



State of Washington  
**Department of Fish and Wildlife, Region 4**  
Region 4 information: 16018 Mill Creek Blvd, Mill Creek, WA 98012 | phone: (425)-775-1311

March 10, 2025

Planning & Community Development, City of Bellingham  
Sara Ullman  
210 Lottie Street  
Bellingham, WA 98225

Dear Sara Ullman:

Thank you for the opportunity to comment on Middle Fork Spring Creek Open Space Trail (202500715) located at 200 W Stuart Rd, Bellingham, WA 98226, as proposed by Paul Knippel, City of Bellingham Parks & Rec. The Washington Department of Fish and Wildlife (WDFW) is dedicated to preserving, protecting, and perpetuating the state's fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. In recognition of our responsibilities, we submit the following comments for Middle Fork Spring Creek Open Space Trail. Other comments may be offered in the future.

**Fish and Wildlife Resources and Recommendations:**

- Due to the proximity of work to Middle Fork Spring Creek and its associated wetlands, the applicant may need to work with the local Habitat Biologist to obtain an HPA to protect fish and their habitat (WAC 220-660-050); see contact information below.
- The Habitat Biologist recommends completing and submitting a pre-application through APPS (Aquatic Protection Permitting System) to determine whether the project requires an HPA.

*This form can be found in the middle module that states 'Pre-apply for regulatory review' on the APPS website (<https://hpa.wdfw.wa.gov/s/>).*

The Washington Department of Fish and Wildlife provides our comments and recommendations in keeping with our legislative mandate to preserve, protect, and perpetuate fish and wildlife and their habitats - a mission we can only accomplish in partnership with local governments. If you have any questions or concerns, please feel free to contact me or the local Habitat Biologist, Lizzi Lutes, at [Lizzi.Lutes@dfw.wa.gov](mailto:Lizzi.Lutes@dfw.wa.gov).

Sincerely,



**CHRISTIE CALDWELL**

*Habitat Biologist*

**Washington Department of Fish and Wildlife**

**North Puget Sound - Region 4**

[Christie.Caldwell@dfw.wa.gov](mailto:Christie.Caldwell@dfw.wa.gov)

(564) 676-1383

## Sara C Ullman

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**From:** Sara C Ullman  
**Sent:** Monday, March 10, 2025 3:07 PM  
**To:** 'Tamela S. Smart'  
**Cc:** 'Lena A. Tso'; 'Jolivette, Stephanie (DAHP)'  
**Subject:** RE: Notice of Application ODNS 200 W Stuart - Middle Fork Spring Creek Open Space Trail

Hi Tamela,

I realize I neglected to provide assurance in my last email that this project would indeed follow Inadvertent Discovery Protocols (IDP) as you have outlined. We will ensure IDP requirements are conditioned on all construction permits and included in the contractor bid documents.

Again, my apologies for not confirming this in my last email. Should you have any questions, please reach out.

Sincerely,

### Sara Ullman

Planner II  
City of Bellingham Planning and Community Development  
210 Lottie Street  
Bellingham, WA 98225  
Phone: 360-778-8366  
Email: [scullman@cob.org](mailto:scullman@cob.org)



*Sign up at our engagement site, [Engage Bellingham](#), to learn about projects, provide input and stay informed!*

*Please note: My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.*

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**From:** Sara C Ullman  
**Sent:** Thursday, February 27, 2025 9:40 AM  
**To:** Tamela S. Smart <TamelaS@lummi-nsn.gov>  
**Cc:** Lena A. Tso <LenaT@lummi-nsn.gov>; Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>  
**Subject:** RE: Notice of Application ODNS 200 W Stuart - Middle Fork Spring Creek Open Space Trail

Hi Tamela,

Thank you for your review and comments regarding SEP2025-0006. Your comments will be saved to the SEPA record and forwarded to the applicant.

Don't hesitate to reach out with any questions regarding this project.

