

# EIS Frequently Asked Questions (FAQ's)

## Fairhaven Highlands Planned Development

Bellingham, Washington

**Q**

### What is an Environmental Impact Statement (EIS)?

**A**

The primary purpose of an Environmental Impact Statement (EIS) is to ensure that the State Environmental Policy Act (SEPA) policies are an integral part of the ongoing programs and actions of state and local government.

An environmental impact statement must be prepared when the lead agency (in this case, the City of Bellingham Planning & Community Development Department) determines a proposal is likely to have significant adverse environmental impacts. The EIS provides an impartial discussion of significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid or minimize adverse impacts or enhance environmental quality.

The process is intended to assist agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It is used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

The preparation of an EIS includes opportunities for other agencies, tribes, and the public to comment on the environmental analysis and conclusions. The City will use these comments to finalize the environmental analysis and issue a final EIS. For more information about the EIS process go to WAC 197-11-400:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11-400>

**Q**

### What are the components of the EIS process, and what are the points at which public comment will be taken?

**A**

Here are the basic steps in the EIS and permitting process:

- **Contract between Developer, City, and Consultant finalized**
- **Literature Review** (all studies available for public review)
- **Director issues Determination of Significance and Scoping Notice**
- **Scoping Meeting** (public comment encouraged)
- **Scoping Report released**
- **Draft EIS released** (30 day public comment period)
- **Draft EIS Public Meeting** (public comment encouraged)
- **Final EIS released** (additional comment accepted until publication of Director's Decision)
- **Public Notice of Director's Decision**
- **Appeal Period**

*Once finalized, dates for EIS meetings will be posted on the City's website*

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### Q What is "scoping"?

A The first step in the EIS process is to determine the "scope" — that is, which issues and alternatives will need to be evaluated. The scoping process allows the public and other agencies to comment on the scope of the EIS and helps the lead agency identify issues and concerns.

In regards to the Fairhaven Highlands EIS, the consultant will assist the SEPA Responsible Official (City of Bellingham Planning & Community Development Director) in the scoping of the EIS, and in doing so will review the technical reports, project application materials and any relevant City documents, plans, or reports to ensure accuracy and adequacy for use in the EIS. As part of the scoping process and upon the consultant's recommendation, **the City may require the developer to complete additional studies to assure that the draft and final EIS adequately analyze impacts.**

Scoping will include 1) determining the range of impacts to be covered in the EIS and 2) establishing the alternatives to be evaluated. The scoping process will include one public meeting.<sup>1</sup> The consultant will collect public comment and prepare a scoping report summarizing the comments received.

For more information about EIS scoping go to:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11-408>

### Q How can citizens give input?

A To ensure that every EIS is concise and addresses the significant environmental issues, the City, as lead agency, will invite agency, affected tribes, and public comment on the Determination of Significance and the scoping meeting. For more information about a Determination of Significance go to:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11-360>

The **scoping meeting** is the first opportunity for citizens to give input into the EIS scope. This input can be given verbally at the scoping meeting or in writing at any time during the comment period listed in the Scoping Notice. Agencies, affected tribes, and the public should comment promptly and as specifically as permitted by the details available on the proposal.

As lead agency the City will revise the scope of the EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

The consultant will prepare a draft EIS for review and approval by City staff. Once reviewed by the City the draft EIS will be available for **public comment for 30 days**. The document will be posted on the City website and copies will be

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<sup>1</sup> To be listed as a "Party of Record" for formal communications about the project contact the Planning and Community Development Department (360) 676-6982 or email [fstarr@cob.org](mailto:fstarr@cob.org). **City officials must have your full name and mailing address to be listed.**

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available for review at the Planning & Community Development Department, the Bellingham Library Main and Fairhaven branches, and can be obtained electronically on CD for a nominal fee.

A public meeting will be held on the draft EIS. A court reporter will record oral comments at the meeting, and the City will accept written comments during the required 30-day comment period. This comment period may be extended for 15 days by written request. These will be provided to the consultant for preparation of the final EIS.

The **final EIS** will consist of the fact sheet, summary, description of alternatives and responses to comments on the draft EIS. If necessary, it will also include an "Additions, Corrections, and Clarifications" section.

The final EIS will be posted on the City website and hardcopies will be made available for review at the Planning & Community Development Department and the Bellingham Library Main and Fairhaven branches. Electronic files of the document can be purchased on CD for a nominal fee.

