washington University, Facilities Planning and Development

1. Comment noted. Responses to the March 6, 2008 comment letter submitted by Western Washington University regarding The Waterfront District DEIS are provided in DEIS Letter 12.

2. As described in the SDEIS and EIS Addendum, the Preferred Alternative and Updated Preferred Alternative both assume the provision of contiguous property within the Downtown Waterfront Area to accommodate development flexibility over time.

3. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purpose of disclosing parking impacts. Parking policies and management strategies will be reviewed through the Master Planning process. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use including consideration of shared parking opportunities. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

4. The transportation analysis in the EIS Addendum was prepared in coordination with Whatcom Transit Authority (WTA) and transit facilities and services are outlined that would be necessary to shift the non-auto mode share to approximately 30 percent. It is anticipated that coordination with WTA would be ongoing to ensure that adequate transit service and facilities are provided for The Waterfront District.

Comments on the Supplement to the Draft Environmental Impact Statement for the "New Whatcom Waterfront" project

Bernie Housen (bernieh@wwu.edu), J. Caplan-Auerbach, R.J. Mitchell, R.S. Babcock, D. Clark, J. Crider, S. DeBari, D. Engebretson, T. Hansen, D. Hirsch, S. Linneman, P. Stelling, C. Suczek, all at Geology Department, WWU

We had submitted extensive comments on the geology-related aspects of the DEIS. This document represents a short statement of additional concerns that should be addressed.

1) International Building Code (IBC) site class designation. In our prior comments, we urged that the entire Waterfront site be formally designated as an F-class site under the IBC system. Upon consultation with WA Department of Natural Resources officials, it seems that this decision rests with the City of Bellingham. Due to the complex and unstable character of the site geology, and the designation of this site as a geologically hazardous zone under the Critical Areas Ordinance adopted by the City of Bellingham, formal designation as an F-class site for the entire site is clearly warranted. Under this designation, separate geotechnical investigations for each building or project location should be required. This site-specific approach is justified by the heterogeneous geology and the significant liquefaction and lateral spread hazards intrinsic to the entire Waterfront area. 1

2) In our prior comments, we urged the use of the greater (50 inches) sea-level rise scenario for this project, based on the Mote et al., (2008) report. The supplement to the DEIS instead calls for adoption of a less conservative 24 inch sea level rise value. No detailed risk analysis is presented or discussed in the supplement, so the basis for this choice is not clear. Given that Bellingham Bay's high-tide ranges are two to three feet above MHHW levels, without consideration of seasonal effects such as storm surge, designing for a greater level of possible sea level rise provides an additional safety factor. Adopting this more conservative approach is crucial to avoiding future inundation of significant portions of the site by seawater, particularly during extreme events. Because an increase in the grade elevation via fill before building construction is the proposed mitigation for this environmental factor, it is important to get establish this value at the initial stage of development. We thus conclude that not adopting the 50 inch sea level rise value introduces a significant, and relatively avoidable, hazard to the site. 2

3) We once more emphasize the significant hazards posed by tsunami inundation for this site, and point out the fact that existing data (in the form of the Walsh et al., 2004 model and report) are inadequate for land-use planning and design purposes. Examination of the Walsh et al., 2004 report finds that: 3

    a. The calculated tsunami wave height within 5000' of the site is 3.0 meters (about 9.5') above the model elevation datum. 4

    b. The elevation data used for the inundation map has 5' elevation contours, and may not accurately portray the present site elevations. 5

c. The authors of the report explicitly call for more detailed models, which utilize better bathymetric and elevation data, for site planning purposes. This report is signed and stamped by the responsible Licensed Professional Geologist, and thus constitutes a professional finding that cannot simply be dismissed without discussion or additional data. 6

d. In the DEIS and its supplement, a warning and evacuation plan are proposed as sufficient mitigation against this hazard. There is not sufficient information provided, such as identification of lifeline evacuation routes that will survive intact the M = 9 earthquake that will likely precede the tsunami, or the ability to successfully evacuate >10,000 motor vehicles. Additionally, because this hazard currently applies to all present near-sea-level properties in the Bellingham Bay area, and to the several hundred live-aboards in the Marina, the lack of a well publicized tsunami warning and evacuation program, and the lack of clearly marked evacuation routes, suggests that this existing hazard is not considered seriously. 7

4) There is, as stated in our prior comments, reason to consider the additional hazards posed by locally generated tsunami, given the unconsolidated nature of the Nooksack delta sediments in Bellingham Bay, and the recent discovery of active surficial faults in the Boulder Creek/Kendall area. 8

5) Given the significant geological and geotechnical complexities of this site, and the long-term nature of the planned build-out, we advocate formation of a formal Geological Hazards Mitigation oversight panel for this project. As an example of the importance of this issue, the present City of Bellingham Critical Areas Ordinance provides for the evaluation of mitigation against identified hazards in the geologically critical zones to be made by *either* an Engineer or a Geologist; this is likely in violation of the WA State Geologist Licensing Act, which would specifically call for such evaluations to be made by a qualified Geologist, Engineering Geologist, or Hydrogeologist who is Licensed to practice these specialties in Washington. 9

Response to SDEIS Letter 10

Western Washington University, Geology Department

1. Comment noted. While portions of The Waterfront District site do contain liquefiable soil profiles that would be classified as Site Class F, per Table 1613.5.2 of the International Building Code (IBC), it is not appropriate to classify the entire site as Site Class F at this time. More detailed soil classifications would be made as part of future site-specific geotechnical engineering evaluations that consider the effect of seismic mitigation measures at particular locations onsite.

   As noted in the DEIS, seismic design using the most recent design codes (including the IBC) and generally accepted engineering standards and practices would be conducted as part of the building/infrastructure design and permit process for future site improvements. This could include conducting future site-specific geotechnical investigations and seismic analyses, as appropriate.

2. Comment noted. The January 2008 report by the UW Climate Impacts Group and Ecology titled "Sea Level Rise in the Coastal Waters of Washington State" provides a low probability/very low estimate of 6 inches, a medium estimate of 13 inches, and a low probability/very high estimate of 50 inches for potential sea level rise in the Puget Sound Basin by 2100. The 2.4-ft estimate of potential sea level rise by 2100 is considered a reasonable estimate given that it is more than twice the medium estimate reported in that study.

   As indicated in the SDEIS, the revised grading plans for the Preferred Alternative (which would also apply to the Updated Preferred Alternative) would typically raise site grades several feet along lower-lying shoreline areas and would mitigate many of the long-term potential impacts of long-term sea level rise (Refer to Section 2.3.3 of the SDEIS). Even assuming a long-term sea level rise near the low probability/very high estimate of 50 inches, on-site structures and utility systems would be effectively accommodated without significant impacts. New stormwater outfalls (except within the Marine Trades Area where outfall elevations may remain at 12 to 13 feet) would be designed with an invert elevation of 13 to 15 ft MLLW in order to limit long-term sea level rise impacts or storm surge problems.

3. Comment noted. The DEIS and responses to comments in this FEIS (see the responses to comments in DEIS Letter 29) address the geologic hazard posed by a potential tsunami in sufficient detail to understand the potential for significant impacts of proposed redevelopment and to identify appropriate mitigation measures that could be incorporated into the future construction and operation of the redevelopment. The 2004 tsunami hazard assessment for Bellingham Bay that was conducted by DNR's Division of Geology and Earth Resources and NOAA is considered adequate for the EIS analysis.

4. Comment noted. The estimated tsunami wave height in open water at simulated tide gage 5 is about 2.9 meters, or about 9.5 feet above the mean high water datum (MHW = 7.7 feet MLLW) used for the study. Such information was used in the run-up analysis to estimate the depth of inundation along the shoreline areas of Bellingham Bay shown on the tsunami hazard map.

5. It is correct that the tsunami hazard map states that topographic mapping with a 5-foot contour was available from the City of Bellingham. The extent to which these contour data accurately portray the present site elevations has not been determined, but significant differences are not anticipated within the area of The Waterfront District site.

6. The 2004 tsunami hazard assessment for Bellingham Bay is considered adequate for this EIS analysis. The authors of the study note several limitations and assumptions, including bathymetric and land elevation data and tidal dynamics at the time the tsunami waves arrive at a specific location, with the largest source of uncertainty being the input earthquake (assumed to be a CSZ Magnitude 9.1 event). The findings of the study have not been dismissed in the EIS documents; however, a site-specific tsunami hazard assessment is not considered necessary to support this EIS-level analysis.

7. Local disaster planning should include public notification regarding the potential tsunami hazard along the lower shoreline portions of The Waterfront District site, and warnings and signage to facilitate evacuation to higher ground. However, detailed evacuation routes and plans are not needed at the EIS stage, especially given that the overall concept of evacuation from the lower portions of The Waterfront District site to higher ground (to higher floors within a building or away from the shoreline and up toward the higher areas of Bellingham) would be relatively straightforward. It is beyond the scope of this EIS to address any current lack of a well publicized tsunami warning and evacuation program and clearly marked evacuation routes for all low lying areas around Bellingham Bay.

8. It is acknowledged that upland and submarine landslides flowing into northern Puget Sound or Bellingham Bay, as well as certain types of movements on crustal faults that might extend under Puget Sound, could potentially create tsunami waves in Bellingham Bay that would arrive earlier than one from a CSZ earthquake. However, these types of features and events are generally not well enough understood to be modeled in a manner that would provide a reasonable estimate of the associated tsunami wave heights and potential inundation depths at the site. A site-specific tsunami hazard assessment or an evaluation of the potential risk and impact of local tsunami waves caused by local landslides or crustal fault movements is not warranted as part of an EIS-level analysis.

9. The need for formation of a formal Geologic Hazards Mitigation oversight panel to guide and review plans for redevelopment of The Waterfront District site would be a decision made by the City and Port following the EIS process. If such an oversight panel were to be formed, it should include a group of experienced, licensed professionals that can provide constructive oversight on design and construction activities associated with mitigation of the wide range of geologic hazards addressed in the EIS.

NOOKSACK SALMON ENHANCEMENT ASSOCIATION

November 14, 2008

Mr. Andrew W. Maron, SEPA Responsible Official
Port of Bellingham, P.O. Box 1677, Bellingham, WA 98227-1677
sepaofficial@portofbellingham.com

Dear Mr. Maron,

Thank you for this opportunity to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) for the New Whatcom Redevelopment Project which was published on October 14. This project is a wonderful cooperative approach to a unique redevelopment opportunity which will stimulate local economic interests, increase the connection between the citizenry and their access to our local marine resources, and also protect and enhance our nearshore environment.

The Nooksack Salmon Enhancement Association (NSEA), the local Regional Fisheries Enhancement Group, wishes to submit these comments. NSEA is a non-profit, community-based organization dedicated to the restoration of wild salmon runs in Whatcom County. The Habitat Committee of NSEA's Board of Directors has reviewed this SDEIS and has directed me to submit this letter with their comments to express our concerns about potential aquatic impacts and planned mitigation measures.

NSEA is very concerned about salmonid habitat in the nearshore because of the long-recognized importance of the nearshore to outmigrating and returning anadromous salmonids. In our efforts to restore salmon runs, we have worked over the years with many members of the local community including landowners to restore streams, provide educational efforts with adults and children, and engage in scientific efforts such as monitoring in cooperation with the tribes and state agencies. More information about NSEA, including ongoing projects and volunteer opportunities, can be found online at www.n-sea.org.

Hence, our interest in the SDEIS. We see that the SDEIS does provide innovative, sound, and appropriate plans for aquatic habitat improvement. Additionally, the nearshore protection afforded to the project area is commendable, but we wish to emphasize the following points which include the nearshore ecology, educational opportunities, and water quality both during and after the construction phase.

1) Complete and accurate baseline inventory.
We have read in both the DEIS and the SDEIS that ecological surveys have been completed, in addition to the eelgrass so important to salmonids. We feel that an accurate and complete baseline inventory, and future ecological monitoring, is critical in determining the success of the mitigation measures. Special attention should be provided to migratory species and contain an evaluation of food

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web composition and stability. Special efforts should be continued to study any endangered, threatened and state sensitive fish species within the area. 1 cont.

2) Public access to and presence at shoreline reduces habitat effectiveness.
Mitigation for this impact can be achieved through a mix of public education and eco-conscious site design. We feel that the best way to reduce human impacts to the aquatic ecosystem in the project area is a well-educated and involved populace. We encourage an infrastructure which encourages educational activities about the ecological importance and stewardship. The final EIS should identify educational goals that would appropriately offset or eliminate development-based impacts. 2

3) Operation, maintenance, fueling, and storage of small recreational boats.
We note that the Project will follow the precepts of the *Clean Marina* concept and encourage the adherence, at the minimum, to that standard. After construction, we are concerned about the everyday use by recreational boaters. The SDEIS explicitly conveys the idea that the addition of hundreds of recreational boats will equal the loss of large ship moorage. However, we question that idea and feel that the quantity and quality of the environmental impact of many recreational boats is different from large commercial vessels. Mitigation measures should be encouraged to offset the unavoidable impacts caused by recreational boat fueling, maintenance, storage, and operation. For example, alternative fuels such as biodiesel which would have less environmental impact should be encouraged, and an easy availability to holding tank pumpouts should be provided. 3

Therefore, ongoing mitigation measures should include thoughtful construction of infrastructure to encourage public education and development of Best Management Practices.

4) Water quality and habitat mitigation.
The Project should continue to assure that a certain minimum amount of critical habitat is restored prior to and maintained throughout the redevelopment. This may require that advanced mitigation measures be imposed on development though the pre-permitting process. Additionally, the Project should encourage education and coordination for engineers, developers, contractors, and planners on critical fish habitat and associated impacts to habitat caused by shoreline and nearshore disturbance. 4

As an advocate for ecological restoration, NSEA applauds the Port's efforts to reclaim habitat in the redevelopment zone. The prospect that the plans for the waterfront redevelopment will include provisions to sustain present and future wild salmonid populations is exciting. Thank you for your time and this opportunity to comment.

Sincerely,

Rachel Vasak
Executive Director, Nooksack Salmon Enhancement Association

Response to SDEIS Letter 11

Nooksack Salmon Enhancement Association

1. The Port has conducted a baseline inventory of The Waterfront District site area as part of the EIS process (see Appendix H to the DEIS for details). Prior to the in-water work being constructed, the Port may conduct additional studies and habitat surveys, if necessary, as part of the local, state, and federal permitting processes.

2. One of the Port's objectives for the proposed Waterfront District redevelopment is to "encourage sustainable and 'green' development practices as part of future building and infrastructure design and construction at the site (see DEIS Section 2.4)." The Waterfront District redevelopment is proposed to become one of the nation's first LEED-Neighborhood Design project. It is anticipated that the redevelopment would incorporate the highest environmental and community planning standards. The Port anticipates extensive public outreach and education related to environmental restoration on the waterfront, both during and after construction of the proposed redevelopment.

3. The Port anticipates the marina would be certified as a Clean Ocean Marina from Clean Marina Washington and receive the highest possible rating from the regional EnviroStar program that is dedicated to pollution prevention (both of the Port's existing marinas have earned this rating). Clean Marina Washington is an incentive-based certification program in which marinas assess their operations and implement improvements to better protect the environment. Certified clean marinas educate boaters on clean boating practices, reduce and properly manage hazardous waste, conduct marina operations with the goal of protecting the environment, and demonstrate innovation and environmental leadership.

   The marina design process is being coordinated with the Port's 10-member Marina Advisory Committee (MAC) which was created in 1991 to advise the Port Commission on marina issues including: moorage rates, capital projects, marina policies and special issues. The MAC membership includes representatives from commercial fishing tenants, recreational boating tenants, commercial boat-related businesses, boating clubs, the tribal community and neighborhood interests. The MAC holds monthly meetings which are open to the public.

   The DEIS discussed the impacts on water quality, air quality and noise impacts from small recreational vessels. DEIS Section 1.3 (Water Resources) summarized the water quality-related analysis, including impacts and mitigation, from Appendix G to the DEIS. Section 3.2.7 (page 3-32) of Appendix G summarized best management practices (BMPs) for recreational boat facility operations using "Clean Ocean Marina" features, and indicated the Port would implement BMPs outlined in the Washington Department of Ecology's 1998 *Resource Manual for Pollution Prevention in Marinas* (on file at the Port and City of Bellingham for review). The BMPs would also apply to the Updated Preferred Alternative

   The Appendix G included a list of BMPs related to water quality protection that comprise Clean Ocean Marina BMPs, and a summary list of BMPs related to water quality from Ecology's 1998 Resource Manual. These BMPs would apply equally to marina,

waterway floats, and transient dock facilities. As indicated in Appendix G Section 3.2.7, the BMPs that the Port would employ are predominantly focused on preventing contaminant entry to Bellingham Bay, and secondarily on effective cleanup of accidental spills. Marina stormwater runoff (and by extrapolation that from waterway floats and transient docks) would be similar to runoff from other non-pollution generating surfaces, such as rooftops, which require no stormwater quality treatment before discharge. Contaminant source control measures would prevent introduction of pollutants at the marina, waterway floats, or transient moorage and provide for prompt removal and cleanup of accidental spills should they occur. As indicated in DEIS Appendix G, effective measures to maintain water contaminant source control provisions through moorage user education and marina upkeep would help prevent any portion of the marina from becoming a pollution-generating surface. Associated parking areas and roadways would be treated by stormwater facilities before discharge of runoff, per City and Ecology requirements.

4. The proposed Waterfront District redevelopment would include substantial improvements to designated Chinook salmon and bull trout salmonid critical habitat, as designated by NMFS and USFWS, respectively, as well as habitat for every other fish species in Whatcom Creek (see Section 3.4.3 of the DEIS for details). These actions would also benefit steelhead habitat, although critical habitat has not yet been proposed for this species by NMFS. Further, the development of the ASB as a marina would create approximately 28 acres of new aquatic habitat, all of which would be considered Chinook salmon and bull trout critical habitat.

   As part of the permitting process for in-water work, BMPs would be identified to minimize potential impacts and maximize benefits on aquatic habitats and species.

WASHINGTON TRUST FOR HISTORIC PRESERVATION

November 14, 2008

Andrew Maron
SEPA Responsible Official
Port of Bellingham
PO Box 1677
Bellingham, WA 98227

RE: Supplemental Draft Environmental Impact Statement – Proposed New Whatcom Redevelopment Project

Dear Mr. Maron,

On behalf of the Washington Trust for Historic Preservation, please accept these comments regarding the Supplemental Draft Environmental Impact Statement (SDEIS) submitted by the Port of Bellingham for the proposed New Whatcom Redevelopment Project at the former Georgia-Pacific site. The Washington Trust is a statewide, not-for-profit organization dedicated to safeguarding historic and cultural resources across Washington. Given that many of the buildings located at the proposed site comprise a potential National Register Historic District, we have reviewed the SDEIS and find that the Preferred Alternative as described therein has several inconsistencies regarding Historic & Cultural Resources.

To begin, it seems disingenuous at best for the Port to submit a Preferred Alternative that claims to decrease the potential to adversely affect historic resources located at the site while at the same time, in a separately issued Mitigated Determination of Non-Significance, seek the demolition of three historic resources on site. Those resources include the Screen Room, the Bleach Plant, and the Pulp Storage Building (identified as building #'s 14, 15, and 37, respectively), all of which are potentially eligible for listing in the National Register of Historic Places. 1

Furthermore, it appears incongruous for the Port to claim that certain identified historic structures could be retained or reused under the Preferred Alternative (Page 1-9, Table 1-1, Historic & Cultural Resources). The primary element of the Preferred Alternative is a rotated street greed that would, according to the Port, provide several benefits, including "efficient connections to downtown and surrounding areas." As illustrated in Figure 3.11-1 of the SDEIS, however, existing historic structures are situated directly in the right-of-way of the proposed rotated grid. Implementation of the rotated grid would require removal of those buildings, thereby negating any possibility for retention as noted above. (Note – Figure 3.11-1 is entitled "Potential Eligible Historic Resources to be Retained/Reused – Preferred Alternative. This title is in and of itself misleading, given the impossibility of implementing the rotated street grid *and* retaining the historic resources located in the right-of-way of the proposed rotated grid.) 2

An additional shortcoming is that the Preferred Alternative discusses historic resources only as stand-alone structures potentially eligible for *individual* listing in the National Register of Historic Places. The fact of the matter is that taken collectively, the 13 potentially eligible structures may indeed form the basis for a National Register Historic District. Failure to retain even one of these structures could possibly jeopardize the integrity of a potential historic district. Given this, consideration of historic resources under the Preferred Alternative should include a historic district perspective, as opposed to simply a group of individually-eligible buildings. Moreover, discussion of possible mitigation measures should also include mitigating adverse impacts to a historic district as well. 3

Finally, Section 3.1.15 of the SDEIS (page 3.11-8) suggests that with implementation of the mitigation measures for Historic & Cultural Resources identified in both the SDEIS and DEIS, there would be no anticipated adverse impacts to historic resources under the Preferred Alternative. This is a puzzling conclusion. Under a best case scenario for historic resources, the Preferred Alternative identifies 10 historic resources (out of a total of 13 potentially eligible structures) that could be retained or reused. If retained (assuming "retained" means adaptively reused), they would at least need to be relocated given the rotated street grid. In many cases, the relocation of historic resources itself is an adverse impact as the context in which a building was originally constructed is necessarily altered. 4 Proposed mitigation under the Preferred Alternative also considers reuse, understood to be the salvage and re-incorporation of certain building elements into proposed new construction/interpretive programs on the site. While this might be an appealing way to preserve specific building elements/artifacts, such a course of action nonetheless constitutes an adverse impact. 5

The SDEIS includes discussion of the Straight Street Grid Option alongside that of the Preferred Alternative. Based on the brief description of the Straight Street Grid Option, it would appear that the prospects for reducing adverse impacts to historic resources are greatly enhanced under this option when compared to the Preferred Alternative. The Washington Trust for Historic Preservation encourages the Port of Bellingham to utilize elements of the Straight Street Grid Option in the project's Final EIS. Doing so would truly minimize the adverse impacts the proposed New Whatcom Redevelopment Project will have on Bellingham's historic resources. Thank you for the opportunity to comment on this important manner. 6

Sincerely,

Chris Moore
Field Director

Cc: Tim Stewart, Director of Planning & Community Development
City of Bellingham
Waterfront Advisory Group

Response to SDEIS Letter 12

Washington Trust for Historic Preservation

1. Comment noted. The demolition permit was denied by the City pending further analysis and completion of the EIS process. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, the EIS Addendum includes an assessment (Appendix A of the EIS Addendum) of the potential for retention/reuse of 11 existing structures, including the Screen Room, Bleach Plant and Pulp Storage Building. The assessment concluded that none of the structures would be financially viable for retention/reuse based on current economic conditions. The Port conducted an adaptive reuse assessment as part of the EIS Addendum and subsequently determined that six (6) structures have sufficient potential that they should be temporarily held for some period of time to allow reconsideration prior to demolition.

2. Comment noted. The Updated Preferred Alternative (EIS Addendum) includes a modified street grid that could allow for the potential retention/reuse of several historic eligible structures. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, while none of the structures would be financially viable for reuse based on current economic conditions or a potentially improved economy (even with the use of historic tax credits), the Port has identified three (3) structures as having sufficient potential for possible retention/reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition, including: Old Granary Building (#7); Board Mill Building (#12); and, Alcohol Plant – East Portion (#17). In addition, three (3) structures were identified as potential icons reflecting the industrial heritage of the area and were proposed to be temporarily held from demolition for possible retention/reuse based on further consideration of site cleanup, redevelopment activities and economic conditions. These structures include: Chip Bins (#9); Digester Tanks (#13); and, High Density Tanks (#49).

3. As noted in the EIS Addendum, the Washington State Department of Archaeology and Historic Preservation (DAHP) determined that 10 structures would be eligible for listing on the NRHP as structures that contribute to a historic district (nine structures would also be individually eligible). The *2010 Waterfront District Adaptive Re-Use Assessment* (Appendix A of the 2010 EIS Addendum) concluded that if several of the core buildings (i.e. Bleach Plant, Pulp Storage and Pulp Screen Room) were demolished as deemed necessary due to structural and economic constraints, it is unlikely that the remaining structures identified as potentially viable for reuse could form a coherent historic district; however, the retention/reuse of on-site industrial equipment would help visitors to understand the scale and inventiveness of the industrial processes that took place on the site.

4. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, to provide a reasonable upper level determination of potential impacts for SEPA analysis purposes, the EIS assumes the removal of the majority of the structures identified as potentially eligible, and the removal of these structures from the site was identified as an environmental impact. However, the Port has identified six (6) structures as having sufficient potential for retention/reuse that they should be temporarily retained for some period of time to allow

for reconsideration prior to demolition. Refer to the response to Comment 2 of this letter for further details.

5. Mitigation measures that were identified in the SDEIS would also be applicable for the Updated Preferred Alternative that was analyzed in the EIS Addendum, including potential building materials salvage and materials reuse strategies. Refer to the response to Comment 4 of this letter for further details.

6. Refer to the response to Comment 2 and Comment 4 of this letter. The Updated Preferred Alternative (EIS Addendum) includes a modified street grid that could allow for the potential retention/reuse of several historic eligible structures. The potential retention/reuse of structures would be based on further market and icon assessment.

PSE PUGET SOUND ENERGY

Puget Sound Energy, Inc.
P.O. Box 90868
Bellevue, WA 98009-0868

November 14, 2008

Via Email and regular U.S. Mail

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

RE: Port of Bellingham Supplemental Draft Environmental Impact Statement for the Proposed New Whatcom Redevelopment Project

Dear Mr. Maron:

Puget Sound Energy has reviewed the above-referenced Supplemental Draft Environmental Impact Statement (SDEIS) for the Port of Bellingham's New Whatcom project and refiles its March 7, 2008 comments on the DEIS and supplements the record with comments on the SDEIS. It is our understanding that the Port of Bellingham has been unable to consider all of the comments that were received in review of the DEIS. The SDEIS does not consider important PSE comments on the operating Encogen Generation Plant within the area encompassing the New Whatcom Redevelopment Project. The Port and the City of Bellingham wrongly assume that the Encogen project will cease to operate after 2026. This facility, as discussed below, plays an important role now and in the future in providing power to the City of Bellingham, Whatcom County and the Pacific Northwest. PSE supports redevelopment of the old GP mill site but urges the Port to make adequate provisions to allow for existing industrial uses to continue operation. Multiple uses of the area to include additional housing units and commercial space should be carefully sited in conjunction with existing industrial uses including the Encogen Plant and the cargo handling terminal. Transmission lines that move generated power throughout the city, county and region and serve the Port and its customers must be maintained. Impacts of siting housing and commercial concerns cannot be mitigated by development regulations and land use controls that penalize the existing and ongoing industrial base in this waterfront area.

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Our general and specific comments addressing the importance of the Encogen facility and related issues are reiterated from our March 7, 2008 letter and are updated and again set forth below.

1. General Comments to the DEIS & SDEIS

In general, per the prior comment letter PSE disagrees with the DEIS's assumption for Alternatives 1, 2 and 3 that "*the PSE Encogen Plant would continue operations on the site for the 2016 timeframe but would be assumed to cease operations by 2026.*" While the Port may desire a mixed use redevelopment of the GP mill site, such redevelopment will not change the important role of the Encogen Generating Station in PSE's customers and generation portfolio. PSE will continue to plan and rely on the significant electricity volumes generated by Encogen well beyond 2026.

Encogen is a critical & major component of the electrical generation system serving PSE's customers in Whatcom County. At approximately 170 megawatts, it is the County's second largest gas fired combined cycle combustion turbine plant and is capable of providing power for approximately 120,000 homes. Only Tenaska in Ferndale is larger, at 270 megawatts.

PSE's long term operating plan for Encogen is and will be driven by on-going business case analysis and integrated resource planning. The plant is located at a load center, with gas/water/sewer/transmission connections already established. Replacing Encogen with a similar sized plant would be challenging, both because it would be difficult to identify another site sufficiently close to the load served and because an alternate site would require significant existing infrastructure (gas/water/sewer/transmission). Permitting and constructing new power plants is very expensive, controversial, risky and time consuming. With Encogen, PSE has an existing, well-located facility whose impacts have already been addressed and mitigated. The value of this to PSE's continued successful operation in the Bellingham area must not be underestimated. 4

In the 2007 Integrated Resource Plan (IRP) that PSE filed in May of 2007 with the Washington State Utilities and Transportation Commission, PSE's analysis targets a need to acquire 1,600 average megawatts (aMW) of additional power supply in the next decade, and 2,600 aMW by 2025. (By comparison, 2,600 aMW is roughly twice the electric power demand for the city of Seattle.) The IRP will meet these goals through a balance of enhancing energy-efficiency efforts, adding more clean and renewable energy resources, and relying on clean-burning natural gas. Specifically, the IRP leans most heavily toward natural gas-fueled generation for "winter" energy needs, listing 1172 aMW of combined-cycle combustion turbine energy by 2015, rising to 1893 aMW by 2027. The IRP also assumes that the existing 500 aMW of current natural gas-fired resources would likewise be maintained. Included in this total of current natural gas fired resources is the PSE Encogen facility.

To better explain to the public how PSE will meet this increased demand for electricity PSE has stated publicly that we will need to bring a 250 megawatt natural gas fired combustion turbine generating plant and a 229 megawatt wind farm online every other year for the next twenty years. In general terms PSE needs many more natural gas fired combustion turbine generating plants over the next 20 years to meet projected demand, not one less.

For all these reasons, the only DEIS Alternative proposed that PSE can support at this time is the No-Action Alternative (Alternative 4), because that Alternative assumes that PSE will continue operation of the Encogen Plant beyond 2026. PSE cannot support the SDEIS for many of the same reasons. 5

The Utilities section of the SDEIS (3-14) gives no recognition of the Encogen plant or its operations. Per a voice mail dated May 27, 2008, from Mike Stoner, the Port's Environmental Director, states in part "that the Port will assume that the Encogen Plant is there for stay for the foreseeable future…..they will be incorporating it into their plans for the site." This is not reflected in the SDEIS. Other conversations with staff at the Port of Bellingham to address this important issue seem to reflect an understanding of the role and need for the Encogen Plant and transmission facilities but are not reflected in the DEIS or SDEIS. PSE remains supportive of the Port and its redevelopment plans but is disappointed and surprised that these conversations and the earlier comment letter on the DEIS have not been considered in the SDEIS. 6

2. Comments on DEIS & SDEIS Analysis Addressing Specific Elements of the Environment

In addition to the general comments discussed above, we offer the following specific comments. Most address inaccuracies in the DEIS analysis that should be revised for purposes of the FEIS.

a. On Page 1-16, Air Quality, Point Source Emissions, the DEIS states:

[The] "decommissioning of Encogen could remove up to 76 tons of criteria pollutants, and so removal of Encogen could result in a net benefit of reduced pollution in the area." (See, also, a similar statement at 3.2-18.)

The Redevelopment Alternative in the SDEIS on page 3.2-8 **wrongly assumes** that the Encogen facility will be decommissioned by 2026. These statements also imply that the amount of criteria pollutants emitted by the Encogen Plant is significant. However on page 3.2-8, the DEIS states that "air emissions from Encogen constitute only a small amount of Whatcom County's total emissions." The discussion of Encogen's point source emissions contained on Page 1-16 and 3.2-18 should clarify that Encogen's level of criteria pollutant emissions is not significant when considered in context. There will be little to no net reduction in emissions in the area if the Encogen Plant were operating or if the plant is idle and waiting for its next opportunity to provide the valuable public service of generating electricity for the area. 7

Page 3.2.10 in the DEIS and the Air Quality Technical Report assume the transition of the site from industrial operations to a mixed-use neighborhood with the removal/relocation of the PSE Encogen facility and the assumed decommissioning of the plant by 2026. **Removal/relocation of the Encogen facility is an invalid assumption** and should not be used in the planning, design, permitting, and land use regulation of the proposed redevelopment of the waterfront area. 8

It should be clear that PSE has no intentions to decommission the Encogen plant and has no plans to relocate the facility. 8 cont.

b. On page 1-46, the DEIS states:

> Currently, PSE's planning for the Encogen facility is to maintain onsite operations, and to use the facility as a "peaking" station during times of high energy use. However, for purposes of this EIS analysis, it is assumed that the Encogen plant would not be located at the site in 2026 under Alternatives 1 through 3. (Utility Impacts page 46 of 67)

While Encogen may also be run during time periods of peak demand, PSE's Encogen Plant is not a 'peaking' station in the true sense of the term. Encogen is a combined-cycle, natural gas fired combustion turbine plant. PSE will operate Encogen for the purposes of generating electricity whenever market conditions, demand or reliability dictate the need to run the plant. As indicated above, the Encogen Plant will continue at its current location for the foreseeable future, well beyond 2026. 9

The Utilities section of the SDEIS (3.14. Utilities) provides no recognition of the PSE Encogen plant. 10

c. On page 3.2-6, the DEIS states:

> Over the past 10 years, the NWCAA has received several odor-related complaints in the downtown Bellingham area and has given several notices of violation to various facilities for being out of compliance. Violations in the downtown area have been primarily due to charred wood particulate from wood-working industries and nitrogen oxide emissions from the Puget Sound Energy Encogen facility on the New Whatcom site.

PSE objects to the DEIS's assertion that the Encogen facility is one of the primary causes of odor-related complaints in the Bellingham area. PSE consulted with the Northwest Clean Air Agency in March, 2008 and obtained the following information, all of which contradicts the DEIS's characterization. First, with respect to violations written by NWCAA for the Bellingham area over the last 10 years (which total 168), the Encogen facility has received only one violation for nitrogen oxide emissions. Based on data supplied by NWCAA, this equates to 0.6% of all Bellingham area violations over the last 10 years. Second, with respect to complaints received by NWCAA for the Bellingham area over the last 10 years (which total 3720) the PSE Encogen facility has been the subject of only one, which comprises less than 0.03 % of the total. In short, the Encogen facility has not been a primary source of either NOVs or complaints and page 3.2-6 of the DEIS should be revised to reflect that fact. 11

d. On page 3.10-2, Aesthetics, the DEIS states: 12

> Area 6 contains buildings and structures associated with the ongoing PSE Encogen facility and are reflective of intensive utility uses with several single-story metal buildings and over-head transformer facilities. A majority of this area is also in hardscape surfaces. (page 2 of 64)

12 cont.

This discussion should reference "over head transmission facilities" as the PSE Encogen facility includes no overhead (i.e. pole-mounted) transformers.

On Figure 3.10-19 of the SDEIS there does not appear to be transmission lines in the preferred alternative. On page 3.10-39 it further explains that the existing view from this location (Viewpoint C – Ivy St. Green) looking to the north includes the western end of the PSE Encogen Facility and paved roadway surface in the foreground, existing buildings in the Log Pond Area in the mid-ground view and the Whatcom Waterway and the ASB breakwater in the background.

13

The CollinsWoerman Waterfront District Proposal addressing utilities correctly states that the "existing transmission lines and the current Marine Trades Area substation onsite are not proposed to be relocated. The substation within the Downtown Waterfront Area will be replaced with a new substation designed to accommodate new uses for the Waterfront District redevelopment." PSE looks forward to working closely with the Port on the construction of new electrical infrastructure to support the Redevelopment Plans and the continued operation of the Encogen Generating Plant.

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e. New Roads and Encogen

The SDEIS Preferred Alternative is based on a modified street grid for long-term redevelopment of the Waterfront District. Road improvements are discussed in Section 2.3-2 (Description of the Preferred Alternative), in Section 3.12 (Transportation), and in Appendix M. Figure 2.4 and Figure 3.12-1 show two new roadways that would pass through the existing Encogen Generating Plant. This may be a failure by the transportation planners to account for the presence of existing and important long-term generating resources. It is not possible to locate roads through the Encogen infrastructure and the concept is wholly unacceptable to PSE as currently envisioned in the SDEIS.

15

4. Other Considerations regarding the SDEIS

As stated in our comment letter dated March 7, 2008, all Alternatives for redevelopment of the New Whatcom site must assume the continued use and operation of PSE's Encogen facility through 2026 and beyond. Accordingly, both the City and the Port must consider and plan for compatible land uses adjacent to this important existing resource. All new Comprehensive Plan and zoning designations should be designed to create appropriate buffers or transitions between Encogen and future surrounding development. The SDEIS does not indicate any alternative which assumes the operation of the Encogen Power Plant.

16

PSE appreciates the opportunity to re-submit and supplement these comments for the record.

Sincerely,

Charles L. Morton

Charles Morton
Manager of Thermal Assets

cc. PSE File
Encogen File

Enc.

March 7, 2008

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

RE: Port of Bellingham Draft Environmental Impact for the Proposed New Whatcom Redevelopment Project

Dear Mr. Maron:

Puget Sound Energy has reviewed the above-referenced Draft Environmental Impact Statement (DEIS) for the Port of Bellingham's New Whatcom project. Although PSE supports redevelopment of the old GP mill site in concept, PSE objects to a key assumption made by the Port with respect to the continued operation of PSE's Encogen Plant. Our general and specific comments addressing the expected duration of the Encogen facility and related issues are set forth below.

1. General Comments

In general, PSE disagrees with the DEIS's assumption for Alternatives 1, 2 and 3 that "*the PSE Encogen Plant would continue operations on the site for the 2016 timeframe but would be assumed to cease operations by 2026.*" While the Port may desire a mixed use redevelopment of the GP mill site, such redevelopment will not change the important role of the Encogen Generating Station in PSE's customers and generation portfolio. PSE will continue to plan and rely on the significant electricity volumes generated by Encogen well beyond 2026.

Encogen is a critical & major component of the electrical generation system serving PSE's customers in Whatcom County. At approximately 170 megawatts, it is the County's second largest gas fired combined cycle combustion turbine plant and is capable of providing power for approximately 120,000 homes. Only Tenaska in Ferndale is larger, at 270 megawatts.

PSE's long term operating plan for Encogen is and will be driven by on-going business case analysis and integrated resource planning. The plant is located at a load center, with gas/water/sewer/transmission connections already established. Replacing Encogen with a similar sized plant would be challenging, both because it would be difficult to identify another site sufficiently close to the load served and because an alternate site would require significant existing infrastructure (gas/water/sewer/transmission). Permitting and constructing new power

plants is very expensive, controversial, risky and time consuming. With Encogen, PSE has an existing, well-located facility whose impacts have already been addressed and mitigated. The value of this to PSE's continued successful operation in the Bellingham area must not be underestimated.

In the 2007 Integrated Resource Plan (IRP) that PSE filed in May of 2007 with the Washington State Utilities and Transportation Commission, PSE's analysis targets a need to acquire 1,600 average megawatts (aMW) of additional power supply in the next decade, and 2,600 aMW by 2025. (By comparison, 2,600 aMW is roughly twice the electric power demand for the city of Seattle.) The IRP will meet these goals through a balance of enhancing energy-efficiency efforts, adding more clean and renewable energy resources, and relying on clean-burning natural gas. Specifically, the IRP leans most heavily toward natural gas-fueled generation for "winter" energy needs, listing 1172 aMW of combined-cycle combustion turbine energy by 2015, rising to 1893 aMW by 2027. The IRP also assumes that the existing 500 aMW of current natural gas-fired resources would likewise be maintained. Included in this total of current natural gas fired resources is the PSE Encogen facility.

To better explain to the public how PSE will meet this increased demand for electricity PSE has stated publicly that we will need to bring a 250 megawatt natural gas fired combustion turbine generating plant and a 229 megawatt wind farm online every other year for the next twenty years. In general terms PSE needs many more natural gas fired combustion turbine generating plants over the next 20 years to meet projected demand, not one less.

For all these reasons, the only DEIS Alternative proposed that PSE can support at this time is the No-Action Alternative (Alternative 4), because that Alternative assumes that PSE will continue operation of the Encogen Plant beyond 2026.

2. Comments on DEIS Analysis Addressing Specific Elements of the Environment

In addition to the general comments discussed above, we offer the following specific comments. Most address inaccuracies in the DEIS analysis that should be revised for purposes of the FEIS.

a. On Page 1-16, Air Quality, Point Source Emissions, the DEIS states:

> [The] "decommissioning of Encogen could remove up to 76 tons of criteria pollutants, and so removal of Encogen could result in a net benefit of reduced pollution in the area." (See, also, a similar statement at 3.2-18.)

This statement implies, at least, that the amount of criteria pollutants emitted by the Encogen Plant is significant. However, on page 3.2-8 the DEIS states that "air emissions from Encogen constitute only a small amount of Whatcom County's total emissions." The discussion of Encogen's point source emissions contained on Page 1-16 and 3.2-18 should clarify that Encogen's level of criteria pollutant emissions is not significant when considered in context. The discussion should also clarify that if the Encogen Plant is relocated within the Bellingham area, the net reduction in emissions assumed by the DEIS will not occur.

b. On page 1-46, the DEIS states:

> Currently, PSE's planning for the Encogen facility is to maintain onsite operations, and to use the facility as a "peaking" station during times of high energy use. However, for purposes of this EIS analysis, it is assumed that the Encogen plant would not be located at the site in 2026 under Alternatives 1 through 3. (Utility Impacts page 46 of 67)

While Encogen may also be run during time periods of peak demand, PSE's Encogen Plant is not a 'peaking' station in the true sense of the term. Encogen is a combined-cycle, natural gas fired combustion turbine plant. PSE will operate Encogen for the purposes of generating electricity whenever market conditions, demand or reliability dictate the need to run the plant. As indicated above, the Encogen Plant will continue at its current location for the foreseeable future, well beyond 2026.

c. On page 3.2-6, the DEIS states:

> Over the past 10 years, the NWCAA has received several odor-related complaints in the downtown Bellingham area and has given several notices of violation to various facilities for being out of compliance. Violations in the downtown area have been primarily due to charred wood particulate from wood-working industries and nitrogen oxide emissions from the Puget Sound Energy Encogen facility on the New Whatcom site.

PSE objects to the DEIS's assertion that the Encogen facility is one of the primary causes of odor-related complaints in the Bellingham area. PSE consulted with the Northwest Clean Air Agency and obtained the following information, all of which contradicts the DEIS's characterization. First, with respect to violations written by NWCAA for the Bellingham area over the last 10 years (which total 168), the Encogen facility has received only one violation for nitrogen oxide emissions. Based on data supplied by NWCAA, this equates to 0.6% of all Bellingham area violations over the last 10 years. Second, with respect to complaints received by NWCAA for the Bellingham area over the last 10 years (which total 3720) the PSE Encogen facility has been the subject of only one, which comprises less than 0.03 % of the total. In short, the Encogen facility has not been a primary source of either NOVs or complaints and page 3.2-6 of the DEIS should be revised to reflect that fact.

d. On page 3.10-2, Aesthetics, the DEIS states:

> Area 6 contains buildings and structures associated with the ongoing PSE Encogen facility and are reflective of intensive utility uses with several single-story metal buildings and over-head transformer facilities. A majority of this area is also in hardscape surfaces. (page 2 of 64)

This discussion should reference "over head transmission facilities" as the PSE Encogen facility includes no overhead (i.e. pole-mounted) transformers.

3. Other Considerations

All Alternatives for redevelopment of the New Whatcom site must assume the continued use and operation of PSE's Encogen facility through 2026 and beyond. Accordingly, both the City and the Port must consider and plan for compatible land uses adjacent to this important existing resource. All new Comprehensive Plan and zoning designations should be designed to create appropriate buffers or transitions between Encogen and future surrounding development.

PSE appreciates the opportunity to submit these comments for the record.

Sincerely,

Steve Feller
Senior Environmental Scientist

cc. PSE File
Encogen File

Response to SDEIS Letter 13

Puget Sound Energy, Charles Morton

1. Comment noted. Responses to the March 7, 2008, DEIS comment letter from Puget Sound Energy are provided in DEIS Letter 7.

2. Comment acknowledged. In February 2010, the Port issued the EIS Addendum which included a revised description of the Updated Preferred Alternative that now assumes that the PSE Encogen Plant would continue to be operational through 2026 and beyond. The EIS Addendum provided a revised analysis of the Updated Preferred Alternative in relation to potential air quality (Section 3.2) and noise (3.6) impacts. EIS Addendum Section 3.2, Air Quality, concluded that significant impacts would not be anticipated for new onsite mixed uses located in proximity to the PSE Encogen Plant in the year 2026 under the Updated Preferred Alternative. EIS Addendum Section 3.6, Noise, concluded that continued operations of the PSE Encogen Plant through 2026 would not be anticipated to result in significant noise impacts to new onsite mixed uses located in proximity to the plant. Future noise levels on and around the site would adhere to DOE Environmental Noise Regulations.

3. Comment noted. Please refer to the response to Comment 2 of this letter.

4. Comment noted. Please refer to the response to Comment 2 of this letter.

5. Comment noted. Please refer to the response to Comment 2 of this letter.

6. For purposes of the environmental analysis, the DEIS Redevelopment Alternatives 1-3 assumed that the PSE Encogen Plant would remain through 2016 but the site would be redeveloped to other uses by 2026. The utilities analysis provided in DEIS Section 3.14 concluded that under all EIS Alternatives in both 2016 (with the existing PSE Encogen Plant present) and 2026 (without the existing PSE Encogen Plant present) no significant impacts would be anticipated; therefore, the continued presence of the PSE Encogen plant in 2026 would result in condition similar to those assumed in the DEIS for the year 2016 and is not anticipated to result in new significant impacts.

7. The Updated Preferred Alternative analyzed in the EIS Addendum assumed long-term usage of the PSE Encogen facility, which is not expected to cause significant air quality impacts to occupational or residential receptors. As stated in the DEIS Section 3.2 and Appendix E to the DEIS, the air quality within Whatcom County is considered good. Despite this, numerous emission sources occur within the area. Any reduction or removal of criteria pollutants, large or small, has the opportunity to provide a net benefit. However, it is agreed that the current emissions from the PSE Encogen facility contribute only a small percentage of the total emission to the region, as stated in the DEIS.

   Further, the DEIS recognized that continued operation of the Encogen Plant on the site would not result in a reduction in emissions (refer to Section 3.2.2.2 of the DEIS). With the planned long-term use of the Encogen facility, it is expected that air quality will continue to be regulated by Ecology and NWCAA to levels considered acceptable to the environment within the project redevelopment area.

8. Comment noted. Please refer to the response to Comments 2 and 7 of this letter.

9. Comment noted. Please refer to the response to Comment 2 of this letter.

10. Please refer to the response to Comment 6 of this letter.

11. Comment acknowledged. Further review of information obtained from the NWCAA confirms that the Encogen Plant has not been a primary source of odor-related complaints and notices of violations (NOVs) in the Bellingham area over the past 10 years. Additionally, the Encogen Plant is only one of numerous industrial and commercial facilities that have been cited in the past, and the NOVs related to nitrogen oxide emissions from the Encogen Plant have not been significant. This update is also noted in **Chapter 4**, Errata, of this FEIS.

12. Comment noted and the correct description of the existing transmission lines are identified in **Chapter 4**, Errata, of this FEIS.

13. Comment noted. The overhead transmission lines are not portrayed on the subject visual simulation because all new utilities associated with the Preferred Alternative are assumed to be installed underground.

14. Comment noted.

15. Comment noted. The street grid configuration of the Updated Preferred Alternative, as described in Chapter 2 of the EIS Addendum, does not assume any new roadways or road right-of-ways within the existing PSE Encogen site. The Updated Preferred Alternative assumed the ongoing operation of the PSE Encogen Plant through 2026 and beyond. Please refer to **Figure 1-2** of this FEIS for a site plan illustration to proposed street grid.

16. Comment noted. Please refer to the response to Comment 2 of this letter.

From: Dot Courtis [dcourtis@msn.com]
Sent: Monday, November 10, 2008 3:52 PM
To: SEPA
Subject: Comments on Supplemental Draft Environmental Impact Statement
The following are my comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for the New Whatcom Redevelopment Project. I want them included in the public record and adequately considered during the preparation of the Final Environmental Impact Statement.

GENERAL COMMENTS

1. I was pleased with your commitment at the Public Hearing on 11/6/08 to include a complete record of verbal and written comments as well as specific responses to those comments in the Final EIS. That information will allow the public to understand what topics of concern have been identified and the adequacy of the responses to those issues. 1

2. A great deal of effort has gone into developing a set of guiding principals and implementation strategies for redeveloping New Whatcom. A through analysis needs to be included at the beginning of the discussion of the "Preferred Alternative" and the rectilinear street grid specifically delineating how each proposal fulfills (or does not fulfills) the vision of New Whatcom as defined by the Waterfront Futures Group, public meetings, the four redevelopment goals ,etc. It is important to identify any deficiencies in the two proposals and clearly discuss how they will either be corrected so that the vision of New Whatcom can be achieved or the rationale behind the decision not to require remedial action. 2

3. The SDEIS is totally focused on the potential impact of redevelopment on the areas surrounding New Whatcom. Equal concern must be directed toward evaluating the environmental impact on the developers of New Whatcom and on the people who will live in, work in, study in, and visit the site once it is redeveloped. If New Whatcom ends up being an unappealing, crowded, noisy, car-friendly, street Level of Service "F" development, with too many tall buildings and an inadequate amount of parkland, no one will want to live, work, study, or visit there, and developers will not want to invest their money in such an unattractive project. Consequently, New Whatcom would be a failure. Alternatively if the project is something special, the public and developers will flock there. You should evaluate: "Will these two proposals create a vibrant, attractive, successful addition to Bellingham?" 3

SPECIFIC COMMENTS

A. SECTION 2.3.2: ROADWAY SYSTEMS

A curvilinear, ground level, branch of Roeder Avenue connecting Central Avenue and Cornwall Avenue immediately south of the proposed realigned railroad right-of-way needs to be considered as part of the proposed street grid. 4

B. SECTION 3.9: POPULATION, EMPLOYMENT, AND HOUSING

It would be helpful in evaluating the potential impacts if the estimated number of residents and the estimated number of workers are specifically listed for each of the five Redevelopment Areas instead of consolidating that information in one table for the entire site. 5

C. SECTION 3.10.2: IMPACTS-AESTHETICS /LIGHT AND GLARE

The photographs and the three dimensional computer models (Figures 3.10-1A to Figure 3.10-24) are very useful in evaluating views and view corridors. These are my comments:

1. Figure 3.10-1A and Figure 3.10- 1B : Buildings along view corridors (e.g. Commercial Street) 6

are supposed to have façade setbacks for their upper stories. These are not shown on the representations. 6 cont.

2. Figures 3.10-1C and Figure 3.10-10: Building heights along the Bay Street and Commercial Street straight line, right-of-way extensions across the site (Preferred Alternative) are supposed to be low enough to preserve view corridors to the southwest from the Central Business District. The buildings along the view corridor are also supposed to have upper story façade setbacks. These features are not depicted in the representations. 7

3, Viewpoint 6: Representations need to be prepared showing the view from this location to the southwest along the straight line extension of the Bay Street right-of-way across the site. Views of Bellingham Bay and Lummi Island will be visible once the buildings on the Georgia Pacific property are demolished. 8

4. Viewpoint 7: I question the usefulness of this viewpoint because very few people, if any, use the top of the Parkade parking structure to look at the scenery. 9

5. Viewpoint 9: The eastern end of Lummi Island should be visible from this location. 10

6. Viewpoint A: The representation infers that a person looking westerly along the view corridor will see Lummi Island. This is definitely not the case. The view from this spot will be of the new marina and low lying Gooseberry Point. 11

7. Viewpoint B: Photographs and computer representations should be taken from the parking lot at the top of the bluff just to the south of the intersection of Commercial Street and Roeder Avenue. Doing so would provide an improved understanding of what can be seen along this view corridor. 12

8. Viewpoint E: Photos and computer representations need to be taken from the intersection of Cornwall Avenue and Chestnut Street looking to the southwest along the current Cornwall Avenue right-of-way. This location would give a much better portrayal of the view corridor. The eastern end of Lummi Island should be visible using the straight line street grid. 13

D. BUILDING HEIGHT

ON page 3.10-6, there is the statement: "The Straight Line Street Grid Option would feature lower maximum building heights (uniform 75 foot height limit) than under the Preferred Alternative except within the shoreline area...". This statement is not correct based on Tim Stewart's 8/18/08 letter to Mike Stoner. The letter states: "Preliminary studies of the Traditional Grid indicate that all of the 6 million square feet can be accommodated across the entire site within a height at or below 75 feet. We propose a height limit of 75 feet except in the Shoreline jurisdiction where we propose 50 feet. However, we anticipate that there will be as many as six sites for tall buildings in excess of 120 feet...". This section should be changed so that it properly reflects the City's position. 14

E. TRANSPORTATION

The Transportation Section highlights a potential disaster. Ensuring that "KING CAR" continues to reign supreme unfortunately seems to be the unstated goal of this analysis. It indicates that there will be a number of streets and intersections which will have totally unacceptable Levels of Service "E" and "F" within and near New Whatcom. The mitigation measures proposed are inadequate "band aids". They are only treating symptoms, and they are not addressing the real problem: too many private cars in too small an area. There needs to be the preparation of a full scale, comprehensive transportation plan emphasizing public transit, walking, bicycling, van pools, flex working hours, car pools, financial incentives for reducing one person per car trips, etc. 15

in order to significantly reduce the number of private vehicles entering and leaving New Whatcom. The public, residents of, workers in, and visitors to New Whatcom want a pedestrian friendly, bicycle friendly place. They do not want completely unacceptable traffic congestion either within New Whatcom or on nearby city streets. 15 cont.

The Parking Section once again shows the dominance of "KING CAR" over every other consideration. If the need for parking is substantially decreased by the implementation of an effective, comprehensive transportation plan, the cost of parking structure construction would be significantly reduced and additional valuable space would be available for more revenue generating development, more parks, etc. 16

F. PUBLIC SERVICES-Parks and Recreational Facilities

The public has consistently expressed an extremely strong desire for adequate parkland in New Whatcom both along the shoreline and in the interior of the site. In addition , the City of Bellingham has approved a city-wide Level of Service (LOS) guideline that calls for 47.49 acres of parks and recreational space per 1000 residents. For a resident population of 3,614 and a worker population of 8,354, there will only be 33 to 35 acres of parkland. This is a LOS deficit of approximately 138 acres. Obviously, it is unreasonable to expect the LOS guideline to be achieved solely within the confines of New Whatcom because Bellingham has other city parks and recreational facilities that residents of New Whatcom could use. However, those parks and facilities are at a distance from New Whatcom, and many people living in the development will only use them occasionally. Instead, residents of New Whatcom, like most people, will want to primarily use the parks and recreational facilities in close proximity (e.g. within easy walking distance) to where they live. 17

G. OTHER-Shipping Terminal

The SDEIS needs to address the future use of the Shipping Terminal. It currently is used only as temporary moorage for transient vessels. The Port has suggested that it be used as the home port for NOAA's fleet of ships that operate out of the Pacific Northwest. The Port also feels that it would be an attractive site for marine industrial activities. Still, another possibility would be to convert the entire area to mixed use development. Consequently, the EIS needs to identify, at the very least, the number and type of full time jobs, the number of residents, the amount of economic activity generated, the amount of noise and congestion caused by any increased truck and train traffic, etc. for these four scenarios: 18

1. Status Quo: Facilities continue to be used only for moorage of transient vessels.

2. NOAA: Facilities used as a home port for NOAA's fleet of Pacific Northwest ships.

3. Facilities used for marine industrial purposes.

4. The entire area is converted to mixed use development.

Thank you for the opportunity to comment on the SDEIS. I look forward to reviewing the Final EIS for New Whatcom.

David M.Courtis
440 Highland Drive
Bellingham, WA 98225
714-9587

Response to SDEIS Letter 14
David Courtis

1. Comment noted. A complete record of the comments received during the DEIS, SDEIS and EIS Addendum comment periods as well as responses to those comments are included in this chapter of the FEIS including all comment letters and a transcript of each of the three public hearings held during each comment period.

2. A discussion of the applicability of the Waterfront Advisory Group's "Strategic Guidelines" (which were derived from and incorporated the Waterfront Future's Group Guiding Principals) to The Waterfront District redevelopment is provided DEIS Section 3.8.4.3 and on page 2-4 of the EIS Addendum. As stated on page 3.8-5 of the DEIS, the redevelopment is intended to be "consistent with the vision of the Waterfront Future's Group and the Waterfront Advisory Committee."

3. The analyses provided in the DEIS, SDEIS and EIS Addendum evaluated both the impacts to existing onsite, proposed onsite and adjacent offsite uses for each element of the environment. As stated in DEIS Section 2.4, many of the Port's objectives for redevelopment of the site include creating a vibrant, attractive and successful community.

4. As stated in the EIS Addendum, subsequent to issuance of the SDEIS, updates to the street grid were made based on additional public comment, community input, coordination with the City and evolving economic conditions. As indicated in Figure 2-4 and 2-5 of the EIS Addendum, the segment of Roeder Avenue between Central Avenue and Commercial Street is identified as an element of the core street network.

5. The estimated population and employment under the Preferred Alternative (which would also be consistent with the Updated Preferred Alternative) for each of the five redevelopment areas is provided in **Table 3-1** below:

Table 3-1
POPULATION AND HOUSING BY REDEVELOPMENT AREA
UNDER THE PREFERRED ALTERNATIVE

	Marine Trades Area	Downtown Waterfront Area	Log Pond Area	Shipping Terminal Area	Cornwall Beach Area	**TOTAL**
Population	717	1,480	653	191	573	**3,614**
Employment	2,496	3,146	1,424	1,251	37	**8,354**

Source: Collins Woerman, 2010.

6. Comment noted. As indicated on page 2-18 of the EIS Addendum, two types of view corridors through the site have been identified through the site, including: view corridors defined by rights-of-way and open space, and view corridors defined by a combination of rights-of-ways and building height limits. The Commercial Street view corridor would be provided via an approximately 100 foot wide open space area (not including right-of-way area which would add approximately 100 feet to the width of the corridor).

7. Comment noted. As indicated on page 3.10-8 of the Supplemental Draft EIS, the cited representations are intended to show possible building massing, heights and building spacing. The representations are not intended to represent actual building footprints, design, character, etc. It is acknowledged that to provide a conservative visual analysis, only minimal building modulation features were depicted in the massing representations.

8. Comment noted. Figure 3.10-7 of the Supplemental Draft EIS illustrated a view down Bay Street to the west. As indicated on page 3.10-37 of the Supplemental Draft EIS, because the proposed Bay Street corridor would extend to the waterfront, new views to the water and hillsides beyond (Lummi Island) would be provided.

9. Comment noted. Viewpoint 7 (top of Parkade structure) was selected as a viewpoint because it provides an overview of the site from the east. It is acknowledged that few people would use the top pf the Parkade Parking structure.

10. Comment noted. As noted on page 3.3-3 of the EIS Addendum, views from Viewpoint 9 included limited views of Bellingham Bay and Lummi Island.

11 Comment noted. The description of this viewpoint has been modified and is noted in **Chapter 4**, Errata, of this FEIS

12. Comment noted. The viewpoints and simulations prepared for the EIS are intended to provide representative views of site redevelopment. It is acknowledged that because of the large number of potential viewpoints to the site, not all reasonable viewpoints are able to be simulated and analyzed.

13. Comment noted. The viewpoints and simulations prepared for the EIS are intended to provide representative views of site redevelopment. It is acknowledged that not all reasonable viewpoints are able to be simulated and analyzed.

14. Based in information provided in the SDEIS (including public comment), additional community meetings and workshops, continued coordination between the City and Port, and evolving economic conditions, the Port has prepared a recommended Updated Preferred Alternative. This Updated Preferred Alternative is the current proposal and represents an evolution of the Preferred Alternative and Straight Street Grid plans included in the Supplemental EIS. Please refer to Chapter 2 of the EIS Addendum for a detailed description of the Updated Preferred Alternative.

15. The EIS transportation analysis is intended to present a reasonable upper level determination of potential transportation impacts. The transportation analysis assumes a reduced dependence on the automobile than observed today in the City of Bellingham and is consistent with the City Comprehensive Plan mode share goals. A significant amount of the new infrastructure proposed on-site provide facilities for walking, biking, using transit; thus, creating a livable and active street environment.

    Pages 3.5-16 through 3.5-20 of the EIS Addendum provided an analysis of intersection operations with a greater transit, walking and bicycling mode share to and from The Waterfront District. This analysis demonstrates that with reduced reliance on auto travel, intersections on-site and adjacent to the development would operate at LOS D or better during the weekday PM peak hour. Operational and management strategies to decrease

reliance on auto travel are also described in the EIS Addendum and DEIS. (See also response to EIS Addendum Letter 3, Comment 3.)

The EIS is a disclosure document that evaluates the Proposed Actions and makes recommendations for mitigations to be incorporated into the Master Development Plan. Transportation plans and requirements would be developed as part of the Master Development Plan process and Development Agreement.

16. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and will be appropriate for the proposed land use including consideration of shared parking opportunities. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

17. Please refer to the response to EIS Addendum Letter 1, Comment 8, for a discussion on parks proposed on The Waterfront District site.

18. As stated in DEIS Chapter 2.8.4, as a baseline assumption the Port anticipates continuation of the current operations (including deep-water moorage) at the Shipping Terminal with or without The Waterfront District Redevelopment. A range of density and land uses for the areas adjacent to the existing Shipping Terminal were analyzed in the DEIS. As stated in the SDEIS, the Preferred Alternative assumes 395,000 sf of office, 135,000 sf of light/marine industrial, 100 housing units and 33,600 sf of retail/restaurant uses in the Shipping Terminal Area (these assumptions would also be consistent with the Updated Preferred Alternative).

    The Port is no longer pursuing NOAA as a potential long-term tenant at the Bellingham Shipping Terminal. The development of any additional facilities to support NOAA was identified as a separate action in the DEIS and was not part of the Updated Preferred Alternative analyzed in the EIS Addendum (refer to Section 2.9.1 of the DEIS).

November 6, 2008

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

RE: **New Whatcom Redevelopment Project**
Supplemental Draft
Environmental Impact Statement
Via e-mail to sepaofficial@portofbellingham.com

Dear Mr. Maron,

Your cover letter to the New Whatcom Redevelopment Project Supplemental Draft Environmental Impact Statement (SDEIS) identifies "Transportation" as one of the elements analyzed. Probable environmental impacts, measures intended to mitigate these impacts, and any significant unavoidable adverse impacts that may be anticipated are described. The comments offered in this letter are with regard to the "Transportation" SDEIS element as documented in Chapter 3.12, Transportation.

Chapter 3.12 had to make too many assumptions in the absence of a formally adopted transportation plan or policy for the New Whatcom Redevelopment Project. So many assumptions were made the word "assume" is used 78 times in chapter 3.12. The analysis places so much emphasis on parking this word is used 80 times. In contrast, the word "plan" is used 5 times. The word "policy" is never used. The word "vision" is never used. As a result of the numerous assumptions made, New Whatcom becomes an auto-oriented development supported by roadways designed predominately for vehicle flow feeding large parking areas. 1

Page 3.12-16 states that "By 2026, it is estimated that the Preferred Alternative would provide 12,892 spaces onsite." Consider the following three largest parking space accumulations in our area:

- 4,700 total parking spaces at Bellis Fair Mall.
- 3,800 total parking spaces within downtown Bellingham. 2
- 3,400 total parking spaces for Western Washington University (WWU).

The 12,892 spaces to be provided by the Preferred Alternative is greater than the above three examples combined. The total amount of combined parking at Bellis Fair Mall, in downtown Bellingham and for Western Washington University is about 11,900

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spaces, almost a thousand less parking spaces than proposed for the New Whatcom Redevelopment Project Preferred Alternative. This would potentially make the New Whatcom Redevelopment Project Preferred Alternative the most auto-oriented project currently being proposed in the entire Pacific Northwest. 2 cont.

Bellis Fair Mall may be the easiest of the three Bellingham examples to envision. Bellis Fair Mall is located on 72 acres. New Whatcom has 137 acres. So, envision parking for well over two Bellis Fair Malls. Envision the project roadways functioning like Guide Meridian Road. This is what is proposed for New Whatcom Redevelopment Project Preferred Alternative. Is this the vision Bellingham residents have for New Whatcom? Have the impacts of such a proposition been addressed in the SDEIS? 3

The entire University of Washington (UW) complex has 12,000 parking spaces; actually, 300 fewer spaces now than existed in 1989, even though substantial building additions involving millions of square feet have been made to the campus over the past twenty years. Did the SDEIS consider the type of approaches used by the UW to reduce the demand for parking and avoid the corresponding negative vehicle traffic impacts? 4

UW and WWU have excellent TDM Programs. WWU, one of the much anticipated occupants of New Whatcom, has reduced campus access by single occupant vehicles from 36% of all trips in 1992 to 20% of all trips in 2003. Did the SDEIS consider the type of Transportation Demand Management (TDM) approaches used by WWU to avoid the corresponding negative environmental impacts caused by excessive vehicle accommodation? 5

Likewise, the National Oceanic and Atmospheric Administration (NOAA) has outstanding TDM programs. NOAA pays employees a maximum monthly benefit of $115 if they don't drive. NOAA employees use alternative means of transportation such as transit, bicycling or walking to get to work. Did the SDEIS consider the type of TDM approaches used by NOAA to comply with applicable commute trip reduction laws? 6

The New Whatcom Redevelopment Project SDEIS does not properly account for the types of TDM programs and alternative transportation infrastructure used by the types of project participants anticipated, or desired. The term TDM is never used in Chapter 3.12. The term "transportation demand management" is used once in Chapter 3.12 under the section on "Straight Street Grid Option" at the end of the discussion as though it were a negative consequence of this proposal rather than a desired program. 7

Instead of identifying the types of TDM actions needed to achieve a pleasant environment for pedestrians and bicyclists, the SDEIS essentially assumed New Whatcom would be an auto-oriented development project. The impacts to be mitigated by this auto-orientation were those requiring more roadway and intersection capacity for vehicles. 8

The New Whatcom Redevelopment Project Supplemental Draft Environmental Impact Statement (SDEIS) "Transportation" element should have identified the probable environmental impacts, measures intended to mitigate these impacts, and any significant 9

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unavoidable adverse impacts that may be anticipated for the intended transportation element of the project. Instead, the SDEIS almost exclusively addresses vehicle requirements. It identifies the need for wide roads, signalized intersections, vehicle turn lanes and merge lanes, not the anticipated "walkable and "bicycle friendly" environment presented frequently at public meetings. Chapter 3.12 never uses the term "walkable." Chapter 3.12 uses the term "bicycle friendly" once, but with no definition, no description of infrastructure required and no discussion of safety issues. Pedestrians and bicyclists are presented as secondary references in the context of vehicle roadway development. There is no transportation mobility plan in the DEIS or SDEIS as has been suggested in recent public meetings. How can a DEIS be done for the transportation element of a project with such significance to Bellingham when there is no transportation plan? 9 cont. 10

Outdated technical methodologies were used based upon erroneous assumptions in the absence of any transportation plan. The question being addressed became: What vehicle carrying capacity is needed to support the desired level of development? Institute of Transportation Engineers (ITE) trip generation rates were used to answer this question. ITE trip generation rates are popular with traffic engineers, but they should be used as a starting point, not a decisive factor as was done in the New Whatcom DEIS Chapter 3.12. 11

There are many pitfalls to the approach used, especially with a project such as New Whatcom. The trip rates are based on data going back to the 1960's, they are from wherever in the U.S. data was collected and made available to ITE, they are predominately for an auto-oriented development. Page 1149 of the ITE's Trip Generation, 7th Edition is the location for Land Use 710, General Office Building, one of the major trip rates used in the analysis. The description states "Nearly all of the buildings surveyed were in suburban locations." Is a typical suburban auto-oriented office park what we envisioned for New Whatcom? 12

Page 1149 of the ITE's Trip Generation manual has the following disclaimer "Transit service was either nonexistent or negligible at the majority of the sites surveyed…Users may wish to modify trip generation rates…to reflect the presence of public transit, carpools and other transportation demand management (TDM) strategies." This should be done in a context where candidate New Whatcom project occupants such as WWU and NOAA are directly investigated to determine their trip generation history and their desired policy-driven future trip generation modal shares. 13

The New Whatcom's proposed actions should include the types of conditions in development regulations, development agreements and a New Whatcom Planned Action Ordinance that promote and detail such TDM programs. Shouldn't the New Whatcom SDEIS be assessing the impacts of desired new urban transportation policies and practices, rather than old suburban auto-centric policies and practices that gave us what we have today along the Guide Meridian? 14

Since transportation seems to have become the big issue between the Port and the City, an oversight group of citizens specifically focused on transportation should be given the opportunity to consider questions such as those raised in this letter. A 15

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transportation advisory panel with a focused transportation planning process mission for the New Whatcom site will still serve all parties well. 15 cont.

One transportation issue a New Whatcom Transportation Advisory Panel should tackle is whether New Whatcom should be based on minimum or maximum parking requirements. Minimum parking requirements are viewed by an increasing number of areas as an out dated technical approach for a project such as New Whatcom. Minimum parking requirements are remnants of misguided planning theory from the past. 16

It is well understood in most major city planning departments that minimum parking requirements increase traffic, increase conflicts with pedestrians, increase safety hazards for bicyclists, increase air pollution, distort urban form, increase housing costs and damage the economy. Many examples exist of what other city planning efforts have done and what could be done to prepare a proper transportation plan and FEIS for the New Whatcom Redevelopment Project driven by the type of transportation policy suitable for Bellingham's premier project. 17

One example is found to the south. The City of Seattle imposed a maximum, not a minimum, parking requirement on the University of Washington over twenty years ago. The New Whatcom FEIS should follow current procedures driven by relevant transportation vision and policy, not old technical procedures driven by dozens of inappropriate assumptions. 18

Another example of policy-driven transportation planning can be obtained from our neighbor to the north. Vancouver B.C.'s Southeast False Creek (SEFC) area comprises a total of 80 acres of former industrial land near downtown Vancouver, a location very comparable to the New Whatcom site. The Vancouver City Council directed that the City explore using Southeast False Creek as a model for "sustainable development." Isn't that what we want for New Whatcom?

The Southeast False Creek policy statement approved by the City of Vancouver in 1999 reads as follows: 19

> "Southeast False Creek is envisioned as a community in which people live, work, play and learn in a neighborhood that has been designed to maintain and balance the highest levels of social equity, livability, ecological health and economic prosperity, so as to support their choices to live in a sustainable manner."

Isn't this what we envision for New Whatcom? One of the objectives of the Southeast False Creek transportation policy is to eliminate the need to make a vehicle trip because individuals live/work/play/learn in the same place. Chapter 3.12 does not reflect such a policy.

The following vision was adopted by Vancouver for transportation and accessibility:

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"The transportation network in Southeast False Creek will greatly shape the neighborhood's form and livability. Developing transportation and circulation systems, which focus on pedestrian and bicycle paths and transit linkages, is of primary importance in ensuring a livable and environmentally sustainable waterfront neighborhood".

19 cont.

Isn't this the transportation network and circulation system we should envision for New Whatcom? One of the objectives of the Southeast False Creek transportation policy is to place greater emphasis on the utilization of walking and bicycling to make a trip. Chapter 3.12 does not sufficiently represent such a policy.

Instead, the New Whatcom Redevelopment Project SDEIS relies upon parking, roads, bridges and more traffic signals to channel new vehicular traffic. Bicycles must share 14-foot wide vehicle lanes, not a standard used in major urban redevelopment projects where pedestrian and bicycle infrastructure are given priority.

In Vancouver, the Southeast False Creek transportation design guidelines for the Ontario Street right-of-way dedicate 3-meters (about 10-feet) to a bike path, another 3-meters to a pedestrian path, another 1.5 meters to a sidewalk in the same cross-section as a 7.5 meter roadway. Front Street has a different cross-section with 4.2-meters dedicated to bicyclists, 8.8-meters to pedestrians and a reduced roadway for vehicles of 6-meters. This is to accommodate a target mode share with over half arriving by transportation modes other than automobiles.

20

A January 17, 2005 report from the Southeast False Creek Steering Committee to the Vancouver City Council set a target of "60% of all daily trips by non-auto modes based on reduced parking requirements, greater support for car-sharing and co-op vehicles, and increased support for alternative modes such as cycling and public transit." Isn't that what the New Whatcom Redevelopment Project should be offering?

21

Other new transportation policies and corresponding infrastructure investments were identified for Vancouver's Southeast False Creek, such as making the overall width of the walkway-bikeway 60-feet; and, requiring grade separation of pedestrian and bicycling modes in high traffic areas. This is not a recreational facility, but a functional part of the overall transportation network to serve all trip purposes. The New Whatcom DEIS assumed non-recreational bicyclists will share the 14-foot lanes - "bicyclists would be accommodated within the street right-of-way" (DEIS pages 3.12-48 and 3.12-58).

22

Although extensive Level of Service (LOS) analysis was performed for vehicles, none is performed for other modes as would be required by Washington State's Growth Management Act (GMA) in a major urban project where transit, pedestrians and bicyclists are to be given priority. GMA requires a transportation LOS analysis, not one for just vehicle flow.

23

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Giving proper attention to LOS impact analysis for transit, pedestrians and bicyclists would have been as appropriate as the attention given to all of the vehicle flows at intersections in the New Whatcom DEIS. The GMA requires local jurisdictions "…to prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies." The New Whatcom DEIS or SDEIS did not adequately consider these GMA specified strategies. 24

Such GMA strategies are not foreign to transportation planning in Bellingham. Transportation policy as included in WWU's Institutional Master Plan places emphasis on these types of strategies. WWU works diligently on the types of alternative transportation connections to campus that should have influenced the transportation planning process for the Waterfront Redevelopment Plan, had there been one. The current WWU modal hierarchy is: 25

1. Pedestrians
2. Bicycles
3. Transit
4. Vehicles

Isn't this modal hierarchy preferable for New Whatcom? Instead, Chapter 3.12 placed a priority on vehicles. It is predicated on parking those vehicles at the expense of the project participants. Page 3.12-49, 58 and 69 of the DEIS all contain the following statement.

> "It is assumed that adopted standards for the future parking supply onsite would require that each future redevelopment project accommodate its parking demand" 26

Is WWU going to pay for the minimum required parking supply specified in the Draft EIS given their current transportation policies? Will NOAA?

Let's not burden the Port, the City, WWU, NOAA, other project participants and especially local taxpayers with the estimated $386,760,000 it will cost in providing the parking supply the New Whatcom Redevelopment Project DEIS assumes is required at an estimated cost of $30,000 per parking space. How that cost is to be borne is critical, but neither the DEIS, nor SDEIS, has an economic analysis to assess this critical impact. 27 28

The SDEIS observes the following with regard to the City of Bellingham's Straight Street Grid Option: 29

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"The existing street network and assumed infrastructure improvements would have a capacity of 1,575 vehicle trips in 2016, which would be sufficient to handle the assumed 2016 land use densities associated 760 outbound PM peak hour vehicle trips, however, assumed infrastructure improvements under Phase 2 would only have a capacity of 2,075 vehicle trips, which would not be able to accommodate the estimated total outbound PM peak vehicle hour trips in 2026. To accommodate the full redevelopment, additional access improvements would be needed, such as the construction of the Commercial St. or Laurel St. bridges, and/or the implementation of transportation demand management strategies to reduce the outbound PM peak hour trips by approximately 20 percent." 29 cont.

If the type of TDM programs already used by the prospective and desired project tenants were properly used in the DEIS at the beginning of the analysis rather than at the end, such an observation would not be needed. The cost of building bridges, signalized intersections, turning lanes for additional vehicle capacity would be found to be unnecessary.

The DEIS and SDEIS have flaws in the technical analysis producing erroneous observations and conclusions. The following are the types of actions that could be taken to ultimately correct the deficiencies in the New Whatcom DEIS:

1. The DEIS could be approved on a conditional basis with the requirement that the FEIS be supplemented at a future date with an amended transportation impact analysis based upon the Bellingham City Council adopting a New Whatcom Transportation Plan. 30
2. A New Whatcom Transportation Advisory Panel should be formed by the City of Bellingham in cooperation with the Port of Bellingham to oversee the preparation of a New Whatcom Transportation Plan. This advisory panel would be focused on transportation and mobility.
3. The New Whatcom Transportation Advisory Panel should immediately receive a briefing on the best practices used for the development of comparable transportation plans. The committee should explore not just the best practices within the U.S., but exceptional transportation practices from throughout the world. 31
4. The New Whatcom Transportation Advisory Panel should conduct scanning tours of those places offering transportation examples worthy of emulation for New Whatcom.
5. The New Whatcom Transportation Advisory Panel should prepare a vision statement for transportation and a set of policy guidelines including modal share targets. This would be submitted to the City Council immediately for consideration before the development of the New Whatcom Transportation Plan.

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6. The New Whatcom Transportation Advisory Panel should prepare a proposal for a scope of work needed to conduct the tasks to prepare the New Whatcom Transportation Plan and amend the New Whatcom EIS. The scope of work should:
    a. Use the New Whatcom EIS as first phase establishing a baseline representing a "typical" traffic impact study.
    b. Conduct a second phase to assess the implications of implementing a more sustainable transportation improvement strategy.
    c. Propose amendments to the EIS.
7. The New Whatcom Transportation Advisory Panel should conduct its work in a highly open forum giving citizens ample opportunity to participate.
8. The New Whatcom Transportation Advisory Panel should complete its work in an expeditious manner so as not to delay any aspects of the development of New Whatcom.

31 cont.

The work included in Chapter 3.12 represents professional practice in transportation analysis used in the past. We can do better. We must if New Whatcom is to be sufficiently attractive in the global marketplace to be the success we want it to be.

Sincerely,

Wes Frysztacki

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Phone: 360-306-0686
wf@weslin.net

Response to SDEIS Letter 15

Wes Frysztacki

1. Comment noted. The EIS presents a reasonable upper level determination of potential transportation impacts. The transportation analysis assumes a reduced dependence on the automobile than observed in the City of Bellingham today and is consistent with the City Comprehensive Plan mode share goals. As noted in the EIS Addendum and SDEIS, redevelopment would focus on creating a pedestrian/bicycle friendly environment using techniques such as street narrowing, textured pavements, landscaping, street trees, and street furniture. Infrastructure improvements would be phased over time to allow less vehicular infrastructure to be constructed if a greater transit/walk/bicycle mode share is realized in the future.

2. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use. The EIS Addendum includes mitigation strategies that could be used to reduce the level of parking supply; the DEIS also describes parking demand management strategies that could reduce the overall parking supply needed. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

3. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use including consideration of shared parking opportunities. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

4. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land. The EIS Addendum includes mitigation strategies that could be used to reduce the level of parking supply; the DEIS also describes parking demand management strategies that could reduce the overall parking supply needed. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

5. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key

Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

6. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

7. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

8. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

9. As described in the response to EIS Addendum Letter 3, Comment 4, the EIS Addendum and SDEIS discloses only those transportation elements where impacts would change as a result of the Preferred and Updated Preferred Alternatives. Impacts and mitigations related to the non-motorized transportation system are fully disclosed in the DEIS and are not revisited as part of the EIS and SDEIS.

10. As described in the response to EIS Addendum Letter 3, Comment 4, the EIS is a disclosure document that evaluates the Proposed Actions and makes recommendations for mitigations to be incorporated into the proposal. Transportation plans and requirements would be developed as part of the Master Development Plan review process and Development Agreement.

11. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, ITE *Trip Generation* was only used as a starting point in estimating vehicular and other trips generated by The Waterfront District site. The DEIS describes in detail the methodology used to estimate The Waterfront District trip generation. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 5, for additional detail.

12. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, ITE *Trip Generation* was only used as a starting point in estimating vehicular and other trips generated by The Waterfront District site. The DEIS describes in detail the methodology used to estimate The Waterfront District trip generation. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 5, for additional detail.

13. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, ITE Trip Generation was only used as a starting point in estimating vehicular and other trips generated by The Waterfront District site. The DEIS describes in detail the methodology used to estimate The Waterfront District trip generation. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 5, for additional detail.

14. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

15. See the response to EIS Addendum Letter 3, Comment 1. The Bellingham Transportation Commission is a newly formed advisory committee. As the project moves forward, the City and Port will involve the Transportation Commission where appropriate.

16. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use including consideration of shared parking opportunities. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

17. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use including consideration of shared parking opportunities. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

18. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use. The EIS Addendum includes mitigation strategies that could be used to reduce the level of parking supply; the DEIS also describes parking demand management strategies that could reduce the overall parking supply needed. Refer to **Chapter 2** (Key Topic Areas)

of this FEIS and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

19. Comment noted.

20. As described in the response to EIS Addendum Letter 3, Comment 4, the EIS Addendum and SDEIS describes the street cross-sections and non-motorized facilities. As described in the SDEIS, all roadways on-site would provide pedestrian and bicycle facilities; an extensive trail system would also be provided on-site.

21. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analysis assumes a reduced dependence on the automobile than observed in Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Mitigation measures such as TDM would also likely reduce vehicular traffic. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 5, for additional detail.

22. As described in the response to EIS Addendum Letter 3, Comment 4, the EIS Addendum and SDEIS described the street cross-sections and non-motorized facilities. As described in the SDEIS, all roadways on-site would provide pedestrian and bicycle facilities; an extensive trail system would also be provided on-site.

23. As described in the response to EIS Addendum Letter 3, Comment 6, the City of Bellingham does not have adopted LOS standards for transit, pedestrians and bicyclists. Therefore, transit service was evaluated based on WTA's passenger loading factor and non-motorized facilities were evaluated quantitatively based on facilities condition, major attractors/accessibility and conflicts with other modes. Refer to EIS Addendum Letter 3, Comment 6 for additional details.

24. As described in the response to EIS Addendum Letter 3, Comment 6, the City of Bellingham does not have adopted LOS standards for transit, pedestrians and bicyclists. Therefore, transit service was evaluated based on WTA's passenger loading factor and non-motorized facilities were evaluated quantitatively based on facilities condition, major attractors/accessibility and conflicts with other modes. The DEIS identifies mitigation measures for non-motorized and transit facilities/services; these measures are expanded upon in the EIS Addendum and the SDEIS. Refer to EIS Addendum Letter 3, Comment 6 for additional details.

25. As indicated in the response to EIS Addendum Letter 3, Comment 7, the transportation analysis assumes a reduced dependence on the automobile than is observed in Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Refer to the response to EIS Addendum Letter 3, Comment 7 for additional detail.

26. As indicated in the response to EIS Addendum Letter 3, Comment 7, the transportation analysis assumes a reduced dependence on the automobile than is observed in Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Refer to the response to EIS Addendum Letter 3, Comment 7, for additional detail.

27. As indicated in the response to EIS Addendum Letter 3, Comment 2, the analysis of parking demand presented in the DEIS, SDEIS and EIS Addendum evaluated a reasonable upper level of parking supply for the purpose of disclosing potential parking impacts. Mitigation strategies to reduce the level of parking supply have been identified. Refer to the response to EIS Addendum Letter 3, Comment 2, and **Chapter 2** (Key Topic Areas) of this FEIS for additional details.

28. As indicated in the response to EIS Addendum Letter 3, Comment 2, the analysis of parking demand presented in the DEIS, SDEIS and EIS Addendum evaluated a reasonable upper level of parking supply for the purpose of disclosing potential parking impacts. Mitigation strategies to reduce the level of parking supply have been identified. Refer to the response to EIS Addendum Letter 3, Comment 2, and **Chapter 2** (Key Topic Areas) of this FEIS for additional details.

29. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

30. Comment noted. The EIS is a disclosure document that evaluates the Proposed Actions and makes recommendations for mitigation measures to be incorporated into the proposal. Transportation plans and requirements would be developed as part of the Master Development Plan review process and Development Agreement.

31. Comment noted. See the response to EIS Addendum Letter 3, Comment 1. As The Waterfront District redevelopment project moves forward, the City and Port will involve the Bellingham Transportation Commission where appropriate.

DAYLIGHT PROPERTIES

November 6, 2008

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

Dear Mr. Maron,

I am writing you to express my support of the City's vision to allow for adaptive reuse of the historic buildings and the creation of an historic district. As an owner of historic buildings downtown I have personally seen how much the community appreciates their preservation. As an owner of land next to the GP site I was very concerned with decision by the Port to remove these structures and greatly relieved by the City's lawsuit to stop them. The Port's plan for removal of these historic buildings would be an irreversible mistake. Preserving the historic buildings on the waterfront is an important move in capturing the potential of this important opportunity. I look forward to raising my family in a community that values its history and through proper planning supports a strong cultural center. 1

Thank you for your consideration.

Respectfully,

Kane C. Hall

1025 North State Street Bellingham, WA 98225
(p) 360-734-6600 (f) 360-734-9323 (w) daylightproperties.net

Response to SDEIS Letter 16

Kane Hall

1. Comment noted. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, the EIS Addendum includes an analysis of the potential for retention/reuse of 11 existing structures (*Appendix A: 2010 Waterfront District Adaptive Reuse Assessment*). The assessment concluded that none of the 11 structures would be financially viable for reuse in the current economic climate. Even with a potentially improved economy and the use of historic tax credits, none of the buildings were determined to be financially viable for retention/reuse (the fundamental reason for this conclusion is that the on-site structures were constructed to house industrial equipment and operations; therefore, the structures do not contain floors or utilities typically contained in buildings that have been successfully reused in other areas, including downtown). However, the Port and City recognize the historic value of structures on the site and based on structural, architectural, and economic evaluations, six (6) structures have been identified as having the potential for retention or reuse and would be temporarily held from demolition pending further assessment. Three (3) structures were identified as having sufficient potential for retention and reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. In addition, three (3) structures were identified as potential heritage icons and were proposed to be temporarily held from demolition to allow for the opportunity to further consider site cleanup and redevelopment activities and market and economic conditions.

From: Mike Blumen
Sent: Monday, November 10, 2008 8:35 AM
To: Gretchen Brunner; Jeff Ding
Subject: FW: EIS and RR

From: Hogan, Mike [mailto:mikeh@portofbellingham.com]
Sent: Monday, November 10, 2008 8:33 AM
To: Mike Blumen; Andrew Maron
Cc: Stoner, Mike; Goodwin, Sylvia
Subject: FW: EIS and RR

Here is the first of three SDEIS email comments.

