

NEW WHATCOM PROJECT

---

EIS SCOPING PUBLIC MEETING

---

6:15 P.M.

Wednesday, May 2, 2007

<<>>

Bellingham Municipal Court  
2014 C Street  
Bellingham, Washington

<<>>

ROBYN DANE  
CCR 3084

	I N D E X	O F	S P E A K E R S	
				Page
1				
2				
3				
4	HUGH WILSON	-----		4
5	ARLENE ELD	-----		5
6	RABEL BURDGE	-----		7
7	SCOT BARG	-----		9
8	GEORGE DYSON	-----		11
9	PATRICK DUKES	-----	14, 36	
10	ANNIE NAISMITH	-----		16
11	DOUG KARLBERG	-----	18, 39	
12	KEVIN COURNOYER	-----		20
13	ROBYN DUPRE	-----		23
14	JULIE SHOUN	-----		26
15	JESSICA DOYLE	-----		28
16	RUDY VELAND	-----		31
17	JENNY MYER	-----		33
18	GEORGE ROFKAR	-----		34
19				
20		* * * * *		
21				
22				
23				
24				
25				

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

P R E S E N T A T I O N

6:15 p.m. Review Information Materials  
6:35 p.m. Introduction/Overview of Meeting Format  
Margaret Norton-Arnold  
6:55 p.m. EIS Presentation  
Andrew Maron, Mike Stoner, Mike Blumen  
7:00 p.m. Scoping Hearing  
Scoping Official: Andrew Maron

\* \* \* \* \*

Court Reporter:

ROBYN DANE  
VAN PELT, CORBETT, BELLOWS  
100 South King Street, Suite 360  
Seattle, Washington 98104

\* \* \* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMENTS BY HUGH WILSON

MR. WILSON: Yeah. I -- as I said, I'm retired from Fort Bellingham. I'm here, I guess, to speak of my concern for the cleanup.

These are a lot of illustrious projects that are being talked about, but underneath all of this is the contamination of the GP, the mercury. It's in the water; it's in the soil; it's always been there, and the proposal to bring in a few truckloads of dirt and bury it is not a very satisfactory or scientific, in my -- in my mind.

It's a very serious problem; deserves serious attention. And for the benefit of people who -- the Port district is a self-contained governmental entity. It doesn't answer to the city, to the county, the state or to the feds.

It answers to the three publicly elected commissioners who in turn hire the staff. So if you've got any complaints about the Port of Bellingham, talk to talk to the commissioners. They're all elected in staggered terms.

But as I say, my concern is that in the haste to make all of these improvements that are under discussion, maybe the tendency might be to just kick a

1 little dirt over the problem and go in and get right  
2 into the projects, and I'm afraid that's a pretty  
3 unhealthy way to consider the process to begin with.

4 So I speak strictly in the purpose of getting  
5 people to hang on to the design about the -- taking  
6 care of the pollution first.

7 MR. MARON: Thank you, Mr. Wilson. Arlene Eld  
8 followed by Rabel Burdge.

9  
10 COMMENTS BY ARLENE ELD

11  
12 MS. ELD: My name is Arlene Eld and I'm  
13 secretary of The Lettered Streets Association. I'm  
14 here to speak for myself but I think I'm also speaking  
15 for a lot of citizens of the city who have very  
16 powerful feelings about the waterfront.

17 We think that this city is a sort of paradise,  
18 and in this paradise we have exquisite gardens, and one  
19 of the most exquisite pieces of our garden is that  
20 little bend in the bay, and that whatever goes there  
21 has to be commensurate with the exquisite beauty of  
22 that bay.

23 That means that most of us would like to be  
24 able to see that bay. We don't want to see it through  
25 the sliver of buildings that is being proposed in some

1 of these plans. The people seem to want the actual  
2 beauty, which is the thing about the city that is the  
3 most wonderful.

4 We're not interested, as you seem to think, in  
5 a great deal of urban density. We would like the  
6 density to be moderate and modest, and that the  
7 greenery and the parks should be pronounced. And if  
8 this actually belongs to us -- I believe it was ceded  
9 to the city -- that means it belongs to the citizens,  
10 and not to the developers and not to the Port, and not  
11 to the powers that be.

12 That means you need to listen to us. And by  
13 listening to us, what I mean to say is take into  
14 account what we are asking you to do and do it. The  
15 people feel helpless and hopeless to impact you who are  
16 making the decisions.

17 And I don't think they are but they feel that  
18 way. So please understand that we -- we have diamonds  
19 here and we don't want you to put rust on the diamonds.

20 Thank you.

21 MR. MARON: Thank you, Ms. Eld. Rabel Burdge  
22 and then Scott Barg.

23 ///

24 ///

25 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMENTS BY RABEL BURDGE

MR. BURDGE: Thank you. My name is Rabel Burdge. I live at 1108 13th Street here in Bellingham. I strongly recommend that the EIA include a detailed social impact assessment for each of the four alternatives; furthermore I strongly suggest that the alternatives one, two and three of the assessment include 30 percent of the housing as affordable in line with the guidelines provided by the Bellingham Housing Authority and the Coast and Community Land Trust.

The social impacts assessment portion of the EIA must present data for the following items both at midpoint in the development and at final buildout. One, population change to include the number and density as well as the projected age, ethnicity and gender composition at both midpoint and buildout for the three alternatives to include the 30 percent number for affordable housing.

