

Swift Creek
Sediment Management Action Plan (SCSMAP)
And SCSMAP Phase 1 Project Plan
Draft Environmental Impact Statement

Appendix A

Swift Creek Draft EIS Final Scoping Document

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SWIFT CREEK MANAGEMENT PLAN EIS FINAL SCOPING DOCUMENT

1.0 INTRODUCTION AND BACKGROUND

This Final Scoping Document for the Swift Creek EIS is part of the scoping process under the State Environmental Policy Act (SEPA) as administered by Whatcom County. The Draft Scoping Document issued by Whatcom County in April, 2011 described the fact that an EIS is required for the Swift Creek Management Plan and included a draft scope projected by Whatcom County to be included in the EIS. The Draft Scoping Document noted that the EIS will be programmatic in nature to encompass potential adverse environmental impacts of adoption and subsequent implementation of the Management Plan, and will include a project-specific analysis of potential adverse environmental impacts associated with development of Phase 1 of the Management Plan.

The Draft Scoping Document provided background on the Swift Creek environmental setting, the Swift Creek Management Plan and regulatory background, the need for an environmental impact statement (EIS), and a preliminary EIS scope, including alternatives, identified for inclusion in the EIS prior to scoping. The Draft Scoping Document also included instructions, times, and places for scoping input, as well as the deadline for written scoping comments.

The purpose of this Final Scoping document is to provide information to agencies, the public, and affected tribes on the issues and alternatives raised in the scoping process. This Final Scoping Document catalogs and examines issues raised in scoping; these identified issues, coupled with alternatives and elements of the environment identified by Whatcom County in the Draft Scoping document, were used to shape the final scope of the programmatic/project-specific EIS to be prepared for the Swift Creek Management Plan. Appendix A to this Final Scoping Document includes Section 3.0 of the Draft Scoping Document, including elements of the environment to be reviewed in the EIS as identified prior to initiation of the scoping process. Comment letters received through the scoping process are included on the Whatcom County web site and are referenced in Appendix B and Appendix C: Appendix B is the list of commentors and catalog of comments based on primary issues raised during scoping; Appendix C includes oral and written comments from the public meeting.

The following section, Section 2, explains the scoping process as conducted for the Swift Creek Management Plan EIS and explores the issues raised during scoping.

2.0 FINAL SCOPE

For a complex set of issues such as those addressed in the Swift Creek Management Plan, it is important to define at the outset the environmental documentation to be reviewed and the specific environmental studies to be conducted for programmatic and project-specific impact analysis before preparation of an EIS, and, ultimately, a decision is made. This Final Scoping Document, based on oral and written input from Federal, State, and local agencies, and other interested persons, describes the scope of actions, alternatives, and impacts to be studied in the Swift Creek Management Plan EIS and identifies the significant environmental issues that will be studied in detail.

2.1 Commenting

Input analyzed for this Final Scoping Document came from three sources:

1. A public scoping meeting held in May, 2011.
2. A meeting with invited Federal, State, local agencies, and other entities held in April 2011.
3. Written comments submitted by agencies, organizations, and the interested public.

Scoping meetings for the public and for agencies were conducted as follows:

Public Scoping Notice Meeting:

Location: Nooksack Valley High School
3326 East Badger Road
Everson, WA
Time: 6:30 PM to 8:00 PM
Date: **Wednesday May 4, 2011**

Agency Scoping Meeting: (invited Agencies only)

Location: Whatcom County Civic Center
322 N. Commercial Street,
Bellingham, WA
Time: 10:00 AM to 12:00 PM
Date: **Thursday, April 28, 2011**

For the public scoping meeting, Whatcom County presented an overview of the Swift Creek Management Plan, as well as its status, identified how comments should be submitted, and then opened the meeting for commenting. The public scoping meeting attendees and summarized comments are included in Appendix C. Written comments were also accepted; Appendix B includes a list of commentors. The scoping period closed on May 18, 2011.

2.2 Issues Identified Through the Scoping Process

Whatcom County has identified issues to be addressed in the EIS through input collected in the scoping process, as well as internal and interagency meetings, discussions, and correspondence. Many issues, such as liability associated with asbestos-containing material, will be covered in the EIS to the extent necessary to ensure that the legal requirements are fully met. Based on the scoping process and the analysis of written and oral comments received, Whatcom County has determined that the following issues will be evaluated in the EIS in addition to the scope identified and described in Section 3.0 of the Draft Scoping Document, attached as Appendix A.

