

## Appendix A

On July 13, 2007, the *Final Scoping Document* was issued for the New Whatcom Redevelopment project. A companion document, the *Summary of Comments to the Scope of the Environmental Impact Statement for the New Whatcom Redevelopment Project and Responses by the SEPA Responsible Official*, was issued with the Final Scoping Document and included a summary of the most common or significant comments provided during the scoping period and a description of how the comments would be addressed in the Draft Environmental Impact Statement (EIS). For each of the 20 comments discussed in the *Summary* document, the list below provides a reference to the relevant sections of this Draft EIS in which the topic is discussed and analyzed.

1. See Section 2.10 of Chapter 2 for a discussion of Project Elements assumed under the Planned Action.
2. See Section 2.8.4 for a description of the No Action Alternative and Chapter 3 for the analysis of the No Action Alternative under all environmental elements.
3. See Section 2.8.2 and 2.8.4 for descriptions of the two marina concepts being evaluated under the Redevelopment and No Action Alternatives.
4. See Section 2.8.2 and 2.8.4 for descriptions of the two marina concepts being evaluated under the Redevelopment and No Action Alternatives. See Chapter 3 for the analysis of the two marina alternatives under all environmental elements.
5. See Section 2.8.3 for specific descriptions of the three Redevelopment Alternatives.
6. See Section 2.8 for a description of the alternatives.
7. See Section 2.8 of Chapter 2 and Section 3.13 of Chapter 3 for a description of the Redevelopment Alternatives and a detailed analysis of the impacts of the Redevelopment Alternatives on park and recreation facilities.
8. Environmental Justice issues are not addressed in this EIS, and are not required under SEPA.
9. See Section 3.1 of Chapter 3 and Appendix D for the analysis of a range of geotechnical issues under the EIS Alternatives.
10. See Section 3.4 and Appendix H for a description of existing habitat in the vicinity of the site and potential impacts to the offsite wetland.
11. See Section 3.3 and Appendices F and G for the stormwater management and water quality impact analysis of the EIS Alternatives.
12. See Section 3.5 Environmental Health for a discussion of current and ongoing MTCA activities in the vicinity and the relationship to the New Whatcom redevelopment.

13. See Section 3.14 and Appendix O for a description of the existing utilities and an analysis of the impacts associated with the EIS Alternatives.
14. See Section 3.1 and Appendix D for an analysis of potential vibrational impacts associated with the EIS Alternatives.
15. See Chapter 3 (under all relevant environmental elements for an analysis of the impacts from the marina and large vessel activity associated with the EIS Alternatives.
16. See Chapter 3 (under all relevant environmental elements) for a conceptual analysis of the impacts associated with the potential relocation of the railroad corridor; relocation of the railroad would be subject to a separate permit and environmental review process in the future. The environmental impacts of the project to relocation of the BNSF Railroad corridor are not addressed in this EIS.
17. See Section 3.12 and Appendix N for an analysis of traffic and pedestrian/bicyclist safety impacts associated with the EIS Alternatives.
18. An economic analysis of the New Whatcom EIS Alternatives is not included in this EIS, and is not required under SEPA.
19. See Section 3.9 for an analysis of the range of housing types associated with the EIS Alternatives, including affordable housing provisions.
20. See Section 3.4, 3.7 and 3.10 for an analysis of shoreline impacts associated with the EIS Alternatives.

## **Summary of Comments to the Scope of the Environmental Impact Statement for the New Whatcom Redevelopment Project and Responses by the SEPA Responsible Official**

In April 2007, the Port of Bellingham (Port) began the formal environmental review process for the proposed New Whatcom Redevelopment project. As Lead Agency under the State Environmental Policy Act (SEPA), the Port started the process by gathering public and agency input regarding specific topics and issues that should be analyzed as part of the Environmental Impact Statement (EIS).

On April 17, 2007, the Port issued a *Determination of Significance* and initiated an expanded scoping process for the EIS. A *Draft Scoping Document* was issued on April 19, 2007, which provided a preliminary scope for the EIS, a proposed range of alternatives and a list of elements of the environment to be studied.

