Appendix H

Agency and Elected Officials Scoping Comments

USDA United States Department of Agriculture | Forest Service | Columbia River Gorge National Scenic Area | 902 Wasco Street, Suite 200 Hood River, OR 97031 541-308-1700

File Code: 1900
Date: January 14, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

To Whom It May Concern,

The USDA Forest Service appreciates the opportunity to provide comments on the proposed Gateway Pacific Terminal/Custer Spur EIS, during the scoping phase of the EIS.

Our understanding of the project is as follows. Pacific International Terminals, Inc. is proposing to build a deep-water, multimodal terminal in Whatcom County, WA. The primary purpose of the terminal is to export and import multiple dry bulk commodities, including but not limited to coal, grain products, potash, and calcined petroleum coke. The terminal will include two materials handling and storage areas, a wharf, and access trestle. As a connected action, BNSF Railway has submitted an application to modify the Custer Spur which extends to the industrial areas of the Cherry Point Industrial Urban Growth Area. With regards to the coal commodity, at full capacity, the project is expected to increase regional rail traffic by 18 coal trains/day (9 arriving and 9 leaving), each approximately 1.5 miles long. The trains will travel on BNSF owned railroad tracks. The trains will originate from the coal mines of Wyoming, travel through Spokane, WA; and then continue through three possible routes: (1) through the Columbia River Gorge National Scenic Areas, (2) over Stevens Pass, and/or (3) over Stampede Pass. The trains will return via one of these routes, but not necessarily the same route.

The project is currently in the scoping phase of the EIS. All agencies and the public have an opportunity to provide input about the following:

- Probable impacts that should be considered in the Environmental Impact Statement (EIS),
- Suggested methods of analysis that should be used,
- Minimizations and mitigations measures that may reduce or eliminate the adverse impacts, and
- Suggested alternative to the proposal that should be considered,

The Forest Service is concerned with impacts associated with the trains as they travel through public lands managed by the Forest Service. Based upon the 2009 Washington State Rail System map (attached), the BNSF trains would pass through one or more of the following lands managed by the Forest Service: the Okanogan-Wenatchee National Forest, the Mt. Baker-Snoqualmie National Forest, and Columbia River Gorge National Scenic Area. The Forest Service is concerned about new fire starts, air quality impacts, invasive species and noise.

The increase in rail traffic will increase the probability of new fire starts and wildfires. Over the past ten years the Columbia River Gorge National Scenic Area has responded to 61 fires that have started on or near the railroad tracks. The fires can result from sparks emitted from rail grinding and welding activities, railcar brakes, and engine turbochargers. During dry and windy conditions the sparks can be blown for some distance causing fires both within and far beyond the immediate track area. It is our understanding that within the Columbia River Gorge, currently the vast majority of the grinding and welding happens outside of fire season. However, should additional rail traffic occur, as proposed, this would most likely lead to additional grinding and welding during fire season. The Forest Service would like the project proponent to conduct track maintenance activities outside of fire season (which is typically June through mid-October), as a means of minimizing new fire starts.

When initial fire starts occur on lands managed by the Forest Service, the agency dedicates its resources toward initial attack to suppress these fires. This not only adds burden to the human and financial resources of the agency, but also increases the risk to human life, wildlife, and property. Additionally, wildfires emit air pollutants including the release of smoke and greenhouse gases, both of which have potentially harmful direct or indirect effects.

Air quality is also a concern. Fugitive emissions of coal dust or other dry bulk commodities may occur from railroad cars as they pass through National Forest System lands. These emissions may result in reduced visibility and increased concentrations of particulate matter. The Columbia River Gorge Air Study and Strategy[1] (September 15, 2011) has a goal of continued improvement in visibility. Please describe how this project will be consistent with the goals of this strategy. Deposition of coal dust emitted may also pose unacceptable risk to the ecosystem depending upon the type of constituents and amount deposited. The Forest Service would like the project proponent to consider covering rail cars to reduce fugitive dust emissions as they pass through the CRGNSA.

Invasive species are an ongoing issue in the CRGNSA and are a concern with increased rail traffic and maintenance. Vegetation control measures should be designed in consultation with the Forest Service to ensure invasive species are not promoted from vegetation removal. Please identify potential mitigation measures which may be used to minimize the impacts from invasive species in the CRGNSA.

Noise is also a concern as increased frequency and magnitude may negatively affect the recreation experience in the CRGNSA. Please identify potential mitigation measures which may be used to minimize noise impacts in the CRGNSA.

[1] http://www.deq.state.or.us/aq/gorgeair/docs/11aq035_gorgeAirStudy.pdf

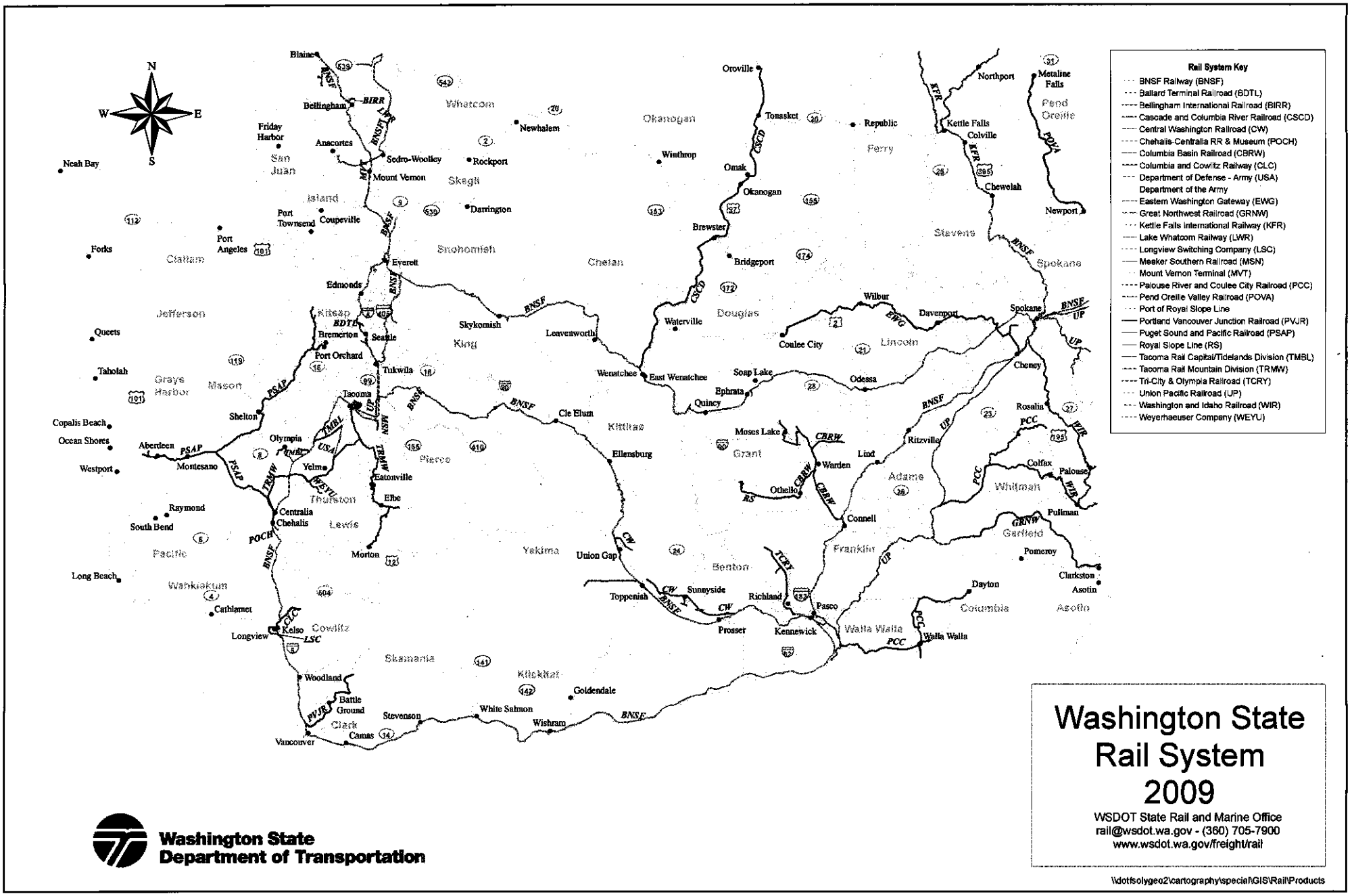
USDA United States Department of Agriculture | Forest Service | Columbia River Gorge National Scenic Area | 902 Wasco Street, Suite 200 Hood River, OR 97031 541-308-1700

We appreciate your consideration of these comments. Please direct any questions to Ms. Christine Plourde, Landscape Architect for the Columbia River Gorge National Scenic Area at 541-308-1713 or at cplourde@fs.fed.us.

Sincerely,

LYNN BURDITT
Area Manager
Columbia River Gorge National Scenic Area

Enclosure (BNSF rail routes in Washington)


Washington State
Rail System
2009
WSDOT State Rail and Marine Office
rail@wsdot.wa.gov - (360) 705-7900
www.wsdot.wa.gov/freight/rail
Rail System Key
BNSF Railway (BNSF)
Ballard Terminal Railroad (BDTL)
Bellingham International Railroad (BIRR)
Cascade and Columbia River Railroad (CSCD)
Central Washington Railroad (CW)
Chehalis-Centralia RR & Museum (POCH)
Columbia Basin Railroad (CBRW)
Columbia and Cowlitz Railway (CLC)
Department of Defense - Army (USA)
Department of the Army
Eastern Washington Gateway (EWG)
Great Northwest Railroad (GRNW)
Kettle Falls International Railway (KFR)
Lake Whatcom Railway (LWR)
Longview Switching Company (LSC)
Meeker Southern Railroad (MSN)
Mount Vernon Terminal (MVT)
Palouse River and Coulee City Railroad (PCC)
Pend Oreille Valley Railroad (POVA)
Port of Royal Slope Line
Portland Vancouver Junction Railroad (PVJR)
Puget Sound and Pacific Railroad (PSAP)
Royal Slope Line (RS)
Tacoma Rail Capital/Tidelands Division (TMBL)
Tacoma Rail Mountain Division (TRMW)
Tri-City & Olympia Railroad (TCRY)
Union Pacific Railroad (UP)
Washington and Idaho Railroad (WIR)
Weyerhaeuser Company (WEYU)
Washington State
Department of Transportation
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington State Habitat Office
510 Desmond Drive SE, Suite 103
Lacey, WA 98503

January 2, 2013

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Re: Scoping Comments on the Gateway Pacific Terminal/Custer Spur Environmental Impact Statement.

Dear Sir or Madam:

Thank you for giving us the opportunity to participate in the scoping process and comment on your Environmental Impact Statement (EIS). SSA Marine Inc. is proposing to build a multi-modal dry bulk commodity facility named the Gateway Pacific Terminal, which will include rail and vessel dock support in Ferndale, Washington. The in- and over-water structures will impact waters of the United States which support living marine resources at Cherry Point including federally protected fish and marine mammals. The State of Washington Department of Natural Resources manages the Cherry Point Aquatic Reserve where the pier is proposed.

The project also includes interrelated actions which were identified by the lead agencies in the EIS. The Burlington Northern-Santa Fe Railway (BNSF) will modify a six-mile-long rail connection from the Cherry Point industrial area to the BNSF mainline at the unincorporated community of Custer, Washington.

As noted in our Strategic Plan, the National Marine Fisheries Service (NMFS) is responsible for stewardship of the Nation's living marine resources and their habitats within the United States' Exclusive Economic Zone. Our mandates and authorities are derived from numerous statutes, most significantly the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA). The NMFS will also consult with tribes affected by this project as part of our federal treaty trust responsibilities. Under the ESA, the NMFS will consult with the Army Corps of Engineers, State of Washington Department of Ecology, and Whatcom County (collectively referred to as the Co-Lead Agencies) for the following species and critical habitats:

Table 1. Federally listed Threatened and Endangered Species.

Species	ESU or DPS	Original Listing Notice	Listing Status Reaffirmed	Critical Habitat	Protective Regulations
Chinook salmon (*Oncorhynchus tshawytscha*)	Puget Sound	3/24/99 64 FR 14308 Threatened	8/15/11 76FR50448 Threatened	9/02/05 70 FR 52630	6/28/05 70 FR 37160
Steelhead (*O. mykiss*)	Puget Sound	5/11/07 72 FR 26722 Threatened	8/15/11 76FR50448 Threatened	In development	9/25/08 73 FR 55451
Yelloweye rockfish (*Sebastes ruberrimus*)	Puget Sound/ Georgia Basin	4/28/2010 75 FR 22276 Threatened	Not applicable	In development	In development
Canary rockfish (*S. pinniger*)	Puget Sound/ Georgia Basin	4/28/2010 75 FR 22276 Threatened	Not applicable	In development	In development
Bocaccio rockfish (*S. paucispinis*)	Puget Sound/ Georgia Basin	4/28/2010 75 FR 22276 Threatened	Not applicable	In development	In development
Killer whale (*Orcinus orca*)	Southern Resident	11/18/2005 70 FR 69903 Endangered	January 2011 5 Year Review Endangered	11/29/2006 71 FR 69054	04/14/2011 76 FR 20870 ESA section 9 applies
Steller Sea Lion (*Eumetopias jubatus*)	Eastern DPS	11/26/1990 55 FR 49204 Threatened	05/05/1997 62 FR 24345 Threatened	08/27/1993 58 FR 45269	ESA section 9 applies
Humpback Whale (*Megaptera novaeangliae*)		12/02/1970 35 FR 18319 Endangered	Not applicable	Not designated	ESA section 9 applies
Blue whale (*Balaenoptera musculus*)		12/02/1970 35 FR 18319 Endangered	Not applicable	Not designated	ESA section 9 applies
Fin whale (*Balaenoptera physalus*)		12/02/1970 35 FR 18319 Endangered	Not applicable	Not designated	ESA section 9 applies
Sei whale (*Balaenoptera borealis*)		12/02/1970 35 FR 18319 Endangered	Not applicable	Not designated	ESA section 9 applies
Sperm whale (*Physeter macroephalus*)		12/02/1970 35 FR 18319 Endangered	Not applicable	Not designated	ESA section 9 applies

The NMFS will also conduct an Essential Fish Habitat (EFH) consultation with the Co-Lead Agencies for 46 groundfish, four coastal pelagic species, and three Pacific salmon species:

Table 2. Species of fishes found in Puget Sound with designated EFH.

Groundfish Species	redstripe rockfish *S. proriger*	Dover sole *Microstomus pacificus*
spiny dogfish *Squalus acanthias*	rosethorn rockfish *S. helvomaculatus*	English sole *Parophrys vetulus*
big skate *Raja binoculata*	rosy rockfish *S. rosaceus*	flathead sole *Hippoglossoides elassodon*
California skate *Raja inornata*	rougheye rockfish *S. aleutianus*	petrale sole *Eopsetta jordani*
Longnose skate *Raja rhina*	sharpchin rockfish *S. zacentrus*	rex sole *Glyptocephalus zachirus*
Ratfish *Hydrolagus colliei*	splitnose rockfish *S. diploproa*	rock sole *Lepidopsetta bilineata*
Pacific cod *Gadus macrocephalus*	striptail rockfish *S. saxicola*	sand sole *Psettichthys melanostictus*
Pacific whiting (hake) *Merluccius productus*	tiger rockfish *S. nigrocinctus*	starry flounder *Platichthys stellatus*
black rockfish *Sebastes melanops*	vermilion rockfish *S. miniatus*	arrowtooth flounder *Atheresthes stomias*
bocaccio *S. paucispinis*	yelloweye rockfish *S. ruberrimus*	
brown rockfish *S. auriculatus*	yellowtail rockfish *S. flavidus*	**Coastal Pelagic Species**
canary rockfish *S. pinniger*	shortspine thornyhead *Sebastolobus alascanus*	anchovy *Engraulis mordax*
China rockfish *S. nebulosus*	cabezon *Scorpaenichthys marmoratus*	Pacific sardine *Sardinops sagax*
copper rockfish *S. caurinus*	lingcod *Ophiodon elongatus*	Pacific mackerel *Scomber japonicus*
darkblotch rockfish *S. crameri*	kelp greenling *Hexagrammos decagrammus*	market squid Loligo opalescens
Greenstriped rockfish *S. elongatus*	sablefish *Anoplopoma fimbria*	**Pacific Salmon Species**
Pacific ocean perch *S. alutus*	Pacific sanddab *Citharichthys sordidus*	Chinook salmon *Oncorhychus tshawytscha*
quillback rockfish *S. maliger*	butter sole *Isopsetta isolepis*	coho salmon *O. kisutch*
redbanded rockfish *S. babcocki*	curlfin sole *Pleuronichthys decurrens*	Puget Sound pink salmon *O. gorbuscha*

The NMFS will evaluate the potential effects to all living marine species, namely all species listed above, by all construction and future operation of the proposed terminal, and all interrelated and interdependent actions including effects from transportation of products, which are reasonably certain to occur. The NMFS will also evaluate indirect and cumulative effects that potentially affect the marine species listed above, from activities that are reasonably certain to occur including but not limited to coal burning/consumption.

To meet the requirements of the ESA, MSA, and MMPA[1], the COE intends to conduct interagency consultations with NMFS regarding all marine species listed above. For a complete evaluation, NMFS requires adequate information on relevant changes to the environmental baseline which could have potential effects to protected species and their habitat. The EIS and biological assessment should include an accurate and thorough description of the environmental baseline, a complete description of all parts of the action, and details on how those actions affect the environmental baseline.

The environmental baseline describes the condition of the environment prior to construction and future operation of the project[2]. We are aware that SSA Marine is gathering physical and biological baseline data and information of the project site where the pier, rails, and storage areas are being constructed. SSA Marine Inc. (the applicant) is also collecting information where species will be affected by railroad modifications at Custer. We are aware that modifications at Custer will involve at least one water crossing, which may affect anadromous salmonids and that the EIS will address those effects. The proposed project is reasonably certain to create additional activities that will impact the environment further than the project location and Custer Spur.

The pier and facilities at Cherry Point are being built to facilitate shipment of bulk commodities overseas. The pier facilitates the larger action, which is the transportation of the product from the source to their customers overseas. The construction and operation of the pier and facilities at the Gateway Pacific Terminal depends on the transportation of these products. Therefore, the effects from transportation of the products are considered interrelated actions and require analysis under section 7 of the ESA. Transportation of the products includes vessel and rail traffic.

The applicant estimated the number of additional vessel crossings that the project will create. These vessel crossings are expected to add to the existing vessel traffic in the Salish Sea vessel lanes and off-shore within the EEZ. The off-shore crossings may overlap with migratory corridors of ESA-listed and non-ESA-listed whales. Please include information on transportation corridors including routes and number of crossings from the pier to the edge of the EEZ, characteristics of the vessels (speed, size, and sound produced), and any proposed conservation measures to minimize the risk of vessel collision with whales (e.g., routes that minimize overlap with migratory corridors, and slower speeds and watchstander protocols within

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[1] The NMFS is tasked with implementation of section 101(a)(5) of the MMPA of 1972, as amended (16 U.S.C. 1371(a)(5)), which provides a mechanism for allowing, upon request, the "incidental", but not intentional, taking, of small numbers of marine mammals by "harassment", referred to as Incidental Harassment Authorizations (IHAs) or Letters of Authorization (LOAs). Because ESA-listed marine mammals are protected under both the MMPA and ESA, take of these animals must be authorized under both Acts. Section 7(b)(4) of the ESA requires that any incidental take be authorized pursuant to section 101(a)(5) of the MMPA in order to also provide take exemption under the ESA. Please visit the website www.nmfs.noaa.gov/pr/permits/incidental.htm for more information on how to apply for an IHA or LOA for both ESA-listed and non-ESA-listed marine mammals that may occur in the area within which sound pressure levels are above the acoustic thresholds.

[2] The legal definition (non-plain language definition) of the "environmental baseline" includes the past and present impacts of all Federal, state, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of state or private actions which are contemporaneous with the consultation in process (50 CFR 402.02).

migratory corridors). The potential effects of increased vessel traffic include vessel strikes with marine mammals, prop wash, vessel noise to marine organisms, and vessel wakes which could strand fish, potentially alter vegetation growth (e.g., eelgrass), or cause shore erosion.

The construction and operation of the new facilities will increase rail traffic throughout the western United States as bulk commodities are transported to and from the facility and their sources. The NMFS is aware of major railroad routes along the Columbia River where numerous ESA-listed salmonids live and along the Puget Sound shoreline which provides important nearshore habitat for salmonids and forage. Please include information on the train routes and the anticipated number of crossings per day.

Construction of the new facility will also include pile driving, which can cause injury or disturbance to marine mammals and fish[3]. Please include information on pile driving sound, any proposed conservation measures to minimize sound levels and species exposure and evaluate effects to fish and marine mammals.

Studies have demonstrated tons of coal dust is often blown off storage piles, during intermodal transfer, and during transport. The applicant is proposing several measures such as covered belts to minimize dust and runoff. Nonetheless, wind drift will occur and must be estimated during each phase including rail and vessel transport, intermodal transfer, conveyer belt transfer, and storage. Studies have demonstrated tons of coal dust is often blown out of transport carts and onto environments adjacent to railways. Please also include proposed conservation measures to reduce wind drift and studies that support estimates.

The transportation of this coal facilitates the consumption of the products, which increases carbon emissions which may contribute to changes weather patterns, warmer waters, or ocean acidification; all of which can have measurable effects on protected species or their habitat. The NMFS recognizes climate change as a threat to the health of our oceans and our marine living resources. For a complete analysis of the effects of the project to our protected species and habitats, please provide an estimate the carbon output of burning the maximum capacity of coal shipped overseas[4].

The NMFS is aware that many impacts to the environment and effects to our protected species and habitats are unavoidable. However, under section 7 of the ESA, Federal agencies are required to avoid and minimize effects to threatened and endangered species. The NMFS requests alternatives and measures to minimize effects from every part of the proposed action, interrelated action, or future effects to living marine species. The proposed action will impact an extensive amount of upland wetlands. The applicant should propose alternatives to avoid as

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[3] Until formal guidance is available, NMFS uses conservative thresholds of sound pressure levels from broad band sounds that cause behavioral disturbance (160dBrms re: 1 μPa for impulse sounds and 120 dBrms re: 1 μPa for continuous sound) and injury (180 dBrms re: 1μPa for whales and 190dBrms re: 1 μPa for pinnipeds) (70 FR 1871). For activities that produce sound above acoustic thresholds, it will be necessary to evaluate sound propagation from the source and estimate the area within which sound levels are above the acoustic thresholds.

[4] Without an estimate of how much coal is being shipped annually, the NMFS must analyze worst case scenario erring on the side of caution and giving the benefit of the doubt to the species. The NMFS is aware of a contract with Peabody Energy for the shipment of up to 24 million tons of coal per year to overseas markets but maximum capacity could be up to 48 to 54 million tons.

much wetlands as possible to reduce their effects to water quality on site. We recognize the proposed project as a part of a larger action. The larger action (i.e., transport of products) will have effects far beyond the facilities being built and improvements at Custer. The applicants should propose alternatives to reduce effects (including but not limited to coal dust, vessel strikes, vessel wake) throughout the entire action including transportation from the source to the edge of the EEZ. Considering the extent of the action and the potential for fish bearing rivers and nearshore marine areas to be exposed to coal dust, the applicant should establish baseline conditions and monitor them throughout the life of the project to determine if minimization methods to reduce drift are properly working or to monitor toxicity from dust in riverine or marine settings. If drift suppression in any stage of transportation or storage is not meeting expectations, the applicant should have a contingency plan to either fix errors or stop shipment of the product until the issues are resolved.

The indirect and cumulative effects of shipping coal may have profound effects to living marine species worldwide and within our EEZ as coal is burned. The applicant should take steps to reduce the carbon footprint caused by the operation of their facilities. Assuming there will be little or no control of how the coal is consumed overseas, the applicant should propose measures to reduce carbon emissions within their company. This reduction could be accomplished by maximizing non-fossil fuel energy in any portion of their project from transportation to operation of the facilities at the Gateway Pacific Terminal, reducing present carbon emissions within their company (e.g., retrofitting existing buildings to become more energy efficient, or reducing carbon emissions from their present fleet of vehicles), purchasing carbon credits, purchasing or setting aside large forest tracts, or aiding research and development of "clean" energy.

The NMFS will continue to work with you throughout the EIS process, and consultations through the various laws and regulations under our purview. If you have any questions or comments regarding this letter or NMFS' involvement with this subject, please contact Joel Moribe of the Washington State Habitat Office at (206) 526-4359, or by electronic mail at joel.moribe@noaa.gov.

Sincerely,

Steven W. Landino
Director
Washington State Habitat Office

cc: Randel Perry, U.S. Army Corps of Engineers
Alice Kelly, State of Washington Department of Ecology
Tyler Schroeder, Whatcom County
Kate Hawe, NOAA, PRD

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

JAN 22 2013

In Reply Refer to:
13410-2011-TA-0254/13410-2011-CPA-0208

Colonel Bruce A. Estok
Seattle District, Corps of Engineers
ATTN: Regulatory Branch (Randle Perry)
P.O. Box 3755
Seattle Washington 98124-3755

Dear Mr. Perry:

Subject: Gateway Pacific Terminal/Custer Spur Modification Scoping Comments

Thank you for the opportunity to provide comments on the proposed Gateway Pacific Terminal and Custer Spur Modification proposals. The proposed action is located near Cherry Point, in Whatcom County, Washington. The following comments represent the U.S. Fish and Wildlife Office preliminary comments on the proposed action. We have structured our comments (Enclosure) based on your suggested outline that was provided at the Agency Scoping Meeting that we attending in Lacey, Washington, on November 9, 2012.

If you have any questions regarding our comments, please contact Nancy Brennan-Dubbs (360-753-5835) or Martha Jensen (360-753-9000) of my staff.

Sincerely,

for
Ken S. Berg, Manager
Washington Fish and Wildlife Office

Enclosure

Subject Area	Comments Related to Project Impacts	Data Needs
Action/Affected Area	The document needs to clearly identify the action/affected area due to the proposed action. This includes identifying changes in the operation and/or maintenance of existing facilities that are a result of the proposed action and the effects of those changes. These effects may occur outside of the proposed project area, including outside of Washington State.	How far from the proposed coal transfer facility will the direct and indirect effects of coal transport (rail and shipping) and transfer be measurable above current background levels? This analysis should include loss of coal dust, project-related increase in train and vessel traffic (including infrastructure upgrades, operation and maintenance etc), and impacts to air and water quality.
Federally Listed Species	The proposed action may affect federally listed species and critical habitat under the U.S. Fish and Wildlife Services' jurisdiction. Based on the information currently available, the marbled murrelet (*Brachyramphus marmoratus*), bull trout (*Salvelinus confluentus*), and bull trout critical habitat may be affected due to the construction and operation of the proposed action. Effects to these (and other) listed species and their designated critical habitat need to be full addressed. Negative effects to these species should be avoided and/or minimized. Additionally, the applicant should determine if the proposed action will negatively affect federally proposed species and address these as well. The document needs to address both direct and indirect effects associated with the construction and operation of the proposed action. For example, effects to prey organisms.	List and location of federal listed and proposed species and critical habitat that may be affected by the proposed action. The extent, duration, magnitude, and frequency of the effects, as well as any conservation measures to minimize or avoid these negative effects need to be provided.
Fish	Fully describe how overwater and inwater structures will be constructed. If piles are to be used, either temporarily or permanently, please provide the composition of piles that will installed (e.g., steel), any coating/treatment used on the piling (e.g., coal tar, chromated copper arsenate), the number of piles by size and composition to be installed per day, how the piles will be	Provide the distance from the pile to an underwater sound level of 183 dB SEL and 187 dB SEL, and 150 dBrms during pile driving. Provide values with and without anticipated attenuation.

	installed (e.g., impact driven), number of piles to be installed per day (impact vs vibratory), number of days of pile driving (impact vs vibratory) each year pile driving occurs, number of impact strikes per pile, duration (minutes) of impact pile driving and vibratory pile driving per day. We recommend that non-toxic material be used to protect piles and overwater structures to reduce the potential leaching of contaminants	
	We recommend that stream crossings be fully spanned. Use of culverts should be avoided due to the potential to create fish barriers if culverts are improperly installed and due to changes in the stream location over time.	
	Provide the inwater work windows that will be used for each waterbody to avoid/minimize effects to aquatic species.	Provide location of forage fish spawning and holding areas that may be affected by the construction and operation of the proposed action. Quantify effects of the action on marine forage fish species.
Birds	Fully describe how overwater and inwater structures will be constructed. If piles are to be used, either temporarily or permanently, please provide the composition of pile to be used (e.g., steel), coatings used on the piling (e.g., coal tar), the number of piles by size and composition to be installed per day, how the piles will be installed (e.g., impact driven), number of piles to be installed per day (impact vs vibratory), number of days of pile driving (impact vs vibratory) April 1 through September 30 and October 1 through March 31 of each year pile driving occurs, number of impact strikes per pile, duration (minutes) of impact pile driving and vibratory pile driving per day. We recommend that non-toxic material be used to protect piles and overwater structures to reduce the potential leaching of contaminants	Provide the distance from pile to an underwater sound level of 202 dB SEL and 208 dB SEL during pile driving. Provide values with and without anticipated attenuation. Provide the spectrum level of in-air sound at 3 kHz. Provide a sound analysis for other project-related sounds, such as train whistles, off-loading and transfer facilities, vessel operations, etc., especially in sensitive areas such as National Wildlife Refuges or communal roosting and nesting areas.
	If impact pile driving is proposed, the applicant should include measures to minimize the underwater and in-air sound pressures associated with the construction	

	and operation of the facility. Examples of minimization measures include the use of a bubble curtain, pile sleeve (e.g. with internal bubble curtain or insulation) and wooden block.	
	If there is a need to remove known or potential nesting habitat, this should occur before or after the nesting season to reduce the effects to migratory birds.	Identify sensitive bird locations such as bald eagle nest sites and winter roosting areas, great blue heron rookeries, winter waterfowl congregation areas etc. within the action area (affected area) and the potential effects due to construction and operation of the proposed action
Wildlife	Address the potential effects of increased wildlife collisions as a result of additional train traffic throughout the route. Measures to reduce and/or eliminate wildlife collisions should be considered, including fencing, overpasses, and underpasses.	Identify locations of potential or known wildlife migration/movement corridors along proposed railroad routes. Note that "wildlife" includes amphibians and reptiles in addition to mammals and birds.
Vegetation - Terrestrial	Provide the extent, by species, of terrestrial vegetation that may be affected by the proposed action. Include indirect and direct effects and minimization measures to avoid the impacts. For impacts that cannot be avoided, please provide a compensatory mitigation plan. We recommend that if the proposed action is likely to impact terrestrial vegetation that the applicant implements the mitigation prior to any impacts to reduce the effect of the action.	
Vegetation – Aquatic (marine and freshwater)	Provide the extent, by species, of aquatic vegetation that may be affected by the proposed action. Include indirect and direct effects, including effects associated with bisecting/isolating wetlands. Also provide minimization measures to avoid the impacts. For impacts that cannot be avoided, please provide a compensatory mitigation plan. We recommend that if the proposed action is likely to impact aquatic vegetation, including submerged marine vegetation such as eelgrass (*Zostera marina*) or macroalgae such	

	as bull kelp (*Nereocysts spp.)*, that the applicant implement the mitigation prior to any impacts to reduce the effect of the action.	
Contaminants	Address the potential for leaching from the open storage of coal into wetlands and waters of the United States. Include a description of specific measures that will be implemented to prevent leachate from entering wetlands and waters of the United States.	A list of chemical contaminants that would enter water bodies, including wetlands, concentration expected, and toxicity to aquatic and terrestrial organisms. Also include an analysis of the effects to aquatic and terrestrial organisms exposed to coal dust and associated chemicals, including through ingestion.
	Address the effects to water quality associated with coal dust during train and ship transport and its effects on aquatic organisms, including birds, fish, and invertebrates. The effects should address what the anticipated effects are over the life of the project.	A list of chemical contaminants that would enter water bodies (including wetlands), concentrations expected, and toxicity to aquatic and terrestrial organisms. Also include an analysis of the effects to aquatic and terrestrial organisms exposed to coal dust and associated chemicals, including through ingestion. Model direct and indirect effects to organisms associated with exposure to coal dust and other contaminants associated with increased coal transport (rail and ship) related to the proposed action.
	Include measures to reduce/eliminate coal dust during rail transport. If chemical measures are used, please address the potential toxicity of the materials used and their effects on aquatic and terrestrial organisms.	
	Include measures to ensure that railcars are free of coal when departing the off-loading facility. Some coal may remain in the railcars after unloading and continue to leach	

	chemicals and coal particles.	
Cumulative Effects	The proposed action is only one of several facilities proposed in Washington and Oregon for transporting coal and other commodities. Please address the cumulative effect of these facilities operating concurrently in the future, if built.	

United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
333 Bush Street, Suite 500
San Francisco, California 94104-2828

In reply refer to:
L76 (PWR-NR)

January 15, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

To Co-Lead Agency Representatives:

The National Park Service (NPS) appreciates the opportunity to participate in the scoping process for the Gateway Pacific Terminal/Custer Spur Environmental Impact Statement (EIS). Our comments cover five general categories: the scope of the EIS, air quality impacts, impacts on aquatic habitats and wildlife, effects on visitors to NPS areas and climate change.

Scope of the EIS

Five coal export terminals are currently under consideration in the states of Oregon and Washington. The Gateway Pacific Terminal near Bellingham, Washington, would have the capacity to export up to 54 million tons of coal per year—approximately five percent of the total amount of coal produced in the U.S. in 2011. Ambre Energy has applied for a permit to export 8.8 million tons of coal per year from the Port of Morrow Terminal near Boardman, Oregon. We understand Ambre Energy and Arch Coal are proposing to export 20-80 million tons of coal per year from the Millennium Terminal in Longview, Washington. Export capacity for the Coos Bay and Port of St. Helens projects in Oregon is unknown.

Given the potential for regional export of over 100 million tons of coal per year, the NPS is concerned these projects—both individually and cumulatively—could have significant long-term consequences for the residents, visitors, environment and cultural resources of the northern Rocky Mountains and Pacific Northwest. Therefore, we believe the U.S. Army Corps of Engineers, as lead federal agency, is obligated to coordinate with all involved state and local agencies in preparing a programmatic EIS that rigorously addresses the cumulative effects of all five export terminal projects in the region. The EIS should fully evaluate all direct and indirect effects of the coal export process, including railroad shipment from the Powder River Basin, terminal operations, marine vessel shipment and resulting pollutants emitted from Asian power plants.

Without knowing the proposed train and shipping routes and the ship refueling locations, we cannot identify all NPS areas that could potentially be affected by coal export from the Pacific

Northwest. A review of existing rail and shipping routes indicates coal export could affect up to a dozen NPS units in Montana, Idaho, Oregon and Washington. After transport routes have been identified, we can provide further information about which NPS areas should be evaluated in the Gateway Pacific Terminal/Custer Spur EIS and/or programmatic EIS for all five export terminal projects.

Air Quality

The 1916 Organic Act provides air quality protection in all units of the National Park System by directing the NPS to conserve the resources and values of parks in a manner that will leave them "unimpaired for the enjoyment of future generations" (16 U.S.C. 1). The 1977 Clean Air Act (CAA) amendments include additional requirements to "preserve, protect, and enhance the air quality" in 158 mandatory Class I national parks and wilderness areas (42 U.S.C. 7470 et seq.). The CAA also gives the NPS an "affirmative responsibility" to protect air pollution-sensitive resources, including visibility, streams, lakes, vegetation, soils and wildlife in Class I areas. Coal export through Pacific Northwest terminals could potentially affect air quality in four Class I areas—Glacier, Mount Rainier, North Cascades and Olympic National Parks (NP).

All national parks currently experience human-caused visibility impairment and many exhibit ecosystem effects from atmospheric sulfur, nitrogen and mercury deposition. In 1999, the U.S. Environmental Protection Agency promulgated the Regional Haze Rule, which requires each state to develop a plan to improve visibility in Class I areas, with the goal of returning visibility to natural conditions by 2064. We are concerned that air pollutants associated with coal export and consumption will further degrade visibility, affect sensitive waterbodies, and exacerbate mercury contamination in park wildlife.

The EIS should assess air quality impacts of coal dust from the rail cars and at the terminals; vehicle emissions from trains, ships (both in transit and at port) and motorized equipment at the terminals; and trans-Pacific transport of emissions from Asian power plants. Pollutants of concern include particulate matter, sulfur oxides, nitrogen oxides and mercury. The analysis should include all NPS units within 50 km of the rail lines and shipping channels, and all units within 100 km of the terminals. National Park Service staff can provide guidance on emission estimates, atmospheric modeling and natural resource impact assessments.

Aquatic Habitats and Wildlife

The EIS should evaluate potential impacts of the coal trains on water quality and wildlife in Glacier NP. The Burlington Northern Santa Fe railroad borders, and at times enters, the southern boundary of the park. The railroad is adjacent to Bear Creek and the Middle Fork Flathead River and it crosses several park streams. We are concerned about impacts on water quality and aquatic life from coal dust, diesel emissions and potential oil spills and train derailments. In addition, research has shown the current traffic level of about 30 trains per day affects wildlife movement and survival. For example, from 1999-2010, five out of 32 confirmed deaths of threatened grizzly bears in the northern Continental Divide ecosystem of Montana were due to collisions with trains (Mace and Roberts, 2011). Increased rail traffic could further restrict wildlife movement and increase mortality in and near the park.

The EIS should also analyze effects of the export terminals and increased ship traffic on aquatic habitats and wildlife in Puget Sound and the Columbia River, including the potential for shipping accidents resulting in coal and/or fuel spills. National Park Service areas with potentially affected shorelines and watersheds in the Puget Sound Basin include Ebey's Landing National Reserve, North Cascades NP, Olympic NP and San Juan Island National Historic Park (NHP). Parks in the Columbia River Basin include Fort Vancouver National Historic Site and Lewis and Clark NHP. The ecological integrity and associated human values of these NPS units are directly and indirectly linked to the overall health of Puget Sound and the Columbia River. The NPS is concerned that coal export could adversely impact the health of these waterways in several interrelated ways.

For example, we understand more than 400 Panamax class or Capesize class vessels are expected to dock at the Gateway Pacific Terminal each year. Comparing that number to the approximately 1,200 commercial vessels that visited the Port of Seattle in 2010 indicates this would be a significant expansion of shipping traffic in Puget Sound. A key attraction for visitors at San Juan Island NHP is watching marine wildlife, including the iconic Puget Sound orcas. We are concerned about potential harmful effects on endangered orcas from increased ship traffic, noise and loss of critical forage fish habitat at the proposed site of the Gateway Pacific Terminal. The potential for impacts to anadromous fish species such as salmon and steelhead should be evaluated because these species are vital to the regional economy, as well as being fundamental resources at Olympic NP, North Cascades NP and Lewis and Clark NHP.

Park Visitors

National parks provide outstanding recreational opportunities for both residents and out-of-state visitors. Park visitors are attracted by the prospect of enjoying unspoiled beaches, scenic vistas, historic landscapes, wildlife viewing, fishing and other activities. In 2009, there were more than 7.5 million visits to NPS areas in Washington alone, resulting in $248 million spent in local communities. The EIS should analyze the impact of increased train and ship traffic, and resulting effects on air quality, water quality and wildlife, on visitor use and enjoyment of affected NPS areas. Visitor safety is a concern at Glacier NP because several high use and developed areas are adjacent to the railroad tracks and more rail traffic increases the likelihood of derailments.

Climate Change

Residents of Oregon and Washington are concerned about climate change and both states recently passed regulations to reduce instate emissions of greenhouse gases. Conversely, the proposed coal export projects will increase greenhouse gas emissions. Coal export will also increase emissions of black carbon (soot), a climate forcing agent that warms the Earth by absorbing heat in the atmosphere. Black carbon deposition affects the timing and magnitude of snow and glacier melt, with resulting impacts on fisheries, hydroelectric utilities and recreation.

The effects of climate change are already apparent in national parks and the impacts are profound. In the Pacific Northwest, glaciers are retreating, patterns of precipitation are shifting, and flooding is occurring with greater frequency and magnitude. In the past decade alone, the NPS has spent nearly $50 million repairing damage from flooding at Mount

Rainier, Olympic, and North Cascades NPs. Predictions indicate the impacts of climate change are likely to worsen in coming years, and this presents unprecedented risks and challenges for the NPS. Given the magnitude of proposed coal export through the Pacific Northwest and the significant policy implications associated with the U.S. supplying coal to Asian markets, it is essential the EIS thoroughly evaluate project impacts on climate change.

We look forward to continued collaboration with the Co-Lead Agencies throughout the EIS process. If you have any questions about our comments, please contact Tonnie Cummings, Regional Air Resources Specialist, at 360-816-6201 or Tonnie_Cummings@nps.gov.

Sincerely,

Christine S. Lehnertz
Regional Director, Pacific West Region

cc:
Steve Gagnon
Lead for Port of Morrow Coal Terminal Project
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

Danette Guy
Lead for Millennium Coal Terminal Project
U.S. Army Corps of Engineers
2108 Grand Blvd.
Vancouver, WA 98661

Reference cited:
Mace, R. and L. Roberts. 2011. Northern Continental Divide Ecosystem Grizzly Bear Monitoring Team Annual Report, 2009-2010. Montana Fish, Wildlife & Parks, 490 N. Meridian Road, Kalispell, MT 59901. Unpublished data.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

January 22, 2013

Mr. Randel Perry
U.S. Army Corps of Engineers, Seattle District
Care of: GPT/ BNSF Custer Spur EIS Co-lead Agencies
1100 112th Avenue Northeast, Suite 400
Bellevue, Washington 98004

Dear Mr. Perry:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers' September 21, 2012 Notice of Intent to prepare an Environmental Impact Statement for the proposed Gateway Pacific Terminal Bulk Dry Goods Shipping Facility and the Custer Rail Expansion Projects (the Gateway Pacific project). This EIS will be prepared with the Washington Department of Ecology and Whatcom County as Co-Lead Agencies, leading to a single, comprehensive analysis of the potential environmental impacts of the proposal. EPA's comments are provided pursuant to our authorities under the National Environmental Policy Act, Section 309 of the Clean Air Act, the Clean Water Act and our responsibilities as a Cooperating Agency.

The purpose of an EIS is both to provide decision makers with necessary information regarding potential environmental impacts before a decision is made and to inform the public debate. The Gateway Pacific project is one of several terminal projects proposed in the Pacific Northwest to provide for the export of coal being extracted from the Powder River Basin. These proposed projects are of great interest to the local communities, and we appreciate your efforts to hold several public meetings during this scoping period.

EISs for projects of this magnitude regularly evaluate a broad range of potential environmental impacts. The EIS for this project should examine the direct environmental impacts from constructing and operating the new terminal and expanding the existing rail spur line, including the impacts to on-site wetlands (over 150 acres), streams and nearshore habitat, as well as habitat important to herring and salmon.

In addition to looking at direct impacts in the immediate vicinity of the proposed terminal, CEQ regulations (Section 1502.16) instruct agencies to consider other effects that are reasonably foreseeable. Thus, in addition to considering the impacts occurring at and near the site of the terminal, we recommend that the EIS evaluate the potential impacts along the full route associated with transportation of dry bulk goods, including coal, to the new terminal. That evaluation would appropriately include the potential increases in fugitive coal dust and diesel emissions that would accompany the additional rail traffic to the proposed new terminal, and the potential related human health impacts to communities along the proposed routes. These types of impacts are exactly the kind of reasonably foreseeable potential impacts that NEPA was designed to address.

Other reasonably foreseeable impacts that we recommend be evaluated in the EIS include the potential for effects in the United States from combustion of the exported coal. The anticipated use of the terminal is shipping bulk commodities, mostly low-sulfur, low-ash coal, primarily to Asia. Because pollutants,

including mercury, particulate matter and ozone precursors, can travel long distances in the air, we would recommend using existing models to review the reasonably foreseeable potential for air and water quality impacts in the United States. The life cycle greenhouse gas emissions associated with the project are also appropriate to consider in this analysis. The methodologies for conducting that analysis are available and well developed; the Corps could draw on good examples of life cycle greenhouse gas emissions done in NEPA analyses by other federal agencies.

EPA also recommends that environmental impacts from increases in regional rail traffic and combustion of coal in receiving markets be examined in the context of other proposed export facilities in the Pacific Northwest region, so that reasonably foreseeable cumulative environmental impacts from additional facilities can be understood before a decision is made, as NEPA contemplates. The cumulative effects analysis would appropriately include increases in regional train traffic and related air quality effects on human health, and the potential for effects to human health and the environment from increases in the long-range transportation of air pollution, including greenhouse gas emissions.

We also note that there are several Tribes that have expressed interest in the proposed project, and we believe it will be important that the Corps engage in meaningful government-to-government consultations with Tribes. In particular, we are aware that Tribes have raised questions over potential impacts to fish habitat and cultural resources from the terminal and increased marine traffic, in addition to the decreased water quality from fugitive coal dust.

We appreciate the coordination you have carried out to date, and we look forward to working with you as a Cooperating Agency in developing the EIS. EPA has expertise and data that may be useful to you in preparing your analysis of potential impacts, and we are prepared to provide technical assistance, including more detailed information on recommended approaches for modeling and predicting impacts and suggestions for potential mitigation measures. If you have any questions, please contact me or Christine Reichgott at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov.

Sincerely,

Dennis J. McLerran
Regional Administrator

U.S. Department of Housing and Urban Development

Seattle Regional Office
Seattle Federal Office Building
909 First Avenue, Suite 200
Seattle, WA 98104-1000

January 17, 2013

Alice Kelly, Northwest Regional Office, Department of Ecology

Randel Perry, U.S. Army Corps of Engineers, Regulatory Branch

Tyler Schroeder, Planning and Development Services, Whatcom County

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Subject: EIS Scoping Comments for Proposed Cherry Point Terminal

Dear Ms. Kelly, Mr. Perry and Mr. Schroeder:

The Department of Housing and Urban Development (HUD), Region 10, would like to submit comments with respect to the EIS scoping process for the Cherry Point Terminal in Washington State. HUD Region 10 covers the four states of Alaska, Idaho, Oregon, and Washington.

Our region would like the three Co-Lead Agencies, The U.S. Army Corps of Engineers, the Washington Department of Ecology and Whatcom County, to consider noise from the increased train traffic to the proposed port along the entire transportation route. We also request the Co-Lead Agencies to consider the cumulative impact of the three proposed Pacific Northwest port facilities in its EIS review.

Noise

The Project Information Document for the Gateway Pacific Terminal includes the following statement on noise: "Noise has not been re-evaluated since the 1996 Draft EIS. A complete study of the affected environment, an impact analysis, and evaluation of design features to reduce impacts, if necessary, is anticipated for completion in April 2011" (Section 5.15.1). The 1996 Draft EIS appears to focus primarily on construction noise. We strongly urge the Co-Lead Agencies to look at the noise from the increased train traffic along the entire transportation route.

HUD's concern is that the project will involve an increase in train traffic along population centers. The Project Information Document for the Gateway Pacific Terminal predicts there will be 18 train movements per day at the terminal (9 loaded trains arriving and 9 empty trains leaving), with most of these trains 8,500 feet long. A train this length has

approximately 147 cars, requires 4-5 locomotives and represents a significant increase in noise along the entire route from source to port.

When HUD funds housing or other noise sensitive uses such as nursing homes and daycare facilities, we are required to consider noise impacts to our projects. Our regulation (found at 24 CFR Part 51B) stems from The Noise Control Act of 1972 which applies to all federal agencies. We look primarily at noise from roads, railroads and airports. If the noise is greater than 65 decibels at a project site, we require either extensive noise mitigation for both indoor and outdoor uses or reject the project. In addition, our regulation requires us to encourage the control of noise at its source in cooperation with other Federal departments and agencies through comments on EIS reviews.

We therefore request that the EIS consider the noise impacts from the additional freight trains. The communities along the route could be at risk to lose future HUD funding for projects due to the increased noise from the train traffic. Rates of psychoacoustic impacts such as sleep loss, irritability, increased risk of hypertension, and reduced attention span could also rise. Considering the noise at the design and planning stage is the most cost-effective and responsible course of action. HUD believes that the noise impacts are most effectively mitigated at the source, rather than requiring existing housing and future development to react to the increased noise, either by precluding new housing or requiring expensive noise mitigation measures by the community rather than by the generator. We recommend that the project use HUD's 1991 Noise Assessment Guidelines (HUD-953-CPD(1)) to quantify the impact of the noise on intervening communities and the 2006 Federal Transit Administration Noise and Vibration Impact Assessment Manual (FTA-VA-90-1003-06) to assess the vibration impact. We also recommend that the project include noise barrier walls along population centers or areas slated for future development.

Cumulative Impacts

The Cherry Point Terminal is one of three deep-water ports with permit applications in Washington and Oregon. The number of trains passing through population centers in our region could therefore be many times the number discussed for the Cherry Point Terminal alone. HUD suggests the Co-Lead Agencies either include the cumulative impacts from all three proposed ports in this EIS, or conduct an Areawide EIS that covers all three ports. The train traffic from all three ports could have a significant noise impact on communities in our region and in order to accurately and comprehensively address this impact, it needs to be considered as a whole.

Thank you for your consideration. If you have any questions or would like to discuss this letter further, please contact Sara Jensen, Field Environmental Officer at 206-220-5226 or sara.jensen@hud.gov.

Sincerely,

Deborah Peavler-Stewart

Deborah Peavler-Stewart
Regional Environmental Officer

USDA United States Department of Agriculture | Forest Service | Columbia River Gorge National Scenic Area | 902 Wasco Street, Suite 200 Hood River, OR 97031 541-308-1700

File Code: 1900
Date: January 14, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

To Whom It May Concern,

The USDA Forest Service appreciates the opportunity to provide comments on the proposed Gateway Pacific Terminal/Custer Spur EIS, during the scoping phase of the EIS.

Our understanding of the project is as follows. Pacific International Terminals, Inc. is proposing to build a deep-water, multimodal terminal in Whatcom County, WA. The primary purpose of the terminal is to export and import multiple dry bulk commodities, including but not limited to coal, grain products, potash, and calcined petroleum coke. The terminal will include two materials handling and storage areas, a wharf, and access trestle. As a connected action, BNSF Railway has submitted an application to modify the Custer Spur which extends to the industrial areas of the Cherry Point Industrial Urban Growth Area. With regards to the coal commodity, at full capacity, the project is expected to increase regional rail traffic by 18 coal trains/day (9 arriving and 9 leaving), each approximately 1.5 miles long. The trains will travel on BNSF owned railroad tracks. The trains will originate from the coal mines of Wyoming, travel through Spokane, WA; and then continue through three possible routes: (1) through the Columbia River Gorge National Scenic Areas, (2) over Stevens Pass, and/or (3) over Stampede Pass. The trains will return via one of these routes, but not necessarily the same route.

The project is currently in the scoping phase of the EIS. All agencies and the public have an opportunity to provide input about the following:

- Probable impacts that should be considered in the Environmental Impact Statement (EIS),
- Suggested methods of analysis that should be used,
- Minimizations and mitigations measures that may reduce or eliminate the adverse impacts, and
- Suggested alternative to the proposal that should be considered,

The Forest Service is concerned with impacts associated with the trains as they travel through public lands managed by the Forest Service. Based upon the 2009 Washington State Rail System map (attached), the BNSF trains would pass through one or more of the following lands managed by the Forest Service: the Okanogan-Wenatchee National Forest, the Mt. Baker-Snoqualmie National Forest, and Columbia River Gorge National Scenic Area. The Forest Service is concerned about new fire starts, air quality impacts, invasive species and noise.

The increase in rail traffic will increase the probability of new fire starts and wildfires. Over the past ten years the Columbia River Gorge National Scenic Area has responded to 61 fires that have started on or near the railroad tracks. The fires can result from sparks emitted from rail grinding and welding activities, railcar brakes, and engine turbochargers. During dry and windy conditions the sparks can be blown for some distance causing fires both within and far beyond the immediate track area. It is our understanding that within the Columbia River Gorge, currently the vast majority of the grinding and welding happens outside of fire season. However, should additional rail traffic occur, as proposed, this would most likely lead to additional grinding and welding during fire season. The Forest Service would like the project proponent to conduct track maintenance activities outside of fire season (which is typically June through mid-October), as a means of minimizing new fire starts.

When initial fire starts occur on lands managed by the Forest Service, the agency dedicates its resources toward initial attack to suppress these fires. This not only adds burden to the human and financial resources of the agency, but also increases the risk to human life, wildlife, and property. Additionally, wildfires emit air pollutants including the release of smoke and greenhouse gases, both of which have potentially harmful direct or indirect effects.

Air quality is also a concern. Fugitive emissions of coal dust or other dry bulk commodities may occur from railroad cars as they pass through National Forest System lands. These emissions may result in reduced visibility and increased concentrations of particulate matter. The Columbia River Gorge Air Study and Strategy[1] (September 15, 2011) has a goal of continued improvement in visibility. Please describe how this project will be consistent with the goals of this strategy. Deposition of coal dust emitted may also pose unacceptable risk to the ecosystem depending upon the type of constituents and amount deposited. The Forest Service would like the project proponent to consider covering rail cars to reduce fugitive dust emissions as they pass through the CRGNSA.

Invasive species are an ongoing issue in the CRGNSA and are a concern with increased rail traffic and maintenance. Vegetation control measures should be designed in consultation with the Forest Service to ensure invasive species are not promoted from vegetation removal. Please identify potential mitigation measures which may be used to minimize the impacts from invasive species in the CRGNSA.

Noise is also a concern as increased frequency and magnitude may negatively affect the recreation experience in the CRGNSA. Please identify potential mitigation measures which may be used to minimize noise impacts in the CRGNSA.

[1] http://www.deq.state.or.us/aq/gorgeair/docs/11aq035_gorgeAirStudy.pdf

United States Department of Agriculture | Forest Service | Columbia River Gorge National Scenic Area | 902 Wasco Street, Suite 200 Hood River, OR 97031 541-308-1700

We appreciate your consideration of these comments. Please direct any questions to Ms. Christine Plourde, Landscape Architect for the Columbia River Gorge National Scenic Area at 541-308-1713 or at cplourde@fs.fed.us.

Sincerely,

LYNN BURDITT
Area Manager
Columbia River Gorge National Scenic Area

Enclosure (BNSF rail routes in Washington)

Rail System Key

- BNSF Railway (BNSF)
- Ballard Terminal Railroad (BDTL)
- Bellingham International Railroad (BIRR)
- Cascade and Columbia River Railroad (CSCD)
- Central Washington Railroad (CW)
- Chehalis-Centralia RR & Museum (POCH)
- Columbia Basin Railroad (CBRW)
- Columbia and Cowlitz Railway (CLC)
- Department of Defense - Army (USA)
- Department of the Army
- Eastern Washington Gateway (EWG)
- Great Northwest Railroad (GRNW)
- Kettle Falls International Railway (KFR)
- Lake Whatcom Railway (LWR)
- Longview Switching Company (LSC)
- Meeker Southern Railroad (MSN)
- Mount Vernon Terminal (MVT)
- Palouse River and Coulee City Railroad (PCC)
- Pend Oreille Valley Railroad (POVA)
- Port of Royal Slope Line
- Portland Vancouver Junction Railroad (PVJR)
- Puget Sound and Pacific Railroad (PSAP)
- Royal Slope Line (RS)
- Tacoma Rail Capital/Tidelands Division (TMBL)
- Tacoma Rail Mountain Division (TRMW)
- Tri-City & Olympia Railroad (TCRY)
- Union Pacific Railroad (UP)
- Washington and Idaho Railroad (WIR)
- Weyerhaeuser Company (WEYU)

Washington State Rail System 2009

WSDOT State Rail and Marine Office
rail@wsdot.wa.gov - (360) 705-7900
www.wsdot.wa.gov/freight/rail

Washington State Department of Transportation

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January 22, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2MHILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Dear Co-Lead Agencies:

Please accept these comments from the Washington Department of Natural Resources (DNR) regarding the scope of the Environmental Impact Statement (EIS) for the proposed Gateway Pacific Terminal/Custer Spur project at Cherry Point, Washington. DNR is the manager of over 3 million acres of state trust lands comprised of forest, range, commercial, and agricultural lands, and 2.6 million acres of state-owned aquatic lands. In addition, DNR administers the state Forest Practices Rules on more than 12.7 million acres of non-federal, public, and private lands.

DNR is committed to sustainably managing the state's resources, relying on sound science, and making transparent decisions in the public's interest and with the public's knowledge throughout the environmental review process. It is our goal to ensure DNR's management of state lands supports conservation and recovery of the health of Puget Sound. I have directed my staff to provide technical support to the co-lead agencies towards ensuring a robust, science-based and comprehensive environmental review process.

DNR is regarded as possessing special expertise under Washington state's environmental policy act rules, Chapter 197-11-920, Washington Administrative Code (WAC) related to the following areas: water resources and water quality of state-owned aquatic tidelands, shorelands, harbor areas, and beds of navigable waters; natural resources development; energy production, transmission, and consumption (geothermal, coal, and uranium); land use and management of state-owned or managed lands; recreation; and burning in forests. DNR is also an agency with jurisdiction for this project under Chapter 197-11-714(3), WAC. The proposed wharf and trestle would be located on state-owned owned aquatic lands, and a DNR lease will be required. DNR has designated the majority of the state-owned aquatic lands at Cherry Point as an environmental aquatic reserve to preserve, restore, and enhance its aquatic habitats and species. The Cherry Point Aquatic Reserve Management Plan (2010) serves as the guiding document for decision-making regarding the management and authorization of uses of the Cherry Point Aquatic Reserve.