Sincerely,

### Sara Ullman

Planner II  
City of Bellingham Planning and Community Development  
210 Lottie Street

Bellingham, WA 98225  
Phone: 360-778-8366  
Email: [scullman@cob.org](mailto:scullman@cob.org)



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**From:** Tamela S. Smart <[TamelaS@lummi-nsn.gov](mailto:TamelaS@lummi-nsn.gov)>  
**Sent:** Wednesday, February 26, 2025 3:42 PM  
**To:** Sara C Ullman <[scullman@cob.org](mailto:scullman@cob.org)>  
**Cc:** Lena A. Tso <[LenaT@lummi-nsn.gov](mailto:LenaT@lummi-nsn.gov)>; Jolivette, Stephanie (DAHP) <[stephanie.jolivette@dahp.wa.gov](mailto:stephanie.jolivette@dahp.wa.gov)>  
**Subject:** Re: Notice of Application ODNS 200 W Stuart - Middle Fork Spring Creek Open Space Trail

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Sara Ullman,  
The Lummi Nation has received notice of the proposed Middle Fork Spring Creek Open Space Trail Project (SEPA2025-00006) at 200 W Stuart in Bellingham, Washington and is responding as an affected tribe. The Lummi Nation Tribal Historic Preservation Office (LNTHPO) has facilitated a review of the project distribution as well as records on file at our office.

Based on this review, an archaeological assessment is not recommended at this time. We recommend that the project proceed as planned with the following Inadvertent Discovery Plan (IDP) on-site and followed should archaeological resources or human remains be encountered.

**Inadvertent Discovery of Archaeological Resources:**

Should archaeological resources (e.g. shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Stephanie Jolivette, Local Government Archaeologist 360-628-2755) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-927-2944) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.

**Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055)**

"If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical

examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains" (DAHP).

These comments are based on the information available at the time of the review. The LNTTHPO should review any changes related to the proposed project. Should you have any questions or concerns, please do not hesitate to contact me at 360-927-2944 or via email at [tamelas@lummi-nsn.gov](mailto:tamelas@lummi-nsn.gov).

Sincerely,

**Tamela S. Smart** (she/her)

Deputy THPO/Compliance Officer

Lummi Nation Culture Department

2665 Kwina Road, Bellingham, WA 98226

Cell: 360-927-2944 Email: [TamelaS@lummi-nsn.gov](mailto:TamelaS@lummi-nsn.gov)

*Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites are exempt from disclosure (RCW 42.56.300)*



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**From:** Fiona E Starr <[fstarr@cob.org](mailto:fstarr@cob.org)>

**Sent:** Wednesday, February 26, 2025 10:31 AM

**To:** Luerkens, Chris (ECY) <[clue461@ecy.wa.gov](mailto:clue461@ecy.wa.gov)>; Printz, Jacalen M CIV USARMY CENWS (USA) <[jacalen.m.printz@usace.army.mil](mailto:jacalen.m.printz@usace.army.mil)>; Storme, Roland <[stormer@wsdot.wa.gov](mailto:stormer@wsdot.wa.gov)>; sepa ([sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)) <[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)>; Jolivette, Stephanie (DAHP) <[stephanie.jolivette@dahp.wa.gov](mailto:stephanie.jolivette@dahp.wa.gov)>; Hagin, Emily ([EmilyE.Hagin@pse.com](mailto:EmilyE.Hagin@pse.com)) <[EmilyE.Hagin@pse.com](mailto:EmilyE.Hagin@pse.com)>; [brian.mcconnell@cngc.com](mailto:brian.mcconnell@cngc.com) <[brian.mcconnell@cngc.com](mailto:brian.mcconnell@cngc.com)>; Gregg Dunphy <[GreggD@lummi-nsn.gov](mailto:GreggD@lummi-nsn.gov)>; Vincent J. Feliciano Jr. <[VincentF@lummi-nsn.gov](mailto:VincentF@lummi-nsn.gov)>; Tamela S. Smart <[TamelaS@lummi-nsn.gov](mailto:TamelaS@lummi-nsn.gov)>; Lena A. Tso <[LenaT@lummi-nsn.gov](mailto:LenaT@lummi-nsn.gov)>; George Swanaset Jr <[george.swanasetjr@nooksack-nsn.gov](mailto:george.swanasetjr@nooksack-nsn.gov)>; [tdelgado@nooksack-nsn.gov](mailto:tdelgado@nooksack-nsn.gov) <[tdelgado@nooksack-nsn.gov](mailto:tdelgado@nooksack-nsn.gov)>; info <[info@n-sea.org](mailto:info@n-sea.org)>; Michael Cerbone <[MichaelCerbone@cityofferndale.org](mailto:MichaelCerbone@cityofferndale.org)>; Jori Burnett <[joriburnett@cityofferndale.org](mailto:joriburnett@cityofferndale.org)>; DFW R4Nplanning