From April 17 through May 11, 2007, the Port conducted the scoping comment period during which the public, agencies and tribes were encouraged to provide input regarding the scope of the EIS and offer feedback on the *Draft Scoping Document*. During the scoping comment period, 61 comment letters and emails were received. The Port also held two public hearings on April 25 and May 2, 2007 during which 27 citizens provided testimony on the *Draft Scoping Document*.

The following response provides a summary of the most common or significant comments provided during the scoping period, and a description of how the comments will be addressed during development of the *Draft EIS*. The public comments are summarized in bold, followed by a responsive statement. The responsive statements should be read in conjunction with the more detailed Final New Whatcom Redevelopment Project Scoping document for a fuller understanding of the upcoming EIS process.

**1. The projects proposed to be covered by the Planned Action designation are unclear.**

Noted. It is proposed that certain elements of the future redevelopment of the New Whatcom site be designated by the City of Bellingham as a Planned Action, pursuant to SEPA WAC 197-11-168(C). A Planned Action Ordinance would pertain to future redevelopment features that can be reasonably defined at this time for environmental review purposes and which will be subject to City of Bellingham permit approvals.

The plan has always been that the EIS clearly identify those projects anticipated to be included in the Planned Action Ordinance. Elements of the New Whatcom Redevelopment project that cannot be reasonably defined at this time would not be subject to the Planned Action Ordinance, and may require additional environmental review at the time applications for permits are submitted to the relevant agencies.

The City's Planned Action Ordinance, once adopted, will reflect a decision by the City that adequate environmental review had been completed for those identified projects and components of the New Whatcom redevelopment project. For future specific redevelopment projects subject to state and federal permits, the appropriate agencies will determine whether further environmental review is required.

**2. The project elements included under the No Action Alternative should be evaluated in this EIS.**

Agree. However, in this circumstance it is not appropriate to define the No Action Alternative as a continuation of the status quo. Instead, SEPA guidance suggests that the No Action Alternative should describe what is likely to occur on the site if the Proposed Actions are not approved and the site remains under industrial zoning. Under existing zoning, a marina and a variety of industrial uses could be permitted within the site. It has therefore always been planned that the EIS would evaluate the probable significant adverse impacts of the various elements comprising the No Action Alternative (including new industrial uses and the marina) relative to existing conditions. The use of the Aerated Stabilization Basin for industrial wastewater treatment is scheduled to be discontinued by June 2008. In addition, certain other uses of the site are being discontinued or abandoned and could be replaced by other industrial uses. The project elements included in the No Action Alternative are intended to reflect development of the site in accordance with existing zoning.

**3. Project elements, like the Marina, should not be part of the No Action alternative.**

Disagree. The No Action Alternative should reflect existing conditions and future potential development under current zoning. If no element of the proposed project is ultimately adopted, development of the site may occur under the existing zoning and regulatory framework, which allows development of a marina within the location of the Aerated Stabilization Basin.

**4. The Marina should undergo environmental review.**

Agree. There have been years of planning and environmental study focused on cleaning up the ASB for use as a marina, including a moorage demand study, marina siting analysis, amendments to the Port's Scheme of Harbor Improvements, remedial investigation/feasibility studies and other public documents. Those efforts will be incorporated into and referenced in the EIS. Even though the marina is conceptually part of the No Action alternative, there will be two alternative marina configurations studied in the EIS.

**5. Alternatives to the elements comprising the No Action Alternative should be considered.**

Agree. That is the reason three different alternatives are included in the scoping documents. However, there is not a SEPA requirement to analyze alternative landuses for the property, other than those proposed by the project proponent.

**6. The range of alternatives is not broad enough; a wider range of alternatives or different alternatives should be considered.**

Noted. According to SEPA WAC 197-11-440, the range of alternatives in the EIS should only include actions that could feasibly attain an applicant's objectives. There is no requirement (other than the No Action Alternative) that SEPA review consider alternatives not desired by the applicant.

