



City Council Agenda Bill

20063

Bill Number

Subject: A worksession to continue committee review of the Waterfront District Sub-Area Plan and related documents.

Summary Statement: On August 5, the City Council held a public hearing on the proposed Waterfront District Sub-Area Plan, development regulations, design standards, planned action ordinance, development agreement and interlocal agreement for facilities. Council's Downtown/Waterfront Committee held worksessions on August 12 and September 9.

Issues expected to be discussed at the September 16 worksession include the Cornwall Beach, Shipping Terminal and Log Pond planning areas.

Previous Council Action: Public hearing on August 5. DT/WF Committee worksessions 8/12 and 9/9.

Fiscal Impact: The City has invested over nineteen million dollars for planning, site cleanups, property acquisitions and design and construction of capital facilities. Additional financial commitments by the City through 2037 are proposed in the Interlocal Agreement for Facilities.

Funding Source: Pending Council discussion and action (options: LIFT, Street, REET, PIF, TBD and grants).

Attachments: Written comment received by Council since 08-12-13

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Direction Requested	16-Sep-2013	Provide Direction to Staff	Various staff	90 min

Council Committee:

Waterfront/Downtown Development

Terry Bornemann, Chair
Cathy Lehman; Jack Weiss

Committee Actions:

Agenda Bill Contact:

Greg Aucutt, Asst. Director, 778-8344

Reviewed By	Initials	Date
Jeff Thomas, PCD Director	<i>JD</i>	9-10-13
Tara Sundin, WD Project Mgr	<i>TS/EA</i>	9/10/13
Legal	<i>PMR</i>	9-10-13
Mayor	<i>KL/EA</i>	9/10/13

Council Action:

Walker, J Lynne L.

From: Marilyn Flint <marilynflint@gmail.com>
Sent: Thursday, September 05, 2013 11:22 AM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

I would like you to consider the following during your deliberations on these very important plans:

- 1) Please consider completing an adequate study of habitat at the Waterfront. As you are probably aware, the log pond is a haul-out beach for harbor seals and while studies are scarce, we know other species are present on the site as well.
- 2) I also ask you to consider studying other alternatives for the ASB. I am concerned that the only use studied for the ASB is a marina and it could have other uses. There needs to be a complete study of the potential uses for the ASB.
- 3) Finally, I'm concerned that the documents in front of the committee for review do not include a community benefits agreement (CBA). A CBA could ensure that the jobs created on the site provide a living-wage, that the development built on the site includes great pedestrian and bicycle amenities, and that the small pockets of habitat on the site are enhanced and protected.

I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

Marilyn Flint
4915 Samish Way #14
Bellingham,, WA 98229
360-676-7441

Walker, J Lynne L.

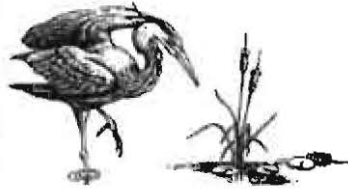
From: Wendy Harris <w.harris2007@comcast.net>
Sent: Friday, September 06, 2013 1:56 PM
To: michaelm@portofbellingham.com; jimj@portofbellingham.com;
scottw@portofbellingham.com; sylvia@portofbellingham.com; CC - Shared
Department; Grp.PL. Planning Mail (planning@cob.org)
Subject: Waterfront Plan comment on habitat

Please accept these two articles, released in the July and August 2013 issues of the Whatcom Watch, as my public comment on the waterfront as it pertains to habitat and biodiversity. The plan presented will not restore the ecological and commercial health of the waterfront. The plan needs to be revised to provide more protection of aquatic and nearshore species, habitat and connectivity corridors. Local species need to be protected from harmful human impacts, whether it be inadequate buffers, tall buildings in migration pathways, or increased marine traffic. As drafted, this plan fails to mitigate for any impacts other than shoreline eelgrass restoration. Proper protection requires an updated conservation analysis, which is missing from the last three EIS documents. Therefore, the starting point, must be a meaningful fish and wildlife analysis of Bellingham Bay.

Sincerely,
Wendy Harris

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http://www.whatcomwatch.org/php/WWW_open.php?id=1585



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A Policy of Neglect: How Waterfront Plans Fail to Protect Bellingham Bay Wildlife

by Wendy Harris

Wendy Harris is a retired citizen who comments on development, mitigation and environmental impacts.

Part 1

The Search for Integrity In the Conflict Over Cherry Point as a Coal Export Terminal (pdf file)

Our Living Jewel: Cherry Point Aquatic Reserve (pdf file)

Submission Guidelines (pdf file)



Not many people are aware of the ecological significance of Bellingham Bay. The bay contains large estuarine areas from the influx of fresh water from Nooksack river and the Chuckanut, Padden, Whatcom and Squallcum creeks. As a result, the bay has been an area of high biological diversity and productivity, and a water body of regional significance in the Salish Sea. The shoreline and nearshore by the Nooksack delta and the mouths of the creeks have particularly high habitat value (or potential) for birds, fish and marine mammals.