<[R4Nplanning@dfw.wa.gov](mailto:R4Nplanning@dfw.wa.gov)>; Tim Wilder <[timw@ridewta.com](mailto:timw@ridewta.com)>; Hayden Richardson <[haydenr@ridewta.com](mailto:haydenr@ridewta.com)>; Renee S LaCroix <[rlacroix@cob.org](mailto:rlacroix@cob.org)>

Cc: Sara C Ullman <[scullman@cob.org](mailto:scullman@cob.org)>

**Subject:** Notice of Application ODNs 200 W Stuart - Middle Fork Spring Creek Open Space Trail

**Please note there are additional supporting documents available online at [www.cob.org/notices](http://www.cob.org/notices) Scroll down under the Notice of Application and Optional DNS heading until your reach CAP2025-0006 SEP2025-0001 200 W Stuart Rd  
TYPE II**

## **NOTICE OF APPLICATION and OPTIONAL DNS PROCESS**

CAP2025-0006 and SEP2025-0001

Notice is hereby given that the Planning and Community Development Department (PCDD) has received an application for a **critical area permit and SEPA environmental review (CAP2025-0006 and SEP2025-0001)** for the following project:

**Project Name:** Middle Fork Spring Creek Open Space Trail

**Project Description:** Proposed City of Bellingham Parks Department project to construct an approximately 1,286-linear-foot public multi-use trail that will connect West Stuart Road to Cordata Park. Proposed trail connections include an 8-foot-wide crushed limestone trail with 1-foot-wide shoulders and 10-foot-wide boardwalk segments. A small segment of concrete will be added to extend the existing sidewalk on the north side of West Stuart Road to the trailhead. Rock retaining walls are proposed for trail segments with steeper slopes and multiple benches are proposed along the trail.

The trail work is proposed through an approximately sized 9.72-acre property owned by the City of Bellingham. A future phase (not funded or designed right now) proposes to construct a boardwalk through the undeveloped West Stuart Road right-of-way abutting the property.

The subject property and undeveloped right-of-way contain critical area wetlands, buffers, a segment of the fish bearing Middle Fork Spring Creek, erosion hazards, and frequently flooded areas. The project has been designed to avoid impacts to critical areas through the trail design and construction. Approximately 358 sf of indirect wetland impacts are anticipated due to shading from the boardwalks and about 22,164 sf of temporary and permanent buffer impacts are anticipated related to the trail and construction activity. On-site mitigation is proposed and includes buffer enhancement and restoration to offset these unavoidable impacts.

A critical area permit is required per BMC 16.55.040. SEPA environmental review is required per WAC 197-11-800 because the project is proposed over lands covered by water.

**Project Location:** 200 W Stuart Road, Parcel No. 380212443440. Meridian Neighborhood, Area 31, zoned Industrial with a use qualifier of planned light.

**Applicant:** Paul Knippel, Greenways Project Manager Parks & Recreation Department, 210 Lottie ST, Bellingham WA 98225

**Comments Due By:** 3/11/2025

**Send written comments and requests for information to:**

Name: Sara Ullman, Planner E-mail / Phone: [scullman@cob.org](mailto:scullman@cob.org) or 360-778-8366

**Fiona Starr** (*she/her*)

Office Assistant, Planning & Community Development, City of Bellingham

210 Lottie Street, Bellingham WA 98225

360-778-8300 (main) 360-778-8357 (direct) 711 (Washington State Relay)

[fstarr@cob.org](mailto:fstarr@cob.org)

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**CAUTION:** This email has been received from outside the Lummi Indian Business Council – Think before clicking on links, opening attachments, or responding.

## Sara C Ullman

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**From:** Sara C Ullman  
**Sent:** Wednesday, March 5, 2025 12:39 PM  
**To:** Megan Machiniak  
**Subject:** RE: Public Notice CAP2025-0006 and SEP25-0001

Dear Megan,

Thank you for providing public comment for the Middle Fork Spring Creak Trial project. Your comments will be saved to the public record and considered in the review of the project.

