



DAVID EVANS  
AND ASSOCIATES INC.

MEMORANDUM

**DATE:** December 1, 2023

**TO:** Steve Sundin  
City of Bellingham, Permit Center  
210 Lottie Street  
Bellingham, WA 98225

**FROM:** Gray Rand, Senior Biologist, PWS

**SUBJECT:** Habitat Conservation Area Report

**PROJECT:** TRAE0000004  
Conduit Bank Extension Project

**CC:** Trantech; file

A JARPA was prepared for the **Roeder Avenue Conduit Bank Extension Project** in November of 2023, to obtain permit authorization for work over a navigable water (Whatcom Creek) under Section 10 of the Rivers and Harbors Appropriation Act of 1899. Response from USACE is pending. This memo is intended to summarize the findings and conclusions related to Habitat Conservation Areas in the project area.

**Project Location and Description:**

The project site is along Roeder Avenue from C Street to Central Avenue, in Bellingham, Washington. The project crosses the Roeder Avenue Bridge over the Whatcom Waterway, which is where Whatcom Creek flows into Bellingham Bay. The project area has been used for industrial purposes for approximately 100 years, since the founding of the Port of Bellingham in 1920. Most original waterfront activities revolved around logging mills.

Proposed project work includes installation of additional power and telecommunication conduit along Roeder Avenue from C Street to Central Avenue. Two 6-inch, eight 4-inch, and four 2-inch conduits will be installed. Conduits will be hung under Roeder Avenue Bridge and suspended over the waterway. In order to connect to the conduits in the roadway, the contractor will core through the east and west wingwalls and excavate a trench under the concrete approach slabs. A construction stormwater pollution prevention plan (SWPPP) will be prepared. The contractor may use a barge, tied off on the upland, to provide access to the underside of the bridge. No in-water work will be conducted.

**Wetlands and Waterways:**

No wetlands have been identified on or adjacent to the project area. There are no impacts proposed within the OHWM of any waterbodies. The project crosses Whatcom Creek at Bellingham Bay. Whatcom Creek is a Shoreline of the State under City code, and as such, requires a standard buffer of between 50 and 75 feet (Table 22.11.030(B) of the Bellingham Municipal Code). Roeder Avenue is the dividing line between the "Marine 6" shoreline zone in the City and the "Whatcom 1" shoreline zone. Whatcom Creek is a 303(d)-listed Category 2 water violating standards for low dissolved oxygen levels by the Washington Department of



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Ecology. In addition, inner Bellingham Bay (including the mouth of Whatcom Creek) is 303(d)-listed as a Category 4A sediment TMDL area, with numerous contaminants identified.

**Existing Habitat:**

Whatcom Creek is documented habitat for several federally listed salmonids, including winter steelhead trout (*Oncorhynchus mykiss*) and bull trout (*Salvelinus confluentus*). No other federally listed species occur in the project action area.

Other fish species listed by WDFW PHS that occur within Whatcom Creek include coho salmon (*O. kisutch*), fall Chinook (*O. tshawytscha*), sockeye salmon (*O. nerka*), resident coastal cutthroat trout (*O. clarki*), and chum salmon (*O. keta*). Other habitats mapped by WDFW PHS near the project include an estuarine zone and big brown bat (*Eptesicus fuscus*) communal roost area.

**Project Impacts:**

As stated above, no in-water work will be conducted. All work will be conducted within the existing public right of way on the existing roadway/bridge above Whatcom Creek. The contractor will implement a Temporary Erosion and Sediment Control (TESC) Plan as well as a Stormwater Pollution Prevention Plan (SWPPP) to prevent erosion and runoff from entering the waterway. If a barge is utilized to aid in attaching the conduit to the underside of the bridge, the barge will be tied off in the upland, causing no permanent water impact.

**Conclusion:**

The proposed project will have no direct impacts below the OHWM of Whatcom Waterway. There will be no fill or excavation in waters of the U.S. Appropriate BMPs will be used to keep all construction materials from entering Whatcom Creek. No existing riparian habitat will be disturbed by the proposed project, which is located within an entirely developed area in downtown Bellingham.