The Custer Spur proposal would increase the number of tracks located on state trust lands at Elliott Yard. The existing DNR easement would need to be amended to address these modifications. The proponent will also need to submit a Forest Practice Application (FPA) prior

to any road building, timber harvest, clearing or other forest practice activities at the Gateway Pacific Terminal site.

DNR appreciates the opportunity to submit comments on the scope of the EIS, which are provided in the attachment to this letter. The attachment identifies project alternatives to the proposal that should be considered in the EIS. The comments that follow identify analyses for each element of the environment identified under Chapter197-11-444, WAC where DNR has identified probable, significant adverse impacts needing analysis in the EIS. For each issue of concern identified in this letter, DNR requests that the EIS identify the potentially affected resources, analyze the probable impacts to those resources, and identify measures to avoid, minimize and mitigate effects of the proposal. DNR may submit additional scoping comments as we increase our understanding of the proposal and its impacts.

Should you have any questions regarding this letter, please do not hesitate to contact my Deputy Supervisor, Megan Duffy, at (360) 902-1034.

Sincerely,

Peter Goldmark
Commissioner of Public Lands

PROJECT ALTERNATIVES

Pier Alignment and Design

The wharf and trestle area is proposed to be located in Cherry Point herring spawning habitat. Washington Department of Fish and Wildlife (WDFW) has previously identified an ecologically preferable location and alignment for the overwater structure 1,000 feet south of the proposed location, intended to reduce adverse impacts of the project to pre-spawning herring. The EIS should analyze the WDFW recommended alignment and other alignments, and assess the potential, adverse impacts and potential mitigation measures for each alternative. The EIS should include an alternative that is based upon a comprehensive analysis of herring migratory patterns from deep waters to the nearshore environment of the Cherry Point Aquatic Reserve. The design of this alternative should locate overwater structures to avoid disruption to these migratory patterns, either by the structure itself, or from the vessels calling in the proposed structure. Alternative overwater structure designs should also be evaluated to avoid and minimize impacts, such as decking material, artificial lighting, and other considerations.

Vessel Traffic

The project would generate a significant increase in traffic of large vessels at Cherry Point and through Puget Sound. A detailed vessel traffic analysis should be conducted using a robust model that relies on the most recent vessel tracking system data for all of the Salish Sea. The scope of the study should include all of the northern Salish Sea, including the projected increased traffic from shipping terminals in British Columbia, and evaluate multiple alternatives for reducing potential incidents, including routes, operations and traffic control.

Vessel Operations

The EIS should analyze alternative berthing times and seasonal restrictions to ensure that cargo vessel and tug operations do not adversely affect herring spawning behavior at Cherry Point.

Rail Corridor Expansion

Will the proposal require or likely result in an expansion of rail corridors beyond Custer Spur in order to transport the commodity materials to the Cherry Point terminal? If so, the EIS should analyze alternatives to the expansion of rail corridors along the Puget Sound shoreline that avoid impacts to nearshore habitat and water quality.

In evaluating alternatives, it is important to address the impact of bifurcation of state-managed lands due to corridor expansion on DNR's ability to manage these lands and avoid bifurcation to the greatest degree possible. What alternative alignments could prevent this bifurcation?

IMPACTS AT THE CHERRY POINT REACH

Natural Environment:

Earth

Sediment and Geomorphic Processes
The EIS should include a detailed analysis of the physical and geomorphological processes in the nearshore zone, focused on sediment transport processes, including potential redistribution or disruption of sediment flow by the overwater structure, potential changes in seasonal and overall net shore drift, and impacts to sediment input. The analysis should include spatially explicit mapping of sediment characteristics, beach geomorphology, bathymetry, and stability.

Waves and Prop Scour
The EIS should analyze adverse impacts of waves and prop scour generated by large vessels docking at the facility and tugs assisting with docking on sediment transport, bank erosion, and attached aquatic vegetation. How will the change in hydrodynamics from the in-water structures affect scour in the intertidal and shallow subtidal environments? How will waves, currents, and propeller wash change the sediment characteristics and hydrodynamic environment? How will aquatic vegetation and habitat for marine invertebrates be affected by changes in wave energy, sediment transport, or substrate? What is the likelihood that the project will require shoreline armoring in the future, due to operations, climate change, sea level rise, or other reasons, and how will impacts be mitigated?

The EIS should analyze the potential of wharf and pier construction or operations (including future maintenance, repair, and replacement) to disturb any contaminated sediments and how this will be mitigated.

Geologic Hazards
DNR has responsibility for obtaining, maintaining and distributing information and technical assistance regarding geologic hazards under the Geological Survey Act, Chapter 43.92, Revised Code of Washington (RCW). In addition to the objectives stated in Chapter 43.92.020 RCW, the geological survey must conduct and maintain an assessment of seismic, landslide, and tsunami hazards in Washington. This assessment must include the identification and mapping of volcanic, seismic, landslide, and tsunami hazards, an estimation of potential consequences, and the likelihood of occurrence. DNR recommends you analyze the potential for geologic hazards at the site using the following methodology:

a) Identify both shallow and deep-seated landslide hazards using DNR's GIS Statewide Landslide database and then create a site-specific geologic map. In areas with no existing landslide inventory, create a shallow landslide database using historic aerial imagery and other spatial data in a GIS.
b) Evaluate subaqueous landslide hazards using bathymetry or similar DEM data.
c) Identify potentially unstable slopes using DNR's Shalstab model or other comparable slope stability modeling program in a GIS.
d) Identify slope hazards associated with slope modification or vegetation removal at construction areas.

e) Evaluate earthquake hazards including earthquake-induced ground failures.
f) If dredging for port access, identify potential hazards to adjacent beaches and bluffs from loss of subaqueous buttressing, and
g) Identify tsunami inundation hazards from both local faults and a Cascadia subduction zone event, or through subaqueous or terrestrial landslides.

Plants and Animals

Baseline Study
The EIS should include a detailed baseline study of the area's biological resources, and analyze potential impacts, including, but not limited to: benthic habitats; shellfish resources; aquatic vegetation; forage fish spawning, pre-spawn holding areas, and forage fish migratory corridors; salmon; groundfish; marine mammals; and, seabird, seaduck, and shorebird communities. The project proponent should coordinate with DNR and WDFW regarding appropriate mapping methods for aquatic vegetation, geoduck and other shellfish resources, forage fish spawning areas, and benthic and epibenthic invertebrate abundance and distribution.

Shading
The EIS should analyze the amount of shading at each depth that will be generated by the overwater structure and moorage of vessels, including tugs and vessels that may perform maintenance on the conveyor belt or related to other wharf or trestle operations. What are the potential, adverse impacts of shading on marine resources, including, but not limited to: aquatic vegetation (including productivity), benthic habitats, forage fish pre-spawning and spawning behavior, and movement of juvenile salmonids, and how will they be avoided? How will shading be monitored over time to detect adverse impacts on aquatic vegetation (including eelgrass, kelp, and *Sargussum)* or fish species?

Construction
The EIS should analyze adverse impacts during construction of the wharf and trestle, and any future maintenance, repair, and replacement, from the presence of barges or other vessels used for construction. How will construction, design, and materials ensure avoidance of impacts to biological, chemical, and physical habitats, including, but not limited to: fish and wildlife, sediment transport, benthic habitats, and aquatic vegetation (including eelgrass, kelp, and *Sargussum*)? How will barge presence be limited in duration to mitigate adverse impacts, including shading, and noise?

The EIS should analyze the amount of noise likely to be generated during construction, future repair, maintenance, and replacement, and how the project will avoid impacts to herring, salmon, marine mammals, marbled murrelet, seabirds, and seaducks.

Operational Noise
The EIS should analyze the amount of noise that will likely be generated during operations by the loading and offloading of materials, transport through the conveyor system, docking and moorage of ships, and trucks, and other machinery at the terminal. What are the individual and cumulative impacts of noise generated from this project on herring pre-spawning and spawning

behavior, and other species, when considering industrial Cherry Point uses? How will these impacts be avoided? How will any changes in noise be monitored over time to assure there are no adverse impacts to herring? What options can be instituted to mitigate impacts?

Artificial Lighting
The EIS should analyze impacts of lighting proposed on the overwater structure and within 200 feet of the shoreline on herring, salmon, and other Cherry Point species. A study should be conducted to investigate the potential changes in species abundance and dominance resulting from increased prey access under artificial lighting and address ways to reduce or eliminate any identified impacts. How will any changes in lighting be monitored over time to assure there are no adverse impacts to herring or other species? Cumulative impacts should be modeled to determine what potential impacts, if any, one additional pier will have. Multiple options should be evaluated for avoiding or minimizing artificial light impacts, and recommendations should be included for adaptive management program to reduce long term effects of artificial light impacts.

Aquatic Vegetation
The EIS should analyze any potential for wharf and pier installation, operations, and future maintenance, repair, and replacement to scour sediments or disrupt or harm aquatic vegetation or other benthic habitats. How will impacts to aquatic vegetation damaged during construction or operations through displacement, shading, burial or scour be avoided?

A Joint Aquatic Resources Permit Application was submitted on April 6, 2011 that proposed compensation for up to 4,350 square feet of shading impacts to macroalgae. Is this compensation measure still proposed? Eelgrass is present at the site and will likely be disturbed. The proposed location of the macroalgae plots are too deep for eelgrass to grow. The project proposes to drop small to large cobble and small boulders on top of sandy substrate. The enhanced substrate is not conducive to eelgrass growth, and may increase the risk of attracting *Ulva*. The EIS should analyze compensation measures for aquatic vegetation based on recent surveys, and in coordination with DNR, WDFW, and permitting agencies. We encourage you to work with us when developing a monitoring plan that contains specific performance measures for any mitigated aquatic vegetation survival, complete with area, density and timeline of expected growth trajectory and a contingency plan in the event the mitigation does not succeed.

Biological Resources
The EIS should analyze how vessels, including barges, propose to navigate or dock on the landward sides of the wharf, and how adverse impacts of the proposed alignment and vessel operations on herring, salmon, marine mammals, aquatic vegetation, and other biological resources and species will be mitigated.

<u>Air</u>
The applicant estimates the proposal will generate up to 487 vessels to the Puget Sound area annually (not including the tugs to support them). These vessels will likely burn fuel that may contribute to localized air pollution or emission of greenhouse gases. This may result in pollutants entering surface waters through atmospheric deposition.

There is also the potential for localized ocean acidification to occur. Ocean acidification has the potential to cause significant ecological and economic losses for Washington. The EIS should analyze the impacts of engine exhaust from the cargo vessels and tugs in the Cherry Point vicinity and within the larger airshed on marine species, sediment and water quality, including ocean acidification. Opportunities to reduce carbon emissions at the site should be identified to minimize contributions to ocean acidification of state waters. What opportunities are available to maximize non-fossil fuel energy along the portions of the project located on state managed land?

Water

Hydrological Dynamics
The EIS should evaluate existing nearshore hydrological dynamics in the area. What is the potential of the overwater structure to disrupt water flow or other natural hydrological functions, to the beach and marine waters?

Point and Nonpoint Discharges
The EIS should analyze whether any stormwater, treated or untreated, point or nonpoint, or any other pollution sources, may enter marine waters as a result of the project. This includes stormwater that may be infiltrated in wetlands and seep to groundwater. How will adverse impacts be mitigated? The EIS should include an estimate of much rain is estimated to run off the wharf, trestle, and roadway, and the quality of the runoff. What are the potential, adverse impacts of untreated stormwater, including the roadway, from the wharf and pier on aquatic habitat and how will these impacts be avoided?

The EIS should include a characterization of the source, quality and quantity, and analysis of potential impacts of all stormwater runoff generated by the entire project that may enter state waters, whether treated or untreated. The EIS should analyze whether the conveyer belt and other overwater facilities will need to be cleaned or maintained and how any runoff from the conveyor belt will be prevented from entering marine waters.

The EIS should demonstrate how new point source discharge outfalls for stormwater will be designed to avoid or minimize individual and cumulative adverse impacts, which is required under the Cherry Point Aquatic Reserve Management Plan.

The EIS should analyze the increased risk of oil spills that may occur due to the increase in vessel traffic through Puget Sound.

Coal train cars are typically sprayed with surfactants to reduce coal loss. While the surfactant manufacturers claim that they are non-toxic to fish, there could be potential for non-lethal effects on fish-behavioral changes, or for deformities or other effects on fish. No shellfish data are available related to surfactants. Some surfactants, most notability Corexit, the surfactant used in the Gulf Oil spill, have been implicated in subsequent fish and shellfish deformities. The EIS should identify potential impacts of surfactants on fish and wildlife, including shellfish.

Cumulative Impacts
Stormwater and wastewater discharges can carry heavy metals and other pollutants that may be harmful to fish and wildlife. What is the individual impact, and what are the cumulative impacts of stormwater, other pollutants, and any other wastewater discharges generated by the project on marine waters, when considering all other stormwater and wastewater discharges in the Cherry Point vicinity? The EIS should include an ambient water toxicity study, using protocols accepted by Ecology and EPA to evaluate the cumulative effects of existing industrial wastewater and stormwater outfalls and groundwater seeps on near shore species survival and water quality. Caged mussel studies and/or harbor seal bioassays may be used as biological indicators of toxicity. Bioaccumulation of polycyclic hydrocarbons (PAH), pentacholorophenol (PCP), and heavy metals in caged mussels should also be conducted, and future PAH, PCB, and heavy metal concentrations should be modeled based on the various alternatives being considered.

Vessel Fueling and Pumpouts
The EIS should analyze where fueling of vessels will occur. What are the adverse impacts of any fueling activities? If the need for such a facility is identified in the future, how will potential, adverse impacts of spillage be avoided and mitigated? The EIS should analyze where vessels will pump out sewage and handle gray water. Is a sewage pumpout system proposed for the overwater structure? If so, how will potential spills be mitigated?

Coal Dust and other Commodity Material Drift
The EIS should analyze the amount of coal dust, large coal particles, or other commodity materials that may escape from the conveyor belt, the ship loader, or upland storage facilities, and the impacts of any escaped dust or materials on the aquatic environment. What is the potential for coal dust and other commodity particulates stored on the upland to enter marine waters indirectly by wind, surface water, or groundwater? What measures are in place to ensure the conveyor belt or loader does not malfunction, resulting in a spill outside the ship's internal containment facilities and into marine waters?

The EIS should analyze the potential for commodity materials to change the chemical environment of aquatic lands at Cherry Point, including pH. Some materials, such as inorganic sulfur like that found in coal, can react with chemicals in seawater to produce sulfuric acid, resulting in localized ocean acidification. In addition, coal particles may leach heavy metals into marine waters and sediments. The highest impacts here would be nearest the terminal. What might be the resultant impacts on fish and wildlife, and sediment quality? Studies have implicated coal in oxygen depletion. What is the potential for commodity materials to contribute to oxygen depletion or have a smothering effect on aquatic or upland habitats? What best management practices will be employed to collect dust and other commodity materials that may land on the facilities or vessels to prevent it from being washed or blown into the water or tracked onto the trestle? The EIS should describe measures to be instituted to prevent escape of coal dust, particles, and other materials into marine waters should a vessel collide with the overwater structure.

Ballast Water
The EIS should characterize all ballast water to be discharged into the marine environment, the adverse impacts of discharge, and how adverse impacts will be avoided. Will the ballast

monitoring standards of the Settlement Agreement be used? If not, how will ballast water quality be monitored to assure no adverse impacts to water quality over time?

Invasive Species
The EIS should analyze the potential for the project to introduce invasive species to the project site and Puget Sound and how will potential, adverse impacts be mitigated to prevent introduction. If an invasive species is found to occur on a vessel associated with the project, what actions will be implemented to prevent spread of the species into marine waters?

Stream Passage Structures
The rail line crosses over a stream at the Elliott Yard. The EIS should analyze the location and design of bridges and culverts needed for any new stream crossing. All structures should meet fish passage and hydraulic code requirements of the WDFW. Structures should be appropriately sized based of hydraulic calculations similar to those in the WDFW manual for 100-year flood plus debris events, regardless of fish presence. The project proponent should consult with WDFW and use appropriately sized round culverts on non-fish bearing streams and open bottom culverts or bridges for crossings on fish streams.

Built Environment

Environmental Health

Toxic Chemicals
The EIS should analyze the need for safeguards to prevent potential release of toxic chemicals associated with construction and future maintenance of cast-in-place concrete of the wharf and trestle. Will treated wood be used? What materials will be used for fenders? Some fender materials have the potential to leach PAHs or other toxic pollutants; please analyze how potential impacts will be avoided and minimized.

The project proposal will add to existing sidings at Elliot Yard. Historic siding locations have contributed to soil contamination due to petroleum and hazardous materials spills or leaks from short and long term sided trains and cars. The EIS should analyze the impacts to ground and surface water, soil and adjacent wetlands from the expansion of the Elliot Yard, and evaluate mitigation measures that reduce and prevent the potential for short and long term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup. We encourage the proponent to work with DNR to establish these measures to ensure they meet DNR requirements.

Land and Shoreline Use

Sea Level Rise
The EIS should analyze how many pilings will be installed and the construction methods, design, and materials to be used. How will the structure be designed to function at current and forecast sea levels based on most recent predictions from the ‘Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future’ (June 2012).

Transportation

Marine Vessels
The EIS should include a detailed vessel traffic analysis and assessment of traffic management needs. The analysis should provide information on vessel drift, ballast water management, frequency of entry, egress, and moorage time anticipated for the different types of vessels and sizes of vessels, and their potential impact on the marine environment (including aquatic natural resources). It should be based on a robust model that relies on the most recent United States Coast Guard vessel tracking system data for all of the Salish Sea, including existing or projected traffic from adjacent industrial facilities, the shipping terminals in BC, and nonindustrial vessels. The analysis should allow for comparison and aggregation with the BP vessel study. The scope of the study should include all of the northern Salish Sea, and not just the Cherry Point area. The study should evaluate multiple alternatives for reducing potential incidents.

The EIS should analyze the impacts of the increased vessel traffic, size of the vessels, and proposed vessel routes on fish and wildlife species and their habitats. The impacts of projected vessel traffic generated by the project on herring pre-spawning and spawning behavior should be analyzed. How will vessel operations be conducted during herring pre-spawning and spawning season to prevent impacts to herring? What are the cumulative impacts of projected vessel traffic generated by the project, and projected traffic for the region, on herring pre-spawning and spawning behavior, marine mammals, and other species? What are the impacts due to the increase in noise expected to occur within the Cherry Point area from increased vessel traffic approaching and leaving the facility? The EIS should also analyze the potential for vessel strikes to marine species in or adjacent to the Cherry Point Aquatic Reserve and how will they be avoided.

The EIS should analyze the potential for the project's proposed vessel operations to adversely impact or interfere with adjacent industrial operations, including facility access. If a vessel can't access one of the facilities and has to moor temporarily, how might this affect other industrial operations, vessels transiting through the Straits, or the risk of collision?

The EIS should analyze the potential for proposed vessel operations to interfere or tangle with crab pots and other fishing gear and result in an increase in derelict fish gear.

The greatly increased ship activity has the potential to impact sediment quality. Diesel burning by the ships can create greenhouse gases, PAHs and dioxins, which can contribute to localized ocean acidification as well as contaminate the sediments in the area through atmospheric deposition, especially if diesel fuel is burned while the container ships are idling while at the terminal. The EIS should analyze the cumulative impacts of engine exhaust from the cargo vessels and tugs, and upland machinery operations, and the potential for pollutants to enter Puget Sound and Pacific coast surface waters from atmospheric deposition, or from vessel machinery, or loading operations.

Historical and Cultural Preservation
The EIS should analyze impacts of construction and operations (including future maintenance, repair, and replacement) on cultural resources and tribal use. This analysis should be completed for the aquatic lands, the uplands areas subject to Forest Practices Permits, and the Elliott Yard easement area.

Recreation
What are the potential, adverse impacts of the project on existing public use and access, including recreational shellfish harvest? How will any impacts be mitigated?

Agricultural Crops
The EIS should analyze adverse impacts of the project on commercial shellfish harvest.

Natural Resources

Forests
As previously mentioned, the DNR Forest Practices Program is responsible for the implementation of the state's Forest Practices Act and rules (Chapter 76.09 RCW and Chapter 222, WAC). The rules provide the framework for the protection of public resources on all state and private forest land and are a responsibility of forest landowners, timber owners and operators when conducting forest practices activities. The project proponent will be required to obtain a forest practices permit for the conversion of forest to an industrial site

The DNR Urban and Community Forestry Program provides technical, educational, and financial assistance to encourage planting and maintenance and management of trees in the state's municipalities and counties and maximize the potential of tree and vegetative cover in improving the quality of the environment as codified in Chapter 76.15, RCW. DNR is the coordinator for the 2008 Evergreen Communities Act, which promotes healthy communities and urban forests. Urban forests have been identified as a valuable and potentially powerful tool to support economically viable and sustainable urban areas in Washington State (Dept. of Commerce, June 2009).

Additionally, DNR is coordinating the Urban Forestry Restoration Project (UFRP) to increase the health of urban forest in the Puget Sound Basin by providing funding to local governments to help restore ecosystem services through urban forest enhancements. Funding for the URFP is provided for in Engrossed Senate Bill 5127 (Capital Jobs Bill). Several communities in Whatcom County and the Puget Sound Basin receive assistance from DNR's urban and community forestry program and are participants in the ECA. Existing tracks bisect many of these communities and the proposed terminal site is considered a fragmented forest.

The project proponent should analyze or consider potential impacts to urban forests and ongoing restoration activities in Whatcom County and the Puget Sound Basin. Analysis of impacts should include, but should not be limited to: analyzing effects of permanent removal of urban and fragmented forests for new facilities and additional rail sidings; analyzing rail traffic increases along existing rail feeder tracks that may create fine particulates (dust)from the

shipping of bulk dry goods that may coat plant leaf area leading to a reduction of plant photosynthesis and respiration ability resulting in a decrease in urban forest health; analysis of forest health at the site and opportunities for improvement through restoration and enhancement activities.

Public Services and utilities
The existing rail system at Elliot Yard currently has 6 yard tracks and one mainline track within the easement area. The proposal would add one additional mainline and two yard tracks within the existing easement area for a total of 10 tracks. Total acreage in current permanent easement for "railroad purposes" is approximately 14.55 acres with a width of 240' and centerline length of 2648.73'. There is also a wetland mitigation easement connected to the SW portion of the railroad easement which is 2.6 acres (410' x 280').

The EIS should analyze whether the area of the easement would need to be increased to accommodate the construction, operation, and any future maintenance activities. This includes but is not limited to: all excavation of material, placement of construction materials and tracks, equipment movement and placement of equipment. The EIS should analyze how state resources, including wetlands and forests within and outside the easement area, will be protected. Will the project require re-configuring of existing wetlands? How will the wetlands mitigation easement be affected?

Fire Risk
The EIS should analyze additional wildlife risk for lands covered by DNR fire suppression responsibilities for the site location and along existing railways that will anticipate increased traffic. It is critical that all fire prevention laws and rules of the state be adhered to by construction contractors during facility clearing or construction, maintenance or use to prevent unnecessary risk to life and natural resources. The presence of additional rail sidings creates increased risk of wildfire through the use and maintenance of the siding. Chapter 76.04, RCW and Chapter 332-24, WAC provide contractor requirements regarding landowner and operator responsibilities related to fire prevention and fire hazard abatement. The EIS should identify all reasonable measures to prevent and minimize the start and spread of fire on to adjacent forested areas. Measures should include ensuring all vehicles carry a fire extinguisher of at least a 5 B/C rating and a serviceable shovel, following construction site safety operating procedures which should include compliance with the substantive requirements of Chapter 332-24-301, WAC (Industrial restrictions) and Chapter 332-24-405, WAC (Spark emitting requirements).

IMPACTS TO STATE MANAGED LANDS IN THE PUGET SOUND REGION

Natural Environment

Air
The EIS should analyze the adverse impacts of engine exhaust from the cargo vessels and tugs and its potential to enter Puget Sound and Pacific Coast surface waters from atmospheric deposition, including sediment quality, water quality, and localized ocean acidification. It should

also include analysis of the additional fossil fuels generated by the additional trains traveling over state managed lands and identify measures to reduce the project's carbon footprint.

Water
The EIS should evaluate the ways in which coal dust and other particulates may escape the train cars and enter Puget Sound surface waters, including wind, stormwater, and spills.

Plants and Animals
The EIS should analyze how the increase in traffic of large vessels may affect fish and wildlife, including migration, rearing, foraging, and spawning.

The existing rail system is located adjacent to the shoreline along much of Puget Sound, which is subject to frequent landslides. The EIS should analyze whether rail corridors may need to expand onto state-owned aquatic lands along other areas of Puget Sound to accommodate the project. If so, how much right-of-way onto state-owned aquatic lands is estimated to be required? What are the potential impacts of increasing the number of tracks on aquatic and uplands habitats managed by the State?

Built Environment

Environmental Health
The EIS should analyze the increased risk of oil spills that may occur due to the increase in vessel traffic through Puget Sound.

The EIS should analyze the potential impacts of increasing the number of tracks on aquatic and uplands habitats managed by the State along the existing rail corridor, or any alternative corridors that may be needed, including, but not limited to: habitat, cultural resources, water quality, and wetlands. Please refer to the previous comments regarding sidings and hazardous materials.

Please refer to the previous comments related to fire risk.

Natural Resources

Conservation Lands
DNR manages a statewide system of conservation lands, protecting some of the best remaining natural areas in Washington. These sites contribute to region-wide biodiversity conservation, while serving as baseline reference sites to guide the management of less pristine lands.
The EIS should analyze the potential impact on DNR Natural Resource Conservation Areas (NRCAs) and Natural Area Preserves along the rail corridor.

Please refer to the comments regarding the DNR Urban, Community, and Fragmented Forests program. The EIS should analyze impacts of forests that may be impacted due to expansion of the rail lines on state managed lands along the entire rail corridor.

IMPACTS TO STATE MANAGED LANDS STATEWIDE

Natural Environment

Earth
Please refer to the comments on geological hazards. Any expansion of rail lines over state managed lands should provide the recommended geological hazard analysis.

Plants and Animals

Rail Corridor Expansion
The existing rail system is located directly adjacent to the shoreline along the Columbia River, and other state managed rivers. The EIS should analyze how much right-of-way onto state-owned aquatic lands is estimated to be required to accommodate the increase in train traffic. What are the potential impacts?

What expansion of rail corridors is estimated to be needed on state-managed uplands throughout the state? How much right-of-way is estimated to be needed for each area? How will impacts to habitats be minimized and mitigated?

Stream Passage Structures
Please refer to the earlier comments regarding stream passage structures. Any new crossings on state managed lands will need to be consistent with WDFW requirements.

Habitat Conservation Plan
Washington's Trust Lands Habitat Conservation Plan (HCP) is an ecosystem-based forest management plan developed by DNR to provide habitat for species such as the Northern spotted owl, marbled murrelet, and riparian-dependent species such as salmon and bull trout. The HCP is a contract with the United State Fish and Wildlife Service (USFWS) and the National Ocean and Atmospheric Admiration (NOAA) providing protections for species listed as 'threatened' or 'endangered' under the federal Endangered Species Act (ESA). The HCP applies to 1.8 million acres of forested State Trust lands within the range of the Northern Spotted Owl. Under the HCP DNR was issued an Incidental Take Permit (ITP).

The EIS should analyze impacts on lands covered by DNR's HCP to demonstrate and document that the construction of a new facility near DNR managed lands and site expansion of existing facilities (railroad rights of way) on DNR managed lands will not adversely affect the agreement and the commitments made in the HCP, thereby affecting covered species. Additionally, it would be helpful for USFWS Section 10 representatives familiar with the upland HCP to be involved in any discussion with USFWS regarding DNR managed lands.

Water Quality
The EIS should analyze how much right-of-way onto state-owned aquatic lands is estimated to be required to accommodate the increase in trains? What are the potential impacts to water quality? Where relevant, the EIS should review existing studies from other parts of the country.

Natural Resources

Conservation Lands
The EIS should analyze the potential impact on DNR Natural Resource Conservation Areas Natural Area Preserves along the rail corridor. DNR can provide information on location of these upon request.

Biomass and Renewable Energy
Washington's forests have an abundant, renewable supply of woody biomass. Using some of this material for liquid transportation fuel, heating, and electrical power generation will play an important role in Washington's emerging green economy and help to address climate change. DNR's forest biomass initiative is occurring against a backdrop of existing state and federal policy direction, which act as guides to the emerging industry and signal opportunities for future expansion. The proposal states the new terminal would be used to ship dry bulk goods including coal.

The EIS should analyze the socio-economic impact to the Washington State biomass industry development of renewable fuel alternatives. The analysis should consider if increasing coal exports will delay the Washington state and regional biomass-to-fuel research and infrastructure investments in green technology and jobs, and if a new dry bulk terminal increases opportunities in infrastructure investments in green technology and jobs by providing a terminal to ship bulk dried biomass fuel pellets.

Built Environment

Environmental Health
Please refer to earlier comment related to siding locations. Any expansion of rail corridors on state managed lands to support the project should analyze the potential for soil contamination and include mitigation measures that reduce and prevent the potential for short and long term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup.

Land and Shoreline Use
How might the addition of 18 trains of 1.5 miles in length affect DNR's agricultural and commercial lessees' lands and the ability to get their commodities to the market?

What affect could increase in coal dust have on the health or productivity of forest and crops located on or directly adjacent to DNR managed lands?

Public Services and utilities

Fire Risk
Please refer to the previous comments regarding analysis of fire risks. Analysis and proposed mitigation measures should be undertaken that will anticipate increased traffic. Train cars carrying coal are not covered because of spontaneous combustion risks. The EIS should analyze

the potential increased risk of explosion and resulting wildfire from the addition of 18 trains per day through or adjacent to forest lands.

The trains may be up to 1.5 miles long, which could block street crossings. What is the potential impact of the increase and length of trains on DNR's ability to respond to wildfires?

Management of DNR Lands

What would be the impact of bifurcation of state-managed lands due to rail corridor expansion on DNR's ability to manage these lands? What alternative alignments could prevent this bifurcation?

Agricultural Crops

DNR manages approximately 1.1 million acres of agriculture land in the State. Commodities from these lands are typical with Washington grown products: tree fruit, grains, row crops, and cattle. In fiscal year 2011, $13 million in revenue was generated from the leasing of DNR manage agriculture lands. The lessees of these lands rely on transportation infrastructure such as highways and railways to move commodities to regional destinations or ports bound for international trade. The 2006 Statewide Rail Capacity and System Needs Study commissioned by the Washington State Transportation Commission identified several limiting factors regarding rail use and growth in the State. Specifically, the study highlights capacity issues on existing rail partly due to increases on Class I railroads in long-haul bulk and intermodal trains arriving from or departing to the mid-west and other states. According to the study, long-haul trains tend to be more profitable for rail companies and hence create an economic barrier for Class II short-haul trains that typically transport state grown agriculture goods and link to Class I railways. The report states: "The railroads are focusing on high-volume and long-haul services, but the state's industrial and agricultural shippers also need low volume and short-haul services".

The EIS should analyze impacts from increases in long-haul or intermodal trains to the proposed terminal and to the Washington State agriculture industries. Analysis should include, but not be limited to: socio-economic impacts to DNR agriculture revenues; potential for reduced crop productivity associated with coal dust particles; limits on access for purposes of managing DNR lands; reductions in the ability for producers to move goods to international ports due to increased congestion; and, opportunities to improve rail infrastructure. Mitigation measures should be identified.

The EIS should also analyze the impacts of coal dust on forests, agricultural crops, and other commercial uses of state managed lands throughout all rail corridors that would be used to move commodities going to the marine terminal. Studies have demonstrated significant amounts of coal dust may blow off coal train cars during transit.

STATE OF WASHINGTON

PugetSoundPartnership

LEADING PUGET SOUND RECOVERY

January 16, 2013

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RE: Scoping the Environmental Impact Statement for the Pacific Gateway Terminal at Cherry Point and Custer Spur Projects

Dear Ms. Kelly, Mr. Perry, and Mr. Schroeder:

Thank you for the opportunity to provide scoping comments on the Pacific Gateway Terminal and Custer Spur Projects. As both a state agency and a community of citizens, governmental agencies, tribes, scientists and businesses, the Puget Sound Partnership is charged with recovering the health of Puget Sound. To that end, we created a roadmap, the Puget Sound Action Agenda, to make Puget Sound healthy again. The Action Agenda identifies strategies and actions for protecting and restoring habitat, improving water quality, evaluating the status and identifying scientifically rigorous ways to improve the health of Puget Sound, communicating and empowering the public to behave in a way that supports Puget Sound's health, and using our resources effectively and efficiently. We believe strongly that working together we can have both a thriving economy and a clean and healthy Puget Sound.

The Pacific Gateway Terminal at Cherry Point and the Custer Spur projects are extraordinary actions that deserve thoughtful, methodical, and perhaps even ground-breaking consideration. The following is a suite of considerations, categorized by PSP's target areas, we believe critical for thorough evaluation in the Environmental Impact Statement (EIS) for the Pacific Gateway Terminal at Cherry Point and Custer Spur projects.

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www.psp.wa.gov office: 360.464.1231

General Considerations:

- What are the overall environmental impacts when considered together - from mining to transportation to export - and can these be evaluated collectively through an areawide EIS, similar to the Phosphate Mining EIS in Florida (http://www.phosphateaeis.org/)? What impacts would be considered through an areawide EIS that would not be considered under the current scope?
- How are the short and long term impacts of the projects being considered and is there adequate mitigation for both the construction based (e.g., site development) and long-term repetitive impacts (e.g., increased train and marine vessel traffic)?
- How will the terminal at Birch Bay and the spur contribute to climate change?
- How will the use of the terminal for coal transport contribute to climate change?

Protect and Restore Habitat Considerations:

- Will there be any changes in the management of the tracks that will impact marine or freshwater systems (e.g., more maintenance, more movement of sediment, etc.), including more shoreline armoring?
- How would the proposal change spill risks associated with increased vessel traffic?
- What are the potential impacts to streams and wetlands and how are the proposed mitigation measures adequate?

Water Quality Considerations:

- What are the potential impacts of the proposal on ocean acidification?
- How does this proposal (train traffic, vessel traffic, and facility operations) impact toxics delivery through stormwater and non-urban runoff?
- What is the potential for ship loading to spill coal or other materials into the Sound?
- What are the potential toxicity impacts to the fish populations in the Puget Sound related to these projects?

Species and Food Webs Considerations:

- What are the potential impacts of increased vessel traffic on eelgrass and forage fish populations, particularly Cherry Point herring?
- What are the potential impacts of construction of the terminal on eelgrass and forage fish populations, particularly Cherry Point herring?
- What are the potential impacts of increased train traffic on the feasibility of restoration opportunities along the BNSF railway, much of which is in critical estuarine habitat?
- What are the potential impacts (including human and environmental health) of coal dust resulting from transport?
- What are the potential impacts to wildlife along the transportation corridor?

Healthy Human Population Considerations:

- What impacts would the increased shipping and train traffic have on the communities throughout the Puget Sound?
- What are the tribal treaty and cultural issues related to the projects?

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Human Quality of Life Considerations:

- What will be the impact of train traffic on commuter rail traffic?
- What impacts would the increased train traffic have on automobile traffic, including emergency vehicles? Would it adversely impact quality of life or economics? What would be the impacts to air quality?
- What assurances are available around the long-term economic benefits of the projects to the Puget Sound? Will these jobs be unionized? And, will there be assurances that they will remain in Whatcom County or more broadly across Puget Sound?
- What impacts would the increased shipping traffic have on the maritime industry in the Puget Sound?
- What is the proposed approach for addressing railroad track maintenance and train derailment?
- What impacts would the increased train traffic have on maintenance of local roadways, and the resulting expense the local jurisdictions will pay for this maintenance?
- How does the proposal impact farms and livestock along the proposed route?

The Puget Sound Partnership anticipates that the issues above will be thoroughly evaluated along with all reasonable project alternatives. Further, the Partnership expects that the EIS will clearly and comprehensively outline how mitigation sequencing (avoidance, minimization, and compensation) is incorporated in each alternative. Please contact me at (360) 339-5861 or marc.daily@psp.wa.gov with any questions or for more information about the Puget Sound's Action Agenda and the decision around these projects for recovery.

Sincerely,

Marc Daily
Deputy Director, Implementation
Puget Sound Partnership

Cc:
Martha Kongsgaard, Chair Leadership Council
Commissioner Dave Somers, Chair Ecosystem Recovery Board
John Stein, Chair Science Panel

STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

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November 28, 2012

Mr. Randel Perry
Regulatory Branch
Seattle District, Corps of Engineers
PO Box 3755
Seattle, Washington 98124-3755

Re: Gateway Pacific Terminal & Custer Spur Project
Log No: 092611-10-COE-S

Dear Mr. Perry:

We want to thank you and Ms. Jodi Ketelsen for providing the Agency Scoping NEPA/SEPA documents for the proposed Gateway Pacific Terminal & Custer Spur Project Modification in Washington.

We offer the following comments for consideration in developing the Environmental Impact Statement:

- We believe a robust cultural resources study effort is necessary given the known and potential archaeological, historic, and traditional cultural resources documented in the identified Study Area.

- We are supportive of the Agencies identification of Cultural Resources as a Topic in the List of Commitments.

- Given this recognition of the importance of cultural resources, we believe to effectively craft the contents of the Cultural Resources section, will require the agencies to implement a proactive consultation plan to assure all the affected communities are identified early and are offered an informed consultation regarding the cultural resources that are at risk and methods to avoid, minimize, or mitigate impacts.

- This especially includes the Rail Routes in Washington State identified in your presentation and the potential impact upon National Register listed or eligible historic districts, Main Street program communities, and those jurisdictions with local historic preservation programs (i.e. Certified Local Governments) that may have locally designated historic properties located along the routes and the potential socioeconomic impacts to these resources. This analysis should examine both short and long-term effects of the construction and operation of the rail routes upon the viability and livability of affected areas.

- The scope of this project and the associated train traffic poses unique issues in developing the scope of the cultural resource studies including the need to address communities across the state that will witness changes in rail traffic including additional track right of way, spurs, and the associated impact from such train traffic including direct and indirect impacts such as vibration to historic structures, impact such as noise and traffic upon historic districts, and the impact to archaeological and historic properties due to accidents. This information will be critical in considering the development of the Area of Potential Effect (APE) for the Section 106 / National Historic Preservation Act compliance.

- We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800. Should additional information become available, our assessment may be revised. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,

Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 586-3080
email: rob.whitlam@dahp.wa.gov

Comment form

Please submit your comments on the Gateway Pacific Terminal/Custer Spur Environmental Impact Statement by January 21, 2013 to be included in the scoping summary report. Comments can also be submitted online at *www.eisgatewaypacificwa.gov*.

What part of the proposal does your comment relate to?

- ☐ Vessel
- ☐ Rail
- ☐ Industrial site
- ☐ Multiple/not listed
- ☒ All of the above

Does your comment relate to any of the following topic areas? (check all that apply)

Human environment

- ☐ Noise
- ☐ Air quality
- ☐ Human health
- ☐ Traffic or safety
- ☐ Other human environment topic

Natural environment

- ☐ Wildlife or vegetation
- ☐ Marine species, fish or fisheries
- ☐ Wetlands or streams
- ☐ Water quality
- ☐ Other natural environment topic

EIS Process

- ☐ Alternatives
- ☐ Areas of potential effect
- ☐ EIS regulatory process
- ☐ Other EIS process topic
- ☒ Cultural Resources

Please share your comments below: (comments can also be attached to this form)

Please ensure railroad/coal train impacts to historic districts (including those part of the Main Street program) are addressed. Also, please inventory and consider impacts to cultural landscapes both in Whatcom County & along the Columbia River gorge. There may also be impacts to inundated archaeological sites and/or marine shipwrecks. Finally, all affected Tribes will require a consultation process for effects to their Traditional Cultural Properties.

Since effects to the Nandakat Sound TCP could not be mitigated please understand why and how the Section 106 termination process occurred. There may be parallels.

Comment form

Please submit your comments on the Gateway Pacific Terminal/Custer Spur Environmental Impact Statement by January 21, 2013 to be included in the scoping summary report. Comments can also be submitted online at *www.eisgatewaypacificwa.gov*.

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EIS Process

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- ☐ Areas of potential effect
- ☐ EIS regulatory process
- ☐ Other EIS process topic

Please share your comments below: (comments can also be attached to this form)

Your comment sheet does not reference cultural resources. "Other human environment" is not specific enough to address culture, archaeology and historic districts. Section 106 requires public input. You will either need to revise this form or have separate public meetings throughout Washington State solely dedicated to cultural resource inputs. I do not think this form will survive a legal challenge under Section 106 of the National Historic Preservation Act. Please provide to the Dept. of Archaeology & Historic Preservation the plan for public involvement under Section 106.

First name: Allyson

Last name: Brooks

Email: allyson.brooks@dahp.wa.gov

Address: Dept. of Archaeology & Historic Preservation

City, State, Zip: P.O Box 48343, Olympia, WA 98504-8343

Phone: 360 586-3066

Would you like to be added to the mailing list? ☒ Yes ☐ No

Note: Any information provided to the agencies will be posted on the website and may be released to a third party as part of the agencies' record for this action. This includes the release of identifiable personal information such as personal name, address, phone number, etc., that is provided in the response.

US Army Corps of Engineers · Department of Ecology

Combined NEPA/SEPA

Environmental Impact Statement

Proposed Gateway Pacific Terminal/Custer Spur

Place Stamp Here

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2MHILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
PO Box 47890 • Olympia, Washington 98504-7890
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January 18, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, Washington 98004

Thank you for the opportunity to provide comments on the scope of the Environmental Impact Statement (EIS) for the proposed Gateway Pacific Terminal/BNSF Custer Spur project. The Department of Health's comments and recommendations are enclosed, as well as a list of studies you may find useful for getting more information on the health topics we discuss in our comments and recommendations.

For each health topic we address in our comments, we request the statement include an analysis of potential impacts on the health of the people of Washington, and identifying strategies to maximize positive health impacts and minimize negative health outcomes.

Our comments focus on public health impacts directly related to our scope of responsibility. We understand there are other concerns associated with the transport and subsequent burning of coal in Asia that may have global health effects including global warming, climate change and greenhouse gas emissions from coal extraction, processing, and burning of coal. These impacts may have far-reaching population health implications, including in this state.

This project involves transporting coal by train across the entire state to the Gateway Pacific Terminal project site. It includes the areas where coal will be loaded and the areas in and around the proposed shipping lanes. For these reasons, we request the scope of the statement include potential health impacts and mitigation strategies for the entire length of the statewide train corridor in addition to those at the project site. We also ask that the statement address the potential health impacts and risk reduction strategies in the Washington shipping lanes proposed for this project.

I urge the co-lead agencies to use a Health Impact Assessment for this project. Health Impact Assessment is a tool that communities and decision-makers can use to objectively evaluate the potential health effects of a project before it is built. Health Impact Assessment includes a process for bringing together public input and project-relevant data to make recommendations that maximize positive heath impacts and minimize adverse health outcomes.

If you have questions about these comments or need technical assistance from the state health department during the Environmental Impact Statement scoping process, please contact Peggy Johnson at 360-236-3053 or by email at peggy.johnson@doh.wa.gov.

Sincerely,

Mary C. Selecky
Secretary

Enclosures

cc: Maryanne Guichard, Department of Health
Peggy Johnson, Department of Health

Washington State Department of Health Comments on the Environmental Impact Statement (EIS) for the proposed Gateway Pacific Terminal/BNSF Custer Spur project
January 18, 2013

Air Quality – Coal Dust

During transport in open air rail cars, some of the coal becomes airborne, causing airborne coal dust. More coal dust will be generated at the port during loading and unloading operations and from uncovered coal stock piles. Coal dust would also be produced during ship transport. Airborne coal dust can be breathed-in by people in the vicinity of coal-carrying railway traffic and the port. Breathing coal dust is linked to respiratory diseases such as pneumoconiosis, chronic obstructive pulmonary disease, and decreased lung function.

The coal dust will settle and accumulate on land, with the highest deposits expected near the train tracks and unloading operations area. Wind and stormwater can cause coal dust to spread over larger areas of land and water. Coal contains lead, arsenic and mercury. Lead and mercury are neurotoxins that can damage the brain and nervous system. Exposure to lead is linked to anemia, decreased kidney function, and hypertension. Arsenic is a human carcinogen and is associated with lung, kidney, liver, and skin cancer. Ingesting arsenic can result in anemia, peripheral neuropathy, skin and vascular lesions, and liver and kidney damage.

The state Department of Health requests the EIS review human health impacts and provide an assessment of the risks of exposure to coal dust expected from the proposed coal transport and operations for the following exposure methods:

- Inhalation of airborne dust and its potential short and long-term health impacts on respiratory illnesses and lung function for residents along the rail lines and near the shipyard. The potential health impacts on rail and shipyard workers also should be determined.
- Ingestion and/or inhalation of lead, mercury, and arsenic from land contamination, consumption of food grown on this land and shellfish harvested from contaminated waters.

A full description of the chemical composition of the coal that will be transported should be included in the review to provide greater accuracy in risk assessment and characterization.

In addition we request that strategies to mitigate the impacts of coal dust inhalation and/or ingestion be included in the EIS.

Air Quality – Diesel Exhaust

Diesel exhaust will be generated by train and ship diesel engines used to transport coal and from heavy equipment used at the port facility. Diesel exhaust contains particulate matter, nitrogen oxides (NOx), sulfur dioxide (SO_2), and polycyclic aromatic hydrocarbon (PAHs). Diesel exhaust also contains known human carcinogens such as benzene and formaldehyde.

Diesel exhaust is a human carcinogen based on evidence linking it with lung and bladder cancers. Diesel particulates can cause lung damage, worsen allergies and asthma, and increase the risk of lung and cardiovascular diseases. It can decrease lung function and increase

susceptibility to respiratory infections. Fine particulate matter is associated with the development and worsening of respiratory and cardiovascular diseases, and lung cancer.

Air Quality – Vehicle Idling

Exhaust from idling vehicles is produced by trains, ships, and cars. Locomotives idle while waiting for other trains to clear the tracks. Trains and ships frequently idle their engines to maintain power or critical onboard functions. The project would substantially increase train traffic and cause automobile traffic delays at train crossings, resulting in pollution from idling vehicles. Idling vehicle emissions include volatile organic compounds, carbon monoxide, nitrogen oxides, and particulate matter. Volatile organic compound exposure is linked to liver, kidney, and nervous system damage. Carbon monoxide exposure is linked to headache, dizziness, confusion, nausea, and neurological and cardiac complications.

The state health department requests the statement review the potential health effects of diesel exhaust from train and ship operations and from the idling of trains, ships, and automobiles. We further request that the EIS include strategies to reduce the impacts on air quality caused by diesel exhaust and vehicle idling.

Noise

According to the World Health Organization, "Excessive noise seriously harms human health and interferes with people's daily activities at school, at work, at home and during leisure time. It can disturb sleep, cause cardiovascular and psycho physiological effects, reduce performance and provoke annoyance responses and changes in social behaviour." Studies have shown that as environmental noise increases, children's performance on tests of reading ability and memory decreases. Research also shows that noise from road traffic and airplanes can negatively affect cardiovascular health in adults, and may influence blood pressure in children. And studies have found links between environmental noise exposure and psychological health and feelings of well-being.

We request the statement include a complete assessment on the impacts of added noise on health from transporting coal across Washington and from the port operations involving transfer and loading of coal. A complete assessment should include the determination of current noise levels at different distances from the tracks and the port using standard metrics, such as day night averages and the projected noise levels from transporting coal and related port operations. The assessment should also include the cumulative impact of noise levels (i.e. current noise levels added to noise related to coal transport and related port activities) within specific ranges, given current housing patterns and location of schools and other critical facilities, such as hospitals, and emergency services. Strategies to address these impacts should also be included in the EIS.

Railroad Traffic – Access to Emergency Care

When emergency medical services must wait for trains at crossings, it increases the time it takes to reach patients in medical distress and/or the time it takes to transport patients to the hospital. The additional train activity of this project may affect community access to emergency care, both pre-hospital emergency medical and hospital care. Both are essential components of our emergency care system. Any delays in responding to requests for emergency medical services –

specifically responses to trauma, cardiac, and stroke-related incidents – can worsen patient outcomes. Patients in cardiac arrest are more likely to survive when paramedics or emergency medical technicians arrive quickly. Any delay in response also affects the emergency medical services providers' ability to quickly evaluate the patient's condition to best match their medical needs with the most appropriate hospital. When decisions on patient care are influenced by transport time rather than the best facility for the patient's condition, the likelihood of a poor outcome rises. Survival rates of trauma patients increase when the patient is taken to the right hospital in the right amount of time.

Railroad Traffic – Impact of Train Derailment on the Emergency Medical Services and Trauma System

Increased train traffic increases the chances of train derailment and subsequent release of hazardous material. Derailment impacts emergency medical services system by overloading local pre-hospital and hospital services with incoming patients. Excess patients and those requiring specialized medical or trauma services may require transport to hospitals outside the area, which exposes them to significant transport times. Release of hazardous materials can jeopardize the health and safety of response personnel as well as people in the derailment area.

The state health department requests the statement include an assessment of impacts of access to emergency care along the transport routes. We also ask that the statement include an assessment of the potential human health hazards directly and indirectly associated with train derailment. We further request that the EIS identify strategies to eliminate or minimize delays in responding to emergency requests for service.

Railway Traffic – Pedestrian Safety

With increased train traffic, there is a corresponding rise in the risk of traffic and pedestrian-related train collisions.

We request the statement include an assessment of the impact of increased train volumes on traffic and pedestrian safety, i.e. the potential increase in pedestrian and vehicle passenger injuries and fatalities. This evaluation should assess the safety of existing highway-rail crossings, considering safety infrastructure at the crossings and the safety history of each crossing along the proposed route. Potential solutions to address these risks should be included the EIS.

Railway Traffic – Recreation

Increased rail traffic from coal transport will likely impact enjoyment and participation of recreational activities in urban and rural areas along the railway and in the areas near the transport station. The noise, vibrations, and traffic from the railway will likely impact recreational access and enjoyment in these areas where residents enjoy walking, boating, fishing, cycling, and other physical activities as part of a healthy lifestyle. The Cherry Point Aquatic Reserve is currently used for fishing, crabbing, and boating. These recreational activities will be limited by construction of the industrial pier and the increased barge traffic. The physical and psychological benefits of recreation are well documented, as are the detrimental aspects of limited physical activity.

The state Department of Health requests the statement assess the impact of increased rail and cargo ship traffic on recreational activities along the proposed rail route and within Puget Sound. This analysis should include but not be limited to the effects on recreation in national forests, state and local parks, rivers, the Cherry Point Aquatic Reserve, recreational activities in city and county parks along the proposed transportation route, and in the immediate area where the transport station and pier are proposed to be located. We ask that mitigation strategies also be included in the EIS.

Economic Development and Employment

A population's health can be positively influenced by economic development and employment. During the proposed two-year construction period, there will be additional construction jobs plus indirect jobs from construction and local purchases. Once the transport operations begin, the community can anticipate ongoing direct and indirect jobs.

We ask that the EIS scope include the health benefits from increased economic development and employment.

Community Wellness

Consideration of public health goes beyond the above impacts. Based on the World Health Organization definition of health, "A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity," consideration must also be given to impacts on mental health and well-being.

Due to evidence linking the built-environment to population health outcomes, we ask that the statement assess the mental health and social well-being impacts of this proposed project.

Studies regarding health impacts referenced in the Washington State Department of Health EIS Scoping Comments on the Gateway Pacific Terminal/BNSF Custer Spur Project, January 18, 2013

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Noise

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Railroad Traffic - Impact of Train Derailment on the EMS and Trauma System

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STATE OF WASHINGTON

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January 22, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M Hill
1100 - 112th Avenue NE Suite 400
Bellevue, WA 98004

RE: Gateway Pacific Terminal Environmental Impact (EIS) Scoping Comments

Dear Co-Leads:

The mission of the Department of Commerce (Commerce) is to grow and improve jobs in Washington. To support that mission the department advocates growth-oriented policies that include efficient and effective regulation and investments in infrastructure. As the state's lead economic development agency, Commerce offers these comments to support the scoping of the environmental analysis of the proposed Gateway Pacific Terminal.

Commerce encourages the lead agencies to scope the analysis so the process is *efficient* in use of time and resources and *effective* in meeting requirements under state and federal law for a full and fair analysis of impacts. We frequently hear complaints from businesses that our regulatory processes on large projects such as this take longer and cost more than necessary to meet the standards in law. However, we also acknowledge that this project is substantially larger in scale and its impacts on the state's transportation system are more extensive than most projects and so its impacts are more complicated to assess. We encourage the lead agency to adopt a schedule that allows for a full analysis of significant impacts but one that also proceeds in a timely fashion and makes every effort to make efficient use of public and private resources.

The project has attracted controversy, in part, because of the proponent's intention to use the Gateway Pacific Terminal to ship coal to Asia. As the home of the state's energy office, Commerce acknowledges the large body of scientific evidence that links greenhouse gas (GHG) emissions from fossil fuels to climate change and rising global temperatures. Moreover, we have supported an array of policies to limit carbon emissions in Washington, the U.S., and the globe. In particular, we have analyzed policies and encouraged efforts to put a price on carbon in Washington, either through a cap-and-trade system or through a carbon tax. The efficient pricing of carbon emissions would help accelerate the transition to a low-carbon economy and give our region the best chance of maintaining the climate and sea levels on which our economy and existing settlement patterns depend.

While Commerce supports policies to put a price on carbon and reduce greenhouse gas emissions, we favor efforts to tackle those issues directly. Regulators increase risk and

uncertainty for project proponents of all types if they allow permitting decisions on individual projects to serve as proxies for bigger debates such as how to best reduce global reliance on fossil fuels. In particular, we recommend that the analysis of this project not establish new precedents under state law that would unduly burden a wide variety of future projects.

As a matter of policy, Commerce favors investments in needed infrastructure to support economic growth within the state. Washington is the state with the highest percent of its workforce tied to exports so Commerce is especially attuned to investments in port facilities that enable the state to sell goods and services to growing global markets. We therefore would typically support investments in terminals like Gateway Pacific that increase the capacity of the state to sell products abroad. This benefit of the project leads us to the first category of impacts that we encourage the lead agencies to consider:

Public Benefits of the Terminal Project

We encourage the lead agencies to gather data that will allow a full-description of the benefits of the project. Therefore, we support an evaluation of:

- Direct, indirect, and induced jobs and income during construction
- Direct, indirect, and induced jobs and income during operations
- Incremental state and local tax revenues during construction
- Incremental state and local tax revenues during operations
- Potential reductions in shipping costs for bulk commodities produced within Washington State due to the added capacity from the project

Public Costs ("Externalities") of the Project

Along with the benefits of the project, the analysis should also consider the potential public, private, and environmental costs associated with the project. Typically, an EIS will enumerate environmental impacts or what economists call the "externalities" associated with a project of this scale but an EIS will rarely express those impacts in dollar terms as would be done in a typical benefit-cost analysis. We encourage the lead agencies to evaluate and express environmental impacts in dollar terms to the extent that analytic methods will allow it. If that is not possible in the context of the EIS, then perhaps the analysis could enumerate the environmental impacts in a manner that makes it easier for an economist to analyze and assign dollar values for the purposes of estimating net public benefits (or costs) of the project.

We see three categories of externalities that the lead agencies should evaluate:

1. *Environmental impacts along rail lines and their effect on property values and human health.* Coal trains produce noise, vibration and dust in ways that affect people and property in proximity to the rail lines. In addition to estimating decibels, vibration levels, and concentrations of coal dust, we support analyzing how those physical changes influence the values of property close to the rail lines. Estimate of changes in property

values can be produced by appraisers or urban economists using econometric techniques that have been applied in other parts of the country. The scale of any potential changes in property values can guide decision-makers on whether mitigation is needed and, if so, the appropriate level. In addition, these impacts should be analyzed for their effect on human health and the health care system. The costs to be analyzed would include both health care costs and any income losses to households due to illness.

2. *Auto and truck congestion on road and ferry networks.* To the extent that coal trains travel over non-grade separated railroad crossings, they have the potential to delay the trips of auto, bus, pedestrian, bicycle, and truck travelers. This delay is measured in hours but can also be estimated in dollars using the operating costs and value of time for different vehicle types. The Puget Sound Regional Council maintains travel models that can provide information on travel values for vehicle types that could help with this analysis for rail crossing in the Puget Sound region and beyond.

3. *Rail car congestion on rail networks.* The project has the potential to increase the tonnage of rail traffic in the state by 24 percent to 46 percent according to the Washington State Department of Transportation. This level of increase in traffic has the potential to increase congestion and costs along the rail line for other shippers who use the same rail capacity. Products shipped by rail that originate inside the state as well as outside the state may incur increased shipping costs and those increased costs should be considered in the analysis. We also suggest the analysis include examination of any potential impacts on passenger rail services.

Analysis of these broader transportation network effects between the rail and road system should account for planned future uses in the proximity of rail lines. A range of future development projects are planned along rail corridors and the interaction of those projects and coal trains should be analyzed. The potential external costs of the coal trains fall not just on the residential, commercial, and industrial uses in place today but also on those uses planned for the future. Reviewing the permitting pipeline in jurisdictions along the relevant rail corridors should surface any important considerations here.

Impacts to existing and future public infrastructure facilities, utilities, and services should also be considered. In many cases, these facilities, utilities, and services are located on cross railroad right-of-way. Potential impacts to operation, maintenance, and future construction of such needed facilities should be analyzed in the EIS. The capital facility element and utilities element of comprehensive plans of affected local governments are a source of information for identifying those planned future uses.

To the extent that public infrastructure investments must be made at public expense to reduce choke points that enable the terminal project and its trains to operate, then those incremental public costs should be netted out of any increases in state and local tax revenue on the benefits side of the ledger.

We appreciate this opportunity to comment on the scope of work and stand ready to engage in the environmental review process as it proceeds.