From: Leslie Langdon [mailto:llangdon@btc.ctc.edu]
Posted At: Thursday, November 06, 2008 12:15 PM
Posted To: SEPA
Conversation: EIS and RR
Subject: EIS and RR

Tim,

I was at the Port/City presentation Tuesday evening at Depot Market. I asked the question re: the moving of the RR. I am a former City Council member and have a tendency to be direct but for all my directness I am not getting my real questions answered.

I do understand the need to move the RR. I do not have a problem with the whistles/horns, I come from an old RR family. I also know that whistles/horns will cease when there are no longer any at grade crossings which are both good things for downtown Bellingham.

What I have asked about is:

- The moving of the RR will directly impact an existing and growing residential neighborhood. I understand there has been and I support discussion around some type of tunnel or cover that would help mitigate noise from the RR and support a bike trail. This impact and mitigation should be addressed in the EIS. 1

- The moving of the RR will directly impact an existing and growing residential neighborhood. There will be increased, repetitive and ongoing vibration from the passing trains through the sandstone bluff on which our buildings are situated. A horizontal gap of some size could be seen across the center of the bluff prior to the pouring of the first massive foundation. Seismic studies should a part of the EIS in relation to these buildings. 2

I have asked these questions for 2 years and thought they would be included in the consideration of impacts.
I have not found it in the EIS.

Would you please let me know how I can make certain that our well-founded and profound concerns have been addressed and what mitigations have been considered. 3

Thank you,

Leslie Langdon
Morse Square
1015 Railroad Avenue #408
Bellingham, WA 98225

Cc Jim Darling, Director, Port of Bellingham
Bellingham Mayor Dan Pike
Bellingham City Council
Dick McKinley, Director, Public Works
Paul Leuthold, Director, Parks & Recreation
Mike Stoner, Environmental Director
Andy Maron, SEPA Official
Anita Milavec, President Morse Square Condominiun Association
Ron Lucero, Treasurer Morse Square Condominiun Association
John Harmon, Executive Director, Bellingham Housing Authority
John Blethen, Waterfront Adivory Group

Response to SDEIS Letter 17

Leslie Langdon

1. Please refer to the response to EIS Addendum Letter 4, Comment 1.

2. Please refer to the response to EIS Addendum Letter 4, Comment 2.

3. Please refer to the response to EIS Addendum Letter 4, Comment 3.

From: Mary Rossi [mkrossi@eppardvision.org]
Sent: Friday, November 14, 2008 3:28 PM
To: SEPA
Subject: New Whatcom SDEIS comments

Dear Mr. Maron:

I would like to submit the following comments on the SDEIS for the New Whatcom Redevelopment Project.

Section 6.2.10 (Historic and Cultural Resources Mitigation Measures) identifies mitigative measures for potential impacts to historic and cultural resources but does not specify which measures will actually be undertaken. The measures are written as options (e.g. could be prepared, could be formulated, could be retained), so it is impossible to determine which, if any, will actually occur. It is, therefore, difficult to assess the adequacy of the mitigative planning. 1

On page 6-51 of Section 6.2.10, potential mitigation for cultural/archaeological resources is proposed in the form of a management plan. The plan, however, lacks an effective pre-construction planning element. Pre-construction work should include an actual on-the-ground archaeological survey and assessment, minimally of the areas of high potential for archaeological resources identified in the DEIS and appended technical report and in the SDEIS at Section 6.1.11 (i.e. Redevelopment Areas 2, 5, and 7 adjacent to the bluff and the former beach and shoreline areas). A pre-construction survey will serve to identify, evaluate, and plan for the treatment of any archaeological resources located in the project area. Pre-construction survey is critical since archaeological resources are typically found below the present ground surface and cannot always be identified from the surface. Waiting and identifying them during construction will result in project delays and increased costs. A pre-construction survey will significantly decrease the possibility of encountering resources during construction and will provide an inadvertent discovery plan for use during such a scenario. 2

Thank you for the opportunity to comment on the New Whatcom SDEIS. I look forward to the FEIS and the Port's response to comments.

Mary Rossi, M.A.
Program Director
APT-Applied Preservation Technologies
A program of the nonprofit Eppard Vision
360.920.8908

Response to SDEIS Letter 18

Mary Rossi

1. All of the mitigation measures identified in the DEIS, SDEIS, and EIS Addendum for historic resources are assumed to be available for implementation. For example, the significant unavoidable adverse impacts section of the EIS Addendum indicates that with the implementation of the mitigation measures identified in the DEIS, SDEIS, and EIS Addendum, no significant impacts to historic resources would be anticipated.

   As described in **Chapter 2** (Key Topic Areas) of this FEIS, while none of the structures would be financially viable for retention/reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits), the Port recognizes the historic value of structures on the site and has identified six (6) structures that have sufficient potential for retention/reuse and should be temporarily held for some period of time to allow reconsideration prior to demolition. Provisions have been identified to allow for flexibility as further assessments are conducted for the pending retention/reuse of existing structures.

2. Comment noted. Specific details and procedures of the management plan for The Waterfront District site would be developed by the Port and the City as part of the redevelopment process, including the preparation of the Master Development Plan. Any management plan for The Waterfront District would be drafted in consultation with and agreed upon by applicable state, local, and tribal agencies.

CITY OF BELLINGHAM

BELLINGHAM WATERFRONT REDEVELOPMENT PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC COMMNENTS

4:00 P.M.

November 6, 2008

Port of Bellingham
355 Harris Avenue
Bellingham, Washington

WILLIAM A. MCLAUGHLIN, CCR
COURT REPORTER

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Commentor 19

STATEMENT OF MR. COURTIS

My name is Dave Courtis and I live at 440 Highland Drive. In addition to tonight's testimony, I am planning on making written comments before the due date. I'd like to briefly talk about three topics. 1, the transportation plan; 2, park space; and 3, the shipping terminal.

I've read over the transportation plan in both the draft EIS as well as in the supplemental, and I feel that it's totally inadequate based on my reading of the information in the report. We're supposed to be accepting level of service in the future on some of our important streets and intersections, level E and F, which I feel -- and I think many people would feel -- is totally unacceptable. 1

The mitigating measures that were proposed in the document are things that are treating symptoms, not the real problem the real problem. The real problem is too many private vehicles in too small a space. And I think that the supplemental draft EIS should be putting together a comprehensive traffic plan or program which incorporates public transit, walking, bicycle, and ways to reduce the 2 3

number and amount of private vehicles.

If we don't do that, I think we're going to really rue the day that we have allowed an unsatisfactory travel plan to be accepted. 3 cont.

Secondly, as far as park space, I've attended almost every meeting since the new Whatcom project started. And my reading and listening to public comment is that park space is very important to the citizens of Bellingham, and that the amount of acreage -- which is about 33 to 35 acres -- in the supplemental is totally inadequate. And I think we ought to have more park space than what has been listed in that draft EIS. 4

In addition, that amount of park space is totally inadequate from the point of view of the level of service of park space that the city of Bellingham has. If you look at the number of people who are going to be working and living in the waterfront district, they need more park space. And we other residents and visitors to Bellingham will want to have more park space too. 5

The final topic is the shipping terminal and the deep water wharf. I totally support NOAA coming to Bellingham. I think if that could happen, it would be a great use for it. In addition, if marine industry can be placed there either with or without NOAA, I think that would be a good use for it. 6

However, my feeling is that the status quo is totally unsatisfactory. It's used only as a parking spot for transient vessels while they're waiting for another assignment. And my feeling is it's the prime piece of property in the waterfront district. 6 cont.

And what I would want to see in the draft EIS, as well as the supplemental, is an analysis of the number of jobs, the number of people who would be living there given NOAA only occupying the site, or industrial activities there, or what happens if it's a mixed use area. Doing that, I think, then allows the public to make an informed decision as to what is the best use of that very important property. Thank you. 7

STATEMENT OF MR. STEVENSON — Commentor 20

James Stevenson, Robertson Road. I'd like to make a few points here for consideration. One of the big problems we had in Bellingham years ago, Whatcom, Seahome, Fairhaven, Bellingham, New Whatcom, all these towns purposefully didn't want their streets to go together. They fought in each town. And I think we're doing the same thing here. I think we should tie in the waterfront with the town. It makes sense. And, along the same token, that we should have the library tied in with the shipping on the port. 1 2

When you come off the sea to read every book in the library, it's nice to have a library handy where you can come to shore and have a library and tie in the port with the town. 2 cont.

I think the mayor had two wonderful ideas in tying it in, keeping our history instead of having a bunch of boxes -- I wish I had this word I can't think of right now, like -- antiseptic boxes. But anyway, that's that point. 3

The second point, well, I already mentioned it, tying in the library to the waterfront. And another one is on ditches. Now, I come in on Marine Drive, no shoulders -- and by the way, I had 13 pages of petty regulations put on my waterfront property. And I think it should cut both ways on the sword for the port and for the city.

We should have ditches keeping the water off that waterfront, drainage, airport from the highways. Right below, on Marine Drive, there's a wholesale growing greenhouse all running down on you, trying to grow stuff for wholesale growing. And that doesn't help with all this pollution. So by the same token that we have to do all this extra work now on our waterfront to keep it nice, well, I think you should do the same thing. And on this port, have the ditches and have this water pulled off of there and treated so that it doesn't go straight into raw -- all this runoff from the cars and their crank cases and everything -- 4

into the water.

So that's the other point I wanted to make, is have proper ditches around here, not only here but on the road. 4 cont.

Now, on Marine Drive, there's no shoulder. It's a death trap. There's no walkway, no bicycle path, nothing, no ditches. And I come in the other night and there was a bicycle and about six cars behind them. That's about the speed they could make because the bicycle has got no other place to go. 5

So that's enough of that. And I won't stay much longer because I know people have an attention span of about 30 seconds. So what I'm going to say next is I think you should put back -- and the mayor, at least, was saying they're going to push Broadway Street through, that big Broadway Street down the waterfront. I think it's a good idea. But anyway, if they do, I told them put back that perpetual fountain. And then the guy can get back off -- he's turned over in the grave. Because they took his blacktop, his perpetual fountain. And I suggest they put his fountain back. And as long as they got money that has to go to art, why that's a good use for it. And I think that's about as much time as I should be taking here. Thank you. 6

Commentor 21

I'm Ham Hayes, 954 Puget Street. I'd like to address specifically section 2.1 of the supplemental EIS the DEIS. And that section has to do with the proposed actions of the City of Bellingham. And the section is kind of brief, and the first paragraph reads, "Adoption of the master development plan for the waterfront district considers the sub area plan under the growth management act allowing for a change in zoning from industrial to mixed use." And it ends with a period.

I'd like to suggest, since that covers the entire district, including the subareas that are identified as the marine trade area, the downtown waterfront district, log pond, and the shipping terminal, fundamentally I think what that does is enables -- through the EIS, it enables, essentially, mixed use rezoning for the entire area. And I'm concerned that, especially in the marine trades area, which is now a marine industrial area, I've seen proposals -- and I'll probably comment next week at the other hearings -- I've seen proposals that are showing mixed residential basically directly abutting marine industrial in that marine trades area zone. 1

I think there's a couple of things that are relevant as far as environmental impact goes. And that is that the environmental impact of residential industrial can be 2

significantly different.

And also, with direct abuttal, there would be environmental questions with regard to things like noise, traffic flow. If you go down to the marine trades area now, you have quite a bit of heavy truck traffic. And you have painting, welding, fiberglass manufacture, general boatyard activities, and so forth. And if you've worked in the marine trades industry like I have, that can be kind of noisy and kind of dirty and not really appropriate for a residential area. So I think that's one concern from an environmental standpoint.

The other point is the waterfront futures group really identified a working waterfront as one of the major goals of our waterfront redevelopment. And that includes having adequate land designated as marine industrial land or for marine-related uses.

The 2007 Bellingham waterfront land use analysis indicated that there is projected need for more industrial land or marine industrial land as we look to the future. And, again, if there is a mixed use -- mixed residential use especially -- in that zone I think that that is going to have a negative impact on the amount of available land for marine usages.

So I would propose an additional phrase on that particular paragraph in section 2.1 that limits the areas

2 cont.

3

4

5

that will be mixed use or could be rezoned as mixed use to include just the downtown waterfront area and the log pond area, and leave the zoning for the marine trades area and the shipping terminal unchanged from their current zoning. And I've submitted these as written comments as well. And I appreciate your time. 5 cont.

STATEMENT OF MR. DYSON Commentor 22

Yes, George Dyson, 435 West Holly Street. And I second those comments for sure about maintaining working waterfront. It's very easy to lose and very difficult to get back. 1

I'm going to essentially repeat the comment -- I was out of town during the original hearings and made a written comment which I think is still important, really made two comments as of March 10th, that the objective of an EIS is to offer two fixed reference points.

On one hand, you're supposed to have a no action alternative, and on the other hand you're supposed to have a preferred alternative. And then the job is to put the data there so the politicians can decide where to drew the line. And the reason we're back here tonight is that we now do have the draft EIS rally gives us the preferred alternative, but we still don't have an honest no-action alternative. 2

And I think that's a deficiency in the documentation that we're presenting the politicians to make their decision. And it's going to essentially be an economic decision. 2 cont.

And I'm going to raise the elephant in the room that no one steams want to talk about, that this entire 2000 pages of documents that we have so far and 10 years of work is really based on a real estate investment bubble that -- I think some of you may have noticed -- it's burst. And things really really do look different now than they did 10 years ago when we started this process. 3

And I think, generally, the no-action alternative is sort of a fictitious thing. It's something that is just put there as a placeholder baseline from which to start the clock. But, in reality now, we may be facing a world in which actually no action happens for a long time. As far as I can tell, the investments, the money is just simply not going to be there for the near term to build out 6 million square feet. 4

So the no-action alternative actually becomes something which maybe we need to really look at. How does Bellingham survive no action on the waterfront? And I think it would be very important to actually put this down, take a serious look. I don't know what the demand for marina space really is right now. I think it's really quite different than it was two or three years ago when plans were made. So

I think before we have a final EIS, we really need to have a no-action alternative that actually looks sensible from an economic point of view. 4 cont.

Downtown, my business is in old town. Old town is absolutely a ghost town today. And that's where, before we put 6 million square feet onto the new waterfront district, we've got a lot of work to do in old town. Downtown is in trouble. Whether the city actually has the 200 million dollars that the plan calls for is quite uncertain. 5

So that's my comment, that really we need to have an honest look at no action and how we actually would implement that. Thank you.

STATEMENT OF MR. TAYLOR: Commentor 23

Dan Taylor, 2696 Donovan Avenue, Bellingham. One complaint and one comment; the complaint is there's only one reference document in the public library of the supplement. And I know there's the internet, but geezers like me need hard copies. 1

The comment is you have a preferred alternative and another alternative in the supplement, and you've done a lot of previous work. But the question is if there is a compromise proposal that isn't like either of these, I trust the SEPA work you've done to date is broad enough to cover 2

that. And if it's not, then I think that needs to be addressed. Thank you. 2 cont.

STATEMENT OF MS. FELBER: Commentor 24

Lynnette Felber, 507 14th Street. I was one of those people who was misled by the Bellingham Herald to believe that we were going to compare the two plans tonight. So I'll just make a few comments about the report.

One of the things that I think is deficient in the report is that it doesn't adequately explain why the port is so adamant about angling the streets. The only argument that seems to be made is that that way we can fit more development on the property, or perhaps get better views, which really doesn't make sense to me because the property is on the waterfront no matter which way it's angled. 1

It seems to me the Georgia Pacific site has two inherent advantages. One is that it's on the waterfront, and the other is that it has a historic record. The Georgia Pacific site speaks to Bellingham's record as a place where loggers and miners and paper makers and poultry makers made their living. And if the port destroys all the historic buildings, they're destroying one of the best assets of the site which could function as a historic district. 2

If we create a historic district on the site, then

we are creating an advantage, an authentic core, which could be developed, which the rest of the waterfront could eventually develop around, but which could be used to attract cultural heritage tourists. It could be used to create jobs. 2 cont.

So I think one problem in the report is it doesn't really make an argument except that it would be cheaper to demolish the buildings right away rather than demolish them later. 3

The second issue that I think needs to be addressed is the effect of creating a large development right at the edge of downtown. Clearly, it's better to extend the downtown to the waterfront. Recently I attended the presentation by Dan Burton on pedestrian-friendly developments. And he argued that the waterfront and downtown should be contiguous, one extending into the other.

One of the things that we have to consider is that the downtown is fragile now and a too-rapid, too-intense development could essentially lead downtown Bellingham to suffer in this economy. So I they think that we have to be very cautious about integrating the two sites and making sure that we don't create a new city that will eclipse the city in the past. 4

STATEMENT OF MR. FRYSZTACKI: Commentor 25

My name is Wes Frysztacki. I reside at 510 Highland Drive. And I have submitted to you, sir, by email -- and I would like to get an email confirmation to make sure you got it -- a letter with my comments. And I just want to make a few highlights out of that letter. 1

My comments are regarding just one section of the SDEIS. And that's on transportation, so that's chapter 3.12, and, in particular, on page 16, page 3.12-16, there is a statement, "By 2026 it is estimated that the preferred alternative would provide 12,892 spaces," that's parking spaces "on site." That's an awfully large number.

And I'd like to kind of give some examples so people can get their arms around how big a number that is and what the consequences of that number are. Right now at Bellis Fair Mall, we have 4,700 parking spaces. And in downtown Bellingham all together, there's 3,800 parking spaces. And at Western Washington University, there are about 3,400 spaces. 2

So if you take those three largest concentration of parking spaces that we have today, that all adds up to less than is proposed for the preferred alternative. In my mind, that makes this proposal the largest auto-oriented project proposal in the pacific northwest at this time. And the question is is that what we want?

Now, on the other hand, in terms of this chapter, there are some excellent things to be done to reduce parking demands and the related auto impacts. For example, Western Washington University has reduced access by automobile by 36 percent of all trips down to 20 percent of all trips. They have an excellent TDM or Transportation Demand Management program. NOAA pays its employees a maximum monthly benefit of $115 per month so that they don't drive to work. 3

Did the SDEIS consider these TDM programs? I could not find -- I Googled the words, did a search for the word both "Transportation Demand Management" and "TDM" and it was mentioned once. And the one place where it was mentioned was kind of interesting because it was under the title "Street Grid Option." And the term Transportation Demand Management is used to basically make that a negative consequence of that particular proposal, which tries to raise the question whether or not, in fact, we want to reconsider the way in which the TDM measures were used in this particular report. 4

Instead of identifying the types of TDM actions needed to achieve a pleasant environment for pedestrians and bicyclists as we have been led to believe at a lot of these meetings, the SDEIS essentially assumed New Whatcom would be an auto-oriented development project. The impacts to be mitigated by this auto orientation were those requiring more

roadway capacity and intersection capacity for vehicles. 4

I'm skipping a lot of examples of how to do it properly from Seattle and from our neighbor to the north, Vancouver, British Columbia. cont.

Let me refer to the Growth Management Act for a moment. The Growth Management Act requires -- and this is quoting from the law, not the city ordinance or the comprehensive plan or a lot of other things, from the law itself that Growth Management Act requires local jurisdictions to prohibit development approval if the development causes a level of service on a locally-owned transportation facility to decline unless transportation improvements or strategies to accommodate the development are made concurrent with the development. These strategies" -- again, this is still quoting from the law -- "These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation management system strategies." These were not adequately addressed in this chapter. 5

One last point. Let's not burden the port, the city, Western, NOAA, and other project participants and especially local taxpayers -- I got my property assessment today. Did anybody else get a property assessment? I know this is not the right place but -- let's not burden the 6

port, the city, Western, NOAA, and other project participants, and especially local taxpayers, with the estimated -- and this is just for the parking -- at $30,000 per space.

And having looked at Western struggling with parking and trying to do structured parking on the campus for many years, this is a low number.

But at $30,000 per parking space, that would multiply out to $386 million. So you take all those other transportation costs, you just push them aside. This is an overwhelming number. And when you do a financial pro forma to see if this is a viable project for the private sector and you say, Well, they'll just pick up this cost somehow, that's not going to happen. So I think the SDEIS has got some problems with it when it comes to transportation. Thank you very much. 6 cont.

BY MS. BICIUNAS: Commentor 26

My name is Vincute Biciunas. I live at 911 Wilson Avenue. I was not confused by the Herald and my comment is not really about the street grid, but it's about the views.

I think that everyone in the room has been on the corner of Cornwall and Magnolia or Cornwall and Holly and looked south. And when you do that, you see the water. You 1

see the islands. You have a clear view down a public street. And my concern is that the proposal and the street grid being diagonal and cutting into that lower Cornwall Avenue might have buildings put on it that would block that view. 1 cont.

And I know that when a person has a view across private property, if the owner of that property eventually builds on it and the view is gone, that's just too bad. But we citizens of Bellingham have a fabulous view from downtown, down a public right of way. And my concern is that this project not blow it. Thank you. 2

STATEMENT OF MR. CAPP: Commentor 27

I'm Al Capp at 241 North State Street, so I look down upon the project site. I was born and raised in Bellingham. And from about age 12, I used to ride my bicycle down to the harbor, so that's how long I've been around.

I concur with the guy a couple speakers ago about no action is a considered action, in the fact that I think that the Port of Bellingham is digging themselves a big financial hole that is going to be hard to fund. 1

If you can take this site and get public access to it right now, to the south of the Georgia Pacific plant is a 2

whole bunch of vacant land that I look right down on.

I see what I assume to be students having parties there on Friday and Saturday night with campfires and such. So they find a way to use that property. But there's absolutely no public access provided for it. 2 cont.

I don't think we need a multimillion dollar park built. We don't need to hire additional groundskeepers. I'm thinking of something nice and small, low maintenance. 3

And let's keep the costs down. As the nuts -- my idea on the street design is what's cheaper? The port's suggested angled streets or the city's suggested straight connecting to the city streets? Whatever's cheaper, boys. That's the way to go. 4

Because the property owners are eventually going to pay for this all. And I don't think the economic climate of the nation is conducive to a grand development. And that's all I have to say. 5

STATEMENT OF MR. STEVENSON Commentor 28

Well, I spoke before, but everybody's done. I've got a question. My question is how are you people going to heat all these buildings down on the waterfront? Anybody got any ideas or thinking on that? 1

What I wanted to suggest -- I was a steam engineer 2

for Western, heated Western by myself for 25 years on my shift, 75 buildings, something like that. My gas in there was mixed by computer. I had another brain that thought in natural gas and one in oil and I'd switch brains.

Well, we gave the taxpayers a perfect mix, and we saved them a lot of money with heat exchanger stacks and all kinds of things that would be over your head if I talked about. 2 cont.

But anyway, what we tried to do years ago -- and I just got this from the chief engineer. We're still friends. Years ago. He wouldn't tell us at the time, but we wanted to put a heating facility down on the waterfront. We wanted to play the market on fuels. But we couldn't do it. It was stopped. And he just told me recently -- we've been retired for years -- that JP wouldn't allow anything but live steam to go through their runway. And that's why it was stopped. 3

But I was thinking like Seattle Steam and some of these places, if you had a heating balanced system like we had at Western where we get all our water back, another pass, and, do all that, we could heat all these buildings in one periphery and it would be cheaper than everybody having their own facility in the plan. Just something to think about. 4

And also, you could tie Western in because they wanted to be in there in the first place. But we couldn't

break that JP -- I should say Great Northern's right of way resistance.

4 cont.

C E R T I F I C A T E

STATE OF WASHINGTON)
) SS
COUNTY OF WHATCOM)

I, William McLaughlin, a Notary Public in and for the State of Washington, do hereby certify:

That the foregoing deposition was taken before me at the time and place therein set forth;

That the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth; and that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me, and thereafter transcribed under my direction;

That the foregoing transcript is a true record of the testimony given by the witness and of all objections made at the time of the examination, to the best of my ability.

I further certify that I am in no way related to any party to this matter nor to any of counsel, nor do I have any interest in the matter.

Witness my hand and seal this 13th day of January, 2009.

WILLIAM MCLAUGHLIN
Notary Public
State of Washington
My Commission Expires
July 10, 2011

William McLaughlin, Notary Public in and for the State of Washington, residing at Arlington. Commission expires October 19, 2010.

Response to SDEIS Commentary 19

David Courtis

1. As indicated in the response to SDEIS Letter 14, Comment 15, the EIS Addendum provided an analysis of intersection operations with a greater transit, walking and bicycling mod share. This analysis indicates that with reduced reliance on auto travel, intersections on-site and adjacent to the site would operate at LOS D or better during the weekday PM peak hour. Refer to the response to SDEIS Letter 14, Comment 15, for further details.

2. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

3. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) of this FEIS and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

4. Please refer to the response to EIS Addendum Letter 1, Comment 8, and **Chapter 2** (Key Topic Areas) in this FEIS for discussion regarding parks.

5. Please refer to the response to EIS Addendum Letter 1, Comment 8, and **Chapter 2** (Key Topic Areas) in this FEIS for discussion regarding parks.

6. Please refer to the response to SDEIS Letter 14, Comment 18 for a discussion regarding NOAA.

7. Please refer to the response to SDEIS Letter 14, Comment 18 for a discussion regarding NOAA.

Response to SDEIS Commentary 20

James Stevenson

1. As stated in the EIS Addendum, the Updated Preferred Alternative was developed based on ongoing public input, additional analysis and master planning, and coordination between the Port and the City, as well as other agencies, groups and stakeholders. Primary considerations in development of the Updated Preferred Alternative were to ensure that the proposal was a medium density, sustainable

development that features a diversity of uses that are complimentary to the downtown Bellingham Central Business District Old Town; and the surrounding neighborhoods; an infrastructure network that integrates with and connects the waterfront to surrounding areas; and, a system of parks, trails and open space that opens up the Waterfront to the community. The features of the proposed Waterfront District Redevelopment such as the roadway network, view corridors and park configuration are intended to reflect these considerations.

2. Comment noted. Please also refer to the response to Comment 1 of this commentary.

3. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, while none of the structures would be financially viable for retention/reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits), the Port recognizes the unique attributes of the existing onsite structures and has identified six (6) structures as having sufficient potential for retention/reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. Throughout the SEPA process, the Port has identified provisions to commemorate the maritime industrial heritage of the site and to retain the potential for reuse of certain structures depending on future economic considerations.

4. Comment noted. The DEIS and SDEIS described conceptual temporary and permanent stormwater control plans for the proposed redevelopment (including stormwater conveyance and water quality treatment options), and the applicable regulations with which they would comply. Potential water quality impacts are analyzed and appropriate mitigation measures identified in these documents (see Appendices F and G to the DEIS, and Appendix H and I to the SDEIS for details). As specific plans for redevelopment are formulated and applications are submitted to the City, more detailed stormwater control design and analysis of the design would be available for review (see Chapter 2 – Stormwater in this FEIS for further information).

5. Marine Drive is not located on or adjacent to The Waterfront District site. Refer to **Chapter 2** (Key Topic Areas) of this FEIS for a discussion of pedestrian and bicycle facilities on the site. All on-site roadways would provide a certain level of pedestrian and bicycle facilities. Sidewalks would be provided on both sides of the on-site roadways and an extensive system of trails would be provided. Bicycle lanes would be provided along Bloedel Avenue, Cornwall Avenue, and portions of Commercial Street; shared bicycle lanes would be provided on all other on-site roadways.

6. If this comment is referring to the Waterfront Futures Group plan to build a pedestrian overpass connecting the end of Broadway Street to the waterfront, over the railroad and Roeder Avenue, this is not part of The Waterfront District proposal. In the future, this project could be developed by the City as a separate City project to implement the Waterfront Futures Group vision. A perpetual fountain is not assumed as part of the Updated Preferred Alternative.

Response to SDEIS Commentary 21

Hamilton Hayes

1. The Updated Preferred Alternative assumes approximately 450,000 square feet of residential uses (or 375 units) in the Marine Trades Area. As stated in the DEIS Chapter

2, specific building footprints and the specific location of uses within each area cannot be pinpointed for the EIS Analysis. Please refer to EIS Addendum Letter 10, Comment 5, for more information regarding compatibility of industrial and residential land uses.

2. Comment noted. Please refer to EIS Addendum Letter 10, Comment 5, for information regarding compatibility of industrial and residential land uses.

3. Please refer to EIS Addendum Letter 10, Comment 5, for information regarding compatibility of industrial with residential and other types of land uses.

4. Please refer to EIS Addendum Letter 10, Comment 1, and SDEIS Letter 2, Comment 4, for information regarding provisions for marine industrial uses within The Waterfront District.

5. Comment noted. The Waterfront District is proposed to be developed consistent with the existing Industrial/Waterfront mixed use designating for the site as established by the City of Bellingham Land Use Code. The Industrial/Waterfront Mixed Use designation allows for a mix of uses including residential, commercial, light industrial and institutional, as will as parks and other public spaces. Please refer to SDEIS Commentary 20, Comment 1.

Response to SDEIS Commentary 22

George Dyson

1. Please refer to the response to Comment 4 of Commentary 21.

2. Per SEPA, the No Action Alternative is defined as what would most likely happen in the future if the proposal was not approved and implemented. In this case, it is assumed that the site would remain in its industrial zoning and no Master Development, Development Agreement or Planned Action Ordinance would be approved; however, some level of redevelopment would occur over the 20-year buildout horizon. This includes new marine and industrial development, a new marina, boat launch and other facilities consistent with industrial zoning (refer to Sections 2.6 and 2.8.4 of the DEIS).

3. Comment noted. The analysis of profits, financing and real estate investment value are not required or appropriate for SEPA environmental review. Please refer to response to EIS Addendum Letter 10, comment 4 for additional information.

4. Please refer to the response to Comment 2 of this commentary.

5. Please refer to the response to Comment 1 of Commentary 20.

Response to SDEIS Commentary 23

Daniel Taylor

1. Comment noted.

2. As stated in Section 2.3 of the DEIS, when specific development is proposed in the future, determinations would be made on whether the potential impacts are within the

parameters analyzed and mitigation identified in this EIS and adopted as part of the Planned Action Ordinance. If not, additional environmental review may be required.

Response to SDEIS Commentary 24

Lynette Felber

1. As stated in the SDEIS, the design of the Preferred Alternative street grid was based on a number of factors, including topography, connections to downtown and existing streets, view orientation, constructability and cost, location of the railroad, and vehicle capacity. As a result of continued coordination with the City of Bellingham and consideration of public input, the EIS Addendum analyzed additional minor modifications to the street grid as part of the Updated Preferred Alternative to better connect the site and waterfront to surrounding neighborhoods, including downtown.

2. As described in **Chapter 2** (Key Topic Areas) of this FEIS, while none of the structures would be financially viable for retention/reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits), the Port and City recognize the historic value of structures on the site and have identified six (6) structures as having sufficient potential for retention/reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. Three (3) structures have been identified for potential retention/reuse should economic conditions allow in the future. Three (3) structures are identified as potential heritage icons and would be temporarily held onsite pending further icon evaluation.

   If several of the core Georgia Pacific buildings (i.e. Bleach Plant, Pulp Storage and Pulp Screen Room) were demolished as deemed necessary due to structural and economic constraints, it is unlikely that the remaining structures that have been identified as viable for potential reuse could form a coherent historic district. However, the potential reuse of buildings and industrial equipment would help visitors to understand the scale and inventiveness of the industrial processes that took place on the site.

3. Refer to the response to Comment 2 of this letter. The Port has identified six (6) structures as having sufficient potential for retention/reuse that they should be temporarily held for some period of time to allow reconsideration prior to demolition.

4. An intent of The Waterfront District is to allow the site to act as an extension of downtown to the waterfront, thus benefitting downtown. Please refer to the response to Comment 1 of Commentary 20.

Response to SDEIS Commentary 25

Wes Frysztacki

1. Comment noted.

2. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use including consideration of shared parking opportunities. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

3. Comment noted. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

4. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

5. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

6. Comment noted. The analysis of profits, financing and real estate investment value are not required or appropriate for SEPA environmental review. Please refer to response to EIS Addendum Letter 10, comment 4 for additional information. Please note that one of the objectives identified by the Port for The Waterfront District is to "construct an integrated and economically-responsible infrastructure network" (page 2-18 of the DEIS).

Response to SDEIS Commentary 26

Vincute Biciunas

1. Comment noted. To ensure the retention of views to Bellingham Bay from downtown, Old Town, and the lettered streets areas, view corridors through the site to the water have been proposed. Please refer to Figure 2-7 of the EIS Addendum for an illustration of the designated view corridors through the site.

2. Comment noted. Please refer to response to comment 1 above.

Response to SDEIS Commentary 27

Al Capp

1. Comment noted. The analysis of profits, financing and real estate investment value are not required or appropriate for SEPA environmental review. Please refer to response to EIS Addendum Letter 10, comment 4 for additional information.

2. The existing informal and unauthorized recreational uses that occur at the pocket beach south end of the site are acknowledged in DEIS Section 3.13. Existing conditions on the site such as onsite demolition activities, unsecured hazardous buildings and lack of facilities preclude offering public access to the site at this time.

3. Please refer to the Key Topic Areas discussion in this FEIS regarding parks.

4. Comment noted. Please refer to response to EIS Addendum Letter 10, comment 4 for detail in SEPA analysis on profits, financing and real estate investment. Please note that one of the objectives identified by the Port for The Waterfront District is to "construct an integrated and economically-responsible infrastructure network" (page 2-18 of the DEIS).

5. Comment noted.

Response to SDEIS Commentary 28

James Stevenson

1. As discussed in Section 3.14, the DEIS conservatively assumed that either natural gas or electricity would be used to heat to The Waterfront District Redevelopment, although alternative sources of heat could be considered as a sustainable development feature of future development.

2. Comment noted.

3. Comment noted.

4. Comment noted.

January 2008 Draft EIS

STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

January 22, 2008

Mr. Andrew Maron
SEPA Responsible Official
Port of Bellingham
P.O. Box 1677
Bellingham, Washington 98227-1677

In future correspondence please refer to:
Log: 011808-32-COE-S
Property: Whatcom Waterway, Central Bellingham Waterfront
Re: Comments on New Whatcom Redevelopment Project Draft EIS

Dear Mr. Maron:

The Washington State Department of Archaeology and Historic Preservation (DAHP) is in receipt of the Draft Environmental Impact Statement (DEIS) and Appendices of the above referenced proposal by the Port of Bellingham located on Bellingham's central waterfront and the Whatcom Waterway. In response, DAHP staff including State Archaeologist Rob Whitlam and myself, have reviewed the DEIS and related technical reports for this project. As a result of our review, we are submitting the following comments and recommendations:

1. Please forward to DAHP the Historic Property Inventory Forms that have been completed on the site and as referenced in the DEIS. The forms should be submitted to DAHP in electronic format in order to download into our Inventory of Cultural Resources. 1
2. To follow-up on recommendation (1), DAHP would appreciate the opportunity to review and comment on the evaluation of inventoried historic properties in regard to their eligibility for listing in the National Register of Historic Places and/or the Washington Heritage Register. 2
3. We concur with the recommendations of Northwest Archaeological Associates, Inc regarding the archaeological sensitivity of the area. We recommend that a detailed archaeological management plan be created as suggested in Section 3 pages 41 to 42 of their report. We also recommend that DAHP and the concerned tribes be afforded the opportunity to comment on the development and any project specific implementation of the plan. 3
4. As there are likely several buildings, structures, and sites that are either National Register eligible or contribute to a potential historic district at the site, we recommend that the various alternatives be more proactive in retaining and planning for preservation of these resources. This would include language in the alternatives that includes preservation of the site's significant cultural and historic resources. 4

5. In addition to the recommendations in (3) above, we recommend that proposed actions by the Port and the City include preparation of a historic preservation plan for the site to be incorporated in the Master Development Plan for the New Whatcom Redevelopment Area. Recommendations in the preservation plan should also be incorporated in subsequent development regulations for the site as well as the Development Agreement. These documents should address adaptive reuse where feasible as well as preservation financial incentives. 5
6. We recommend communication with the Bellingham Historic Preservation Commission as the project unfolds for their comments on the effects of cultural and historic resources that may be eligible for the Bellingham Local Landmarks Register. 6
7. If a U.S. Army Corps of Engineers permit is needed for this project, please engage the agency as soon as possible to begin Section 106 consultation to assess effects of the action on National Register eligible resources. 7

The above comments and recommendations are based on our review of the DEIS and supporting technical reports. These are made on behalf of the State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800 as well as the State Environmental Policy Act (SEPA). Please feel free to contact me should you have any specific questions about our recommendations. I may be reached at 360-586-3073 or greg.griffith@dahp.wa.gov.

Sincerely,

Gregory Griffith
Deputy State Historic Preservation Officer

C: Katie Franks, City of Bellingham
Jackie Lynch, Bellingham Historic Preservation Commission
Lena Tso, Lummi Tribal Historic Preservation Officer

Response to DEIS Letter 1

Washington State Department of Archaeology & Historic Preservation

1. Comment noted. As part of the EIS Addendum, background documentation on 11 on-site structures were submitted to the Washington Department of Archaeology and Historic Preservation (DAHP) to request preliminary findings of eligibility as National Register of Historic Places (NRHP) resources. In response to the request, the DAHP determined that ten of the structures are eligible for listing on the NRHP as properties that contribute to a historic district (the Granary Building would not be eligible as contributing to a historic district). Nine (9) of these resources would also be individually eligible for listing on the NRHP. Refer to Appendix A1 of the EIS Addendum for a copy of the letter from DAHP.

2. Refer to the response to Comment 1 of this letter. A request for preliminary findings of eligibility was submitted to DAHP as part of the EIS Addendum. The determination of eligibility from DAHP was included as Appendix A1 of the EIS Addendum.

3. A mitigation measure was added to Section 3.11, Historic and Cultural Resources of the SDEIS as follows:

   - A management plan could be developed by the Port for the construction life of The Waterfront District redevelopment, drafted in consultation with and agreed upon by applicable state, tribal and local agencies. The management plan could:

     - Establish procedures and appropriate responses for addressing potential effects to archaeological resources, including review by a qualified archaeologist of specific construction components (review could be limited to construction components in or adjacent to high probability areas);

     - Consider levels of contractor awareness training and specific areas where onsite archaeological monitoring during construction could be conducted;

     - List onsite chains of authorities and contacts for decision-making regarding inadvertent archaeological discoveries during construction activities;

     - Describe prescriptive actions that would result in minimal additional disturbances to potentially significant resources if any are discovered, including specific treatment plans for inadvertent discovery of human remains; and,

     - Identify expectations of participating groups involved in addressing the site's potential discovery of archaeological resources.

   The DAHP would be among the state agencies that would provide consultation and approve the management plan.

4. Comment noted. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, while none of the structures would be financially viable for retention/reuse in the current economic climate or a potentially improved economy (even with the use of historic tax credits), the

Port has identified six (6) structures as having sufficient potential for retention/reuse that they should be temporarily held for some period of time to allow reconsideration prior to demolition. Three (3) structures were identified as having potential for retention/reuse and would be temporarily held for reconsideration prior to demolition. Three (3) structures were identified as potential heritage icons and would be temporarily held pending further consideration of site cleanup, redevelopment activities and economic conditions.

5. As described in **Chapter 2** (Key Topic Areas) of this FEIS, an extensive assessment of the potential for retention/reuse of 11 existing structures was conducted as part of the EIS Addendum. The assessment concluded that none of the structures would be financially viable for reuse based on current economic conditions or even under improved economic conditions with the use of historic tax credits. However, the Port recognizes the unique attributes of the existing structures and has identified six (6) structures as having sufficient potential for retention/reuse that they should be temporarily held for some period of time to allow reconsideration prior to demolition. Please refer to the response to Comment 3 of this letter for a discussion on a historic preservation plan.

6. Comment noted. The Bellingham Historic Preservation Commission has provided comments throughout the EIS process (refer to EIS Addendum Letter 2 and SDEIS Letter 7). As the project moves forward the Port and City would continue to involve the Historic Preservation Commission where appropriate.

7. As noted in the DEIS, SDEIS, and EIS Addendum Fact Sheets, a United States Army Corps of Engineers Section 106 Consultation and Review is contemplated for The Waterfront District Redevelopment project. The agency will be engaged as soon as possible to begin this consultation.

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DEPARTMENT OF ECOLOGY
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(360) 715/5200 • FAX (360) 715-5225

March 7, 2008

Brenda Tate
Port of Bellingham
PO Box 1677
Bellingham, WA 98227-1677

RE: **LA File#** Waterfront Development
DOE file# 200800365
Applicant **City of Bellingham and Port of Bellingham**

Dear Ms. Tate:

This replaces the letter of March 4, 2008, which incorrectly described the Waterfront Development as a Determination of Nonsignificance.

Again, thank you for the opportunity to provide comments on the above referenced EIS Draft. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this EIS Draft, we offer the following comments:

Stormwater runoff from construction activities can have a significant impact on water quality, introducing sediment and other construction site pollutants into waters of the state. Such pollutants can impair or eliminate aquatic habitat and prevent such waters from having multiple beneficial uses (e.g., fishing, swimming, drinking, etc).

From the SEPA register, it appears that this project may be subject to Ecology's NPDES General Permit for Stormwater Discharges associated with Construction Activity.

1

<u>Permit coverage is necessary if the project meets the following criteria:</u>

- Any land disturbing activities such as clearing, grading, excavating, and/or demolition that:
  1. Disturb one or more acres of land;
  2. Are "part of a larger common plat of development or sale," that will ultimately disturb one or more acres of land; AND
  3. Discharge stormwater from the site into state surface waters or into storm drainage systems which discharge to state surface waters. (Surface waters may

include wetlands, ditches, rivers, unnamed creeks, lakes, estuaries, marine waters).

- Projects that include clearing forested areas, IF THE CLEARING is preparation for construction activities (e.g., homes/buildings) and the project meets the criteria listed above.

- Phased Construction: The total land area disturbed must be considered when the project is "part of larger common plan of development or sale." This term means an area where multiple separate and distinct construction activities may be taking place on different schedules under one plan. In a larger common plan, the disturbed area of the entire plan is used to determine if a permit is required.

  EXAMPLE: A two acre construction site is planned for completion in three phases and each phase disturbs less than one acre. Because the total area disturbed under this common plan is cumulatively greater than one acre, permit coverage for the site would be necessary ***before any phase of the project is started***. See change in ownership below.

- Industrial facilities already covered by the Industrial Baseline General Permit for their industrial activity, and which are planning construction which will disturb one or more acres of total land area, must apply for permit coverage.

- Change in ownership: When a construction site with permit coverage is sold to a new owner or owners, modifying or transferring permit coverage to the new owner(s) is necessary. You may also transfer a portion of permit coverage of a site, via a partial transfer, to new owner(s).

1 cont.

Exemptions to the permit

- Construction activity for routine maintenance of an original line and grade, hydraulic capacity, or the facilities original purpose.

- Sites that retain all stormwater on site. For example, if all stormwater is discharged to the ground through infiltration basins, dry wells, drain fields, or other means of discharge to the ground.

- Construction sites on federal land or Indian Reservations.

- Forestry activities such as nurseries, reforestation, thinning, prescribed burning, or timber harvesting that is NOT part of preparation for construction activity.

- Sites covered by an existing NPDES individual permit for stormwater discharges.

- Sites covered by an erosivity waiver (see below).

Low Rainfall Erosivity Waiver

Sites ***under five acres*** of disturbed area may be exempt from the permit if the site meets the following Low Rainfall erosivity waiver conditions:

- The erosivity factor during the project is less than five according to a calculator found online at: http://ei.tamu.edu/.
- Construction disturbance **starts and finishes** within the following timeline:
  West of the Cascade Crest: June 15 – September 15 of the ***same year.***
  East of the Cascade Crest, except the Central Basin: June 15- October 15 of the ***same year.***

  If the construction activity extends beyond these time periods, the owner or operator must follow public notice requirements and apply for a stormwater permit.

During this interim period, operators of 1-5 acre sites who have discharges to surface waters and want to obtain permit coverage may do so by applying for coverage under the current construction stormwater general permit.

The construction site operator must apply for a low rainfall erosivity waiver ***at least one week prior*** to beginning land disturbance (e.g., clearing, grading, etc.)

PLEASE NOTE: The low rainfall erosivity waiver:

1. Does not apply to non-stormwater discharges such as wastewaters and hydrostatic test waters;
2. Only applies to the requirements of this permit;
3. Does not replace the authority of other local agencies; and
4. Is not available for sites determined to be a significant contributor of pollutants or sites excluded from this permit, such as sites with post construction discharges.

1 cont.

Applying for the permit

The operator of the construction site must apply for permit coverage. The operator can be either the party with operational control over construction plans and specifications or the party in charge of day-to-day activities related the Stormwater Pollution Prevention Plan (SWPPP). The operator is responsible for applying and following the terms of the permit.

Submittal of an application for permit coverage should be completed at least 60 days prior to the discharge of stormwater from sites conducting construction activities (e.g. clearing, grading, excavating). Additional information and application forms are available from Ecology's Web Site at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/

NOTICE:

Operators of construction sites, and their representatives/contractors, who allow a discharge of stormwater from their site, regardless of size, into surface waters should be aware that discharging stormwater to surface waters without coverage under an Ecology Permit may be in violation of state and federal law and may bring enforcement action by Ecology or generate citizens' third party lawsuits. Ecology has the authority under Washington State Water Pollution Control Act (RCW 90.48) to issue formal enforcement actions for violations of this Act,

2

which may include penalties of up to $10,000 per day for each violation. Third party suits may result in even larger penalties. 2 cont.

Whether or not a project is subject to Ecology's NPDES General Permit for Stormwater Discharges associated with Construction Activity, it is recommended that all land disturbance projects obtain and implement a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP is a temporary erosion and sediment control plan. To prevent pollution of state waters it is necessary to implement the SWPPP when soil disturbing activity commences and to conduct regular site inspections to determine if the SWPPP is adequate to prevent soil erosion and discharges of stormwater from the site to surface waters. The SWPPP needs to be updated and maintained throughout the entire life of the construction project.

A SWPPP needs to ensure the following:

- Implementation of Best Management Practices (BMPs) (specifically structural or stabilization measures) that identify and reduce, eliminate or prevent sediment and erosion problems on site. 3
- Prevention of violations of surface or ground water quality and sediment management standards.
- Prevention of impacts to receiving waters from peak rates and volumes of stormwater runoff.

A full explanation of the Construction Site SWPPP criteria and guidance information for development of a SWPPP is available from Ecology's Web Site at:

http://www.ecy.wa.gov/programs/wq/stormwater/construction/

Thank you for considering these comments from the Department of Ecology. If you have questions please call me at (360) 715-5209.

Sincerely,

Andrew Craig
Water Quality Specialist

AC:la

cc: BFO SEPA File
ec: Andi Dyer
Andrew Maron

Response to DEIS Letter 2

Washington State Department of Ecology (1)

1. As indicated in DEIS Section 3.3.3, temporary erosion and sedimentation control measures would be employed during site construction, per a National Pollution Discharge Elimination System (NPDES) permit from Ecology, the *2005 Department of Ecology Stormwater Management Manual for Western Washington*, and the City of Bellingham requirements (refer to Tables 3.1 and 3.2 in Appendix G and Section 3.1, Earth of the DEIS for a list of specific measures that could be implemented). The Port as a Phase II Municipal NPDES permit holder would also have similar responsibilities to impose regulatory requirements.

2. Comment noted.

3. As indicated in DEIS Section 3.3.3, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented, as required by the NPDES permit. The SWPPP would contain specific best management practices (BMPs) for each construction season.

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March 10, 2008

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

Dear Mr. Maron:

RE: New Whatcom Redevelopment Project DEIS Comments

Thank you for the opportunity to provide comments on the January 9, 2008, Draft Environmental Impact Statement (DEIS) for the subject project. The Department of Ecology (Ecology) recognizes the importance of this project to the Port of Bellingham (Port), City of Bellingham (City) and the community. We welcome the opportunity to provide input to ensure that the project is consistent with state environmental law, resulting in a renewed waterfront that will be of environmental and economic benefit to the Bellingham area.

The majority of our comments and questions relate to three areas associated with Ecology's authority: 1) shoreline planning and land use issues and the Shoreline Management Act (SMA), 2) stormwater management and the Clean Water Act (CWA), and 3) cleanup issues that are associated with the Model Toxics Control Act (MTCA).

Our comments are organized into the following categories: Process and General Environmental, General Shoreline, Transportation, Stormwater, Habitat, Public Access and Cleanup. In addition to our regulatory comments and questions in each of these categories, Ecology has also included suggestions for the Port's consideration that may enhance the project from an environmental and public access standpoint.

Process and General Environmental Issues

Planned Action (pp. 1-5):

Ecology recognizes the Port and City's intent to designate the project as a "Planned Action" pursuant to the State Environmental Policy Act (SEPA) (WAC 197-11-164). As noted in our June 4, 2007 scoping letter, planned actions relate to on-the-ground projects and thus require project-level review during the SEPA process. In the

1

scoping letter, we noted that project level review provides an appropriate level of detail that relates, for example, to footprint, heights, number of units, etc. We noted that minute detail was not necessary at the SEPA stage. However, we were unable to provide detailed comments regarding the appropriateness of building footprints, uses, sizes and designs as they were not identified in the DEIS (Section 2.8.1.) Please ensure the final EIS (FEIS) includes the appropriate level of detail required for a Planned Action project. 1 Cont.

As a "planned action," we assume that there will not be an opportunity for additional environmental review for future projects contained within the elements of the action. As such, many of our comments request additional information or analysis in order to fully evaluate the overall environmental impact.

Shoreline Master Program (SMP) Approval (Pg iii:)

The proposed actions of the City in Section 2.7.2 and elsewhere in the document should reference the need for the approval of an updated SMP (also included in Figure 2.5) that would allow the mixed use development described at section 3.8.5.2. 2

Sea Level Rise:

As noted on pp. 1-13, 3.1-10, and other locations in the documents, the estimate of 2.4 ft of sea level rise over the next 92 years has been selected. It is not clear from the document how this figure was determined, what the confidence level is for the number chosen and what the ramifications are for future groundwater table fluctuations, utilities and related stormwater treatment and contaminants. Possible mitigation measures resulting from the potential impact of a permanently higher sea level should be addressed throughout the document. 3

General Shoreline Issues: Water Dependent and Related Uses

Water-dependent and water-related uses are required to be planned for and made a priority during the planning process (WAC 173-26-201-2-d, Basic Concepts – Preferred Uses). Significant effort has been made pursuing an in-water marina proposed for the former ASB site. Other water-dependent uses should also be planned for or protected.

It appears that water-dependent and water-related uses along the northern edge of Whatcom Waterway, (e.g., barge facility, boat yards, etc.) will be displaced without a substitute location being identified. The FEIS should describe where these uses will be relocated and what the resulting impacts will be. 4

We recommend that other types of water-dependent and water-related development be planned for in order to address future demand. For example, a recent study by Westmar Consultants, Inc. (March 2006) suggests that the proposed ASB marina will meet 30 percent of the total 20-year boat moorage or storage demand. The study suggests that

other alternatives, such as dry-stack storage, should also be investigated and planned for at this time. Dry stack storage is of particular interest to the community and discussion in the FEIS could be included regarding this valuable water-related shoreline use. Reserving lands for such uses would appear prudent, as well, allowing for additional flexibility in designing the related moorage facilities along the waterfront. 4 Cont.

Transportation Issues: Shoreline and Environmental Impacts

New Arterial in Shoreline Jurisdiction: Consistent with the Shoreline Master Program Guidelines, major arterials and expansions should be located away from the shoreline when feasible. The SMA Guidelines (WAC 173-26-241-3k) require that "Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction."

Ecology recognizes and appreciates that nearly all of the arterials are proposed for non-shoreline locations. However, the proposed Central Avenue reconstruction and expansion is located within shoreline jurisdiction.

With the proposed removal of the old granary building (located adjacent and landward of the Central Avenue trestle), options for relocating the majority of the arterial landward could be more thoroughly evaluated in the FEIS. Due to the potential for continuing creosote contamination, the portion of the deteriorated, overwater, creosote-pile supported trestle should be removed if at all possible. This would allow the shoreline to be restored and blend in with the restoration efforts along the rest of the southern edge of Whatcom Waterway. The Port and City may want to consider that this Central Avenue connection to Maritime Park could then be developed into a predominantly pedestrian/non-vehicular promenade, allowing the public further shoreline access. The combined effect of these possible revisions would greatly lessen the vehicular impacts of noise, emissions and glare from truck, bus and car traffic upon the restored waterfront and provide a much more people-friendly atmosphere. 5

Although it is a challenging situation, one possibility might be for the traffic to be routed from the intersection of West Champion and East Holly Street, westerly, either over or at grade level with the railroad tracks, to align with the proposed Central Avenue arterial, as illustrated by item 5 on Figure 3.12-6. The Roeder Street bridge approach would need to be reconstructed accordingly. 6

The 600,000+ cubic yards of fill needed to raise the site approximately 3-6 ft above the existing grade will require a multitude of trucks to transport it. Impacts to the street system and preferred routes should be identified in the FEIS. Other modes of transportation should also be evaluated such as barge or rail transportation to lessen the impact on surrounding neighborhoods and the environment. 7

Proposed Marina: The operations at the existing marinas provide a means to determine the projected recreational vessel traffic estimates for the new marina and related 8

waterway floats. A discussion of the impacts of projected recreational vessel traffic at the proposed marina and at the Whatcom Waterway transient docks should be related to the impacts discussed in Summary Sections 1.2 - Air Quality, 1.3 - Water Resources, 1.6 – Noise, and 1.12 Transportation and their respective sections in Chapter 3. 8 Cont.

Stormwater Issues

In general, stormwater runoff from the New Whatcom redevelopment site impacts the nearshore area via direct outfalls to the Whatcom Waterway and Bellingham Bay. Given that the site today is mostly composed of impervious surfaces and has no water quality treatment for existing stormwater outfalls, the discussion of stormwater for the New Whatcom site alternatives should provide a clear plan for how stormwater runoff will be treated and managed to meet federal, state and local standards while undergoing cleanup and redevelopment. More information is needed in the FEIS to adequately determine the environmental impacts from stormwater on the receiving waterbodies under the alternative development scenarios listed.

Our stormwater comments and questions are divided into the following categories: 1) Compliance with Applicable Ecology Permits, 2) Existing Stormwater Outfalls, 3) Future Stormwater Site Plan, 4) Infiltration of Stormwater On-Site. Due to the overlapping nature of some of these categories, there is some repetition. 9

We recognize that the Port has addressed stormwater management on a preliminary basis for some of these questions. However, Ecology feels it is important to document them due to the "planned action" approach. In addition, it will also be important for the agency and the public to understand how the Port intends to manage stormwater at the site.

Compliance with Applicable Ecology Permits:

The Port is responsible for meeting Ecology Municipal, Construction and Industrial Stormwater permit requirements on the New Whatcom Redevelopment site. Our comments and questions are provided in order to obtain clarification on how each of these permits will be implemented by the Port during the cleanup and redevelopment of the New Whatcom site.

DRAFT EIS – Vol II Appendix F: David Evans & Associates Technical Report
Pg 2 section 2.3 Regulatory Overview. Please include in the FEIS: 10

- A description of the NPDES Phase II Municipal Stormwater permit requirements;
- A discussion of Phase II permit requirements in relationship to existing and new stormwater outfalls;
- Identification and discussion of sub-drainage boundaries versus redevelopment boundaries in relationship to Phase II mapping requirements.

We note that the 2016 Port planning timeline is different than the 2012 Phase II Municipal Stormwater permit timeline. Close coordination of these two efforts will be important.

Please include additional information regarding stormwater facilities, as follows:

- The responsible entity for meeting Phase II permit requirements at each existing stormwater outfall;
- The responsible entity for meeting Phase II requirements at each proposed new stormwater outfall;
- The entity that will map the layout and determine capacity constraints of the existing stormwater system;
- Clarify who is responsible for stormwater management for road improvements.

11

It appears that the Port will need Construction Stormwater General Permit coverage for the whole site. The Port will also need to ensure coverage for all individual industrial facilities that require coverage under the Industrial Stormwater General Permit.

12

Pg 4 2.6.1 Aerated Stabilization Basin (ASB): Please provide some discussion of when the discharge from the ASB will be terminated. The current industrial stormwater permit expires June 2008. If the ASB will remain in operation after this date, the Port will need to apply for an Industrial Permit which includes the ASB outfalls as part of their coverage area. Please indicate what the alternative stormwater systems referred to for the stormwater and industrial wastewater currently being discharged to the ASB.

13

1. Existing Stormwater Outfalls:

The New Whatcom site has existing stormwater infrastructure. Please explain this infrastructure in further detail in order to be clear about how the existing system and outfalls will change during cleanup and redevelopment.

14

DRAFT EIS Volume I Pg 1-18 and 3.3-14:

"Existing outfalls to Bay serving offsite stormwater collection system that pass through the site would continue to discharge runoff and would not be altered by redevelopment." Please explain how maintenance activities can occur in capped areas of the site.

15

DRAFT EIS – Vol I Chapter 3.3 Water Resources, Pg 3.3-2 and repeated in Vol II Appendix F: Pg 5-6 2.6.2 Onsite flow- Redevelopment areas 2,3,4,5 & 8:

"Due to cross connections between stormwater runoff and industrial wastewater system the limits of the system are unclear." When will the system be mapped and cross connections be identified and corrected?* Please identify where temporary stormwater treatment systems will be installed once the ASB outfall is terminated. If the existing system layout remains unclear, it would appear prudent to abandon the existing stormwater outfalls or replace them with new ones to eliminate any contact with contaminated areas. 16

*It was noted by Ecology staff on a February 28, 2008 site tour with Port personnel that Figure 1A in Appendix F does not accurately map all stormwater outfalls on the New Whatcom Redevelopment site. Ecology staff noted outfalls along the concrete pier in Redevelopment Area 4 that directly discharged stormwater from the pier to the Whatcom Waterway. Staff noted auxiliary pipes under the pier that appeared to connect into the outfall pipeline to the ASB. Accurately mapping the existing stormwater system from buildings and surface water flows seems critical before dismantling the pier and nearby buildings that may also have stormwater infrastructure that connects to the ASB stormwater outfall. 17

DRAFT EIS – Vol II Appendix G: A.C. Kindig & Co. Technical Report - Pg 1-8 #1:

The report states that the existing outfalls serving off-site stormwater collection would not be altered by the redevelopment project. Please describe:

- How the "cap" will be put in place without altering the old stormwater infrastructure.
- How the system will be mapped or monitored prior to placement of the "cap" to ensure stormwater in the pipes is only from off-site sources. 18
- What the long term maintenance plan is for the existing stormwater system and who is responsible for this maintenance.
- How the existing stormwater system will be maintained if under the "cap".
- How the new stormwater pipes will be directed to the existing ones if one set of pipes are above and the other set below the "cap".

2. Future Stormwater Site Plan:

Between the cleanup of contaminated areas on the New Whatcom site and redevelopment, the specifics of any future stormwater site plan should be discussed in more detail. Please provide enough information to evaluate whether the future stormwater plan takes into account the potential environmental impacts given that contamination will be capped and fill will be brought onto the site. 19

DRAFT EIS – Vol I Chapter 1.3 Water Resource Environmental Impacts, Pg 1-17:

"Permanent stormwater system assumed to be based on gravity flow system." Please identify what other alternatives the Port considered in addition to gravity flow systems. Please also describe how these other systems were evaluated in terms of their potential for environmental impacts. 20

DRAFT EIS – Vol I Chapter 3.3 Water Resources Pg3.3-13

"The site-specific stormwater system design and layout would be established as part of the future construction and redevelopment process." Given that the SEPA environmental review is occurring now, please provide the details necessary to perform an appropriate environmental review of these systems. 21

DRAFT EIS – Vol I Chapter 3.3 Water Resources Pg 3.3-14

"(Stormwater) System design assumptions and options could be re-evaluated at the time of site development based on specific designs, engineering and economic factors. However it is assumed that any future modifications to system design assumptions would not result in significant environmental impacts." Please explain how the Port intends to determine environmental impacts from future stormwater system design and engineering. 22

DRAFT EIS – Vol I Chapter 3.3 Water Resources Pg 3.3-15 Permanent Stormwater Control system

"The specific features of the stormwater control system would be subject to actual design and/or phasing considerations as part of future redevelopment projects." 23

- Please provide more details regarding the permanent stormwater control system.
- Details need to be provided in the FEIS in order to determine environmental impacts.

DRAFT EIS – Vol II Appendix F: David Evans & Associates Technical Report Pg 10 – 11 3.2 Operation Impacts – 3.2.1 Site grading

The report states that 2-6 ft of fill will be placed over the "cap." Please describe how the port determined this is adequate to allow the installation of stormwater systems with treatment that meets Ecology 2005 Western WA Stormwater Manual requirements. 24

The report also states, "As part of construction and utility design ... assumptions used in EIS may be re-evaluated and refined to meet additional design criteria elements." This presents a moving target. Alternatives for stormwater systems should be provided with planned locations and cross section elevations which 25

show fill elevations and types of stormwater treatment systems that will be installed. 25 Cont.

Pg 12 3.2.3 Hydrology and outfall flow rates

"Outfalls will be designed.... to prevent conveyance problems, localized flooding, and scouring of the waterway." How far out will the outfalls extend or how will they be designed to protect eelgrass, fish and other aquatic habitat from high stormwater flows? 26

Pg 13 3.3 Alternative 1 & 2

"2016 – Permanent stormwater system will be in place in all areas." "Encogen plant.... remains in operation in 2016 ...under present operating condition." Does this mean a permanent stormwater system will separate Encogen industrial waste water from other stormwater flows presently discharged into the ASB? What will Encogen do with industrial stormwater after 2016? 27

DRAFT EIS – Vol II Appendix G: A.C. Kindig & Co. Technical Report- Pg 1-8 #2

Outfalls may need to be extended beyond the mean lower low water elevation to avoid impacts to eel grass habitat. The introduction of freshwater (stormwater) on local salinity levels should be discussed and the related impacts to existing and future nearshore habitat should be described. 28

3. Infiltration of Stormwater On Site:

The FEIS needs to make clear which areas are being considered for infiltration and which areas are going to use wet vaults. Stating that it is assumed to be a 50:50 mix does not provide sufficient detail to determine whether infiltrating stormwater on site will cause or contribute to adverse environmental impacts. 29

The Volume I Water resources section states, "Meaningful infiltration of stormwater runoff is not feasible under any of the EIS alternatives because of the combined high impervious surface coverage and remedial capping." (DRAFT EIS – Vol I Chapter 3.3 Water Resources, Pg 3.3-27). The Stormwater Technical report states, "Based on these conditions (groundwater contamination) no stormwater infiltration is assumed on the redeveloped site. (DRAFT EIS – Vol II Appendix F, Pg 2 section 2.2). However, the Water Quality technical study (A.C. Kindig, 2007) states that bioretention will most likely be employed as the facility type on the redeveloped site (3-17). Please explain the apparent contradiction. 30

DRAFT EIS Vol I Pg 1-18

Please explain how the Port proposes to provide "innovative (stormwater) treatment techniques" where low impact development techniques are not feasible given contamination on site. 31

DRAFT EIS – Vol II Appendix G: A.C. Kindig & Co. Technical Report-

Pg 1-8 bottom paragraph, last sentence –

In consideration of no infiltration allowed, please define "innovative water quality treatment techniques" and describe how these techniques will be implemented. 32

Pg 3-7 3.2.3 stormwater quality treatment facility –

Bioretention infiltrates at least 91 percent of the average annual runoff volume according to the DEIS. Please describe how bioretention becomes feasible when infiltration is not allowed. 33

Pg 3-31 3.2.6 Assessment of the benefits of Low Impact Development measures on site. Please provide the following information:

- A definition of "cap" for contamination.
- How the "cap" is protected from plant roots, cracking, earthquakes and overall failure.
- The lifespan of the "cap" and repair and monitoring schedule.
- Cross sections of various potential solutions to stormwater treatment and management on site. 34
- If the "cap" is to be covered with a gradient of fill (thicker away from the shoreline and thinner near the shoreline) then the majority of bioretention opportunities are not near the shoreline. This situation would not appear to allow the proposed gravity stormwater system to function. Please discuss the how the sloped fill and depth of fill will limit bioretention and vault placement.

Habitat Issues

Though urban parks and open space are highly desirable, they do not necessarily equate to good wildlife habitat, as is suggested throughout the document. The majority of these park/open space areas are grass or some type of hardened pedestrian traffic surfaces. Areas actually designed to provide specific types of habitat need to be differentiated from urban open space plazas. Please recalculate the areas described in Summary Section 1.4 Plants and Animals as "parks/open space (upland habitat)" to provide a clearer understanding of the quantity and quality of habitat being proposed compared to the 35

quantity and quality of urban open space. This differentiation is also needed at the top of pg 3.4-9 to correct the conclusion in Section 3.4.2 Impacts, i.e., "Alternative 1 (which features the greatest amount of new public parks and open space) would result in the greatest upland habitat." 35 Cont.

The addition of shoreline vegetation and restored beach would constitute major improvements to a highly degraded environment. The proposed 25-ft wide vegetated buffers do provide needed but limited habitat functions; however, their environmental value should not be overstated. 36

Similarly, the statements concerning aquatic habitat made throughout the document should be revised to reflect the important distinction between high quality intertidal/shallow subtidal habitat compared to low quality subtidal habitat. Unlike subtidal habitat which is abundant in inner Bellingham Bay, intertidal and shallow subtidal habitat is very limited, especially at this site. An example is in the summary at pp. 1-21, first paragraph, which suggests that the two types of habitat improvements are of equal value. The over-water structure analysis on pp. 3.4-13, paragraph 7, states 'The majority of new over-water coverage would occur in subtidal habitat (which is not considered high quality habitat)." The report at pp. 3.4-14 & 15 and table 3.4-2 appears to return to the premise that any additional water surface is valuable habitat. The figures in Table 3.4-3 indicate that approximately one-fifth of the proposed aquatic habitat will be high quality (intertidal/shallow subtidal habitat). The report would provide a clearer evaluation of aquatic habitat benefits and impacts if it were revised to identify separately the changes in these two basically different habitat types. 37

In the discussion of shading effects on pp. 3.4-12, the calculations should be adjusted to include the additional shading caused by the boats that will be moored at the facilities. The two existing marinas are a good example of the typical over-water coverage and duration of shading that occurs from a recreational fleet at this location. As a means of comparison, the functional aquatic habitat of the existing marinas should be evaluated and correlated to what can be expected to occur in the proposed marina. Such an evaluation would also take into account the operational impact of human, pet, dock and vessel activities within a physically-enclosed marine embayment. 38

It would be helpful to illustrate the overall aquatic impacts of the projects contained in the document if table 3.4-3 was revised, or a new table provided, to include the figures describing the 0.51 acres of additional high quality habitat removed and the 2 acres of low quality habitat removed due to the Shipping Terminal Improvements proposed on pp. 3.4-24 & 25. 39

Public Access – Visual and Physical Access

The Shoreline Management Act strongly supports the creation and enhancement of the public's enjoyment of the shoreline, both through visual and physical public access.

Visual Access: WAC 173-26-221(4) requires, "To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water."

The City and Port should consider establishing formal public vistas and view corridors to permanently connect the shoreline to the city. Some of the areas that warrant special consideration are:

Section 3.10 Aesthetics/Light and Glare – end of Cornwall Avenue: The visual analysis methodology does not provide a meaningful illustration of what the visual impact will be to the area at the end of Cornwall Avenue (The beach and shoreline adjacent to the corner common to areas 9 and 10.)

Cornwall Beach, as it is locally known, faces due west out to the San Juan Islands, Lummi Island, Eliza Island and Portage Island. It is an informal but very popular area used by the citizenry. Currently, the site features vistas across the bay from the Bellingham Shipping Terminal (BST) and (project north) around to Eliza Island (project west). The visual analysis should illustrate how this marine panorama will be altered with the redevelopment of area 10 and the BST development in figure 2-44. The visual representation should include the view with and without vessels at berth. The visual analysis should also illustrate all of the proposed bridges from the various viewpoints i.e. Whatcom Waterway pedestrian bridge, Laurel Street bridge, Wharf Street Flyway from Cornwall Beach, etc. 40

F-Street – Although illustrated in Figure 3.10-6, this representation doesn't demonstrate the positive impact that one encounters as one crowns the hill to see the bay for the first time, heading west from the upland neighborhoods. This view corridor should be protected from encroachment as it provides a strong visual tie to the waterfront for the city. Building articulation or "stair-stepping," as demonstrated in Figure 3.10-22,may be a good method to mitigate the "canyon-effect" common in many urban downtowns. 41

ASB at Southern Corner: Another view point that should be added to the visual analysis is located at the end of the ASB at its southern-most corner. This will be the premier shoreline vista of the entire project. Potential expansion of the end of the breakwater to allow a more robust park area should be considered in light of the increasing resident and visitor demand for top quality public access. This location provides an unparalleled 360-degree panorama of the bay, the islands, the city, the marina, New Whatcom, with a stunning backdrop of Mount Baker and the Twin Sisters. This location will be a primary public access destination and will function similarly to the very popular Zuanich Park to the north. 42

The visual analysis should show before and after renditions similar to the other figures. This view point would also provide an example of what boaters entering the marina might view. View 5 shows a perspective from near the end of C Street, less than half-way out the waterway. However, the simulation does not deliver a true impression of the actual panorama. View 5 should also simulate the 180-degree view seen across the waterway out to the BST and Area 10. 42 Cont.

BST/NOAA Ship Berths – A visual representation of this facility, the docks with and without vessels and related infrastructure should be provided in the visual analysis section. Views from the adjacent Cornwall Landfill and Cornwall Beach at the end of Cornwall Avenue should be included. 43

Public Access: We recognize the amount of public access that is currently planned. We encourage you to continue to work toward optimal public access in the design concept that is ultimately selected. One option is explored below for your consideration.

Opportunity for Enhanced Public Access – Opportunities to remove obstacles to public access, such as the five-foot diameter sewer pipe that spans Whatcom Creek between the two bridges, could be evaluated in the FEIS. It would appear that installing a lift station on the northwest side of the creek would allow the pipe to be raised the required 7 feet to open the channel and re-connect the Maritime Heritage estuary to the marine waters. This would provide a much needed visual enhancement. The placement of the sewer pipe between the two bridges would allow access by small dinghies, kayaks and other watercraft, as well as wildlife, especially marine birds, up into the estuary. 44

We recognize this may be cost prohibitive presently. However, this may also be an opportune time to evaluate this possibility while demolition and new construction is proposed in the immediate vicinity. Such an evaluation may also provide information vital for future activities, such as a sewer expansion or replacement related to build-out of the Central Waterfront District and Old Town, or rail trestle or bridge work that could be coordinated with raising the pipe between the bridges and providing an ancillary lift station.

In addition, it may be possible to extend the proposed float system under the bridges on the south side of the creek to allow pedestrians to traverse Roeder Avenue without stopping traffic, further connecting Old Town to New Whatcom. 45

Cleanup

As stated in Volume 1, Chapter 3 - Section 5 (Environmental Health – Hazardous Materials) of this DEIS, Ecology is charged with implementing state cleanup regulations including the Model Toxics Control Act (MTCA; WAC 173-340) and the Sediment Management Standards (SMS; WAC 173-204). The following general and specific

comments clarify, enhance and correct the information presented in "Section 5 in accordance with these regulations and the cleanup efforts Ecology has undertaken within the New Whatcom Redevelopment site.

Comments provided below also may affect other Sections of the DEIS, such as Chapter 1.

General Comments

Pgs 3.5-12 and 3.5-16, subsections 3.5.3.1 and 3.5.3.2, Impacts of Redevelopment Alternatives 1-3 (2016 and 2026) and No Action Alternative

- These sections include information about phasing cleanup and generally convey that institutional controls are a phase of the cleanup. Use of the term phasing is not quite accurate, please clarify the information presented. Final cleanup actions will address exposure pathways based upon current and anticipated land and navigation uses. If the final cleanup action selected by Ecology includes in-place containment of contaminants then institutional controls will also be an element of the final cleanup action to ensure long-term protection of human health and the environment. Ecology will review future redevelopment projects to ensure compliance with institutional control plans. Such review may require additional cleanup actions to protect human health and the environment in the event that the redevelopment project is inconsistent with the uses originally anticipated at the time the final cleanup action was implemented. 46

- In addition to compliance with site-specific institutional control plans, impacts would be mitigated through compliance with other federal, state and local permits which may be required for subsequent redevelopment projects. 47

- Please address stormwater in the review of potential operational impacts. 48

Specific Comments

Pg 3.5-1, subsection 3.5.1.1, fourth paragraph, second to last sentence, should be revised to read: "Actions under MTCA are subject to environmental review under SEPA. MTCA and SEPA contain similar evaluation requirements therefore Ecology coordinates/integrates SEPA and MTCA to avoid duplication". 49

Pg 3.5-2, Remedial Investigation/Feasibility Study (RI/FS), the last sentence should be revise to read: "...conducting a site cleanup action are defined and evaluated, and one or more preferred alternatives identified." Add: "Ecology solicits public comment on draft RI/FS's prior to finalization." 50

Pg 3.5-2, Cleanup Action Plan, should be revise as follows: "The Cleanup Action Plan is the decision document in which Ecology selects and defines the cleanup remedy for a site. The Cleanup Action Plan is part of a legal agreement (typically a 51

Consent Decree) between Ecology and those entities liable for implementing the cleanup. Ecology solicits public comment on draft Cleanup Action Plans prior to finalization." | 51 Cont.

Pg 3.5-2, Design and Permitting, the second sentence should be deleted. Ecology is not aware of SEPA review of a cleanup project occurring during design and permitting. | 52

Typically a SEPA checklist and DNS, or a draft EIS would be issued for public review concurrently with either the draft RI/FS or draft Cleanup Action Plan. | 53

Pg 3.5-2, subsection 3.5.1.2, the first sentence should be replaced with the following: "Under both MTCA and SMS contaminant exposure risk must be minimized or eliminated. Future land and aquatic uses provide information on how humans and the environment could be exposed to contaminants. Therefore, future land and aquatic uses are a key consideration in the development of RI/FS studies and Cleanup Action Plans." | 54

Pg 3.5-3, EPA Brownfields Pilot Activities - the second sentence should be revised to "... completion of a voluntary interim cleanup action at...." | 55

Pg 3.5-4, Area 1, second paragraph, the third sentence should be revised to "...implementation of a voluntary interim cleanup action as...." Fourth paragraph, third sentence – the following change should be made: replace "Finalization" with "A public review draft". | 56

Pg 3.5-6, Area 2-5, fourth paragraph - the first sentence should be replaced with "during 2007 or early with "in". Third sentence, replace with "A public review draft of the RI/FS is expected during late 2009 or early 2010, with construction of the Ecology-selected cleanup action expected between 2010 and 2013 after completion of design and permitting." Fourth sentence: please delete, see general comments above. | 57

Pg 3.5-7, Areas 8 & 9, fifth paragraph - the first sentence should be replaced with "during 2007 or early" with "in". Third sentence: replace with "A public review draft of the RI/FS is expected during late 2009 or early 2010, with construction of the Ecology-selected cleanup action expected between 2010 and 2013 after completion of design and permitting." | 58

Pg 3.5-7, Area 10, fifth paragraph - the third sentence should be replaced with "to be finalized during late 2007 or early" with "ongoing, with a public review draft of the RI/FS expected in mid." The fifth sentence should be deleted, see general comments above. | 59

Seventh paragraph - the first sentence should be replaced with: "The majority of the upland property within the R.G. Haley site is owned by Douglas Management. | 60

However, portions are also owned by the State (managed by DNR), the Port and the City." | 60 Cont.

Eighth paragraph - the first sentence: please replace "an Interim Action" with "a voluntary emergency action". Fourth sentence: please replace "during late 2007 or early" with "in." | 61

Ninth paragraph, please revise to "Land use decisions for the R.G. Haley site are currently the responsibility of Douglas Management, the owner of the majority of the site, in coordination with the City, the Port, and DNR." | 62

Pg 3.5-9, Whatcom Waterway, fourth paragraph, first sentence: "draft" should be deleted. Second sentence – the following change should be made: replace "are integrated with" with "is based upon addressing contaminant exposure pathways under". | 63

Fifth paragraph, first sentence – the following change should be made: after "years" insert "with a draft Engineering Design Report completed for public review in 2010". Second sentence – the following change should be made: delete "Design, permitting and construction of the cleanup action will be integrated with proposed" and replace with "Proposed New Whatcom in-water redevelopment activities ... by the Port will be integrated with the design, permitting and construction of the cleanup action to ensure ..." | 64

Sixth paragraph – the following change should be made: delete "anticipated" and replace "for" with "of". | 65

Pg 3.5-10, Aerated Stabilization Basin, fifth paragraph, first sentence – the following change should be made: insert "Supplemental" before "RI/FS" and replace "consider" with "are based upon addressing contaminant exposure pathways under". | 66

Sixth paragraph, fourth sentence – the following change should be made: delete "Design, permitting and construction of the cleanup action will be integrated with proposed" and replace with "Proposed in-water ... by the Port will be integrated with the design, permitting and construction of the cleanup action". | 67

Pg 3.5-11, I & J Waterway Site, second paragraph, third sentence – the following change should be made: replace "completion anticipated during 2008" with "a public review draft expected during 2009". | 68

Pg 3.5-11, subsection 3.5.3, Impacts, third paragraph, last sentence – the following change should be made: delete "overseen by Ecology as lead agency under MTCA and SMS". The Corps will perform NEPA reviews as part of any required federal permitting process for implementing cleanup actions. Ecology will oversee the preparation of required SEPA documents under MTCA, however Ecology may or | 69

may not be the SEPA lead agency. If the entity required to implement the cleanup under MTCA is a state or local agency, they will be the SEPA lead agency. | 69 Cont.

Pg 3.5-12, subsection 3.5.3.1, Impacts of Redevelopment Alternatives 1-3 (2016 and 2026), see General Comments above. Paragraph four, first sentence – the following change should be made: reorder information per previous comments. | 70

Pg 3.5-12, Construction Impacts – Soil Management, fourth and fifth sentences – the following change should be made: replace with "Mitigation would be addressed by complying with the soil management provisions of the site-specific institutional control plans. Control measures would provide for testing . . . of affected materials". | 71

Worker Health and Safety, last sentence – the following change should be made: replace with "Mitigation would be accomplished by complying with required state and federal health and safety regulations and site-specific institutional control plans". | 72

Stormwater Quality Impacts, second sentence – the following change should be made: after "addressed by" insert "complying with the stormwater provisions of the site-specific institutional control plans. Control measures would include". Also delete the word "by" in this sentence. | 73

Groundwater Quality, last sentence – the following change should be made: replace with "These concerns would be mitigated by complying with the site-specific institutional control plans". | 74

Sediment Disturbance During Construction, last sentence – the following change should be made: revise to ". . . and by complying with site-specific institutional control plans". | 75

Vapor Mitigation for Building Foundations, last sentence – the following change should be made: revise to ". . . as part of building construction as necessary to comply with site-specific institutional control plans". | 76

Pg 3.5-14, Beneficial Impacts, first sentence – the following change should be made: replace "extent" with "level". Second sentence: delete "and overall improvement in environmental protection of the site". | 77

Pg 3.5-15, Operational Impacts – Navigation Disturbance to Capped Sediment Areas, last sentence – the following change should be made: replace "may" with "would" and "could" with "may". | 78

Soil Management and Worker Safety, last sentence, parenthetical information: see previous Construction Impacts comments on worker safety. | 79

Again, thank you for the opportunity to comment. We commend the vision the City and Port have demonstrated to reconnect the downtown to the waterfront and recognize how hard both of you have worked on this project to date. We hope our questions and comments are useful to you as you continue with your design of the project and produce the FEIS. Please do not hesitate to contact me should you need additional information or if you have any questions regarding these comments.

Regards,

RICHARD M. GROUT by

Richard M. Grout
Manager

rmg/bw/js/nr

cc: Tim Stewart, City of Bellingham

ecc: Jeannie Summerhays, NWRO, Department of Ecology
Patty Betts, HQ SEPA Unit, Department of Ecology
Kurt Baumgarten, Department of Ecology
Andrew Craig, Department of Ecology
Christina Maginnis, Department of Ecology
Lucy McInerny, Department of Ecology
Mary O'Herron, Department of Ecology
Barry Wenger, Department of Ecology

Response to DEIS Letter 3

Washington State Department of Ecology (2)

1. Please refer to the response to SDEIS Letter 2, Comment 2.

2. Please refer to the response to SDEIS Letter 2, Comment 3.

3. For purposes of analysis in the DEIS, a conceptual stormwater management plan and certain assumptions were formulated, including the proposed features and configuration of the interim and permanent stormwater management system with redevelopment under Alternatives 1 – 3 (i.e. conveyance, discharge and water quality treatment features). As described in the DEIS, the system would be designed and constructed in accordance with standards set forth in the City of Bellingham Stormwater Management Ordinance, which is based on the Department of *Ecology 2005 Stormwater Management Manual for Western Washington* (Ecology Manual) (see Sections 3.3 and Appendix F to the DEIS for details). As a Phase II Municipal NPDES permit holder, the Port would also have similar responsibilities to impose regulatory requirements.

   A revised stormwater control plan for the Preferred Alternative was developed for the SDEIS, based on ongoing coordination between the Port and Ecology, the City of Bellingham and other interested parties (this plan also applies to the Updated Preferred Alternative). Several features of the proposed stormwater management system under the Preferred Alternative/Updated Preferred Alternative would differ from or expand upon the conceptual stormwater plan assumed under Alternatives 1 – 3, as the SDEIS describes on pages 3.3-6 and 3.3-7 and Appendix H and I to the SDEIS. The stormwater control assumptions in the DEIS and SDEIS allow for the identification of probable significant environmental impacts and mitigation under SEPA, consistent with a Planned Action designation. The DEIS and SDEIS concluded that with implementation of the proposed mitigation measures listed on pages 3.3-31 through 3.3-33 of the DEIS and page 3.3-12 of the SDEIS, significant unavoidable adverse impacts to water resources would not be expected. Any future refinements or modifications to the stormwater system would also adhere to the 2005 Ecology Manual, and would also not be expected to result in significant impacts.

   As noted in the DEIS (see Section 3.4 and Appendix D), it is difficult to accurately predict the impact of climate change (global warming) on potential sea level rise. For the purposes of the DEIS analysis, a reasonable estimate of potential sea level rise in Bellingham Bay by 2100 was considered to be approximately 2.4 feet (ft) over current levels. This value was based, in part, on a joint study conducted by the Washington State Department of Ecology (Ecology) and the Washington State Department of Community, Trade, and Economic Development (CTED) dated November 2006. That Ecology/CTED study included sea level rise estimates based on 2001 projections from the Intergovernmental Panel on Climate Change (IPCC) and communications with the Climate Impact Group at the University of Washington (UW). The report stated that rising temperatures and glacial melting were expected to raise global sea levels between approximately 4 and 40 inches above current levels by 2100, and that, in the Pacific Northwest, rates of global sea level rise may be augmented by regional effects on the Pacific Ocean linked to atmospheric circulation patterns, which could add 0 to 12 inches to the global sea level rise projections. Because significant tectonic uplift or subsidence

is not anticipated in the Bellingham area, a range of approximately 4 to 52 inches of potential sea level rise was assumed. For the DEIS analysis, a midrange value of approximately 28 inches (rounded up to 2.4 ft) was considered a reasonable estimate of potential sea level rise by 2100.

Subsequent studies have been conducted to further refine sea level rise predictions in the Pacific Northwest. A January 2008 report by the UW Climate Impacts Group and Ecology titled "Sea Level Rise in the Coastal Waters of Washington State" provides a low probability/very low estimate of 6 inches, a medium estimate of 13 inches, and a low probability/high impact/very high estimate of 50 inches for potential sea level rise in the Puget Sound Basin by 2100. The 2.4-ft estimate of potential sea level rise by 2100 is considered a reasonable estimate given that it is more than twice the medium estimate reported in that January 2008 study (which was not available until after the DEIS was published), and is higher than the 2.1 ft value for the Friday Harbor area that is indicated on Figure 2-10 of the November 2006 Ecology/CTED study..

The existing mean higher high water (MHHW) elevation in Bellingham Bay is approximately 8.5 ft above mean lower low water (MLLW). As indicated in the SDEIS, the revised grading plans for the Preferred Alternative (and applicable to the Updated Preferred Alternative) would typically raise site grades several feet along lower-lying shoreline areas and would mitigate many of the long-term potential impacts of long-term sea level rise (Refer to Section 2.3.3 of the SDEIS); grading estimates for the Updated Preferred Alternative are similar. Even assuming a long-term sea level rise near the low probability/very high estimate of 50 inches, on-site structures and utility systems would be effectively accommodated without significant impacts. New stormwater outfalls (except within the Marine Trades Area where outfall elevations may remain at 12 to 13 feet) would be designed with an invert elevation of 13 to 15 ft MLLW in order to limit long-term sea level rise impacts or storm surge problems.

Future design of certain onsite improvements and infrastructure would consider the effect of a potential rise in groundwater levels as part of the specific building and construction design and permit process. The effect of potential sea level rise on groundwater table fluctuations at the site is difficult to predict over the long-term; however, it should be understood that any such effect would likely occur whether or not the proposed redevelopment activities occur. It is considered reasonable to assume that tidal influences and fluctuating groundwater levels near the shoreline would generally be similar to current conditions; however, overall groundwater gradients toward Bellingham Bay would tend to flatten if groundwater levels near the shoreline slowly rise as water levels in Bellingham Bay rise in the future. Any such flattening of groundwater gradients could potentially reduce the rate and/or level of potential contaminant migration toward Bellingham Bay within areas of existing contamination near the shoreline. If overall groundwater levels rose within existing contaminated areas near the shoreline, some upward movement of contaminants could potentially occur. The need to further evaluate and potentially make adjustments to any contaminant containment system or hydraulic control system over the long-term would have to be evaluated on a case-by-case basis in the future.