Sediment Management

Questions and issues related to management, storage, and ultimate fate of dredged, stored, and flood-deposited Swift Creek sediment were consistently raised in written and oral comments from both the public and agencies. The Swift Creek EIS will include additional analysis of

sediment management related to dredging, storage, stockpile locations, and land use provisions associated with management strategies.

Groundwater

Groundwater quality, movement, potential heavy metal contamination, and potential impacts to groundwater associated with stored sediments were issues included in scoping comments. Additional groundwater study will be conducted, with impact and mitigation strategies associated with study findings included in the EIS.

Plants/Animals/Wetlands

Potential impacts to the Breckenridge Creek watershed, as well as potential restoration of portions of the Swift Creek watershed were raised as primary issues during scoping. One additional issue raised was potential use of viable uplands as mitigation for low functioning wetlands. Additional analysis of strategies to protect the Breckenridge Creek system will be further studied and included in the EIS. In addition, the potential to remove fish passage barriers or enhance fish passage to the upper Swift Creek system will be addressed through in-depth analysis. Wetland/upland interactions and potential mitigation will also be addressed.

Maintenance and Repair

A plan for maintenance and repair of the Swift Creek system in relation to existing infrastructure will be prepared for inclusion and analysis in the EIS. The plan will provide a basis for determining when and under what circumstances Swift Creek-area roadways are repaired and improved and under what circumstances no action may occur. This plan will extend to dredging and other creek maintenance activities as they relate to area infrastructure.

Health Impact Analysis

Based on comments collected through oral and written commenting, a health impact analysis (HIA) will be conducted in concert with the EIS and dovetailed with the EIS in terms of integrated findings for impact analysis. The health impact analysis will include both social and physical/technical data collection related to asbestos and heavy metals, as well as other identified constituents, empirical analysis of data collected, and risk analysis. Physical data collection will include soils, air, and water media. The health impact analysis will be appended to the EIS; the EIS will include mitigation strategies based on analysis findings.

Engineering Evaluation/Cost Analysis (EE/CA)

EPA is conducting an Engineering Evaluation/Cost Analysis (EE/CA). The EE/CA will evaluate alternatives for restoration of the Swift Creek area impacted by asbestos-laden sediment. The purpose of the EE/CA is to describe the objectives of the removal and storage of Swift Creek sediment, describe and evaluate available alternatives for restoration of the environment impacted by the sediment, and identify recommended actions. The EE/CA will be prepared in accordance with EPA's Guidance on Conducting Non-Time-Critical Removal Actions Under CERCLA. Studies conducted by EPA in support of their EE/CA will be incorporated into the EIS as available.

Alternatives

Alternatives in addition to those described in Section 3.0 of the Draft Scoping Document, attached as Appendix A, were not identified through the scoping process. Comments received during scoping did, however, provide valuable input and insight into the extent of analysis to be included in the EIS in relation to both the Swift Creek Management Plan, itself, and to the No Action alternative. Comments related to suggested alternatives and the No Action alternative and included in Appendix A of this Final Scoping Document.

2.3 Final EIS Scope

The final scope of the EIS, as refined through the scoping process, has been determined by Whatcom County. The EIS will include analysis of elements of the environment identified in Section 3.0 of this report, expanded to include issues outlined in Section 2.2 of this report.

The body of the EIS will begin with a description of the proposed action as described in Section 2.3 of the Draft Scoping Document, expanded to include discussion of issues related to the proposed action and the No Action alternative, including geographic scope of study area, obtained through the scoping process and included in Appendix B. The Elements of the Environment portion of the EIS will include the elements listed in WAC 197-11-444 as applicable to the Swift Creek project as follows:

WAC 197-11-444

Elements of the environment.