Sincerely,

Rogers Weed
Director

cc: Daniel Malarkey, Deputy Director, Department of Commerce
Leonard Bauer, Managing Director, Department of Commerce

State of Washington
Department of Fish and Wildlife
P.O. Box 1100, 111 Sherman St. (physical address), La Conner, Washington 98257-9612

1/17/2013

Gateway Pacific EIS, c/o CH2M HILL
1100 112th Avenue NE
Suite 400
Bellevue, WA 98004

SUBJECT: WDFW Scoping Comments – Gateway Pacific Terminal/Custer Spur Environmental Impact Statement

Dear CH2M HILL,

The Washington State Department of Fish and Wildlife provide the following EIS scoping comments for your consideration.

WDFW'S REGULATORY AUTHORITY

Chapter RCW 77.55.021 Hydraulic Code
Chapter WAC 220-110 Hydraulic Code Rules
Chapter RCW 77.120 Ballast Water
Chapter WAC 220-150 Ballast Water Rules

GATEWAY PACIFIC TERMINAL

UPLAND FACILITY

UPLAND FACILITY DESIGN

1. Streams

Impact Statement

WDFW is concerned that the proposed upland facility will impact the existing riparian corridors, stream habitat, and stream hydrology at the project site.

Studies Needed

a. Hydraulic analysis of existing streams.
b. Baseline estimate of existing stream habitat and functions.
c. Baseline estimate of existing riparian habitat and functions.

Impact/Study Area

Upland area of the project site.

Mitigations

a. The upland facility will be designed to minimize, avoid, and reduce impacts to the baseline habitats and functions.

b. A mitigation plan will be developed and included in the facility design to replace the baseline habitats and functions that are unavoidably impacted, including compensation for temporal loss of function if needed.

c. Construction BMPs to protect the baseline habitats and functions will be developed during the design phase.

e. A post construction monitoring plan will be developed for a keystone habitat attribute and fish species.

References

a. WAC 220-110

b. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

c. WDFW Stream Habitat Restoration Guidelines, 2012.

c. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

2. Wetlands

Impact Statement

WDFW is concerned that the proposed upland facility will impact existing wetlands at the project site.

Studies Needed

Wetland Determination and Delineation.

Impact/Study Area

Upland area of the project site.

Mitigations

a. The upland facility will be designed to minimize, avoid, and reduce impacts to the baseline wetland habitats and functions.

b. A mitigation plan will be developed to replace the baseline wetland habitats and functions that are unavoidably impacted.

c. Wetlands and Habitat Mitigation Plan required in the Settlement Agreement Pacific International Terminals Shoreline Substantial Permit (SA) 2.1, Appendix A

d. The upland facility design will included the mitigations necessary to replace the baseline wetland habitats and functions that are unavoidably impacted.

e. Construction BMPs to protect the wetland habitats and functions will be developed during the design phase.

f. A post construction monitoring plan will be developed for a representative onsite wetland.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Preliminary Conceptual Compensatory Mitigation Plan, PIT, 2011

c. Wetland Determination and Delineation Gateway Pacific Terminal Property Whatcom County, WA. 2008. AMEC Earth & Environmental, Inc.

d. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

e. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

3. Wildlife

Impact Statement

WDFW is concerned that the proposed upland facility has the potential to adversely affect habitats or species considered by WDFW to be priority habitats and species (PHS), which may be present within the terrestrial environment of the proposed facility.

Studies Needed

The terrestrial environment within the proposed project site should be surveyed for the presence of WDFW PHS. Surveys should include an inventory of all PHS present on the proposed project site and should, at a minimum, include population numbers, distribution, and (as applicable) an account of life history stages and/or seasons in which priority species are present.

Impact/Study Area

The study area should encompass the entire terrestrial environment where the proposed upland facility is to be constructed.

Mitigations

a. Design upland facility to minimize impacts to Priority Habitats and Species within the study area.

b. Incorporate noise abatement, coal dust management, pollution control, stormwater management and spill response planning into the design of the upland facility.

References

a. WDFW Priority Habitats and Species List.

b. WDFW Management Recommendations for Washington's Priority Habitats.

c. WDFW Management Recommendations for Washington's Priority Species.

4. Fish

Impact Statement

WDFW is concerned that the proposed upland facility will impact fish species that may be present in the streams at the project site.

Studies Needed

a. Monthly fish sampling in project site streams for a one year period.

b. Conduct a stream habitat assessment for each stream at the project site.

Impact/Study Area

Streams within the upland area of the project site.

Mitigations

a. The upland facility will be designed to minimize, avoid, and reduce impacts to the baseline stream habitats and functions.

b. A mitigation plan will be developed to replace the baseline stream habitats and functions beneficial to fish life that are unavoidably impacted including riparian corridor functions.

c. The upland facility design will included the mitigations necessary to replace the baseline stream habitats and functions beneficial to fish life that are unavoidably impacted.

d. Construction BMPs to protect fish life will be developed during the design phase if necessary.

e. A contingency mitigation plan will be developed during the design phase to compensate for mitigation actions that do not perform satisfactorily, as defined during the design phase.

References

a. WAC 220-110

b. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

c. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

d. WDFW Stream Habitat Guidelines, Chapter 3, 2012.

e. WDFW Stream Habitat Restoration Guidelines, 2012.

5. Coal Dust

Impact Statement

WDFW is concerned that the coal dust generated during the transfer and storage operations at the upland facility will impact habitats and functions of the existing streams and wetlands at the project site.

Studies Needed

Review of literature documenting successful coal dust management strategies.

Impact/Study Area

Upland area of the project site.

Mitigations

a. The upland facility will be designed to minimize coal dust escaping the transfer and storage areas.

b. BMPs for managing coal dust at the upland facility will be identified during the design phase.

c. A post construction monitoring plan will be developed to measure the deposition of coal dust at increasing distances from the coal storage and transfer area.

d. A contingency mitigation plan will be developed during the design phase to compensate for mitigation actions that do not perform satisfactorily, as defined during the design phase.

References

a. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

6. Noise

Impact Statement

WDFW is concerned that the noise from proposed upland facility will impact Priority Habitats and Species (PHS) that may be present at the project site.

Studies Needed

Review of literature documenting successful noise reduction strategies for upland bulk commodity transfer facilities.

Impact/Study Area

Upland area of the project site.

Mitigations

a. The upland facility will be designed to minimize noise from the transfer and storage areas.

b. BMPs for managing noise at the upland facility will be developed during the design phase.

References

a. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

b. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

7. Stormwater

Impact Statement

WDFW is concerned that the stormwater runoff from the constructed facility will impact the wetland, streams and marine environment at and in the vicinity of the project site.

Studies Needed

None

Impact/Study Area

Upland area of the proposed project site.

Mitigations

a. A Stormwater Management Plan will be developed in accordance with Whatcom County Standards, DOE Stormwater Guidelines, and Appendix F of the Settlement Agreement (SA 2.8.c) during the design phase.

b. The upland facility will be designed to include the stormwater management elements identified in the Stormwater Management Plan.

c. Construction BMPs to manage stormwater will be developed during the design phase.

d. A post construction monitoring plan will be developed to measure compliance with stormwater requirements.

e. A contingency plan will be developed during the design phase to compensate for stormwater management elements that do not perform satisfactorily, as defined during the design phase.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Whatcom County Development Standards.

c. Washington State Department of Ecology Stormwater Guidelines.

UPLAND FACILITY CONSTRUCTION

1. Streams

Impact Statement

WDFW is concerned that construction of the proposed upland facility will impact the existing riparian habitat, stream habitat and stream hydrology at the project site.

Studies Needed

None.

Impact/Study Area

Upland area of the project site.

Mitigations

a. Implement construction BMPs developed during design phase.WAC 220-110.

b. Implement the mitigations necessary to replace the baseline habitats and functions that are unavoidably impacted.

References

a. RCW 77.55.021

b. WAC 220-110

c. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

d. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

e. WDFW Stream Habitat Restoration Guidelines, 2012.

2. Wetlands

Impact Statement

WDFW is concerned that construction activities associated with the proposed upland facility will impact the existing wetland habitats at the project site.

Studies Needed

None.

Impact/Study Area

Upland area of the project site.

Mitigations

a. Implement requirements of the Wetlands and Habitat Mitigation Plan developed during the design phase. SA Section 2.1, Appendix A.

b. Implement construction BMPs developed during design phase to protect wetland habitats and functions.

c. Implement the mitigations necessary to replace the baseline wetland habitats and functions that are unavoidably impacted.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23

b. Preliminary Conceptual Compensatory Mitigation Plan, PIT, 2011

c. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

d. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

3. Wildlife

Impact Statement

WDFW is concerned that the construction of the proposed upland facility has the potential to disturb or displace Priority Habitats and Species, which may be present within the terrestrial environment of the proposed facility.

Studies Needed

None

Impact/Study Area

The study area should encompass the terrestrial environment where the proposed upland facility is to be constructed and include areas impacted during facility construction. This should include layout and staging areas, and areas adjacent to the construction site that will be affected by noise, vibrations, runoff, or other potential "off-site" impacts potentially affected during project construction.

Mitigations

a. Implement BMPs that reduce and minimize the potential disturbance or displacement of Priority Habitats and Species.

b. Optimize project timing and construction sequencing, minimize staging area footprint, and utilize standard construction best management practice to reduce, minimize or avoid impacts to Priority Habitats and Species.

References

a. WDFW Priority Habitats and Species List

b. WDFW Management Recommendations for Washington's Priority Habitats

c. WDFW Management Recommendations for Washington's Priority Species

4. Fish

Impact Statement

WDFW is concerned that the construction activities associated with the proposed upland facility will impact fish species that may be present in the streams at the project site.

Studies Needed

None.

Impact/Study Area

Streams at the upland area of the project site.

Mitigations

a. Implement construction BMPs developed during design phase. WAC 220-110.

b. Implement the mitigations necessary to replace the baseline habitats and functions that are unavoidably impacted.

References

a. RCW 77.55.021

b. WAC 220-110

c. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

d. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

e. WDFW Stream Habitat Restoration Guidelines, 2012.

5. Noise

Impact Statement

WDFW is concerned that the noise of the construction activities associated with the upland facility will impact keystone PHS species that may be present at the project site.

Studies Needed

None.

Impact/Study Area

Upland area of the project site.

Mitigations

a. Implement construction BMPs developed during design phase to reduce noise related impacts to keystone PHS habitats and species at the project site.

b. Construct the upland facility features designed to minimize noise from the operation of the transfer and storage areas.

References

a. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

6. Stormwater

Impact Statement

WDFW is concerned that the stormwater runoff during the construction of the upland facility will impact the wetland, streams and marine environment at and in the vicinity of the project site.

Studies Needed

None

Impact/Study Area

Upland area of the proposed project site.

Mitigations

a. Construct the upland facility features designed to manage stormwater from the upland site.

b. Implement the construction BMPs identified in the design phase to manage stormwater during the construction phase.

References

a. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

UPLAND FACILITY OPERATION

1. Streams

Impact Statement

WDFW is concerned that operation of the proposed upland facility will impact the existing streams and stream hydrology at the project site.

Studies Needed

None.

Impact/Study Area

Upland area of the project site.

Mitigations

a. Implement the monitoring plan for a keystone stream habitat attribute developed during design phase.

c. Monitoring the mitigations constructed to replace the baseline habitats and functions that are unavoidably impacted.

b. Implement the contingency elements of the monitoring plan as required.

References

None.

2. Wetlands

Impact Statement

WDFW is concerned that operation of the proposed upland facility will impact the existing wetland habitats at the project site.

Studies Needed

None.

Impact/Study Area

Upland area of the project site.

Mitigations

a. Implement the requirements of the Wetlands and Habitat Mitigation Plan developed during the design phase. SA Section 2.1, Appendix A.

b. Monitor the mitigations constructed to replace the baseline habitats and functions that are unavoidably impacted.

d. Implement the contingency elements of the monitoring plan as required.

e. Implement the monitoring plan for a keystone stream habitat attribute developed during design phase.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23

b. Preliminary Conceptual Compensatory Mitigation Plan, PIT, 2011

3. Wildlife

Impact Statement

WDFW is concerned that the operation of the proposed upland facility has the potential to adversely affect habitats or species considered by WDFW to be "Priority Habitats and Species", which may be present within the terrestrial environment of the proposed facility.

Studies Needed

Long-term monitoring (see mitigations below).

Impact/Study Area

The study area should encompass the terrestrial environment where upland facility operations are to be conducted and areas adjacent to the proposed facility that could be affected by noise, vibrations, runoff, or other potential "off-site" impacts associated with facility operation.

Mitigations

a. Conduct post-construction monitoring of Priority Habitats and Species within study area.

b. Implement noise abatement, coal dust management, pollution control, stormwater management and spill response plans that minimize impacts to Priority Habitats and Species present at the upland area of the project site.

References

a. WDFW Priority Habitats and Species List

b. WDFW Management Recommendations for Washington's Priority Habitats

c. WDFW Management Recommendations for Washington's Priority Species

4. Fish

Impact Statement

WDFW is concerned that the operations of the proposed upland facility will impact fish species that may be present in the streams at the project site.

Studies Needed

None.

Impact/Study Area

Streams at the upland area of the project site.

Mitigations

a. Monitor the mitigations constructed to replace the baseline stream habitats and functions beneficial to fish life that are unavoidably impacted.

b. Implement the contingency elements of the monitoring plan as required.

References

None.

5. Coal Dust

Impact Statement

WDFW is concerned that the coal dust generated during the transfer and storage operations at the upland facility will impact habitats and functions of the existing streams and wetlands at the project site.

Studies Needed

None.

Impact/Study Area

Upland area of the project site.

Mitigations

a. Implement the BMPs for managing coal dust at the upland facility that were identified during the design phase.

b. Implement the post construction monitoring plan for coal dust that was developed during the design phase.

c. Implement the contingency elements of the monitoring plan as required.

References

None.

6. Noise

Impact Statement

WDFW is concerned that the noise from the operation of the proposed upland facility will impact Priority Habitats and Species (PHS) that may be present at the project site.

Studies Needed

None.

Impact/Study Area

Upland area of the project site.

Mitigations

a. Implement the BMPs for managing noise at the upland facility developed during the design phase.

References

None.

7. Stormwater

Impact Statement

WDFW is concerned that the stormwater runoff from the constructed facility will impact the wetland, streams and marine environment at and in the vicinity of the project site.

Studies Needed

None

Impact/Study Area

Upland area of the proposed project site.

Mitigations

a. Implement the Stormwater Management Plan developed in accordance with Whatcom County Standards, DOE Stormwater Guidelines, and Appendix F of the Settlement Agreement (SA 2.8.c) during the design phase.

b. Implement the post construction monitoring plan developed during the design phase to measure compliance with local and state stormwater requirements.

c. Implement the contingency elements of the monitoring plan as required.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Whatcom County Development Standards

c. Washington State Department of Ecology Stormwater Guidelines

MARINE FACILITY

MARINE TRESTLE/WHARF DESIGN

1. Marine Vegetation - Shading

Impact Statement

WDFW is concerned that the shadow cast by the proposed trestle/conveyor structure will potentially impact marine vegetation at the project site including eelgrass and macro algae species.

Studies Needed

a. Update the trestle/conveyor design to avoid marine vegetation impacts. SA 2.6a

b. Evaluate the shadow for the updated trestle/conveyor design.

c. Baseline Survey – Immediately update the marine vegetation survey consistent with WDFW's Marine Vegetation Survey Protocols for the purpose of impact assessment.

d. Baseline Survey – Update the marine vegetation distribution in relation to the final trestle design within 2 years of initiating trestle construction activities. SA 2.6.b

e. Post Construction Monitoring Plan - SA 2.2.b.2, Appendix B SA

Impact/Study Area

The impact area for the shadow cast by the proposed trestle/conveyor structure needs to include the composite shadow footprint of the trestle for March 21, June 21 and September 21.

Mitigations

a. Deck Grating – Trestle design will incorporate grating or other light transmission structures along sections of the trestle roadway surface from OHW to -25 (MLLW = 0.00). SA 2.6.d

b. Trestle Alignment – Trestle aligned to avoid potential shading of eelgrass and reduce potential shading of macro algae species. SA 2.6.a

c. Trestle Height and Piling Configuration – The height and piling configuration of the trestle structure designed to enhance light refraction and diffusion under and around the structure and in particular in the marine vegetation zone between OHW and -25 (MLLW=0.00). SA 2.6.c

d. Trestle Reflective Paint – Commercially available light reflective coating on underside of the trestle in macroalgae zone. SA 2.6.f

e. Macro Algae Mitigation

1. Phase 1 Mitigation Site identified and constructed prior trestle construction – SA 2.2.b.1, Appendix B.
2. Phase 2 Site Identification – SA 2.2.b.1, Appendix B.
3. Mitigation Site Monitoring Plan – SA 2.2.b.2, Appendix B.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. WDFW's Eelgrass/Macroalgae Habitat Interim Survey Guidelines 2008

c. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

d. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

2. Juvenile Salmon

Impact Statement

WDFW is concerned that the shadow cast by the proposed trestle structure will potentially disrupt the marine nearshore migration of juvenile salmonids.

Studies Needed

a. Document monthly juvenile salmon presence in the marine intertidal and shallow sub-tidal areas of the project site for a period of one year.

b. Regional Risk Assessment. SA 5.c, Appendix L

Impact/Study Area

The marine intertidal and sub-tidal bedland area leased by PIT from DNR for the proposed PIT marine terminal.

Mitigations

a. Deck Grating – Trestle design will incorporate grating or other light transmission structures along sections of the trestle roadway surface from OHW to -25 (MLLW = 0.00). SA 2.6.d

b. Trestle Alignment – Trestle aligned north-south to maximize sunlight penetration under the proposed trestle structure.

c. Trestle Height and Piling Configuration – The height and piling configuration of the trestle structure designed to enhance light refraction and diffusion under and around the structure. SA 2.6.c

d. Trestle Reflective Paint – Commercially available light reflective coating on underside of the trestle in macroalgae zone. SA 2.6.f

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

c. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

3. Herring

Impact Statements

a. General Impact Statement - WDFW is concerned that the proposed trestle/wharf structures will disrupt the near shore movement, schooling and spawning of the Cherry Point herring stock in the immediate vicinity of the proposed PIT port facility.

b. Wharf Alignment Impact Statement – WDFW is concerned that the presence and operation of the trestle/wharf structure in the preferred onshore migration corridor will disrupt pre-spawner staging behavior and onshore migration behavior of the Cherry Point herring stock.

c. Wharf Lighting Impact Statement - WDFW is concerned that the trestle and wharf lighting will disrupt the pre-spawner staging behavior and onshore migration behavior of the Cherry Point herring stock.

Studies Needed

a. Herring Monitoring Program – SA 2.3.a, Appendix C.

b. Implement Herring Monitoring Program - Pre construction and post construction herring monitoring – SA 2.3.b, Appendix C.

c. Monitoring Results – Draft monitoring reports will be distributed to State Agencies and WEC no later than 90 day after each season's monitoring - SA 2.3.c, Appendix C.

d. Update trestle design to avoid impacts to herring dispersion. SA 2.6a

e. Regional Herring Studies. SA 5b, Appendix L

f. Regional Risk Assessment. SA 5.c, Appendix L

g. Evaluate two (2) alternative trestle/wharf configurations that minimize the footprint of the trestle/wharf within the preferred herring onshore migration corridor.

1. Modified T - Wharf 1000' further south of existing location.
2. L Configuration – Wharf completely south of existing trestle location.

Impact/Study Area

Impact/study area includes the marine inter-tidal and sub-tidal areas within 500 meters in all directions of the trestle/wharf structures.

Mitigations

a. Trestle Alignment – The trestle/wharf needs to be designed to minimize potential impacts to herring dispersion into the nearshore spawning area by avoiding the preferred onshore migration corridor. SA 2.6.a.

b. Herring Contingency Measures – SA 2.3.d, Appendix C

c. Herring Additional Mitigation – SA 2.3.e, Appendix C.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. WDFW PIT Herring Summary 3-12-08 (M. O'Toole).

c. PIT Meeting WDFW Power Point Presentation 3-12-08(M. O'Toole).

d. WDFW Cherry Point Nearshore Herring Migration Corridor Figure (4-15-11 (M. Otoole).

e. PIT Discussion on Alternative Berth Layout 1-14-11 (Ausenco Sandwell for PIT/PIT).

f. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

g. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

4. Sediment and Water Quality

Impact Statement

WDFW is concerned that the upland and trestle/wharf facilities will degrade the marine water and sediment quality in the vicinity of the proposed terminal.

Studies Needed

Baseline data for sediments, marine water and shellfish and/or other indicator species.

Impact/Study Area

The intertidal and sub-tidal bedland area leased by PIT from DNR for the proposed marine terminal.

Mitigations

a. PIT will fund annual sampling of sediments, marine water and shellfish and/or other indicator species per state protocols. SA 2.5

b. PIT will develop a plan for sediment, marine biota and water quality sampling and monitoring. SA 2.5, Appendix E

c. PIT will prepare an Incident Response Plan prior to construction. SA 2.9.a

References

Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

5. Stormwater

Statement of Potential Impact

WDFW is concerned that the stormwater runoff from the trestle/wharf will impact the quality of the sediments, biota and water quality in the marine environment at the project site and vicinity.

Studies Needed

PIT will develop a Stormwater Management Plan for the proposed trestle/wharf structures in accordance to Whatcom County standards and DOE guidelines and Appendix F of the SA. SA2.8.c, Appendix F

Impact/Study Area

The extent of the marine bed land leased to PIT by DNR for the marine element of the proposed facility.

Mitigations

Stormwater requirements and objectives for the trestle/wharf structures specified in Appendix F of the Settlement Agreement. SA Appendix F.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Whatcom County Stormwater Standards.

c. Department of Ecology Stormwater Guidelines.

6. Materials Handling - Conveyor Containment

Impact Statement

WDFW is concerned that the raw materials transferred across the trestle/wharf will be introduced into the marine environment.

Studies Needed

None.

Impact/Study Area

The extent of the marine bed land leased to PIT by DNR for the marine element of the proposed facility.

Mitigations

Conveyor system designed to be totally enclosed within a gallery. SA 2.6.e

References

Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

7. Littoral Drift - Wave Dampening

Impact Statement

WDFW is concerned that the proposed trestle/wharf structure will dampen the existing wave conditions at the site and impact existing littoral drift dynamics of the Cherry Point shoreline.

Studies Needed

A littoral drift and wave dampening analysis for the trestle/wharf structures and associated moored vessels.

Impact/Study Area

The Cherry Point shoreline between Point Whitehorn and Sandy Point.

Mitigations –

a. Wave Analysis - PIT will cooperate with State agencies and participate in a financially proportionate manner in a Cherry Point reach wide- monitoring study of wave dampening and littoral drift. SA 2.7a

b. Trestle/Wharf Design – PIT avoids wave damping and impacts to littoral drift by appropriate placement and operation of the trestle and wharf. SA 2.7.c

c. Vessel Traffic Log – PIT will maintain a log detailing each vessel that utilizes the wharf. SA 2.7.c

References

Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

9. Wildlife

Impact Statement

WDFW is concerned that the proposed trestle and wharf structures have the potential to adversely affect habitats or species considered by WDFW to be "Priority Habitats and Species", which may be present within the marine environment of the proposed facility.

Studies Needed

The marine environment within the proposed project site should be surveyed for the presence of WDFW Priority Habitats and Species. Surveys should include an inventory of all Priority Habitats and Species present on the proposed project site and should, at a

minimum, include population numbers, distribution, and (as applicable) an account of life history stages and/or seasons in which priority species are present.

Impact/Study Area

The study area should encompass the entire marine intertidal and sub-tidal area leased by PIT from DNR where the proposed trestle and wharf are to be constructed.

Mitigations

Trestle Alignment – The trestle and wharf should be designed to avoid potential impacts to herring dispersion into the embayment by avoiding preferred onshore migration corridor. SA 2.6.a.

References

a. WDFW Priority Habitats and Species List.
b. WDFW Management Recommendations for Washington's Priority Habitats.
c. WDFW Management Recommendations for Washington's Priority Species.

10. Surf Smelt and Sand Lance

Impact Statement

WDFW is concerned that the proposed trestle/wharf structure will impact documented surf smelt and/or sand lance spawning and spawning habitat at the project site.

Studies Needed

Review WDFW's SalmonScape database to determine if surf smelt or sand lance spawn has been documented at the project site.

Impact/Study Area

The marine intertidal area leased by PIT from DNR for the proposed marine terminal.

Mitigations

Trestle alignment should avoid areas of the shoreline where WDFW has documented surf smelt or sand lance spawn.

References

a. WDFW SalmonScape Data Base.
b. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.
c. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

MARINE TRESTLE/WHARF CONSTRUCTION

1. Marine Vegetation

Impact Statement

WDFW is concerned that the construction tug/barge operations and pile driving activities associated with construction of the proposed trestle and wharf will impact the marine vegetation habitat at the project site.

Studies Needed

a. Baseline Survey – Update the marine vegetation survey within 2 years of initiating trestle construction activities. SA 2.6.b.

b. Updated Monitoring Plan.

c. Phase 1 and Phase 2 Macro Algae Mitigation Site Identification.

d. Phase 1 Macro Algae Mitigation Successfully Implemented.

Impact/Study Area

The study area boundary for evaluating the potential impact of the barge/tug operations and pile driving activities on marine vegetation will need to include the marine vegetation zone between the OHW to -25 (MLLW = 0.00) and the area on both sides of the trestle within 200 feet of the trestle centerline.

Mitigations

a. BMPs - SA 2.8.a, WAC 220-110.

b. Post Construction Monitoring Plan - SA 2.2.b.2, Appendix B – monitor impacts that may be associated with tugs and barges.

c. Phase 1 Mitigation Site identified and constructed prior trestle construction – SA 2.2.b.1, Appendix B.

d. Phase 2 Site Identification – SA 2.2.b.1, Appendix B.

e. Mitigation Site Monitoring Plan – SA 2.2.b.2, Appendix B.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. WAC 220-110.

c. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

d. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

2. Juvenile Salmon

Impact Statement

WDFW is concerned that the construction tug/barge operations and pile driving activities associated with construction of the proposed trestle and wharf will disrupt the marine nearshore migration and rearing of juvenile salmonids.

Studies Needed

Document monthly juvenile salmon presence and timing in the marine intertidal and shallow sub-tidal areas of the project site for period of one year.

Impact/Study Area

The marine intertidal and sub-tidal bedland area leased by PIT from DNR for the proposed marine terminal.

Mitigations

a. Implement construction schedule developed during design phase– SA 2.8.d

b. Construction Timing Restrictions – WDFW will not permit work below the ordinary high water line from March 15 through June 15 of any year for the protection of migrating juvenile salmon.

c. WAC 220-110

References

a. Chapter WAC 220-110

b. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

3. Herring

Impact Statement

WDFW is concerned that the construction tug/barge operations and pile driving activities associated with construction of the proposed trestle and wharf will disrupt the near shore movement, schooling and spawning of the Cherry Point herring stock in the immediate vicinity of the project site during the herring spawning season.

Studies Needed

None.

Impact/Study Area

Impact/study area includes the marine inter-tidal and sub-tidal areas within 500 meters in all directions of the trestle/wharf structures.

Mitigations

a. Construction Timing Restrictions – WDFW will not permit work below the ordinary high water line from March 15 through June 30 of any year for the protection of spawning herring and herring spawn.

b. Implement construction schedule developed during design phase– SA 2.8.d

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. WAC 220-110

c. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

d. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

4. Piling

Impact Statement

WDFW is concerned that the pile driving activities associated with construction of the proposed trestle and wharf will disrupt or harm migrating juvenile salmon.

Studies Needed

None.

Impact/Study Area

The marine intertidal and sub-tidal bedland area leased by PIT from DNR for the proposed marine terminal.

Mitigations -

a. BMPs, WAC 220-110.

b. Piling will only be concrete, steel or recycled plastic. Minimize number of piles. SA 2.8.e.

References

a. WAC 220-110.

b. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

c. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

d. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

5. Water Quality

Impact Statement

WDFW is concerned that the quality of the marine water quality in the vicinity trestle/wharf structures will be impacted by the inadvertent release of fresh concrete and/or petroleum products during construction and fish/wildlife harmed as a result.

Studies Needed

None.

Impact/Study Area

The marine intertidal and sub-tidal bedland area leased by PIT from DNR for the proposed marine terminal.

Mitigations

a. PIT will implement the Incident Response Plan developed during the design phase of the project. SA 2.9.a

b. PIT will acquire and maintain a rapid deployment heavy spill containment boom sufficient to circle the largest vessel plus 50% in order to provide an immediate spill response capability. SA 2.9.b

c. BMPs, WAC 220-110.

References

a. WAC 220-110.

b. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

6. Wildlife

Impact Statement

WDFW is concerned that the construction of the proposed trestle and wharf structures has the potential to disturb or displace Priority Habitats and Species, which may be present within the marine environment of the proposed facility.

Studies Needed

None.

Impact/Study Area

The study area should encompass the marine intertidal and sub-tidal area leased by PIT from DNR for the proposed trestle and wharf, and include adjacent areas potentially impacted during trestle and wharf construction.

Mitigations

Construction Timing Restrictions – WDFW will not permit work below the ordinary high water line from March 15 through June 30 of any year for the protection of spawning herring and herring spawn.

References

a. WDFW Priority Habitats and Species List.
b. WDFW Management Recommendations for Washington's Priority Habitats.
c. WDFW Management Recommendations for Washington's Priority Species.
d. WAC 220-110.

MARINE TRESTLE/WHARF OPERATIONS

1. Herring Behavior

Impact Statement

WDFW is concerned that the noise and artificial light associated with the operations of the proposed trestle and wharf will disrupt the herring prespawner staging and on shore migration of the Cherry Point herring stock in the immediate vicinity of the proposed project.

Studies Needed

a. Herring Monitoring Program – SA 2.3.a.
b. Implementation of Herring Monitoring Program – SA 2.3.b.
c. Draft Monitoring Reports – SA 2.3.c.

Impact/Study Area

Impact/study area includes the marine inter-tidal and sub-tidal areas within 500 meters in all directions of the trestle/wharf structures.

Mitigations

a. Herring Monitoring Program Contingency Measures – SA 2.3.d, Appendix C.
b. Additional Herring Mitigation SA 2.3.e, Appendix C.
c. PIT will operate conveyor systems to minimize noise. SA 2.9.c.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.
b. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.
c. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

2. Sediment and Water Quality

Impact Statement

WDFW is concerned that the operations of the upland and trestle/wharf facilities will degrade the marine water and sediment quality in the vicinity of the proposed terminal.

Studies Needed

Evaluation of existing baseline conditions of the sediments, marine water and shellfish and/or other indicator species at the project site.

Impact/Study Area

The intertidal and sub tidal bedland area leased by PIT from DNR for the proposed marine terminal.

Mitigations

a. PIT will fund annual sampling of sediments, marine water and shellfish and/or other indicator species per state protocols. SA 2.5

b.PIT will implement the sampling and monitoring plan for sediment, marine biota and water quality. SA 2.5, Appendix E

c. If pollution levels exceed the action levels set forth in Appendix E,

d. PIT will implement all mitigation measures that State Agencies reasonably determine necessary to compensated for such impacts and avoid exceedances in the future. SA 2.5, Appendix E

e. PIT will implement the Incident Response Plan developed during the design phase of the project. SA 2.9.a

f. PIT will acquire and maintain a rapid deployment spill containment boom sufficient to circle the largest vessel plus 50% in order to provide an immediate spill response capability. SA 2.9.b

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

3. Stormwater

Statement of Potential Impact

WDFW is concerned that the stormwater runoff from the operation of the trestle/wharf will impact the quality of the sediments, biota and water quality in the marine environment at the project site and vicinity.

Studies Needed

PIT will conduct compliance monitoring for trestle/wharf structures consistent with the requirements specified in the Stormwater Management Plan that was developed during the design phase. SA 2.8.c, Appendix F.

Impact/Study Area

The extent of the marine bed land leased to PIT by DNR for the marine element of the proposed facility.

Mitigations

Implement the Stormwater Management Plan developed for the trestle/wharf structures that was developed during the design phase.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Whatcom County Stormwater Standards.

c. Department of Ecology Stormwater Guidelines.

4. Wildlife

Impact Statement

WDFW is concerned that the operation of the proposed trestle and wharf facility has the potential to adversely affect habitats or species considered by WDFW to be "Priority Habitats and Species", which may be present within the marine environment of the proposed facility.

Studies Needed

Long-term monitoring (see mitigations below).

Impact/Study Area

The study area should encompass the marine intertidal and sub-tidal area leased by PIT from DNR for the proposed trestle and wharf, and include adjacent areas potentially impacted during trestle and wharf operations.

Mitigations

a. PIT will conduct post construction monitoring of select PHS species present in the immediate vicinity of the trestle/wharf structure.

b. Implement noise abatement, coal dust management, pollution control, stormwater management and spill response plans that minimize impacts to PHS habitats and species present at the upland area of the project site.

References

a. WDFW Priority Habitats and Species List.

b. WDFW Management Recommendations for Washington's Priority Habitats.

c. WDFW Management Recommendations for Washington's Priority Species.

5. Materials Handling - Conveyor Containment

Impact Statement

WDFW is concerned that materials transferred across the trestle/wharf will be introduced into the marine environment.

Studies Needed

None.

Impact/Study Area

The extent of the marine bed land leased to PIT by DNR for the marine element of the proposed facility.

Mitigations

a. BMPS implemented to maintain and operate conveyor systems to prevent the introduction of dust entering the marine environment during transfer operations. SA 2.9.c

b. PIT will develop operating and safety protocols for each product, both storage and transfer prior to vessel use of the wharf. SA 2.9.d

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

6. Littoral Drift - Wave Dampening

Impact Statement

WDFW is concerned that the proposed trestle/wharf structure will dampen the existing wave conditions at the site and impact existing littoral drift dynamics.

Studies Needed

A littoral drift and wave dampening analysis for the trestle/wharf structures and associated moored vessels.

Impact/Study Area

The Cherry Point shoreline between Point Whitehorn and Sandy Point.

Mitigations

a. Wave Analysis - PIT will cooperate with State agencies and participate in a financially proportionate manner in a Cherry Point reach wide- monitoring study of wave dampening and littoral drift. SA 2.7a

b. Trestle/Wharf Design – PIT will avoid wave damping and impacts to littoral drift by appropriate placement and operation of the trestle and wharf. SA 2.7.c

c. Vessel Traffic Log – PIT will maintain a log detailing each vessel that utilizes the wharf. SA 2.7.c

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

VESSEL (SHIP) OPERATIONS

1. Vessel Traffic

Impact Statement

WDFW is concerned that the vessel traffic associated with the proposed PIT Terminal increases the risk of the vessel collisions, powered and drift groundings, allusions, spills, routine discharges and other incidents that could harm natural resources.

Studies Needed

a. PIT will fund a Vessel Traffic Analysis. SA 2.10.a, Appendix G

b. PIT will prepare a tidal current study in time for utilization and incorporation in the Vessel Traffic Analysis. SA 2.10.e

Impact/Study Area

Deep draft waterways around the San Juan Islands south of 49 degree and north of and including the traffic convergence zone around buoy "RA" and including the Strait of Georgia, Boundary Pass, Haro Strait, and Rosario Strait. SA Appendix G

Mitigations

a. PIT will fund an Ecology appointed advisory marine safety committee that on the basis of the Vessel Traffic Analysis, recommends revised vessel operation protocols and other mitigation measures. SA 2.10.b

b. PIT will immediately implement operation protocols and mitigation measures recommended by the advisory marine safety committee. SA 2.10.c

c. Operation of GPT terminal will not commence until PIT implements the onsite operating protocols and mitigations measures recommended by the advisory marine safety committee. SA 2.10.d

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

c. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

2. Vessel Fueling

Impact Statement

WDFW is concerned that petroleum products will be introduced into the marine environment during fuel transfers between the wharf and moored vessels.

Studies Needed

None.

Impact/Study Area

All marine waters in the Strait of Georgia, San Juan County and Whatcom County.

Mitigations

a. PIT agrees to not allow bunkering by vehicle or other fuel transfers of over 1000 gallons to vessels using the wharf or terminal, except in emergency situations authorized by DOE. SA 2.9.a

b. For fuel transfers of 1000 gallons or less, PIT will send DOE prior notice. DOE reserves right to limit or prohibit any and all fuel transfers. SA 2.9.a

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

3. Oil Spill Response

Impact Statement

WDFW is concerned that petroleum products and other hazardous materials will be introduced into the marine environment during fuel transfers between the wharf and moored vessels or as a result of vessel collisions, powered and drift groundings, allusions, spills, routine discharges and other incidents

Studies Needed

None.

Impact/Study Area

All marine waters in the Salish Sea and Strait of Juan de Fuca.

Mitigations

a. PIT will implement the Incident Response Plan developed during the design phase of the project. SA 2.9.a

b. PIT will acquire and maintain a rapid deployment spill containment boom sufficient to circle the largest vessel plus 50% in order to provide an immediate spill response capability. SA 2.9.b

Reference

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

4. Vessel Berthing Operations

Impact Statement

WDFW is concerned that vessel berthing operations at the proposed wharf structure during the herring spawning season will disrupt pre-spawner herring staging and onshore migration behavior in the preferred onshore herring migration corridor.

Studies Needed

a. Herring Monitoring Program – SA 2.3.a.

b. Implementation of Herring Monitoring Program – SA 2.3.b.

c. Draft Monitoring Reports – SA 2.3.c.

d. PIT will hire a marine engineering consultant to review the report developed by oil terminal operators in San Francisco at the request of the California Lands Commission relating to vessel mooring standards. SA 2.11.a

Impact/Study Area

Impact/study area includes the marine inter-tidal and sub-tidal areas within 500 meters in all directions of the trestle/wharf structures.

Mitigations

a. Herring Monitoring Program Contingency Measures – SA 2.3.d, Appendix C.

b. Additional Herring Mitigation – SA 2.3.e, Appendix C.

c. No vessel will be moored or operated landward of the -25 tide elevation (MLLW = 0.00). SA 2.9.e

d. PIT will hire a marine engineering consultant to prepare a draft report establishing safe vessel mooring standards, configurations and procedures for the PIT wharf. SA 2.11.b

e. The draft report establishing safe vessel mooring standards, configurations and procedures for the GPT wharf will be submitted to DOE for approval. SA 2.11.b

f. PIT agrees to fully implement the standards and procedures contained in the final approved safe vessel mooring standards, configurations and procedures report. SA 2.11.b

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. Project Information Document Gateway Pacific Terminal Whatcom County, Washington. 2011. Pacific International Terminals, Inc.

c. WDFW 2011 Unpublished Comments – PIT Project Information Document, 2011.

5. Vessel Operations While Berthed

Impact Statement

WDFW is concerned that noise from vessel operations while berthed at the proposed wharf structure will disrupt pre-spawner herring staging and onshore migration behavior in the preferred onshore herring migration corridor.

Studies Needed

a. Herring Monitoring Program – SA 2.3.a.

b. Implementation of Herring Monitoring Program – SA 2.3.b.

c. Draft Monitoring Reports – SA 2.3.c.

Impact/Study Area

The extent of the marine bed land leased to PIT by DNR for the marine element of the proposed facility.

Mitigations

a. Herring Monitoring Program Contingency Measures – SA 2.3.d, Appendix C.

b. Additional Herring Mitigation SA 2.3.e, Appendix C.

c. PIT will operate conveyor systems to minimize noise. SA 2.9.c.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

6. Vessel Operations – Marine Wildlife

Impact Statement

WDFW is concerned that the vessel traffic associated with the proposed PIT facility has the potential to disrupt or harm Priority Habitats and Species present in the marine environment.

Studies Needed

The marine environment associated with deep draft shipping waterways used by vessels going to and from the proposed PIT terminal should be surveyed for the presence of WDFW Priority Habitats and Species. Surveys should include an inventory of all Priority Habitats and Species present on the proposed project site and should, at a minimum, include population numbers, distribution, and (as applicable) an account of life history stages and/or seasons in which priority species are present.

Impact/Study Area

The study area should encompass deep draft waterways around the San Juan Islands south of 49 degree and north of and including the traffic convergence zone around buoy "RA" and including the Strait of Georgia, Boundary Pass, Haro Strait, and Rosario Strait. SA Appendix G.

Mitigations

a. PIT will fund an Ecology appointed advisory marine safety committee that on the basis of the Vessel Traffic Analysis, recommends revised vessel operation protocols and other mitigation measures. SA 2.10.b

b. PIT will immediately implement operation protocols and mitigation measures recommended by the advisory marine safety committee. SA 2.10.c

c. Operation of GPT terminal will not commence until PIT implements the onsite operating protocols and mitigations measures recommended by the advisory marine safety committee. SA 2.10.d

d. PIT will implement the Incident Response Plan developed during the design phase of the project. SA 2.9.a

e. PIT will acquire and maintain a rapid deployment spill containment boom sufficient to circle the largest vessel plus 50% in order to provide an immediate spill response capability. SA 2.9.b

f. Herring Monitoring Program Contingency Measures – SA 2.3.d, Appendix C

g. Additional Herring Mitigation SA 2.3.e, Appendix C

h. PIT will operate conveyor systems to minimize noise. SA 2.9.c

References

a. WDFW Priority Habitats and Species List

b. WDFW Management Recommendations for Washington's Priority Habitats

c. WDFW Management Recommendations for Washington's Priority Species

7. Ballast Water

Impact Statement

WDFW is concerned about the GPT terminal will significantly increase the risk of aquatic invasive species carried in ballast water from coastal and foreign ports. The type of vessels likely to call at this proposed PIT terminal would be of higher risk due to their generally being bulk carriers, spot charter business, arriving without cargo, high volume of ballast water in the 10's of thousands of cubic meters that would be discharged per

visit, and that these type vessels will take the longest to convert from open sea exchange to ballast water treatment systems.

Studies Needed

Development of sampling and monitoring protocols to verify that proper exchange or treatment of ballast water has been performed by each vessel calling on PIT; Baseline and trend monitoring in local area for invasive species.

Impact/Study Area

Direct impact to general Cherry Point area and potential impact to all of Puget Sound/Salish Sea.

Mitigations

a. PIT agrees to comply with the vessel ballast water monitoring and contingency system specified in Appendix D of the Settlement Agreement. SA 2.4, Appendix D.

b. Vessel ballast water inspections, sampling, and monitoring at a rate commensurate with concern; PIT agrees to follow "Studies Needed" conditions.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. DRAFT BALLAST WATER LANGUAGE, JOK 7-7-11; Incomplete Working Draft.

c. State Laws and Rules (RCW, WACS): WDFW ballast water regulations at Chapter 220-150 WAC, applicable statutory provisions at Chapter 77.120 RCW.

8. Hull Fouling

Impact Statement

WDFW is concerned about the PIT proposal as it could significantly increase the risk of aquatic invasive species carried on, or removed from, vessel hulls voyaging from coastal and foreign ports. The type of vessels likely to call at this proposed PIT terminal would be of higher risk due to their generally being spot charter business, very large bulk carriers with significant surface areas under water, new developments in hull coating regulations reducing the use of more effective toxic anti-fouling paints, and need for more frequent in-water cleaning to improve fuel efficiency.

Studies Needed

Vessel hull maintenance inspections/monitoring, sampling, and monitoring at a rate commensurate with concern. Baseline and trend monitoring in local area for invasive species.

Impact/Study Area

Direct impact to the general Cherry Point area and potential impact to all of Puget Sound/Salish Sea.

Mitigations

In-water hull or niche cleaning not allowed in terminal or larger area based on level of concern, unless otherwise approved by all the parties; PIT agrees to comply with state

current and future bio-fouling management laws and rules; PIT agrees to follow "Studies Needed" conditions.

References

a. Settlement Agreement Pacific International Terminals Shoreline Substantial Permit SHS 92-0020 and SHB Appeals Numbers 97-22 and 97-23.

b. DRAFT BALLAST WATER LANGUAGE, JOK 7-7-11; Incomplete Working Draft.

c. State Laws and Rules: Unlawful use of prohibited aquatic animal species under RCW 77.15.253.

BURLINGTON NORTHER SANTE FE RAILROAD

INFRASTRUCTURE DESIGN

Impact Statement

WDFW is concerned that the design of the infrastructure improvements and new infrastructure along the BNSF rail corridors necessary to support the number of trains, train lengths and train weights required to transport coal from Wyoming to the Gateway Pacific Terminal at Cherry Point will have significant potential impacts to Priority Habitats and Species (PHS) that may be present in proximity to the rail line routes.

Studies Needed

a. Identify all infrastructure improvements and new construction along BNSF routes between Wyoming and Cherry Point.

b. Inventory the keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

c. Indentify potential impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

d. Wildlife – For all "sensitive wildlife species", evaluate the impacts associated with increased rail traffic associated with the project (with particular attention to wildlife collisions, disruption of migration and dispersal corridors), impacts related to noise, and effects of coal dust within and adjacent to potential routes. Mitigation sequencing should include an evaluation of each route and the comprehensive wildlife impacts of each, measures BNSF could implement to minimize those impacts, and specific mitigation strategies to offset unavoidable impacts of the selected route.

Impact/Study Area

The study area should encompass all of the potential BNSF routes under consideration for transport of coal from the source of origin in Wyoming to the proposed Gateway Pacific Terminal at Cherry Point. Additionally, potential impacts not confined to these rail corridors or the easements/right of ways associated with those corridors (e.g. noise, coal dust) should be considered for their potential to adversely affect Priority Habitats

and Species (within Washington) and other sensitive wildlife species (outside of Washington).

Mitigations

a. Mitigation sequencing should, at a minimum, include an evaluation of each route and the comprehensive wildlife impacts of each, measures BNSF could implement to minimize those impacts, and specific mitigation strategies to offset unavoidable impacts of the selected route.

d. Develop construction, maintenance and operation BMPs to avoid, minimize and reduce impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

b. Develop a mitigation plan for the unavoidable impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

c. Develop a monitoring strategy for mitigations of unavoidable impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

d. Develop a contingency plan for mitigations of unavoidable impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

References

WAC 220-110.

INFRASTRUCTURE CONSTRUCTION AND OPERATION

Impact Statement

WDFW is concerned that the construction and operation of infrastructure improvements and new infrastructure along the BNSF rail corridors necessary to support the number of trains, train lengths and train weights required to transport coal from Wyoming to the Gateway Pacific Terminal at Cherry Point will have significant potential impacts to Priority Habitats and Species (PHS) that may be present in proximity to the rail line routes.

Studies Needed

None.

Impact/Study Area

All of the BNSF routes between Wyoming and Cherry Point.

Mitigations

a. Implement construction BMPs developed in the design phase to avoid, minimize and reduce impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

b. Implement the mitigation plans for the unavoidable impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

c. Implement the monitoring strategy for mitigations of unavoidable impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

d. Implement the contingency plans for mitigations of unavoidable impacts to keystone PHS habitats and species in proximity to each infrastructure improvement and new construction along BNSF routes between Wyoming and Cherry Point.

References

WAC 220-110

CLIMATE CHANGE

GATEWAY PACIFIC TERMINAL

Impact Statement

WDFW is concerned that the combustion of the 48 million metric tons of coal annually exported by the Gateway Pacific Terminal at Cherry Point will significantly contribute to global climate changes that will result in potentially catastrophic and irreversible impacts to natural resources on the West Coast United States and Washington State. WDFW is particularly concerned that this combustion will exacerbate ocean acidification, sea level rise, warming stream temperatures, decreases in snow pack and increases in extreme weather events, and could potentially result in devastating impacts to fish, wildlife and their habitats in Washington State.

Studies Needed

Evaluate alternatives to producing the energy equivalent of 48 million metric tons of coal which will have less environmental impact.

Impact/Study Area

Global

Mitigations

To offset the potential significant contribution to global climate change associated with the combustion of the exported coal, the owners of the coal mines and/or PIT should pay a carbon tax for each ton of coal exported commensurate with the potential contribution of the coal combustion to global warming.

References

a. **The Washington Climate Change Impacts Assessment,** Climate Impacts Group 2009. The Washington Climate Change Impacts Assessment. M. McGuire Elsner, J. Littell, and L. Whitely Binder (eds). Center for Science in the Earth System, Joint Institute for the Study of the Atmosphere and Oceans, University of Washington, Seattle, Washington.

b. **Scientific Summary of Ocean Acidification in Washington State Marine Waters,** Washington State Blue Ribbon Panel on Ocean Acidification, November, 2012.
c. **Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future,** Committee on Sea Level Rise in California, Oregon, and Washington; Board on Earth Sciences and Resources; Ocean Studies Board; Division on Earth and Life Studies; National Research Council, 2012.

MULTIPLE WEST COAST SHIPPING TERMINALS

Impact Statement

WDFW is concerned that the combustion of the coal exported by the multiple shipping terminals proposed for the west coast of the United States and Canada will dramatically contribute to global climate changes that will result in potentially catastrophic and irreversible impacts to the natural resources and natural habitats of the West Coast United States and Canada, and Washington State

Studies Needed

a. Determine the total coal volume that could be exported annually by the multiple coal shipping terminals proposed for the west coast of the U.S. and Canada.

b. Evaluate alternatives to coal which will have significantly less environmental impact.

Impact/Study Area

Global

Mitigations

To offset the potential significant contribution to global climate change associated with the combustion of the exported coal, the owners of the coal mines and/or PIT should pay a carbon tax for each ton of coal exported commensurate with the potential contribution of the coal combustion to global warming.

References

a. Regional Highlights from **Global Climate Change Impacts in the United States**, United States Global Change Research Program, www.globalchange.gov/usimpacts, 2009.
b. **Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future,** Committee on Sea Level Rise in California, Oregon, and Washington; Board on Earth Sciences and Resources; Ocean Studies Board; Division on Earth and Life Studies; National Research Council, 2012.

CUMMULATIVE IMPACTS

WEST COAST SHIPPING TERMINALS

Impact Statement

WDFW is concerned that potential natural resource impacts associated with the construction and expansion of multiple shipping terminals along the west coast (Oregon,

Washington, British Columbia) are not adequately addressed through the regulatory processes for each individual terminal.

Studies Needed

a. Cumulative Impact Analysis for all of the new and expanded coal shipping terminals proposed for the west coast.

b. Vessel Traffic Safety Study for the west coast.

c. An evaluation of the impacts to climate change from burning the exported coal.

Impact/Study Area

California, Oregon, Washington and British Columbia

Mitigations

A mitigation, monitoring and contingency plan that addresses the unavoidable cumulative impacts to keystone PHS habitats and species on the west coast of the U.S. and Canada.

References

None

BURLINGTON NORTHERN SANTE FE RAILROAD

Impact Statement

WDFW is concerned that the cumulative impacts of the train activity and rail infrastructure along BNSF rail line routes in Washington State that is necessary to support existing and proposed processing and shipping terminals for all commodities along the west coast of Oregon, Washington and British Columbia will have significant impacts to Priority Habitats and Species (PHS) and communities in proximity to the BNSF rail line routes.

Studies Needed

a. The maximum number of trains for all commodities (oil, bulk, and passenger) that can be supported by the existing rail route infrastructure between Wyoming and Cherry Point needs to be identified.

b. The maximum number of trains for all commodities (oil, bulk, and passenger) that can be supported by the existing rail routes with planned improvements and new infrastructure between Wyoming and Cherry Point needs to be identified.

c. The cumulative impacts to keystone PHS habitats and species in proximity to the BNSF rail line routes needs to be addressed.

d. The cumulative impacts to local communities in proximity to the BNSF rail line routes needs to be addressed.

Mitigations

a. A mitigation plan that addresses unavoidable cumulative impacts to keystone PHS habitats and species along west coast BNSF routes needs to be developed and implemented.

b. A mitigation plan that addresses unavoidable impacts to local communities in proximity to the BNSF rail line routes needs to be developed and implemented.

References

None.

If you have any questions, please call me at (360) 466-4345 X 250.

Sincerely,

Brian Williams
Environmental Planner
WDFW Habitat Program

WDFW CONTRIBUTORS

Brian Williams	Marine Fish Resources
Mark O'Toole	Herring
Jeff Kamps	Freshwater Fish Resources
Allen Pleus	Ballast Water, Hull Fowling
Chris Danilson	Wildlife Resources
Lynn Helbrecht	Climate Change

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
PO Box 42560 • Olympia, Washington 98504-2560 • http://agr.wa.gov • (360) 902-1800

January 21, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M Hill
1100-112th Avenue NE, Suite 400
Bellevue, WA 98004

RE: Gateway Pacific Terminal Environmental Impact Statement (EIS) Scoping Comments

Dear Co-Leads:

Thank you for providing the Washington State Department of Agriculture (WSDA) with this opportunity to comment on the scope of the Gateway Pacific Terminal (GPT) Environmental Impact Statement (EIS). WSDA's mission is to serve the people of Washington by supporting the agricultural community and promoting consumer and environmental protection. This includes facilitating the movement of Washington agricultural products in domestic and international markets.

Washington's food and agriculture industry's 2011 value was $46 billion, employing 160,000 people and contributing 13% to the state's economy. In addition, more than $15 billion in food and agriculture products were exported through Washington ports in 2011, the third largest total in the U.S. This makes it essential that proposed actions that can impact Washington's food and agriculture industry are carefully assessed to identify any conflicts and necessary mitigation measures.

With respect to the GPT proposal, WSDA's comments focus on including in your analysis, an evaluation of secondary agricultural impacts along any proposed route to the new terminal. This could include an evaluation of wait times for export access to the Port of Seattle; any changes in rail capacity for commodities that normally move by rail to market or for export; changes in export commodity port capacity; or potential impacts to agriculture activities along the planned route. A great deal of the proposed route(s) travel through prime Washington agricultural lands that grow crops sensitive to changes in air or water quality. It is our request that the scope of the EIS cover the entire route of the proposed project, from where it enters Washington State to the final terminal location at Cherry Point.

Thank you for the opportunity to comment on the scoping of this project. We look forward to working with the SEPA/NEPA lead agencies in addressing our comments in the EIS. Please contact Kelly McLain at 360.902.2067 or kmclain@agr.wa.gov if you have any questions or would like to discuss any of these comments.

Sincerely,

Dan Newhouse, Director
Washington State Department of Agriculture

Washington State
Department of Transportation
Paula J. Hammond, P.E.
Secretary of Transportation

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January 11, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M Hill
1100-112th Avenue NE, Suite 400
Bellevue, WA 98004

RE: Gateway Pacific Terminal Environmental Impact Statement (EIS) Scoping Comments

Dear Co-Leads:

Thank you for providing the Washington State Department of Transportation (WSDOT) with this opportunity to comment on the scope of the Gateway Pacific Terminal (GPT) Environmental Impact Statement (EIS). WSDOT's responsibility to Washington's citizens is to provide a safe and efficient transportation system that supports our economy, communities and the environment. It is essential for my agency to ensure that proposed actions that can adversely impact this mission are carefully assessed to identify conflicts and necessary mitigation strategies.

With respect to the GPT proposal, WSDOT's comments focus on potential impacts from increased rail traffic to state highway and ferry systems, the state's freight rail system, and passenger rail service. In addition, our comments address impacts to SR 548 in Whatcom County.

As a general comment, it will be important for the EIS to evaluate the cumulative effects to the state's transportation system of this proposal in light of other similar proposals. Also, in addition to the specific transportation related impacts discussed below, it will be important to identify and evaluate potential economic benefits and impacts of the GPT project within the state in order to comprehensively understand project implications. WSDOT suggests that the EIS assess economic benefits and impacts of the GPT project to local and state economies.

Clarification of Train Traffic

GPT project documents estimate that full project build-out would add up to 18 trains (nine loaded + nine empty trains) within the state each day, including unit trains exceeding 8,000 feet in length. It is unclear whether all nine GPT-bound trains will be long unit trains, or whether some trains (*e.g.*, those carrying commodities other than coal) would be shorter. GPT would also be equipped to receive goods, and it is not clear how imports will be transported for distribution. The EIS should clarify whether all GPT-bound trains would be long unit trains, and analyze the transportation implications of imports received at the GPT site.

Site Transportation Impacts

WSDOT requests a Traffic Impact Analysis (TIA) be done to disclose the transportation construction impacts on the local and state highway systems and ongoing traffic impacts after the GPT is in full operation. The TIA typically includes:

- Vehicular trips (trip generation & distribution on the transportation network)
- Level of Service thresholds
- Channelization thresholds
- Safety thresholds

State Highway System

Actual train routes for GPT-related trains along Burlington Northern Santa Fe Railway (BNSF) main lines have not been specified; however, these comments are based on a scenario where GPT trains would travel along the following BNSF railroad subdivisions within Washington: Kootenai River, Spokane, Lakeside, Fallbridge, Seattle, Scenic, Bellingham, and Cherry Point. This assumption is intended to identify the locations of possible impacts to the state highway system if any of these routes are used. Other state highways may be impacted and should be similarly assessed if alternate routes are chosen by BNSF.

WSDOT has identified 12 state highway-railroad grade crossings along the above-listed routes between Spokane and the GPT site, as well as an additional 17 highway intersections and interchanges where operations may be impacted due to delays at nearby highway-railroad grade crossings. Many of these locations already experience some delays under existing train volumes and may not be able to adequately absorb additional delays without mitigation measures. A list of these locations is attached.

WSDOT requests that the EIS include an analysis of how these locations would be affected by the projected increase in rail traffic, or, if other railway routes are contemplated, how state highways situated along those routes would be affected. As indicated above, WSDOT is not only interested in impacts to state highway railroad grade crossings, but also how increased delays at railroad grade crossings situated near state highway intersections and interchanges may impact those state highways. This analysis should include impacts to:

- Levels of service at affected state highway intersections/interchanges;
- Vehicle delay and queuing at state highway grade crossings and state highways impacted by local agency grade crossings;
- Emergency response capabilities; and
- Highway-rail grade crossing safety (*i.e.,* whether modification of warning devices or grade separation might be warranted with the projected increase in rail traffic).

