Appendix L
Lead Agency Responses

The SEPA Rules state that the lead agency (Whatcom County) must consider and respond to public and agency comments on the Foothills Subarea Plan Draft Supplemental Environmental Impact Statement (SEIS). The SEPA Rules indicate that possible responses are to:

(a) Modify alternatives including the proposed action;

(b) Develop and evaluate alternatives not previously given detailed consideration by the agency;

(c) Supplement, improve, or modify the analysis;

(d) Make factual corrections; or

(e) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons that support the agency's response and, if appropriate, indicate those circumstances that would trigger agency reappraisal or further response.

Written Comments

Public and agency written comments relating to Foothills Subarea Plan Draft SEIS are reproduced in Appendix K.

Lead agency responses to the comment letters are shown below (the page number where each comment appears in Appendix K is noted for easy cross reference). It should be explained that some comments support one of the alternatives (which is appropriate under the SEPA Rules) or provide information that will be helpful to decision makers later on in the process but do not request specific changes to the content of the SEIS. In these cases, the response below is "comments noted."

Lead Agency Responses to Written Comments

1. Response to Foothills Area Residents/Landowners comments dated August 18, 2008 (Appendix K, p. 3)

An environmental impact statement is required to discuss reasonable alternatives. The SEPA rules state that ". . . Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. . ." (WAC 197-11-440(5)(b)). The Draft SEIS states that ". . . The objective of the proposal is to adopt a new Foothills

Subarea Plan and make related amendments to the Whatcom County Comprehensive Plan and Official Whatcom County Zoning Ordinance. . .” (p. 6).

The Foothills Subarea encompasses approximately 208 square miles of land. Almost 99% of the Subarea is currently in rural and resource land designations. Removal of the Columbia Valley UGA under alternative 3 would change the comprehensive plan designation on about 1% of the land in the subarea. The main objective, which is adoption of a new subarea plan for the Foothills, could still be achieved if the UGA were removed under alternative 3.

The lead agency possesses some degree of discretion in developing meaningful alternatives for consideration by decision makers. Two of the three alternatives retain the UGA and one alternative does not. This provides a range of options to be considered in the public review process. Therefore, the Final SEIS will retain alternative 3 with the “limited areas of more intensive rural development” (LAMIRD) and other rural designations replacing the UGA designation in the Columbia Valley area.

The Draft SEIS acknowledges that additional growth may occur in rural areas if the UGA is removed (p. 36). Some of this growth may occur on lots in existing subdivisions and some may occur in outlying rural areas. The comment indicates that alternative 3 contemplates the addition of 5,158 residents to rural zones. However, it must also be noted that 3,853 of these residents already live in the subdivisions in the Columbia Valley.

2. <u>Response to Jack Wilson comments dated August 28, September 9, and September 15, 2008 (Appendix K, p. 9)</u>

Three landfills were identified in the Whatcom County Council of Governments Solid Waste Management Interim Report of Existing Conditions dated July 1971 (herein after referred to as COG report) and on the Whatcom County Map titled Solid Waste Landfills of Whatcom County. No additional reports on these landfills were identified in follow-up inquiries with Whatcom County Health Department. Information provided in the COG reports is summarized below.

Kendall Landfill – The Kendall Landfill is located on the west side of Kendall Road about ½ miles south of the intersection of Kendall Road and Limestone Road within the Campers Paradise subdivision. The landfill operated in an unsupervised manner utilizing a trench method of landfilling. The site was located on private property but open to the public. In 1967, the Health District report indicated the landfill condition as good and, in 1970, the condition was reported as poor. A second landfill in the Kendall area was indicated in other comments on the Foothills Subarea Plan Draft Supplemental Environmental Impact Statement (SEIS), reportedly located on the east side of Kendall Road (Foothills Friends comment letter dated September 12, 2008), but the location of the second landfill could not be confirmed.

The relationship of the Kendall Landfill to wellhead protection zones was examined based on available wellhead protection delineations for the Evergreen Sewer and Water District wells and the Whatcom County Water District (WCWD) #13 wells. Well head protection areas (WHPA) may be delineated using a range of methods from simple volumetric calculations to more sophisticated modeling. The calculated fixed radius (CFR) method is a simple wellhead delineation method that defines circular time of travel to the wellhead based on volume calculations. The CFR method does not account for groundwater flow direction and other site specific aquifer characteristics and may include areas that are hydraulically down gradient or cross gradient and not part of the wells zone of capture, or exclude upgradient areas that may be part of the capture zone. Analytical methods integrate site specific aquifer characteristics into the wellhead delineation and provide for a more accurate delineation.

The Kendall Landfill is located just west of the 5-year time of travel wellhead protection area for Whatcom County Water District #13 well PW-1 computed using hydrogeologic field mapping and analytical modeling.[1] The wellhead protection areas for the WCWD #13 wells were calculated using the analytical methods that use the maximum instantaneous water right as the pumping rate for each well. This is a conservative approach because this pumping rate is significantly greater than the average pumping rates for the wells reported by WCWD #13. The Kendall Landfill is also within the wellhead protection zone for the Evergreen Water and Sewer District wells 2 and 3 computed by the CFR method.[2]

Maple Falls Landfill – The COG report indicates the Maple Falls Landfill is located on Silver Lake Road ½ mile south of Mount Baker Highway. The 1967 Health District Survey indicated the landfill was operated in an unsupervised manner and was considered in good condition. The 1970 Health District Survey indicated the site was in good condition and properly operated. The 1971 COG report indicates the Maple Falls landfill was owned and operated by Whatcom County. The site used a trench method of landfilling. The Maple Falls Landfill appears to lie within the 10 year time of travel for the Maple Fall Water Coop wellhead protection area and at the edge of the 10 year time of travel for the Shady Ridge Association well. These wellhead protection areas were computed using the CFR method.

Glacier Landfill – The COG report indicates the Glacier Landfill is located about ½ mile east of the Forest Service Office, off Mount Baker Highway. The condition in the 1967 and 1970 Health District Reports was noted as good and poor, respectively. The property was owned by the Forest Service and the landfill operated in an unsupervised manner.

The landfills are part of the existing condition. No site specific water quality data is currently available to assess the existing impacts from these landfills on groundwater. Whatcom County Health Department is currently performing an initial investigation of the three sites through a Site Hazard Assessment Grant from Washington State Department of Ecology (Ecology). Kendall Landfill is the first of the three landfills to be evaluated. One of the objectives of the study is to evaluate whether the sites have

impacted groundwater or are likely to impact groundwater. Verification of the potential refuse disposal area on the east side of Kendall Road is part of this investigation.[3]

A potential water quality impact could occur from these sites if 1.) a water quality problem is identified with these landfills and 2.) increased production expands the capture zone to include areas beneath the landfills. Any identified water quality problems that exceed Ecology clean up standards would be addressed under the Model Toxics Control Act (WAC 173-340).

A discussion of these landfills was added to the Existing Conditions – Groundwater section of the Water Quality chapter of the Foothills Subarea Plan Final Supplemental Environmental Impact Statement (SEIS).

The Draft SEIS indicates that there are 214 acres in the Agriculture comprehensive plan designation (pp. 23 and 27). The Agriculture comprehensive plan designation is a land use designation that has been adopted by the Whatcom County Council and does not include all land that is utilized for farming. Farming may occur in the Rural comprehensive plan designation as well as in other areas. The Draft SEIS states that approximately 2.26% of the Foothills Subarea is actually used for agriculture (p. 26). This equates to about 3,000 acres.

3. <u>Response to Rodney Langer comments dated September 3, 2008 (Appendix K, p. 28)</u>

The correction of the capacity of the existing sewage treatment plant has been incorporated into the Water and Sewer Facilities Chapter of the SEIS. The comment was also relevant to the water quality portion of the DRAFT SEIS with respect to nitrate loading to groundwater. The Whatcom County Water District # 13 (WCWD #13) plant is permitted to treat an average daily capacity of 125,000 gpd for the maximum month. Previously, it was reported that the permitted capacity was an average daily flow of 125,000 gpd (without respect to maximum month). The nitrate loading analysis referenced in the Water Quantity and Quality Report for the sewage treatment plant was based on an estimated flow of 157,900 gallons per day that resulted in a predicted nitrate increase of 1.86 mg/L which is close to, but less than, the maximum allowable increase of 2 mg/L. Reducing the flows would result in a lower impact. Using the nitrate loading model referenced in the Water Quality and Quantity report for the WCWD #13 sewage treatment plant, but reducing the flows from 157,900 gpd to 125,000 gpd changes the predicted increase in nitrate loading from 1.86 mg/L to 1.5 mg/L. More important than the model predicted nitrate loading results are recommendations for monitoring including the DRAFT SEIS. As discussed in Section 4.1.2 of the Water Quantity and Quality Report Foothills Subarea prepared by Aspect Consulting[4] (hereafter referred to as the Water Quantity and Quality Report), continued monitoring of the WCWD #13 drainfield should be continued to ensure state water quality standards are not exceeded.

4. Response to Deborah Ellen Baker (Glacier Water District Commissioner) comments dated September 4, 2008 (Appendix K, p. 30)

The Western Washington Growth Management Hearings Board ruled that certain comprehensive plan and zoning designations do not comply with the LAMIRD provisions of the Growth Management Act in the case of *Futurewise v. Whatcom County and Intervenors Gold Star Resorts, Inc.*; Final Decision and Order; WWGMHB case # 05-2-0013 (September 20, 2005). The Whatcom County Superior Court substantially reversed this ruling in a decision of June 8, 2006. However, the Court of Appeals of the State of Washington Division One reinstated the Growth Board's ruling on August 27, 2007. The case has been appealed to the Washington Supreme Court. Because the Court of Appeals upheld the Growth Board's ruling, the LAMIRD alternative in the SEIS (alternative 3) is appropriate.

Ultimately, decision makers will determine which alternative will be adopted. The proposed LAMIRD boundaries, including those in Glacier, were delineated based upon the requirements of the Growth Management Act. There is some degree of discretion in developing boundaries and decision makers may ultimately adopt different boundaries. If the Water District has information relating to the location of any existing water lines outside of the alternative 3 LAMIRD, this could be considered by decision makers when adopting LAMIRD boundaries.

5. Response to Lisa Cable comments dated September 4, 2008 (Appendix K, p. 44)

Comments noted.

6. Response to Jan Eskola Comments dated September 4, 2008 (Appendix K, p. 45)

The comment indicates concern relating to population projections. This issue is raised in more detail by a subsequent letter (see response to comment # 10).

The comment indicates concern related to the existing base year traffic counts, seasonal traffic patterns, and the analysis of the SR 542/SR 547 intersection. These issues were raised in a subsequent letter (see response to comment # 7). The transportation analysis has been revised to reflect the higher traffic volumes along Kendall Road. It is understood by the County that there are periods of high seasonal use along the SR 542 highway corridor; however, it is anticipated that roadways and intersections would be designed for average weekday PM peak hour conditions rather than seasonal flows. In addition, the transportation analysis has been updated to reflect the appropriate configuration of the SR 542/SR 547 intersection as three separate intersections.

The Final SEIS Chapter 4 Transportation has identified potential mitigation measures to support the projected traffic levels of the individual alternatives. Potential funding sources have generally been identified to construct the improvements.

With regard to the comment indicating that the quantitative groundwater model referenced in the Water Quantity and Quality Report must be required:

The Water Quantity and Quality Report indicates that increased volumes of infiltrated stormwater will offset groundwater use on an annual basis. The increase in stormwater infiltration will likely result in an increase in flows in Kendall Creek on an annual basis; however, during dry periods, groundwater use could reduce flows in the Creek. This impact could occur with development under the existing land use designation (Alternative 2) or the other alternatives. The impact is legally allowed as the major water sources in the area were established prior to the instream flow for Kendall Creek. If a new water source were to be necessary, an impairment analysis of the minimum instream flow would be performed as a component of the water right permitting process.

The potential for specific development projects to impact Kendall Creek depends on many factors, including their location relative to the creek, size, water source, timing of demand, and type of stormwater management system. Smaller developments, further from the creek, using an existing water source and low impact development, or dispersed infiltration, for stormwater management have the least potential to impact low flows. Large developments that discharge to surface water or concentrate recharge in a few locations (i.e., a large infiltration pond) have the greatest potential for impact. Each development should be designed to minimize the potential for impact by requiring infiltration of stormwater in dispersed locations, according to the unique characteristics of the proposed development. The EIS has been modified to emphasize 100 percent infiltration of stormwater as a mitigation element.