Two, altern- -- alteration in size and structure of local government to focus on the required city and Port staff for the three alternatives.

Three, the details on the zoning changes required for each alternative.

Four, in the case of the alternative number

1 four, continued industrial development, what will be  
2 the mix of industrial zoning and to what degree will  
3 the new industry contribute to the diversification of  
4 industry in the city and the county?

5 Five, what will be the number and occupational  
6 composition of the persons supporting the commercial  
7 activities in alternatives one through three? What  
8 will be the number and occupational composition of the  
9 persons employed in the industrial -- in -- in the  
10 under alternative number four? And what will be the  
11 wage limit, and what percentage of the new occupational  
12 opportunities will provide a living wage for a family  
13 of four?

14 What will be the level of interorganizational  
15 and intergovernmental cooperation as reflected in the  
16 type and number of permits required for each of the  
17 alternatives? What type and for what time period will  
18 there be a disruption in daily living and movement  
19 patterns for the people in the community?

20 For alternatives one through four, what will  
21 be the specific recreational and leisure opportunities?  
22 For example, miles of trails, picnic tables as provided  
23 by the data from the city and county Parks & Recreation  
24 Department?

25 What will be the required changes in community

1 infrastructure both at midpoint and total buildup? By  
2 community infrastructure needs, I mean such items as  
3 number of police, firemen and accompanying equipment,  
4 treatment facilities, medical units, detention  
5 facilities, among many others, and how much of the  
6 acreage will remain in public hands?

7 How much will be transferred to the private  
8 sector? What is the projected assessed valuation for  
9 tax purposes for the land and the facilities  
10 transferred to the private sector?

11 And finally, are there any cultural,  
12 historical, sacred, or archeological resources in the  
13 projects as determined by WWU archeologists, state of  
14 Washington archeologists, or the Lummi nation?

15 Thank you.

16 MR. MARON: Thank you. Appreciate that in  
17 writing. That will really help. Scott Barg followed  
18 by George Dillon.

19

20 COMMENTS BY SCOTT BARG

21

22 MR. BARG: My name is Scott Barg. I live at  
23 2315 Eldridge Avenue in Bellingham, and I'm delighted  
24 to be able to speak here.

25 First of all, I'm very pleased to see that the

1 alternatives analysis has a no action alternative. I  
2 think -- I'm not an expert on planning; I'm not a  
3 scientist, but I have done a lot of alternatives  
4 analysis and I know the importance of having a no  
5 action alternative, sometimes called the status quo or  
6 do nothing option.

7 It's an important part of any kind of analysis  
8 like this. It's -- since the basic question is always  
9 a "Compared to what?" it's important that we have this  
10 kind of a baseline or we can't really compare the cost  
11 and benefits of doing anything.

12 Good example is if you're buying a new car,  
13 you know, one of the alternatives you want to include  
14 there somewhere is that -- not to buy a new car at all.  
15 I'm glad to see this, but unfortunately one important  
16 rule of this kind of alternatives analysis has been, I  
17 think, violated here, and that is the inclusion of a  
18 major element which is the construction of the marina  
19 in the former ASB in each of the alternatives.

20 If the assumption is that the marina is going  
21 to happen regardless, then I believe it should either  
22 have its own EIS and alternatives analysis or -- and in  
23 that case it should be left out of this analysis  
24 altogether.

25 If it is a part of this development then it

1 needs to be, I think, left out of the as-is  
2 alternatives so we can really see the real cost and  
3 benefits here. I'll have to say here we've never seen  
4 an alternatives analysis with the ASB marina option  
5 left out.

6 And I want to say really quickly in choosing a  
7 preferred alternative, I really hope that we look at  
8 the real costs, total costs and benefits of each of the  
9 alternatives. Not everything can be expressed in  
10 dollars. Many of the important decisions we make  
11 cannot -- don't pencil out on the first try, if they  
12 ever do.

13 So let's make sure that the things we really  
14 value in this community get incorporated into this  
15 analysis. That you very much.

16 MR. MARON: Thank you. George Dyson followed  
17 by Patrick Dukes.

18

19 COMMENTS BY GEORGE DYSON

20

21 MR. DYSON: It's actually George D-y-s-o-n.

22 MR. MARON: Oh. Sorry.

23 MR. DYSON: And I'm at 435 West Holly Street  
24 downtown and 2417 Eldridge, so I'm actually one of  
25 Scott's neighbors and I completely agree with what he

1 said. It's one of the things I was going to say.

2 I spoke at the occasion a week ago that the  
3 marina should be really looked at as an alternative.  
4 Just because you call something a clean ocean marina  
5 doesn't mean it really is. And marinas, much as we  
6 like them, they do have impact.

7 And also you have to look at the sort of  
8 opportunity cost of what -- what would happen to that  
9 property if you -- if you did not have a marina and put  
10 that into the equation, and that's only fair  
11 accounting.

12 I'm a waterfront property owner. I'm  
13 delighted to -- I can't wait to see things happen down  
14 there rather than -- than what's happening now, but I  
15 think we have to be very long-term in our view. If you  
16 -- you know, there's communities all over the country  
17 and all over the world who nobody has regretted  
18 preserving public property for public good, but you  
19 will regret -- I mean what scares me most about this  
20 plan is how things are parcelled up into these  
21 districts where -- where things are going to go into  
22 the private sector, and that -- that has tremendous  
23 impact.

