



LUMMI INDIAN BUSINESS COUNCIL

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DEPARTMENT Natural Resources EXT. (360)384-2202

September 16, 2004

To: The Waterfront Futures Group

From: Merle Jefferson, Director Lummi Department of Natural Resources

Subject: Initial Comments on the Waterfront Futures Proposals

I am sorry that we have not had the time to participate more fully in the deliberations of the Waterfront Futures Group discussions shaping a vision for the future of the waterfront in the urbanized portion of Bellingham Bay. This area is of great historical and current interest to the Natural Resources Department at Lummi and I wish we had the resources to participate more actively in its restoration. I have attempted to provide a brief summary of our reflections on the documents provided for review.

1. The Guiding Principles might be acceptable because of their general nature. The devil will be in the details. It is hard for the Lummi Indian Business Council explain to its members the impacts of the industrial complex and urban development eliminated on historic village and fishing sites and habitat that supported the resources that provided for the Lummi "Schelangen" or cultural and economic way of life.
2. It should be understood that the tribe has diverse interests in the Bellingham Bay area related to:
 - the capacity of the habitat to produce resources to sustain treaty reserved fisheries (including the upland inputs to the bay habitat, and remediation of the toxic wastes in the Bay),
 - continued access to the traditional markets along the shore of Bellingham Bay, and
 - support of activities that do not interfere with the right to fish in usual and accustomed places, as well as
 - healthy economic activity that can provide meaningful employment for those tribal members that can no longer be supported by the traditional way of life that relies on fisheries resources.
3. The Natural Resources Department is concerned that the program to clean up toxic materials in bottom sediments had diverged significantly from its original objective of removing the toxic materials from the area to a stalling tactic that allowed the naturally high sedimentation rate of the Nooksack river to cover these toxic materials with a natural cap that passes minimum sediment quality standards. The Department

would like to see all of the toxic materials removed and placed in an upland disposal site so their danger to fisheries resources and public health are removed from the region.

4. The Natural Resource Department has not supported the PSSDA dumping site in the middle of Bellingham Bay because of its impact of the important crab resources. Options to reduce the need for continued dredging should be investigated.
5. We are unclear about the level of detail that the Waterfront Futures Group was supposed to provide. The vision is understandable, but if as more detailed recommendations are included in vision framework it becomes difficult to accept them without further discussion. Lummi would need to develop its vision for the waterfront from its perspective and then convey that vision to those involved with the implementation of the ideas contained in the Framework plan.
6. Have the potential conflicts between people and habitat been adequately addressed. The mention of a number of sites for getting people into the water might conflict with the preservation and restoration of habitat to produce necessary fisheries resources that have been lost through past developments.
7. We don't feel that adequate emphasis has been given to the involvement of LIBC in the signing locations in the waterfront area to mark original village and landing sites and provide a historical perspective to importance of the way things were at treaty times to the original inhabitants. The update to the framework plan provided some mention, but we feel that it should be stronger.
8. There should be some measure of prioritizing recommended actions. In evaluating restoration projects, the costs related to the well-defined future benefits should be compared to other projects that might provide a greater future benefit. For example, it might be more important to focus on the clean up of storm water and industrial discharges and modifications of drainages to allow more natural habitat forming ecosystem processes before committing large sums to "estuary restoration"
9. While we have not had a formal presentation on a proposal by the Port, we are not comfortable with the Port proposal to convert the ASB to a marina, convert the liabilities of a private party (GP) to a public obligation and leave most of the toxic sediments under the natural layer of sediments deposited from the Nooksack River. The ASB was a taking of fishing areas and habitat necessary for the production of resources supporting the Lummi Schelangen that took place without consultation with Lummi.
10. We would not like to see the improved permitting processes allow projects affecting the Lummi Schelangen without meaningful consultation with Lummi.
11. In the Framework Plan it would seem to be more efficient to expand on the Guiding Principles all areas to include those mentioned rather repetitively in the 6 area

descriptions. It would seem more logical to have only the recommendations relative to the Guiding Principles in the discussion of each sub area with a numerical reference to the applicable Guiding Principle.

12. We would like to see dock space at the head of the Whatcom Waterway reserved as a tribal landing site for the sale of harvest to the general public along the waterfront.

With Reference to the Action Plan

1. Is it necessary to create another level of bureaucracy to implement the vision, or should the responsibility to consider the recommendations of the WFG be delegated to the appropriate governmental authorities that currently have jurisdiction? Two additional bodies The Waterfront Futures Advisors and the Renewal Authority have been recommended. Can't the proposed functions be coordinated between existing Port and City staff? If the Port obtains control of the GP lands, it would seem that the Port and City would have to work together to plan the development of the property.
2. The early action items should be carefully evaluated with respect to cost and expected future benefit. To the extent possible an attempt should be made to prioritize the list of action items and provide relative cost estimates so the list does not become the justification for projects that will not provide relative marginal benefits to the overall objectives of the Plan
- 3.