The Water Quantity and Quality Report identified the option of developing a quantitative groundwater model as a means of investigating the potential impacts to low flows in Kendall Creek. A groundwater model has not been conducted at this time as:

- Impact to low flows is permitted under the existing water rights,
- Any new water rights would require an evaluation of the impact to the Kendall Creek minimum instream flow (MIF),
- The groundwater withdrawal under any alternative is small relative to the total volume of recharge (approximately 1 percent) in the aquifer,
- Groundwater recharge would increase from the existing condition under all Alternatives with implementation of 100 percent infiltration (i.e. there would be more water in the aquifer overall),
- The existing water supply wells are more than 1 year time of travel from the potentially impacted surface water bodies reducing the potential for seasonal effects of pumping, and
- Specific mitigation measures are included to address the potential impact to low flows (i.e. 100% infiltration).

These factors diminish the likelihood that there would be an impact to low flows in Kendall Creek. Groundwater modeling may provide additional support for this conclusion, or identify a potential impact.

Additionally, a potential mitigation measure has been added to the water quantity chapter of the Final SEIS to enact a policy to identify low flow impacts to Kendall Creek as a component of the SEPA compliance for all developments that are not categorically exempt under Chapter 16.08 of the Whatcom County Code and use more than 5000 gpd[5]. The minimum instream flows specified in WAC 173-501 (see pages 16 and 17 of the Water Quality and Quantity Report) should be considered in this analysis.

The comment indicates concern about creating LAMIRDs in Glacier, Maple Falls, Kendall and Deming and removing the Neighborhood Commercial zone in Welcome under alternative 3. The LAMIRD issue was raised by a previous letter in relation to Glacier and the response is generally the same for the other LAMIRDS (see response to comment # 4). An EIS provides alternatives for decision makers to consider. The Commercial designation in Welcome is retained in two of the alternatives and not in the third. This gives decision makers options to consider in the adoption process.

Other comments are noted.

7. <u>Response to Lori Nelson-Clonts comments dated September 4 and September 10, 2008 (Appendix K, p. 47)</u>

The comments indicate concern relating to the quantitative groundwater model. This issue was raised by a previous letter (see response to comment #6).

The comments also indicate concern relating to the previously unidentified landfills in the subarea. This issue was raised by a previous letter (see response to comment #2)

With regard to the effects of stormwater pollutants, increased water temperatures, and sediment, the Draft SEIS identified these as potential impacts to surface water quality, particularly under alternatives 1 and 2 (Draft SEIS p. 106). Mitigation measures for these impacts are also identified as following the protective buffers near surface waters designated by Whatcom County Code (WCC) 16.16 and implementing low impact development, runoff treatment and source control for stormwater (DRAFT SEIS p. 109).

Subdivisions indeed have the potential to introduce different types of stormwater pollutants to receiving water. The Draft SEIS considered landscaped area as pollution generating surfaces that may contribute pesticides, herbicides and animal waste to runoff (Draft SEIS p. 106).

The SEIS relates to the Draft Foothills Subarea Plan and alternatives. It does not address a specific development proposal.

The comment indicates concern related to the Tilghman Group comments. The Tilghman Group Comments dated July 15, 2008 are addressed below.

Response to Tilghman Group Comments dated July 15, 2008

General Comments

Bullet #1 - Comment noted. As discussed on page 1 of the memorandum entitled *Foothills Subarea Transportation Analysis – Summary of Results* dated May 28, 2008 (herein referred to as the memo), the transportation analysis focused on identifying the relative differences between the land use alternatives and relative magnitude of mitigation necessary to accommodate the alternatives. A comparison to existing conditions is not necessary to evaluate the relative differences between the alternatives.

Bullet #2 - As discussed on page 5 of the memo, the Whatcom Council of Governments' model was used to estimate regional (background) growth at the study intersections. However, localized growth due to the alternatives was estimated outside the model and added to the background projections. This generally represents a more conservative estimate of traffic volumes. The model would likely be insensitive to shifting of traffic due to capacity constraints because there are few, if any, reasonable alternative routes between the subarea and the City of Bellingham – the main origin and destination of trips. In addition, the structure of the model is based on link capacities and speeds, many of which, even if over capacity, would still have less total travel time/delay than redirecting trips north towards Everson.

Bullet #3 - The traffic counts conducted by Tilghman Group in February and March 2008 have been reviewed and compared to the traffic volumes used to develop future forecasts for the original transportation analysis. Based on the comparison, which focused on the SR 542/SR 547 intersection, the Tilghman Group traffic counts along SR 542 are very close to the weekday PM peak hour traffic volumes used in the original transportation analysis. The SR 542/SR 547 intersection was one of only two locations where data was collected in 2008 and previously in 2005/2006 as part of the Balfour Village traffic study. The other location was along SR 542 east of SR 547. For that location, the 2008 weekday PM peak hour traffic counts along SR 542 were approximately the same as the 2005/2006 counts.

However, the 2008 weekday PM peak hour traffic counts along the SR 547 approach (Kendall Road) were approximately 20 to 25 percent higher than the traffic data collected in 2005/2006. This was a difference of approximately 44 vehicles in the westbound direction and 26 vehicles in the eastbound direction. It should be noted, that these differences represent 4 to 6 percent (depending on the Alternative) of the total future trips and have little bearing on the outcomes of the revised (or original) transportation analysis. It is also noted that traffic volumes fluctuate, on average, by approximately 10 to 15 percent per day, which likely accounts for some of the differences in traffic data. As a result of the differences along the Kendall Road approach, the transportation analysis has been revised to reflect the higher volumes and traffic data collected in 2008 by

Tilghman Group for the weekday PM peak hour. In addition, the transportation analysis has been updated to reflect the appropriate configuration of the SR 542/SR 547 intersection as three separate intersections, with the results illustrated in the Final SEIS Chapter 4 relating to Transportation.

Bullet #4 - The transportation analysis focuses on the weekday PM peak hour, which is used by the County to assess impacts and weigh differences between the alternatives. The weekday PM peak hour represents the time period for which the County and WSDOT commonly design their transportation system to accommodate. As discussed in response to bullet #3, the 2008 weekday PM peak hour traffic counts along Kendall Road that were provided by Tilghman Group have been incorporated into the revised transportation analysis, while counts along SR 542 were shown to be similar to those used in the original transportation analysis. The 2008 traffic counts were obtained at a time during the ski season, so account for typical weekday traffic heading to/from the Mt. Baker ski area.

It is understood by the County that there are periods of high seasonal use along the SR 542 highway corridor; however, it is anticipated that roadways and intersections would be designed for average weekday PM peak hour conditions rather than seasonal flows. By designing for average weekday conditions, the capacity for roadways and intersections would be sufficient to serve a majority of traffic conditions and would not be designed to accommodate peak seasonal demands.

Bullet #5 - Comment noted, the capacity of roadways is typically defined by the capacity of the major intersections along the specific corridor. The transportation analysis focuses on the intersections to identify the relative differences between the alternatives. The County does not apply concurrency to state highways; therefore highway capacity was not used as the basis for identifying differences between the alternatives.

Bullet #6 - Comment noted. The County monitors the capacity of its roadways by measuring the volume-to-capacity ratio it has set for specific roadways as identified in its concurrency management program. When a specific applicant applies for a development permit, the County will first evaluate whether concurrency has been achieved. However the primary roads within the study, where capacity issues would likely arise, are Kendall Road (SR 547) and the Mount Baker Highway (SR 542). Neither of these state highways is monitored for concurrency.

Bullet #7 - Comment noted. Each of the alternatives are shown to have future traffic volumes along the SR 542 corridor that are typical of those found on urban corridors. Urban traffic levels are estimated to occur regardless of the alternative chosen.

<u>Particular Observations</u>

1 - Comment noted, more clarification has been added to the revised transportation analysis.

2 - Comment noted, the transportation analysis has been updated to clarify that Alternative 2 is a No Action scenario. The no growth or baseline scenario is provided as a reference for readers to understand how the transportation system would function without development within the Foothills Subarea, and is not intended to be a development alternative.

3 - As described on page 3 of the original transportation analysis memo, it was assumed that retail and government employment would be distributed based on the population for each of the areas since the distribution is unknown at this time. However, industrial employment was allocated with 80 percent in the Columbia Valley UGA and 20 percent in the remaining areas. A majority of the traffic for all land use types, approximately 75 percent, is assumed to travel to and from outside the transportation study area which is indicative of longer commutes or length of travel.

4 - Employment figures for 2007 represent low, medium and high forecasts. Actual employment data was from the 2005 base year.

5 - As discussed on page 5 of the memo, the 2005 base year and 2027 future year travel demand models were used for the original transportation analysis. Traffic distribution assumptions were developed by using "select zone" assignments from the travel demand model. In some instances, the model outputs were adjusted based on (1) knowledge of the study area, (2) calibration results of the base year model, and (3) and existing traffic counts. The trip distribution assumptions, Figure 2 of the memo, show that over one-third of the trips travel to and from the City of Bellingham, which is consistent with existing patterns. As discussed in the response to Bullet #2 above, this is the primary travel pattern and is expected to continue into the future as the City is the primary employment center within Whatcom County.

6 – Internal trip generation was calculated based on the method outlined in the Institute of Transportation Engineers (ITE) Trip Generation Handbook. The reductions ranged from 0 to 20 percent depending on the land use type and were only applied within the Columbia Valley UGA and not to the other areas within the Foothills Subarea.

The internal capture was applied to account for trips between residential/retail, residential/government, and retail/residential. Internal capture was not used to account for retail/retail trips, which is already accounted for in the Shopping Center ITE land use code 820. Based on standard practice, the ITE method for estimating trip generation at multi-use sites was applied. The internal capture for the Columbia Valley UGA provides an overall reduction of 14 to 15 percent.

The limited road network within the Columbia Valley UGA could mean some internal trips travel along primary roadways; however, this is likely only to affect Kendall Road where a majority of the traffic would be distributed. Based on the estimated internal trips and the Columbia Valley area trip distribution, there is a maximum potential of approximately 150 to 300 weekday PM peak hour internal trips along Kendall Road depending on the land use alternative. This represents approximately 10 to 15 percent of

the projected 2031 traffic along Kendall Road. As noted previously, traffic volumes fluctuate, on average, by approximately 10 to 15 percent per day; therefore, the potential increase in trips along Kendall Road is within the day to day fluctuation of traffic.

In addition, the intent of the transportation analysis is to identify the relative differences between the Alternatives. Therefore, since internal capture was calculated consistently between the Alternatives, relative differences can be identified.

7 - Comment noted. The transportation analysis has been updated (see the Final SEIS Chapter 4).

8 –Potential mitigation for the SR 542/SR 547 intersections includes consolidation of these locations into one intersection (which would allow for realignment and reconfiguration) and provision of either a traffic signal or roundabout. The revised transportation analysis shows a single-lane roundabout would operate at LOS B during the PM peak hour. As discussed previously, the intent of the transportation analysis was to identify relative differences between the alternatives. Therefore, prior to improving the SR 542/SR 547 intersection, the County and the WSDOT would conduct a more rigorous evaluation of the traffic operations, potential traffic control, and the overall intersection design concepts.

9 - The comment indicates concern related to the existing base year traffic counts and seasonal traffic patterns through the study area. These issues were raised in a previous comment (see response to comment Bullets #3 and #4). The transportation analysis has been revised to reflect the higher traffic volumes along Kendall Road.

Other comments are noted.

8. Response to Darlene Creasey comments dated September 4, 2008 (Appendix K, p. 51)

The SEIS relates to the Draft Foothills Subarea Plan and alternatives. It does not address a specific development proposal.

The comment indicates concern relating to funding of public facilities and services. A similar issue was raised by a previous letter (see response to comment # 7).

On-site roadways will be designed and built based on adopted County street design standards.

The comment also indicates concern related to the existing base year traffic counts and operations at the SR 542/SR 547 intersection. These issues were raised in a previous letter (see response to comment # 7). The transportation analysis has been revised to reflect the higher traffic volumes along Kendall Road and the appropriate configuration of the SR 542/SR 547 intersection as three separate intersections.

The SEIS identifies potential facility planning and/or staffing levels needed for schools, fire protection/EMS, law enforcement and transportation to serve the three growth alternatives. The SEIS acknowledges that adequate financial and human resources will have to be allocated in order to ensure that mitigation is effective. However, the SEIS cannot allocate nor guarantee specific funding sources for public facilities or services for any particular alternative. Therefore, the SEIS does not assume funding will be available for these improvements. Rather, it provides information to decision makers, who will have to consider the ability to fund additional public services and facilities when adopting a land use plan for the Foothills Subarea.

Air quality, light pollution, noise, geological issues, and fish & wildlife habitat were not identified as being within the scope of the SEIS and, therefore, were not addressed. However, the water quality and quantity analysis in the SEIS addresses certain elements necessary for protecting fish habitat.

Capacity of existing water and sewer facilities, and the need to plan for expanded capacity, is addressed in chapter 8 of the SEIS.

Other comments are noted.

9. Response to Walter Creasey comments dated September 4, 2008 (Appendix K, p. 52)

Comments noted.