The city and port of Bellingham are ignoring impacts to fish and wildlife as they attempt to squeeze as much development as possible out of the waterfront. It is unlikely that aquatic life on Bellingham Bay will ever recover. These results were predicted in a May, 2007 Whatcom Watch article by Terrance Wahl entitled, "Waterfront and Wildlife." The local, renowned bird expert stated that "the planned development of the central waterfront will have little benefit for wildlife and in fact will worsen things to the point of virtual elimination." 1

This prediction is almost certain to become a reality under the current waterfront redevelopment plan promoted by the city and port administrations. It is a telling sign that the Bellingham Planning Commission, which recommended that the City Council approve the proposal, failed to conduct a single work session focused on shoreline issues or fish and wildlife conservation, even after the Washington State Department of Ecology found that the waterfront plan was in conflict with city shoreline regulations. Even more telling is the lack of effective mitigation to offset the harmful impacts of waterfront redevelopment. In fact, the city and port refuse to acknowledge that there will be impacts on the marine ecosystem.

The city and the port argue that the waterfront is degraded and therefore, of such low habitat value that redevelopment will improve habitat functions. This analysis overlooks our functional marine habitat, which will be harmed through intensified use of the water and the shorelines by people, pets and watercraft. And while some shoreline restoration is planned, it will have limited functional value because it does not establish adequate buffers, protect against human intrusion, or ensure habitat connectivity.

This policy of willful neglect is contrary to the goals articulated when the waterfront planning process first began, and it overlooks an important opportunity to plan at a "landscape based" scale, which is the approach recommended by wildlife agencies. The city and port have ignored the economic benefits of developing the waterfront for eco-tourism, although this is an annual two billion dollar industry in Washington. Eco-tourism is more compatible with the stated desires of many Bellingham's residents for a more natural waterfront experience and would provide an alternative source of income beyond intense urban level development and privatization of the waterfront.

The waterfront proposal ignores an important reality. We can not protect the bay and its shorelines without protecting fish and wildlife. Biodiversity keeps our ecosystems healthy and sustainable, makes the land more resilient to human impact and provides crucial ecosystem benefits, often too expensive or too difficult to duplicate. Moreover, ecosystem benefits are increasingly recognized as necessary for human survival. In sum, our future is connected to the future of our local species.

This month, I discuss the importance and vulnerability of Bellingham Bay's fish and wildlife. Next month, I examine how the proposed waterfront plan fails to address conservation issues. It is clear that waterfront plans must be revised to better connect, protect and restore Bellingham Bay biodiversity.

Bellingham Bay Biodiversity

Bellingham Bay has well over 50 species of fish. 2 Three important species of forage fish, surf smelt, sand lance and Pacific herring (Chuckanut Bay), spawn on Bellingham Bay beaches. They supply over

50 percent of the diet of adult salmonid species and are a key factor in protecting and maintaining local anadromous fish populations. Northern anchovies are also found in the bay.

Salmonid species, including coho salmon, chum salmon, Chinook salmon, pink salmon and sockeye salmon, use the bay. These salmon species are an important food source for other aquatic and upland species and have high commercial value. Nooksack River Chinook salmon are a designated "Evolutionarily Significant Unit" because they are genetically distinct from other Chinook. The estuarine areas and the shorelines of Bellingham Bay are essential to the survival of all salmonid species, but Chinook and chum salmon, in particular, require extensive use of the nearshore.

The bay supports other anadromous fish species such as steelhead trout, cutthroat trout, bull trout, Dolly varden (a char species), longfin smelt and Pacific lamprey. A number of rockfish species are found in Bellingham Bay. Additionally, the bay is home to Pacific cod, ling cod, and flatfish species such as English sole and Starry flounder.

Bellingham Bay is abundant in shellfish, and contains many species of crab, shrimp, clams, oysters, mussels, scallops, and cockles. While commercial and recreational shellfish harvesting is prohibited in Bellingham Bay, the shellfish remain an important food source for marine species. The bay is also abundant in lower forms of life, including worms, insects and intertidal species (anemones, stars, urchin, cucumbers, jellies) that are also an important source of food.

A number of important plant species are found in the Bellingham Bay, including kelp and eelgrass, which are a source of food, shelter and oxygen to a wide variety of invertebrate and vertebrate species. The plants also serve as migration corridors. Current eelgrass cover is believed to have declined more than 90 percent from historic levels in the 1800's.

Bellingham Bay is well known for its important bird habitat: because it is situated along the Pacific Flyway, between Skagit Bay and the Fraser Estuary, tens of thousands of birds pass over, rest and refuel here during migration. In particular, Bellingham Bay is known for its large winter seabird population. Based on a MESA (Marine Ecosystem Analysis Program) study by the National Oceanic and Atmospheric Administration (NOAA), Bellingham Bay was identified as a "significantly important subregion." (Wahl, et. al, 1981).

A Rich Diversity of Avian Species and Marine Mammals

Great Blue Heron are an iconic image on Bellingham Bay. But they are only one of a wide variety of avian species found here. Local marine birds can often be found floating in large rafts, and include Harlequin ducks, long tail ducks, bufflehead ducks, widgeon, brants, Canada geese, grebes, cormorants, gulls, terns, scoters, scaups, goldeneyes, mergansers and loons. The bay is home to more unusual alcids species such as pigeon gullmots, marbled murrelet, common murre and rhinoceros auklet. Migratory shorebirds that visit the bay include dunlin, western sandpipers, sanderlings, turnstone, surfbirds and black oystercatchers. Belled kingfishers are found along the shorelines. Raptors hunt in this area. Bald eagles, osprey, peregrine falcon, and several species of hawk have been sighted. Numerous songbird species can be found along the vegetated bluff above the waterfront.