Attachments/Enclosures: JARPA application and exhibits

File Path: P:\T\TRAE0000004\0600INFO\EP 2023\Habitats and Species\Habitat Conservation Area Report.docx



# WASHINGTON STATE

## Joint Aquatic Resources Permit Application (JARPA) Form<sup>1,2</sup> [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps of Engineers®  
Seattle District

AGENCY USE ONLY

Date received: \_\_\_\_\_

Agency reference #: \_\_\_\_\_

Tax Parcel #(s): \_\_\_\_\_

### Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Roeder Avenue Conduit Bank Extension Project

### Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Gouran, Brian

2b. Organization (If applicable)

Port of Bellingham

2c. Mailing Address (Street or PO Box)

P.O. Box 1677

2d. City, State, Zip

Bellingham, WA 98227

2e. Phone (1)

360-676-2500 x 212

2f. Phone (2)

2g. Fax

2h. E-mail

briang@portofbellingham.com

<sup>1</sup>Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

<sup>2</sup>To access an online JARPA form with [\[help\]](#) screens, go to

[http://www.epermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx).

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or [help@oria.wa.gov](mailto:help@oria.wa.gov).

### Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

<b>3a.</b> Name (Last, First, Middle)			
Whitewolf, Ravyn			
<b>3b.</b> Organization (If applicable)			
Trantech Engineering			
<b>3c.</b> Mailing Address (Street or PO Box)			
1221 Fraser Street, Suite E-3			
<b>3d.</b> City, State, Zip			
Bellingham, WA 98229			
<b>3e.</b> Phone (1)	<b>3f.</b> Phone (2)	<b>3g.</b> Fax	<b>3h.</b> E-mail
360-592-3445			rwhitewolf@trantecheng.com

### Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

<b>4a.</b> Name (Last, First, Middle)			
<b>4b.</b> Organization (If applicable)			
<b>4c.</b> Mailing Address (Street or PO Box)			
<b>4d.</b> City, State, Zip			
<b>4e.</b> Phone (1)	<b>4f.</b> Phone (2)	<b>4g.</b> Fax	<b>4h.</b> E-mail

## Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

<b>5a.</b> Indicate the type of ownership of the property. (Check all that apply.) <a href="#">[help]</a>			
<input type="checkbox"/> Private <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.) <input type="checkbox"/> Tribal <input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete <a href="#">JARPA Attachment E</a> )			
<b>5b.</b> Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) <a href="#">[help]</a>			
Roeder Avenue between C Street and Central Avenue			
<b>5c.</b> City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) <a href="#">[help]</a>			
Bellingham, WA 98225			
<b>5d.</b> County <a href="#">[help]</a>			
Whatcom			
<b>5e.</b> Provide the section, township, and range for the project location. <a href="#">[help]</a>			
¼ Section	Section	Township	Range
SW	30	38N	3E
<b>5f.</b> Provide the latitude and longitude of the project location. <a href="#">[help]</a>			
<ul style="list-style-type: none"> <li>Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)</li> </ul>			
48.752342 N lat. / -122.484872 W long. (approximate center of project)			
<b>5g.</b> List the tax parcel number(s) for the project location. <a href="#">[help]</a>			
<ul style="list-style-type: none"> <li>The local county assessor's office can provide this information.</li> </ul>			
This project will be entirely located within public rights of way.			
<b>5h.</b> Contact information for all adjoining property owners. (If you need more space, use <a href="#">JARPA Attachment C.</a> ) <a href="#">[help]</a>			
Name	Mailing Address	Tax Parcel # (if known)	
Aliotti Construction LLC	PO Box 31124	380225552227	
	Bellingham, WA 98228-3124		
BNSF Railway Company	Attn: Property Tax PO BOX 961089	380225557255, 380225560308, 380330009249, 380330066194	
	Fort Worth, TX 76161-0089		
Harcourt Developments Granary LLC	2400 Meridian Street, Suite B	380330050187	
	Bellingham, WA 98225-2443		
Port of Bellingham	PO Box 1677	380225544247, 380225552254	
	Bellingham, WA 98227-1677		

**5i.** List all wetlands on or adjacent to the project location. [\[help\]](#)

No wetlands are on or adjacent to the project location.

**5j.** List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Roeder Avenue Bridge is located over the Whatcom Waterway, which is the mouth of Whatcom Creek where it enters Bellingham Bay.

**5k.** Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes    No    Don't know

**5l.** Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

The project is located along Roeder Avenue in the industrialized waterfront of downtown Bellingham. Very little native vegetation exists in or adjacent to the project area. Vegetated areas are dominated by Himalayan blackberry (*Rubus armeniacus*) and other invasive weeds. Some native vegetation is present to the north upstream of the BNSF railway bridge on either bank of Whatcom Creek.

