



City Council Agenda Bill

20063

Bill Number

Subject: A worksession related to specific motions passed by City Council on November 18, 2013 related to Waterfront District master planning.

Summary Statement: Staff will provide a response to City Council's motions covering topics related to habitat restoration and wages.

Previous Council Action: Motions made under new business during the afternoon of November 18, 2013.

Fiscal Impact: N/A

Funding Source: N/A

Attachments: Public Hearing Notice
Written comment received by Council since 11-13-13

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Information Only	02-Dec-2013	Information Only	Tara Sundin	5

Council Committee:

Committee of the Whole
Seth Fleetwood, Chair

Agenda Bill Contact:

Tara Sundin

Reviewed By	Initials	Date
Tara Sundin, Eco. Dev. Mgr.	TS	11.26.13

Committee Actions:

Legal	PMR	11/26/13
Mayor	KL	11.26.13

Council Action:



BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225
Telephone (360) 778-8200 Fax (360)778-8101
Email: ccmil@cob.org Website: www.cob.org

NOTICE OF PRESENTATION AND NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bellingham City Council's Waterfront Committee will hear a presentation on **Monday, July 15, 2013, @ 1:00 p.m.**, or as soon thereafter as possible, in the **City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington**, regarding: **THE WATERFRONT DISTRICT PROPOSAL AND ASSOCIATED DOCUMENTS.**

In addition, City and Port staff will be available to discuss the proposal and answer questions at an informational open house in the lobby at City Hall scheduled July 17, from 12:00 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00 p.m.

NOTICE IS HEREBY GIVEN that the Bellingham City Council will hold a public hearing on **Monday, August 5, 2013, @ 7:00 p.m.**, or as soon thereafter as possible, in the **City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington**, to take public comment on the following:

CONSIDERATION OF THE PROPOSED WATERFRONT DISTRICT SUB-AREA PLAN, DEVELOPMENT REGULATIONS, DESIGN STANDARDS, PLANNED ACTION ORDINANCE, DEVELOPMENT AGREEMENT AND FACILITIES INTERLOCAL AGREEMENT

Detailed information can be found at: <http://www.cob.org/services/planning/waterfront/index.aspx>

Staff Contact: Greg Aucutt, Assistant Director of Planning and Community Development, (360) 778-8344 or gaucutt@cob.org.

NOTE: Both the Committee Meeting and the Public Hearing will be aired live on BTV-10 and streamed live on the internet. The meeting videos will be posted on the City's website.

Anyone wishing to comment on this topic is invited to attend the public hearing; or if unable to attend, to send your comments, in writing to the Council Office, 210 Lottie Street, or email to ccmil@cob.org, or fax to 778-8101, to be received prior to 10:00 a.m., Wednesday, July 31, to be included in the agenda packet. Comment received after that time will be distributed to Council but not included in the published meeting materials.

FOR OUR CITIZENS WITH SPECIAL NEEDS, the Council Chambers is fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available and a receiver may be checked out through the clerk prior to the evening session. For additional accommodations, persons are asked to contact the Legislative Assistant at 778-8200 in advance of the meeting. Thank you.

Publication date: July 5, 2013

From: Wendy Harris <w.harris2007@comcast.net>
Sent: Wednesday, November 13, 2013 12:59 AM
To: CC - Shared Department; Grp.PL. Planning Mail (planning@cob.org)
Subject: The truth about habitat protection

I am only recently in receipt of the city's rebuttal to my claim that the city waterfront buffers are inadequate and that a supplemental EIS for plants and animals is necessary.

The city continues to rely on the claim that these are issues that will be addressed through the permitting process. The city stubbornly refuses to understand the need for habitat planning on a large landscape based scale. Perhaps the city can advise us how habitat connectivity, a crucial component of habitat function and value, is protected on an individual, site specific scale? Or how the creation of roads, buildings, and other barriers to important habitat corridors, is avoided?

The city asserts that the waterfront master plan is not regulatory, yet it includes development standards, interlocal agreements and SEPA review standards. Regardless, the fact remains, no matter which city document is involved, that a 50 foot or less habitat buffer, which includes a trail for pedestrians and bikes, lacks functional value, and therefore, fails to comply with the no net loss requirements in the SMP and CAO. How is this even contestable?