Marine mammals can be found in Bellingham Bay, with harbor seals prominent on haul-out logs around the waterfront area, particularly the log pond. California sea lions and Pacific Harbor porpoises use the outer bay. River otters have been spotted, sometimes with pups, in the bay and on local park shorelines, such as Boulevard Park and Maritime Heritage Park. Whale sightings are infrequent, but Orcas and Grey Whales have been sighted.

Species At Risk

Bellingham Bay's abundant fish and wildlife sustained indigenous peoples for thousands of years. Salmon runs were once so productive that the fish could be harvested with pitchforks. Recently, many historic wildlife populations have plummeted. While there are many reasons for this, shoreline development and loss of habitat are primary problems. The ongoing impacts of 100 years of industrial operations, residential development and, more recently, recreational activities have greatly impaired the habitat value of the bay.

In particular, Bellingham Bay is seeing the same sharp decline in marine bird populations affecting Puget Sound. Only 20 years ago, Bellingham Bay had some of the largest winter concentrations of western grebes in North America, estimated to be as high as 38,000. Today, those numbers have declined by over 87 percent. This severe decline has generated scientific and media attention.

Western Washington University professor John Bower completed a study in 2009 that documented the decline in marine bird species, based on 1978 and 1979 census data.³ The seven most common species, brant goose, western grebe, surf scoter, American wigeon, greater scaup, glaucous-winged gull and Pacific loon, have collectively dropped by 67 percent, with declines even greater than that for particular species such as the brant, the common murre and the marbled murrelet. According to Dr. Bower, "If we have declines in the birds, it means the ecosystem that supports those birds is in trouble."

The North/Middle Fork and South Fork spring Chinook populations had historic abundances of an average of 26,000 and 13,000 respectively for the North Fork and the South Fork populations. Now, natural-origin Chinook return in the low hundreds, averaging 170 (North/Middle Fork) and

approximately 80 (South Fork) fish in recent years. According to a 2002 report by the National Marine Fisheries Service, included as part of the Puget Sound Chinook Salmon Recovery Plan, 2011, habitat factors responsible for the decline include development along marine shorelines in Bellingham Bay and in nearshore areas.⁴

Development near the shorelines has fragmented and destroyed most upland habitat. However, there is limited terrestrial wildlife in the upland areas of Bellingham Bay. The most important remaining habitat is the natural bluff line above the bay, which extends north from the Chuckanuts through the city. This provides a vegetated corridor used by birds and smaller mammals. However, the bluff corridor is threatened by increased human use along the South Bay trail, tree clearing for views, and the use of harmful pesticides and chemicals. Whatcom Creek also provides terrestrial habitat but, even after restoration, lacks adequate connectivity between the marine waters and the uplands necessary for full functionality.

Conservation Requirements

In theory, a number of laws and non-regulatory guidelines protect Bellingham Bay wildlife from the impacts of development, most prominently the federal Endangered Species Act (ESA). Species are classified as either endangered (seriously threatened with extinction), threatened, (likely to become endangered if no action is taken) or sensitive (vulnerable or declining in population).

Orca whales are listed as endangered and the protected habitat range of pods J, K and L includes Bellingham Bay. Bocaccio rockfish were added to the endangered list in 2010. Threatened species include the marbled murrelet, Chinook salmon, steelhead trout, bull trout, yelloweye rockfish and canary rockfish. Sensitive species include peregrine falcons, common loons and bald eagles. Western grebes, common murre, eagles and chum salmon are "candidate species" being considered for ESA listing.

Bellingham Bay's marine mammal species, such as harbor seals, otters and porpoises, are protected under the Marine Mammal Protection Act, which prohibits the unauthorized "take" of any marine mammal. Raptors and shorebirds are protected under the Migratory Bird Treaty Act.

Washington also protects "priority habitats and species" (PHS) through publication of management recommendations;⁵ these are non-regulatory guidelines. Priority habitat and species are much more extensive than ESA species. State priority species include almost every fish and wildlife species found in Bellingham Bay, including the forage fish, salmonid species, rock fish, and all marine birds, cavity nesting ducks, alcids, waterfowl and marine bird concentrations, raptors and the Great Blue Heron. Additionally, Washington has adopted "Aquatic Habitat Guidelines" through a multi-agency program that includes a number of state and federal agencies.

Locally, Bellingham Bay is a designated critical area or, more specifically, a "Habitat Conservation Area" (HCA), which imposes special requirements on development within 300 feet. (Bellingham Municipal Code 16.55.470). These regulations also apply in shoreline areas through the city's Shoreline Master Program (SMP).⁶ The Bellingham Critical Area Ordinance states that mitigation of alterations to HCA must include mitigation for adverse impacts upstream or downstream of the development proposal site and must address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis. (BMC 16.55.490).

Willful Ignorance

The city and port are well aware that Bellingham Bay wildlife is at risk due to fragmentation and loss of habitat connectivity, inadequate habitat buffers and intensified human uses. True, the city and port largely ignored these issues in the Waterfront District Environmental Impact Assessment (EIS) required under the State Environmental Policy Act (SEPA). The Waterfront District EIS, which requires the review of five separate documents drafted over a five year period, is disjointed, inadequate and confusing. However, the status of Bellingham Bay fish and wildlife is reflected in a multitude of other city and port documents.

These issues were extensively analyzed by field biologist Ann Eissinger of Nahkeeta Northwest Wildlife Services. Ms. Eissinger completed the City of Bellingham Wildlife and Habitat Assessment Plan and Wildlife Habitat Plan in December, 1995. It remains the seminal work on Bellingham fish and wildlife species, arranged by watershed. This work emphasized the need for empirical data to fill large gaps in the available information, before additional city development occurred. This recommendation continues to be ignored.