24 The -- the value in our community is having  
25 this 137 acres central waterfront forever, and we --

1           losing options is very expensive. If we -- if we keep  
2           that as public property we keep all our options open.  
3           And I'd urge that to be part of the consideration, that  
4           -- just the impact of going from priv- -- public  
5           ownership to private.

6                        We citizens, we bought that entire property  
7           for \$10, and we need to remember that. And when we see  
8           numbers like, wow, there's this \$200 million gap, and  
9           so on. Where did -- where did that come from? We paid  
10          \$10. There should be -- and cleanup. We have  
11          commitments to clean up. We've really got most of that  
12          covered.

13                       We need to really make sure the numbers are --  
14          are there and -- and are honest. The-- there is  
15          something in your study on -- or at least in the list  
16          of things we covered which is -- you hear a lot about  
17          higher education. We've almost heard nothing -- this  
18          is the first glimpse I'm seen in that paper about  
19          schools, which is lower education.

20                       And we're talking about bringing an enormous  
21          number of people into this area, yet on the plans as  
22          you see them there's actually nothing on the map  
23          showing, you know, where is the new school going to be  
24          for all the children who hopefully who will live there?  
25          And if there aren't going to be children living there,

1 then why, or where are they going to go to school.

2 So when I -- when I came last week I brought  
3 Green Eggs and Ham which sort of made the point that  
4 we're being served the same alternative in all these  
5 ways but, you know, it's the same, same green eggs and  
6 ham.

7 This week I brought The Sims, also from my  
8 daughter's bookshelf, and that's a 1995 software  
9 program and I'd urge -- I'd urge you to buy this and  
10 run the alternative, you know. Leave it as open space  
11 and run it a hundred years and see how good it looks  
12 versus the -- some of the alternatives we're looking at  
13 now. Thank you.

14 MR. MARON: Thank you. Patrick Dukes followed  
15 by Annie Naismith.

16  
17 COMMENTS BY PATRICK DUKES

18  
19 MR. DUKES: Patrick Dukes. 2400 Dortman  
20 Avenue in the city. I want to come up with what to me  
21 is the truth. The single greatest threat to this planet  
22 is exploding human population. How does that relate to  
23 what we're doing here?

24 AUDIENCE MEMBER: We can't hear you.

25 MR. DUKES: I'm sorry. That's -- that's an

1 easy one. I'll do this. The single greatest threat to  
2 this planet is exploding human population. Having said  
3 that, I want to bring up this, that is quality of life  
4 enhanced by adding more population?

5 Now, somebody is saying I see this guy pushing  
6 the river. So be it. If space is created it will be  
7 filled. This is the nature of humans and a law of  
8 nature. Hates a void. So, move to the project that we  
9 have in front of us. This piece of real estate is  
10 going to be and is in fact virtually without  
11 improvement the most valuable property that we have in  
12 this county, i.e., perhaps, perhaps even in the state  
13 in a way because of its undeveloped condition.

14 This property being such a huge value is going  
15 to be -- have the highest price (inaudible) developed  
16 property. It's because of its obvious proximity to the  
17 bay, and its great access from the general populace.  
18 It sits in the middle.

19 It's cradled in our -- in our seat, if you  
20 would, or in our lap, if you would. This higher value  
21 will never change. It will always be there save some  
22 disaster. It will always generate the highest taxes in  
23 the county, so I'm driving at this in a clumsy way.  
24 Forgive me. So as this property is so valuable -- and  
25 if you'll allow this analogy that I'm -- I've got \$5

1 million condos and I got a hundred of them, or I've got  
2 a million -- million dollar condos and I've got 500 of  
3 them.

4 MR. MARON: Mr. Dukes, your time is up. So  
5 would you like to close this or would you like to come  
6 back and try again at the end? Very briefly, briefly  
7 close.

8 MR. DUKES: Oh, I'm a bit -- I'm a bit far  
9 from my close, so I'll come back.

10 MR. MARON: All right. We'll let you get one  
11 more --

12 MR. DUKES: Sorry to --

13 MR. MARON: -- round here at the end. All  
14 right. Annie Naismith followed by Doug Karlberg.

15

16 COMMENTS BY ANNIE NAISMITH

17

18 MS. NAISMITH: Hi. My name is Annie Naismith  
19 and I live at 400 North Garden Terrace. I'm an  
20 environmental engineer, and I've been an environmental  
21 engineer for about 20 years now.

22 I'm going to leave most of the environmental  
23 aspects of this project to other people to discuss but  
24 I would like to discuss one and that's the impact of  
25 climate change. I've been reading everything I can on

1           this topic including studies, the Intergovernmental  
2           Panel of Climate Change Reports, every newspaper  
3           article that comes out, and I think that if you don't  
4           really study this issue and build it into your plans, I  
5           think you might be making a big mistake because you're  
6           planning a project that's going to be there for  
7           centuries and you have to look at the long-term impacts  
8           of climate change.

9                    I -- it's great that you've got a sentence in  
10           here saying that you're going to look at it with the  
11           EIS, but the assumptions that you make in terms of the  
12           sea level rise, if you choose a certain sea level rise  
13           you might be missing the whole picture.

14                   So I would recommend a couple of things. One  
15           is that you look at several sea level rise scenarios  
16           perhaps from starting with the Intergovernmental Panel  
17           of Climate Change, Sea Level Rise, and also looking at  
18           higher rises that might come about through catastroph-  
19           -- what you might call catastrophic sea level rise from  
20           the melting of Greenland or Antarctic land ice.