I have addressed the claim that the SMP Inventory is the functional equivalent of an EIS review of plants and animals in a previous email, and provided specific information reflecting the general and unquantified nature of the SMP Inventory. I am still awaiting the city response as to how the SMP Inventory can be used to assess and update the functional health of Bellingham Bay, or determine appropriate mitigation for waterfront development.

The SMP and the CAO are concerned about habitat fragmentation and isolation of species. Why isn't the city staff?

Wendy Harris

From: Kate Blystone <kateb@re-sources.org>
Sent: Friday, November 15, 2013 2:32 PM
To: CC - Shared Department
Cc: dianem@portofbellingham.com; Mark Lowry; Crina Hoyer; April Putney; Betsy Pernotto; carolejacobson1946@gmail.com
Subject: Comments on the Waterfront Redevelopment for 11/18 City Council Meeting
Attachments: final-BGWC-ltrtoCC-111513.pdf

Please see our attached comments on the documents in front of the City Council for consideration. Feel free to contact any of us with questions about these proposals.

Thank you,

Kate Blystone
Program Director
RE Sources for Sustainable Communities
2309 Meridian St., Bellingham, WA 98225

[website](#) | [facebook](#) | [blog](#) | [e newsletter](#) | [linkedin](#) | office: 360.733.8307 | cell: 360.223.4514

RE Sources promotes sustainable communities through recycling, education, advocacy and the conservation of natural resources.

BLUEGREEN WATERFRONT COALITION



Bellingham City Council
210 Lottie Street
Bellingham, Washington 98225

CC: Port of Bellingham Commissioners
1801 Roeder Avenue
Bellingham, Washington 98225

November 15, 2013

Dear Council Members,

Thank you for your diligent work on the subarea plan and related documents for our waterfront. We have great hope that the development of our waterfront is a project that we can all be proud of. It is with this hope that we bring forward two key amendments to the documents in front of you for approval.

Throughout the course of this project, we have tried to offer concrete amendments that we believe will make the plans stronger and help make our community's vision of the waterfront a reality. We realize this is the end of this process and at this point we are left with two key issues – habitat and living wages.

Please consider including the following amendments in the subarea plan and development agreement at your meeting on the 18th.

Proposed Amendments to the Development Agreement – Living Wages

Insert A-H below as new #3 between #2 and #3:

3. Living Wages

A. Living Wages: The Port and successor owners and lessees shall require a living wage paid to all employees. During the construction phase of the waterfront, a living wage is defined as the prevailing wage. Thereafter, a living wage is defined as \$15.00 per hour with benefits and \$16.50 per hour without benefits.

B. Indexing: This wage shall be indexed to the Consumer Price Index and use the same CPI inflation factor as the Washington State minimum wage.

C. Training opportunities – Fifteen percent (15%) of construction jobs on the waterfront shall be set aside for apprentices in qualified apprenticeship programs.

D. Promote full-time employment: Businesses shall promote full-time employment by offering available work hours first to existing qualified part-time employees before hiring additional part-time employees.

E. Preference for local hiring: Businesses shall seek to hire local employees and retain existing employees. When businesses are sold, the new owner shall retain existing employees for at least 90 days and only discharge those employees “for cause” during the transition period. The new owner shall prepare a written evaluation of each employee’s performance at the end of the transition period and consider offering continued employment if the employee’s performance is satisfactory.

F. Annual compensation survey: The City will conduct an annual compensation survey (wages and benefits) of all waterfront district employers with Business Licenses issued by the City. The survey results will be presented to the City Council and published on the City’s web site.

G. Enforcement remedies: The City, any individual aggrieved by a violation of this section, or an entity the members of which have been aggrieved by a violation of this section, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this section and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due and the additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief and reasonable attorney’s fees and costs.