Ms. Eissinger also drafted the City of Bellingham 2003 Bellingham Habitat Assessment, which was an updated review of habitat conditions within the city, allowing opportunity to track habitat trends. The assessment rated the functional value of habitat blocks and identified, at a rough scale, the city's habitat corridors. The assessment stated that Inner Bellingham Bay, although industrialized and severely modified, "harbors significant wildlife populations," concluding that the "marine habitat represents a vast area of significant value in the region." However, the assessment warned that, without better protection, Bellingham would lose many of its wildlife species. Ms. Eissinger's reports were not popular with city officials and were never officially adopted although, even today, they are cited as sources of information.

The city SMP, updated in 2013, designates Bellingham Bay as a "Shoreline of Statewide Significance" (SSWS). As part of the SMP update, the city did a functional assessment of each

shoreline area (referred to as a "reach".) The Bellingham Bay shoreline analysis reflects the importance and vulnerability of aquatic habitat, as well as the extent of shoreline degradation. Of note, the shoreline analysis for Boulevard Park, which will be connected to Cornwall Beach park via a controversial 8-million dollar overwater bridge, acknowledges that the popularity of the park and shoreline trail interferes with conservation efforts, likely leading to loss of pigeon guillemot nests.

Both the port and the city are part of the multi-agency task force that continues to meet bi-monthly for the Bellingham Bay Demonstration Pilot Project, which includes a habitat restoration component. The Pilot Project has identified the highest-priority habitat restoration areas in Bellingham Bay and, while there are plans to move forward with certain restoration efforts, these plans are not reflected in the waterfront plans, reducing the city and the port's accountability to the public.

In summary, Bellingham Bay remains important habitat for a wide range of wildlife, but this habitat is fragile and subject to increased degradation. Waterfront redevelopment will expedite the loss of marine habitat. It is clear that Bellingham Bay must be connected, protected and restored as part of the waterfront redevelopment process.

Next Month: How waterfront redevelopment plans threaten biodiversity and what can be done about it.

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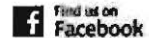
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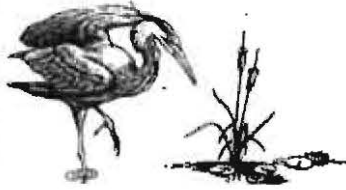
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August 2013

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A Policy of Neglect: How Waterfront Plans Fail to Protect Bellingham Bay Wildlife

by Wendy Harris

Wendy Harris is a retired citizen who comments on development, mitigation and environmental impacts.

Part 2

Bellingham City Council will conduct a public hearing for the proposed waterfront plan on August, 5, 2013, with council work sessions to follow. Hopefully, this will be more productive than the work sessions conducted by the Bellingham Planning Commission, which resulted in a rubber stamp of the plan promoted by the port and city administration. In the meanwhile, the staff used the month of July to promote their waterfront plan to the public, offering tours that focused on public access and aesthetic vistas. Controversial issues, negative impacts, and alternative planning options were not discussed.

We need to make important changes to this plan to protect Bellingham Bay biodiversity. The waterfront plan needs to create habitat connectivity, mitigate impacts from increased use of land and water, and resolve conflicts between public access and shoreline restoration. In short, the public must have a realistic understanding of the competing priorities for limited shoreline access and use, and the waterfront plan needs to include a conservation component that protects and restores habitat for all aquatic and nearshore species.

No Environmental Assessment of Wildlife Impacts

When waterfront planning first began, protection of local species and habitat was strongly emphasized, as reflected in the Waterfront Futures Group Vision and Framework Plan. Over time, wildlife issues were de-emphasized, in a process so gradual, few people were cognizant of it. In the current waterfront plan, wildlife impacts are ignored..

Waterfront district environmental impacts were analyzed in the Environmental Impact Statement (EIS), which consists of five documents reflecting the changes that were made in waterfront plans over time. The first EIS document, the 2008 Draft EIS, had a discussion of fish and wildlife impacts, supported by a technical report. These items were present, in a smaller version, in the second EIS report. The third EIS fails to address plant and animals, noting that prior assumptions are unchanged. The fourth and final EIS focuses on "key topic areas," which do not include plants and animals.

Recently, the port issued an EIS addendum, without public input or notice, which made significant changes to the waterfront plan, reflected as the new "updated preferred alternative." The resulting impacts to plants and animals are not addressed. I do not know how the city and port avoided an updated wildlife analysis without repercussion. Perhaps the complicated and lengthy waterfront planning process and the multiple EIS documents prevented recognition of what had occurred. It is essential that this be corrected before waterfront planning proceeds any further.

Too Much Flexibility

The issue of adequate wildlife protection is muddled by a waterfront plan that lacks adequate detail and clarity. This is justified as something desirable because it provides the city and port staff with "flexibility." Staff successfully convinced the Planning Commission that they must have the ability to adapt and modify waterfront redevelopment over the many years and planning phases that will be necessary to complete construction. Comprehensive planning always requires a long term perspective, so the extraordinary need for flexibility in waterfront planning is unclear.

I believe a more accurate appraisal is that the staff wants the freedom to develop the waterfront as they see fit, with little interference from the public. The planning commission lacked understanding that "flexibility" comes at a cost. It reduces public input, staff accountability, government transparency, and wildlife protection.