21                   And I would also -- thank you. And I would  
22           also keep up on this topic because I've never seen an  
23           environmental topic progress as rapidly as the impact  
24           of climate change. So as you prepare your EIS if you  
25           can try to keep up with the most recent information,

1 one good source of information is Washington State  
2 University's Climate Impacts Group.

3 Other -- others are continually reported in  
4 newspapers and the -- on the Internet. So I -- I just  
5 wanted to include with my main point, is that this is a  
6 very important topic. I think that it will need to be  
7 built into your project. And it's changing very  
8 rapidly, so try to move with the change. Thank you.

9 MR. MARON: Thank you. Doug Karlberg followed  
10 by Kevin Cournoyer.

11

12 COMMENTS BY DOUG KARLBERG

13

14 MR. KARLBERG: My name is Doug Karlberg. I  
15 live here in Bellingham. I've lived here about almost  
16 50 years now, and I think this scoping process should  
17 include a couple of things that I think I don't see in  
18 it, and one of them is what the other man I think  
19 referred to as societal -- I guess they would call it  
20 cultural.

21 I've had a chance to wander around the earth a  
22 few times, and it's surprising how many people I run  
23 into, when I tell them from Bellingham they know where  
24 it is and it's odd. Some of these countries are a long  
25 ways away.

1                   But one of the reasons I like living here is  
2                   the people. It's a beautiful place, but there's a lot  
3                   of beautiful places to live. But I happen to think the  
4                   folks in Bellingham are pretty friendly, and some of  
5                   the folks who have moved here have added to that.

6                   This project is quite large. And what we do  
7                   know about projects like this around the world, as  
8                   they've -- this is not the first waterfront to be  
9                   developed, but one of the -- the themes that is coming  
10                  out that is a negative on these kinds of projects, is  
11                  they place a high value upon -- on esthetics and  
12                  economics. The best and highest use of the land is  
13                  what we hear from some of the Port people when they  
14                  want to raise your rent.

15                  But there are some real negatives that come  
16                  with that. They don't show up on a balance sheet.  
17                  It's not a clear mathematical equation. And I think  
18                  that we need to keep in mind that families and children  
19                  and affordability of housing is what keeps this city  
20                  economically diverse.

21                  I've had a chance to spend some time in  
22                  Sausalito, California which was blue collar. We built  
23                  liberty ships in World War II. They went through this  
24                  process, and today the city government is in the  
25                  elementary school because the elementary school is no

1 longer needed.

2 I'm having a hard time getting my mind around  
3 the future of Bellingham because I think it's the  
4 children, and I just am having a hard time placing  
5 luxury condominiums and yacht harbors as in their best  
6 interests.

7 We need to pay attention to this because there  
8 are a hundred examples in California that have been  
9 stripped of their children and their families. And  
10 I've lived in this town; people have raised families in  
11 this town; built this town, and they're not Kleenex.

12 We need jobs on the waterfront. This is not  
13 the Port of Bellingham; this is also the Port of  
14 Missoula, Montana. It's a very valuable piece of real  
15 estate, but not just for luxury condominiums and yacht  
16 harbors. It's a Port. It's the economic aorta of this  
17 country.

18 There are very few ports in this country;  
19 they're very important. Stripping this land down and  
20 taking away that valuable economic use, once you put in  
21 condos we do know that that use has been stripped off.

22 And I would -- I would like to mention that I  
23 think with this few speakers, three minutes is a little  
24 stingy to go ahead and get public comments, and I'd  
25 like to sign up 'cause I got another point here that I

1 think's important enough for you to hear.

2 MR. MARON: All right. By the way, just to be  
3 clear with everyone, we welcome written comment by  
4 e-mail, letter, whatever you want. We welcome that and  
5 it will all be considered. Kevin -- is it Cournoyer?  
6 -- followed by Robyn -- the light is poor where I am  
7 here -- duPre.

8

9 COMMENTS BY KEVIN COURNOYER

10

11 MR COURNOYER: Yes. It's Kevin Cournoyer.

12 MR. MARON: Thank you.

13 MR. COURNOYER: Thank you for this opportunity  
14 to speak. I don't have any prepared remarks but I will  
15 submit written comments later in as much detail as I  
16 have time for.

17 I must say this whole process is a bit rushed.  
18 I think a couple of months would have been more  
19 appropriate regardless of what the regulations  
20 stipulate. I notice that a couple of the speakers  
21 mentioned that this property is valuable, perhaps some  
22 of the most valuable property in Whatcom County.

23 I would take issue with that assertion given  
24 the fact that the Port paid ten dollars for the  
25 property, and I think they paid too much for it. It is

1 an extremely contaminated site. And as Frances Badgett  
2 pointed out last week, in Section 8, part of Section 4  
3 and 9 are extraordinarily contaminated and we're  
4 talking about in the caustic groundwater plume,  
5 readings that are as high as 12,500 parts per million  
6 of mercury concentration.

7 In addition to what Retech did during the due  
8 diligence periods in 2004, there are a lot of unknowns.  
9 The stories you hear from former GP workers are  
10 horrifying. Taking Mason jars of mercury and pouring  
11 them behind the railroad tracks. There's talk of  
12 moving those railroad tracks which are in a way acting  
13 as a cap for it.