H. Exemptions: Retail stores with fewer than 10 workers, hotels with fewer than 30 workers and other businesses with fewer than 20 workers are exempt. For exempt businesses, a living wage shall be phased in over a period of ten years, at the end of which the exemption shall expire. The above requirements 3.A-3E shall not be applicable in the event the employer and employees are signatory to a collective bargaining agreement which shall establish the wage and benefit floor for those affected employees.

Rationale for Selected Living Wage Amendments:

Proposed A: The proposed living wage figure was calculated in the following way. According to the U.S. Department of Housing and Urban Development, the fair market rental rate for a two-bedroom apartment in Bellingham in 2013 is \$902.
http://www.huduser.org/portal/datasets/fmr/fmrs/FY2013_code/2013summary.odn?inputname=METRO13380M13380*Bellingham,+WA+MSA&selection_type=hmfa&year=2013&data=2013&area_id=&fmrtype=Proposed&ne_flag=%24ne_flag&path=C:%5C%5Cwwwdata%5Cdatabase&incpath=C:%5C%5CHUDUSER%5CwwwMain%5Cdatatasets%5Cfmr%5Cfmrs%5CFY2013_Code.

A full-time (40 hours per week) worker would need to earn \$17.35 per hour to afford a two-bedroom apartment and spend no more than 30% of his or her income on housing. Although \$17.35 is a living wage in Bellingham, a figure of \$15.00 per hour is being used elsewhere in Washington State in the SeaTac Minimum wage initiative and nationally as a minimum wage standard.

<http://www.businessweek.com/articles/2013-10-15/mcdonalds-low-wages-come-with-a-7-billion-side-of-welfare>

Proposed C: The Bellingham Comprehensive Plan Economic Development Chapter Policy ED-10 states the City "Continue to work on initiatives that advance quality of life amenities, expand job training opportunities, and support other economic development goals and policies." This will lower the cost of performance of contract, since apprentices are paid at published rates lower than prevailing rates.

Proposed Amendments to the Development Agreement and Subarea Plan - Habitat

Development Agreement: Insert as new #11 between #10 Environmental Remediation and existing #11 Development Approval Procedures:

11. Habitat Assessment and Plan: By the end of 2016, and prior to any new construction on the site, the City in partnership with the Port will conduct a comprehensive habitat assessment and prepare a habitat restoration plan, based on the findings of that assessment, for the entire waterfront subarea. This assessment will include, at minimum, analysis of the connectivity between existing habitat across the waterfront site and connectivity to other habitat adjacent to the site, an updated assessment of aquatic and terrestrial species on the site, an assessment of how global climate change and sea level rise will impact habitat on the site and identification of critical habitat for protection, enhancement and restoration. The plan will include, at a minimum, specific mitigation measures for impacts of sea level rise and global climate change on habitat, and a plan to protect, enhance and/or restore sites identified as critical during the assessment phase. For purposes of this requirement, redevelopment of the Granary Building, clean-up activities and road/utility installation outside of shoreline jurisdiction are exempted.

Subarea Plan: Chapter 3, page 22 under "Habitat" new bullet

"Prior to new construction on the site, the City in partnership with the Port will conduct a comprehensive habitat assessment and prepare a restoration plan for the waterfront. This assessment will include analysis of the connectivity between existing habitats, consideration of sea level rise and global climate change impacts to habitat, and a plan to protect, enhance and/or restore habitat identified as critical through the assessment process."

Rationale for Proposed Habitat Amendments

We do not believe that existing environmental documents identified by staff adequately address our concerns for habitat. We have shared the above proposed language with staff and, to our knowledge, this information was not forwarded to you for consideration.

We agree that the WRIA 1 plan and the current Habitat Restoration Master Plan (HRMP) process are extensive and robust, and that the Shoreline Master Plan (SMP) was recently adopted and includes some of this information. That said, we believe there are some gaps for the waterfront that can only be filled by an assessment and plan specifically focused on the waterfront. The WRIA plan, for example is a list of prioritized opportunities, but not a plan for how and when the opportunities will be addressed. The HRMP is plan for restoration but it only addresses upland issues and is not designed to address in-water habitat. The SMP characterization information is outdated and is not slated for revision until 2020.

