From: SUSAN KAUN
To: Haven@cob.org
Sent: Monday, September 26, 2011 1:28 PM
Subject: Proposed PaddenTrails Project and Best Available Science Mitigation

September 26, 2011

Planning Commission
City of Bellingham
210 Lottie Street
Bellingham WA 98225

Attention: Kathy Bell, Planner 2

RE: Proposed Padden Trails Project

Subject: Use of Best Available Science to Mitigate Project Impact

Honorable Planning Commissioners:

In a report prepared at the request of the Department of Planning and Community Development, Padden Creek, Lower Padden Creek and Padden Lagoon (Estuary), Padden Creek Gorge, and Lake Padden were all identified as "Significant Habitat Conservation Areas" with recommendations for protection, conservation or enhancement.

The report: *City of Bellingham Wildlife and Habitat Assessment, an inventory of existing conditions and background information*, December 1995, was prepared by Ann Eissinger, Nahkeeta Northwest. In the section titled: "Padden Watershed Summary and Recommendations" some of the conclusions were highlighted as follows:

Identification and preservation of viable habitat corridors is needed throughout the Padden Watershed.....

....Wide riparian buffers (>100') would provide the necessary corridor cover for passage of the majority of species...

....Riparia is the single most important wildlife habitat area in the City.....

....On site assessment is needed for all projects that may alter important wildlife habitat."

On October 26, 2006 a letter was sent to the Puget Sound Partnership from fourteen scientists who have credentials to comment on effective approaches for urban runoff management in the

Puget Sound basin. (attached as 2004406008.pdf). You may know that presently urban stormwater runoff from development damages streams and riparian buffers in the Padden Creek watershed, a subwatershed of the Puget Sound basin. The scientists write of the value and importance of managing stormwater runoff, stating:

"We, the undersigned members of Washington State's scientific community, have been studying impacts of urbanization on habitat and aquatic life for decades. There is a large body of literature regarding the relationship of urban runoff and the health of waterbodies. We have had the privilege of contributing papers describing the status and trends in Northwest rivers, wetlands, and coastal environments, the impacts of urban runoff (and other effects of human activities on Puget Sound waters), the effectiveness of mitigation measures, and original and effective methods for monitoring waterbody health.....Contrary to popular dogma, there is no threshold of development below which there will be no biological degradation.....

....Urban runoff scours streams, destroys aquatic life characteristic of a healthy ecosystem, and carries enormous loads of contaminants to Puget Sound. Stormwater is most likely a primary source of destructive flows and contaminants leading to the precipitous decline in the health of the Puget Sound ecosystem."

Their letter discredits end-of-pipe stormwater treatment and detention, reviews the failed practices for protection which are used today, and outlines a list of: **"PRACTICES THAT MUST BE IMPLEMENTED IF PUGET SOUND IS TO BE SAVED**. Science supports the following actions and practices related to land use as necessary to halt the decline of the Puget Sound ecosystem, provide for recovery of anadromous fish, halt the increase in and reduce the load of pollutants carried by stormwater to Puget Sound and begin the steep climb toward restoration.

1. Preserve Existing Least-Disturbed Watersheds and Subwatersheds.

2. No Net Loss of Forest Cover in the Puget Sound Basin.

3. Halt Runoff From New Impervious Area in the Puget Sound Basin.

4. Preserve Existing and Restore Destroyed Buffer Areas Adjacent to Streams.

5. Reduce the Amount of Runoff from Existing Impervious Area."

Based on the scientific findings outlined above, I believe if the Padden Trails project is designed and constructed in the Padden Watershed without protection of wildlife habitat and water quality in mind, the project could have a significant detrimental impact on the Padden Creek riparian buffer and the essential function of its fragile, at risk estuary, as well as detrimentally impact Bellingham Bay and Puget Sound.

Therefore, prior to approving a project at this site, I respectfully request the Planning Commission to consider incorporating and requiring the use of the principles outlined in the

letter to the Puget Sound Partnership, as best available science for the design, construction, and oversight inspection of the project.