4. Please refer to the response to SDEIS Letter 2, Comment 4, 5 and 6.

5. As described in the response to SDEIS Letter 2, Comment 7, the Updated Preferred Alternative analyzed in the EIS Addendum incorporates Central Avenue to the south of the existing Granary Building.

6. As described in the response to SDEIS Letter 2, Comment 7, the Updated Preferred Alternative analyzed in the EIS Addendum incorporates Central Avenue to the south of the existing Granary Building.

7. As indicated in the response to SDEIS Letter 2, Comment 9, construction impacts to the street system are described in the EIS Addendum.

8. DEIS Section 1.3 (Water Resources) summarized the water quality-related analysis, including impacts and mitigation, from Appendix G to the DEIS, the *Water Quality Technical Report*. Section 3.2.7 (page 3-32) of Appendix G summarized the best management practices (BMPs) for recreational boat facility operations using "Clean Ocean Marina" features, and indicated the Port would implement BMPs outlined in the Washington Department of Ecology's 1998 *Resource Manual for Pollution Prevention in Marinas* (on file at the Port and City of Bellingham for review). The BMPs would also apply to the Updated Preferred Alternative

   Appendix G of the DEIS included a list of BMPs related to water quality protection that comprise Clean Ocean Marina BMPs, and a summary list of BMPs related to water quality from Ecology's 1998 Resource Manual. These BMPs would apply equally to marina, waterway floats, and transient dock facilities. As indicated in DEIS Appendix G Section 3.2.7, the BMPs that the Port would employ are predominantly focused on preventing contaminant entry to Bellingham Bay, and secondarily on effective cleanup of accidental spills. Marina stormwater runoff (and by extrapolation that from waterway floats and transient docks) would be similar to runoff from other non-pollution generating surfaces, such as rooftops, which require no stormwater quality treatment before discharge. Contaminant source control measures would prevent introduction of at the marina, waterway floats, or transient moorage and provide for prompt removal and cleanup of accidental spills should they occur. As indicated in DEIS Appendix G, effective measures to maintain water contaminant source control provisions through moorage user education and marina upkeep would help prevent any portion of the marina from becoming a pollution-generating surface. Associated parking areas and roadways would be treated by stormwater facilities before discharge of runoff, per City and Ecology requirements.

   The DEIS (Section 3.12 Transportation and Appendix I) included an analysis of navigation uses and navigation impacts from vessel traffic (including recreation vessels) under the Redevelopment Alternatives (Alternatives 1 – 3) and the No Action Alternative (Alternative 4).

9. See the response to Comment 10 in Letter 2 to the SDEIS. The DEIS and SDEIS included extensive analysis of the range of potential stormwater pollution prevention measures (including low impact development principles and stormwater quality treatment) that could be used to comply with applicable federal, state and local standards. Design-level information on the proposed stormwater control system would be developed as specific plans for redevelopment are formulated and applications are submitted to the City.

10. A description of the NPDES Phase II Municipal Stormwater permit requirements is contained in the SDEIS (see Appendix H, page 9). The proposed redevelopment would comply with the 2005 Ecology Manual, the NPDES Phase II permit requirements and the City of Bellingham Municipal Code. As the Phase II Municipal NPDES permit holder, the Port would also have the responsibility to impose regulatory requirements.

    All new outfalls would comply with the 2005 Ecology Manual and NPDES permit requirements. Existing City outfalls are the responsibility of the City and are not required to be addressed by the project.

    Drainage boundaries would be defined at the design stage and would comply with the applicable codes mentioned above.

11. Both the Port and City currently have permitted outfalls. Final ownership of the outfalls under the proposal has not yet been determined. This ownership would be defined in the Development Agreement to be executed between the Port and City. The Port and City outfalls would comply with the 2005 Ecology Manual and the NPDES permit requirements.

12. The proposed redevelopment would comply with all applicable construction stormwater regulations. It is unknown at this time whether a General or Individual stormwater permit will be required (see Appendix F to the DEIS and Appendix H to the SDEIS for details).

13. The NPDES Industrial Wastewater Discharge permit that includes the Aerated Stabilization Basin (ASB) has a 5-year permit duration. The current permit extends through March 1, 2012. If, based on final remediation and redevelopment schedules, the Port decides to retain the ASB for stormwater treatment beyond this date, the Port will apply for an appropriate permit, consistent with applicable regulations (including potentially applying for a new Industrial Permit). Industrial discharges to the ASB are being eliminated through site remediation. The existing and proposed stormwater control systems are described in Appendix H to the SDEIS. Additional mapping of outfalls would be performed at the design stage of the proposed redevelopment (see Appendix H to the SDEIS for details).

14. See the response to Comment 13 in this letter. The existing and proposed stormwater control systems are described in Appendix H to the SDEIS. Additional mapping of outfalls would be performed at the design stage of the proposed redevelopment.

15. In areas where existing utilities and stormwater conveyance systems pass through site remediation areas (e.g. the C Street and Laurel Street stormwater drainage lines and outfalls), and where these utilities are not proposed to be rebuilt as part of the proposed redevelopment, future maintenance activities would comply with any applicable institutional control requirements developed as part of the site remediation plans. The anticipated remediation activities in the C Street and Laurel Street areas include the use of soil caps to ensure compliance with applicable MTCA cleanup levels in surface soils. Such caps typically include a layer of clean soil over a geotextile indicator layer (a layer that marks the base of the soil cap). Maintenance activities under this indicator layer would require adherence to safe soil management practices (e.g. segregation, testing and appropriate management/disposal of any soils generated from beneath the soil cap,

and restoration of the soil cap following completion of the maintenance activity) and worker health and safety protocols (e.g. compliance with the site-specific health and safety plan), as described in on pages 3.5-17 and 3.5-18 of the DEIS.

16. The existing and proposed stormwater control systems are described in Appendix H to the SDEIS. Development of the site would include transition from the existing stormwater infrastructure to the proposed stormwater infrastructure. Industrial wastewater discharge to the ASB would be eliminated as part of site remediation. Existing stormwater system components would continue in use until they are replaced during redevelopment. System components that are no longer required would be appropriately capped and abandoned. The specific phasing of replacements/abandonments would be determined at the design stage of the proposed redevelopment.

17. Existing stormwater outfalls are described in Appendix H to the SDEIS. Actual mapping of the outfalls would be performed at the design stage of the proposed redevelopment. System components that are no longer required would be appropriately capped and abandoned with the project.

18. In areas where existing utilities and stormwater conveyance systems (e.g. C Street and Laurel Street stormwater lines and outfalls) pass through site remediation areas, and where these utilities would not be rebuilt as part of the proposed redevelopment, future maintenance activities would comply with applicable institutional control requirements developed as part of the site remediation plans. The anticipated remediation activities in the C Street and Laurel Street areas include the use of soil caps to ensure compliance with applicable MTCA cleanup levels in surface soils. Such caps typically include a layer of clean soil over a geotextile indicator layer marking the base of the soil cap. These types of caps can be installed without altering existing, buried stormwater infrastructure. Maintenance activities under the cap and indicator layer, or the development of new connections to the existing pipes, would require adherence to safe soil management practices (e.g. segregation, testing and appropriate management/disposal of any soils generated from beneath the soil cap, and restoration of the soil cap following completion of the maintenance activity) and worker health and safety protocols (e.g. compliance with the site-specific health and safety plan), as described on pages 3.5-17 and 3.5-18 of the DEIS.

    Existing utility infrastructure located in remediation areas would be mapped as part of the engineering design required for remediation activities and for the site-specific institutional controls plans for any capped areas.

    Both the Port and City have existing stormwater conveyance lines and permitted outfalls on the site and in the site vicinity. Future ownership and maintenance responsibilities of these facilities would be determined in the Development Agreement to be executed between the Port and City.

19. Detailed stormwater control plans would be developed as specific plans for redevelopment are formulated; these plans would comply with site-specific remediation and institutional control requirements. If there are specific requirements associated with remediation conditions at a site (e.g. avoidance of stormwater infiltration in landfill or contaminated soil/groundwater areas), these would be addressed as part of detailed design. The Port and City are coordinating their planning efforts with Ecology Toxics

Cleanup Program staff during the RI/FS process at each cleanup site. Future Ecology review of development activities (including detailed stormwater planning) at remediation sites will comply with the notification and review requirements developed as part of the site-specific institutional control plans.

20. As possible, the permanent stormwater control system would be designed to flow by gravity. There could be areas where stormwater runoff may need to be pumped, however. In either case, stormwater runoff from pollution-generating surfaces would be treated per the 2005 Ecology Manual (see page 18 in Appendix H to the SDEIS for details).

21. Please refer to the response to SDEIS Letter 2, Comment 10. The DEIS and SDEIS included extensive analysis of the range of potential stormwater pollution prevention measures (including the use of low impact development principles and water quality treatment) that may be used to comply with applicable federal, state and local standards.

22. The basic treatment options for future water quality facilities will not change. Future stormwater control plans would be required to comply with the 2005 Ecology Manual.

23. See the response to Comment 21 in this letter.

24. The depth of fill would vary across the site, in order to meet redevelopment requirements. Where this fill is thicker, the new stormwater infrastructure could be located completely within the fill layer. In other cases, the infrastructure could be placed in trenches (utility corridors) or excavations beneath the fill layer that would be then backfilled with clean material. Detailed design of stormwater treatment facilities would comply with the 2005 Ecology Manual. Trenches or excavations in site remediation or capped areas would be lined with an indicator geotextile fabric so that there is a separation between clean soils and contaminated soils. Maintenance activities under the geotextile indicator layer would require adherence to safe soil management practices and worker health and safety protocols as described on pages 3.5-17 and 3.5-18 of the DEIS.

25. Please refer to the responses to Comments 21 and 24 in this letter.

26. The outfalls would be constructed at approximately +13 ft MLLW. At this height, it is expected that energy would be dissipated sufficiently to avoid impacts to eelgrass and other aquatic resources. Outfalls would be designed so that the runoff is directed onto hard surfaces so as to reduce energy and minimize erosion. With implementation of proposed stormwater treatment measures, the stormwater runoff would not be expected to result in significant water quality impacts. The stormwater runoff would contribute clean freshwater to Bellingham Bay, which would decrease salinity thus improving estuarine conditions for juvenile salmonids.

27. The Encogen facility has already taken measures to separate its industrial wastewater. Encogen no longer discharges to the ASB and has rerouted their stormwater and wastewater to the Post Point Wastewater Treatment Plant, per their State Waste Discharge Permit, No. ST 7336. Please refer to Section 2 in Appendix H to the SDEIS for details.

28. As discussed in the SDEIS (refer to Section 3.4 and Appendix J), eelgrass along the shoreline in Bellingham Bay is present from approximately -1.5 ft Mean Lower Low Water (MLLW) to approximately -8 ft MLLW. Thus, placing the outfalls below MHHW would put them closer to eelgrass habitat than would placing them higher in the intertidal zone. Outfalls would be positioned and designed to ensure that stormwater would adequately mix with saltwater before it would reach eelgrass beds. Further, any minor changes in salinity resulting from mixing of freshwater from stormwater outfalls in the vicinity of eelgrass would not be expected to adversely affect eelgrass. Eelgrass tolerates a wide range of salinities, reportedly between 0 and 35 parts per thousand (Fonseca et al. 1998). Significant impacts would not be expected.

29. Please refer to the response to Comment 19 in this letter. Final stormwater control plans would be prepared as specific redevelopment plans are formulated and applications are submitted to the City. Construction activities would comply with site-specific remediation and institutional control requirements.

30. The two citations included in this comment are not contradictory. The use of bioretention does not necessarily require infiltration (e.g. retention facilities can be lined to separate the prepared soil medium from underlying capped remediation areas).

31. LID techniques involving stormwater infiltration would only be incorporated into the proposed stormwater control system where site investigation and cleanup activities have considered such infiltration and where it is determined to be protective of groundwater and surface water quality. In a marine nearshore environment, the benefits of stormwater infiltration are primarily to reduce the quantity of stormwater requiring treatment. LID techniques, other than infiltration, would be considered as part of stormwater design where practicable. These techniques may include such techniques as water reuse, maximization of building height, covered parking structures, green roofs, lined bioretention facilities and/or drought tolerant landscaping.

32. Please refer to the responses to Comments 30 and 31 in this letter.

33. The use of bioretention does not necessarily require infiltration (e.g. retention facilities can be lined to separate the prepared soil medium from underlying capped remediation areas).

34. The definition of “cap” may vary from one portion of the site to another. In some cases, the cap may include a geomembrane liner to limit infiltration into underlying soils. In other cases, the cap may consist of soil or other materials, with a geotextile indicator layer identifying the boundary between the cap and the underlying soils. Cap designs will be developed as part of the RI/FS and engineering design activities overseen by Ecology under MTCA. Engineering design for caps will address cap design requirements, including protection of the cap, cap design life and any required repairs or monitoring of the cap.

    The depth of fill would vary across the site as required to meet redevelopment requirements. Where this fill is thicker, the new stormwater infrastructure could be located completely within this fill layer. In other cases, the infrastructure could be placed in trenches (utility corridors) or excavations beneath the fill layer that would then be

backfilled with clean material. Any trenches or excavations in site remediation or capped areas would comply with site-specific remediation and institutional control requirements.

35. The intent of the analysis in Section 3.4 of the DEIS was not to imply that all parks and open space represent high quality terrestrial habitat. Rather, developed areas with lawn grass, landscaping, and limited trees would improve upland habitat relative to existing industrial and paved areas they would replace. It is acknowledged that developed parks/open space would provide limited upland habitat functions and would not result in the same habitat functions as proposed riparian/shoreline habitat. See Chapter 1, Section 1.4 of the DEIS, "vegetation and trees in upland park and open space area would provide songbird habitat, while restored shoreline buffer would provide habitat to a wider range of species." This statement was intended to convey the distinction between "more developed" open space with landscaping, and more natural habitat intended to provide ecological function.

    The statement referenced in Section 3.4.2 of the DEIS was intended to compare the features of the Alternatives, i.e. Alternative 1 results in more open space/parks habitat than Alternatives 2 and 3. This statement accurately states that Alternative 1, of the range of alternatives, would provide the most upland habitat relative to existing conditions. This is not to say that the upland habitat to be constructed would be high quality; in all cases it would be of higher quality than under existing conditions. The upland portion of The Waterfront District site does not include areas specifically set aside for upland wildlife habitat. However, riparian fringe proposed along the Cornwall Beach Area shoreline would provide some riparian habitat function. Thus, if the upland parks/open space is understood as an improvement over existing conditions rather than highly-functioning wildlife habitat, the totals indicated in Chapter 1, Section 1.4 and page 3.4-9 do not need to be recalculated.

36. It is acknowledged that a wider vegetated buffer would provide greater upland habitat function, and that areas with higher human activity would generally have lower upland habitat functions than those without human activity. However, the existing shoreline generally consists of paved uplands and hardened, industrial shoreline vegetated only with noxious weeds. Thus the 25-foot vegetated buffers, combined with proposed shoreline restoration would represent substantial improvements over existing conditions.

37. It is recognized that intertidal/shallow subtidal habitat is much more scarce than subtidal habitat and provides highly valued habitat functions. In Table 3.4-2 and throughout Section 3.4 of the DEIS, changes in intertidal/shallow subtidal habitat are described and quantified separately from changes in subtidal habitat.

    However, it should be noted that increases in both intertidal/shallow habitat and subtidal habitat would be net benefits of the proposed redevelopment. While intertidal/shallow subtidal habitat is of higher habitat value to salmonids, Chinook salmon and bull trout critical habitat both include subtidal habitat down to -30 ft MLLW. Thus, the entire aquatic acreage of the proposed marina would represent an increase in Chinook salmon and bull trout critical habitat.

38. Boat moorage within the marina would occur entirely over subtidal habitat, which, as discussed in the response to Comment 37 of this letter, is less scarce and provides less valuable habitat functions than intertidal/shallow subtidal habitat. If all slips were

occupied, this would cause approximately 25 to 30 percent of the newly-created subtidal habitat to be shaded subtidal habitat. However, it should be noted that this would not constitute solid, dark shadow. Light would penetrate beneath the docks along the sides of the narrow finger floats, and between the floats and any boats moored on site. Thus, even the shaded areas of the marina would receive sufficient ambient light to be productive habitat. Further, the entire marina would represent new aquatic habitat and an increase in critical habitat for Chinook salmon and bull trout. For this reason, even the creation of partially-shaded subtidal habitat would be a habitat benefit compared with existing conditions.

The Port of Bellingham has a successful history of implementation of habitat restoration projects, including habitat restoration and mitigation associated with the Blaine Harbor Moorage Expansion and Dredging Project. In 1999, five (5) mitigation sites were constructed to offset the impacts of the project, including four (4) sites that were constructed within Blaine Harbor and an additional site that was constructed at the southern end of Drayton Harbor. The Blaine Harbor sites were constructed of fine sand at a slope and elevation to promote the establishment of salt marsh vegetation. The Drayton Harbor site was constructed as an intertidal and shallow subtidal mudflat to support the colonization of eelgrass. Monitoring conducted in 2005 indicated that salt marsh vegetation at the Blaine Harbor sites had developed enough that it was expected to continue to flourish and meet all performance standards in the final year of monitoring. Monitoring of the Drayton Harbor site indicated that eelgrass was flourishing onsite and that the amount of aquatic habitat had exceeded the performance standards.

Boats moored at the new moorage in Whatcom Waterway would be transient in nature. They would be moored only for short periods of time and would not represent permanent impacts.

39. The elements described as “Separate Actions” are not proposed as part of the proposed Waterfront District redevelopment. They are instead separate projects that would occur with or without approval and implementation of the Proposed Actions and include improvements at the BST, along the I&J Waterway and along the north side of the Whatcom Waterway. These projects would be subject to agency decisions regarding environmental review under SEPA and/or NEPA, prior to any approval of permits for construction, as noted in the DEIS (see Section 2.9 of the DEIS). In order to respond to this comment, Table 3-2 includes the potential impacts to aquatic habitat resulting from Alternatives 1-4 (or the Preferred Alternative and Updated Preferred Alternative) and the Separate Actions on a cumulative basis. This new data is also noted in **Chapter 4**, Errata, of this FEIS.

Table 3-2
CUMULATIVE IMPACTS ON AQUATIC HABITAT IN THE SITE AREA (DEIS ALTERNATIVES 1-4, UPDATED PREFERRED ALTERNATIVE, SEPARATE ACTIONS); ACREAGES RELATIVE TO OHW IN PARENTHESES AND ITALICS

	Alternatives 1-3/ Preferred Alternative/ Updated Preferred Alternative Marina Concept A	Alternative 4 (No Action), Marina Concept B	Separate Actions	Totals for Alternatives 1-3/ Separate Actions
New Intertidal & Shallow Subtidal Habitat (ASB converted to Marina)				
Not covered by structures (acres)	4.69 (*5.07*)	3.69		4.69 (*5.07*)
Covered by structures (acres)	0.01 (*0.01*)	+0.01		0.01 (*0.01*)
New Subtidal Habitat (ASB converted to Marina)				
Not covered by structures (acres)	20.53	21.09		20.53
Covered by structures (acres)	2.77	3.21		2.77
Marina Subtotal	28.0 (*28.37*)	28.0 (*28.37*)		28.0 (*28.4*)
Changes to Intertidal & Shallow Subtidal Habitat[1]				
Changes in overwater coverage (acres)	-1.53 (*-1.53*)[2]		+0.36 (*+0.36*)[3]	-1.17[4]
slope or substrate enhanced (acres)	2.41[5]			2.41
Changes to Subtidal Habitat[1]				
Net increase in overwater coverage (acres)	0.75[6]		-0.28[7]	0.47[8]
Slope or substrate enhanced (acres)	0			
New Whatcom Waterway Subtotal	1.66			
Total Net New/Enhanced Habitat	29.66 (*30.03*)	28.0 (*28.37*)		29.94 (*30.34*
Creosote piles removed[1] (number)	560		599	1,159

Source: Grette Associates, 2010.

[1]Elements under Alternatives 1-4/Updated Preferred Alternative would occur in the Whatcom Waterway; separate actions also includes some elements that would occur in I & J Waterway, the Bellingham Shipping Terminal(BST) and the north side of the Whatcom Waterway.

[2]Includes removal of 1.59 acres of intertidal/shallow subtidal coverage through demolition of south Whatcom Waterway pier/wharfs and construction of 0.06 acre of new intertidal/shallow subtidal coverage from ramps associated with the transient moorage floats; decrease in intertidal/shallow subtidal coverage from proposed redevelopment is 1.53 acres. *(NOTE: Intertidal/shallow subtidal shading removed is the same if calculated relative to OHWM. On the north side of Whatcom Waterway, the floats to be removed would be set off-shore so that they do not cover the area between MHHW and OHW. Any increased shading removed with the float ramps would be negligible (~0.0006 acre). On the south side of Whatcom Waterway, the upper intertidal zone between MHHW and OHW is vertical bulkhead, and thus would result in no increased area of coverage)*.

[3]Includes removal of floats in Whatcom Waterway (-0.08 acre), removal of chemical docks in the BST (-0.04 acre), new piers in the I & J Waterway (+0.02 acre), and an estimated 0.46 acre for pedestrian trail from Cornwall Park to Boulevard Park (2,050 ft by 10 ft): increase in intertidal/shallow subtidal coverage from separate actions is 0.36 acres.

[4]Represents a net decrease in intertidal/shallow subtidal overwater coverage. Since this decrease represents a net habitat benefit, 1.17 is added to the total habitat enhanced.

[5]1,500 ft of shoreline by 70 ft wide (below MHHW) along south Whatcom Waterway would be enhanced by creating a shallower slope along with pier/wharf/bulkhead removal. Total area of slope or substrate enhancement would be 2.41 acres, most of which is under the area where intertidal/shallow subtidal overwater coverage would be reduced. To avoid double-counting this area, this total includes only the enhanced slope area that is not included in net reduction of overwater coverage (2.41 minus 1.53).

[6]Removal of 0.68 acre of subtidal coverage through demolition of South Whatcom Waterway pier/wharfs, construction of 1.43 acres of new subtidal coverage with transient moorage floats/ramps; increase in subtidal coverage from redevelopment alternatives is 0.75 acres.

[7]Includes removal of old chemical docks in the BST (-0.32 acre), removal of old catwalks (-0.03 acre)/construction of new catwalks (+0.06 acre), demolition of existing piers in I & J Waterway (-0.15 acre), and new piers in I & J Waterway (+0.16 acre): decrease in subtidal coverage from separate actions is 0.28 acres.

[8]Represents a net increase in subtidal overwater coverage.

It is assumed that "*the 0.51 acres of additional high quality habitat removed and the 2 acres of low quality habitat removed due to the Shipping Terminal Improvements"* refers to the 0.55 acre of new intertidal/shallow subtidal overwater coverage associated with the two new potential NOAA piers at the Bellingham Shipping Terminal (BST), minus the 0.04 acre of intertidal/shallow subtidal coverage removed at the BST, as well as the 2.29 acres of new subtidal coverage. Please note that the NOAA piers are no longer being pursued. Thus, the Shipping Terminal Improvements now result in a net decrease in shaded intertidal/shallow subtidal habitat (-0.04 acre) and subtidal habitat (-0.28 acre) at the Shipping Terminal.

Studies indicate that juvenile salmonids pass readily under narrow piers. Weitkamp and Schadt's (1982) observations at the Port of Seattle showed that shoreline-oriented juvenile salmonids crossed the shadow cast by a narrow (15 to 20-foot wide) overwater structure, but were unwilling to cross under a darker shadow cast by a wider structure.

Wider structures (e.g. wharves or wide piers) have the potential to create light/dark interfaces with greater contrasts because there is no light penetration or reflection from the opposite side of the structure. Some juvenile salmonids encountering the light/dark interface associated with wide overwater structures travel around the outside of the face of the pier or wharf (Salo et al., 1980; Ratte and Salo, 1985). However, juvenile salmonids do travel under piers and do use the habitats under piers (Salo et al., 1980; Bax, 1983; Ratte and Salo, 1985) and at the face of the piers (Weitkamp and Schadt, 1982; Ratte and Salo, 1985). Juvenile salmonids can prefer the light side or the dark side of a structure, depending upon the light conditions to which their eyes are adapted (Bax, 1983). At certain tide elevations and weather conditions, the contrast of a light/dark interface can be greatly diminished.

40. Comment noted. Please refer to response to SDEIS Letter 2, Department of Ecology, Comments 20, 21 and 22 for discussions on views from Cornwall Beach and views of roadway connections.

41. Comment noted. Please refer to response to SDEIS Letter 2, Department of Ecology, Comment 23 for a discussion on views from F Street.

42. Comment noted. Please refer to response to SDEIS Letter 2, Department of Ecology, Comments 25 and 26 for a discussion on views from ASB/Marina.

43. Comment noted. Please refer to response to SDEIS Letter 2, Department of Ecology, Comment 27 for a discussion on views with vessels.

44. Please refer to the response to SDEIS Letter 2, Comment 29.

45. Please refer to the response to SDEIS Letter 2, Comment 30.

46. Institutional controls are integral components of cleanup actions under MTCA where contaminated materials remain onsite. The need for institutional control requirements is typically defined at the time of the RI/FS, and the institutional control plan is more specifically developed during engineering design for the cleanup action. Institutional controls are then recorded as restrictive covenants as part of the cleanup action. The commenter is correct that final cleanup actions will address exposure pathways based on current and anticipated land and navigation uses. If the final cleanup action selected by Ecology includes in-place containment of contaminants, then institutional controls will be an element of the final cleanup action to ensure long-term protection of human health and the environment. Ecology will review future redevelopment projects consistent with site-specific institutional control provisions, to ensure compliance with institutional control plans.

47. The commenter is correct that institutional controls provide only one part of the environmental review for redevelopment projects occurring within remediation sites. Additional environmental review is conducted as part federal, state or local permitting for the project; mitigation could be required under those permits to address potential environmental impacts.

48. Stormwater quality impacts are discussed in the DEIS Section 3.5.3.1 on page 3.5-13.

49. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

50. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

51. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

52. The commenter is correct that a SEPA checklist and DNS or a DEIS review typically is issued for public review at the time of the draft RI/FS or draft Cleanup Action Plan.

53. Please refer to the response to Comment 52 in this letter.

54. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

55. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

56. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

57. The RI/FS process for the Georgia Pacific West site, including the Downtown Waterfront Area, has been initiated by the Port, consistent with a MTCA Agreed Order. The current schedule includes the development of a draft RI report during 2010, and an RI/FS report during 2011. Construction of the final cleanup action is expected to begin in 2012 or 2013, after completion of the RI/FS, development of a cleanup action plan, and engineering design and permitting. Remediation work at the site could also include one or more Interim Actions. Please refer to **Table 2-1** in **Chapter 2** of this FEIS.

58. The RI/FS process for the Georgia Pacific West site, including portions of the Log Pond Area and Shipping Terminal Area, has been initiated by the Port consistent with a MTCA Agreed Order. The current schedule includes the development of a draft RI report during 2010, and an RI/FS report during 2011. Construction of the final cleanup action is expected to begin in 2012 or 2013, after completion of the RI/FS, development of a cleanup action plan, and engineering design and permitting. Remediation work at the site could also include one or more Interim Actions. Please refer to **Table 2-1** in **Chapter 2** of this FEIS.

59. The RI/FS process for the Cornwall Avenue Landfill within the Cornwall Beach Area is ongoing. Public review of the draft RI/FS is expected during 2010. Construction of the final cleanup action is expected to begin in 2012 or 2013, after completion of the RI/FS, development of a cleanup action plan, and engineering design and permitting. Remediation work at the site could also include one or more Interim Actions. Please refer to **Table 2-1** in **Chapter 2** of this FEIS.

60. The majority of the upland property within the R.G. Haley site was previously owned by Douglas Management. This property was recently acquired by the City of Bellingham. Some upland portions of the site remain owned by the State (managed by DNR) and the Port.

61. Douglas Management implemented a voluntary emergency action at the R.G. Haley cleanup site in 2001. The City has assumed cleanup responsibilities from Douglas Management following the City's purchase of Douglas' property within The Waterfront District site. A public review draft of a site RI/FS is expected during early 2011. Please refer to **Table 2-1** in **Chapter 2** of this FEIS.

62. The majority of the upland property within the R.G. Haley cleanup site was previously owned by Douglas Management. This property was recently acquired by the City of Bellingham. Some upland portions of the site remain owned by the State (managed by DNR) and the Port. Based on the ownership changes, land use decisions within the R.G. Haley site are the responsibility of the City, in coordination with the Port and DNR.

63. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

64. Based on updated project schedules, the Engineering Design Report for the Whatcom Waterway cleanup site is expected to be available for public review in 2011. Where practicable, The Waterfront District in-water redevelopment activities and planned separate actions by the Port will be integrated with the design, permitting and construction of the cleanup action to: ensure coordination of activities; provide for holistic environmental review; and, minimize construction impacts to juvenile salmonids and sensitive aquatic organisms.

65. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

66. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

67. See the response to Comment 64 in this letter. Where practicable, the proposed Waterfront District in-water redevelopment activities and planned separate actions by the Port will be integrated with the design, permitting and construction of the cleanup action

68. The updated schedule for the I&J Waterway cleanup site anticipates development of a public review draft of the RI/FS in late 2011. Please refer to **Table 2-1** in **Chapter 2** of this FEIS).

69. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

70. As indicated in the response to Comment 46 in this letter, institutional controls are integral components of cleanup actions under MTCA where contaminated materials remain on site. The need for institutional control requirements is typically defined at the time of the RI/FS, and the institutional control plan is more specifically developed during engineering design for the cleanup action. Institutional controls are then recorded as restrictive covenants as part of the cleanup action. Ecology will review future redevelopment projects consistent with site-specific institutional control provisions, to ensure compliance with institutional control plans. Additional actions may be required based on that review.

71. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

72. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

73. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

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78. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

79. This comment is hereby incorporated into The Waterfront District Redevelopment EIS and is noted in **Chapter 4**, Errata, of this FEIS.

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Region 4 Office: 16018 Mill Creek Boulevard - Mill Creek, Washington 98012 - (425) 775-1311

March 10, 2008

Port of Bellingham
SEPA Responsible Official
Andrew Maron
Post Office Box 1677
1801 Roeder Avenue
Bellingham, WA. 98227-1677

SUBJECT: WDFW Comments – Draft Environmental Impact Statement: Proposed New Whatcom Redevelopment Project

Dear Mr. Maron,

The Washington Department of Fish and Wildlife (WDFW) has reviewed the Draft Environmental Impact Statement (DEIS) for the Proposed New Whatcom Redevelopment Project and offer the following comments for your consideration. WDFW may submit additional comments in the future as the Proposed New Whatcom Redevelopment Project progresses.

General

1. The impact analysis presented in the DEIS for the Proposed New Whatcom Redevelopment Project is very general. WDFW assumes that as specific elements of the redevelopment are developed for permitting and construction, WDFW will be provided the opportunity to conduct additional review and to provide additional comments. 1

Plants and Animals/Appendix H

2. Page 3.4-4

The definition presented in the DEIS for intertidal habitat (+8.0 to –4.0) is incorrect. According to NOAA tidal datum for Bellingham Bay, the mean higher high water elevation for Bellingham Bay is +8.5. The Hydraulic Code (RCW 77.55.021) states, "In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or **bed** of any of the salt or fresh waters of the state, such person or government shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life." **"Bed"** is further defined as the land below the **ordinary high waterlines** of state waters (WAC 220-110-020(3))." The **"ordinary high water line"** is defined as the mark on the shore of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of the waters are so common and usual and so long continued in ordinary 2

years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland: Provided, that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water (WAC 220-110-020(57). Typically, the ordinary high water line is 1 to 1.5 feet higher than the mean higher high water elevation (NOAA tidal datum). From WDFW's perspective, intertidal habitat in Bellingham Bay should be defined to include the aquatic habitats between the +10.0 to –4.0 tide elevations. 2 Cont.

3. Pages 3.4-4 to 3.4-6

The DEIS does not adequately identify the eelgrass habitat that is present within the Proposed New Whatcom Redevelopment Project area or adequately discuss the potential impacts that will occur to the eelgrass habitat as a result of the proposed project actions. 3

A. Area 1: There is documented eelgrass habitat in the I&J Waterway along the north side of the ASB. There is also eelgrass habitat in the Whatcom Waterway along the south side of the ASB.

B. Area 8: There is documented eelgrass habitat in the Log Pond.

C. Area 9: There is eelgrass habitat along the west shore of Area 9.

The eelgrass habitats within the Proposed New Whatcom Redevelopment Project area will need to be surveyed prior to specific project implementation.

4. Page 3.4-6

The DEIS does not identify the documented surf smelt habitat that is present at the waterward end of Cornwall Avenue in Area 10 or discuss the potential impacts that will occur to the surf smelt habitat as a result of the proposed project actions. 4

5. Page 3.4-15

The DEIS does not adequately discuss the potential impacts to existing aquatic resources that could result from the placement of fill materials along the outside of the proposed marina breakwater. 5

6. Pages 3.4-19 to 3.4-22

The shoreline riparian habitat is not adequately discussed in the DEIS. The different alternatives presented in the DEIS provide different upland park areas. However, it is unclear whether the different alternatives provide different shoreline riparian habitat areas. WDFW recommends that the redevelopment strategy maximize the shoreline riparian habitat area. 6

Water Resources

7. The Water Resources section of the DEIS does not discuss the design of the marina as it relates to water circulation and water quality. 7

Marina

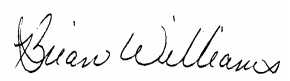
8. The DEIS discusses two marina configurations. WDFW recommends that the redevelopment strategy for the marina minimize the number of slips and maximize the available shallow water 8

habitat around the inner perimeter of the marina in order to enhance juvenile salmon migration through the marina. 8 Cont.

9. The proposed marina provides for a narrow shallow water corridor with a 2.5:1 slope around the inner perimeter of the marina. WDFW is concerned that the proposed shallow water corridor is too narrow and steep to support salt marsh and eelgrass habitats. WDFW recommends that the shallow water habitat areas in the northwest and southwest corners of the marina be expanded in order to provide a shallower slope that has greater potential to support salt marsh and eelgrass habitats. Salt marsh and eelgrass habitats within the marina will enhance water quality within the marina and provide migrating juvenile salmon islands of refuge in their migration through the marina. 9

WDFW appreciates the opportunity to provide these comments. If you have any questions, please call me at (360) 466-4345, extension 250.

Sincerely,



Brian Williams
Area Habitat Biologist
Region 4

Response to DEIS Letter 4

State of Washington Department of Fish and Wildlife

1. Comment noted. A reasonable upper level determination of potential impacts was utilized for analysis in the DEIS to provide a conservative SEPA analysis. As specific project elements of The Waterfront District redevelopment move forward through permitting and construction processes, WDFW will be engaged and allowed the opportunity to provide additional comments, as appropriate.

2. One of the difficulties inherent to shoreline and in-water permitting is resolution of different jurisdictional lines (different state and federal jurisdictional definitions are used during the permitting process for shoreline and in-water projects). The line that is typically used as the upper limit of intertidal habitat is Mean Higher High Water (MHHW), since this is the datum used by the U.S. Army Corps of Engineers (Corps). If the definition of Ordinary High Water (OHW) given the information contained in the comment was used, the acreages of both the impacts and the benefits to intertidal/shallow subtidal habitat would increase under the proposed redevelopment. Table 3-2 response to Comment 39 in DEIS Letter 4, presented in the DEIS as Table 3.4-3 and modified herein to include separate actions, has been further modified to include acreages relative to OHW (+10.0 MLLW), with OHW acreages in parentheses. This new analysis is also noted in **Chapter 4**, Errata, of this FEIS.

3. Potential impacts to eelgrass habitat in the site area are addressed in the SDEIS (refer to Section 3.4 and Appendix J). As indicated in the SDEIS, during state and federal permitting for in-water work, eelgrass habitat would be specifically delineated. Impacts to such habitat would be avoided and/or minimized to the extent possible. Should impacts be unavoidable to accommodate the proposed in-water facilities, mitigation has been identified to address such potential impacts (refer to p. 1-12 of the SDEIS under Plants and Animals).

4. Potential impacts to surf smelt habitat are also addressed in the SDEIS (refer to Section 3.4 and Appendix J). See to the response to Comment 3 of this letter.

5. Potential impacts to existing aquatic resources from the placement of fill materials along the outside of the proposed marina breakwater are addressed in the SDEIS. Placement of fill could generate temporary turbidity in the immediate vicinity and could temporarily impact benthic and epibenthic organisms in the footprint of the fill. Impacts to eelgrass habitat could also occur. Mitigation measures to address such potential impacts are identified in the DEIS and SDEIS (see the response to Comment 3 of this letter for more information).

6. Proposed shoreline riparian habitat types are discussed in the SDEIS (see Section 2.3.4, 3.4 and Appendix J for details). Alternatives 1-3 represent different levels of upland park development, but the shoreline habitat areas would be the same for these alternatives, as well as for the Updated Preferred Alternative. The Port proposes to use native riparian species in the park areas that are compatible with park use. True riparian habitat is not proposed in the Downtown Waterfront Area parks. Riparian vegetation would be installed more extensively along the shoreline of the Cornwall Beach Area, as indicated in the SDEIS Section 2.3.4, and Figure 2-12.

7. Water circulation and water quality considerations within the marina would be addressed as part of detailed design and permitting for the marina. Key considerations for water circulation within the marina include: maintenance of an appropriate length to width ratio (long, narrow basins reduce water exchange efficiency); minimizing obstructions to water exchange/circulation; maintaining appropriate elevations/grades along the marina bottom; and, using an appropriately sited and sized marina entrance. Water quality considerations include the use of: appropriate construction materials; spill prevention and stormwater control measures; fueling or pump out facilities; best management practices; and, boater education programs (see Appendix G to the DEIS for details).

8. The Port is proposing Marina A, the marina design with fewer slips (460) and more shallow water habitat (4.70 acres), as part of the Updated Preferred Alternative. Marina B, the marina configuration with more slips (600) and less shallow water habitat (3.70 acres), is part of the No Action Alternative. The Port believes that Marina A is the design that best meets all the diverse needs for the marina, including sufficient moorage, maximum shallow water habitat, and financial feasibility. Marina A could contain a maximum of 460 slips, but would likely contain substantially fewer; however, even with a lower number of slips the amount of habitat and parks would remain consistent with the Clean Ocean Marina concept. Under both marina scenarios, a net increase in new or enhanced aquatic habitat would result as compared to existing conditions, including substantially improved nearshore juvenile salmonids habitat.

9. The preliminary design of the proposed marina has been determined by the physical constraints of the site, as well as the Port's moorage needs. The area within the remediated ASB is limited, and the marina that would be constructed within that area must provide enough moorage to make the project financially feasible. The Port also desires to create valuable aquatic habitat within the marina, balanced with its moorage needs. The design of the interior slope of the marina breakwater is part of this balance: a steeper slope would provide more moorage and lower quality intertidal/shallow subtidal habitat, and a shallower slope would provide better habitat, but less moorage. Based on the Port's estimated moorage needs, the current proposal represents a reasonable balance between a financially-viable marina and provision of aquatic habitat. It should be noted that the proposed marina concept would result in substantial new shallow water habitat, as compared to existing conditions. The final design of the marina would be determined as part of the state and federal permitting process.

Response to DEIS Letter 5

City of Bellingham Office of the City Attorney

Per the March 10, 2010 letter from the City of Bellingham, the March 6, 2008 comment letter from the City of Bellingham City Attorney's Office regarding The Waterfront District DEIS has been withdrawn and is superceded by EIS Addendum Letter 1 (refer to EIS Addendum Letter 1, Comment 1).

Response to DEIS Letter 6

City of Bellingham Mayor's Office

Per the March 10, 2010 letter from the City of Bellingham, the March 10, 2008 comment letter from the City of Bellingham Mayor's Office regarding The Waterfront District DEIS has been withdrawn and is superceded by EIS Addendum Letter 1 (refer to EIS Addendum Letter 1, Comment 1).

www.pse.com

PUGET SOUND ENERGY

Puget Sound Energy, Inc.
P.O. Box 90868
Bellevue, WA 98009-0868

March 7, 2008

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

RE: Port of Bellingham Draft Environmental Impact for the Proposed New Whatcom Redevelopment Project

Dear Mr. Maron:

Puget Sound Energy has reviewed the above-referenced Draft Environmental Impact Statement (DEIS) for the Port of Bellingham's New Whatcom project. Although PSE supports redevelopment of the old GP mill site in concept, PSE objects to a key assumption made by the Port with respect to the continued operation of PSE's Encogen Plant. Our general and specific comments addressing the expected duration of the Encogen facility and related issues are set forth below.

1. General Comments

In general, PSE disagrees with the DEIS's assumption for Alternatives 1, 2 and 3 that "*the PSE Encogen Plant would continue operations on the site for the 2016 timeframe but would be assumed to cease operations by 2026.*" While the Port may desire a mixed use redevelopment of the GP mill site, such redevelopment will not change the important role of the Encogen Generating Station in PSE's customers and generation portfolio. PSE will continue to plan and rely on the significant electricity volumes generated by Encogen well beyond 2026.

Encogen is a critical & major component of the electrical generation system serving PSE's customers in Whatcom County. At approximately 170 megawatts, it is the County's second largest gas fired combined cycle combustion turbine plant and is capable of providing power for approximately 120,000 homes. Only Tenaska in Ferndale is larger, at 270 megawatts. 1

PSE's long term operating plan for Encogen is and will be driven by on-going business case analysis and integrated resource planning. The plant is located at a load center, with gas/water/sewer/transmission connections already established. Replacing Encogen with a similar sized plant would be challenging, both because it would be difficult to identify another site sufficiently close to the load served and because an alternate site would require significant existing infrastructure (gas/water/sewer/transmission). Permitting and constructing new power

plants is very expensive, controversial, risky and time consuming. With Encogen, PSE has an existing, well-located facility whose impacts have already been addressed and mitigated. The value of this to PSE's continued successful operation in the Bellingham area must not be underestimated.

In the 2007 Integrated Resource Plan (IRP) that PSE filed in May of 2007 with the Washington State Utilities and Transportation Commission, PSE's analysis targets a need to acquire 1,600 average megawatts (aMW) of additional power supply in the next decade, and 2,600 aMW by 2025. (By comparison, 2,600 aMW is roughly twice the electric power demand for the city of Seattle.) The IRP will meet these goals through a balance of enhancing energy-efficiency efforts, adding more clean and renewable energy resources, and relying on clean-burning natural gas. Specifically, the IRP leans most heavily toward natural gas-fueled generation for "winter" energy needs, listing 1172 aMW of combined-cycle combustion turbine energy by 2015, rising to 1893 aMW by 2027. The IRP also assumes that the existing 500 aMW of current natural gas-fired resources would likewise be maintained. Included in this total of current natural gas fired resources is the PSE Encogen facility. 1 Cont.

To better explain to the public how PSE will meet this increased demand for electricity PSE has stated publicly that we will need to bring a 250 megawatt natural gas fired combustion turbine generating plant and a 229 megawatt wind farm online every other year for the next twenty years. In general terms PSE needs many more natural gas fired combustion turbine generating plants over the next 20 years to meet projected demand, not one less.

For all these reasons, the only DEIS Alternative proposed that PSE can support at this time is the No-Action Alternative (Alternative 4), because that Alternative assumes that PSE will continue operation of the Encogen Plant beyond 2026.

2. Comments on DEIS Analysis Addressing Specific Elements of the Environment

In addition to the general comments discussed above, we offer the following specific comments. Most address inaccuracies in the DEIS analysis that should be revised for purposes of the FEIS.

a. On Page 1-16, Air Quality, Point Source Emissions, the DEIS states:

[The] "decommissioning of Encogen could remove up to 76 tons of criteria pollutants, and so removal of Encogen could result in a net benefit of reduced pollution in the area." (See, also, a similar statement at 3.2-18.) 2

This statement implies, at least, that the amount of criteria pollutants emitted by the Encogen Plant is significant. However, on page 3.2-8 the DEIS states that "air emissions from Encogen constitute only a small amount of Whatcom County's total emissions." The discussion of Encogen's point source emissions contained on Page 1-16 and 3.2-18 should clarify that Encogen's level of criteria pollutant emissions is not significant when considered in context. The discussion should also clarify that if the Encogen Plant is relocated within the Bellingham area, the net reduction in emissions assumed by the DEIS will not occur.

b. On page 1-46, the DEIS states:

> Currently, PSE's planning for the Encogen facility is to maintain onsite operations, and to use the facility as a "peaking" station during times of high energy use. However, for purposes of this EIS analysis, it is assumed that the Encogen plant would not be located at the site in 2026 under Alternatives 1 through 3. (Utility Impacts page 46 of 67)

3

While Encogen may also be run during time periods of peak demand, PSE's Encogen Plant is not a 'peaking' station in the true sense of the term. Encogen is a combined-cycle, natural gas fired combustion turbine plant. PSE will operate Encogen for the purposes of generating electricity whenever market conditions, demand or reliability dictate the need to run the plant. As indicated above, the Encogen Plant will continue at its current location for the foreseeable future, well beyond 2026.

c. On page 3.2-6, the DEIS states:

> Over the past 10 years, the NWCAA has received several odor-related complaints in the downtown Bellingham area and has given several notices of violation to various facilities for being out of compliance. Violations in the downtown area have been primarily due to charred wood particulate from wood-working industries and nitrogen oxide emissions from the Puget Sound Energy Encogen facility on the New Whatcom site.

PSE objects to the DEIS's assertion that the Encogen facility is one of the primary causes of odor-related complaints in the Bellingham area. PSE consulted with the Northwest Clean Air Agency and obtained the following information, all of which contradicts the DEIS's characterization. First, with respect to violations written by NWCAA for the Bellingham area over the last 10 years (which total 168), the Encogen facility has received only one violation for nitrogen oxide emissions. Based on data supplied by NWCAA, this equates to 0.6% of all Bellingham area violations over the last 10 years. Second, with respect to complaints received by NWCAA for the Bellingham area over the last 10 years (which total 3720) the PSE Encogen facility has been the subject of only one, which comprises less than 0.03 % of the total. In short, the Encogen facility has not been a primary source of either NOVs or complaints and page 3.2-6 of the DEIS should be revised to reflect that fact.

4

d. On page 3.10-2, Aesthetics, the DEIS states:

> Area 6 contains buildings and structures associated with the ongoing PSE Encogen facility and are reflective of intensive utility uses with several single-story metal buildings and over-head transformer facilities. A majority of this area is also in hardscape surfaces. (page 2 of 64)

5

This discussion should reference "over head transmission facilities" as the PSE Encogen facility includes no overhead (i.e. pole-mounted) transformers.

3. Other Considerations

All Alternatives for redevelopment of the New Whatcom site must assume the continued use and operation of PSE's Encogen facility through 2026 and beyond. Accordingly, both the City and the Port must consider and plan for compatible land uses adjacent to this important existing resource. All new Comprehensive Plan and zoning designations should be designed to create appropriate buffers or transitions between Encogen and future surrounding development. 6

PSE appreciates the opportunity to submit these comments for the record.

Sincerely,

Steve Feller
Senior Environmental Scientist

cc. PSE File
Encogen File

Response to DEIS Letter 7

Puget Sound Energy

1. Please refer to the response to SDEIS Letter 13, Comment 4

2. Please refer to the response to SDEIS Letter 13, Comment 7.

3. Please refer to the response to SDEIS Letter 13, Comments 7 and 9.

4. Please refer to the response to SDEIS Letter 13, Comment 11.

5. Please refer to the response to SDEIS Letter 13, Comment 12.

6. Please refer to the response to SDEIS Letter 13, Comment 16.

Response to DEIS Letter 8

City of Bellingham Public Works, Engineering Division

Per the March 10, 2010 letter from the City of Bellingham, the comment letter from the City of Bellingham Public Works Department regarding The Waterfront District DEIS has been withdrawn and is superceded by EIS Addendum Letter 1 (refer to EIS Addendum Letter 1, Comment 1).

LUMMI INDIAN BUSINESS COUNCIL
2616 KWINA ROAD · BELLINGHAM, WASHINGTON 98226 · (360)384-1489
DEPARTMENT LNR DIRECT NO. _____

March 10, 2008

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

SUBJECT: Lummi Nation Comments on the January 9, 2008 New Whatcom Redevelopment Project Draft Environmental Impact Statement

Dear Mr. Maron,

The purpose of this letter is to provide comments by the Lummi Natural Resources Department on the Draft Environmental Impact Statement (DEIS) for the proposed New Whatcom Redevelopment Project. The Lummi Cultural Resources Department may be submitting comments on this document under a separate cover.

1. The DEIS should also address National Environmental Policy Act (NEPA) requirements. Writing the DEIS in a manner that addresses both State Environmental Policy Act (SEPA) and NEPA requirements would ensure that the required federal permitting for the proposed clean up actions would be more stream-lined. This combined approach would better achieve Bellingham Bay Pilot Goal 6 (i.e., *Implement actions that are more expedient and more cost-effective, through approaches that achieve multiple objectives*). As written, the DEIS does not comply with NEPA both because cumulative effects and environmental justice issues associated with the considered alternatives are not evaluated and because the DEIS does not appropriately evaluate the proposed conversion of the ASB to a marina. 1

   Federal impact assessments specifically require treatment of cumulative effects during EIS procedures: "Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis. While impacts can be differentiated by direct, indirect, and cumulative, the concept of cumulative impacts takes into account all disturbances, since cumulative impacts result in the compounding of the effect of all actions over time. Thus, the cumulative impacts of an action can be viewed as the total effects on a resource, ecosystem, or human community of that action and all other activities affecting that resource, no matter what entity (federal, non-federal or private) is taking the actions." (EPA 315-R-99).

In addition, Executive Order 12898 of February 11, 1994 requires federal agencies to achieve environmental justice by addressing "disproportionately high and adverse human health and environmental effects on minority and low-income populations." The impacts of the project, both negative and positive, on minority and low-income populations must be analyzed. Environmental Justice issues include potential impacts on the physical and natural environment as well as social, cultural, and economic effects of the project. Based on the 2000 Census, the Lummi tribal members comprise the largest low income, minority population in the area and the physical, natural, social, cultural, and economic impacts of each of the proposed alternatives on the Lummi people need to be specifically addressed. 1 Cont.

The DEIS should be revised to comply with NEPA and specifically address both cumulative effects and environmental justice issues for each alternative.

2. The conversion of the Aerated Stabilization Basin (ASB) to a marina is an action that could significantly affect the quality of the human environment and should not be considered as part of the No Action alternative. By assuming that the ASB will be converted to a marina regardless of what else happens with the project area, the Port provides an inadequate analysis. The proposed ASB conversion should be evaluated as part of an alternative action, not part of the No Action alternative, because:
    - It will have an environmental impact;
    - It will result in adverse impacts which cannot be avoided with the proposed implementation;
    - The proposed conversion of the ASB should be compared to other alternative actions. For example, at a minimum the proposed ASB conversion should be compare to the alternative identified as Habitat Action No. 13 the Bellingham Bay Pilot Team. As described in Appendix A of the 2006 draft Supplemental Environmental Impact Statement (SEIS), Habitat Action No. 13 is the removal of the ASB from the water and establishment of intertidal and shallow subtidal habitat and marine buffers and/or eelgrass. This alternative would result in the single largest habitat gain (33 acres) of all of the actions identified by the Pilot Team. Habitat Action No. 13 is much more aligned with the Lummi Nation interests than the proposed ASB conversion and would therefore help the Port better address the cumulative effects of the proposed action, achieve environmental justice, and protect Lummi Nation treaty rights; 2
    - It will have both short and long-term effects; and
    - It is associated with irreversible and irretrievable commitments of resources.

The logic and level of analysis presented by the Port regarding the proposed conversion of the currently permitted ASB to a currently unpermitted marina defeats the purpose of NEPA and SEPA. The Port's presented logic is like stating that since an oil refinery is allowable in an area zoned for heavy impact industrial uses, constructing a new oil refinery could be considered as part of a No Action Alternative for a project to construct a nearby pier. The DEIS goes further to state that the probable significant impacts of the ASB conversion to a

marina are assumed to be fully analyzed in the DEIS (see for example Page 1-8 and 2-25) although this analysis is never presented. 2 Cont.

3. The DEIS erroneously concludes that there will be no impacts to navigation associated with the alternatives that were evaluated and therefore no mitigation measures are needed. In fact, the increased boat traffic in Bellingham Bay from the addition of the marina will interfere with the navigation of tribal fishers and therefore our ability to exercise our treaty rights.

   The DEIS does not adequately evaluate impacts of the proposed alternatives to tribal members and, without listening to Lummi Nation representatives, actually portrays all of the proposed alternatives as a benefit to tribal members. As described above, the DEIS presents a single-focused evaluation that results in a marina regardless of any other action without actually conducting an appropriate assessment of alternative uses of the ASB. All of the alternatives that were evaluated have impacts on Lummi Nation members. As examples:

   - The proposed conversion of the ASB to a marina will preclude opportunities for tribal members to exercise our treaty right of taking fish at usual and accustomed grounds and stations (U&A). Although the ASB currently prevents the exercise of this treaty right in a portion of the U&A, restoring the ASB site pursuant to Condition "S" of Permit No. 071-OYB-2-004368 (the permit issued to Georgia Pacific Corporation to authorize the construction of the ASB under Section 404 of the Clean Water Act) could restore eelgrass beds, associated habitat, and Lummi Nation fishing grounds. It should be noted that this permit was issued in 1976 without regard to active treaty fishing activity that was taking place at this location, which the ASB displaced, and without any consultation with the Lummi Nation. 3
   - Tribal members cannot physically deploy fishing nets or crab pots in an area that is covered by a marina or that has large volumes of vessel traffic (nor can they harvest shellfish in these areas due to contamination associated with marinas and associated shellfish bed closures).
   - The additional vessel traffic associated with the proposed marina, boat launch ramp, and temporary moorage development will interfere with tribal fishing in Bellingham Bay and nearby areas.

   These treaty right impacts need to be addressed in consideration of the current law, including without limitation, *Northwest Sea Farms v. U.S. Army Corps of Engineers,* 931 F.Supp. 1515 (WD WA 1996) and *Muckleshoot Indian Tribe v. Hall,* 698 F.Supp. 1504 (WD WA 1988); the failure of the initial permit issuance to consult with the Lummi Nation; and the failure of the initial permit issued to Georgia Pacific Corporation to address treaty right impacts.

4. The fact sheet (Page ix) in the DEIS includes the following errors:
   - A Section 402 (NPDES) permit will be needed from Ecology both for the construction and for operation of the proposed plan (not the U.S. Army Corps of Engineers). 4
   - The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency jointly administer section 404 of the Clean Water Act.

- The Corps of Engineers does not issue Section 401 Certifications. For the proposed project, the certification is issued either by the EPA or Ecology (in consultation with the Lummi Nation). 4 Cont.

5. The description of the Bellingham Bay Demonstration Pilot Project in section 2.2.1 should include a statement that the collaborative Bellingham Bay Pilot Team concluded that Habitat Action No. 13, the removal of the ASB from the water and establishment of intertidal and shallow subtidal habitat and marine buffers and/or eelgrass, would result in the single largest habitat gain of all of the actions identified by the Pilot Team in Bellingham Bay. 5

6. The list of comment letters from the EIS scoping period should be corrected to identify the Lummi Natural Resources Department, not the Lummi Nation, as the source of a comment letter submitted during the scoping period. 6

In summary, objectively addressing NEPA requirements including those for cumulative effects and environmental justice issues, removing the marina conversion from the No Action alternative, evaluating all appropriate alternatives including restoration of the ASB site, and addressing navigation and treaty rights impacts would help complete the analysis and support the selection of an appropriate preferred alternative.

Sincerely,

Merle Jefferson, Executive Director
Lummi Natural Resources Department

cc Henry Cagey, LIBC Chairman
Elden Hillaire, Lummi Natural Resources Commission Chairman
Richard Grout, Washington Department of Ecology
Michelle Walker, Corps of Engineers
Richard McAllister, Environmental Protection Agency
Dan Pike, Mayor of Bellingham

Response to DEIS Letter 9

Lummi Natural Resources Department

1. Refer to the response to SDEIS Letter 8, Comment 1.

2. Refer to the response to SDEIS Letter 8, Comment 2.

3. Refer to the response to SDEIS Letter 8, Comment 4.

4. Comments noted. The Final Environmental Impact Statement (FEIS) Fact Sheet has been updated to reflect these comments.

5. Section 2.2.1 has been modified as described in this comment. Please refer to **Chapter 4**, Errata for the modifications to the Environmental Health discussion.

6. The list of letters received during the scoping comment period provided in the DEIS has been modified to indicate that a letter was received from the Lummi Natural Resources Department. Please refer to **Chapter 4**, Errata.

Dear Mr. Maron,

Subject: New Whatcom Redevelopment Project Draft Environmental Impact Statement comments

We appreciate the opportunity to comment on the aspects of the New Whatcom Redevelopment's environmental impacts to the Nooksack Tribe's Treaty Resources. As we have stated previously in comments to the Consent Decree for the Whatcom Waterway Cleanup, Whatcom Creek and the Bellingham waterfront were traditional gathering places for the Nooksack people.

Cleanup and redevelopment of this area has direct relevance to the restoration of our treaty-protected rights to harvest shellfish and fin fish from the Bellingham waterfront. We anticipate that the waterfront redevelopment will restore habitat conditions that are suitable for use by the range and numbers of fish and shellfish that historically occupied Bellingham Bay and the Bellingham shoreline. And, we expect that the cleanup and redevelopment will be designed and conducted with the goal of recreating conditions that facilitate safe consumption of fish and shellfish harvested from the Bellingham waterfront. With that goal in mind, a reduction of contamination in the water and sediments at the site and migrating from the site due to the Redevelopment activities are of primary concern to the Nooksack Tribe. 1

Some of the documents compiled for the site assessment for previous cleanup efforts show that mercury, high pH sediments, landfill waste, hydrocarbons and other contaminants are contained in the sediments that make up the subsurface of the New Whatcom Redevelopment area. The DEIS states that up to 75,000 cubic yards of sediment are planned for excavation and replacement during construction. Although mention is made of the limitations that contaminated sediments place on options for redevelopment, the full analysis of environmental impacts associated with disturbing, excavating, removing, replacing and disposing of the contaminated sediments that are likely to occur with construction on the site is lacking from the document. We expect that the removal and replacement of these sediments will mobilize contaminants into the surrounding environment. Specific analyses of the potential environmental impacts to the surrounding water and the marine species resident in those waters from the remobilization of contaminants should be included in the DEIS. 2

Adoption of the preferred redevelopment alternative(s) should take into account the options that are most likely to reduce contaminant migration from sediments to the surrounding neighborhoods, the near shore habitat and the resident species in the near shore environment. 3

Sediment contamination has migrated to the groundwater moving below the site and discharges to the shorefront area. During redevelopment construction the movement of sediment is very likely to affect the processes contributing to groundwater contamination and migration. Groundwater discharging through the subsurface of the New Whatcom site also supports the habitat of the near shore environment. Discharge of contaminated groundwater in the near shore has the potential contaminate clean cap sediments that are placed as part of the Whatcom Waterfront cleanup. It appears in Figures 2-43, 2-45, 2-46 that over 2,500 linear feet sheet pile will be driven into the shoreline along a significant length of the Whatcom Waterway and the I & J Waterway to reduce the 4

discharge of contaminated groundwater to the near shore environment. The consequences to shoreline habitat in the Whatcom and I & J Waterways from the redirection of groundwater discharge associated with the sheet pile emplacement should be included in the environmental impacts analyzed in this document. 4 Cont.

Stormwater runoff from the New Whatcom site, the Encogen facility, an unknown portion of downtown Bellingham, and Western Washington University discharges through the New Whatcom site and into Bellingham Bay. The DEIS states that the Aerated Stablization Basin, currently used for stormwater treatment will be removed from operation . Although the need for new stormwater treatment facility(s) is mentioned on page 3.3-4, there are no replacement treatment facilities identified or analyzed in the document.
The analyses of environmental impacts due to discharge of stormwater to the Bellingham shorefront is not possible without the identification of alternatives to use in the evaluation. As such, the document is deficient with respect to analyses of stormwater discharge impacts to the environment. Additional analyses of stormwater impacts should be added that include: the volumes of stormwater to be treated, as prescribed in the 2005 Stormwater Management Manual for Western Washington (although Appendix F and G refer to these calculations, the tables with the values and the actual values themselves are missing from Appendix F), the treatment alternatives and the location and design specifications of the treatment facilities options. 5

The limitation placed on the use of groundwater infiltration for stormwater treatment due to the presence of contaminated groundwater is noted on page 3.3-9. However, this limitation is not reflected in the choice of treatment methods proposed in Appendix G. Bioretention, one of two stormwater treatment methods described in the Water Quality report in Appendix G, relies on infiltration of stormwater through organic sediments and vegetation. The water quality analyses should be recalculated using appropriate stormwater treatment methods for the site, the stormwater runoff volumes calculated by methods prescribed in the SMMWW, and actual constituent concentrations in stormwater discharging from the at least one of the stormwater outfalls on the site. 6

We look forward to reviewing the expanded analyses in the Final Environmental Impact Statement for the Whatcom Redevelopment Project, given the far ranging implications of the work anticipated. If there's anything we can provide to clarify or better inform these comments, please let me know.

Respectfully,

Llyn Doremus
hydrologist
Department of Natural Resources
Nooksack Indian Tribe
PO Box 157
Deming, WA 98244

Response to DEIS Letter 10

Nooksack Indian Tribe Department of Natural Resources

1. The DEIS analyzed proposed redevelopment of The Waterfront District site. Environmental cleanup of sediments and upland sites within The Waterfront District site has been/will be evaluated in past and future environmental reviews. The commenter is correct that the waterfront cleanup and redevelopment is being designed and conducted consistent with the goal of facilitating safe consumption of fish and shellfish. Please note that there are no current restrictions on fish or shellfish gathering due to site-related contaminants.

2. Management of contaminated sediments within The Waterfront District site is being conducted as part of separate sediment cleanup actions. The environmental impacts and mitigation measures associated with the cleanup actions in the Whatcom Waterway were evaluated in the *Whatcom Waterway Final Supplemental EIS* (RETEC, 2007). Future sediment cleanup actions within the I&J Waterway will be addressed under separate environmental reviews at the time of the RI/FS and during engineering design and permitting. The sediment management conducted as part of the redevelopment included management of clean marina berm sediment, which is not a source of contaminants.

3. The cleanup decision for the Whatcom Waterway cleanup site and the associated SEPA review documented in the 2007 Final SEIS for that site considered a range of alternatives. The preferred alternative provided the best methods for protecting the nearshore environment from short-term and long-term contaminant exposures. That cleanup decision also considered potential future land uses, including those associated with the proposed Waterfront District redevelopment. Where practicable, the in-water redevelopment activities and separate actions planned by the Port will be integrated with the design, permitting and construction of the cleanup action to ensure coordination of activities, provide for holistic environmental review, and minimize construction impacts to juvenile salmonids and sensitive aquatic organisms.

4. The Whatcom Waterway RI/FS described the source control evaluations that have been conducted at the adjacent Chlor-Alkali Plant cleanup site and the Central Waterfront cleanup site. While final cleanup of these upland sites has not been completed, the sites have been studied as part of on-going RI/FS activities. Groundwater evaluations have been performed at both sites indicating that the sites do not present ongoing recontamination concerns for the Whatcom Waterway sediments. Monitoring within the Log Pond has demonstrated that groundwater sources of contamination to the Log Pond are sufficiently controlled to prevent surface water quality impacts or sediment recontamination. Tissue monitoring for crabs within and near the Log Pond has demonstrated that seafood mercury levels are low and are declining. There is no evidence that these other sites are adversely impacting the Whatcom Waterway site. Final upland cleanup actions will address any measures necessary to ensure long-term protection of groundwater and surface water quality, considering current and proposed future land uses. As Chapter 2 of the DEIS described, some bulkheads may be included as part of redevelopment actions along the Whatcom Waterway or I&J Waterway shorelines. These are development features and are not intended to serve as barriers to

groundwater flow. Because they would not significantly affect groundwater flow, no groundwater-related impacts to habitat conditions would be anticipated.

5. Please refer to the response to SDEIS Letter 2, Comment 10. The DEIS and SDEIS included extensive analysis of the range of potential stormwater pollution prevention measures (including the use of low impact development principles, and water quality treatment facilities) (see Appendix G to the DEIS and Appendix I to the SDEIS for details).

6. The two citations included in the comment are not contradictory. The use of bioretention does not necessarily require infiltration (e.g., retention facilities can be lined to separate the prepared soil medium from underlying capped remediation areas).

BELLINGHAM BAY FOUNDATION

CLEANUP | PUBLIC OWNERSHIP | GREAT REDEVELOPMENT

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"In an increasingly diverse nation, in which our social, intellectual, and spiritual realities can be as varied as our genealogy, the physical world is the one thing that we truly share. All the more important, then, that we work on it together."

Dear City Council, Mayor Pike, City of Bellingham Planning Department, Waterfront Redevelopment Office, Port of Bellingham, and Andrew Maron (SEPA-Responsible Official for the Port of Bellingham):

As we all draw closer to making decisions about the former GP mill site, the Bellingham Bay Foundation is encouraged by the new leadership of the City Council, Mayor Pike, and of the City's administrative staff at the Waterfront Redevelopment Office and Planning Department. We maintain that the worst thing to happen on the waterfront isn't "nothing" but making costly, dangerous, and irretrievable mistakes: packing residents on loose, contaminated, liquefiable soil; planning the site for wide streets and wasteful, large bridges; spending public money on infeasible infrastructure; dismissing the concerns of geological and environmental professionals who have critiqued the plans so far. It is important that we all move forward together, but it is equally important that "us" includes not just the Port and City, but the tribes, the professors of Western, the neighborhood activists, and the citizens of Bellingham, who have stayed with this process despite challenges from both the Port and our own elected representatives. It is with a renewed hope that the Bellingham Bay Foundation humbly submits these comments, and with genuine gratitude and pleasure we acknowledge Jack Weiss, Stan Snapp, Barry Buchanan, Gene Knutson, Dan Pike, Tim Stewart, Len Johnson, John Blethen, Robyn DuPre, the Lummi Nation, the Nooksack Tribe, and all those who have spoken up, written comments, signed petitions, and worked toward making this a waterfront for all of us.

Sincerely,
Frances Badgett

Bellingham Bay Foundation | www.info@bbayf.org | www.bbayf.org

The proposal the Port has brought forward recommends 60-65' wide streets, 5 large bridges (including the roundly condemned Laurel Street Bridge), a park at the severely contaminated Log Pond, high density development, a reliance on environmental controls over the removal of toxins, and that ever-present marina. The Bellingham Bay Foundation would like to see the City work toward a plan that better incorporates bike and pedestrian access with beautiful connecting trails, stunning waterfront parks, clean soil, low residential density, restored habitat, and a strong, but not draining, connection to downtown. The Triple Bottom Line starts now. 1

Despite the huge strides the City is making in planning, we still see some barriers to the hopeful vision we all share. The Port of Bellingham still places huge capital projects in the "No-Action" Alternative. 2 The Port also retains the SEPA lead on the redevelopment. We believe that, as with other major developments, SEPA authority should not reside with the developer. We see this as an inherent conflict of interest. 3 We remain concerned about the legal framework of the Interlocal Agreement signed in 2005 and supplemented 5 times. We hope the City finds a way to set aside the promises made in those documents and absorbs the legal consequences for the good of the community. We recognize the difficulty of doing so, and commend the City for its actions so far. 4 We continue to oppose a mega-yacht marina in the ASB. Even if funded entirely through MTCA, the marina would be of significant cost to the public, and the most expensive cleanup option that results in the least actual cleanup performed. We also feel that this community could see cleanup and a higher, better, and cheaper use for that site. The Port's reason for taking over the GP property was to create a marina in the ASB, and we remain concerned that the best planning (as with the best cleanup) will suffer as a result of this skewed priority. 5 We remain hopeful that the City will reconsider their early endorsement of this unprecedented capital project. Finally, we want to see absolute excellence in planning, with the most creative minds engaged in what should be an exciting planning challenge. We feel the consultants hired by the Port have chosen, either at the Port's direction or of their own aesthetic, the least imaginative plans so far. 6

The Bellingham Bay Foundation enthusiastically supports the formation of a Public Development Authority. 7 We also support the City's and the WAG's recommendation of having one, legally defensible preferred alternative. 8 We agree that a single preferred alternative gives the public

the best opportunity to accept or decline various elements of the DEIS. For its 1300 pages, the Port's DEIS is shockingly vague given the undertaking with which the Port has been charged. Finally, we continue to oppose the Planned Action EIS, preferring instead a more phased approach. 8 Cont. 9

Earth

Geology

The section "Earth" of the DEIS should be far more extensive, offer more supporting scientific information, and should comprehensively address the entire site. The general comments offered are not detailed enough for a project that anticipates residential density, college classrooms, offices, et cetera. One paragraph on sea level rise is not acceptable, particularly given that the Port's estimates for sea level rise (2.4 feet) are much more optimistic than the City of Bellingham's Planning Department estimates (6-10' in some parts of the site). This discrepancy should be examined and fully explained to the public. The Port's proposal of "grading" to artificially reduce the dangers of sea level rise should not be considered. "Grading" is a possibility. Sea level rise is imminent. 10 11

During the scoping process for the EIS, professors from the Western Washington University Department of Geology recommended a comprehensive geological study for the entire waterfront overseen with their extensive professional expertise. They were publicly derided in the press by Port of Bellingham officials and administrators at Western Washington University. We strongly support the position of the geologists who have studied the Kendall fault, the Nooksack Delta, and other possible geological impacts on the waterfront. These professionals do not oppose redevelopment of the waterfront, rather they prudently recommend that all construction be conservatively designed and carefully considered given the complicating factors of loose fill in a seismically dangerous area. After meetings with the Port, the geologists were not convinced that the Port's process would be protective enough, given the dangers of liquefaction. 12

In addition, the information provided in the DEIS on tsunami risk is extremely vague and insufficient, and does not take into account a possible collapse in the Nooksack River delta. The extent of development proposed by the Port is too great for this statement to suffice: "While the modeling can be a useful tool to guide evacuation planning, it is not of sufficient resolution to be useful for land-use planning." Thorough study, 13

including modeling, should be used to fully examine the risk of tsunami. In comments to the press, a Port official's proposal in the event of a tsunami was to have Western provide lifeboats for students. This is neither acceptable nor responsible. 13 Cont.

Grading

The Port proposes "grading" the site to support infrastructure and create parking garages and underground utility corridors. The DEIS states that grading "could potentially disturb contaminated soils within the site. As part of the site cleanup process (for various parts of the site subject to cleanup requirements under the Model Toxics Control Act and implemented by Ecology), soil management provisions and institutional controls would be adopted to address site construction and redevelopment activities in relation to cleanup requirements and plans (see Section 3.5, Environmental Health, for more information on the cleanup process)." This statement only reinforces the Bellingham Bay Foundation's position that mercury should be removed from the most contaminated areas (the Chem-Fix and Caustic Groundwater Plume) before construction begins. Institutional controls, grading, and other mitigations are far more expensive and unnecessarily complex than removing mercury at the outset. Removing mercury before construction also reduces future liability and reduces the potential for accidental exposure. We feel it is the shared responsibility of the City of Bellingham and Whatcom County to insist that mercury be removed. It is the solemn duty of our elected leaders to protect the citizens of this city and county from exposure to dangerous and well-documented contamination. 14 15

Groundwater

Areas of the GP site are saturated with groundwater, complicating construction. The Port proposes excavating and dewatering the soils of those areas. (We are moved to ask why we would do so to make development easier, but not to remove contamination?) Given the ability of contamination to move through groundwater, we would like to see this plan very carefully outlined and illustrated. Where would dewatering take place? What facility would be used for this? Should it be permitted and constructed, dewatering of the marina includes flushing the water through the City of Bellingham's sewer system. Is this the method the Port has chosen for the uplands as well? The public needs full and clear information on this process for the entire site. 16

Landfills

The DEIS lists the Cornwall Avenue Landfill and the Roeder Avenue Landfill, but does not discuss in depth the Chem-Fix, Caustic Groundwater Plume, Lake Aho, or the RG Haley site. We believe 17

anywhere GP or other industrial tenants dumped contamination should be counted as a landfill, and, depending on the level of contamination, removed.

17 Cont.

Air Quality

Encogen Plant

The largest air quality issue on the former GP mill site is the Cogeneration Plant. We understand that the closure of the CoGen within the coming decade is anticipated. In addition to the closure of the CoGen, a pedestrian- and bike-oriented site would automatically reduce carbon emissions and vehicle exhaust. Good planning—including an environmentally sensitive transportation plan—will protect air quality. Not inviting 600 pleasure boats to the waterfront would also maintain high air quality.

18

Water Resources

Stormwater

The inadequate handling of stormwater during and after redevelopment has the potential to recontaminate the Whatcom Waterway (as happened at the Foss Waterway in Tacoma). The Bellingham Bay Foundation has never been satisfied with the Port and Ecology's assumption that mercury from the Chem-Fix and Caustic Groundwater Plume is not poised to enter the Log Pond and Whatcom Waterway. We believe that the removal of mercury will mitigate the concerns about contamination and groundwater.

19

Even without mercury, petroleum and other contaminants are still of concern, particularly regarding reconstructed habitat. The Port admits in this DEIS that they are at a loss to treat stormwater without the use of the Aerated Stabilization Basin. The DEIS also describes Area 8 (which contains the former Chlor-Alkali plant) as having no adequate stormwater treatment and "sheet flows into the bay." In addition to a comprehensive geological study, we'd like to see a comprehensive stormwater plan for the site before development begins.

20

Cleanup Standards

The DEIS references "mixed-use" as interchangeable with "residential." To be clear, there is no "mixed-use" standard under MTCA. The standard for cleanup of upland sites is either industrial or residential. The Bellingham Bay Foundation recommends MTCA residential B, which would allow for a reasonably protective level. MTCA A is generally reserved for areas where wells would be placed. The DEIS does accurately illustrate the Port's plan for cleanup of the uplands: to cap the most contaminated areas and leave those areas as they are or remediated in a patchwork if/when developers purchase individual parcels. Many large areas of the GP site have high groundwater, creating many pathways for contamination to move throughout the site. 21

We strongly encourage the City to push for a more protective standard of cleanup, and a thorough cleanup before construction begins. 22

Contaminated Sites

For quick reference, the most contaminated sites on the waterfront are the Chem-Fix at the former Chlor-Alkali facility, the Caustic Groundwater Plume, Lake Aho, and RG Haley. The TOC (toxin of concern) at RG Haley is hexavalent chromium, which is not listed in the DEIS. Hexavalent chromium was the TOC in Hinkley, California that caught the attention of Erin Brokovich. We request that the City ensure that the cleanup of the RG Haley site is carefully monitored. Note that the Aerated Stabilization Basin is not on this list. It is not, as was roundly publicized by the Port and City, the "most" contaminated site on the waterfront. In its current upland state it is, in fact, one of the cleanest. 23 24

Institutional Controls

The Bellingham Bay Foundation believes that cleanup should take precedence over capping, mercury vapor monitors in building lobbies, and other environmental controls. These controls are expensive and, in the case of mercury vapor, dangerous. What is the procedure if the mercury vapor monitor in the lobby of your condo building goes off? What kind of exposure have you just received? And how do you evacuate, if the vapor hugs the bottom floors of a building? Do you feel safe living on the second floor above the lobby? Removing mercury is, by comparison, safer and cheaper. Risking exposure later is not acceptable. Bear in mind that the 25 26

Port has stated they will not remove any contaminated soil. It is up to the City to bring pressure to bear to protect future generations. 26 Cont.

The Port assures that as new areas of environmental contamination are discovered (as happened during the construction of the CoGen plant) those areas will be addressed. We are receiving this assurance from an agency that has proposed to only remediate the site to an industrial level of cleanup. Who, then, cleans up those new areas of contamination? We need a better plan for dealing with potential pockets of mercury and other contaminants throughout the site. 27

Population, Employment, And Housing

Growth Management and Affordable Housing

The development assumptions as formulated by CollinsWoerman for the Port of Bellingham are calibrated for non-residential luxury condos. If we are to use the waterfront as a tool in absorbing residents toward our GMA goals, we need to put in place mechanisms that will make the waterfront affordable for all of Bellingham's residents. These assumptions are in the supplemental document of the DEIS which was neither distributed widely nor made easily accessible to the public. 28

Employment at the site has been severely reduced by the closure of GP. 29

The Port's only realistic projection for employment is the proposed marina, which would provide 59 part-time, seasonal jobs. We believe the waterfront has significant institutional and economic potential, particularly if more educational institutions other than Western were located on the site. Beyond retail, restaurants, and tourism, there has been no meaningful discussion about the kinds of jobs we could bring to our waterfront. Part of that problem is that a Google or Yahoo would not locate their employees on capped contamination. In order to realize our brightest economic and cultural potential, the site has to be clean before construction begins. 30 31

We also believe that, given the major geological and environmental challenges of the site, it is dangerous to assume that residences and offices (particularly at high densities) are feasible. Other than just plain logic, a No-Action Alternative should contain no actions for this reason. 32 33

History

Tribes

The Lummi Nation, Nooksack Tribe, and other tribes have voiced opposition to the Port's proposal for cleanup and redevelopment of the waterfront. We believe that it is crucial for our elected leaders at the City to restore a respectful relationship with the tribes and work with them toward honoring their rich history. The discussion around the Laurel Street Bridge and the discovered midden was exceptionally disrespectful on the part of the City of Bellingham (comments included "It's not that big of a deal" and "It won't stop us from building that bridge.") We should, as a community, plan for a vision that is long-term, respectful, and inclusive.

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Transportation

In all the public comment periods, people were very clear that they would like to see meaningful public access, i.e. trails and bike paths. Narrow streets, interconnected trails through greenspaces, and small public transit vehicles should be the backbone of the redevelopment plan. Wharf Street's gentle slope toward the site should be maintained. Large, wide streets, large bridges, and mega-yachts should be stripped from the plan. An over-water connector to Boulevard Park makes good sense, as does a small vessel system at the head of the waterway for fishing and visitor moorage of small boats. Kayak landings and small boats should take precedent over larger vessels. Shipping should be restored at the shipping terminal as an appropriate water-dependent use under the SMA. The moving of the railroad tracks should be carefully considered, as they stabilize the soil around them and provide a transportation option that could be used far into the future.

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Public Services and Facilities

Schools

The former GP mill site is too contaminated for any discussion of possible schools or daycares. Based on the tragedy at Love Canal and the role the school board played in encouraging that development, there is now a

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federal law preventing elementary and secondary schools from locating on or near contaminated property. Mercury exposure is particularly dangerous for women of childbearing age.

36 Cont.

Parks

From the WFG to the design concept and visioning process, to the Scoping EIS, to the current comment periods, parks are the single most desired public asset on the waterfront. Design concepts from the Bellingham Bay Foundation and the Blethen/Christensen and Friends were popular because they emphasized parks. Our recommendation is for a combination of large, waterfront parks, and smaller pocket parks. Parks should be viewed as essential infrastructure, adding value and service to all of Whatcom County.

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Conclusion

The Bellingham Bay Foundation encourages a long-term vision for the waterfront. If it seems the Bellingham Bay Foundation places a tremendous amount of emphasis on cleanup, it's because without a clean foundation, the best and brightest vision of the waterfront can't be realized. The conversation around cleanup from the governmental stakeholders has not been robust. Cleanup is a critical first step in the redevelopment. The BBF has also been interested in seeing as much of the site as possible placed in public ownership. We are very pleased to see the formation of a public development authority, as was recommended by the Waterfront Futures Group. Public ownership will give the community a stake in how the site is developed and managed, and long-term leases will pay dividends well into the future. We recommend that the Port consider this method for whatever sections of the upland they control. We are also dedicated to excellence in planning, and we have grave concerns about the plans the Port has presented so far. We are hopeful that the best ideas that have come forward from the BBF and the community during design concept phase will be reopened and incorporated into the final plan as well. Cleanup, public ownership, and good planning are the keys to a waterfront that will pay cultural, economic, and environmental benefits long into the future. Thank you for your time and consideration.

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Response to DEIS Letter 11

Bellingham Bay Foundation

1. Please refer to SDEIS Commentary 20, Comment 1.

2. The actions identified and analyzed under DEIS Alternative 4 (No Action) are those that are identified by the Port as planned with or without mixed use redevelopment and are appropriate for analysis under the No Action Alternative. Please refer to SDEIS Commentary 22, Comment 2.

3. The Port of Bellingham is a governmental agency for a special-purpose district (in this case a port). Per WAC 197-11-926, when a governmental agency initiates a proposal, it is the lead agency responsible for complying with the State Environmental Policy Act (SEPA) procedural requirements. As indicated in Section 2.3 of the DEIS, in January 2005 the Port and City of Bellingham entered into an Interlocal Agreement confirming that the Port would serve as the lead agency under SEPA (WAC 197-11-050) for The Waterfront District redevelopment project.

   The Waterfront District Redevelopment EIS is intended to provide impartial discussion of the significant environmental impacts of the proposed actions. As lead agency under SEPA, the Port has gathered public and agency comments regarding specific topics and issues at several junctures during preparation of the EIS (i.e. during EIS scoping, and during the public comment periods for the DEIS, SDEIS and EIS Addendum). These comments helped direct the information and analysis contained in the documents. This FEIS provides responses to all of the substantive comments received on the DEIS, SDEIS and EIS Addendum.

4. The City of Bellingham has been working in partnership with the Port of Bellingham in planning efforts and environmental review of a range of approaches to support the community vision articulated by the Waterfront Futures Group. The Port and City continue to coordinate efforts under Interlocal Agreement.

5. The commenter's opposition to development of a marina in the ASB is noted for the record. However, cleanup of the ASB is part of a separate completed cleanup decision. The Port shares Ecology's stated position on the cleanup. In response to comments on the Consent Decree, Ecology addressed this concern stating:

   "The proposed cleanup action for the Whatcom Waterway Site is necessarily based upon the Port's planned uses of the Site. Land and navigation uses inform the evaluation of exposure pathways. As a result a clear understanding of these uses is fundamental to developing cleanup actions that eliminate exposure pathway and protect human health and the environment. Ecology is not clear as to the basis for the assertion that the proposed cleanup is less protective due to the Port's planned uses. The proposed cleanup action meets the requirements of MTCA and SMS, protecting human health and the environment given the Port's planned land and navigation uses."

6. Comment noted.

7. Most of the property within The Waterfront District is currently under public ownership by the Port, City and Washington State. Much of this property will likely remain under public ownership, including the marina, most of the Marine Trades Area, street and infrastructure right of ways, public parks, the Bellingham Shipping Terminal, and state-owned lands managed by the Department of Natural Resources. Some land may be managed by the City's Public Development Authority. Some land may be managed under Western Crossings, an entity created by the Port and Western Washington University to support efforts to develop a new extension of the university within The Waterfront District. Environmental cleanup under the Model Toxics Control Act will continue to be performed by the Port and City under oversight by the Department of Ecology.

8. Please refer to SDEIS Commentary 20, Comment 1.

9. Comment noted. Please refer to response to SDEIS Letter 2, Comment 2.

10. The Port considers the level of detail provided in DEIS Section 3.1 and subsequently SDEIS Section 3.1 analysis of geotechnical considerations for redevelopment of The Waterfront District site adequate for SEPA compliance and for purposes of this Planned Action EIS. As stated in the Section 3.1 mitigation measures in both the DEIS and SDEIS, as specific project elements move forward for permitting and construction in the future, additional site-specific geotechnical analysis could be required. Please also refer to response to SDEIS Letter 2, Comment 2.

11. The sea level rise projections discussed in the DEIS are based on reputable studies by regional experts in the field, including the University of Washington and State Department of Ecology. There are no significant discrepancies between the current sea level rise estimates supported by the City of Bellingham Planning Department and the projections discussed in the DEIS and SDEIS. The proposed grading plan is a fundamental component of site redevelopment. As part of the approach for future mixed-use redevelopment (potentially including the Master Plan, Development Regulation or Development Agreement, as well as permits to allow grading and construction), conditions would be imposed to ensure that specific grading plans consider the potential for sea-level rise and are implemented consistent with the concepts assumed in the SDEIS. Therefore, the condition that site grading is one measure to mitigate the potential impact of sea level rise is considered appropriate for the EIS analysis. The potential impact of sea level rise would likely occur whether or not the proposed site redevelopment activities occur. (Also refer to the responses to Comment 3 of DEIS Letter 3 and Comment 2 of SDEIS Letter 10).

12. Refer to the responses to comments in SDEIS Letter 10 and DEIS Letter 29. It is believed that the various issues raised by the WWU Geology Department have been adequately addressed in the EIS. As noted in the DEIS and Appendix D to that document, the site lies within a seismically active area and the potential for moderate to high levels of ground shaking at the site exists. Certain soils deposits at the site may be subject to ground motion amplification and liquefaction during a significant earthquake event. Seismic design, using the most recent design codes and generally accepted engineering standards and practices, should be conducted during the design and permit phase for future site improvements.

13. Refer to the responses to comments in SDEIS Letter 10 and DEIS Letter 29. The geologic hazard posed by a tsunami generated by a large Cascadia Subduction Zone earthquake was adequately addressed in the DEIS and Appendix D to that document.

14. The selection of the final cleanup actions at the upland remediation sites located within The Waterfront District site will be made by Ecology and will be documented in the final Cleanup Action Plans. Ecology's cleanup decisions are performed consistent with MTCA remedy selection criteria. Those criteria consider the issues raised by the commenter, including the protectiveness of the cleanup under current and future proposed land uses and overall cost effectiveness considering short and long-term costs and the environmental benefits achieved by different cleanup alternatives. The cleanup decision for the Chem Fix and caustic plume areas will be made by Ecology as part of the cleanup decision for the Georgia Pacific West site. Public review opportunities will be provided at the time of the draft RI/FS and the draft Cleanup Action Plan. Institutional controls are likely to be required as part of any cleanup action for the Georgia Pacific West site. As described in Section 3.5 of the DEIS, these institutional control measures provide for long-term protection of human health and the environment following implementation of the cleanup action.