10. Response to Foothills Friends comments dated September 4 and September 12, 2008 (Appendix K, p. 53)

Population Projections

Whatcom County, in association with the cities, is in the process of conducting the ten-year UGA review required by the Growth Management Act. The intent of this review is to ensure that UGAs throughout the County can accommodate the urban growth projected to occur in the County for the 20-year planning period (RCW 36.70A.130(3)). A Growth Management Coordinating Council (GMCC), composed of elected officials from the County and seven cities in Whatcom County, has been formed to provide inter-jurisdictional coordination and assist with this process. Additionally, consultant services have been acquired to assist in developing the population projections. The GMCC and the Whatcom County Planning Commission will recommend 20-year population allocations to the various UGAs in Whatcom County in 2009. The County Council will adopt population allocations later in 2009.

The SEIS contains a range of population projections for Columbia Valley:

Alternative 1 Columbia Valley UGA: 7,053
Alternative 2 Columbia Valley UGA: 5,833
Alternative 3 Columbia Valley area: 4,925

Decision makers are not required to pick one of these exact projections, but must utilize a projection within this range (unless further environmental analysis is completed). It is possible that the 20-year projection that will come out the 10-year UGA review process will be within the range set forth above. If not, additional environmental analysis will be performed. In any event, utilizing a range of population projections in the SEIS gives decision makers options relating to planning for growth in the area. Population projections ultimately adopted in the subarea plan will have to be coordinated and consistent with the population projections adopted through the 10-year UGA review process. However, there is no requirement that an EIS use only one population projection prepared by a consultant or advisory body.

According to the *Draft Whatcom County Countywide Population and Employment Growth Projections* (Berk & Associates, September 23, 2008) ". . . Overall, from 2002 through 2008, both ECONorthwest's and OFM's baseline population forecasts have matched very closely with the actual estimated population growth in Whatcom County. . ." (p. 2). In their 2002 study, ECONorthwest projected that there would be a total of 190,948 people in Whatcom County in 2008 (*Whatcom County Population and Economic Forecasts*, ECONorthwest, May 2002, p. 2-3). Earlier this year, the State Office of Financial Management (OFM) estimated that there were 191,000 people in Whatcom County in 2008.

ECONorthwest's baseline and high population projections for the Columbia Valley UGA were lower than actual growth. ECONorthwest's baseline projection indicated that the Columbia Valley UGA would grow to 3,104 people by 2007 and their high projection was that the UGA would grow to 3,765 people by 2007 (*Whatcom County Population and Economic Forecasts*, ECONorthwest, May 2002, pp. 3-9 and 3-14). The Draft Foothills Subarea Plan estimated that the population had grown to 3,853 as of 2006.

Gasoline Prices

Studying the effects of gas and propane prices is not within the scope of the SEIS. Gasoline prices have historically fluctuated based upon a variety of factors, including global economic conditions and world events. While these fuels are a finite resource, alternative energy, technologies that allow people to work from remote locations, land supply in other areas, affordability of housing, income levels, etc. may also impact the number of residents and traffic.

Balfour Village

The SEIS relates to the Draft Foothills Subarea Plan and alternatives. It does not address a specific development proposal.

Traffic

The comment indicates concern related to the existing base year traffic counts. This issue was raised in a previous letter (see response to comment # 7). The transportation analysis has been revised to reflect the higher traffic volumes along Kendall Road.

The transportation analysis has been revised, where appropriate, to take into consideration the Tilgham Group comments. The comment also indicates a desire to respond to the Tilghman Group comments dated July 15, 2008. A response to comments has been previously provided (see response to comment # 7).

The transportation analysis approach was developed based on input provided by the City of Bellingham. As a result of the discussions with the City, two additional intersections where analyzed (SR 542/Britton Road and SR 542/McLeod Road). The analysis has been updated to reflect the appropriate configuration of the SR 542/SR 547 intersection as three separate intersections. Figure 1 of the *Foothills Subarea Transportation Analysis – Summary of Results* dated May 28, 2008 shows the study area for the transportation analysis. The analysis evaluates key intersections most likely to be impacted by the Alternatives.

The Final SEIS Chapter 4 Transportation describes how the increased development in the Foothills Subarea would impact the study intersections depending on the Alternative. The intent of the transportation analysis is to identify the level of improvements that would be necessary to address transportation impacts with each land use alternative.

The transportation analysis has been revised, where appropriate, to take into consideration the Tilgham Group comments. A response to comments has been previously provided (see response comment # 7).

Financial Assumptions

The Draft SEIS does not assume that funding will automatically be available. In fact, the Draft SEIS states:

> Mitigation measures proposed in this SEIS should be effective to mitigate adverse impacts, if implemented as intended. This means that appropriation of adequate financial and human resources would be needed in order to ensure the effectiveness of the mitigation measures (p. 11).

Funding is not allocated though the SEIS process and, therefore, the SEIS cannot assure funding.

With regard to jobs, the County acquired the services of ECONorthwest to develop low, baseline and high employment forecasts (ECONorthwest, *Foothills Subarea Economic Analysis*, June 12, 2007). ECONorthwest considered a variety of factors, including existing employment, when developing the forecasts. The SEIS presents alternatives with associated

employment forecasts for consideration by decision makers. Decision makers will ultimately have to decide which forecast, and associated land use plan, to select.

With regard to fire protection, the SEIS can not secure money for staff or facilities and or recruit volunteer staff. The SEIS identifies the need for additional career staff, volunteer staff, and facility planning. The SEIS recognizes that Fire District 14 has had difficulty recruiting and retaining volunteers. This is consistent with trends in Washington State and the nation. Decision makers will have to weigh the ability of the Fire District to raise funds and recruit volunteers when selecting a land use plan.

The SEIS provides alternative courses of action for decision makers to choose from. Decision makers should consider projected funding for law enforcement when selecting a land use alternative.

Schools

The number of students in the Mount Baker School District has been updated in the Final SEIS. The downward trend in enrollment is recognized in the Draft SEIS (pp. 56-57). The Draft SEIS utilized student generation rates from the Mount Baker School District's Six-Year Capital Facilities Plan to assess the need for additional classroom space (p. 58). If downward or flat enrollment trends continue, then the District may simply choose not to construct projects identified through the capital improvement planning process.

Water Quality and Quantity

With regard to water quality and quantity:

- Comments indicating concerns relating to the quantitative groundwater model were also raised by a previous letter (see response to comment #6).
- All references in the SEIS to a numerical groundwater model have been replaced by quantitative groundwater model.
- Comments specific to the Water Quantity and Quality Report are noted, however the text of the report will not be edited.
- With regard to impacts to fish mortality, the criteria for evaluating a significant impact to surface water quantity and quality in the Water Quantity and Quality Report were the Minimum Instream Flow rules and state surface water quality standards for the surface waters in the subarea. These rules and standards have been designed to be protective of fish. In other words, impacts to fish were considered in evaluating the significance of impacts to surface waters. The SEIS has been edited to make this link clearer.
- The nitrate loading analysis in the DRAFT SEIS assumed that groundwater passing beneath the northern Paradise Lakes subdivision discharges into Sprague and Kendall Lakes. Nitrate loading from the northern Paradise Lakes subdivision would, therefore, not be cumulative with nitrate loading from southern Paradise Lakes subdivision. The comment suggests that a deeper, regional flow path is present that allows groundwater to pass beneath Kendall and Sprague Lakes (ultimately discharging to the Nooksack River) and therefore, the nitrate loading

would be cumulative. Low-permeability buried landslide deposits are believed to have created a subsurface damming effect that limits southerly groundwater flow and would minimize deeper groundwater flow paths. If deeper flow paths are present, they are not likely to be significantly impacted by nitrates. Nitrate loading is typically concentrated in the upper portion of the aquifer (the Ecology mixing model default value assumes mixing is limited to the uppermost 20 ft of the aquifer). Moreover, monitoring of high-density, non-sewered areas is recommended in the SEIS to ensure that State water quality standards for nitrate are met.

- Other comments are noted.

Miscellaneous Issues

The planning horizon year will be modified to 2031 (see response to comment # 23 below).

Revised vehicle trips, intersection impacts and additional school staff needed to support the land use alternatives have been inserted in the SEIS summary.

The SEIS does not identify specific fire protection/EMS capital facility improvements needed for this planning level effort. However, mitigation does include developing a capital facilities plan that would evaluate whether a new fire station is needed in the Columbia Valley or whether an addition is needed for the existing Kendall Fire Station. Fire District 14 is engaging in capital facility planning that will result in an analysis of needed facilities (see Fire Protection District No. 14 letter of September 13, 2008). Therefore, specific facility improvements were not included in the SEIS summary.

Chapter 7 of the Draft SEIS indicates the approximate square footage needed to house law enforcement activities, but notes that the County's model is to provide a centralized law and justice campus near Bellingham with satellite offices in various areas, including the Foothills Subarea. It may be confusing to reference the square footage in the summary table without a more lengthy explanation indicating that some of this space would be at a centralized campus and not within the Foothills Subarea.

The Draft SEIS indicated that ". . . It is unknown how many connections would be needed for the industrial area north of Limestone Rd., as industrial uses vary in water consumption and wastewater disposal, depending on the type of industry. . ." (p. 79). This uncertainty has existed since the UGA was originally adopted in 1999 and continues to exist today. Several mitigation measures are proposed to address this uncertainty. Decision makers will have to decide whether to proceed with the light impact industrial designations in light of the uncertainty and proposed mitigation to address the uncertainty. Another possibility would be to take the industrial area out of the UGA and designate it as an urban reserve area that could be added back in the UGA if and when water and sewer planning have been accomplished.

With regard to water quantity and quality:

- With regard to the comments indicating concern relating to the quantitative groundwater model, this issue was raised by a previous letter (see response to comment #6).
- With regard to previously unidentified landfills in the subarea. This issue was raised by a previous letter (see response to comment #2).
- With regard to the cone of depression around a well: as water is withdrawn from a well, a cone of depression will develop and expand until it intercepts sufficient recharge to balance the well discharge. This recharge to the well will be offset by a decline in discharge somewhere else in the aquifer. A new equilibrium will eventually develop within the aquifer where well discharge is balanced by recharge. If a low permeability boundary such as bedrock is encountered by the cone of depression, an equilibrium may not be established and water levels in the aquifer will continue to decline and the aquifer could be depleted.[6] The geometry of the cone of depression depends on many factors including the aquifer storage, aquifer transmissivity, pumping rate and pumping duration. Wells completed in an unconfined aquifer, such as in the Columbia Valley UGA, have relatively greater storage and smaller cones of depression than confined aquifers. Confined aquifers can have low storage and the cone of depression may influence large areas. Aquifer transmissivity is the rate that water flows through a unit width of aquifer. Wells with high transmissivity will have less drawdown and a broader cone of depression than wells with lower transmissivity, all other factors being equal. For a given aquifer, an increase in pumping rates will result in increased drawdown and a steeper gradient in the cone of depression. Longer pumping intervals will expand the radius of influence of the well. [7]
- With regard to impacts on the Kendall Creek Hatchery: water quantity and quality impacts in the Kendall Creek watershed have the potential to impact hatchery operations in terms of quantity, quality and timing of both surface water and groundwater utilized by the hatchery. However, since the hatchery already supplements their water supplies through groundwater withdrawals that are likely in hydraulic continuity with the Nooksack River and the Upper Valley Alluvial aquifer, the hatchery operations will not likely be impacted significantly by changes in the Kendall Creek watershed. The Kendall Creek Hatchery operations are also part of the existing condition. No changes are anticipated in the hatchery's operations under any of the alternatives so there is no additional impact on water quantity or quality anticipated from the hatchery.
- With regard to impacts on wild fish in Kendall Creek: these impacts are linked to both water quantity (streamflows) and quality (particularly temperature), impacts that cannot be quantified without a quantitative groundwater model. The SEIS text has been edited to clarify this.
- With regard to water quantity for public water systems and exempt wells outside of the UGA: the Water Quantity and Quality Report identified that consumptive water use outside the UGA could increase up to 27 acre feet per year under Alternative 2 (p. 49). This additional groundwater withdrawal is not considered a

significant impact since it represents such a small percentage of the Nooksack River streamflow and groundwater flow in the Upper Valley Alluvial aquifer.

- With regard to water quantity for exempt wells inside the UGA: the Water Quantity and Quality Report indicates that increased volumes of infiltrated stormwater will offset groundwater use on an annual basis resulting in no negative impact on groundwater resources within the UGA. Impacts of pumping on a seasonal basis would be best evaluated through a quantitative groundwater model (see response to comment #6).
- With regard to potential impacts to groundwater quality that may effect exempt wells and public water systems both inside and outside the UGA: these impacts were identified in the DRAFT SEIS as infiltration of contaminated stormwater and nitrate loading from septic effluent (DRAFT SEIS pp. 107-108). Mitigation measures for potential groundwater quality impacts both inside and outside the UGA were also identified in the DRAFT SEIS (pp. 109-111).
- With regard to impact to wetlands: these impacts were considered in terms of impacts both surface water and groundwater quantity and quality. Wetlands in the Foothills Subarea have been designated for protection and management in accordance with the Growth Management Act through Whatcom County's Critical Areas Ordinance. More specific analyses, including a soils survey, were outside the scope of the DRAFT SEIS.