As the manager of a sewer and water district in Eastern Washington, who for fourteen years oversaw the planning, design, construction and implementation of a successful, multi-faceted lake and watershed restoration program, I can attest that prevention of watershed damage is much easier and far less costly than the restoration work itself. To protect the newly restored lake and watershed in the district I managed, we created, implemented, and enforced similar watershed protection principles and guidelines for all new construction.

On related note, as a Fairhaven resident, I am deeply concerned about the future of Padden Creek. I have attached a copy of a report I prepared in February 2010, for Council Member Stan Snapp and Public Works Environmental Coordinator Renee LaCroix called: "Padden Creek and Estuary -- Law, Science, Citizens and Public Policy: The Disconnect". This report contains excerpts from many years of studies, reports, plans, and legal actions, which in my opinion constitute a body of science regarding Padden Creek. Included in my report are references to the concerted and often passionate action by local citizens to protect Padden Creek.

I would like to point out some specific references from the report to further highlight the sensitivity that in my opinion needs to be used in order to mitigate the impact from any project constructed in the Padden Creek watershed:

#1. Shoreline Management Act of 1971, 90.58.20: "The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources, and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation....."

11. *Economic Well-Being and Environmental Protection in the Pacific Northwest, A Consensus Report by Pacific Northwest Economists,* December 1995. "A healthy environment is a major stimulus for a healthy economy.....The highest-value use of a forest, river, or other resource will be to protect and enhance it, because it will strengthen one set of forces that is creating new jobs and higher incomes.... Environmental degradation has impoverished other regions: it can impoverish this one too..."

15. *Forest Cover, Impervious Surface Area and the Mitigation of Stormwater Impacts,* Derek B. Booth, et al, distributed April 8, 2003 to all Council Members, Whatcom County Council. "Preservation of aquatic resources in developing areas will require integrated mitigation, which must include impervious-service limits, forest-retention policies, stormwater detention, riparian-buffer maintenance, and protection of wetlands and unstable slopes."

#18. *City of Bellingham Wildlife Habitat Assessment,* Ann Eissinger, March 2003. "Given the growth within the City of Bellingham since the 1991 habitat assessment (Eissinger, 1995), the habitat loss, fragmentation and degradation has been measurable, totaling over 1,600 acres in ten years. The greatest habitat losses were identified as the following: Corridors, Fragmentation of large blocks, Riparian-upland connections, Wetlands, Whatcom Creek."

#19. *Impacts of Impervious Cover on Aquatic Systems,* Center for Watershed Protection, March 2003. " The aquatic resources of small tidal estuaries, creeks, and coves are often highly impacted by watershed development and associated activities...alterations in freshwater flow and wetland degradation and loss."

28. *Regional Nearshore and Marine Aspects of Salmon Recovery in Puget Sound,* Delivered to Shared Strategy for Puget Sound for inclusion in their regional salmon recovery plan, June 28, 2005. "Given current development pressure we determined that Chuckanut Creek, Padden Creek.....pocket estuaries are at risk of losing functions due to urbanization."

#29. Urban Streams Monitoring Program Report 2005, City of Bellingham, Department of Public Works. "Only the 38th St. site on Padden Creek met overall Class A water quality standards in 2005. None of the other sites on Padden or Connelly Creeks met overall Class A or Class B standards. None of the sites but 38th St. met Class A or Class B standards for fecal coliform bacteria."

#30. Letter to City of Bellingham, Planning and Economic Development, Mr. Chris Spens, from State of Washington Puget Sound Action Team, September 21, 2005. "We recommend designating the seven pocket estuaries found within Bellingham Bay as critical fish and wildlife habitat conservation areas..... Cumulatively, pocket estuaries can be very important to several life history stages of juvenile Chinook or juvenile Chum salmon....".