15. Please refer to the response to Comment 14 in this letter.

16. Cleanup of upland sites will be part of a separate future environmental review process. This process will consider all appropriate and practicable means to address groundwater contamination. The DEIS identified appropriate mitigation measures to adopt in the event that dewatering takes place as part of redevelopment activities. Dewatering is a possible option, but may not be necessary. Any future dewatering in areas with contaminated soils and groundwater would undergo further detailed design and environmental review, including review of proposed methods by Ecology to verify compliance with remedy institutional control requirements, as described in Section 3.5 of the DEIS.

17. Section 3.5.2 of the DEIS referred to reports that examine each of the sites in depth. The R.G. Haley site is included as part of the Cornwall Beach Area, and information on the Chem-Fix area and the caustic plume can be found in the reports referred to in the discussion of the Chlor-Alkali facility. "Lake Aho" refers to another portion (former settling pond) of the former Chlor-Alkali facility, although the name "Lake Aho" is not commonly used. These reports are part of the public record and were made available by the Port as part of their Due Diligence (they can be reviewed at Ecology's website). Cleanup of each of these sites is part of a separate future environmental review process.

18. Subsequent to issuance of the DEIS, PSE informed the Port that it is anticipated that the Encogen Plant will operate to the year 2026 and beyond. Please refer to the response to SDEIS Letter 13, Comment 2 for details on the PSE Encogen Plant.

    The transportation analysis assumes a reduced dependence on the automobile than observed in the City of Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Mitigation strategies, including implementation of a TDM program, provision of pedestrian, bicycle, and transit amenities, and coordination with WTA to provide transit routes are provided in the EIS Addendum, SDEIS and the DEIS.

19. The potential for stormwater to recontaminate the Whatcom Waterway has been studied by Ecology and the Port, including sediment sampling during the RI/FS and during the engineering design process for the Whatcom Waterway cleanup action. Future sediment monitoring is included as part of the Cleanup Action Plan, including planned monitoring near significant stormwater discharge locations.

    The Chem Fix and caustic plume areas are subject to ongoing study as part of the Georgia Pacific West RI/FS. Those studies are assessing the fate and transport characteristics of the mercury in these areas. The potential for contaminant migration will be an important element of Ecology's cleanup decision for this site.

20. Stormwater planning for The Waterfront District site, as documented in the DEIS and SEIS, addressed the future management of stormwater after use of the ASB for stormwater management is discontinued. This includes management of stormwater from the Log Pond Area. As specific plans for redevelopment are formulated and applications are submitted to the City, more detailed stormwater control system design would occur that would consider issues related to the environmental remediation conditions.

21. MTCA regulations provide two general cleanup standards for protection of human health. These include "industrial" (including both Method A and Method C industrial cleanup levels) and "unrestricted" (including both Method A and Method B unrestricted cleanup levels). The unrestricted cleanup levels are intended by Ecology to be protective of residential uses, such as those that could occur as part of a mixed use redevelopment. The Method A cleanup levels also incorporate a number of considerations other than human health protection. The cleanup levels, points of compliance, and other remediation requirements will be determined for each remediation site by Ecology as part of the final Ecology cleanup decision. That decision will be documented in a Cleanup Action Plan after public review of an RI/FS study and evaluation of alternatives. The cleanup decisions will address protection of soil, sediments, groundwater, surface water, and air quality as appropriate.

22. The cleanup levels, points of compliance and other remediation requirements will be determined for each remediation site by Ecology as part of their cleanup decision under MTCA authority. That decision will be documented in a Cleanup Action Plan after public review of an RI/FS study and evaluation of alternatives.

23. The nature and extent of contamination present at each cleanup site is documented in the reports referenced in Section 3.5 of the DEIS. The term "Lake Aho" is an unofficial name for the settling pond formerly located on the Chlor-Alkali site. The location of the former settling pond is identified in RI/FS documents for that site. There is no information indicating that chromium was used in wood treating activities at the R.G. Haley site, or is present at elevated concentrations there. The principal contaminants of concern at the R.G. Haley site are petroleum (and related constituents), pentachlorophenol and dioxins/furans from the wood-treating activities formerly conducted there. The ASB is part of the Whatcom Waterway cleanup site, and environmental conditions within the ASB are documented in the reports referenced for that site.

24. The ASB is part of the Whatcom Waterway cleanup site, and environmental conditions within the ASB are documented in the reports referenced for that site.

25. The selection of the final cleanup actions at the upland remediation sites located within The Waterfront District site will be made by Ecology and will be documented in the final Cleanup Action Plans. Ecology's cleanup decisions are performed consistent with MTCA remedy selection criteria. Those criteria consider the issues raised by the commenter, including the protectiveness of the cleanup under current and future proposed land uses and overall cost effectiveness considering short and long-term costs and the environmental benefits achieved by different cleanup alternatives. The cleanup decision for the mercury contaminated portions of the Georgia Pacific West cleanup site will be made by Ecology as part of the cleanup decision for that site. Public review opportunities will be provided at the time of the draft RI/FS and the draft Cleanup Action Plan. Potential impacts of mercury to indoor air quality are being addressed specifically as part of the RI/FS for the Georgia Pacific West cleanup site. As described in Section 3.5 of the DEIS, these institutional control measures provide for long-term protection of human health and the environment following implementation of the cleanup action.

26. The cleanup of the former Chlor-Alkali site is assumed as part of the transition to mixed use under the Proposed Action, but is considered as a separate action and is not the subject of this EIS. The EIS addresses proposed redevelopment of The Waterfront District site. As described in the response to Comment 25 in this letter, the cleanup decision for the Georgia Pacific West cleanup site, including the cleanup of localized mercury contaminated areas of that site, will be made by Ecology. Public review opportunities will be provided at the time of the draft RI/FS and the draft Cleanup Action Plan. The Port may conduct removals of contaminated soil from portions of that site, depending on the final cleanup plan selected. Soil removals were included in the remedial plans prepared as part of the Port's due diligence studies in 2004, which were made available for public review. Other actions could be required depending on the final cleanup decision for the site, as determined by Ecology.

27. As described in Section 3.5 of the DEIS, if unexpected areas of environmental contamination are discovered during site cleanup or redevelopment, these areas will be addressed in compliance with applicable MTCA regulations and consistent with any other applicable requirements. The property owner (including the Port, City or other property owner, as applicable) will have the responsibility for responding to the contamination and for coordinating their activities with Ecology or other applicable authorities.

28. The Hebert Research Demand Analysis indicates that local demand (Whatcom and Skagit County) for housing associated with The Waterfront District Redevelopment would be almost equivalent to the housing supply provided at full buildout. Local demand for housing would provide a total potential absorption between 2,700,000 to 2,800,000 square feet compared to total housing supply analyzed in the DEIS from The Waterfront District redevelopment which would range from 1,590,000 (Alternative 3) to 3,690,000 (Alternative 1); the Updated Preferred Alternative described in the EIS Addendum would provide approximately 2,270,000 square feet. Regional absorption from the greater Seattle and Vancouver B.C areas would greatly exceed the supply of housing with the combined (local and regional) absorption rates ranging between 8,300,000 and 10,700,000 square feet.

While it is anticipated that a portion of the residential units at The Waterfront District site could be luxury units, it is also projected that the site would also contain a mix of mid-level units, as well as affordable housing units. As stated on DEIS page 3.9-11, specific provisions for affordable housing would be contained in the development regulations for The Waterfront District site. The Port would work with City of Bellingham, Bellingham/Whatcom County Housing Authority, and other public and private organizations to provide affordable housing opportunities on The Waterfront District site.

29. Comment noted.

30. The employment analysis contained in the DEIS is based on assumptions provided in the City of Bellingham's existing Comprehensive Plan. The employment assumptions provided in DEIS Alternatives 1-4 were intended to represent a range of potential employment scenarios in order to allow analysis of probable significant environmental impacts under SEPA. The Updated Preferred Alternative presented in the EIS Addendum represents a further refinement of the DEIS Alternatives. As stated in the DEIS Chapter 2, specific developers, employers, tenants and users have not been and cannot be reasonably identified at this time for the 20-year redevelopment build-out.

31. Comment noted. As the DEIS and SDEIS described (see Section 3.5 of those documents), The Waterfront District project includes redevelopment on six sites that are undergoing investigation and cleanup actions consistent with the State's Model Toxics Control Act (MTCA) and Sediment Management Standards (SMS). The investigation and cleanup actions at these sites are overseen by Washington State Department of Ecology (Ecology) consistent with Ecology's regulatory authority. Separate SEPA environmental review for the cleanup actions will be conducted prior to finalizing the cleanup decision at each site. Where contamination remains present at a site following implementation of the final cleanup, institutional controls will be required. These controls specify the measures that must be taken to maintain protectiveness of the cleanup action during future use of the property, including during construction and operation of the redevelopment.

32. While site redevelopment would result in geologic and environmental challenges at certain portions of the site, site redevelopment can be accommodated by implementation of standard engineering practices and mitigation measures identified in the DEIS (see Appendix D to the DEIS for details).

33. Please refer to the response to Comment 2 of this letter.

34. Comment noted. The Port agrees that a respectful and effective working relationship with the Lummi Nation and Nooksack Tribe is of the highest importance and has endeavored to maintain those relationships at the highest level. The soil boring performed by the City, during investigation of conditions associated with the potential Laurel Street Bridge, identified shell fragments associated with historic shoreline conditions, prior to the filling and development of the waterfront in that area. However, the shell fragments were not determined to be part of an historical midden. The cited comment by the City is not associated with the EIS analysis. Please refer to Section 3.11 of the DEIS for a detailed discussion on archaeological conditions.

35. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analysis assumes the development of a full pedestrian and bicycle system connecting users throughout the site and to off-site locations. As described in the EIS Addendum and SDEIS, all roadways on-site would provide a certain level of pedestrian and bicycle facilities and have been designed to slow traffic with narrower lanes. In addition, off-site Central Avenue between Roeder Avenue and Holly Street would be closed to vehicular traffic providing a direct connection for bicyclists and pedestrians to and from downtown and Marina Park. With the provision of Central Avenue as a bicycle/pedestrian only facility, a direct connection from the off-site trail system to the on-site trail system would be created.

36. The selection of the final cleanup actions at the upland remediation sites located within The Waterfront District site will be made by Ecology and will be documented in final MTCA Cleanup Action Plans. Ecology's cleanup decisions are performed consistent with MTCA remedy selection criteria. Those criteria consider the protectiveness of the cleanup under current and future land uses. The levels of contamination currently present in portions of the Georgia Pacific mill cleanup site vary greatly from area to area. Some limitations on future land uses (such as the restrictions on day care or school uses) could be required in some areas of the site. For example, restrictions on certain uses were anticipated for the Chem Fix and caustic plume areas of the Georgia Pacific West site as part of the Port's 2004 due diligence investigations. The cleanup decision for these areas will be made by Ecology as part of the cleanup decision for the Georgia Pacific West site. Public review opportunities will be provided at the time of the draft RI/FS and the draft Cleanup Action Plan. Potential restrictions on future land use will be considered as part of the RI/FS alternatives analysis and final Cleanup Action Plan. As described in Section 3.5 of the DEIS, institutional control measures will provide for long-term protection of human health and the environment following implementation of the cleanup action.

37. Please refer to **Chapter 2**, Key Topic Area discussion regarding parks. As discussed in the EIS Addendum, the Updated Preferred Alternative assumes 33 acres of parks, open space and recreational opportunities.

38. The Port disagrees that communication with the public regarding remediation of The Waterfront District site has not been robust. The Port's evaluation of pursing redevelopment of the former Georgia Pacific site and development of the ASB as a marina has been the subject of public meetings, hearings and workshops with agencies and local citizen's since 2004. Since then, the Port has been following the necessary property acquisitions, regulatory requirements and public involvement steps toward that intended purpose. The evaluation of alternative cleanup approaches was performed under Agreed Order with the Department of Ecology. Further, as part of the *Draft Supplemental EIS: Bellingham Bay Comprehensive Strategy, Whatcom Waterway Cleanup Site*, issued by Ecology in 2006 and distributed for public review, various alternative scenarios for the cleanup and use of the ASB were analyzed.

39. Please refer to the response to Comment 7 of this letter.

WESTERN
WASHINGTON UNIVERSITY
Facilities Planning and Development

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March 6, 2008

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

Re: New Whatcom Redevelopment Project DEIS

Dear Mr. Maron:

Western Washington University appreciates the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) dated January 2008, which the Port has prepared pursuant to the State Environmental Policy Act (SEPA). The New Whatcom Redevelopment is an exciting project. It has the potential for true sustainable development consistent with adopted public policy. The University is pleased to be a part of this endeavor. Our comments on the DEIS are as follows:

- The DEIS states that the Port and City intend for this EIS to serve as the SEPA environmental review document not only for the planning phase but also for much if not all of the construction and operation phases of the project. In furtherance of this objective, the EIS has been prepared as a comprehensive analysis of potential environmental impacts for the long term of this project. The City intends to adopt a Planned Development Ordinance as authorized by SEPA, to reduce or eliminate the need for subsequent SEPA processes related to development at the New Whatcom site. The University agrees with this approach and also hopes that this EIS process will serve as the environmental review process for the University's decision-making regarding development of a University facility at New Whatcom. The DEIS makes certain assumptions regarding possible institutional (i.e., WWU) use within the redevelopment project, in terms of square footage of development, possible phasing of development, and location within the project site. We have reviewed these assumptions and believe them to be reasonable for purposes of environmental review. Nevertheless, planning for a University presence at the New Whatcom site is at an early stage and changes are likely over time. There are continuing discussions with faculty, staff, students, and the public. It is important that we maintain the flexibility to change plans in response to input from others while maintaining to the extent possible the ability to rely on this EIS for compliance with SEPA's requirements for environmental impact review. We believe it would be helpful if the FEIS acknowledged that the information regarding institutional development, while appropriate for purposes of the DEIS analysis, is likely to change as more detailed planning and public discussion evolve. The amount of new development actually constructed over time could be more or less than specified, and the phasing and location of University facilities could change. It is our view that supplemental SEPA processes should not be necessary if actual University development differs from that shown in the EIS, so long as the impacts of the New Whatcom Redevelopment as a whole are approximately as analyzed in the EIS, and provided that no new significant impacts are later discovered that were not adequately considered in the EIS. 1

- We reviewed the transportation section of the DEIS to make sure it adequately addresses potential traffic impacts of a new University facility at the waterfront. The transportation section includes a thorough analysis of the potential traffic and parking impacts of the project as a whole. The 2

analysis makes certain assumptions about trip generation and assignment that appear reasonable. However, we are uncertain whether one specific aspect of future transportation impact was fully considered. This relates to trips that will occur between the main University campus and the waterfront facility by students and faculty who will have classes and responsibilities at both the main campus and the waterfront. It may be that the assumptions made in the EIS are sufficient to capture these trips, e.g., the assumption that 40% of the trips generated by the project in year 2016 will remain in the CBD/WWU area. We would like to discuss this with the Port and its transportation consultant. We can share with the Port information on potential future trips between the main campus and the waterfront.

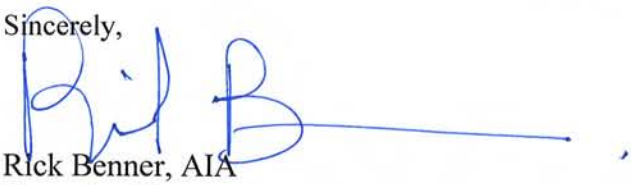
2 Cont.

- The DEIS describes the process that will be followed by the Port and City of Bellingham following issuance of the FEIS: adoption of a Master Development Plan which will serve as the basis for an amendment of the Port's Comprehensive Scheme for Harbor Improvements, and as a basis for City adoption of a Sub-Area Plan for the New Whatcom Special Development Area; and negotiation of a Development Agreement between the Port and the City to guide long-term redevelopment of the site. As a potential major user of the project site, the University is keenly interested in these documents and the next steps in the process following issuance of the FEIS. We respectfully request the opportunity to participate actively in the discussions surrounding these documents/agreements, so that we can effectively carry out our portion of the redevelopment project.

3

Thank you for your consideration of our comments.

Sincerely,



Rick Benner, AIA
Executive Director
Facilities Planning and Development

Response to DEIS Letter 12

Western Washington University

1. This FEIS acknowledges that more detailed planning and public discussion will define the specific features and timing of construction of university facilities at the site. As indicated in the DEIS and SDEIS, the alternatives evaluated represent an overall envelope of potential redevelopment. The Master Development Plan, to be ultimately adopted by the Port and City, would identify an assumed mix of uses, levels of redevelopment, and parks and open space system. It is recognized that these features of the Plan could vary over the long-term buildout of the project. When specific redevelopment projects are proposed in the future, the City (under the Planned Action Ordinance process) would determine whether the potential impacts of each project are within the parameters analyzed and mitigation identified in the EIS. Consistent with the Planned Action approach, further SEPA review would not be necessary if the final design of university facilities is within the parameters and impacts/mitigation analyzed in the EIS.

2. Comment noted. As described in Appendix N page 61, the DEIS considered trips associated with Western Washington University (WWU) to and from the site (see Table 17). Trip generation rates were based on the Institute of Transportation Engineers (ITE) *Trip Generation*, 7th Edition, 2003 which does not include specific rates for universities and colleges. Based on the project description, WWU would primarily use the facilities within The Waterfront District for research. Therefore, research and development (land use code #760) was used to determine WWU trips as it represents a similar type of land use and travel pattern. ITE rates were adjusted to account for some level of transit, pedestrian, and bicycle usage based on the City's of Bellingham's Comprehensive Plan projections for 2015 and 2022. This presents a conservative estimate of the WWU trip generation and likely overestimates traffic since students (and potentially faculty) would likely use alternate modes between the main campus and the waterfront location. As shown in Appendix N of the DEIS, the institutional use generates between 300 and 600 total PM peak hour trip depending on the horizon year. Appendix N Figures 15 and 16 show that approximately 10 percent of the total site generated PM peak hour traffic was distributed to and from WWU and its vicinity. For the mixed use alternatives analyzed in the DEIS (Alternatives 1-3), this equates to approximately 100 to 570 net new PM peak hour vehicular trips between The Waterfront District and WWU vicinity. This presents a worse case disclosure of potential transportation impacts since vehicular trips to and from the site and WWU would likely be lower with adequate pedestrian, bicycle, and transit facilities and mostly occur outside the PM peak hour.

3. Comment noted. The Port considers Western Washington University a key stakeholder in The Waterfront District Redevelopment. Since issuance of the DEIS, the Port has continued - and will continue in the future - to collaborate with Western Washington University regarding decisions regarding redevelopment on the site.

Mr. Maron,

This morning I requested a copy of the DEIS on CD. But I find it a bit disturbing that, after having participated extensively in the process related to the waterfront, I had to request to participate this time. In other words, I think the Port should be pro-active in distributing disks, or at least a public notice, to parties who have shown interest. (Remarkably, I've also found nothing about the DEIS in the Bellingham Bay Foundation's mailbox.) 1

For this and other reasons (including the volume of material), I also believe the public comment period should be substantially longer than 30 days. I request that you extend it to at least 60 days. 2

Thank you, Mitch Friedman

Mitch Friedman, Executive Director
Conservation Northwest
www.conservationnw.org
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Bellingham WA 98225
360-671-9950 ext. 13
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Join us to help protect and connect old-growth forests and other wild areas from the Washington Coast to the BC Rockies: http://www.conservationnw.org/getinvolved
We also broadcast an email alert that gives you the power to take action. To subscribe, send a blank email to wildnw-subscribe@lists.onenw.org

Response to DEIS Letter 13

Mitch Freidman, Conservation Northwest

1. Appendix A to the January 2008 *New Whatcom Redevelopment Project DEIS* contains a list of the parties that received printed copies of the document. The Port and City of Bellingham prepared the distribution list pursuant to the SEPA Rules WAC 197-11-455, and included federal, state, regional and local agencies, tribes, commissions/associations and other entities that could be potentially affected by the project; as well as the local library. All commentors during the public scoping process received a notice of availability of the DEIS. Printed copies of the DEIS are available for purchase at the Port of Bellingham's Administrative Office; the document are also available for review on the Port's website; and, CDs containing the DEIS are available at no charge from the Port.

   A notice of availability for the DEIS was sent to those people who provided comments during the scoping process. As a commentor on the DEIS, you have been included on the distribution lists and should have received notices of availability of The Waterfront District Redevelopment Project SDEIS, EIS Addendum and this FEIS.

2. As requested by this commentor and other commentors, the public comment period on the DEIS was extended from the required 30 days to 60 days.

INTERNATIONAL LONGSHORE & WAREHOUSE UNION LOCAL #7

807 N. State Street
Bellingham, W.A. 98225
Phone No. (360) 734-0950
Fax No. (360) 676-5138

PRESIDENT: LEROY ROHDE

SECRETARY: KEVIN FOSTER

March 7, 2008

Dear Mr. Andrews

We would like to thank you for this opportunity to comment on this project, as it will directly affect our ability to make a living on the Bellingham waterfront.

It is our belief that a viable dock facility, capable of accommodating deep water vessels and barge traffic is essential to the economic vitality of our community. 1

As our highways become increasingly overloaded in our region, the option of barging or shipping will become more attractive.

We have a dock facility in Bellingham that if lost, would probably never be replaced.

In review of the four different options the Port has put forward, we support option two, with a recommendation that capacity for storage related to shipping and handling of cargo be expanded. 2

Thank you for your time and consideration.

Respectfully-

Leroy Rohde
President, ILWU
Local # 7
Bellingham, WA

Response to DEIS Letter 14

International Longshore & Warehouse Union Local 7

1. The Port concurs that creating redevelopment attractive to water-dependent and marine industrial use is a priority for The Waterfront District as stated in the Applicants Objectives in the DEIS Section 2.4. The Updated Preferred Alternative described in the EIS Addendum includes 3.3 million square feet of building space for employment-generating uses, including 1.1 million square feet of employment-generating uses in the Marine Trades Area. In addition, under the Updated Preferred Alternative the docks and both Shipping Terminal warehouses are assumed to remain and the land use for the area adjacent to the Shipping Terminal is proposed to be Marine Industrial, which is consistent with preservation of the terminal.

2. Please refer to the response to Comment 1 of this letter.

Nooksack Salmon Enhancement Association
2445 East Bakerview Road
Bellingham, WA 98226
Contact: Ken Carrasco
email bluemountainfarm@yahoo.com
March 10, 2008

Mr. Andrew Maron
SEPA Responsible Official
Port of Bellingham
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1801 Roeder Avenue
Bellingham, WA 98227-1677
SEPAofficial@portofbellingham.com

Dear Mr. Maron:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement for the New Whatcom Redevelopment Plan. This redevelopment of our waterfront is a wonderful opportunity for our region both environmentally and economically.

I have been asked to review and comment on this DEIS on behalf of the Board of Directors of the Nooksack Salmon Enhancement Association (NSEA). NSEA is a local, community-based non-profit organization dedicated to restoring sustainable wild salmon runs in Whatcom County. For background information, please refer to our organization's website at www.n-sea.org.

By way of background – I am a member of the NSEA Board of Directors and am a Certified Fisheries Professional (per the American Fisheries Society) with a masters degree from the University of Washington in Dungeness crab ecology. Besides shellfish, during my career I have also worked with salmon and helped conduct research on cancer and precancerous lesions resulting from chemical pollution in other fish. Currently, I additionally serve as a member of the Whatcom County Marine Resources Committee and I am in the local unit of the U.S. Coast Guard Auxiliary – in this letter, though, I stress that I am speaking strictly as a board member of NSEA. By the way, it is germane to the comments below that I am a customer of the Port of Bellingham as the owner of a diesel powerboat.

Much of NSEA's work is done by volunteers in streams and rivers throughout Whatcom County to restore and create habitat for salmonid species. It may be tempting for some to think of the New Whatcom project area as distant from the mouth of the Nooksack River because it is across Bellingham Bay, but it cannot be overemphasized that this view is erroneous. Recent studies have shown that juvenile salmon – and I am (safely, I believe) including those resulting from NSEA projects – can travel great distances from the mouths of their natal river systems, and it is highly likely that salmonids from at least the Nooksack River inhabit the area as well 1

as at least from Squalicum, Whatcom, Padden, and Chuckanut Creeks. NSEA's interest in the New Whatcom habitat results from our awareness that much nearshore habitat has been lost over the past 150 years, and the consequences of any new or altered shoreline should be considered because of effects on salmonids originating from our freshwater watersheds. 1 Cont.

As the DEIS adequately explains, the Redevelopment Plan affects that area known as the "nearshore", that area generally regarded as extending from just above the shoreline to the depth of maximum penetration by sunlight. However, an understanding of the nearshore is only developing because it is only relatively recently that the importance of the nearshore area has been realized in the life cycle of salmonids. In particular, both chum and Chinook juvenile salmon (including those stocks listed under the Endangered Species Act) use the nearshore. Recent studies in Skagit Bay indicate that bull trout, also listed under the Act, also inhabit the marine waters close to shore. We now understand that these juvenile salmonids need the area close to shore for such purposes as consumption of forage fish, as a place of refuge from larger predators, and as an intermediate area to adjust their physiology as they move from freshwater to saltwater. 2

Besides direct effects, as the DEIS also recognizes, indirect benefits to salmonids from the nearshore areas include the production of forage fish and of submerged aquatic vegetation such as eelgrass which provides much of the food items consumed by organisms throughout the food chain.

But since the scientific knowledge about the nearshore is still essentially in an infancy, little is still understood about the impacts of human actions on the nearshore. **The Project should realize the organic flux of the current state of scientific knowledge about the nearshore, adapting as necessary to accommodate advances in knowledge through time.** 3

Specifically, our review of the DEIS suggested several areas of concern about the Redevelopment Plan which NSEA will monitor through the coming years as this project develops:

a) Habitat
b) Water Quality
    i) legacy toxics left by previous industry on the site
    ii) effects during the construction process
    iii) ongoing water quality impacts during everyday use upon completion of construction
c) Education

4

Appendix H-Plants and Animals, of the DEIS appears to be a good review of the project area, and the list of Planned Elements in that Appendix (Section 5.8.2.1) is laudable for the removal of deleterious structures and the provision for new habitat as well as protection under all Alternatives. 5

We encourage the Plan to follow the intent of the DEIS in providing new habitat and protecting water quality. So long as the implemented Plan follows the water quality protection measures 6

detailed in the DEIS, particularly in regard to stormwater, we are assured that water quality effects remaining from previous industry and the construction process will be addressed. 6 Cont.

Our concerns addressed here are with ongoing water quality impacts after construction and also about education.

An equivalency appears to be drawn in Appendix I (Vessels and Wakes) between the removal of large and intermediate-sized ships from the existing waterway and the addition of 460 or 600 small boats in the marina resulting from the conversation of the Aerated Stabilization Basin (ASB). This equivalency only applies to vessel wake, however, but upon casual reading of the DEIS a reader may misconstrue this equivalency to apply to other aspects than only wakes. It should be emphasized that many more small but accumulative water quality effects can result from small boats. 7

The stated effort by the Port of Bellingham to follow the principles of the "Clean Ocean Marina" campaign is reassuring. We do have additional suggestions to minimize the effects of small boats on the nearshore environment of the New Whatcom Redevelopment Project Area:

1) provide the infrastructure for the use of alternative fuels such as biodiesel. Biodiesel is a far less toxic alternative to traditional petroleum diesel, but its use is discouraged in Bellingham by a lack of infrastructure including tankage and dockage. Small spills of biodiesel (such as from refueling) and large spills after accidents are known to be much less damaging to the environment than petroleum. (This is, of course, ignoring the additional local and global benefits to air quality and to geopolitics.) Granted, thought must be given to the net benefit of biodiesel from the range of potential suppliers, and also to the quality of the product. Perhaps seed money can be provided to encourage small businesses to provide this fuel. 8

(I'm currently using biodiesel in my own powerboat despite the difficulty of acquisition of this fuel in Bellingham. Besides the benefits to water quality, my family also comment that the fumes are much more tolerable even in relatively low percentages.) 9

2) provide a greater number of holding tank pumpouts than currently available in the port, and make them more convenient for use. It is common knowledge that not everybody is utilizing the holding tank pumpouts and there are discharges in the waters of Bellingham Bay. Despite the effort of the Port to provide up-to-date pumpouts, convenience of use and access to the machines can be problematical. 10

3) encourage permitted liveaboards. The Clean Ocean Marina recommends a limit of 2% liveaboards in a marina, but this level may be too low in my own estimation. Liveaboards can be the eyes and ears for the Port at night when staff are not available or at times of inclement weather when few people are about, and can detect incipient fuel spills or, for example, open bottles of boat cleaning product which may have tipped-over and are dripping into the marina's waters. However, they should sign agreements with the Port, as I understand they do now, with the provision that their vessel present no hazard to others 11

and be environmentally responsible; perhaps overboard discharge of holding tanks can be physically prevented altogether while in port. Perhaps a label system on the docks can be implemented to identify legal liveaboards and discourage the presence of unpermitted liveaboards who are otherwise known as "sneakaboards." 11 Cont.

4) boater education. Boater awareness of, for example, new alternatives to the customary use of copper-based ablative antifouling paints on boats would be very helpful to the water quality in a marina. In addition, awareness of the use of low-toxic (not just biodegradable) cleaning products and techniques would have substantial benefits to the water quality in and near the boat harbor. Proper techniques of refueling would also be appropriate. To achieve these ends, the following are suggested:

- **provide infrastructure for the prominent display of boater education topics in the marina.** Kiosks or other readily viewable displays with helpful, frequently replaced information will help provide a change of boater habits. 12

- **provide small grants for boater-to-boater education.** For example, the Sea Partners program of the U.S. Coast Guard, which is provided by the Coast Guard Auxiliary, is an effective means of providing beneficial environmental education to those boaters who may not necessarily be conducive to hearing the message from other organizations. This type of education, it must be emphasized, can only be effectively taught by those people already in the boating community and who are viewed as competent.

Education in general should be an important component of this Waterfront Redevelopment Plan both during construction and afterwards. This redevelopment of the waterfront provides a wonderful opportunity to re-connect the inhabitants and visitors of the waterfront with the unique marine environment we enjoy here, and the more a population knows about their natural environment, the more interesting it becomes for them. **It is essential that provisions be made to showcase the Marine Life Center and other similar educational venues for the inhabitants and visitors of the completed waterfront. Education *during* the construction will help our population understand the importance of the environmental techniques employed and help our citizenship incorporate the values of stewardship.** 13

Thank you very much for your attention and for your dedication to providing for a wonderful Bellingham waterfront.

Sincerely,

Ken Carrasco

Ken Carrasco
Member, Board of Directors
Nooksack Salmon Enhancement Association

Response to DEIS Letter 15

Nooksack Salmon Enhancement Association

1. The Port shares this perspective with NSEA and recognizes the importance of evaluating new in-water or shoreline work from the perspective of potential impacts to salmonid habitat. For this reason, the DEIS and SDEIS included evaluations of the potential impacts of redevelopment on aquatic life (refer to Sections 3.3 and 3.4 and Appendices G and H of the DEIS and Sections 3.3 and 3.4 and Appendices I and J of the SDEIS for information on water quality and habitat impacts). The DEIS and SDEIS concluded that the project would substantially improve aquatic habitat relative to existing conditions. As discussed in Section 3.4 and illustrated in Table 3.4-2 of the DEIS, the proposed redevelopment would result in substantial net benefits to salmonid habitat (refer to the response to Comment 39 in DEIS, Letter 3 and Comments 2 and 3 in DEIS, Letter 4 for more information). In addition, a set of mitigation measures are identified in the DEIS and SDEIS to preclude significant impacts to water quality and habitats during both construction and operation of the redevelopment. Further information regarding the provision of nearshore habitat areas is provided in the SDEIS (see Section 3.4 of that document).

   The Port acknowledges that the collective knowledge of nearshore ecology is constantly increasing. The Port welcomes on-going communication with NSEA regarding the effects of the proposed redevelopment on aquatic habitat, water quality, and the Project's ability to educate the public about aquatic resources.

2. Comment noted. Refer to the response to Comment 1 in this letter.

3. Comment noted. Refer to the response to Comment 1 in this letter.

4. Comment noted. Refer to the response to Comment 1 in this letter.

5. Comment noted.

6. Comment noted. The proposed water quality treatment measures and habitat restoration plans described in the DEIS and updated in the SDEIS are intended to be incorporated into The Waterfront District Redevelopment project (see Sections 3.3 and 3.4 of those documents for details).

7. Please refer to the response to SDEIS Letter 11, Comment 3 regarding water quality of small recreational vessels.

8. The Port is researching the possibility of developing infrastructure at its facilities to provide boaters with access to alternative fuels, such as biodiesel. Please refer to the response to SDEIS Letter 11, Comment 3 regarding the marina design and MAC committee. This comment has been forwarded to the MAC for formal consideration.

9. Comment noted.

10. The Port is evaluating a range of options to improve boater utilization of holding tank pump outs including: providing additional holding tank pump outs at existing facilities,

providing convenient and plentiful pump outs in the Clean Ocean Marina, offering mobile pump out service, increasing boater education, and requiring pump out service contracts. Please refer to the response to SDEIS Letter 11, Comment 3 regarding the marina design and MAC committee. This comment has been forwarded to the MAC for formal consideration.

11. The Port has made no decision about the number of Live-Aboard Vessels which might be allowed in the Clean Ocean Marina. At Squalicum Harbor, there are currently 100 designated Live-Aboard Vessels. This number may be amended from time-to-time by the Port. Factors considered by the Port in determining the number of Live-Aboards permitted at the Harbors are (i) capacity of sanitary facilities in the Harbor, (ii) size and type of the Vessel, (iii) whether the Vessel has the correct marine sanitation device, (iv) capacity of the waste facilities at the Harbor, and (v) vehicle parking availability.

    Please refer to the response to SDEIS Letter 11, Comment 3 regarding the marina design and MAC committee. This comment has been forwarded to the MAC for formal consideration.

12. Please refer to the response to SDEIS Letter 11, Comment 3 regarding the marina design and MAC committee.

13. The Port anticipates extensive public outreach and education related to environmental restoration on the waterfront both during and after construction of The Waterfront District.

RE Sources
for Sustainable Communities

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March 10, 2008

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

Regarding: New Whatcom Redevelopment Project Draft Environmental Impact Statement

Dear Mr. Maron:

On behalf of RE Sources, I have reviewed the DEIS for the New Whatcom Redevelopment Project and offer the following comments.

Lack of a Preferred Alternative:

I am impressed by the sheer volume of information in this document. I must say, however, that it is astonishing how little real content exists within these 1,400 pages. Certainly, the technical appendices contain more detail than the actual EIS, which is concerning to me. I found it very difficult to pull out adequate analysis to allow me as a scientist, Waterfront Advisory Group members, and a citizen to understand the impacts of the redevelopment. 1

I think that the primary reason for this state of affairs is the lack of a preferred alternative or even of a master plan with which the DEIS might be used as a tool for analysis. Without a preferred alternative, we are left with a confusing mish-mash that drowns the reader in meaningless information. The Port's stated intention was to create a "mix and match" scenario, wherein the community might choose aspects of each alternative to create a final alternative. This approach may have worked, had the Port then taken the step to stitch these components together into a Preferred Alternative. As it stands, however, the information contained in each alternative is virtually meaningless because it has no context without an actual plan or even a preferred alternative. Unless these alternatives are actually chosen in total, then we lose understanding of how these components interact with one another. For example, what would the impacts be of a plan that chose the parks and open space described in Alternative 1, the building densities of Alternative 2 and the transportation grid of Alternative 3? This DEIS leave the reader to try to figure out how these aspects will interact in a new plan that is not analyzed therein. 2

Because there is no master plan under analysis, nor even a hypothetical preferred alternative, the analysis presented is shallow and most details are left to "future site-specific design analysis". 3

This latter phrase appears on almost every page of this document. How can we understand the impacts of a proposal when more than 1,000 details are left for future analysis? Certainly, this lack of specificity will require that a supplemental DEIS be issued when we have arrived at a master plan. This is unfortunate, as the stated intent of conducting environmental analysis at this stage is to create an umbrella that will exempt future site-specific projects from having to undergo rigorous environmental review. While I would be supportive of this approach, I could not support exemption of future projects from environmental review when the very document that is supposed to review their impacts leaves everything to future site specific analysis. 3 Cont.

No Action Alternative

Similar convoluted logic to that which was used to create a DEIS with no preferred alternative has led to a No Action alternative that includes numerous actions. The Port's decision to build a marina in the current ASB site has never been subjected to appropriate public process. The public was told after the fact that an open house held several years ago at the Mount Baker Theater was the public's opportunity to comment on the Port's plan to build a marina. The public was told that there would be further environmental review in the future. We all looked to this DEIS document for that review. An action as significant as the conversion of the ASB into a marina certainly deserves an independent SEPA process through which we might analyze the impacts of various marina configurations against a No Action Alternative that would, of course, look at the impacts of not building a marina. 4

The public never had the chance to understand the implications of a marina versus another use for that area, such as returning it to open water or creating a habitat feature such as a salt marsh, for example. No do we get to understand what a marina with 200, 300, 400 or 600 slips might mean in comparison with one another. Instead we get a marina in all alternatives, including that which is ostensibly No Action. Certainly, the Port has created an interesting logic circle about how the action analyzed in this document is actually a zoning change and that a marina can occur under existing zoning. While this is most likely accurate, this approach is disingenuous at best and belies the intent of SEPA. 5

As well, I wonder why it is that the marina proposed under this alternative is not only larger but does not seem to include "Clean Ocean" design components nor public access features. The reasoning for this is not explicit and should be explained. If the No Action alternative is to contain a marina, its design should be similar to that in the other alternatives so that the public can compare like to like. 6

Further, the current marina design in all alternatives includes a parking plan for the site that includes a ridiculously high number of surface lot parking spaces. Of course, I had to dig deep into the technical appendices to find out that it is the Port's intention to create 368 parking spaces to service this marina. This uses 8 acres of land! Given that the proposed marina will provide 460 slips, and that the vast majority of boats in a marina sit idle for months at a time, this amount of parking seems absurdly high and will result in a sea of surface parking lot, right in the heart of our new downtown waterfront. I could not find the background assumptions used to project the need for this much parking for the marina in the appendices. Creation of acres of surface parking is counter to modern notions of urban design and runs counter to the Port's stated intention to 7

link our community to its waterfront and to create a waterfront environment that is inviting to community members on foot or bicycle. I would urge you to require further analysis of the parking needs for such a facility. 7 Cont.

Land Use Assumptions: Development Phasing

Assuming that the final master plan contains somewhere between 4 and 6 million square feet of mixed use spaces, the timeline for redevelopment is far too ambitious. While I think we would all like to see the waterfront full of remarkable spaces and bustling with activity, the Bellingham real estate market can only absorb so much new development. This is especially the case during the current economic climate. Cost estimations, road grid planning, and infrastructure planning should consider scenarios where it takes many years longer to achieve full build out than are anticipated within this document. This concept is critically important because build-out phasing will greatly impact the economics of the project, especially that of the publicly funded infrastructure and the potential of cost recovery that the Port plans upon in order to finance the development of the new marina. As public agencies, the Port and the City must ensure that this project can be paid for without breaking the backs of tax payers. Longer build out scenarios may prove to be much more expensive than is currently anticipated. The timeframe of these scenarios may also affect public financing mechanisms such as bonding and access to federal dollars for infrastructure. 8

Land Use Assumptions: Habitat

I was very disappointed to see that of the entire site, there is very little land given back for habitat. The DEIS states that Alternatives 1-3 will result in the creation of 2.18 acres of habitat. I did not find a description of where this habitat will be in detail, I assume the vast majority of this habitat is planned for the new marina. While I laud the Port for its vision of a "Clean Ocean Marina," we do not know that habitat benches within a heavily used marina will be particularly useful habitat. Because this concept is new, we simply do not know enough about how wildlife will utilize sub-tidal features in a place that is inherently polluted and hosts busy boat traffic. Further, while the impacts to wildlife sections make absurd statements that trees planted in public parks will create habitat for songbirds, it is well known that these kinds of spaces generally attract generalist species and add very little habitat value. 9

Land Use Assumptions: Restoration of a Natural Shoreline Along the South Side of the Whatcom Waterway

The Port's plans to "soften" the shoreline along the south side of the waterway are exciting. I fully support this concept. I am concerned, however, about two issues. 10

First and foremost is the issue of setbacks. If the Port is going to invest heavily in the restoration of this valuable shoreline, we should allow generous setbacks along the shore. There are two reasons for this:

1. large setbacks will allow space for adequate native plantings along the shore and still allow for public access along the shore. The emphasis on this shoreline softening should be to really augment the habitat along the waterway. This will require extensive sue of native plants and the space for upland species and marine species to interact in a safe habitat zone that is relatively free of public park users. 11

2. A restored waterway will be the focal point of this development and a true asset for our community. Large setbacks of at least 100-200 feet will spotlight the vision of the Port for this area and allow the restored shoreline to shine. A large buffer between habitat spaces and people spaces will create premier public open space and enhance property values in the development. 11 Cont.

My second concern about the current plan for restoring the shoreline along the waterway is the dominance of floating moorage structures paralleling the shore. These structures will create shadows in some areas, which migrating fish tend to shy away from. Further, glare from dock lighting may pose further problems for wildlife. While I support the notion of visitor moorage that is easily accessible from downtown, I believe paralleling the shore with 900 feet of moorage structures is excessive. 12

Land Use Assumptions: Rights of Way

Page 2-72 states that roadway rights-of-way are assumed to be 60 feet with the exception of Laurel Street and Cornwall Avenue. These streets would be wider to accommodate 4 lanes of traffic. There are no four lane streets in the downtown area. To build four lanes of roadway is counter to the feeling of our downtown and would not promote a bike/ped friendly waterfront. Four lanes of traffic would create a barrier to bike/ped flow into the site from both primary access directions. This is old-school thinking about transportation and the assumptions used to justify this many travel lanes ought to be re-assessed using current urban design (aka New Urbanism) and LEED ND approaches. 13

If we build the waterfront for cars, then we will get a waterfront where only people in cars feel comfortable and where few feel truly connects to the place in any sort of intimate way.

Land Use Assumptions: Existing Buildings

I am very concerned that the Port and WWU seem to be backing away from previously expressed desires to preserve existing historic buildings on the site. Numerous important and historically significant structures seem to have been dropped from consideration for adaptive re-use. Adaptive re-use of these structures is important for many reasons:

1. It supports the Port's desire to pursue LEED ND for the site
2. It creates a sense of historic continuity on the site, linking the site its past.
3. Adaptive re-use of key buildings will help anchor the site in its downtown Bellingham context. Our downtown is full of older buildings. Retaining old buildings on this site will provide a sense of continuity and authenticity. Further, the Grainary building, located at the intersection of Central and Roeder, is historically continuous with the Vitamilk building and links the site to Old Town. The Grainary was identified in the Old Town plan (and in the Artifacts draft Historic Resources report) as a significant and even iconic structure that merits preservation. 14
4. Keeping historic buildings allows the creation of a historic district. Historic tourism is a growing industry. These buildings will serve to drive development around them and will lend intimacy to the new neighborhoods of the waterfront.

5. As one historic preservation architect recently commented to me, "Sure, it can be expensive, but I know of no city that has regretted preserving and restoring historic buildings." 14 Cont.

Land Use Assumptions: Shipping Terminal Improvements

Page 2-97 discusses proposed improvements to the shipping terminal. I am fully supportive of marine trades as important to the development of the site, but am curious as to why the construction of two new piers is deemed necessary. The proposed piers are located in an area with strong restoration potential, and the need for the piers should be demonstrated before they are assumed to be necessary. Certainly, if NOAA determines to relocate to Bellingham and requires two piers, then they will be necessary. But if NOAA does not choose Bellingham for its new home, will we then be committed to these piers? Appropriate analysis would examine the impacts of no piers, one pier, and two piers. Further, it is unclear whether these piers will impact eelgrass beds in the area. The analysis of the impacts of these piers, from construction through their lifespan and day-to-day use should be examined in this EIS. 15

Land Use Assumptions: Pilings

There will be hundreds of new piles driven as part of this project. I have found no reference to the impacts of these piles, with the exception of the impacts of their installation. Of what material will the piles be constructed? If they are of creosote treated wood, then the impacts of creosote in the marine environment must be addressed in this EIS. There is a wealth of valid scientific studies documenting a long life of toxicity to the marine environment and sediments from creosote pilings. The Port has led several initiatives to remove derelict creosote treated piles as part of the Bellingham Bay Demonstration Pilot. I encourage the Port to use alternative materials for their piles, such as concrete. 16

Land Use Assumptions: Over Water Trail and High Speed Bicycle Trail

On page 2-99, an over-water walk way to Boulevard Park and a high speed bicycle trail are introduced. These are exciting components of the project, and this section seems to waffle about whether they are part of the scope of this review. The DEIS states that these elements are analyzed under cumulative impacts for each alternative, but that this would not meet the requirements of environmental review needed to build them. Further, these elements will 17

important features form both a parks perspective and from that of transportation planning. Unfortunately, it does not appear that the Port views trail corridors as important elements of a transportation plan, relegating them to amenities. There is no mention of the high speed bicycle trail, for example in the Transpo technical appendix. Creating efficient ways for pedestrian and cyclists to access the site will be key to keeping traffic volumes on and surrounding the site to acceptable levels. These elements should be further analyzed as part of the transportation analysis. 18

Section 2.10: New Whatcom Redevelopment Elements in Relation to the Planned Action Ordinance

Page 2-104 discussed elements of the New Whatcom Redevelopment that cannot be fully analyzed at this time and that will require further environmental review at a later date. Consequently, these elements will be outside of the scope of the Planned Action Ordinance. The 19

elements discussed include bridge connections to the road system, the Broadway pedestrian access connection, and off site mitigations, such as improvements to other roadways and intersections that are driven by this site's redevelopment. If these elements cannot be reasonably defined at this time, then it is absurd to plan road grids and other transportation plan elements that require them. These elements should either receive adequate analysis in the EIS document or the proposed transportation plan for the site should not rely on them and new analysis should be conducted on a road grid absent these features. 19 Cont.

Chapter 3: Affected Environment: Sea Level Rise

On page 3.1-10, the potential impacts of sea level rise from global climate change are discussed. The section states that sea levels globally are expected to rise between 4 and 40 inches. This section continues to state that it is estimated that regional effects may lead to a further rise in the Puget Sound region of up to 12 inches. Confoundingly, the DEIS uses this information to conclude that Bellingham Bay may rise by 2.4 feet by the year 2100. If we are to be conservative in our planning, we ought to plan for the worst case scenario, given that we will spend millions of dollars re-building a waterfront site during an age of great uncertainty regarding sea level rise. Using the numbers cited in this section: 40 inches plus 12 inches equals 52 inches. This equals 4.3 feet. The Port ought to assume sea level rise of 4.3 feet as a basis for redevelopment planning. 20

Section 3.1.2: Affected Environment: Grading and Fill

The Port estimates the need for an enormous amount of fill in order to cap contaminants, account for sea level rise, and develop acceptable grades for roadway linkages to the surrounding city, locating on the bluff above the site. It is clear from critiques of this plan by City of Bellingham roads engineer, Tom Rosenburg, that these fill concepts may be untenable. Concerns range from expense of such an enormous filling endeavor to the time it would take to adequately settle the road way fills so that they are stable for road construction. Either the Port needs to re-examining the need for elevated roadways supported by fill or it must greatly expand the build out timeframe to accommodate for settling time. 21

Further, the mitigating practices proposed to combat settling, liquefaction, and lateral spreading associated with structures built upon massive amounts of fill are certainly possible from an engineering perspective, but will place an excessive economic burden on future developers of the site. Once again, this EIS document dodges the issue by leaving the detail for future "site-specific building/infrastructure design." Because the entire site plan relies on this massive fill project, the costs of mitigating measures should be analyzed in this document, and cannot be left for some future design process. Alternatives to this amount of fill should also be analyzed. 22

Chapter 3: Affected Environment: Driven Piles

On page 3.1-18, the noise impacts of pile driving are discussed. The document states that "increased levels of vibration and noise could occur within 50 to 100 feet of pile driving activities." This statement was clearly written by someone that has never had to work or live in the vicinity of a pile driving project. From my own experience working in an office in the Bellingham Herald building on the corner of State and Chestnut during a period when piles were being driven in the vicinity of the Bellewether, I can say that the noise impacts traveled much 23

further than 100 feet. The noise from this activity was so great that we had to close our office windows in order to conduct business over the telephone. This was at a distance of at least .5 mile from the activity. The noise impacts of pile driving should be re-analyzed using more realistic assumptions. 23 Cont.

This section is inadequate because it does not discuss how pile driving will impact contaminants in the soils, nor ways that piling driving and excavation might occur during construction, given the high potential of serious contamination on site. Will soils be excavated if there are resident contaminants? What manner of disposal will be used in these cases? 24

Section 3.2.2.1: Operational Impacts: Air Quality

I was very pleased to see trip reduction goals stated on page 3.2-22. Reducing the number of vehicle trips on and off site will be key to ensuring that the entire built environment of thee downtown core and waterfront remains a walkable and relaxed feeling place. This ambiance is an important part of what makes Bellingham special.

I strongly encourage the Port to move ahead with the trip reduction measures stated on page 3.2-22, most especially scheduling deliveries for off-peak hours and perhaps even closing one or more streets in the re-development area to auto traffic during the day. I would also like to suggest that this list in incomplete because it does not emphasize the creating of facilities for cyclists and pedestrians. These should include: regular benches, attractive streetscape features, wide sidewalks, bicycle lanes, an abundance of on-street bicycle parking as well as bike lockers located near a transit hub on the site. 25

Section 3.3.2: Operational Impacts: Permanent Stormwater Control System

This section seems not to offer a site specific design for the stormwater control system proposed on site. This seems reinforced by statements, such as that on page 3.3-15: "The specific features of the stormwater control system would be subject to actual design..."

Digging through the technical appendices, however, one finds relatively detailed designs for a system that appears to rely entirely on piped conveyance and vaults. While there is certainly discussion of LEED ND stormwater controls, the technical appendices rely on very traditional methods. Other redevelopment sites have offered a variety of stormwater systems more in keeping with modern low impact stormwater techniques. The Port might want to consider stormwater as an on-site amenity, rather than shunting it underground in a piped system. For example, extensive use of green roofs would help limit the amount of stormwater on site. Water that lands on pavement could be funneled into naturalistic surface streams and water features, slowing its flow and allowing for some settling before it is released into the Bay. 26 27

Section 3.5.2: Environmental Health: Affected Environment

This section gives very short shrift to one of the most important concerns expressed by community members over and again. There is very little detail about the nature of contaminants on site. I was very disappointed that this section did not include any detailed analysis of contaminants that may be present on site. Leaving detailed analysis to a future RI/FS while continuing to plan all other aspects of this site is patently ridiculous. How can we plan future 28

land uses and infrastructure if we are to leave exploration of contamination issues to another document to be issued at a later date? This becomes clear in section 3.5.3.1: Construction Impacts. Because there is no real information about where or at what concentrations contaminants may reside, the section becomes a meaningless series of paragraphs that put forth hypothetical mitigation measures that the state may or not require in future. As with the rest of this document, the lack of specificity leaves us all wondering exactly what is buried on site and how on earth it will be dealt with in a safe manner during construction. It is interesting to note that this document devotes far more space to considerations of noise impacts than to those arising from contamination from a site that we know to be contaminated with a variety of pollutants. 28 Cont.

Further, the groundwater implications of these contaminants are barely discussed. What are the potentials for contaminants being reintroduced to the aquatic environment of Bellingham Bay via groundwater? Has modeling been conducted? If so, why is it not discussed in this document? If modeling has not occurred, it certainly should be conducted in advance of a final EIS. 29

Section 3.10: Aesthetics/Light and Glare

The section dealing with building height and massing was, once again, virtually meaningless due to lack of specificity resulting from no preferred alternative. In the face of this, the Port has chosen to show the view impacts of a series of white blobs of even size and spacing—not the impacts of actual buildings with architectural features, varying heights and setbacks, etc. If there had been a preferred alternative chosen, the Port could have shown more realistic hypothetical development scenarios, which would have given the public a clearer idea of the aesthetic impacts of the project. Similarly, light and glare impacts are glossed over as future site design will determine these impacts. Certainly, at some point a future development will be required to conduct supplemental analysis of these impacts. Only then will mitigating measure be discussed in a meaningful way so as to provide a basis for their requirements in building permits. 30

Section 3.12: Transportation

Again, this section would be much more meaningful if there were a site plan under analysis. It is the antithesis of good planning to develop street grids and parking plans in advance of land use decisions. How can we know where the high demand areas are on site with out land use plans? Further, I am appalled by the approach stated at numerous WAG meetings that the site design will be based on parking analyses. Planning how to "park the site" in advance of having any sense of where buildings will be located and what sort of uses will be where is short sighted. This is especially the case given rising fuel process and relative energy insecurity. To plan this site around parking does not take into account that in even just 25-50 years, we may be transporting ourselves very differently. 31

Section 3.12: Transportation: Impacts

On page 3.12-23, various planned roadways are discussed. Central Avenue appears to enter the site adjacent to the Whatcom Waterway, then turn east to jog inland before paralleling the waterway. A road along the waterway is only acceptable if it is constructed outside the shoreline zone (200 feet from OHWM), if it does not include street parking, and if its use is limited to 32

evening deliveries and traffic once other roads on site are completed. This could be institutionalized in the Planned Action Ordinance with the City. 32 Cont.

Bicycle Lanes: Other roadway descriptions describe 14 foot travel lanes to accommodate both bicycles and cars. This is inadequate. The convention for bicycle lane width is 5 feet. Generally auto travel lanes are 12-14 feet in width. To accommodate bicycle lanes, all roadways should be planned based on 17-19 foot widths in each direction. 33

Cornwall and Laurel Street Widths: These streets are anticipated to include 4 travel lanes (2 in each direction). This is an excessive amount of real estate given over to cars and is not in keeping with the traffic patterns in the downtown core. Regardless of whether there are wide sidewalks, a four lane road generally serves as a barrier to pedestrians. Further, wide, straight streets promote faster driving. Surface streets should be planned with traffic calming features to maintain the appropriate atmosphere of a bike/ped/transit friendly waterfront. 34

Elevated Roadways: It is clear that this site poses special challenges due to the changes in grade between downtown surface streets, located on the bluff, and the site. It appears that the Port is relying on numerous elevated roadways to provide access to the site. This will prove to be extremely expensive to build. As well, elevated viaducts do not create a pedestrian friendly or particularly attractive streetscape. Further the sheer amount of fill required to support these roads may prohibit their construction from a practical perspective. The amount of time it would take to allow the fill to settle adequately might preclude this approach. These practical considerations are not addressed in the EIS, nor are alternatives offered. This shows inadequate analysis, with too much reliance on impractical solutions. 35

Parking

On page 3.12-29, parking for the site is discussed. While there are no parking requirements for the site, the Port nonetheless plans an excessive amount of parking. Parking models that rely on peak demand are beginning to fade in their dominance. Progressive communities, such as Portland, Oregon, are beginning to plan on parking maximums rather than parking minimums and peak demand. Planning for peak demand assumes that important area is idle the vast majority of the time. Adding "safety factors" to already high peak demand assumptions results in an excessive amount of parking that reflects a very old school, auto-centric approach on the part of the Port's consultants. This is an especially poor idea when there is a reliance of surface parking. This sort of over-allocation of parking capacity will be at its worst as it manifests in over 8 acres of surface lots dedicated to the marina. It will also make developments on the rest of the site very expensive to build as developers will be forced to shoulder the cost of structured parking. 36

Section 3.13: Public Services

Discussion of park and open space needs for the site begins on page 3.13-9. While the document is correct that the City's LOS for parks is meant as a system-wide planning tool and not for site specific projects, it is interesting to note that the maximum parks and opens space described in Alternative 1 would not even meet the LOS for the number of residents predicted for this site, let alone provide adequate capacity for the many Bellingham residents and visitors that will be attracted to this site's waterfront parks. The Port should consider an alternative that includes 37

more park and open space lands. These should include, at a minimum, all of the lands shown in Alternative 1 plus, a 200 foot wide park strip along the entire Whatcom Waterway and several green space parks located in the site's interior. These spaces will serve as important oases, providing intimate neighborhood parks for residents and workers on site. Moreover, plazas should be dedicated that can serve as informal gathering spaces. The creation of one outdoor venue for music and other gatherings should be considered. An outdoor amphitheater would be a wonderful asset for the waterfront, even if it modest in size.

37 Cont.

This concludes my comments on the New Whatcom DEIS. I regret that I do not have the technical expertise to fully review this document, but question whether such expertise should be required in a regulatory document that is meant to provide an overview for citizens about the environmental impact of a proposed project. I must reiterate that, in the absence of a master plan, or even of a Preferred Alternative, substantive analysis is not really possible. Certainly, a supplemental EIS should be issued to fully analyze the impacts of the final master plan.

38

Thanks you for the opportunity to comment on this document.

Sincerely,

Robyn du Pre'
Executive Director

Response to DEIS Letter 16

RE Sources for Sustainable Communities

1. Comment noted.

2. Please refer to the response to SDEIS Commentary 20, Comment 1.

3. Please refer to the response to SDEIS Commentary 20, Comment 1.

4. Per SEPA, the No Action Alternative is defined as what would most likely happen in the future if the proposal was not approved and implemented. In this case, it is assumed that the site would remain in its industrial zoning and no Master Development, Development Agreement or Planned Action Ordinance would be approved; however, some level of redevelopment would occur over the 20-year buildout horizon. This includes new marine and industrial development, a new marina, boat launch and other facilities consistent with industrial zoning (refer to Sections 2.6 and 2.8.4 of the DEIS).

   This EIS addresses the probable significant environmental impacts of the No Action Alternative under all elements of the environment. Two marina concepts (referred to in the DEIS as Concept A and Concept B) are evaluated in the DEIS, representing a range of boat slips, public access and park opportunities and habitat features. Concept A assumes up to 460 slips and Concept B assumes up to 600 slips. Both marina concepts are designed to represent the highest possible slip count for the purposes of analyzing the reasonable highest impact scenario, but the actual slip count is anticipated to be substantially less than 460 slips under the Updated Preferred Alternative. The preliminary design of these two concepts is represented in Figure 2-14 and 2-42 in the DEIS. The impacts and mitigation associated with the marina concepts are fully disclosed in the DEIS.

   The Port's evaluation of whether to pursue the cleanup and redevelopment of the ASB as a marina with substantial habitat restoration and new public access, or an alternative use of the ASB, has been the subject of public meetings, hearings and workshops with agencies and local citizen's since 2004. The analysis of alternative locations for marina expansion within Bellingham Bay was performed as part of that public process. Following a series of public meetings and hearings, the Port Commission passed resolutions in May of 2004 to pursue the acquisition of the ASB and its redevelopment for the public purpose of additional marina facilities. Since then, the Port has been following the necessary property acquisitions, regulatory requirements and public involvement steps toward that intended purpose. The evaluation of alternative cleanup approaches was performed under Agreed Order with the Department of Ecology. Further, as part of the *Draft Supplemental EIS: Bellingham Bay Comprehensive Strategy, Whatcom Waterway Cleanup Site*, issued by Ecology in 2006, various alternative scenarios for the cleanup and use of the ASB were analyzed. The Preferred Alternative for cleanup and reuse of the ASB identified by Ecology calls for development of a marina and new public access and habitat restoration.

   Development of a marina at the remediated ASB will be subject to state and federal permits. The applicable state or federal agency would determine if additional

environmental review is required at the time permit applications are submitted for review and approval.

5. Refer to the response to Comment 4 in this letter.

6. The marina configuration described and evaluated under the No Action Alternative (Concept B) would not include the same level of habitat and public access features associated with the Clean Ocean Marina (Concept A). Concept B is included in order to compare the environmental impacts and benefits of a more typical layout with those under the Clean Ocean Marina. The analysis of two different marina designs, including a range of boat slips, was included in the DEIS. The final design and features of the marina would be determined as part of the state and federal permit process.

7. Parking identified for the marina is intended to comply with the City of Bellingham Municipal Code parking requirements. Subsequent to the issuance of the DEIS, the boat ramp has been removed from the proposal, which reduces the proposed parking supply. The marina proposal is an on-going planning effort. The Port will coordinate with the City on the proposed parking supply and make an effort to reduce parking, where possible.

8. Comment noted. As noted in the Fact Sheet portion of this FEIS, for the purpose of environmental review, full buildout of the site is assumed to occur over a 20-year period; although full buildout of the site would be dependent on market conditions and would likely occur over a longer timeframe. Please also note that one of the objectives identified by the Port for The Waterfront District is to "construct an integrated and economically-responsible infrastructure network" (page 2-18 of the DEIS).

9. Under the Updated Preferred Alternative, the ASB Marina would provide 28 acres of new aquatic habitat, 4.70 of which would be intertidal/shallow subtidal habitat. It is known that even marina habitat provides a moderate level of habitat function for salmonids. Thus, even though the newly-created habitat would be within an active marina, it would be an improvement over existing conditions. For example, it will increase Chinook salmon and bull trout critical habitat by several acres. As described in the DEIS Section 3.4.3, shoreline restoration actions in the Whatcom Waterway, such as pier/bulkhead removal and shoreline softening, would substantially improve existing habitat, although these actions would not create new habitat.

   The Port acknowledges that landscaped upland park habitat would not be highly-functioning terrestrial habitat. However, as the new park areas would replace existing marine industrial areas and land uses, impervious surfaces, and abandoned buildings, they would represent an improvement over existing conditions.

10. Comment noted.

11. It is acknowledged that a wider vegetated buffer would provide greater upland habitat function, and that areas with higher human activity would generally have lower upland habitat functions than similar areas with less human activity. However, the existing shoreline consists of paved uplands and hardened, industrial shoreline vegetated with noxious weeds. Thus the 25-foot vegetated buffers, combined with proposed shoreline restoration, would represent substantial improvements over existing conditions. Native vegetation would be used to the extent possible. It is also important to create a balance

between the use of shoreline area for habitat restoration and parks with other development in order to maintain the economic viability of The Waterfront District. Further, it is likely that saltmarsh would develop along portions of the shoreline, which would provide forage and refuge for juvenile salmonids within the Whatcom Creek Estuary.

The Port proposes to redevelop the shoreline to allow human use of the shoreline, as well as improve shoreline habitat.

12. Replacing the existing piers and bulkheads with the proposed moorage would significantly improve migratory conditions for juvenile fish. As described in Section 3.4.3 of the DEIS, the proposed redevelopment would improve 2.41 acres of intertidal/shallow subtidal habitat, including the removal of piers and bulkheads along 1,500 feet of Whatcom Waterway's south shoreline. The proposed transient moorage would be positioned approximately 60 feet waterward of MHHW (while the existing piers shade the landward-most approximately 70 feet of nearshore habitat). Juvenile salmonids would migrate along the nearshore in intertidal/shallow subtidal habitat and would only pass through the shadow cast by the narrow ramps.

    Changes in shadows on the water resulting from the proposed redevelopment would benefit migrating fish. The effects of overwater shading on juvenile salmonid migratory behavior have been extensively studied. From studies conducted at the Ports of Seattle, Tacoma, and Everett, it is known that juvenile salmonids will readily pass through shadows cast by narrow (15-20 foot wide) structures, but in some cases are unwilling to cross a darker shadow cast by a wider structure such as a pier (Weitkamp and Schadt 1982, Roni and Weitkamp 1996, Dames & Moore and Biosonics 1994, Pentec Environmental 1997). Thus, the removal of extensive piers along Whatcom Waterway and construction of narrow ramps extending to offshore floats would improve juvenile salmonid migration conditions, and the proposed moorage would not adversely affect juvenile salmonid migration.

    Any artificial lighting that would be installed either on shoreline trails or on the moorage floats would have no adverse effect on juvenile salmonids. Based on several studies in Hood Canal, it is known that juvenile salmonids occasionally aggregate around light, typically only when lights are directed onto the water surface, and even then only occasional, minor aggregation has been observed (Salo et al. 1977, Prinslow et al. 1979, Ratte and Salo 1985, Johnson et al. 1999, Nemeth and Anderson 1992, Hoar et al. 1957, Puckett and Anderson 1988). An associated concern is the potential for predation on juvenile salmonids to increase when juveniles aggregate around a light source. However, these studies have found neither an increase in predator numbers around light or juvenile salmonid aggregations, nor an increase in predators selectively targeting juvenile salmonids, even when aggregation has been observed (Ratte and Salo 1985, Prinslow et al. 1979). Finally, there are concerns that artificial light can delay migration. However a study conducted to investigate this found no evidence to support this concern (Prinslow et al. 1979). To minimize any potential for effects of lighting on juvenile salmonids, any shoreline lighting would be directed away from the water surface. Thus, any artificial lighting that is installed on shoreline trails or moorage floats would not adversely affect juvenile salmonids.

13. Comment noted. Subsequent to the issuance of the DEIS, the roadway system design for the site has evolved. As described in the EIS Addendum pages 3.5-4 to 3.5-6 and the SDEIS Appendix M pages 5 to 8, the Updated Preferred Alternative would include two to three lane roadways. All roadways would include pedestrian and bicycle facilities. In addition, Commercial Street would be designed as a "Green Street", which would include an open space component flanked by streets on each side of the open space with the street on one side focused on the movement of vehicular traffic, as well as pedestrians and bicycles, and the other side oriented exclusively towards pedestrians/bicycles. The Port intends to create a pedestrian and bicycle friendly environment on-site to encourage use of alternate modes and limit the need for additional vehicular travel lanes.

14. The Port and the City recognize the unique attributes of the existing Georgia Pacific structures, and how they reflect the site's maritime industrial heritage. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, an extensive assessment of the potential for retention/reuse of 11 existing structures was conducted as part of the EIS Addendum. The assessment concluded that none of the structures would be financially viable for reuse based on current economic conditions or under improved economic conditions (even with the use of historic tax credits). However, the Port has identified six (6) structures that have sufficient potential for retention/reuse that they should be temporarily retained for some period of time to allow reconsideration prior to demolition. Three (3) structures were identified as having potential for retention/reuse and would be temporarily held onsite for further market assessments. Three (3) additional structures were identified as potential heritage icons and would be temporarily held onsite pending further icon evaluations.

15. Please refer to the response to SDEIS Letter 14, Comment 18.

16. It is anticipated that piles installed to support new structures in both the upland and marine areas of the site would typically be steel or concrete piles. Creosote-treated timber piles would not be used to support new structures, nor would they typically be used for repair and maintenance of existing structures.

17. As stated in the DEIS, separate projects known to be planned on the site or in the site vicinity are included as part of the cumulative analysis of redevelopment of The Waterfront District. The overwater trail to Boulevard Park and high-speed bicycle trail are included as part of this cumulative analysis but are separate projects that would occur independent of the Proposed Actions. The overwater trail and high-speed bicycle trail would be designed and permitted by the City of Bellingham and would require its own separate environmental review.

18. Comment noted. The transportation analysis assumes pedestrian and bicycle facilities would provide primary access to the site. The redevelopment would be designed to connect on-site and off-site facilities. The Port and the City have worked together to refine the bicycle and pedestrian facilities on-site and the connections to and from the site as part of development of the Preferred and Update Preferred Alternative. As described in the EIS Addendum pages 3.5-4 to 3.5-6 and SDEIS Appendix M pages 5 to 8, all roadways on-site would provide pedestrian and bicycle facilities. In addition, off-site Central Avenue between Roeder Avenue and Holly Street would be closed to vehicular traffic providing a direct connection for bicyclist and pedestrians to and from downtown and Marina Park. With the provision of Central Avenue as a bicycle/pedestrian only

facility, a direct connection from the off-site trail system to the on-site trail system would be created.

Development of the traffic volumes assumes a reduced dependence on the automobile than observed today and is consistent with the City Comprehensive Plan mode share goals. Please refer to the response EIS Addendum Letter 3, Comment 5. A significant amount of the new infrastructure on-site would provide facilities for walking, biking, using transit; thus, creating a livable and active street environment.

19. The Port disagrees that elements of the proposed Waterfront District Redevelopment rely on any of the projects listed in DEIS Section 2.10 as Separate Actions. The separate actions would occur independent of the Proposed Action and the Updated Preferred Alternative and would be subject to state and federal permits and future decisions regarding environmental review by the applicable agency.

20. Comment noted. Refer to the responses to DEIS Letter 3, Comment 3 and SDEIS Letter 10, Comment 2.

21. The Updated Preferred Alternative would require up to approximately 700,000 cubic yards of fill to achieve suitable grades for building and infrastructure construction. Refer to SDEIS, page 3.1-11. The placement of the fill material would occur over several phases of construction.

    Site-specific engineering of the proposed infrastructure and buildings would occur during design and permitting of the proposed redevelopment. Geotechnical studies would be performed to determine the amount of anticipated settlement, which would be reflected in the design of the roadways and utilities. Future building entrances would accommodate final sidewalk/road elevations.

22. The cost of mitigation measures that may be required to satisfactorily address the various geologic hazards at the site cannot be defined until the design and permitting stage of site redevelopment. It is beyond the scope of the EIS to analyze the costs of such mitigation measures.

23. As indicated in Section 3.6.2 of the DEIS and SDEIS, pile-driving activities would likely affect the largest number of receivers at locations on and surrounding the site during construction activities. Pile driving would be intermittently intrusive throughout the long-term construction period. Such impacts would be most perceptible at distances less than 500 feet from a construction area. At greater distances, noise impacts from pile-driving would attenuate. As stated in Section 3.6.3 of the DEIS, construction industry best management practices (BMPs) related to noise mitigation would be incorporated into future construction plans and contractor specifications, including measures to reduce noise from pile-driving.

    Note that Section 3.1 of the DEIS analyzed soil and geologic conditions at the site. The referenced section is focused on driven piles and associated ground vibrations. Noise-related aspects of pile driving are adequately addressed in DEIS and SDEIS Sections 3.6 and Appendix J to the DEIS.

24. A discussion of certain aspects of soil excavation, worker health and safety, and soil management activities that would be associated with foundation installation in areas with contaminated soil are presented in DEIS and SDEIS Sections 3.5 (Environmental Health-Hazardous Materials). Specific details of foundation installation and associated soil management requirements would be addressed during future design and permitting for site structures and infrastructure.

25. Comment noted. The proposed redevelopment would focus on creating a pedestrian/bicycle environment using techniques such as street narrowing, textured pavements, landscaping, street trees, and street furniture. Please also refer to the response to EIS Addendum Letter 3, Comments 3 and 4.

26. The DEIS and SDEIS included extensive analysis of the range of potential stormwater pollution prevention measures, including the use of low impact development principles and water quality treatment that could be used to comply with applicable federal, state and local standards (see Appendix G to the DEIS and Appendix I to the SDEIS for details). The information and analysis presented in these documents is sufficiently detailed to understand the potential for significant impacts of proposed redevelopment on water resources and to identify appropriate mitigation measures that could be incorporated into the future construction and operation of the redevelopment. As specific plans for redevelopment are formulated and applications are submitted to the City, more detailed stormwater control design and analysis of the design would be available for review.

27. The Port and City are seeking to use innovative stormwater controls, such as those considered as part of LEED ND or Ecology LID guidance, where appropriate. See the response to Comment 31 in Letter 3 to the SDEIS.

28. Section 3.5.1 of the DEIS provided a summary of the affected environment, including a discussion of each cleanup site within The Waterfront District site, its cleanup status and its anticipated schedule (see the Environmental Health section in **Chapter 2** of this FEIS for updates on the schedule). Documents that describe the available information regarding the nature and extent of contamination are cited. These documents are extensive, are publicly available (e.g. most documents are available through Ecology's web site, or through their information repositories and most were provided for public review as part of the Port's due diligence prior to purchase of the Georgia Pacific properties in 2005) and are appropriately included by reference given the scope of the DEIS.

    The selection of the final cleanup actions at the remediation sites located within The Waterfront District site will be made by Ecology and will be documented in the final Cleanup Action Plans. Ecology's cleanup decisions are performed consistent with MTCA remedy selection criteria. Those criteria consider the protectiveness of the cleanup under current and future proposed land uses. Public review opportunities will be provided at the time of the draft RI/FS and the draft Cleanup Action Plan. Potential restrictions on future land use will be considered as part of the RI/FS alternatives analysis and final Cleanup Action Plan. As described in Section 3.5 of the DEIS, institutional control measures provide for long-term protection of human health and the environment during site redevelopment, after implementation of the cleanup action. Were there any conditions present on site that could not be safely dealt with during

certain types of redevelopment, then the Ecology cleanup decisions and associated institutional controls would prohibit these types of uses in these areas.

29. Groundwater has been extensively studied at all of the cleanup sites present within The Waterfront District site, including the use of groundwater modeling where appropriate to assess groundwater fate and transport properties. The potential for impacts to surface water and sediments has been a key focus area for all of these investigations, consistent with standard Ecology practice for waterfront cleanup sites. Additional information regarding groundwater investigation and modeling activities is available in the draft RI/FS documents available for each site and cited in the DEIS. As noted in the response to Comment 28 in this letter, these documents are publicly available. Available groundwater information has been considered in the analysis of environmental health-related impacts and mitigation measures in Section 3.5 of the DEIS and SDEIS. There will be additional opportunities for public review of groundwater information and analysis in the draft RI/FS documents and draft Cleanup Action Plans.

30. Comment noted. As indicated on page 3.10-6 of the DEIS, the specific layout of uses, building footprints and heights of individual buildings cannot be specifically defined until specific projects are proposed; therefore, for the purposes of EIS analysis, assumptions were made regarding the potential level of redevelopment, location of buildings and heights of individual buildings that could occur during the build out period as a tool to address potential aesthetic impacts on a worst-case basis.

    Please note that the EIS Addendum addressed environmental conditions under an Updated Preferred Alternative. Actual building footprints, building design, etc associated with development proposals under the Update Preferred Alternative would be determined based on future market conditions and the specific needs of tenants, and would be guided by provisions of the MDP and applicable design standards.

31. Comments noted. The proposal includes identification of land use types, land use densities, building square footage limitations, building height standards, road layouts, and parking assumptions. The proposal has been refined as the design process has evolved, including identification of the Updated Preferred Alternative in the EIS Addendum. The Updated Preferred Alternative site plan is illustrated on Figure 2-4 of the EIS Addendum. It is not the intent of the Port to design the site around parking. The analysis of parking demand was intended to identify the worst case impacts to downtown Bellingham parking. It is the intent of the Port to build parking as the development occurs and to reduce parking supply as appropriate. Parking codes and requirements would be established as part of the Development Agreement with the City. Please also refer to the response to EIS Addendum Letter 3, Comment 2.

32. As described in the response to SDEIS Letter 2, Comment 7, the Updated Preferred Alternative analyzed in the EIS Addendum incorporates Central Avenue to the south of the existing Granary Building.

33. Street design standards take into consideration multiple factors including various modes as well as other environmental factors. The ultimate street design provides a balance in servicing modes as well as minimizing impacts on the environment. Wide pavement creates more impervious areas, which have water quality and other environmental

implications. In order to minimize environmental impacts, narrower streets are planned with shared bicycle facilities for local roadways.

In addition, wide lanes encourage high speed auto travel; therefore, the site has been designed to slow traffic with narrower lanes. The EIS Addendum, page 3.5-5 to 3.5-6, along with the SDEIS Appendix M pages 5 to 8, described the Updated Preferred Alternative roadway system; the design would accommodate bicycle lanes along arterials including Central Avenue/Bloedel Avenue and Commercial Street. All local roads are expected to be shared-use facilities serving lesser amounts of vehicles reducing the potential for conflicts between bicyclists and vehicles.

34. As described in the SDEIS Appendix M pages 5 to 8, the roadway system has been refined and all roadways would be two to three lanes (or one lane per direction with a potential center two-way left-turn lane). Please refer to the response to DEIS Letter 16, Comment 13.

35. Please refer to the response to Comment 21 in this letter.

36. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use. The EIS Addendum includes mitigation strategies that could be used to reduce the level of parking supply; the DEIS also describes parking demand management strategies that could reduce the overall parking supply needed. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

37. Please refer to the response to EIS Addendum Letter 1, Comment 8.

38. Please refer to the response to SDEIS Commentary 20, Comment 1.

Mr. Maron -

I attended the February 20 public hearing on the New Whatcom Redevelopment DEIS and would like to submit the following comments:

1. According to your letter of January 9, 2008, to the City of Bellingham and the State Dept. of Ecology as included in the DEIS Fact Sheet, "the DEIS analyzes the environmental impacts of the proposal by the Port and City to adopt and implement a Master Development Plan and Development Agreement for the New Whatcom site." In addition, the DEIS also addresses "impacts from future development activities over an approximately 20-year build-out period on the New Whatcom site." The bulk of the DEIS seems heavily weighted to the latter issue (i.e. the build-out period) as it focuses on analysis of proposed action(s) and alternatives. It is difficult to comment substantively on the DEIS when no "preferred alternative," or even a mix of options from the different alternatives as is suggested, has been identified. Specificity of comments enhances the usefulness of the public input process, but it is directly related to specificity of the proposal. The Port should identify a preferred alternative in the FEIS or indicate which mix of options from the alternatives is being considered. 1

2. The importance of selecting a preferred alternative, or a mix of options from the alternatives, is even more apparent when considered along with the Port/City plan to designate certain elements as "planned actions," which will mean that "further environmental review under SEPA by the City will not be necessary if it is determined that future redevelopment is consistent with the provisions of the PAO." The Port should clarify in the FEIS which options will be considered planned actions. 2 3

3. The Port should conduct further environmental review of any "mixed-option alternatives" chosen in the future since environmental impacts of mixed-option alternatives may differ from individually considered options. In other words, an individual option may not have probable significant impacts by itself but may have impacts when combined with other individual options. 4

4. In Chapter 2.8.2 (Description of Features Common to Alternatives 1 through 3-Redevelopment Alternatives), assumptions formulated for "Existing Buildings" are presented, and "for environmental review purposes (assessing potential maximum environmental impact conditions), it is assumed in this Draft EIS that all but 12 of the 36 existing buildings [those remaining after GP demolition plans] could be removed under the Redevelopment Alternatives...." Figure 2-36 illustrates buildings that would remain standing; however, when compared with Figure 3.11-1 in the chapter on Historic and Cultural Resources, 10 of the 24 buildings that would be removed have been determined eligible for the National Register of Historic Places, specifically buildings 7, 8, 9, 13, 14, 15, 17, 37, 49, and E1. Building 12A, also eligible for the National Register, is assumed in the text to be retained, but Figure 2-36 does not show it; please clarify. The Port should explain why these buildings are to be removed under the three alternatives, especially in consideration of number 5 below. 5

5. The DEIS states that "actual decisions regarding reuse or removal of onsite buildings (those that will remain after GP demolition plans) would be made by the Port and City in the future in conjunction with site developers. The Port intends to explore feasible opportunities for adaptive reuse of such existing buildings with consideration of structural, economic, market and land use factors." The Port should apply its own previous studies and related statements (e.g. Port's 2004 Due Diligence Report, which should be made available for public review; the Interlocal Agreement between the Port and the City; the Waterfront Futures Group recommendations; the City's Comprehensive Plan) about the potential for adaptive reuse of all buildings proposed to be removed, especially those eligible for historic registers. The Port should develop an alternative for consideration that retains the historic buildings and maintains consistency with previous studies and related statements, and the Port's actions should be consistent with these recommendations. Adaptive reuse of historic buildings connects communities to their unique shared history in a tangible, useful way. This unique history is also communicated to visitors. Adaptive reuse is also increasingly acknowledged as the ultimate form of "recycling" as it keeps construction waste out of our landfills. 6

6. The Port should take steps to follow the mitigation measures for Historic and Archaeological Resources outlined at Chapter 3.11.3, particularly exploring opportunities for adaptive reuse and creation of a management plan for the construction life of the redevelopment. 7

I would also like to re-submit two comments originally submitted May 10, 2007, as they were not addressed during the scoping phase (i.e. they were not considered "significant" as per Appendix A of the DEIS):

In addition to the types of historic and cultural resources mentioned in the scoping document, one type of resource that may be overlooked is underwater archaeological resources, such as submerged archaeological sites (prehistoric and historic) and remnants of prehistoric fishing technology. Experts in the field of underwater archaeology should be contacted about the potential for the presence of these resources and how to plan for their treatment. 8

If the New Whatcom Redevelopment is designated a Planned Action, future phases of the redevelopment may still be subject to federal laws that address historic and cultural resources, such as Section 106 of the National Historic Preservation Act and NEPA. State laws protecting archaeological resources, such as RCW 27.44 and RCW 27.53, will apply at all times. Project proponents, planners, and construction crews should be made aware of these regulations so that historic and cultural resources are not destroyed during project activities. 9

Thank you for the opportunity to comment on the DEIS. I look forward to the FEIS and the Port's responses to comments, as well as to the master planning process to follow.

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Response to DEIS Letter 17

Applied Preservation Technologies

1. Please refer to SDEIS Commentary 20, Comment 1.

2. Please refer to SDEIS Commentary 20, Comment 1 and SDEIS Letter 2, Comment 2.

3. Redevelopment projects anticipated to be included in the Planned Action Ordinance have been identified in DEIS Section 2.10.

4. Please refer to SDEIS Commentary 20, Comment 1.

5. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, the EIS Addendum includes an analysis of the potential for retention/reuse of 11 existing structures. The assessment concluded that none of the 11 structures would be financially viable for reuse in the current economic climate or under improved economic conditions (even with the use of historic tax credits). However, the Port and City recognize the historic value of structures on the site and have identified six (6) structures as having the sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow for reconsideration prior to demolition. Three (3) structures have the potential for retention and reuse and would be temporarily held from demolition pending a further market assessment. Three (3) additional structures were identified as potential heritage icons and would be temporarily held based on further icon evaluations.

6. Plans for redevelopment of The Waterfront District site, including redevelopment assumptions for onsite structures, considers public input received at public meetings, public workshops, and comments on SEPA environmental review documents (DEIS, SDEIS, and 2010 EIS Addendum), as well as coordination between the Port and City and consideration of evolving economic conditions. See the response to Comment 5 of this letter regarding the potential retention/reuse of existing structures.

   The SEPA analyses conducted for The Waterfront District (including the DEIS, SDEIS and EIS Addendum) have addressed a wide range of redevelopment alternatives including an alternative assuming retention of existing structures (Alternative 4) and alternatives assuming a reasonable upper level determination of potential impacts where all buildings would be demolished (DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative). However, DEIS Alternatives 1 through 3 and the EIS Addendum Updated Preferred Alternative do not preclude the retention of any structure. Please refer to **Chapter 2** (Key Topic Areas) of the FEIS for additional detail on the EIS alternatives analyzed.

7. Comment noted. Mitigation measures for historic and archaeological resources were identified in the DEIS, SDEIS, and EIS Addendum. See the response to Comment 5 of this letter regarding the potential retention/reuse of existing structures.

8. Comment noted. As indicated in the DEIS (page 3.11-6), former tideflats comprise a majority of The Waterfront District site and adjacent area. In particular, tideflat areas at the mouth of Whatcom Creek could harbor archaeological materials. As indicated in Figure 3.1-2 of the DEIS, the eastern portions of the Whatcom Waterway and

ASB/Marina have a medium probability of containing archaeological material and the western portions of the Waterway and ASB/Marina have a low probability of containing archaeological material. Mitigation measures identified on page 3.11-12 and 3.11-13 of the DEIS would apply to both upland and in-water areas.

As stated in the SDEIS, a management plan could be developed by the Port for The Waterfront District. Specific details and procedures of the management plan would be developed by the Port and the City as part of the redevelopment process. The management plan would be drafted in consultation with and agreed upon by applicable state, local, and tribal agencies.

9. Comment noted. The Waterfront District redevelopment would comply with all required regulations and standards, including Section 106 Consultation and Review (if applicable). As noted, State laws regarding archaeological resources would be adhered to at all times.

I appreciate the work that has gone into the document thus far and look forward to the final EIS and master planning process. My comments are brief and divided by point with this line:

On page 3.3-14 the following language about participating in the LEED-ND Pilot program is inconsistent with the language from the Waterfront District website below, many other parts of the DEIS such as the Utilities section, and past public comments by Port and City officials. Suggestion: search and replace language to be clear through the whole document that this project is participating in the LEED-ND Pilot process and intends to use the third party standard to guide design and development of a high performance project from and economic, environmental, and social perspective.

In addition, the Port anticipates participating in the LEED for Neighborhood Development (LEED-ND) Pilot Program. LEED-ND is a rating system that integrates the principles of smart growth, new urbanism, and green building into the first national standard for neighborhood design. The Port would work with agencies, businesses and organizations regarding potential incorporation of feasible stormwater design and low-impact development strategies into future redevelopment projects, including Innovation and Design Process Points for a Clean Ocean Marina and stormwater design to minimize impervious surfaces and provide innovative water quality treatment techniques. 1

Cut and paste from http://www.bellinghamwaterfrontdistrict.com/ENVIRONMENT.php on 3/10/07

LEED-NEIGHBORHOODDEVELOPMENT

The Waterfront District will be developed as a pilot project under the recently approved LEED-Neighborhood Development rating system. A joint venture of the Congress for the New Urbanism, the US Green Building Council, and the Natural Resources Defense Council, the LEED-ND acknowledges that more than one third of greenhouse gases and a similar share of other environmental impacts are generated by buildings (primarily heating and cooling them) but another third is generated transporting people and goods to and from those buildings.