14 I've also heard talk of jobs. Now, I -- as a  
15 part of a public disclosure request I got from Lynn  
16 Johnson, Nicole Oliver, after some distress, given the  
17 fact that Mr. Johnson had the temerity to ask around  
18 town about me after I simply asked for some documents.  
19 I -- what I got were a number of workshop notes that  
20 included what I would call comical descriptions of the  
21 value -- potential value of this property -- 300, \$350  
22 per square foot.

23 If you're going to be try to -- that seems to  
24 me totally a fantasy. This property under the Port's  
25 plan will never be worth that much. Let's remember

1           that Frank Chmelik, the Port's attorney, said in open  
2           court that the Port of Bellingham will not clean this  
3           property up above industrial level. The Port's  
4           executive director repeated this to some members of the  
5           Bellingham Bay Foundation recently.

6                        You want to talk about Brownfield syndrome?  
7           You've got one. In fact the only place where you can  
8           realistically build tall buildings is a filled ASB. It  
9           is in fact one of the cleanest spots on the waterfront.

10                      I submit that you should use it for the  
11           purposes of residences and businesses. Also as others  
12           have pointed out, if you're going to have a full range  
13           of alternatives -- and you don't -- you should have a  
14           truly -- a no action alternative where nothing changes.  
15           Thank you.

16                      MR. MARON: Thank you. Robyn duPre, and Julie  
17           Shoun -- Shoun? -- Shoun is next.

18

19                      COMMENTS BY ROBYN DUPRE

20

21                      MS. DUPRE: Keep going on those names. Robyn  
22           duPre, executive director of Resources for Sustainable  
23           Communities. I'm a 30-year resident of Bellingham, and  
24           I'm also serving on the Waterfront Advisory Group.

25

                    So to make it quick, I think that when you

1 combine no action -- when you combine the planned  
2 action EIS with the project EIS, which is what you're  
3 doing here by including projects as part of your  
4 planned action, it really muddies the waters, and I'm  
5 --- I'm curious as to whether -- it may meet the letter  
6 of SEPA but I think that it does the public a  
7 disservice because we end up feeling hornswoggled.

8 I don't think that's your real intention, so I  
9 think that a no action alternative should be a no  
10 action alternative, and if you want to analyze the  
11 impacts of a bridge or a marina then you should analyze  
12 those impacts in an open, public process upon which we  
13 can all comment.

14 I am wanting to encourage you to analyze the  
15 impacts of this project beyond the 10, 20 year buildout  
16 scenarios and look at least a hundred years out on the  
17 implications of this project both because of sea level  
18 rise and because we have long-term community values  
19 that we're looking at.

20 I would like to see the parks and the density  
21 delinked, and which I think I heard from you is the  
22 intention, but we -- we feel now as community members  
23 that we have been given these four static choices which  
24 was probably a poor move on the Port's part.

25 We also ought to understand that the acreages

1           that you're basing your park assumptions on are not  
2           just for the people who are going to live and work on  
3           the site, but clearly for a growing Bellingham  
4           community. Look at Boulevard Park on any sunny day  
5           even in the winter.

6                        So we ought to expand the acreage assumptions  
7           of the parks. And given that it is standard practice  
8           to require developers to pay 25 to 75 percent of the  
9           infrastructure costs of new buildings and developments  
10          throughout the state under the Growth Management Act,  
11          the economic impacts of this project should be analyzed  
12          with and without impact fees and developer contribution  
13          for infrastructure costs, which currently my  
14          understanding is that that's probably not the case  
15          because of the interlocal agreement that governs the  
16          city's participation here.

17                       I personally don't think developers will need  
18          incentives to be given access to developing our  
19          luscious waterfront. Will the EIS look at  
20          affordability for housing and for small owned  
21          businesses? And will it look at the possible economic  
22          impacts of each alternative on those needs?

23                       I'm very concerned about the Fairhaven factor.  
24          I live on the south side and we watch businesses come  
25          and go because the rents are prohibitively expensive

1 for small local businesses. If we really want to  
2 encourage a live/work model, then we have to make it  
3 viable for businesses to live there that are not  
4 international corporations.

5 I would like to also ask how the density  
6 alternatives will affect the infill needs of the rest  
7 of the city and possibly relieve infill pressure on  
8 existing neighborhoods. I actually am not afraid of  
9 density if it's done well.

10 And then lastly I just want to reiterate  
11 climate change and sea level rise, which has been my  
12 saw for a while, needs to be analyzed under various sea  
13 level rise scenarios that I think are going to be used.  
14 Thank you.

15 MR. MARON: Thank you, Ms. duPre. Julie  
16 Shoun, and after that Jessica Doyle.

17

18 COMMENTS BY MS. SHOUN

19

20 MS. SHOUN: Julie Shoun, 705 East Maple  
21 Street. I understand the Port and the city has made  
22 major efforts in the draft scoping EIS document to  
23 cover both shoreline and development, but I don't think  
24 they've covered all sides of addressing restoration and  
25 protection of lowland and aquatic habitat from upland

1 impacts.

2 I am highly concerned about the connectivity  
3 between the elements, both natural and the built  
4 environment, during the SEPA process and the  
5 connectivity of these elements over the long run. The  
6 waterfront redevelopment will change over the years  
7 with the possibil- -- the possibility of modifications  
8 in the development and the need to be kept open for  
9 further review.