All plans are missing some important components that we hope would be addressed in a waterfront-specific plan. It would include an assessment of habitat opportunities including some sites that were not extensively studied as part of the WRIA plan (e.g. habitat along the perimeter of the ASB, the "C" Street outfall area, Central Ave. Pocket Beach, and the log pond) and a plan for sites that are identified as critical.

In addition, we believe the WRIA plan and the SMP characterization did not include adequate consideration of sea level rise and global climate change. A special assessment of these factors for the waterfront is warranted since this site will be redeveloped at a higher intensity and we have an opportunity now to ensure the work we do to protect, enhance, and/or restore habitat is not undone because we did not plan for global climate change and sea level rise. We also think an inventory of species that currently or will use habitat in the waterfront district with habitat improvements should be created. A waterfront-specific plan would be an opportunity to address this issue.

Finally, none of these plans address habitat connectivity within the site and to in-water and upland habitat adjacent to the site. We think that this can and should be addressed by a waterfront-specific plan.

Public Hearing

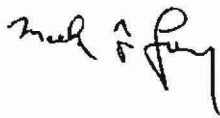
Thank you for holding a public hearing early on in this process. It was a great opportunity for the public to come out and share their ideas and concerns with the council.

After that hearing, we were left with the impression that we would be able to comment on the proposed documents one more time before adoption. It was clear from your discussion on Nov. 7 that the council has no interest in holding a final public hearing.

We urge you to reconsider that position. Without a final public hearing, council cannot know if the public supports any part of the plan you are passing and public participation is a key component of any planning process and a requirement of the Growth Management Act. Yes, you've had several meetings over the last several years, but now is not the time to stop asking the public what they think about the final product. Please schedule one final public hearing before the end of this process.

Thank you for consideration of our concerns.

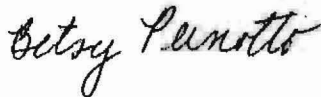
Sincerely,



Mark Lowry
President
Northwest Washington Central Labor
Council, AFL-CIO
Bluestreak357@msn.com



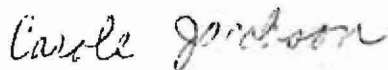
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Jobs with Justice
Carolejacobson1946@gmail.com

Thomas, Kendra L.

From: Pat J. Brown <pattisuejb@yahoo.com>
Sent: Saturday, November 16, 2013 10:12 AM
To: CC - Shared Department; MY - mayorsoffice@cob.org
Subject: Living wage jobs on the waterfront

I want to see living wage job standards included in waterfront documents. Taxpayers will pay millions of dollars for the cleanup and infrastructure on the waterfront. We need a guarantee, not just a hope, that the jobs created there will pay a living wage. In 2013, a living wage in Bellingham is \$17.35 an hour. Please ask them to include an annual compensation survey of businesses on the waterfront so we know if living wage jobs are created there.

Thomas, Kendra L.

From: Stephan Michaels <2ndwind@olympen.com>
Sent: Saturday, November 16, 2013 6:42 PM
To: CC - Shared Department; MY - mayorsoffice@cob.org
Cc: Tim Johnson; John Stark
Subject: On The Waterfront
Attachments: On Waterfront.pdf; ATT00001.htm

To the Council and Mayor,

I trust you all saw the attached op-eds on the waterfront plan that ran in this week's Cascadia Weekly. While I don't imagine that you all concur, I think I made a valid point or two. And I think Tim Johnson provided some rather valuable insights.

I do imagine you will have a huge turnout on Monday, and I hope you will listen to your constituents... and shelve this misguided plan.

Stephan

Stephan Michaels

ph. 360.676.4321

www.2ndwindproductions.org

Thomas, Kendra L.

From: Mark <gratitude@comcast.net>
Sent: Monday, November 18, 2013 11:01 AM
To: CC - Shared Department; MY - mayorsoffice@cob.org
Subject: A living wage standard for the future waterfront

Dear Bellingham City Council and Mayor,

As a taxpayer who will be required to fund the clean up of the waterfront so that businesses can move in to earn a profit, I would like to request that a living wage standard be integrated into the waterfront development documents. I further request that you mandate an annual compensation survey of the waterfront businesses in order to maintain a living wage standard.