Another good reference for consistent reference to LEED and LEED-ND is found on page 3-14-13 and placed below:

As part of the Port's participation in the LEED Neighborhood Development Pilot Program, the Master Development Plan for New Whatcom could incorporate "green" building principles related to future energy features. The use of "green" or low-impact design features as part of New Whatcom redevelopment would reduce the demand for energy, relative to traditional building practices. Where possible, construction and operation activities would promote the use of recycled materials, eco-friendly building techniques, and energy conservation.

A search of the Transportation Chapter 3.12 show NO references to LEED-ND. The Pilot LEED-ND standard has clear language in the Smart Location and Linkage section on credit opportunities and methodology for measuring performance for “Reduced Automobile Dependence” and Bicycle Network. It should be referenced because the development is a LEED-ND pilot project, and because my analysis of public comment thus far is that Transportation issues rank in the top 3 areas of concern.

2

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Response to DEIS Letter 18

Sustainable Connections

1. Please refer to SDEIS Letter 11, Comment 2 for more information regarding The Waterfront District's Redevelopment Project's participation in the LEED-ND pilot project.

2. Comment noted. Although the LEED-ND was not mentioned in the DEIS transportation discussion, the Port is applying the Pilot LEED-ND standards in designing The Waterfront District. The EIS Addendum provided an evaluation of transportation operations with a 30 percent non-auto mode split and describes the transit services and facilities that would likely be necessary to support the higher transit mode split (see pages 3.5-16 to 3.5-20). This 30 percent non-auto mode split is much higher than the approximately 20 percent non-auto mode share being achieved today (based on 2000 US Census for Bellingham). The DEIS Appendix N provided a more detailed discussion of mitigation measures (see pages 142 to 150) to reduce automobile dependence as well as enhancements to the bicycle network. In addition, the SDEIS Appendix M provided a detailed description of the anticipated pedestrian and bicycle facilities on-site (see pages 5 to 8). As described and illustrated in the SDEIS Appendix M, the Port intends to provide pedestrian and bicycle connections to existing facilities to provide a complete non-motorized network.

   At this point in the redevelopment process, it is difficult to determine the credit the redevelopment should receive for reducing automobile dependence and the bicycle network. Currently, there is limited transit service to and from this area, and the service and routes on-site are still being finalized. The mitigation measures include TDM strategies as well as provision of bicycle amenities; however, the redevelopment would include multiple tenants and businesses making it more difficult to implement, enforce, and ultimately achieve higher mode share goals. Therefore, it can not be assumed that TDM would take place absent a mechanism to administer and regulate it for the entire site. As tenants are identified and transit routes are finalized, the Port will work to implement the LEED-ND standards and determine applicable credits for the redevelopment.

WASHINGTON TRUST FOR HISTORIC PRESERVATION

March 10, 2008

Mr. Andrew Maron
SEPA Responsible Official
Port of Bellingham
P.O. Box 1677
Bellingham, Washington 98227-1677

Re: Comments on New Whatcom Redevelopment Project Draft EIS
Whatcom Waterway, Central Bellingham Waterfront

Dear Mr. Maron:

The Washington Trust for Historic Preservation (WTHP) has reviewed the Draft Environmental Impact Statement (DEIS) and Appendices of the above referenced proposal by the Port of Bellingham. The Washington Trust is a statewide, nonprofit organization dedicated to safeguarding the historic places of Washington through advocacy, education, collaboration and stewardship. In response to the Port of Bellingham's DEIS, on behalf of the WTHP I am submitting the following comments and recommendations:

1. The various alternatives should be more proactive in retaining and planning for preservation of the buildings, structures, objects and sites that are eligible for listing in the National Register of Historic Places or contribute to a potential historic district at the site. This would include language in the project alternatives that plan for the retention and preservation of the site's significant cultural and historic resources. 1

2. The Port should follow through with previously stated plans to adaptively reuse buildings, and reflect the 18 month planning process completed by the Waterfront Futures Group. This extensive visioning process culminated in the *Waterfront Vision & Framework Plan*'s identification of Guiding Principles for the City Center, and the *Waterfront Action Plan 2004 – 2007*, which provides direction to "Reinforce a unique sense of place at different waterfront locations" and direct actions to "Identify Significant Historic & Cultural Sites, and Landmark Structures for Adaptive Reuse". 2

   The Port's *2004 Due Diligence Report* rated buildings on their potential for adaptive reuse, and ranked the former Washington Cooperative Association (Granary) building and a number of the former Georgia Pacific buildings as having Reuse Potential. The Port should utilize information in this report and follow through with an evaluation that is based on deliberate, systematic, and transparent process of analyzing and assessing all the values of existing historic resources. Value assessment involves 3

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integrating and ranking the different, sometimes conflicting values to inform the resolution of different stakeholder interests. To complete this evaluation the Port should consult with a firm specializing in services to public sector clients dealing with downtown and commercial district revitalization and the reuse of historic structures. An example of such a firm is *PlaceEconomics*, a Washington, D.C.-based real estate and economic development consulting firm. Principal Donovan Rypkema is internationally known, has extensive experience and has developed a *Feasibility Assessment Manual for Reusing Historic Buildings*. 3 Cont.

3. The Port should maintain consistency with the *Interlocal Agreement Regarding the "New Whatcom Special Development Area"* entered into by and between the Port of Bellingham and the City of Bellingham in January, 2005 and identify buildings suitable for Early Action Projects. For example, the feasibility of the Granary building as an Early Action Project should be evaluated. This is a building that was identified in the 2004 Due Diligence Report as having Reuse Potential and could serve as a catalyst for other investment in the GP site, in the Old Town Business District, and as a link / gateway from the CBD to the "waterfront district" neighborhood. 4

4. The Port should broaden the Area of Potential Effect covered by the DEIS to include revitalization areas adjacent to the Waterfront Redevelopment area – specifically the Downtown Central Business District and the Old Town Business District. This includes the adverse effect any decisions made by the Port regarding the treatment of historic buildings may have on adjacent areas -- specifically the downtown Central Business District (CBD) and Old Town Commercial District. 5

The CBD and Old Town Commercial Districts have been the focus of revitalization, economic development, and strategic investment planning for more than two decades. During this time, these two business districts have witnessed substantial investment of energy and funding from private, City, State, and federal sources.

The City Center Master Plan (CCMP), initiated in 1999 and adopted by the City in 2002, is a culmination of over two decades of revitalization planning. The purpose of the CCMP was to provide the framework for coordinating public and private investment decisions. As such, the plan illustrates overall visions for the City Center, and its key strategies have provided the framework for citizens, city staff and decision makers to use as they plan and construct public, private and joint projects. 6

The CCMP references the reliance of adaptive reuse of existing historic buildings on Bellingham's expanding **heritage tourism market**. Bellingham is well positioned to benefit from heritage tourism, a nationally growing force in economic development that includes travel to natural, historic and cultural attractions and focuses on historical authenticity, sustainability and local involvement. Historic resources make up a key part of the City Center's character and represent tangible links to the past, and have served to draw customers by establishing a distinct market image.

Similarly, existing historic buildings in the new waterfront district are assets with the potential to attract tourists, shoppers, businesses and residents. The Port of Bellingham's policies and actions should be consistent with, and further the recommendations in the CCMP whenever possible. 6 Cont.

5. The Washington Trust recommends historic preservation planning be an integral component of the proposed actions the Port and the City put forth. A preservation plan for the site should be incorporated into the Master Development Plan for the New Whatcom Redevelopment Area. Recommendations included in the preservation plan should subsequently be used as development regulations for the site are established through the Development Agreement. Incentives for preservation, such as federal investment tax credit and the local Special Valuation Tax program should be identified to encourage adaptive reuse of historic resources at the site. 7

6. Finally, we urge the Port of Bellingham to actively communicate with the Bellingham Historic Preservation Commission at each step of the process for their comments on the effects of cultural and historic resources that may be eligible for the Bellingham Local Landmarks Register. 8

The retention, preservation and rehabilitation of historic resources are proven economic development tools. A great opportunity exists for the Port of Bellingham to embrace the historic resources existing along the waterfront. Thank you for the opportunity for the Washington Trust to comment on the DEIS and do not hesitate to contact me should you have any questions.

Sincerely,

Jennifer Meisner
Executive Director

Cc: Mayor Dan Pike
Tim Stewart, Director, Planning and Community Development
Jim Darling, Executive Director, Port of Bellingham
Len Johnson, Waterfront Redevelopment Manager
Katie Franks, Planning and Community Development
Jackie Lynch, Historic Preservation Commission Staff

Response to DEIS Letter 19

Washington Trust for Historic Preservation

1. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, while none of the existing structures would be financially viable for reuse in the current economic climate or under an improved economy (even with the use of historic tax credits), the Port and City recognize the historic value of structures on the site and based on structural, architectural, and economic evaluations, six (6) structures have been identified as having sufficient potential for retention or reuse that they should be temporarily held for some period of time to allow reconsideration prior to demolition. Three (3) structures have the potential for retention and reuse and would be temporarily held from demolition pending a further market assessment, including: Old Granary Building (7); Board Mill Building (12); and Alcohol Plant – East Portion (17). Three (3) additional structures were identified as potential heritage icons and would be temporarily held based on further icon evaluations, including: Chip Bins (9); Digester Tanks (13); and, High Density Tanks (49).

2. Refer to the response to Comment 1 of this letter for details regarding the potential retention/reuse of existing structures. Please also refer to **Chapter 2** (Key Topic Areas) of this FEIS for additional details on historic structures.

3. As stated in **Chapter 2** (Key Topic Areas) of this FEIS, in support of the 2010 EIS Addendum, the *2010 Waterfront District Adaptive Reuse Assessment* was prepared to examine the potential for retention/reuse of 11 existing structures. The *2010 Waterfront District Adaptive Reuse Assessment* concluded that none of the existing structures would be financially viable for reuse in the current economic climate or in a potentially improved economy, even with the use of historic tax credits (the fundamental reason for this conclusion is that the onsite structures were constructed to house industrial equipment and operations and therefore, the structures do not contain floors or utilities typically contained in buildings that have been successfully reused in other areas). However, as noted in the response to Comment 1 of this letter, the Port and City have identified six (6) structures as having sufficient potential for retention or reuse that they should be temporarily held for some period of time to allow reconsideration prior to demolition.

4. Refer to the response to Comment 1 of this letter for details regarding those structures that would be temporarily held from demolition pending further evaluation of their retention/reuse viability.

5. Mitigation measures were identified in the DEIS, SDEIS, and EIS Addendum to ensure that listed buildings in the vicinity of the site would not be adversely affected by redevelopment activities on The Waterfront District site.

6. Comment noted. The Port and City recognize the historic value of structures on The Waterfront District site and the SEPA environmental review (DEIS, SDEIS, and EIS Addendum) has progressively identified additional provisions related to historic resources. Refer to Comment 1 of this letter for details regarding those structures that have been identified by the Port for further evaluation of the viability of retention/reuse.

7. Comment noted. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the assessment of the economic viability of adaptive reuse of the existing structures indicated that even with the use of historic tax credits, the reuse of existing structures would not be economically viable at this time. As noted in the response to Comment 1 of this letter, the Port and City recognize the historic value of structures on the site and based on structural, architectural, and economic evaluations, six (6) structures have been identified as having sufficient potential for retention or reuse that they should be temporarily held for some period of time to allow reconsideration prior to demolition.

8. Comment noted. As The Waterfront District Redevelopment Project continues to move forward, the Port and City will continue to engage the Bellingham Historic Preservation Commission.

February 23, 2008

SEPA Responsible Official
Port of Bellingham P.O. Box 1677
Bellingham, WA 98227-1677

Dear Mr. Maron:

I am writing to request that the Final New Whatcom EIS include an assessment of the following items:

1. The transmission of construction noise, especially the noise generated by pile driving, across the waters of Bellingham Bay to the south side of Bellingham (i.e. Fairhaven, Edgemore and South Hill). As you are probably aware, noise transmission across bodies of water are heightened due to reflection of noise off the water surface. I am specifically concerned that construction noise especially pile driving may become unacceptable to the public due to this effect and an assessment should be included in the EIS. 1
2. The EIS should contain an assessment possibly leading to a reduction of the allowable hours of construction. The EIS suggests that the hours of 7:00am to 9:00pm are acceptable. I believe that period is excessive and will disturb many of our older citizens. The period between 8:00am and 6:00pm is much more reasonable to the residents of Bellingham and less disruptive of daily life. 2
3. The EIS should also include an assessment of machinery noise from the buildings that will be built. In particular, an assessment of air conditioner noise especially if roof top mounted. My experience as a condo owner in Belltown leads me to believe that if Alternatives 1 or 2 are selected as the baseline for development and the office and residential spaces include air conditioning, the noise that will be noticeable, especially in the quiet of night, and may well be objectionable to the residents of Bellingham. The noise may also be transmitted over water to Bellingham's South Side especially residents on Sehome and South Hill. Another example of disturbing machinery noise is the air conditioning machinery at the Chrysalis Inn & Spa. When walking along Taylor Street dock on a summer evening, the noise generated by the A/C machinery at the Chrysalis Inn is offensive. Hopefully that won't become a problem at New Whatcom where much more A/C machinery will be needed and installed. 3

Thank you for the opportunity to comment on the final EIS. I believe that the Port of Bellingham and its consultants have produced an excellent study and should be commended for their work assessing the impact of the different waterfront alternatives.

Sincerely,

R.A. Ballweg

Raymond A. Ballweg

Response to DEIS Letter 20

Raymond A. Ballweg

1. Please refer to the response to DEIS Letter 16, Comment 23.

2. Although the City of Bellingham noise control ordinance identifies allowable construction noise from 7:00 AM to 10:00 PM, it is not typical for construction contractors to work beyond 6:00 PM. Modifications to a contractors construction work hours could be incorporated into future construction plans and construction specifications. The DEIS indicated that limits on allowable construction hours could be placed on pile-driving activities (see DEIS page 3.6-20). Further, some acoustical information, construction duration, and timelines may be requested from the contractor by the applicable permitting agency before a specific construction project commences. This is typically done on a case-by-case basis during the construction permit process and depending on proximity to sensitive receptors, such a schools and hospitals. Adjustments to allowable construction hours could be required at that time.

3. The DEIS analyzed operational noise impacts, including noise from mechanical equipment (see DEIS Section 3.6.2, and Appendix J). The DEIS recognized that a mixed use development often locates dissimilar land uses adjacent to one another. Noise from mechanical equipment could impact adjacent onsite residents; offsite uses in direct proximity to certain buildings could also experience noise, depending on building design, orientation, separation, etc., particularly during nighttime hours. This could primarily result from buildings at the site periphery. For this reason, operational mitigation measures to address potential noise impacts would be considered as part of the future permit process for buildings in certain portions of the site, and would be dependent on those uses in proximity to a proposed building. These mitigation options are presented in the DEIS (see Section 3.6.3). These measures may include: specific acoustical site planning that uses the arrangement of buildings to minimize the potential noise impacts; incorporating acoustical architectural noise-reducing concepts in the details of individual buildings; utilizing acoustical construction building treatments at various parts of a building to reduce interior noise impacts; and, placing non-living unit buildings (such as garages, commercial buildings, and recreational facilities) between the residences and noise-generating sources, such as industrial projects, the railroad corridor or mechanical equipment.

Analiese Burns
1536 Silver Beach Road
Bellingham, Washington 98229

March 8, 2008

Andrew Maron
SEPA Responsible Official
Port of Bellingham
PO Box 1677
Bellingham, Washington 98227-1677

Subject: New Whatcom Draft Environmental Impact Statement

Dear Mr. Maron:

I am a local biologist and life-long resident of Whatcom County. Although I have witnessed many changes to our community, one of the most influential and exciting is the redevelopment of the Bellingham waterfront. I urge you to consider the long-term implications for this change to ensure we have redevelopment which enhances our culture and natural environment. We must prevent actions which only address short-term and economic needs. Specifically, I urge you to consider the following in your evaluation:

<u>Volume I:</u>

Proposed Actions and Alternatives:

- I strongly support the pursuit of a Clean Ocean Marina concept. However, the concept needs to have specific, measurable goals and objectives. 1
- I Support the inclusion of design measures to encourage flushing within the ASB marina. Do not include habitat within the new marina area without provisions for flushing. 2
- Do not include an over-water roadway. 3

Water Resources:

- The City of Bellingham and Port of Bellingham should be required to collect pre-construction water quality data sufficient to create a baseline for the Inner Bellingham Bay / Whatcom Waterway and stormwater runoff from the site. A baseline is essential to monitor the impacts/success of future development and mitigation measures. 4
- Include measures to treat water discharging from the existing C Street outfall (outfall #1). 5

Plants and Animals

- Include pocket beaches and soft-shore design to the maximum extent possible. 6
- Include 150-200 foot buffers to support the protection of the sensitive riparian functions and buffer the marine shoreline from the high intensity development associated with New Whatcom. 7
- Place trails a minimum of 50 to 75 feet from the edge of the marine shoreline, ideally separating human and open space through terracing. Terracing would also 8

protect views. Trails and the associated human and animal use are detrimental to natural habitats, slope stability, and water quality. 8 Cont.

- Separately identify active part areas from natural open space. As proposed, the "open space" areas cannot be expected to provide habitat restoration or protection due to the significant human and recreation-related uses, and the associated disturbances, that would occur in the proposed new parks and public access areas. The public has a right to know which areas are designed for human uses and which are for natural resource protection- the areas cannot effectively do both. 9
- Plant overhanging vegetation and protect forage fish spawning areas. 10
- If lawn is planned, have stormwater treatment for the entire area to minimize pollutant inputs resulting from dog and geese use. 11
- Mitigation should be planned in coordination with existing local entities knowledgeable about local fish resources including NSEA and the MRC 12

Thank you for considering my comments. I look forward to the final environmental impact statement. If needed, I can be reached at 360-738-1460.

Sincerely,

Analiese Burns

1536 Silver Beach Road, Bellingham, Washington 98229

Response to DEIS Letter 21

Analiese Burns

1. Please refer to the response to SDEIS Letter 11, Comment 3.

2. Modeling is being conducted as part of the marina design process to assess elements needed to ensure adequate mixing/water exchange within the proposed marina.

3. Neither the DEIS Redevelopment Alternatives 1-4, the Preferred Alternative or the Updated Preferred Alternative include an overwater roadway. In the DEIS, an overwater trail between the Cornwall Beach Area and Boulevard Park (which was assumed to be a separate action) was discussed but is not proposed as part of the Updated Preferred Alternative.

4. Existing water quality data for Bellingham Bay and for discharges from the Bornstein Seafoods outfall and BMI outfalls are described in Section 2.3.1 (pages 2-5 through 2-7) in Appendix G to the DEIS. Per the Ecology NPDES permit for construction discharge, water quality monitoring would occur (see pages 2-3 and 2-4 in Section 2.2.4 and pages 3-9 and 3-10 in Section 3.1.7 of Appendix G to the DEIS for details). In addition, the Port is considering monitoring water quality at the marina as part of its "Clean Ocean Marina" concept (see page 3-32 in Section 3.2.7 of Appendix G). This monitoring may be included as a best management practice (BMP) to determine whether additional BMPs for pollution prevention in the marina are necessary.

   Background monitoring, beyond that described above, would not generate a useful criterion against which to measure the impacts of the proposed stormwater treatment facilities. None of the existing industrial use stormwater discharges at the site were considered representative of discharge from proposed land uses by 2026, including from future industrial land uses, due to changes in source control and treatment requirements and other pollution prevention regulations that have been adopted since those areas were developed (see page 3-17 in Section 3.2.2 of Appendix G to the DEIS). The water quality impact analysis forecasted and compared future modeled stormwater discharge quality against state water quality standards and existing measurements of Bellingham Bay water quality. The results of the DEIS water quality analysis indicated that compliance with the 2005 Ecology Manual, in addition to the mitigating measures proposed by the Port, would protect water quality at the site's discharge points under the proposal (see Section 3.3 and Appendix I to the SDEIS).

   Existing stormwater runoff from the site is currently treated within the ASB, except for isolated areas, particularly in the Cornwall Beach Area and Shipping Terminal Area, which have their own stormwater systems. However, the ASB is expected to be discontinued as a stormwater treatment facility as the area is converted to a Clean Ocean Marina. As that transition occurs, new stormwater systems would be designed and permitted as necessary. Under the proposal, stormwater would be treated and the overall quality of water discharged to Whatcom Waterway and Bellingham Bay would be improved over existing conditions (see Section 3.3.2 of the SDEIS). This would be the case whether considered from any of the individual outfalls, or site-wide on a combined outfall basis. In addition, at buildout in 2026 all stormwater parameters would be well within marine water quality standards and within background conditions in Bellingham

Bay with minor exceptions (i.e. fecal coliforms); as a result, significant impacts would not be expected. Additional stormwater monitoring of existing conditions or outfalls would not add to or change that assessment (see Appendix I to the SDEIS and Appendix G to the DEIS for details).

5. The C-Street outfall primarily conveys existing City stormwater flowing from off-site sources through the site. Under the proposal, this stormwater would bypass the redevelopment. There are no treatment requirements for off-site flows. It appears there are some private properties on the north side of C-Street in the Marine Trades Area of The Waterfront District site that are connected to the C-Street outfall. Until these properties redevelop, their stormwater infrastructure would continue in operation. As redevelopment occurs in this area, any pollution-generating stormwater flows would adhere to the treatment standards in the 2005 Ecology Manual.

6. Pocket beaches are included as an element of the Updated Preferred Alternative. This is discussed further in the SDEIS (refer to Section 2.3.4 and Appendix J). Pocket beaches with fine substrate must be carefully constructed and located so as to ensure they are appropriate given the wave energy regime at the site. As such, beach habitat is proposed at the head of the I & J Waterway, within the Log Pond Area, and at the southern shoreline of the Shipping Terminal Area. These locations have wave energy that would facilitate beach habitat; however, beach habitat would not likely be sufficient to prevent shoreline erosion over much of the remaining shoreline due to wave energy concerns. Thus, the Downtown Waterfront Area shoreline is proposed as terraced habitat, which will consist of gravel and cobble substrate, and the Cornwall Beach Area, which would encounter the highest wave energy regime in the site area, would consist of rocky shoreline habitat (refer to Figures 2-7 through 2-13 for illustrations of these habitat types).

7. While the Port's proposed vegetated riparian buffers are not as wide as requested by the commenter, they will nonetheless provide some riparian function. It should be noted that essentially no riparian vegetation currently exists in these areas, and thus the proposed shoreline and fringe habitat (described in the SDEIS) would represent a substantial improvement over existing conditions (refer to the response to Comment 36 in DEIS Letter 3 for more information on shoreline buffers.

8. Placement of shoreline trails are often require a balance between public access and habitat protection. A shoreline trail with adequate access (both visual and physical) would reduce the potential impacts of human use on the shoreline environment. A shoreline trail located too far from the water would not serve its intended purpose and would likely indirectly encourage off-trail foot traffic. Experience at other waterfront locations indicates that if a shoreline trail does not provide adequate shoreline access informal access, informal trails are often created. The proposed trails would concentrate human activity away from the shoreline (by allowing visual and physical access within a reasonable distance of the shoreline), but not so far as to prevent the public from interacting with the shoreline or encourage off-trail activity.

9. The SDEIS further identified and defined proposed habitat restoration elements (refer to Section 2.3.4). While the Port agrees that parks and open space intended for public use do not provide the same level of habitat function as natural open space/riparian areas, parks and open space with grass and shade tress would still represent an improvement

over the existing industrial condition featuring paved areas with weedy vegetation (refer to the response to Comments 35 and 36 in Letter 3).

10. Some overhanging vegetation would be planted, particularly along the Cornwall Park shoreline. Limited shoreline vegetation would likely be planted along the park area shorelines in the Downtown Waterfront Area. Mitigation measures to protect forage fish spawning areas are addressed in the DEIS and SDEIS (see Section 6.2.4 of the SDEIS).

11. Stormwater management in lawn areas would be conducted consistent with applicable regulatory and permit requirements. Lawn areas would be designed to minimize the generation of stormwater runoff. Landscaping design in lawn areas would also consider measures to minimize goose attraction (e.g. use of native vegetation plantings between lawn areas and the shoreline). Proposed signage would address dog waste control requirements (e.g. leash and scoop requirements).

12. Mitigation measures would be further considered in the state and federal permitting process for proposed in-water work associated with the proposed redevelopment. At that time, agencies and the public would have the opportunity to contribute input to mitigation plans.

The following are my comments on the Draft Environmental Impact Statement (DRAFT EIS) for the New Whatcom Redevelopment Project. I want them included in the public record and adequately considered during the preparation of the Final Environmental Impact Statement.

GENERAL COMMENTS

1. Members of the public will put a lot of time and effort into evaluating the Draft EIS and preparing their comments. In the Final EIS, each of those specific comments needs to be listed in an appendix along with an accompanying statement from you specifically describing what action you took to properly address each of the issues identified. Doing so will allow the public to understand the concerns that have been raised and the adequacy of your responses. The "SUMMARY OF COMMENTS" in Appendix A, Volume II of the Draft EIS was totally inadequate. It would be a sham if a much, much more thorough, much, much more complete record of comments and responses is not included in the Final EIS. 1

2. I was disappointed that ONLY the Port's objectives were considered in the preparation of the Draft EIS (Section 2.4). As a resident and taxpayer of Bellingham, I expect the City of Bellingham to be a joint and equal partner with the Port in the New Whatcom Redevelopment Project. As such, the City's objectives need to be listed and incorporated in the preparation of the Final EIS with the same degree of care and consideration as the Port's objectives. While the City may be supportive of all of the Port's objectives, maybe it isn't, and/or maybe it has other, possibly conflicting, objectives. The public has the right to know the City's position. 2

3. If a "Preferred Alternative" (page 2-42) is developed in the future by a "mix and match" process of taking various development options from Redevelopment Alternatives #1, #2 ,and #3, the public needs to have the opportunity to comment on that new proposal before it is presented to the Port Commissioners, the Mayor and the City Council for their consideration. 3

4. I think that the timing of the preparation of the EIS is wrong. It would seem to make more sense and be more effective if the Master Plan had been prepared first. Subsequently, the EIS could have evaluated the proposals in the Master Plan or variations of that plan. 4

5. A great deal of effort has gone into developing a set of guiding principles and implementation strategies for redeveloping New Whatcom. A thorough discussion needs to begin the section for each of the Redevelopment Alternatives delineating how each Alternative fulfills (or does not fulfill) the vision of New Whatcom as defined by the Waterfront Futures Group. public meeting input, the four redevelopment goals, etc. It is important to identify any deficiencies and discuss either how they will be corrected so that the vision of New Whatcom can be achieved or the rationale behind your decision to reject remedial action. 5

6. The Draft EIS is totally focused on the potential impact of the redevelopment on the areas surrounding New Whatcom. Equal concern must be directed toward evaluating the environmental impact on the developers of New Whatcom and on the people who will live in, work in, and visit the site. If New Whatcom ends up being an unappealing, crowded, noisy, car friendly, street Level of Service "F" development with too many tall, bulky buildings (especially along the waterfront), and an inadequate amount of parkland, people will not want to live, 6

work, and visit there, and developers will not want to invest their money in such an unattractive project. Consequently, New Whatcom would be a failure. Alternatively if the project is something special, people will want to live, work, and visit there, and developers will be anxious to invest in New Whatcom. You should evaluate: "Will the three Redevelopment Alternatives achieve a vibrant, pleasing, successful addition to Bellingham?" I think not. 6 Cont.

SPECIFIC COMMENTS

A. Section 2.9.1: Onsite Separate Action/ Background Projects-Bellingham Shipping Terminal Improvements

1. It needs to be clarified that the construction of new piers will only be done in case NOAA (or another long-term tenant) specifically commits to berthing its large vessels at the shipping terminal. The public deserves assurances that the new piers would not be constructed just on the speculation that someone, sometime in the future might use them. 7

2. If the new piers are built and dredging has to be done to accommodate the docking of large vessels, where will the 20,000 cubic yards of clean dredged material be disposed of? What will happen to the 38,000 cubic yards of contaminated sediment that is dredged? 8

B. Section 3.9: POPULATION, EMPLOYMENT, AND HOUSING

1. It would be helpful in evaluating potential impacts if the number of residents and the number of employees are specifically listed in each of the ten Redevelopment Planning Areas instead of having that information consolidated on one table for each Redevelopment Alternative. 9

C. Section 3.10.2 Impacts-Aesthetics-Visual Analysis

I feel that the photographs showing the view corridors as they currently exist, the maximum height envelopes, and the massing concepts are one of the most interesting and useful parts of the Draft EIS. However, I have a number of suggestions that, if implemented, would make the Section even more effective.

1. General Comments

a. The Commercial Street right-of-way from Roeder Avenue to Bellingham Bay is a significant view corridor from Downtown, across New Whatcom, to the Bay. However, there is no photograph for this view corridor in Volume I of the Draft EIS. This view corridor should be included for all three Redevelopment Alternatives in the Final EIS. 10

NOTE: Photos VPj 1 to 3 in Volume II are described as showing Cornwall Avenue. In actuality, they are of Commercial Street 11

b. A photograph taken from the Roeder Avenue Bridge across the Whatcom Waterway looking south along the left side of the Waterway would be useful in illustrating waterfront park widths and the adjacent buildings' height/bulk/proximity in that area for the three Redevelopment Alternatives. 12

c. Adding a figure of a person, to scale, standing next to the building representations for View #3-F Street and Bancroft Street; View #5-Docks; View #6-Bay Street; and the Commercial Street right-of-way should be included for all of the 13

Redevelopment Alternatives. Doing so would give the public an improved understanding of the height and bulk of the building representations. 13 Cont.

d. In four cases, panorama photographs were taken from Viewpoints (Volume II), but only a portion of the actual view was shown in the view analyses in the Volume I photographs. It would be much more useful and representative if the maximum height envelopes and massing concepts were depicted on the panorama photographs at these locations:

* Maritime Heritage Park top of stairs-see photo VPG1-5
* Docks-see photo VPn1.1-1-12
* Intersection of Chestnut and Cornwall-see photo VPJ 1-6, but extend the area of coverage even further to the right so all of Redevelopment Planning Area #2 is visible.
* Intersection of East Maple and Cornwall-see photo VP M1-6, but extend the area of coverage even further to the right so all of Redevelopment Planning Area #2 is visible. 14

2. Redevelopment Alternative #1 Comments

a. View #1-Bellwether Park: Probably Mt. Baker would be visible on a clear day from this vantage point. If it is, would the 100 foot high buildings block it? 15

b. View #3-F Street and Bancroft Street: Need 100 foot high building representation on the left side of F Street as shown on the maximum height envelope. 16

c View #5-Docks: It appears that Mt. Baker is visible in the "Existing" photograph, but hidden behind the building representations. If this is the case, it needs to be mentioned in the description of this view. 17

d View #6-Bay Street: The 200 foot Maximum Height Envelope is truncated by the top of the photograph. The building representation on the left side of Bay Street is much, much lower than 200 feet even though this area is supposed to have the maximum building heights. 18

e. View #8-Chestnut Street and Cornwall Avenue: The representative building heights are much, much lower than the 150 foot and 200 foot Maximum Height Envelopes even though this area is supposed to have the maximum building heights. 19

f. View #9-East Maple Street and Cornwall Avenue: The 150 foot Maximum Height Envelope is truncated by the top of the photograph. The building representations are much, much lower than 150 feet. 20

g. View 10-East Laurel Street and North State Street: The building representations are much, much lower than 150 foot and 200 foot Maximum Height Envelopes. 21

h. View #12-South Bay Trail: The representative building height is considerably lower than the 100 foot Maximum Height Envelope. A 100 foot high building would block the view of Bellingham Bay and Lummi Island. 22

3. Redevelopment Alternative #2 Comments

a. View #3-F Street and Bancroft Street: The building representations appear to be 50 feet or less in height instead of a maximum of 75 feet to 140 feet. A 75 foot high building would probably completely block the view of Lummi Island. 23

b. View #6-Bay Street: The building representations appear to be only 40 feet to 60 feet high instead of a maximum of 75 feet to 140 feet high. This area is supposed to have maximum building heights. 24

4. Redevelopment Alternative #3 Comments

a. View #3-F Street and Bancroft Street: The building representations appear to be only 30 feet to 40 feet high instead of 75 feet to 100 feet. A 75 foot high building would probably completely block the view of Lummi Island. 25

b. View #6-Bay Street: The building representations appear to be 25 feet to 35 feet high instead of 75 feet to 100 feet. This area is supposed to have maximum building heights. 26

I recognize that the building representations are only examples and that the final build out will be considerably different from the conceptual Figures 1 and 2 in Volume II of the Draft EIS. I also recognize that at final build out buildings will have a variety of heights and only a few of them will reach the maximum heights currently contemplated. However because no one at this time can accurately predict specific heights and building locations, I think the maximum height limits potentially allowed should be depicted for each Viewpoint. Such a representation may, in actuality, be the case at final build out. To do otherwise is to presuppose a greater degree of knowledge than currently exists, and such an approach will mislead the public. 27

D. Section 3.12 TRANSPORTATION-Streets and Intersections

The Transportation Section highlights a disaster in the making. Ensuring that "KING" car continues to reign supreme unfortunately seems to be the goal of the analysis. Instead, there needs to be the full scale development of an actual, integrated transportation plan emphasizing public transit, walking, bicycling, van pools, incentives for reducing one person/one car trips, flex working hours, etc. The public, residents of, workers in, and visitors to New Whatcom do not desire completely unacceptable traffic congestion either within New Whatcom or on nearby city streets. 28

These are my specific concerns:

1 The five spoke intersection at Laurel Street/Commercial Street/Log Pond Road should be scrapped. The Level of Service (LOS) F experience at the five spoke intersection of North State Street/James Street/Iowa Street should be sufficient warning that it would be unwise to deliberately create a similar intersection in New Whatcom. 29

2. The engineering feasibility and cost of the proposed automobile bridges to the site at Bay Street, Commercial Street, Cornwall Avenue, Laurel Street, etc. need to be evaluated. If the bridges can be constructed, but only at an extravagant cost, alternative ways of getting traffic onto and off the site need to be identified and fully evaluated in the Final EIS. 30

3. Instead of using tables to document LOS at the present time and in the future for the Redevelopment Alternatives, that information should be shown using maps. Maps would make the traffic congestion issues easier to visualize. 31

4. Maps should be used to show the location and extent of vehicle queue backs as described on page 3.12-47. It is unacceptable that "the intersection analysis was conducted for isolated locations and did not account for the overall interaction of intersections and queue spillback into adjacent intersections. Although the Laurel Street/Bay Street intersection would operate at LOS B during the PM peak hour by 2026 as an isolated intersection, if the queue spillback from Laurel Street/Commercial Street/Log Pond Road intersection is considered, operations would likely be much worse." 32

Of what value is the Draft EIS if the analysis on which conclusions are made is based on admittedly incomplete, inadequate information as documented in the preceding quotation? That approach destroys the credibility of the entire transportation analysis. In addition, it makes a person wonder what other important issues have been hidden or not adequately explained elsewhere in the Draft EIS. Such circumstances could significantly change the conclusions and recommendations of the document if they were properly divulged. 33

Section 3.12 Parking

The Parking discussions once again show the dominance of "KING" car over all competing considerations. What is the cost of the proposed parking structures? How difficult will it be for cars to get into or depart from the parking structures and surface parking lots during the PM rush hour? A comparison of park space and parking spaces for the three Redevelopment Alternatives is disappointing. 34

ALTERNATIVE	2026 PARKING	PARK SPACE
#1	33.3 acres	33 acres
#2	35.6 acres	24 acres
#3	41.7 acres	15 acres

It is very obvious. New Whatcom will be "KING" car friendly, not people friendly. There has to be a better way. I do not think the residents of Bellingham want more parking than parkland in New Whatcom. This possibility needs to be specifically discussed in the Final EIS unless things are dramatically changed.

E. Section 3.13, PUBLIC SERVICES AND FACILITIES-Parks and Recreation

1. The public has consistently expressed its desire for adequate parkland in New Whatcom-both along the shoreline and in the interior of the site. In addition, the City of Bellingham has approved a city-wide Level of Service (LOS) guideline that calls for 47.49 acres of parks and recreation space per 1,000 residents. As demonstrated in the following table, the amount of park space in the three Redevelopment Alternatives is totally inadequate. 35

Alternative	Number of Residents	Number of Workers	Proposed Parkland	LOS Guideline for Residents	LOS Parkland Deficit
#1	5,874	8,722	33 acres	279 acres	246 acres

#2	4,489	7, 205	24 acres	213 acres	189 acres
#3	2,531	5,376	15 acres	120 acres	105 acres

Obviously, the LOS guideline can not and should not be achieved just within the confines of New Whatcom In addition, there will likely be some recreational facilities provided as an element of multifamily residential buildings. However even taking these factors into account, the amount of proposed parkland is too small to properly service the residents of New Whatcom. The problem would be further exacerbated by not taking into account the desire for parkland and recreational facilities by the additional people who would work in and visit New Whatcom. Furthermore while there are other city parks and recreational facilities that New Whatcom's residents could and would use off site, their distances from people's residences would mean that they would only occasionally be used by them. Instead, residents of New Whatcom would want to primarily use the parks and recreation facilities in close proximity (e.g. within easy walking distance) of where they live 35 Cont.

2. The statement on page 3.13-44 that: "through the provision of onsite recreational opportunities and the availability of a variety of public part and recreational facilities in the nearby vicinity, significant impacts to park and recreation facilities would be adequately mitigated" has no basis in fact. Just saying there will not be unmitigated problems does not mean the statement is valid. Specific documentation supporting that contention is completely lacking. Significantly more park space is needed for New Whatcom. If it isn't, users of the parks will have a "sardine" experience because of unacceptable overcrowding. 36

F. Other Comments

1. A major goal of the redevelopment activities associated with New Whatcom has been to connect Downtown to New Whatcom to Bellingham Bay. I did not see any proposal which accomplishes that in the Draft EIS. I hope that there will be one in the Final EIS. 37

2. Alternative Uses for the Deep Water Shipping Terminal

The seventeen acres of Redevelopment Planning Area 9 occupied by the deep water shipping terminal is scenically the most attractive area in New Whatcom. While I support the use of the area by NOAA or some other specific marine industrial purpose, I strongly object to that piece of extremely valuable real estate sitting idle year after year. That is a very real danger During the first week in May of 2006, the Port Commissioners held a hearing on the future use of the deep-draft wharf and shipping terminal. The Port's marketing consultant told them: 38

* During the previous six years, almost no shipping had used the wharf and terminal because there was no local source of cargo and because Bellingham's port was at a very significant competitive disadvantage to larger, geographically better situated ports (e.g. Seattle and Vancouver, B.C.).

* The only use of the wharf had been as temporary moorage for a few weeks at a time by a small number of ocean going vessels waiting for new shipping assignments.

* The Port's major, multiyear marketing effort to find new business for the wharf and shipping terminal had met with absolutely no success.

* Someday-five years, or ten years, or fifteen years, or longer in the future-, the deep draft wharf and shipping terminal might, just might, get some new long term business.

My conclusion is that the deep- draft wharf and shipping terminal have not been economically viable for at least the last seven years, and it is very unlikely that they will be anytime in the future. I think that it is unwise to placidly accept the status quo. It is time to seriously consider alternative uses for those facilities which would generate substantial economic benefits for Bellingham and the rest of Whatcom County.

The Final EIS should fully evaluate at least the following three uses for the deep-draft wharf and shipping terminal. Each evaluation should include, at least, the number and type of full time jobs, the amount of economic activity generated, the amount of noise and congestion caused by any increased truck and train traffic, the number of residents, etc.

1. Status Quo: Facilities continue to be used solely for temporary moorage of transient vessels. 38 Cont.

2. NOAA: Facilities used as home port for NOAA's ships.

3. Mixed Use Development: The entire area is converted to mixed use development. If this option is pursued, the additional economic value created by development could make the redevelopment of the rest of New Whatcom easier to achieve.

I made this proposal as part of my Scoping Comments for New Whatcom on May 5, 2007. You declined to even consider alternative uses of the Redevelopment Planning Area 9 because, I assume, that doing so was not an objective of the Port. I urge you to reconsider and thoroughly evaluate all legitimate, alternative uses of that property. All I am requesting is a transparent process. If you again choose to disregard this proposal and not specifically include an analysis in the Final EIS, my only conclusion would be that the Port is apprehensive about letting the public consider the potential benefits of mixed use development in Redevelopment Planning Area 9.

Thank you for the opportunity to comment on the Draft EIS. I look forward to reviewing a much improved Final EIS.

Sincerely,
David M. Courtis
440 Highland Drive
Bellingham, WA 98225
714-9587

Response to DEIS Letter 22

David M. Courtis

1. A complete record of the comments received during the DEIS, SDEIS and EIS Addendum comment periods as well as responses to those comments are included in this FEIS including all comment letters and a transcript of each of the three public hearings held during each comment period.

2. The City of Bellingham has been working in partnership with the Port of Bellingham in planning efforts and environmental review of alternative approaches to support the community vision articulated by the Waterfront Futures Group; therefore, the Port's objectives for The Waterfront District Redevelopment Project were formulated with input from the City. The Port and City continue to coordinate efforts under Interlocal Agreement

3. Please refer to SDEIS Commentary 20, Comment 1.

4. The DEIS, SDEIS, EIS Addendum and this FEIS will be used as tools by the Port and City (along with other considerations, analyses and public input) to refine the Updated Preferred Alternative and formulate a proposed MDP and Subarea Plan for The Waterfront District, as well as the draft Development Agreement, draft Development Regulations and draft Planned Action Ordinance.

5. Please refer to the response to SDEIS Letter 14, Comment 2.

6. Please refer to the response to SDEIS Letter 14, Comment 3.

7. Please refer to the response to SDEIS Letter 14, Comment 18.

8. The Port is no longer pursuing NOAA as a potential long-term tenant at the Bellingham Shipping Terminal, and there would be no dredge material associated with this previously identified separate action.

9. Please refer to the response to SDEIS Letter 14, Comment 5.

10. Comment noted. Figure 3.10-15 (Viewpoint A – Commercial Street Green) of the EIS Addendum provided a simulation of views along the Commercial Street Green from downtown. Please refer to Figure 3.10-15 of the EIS Addendum for an illustration of the view along the Commercial Street Green from downtown.

11. Comment noted.

12. Comment noted. The viewpoints and simulations prepared for the EIS are intended to provide representative views of site redevelopment. It is acknowledged that because of the large number of potential viewpoints to the site not all reasonable viewpoints are able to be simulated and analyzed in the Draft EIS provides a view down the Whatcom Waterway and provides a view of the proposed open space in the southside of the waterway. Please refer to Figure 3.10-7 of the Draft EIS.

13. Comment noted. Because the simulations are intended to provide a general massing analysis and are not intended to represent actual building design, trees, street furniture and pedestrians were not added to the simulations. However, many of the simulations include existing buildings, trees, cars, etc that provide a sense of scale.

14. Because of view distortion effects associated with simulations on panoramic photographs, visual simulations on panoramic photographs were not provided. The visual simulations prepared for the EIS provide reasonable simulations of building massing with redevelopment.

15. Because of the southwest angle of the view from Viewpoint 1 (Bellwether Park) it is not anticipated the views of Mt. Baker would be visible under this view; please note that cloud cover at the time this photograph was taken obscured any potential view of Mt. Baker.

16. Comment noted. Because development of all buildings to the maximum height would result in total site building area that would be substantially greater than the building area assumed for redevelopment (i.e. 7.5 million square feet under Draft EIS Alternative 1), only a portion of the buildings are illustrated at the maximum identified height; however, to illustrate the maximum height envelope within which assumed building development could occur, each Draft EIS simulation for Alternative 1 included an envelope representing the maximum building height assumed for the various areas of the site; thus, providing a reasonable upper level of potential view blockage and building heights. Please refer to Figure 3.10-6 of the Draft EIS for visual conditions from F Street.

17. Comment noted. It is correct that Mt. Baker is visible in the existing view and could be obscured by building development associated with mixed use redevelopment

18. As indicated in response to Comment 16 of this letter only a portion of the buildings are illustrated at the maximum identified height in order to not substantially overstate the amount of assumed redevelopment. Figure 3.10-9 of the Draft EIS illustrated the maximum building height envelope as viewed from Bay Street. It is acknowledged that the maximum height envelope extends beyond the top of the photograph.

19. Comment noted. Several of the buildings simulated in Figure 3.10-11 (Viewpoint 8 – Chestnut St/Cornwall Ave) are extended to the maximum 200 foot height limit. Several of the buildings simulated in this figure are shown to be lower then the maximum height. Please refer to response to Comment 16 of this letter.

20. Comment noted. Several of the buildings simulated in Figure 3.10-12 (Viewpoint 9 – E Maple/Cornwall Ave) are extended to the maximum 150 foot height limit. Several of the buildings simulated in this figure are shown to be lower than the maximum height. Please refer to response to Comment 16 of this letter.

21. As indicated for response to Comments 19 and 20 above, several of the buildings simulated in Figure 3.10-13 (Viewpoint 10 – E Laurel St/N State St) are extended to the maximum 150 foot and 200 foot height limits for this area, and some of the buildings are shown to be lower than the maximum height. Please refer to response to Comment 16 of this letter.

22. As indicated on page 3.10-36 of the Draft EIS, a portion of the filtered view to Bellingham Bay from the South Bay Trail (View 12) would be blocked by new buildings. Buildings in this area would be somewhat more visible in fall and winter when deciduous trees have lost their foliage.

23. The view down F Street from the hillside to Bellingham Bay has been designated as a formal corridor to preserve elements of this existing view, including view to Lummi Island. Figure 3.10-6 (Viewpoint 3 – F St. and Bancroft St.) of the Draft EIS generally illustrated the view down F St. with mixed use redevelopment. As indicated on page 3.10-32 of the Draft EIS, portions of the view toward Bellingham Bay and Lummi Island would be affected by redevelopment; however, a view corridor following F Street would allow for a view corridor across the site towards Bellingham Bay and Lummi Island.

24. Comment noted. Please refer to response to Comment 18 of this letter.

25. Comment noted. Please refer to response to Comment 23 of this letter.

26. Comment noted. Please refer to response to Comment 18 of this letter.

27. Comments noted. As indicated on page 3.10-7 of the Draft EIS, because development of all buildings to the maximum height would result in total site building area that would be substantially greater than the buildings area assumed for each alternative, only a portion of the buildings are illustrated at the maximum identified height. However, to illustrate the maximum height envelope within which assumed building development could occur, each simulation for Alternative 1 in the January 2008 Draft EIS also included a three-dimensional envelope representing the maximum building height assumed; thus, providing a reasonable upper level of potential view blockage and building heights.

28. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS described operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

29. Comment noted. As shown in Figure 3.5-1 of the EIS Addendum, the five legged intersection has been eliminated from the Updated Preferred Alternative proposed roadway system.

30. The City is conducting preliminary engineering for the Bay Street and Commercial Street Bridges. In addition, preliminary engineering has been conducted for the Cornwall Avenue Bridge and the City is moving forward with the design. The engineering feasibility and cost of the proposed bridges has been factored into the Master Development Plan process in assessing the economic vitality of The Waterfront District proposal. A phasing analysis was conducted as part the EIS Addendum (see Tables 3.5-2 and 3.5-3), which provides an understanding of the level of development that could be built as it relates to infrastructure. Therefore, if funding was not available to complete an

infrastructure project then development levels on the site would be limited by the capacity of the existing or funded infrastructure.

31. Comment noted.

32. Analysis of intersection delay using the industry standard Synchro software program and *Highway Capacity Manual*, 2000 method looks at isolated intersections. To ensure the interaction and queue spillback of intersection would not impact adjacent locations, as discussed on page 3.5-8 of the EIS Addendum, intersection queues were examined and congestion issues were documented. Mitigation measures and infrastructure phasing identified in the EIS Addendum took into account the issues related to vehicle queues.

    An intent of the EIS is to compare operations without the site development (i.e., No-Action) and with the site development (i.e., Update Preferred Alternative). The analysis of isolated intersections provides a relative comparison of with and without site development for which potential impacts can be identified.

33. See response to DEIS Letter 22, Comment 32. The analyses prepared for the EIS presents a conservative worse case disclosure of potential transportation impacts.

34. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use. The EIS Addendum included mitigation strategies that could be used to reduce the level of parking supply; the DEIS also described parking demand management strategies that could reduce the overall parking supply needed. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

35. Please refer to the response to EIS Addendum Letter 1, Comment 8.

36. Please refer to **Chapter 2** (Key Topic Areas) of this FEIS regarding provisions of parks and the City's level of service standards.

37. Please refer to SDEIS Commentary 29, Comment 1.

38. Please refer to the response to SDEIS Letter 14, Comment 18.

Andrew Maron
SEPA Responsible Official
Port of Bellingham

Dear Mr. Maron, and colleagues:

I have studied the Draft Environmental Impact Statement released by your office on 9 January 2008 (and was out of town on 20 Feb and unable to attend either hearing). The amount of detail is impressive, and it certainly reflects a lot of work.

But this level of detail obscures a fundamental deficiency that makes it pointless to offer detailed comment at the present time. As I understand it, the objective of an EIS is to offer two fixed reference points, as follows:

1) A no-action alternative

2) A preferred alternative

And THEN work out the details as best as possible from there.

The present DEIS lacks both an honest no-action alternative and a preferred alternative. I urge you to prepare a second draft that addresses these omissions, so that the cleanup and redevelopment process we are all waiting for can move forward without further unnecessary delay.

1

George Dyson
435 West Holly St.
Bellingham WA 98225

Response to DEIS Letter 23

George Dyson

1. Please refer to the response to SDEIS Commentary 20, Comment 1 and SDEIS Commentary 22, Comment 2.

New Whatcom Project

DEIS Comment Form and Instructions

DEIS Letter 24

What are your comments related to the Draft Environmental Impact Statement(DEIS)?

You have three options to submit your comments. 1) You can return this comment form via mail to the address on the other side of this form; 2) You may email your DEIS comment to sepaofficial@portofbellingham.com; or 3) You can present your comments orally at the public hearings on February 20, 2008 at the Bellingham Cruise Terminal, 355 Harris Avenue.

All comments must be received by **March 10, 2008** for inclusion in the proposed Draft Environmental Impact Statement.

Comment

It's dismaying to see that there is no significant park space along the waterway for the low or medium density plans. 1

We should be building up in downtown - especially for future condos. I would much rather see tall buildings in downtown where they will have less impact on views of the bay. Also, if you want people to live downtown, Bellingham needs to be "Quiet Zone" for train horns. 2 3

**Name: Kelly Ernst

**Address: 2531 Eldridge Ave Phone: 360-756-5210

E-mail:

** *This information is required in order for your comment to be included in the official record.*

Response to DEIS Letter 24

Kelly Eret

1. Please refer to SDEIS Commentary 20, Comment 1.

2. Comment noted.

3. As stated in the DEIS and SDEIS, the noise analysis did not calculate the specific noise levels generated by the current or future railroad operations. While the DEIS Redevelopment Alternatives, the Preferred Alternative and the Updated Preferred Alternative analyzed in the EIS Addendum assumed relocation of the railroad corridor closer to the bluff, such relocation would be subject to a separate permitting and environmental review process that could be undertaken by BNSF/Washington State Department of Transportation in the future. The DEIS indicated that the existing operation of the rail line immediately adjacent to some of the receivers at the north and south ends of the site has not resulted in any reported noise concerns or known impacts. As part of the future permitting and environmental review effort conducted by BNSF/Washington State Department of Transportation for the relocation, a review of noise impacts could be conducted. This review could include an evaluation of the potential to establish a 'quiet zone' under the Federal Railroad Administration (FRA) Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings.

507 14th Street
Bellingham, WA 98225

March 6, 2008

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

Dear Andrew Maron:

Major Pike had the right idea when he urged the Port to consider a lower level of density for the new waterfront. The Mayor's previous caution about the Urban Growth Areas should also apply to this project: the development cannot be undone, and therefore we should be cautious about planning an over-ambitious, overly dense project. The 1,300 pages of the DEIS on the waterfront project and the models at the Port building present a plan with the scope of a metropolis within the city of Bellingham. The least dense option for development is the most prudent course of action at this time: in this case, less is more. Major concerns that must be addressed are the cost to the taxpayers, negative impacts on downtown and adjacent neighborhoods, oversupply of expensive housing and commercial space, insufficient professional jobs, and the state of the current economy. 1

The DEIS puts the cost of the waterfront development at 335 million dollars for 20 years in 2006 dollars. The Port claims that there will be no new costs to the taxpayers. However, the expense of the cleanup and the new intrastructure will be considerable. If the community has shelved plans for a new library at the cost of 56 million dollars, how will it feel about a costly new waterfront? The project has received one million jump-start money from an Innovative Partnership Zone grant, and grant money would pay for *some* of the infrastructure. The DEIS states that future developers "might" contribute funding for roads and other infrastructure. Why not make such contributions a requirement for a chance to build on this unique property? Since the expenses of the Port show up on our property taxes, we must ask what are the benefits of this development to the people of Bellingham? 2

As the visual projections show, the new plans for an industrial park at the waterfront would dwarf downtown Bellingham and significant historical structures such as the Whatcom History and Art Museum. The depictions of the maximum height "envelope" reveal that the hills and trees that give our city its natural beauty will be obscured by the tall buildings. Why should this development be exempt from height limits that govern the rest of the city? 3

Bellingham currently has a vibrant mixed-use downtown. Will the new metropolis proposed for the waterfront compete with existing businesses, especially retail and restaurants? 4

As a mixed-use development, the new waterfront includes housing in the form of yet more condo towers. It is often argued that Bellingham must provide ample housing to accommodate growth. The projections for future growth here are based, however, on the 5

recent boom and housing bubble. What is needed in Bellingham, as plan acknowledges, is low-cost housing for the large percentage of low-income residents. Three large condo towers have already been approved for urban growth (Morse Tower, Fairhaven Harbor, etc.). The proposal suggests that yet more expensive condos will be built although many of those currently on the market remain unsold. Moreover, WWU economist Hart Hodges warns that 70% of the recent public demand has been for been for single-family housing (*Bellingham Herald* 2-29-08). However we may support the concept of the urban village, it may not meet all the needs of or market for the new local growth. 5 Cont.

Adjoining neighborhoods such as the Lettered Streets and Old Town need to be protected from rapid over-development on the waterfront. The visual projections of the development demonstrate that many existing residents would see their water views diminished or obstructed. The views of the City from the water are also negatively impacted. The DEIS admits the noise of construction, especially pile driving, would be considerable. And after construction is finished, the new residential and business population will have an enormous effect on adjacent areas. One projection in the report estimates more than 5,700 vehicle trips per day to the new development will occur. (The number of parking spaces is staggering.) The City is already experiencing conflicts between downtown residents and nightclubs over noise. Any development that mixes residential, retail, and industrial uses needs to consider noise and traffic abatement. 6 7

One thing everyone agrees upon is that Bellingham needs more new professional jobs. However, the immediate jobs proposed are primarily temporary construction. The plan claims it will attract CEOs to new office space, but it contains no details about actual businesses or industries with plans to relocate to the new port except for the proposed inclusion of WWU. Merely building office space does not guarantee occupancy by new businesses or quality job creation. There are a number of empty retail spaces in Bellingham and Fairhaven yet to be rented. 8

In recent years, Bellingham has adopted the "If-you-build-it-they-will come" motto. It is also necessary, however, to consider our boom-and-bust history. The recent influx of new residents was fuelled, at least in part, by the housing and mortgage bubble in places like California and Seattle. The strong Canadian dollar has also played a part in recent home sales. Both the Port's 6 million square foot plan and the Mayor's 4 million proposed development exceed caution in a recessionary economy and the early aftermath of a real estate bubble. Further, it is essential to consider *why* new residents have chosen Bellingham. They are drawn here by the natural beauty, the "green" consciousness of the community, and the quaint, small city atmosphere. Any new development must respect the history of our downtown as well as the marine history and industrial character of the waterfront. If we become just another Seattle-north or a Vancouver-south, those new residents might as well choose the urban villages of those large cities offering more job opportunities and cultural advantages. 9 10

Let's not create another city of Whatcom to compete with Bellingham. Thank you for the opportunity to offer public input on this project.

Sincerely,

Lynette Felber

Response to DEIS Letter 25

Lynette Felber

1. Please refer to SDEIS Commentary 20, Comment 1.

2. Comment noted. The analysis of profits, financing and real estate investment value are not required or appropriate for SEPA environmental review. Please refer to response to EIS Addendum Letter 10, Comment 4 for additional information.

3. Comment noted.

4. As proposed under the Updated Preferred Alternative, the level of building density would be similar to that of Fairhaven with a range of building heights similar to that of downtown Bellingham.

5. Please refer to the response to DEIS Letter 11, Comment 28.

6. Comment noted. To ensure the retention of views to Bellingham Bay from downtown, Old Town and the Lettered Streets areas, view corridors through the site to the water are proposed. Please refer to Figure 2-7 of the EIS Addendum for an illustration of the designated view corridors through the site.

7. The noise analysis (provided in DEIS and SDEIS Sections 3.6) and transportation analysis (provided in DEIS and SDEIS Sections 3.12 and EIS Addendum Section 3.5 provide detailed analysis of the potential noise (including pile-driving) and transportation-related impacts associated with redevelopment of The Waterfront District and concluded that with implementation of the proposed mitigation measures, no significant impacts would be anticipated.

8. The employment analysis contained in the DEIS is based on the City of Bellingham's existing Comprehensive Plan. As stated in the DEIS Chapter 2, specific developers, employers, tenants and users have not been and cannot be reasonably identified for a 20-year redevelopment build-out. The employment assumptions provided in DEIS Alternatives 1-4 were intended to represent a range of potential employment scenarios in order to allow analysis of probable significant environmental impacts under SEPA. The Preferred Alternative presented in the SDEIS and the Updated Preferred Alternative presented in the EIS Addendum represents a further refinement of the DEIS Alternatives.

9. Comment noted. The analysis of profits, financing and real estate investment value are not required or appropriate for SEPA environmental review. Please refer to response to EIS Addendum Letter 10, comment 4 for additional information. Please note that one of the objectives identified by the Port for The Waterfront District is to "construct an integrated and economically-responsible infrastructure network" (page 2-18 of the DEIS).

10. As stated **Chapter 2** (Key Topic Areas) of this FEIS, the Port recognizes the unique attributes of the existing onsite structures and has identified six (6) structures as having sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow for reconsideration prior to demolition. Throughout the

SEPA process, the Port has identified provisions to commemorate the maritime industrial heritage of the site and to retain the potential for reuse of certain structures depending on future economic considerations.

March 10, 2008

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

RE: **New Whatcom Redevelopment Project**
Draft Environmental Impact Statement
Via e-mail to sepaofficial@portofbellingham.com

Dear Mr. Maron,

Your cover letter to the New Whatcom Redevelopment Project Draft Environmental Impact Statement (DEIS) states "The DEIS addresses the probable significant impacts that could occur as a result of the proposed actions." Those actions include the adoption of development regulations, development agreements and a New Whatcom Planned Action Ordinance. Those actions contemplate changes to current practices, but this is not evident in Chapter 3.12, Transportation.

Chapter 3.12 is very comprehensive. It is impressive in its thoroughness. The content represents standard professional practices in conducting a transportation impact analysis as they have existed over the past several decades. However, I challenge the Bellingham community to set higher standards for New Whatcom's Transportation Plan. Unfortunately, the Bellingham community has not had this opportunity because there is no New Whatcom Transportation Plan. 1

Chapter 3.12 had to make extensive assumptions to compensate for having no plan or policy direction on transportation. Those who prepared Chapter 3.12 should not be faulted for these short comings. It is a result of a flawed, but correctable transportation planning process. This letter highlights where the transportation impact analysis is inadequate and what needs to be done to correct those deficiencies.

Chapter 3.12 had to make too many assumptions in the absence of any transportation plan or policy. So many assumptions were made the word "assume" is used 126 times in chapter 3.12. The analysis places so much emphasis on parking this word is used 344 times. In contrast, the word "policy" is used once. The word "vision" is never used. As a result of the numerous assumptions made, New Whatcom becomes an enormous parking haven for cars. Is this the vision we are trying to fulfill? Consider the following parking supply totals in the year 2026 for each of the three alternatives addressed by the DEIS: 2

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- 15,863 total parking spaces as identified in Table 3.12-10, Alternative 3 Parking Demand and Supply, on page 3.12-49.

- 12,668 total parking spaces as identified in Table 3.12-12, Alternative 2 Parking Demand and Supply, on page 3.12-59.

- 8,513 total parking spaces as identified in Table 3.12-14, Alternative 1 Parking Demand and Supply, on page 3.12-70.

These numbers are meaningless to many of us without some examples familiar to Bellingham citizens. The following are approximate statistics representing the three largest parking space accumulations in our area:

- 4,700 total parking spaces at Bellis Fair Mall.

- 3,800 total parking spaces within downtown Bellingham.

- 3,400 total parking spaces for Western Washington University (WWU).

Even the lowest total for alternative 1 is 8,513. This is greater than any two of Bellingham's current three largest parking areas. Bellis Fair Mall may be the easiest of those three Bellingham examples to envision. Bellis Fair Mall is located on 72 acres. New Whatcom has 137 acres. So, envision parking for two Bellis Fair Malls being what is proposed for New Whatcom. Is that the vision Bellingham residents have for New Whatcom? 2 Cont.

The total parking supply for alternative 2 is 12,668. This is greater than the combined total of 11,900 for all three of Bellingham's current largest parking areas: all of the parking for WWU, plus all of the parking in downtown, plus all of the parking at Bellis Fair Mall.

The total parking supply for alternative 3 is 15,863. This is greater than anything comparable in Bellingham. The 15,863 parking spaces required by alternative 3 represents about one-third of the total parking supply in downtown Seattle.

The entire University of Washington (UW) complex has 12,000 parking spaces; actually, 300 fewer spaces now than existed in 1989, even though substantial building additions have been made to the campus over the past twenty years.

UW and WWU have excellent Transportation Demand Management programs. WWU, one of the much anticipated occupants of New Whatcom, has reduced campus access by single occupant vehicles from 36% of all trips in 1992 to 20% of all trips in 2003. 3

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Likewise, the National Oceanic and Atmospheric Administration (NOAA) has outstanding Transportation Demand Management programs. NOAA pays employees a maximum monthly benefit of $115 if they don't drive. NOAA employees use alternative means of transportation such as transit, bicycling or walking to get to work.

The New Whatcom Redevelopment Project DEIS does not properly account for the types of Transportation Demand Management programs and alternative transportation infrastructure used by the types of project participants anticipated, or desired. Instead, the DEIS essentially assumed virtually everyone would drive to New Whatcom. The DEIS even assumes "persons might drive to another area of the site and park again" (page 3.12-29, second paragraph). This is based on the statement: "Transportation industry research indicates that typically persons are willing to walk up to ¼-mile". 3 Cont.

Travel behavior assumptions made in the darkness of a technical analysis are dangerous. Someone's judgment of the travel behavior of a "typical" person from the past may not be right for New Whatcom. Is a "walkable" project one where no one travels more than ¼-mile?

The Institute of Transportation Engineers (ITE) trip generation rates are popular with traffic engineers, but they should be used as a starting point, not a decisive factor as was done in the New Whatcom DEIS Chapter 3.12. There are many pitfalls to the approach used, especially with a project such as New Whatcom. The trip rates are based on data going back to the 1960's, they are from wherever in the U.S. data was collected and made available to ITE, they are for vehicles only and are for an auto-oriented development. Page 1149 of the ITE's Trip Generation, 7th Edition is the location for Land Use 710, General Office Building, one of the major trip rates used in the analysis. The description states "Nearly all of the buildings surveyed were in suburban locations." Is a typical suburban auto-oriented office park what we envisioned for New Whatcom? 4

Page 1149 of the ITE's Trip Generation manual has the following disclaimer "Transit service was either nonexistent or negligible at the majority of the sites surveyed…Users may wish to modify trip generation rates…to reflect the presence of public transit, carpools and other transportation demand management (TDM) strategies." This should be done in a context where candidate New Whatcom project occupants such as WWU and NOAA are directly investigated to determine their trip generation history and their desired policy-driven future trip generation modal shares. The New Whatcom's proposed actions should include the types of conditions in development regulations, development agreements and a New Whatcom Planned Action Ordinance that promote such Transportation Demand Management programs, not ignore them. Shouldn't the New Whatcom DEIS be assessing the impacts of desired new urban transportation policies and practices, rather than old suburban auto-centric policies and practices that gave us what we have today along the Guide Meridian? 5

An oversight group of citizens should have been given the opportunity to consider such questions or others that should have been posed within a focused transportation planning process for the New Whatcom site. These are the types of transportation 6

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policies that should have been tested in the New Whatcom DEIS as an integral component of the proposed actions and elements of future development of the site designated by the City as a Planned Action pursuant to SEPA. Instead, the DEIS was prepared using standardized professional practices for smaller suburban developments with emphasis on vehicle trip generation rates and minimum parking supply requirements. 6 Cont.

Preparing a project DEIS based on minimum parking requirements is an out dated technical approach for a project such as New Whatcom. Minimum parking requirements are remnants of misguided planning theory from the past. It is well understood in most major city planning departments that minimum parking requirements increase traffic, increase conflicts with pedestrians, increase safety hazards for bicyclists, increase air pollution, distort urban form, increase housing costs and damage the economy. Many examples exist of what other city planning efforts have done and what should have been done to prepare a proper transportation plan and DEIS for The New Whatcom Redevelopment Project driven by the type of transportation policy suitable for Bellingham. 7

One example is found to the south. The City of Seattle imposed a maximum, not a minimum, parking requirement on the University of Washington over twenty years ago. The New Whatcom DEIS should have followed current procedures driven by relevant transportation vision and policy, not old technical procedures driven by inappropriate assumptions. These are the types of new transportation policies that should have been tested in the New Whatcom DEIS as an integral component of the proposed actions and elements of future development of the site designated by the City as a Planned Action pursuant to SEPA. 8

Another example of policy-driven transportation planning can be obtained from our neighbor to the north. Vancouver B.C.'s Southeast False Creek (SEFC) area comprises a total of 80 acres of former industrial land near downtown Vancouver, a location very comparable to the New Whatcom site. The Vancouver City Council directed that the City explore using Southeast False Creek as a model for "sustainable development." Isn't that what we want for New Whatcom?

The Southeast False Creek policy statement approved by the City of Vancouver in 1999 reads as follows: 9

> "Southeast False Creek is envisioned as a community in which people live, work, play and learn in a neighborhood that has been designed to maintain and balance the highest levels of social equity, livability, ecological health and economic prosperity, so as to support their choices to live in a sustainable manner."

Isn't this what we envision for New Whatcom? The following vision was adopted by Vancouver for transportation and accessibility:

> "The transportation network in Southeast False Creek will greatly shape the neighborhood's form and livability. Developing transportation and 10

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circulation systems, which focus on pedestrian and bicycle paths and transit linkages, is of primary importance in ensuring a livable and environmentally sustainable waterfront neighborhood".

10 Cont.

Isn't this the transportation network and circulation system we should envision for New Whatcom? One of the objectives of the Southeast False Creek transportation policy is to place greater emphasis on the utilization of walking and bicycling to make a trip. Chapter 3.12 does not represent such a policy.

Instead, the New Whatcom Redevelopment Project DEIS relies upon parking, roads, bridges and more traffic signals to channel new vehicular traffic. Bicycles must share 14-foot wide vehicle lanes, not a standard used in major urban redevelopment projects where pedestrian and bicycle infrastructure are given priority. In Vancouver, the Southeast False Creek transportation design guidelines for the Ontario Street right-of-way dedicate 3-meters (about 10-feet) to a bike path, another 3-meters to a pedestrian path, another 1.5 meters to a sidewalk in the same cross-section as a 7.5 meter roadway. Front Street has a different cross-section with 4.2-meters dedicated to bicyclists, 8.8-meters to pedestrians and a reduced roadway for vehicles of 6-meters. This is to accommodate a target mode share with over half arriving by transportation modes other than automobiles. A January 17, 2005 report from the Southeast False Creek Steering Committee to the Vancouver City Council set a target of "60% of all daily trips by non-auto modes based on reduced parking requirements, greater support for car-sharing and co-op vehicles, and increased support for alternative modes such as cycling and public transit". Isn't that what the New Whatcom Redevelopment Project should be offering?

11

Other new transportation policies and corresponding infrastructure investments were identified for Vancouver's Southeast False Creek, such as making the overall width of the walkway-bikeway 60-feet; and, requiring grade separation of pedestrian and bicycling modes in high traffic areas. This is not a recreational facility, but a functional part of the overall transportation network to serve all trip purposes. The New Whatcom DEIS assumes non-recreational bicyclists will share the 14-foot lanes - "bicyclists would be accommodated within the street right-of-way" (pages 3.12-48 and 3.12-58).

Although extensive Level of Service (LOS) analysis is performed for vehicles, none is performed for other modes as would be required by Washington State's Growth Management Act (GMA) in a major urban project where transit, pedestrians and bicyclists are to be given priority. GMA requires a transportation LOS analysis, not necessarily just a single mode explicit one.

12

Giving proper attention to LOS impact analysis for transit, pedestrians and bicyclists would have been as appropriate as the attention given to all of the vehicle flows at intersections in the New Whatcom DEIS. The GMA requires local jurisdictions "…to prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

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These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies." The New Whatcom DEIS did not adequately consider these GMA specified strategies. 12 Cont.

Such GMA strategies are not foreign to transportation planning in Bellingham. Transportation policy as included in WWU's Institutional Master Plan places emphasis on these types of strategies. WWU works diligently on the types of alternative transportation connections to campus that should have influenced the transportation planning process for the Waterfront Redevelopment Plan, had there been one. The current WWU modal hierarchy is:

1. Pedestrians
2. Bicycles
3. Transit
4. Vehicles

13

Isn't this modal hierarchy preferable for New Whatcom? Instead, Chapter 3.12 placed a priority on vehicles. It is predicated on parking those vehicles at the expense of the project participants. Page 3.12-49, 58 and 69 all contain the following statement.

> "It is assumed that adopted standards for the future parking supply onsite would require that each future redevelopment project accommodate its parking demand"

Is WWU going to pay for the minimum required parking supply specified in the Draft EIS given their current transportation policies? Will NOAA?

Let's not burden the Port, the City, WWU, NOAA, other project participants and especially local taxpayers with the estimated $250 to $475 million dollars it will cost just in providing the parking supply the New Whatcom Redevelopment Project DEIS assumes is required. How that cost is to be borne is critical, but the DEIS has no economic analysis to assess this critical impact. 14

The following are the types of actions that could be taken to ultimately correct the deficiencies in the New Whatcom DEIS:

1. The DEIS could be approved on a conditional basis with the requirement that the FEIS be supplemented at a future date with an amended transportation impact analysis based upon the Bellingham City Council adopting a New Whatcom Transportation Plan. 15
2. A new steering committee could be formed by the City of Bellingham to oversee the preparation of a New Whatcom Transportation Plan. This steering committee would be exclusively focused on transportation.

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3. The new steering committee could immediately receive a briefing on the best practices used for the development of comparable transportation plans. Perhaps the committee would be so bold as to want to explore not just the best practices within the U.S., but exceptional transportation practices from throughout the world.
4. The steering committee should conduct scanning tours of those places offering transportation examples worthy of emulation for New Whatcom.
5. The steering committee should prepare a vision statement for transportation and a set of policy guidelines including modal share targets. This would be submitted to the City Council immediately for consideration before the development of the New Whatcom Transportation Plan.
6. The steering committee should prepare a proposal for a scope of work needed to conduct the tasks to prepare the New Whatcom Transportation Plan and amend the New Whatcom EIS. The scope of work should:
    a. Use the New Whatcom EIS as first phase establishing a baseline representing a “typical” traffic impact study.
    b. Conduct a second phase to assess the implications of implementing a more sustainable transportation improvement strategy.
    c. Propose amendments to the EIS.
7. The steering committee should conduct its work in a highly open forum giving citizens ample opportunity to participate.
8. The steering committee should complete its work in an expeditious manner so as not to delay any aspects of the development of New Whatcom.

15 Cont.

The work included in Chapter 3.12 represents professional practice in transportation analysis used in the past. It is my belief this is not sufficient for Bellingham. I challenge everyone associated with New Whatcom to come to the same conclusion - we can do better. We must if New Whatcom is to be sufficiently attractive in the global marketplace to be the success we want it to be.

16

Sincerely,

Wes Frysztacki

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Response to DEIS Letter 26

Wes Frysztacki

1. Comment noted. The EIS is a disclosure document that evaluates the Proposed Actions and makes recommendations for mitigations to be incorporated into the Master Development Plan. Transportation plans and recommendations would be developed as part of the Master Development Plan process and Development Agreement.

2. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the DEIS, SDEIS, and EIS Addendum evaluates a reasonable upper level of parking supply for the purpose of disclosing potential parking impacts. Mitigation strategies to reduce the level of parking supply have been identified. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 2, for details.

3. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS describe operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

4. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, ITE Trip Generation was only used as a starting point in estimating vehicular and other trips generated by The Waterfront District site. The DEIS describes in detail the methodology used to estimate The Waterfront District trip generation. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 5, for additional detail.

5. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, ITE Trip Generation was only used as a starting point in estimating vehicular and other trips generated by The Waterfront District site. The DEIS describes in detail the methodology used to estimate The Waterfront District trip generation. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 5, for additional detail.

6. As indicated in the response to EIS Addendum Letter 3, Comment 1, the Bellingham Transportation Commission is a newly formed advisory committee, which was not previously available to participate in discussions related to The Waterfront District Redevelopment Project. As the project moves forwards, the City will involve the Transportation Commission where appropriate.

7. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the DEIS, SDEIS, and EIS Addendum evaluates a reasonable upper level of parking supply for the purpose of disclosing potential parking impacts. Mitigation strategies to reduce the level of parking supply have been identified. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 2, for details.

8. As indicated in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the DEIS, SDEIS, and EIS Addendum evaluates a reasonable upper level of parking supply for the purpose of disclosing potential parking impacts. Mitigation strategies to reduce the level of parking supply have been identified. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 2, for details.

9. Comment noted.

10. Comment noted.

11. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the transportation analyses prepared for the EIS are intended to provide a reasonable upper level determination of transportation impacts to ensure adequate disclosure. The EIS Addendum and DEIS describe operational and management mitigation strategies, including the implementation of transportation demand management (TDM). The Port and City fully support the implementation of TDM within The Waterfront District and intend to provide infrastructure and services to allow such a program to exist. The EIS Addendum also describes street cross-sections and non-motorized facilities. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 3, for additional detail.

12. As described in the response to EIS Addendum Letter 3, Comment 6, the City of Bellingham does not have adopted LOS standards for transit, pedestrians and bicyclists. Therefore, transit service was evaluated based on WTA's passenger loading factor and non-motorized facilities were evaluated quantitatively based on facilities condition, major attractors/accessibility and conflicts with other modes. Refer to EIS Addendum Letter 3, Comment 6, for additional details.

13. As indicated in the response to EIS Addendum Letter 3, Comment 7, the transportation analysis assumes a reduced dependence on the automobile than is observed in Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Refer to the response to EIS Addendum Letter 3, Comment 7 for additional detail.

14. As indicated in the response to EIS Addendum Letter 3, Comment 2, the analysis of parking demand presented in the DEIS, SDEIS and EIS Addendum evaluates a reasonable upper level of parking supply for the purpose of disclosing potential parking impacts. Mitigation strategies to reduce the level of parking supply have been identified. Refer to the response to EIS Addendum Letter 3, Comment 2 and **Chapter 2** (Key Topic Areas) of this FEIS for additional details.

15. Comment noted. The EIS is a disclosure document that evaluates the Proposed Actions and makes recommendations for mitigation measures to be incorporated into the proposal. Transportation plans and requirements would be developed as part of the Master Development Plan review process and Development Agreement. As The Waterfront District redevelopment project moves forward, the City and Port will involve the Bellingham Transportation Commission where appropriate.

16. Comment noted.

March 3, 2008

Subject: New Whatcom Redevelopment Project
Port of Bellingham DRAFT EIS (1/8/2008)

To: Andrew Maron
SEPA Responsible Official
Port of Bellingham
PO Box 1677
1801 Roeder Ave.
Bellingham, WA 98227-1677

Dear Andrew:

The New Whatcom project is a unique opportunity. If done properly it could help restore and redevelop approximately 216 acres of contiguous waterfront lands, and adjacent aquatic area in central Bellingham and provide long-term benefits to our community. I urge the Port, City of Bellingham, and all other agencies and groups involved with the project, to combine efforts to come up with the best possible balance between economic and environmental considerations. This will only be possible with proper planning and environmental safeguards.

Thank you for the opportunity to comment on this very important project. Please refer to my comments on the following pages.

Sincerely, D. Brady Green
// D. Brady Green

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Bellingham, WA 98229-1900
Ph. 360-738-6496
bgreen5645@aol.com

Comments on the New Whatcom Redevelopment Project
Port of Bellingham DRAFT EIS (1/2008)
D. Brady Green
3/3/2008

General Comments:

The restoration measures proposed for Redevelopment Alternatives 1-3 would create new upland and shoreline riparian and aquatic habitats and would be a significant improvement over the existing conditions in the area. I applaud the Port for proposing these restoration projects. Riparian zones provide many essential functions and processes that directly influence aquatic and wildlife habitats. These riparian areas area critical habitats for a variety of terrestrial and semi-aquatic organisms and serve as migration corridors for wildlife species. 1

However, it should be noted (and the impacts addressed) that, as proposed these new riparian and aquatic habitat restoration projects would not be effectively, or fully utilized by the wildlife, fish and other aquatic and terrestrial organisms that are targeted to benefit from the project. Reduced riparian and aquatic habitat effectiveness for fish and wildlife species would be expected in these restored areas as a result of the significant human and recreation-related uses, and the associated disturbances, that would occur in the proposed new parks and public access areas. In other words, the ecological functions and processes of these newly restored habitats would be compromised and not be fully functioning and severely limited by the increased human use. 2

The influence of recreation has a number of indirect effects on habitats related to boating and parks and, wherever human use is concentrated, these effects are generally localized (Spence et al. 1996; Johnson and Carothers 1982). The impacts from the associated increased human use in these proposed new restored habitats need to be addressed. Mitigation measures (e.g., larger buffers, environmental education, signing, limiting human access, physical barriers, timing restrictions) need to be considered to help reduce human-related recreation impacts to the newly restored habitats and help make them more effective. 3

In addition, the minimum narrow (25 feet) buffers proposed would provide marginal protection for the shoreline and upland habitats that are planned for restoration. The wider the buffer the more effective it will be from the ecological function and fish and wildlife species needs standpoint. 4

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

Wider buffers, closer to 200 feet in width, as proposed in the Draft Shoreline Master Program, would be more effective riparian buffers and provide more of the natural ecological functions and processes, and translate into increased fish and wildlife species diversity, density, breeding habitat and movement corridors. Johnson and Ryba (1992) reviewed the literature related to buffer widths and found recommended buffer widths of 75-200 meters for birds.

Spence et al. (1996) indicate that two of the most important considerations in establishing buffer zones are: 1) the width of the buffer zone, and 2) the activity level, or intensity of disturbance, allowed within the riparian zone. Only those activities that can be performed without adversely affecting natural riparian functions or values should be allowed in buffers (Spence et al. 1996). Activities within the riparian zone that disturb or compact soils, destroy organic litter, remove large down wood, or otherwise reduce the effectiveness of riparian buffers as sediment filters should be avoided (Spence et al. 1996).

4 Cont.

Monitoring (particularly long-term) of the proposed restoration projects is critical to ensure that restoration is having the desired effect on riparian and aquatic ecosystems and to assess the effects of human activities at the site scale.

5

Following are general and specific comments for selected areas in the DEIS.

CHAPTER 1 SUMMARY
SUMMARY OF ENVIRONMENTAL IMPACTS
1.1 EARTH ENVIRONMENTAL IMPACTS
<u>General Comment</u>
Although there is considerable discussion about the potential impacts of earthquakes and tsunamis, there is no mention of the potential impacts from increased sea level changes due to projected climate changes and global warming.

6

1.4 PLANTS AND ANIMALS ENVIRONMENTAL IMPACTS
<u>General Comments</u>
I was not able to find maps that showed the specific areas where proposed upland and shoreline restoration would take place. Maps showing, as closely as possible, the specific restoration locations should be provided.

7

See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

Page 1-19. 1st bullet. 2nd sentence states, "Riparian habitat would be provided, including restored shoreline buffer along the southern edge of the Whatcom Waterway."
See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.

Page 1-20. 3rd bullet. 1st sentence states "Construction of a marina in the ASB would include the opening of the ASB to Bellingham Bay by breaching the existing berm and crating approximately 28 acres of new aquatic habitat."

It is true that construction of a marina in the ASB could provide some new aquatic habitat. However, it should be noted that prior to the filling in of the tideflats in the Whatcom Creek Waterway area in the early 1900's, and later creation of the aerated stabilization basin (ASB) on the site by Georgia-Pacific in 1979, this whole area undoubtedly contained high quality nearshore/marine/estuarine aquatic habitat. The effectiveness of this new habitat inside a new marina (460-600 slips), with all the associated boating and human-related activity disturbances and water pollution (boat gas, oil, zinc, etc.) that would accompany it, is questionable, particularly for juvenile salmonids. 8

SUMMARY OF MITIGATION MEASURES
M 1.1 EARTH MITIGATION MEASURES
General Comment
Although there is mention of the potential impacts of a tsunami (page 1-49), there is no discussion of the potential impacts from increased sea level changes due to projected climate changes and global warming. This concern should be addressed. 9

M 1.3 WATER RESOURCES MITIGATION MEASURES
General Comment
Although provisions for minimizing dissolved zinc and copper in the "Construction" section (page 1-52) are mentioned there is no reference to provisions for handling zinc, and other metals, that boaters typically attach to their boat motors in the water to reduce the damage to their boat motors from salt-water corrosion. 10

M 1.4 PLANTS AND ANIMALS MITIGATION MEASURES
General Comment
It is true that construction of a marina in the ASB could provide some relatively new aquatic habitat as pointed out in the 4 bullets (page 1-53). However, it should be noted that prior to the filling in of the historical tideflats, estuarine and nearshore marine habitats in the Whatcom Creek Waterway area in the early 1900's, and later creation of the aerated stabilization basin (ASB) on the site by Georgia-Pacific in 1979, this whole area undoubtedly contained high quality nearshore/marine/estuarine aquatic habitat. 11

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

The effectiveness of the new habitat that would be provided inside the new marina (460-600 slips), with all the associated boating and human-related activity disturbances and water pollution (boat gas, oil, zinc, etc.) that would accompany it, is questionable, particularly for juvenile salmonids. 11 Cont.

Construction

Page 1-54. 1st Bullet states "In-water work would occur when juvenile salmonids are absent or present in very low numbers."

Since some juvenile salmonids species could be present year round in the Bellingham Bay, Whatcom Waterway, and I & J Waterway, it should be acknowledged that some construction-related impacts to juvenile salmonids would be unavoidable. 12

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

General Comment

See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects that would be unavoidable without providing additional mitigation measures.

CHAPTER 2. DESCRIPTION OF PROPOSED ACTION(S) AND ALTERNATIVES

General Comments

Figures 2-2, 2-3 & 2-4. **The location of the I & J Waterway should be labeled on the maps.** 13

Whatcom Waterway Cleanup Supplemental EIS

General Comment (pages 2-15 to 2-17)

How, and by whom, will the ASB, Outer Whatcom Waterway-Bellingham Shipping Terminal, Inner Whatcom Waterway-Multi-Purpose Channel, Bellingham Shipping Terminal-Barge Docks and Log Pond, be monitored to determine the effectiveness of natural recovery? 14

2.4 APPLICANT'S OBJECTIVES

Page 2-18. Item # 4. States "Identify opportunities to restore, enhance and create habitat along the waterfront environment within the context of creating and economically-viable redevelopment." 15

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

As a taxpayer I applaud the Port's desire to have economically viable development. I also want the Port to consider this unique opportunity presented to our community to effectively restore as much as possible of the historical nearshore/marine/estuarine aquatic habitat that was completely lost due to filling in of the historical tideflats, estuarine, nearshore marine habitats in the Whatcom Creek Waterway area in the early 1900's. There are many standard methods available to quantify economic development values for New Whatcom Redevelopment. However, it should be recognized that the long-term direct and indirect aquatic and riparian terrestrial ecological values and benefits from the proposed restored habitats would be difficult to quantify in purely economic terms. If effective these restored habitats would have significant intrinsic values that would not be easily measured.

15 Cont.

Page 2-18. Item # 12. States "Incorporate features into the planned marina to complement future mixed-use redevelopment, including: boat slip configurations, public walkways/small parks around the perimeter of the marina, and enhanced habitat opportunities."

As I stated previously, the effectiveness of enhanced habitat opportunities is questionable, especially for juvenile salmonids and other native aquatic and riparian-dependent terrestrial organisms. See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.

16

Parks, Open Space and Public Access Concept

Page 2-29. 1st paragraph. States "As indicated …objectives for the New Whatcom Redevelopment Project included 'providing community benefits through the phased construction of public open spaces and beaches' and 'identifying opportunities to restore, enhance and create habitat along the waterfront environment within the context of creating an economically-viable redevelopment."

By providing community benefits through construction of public spaces and beaches along the waterfront the effectiveness and ecological benefits of the newly restored habitats would be severely compromised by the increased human-related uses (biking, walking, picnicking, public gathering, etc.) in the planned parks, trails, beaches, and other public access areas that would be located in, or adjacent to, the proposed restoration areas. See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.

17

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

Page 2-30. 2nd paragraph. 3rd sentence states " The parks and open space concept recognizes the public value of waterfront parks and open spaces by dedicating the majority of the linear shoreline to public access and amenities, as well as providing linkages to the existing (and developing) regional system of trails."