To assist in understanding the alternatives, the Final Scoping Document has been modified to include a list of the "Applicant's Objectives.;" The Port has advised that these objectives for the New Whatcom Redevelopment Project are based on the past and ongoing public planning processes, including the Waterfront Futures Group's Waterfront Vision and Framework Plan as well as other Port and City planning efforts. For the upcoming environmental review, the Port has identified alternatives that encompass a full range of redevelopment that the site can reasonably accommodate and meet it's objectives (from continued industrial use of the property to 7.5 million square feet of mixed uses). The Port has chosen to not identify one of the alternatives as the definitive plan for the New Whatcom site. Rather, the identified alternatives function to provide representative levels and types of redevelopment and supporting infrastructure for analysis in the EIS. There is no SEPA requirement, other than the No Action Alternative, that alternatives be studied that do not meet the applicant's objectives.

**7. The alternatives should not incorporate a relationship between development density and open space. The Port should consider developing the majority of the site in park and open space uses.**

Noted. The EIS will include detailed analyses of the impacts of the Redevelopment Alternatives (Alternatives 1-3) and the No Action Alternative. Each of the Redevelopment Alternatives assumes a certain density and level of redevelopment and a range of parks, trails and open space that would be accessible to the public. As part of the master planning and decision-making process, a different mix and configuration of land uses within the range of Alternative redevelopment scenarios could be ultimately selected as the preferred plan by the Port. The preferred plan could reflect a mixing and matching of project elements from the various alternatives (such as choosing the assumed redevelopment square footage from Alternative 3 and the assumed amount of parks and trails from Alternative 1, etc.), as long as the overall environmental impacts of the preferred plan are within the range of impacts analyzed in the EIS.

The Port has advised that converting a majority of the site into public park and open space uses has not been proposed as an alternative in the EIS, because this concept would not be consistent with the Port's objectives. Therefore, this idea does not meet the definition of a reasonable alternative per SEPA.

**8. The EIS should cover National Environmental Policy Act (NEPA) topics such as "environmental justice."**

Disagree. The EIS is intended to satisfy requirements of the State Environmental Policy Act (SEPA). Environmental justice is not an element of the environment specifically identified for analysis under SEPA. However, the EIS will analyze the relationship between proposed redevelopment and surrounding land uses, estimated levels of new employment on the site, and provisions for affordable housing. For future redevelopment projects subject to federal permits, federal agencies would review the applicability of the New Whatcom EIS in regards to specific project elements and would determine whether further environmental review under NEPA is required.

**9. The potential for impacts to the redevelopment from tsunamis, earthquakes and possible collapse of the Nooksack River Delta should be analyzed in the EIS.**

Agree. It has always been planned that the EIS include an analysis of potential impacts to the redevelopment site and the site vicinity from tsunamis, earthquakes, landslides and other significant geologic hazards. Mitigation measures for any significant impacts will also be identified.

**10. The EIS should investigate the potential off-site "Hillside Springs" wetland.**

Agree. The Final Scoping Document has been modified to require the EIS to investigate the site and immediate vicinity of the site for any potential or previously identified wetlands, including the "Hillside Springs" wetland. When appropriate, the EIS will describe the existing wetland habitat and hydrologic flow conditions, describe any significant impacts to wetlands from redevelopment of the site and identify mitigation measures for any significant impacts.

**11. The EIS should describe changes in stormwater management on the site as a result of the redevelopment and should quantify any changes in water quality.**

Agree. It has always been planned that the EIS analyze stormwater management and water quality impacts including: a description of the existing stormwater management system on the site; a proposed temporary (during construction) and permanent stormwater management system concept for the redevelopment; a description of new infrastructure required for stormwater management (including water quality treatment facilities and potential for new or reconfigured outfalls); a quantitative analysis of post-development pollutant levels; a description of any

significant habitat and wildlife impacts from changes in water quality; and, identification of mitigation measures for any significant impacts.