Thank you for your consideration.

Mark Nakamoto.

Thomas, Kendra L.

From: barbslink <barbslink@comcast.net>
Sent: Monday, November 18, 2013 12:11 PM
To: CC - Shared Department
Subject: I Support Living Wage Jobs!

Please include an annual compensation survey of businesses on the waterfront so we can know if living wage jobs are being created there.

Thomas, Kendra L.

From: Paul Listen <paullisten@comcast.net>
Sent: Monday, November 18, 2013 1:05 PM
To: CC - Shared Department
Subject: Waterfront Development Plans

Dear Council,

With regard to the waterfront development plans, it has come to my attention that city council and the mayor's office do not wish to establish processes and checks that can help ensure that living wage jobs are the norm for employment by businesses and organizations that locate there.

As of this year, a living wage in Bellingham is somewhere in the realm of \$17 an hour.* I want to see living wage standards included in waterfront documents. As a taxpayer, I insist that not a single dollar of my hard-earned money be allocated to businesses or organizations that exploit their employees by paying anything less than a living wage. It is unconscionable in this day and age, especially in a city like Bellingham that likes to think of itself as progressive, that public funds would be spent towards private enterprise that is anything less than fair and equitable. Taxpayers will pay millions of dollars for the cleanup and infrastructure on the waterfront. We need a guarantee, not just a hope, that the jobs created there will pay a living wage.

Regards,
Paul Listen

* A living wage is defined in terms of housing expenses. The fair market rental price for a two-bedroom apartment in Bellingham in 2013 is \$902 per month. A full-time (40 hrs/wk) worker must earn \$17.35 per hour to pay this rent and spend no more than 30% of his or her income on rent.

Paul Listen, PhD
12 North Summit Dr
Bellingham, WA 98229-7810 USA

phone +1 616.666.3535
paullisten@comcast.net

Thomas, Kendra L.

From: John Munson <jmunson8@gmail.com>
Sent: Monday, November 18, 2013 5:29 PM
To: CC - Shared Department
Subject: Port of Bellingham Development

Members of the Council,

The approval of the Port's development plan for the Georgia Pacific site by the City Council without another hearing seems at best to be a shot at a moving target and is not something that should be approved just because the council feels like they have to do something. In fact it is reminiscent of the attitude that prevails in government throughout the nation. Elected leaders make deals because they don't want to be accused of doing nothing when the reality is that often no deal is better than a bad deal. I think that not rushing to judgement on this issue is particularly important when you consider the fact that the makeup of the Port Commission will be changing next year. Who knows what plan a new commission might come up with. This plan has been anything but something that is written in stone In fact the plan for Port Development has always seemed like a work in process

When it comes to action at the Port the wheels of the god's do truly grind slowly. As a Longshoreman who worked in the Port of Bellingham most of my adult life I wonder what the hurry is. We have been trying to get the Waterway in front of the shipping terminal dredged since 1989 and still haven't been quite able to accomplish it. It certainly won't hurt to delay a decision on the terms of development until a new commission is seated.

Regarding the issue of living wages; It seems to me that a Public Corporation that is financed by tax monies should feel obligated to attempt to create an environment requires living wages and fair labor standards. Progressive Port districts all over the nation are in the process of developing these social compacts with the communities that support them. The Ports of Los Angeles- Long Beach are prime examples of these compacts. The construction project that took place at the Port last year did employ a large number of people but most of the workers were itinerant labor that travelled into the Port of Bellingham from Louisiana. The oil containment rig they constructed is still tied to the dock at the Port and will be likely to only move to Alaska for work in calm seas because its sea worthiness is in question. We need living wage jobs that include fair labor standards. We also need to provide jobs that have apprenticeship programs that train younger workers. These are not unreasonable requests. The thing that is unreasonable is that the council doesn't want to have a public hearing to discuss these issues. You don't know or seem to care if the public supports any part of the plan you are poised to pass and public participation is a key part of the planning process and is a requirement of the Growth Management Act. You can't abrogate public process just because you don't like what you might hear. Please schedule one more public hearing before you approve this plan.