By dedicating the majority of the shoreline to public access and amenities the effectiveness and ecological benefits of the proposed restored habitats would be severely compromised by the increased human-related uses (biking, walking, picnicking, public gathering, etc.) in the planned parks, trails, beaches, and other public access areas that would be located in, or adjacent to, the restoration areas. See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures. 18

Page 2-30. 3nd paragraph. 3rd sentence states "Development of certain trail features including and over-water trail connection between Boulevard Park and the western end of Area 10 …"

The proposed over-water trail connecting Boulevard Park with Area 10 would be a nice recreation addition. However, a new 0.4 mile long segment of boardwalk, from Boulevard Park across this portion of Bellingham Bay, is not needed, and it could have negative impacts to the existing eel grass beds and other natural nearshore and marine habitat features. 19

These relatively intact habitats presently are relatively undisturbed by recreation and development. A segment of the South Bay Trail already exists that parallels this proposed boardwalk trail and traverses the shoreline bluff between Boulevard Park and Palm Street on the east. The City recently built a new over-water trail linking Taylor Dock to Pattle Point that connects with the existing boardwalk from Pattle Point to Boulevard Park and already provides an adequate amount of this over-water boardwalk recreational opportunity. 20

2.8.2 Description of Features Common to Alternatives 1 through 3 (Redevelopment Alternatives)
Page 2-45. 2nd paragraph. **Assumptions bullets**
2 "Restoration of a natural shoreline along the South side of the Whatcom Waterway"
6. "Parks and open space" 21

Without providing additional mitigation measures these two assumptions are in conflict with each other.

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

By dedicating the majority of the shoreline to public access and amenities, the effectiveness and ecological benefits of the newly restored habitats would be severely compromised by the increased human-related uses (biking, walking, picnicking, public gathering, etc.) in the planned parks, trails, beaches, and other public access areas that would be located in, or adjacent to, the restoration areas. See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures. 21 Cont.

Marina Concept A

Page 2-46. Paragraph 5. States, "Establishment of a marina in the remediated ASB (under both marina concepts) would provide new marine habitat in Bellingham Bay."

It should be noted that prior to the filling in of the historical tideflats, estuarine and nearshore marine habitats in the Whatcom Creek Waterway area in the early 1900's, and later creation of the aerated stabilization basin (ASB) on the site by Georgia-Pacific in 1979, this whole area undoubtedly contained high quality nearshore/marine/estuarine aquatic habitat. 22

The effectiveness of the new habitat that would occur inside the proposed new marina (460-600 slips), with all the associated boating and human-related activity disturbances and water pollution (boat gas, oil, zinc, etc.) that would accompany it, is of questionable benefit, particularly for juvenile salmonids.

Restoration of a Natural Shoreline Along Southern Side of Whatcom Waterway
<u>General Comment</u> (pages 2-48 to 2-50)
Although Figure 2-15 generally shows the bulkhead and wharf features that would be removed the actual proposed shoreline restoration locations are not displayed on this map, or any other map, in the DEIS. The specific locations and extent of the proposed restoration measures need to be clearly displayed on maps. 23

Page 2-48. 1st paragraph. States, " A major element of New Whatcom master planning, as reflected in the Redevelopment Alternatives (Alternatives 1 through 3) is the restoration of a natural shoreline, soft beach and marine habitat area along the southern edge of the Whatcom Waterway." 24

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

As proposed in the DEIS, dedicating the majority of the shoreline to public access and amenities, the effectiveness and ecological benefits of these newly restored habitats (a natural shoreline, soft beach and marine habitat area) along the southern edge of the Whatcom Waterway, would be severely compromised by the increased human-related uses (biking, walking, picnicking, public gathering, etc.) in the planned parks, trails, beaches, and other public access areas that would be located in, or adjacent to, the restoration areas. See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures. 24 Cont.

Park and Open Space
<u>General Comments</u> (pages 2-51 to 2-53)
See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.

Uses Within 200-foot Shoreline Jurisdiction
<u>General Comments</u> (pages 2-53 to 2-68)
See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.

Page 2-53. 3rd Paragraph. Regarding buffers it states "The staff recommendations are assumed to represent the minimum standards (i.e., smallest shoreline setback) that would be potentially adopted by the City; ultimately, the adopted standards could be more rigorous."

Minimum buffer standards (examples in Figures 2-22 to 2-28) used in this DEIS range between 25-50 feet, and include proposed trails and other recreation features within this area. I would like to reiterate my earlier comments about how inadequate this small size of buffer would be in protecting and maintaining riparian ecosystem functions and processes, especially when combined with the expected recreation use in these areas. Johnson and Ryba (1992) reviewed the literature related to buffer widths and found recommended buffer widths of 75-200 meters for birds. 25

CHAPTER 3. AFFECTED ENVIROMENT, IMPACTS, MITIGATION MEASURES AND SIGNIFICANT UNAVOIDABLE ADVERZE IMPACTS
3.4 PLANTS AND ANIMALS
3.41 <u>Affected Environment</u>

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

Aquatic Habitat

Page 3.4-4. 3rd paragraph. 2nd sentence. States "While many species of salmonids may be present in nearshore estuarine and marine waters of Bellingham Bay, those species that enter saltwater early during their first year (some chinook, chum, and pink salmon) are typically considered to be more nearshore reliant."

Other salmonid species, including coho, sea-run cutthroat, steelhead, and native char of various ages, could also be locally abundant in these areas at certain times. Once in the sea young steelhead (Everest 1973; Meehan & Bjornn 1991) and Coastal cutthroat may stay close to their home streams (Meehan & Bjornn 1991). Coho fry and smolts utilize estuaries (like the Whatcom Creek Waterway) for feeding (Quinn 2005). 26

Page 3.4-5. 2nd paragraph. 2nd sentence. States "Whatcom Waterway and Whatcom Creek are used for migration and rearing by several species of anadromous salmonids."

Based on the available knowledge of a number of anadromous fish that utilize the Bellingham Bay area the Whatcom Waterway area could also be important as salmonid foraging habitat. 27

<u>Wildlife</u>

Table 3.4-1 SPECIES POTENTIALLY UTILIZING AQUATIC HABITAT IN THE SITE VICINITY.

Some important water and wading bird species that occur in the vicinity are missing from the table. These include: harlequin, bufflehead and scaup (lesser and greater) ducks, grebes (Western, red-necked, horned), loons (Common, red-throated), mergansers (Common, red-breasted), herons (Great blue, green), cormorants (double-crested, pelagic) and other shorebirds (sandpipers, etc.). 28

<u>General Comments</u> (Pages 3.4-6 to 3.4-8)

It should be mentioned that coho salmon using the Bellingham Bay and the Whatcom waterway vicinity, are part of the Puget Sound/Strait of Georgia Coho Evolutionarily Significant Unit (ESU), which was put on the "Species of Concern" list by NMFS on 4/15/2004 (Federal Register 2004). 29

Page 3.4-8. 3rd bullet. "Bull Trout:…" **Bull trout also may use the Whatcom Waterway as foraging habitat.** 30

3.4.3 <u>Impacts</u>

<u>Construction</u> (pages 3.4-8 to 3.4-16)

Upland Habitat

Aquatic Habitat

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

See "General Comments on DEIS" section about concerns for the effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.

<u>Operations</u> (pages 3.4-16 to 3.4-23)
Upland Habitat
Pages 3.4-16 2nd sentence (and continued on 3.4-17) states, **"**Operational characteristics of redevelopment would be typical of urban environments and would not be anticipated to significantly impact either existing upland habitat or new upland habitat established on the site." **I disagree**. **See "General Comments on DEIS" section about concerns for the effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.** 31

Pages 3.4-19 to 3.4-21. **Alternatives 1-3. Aquatic & Aquatic Habitat**. Use similar language as above. **I disagree. See "General Comments on DEIS" section about concerns for the effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.** 32

3.4.3 <u>Mitigation Measures</u>
Upland
Page 3.4-26. 1st paragraph. States "No significant impacts to upland habitat would result; therefore, no additional mitigation measures would be required." **I disagree. The impacts from the associated increased human use in the newly restored habitats need to be addressed. Mitigation measures (larger buffers, environmental education, interpretive signing, limiting human access, physical barriers, timing restrictions) need to be considered to help reduce human-related recreation impacts to the newly restored habitats and help make them more effective. See "General Comments on DEIS" section about concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures.** 33

3.4.4 <u>Significant Unavoidable Adverse Impacts</u>
Page 3.4-27. Bottom of page. 1st sentence states, "…significant unavoidable adverse impacts would not be anticipated." **I disagree. The impacts from the associated increased human use in the newly restored habitats need to be addressed. Mitigation measures (larger buffers, environmental education, interpretive signing, limiting human access, physical barriers, timing restrictions) need to be considered to help reduce human-related recreation impacts to the newly restored habitats and help make them more effective. See "General Comments on DEIS" section about** 34

concerns for effectiveness of proposed riparian and aquatic habitat restoration projects without providing additional mitigation measures. 34 Cont.

D.B.G. Comments New Whatcom Redevel. Project DRAFT EIS (continued):

References Cited

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Quinn, T. P. 2005. The behavior and ecology of Pacific salmon and trout. American Fisheries Society and Univ. of Washington Press, Seattle, WA.

Response to DEIS Letter 27

D. Brady Green

1. Comment noted.

2. The Waterfront District Redevelopment project would substantially improve habitat quality over existing conditions, as discussed in the DEIS page 3.4-15 and the SDEIS. The site currently consists of piers/wharves, bulkheads, and steep, riprap banks with little or no vegetation over the site's structures. Habitat restoration would include removing bulkheads, riprap and large wharves, which have demonstrable negative impacts on aquatic habitat. In their place, the Port is proposing to construct lower-sloped shorelines with finer more productive sediment and riparian vegetation which would benefit juvenile salmonids. As discussed in Section 3.4 and illustrated in Table 3.4-2 of the DEIS, the project would result in 4.69 acres of new intertidal/shallow subtidal habitat, reduction of intertidal-shallow subtidal overwater coverage by 1.53 acres, and enhancement of 2.41 acres of shoreline slope or substrate (1.53 acre of which would be under the area of removed intertidal/shallow subtidal habitat, and the remaining 0.88 acre would be enhanced shoreline/bulkhead habitat that is currently unshaded). In upland areas, there is essentially no upland and riparian habitat at the site. Creation of the proposed vegetated buffers and open spaces would improve existing habitat in both the upland and riparian zone.

   Public access in the vicinity of the proposed habitat improvements would not likely negate their ecological benefits. While it is true that human activities within riparian habitat areas can reduce the habitat function for upland species and birds, human activity in the upland areas adjacent to aquatic habitat would not likely decrease aquatic habitat function. For example, replacement of bulkheads and riprap along the Whatcom Waterway with lower-sloped shorelines and finer substrate would allow greater production of epibenthic prey organisms upon which juvenile salmonids depend. Additionally, salt marsh vegetation and macroalgae is likely to colonize along this shoreline. Human use of the adjacent upland would not negatively affect these valuable habitat functions.

   Carefully designed public shoreline access features could foster an attitude of greater connection and ownership of the aquatic resources in Bellingham Bay. This approach could be more effective in fostering an attitude of preservation and protection than would shoreline access restrictions (refer to the response to Comments 35 and 36 of DEIS Letter 3 for more information).

3. Impacts associated with increased human activity at the shoreline have been evaluated and mitigation identified (refer to Section 3.4 and Appendix H of the DEIS and Section 3.4 and Appendix J of the SDEIS). These measures could be considered for the most sensitive habitat types, such as restricting in-water access near eelgrass beds. Mitigation requirements would be further defined as part of the state and federal permitting process for in-water work (refer to the response to Comment 2 of this letter)

4. Refer to the responses to Letter 21, Comments 8 and 9, for more information on buffers.

5. Comment noted. Mitigation requirements would be further defined as part of the state and federal permitting process for in-water work.

6. Comment noted. A discussion of potential impacts associated with potential sea level rise in Bellingham Bay is presented in Section 3.1 of the DEIS and in Appendix D to that document.

7. Subsequent to issuance of the DEIS, a SDEIS was issued that provided additional analysis on the Preferred Alternative including a description of the type and location of the proposed shoreline and upland habitat. (refer to SDEIS Section 2.3.4). Please also refer to SDEIS Figures 2-7 through 2-13 which include a map showing the location and type of proposed habitat on The Waterfront District site and four cross-sections of selected habitat areas. The proposed habitat and shoreline features associated with the Updated Preferred Alternative analyzed in the EIS Addendum would be consistent with the Preferred Alternative. This information also pertains to the Updated Preferred Alternative.

8. The Port acknowledges that the remediation and redevelopment of the ASB to marina use would re-open aquatic habitat that was, prior to filling of the tideflats, likely high quality nearshore habitat. While the new marina habitat may function at a lower level than pristine intertidal/shallow subtidal habitat, this habitat would be a net benefit to juvenile salmonids relative to existing conditions. As discussed in response to Comment 38 to DEIS Letter 3, marinas can result in relatively productive habitat, as evidenced by extensive macroalgae coverage at Shilshole Bay Marina in Seattle. Further, the entire acreage of aquatic habitat in the marina would represent new Chinook salmon and bull trout critical habitat acreage, which is recognized as a substantial benefit by the federal agencies (USFWS and NMFS). Also refer to the response to Comment 8 in DEIS Letter 3 for more information on water quality issues.

   The Port of Bellingham has a successful history of implementation of habitat restoration projects, including habitat restoration and mitigation associated with the Blaine Harbor Moorage Expansion and Dredging Project. Please refer to the response to DEIS Letter 3, Comment 38 for further details on the Blaine Harbor habitat restoration and mitigation.

   Due to constraints related to the physical configuration of the marina basin, placement of riparian habitat around the entire perimeter is not feasible. Please refer to the response to DEIS Letter 4, Comment 9, for further discussion on the proposed marina design.

   The Port intends to pursue a “Clean Ocean Marina” concept. Please refer to the response to SDEIS Letter 11, Comment 3, regarding this topic.

9. Comment noted. A discussion of potential impacts associated with both a tsunami and potential sea level rise in Bellingham Bay is presented in Section 3.1 of the DEIS and in Appendix D to that document.

10. The use of zinc anodes for corrosion resistance and bottom paints containing copper are common on boats and comply with current federal, state and local regulations. Copper-containing antifouling paints for vessel hulls are designed to leach copper ions at a rate that prevents organisms from attaching, but at a rate as low as feasible to prevent depleting the antifouling copper content before a reasonable lifetime of the hull treatment

is achieved. As shown in Table 2-2 (page 2-6) of Appendix G to the DEIS, ambient dissolved copper concentrations in inner Bellingham Bay are very low, and below the maximum ambient standard. Therefore, recreational vessel antifouling paint copper leachate would not be reasonably expected to elevate ambient copper concentrations to near or above the criteria, even on a localized basis. Potential recreational boating impacts on water quality would be addressed through the use of BMPs outlined in the Washington Department of Ecology's 1998 *Resource Manual for Pollution Prevention in Marinas*. The BMPs include education of boat owners on toxicity of antifouling paint (page 2 of the Manual), storage and minimal use of antifouling paints (page 37), and alternative antifouling methods and products (pages 66 and 67). See the response to Comment 3 in Public Hearing Commentary 64, which addresses protective BMPs for vessel maintenance that are proposed by the Port. These measures would be intended to prevent discharge of antifouling paint to the water during hull work. The Clean Marina design would include the use of best practices and boater education programs to optimize marina water quality.

11. Refer to the response to Comment 8 of this letter.

12. As outlined in the DEIS and SDEIS, mitigation measures call for in-water work to occur during the WDFW and U.S. Army Corps of Engineers-approved in-water work windows for the protection of juvenile salmonid migration and forage fish spawning. Refer to Section 3.4.4 of the SDEIS. These in-water work periods are established locally to avoid the periods of juvenile salmonid outmigration. Currently, this window is assumed to be between July 16 and October 14 (refer to **Table 3-3** below).

TABLE 3-3
INWATER WORK PERIODS

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Salmonids (WDFW)			14			15						
Salmon (Corps)			2				2					
Bull Trout (Corps)		15					16					
Surf Smelt (WDFW and Corps)	YEAR ROUND[2]											
Sand Lance			2							14		
Herring (WDFW and Corps)	31					15						

Source: Grette Associates, 2010
[1] Allowable work windows highlighted.
[2] "YEAR ROUND" means there is a potential for spawning habitat for surf smelt in the tidal reference area, and the Corps will establish a work window that restricts work from occurring during the spawning period.

It is true that it is not impossible for juvenile salmonids to be present in the marine nearshore during the approved work windows. For this reason, the identified mitigation measure states that "*In-water work would occur when juvenile salmonids are absent or present in very low numbers".* Final mitigation conditions for in-water work would be determined as part of the state and federal permitting process.

13. Comment noted. The I&J Waterway is labeled on Figures 2-14, 2-42, 2-45, and other figures in the DEIS.

14. Comment noted. The Port and the Department of Ecology have been co-managers of the multi-agency Bellingham Bay Demonstration Pilot since 1996. The mission of this effort is environmental cleanup and associated habitat restoration with a particular focus on important intertidal marine habitat. Multi-agency coordination under the Pilot allows the parties to coordinate investigations and ecosystem monitoring, particularly within the context of federal, state, local and tribal regulatory requirements.

15. Comment noted.

16. Please refer to the responses to DEIS Letter 21, Comments 8 and 9, and Comment 2 in this letter for information on habitat restoration.

17. Please refer to the response to Comment 2 in this letter.

18. Please refer to the response to Comment 2 in this letter.

19. The overwater trail between the Cornwall Beach Area and Boulevard Park is a separate action and is not part of the Updated Preferred Alternative. The DEIS provides a preliminary description of this action and an assessment of its impacts to habitat (refer to DEIS page 3.4-25). The overwater trail would be subject to future permitting and environmental review by the City; details on the design and potential aquatic habitat impacts would be further evaluated during permitting process for that separate action.

20. Comment noted.

21. Please refer to the response to Comment 2 of this letter.

22. Please refer to the response to Comment 8 of this letter.

23. The SDEIS contains an updated description of the proposed shoreline restoration along the south side of the Whatcom Waterway (see SDEIS Section 2.3.5 and Figure 2-15); in addition, a more specific discussion of shoreline and habitat restoration plans is included in the SDEIS (see Figures 2-7 through 2-13). Aquatic habitat restoration measures are described in the response to DEIS Letter 32, Comment 1. In short, the South Whatcom Waterway shoreline would be the focus of in-water habitat improvements, Approximately 1,500 linear feet of existing pier, bulkhead and shoreline armoring would be removed, and the shoreline slope would be softened and made more gradual and shallow. A 25-foot marine fringe habitat area would be established, which would likely facilitate the establishment of saltmarsh vegetation in some locations.

24. Please refer to the response to Comment 2 of this letter.

25. Please refer to the response to DEIS Letter 21, Comments 8 and 9, for more information on buffers.

26. Comment noted. These species are discussed in the DEIS (refer to Section 1.1.2 of Appendix H).

27. Comment noted. Foraging habitat is discussed in the DEIS (refer to Section 3.4.1).

28. Comment noted.

29. Comment noted.

30. Comment noted. Bull trout, are identified as potentially using the aquatic habitat in the site area in Table 3.4-1 of the DEIS.

31. Please refer to the response to Comment 2 in this letter and DEIS Letter 3, Comments 35 and 36.

32. Please refer to the response to Comment 2 in this letter.

33. Please refer to the response to Comment 2 in this letter.

34. This DEIS conclusion regarding the lack of significant unavoidable adverse impacts is based on the fact that the proposed redevelopment would result in a net benefit to aquatic habitat through enhanced shoreline habitat, substantial reduction of intertidal-shallow subtidal habitat shading, and creation of new aquatic habitat. With implementation of identified mitigation measures to prevent significant impacts during construction and operation, significant unavoidable adverse impacts on aquatic habitat would not be expected.

2-21-08

To Port of Bellingham

attention Andrea M.

From A/ Hansen

I am the geologist who spoke up at the meeting yesterday

The reason I am writing this is that I believe that some of the area that will be result where the old paper plant was is fill, not solid rock. In an earthquake fill ground up and down like a bowl of jello, a very dangerous place for buildings. You don't have to believe me. Just go to the geology department at Western and ask them what I am saying is that should be under consideration in building code and where parks are located

Thank you for this opportunity to comment

1

Response to DEIS Letter 28

Alex Hanners

1. Comment noted. A discussion of geologic (including seismic) risks at the site, as well as potential impacts and mitigation measures, is presented in DEIS Section 3.1 and in Appendix D to that document.

Draft EIS for Bellingham Waterfront District: Earth Elements Comments

March 6, 2008

To: Andrew Maron, SEPA Official, sepaofficial @portofbellingham.com

From: Bernard Housen (bernieh@cc.wwu.edu), R.S. Babcock, J. Caplan-Auerbach, D. Clark, J. Crider, S. DeBari, D. Engebretson, T. Hansen, D. Hirsch, S. Linneman, R. Mitchell, P. Stelling, C. Suczek (all faculty, WWU Geology Department)

This document is the result of a review, and discussions of, the Draft Environmental Impact Statement for the proposed Waterfront District project, by the faculty of the WWU Geology Department. The comments below represent the professional opinions of our department's faculty, all of which have many years of experience in geological research, and many of which are Licensed Professional Geologists in the State of Washington.

The Draft Environmental Impact Statement outlines the complex conditions that are relevant to four proposed options for redevelopment of the Bellingham Waterfront District site. These options range from the "no-development" plan (which would still include a new Marina), to three other options with a variety of building and land-use configurations. Each of the development options includes a provision for a WWU branch campus, and a mix of residential, service/business, and industrial uses; the common theme is that there will be a far greater resident population, and level of capital investment, located within the Waterfront District by the year 2100 if the proposed plans are carried out.

Among the many aspects of the environment (broadly defined) that may be affected by the various development plans (or aspects of the development plans that might be adversely affected by elements of the environment), we are most concerned here with those relating to the geology and geological hazards intrinsic to the site, and intrinsic to our region. These are described under "Earth" section headings and chapters of the Draft EIS documents. We do not discuss all aspects of the "Earth" sections in this memo, and instead focus only on those portions that have significant questions or unresolved issues. We note that the Draft EIS is markedly improved, in its treatment of geological conditions and hazards, relative to the EIS Scoping document that preceded the publication of the Draft EIS. 1

Conclusions of a review of Earth elements in the Draft EIS

1. The treatment of seismic hazards in the Draft EIS is greatly improved over previous planning documents. The major uncertainty in the mitigation of these hazards is the extent to which recent studies of features such as the nearby Boulder Creek Fault are included in seismic hazards assessment and planning (such as International Building Code processes, etc). For successful mitigation of the many geological hazards associated with the Waterfront District site, it is vital that these new findings be included in all site-specific studies. To help ensure this, a formal statement that the entire Waterfront District be designated as an F-class site in the IBC process should be made. 2 3

2. Revised estimates of sea level-rise models (nearly double that used in the Draft EIS) need to be properly considered in the determination of final site grade. 4

3. Evaluation of tsunami hazard for the site is inadequate. Revised models, using new Bellingham Bay bathymetry data and higher-resolution site topography combined with a range of possible Cascadia Subduction Zone megathrust earthquake sources, should be conducted in order to properly evaluate the site-specific tsunami hazard for the Waterfront District. Similarly, studies of local tsunami potential (near-surface faults, and Nooksack Delta stability) must be conducted to assess and mitigate against this significant hazard. 5

4. Given the importance of an accurate assessment of seismic hazard level (which awaits the conclusions of ongoing studies of the Boulder Creek and associated faults), and the uncertain magnitude of tsunami hazards (which need additional study), vital projects such as construction of bridge and roadway lifelines for the site, and determination of the final site grade, would benefit from delayed or slowed development of these planned elements. 6

5. To ensure the factors mentioned above are fully considered in site-development plans, mechanism for improved geological oversight, such as an advisory panel, may be called for. 7

Expanded Comments and Concerns regarding the Draft EIS

Seismic Hazard (broadly defined)

Essentially the key improvements in the Draft EIS are documentation of the wide range of adverse site conditions (liquefiable sediments, lateral spread potential, etc), and the provision that all significant projects will require site-specific geological and geotechnical studies and proven mitigation plans. There are a few remaining concerns, however: 8

1) While the Draft EIS is greatly improved by mention of the ongoing studies of newly discovered active faults (e.g., the Boulder Creek Fault near Kendall), and the significant changes these new studies will have on the current USGS seismic hazard maps for the region (and their resulting inclusion as parameters in International Building Code (IBC) specifications for design and mitigation plans), there remains no clearly delineated mechanisms for communication/cooperation/oversight to ensure that the elevated seismic hazard is included in all development plans. This issue is important in that several entities are advocating the rapid development of vital elements of the site plan such as roadway bridges. As suggested previously, a geological oversight/liaison panel would be helpful. 9

2) It is also important to be certain that the specific extent to which the seismic hazard for the Waterfront District site is changed by the ongoing studies of the Boulder Creek Fault and associated structures is fully determined before significant elements (major bridges, buildings, etc) of the project are designed. These studies are being conducted by the USGS and various academic groups including WWU, and results should be available within a reasonable timeframe (considering the timeline of the site build-out). The numerous and significant geological hazards (sediment liquefaction, lateral spread, etc) that are clearly delineated in the Draft EIS require an accurate and reasonably complete understanding of the level of seismic hazard, so any assertion that these factors are successfully mitigated will be premature pending the results of these local geological studies. 10

Sea Level Change and Tsunami

The issues surrounding sea level rise, and tsunami hazards, their potential effects on the Waterfront District site, and mitigation efforts for these effects, are considered together in the Draft EIS. The reason for this integration is that both issues have a common proposed mitigation solution; to raise the elevation of the site by several feet. The Draft EIS relies on two studies, one an unpublished draft of a University of Washington report on sea level rise scenarios for coastal areas of the State, the other is a WA-DNR map and report on an investigation of tsunami inundation hazards for the Bellingham Bay Area. While some of the conclusions and mitigation plans included in the Draft EIS are reasonable, a closer analysis of the Draft EIS, along with the final published version of the UW sea level report, and of a more complete consideration of tsunami hazards, indicates some significant problems with portions of the mitigation plans outlined in the draft EIS. 11

Site characteristics, and data utilized in the draft EIS, which are relevant to this issue include the following. First, the elevation of the site ranges from 10 feet to 25 feet above MLLW (which is the elevation datum used in the Draft EIS). It is important to note that the MLLW datum is 8.5 feet lower than the level of MHHW; this is important in that the MHHW datum is used in tsunami inundation models, for example. Second, the sea level rise scenario, stated to be a “worse case” estimate in the Introduction to the Draft EIS, is assumed to be 2.4 feet by the year 2100 (data from a UW personal communication, 2006). Lastly, the range of inundation of the site by a Mw=9.1 Cascadia Subduction Zone (CSZ) megathrust earthquake, based on Walsh et al, 2004, is given to be 1.5 feet at maximum. Based on this information, it is assumed that raising the grade of the site by 3 to 6 feet would successfully mitigate against both sea level rise and tsunami inundation hazard. 12

The importance of mitigation against both of these adverse geological conditions cannot be overstated. All of the development plans outlined in the Draft EIS include significant increases in the residential population and capital investments at this site. All of the development plans include, to various extents, large buildings that will have extensive sub-surface elements, basements, underground parking, utility vaults, etc., all of which would be adversely impacted by the introduction of significant amounts of sea water. The proposed mitigation, to raise the site elevation enough to escape these hazards, is simple 13

and effective. However, it is crucial to get this right from the beginning, as it would be very difficult to re-engineer the site grade after significant development has occurred. If the site elevation is not sufficient to account for realistic estimates of these hazards, a local "Katrina-like" flooding scenario could result. 13 Cont.

Sea Level Change

The University of Washington study of sea level change scenarios was published in 2008 (Mote et al., 2008). The study included a review of climate-related sea level change scenarios (due to both melting of continental glaciers and snowpack, and effects of thermal expansion, caused by climate change), and geodynamic factors (post-glacial rebound and continental-margin flexure). The report included three scenarios (low, medium, and high), with sea level variations reported for different regions in Washington, and for two time slices (2050 and 2100). The report did not include formal analyses of probability, but did qualitatively conclude that the low and high range scenarios were less likely to occur. It is clear from the report that the "worst case" scenario would be the "high level" of sea level change. For the Puget Sound, the sea level change for the medium scenario was 6 inches (2050) and 13 inches (2100), and for the high level scenario was 22 inches (2050) and 50 inches (2100).

The high sea level change scenario would indicate a sea level that is ~ 2 feet higher than that assumed in the Draft EIS by the year 2100. The consequences of this revised estimate of sea level change are shown in the table below 14

Present Site Elevation	**Improved elevation [a]**	**UW High 2100 [b]**
High 17.5' (above MHHW)	20.5'	13.5'(NA) 16.5'(A)
Low 1.5' (above MHHW)	7.5'	-2.5' (NA) 3.5'(A)

Notes:
a: assumes grade is elevated by 6 feet for lowest portions, and by 3 feet for highest portions, as per the Draft EIS.
b: (NA) signifies elevation above 2100 MHHW under the no-action scenario, (A) signifies improved elevation above 2100 MHHW proposed by the draft EIS action scenarios

The Waterfront District site is subject to a high range of tidal variation, with high tides 2 to 3 feet above MHHW being common. In addition, storm surge events are also common, which can also increase local sea level by several feet above MHHW level. Given these factors, and the sea level change scenario presented in the Mote et al, 2008 report, the factor of safety for the site provided by the maximum level of fill prescribed in the Draft EIS is insufficient to mitigate against sea level rise, at least for the portions of the site with low elevations. It should also be clear that the No Action scenario, which does not include increasing the elevation of the site grade, would result in significant inundation of the site under the UW high sea level scenario by the year 2100. 15

Tsunami

The evaluation and mitigation of tsunami hazards for the Draft EIS rely upon published model results (Walsh et al, 2004) that describe possible effects of tsunami inundation that would be produced by a 9.1 M_w Cascadia Subduction Zone (CSZ) megathrust earthquake. In their report, significant uncertainties were noted. These include possible variations in the earthquake source (details of rupture location, propagation direction, and magnitude), as well as in site-specific data. In this case, relatively coarse-scale bathymetric data, and 10 m elevation data, were utilized for most locations. As a result of these uncertainties, the authors of the study included a disclaimer to the effect that the inundation predictions were not precise enough to use for site-specific hazards evaluations. Given this information, the Draft EIS utilized the "face value" report findings, which predict a maximum site inundation of 1.5 feet. The Draft EIS concludes that tsunami risk is successfully mitigated by a combination of the 3 to 6 feet of grade level increase (noted above), and by a public warning system. 16

A more rigorous evaluation of the Walsh et al., 2004 study would conclude that the findings illustrate the general nature of the tsunami posed by the impending large CSZ earthquake, and that this would call for a more complete set of models that include bathymetry and site topographic data that are of sufficient detail to truly evaluate the range of inundation values for the Waterfront District site under several earthquake source scenarios. Thus, utilization of the 1.5 feet maximum tsunami inundation value as done in the Draft EIS is premature, and would not represent the findings of best available science. In addition, in the "Operations" section of the "Earth" chapter of the Draft EIS, the recurrence interval for CSZ megathrust earthquakes, and their associated tsunami, was indicated to be "thousands of years". This is simply incorrect; most studies place the recurrence interval at ~450 years +/- 150, with the last 17

such earthquake having occurred on Jan 26, 1700. Therefore, we are now 308 years into the recurrence interval, so the present-day risk of this sort of earthquake occurring is rather high, and will be correspondingly higher by the year 2100. 17 Cont.

Comments submitted as part of the EIS Scoping process also indicated that there is enough concern about locally generated tsunami sources to merit consideration in the EIS for the Waterfront District site. These local sources include submarine landslides associated with the Nooksack River delta, and also near surface faults such as the Boulder Creek Fault. The Nooksack River delta has been rapidly prograding into Bellingham Bay for the past ~100 years, and is similar in many respects to the larger Fraser River delta system, in that it is a rare example of a rapidly prograding delta system. As such, there are well documented hazards that can generically be associated with these features. Firstly, the rapid deposition rates and the inherently unconsolidated nature of the resulting sediments, makes such deltaic deposits prone to slope failure (see review in Judd and Hovland, 2007 for example). Such slides are well-documented for the Fraser River delta system. In addition, many portions of the Fraser River delta system have high concentrations of gas (methane) in their pore-space, which can also markedly decrease the static and dynamic (seismic) stability of these delta slopes. Recently released NOAA bathymetry data for Bellingham Bay document the occurrence of numerous “pock-mark” craters; features that are commonly interpreted to indicate release of large volumes of naturally-occurring gas from the sediments. Thus, while there have been no comprehensive studies of the Nooksack River delta system that can be used to directly evaluate its slope stability characteristics, including the extent to which the sediments are gas-charged, it is clear that this possible hazard should be thoroughly evaluated. While an estimate of the tsunami run-up height that would be produced by a large slope failure of the Nooksack Delta cannot be accurately made without additional investigation, it is clear that such an event would produce a tsunami that is significantly larger (in terms of run-up height) than the CSZ tsunami, and that such an event would occur with little or no warning time. 18 19 20

With the documentation of the Boulder Creek Fault, and other nearby near-surface faults, the question of whether any of these active features are capable of producing significant displacement of the sea floor adjacent to Whatcom County becomes important in terms of possible tsunami hazards. Studies of the better-documented Seattle and Tacoma Fault zones have indicated that earthquakes on these near-surface faults have produced large tsunami events in the past. Being local sources, some of the run-up heights for these tsunami are considerable (> 5m). Thus, there may likely be a much greater tsunami hazard potential due to these local faults than is considered in the Draft EIS, and this can be considered to be a significant, but unaddressed geological hazard for the site. 21

According to the Draft EIS, the increase in site grade by 3 to 6 feet was determined to be sufficient to mitigate against both tsunami and sea level rise. An initial evaluation of this can be accomplished by including the revised UW sea level model, with the Walsh et al, 2004 CSZ tsunami estimate. These elevations, relative to MHHW, are shown below:

UW High 2100	**Walsh 2004 tsunami**
13.5’(NA) 16.5’(A)	11.5’(NA) 15.0’(A)
-2.5’ (NA) 3.5’(A)	-4.0’(NA) 2.0’(A)

Clearly, the “no-action” scenario will result in a significantly higher degree of tsunami hazard for the site by the year 2100. The improved site elevation would result in a +2.0 feet above MHHW “factor of safety”; this does not account for the known tidal range (2-3 feet above MHHW), or possible storm surges. Given the lack of detailed data in the Walsh et al, 2004 CSZ tsunami model, and that the possibility of local tsunami sources is not addressed at all, the figures utilized in the Draft EIS should properly be considered to be minimum estimates of likely tsunami inundation. The range of likely inundation values under a realistic range of tsunami sources, and their temporal likelihood, are presently not included at all in the Draft EIS, and thus it is possible that this geological hazard has not been properly mitigated against. In addition, if public warnings and evacuations are seriously considered as mitigation elements, as indicated in the Draft EIS, then detailed evacuation routes and plans must be included in order to evaluate the feasibility of these mitigation measures. For example, in the maximum build-out scenario, parking spaces for 15000 vehicles are proposed for the Waterfront District site, so warning and evacuation plans that are consistent with this level of development should be included for evaluation and approval. 22

Response to DEIS Letter 29
Bernard Housen

Please also refer to the responses to SDEIS Comment Letter 10.

1. Comment noted.

2. A proper evaluation of seismic risks and associated mitigation measures is warranted for critical structures that are associated with future site redevelopment. For this reason, DEIS Section 3.1 included the following statement regarding seismic hazards:

> The USGS and other researchers continue to evaluate the presence and potential effects of fault systems in the Pacific Northwest that could affect seismic hazard assessments in the Bellingham area. Relatively recent research of the Boulder Creek fault near Kendall, Washington, the Sumas and Vedder Mountain faults near Sumas, Washington, and other fault features in northwestern Washington suggest that seismic hazards in the Bellingham area may be greater than previously estimated based on available USGS seismic hazard maps and data that may not adequately account for potential ground shaking from such nearby fault systems. Accordingly, seismic hazard assessments conducted during the design phase of future site improvements at the New Whatcom site should use updated USGS seismic hazard maps and other data that have been updated to reflect potential ground shaking from such nearby fault systems.

3. While portions of The Waterfront District site contain liquefiable soil profiles that would be classified as Site Class F per Table 1613.5.2 of the International Building Code (IBC), it would not be appropriate to classify the entire Waterfront District site as Site Class F. Such classifications would be made as part of future site-specific geotechnical engineering evaluations.

4. Comment acknowledged. Refer to the response to DEIS Letter 3, Comment 3 and SDEIS Letter 10, Comment 2.

5. Comment noted. The DEIS addressed the geologic hazard posed by a potential tsunami in sufficient detail for an EIS-level analysis. The National Oceanic and Atmospheric Administration (NOAA) and Washington State Department of Natural Resources (DNR) have conducted studies and published estimates of tsunami inundation in the Bellingham Bay area based on modeling of ground deformations and waves that may be generated by a major (magnitude 9.1) Cascadia Subduction Zone (CSZ) earthquake. The results indicate that The Waterfront District site is located in an area where a corresponding tsunami wave arriving approximately 2½ hours after the earthquake at a tide stage near mean high water (MHW) might be expected to result in a depth of inundation in the “knee-high or less” range (depending on the actual location/elevation within the site). Because Bellingham Bay is tidally influenced, the amount of temporary inundation and site impact would depend on the tide level at the time a tsunami wave strikes, along with site-specific shoreline and upland development features. While proposed site filling and regrading would tend to limit the impact of temporary inundation by a tsunami wave, mitigation of tsunami hazards primarily involves public notification and warnings to facilitate evacuation to higher ground prior to arrival of the first and

subsequent tsunami waves. Temporary tsunami flooding would generally be expected in the lower portions of the site, and the overall concept of would be for evacuation to higher ground.

It is acknowledged that upland and submarine landslides flowing into northern Puget Sound or Bellingham Bay, as well as certain types of movements on crustal faults that might extend under Puget Sound, could potentially create tsunami waves in Bellingham Bay that would arrive earlier than one from a CSZ earthquake. However, these types of features and events are generally not well enough understood to be modeled in a manner that would provide a reasonable estimate of the associated tsunami wave heights and potential inundation depths at the site. A site-specific tsunami hazard assessment or an evaluation of the potential risk and impact of local tsunami waves caused by local landslides or crustal fault movements is not warranted as part of an EIS-level analysis.

6. The Port and City acknowledge this concern. The intent of the Port and City is to rebuild the local waterfront economy, provide new public access, and absorb growth over the long term in a way that complements adjacent neighborhoods. This will occur most successfully if it is managed gradually over a relatively long timeframe. Execution of a master plan, development agreement, and a Planned Action Ordinance are intended to ensure that this redevelopment occurs in planned phases without significant economic impact on downtown Bellingham.

7. As noted in the DEIS, seismic design using the most recent design codes (including the IBC) and generally accepted engineering standards and practices would be conducted as part of the building/infrastructure design and permit process for future site improvements. This could include conducting future site-specific seismic analyses, as appropriate. The factors noted in the comment are expected to be addressed as part of the design and permit process for future site improvements. The need for formation of an advisory panel to provide geological oversight of future design and permitting activities would be a decision made by the City and Port following the EIS process.

8. Comment noted.

9. The procedures for design and construction in seismic hazard areas within the region, including the City of Bellingham, are well established. These procedures are defined as part of regulatory requirements, including building codes. As indicated in the DEIS, all future redevelopment projects would be subject to applicable City codes and the current version of the International Building Code (IBC). Building-specific seismic analyses would be conducted as part of the approval of future permit applications. Also refer to the responses to Comments 2, 7, and 10 of this letter.

10. Refer to the response to Comment 2 of this letter. It is agreed that seismic hazard assessments conducted during the design phase for future site improvements should use updated U.S. Geological Survey (USGS) seismic hazard maps and other data that have been updated to reflect potential ground-shaking from such nearby fault systems. The current state of practice in geotechnical earthquake engineering includes using the most recent design codes and generally accepted engineering standards and practices available to the profession at the time of design and permitting of a particular critical structure. The DEIS and Appendix D to that document do not assert that seismic

hazards at the site have been successfully mitigated; rather, the DEIS identifies potential measures to be used, as appropriate, to mitigate such seismic hazards.

11. Refer to the response for DEIS Letter 3, Comment 3 regarding sea level rise, the response to Comment 5 of this letter regarding tsunami hazards, and the response to related comments below. The assumption made by the commentors that EIS-related issues regarding sea level rise and tsunami hazards, their potential effects, and mitigation measures are considered together in the DEIS because both issues have a common proposed mitigation solution is incorrect. The statement that the DEIS relied solely on an unpublished draft of a UW report on sea level rise is also incorrect.

12. Refer to the response to DEIS Letter 3, Comment 3 regarding sea level rise, and the response to Comment 5 of this letter regarding tsunami hazards. Existing site grades typically range from approximately Elev. 10 ft to more than 25 ft MLLW. However, it is important to refer to existing site topographic information presented in the DEIS to gain a proper understanding of the relatively limited areas along the existing shoreline that extend below Elev. 12 ft MLLW. While it is true that the MHHW is approximately 8.5 ft above the MLLW = 0.00 datum, tsunami inundation modeling actually refers to mean high water (MHW) to simulate a conservative scenario of a tsunami wave arriving during a high tidal stage.

    The DEIS did not indicate that a 2.4-ft sea level rise scenario is a "worst case" estimate; rather, the DEIS stated that a reasonable estimate of potential sea level rise in Bellingham Bay by 2100 is considered to be up to approximately 2.4 ft over current levels. The 2.4-ft sea level rise estimate was not based on a UW personal communication in 2006. Finally, the DEIS did not indicate that site inundation due to a tsunami from a magnitude 9.1 CSZ earthquake would be 1.5 ft at maximum. The DEIS states "As part of site redevelopment, site grades could be raised several feet above existing grades (3 to 6 feet assumed); this would provide mitigation of potential impacts of long-term sea level rise in Bellingham Bay, and would address the potential impacts of a tsunami. In addition, public notification and warnings would be used to alert the public about a tsunami."

13. Refer to the response to DEIS Letter 3, Comment 3, and the response to Comments 5, 11, and 12 of this letter. The proposed redevelopment does not envision construction of extensive subsurface basements and underground parking. It is agreed that it is important to make realistic estimates regarding sea level rise and tsunami hazards as part of the EIS-level analysis, as well as during subsequent design and permitting of site improvements. However, it is not reasonable to assume that a local "Katrina-like" flooding scenario might result from the proposed site redevelopment described in the DEIS.

14. Refer to the response for DEIS Letter 3, Comment 3, and the response to Comment 12 of this letter. The January 2008 report by the UW Climate Impacts Group and Ecology titled "Sea Level Rise in the Coastal Waters of Washington State" provides a low probability/very low estimate of 6 inches, a medium estimate of 13 inches, and a low probability/high impact/very high estimate of 50 inches for potential sea level rise in the Puget Sound Basin by 2100. The study also states that sea level rise can not be estimated accurately at specific locations, and that these estimates are for advisory purposes and not actual predictions. It is agreed that a worst-case sea level rise

scenario would be the study's low probability/high impact/very high estimate of 50 inches of sea level rise by 2100, and that the lowest portions of the existing shoreline would be inundated during high tidal stages under such a worst-case sea level rise under the No Action Alternative.

15. Refer to the response for DEIS Letter 3, Comment 3, and the response to Comments 12 and 14 of this letter. It is agreed that The Waterfront District, like most areas in Bellingham Bay and northern Puget Sound, is subject to significant tidal fluctuations and occasional storm surges. However, high tides that are 2 to 3 ft above MHHW are not considered common in Bellingham Bay, and it would not generally be considered reasonable to require that site grades for the very lowest-lying portions of the shoreline be based on a worst-case sea level rise scenario added to an extreme high tide event and storm surge all occurring at the same time.

16. Refer to the response to Comment 5 of this letter. The 2004 tsunami hazard assessment for Bellingham Bay that was conducted by DNR's Division of Geology and Earth Resources and NOAA is considered adequate for this EIS-level analysis. The study delineates portions of The Waterfront District site and other lower-lying areas along the shoreline of Bellingham Bay as subject to potential tsunami inundation, which is a key component of any tsunami hazard assessment. There are uncertainties, assumptions, and limitations associated with the DNR/NOAA assessment, as there would be with any tsunami hazard assessment; and, the study properly acknowledges that the largest source of uncertainty is the input earthquake.

    However, the justification for the input earthquake and ground deformations used in the modeling appears to be based on best available science. The magnitude 9.1 CSZ earthquake used in the modeling assumed a rupture length of approximately 1,050 kilometers (km; 650 miles) with an average rupture width of 70 km (43 miles), with vast areas of offshore uplift and coastal subsidence (including across the Pacific Ocean entrance to the Strait of Juan de Fuca) that would displace tremendous amounts of water and create a tsunami propagating into the Strait of Juan de Fuca with the leading depression wave followed by a positive wave of more than 2 meters (m; 6.6 ft). The simulation results indicate that the tsunami wave not only preserved its amplitude during propagation, but was additionally amplified at Bellingham Bay. The Bellingham Bay area was one of the areas where high resolution modeling was used during the inundation computations, using existing bathymetric data and topographic data from the City of Bellingham with 5-foot contours (not 10-m elevation data as stated in the comment). The modeling indicates an initial tsunami wave amplitude of about 2.9 m (9.5 ft) before reaching the downtown Bellingham shoreline area. It was assumed that tides would interact linearly with a tsunami wave propagating in open water, and that the tsunami wave arrived at MHW level to simulate a conservative scenario of potential tsunami inundation during a high tidal stage.

    It is agreed that tsunami wave run-up and associated inundation depth modeling depends upon many factors that are difficult to determine, especially for a complex shoreline with substantial and changing nearshore and upland site development features. The actual depth of temporary inundation due to a tsunami wave would be expected to vary across the site, depending on factors that include actual site location/elevation and the tidal stage when the tsunami wave arrives. The DEIS did not prematurely conclude that the maximum tsunami inundation depth at the site would be

1.5 ft; rather, given the DNR/NOAA tsunami hazard assessment, the DEIS stated that such a major CSZ earthquake may result in a tsunami wave that could cause a depth of inundation of 0 to 1.6 ft over much of The Waterfront District site. It is believed that the focus of the assessment should not be on calculating a maximum depth of temporary inundation at any particular location within the site, but should be put on public notification regarding the potential tsunami hazard along the lower shoreline portions of Bellingham Bay and warnings to facilitate evacuation to higher ground prior to arrival of the first and subsequent tsunami waves. The DEIS appropriately states that, in addition to public notifications and warnings, raising site grades would also serve to mitigate this potential impact. A more detailed tsunami hazard assessment for the Bellingham area is not warranted as part of an EIS-level analysis.

17. The DEIS and Appendix D to that document did incorrectly state that CSZ earthquakes that might generate a large tsunami is on the order of "thousands" of years, instead of "several hundreds" of years. This correction has been noted in **Chapter 4**, Errata.

18. Comment noted. Refer to the response to Comment 5 of this letter.

19. Comment noted. Refer to the response to Comment 5 of this letter.

20. Refer to the response to Comment 5 of this letter. It is acknowledged that a large submarine landslide could produce a tsunami wave that would arrive at the site prior to one from a major CSZ earthquake and with little warning, but it is not clear that the wave height and upland run-up heights would exceed the CSZ event.

21. Refer to the response to Comment 5 of this letter. Future studies and research on the Boulder Creek fault (and others) will likely assist in clarifying some of the questions raised in the comment. However, at this point, it is considered premature to consider such faults as having a greater tsunami hazard at the site than a magnitude 9.1 CSZ earthquake.

22. Refer to the response to Comments 5 and 16 of this letter. It is agreed that the overall tsunami hazard at the lower portions of the site would be expected to increase if the worst-case sea level rise scenario (the low probability/high impact/very high estimate of 50 inches by 2100) occurred and a major tsunami wave arrived at the site at the same time that the local tidal stage was 2 to 3 ft above MHHW. It is believed that local disaster planning should include public notification regarding the potential tsunami hazard along the lower shoreline portions of Bellingham Bay and warnings to facilitate evacuation to higher ground. However, it is believed that detailed evacuation routes and plans are not needed for the EIS analysis, especially given that the overall concept of evacuation to higher ground (to higher floors within a building or away from the shoreline and up toward the higher areas of Bellingham).

March 10, 2008

Mr. Andrew Maron
SEPA Official
Port of Bellingham

SUBJECT: New Whatcom Redevelopment Project DEIS Comments

Dear Mr. Maron:

As an avid runner, I can appreciate that the pedestrian bridge discussed on pg 2-69 would be really nice to connect one side of the waterway with the other. Although the proposed 500-ft long structure would provide additional public access to the water and connect the north and south sides of the waterway, it appears that a less complicated and expensive alternative to obtain the connection would be to provide a small shuttle boat service. Such public shuttle boat services are very popular in Drayton Harbor, and in Vancouver and Nanaimo, BC. This type of shuttle service provides flexibility in route options, a variety of visual public access harbor experiences, and returns a potentially historic water-dependent use (e.g. Citizen's Dock). A small dock/float at the end of the outer marina breakwater would connect the most needed link providing a loop around the Marina Trail and New Whatcom waterfront promenade. Even a jogger could take advantage of staying off the main Roeder Street arterial and having a short break in the form of a quick boat ride. The much lower cost of permitting, construction, operation and maintenance would allow this option to be provided for all redevelopment alternatives – not just the most densely developed alternative proposed by the Port. Please evaluate other realistic alternatives to the pedestrian bridge that we as taxpayers can afford. 1

Regards,

Mary Humphries
2600 H Street
Bellingham, WA. 98225

Response to DEIS Letter 30

Mary Humphries

1. The Updated Preferred Alternative does not include the pedestrian bridge over the Whatcom Waterway (as assume in DEIS Alternatives 1 and 2/2A), but does include transient moorage floats on both sides of the waterway which could be used to support a foot ferry system in the future, as recommended in this comment letter.

CONTINUED COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE NEW WHATCOM REDEVELOPMENT PROJECT

Tip Johnson ~ tip@skookum.us March 9, 2008

Planning for the development of the Georgia-Pacific (G-P) site requires further effort in the following important areas:

1) Public Health: An accounting of mercury disposed by the G-P mill

This is an issue of public health - the protection of which should be the highest duty of government. Having taken over the site's environmental liabilities, the public has a right to know, and their representatives have a responsibility to demonstrate, that the project contemplates the full scope of the problem. G-P may have disposed of up to 1,600 tons of mercury according to industry standard usage per ton of product made. Perhaps 600 tons was used according to comments by a former G-P mill manager, suggesting at least 15 tons were replaced annually. To date, so-called "clean-up" measures are concerned with only about 35 tons, most of which is to be left in place and covered up. 1

However, it is well known that G-P illegally disposed of large quantities in upland dump sites, such as the banks of Whatcom Creek at Haskell Business Center and including an estimated 15 tons buried on the subject property. Only a full accounting of the fate of G-P's spent mercury and contaminated sludge can establish the full extent of potential liabilities on the site. In any case, citizens deserve to know the extent of this problem both on and off site as a matter of public health and safety.

State-of-the-art Tekran mercury vapor monitors should be placed in and around the site commencing immediately, to monitor the mercury flux during our months of increased insolation. Mercury vapor is known to many times exceed normal background levels during periods of heat or sunshine. This effect has been measured miles from decommissioned chlor-alkali facilities. Fugitive dust emissions from demolition and earthwork activities should be sampled and tested. Demolition debris from mercury cell operations has been linked to increased mercury levels in the tissue of fish populating ponds near its deposition. Implementing rigorous monitoring regimes of this type could help show when land clearing and building demolition should be avoided, or when nearby, downwind residences should keep their windows closed. 2

2) A waterfront and harbor area land-use priority policy and strategy

The community needs a policy framework for the waterfront that goes beyond Shoreline Management and local land-use codes. The kinds of decisions being made will effect the community's options for a hundred years or more. The community's potential waterfront needs and applications should therefore be considered over a similar period. Such a policy would compare whether water-dependent, water-related and public uses, or commercial and residential uses are the best use of these limited resources, including aquatic lands, the shoreline and low-bank associated uplands. This framework would help establish under what conditions less appropriate uses may foreclose future uses or whether certain resources should be held in reserve. 3

In particular, comparing the benefits of Industrial and maritime uses to commercial and residential uses is very important. This should include a review of plans to build a marina in the G-P Aerated Stabilization Basin (water treatment lagoon). The community's total future treatment capacity should be estimated and the utility of the treatment lagoon considered. The lagoon is large enough to be subdivided into separate treatment regimes. These might apply to future industrial 4

uses, urban stormwater treatment or in quality control measures for our municipal water supply should it become necessary to divert residential runoff from Lake Whatcom for treatment. We should assess the potential for the lagoon to protect community bay restoration investments from future recontamination. If utility to the community's treatment capacity needs is found, the cost of replacing that capacity should be estimated. A marina should not be built in the lagoon until both the cost of removing industrial support and foreclosing on family wage jobs, and the cost of replacing the treatment capacity are well understood. 4 Cont.

3) An absorption policy and strategy - concomitant agreement

Public uses and those dependent or related to waterfronts can only add utility and economy to Bellingham. Other uses could compete with existing uses and diminish existing tax base. For instance, Bellis Fair shopping mall catapulted downtown Bellingham into a recession that lasted many years. A recovery is only recently evident. The City and proponent should design systems for measuring the effects of project development on occupancies, businesses and the tax base. Development could then be metered into the market in a manner reasoned to cause the least disruption and unintended consequence. Before Bellis Fair won its approval, the City required proponents to enter into a "concomitant agreement" designed to moderate some impacts and compensate for others. A similar agreement might now be appropriate - for exactly the same reasons and purposes. 5

4) An integration policy and strategy

Social, environmental and economic factors of development ought to be considered not only in terms of reducing adverse impacts, but also with a view toward cultivating synergetic advantages. For instance, the University has expressed interest in a waterfront presence. This is likely an appropriate public use. However, sequestering the University from existing services could exacerbate the "town and gown" division experienced in the past, or cause other problems. Most administrative services do not require proximity to academic functions. These might be appropriately integrated into the existing central business district. This would prevent valuable waterfront from being used at lower potentials, leaving opportunity for more appropriate uses while assisting existing properties and stimulating a vibrant level of human activity between downtown and the waterfront. 6

Similarly, residential development requires a lot of parking. Parking is likely a low priority waterfront use. Surface parking is a visual blight. Building parking into residential structures adds considerable expense, reducing affordability. Meanwhile, downtown has contemplated a need for additional parking since its transition from anchor retail, where vehicles come and go, to office/residential, where vehicles come and stay. Several studies have been completed on this subject over the years. It is accepted that commercial and residential uses exhibit reciprocal demands for parking. Parking facilities serving both can therefore maximize the utility per unit of investment. Parking studies should be reviewed and an area-wide parking district considered. 7

An integration strategy should apply beyond land-use to transportation and security, for instance whether provision for fixed guideway services should be planned now, whether school buses will park near the aquarium or use shuttle services, how exclusionary zones around passenger or government vessels could affect day to day operations, or how to accommodate evacuations necessitated by tsunamis, seismic events or railway accidents. 8

Response to DEIS Letter 31

Tip Johnson

1. The SDEIS and DEIS analyze the potential impacts of the proposed redevelopment on water quality on and in the vicinity of The Waterfront District site (see SDEIS Appendix I and DEIS Appendix G). With respect to mercury contamination, extensive environmental testing has been performed in sediments, soils and groundwater at the cleanup sites located within The Waterfront District site. Findings from those investigations confirm the presence of mercury in soil and groundwater at the former Chlor-Alkali plant cleanup site (part of the Georgia Pacific West site within the Log Pond Area) and within sediments of the Whatcom Waterway cleanup site. There is no evidence of a wide spread mercury contamination problem in the other portions of The Waterfront District site. The evaluation of any past off-site management of mercury-containing products or wastes by Georgia Pacific during historic mill operations is not the subject of either this EIS or the environmental cleanups being performed under MTCA requirements.

2. Testing for mercury in soil vapor and in the air was performed as part of the RI/FS activities at the former Chlor-Alkali cleanup site (part of the Georgia Pacific West site located in the Log Pond Area). There is no indication of a mercury problem in the ambient air that would warrant the placement of ambient air monitoring equipment around the Georgia Pacific West site. Most structures associated with the former Chlor-Alkali plant operation have been removed from the site. As a result, demolition-related air quality concerns with proposed redevelopment would be limited to demolition of the remaining cell building, and/or to subsurface earthwork or remediation in areas with elevated soil mercury concentrations. Appropriate provisions for air monitoring or control measures will be considered by Ecology as part of the cleanup decision for the Georgia Pacific West site, and in engineering design for soil and groundwater cleanup of the former Chlor Alkali site area. This will include measures applicable to the cleanup action at the site, as well as site-specific institutional control requirements applicable to future site redevelopment. The management of institutional control requirements during site redevelopment is discussed in Section 3.5 of the DEIS.

3. As stated in Chapter 2 of the EIS Addendum, the DEIS, SDEIS, this EIS Addendum and the FEIS will be used as tools by the Port and City (along with other considerations, analyses and public input) to formulate a proposed Master Development Plan (MDP) and Subarea Plan for The Waterfront District, as well as the draft Development Agreement, draft Development Regulations and draft Planned Action Ordinance. Important steps in this process are summarized below.

   Subsequent to the issuance of the FEIS, a draft Master Development Plan (MDP) proposal, as well as draft Development Regulations and a draft Development Agreement, would be completed and circulated for public review. Ultimately, a proposed MDP and Subarea Plan will be submitted for review and approval.

   The proposed MDP, along with other regulatory actions, will be reviewed by the Port Commission, City Planning Commission and City Council, as required. Public hearings will be held during the decision-making process and there will be ongoing opportunities for public input. Ultimately, the entire package of regulatory and planning actions will be considered for approval. The MDP, Development Agreement, Development Regulations

and Planned Action Ordinance, if approved, will provide the framework for long-term redevelopment of the site.

4. The ASB was acquired by the Port in 2005 specifically for the construction of a marina, consistent with the 2004 Waterfront Vision and Framework Plan and with the Port's 2003 marina siting analysis. Prior to acquiring the ASB for the public purpose of developing the Clean Ocean Marina, the Port posed the question to the public and other agencies about potential alternative uses, including filling the ASB for upland development, using it as a contaminated sediment disposal facility, using it for aquaculture, stormwater management and other possibilities. The City of Bellingham was asked if they would want the ASB as a stormwater facility and declined due to cost and engineering concerns. The DEIS evaluated the development of a marina in the ASB under the No Action alternative and under redevelopment Alternatives 1 through 3. The current wastewater and stormwater treatment uses of the ASB are described as existing conditions (see Section 3.3.1 of the DEIS). The evaluation of alternative uses for the ASB as a regional wastewater/stormwater facility is not the subject of this EIS. The ASB treatment capacity will no longer be required for industrial wastewater treatment, based on the elimination of industrial wastewater sources to the ASB during site cleanup, and based on the proposed stormwater control system for site redevelopment (see Appendices H and I of the SDEIS and Appendix G of the DEIS for details). Alternative stormwater or wastewater uses of the ASB are not consistent with the Port's purpose for the ASB, or with Ecology's 2007 cleanup decision for the Whatcom Waterway site (that site includes the ASB).

5. The Port and City acknowledge this concern. The intent of both parties is to rebuild the local waterfront economy, provide new public access, and absorb growth over the long term in a way that complements adjacent neighborhoods. This will occur most successfully if it is managed gradually over a relatively long timeframe. A package of documents, including a master plan, development agreement, and a Planned Action Ordinance are intended to ensure that this redevelopment occurs in planned phases without significant environmental of economic impact on downtown Bellingham.

6. Please refer to the response to SDEIS Commentary 20, Comment 1.

7. Comment noted. Parking analysis completed for The Waterfront District Redevelopment project builds on the work done as part of the previous parking studies for downtown Bellingham. The Waterfront District is designed to facilitate shared parking and minimize the need for on-site parking spaces. It is the intent of the Port to have parking provided as development occurs and to encourage alternative modes by creating a pedestrian/ bicycle/transit friendly environment and not over supplying parking. Few if any surface parking lots are assumed for the site.

8. Please refer to the response to Comment 5 of this letter.

March 10, 2008

Public Comment Regarding New Whatcom Redevelopment (NWR) Draft Environmental Impact Statement (DEIS)

Eli Mackiewicz
2733 Lynn St.
Bellingham, Wa. 98225
Contact: outdooreli@yahoo.com

Taken in its totality, the Draft EIS effectively encapsulates most of the concerns relating to the New Whatcom Redevelopment. However, it is my impression that one vital concern is undervalued and thus insufficiently addressed. The DEIS does not adequately address impacts to salmon populations that would result from both the construction and use of the redeveloped waterfront. Furthermore, I feel the mitigation measures proposed are merely reactive and a fair bit shortsighted. While it is true that aquatic habitat will created, the overall effectiveness of that habitat is questionable. It is my view that, without further **proactive** mitigation, the project will at best have a net neutral impact on salmon productivity and restoration. This is simply unacceptable, given the state of Puget Sound and the grim future ahead for wild salmon stocks. To achieve a positive impact the project must embrace alternative mitigation planning which uses the unique resources found in surplus in Bellingham - creativity, innovation and community partnerships. Only then will the environmental impact be negated and the project deemed a success when held to the highest standards. 1 2

It is no secret that salmon populations in Puget Sound are in a steady decline. However, public interest in salmon recovery has continued to grow. This is evident considering the emergence of numerous federal, state, local, and grassroots groups aimed at assisting salmon restoration – often using public funds. In this regard, Bellingham is no different than many other municipalities in the Pacific Northwest. Where we differ, however, is worth noting. Very few, if any, of these cities (I surmise) are planning waterfront development on the scale of the NWR. Additionally, the direct impact that the NWR will have on the estuary of a salmon-supporting waterway (Whatcom Creek) is unmatched compared to typical shoreline urban growth found elsewhere. The NWR, if it is to be unique to Bellingham, must include plans to not only maintain the salmon populations supported by Whatcom Waterway but to actively search out new ways to **increase** these populations in perpetuity. Intensive mitigation of impacts to migrating, rearing, feeding, and spawning salmon should be central to any plan to develop the estuary that is Whatcom Waterway. If the ultimate goal is salmon recovery there cannot be a piecemeal approach. In my opinion it is an all-or-nothing venture - and I fear that the current DEIS is an indication that the NWR will not provide the opportunity for earnest recovery and restoration efforts. I find this very troubling and ominous. 3

The specific language within the DEIS with which I adamantly disagree comes from Section 3.4.4 (Plants and Animals, Significant Unavoidable Adverse Impacts) and is worded as such:

"The overall result of redevelopment under Alternatives 1 through 3 would be substantial improvements to upland and aquatic habitat on the site and in the site area; significant unavoidable adverse impacts would not be anticipated.

With implementation of the identified mitigation measures, significant impacts associated with in-water and over-water construction would not be anticipated."

4

These statements, based on the proposed improvement of shoreline and nearshore habitat, omit significant unavoidable adverse impacts that would most certainly result from increased use and development of the NWR area. While the dedication to restored salmon habitat along the shorelines is noble, the quality of such habitat is clearly debatable. It is true that reclaimed habitat will be of better quality than what existed during the tenure of Georgia-Pacific, but the benefits are offset by the proposed usage of the same shoreline by humans (pedestrians, bicyclists, etc) and marine vessels as well as the impact of construction in the estuary. It is vital to note here that salmon ecology is such that small impacts accumulate and compound, leaving fragile stocks particularity vulnerable. These significant impacts include but are not limited to:

- **Increased stress on juvenile salmonids by presence of people and boats along the shoreline and in the marina**.

Schools of juveniles can be scattered easily by disruptions on above the surface, causing interruption of feeding or exposure to predators. The plan calls for pedestrian or boat access to virtually all newly created and restored fish habitat.

5

- **Mortality and migration disruption through water pollution.**

Fueling and maintaining boats produces unavoidable adverse water quality impacts which can potentially be fatal or disrupt major life history events in salmon. Aside from lethal spills, contamination of surface water by heavy metals – even in minute amounts - can result in modified migratory behavior (e.g. the fish fail to find their natal stream).

6

- **Potential violations of the Endangered Species Act and/or contribution to species extinction**.

Numerous listed species appear in the affected waterways. The ESA does not differentiate between accidental and purposeful taking of listed species – and potential for accidental takings abound within the context of the NWR plans.

7

- **Impacts to local watersheds and salmon stocks**.

Fish that takerefuge in the Whatcom waterway populate (amongst others) the Nooksack and Skagit River watersheds which in turn produce economically viable fisheries. Additionally, hatchery supported sport fisheries in many nearby water courses utilize the Whatcom Waterway for feeding and refuge. These stocks will, at least temporarily, be unavoidably negatively impacted by the NWR.

8

- **Impacts to the "Green" character of Bellingham**.

Many Bellingham residents, myself included, take great pride in the environmentally-friendly atmosphere that defines this progressive community. We are proud of our standing as a model for "green" living and innovation. Negative impacts on Whatcom Creek's salmon runs - even by means of accident - would damage this reputation. Worse yet would be the realization that we passed on an opportunity to further the role of Bellingham as a model and trendsetter. 9

Although permitting and regulation require due diligence, they do not guarantee that the above impacts will be absolutely eliminated. The planners must acknowledge that if people are given access to the waterfront, a new marina is opened, and buildings are constructed on the waterfront there **will** be **unavoidable adverse impacts** that require additional mitigation. The DEIS makes exactly the opposite determination. 10

The intention of this comment is not to chide the Port for overlooking salmon in their planning. The intention is to raise concerns that can be addressed through alternative and innovative actions. The EIS is intended to explore these alternatives and to recommend avenues of innovation that can be explored at future permitting, master planning, and implementation stages. In that spirit, the following actions are alternatives that are ripe for consideration as mitigation measures for the above unavoidable impacts. It is my opinion that some or all of these mitigation actions (and others that are pertinent) should be investigated prior to the release of the Final EIS. They could be part of a regiment implemented a means of offsetting impacts to salmon and producing a net positive impact to ecosystem, fishery, and environmental health. Also note that none of the proposed mitigation procedures below require the Port to act as the sole provider of resources. 11

Habitat Restoration Partnerships as Mitigation

Salmon rely on oceanic, estuary, and riverine ecosystems at different points in their life cycles. A crucial metric to determine salmon productivity is spawning success, which depends on a specific set of conditions within river systems. Without secure spawning and rearing sites, salmon populations cannot survive. Additionally, barriers to fish migration effectively separate fish from their spawning grounds. While the sites selected for restoration would most likely be outside of the mapped boundaries of the NWR, the fish that would benefit would be the same fish that use NWR habitat and waterways. In this way, the Port will increase the number of fish that benefit from the new habitat created in the NWR project. 12

Many local not for profit groups, including Whatcom Creek Recovery, the Nooksack Salmon Enhancement Association, and the Skagit Fisheries Enhancement Group are active in habitat restoration. It would be in the best interest of all involved if the Port actively pursued partnerships with these organizations to plan and implement restoration measures within watersheds affected by the NWR. 13

Environmental Education Partnerships as Mitigation

In order to prevent adverse impacts perpetrated by human activity, community environmentally-based education should be ingrained in numerous facets of the project. Some potentially beneficial measures that can be undertaken relatively easily are:

- Engaging and informing the public though displays and signs along the Whatcom Waterway, inside the marina, and near critical habitat.
- Partnering with Bellingham Technical College to expand and/or renovate the existing hatchery at Maritime Heritage Park to encourage public participation.
- Building discreet viewing platforms that move people away from the water's edge and out of sight of the migrating salmon. 14
- Educating anglers on correct catch-and-release methods, species identification, and avoidance of accidental bycatch.

Again, numerous local groups exist which could partner with the Port to see environmental education programs through to implementation. Effective education could result in a significant benefit to wild salmon populations, especially those most sensitive to human disruptions. This can be seen as an accurate way to mitigate for unavoidable adverse impacts to salmon caused by increased human use within the NWR.

Conservation Partnerships as Mitigation

The DEIS should include conservation processes and policies which further the cause of salmon recovery as mitigation for unavoidable adverse impacts. These processes come in many forms, but can be summarized as regulations on development, use, and growth. Outside of permitting obligations, the Port should seek to work closely with local, state and federal agencies (WDOE, WDFW, WDNR, NOAA, NMFS, USFWS, USGS, City of Bellingham, Whatcom County, etc, etc, etc) to develop a series of regulations aimed at mitigating human impact in the Whatcom Creek estuary. Suggestions include, but are not limited to: 15

- **A truly "Green" Marina** utilizing bio-diesel fuels, solar, wind and tidal energy generation, and the use of non-toxic chemicals in boat maintenance. The marina should also include docks retained for fishing boats who wish to sell fish directly to consumers, which prevents the negative impacts associated with shipping Puget Sound salmon to markets inland. 16

- **Pervious pavement**, asphalt, and concrete should be used whenever possible to reduce or eliminate stormwater runoff which could contain potentially lethal mixtures of chemicals. This technology is accessible locally, gaining popularity in the Pacific Northwest, and more cost-effective over the long term. 17

- **Regulations on fishing, boating, and hiking along the shoreline** seasonally, during critical times (juvenile out-migration, adult in-migration) and in critical habitat areas. Scientific research and monitoring would be necessary to maintain the most effective management practices. 18

In conclusion, the DEIS is a well-intentioned document that is obviously meticulously researched and compiled by dedicated people in both the private and public sector. It is not my intention to nullify or trivialize the hard work put into the document. However, it is necessary and imperative that the Final EIS gives accurate weight to unavoidable adverse impacts on salmon and provides alternative mitigation planning to offset those impacts. The potential benefits are too large to ignore, as are the risks associated with doing too little. Thank you. 19

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Response to DEIS Letter 32

Eli Mackiewicz (1)

1. Impacts to salmon populations would not be anticipated to occur as a result of the proposed redevelopment. Improvements in the Whatcom Creek Estuary along Whatcom Waterway would substantially benefit salmon populations. The existing Whatcom Waterway shoreline is highly modified with pile-supported piers, bulkheads, and riprap armoring. The proposed redevelopment would remove these features (refer to Section 3.4.3 of the DEIS) and replace them with a softer, shallower, more gently-sloped shoreline with far fewer obstructions to migration and rearing, as well as a substantial reduction in human activities through the cessation of marine industrial uses. Further, water quality in the estuary would be improved through the removal of 1,159 creosote-treated timber piles, 560 of which would be removed from the Whatcom Creek Estuary. In summary, existing shoreline modifications that are known to degrade salmon habitat are being removed and replaced with features known to provide high quality salmon habitat.

   Potential impacts of proposed redevelopment on habitat would be avoided and minimized to the extent that no significant impacts that would necessitate compensatory mitigation were identified. A net long-term benefit to aquatic and upland habitat would result through the enhancement of nearshore habitat and the changes in use of the waterfront area. The proposed mitigation measures would satisfy the requirements of "mitigation" as defined by state law, and represent long-term habitat benefits to aquatic habitat. No compensatory mitigation is proposed or required.

   The newly-created habitat would not provide questionable habitat effectiveness. As discussed in Section 3.4.3 of the DEIS, the proposed marina would provide 28 acres of new aquatic habitat, 4.7 of which would be intertidal/shallow subtidal habitat, which is known to be of high importance to juvenile salmonids and is increasingly degraded in Puget Sound by shoreline development. It is known that even aquatic habitat in active marinas is used by juvenile salmonids and provides moderate habitat function.

2. The mitigation measures would not have a net neutral effect on salmon productivity and restoration. Rather they would have a demonstrably positive effect. Refer to response to Comment 1 in this letter.

3. Please refer to the response to Comment 1 in this letter.

4. The shoreline habitat with proposed redevelopment would result in debatable habitat quality, and that the proposed shoreline uses would not result in disturbance levels that could adversely affect salmon populations. The proposed redevelopment would result in significant improvements to habitat quality through the removal of existing marine industrial use and infrastructure. Extensive overwater piers, hundreds of creosote-treated timber piles, bulkheads, derelict industrial buildings, and heavy-industrial shoreline land-use would be replaced by more natural shorelines, small, offshore transient boat moorage structures, and light recreational uses. These changes would significantly improve salmonid habitat.

While parks may not constitute high quality wildlife habitat, they do constitute a significant improvement over the existing industrial land use and infrastructure, as the commenter acknowledges. Refer to the response to Letter 16, Comment 11.

5. Please refer to the response to Comment 4 in this letter.

6. Please refer to the response to SDEIS Comment Letter 11, Comment 3.

7. Potential impacts to threatened and endangered species are evaluated in the DEIS (refer to Appendix H). The DEIS recognized that three listed salmonid species utilize the shoreline in the site area: Chinook salmon, steelhead, and bull trout. The DEIS does not conclude that the project would result in a taking of ESA-listed salmonids. The proposed redevelopment would substantially improve migratory and foraging conditions for juvenile salmonids and reduce the potential for taking of these species. As discussed in the DEIS, the proposed redevelopment would replace bulkhead and riprap shoreline with more gently-sloping shoreline and finer substrate. Additionally, significant amounts of overwater coverage in Whatcom Waterway would be removed. This would likely increase the productivity of the Whatcom Creek Estuary for juvenile salmonids through greater epibenthic invertebrate production and salt marsh vegetation. Further, the replacement of the ASB with the marina and re-establishment of 4.69 acres of unshaded intertidal/shallow subtidal habitat and 20.5 acres of unshaded subtidal habitat would increase the acreage of Chinook salmon and bull trout critical habitat. Thus, rather than contributing to the extinction of these species, the proposal would contribute to their recovery. Please refer to the response to Comments to 4 and 5 in this letter.

8. Local salmon stocks would not be “unavoidably negatively impacted” by the proposed redevelopment, even on a temporary basis. In order to minimize construction impacts, all work would occur during approved in-water work windows, when juvenile salmonids would be absent or present in very low numbers. Any potential negative impacts to these stocks resulting from construction would likely be negligible. In addition, the resulting habitat would benefit these stocks in the long-term. Please refer to the response to Comment 12 in Letter 27 and Comment 4 and 5 in this letter.

9. Please refer to the response to Comment 1 in this letter.

10. The DEIS concluded that substantial benefits to aquatic and upland habitat would result as compared to existing conditions; in addition, mitigation measures are identified to address impacts; therefore, significant impacts on aquatic or upland habitat would not be expected. The shoreline and waterfront area of the site currently include industrial buildings, marine industrial uses, wharves, piers, bulkheads, and riprap shorelines. The proposed redevelopment (including restored shorelines, significantly reduced industrial use associated with large vessel traffic, small-boat transient moorage, and public recreational access) would represent an improvement from a habitat perspective, both in upland and aquatic habitat areas.

    With proper design, greater public shoreline access would foster greater connection and ownership of Bellingham Bay and would encourage habitat protection.

11. Comment noted.

12. Comment noted.

13. Comment noted. The Port has been working on habitat restoration issues with a broad range of interested parties, including agencies, tribes, private citizens, local groups and not-for-profit environmental organizations over the past 10 years. Examples include the multi-agency Bellingham Bay Demonstration Pilot, the Whatcom County Marine Resources Committee, People for Puget Sound, ReSources, Sustainable Connections and many others. Participation in control of pollution sources and the restoration of Bellingham Bay shorelines to support state-wide salmon recovery is a high priority for the Port. The Port intends on continuing with the pursuit of these kind of partnerships.

14. Comment noted. Working with other organizations to help expand our understanding of ecosystem functions and sustainable practices is an important principle for the Port, especially as it relates to The Waterfront District. The Port participates in a number of forums that include environmental issues as a priority, including the multi-agency Bellingham Bay Demonstration Pilot, Sustainable Connections, Northwest Straits Commission, Whatcom County Marine Resources Committee, Nooksack Salmon Enhancement Program, ReSources, Bellingham Technical College and Huxley College of the Environment.

15. The proposed redevelopment would further salmon recovery in Whatcom Waterway and would not preclude the possibility of future recovery activities.

16. Please refer to the response to SDEIS Comment Letter 11, Comment 3.

17. The use of pervious pavement (asphalt and concrete) is a low impact development technique that has been used locally by the Port and others to increase infiltration and reduce stormwater runoff from paved areas. In a marine nearshore environment, the benefits of stormwater infiltration are primarily to reduce the quantity of stormwater requiring treatment. As described in the DEIS and SEIS, infiltration may not be appropriate in some areas of the site due to the presence of soil or groundwater constraints. LID techniques that enhance infiltration would only be used where site investigation and cleanup activities have considered such infiltration and where it is deemed to be protective of groundwater and surface water quality. LID techniques, other than infiltration, would be considered as part of stormwater design where practicable. These techniques may include such techniques as water reuse, maximization of building height, covered parking structures, green roofs, lined bioretention facilities and/or drought tolerant landscaping

18. Comment noted. The Port and the Department of Ecology have been co-managers of the multi-agency Bellingham Bay Demonstration Pilot since 1996. The mission of this effort is environmental cleanup and associated habitat restoration with a particular focus on important intertidal marine habitat. Multi-agency coordination under the Pilot allows the parties to coordinate investigations and ecosystem monitoring, particularly within the context of federal, state, local and tribal regulatory requirements.

19. Please refer to the response to Comment 1 in this letter.

Addendum to Comment

The following is an email exchange between the Port Of Bellingham and myself regarding the content of my public comment made at the public hearings. I am submitting this as part of my written comment to enter it as part of the public record. Thank you

"----- Original Message ----
From: "Goodwin, Sylvia" <sylviag@portofbellingham.com>
To: outdooreli@yahoo.com
Sent: Thursday, March 6, 2008 11:19:15 AM
Subject: Waterfront Redevelopment

Thank you for your comment on the Waterfront District project. The Port of Bellingham is working with Ecology and other agencies to restore fish habitat along the banks of the Whatcom Waterway and the mouth of Whatcom Creek within the boundaries of the Waterfront District, and will be creating additional fish habitat within the new marina. The fish hatchery at Maritime Heritage Park is operated by Bellingham Technical College. I recommend that you contact Earl Steele at the college to learn about any planned revisions to the hatchery. This facility is outside of the scope of the Port waterfront revelopment project. I talked to Clare Fogelsong with the Bellingham Public works Department regarding fish passage around Whatcom Falls. He reported that the existing fish passage around the falls seems to be working well and he is not aware of any plans to alter this fish passage.

From: "Mackiewicz, Eli" <outdooreli@yahoo.com>
To: sylviag@portofbellingham.com
Sent: Friday, March 7, 2008 9:46:54 AM
Subject: RE: Waterfront Redevelopment

Thank you for your response. I will be submitting a written comment that better summarizes my concerns. Taking into account the proposed suite of restoration efforts, it remains my view that fish passage will be unavoidably impaired by development in the Whatcom waterway. I feel that a more proactive approach - and one which engages community partnerships and environmental education - should be pursued. 1

All that aside, I applaud the Port for it's work with Ecology and its dedication to nearshore habitat restoration. The amount of energy that the Port has spent to address environmental concerns is impressive. However, in keeping with the unique spirit of Bellingham, I believe it is possible to pursue a more innovative approach that goes beyond simple mitigation and creates real results. 2
The fate of Whatcom Creek salmon will be tied, for better or worse, to future activity in the Whatcom waterway. Furthermore, The Port stands to share in either the credit or the blame for the status of the creek at the end of redevelopment. It is a huge responsibility, with a great reward.

Thanks for your time,
-Eli Mackiewicz-

Response to DEIS Letter 33

Eli Mackiewicz (2)

1. As stated in the response to Comment 1 of DEIS Letter 32, the proposed shoreline work in Whatcom Waterway would significantly improve, rather than impair, fish habitat. The level of development in and immediately adjacent to the waterway would be reduced rather than increased. Refer to the response to DEIS Letter 16, Comment 12, for a discussion on fish passage related to overwater coverage.

2. Comment noted. The Port is contributing to the restoration of Whatcom Waterway, and believes that the proposed redevelopment takes a significant step in that direction.

March 10, 08

Andrew Maron
SEPA Responsible Official
Port of Bellingham
PO Box 1677
1801 Roeder Avenue
Bellingham, WA 98227-1677
Sent by email.

Dear Sir,

Public comment period of the Draft Environmental Impact Statement for The Waterfront District project.

I'm writing against the deadline and will be brief. But I must bring to your attention several points of concern.

1. The power plant on the waterfront, the "Encogen Plant" receives its natural gas supply from high-pressure pipelines that link this plant with Britten Gate by way of five Bellingham Neighborhoods. Along the way the lines are in close proximity to two elementary schools, a private school and a high school.

2. Many homes and perhaps the schools are directly connected to these high pressure lines and are exposed to a significant ongoing risk.

3. The Port has in the past rejected taking input on this issue on the ground that all issues regarding the plant site and the gas lines were outside their planning and permitting process.

4 This draft EIS has many references to the plant and the lines. The draft presents the plant operating well beyond the time when its turbines will have to be replaced. The EIS notes the need for additional gas on the waterfront without saying who the users will be and if they foresee the need for a plant with even greater capacity.

What plans are there to address my concerns? Are there any plans to diminish the risks and mitigate the danger of these high pressure gas lines? 1

Below please find an email I sent to the Bellingham Planning Commission after my testimony that a port planner took at a public meeting failed to arrive at the the commission with the other written public remarks. **Also find**:

1. A Bellingham Herald article about PSE being cited for failing to comply with reporting and monitoring requirements at the Encogen natural gas power plant in Bellingham since 1999, when the company took over the generation station until 2005.

2 A paper on this subject written by me and given to the Waterfront Futures Group in June of 2003.

In a message dated 12/1/2005 8:57:37 PM Pacific Standard Time, Jmcgarrity writes:

COB Planning Commission

Submission Re: Waterfront Planning Guidelines

Written Comment in addition to comments at Public Hearing

To Propose a Guideline #12 or consider integrating into Guideline #9:

We are one city. New Whatcom, including how it is serviced by utilities, must harmonize effectively with the broader community and protect and preserve the quality of life of the surrounding neighborhoods.

- As the planning and development of New Whatcom proceeds, the concerns and interests of the broader community and adjacent neighborhoods will be considered.

- We will correct the existing utility infrastructure that is currently routed through residential areas to bring utility services to the waterfront.

- We will consider the potential impacts on all neighborhoods of new infrastructure and utility systems needed for New Whatcom.

- Traffic, transportation, and communications planning must include the effects of access corridors on existing neighborhoods and on their public safety needs.

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Message: Fined companies must fund local clean air projects
Author: Katie N. Johannes
Date: January 30, 2006
Section: Local
Page: 3A

KATIE N. JOHANNESTHE BELLINGHAM HERALD

Whether it's buying hybrid cars or replacing old woodstoves, two Whatcom County companies must plan projects to improve local air quality as part of penalties for violating air pollution controls.

ConocoPhillips refinery must come up with a $72,000 project, and Puget Sound Energy must come up with a $115,000 project to supplement fines already paid to the Northwest Clean Air Agency.

The program's purpose is to involve companies in working to improve air quality instead of just writing a check, said agency director Jamie Randles.

"We allow the company to identify the appropriate environmental projects that will benefit the community and spend the money on those projects," he said.

REFINERY PENALTY

ConocoPhillips was cited for a pattern of excessive sulfur dioxide releases in 2004, with the last release in January 2005, Randles said. The refinery released more than 80 tons of the material in two days.

Sulfur dioxide is a product of combustion that is linked to acid rain. The excessive releases appeared to be the result of equipment failures that ConocoPhillips has since repaired.

ConocoPhillips spokeswoman Kathleen Pennington said the refinery is building a new sulfur plant so it will have redundant systems. She said the project should be finished by the end of the year.

Of the total $92,000 fine, the company paid the required $20,000 and is working on a list of projects worth $72,000 to submit to the Clean Air agency for approval.

The proposal is due Feb. 15, and the project must be completed by Jan. 2, 2007.

UTILITY PENALTY

Puget Sound Energy was cited for failing to comply with reporting and monitoring requirements at the Encogen natural gas power plant in Bellingham since 1999, when the company took over the generation station.

Grant Ringel, director of PSE corporate communications, said the company didn't realize until 2005 that permit requirements had changed with the takeover. But PSE reported the discrepancy as soon as the company noticed the error.

The Clean Air Agency fined PSE $150,000 for five years of noncompliance.

PSE paid the required $35,000 cash penalty and is working on a list of projects worth $115,000 to submit for approval.

Its proposal is due by April 30, and the project must be complete by July 31, 2007.

PSE has participated in the supplemental project program on another occasion.

In 2001, the company opted to retrofit a number of woodstoves in order to pursue permits out of order and speed construction of a new power plant in 2001, Ringel said.

"The region desperately needed that power."

Author: Katie N. Johannes
Section: Local
Page: 3A

&

Dear Waterfront Futures Group,

I have some concerns regarding the waterfront that I hope future redevelopment can address and resolve. There are neighborhood concerns that are concerns of a greater area than just the "Bay-side" neighborhoods. Access to water is of course one of them.

Another concern is the utility infrastructure of Bellingham. An industrial waterfront requires, among other things, an industrial utility infrastructure. This infrastructure has significant safety problems and is also a nuisance. The people of Bellingham find themselves living with the following problems:

1. Two large high-pressure gas lines that begin at Britten Gate and then later divide and, as three high-pressure lines, snake their way through the neighborhoods down to the waterfront. They pass right behind Northern Heights Elementary School (under the car junkyard) and cross the Mount Baker Highway behind Squalicum High School. They make their way to Squalicum Creek and separate at James Street.

There, one line goes under the freeway alongside of the creek, which it follows down to the waterfront, eventually rejoining the other line at Cornwall Ave. to serve both GP and the PSE power plant. This first line was laid in the early 1990s to help serve this power plant.

The other line goes south to Sunset Drive, crosses the freeway, goes down to Illinois Street to about 60 feet from Sunnyland School, then goes down Illinois Street to Broadway (in front of the Roeder home) and then along Connecticut Street through the Columbia neighborhood to the waterfront.