In light of the projected 28% growth to the state's population over the next decade[1], likely increases in traffic volumes along affected state highways should be factored into the assessment.

The EIS should identify and examine strategies to mitigate any adverse impacts from added GPT-related train traffic on state highways. This should include estimating the cost of implementing those strategies, determining whether public investment would be required, and examining alternate train routes (or combinations of routes) that may result in fewer or less severe impacts to the state highway system.

Washington State Ferries

The Washington State Ferries (WSF) system is an integral part of the state's intermodal transportation network and provides significant economic benefit to the region. The ability of WSF to effectively operate is dependent on available connections with state highways to facilitate on and off loading according to schedules based on transportation demand. The scope of the EIS should include WSF's operational capabilities at the Edmonds Ferry Terminal and marine traffic operations in the San Juan Straits as described below.

Edmonds Terminal

Edmonds Terminal is one of the busiest terminals in the WSF system with 23 daily sailings. It serves over four million passengers per year, many as daily commuters, and two million vehicles per year between Edmonds and Kingston. Significantly, the Edmonds ferry route also serves as a connector route to state truck freight economic corridors due to restrictions on truck traffic and hazardous loads within Seattle tunnels and downtown areas and the presence of agricultural processing centers on the Olympic Peninsula.

At Edmonds, the BNSF Scenic Subdivision tracks are located within 20 feet of the entrance to the Edmonds Terminal used by vehicles to access and unload from WSF vessels via SR-104. Operational challenges at Edmonds Terminal exist even today as a result of vehicle delays from current train volumes through the SR-104 railroad grade crossing. WSF has recently had to eliminate two sailings per day to maintain on-time ferry schedules in response to disruptions resulting from train related delays at the SR-104 crossing.

[1] Governor Chris Gregoire, 2013 Policy Brief - Building a Better Future: Investing in Washington's Transportation System, December 2012

The SR-104 railroad grade crossing is included on the attached list of potential impacts to state highways. In addition to analyzing the highway impacts at the SR-104 crossing specified in the preceding section titled "State Highway System", the EIS should include an analysis of the impacts of increased GPT-related train traffic to:

- Ferry schedules and operations at Edmonds Terminal, including how impacts to operations at the terminal would result in further impacts at intermodal connections;
- Vehicle waiting times, including impacts to freight transporters that depend on ferry services; and
- Emergency services (WSF vessels provide critical emergency service transportation for ambulances, especially when weather conditions prevent use of aircraft for certain service areas).

The EIS should examine the alternatives to mitigate any effects of increased train traffic, including cost and the feasibility of the mitigation proposed. Alternatives to consider include, but may not be limited to:

- Relocation of Edmonds Terminal to Point Edwards with a separated grade crossing;
- Grade separation at the current terminal site; and
- Train traffic restrictions during the busiest ferry travel times (*i.e.*, commute, recreational, and weekend traffic peaks).

Marine Traffic in San Juan Straits

GPT-bound marine vessels would sail to and from Cherry Point through either Rosario Straits or Haro Straits. In addition to other passenger vessel traffic that crosses these straits, WSF sails approximately 900 times per year across Haro Straits between Friday Harbor and Sidney, British Columbia, and approximately 12,000 times per year across Rosario Straits between Anacortes and the San Juan Islands. WSDOT understands that one of the commitments from the GPT project proponents is to complete a Vessel Traffic and Risk Assessment Study for these waters. The EIS should ensure that this study includes analysis of the following areas:

- The extent that probability of collisions between passenger vessels (both WSF and other passenger vessels) and cargo vessels would increase due to additional GPT-related marine traffic;
- Assessment of whether existing rapid/emergency response capabilities are adequate to effectively respond to a range of incidents, including high severity collisions (in terms of both human and environmental protection);
- Whether the GPT project would require additional safety and environmental protection measures; and
- The costs involved to adopt additional measures to mitigate risks related to safety and environmental protection - including an assessment of whether implementation would require public investment.

Freight System Impacts

The economic vitality of Washington requires a strong freight rail system capable of providing its ports, farms and businesses competitive access to North American as well as international markets.

According to Surface Transportation Board Waybill data, the Class I freight rail system in Washington transported 115.8 million tons of cargo in 2010. The GPT project will have an initial capacity of 28 million tons of coal and a maximum capacity of 54 million tons. This represents a potential increase in tonnage moving on the Washington freight rail system of 24% initially and 46% when the terminal is functioning at maximum capacity (in 2010 numbers).

The GPT project will increase freight rail jobs in Washington but may also increase the risk of capacity constraints and bottlenecks and inhibit rail system accessibility to some customers. WSDOT recommends that an evaluation of future capacity constraints, bottlenecks and rail system accessibility in Washington be included in the EIS. The EIS should include a detailed operations and capital needs assessment by BNSF to address future bottlenecks and capacity constraints. The assessment should be robust enough to address capacity needs when the GPT is operational at half-capacity (8-10 round trip trains) as well as at maximum capacity (18 round trip trains). Particular attention should be given to how the BNSF will ensure adequate accessibility to the rail system for future growth in agriculture, container and other general merchandise train traffic.

BNSF should address other potential operational changes that could impact capacity. These may include: directional running (*e.g.*, all westbound traffic uses the BNSF Fallbridge Subdivision), train fleeting (*i.e.*, running multiple trains in a single direction, reducing the need to plan train meets), expected impacts of Positive Train Control, mudslide mitigation and resiliency planning, increased speed limits, increased train lengths and the use of distributed power (*i.e.*, locomotives placed in the middle or at the end of trains).

As mentioned above, BNSF should provide a list of preferred capital improvements that address expected bottlenecks and other capital constraints. This list could include the following: new train passing sidings or siding extensions, additional sections of double or triple track, additional storage-in-transit or other yard track.

Finally, the assessment should cover all rail line segments in Washington that have the potential to be affected by the GPT project.

Amtrak Cascades Intercity Passenger Rail Service

The Pacific Northwest High Speed Rail Corridor is one of ten corridors designated by the U.S. Department of Transportation for high-speed intercity passenger rail service. The service has been an increasingly strong component of the Pacific Northwest's intermodal transportation system since the Amtrak Cascades' inaugural run in 1994. In its 19 years

of operation, the service has increased the number of daily trains to 11; extended its geographic reach from Eugene, Oregon to Vancouver, British Columbia; and grown the annual ridership from 180,209 in 1994 to nearly 850,000 in 2011.

The states of Washington and Oregon, Amtrak, and passengers pay for the Amtrak Cascades service. The United States and Canada pay for border security. The trains run on rail lines privately owned by BNSF and Union Pacific Railroad.

WSDOT has secured nearly $800 million in federal funding for a series of projects that will increase service reliability and add two Amtrak Cascades round trips between Seattle and Portland, for a total of six, by 2017. Although there has been much speculation regarding the potential for additional GPT rail traffic to adversely impact the agency's passenger rail program, WSDOT remains confident that BNSF will continue to meet current and scheduled passenger-rail service commitments that start in 2017 due to federal railroad infrastructure investments.

While WSDOT's agreements with BNSF ensure specific service outcomes for the funded improvements described above, we suggest that impacts to future passenger rail service beyond 2017 (delays, service interruptions, etc.) be identified and considered so that they can be avoided and/or mitigated by BNSF and other parties working to see successful, complementary freight and passenger uses of limited rail resources. Accordingly, the scope of the GPT EIS should address potential impacts to service planned for the future, as outlined in the 2006 *Long-Range Plan for Amtrak Cascades*. The plan identifies the following service improvements by 2023, not currently funded:

- Additional 7 roundtrips between Seattle and Portland, Oregon, for a total of 13
- Additional 2 roundtrips between Seattle and Vancouver, British Columbia, for a total of 4
- Total travel time of 5 hours, 22 minutes between Vancouver, B.C. and Portland, OR

SR 548 Impacts

Another potential area of concern regarding the GPT project is site specific work associated with the materials handling and storage yard at the BNSF Cherry Point spur. As currently proposed, it appears that the development of this site will impact an existing WSDOT wetland mitigation site, currently being used to fulfill compensatory wetland mitigation requirements. Furthermore, site and track improvements adjacent to the site are likely to affect localized flooding. Changes to the hydrology at this location could compromise adjacent SR 548 operations by increasing the likelihood of roadway flooding during extreme rain events.

The EIS should analyze GPT project impacts to the WSDOT wetland mitigation site and hydrologic impacts to SR 548, as well as identify appropriate mitigation to offset any impacts to these areas.

Thank you for the opportunity to comment on this proposal. We look forward to working with the NEPA lead agencies in addressing our comments in the EIS. Please contact me at (360) 705-7027 or Megan White at (360) 705-7480 if you have any questions or would like to discuss any of these comments.

Sincerely,

Stephen T. Remmuth
Chief of Staff

SR:jaa
Attachment

cc: Jerry Lenzi, WSDOT
Megan White, WSDOT

Attachment to WSDOT EIS Scoping Comments on the Gateway Pacific Terminal Project

State highway railroad grade crossings and potentially impacted intersections/interchanges along possible GPT-bound train routes

BNSF Kootenai Subdivision
State highway grade crossings:

- SR 27 Pines Road (USDOT 066367E) – Spokane Valley

SR 290 closely parallels this rail line, creating the potential for delays at adjacent at-grade railroad crossings to impact SR 290 operations and levels of service. Crossings in this category include:[1]

- Idaho Road Spokane County (USDOT 066236B)
- McKinzie Road, Spokane County (USDOT 066239W)
- Harvard Road, Spokane Valley (USDOT 066240R)
- Barker Road, Spokane Valley (USDOT 066244T)
- Flora Road, Spokane Valley (USDOT 066245A)
- SR 27 Pines Road, Spokane Valley (USDOT 066367E)
- University Avenue, Spokane (USDOT 066371U)
- Park Road Spokane, (USDOT 066377K)

BNSF Spokane Subdivision
No state highway grade crossings identified

BNSF Lakeside Subdivision (Spokane to Pasco)
No state highway grade crossing identified

BNSF Fallbridge Subdivision (Pasco to Vancouver, WA)
There are no state highway grade crossings identified. However, portions of SR 14 closely parallel the rail line creating the potential for delays at adjacent at-grade railroad crossings to impact SR 14 operations and levels of service. In particular, increased vehicle delays at the Maple Street railroad grade crossing in Bingen, Washington (USDOT 090169V), which provides access to the Port of Klickitat, could back up traffic onto SR-14 and result in operational and/or safety-related impacts.

BNSF Seattle Subdivision (Vancouver, WA to Seattle)
State highway grade crossings

- SR 506 7th Street, Vader (USDOT 092484T)
- SR 505 Walnut Street, Winlock (USDOT 092493S)
- SR 516 Willis Street, Kent (USDOT 085640K)

BNSF Scenic Subdivision (Seattle to Everett)
State highway grade crossings

[1] Level of service and control delay/vehicle analysis for the intersections of these roadways with SR 290 (Existing/ 2030 No Action) was completed for the 2006 Bridging the Valley DCE, and is available upon request.

- SR-104 Main Street, Edmonds (USDOT 085445K) **Serving the WSF Edmonds Ferry Terminal*

BNSF Bellingham Subdivision (Everett to Canadian border)
State highway grade crossings

- SR 528 4th Ave, Marysville (USDOT 084640G)
- SR 531 172nd Street, Snohomish County (USDOT 084669E)
- SR 536 Kincaid Street, Mount Vernon (USDOT 084744N)
- SR 538 College Way, Mount Vernon (USDOT 084759D)
- SR 20 Avon Street, Burlington (USDOT 084766N)
- SR 548 Grandview Road, Whatcom County (USDOT 084841X)

This line segment runs parallel with Interstate 5, and intersects with local agency roadways nearby several I-5 interchanges. I-5 interchanges of concern and the corresponding at-grade crossings that may impact these interchanges include:

- I-5/ SR 528 4th Ave, Marysville (exit 199)
    - SR 528 4th Ave grade crossing (USDOT 084640G)

- I-5/88th Street NE, Marysville (exit 200)
    - 88th Street NE grade crossing (USDOT 084650M)

- I-5/116th Street NE, Marysville (exit 202)
    - 116th Street grade crossing (USDOT 084654P)

- I-5/SR 536/Kincaid Street, Mount Vernon (exit 226)
    - SR 536 Kincaid Street grade crossing (USDOT 084744N)

- I-5/SR 538 College Way and I-5 SR 538 (exit 227)
    - SR 538 College Way grade crossing (USDOT 084759D)

- I-5/Cook Road, Skagit County (exit 232)
    - Cook Road grade crossing (USDOT 084775M)

- I-5/ SR 532 Grandview Road, Whatcom County (exit 266)
    - SR 548 Grandview Road grade crossing (USDOT 084841X)

- I-5/Birch Bay-Lynden, Whatcom County (exit 270)
    - Birch Bay-Lynden grade crossing (USDOT 084845A) *the interchange is located north of the Cherry Point Spur turnout, but may be impacted depending on whether related train operations would impact the crossing.

BNSF Cherry Point Subdivision (mainline to GPT project site)
State highway grade crossings

- SR 548 Grandview Road, Whatcom County (USDOT 096133H)

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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January 23, 2013

GPT/Custer Spur EIS
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1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

RE: Gateway Pacific Terminal Environmental Impact Statement Scoping Comments

Dear Co-Leads:

The Utilities and Transportation Commission (UTC or Commission) appreciates the opportunity to comment on the scope of the Environmental Impact Statement (EIS) for the proposed Gateway Pacific Terminal (GPT) project.

The UTC has responsibility under state law for ensuring the safety of the more than 2,600 public railroad crossings in Washington state.[1] Among other things, the UTC inspects the surface conditions of railroad crossings and establishes required clearances over, beside and between railroad tracks. The UTC also reviews railroads' requests to increase train speeds within the limits of a city; establish new railroad crossings at, above or below grade; and alter or close a railroad crossing.

Pacific International Terminals, the company proposing to build the new GPT, estimates that the project could add as many as nine loaded and nine empty trains in Washington state each day, including some as long as 8,000 feet. In the Commission's view, the EIS should evaluate the potential impact of the GPT project on the safety of the public on and around all railroad lines and crossings that would be used to deliver coal or other commodities to the terminal.

[1] The UTC's authority does not include railroad crossings located within the limits of first class cities. RCW 81.53.240. These cities are Aberdeen, Bellingham, Bremerton, Everett, Richland, Seattle, Spokane, Tacoma, Vancouver and Yakima.

This significant increase in train traffic could potentially require upgrades to the rail infrastructure, including new or expanded sidings, new crossings, and alterations or closures of existing crossings.

Each new at-grade railroad crossing brings the possibility of risks to public safety that must be evaluated and mitigated to the extent possible. The UTC monitors accidents and fatalities at public railroad crossings. Approximately 40 accidents have occurred at railroad crossings in each of the past 10 years, including seven fatalities per year. Moreover, the trend has shown that accidents are increasingly occurring in western Washington near population centers. Because coal for export from GPT would need to move through densely-populated western Washington communities, it is likely that without proper planning the increase in train traffic could result in an upturn in the number of railroad crossing accidents and fatalities in Washington state.

Moreover, closures of existing railroad crossings brings potential disruption to communities as vehicle traffic must be rerouted, farms divided and businesses isolated from their customers. Understanding the scope of such potential disruption should be a focus of the EIS.

The EIS should further examine whether the additional train traffic would significantly increase wear and tear of existing crossings, necessitating increased inspections by UTC rail safety staff and increased maintenance costs for the railroads. At present, the UTC inspects each rail crossing at least once every 36 months. If increased train traffic is shown to quicken deterioration of crossing surfaces and signal equipment, the UTC will need to find additional staffing and resources to take on the additional rail inspection work. In addition, costs for maintaining or replacing crossing surfaces and signal equipment for railroad companies and communities will likely increase because of the rise in usage.

Increased train traffic, particularly multiple trains a day at lengths up to 8,000 feet, would also likely result in an increased number and duration of blocked crossings. The UTC defines a blocked crossing is one where a train sits at a crossing without moving for 10 minutes or more. This happens when two trains occupy the same track and one must move to a siding, or side track, to allow the other to pass. It also happens when a long train must be stopped to add or detach cars. Blocked crossings pose an inconvenience to the public because motorists must stop and wait for the train to vacate the crossing. Blocked crossings also cause increased public safety risks because emergency response vehicles cannot go over a crossing to reach an emergency on the other side.

Finally, because the rail corridor will experience additional train traffic, the UTC would need to be prepared to review proposals from the railroads to modify train speeds within cities and

towns. While the UTC has very little direct jurisdiction over train speeds because of federal preemption, it is responsible for reviewing and commenting on any train speed increased proposed by a railroad.

In sum, the impact of increased train traffic in Washington state must be carefully evaluated from a safety standpoint and appropriate planning must be undertaken to mitigate any risks identified.

Thank you for the opportunity to comment on the scope of the EIS for the GPT project. We look forward to assisting the lead agencies in any way as they prepare the EIS. Please contact me at (360) 664-1208 or ddanner@utc.wa.gov if we can provide additional information.

Sincerely,

David W. Danner
Executive Director

cc: Jeffrey D. Goltz, Chairman, UTC

Washington State Senate

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23rd Legislative District

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January 18, 2013

Ms. Alice Kelly
Northwest Regional Office, Department of Ecology

Mr. Randel Perry
U.S. Army Corps of Engineers, Regulatory Branch
Northwest Field Office

Mr. Tyler Schroeder
Planning and Development Services, Whatcom County
360-676-6907 ext. 50202

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Re: NEPA & SEPA Scoping Comments on Gateway Pacific Terminal Project

Dear Ms. Kelly, Mr. Perry & Mr. Schroeder:

This letter provides scoping comments to the co-lead agencies responsible for preparing the environmental impact statement (EIS) for the Gateway Pacific Terminal (GPT) project and associated Custer Spur rail improvements at Cherry Point in Whatcom County. The proposed project will have the capacity to handle up to 54 million tons per year of bulk commodities, of which as much as 48 million tons may be coal that is mined in the Powder River Basin in Wyoming and Montana, and are exported for consumption in Asian markets. All of this material will be transported by rail along existing lines in Western Washington which in several locations will intersect routes that are integral to a very important component of the state's highways: the Washington State Ferry System. While there are a host of other impacts from this proposal on our communities, regionally, nationally, and indeed globally, this letter is confined to the impacts upon the ferry system and the communities that are dependent upon it.

For example, the main BNSF line, likely to be used for transport of coal from the Powder River Basin to the GPT facility is immediately adjacent to the ferry terminal in the City of Edmonds in Snohomish County. This terminal is a link to Washington State Highway Route 104, which is a formally designated "highway of statewide significance." This highway crosses the BNSF main line at an at-grade crossing, and initial analyses by the City indicate that the anticipated increase of as many as 18 trains per day – each up to 1 ½ miles long – would greatly increase delays in loading and unloading of ferry vessels. These impacts have been confirmed in independent analyses, including one prepared for the City by Gibson Traffic Consultants (http://www.coaltrainfacts.org/docs/Cherry-Point-Coal-GTC-Edmonds-Final.pdf.)

This dramatic increase in rail traffic will disrupt ferry service with significant impacts on residents, businesses and the West Sound communities that rely on this crossing. In addition to the ferry system disruption from increased rail traffic, it is important that the EIS analyze associated economic impacts if the Kingston-Edwards ferry route were to become unusable due to rail traffic.
The BNSF line runs along or near much of the eastern shores of Puget Sound, where ferry terminal ingress and egress crosses the rail lines. While other major routes may have grade separation, it is important that the EIS fully analyze the need for rail infrastructure alterations to ensure that these longer, heavier trains do not compromise this infrastructure.

The EIS should fully analyze how the costs for any infrastructure improvements that would be needed to mitigate impacts will be paid for, and who will pay for them. In the case of SR 104 and Edmonds, the EIS should include a specific analysis of the potential need for grade separation and relocation of the current ferry terminal. The Washington State Department of Transportation prepared an EIS in 2005 for a proposal to relocate the ferry terminal and allow grade separation, but this proposal has not moved forward due to the lack of dedicated funding. The EIS should analyze the likelihood that the proposed GPT project, if completed, would make relocation of the Edmonds ferry terminal necessary and should identify which entities would provide funding for this mitigation.
Thank you for including these comments into the public record for EIS scoping on the PGT project, and I look forward to reviewing a draft EIS that includes a full analysis of the project's potential impacts upon the state ferry system and SR 104 in Edmonds.

Sincerely,

Christine Rolfes

Senator Christine Rolfes
23rd Legislative District

State of
Washington
House of
Representatives

January 22, 2013

Tyler Schroeder
Whatcom County Planning and Development Services
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Bellingham, Washington 98226

GPT/Custer Spur EIS
c/o CH2M HILL,
1100 112th Avenue NE Suite 400
Bellevue, WA 98004

RE: Scoping Comments on Gateway Pacific Terminal/Custer Spur EIS

Dear Mr. Schroeder,

We greatly appreciate the opportunity to participate in the environmental review process for the proposed Gateway Pacific Terminal (GPT) project. Please consider this letter as part of the public record for the Gateway Pacific Terminal coal export project proposed at Cherry Point, Whatcom County, Washington, facility site ID #22237.

The purpose of this letter is to urge the co-lead agencies to thoroughly examine the GPT project's impact to the natural environment, as well as the project's impacts to Washington's built environment. We are particularly interested in ensuring that this review process accurately identifies and assesses the full range of potential externalities and impacts, not just in the area immediately surrounding the project site, but statewide in a comprehensive and cumulative fashion.

Due to the gravity of the proposed project and the widespread nature of the potential impacts, we recommend that the agencies broaden the scope of the review process to include the impacts felt by cities and counties across Washington. We also encourage the agencies to consider the cumulative impact of the GPT project in light of similar coal export proposals elsewhere in the Pacific Northwest. Only through a thorough and comprehensive review process can stakeholders understand the full scope of the GPT project and the impacts it will have. This letter

summarizes some of the far-reaching effects of the GPT project that should be, at a minimum, analyzed within the scope of the environmental impact statement.

I. Impacts to the Built Environment

Some of the most significant impacts of the proposed GPT project may be felt by Washington's built environment. The transportation infrastructure – rail, road, and marine – is likely to be affected by the GPT project, as are the commercial centers located adjacent to transportation corridors. We urge the agencies to include in their review the following impacts to Washington's built environment.

A. Traffic Congestion at Rail Crossings

The GPT project will significantly increase rail traffic along Washington rail lines, and the effect of increased traffic on rail crossings warrants examination by the agencies. Independent studies suggest that GPT rail traffic will cause the closure of rail crossings for up to seven minutes at a time in some instances, in consolidated schedules (for example during rush hour or during professional sporting events in downtown Seattle), and the impacts of these additional crossing closures must be incorporated in the examination of economic externalities.

First, the agencies must look at whether additional crossing closures will impact levels of service, including those relating to emergency response times. If levels of service are affected, the agencies should examine options for mitigation and how they might be employed, as well as who would bear the cost of mitigation.

The agencies should also look at how additional rail traffic might impact non-rail freight mobility and access to local businesses. The GPT project would likely increase the number of trains traveling near a number of Washington's largest ports, tourist centers, and economic hubs, and the agencies should look at the effects of rail crossing delays on the movement of goods and people in these areas. One specific example is the prospect of numerous trains in short time spans along the Seattle waterfront impacting the ferry system, cruise ship terminals, tourist access to Pike Place Market and the Seattle Center. This type of economic externality goes to the core of an accurate assessment of the incremental impact of the proposal, and the vital role this public process plays.

B. Impacts to Existing Freight Cargo and Passenger Rail

The transport of coal to the GPT facility would roughly double the tonnage of freight being transported by rail in Washington, and the agencies should thoroughly examine the impact this quantitative increase will have on local industries. Specifically, the agencies should evaluate the impact coal train traffic will have on the cost and ease of transporting goods within the state (agricultural and aerospace products, for example), and the relative difference between the pricing and impacts to short- and long-haul shipments.

In addition to the impacts to local industry, the agencies should examine the impact that added freight rail traffic will have on passenger rail service. The agencies should determine what effect, if any, GPT-induced rail traffic will have on rates, dependability, and frequency of passenger rail services like Amtrak.

C. Impacts to Ferry System and San Juan Straits Marine Traffic

The GPT project has the potential to substantially impact the Washington State Ferries system, both in the Puget Sound where rail traffic may interfere with ferry loading and unloading, and in the San Juan Straits, where coal-transporting vessels may inhibit ferry and other existing marine traffic.

The agencies should first examine the impact that GPT-induced rail traffic will have on ferry docks throughout the Puget Sound, especially the Edmonds dock. The Edmonds-Kingston run is one of the state's busiest, transporting over 4 million passengers a year and serving as an important corridor for vehicle freight traffic. Train traffic and the associated vehicle traffic disruptions along the rail lines directly adjacent to the ferry dock have already resulted in the elimination of two daily sailings. The agencies should examine the impact of additional rail traffic on ferry docks like Edmonds, paying particular attention to the potential need for congestion mitigation measures and where funding obligations for such measures would fall.

The GPT project also has the potential to impact ferry traffic traveling across the Haro and Rosario Straits around the San Juan Islands. In addition to other ferry traffic, Washington State Ferries sail across these straits over 20,000 times per year, and the agencies should examine the effect GPT-induced vessel traffic will have on the safety, cost, and timeliness of existing ferry routes. Further, the agencies should evaluate the probability of vessel collisions, ferry or otherwise, in these straits, including a review of the available and necessary emergency and rapid response capabilities.

D. Effect on Property Value

The GPT project is likely to create a number of conditions that may adversely affect property values statewide, with particularly negative implications in certain targeted areas. The environmental review should include further analysis of all potential impacts to property value and any impacts to local governments as a result of property value changes.

Studies to date have identified a number of rail traffic impacts that may alter property values around Washington. Access and vehicular traffic issues, vibration, life safety, horn noise, pollution, and stigma and perception are all likely to impact the assessed value of property in close proximity to rail lines, and the agencies must consider the degree to which property values will be affected, the range of properties affected, and the net impact on Washington properties.

In addition to determining what property value changes might occur, the agencies should evaluate the impact these changes will have on tax revenue collected by state and local governments. This evaluation should include a calculation of the net effect the GPT project will have on tax collections at both local and state levels.

E. Net Employment Changes

The environmental review process should include a thorough analysis of the project's impact on local and regional job growth. In evaluating the jobs that may be created, the analysis should include the wage level, location, and duration of these jobs, as well as whether the existing workforce is adequately equipped to fill the new positions. The analysis should also review the economic expense at which new jobs are created, specifically the impact that the project will have on other economic development projects. The agencies should also look at the employment impacts felt elsewhere in Washington, and determine the net employment impact of the project.

In addition to employment figures, the agencies should examine the impact that employment changes will have on communities around the state (both positive and negative). Changes in tax revenues and consumer spending should be evaluated relative to both construction and operational stages.

F. Public Investment Necessary to Maintain Transportation Infrastructure

Based on existing analyses of Washington's rail infrastructure, we understand from previous WSDOT analyses that the number of trains expected to transport coal to the GPT site would force many major railways to operate at or above capacity. As a result, according to much of the analysis identified to date, many incremental upgrades are probable as a result of GPT-induced traffic, and we encourage the agencies to carefully examine where rail infrastructure improvements would be likely to occur, and what sources of funding would be used for such improvements.

Within the review of these potential rail infrastructure improvements, it is vital that the agencies consider the long-term growth in the state's infrastructure needs, and evaluate the GPT project with projected long-term, multi-industry economic growth in mind. A cumulative analysis in this regard is critical to accurately measuring the true incremental effect of this project.

Apart from potential rail improvements, the agencies should study the increased costs of rail maintenance necessitated by the additional rail traffic and by coal dust and debris. Research has shown coal to be a particularly costly commodity to transport due to the effect of coal dust on rail infrastructure, and the agencies should consider both the impact of additional rail traffic and the impact of rail traffic moving large quantities of coal. The share of increased marginal costs borne by the public at the local, regional, and state level should be noted in detail so an accurate accounting of transportation externalities can be conducted.

Also relating to public investment, the agencies should examine the cost of mitigation measures, such as additional overpasses, tunnels, crossings, and diversions, which additional rail traffic will likely motivate, especially relative to economic impacts. The location of necessary or probable mitigation projects, as well as the portion of the cost contributed by local governments, should be described to enable such entities to conduct financial analyses. Again, the need for mitigation measures should be evaluated in the context of long-term growth models that account for traditional changes in economic conditions, industry growth, and fluctuating population demographics.

G. Impact of Market Volatility on Commerce and Infrastructure

Apart from the immediate impacts of the GPT project, we urge the agencies to analyze the longterm viability of infrastructure and mitigation investments in light of coal's market volatility and variable demand. Domestic coal consumption has declined recently, due in part to competition from other energy sources, and it seems probable that such trends will occur elsewhere.

Coal's share of energy production in China has fallen in the past year, and reports suggest that coal surpluses are accumulating as coal-burning power plants taper energy production in the face of declining energy demand. Further, the world's two largest coal exporting countries, Australia and Indonesia, lie in close proximity to Asian markets, giving them a substantial advantage in a commodity market largely driven by transportation costs.

On top of $665 million cost of constructing the GPT facility, significant public investment will be necessary to accommodate the project, and much of Washington's transportation infrastructure will have to be altered and tailored toward the export of coal. It is prudent for the agencies to analyze longterm viability of coal as a significant economic driver within the review process to effectively capture the sustained impact of the GPT project on the state's built environment.

II. Impacts to the Natural Environment

A. Greenhouse Gases and Emission Targets

Washington has made a public policy commitment to lower greenhouse gas emissions and move away from coal as an energy source. Part of this commitment is the consideration of climate impacts under SEPA. WAC 197-11-444 and WAC 197-11-752 establish that "climate" is one of the many environmental impacts to be reviewed under SEPA, and informal Attorney General's Office opinions clarify that "[t]aken together, the SEPA statute and rules provide that, to the extent that greenhouse gas emissions and global warming/climate change have 'specific adverse environmental impacts' or 'significant adverse impacts,' SEPA grants

authority to state and local agencies to condition or deny proposed actions based on those impacts pursuant to formally designated policies."

Given the substantial increase in greenhouse gas emissions likely to result from the GPT project and the annual export of millions of tons of coal, we urge the lead agencies to analyze the project's impacts on global climate change relative to Washington's interests. Additionally, the EIS should assess the consistency of proposed coal export projects with existing state commitments and targets, as well as reviewing the negative impacts to quality of life, public health, and the environment which are associated with climate change. This includes the impacts of climate change in our community; ocean acidification, increased likelihood of reduced snowpack, flooding, summer droughts, and forest fires risk, and quality of coastal and near-shore habitat.

B. Impacts of Air and Noise Pollution

Current studies have identified a number of concerns relating to air and noise pollution that may be generated by the GPT project. One of the many sources of pollution is coal dust that escapes from open-top rail cars. The agencies should thoroughly review the potential for coal dust to contaminate the areas along rail corridors where coal will be transported, including a review of the efficacy of various retention methods.

The agencies should also analyze the impact of additional rail traffic on air quality. Diesel particulate matter being expelled from locomotives is linked to a number of health risks, and the agencies should review the potential for increased pulmonary and cardiopulmonary health problems, increasingly severe and frequent asthma attacks, and heightened cancer rates that may occur along rail corridors as a result of pollution from GPT-induced rail traffic.

In addition to air quality, the agencies should evaluate the impacts of increased noise and vibration caused by the additional coal-hauling freight trains. Physicians' groups have associated noise pollution with cardiovascular disease, cognitive impairment in children, sleep disturbance and resultant fatigue, hypertension, arrhythmia, and increased rate of accidents and injuries, as well as the exacerbation of mental health disorders such as depression, stress and anxiety, and psychosis. The project review should include an assessment of potential impacts of this sort.

C. Impacts to Marine Environment

The GPT project is likely to impact the marine environment around Cherry Point in a number of ways, and the agencies should thoroughly review these impacts at each stage of the project. During construction, the agencies should analyze the impacts of sea-floor disturbance and increased turbidity, as well as noise from pile driving and seismic surveys. After construction, the impacts of shading from the pier and wharf, toxics from the terminal's outfall pipes, night lighting, and noise from vessel

operations should be evaluated. The agencies should examine the effects of large capacity coal storage in close proximity to the water, paying special attention to the possibility of coal dust entering the marine environment.

In addition to the impacts of the project site, the agencies should review the potential impacts of the additional 974 annual transits of giant bulk carriers necessary to serve the GPT project. The quantity of fuel carried by Panamax and Cape-size vessels, in conjunction with their poor maneuverability and the fact that they are not required to have a tug escort, necessitates the need for a thorough evaluation of vessel travel in the increasingly congested waterways of Rosario and Haro straits. The agencies should also examine safety requirements for vessels transporting coal (especially in comparison to vessels transporting other harmful commodities such as oil), and should review the need for additional emergency response resources necessary to safely accommodate additional vessels of the size proposed.

III. Cumulative and Net Impacts

In addition to the discrete impacts list above, we strongly urge the agencies to analyze the effects of the GPT project cumulatively, in light of other coal export proposals in the Pacific Northwest. These additional projects will almost certainly have similar impacts (in type if not in extent), and the potential aggregate impacts should be analyzed in the environmental review process. The very nature of a comprehensive assessment requires a cumulative assessment that accurately identifies and analyzes the externalities of multi-site proposals.

Further, we want to emphasize the need to evaluate the broader economic impacts on a statewide scale, not solely the communities in close proximity to the proposed site. The gravity of the GPT proposal is such that the impacts, both positive and negative, will be felt in all parts of Washington. Only through a comprehensive and thorough review process can all affected parties understand and assess the scope of the project.

Thank you for your consideration,

Undersigned

Rep. Reuven Carlyle – 36th District

Rep. Joe Fitzgibbon – 34th District

Rep. Kristine Lytton – 40th District

Rep. Chris Reykdal – 22nd District

Rep. Gerry Pollet – 46th District

Rep. Ruth Kagi – 32nd District

Rep. Laurie Jinkins – 27th District

Rep. Jessyn Farrell – 46th District

Rep. Cindy Ryu – 32nd District

Rep. Gael Tarleton – 36th District

Rep. Marcie Maxwell – 41st District

Rep. Jeff Morris – 40th District

MATTHEW H. MEAD
GOVERNOR

THE STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

January 22, 2013

Delivered via regular mail and email: comments@eisgatewaypacificwa.gov

The Honorable John McHugh
Secretary of the Army
1400 Defense Pentagon
Washington, D.C. 20301-1400

Lt. General Thomas P. Bostick
Army Chief of Engineers and Commanding General
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Dear Secretary McHugh and Lieutenant General Bostick,

Thank you for the opportunity to comment on the scope of the proposed environmental impact statement (EIS) for the Gateway Pacific Terminal and modifications to the Custer Spur of the BNSF Railway (project). I support this project. It will enhance infrastructure and business activity, produce jobs and economic growth, and increase the country's global competitiveness in all ways. I support a thoughtful, thorough environmental and economic impact analysis of this project under the National Environmental Policy Act (NEPA).

I am troubled by suggestions that this project and other proposed terminals be lumped into a single analysis – a programmatic environmental impact statement (PEIS). A single PEIS that includes Asia, world-wide greenhouse gas emissions, climate change and similarly broad and diverse areas will result in less informed decision-making. Expanding the breadth of the EIS will divert resources away from analysis of the environmental impacts of the terminal and rail spur to matters not relevant to this project. Coal is one of the many commodities that would pass through the terminals. Advocates for a broad PEIS could be ascribed a motive that targets coal. The environmental review mechanism should not dictate a result, but an ill-advised broad PEIS that looks only at coal would do just that. It would stifle valuable coal exports by purposely including review elements that are not relevant and are aimed at a preordained conclusion.

NEPA does not require a PEIS for this type of project and engaging in a PEIS would be contrary to the intent of NEPA. This is a crystallized project, in a specific place, with defined parameters

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and operations. I have every confidence in the Corps of Engineers and other co-lead agencies to conduct a full and focused EIS for the Gateway Pacific Terminal and Custer Spur project.

I support this project and an EIS for this project. I oppose a broad PEIS, a proposal with numerous faults, not the least of which is a destined outcome –targeting only one export commodity.

Sincerely,

Matthew H. Mead
Governor

MHM:mdm

cc: The Honorable Mike Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Cynthia Lummis, U.S. House of Representatives

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January 22, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

RE: Scoping comments for proposed Gateway Pacific Terminal/BNSF Custer Spur environmental impact statement

Dear co-lead agencies:

The Northwest Clean Air Agency (NWCAA) appreciates the opportunity to comment on the scope of the environmental impact statement (EIS) for the proposed Gateway Pacific Terminal (GPT) and BNSF Railway's Custer Spur (Spur) modification.

NWCAA is one of seven regional air quality control agencies in Washington state, established under the Washington Clean Air Act (RCW 70.94). Federal and state governments delegated air quality responsibilities to our agency for Whatcom, Skagit and Island counties. Those responsibilities can be broadly described in two categories:

- Enforcing federal, state and local air pollution laws and regulations at more than 425 air emissions sources.

- Comprehensive air quality protection and improvement in our region.

We work with a range of air pollution sources, from large industrial operations such as oil refineries, to residential fireplaces and wood stoves.

All sources of air pollution, regardless of whether they are subject to direct NWCAA regulatory authority, are important to us because the air pollution they generate affects the people within our three-county jurisdictional area. Our ambient air quality monitors don't distinguish between pollutants from regulated and unregulated sources. Further, if unregulated sources of air pollution degrade our regional air quality, they have the potential to ultimately necessitate more stringent air pollution control requirements for existing and future businesses subject to our regulation, and to make continued compliance with federal and state ambient air quality standards more difficult.

Consequently, as with any large or complex industrial facility which emits or generates air pollutants within NWCAA's jurisdictional area, we have two distinct objectives as we prepare to fulfill our two areas of responsibility related to the proposed GPT and Spur projects:

- Obtain as much information and analysis as possible about direct and indirect emission of air pollutants resulting from the construction and operation of the proposed terminal, and about potential impacts and mitigation measures. This objective reflects our relatively narrow responsibility as a permitting authority. NWCAA's Order of Approval to Construct for a completed and functioning terminal is among the anticipated permits and authorizations for the GPT and Spur proposals.
- Obtain all necessary and relevant information and analysis related to the comprehensive and cumulative effects on our air quality that would result from the proposed projects, including how potential changes in air quality could affect: People and existing permitted sources of air pollutants in our region; our continued compliance with the requirements and standards of the U.S. and Washington Clean Air Acts; and potential mitigation measures. This second objective requires a general and broader view arising from our responsibility to protect and improve air quality within our jurisdictional area.

We have attempted to divide our scoping comments into two categories that support these objectives where possible, and we will evaluate information in the EIS from both perspectives as appropriate.

These comments are specific to what we presently believe the scope of the co-leads' EIS should include. We have reviewed the scoping materials available online related to the GPT and Spur proposals. The applicant's description of the project in the Project Information Document is far too general as it relates to possible air emissions to comprehensively anticipate all information and analysis that NWCAA may require for any permit decisions. Any omission in our request for information or analysis as part of the State Environmental Policy Act (SEPA) process does not preclude NWCAA from requesting additional information and analysis as part of the permit application process.

Also, NWCAA's scoping comments should not be interpreted as agreement with or acceptance of the adequacy of any particular method, technique or system for controlling or minimizing air pollution identified in the Project Information Document.

In summary, our intent is to obtain from your EIS the most comprehensive information and analysis related to air quality emissions and potential impacts in Whatcom, Skagit and Island counties from any product that travels through or is handled by the proposed terminal, and potential mitigation measures, based on our present understanding of the proposal as set forth in the Project Information Document.

Permit-related comments

1. The Washington Clean Air Act (RCW 70.94.152) and NWCAA regulation (Section 300) require that all new stationary sources use best available control technology (BACT) to control emissions. BACT is considered the maximum degree of reduction which, on a case-by-case basis, takes into account energy, environmental and economic impacts and other costs. Based on the February 28, 2011 Project Information Document, NWCAA is concerned that the proponent may not meet BACT requirements for the control of fugitive emissions, especially during high winds. We refer, in particular, to the following statement in the Document: "It is anticipated that***, except for potentially high concentrations of fugitive dust during occasional high wind events***, none of the other emission sources associated with the project would be likely to result in significant air quality impacts..." (emphasis added). Though NWCAA has ultimate responsibility for determining BACT through the permitting process, the EIS should fully analyze the range of emissions limits and associated controls that may qualify as BACT.

2. Based on the information in the Project Information Document, NWCAA has concerns about the ability to demonstrate BACT in several areas that should be addressed in the EIS. Areas the Document does not cover include:

    - Covering or enclosing in a building the area used for storage, stacking and reclaiming of coal.

- Enclosing all of the conveyor and transfer points. To the contrary, the project proposes covering but not enclosing the conveyors and transfer points that are on land.
- Identifying active emission controls, such as capturing fugitive dust and controlling dust with a fabric filtration system, while loading coal and other commodities into marine vessels.

3. When determining BACT, NWCAA is tasked with considering environmental impacts of emissions as they relate to proposed emissions controls. To the extent that the proposal does not provide for 100% control of fugitive emissions and, therefore, allows for some dust falling on the surrounding areas, the EIS should identify the environmental impact of such fallout – particularly on sensitive areas, including wetlands and the marine environment. The EIS should identify an acceptable amount of dust fallout on these sensitive areas in units of tons per year, and the basis for this acceptable level, providing a thorough analysis that considers any and all toxic constituents of the bulk commodities.

4. To control fugitive dust from certain bulk material piles, the proponent favors water and surfactant application, which have been in use for decades at other facilities – sometimes with less than acceptable results. In the review of a permit application for handling of any bulk material for the GPT and Spur proposals, it is NWCAA's responsibility to determine the appropriate dust controls to be employed as BACT. To support that determination, the EIS should identify the types of dust controls being employed at similar terminals in the U.S. and elsewhere. Please include the location of each facility, how long the facility has been in operation, the amount and type of products shipped from the facility, the nature of the dust control systems utilized, how those controls differ from controls proposed for this project, and contact information for agencies with air quality regulatory authority for such other facilities. This analysis should be performed for all known potential commodities at both the West and East loops.

5. The EIS analysis should recognize that bulk commodities can be a combination of substances and compounds, some of which may individually pose an environmental threat or concern. The EIS should fully analyze each bulk

commodity that has been identified as a potential import or export product to be shipped through the proposed terminal, and those likely to contain toxic air pollutants identified in Chapter 173-460 of the Washington Administrative Code (WAC) should be identified. For example, coal can contain arsenic, selenium, mercury, lead and other substances listed as toxic air pollutants in Chapter 173-460 WAC. The analysis also should identify the expected maximum amount of toxic air pollutants contained in each commodity in percent by weight, and the maximum capacity to import or export that commodity.

6. As stated in Comment 4 above, NWCAA would determine what fugitive dust controls would be required for the proposed GPT and Spur projects. In order for NWCAA to consider wind walls as potential mitigation measures, the EIS should include a full analysis of wind-wall heights that would effectively prevent fugitive dust emissions, based on the identified size and height of commodity piles at the terminal and worst-case wind scenarios. Adequate analysis likely will require computer modeling. Please also note that the proponent has provided a wind rose in the Project Information Document, but this appears to reflect hourly average wind speeds. Wind gusts in the area are known to be significantly higher in velocity than the one hour average wind speed.

7. The Project Information Document suggests that the proponent intends to exclusively utilize electrical power to operate the terminal, and the proponent suggests that this will be obtained from nearby Bonneville Power Administration (BPA) infrastructure. The EIS should identify any proposed sources of backup electricity upon which the proponent would rely during periods when electricity from the BPA infrastructure is unavailable. If backup power generation is proposed, please identify the size (in MMBtu per hour of fuel input) of the equipment, the fuel to be used to operate such backup generation equipment, and the potential air emissions from the proposed equipment. Please also calculate the reasonably expected total duration (in hours per year) of operation of the equipment and the basis for such calculation. Identify all scenarios in which any proposed backup power generation equipment might be operated (e.g., power outage, maintenance, etc.).

8. The EIS should fully analyze air pollutants emitted due to coal combustion at the terminal. While in storage piles, coal oxidizes. As a result, both heat and carbon monoxide can be released, and the heat can cause coal to combust. The EIS should fully analyze the potential emissions of air contaminants due to oxidation and combustion of coal (and any other bulk commodity that is subject to such a reaction) at the proposed terminal. The EIS also should identify the appropriate mitigation measures and detection methodology that would allow quick response to potential fires. The EIS should also identify any environmental (air quality in particular) impacts from fire suppression techniques used to control these fires. For example, if pile movement and manipulation is used to reduce the incidence of fire, please include all fugitive emissions that might result.

9. The Project Information Document focuses primarily on East Loop operations, and only superficially identifies and discusses the emission control measures and potential air quality impacts related to the great variety of possible bulk commodities planned for handling at the West Loop. For example, prilled sulfur is mentioned as a possible commodity. Prilled sulfur storage, like most other bulk commodities, presents unique air quality challenges. Prilled sulfur piles often emit hydrogen sulfide and other odorous or toxic compounds. The proponent has not identified or addressed these in sufficient detail, or fully identified effects from operations at the West Loop. The EIS must include an expanded, detailed project description and fully analyze air quality issues for each commodity to be handled throughout the proposed terminal, including the West Loop.

10. When discussing the greenhouse gas (GHG) emissions from the proposed terminal, the Project Information Document identifies GHG emitted directly from the proposed GPT and Spur projects and indirect GHG due to offsite power generation supporting the proposal. NWCAA is concerned that this does not include all direct sources of GHG emissions. The EIS should fully identify and quantify all direct GHG emissions that will be emitted, including those related to backup power generation and combustion/oxidation of coal at the proposed terminal.

11. In the Project Information Document, the proponent discusses ambient carbon monoxide concentrations as largely resulting from vehicle emissions. While this may be true on a national scale, it is not true in the vicinity of the proposed terminal, which would be located next to the largest stationary source of carbon monoxide emissions in Whatcom County – Alcoa Intalco Works. Alcoa emits about the same quantity of carbon monoxide as all of the cars in Whatcom County combined. The EIS should fully analyze the emissions from large nearby industrial facilities, as well as terminal emissions, including coal oxidation/combustion emissions, and predict the status with respect to the National Ambient Air Quality Standards (NAAQS) at the proposed project area using appropriate modeling techniques for CO, SO2, NO2, PM_{10} and $PM_{2.5}$. NWCAA is able to provide assistance in determining what modeling techniques are appropriate.

Comments related to overall protection of air quality within NWCAA's three-county jurisdictional area

12. When NWCAA makes its decision on approvals or authorizations for the GPT and Spur proposals, it will consider whether, under the State Environmental Policy Act, local, state or federal requirements and enforcement would mitigate an identified significant impact. Therefore, the EIS should fully analyze the authority of any and all federal, state and local agencies to enforce regulations, including BACT, and mitigation measures related to the emissions and potential impacts from emissions from the terminal, trains and marine vessels.

13. NWCAA has the authority to comprehensively preserve and protect air quality within Island, Skagit and Whatcom counties. Air quality within the NWCAA jurisdictional area can be affected by events that occur outside of the NWCAA jurisdictional area. The local air quality impacts related to fires throughout the western United States and in Siberia/Asia in the late summer of 2012 are examples of events occurring outside the NWCAA counties that affect the air quality within the NWCAA jurisdictional area. For pollutants that have a national ambient air quality standard and/or are regulated by WAC 173-460, the EIS must fully analyze the potential air quality degradation within the NWCAA jurisdictional area from emissions generated both within and outside of the NWCAA jurisdictional area resulting from the construction and operation of

the proposed projects. The EIS must compare these effects on air quality to what could be reasonably expected to occur if the proposed terminal and Spur are not constructed.

14. The EIS should identify any and all additional air pollutants that would occur as a result of construction and operation of the GPT and Spur proposals within the NWCAA jurisdictional area. This includes emissions from trains and marine vessels. The EIS should identify the air quality impacts that would result from these emissions, with particular focus on NAAQS and toxic air pollutants, including the expected locations that the impacts would be expected to occur.

15. The EIS should fully analyze the air quality impacts that would occur in the NWCAA jurisdictional area if the extent of rail traffic related to the proposed projects is minimized. Specifically, identify the difference in impacts to the NWCAA jurisdictional area if rail infrastructure is constructed that would connect in Lynden, Washington, and travel northward, making a connection to the Canadian rail system. Please also identify if this or other alternatives likely would result in different commodities being shipped through the terminal and the likely differences in air emissions that would result from the changes in the commodity mix.

16. The EIS should fully analyze the NAAQS status requested in Comment 11 above to include project-related rail and marine vessel air pollutant emissions that can be reasonably expected to affect the NWCAA jurisdictional area.

17. The EIS should fully analyze NAAQS status at all vehicle-train intersections in the NWCAA jurisdictional area where vehicle traffic delays would result from increased rail traffic related to the proposed terminal and Spur. NWCAA is particularly interested in potential NAAQS exceedances resulting from vehicles idling at intersections while waiting for trains to pass.

18. In the Project Information Document, the proponent has suggested that the rail cars containing potash will be covered. This is presumably because potash is soluble in water. However, the proponent has also suggested elsewhere that it is not feasible to cover rail cars containing coal and/or that they have little control over whether cars are covered. The EIS should fully analyze barriers to shipping coal in covered rail cars, identify the ways that those barriers can be

overcome, and identify all environmental benefits that would result from using covered rail cars for all export commodities transported to the proposed terminal.

19. The EIS should fully analyze the potential degradation of air quality in NWCAA's jurisdiction resulting from the use of Tier 3 or Tier 4 locomotives, rather than Tier 0, 1 or 2 locomotives, for trains serving the proposed terminal.

20. The EIS should fully analyze the air quality benefits that would result from requiring ships at dock to utilize shore power to eliminate ship stack emissions and all barriers to implementing this technology. The EIS should identify solutions to each potential barrier.

21. When discussing the GHG emissions in the Project Information Document, the proponent has identified GHG emitted directly from the terminal and indirect GHG due to offsite power generation. NWCAA is concerned that this does not include all indirect sources of GHG emissions. Please identify and quantify all indirect GHG emissions. For the purposes of this comment, NWCAA is interested in all indirect GHG emissions that occur in the state of Washington and are related to this proposed project, including those related to marine and rail traffic.

Sincerely,

Mark Asmundson

Mark Asmundson
Executive Director

pscleanair.org
Puget Sound Clean Air Agency

Working together for clean air

January 18, 2013

GBT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Ave NE, Suite 400
Bellevue, WA 98004

RE: Public comment period on EIS scoping – Letter of Support

The Puget Sound Clean Air Agency is a regional air quality management agency serving King, Kitsap, Pierce and Snohomish counties. Our mission is to maintain healthy air quality and protect our climate. Because the proposed Gateway Pacific Terminal and Custer Spur modifications would impact the air quality and climate in our four counties, we are providing specific scoping comments to ensure the environmental impact statement (EIS) for the project thoroughly identifies and analyzes the air quality and climate effects in our jurisdiction.

EXECUTIVE DIRECTOR
Craig T. Kenworthy

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Stephanie Wright, Councilwoman

TACOMA
Ryan Mello, Councilman

A. Potentially Affected Resources and Extent of Analysis of those Resources

1) Direct and Indirect Effects on King, Kitsap, Pierce, and Snohomish County Air Resources and Climate Resulting from the Project Should be Considered in the EIS

The proposed project would facilitate rail shipment of large quantities of bulk commodities through at least Snohomish County, and very likely King and Pierce counties as well. The proposed volume of coal would be approximately equal to four percent of national coal production. The potential increases in rail activity in our region would be substantial, and the levels of other activities associated with the project would also increase considerably. The large scale of potential project-induced activity in, near, or affecting one or more of our counties warrants careful analysis, even though the proposed terminal would be in Whatcom County. The EIS should thoroughly analyze the direct and indirect effects of the proposed project on our counties' air resources and climate, and on the people who live there, including but not limited to environmental justice communities and the built and natural environment.

a. Activities

At a minimum, the EIS should quantify and analyze direct and indirect effects in King, Kitsap, Pierce and Snohomish counties of air pollutants and greenhouse gases to be emitted from the following project-related sources:

- Locomotive engines
- Fugitive dust (coal or other commodities) from railcars while in transit (e.g. through our counties) to the proposed terminal
- Combustion of coal that is enabled by the project
- Idling of on-road vehicles at railroad crossings while waiting for all trains

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related to this project
- All indirect changes in locomotive activity (e.g. idling of non-project-related locomotives) due to increased rail congestion caused by this project
- Ships coming to and leaving the terminal

b. Pollutants

Air pollutants listed below should be quantified and analyzed from each of the above sources in section A(1)(a), as applicable:

- Diesel particulate matter
- All relevant criteria pollutants
- All relevant hazardous and toxic air pollutants
- All relevant greenhouse gases
- Black carbon
- Mercury

c. Analyses

The EIS should quantify and analyze the following effects of the project:

- Effects on ambient air concentrations of all relevant criteria pollutants and toxic or hazardous air pollutants. Dispersion modeling, global chemical transport modeling or other appropriate quantitative modeling should be used to determine potential ambient air concentrations. (Transport of air pollutants resulting from overseas combustion of project-related coal should be considered as a potential effect.)
- Effects on local air quality alongside rail corridors in King, Pierce and Snohomish counties, and the communities in these corridors.
- Health effects associated with increased ambient concentrations to be caused by the project. This analysis should include evaluation of impacts on communities already burdened by air-related health impacts and/or other identified environmental justice communities.
- Effects on the climate from pollutants emitted from all sources of air pollution listed in section A(1)(a) above, including the coal combustion enabled by the project, in a qualitative or semi-quantitative analysis. We ask the co-lead agencies to research how other EISs are addressing cumulative impacts on climate change to ensure that the effects described in this paragraph are adequately identified and evaluated.
- Effects from deposition of black carbon onto snow in the Cascade Mountains, including, but not limited to, effects on snow melt and surface temperature and the impact these effects would have on power generation, water supplies, and recreation. A study that could help guide this analysis is "Measured black carbon deposition on the Sierra Nevada snow pack and implication for snow pack retreat" published in the Atmospheric Chemistry and Physics journal, http://www.atmos-chem-phys.net/10/7505/2010/acp-10-7505-2010.pdf . We request this study be reviewed and considered.
- Effects on ecosystems and human health from deposition and bioaccumulation of air pollutants into the Puget Sound, rivers, and lakes. Relevant pollutants include mercury, polycyclic aromatic hydrocarbons, metals, other hazardous air pollutants, particles, ozone precursors, and peroxyacetyl nitrate. A global transport model should be used to quantify deposition.
- Effects on ecosystem acidification from increased levels of carbon dioxide from the coal combustion enabled by the project, including ocean acidification.

2) Cumulative Effects on Air Resources from the Project and all other Past, Present and Reasonably Foreseeable Projects

The EIS should thoroughly analyze the cumulative effects associated with the proposed project by analyzing the incremental impact on the counties' air resources, including climate, of the project added to all other projects past, present and reasonably foreseeable in the future, regardless of who is proposing – or may propose – the other projects. Other projects should include, but not be limited to, the proposed Millennium project in Longview, WA and the other terminals under discussion including: Port of St. Helens/Port Westward, OR; Coos Bay, OR; Port of Morrow, OR; Port of Grays Harbor/Hoquiam, WA; and Westshore, Roberts Bank, British Columbia.

This should include the cumulative effects of all currently proposed or reasonably foreseeable projects that would impact the air resources, including at least all proposals that would increase train traffic along the same corridors and those that would increase coal combustion. The activities, pollutants, and analyses described in the "Direct and Indirect Effects" section above should also be analyzed for cumulative effects. Note that proposed terminals south of our agency's area might result in rail traffic through Pierce, King and Snohomish counties unless these projects' proponents have committed otherwise.

Cumulative effects should be analyzed over the entire life of the potential project impact and not just the life of the project. The timeframe for determining which future projects to include should be at least as far into the future as the date by which all currently proposed or reasonably foreseeable similar projects would be operational.

3) Incomplete Information

We understand that there may be elements of the analyses for which perfect information is unavailable at the time. In these circumstances, the EIS should be based upon conservative or worst-case assumptions, rather than omitting quantifying or analyzing relevant effects. See for example, WAC 197-11-080. For example, if at the time of the analysis it is not known whether trains would pass through a particular location, more precise project information should be obtained. If that cannot happen, then the EIS should assume that they would pass through that location, in both directions (loaded and empty). The EIS should use this approach even if trains would be assumed to "be in more than one place at a time." The alternative is to obtain more precise project information. As another example, if at the time of the analysis it is not known where project-related coal would be combusted, the EIS should assume it would all be combusted in one reasonable worst-case location to ensure that adequate identification and evaluation of impacts is performed in the EIS.

4) Insignificance

For effects determined insignificant by the EIS, the EIS should include a description of the relative magnitude of the effects and clearly show how the conclusion of insignificance was reached.

A. Measures to Avoid, Minimize and Mitigate Effects of the Proposals

Although the EIS analyses are not complete, there are specific measures and actions that would minimize or mitigate the project's effects on air resources and climate. The EIS should include and evaluate these measures:

- The project should include a binding mechanism to ensure that only the lowest-emitting locomotives are used for the increased rail activity enabled by the project, such as locomotives meeting U.S. EPA Tier 4 emissions standards from 2015 on;
- The project should include binding mechanisms to ensure the best operational practices are used to minimize locomotive idling and emissions along the entire rail corridors used to serve the project;
- The project should include or ensure maximum installation of grade separations to minimize the effects of on-road vehicle idling at rail crossings along the entire rail corridors used to serve the project;
- The project should include binding mechanisms to ensure the use of the best available control technology on railcars to minimize fugitive coal dust emissions, potentially including completely-covered cars if feasible; and
- The project should include binding mechanisms to ensure the use of the best available control technology or other means to minimize emissions from ships, in transit and at berth.