The results are tangible. We have been given a draft Waterfront District Sub-Area Plan (also known as a "master plan") that leaves the public unclear about what is going to occur at the waterfront. For habitat restoration, all that is generally disclosed is a site location and a stated intention to improve habitat function or restore eelgrass. (Waterfront District Sub-Area Plan, Chapter 3 generally, and

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Figure 3-3, page 3-20). This is an inadequate amount of disclosure, even for a comprehensive planning document intended to be general.

While there are many documents associated with the Sub-Area Plan, such as the development regulations, they are not instructive. For example, Waterfront District Phasing Maps for Phases 1 through 5 of the draft Interlocal Agreement for Facilities within the Waterfront District identifies "shoreline restoration areas" but provides no further information.

The city and port have information that would allow habitat restoration details to be included in the waterfront plans.¹ By providing only the most basic of information, the city and port avoid affirmative obligation to fund habitat mitigation projects. This also allows the staff to proceed under an uncoordinated, piecemealed, site-specific approach to wildlife issues.

Effective conservation can not be achieved through a "site-by-site" approach. Only landscape scale planning, which is what the waterfront district master plan process is supposed to reflect, can fully protect fish and wildlife. A larger, ecosystem-based analysis is necessary to identify, protect, and restore the highest conservation value areas of the waterfront, along with key connectivity corridors.

Connectivity

The planning "scale" is critical with regard to habitat connectivity, an essential requirement for functional habitat. Habitat corridors allow species to move across the landscape for migration, foraging, life stage needs, and genetic exchange. When habitat becomes fragmented, species become isolated, lose genetic diversity and become dependent on one location for survival. This greatly increases the risk that a species subpopulation will become extirpated.

Connectivity requires assessment of land and water beyond the development site, and therefore, can only be done at the master planning level. Restoring or protecting habitat on a site specific basis, as proposed, does not ensure that habitat will be accessible by fish and wildlife. Only a landscape based approach identifies habitat sinks, such as roads, structural barriers and severed habitat linkages, which need to be addressed before site specific development is planned.

Habitat connectivity was highlighted as necessary but missing in the city's 2003 Habitat Assessment.² The Habitat Assessment advocated the development of a wildlife habitat network, which included connection between Bellingham Bay and the uplands, stating that "the planning process needs to incorporate wildlife movement and the retention of functional corridors as a fundamental part of development."

Contrary to this recommendation, the draft waterfront plan largely neglects the issue of habitat connectivity. The only mention of connectivity that remains in the draft Waterfront District Sub-Area Plan (Chapter Three) is a reference to "nearshore connectivity", (Page 3-17). Nearshore connectivity is limited to lateral movement along the shoreline, without consideration of connectivity between aquatic habitat and the nearshore, or between nearshore and upland terrestrial habitat.

This limited form of connectivity is intended to benefit salmon and forage fish, most likely because this is often a requirement of state and federal permits prior to development. By omission, the city and port have no intention of protecting habitat connectivity for biodiversity.

Intensity of Use

The waterfront plan ignores the inherent conflict between human land use and wildlife habitat. As the intensity of human use and development increases, the presence of fish and wildlife declines.³ By ignoring these impacts, the city and port are failing to provide appropriate mitigation of habitat impacts.

Yet the science is uncontroverted. Study after study documents the harm caused by human presence. Humans bring domestic pets, such as cats and dogs, which wreck havoc on native wildlife. Humans create noise, lights, and odors that interfere with migration patterns and other wildlife lifecycle activities. Lawns, parks and utility corridors reduce native vegetation, and introduce harmful pesticides and herbicides. Buildings with vertical glass windows are a leading cause of bird mortality. Roads and trails create connectivity barriers, and result in high animal mortality. Increased development density adds to existing water and air pollution, which correlates to a decrease in biodiversity and loss of functional habitat. In short, when humans appear, other species disappear.

Impacts will be felt even in areas that are alleged to be too degraded for any habitat value. The city is developing a new public trail around the ASB (Aerated Stabilization Basin) facility, one of the contaminated industrial sites. The ASB perimeter is currently used as habitat for birds, seals and otters.⁴ The city habitat analysis for this project revealed harmful indirect impacts from the increased presence of people. Although loss of habitat is a primary cause of species decline, the city and port have not proposed mitigation connected to the ASB trail or any other waterfront site.

In 2010, the GP site became the largest Caspian tern nesting colony on the west coast of North America, generating scientific field research and study. Although an empty industrial site, it had high conservation value. But redevelopment plans for this area include recreational and mixed industrial use. The port has harassed the terns every summer after 2010 to prevent another nesting colony, which would complicate the ability to develop the site and trigger mitigation requirements. The port has no plans to provide alternative habitat for the terns.

There has been no consideration of impacts from constructing 100' and 200' foot buildings within the Pacific Flyway, creating a tall barrier between the land and the sea. Although windows in tall buildings are a particular mortality hazard for birds, this issue has never been (publicly) discussed. And instead of mitigation for loss of harbor seal haul-out areas along the waterfront, the city filed a "take" permit to allow incidental harm or death of seals in connection with development of the overwater walkway near Cornwall Landfill.

Waterfront redevelopment will create more roads and trails that fragment land and create barriers to wildlife movement. Otters, seals, and terns will lose existing habitat along abandoned waterfront sites. Seabirds will be driven away by increased boat traffic. Song birds will fly into high rise windows. Small mammals will be hit by cars due to increased traffic and roads. And all forms of shoreline wildlife will be harassed by dogs and waterfront recreational users. And the city and port have no plans to mitigate the impacts.

