

*Sandy Point Dredge Committee
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July 22, 2020

Mark Personius, Director, Planning and Development Services
County Executive, Satpal Sidhu
Whatcom County Council,

The thousands of people who use the harbor at Sandy Point are frustrated by the latest NOAR (Notice of Additional Requirements) that was issued on July 16, 2020 by Whatcom County Planning and Development in regards to our harbor entrance maintenance dredge permits SHR2017-00007 and SHC2017-00003.

The Sandy Point Dredge Committee is a group of local residents who volunteered their time, efforts, and finances to repair a priceless resource, the only harbor of refuge between Bellingham and Blaine. The Sandy Point Dredge Committee was incorporated in 2015 with the mission of “securing the necessary permits and undertake dredging of the entrance to the Sandy Point harbor to improve access and safety for the harbor users”.

In April of 2017 the Committee submitted its JARPA (Joint Aquatic Resource Permit Application) to the Army Corps of Engineers and Whatcom Planning and Development. We worked closely with both agencies to answer all their concerns and questions. Public comment was submitted by supporters and opponents of the permit during this time period. Those comments are available in the permit docket on the County website. The County issued a NOAR on August 29, 2017 with a range of concerns to which we responded fully and to the satisfaction of the County. A second NOAR was issued March 2, 2018 concerning eel grass and other issues. We addressed all the issues of that NOAR.

In addition, we agreed to three major requests made by the agencies: 1) We moved our dredge area eastward of a tidelands designation boundary established by the Bureau of Land Management. 2) At the request of the County we incorporated a protective berm to address erosion issues on South Cape. 3) We agreed to a NMFS request for a reduced “fish window”, the times during which we can conduct in-water work. The window was reduced to a short period between November and February.

As the permit application was finalized a Public Hearing was scheduled for October 12, 2019 with the Hearing Examiner. We were promised a Staff Report on the application during this time but that report was never issued. Days before the hearing date it was discovered that the National Marine Fisheries Service (NMFS) had not completed its promised September 12 deadline for reporting its findings and the hearing was postponed by the County.

In February of 2020 the NMFS finally issued its approval and requirements for the dredge project. That approval allowed the County to schedule a Public Hearing for April 1, 2020. We were again promised a Staff Report which was never delivered to us. We were prepared to answer any and all questions before the Hearing Examiner and anticipated approval of our permit. That hearing was cancelled because of the Covid19 closure of County facilities.

Throughout this time period we were promised a staff report which was never issued, and instead we were told there would be another NOAR. The NOAR issued on July 16 requests additional information on conditions that we long ago agreed to implement as part of the project and that have been known to the County since very early in the process. It is an outrageous abuse of process. We have fully addressed County and Federal regulators' environmental, biological and shoreline concerns throughout the three-plus years of our permit approval process. The public comment period cannot have an infinite timeline as there would never be an end to the permit process. We are being asked to essentially begin our application all over again. The studies we submitted with our original application reflect the conditions under which we intended to work. Every year of delay changes those conditions and we will work with the agencies to adapt to changing conditions but we cannot begin the process every time something changes. Yes, if the eel grass beds move we will cooperate in their relocation, but to submit a new biological assessment every season is impossible.

So, what is the effect of the delays we have been subjected to? The harbor entrance continues to deteriorate. The channel becomes narrower and longer every year. As the channel narrows the velocity of the ebb and flood currents increases and it becomes ever more difficult for vessels to maintain steerage. Many boats have run aground and damage to running gear is regularly reported by many users of the harbor. The busy crab season is approaching and the many Tribal and non-tribal fishermen will be risking their safety and livelihoods each time they transit the harbor. As yet, we don't know of any injuries but it is inevitable that sooner or later there will be a serious injury or loss of life if we do not dredge the entrance.

The Sandy Point harbor has been used by many agencies at all levels of government. These include the Coast Guard, Sheriff, CBT, State and Tribal fisheries enforcement and many others. But the present conditions limit the utility for these agencies. WCFD #17 has a response boat in the harbor and Chief Jim Petrie has documented that they have, on at least two occasions, been unable to respond to emergency calls because it was too dangerous to transit the channel.

As Whatcom County residents we are appealing to you, our County leaders, to help us move our dredge project forward as quickly as possible. It is not just the residents of Sandy Point who use the harbor. The public boat launch is used by boaters from all over Whatcom County. It is unjust for us to be told in October of 2019 that the County was prepared to move forward with the Public Hearing and then to be told nine months later that they suddenly need more studies. We should have had a Public Hearing at which time any objections can be brought forward for consideration by the Hearing Examiner.

Please let us know if you need more complete documentation which we will be happy to provide.

We ask for your serious examination of our case,

Board of Directors,
Sandy Point Dredge Committee

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Kristi Hug
Jim Kolbo
Jeff McKay
Ron Jepson
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