

From: WENDY HARRIS
Sent: Monday, August 5, 2019 9:04 AM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Cc: Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>; Wendy Harris
Subject: Request For Public Hearing re Bellingham Central Waterfront site

Hello Lucy,

It has been some time since we have communicated. **I writing today to request a public meeting that is later followed by a public hearing on the Bellingham Central Waterfront site.** Holding both events on the same day does not allow the public the time needed to go home and reflect on relevant facts in order to submit an informed comment or testimony.

Moreover, the 30-day timing of this proposal fails to afford the public its full due process rights. Those of us who are most active in civic matters are likely to be extremely busy right now, working on a multitude of other projects, such as election campaigns, the county comprehensive amendments to Cherry Point, the update to the county SMP, watershed restoration for WRIA 1 or the revisions to the new jail. It certainly does seem that important proposals are brought forward at the same time every year, either during summer vacation or Christmas break. Under these facts, a 30 day review period is inadequate, and you have the authority to extend this period. I am asking that you do so for at least another 30 days, in order to schedule the public meeting and subsequent public hearing. There is no looming deadline that would counterbalance public rights, particularly with the extensive cleanup period proposed.

First, I remain concerned that DOE and the port continue to plan waterfront clean-up actions without the

cooperation and agreement of the tribes. I recall the great indignity they felt, rightly so, during a previous Bellingham Bay clean-up proposal when the cost/benefit analysis started only from the beginning of the history of the white man in Whatcom County. This greatly undervalued the economic loss suffered by the tribes because this was not reflected in the true value of the resources that were available in and near the bay before the settler's arrived. I would like to have a public discussion of this matter and I believe this is an issue of strong public interest. I am interested in seeing the tribes respected as the co-managers of local waters and this continued pattern of action by local and state government fails to show the proper respect and could violate the tribe's treaty rights.

I incorporate the questions and concerns contained in the Resources letter dated July 23, 2019, particularly with regard to the time period that is proposed. **I am not aware of any legal authority that allows an extended cleanup period for in situ clean-up.** Rather, the normal standard is to revisit the site every 7 years to see if updated technology has provided a permanent solution, but during such time the assumption is that the pollution has ceased. It appears there are more questions than answers in this matter.

As you must be aware, a number of years ago, Bellingham Bay was determined to be the fastest degrading bay in the entirety of Puget Sound. **Thus, there is some urgency in this matter as well as a need for better public transparency and accountability by DOE and the port.** This suggests that the usual method of throwing a plastic sheet down over the hazardous waste and then throwing sand over the plastic, in an area rated as a high risk for seismic activity, needs to be reevaluated.

Questions have been raised from the very beginning regarding public safety regarding the trail around the ASB, which has only a metal fence to keep the public out. **Are there safety issues regarding the contents of the ASB, including possible off-gassing of HAPs?** Every new study come out almost every week, including those by the UN, that indicate sea level rise is happening much faster than was ever projected, the ice shelf is collapsing and ocean acidification and nutrient loading are increasing problems. What sea level rise and stormwater run-off mitigation is included in the port's plans and how current are they with the constantly changing science? They have not been adequately addressed in the waterfront masterplan so this falls on your shoulders as you review the cleanup portion of the waterfront restoration.

From the ASB trail, the city snuck in cement stairs down to a pocket beach so that people could bring their dogs down to chase the geese. That is a problem when there are two kinds of forage fish that are believed to spawning in that location. **This pocket beach was relied upon by small salmon acclimating to seawater, a key to the survival of our dying Orca pods J, K and L, which are of particular interest to the governor.** This was also a resting spot for marine mammals and refuge for other small species. The conservation value of this rare pocket beach has been severally degraded without any mitigation of the harmful impacts to wildlife and habitat. What does DOE intend to do about this? The city lacked authority to put cement stairways to a pocket beach based only on a permit for an ASB trail and no one knew it was happening until it was done. This needs to be straightened out before it creates problems and complexity further down the line.

Quite frankly, this is a problem throughout the entirety of the waterfront. The city has misled the public, asserting that public access to water and water restoration are compatible activities and has sited every shoreline restoration spot on the same land as public access, including for nonmotorized watercraft, without any compensatory mitigation. This does not meet the no net loss standard and will put more wear and tear on the cap that the port intends to leave in place, particularly with large dogs, children, kayaks, canoes, and paddleboards being dragged in and out. Has the port and DOE accounted for this intensity of use impact in their clean up solution?

Accordingly, I request a public meeting for question and answers regarding the central waterfront site and the additional time thereafter to submit a comment or provide testimony during a subsequent public hearing. Please ensure that the tribes are invited to this event. Please accept this also as a comment on the cleanup plan.

Sincerely,
Wendy Harris