Agricultural Lands

The SEIS states that approximately 2.26% of the Foothills Subarea is actually used for agriculture (p. 26). This equates to about 3,000 acres. The SEIS recognizes that this acreage is greater than the acreage in the Agriculture comprehensive plan designation.

Environmental Impact Mitigation

Modifications were made to the "Significant Environmental Impacts that cannot be Mitigated" section of Chapter 1 in the Final SEIS.

Grocery Store in the UGA

The Draft SEIS mentions grocery stores as an example of the Small Town Commercial (STC) zone's size limitations for certain uses. The SEIS does not indicate that sewer would be required for commercial development in the STC zone under alternative 3. Rather, the SEIS simply makes factual statements that sewer is not currently available, the GMA discourages sewer outside of UGAs, and on-site sewage disposal systems would be needed to serve commercial development in the STC zone (p. 37). The SEIS does not address the Aiki Homes proposal for a certain size grocery store.

SEIS vs. EIS

The SEPA Rules state that a supplemental EIS shall be prepared if:

(a) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts; or

(b) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts (WAC 197-11-405(4)).

A final environmental impact statement was prepared on the Whatcom County Comprehensive Plan in 1996. Under the Growth Management Act, subarea plans are an element of the comprehensive plan (RCW 36.70A.080). There have been substantial changes and new information since the original EIS was formulated. Therefore, the supplemental EIS is appropriate.

SEIS Scope

In December 2007, the Responsible Official determined that the SEIS would address potentially significant impacts to transportation, land use, public facilities and services, and water quality. Water quantity was added later in response to public comments. Significant impacts to other features were not identified, especially when viewed in the context of existing regulations that will address critical areas and other issues when site specific development proposals are submitted.

Other Comments

Other comments are noted.

11. Response to Martha Sirguy comments dated September 4, 2008 (Appendix K, p. 69)

The SEIS is not intended to specifically identify funding mechanisms. Local school districts have the discretion to pursue funding sources they deem appropriate. The "Potential mitigation common to all three alternatives" section in chapter 5 has been modified in the Final SEIS to recognize funding needs for capital facilities. A non-project EIS generally contains less detailed information and cannot address items such as water, sewer, transportation costs, maintenance, and curriculum associated with future school improvements. A non-project EIS is not intended to predict the probability of voter approval of tax increases.

The Foothills Subarea Plan contains proposed Policy T11-C to "Promote and encourage the provision of public transit as demand increases in the Foothills Subarea." This policy was inserted in chapter 4 of the SEIS as potential mitigation for transportation impacts for all three alternatives. It makes sense to promote public transit, regardless of which alternative is chosen. The Subarea Plan is a long-range planning document. Public

agencies may go through times of financial difficulty over the planning period. However, this does not negate the concept of enhancing transit service over time, in accordance with available financial resources.

Other comments are noted.

12. Response to Carl Steiner comments dated September 4 and September 15, 2008 (Appendix K, p. 70)

The comment indicates concern related to the analysis of the SR 542/SR 547 intersection. This issue was raised in a previous letter (see response to comment # 7). The transportation analysis has been revised to reflect the appropriate configuration of the SR 542/SR 547 intersection as three separate intersections.

The transportation analysis evaluated the relative differences between the land use alternatives and identifies the magnitude of mitigation necessary to accommodate each alternative. Existing traffic data is shown in the Final SEIS Chapter 4 relating to Transportation.

The transportation analysis approach was developed based on input provided by the City of Bellingham. As a result of the discussions with the City, two additional intersections where analyzed (SR 542/Britton Road and SR 542/McLeod Road).

The comment indicates concern relating to agricultural lands. This issue was raised by a previous letter (see response to comment # 2).

13. Response to Peggy Taphouse comments dated September 4, 2008 (Appendix K, p. 73)

With regard to the comments about wells running dry at the end of summer: this concern was shared by several other comments on the DRAFT SEIS. The reasons for particular wells having lower production in the summer would need to be evaluated on a case-by-case basis. Lower production may be the result of well construction rather than the overall conditions of the aquifer.

With regard to the comment indicating concern relating to previously unidentified landfills in the subarea, this issue was raised by a previous letter (see response to comment #2).

Other comments are noted.

14. Response to Rob Taphouse comments dated September 4, 2008 (Appendix K, p. 74)

With regard to the comments indicating concern relating to groundwater quantity, this issue was raised by a previous letter (see response to comment #13).

Other comments are noted.

15. Response to Michael Zukerman comments dated September 4, 2008 (Appendix K, p. 75)

Comments noted.

16. Response to Nori Zukerman comments dated September 4, 2008 (Appendix K, p. 76)

The comment indicates concern relating to funding of public facilities and services (fire protection, EMS and law enforcement). Similar issues were raised by a previous letter (see response to comment # 7). Fire protection concerns, including volunteer recruitment and financial issues, were also raised by Fire Protection District No. 14 (see response to comment # 32).

Other comments are noted.

17. Response to Chris Babin comments dated September 6 and September 13, 2008 (Appendix K, p. 78)

Comments noted.

18. Response to Jo Anne Harrison comments dated September 8, 2008 (Appendix K, p. 80)

Comments noted.

19. Response to WSDOT comments dated September 8, 2008 (Appendix K, p. 81)

The transportation analysis provides a comprehensive list of study intersections as well as additional detail on the intersection operations (see *Foothills Subarea Transportation Analysis – Summary of Results* dated May 28, 2008 and the Final SEIS Chapter 4 relating to Transportation).

The comment indicates concern related to the analysis of the SR 542/SR 547 intersection. This issue was raised in a previous letter (see response to comment # 7). The transportation analysis has been revised to reflect the appropriate configuration of the SR 542/SR 547 intersection as three separate intersections.

It is understood by the County that there are periods of high seasonal use along the SR 542 highway corridor; however, it is anticipated that roadways and intersections would be designed for average weekday PM peak hour conditions rather than seasonal flows. As described in the Final SEIS Chapter 4, a sensitivity analysis was conducted to determine the implication on intersection operations with additional peak seasonal traffic for the Alternative 1 mitigated conditions. The analysis shows that even with the proposed mitigations for Alternative 1, peak seasonal conditions may cause several locations to operate below the minimum LOS C standard.

This sensitivity analysis is provided to illustrate the affects of seasonal traffic. However, roadways and intersections would be designed for average weekday PM peak hour conditions which would provide sufficient capacity to serve a majority of traffic conditions.

20. Response to Norma Otto comments dated September 9, 2008 (Appendix K, p. 82)

Comments noted.

21. Response to Leroy Still comments dated September 9, 2008 (Appendix K, p. 85)

The comment indicates concern relating to the quantitative groundwater model. This issue was raised by a previous letter (see response to comment #6).

With regard to wildlife impacts, analyses of these impacts were outside the scope of the SEIS.

Draft Foothills Subarea Plan Policy U1-B is to "Facilitate collaboration between the water districts serving the Columbia Valley to provide water and wastewater treatment at urban levels of service." This policy was included in chapter 8 of the SEIS as a potential mitigation measure for alternatives 1 and 2. Policy U1-B would, after Subarea Plan adoption, encourage collaboration among the districts. It is not intended to make a statement about the current situation.

Draft Foothills Subarea Plan Policies U1-A and U3-B are listed in chapter 8 of the SEIS as potential mitigation for alternatives 1 and 2. Policy U1-A is to "Encourage sewer system reinvestment to expand sanitary sewer provision in the entire UGA consistent with anticipated increases in development intensity." Policy U3-B is to "Ensure water supply and wastewater treatment are adequate and appropriate for likely light impact industrial or commercial development." These policies would facilitate the growth management goal to provide adequate services to the UGA. The SEIS does not indicate that the districts would have to be combined (although the Draft Foothills Subarea Plan does mention this possibility on p. 144).

Other comments are noted.

22. Response to Linda Dorsett comments dated September 10, 2008 (Appendix K, p. 87)

The comment indicates concern related to trip distribution and travel pattern assumptions. This issue was raised in a previous letter (see response to comment # 7). A portion of future residential growth in the subarea is expected to continue to travel to and from the City of Bellingham, which is the primary economic hub on Whatcom County.

Other comments are noted.

23. Response to Rebecca Boonstra comments dated September 11, 2008 (Appendix K, p. 89)

The comment letter expresses concern about utilizing different population projections for each of the three alternatives. The SEIS is intended to examine a range of alternatives. Additionally, in growth management planning, there is a close connection between population projections, UGA size and intensity of uses. The population projection for alternative 1 was recommended by the Foothills Subarea Plan Advisory Committee. The alternative 1 UGA was sized appropriately to accommodate this population projection. A lower projection was selected for alternative 2 to ascertain how this might impact land use designations, public facilities, etc.

Additionally, UGAs are different planning designations than LAMIRDs. UGAs are intended to accommodate urban growth, but LAMIRDs are not. Therefore, different levels of population growth are anticipated in these designations. It would not be appropriate to accommodate urban levels of population growth in a LAMIRD. If a higher population projection was considered for alternative 3, the County would be allocating resources to study a projection that could not occur in the LAMIRD designation.

A different population projection for each alternative gives decision makers a range of options to choose from, while maintaining the connection between the population projection and associated land use designations.

The comment letter also raises concerns about the planning horizon years for the three alternatives. The Foothills Subarea Plan update process began in 2005 when the County Council passed Resolution # 2005-062 creating the Foothills Subarea Plan Advisory Committee. The actual update process began in 2006 when the committee was appointed and a planning consultant retained to assist with the process.

The contract with the planning consultant indicated that the 20-year planning period would extend to 2027. The rationale was that the Whatcom County Comprehensive Plan was adopted in 1997 and the GMA required review of UGAs 10 years later by 2007 (RCW 36.70A.130(3)(a)). Additionally, the UGAs had to accommodate the urban

growth projected to occur for the succeeding twenty-year period (RCW 36.70A.130(3)(b)). Therefore, a planning horizon year of 2027 was selected for the Foothills Subarea Plan update.

The Draft Foothills Subarea Plan was issued by the Foothills Subarea Plan Advisory Committee in October 2007. However, a Western Washington Growth Management Hearings Board case stated that subarea plans must use the same planning period as the County comprehensive plan *(Abenroth, et al., v. Skagit County*, Western Washington Growth Management Hearings Board, Case No. 97-2-0060c (August 6, 2007)). The Whatcom County Comprehensive Plan currently has a 2022 planning horizon. Therefore, a 2022 planning horizon was utilized for alternatives 2 and 3 in the Draft SEIS.

The County Council passed Resolution 2008-007 in February 2008, using a 2022 planning horizon for the 10-year UGA review. The 10-year UGA review was appealed. A stipulation between the petitioners and Whatcom County dated June 5, 2008 indicated that the 10-year review was not completed and that it would "cover the period of time running twenty years from the date of completion of the review." A Western Washington Growth Management Hearings Board decision dated July 2, 2008 required the County to complete the 10-year UGA review by June 30, 2009 (*Petree, et al., v. Whatcom County, et al.*, Western Washington Growth Management Hearings Board, Case No. 08-2-0021c Order Finding Noncompliance, July 2, 2008). This would result in 2029 as the minimum planning horizon year.

However, Whatcom County is also required to complete the 7-year update of the Whatcom County Comprehensive Plan by December 1, 2011 under RCW 36.70A.130. A 20-year planning period from 2011 would extend to 2031, which is the planning horizon now being utilized for both the 10-year UGA review and the 7-year comprehensive plan update process.

The planning horizon in the Foothills Subarea Plan SEIS will be modified to 2031 for all three alternatives, consistent with the anticipated planning horizon that will be adopted in the Whatcom County Comprehensive Plan next year. However, the population projections for the alternatives will not be modified. Allocation of population to various locations throughout the County is, at least in part, a policy choice for elected decision makers. There is no requirement to extrapolate future growth based upon past growth patterns or trends. Therefore, the SEIS population projections for the three alternatives will remain the same, but with the planning assumption that these projections will be reached at a date more distant in the future. If the County Council ultimately chooses a projection for the Columbia Valley UGA that is higher than analyzed in the Final SEIS, then additional environmental assessment will be required.

The comment indicates concern related to the horizon year for the original transportation analysis and funding of transportation improvements. The horizon year of transportation analysis has been revised to provide a consistent analysis of each Alternative for the 2031 horizon year. In addition, potential funding sources have generally been identified

including federal, state, and developer contributions. These issues were also raised in other comments (see responses to comment #30 and comment #6).

Other comments are noted.

24. <u>Response to Nannette Dominguez comments dated September 11, 2008 (Appendix K, p. 91)</u>

Definitions of "significant" and "reasonable alternative" have been inserted in chapter 1 of the Final SEIS (see definitions in WAC 197-11-786 and WAC 197-11-794).