**5m.** Describe how the property is currently used. [\[help\]](#)

The property is currently used as a transportation corridor serving industrial and commercial businesses along Bellingham's waterfront, and includes a crossing over Whatcom Creek.

**5n.** Describe how the adjacent properties are currently used. [\[help\]](#)

Adjacent properties are used as industrial and commercial businesses, including railroad, a diesel engine repair company, and the Granary building. The project parallels an active railroad owned by BNSF on the north side of Roeder Avenue. The south side of Roeder Avenue is developed with several businesses west of Whatcom Creek and the Granary building on the east side.

**5o.** Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

No significant vertical structures are located in the existing road right of way. Within Whatcom Creek near the east bank, there is a wooden structure composed of two pilings, a wooden header, and two wooden cross beams, located within the creek OHWM. This structure is attached to the adjacent Central Avenue pier. The proposed utility conduit will pass underneath the large pile-supported promenade in front the Granary building. A large pipeline is located north of the bridge, but will not be impacted by the proposed project.

**5p.** Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

From Interstate 5 northbound, take Exit 253 for Lakeway Drive. Follow Lakeway Drive to East Holly Street. Turn left onto Central Avenue. Turn right onto Roeder Avenue.

From Interstate 5 southbound, take Exit 257 for Northwest Avenue. Follow Northwest Avenue and continue onto Elm Street. Turn right onto Broadway and left onto West Holly Street. Turn right onto C Street and turn left onto Roeder Avenue.

## Part 6—Project Description

**6a.** Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

Installation of additional new power and telecommunication conduit along Roeder Avenue from C Street to Central Avenue. Two 6-inch, eight 4-inch, and four 2-inch conduits will be installed. Conduits will be hung under Whatcom Creek bridge and suspended over the waterway. In order to connect to the conduits in the roadway, the contractor will install block outs in the east and west wingwalls and excavate a trench under the concrete approach slabs. A construction stormwater pollution prevention plan (SWPPP) will be prepared.

Work will be completed over Whatcom Creek, but is not proposed below the OHWM or the 100-year floodplain elevation.

**6b.** Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The purpose of the project is to provide power and telecommunication services to the Port of Bellingham's Waterfront District Redevelopment.

**6c.** Indicate the project category. (Check all that apply) [\[help\]](#)

- Commercial
  Residential
  Institutional
  Transportation
  Recreational  
 Maintenance
  Environmental Enhancement

**6d.** Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Aquaculture          | <input type="checkbox"/> Culvert              | <input type="checkbox"/> Float               | <input type="checkbox"/> Retaining Wall (upland)       |
| <input type="checkbox"/> Bank Stabilization   | <input type="checkbox"/> Dam / Weir           | <input type="checkbox"/> Floating Home       | <input type="checkbox"/> Road                          |
| <input type="checkbox"/> Boat House           | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat Launch          | <input type="checkbox"/> Ditch                | <input type="checkbox"/> Land Clearing       | <input type="checkbox"/> Stairs                        |
| <input type="checkbox"/> Boat Lift            | <input type="checkbox"/> Dock / Pier          | <input type="checkbox"/> Marina / Moorage    | <input type="checkbox"/> Stormwater facility           |
| <input type="checkbox"/> Bridge               | <input type="checkbox"/> Dredging             | <input type="checkbox"/> Mining              | <input type="checkbox"/> Swimming Pool                 |
| <input type="checkbox"/> Bulkhead             | <input type="checkbox"/> Fence                | <input type="checkbox"/> Outfall Structure   | <input checked="" type="checkbox"/> Utility Line       |
| <input type="checkbox"/> Buoy                 | <input type="checkbox"/> Ferry Terminal       | <input type="checkbox"/> Piling/Dolphin      |  |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway              | <input type="checkbox"/> Raft                |  |

Other:

**6e.** Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Construction means and methods are dependent upon the Contractor and will comply with Federal, state, and local regulations, as well as special permit conditions.

