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March 1, 2004

The Honorable Doug Sutherland  
Commissioner of Public Lands  
Department of Natural Resources  
P.O. Box 47001 I  
Olympia, WA 98504-7001

*RE: Burlington Northern and Santa Fe Railway*

Dear Mr. Sutherland

I'm writing both to praise the efforts of your local staff in working with the City of Bellingham and to suggest that we redouble this cooperative spirit with respect to a matter involving the Burlington Northern and Santa Fe Railway ("BNSFR"). I refer particularly to Bellingham's Waterfront Futures project, a joint effort led by the City and Port of Bellingham which has been significantly informed and assisted by DNR staff and which represents an unprecedented level of cooperation. I also refer to a matter recently and initially discussed by our staffs, the existence of BNSFR railway tracks and rock causeways over public Harbor Area and aquatic bed lands at four (4) locations on Bellingham Bay.

Bellingham is extremely proud of its efforts to increase public access to the bay shore and we are vigilant about protecting opportunities to expand public access over time. We are also undertaking a new and long term effort to define, and ultimately address, opportunities to protect and enhance aquatic habitat associated with our upland and tideland properties. The four Harbor Area locations are the Edgemoor and Tunnel Cove Lagoons, NE Chuckanut Bay and Teddy Bear Beach, all in the southern part of town and all presently unleased by DNR.

In 1970 residents of the Edgemoor neighborhood successfully sued BNSFR for Harbor Area, tideland and upland damages related to environmental degradation and obstruction of navigation, damages caused by the railroad causeway. DNR subsequently initiated a lease at this location, which has recently expired. (City and Edgemoor residents were well-served by the Commissioner of Public Lands, who used his leasing authority to discourage a BNSFR appeal of the court ruling.)

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Although construction of these railroad facilities apparently required federal permitting under the River and Harbor Act of 1899 none of the structures were permitted. The resulting damages to navigation and near shore habitat and obstruction of public access are significant matters for City residents and we feel a coordinated approach with BNSFR is essential for success in meeting our long term public access, habitat and public infrastructure objectives. Frankly, City planners and officials are best informed about what the public stands to lose or gain in this matter. I hasten to add that the public absolutely needs your support and leadership when it comes to matters of State real estate management; DNR must be our partner if we are to succeed in our efforts to build a better shoreline.

Over the past few years we have endured frustrating relations with BNSFR. However, as we have made incremental progress with several projects we have begun to learn how to locate and approach the right BNSFR officials. We believe this will be the key and we offer our experience in this matter to DNR.

In closing, please have someone from your office contact me about meeting to develop a unified approach to these railroad uses of Harbor Area; there are definite and very important opportunities to improve habitat and public welfare in connection with DNR leases.

Sincerely

***(Signature of Mark Asmundson)***

**Mark Asmundson, Mayor City of Bellingham**

CC: Sandie Koplowitz, Treasurer, Edgemoor Association  
Patricia Decker  
Richard McKinley  
Paul Leuthold