With regard to comments concerning Chapter 10 (Water Quantity):

- The SEIS text has been edited to indicate that potential impacts to water quantity in Kendall and Sprague lakes could be addressed through a groundwater model. Analysis of impacts to wildlife such as waterfowl is outside the scope of the DRAFT SEIS.
- The SEIS text has been edited to clarify that additional groundwater withdrawals could be significant on areas of the aquifer that are particularly sensitive to withdrawals. Specific areas where the impacts could occur cannot be identified without more detail about the aquifer and the additional withdrawals.
- With regard to concern about additional study (i.e. a quantitative groundwater model): this issue was raised by a previous letter (see response to comment #6).
- The average daily demand (ADD) for WCWD#13 used for future development scenarios was based on information in the WCWD#13 Water System Plan (2005). If system improvements were not made to decrease the ADD per connection for the system, and the ADD remained 360 gpd, consumptive water use would increase 257, 160 and 83 acre feet per year under alternatives 1, 2 and 3, respectively. These consumptive water use values could still be mitigated by infiltration of stormwater runoff (see Water Quantity chapter for Potential Mitigation under Alternative 1, DRAFT SEIS p. 99). The text for the SEIS has not been changed to reflect a high ADD value since the proposed system improvements will likely occur.
- Other comments are noted.

With regard to comments concerning Chapter 11 (Water Quality):

- With regard to impacts to water temperatures being worsened by global warming, evaluating the impacts to water quality under each alternative with respect to climate change was outside the scope of the DRAFT SEIS.
- With regard to a quantitative groundwater model, this issue was raised by a previous letter (see response to comment #6).
- Other comments are noted.

The Bay to Baker Trail (Kendall to Limestone Rd.), which is in the Parks, Trails and Activity Centers chapter of the SEIS, would generally connect the population base in the Columbia Valley to Kendall area (but not directly to the school). Additionally, on a

policy level, Policy LU2-E in the School chapter of the SEIS addresses linking UGA neighborhoods to the Kendall School.

The SEIS addresses environmental impacts. Determining the monetary costs of facility upgrades is beyond the scope of the SEIS.

Maple Falls and Glacier both have commercial zoning districts under all three land use alternatives. However, they do not have a "town center" designation like the Columbia Valley UGA does under alternative 1. The Growth Management Act limits intensive development in rural areas such as Maple Falls and Glacier. Therefore, these areas may not be appropriate for the same intensity of uses as allowed in a UGA.

The "Industrial" heading refers to light industrial, as noted in the text below it. It does not refer to heavy impact industrial.

Implementation projects are addressed in chapter 15 of the Draft Foothills Subarea Plan (Oct. 2007). These projects are not, for the most part, repeated in the SEIS.

The comment indicates concern related to seasonal traffic patterns through the study area. These issues were raised in a previous comment (see response to comment # 7). The transportation analysis has been revised to reflect the higher traffic volumes along Kendall Road. It is understood by the County that there are periods of high seasonal use along the SR 542 highway corridor; however, it is anticipated that roadways and intersections would be designed for average weekday PM peak hour conditions rather than seasonal flows.

Alternative 1 has been developed to balance housing and jobs. It is noted that the Subarea population would be approximately 11,000 persons by 2031 under alternative 1; however, this includes children, retired person, and other non-working persons. In addition, the County recognized that not all jobs within the Foothills Subarea will support people's interests and/or needs. Therefore, commuting out of the area would occur.

The comment indicates concern related to the "scenic value of the Mt. Baker Highway" and the potential traffic signals needed as mitigation with each Alternative. Similar issues were raised in a previous comment (see response to comment Bullets #7 Tilghman Group July 15, 2008). Urban traffic levels are estimated to occur with the proposed alternatives.

Comment noted. The County understands the benefits of providing bicycle and pedestrian facilities through the study area.

The comment also indicates additional WTA service should be provided. WTA is responsible for transit service within Whatcom County. Additional service to the subarea will be prioritized against other locations within the County that may also require increased service due to growth.

Policy T1-C, which is referenced in the Transportation chapter of the SEIS, would seek to preserve the scenic value of the Mount Baker Highway corridor by preserving mature vegetation along the corridor. However, the extent to which traffic signals (or roundabouts) and additional congestion impact the scenic value of the Mount Baker highway was not identified as a significant issue to study in the SEIS.

Potential mitigation measures in the SEIS to address emergency response times include establishing a level of service standard, performing capital facility planning, employing full-time or part-time firefighters, evaluating new strategies to retain and recruit volunteers and other measures. Selection of a land use alternative is also an important consideration. Fire protection concerns, including volunteer retention and recruitment issues, were also raised by Fire Protection District No. 14 (see response to comment # 32).

Historical data relating to calls for law enforcement assistance to the Columbia Valley area have been inserted in chapter 7 of the Final SEIS.

The sewer treatment plant is permitted to treat a certain volume of wastewater, which is identified in gallons per day rather than connections. However, to provide a meaningful comparison to the water capacity, this approved sewer treatment capacity has been translated from volume to estimated additional connections. Potential construction of a new sewer treatment plant at a different location is beyond the scope of this non-project SEIS.

The Parks, Trails and Activity Centers chapter of the SEIS states that the official level of service for trails is met, but the SEIS still provides trail mitigation projects. A potential mitigation measure to add a policy to the Subarea Plan to create safe routes to school has been inserted in chapter 5 of the Final SEIS.

The SEIS for a non-project action does not require that funding come from a certain group. Developer mitigation costs are determined through the development permit approval process, in accordance with applicable codes.

The comment indicates concern relating to air quality. This issue was raised by previous letter (see response to comment # 7).

Other comments are noted.

25. <u>Response to Carolyn M. Ferrer comments dated September 11, 2008 (Appendix K, p. 96)</u>

The comment indicates concern relating to the planning periods and population projections utilized in the three alternatives. Similar issues were raised by a previous letter (see response to comment # 23).

Other comments are noted.

26. Response to Jerry W. Lair comments dated September 11, 2008 (Appendix K, p. 98)

Transportation mitigation would be phased as development and traffic demand increase.

Other comments noted.

27. Response to North Cascades Audubon Society comments dated September 11, 2008 (Appendix K, p. 99)

With regard to a quantitative groundwater model, this issue was raised by a previous letter (see response to comment #6).

With regard to the long term performance of LID measures, including infiltration: the long term performance of stormwater management facilities is included in the design criteria (Ecology Stormwater Management Manual).

With regard to wildlife impacts, the DRAFT SEIS considered impacts to fish species in terms of impacts to water quality and quantity impacts. The DRAFT SEIS also identified mitigation measures for these potential impacts so that fish species will not be impacted by degraded surface and groundwater resources. Analysis of impacts to other wildlife species was outside the scope of the DRAFT SEIS.

The existing Columbia Valley UGA, which was adopted by the County Council in 1999, includes approximately 160 acres zoned Rural Forestry. These lands are not designated resource lands of long-term significance under chapter 8 of the Whatcom County Comprehensive Plan (Map # 20). As mentioned in the Draft SEIS, an additional 40 acres of Rural Forestry zoning would be added to the east side of the UGA under Alternative 1. This land currently has a Rural comprehensive plan designation, rather than a Rural Forestry comprehensive plan designation (which means it is not designated resource lands). Therefore, designated resource lands would not be converted to other land use designations under any of the three alternatives.

Additionally, SEIS recognizes policies in the Draft Subarea Plan as potential mitigation for all three alternatives. These policies, contained in chapter 3 of the SEIS, are summarized as follows:

- Policy LU1-B – Strongly discourage rezoning Commercial Forestry zones.
- Policy LU1-C – Strongly discourage rezoning Rural Forestry zones, except within the proposed UGA.

These policies would be considered by the County Council when evaluating any future rezone requests.

The transportation analysis has been revised, where appropriate, to take into consideration the data provided by the Tilgham Group (see response to comment # 7). The transportation analysis has been revised to reflect the higher traffic volumes along Kendall Road.

In regards to the County road fund, the transportation mitigation necessary to improve intersection conditions to LOS C or D, will likely require new funding sources.

Other comments are noted.

28. Response to Susan Windnagel comments dated September 11, 2008 (Appendix K, p. 101)

The County recognizes that during construction there will be an increase in heavy vehicles and other construction related traffic within the area. A Traffic Control Plan would be developed to minimize construction impacts, and repairs to the roadways would be made, if necessary.

Bicycle facilities would be desirable under any of the alternatives. The County has not established a bicycle level-of-service standard to require off-site bicycle facilities as part of new development.

With regard to comments related to water quantity, quality and wildlife, the DRAFT SEIS considered impacts to the water table through additional water use and stormwater pollutants from lawns, vehicles, and commercial businesses. The DRAFT SEIS also identified mitigation measures for these potential impacts to fish. Analysis of impacts to other wildlife species was outside the scope of the DRAFT SEIS.

Pollution, light, and noise were not within the scope of the SEIS and, therefore, were not addressed.

The comment indicates concern relating to funding of public facilities and services. A similar issue was raised by previous letter (see response to comment # 7).

Other comments are noted.

29. Response to Concerned Citizens in the Columbia Valley UGA comments dated September 12, 2008 (Appendix K, p. 103)

Comments noted.

30. Response to Richard Dawson & Darrell Bornstien of Holly Associates, LLC and Kevin Zender & Jack Hovenier of S.C. Goshen, LLC comments dated September 12, 2008 (Appendix K, p. 109)

The Existence of the Columbia Valley UGA

The comment questions the appropriateness of considering removal of the UGA in the SEIS (essentially, that alternative 3 is inappropriate as it relates to the Columbia Valley UGA). A similar issue was raised by previous letter (see response to comment # 1).

The Columbia Valley UGA designation is not being appealed at this time. Rather, the SEIS contains alternatives that decision makers can consider in the Subarea Plan adoption process.

The SEPA Rules indicate that the SEIS must state areas of controversy. Letters submitted to the County indicate that the existence of the Columbia Valley UGA is an area of controversy.

The Whatcom County Comprehensive Plan currently supports the Columbia Valley UGA status, as mentioned in the comment letter. However, the legislative body of Whatcom County does have the ability to change the Comprehensive Plan. The three alternatives provide decision makers with a range of options to consider.

Columbia Valley Size, Configuration, Land Uses and Services

An EIS is intended to assess the environmental impact of proposed agency action and inform decision makers and the public of reasonable alternatives. It is not intended to justify decisions already made. As such, it is appropriate to examine different sizes, configurations and land uses for the UGA.

New development at the density existing within the Peaceful Valley and Paradise Lakes subdivisions would not be appropriate for rural areas. However, the Growth Management Act allows limited areas of more intensive rural development (LAMIRDs) in the rural element of the comprehensive plan. Existing areas, developed at these densities prior to 1990, can be considered candidates for LAMIRD status under the GMA. It should be noted that there are other subareas in Whatcom County, such as the South Fork Valley, that accommodate 100% of the population in rural and resource areas. There is no requirement in GMA that there must be a UGA in every subarea of the County.

On-site sewage system permits can be approved for existing legal lots of record that do not meet the minimum lot size as long as all other requirements of the code are met (E-mail from Kyle Dodd, Whatcom County Environmental Health Supervisor, to Matt Aamot dated 11/3/08). Additionally, urban services could serve a LAMIRD if necessary to protect the basic public health, safety and environment under the GMA. The SEIS

indicates that one method to address any nitrate water quality issues under alternative 3 would be to expand sewer service inside the LAMIRD boundary, which is tightly drawn around existing subdivisions. However, other options are also provided.

An official level of service for the Fire District has not been adopted in the Whatcom County Comprehensive Plan. Federal guidelines relating to fire service inform, but do not control, local government decision making.

Population Projections

The comment indicates concern relating to consistency of population projections and planning periods used for the three alternatives. Similar issues were raised by a previous letter (see response to comment # 23). Letters submitted to the County indicate that the population projections are an area of controversy. Local governments may use discretion when choosing how to allocate future population to UGAs, as there is no GMA mandate to continue past population growth trends.

Traffic

The comment indicates concern about the lack of consistency in the planning periods and population projections. The horizon year of transportation analysis has been revised to provide a consistent analysis of each Alternative for the 2031 horizon year.

With each Alternative, improvements would be necessary to accommodate the proposed land use. These improvements are similar for each of the land use scenarios.

In the Final SEIS in Chapter 4 Transportation, potential funding sources have generally been identified to construct the improvements that would be needed with each Alternative. The County is evaluating a traffic impact fee program for County roads, and a portion of the mitigation could be included in that program when and if it is adopted by the County Council.