(1) Natural environment

(a) Earth

Geology, Soils, Topography
Unique physical features
Erosion/enlargement of land area (accretion)

(b) Air

Air quality, Climate

(c) Water

Surface water movement/quantity/quality
Runoff/absorption
Floods
Groundwater movement/quantity/quality
Public water supplies

(d) Plants and animals

Habitat for and numbers or diversity of species of plants, fish, or other wildlife
Fish or wildlife migration routes

(2) Built environment

(a) Environmental health

Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials (Health Impact Assessment)

(b) Land and shoreline use

Relationship to existing land use plans and to estimated population
Agricultural crops
EE/CA

(c) Transportation

Transportation systems
Movement/circulation of people or goods
Traffic hazards

- (d) Public services and utilities
 - Fire
 - Police
 - Schools
 - Parks or other recreational facilities
 - Maintenance
 - Communications
 - Water
 - Sewer
 - Other governmental services or utilities.

The foregoing scope was determined based on the extent of the required programmatic plan review, project action review, and the extent of the No Action alternative. No Action, in the case of the Swift Creek Management Plan EIS, will include review under some elements that is more extensive and exhaustive than plan and project reviews due to the potential environmental cost of not managing the Swift Creek hazards under a comprehensive plan.

APPENDIX A: DRAFT SCOPING DOCUMENT SECTION 3.0

3.0 SCOPING SUMMARY

Whatcom County identified the following areas for discussion in the EIS: earth, air, water, plants and animals, energy and natural resources, environmental health, land and shoreline use, transportation, and public services and utilities. The elements of the environment expected to be addressed in the EIS are discussed in more detail in section 3.2 of this document.

A comparative evaluation of alternative courses of action will be included in the EIS based on previous studies, watershed management alternative identified by the county, and additional study to fill data gaps. Impacts, mitigation measures, and impacts that cannot be mitigated will be identified in the EIS at a level of detail appropriate to the comprehensive and general nature of the non-project proposal, along with those related to the specific issues of first phase project implementation. Environmental review for the proposal is being phased pursuant to WAC 197-11 to focus on land use and policy actions prior to the consideration of more detailed actions. The EIS will consider potential impacts associated with elements of the environment for the Plan as whole as the first phase of review, and for project-specific impacts of sediment management as a second phase of review.

3.1 ALTERNATIVES

Proposed Action

Measures included in the Swift Creek Management Plan will be evaluated in the EIS, and their potential effectiveness discussed. Overall implications of implementation of the Plan will be analyzed. Specific project-level impacts and mitigation related to implementation of the sediment management portion of the Plan will also be evaluated.

No Action

The No Action alternative will include detailed examination of the future of the area in the absence of implementation of the Swift Creek Management Plan, both at a programmatic and project level.

3.2 ELEMENTS OF THE ENVIRONMENT TO BE ADDRESSED IN THE EIS

The following elements of the environment and issues have been identified from historical information and through previous and supporting investigations of the Swift Creek slide and implications for the drainage area. Information and issues identified as significant that result from the input of the public, tribes, and agencies with jurisdiction will also be evaluated in the EIS.

3.2.1 Earth

The EIS would address earth, geology, soils, topography, unique physical features and erosion/accretion based on the Plan, existing reports, EIS documents, and Whatcom County data and inventories. Secondary impacts of Plan implementation will be considered, including grading, erosion, and exposure of persons and property to sediment constituent hazards.

Project-specific impacts of sediment management will also be examined as they relate to the earth element.

3.2.2 Air

The EIS will consider the impacts of Plan alternatives on air quality, especially as it relates to potential entrainment of asbestos. It is anticipated that most of this evaluation will come from existing reports, County documents, and regional agencies. No air quality sampling is planned for this EIS process. Short-term and long-term impacts of Plan implementation will be addressed for air quality related to asbestos, construction activities, and possible increased vehicular traffic.

3.2.3 Water

The EIS will summarize existing conditions relating wetlands and streams and water quality based on available County and State inventories and analyses of critical areas. An order of magnitude analysis (e.g. broad estimates of asbestos and metals loading) will likely be prepared as related to surface and groundwater resources of the area. Issues related to potential impacts to the Williams Pipeline corridor with implementation of the Plan will be examined.

Existing information on flood-related impacts and implications will be explored. Elements of the Plan related to flood mitigation, especially in relation to proposed flood control measures, will be examined in detail. Secondary impacts of implementation of food controls will also be examined. The analysis will identify mitigation built into the Plan and identify additional mitigation as appropriate.