I forwarded your email to the project manager in the City's Parks Department to respond to your concerns about wetland protection. Their response provides some background of the project and hopefully allays some of your concern:

The [2020 PROs Plan](#) identified this trail connection from Cordata Park through the subject property to Stuart Road and Meridian Street. This trail is an integral part of the transportation network, designed to minimize impacts to critical areas, and required to meet critical areas regulations. Boardwalks will be utilized to reduce impacts and ensure hydrologic and habitat connectivity is maintained. Wetland and buffer enhancement and restoration are required to ensure no-net-loss of wetland function.

Should you have additional questions, please reach out.

Sincerely,

**Sara Ullman**  
Planner II  
City of Bellingham Planning and Community Development  
210 Lottie Street  
Bellingham, WA 98225  
Phone: 360-778-8366  
Email: [scullman@cob.org](mailto:scullman@cob.org)



*Sign up at our engagement site, [Engage Bellingham](#), to learn about projects, provide input and stay informed!*

*Please note: My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.*

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**From:** Megan Machiniak <megan.machiniak@gmail.com>  
**Sent:** Monday, March 3, 2025 7:17 PM  
**To:** Sara C Ullman <scullman@cob.org>  
**Subject:** Public Notice CAP2025-0006 and SEP25-0001

You don't often get email from [megan.machiniak@gmail.com](mailto:megan.machiniak@gmail.com). [Learn why this is important](#)

**CAUTION:** This message originated from outside of this organization. Please exercise caution with links and attachments.

Hello,



I would like to comment on the proposal for the Middle Fork Spring Creek Open Space Trail. I am opposed to this proposal since it will decrease and further fragment the small wetland habitat that we have in this area. I live in the apartment immediately adjacent to this proposed trail, so this proposal is of special interest to me. One of the best things about this area is that there are sections of undeveloped, protected wetland. These areas are important habitat for frogs, birds, and other wildlife, including aquatic plants. This time of year you can hear a chorus of frogs in the evening at Cordata Park (and even from within my apartment) which is honestly pretty magical. Historically, wetlands have not been well protected in this country because people do not appreciate their aesthetic value nor their value as critical wildlife habitat. While I do appreciate having many options for walking paths, this part of the Cordata neighborhood already has enough options. If it is determined that there must be an additional trail, the city can surely find a place to put it that would not reduce what remaining protected wetlands we have.

I sincerely hope that you will take my comments into consideration.

Thank you for your time,

Megan Machiniak



**Planning and Community Development Department**

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: 711 (WA Relay)

Email: [planning@cob.org](mailto:planning@cob.org) Web: [www.cob.org](http://www.cob.org)

The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

**Existing Environmental Documents:**

- SEPA checklist prepared by Paul Knippel, City of Bellingham, dated December 17, 2024.
- Critical Area Report and Mitigation Plan, prepared by Herrera Environmental Consultants, Inc., dated December 2024.
- Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, prepared by Associated Earth Sciences Inc., dated August 24, 2023.
- Stormwater Management Report prepared by Herrera Environmental Consultants Inc., dated January 2, 2025.
- 60% Civil Plan Set prepared by Wilson Engineering, dated December 6, 2024.

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal:

- **NONE**

This notice and the site plan are available for viewing at <http://www.cob.org/notices> or, in the Permit Center at City Hall. Anyone wishing to comment on this proposal, is invited to submit written comments by 5:00 p.m. on March 11, 2025.

The final decision on this proposal may be appealed in accordance with Bellingham Municipal Code 21.10.250.

**Date Application Received:** 1/17/2025

**Date of Complete Application:** 2/14/2025

**Date of Notice of Application:** 2/25/2025

**Other Known Required Permits:** Construction permit(s), dedication of easement(s), and One Percent for the Arts project selection and installation.

RECEIVED

**Send written comments and requests for information to:**

Name: Sara Ullman, Planner E-mail / Phone: [scullman@cob.org](mailto:scullman@cob.org) or 360-778-8366

MAR 10 2025

200 W Stuart Road  
CAP2025-0006 and SEP2025-0001

City of Bellingham  
Planning & Community Development

A decision will be made on the project following the comment period. If you want to receive notification of the action, please complete and return this section to the Planning and Community Development Department, City Hall, 210 Lottie Street, Bellingham, WA 98225.

Attn: Sara Ullman, Planner **Yes, I would like to know the action taken.**

**Name** Michele Cancelli, Asset Manager, Universal Health Realty Income Trust

**Address** 367 S. Gulph Road, King of Prussia, PA 19406  
(including City, Zip)