As described on page 3 *Foothills Subarea Transportation Analysis – Summary of Results* dated May 28, 2008, it was assumed that retail and government employment would be distributed based on the population for each of the areas since the distribution is unknown at this time. The Columbia Valley UGA would have a majority of the population, and therefore, a majority of the commercial land use was distributed to this area. The analysis assumes some trip reduction accounting for the location of commercial uses within Columbia Valley UGA.

Rural

The majority of growth is planned in the Columbia Valley, rather than rural portions of the Subarea. The Columbia Valley area is projected to grow by between 1,072 and 3,200 people under the land use alternatives. Population growth in Glacier is projected to be between 23 and 113 people under the three land use alternatives. While there are critical

areas in Glacier, the Critical Areas Ordinance is intended to address these issues when development permit applications are submitted.

The SEIS is only required to analyze probable significant adverse impacts. Therefore, the SEIS focuses primarily (but not exclusively) on the Columbia Valley area.

The comment indicates concern about a landfill near Glacier. This issue was raised by a previous letter (see response to comment #2).

With regard to concern about dry wells, a similar issue was raised by a previous letter (see response to comment #13).

Other Comments

Other comments are noted.

31. Response to Leif Swanson comments dated September 12, 2008 (Appendix K, p. 118)

The transportation mitigation would be phased as development and traffic demand increase which will allow government entities to secure funding as improvements are needed as well as potentially condition developments to implement mitigation measures as part of State Environmental Policy Act (SEPA) requirements. Chapter 4 of the Final SEIS generally identifies potential funding sources to construct the improvements that would be needed with each Alternative.

The transportation analysis has been revised, where appropriate, to take into consideration the data provided by the Tilgham Group (see response to comment # 7). The comment indicates concern relating to population projections. A similar issue was raised by a previous letter (see response to comment # 10).

The comment indicates concern relating to the groundwater model. This issue was raised by previous letter (see response to comment #6).

The comment indicates concern relating to impacts of groundwater withdrawals on down aquifer wells. In general, no unmitigated impacts to groundwater withdrawals are anticipated from any of the alternatives. Increased recharge from land use changes is expected to off-set increased groundwater withdrawals. Within the Columbia Valley/Kendall UGA, the impacts of the timing of additional groundwater withdrawals on downgradient wells could be evaluated with a quantitative groundwater model. Outside the UGA the overall impacts of increased groundwater withdrawals was not considered significant for any of the alternatives. Refer to the Water Quantity and Quality Report pp. 48-49, 58.

The comment indicates concern about nitrate loading in groundwater impacting surface water. The nitrate concentration in surface water bodies could increase as a result of

increased loading from groundwater. However, the increase is expected to be small (less than 2 mg/L) and unlikely to have an effect on surface water bodies. Ecology has established a maximum allowable nitrate loading from on-site sewage systems of 2 mg/L to groundwater. Groundwater from drainfield areas will mix with groundwater from other areas and be significantly diluted. Further dilution will occur as groundwater mixes with surface water runoff. Thus the increase in nitrate concentrations in surface water can be expected to be less than 2 mg/L.

Nutrient inputs to surface waters can decrease water quality in surface waters, particularly lakes and wetlands, by causing excessive plant or algal growth. Excess biomass can cause a physical nuisance, affect odor and color, or cause water quality problems as plants respire or decay consuming dissolved oxygen. However, phosphorus generally is the limiting nutrient in most surface water bodies.[8] [9] [10] For example, Ecology established detailed lake water quality criteria for phosphorus in WAC 173-201A, but did not established criteria for nitrates. Flowing surface waters such as the North Fork Nooksack River are less susceptible to nutrient inputs because growth is limited by physical factors such as stream velocity and coarse bed materials. [11]

Other comments are noted.

32. <u>Response to Whatcom County Fire Protection District No. 14 comments dated September 13, 2008 (Appendix K, p. 120)</u>

The Fire District indicates concern about its ability to serve the citizens if 3,887 more residents were added to the community as projected by the SEIS. It is noted that the 3,887 new residents represents the projected population growth in Fire District 14 under alternative 1. There would be less population growth in the District under alternatives 2 and 3.

The Draft SEIS recognizes that the Fire District has had difficulty recruiting and retaining volunteers. This is consistent with trends in Washington State and the nation. The number of Fire District 14 volunteers in 2003 and 2008 has been added to chapter 6 of the Final SEIS. A reference to the U.S. Fire Administration publication entitled "Retention and Recruitment for the Volunteer Emergency Services Challenges and Solutions" has been added to the mitigation measures in the Final SEIS. This publication includes strategies for addressing recruitment and retention issues. Other strategies may include hiring more part time or full time staff to make up for the declining volunteer base. Costs associated with paid staff and associated facilities and equipment are noted. Ultimately, decision makers will have to weigh the ability of the Fire District to recruit and retain volunteers, hire staff, provide equipment and construct facilities when adopting a population projection and selecting an associated land use plan.

Alternative 1 reflects the recommendations of the Foothills Subarea Plan Advisory Committee. Decision makers will have to consider Fire District concerns about increased expenses and ability to provide service when selecting a land use plan.

Information about longer response times when the Welcome station must respond to calls in the Kendall area has been added to the Final SEIS. Again, this will have to be considered by decision makers.

The Fire District states it is in the process of conducting a capital facilities plan analysis. The Final SEIS has been modified to indicate that this capital facilities plan should be coordinated and consistent with the planning period, land use designations and population projections that will be adopted by Whatcom County.

Comments relating to alternatives 2 and 3 are noted.

The SEIS is for the Foothills Subarea Plan and alternatives, which are non-project actions. The SEIS does not address any particular large development. Development permit applications must proceed through environmental review under SEPA. While a subarea plan does set the framework for development to occur, it also should be noted that there is an existing UGA in the Columbia Valley. Alternative 1 would reduce the size of this UGA, alternative 2 would maintain the existing UGA size, mitigation for alternative 2 would reduce the UGA size, and alternative 3 would eliminate the UGA. None of the alternatives studied in the SEIS would increase the overall size of the UGA (although alternative 1 would encourage commercial and other uses in a new Planned Town Center designation). The SEIS addresses impacts relating to staffing, capital facility planning, aerial apparatus and hazardous materials. This analysis is appropriate for a non-project planning level document such as the Foothills Subarea Plan. Considering this information, and comments provided by the Fire District and the public, decision makers will have to select a land use plan and associated mitigation measures.

Other comments are noted.

33. Response to Phil Cloward comments dated September 14, 2008 (Appendix K, p. 122)

The comment indicates that alternative 3 is not reasonable as it relates to the UGA. A similar issue was raised by a previous letter (see response to comment # 1).

Descriptions of the Columbia Valley aquifer and Upper Valley Aquifer have been added to the SEIS.

The SEIS has been edited to clarify that based on conversations with the Washington Sate Department of Fish and Wildlife (WDFW), Kendall Creek runs dry near the hatchery for the referenced frequency.

Considerable variability in precipitation exists within the Foothills Subarea. WRIA 1 data indicate an average precipitation value of 73 inches for the Kendall Creek watershed. In the Columbia Valley, interpolated precipitation values from the Western Washington Hydrology Model (WWHM) indicate 62.3 inches. The WWHM value was considered the most appropriate value to use for the Columbia Valley UGA water balance.

The comment letter indicates that potential mitigation measure # 6 for alternative 1 in the Water & Sewer Facilities chapter of the Draft SEIS does not provide a long enough time frame:

> If water system and comprehensive sewer plans with programs to serve the entire UGA with water and sewer are not adopted within two years of Foothills Subarea Plan adoption, consider removing areas that are not planned for service from the UGA (Foothills Subarea Plan Draft SEIS, p. 81).

This mitigating condition is based upon Western Washington Growth Management Hearings Board (WWGMHB) cases. Specifically, the coordinated cases of *Ludwig v. San Juan County*, WWGMHB Case 05-2-0019c, *Klein v. San Juan County*, WWGMHB 02-2-0008, and *Campbell v. San Juan County*, 05-2-002c indicate:

> . . . A major deficiency in the County's remand work is the absence of a capital facilities plan showing the capacity and locations of sewer facilities to serve the entire UGA in the 20-year planning period; a six year financing plan that shows funding capacities and sources of public money, and how future facilities will be extended throughout the UGA during the 20-year planning period. . . the County's record fails to show that urban densities can be achieved and sewer provided throughout the UGA over the 20-year planning period as required by RCW 36.70A.070(3)(a) — (d), RCW 36.70A.020 (12), and RCW 36.70A.110 (1) and (3) . . . (05-2-0019c: *Stephen F. Ludwig, et al., v. San Juan County*; Compliance Order (Eastsound UGA - June 2006); WWGMHB (June 20, 2006)

In addition, the GMA requires that elements of a comprehensive plan, including the land use element and capital facilities element, must be internally consistent. Therefore, the capital facilities plan element should support the UGA land use plan. However, it is reasonable to give the water and sewer districts time to develop plans after they know whether the UGA will be retained, the size, configuration and land uses in the UGA, and the population projection. The potential mitigation measure in chapter 8 of the Final SEIS will be changed to consider removing areas from the UGA if water and sewer plans serving the entire UGA over the 20-year planning period are not developed by December 1, 2011, when the County's 7-year comprehensive plan update is due. The Final SEIS provides, as an alternative, removing areas from the UGA that are not planned for service and placing them in "urban reserve" status that would allow them to be placed back in the UGA if and when water and sewer planning have been completed.

It should be noted that urban density development can not occur within the UGA unless public water and sewer are available. In fact, the Urban Residential zone restricts density to one dwelling/five acres if public water and sewer are not available. The Urban Residential zone requires any such development to be clustered to ensure that the reserve tract can be developed at urban densities later on, when public water and sewer are available.

Other comments are noted.

34. Response to Gary Gehling comments dated September 14, 2008 (Appendix K, p. 124)

The comment indicates that alternative 3, especially as it relates to the Columbia Valley, is not a reasonable alternative. Therefore, alternative 3 should not be included in the SEIS. This issue was raised by previous letter (see response to comment # 1). It is true that the existing Whatcom County Comprehensive Plan supports the UGA designation for the Columbia Valley, rather than a LAMIRD designation. However, this fact does not constrain the alternatives that may be considered in an EIS. An EIS may consider alternatives that are not currently included in the comprehensive plan.

Other comments are noted.

35. Response to Karen Reich comments dated September 14, 2008 (Appendix K, p. 125)

The SEIS does not adopt a certain population projection. Rather, decision makers can select a projection from the range of alternatives presented. Studying the alluvial fan was not within the scope of the SEIS. However, decision makers may consider the existence of the alluvial fan, along with Critical Areas Ordinance regulations, when adopting land use designations. Although some potential sources of funding are generally are identified, the SEIS is not designed to pinpoint specific funding sources for every project.

The transportation analysis has been revised, where appropriate, to take into consideration the Tilgham Group comments. In addition, a response to the Tilghman Group comments has been previously provided (see response to comment # 7).

The comment indicates concern relating to the protection of fish bearing streams, particularly Kendall Creek. The DRAFT SEIS considered the effects of decreased streamflows, and increased stormwater pollutants, water temperatures, and sediment; and identifies these as potential impacts to surface water quality, particularly under alternatives 1 and 2 (DRAFT SEIS pp. 106-107). The criteria used for identifying impacts to surface waters are minimum instream flow rules and surface water quality standards defined by the State that are designed to be protective of fish. Mitigation measures for potential impacts are also identified as following the protective buffers near surface waters designated by WCC 16.16 and implementing low impact development, runoff treatment and source control for stormwater (DRAFT SEIS p. 109).

The comment indicates concern relating to the quantitative groundwater model. This issue was raised by a previous letter (see response to comment #6).

Other comments are noted.

36. Response to Chester Scalf comments dated September 14, 2008 (Appendix K, p. 126)

Comments noted.

37. Heather Swanson dated September 14, 2008 (Appendix K, p. 127)

The comment indicates concern relating to population projections. Similar issues were raised by a previous letter (see response to comment # 10).

The comment indicates concern relating to the quantitative groundwater model. This issue was raised by a previous letter (see response to comment #6). With regard to evaluating increases in nitrates in groundwater, this potential impact was evaluated for the DRAFT SEIS (pp. 107-108) and potential mitigation measures for impacts related to nitrates were outlined (DRAFT SEIS pp. 109-111).

The comment indicates the results of the latest traffic study should be considered and all recent traffic data should be used in the evaluation of the Alternatives. The transportation analysis has been revised, where appropriate, to take into consideration the data provided by the Tilgham Group (see response to comment # 7). The revised transportation analysis includes higher traffic volumes along Kendall Road.

A non-project SEIS normally contains less detailed information than an EIS on a specific project. A non-project SEIS is not intended to specify exactly how mitigation would be paid for and implemented. It proposes mitigation measures appropriate for a non-project action. Decision makers will have to select from the potential mitigation measures and decide on appropriate funding sources and implementation techniques.

The comment indicates concern relating to funding for public facilities and services. A similar issue was raised by a previous letter (see response to comment # 7).