3.2.4 Plants and Animals

Plant, animal, and fish habitat will be described based on existing County and State published sources, along with additional studies prepared for the Swift Creek watershed. Qualitatively the EIS will address common impacts due to asbestos loading, habitat alteration, or habitat loss due to implementation of the Plan, comparing the alternatives in an order-of-magnitude fashion.

3.2.5 Environmental Health

A comprehensive review of documentation of health risks associated with naturally-occurring asbestos will be examined in the EIS. Studies and data related to heavy metals leaching as related to environmental health will also be examined. Impacts and associated mitigation for environmental health will be examined for both implementation of the Plan and for No Action, and as related to specific sediment management projects.

3.2.6 Land and Shoreline Use

The EIS will describe land use in the Swift Creek watershed and beyond, including a description of location and distribution of land uses. Potential land use impacts will be identified at a programmatic level for each of the alternatives, especially in relation to land use compatibility over both the short and long term. The EIS will describe the policy and regulatory context for management of Swift Creek. The impact analysis will evaluate the internal and external consistency of the proposed alternatives and the sediment management proposal.

3.2.7 Transportation

The EIS will describe existing transportation facilities and generally describe levels of service, and consider the impacts of the Plan on transportation. Mitigation will consist of identification of transportation improvements necessary to implement the Plan. Impacts and mitigation specific to the sediment management proposal will also be considered.

3.2.9 Public Services and Utilities

The Public Services and Utilities section will address both public and private services and utilities. The impact analysis will include order-of-magnitude projections for implementation of the Plan, and an assessment of estimated needs for the No Action alternative. Mitigation measures will be both programmatic and at a level necessary to address impacts identified in association with the sediment management plan.

APPENDIX B

LIST OF COMMENTORS AND CATALOG OF COMMENTS

List of Commentors – Written Comments Received Prior to Close of Scoping:

1. Washington State Department of Ecology
2. Environmental Protection Agency
 - a. Ellie Hale
 - b. Julie Wroble
3. Washington State Department of Health
4. Washington Department of Fish & Wildlife
5. Tom Westergreen (representative for Great Western Lumber)
6. Mr. and Mrs. Mades
7. Ms. Joni Hensley
8. City of Nooksack
9. City of Sumas
10. Joseph Knight

Catalog of Comments

Alternatives including No Action:

WDFW: Conceptually, preventing the source material from leaving its point of origin would be the preferred alternative.

Westergreen: One community proposal was to use this adjacent agriculture land for a place to safely store the finer sediments and then cover with topsoil and/or organics, so they could be productively farmed again. The EIS should explore mitigation options so these wet soils can be used to store sediment and then be farmed again.

Westergreen: One alternative previously used by Great Western Lumber was obtaining a conditional use permit from the county to commercially remove and process heavy sediments for commercial use. This was a low cost way to manage sediments in the upper fan apex and should be considered in this HIS as a preferred option. This would offer a continue disposal

option for the courser sediment removed from the management plans "in stream grade control structures".

Westergreen: Our preferred alternative would include something similar to what the community has been trying to implement for years. This would be on going removal of sediment from behind upstream traps, to be washed and the gravel used in controlled construction projects. Just above the Oats Cole Road and in key places along the Sumas River, finer sediment could be excavated and used for farmland restoration. Overall costs for managing Swift Creek could be reduced by the use of private management, with practical agency oversight and verification.

Westergreen: We would ask that the EIS look at the 2.2 Objectives bullet two and examine why flushing (diluting) asbestos laden sediment through the Sumas River to the Fraser River as is being done now cannot be a viable alternative.

Hale: How will the timeline for considering the costs and benefits of No Action can be comparable to that of Phase I of the project EIS, or the programmatic EIS?

WDFW: Toxicology testing should demonstrate what levels of naturally occurring elements (heavy metals, asbestos, etc.) are present throughout the Swift Creek drainage. With this no action alternative, sediment transport and thereby element transport, must be fully understood to estimate the rate of habitat loss as the sediment is delivered and impacts downstream habitats, or if there is a potential limit to the transport of toxic levels of specific elements. Downstream habitats, specifically in depositional areas, should be thoroughly core sampled to determine if these same elements have been transported historically and if so at what concentrations, and whether sediments were delivered in large pulses, or gradually as in normal streambed sediment transport. Habitat recovery timelines should also be understood, especially in locations where highly toxic sediments have been deposited and compared to locations which receive toxic sediments but where those sediments have been mixed with other non toxic sediments to reduce their effect.

