



OFFICE OF THE CITY ATTORNEY
210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8270
Fax: (360) 778-8271

March 20, 2019

Lucy McInerney, Site Manager
WA Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452

Via e-mail: Lucy.McInerney@ecy.wa.gov

RE: I&J Waterway Cleanup Site – Facility Site ID: 3145643; Site Cleanup ID: 2012

Dear Ms. McInerney:

On behalf of the City of Bellingham, I am writing in response to the Department of Ecology's request for comments on the Cleanup Action Plan for the I & J Waterway Site.

The City has the following comments:

- The draft plan identifies that ongoing monitoring will occur at the nearshore stormwater outfall. The plan indicates the outfall as belonging to the City of Bellingham. It is the City's position that this outfall and the 36" pipe that connects the outfall to the City's drainage system belongs to the Port and not the City. The City's historic stormwater outfall was buried in the early 1980s as part of the Inner Squalicum Harbor Marina development where the Bellwether peninsula now exists. The Port built the existing nearshore stormwater outfall with the Inner Squalicum Harbor Marina development project and never granted easements or transferred ownership to the City. The City does not operate the outfall or pipe either. The Port contends that a 1984 Utilities Easement Agreement transferred operation to the City, but that agreement only applies to water and sewer facilities. The City has never maintained or repaired the pipe. Figures 2-4 and 2-6 incorrectly label the nearshore stormwater outfall as the City's and not the Port's.
- "Existing creosote piles and bulkhead structures are also a potential source" of PAHs (p. 7). The City suggests that all creosote-treated timbers in the Dock Units, South Bank Unit, Head of Waterway Unit, should be replaced as part of this project. If they are not removed during the cleanup action, removal would be challenging in the future due to interference with the cleanup action.
- As mentioned in the Draft Cleanup Action Plan, the I & J Waterway has documented surf smelt spawning and could potentially provide spawning habitat for both sand lance and surf smelt (p. 16). The Head of Waterway Unit should receive a top-dressing of beach

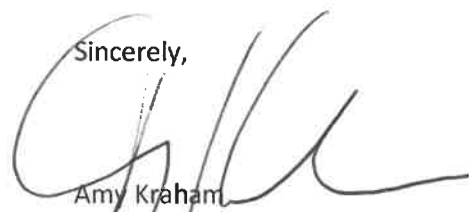
mix suitable for surf smelt and sand lance spawning. In addition, if possible, the existing conifer tree along the MHHW line should be retained/protected. The final cap in "Head of Waterway Unit" should not preclude a future park from including installation of overhanging shrubs and trees.

Current best available science suggests a sea level rise of 50 inches. Regarding development projects, the City's Planning Department has been requiring this amount of rise to be included in building permits. Although it is not completely clear how a cleanup would be treated for sea level rise for permit purposes, the City encourages the Port and Ecology to consider using 50 inches for The Head of Waterway Unit and project boundaries, beach restoration, and site protection.

- The CAP considers erosional forces and notes the high-energy nearshore "may have slower natural deposition of fine-grained sediments than other areas" and "recovery rates may be reduced by the resuspension of fine-grained sediments from propeller wash or wave activity" near the Bornstein Seafoods dock (p. 10). Exacerbating these concerns, current sedimentation and climate change models do not take into consideration sea-level rise with changes in erosion/deposition resulting from future storm surges and wave events. The City of Bellingham is currently exploring the potential for a local hydrodynamic model that simulates the combined physical interaction of changes in the magnitude, frequency and timing of sea-level rise, storm surge, wave and rainfall/runoff events. Until we have such modeling results, the Enhanced Natural Recovery Area and Monitored Natural Recovery Area boundaries, depths, and monitoring should be designed with sufficient caution to account for the current simplified climate change modeling.

Thank you for giving the City of Bellingham this opportunity to provide comments on the I & J Waterway cleanup site.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amy Kraham', is written over the printed name and title.

Amy Kraham
Environmental Project Manager and
Senior Assistant City Attorney
210 Lottie Street
Bellingham, WA 98225
(360) 778-8278