

September 10, 2004

Ms. Patricia Decker
Waterfront Futures Project Director
114 West Magnolia Street, Suite 501
Bellingham, WA 98225-4354

Dear Ms. Decker:

Re: Draft Waterfront Framework Plan

The Department of Ecology (Ecology) has reviewed the Draft Waterfront Framework Plan (Plan) dated June 8, 2004, as well as the June 24, 2004 update. Ecology acknowledges the significant effort of the Waterfront Futures Group to create these documents and we offer the following general and specific comments for your consideration:

General

1. The Plan does not state who is responsible for following the Guiding Principles and implementing the Recommendations. It is also not clear whether the plan is intended as guidance or mandate. If it is intended as a mandate then Ecology's comments would be more strongly worded and more detailed than what is presented below.
2. It is not clear how this plan relates to existing plans (e.g. the Bellingham Bay Comprehensive Strategy) and regulatory processes. At a minimum the Plan needs to acknowledge the regulatory complexity of implementing many of the plan recommendations. State and federal entities including Ecology, the Department of Fish and Wildlife, the Department of Natural Resources, the Corps of Engineers and both the Lummi and Nooksack Indian Tribes have regulatory and tribal treaty right authorities effecting implementation of various elements of the plan.
3. Natural Systems and Environmental Cleanup should be a component of the Recommendations section of every geographic sub-area except the Chuckanut & Edgemoor sub-area. The following waterfront cleanup sites exist within the Futures Group Study area: Little Squalicum – The Oeser Company and Little Squalicum Creek sites; Squalicum – Weldcraft Steel and Marine, and Marine Services Northwest sites; City Center – Central Waterfront, Whatcom Waterway, I & J Waterway, Chlor-Alkali, R.G Haley and Cornwall Avenue Landfill sites; South Hill & Boulevard Park – Boulevard Park site; Fairhaven – Harris Avenue Shipyard site.
4. There seems to be a disproportionate amount of detail in the Plan regarding remediation of the Cornwall and Whatcom Waterway sites. As indicated in No. 3 above, there are a number of cleanup sites within the Future's Group Study area that should be addressed.
5. The sub-headings under the Recommendations section are inconsistent between geographic areas.

Specific

1. Page 5, Restore the Health of Land & Water. Guiding Principle No. 3, both upland and in-water contamination exists within the Futures Group study area.
2. Guiding Principle No. 6. Under authority of the Model Toxics Control Act Cleanup Regulation, cleanup decisions are made by Ecology through a rigorous process that considers many factors including current and planned land use. Therefore, this guiding principle as currently worded is not appropriate. If the City of Bellingham (City) and the Port of Bellingham (Port) are the entities being directed to follow this guidance consider revising to read “Advocate for environmental cleanup strategies and remediation that are consistent with planned use.”
3. Page 25, Natural Systems and Environmental Cleanup. This section has an inappropriate level of specificity regarding regulatory cleanup decisions that are ultimately made by Ecology. If the intention is to encourage conversion of the ASB portion of the Whatcom Waterway site to a marina, consider deleting the first bullet in this document and the first bullet for this section in the June 25th update and replacing them with “Advocate for a remediation of the Whatcom Waterway site that facilitates conversion of the ASB portion of the site to a marina.”
4. Delete the second bullet, this is Ecology’s regulatory responsibility. The City and Port can examine aquatic land use needs and articulate a different future use which could influence the remediation of this area of the site.
5. Bullet four should be replaced with bullet three of the June 25th update.
6. Replace bullet five with “Advocate for a remediation of the Cornwall Avenue Landfill that enables integration of habitat enhancement actions and public access.”
7. Bullet six, I am not sure what this bullet means, however, as stated above the Port and City can advocate for a particular remedy that is consistent with planned use, Ecology selects the remedy.

Ecology appreciates this opportunity to comment on the Draft Waterfront Framework Plan. If you have any questions, please contact me at 425-649-7272.

Sincerely,

Lucille T. McInerney, P.E.
Site Manager

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