B. Significant Unavoidable Adverse Impacts

Notwithstanding the above recommended measures, this proposal would likely also result in some significant unavoidable impacts. These include:

- Combustion of the coal would – for the foreseeable future – unavoidably emit greenhouse gases and black carbon. The project would exacerbate the changing of our climate.
- Due to state and federal decision-makers' inability to require emission control devices or otherwise influence the amount of air pollution from coal combustion overseas, air pollution and human health impacts would also likely be unavoidable.

C. Alternatives

The EIS should include a thorough description and analysis of each reasonable alternative, including the no action alternative. The EIS should include, but not be limited to, analysis of an alternative that implements the project at a time when effective control measures could be used to mitigate the negative effects on our climate.

The proposed project has drawn an enormous amount of attention, including in our jurisdiction. The project's effects would be significant and the EIS should include analyses of impacts, alternatives and mitigation measures as described in this letter. If you have any questions or would like to discuss our comments, please contact Andrew Green at (206) 689-4053. We look forward to working with you further on this important EIS.

Sincerely,

Craig Kenworthy
Executive Director
Puget Sound Clean Air Agency

Spokane Regional Clean Air Agency

3104 E. Augusta Avenue, Spokane, WA 99207 ◆ (509) 477-4727 ◆ Fax (509) 477-6828 ◆ www.spokanecleanair.org

December 31, 2012

GPT / Custer Spur EIS
c/o CH2M Hill
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

RE: Scoping comments on Gateway Pacific Terminal / Custer Spur Environmental Impact Statement

The Spokane Regional Clean Air Agency (SRCAA) is the agency responsible for enforcing federal, state, and local air pollution regulations in Spokane County. SRCAA's scoping comments on the Gateway Pacific Terminal / Custer Spur project Environmental Impact Statement (EIS) relate to the potential air quality impacts caused by the additional trains traveling through Spokane County. SRCAA has the following four primary air quality related concerns which warrant further evaluation in the EIS for the Gateway Pacific Terminal / Custer Spur project:

1) **Increased diesel particulate matter emissions in Spokane County from additional locomotives**

Every train associated with the Gateway Pacific Terminal / Custer Spur project will travel through Spokane County when hauling coal to the terminal and when empty traveling back to the mine. The primary pollutant of concern from trains is diesel particulate matter (DPM) which is emitted by the locomotives. DPM has been identified as a toxic air pollutant based on its potential to cause cancer, premature death, and other adverse human health effects. The EIS should evaluate the impacts from the DPM emitted by the additional locomotives which will travel through Spokane County, especially the impacts on receptors located near the rail lines in Spokane County. To assess the impacts from the increased DPM emissions on the receptors near the rail lines, dispersion modeling should be included as part of the EIS.

To mitigate the impacts caused by the additional DPM emissions, SRCAA recommends that all locomotives associated with the Gateway Pacific Terminal (i.e., loaded trains hauling coal to the terminal and empty trains traveling back to coal mines) be required to meet EPA's Tier 3 or 4 emission standards. Line-haul locomotives meeting Tier 3 or Tier 4 emission standards would achieve a 50% or 90% reduction in DPM emissions, respectively, compared to older Tier 0 and Tier 1 locomotives. By mandating Tier 3 or 4 emission standards for all locomotives associated with the Gateway Pacific Terminal, the DPM emissions from the additional trains would be minimized.

2) **Increased emissions at BNSF railyard in Spokane caused by additional trains**

BNSF operates a railyard in Spokane County that would experience increased traffic and activities due to the additional trains that would travel through Spokane County in both directions (i.e., loaded and empty). At current operational levels, SRCAA believes that

the BNSF railyard may be causing adverse health effects on nearby receptors, based on a screening level study performed on the facility. The additional coal trains may increase the emissions from the railyard due to more idling trains and additional activities at the railyard. These additional emissions may cause increased adverse health effects on nearby receptors. The EIS should evaluate the impacts that the additional trains will have on the BNSF railyard in Spokane County, including a) quantifying emissions from increased idling that may occur due to the increase in train traffic, b) quantifying emissions that may occur from increased railyard activities caused by the additional trains, and c) evaluating the impacts from the railyard emissions on nearby receptors. To assess the impacts from the increased emissions at the railyard on nearby receptors, dispersion modeling should be included as part of the EIS.

3) **Increased emissions caused by vehicle idling at railroad crossings**

There are multiple railroad crossings throughout Spokane County that will likely experience more vehicles idling as a result of the additional trains traveling through Spokane County. The EIS should evaluate the increase in emissions resulting from the increased vehicle idling at railroad crossings to ensure that no violations of National Ambient Air Quality Standards will occur.

4) **Compliance with General Conformity Regulations and Washington State Implementation Plan**

Portions of Spokane County are currently designated as maintenance areas for PM10 and Carbon Monoxide (CO) and operate under Maintenance Plans which are approved under the Washington State Implementation Plan (SIP). As a result, the EIS should include a conformity evaluation to determine whether the Gateway Pacific Terminal project will comply with the General Conformity Regulations given in 40 CFR Part 93. As part of the conformity evaluation, calculation of direct and indirect emissions (i.e., emissions from locomotives, railyards, idling at crossings, etc.) resulting from the Gateway Pacific Terminal project in Spokane County is required. If the direct and indirect emissions from the project are above de minimis levels for PM10 and/or CO, a conformity determination is required to demonstrate the project will conform to the requirements of the Spokane PM10 and Carbon Monoxide (CO) Maintenance Plans, which are part of the Washington SIP.

SRCAA appreciates the opportunity to provide scoping comments on the EIS for the Gateway Pacific Terminal / Custer Spur project. If we can provide additional input or information that would be useful in review of the project, please contact April Westby at (509) 477-4727, ext. 105 or awestby@spokanecleanair.org. Thank you.

Sincerely,

SPOKANE REGIONAL CLEAN AIR AGENCY

William Dameworth
Director

Cc: Gateway Pacific Terminal file

MAYOR'S OFFICE
Kelli Linville, Mayor
City Hall, 210 Lottie Street
Bellingham, WA 98225
Telephone (360) 778-8100
Fax (360) 778-8101

December 12, 2012

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE Suite 400
Bellevue, WA 98004

RE: Scoping Comments for the Gateway Pacific Terminal Environmental Impact Statement

Dear Sir or Madam:

These scoping comments are submitted to you on behalf of the Mayor of the City of Bellingham and the Bellingham City Council. The following comments are meant to address both on and off-site potential impacts of the Gateway Pacific Terminal (GPT) project to the City of Bellingham and its Urban Growth Areas and are organized according to the negative impacts the project may have on the City's Legacies and Strategic Commitments, as further discussed below and attached for your reference.

On July 23, 2012 the Bellingham City Council adopted Resolution 2012-22, which is attached to this letter. The Resolution highlighted the potential that additional off-site infrastructure within the City may be necessary for the GPT project to function as proposed at full-build out in 2026, which may adversely impact the City's ability to achieve its Legacies and Strategic Commitments.

Therefore, the City is providing the following specific scoping comments for consideration and inclusion in the Final Scoping Document in order to inform the various alternatives to be studied in the EIS.

1. Please analyze the cumulative impacts of all currently proposed coal export facilities and/or dry bulk commodity terminals within Washington and Oregon in a Cumulative Impact Analysis pursuant to the National Environmental Protection Act. Specifically, please analyze the cumulative impact to existing freight and passenger train traffic capacity in Washington State as well as the cumulative impacts to natural and cultural

resources resulting from the increase in freight train trips within Washington State and vessel traffic within Puget Sound, Georgia Straight and the Columbia River. We acknowledge that the BP Refinery located within the Cherry Point Industrial Area has applied for permits to develop new railroad (loop) infrastructure on their own property. The proposed improvements are intended to accommodate a planned for increase in trains carrying crude oil from the Midwest to their facilities at Cherry Point. BP has forecasted that they expect one additional train every two days to travel on the BNSF line traveling through Bellingham to the Custer Spur and then to the refinery itself. Please include this additional train traffic in the Cumulative Impact Analysis.

2. Please analyze the increase in impacts to the health and welfare of the citizens of Bellingham including impacts from diesel emissions from trains and ships, coal dust, noise and the potential for increased rail/car and rail/pedestrian accidents through a comprehensive independent third party Health Impact Assessment.

3. Please analyze the impacts to existing freight train and passenger train service, including impacts to shared capacity by the addition of up to 18 additional bulk-commodity train trips per day on Burlington Northern Santa Fe (BNSF) railroad infrastructure (Bellingham Subdivision Mainline), between Mount Vernon, Washington and the GPT.

4. Please analyze the impacts to the elements of the environment, as specified in WAC 197-11-444, which would result from the construction / development of a new railroad siding partially or wholly within the City in order to facilitate / accommodate the addition of up to 18 additional bulk-commodity train trips per day on the Bellingham Subdivision Mainline (BSM) between Mount Vernon and the GPT.

The following comments relate to the City's potentially affected resources and are categorized in relation to the City's Legacies and Strategic Commitments. The City expects these resources to be adversely impacted by the increase of up to 18 additional freight train trips traveling through the City of Bellingham every day at the time of full build out of the GPT. We request that the "increase" in impacts resulting from this action be analyzed through the EIS process for each element list below.

5. Please analyze the increase in impacts within an EIS to the following elements, related to the City's "Healthy Environment Legacy," which commits the City to protect the health of Bellingham Bay and its ecological functions, as well as reduce contributions to climate change:

   - Marine species, vegetation and the water quality of Bellingham Bay and its pocket estuaries as a result of increased coal dust from open container cars and increased diesel particulates from locomotives;
   - Marine species, aquatic vegetation and water quality due to an increase in vessel traffic and vessel anchorage;
   - Air quality of park and recreation users related to increased dust and increased particulates from open container cars and locomotives due to idling of those locomotives to the proximity of BSMs to heavily used City park and trail amenities;

- Upland wildlife habitat, connectivity and accessibility to park lands and greenway habitat corridors as a result of an increase in the amount, frequency and length of commodity trains;
- Air quality, the marine environment and upland vegetation, resulting from the various methods of handling, moving and storing coal and other similar commodities from the moment it arrives at the terminal via train to its deposition into the cargo vessel;
- Marine near-shore environment from an increase in noise and vibration due to additional, longer and more frequent freight train trips along the BSM;
- Noise from increased train traffic on park users, riverine and estuarine fish and wildlife and related habitat; and
- Potentially unstable slopes located on or adjacent to public and private lands especially those within the Edgemoor, South Hill, Birchwood and Columbia Neighborhoods as a result of additional, longer and more frequent freight train trips along the BSM;

6. Please analyze the increase in impacts within an EIS to the following elements related to the City's Legacy of "Vibrant and Sustainable Economy," which commits the City to support and promote a thriving local economy across all sectors, public and private investment as well as preservation of farmland and agricultural economy:

   - Existing and planned land use and economic development potential within the City's Central Business District, the Waterfront District, Old Town and Fairhaven, all of which have development potential west of the BSM as a result of additional, longer and more frequent freight train trips;
   - Property values and assessments and the impacts to services resulting from a potential decrease in property tax revenue;
   - Job retention and creation within the City of Bellingham;
   - Bellingham's economy from increased train traffic related to tourism use of public park property within proximity of the rail line;
   - Tribal nations, local and regional fishing industries resulting from the increase in vessel traffic and marine infrastructure within the Strait of Georgia and the Cherry Point Aquatic Reserve.

7. Please analyze the increase in impacts within an EIS to the following elements related to the City's Legacy of "Sense of Place," which commits the City to support and protect neighborhoods, historic and cultural resources, as well as natural settings and access to open space:

   - Resulting from additional freight train trips on the BSM on recreation resources and social benefits of the Bellingham parks and open space system;
   - Impacts of additional, longer and more frequent freight train trips along the BSM, as well as related infrastructure, including fencing, signals, siding, tracking, to the quality of public parks, open space and trails, and to scenic water views;

- Impacts of potential expansion of tracking or sidings associated with the increased rail traffic on public park lands and access to those lands, including impacts due to acquisition and/or eminent domain of properties that have a potential for future public access;
- Impacts of trains idling to adjacent park land, including public access, emergencies and operational access, noise, dust;

8. Please analyze the increase in impacts within an EIS on to the following elements related to the City's Legacy of "Safe and Prepared Community," which commits the City to preventing and responding to emergencies and crime, as well as increasing community readiness and resilience:

   - Paramedic response times and services of City of Bellingham's Fire and Police Departments as well as Whatcom Medic One and Fire District 7;
   - Emergency response times for Medic One and Fire District 7 paramedics within and beyond the northern portions of the City;
   - Safety of the general public resulting from fire in a coal car, including idling locomotives and train derailments or collisions;
   - Impacts resulting from accelerated wear and tear on the rails themselves, ties, supporting ballast, bridges, crossings and tunnels.
   - Public access issues, including delays in emergency response time and operational access, caused by increased rail traffic, to existing and future park lands along the rail right of way;
   - Existing rights of way, both opened and unopened, that provide access to public lands and shorelines;
   - Public and private property resulting from any potential spill on land or water during transport, storage or handling, including any spill due to a ship collision.

9. Please analyze the increase in impacts within an EIS on the following elements related to the City's Legacy "Mobility and Connectivity Options," which commits the City to providing safe and well connected mobility options for all users as well as increase infrastructure for non-vehicular modes of transportation:

   - The safety of park users as a direct result of increased rail traffic. Many existing legal access points to parks and trails involve at-grade rail crossings;
   - Mobility and connectivity between on-street and off street non-motorized pedestrian and bicycle systems;
   - Existing and proposed trail systems, including the Coast Millennium Trail, Bay to Baker Trail, Nooksack Loop Trail, all of which are identified in the City's Comprehensive Plan as well as proposed trail systems and linkages within and along the shoreline in the Waterfront District;
   - Crossing safety for pedestrians, bicyclists, transit busses, automobiles, and freight delivery vehicles;
   - Traffic congestion backing up into other intersections, blocking access to side streets, alleys, and driveways;

- Access to and from Amtrak passenger trains, the Alaska Ferry Terminal, other marine transportation tenants stationed at the Bellingham Cruise Terminal, the Community Boating Center and the Port of Bellingham's Fairhaven boat launch facilities and the effect on Bellingham's tourism income.
- The following at-grade street crossings all within the City limits:
  - Harris Avenue (Fairhaven)
  - 6th Street north of Harris Avenue (Fairhaven)
  - Bayview Drive (Boulevard Park)
  - South Bay Trail @ Boulevard Park
  - Pine and Wharf Street (Waterfront District)
  - Cornwall Avenue (Waterfront District)
  - West Laurel Street (Waterfront District)
  - Central Avenue (Old Town)
  - "C" Street (Old Town)
  - "F" Street (Old Town)

10. Please analyze the following items related to the City's Legacy "Quality, Responsive City Services," which commits the City to delivering efficient, effective and accountable services, and transparent processes to involve stakeholders in decisions:

    - Associated costs of transportation improvements necessary to mitigate safety, congestion, and access issues resulting from an increase in freight train trips as part of the GPT proposal.

It is important to note that the City concurs with the October 22, 2012 letter from Buri, Funston and Mumford Attorneys at Law, which asserts that the GPT proposal is a "major development" as defined in Whatcom County Code (WCC) 20.88.010 and therefore is required to satisfy the "major development criteria," as specified in WCC 20.88.130.

As the project qualifies as a major project, the applicant is responsible for demonstrating compliance with the criteria listed in WCC 20.88.130, including a showing that the project will not impose uncompensated requirements for public expenditures for additional utilities, facilities and services, will not impose uncompensated costs on other property owned and will be appropriately responsive to any EIS prepared for the project.

It is vital that any off-site infrastructure that is necessary for the project be considered as part of the project proposal itself, as required by WCC 20.88.130(6). If the Washington State Department of Ecology, the Army Corps of Engineers and Whatcom County (the "Co-Leads) does not require that the off-site infrastructure be considered as part of the project, then that infrastructure should be included as a condition precedent to the establishment of the major development, as required by WCC 20.88.140 or, considered as a reasonable alternative to the proposal and be analyzed pursuant to both SEPA and NEPA.

The City looks forward to the inclusion of the study of these potential impacts as part of the GPT project EIS.

Sincerely,

Kelli Linville
Mayor

Terry Bornemann
City Council President

Attachments: Legacies & Strategic Commitments
Resolution 2012-22

"We are working today so future generations will benefit from..."

Clean, Safe Drinking Water

- Protect & improve drinking water sources
- Limit development in Lake Whatcom watershed
- Use efficient, ecological treatment techniques
- Maintain reliable distribution system
- Promote water conservation

Healthy Environment

- Protect & improve the health of lakes, streams & bay
- Protect & restore ecological functions & habitat
- Reduce contributions to climate change
- Conserve natural & consumable resources

Vibrant Sustainable Economy

- Support a thriving local economy across all sectors
- Promote inter-dependence of environmental, economic & social interests
- Create conditions that encourage public & private investment
- Foster vibrant downtown & other commercial centers
- Preserve farmland & the agricultural economy

Sense of Place

- Support sense of place in neighborhoods
- Encourage development within existing infrastructure
- Preserve historic & cultural resources
- Protect natural green settings & access to open space
- Support people-to-people connections

Safe & Prepared Community

- Prevent and respond to emergencies
- Prevent and respond to crime
- Ensure safe infrastructure
- Increase community readiness and resilience

Mobility & Connectivity Options

- Provide safe, well-connected mobility options for all users
- Maintain & improve streets, trails & other infrastructure
- Limit sprawl
- Increase infrastructure for bicycles, pedestrians & non-single-occupancy vehicle modes of transportation
- Reduce dependence on single-occupancy vehicles

Access to Quality of Life Amenities

- Maintain & enhance publicly owned assets
- Foster arts, culture & lifelong learning
- Provide recreation & enrichment opportunities for all ages & abilities
- Ensure convenient access to & availability of parks & trails citywide

Quality, Responsive City Services

- Deliver efficient, effective & accountable municipal services
- Use transparent processes & involve stakeholders in decisions
- Provide access to accurate information
- Recruit, retain & support quality employees

Equity & Social Justice

- Provide access to problem-solving resources
- Support safe, affordable housing
- Increase living wage employment
- Support services for lower-income residents
- Cultivate respect & appreciation for diversity

Legacies and Strategic Commitments

Adopted by Bellingham City Council
July 13, 2009

CITY OF BELLINGHAM • WASHINGTON

RESOLUTION NO. 2012-22

A RESOLUTION REQUESTING THAT CERTAIN POTENTIAL ON AND OFF-SITE IMPACTS ASSOCIATED WITH THE GATEWAY PACIFIC TERMINAL BE ANALYZED AS PART OF THE SEPA AND NEPA PROCESSES

WHEREAS, Pacific International Terminals, Ltd. has proposed the Gateway Pacific Terminal (GPT) at Cherry Point for the shipment of up to 54 million metric tons of various dry bulk commodities including coal to foreign locations; and

WHEREAS, these bulk commodities will arrive at the GPT via trains that are proposed to travel through the City of Bellingham; and

WHEREAS, the length, number and frequency of these freight trains are likely to increase over time as the GPT phases construction towards full build-out, which may require construction of additional off-site rail infrastructure improvements within the City of Bellingham; and

WHEREAS, these bulk commodities will then leave the GPT via ship in approximately 9 bulk carriers per week for an estimated total of 487 per year, and the projected shipping route is through the San Juan Islands to GPT and then north along the coast of Vancouver Island, the coast of Alaska and through the Aleutian Islands, generally following the migratory route of wild salmon; and

WHEREAS, risk of spills and ship collisions increase with an additional 487 single-hulled bulk carriers per year and a diesel or bunker fuel spill will be catastrophic to Puget Sound and Bellingham Bay and harmful to industry, tourism, fisheries and our quality of life; and

WHEREAS, the increase in freight trains and/or additional infrastructure improvements within the City of Bellingham and the increase in shipping due to the GPT project is likely to compromise the City's ability to continue to achieve its Legacies and Strategic Commitments (the "Legacies") which were adopted by the Bellingham City Council on July 13, 2009 to set forth City goals and strategic commitments to support those goals; and

WHEREAS, the City of Bellingham aligns all of its actions with the Legacies including: protection of Bellingham Bay, land use planning, capital facilities planning for trail and park systems, multi-modal circulation and utility system upgrades, as well as providing reliable emergency services; and

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

WHEREAS, the City of Bellingham has a variety of boards and commissions that also contribute to achieving the Legacies, such as the Parks and Recreation Advisory Board, Greenway Advisory Committee, Tourism Commission, Transportation Commission and the Waterfront Advisory Group; and

WHEREAS, the City of Bellingham anticipates that the GPT and its associated freight train traffic, the potential for off-site infrastructure improvements within the City, and the shipping impacts to Puget Sound, will have direct negative impacts to the Legacies; and

WHEREAS, the GPT and associated increased freight trains, potential construction of a new rail siding, and increase in ocean shipping may undermine the City of Bellingham's "Healthy Environment" Legacy by negatively impacting the ecologic functions of Bellingham Bay, by contributing to climate change and air quality degradation through increased coal dust and diesel engine particulate emissions, by increasing consumption of natural resources through the export of coal, by harming runs of wild salmon that originate in or travel through our waters, and by increasing ocean acidification resulting in a decline in production by local shellfish producers; and

WHEREAS, the GPT and associated increased freight trains, increased train noise, potential siding, and increased shipping impacts may undermine the City's "Vibrant Sustainable Economy" Legacy by creating conditions that discourage public and private investment; decrease values of properties located along the rail line or located waterward of it; cut off the newly developing Waterfront District by creating significant problems with noise, traffic blockage, air pollution and safety, thereby putting at risk millions of public dollars, thousands of potential jobs and additions to the productive tax base; deter a thriving tourist economy by negatively affecting the image and reality of Bellingham as a "green" destination; pollute Bellingham Bay; harm commercial and sport fishing industries; and disable the inter-dependence of environmental, economic and social interests; and

WHEREAS, the GPT and associated freight trains, potential siding, and potential increase in vessel traffic in Bellingham Bay may undermine the City's "Sense of Place" Legacy by severely limiting access to open space to such iconic places as Taylor Dock, Boulevard Park and the soon to be developed Cornwall Beach Park and by disrupting access to our public waters for sailing regattas and other recreational uses; and

WHEREAS, the GPT and associated freight trains, potential siding, and resulting blocked crossings may undermine the City's "Safe & Prepared Community" Legacy by preventing rapid response to emergencies and crime; and

WHEREAS, the GPT and associated increased freight trains, potential siding, and increased vessel traffic may undermine the City's "Mobility & Connectivity Options" Legacy by closing off at-grade crossings, blocking access to multi-modal trails and other infrastructure, disrupting non-bulk commodity vessels in Bellingham Bay, and disabling the well-connected mobility options, such as passenger train service the City of Bellingham strives to maintain and to increase; and

WHEREAS, the GPT and associated increased freight trains and potential siding may undermine the City's "Quality, Responsive City Services" Legacy by reducing the efficiency and effectiveness of the City Fire and Police Departments; and

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210 Lottie Street
Bellingham, Washington 98225
360-778-8270

WHEREAS, the GPT and associated increased freight trains and potential siding may undermine the City's "Equity and Social Justice" Legacy by decreasing opportunities for living wage employment as economic investment may decrease due to the GPT project impacts to the environment and access to amenities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:

1. The City of Bellingham supports the Washington State Department of Ecology May 7, 2012 request that the U.S. Army Corps of Engineers conduct a Cumulative Impact Analysis under NEPA, of all currently proposed Coal export facilities and/or dry-bulk commodity terminals within Washington and Oregon.

2. In addition to the Cumulative Impact Analysis specified above, the City of Bellingham requests a project specific EIS to evaluate the full range of potential cumulative and unique impacts of the GPT project, on the City of Bellingham including off-site infrastructure improvements that may be required now or in the foreseeable future.

3. If offsite infrastructure improvements are required within Bellingham city limits, the City of Bellingham requests that they shall not be included as mitigation, but rather as a part of the GPT project.

4. If a rail siding is required within Bellingham city limits, the City of Bellingham requests that it shall not block or disrupt access to our parks or our waterfront.

5. The City of Bellingham requests that costs for the required mitigation for potential negative impacts as specified above shall not be borne by Bellingham residents.

6. The City of Bellingham requests that a comprehensive Health Impact Assessment be conducted by a separate and qualified third party contractor in order to analyze potential impacts to the health and welfare of the citizens of Bellingham including impacts from diesel emissions from trains and ships, coal dust, noise and the potential for increased rail/car and rail/pedestrian accidents.

7. The City of Bellingham requests an analysis of the transportation impacts to at-grade rail/street crossings including the delays to traffic and emergency vehicle response time and impacts to passenger rail traffic at full build out.

8. The City of Bellingham requests an analysis of the economic impacts to public and private entities resulting from any potential spill on land or water during transport, storage, or handling, including any spill due to a ship collision.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

9. The City of Bellingham requests that probable anchorages be included in any vessel traffic analyses prepared for GPT, with an assessment of the likelihood of vessels anchoring in Bellingham Bay.

PASSED by the Council this 23rd day of July, 2012.

Terry Bornman
Council President

APPROVED by me this 27th day of July, 2012.

Kelli Linville
Mayor

ATTEST: John R Carter
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

City of Bellingham
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A Resolution of the City of Bellingham, Washington

Resolution No. 2012-22

Agenda Bill No. ..... AB 19618

Final Passage 7/23/2012

Published (if applicable)

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January 17, 2013

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE Suite 400
Bellevue, WA 98004

RE: City of Bellingham's Second Set of Scoping Comments on the Gateway Pacific Terminal

Dear Sir or Madam:

This letter is the City of Bellingham's second set of scoping comments on the Gateway Pacific Terminal (GPT) proposal. These scoping comments are provided pursuant to both the Washington State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The scoping comments are submitted to you on behalf of the City of Bellingham ("City").

On July 23, 2012 the Bellingham City Council adopted Resolution 2012-22 ("Resolution"), which highlighted the need for additional Burlington Northern Santa Fe ("BNSF") railroad infrastructure within the City in order for the GPT project to function as proposed at full build-out in 2026. The Resolution also specified how this infrastructure would negatively affect the City's ability to achieve its adopted Legacies and Strategic Commitments. The Resolution provided the foundation for the City's December 12, 2012 scoping letter that identified resources and planning efforts within the City and its Urban Growth Area that would be negatively impacted by the GPT proposal. The Resolution and December 12th letter are attached.

The City is now providing the following specific scoping comments for consideration and inclusion in the Final Scoping Document. Pursuant to SEPA these scoping comments intend to:

1. Identify City resources and planning efforts that may be negatively affected by the proposal;
2. Provide a description of significant unavoidable adverse impacts;
3. Recommend a reasonable range of alternatives; and
4. Recommend mitigation measures to avoid, minimize and mitigate effects of the proposal

1. City resources and planning efforts may be negatively affected by the GPT and the associated increase in the number of dry-bulk commodity trains (including coal) as well as their length, frequency, duration and weight:

- <u>Negative impacts to funded and completed at grade improvements</u>. Within the last eight years the City has implemented upgrades at two existing at grade crossings costing hundreds of thousands of dollars. These improvements occurred at the intersections of Roeder Avenue and F Street and Wharf and Pine Streets.

Therefore, please require the applicants to analyze the suitability of the completed improvements in relation to the increase in the number, length, frequency, duration and weight resulting from up to 18 additional dry-bulk commodity trains (including coal) that are expected to pass through these at grade crossings per day.

- Potential unsuitability of crossings if project completed. Additional at grade crossings and water-body crossings exist within the City have not been upgraded and may not be suitable for the increase in the number, length, frequency, duration and weight resulting from up to 18 additional dry-bulk commodity trains (including coal). These at grade crossings are located at: Harris Avenue, 6th Street providing access to the Fairhaven Public Boat Launch, Bayview Drive, Pine and Wharf Streets, Cornwall Avenue, Central Avenue, C and F Streets. Crossings over Bellingham Bay are: Chuckanut Bay Causeway, lagoon crossings at Madrona Point, Edgemoor, Post Point, Padden Creek Estuary, Roeder Avenue Bridge.

Therefore, please require the applicants to analyze the suitability of these crossings in relation to the increase in the number, length, frequency, duration and weight resulting from up to 18 additional dry-bulk commodity trains (including coal) that are expected to pass through these at grade crossings per day.

- Negative impacts to planned City projects. Negative impacts to several projects specified on the City's adopted six-year Transportation Improvement Program (TIP) for 2013-2018 (project numbers indicated below indicate number on TIP) have not been designed nor analyzed to interface with up to 18 additional freight train trips per day at the time of full build-out of the GPT. The expected impacts are not solely a result of the number of trains but also their length, frequency, duration and weight. These projects are seriously undermined and threatened by this additional and unplanned increase in impacts. Specifically, these projects are:

Project #11: Boulevard Park to Cornwall Avenue Overwater Pedestrian Walkway. The increase in number, frequency, volume and length of dry-bulk commodity (including coal) trains serving the GPT will negatively impact both the general public's ability to access the walkway itself by vehicle at the Boulevard Park entrance on Bayview Drive, as well as the demand for use of the walkway due to increase in noise and air quality impacts. The City expects that the project will cost a total of approximately eight million dollars. Approximately $660,000 has been spent to date.

Therefore, please require the applicant to analyze the negative impacts to this project in terms of air quality, odor, aesthetics, recreation, scenic resources and transportation systems pursuant to WAC 197-11-444.

Project #12 (12a - 12c): Waterfront District Multimodal Improvements. The planned connections from downtown and existing streets to the Waterfront District may also be significantly impacted by the increase in dry-bulk commodity trains as specified above. (The proposed Waterfront District Sub-Area Plan is scheduled for legislative review this spring.) While contemplation of *relocating* the BNSF tracks was included as part of the Sub-Area Plan the number, length, frequency, duration and weight of the proposed trains associated with the GPT were not.

These multimodal connections interface with the BNSF railway at the intersections of Roeder, Central and Granary Avenues (12a; Granary - Bloedel) and Cornwall Avenue and Log Pond Drive (12b; Bloedel to Cornwall). Project 12c is a new arterial loop that does not interface with the BNSF railroad infrastructure, but is designed and intends to facilitate, improved function for projects 12a and 12b. Additional crossings at Cornwall Avenue and Oak Street, if BNSF track is NOT relocated, and Commercial Street, via a new bridge into the Waterfront District, would also be negatively impacted.

Therefore, please require the applicant to analyze the impacts to these planned improvements pursuant to WAC 197-11-444, specifically focusing on the six elements relating to transportation.

Project #17: Chestnut-Bay Bridge Rehabilitation. This project is intended to upgrade the existing bridge which is currently weight limited. However, this rehabilitation project does not include additional rehabilitation and structural improvements that may be necessary due to a significant increase in the number, more frequent, heavier and longer freight train trips.

Therefore, please require the applicant to analyze the structural integrity of this bridge in relation to the increase in the number, length, frequency, duration and weight of dry-bulk commodity trains (including coal) and the structural capability of the bridge to handle the new significant impact.

- The Greenhouse Gas Inventory and Climate Protection Action Plan, adopted by the City in May, 2007. In May of 2007 the City adopted the Greenhouse Gas Inventory and Climate Protection Action Plan. This plan focuses on City operations and how greenhouse gas emissions can be reduced. Phase I includes an inventory of our emissions and Phase II includes the action plan. The increase in number, length, frequency, duration and weight of up to 18 additional dry-bulk commodity trains negatively affects Action Plan Item #15 which is to "reduce idling time." City vehicles which must idle while waiting for trains to pass at- grade crossings actually increases idling times.

Please analyze the impacts to achieving this element of our Climate Action Plan as a result of increased gate down times at six at grade crossing locations; Harris Avenue, Bayview Drive, Wharf and Pine Streets, Cornwall Avenue, Central and Roeder Avenues and F Street and Roeder Avenue.

2. **Significant unavoidable adverse impacts to the City as a result of a significant increase in the number, length, frequency, duration and weight of dry-bulk commodity freight trains (including coal) travelling through the City and its Urban Growth Area include:**

   - Harm and threat to the lives, safety and welfare of City citizens as well as the environment in which they live, resulting from freight train derailments, collisions and spills. Derailments, collisions and spills can destroy the areas in which they occur. Areas beyond the immediate site are also threatened from these events as is the case with tracks over or adjacent to Bellingham Bay and its pocket estuaries. A derailment, collision and/or spill or any combination of these events would result in immeasurable harm and significant impacts to aquatic ecosystems and to the air we breathe.
     Furthermore, derailments, collisions and spills can damage or compromise vital existing infrastructure such as underground gas lines, City sewer and water mains and electricity substations. Cascade Natural Gas ("CNG") has transmission and distribution lines that run parallel to and intersect sections of BNSF infrastructure. A 16-inch CNG main begins at the

BNSF crossing at Cornwall Avenue and travels along a potential corridor of to-be-relocated track along the base of the bluff. This 16-inch main transitions to a 12-inch main and runs from between Commercial and Bay Streets to Army Street and again from C Street to Bellwether Way along and parallel to the BNSF mainline track. Encogen and Puget Sound Energy have significant electricity and other supporting infrastructure near the existing mainline track. Destruction or disruption to any of these vital services resulting from a derailment, collision or spill would cause significant unavoidable adverse impacts to life, safety and welfare of the general public.

The City has water and sewer mains and trunk lines that cross underneath BNSF infrastructure in several locations and run parallel to in others. Sewer main pipe sizes range from 24 inches up to 60 inches in diameter. Water mains range from 8 inches up to as much as 30 inches in diameter. Collisions or derailments in locations where these mains exist would cause significant unavoidable impacts to the City's ability to provide vital water and sewer services to its citizens and numerous commercial and industrial establishments.

These significant impacts are in addition to those that would manifest themselves if a derailment, collision or spill occurred on mainline tracks that are abutting or traveling over Bellingham Bay and/or its pocket estuaries.

- Congestion, stacking/queuing, frequency and duration of multiple freight trains that are obstructed or 'backed up' by slides, debris, flooding and other unforeseen events at locations south of Bellingham and specifically between Bow and the Custer Spur. It is extremely difficult to predict when mud and debris slides across tracks will occur which would cause trains to be delayed and stacked until the blockage is cleared or cause a derailment, collision and/or spill. AMTRAK customers frequently get on and off Greyhound busses forced into service during the winter months at the Fairhaven Station in place of passenger trains when these slides, debris flows or flooding 'events' occur. The City expects this trend to continue, particularly in light of the effects of climate change and the resultant increase in precipitation in the City's general geographic area. In addition to derailments, collisions and spills, the City also expects the unavoidable significant impact and likelihood of multiple freight trains traveling through Bellingham in succession with minimal delays between them to result in (1) serious threats to emergency service providers: (2) congestion at waterfront intersections; (3) delays in movement of non-rail goods and services utilizing designated truck routes and arterials; and (4) increased noise and impacts to air quality.

- Destruction of marine near-shore environments and other critical areas such as pocket estuaries and landslide hazard areas resulting from the development of new railroad infrastructure such as a new railroad siding in order to accommodate up to 18 additional dry-bulk commodity trains (including coal) per day on the Bellingham Subdivision Mainline. Various studies have concluded that there is an existing bottleneck or "chokepoint" on the Bellingham Subdivision Mainline between Bow and the Custer Spur. These studies also conclude that one likely location for a new siding to handle an increase in freight train traffic (in order to maintain existing freight and passenger train capacity and efficiency) would be parallel to and water-ward of the existing mainline between, roughly, Harris Avenue and the foot of Cornwall Avenue within Bellingham City limits. Such a siding would not only destroy existing marine near-shore environments, but would also undermine and nullify planned

necessary shoreline restoration efforts at Padden Creek Estuary, Boulevard Park, the historic Cornwall Avenue Landfill and portions of the Whatcom Waterway.

3. **Please consider and analyze as specified the following reasonable alternatives to the proposed project as part of the Environmental Impact Statement process:**

   - The No Action alternative.
   - Development of only the west loop as well as loading and berthing / wharf infrastructure for up to one cape size vessel.
   - Development of the original proposal permitted via SHS92-20 and MDP92-3 provided that the items specified within the 1999 settlement agreement have been completed to the satisfaction of the DOE, WDFW and the Washington Environmental Council.
   - As an alternative to negatively impacting the nine at grade crossings (vehicle and multi-modal) within the City please consider the following combinations of at grade closures and construction of new grade separated crossings; at grade closures of Pine / Wharf Streets, Central Avenue and/or C Street in tandem with construction of new grade separated crossings: Commercial Street Bridge (down to Waterfront District) and a new Cornwall Avenue Bridge at the time the BNSF tracks are relocated to the east at the base of the bluff.
   - As an alternative to negatively impacting existing available capacity on the Bellingham Subdivision Mainline for freight and passenger service please consider the development of a new railroad siding in a minimum of two locations between Mount Vernon and the Custer Spur.
   - The capability of the existing BNSF rail line running parallel to Highway 9 from north of Mount Vernon north to Sumas in terms of capacity, structural integrity and overall suitability for potentially accepting some increases in freight train traffic. Potentially, the train traffic on this corridor could be limited to freight destined for Canada in order to free up the Bellingham Subdivison Mainline for GPT generated trains. The City recognizes that residents and businesses on this rural alignment as well as those within Whatcom County's smaller cities may be adverse to this type of analysis and that any necessary or required upgrades and improvements may also have associated negative impacts.

4. **Please consider requiring the following mitigation measures on the subject proposal:**

   - Covering coal in each rail car with appropriate material or structure that minimizes dust and particulate from leaving the car while underway as well as from leaching of rainwater.
   - Enclosing entire coal handling area with weather protective structure(s) or building(s) to minimize dust and particulate from coal stockpile areas being broadcast to abutting properties and onto onsite wetlands and the marine environment.
   - Developing and installing wind-walls around the entire coal handling area to minimize dust and particulate from coal stockpile areas being broadcast to abutting properties and onto onsite wetland and the marine environment. The terminal is in the direct and unobstructed path of the prevailing winds, which are from the southwest, as well as those common winter winds originating in the Fraser River Valley.
   - Establishing railroad "quiet zones" within Bellingham's city limits.
   - Installing sound walls at selected locations within Bellingham's city limits.
   - Specify the mitigation/handling requirements imposed by BNSF for the transport of coal.
   - Specify the mitigation / handling / protocol / response requirements imposed by BNSF in the event of a derailment, collision or spill of any freight train.

- Please specify the mitigation / response measures that are employed in the event of a marine vessel spill, collision or other accident that is associated with importing or exporting any commodity from the GPT.
- Please establish air quality thresholds for coal dust at a minimum of two locations at the upland terminal handling area, at the wharf and a minimum of three locations within Bellingham's city limits and require quarterly air quality reports at these locations.

Pursuant to **NEPA** the following scoping comments are intended to:

1. Request that additional information be provided;
2. Affect the applicant's Purpose and Need Statement; and
3. Request an indirect effects analysis under NEPA.

1. **The City requests that the data, reports, analyses, studies or methodologies that were conducted by BNSF and/or SSA Marine or any of their subcontractors, in which it was concluded that all the new infrastructure at the Custer Spur is necessary in order to "safely and sufficiently handle the potential volume and length of trains without impacting operations on the Cherry Point Subdivision Mainline or the Bellingham Subdivison Mainline" be made available to the Co-Lead Agencies prior to their establishment of a range of reasonable alternatives.** The City is unaware of how improvements made on the Custer Spur would alleviate known "chokepoints" on the Bellingham Subdivision Mainline between Bow and the Custer Spur.

2. **Purpose and Need Statement.**

The Purpose and Need Statement ("PNS") is not 'finalized' until scoping is concluded. As you are aware, the Purpose and Need Statement is utilized by the United States Army Corps of Engineers (COE) to define the scope of the project and identify a reasonable range of alternatives which must be "rigorously explored and objectively evaluated." The City acknowledges that the Co-Lead Agencies overall objective is to streamline and merge the SEPA and NEPA processes. However, under NEPA, the Purpose and Need Statement, in its final form, places additional emphasis on the alternatives to be considered.

The City recognizes that the PNS includes two distinct projects as well as two distinct applicants. To summarize, one project is proposed by SSA Marine, which intends to "develop and successfully operate a multimodal marine terminal that includes upland facilities, loading trestle and a deep draft wharf for import and export of dry-bulk commodities to meet international and domestic demand."(See applicant's PNS.)

The other project is proposed by BNSF which intends to make improvements and modifications along the Cherry Point Subdivision Mainline (aka Custer Spur) to facilitate the increase in train traffic. In fact, the actual language describing the Custer Spur proposal states, "Improvements to the BNSF Cherry Point Subdivision Mainline (Custer Spur) are necessary to accommodate the number, length, and weight of trains, as well as to safely and efficiently provide rail services for the existing facilities in the Cherry Point Industrial Area and the proposed GPT facility. Current capacity is insufficient to efficiently and safely handle the potential volume and length of trains without impacting operations on the Cherry Point Subdivision Mainline *or the Bellingham Sub-divison Mainline."* (See applicant's PNS. Italics and underling added for emphasis.)

The City cannot reconcile nor understand why the Custer Spur proposal is included in the PNS for the reasons stated above without also acknowledging and addressing other known infrastructure deficiencies on the Bellingham Subdivision mainline. Rail studies performed by the Washington State Department of Transportation and others, as far back as 2006, and as recently as 2011, have concluded that existing BNSF railroad infrastructure allows operation of existing freight and passenger services to operate at or near capacity. Studies also conclude that chokepoints already exist on the Bellingham Subdivision Mainline between Bow and the Custer Spur. These studies did not take into account the phased increase of up to 18 additional dry-bulk commodity trains per day on the Bellingham Subdivision at full build out of the GPT.

The City requests that the PNS be revised to include future development of BNSF railroad infrastructure (beyond those BNSF proposed improvements along the Custer Spur) anywhere within Whatcom County in order to address the chokepoint and capacity deficiencies specified above.

3. Indirect Effects Analysis

Indirect effects are those effects that ". . . are caused by the action and are later in time and farther removed in distance, but are still reasonably foreseeable" (40 C.F.R. 1508.8). These are different than "direct effects" which are caused by the action and occur at the same time and place. For example, there is a direct effect of building the upland terminal facilities on wetlands, i.e. wetland fill. Indirect effects are also different than "cumulative impacts," which are those impacts on the environment which result from the incremental impact of the action if added to other past, present and reasonably foreseeable future actions, regardless of who undertakes the actions. For example, there is an expected cumulative impact on rail capacity, air quality, etc. when added with the number of freight trains hauling coal to *other* dry-bulk commodity terminals proposed within Washington and Oregon States.

Many cities between the origin of the coal and GPT, especially those with larger populations, will be negatively impacted by the increase in freight trains over time as the GPT approaches full build-out. Full build-out is projected to occur in 2026, or, an estimated ten years after the GPT is built. Projected export of coal to Asia will begin at 25 million metric tons per year and increase up to approximately 48 million metric tons per year over that ten year period. The number of trains (delivering and then returning) will start at 10 per day and increase to up to 18. If the GPT is built, impacts on municipalities between the Powder River Basin and GPT continue and increase up to and beyond the 10-year full build out date.

These estimates and projections are specifically listed in Table 4.5 of the Revised Project Information Document from March 2012 as submitted by the applicant as part of its project application. These indirect effects ARE reasonable and foreseeable because the applicant states it directly in its application.

Municipalities vary in size and are in various stages of land use and transportation planning. It is unclear to many of the municipalities along the rail corridor exactly how adversely they will be affected by the increase in freight trains resulting from this specific proposal. Municipalities within the Puget Sound region have ports and important transportation hubs (such as the Washington State Ferries) that may be negatively impacted by the increase in freight trains well into the future.

The City of Bellingham's Planning Commission is about to commence review of the Waterfront District Sub-Area Plan. This project presents a rare opportunity for the City to reclaim and renew its downtown central waterfront that for decades was a pulp mill. However, the Waterfront District is separated from

the downtown core by the BNSF mainline and the City is concerned about the adverse impacts that may result from the GPT.

While it is true that coal leaving the Powder River Basin (as well as other mines) may go to a handful of different terminals in Oregon and Washington, those terminals all have limited capacities. The GPT is expected to be the largest of the proposed terminals. With the exception of the proposed Millennium Bulk Terminal, which is proposed to be slightly smaller than the GPT, the GPT terminal will export nearly twice the tonnage and require twice the number of freight trains - per year - as any of the other proposed terminals in Washington and Oregon.

An Indirect Effects Analysis is appropriate in this case because the proposed GPT terminal located in the northwest corner of Whatcom County will have effects that are "later in time and farther removed in distance, but are still reasonably foreseeable."

The City requests that an Indirect Effects Analysis (as defined in 40 C.F.R. Section 1508.8) be performed to determine the indirect effects resulting from the applicant's projected increase of up to 18 additional dry-bulk commodity freight trains (including coal) that originate from and return to the points of origin where the commodity is mined, extracted or harvested. Specifically, the study area should include incorporated municipalities that may be indirectly affected by the applicant's projected increase in freight trains hauling dry-bulk commodities (including coal) that travel or merge onto the BNSF mainline between the Centralia Junction (where the BNSF and Union Pacific lines merge) and the GPT. The analysis should include a 20-year time period beginning at the time the GPT is operational. The City makes this request pursuant to 40 Code of Federal Regulations; Section 1502.16; Environmental Consequences.

The City of Bellingham appreciates the opportunity to provide this follow up scoping letter and we look forward to having these comments reflected in the Final Scoping Document and carried forward into the EIS process.

Sincerely,

Kelli Linville, Mayor 1/16/13
City of Bellingham

Seth Fleetwood, President
Bellingham City Council

Attachments:

Resolution 2012-16
December 12, 2012 Scoping Letter

MAYOR'S OFFICE
Kelli Linville, Mayor
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December 12, 2012

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE Suite 400
Bellevue, WA 98004

RE: Scoping Comments for the Gateway Pacific Terminal Environmental Impact Statement

Dear Sir or Madam:

These scoping comments are submitted to you on behalf of the Mayor of the City of Bellingham and the Bellingham City Council. The following comments are meant to address both on and off-site potential impacts of the Gateway Pacific Terminal (GPT) project to the City of Bellingham and its Urban Growth Areas and are organized according to the negative impacts the project may have on the City's Legacies and Strategic Commitments, as further discussed below and attached for your reference.

On July 23, 2012 the Bellingham City Council adopted Resolution 2012-22, which is attached to this letter. The Resolution highlighted the potential that additional off-site infrastructure within the City may be necessary for the GPT project to function as proposed at full-build out in 2026, which may adversely impact the City's ability to achieve its Legacies and Strategic Commitments.

Therefore, the City is providing the following specific scoping comments for consideration and inclusion in the Final Scoping Document in order to inform the various alternatives to be studied in the EIS.

1. Please analyze the cumulative impacts of all currently proposed coal export facilities and/or dry bulk commodity terminals within Washington and Oregon in a Cumulative Impact Analysis pursuant to the National Environmental Protection Act. Specifically, please analyze the cumulative impact to existing freight and passenger train traffic capacity in Washington State as well as the cumulative impacts to natural and cultural

resources resulting from the increase in freight train trips within Washington State and vessel traffic within Puget Sound, Georgia Straight and the Columbia River. We acknowledge that the BP Refinery located within the Cherry Point Industrial Area has applied for permits to develop new railroad (loop) infrastructure on their own property. The proposed improvements are intended to accommodate a planned for increase in trains carrying crude oil from the Midwest to their facilities at Cherry Point. BP has forecasted that they expect one additional train every two days to travel on the BNSF line traveling through Bellingham to the Custer Spur and then to the refinery itself. Please include this additional train traffic in the Cumulative Impact Analysis.

2. Please analyze the increase in impacts to the health and welfare of the citizens of Bellingham including impacts from diesel emissions from trains and ships, coal dust, noise and the potential for increased rail/car and rail/pedestrian accidents through a comprehensive independent third party Health Impact Assessment.

3. Please analyze the impacts to existing freight train and passenger train service, including impacts to shared capacity by the addition of up to 18 additional bulk-commodity train trips per day on Burlington Northern Santa Fe (BNSF) railroad infrastructure (Bellingham Subdivision Mainline), between Mount Vernon, Washington and the GPT.

4. Please analyze the impacts to the elements of the environment, as specified in WAC 197-11-444, which would result from the construction / development of a new railroad siding partially or wholly within the City in order to facilitate / accommodate the addition of up to 18 additional bulk-commodity train trips per day on the Bellingham Subdivision Mainline (BSM) between Mount Vernon and the GPT.

The following comments relate to the City's potentially affected resources and are categorized in relation to the City's Legacies and Strategic Commitments. The City expects these resources to be adversely impacted by the increase of up to 18 additional freight train trips traveling through the City of Bellingham every day at the time of full build out of the GPT. We request that the "increase" in impacts resulting from this action be analyzed through the EIS process for each element list below.

5. Please analyze the increase in impacts within an EIS to the following elements, related to the City's "Healthy Environment Legacy," which commits the City to protect the health of Bellingham Bay and its ecological functions, as well as reduce contributions to climate change:

   - Marine species, vegetation and the water quality of Bellingham Bay and its pocket estuaries as a result of increased coal dust from open container cars and increased diesel particulates from locomotives;
   - Marine species, aquatic vegetation and water quality due to an increase in vessel traffic and vessel anchorage;
   - Air quality of park and recreation users related to increased dust and increased particulates from open container cars and locomotives due to idling of those locomotives to the proximity of BSMs to heavily used City park and trail amenities;

- Upland wildlife habitat, connectivity and accessibility to park lands and greenway habitat corridors as a result of an increase in the amount, frequency and length of commodity trains;
- Air quality, the marine environment and upland vegetation, resulting from the various methods of handling, moving and storing coal and other similar commodities from the moment it arrives at the terminal via train to its deposition into the cargo vessel;
- Marine near-shore environment from an increase in noise and vibration due to additional, longer and more frequent freight train trips along the BSM;
- Noise from increased train traffic on park users, riverine and estuarine fish and wildlife and related habitat; and
- Potentially unstable slopes located on or adjacent to public and private lands especially those within the Edgemoor, South Hill, Birchwood and Columbia Neighborhoods as a result of additional, longer and more frequent freight train trips along the BSM;

6. Please analyze the increase in impacts within an EIS to the following elements related to the City's Legacy of "Vibrant and Sustainable Economy," which commits the City to support and promote a thriving local economy across all sectors, public and private investment as well as preservation of farmland and agricultural economy:

   - Existing and planned land use and economic development potential within the City's Central Business District, the Waterfront District, Old Town and Fairhaven, all of which have development potential west of the BSM as a result of additional, longer and more frequent freight train trips;
   - Property values and assessments and the impacts to services resulting from a potential decrease in property tax revenue;
   - Job retention and creation within the City of Bellingham;
   - Bellingham's economy from increased train traffic related to tourism use of public park property within proximity of the rail line;
   - Tribal nations, local and regional fishing industries resulting from the increase in vessel traffic and marine infrastructure within the Strait of Georgia and the Cherry Point Aquatic Reserve.

7. Please analyze the increase in impacts within an EIS to the following elements related to the City's Legacy of "Sense of Place," which commits the City to support and protect neighborhoods, historic and cultural resources, as well as natural settings and access to open space:

   - Resulting from additional freight train trips on the BSM on recreation resources and social benefits of the Bellingham parks and open space system;
   - Impacts of additional, longer and more frequent freight train trips along the BSM, as well as related infrastructure, including fencing, signals, siding, tracking, to the quality of public parks, open space and trails, and to scenic water views;

- Impacts of potential expansion of tracking or sidings associated with the increased rail traffic on public park lands and access to those lands, including impacts due to acquisition and/or eminent domain of properties that have a potential for future public access;
- Impacts of trains idling to adjacent park land, including public access, emergencies and operational access, noise, dust;

8. Please analyze the increase in impacts within an EIS on to the following elements related to the City's Legacy of "Safe and Prepared Community," which commits the City to preventing and responding to emergencies and crime, as well as increasing community readiness and resilience:

   - Paramedic response times and services of City of Bellingham's Fire and Police Departments as well as Whatcom Medic One and Fire District 7;
   - Emergency response times for Medic One and Fire District 7 paramedics within and beyond the northern portions of the City;
   - Safety of the general public resulting from fire in a coal car, including idling locomotives and train derailments or collisions;
   - Impacts resulting from accelerated wear and tear on the rails themselves, ties, supporting ballast, bridges, crossings and tunnels.
   - Public access issues, including delays in emergency response time and operational access, caused by increased rail traffic, to existing and future park lands along the rail right of way;
   - Existing rights of way, both opened and unopened, that provide access to public lands and shorelines;
   - Public and private property resulting from any potential spill on land or water during transport, storage or handling, including any spill due to a ship collision.

9. Please analyze the increase in impacts within an EIS on the following elements related to the City's Legacy "Mobility and Connectivity Options," which commits the City to providing safe and well connected mobility options for all users as well as increase infrastructure for non-vehicular modes of transportation:

   - The safety of park users as a direct result of increased rail traffic. Many existing legal access points to parks and trails involve at-grade rail crossings;
   - Mobility and connectivity between on-street and off street non-motorized pedestrian and bicycle systems;
   - Existing and proposed trail systems, including the Coast Millennium Trail, Bay to Baker Trail, Nooksack Loop Trail, all of which are identified in the City's Comprehensive Plan as well as proposed trail systems and linkages within and along the shoreline in the Waterfront District;
   - Crossing safety for pedestrians, bicyclists, transit busses, automobiles, and freight delivery vehicles;
   - Traffic congestion backing up into other intersections, blocking access to side streets, alleys, and driveways;

- Access to and from Amtrak passenger trains, the Alaska Ferry Terminal, other marine transportation tenants stationed at the Bellingham Cruise Terminal, the Community Boating Center and the Port of Bellingham's Fairhaven boat launch facilities and the effect on Bellingham's tourism income.
- The following at-grade street crossings all within the City limits:
  - Harris Avenue (Fairhaven)
  - 6th Street north of Harris Avenue (Fairhaven)
  - Bayview Drive (Boulevard Park)
  - South Bay Trail @ Boulevard Park
  - Pine and Wharf Street (Waterfront District)
  - Cornwall Avenue (Waterfront District)
  - West Laurel Street (Waterfront District)
  - Central Avenue (Old Town)
  - "C" Street (Old Town)
  - "F" Street (Old Town)

10. Please analyze the following items related to the City's Legacy "Quality, Responsive City Services," which commits the City to delivering efficient, effective and accountable services, and transparent processes to involve stakeholders in decisions:

    - Associated costs of transportation improvements necessary to mitigate safety, congestion, and access issues resulting from an increase in freight train trips as part of the GPT proposal.

It is important to note that the City concurs with the October 22, 2012 letter from Buri, Funston and Mumford Attorneys at Law, which asserts that the GPT proposal is a "major development" as defined in Whatcom County Code (WCC) 20.88.010 and therefore is required to satisfy the "major development criteria," as specified in WCC 20.88.130.

As the project qualifies as a major project, the applicant is responsible for demonstrating compliance with the criteria listed in WCC 20.88.130, including a showing that the project will not impose uncompensated requirements for public expenditures for additional utilities, facilities and services, will not impose uncompensated costs on other property owned and will be appropriately responsive to any EIS prepared for the project.

It is vital that any off-site infrastructure that is necessary for the project be considered as part of the project proposal itself, as required by WCC 20.88.130(6). If the Washington State Department of Ecology, the Army Corps of Engineers and Whatcom County (the "Co-Leads) does not require that the off-site infrastructure be considered as part of the project, then that infrastructure should be included as a condition precedent to the establishment of the major development, as required by WCC 20.88.140 or, considered as a reasonable alternative to the proposal and be analyzed pursuant to both SEPA and NEPA.

The City looks forward to the inclusion of the study of these potential impacts as part of the GPT project EIS.

Sincerely,

Kelli Linville
Mayor

Terry Bornemann
City Council President

Attachments: Legacies & Strategic Commitments
Resolution 2012-22

"We are working today so future generations will benefit from..."

