

# LANGABEER & TULL, P.S.

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**HAND DELIVERED**

November 5, 2007

Tim Stewart  
Planning Director  
City of Bellingham  
Planning and Community Development Department  
210 Lottie Street  
Bellingham, WA 98225

**Re: Scoping Process for Fairhaven Highlands**

Dear Mr. Stewart:

We are writing on behalf of our client, Greenbriar Northwest Associates, LLC regarding the proposed scoping schedule for the Fairhaven Highlands Environmental Impact Statement, outlined in Katie Franks' e-mail of October 24, 2007. According to that schedule the Determination of Significance and the scoping notice will not be issued until the beginning of December, and the optional scoping meeting will not be held until January. This time delay is unacceptable to our clients.

It is difficult to understand why the DS and the scoping notice cannot occur immediately and why the scoping meeting cannot occur in early December, well before the holidays. Our client signed the contract with the City of Bellingham and submitted a check to you for \$25,000 on September 14, 2007. We subsequently delivered consultant reports to your office on September 25, 2007. This was well over a month ago, and we are troubled as to why the DS and the scoping notice haven't already been issued.

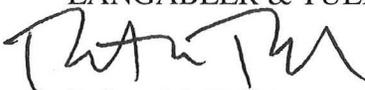
WAC 197-11-055 dictates that the lead agency prepare its threshold determination and environmental impact statement at the earliest possible point in the planning and decision-making process. The functional purpose of the DS is to acknowledge that the project might have significant adverse environmental impacts. We asked for the preparation of an EIS, so the DS is a non-event. The functional purpose of scoping is simply to narrow the scope of the EIS and to invite the public to comment on that narrowed scope. Since we did not ask for any unusual restrictions with regard to scoping, it is difficult to understand why it will take over two months from the time we executed our contract with you for you to execute these two fairly simple procedures. It also is

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confusing as to why the EIS consultant would need to do a comprehensive literature review and submit a summary report prior to the issuance of a DS and a scoping notice. Since EISs are normally initiated prior to the preparation of any literature, this sort of review and the resultant time delay seem excessive and unnecessary.

We would like to meet with you in the next couple of days to discuss your rationale for the delay, and we will be contacting you shortly to schedule an appointment.

Very truly yours,  
LANGABEER & TULL, P.S.



Robert M. Tull



Dannon C. Traxler

DCT: ao  
cc: client