The construction activities will include methods typical of dry utility construction utilizing equipment such as concrete saws/grinders, excavators, backhoes, dump trucks, concrete trucks, boom articulated bridge access trucks, and a variety of support vehicles/trucks. Machinery and materials will be brought to, and will access the worksite, via existing public roads. One potential construction sequence may include, but would not be limited to:

- Install site controls and BMPs
- Establish appropriate traffic controls for vehicles, pedestrians, and bicycles
- Construct temporary work platform and debris containment system below bridge
- Remove 12x12 treated wood header and two 2x10 treated wood cross braces from existing treated wood pilings no longer required for the Central Ave Wharf. Header and cross braces are located outside of the 100-year floodplain for Whatcom Creek.
- Excavate behind, and core through, the Roeder Ave Bridge concrete wingwall at Central Ave to install conduit openings
- Dig trench on approach slabs
- Add utility hangers beneath Roeder Avenue Bridge for supporting new utility conduits
- Install new utility conduits per plans
- Backfill and reconstruct approaches and sidewalk where required landward of the Roeder Ave Bridge
- Remove temporary work platform and debris containment system
- Install/reestablish striping, channelization, and other markings
- Remove traffic detour and open to traffic
- Demobilize and site cleanup

**6f.** What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start Date: July 2024      End Date: October 2024       See JARPA Attachment D

**6g.** Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$1.5 million

**6h.** Will any portion of the project receive federal funding? [\[help\]](#)

- **If yes**, list each agency providing funds.

Yes     No     Don't know

## Part 7–Wetlands: Impacts and Mitigation



- Check here if there are wetlands or wetland buffers on or adjacent to the project area.  
(If there are none, skip to Part 8.) [\[help\]](#)

**7a.** Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

**7b.** Will the project impact wetlands? [\[help\]](#)

Yes  No  Don't know

**7c.** Will the project impact wetland buffers? [\[help\]](#)

Yes  No  Don't know

**7d.** Has a wetland delineation report been prepared? [\[help\]](#)

- If Yes, submit the report, including data sheets, with the JARPA package.

Yes  No

**7e.** Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- If Yes, submit the wetland rating forms and figures with the JARPA package.

Yes  No  Don't know

**7f.** Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes  No  Don't know

No wetlands or their buffers will be impacted, therefore no mitigation plan has been prepared.

**7g.** Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

Not applicable.

**7h.** Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name <sup>1</sup>	Wetland type and rating category <sup>2</sup>	Impact area (sq. ft. or Acres)	Duration of impact <sup>3</sup>	Proposed mitigation type <sup>4</sup>	Wetland mitigation area (sq. ft. or acres)

<sup>1</sup> If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

<sup>2</sup> Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

<sup>3</sup> Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

<sup>4</sup> Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: \_\_\_\_\_

**7i.** For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

Not applicable.

**7j.** For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Not applicable.

## Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

**8a.** Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

There are no impacts proposed within OHWM of any waterbodies. The work will include minor modifications to the existing Roeder Ave Bridge over the Whatcom Waterway near the mouth of Whatcom Creek. Creosote-treated header and support beams will be removed to provide the most efficient route for the utilities at the east end of the bridge. Removal of the header and support beams will provide long-term benefits for water quality in the waterway through removal of a potential pollutant source, though improving water quality is not a primary project objective.

The contractor will implement a Temporary Erosion and Sediment Control (TESC) Plan as well as a Stormwater Pollution Prevention Plan (SWPPP), which may include the following elements, depending on the specific construction means and methods chosen by the contractor:

- A temporary work platform will be placed under Roeder Avenue to facilitate conduit construction.
- Any holes drilled into the concrete bridge structure will be completed with a vacuum device deployed at each hole to capture all concrete dust.
- For placement of concrete on the bridge deck, a permanent edge form will be placed to prevent wet concrete from entering the waterway.

**8b.** Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes    No

**8c.** Have you prepared a mitigation plan to compensate for the project’s adverse impacts to non-wetland waterbodies? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

Yes     No     Don't know

There are no proposed direct impacts to Whatcom Creek, and every precaution will be deployed to contain all dust and debris and prevent it from entering the waterway using the debris containment system installed by the contractor.

**8d.** Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

Not applicable.

**8e.** Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name <sup>1</sup>	Impact location <sup>2</sup>	Duration of impact <sup>3</sup>	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

<sup>1</sup> If no official name for the waterbody exists, create a unique name (such as “Stream 1”) The name should be consistent with other documents provided.

<sup>2</sup> Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

<sup>3</sup> Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter “permanent” if applicable.

**8f.** For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

Temporary work platforms above/and or below the bridge may be used to install the utility conduits. No fill will be placed below the OHWM.

**8g.** For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

Not applicable.

**8h.** Have you prepared a Water Quality Monitoring Plan (WQMP) for all in-water work (below ordinary high water), over water work or discharges to waters of the state?

Yes  No

If NO describe the monitoring that you will be conducting including parameters, equipment and locations, or explain why monitoring will not be necessary. [\[help\]](#)

Not applicable.

## Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

**9a.** If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
City of Bellingham	Steve Sundin	360-778-8359	

**9b.** Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- **If Yes**, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>.