A third high-pressure line splits off the second one back at the corner of Illinois and Franklin streets. The third line goes down the middle of Franklin Street (passing Bellingham High School, Options High School and Explorations High School) to State Street, goes along State Street, then drops down to Cornwall Avenue and the waterfront industrial complex.

Besides the danger of using the westside neighborhoods as utility corridors for heavy industry, the risks are greatly increased by the practice of using these lines to service the homes, schools and businesses along the lines. The gas in the lines connecting these locations is not stepped down from the high-pressure until it reaches the users' meters. The main line is buried 6 feet down, but the access lines in the front yards of these users are less than 1 foot underground. So when a backhoe dug up a gas line in a yard at the corner of Connecticut and Elizabeth streets (during the city's sewer line replacement project a couple of years ago) and yanked on it, the line separated at the main line, blew a crater out, deposited the earth across the street on the roof of a two-story house and the line spewed gas for four hours.

2. A power plant located on the waterfront requires fuel lines and also an electric grid to service the plant.

3. An electric grid on the west side of the freeway laces the westside neighborhoods with high kV power lines, one of which is dead. Again, neighborhoods on the west side of Bellingham are used as utility corridors to service this industrial area.

So if the use of waterfront area is to move away from heavy industry (including power generation), can the utility system be redesigned to minimize both its use of neighborhoods as corridors and also to minimize the danger this use brings to any area?

In the last several years there have been several neighborhood meetings regarding the above concerns called by and attended by the Columbia, Cornwall, Letter Streets and Sunnyland neighborhood associations. The newly formed Association of Bellingham Neighborhoods (an organization of our city's neighborhood associations) will be taking up this and other issues regarding the waterfront.

Sincerely, John McGarrity

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Bellingham, WA 98225

738-9695 (home), 941-3608 (cell), 647-6169 (work)

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Response to DEIS Letter 34

John F. McGarrity

1. Please refer to the responses for SDEIS Letter 13 which discusses the Updated Preferred Alternative assumptions regarding the PSE Encogen Plant. Redevelopment of the PSE Encogen Plant by 2026 is not assumed under the Updated Preferred Alternative. Concerns about the safety of operations or utilities associated with the PSE Encogen Plant should be directed to the owner of the property, PSE.

Dear Mr. Andrew Maron:

Thank you for inviting comments regarding the draft EIS for the New Whatcom Redevelopment project. Please find attached my comments regarding the draft EIS. Also attached are three documents regarding population projections mentioned in the draft EIS -- my comments refer to these documents.

The brevity of my comments should not be inferred as support for nor lack of support for other sections of the draft EIS. Rather, my schedule has not yet afforded time to review remaining sections.

Thank you for your effort on behalf of the public interest,

John

John McLaughlin
jmcl@cc.wwu.edu

Comments on New Whatcom Redevelopment Project draft Environmental Impact Statement

Prepared by: John McLaughlin

Section 3.9.1 Existing and Projected Population

This section presents 20-year population projections for Bellingham and Whatcom County as adopted and as forecasted by ECONorthwest in 2002. The EIS does not mention concerns about the validity of the projections, particularly errors in the population model ECONorthwest used to generate its forecasts. Because the projections adopted for Bellingham and Whatcom County were based on ECONorthwest's forecasts, concerns about errors in ECONorthwest's model also apply to the adopted projections. As described in the attached documents, these errors include many of the most elementary and serious statistical mistakes relevant to population models. Although a comprehensive evaluation of the model used to generate population projections may exceed the scope of the New Whatcom Redevelopment EIS, the final EIS should address concerns about the validity of the projections and their generating model. By simply stating numerical values of the projections and then analyzing population impacts of development alternatives relative to those projected values, the draft EIS lends legitimacy to ECONorthwest's erroneous model. The final EIS should review errors in the population model and consider consequences of those errors in its assessment of population impacts of the development alternatives. The EIS preparer should avoid the potential errors in comparing the adopted projection with population estimates obtained since the projections were adopted (2003-2007), because planning and zoning policies based on adopted projections tend to make those projections self-fulfilling prophecies. (See pages 5-6 in the third attached document.) 1

Section 3.11 Historic and Cultural Resources

This section does not address cultural impacts of mercury contamination in marine sediments that would persist under each of the alternatives. This contamination must be considered a cultural impact because it reduces or eliminates potential harvest of shellfish and other marine animals by Lummi and Nooksack tribal members. In particular, Lummi representatives have stated that their cleanup standard for the contaminated sediments is zero residual mercury. Relative to this standard of complete removal of elemental mercury, methyl-mercury, and other contaminants, each of the development proposals would cause significant cultural impacts. The draft EIS does not address these cultural impacts, but the final EIS must. 2

WAC 197-11-440(5)(c)(vii) requires that an EIS discuss the possibility of foreclosing future options by implementing the development alternatives. For New Whatcom Redevelopment, these foreclosed options include complete removal of mercury-contaminated sediments from the Whatcom Waterway and adjacent areas and disposal in the current ASB. The cultural impacts of foreclosing this option and the resultant loss of a practical and economical means for disposing of contaminated sediments must be addressed in the EIS. 3

Attachments:

(1) errors_eco_reply2.pdf
Comments about the population model and population projections, including a reply to ECONorthwest's reply to the original critique.
(2) ECOrePopForecastRev.pdf
ECONorthwest's reply to the original critique – attachment (3).
(3) errors_econw.pdf
Original (August 2006) critique of ECONorthwest's population model and projections.

Statistical Problems with Whatcom County's Population Projections: Reply to ECONorthwest's Response to Population Forecast Errors

SUMMARY

While reviewing the 2002–2022 Whatcom County population projections and the model used to project them, I found many statistical errors and other serious problems. I submitted a critique summarizing those errors and problems to the county planning department. ECONorthwest, the company that developed the model and projections, replied to my critique and denied any problems. This document is a response to ECONorthwest's reply, which reinforced concerns about the original errors and revealed additional problems with the population model.

Although ECONorthwest employs highly competent staff who have done excellent work for other regions, the Whatcom County population model and forecasts are seriously flawed. They were developed by staff who ECONorthwest apparently no longer employs. Regardless of the origin of the model's flaws, Whatcom County needs population forecasts from a different, valid model.

This document (1) explains why ECONorthwest's responses fail to resolve issues identified in the original critique, (2) identifies further problems revealed in ECONorthwest's response, and (3) describes more appropriate methods for model selection and validation. The document concludes with recommendations for how the county should proceed, which include steps toward developing more reliable population projections. These recommendations would help shift from the current situation of conflict over decisions accommodating projections to a more collaborative environment where population projections and associated planning decisions reflect community vision. Ironically, ECONorthwest itself envisioned such a role for population projections.

RESPONSES TO ECONORTHWEST'S REPLY

Responses below quote ECONorthwest's comments in Ariel font, in the order they appear in ECONorthwest's reply. My responses follow. Documentation on ECONorthwest's population model from their 2002 report is attached as an appendix.

Page 2, last four lines: "Hart Hodges, Assistant Professor of Economics at Western Washington University's Center for Economic and Business Research, was retained to conduct an independent peer-review of ECO's work. Hodges concluded that he "did not have any problems" with ECO's work."

I contacted Dr. Hodges to inquire about this review. His comments contradicted ECONorthwest's statement above. To avoid this problem in the future, peer reviews should be solicited independently by the county, submitted in writing, and attached to the final report. Reviews should be obtained from several independent authorities, following standard practice.

Page 2, lines 1-3: "An appendix at the end of this memorandum addresses the details of Dr. McLaughlin's critique. Most readers will not find it very useful: it is the kind of academic technical debate that usually occurs in emails among members of a technical advisory committee."

This is not merely an "academic technical debate." Rather, the dispute concerns the validity of ECONorthwest's population model, and the accuracy of forecasts produced by the model. Those forecasts are being used to justify zoning changes, infrastructure development, and associated planning decisions. Errors could cost many millions of dollars and cause irreversible social and environmental impacts across the county. ECONorthwest's dismissive comment disparages the depth Whatcom County residents value their home, the concerns most have expressed about growth, and importance with which they consider the population projections. Most readers may not dwell on statistical details related to population models, but they do care strongly about expanding development that proponents justify using growth projections. Readers will care if they must suffer substantial social, environmental, and financial costs due to statistical errors.

Page 2, lines 4-7: "The main point of the appendix is to give the County some assurance that ECO understands the critique, and that there are good reasons to reject Dr. McLaughlin's implication that the work fails to meet professional standards and is thus unsuitable for the purposes for which it is now being used."

To the contrary, the appendix reveals that ECONorthwest did not understand most points in the critique nor did their staff use essential processes of model development and evaluation. These include procedures for model selection, *a priori* considerations of model complexity, and methods of model validation. From the "Project History" description and the uncertain explanation for variables included in the model (error 1.1, below), it appears that ECONorthwest does not have records explaining why its analyst chose the particular model used to forecast Whatcom County population. It appears that analyst is no longer employed by ECONorthwest, so perhaps it would have been difficult to obtain this information these several years later. Even if a former employee made the mistakes, it is troubling that current staff at ECONorthwest did not recognize those errors once identified. More troubling still is the failure to recognize the importance of model selection and model validation revealed in the response to the original critique.

For Whatcom County, it is less important to trace the origin of errors in the population model than it is to recognize those errors exist and to correct them. The county and its constituent cities and subareas must insist on more reliable population forecasts from a valid model. This document provides further information about statistical errors and other problems with the population model, and it provides recommendations for developing better models and more reliable forecasts.

Page 2, paragraph 3: "Dr. McLaughlin's criticisms focus on statistics and forecasting methods. He transfers the theoretical models and forecasting techniques of population biology to an economic context. The transfer is not appropriate."

Statistical Problems with Whatcom County's Population Projections:
Reply to ECONorthwest's Response to Population Forecast Errors

ECONorthwest's response correctly states that my criticisms focused on statistics and forecasting methods. They incorrectly assert that I applied methods of population biology in my critique. My evaluation was based entirely upon appropriate methods of data analysis, model selection, and forecasting. Concerns about methods ECONorthwest used to fit models to data and to develop projections from the models would apply in any context.

ECONorthwest's assertion that population biology is not appropriate to forecasting the Whatcom County population is more troubling. The methods of population biology are relevant to our population by definition: human beings in Whatcom County form a biological population, and population biology provides methods to forecast just such a population. All human beings in Whatcom County were born, all will die eventually, some will move out of the county, and others will move into the county. These are the processes that determine population size and distribution, and they are included explicitly in population models and forecasts. The Washington Office of Financial Management (OFM) applies models of population biology to forecast human populations for each county. By asserting that methods of population biology are not appropriate to forecasting the Whatcom County population, ECONorthwest seems to suggest that OFM's population forecasts are not valid and that OFM should replace its demographers with economists.

Page 2, paragraph 4: "Humans have proved able to step beyond, at least temporarily, the biological limits of population growth that are well documented for other living things. … Many factors can be pointed to support the idea that a day of reckoning is at hand (global warming, oil depletion, international income inequality), but the national economy and local growth and development have behaved forever in the U.S. as if that were not true, and they have gotten away with it."

ECONorthwest's response is a diversion from the matter at hand: validity of the population model and reliability of the forecasts generated from it. As discussed below, population data for Whatcom County reveal that ECONorthwest applied an invalid assumption to develop their model. The assertion that "local growth and development have behaved forever in the U.S. as if …" is contradicted by history and the county's own population data. Forecasting future population sizes based on such an assertion is raw hubris. The company's excellent work in other regions suggests they know better.

Page 3, paragraph 2: "In our appendix we note that it is hard to test the accuracy of our forecast, even four years later, because any current population estimates for Whatcom County are just that: estimates. And they will be until a new census in 2010. But we can give some information to allow readers to judge for themselves the reasonableness of the forecast.

Table 1 shows historical growth rates for Washington and Whatcom County for different periods in the last 40 years. …"

ECONorthwest's comparison of historical population growth rates with the rate forecasted from their model repeats a key flaw in the model: forecasting (or comparing)

future growth rates with prior values is not appropriate when the rate itself is decreasing. As shown in below in figure 1, Whatcom County population growth rates have been declining since 1991. Declining growth rates in Whatcom County have been driven by a decline in the number of people moving here, as shown below in figure 2. ECONorthwest's model ignored these trends, leading to a substantial over-projection.

Figure 1: Whatcom County annual population growth rate, 1991-2002. Data from Washington Office of Financial Management (WA OFM). Because data beyond 2002 were not available when ECONorthwest developed the model and its population projections, the figure does not show more recent values.

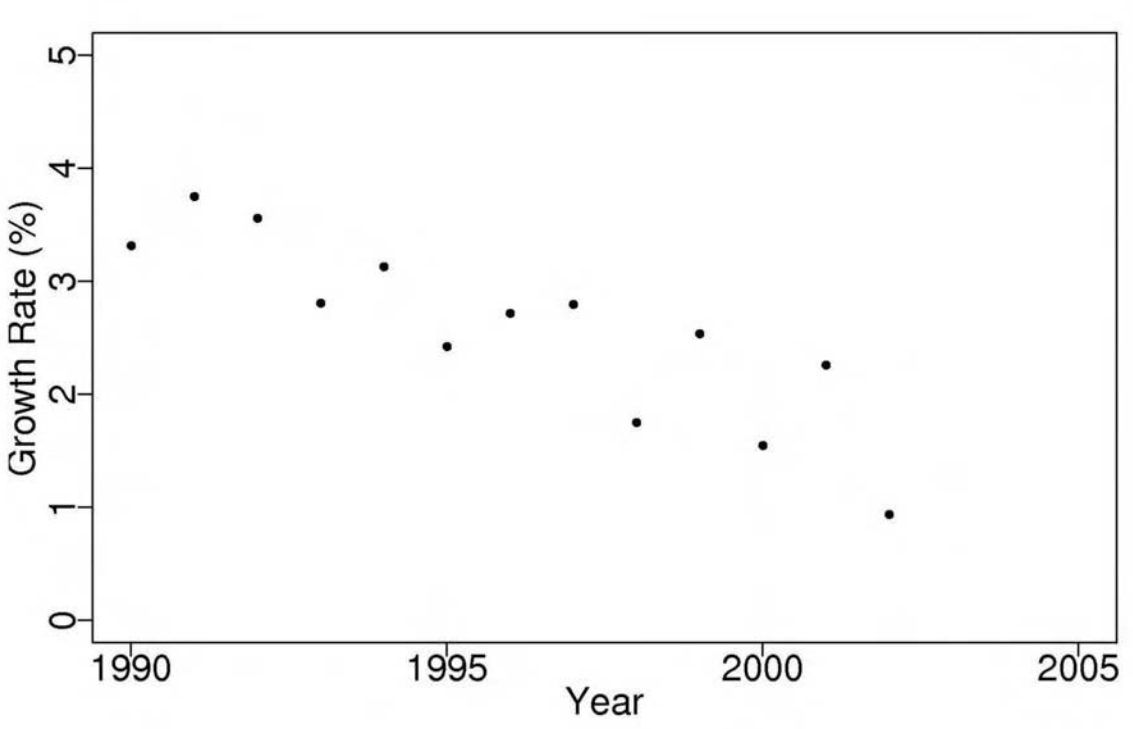
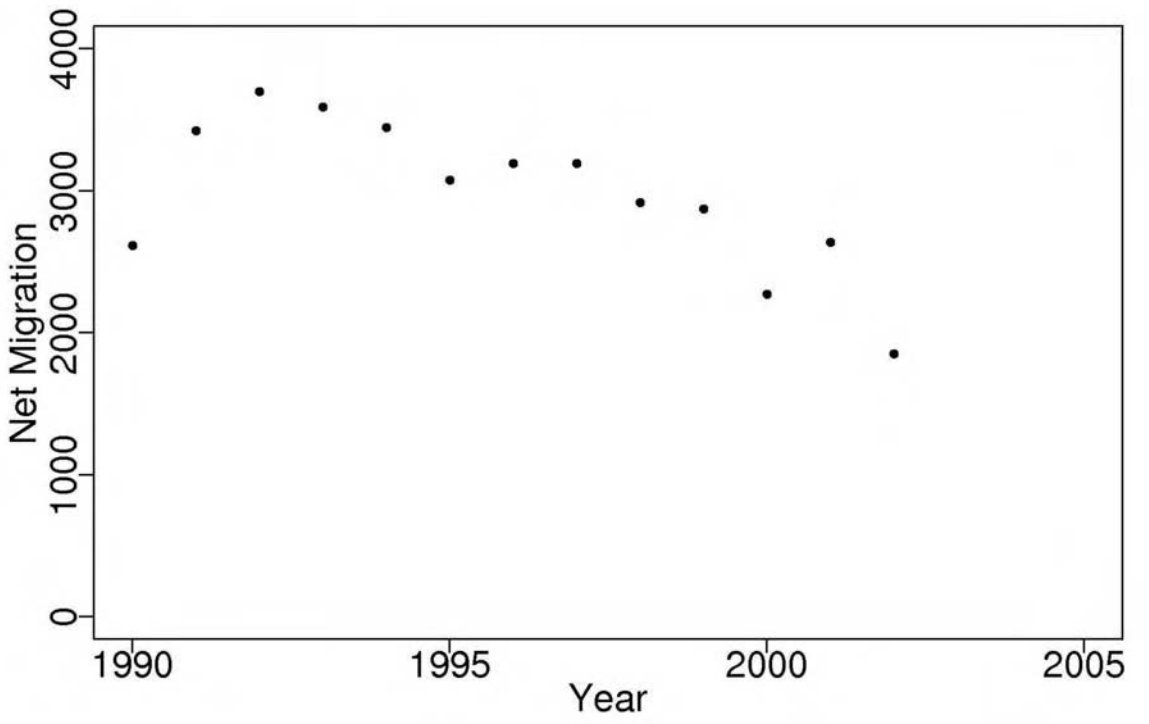


Figure 2: Whatcom County migration data, 1991-2002. Data from WA OFM. Points show net migration (number moving to Whatcom County – number leaving). As recommended by WA OFM, points show 3-year running average migration numbers. Because data beyond 2002 were not available when ECONorthwest developed the model and its population projections, the figure does not show more recent values.



Page 3, last paragraph – page 4, first paragraph: "The implied conclusion was that Whatcom County … will continue to attract migration. Implied in that conclusion is are [*sic*] assumptions, among others that (1) land will be available to accommodate new development …."

That assumption is tautological, because ECONorthwest's population forecasts are being used to justify expanding urban growth areas to accommodate an arguably inflated growth projection. For this reason, there is real risk ECONorthwest's inflated projections will become a self-fulfilling prophecy. ECONorthwest recognized this issue in their "Foothills Subarea Population Forecast" report to the Whatcom County planning director, submitted 1 December 2006. That report concluded with the following paragraph.

> One final comment on forecasts: population forecasts are often viewed as "self-fulfilling prophecies." In many respects they are intended to be; local governments create land use, transportation, and infrastructure plans to accommodate the growth forecast. Those planning documents represent a series of policy decisions. Thus, how much population a local government (particularly cities) chooses to accommodate is also a policy decision. In short, the forecast and the plans based on the forecast represent the city's future vision.

The 20-year forecast adopted for Whatcom County and its constituent cities and subareas assumes exponential population growth. Exponential growth represents a *failure* of

vision, because it sacrifices the future of all for near-term profit by a few. Exponential growth will pave the county, replacing livable communities, farmland, forests, and open space with merged cities and congestion. That is the legacy of planning failures in too many other regions; we must reject any forecast and associated plans based on unlimited exponential growth.

Page 4, paragraph 3: "A debate about the outcomes of a forecast for a future that has yet to arrive should be about the methods, data, and assumptions that go into those forecasts. Without reference to those elements of the forecast, assertions that a forecast is either too high or too low cannot be evaluated."

My critique *did* reference precisely those elements. This paragraph in ECONorthwest's response is irrelevant and distracting, similar to their flippant remark about muons (page 2, paragraph 4). As described in my original critique and elaborated below, the *methods* used to generate ECONorthwest's forecasts included many serious statistical errors and other analytical flaws, and the *data* show that *assumptions* in the model are invalid.

ECONorthwest's "Technical Response" (Appendix)

Page A-1, paragraph 1: "ECONorthwest has experienced econometric forecasters on its staff. They have built models of national, state, and regional economies using the most modern econometric techniques. …"

These statements are clear to anyone familiar with ECONorthwest and their work. My comments were not meant to disparage ECONorthwest or its staff, but rather to raise concerns about the particular model used to forecast Whatcom County population growth. Finding so many problems with ECONorthwest's model was unexpected, given the quality of the company's staff and its work in other regions. It was doubly disappointing that, upon being shown those problems, the company denied their existence and unwittingly revealed further issues with the Whatcom County population model.

1 STATISTICAL ERRORS

1.1 STATISTICAL SIGNIFICANCE

Page A-1, 3rd bullet: "The simple fact of life that the future cannot be known with certainty until it becomes the past. The parameters that reproduce historical trends so well may not be relevant in the future; some new influence may come to dominate the historical influences. Good forecasters recognize these issues and judge the utility of a forecast by its qualitative reasonableness and not just the mathematics of its origins.

On these points, we agree. A population forecast model should be both reasonable and free of mathematical or statistical errors. Unfortunately, ECONorthwest's population model meets neither criterion. Accordingly, my critique addressed problems with both "qualitative reasonableness" of the model (e.g., the invalid assumption used to develop it) and mathematical problems in its development.

Page A-2: "The main point here should not be about the statistical significance of a couple variables in the model. It should be about the theoretical justification including variables in the model, and for their justification.

An *ex poste* finding of a lack of statistical significance at some confidence level does not necessarily mean that either variable should be excluded from a forecasting model if it has theoretical justification. The primary determinant in building economic models—and econometricians would include regression-based population models in this category—should be economic theory. The inclusion of employment in a population forecasting model is defensible on theoretical economic grounds. …"

This response addresses the basic issue of what to include in a model, and conversely, what to exclude. Population models can be constructed from many variables, variable combinations, and functional forms. ECONorthwest's own report mentions 39 variables in their database (19 County variables, 19 State variables, one national variable). Including any of those variables could have been justified with "economic theory." Indeed, most of the 17 unused Whatcom County variables in the database have arguably greater economic justification than the two statewide employment variables [WALTE,

WALTE(-1)] that were included in the model. Selection of a particular variable or combination of variables should be done objectively, by optimizing an appropriate selection criterion. Such a process necessarily involves developing several theoretically justified models, and then letting the data show which model performs best. Information provided by ECONorthwest, both their original report and their response to my critique, suggest that no such process was followed. Rather, the model used to project the County's population – and to justify planning decisions and policies – was based on an analyst's *a priori* beliefs and apparently was the only one considered.

The "economic theory" asserted as justification for ECONorthwest's model excludes many factors known to affect population growth. That theory dismisses as externalities many of the quality of life variables that have supported regional growth to date. As policies are implemented to accommodate growth projected by ECONorthwest's model, many of those quality of life variables will decline. The result is likely to be slowing of growth relative to that projected. Whatcom County population data (figure 2, above) suggest this negative feedback may be acting already. ECONorthwest's model ignores these factors entirely. The point is that, in theory, populations respond to many factors including factors within the scope of neoclassical economic theory and factors beyond it. In practice, the relative importance of various factors to a population must be evaluated empirically. Unfortunately, ECONorthwest did not conduct such an empirical evaluation for either factors included in the model or those excluded.

Page A-2: "… the decision to include both [concurrent and lagged employment variables] was likely done because the analyst believed this specification to be the correct one *a priori*."

First, the response suggests that ECONorthwest does not know with certainty why its analyst included particular variables in their population model. They should know, that knowledge should be based on objective criteria, and those criteria should be stated in their report. Second, regardless of the analyst's *a priori* beliefs, any model used to forecast populations should pass a reality check – i.e., empirical measures of its explanatory ability and its forecasting accuracy. Forecasting accuracy was not considered (see problem 2.6), and explanatory ability of the employment variables was poor in this case: there was a 27% chance that current year employment state-wide (WALTE) had ZERO effect on current Whatcom County population. This statistic suggests that the analyst's *a priori* belief was not correct, and certainly did not point toward the best model.

1.2 AUTOCORRELATION IN THE DATA

Page A-3, paragraph 2: "Dr. McLaughlin is correct that a Durbin-Watson statistic of 1.17 is statistically significantly [*sic*] different from 2.0—the value of the Durbin-Watson statistic under the null hypothesis of no autocorrelation. We believe that he is incorrect, however in his assertion that the Durbin-Watson statistic is relevant in the population model.

I made no such assertion. Rather, I identified a discrepancy between the discussion of Durbin-Watson statistics in ECONorthwest's 2002 report (page A-3, paragraphs 3-4) and the value of that statistic in the population model described in that report (page B-10). If, as ECONorthwest's reply asserts, Durbin *h* is appropriate and the Durbin-Watson *d* is not, then the discussion regarding autocorrelation in ECONorthwest's original report is in error. ECONorthwest's reply raises deeper concerns about statistical validity, described below.

Pages A-3 – A-4: "Using the appropriate values from the population regression, we derive a test statistic of 1.89. Under the null hypothesis of no autocorrelation, the test statistic is referenced to the standard normal table. Assuming a standard critical value (alpha) of 0.05, the associated p-value is 0.0669 and the null hypothesis of no autocorrelation is not rejected.

Based on the results of the Durbin h statistical test, Dr. McLaughlin's concerns regarding autocorrelation in the population forecasting model are unfounded."

ECONorthwest's response contains three statistical errors, any of which seriously undermines confidence in their analysis. First, the (two-tailed) *p*-value associated with a standard normal deviate of 1.89 is 0.0588, which differs from the 0.0669 claimed by ECONorthwest. Second, ECONorthwest claims that obtaining a *p*-value (0.0669) larger than alpha (0.05) is reason to dismiss concerns about autocorrelation, because "the null hypothesis of no autocorrelation is not rejected." With that claim, ECONorthwest accepts their null hypothesis as being true, which never is justified. This mistake is arguably the most fundamental error that can be made in statistical hypothesis testing. A *p*-value of 0.0669 means that autocorrelation was highly likely (less than 7% chance of its absence). That is poor justification for dismissing concerns about autocorrelation. Third, instead of the two-tailed *p*-value cited in ECONorthwest's response, a one-tailed *p*-value is appropriate here. From economic theory, only positive autocorrelation is plausible; there is no reason to imagine that any of the variables in the model would undergo wide fluctuations over the time scales considered. Hence, the test for autocorrelation should be one-tailed, which yields a *p*-value of 0.0294 for the given value of *h*. Hence the null hypothesis must be rejected (at $\alpha = 0.05$), and we conclude that ECONorthwest's model suffers significant autocorrelation.

1.3 MODEL OVERFITTING

Page A-4: "… Thus, Dr. McLaughlin is not incorrect, but we think his case is more academic than practical in case at hand.

My comments addressed concerns about model fit and forecast accuracy. Ensuring reliability in population forecasts, and the importance of forecast reliability to planning decisions and policies are very practical issues. In this context, ECONorthwest's comment appears to be a distraction from a serious practical concern about the population model and its application to planning decisions.

Page A-4: " Finally, though Dr. McLaughlin is apparently an advocate for the AIC measures, an authority such as Green (1993 p245) refers to the AIC (and related measures) as "a bit unorthodox in that they have not firm basis in theory."

ECONorthwest's comment disparaging the theoretical basis for AIC further undermines confidence in the model. If ECONorthwest views AIC so skeptically, why did they report AIC scores in their model documentation? Although my comments did not advocate using AIC or other measures derived from information theory, their appropriate application could have prevented many of the problems with ECONorthwest's population model (e.g., problems 2.1 and 2.3, below). Perhaps ECONorthwest and their cited author (Green 1993) were not aware of the well-developed theory and extensive statistical and information theoretic literatures. Because AIC was not applied so widely two decades ago, Green's (1993) comment is perhaps understandable . In contrast, applications of AIC in model selection had become the standard in diverse fields when ECONorthwest submitted the original report and when they wrote the response to my critique, so their lack of knowledge is not so easily excused.

1.4 MODEL FORM

Page A-5: "An econometric model is a simplification of the actual phenomenon it is intended to represent; its purpose is to provide insight."

This statement misrepresents the purpose of the population model, which was to forecast future population sizes. These forecasts were intended to justify UGA expansions and other policy decisions, for which forecast accuracy is paramount. No insights were derived from the model, nor should they be, given problems with model development and assumptions described here and in the original critique.

Page A-5: "Non-linear processes—such as economic growth—are routinely modeled using explanatory variables expressed in linear terms and estimating linear coefficients. Certainly, we could have inserted additional complexity to the model, but we concluded that doing so would not lead to additional insight or model performance. Estimation of a non-linear model generally requires additional explanatory variables or transformations (e.g. interaction terms, distributed lags, polynomials, etc.). Dr. McLaughlin's concern regarding degrees of freedom is at odds with this recommendation that additional explanatory variables be used in the population equation."

Regardless of whether economic processes can be modeled adequately with linear terms, the Whatcom County population has been growing in a manner that is poorly described by linear models, in this case a model with a constant growth rate. By assuming a constant growth rate, ECONorthwest's model forecasts exponential population growth. With the 1.46% annual growth rate in ECONorthwest's model, the forecasted population doubles in less than 48 years. (With the adopted annual growth rate of 1.53%, the forecasted population doubles even more rapidly.) In reality, the growth rate of Whatcom County's population declined since 1991, as shown by OFM data in figure 1. This declining growth rate is an "insight" overlooked by ECONorthwest's analysis. Including this decline would have improved the "model performance."

ECONorthwest is correct that including nonlinear terms in the model would have required fitting additional parameters. Much of the "art and science" of model development lies in selecting which variables and functional forms to include and which to ignore. In this case, ECONorthwest's analyst chose to include four linear terms to describe a nonlinear process (a population growing at a declining rate), including two that lacked significant relationships with population size. A cursory look at county population data (figures 1-2) suggests that more accurate forecasts would have been obtained by removing the non-significant variables and including a nonlinear term describing the declining growth rate. Contrary to ECONorthwest's assertion, such a non-linear model could have contained fewer parameters than ECONorthwest's model. Regardless, decisions about how much complexity to include should be informed by an objective model selection process (see problems 2.1 and 2.3), which ECONorthwest's analyst did not use.

2 PROBLEMS THAT RAISE CONCERNS ABOUT ECONORTHWEST'S POPULATION MODEL

2.1 MODEL SELECTION

Page A-5: "We used widely accepted economic theory and forecasting practices rather than mechanical statistical testing to build the model. Data mining—the pejorative terms used to describe what Dr. McLaughlin suggests—has a very poor track record in developing functional forecasting models. With short datasets, the risk of improving the fit with a theoretically irrelevant variable is increased."

This response entirely misrepresents the model development and selection process described in my critique. Rather than "data mining" (based on their response, ECONorthwest probably meant "data dredging"), my critique outlined a process of (1) deriving several candidate models from theoretical principles that govern population change, (2) using population data to evaluate empirical support for each model, and (3) selecting the model(s) that perform best. This process would ensure selection of the best model among a set of plausible candidates. In contrast, ECONorthwest's analyst appears to have considered only one model, with dubious theoretical or empirical support.

Page A-5: "With short datasets, the risk of improving the fit with a theoretically irrelevant variable is increased."

Agreed; from the large *p*-values reported for two of four variables in ECONorthwest's population model (error 1.1, above), it appears that the model does include irrelevant variables.

2.2 COLLINEAR PREDICTOR VARIABLES

Page A-6: "Yes, there is certainly collinearity between the explanatory variables in the population model. With more data, ECO staff could have used first differences of log levels or other pre-whitening techniques to reduce both the heavy trend tendencies in all of the data and, likely, the multicollinearity issue. Give the already-limited degrees of

freedom and the fact that intercensal population measures are developed using interpolative techniques, however, pre-whitening techniques are not reliably applicable."

Alternatively, ECONorthwest staff could have omitted collinear variables and included variables for nonlinear growth observed in the data (see error 1.4, above). This would have saved degrees of freedom, eliminated the collinearity issue, and represented population growth more realistically. The resulting model would generate more reliable population forecasts. Steps to improve county population projections should include these measures.

2.3 REPORTED STATISTICS: INFORMATION THEORETIC CRITERIA

Page A-6: "The model was estimated in the software package *Eviews*, which produces these measures, as well as many more, by default as part of its standard output. It instructs analysts to choose the ones that are relevant to discuss in their reports. We did so, consistent with widely accepted economic theory and analytical practices."

If *Eviews* generates statistics that area not relevant to a particular model or application, then why did ECONorthwest include those statistics in its model documentation? Contrary to "widely accepted economic theory and analytical practices, most statistics reported in the population model documentation were interpreted inappropriately or reveal problems with the model. These problems and misinterpretations are summarized below.

Statistic	Problem or Misinterpretation (Error or problem number)
p-values and *t*-statistics	Non-significant values for 2 (of 4) variables (1.1)
R^2, R_a^2	Confused forecast reliability w/ "explanatory power" (2.6)
Sum of squared residuals	LS estimation with non-normal residuals; conflated residuals and measurement error (2.5)
AIC, SIC	Inappropriate because only one model considered (2.1, 2.4)
Durbin-Watson statistic	Interpreted incorrectly (1.2)

Page A-6: "Per his comments above, Dr. McLaughlin would use the AIC for evaluating overfitting."

No, potential overfitting is best measured with forecast accuracy, which ECONorthwest did not determine (see problem 2.6). Although AIC and other information theoretic criteria are do not provide the best means for assessing forecast models, they do evaluate relative empirical support among several candidate models. Unfortunately, ECONorthwest's analyst apparently considered just one model, so AIC cannot be applied here.

2.4 REPORTED STATISTICS: HYPOTHESIS TESTING VS. INFORMATION CRITERIA

Page A-7: "Again, the model was estimated in the software package *Eviews*, which produces these statistics, as well as many more, by default as part of its standard output. It instructs analysts to choose the ones that are relevant to discuss in their reports. We did so, consistent with widely accepted economic theory and analytical practices."

Contrary to "widely accepted … analytical practices," ECONorthwest's report and model interpreted neither kind of statistic correctly. Results of statistical hypothesis tests were misinterpreted (see errors 1.1, 1.2). Information criteria (AIC, SIC) were reported inappropriately in the context of a single model, and they were not applied where appropriate in model selection (see errors 1.3, 1.4).

2.5 LEAST SQUARES ESTIMATION

Page A-7: "Yes, the LS methodology makes this assumption. This assumption is maintained in virtually all regional economic and demographic modeling except in instances when the variable of interest is a qualitative (e.g., binary) variable, or one is estimating a frontier relationship, or when data truncation or censoring is likely. None of these is the case here. The true error in the population variable (resulting from measurement, random shocks, etc.) is unobservable. Testing residuals in the context of a small data series with no theoretical reason to expect non-normality thus has no utility."

As described in the original critique, log-transformations applied to the data give good reason to expect non-normality. The comment about "true error" being "unobservable" is not relevant here. The relevant concern is about the distribution of differences between the data and the model, which is readily observable. In the likely event that the residuals were non-normally distributed, rendering least squares estimation inappropriate, an obvious alternative was available. Parameters could have been estimated by maximizing likelihood, using whichever residual distribution was appropriate (in this case, perhaps the lognormal distribution).

2.6 MODEL VALIDATION

Page A-7, last paragraph – page A-8, first paragraph: "Dr. McLaughlin is correct. The R-squared and adjusted R-squared values are only concerned with the model's ability to fit the historical data. To test the model's ability to predict the future, one would need to "hold-out" a small amount of the historical data (generally the last few data points) and compare these actual values to values predicted by the model. However, this is only practicable with relatively long data sets. The historical data series of population for Whatcom County is far too short to maintain a hold-out or "examination" period for model validation."

Yes, the data set is too short to divide into subsets for model fitting and model testing. In such cases, cross-validation is applied, but the ECONorthwest reply does not indicate knowledge of this widely used method. Given the importance of population forecasts,

failure to validate the model's forecasting performance should not be acceptable. Claiming data limitation is a poor excuse, when excellent methods that work within that limitation are available. The county's population forecast should be based on a model validated using the method of cross-validation. Obviously, model evaluation should be done by someone experienced in this method.

3 INVALID ASSUMPTION

3.1 EXPONENTIAL GROWTH ASSUMED

Page A-8: "Again, with adequate data, one could consider time-related drift in the model's parameters. This is a fair criticism in concept but, again, one without a practical solution in the context of the available data."

To the contrary, including the observed decline in population growth rate is more important than wasting degrees of freedom on two variables in the model that lacked significant effect on population size. As described above (error 1.4, problem 2.2), a "practical solution" would be to omit non-significant variables and replace them with a term to describe declining growth or immigration rates. This problem of population forecast errors resulting from failure to consider temporal changes in demographic rates was recognized decades ago (e.g., O'Hare 1980).

CONCLUSION

In conclusion, the model used to forecast population growth in Whatcom County is fraught with many theoretical, conceptual, and methodological problems and errors. These problems and errors undermine confidence in the reliability of population forecasts for the County and its constituent communities. These issues render the forecasts inappropriate for informing planning decisions about population growth. Nevertheless, the forecasts are being used to justify planning policies and decisions throughout the county, including decisions supporting housing development that otherwise would not be necessary. Once constructed, that housing becomes occupied, rendering forecasts the "self-fulfilling prophecy" that ECONorthwest itself acknowledged. For this reason, population growth since 2002 should not be used to evaluate forecast accuracy. Instead, highest priority should be given to developing new forecasts using valid and validated models. In the meantime, population forecasts from ECONorthwest's model (including the adopted forecasts) do not provide valid justification for planning policies and decisions.

Whatcom County is not unique in having statistical and methodological problems with its population model. This issue commonly occurs when population models are developed and applied without peer review (Swanson 2004). Given the limited and valuable resources at stake — costs and demand for public infrastructure, social impacts of congestion, loss of farmland and forests, degradation of streams and estuaries, water sources, diminished community character, and many more — Whatcom County must base decisions about those resources on reliable population projections. Reliability requires careful public and peer review.

RECOMMENDATIONS

Immediate

Reconsider the population projections adopted for Whatcom County and its constituent cities and subareas. Do not base planning policies and decisions about UGA expansions or development proposals on projections from the erroneous ECONorthwest model.

Short-term

Create new population projections, based on appropriate models and model development. The models should be selected among a suitable set of candidates, which are derived from demographic and economic mechanisms. Model selection criteria should be objective, clearly stated, and based on a measure of forecast accuracy. Selected models should be validated. At minimum, the models should include declining growth rates exhibited in the data. The population models, model selection process, and projections must be subject to rigorous public and peer review prior to adoption.

Intermediate-term

Develop population projections and associated planning policies and decisions that support community values and incorporate resource constraints. Include explicit economic mechanisms driving migration in the models. Determine local and regional population carrying capacities. Incorporate local and regional carrying capacities in population projections and planning decisions.

Ironically, this recommendation is supported by ECONorthwest's own perspective on population forecasts (see page 5 in this document), as stated in their 1 December 2006 Foothills Subarea Population Forecast: "The [population] forecast and the plans based on the forecast represent the city's future vision." In contrast, the currently adopted forecast is for exponential population growth that is ruinous to vision. In this context, it should be no surprise that the adopted forecasts are being used to coerce communities to accept development and associated impacts in conflict with their vision. Instead, we must develop a forecast that represents real vision for the county and its constituent communities.

Long-term

Engage residents in discussion about social, environmental, and economic values. Apply results of those discussions to revise estimates of carrying capacity and to adapt planning policies as necessary. Transform current adversarial relationships (citizens vs. government, "NIMBYs" vs. "developers") to collaborative ones, fostering joint efforts to improve community and environmental quality.

References

O'Hare, WP. 1980. A note on the use of regression methods in population estimates. *Demography* 17:341-343.

Swanson, DA. 2004. Advancing methodological knowledge within state and local demography: a case study. *Population Research Policy Review* 23:379-398.

Appendix

Below is documentation for ECONorthwest's model for Whatcom County population, from page B-10 in the May 2002 report: *Whatcom County Population and Economic Forecasts*. The model contains the following variables.

Abbreviation	Variable
CWPOPT	Whatcom County population total
CWPOPT(-1)	Whatcom County population total, preceding year
CWETOT	Whatcom County average total annual employment
WALTE	Number of employed in Washington State
WALTE(-1)	Number of employed in Washington State, preceding year

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Table B-19. POPULATION

Dependent Variable: LOG(CWPOPT)
Method: Least Squares
Date: 12/14/01 Time: 11:13
Sample(adjusted): 1980 1999
Included observations: 20 after adjusting endpoints
LOG(CWPOPT)=C(1)+C(2)*LOG(CWPOPT(-1))+C(3)*LOG(CWETOT)
+C(4)*LOG(WALTE)+C(5)*LOG(WALTE(-1))

	Coefficient	Std. Error	t-Statistic	Prob.
C(1)	1.120275	0.233781	4.791985	0.0002
C(2)	0.762702	0.042293	18.03375	0.0000
C(3)	0.133394	0.035442	3.763707	0.0019
C(4)	-0.075530	0.065832	-1.147317	0.2692
C(5)	0.107265	0.073447	1.460449	0.1648

R-squared	0.998885	Mean dependent var	11.76316
Adjusted R-squared	0.998587	S.D. dependent var	0.143042
S.E. of regression	0.005376	Akaike info criterion	-7.401387
Sum squared resid	0.000434	Schwarz criterion	-7.152454
Log likelihood	79.01387	Durbin-Watson stat	1.171149

Whatcom County Population and Economic Forecasts ECONorthwest May 2002 Page B-10

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14 August 2006

TO: **Hal Hart and Matt Aamot**
CC: **Bill Grimes**
FROM: **Bob Parker, Ted Helvoigt, and Terry Moore**
SUBJECT: **RESPONSE TO JOHN MCLAUGHLIN'S ASSERTION OF ERRORS IN ECONORTHWEST'S POPULATION FORECASTS**

On August 2, 2006, Dr. John McLaughlin of Western Washington University sent Matt Aamot (Whatcom County Senior Planner) a memorandum commenting on what he perceived to be problems with the methods used by ECONorthwest four years ago to forecast population growth in Whatcom County. The County asked ECO (Bob Parker) to comment.

We start with a short history of our previous work. We then give a broad and nontechnical response to Dr. McLaughlin's comments. Our technical response is attached to the end of the memorandum as an appendix.

PROJECT HISTORY

In November 2001 the City of Bellingham hired ECO to forecast economic conditions and land use demand in Whatcom County through 2030. ECO analyzed these issues for the City of Bellingham, the City of Lynden, the other cities in Whatcom County, Whatcom County, and the Port of Bellingham. ECO generated population, employment, and labor force forecasts for Whatcom County and allocated those forecasts to the cities and urban growth areas within Whatcom County. Based on those allocations, ECO forecasted the demand for land by 2030 for each of the urban growth areas. ECO worked with the County and the cities to advise on land-use policies to evaluate in coordination with the forecasted supply and demand of land. The project was managed by Chris Mefford, who has a masters in urban and regional planning, assisted by Matt Martin, a Ph.D. economist.

In a separate, subsequent, project for Whatcom County, ECO participated on a team (headed by Parametrix) to conduct a comprehensive watershed-planning process. ECO estimated water use, by sub-basin, for each scenario, and performed the economic analysis for the project, estimating the employment, income, population, and non-market economic impacts from alternative management scenarios, basing the work in part on the prior economic analysis. Matt Martin, who had worked on the original forecast, performed the forecasts. Hart Hodges, Assistant Professor of Economics at Western Washington University's Center for Economic and Business Research, was retained to conduct an independent peer-review of ECO's work. Hodges concluded that he "did not have any problems" with ECO's work.

An appendix at the end of this memorandum addresses the details of Dr. McLaughlin's critique. Most readers will find it not very useful: it is the kind of academic technical debate that usually occurs in emails among members of a technical advisory committee. But Dr. McLaughlin's comments are now part of the public record: a response from ECO is required. The main point of the appendix is to give the County some assurance that ECO understands the critique, and that there are good reasons to reject Dr. McLaughlin's implication that the work fails to meet professional standards and is thus unsuitable for the purposes for which it is now being used.

In the rest of this memorandum we explain that point more intuitively.

Dr. McLaughlin's criticisms focus on statistics and forecasting methods. He transfers the theoretical models and forecasting techniques of population biology to an economic context. The transfer is not appropriate.

Biological systems are unquestionably complex and hard to model. So are urban and economic systems. But a key difference between the hard sciences and the social sciences is the fact that humans work actively and purposefully to modify their environments. We do not intend or want to engage in a philosophical debate about whether the muons and molecules of physics and chemistry can somehow act purposefully: we are just going to say that, at the level that humans generally experience the world, physical and chemical reactions are relatively easy to model and predict; social interactions are less tractable.

Humans have proved able to step beyond, at least temporarily, the biological limits of population growth that are well documented for other living things. We are not making a moral judgment about whether that is good or bad: we are just observing that it has been true. Many factors can be pointed to that support the idea that a day of reckoning is at hand (global warming, oil depletion, international income inequality), but the national economy and local growth and development have behaved forever in the U.S. as if that were not true, and they have gotten away with it.

We have opinions on these issues, but they are not relevant to the point we are making here, which is this: if we had made forecasts of population growth in the majority of U.S. urban areas in the past 40 years based on an ecological model that incorporated some notion of sustainability, we would have underestimated, probably substantially, the growth that actually occurred in those urban areas. The same holds true today. Ecologically, Las Vegas should not be able to grow, yet it has been one of the fastest growing cities in the U.S. for the last 15 years.

Our point is definitely not an ethical or normative one. We are just observing that, right or wrong, most urban areas in the western U.S. have grown at relatively constant and predictable rates over the long run. Maybe they should not have, from an ecological perspective, but they did.

Our obligation in our work for Whatcom County, and in all our forecasting work, is to give our client information about possible and likely futures. We try to be clear that growth is not something inevitable: it doesn't happen because the Office of Financial Management said it probably would. Local governments have the ability to affect their rates of growth with public policy. But if their policies are efficient—if they manage to increase prosperity and livability without increasing the cost of living as much—they should expect growth; people will want to be there. People move to better places. Our population forecast for Whatcom County is consistent

with this economic reality, and the widely accepted theory economists have developed to explain it.

In our appendix we note that it is hard to test the accuracy of our forecast, even four years later, because any current population estimates for Whatcom County are just that: estimates. And they will be until a new census in 2010. But we can give some information to allow readers to judge for themselves the reasonableness of the forecast.

Table 1 shows historical growth rates for Washington and Whatcom County for different periods in the last 40 years. The rates are reported as *average annual growth rates* (compound growth rates). Note that for every combination of periods, the lowest the average annual growth rate has ever been for a five-year period for Whatcom County is 1.59%; the lowest it has ever been for a ten-year period is 1.95%; and the lowest it has ever been for a 20-year period is 2.17%

Our model results in an average annual growth rate for Whatcom County of 1.46% for the 20 years between 2002 and 2022.

Table 1. Historical population growth, State of Washington and Whatcom County, 1965-2005

	State of Washington				Whatcom County			
		Change				Change		
Year	Population	Number	Percent	AAGR	Population	Number	Percent	AAGR
1965	3,065,000				75,100			
1970	3,413,250	348,250	11.36%	2.18%	81,983	6,883	9.17%	1.77%
1975	3,567,890	154,640	4.53%	0.89%	91,700	9,717	11.85%	2.27%
1980	4,132,353	564,463	15.82%	2.98%	106,701	15,001	16.36%	3.08%
1985	4,415,785	283,432	6.86%	1.34%	115,483	8,782	8.23%	1.59%
1990	4,866,663	450,878	10.21%	1.96%	127,780	12,297	10.65%	2.04%
1995	5,470,104	603,441	12.40%	2.37%	149,114	21,334	16.70%	3.14%
2000	5,894,143	424,039	7.75%	1.50%	166,826	17,712	11.88%	2.27%
2005	6,256,400	362,257	6.15%	1.20%	180,800	13,974	8.38%	1.62%
Change								
10-year periods								
1965-1975		502,890	16.41%	1.53%		16,600	22.10%	2.02%
1975-1985		847,895	23.76%	2.16%		23,783	25.94%	2.33%
1985-1995		1,054,319	23.88%	2.16%		33,631	29.12%	2.59%
1995-2005		786,296	14.37%	1.35%		31,686	21.25%	1.95%
20-year periods								
1965-1985		1,350,785	44.07%	1.84%		40,383	53.77%	2.17%
1985-2005		1,840,615	41.68%	1.76%		65,317	56.56%	2.27%

Source: Washington Office of Financial Management, http://www.ofm.wa.gov/pop/cociseries/cocity1960_2006.xls

We think the real debate on local growth should be about what is likely under expected trends, whether that likely future is desirable, and how that future could be abetted or changed by public policy. Arguably that debate occurred as part of our forecasting effort several years ago. The implied conclusion was that Whatcom County will continue to offer economic opportunities and a desirable and affordable living environment, so it will continue to attract migration. Implied in that conclusion is are assumptions, among others that (1) land will be available to accommodate

new development, or redevelopment and densification will occur, or both; and (2) the public sector will continue to be able to afford to provide good quality public services.

We think that the more important part of Dr. McLaughlin's critique is not the technicalities about statistical methods, but the questioning of the underlying model of urban growth. If the cities in Whatcom County decide that environmental problems and the costs of growth should be addressed by substantially increasing the cost of development (either by fees or regulation that limits the supply of land more than the GMA suggests), then the rate of growth can be affected. If, however, such policies, however painful in the short run, are efficient in the longer run, then Whatcom County should expect growth: it will have preserved its livability while other counties have chased economic development at the expense of other aspects of livability.

A debate about the outcomes of a forecast for a future that has yet to arrive should be about the methods, data, and assumptions that go into those forecasts. Without reference to those elements of the forecast, assertions that a forecast is either too high or too low cannot be evaluated.

All jurisdictions periodically update their population forecasts for planning purposes. Jurisdictions that are growing rapidly or more accepting of local planning might do an update every five years; most would do it at least every 10 years to adjust for new census information. If the County believes that the drivers of growth (market (demand and supply) and policy variables) have changed substantially since ECO's forecast, then it may be time to examine those policy variables again, and engage in a public discussion of desired, possible, and likely futures.

Appendix

Technical Response to Dr. McLaughlin's Critique

ECONorthwest has experienced econometric forecasters on its staff. They have built models of national, state, and regional economies using the most modern econometric techniques. Currently-operated models of Northwest economies include vector auto-regression and structural models for the Puget Sound region, the Portland region, Multnomah County, Oregon, and Clark and Cowlitz counties, Washington. Other, *ad hoc* models are developed for other areas depending upon client needs and resources. Dr. McLaughlin commented on an *ad hoc* population-forecasting model for Whatcom County.

The forecasting approach has to be tailored to the data environment and project resources. Small-area population forecasts are particularly challenging because accurate historical population data are not available between censuses.

The longer the available data history, the more comprehensive the set of explanatory factors can be. This is known as the "degrees of freedom" issue. Ultimately, all of these issues bear upon the type of model that can be implemented in practice.

Most forecasting models are built using historical data to develop behavioral relationships between a factor such as population and the factors that may influence its future trend. Regardless of the quality of historical data and the robustness of the statistical techniques employed, the confidence one can place in any specific long-term forecast is inherently limited by three factors:

- The statistical fact that, the farther one projects beyond the limits of the historical data, the larger are the "error bands" one must place around the projected quantity.
- A forecast is only as good as the forecast of the "driver" factors that are used to develop the forecast model. Even if one were completely certain of the historical relationship between employment and population, say, one needs a forecast of employment to implement the forecast.
- The simple fact of life that the future cannot be known with certainty until it becomes the past. The parameters that reproduce historical trends so well may not be relevant in the future; some new influence may come to dominate the historical influences. Good forecasters recognize these issues and judge the utility of a forecast by its qualitative reasonableness and not just the mathematics of its origins.

Dr. McLaughlin's critique is concise. We quote directly from his memorandum, and respond to each of his major points one by one.

1 STATISTICAL ERRORS

1.1 STATISTICAL SIGNIFICANCE

Dr. McLaughlin: Of the four predictor variables contained in the population model, two do not have a statistically significant effect on population size.

There is a 40% probability that at least one of the variables included in the model does not significantly affect population size. Projecting future population sizes using a model containing these variables is likely to yield spurious results.

Variable	Variable Name	P-value
Number of Employed in Washington, current year	WALTE	0.2692
Number of Employed in Washington, preceding year	WALTE(-1)	0.1648

ECO Response

The main point here should not be about the statistical significance of a couple variables in the model. It should be about the theoretical justification including variables in the model, and for their specification.

An *ex poste* finding of a lack of statistical significance at some confidence level does not necessarily mean that either variable should be excluded from a forecasting model if it has theoretical justification. The primary determinant in building economic models—and econometricians would include regression-based population models in this category—should be economic theory. The inclusion of employment in a population forecasting model is defensible on theoretical economic grounds. While it is true that economic theory provides little insight on the issue of using concurrent or lagged values of employment, econometrics is both science and art: the decision to include both was likely done because the analyst believed this specification to be the correct one *a priori*.

Dr. McLaughlin asserts that projecting future population sizes using a model containing concurrent and one-period lagged employment is likely to yield spurious results. We disagree. It is possible, of course, but not inevitable and probably not likely. Employment and population in Whatcom County are related. A basic, simple technique often used in planning is to drive population forecasts with employment forecasts, often on the assumption that employment growth is the leading variable. This is because decisions made by investors and operators of enterprises have an historical tendency to stimulate or retard regional population growth. It is reasonable and logical to expect that projected increases in employment will influence increases in population.

1.2 AUTOCORRELATION IN THE DATA

Dr. McLaughlin: Data used to fit the model were significantly autocorrelated.

The ECONorthwest report claims (page A-3) to have corrected for variable autocorrelation, but the report's own statistical results show otherwise. For the population model (Table B-19), the Durbin-Watson statistic (which tests for autocorrelation) of 1.171 is significantly smaller (P < 0.04) than 2.0, the value for no autocorrelation. This implies that data used to fit the model contain significant positive autocorrelation. Results for other ECONorthwest models show significant positive autocorrelation also remained in models for Service Wages (Table B-13), Wholesale Trade Employment (Table B-16), and Unemployment (Table B-20). The presence of autocorrelation in data used to fit the model for population (and these three employment variables) reduce confidence in the forecasts generated. The ECONorthwest report itself identified the severity of the problem of autocorrelation in the model for wholesale trade employment (page A-3): "That this equation could not be corrected indicates either a data accuracy problem or that employment in this sector depends on factors for which we do not have data." The report also noted the impact of autocorrelation on forecast accuracy (page A-4): "the persistence of autocorrelation in the wholesale trade employment equation may limit the accuracy of this forecast." Because the population model also contains significant autocorrelation, these concerns apply to the population projections.

ECO Response

Dr. McLaughlin is correct that a Durbin-Watson statistic of 1.17 is statistically significantly different from 2.0—the value of the Durbin-Watson statistic under the null hypothesis of no autocorrelation. We believe that he is incorrect, however, in his assertion that the Durbin-Watson statistic is relevant in the population model. Rather, because the population model contains as an explanatory variable the one-period lagged value of the dependent variable, the correct statistic to consider when testing for autocorrelation is the Durbin h statistic (see Green 1997, p428). This statistic is computed as:

$$h = \left(1 - \frac{d}{2}\right)\sqrt{\frac{T}{1 - T s_c^2}} \ ,$$

where:

d is Durbin-Watson statistic from the regression

T is the number of time periods

s_c^2 is the variance of the OLS regression coefficient on the one-period lagged value of the dependent variable

Using the appropriate values from the population regression, we derive a test statistic of 1.89.[1] Under the null hypothesis of no autocorrelation, the test statistic is referenced to the standard normal table. Assuming a standard critical value

[1] $h = \left(1 - \frac{1.17}{2}\right)\sqrt{\frac{20}{1 - 20 * 0.0423^2}} = 0.415 * \sqrt{20.742} = 1.89$

(alpha) of 0.05, the associated p-value is 0.0669 and the null hypothesis of no autocorrelation is not rejected.

Based on the results of the Durbin h statistical test, Dr. McLaughlin's concerns regarding autocorrelation in the population forecasting model are unfounded.

1.3 MODEL FIT.

Dr. McLaughlin: The model was overfitted

An overfitted model fits noise in the data rather than real relationships between predictor variables and population size. Just twenty data points were used to estimate five parameters in the model [C(1), C(2), C(3), C(4), and C(5)]. The severity of overfitting is indicated by the Akaike Information Criterion (AIC) value reported for the population model. AIC values are determined by the residual error in the fitted model plus a quantity proportional to the number of parameters contained in the model. When modeling is done appropriately (i.e., the sample size is large relative to the number of model parameters), AIC values will be positive and large. The AIC value reported for the model used to project future populations was *negative* (-7.401). That is the statistical equivalent of connecting the dots, which is acceptable in geometry, but not in statistical modeling. Overfitting is problematic when interpolating between data points; it is perilous when projecting into the future.

ECO Response

We understand Dr. McLaughlin's concern. But as empirical economists, we also understand that historical data often are not available at the desired frequency (e.g., quarterly) or for as many periods as would be optimal. Thus, Dr. McLaughlin is not incorrect, but we think his case is more academic than practical in case at hand.

It would certainly have been preferable to have more degrees of freedom with which to estimate the regression coefficients, but a general rule of thumb is that the number of time periods, divided by the number of regressors (including the constant), should be at least 4. The population model meets this minimum criterion. Finally, though Dr. McLaughlin is apparently an advocate for the AIC measures, an authority such as Green (1993 p245) refers to the AIC (and related measures) as "a bit unorthodox in that they have no firm basis in theory."

1.4 MODEL FORM

Dr. McLaughlin: The model uses linear functional forms to fit nonlinear relationships.

For Whatcom County population data, the relevant nonlinearity is a growth rate that changes (declines) in time. Instead, the ECONorthwest population model assumes a constant growth rate. The result is a non-normal distribution of residuals, which violates an assumption of the least squares method used to fit the multiple regression model.

ECO Response

An econometric model is a simplification of the actual phenomenon it is intended to represent; its purpose is to provide insight. Non-linear processes—such as economic growth—are routinely modeled using explanatory variables expressed in linear terms and estimating linear coefficients. Certainly, we could have inserted additional complexity to the model, but we concluded that doing so would not lead to additional insight or model performance. Estimation of a non-linear model generally requires additional explanatory variables or transformations (e.g. interaction terms, distributed lags, polynomials, etc.). Dr. McLaughlin's concern regarding degrees of freedom is at odds with this recommendation that additional explanatory variables be used in the population equation.

2 PROBLEMS THAT RAISE CONCERNS ABOUT ECONORTHWEST'S POPULATION MODEL

2.1 MODEL PERFORMANCE

Dr. McLaughlin: The performance of a predictive model depends critically on the variables it contains.

Accordingly, selection of predictor variables to include is a pivotal step in modeling populations and other dynamical systems. A variable should be included in a model only when the degrees of freedom that are lost by including it are balanced by the variable's contribution to the model's explanatory or predictive power. Several kinds of criteria exist to evaluate this trade-off, but ECONorthwest's documentation provides no information about variable selection in the population model. Because it lacks a description of procedures and criteria applied in variable selection, ECONorthwest's report is seriously incomplete. A greater concern is that the variable selection process may have been inappropriate or subjective; this concern cannot be dismissed without adequate documentation. Indeed, statistical problems 1.1-1.3 described above suggest that variable selection was conducted poorly and/or subjectively.

ECO Response

We used widely accepted economic theory and forecasting practices rather than mechanical statistical testing to build the model. Data mining—the pejorative terms used to describe what Dr. McLaughlin suggests—has a very poor track record in developing functional forecasting models. With short datasets, the risk of improving the fit with a theoretically irrelevant variable is increased.

2.2 MODEL FITTING METHOD

Dr. McLaughlin: The model was fit using the method of multiple regression, which assumes independence among predictor variables.

To the contrary, predictor variables in ECONorthwest's population model are collinear, or substantially correlated. Each of the four variables in the model is correlated with at least one other variable. Whatcom County population total (CWPOPT) is correlated with Whatcom County average annual employment (CWETOT), and State

Number of Employed (WALTE) in the current year is correlated with itself in the previous year. (Details of ECONorthwest's population model are provided in Table B-19 of their May 2002 report, *Whatcom County Population and Economic Forecasts*. This table is reproduced below.) A model with collinear predictor variables, such as that used by ECONorthwest, is unlikely to generate reliable population projections.

ECO Response

Yes, there is certainly collinearity between the explanatory variables in the population model. With more data, ECO staff could have used first differences of log levels or other pre-whitening techniques to reduce both the heavy trend tendencies in all of the data and, likely, the multicollinearity issue. Given the already-limited degrees of freedom and the fact that intercensal population measures are developed using interpolative techniques, however, pre-whitening techniques are not reliably applicable.

2.3 REPORTED STATISTICS

Dr. McLaughlin: The model specification in ECONorthwest's May 2002 report (Tables B-2 – B-20) lists values of statistics related to information theoretic methods: Akaike information criterion (AIC) and Schwarz's information criterion (SIC).

These statistics are relevant only in the context of comparisons among multiple candidate models. Citing AIC and SIC scores for a single model is analogous to reporting the race time for a single contestant without stating the course length or the times of other racers. No useful information is conveyed thereby. This improper use of information criteria results modeling in particular.

ECO Response

The model was estimated in the software package *Eviews*, which produces these measures, as well as many more, by default as part of its standard output. It instructs analysts to choose the ones that are relevant to discuss in their reports. We did so, consistent with widely accepted economic theory and analytical practices. Per his comments above, Dr. McLaughlin would use the AIC for evaluating overfitting.

2.4 REPORTED STATISTICS, CONTINUED

Dr. McLaughlin: The model specification in ECONorthwest's May 2002 report (Tables B-2 – B-20) includes statistics for both statistical hypothesis tests (t-values, P-values) and information criteria (AIC, SIC).

Combining these two analytical approaches is not appropriate and this practice is excoriated in the statistical literature. That they were combined in the ECONorthwest report suggests that the analysts did not understand the methods used.

ECO Response

Again, the model was estimated in the software package *Eviews*, which produces these statistics, as well as many more, by default as part of its standard output. It instructs analysts to choose the ones that are relevant to discuss in their reports. We did so, consistent with widely accepted economic theory and analytical practices.

2.5 LEAST SQUARES ESTIMATION

Dr. McLaughlin: Model parameters were estimated using the least squares (LS) method.

This method assumes that model residuals are normally distributed, which often is not valid. Because the response variable and all predictor variables were log-transformed for analytical convenience (without reference to residual distributions), it is likely that model residuals deviated from normality. The report contains no evidence that residual distributions were considered or that LS was appropriate, which further undermines confidence in the population model and the population projections generated with it.

ECO Response

Yes, the LS methodology makes this assumption. This assumption is maintained in virtually all regional economic and demographic modeling except in instances when the variable of interest is a qualitative (e.g., binary) variable, or one is estimating a frontier relationship, or when data truncation or censoring is likely. None of these is the case here. The true error in the population variable (resulting from measurement, random shocks, etc.) is unobservable. Testing residuals in the context of a small data series with no theoretical reason to expect non-normality thus has no utility.

2.6 THE R-SQUARED STATISTIC

Dr. McLaughlin: The report cites (page A-3) the large value (nearly 1.0) for the adjusted R-squared statistic as evidence for the great "explanatory power" of the model.

In reality, R-squared values measure fit within the range of the data, but the model was used to forecast future population sizes. Forecasting accuracy cannot be measured with R-squared values. Rather, model performance should be assessed using a standard measure of model prediction accuracy. This conflation of explanatory power with forecast accuracy should deepen concern about the validity of projections generated by the population model.

ECO Response

Dr. McLaughlin is correct. The R-squared and adjusted R-squared values are only concerned with the model's ability to fit the historical data. To test the model's ability to predict the future, one would need to "hold-out" a small amount of the historical data (generally the last few data points) and compare these actual values to values predicted by the model. However, this is only practicable with relatively long data sets. The historical data series of population for Whatcom

County is far too short to maintain a hold-out or "examination" period for model validation.

3 INVALID ASSUMPTION

3.1 CONSTANCY OF PARAMETERS

Dr. McLaughlin: ECONorthwest's projection assumes that population model parameters will remain constant for the next two decades.

The five parameters in the population model specified in Table B-19 [C(1), C(2), C(3), C(4), C(5)] are assumed to remain constant throughout the 20-year projection. Whatcom County population data, available from the Washington Office of Financial Management (OFM), show this assumption has been false historically for all relevant population processes. In particular, rates of annual population growth, "natural population increase," and annual net migration have been declining since the early 1990s. This invalid assumption caused the model to ignore declining growth rates, and consequently, to generate erroneously high population projections.

ECO Response

Again, with adequate data, one could consider time-related drift in the model's parameters. This is a fair criticism in concept but, again, one without a practical solution in the context of the available data.

Statistical Problems with the Population Model Developed by ECONorthwest and Specified in the May 2002 Report: *Whatcom County Population and Economic Forecasts*

1 Statistical Errors

1.1 Of the four predictor variables contained in the population model (Table B-19, reproduced at the end of this document), two do not have a statistically significant effect on population size. There is a 40% probability that at least one of the variables included in the model does not significantly affect population size. Projecting future population sizes using a model containing these variables is likely to yield spurious results.

Variable	Variable Name	P-value
Number of Employed in Washington, current year	WALTE	0.2692
Number of Employed in Washington, preceding year	WALTE(-1)	0.1648

1.2 Data used to fit the model were significantly autocorrelated. The ECONorthwest report claims (page A-3) to have corrected for variable autocorrelation, but the report's own statistical results show otherwise. For the population model (Table B-19), the Durbin-Watson statistic (which tests for autocorrelation) of 1.171 is significantly smaller ($P < 0.04$) than 2.0, the value for no autocorrelation. This implies that data used to fit the model contain significant positive autocorrelation. Results for other ECONorthwest models show significant positive autocorrelation also remained in models for Service Wages (Table B-13), Wholesale Trade Employment (Table B-16), and Unemployment (Table B-20). The presence of autocorrelation in data used to fit the model for population (and these three employment variables) reduce confidence in the forecasts generated. The ECONorthwest report itself identified the severity of the problem of autocorrelation in the model for wholesale trade employment (page A-3): "That this equation could not be corrected indicates either a data accuracy problem or that employment in this sector depends on factors for which we do not have data." The report also noted the impact of autocorrelation on forecast accuracy (page A-4): "the persistence of autocorrelation in the wholesale trade employment equation may limit the accuracy of this forecast." Because the population model also contains significant autocorrelation, these concerns apply to the population projections.

1.3 The model was overfitted. An overfitted model fits noise in the data rather than real relationships between predictor variables and population size. Just twenty data points were used to estimate five parameters in the model [C(1), C(2), C(3), C(4), and C(5)]. The severity of overfitting is indicated by the Akaike Information Criterion (AIC) value reported for the population model. AIC values are determined by the residual error in the fitted model plus a quantity proportional to the number of parameters contained in the model. When modeling is done appropriately (i.e., the sample size is large relative to the number of model parameters), AIC values will be positive and large. The AIC value

reported for the model used to project future populations was *negative* (-7.401). That is the statistical equivalent of connecting the dots, which is acceptable in geometry, but not in statistical modeling. Overfitting is problematic when interpolating between data points; it is perilous when projecting into the future.

1.4 The model uses linear functional forms to fit nonlinear relationships. For Whatcom County population data, the relevant nonlinearity is a growth rate that changes (declines) in time. Instead, the ECONorthwest population model assumes a constant growth rate. The result is a non-normal distribution of residuals, which violates an assumption of the least squares method used to fit the multiple regression model.

2 Problems that Raise Concerns about ECONorthwest's Population Model

2.1 The performance of a predictive model depends critically on the variables it contains. Accordingly, selection of predictor variables to include is a pivotal step in modeling populations and other dynamical systems. A variable should be included in a model only when the degrees of freedom that are lost by including it are balanced by the variable's contribution to the model's explanatory or predictive power. Several kinds of criteria exist to evaluate this trade-off, but ECONorthwest's documentation provides no information about variable selection in the population model. Because it lacks a description of procedures and criteria applied in variable selection, ECONorthwest's report is seriously incomplete. A greater concern is that the variable selection process may have been inappropriate or subjective; this concern cannot be dismissed without adequate documentation. Indeed, statistical problems 1.1-1.3 described above suggest that variable selection was conducted poorly and/or subjectively.

2.2 The model was fit using the method of multiple regression, which assumes independence among predictor variables. To the contrary, predictor variables in ECONorthwest's population model are collinear, or substantially correlated. Each of the four variables in the model is correlated with at least one other variable. Whatcom County population total (CWPOPT) is correlated with Whatcom County average annual employment (CWETOT), and State Number of Employed (WALTE) in the current year is correlated with itself in the previous year. (Details of ECONorthwest's population model are provided in Table B-19 of their May 2002 report, *Whatcom County Population and Economic Forecasts*. This table is reproduced below.) A model with collinear predictor variables, such as that used by ECONorthwest, is unlikely to generate reliable population projections.

2.3 The model specification in ECONorthwest's May 2002 report (Tables B-2 – B-20) lists values of statistics related to information theoretic methods: Akaike information criterion (AIC) and Schwarz's information criterion (SIC). These statistics are relevant only in the context of comparisons among multiple candidate models. Citing AIC and SIC scores for a single model is analogous to reporting the race time for a single contestant without stating the course length or the times of other racers. No useful information is conveyed thereby. This improper use of information criteria results

undermines confidence in ECONorthwest's modeling in general and in their population modeling in particular.

2.4 The model specification in ECONorthwest's May 2002 report (Tables B-2 – B-20) includes statistics for both statistical hypothesis tests (*t*-values, *P*-values) and information criteria (AIC, SIC). Combining these two analytical approaches is not appropriate and this practice is excoriated in the statistical literature. That they were combined in the ECONorthwest report suggests that the analysts did not understand the methods used.

2.5 Model parameters were estimated using the least squares (LS) method. This method assumes that model residuals are normally distributed, which often is not valid. Because the response variable and all predictor variables were log-transformed for analytical convenience (without reference to residual distributions), it is likely that model residuals deviated from normality. The report contains no evidence that residual distributions were considered or that LS was appropriate, which further undermines confidence in the population model and the population projections generated with it.

2.6 The report cites (page A-3) the large value (nearly 1.0) for the adjusted R-squared statistic as evidence for the great "explanatory power" of the model. In reality, R-squared values measure fit within the range of the data, but the model was used to forecast future population sizes. Forecasting accuracy cannot be measured with R-squared values. Rather, model performance should be assessed using a standard measure of model prediction accuracy. This conflation of explanatory power with forecast accuracy should deepen concern about the validity of projections generated by the population model.

3 Invalid Assumption

ECONorthwest's projection assumes that population model parameters will remain constant for the next two decades. The five parameters in the population model specified in Table B-19 [C(1), C(2), C(3), C(4), C(5)] are assumed to remain constant throughout the 20-year projection. Whatcom County population data, available from the Washington Office of Financial Management (OFM), show this assumption has been false historically for all relevant population processes. In particular, rates of annual population growth, "natural population increase," and annual net migration have been declining since the early 1990s. This invalid assumption caused the model to ignore declining growth rates, and consequently, to generate erroneously high population projections.

Errors in ECONorthwest Population Model for Whatcom County, 2002

Details of ECONorthwest's model for Whatcom County population, from the May 2002 report: *Whatcom County Population and Economic Forecasts*.

Table B-19. POPULATION

Dependent Variable: LOG(CWPOPT)
Method: Least Squares
Date: 12/14/01 Time: 11:13
Sample(adjusted): 1980 1999
Included observations: 20 after adjusting endpoints
LOG(CWPOPT)=C(1)+C(2)*LOG(CWPOPT(-1))+C(3)*LOG(CWETOT)
+C(4)*LOG(WALTE)+C(5)*LOG(WALTE(-1))

	Coefficient	Std. Error	t-Statistic	Prob.
C(1)	1.120275	0.233781	4.791985	0.0002
C(2)	0.762702	0.042293	18.03375	0.0000
C(3)	0.133394	0.035442	3.763707	0.0019
C(4)	-0.075530	0.065832	-1.147317	0.2692
C(5)	0.107265	0.073447	1.460449	0.1648

R-squared	0.998885	Mean dependent var	11.76316
Adjusted R-squared	0.998587	S.D. dependent var	0.143042
S.E. of regression	0.005376	Akaike info criterion	-7.401387
Sum squared resid	0.000434	Schwarz criterion	-7.152454
Log likelihood	79.01387	Durbin-Watson stat	1.171149

Response to DEIS Letter 35

John McLaughlin

1. The population analysis in the DEIS was based in part on existing and projected population totals for the City of Bellingham and Whatcom County. These totals were forecasted by EcoNorthwest and adopted by the City of Bellingham as part of their Comprehensive Plan. These projections could be updated and addressed as part of the City of Bellingham's future update to their Comprehensive Plan.

2. The DEIS addressed proposed redevelopment of The Waterfront District site. The selection of cleanup levels and remedial actions for cleanup of mercury contamination in sediments was the subject of previous decisions. Ecology completed its cleanup decision for the Whatcom Waterway as part of the 2007 Whatcom Waterway Consent Decree, with SEPA review of that cleanup decision documented as part of a 2007 Final SEIS. The Ecology cleanup decision included consideration of the ongoing harvest of marine fish and shellfish by Native Americans and other high consuming populations. Sampling of seafood was conducted and the development of a bioaccumulation screening level for application to sediment cleanup was prepared. Ecology's work was reviewed and approved by the US Environmental Protection Agency, the US Corps of Engineers, and the Washington State Department of Health. There are no current restrictions on the consumption of fish or shellfish from Bellingham Bay due to mercury levels. Some mercury (including methylmercury) is naturally occurring in the environment, and it is not possible to achieve complete removal of mercury from sediments or seafood in Bellingham or elsewhere. Therefore, further review of Ecology's completed cleanup decision in the The Waterfront District EIS is not warranted.

March 10, 2008

Andrew Maron
SEPA Responsible Official
Port of Bellingham
P.O. Box 1677
Bellingham, WA

Dear Mr. Maron:

What follows are my comments on the DEIS for the waterfront development proposal.

General Comment

Page 2-25 Marina: Ecology's initial preferred alternative for cleanup of the waterway would have created significant additional land at the ASB. Given that Georgia-Pacific is now completely closed, the entire ASB would be available for redevelopment. Failure to evaluate alternatives for this area has been a huge short coming of this process.

I realize that this is a decision that the Port is strongly committed to. I also realize that this comment likely is of no consequence to the EIS as it is beyond the scope of the EIS. However, the consequence of only one marina location and that location being independent of the redevelopment has greatly reduced the alternative plans that could have been evaluated. It has turned the EIS evaluation into simply a review of alternative square footage numbers for park, office, commercial, residential and industrial space. Beyond that there is very little difference between the alternatives beyond minor tweaks of street layouts and integration with other areas outside the alternative redevelopment proposals with the exception of the no action alternative that would leave the majority of the area industrial. 1

Page 2-26 PSE: Predicting how PSE will manage this site is not very clear. There appear to be significant assumptions that the power plant will be closed and the site will be available for redevelopment at some future date that will be somehow consistent with the various alternatives. What assurances do the authors have that that will be the case and what is PSEs position on having land owned by PSE rezoned and incorporated into the Port Master Plan of the area. 2

Appendix D Earth:

Page 4 Chuckanut Formation: The depth to the top of the Chuckanut is highly variable. However, some reference should be made to the fact that some borings to depths greater than 80 feet or more at the site did not reach bedrock (my own experience, Ted Hammer, personal communication and Jim Clark, personal communication). 3

Page 5 Bellingham Drift: It is highly likely that some of the glacial marine drift deposits underlying the portions of the site are Kulshan Drift. The bluff to the north is underlain by Sumas outwash at the top then Bellingham Drift then Deming Sand and then Kulshan Drift. This sequence is exposed in a few places north of the rail line north of the area. See Easterbrook (1976) cross section. 4

Page 5 Outwash Sand and Gravel: it appears that the reference is to outwash sand and gravel associated with the end of the last glacial period. It is unlikely that this unit underlies the site despite the geology map (scale factor). The outwash sand and gravel covers the top of the upland area north of the development area. Subsequent uplift from isostatic rebound created the bluff and the bluff is a remnant erosional feature. Sand and gravel underlying the north portion of the site is likely beach deposits with some interfinging with Squalicum Creek and Whatcom Creek alluvial material. 5

Page 10: Tsunami hazard: No mention was made of the potential for a wave induced by underwater slide of delta deposits within Bellingham Bay. A relatively small slide in Dabob Bay on the east side of the Olympic Peninsula caused a wave estimated to be 7 feet high that traveled across the width of the bay (Phillips, personal communication and my own observations). 6

The tsunami hazard is not well connected with the sea-level rise. The report notes inundation as deep as 1.6 feet. This would equate to 4 feet 100 years in the future if the 2.4 feet of sea-level rise is used and slightly over 6 feet if the more conservative sea-level rise estimate is used. 7

Page 11 Landfill Areas: Some mention should be made of the Chemfix landfill on the former GP site. 8

Page 11 Erosion Hazards: Given that a significant amount of shoreline restoration has been discussed for the site, shoreline erosion will need to be considered on all restoration projects. For example log pond capping and the shore at the log pond has been subject to erosion due to particular aspects of the geometry at this site. The removal of hard shore armoring will require significant evaluation prior to proceeding. 9

Page 12 Coal Mine Hazard: Based on descriptions of the mine from the 1870s, it is very unlikely that the mine extends under the site. However, the Sehome mine coal seam does not extend downward to the east as described here. The beds are described as dipping towards the west hence the seam extends downward towards the west not downwards to the east. The seam was followed laterally from the bluff under what is now the downtown area of Bellingham. In the last paragraph it is stated that development over coal mine voids is feasible as evidenced in downtown Bellingham. The feasibility will vary markedly depending on the depth to the void, size of the building, comfort of the engineers and developers and the market conditions. Mine subsidence has been a problem for development of some downtown sites. The report indicates that GeoEngineers (2007) did not encounter a void as part of the railroad relocation study at the end of Laurel Street. Did this investigation encounter a coal seam? If so, the lack of a void does not mean the area below Laurel was not mined. Typical mining practices at the time would have left 50% of the coal behind to support the roof of the mine. Based on the exploration work of BEK Purnell it appears that retreat mining was not practiced at the Sehome mine. 10

Page 12 Sea Level Rise: Based on the information presented the expected sea level rise could range from 16 inches to 52 inches with the assumption of no tectonic subsidence or uplift. The selection of 2.4 feet over current levels may be a reasonable estimate, but the consequence of being wrong seems a bit risky. The full range of possible rise should be considered and local tidal and storm surge should be accounted in making a full range of estimates that should be provided decision makers. In regards to tectonic influence, it appears at this time that Bellingham may be located in a tectonically neutral setting; however, that assertion is not well tested. 11

Page 13-14 Impacts: Regarding the discussion of foundation loads, preloading is suggested for relatively lighter buildings underlain by compressionable soils without liquefiable soils. It should 12

be noted that preloading glacial marine drift takes very long periods of time to compress. It should also be noted that if this approach is taken with other compressionable soils, the base elevation will be effectively lowered a few to several inches and this will have an additive impact in regards to sea-level rise. 12 Cont.

Page 14 Landfills: as noted before regarding the Chemfix site and possibly other unidentified sites at the old mill site. 13

Page 16 Liquefaction: The document states that site specific measures would be required to address liquefaction and potential lateral spreading. This approach on a site by site basis may not be the most cost effective means of dealing with this potential impact. A more comprehensive plan and design – particularly regarding lateral spreading problems should be considered. Without a plan in place to address lateral spreading in particular site, specific development may not be able to proceed unless off-site designed structures are built to hold back and prevent lateral spreading. 14

Page 20 Sea Level Rise: The report states that a reasonable sea-level rise is considered to be up to 2.4 feet. As discussed above the range of sea-level rise could be as high as nearly 5 feet. 15

Chapter 3: Comments for this section would simply be a carryover from Appendix D.

Page 3.1-2: top of the page mentions depth of bedrock may be present at depths of 30 to 60 feet near the shoreline. The depth to bedrock near the shoreline of the Whatcom waterway is likely significantly greater than 60 feet. 16

Page 3.1-2: Bellingham Drift and Outwash Sand and Gravel: Review the cross-section by Easterbrook (1976). Kulshan Drift and Deming Sand are not mentioned and are likely present under portions of the site. 17

Page 3.1-3: Landfills: The Chemifix site may not be considered a landfill but will likely have an impact on site development as it is essentially a hazardous waste landfill site. 18

Page 3.1-8: Landfills: there is discussion in this section about possible methane ventilation associated with development over landfill areas. Elsewhere in the EIS there is reference to not allowing residential development on ground floors in areas where development would take place over buried waste not associated with the mentioned landfill sites. A map showing areas where vapor issues associated with buried waste and areas where ground floor residential restriction would be used should be provided for clarity as to where these sites are located. 19

Thank you for consideration of these comments and I hope they provide some small assistance in your evaluation of this project.

Best regards

Dan McShane, LEG, M.Sc
Licensed Engineering Geologist

Response to DEIS Letter 36

Dan McShane

1. Please refer to the response to SDEIS Letter 8, Comment 1.

2. Initial information from Puget Sound Energy led to the conclusion that it was likely that the Encogen Plant would remain in the current location for 15-20 years. Further input from Puget Sound Energy indicates that the plant may remain on the site beyond the 2026 planning horizon. The road grid has been adjusted in the FEIS to accommodate the plant remaining on the site for a longer time period. The proposed development phasing in the Proposal, which is the basis for the Preferred Alternative calls for development of the land in the north and south portions of the site first and leaves the land adjacent to the Encogen Plant for the last phase of development. Land use adjacent to the Encogen Site is described as Mixed-use Commercial, which could be compatible with continued operation of the plant if it remains on the site. The Ivy Street Green park strip proposed through the plant could be relocated to serve as a buffer along the Western edge of the Encogen site if it is still in operation at the time the adjacent property is ready for development.

3. Comment noted. It is agreed that the depth to the top of the Chuckanut Formation is variable, and may be greater than 80 to 100 feet below existing grades at some locations at the site.

4. Comment noted. The variations of the numerous geologic units that may be present within the 10 areas associated with The Waterfront District site can be considered relatively complex, and the geology section included in Appendix D to the DEIS was generalized and abbreviated for the typical reader of an EIS.

5. Comment noted. Refer to the response to Comment 4 in this letter.

6. Comment noted. Refer to the response to DEIS Letter 29, Comments 5 and 20.

7. Comment noted. Refer to the responses to DEIS Letter 3, Comment 3, and to DEIS Letter 29, Comments 5, 16, and 22.

8. The ChemFix area is one portion of the former Chlor-Alkali cleanup site located within the Log Pond Area. This area is undergoing RI/FS study as part of the Georgia Pacific West cleanup site under Agreed Order No. 6834 between Ecology and the Port (see Table 2-1 in **Chapter 2** of this FEIS). The ChemFix area was created in 1976 when Georgia Pacific implemented the treatment and on-site containment of sediments from an on-site settling pond. The sediments were treated by chemical stabilization and remain contained onsite subject to the requirements of Ecology Order DE-77-336. Additional information regarding the ChemFix area is available in the 1994 ENSR RI/FS documents for the Chlor-Alkali site, and in the 2004 Feasibility Study developed by Aspect for the Chlor-Alkali site. These documents were made available for public review by the Port during the 2004 due diligence studies. The ChemFix area was also identified in the 2008 Agreed Order between the Port and Ecology for completion of the Georgia Pacific West site RI/FS, a copy of which was made available for public comment and is available on Ecology's web site.

9. Comment noted. It is agreed that shoreline erosion should be properly considered as part of design and permitting for future site improvements.

10. Comment noted. It is agreed that the coal mine area considerations that may be present near or beyond the perimeter of the site are relatively complex; however, the coal mine hazard description included in Appendix D to the DEIS was generalized and abbreviated for the typical reader of an EIS.

11. Comment noted. Refer to the responses to DEIS Letter 3, Comment 3, and to SDEIS Letter 10, Comment 2.

12. Comment noted. It is agreed that settlement due to preloading of compressible soils and the effect of potential sea level rise should be factored into design and permitting for future site improvements.

13. See the response to Comment 8 in this letter for information on the ChemFix area. In addition to the specific investigations of the ChemFix area, extensive soil and groundwater investigations have been performed throughout The Waterfront District site as part of the MTCA cleanup activities. These investigations are summarized in Section 3.5.2 of the DEIS. The investigations included evaluation of both solid waste landfill areas (e.g. former municipal landfills located in Areas 1 and 10), as well as the nature and extent of contamination in historical fill soils that comprise much of the shallow soils within the site.

14. Comment acknowledged. A comprehensive, site-wide plan for mitigation of potential liquefaction hazards would be difficult and/or impractical to implement in a cost-effective manner due to the expectation that the proposed transition to mixed use would occur in phases over a long time frame. Alternatively, the Proposed Action anticipates that mitigation of potential liquefaction hazards would be addressed on a project-by-project basis, within the context of broad development planning and regulatory oversight.

15. Comment noted. Refer to the responses to DEIS Letter 3, Comment 3, and to SDEIS Letter 10, Comment 2.

16. Comment noted. Refer to the response to Comment 3 in this letter.

17. Comment noted. Refer to the response to Comment 4 in this letter.

18. Comment noted. Refer to the response to Comment 8 in this letter.

19. A map designating landfill areas and areas with other anticipated vapor management issues is depicted in the Environmental Protection Standards prepared by the Port and referenced in Section 3.5.2 on page 3.5.6 of the DEIS. The Environmental Protection Standards were made publicly available as part of the Port's due diligence documents in 2004. Cleanup and institutional control requirements associated with management of vapors and indoor air quality issues is being considered as part of the RI/FS documents for the Central Waterfront, Georgia Pacific West, R.G. Haley and Cornwall Avenue Landfill cleanup sites. Compliance with Ecology cleanup and institutional control

requirements, including management of vapor issues, is discussed in Section 3.5.3 of the DEIS.