WDFW: Since the source and quantity of sediment is known, a no action alternative must determine the extent of the alluvial fan that would be created, given the existing configuration of berms, dikes, and levees which presumably extend the deposition zone downstream. Alluvial fans are excellent sediment capture mechanisms, but require a significant amount of space to function correctly. This fan creation would likely dislocate existing property owners and infrastructure and alter the existing flooding regime in the surrounding area. While speculative to some degree, the extent of fan creation and subsequent flooding hazard should be estimated under this alternative.

Nooksack/Sumas: Based on past use of planning level mapping for other purposes, it is important to the City of Nooksack / City of Sumas that the assumptions that are made as part of the No Action Alternative are reasonable, clearly articulated and scientifically based.

Hensley: Is stock piling the material and creating huge berms that dry and blow in the winds safer than moving the material (under strict guidelines) to appropriate areas where it can be mixed or covered?

Geographic Project Scope:

WDOE: Overall, it is a little unclear what geographic area this proposal addresses. Does it include the Sumas watershed below Swift Creek? Or just the Swift Creek watershed? How about potential impacts to the Bertrand watershed under the no action scenario?

WDOE: What geographic area does this cover? Again, are we looking at an area impacted by a no action alternative that stretches all the way to the border?

Liability:

Westergreen: The question would be again an issue of liability for any and all parties involved in developing and carrying out any management on Swift Creek. Who will be responsible and liable for any of this management work? Who will own, operate and be liable for the large proposed basin? What are the ways liabilities can be minimized?

Sediment Management:

Wroble: Page 6 of the EIS Scoping Document suggests that coarse material could be used elsewhere as fill. However, EPA START sampling in 2006 showed the presence of asbestos in various size fractions of material sampled from the piles. I don't think the material in coarse fill is sufficiently lower that handling concerns need not be addressed. Further, doesn't the coarse fraction break down to a finer fraction fairly easily?

WDOE: Please be more specific concerning what is done with the sediments that will accumulate in the basins. Part of the assessment should address the issue of secondary locations such as nearby cells (that would be mined out, filled and covered) or perhaps old gravel mines.

WDOH: A significant volume of stockpiled asbestos-containing sediment is located along Swift Creek between Goodwin and Oat Coles Roads. In the past, these materials were sprayed with a tackifier to help prevent the material becoming airborne and posing a potential health threat. However, as noted in the Sediment Management Plan, no assessment of the tackifier function and effectiveness has been conducted. Given the potential air impacts associated with these stockpiled sediments, we suggest they be addressed as part of the EIS.

Westergreen: This analysis should also look at the risk of different disposal options including the large basin, piles along the stream edge, farmland restoration, off site use as fill at both large projects and scattered small ones. After that reasonable BMP's should be recommended and supported by all government agencies.

Mades: The following are areas of concern; winds, water, mechanical movement of the material. Are there times when the material could be moved without hazard? These need to be identified and specifically defined.

Westergreen: Swift Creek sediments should be an available supply of gravel resource for any local construction projects. Active management of the sediment will be necessary so roads and other infrastructure are protected and not closed.

Westergreen: The proposal for a large 70 acre basin has too many unanswered questions and is too grandiose for our support. It could take years for all the agencies and governments to answer these questions and then more time to excavate the site. At best 10 15 years to have the project functional for a life span of 20 40 years. The questions of what we do with Swift Creek in the mean time to protect the community still go unanswered.

Mades: EPA and the health department have informed citizens affected by flooding along the Sumas River that covering the material left on their property with approximately 6 inches of dirt will make their property safe for use again. Why then is mixing Swift Creek dredged material with other "clean" material like dirt, sand, or gravel not acceptable?

Mades: Is stock piling the material and creating huge berms that dry and blow in the winds safer than moving the material (under strict guidelines) to appropriate areas where it can be mixed or covered?