Yes    No

Whatcom Creek (Bellingham Bay) is listed as a Category 2 water violating standards for low dissolved oxygen levels. In addition, inner Bellingham Bay (including the mouth of Whatcom Creek), is listed as a Category 4A sediment TMDL area, with numerous contaminants identified.

**9c.** What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

HUC 171100040700 – Bellingham Bay

**9d.** What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up> to find the WRIA #.

WRIA 1 - Nooksack

**9e.** Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria> for the standards.

Yes    No    Not applicable

**9f.** If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [\[help\]](#)

- If you don't know, contact the local planning department.
- For more information, go to: <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases>.

Urban    Natural    Aquatic    Conservancy    Other: Waterfront District

**9g.** What is the Washington Department of Natural Resources Water Type? [\[help\]](#)

- Go to <http://www.dnr.wa.gov/forest-practices-water-typing> for the Forest Practices Water Typing System.

Shoreline    Fish    Non-Fish Perennial    Non-Fish Seasonal

**9h.** Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- **If No**, provide the name of the manual your project is designed to meet.

Yes    No

Name of manual: \_\_\_\_\_

**9i.** Does the project site have known contaminated sediment? [\[help\]](#)

- **If Yes**, please describe below.

Yes    No

Bellingham Bay is listed on the 303(d) list by Ecology as a Category 4A contaminated sediment area.

**9j.** If you know what the property was used for in the past, describe below. [\[help\]](#)

Project area has been used for industrial purposes for approximately 100 years since the founding of the Port of Bellingham in 1920. Most of the original waterfront activities revolved around logging mills.

**9k.** Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- **If Yes**, attach it to your JARPA package.

Yes    No

**9l.** Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

Whatcom Creek is documented to have the potential to support listed winter steelhead trout (*Oncorhynchus mykiss*), fall Chinook salmon (*O. tshawytscha*), and bull trout (*Salvelinus confluentus*). No other federally listed species occur in the project action area.

**9m.** Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Other fish species listed by WDFW PHS that occur within Whatcom Creek include coho salmon (*O. kisutch*), resident coastal cutthroat trout (*O. clarki*), and chum salmon (*O. keta*). Other habitats mapped near the project include an estuarine zone and big brown bat (*Eptesicus fuscus*) communal roost area.

## Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or [help@oria.wa.gov](mailto:help@oria.wa.gov).
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

**10a.** Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

A copy of the SEPA determination or letter of exemption is included with this application.

A SEPA determination is pending with City of Bellingham (lead agency). The expected decision date is January, 2024.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

This project is exempt (choose type of exemption below).

Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

\_\_\_\_\_

Other: \_\_\_\_\_

SEPA is pre-empted by federal law.



**10b.** Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

**LOCAL GOVERNMENT**

**Local Government Shoreline permits:**

Substantial Development     Conditional Use     Variance

Shoreline Exemption Type (explain): \_\_\_\_\_

**Other City/County permits:**

Floodplain Development Permit     Critical Areas Ordinance

**STATE GOVERNMENT**

**Washington Department of Fish and Wildlife:**

Hydraulic Project Approval (HPA)     Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

**Washington Department of Natural Resources:**

Aquatic Use Authorization

Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.

**Do not send cash.**

**Washington Department of Ecology:**

Section 401 Water Quality Certification

Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)

**FEDERAL AND TRIBAL GOVERNMENT**

**United States Department of the Army (U.S. Army Corps of Engineers):**

Section 404 (discharges into waters of the U.S.)     Section 10 (work in navigable waters)

**United States Coast Guard:**

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:

Bridge Permit: [D13-SMB-D13-BRIDGES@uscg.mil](mailto:D13-SMB-D13-BRIDGES@uscg.mil)

Private Aids to Navigation (or other non-bridge permits): [D13-SMB-D13-PATON@uscg.mil](mailto:D13-SMB-D13-PATON@uscg.mil)

**United States Environmental Protection Agency:**

Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

**Tribal Permits:** (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

## Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

### 11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. BE (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. BE (initial)

Brian Gouran

Applicant Printed Name



Applicant Signature

11/30/2023

Date

### 11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Ravyn Whitewolf

Authorized Agent Printed Name

Authorized Agent Signature

Date

### 11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name

Property Owner Signature

Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018



DAVID EVANS  
AND ASSOCIATES INC.