Clean, Safe Drinking Water

- Protect & improve drinking water sources
- Limit development in Lake Whatcom watershed
- Use efficient, ecological treatment techniques
- Maintain reliable distribution system
- Promote water conservation

Healthy Environment

- Protect & improve the health of lakes, streams & bay
- Protect & restore ecological functions & habitat
- Reduce contributions to climate change
- Conserve natural & consumable resources

Vibrant Sustainable Economy

- Support a thriving local economy across all sectors
- Promote inter-dependence of environmental, economic & social interests
- Create conditions that encourage public & private investment
- Foster vibrant downtown & other commercial centers
- Preserve farmland & the agricultural economy

Sense of Place

- Support sense of place in neighborhoods
- Encourage development within existing infrastructure
- Preserve historic & cultural resources
- Protect natural green settings & access to open space
- Support people-to-people connections

Safe & Prepared Community

- Prevent and respond to emergencies
- Prevent and respond to crime
- Ensure safe infrastructure
- Increase community readiness and resilience

Mobility & Connectivity Options

- Provide safe, well-connected mobility options for all users
- Maintain & improve streets, trails & other infrastructure
- Limit sprawl
- Increase infrastructure for bicycles, pedestrians & non-single-occupancy vehicle modes of transportation
- Reduce dependence on single-occupancy vehicles

Access to Quality of Life Amenities

- Maintain & enhance publicly owned assets
- Foster arts, culture & lifelong learning
- Provide recreation & enrichment opportunities for all ages & abilities
- Ensure convenient access to & availability of parks & trails citywide

Quality, Responsive City Services

- Deliver efficient, effective & accountable municipal services
- Use transparent processes & involve stakeholders in decisions
- Provide access to accurate information
- Recruit, retain & support quality employees

Equity & Social Justice

- Provide access to problem-solving resources
- Support safe, affordable housing
- Increase living wage employment
- Support services for lower-income residents
- Cultivate respect & appreciation for diversity

Legacies and Strategic Commitments

Adopted by Bellingham City Council
July 13, 2009

CITY OF BELLINGHAM • WASHINGTON

RESOLUTION NO. 2012-22

A RESOLUTION REQUESTING THAT CERTAIN POTENTIAL ON AND OFF-SITE IMPACTS ASSOCIATED WITH THE GATEWAY PACIFIC TERMINAL BE ANALYZED AS PART OF THE SEPA AND NEPA PROCESSES

WHEREAS, Pacific International Terminals, Ltd. has proposed the Gateway Pacific Terminal (GPT) at Cherry Point for the shipment of up to 54 million metric tons of various dry bulk commodities including coal to foreign locations; and

WHEREAS, these bulk commodities will arrive at the GPT via trains that are proposed to travel through the City of Bellingham; and

WHEREAS, the length, number and frequency of these freight trains are likely to increase over time as the GPT phases construction towards full build-out, which may require construction of additional off-site rail infrastructure improvements within the City of Bellingham; and

WHEREAS, these bulk commodities will then leave the GPT via ship in approximately 9 bulk carriers per week for an estimated total of 487 per year, and the projected shipping route is through the San Juan Islands to GPT and then north along the coast of Vancouver Island, the coast of Alaska and through the Aleutian Islands, generally following the migratory route of wild salmon; and

WHEREAS, risk of spills and ship collisions increase with an additional 487 single-hulled bulk carriers per year and a diesel or bunker fuel spill will be catastrophic to Puget Sound and Bellingham Bay and harmful to industry, tourism, fisheries and our quality of life; and

WHEREAS, the increase in freight trains and/or additional infrastructure improvements within the City of Bellingham and the increase in shipping due to the GPT project is likely to compromise the City's ability to continue to achieve its Legacies and Strategic Commitments (the "Legacies") which were adopted by the Bellingham City Council on July 13, 2009 to set forth City goals and strategic commitments to support those goals; and

WHEREAS, the City of Bellingham aligns all of its actions with the Legacies including: protection of Bellingham Bay, land use planning, capital facilities planning for trail and park systems, multi-modal circulation and utility system upgrades, as well as providing reliable emergency services; and

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

WHEREAS, the City of Bellingham has a variety of boards and commissions that also contribute to achieving the Legacies, such as the Parks and Recreation Advisory Board, Greenway Advisory Committee, Tourism Commission, Transportation Commission and the Waterfront Advisory Group; and

WHEREAS, the City of Bellingham anticipates that the GPT and its associated freight train traffic, the potential for off-site infrastructure improvements within the City, and the shipping impacts to Puget Sound, will have direct negative impacts to the Legacies; and

WHEREAS, the GPT and associated increased freight trains, potential construction of a new rail siding, and increase in ocean shipping may undermine the City of Bellingham's "Healthy Environment" Legacy by negatively impacting the ecologic functions of Bellingham Bay, by contributing to climate change and air quality degradation through increased coal dust and diesel engine particulate emissions, by increasing consumption of natural resources through the export of coal, by harming runs of wild salmon that originate in or travel through our waters, and by increasing ocean acidification resulting in a decline in production by local shellfish producers; and

WHEREAS, the GPT and associated increased freight trains, increased train noise, potential siding, and increased shipping impacts may undermine the City's "Vibrant Sustainable Economy" Legacy by creating conditions that discourage public and private investment; decrease values of properties located along the rail line or located waterward of it; cut off the newly developing Waterfront District by creating significant problems with noise, traffic blockage, air pollution and safety, thereby putting at risk millions of public dollars, thousands of potential jobs and additions to the productive tax base; deter a thriving tourist economy by negatively affecting the image and reality of Bellingham as a "green" destination; pollute Bellingham Bay; harm commercial and sport fishing industries; and disable the inter-dependence of environmental, economic and social interests; and

WHEREAS, the GPT and associated freight trains, potential siding, and potential increase in vessel traffic in Bellingham Bay may undermine the City's "Sense of Place" Legacy by severely limiting access to open space to such iconic places as Taylor Dock, Boulevard Park and the soon to be developed Cornwall Beach Park and by disrupting access to our public waters for sailing regattas and other recreational uses; and

WHEREAS, the GPT and associated freight trains, potential siding, and resulting blocked crossings may undermine the City's "Safe & Prepared Community" Legacy by preventing rapid response to emergencies and crime; and

WHEREAS, the GPT and associated increased freight trains, potential siding, and increased vessel traffic may undermine the City's "Mobility & Connectivity Options" Legacy by closing off at-grade crossings, blocking access to multi-modal trails and other infrastructure, disrupting non-bulk commodity vessels in Bellingham Bay, and disabling the well-connected mobility options, such as passenger train service the City of Bellingham strives to maintain and to increase; and

WHEREAS, the GPT and associated increased freight trains and potential siding may undermine the City's "Quality, Responsive City Services" Legacy by reducing the efficiency and effectiveness of the City Fire and Police Departments; and

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City Attorney
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360-778-8270

WHEREAS, the GPT and associated increased freight trains and potential siding may undermine the City's "Equity and Social Justice" Legacy by decreasing opportunities for living wage employment as economic investment may decrease due to the GPT project impacts to the environment and access to amenities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:

1. The City of Bellingham supports the Washington State Department of Ecology May 7, 2012 request that the U.S. Army Corps of Engineers conduct a Cumulative Impact Analysis under NEPA, of all currently proposed Coal export facilities and/or dry-bulk commodity terminals within Washington and Oregon.

2. In addition to the Cumulative Impact Analysis specified above, the City of Bellingham requests a project specific EIS to evaluate the full range of potential cumulative and unique impacts of the GPT project, on the City of Bellingham including off-site infrastructure improvements that may be required now or in the foreseeable future.

3. If offsite infrastructure improvements are required within Bellingham city limits, the City of Bellingham requests that they shall not be included as mitigation, but rather as a part of the GPT project.

4. If a rail siding is required within Bellingham city limits, the City of Bellingham requests that it shall not block or disrupt access to our parks or our waterfront.

5. The City of Bellingham requests that costs for the required mitigation for potential negative impacts as specified above shall not be borne by Bellingham residents.

6. The City of Bellingham requests that a comprehensive Health Impact Assessment be conducted by a separate and qualified third party contractor in order to analyze potential impacts to the health and welfare of the citizens of Bellingham including impacts from diesel emissions from trains and ships, coal dust, noise and the potential for increased rail/car and rail/pedestrian accidents.

7. The City of Bellingham requests an analysis of the transportation impacts to at-grade rail/street crossings including the delays to traffic and emergency vehicle response time and impacts to passenger rail traffic at full build out.

8. The City of Bellingham requests an analysis of the economic impacts to public and private entities resulting from any potential spill on land or water during transport, storage, or handling, including any spill due to a ship collision.

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9. The City of Bellingham requests that probable anchorages be included in any vessel traffic analyses prepared for GPT, with an assessment of the likelihood of vessels anchoring in Bellingham Bay.

PASSED by the Council this 23rd day of July, 2012.

Terry Bornman
Council President

APPROVED by me this 27th day of July, 2012.

Kelli Linville
Mayor

ATTEST: John R Carter
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

A Resolution of the City of Bellingham, Washington

Resolution No. 2012-22

Agenda Bill No. ..... AB 19618

Final Passage 7/23/2012

Published (if applicable)

CC Legal Secretary
Executive Assistant to City Council
Other:

BELLINGHAM CITY COUNCIL
210 Lottie Street, Bellingham, Washington 98225
Telephone (360) 778-8200 Fax (360)778-8101
Email: ccmail@cob.org Website: www.cob.org

January 14, 2013

GPT/Custer Spur EIS
c/o CH2MHill
1100 112th Avenue NE Suite 400
Bellevue, WA 98004

Re: Bellingham City Council Scoping Comments on the Gateway Pacific Terminal/Custer Spur EIS

Dear Sir or Madam:

This letter expresses the Bellingham City Council's concern about the foreseeable and unavoidable adverse off-site impacts from the Gateway Pacific Terminal project resulting from mining, shipping, and burning of coal, the terminal's primary (and only confirmed) commodity. The City Council requests that the scope of the Environmental Impact Statement ("EIS") include an analysis of impacts related to climate disruption, increased level of toxic metals in water bodies, and increased acidification of water bodies. These potential impacts are further detailed below. These scoping comments are provided pursuant to both the Washington State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). These scoping comments are submitted to you on behalf of the Bellingham City Council and are in addition to the comments included in previous and separate comment letters submitted on behalf of the City of Bellingham.

A. General Comments Regarding Climate Disruption

Disruption of global climate as a result of on-going greenhouse gas emissions from carbon-based fuel consumption has predictable and measurable effects on northwest Washington and Whatcom County. The mining, shipping, and especially the burning of coal are some of the largest contributing causes of these global climate changes, generating an estimated 1/5 of worldwide greenhouse gas emissions and rising.[1] Moreover, the EPA has recognized CO_2, the primary greenhouse gas released in coal burning, as a pollutant subject to regulation.

[1] Center for Climate and Energy Solutions, http://www.c2es.org/science-impacts/basics/fact-sheets/coal-facts

Because the proposed Gateway Pacific Terminal is under agreement to become the largest coal shipping facility in North America – up to 48 million metric tons of coal per year – the foreseeable impact of this coal consumption on global climate change, and therefore upon Whatcom County, needs to be determined prior to any decision to grant or deny development permits. These foreseeable impacts are significant and go against the City's plans and efforts to reduce our contributions to climate change,[2] as well as undermine the City's official commitment of a legacy of a "Healthy Environmental Legacy."[3] These impacts also undermine Washington State's greenhouse gas reduction standards and targets.[4]

Furthermore, we believe these foreseeable impacts resulting from coal shipment and consumption should be assessed in conjunction with the several other proposed coal shipping facilities in Washington State, to determine the cumulative impacts that will be felt at the local level within Bellingham and Whatcom County and the entire region. We also believe the scope should include the carbon footprint of the mining and shipping operations, in addition to the direct impacts of coal consumption itself.

Global climate disruption from coal mining, shipping, and consumption takes many forms, most of which stem from underlying increases in average temperatures. In the Pacific Northwest, the increase over the last half century already averages 1.5°F degrees, and predictions suggest a further increase of 3 to 10°F over the next century if fossil fuel consumption continues along current trends.[5] *The many effects of this temperature change need to be included in any EIS evaluation.*

B. Specific Comments Regarding the Adverse Impacts from Climate Disruption

The range of likely local adverse impacts from fossil-fuel induced temperature increases includes:

1. Loss and population disruptions of plant species, affecting individual plant growth and reproduction, including commercial food crops, berries, and tree crops – all of which are important for Whatcom County.
    - Examination of this impact should consider the loss and disruption of pollinating insect species and symbiotic root fungi, as well as changes in pest species.
    - Impact analysis should also determine possible decreases in productivity and/or increases in irrigation needs of food crops such as blueberries, strawberries, raspberries, and feed crops for dairy livestock that are the centerpieces of Whatcom County agriculture.

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[2] City of Bellingham, Greenhouse Gas Inventory and Climate Protection Action Plan, May 2007, available at http://www.cob.org/services/environment/climate/program.aspx

[3] City of Bellingham, Legacies and Strategic Commitments, available at http://www.cob.org/documents/council/legacies-commitments.pdf

[4] See Revised Code of Washington, § 70.235.070(1)(a).

[5] See *Journal of Climate*, 18(21), 4545-4561; and *Journal of Climate*, 19(23), 6209-6220.

2. Disruption, loss, and seasonal shifts in precipitation – increase winter rain and decrease in winter snows, resulting in greater winter peak river flow and flooding; decreased Cascade Mountain snow pack and therefore decreased spring snow melt, resulting in lower and earlier in-stream flows in the Nooksack and other local rivers, and more frequent summer drought conditions in Whatcom County.

3. Lower in-stream flow, and higher average water temperature, harming river-dwelling fish species as well as anadromous fish species; decreased fish reproduction, growth, and survival due to temperature stress; decreased numbers of salmonid fish entering saltwater and the effects on commercial and tribal fishing, and the health of salmon-dependent predators such as the endangered coastal Orca whale.

4. Lower in-stream flow, impacting agricultural irrigation and commercial agriculture's viability, as well as impacting river-dependent residential water consumption for Whatcom County residents, such as in Lynden.

    - Assessment of this impact should include the availability and use of Nooksack River water to control coal dust at the GPT site, in the context of the limited availability of river water for agricultural irrigation and residential consumption.

5. Changes in rainfall, snow pack, and spring run-off that may impact local ground water and aquifer replenishment, impacting ground-water and well-based water consumption for local agricultural and residential use – both of which are already constrained in Whatcom County by an overcommitted water supply.

6. Lower in-stream flow, eliminating the ability for the City of Bellingham to exercise its water-diversion rights from the Middle Fork of the Nooksack River, into Lake Whatcom, to serve as a municipal drinking water source. Assessment of this impact should include the increased risk that the City will be unable to use this diversion for months out of the year, which could jeopardize drinking water availability for 90,000 customers of the City of Bellingham water utility.

7. Effect of climate changes on Lake Whatcom near-surface water temperature, which creates a summertime risk for harmful algae blooms. Lake Whatcom is an "impaired water body" under section 303(d) of the Clean Water Act for excessive phosphorus,[6] which is directly related to water temperature and algae blooms.

Assessment of this impact should evaluate increased likelihood and frequency of summertime algae growth, which necessitates expensive pretreatment of the lake water for human consumption, and which creates oxygen dead zones that harm resident fish populations.

8. Changes in forest productivity and ecology, due to changes in weather patterns and seasonality.

    - Assessment of this impact should include evaluation of changes in forest fire risk, magnitude, and seasonality; and changes in pest species populations.

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[6] Washington State Department of Ecology, see https://fortress.wa.gov/ecy/publications/publications/0810068.pdf

9. Sea level changes from global warming, resulting in coastal erosion and loss of land and its impacts on Bellingham's municipal services, particularly storm water drainage and sewage systems. In particular, City of Bellingham's sewage treatment plant is located on the shoreline very near sea level, and relies upon gravity-fed delivery of untreated sewage, as well as pump-delivery of the treated water to the adjacent Bellingham Bay.

C. Comments Related to Other Impacts on Water Bodies

In addition to the temperature and climate-related impacts discussed above, we are also concerned about other adverse impacts generated by the mining, shipping, and burning of coal. These include other types of emissions and effects that result from coal burning. In particular, these foreseeable adverse impacts include:

1. Increased exposure to toxic metals, such as mercury, via atmospheric release. A 2005 study by the United State Geological Survey concluded that atmospheric transportation from fossil fuel burning is Asia is a primary source of new mercury in Lake Whatcom and other Washington waterways. Assessment of this impact should evaluate the likely increase in the atmospheric deposition of mercury into Lake Whatcom, and the consequent increase in mercury levels in lake water, lake soils, and aquatic species, including sport fish that may be consumed by humans.

2. Increased ocean and lake acidification, as a consequence of the atmospheric release of coal combustion products as well as CO_2 itself.

D. Conclusion

While climate change impacts are driven by human activities across the world, we are concerned about local contributions to these impacts. In particular, given the magnitude of the proposed project and the millions of tons of coal involved, we believe that local impacts from climate change are very likely to be increased due to the Gateway Pacific Terminal proposal, and we therefore feel it is essential to study these foreseeable adverse impacts as part of the EIS process. The City of Bellingham requests that these impacts be included in the scope of the EIS for the GPT permit process.

Sincerely,

Seth Fleetwood, President
Bellingham City Council

Name: McAuley, Mike

Date: Jan. 22, 2013

City: Bellingham

Part: Multiple/not listed

Human environment: Traffic or safety, Other human environment topic

EIS process: Area of potential effect, EIS/regulatory process, Other EIS process topic

Comment:

21 January 2013

From:Mike McAuley
Commissioner , Port of Bellingham
1801 Roeder Ave.
Bellingham, WA 98225

To:GPT/Custer Spur EIS
c/o CH2MHill and Co-lead Agencies
1100 112th Ave. NE, Suite 400
Bellevue, WA 98004

Re: Gateway Pacific Terminal Scoping Comments

Dear Sir or Madam,

As the only government body with elected representation tasked by the people of Whatcom County to focus strictly on the fulfillment of certain, "essential transportation and economic development needs of this region while providing leadership in maintaining greater Whatcom County's overall economic vitality" and, given that the Gateway Pacific Terminal project meets county and state thresholds of significant impact, it is, therefore, incumbent upon representative of the Port of Bellingham, on behalf of the citizens of Whatcom County whose interests the port serves, to request that the Environmental Impact Statement (EIS) for the Gateway Pacific Terminal (GPT) project, as proposed, include a robust assessment of transportation and economic impacts, both positive and negative, created by the project.

It should be noted that in 2010 the Port of Bellingham submitted a letter to the Washington State Department of Natural Resources in support of a potential terminal at Cherry Point. While not specific in drawing distinctions regarding the commodities supported by a terminal, the Port of Bellingham has a long standing position generally in favor of a deep-water terminal at that location.

Because an EIS is designed less as a tool to find what is 'right' about a project and more intent on finding those actions that will create significant environmental burdens or consequences, it is important for the port to be interested in issues pertaining to the purview of the port and within the

bounds of law; specifically, the economic and transportation impacts of the project.

Per Washington Administrative Code (WAC) 197-11-444, the EIS is required to consider the following:
2(c) Transportation
(i) Transportation systems
(ii) Vehicular traffic
(iii) Waterborne, rail, and air traffic
(iv) Parking
(v) Movement/circulation of people or goods
(vi) Traffic hazards

The Washington State Department of Ecology and Whatcom County have determined GPT to be a project of significant impact, it is, therefore, wise to consider not only the immediate environmental impacts at the site but also the wider impacts upon the infrastructure required to support the terminal

While the burden and risk associated with the commodities carried on the rail are to be borne by private entities, the rail line itself does cross a significant number of public roadways and will create impacts at or near those crossings. An example of an analogous situation is the addition of a multi-acre shopping center at a busy intersection; there is a local standard for Level of Service (LoS) that is acceptable at that intersection, with the addition of the shopping center that LoS will be reduced if not mitigated by improvements. In regards to the GPT project there will be additional and easily measurable traffic at the intersections of public roadways with the BNSF line.

On behalf of the citizens of Whatcom County, I believe that the Port of Bellingham has a direct interest in understanding and mitigating transportation impacts to public properties owned by the port, notably in the City of Bellingham's Fairhaven and Waterfront Districts but also, in general, impacts that may accrue at various crossings throughout the county causing notable delays to commerce on county roadways.

There are quantifiable costs for traffic delays that prevent business, commercial or commuter activities from ready access to truck routes, state highways and major county roadways historically utilized by Whatcom County businesses and residents. As such, please include in the EIS a complete analysis and possible mitigations for traffic impacts that consider both the additional burdens from auto traffic and the effects of increased rail traffic throughout the county.

Furthermore, per WAC 197-11-448 the EIS may consider "the general welfare, social, economic, and other requirements…in making final decisions."

Private enterprise should not unduly burden the public by shifting responsibilities and costs onto that public when that enterprise has no broad public purpose. This statement is reinforced by Whatcom County Code, Section 20.88.130(6): the proposed major development "Will not impose uncompensated requirements for public expenditures for additional utilities, facilities and services, and will not impose uncompensated costs on other property owned."

Whereas the Port of Bellingham is chartered to directly serve the public within the bounds of Whatcom County and indirectly the public in our region, it is inherent in that charter that the port's representatives have "pledge[d]…to be a responsible trustee of our publicly owned assets", in part, by

appraising projects of significance, such as GPT, where the project has wide ranging economic impacts.

To that end, it is in the best interest of the people of Whatcom County that, as a commissioner for the Port of Bellingham, a request be made that the EIS thoroughly consider the economic impacts, both positive and negative, of the GPT proposal on Whatcom County's various cities, the county itself and the region serving or being served by Whatcom County.

The Port of Bellingham was chartered by a vote of the people 92 years ago to serve public interests throughout Whatcom County and, by extension of those interests, the northwestern region of Washington State. The port owns, on behalf of the people of Whatcom County, substantial real estate holdings directly affected by the proposed project. Furthermore, as a key economic development agency for Whatcom County, the port has an interest in efforts that impact the county and regional economy. It is in the spirit of fully understanding the effects of the project on this county that I, as a representative of the citizens of Whatcom County on the commission of the Port of Bellingham, request the NEPA and SEPA processes engage a robust analysis of the transportation and economic impacts in developing the Gateway Pacific Terminal EIS.

With most sincere regards,

_____

Mike McAuley, Commission Vice-President

*hard copy to follow via US Mail

CITY OF BLAINE

COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

435 MARTIN STREET, STE. 3000 • BLAINE, WA • 98230

MEMORANDUM

Date: November 8, 2012

To: Whatcom County PDS
Washington State Department of Ecology
US Army Corps of Engineers

From: Michael Jones, City of Blaine SEPA Official

Cc: Mike Haslip, City of Blaine Public Safety Director

Re: **Gateway Pacific Terminal**

Thank you for the opportunity to participate in the scoping process. I have limited my comments to issues I believe directly impact the City of Blaine. The proposed project has the potential to have dramatic impact on the City of Blaine. Some of those will likely be positive and some will likely be negative.

I believe the most significant factor affecting how the City is impacted is the change in rail traffic, both frequency of trains and changes in traffic patterns. The terminal may dramatically change the number of trains that pass through Blaine. Currently numerous trains pass through the City on the way to the Robert's Bank terminal in Tsawwassen, BC.

The City wishes to ensure that any study of rail traffic considers the tracks north of the proposed terminal and not just south and east towards the US interior. The Canadian interior is a potential market and supply area for goods moving through the terminal. The terminal could divert many of the trains currently moving through Blaine as they will no longer need to access the Robert's Bank terminal.

My comments are summarized in the table below.

Issue	NEPA/SEPA Element	Mitigation to Consider
Increased frequency of blockage at the Blaine Road rail crossing Traffic delays caused by trains in Blaine are unique. Southbound trains move very slowly. The	**Traffic** Traffic delays caused by the train can be potentially significant, especially at peak traffic times	Move the VACIS further south to allow delayed trains to sit on tracks that do not include at grade crossings Signalize the intersection so

This organization is an equal opportunity provider.

typical time for a crossing does not apply for southbound trains. The VACIS inspection facility causes 11-12 minute crossing closures, which generates 15-20 minute traffic delays for each train that goes south through town. This is a problem at all crossing, but is particularly difficult at the Bell Road/Blaine Road crossing at the south end of town.	**Economic Conditions** Traffic delays impact commerce that pass through the intersection and make the surrounding commercially zoned properties less desirable for development. **Public Safety** The train blocks emergency response for police, EMS, and fire. The traffic delays exacerbate the problem because narrow roads and stopped traffic make it difficult and dangerous for emergency vehicles to push through even after the train clears. **Environmental Justice /Social Conditions** Numerous school busses use this crossing and delays affect students' arrival at school. Impacts to students include late arrival to class and students on free and reduced cost meal programs are required to take breakfast to class with them.	that traffic can move more efficiently through the intersection after trains clear, and can move more efficiently on the three unblocked legs of the intersection when the train is blocking traffic Install ITS motorist signage to inform all drivers of the delays –or – install sensing equipment connected to emergency services dispatch so service providers know they need to avoid the area and use a detour Build an overpass so Blaine Road is not blocked by trains
Increased frequency of blockage at the Marine Drive rail crossing The traffic delays at the Marine Drive crossing are not as long as those at Blaine Road because it is approximately one mile further north and not as adversely impacted by the VACIS facility	**Traffic** Increased frequency of closures could lead to significant traffic delays that could extend to the adjacent I-5 interchange and impact freeway traffic. **Social and Economic Conditions** The marina and port industries are significant economic drivers in Blaine traffic delays adversely impact these industries and they are very susceptible to disaster, fire, injury, drowning, and fuel spills which are exacerbated by more frequent closures.	Develop a facility or program/policy that allows open communication between BNSF and emergency services (WhatComm connection to BNSF) that is effective and ensures communications so that in emergencies there is a chance to have trains move when blocking the road (or stop before blocking) Build an overpass so Marine Drive is not blocked

	Public Safety Marine Drive accesses a peninsula of land isolated by the BNSF tracks. The area contains a marina, industrial area and the City wastewater treatment facility. Closures that prevent emergency service providers from accessing the Marine Drive peninsula increase the risk of sewage spills and extreme fire events due to lack of response access. Numerous events or incidents can be significantly worsened by a lack of emergency response.	
Increased frequency of blockage at the Hughes Avenue rail crossing	**Public Safety** Hughes avenue accesses a "dead end" neighborhood. All access requires crossing the railroad. The area contains many homes. Closures that prevent emergency service providers from accessing the area increase the risk of extreme fire events due to lack of response access. Numerous injuries or incidents can be significantly worsened by a lack of emergency response.	Develop an alternate for Hughes Avenue (an emergency service road) Install wayside horns to reduce noise impacts
	Noise More frequent trains add to noise impacts in the residential neighborhood.	
Increased use of sidings Added train traffic may increase the use of sidings throughout the rail system	**Public Safety** Use of the rail siding in downtown Blaine for cargo storage could result in catastrophic release of chemicals or catastrophic explosion	Install an AHAB (all hazards alert broadcast) public notification system to warn the public of hazardous release Implement policies that ensure that hazardous materials are not store on the downtown Blaine crossing Implement a policy that requires that engines are turned off when trains a delayed for extended periods of time Trains switching should be limited and should be avoided or eliminated at night
	Noise Train switching is noisy and occurs at all hours. Trains will occasionally idle for extended periods of time (several hours to multiple days) causing noise impacts	
	Air Quality Idling trains adversely impact air quality	

Temporary Population Construction crews will move to the area to build the facilities. They will need services and will generate adverse impacts on local communities	**Social and Economic Conditions** All criminal justice costs are likely to increase in local communities. The County, as the jurisdiction with tax collection authority over the site, will have revenues to offset impacts. Local communities (Ferndale and Blaine) will not have property tax revenues from the site.	Consider cash payment to offset expenses to city and tax revenue sharing with local communities

City of Ferndale WASHINGTON

Community Development Department

P.O. Box 936, 2095 Main Street, Ferndale, WA 98248 - (360) 384-4006

RECEIVED
DEC 04 2012
Whatcom County P&DS

December 3, 2012

Tyler Schroeder
5280 Northwest Drive
Bellingham, WA

Re: Gateway Pacific Terminal Scoping: City of Ferndale

Dear Mr. Schroeder,

Thank you for providing the City of Ferndale with the opportunity to provide scoping comments on the proposed Gateway Pacific Terminal at Cherry Point.

Job growth in the Cherry Point area has long had a very visible impact on the City of Ferndale, resulting in substantial growth within the City that is closely associated with growth at Cherry Point. Many of the individuals who now work or have previously worked at Cherry Point call Ferndale home, and the City's infrastructure and services have been used to support these working families, as well as services to and from the industrial facilities. Historically, the impacts of industrial development (both positive and negative) have been felt most directly in Ferndale, and we anticipate that the Gateway Pacific Terminal would be no different.

The City of Ferndale also understands and respects the fact that expansions to the Custer Spur are also proposed, and that the Burlington Northern Santa Fe railroad, which owns the spur, will also be subject to the reviews contained within this EIS. While we respect that the impacts of these two projects (and other projects) may be somewhat different, there will be cumulative impacts on the immediate and surrounding area (including Ferndale), and these impacts must be mitigated by the entities that create them.

To that end, the City expects that any environmental review through the EIS process will incorporate the following, and will recognize that the local impacts (in and around Ferndale)

will likely be more pronounced and concentrated than impacts a greater distance from the facility.

Transportation: The City expects the EIS to analyze the impacts of rail traffic created by the Gateway Pacific Terminal on the City's surface streets. There are currently five at-grade rail crossings within the City – Slater Road, Hovander Road, Second Avenue, Brown Road and Grandview Road – all of which should be analyzed based on delays created by increased rail traffic throughout the day and specifically during the 4-6pm peak hour (including any delays experienced prior to or following the peak hour which may result in impacts during peak commute periods). The City has adopted a Level of Service (LOS) C during the weekday peak hour, and the City will require that this LOS be preserved. Please note that within the context of the City's scoping comments, the City assumes "increased rail traffic" to include not only an increase in the actual number of trains, but any increase or change in the size (length) of the trainsets themselves, and the speed through which they will travel through the City of Ferndale.

The EIS should analyze not only the immediate time period(s) in which trains will traverse the City's streets, but the period of time necessary for street traffic to return to normal following the passage of a train. Should the City's traffic not have sufficient time to return to normal before the passing of an additional train, mitigation measures should be identified to restore traffic to normal levels, in addition to any mitigation measures identified during the specific 4-6pm peak hour referenced above.

The EIS should utilize the City of Ferndale Comprehensive Plan (Transportation Element) and determine to what extent rail traffic would impact the City's adopted Level of Service. Mitigation measures identified should also conform or relate to the long-term transportation improvements identified by the City of Ferndale. In particular, the funding of the proposed Thornton Street grade separation by the proponents should be considered as a potential mitigation measure.

The City of Ferndale is separated by both the railway and the Nooksack River, and the majority of Ferndale residents live west of both. The EIS must analyze the impacts of rail traffic in times of emergency, in order to ensure that emergency vehicles are not delayed by additional train traffic, in terms of both responding to emergency calls and transporting injured persons.

The EIS should determine if and to what extent additional rail traffic will impact school students within walking distance (one mile) of public schools, and identify mitigation measures necessary to preserve safety.

During construction of the facility, it is likely that construction traffic will utilize City streets to transport materials in and out of the site. The EIS should address construction-related traffic, including the impacts that the transportation of large/heavy equipment and materials may

have on the City's streets. Potential mitigation measures may include but are not limited to the identification of "haul routes," the payment of restoration fees, other methods, or a combination of several methods.

While coal shipments have been identified as the initial major product that will be shipped from the terminal, the applicant has indicated that other products may be shipped to or from the terminal in the future. It is possible that not all of these goods and materials will be shipped via rail. The City recognizes the potential for non-rail shipment of other materials in the future, and requests that the EIS clarify in its scope those products that will be analyzed. Should products that do not require rail shipment be included in the scope, the type of delivery (and the impacts/ mitigation of that delivery system, as it relates to traffic) should also be analyzed. The City further requests that the EIS and succeeding documents clearly state which products/ which types of products (and their volume) have been analyzed, in order to provide the applicant and affected parties the ability to anticipate the need for additional environmental review, should the project (or its impacts) be altered in the future.

In addition to any other mitigation measures, the City suggests that steps be taken to encourage or require BNSF to provide anticipated train schedules for all train traffic at all rail crossings within the City of Ferndale, in order for commuters to anticipate and avoid train traffic. In addition, BNSF may consider the development of a mobile "app" that could provide subscribers with train schedules and potential delays.

Railway Construction: The BNSF railway has indicated that improvements/ expansion to the railway may be necessary to serve this project or other projects. Such improvements may include but are not limited to the conceptual "Custer to Ferndale Double Track Project." The EIS and other reviews should clarify whether such related projects are within the scope of review of this study, or if they will be studied/ approved separately. By all indications, these projects are considered separate – but it is important to make that distinction clear at this early stage – and to identify the permitting process (and lead agency status) of jurisdiction(s) affected by the proposed improvements. BNSF has indicated that double track projects could be constructed within the City of Bellingham or within the City of Ferndale, and appear to have suggested that if a double track project were not constructed in Bellingham, the Custer to Ferndale project would become necessary – and vice versa. BNSF must identify which of these proposals (or others) is the preferred alternative.

Similarly, the City is concerned that applicants will argue that increases to overall rail capacity are not related to a specific project, and that mitigation measures associated with the offsite impacts of additional rail traffic should be identified only when those future projects are proposed. While this may be appropriate, the EIS should clearly state this expectation in order to ensure that future applicants do not suggest that mitigation measures should have been identified at the time railway capacity was expanded. Alternatively, the current EIS could simply include mitigation measures based on the maximum projected rail traffic anticipated by the capacity expansions.

Land Use: While the Gateway Pacific Terminal itself will be located outside of the City's jurisdiction, the EIS should review the City's Comprehensive Plan (specifically the Land Use and Transportation Elements) in order to determine whether the impacts of the terminal (or mitigation measures/ projects associated with the terminal) will limit or otherwise impact the City's plans for future growth, both within the City and inside its Urban Growth Area.

Environment: The environmental impact of increased rail traffic, the transportation and storage of coal (or other materials that may be shipped to or from the terminal), the impact on aquatic species and the sensitive area in and around Cherry Point must be analyzed in the EIS. While it is likely that the EIS will analyze these impacts, it should also address the degree to which Ferndale, as a central hub of activity, would experience greater (or unique) impacts than communities elsewhere. For example, a spokesperson from the BNSF Railway has stated "we can't necessarily tell you that any facility up in Ferndale would cause an increase in traffic in Seattle."

This reflects the City's concerns that the impacts of a facility in close proximity Ferndale will be experienced most directly...in Ferndale. The potentially lesser impacts on a greater number of people (in larger population areas) should not trump the analysis of potentially greater impacts on a smaller number of people (in Ferndale and its environs).

Noise and Vibration: The noise and vibration of increased rail traffic should be analyzed. The Federal Railroad Administration requires that locomotive horns be sounded at all public grade crossings, and pre-empts local requirements from restricting such controls. However, federal law does provide for mitigation measures. The effect and time of day of increased rail noise (horns) should be analyzed within the City limits and Urban Growth Area of Ferndale, particularly within residential areas.

Safety: Each grade crossing of the BNSF railway should be analyzed within the City of Ferndale and UGA to ensure compliance with Americans with Disability Act (ADA) requirements and crossing arm/ light visibility (particularly when the railroad crossing is at an intersection or street corner). Mitigation measures/ improvements should also be identified, where needed – and the cost of any such mitigation measures must be borne by the proponents.

In addition to ongoing safety concerns associated with the day-to-day operations of the proposed terminal, there are additional safety issues associated with construction activities at the site. Many of these issues will likely be limited to onsite worker safety, environmental best management practices, and more. However, the proponents' application materials suggest that a significant number of temporary construction jobs will be created by the facility, and it is likely that many of these jobs will be filled by individuals who do not reside in Whatcom County but who find temporary housing in adjacent communities. The EIS should study the extent to which temporary workers who are away from their homes and

families may or may not increase demands on local law enforcement, particularly in the cities of Ferndale and Blaine and the Whatcom County Sherriff's office. If there is a likely short-term impact, the EIS should identify mitigation measures appropriate to offset those impacts.

Process: While the process through which the Gateway Pacific Terminal will be analyzed has been established through the existing regulations of the various permitting and review agencies and is not directly tied to this scoping process, the City must also comment on the degree to which those agencies may be encumbered by the significant reviews that must be part of this project. The Gateway Pacific Terminal review is one of many (both public and private) that the various agencies – Whatcom County, Department of Ecology, Army Corps of Engineers will be required to review and comment on over the coming months and years. The City of Ferndale believes that the Gateway Pacific Terminal reviews should not otherwise delay or prevent adequate review of other projects, and each agency should clarify any delays that may occur and identify appropriate mitigation measures to prevent such delays. The City is very concerned that affected agencies may seek to transfer resources and staff time from other reviews to this review. While Ferndale does in no way question the importance (and potential impacts) of this proposed project, it also recognizes the fact that each project is of particular value to each applicant.

The City looks forward to working with Whatcom County and its consultants, and City staff will be available throughout this process to provide additional clarification as to the City's expectations and comprehensive plan requirements. The City recommends that the County and its consultants schedule at least one meeting with the City in order to review issues specific to Ferndale soon after the scoping comments are reviewed, with at least one additional meeting prior to the release of the Draft Environmental Impact Statement.

Sincerely,

Jori Burnett
SEPA Official, City of Ferndale

CC: Mayor Gary Jensen

FERNDALE, WASHINGTON; THURSDAY, NOVEMBER 29, 2012

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GARY JENSEN: Gary Jensen. Mayor City of Ferndale.

So for historical perspective you're looking at a permit for Cherry Point. And in 1954 the first industry to move to Cherry Point was the Mobil Oil refinery, has now become Phillips 66. Next came the Alcoa aluminum smelter. And the next came the BP Cherry Point refinery. And then finally Tenaska, the cogeneration plant that is now owned by Puget Power.

So in that time, since 1954 until today, all those industries have created jobs for our community, they've been good parts for our community, they've been our little league coaches, they've been our volunteers, they've been our citizens who buy our homes, shop in our grocery stores.

The important part that I think people need to remember is that you look at the examples of what we've asked those industries to do; how they've been good corporate citizens.

BP Cherry Point is finishing up a $400 million retrofit in conjunction with the Northwest Clear Air Agency, to do a cleaner, greener product.

The Phillips 66 plant is over $150 million.

Alcoa has done all kinds of retrofits.

Tenaska, now Puget Power, is a cogeneration plant.

So there is a history there of when we, the citizens, and your industries have asked those industries to change and do a better product and to treat our environment in a sound way, they have reacted.

So there is no reason to believe that you, as the people that are going to do this permit, can ask the same thing of them.

I don't think it's either a yes or no proposition; it's do what we ask.

In terms of the City of Ferndale, our support for the project is not unconditional, it never has been. We want them to be a good neighbor like the neighbors that we have now.

We like those people, they're good industries, they employ our citizens, and we'd like you to set up regulations where we can have another good neighbor.

Thank you.

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Whatcom County Marine Resources Committee
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Bellingham, WA 98225
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Web: www.mrc.whatcomcounty.org

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M Hill
1100 112th Ave. NE, Ste. 400
Bellevue, WA 98004

January 21, 2013

RE: Gateway Pacific Terminal/Custer Spur EIS Scoping Comments

On behalf of the Whatcom County Marine Resources Committee (MRC), I respectfully submit the enclosed comments we would like to see addressed during the scoping process of the Environmental Impact Statement (EIS) for the proposed Gateway Pacific Terminal/Custer Spur project.

The MRC was established by the Whatcom County Council in 1999 to enhance the local marine resources and contribute to the protection of the marine environment of the Puget Sound/Salish Sea. The Whatcom MRC is one of seven MRCs in the state and is comprised of 18 representatives from diverse backgrounds and interests representing conservation, business, recreation and scientific perspectives, as well as city, county, and tribal governments. The MRC provides both local insight and a regional perspective through its alliance with the Northwest Straits Commission. The overarching goal of the MRC is therefore, not only to protect, but to restore the marine waters, habitat and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use.

It is with this goal in mind that the MRC has reviewed the proposal for the Gateway Pacific Terminal/Custer Spur project and offers the following consensus-based comments to be addressed in the scope of the project's EIS. *It should be noted however, that due to the potential for conflicts of interest to arise, the Whatcom County Council representative to the MRC recused himself from any and all discussions regarding this project, as well as all participation in drafting, reviewing, approving, and submitting these comments.*

The MRC recognizes that although there are many areas of concern that should be addressed through an EIS process for a project of this magnitude, we have identified the five main topics we consider to be the most important, given their potential to adversely affect the marine ecosystem at the Cherry Point region. The topics are presented in the enclosed document in alphabetical order.

We hope the comments provided are constructive to the EIS process and contribute to a comprehensive assessment of the potential environmental impacts of the proposed project. We

thank the co-leads for the tremendous amount of effort that has and will go into developing the most comprehensive, science-based EIS possible.

Sincerely,

Wendy Steffensen

Wendy Steffensen, Chair
On behalf of the Whatcom MRC

Enclosure: Whatcom County Marine Resources Committee Gateway Pacific Terminal/Custer Spur EIS Scoping Comments

Whatcom County Marine Resources Committee

Gateway Pacific Terminal EIS Scoping Comments

January 21, 2013

The Whatcom County Marine Resources Committee (MRC) has identified five topics of concern that it would like addressed in the Environmental Impact Statement (EIS) Scoping process for the proposed construction of the Gateway Pacific Terminal at Cherry Point, WA. Each of the five topics (Artificial Night Lighting, Coal Dust/Cargo Spillage, Habitat Impacts, Underwater Noise, and Vessel Traffic) is presented in alphabetical order as separate sections. Each section contains a Statement of Concern, Rationale for Concern, Applicable Regulations, Recommendations, and Citations/Reference Documents.

Artificial Night Lighting

Statement of Concern: Many of the ecological consequences of artificial night lighting associated with the construction and operation of the proposed Gateway Pacific Terminal are potentially disruptive to valued marine resources that depend on little-studied and poorly understood ways on natural levels and rhythms of light from stars, moon, and bioluminescence.

Rationale for Concern: Artificial lighting at night has been shown to adversely affect salmonid behavior, distribution, migration, and survival with ramifications for impacts to other marine organisms (Tabor et al., 2004). Moreover, some prey species including forage fish have been found to be attracted to lighted areas at night; a phenomenon utilized by natural predators such as dogfish and hake (Royal Commission on Environmental Pollution, 2009). With our limited understanding of the ecological functioning of the Cherry Point Reserve we cannot know how much artificial night lighting will have a deleterious effect on marine organisms that use this area including, but not limited to forage fish, other fishes, plankton, marine birds, shore birds, mammals, and migrating birds.

We know that some marine birds prey on vertically migrating bioluminescent zoo-plankton, and for those birds, bioluminescence is only visible in near-total darkness (Haddock et al., 2010). Skaret et al. (2003) found that Norwegian spring spawning herring had distinctive schooling patterns and vertical distribution in the water column in relation to diurnal variations. After dark they found herring descended to the bottom to evade visual predators, whereas during daylight hours the herring ascended into the water column in schools. The Cherry Point Reach shoreline and its waters has been relatively undeveloped except for sky-glow from refinery lighting along with relatively widespread lights from piers and anchored ships. Construction and operation of an additional pier will significantly increase artificial lighting in the Reach and potentially impact diurnal movements of fish making them more susceptible to predation.

Applicable Regulations:
Chapter 90.58 RCW Shoreline Management Act of 1971

Chapter 173-26 WAC State Master Program Approval/Amendment Procedures and Master Program Guidelines.
Washington Department of Ecology Shoreline Management. Accessed January 10, 2013 at http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-16.html

Recommendations: Disruption of natural daytime and nighttime lighting may result in altering or overwhelming the intensity and regularity of ambient light, potentially causing adverse effects to the marine biota, including but not limited to, disruption of growth, feeding, spawning/reproduction, and migration patterns linked to circadian and lunar rhythms. To begin to fill some of the gaps in our knowledge and understanding of the Cherry Point ecosystem, it is recommended that the following studies be required:

1. Conduct in situ and/or laboratory studies of the effects of artificial lighting on forage fish sensory perceptions, migration, foraging behavior, and spawning similar to the research by Prinslow et.al (1979) for the U.S. Navy on the effects of wharf lighting on salmon.
2. Conduct in situ and/or laboratory studies of the effects of artificial lighting on the water column migrations of bioluminescent organisms under artificial lighting.
3. The studies should also investigate the potential changes in species abundance and dominance resulting from increased prey access under artificial lighting
4. Evaluate reducing artificial light intensity, restricting spectral output and planning physical arrangement to minimize skyward and seaward projection.
    a. It would include filtering the light, directing it downward and away from waters, turning off unused lighting, and shading or covering windows.
    b. Alternative types of lighting to control spectral output should also be used, such as low-pressure sodium lighting (LPS) rather than high-pressure sodium, metal halide, light emitting diodes (LEDs) or mercury vapor lighting. Since the more natural the lighting the more plausible that organisms will respond more strongly, LPS lighting will ensure the response is minimized (The Royal Commission on Environmental Pollution, 2009).

The U.S. Coast Guard, Washington Dept. of Labor and Industries, and Cherry Point industry pier operators will need to be involved as cooperators in the research to assure realistic operational solutions are developed.

Citations/Reference Documents

Haddock, S.H.D., M.A. Moline, and J.F. Case. 2010. Bioluminescence in the Sea, Annual Review of Marine Science, Vol. 2: 443-493.

Prinslow, T.E., C.J. Whitmus, J.J. Dawson, N.J. Bax, B.P. Snyder, and E.O. Salo. 1979. Effects of wharf lighting on outmigrating salmon. Technical report, U.S. Department of the Navy.

Royal Commission on Environmental Pollution. 2009. Artificial Light in the Environment. The Stationery Office Limited, Controller of Her Majesty's Stationery Office, Surrey, UK. Accessed January 12, 2013 at http://www.official-documents.gov.uk/document/other/9780108508547/9780108508547.pdf

Skaret, G., L. Nøttestad, A. Fernö, A. Johannessen, and B.E. Axelsen. 2003. Spawning of herring: day or night, today or tomorrow? *Aquatic Living Resources*, 16:299–306.

Tabor, R.A., G. Brown, and V.T. Luiting. 1998. The effect of light intensity on predation of sockeye salmon fry by prickly sculpin and torrent sculpin. Technical Report, U.S. Fish and Wildlife Service, Western Washington Office, Fisheries and Watershed Assessment Division.

Tabor, R.A., G. S. Brown, and V.T. Luiting. 2004. The effect of light intensity on sockeye salmon fry migratory behavior and predation by cottids in the Cedar River, Washington. *North American Journal of Fisheries Management*, 24:128–145, 2004.

Coal Dust and Cargo Spillage

Statement of Concern: Coal dust and cargo spillage of coal may impact marine resources in and around Cherry Point.

Rationale for Concern: Coal and coal dust have the potential to affect marine and estuarine organisms and habitats through "abrasion, smothering, alteration of sediment texture and stability, reduced availability of light, and clogging of respiratory and feeding organs" (Ahrens and Morrisey, 2005). The potential for toxicity of coal dust and coal leachates also exists and needs to be further refined, as studies done to date have variously shown toxicity, no toxicity or been equivocal. It is likely that significant coal and coal dust from transfer activity and cargo spills will become deposited in the marine/estuarine environment (Johnson and Bustin, 2006).

Given the fact that the Gateway Pacific project is proposed in an aquatic reserve with extensive eelgrass and kelp habitat and the unique Cherry Point herring population, it is imperative that any activities associated with the new industry be scrutinized closely before it is permitted. Studies and analysis should ensure that bulk cargo commodities planned for the Cherry Point region, i.e., coal and its associated dust do not adversely impact the Cherry Point herring, eelgrass, kelp, and other macroalgae, as well as the diverse food prey communities from small plankton species to Chinook salmon. This level of scrutiny and analysis is essential because Cherry Point herring are a unique sub-population that has declined significantly in the last 30 years. Their distinctively timed spawning cycle comprises an essential part of the food chain for salmonids and migratory seabirds so any adverse effects to that population will have ramifications on survival of these predator populations.

Applicable Regulations
The U.S. Environmental Protection Agency's (EPA) Clean Water Act (CWA)

The CWA has recently been successfully used in a lawsuit in Seward, Alaska against coal exporters and rail companies for failing to contain coal dust and allowing it to pollute adjacent water bodies (Jensen, 2011; Pemberton, 2010). In addition to coal and coal particulates, the CWA also regulates point source discharges through the National Pollutant Discharge Elimination System (NPDES). The facility will be required to get a NPDES permit for discharge of stormwater, and potentially for dust loading impacts to the water.

Recommendations: The following studies should be conducted to determine appropriate BMPs for containing leachate and coal dust and to assess the severity of the impact from leachate, coal dust, and coal spillage. The suggestions for many of these studies derive from Ahrens and Morrissey (2005).

1. Chemical Tests: Characterize all potential coal dusts, coal leachates, and chemical dust suppressants/topper agents or other chemical that may be used or exported from the facility. These tests should include, but not be limited to assessment of the following:
    a. Quantify the amount of polycyclic aromatic hydrocarbons (PAHs), sulfur, phosphorus, nitrogen, and metals, including copper and chemical oxygen demand (COD) within the materials.
    b. Determine the ability of PAHs, sulfur, phosphorus, nitrogen, and metals, including copper to dissolve, leach out, or otherwise be released from the coal, i.e., become bioavailable, in sea water under the conditions of the current pH and the pH expected from ocean acidification, 50 or 100 years hence.
    c. Identify the type and chemical composition of coal dust suppressants/topper agents, or other chemicals used on coal.

These tests are important because coal is known to contain the aforementioned harmful constituents and these may be leached (Ahrens and Morrisey, 2005). This study may indicate that certain types of coal should be restricted from export at the proposed facility.

2. Bioassays: Characterize potential coal dusts, coal leachates, chemical dust suppressants/topper agents, and mixtures thereof utilizing standard and others bioassays, as well as the recently developed herring bioassays (Dinnel et al., 2011; Marshall, 2012). Bioassays should test, but not be limited to the following:
    a. Growth inhibition of exposed eelgrass and macroalgae species,
    b. Survivability of herring eggs and larvae and juvenile salmon, and
    c. Alterations in diversity and biomass of plant and animal species, such as, but not limited to algae, burrowing invertebrates, and filter feeders.

    Additionally, studies should use various amounts of coal dust, coal dust suppressants/topper agents, and coal based on a variety of scenarios, such as where:

    d. Best Management Practices are employed 0, 25, 50, 75, and 90% of the time
    e. For time periods of 5, 25 and 50 and 100 years, and
    f. For small, medium, large and repeated coal cargo spillage

    Ahrens and Morrisey (2005) reported that particles of coal in suspension in the water column reduced the amount and possibly the spectral quality of light reaching the sea bed. Moreover, deposition of coal dust on plants decreased photosynthesis, and killed eggs of fish and invertebrates by smothering them. Species richness and biomass were also found to decline with the change of sediment composition.

3. Bioaccumulation: Test the bioaccumulation and bioaccumulative effect of coal particulates, coal dust suppressants/topper agents (fresh and weathered), and leachates on key species, using available models and bioassays. Key species which should be considered include eelgrass, Pacific herring, and salmonids, as well as, sediment-dwelling invertebrates and fish such as annelid worms, burrowing anemones, amphipods, cockles, littleneck clams, butter clams, and sand lance. Sanddabs, English sole, and flounder that actively feed on sediment-dwelling organisms and are found in close proximity to the sediment are therefore exposed through both ingestion and dermal contact to sediment-bound contaminants. As such, bioaccumulation in these key species should be considered as well. The need for this line of experimentation draws from the current knowledge and identified data gaps in the field.

   We know, for example, that unburnt coal contains many toxic components which are leachable and there is evidence that benthic organisms near coal plants accumulate PAHs, although the exact source of those PAHs is unknown (Ahrens and Morrisey, 2005). In a series of articles by Mayer et al. (1996, 2001), there is evidence that metals and PAHs attached to sediment particles can be mobilized by digestive fluids of benthic invertebrates. In order to determine the effect of coal dust component bioaccumulation, it is thus important to quantify the extent of bioaccumulation of metals and PAHs from representative types of coal on different benthic feeding species which may have different gut solubilization abilities and sensitivities.

4. Water and Sediment Quality Models: Determine the bioavailability of coal-associated chemicals and the potential loading of coal at Cherry Point and then compare these amounts via water and sediment modeling to established water and sediment quality standard levels above which are known to cause harm to significant sensitive endemic species, such as eelgrass, herring, salmon, English sole, and flounder. Modeling will assist in assessing the potential harm of these chemicals over time at different loading rates.

5. Ecosystem Modeling: There are strong indications that coal deposition in marine environments can adversely impact biodiversity. Numerous observations have shown decreased biodiversity, although the exact reason for that decline is not known with certainty, but is postulated to have been precipitated by physical changes, abrasion, and to a lesser extent, toxicity (Ahrens and Morrisey, 2005). To assess biodiversity and the impact of coal on the ecosystem at Cherry Point, modeling of the effects of coal dust and coal spillage effects, using up to date relevant models should be conducted. One such Puget Sound model to be considered is described in Harvey et al (2010, 2012). Modeling should consider the following factors:

   a. Varied amounts of coal dust/ spillage over time,

   b. Toxicity, smothering, or abrasive effects on marine species at Cherry Point, including, but not limited to herring, eelgrass, kelp, Dungeness crab, and other species which may be particularly sensitive to toxicity, smothering or abrasion,

   c. Ecosystem effects including, but not limited to altered interactions of primary and secondary productivity, spawning, predator-prey, mutualism, and competition, and

d. Impacts on significant endemic species such as Cherry Point herring, Chinook salmon, Dungeness crab, western grebe, surf scoter, English sole, starry flounder, marbled murrelet, and orca.

6. Scouring Potential: Conduct biological tests on the scouring potential of coal dust and particulate matter on the growth of submerged aquatic vegetation. Ahrens and Morrisey (2005) reference a study by Hyslop and Davies (1998) showing that algal growth was reduced by the physical scouring of coal mine waste.

7. Feeding and Respiration Tests: Conduct biological tests on the feeding and respiration of Dungeness crabs and endemic filter feeders, including mollusks in response to coal dust and particulate matter in suspension. Suspended particulate matter has been shown to clog feeding or respiratory organs or reduce the rate or efficiency of feeding (Ahrens and Morrisey, 2005).

8. Metal Leaching Tests: Test whether the combination of acidic and low redox conditions in sediments could favor metal leaching from coal and subsequent uptake by benthic organisms. If this hypothesis is true, the effect of additional metals loading would need to be factored into water and sediment quality modeling, bioassays, and bioaccumulation tests for the key organisms, as outlined above.

Citations/Reference Documents

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Habitat

Statement of Concern: Construction and operational activities of the proposed Gateway Pacific Terminal project may alter wave energy, hydrology, and nearshore sediment drift processes that sustain critical habitat structure and functions in the Cherry Point region. These alterations may directly and/or indirectly impact valued marine biota that rely on those habitats for shelter, food, and reproduction, resulting in detrimental changes to the coastal ecosystem. Proposed activities may include, but are not limited to the construction of the pier, physical structure of the pier extending from the shore across the intertidal and nearshore habitats, shoreline armoring structures along with filled intertidal areas, increased vessel traffic and anchored vessels, vessel prop wash, bulk commodity shipping and handling, and loading/offloading of cargo that may lead to spills or release of cargo into the marine environment.

Rationale for Concern: Nearshore drift processes are essential in providing and sustaining critical habitats vital for supporting not only marine biota, but the waterfowl, wildlife, and other organisms (including humans) that utilize the marine environment as well. Overwater structures, armored shorelines, and filled/excavated intertidal areas create diversions to wave energy and alter natural hydrology, drift cells, and sediment transport/depositional processes resulting in altered habitat structure and function to support marine biota. Potential ecological impacts to the marine nearshore and intertidal habitats, as well as their associated species include, but are not limited to the following:

- Changes in rates, direction, and particle load in nearshore sediment transport/drift from the proposed pier, shoreline armoring and vessel traffic/movement that can cause:
    - Physical removal of established intertidal and nearshore habitats due to wave scouring.

- Depositional changes in nearshore sediment drift that buries established marine nearshore and intertidal habitats, and in turn smothers their associated biota.
- Alteration of sediment substrate/matrix (e.g., from fine sand to coarse rock/boulder) that alters habitat type and function, which in turn changes biological community structure and functional processes.

- Light attenuation in the water column (i.e., changing the area and transparency of the photic zone), as well as smothering of benthic organisms and vegetation due to increased suspended particulate matter loadings. Sources include, but are not limited to the following:
  - Pier construction displacing sediment beds and mobilizing upland soils
  - Vessel propeller wash re-suspending sediment
  - Bulk commodity cargo spills into the marine environment
  - Cargo loading and offloading activities releasing particulates/dust
  - Increased erosion of the shoreline and/or feeder bluffs from changes in wave energy and direction
  - Inputs of soil from the adjacent upland areas mobilized and transported by onshore activities/vehicles that increase soil disturbance/erosional processes.

- Alteration of sediment substrate and submerged aquatic vegetation (eelgrass and macroalgae) (SAV) populations and habitat due to vessel propeller wash and shading from the pier structure and docked vessels.
- Burying/smothering of established marine nearshore and intertidal habitats, and associated marine biota from cargo spills.
- Alteration of bivalve habitat due to siltation and turbidity caused by pier construction, pier operations, and wave shading.
- Alteration of Dungeness crab habitat, including the female refuge area identified off the shelf at Cherry Point.
- Alteration of nearshore migration routes for juvenile salmonids due to pier construction, pier structure, and potential loss of SAV habitat.
- Alteration or degradation of forage fish spawning habitat due to changes in intertidal beach characteristics, loss or alteration of SAV, and removal of marine riparian vegetation.
- Alteration/destruction of the salt marsh at Gulf Rd.

Applicable Regulations:

Chapter 90-56 RCW	Oil and Hazardous Substance Spill Prevention and Response
Chapter 90.58 RCW	Shoreline Management Act of 1971
Chapter 173-182 WAC	Oil Spill Contingency Plan
Chapter 173-26 WAC	State Master Program Approval/Amendment Procedures and Master Program Guidelines
Chapter 220-110 WAC	Hydraulic Code Rules:

Chapter 220-110-230 Saltwater technical provisions.
Chapter 220-110-240 Tidal reference areas.
Chapter 220-110-250 Saltwater habitats of special concern.
Chapter 220-110-270 Common saltwater technical provisions.
Chapter 220-110-271 Prohibited work times in saltwater areas.
Chapter 220-110-280 Bulkheads and bank protection in saltwater areas (non-single family residence).
Chapter 220-110-290 Saltwater boat ramps and launches.
Chapter 220-110-300 Saltwater piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings.
Chapter 220-150 WAC Ballast Water Management

Recommendations:

1. Address potential impacts to the marine habitat as itemized above in the EIS scoping process.
    a. Use best available technical information to design proposed structures that do not impact wave energy, nearshore sediment drift, and aquatic and riparian vegetation. Include specifications that minimize impacts to marine vegetation and species to ensure that there is no net loss of valued marine habitat resources.
    b. Utilize or create shore forms that promote natural marine ecosystem processes.
2. Reassess the effects of the proposed terminal on long-shore sediment processes in light of recent studies along the Cherry Point shoreline and the demonstrated long-term effects of the BP terminal in the Cherry Point region.
3. Consider climate change in all plans and designs for the proposed GPT facility.
    a. Current and storm frequency and energy can potentially be altered compared to historical conditions, resulting in changes in the rates and direction of sediment transport.
    b. Sea levels and water chemistry will also be altered, resulting in potential impacts to overwater structures, shoreline armoring, and fill.
4. Data from the overall monitoring program should be used to track changes in sedimentation and filling due to changes in currents or storm frequencies. If necessary mitigation plans should be developed to reduce the undesired impacts to the Cherry Point region.
5. Ongoing monitoring studies should also be conducted of the sediment and water quality, SAV, shellfish, fish, and other biota associated with the marine nearshore and intertidal environments. These studies should be conducted before, during and after construction of the GPT facility if it is allowed to be built.