Groundwater / Public Water Supplies:

WDOE: Are there plans to do more groundwater testing? It would not be a big addition 1 or 2 rounds from 1 or 2 wells. What is the plan for using the wells put in above Goodwin Bridge? Will there be ongoing testing to determine if construction of the structures has any impact on current contamination concentrations or water flow direction/ levels?

Westergreen: Ground water impacts from stored sediment on the land surface seem to have little or no contamination from leaching. However the excavated basin nearer the water table, with concentrated sediment, needs to be evaluated further. Canadian researchers are examining the theory that asbestos fibers change as they move downstream. Again dilution reduces risk and impacts. This needs to be looked at as an option where the undesirable elements of Swift Creek can be diluted and flushed safely into the Fraser River like occurs presently.

Wroble: Do we know that heavy metal contamination of drinking water is a concern? What data supports this?

WDOH: The EIS scoping document (Section 3.2.3) indicates that a broad estimate (i.e., order of magnitude) analysis of asbestos and metals loading "will likely be prepared as related to surface and groundwater resources in the area." It is unclear why it is only likely to be done because groundwater in the area is used for drinking water and there are reported surface water withdrawals for irrigation. We suggest that Whatcom County consider doing this analysis as part of the EIS.

Flooding:

Nooksack/Sumas: Relative risks to the community posed by each alternative and the effect of each alternative on flooding in the area.

Plants/Animals/Wetlands:

Hale: Fish migration routes do not appear to be addressed as a specific topic under Plants and Animals.

WDOE: Unless the specific boundaries and functions of the wetlands in the project area are known, it will be very difficult to determine impacts to wetlands for the EIS, and whether those impacts will require mitigation or if the project is self-mitigating.

WDFW: South Pass Road Setback Levee: This levee would encompass a headwater wetland and modified stream channel which is a tributary to Breckenridge Creek to the north. Juvenile coho have recently been observed downstream of South Pass Road utilizing this stream. Construction of this levee without routing the existing water around the north/northeast of the levee would likely eliminate this portion of functional habitat.

Westergreen: Presently the working forestland near the top of the alluvial fan provides some protection to residences and businesses from a large landslide event. This forest also shelters neighbors from possible commercial gravel operation in the vicinity of the grade controls. What will be the impacts if portions of these working forests are removed by the proposed alternative or completely inundated if no action is taken?

Westergreen: This EIS should weigh the impacts of these wetlands being disturbed compared to eliminating functioning forest habitat that sequesters carbon and contains a large distribution of species.

Knight: If the water in the sediment basins is "toxic" in some manner, will this have an impact on aquatic wildlife, i.e., ducks, geese, etc.

Land Use:

Hale: Impacts on agriculture (which perhaps includes logging) and recreation are specific topics which should be considered.

WDOE: Land use down along the Sumas River should be evaluated and discussed especially under the no action scenario. What planning needed if no action alternative chosen? Would there be any advantage/ reason to rezone ag area?

Nooksack/Sumas: Address in EIS: Impacts on land use in areas adjacent to the Sumas River potentially impacted by Swift Creek sediment, including urban growth areas (IJGA), UGA reserves and agricultural areas

Nooksack/Sumas: Address in EIS: Investigation of land use management strategies that may be necessary to implement under the No Action Alternative to allow urban development in the Nooksack UGA and UGA Reserve.

Knight: If the sediment basin solution is adopted, I would like to see a buffer between Goodwin Road and the basin walls that retains a thick barrier native trees and shrubs so that the site does not have an industrial, mining pond or gravel-pit appearance.

Traffic:

Hale: Traffic hazards are a specific topic which should be considered for both No Action and the proposed alternative, in particular.

WDOE: It is unclear what "improvement" may mean. More roads? Rebuilding S. Pass to be higher? Abandoning Oat Coles Bridge? Can traffic go by alternate routes? Would that necessitate improvements to lesser roads to carry truck traffic? Also, how big of an area is being discussed. If no action option results in more flooding in (for example) the Gillies Rd. and similar roads all the way to the border, is intermittent road closure part of the discussion?

Air / Health Impact:

WDOE: Air sampling None included here for the EIS. Does enough data exist now? Is work currently in planning (ATSDR study) enough? Should more air sampling be included to understand what happens in the current site and what might happen with the proposed design?