10 It might be possible, one idea, to look into  
11 phase reviews for several specific sites to adapt to  
12 the changes in the new development because, as you guys  
13 have said, this is going to be a 20-year span or longer  
14 process. And this will help deal with new and ongoing  
15 development issues and keep up with subsequent reviews  
16 on specific sites.

17 And also with keeping with the goals of the  
18 new Whatcom Redevelopment Project and being a healthy  
19 and lively community as stated in the Waterfront  
20 Futures Group documents, there needs to be a better  
21 effort in protecting things that will draw people  
22 there, and that's the natural environment.

23 It will not only give people a sense of place  
24 of their surroundings but also a feeling of connection  
25 to the area. Having the natural vegetation and

1 wildlife in the New Whatcom Project could also be an  
2 educational experience for people in the community to  
3 learn about the kinds of species that are in the marine  
4 environment.

5 So I think just the main point is it's  
6 important not just to mitigate the impacts but to  
7 actually try to improve and restore the shoreline  
8 because this might be one of the only opportunities we  
9 get.

10 So I just think Bellingham should set an  
11 example to try to go above and beyond what is needed  
12 here to improve the shoreline for future generations  
13 and for the continued benefit and enjoyment of all.

14 Thanks.

15 MR. MARON: Thank you. Jessica Doyle.

16

17 COMMENTS BY JESSICA DOYLE

18

19 MS. DOYLE: Jessica Doyle. 1970 Frasier  
20 Street, number 303. This redevelopment project has  
21 been through extensive planning analysis, and I think  
22 that the project's environmental impacts mitigation and  
23 restoration strategies should be given an equal level  
24 of attention and time that honors their long-term  
25 benefits to the community as well as the prospective

1 growing population and the children of the community.

2 While the draft scoping document explains that  
3 its alternatives may be combined in some fashion to  
4 reach an ultimate master plan, there are several issues  
5 not addressed in any alternative such as the addition  
6 of bicycle facilities and as well as the remediation of  
7 habitat and restoration of those areas from long-term  
8 industrial use.

9 As was addressed at the April 25th EIS scoping  
10 meeting, none of the alternatives listed contain the  
11 proportions of parkland and open space required under  
12 Bellingham's comprehensive plan as respecting  
13 population levels.

14 Someone mentioned that the required levels are  
15 for every 49 acres of parkland, a thousand people could  
16 be housed there. The necessity to plan for future  
17 population growth may in some situations call for a  
18 reduction in corresponding open space, especially in  
19 the central business district, but the lower density  
20 alternatives should be providing more open space for  
21 public enjoyment not just the residents of this  
22 proposed development, and not less open space.

23 Providing rooftop gardens is one promising  
24 mitigation strategy I've heard discussed which would  
25 also provide more open space and address storm water

1 issues as well.

2 Since there's supposedly no preferred  
3 alternative under the EIS, I argue that there should be  
4 an alternative that addresses more in depth the open  
5 space, trails and parkland needed by our growing  
6 population.

7 Discussed under the background info in the EIS  
8 I would like to address the marina and the marina's  
9 construction in the ASB regardless of the chosen  
10 alternative. This must be reevaluated because of the  
11 environmental impacts possibly resulting from higher  
12 levels of boat traffic in the area, which includes  
13 extensive habitat coming out of the Whatcom waterway,  
14 coming from Whatcom Creek and the hatchery.

15 The complete cleanup of the ASB and log pond  
16 needs to be addressed further to ensure the habitat  
17 functions in the Whatcom waterway. I think also  
18 another contamination issue that should be addressed is  
19 recontamination during the phased cleanup because it's  
20 not all occurring at once; there could be crossover  
21 between contamination into a site that's already been  
22 cleaned.

23 In conclusion, I'd like to reiterate what  
24 other people have said about addressing the climate  
25 changes and sea level rise in this EIS. I believe that

1           it should -- will be a very important issue to address  
2           and it should be given more than one sentence. Thank  
3           you.

4                       MR. MARON: Okay. That's all the people that  
5           have signed up. So I'd like see if anyone who has not  
6           signed up and is listening would like to make comment.  
7           Sir? Please come forward and state your name.

8

9                               COMMENTS BY RUDY VELAND

10

11                       MR. VELAND: My name is Rudy Veland. I live  
12           at 104 Maureen here in Bellingham. I have a couple  
13           concerns that I'd like to just express here.

14                       One is that these alternative scenarios in the  
15           EIS document will become somehow descriptive guides for  
16           the final analysis of this plan. There are four of  
17           them as I understand it, and they have a way of making  
18           their way into a final anal- -- or final plans when we  
19           make a detailed analysis of them.

20                       For instance, that infrastructure, initial  
21           infrastructure stage calls for early action projects  
22           and infrastructure elements which will precede other  
23           redevelopment activities: bridges, roadways, parks,  
24           trails, open spaces. And they'd be similar in all  
25           plans.

1                   Once those elements are there and are fixed in  
2                   plans without the designing -- overall designing  
3                   philosophy in place, they dictate the planning and they  
4                   make it less flexible to really create imaginative  
5                   design directions. I've spoken before with the Futures  
6                   committee and yourselves about this, and my concern is  
7                   that we develop an idea first instead of a working --  
8                   does that mean time's up?

9                   MR. MARON: Halfway through. You can go on.

10                  MR. VELAND: Well, my -- my concern is that we  
11                  -- we have an opportunity to develop a unique place  
12                  here, and I think the Futures, Waterfront Futures came  
13                  up with that suggestion too, that we want to have a  
14                  sense of place here, an identity.