Citations/Reference Documents

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WDNR (Washington State Department of Natural Resources). 2010. Cherry Point Environmental Aquatic Reserve Management Plan. Washington State Department of Natural Resources, Olympia, WA. 187 pgs. Published online: www.dnr.wa.gov/Publications/aqr_cp_mgmt_plan_2010.pdf.

Underwater Noise

Statement of Concern: Construction and operations of the proposed Gateway Pacific Terminal project and associated vessel traffic will generate surface and underwater noise. This noise will be an incremental increase over existing noise levels in the Cherry Point Reach, Aquatic Reserve, SE Georgia Strait, and along the route of associated vessel traffic. Actions that will generate surface and underwater noise include, but are not limited to, short-term construction of the pier, increased vessel traffic, vessel propulsion, and vessel loading.

Rationale for Concern:

- Underwater noise is known to adversely affect marine mammals and finfish.
- Underwater noise levels in the SE Georgia Strait are already at levels known to affect marine mammals and fish.
- Southern Resident Killer Whales listed as endangered under the Endangered Species Act (ESA) use the SE Georgia Straits and the Cherry Point Reach and are known to be adversely affected by underwater noise.
- Pacific Herring, specifically the Cherry Point stock, use and depend on nearshore and intertidal zone habitats within the Cherry Point Reach and Aquatic Reserve for reproduction.
- Underwater noise is known to disturb Pacific Herring.
- Surf smelt use the vicinity of the Gateway Pacific terminal proposed site for spawning and may be affected by underwater noise.
- Bull trout, Puget Sound Steelhead trout, Chinook salmon, and three species of protected rockfish are known to use the SE Georgia Straits and vessel traffic routes.
- All the above fish species are listed either as Threatened or Endangered under ESA.
- Underwater noise is known to adversely affect juvenile salmonids, which use the Cherry Point Reach and nearshore portions of the proposed Gateway Pacific Terminal site for migration, feeding, and shelter.
- Above water or surface noise could affect marine and terrestrial birds and mammals using the water surface, shorelines, and adjacent upland areas.
- Surface noise is known to disrupt the foraging behavior of the listed marbled murrelet that forages in the Cherry Point Reach.

Applicable Regulations:
U.S. Endangered Species Act: http://www.nmfs.noaa.gov/pr/laws/esa/, http://www.fws.gov/endangered/.
Marine Mammal Protection Act: http://www.nmfs.noaa.gov/pr/laws/mmpa/
Magnuson-Stevens Fishery Conservation and Management Act: http://www.nmfs.noaa.gov/sfa/magact/
Chapter 70.107 RCW Noise Control.
Chapter 90.58 RCW Shoreline Management Act of 1971
Chapter 173-26 WAC State Master Program Approval/Amendment Procedures and Master Program Guidelines
See Washington Department of Ecology, Noise Pollution: http://www.ecy.wa.gov/laws-rules/noise.html.

Recommendations:

1. Compile existing information on ambient underwater and surface noise levels along the Cherry Point shoreline and within the Aquatic Reserve. Conduct a study to gather information on existing noise levels if necessary. Compare these to projected noise levels generated by the proposed terminal and associated vessel traffic.

2. Address in the EIS scoping process and Draft EIS potential impacts by surface and underwater noise to the marine habitat as itemized above.

3. Conduct a study or model to predict the intensity and frequency of noise generated by construction and operations at GPT.

Citations/Reference Documents:
The following reports are examples and do not represent a comprehensive literature search. Additional effort should be made to do a comprehensive literature search, acquisition, and review.

Biological Review Team. 2005a. Summary of Scientific Conclusions of the Review of the Status of Cherry Point Herring (*Clupea pallassii*) and the Updated Status Review of the Georgia Basin Distinct Population Segment of Pacific Herring under the U.S. Endangered Species Act. Predecisional ESA Document prepared by the Biological Review Team, Northwest Fisheries Center, National Marine Fisheries Service, Seattle, WA. 33 pages. 21 January 2005.

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Simpson, S.D. and M.G. Meekan, N.J. Larsen, R.D. McCauley, and A. Jeffs. 2010. Behavioral plasticity in larval reef fish: orientation is influenced by recent acoustic experiences. *Behavioral Ecology*, 2010; 21 (5): 1098-1105.

Vessel Traffic

Statement of Concern: Recent studies by van Dorp et al. (2008), WDNR (2010), and Hass (2012) estimate that by 2016 the Gateway Pacific Terminal would increase arrivals of vessel per year in the Cherry Point region by over 450 vessels. This significant increase in foreign and domestic shipping activities in the region greatly enhances the risk of adverse impacts occurring to the marine ecosystem. Potential sources of risk are from vessel traffic activities, including, but not limited to, noise, lights, loading and off-loading operations, prop wash, fuel and cargo spills, collisions, allisions, and groundings (WDNR, 2010). Potential adverse impacts to the physiochemical properties of the marine sediment and water, and nearshore and intertidal habitat, as well as deleterious effects on resident and migratory species increase in likelihood. Moreover, even with added precautions in place, foreign vessel traffic may pose an added risk due to the potential for miscommunications to occur. Interactions with other traffic in the already busy shipping routes may also compound risks.

Rationale for Concern: Per year there are 4900 covered vessels that enter the Puget Sound region through the Strait of Juan de Fuca, of which 2,700 are destined for Washington ports (Hass, 2012). Van Dorp et al. (2008) estimated that over a 10-year period from 1995-2005 there were 2,705 maritime accidents and incidents in Puget Sound. The vessel traffic at Cherry Point over the same time period accounted for 4 of those accidents and 59 incidents. Though the percentage is relatively low when averaged over a 10-year period, it stands to reason that increasing the arrivals to the Cherry Point region by an additional 450 vessels will increase the percentage of accidents and incidents occurring (Hass (2012).

Salish Sea vessel traffic is managed by the Vessel Traffic System (VTS), jointly administered by the U.S. and Canada. Conditions under which there would be an increased probability of an accident and/or incident to occur in conjunction with increased vessel traffic in the Cherry Point region, include but are not limited to the following:

- Severe weather conditions: At various times of the year the Salish Sea is subject to hurricane force winds, sometimes accompanied by heavy icing, dense fog, high energy waves, and variable tidal currents.
- Unintentional human errors: van Dorp et al. (2008) found that of the 2,705 vessel traffic events that occurred over the 10-year period, 79% were due to unintended human errors. Fifty-two percent were due to perceptual errors, 27% were due to skill-based errors, and 21% to decision errors. Perceptual errors included misjudging distance, speed, spatial disorientation, and visual illusion. Skill-based errors included attention failure, memory failure. Decision errors included rule-based (i.e., misapplication of a good rule or application of a bad rule) and knowledge-based (i.e., inaccurate or incomplete knowledge of the problem) errors (Hass, 2012).
    - Delayed and/or conflicting communications: At various points during transit, VTS monitoring and control may pass back and forth between the U.S. and Canada, between different shore stations, shore relay sites, and pilotage areas, resulting in delayed or conflicting communication.
    - Communication errors: Vessel traffic communications are conducted in English, however the majority of the ocean-going traffic is foreign-flag and English is a second language. Pilots must be able to understand English and an interpreter is required to be on board the vessel; however translation errors may still occur.
- Interpretation of rules and regulations: The US and Canada also have their own slightly, or radically, different interpretations of the International Rules for the Prevention of Collision at Sea (COLREGs) and the IALA navigation buoyage system ('A' or 'B') than much of the rest of the world.
- Vessel type: Based on data compiled by WDNR (2010) and Hass (2012) cargo vessels have significantly greater accident and incident rates per transit compared to other vessels (**Figure 1**).
- Vessel size, ownership, and maneuverability: The vessels likely to access Cherry Point are known as deep draft "bulk carriers" or "bulkers". Various size classes of bulkers exist, from "Handysize" <40,000 tons dwt up to "Cape Class" >250,000 tons dwt, some of the largest ships in the world. For their size bulkers are typically amongst the lowest powered, least maneuverable ships; generally single screw with no bow thruster. Their long stopping distance, low power and immense weight mean that in confined waters they must "pick a line" and follow it. Without tugs, they can only come to anchor in unconfined waters.
    - Escort tug availability: There are few tugs in the U.S. with the power to assist large bulk carriers. These tugs are dedicated to tanker traffic and fully employed. Increased bulk carrier traffic will necessitate more tugs for escort, as well as emergency assistance/response.

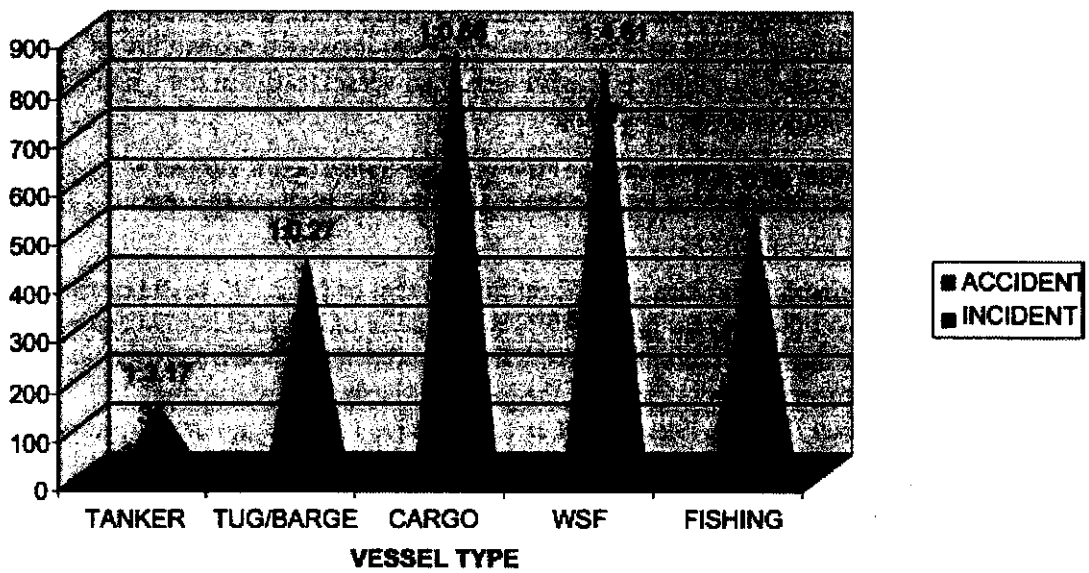

Figure 1. Puget Sound vessel accident to incident ratios (Hass, 2012)

Vessel ownership/operators: Bulk vessels are generally operated by small shipping companies owning 1-10 vessels. Crew staffing levels, training, and competencies, as well as vessel maintenance/repair may not be at the same level as larger vessel operations.

- Potential conflicts with other vessels types:
    - Ferry traffic: Besides other shipping bound to Canadian and other Puget Sound shipping terminals, there are many busy ferry routes crossing and intersecting traffic bound for Cherry Point.
    - Fishing/shellfishing fleets: Many fisheries take place, often with many boats confined to specific areas with limited ability to maneuver. Several fisheries employ 'fixed gear' such as crab pots, or passive gear such as drift nets, and rely heavily on areas and passages approaching Cherry Point. Besides the risks posed by and to traffic, loss of access and gear is a significant issue.
    - Recreational vessels: Recreational traffic ranges from large yachts down to kayaks and personal watercraft. Many of these recreational vessel operators have limited skills and knowledge. Moreover, due to the small size and lack of radios in many of them, there is the potential for them not to be seen by bulk carriers in time to make course adjustments.

Increased vessel traffic poses significant potential risks to the habitat and biota that live in and/or utilize the marine environment at Cherry Point. Specific concerns related to noise, artificial light, cargo spillage, and habitat impacts are addressed in the other sections. Ballast water and invasive species, however are not addressed and have the potential to displace, replace, outcompete resident species for resources or consume them.

- Ballast water and invasive species: Potential consequences of invasive species transported to the Cherry Point region in ballast water can include alteration of habitat, local extinctions of valued or threatened/endangered species through competition for resources or predation, and recruitment/establishment of unwanted noxious species. Progress has been made in recent years with ballast water regulations (WAC 220-150 Ballast Water Management), but there is widespread acknowledgment that much more progress is needed. The latest standard proposed by U.S. Coast Guard (USCG) allows for any 'experimental' ballast water treatment option with a five year evaluation period. Standards for other discharges, as well as hull coating and hull fouling treatments to prevent so-called "aquatic hitchhikers" are minimal and unenforced. These risks will increase proportionally to increases in traffic.

Recommendations:
It is understood that a Vessel Traffic Study of the Cherry Point region is being conducted as part of the EIS Scoping process. In addition to that study the following studies and considerations should also be included/addressed:

1. Strategies for dealing with ballast water from ships that call at Cherry Point terminals must be part of the operations of the GPT terminal and consistent with Chapter 77.120, RCW implemented by the Washington Department of Fisheries and Wildlife, and Chapter 220-150 WAC. Additional management strategies should be investigated to minimize the introduction of pollutants and non-indigenous species from ballast water discharge.

2. Strategies for controlling the introduction of non-indigenous plant and animal species and their management and eradication in a manner that protects native plant and animal communities. The exchange or treatment of ballast water at the pier may mitigate this exposure.

3. Institute a study to characterize the occurrence and dynamics of non-indigenous species currently at Cherry Point and sources of non-indigenous species that can immigrate to the region. The study would also evaluate the probability of the introduction of invasive species by vector.

4. Development of monitoring protocols to track likely vectors (sources for introduction) for non-native organisms and support methods of treatment that reduce risks and avoid impacts to the aquatic reserve ecosystem. Where invasive species have become established, all efforts will be encouraged to investigate and scientifically study measures to safely eradicate the invaders, and/or mitigate impacts.

Prevention:

5. Deep draft cargo vessel traffic at the Gateway Pacific Terminal should be have a double hull and dual propulsion to enhance maneuverability. The existing structure of accident prevention; pilotage, monitoring, assistance and oversight still results in vessel traffic accidents and incidents that will only increase should the terminal be built. Resources should be invested by all shipping industries in the Cherry Point region, including the GPT owners to upgrade existing technologies and facilities to minimize risks of additional accidents and incidents associated with increased vessel traffic.

6. Cargo vessels should also have tug escort to and from the terminal.

Principle International Conventions:

International Convention for the Safety of Life at Sea (SOLAS). 1974.
International Convention for the Prevention of Pollution form Ships (MARPOL). 1973.
International Convention on Standards of Training, Certification and Watchkeeping for Seafairers (STCW). 1995.
International Convention on Maritime Search and Rescue (SAR). 1979.
Convention on the International Regulations for Preventing Collisions at Sea (COLREG). 1972.
Convention on Facilitation of International Maritime Traffic (FAL). 1965.
International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC). 1990
International Convention for the Control and Management of Ships' Ballast Water and Sediments . 2004.
International Convention on Salvage (SALVAGE). 1989

Applicable Regulations;

Clean Water Act.
Oil Pollution Act of 1990.
Endangered Species Act.
Migratory Bird Act.
Chapter 220-150 WAC Ballast Water Management. Accessible online at http://apps.leg.wa.gov/wac/default.aspx?cite=220-150
Chapter 77.120 RCW Ballast Water Management. Accessible online at http://apps.leg.wa.gov/rcw/default.aspx?cite=77.120

Citations/Reference Documents:

Hass, T. 2012. The Vessel Traffic Risk Assessment for BP Cherry Point and Maritime Risk Management in Puget Sound. Puget Sound Partnership, Marine and Nearshore Special Projects. PowerPoint presentation June 1, 2012. 37 slides. Accessed 12/07/2012 online at www.nwstraits.org/uploads/pdf/Newsletter/June%202012/CrosswalkforNWStraits6_1_12.pdf

Van Dorp, J.R., J.R. Harrald, J.R.W. Merrick, and M. Grabowski. 2008. Assessment of Oil Spill Risk due to Potential Increased Vessel Traffic at Cherry Point, Washington. George Washington University, School of Engineering and Applied Sciences. 187 pgs. Accessed December 12, 2012 at http://www.seas.gwu.edu/~dorpjr/VTRA/FINAL%20REPORT/083108/VTRA%20REPORT%20-%20Main%20Report%20083108.pdf

WDNR (Washington State Department of Natural Resources). 2010. Cherry Point Environmental Aquatic Reserve Management Plan. Washington State Department of Natural Resources, Olympia, WA. 187 pgs. Published online at: www.dnr.wa.gov/Publications/aqr_cp_mgmt_plan_2010.pdf.

FERNDALE
SCHOOL DISTRICT ...*Making A Difference*

Mr. Tyler Schroeder, Planning Manager
Whatcom County Planning and Development Services
5280 Northwest Drive
Bellingham, Washington 98226-9097

November 24, 2012

Dear Mr. Schroeder:

This letter is to request that four health questions be fully studied as a part of the environmental impact process for the Gateway Pacific Terminal proposal. This letter is written for the November 29 "scoping" meeting held in Ferndale. The trains will transport Wyoming coal approximately 900 miles and end their journey within the Ferndale School District boundaries. This letter does not take a "pro" or a "con" position on the actual Gateway proposal. Rather, it asks that those agencies charged in making a determination fully study four possible health impacts on Ferndale School District students and staff

1) What would be the impact of coal dust that is lost en route on the students and staff of the school district? There were 574 students in our district last June with diagnosed asthma problems.

2) What would be the impact of increased diesel particulates on the students and staff of the school district?

3) What would be the impact of increased noise pollution on those students and staff of the school district who have noise sensitivities?

4) What would be the impact of delayed response times from emergency medical responders on the students and staff of the school district? There were 125 students in the district last June with life-threatening medical conditions. This same question is now being addressed by the City of Seattle (November 6 "Seattle Daily Journal of Commerce").

Thank you, in advance, for having these questions included in the full environmental impact study process.

Post Office Box 698 • Ferndale, Washington 98248 • (360) 383-9200

Sincerely,

Michael S. Berres, Ph.D

Director, Special Services
Ferndale School District
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(360) 383-9221
michael.berres@fsd.k12.wa.us

c. Dr. Linda Quinn, Superintendent
Ms. Lee Anne Riddle, President of the Ferndale School Board

TOWN OF FRIDAY HARBOR
Post Office Box 219 • Friday Harbor, Washington 98250
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January 3, 2013

Proposed Gateway Pacific Terminal

c/o CH2M HILL

1100 112th Avenue NE, Suite 400

Bellevue, WA 98004

Mr. Randel Perry, U.S. Army Corps of Engineers, Seattle District

Care of: GPT/BNSF Custer Spur EIS Co-Lead Agencies

1100 - 112th Avenue Northeast, Suite 400

Bellevue, Washington 98004

Tyler Schroeder, Planning Supervisor

Whatcom CDPD

5280 Northwest Drive

Bellingham, WA 98008-5452

RE: Proposed Gateway Pacific Terminal draft EIS scoping comments

Dear CH2M HILL , Army Corps of Engineers & Whatcom CDPD:

Thank you for allowing the Town of Friday Harbor, Washington to comment on the scope of the Environmental Impact Statement for the proposed Gateway Pacific Terminal and Cluster Spur Projects. The comments provided herein will identify concerns relating to significant adverse environmental impacts to the Town of Friday Harbor, San Juan Island and San Juan County if the Terminal project is approved.

The Town of Friday Harbor is dependent upon the health and stewardship of our natural environment to remain sustainable, and both residents and visitors alike utilize private and public modes of transportation in our waters. As noted by San Juan County in their scoping letter of November 27, 2012:

> Our air, water, fish and fowl migrate over long distances on our planet. Thousands of species spend all or part of their life cycle in San Juan County, with 113 Salish Sea species listed as threatened, endangered, of concern or candidates for listing. Their health directly affects our quality of life in San Juan County. The impacts from the Gateway Pacific Terminal do not exist in an isolated bubble that can be drawn only around the location of the proposed terminal.

Our economy is dependent upon tourism and the maintenance of our environment and ecosystems. The transportation of large, coal-bearing vessels through Haro, Rosario and Juan de Fuca Straits would increase the risk of a catastrophic accident that could forever change that economy. In assessing the risk to our community it is incumbent upon you to measure not only the probability of a spill event, but the potentially irreversible impacts to wildlife and the ability of the islands to regain the pristine environmental conditions upon which so many depend for their livelihood.

It is our belief that the following questions must be answered during the preparation of an Environmental Impact Statement and studies should be scoped so as to render data for that purpose:

- Are the proposed/available shipping lanes impacted by shallow waters, narrow passages, strong currents or high incidents of seasonal fog or wind?
- What are the increased risks of an oil and/or coal spill from a collision or grounding given the number of potential shipping events?
- How many species of marine life would be impacted by a significant spill event?
- What would the impact be to commercial and recreational fishing from a significant spill event? To the commercial and recreational shell fish industry?
- What would be the impact from a spill on property values? Commercial businesses? Tourism?
- What are the risks to marine wildlife from the engine propulsion systems on the proposed ships?

We call your attention to the additional questions and scoping issues identified in the above-referenced letter from the elected officials in San Juan County. We look forward to seeing these questions addressed as a part of the EIS and ask that special attention be paid to the risks that cannot be mitigated or cannot safely be undertaken given the scope of the potential impact.

Sincerely,

TOWN OF FRIDAY HARBOR, WASHINGTON

Carrie Lacher
Mayor Carrie Lacher

Absent
Councilmember Anna Maria deFreitas

S. Hushebeck
Councilmember Steven Hushebeck

Councilmember Felix Menjivar

N. Monin
Councilmember Noel Monin

Barbara Starr
Councilmember Barbara Starr

TOWN OF FRIDAY HARBOR
Post Office Box 219 • Friday Harbor, Washington 98250
(360) 378-2810 • FAX: (360) 378-5339 • www.fridayharbor.org

January 3, 2013

Proposed Gateway Pacific Terminal

c/o CH2M HILL

1100 112th Avenue NE, Suite 400

Bellevue, WA 98004

Mr. Randel Perry, U.S. Army Corps of Engineers, Seattle District

Care of: GPT/BNSF Custer Spur EIS Co-Lead Agencies

1100 - 112th Avenue Northeast, Suite 400

Bellevue, Washington 98004

Tyler Schroeder, Planning Supervisor

Whatcom CDPD

5280 Northwest Drive

Bellingham, WA 98008-5452

RE: Proposed Gateway Pacific Terminal draft EIS scoping comments

Dear CH2M HILL , Army Corps of Engineers & Whatcom CDPD:

Thank you for allowing the Town of Friday Harbor, Washington to comment on the scope of the Environmental Impact Statement for the proposed Gateway Pacific Terminal and Cluster Spur Projects. The comments provided herein will identify concerns relating to significant adverse environmental impacts to the Town of Friday Harbor, San Juan Island and San Juan County if the Terminal project is approved.

The Town of Friday Harbor is dependent upon the health and stewardship of our natural environment to remain sustainable, and both residents and visitors alike utilize private and public modes of transportation in our waters. As noted by San Juan County in their scoping letter of November 27, 2012:

> Our air, water, fish and fowl migrate over long distances on our planet. Thousands of species spend all or part of their life cycle in San Juan County, with 113 Salish Sea species listed as threatened, endangered, of concern or candidates for listing. Their health directly affects our quality of life in San Juan County. The impacts from the Gateway Pacific Terminal do not exist in an isolated bubble that can be drawn only around the location of the proposed terminal.

Our economy is dependent upon tourism and the maintenance of our environment and ecosystems. The transportation of large, coal-bearing vessels through Haro, Rosario and Juan de Fuca Straits would increase the risk of a catastrophic accident that could forever change that economy. In assessing the risk to our community it is incumbent upon you to measure not only the probability of a spill event, but the potentially irreversible impacts to wildlife and the ability of the islands to regain the pristine environmental conditions upon which so many depend for their livelihood.

It is our belief that the following questions must be answered during the preparation of an Environmental Impact Statement and studies should be scoped so as to render data for that purpose:

- Are the proposed/available shipping lanes impacted by shallow waters, narrow passages, strong currents or high incidents of seasonal fog or wind?
- What are the increased risks of an oil and/or coal spill from a collision or grounding given the number of potential shipping events?
- How many species of marine life would be impacted by a significant spill event?
- What would the impact be to commercial and recreational fishing from a significant spill event? To the commercial and recreational shell fish industry?
- What would be the impact from a spill on property values? Commercial businesses? Tourism?
- What are the risks to marine wildlife from the engine propulsion systems on the proposed ships?

We call your attention to the additional questions and scoping issues identified in the above-referenced letter from the elected officials in San Juan County. We look forward to seeing these questions addressed as a part of the EIS and ask that special attention be paid to the risks that cannot be mitigated or cannot safely be undertaken given the scope of the potential impact.

Sincerely,

TOWN OF FRIDAY HARBOR, WASHINGTON

Mayor Carrie Lacher

Absent
Councilmember Anna Maria deFreitas

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Councilmember Felix Menjivar

Councilmember Noel Monin

Barbara Starr
Councilmember Barbara Starr

To: The Health Impact Project
The Robert Wood Johnson Foundation & The Pew Charitable Trusts
901 East Street NW, 10th Floor
Washington, DC 20004
Fax (202) 552-2299
email: healthimpactsproject@pewtrust.org

Re: **San Juan County Board of Health Support for an Independent Health Impact Assessment (HIA) for increased impacts of shipping coal in Washington State**

This letter expresses the strong support of the San Juan County Board of Health for the Health Impact Assessment (HIA) for the evaluation of the possible human health and environmental consequences if the Gateway Pacific Terminal (GPT) project is approved for construction. We ask that you fund this important project.

We feel it is our duty as local officials to ensure that the current and future health of our community is protected, and we believe it is vital that major decisions with potentially large and complex implications are made in light of multiple sources of high-quality information. An independent HIA will fill an important and unique niche in the range of information being gathered. At Cherry Point there will be roughly 500 bulk cargo ships almost 1000 feet long. These will travers the waters of San Juan County, translating into 1000 ingress/egress passages through the Cherry Point Aquatic Reserve and around the San Juan Islands. In addition to the ships the ingress and egress of tug boats - usually two per ship each way will also be added to the already congested waterways. That adds up to 2000 passages per year of these very powerful tugs, many 100 feet long with very powerful engines.

What will be the effect of these 3000 passages through the Cherry Point Aquatic Reserve and the San Juan Islands for both human health and environmental contamination? What will be the impact on herring, salmon, orcas, eel grass not to mention impacts on tourism and the local economy of the San Juan community?

San Juan County has no decision-making authority over the GPT permit. Rather, we have been working to ensure that our colleagues on the Whatcom County Council will have the broadest range of valuable input available to them as they decide. One way to accomplish this is to support and bring forward relevant and credible information which will supplement and complement rather than duplicate Whatcom County's mandated Environmental Impact Study (EIS) process.

Background. The proposed GPT project at Cherry Point in Whatcom County, Washington, if built, will enable the export of bulk commodities, overwhelmingly sub-bituminous coal, from the western U.S. to markets in the Asia. GPT would be the largest coal shipping

terminal ever operating in North America – at full build out about 50 million tons annually[1] – and would result in a marked increase in train traffic across our state and more than double the rail traffic through many cities and towns throughout the state, as well as greatly increased marine shipping traffic in our regional waters. Understandably, the proposal has generated significant local, regional, and national attention.

Many concerns have been expressed about the potential impacts of this project on our economy, and our environmental and community health. Among those concerned has been a group of over 200 physicians, representing nearly half of the doctors within Whatcom County, have over the past year reviewed the available medical literature on the potential health impacts of the project, and they have concluded that a formal, independent Health Impact Assessment needs to be performed in order to adequately evaluate the impacts on human health of the proposed project and of the rail and shipping traffic it would generate.

The people of San Juan County are faced with a major decision. We need answers, not unfounded debate and speculation. We need to know the true costs and benefits, the risks and potentials, for this unprecedented shipping terminal project. People on all sides – advocates and detractors, the project applicant SSA Marine, the Sierra Club which opposes it, and Burlington Northern Santa Fe Railroad, to name a few – all agree that more and better information is needed, but few can provide it.

This July, the Bellingham City Council unanimously passed Resolution 2012-22, which called upon county, state, and federal agencies to conduct a full evaluation of all potential, cumulative on- and off-site impacts of the GPT project. In particular, we requested "a comprehensive Health Impact Assessment be conducted by a separate and qualified third-party contractor in order to analyze potential impacts to the health and welfare of the citizens of Bellingham including impacts from diesel emissions from trains and ships, coal dust, noise and the potential for increased rail/car and rail/pedestrian accidents."

We are aware that CH2M Hill has been contracted to supervise the county's EIS process. Although CH2M Hill is an internationally recognized engineering consulting firm, they have limited experience in health impact assessments and will be relying upon others to conduct a limited review. Therefore, an independent and objective assessment performed to the best standards is very important.

---

[1] SSA Marine has a contract with Peabody Coal for 48 million metric tons, which is just under 53 million US tons.

SAN JUAN BOARD OF HEALTH, signed 20th of September 2012

David Perera, Chair

Richard Fralick, Member

Dale Heisinger, M.D., Member

Rich Peterson, Member

Howard Rosenfeld, Member

John Geyman, M.D., Member

San Juan County Council

350 Court Street No. 1
Friday Harbor, WA 98250
(360) 378 - 2898

District 1, Lovel Pratt
District 2, Rich Peterson
District 3, Howard Rosenfeld

District 4, Richard Fralick
District 5, Patty Miller
District 6, Jamie Stephens

30 October 2012

Proposed Gateway Pacific Terminal/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

RECEIVED
NOV 01 2012
Whatcom County P&DS

Randel Perry, Project Manager
USACE, Seattle District
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Suite 102
Bellingham, WA 98225-7028

Tyler Schroeder, Planning Supervisor
Whatcom County, Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226

Alice Kelly, Planner
WA Department of Ecology, NWRO
3190 160th Ave SE
Bellevue, WA 98008-5452

Dear CH2M HILL, Mr. Perry, Mr. Schroeder, and Ms. Kelly,

Thank you for responding to our request that a scoping meeting for the proposed Gateway Pacific Terminal Environmental Impact Statement (EIS) be held in San Juan County. This letter will also be hand-delivered at the November 3rd, 2012 scoping meeting in Friday Harbor. At this scoping meeting we will listen to our constituents and we will then submit an additional comment letter with a more comprehensive list of the proposed project's probable significant and adverse impacts that must to be studied, measured, and addressed in the EIS.

For this comment letter we include the attached letters from the San Juan County Board of Health and the San Juan County Marine Resources Committee (which includes the attached oiling residence time map for San Juan County, based on data from the Washington Department of Natural Resources ShoreZone Mapping (2001)).

Thank you for this opportunity to comment on the scoping for the proposed Gateway Pacific Terminal EIS and to secure the San Juan County Council's standing in the EIS process.

Sincerely,

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

Lovel Pratt, Member
District No. 1

Richard Peterson, Member
District No. 2

Howard Rosenfeld, Member
District No. 3

Richard Fralick, Member
District No. 4

Patty Miller, Chair
District No. 5

Jamie Stephens, Vice-Chair
District No. 6

Cc. The Honorable Maria Cantwell, US Senator
The Honorable Patty Murray, US Senator
The Honorable Rick Larsen, US Representative
The Honorable Christine Gregoire, Governor of the State of Washington
The Honorable Kevin Ranker, Washington State Senator
The Honorable Jeff Morris, Washington State Representative
The Honorable Kristine Lytton, Washington State Representative
The Honorable Billy Frank, Chairman, Northwest Indian Fisheries Commission
The Honorable Cliff Cultee, Chair, Lummi Nation
The Honorable Melvin R. Sheldon, Jr., Chair, Tulalip Tribes
The Honorable Brian Cladoosby, Chair, Swinomish Indian Tribal Community
The Honorable Micah McCarty, Chairman, Makah Tribe
The Honorable W. Ron Allen, Chair, Jamestown S'Klallam Tribe
The Honorable Frances Charles, Chair, Lower Elwha Klallam Tribe
The Honorable Robert (Bob) Kelly, Chairman, Nooksack Tribe
The Honorable Jeromy Sullivan, Chair, Port Gamble S'Klallam Tribe
The Honorable Leonard Forsman, Chair, Suquamish Tribe

To: The Health Impact Project
The Robert Wood Johnson Foundation & The Pew Charitable Trusts
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We feel it is our duty as local officials to ensure that the current and future health of our community is protected, and we believe it is vital that major decisions with potentially large and complex implications are made in light of multiple sources of high-quality information. An independent HIA will fill an important and unique niche in the range of information being gathered. At Cherry Point there will be roughly 500 bulk cargo ships almost 1000 feet long. These will travers the waters of San Juan County, translating into 1000 ingress/egress passages through the Cherry Point Aquatic Reserve and around the San Juan Islands. In addition to the ships the ingress and egress of tug boats - usually two per ship each way will also be added to the already congested waterways. That adds up to 2000 passages per year of these very powerful tugs, many 100 feet long with very powerful engines.

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terminal ever operating in North America – at full build out about 50 million tons annually[1] – and would result in a marked increase in train traffic across our state and more than double the rail traffic through many cities and towns throughout the state, as well as greatly increased marine shipping traffic in our regional waters. Understandably, the proposal has generated significant local, regional, and national attention.

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The people of San Juan County are faced with a major decision. We need answers, not unfounded debate and speculation. We need to know the true costs and benefits, the risks and potentials, for this unprecedented shipping terminal project. People on all sides – advocates and detractors, the project applicant SSA Marine, the Sierra Club which opposes it, and Burlington Northern Santa Fe Railroad, to name a few – all agree that more and better information is needed, but few can provide it.

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We are aware that CH2M Hill has been contracted to supervise the county's EIS process. Although CH2M Hill is an internationally recognized engineering consulting firm, they have limited experience in health impact assessments and will be relying upon others to conduct a limited review. Therefore, an independent and objective assessment performed to the best standards is very important.

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SAN JUAN BOARD OF HEALTH, signed 20th of September 2012

David Perera, Chair

Richard Fralick, Member

Dale Heisinger, M.D., Member

Rich Peterson, Member

Howard Rosenfeld, Member

John Geyman, M.D., Member

San Juan Marine Resources Committee
135 Rhone Street, P.O. Box 947
Friday Harbor WA 98250

san juan county
marine stewardship area
our sea · our source · our future

October 30, 2012

Alice Kelly, Northwest Regional Office, Department of Ecology

Randel Perry, U.S. Army Corps of Engineers, Regulatory Branch

Tyler Schroeder, Planning and Development Services, Whatcom County

Re: Proposed Gateway Pacific Terminal EIS Scoping

Dear Ms. Kelly, Mr. Perry, and Mr. Schroeder:

The San Juan County Marine Resources Committee (MRC) serves as an advisory committee to the San Juan County Council on marine science and policy issues, identifies priorities and implements projects for local marine resource protection, conducts scientific and data gathering projects to inform local marine resource management, and engages the community to build greater stewardship of the local marine environment. The San Juan County Marine Resources Committee also serves as the Citizens Advisory Group for implementation of the San Juan Chapter of the federally approved Puget Sound Chinook Recovery Plan. We are highly concerned with the risks associated with the proposed Gateway Pacific Terminal and the impacts these pose to the San Juan Islands community. To address our concerns, we respectfully request that the co-lead agencies, in compliance with NEPA and SEPA, include in the Environmental Impact Statement (EIS), the topics and analyses identified below.

All potential impacts from the proposed increased shipping traffic and transport of coal through the marine waters surrounding San Juan County should be analyzed and evaluated, including impacts to water quality, air quality, critical habitat, aquatic resources, endangered species as well as public health and impacts to our environment and tourism-based economy, including recreational and commercial boating, wildlife viewing and fisheries. Questions we need answers to before this project is considered include:

- How might the increased vessel traffic impact the foraging behavior of the federally listed endangered Southern Resident killer whales?
- What impacts could the terminal and localized impacts have on the spring-spawning Cherry Point herring stock and the associated food web, including federally listed Chinook salmon and killer whales?
- San Juan County will be profoundly affected by climate change, both due to sea level rise and changing and unpredictable weather patterns. What role will the additional burning of North American coal in Asia play in affecting the climate change impacts to the marine environment?
- What is the increased risk of collision and subsequent oil spills from over 900 additional large vessel transits through our waters?

In addition to these questions, we request that the following topic areas of concern be addressed and analyses be completed as part of the EIS to assess and evaluate these concerns.

Topic areas of concern:

- Vessel traffic
  - Increased risk of oil spills and impact to marine environment (wildlife and vegetation), human health, and local economy
  - Increased noise disturbance and impact to marine mammals (i.e. killer whales)
  - Increased local air pollution and impact to human health
  - Impact to marine environment (wildlife and vegetation) from coal spills
  - Decrease in water quality due to increased toxics in the environment (including air emissions, coal dust, and oil spills)
- Industrial site
  - Increased risk of oil spills and impact to marine environment (especially Cherry Point herring stock)
- Air pollution from burning of coal
  - Climate change impacts
  - Human health impacts

Analyses needed to assess and evaluate concerns:

- Conduct risk analysis including possible volume and trajectories of oil spills, season, and geographic location, including proximity to local communities and highly valued fish, bird, and marine mammal habitats.
- Conduct economic analyses of loss of tourism dollars and local jobs in San Juan County in the event of a major oil spill.
- Conduct environmental assessment of potential impacts in the Salish Sea.
  - Evaluate existing pre-spill strategies for resource protection and identify additional protection options for resources at risk.
  - Conduct chemical analysis of current water quality throughout San Juan County.
  - Establish baseline of all species present and current population size.
  - Conduct risk analysis and identify potential ecological impacts, including impacts to all listed species and associated food webs, from medium and large vessel fuel spills, coal dust, and vessel air emissions.
  - Identify potential impacts from all oil spill response techniques (i.e. dispersants).
  - Identify quantity of air pollution from burning of all coal anticipated to be transported and conduct risk analysis of consequent human health impacts.
  - Identify climate change impacts from burning of all coal anticipated to be transported, including quantification of anticipated sea level rise and assessment of impacts from ocean acidification and ocean temperature increase.
  - Identify local human health impacts from additional local air pollution from increased tanker traffic.
- Analyze oil spill response capacity throughout the Salish Sea.
  - Identify local resources available and resource gaps to respond to an oil spill within a 4-hour period.
- Provide plan for recovery and restoration following an oil spill.

Why this matters:

The entirety of San Juan County is a marine biological preserve established in the 1920s and codified in RCW 28B.20.320 to protect the unique and diverse community of marine plants and animals that live only here. The flora and fauna of this region are exceptionally rich and representative of nearly all major groups of marine algae and invertebrates. The shorelines of San Juan County are designated as Shorelines of Statewide Significance and critical habitat for federally listed threatened Chinook salmon and endangered Southern Resident killer whales. Increased shipping traffic and a major oil spill in this region could have significant impacts on these species, as well as the San Juan community.

A major oil spill has the potential to decimate the Southern Resident killer whale population. In addition, the County's shorelines provide important outmigrating habitat for juvenile salmon, including Chinook, coho, pink and chum from multiple Puget Sound, Fraser River and Vancouver Island stocks. Local food webs support multiple species of ecological, cultural and economic importance in the region, such as Puget Sound Chinook, rockfish, the southern resident killer whale, and seabirds such as the marbled murrelet. This complexity and extent of marine shoreline, as well as the regional food web support they provide is unique and potential impacts to this ecosystem, and the human communities it supports, must be thoroughly analyzed and evaluated in the Gateway Pacific Terminal area-wide Environmental Impact Statement.

The San Juan Archipelago is characterized by complex geography and geology, with over 400 miles of marine shorelines across hundreds of large and small islands. While predominantly rocky, the county's shorelines also support significant "soft" geomorphic shoreforms, including 90 miles of net shore drift cell systems (feeder bluffs, transport zones and accretion beaches), 48 miles of pocket beaches and nearly 20 miles of embayment estuaries and lagoons. The attached oiling residence time map for San Juan County, based on data from the Washington Department of Natural Resources ShoreZone Mapping (2001) illustrates the immense challenges our complex geography poses to oil spill prevention and recovery efforts, with over half of our shorelines (215 miles) designated as high residence times.

As detailed in the Puget Sound Partnership's Action Agenda and the Marine Stewardship Plan for San Juan County, major oil spills are ranked as the top threat to marine ecosystems and major oil spill prevention is identified as a top priority. As this project would significantly increase vessel traffic and thus the probability of a major spill, it is in direct conflict with our local and regional management plans based on state and federal regulations.

The San Juan County MRC requests that the scope of the Environmental Impact Statement recognize the increased risk to the environment throughout the shipping routes as well as the port at Cherry Point, Washington. We ask that the Environmental Impact Statement fully and completely include the connected and cumulative actions, issues and concerns of the marine and human communities of San Juan County, as listed above.

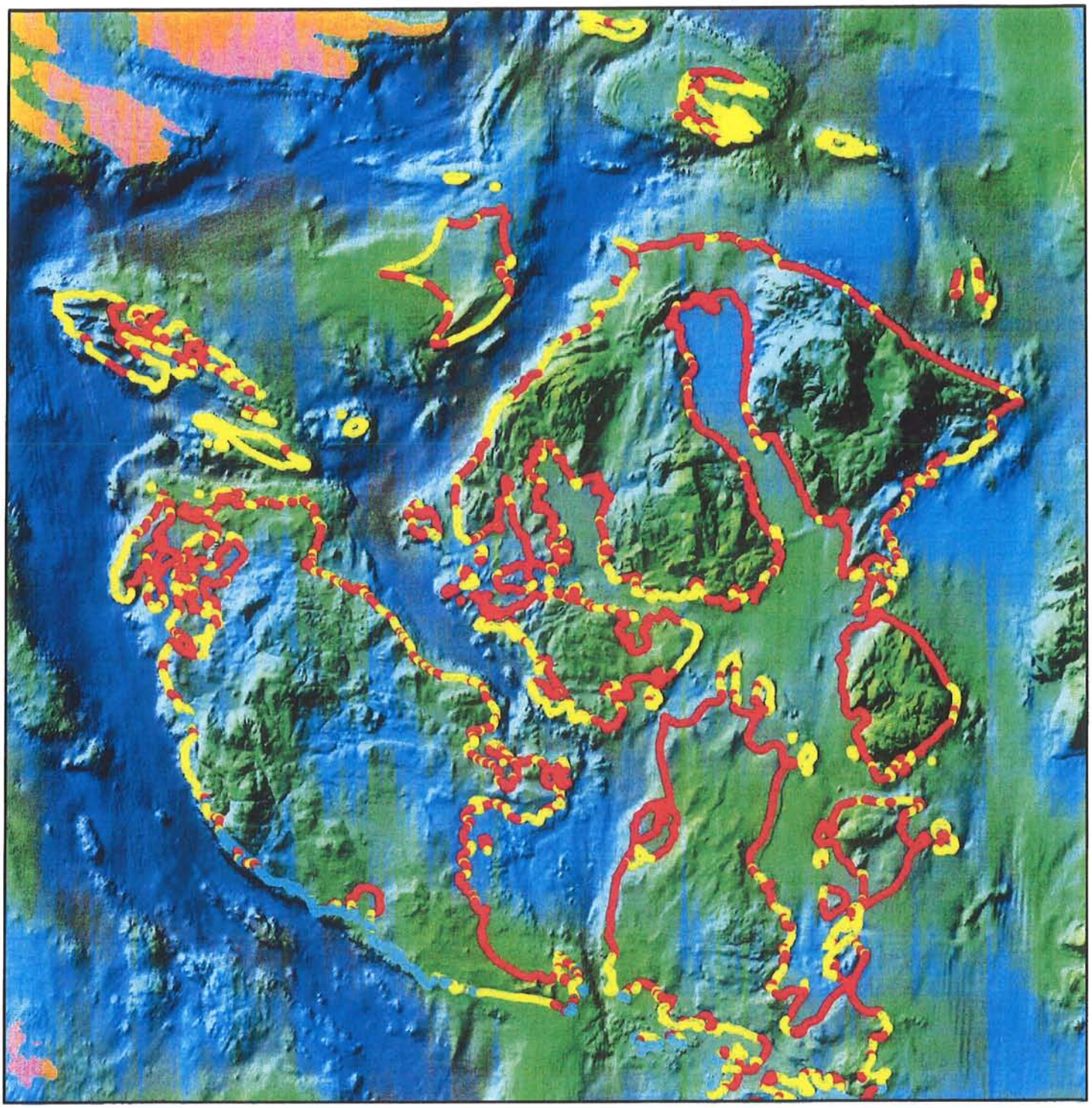
Thank you for your consideration.

Sincerely,

John Aschoff

John Aschoff, Chair
On behalf of the San Juan County Marine Resources Committee

Projected Oil Residence Time If An Oil Spill Occurs



Legend

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OIL_RESIDE

- Days to Weeks
- Weeks to Months
- Months to Years

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Data Source:
Washington Department of Natural Resources
Shorezone Dataset.

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Document Path: C:\files\WAState\wadnr\WADNRshorzoneN\shorzone.mxd

San Juan County Council

350 Court Street No. 1
Friday Harbor, WA 98250
(360) 378 - 2898

District 1, Lovel Pratt
District 2, Rich Peterson
District 3, Howard Rosenfeld
District 4, Richard Fralick
District 5, Patty Miller
District 6, Jamie Stephens

27 November 2012

Proposed Gateway Pacific Terminal/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Randel Perry, Project Manager
USACE, Seattle District
1440 10th Street
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Whatcom County, Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226

Alice Kelly, Planner
WA Department of Ecology, NWRO
3190 160th Ave SE
Bellevue, WA 98008-5452

RE: Comments on Proposed Gateway Pacific Terminal EIS Scoping

Dear CH2M HILL, Mr. Perry, Mr. Schroeder, and Ms. Kelly,

San Juan County Resolution No. 36-2012, "Regarding Legislative Priorities for the 2013 Legislative Session," includes the following legislative priority:

> Secure endorsements from Washington State Representatives and the Governor for the Council's position to oppose the proposed Gateway Pacific Terminal project unless a scoping meeting is held in San Juan County and all project related concerns (including increased vessel traffic and the increased risk of a major oil spill) are considered and addressed in the EIS, and all identified project related impacts are guaranteed to be mitigated.

Thank you for holding the November 3rd, 2012 scoping meeting in Friday Harbor and meeting our first threshold for support of the proposed Gateway Pacific Terminal project. It was very important to us that our constituents had the opportunity to provide their comments at a scoping meeting here in San Juan County.

The following comments identify significant adverse impacts to San Juan County that would only occur if the proposed Gateway Pacific Terminal project is approved. It is our understanding that you must address all of our comments in the EIS by in-depth analysis with reasonable alternatives identified including mitigation measures, and that if any comment is considered not to be significant, you will provide a thorough explanation.

San Juan County's residents and visitors depend upon marine-based public and private transportation. Washington State Ferries are our marine highways. Our air, water, fish, and fowl migrate over long distances on our planet. Thousands of species spend all or part of their life cycle in San Juan County, with 113 Salish Sea species listed as threatened, endangered, of concern, or candidates for listing. Their health directly affects our quality of our life in San Juan County. The impacts from the proposed Gateway Pacific Terminal do not exist in an isolated bubble that can be drawn only around the location of the proposed terminal. A terminal-specific or site-specific EIS will not adequately consider the cumulative impact of the transportation, storage, shipment, and use of coal on the environment and the jobs that directly and indirectly depend upon a healthy Salish Sea ecosystem or upon the health of our citizens and visitors, and the local economy.

San Juan County's economy is inextricably connected to the beauty of its environment and the health of its ecosystems. Many islanders depend upon a healthy and sustainable salmon fishery and Orca population. Jobs are directly tied to commercial and recreational fishing and shellfish farming. The tourist industry is the engine that runs our economy. People come to the San Juan Islands from all over the world to enjoy the beautiful environment and to see birds and sea life.

The transport of coal through Haro and Rosario straits and the Strait of Juan de Fuca, with their narrow channels and strong currents, especially in fog-bound and storm-tossed sea lanes, increases the risk of an oil and/or coal spill. What is the increased risk of an oil and/or coal spill as a result of the increased vessel traffic associated with the proposed Gateway Pacific Terminal project according to the George Washington University's updated Vessel Traffic Risk Assessment? What is the risk of an oil and/or coal spill from a collision, allision, or grounding involving the single-hull bulk carriers? How wide-spread would the damage be? How many species and commercial and recreational fisheries would be impacted and how would it affect the sustainability of those species? How many local jobs and businesses would be adversely impacted and/or lost? What would be the impacts to property values? What would be the impacts to desalinization systems? What would be the impacts to Washington State Ferries in the event of an oil spill? What would be the costs associated with a spill of a bulk carrier's propulsion fuel? What would be the costs associated with a coal spill? What would be the costs associated with a grounding, allision, or collision involving a bulk carrier that leads to an oil spill from another vessel, including any spills of Alberta Tar Sands products such as diluted bitumen?

San Juan County is the home of and a primary destination for many commercial and recreational fishing vessels and pleasure boats. What would be the impacts, and the associated costs of these impacts, to vessel traffic, including Washington State Ferries traffic, in the waters of San Juan County given the proposed increased bulk carrier traffic? What is the increased risk of an oil and/or coal spill, and what are the associated costs, from a grounding, allision, or collision caused by a bulk carrier and a small vessel such as the November 20, 2012 grounding of a container ship in Prince Rupert Harbour?

The shipment of coal by bulk carrier requires large engine propulsion. What would be the health risks to people and to our waters and marine-dependent species and to our soil, pastures, and locally

produced foods, from the increase in particulate matter from the propulsion fuel used in bulk carrier engines? How would the increased particulate matter impact our residents and visitors who already suffer from conditions such as Chronic Obstructive Pulmonary Disease, asthma, and emphysema? What would be the impacts of the vessel noise on the listed as endangered Southern Resident Orcas and other marine-dependent species, and in particular the vessel noise associated with any required queuing? What would be the impacts of the vessel noise on property values, and in particular the vessel noise associated with any required queuing? What would be the costs associated with the impacts from bulk carrier vessel noise and propulsion fuel particulate matter?

Severe weather could require vessels approaching the proposed Gateway Pacific Terminal for the purpose of transporting coal to discharge ballast water into San Juan County or neighboring waters, thus contaminating the waters of San Juan County. How would ballast from foreign waters containing non-native, invasive aquatic species affect the ecosystem of our waters? Can the impacts from foreign invasive species upon our marine-dependent species be mitigated? What would be the cost of restoration should non-native, invasive aquatic species impact our marine ecosystem?

How will the coal dust, and its constituent parts, associated with the transport, storage, and loading of coal impact the Cherry Point herring and the environment necessary for them to spawn and maintain a sustainable population necessary to feed the marine-dependent species in San Juan County, including the federally listed as endangered Chinook salmon, which, in turn, are the primary food source of the federally listed as endangered Southern Resident Orcas? What would be the costs associated with the restoration of the Cherry Point herring spawning area?

Given San Juan County's proximity to the proposed terminal location and given storm events with significant winds, what amount of coal dust, and its constituent parts, would reach San Juan County from the proposed Gateway Pacific Terminal? What would be the impacts from the terminal's coal dust, and its constituent parts, to human health, crops produced for home and commercial purposes, ground water quality, desalinization water quality, and the near-shore marine ecosystem and species? What would be the costs associated with any of these impacts?

The burning of coal releases carbon dioxide into our oceans and contributes to ocean acidification. Based on the tonnage of coal proposed to be exported and subsequently burned, what would be the impacts of increased ocean acidification in the waters of San Juan County? What would be the costs of the increased ocean acidification's impacts on recreational and commercial shellfish? What would be the impacts to the spawning of shellfish for recreational and commercial harvest? What would be the impacts to the wildlife who feed on shellfish? What would be the impacts to the pteropods that comprise much of the diet of juvenile salmon? What would be the costs associated with the increased ocean acidification?

The burning of coal releases carbon dioxide that contributes to global warming. Based on the tonnage of coal proposed to be exported and subsequently burned, what would be the impacts of increased global warming to San Juan County? What would be the costs from associated increased storm winds, ocean surges, and precipitation? What would be the impacts due to sea level rise? What would be the costs associated with sea level rise?

The burning of coal releases mercury. Based on the tonnage of coal proposed to be exported and subsequently burned, what amount of mercury will be released and what amount of that mercury will

increase the mercury content of San Juan County seafood and the people and wildlife that feed upon that seafood? What would be the impacts of the increased mercury pollution? How would the increased mercury pollution impact fish consumption rates? What would be the costs associated with the increased mercury pollution?

We look forward to the draft EIS that addresses all of our comments with in-depth analysis and with reasonable alternatives identified including mitigation measures. Thank you for this opportunity to comment on the scoping for the proposed Gateway Pacific Terminal EIS and to secure the San Juan County Council's standing in the EIS process.

Sincerely,

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

Lovel Pratt, Member
District No. 1

Richard Peterson, Member
District No. 2

Howard Rosenfeld, Member
District No. 3

Richard Fralick, Member
District No. 4

Patty Miller, Chair
District No. 5

Jamie Stephens, Vice-Chair
District No. 6

Cc. The Honorable Maria Cantwell, US Senator
The Honorable Patty Murray, US Senator
The Honorable Rick Larsen, US Representative
The Honorable Christine Gregoire, Governor of the State of Washington
The Honorable Jay Inslee, Governor-Elect of the State of Washington
The Honorable Kevin Ranker, Washington State Senator
The Honorable Jeff Morris, Washington State Representative
The Honorable Kristine Lytton, Washington State Representative
The Honorable Billy Frank, Chairman, Northwest Indian Fisheries Commission
The Honorable Cliff Cultee, Chair, Lummi Nation
The Honorable Melvin R. Sheldon, Jr., Chair, Tulalip Tribes
The Honorable Brian Cladoosby, Chair, Swinomish Indian Tribal Community
The Honorable Micah McCarty, Chairman, Makah Tribe
The Honorable W. Ron Allen, Chair, Jamestown S'Klallam Tribe
The Honorable Frances Charles, Chair, Lower Elwha Klallam Tribe
The Honorable Robert (Bob) Kelly, Chairman, Nooksack Tribe
The Honorable Jeromy Sullivan, Chair, Port Gamble S'Klallam Tribe
The Honorable Leonard Forsman, Chair, Suquamish Tribe

San Juan County Council

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District 1, Lovel Pratt
District 2, Rich Peterson
District 3, Howard Rosenfeld
District 4, Richard Fralick
District 5, Patty Miller
District 6, Jamie Stephens

18 December 2012

Proposed Gateway Pacific Terminal/Custer Spur EIS
c/o CH2M HILL
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Bellevue, WA 98004

Randel Perry, Project Manager
USACE, Seattle District
1440 10th Street
Suite 102
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Whatcom County, Planning & Development Services
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Bellingham, WA 98226

Alice Kelly, Planner
WA Department of Ecology, NWRO
3190 160th Ave SE
Bellevue, WA 98008-5452

RE: Comments on Proposed Gateway Pacific Terminal EIS Scoping

Dear CH2M HILL, Mr. Perry, Mr. Schroeder, and Ms. Kelly,

San Juan County Resolution No. 36-2012, "Regarding Legislative Priorities for the 2013 Legislative Session," includes the following legislative priority:

> Secure endorsements from Washington State Representatives and the Governor for the Council's position to oppose the proposed Gateway Pacific Terminal project unless a scoping meeting is held in San Juan County and all project related concerns (including increased vessel traffic and the increased risk of a major oil spill) are considered and addressed in the EIS, and all identified project related impacts are guaranteed to be mitigated.

We want to follow up on our previous comments identifying significant adverse impacts to San Juan County that would only occur if the proposed Gateway Pacific Terminal project is approved. It is our understanding that you must address all of our comments in the EIS by in-depth analysis with reasonable alternatives identified including mitigation measures, and that if any comment is considered not to be significant, you will provide a thorough explanation.

Our previous comment letter was signed on November 27th; the same day that Governor Gregoire issued Executive Order 12-07, Washington's Response to Ocean Acidification (attached). This Executive Order includes the implementation of the Governor Gregoire's Blue Ribbon Panel on Ocean Acidification's recommendations; the number one recommendation being reduce emissions of carbon dioxide. The proposed Gateway Pacific Terminal presents a direct contradiction to Executive Order 12-07, Washington's Response to Ocean Acidification.

Coal burned in Asia releases carbon dioxide that returns to San Juan County via the Jet Stream. Coal from the proposed Gateway Pacific Terminal, estimated at 50 million tons per year, when burned in Asia would effectively double the total greenhouse gas emissions from Washington State. This is in addition to the emissions from trains and marine transportation, which are significant.

The proposed Gateway Pacific Terminal's EIS must address ocean acidification's risk to San Juan County's marine species and ecosystems. The burning of coal releases carbon dioxide into our oceans and contributes to ocean acidification. Based on the tonnage of coal proposed to be exported and subsequently burned, what would be the impacts of increased ocean acidification in the waters of San Juan County? What would be the costs of the increased ocean acidification's impacts on recreational and commercial shellfish? What would be the impacts to the spawning of shellfish for recreational and commercial harvest? What would be the impacts to the wildlife who feed on shellfish? What would be the impacts to the pteropods that comprise much of the diet of juvenile salmon? What would be the costs associated with the increased ocean acidification?