Public Access Creates Problems

The waterfront plan ignores conflict between public access and shoreline restoration, a matter about which the Department of Ecology recently commented. Public access and wildlife habitat generally cannot exist in the same location, although most waterfront shoreline locations reflect both uses. Some people, (and apparently city and port planners), fail to understand the harmful impacts that recreational water activities, such as hiking, boating, wildlife watching, photography, swimming and on-shore recreation, have on wildlife.

Kayaking is one of the most harmful of recreational activities, since it allows people to get close to shoreline and marine areas normally inaccessible to humans. This can have significant impact on migrating birds, resulting in the need to take flight, reducing opportunity to forage and rest, and using crucial energy reserves. It is also disruptive to breeding marine mammals.

Simply put, habitat has value when it protects against human intrusion. The port and city have admitted there is a conflict, and have noted a potential for restricted public access at some waterfront areas, but they refuse to commit to anything definitive, stating that decisions will be made on an (ineffective) site-specific basis.

Buffers

Shoreline buffers are an important tool in protecting nearshore and aquatic wildlife from incompatible land use activities and development. But buffers cannot serve their intended purpose if they are subject to activities that undermine their function.⁵ The waterfront plan places shoreline pedestrian trails and bike paths within the buffer, undermining a goal of keeping humans at a safe distance from wildlife.

Buffer width is an important determinant of buffer effectiveness. Shoreline buffers should be based on an analysis of shoreline ecological functions, development patterns and anticipated uses. Instead, the city and port provided a uniform 50 foot shoreline buffer around the entire waterfront without consideration of differences in zoning and use, or the presence of fish and wildlife. Review of scientific studies indicates that this is an inadequate buffer width for high urban density and use.

Native vegetation within shoreline buffers increases and protects shoreline ecological functions, but it appears from the waterfront plan that landscaping will be based on human aesthetic values, rather than shoreline functional values. In sum, the waterfront shoreline buffers will have greatly compromised functional value for wildlife.

Boat Traffic

The impacts from boat traffic deserve special attention.⁶ The first EIS document, which analyzed plant and animal impacts, considered potential impacts from increased boat traffic. It determined that there would be an increase in recreational boat traffic from the new marina, but this would be offset by the proposed decrease in commercial vessel traffic. The recent EIS Addendum reflects an increase in both recreational boating and commercial shipping, but fails to consider the impacts on aquatic wildlife. Given what is known about the harmful impacts of boat traffic, this is a glaring defect, and one that requires correction before a waterfront plan is adopted.

Conclusion

The proposed waterfront plan largely ignores wildlife issues. At best, shoreline restoration projects will benefit a few fish species. Waterfront planning needs to be placed on hold until there is an updated EIS analysis of impacts to plants and animals, which addresses conflicting shoreline uses, intensity of use impacts, and habitat connectivity. And these impacts must be rectified through meaningful mitigation that replaces any habitat that is lost through redevelopment. Unless significant changes are made in the current waterfront plan, Inner Bellingham Bay is at risk of becoming an ecological dead zone.

Endnotes

1 The Waterfront District Sub-Area Plan Incorporates by reference the Bellingham Bay Pilot, which identified the highest priority habitat restoration areas in Bellingham Bay, as does the recently updated city Shoreline Master Program. High priority conservation needs are identified in the City's Wildlife and Habitat Assessment Plan and Wildlife Habitat Plan, December 1995 and updated 2003 Habitat Assessment, Nahkeeta Northwest.

2 City of Bellingham 2003 Habitat Assessment, Ann Elssinger, Nahkeeta Northwest. This document is marked as a "draft" because it was never adopted, but it is a completed analysis by a highly reputable field biologist.

3 U.S. Geological Survey, see citations discussing urban expansion at http://www.usgs.gov/ecosystems/environments/urban_expansion.html.

4 City of Bellingham Parks Department, ASB Trail Fish and Wildlife Conservation Area Analysis, Consultant Report by Northwest Ecological Services, LLC, 2013.

5 Washington Department of Ecology, SMP Handbook, Chapter 11, Vegetation Conservation, Buffers and Setbacks, Nov. 28, 2011, Publication Number 11-06-010

6 U.S. Department of Interior, National Biological Survey, Recreational-boating Disturbances of Natural Communities and Wildlife: An Annotated Bibliography, Biological Report No. 22, May 1994; http://seattletimes.com/html/localnews/2020054352_pugetnoise04m.html documenting harm to marine life from increasing noise in Puget Sound shipping terminals; <http://www.nmfs.noaa.gov/pr/impacts.htm>; National Oceanic and Atmospheric Administration website with hyperlinks regarding human impacts on aquatic life.

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Walker, J Lynne L.

From: Anonymous@cob.org on behalf of Carole_Jacobson@cob.org
Sent: Monday, September 09, 2013 1:49 PM
To: CC - Shared Department
Subject: Waterfront Development carolejacobson1946@gmail.com

2314 Samish Way
Bellingham, WA 98229

With all due respect, this morning, the staff highlighted a critical a two tier response that haunts the entire Waterfront District development.

There is an upper tier where development visions and proposals are aimed at a retail market that services an up-market population-summer tourists, professional and business people and retired and Bellinghamsters. This is a sector of business that is totally at the mercy of the size of expendable income with just people who are visit, celebrate, eat and do business while capturing profits from elsewhere in town.