Hale: Suggest EIS address the specific topic of "releases or potential releases to the environment affecting public health." In what ways could the material be released to the environment under the proposed alternative and No Action? What assumptions are made about individual and government actions to control or manage material?

Hale: Studies of the weathering characteristics and potential for asbestos releases from this material might be important, particularly if the material may be used in construction of some of the sediment management structures.

Hale: In recent years, EPA has completed several studies related to asbestos related to Swift Creek and Sumas River. These were not referenced in the Determination of Significance, but should be considered.

WDOH: The potential air impacts associated with the Sumas Mountain asbestos-containing sediments that have been deposited in and along Swift Creek and the Sumas River are unknown. However, no air sampling or air modeling is proposed for the EIS. We recommend that an appropriate level of air sampling, and if possible some air modeling, be conducted to determine the air impacts associated with the "action" and "no action" alternatives.

Westergreen: To my knowledge no background levels of air borne asbestos have ever been taken for the Swift Creek area. Likely weather conditions when air borne asbestos exposure might occur needs to be considered in relative risk calculations. Presently conclusions for management have been implemented from limited EPA studies. A broad based analysis of cancer risk to those living and working near Swift Creek and the Sumas River needs to be done.

Wroble: Page 9 (section 3.2.6) states that the EIS will comprehensively review health risks; therefore, all of the appropriate documents in which health risk has been assessed need to be included for evaluation (see <http://yosemite.epa.gov/r10/cleanup.nsf/sites/swiftcreek>).

Westergreen: The EIS should take a fresh new look at the actual relative risk to public health from the controlled use and movement of the Swift Creek sediment. Other handling and use options should be evaluated so we will have management alternatives.

Mades: How is EPA going to identify the level of asbestos in the Swift Creek Material?

Mades: At what point is this naturally occurring material and under what conditions (statistically) is the material identified as hazardous to health?

Mades: Health risk due to asbestos in Swift Creek have been studied by the State Health Department. They identified the risk level in the Swift Creek area as being lower than elsewhere in Whatcom County, the State of Washington or the USA as a whole. Is there truly a health risk from this material?

Knight: Since these basins will concentrate the asbestos, and the asbestos is likely to cling to the sides of the basins, as the ponds dry in the summer, will there be an increased risk that summer winds will spread an increased amount of asbestos dust in the neighborhood near the sediment basins?

Pipeline Interaction:

WDOE: Please be clearer re: how proposed plans interact with existing pipeline. The assessment should include discussion of the pipeline being undercut by the creek and what that would mean. Also, there should be discussion about what happens if the pipeline has to be moved/buried deeper.

Westergreen: Several low costs alternatives are available through directing and hardening a Swift Creek crossing over the pipelines. The existing crossing needs to be widened to accommodate larger storm events.

It is unclear from this proposal if this would be a commitment to do all actions described or a plan pending financing (which might come in over an extended time or might only be targeted to specific portions of the proposed plan). It is unclear if this proposal is contingent on non financial things occurring such as specific multi agency agreement and what happens if such agreements don't occur or if not all the desired parties sign on.

Comment Noted:

Hale: It will be important to describe the No Action scenario in detail in order to clearly consider impacts and benefits relative to the proposed alternative. Please identify assumptions about mitigative efforts such as risk communication or regulatory/land use changes.

Westergreen: The "no action" alternative will mean a gradual death of this area and no means to protect ourselves.

Outside of the Purview of SEPA or the Jurisdiction of Whatcom County:

Hale: Can project and program timeframes be extended to match the likelihood of several hundred years of continued erosion and redeposition?

Westergreen: If the basin is government's "no risk" solution for Swift Creek, how are they going to deal with the hundreds of other streams and soils in this country that have natural occurring asbestos and heavy metals? The laws and regulations that cover natural occurring asbestos needs to be looked at and updated.

Permits:

All agencies included comments related to required permits. Permit information will be incorporated into the EIS.