Respectfully yours, John Munson 2195 Lummi Shore Rd. Bellingham

Thomas, Kendra L.

From: Mary H. Mele <marymele@comcast.net>
Sent: Friday, November 22, 2013 5:34 PM
To: CC - Shared Department
Subject: Public comment

Please include an annual compensation survey in the planning document for the waterfront. I hear it's not in there now and it's necessary to know what kind of living wage jobs are being generated.

Sincerely,
Mary H. Mele
531 W. Kellogg RD
Bellingham, WA 98226

Thomas, Kendra L.

From: bobburr@comcast.net
Sent: Monday, November 25, 2013 10:10 PM
To: MY - mayorsoffice@cob.org; CC - Shared Department
Subject: Northwest Citizen Article

One week ago today, in the Northwest Citizen, Doug Karlberg published an article entitled: Smoking Gun: Fraud and Deception. The content is pretty damning of your partners at the Port.

<http://www.nwcitizen.com/entry/smoking-gun-fraud-and-deception>

I assume as informed elected and public officials that you are aware of this article. I would appreciate responses from each of you to it. Can you. alleviate my concerns? I will bring it up during next week's public comment session, if I do not get a response. Some of the comment on the site expressed the belief that you would not address it, but I have more faith in you than that.

Thank You.

Bob Burr



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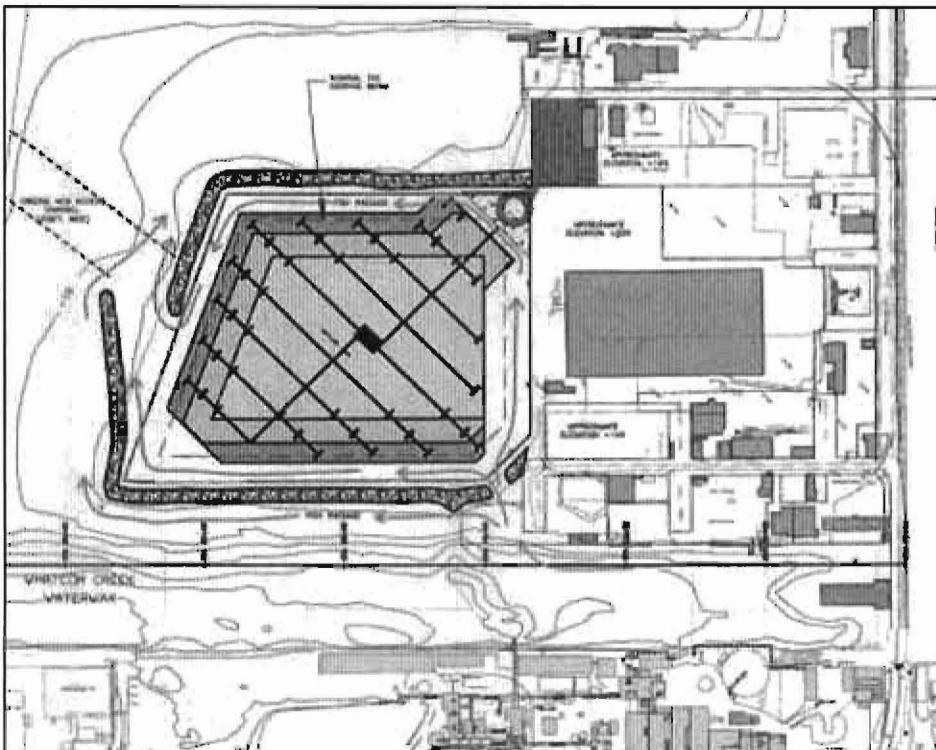
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Smoking Gun: Fraud and Deception

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Mon, Nov 18, 2013, 2:18 pm // Guest writer



Someone pulled the wool over this

community's eyes by fudging the costs on the ASB marina option by over \$20mm

Submitted by Doug Karlberg.

Abraham Lincoln said, "Public sentiment is everything. With public sentiment, nothing can fail. Without it, nothing can succeed."