There is a forgotten tier, a captive market, the Waterfront District employees and the residents of affordable housing, who are there three hundred and sixty-five days of the year, have no defined jobs and services spelled out in the development plans. Jobs and services are to be totally based on their demand sometime in the future.

In the meanwhile, the very sector that effects the economic development of the town, the industrial sector has no plans. I have read nothing that describes how Bellingham has a brilliant vision to attract marine industry, has an emerging light industrial site, is a hub of industrial creativity and is creating meaningful jobs.

Reverse this planning, put job creation first and with increased prosperity Bellingham will demand retail to spend in.

As my city council you have an opportunity to improve the well being of working Bellingham.

Thank you
Carole Jacobson

Walker, J Lynne L.

From: Wendy Steffensen <wendys@re-sources.org>
Sent: Thursday, August 29, 2013 12:46 PM
To: CC - Shared Department; Thomas, Jeffrey B.; Aucutt, Gregory R.; Sundin, Tara J.
Subject: Clarification on Sub area plan comments
Attachments: Council clarification letter_082913.docx

Please see attached
Thank You.
Wendy

--
Wendy Steffensen, Lead Scientist
North Sound Baykeeper Team
RE Sources for Sustainable Communities
2309 Meridian St.
Bellingham, WA 98225

360 733-8307 (office)
360 739-5518 (cell)



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

August 29, 2013

City Council, Planning Staff
210 Lottie St.
Bellingham WA 98225

Via e-mail: ccmail@cob.org, jthomas@cob.org, gaucutt@cob.org, tsundin@cob.org

Dear Council members and staff:

It has come to my attention that some of my comments on 8/5 regarding waterfront redevelopment were confusing. Let me clarify the record.

Zoning and cleanup:

The North Sound Baykeeper and RE Sources does not support the continued industrial only zoning. We do support the move away from industrial only zoning to the proposed industrial mixed use, mixed use, or recreational zoning in terms of cleanup. These latter choices would ensure that cleanup be more protective than that allowed under industrial zoning.

Habitat Management Plan:

The North Sound Baykeeper and RE Sources advocate for a comprehensive habitat management plan to be conducted prior to waterfront redevelopment. We acknowledge the work done on the WRIA1 Nearshore & Estuarine Assessment and Restoration Prioritization document, which highlights habitat potential at sites throughout Whatcom County. While this work is promising and builds on existing work, it does not meet the objectives of a habitat management plan. As well, several important habitat opportunities were not addressed in the plan; the C street stormwater outfall can be converted to marsh habitat, the log pond can be protected as an existing seal haulout, and the Central Street pocket beach could be improved by removing creosote timbers and debris. My understanding is that the WRIA1 document is a "living" document and does not contain all relevant opportunities; it can be updated as opportunities come to light and as staff time allows.

A comprehensive habitat management plan for waterfront redevelopment would not only address all potential habitat opportunities, but it would also do the following: (1) Stitch opportunities together to show connectivity between sites, (2) Address potential corridors to connect upland and nearshore habitats, and (3) Assess where habitat opportunities should co-exist with public access and where they should not.

Additionally, there has not been any mention of incorporating the WRIA 1 Bellingham Bay-specific habitat opportunities into the waterfront development plans. The public needs to know how habitat will be incorporated into redevelopment of the waterfront.

In order to get the best outcome for habitat and wildlife, habitat preservation and restoration planning should occur at the outset of the waterfront redevelopment plan. Because habitat connectivity is so important, the road map for habitat must be laid out at the beginning of the waterfront redevelopment project. In this way, habitat can be given consideration on par with other similarly constrained waterfront needs, such as those for transit routes and waterfront industries.

We call on the City and Port to conduct and complete a comprehensive habitat management plan and build it into the sub-area plan. Many of the elements of the plan already exist; they just need to be brought together and assimilated.

Sincerely,

Wendy Steffensen
Lead Scientist

Walker, J Lynne L.

From: Elisabeth Marshall <ekmarshall2330@gmail.com>
Sent: Wednesday, September 04, 2013 10:30 AM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

I would like you to consider the following during your deliberations on these very important plans:

- 1) Please consider completing an adequate study of habitat at the Waterfront. As you are probably aware, the log pond is a haul-out beach for harbor seals and while studies are scarce, we know other species are present on the site as well.
- 2) I also ask you to consider studying other alternatives for the ASB. I am concerned that the only use studied for the ASB is a marina and it could have other uses. There needs to be a complete study of the potential uses for the ASB.
- 3) Finally, I'm concerned that the documents in front of the committee for review do not include a community benefits agreement (CBA). A CBA could ensure that the jobs created on the site provide a living-wage, that the development built on the site includes great pedestrian and bicycle amenities, and that the small pockets of habitat on the site are enhanced and protected.

I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

Elisabeth Marshall
2330 Tuttle Lane
Lummi Island, WA 98262
3607587173

Walker, J Lynne L.

From: Sammy Low <cougarcreek7@gmail.com>
Sent: Wednesday, September 04, 2013 10:56 AM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

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I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

Sammy Low
709 W Wiser Lake Rd
Ferndale, WA 98248
360-380-1941

Walker, J Lynne L.