### **Q** How can citizens be kept apprised of new information about the project, and be notified of public meetings?

**A** Citizens are encouraged check the city website periodically for updates – relevant reports, documents, and information will be posted as they become available.

For formal communications about the Fairhaven Highlands EIS you must be listed as a "Party of Record". City officials must have your full name and mailing address. To be listed as a "Party of Record" contact:

Planning and Community Development  
(360) 676-6982  
210 Lottie Street  
Bellingham, WA 98225  
*or email Fiona Starr at: [fstarr@cob.org](mailto:fstarr@cob.org)*

### **Q** Who is the developer's contact for the EIS?

**A** **Robert Tull**  
Langebeer & Tull  
(360) 671-6460  
709 Dupont Street  
P.O. Box 1678  
Bellingham, WA 98227

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### **Q How was the consultant selected to complete the EIS?**

**A** When the developer requested that an EIS be completed for the Fairhaven Highlands project, the City initiated a search for a qualified consultant through a public Request for Proposals (RFP) process.

On April 9<sup>th</sup>, 2007 the City Purchasing Division published a **RFP** which was advertised according to city standards, and was also sent to qualified firms listed on the **American Planning Association Washington Chapter** website. The RFP was published for four weeks to ensure good response, and proposals were opened on May 7<sup>th</sup>, 2007. Selection was made by a team of City staff based on the consultant's ability to meet the criteria outlined in the RFP:

- understanding of the project and description of proposed approach;
- qualifications to meet project requirements;
- level of effort/ability to complete the project in the stated timeframe; and
- examples of previous work on similar projects

### **Q Why did the City choose the consultant proposing the least number of hours to complete the EIS?**

**A** It is appropriate that the City of Bellingham hire a firm with an established record of objectivity as well as one having the technical competence to understand the issues at stake.

Of the five firms that submitted proposals ESA Adolfson was selected for their extensive experience preparing EIS's under three-party agreements, as well as their demonstrated ability to provide an objectively developed document. The consultant's project staff has a record of working with local governments all over Washington State on similar projects, experience which enables them to maintain a clear perspective on the objectives of SEPA, and to provide the City of Bellingham with environmental documents that disclose and evaluate the impacts of development in a useful and understandable manner.

All of the proposals were reviewed by a City team composed of the Director of Planning and Community Development, City Attorney, and the City's Project Manager. Taking a careful review of all proposals, each team member independently judged ESA Adofson to be the best firm to be hired. The decision to hire ESA Adolfson was unanimous.

### **Q The City selected a consultant who estimated fewer hours of work than other consultants. Doesn't this mean that less work will be done?**

**A** No. The number of hours proposed by the consultant was based on the information available at the time of the RFP. ESA Adolfson is familiar with Bellingham and correctly understood that the developer was updating all relevant reports. The consultant will evaluate if the reports are adequate. If additional

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information is required of the developer, or if additional information becomes available that alters the EIS scope, the consultant's contract will be amended to accommodate the adjusted work load.

#### **Q Why is the developer paying the consultant's fee and the City's administrative costs for the EIS? Isn't this a conflict of interest?**

**A** Fee payment by the developer is standard procedure for an EIS, as outlined in [Bellingham Municipal Code 16.20.140\(D\)](#): "All costs of preparing the environmental document shall be borne by the applicant." The consultant is paid for by the developer but is working under contract with the city and on the City's behalf will objectively determine the accuracy and adequacy of the information provided by the developer, and evaluate the proposal according to the City's adopted SEPA policies.

The consultant will work closely with City staff to determine the proposal's consistency with adopted regulations, to develop appropriate mitigation measures and to evaluate the significance of any unavoidable adverse impacts.

#### **Q After all the reports and public input have been reviewed, can the consultant recommend that additional research be completed?**

**A** Yes. The SEPA Official may require additional studies or information. It is the consultant's responsibility to use existing reports efficiently and to supplement these with additional information where needed to provide a thorough and defensible EIS that focuses on the significant impacts and the decisions that the City will need to make on the project application.

As part of the scoping process and upon the consultant's recommendation, the City may require additional studies to assure that the draft (and final) EIS adequately analyze impacts.

#### **Q Who pays for additional studies if the initial ones are determined inadequate?**

**A** The developer pays for all studies determined necessary for evaluation of environmental impacts.