**12. The EIS should discuss remediation of existing industrial contamination on the site including cleanup standards and methods for the Aerated Stabilization Basin (ASB), Whatcom Waterway and the upland areas of the New Whatcom Redevelopment site.**

Noted. The Washington Department of Ecology (Ecology) is implementing the Model Toxics Control Act (MTCA) process which governs how existing contamination is to be investigated and remediated at and adjacent to the New Whatcom site. Ecology serves as the Lead Agency for remediation projects subject to MTCA.

Since 1996, the Port and Ecology have been engaged in a MTCA process to develop an approach to clean up contaminated sites in and around Bellingham Bay. Ecology was the lead agency under SEPA for the Comprehensive Strategy for Bellingham Bay (Final EIS, 2000), and is currently working with the Port on the Cleanup Action Plan for the Whatcom Waterway Site and a Final Supplemental EIS, which will address cleanup of the waterway, including the ASB. (Seven sites on or adjacent to the New Whatcom Redevelopment site have been designated by Ecology as MTCA sites including: the Whatcom Waterway, Chlor-Alkali Facility, Pulp & Tissue Mill, Central Waterfront, I&J Waterway, Cornwall Avenue Landfill and the RG Haley site.) The investigation of contamination, determination of appropriate cleanup standards and analysis of appropriate cleanup methods for these sites are the responsibility of Ecology and will be subject to separate environmental review with Ecology as lead agency. Ecology's process under MTCA will determine the appropriate cleanup standards and methods, with consideration of the range of potential uses as part of the New Whatcom redevelopment.

It has always been planned that the EIS describe that current and ongoing MTCA cleanup process and analyze the potential for relevant environmental health impacts of redeveloping the site including: a general description of existing areas of contamination on the site; a discussion of the ongoing remediation process under MTCA, as called for in the Bellingham Bay Demonstration Pilot and Comprehensive Strategy; a discussion of the relationship of the EIS alternatives to the Whatcom Waterway Cleanup and EIS; a description of the relationship of redevelopment to the remediation process under MTCA given known and unknown site contamination areas; a discussion of applicable cleanup standards and methods relative to the EIS alternatives; and an analysis of potential impacts from construction and operational activities of the redevelopment in proximity to contaminated and/or capped or cleaned areas.

- 13. The EIS should analyze the existing utilities on the site and describe the new utilities required to support the redevelopment.**

Agree. It has always been planned that the EIS analyze the capacity of existing utilities, calculate the utility demands for the proposed redevelopment, analyze the potential re-use of existing utilities, and describe infrastructure improvements (and associated impacts) required to meet the new site utility demands. The EIS will examine water, sewer, electrical, stormwater and any other relevant utilities.

- 14. The EIS should analyze potential vibration impacts from activities related to the New Whatcom Redevelopment project.**

Agree. The Final Scoping Document has been modified to require the EIS to analyze potential vibration impacts resulting from redevelopment activities including construction, truck traffic, vehicle traffic on potential new bridge connections and along new roadways and operation of the relocated BNSF railroad line.

- 15. The EIS should include an analysis of the potential impacts from marina operations and large vessel activity at the Bellingham Shipping Terminal.**

Agree. It has always been planned that the EIS analyze air quality, water quality, noise, land use, environmental health, wildlife and habitat impacts from the new marina operations. The Final Scoping Document has been modified to require that the EIS also include an analysis of large vessel activities at the Bellingham Shipping Terminal and boat wake impacts on shoreline wildlife and habitat.

- 16. The environmental impacts of the relocation of the railroad should be analyzed in this EIS.**

Disagree. The potential relocation of the railroad corridor will be a separate action conducted by BNSF and subject to a range of permits and approvals. The specific environmental impacts of the construction aspects of the relocation to the eastern boundary of the site will be analyzed under a separate environmental review in the future.

However, the New Whatcom Redevelopment EIS will analyze the environmental impacts (such as noise, air quality, land use, vibrations and traffic impacts) associated with operations of the relocated railroad corridor on adjacent uses.

