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## **Public Comment / Addendum to Notice of Appeal re: *The Woods at Viewcrest* MDNS issued July 25, 2025**

### **I. Introduction**

*The Woods at Viewcrest* proposal's stormwater management plan (SMP) will cause a significant adverse impact on the environment and public health & safety. In addition, the proposed SMP violates City of Bellingham (COB) regulations regarding the illegal dumping of waste materials in all COB parks, trails and other property under the management of the parks and recreation department.

Because the July 25, 2025 SEPA Mitigated Determination of Non-Significance (MDNS) for *The Woods at Viewcrest* fails to consider this adverse impact and illegal dumping, the MDNS was issued in error. COB must reverse the MDNS, issue a Determination of Significance (DS), and prepare an Environmental Impact Statement (EIS) to analyze this issue - as well as other issues addressed in the August 7, 2025 *Protect Mud Bay Cliffs* (PMBC) Notice of Appeal of the SEPA MDNS and identified by multiple comments submitted by the public.

In order to qualify for an MDNS, the project must not cause a significant adverse impact to the environment - or public health & safety - that cannot be mitigated. Additionally, the project must comply with city, state and federal laws and regulations. *The Woods at Viewcrest* proposal will cause significant adverse impacts to the environment - as well as public health & safety - that cannot be mitigated and does not comply with COB regulations. Accordingly, *The Woods at Viewcrest* proposal does not meet the requirements for an MDNS. The MDNS should not have been issued and must be reversed.

## II. Issues

*The Woods at Viewcrest* stormwater management plan will discharge polluted stormwater<sup>1</sup> onto the shoreline of Mud Bay (aka North Chuckanut Bay), which abuts the project site. Even when treated, the effluent from stormwater discharge remains waste material, which contains a host of pollutants, including toxic contaminants like 6PPD-Quinone. Therefore, the polluted stormwater the project plans to illegally dump onto the Mud Bay shoreline and into the bay qualifies as a “waste material” (“litter”) and constitutes a “public nuisance,” violating BMC 8.04.100.D.

At low tide, Mud Bay empties completely, and the mudflats are virtually devoid of water. Polluted stormwater discharged during low tide will inundate the mudflat and remain in place until the tide returns. When the tide returns, the polluted stormwater will not be diluted and taken out to sea. Instead, the incoming tide will carry the polluted stormwater into the Chuckanut Village Marsh - and the Chuckanut Creek tidal channels.

The end result of this illegal activity is a significant adverse impact to the sensitive ecology of the shoreline, tidelands, salt marsh, and tidal channels, and further significant adverse impacts on the recreational use of these COB-managed properties and the health and safety of the public.

## III. Mud Bay is a Sediment Containment System

Exacerbating the issue of illegally dumping polluted stormwater onto the Mud Bay shoreline and into Mud Bay is the fact that Mud Bay is an unintended *Sediment Containment System* (SDS) resulting from the railroad causeway that nearly fully encloses the bay. This causeway allows only limited water exchange through a small trestle and drastically impacts the hydrodynamics of the bay, slowing the flow of water, which leads to sedimentation.

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<sup>1</sup> *The Woods at Viewcrest* plans to utilize modular wetland systems to filter stormwater. Contech Engineered Solutions claims that its *Modular Wetlands Linear* system “continues to outperform other treatment methods with superior pollutant removal for TSS, heavy metals, nutrients and hydrocarbons.” However, the *Median Removal Efficiency* of these modular wetlands is only 23% for Nitrogen, 61% for Total Phosphorus, 79% for Motor Oil, and 89% for Total Suspended Solids. Additionally, these modular wetlands are not capable of removing the toxin 6PPD-Quinone. Consequently, stormwater discharged from these modular wetlands retains substantial pollutants, including 6PPD-quinone suspended solids, which is a known toxin for salmon. Additionally, during heavy storms when capacity is exceeded, the system is designed with a bypass weir enabling untreated, unfiltered, polluted stormwater to be discharged directly into Mud Bay. <https://www.conteches.com/media/3emmmop5/modular-wetlands-brochure.pdf>

## **How the Railroad Causeway Affects Water Flow and Sediment in Mud Bay:**

### **1. Slower Water Flow:**

- The causeway blocks or significantly restricts tidal movement.
- The tidal exchange between Mud Bay and the larger Chuckanut Bay is limited, reducing water flow inside Mud Bay.
- This slowdown means that the water velocity is low, allowing suspended particles (silt, clay, and pollutants from stormwater) to settle out of the water column into the bay's bottom.

### **2. Sediment Accumulation:**

- The decrease in current velocity means suspended sediments, which would normally be carried away by the stronger tidal flows, accumulate in the bay.
- Over time, this will create a significant sediment deposit at the bay's bottom.
- In particular, fine-grained sediments (like silt, mud, and pollutants from stormwater) that are typically carried out to sea are instead trapped, gradually filling the bay with sediment.

### **3. Limited Flushing:**

- The small railroad trestle offers only minimal water exchange between Mud Bay and Chuckanut Bay.
- This lack of flushing means that the bay's water doesn't renew itself as quickly as other areas, allowing for higher sediment retention in Mud Bay.

## **IV. Impact on Public Health & Safety and Recreational Use**

The City of Bellingham invested significant public funds to acquire the Mud Bay shoreline, tidelands, mudflats, Category I estuarine wetlands, and salt marsh. These COB-managed, and publicly-owned, lands and water provide essential shoreline access and water-related recreational opportunities for the public.

The illegal dumping of polluted stormwater onto the Mud Bay shoreline and into the bay will create a toxic soup that will cause significant adverse impacts to the environment, public health & safety, and recreational use. It takes little imagination to visualize how years of dumping concentrated pollutants and toxins onto a single location along the shoreline will drastically impair the adjacent areas of the shoreline, tidelands and bay.

This has already been demonstrated within Mud Bay where the Arbutus Place stormwater outfall discharges into the bay. At that precise location, the slimy muck is

so thick that it is virtually impassable. These contaminants have already caused adverse impacts to the shellfish in that area.

If *The Woods at Viewcrest* is allowed to discharge its polluted stormwater onto the Mud Bay shoreline, the entire area adjacent to the dumpsite will become a nuisance and public safety hazard.

## **V. Relief Requested**

PMBC requests that the City of Bellingham and/or the Hearing Examiner reverse the 7/25/25 Mitigated Determination of Non-Significance, issue a Determination of Significance, and require an Environmental Impact Statement be prepared for *The Woods at Viewcrest* project.