15                  And I think if we are linked somehow to this  
16                  infrastructure that, as I've seen here in these initial  
17                  plans, that somehow we'd lose that, that freshness,  
18                  that approach. And I think we have to remember that  
19                  what we're developing here is going to be long-lasting.

20                  All these processes we're going through right  
21                  now are just going to be lost in obscurity in an  
22                  archive, but the final result on the land is going to  
23                  be quite different. We're going to see something that  
24                  is going to be permanent and long-lasting, and I'm just  
25                  hoping that we don't make some mistakes here, and so



1 the Birchwood District, 3028 Cottonwood.

2 MR. MARON: Thank you, Ms. Myer. Go ahead.

3 MS. MYER: And I'm mostly interested in  
4 getting rid of the toxins first before you do all this  
5 other stuff. We can't leave the poisons in the water.  
6 You can't cover them up. We're in an earthquake area.

7 There's a lot of disturbances that go on in  
8 the earth. We just can't cover it over. And I think  
9 all the buildings, I don't like them. I think they are  
10 mostly economic for a tax base for the city to improve  
11 their financial situation.

12 I want parks; I want beauty; I want a  
13 boardwalk that -- that walkway in Fairhaven is great.  
14 We all enjoy it. That's all I have to say.

15 MR. MARON: Thank you. Anyone else? And I  
16 remember we had two speakers today who get another  
17 opportunity. Please.

18  
19 COMMENTS BY GEORGE ROFKAR

20  
21 MR. ROFKAR: My name is George Rofkar,  
22 R-o-f-k-a-r. I live at 17th Street. I had not planned  
23 to speak this evening but I -- I feel compelled to make  
24 a few comments. I come from a unique perspective in  
25 being a retired physician and also a 10-year

1 experienced contractor in home remodeling.

2 I -- I find myself looking at the issue of  
3 contamination on the site and thinking it's perhaps a  
4 more serious problem than we would like to think. I  
5 think that if you look on Holly Street today you will  
6 see that we have contractors or public works digging up  
7 the roadbed and the sidewalks. This on any given day  
8 you can find in the city, and this is something that  
9 will happen even after the initial construction occurs  
10 down on the waterfront.

11 So we have to assume that there will be  
12 recurrent turnover of contaminants brought to the  
13 surface. We cannot assume that we're going to cap  
14 contaminants on that site down there and that they will  
15 go away. They simply will not. We will continue to  
16 dig them up ourselves even if nature doesn't dig them  
17 up.

18 So I -- I don't think we can just pretend that  
19 they will go away; they will not and that's a  
20 significant safety issue for workmen down there and for  
21 residents and for the whole community because the whole  
22 community will flock to the waterfront.

23 Another issue for me is the question of view  
24 corridors and obstruction of view. As someone said  
25 today, the site is in the lap of the community and

1 everyone around the bowl looks into that site, and if  
2 we put big block buildings, high-rise buildings,  
3 anything that obstructs the natural vista of the bay,  
4 it will go a detriment to the city.

5 No matter how much the condos sell for, the  
6 only people that will benefit are those that are the  
7 closest to the water in their condo. No one behind  
8 will benefit. So we have to keep that in perspective.

9 As I view the Bellwater -- Bellwether Project  
10 from Broadway up there I think, my God, was no one  
11 thinking about view? I don't want to see that happen  
12 again down here. Thank you.

13 MR. MARON: Thank you. Okay. Now, I don't  
14 see anybody else volunteering, so I'm going to go back  
15 to Mr. Dukes and Mr. Karlberg, and you have no more  
16 than three minutes but you can certainly keep it  
17 shorter if you'd like. Okay.

18 MR. DUKES: I'll -- I'll do my best.

19 MR. MARON: Please.

20

21 FURTHER COMMENTS BY MR. DUKES

22

23 MR. DUKES: Just to bring you back to where I  
24 was before, I made an analogy about \$500 million  
25 condos, etc. And after this -- this one notion,

1 perhaps in the vein of that, is that there's no great  
2 push from a taxing standpoint to necessarily have 7.5  
3 million square feet of developed buildings in that area  
4 in my opinion.

5 And I don't -- I don't see it logically that  
6 it necessarily works that way because the market will  
7 drive value; it just will. So a wall of buildings. I  
8 heard you, Mr. Stoner. You said we're not talking  
9 about a wall of buildings but, yeah. If you separate  
10 them by eighty or a hundred feet up to 20, 25 stories  
11 that's what I call a wall, even -- even though spread  
12 out like in Vancouver, just -- just to comment on that.

13 I wonder if I'm the only one that thinks that  
14 people profiting from development should pay for  
15 infrastructure. I don't know. Maybe I am. And I  
16 speak up for parkland of course, less -- less for all  
17 development, and more for open public space.

18 I'm going to go to this one which is primary  
19 to me. Cleanup. That means halfway. Thank you. I  
20 notice the basin is in each one of the proposals as  
21 everybody else has. I don't have a great, big quarrel  
22 with those more boats there, you know. I mean it's --  
23 you get boat pollution and that's disturbing. Race on  
24 to the cleanup part of it, and what I understand has  
25 been proposed is to cap that.

1                   The Port wants to do that. Perhaps I'm being  
2                   misinformed. I hope so. The latest geological  
3                   findings are that we're in a fault in the city, and it  
4                   runs up to Everson, and someone has told me that  
5                   there's a ten-foot rift in the ground up there. Go  
6                   look at it.