MEMORANDUM

**DATE:** March 28, 2024  
**TO:** Steve Sundin  
City of Bellingham, Permit Center  
210 Lottie Street  
Bellingham, WA 98225  
**FROM:** Gray Rand  
**SUBJECT:** Critical Saltwater Habitat Code Criteria  
**PROJECT:** TRAE0000004  
Conduit Bank Extension Project

The Bellingham Municipal Code (BMC) Section 22.08.040 contains specific criteria that must be met for any projects that may affect critical saltwater habitats. BMC 22.08.040 (B)(1) and (2) states:

*Regulations.*

1. *No structures of any kind shall be placed in or constructed over critical saltwater habitats unless they result in no net loss of ecological function, are associated with a water-dependent use, comply with the applicable requirements within this chapter and Chapter 22.09 BMC and meet all of the following conditions:*
  - a. *The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;*
  - b. *Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;*
  - c. *The project is consistent with the state's interest in resource protection and species recovery;*
  - d. *The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;*
  - e. *Shorelands that are adjacent to critical saltwater habitats shall be regulated per the requirements within this program.*
2. *A qualified professional shall demonstrate compliance with the above criteria in addition to the required elements of a critical area report as specified in Chapter 22.06 BMC. [Ord. 2013-02-005 § 2 (Exh. 1)].*

This memo will address how the Conduit Extension Project on Roeder Avenue will comply with each of the above criteria for a Conditional Use Permit.



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**DATE:** March 28, 2024

**FROM:** Gray Rand

**TO:** Steve Sundin

**SUBJECT:** Critical Saltwater Habitat Code  
Criteria

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**Project Location and Description:**

The project site is along Roeder Avenue from C Street to Central Avenue, in Bellingham, Washington. The project crosses the Whatcom Creek Bridge.

Installation of additional power and telecommunication conduit along Roeder Avenue from C Street to Central Avenue. Two 6-inch, eight 4-inch, and four 2-inch conduits will be installed. Conduits will be hung under Whatcom Creek bridge (within the superstructure) and suspended over the waterway. In order to connect to the conduits in the roadway, the contractor will core through the east and west wingwalls and excavate a trench under the concrete approach slabs. A construction stormwater pollution prevention plan (SWPPP) will be prepared.

Work will be completed over Whatcom Creek, but is not proposed below the OHWM or the 100-year floodplain elevation.

Barges may be used to support construction adjacent to the bridge, but no in-water work will be necessary. Barges would be anchored via tie-offs to the bridge and not spud or block anchors underwater. Alternatively, the preferred option would be to have the contractor construct a temporary work platform and containment system that hangs from the bridge.

**BMC Criteria:**

1a. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;

The proposed project involves no in water work and will not affect any riparian vegetation. Similarly, it will not change shading over Whatcom Creek. The proposed project will not change the hydraulic capacity of the stream channel as the conduit will be contained within the existing structure of the bridge. Therefore, the project is anticipated to result in no net loss of ecological functions associated with critical saltwater habitat.

1.b Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

The proposed use will have no impacts to critical saltwater habitats. No alternative alignment for the utility conduit is feasible.

1c. The project is consistent with the state's interest in resource protection and species recovery;

The proposed project is consistent with state's interest in resource protection and species recovery. The project will not preclude any future resource or habitat projects.

1d. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW [90.58.020](#);

The project is necessary to maintain longevity and level of service for utilities in the City of Bellingham, particularly in the vicinity of the Port of Bellingham. The public interest will not be



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**DATE:** March 28, 2024

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affected by the proposed project, as it will not permanently infringe on access or viewsheds to either the shoreline or the waterway.

1e. Shorelands that are adjacent to critical saltwater habitats shall be regulated per the requirements within this program.

The proposed project is within the Aquatic shoreline environment designation. The Use Chart in BMC 22.03.030 (E)(4) – Aquatic identifies Roads, Railways, and Utilities as uses under this designation. As such this proposal is within the intent of the SMP environment designation. The proposed project will have no net loss of ecological functions to adjacent shorelands as there will be no disturbance to undeveloped areas or shoreline vegetation.

2. A qualified professional shall demonstrate compliance with the above criteria in addition to the required elements of a critical area report as specified in Chapter [22.06](#) BMC. [Ord. 2013-02-005 § 2 (Exh. 1)].

This memo has been prepared by Gray Rand, a Professional Wetland Scientist and senior biologist with 30 years of experience, which demonstrates compliance with the above criteria.

The above responses demonstrate that this utility extension project within the Waterfront Revenue Development Area is compatible with the city's critical saltwater habitat criteria in BMC 22.08.040.