#31. Letter to City of Bellingham Planning Division, Attention Chris Spens, form State of Washington Department of Fish and Wildlife, October 3, 2005. "Recommended Riparian Habitat areas (Buffers): Table 7, Stream Type: Type 1 and 2; or shorelines of the state or shorelines of statewide significance = 250 feet; Type 3, or other perennial or fish bearing streams, 5-20 feet wide = 200 feet."

#35. *Management Recommendations for City of Bellingham Pocket Estuaries,* February 6, 2006 (Revised September 2006), Prepared for City of Bellingham Planning and Development Department, Prepared by: Northwest Ecological Services, L.L.C. "Due to existing conditions, Padden currently offers better habitat opportunities. Padden should receive priority for habitat restoration and overall preservation."

#39: October 26, 2006 Letter to Puget Sound Partnership, as mentioned at the beginning of my letter with excerpts regarding the five practices (attached as 2004406008.pdf):

"Practices that must be implemented if Puget Sound it to be saved:

<u>1. Preserve Existing Least-Disturbed Watersheds and Subwatersheds.</u> The scientific literature is clear that the healthiest and most biologically productive streams are found in undisturbed watersheds. Very small levels of disturbance in the healthiest watersheds immediately start their inevitable biological or ecological decline, beginning with the loss of their most sensitive species, to decline in predators and to the increase in the most tolerant species.

2. No Net Loss of Forest Cover in the Puget Sound Basin. Forest loss must be limited in the process of conversion to urban purposes, and such loss must be balanced by increasing/restoring forest cover in disturbed areas within the basin.

3. Halt Runoff from Impervious Area in the Puget Sound Basin...recommend code changes requiring that most new paving and roofing be constructed using materials and practices to prevent them from generating runoff to surface water."

4. Preserve Existing and Restore Destroyed Buffer Areas Adjacent to Streams. Destroyed buffers are often found in private ownership. The Partnership should recommend that these be purchased, or otherwise protected, and that soil and riparian vegetation be restored."

5. Reduce the Amount of Runoff from Existing Impervious Area. Much existing impervious area is unnecessary and should be removed. (for example, two-way streets could be converted to one-way and a lane eliminated.) Existing impervious area could be disconnected from surface water by repaving using pervious materials or bordering with bioretention facilities or both. The Partnership should recommend a program of prescriptions and incentives to reduce existing total and effective impervious area."

In conclusion, it is my opinion that in order to provide for the continued well-being and future sustainability of our city, this proposed project and all other projects planned in the watersheds of the city of Bellingham and Lake Whatcom, no matter their size, should be required mitigate their impacts by following the practices and standards such as those outlined by the members of Washington State's scientific community, who wrote the letter to the Puget Sound Partnership.

Thank you for providing this opportunity to offer comment on the proposed Padden Trails project in the Padden Creek watershed.

Kind regards,

Susan Kaun
613 Donovan Avenue
Bellingham WA 98225

cc: Vince Biciunas, President Fairhaven Neighbors
Christopher Grannis, President South Neighborhood
Coalition of Southside Neighborhoods

attachments:

>> Letter to Puget Sound Partnership, October 26, 2006, from:
Douglas Beyerlein, Professional Hydrologist and Professional Engineer
Susan Bolton, PhD, Professional Engineer
Derek B. Booth, PhD, Professional Engineer and Professional Geologist
Thomas W. Holz, Professional Engineer

Thom Hooper, Fisheries Biologist
Richard R. Horner PhD, Environmental Engineering Research
James R. Karr, PhD, Ecologist
DeeAnn Kirkpatrick, Fisheries Biologist
John Lombard, Planner and Environmental Policy Analyst
Christopher W. May, PhD
Gary Minton, PhD, Professional Engineer
David R. Montgomery, PhD, Professor of Geomorphology
David Somers, Fisheries Biologist
Cleve Steward, Fisheries Biologist

>> Padden Creek and Estuary Restoration
Law, Science, Citizens and Public Policy: The Disconnect