From: ronnie mitchell <ronniemitchell1@comcast.net>
Sent: Wednesday, September 04, 2013 10:57 AM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

I would like you to consider the following during your deliberations on these very important plans:

- 1) Please consider completing an adequate study of habitat at the Waterfront. As you are probably aware, the log pond is a haul-out beach for harbor seals and while studies are scarce, we know other species are present on the site as well.
- 2) I also ask you to consider studying other alternatives for the ASB. I am concerned that the only use studied for the ASB is a marina and it could have other uses. There needs to be a complete study of the potential uses for the ASB.
- 3) Finally, I'm concerned that the documents in front of the committee for review do not include a community benefits agreement (CBA). A CBA could ensure that the jobs created on the site provide a living-wage, that the development built on the site includes great pedestrian and bicycle amenities, and that the small pockets of habitat on the site are enhanced and protected.

I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

ronnie mitchell
401 w. champion st. #301
bellingham, WA 98225
3607521183

Walker, J Lynne L.

From: Ellen Posel <gockleyposel@comcast.net>
Sent: Wednesday, September 04, 2013 11:08 AM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

I would like you to consider the following during your deliberations on these very important plans:

- 1) Please consider completing an adequate study of habitat at the Waterfront. As you are probably aware, the log pond is a haul-out beach for harbor seals and while studies are scarce, we know other species are present on the site as well.
- 2) I also ask you to consider studying other alternatives for the ASB. I am concerned that the only use studied for the ASB is a marina and it could have other uses. There needs to be a complete study of the potential uses for the ASB.
- 3) Finally, I'm concerned that the documents in front of the committee for review do not include a community benefits agreement (CBA). A CBA could ensure that the jobs created on the site provide a living-wage, that the development built on the site includes great pedestrian and bicycle amenities, and that the small pockets of habitat on the site are enhanced and protected.

I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

Ellen Posel
2315 J St
Bellingham, WA 98225
360-676-5194

Walker, J Lynne L.

From: Leslie Meehan <lesliemeehan@yahoo.com>
Sent: Wednesday, September 04, 2013 11:12 AM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

I would like you to consider the following during your deliberations on these very important plans:

- 1) The proposed "coal trains" would significantly impede access to the Waterfront, affecting both its development and subsequent function. Preventing this menace should be number one among your considerations.
- 2) Please consider completing an adequate study of habitat at the Waterfront.
- 3) I also ask you to consider studying other alternatives for the ASB. I am concerned that the only use studied for the ASB is a marina and it could have other uses. There needs to be a complete study of the potential uses for the ASB.
- 4) Finally, I'm concerned that the documents in front of the committee for review do not include a community benefits agreement (CBA). A CBA could ensure that the jobs created on the site provide a living-wage, that the development built on the site includes great pedestrian and bicycle amenities, and that the small pockets of habitat on the site are enhanced and protected.

Leslie Meehan
P.O. Box 4
7779 Ham Road
Custer, WA 98240
360-366-7492

Walker, J Lynne L.

From: Jeffery McConaughy <jefferator@hotmail.com>
Sent: Wednesday, September 04, 2013 12:05 PM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

I would like you to consider the following during your deliberations on these very important plans:

- 1) Please consider completing an adequate study of habitat at the Waterfront. As you are probably aware, the log pond is a haul-out beach for harbor seals and while studies are scarce, we know other species are present on the site as well.
- 2) I also ask you to consider studying other alternatives for the ASB. I am concerned that the only use studied for the ASB is a marina and it could have other uses. There needs to be a complete study of the potential uses for the ASB.
- 3) Finally, I'm concerned that the documents in front of the committee for review do not include a community benefits agreement (CBA). A CBA could ensure that the jobs created on the site provide a living-wage, that the development built on the site includes great pedestrian and bicycle amenities, and that the small pockets of habitat on the site are enhanced and protected.

I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

Jeffery McConaughy
1301 24th. Street
Bellingham, WA 98225
360-927-9777

Walker, J Lynne L.

From: Hank Kastner <henrykastner@gmail.com>
Sent: Wednesday, September 04, 2013 12:26 PM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments.

I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well. Please consider the following during your deliberations on these very important plans:

- 1) Complete a thorough study of habitat at the Waterfront. Well known issues with harbor seals are only one small part of the many concerns with marine wildlife habitat.
- 2) The plan does not adequately consider impacts on downtown redevelopment. Any waterfront plan should be connected to and consistent with a vibrant downtown as well.
- 3) The plans should include a community benefits agreement (CBA). A CBA could ensure that the jobs created on the site provide a living-wage, that the development built on the site includes great pedestrian and bicycle amenities, and that the small pockets of habitat on the site are enhanced and protected.
- (4) I also ask you to consider studying other alternatives for the ASB lagoon besides a marina - other options need to be evaluated as well.

I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

Hank Kastner
2305 Broadway
Bellingham, WA 98225
281.433.2646

Walker, J Lynne L.

From: Jayme Curley <jaymecurley@comcast.net>
Sent: Tuesday, September 10, 2013 4:56 PM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

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I understand we are at the beginning of a long process. Thank you for taking the time to consider my comments.

Jayme Curley
1008 W. Toledo St.
Bellingham, WA 98229
360-676-5690

Walker, J Lynne L.

From: Jayme Curley <jaymecurley@comcast.net>
Sent: Tuesday, September 10, 2013 4:56 PM
To: CC - Shared Department
Subject: Comments on the Waterfront Sub-Area Plan

Council Members

Honorable City Councilmember,

Thank you for taking the time to review the Waterfront Sub-Area plan and accepting public comments. I believe that redeveloping the waterfront is a once-in-a-generation opportunity and we have a responsibility to plan it well.

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Jayme Curley
1008 W. Toledo St.
Bellingham, WA 98229
360-676-5690