- 17. The EIS should analyze the impact of traffic pattern changes on pedestrian and bicyclist safety.**

Agree. It has always been planned that the EIS address the impacts of traffic pattern changes that result from redevelopment of the site, including impacts on pedestrian and bicyclist safety on trails and roads on the site and within the site vicinity.



**18. The EIS should include an economic analysis of different alternatives and scenarios, including the economic viability of providing additional parks and open space.**

Disagree. Per WAC 197-11-448 (3), analysis of economic impacts is not required by SEPA. The Port, as Lead Agency, has determined that such analyses (pertaining to wages, costs, profits, returns on investment, etc.) will not be incorporated into the EIS. Rather, the Port has advised that it and the City will continue to conduct economic analyses in support of the New Whatcom Redevelopment project through the public Master Planning process; these efforts will be completed separately from this environmental review process.

The EIS will, however, include various analyses of socioeconomic issues such as employment estimates, affordable housing provisions and relationship of site redevelopment to public services provision (including police service, fire protection, street and park maintenance, and schools).

**19. The provision of affordable housing should be discussed in the EIS.**

Agree. The Final Scoping Document has been modified to require the EIS to provide an analysis of the range of housing types that could be provided on-site. Included in the analysis should be information regarding the potential provision of on-site affordable housing. The EIS should define affordable housing goals, including the percentage of housing on the site to be designated as "affordable." The EIS should also address the policy and land use implications of accommodating multi-family mid-rise housing at the site, relative to the provision of housing supply in other parts of the City and area, and the policy implications of providing affordable housing.

As indicated under #15 above, information on wages, costs and certain other economic parameters will not be provided in this EIS. Likewise, the specific relationship of potential housing product at the site to potential job types will not be evaluated in the EIS.

**20. Impacts from redevelopment on the shoreline should be addressed including habitat, views, and public access changes.**

Agree. The Final Scoping Document has been modified to clearly indicate that the EIS will describe project features within the shoreline area for each EIS alternative, and analyze potential habitat-related impacts and changes in views, access, and land uses within the shoreline from redevelopment.

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New Whatcom Redevelopment Project  
List of Comment Letters from EIS Scoping Period

From April 17 through May 11, 2007, the Port conducted the scoping comment period during which the public, agencies and tribes were encouraged to provide input regarding the scope of the EIS and offer feedback on the *Draft Scoping Document*. During the scoping comment period, 61 comment letters and emails were received. The following is a list of commentors:

**Written Comments**

**Agencies and Tribes**

Washington Department of Ecology  
City of Bellingham Planning Commission  
Lummi Nation

**Organizations/Individuals**

Bricklin Newman Dold  
Clean Water Alliance  
People for Puget Sound  
RE Sources for Sustainable Communities  
Whatcom County Marine Resources Committee

Ken Anderson  
Frances Badgett  
Anita and Ray Ballweg  
Tom Barrett  
Jennifer Bean  
Marvin Bensen  
Remigijus Biciunas  
Pete Black  
Rick Black  
Elisabeth Britt  
Mark S. Buehrer  
Rabel Burdge  
Skye Burn  
Cathy Cameron  
Kevin Cournoyer  
David M. Curtis  
George Dyson  
Chris Fairbanks  
Ryan M. Ferris  
Deb Gaber  
Bill Geyer  
Thomas Gotchy  
Erica Heininger  
S. Harry Herdman  
Eric and Susan Hirst

Bernie Housen  
Marty Jelinski  
Tip Johnson 1  
Tip Johnson 2  
Michael J. Kettman  
Judy Kleinberg  
Leslie Langdon  
Jeanette Douglas Meyer  
Geoff Middaugh  
Anita Milavec  
Kelly Morgan  
John Munson  
Norm Nielsen  
Edwina Norton  
John & Patricia Parker  
Dale Petersen  
Anne-Marie Renoud  
Skip Richards  
Mary Rossi  
Sheryl Russell 1  
Sheryl Russell 2  
Lincoln L. Rutter  
Anna S  
Julie Shoun  
Jack Weiss  
Rachel Werther  
James K. Woodle  
Bob Worley