APPENDIX C:

Swift Creek Sediment Management Plan Public Scoping Meeting May 4, 2011

Oral Comments Submitted at the Scoping Meeting:

- Add alternative: dewater the slope to the greatest extent possible
 - Running slide water out of the basin and into another basin will get water off of the slide.
 - Use culvert to diver water away from the slide
- Funding: where would the money come from? Is a district being considered?
 - What have costs been in the past 50 years to deal with asbestos compared to the cost of dredging in the past 10 years?
- Divert clean water to Breckinridge Creek (put creek in a pipe over the pipeline) – will that help?
- Have studies been done to see if there have been cases of asbestos along Swift Creek?
- How will flooding and decimation of agricultural fields along Swift Creek be addressed?
- Has the land for the large basins been purchased yet? What will the cost be for building them?
- Test for asbestos has only been along Swift Creek. Because of Swift Creek, there are high levels of asbestos, the longer we don't manage the Swift Creek problem, the worse it will get along Swift Creek and the Sumas River.
- What happens if the sediment basins fail?
- How much has been spent on past studies? Why is this study needed?
- How much contact have you had with the BC government on this matter?
- Can we presume that the other agencies will on board with the decisions that result from the EIS? How long will it take before this results in any action on the plan implementation?
- Will the sediment basins affect the flow of water along Swift Creek?

- Are there any discussions on dredging the Sumas River in the EIS?
- Why hasn't the EIS been started sooner?

Written Comments Submitted at the Scoping Meeting:

- Effects to the alluvial fan CAO regulations: If sediment ponds are put in and there are no longer the fan characteristics, does the CAO no longer apply?
- Wetlands are being created by the current levees seeping onto dry land – now being regulated as a wetland where no jurisdictional wetland previously existed – County action is creating a regulatory taking of my land.
- Concerned that the sediment ponds will be an attractive nuisance: kids will be playing in the asbestos.
- Will the Railroad be impacted if the flooding is allowed to push into the Sumas River?
- NWCAA tested a home on N. side of S. Pass Rd. by request, zero asbestos in settled dust indoors.
- What will be the impact on fish and wildlife? (action or no action).
- Has the flood plain expanded in the last 50 years?
- How will the volume of water flowing down stream be effected by the basins?
- Is this a flood control plan as well as a sediment control plan?

SWIFT CREEK EIS SCOPING MEETING MAY 4TH 2011

NAME	Address	email
Joseph Knight	3880 Cabral Rd Everson	je.knight@broadcast.com
Peggy Knight	"	"
Richard Dahlgren	PO Box 363 Everson WA 98247	
Doug Davis	Noonach	
Bill Crofutt	3544 South Pass Rd Everson 98247	
Glenn Harvey	3630 Sorenson Everson	
Shirley Helwicks	3581 So Pass Rd EVERSON	
Teresa Helwicks	3025 S. Pass Rd EVERSON	
Rena Guerin	P.O. Box 530 Everson	
Pat Dykstra	3007 Cole Rd. Everson WA 98247	
Herb & Jan Hatch	9008 N Pass Rd Sumas	
Andy Fisher	8998 N Pass Rd Sumas	
VIRGINIA BETTENCOURT	3294 LINDSAY RD EVERSON	
Doug Campbell	1401 Astor St. Bellingham 98225	
Fred & Rose Schmidt	8263 Gillies Rd Everson 98247	
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Laurie Swartwood	3354 Berg Rd Everson	
LARRY & LIBBY MADES	-7689 OAT COLES RD - EVERSON	
Ed Bonebrake	7480 OAT COLES RD EVERSON	
Tam Westergren	PO Box 159 EVERSON	
Bob Bromley	P.O. BOX 343 Sumas	

Your input is appreciated.

Please print clearly so we may accurately record your comment.

WHAT WILL BE THE IMPACT ON FISH & WILDLIFE?
(ACTION OR NO ACTION)

HAS THE FLOOD PLAIN EXPANDED IN THE
LAST 50 YRS?

HOW WILL THE VOLUME OF WATER FLOWING
DOWN STREAM BE EFFECTED BY THE BASINS?

IS THIS A FLOOD CONTROL PLAN AS WELL
AS A SEDIMENT CONTROL PLAN?

Your input is appreciated.

Please print clearly so we may accurately record your comment.

N. side of
NWCAA tested a home on S. Pass Rd. by request
— across from SW Cr. piles.
Zero asbestos in settled dust indoors