The Port of Bellingham has lost the public's sentiment, and it must be regained. The dysfunction at our port has festered far too long. The public owns the port, but for decades only two commissioners and a loyal staff have controlled it. The public needs to retake control of the port.

The port's narrow and self-centered outlook endangers the future of our waterfront and desperately needed jobs that it can support. The port, with the city's help, wants to sell real estate instead of promote jobs and is now poised to wreck our capacity to support good paying jobs for the foreseeable future.

We can fix this, but first a stroll down memory lane to understand how we got here.

Our port tends to have commissioners for life. This wasn't always true, but since the mid 1950s, commissioners have tended to remain in office for long, long times, decades in many cases. It may just be human nature, but when people remain in public office too long there can be negative effects.

The Port of Bellingham was for years the Port of Zuanich (44 years) and Asmundson (35 years). Then it became the Port of Walker (21 years) and Smith (16 years). With a three person commission, any two commissioners can effectively control our port.

Port meetings are held during weekday work hours so the public hardly ever attends. A chronic lack of public perspective feeds a creeping imperialistic control of this public founded and funded organization. Under the three-commissioner system, two port commissioners can do whatever they want. Theoretically, they constitute a quorum and should not meet to discuss port business without public notice. In practice, the efficiency and lack of debate attendant to the execution of the port's business belies their attention to these details. Staff comes and goes, but all know who has the power at the port, and who not to cross.

Secure in their incumbency, the port commissioners decided in 2004 to condemn and seize Georgia-Pacific's (G-P) treatment lagoon (the ASB) for the "public purpose" of a marina for large yachts. This seizure fractured the community. G-P was long a mainstay of the local economy and a major employer. Even though they were obviously winding down the operation, many felt that such heavy-handed treatment was unwarranted and unwise. The ongoing tissue operation and the co-generation plant were still using the ASB. What were these facilities expected to do?

Equally important, for nearly ten years G-P along with 14 agency stakeholders had been negotiating a robust clean up of the waterfront. G-P's scientists, the Department of Ecology (DOE), the Environmental Protection Agency (EPA), Wildlife, Fisheries, environmental groups and others had worked cooperatively to come up with a plan that all agreed on, one which would have cleaned up the waterway completely.

G-P was anxious to start the clean up, get it done, and sell the land.

It was a serious clean up plan supported by all who had studied and worked for years to develop and compare nine remedial alternatives ([archived page with some bad links](#)). The DOE and EPA were willing to sign off. This

was not the design of a bunch of Southside carpetbagger greenies, as Port Commissioner Smith enjoyed characterizing them.

In just one month, the port flushed ten years of hard work down the toilet and adopted a plan that accomplished the least possible clean up. The most affordable way to clean up the contaminated sediments next to G-P was to store the dredge spoils in the ASB. Any large clean up requires a disposal site, but the port seized G-P's intended disposal site for a marina. The years-long good faith effort, ready for signatures, was junked because the port wanted a yacht basin to complement the upscale condos they envisioned for the waterfront.

The shipping channel would no longer be cleaned up. Under the port's plan the channel would be abandoned and 'capped', reducing its depth. This channel extended from the full depth of Bellingham Bay, past the port's International Shipping Terminal, along much of G-P's length, to the shoreline at the Waterfront Tavern and the Granary Building, where Citizens Dock once stood. This channel has been used for commerce extensively since Bellingham was founded. After capping, the channel will be limited to small craft and kayaks.

How polluted is the Whatcom Waterway? It is bad. Everything from the pulp mill site drained into the shipping channel for decades. The fishing fleet used to moor boats in the channel for a couple of days before hauling out for bottom work. The toxins would kill everything growing on the hull, making cleaning easy. I wouldn't eat any of the fish out of the shipping channel, even after it is capped. This channel will probably need permanent signs warning against fishing, crabbing and clamming.

Throwing monkey wrenches into the public's clean-up plan made marshaling public support for the ASB marina critical for the port. They hired a consulting firm to study five potential sites for a future marina, including the ASB. This report was delivered to the port and released to the public in advance of the final G-P purchase decision.