Edwina Norton
<edwinanorton @earthlink .net
>
02/05/2008 11:31 AM

To wag@cob.org
cc
bcc
Subject Draft EIS

Dear WAG members:

I looked through the Draft EIS volumes when they were first available--not having either the time or expertise to actually study them. The biggest impact on me was from the bulk and height projections for the three development alternatives. Alternative 1, with the most development, was horrifying. It appeared to me that people would not be able to see the water except from directly on the property. Alternatives 2 and 3 were improvements, but people would still lose a lot of view access. 1

I live in a neighborhood in which I don't have a water view, nor, except if I stand in one place in my back yard from which I can see a corner of Mt. Baker, do I have any mountain or forest views. So I especially appreciate as I go about in Bellingham (mostly on the bus and walking) that I can catch glimpses of the Bay, the islands, the mountains, Mt. Baker. Access to these lovely view corridors is chief among the pleasures for me of living here.

I suspect that this pleasure is one that many, if not most, Bellingham residents treasure, especially those whose homes do not afford them views. 2

For this reason, I want to urge you to adopt Alternative 3, or as much of it as possible. And let's go slow with the development of the waterfront, as slow as economics will permit. Let's not grow into a resort town or a "big" city. Let's retain the historical character of our waterfront--a place for work and all the people, not just for the few. Let's keep Bellingham and the waterfront a place where all the residents can enjoy seeing the water not just from hillsides or directly on the shore.

Thank you for your work and consideration.

Sincerely,

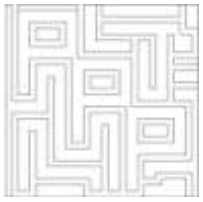
Edie Norton
Columbia Neighborhood

Response to DEIS Letter 37

Edwina Norton

1. Comment noted.

2. The comment regarding the preference for Alternative 3 is noted. Please note that view corridors through the site are proposed to ensure views to Bellingham Bay from downtown, Old Town and the Letter Streets areas.



Public Policy Perspectives

2955 Sunset Drive, Bellingham, WA 98225 (360)733-1303

MEMO: 03-07-08

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

In order to accurately assess the environmental impact a major development such as New Whatcom is likely to produce, the base assumptions must be as close to reality as possible. Housing and housing type/use is a significant component affecting the number of people which will be living in New Whatcom, the level of traffic New Whatcom will produce within its boundaries and the areas surrounding it, and what type of person will live there. 1

The most current and accurate information on housing can be found within the Hebert Research portion of the City of Bellingham/Port of Bellingham New Whatcom Redevelopment Study. What Hebert's research found, in essence, is that a waterfront setting such as New Whatcom will be comprised mostly of high end luxury units with more than half of them either vacant or used as a secondary residence. There will be far fewer persons living in New Whatcom as a primary residence producing less day to day traffic but higher demand for other items such as 24/7 residential parking and more transient marina use, as compared to the draft EIS analysis. 2

The Gross Square Footage Will Produce Fewer Units Than Assumed

The average gross housing unit square footage is assumed to be about 1200 square feet. The common area calculation, at only 20% produces units of only 1000 square feet. The CW/Hebert demand study shows that the demand for apartments is for 1146 sq ft and the condominium demand is for 1253 sq ft. Because the demand is for larger units to be accurate, unit assumptions must be lowered to account for a realistic common area deduction. 20% is a reasonable allowance for common areas and, along with an even larger deduction to allow for the amenities the purchasers of units for use as recreational units will demand. 3

The 2016 And 2026 Parking Ratios Do Not Keep Up With Housing Counts Or Do Not Seem To Make Sense. The Structured Parking Assumption For Housing Remains At 0 Sq Ft Under All Scenarios

2016:

Alt 1 contains 1610 units and allows for only 161 housing parking spots

Alt 2 contains 1234 units and allows for only 68 housing parking spots

Alt 3 contains 658 units and allows for 1184 housing parking spots

2026:

Alt 1 contains 3075 units and allows for only 267 housing parking spots

Alt 2 contains 2350 units and allows for only 273 housing parking spots

Alt 3 contains 1325 units and allows for 777 housing parking spots

There is clearly a shortage of parking for the amount of housing anticipated. In an average market, parking demand is for 1.8 or more spots per unit. The demand may be slightly higher or lower depending on market conditions. The parking assumptions for housing in the DEIS are inadequate and unrealistic.

4

The Rate Of Build Assumed Is Not Only Unrealistic But Far Exceeds The Demand Projection

The demand projected by the joint City/Port New Whatcom study for condominium units at a waterfront level of pricing, for the period 2011-2016, is 107 units per year. The projected demand for apartment units at a waterfront level of pricing for 2011-2016 was difficult for the consultants to project. The Hebert survey shows that demand for apartments as a percentage of total multifamily demand at waterfront levels of pricing is extremely low. The costs for housing at New Whatcom are likely to be very high. Financial analysis has shown that apartments for rent are not feasible in the Old Town sub-area under any scenario (City of Bellingham Economic Analysis Of Old Town Sub-Area Plan). What this means is that with the Old Town projected rate of build of 70 units per year 2009 through 2022, and the sorely underperforming CBD 2002-2006 *actual* rate of build at 61 units per year (which needs to be much higher to meet its own separate goal), and a rate of build ranging from Alt 1 of 268 units per year down to Alt 3 at 110 units per year, the market, 2011-2016 would be flooded beyond the projected demand. Total supply, to meet assumed rate of build, would be (70+61+268=399) nearly 4 times that of the demand in and directly next to the waterfront. Three questions that really need to be addressed are not of ultimate build out - not how many units can fit but *how soon can the housing units realistically be built*, *how quickly is the market able to absorb all these condominium units*, and *how will New Whatcom affect the market environment of Old Town and the already underperforming CBD*?

5

How Many People Should Be Expected To Live In The Units? How Will This Affect Needed Infrastructure? Was The Demand Study Even Considered By Those Preparing The EIS?

According to the demand study, 45.3% of the total units in New Whatcom would be used for a 'second home condominium'. 37.3% of the total units would be utilized as a primary home condominium. Only 17.4% of the total units would be used as an upscale apartment, 80.1% of the 17.4% (13.9% of the total units) would be used by persons outside of Whatcom and Skagit Counties who have higher incomes and are middle aged. This means a total of 59.2% of the units are likely to be used as a second home. The following alternatives would produce the following results for accommodation (the vacancy rates have already been removed in the Comp Plan calculations):

Alt 1 contains 3075 units and accommodates 1255 people (OFM growth) 6

Alt 2 contains 2350 units and accommodates 959 people (OFM growth)

Alt 3 contains 1325 units and accommodates 541 people (OFM growth)

The Bellingham Comprehensive Plan, in its analysis, has called for a population capacity of 2183 persons to be accommodated by 2022. As you can see, with information provided by the Port and City of Bellingham directly related to New Whatcom, even the highest build out scenario will not provide the population accommodation planned for in the current Comp Plan. Further, many of the units will not be complete *and* occupied by 2022 further reducing the actual accommodation in New Whatcom through 2022. How will this large shortfall affect the environment? Where will the people the Comprehensive Plan looks to accommodate at New Whatcom live?

The Environmental Impact Of A Living Unit Used As A Second Home Is Different Than That Of A Primary Residence.

A secondary residence produces many fewer transportation trips than a primary residence. The traffic impacts will be greatly reduced by 2nd home ownership in New Whatcom. A second residence will also greatly reduce the impact to schools and parks – units occupied for only days or months each year will not require the same level of schools and parks as persons full time do. Critically lower utilization of New Whatcom for primary residences increases land demands elsewhere in the City and County. Persons not able to afford units at New Whatcom will be forced elsewhere. The large Comprehensive plan assumption for New Whatcom will lead to mean land supply shortfalls. If not addressed, this displacement will negatively affect other parts of Bellingham and Whatcom County. 7

New Whatcom Land Supply And Environmental Impacts To Bellingham and Whatcom County

In 2004 the City of Bellingham and Whatcom County prepared an Environmental Impact Statement regarding the Bellingham Comprehensive Plan update.

The EIS addressed significant environmental impacts on both Bellingham and Greater Whatcom County likely if the City were to be unable to accommodate the growth it was assigned to accommodate by Whatcom County, based on the Office of Financial Management's (OFM) projections of growth for the County. In particular, significant sprawl with all the associated 8

environmental impacts sprawl implies was projected if an inadequate land supply were to be provided in Bellingham.

Based on the Port's own study as presented by Collins-Woerman in 2007, significantly fewer people (half or less) will live in the New Whatcom planning area than were assumed by the existing Bellingham Comprehensive Plan. 8 Cont.

Additionally the City Council recently passed Resolution No. 2008 – 03 which called on the County to reject Bellingham's Comprehensive Plan and plan for even more growth inside the existing Urban Growth Area (which includes the waterfront examined in this EIS). 9

The environmental impacts a significant undersupply of residential and jobs capacity will have on the City of Bellingham and on larger Whatcom County should be a significant concern of the City, Port, and County.

The EIS does not examine this issue. In fact, it appears, based on the potential jobs and, especially, residential accommodation assumed under each alternative, that the Port and City's market study of waterfront residential demand may not have been consulted in developing the assumptions put forward in the EIS. 10

An important question this EIS must address, and has not yet addressed, is, "If the land supplies assumed available to accommodate Bellingham's future population needs are not made available in this proposed project, and people live elsewhere as a result, what are the likely impacts on the environment of Bellingham and on the environment of the larger Whatcom County landscape and community? 11

Regards,

Clayton Petree

Response to DEIS Letter 38

Public Policies Perspectives

1. Commented noted.

2. Please refer to the response to DEIS Letter 10, Comment 28.

3. For purposes of analysis in this EIS, the land use assumptions were assumed to be calculated on a gross square foot basis; including housing at 1, 200 st. per unit. As development cycles fluctuate, the analysis assumed an average unit size to accommodate multiple development cycles as the development matures over time.

4. As described in **Chapter 2** (Key Topic Areas) of this FEIS, the analysis of parking demand presented in the EIS evaluates a reasonable upper level of parking supply for the purposes of disclosing parking impacts. Parking supply will be evaluated as development occurs and parking supply will be appropriate for the proposed land use including consideration of shared parking opportunities. Refer to **Chapter 2** (Key Topic Areas) and the response to EIS Addendum Letter 3, Comment 2, for additional detail.

5. The Port and City acknowledge this concern. The intent of the Port and City is to rebuild the local waterfront economy, provide new public access, and absorb growth over the long term in a way that complements adjacent neighborhoods. This will occur most successfully if it is managed gradually over a relatively long timeframe. A package of documents, including a master plan, development agreement, and a Planned Action Ordinance are intended to ensure that this redevelopment occurs in planned phases without significant environmental of economic impact on downtown Bellingham.

6. For purposes of the EIS analysis, the DEIS Redevelopment Alternatives and the Updated Preferred Alternative conservatively assumed that all units would be used as primary residences since this would represent a reasonable upper level determination of impacts for most environmental disciplines such as transportation, utilities, land use, etc. Any assumptions about the number of luxury units constructed or utilized as secondary homes would be purely speculative and could fluctuate depending on the economic conditions at the time redevelopment occurred.

7. The EIS does not include speculative assumptions regarding the potential for a portion of the residential units on the site to be utilized as second homes. As a conservative approach, the transportation analysis assumes housing would operate as primary homes. The Port would monitor development on-site and build new vehicular infrastructure improvements based on actual trip generation. This approach would allow for consideration of any residential units used for seasonal purposes.

   As described in the EIS Addendum in Chapter 3.5 page 3.5-13, a biennial monitoring program is recommended. The monitoring program would be used to confirm when infrastructure improvements are required and would confirm whether the development is generated similar levels of traffic as projected in the EIS.

8. As stated in DEIS Section 3.9, new housing associated with redevelopment on The Waterfront District site would account for approximately 120 percent of the Comprehensive Plan projected housing units in the Central Business District (The Waterfront District site and portions of Downtown Bellingham) under Alternative 1 at full buildout. Under Alternative 3, new housing would represent 52 percent of the projected housing for the Central Business District at full buildout.

   Total population associated with Alternative 1 redevelopment on The Waterfront District site would account for approximately 129 percent of the Comprehensive Plan projected population for the Central Business District. Under Alternative 3, total population associated with The Waterfront District redevelopment would account for approximately 56 percent of the Comprehensive Plan projected population for the Central Business District.

9. The population, employment, and housing analysis contained in the DEIS is based on the City of Bellingham's existing Comprehensive Plan. Updates and amendments to the Comprehensive Plan could occur as part of a separate process.

10. As described in Section 3.9 of the DEIS, residential and employment-related redevelopment would account for a significant portion of the projected housing and employment targets set forth by the City of Bellingham. Redevelopment would provide between 52 and 120 percent of the projected housing for the Central Business District area at full buildout. Employment-related redevelopment would account for approximately 17 to 28 percent of the projected job growth in the City of Bellingham at full buildout.

11. The Waterfront District redevelopment project would accommodate a large portion of the City's future population, housing and employment projections; however, the City's Comprehensive Plan also identifies additional neighborhoods, Urban Centers, and Urban Growth Area (UGA) Planning Areas that would also accommodate future growth. The Comprehensive Plan also includes strategies for addressing potential long-term residential land supply deficiency.

Comments on the Waterfront Redevelopment Draft Environmental Impact Statement (DEIS)

1) The DEIS document does not identify one of the reviewed alternatives as the preferred alternative. The effect is that the reader (and the public) does not have clarity as to what is intended and what the impacts will be. The final version should include a preferred alternative as is customary. 1

2) To function as a SEPA document, the final version should provide further details on construction methods, geotechnical concerns, zoning percentages, earthworks, and traffic/utility impacts. Leaving these details to the "permitting" phase prevents the full scope of the impacts from being contemplated and misses the point of the SEPA process. 2

3) The DEIS makes subjective comments that indicate that the document is somewhat biased. Examples are:

   3.7-2 "and the site is not perceived as having a direct connection to downtown Bellingham." and " The lack of public connection also holds true for the waterfront area along the site. Despite being located along Bellingham Bay, the New Whatcom site offers only limited opportunities for public enjoyment of the waterfront". **Consider Blvd Park and the current Marina Park. Popular and having only a single vehicle access.** 3

4) The concept of 'extending' the CBD over a railroad corridor is unrealistic as is the idea that the existing (and 20 year projected) population base in Bellingham could economically support such an expansion of the CBD. 4

5) While impacts to area traffic/utilities/parking are exhaustively reviewed, there is no specific consideration of how sustainable building/transit/utility practices might mitigate these potential impacts. Given Bellingham's reputation for sustainable practices, the DEIS document represents a step backward in 5

progressive urban development. The final EIS should address this aspect of the project specifically. 5 Cont.

6) The vehicular movements and parking requirements are massive when considered at the higher density alternatives. Consider the over 15,000 required parking spaces required per Alternate 1 versus the fact that currently the Parking District oversees about 1200 metered spots in the CBD. Alternatives for increased levels of site access via mass transit are not explored as alternatives to these impacts. 6

The consideration of a new bridge structure at Laurel Street is a poor choice from an engineering perspective given the close proximity to the current access at Cornwall Street. 7

Concept: Provide a second RR overpass via the existing concrete structure at Bay Street and use the new ramp to the site as a roof for a parking structure. 8

Concept: Include sprinkler requirements for buildings to allow for decreases in fire lane width requirements on site. 9

7) The sea-level rise forecasts are mid-range of the generally accepted levels. This is not a sufficiently conservative approach given the extent of the uncertainty. The values used are based on the already conservative IPCC figures. Moreover, consideration is only given to the sea level rise expected in the next 100 years; it is well known that sea level will continue to rise well beyond that point given the likely global warming scenarios. If the site is to play a role in Bellingham's long term future, these aspects should play a great role in the site grading plan. The final grading level will also play a role in the final flood insurance premiums at the site and subsequently the development costs. 10 11

8) The potential for salmon habitat restoration along the waterway and in the ACB is very poor. Marinas are unavoidably polluted and the waterway would be required to undergo costly site modifications (and large losses of land area) to become 12

forage/rearing habitat for a minor population (Whatcom Creek anadromous salmon). Suggest these monies and efforts be proposed at locations north of Bellingham as off-site environmental mitigation.

12 Cont.

9) Given the current housing affordability issues in Bellingham, it is appropriate to sent more definitive goals for the project regarding this. We are concerned that without a specific targets established at the beginning, the affordable housing component will be minimized. In addition, it is imperative that any affordable housing provisions be such that the housing remains affordable in perpetuity.

13

As a public agency, the project developer has a responsibility to ensure that this area is financially accessible to the entire community. We suggest using the City of Bellingham's established definition of affordable housing and establishing the goal of making at least 25% of units permanently affordable to those at or below 80% of area median income of which at least 10% should be affordable to those at or below 50% of AMI.

10) In the current uncertain domestic economic climate, we suggest that the area of zoned Marine Industrial land be increased and the commercial area be decreased. Marine industry is an important economic sector in this town and one that needs to be further developed. With companies like ACB expanding, to not meet this need with portions of available waterfront property puts our City's economic health at a distinct disadvantage. The CBD is more appropriate for commercial/retail development and there is currently vacant space downtown. Some retail/commercial is reasonable, but Marine Industrial jobs better support the live/work/play concept (noted in the DEIS document for the site) than retail/commercial. **An ACB trades-oriented job would support the purchase of a residential unit more effectively than a Starbucks/Retail Clerk job.**

14

11) Bellingham is making great strides in sustainable building practices and without details regarding energy/resource efficiency, the document provides no basis to

15

include these aspects. A commitment to sustainable connection via LEED requirements, Living-Building Challenge, and other nationally recognized guidelines is mandatory for a project of this nature at this stage of review. 15 Cont.

12) There are no specifics regarding options for on-site power generation (tidal, wind, etc) in the DEIS. With a renewable energy projects emerging regionally (www.naikun.ca , http://www.pugetsoundtidalpower.com), discussions of this topic are appropriate. 16

13) Effort should be made to keep the Co-Gen plant operational as it represents extraordinary potential for a step forward in energy/utility efficiency. This issue has been raised publicly a number of times, but is not considered in the DEIS.

Concept – The plant should remain in operation but be converted to be able to cleanly use biofuels (wood and agricultural waste). The steam currently supplied to GP should be made available to institutions, residents or businesses within the district to offset traditional heating needs. This would represent a significant step forward in the community's energy security as well as a substantial reduction in our contribution to global warming. 17

Submitted by:

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2739 McKenzie Ave
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Catherine Craver

Response to DEIS Letter 39

Alex Ramel, Nick Hartrich, Anita Accetturo, Christina Reeves, Darby Galligan, Freeman Anthony, Kym Fedale, and Catherine Craver

1. Please refer to the response to SDEIS Commentary 20, Comment 1.

2. Please refer to the response to SDEIS Letter 2, Comment 2.

3. The analysis of the EIS is intended to be objective. The statements in the two examples provided are accurate. The site does not currently have a direct connection to downtown. There is currently no public access to the site.

4. Comment noted.

5. The Waterfront District Proposal, which was analyzed in the SDEIS and EIS Addendum as the Updated Preferred Alternative, includes additional information on sustainable building, non-motorized transportation, transit and utility practices. The EIS presents a reasonable upper level determination of potential impacts related to transportation and utilities. It is recognized that sustainable development practices, including providing opportunities for people to live, work, shop and recreate at the site would be included as part of long-term redevelopment of the site. Transit and non-motorized transportation are further discussed and analyzed in Section 3.12 of the SDEIS. Sustainable utilities are further discussed and analyzed in Section 3.14 of the SDEIS.

6. See response to EIS Addendum Letter 3, Comment 3. The EIS Addendum explores increased transit for The Waterfront District on pages 3.5-16 to 3.5-20.

7. The Laurel Street bridge is not part of the Updated Preferred Alternative.

8. The Waterfront District Proposal and SDEIS description of the Preferred Alternative both include a railroad overpass at Bay Street. This overpass could be integrated with a parking structure. The integrated slope concept described in the Proposal and SDEIS could accommodate an independent parking garage or parking below a building adjacent to the bluff at Bay Street. Construction of a parking garage at this location would be dependent on specific building development plus by a future developer/user.

9. All future redevelopment projects would be required to meet applicable building and fire prevention codes, potentially including the use of sprinkler systems. Sprinkler systems in individual buildings will be addressed at the time individual buildings are designed and applications for permits are submitted for approval.

10. Comment noted. Refer to the responses to DEIS Letter 3, Comment 3, and to SDEIS Letter 10, Comment 2.

11. Comment noted.

12. The creation of the proposed marina would result in new aquatic habitat, which would benefit salmonids as well as increasing Chinook and bull trout critical habitat acreage (refer to the responses to Comments 38 and 39 in Letter 3, Comment 9 in Letter 4 and

Comment 2 in DEIS Letter 27 for more information on marina and overall habitat conditions).

13. Please refer to the response to DEIS Letter 10, Comment 28.

14. Please refer to the response to SDEIS Letter 2, Comment 4.

15. Please refer to the response to SDEIS Letter 11, Comment 2.

16. Sustainable strategies are an important feature of the master planning for The Waterfront District that is being performed by the Port and City. For example, the planning is being performed as a LEED Neighborhood Design pilot project under the U.S. Green Building Council. Options for on-site power generation are being explored by the Port and City, but have not been developed at a level that can be evaluated under this EIS. The potential for wind-power generation is being evaluated through the collection of data from a newly installed meterological tower onsite. The potential for on-site hydropower is being evaluated in conjunction with the adaptive re-use of infrastructure that supplied water from Lake Whatcom to the Georgia Pacific pulp and paper mill. And the Port continues to partner with other organizations that are evaluating solar power options within The Waterfront District.

17. Please refer to the responses to SDEIS Letter 13.

New Whatcom Project

DEIS Comment Form and Instructions

DEIS Letter 40

What are your comments related to the Draft Environmental Impact Statement(DEIS)?

You have three options to submit your comments. 1) You can return this comment form via mail to the address on the other side of this form; 2) You may email your DEIS comment to sepaofficial@portofbellingham.com; or 3) You can present your comments orally at the public hearings on February 20, 2008 at the Bellingham Cruise Terminal, 355 Harris Avenue.

All comments must be received by **March 10, 2008** for inclusion in the proposed Draft Environmental Impact Statement.

Comment

U OF W ATTACHMENT

**Name: SCOTT SANDERSON

**Address: 808 20TH ST. BHAM Phone: NATL CELL # 231 590-3455

E-mail: SANDMAN49686@YAHOO.COM

** *This information is required in order for your comment to be included in the official record.*

uwnews.org News and Information from the University of Washington

Jan. 17, 2008 | Science | Environment

Washington state sea levels could rise considerably by end of century

Vince Stricherz vinces@u.washington.edu

Melting glaciers in Greenland and Antarctica, combined with other effects of global climate change, are likely to raise sea levels in parts of Western Washington by the end of this century, though geological forces will offset the rising water in some areas.

A new report suggests a moderate scenario is for sea levels on the Washington Coast and in the Puget Sound Basin to rise an average of 6 inches by 2050 and 14 inches by 2100.

The analysis, conducted by the Pacific Northwest Climate Impacts Group at the University of Washington and the Washington State Department of Ecology, suggests that a worst-case scenario could raise sea levels in some places as much as 22 inches by 2050 and 50 inches -- more than 4 feet -- by 2100.

"We can't rule out higher rates of sea-level rise, but given what we know now they seem improbable," said Philip Mote, a UW research scientist and lead author of the analysis. Other authors are Spencer Reeder and Hugh Shipman of the Department of Ecology and Alexander Petersen and Lara Whitely Binder of the Climate Impacts Group.

The scenarios are based on projections for worldwide sea-level increases contained in the latest report of the Intergovernmental Panel on Climate Change, a United Nations body that this year shared the Nobel Peace Prize. Mote was a lead author for one chapter of the panel's report.

The new report indicates that some of the sea-level rise in Washington state would be mitigated by rising shorelines, the result of uplift from plate tectonics. That would be especially true along the northwest coast on the Olympic Peninsula. The central and southern coastline and the Puget Sound basin are more likely to see a noticeable sea-level rise.

The authors also examined other factors in sea-level rise -- expansion of sea water because of warming and the addition of water from melting glaciers -- along with local atmospheric circulation changes that could increase tide levels. The authors noted that even a small increase in sea level, when combined with higher tides or large storm surges, could bring more frequent events that inundate the coastline.

The report, "Sea Level Rise in the Coastal Waters of Washington State," is intended to provide planners and policy makers with information they need to consider when issuing building permits, for example, or determining sites for proposed factories or roads.

The authors note that the report is not a prediction of what will occur but rather aims to examine probabilities that can guide planning. They note that three important issues must be considered when making decisions based on sea-level rise estimates -- the location, the length of time the location is to be used and the acceptable risk level.

"If you have a high-value project and low risk tolerance, then you want to plan for the worst-case scenario," Mote said.

"We have had inquiries from coastal engineers who are considering major projects, but we also have heard from at least one retiree who said he was thinking of buying some waterfront property and wondered whether it would be under water."

The risk of rising sea levels might be acceptable for someone such as the retiree, who might only plan to use the land for 10 or 20 years, but that risk might be unacceptable for a city or a corporation planning to build a major plant to last 50 or 100 years, Mote said.

The report can be found online at http://www.cses.washington.edu/db/pdf/moteetalslr579.pdf.

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For more information, contact:

- Mote at (206) 616-5346 or philip@atmos.washington.edu
- Reeder at (360) 407-6229 or pere461@ecy.wa.gov
- Shipman at (425) 649-7095 or hshi461@ecy.wa.gov
- Petersen at (512) 585-8592 or sascha5@u.washington.edu
- Whitely Binder at (206) 616-5349 or lwb123@u.washington.edu

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MORE UWNEWS.ORG STORIES ABOUT PHILIP MOTE (philip@atmos.washington.edu)
RSS news feed: uwnews.org news releases about Philip Mote

Washington state sea levels could rise considerably by end of century	Jan. 17, 2008
The woes of Kilimanjaro: Don't blame global warming	June 11, 2007
Northwest scientists contribute to international report, see increased warming	Feb. 2, 2007
UW researchers advocate creation of national climate service	Nov. 27, 2006
Washington state parched by one of driest summers ever	Sept. 7, 2006
Effects from global warming tops agenda	Oct. 28, 2005

URL to original page: http://uwnews.org/article.asp?articleID=39136

Response to DEIS Letter 40

Scott Sanderson

1. Comment noted. Refer to the responses to Comment 3 of DEIS Letter 3 and to Comment 2 of SDEIS Letter 10.

March 10th 2008
4:25PM

Please accept my comments on the Draft EIS New Whatcom Re-Development Project. All of the alternatives except for the no-action alternative assumes removal of historically significant buildings in areas 2, 3, and 4. The mitigation measures starting on page 3.11-11 are not adequate as there is no assurance that the buildings would be fully considered for potential re-use before demolition. The Co-op/Granary building in particular has been listed as a building of Historical significance in the City of Bellingham's Lettered Streets Plan which will eventually be adopted as part of the Bellingham Comprehensive Plan. The EIS states that no adverse impact is expected by removing all of these buildings, however, removal would be a permanent end to significant historic buildings that link our waterfront to our past. 1

Thank you,

Fiona Starr

Response to DEIS Letter 41

Fiona Starr

1. As noted in **Chapter 2** (Key Topic Areas) of this FEIS, in support of the EIS Addendum, the *2010 Waterfront District Adaptive Reuse Assessment* was prepared to examine the potential for retention/reuse of 11 existing structures. The *2010 Waterfront District Adaptive Reuse Assessment* concluded that none of the existing structures would be financially viable for reuse in the current economic climate or in a potentially improved economy, even with the use of historic tax credits (the fundamental reason for this conclusion is that the onsite structures were constructed to house industrial equipment and operations and therefore, the structures do not contain floors or utilities typically contained in buildings that have been successfully reused in other areas). However, the Port and City recognize the historic value of structures on the site and have identified six (6) structures as having sufficient potential for retention or reuse that they should be temporarily retained for some period of time to allow for reconsideration prior to demolition. Three (3) structures have the potential for retention and reuse and would be temporarily held from demolition pending a further market assessment, including: Old Granary Building (#7); Board Mill Building (#12); and Alcohol Plant – East Portion (#17). Three (3) additional structures were identified as potential heritage icons and would be temporarily held based on further icon evaluations, including: Chip Bins (#9); Digester Tanks (#13); and, High Density Tanks (#49).

I was horrified to see the artist model concepts of building heights proposed for the waterfront. To follow through with these guidelines would certainly take all the character out of Bellingham. What I saw was a wall going up and the view of Bellingham Bay and the Islands disappearing from downtown (except for a select few). Building heights should be kept to a few stories and maintain some sort of classic flavor. 1 2

If one wants to add tall buildings to the town scheme, put them at the back edge of town where they're not blocking anyone's views or disrupting the classic old town flavor which gives Bellingham it's character. Ring the back edge of the town with tall buildings not separate the town from it's waterfront. This includes the entire waterfront area. 3

Remember, this is our waterfront and town, they need to be cohesive. It's not just an opportunity for a few businesses and wealthy condo owners. 4

Thank you, Steve White

Response to DEIS Letter 42

Steve White

1. Comment noted.

2. The comment requesting that building heights be limited to a few stories is noted.

3. The comment regarding locating tall buildings at the back edge of downtown Bellingham is noted.

4. Comment noted. The intent of the Port and City is to rebuild the local waterfront economy, provide new public access, and absorb growth over the long term in a way that complements adjacent neighborhoods.

Draft Environmental Impact Statement for the New Whatcom Redevelopment Project
Connecting Passengers to Rail Transportation
March 10, 2008

The Port of Bellingham, the City of Bellingham, Whatcom County, Western Washington University, and the State of Washington must see the opportunity potential in the redevelopment of the Whatcom waterfront minus the blinders of our car-centric world.

Cars muddle thinking, especially if one recognizes the destruction caused to our society. Congestion, pollution, noise, hazards, and death; car accidents kill tens of thousands of US citizens every year; cars kill more young adult Americans than anything else. 1

Environmental impacts? Does this not include a way to mitigate the impacts that are evident that cars operated by individuals are not a safe, sane, or sustainable transportation system?

This community, the population center of Whatcom County, looks at an unprecedented opportunity to reshape a great portion of the center of the core of the community. We must look to the past and to the future to see how to shape our community into what we want and need.

We must not be blind to the significant opportunity to further connect our community to the mostly-untapped-potential in the mass transit system know as rail. The transportation elements of the Environmental Impact Statement for the New Whatcom Redevelopment Project must acknowledge the need for sustainable and safe mass transportation. The plan must accommodate a vast increase in ridership of trains in order for our transportation system to function in the future. 2

This is not a new idea. One hundred years ago it was the Interurban rail connection from Bellingham to Seattle. See an article at:
http://www.co.snohomish.wa.us/documents/County_Information/interurban_history.pdf 3

Last year the University of Washington and Puget Sound Transit agreed to a $1.6 billion new rail connection from UW's main campus to downtown Seattle.

Environmentally-sound and rider-friendly rail should be a part of the plan for Bellingham's waterfront because that's where the train is, that's where the people are, and that's where the connection should be. Western Washington University alone brings 15,000 students to Bellingham quarterly (the heart of the main campus is less than half-a-mile from the waterfront) most of whom could ride the train as 80% come from outside Whatcom County. 4

The train tracks at the waterfront should not be seen as an obstacle to be bridged but rather as a bridge from this community to others and, as a bridge to connect this community to the future, a future where the car is not the sole mode of transportation. Let's add a New Whatcom Train Station to the plan so we the people can get on the train. 5

Jeff Winslow
1110 E. McLeod Rd.
Bellingham, WA
98226

Response to DEIS Letter 43

Jeff Winslow

1. Refer to the response to EIS Addendum Letter 3, Comment 7. The transportation analysis assumes a reduced dependence on the automobile than observed in the City of Bellingham today and is consistent with the City's Comprehensive Plan mode share goals. Mitigation strategies, including implementation of a TDM program, provision of pedestrian, bicycle, and transit amenities, and coordination with WTA to provide transit routes are provided in the EIS Addendum, SDEIS and the DEIS.

2. Comment noted. There are no existing plans to increase rail service and/or provide stops within The Waterfront District; however, the Harris Avenue Station would continue to serve the site with transit access to and from the vicinity of the redevelopment.

   Rail typically serves more regional and intra-City trips whereas the EIS evaluated site specific and local transportation impacts. As shown in Figures 15 and 16 of the DEIS Appendix N, during the weekday PM peak hour, the majority of traffic generated by the development would be trips local to Bellingham and adjacent communities, which are better served by transit. The site plan does not preclude the addition for rail service in the future if there is regional demand.

3. Comment noted.

4. As described in the response to DEIS Letter 43, Comment 2, there are no existing plans to increase rail service and/or provide stops within The Waterfront District. However, the site plan would not preclude the addition for rail service in the future if there is regional demand.

5. Refer to the response to Comment 4 in this letter.

Greetings Mayor Pike, City Council, and Port of Bellingham officials,

I just learned that the public comment period for the New Whatcom Project's draft environmental impact statement (DEIS), weighing in at 1300 pages, is a mere 30 days. It seems to me that most folks, with normal jobs and lives, couldn't possibly wade through 43.3 pages of this technical document per day.

I believe that a healthy marine environment is crucial to this project and warrants careful analysis of the impact of any development. Citizens should be allowed sufficient time to either read the DEIS or at least consult with professionals who have digested its content. 30 days doesn't seem long enough. Hopefully the brevity of this current comment period is not an indication that the report reveals information in which the Port and City feels it must shield from its citizens. 1

I therefore request that the public comment period be extended to at least 60 days. 90 days would be better.

Any change to the waterfront will last several generations. Of course the marine environment will be impacted. But let's do it right.

All the best,
Diane

Diane Birsner
edbirsner@comcast.net

Dear Andrew Maron,
I am writing to ask you to extend the public comment period for the DEIS for the waterfront redevelopment project. This is an extremely important project for the future of the city of Bellingham. Thirty days is simply not long enough to digest and comment on a document of such magnitude (over 1,000 pages) and import. There should be no reason to fast track this process. 1

Thank you for your attention,
nancy

Gentlemen:
I just picked up my copy of the DEIS for the New Whatcom Project. After hauling all 1,300 pages around, I realized the absurdity of giving the public a 30 day review period for this gigantic and complex document. By doing so, the Port indicates a great disregard for the public that is an important part of this community re-development process. Frankly, I doubt many agency staff who get paid to read these documents will have time to read and understand this tome adequately to provide meaningful comment. Please consider that many local residents have been attending waterfront meetings around the edges of their lives.Most of these folks have jobs, and families--few of them can stop what they are doing for several weeks to make it through this massive document. Further, there are other environmental regulatory processes unfolding at the same time. 1

Please, please, please extend the public comment period to 60 days.
Thank you for your consideration.

Robyn du Pre'
Executive Director
RE Sources for Sustainable Communities
2309 Meridian Street
Bellingham, WA 98225
360-733-8307
360-715-8434 (fax)
www.re-sources.org

Gentlemen,

I join so many in the community who consider a 30 day comment period on a 1,300 page document as a slap in the face of truly desiring carefully construed public comment.

I…… we….. ask you to extend this period to at least 60 days. Give us real opportunity to comment on perhaps the largest development project in our City's history. 1

Let's do it right, with mutual respect.

Thanking you in advance,

Rick Dubrow, *First Hammer*
A-1 Builders and **Adaptations**, our design division
360-734-5249 office; 360-319-3705 cell
www.a1builders.ws

I just received an alert from RE Sources that the Draft Environmental Impact Statement (DEIS) for the waterfront redevelopment project has just been released. Although the document is 1,300 pages long you've only scheduled a 30 day public comment period. That's entirely inadequate! With all the technical information that needs to be reviewed, the public comment period should be no shorter than 60 days. This is too important a project to cut out the public now. Please extend the public comment period. 1

Linda Fels
3920 Academy Street
Bellingham, WA
8226

Mr. Maron,

This morning I requested a copy of the DEIS on CD. But I find it a bit disturbing that, after having participated extensively in the process related to the waterfront, I had to request to participate this time. In other words, I think the Port should be pro-active in distributing disks, or at least a public notice, to parties who have shown interest. (Remarkably, I've also found nothing about the DEIS in the Bellingham Bay Foundation's mailbox.) 1

For this and other reasons (including the volume of material), I also believe the public comment period should be substantially longer than 30 days. I request that you extend it to at least 60 days.

Thank you, Mitch Friedman

Mitch Friedman, Executive Director
Conservation Northwest
www.conservationnw.org
1208 Bay St., #201
Bellingham WA 98225
360-671-9950 ext. 13
360-319-9266 mobile

Join us to help protect and connect old-growth forests and other wild areas from the Washington Coast to the BC Rockies: http://www.conservationnw.org/getinvolved
We also broadcast an email alert that gives you the power to take action. To subscribe, send a blank email to wildnw-subscribe@lists.onenw.org

It has come to my attention that the Port of Bellingham has just released the Draft Environmental Impact Statement (DEIS) for the New Whatcom project. Due to the complexity and length of this document, I ask that you give citizens reasonable opportunity to review and prepare for public comment. Please extend the comment period to at least 60 days to allow for fair process. 1

Thank you,
Amanda Grove

Port of Bellingham,

I think that the 30 day period set by the port for comment on the recently released Draft Environmental Impact Statement for the New Whatcom Project is too short a time for one to digest the large amount of information contained therein and then generate a comment. It appears that it will take a lot of time to plow through the technical data etc revealed in this document. I would like to see the comment period extended to at least 60 days for those of us "civilians" who would like to comment yet must still carry on the other functions of our lives. 1

Thank You
Henry M. Lagergren
324 Sudden Valley
Bellingham, WA 98229

Port of Bellingham Directors and Commissioners,

In regards to Draft Environmental Impact Statement (DEIS) for the New Whatcom project (the waterfront redevelopment project), I understand that the Port has set a 30 day comment period for this DEIS, with comments currently due on February 8.
I strongly believe that citizens ought to be given more time to review this very important regulatory document, and request that the comment period be extended to at least 60 days, if not more. 1

Regards,

David MacLeod
2123 1/2 C St.
Bellingham, WA 98225

To whom it may concern:
60 day comment period, please.

30 days is NOT enough for digesting and discussion for the development of Bellingham's shoreline downtown.
With my internet connection at home, it's barely enough time to download the document!
Sincerely,
Mary H. Mele
531 W.Kellogg RD
Bellingham, WA 98226

1

This is an e-mail on behalf of the Northwest Straits chapter of the Surfrider Foundation. I am the Head Chair for this chapter and would like to request that the Port of Bellingham, the city council members, and mayor of Bellingham PLEASE extend the DEIS public response time at least 60 (sixty) days. I just received an e-mail from a concerned citizen informing me that the DEIS report was just recently released and that the public will only have until February 8 to respond. This is such an extensive statement and will impact so much that WE citizens of Whatcom County need more time to review, comprehend, and respond. 1

Thank you very much for your time. I hope you take the time to reflect and respond conscientiously on this request as I am positive that many other concerned citizens feel that we all need more time.

Sincerely,

Jocylin Palmer

Chairperson for Northwest Straits Surfrider Foundation

Andrew Maron,

Given that the document up for review is an extensive document addressing a topic of great significance to Bellingham's future, I feel that 30 days for response is too brief. Twice that time would leave one scrambling in order to digest this information and develop a constructive response. 1

I urge that the review time be extended from 30 days to at least 60 days for citizen response.

Darrell Phare

Please add my name to the list of those requesting a longer (60 day minimum) period for public review and comment on the Draft EIS for the waterfront redevelopment. 1

Thanks for your consideration of this issue.

Best Regards,

Alex Ramel

360.305.5079
ARamel@isomedia.com

"Now we hold in our hands truly incredible gifts to the future: gifts of bright fish among sand and coral; gifts of intact glaciers and ice sheets the size of continents; gifts of polar bears, and seals and salmon; gifts of frogs and forests . . . What amazing gifts we have in our power to pass on. What a time to be alive . . . I am grateful for the opportunity to fight for the things I love." - Eban Goodstein

1,300 pages?!?!? 30 days to comment?!?!?!
Thats crazy.
Please respectfuly consider extending the comment period ro 60 days.
Kate Rempfer

1

Mr. Andrew Maron, Mr Mike Stoner, Mr. Jim Darling, Mr. Scott Walker, Mr, Jim Jorgenson, Mr. Doug Smith,

I have before me two computer disks containing the Draft Environmental Impact Statement for the New Whatcom Redevelopment Project. Looking over the material on the disks I am impressed with the amount of reading, thinking, and discussing the citizens of Bellingham and Whatcom County must accomplish before February 8th if we are to participate responsibly in the plan to redevelop their city's waterfront. There are
679 pages of documents on the first disk and 1387 pages on the second; looking at titles and headings as I count pages I see much that looks interesting. 1

How will I find time to read all this and talk it over with others? The word 'impressed' that I used above doesn't describe my feelings, 'dismayed' would be better word. Could we have another month to do this?

-Bert Rubash

Dear Port of Bellingham Commissioners:

I urge you to extend the public comment period for the New Whatcom Waterfront DEIS to no less than 60 days.

30 days is far to few for citizens who are concerned about the future of the waterfront but also have fulltime jobs and families to throughly review and comment on a technical, 1,300 page document. 1

Respectfully,

Andy Wickstrand
1810 I St.
Bellingham, WA 98225

Response to DEIS Letters 44 through 59

Diane Birsner, Nancy __, Robyn du Pre', Rick Dubrow, Linda Fels, Mitch Friedman, Amanda Grove, Henry M. Lagergren, David MacLeod, Mary H. Mele, Jocylin Palmer, Darrell Phare, Alex Ramel, Kate Rempfer, Bert Rubash, Andy Wickstrand.

1. As requested by these and other commentors, the public comment period on the DEIS was extended from the required 30 days to 60 days.

CITY OF BELLINGHAM

BELLINGHAM WATERFRONT REDEVELOPMENT PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC COMMENTS

2:00 P.M.

Wednesday February 20th, 2008

Port of Bellingham

355 Harris Avenue

Bellingham, Washington

JACQUELINE L. BELLOWS, CCR 2297

WILLLIAM McLAUGHLIN, CCR 3128

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STATEMENT OF DAVE COURTIS

My name is Dave Courtis. And I live at 440 Highland Drive. I may want to have a bit more than five minutes, if that's going to be okay. There's just a couple of us that wish to talk.

I'm going to make some general comments, and I'm also planning on submitting written comments.

First of all, in the draft EIS, the public comments that were made were summarized. And I thought rather in a general manner. And it did not provide me or other members of the public the opportunity to really understand what the public comments were. So I would encourage you for the final EIS, that you actually have a section where you list the public comments and then, next to that, how each of those comments was either addressed in the EIS or you felt was inappropriate or whatever your response is. I think just having a general comment is not really very satisfactory. 1

I also, on a second point, realize that the Port is apparently running this process. As a resident of Bellingham and a taxpayer and someone who is going to be helping pay for any development down there, I'm disappointed that the City is not a cosponsor of the draft EIS. 2

And specifically, the Port had listed a number of 3

objectives which they hope that would be addressed in the EIS. I'm not sure I have any disagreements with those. I'm not sure the City would have had any disagreements with those. But I think it would have been really pretty nice if the City had also had the opportunity to work with the Port and have a joint objective, Port-City objectives. 3 Cont'd

Thirdly, if a preferred alternative comes out in the future as a result of mixing and matching the three or four alternatives that are in the draft EIS, I would hope that at that point, after the mixing and matching has occurred, that the public would have another opportunity to provide comment and input into that particular document that comes up. 4

And I think also it would be desirable if, in the body or maybe the initial part of the Final EIS, that there's a specific identification of how each one of the alternatives fulfills the vision comment that is there in the -- from the Waterfront Futures and also various other public comments that sorts of says This is what public wants to have in the Waterfront District. And I think by doing that, it should then be obvious as to where there may be deficiencies and, if there are deficiencies, how those deficiencies might be addressed. 5

My final comment -- and I realize that this perhaps is not something that should be part of the EIS process; but I think if it isn't, it's a mistake. We're talking in the 6

Draft EIS as to the impacts on the City as it currently exists, the impacts on the environment, the impacts on the people who currently live here and work here, this type of thing.

There doesn't seem to be any concern about the people who are going to be actually living, working, and visiting in the Waterfront District. And people are not going to be coming to the Waterfront District to live, work, or visit; developers are not going to be wanting to put up their money unless the Waterfront District is a very attractive place to be.

And they're not going to want to be in places where there's traffic congestion, where the level of service for intersections and streets is F and that's considered to be acceptable. I don't think people are going to want to be there if there's inadequate parks; if view corridors are masked by large, bulky buildings; if the access to the waterfront is restricted; if large buildings form a blockade, a wall, that cuts off the rest of Bellingham from the Waterfront District rather than being a nice, inviting, come-here-and-visit, come-here-and-work, come-here-and-live type of process.

6 Cont'd

You know, I think parking is obviously a big issue. And I think it's something where the focus should be on how to make this people friendly, how to make this an area where

7

people want to come, want to work, want to live, and developers want to spend their money to develop the area.

7 Cont'd

And I think a big deficiency in the Draft EIS is a lack of a cohesive transportation plan. It's sort of like business as usual. We're going to run cars in there. We're going to park them; and we'll pay lip service to bicycle, maybe transit, maybe pedestrians. But I think there's a lack of focus on how can we make this once again a very attractive place to live, work, and visit.

8

Those are my general comments. And as I say, I'm planning on submitting written comments as well. Thank you for the opportunity to talk to you today.

Continued on page 28

STATEMENT OF AL HANNERS

I'm Al Hanners. I live at 3007 Plymouth Drive, Bellingham, Washington 98225.

And to begin with, I wanted to say two things: I think Dave just made a number of very good points. And near as I can tell, I don't have any disagreements with him at all.

And the other thing I want to say is that I favor the marina. And my concern is the welfare of people here. 1

And I'm a retired geologist. And years ago, I was a member of the Western Washington University Committee of Geologists on Earthquakes. And one of the things that concerns me is tsunamis. And recently a -- how much more time?

Now anyhow, we knew that there was some danger of tsunamis. There's geological evidence along the shore of tsunamis in the past. So you can't say they won't happen. They don't happen very often; but when they do, the consequences are pretty severe as I think all of you know. And more recently, some geologists at Western Washington University said more less the same things: They were concerned about it. As far as I know, it's never really been considered. 2

And I think at the very minimum, the buildings ought 3

to be built so that people can survive in them, and they will not be ruined. They've got to have some place to go before it hits. And I think there are now some tsunami warnings around. 3 Cont'd

And I think a lot of you have heard about plate tectonics. One of the major faults is offshore. And that's what the problem is. And I think any construction should take that into account so that wherever the people go for reference is safe, reasonably safe. 4

So that's all I have to say.

Continued on page 22

Commentary 62

STATEMENT OF MARIE HITCHMAN

Marie Hitchman, 601 16th Street, Bellingham 98225. I came to listen, but I guess I'll say a little something.

I'm thinking back historically to when the people of the State of Washington passed the Shoreline Management Act. And Mayor Reg Williams at the time appointed a committee of nine people to work up a Master Program for the City.

I was one of those nine people. And we met every week for a whole year, and one of the things that was difficult for me was the fact that everything had been pretty much zoned industrial along almost all of the Bellingham waterfront.

So as time went by, I've always maintained an interest in the shoreline and in marine issues. I've been a sailor out here for over 40 years. And so I guess, I guess, we do have to compromise with nature and have our marinas.

But I guess what I want to say is that right now we have an opportunity to return some of this shoreline to nature and nature's processes. And -- I'm in trouble because I haven't really read the EIS. I remember going -- how long ago was that, Mike, when we had the rundown on the latest plans? And I don't -- I guess I came today hoping to know what some of the changes have been. 1

But I just want to say in general that, when we're

thinking about redeveloping this area, we need to make as much provision as possible for nature's processes. You know, we used to have an absolutely huge fishing fleet here. We used to have wonderful salmon. I'm focusing personally right now on things that are happening up around Cherry Point. So I'm not up-to-date on the EIS.

But I just want to make a general comment that whatever we do, we need to try to do as much as possible to help nature along. Thank you.

1 Cont'd

Continued on page 19

STATEMENT OF KEN CARRASCO

Good afternoon. My name is Ken Carrasco, spelled C-A-R-R-A-S-C-O. My address is Post Office Box 108, Acme, 98220.

I'm a fisheries and marine biologist by background and a certified fisheries professional. I served on the board of the Nooksack Salmon Enhancement Association, NSEA.

And I'm looking at the DEIS and this entire project from NSEA's standpoint. For background, NSEA is a community-based nonprofit organization dedicated to restoring sustainable wild salmon runs in Whatcom County. We're partially funded by the Washington Department of Fish & Wildlife and also by a number of grants and private donations from individuals and organizations in the community.

So we've been looking at the DEIS from the standpoint that, you know, in the last decade or so the near-shore area, pocket estuaries, small areas along the shoreline have been recognized as very important for migrating, both in-migrating and out-migrating salmon species.

So there's three areas of concern: Habitat, water quality, and education. And we're still looking at the habitat and the water-quality sections. We'll be submitting

some written comments.

But I'd like to talk today about the marina, which I can see is included in all of the alternatives, including the no-effect alternative. And for background, I'm a customer at the Port. My wife and I own a diesel power boat which we have been keeping at Gate 6, Squalicum Marina. I'm for the Coast Guard Auxillary, marina environmental protection officer. So I am pretty involved.

I am speaking purely on the basis from a density standpoint. The DEIS drew an equivalency between removing the watersheds from the Whatcom Waterway and the number of new recreational boats, whether 460 or 600, that would be included in the new marina created. And I would disagree on that based as a boat owner and what I see at Squalicum Marina. I think there's a couple of things that we should keep in mind. 1

One is the fuel usage. Smaller recreational boats can eat up a lot of fuel. I looked on the internet today. I saw a 33-foot gasoline powerboat will burn up, use about 0.8 to 0.9 gallons of fuel just to go -- I'm sorry. I got that mixed up. One gallon of fuel will buy you 0.8 to 0.9 miles. So just running the transit up and down or just down, one way, from here to Eliza Island will burn about 10 or 11 gallons of fuel. 2

Our boat uses quite a bit less because we're diesel.

But nonetheless, small boats use quite a bit of fuel. And ignoring the global implications from geopolitics and global warming, that's still a huge impact on air quality and also water quality too. 2 Cont'd

Small boats can put out a lot of fuel into the water, either by what's called [inaudible] where there's fuel going past the rings into the water through exhaust or refueling accidents. This is something that the Coast Guard Auxillary is looking at, the question of refueling part. But that's only part of the answer. 3

The other thing is maintenance, people getting out there and maintaining their boats. They like to use biodegradable ingredients, but they don't realize that those are often toxic to the salmon fry and other animals living in the water. By the way, I do see a lot of salmon fry down in the harbor. I've never used a dip net to find out exactly what species they are. But salmon fry do use Squalicum Harbor to hang out in. 4

Fourthly, I would also include the layer of antifouling paints. There's a lot of people who, by necessity, paint the bottom of their boats with a copper-based antifouling paint in order to discourage barnacles, algae, whatever is growing on their boats. 5

So I've got four suggestions, though. One is that I see in the EIS that live-aboards are limited to 2 percent. 6

And I would suggest that live-aboard boaters can actually provide benefits. I would increase that percentage and include a permit or recertification program to allow people to be live-aboards at the marina. They can be extra eyes, including at night or during storms when nobody else is around. So I think there is some value to live-aboard boaters. 6 Cont'd

Two, more easy and convenient pump outs. I think the Port has been going in the right direction with their new pump-out machines. But there are problems with the machines. Like at Gate 9, there is no easy access to a pump-out machine. So a lot of people will pump their tank overboard out in the water, something we'd like to discourage. 7

Four -- or three, rather, we would like to see the use or encourage the use of bio diesel. Bio diesel, I think, is mature as a fuel. I'm using it as much as I can on our own boat, because the local air quality and also it's a much less toxic fuel than petroleum diesel. I think, as part of the new port, if we could encourage the use of small vessel sea money, tankage dockage in order to facilitate and encourage the use of bio diesel, I think the Port will be much further along in terms of less toxic fuel. 8

Education programs, use boaters like the Coast Guard Auxilliary to educate boaters, help make responsible boating 9

the norm rather than people having to feel that they have to undergo regulatory compliance. I think a peer-to-peer education program with small grants provided to Marine Life Center resources, Coast Guard Auxilliary will go a long ways to teaching people how to be more responsible boaters. 9 Cont'd

I think I see this as a wonderful opportunity to give people a sense of place. This is the moment. This is a real opportunity to provide more connection, better connection, between the people and the community, the natural, marine natural resources. Thanks.

STATEMENT OF ELI MACKEIWICZ

Hello. My name is Eli Mackeiwicz, M-A-C-K-I-E-W-I-C-Z. I live at 2733 Lynn Street in Bellingham. I just wanted to touch a little bit on what Maria said and what Ken has talked about as far as fishery recovery.

Reading the Draft EIS, I see a lot of concentration on shoreline development, which is great, and habitat restoration along the shoreline, which is also, you know -- will be very helpful not only to make it unique to Bellingham being ecologically friendly but also to aid in recovery of salmon runs in waterways in Whatcom County. 1

Something that I think is significantly missing is alternatives or mitigation techniques that would involve Whatcom Creek if there are impacts to salmon that are determined to be a result of the development. Mitigation techniques are basically concentrated along the shoreline, like I said. I'd like to see creeks- or watershed-based restoration and mitigation. 2

I just want to real quick -- this may be a little corny, but I have this. From 1973, this is Bellingham City Council talking about when Maritime Heritage Park Fish Hatchery was implemented. And this is on the meaning of Whatcom Creek. It's a real short passage here at the very 3

bottom.

It says: "Of significance equal to the economic value of the creek is it being nature's biggest gift to downtown. If given any chance, it could be a refreshing and sure source of plant and fish life and a mecca for visitors and citizens alike. This strong natural asset asks for recognition. Today is a good time to restore the creek and its shores and, in doing so, rebuild the strength of this important part of downtown." Again, 1973.

So perhaps maybe now is the time to, "a good time to restore the creek and its shores and, in doing so, rebuild the strength of this important part of downtown."

3 Cont'd

I guess my general point point, like I said, I'd like to see mitigation techniques addressed towards Whatcom Creek, @ Patton Creek, the Nooksack River, wherever it would be pertinent to mitigate any damage, where it would be most effective. I agree that the quality of habitat will improve in the redevelopment but maybe not the effectiveness of the habitat. But that I've gotten into in my written statement, in which I will go into more detail on these things.

4

Just my general point is that I don't see the full benefit of creating habitat if you're not going to work hard to restore the salmon runs so that the habitat is actually used. Thank you.

5

Commentary 62

STATEMENT OF MARIE HITCHMAN (Continued)

(Continued from page 11)

I'm not very good on my feet, impromptu. And I just thought of a couple things that just somehow got lost. And that is when I was telling you about the history, politically, of the Shoreline Management Act, that the two most important features of the Shoreline Management Act, the intent of the people was, one, to increase public access; secondly, to have waterfront developments that are marine dependent. 2

And I think as we work our way through this Port of Bellingham process, we need to think in terms of businesses that are water dependent. I know there's the financial constraints and the financial juggling; but if we can keep that in mind, we won't be so inclined to fill it up with condos and things like that. 3

STATEMENT OF SCOTT SANDERSON

My name is Scott Sanderson. I live at 808 20th Street, Bellingham, Apartment 108. I'm not very good at speaking in public. So I'm going to work my way through this as best I can.

This plan will have the greatest impact on the Bellingham region in the last to next 200 years. We only have one chance to get it right. The latest studies from the Department of Ecology indicate a higher sea-level rise than has been spec-ed out on the EIS. This just came up on the 17th. I have copy for you, and left it in the back desk. 1

Increasing the hydraulic pressure on the capped pollutants, which is proposed as one of the ways to handle these things down there, could possibly drive them into aquifers, through the fractured substrate, thus polluting all of the water table in the region, something that you didn't plan for. Just in case, I always say, plan for the worst; hope for the best. 2

This is not something to be rushed into. It's going to take time to get it right. We only have one chance. All possible issues need to be addressed before any change occurs. And because, as I say, once the genie's out of the bottle, it's awfully hard to put it back. So that's my 3

view.

Commentary 61 Cont'd

STATEMENT OF AL HANNERS (Continued)

(Continued from page 9)

The second time around. Well, I thought of something; and I want to thank you folks for giving us a chance to say something. And I think there's a lot of good remarks here today. I hope that the authorities who have the power to do something about will listen to it. And that's all I have to say. Thank you again.

5

Commentary 66

STATEMENT OF LYNETTE FELBER

My name is Lynette Felber, 507 14th Street. F, as in Frank, E-L-B-E-R.

I have prepared written comments to submit. But since no one is or not everyone is speaking here, I thought I would read some excerpts. And I did read a good portion of the report, being a compulsive reader. And I'm not a scientist; but my concern is mainly with the density, especially with the highest density proposed.

The chapters that I spent the most time looking at were the visual projections of what the buildings would look like, the height and impact on the surroundings. So those are the main things that I'd like to address.

Mayor Pike had the right idea when he urged the Port to consider a lower level of density for the new waterfront. The mayor's previous caution about urban growth areas should also apply to this project. The development cannot be undone, and therefore we should be cautious about planning an over ambitious overly dense project. 1

The 1300 pages of the DEIS on the waterfront project present a plan with a scope of a metropolis within the City of Bellingham. The least dense option for development is the most prudent course of action at this time. In this case, less is more. Major concerns that must be addressed

are the cost to the taxpayers, the negative impacts on the downtown and adjacent neighborhoods, an oversupply of expensive housing, insufficient professional jobs, and the state of the current economy. 1 Cont'd

The draft EIS puts the cost of the waterfront development at $335 million for 20 years in 2006 dollars. If the community of Bellingham is concerned about the cost of the new library at 56 million, how will they feel about the cost of the new waterfront? There is, in the report, one million of jump-start money from an Innovative Partnership Zone grant. And that money would pay for some of the infrastructure. But if the city is responsible for the cost of most of the infrastructure and the Port reaps the financial rewards of owning the land, how much will be paid for by the developers who might profit from building the new waterfront? 2

The reports states that future developers might contribute the funding for roads and infrastructure. Why not make such contributions a requirement for a chance to build on this unique property? Since the expenses of the Port show up on our property tax statements, which I have received this week, we must ask what are the benefits of this development to the people Bellingham. One of the things in particular that disturbed me about these proposals is that I noticed that the proposal with the largest park 3

and public areas is the one with the highest density. And it seems like we're asked to sort of bargain away public areas for the highest level of development.

3 Cont'd

As the visual projections in the DEIS show, the new plans for the waterfront would dwarf the downtown of Bellingham as it currently exists and significant historical structures such as the Whatcom History and Art Museum. The depictions of the maximum height envelope reveal that the hills and trees that give our city its natural beauty will be obscured by the tall buildings.

4

Bellingham currently has a vibrant mixed-use downtown. Will the new metropolis proposed for the waterfront compete with existing businesses downtown, especially retail and restaurants? As a mixed-use development, the new waterfront also includes housing in the form of condo towers. What's needed in Bellingham, as the plan acknowledges, is low-cost housing for the large percentage of low-income residents. Three large condo towers have already been proposed for urban growth, Morse Tower, Fairhaven Harbors, and so forth. The proposal suggests that yet more expensive condos will be built while those currently on the market remain unsold.

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Adjoining neighborhoods such as the lettered streets and Old Town need to be protected from rapid overdevelopment of the waterfront. The visual projections demonstrate that

7

many existing residents would see their water views diminished or obstructed. The views of the city from the water are also negatively impacted. 7 Cont'd

The DEIS admits the noise of construction, especially pile driving, would be considerable. They do offer some solutions to mitigate the noise. 8

After construction is finished, the new residential and business population will have enormous effect on adjacent areas. One projection in the DEIS estimates more than 5,700 vehicle trips per day to the new development. 9 The city is already experiencing conflicts between residents and nightclubs over noise. Any further development that mixes residential, retail, and industrial uses needs to consider noise and traffic abatement.

One thing that everyone agrees upon is that Bellingham needs more professional jobs. However, except for the proposed inclusion of Western Washington University, the immediate jobs proposed are primarily construction jobs -- temporary jobs. The DEIS claims it will attract new CEO's to office space. But it has no details about actual business or industries with plans to relocate to the new port. Merely building office space does not guarantee occupancy by new businesses or quality job creation. There are a number of empty retail spaces in Bellingham and Fairhaven yet to be rented. 10

In recent years, Bellingham has adopted the if-you-build-it, they-will-come model. It is also necessary, however, to consider our boom-and-bust history. The recent influx of new residents was fueled, at least in part, by the housing and mortgage bubble in places like California and Seattle. The strong Canadian dollar has also played a part. Both the Port's 6-million-square-foot plan and the mayor's 4-million proposed development exceed caution in the recessionary economy and the early aftermath of the real estate bubble. 11

Further, it is essential to consider why new residents have chosen Bellingham. They're drawn here by the natural beauty, the green consciousness of the community, and the quaint, small-city atmosphere. Any new development must respect the history of our downtown as well as the marine history and industrial character of the waterfront. If we become just another Seattle north or Vancouver south, those new residents might as well choose the urban villages of those large cities offering more job opportunities and cultural advantages. 12

Thank you for the opportunity to talk about the proposal.

Commentary 60 Cont'd

STATEMENT OF DAVE COURTIS (Continued)

(Continued from page 6)

Dave Courtis again. My last name is C-O-U-R-T-I-S.

The previous speaker reminded me of something that I thought I would mention. And that's the section in the Draft Environmental Impact Statement where there's photos taken from various viewpoints and then a building envelope is superimposed on that photo and then the building mask. I felt that was extremely valuable. I thought it was very useful for me and, I hope, other members of the public to get a real idea of what the buildings would look like and how that potentially could impact the view corridors and, if somebody's walking around downtown, what they'd see at the time of development. 9

However, in looking at it -- and unfortunately I don't have the specific photos with me. But I will mention, list those in my remarks that I submit subsequently. When you look at the envelope of building heights and then you look at the building sizes, which are the accompanying photo, it appears to me that in a number of cases the building heights are significantly less than what is shown on the envelope of building height. And I recognize that these are representations of buildings. But it seems to me that, if you're saying that the envelope of building height is, say, 200 feet and the demonstrated buildings are, like, 10

100 feet high, it has a definite impact as far as you look at it without recognizing that's a potential problem and saying, Oh, the view impact is not going to be that great. However, if you look at the envelope, all of a sudden, views of Lummi Island or other areas that I think are scenically important, all of a sudden, they're masked. I would suggest that whoever did that work maybe go back and revisit that and make sure that the representations are accurate and not something where it's misleading the public.

Thank you.

10 Cont'd

STATEMENT OF PETER AMBROSE

My name is Peter Ambrose and I'm a sailor. I'd just like to make a comment. 1537 Fairview Street, Bellingham, Washington 98229. And this is a brief statement. I have entered written things, I have also commented before.

But I represent a significant number of people in Bellingham that sail sailboats, keel boats, which are boats without retractable keels; and dinghies, and other watercraft and I'm a member of the yacht club. And I've sailed an Etchells which is a 30-foot boat since 1981 and before that, I sailed every year. And I sailed another boat before that, since 76. So I'm very familiar with sailing on Bellingham Bay.

The boats, the Etchells, of which there are 10 here in Bellingham now, race every Wednesday from April through September. In most places, they're sailed as dry boats, they're dry sail. That means they're lifted out of the water and stored on trailers. And the reason for that is, they pick up from 50 to 150 pounds of water, and to be competitive going to Seattle or San Diego or San Francisco, you have to have a boat that's minimum weight to be competitive. That's not the only thing. You've got to have a lot of other things too.

But the point is that up here we don't have that facility now. We have a couple of cranes. They don't always

work. They were dedicated to the fishing fleet, so we take second fiddle. You can't reserve them to put the boats in the water. And all this is in the way of saying right now there's five or six Etchells sailors that would immediately put their boats up on trailers if they could.

And so this is, looking at the Environmental Impact Statement, there's lots of areas there that I would love to choose to put one of these facilities. And this is not just for Etchells. This is for, there's other keel boats J-24s, Melges, 24's and 30's, dinghies, lots of dinghies, then other watercraft that could use an associated ramp. You've got to have two lifts, you've got to have a place to store the boats and then you have to consider wind and things like where the oil collects. 1

Like, the oil collects, from the commercial fleet, down along -- that usually blows this way so it blows up against the bulk heads. So when there's a little bit of wind but not a lot of wind blowing, which is quite a bit of the time 'cause it's blocked by the other boats, there's a big sheen of oil right around the launching facility. You pick your boat out, it's left with, all the way down, with oil. Of course then you have to wash it off, then you take the oil out of the water and you wash it with a hose and it comes back dawn onto the asphalt. So those types of things have to be all thought out. 2

There's an excellent facility right now for dinghies and small craft in Chicago. It's one of the best in the world, so it would be a useful thing to get ideas from. But this, I want to go on record as other people have of requesting you take a look at this facility. And certainly we'd be willing to help find other facilities that might be useful in comparing this. 3

Thank you.

Commentary 68

STATEMENT OF ROGER LAMB

My name is Roger Lamb, and I live about 3/10 of a mile from here. I paddle, surf, ski, and sea kayak a lot, like every day. And I want to make sure that I'm able to carry my boat on my shoulder from my car, less than 50 yards to the water. So what I care about is having a parking space with my car with no trailer and a way to walk into the water. Stairs, ramp, anything at all, just so I can walk into the water. I just want to make sure there's plenty of parking. 1

I'm not sure how the plan is going, but I want to make sure that you know what my interests and a lot of my copaddlers' interests are. That's it.

Commentary 69

STATEMENT OF SCOTT BARR

My name is Scott Barr and I live at 2315 Eldrige Avenue in Bellingham. And I, of course, brought all my notes except for the ones that pertain to the EIS tonight. So I'll try to do this of the top of my head from what I can remember.

The particular issue I want to speak to is actually the issue of fill on the site. I believe the EIS said there was -- this is from memory -- I think around 700,000 cubic yards of material were estimated to be put on the site over the period of construction. My concern is that the EIS seems to assume that this is going to be evenly divided over the 20-year build-up period. 1

I think that's extremely optimistic and unrealistic to assume that that's how the fill would actually be put on the site. My guess is that there will be peak periods that would be three, four, five times that much fill delivered as non-peak times. 2

I believe it said that there would be 34 truck trips per day, assuming this 20-year flat rate of fill delivery. And that was 17 trips in, 17 trips out. I believe that's an unrealistic estimate, again based on the fact that there will be peak periods when there will be fill delivered to the site. The alternative was that -- also presented in the 3 4

EIS, was that there could be -- some fill material could be delivered by barge. But I don't believe there was any estimate in there of what percentage of it could be delivered by trucks and which by barge. And if some of it was going to be delivered by barge, then we also need to think about what are the impacts going to be from that much barge traffic, which is not currently happening in that area of the city.

4 Cont'd

I think that's it. There will be noise impacts, obviously, from the trucks. If you think about 34 truck trips per day over a 10-hour day, about every 20 minutes or so. And if you think of multiplying that by 3 or 4 times, that's one every 5 or 10 minutes. And these are big trucks. So I wish that would be addressed in the EIS. Thank you.

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Commentary 70

STATEMENT OF LEROY ROHDE

My name's Leroy Rohde, and I live out on 4961 Noon Road. It's on the county, but it is a Bellingham address. Now, I'm a longshoreman, and I'm kind of walking into this a little blind. I don't know really what you're after; but I guess as a longshoreman and somebody whose made their living off this waterfront for at least the last 28 years, I'd like to see a good emphasis on preserving the availability of shipping down at the port dock. 1

You know, a person just commented about all the truck and barge traffic. Well, just a few years ago, there was a whole lot more activity and noise and everything else; but there was a whole lot more good-paying jobs down there too, and somehow we survived. 2

I'd just like to make emphasis that that's a facility that can't really be replicated anymore, as we all know. You couldn't build a new port facility if you wanted to, practically anywhere on the coast. So let's concentrate on preserving that. Keep that available for good jobs. Thank you. 3

STATEMENT OF RODD PEMBLE

Good evening. Rodd Pemble, 2915 Cedarwood Ave. in Bellingham, and I'm here on behalf of myself. I haven't had a chance to look at the report in detail, but I've been part of the process for the last several years and would like to offer some kind of overarching not detail-related comments.

But -- and the first one I'd like to make is that I still haven't seen an economic analysis. And I think that it's gonna be, perhaps not impossible, but very difficult for the community and policy makers to decide what are appropriate factors in the Environmental Impact Statement as we go forward if we don't have some way of including the economic picture as part of that. 1

My suspicion is that somebody has done some analysis in that regard, probably with tax money. So that's why I feel like I have the right to ask for taxpayers to see that.

Secondly, I'm frustrated again with just the presentation of this phase of the process. As I look at the drawings over here -- I'm fairly familiar with the site. I'm familiar with some of the alternatives that have been discussed in the past, but I feel like if the average citizen of Bellingham looked at these, they aren't gonna be able to make sense out of them very well for several reasons. 2

And again, these don't have anything to do with the detail of which building goes where, how many square feet for housing and things like that. There's no record on there, for each area, of what the green/open space is. How many acres is it? How does that compare with the site as a whole? There's no way to look at those and tell that. Now maybe that's in the report but chances are that requires wading through and tracking that down; where, if this is supposed to be the public interface with this part of the process, I think people are gonna be frustrated by it. 3

Secondly, I think there's things that just don't make sense when the least dense alternative clearly, just looking at that drawing, has the least amount of park and green space acreage. That just doesn't ring with common sense. If you have less development, you should have more open space and yet we're saying No, the least dense alternative is gonna have the least amount of open space. Without some kind of explanation and supporting clarifying information for folks, I think it's just another potential hurdle that people have to becoming and staying involved in the process. And I think you can look out in the audience tonight and see people are already pretty fatigued with this process. 4

And finally, I guess I would offer that the height of buildings is clearly something that's considered in these 5

density alternatives, anybody who's looking ahead understands that if you take, let's say, 40 acres of this site and you build buildings that are two stories high, you get so much square footage. 42,000, 43,000 square foot an acre times 50 acres, that's a couple million square feet. If you go up two floors, well now you've got twice as many square feet to work with. If you go up six floors, you have six times that square footage. 5 Cont'd

But there's no way to look at the drawings and have a sense of, well, what are we talking about. When it says least dense, does that mean everything is 1 story high or does it mean there's big open spaces between 8 to 10 story buildings? Those I think are important considerations in the environmental impact statement because it's going to impact how much surface there is, the impact of traffic, parking, the ratio of housing to employment.

Which these, some of these numbers look very, very different to me than early discussions I had with developers in the community in terms of ratios that they envisioned for the waterfront. And so it's hard for me to have been to those meeting and now look at these and come to some kind of sensible understanding of that. 6

I understand that building heights haven't been set but I think if you're creating scenarios for people, just simply saying it's the least dense, it's the mid-dense it's 7

the most dense. I don't know that these are very helpful to people to evaluate a long-term decision. I understand Mayor Pike thinks 4 million square feet is enough development but I thing that's much too vague and broad a way to make the decision.

7 Cont'd

I think you have to have more detail in there about, well what does that mean, 4 million square feet at a height of 60 feet above grade, or we can allow 30 percent of the buildings to be taller than that? I think that it just doesn't allow the citizens to participate in an intelligent way and make comments. Thank you.

8

Response to DEIS Commentary 60

David Courtis

(From page 4 - 7 of the hearing transcript)

1. Please refer to the response to DEIS Letter 22, Comment 1.

2. Please refer to the response to DEIS Letter 22, Comment 2.

3. Please refer to the response to DEIS Letter 22, Comment 2.

4. Please refer to the response to DEIS Letter 22, Comment 3.

5. Please refer to the response to DEIS Letter 22, Comment 5.

6. Please refer to the response to DEIS Letter 22, Comment 6.

7. Please refer to the response to DEIS Letter 22, Comment 34.

8. As described in the response to SDEIS Letter 14, Comment 15, the EIS transportation analysis is intended to provide a reasonable upper level determination of transportation impacts. The EIS is a disclosure document that evaluates the Proposed Actions and makes recommendations for mitigations to be incorporated into the Master Development Plan. Transportation plans and requirements would be developed as part of the Master Development Plan process and Development Agreement.

(From page 28 - 29 of the hearing transcript)

9. Comment noted.

10. Comment noted. Please refer to Response to DEIS Letter 22, David Courtis, comments 12, 13, 16, 18, 19, 20 and 21.

Response to DEIS Commentary 61

Al Hanners

(From page 8 - 9 of the hearing transcript)

1. Comment noted.

2. Comment noted. Refer to the responses to Comments 5, 16, 20, 21 and 22 of DEIS Letter 29.

3. Refer to the responses to Comments 5 and 7 of DEIS Letter 29.

4. Refer to the response to Comment 16 of DEIS Letter 29.

(From page 22 of the hearing transcript)

5. Comment noted.

Response to DEIS Commentary 62

Marie Hitchman

(From page 10 - 11 of the hearing transcript)

1. Comment noted. Please refer to the response to DEIS Letter 32, Comments 13 and 14.

(From page 19 of the hearing transcript)

2. Please refer SDEIS Letter 2, Comments 4, 5, 6 and 28.

3. Please refer SDEIS Letter 2, Comments 4, 5, and 6.

Response to DEIS Commentary 63

Ken Carrasco

(From page 12 - 16 of the hearing transcript)

1. Comment noted.

2. Comment noted. Although marine recreational vessels do consume fuel and contribute emissions to the regions' air quality index, Whatcom County has a long history of good air quality and continues to improve as vehicles (both roadway and marine) become more efficient. The increase in marine vessels from this project would be considered relatively small compared to the number of vehicles that travel through the area each day. For this reason, opportunities for vehicle trip reduction (as outlined in Table 3.11-16 of the DEIS) would have a greater benefit to the regions' air quality than any measures related to marine traffic. The DEIS provided an analysis of potential impacts on air quality as a result of increases in recreational vessels (and decreases n larger vessels due to redevelopment of industrial uses), and concludes that a net improvement in air quality emissions could result over the long-term (refer to p. 3.2-17 of the DEIS).

3. Refer to the response to Comment 8 in DEIS Letter 3, which addresses best management practices (BMPs) proposed by the Port to prevent the types of contaminant sources and prevent or quickly respond to the types of accidental fuel spills mentioned by this testimony comment. These BMPs include bilge water discharge management, fuel dock operation and maintenance, hazardous and solid waste management, waste oils management and spills prevention and accidental spill cleanup, among others.

4. Refer to the response to Comment 8 in DEIS Letter 3, which addresses best management practices (BMPs) proposed by the Port to prevent the type of maintenance-related pollution mentioned by this testimony comment. These BMPs include providing (1) education materials on clean boating practices and proper waste disposal; (2) recycling facilities and disposal sites for waste oil; and (3) indoor facilities, paint booths, and hull maintenance areas for boat repair and maintenance with systems to capture paint dust and runoff.

5. Copper-containing antifouling paints for vessel hulls are designed to leach copper ions at a rate that prevents organisms from attaching, but at a rate as low as feasible to prevent

depleting the antifouling copper content before a reasonable lifetime of the hull treatment is achieved. As shown in Table 2-2 (page 2-6) of Appendix G to the DEIS, ambient dissolved copper concentrations in inner Bellingham Bay are very low, and below the maximum ambient standard. Therefore, recreational vessel antifouling paint copper leachate would not be reasonably expected to elevate ambient copper concentrations to near or above the criteria even on a localized basis. The Port proposes to mitigate for recreational boating impacts to water quality by using BMPs outlined in the Washington Department of Ecology's 1998 *Resource Manual for Pollution Prevention in Marinas*. The BMPs include education of boat owners on toxicity of antifouling paint (page 2 of the Manual), storage and minimal use of antifouling paints (page 37), and alternative antifouling methods and products (pages 66 and 67). Please also refer to the response to Comment 3 in Public Hearing Commentary 64, which addresses protective BMPs for vessel maintenance that are proposed by the Port. These measures would be intended to prevent discharge of antifouling paint to the water during hull work.

6. Please refer to the response to DEIS Comment Letter 15, Comment 11.

7. Please refer to the response to DEIS Comment Letter 15, Comment 10.

8. Please refer to the response to DEIS Comment Letter 15, Comment 8.

9. Please refer to the response to SDEIS Comment Letter 11, Comment 2.

Response to DEIS Commentary 64

Eli Mackiewicz

(From page 17 - 18 of the hearing transcript)

1. Comment noted.

2. Much of the shoreline restoration associated with the proposed redevelopment would occur in the vicinity of the Whatcom Creek estuary, valuable transition habitat for juvenile salmonids migrating from freshwater to saltwater. Additionally, since the redevelopment would be located in proximity to Whatcom Creek, an excellent opportunity exists to substantially restore this section of Whatcom Creek in concert with redevelopment of the waterfront. The proposed redevelopment of this area for greater public access and mixed uses would eliminate much of the marine industrial shoreline features (wharves, bulkheads, and riprap banks); removal of these shoreline features would represent an improvement to salmonid habitat. The DEIS and SDEIS concluded that significant impacts to salmon would not occur as a result of proposed redevelopment. Redevelopment would focus on restoration in the Whatcom Creek Estuary, where abundant restoration opportunities exist in relation to site redevelopment.

3. Comment noted.

4. Refer to the response to Comment 2 of this letter and response to Comments 35, 37, 38 and 39 in DEIS Letter 3 and Comment 2 in DEIS Letter 27.

5. As indicated in the DEIS and in the previous responses to this letter, the Port believes that the project would contribute to recovery of salmonid populations in Bellingham Bay.

Response to DEIS Commentary 65

Scott Sanderson

(From page 20 - 21 of the hearing transcript)

1. Comment noted. Refer to the responses to Comment 3 of DEIS Letter 3 and Comment 2 of SDEIS Letter 10.

2. The placement of fill soil can cause consolidation of underlying soils, which in turn can modify soil porosity and cause small, temporary changes in groundwater gradients. For sandy fill soils like those present in The Waterfront District site area, the affect would be observed as a short-term (over a period of months), small increase in flux of groundwater in the immediate vicinity of thicker (e.g. 6 to 10 feet or more) fill deposits. The affect may not be measureable in thinner fill sequences (e.g. 2 to 6 feet) and would be small relative to other groundwater effects, such as seasonal changes in groundwater gradients. Based on documented groundwater gradients within the site area, any potential changes to groundwater flux would be limited to the site, and would not cause off-site impacts or new pollution of soil or groundwater. As the substrate within the Georgia Pacific Mill cleanup site is porous (i.e. sand) there is no reason to suspect that fill placement would cause fracturing of the substrate.

3. Comment noted.

Response to DEIS Commentary 66

Lynette Felber

(From page 23 - 27 of the hearing transcript)

1. Please refer to the response to DEIS Letter 25, Comment 1.

2. Please refer to the response to DEIS Letter 25, Comment 2.

3. Please refer to the response to DEIS Letter 25, Comment 2.

4. Comment noted.

5. Please refer to the response to DEIS Letter 25, Comment 4.

6. Please refer to the response to DEIS Letter 25, Comment 5.

7. Comment noted. Please refer to the response to DEIS Letter 25, Comment 6.

8. Please refer to the response to DEIS Letter 25, Comment 6.

9. Please refer to the response to DEIS Letter 25, Comment 7.

10. Please refer to the response to DEIS Letter 25, Comment 8.

11. Please refer to the response to DEIS Letter 25, Comment 9.

12. Please refer to the response to DEIS Letter 25, Comment 10.

Response to DEIS Commentary 67

Peter Ambrose

(From page 30 - 32 of the hearing transcript)

1. Comment noted. Please refer to the response to SDEIS Comment Letter 11, Comment 3.

2. A sheen of oil would violate state water quality standards. If such a sheen originates from commercial vessels as set forth in this comment, it would be subject to enforcement action by the Washington Department of Ecology as an illegal discharge. The Port does not propose any activity that would result in illegal discharges. The Port proposes best management practices (BMPs) to prevent sources of pollution, minimize accidental spills, and provide immediate response to and cleanup of accidental spills. These BMPs are described in the response to Comment 8 in Letter 3 and in Appendix G to the DEIS.

3. Comment noted.

Response to DEIS Commentary 68

Roger Lamb

(From page 33 of the hearing transcript)

1. It is the intent of the Updated Preferred Alternative to provide easy and convenient locations throughout The Waterfront District to support a wide range of activities, amenities and development. A parking strategy to support these services is intended to strike a balance between an active pedestrian environmental and safe vehicular circulation.

Response to DEIS Commentary 69

Scott Barr

(From page 34 - 35 of the hearing transcript)

1. Both the Preferred Alternative and the Updated Preferred Alternative would require up to approximately 700,000 cubic yards of fill to achieve suitable grades for building and infrastructure construction (Ref: SDEIS page 3.1-11). The placement of the fill material will occur over several phases of construction. Site-specific engineered designs for the proposed infrastructure and buildings will be performed and permitted. Each phase of the redevelopment would be required to provide mitigation for potential truck impacts during construction. At the design level phase, other modes of transportation such as barge and rail can be analyzed. If economically feasible, using an alternative transportation mode woudl lessen the impact of the trucks on the City streets.

2. As described in the response to SDEIS Letter 2, Comment 9, construction impacts to the street system are described in the EIS Addendum, SDEIS, and DEIS.

3. As described in the response to SDEIS Letter 2, Comment 9, construction impacts to the street system are described in the EIS Addendum, SDEIS, and DEIS.

4. The DEIS (Section 3.12 Transportation and Appendix I) included an analysis of navigation uses and navigation impacts from vessel traffic under the Redevelopment Alternatives (Alternatives 1 – 3) and the No Action Alternative (Alternative 4).

5. Comment noted. It is anticipated that fill materials would be brought to the site using a combination of truck, rail, and barge deliveries, rather than importing all fill materials by truck hauling. Truck traffic would contribute to temporary construction noise. As stated in the DEIS, construction noise is exempt from WSDOT and WAC noise regulations. However, truck traffic would occur during specified construction work hours (and potentially on designated haul routes), and would vary depending on the actual construction schedule and location of projects on the site.

Response to DEIS Commentary 70

Leroy Rohde

(From page 36 of the hearing transcript)

1. DEIS Alternative 2 included 450,000 square feet of Marine Industrial building square footage and assumed that the two warehouse buildings at the Bellingham Shipping Terminal will remain. The Preferred Alternative in the SDEIS and the Updated Preferred Alternative in the EIS Addendum increased Marine Industrial square footage to 685,000 in the Preferred Alternative, the docks and both Shipping Terminal warehouses are assumed to remain and the land use for the area adjacent to the Shipping Terminal is proposed to be Marine Industrial, which is consistent with preservation of the terminal.

2. Comment noted.

3. Please refer to the response to Comment 1 of this letter.

Response to DEIS Commentary 71

Rodd Pemble

(From page 37 - 40 of the hearing transcript)

1. Comment noted. The analysis of profits, financing and real estate investment value are not required or appropriate for SEPA environmental review. Please refer to response to EIS Addendum Letter 10, comment 4 for additional information. Please note that one of the objectives identified by the Port for The Waterfront District is to “construct an integrated and economically-responsible infrastructure network” (page 2-18 of the DEIS).

2 Comment noted.

3. As stated in the DEIS Chapter 2, a definitive plan for long-term redevelopment of The Waterfront District site cannot be formulated at this stage, as specific developers, tenants and users have not been and cannot be reasonably identified for a 20-year redevelopment build-out; therefore, specific building footprints and the specific location of uses within each area of the site and the specific layout and design of parks and open

space cannot be pinpointed for the EIS Analysis. The DEIS Alternatives 1-4 were intended to represent a range of potential redevelopment scenarios in order to allow analysis of probable significant environmental impacts under SEPA. The Preferred Alternative presented in the SDEIS and the Updated Preferred Alternative presented in the EIS Addendum represents a further refinement of the DEIS Alternatives.

Throughout the DEIS and SDEIS documents, detailed information is provided regarding the amount of housing and open space assumed under the Preferred Alternative and DEIS Alternatives 1-4. In Section 2.8.1 of the DEIS, two summary charts (Table 2-3 and 2-4) are provided which show the amount of office/commercial/industrial, residential and parks and open space assumed under DEIS Alternatives 1-4. A similar set of tables (Table 2-1, 2-2 and 2-3) is provided in the SDEIS which compares DEIS Alternatives 1-4 and the Preferred Alternative.

4. By analyzing a range of parks and open space uses in the DEIS, the Alternatives 1-4 provided a representative "envelope" of potential development. The DEIS analysis was used to inform the Port, City and other decision makers in preparing the Preferred Alternative which is described in the SDEIS and the Updated Preferred Alternative which is described in the EIS Addendum. The Updated Preferred Alternative is assumed to provide 2,689,900 sq. ft of redevelopment (the amount of square footage assumed for the medium density DEIS Alternative 2) while providing 33 acres of parks and open space (the amount of parks and open space associated with higher density Alternative 1). Please also refer to the parks discussion in **Chapter 2**, Key Topic Areas.

5. Comment noted. The primary difference in the levels of building density between Draft EIS Alternatives 1, 2 and 3 relates to building heights. The amount of public open space associated with Draft EIS Alternative 1, 2 and 3 is generally the same. Please note that the EIS Addendum identified an Updated Preferred Alternative that included total square footage similar to that described under Draft EIS Alternative 2.

6. Comment noted. The EIS Alternatives analyzed in the Draft EIS, the Preferred Alternative analyzed in the Supplemental Draft EIS and the Updated Preferred Alternative identified in the EIS Addendum were all based on a public planning process including coordination between the Port and City, and input from the public.

7. Comment noted. Please refer to response to Commentary 71, Comment 6 above.

8. Comment noted. Public comment and input has been received and considered throughout the planning process for the Waterfront District, and additional opportunities for public input will be provided through the planning and approval process. Opportunities for public comment were also provided for the Draft EIS, Supplemental Draft EIS and the EIS Addendum.