7                   What happens when we start shaking this ground  
8                   and it turns to soup and you've got a cap over all this  
9                   area? We can't cap it. My feeling is it should be  
10                  gone. All of it. All of it. Gone. Take it away, put  
11                  it in a certified landfill. How do you pay for that?  
12                  I know how to pay for it. Go see the feds; they've got  
13                  Superfund money; get it qualified and dig that stuff  
14                  out of there.

15                  I don't know. I'm sure you guys have looked  
16                  that that. It's just a -- something that occurs to me.  
17                  All of it cleaned to a residential level or whatever  
18                  quality you call that.

19                  MR. MARON: Mr. Dukes, your time is now.

20                  MR. DUKES: I'm done again. Okay.

21                  MR. MARON: Thank you very much.

22                  MR. DUKES: We have a long future in front of  
23                  us.

24                  MR. MARON: I'm sure -- I'm sure you have a  
25                  lot of good thoughts.

1 MR. DUKES: -- and I'm not going to be here  
2 but a lot of kids are.

3 MR. MARON: Mr. Karlberg, you had one more  
4 comment you'd wanted to make?

5

6 FURTHER COMMENTS BY DOUG KARLBERG

7

8 MR. KARLBERG: I have two. One of them is  
9 scoping process. There's a -- a type of loss called  
10 a public trust doctrine. And I'm going to warn you.  
11 I'm a commercial fisherman, not an attorney, but it's a  
12 pretty simple law. You can't read about it because it  
13 doesn't show up in the statutes, but it appears to  
14 apply to this piece of property entirely.

15 And it applies to any Port type properties,  
16 either the land under the water, the near shoreline, or  
17 land that's been filled in over the seabed, and  
18 California has had a lot of projects that have been  
19 severely restricted under this public trust doctrine.

20 I don't see it in the -- in the literature, so  
21 I'm assuming it either hasn't been brought up or  
22 somebody has it, they don't think it applies. But I  
23 don't think it's been thought about, and I think before  
24 you get too far in the scoping process somebody who is  
25 an attorney should take a look at this project under

1 the public trust doctrine, but let me read to you the  
2 things that are allowed if this is public trust land.  
3 There's very few.

4 Commerce, fisheries, navigation, environmental  
5 preservation, and recreation. And we've got things in  
6 the scoping process that are well beyond that, and this  
7 law is 200 years old. So -- and you can go ask an  
8 attorney to give you an opinion and they'll give you  
9 the one that you want if you're paying them.

10 I think the -- an attorney can always make an  
11 argument, but I think when what we need to do in this  
12 process is find somebody that can make a compelling  
13 argument or a winning argument on this issue, and it  
14 should be included. Second, should be included in this  
15 is a historical note that this project was -- had an  
16 issue filed on it to bring up some of these issues  
17 including the cleanup and the ASB up before the public.

18 If I got this right, the city sued. You can  
19 read all about it on the Port's Web site. They seem to  
20 be pretty proud of the fact that the citizens did not  
21 get hold of this, and I -- there's more to it than that  
22 and I'll try to write it out, but there's been a long  
23 process here with our deep divisions within the  
24 community.

25 And if you're looking to get the community's

1 input, I think you need to note that this, that there  
2 are deep divisions on this, and this cleanup process is  
3 at the core of it. The Port signed some unusual  
4 documents with Georgia Pacific -- and I can't find one  
5 that revealed them anywhere to the public -- which  
6 includes not prospecting for any other toxins -- it's  
7 in the contract -- and not cleaning up the waterway  
8 which Georgia Pacific said they would and the Port said  
9 they could do a better job than Georgia Pacific.

10 But in closing I think this issue is as big as  
11 the tunnel that was proposed in Seattle. They ran an  
12 advisory issue on it. The governor, state legislature  
13 swore to God they knew what the public wanted. The  
14 mayor argued with them. He said, "I'm the mayor of  
15 Seattle. I know what the public wants" and at the end  
16 of the day neither did.

17 And I think we may be in that situation for  
18 the history that we've got in front of us. So I think  
19 we need to keep that in mind because that issue may  
20 actually get voted on and it may have a important part  
21 of this prospect, especially with as many elected  
22 officials as are up on this.

23 There is a survey out there that was done by  
24 Bellingham Bay Foundation that's -- I think is  
25 scientifically accurate, and I think that would give

1                   you a good feeling about the people of Bellingham, and  
2                   you should get it and put it in there.

3                   MR. MARON: Thank you, Mr. Karlberg. Okay.  
4                   That concludes the public comments tonight. I'd remind  
5                   everyone that we will -- the process includes taking  
6                   written comment through May 11th. Please do that on --  
7                   through the Web site or write the Port.

8                   What will happen now is all the comments we've  
9                   received both orally and in writing will be collated  
10                  and will be considered in any potential revisions to  
11                  the scoping before us in this issue.

12                  And I thank you very much for your courtesy  
13                  this evening. Good night.

14                  [The hearing adjourned at 8:00 p.m.]

15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

STATE OF WASHINGTON )  
)  
COUNTY OF KING )

I, Robyn Dane, 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 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 14th day of May 2007.

\_\_\_\_\_  
Robyn Dane, Notary Public in and for the State of Washington residing at Seattle, Washington. Commission expires April 13, 2010.