Other comments are noted.

38. Response to Sean Wilson comments dated September 14, 2008 (Appendix K, p. 132)

The comment indicates that the LAMIRD alternative, as it relates to the Columbia Valley, is not a reasonable alternative. Therefore, it should be excluded from the SEIS. A similar issue was raised by a previous letter (see response to comment # 1).

The comment indicates that the population projections and planning horizons are not consistent and do not provide meaningful comparisons. Similar issues were raised by a previous letter (see response to comment # 23).

The comment states that densities utilized throughout the DRAFT SEIS appear to change depending on the impact under review and often conflict with other sources of information. Without specific examples, it is difficult to respond to this comment.

Other comments are noted.

39. Response to Russ and Maryann Angus comments dated September 15, 2008 (Appendix K, p. 139)

Comments noted.

40. Response to Richard Banel comments dated September 15, 2008 (Appendix K, p. 140)

An environmental impact statement is required to include reasonable alternatives under the SEPA Rules. Ultimately, elected decision makers will decide which alternative plan to adopt.

The comment letter indicates that alternative 3, in which the Columbia Valley would lose its UGA status, is inconsistent with existing goals and policies. A similar issue was raised by a previous letter (see response to comment # 34).

The Draft SEIS recognizes the potential for alternative 3 to increase development in rural areas (see Draft SEIS, p. 36).

Other comments are noted.

41. Response to Belcher Swanson Law Firm, P.L.L.C. comments dated September 15, 2008 (Appendix K, p. 141)

The comment indicates that the growth projections and planning periods for the three alternatives are not consistent and do not provide useful comparisons. Similar issues were raised by a previous letter (see response to comment # 23).

The comment indicates that alternative 3, especially as it relates to the Columbia Valley, is not a reasonable alternative. A similar issue was raised by a previous letter (see response to comment # 1). A determination of whether a LAMIRD designation is consistent with the Growth Management Act would have to occur through the subarea plan adoption process. The Draft SEIS recognized that elimination of the UGA could facilitate additional development in rural areas (p. 36).

The alternative 1 mitigation map has been eliminated in the Final SEIS. The intent of this mitigation map in the Draft SEIS was to recognize that the planning horizon year in the Draft Foothills Subarea Plan may be adjusted from 2027 to 2022. Since this is no longer being considered (and mitigation for alternative 1 no longer includes a reduction

of population and associated number of dwelling units) there is no need for the alternative 1 mitigation map.

The comment letter raises the issue of the inability to accommodate projected growth if the Columbia Valley UGA were reduced in size. This could potentially be an issue if the higher population projection is retained and the UGA reduced in size. However, decision makers may exercise discretion in allocating growth to various UGAs around the County, including the Columbia Valley UGA. Once the allocation is made, the Growth Management Act requires UGAs to be properly sized to accommodate that growth. The proper sizing of the UGA includes an assessment of both the developable area in the UGA and planned densities.

Mitigation measure 5 in the Fire Protection/EMS chapter of the Draft SEIS states that "Whatcom County should ensure that the fire protection concurrency requirements of the Official Whatcom County Zoning Ordinance are enforced when applications for development are submitted" (p. 71). The County is not aware of any court case that has ruled that the County's concurrency requirements are in violation of state law or the Constitution.

Other comments are noted.

42. Response to Susan and John F. Browne comments dated September 15, 2008 (Appendix K, p. 150)

The comment indicates concern relating to air quality. This issue was raised by a previous letter (see response to comment # 7).

The Growth Management Act indicates that counties must accommodate projected housing growth over a 20-year planning period. The County does have flexibility in allocating population to various areas of the County. However, if an area is designated for urban growth and a population allocation has been approved, the County must make plans to accommodate that population with adequate land for housing. This looks beyond the housing situation of today and considers potential needs over a 20-year period.

Other comments are noted.

43. Response to William Devine comments dated September 15, 2008 (Appendix K, p. 151)

An EIS addresses probable significant adverse impacts to the environment associated with a proposal and reasonable alternatives. Zoning text amendments relating to home businesses and renewable energy have not been identified as features to include in the alternatives analysis. However, the Draft Foothills Subarea Plan (Oct. 2007) contains policies relating to home occupations and renewable energy (LU1-F and U4-C).

An EIS addresses environmental impacts. It does not address potential assessment and collection of taxes.

Hydropower was not identified as being within the scope of the SEIS and, therefore, was not addressed.

The comment indicates concern related to seasonal traffic congestion and funding of transportation projects. These issues were raised in previous comments (see responses to comment # 7). The transportation analysis reflects weekday PM peak hour traffic. Roadways and intersections would be designed for average weekday PM peak hour conditions which would provide sufficient capacity to serve a majority of traffic conditions. Potential funding sources including federal, state, and developer contributions have generally been identified in the Final SEIS Chapter 4 relating to Transportation.

Other comments are noted.

44. Response to Foothills Economic Development Association comments dated September 15, 2008 (Appendix K, p. 152)

Comments noted.

45. Response to Mike Head comments dated September 15, 2008 (Appendix K, p. 153)

A non-project EIS generally contains less detailed information and is intended to address environmental impacts (rather than monetary issues). Therefore, projected costs have not been included in the EIS. Although some potential sources of funding are generally identified, the SEIS is not designed to pinpoint specific funding sources for every project.

The SEIS assumes the new school for alternative 1 would be constructed within the 20 year planning period. The timing of school construction within the planning period would be determined by the school district.

Other comments are noted.

46. Response to Carol Jansson dated September 15, 2008 (Appendix K, p. 158)

Comments noted.

47. Response to Kendall Watch comments dated September 15, 2008 (Appendix K, p. 159)

An EIS is intended to inform the public and decision makers of a range of alternatives. The projections utilized in alternative 2 represent one option that decision makers can consider. Ultimately, the County Council will make choices about where to allocate growth in Whatcom County. There are a number of factors the Council may consider

when adopting growth projections and these factors will have to be weighed by the Council when adopting growth projections throughout the County, including the Columbia Valley area.

Other comments are noted.

48. Response to Carole MacDonald comments dated September 15, 2008 (Appendix K, p. 162)

The comment indicates concern relating to the population projections used for the three alternatives. A similar issue was raised by a previous letter (see response to comment # 23).

Other comments are noted.

49. Response to Sandy Peterson comments dated September 15, 2008 (Appendix K, p. 164)

The Final SEIS Chapter 4 Transportation has been updated to reflect consistent terminology.

50. Response to Lou Piotrowski comments dated September 15, 2008 (Appendix K, p. 165)

As indicated in the response to comment # 23, the planning horizon will be modified to be consistent for all three alternatives. However, the population projections will be retained for each alternative.

There are close ties between population projections and associated land use designations under GMA. Alternative 1 represents the recommendations of the Foothills Subarea Plan Advisory Committee. This committee recommended a single population projection and a certain size UGA. If the two lower population projections were also considered for alternative 1, and the UGA size remained the same, the result would be an oversized UGA – something that is not within the legal range of options under the GMA. Government resources would be spent studying something that is not a viable option. Similar issues occur with the other scenarios.

Other comments are noted.

51. Wendy Porter dated September 15, 2008 (Appendix K, p. 167)

The comment indicates concern related to roadway maintenance, and recreational traffic. These issues were raised in previous comments (see responses to comment # 7). The transportation analysis has been revised to reflect weekday PM peak hour traffic. In addition, appropriate transportation improvements have been identified to accommodate

each land use Alternative. Lastly, WTA is responsible for transit service within Whatcom County.

Public transit policies and measures are addressed in the Draft SEIS as mitigation measures (see Draft SEIS Policy LU3-A on p. 41, Policy T11-C on p. 53, potential mitigation measure # 5 on p. 54, and Policy LU2-E on p. 62).

With regard to water quantity, the concern is over seasonally dry or low producing wells. A similar issue was raised by a previous letter (see response to comment #13).

Concern over impacts from drainfields was evaluated for the DRAFT SEIS (pp. 107-108) and failing septic systems only relate to the DRAFT SEIS in that they will increase background nitrate concentrations. To ensure compliance with state water quality standards (2 mg/L maximum increase and not to exceed 10 mg/L) potential mitigation measures for impacts related to nitrates as outlined in the DRAFT SEIS pp. 109-111 should be followed.

The Draft SEIS provides potential mitigation measures to expand sewer service to protect ground water quality in the UGA for alternatives 1 and 2 (Policies U1-A and U5-B, p. 82 of the Draft SEIS).

Other comments are noted.

52. Response to Public Policy Perspectives comments dated September 15, 2008 (Appendix K, p. 168)

Time Frames and Population Projections

The planning horizon for all three alternatives will be modified to 2031 in the Final SEIS. This is coordinated and consistent with the planning period being used for both the 10-year UGA review (to be completed in 2009) and the 7-year comprehensive plan update (to be completed in 2011). For additional information on the planning horizon issue, see response to comment # 23.

The comment letter also raises issues about consistency between population projections in the Subarea Plan and population projections that will be adopted in the 10-year UGA review. A similar issue was raised by a previous letter (see response to comment # 10).

Alternatives Offered to Decision Makers

As mentioned above, the planning horizon in the Final SEIS will be modified so that it is consistent and coordinated with the timeframe that the County is now utilizing in the 10-year UGA review.

Land Supply and Demand

Whatcom County acquired the consulting services of ECONorthwest to forecast employment for the Foothills Subarea planning process. The County also retained the services of Studio Cascade to forecast the demand for commercial and industrial land. The County retains flexibility in developing reasonable forecasts and is not bound to the methods and forecasts suggested in the comment letter.

The land supply analysis included a percentage deduction for land required for future right-of-way, stormwater facilities and public purposes. Parks fall within this deduction.

The Draft Foothills Subarea Plan (alternative 1) applies the Planned Urban Residential comprehensive plan designation to a Rural Forestry zoning district located within the UGA (Subarea Plan, p. 123). The Draft Foothills Subarea Plan contains associated policy CV1-F that supports rezoning the Planned Urban Residential designation from Rural Forestry to Urban Residential (Subarea Plan, p. 121). The Rural Forestry zone has a 20-acre minimum lot size. It functions as a holding zone that will protect these areas from suburban sprawl with the anticipation that it will be rezoned to allow phased urban growth within the 20-year planning period. The Draft SEIS clearly anticipates that Rural Forestry zones within the UGA would be available for eventual urban development (pp. 29-30). Additionally, under alternative 1, the existing Urban Residential zoning district can accommodate the majority of the housing growth projected in the UGA (Draft SEIS, p. 30). When there is existing capacity like this, there is no prohibition against phasing growth in the UGA.

The land supply analysis estimated the land available and the assumed number of residential units that could be accommodated on land zoned Rural Forestry that is in the UGA. The Draft SEIS indicates the potential dwelling units that could be accommodated in the Rural Forestry zone that is located within the UGA (Draft SEIS, pp. 29 and 33).

Traffic impacts of the three alternatives are addressed in chapter 4 of the SEIS. The Columbia Valley is not a regional employment center. In fact, it is located some distance from the regional employment centers of the County and people who live in the Columbia Valley must drive farther to access these centers. The plan anticipates local employment opportunities in the Columbia Valley, especially under alternatives 1 and 2. In this context, land supply and demand are considered in the SEIS.

The comment letter indicates that, at adoption of the subarea plan, there won't be any land zoned to serve the needs identified in the plan. This appears to be a reference to commercial and industrial zones, as there are residential zones in the UGA.

The Whatcom County Comprehensive Plan currently contains a policy to consider establishing a light impact industrial zone north of Limestone Rd. (in the northern most part of the UGA) when certain conditions are met (Policy 2AA-12). The proposed Foothills Subarea Plan (alternative 1) also identifies land north of Limestone Rd. as the appropriate area for light industrial. The area being considered for future industrial in the

UGA is currently zoned Rural Forestry, which has a minimum lot size of 20 acres. There is no plan to serve this area with sewer at the current time. Therefore, it is not appropriate to zone it for industrial uses at this time. Rather, this is a holding area for future industrial zoning when urban service planning is completed. A potential mitigation measure has been added to the land use chapter of the Final SEIS to rezone area north of Limestone Rd. to light impact industrial when adequate capital facility planning has been accomplished.

The existing UGA (alternative 2) contains commercial zoning near its southern end. However, this commercial area would be removed from the UGA under alternative 1 and a new Planned Town Center would be designated in a central location in the UGA. The Planned Town Center designation, which is within an area planned for sewer service, is intended for a mixture of commercial, institutional and residential land uses. However, it is currently zoned Urban Residential and could be completely developed with residential uses under current zoning. Development of this area with nothing but houses would remove the land capacity to accommodate commercial and institutional uses. Therefore, a mitigation measure to rezone the Planned Town Center to General Commercial concurrent with Subarea Plan adoption is included in the Final SEIS.

Finally, it must be noted that a uniform methodology for land capacity analysis is currently being formulated for all UGAs throughout the County in association with the 10-year UGA review process.