However, the report was altered to mislead the public. The report rates the ASB as the most economical site. This finding was needed to support the ASB marina plan. It was crucial to justifying both the G-P site purchase and the condemnation of the ASB. This document is now evidence.

For a time, this file was publicly available as a Word document online. It included embedded Excel object information. The document's description of each site includes an embedded Excel spreadsheet table. If you have MS Office, you can double click on any table in the Word document and a spreadsheet will open in Excel. The Excel file includes tabs for all five sites. In four of these tables, the ASB tabs are identical and show costs of \$50,731,417. However, the Word document table for the ASB lagoon shows costs of only \$33,939,485. It is clear that the Word document description of the ASB site was altered after the authors embedded the Excel information. The Excel object information shows the ASB site having the highest costs. The document is a proverbial "smoking gun."

The \$21,612,932 discrepancy in favor of the ASB site, in favor of this whole unsavory waterfront boondoggle, is at least misleading and probably fraudulent. I contacted port staff for an explanation and they refused to respond. However, the online edition of the Word document immediately disappeared from their website. But not before I saved a copy!

(Note: Changing tabs with the table open in Excel can alter your copy of the document if you save the changes. To preserve the document, simply don't save changes.)

Today, searching portofbellingham.com for “marina site survey” returns a single, unsearchable PDF: The minutes of the May 19, 2009 port commission meeting in which a Mr. Stahl reports that “the Makers 2004 Bellingham Bay Marina Site Survey identified the ASB as the preferred location for a marina within Bellingham Bay.” That is not true.

These behaviors evidence a pattern of deception underlying the very essence of the waterfront plan we just adopted. This is categorically unacceptable for a public agency. It is illegal behavior that should be punished. It is cause to reconsider the entire waterfront plan before plunging the public into incomprehensibly expensive commitments.

The report includes another doozy. The consultant states that North Puget Sound will urgently need 3,100 new marina berths by 2010. Nearly four years after this dire prediction we know the prediction was bunk. Demand for yacht moorage dried up when the economy tanked. Building the marina will obligate Whatcom County taxpayers to repay nearly half a billion dollars. Would you bet a half billion that four hundred 60-100 foot yachts will want to come to Bellingham?

The marina study ignored other obvious factors. The Lummi Nation is planning a marina. Their location is closer to the northern San Juans and especially better for many fishers, most of whom are already weary of the port.

Mucking out the ASB is estimated to cost \$43 million. The port is desperate to justify this expense to build a breakwater worth maybe \$6 million. Alternatively, we could fill the ASB and sell the land for \$10 million. We could actually clean up rather than cap the waterway and retain options for both commerce and safe fishing on the new waterfront. It would save millions in disposal costs and millions more not constructing an unneeded marina. But the port and city have worked together to hide the true costs from the public by concealing the marina in the No-Action alternative and by evidently falsifying crucial data. Even the DOE (document linked below) originally commented that the port’s strategy, “deprives the public and other interested parties of the opportunity to have meaningful input to the complete planning and development process.” That has proven true.

It has allowed the port to bamboozle its citizens and the city while crafting their vision out of whole cloth.

Meanwhile, Greenberry last year leased 10+ acres from the port and spent \$200 million locally. Even the port’s phony inflated numbers would require 20 years for the ASB marina to generate that much economic impact, using four times the area (37 acres) – if there were enough mega-yachts to fill the slips.

We seriously need to pull the plug on the port’s corrupt waterfront plan and make immediate changes to bring the public back into this process. Port meetings need to start happening in the evening when people can attend, like city and county council meetings. The commission must be expanded by two at-large positions to increase candidate access and reduce entrenched incumbencies. When agencies lie to their constituents, it is time for radical action. Investigating this fraud is the place to start. Who falsified these records? Who helped? On whose orders? It’s deposition time!

The evolution of the waterfront plan has increasingly ignored public sentiment. This has become a common refrain from all who have tried. We need to back up, adopt an honest and open framework that can produce a plan consistent with public sentiment.

Without that, we cannot succeed. On the waterfront, we cannot afford to fail.