Data/Assumptions

The County has flexibility to utilize reasonable methods to calculate demand for future housing.

The comment letter indicates that ". . . the County Comp Plan (land use chapter) foresees that about 40% of the homes in the Columbia Valley are required to accommodate seasonal/recreational needs. . ." The Whatcom County Comprehensive Plan states:

> . . . The Columbia Valley area, like many other areas in Whatcom County, was originally developed to cater to a seasonal population, primarily Canadians who are allowed to spend up to six months per year in the United States. 2000 U.S. Census data indicates that approximately 52% of the existing housing is either seasonal or vacant. However, portions of the area, particularly Paradise Lakes, have become attractive for permanent residents, with this trend expected to increase to 60% in the 20 year planning period. . . (p. 2-46).

This background text in the comp plan explained past and expected future trends at the time. It is neither a requirement nor a policy. Rather, Policy 2AA-3 is to:

> Recognize the resort nature of Birch Bay and Columbia Valley/Kendall, including the significant second home factor when analyzing land supply for urban growth area boundaries.

This policy was adopted for the Columbia Valley UGA in 1999. Since then, the UGA has transitioned to more full-time units. This is a change from past trends and this lower level of seasonal housing was factored into the land supply analysis. Comprehensive plan amendments to both the above text (already proposed) and Policy 2AA-3 may be appropriate to recognize the current situation in the Columbia Valley.

Capital Facilities Plan

The SEIS acknowledges the need for further water and sewer service planning. A modified potential mitigation measure included in chapter 8 of the Final SEIS states:

> If water system and comprehensive sewer plans with programs to serve the entire UGA with water and sewer within the 20-year planning period are not adopted by December 1, 2011, consider removing areas that are not planned for service from the UGA. Alternatively, remove areas from the UGA that are not currently planned for service and place them in "urban reserve" status that would allow them to be placed back in the UGA if and when water and sewer planning have been completed.

This mitigation measure gives service providers time to develop capital facility plans, once they know:

- Whether there will continue to be a UGA in the Columbia Valley;
- The boundaries of the UGA;
- The population projection for the 20-year planning period; and
- The location of commercial areas.

These unknowns could significantly change the manner in which a service provider would proceed with capital facility planning. Therefore, given that there are several alternatives under consideration, and it is unknown at this time which alternative will be selected, it is reasonable to give service providers a window of time after adoption of the Subarea Plan to develop capital facility plans. If these plans are not developed by the time of the 7-year comprehensive plan update in 2011, then areas that are not planned for service could be removed from the UGA. As an alternative, areas not currently planned for service could be removed from the UGA now and placed in an "urban reserve" that would allow them to be reinstated within the UGA at a later date when capital facility planning has been completed.

With regard to stormwater facilities, the "*Water Quantity and Quality Report Foothills Subarea*" (Aspect Consulting, July 18, 2008) indicates:

> . . . In the Columbia Valley/Kendall UGA coarse soils allow for ready infiltration of stormwater and there are no existing public stormwater flow control facilities (e.g., detention/retention or infiltration ponds) or water quality treatment facilities. Limited conveyance features (e.g., culverts and ditches) are present in the county

> and state road rights-of-way. Since most, if not all, proposed development in the subarea will be private, additional pressure on these existing features should be minimal. It is not anticipated that any programs or capital facility improvements will be needed in the subarea over the 6- and 20-year planning periods . . . (pp. 2-3).

The SEIS addresses school, park, and law enforcement facilities needed over the 20-year planning period that could be included in the Subarea Plan. It does not include a six-year financing plan and this would also need to be incorporated into the Subarea Plan. However, it is not a requirement for an EIS.

Fire District 14 is in the process of developing a capital facilities plan, and this plan should be developed in a manner consistent with the County's planning for the area.

In summary, the SEIS examines capital facilities to a certain extent. However, the SEIS is not a comprehensive plan that must comply with GMA requirements relating to capital facilities.

Other Comments

Other comments are noted.

53. Response to Joyce Sappington comments dated September 15, 2008 (Appendix K, p. 175)

Comments noted.

54. Response to William and Nancy Vaught comments dated September 15, 2008 (Appendix K, p. 176)

Comments noted.

Oral Comments

A summary of oral comments made at the September 4, 2008 public hearing on the Foothills Subarea Plan Draft Supplemental Environmental Impact Statement (SEIS) is reproduced in Appendix K.

Lead agency responses to the public hearing comments are shown below. Some of the speakers also submitted letters into the record. In cases where the speaker submitted a letter that substantially corresponds to his or her oral testimony, the lead agency response below references the response to the written comments. Additionally, it should be noted that some oral statements support one of the alternatives (which is appropriate under the SEPA Rules) or make comments that will be helpful to decision makers later on in the process but would not change the content of the SEIS. In these cases, the response below is "comments noted."

1. Response to Peggy Taphouse public hearing comments (Appendix K, p. 178)

Oral comments are substantially similar to written comments previously addressed.

2. Response to Martha Sirguy, Foothills Friends public hearing comments (Appendix K, p. 178)

Oral comments are substantially similar to written comments previously addressed.

3. Response to Victor Christensen public hearing comments (Appendix K, p. 179)

The comment indicates concern related to transportation improvements. As described in the Final SEIS in Chapter 4 relating to Transportation, intersection and roadway improvements would be needed to provide mitigation for the Alternatives.

Public transit policies and measures are addressed in the Draft SEIS as mitigation (see Draft SEIS Policy LU3-A on p. 41, Policy T11-C on p. 53, mitigation measure # 5 on p. 54, and Policy LU2-E on p. 62). These potential mitigation measures are appropriate for a planning level document such as the Draft Foothills Subarea Plan.

Power was not identified as a significant issue to be addressed in the SEIS. However, Puget Sound Energy provides electrical service to the subarea (Draft Foothills Subarea Plan, October 2007, p. 48).

Other comments are noted.

4. Response to Jack Hovenier public hearing comments (Appendix K, p. 179)

Comments noted.

5. Response to Nori Zukerman public hearing comments (Appendix K, p. 179)

Oral comments are substantially similar to written comments previously addressed.

6. Response to Lori Nelson-Clonts public hearing comments (Appendix K, p. 179)

Oral comments are substantially similar to written comments previously addressed.

7. Response to Lee Clonts public hearing comments (Appendix K, p. 179)

Comments noted.

8. Response to Carolyn Ferrer public hearing comments (Appendix K, p. 180)

Oral comments are substantially similar to written comments previously addressed.

9. Response to Rebecca Boonstra public hearing comments (Appendix K, p. 180)

Oral comments are substantially similar to written comments previously addressed.

10. Response to Gary Gehling public hearing comments (Appendix K, p. 180)

The planning horizon year in the Foothills Subarea Plan SEIS will be modified to 2031 for all three alternatives.

The intent of the SEIS is to study the impacts of the Draft Foothills Subarea Plan and alternatives. The cities of Everson and Nooksack are not within the Foothills Subarea, being located more than two miles west of the Subarea boundary. It is outside of the scope of the SEIS to study growth in other areas. However, background traffic generated in other areas is considered in the traffic analysis.

Whatcom County is required, on a county-wide basis, to accommodate projected growth over the 20-year planning period. The County will be allocating growth to the UGAs in conjunction with the required 10-year review that is due in 2009. Choices will be made about accommodating growth in UGAs and rural areas of the County. Additional development could occur in rural areas if the Columbia Valley UGA is retained, but growth exceeded projections. However, this was not viewed as a significant issue because this UGA must be sized to accommodate 20-years of growth and must be reviewed every 10 years. Therefore, the Columbia Valley UGA will be re-evaluated half way through each 20 year planning period.

The Draft SEIS acknowledges additional growth may occur in rural areas if the Columbia Valley UGA is removed under alternative 3 (p. 36). Some of this growth may occur on

lots in existing subdivisions, some may occur be in outlying rural areas and some may occur in parts of the County.

11. Response to Jennifer Halliday public hearing comments (Appendix K, p. 180)

Comments noted.

12. Response to Larry Duncan public hearing comments (Appendix K, p. 181)

The soils in the Columbia Valley are very permeable and groundwater elevations are relatively high. These conditions do make an aquifer highly susceptible to groundwater contamination as discussed in the DRAFT SEIS (pp. 107-108). Potential mitigation measures for impacts to both surface water and groundwater quality are also identified in the DRAFT SEIS (pp. 109-111).

Other comments are noted.

13. Response to Jack Petree (Public Policy Perspectives) public hearing comments (Appendix K, p. 181)

Oral comments are substantially similar to written comments previously addressed.

14. Response to Karen Reich public hearing comments (Appendix K, p. 181)

Air quality was not in the scope of the SEIS and, therefore, was not addressed. Other oral comments are substantially similar to written comments previously addressed.

15. Response to Gary Richardson public hearing comments (Appendix K, p. 181)

Comments noted.

16. Response to Gunner Christiansen public hearing comments (Appendix K, p. 181)

The Tilgham Group letter has been addressed (see response to comment # 7).

17. Response to Pier Boersma public hearing comments (Appendix K, p. 182)

Comments noted.

18. Response to Max Duncan public hearing comments (Appendix K, p. 182)

With regard to comments concerning fish and wildlife, the criteria used in the DRAFT SEIS to evaluate the significance of impacts to surface water quantity (streamflow) and quality were the minimum instream flow rules and surface water quality standards as

defined by the State. These criteria are designed to be protective of fish species that are dependent on these waters. Evaluation of impacts to other wildlife was outside the scope of the DRAFT SEIS.

With regard to concern relating to the previously unidentified landfills in the subarea, this issue was raised by a previous letter (see response to comment #2).

Other comments noted.

19. Response to Carl Steiner public hearing comments (Appendix K, p. 182)

The transportation analysis has been revised, where appropriate, to take into consideration the data provided by the Tilgham Group (see response to comment # 7) as well as WSDOT and City of Bellingham issues (see response to comment #19 and comment #10).

Other comments noted.

20. Response to Phil Cloward public hearing comments (Appendix K, p. 182)

Some of the oral comments are substantially similar to written comments previously addressed. Information has been added to the Land Use chapter of the SEIS relating to when the subdivisions in the Columbia Valley were platted. Other comments are noted.

21. Response to Jan Eskola public hearing comments (Appendix K, p. 182)

Oral comments are substantially similar to written comments previously addressed.

22. Response to Robert Tolson public hearing comments (Appendix K, p. 183)

Comments noted.

23. Response to Brady Webb public hearing comments (Appendix K, p. 183)

Comments noted.

24. Response to Heather Wolf public hearing comments (Appendix K, p. 183)

Comments noted.

25. Response to Bill Vilipich public hearing comments (Appendix K, p. 183)

Traffic is analyzed in chapter 4 of the SEIS. Other comments are noted.

26. Response to Deborah Baker public hearing comments (Appendix K, p. 184)

Some of the oral comments are substantially similar to written comments previously addressed. Oral comments not addressed in the response to the written comments are noted.

27. Response to Rob Graham (Fire District No. 14) public hearing comments (Appendix K, p. 184)

Oral comments are substantially similar to written comments previously addressed.

28. Response to Susan Hanson public hearing comments (Appendix K, p. 184)

Comments noted.

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[1] AESI, 2005, Hydrogeologic and Well Head Protection Evaluation, Balfour Village Development, prepared for Aiki Homes, Inc, November 23.
[2] Whatcom County Health GIS, Wellhead Protection Area Map, June 15, 2003.
[3] Personal Communication Charles Sullivan, Whatcom County Health Department to Erick Miller, Aspect Consulting, December 4, 2008.
[4] Aspect Consulting, 2008, Water Quantity and Quality Report Foothills Subarea, prepared for Whatcom County Planning and Development Services, July 18.
[5] 5000 gallons per day is the maximum allowable withdrawal without a water right permit under RCW 90.44.050.
[6] Fetter, C. W., 1980, Applied Hydrogeology, Merril Publishing, New York, 488 pp.
[7] Driscoll, F. G, 1986, Groundwater and Wells, Johnson Division, St. Paul, Minnesota, 1089 pp.
[8] Likens, G.E., ed. 1972. Nutrients and Eutrophication. American Society of Limnology and Oceanography. Special Symposium. Allen Press.
[9] Schindler, D.W. 1974. "Eutrophication and recovery in experimental lakes: implications for lake management." Science 184:897-899.
[10] Vollenweider, R.A. 1968. Scientific Fundamentals of the Eutrophication of Lakes and Flowing Waters, with Particular Reference to Nitrogen and Phosphorus as Factors in Eutrophication. OECD Report DAS/CSI/68.27.
[11] McCabe, J.M., and C.L. Sandretto. 1985. Some Aquatic Impacts of Sediment, Nutrients, and Pesticides in Agricultural Runoff. Publication No. 201. Limnological Research Laboratory, Dept. of Fisheries and Wildlife, Michigan State University.