We are further concerned about the increased risk of a coal spill given the December 7th bulk carrier crash into a berth at the Westshore (BC) Terminals, spilling an undetermined amount of coal into Georgia Strait. It has come to our attention that the George Washington University updated Vessel Traffic Risk Assessment is not set up to evaluate the risk of the loss of cargo from vessels in a collision, allision, or grounding, other than oil. As we stated in our comment letter of November 27th, we are also very concerned about the increased risk of an oil spill and associated impacts due to the proposed Gateway Pacific Terminal. We want to be sure that the Gateway Pacific Terminal EIS addresses the increased risk of an oil spill as a result of the increased vessel traffic associated with the proposed Gateway Pacific Terminal project according to the George Washington University updated Vessel Traffic Risk Assessment. We also want to be sure that the Gateway Pacific Terminal EIS addresses the following: The transport of coal through Haro and Rosario straits and the Strait of Juan de Fuca, with their narrow channels and strong currents, especially in fog-bound and storm-tossed sea lanes, increases the risk of a coal cargo spill. What is the increased risk of a coal spill as a result of the increased vessel traffic associated with the proposed Gateway Pacific Terminal project? What is the risk of a coal spill from a collision, allision, or grounding involving the single-hull bulk carriers? How wide-spread would the damage be? How many species and commercial and recreational fisheries would be impacted and how would it affect the sustainability of those species? How many local jobs and businesses would be adversely impacted and/or lost? What would be the impacts to property values? What would be the impacts to desalinization systems? What would be the impacts to Washington State Ferries in the event of a coal spill? What would be the costs associated with a coal spill?

We look forward to the draft EIS that addresses all of our comments with in-depth analysis and with reasonable alternatives identified including mitigation measures. Thank you for this opportunity to

comment on the scoping for the proposed Gateway Pacific Terminal EIS and to further secure the San Juan County Council's standing in the EIS process.

Sincerely,

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The Honorable Leonard Forsman, Chair, Suquamish Tribe

CHRISTINE O. GREGOIRE
Governor

STATE OF WASHINGTON
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EXECUTIVE ORDER 12-07

WASHINGTON'S RESPONSE TO OCEAN ACIDIFICATION

WHEREAS, acidification of the world's oceans, measured by the lowering pH numbers and caused primarily by increasing levels of carbon dioxide in the atmosphere, has arrived on the West Coast sooner than predicted and is already reaching levels that are corrosive for shellfish and other marine organisms; and

WHEREAS, Washington's marine waters are particularly vulnerable to ocean acidification because they experience the effects of global carbon dioxide absorbed by the oceans in addition to regional and local factors. One of the most important regional factors is coastal upwelling, which occurs when strong northerly winds blow across the Pacific Ocean, bringing deeper water up to the surface, along the Washington coast, into coastal estuaries like Willapa Bay and Grays Harbor, and the Puget Sound basin. Today's upwelled water is rich in carbon dioxide and low in pH and oxygen, and was in contact with the atmospheric concentration of carbon dioxide from 30 to 50 years ago, meaning we will continue to see acidification for several decades after global carbon dioxide emissions begin to fall; and

WHEREAS, acidification near the coasts, and particularly in highly populated and developed areas, is often exacerbated by local sources of pollutants, such as nutrients and organic material, that generate additional carbon dioxide in marine waters; and

WHEREAS, between 2005 and 2009, the Pacific Northwest oyster hatcheries experienced disastrous production failures when billions of their youngest oysters, the larvae, died due to acidified seawater that dissolved shells or prevented their formation; and

WHEREAS, Washington is the country's top provider of farmed oysters, clams, and mussels. Our shellfish growers employ directly and indirectly more than 3,200 people around the state and provide an annual total economic contribution of $270 million statewide. The increasing levels of acidification in Washington's marine waters pose serious and immediate threats to our shellfish resources, and the revenue and jobs supported by the shellfish industry; and

WHEREAS, ocean acidification has important implications to Washington's tribal communities and fishermen who increasingly depend on shellfish species to support their families; and

WHEREAS, increasing levels of acidity also have implications for the broader marine ecosystem because many organisms that are important food sources for species such as salmon, whales, and seabirds, are dependent on their ability to form and maintain shells, skeletons, or other hard parts; and

WHEREAS, Washington is a national leader in addressing the problem of ocean acidification. World-class scientists are already working on ocean acidification; state agencies, businesses, tribes, and others are implementing innovative approaches to reduce carbon dioxide and nutrient runoff; federal partners are engaged on solutions to ocean acidification; the shellfish industry is committed to protecting ecosystems and cultivated resources; and diverse nonprofit organizations are ready to give voice to the problem; and

WHEREAS, to chart a course for addressing the effects of ocean acidification on Washington's shellfish resources and other marine organisms, I convened the Washington State Ocean Acidification Blue Ribbon Panel comprised of scientific experts, industry representatives, public opinion leaders, and state, local, federal, and tribal policy makers; and

WHEREAS, the Panel produced a *Scientific Summary of Ocean Acidification in Washington State Marine Waters* and a set of recommended actions in a document titled *Ocean Acidification: From Knowledge to Action – Washington's Strategic Response to Changing Ocean Chemistry*, documenting the understanding of ocean acidification in Washington, and recommending actions to reduce contributions to the problem, help the shellfish industry adapt to changes, advance our knowledge about acidification in Washington's marine waters, and educate and engage stakeholders, the public and decision makers in addressing the problem; and

WHEREAS, it is critical to our economic and environmental future that effective and immediate actions be implemented in a well-coordinated way and that we work collaboratively with federal, tribal, state, and local governments, universities, the shellfish industry, businesses, the agricultural sector, and the conservation/environmental community to address this emerging threat.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington by virtue of the power invested in me by the Constitution and statutes of the state of Washington do, effective immediately, hereby order and direct:

1. The Office of the Governor and the cabinet agencies that report to the Governor to advocate for reductions in emissions of carbon dioxide at a global, national, and regional level. The Office of the Governor and cabinet agencies shall work on this effort with federal and regional partners (including at a minimum Oregon, California, and the Province of British Columbia) and shall consult with affected public and private entities.

2. The Director of the Department of Ecology to:

    a) Coordinate effective implementation of the Blue Ribbon Panel's recommendations. In doing so, the Department shall work with other state agencies, the Commissioner of Public Lands, the University of Washington, the National Oceanic and Atmospheric Agency (NOAA), the Environmental Protection Agency (EPA), Tribes, non-governmental organizations, and the shellfish industry. This effort will require coordination of numerous activities at the national and regional level aimed at protecting and restoring the health of our marine waters.

b) Work with the University of Washington (UW), the Commissioner of Public Lands, NOAA and other state agencies to establish a coordinating mechanism to: continue the focused and productive interaction between scientists and decision makers to enhance Washington's ability to respond to the problem of acidification; promote sharing of scientific information; and secure efficiencies in implementing the Panel's recommendations. In doing so the Department shall build on existing efforts such as the Puget Sound Strategic Science Plan, the UW coastal and marine research programs, NOAA Ocean Acidification Program, California Current Acidification Network, Pacific Shellfish Institute, and other related efforts.

c) Craft and execute a memorandum of understanding or other mechanisms among key state and federal agencies, including Departments of Natural Resources and Fish and Wildlife, NOAA, EPA, and U.S. Department of Interior, to support data sharing, collaboration, and leveraging and prioritizing of funds.

d) Work with the University of Washington to deliver the technical analysis recommended by the panel on the relative importance to ocean acidification of local land-based sources of nutrients and organic carbon and local air emissions.

e) Reduce nutrients and organic carbon in locations where these pollutants alone, or in combination with other pollutants, are causing or contributing to multiple water quality problems in our marine waters. This effort shall be coordinated with the Directors of the Department of Agriculture and Department of Health, and the Executive Director of the Conservation Commission. In implementing this directive, Ecology with its partners shall prioritize watersheds with the most significant water quality problems, regardless of the source(s) – urban storm water, septic tanks, large and small sewage treatment facilities, or rural runoff from agricultural lands. This effort shall be carried out in consultation with other agencies, affected local and tribal governments, federal agencies, landowners, and the environmental community. These efforts shall:

   i. build on existing programs;
   ii. utilize, where appropriate, the voluntary stewardship program established by RCW 36.70A.710; and
   iii. utilize other approaches, including technical assistance, funding, permitting and enforcement, where most appropriate and effective.

f) Formally request that EPA begin the assessment of water quality criteria relevant to ocean acidification and encourage EPA to work with scientists from NOAA, Ecology, and other agencies in carrying out this effort.

g) In consultation with the Department of Commerce and Department of Transportation, review unimplemented actions recommended by the Climate Action Team and identified in the State Energy Strategy and, where appropriate, propose a path forward to implement additional actions to reduce atmospheric

carbon dioxide. In developing the proposed actions, the Department of Ecology shall consult with affected stakeholders.

h) Work with other agencies, NOAA, universities, the Puget Sound Partnership, WA Sea Grant, shellfish growers, Tribes, non-governmental organizations, and various education and outreach networks to increase understanding of ocean acidification and its consequences among policymakers, interested organizations, and the public.

i) Work with other state agencies, the Commissioner of Public Lands, and appropriate federal agencies to engage agricultural, business, and other stakeholders; coastal communities; shellfish and fishery interests; and other affected or interested groups, in developing and implementing local solutions.

3. The Executive Director of the Puget Sound Partnership to work with its partners to advance the implementation of the Panel's recommendations by incorporating the scientific findings, and strategies and actions into the Puget Sound Action Agenda, the Biennial Science Work Plan, and ecosystem monitoring programs, by December 1, 2014.

4. In implementing this Executive Order, the state and its agencies shall invite consultation, on a government-to-government basis, with affected and interested Indian Tribes and Nations in Washington State.

5. The Director of the Department of Ecology, in cooperation with affected agencies, shall provide a progress report to the Governor by December 31, 2013.

Signed and sealed with the official seal of the state of Washington on this 27th day of November, 2012, at Olympia, Washington.

By:

/s/

Christine O. Gregoire
Governor

BY THE GOVERNOR:

/s/

Secretary of State

CITY OF Burlington
SKAGIT COUNTY, WASHINGTON INCORPORATED 1902

January 14, 2013

Tyler Schroeder
Whatcom County
Planning and Development Services
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Bellingham, WA 98225

Alice Kelly
State Department of Ecology
Northwest Regional Office
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Bellevue, WA 98008

Randel Perry
U.S. Army Corps of Engineers
Seattle District Regulatory Branch
Northwest Field Office
1440 – 10th Street, Ste. 102
Bellingham, WA 98225

SUBJECT: Scoping Comments for Environmental Impact Statement; Gateway Pacific Terminal Project and the BNSF Custer Spur Modifications Project.

Greetings:

Please accept for consideration the attached comments, which are submitted as part of the Environmental Impact Statement ("EIS") scoping process for the Gateway Pacific Terminal dry bulk commodities export/import facility and the Burlington Northern Santa Fe ("BNSF") Railway Custer Spur line located at Cherry Point in Whatcom County (referred to hereinafter as the Cherry Point Proposal.) It is our understanding that the EIS will be jointly prepared by the United States Army, Corps of Engineers Seattle District Regulatory Branch (the "Corps"); Whatcom County Planning and Development Services Department (the "County") and the Washington State Department of Ecology (the "DOE"), in accordance with the provisions of the National Environmental policy Act ("NEPA") and the Washington State Environmental Policy Act ("SEPA.") As such, our comments are submitted in accordance with 40 C.F.R. §§ 1501.7, and WAC 197-11-408.

The City observes that in addition to meeting the requirements specified in 40 C.F.R. § 1508.25, the Corps must also determine "the significant issues to be analyzed in depth" as part of this process. *Id.*, § 1501.7(a)(2). And of course in determining the scope of an EIS, the Corps must consider the direct, indirect and cumulative impacts of the project, and a sufficient range of alternatives that could achieve the purpose of the proposed project. *Id.* §§ 1508.25(a)-(c). These impacts include the "worldwide and long-range character of environmental problems." 42 U.S.C. § 4332(F). Actions include connected actions,

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cumulative actions, and similar actions. 40 C.F.R. §§ 1508.25(a)(1)-(3). In this regard we believe the following two points should be kept in mind with respect to the project.

First, we believe it appropriate that the Corps, the County, and DOE prepare a comprehensive, programmatic environmental impact statement to examine the Cherry Point Proposal, and other proposed terminals. We understand that the Cherry Point Proposal is expected to have a build-out export volume of approximately 50M tons/year, requiring nine additional trains each day (18 trains, round trip), with each train over a mile and a half long. This volume of product by itself is significant, and likely to have adverse impacts on air and water quality, and both the natural and built environment. However, we further understand that other facilities are proposed to be constructed in Washington and Oregon, resulting in a total of approximately 157M tons of additional capacity. Taken together, these quantities will have a significant impact. As the United States Supreme Court has previously said, "when several proposals for coal-related actions that will have a cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together. Only through comprehensive consideration of pending proposals can the agency evaluate different courses of action." *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976).

Secondly, we believe it appropriate for the DOE to conduct a thorough and comprehensive SEPA analysis. SEPA is required for the project because federal actions must be consistent with the Coastal Zone Management Act (CZMA). Washington State's CZMA has identified SEPA as a state policy. As such, our position is that project impacts proximal to the action must be analyzed. Proximal impacts include those associated with transporting coal to the Cherry Point site, including transportation impacts along the BNSF mainline tracks. Proximal impacts will be experienced by many communities throughout the state through which the Burlington Northern Santa Fe rail lines pass, including Burlington. A comprehensive analysis under SEPA and the CZMA by the DOE will prevent a patchwork of local regulation from unreasonably interfering with interstate commerce, and still meet the requirements of the CZMA.

Again, thank you for taking into consideration the City of Burlington's scoping comments on this important project. We look forward to participating more fully as this project develops.

Sincerely,

Mayor Steve Sexton

cc: Ted Sturdevant, DOE
Paula Hammond, WSDOT

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City of Burlington Comments
Environmental Impact Statement Scoping
Gateway Pacific Terminal

I. INTRODUCTION

The City of Burlington appreciates this opportunity to submit comments on the proposed Gateway Pacific Terminal at Cherry Point, pursuant to WAC 197-11-408.

The City of Burlington is a community of 8,500 residents, situated in Skagit County, Washington. The BNSF rail line bisects the City and separates the City's eastern residential area from the business core; the City's emergency services, including its police and fire stations, are located westerly from the BNSF tracks, while other residential areas and the hospital serving the region is situated easterly of the BNSF tracks. There are 5 crossings of the BNSF tracks in the City. With the exception of the Whitmarsh Road – a roadway that is in the extreme southern portion of the City and constructed in part on the water ward side of levees that protect the community from Skagit River floods, and which is itself periodically made impassable due to flooding events – all crossings of the BNSF tracks are at grade level. State Route 20, a major east-west corridor over the Cascade Mountains is one such at-grade crossing.

The following comments are focused on ensuring that the EIS recognizes and accounts for the significant impacts that will occur.

II. SUBSTANTIVE COMMENTS

A. TRAFFIC AND PARKING/TRANSIT AND PEDESTRIANS

1. **Description of Adverse Impact**. The Project Information Document submitted for the Gateway Pacific Project states that at full capacity, 9 loaded trains/day will serve the Project terminal, and 9 additional empty trains will leave the site. GATEWAY PACIFIC PROJECT INFORMATION DOCUMENT, § 4.5.3 and Table 4-5 (February 28, 2011). The Project Information Document does not establish a maximum number of trains that could serve the site, and additional trains are possible in the future if export capacities are increased. Each train may be 8,500 feet in length, or approximately 1.61 miles. As such, with trains travelling at 35 miles per hour the time taken to clear a crossing would be in the range of 5.6 minutes. The 18 trains each day would thus result in a coal train every 1.3 hours if trains were equally spaced over a 24 hour period, in addition to already-existing traffic on the rail line. Furthermore, if the train is 8,500 feet long, it will block all four at-grade railway crossings in the City at the same time.

To understand the magnitude of this impact to the City of Burlington, the City's traffic consultant conducted an initial review of the impact of the train operation during a typical PM peak period in the 2025 time horizon. The 2025 time horizon was selected as it was used in a recent comprehensive planning study conducted by the City. The analysis employed the 2025 PM peak hour traffic volume forecast developed in concert with anticipated 2025

population and employment estimates developed by the City. Synchro and Sim Traffic were the analysis tools used to estimate the impact of train operations at three of the four railway crossings. The results of that initial review follow.

2. **Description of how the impact relates to the City of Burlington.** The City's preliminary traffic assessment concluded that train operation is expected to have a significant impact on daily and peak period traffic circulation in the City. Train impacts during the PM peak hour are expected to create extensive queuing at railway crossings. Based on traffic flow conditions, the significant queues are anticipated in the west bound direction with the longest queue expected at the Greenleaf Avenue crossing. It is expected these queues will block Anacortes Street, a major north south street in the City, approximately 31 percent of the time.

Although the queues aren't as long, the blocking time is expected to be longer at the Fairhaven Avenue and Avon Avenue crossings. The highest average queue at Fairhaven is approximately 384 feet whereas the 95 percentile queue is 424 feet resulting in a blocking of the Cherry Street intersection 53 percent of the time. At Avon Avenue, the highest average queue is approximately 526 feet and the 95 percentile queue is 614 feet resulting in a blocking of Cherry Street approximately 59 percent of the time. In the east bound direction, the queues at Fairhaven Avenue will block Spruce Street approximately 28 percent of the time and at Avon Avenue queues will block Spruce Street 31 percent of the time.

3. **Suggested Analysis.** Based on the results of the preliminary assessment, it is recommended that a traffic analysis of train delay within the City of Burlington be included in the development of the draft EIS as follows:

a. Study Area. Study area to be defined by I-5 on the west; city limits on the east; Skagit River on the south; and city limits on the north.

b. Documentation of Existing Conditions to Include:

- Average Weekday Traffic Volumes on all north/south and east/west arterials within the study area to include:

    - Burlington Boulevard s/o George Hopper
    - Burlington Boulevard n/o Pease Road
    - Burlington Boulevard s/o Rio Vista
    - Burlington Boulevard s/o Avon Avenue
    - Avon Avenue e/o Burlington Boulevard
    - Avon Avenue e/o Anacortes Street
    - Fairhaven Avenue e/o Burlington Boulevard
    - Fairhaven Avenue w/o Anacortes Street
    - Greenleaf Avenue w/o Anacortes Street
    - Spruce Street s/o Rio Vista
    - Anacortes Street s/o Avon Avenue
    - Anacortes Street s/o Rio Vista
    - Rio Vista w/o Burlington Boulevard

- AM/PM peak hour traffic volumes (determined from peak period turning movement counts) at the following intersections:

  - Burlington Boulevard/E Market Street
  - Burlington Boulevard/George Hopper Road
  - Burlington Boulevard/Pease Road
  - Burlington Boulevard/Gilkey Road
  - Burlington Boulevard/Rio Vista (SR 20)
  - Burlington Boulevard/Fairhaven Avenue
  - Burlington Boulevard/Avon Avenue (SR 20)
  - Avon Avenue (SR 20)/Spruce Street
  - Avon Avenue (SR 20)/Cherry Street
  - Avon Avenue (SR 20)/Anacortes Street
  - Avon Avenue (SR 20)/Regent Street
  - Fairhaven Avenue/Spruce Street
  - Fairhaven Avenue/Cherry Street
  - Fairhaven Avenue/Anacortes Street
  - Fairhaven Avenue/Regent Street
  - Greenleaf Avenue/Spruce Street
  - Greenleaf Avenue/Anacortes Street
  - Spruce Street/Rio Vista
  - Spruce Street/Gilkey Road
  - Anacortes Street/Rio Vista
  - Rio Vista/I-5 NB/SB Ramps

- Existing AM and PM peak hour level of service at the 22 intersections identified above;

- Existing Crash History at the 22 intersections identified above;

- Assessment of Crash Potential at each of the four railway crossings in the city using the FRA crash forecasting model;

- Existing school bus operations; routing and times;

- Existing Emergency Service; routing and times;

- Existing rail activity; volume and time;

- Impact of existing rail traffic on current traffic volumes in terms of delay and queuing;

- Identification of existing transportation system deficiencies – including rail, motor vehicle, pedestrian, bicycle, school, and emergency services;

- Identification of proposed rail, vehicle, pedestrian and bicycle improvements; 6 year and 20 year (2025 time horizon).

4. **Deliverables.** The following analysis should be incorporated into the DEIS:

   a. Forecast of AWDT Volumes at the same locations identified above for the typical volume scenario with the proposed project. The forecast should use advanced traffic simulation models to accurately project the impact of the delays associated with the increased train trips and 8500 foot long trains;

   b. Forecast average condition AM and PM peak hour turning movement volumes at the 22 analysis intersections identified above. Forecasts should be based on population and employment forecasts approved by the City and should represent the impact of the increased system delay associated with the additional train trips through the City;

   c. Determination of peak hour level of service at each of the 22 intersections for the average volume condition using advanced traffic simulation models and analysis tools;

   d. Forecast daily and peak hour train volumes at the four crossings in the City. The forecast should include AMTRAK, future freight rail, and the proposed 18 trains per day;

   e. Estimate train/vehicle crashes at the four railway crossings within the City using the FRA crash forecasting model;

   f. Provide an assessment of the impact of the proposed project on railway operations within the city. The assessment should identify the need for additional spur lines or other capacity enhancement improvements to address the impacts of the proposed project on the City;

   g. Formulate a capital improvement program necessary to address the transportation related impacts of the proposed project;

   h. Provide an assessment of the impact of a train related blocking incident on the four railway crossings. The analysis should evaluate the impact on vehicular circulation through the City, the impact on emergency response services, and the impact on school bussing operations. The analysis should include a traffic simulation using advanced traffic simulation models to evaluate the impact of traffic diversion created by the incident. An evaluation of level of service at the impacted intersections should be performed for the AM and PM peak hour 2026 traffic flow conditions.

5. **Alternatives/Mitigation Strategies for Traffic.** The EIS should develop traffic mitigation alternatives to address the impacts of the proposed action on the city of Burlington transportation system. The plan should address the impacts on all modes of travel and include major improvements such as grade separation of the four crossings. The plan should

include a methodology to insure the mitigation measures are in place to accommodate the proposed project in the 2026 Horizon Year. Mitigation strategies, or alternatives, should include traffic conflict avoidance in the form of overpasses and/or underpasses within the City. In particular, an overpass or underpass installed at the SR 20 crossing should be included as an alternative.

B. Public (Primarily Emergency) Services.

1. **Description of Impact.**

a. In 2012 the Burlington Police Department responded to 8,691 calls for service, including 294 "Priority 1" calls; these types of calls are in progress domestic violence, robbery, weapons offenses, and similar incidents of a high priority. In 2012, the City's average response time was three minutes and twenty-three seconds (3:23). With a 5.6 minute train delay, the response time for a significant urban area of the City could easily triple in these life-or-death situations.

Similarly, police officer backup may be significantly delayed. Of the 294 Priority 1 calls, 48 were domestic violence calls and 39 were fights in progress. These are the types of calls in which police officers are most likely to be injured, and backup support is essential.

b. The Burlington Fire Department will be similarly impacted. The fire department responded to approximately 804 priority responses in the zones that would be impacted for responses due to a train delay. Of those, 23 responses were delayed or at least logged as a delay by a train (but we are unable to determine the exact time frame of the delay).

c. The number of students with life-threatening health conditions within the Burlington-Edison School District is 164. Schools, as well as residential areas, are separated from paramedics and EMT's stationed at the Burlington Fire Station by the BNSF tracks. In addition, students diagnosed with asthma and similar breathing difficulties may be further impacted by coal dust and/or diesel particulates. Again, emergency response to assist these students will be delayed.

d. A train 8,500 feet long will block all four railway crossings in the City at the same time. If a train were to derail or otherwise be disabled such that the train blocked all crossings, there would be no ready alternative for east-west travel through the City. This would have a significant impact on emergency response service, school bus routing, and all other traffic circulation through the City, including traffic on SR 20.

2. **Suggested Analysis.** Based on the results of the preliminary traffic assessment, it is recommended that the assessment described in Section A(3) above be included in the development of the draft environmental impact statement.

3. **Alternatives/Mitigation Strategies for Impacts to Emergency Services.** The EIS should develop mitigation alternatives to address the impacts of the proposed action on the city of Burlington public safety system. If services are significantly impacted, the EIS should study the possibility of a satellite emergency services station easterly of the BNSF tracks, to house fire and law enforcement personnel.

C. SKAGIT RIVER BRIDGE

1. **Description of Impact.** The existing BNSF Bridge over the Skagit River is a dated and failing structure. In 1995, the bridge was damaged in the November freshet to the extent that the bridge was unusable for train traffic. *See*, Exhibit "A". The bridge serves as a vital rail link between the Puget Sound region and the Canadian border. Failure of the bridge structure would result in indirect economic losses resulting from time lost to traffic delays and delays in the transportation of goods vital to the economy of the northwest region. In addition, for many shippers trucking would be utilized for the movement of goods, resulting in transportation bottlenecks and gridlock.

2. **Suggested Analysis.** Based on the results of the preliminary traffic assessment, it is recommended that the EIS include an economic assessment of the loss of the Skagit River BNSF Bridge.

3. **Alternatives/Mitigation Strategies.** The EIS should include an analysis of the replacement of the Skagit River Bridge.

D. ECONOMIC IMPACTS

1. **Description of Impact.** In December, 2006, the Washington State Transportation Commission completed its Statewide Rail Capacity & System Needs Study. The Study concluded that, in general, the state's rail system was at or nearing physical capacity. Specific to the Gateway Pacific Project, the Study concluded that both the Everett – Burlington and the Burlington – Ferndale rail lines would exceed practical capacity in 2015, and in 2025. RAIL CAPACITY STUDY at 27, Table 2. Furthermore, the Rail Capacity Study concluded that a "choke point" currently exists between Bow and Ferndale. *Id.* at 24, Fig. 4. This condition is attributable to the single trackage between Bow and Ferndale, which limits the line to a single train on that track at one time. The Rail Capacity Study concluded that this rail segment had a capacity of 14 train trips per day. *Id.* at 22, Fig. 3.

In 2008, the federal government forecast that congestion on the nation's mainline railroad network would spread significantly by 2035. United States Department of Transportation, Federal Highway Administration, Freight Story 2008, figures 13 and 14. The Washington State Transportation Commission in its Statewide Rail Capacity & System Needs Study observed that, to manage demand, railroads were using pricing to turn away lower profit freight in favor of intermodal and coal traffic. Rail Capacity Study at 28. The Study went on to note that in some markets and rail corridors, international intermodal traffic was squeezing out industrial and low-density agricultural traffic. *Id.* at 29. Locally, businesses in Skagit County observe that rail service has already been impacted with increasing coal shipments to

Canada and the ever growing numbers of oil tanker railcars into the four Northwest refineries from the Bakken Oil Fields.

Moreover, railroading is a capital intensive business, and investment in fixed assets is risky. Ongoing competition between the BNSF and the UPRR for lucrative markets, primarily in Southern California, has made investment in infrastructure in areas where such competition does not exist much more limited. *Id.*

Congestion in the transportation system causes freight dependant businesses to alter their business model to satisfy consumer demands under uncertain operational conditions. Responses from freight dependant businesses indicate that consumers would likely pay 60 to 80% of the increased cost of congestion. Ultimately, this means that consumers will pay higher prices for freight dependant goods and freight dependant businesses will spend more to provide those goods. *See,* THE ECONOMIC IMPACT OF INCREASED CONGESTION FOR FREIGHT DEPENDANT BUSINESSES IN WASHINGTON STATE – TECHNICAL REPORT, Washington State Department of Transportation, et. al., (2012), pg. 1.

2. **Description of how the impact relates directly to City of Burlington.**

   a. Agriculture is the top industry in Skagit County. According to the Washington State University, local farmers produce about $300 million worth of crops, livestock, and dairy products on approximately 100,000 acres of land. Over 90 different crops are grown in the County, including blueberries, raspberries, strawberries, tulips, daffodils, pickling cucumbers, specialty potatoes, Jonagold apples, green peas, and vegetable seed. More tulip, iris, and daffodil bulbs are produced in Skagit County than in any other county in the U.S. Ninety-five percent of the red potatoes grown in the state of Washington are from Skagit County. Agriculture-dependent industries, including resource providers such as fertilizer and seed, agricultural equipment, and related businesses will also be impacted resulting from the loss of rail availability. In addition to food and fiber products, agriculture provides habitat for swans, snow geese, and dabbling ducks.

   b. Access to rail transportation is vital to the regions' businesses, and their ability to employ workers. Burlington is home to manufacturers and other industries that rely on rail to receive raw materials and ship product, including lumber and other building materials. One local building materials manufacturer reports that it ships 7 to 10 railcars per week on average, which is a significant portion of its business. As sales expand, much of that growth will be dependent on rail shipments. Without rail access or service, this manufacturer would have to substantially reduce running hours as it would not be competitive in many North American markets.

   c. Congestion results in enormous costs to shippers, carriers, and the overall economy. Increasing costs has the practical effect of discouraging economic development, while encouraging existing businesses to relocate out of Skagit County. In addition, increased costs encourage the transformation of land to

uses other than agriculture, leading to a decline of the agriculture industry and decreased habitat for species that rely on agricultural lands.

d. The City of Burlington's solid waste stream is transported out of Skagit County by rail. The costs of rail congestion will increase the costs of solid waste disposal, which will impact all Burlington residents and businesses (as well as all businesses and residents located throughout Skagit County.) Rising costs in solid waste disposal frequently results in residents adopting alternative means to dispose of waste, usually through illegal dumping.

3. Suggested Analysis. NEPA requires that where several actions have a cumulative . . . environmental effect, this consequence must be considered in an EIS." Te-Moak Tribe of W. Shoshone of Nev. v. U.S. Dep't of Interior, 608 F.3d 592, 602 (9th Cir. 2010) (citation and internal quotation marks omitted). An economic analysis of the indirect costs of the Project should be performed that includes a hard look at the consequences of increased transportation costs for local businesses resulting from the Project, and a determination of who will bear those costs. The EIS should estimate the net new job gain or loss in Skagit County, the gain or loss of tax revenue, and the future economic activity that may not occur due to the impact).

4. **Alternatives/Mitigation Strategies.** Two alternatives have been identified. The first is to double-track the mainline in Skagit County, which would allow trains to pass on one track while servicing local businesses on the other. The second alternative would be for the BNSF to build a rail spur loop in Burlington's industrial park, which would allow servicing trains to pull off of the main line to service local industries with limited disruptions.

E. SOCIO-ECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

1. Executive Order 12898. Executive Order 12898 and its accompanying memorandum have the primary purpose of ensuring that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations ..." The Executive Order also explicitly called for the application of equal consideration for Native American programs. To meet these goals, the Order specified that each agency develop an agency-wide environmental justice strategy.

2. Description of Impact. Older trains spew high amounts of carcinogenic diesel particulates, and there is no guarantee that newer trains would be used in the Northwest. That could harm people living or working close to the tracks, which tend to run through poorer neighborhoods. In addition, noise and traffic impacts will lead to particular impacts on low income residents whose homes are situated adjacent to train tracks.

3. Suggested Analysis. The EIS should examine the particular impacts on low income populations, including health effects and impacts on property values.

Office of the Mayor
833 South Spruce Street, Burlington, WA 98233 • Phone (360) 755-0531 • Fax (360) 755-1297 • cityhall@ci.burlington.wa.us

Exhibit "A"

BNSF Skagit River Bridge, November, 1995

Office of the Mayor
833 South Spruce Street, Burlington, WA 98233 • Phone (360) 755-0531 • Fax (360) 755-1297 • cityhall@ci.burlington.wa.us

12 THE SPEAKER: My name is Ramon Hayes. I'm the
13 mayor of the Town of La Conner. And thank you for
14 putting together this forum.
15 I know there is a lot of feelings of many of you
16 here today totally opposed to the concept of coal as an
17 energy and then those who say, hey, we need the jobs.
18 All of those positions are understandable, but the more
19 I look into this, the more questions I have. And I'm
20 certainly not comprehensively informed entirely to my
21 satisfaction on this issue.
22 It seems to me the more questions I ask, the more
23 questions get raised. Several of those questions if the
24 terminal at Cherry Point is not constructed, will those
25 trains simply still come through this area and right on

1 up to Canada, and is there anything we can do to control
2 the flow of traffic with trains in an increased number?
3 So my comment today and with the many mitigation
4 issues involved with this situation, but the one that I
5 would like to highlight if, in fact, those trains aren't
6 -- is transportation, and transportation absolutely has
7 to be a component of your study and the impacts that
8 would affect many people, not only in Bellingham and
9 other areas, but the area I'm concerned about is Skagit
10 County along the I-5 corridor, to be quite honest with
11 you.
12 I believe that those that would benefit, the
13 companies from this would have to participate also
14 financially in funding those infrastructure improvement
15 projects.
16 So that's my comment, and I thank you for your
17 time.

City of MOUNT VERNON

December 12, 2012

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Re: Proposed Gateway Pacific Terminal Project

Dear Sir or Madam:

The City of Mount Vernon ("the City") is closely following the Gateway Pacific Terminal (GPT) Project proposed by Pacific International Terminals, Inc., through SSA Marine which includes the development of a multi-user import and export marina terminal for bulk, break-bulk, and other marine cargoes and the Burlington Northern Santa Fe (BNSF) Railway's Custer Spur Rail Expansion project ("the GPT Project"). This letter is intended to serve as the City of Mount Vernon's scoping comments for the GPT Environmental Impact Statement and is submitted to you on behalf of the Mayor of the City of Mount Vernon and the Mount Vernon City Council.

The City contains within its jurisdictional boundaries the BNSF railine. This rail line has five at-grade railroad crossings located within the City (two of which cross heavily traveled state routes; **Exhibit A**), one just east of College Way and Riverside Drive, the busiest intersection in the County, and another at Kincaid Street which is at the entrance to Mount Vernon's historic downtown and the location of the County Courthouse, Jail and City Hall. As explained below, it is expected this rail line, including at-grade crossings, will be utilized to serve the Project.

The City is required to prepare, manage, and expend substantial funds and resources when an emergency presents itself. To that end, the City operates both a police department and a fire department that provides emergency medical services both within the City and outlying areas in the event mutual aid is required. A regional hospital district, Skagit Public Hospital District One, is located within the City. In addition, Mount Vernon is located along the banks of the Skagit River. There is a substantial and well-documented risk of flooding. River flooding has the potential to cripple key infrastructure, transportation, water, residential areas, and farmland as well as injure life and property. Thus, Mount Vernon not only provides public safety services needed to respond to typical emergency medical services but also provides resources, materials and volunteers all which need to be quickly mobilized along the Skagit River to assist in mitigation of river flooding. In the event flooding is imminent, for example a levee breach occurs; Mount Vernon's emergency plan includes evacuation of citizenry to higher ground. In such an event, time is critical.

The proposed GPT Project would handle import and export of up to 54 million dry metric tons per year of bulk commodities- mostly coal. The project at Cherry Point, if approved, would result in North America's largest coal export facility and the estimate of an addition of eighteen, mile and-a –half long coal trains daily. It is reasonably foreseeable this will create significant delays at at-grade crossings, inhibiting the travel of emergency vehicles, traffic delays and congestion (**Exhibit B**), and endangering pedestrians. Because the proposed project will have off-site impacts, namely the transport of commodities along BNSF rail lines which run through the City of Mount Vernon, the City has clear standing and vested interest in the review process.

The Mount Vernon City Council and Mayor are greatly concerned that the additional rail traffic, proposed by GPT, will result in safety and mobility impacts within the City's most heavily traveled transportation corridors. Traffic delays and congestion have a direct economic impact that will negatively impede business development and investment at a time when the City is removing such obstacles in order to promote economic development. The City spent a great deal of effort and capital on the revitalization of its downtown and envisions significant redevelopment over the next 5-10 years. However, should vehicular and non-motorized travel be impeded as a result of lengthy delays at rail crossings resulting from increased train traffic, this will cause a significant reversal to adopted redevelopment plans for the downtown.

Based on the aforementioned concerns, the City respectfully requests that the EIS carefully consider in its scope the regional impacts of this proposal beyond Whatcom County including impacts to the City of Mount Vernon. As part of the analysis, the City believes full consideration of alternatives as well as mitigation measures designed to alleviate the conflicts between rail traffic and our system of roadways are in order.

As you are aware, lead agency(s) cannot limit consideration to those aspects within its jurisdiction, such as local and state boundaries. When determining the scope and agency must include in their review related connected actions and cumulative actions which when viewed with other proposed actions have cumulatively significant impacts. It is clear on its face that completion of the GPT Project will inevitably and automatically trigger an increased commitment of rail resources, more particularly, an increase in rail freight traffic. Such related connected and cumulative actions must be considered within the scope of your EIS. To fully understand such impacts to the City, the following is requested:

- An examination of the amount and character of travel upon all crossings within Mount Vernon and all dangers proposed by increased delays to such crossings. The amount and character includes use by the City, Skagit County, and all Fire Districts emergency responders for fire, police, and ambulance services for access to the residences and business in the area in response as mutual aid or primary roles as the case may be and the need to utilize such crossings to provide for evacuation of citizenry or mobilization and staging of resources during catastrophic events such as flooding.
- A complete evaluation and potential mitigation of the transportation impacts to at-grade rail crossings including delays to traffic and emergency response time and impacts to passenger rail traffic at full build out. Reasonable alternatives such as separation of the grade crossing or relocation need to be thoroughly explored.
- Analysis of the physical impacts, including increased wear and tear on rail/street crossings from additional freight traffic.
- Analysis of the economic impacts to businesses as a result of traffic congestion and delays resulting from at-grade crossings at Kincaid Street, Blackburn Road and College Way.
- Analyze noise impacts to residential uses along the rail line within the City limits and identify appropriate mitigation.
- Analysis of all pedestrian safety concerns.
    - *Please refer to **Exhibit A** for all at grade crossings to be examined for impacts and mitigation.*

It is imperative that any and all significant probable adverse environmental impacts must be considered including direct, indirect, cumulative and future impacts. Reasonable alternatives and mitigation must be considered. To that end, the City anticipates that the lead agencies will provide complete and comprehensive answers to questions relating to those impacts as well as the proponent's plans to mitigate those impacts, the timeframe for implementing measures to mitigate impacts and a financial plan that pays for mitigation measures without negatively burdening the local jurisdiction.

The Mount Vernon Council and Mayor request that all costs associated with mitigating the negative impacts associated with the proposed project shall not be borne by Mount Vernon or Skagit County residents.

As a party with a clear interest in this proposal, Mount Vernon respectfully requests that all SEPA/NEPA notifications be sent to the following when notification is required under your rules:

Jana Hanson
Community and Economic Development Director/SEPA Official for the City
PO Box 809
910 Cleveland Avenue
Mount Vernon, WA 98273

The City looks forward to beginning constructive participation and providing further input in this matter. If you have any questions, please do not hesitate to contact Jana Hanson, the City's Community and Economic Development Director at 360-336-6214.

Sincerely,

Jill Boudreau, Mayor

Joe Lindquist, City Councilman – Ward 1

Ken Quam, City Councilman – Ward 1

Mark Hulst City Councilman – Ward 2

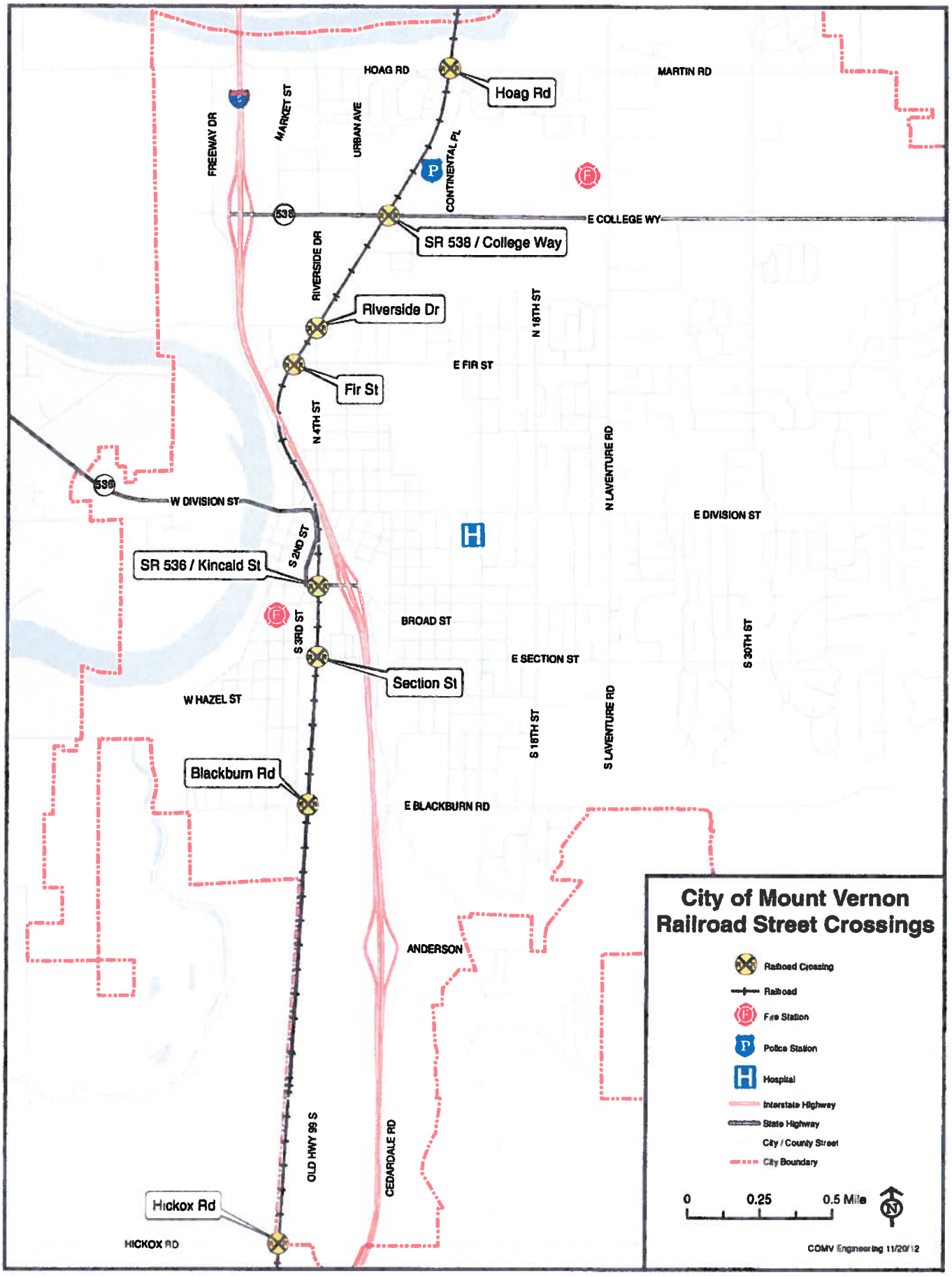
Gary Molenaar, City Councilman – Ward 2

Bob Fiedler, City Councilman – Ward 3

Mike Urban, City Councilman – Ward 3

Dale Ragan
City Councilman – At Large

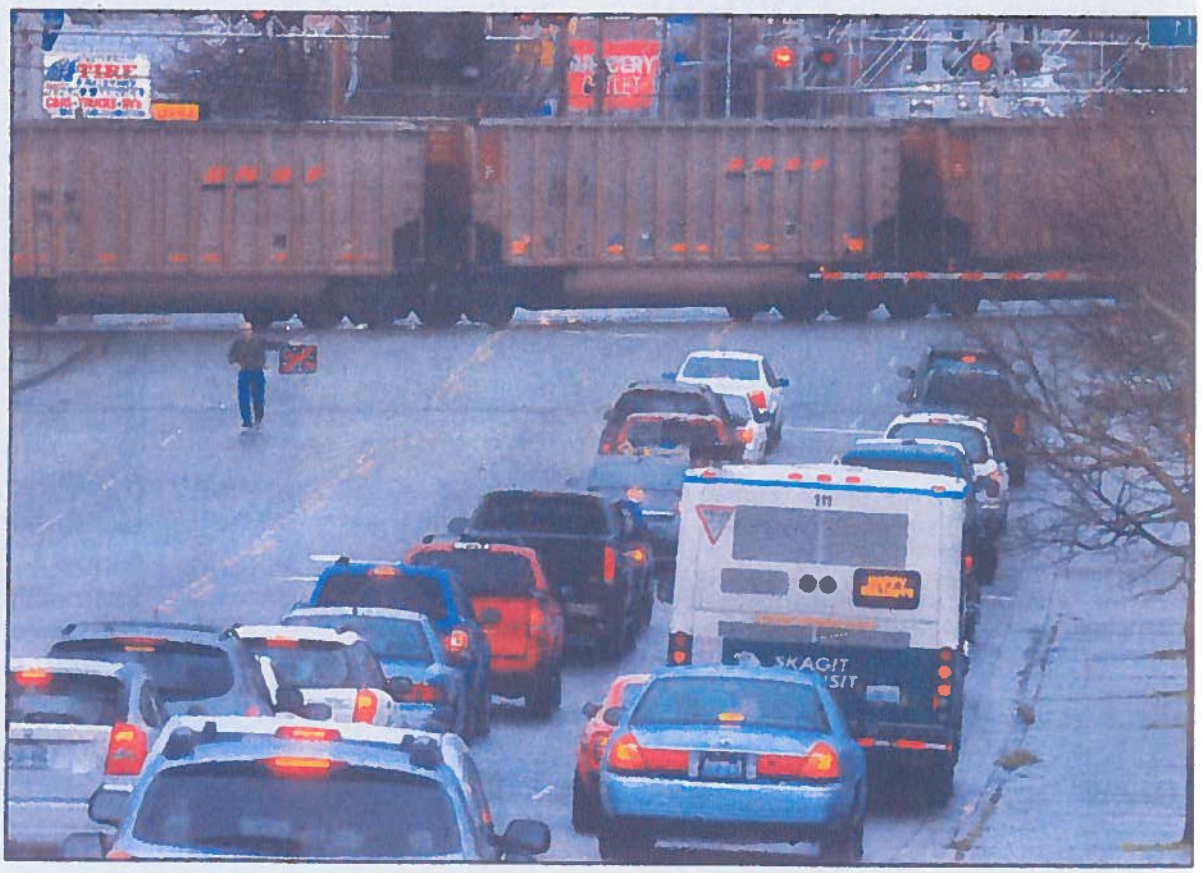
Exhibit A


HOAG RD
Hoag Rd
MARTIN RD
FREEWAY DR
MARKET ST
URBAN AVE
CONTINENTAL PL
538
E COLLEGE WY
SR 538 / College Way
RIVERSIDE DR
Riverside Dr
N 16TH ST
E FIR ST
Fir St
N 4TH ST
N LAVENTURE RD
W DIVISION ST
E DIVISION ST
S 2ND ST
SR 536 / Kincaid St
BROAD ST
S 3RD ST
E SECTION ST
S 30TH ST
Section St
W HAZEL ST
S 16TH ST
S LAVENTURE RD
Blackburn Rd
E BLACKBURN RD
ANDERSON
OLD HWY 99 S
CEDARDALE RD
Hickox Rd
HICKOX RD
City of Mount Vernon
Railroad Street Crossings
Railroad Crossing
Railroad
Fire Station
Police Station
Hospital
Interstate Highway
State Highway
City / County Street
City Boundary
0
0.25
0.5 Mile
COMV Engineering 11/20/12

Stalled train snarls traffic in Mount Vernon

Some see incident as glimpse of coal train troubles

By KATE MARTIN
Staff Writer



Scott Terrell / Skagit Valley Herald

A southbound Burlington Northern Santa Fe train blocks traffic along Riverside Drive Thursday morning in Mount Vernon. Lyle Gerrits, owner of Northwest Fine Furnishings on Riverside Drive, took advantage of the situation to break out the "No coal train" poster, protesting the proposed Gateway Pacific Terminal at Cherry Point north of Bellingham.

MOUNT VERNON – A Burlington Northern Santa Fe train stalled in the heart of Mount Vernon Thursday morning, snarling traffic along West Fir Street, Riverside Drive and College Way.

The train halted traffic for 45 minutes to an hour, said Mount Vernon Police Sgt. Peter Lindberg. The train was moved about 10:45 a.m.

BNSF spokesman Gus Melonas said mechanics inspected the train for what appeared to be a locked wheel.

The engine was located beneath the Second Street viaduct, with the train cars to the north. Mount Vernon police say there were no injuries or traffic collisions reported.

"It didn't cause us a problem, but it had a potential to cause us a problem," said Mount Vernon Fire Department Chief Roy Hari.

He said his engines at Station 2 on LaVenture Road could only get to the other side of the railroad tracks by using the Second Street viaduct.

"If we have to go anywhere from there and it's blocking Kincaid, it makes it quite interesting to get around town if you have a train parked in the middle of the city," Hari said.

Lyle Gerrits, owner of Northwest Fine Furnishings on Riverside Drive, took advantage of the traffic jam to wave a sign protesting the proposed Gateway Pacific Terminal in Bellingham. The terminal would export bulk commodities to Asia, including coal from America's Midwest, and bring as many as 18 additional trains through Mount Vernon and Burlington.

Gerrits met one of the terminal's supporters, who was sitting in traffic in front of his store. The man was upset at Gerrits' sign, which read "Coal Train" with a red "X" symbol through the words.

"He said 'that means 800 jobs,'" Gerrits said. "Yeah, for the hospital, for doctors, for nurses, the car repair folks."

Gerrits said he also owns a farm in Blanchard that is within a quarter mile of the train tracks.

"I don't see what the benefits are," he said. "Temporary jobs and long-term consequences aren't good."

Skagit 911 Director Bill King said emergency dispatchers were aware of the trains blocking the intersections.

"We make sure that all of our user agencies are notified" when intersections are blocked, King said. "Knowing where they can go beforehand is usually a lot of help to them."

The 911 center attempts to figure out what is wrong with the train and a timeline for its removal, as well as if there are any hazardous materials on board that first responders might need to know about, King said.

Skagit Transit buses also sat in the traffic jam for the duration. A notification on the agency's Twitter account posted at 10:30 a.m. said, "All Mount Vernon buses are stalled due to trains." A spokesman with the agency did not return calls seeking comment.

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/Attorney

January 4, 2013

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Re: Proposed Gateway Pacific Terminal Project

To Whom it May Concern:

The City of Sedro-Woolley ("the City") is closely following the Gateway Pacific Terminal (GPT) Project proposed by Pacific International Terminals, Inc., through SSA Marine which includes the development of a multi-user import and export marina terminal for bulk, break-bulk, and other marine cargoes and the Burlington Northern Santa Fe (BNSF) Railway's Custer Spur Rail Expansion project ("the GPT Project"). This letter is intended to serve as the City of Sedro-Woolley's scoping comments for the GPT Environmental Impact Statement

The City contains within its jurisdictional boundaries the BNSF Sumas line. This rail line has five at-grade railroad crossings located within the City (one of which crosses a heavily traveled state route and another crosses the main entrance to downtown). Our city is also directly impacted by the at-grade crossings on the main line at SR 20 in Burlington and on Cook Road in unincorporated Skagit County. Additionally, the BNSF Skagit River bridge has been declared a public safety hazard by the Sedro-Woolley City Council due to its past failures and current jeopardy during any Skagit River high water events. As explained below, it is expected the main line, including at-grade crossings leading to Sedro-Woolley and the BNSF Skagit River Bridge, will be utilized to serve the Project. We are also expecting an increase in traffic on the Sumas line as a result of the increased utilization of the main line from this project.

The City is required to prepare, manage, and expend substantial funds and resources when an emergency presents itself. To that end, the City operates both a police department and a fire department that provides emergency medical services both within the City and in Skagit County Fire Protection District 8. The City also provides emergency services to other outlying areas in the event mutual aid is requested. A regional hospital, United General Hospital is located within the City. In addition, a portion of Sedro-Woolley is located along the banks of the Skagit River and a significant area of the City is expected to be impacted in flood events. There is a substantial and well-documented risk of flooding. It is also well known and documented that the BNSF Skagit River Bridge has had and could have a significant impact on the effects of any particular flood event including backing water up the River to the east and/or in a total failure scouring the River to the west causing catastrophic loss of life and property. We believe

additional freight traffic on this failed bridge could exacerbate the risks of another failure during high water events and specifically ask that the replacement of this bridge be included in the scope of the EIS for this project.

The proposed GPT Project would handle import and export of up to 54 million dry metric tons per year of bulk commodities- mostly coal. The project at Cherry Point, if approved, would result in North America's largest coal export facility and the estimate of an addition of eighteen, mile and-a –half long coal trains daily. It is reasonably foreseeable this will create significant delays at at-grade crossings, inhibiting the travel of emergency vehicles, traffic delays and congestion. Because the proposed project will have off-site impacts, namely the transport of commodities along BNSF rail lines which directly impact the City of Sedro-Woolley, the City has clear standing and vested interest in the review process.

Based on the aforementioned concerns, the City respectfully requests that the EIS carefully consider in its scope the regional impacts of this proposal beyond Whatcom County including impacts to the City of Sedro-Woolley. As part of the analysis, the City believes full consideration of alternatives as well as mitigation measures designed to alleviate the conflicts between rail traffic and our system of roadways are in order.

As a party with a clear interest in this proposal, Sedro-Woolley respectfully requests that all SEPA/NEPA notifications be sent to the following when notification is required under your rules:

John Coleman, AICP
Planning Director/SEPA Official for the City
325 Metcalf Street
Sedro-Woolley, WA 98273

The City looks forward to beginning constructive participation and providing further input in this matter. If you have any questions, please do not hesitate to me or Mr. Coleman.

Sincerely,

CITY OF SEDRO-WOOLLEY

Eron Berg

Mount Vernon Schools *Successful Learners Strengthening Our Community*

December 19, 2012

To: GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue, NE., Suite 400
Bellevue, WA 98004

From: Board of Directors
Mount Vernon School District No. 320

Re: Gateway Pacific Terminal, Request for Scoping Review

Please accept this letter on behalf of Mount Vernon School District No. 320 in regards to the scoping process for the environmental review associated with the GPT/BNSF Custer Spur project.

We are requesting that you investigate and study the impacts of the proposed project on the transportation of Mount Vernon School District students to and from our 9 school sites throughout the school year.

Our school district encompasses approximately 66 square miles in and around the Mount Vernon City limits. Our buses, which transport 4,500 students daily, cross the existing railroad tracks a total of 140 times each day. As a result, we are very concerned about the proposed increase in train traffic along existing tracks.

Delays caused by increased train traffic will extend the amount of time students are on school buses, disrupt school schedules, and increase bus driver time.

We ask that during your review process, you analyze the impact of increased train traffic on student transportation and address specific solutions.

If you require additional information, please feel free to contact our superintendent's office at 360-428-6181.

Sincerely,

Mount Vernon School District
Board of Directors and Superintendent

Robert Coffey, Board Member

LuAnne Burkhart, Board Member

T.J. Larrick, Board Member

Audrey Olson, Board Member

Larry Otos, Board Member

Carl Bruner, Superintendent

(360) 428-6110 fax (360) 428-6172 • 124 East Lawrence Street • Mount Vernon, WA 98273
www.mountvernonschools.org

Port of Skagit

September 13, 2011

Department of Ecology
Environmental Review
P.O. Box 47703
Olympia WA 98504-7703

Re: Proposed Gateway Pacific Terminal Project

To Whom It May Concern:

The Port of Skagit has received information presented to the Skagit Council of Governments in late July regarding the proposed Gateway Pacific Terminal Project and our comments have been requested.

As a port we generally support projects such as this which have economic importance regionally and nationally. Also as a port, we do not consider it our role to become involved in the debate over many of the other non-economic issues (both pro and con) this project might entail. Our purpose is local economic development leading to the creation of good family wage jobs in our community. Let there be no doubt, the Gateway project as currently proposed will have a very significant negative impact on our local economy.

Specifically, a great deal of the job creating economic activity in our community is dependent upon ready east/west traffic movement of cars and trucks. There are some eight "at grade" rail crossings that currently block local business related traffic when trains pass through. Even the most cursory review of the Gateway proposal shows that the additional trains required to supply the new terminal with coal will further obstruct traffic, and have a negative impact on economic development in our community leading to a net loss of jobs. This problem could be at least partially solved by the construction of overpasses at certain key locations.

The Port of Skagit's support for this project is dependent upon solutions for at least the traffic issue being carefully studied, with the required funds to solve the problem being incorporated into the budget of the Gateway project itself, rather than taken from Port of Skagit taxpayers.

Administrative Offices | Airport • 15400 Airport Drive, Burlington, WA 98233 | phone 360 757 0011 | fax 360 757 0014 | web www.portofskagit.com
La Conner Marina • 613 North 2nd, P.O. Box 1120, La Conner, WA 98257 | phone 360 466 3118 | fax 360 466 3119 | web www.portofskagit.com

The notion of "he who benefits pays" is considered fundamentally fair in America, and we believe it is fully applicable to the Gateway project's effect on our community.

We respectfully request that the project proponents be required to incorporate appropriate east/west transportation solutions with this project.

Yours truly,

Kevin Ware

Jerry Kaufman

Bill Shuler

Skagit Regional Health
Skagit Valley Hospital · Skagit Regional Clinics

November 1, 2012

GPT/BNSF Custer Spur EIS Co-lead Agencies
1100 112th Avenue Northwest, Suite 400
Bellevue, Washington 98004

RE: Request for scoping review

To whom it may concern:

Please accept this letter on behalf of Skagit Regional Health in regards to the scoping process for the environmental review associated with the GPT / BNSF Custer Spur project.

I am requesting that you investigate and study the impacts caused by the proposed project on the level of service to and from Skagit Valley Hospital in Mount Vernon and to and from our multiple clinic sites in Skagit and Snohomish counties.

The proposed increase in train utilization along the existing tracks is a concern that needs to be addressed. Our hospital district takes in approximately 10 crossings beginning with the Fir Island Road crossing in Conway to the south and ending with the Hoag Road crossing in Mount Vernon to the north.

Travel time during an emergency is a critical component to the quality of care that our patients receive and any delays can have a negative impact on outcomes. Delays caused by having to re-route around crossings that are closed due to extended train traffic will increase the time it takes to access the hospital and clinics.

I ask that you take our concerns regarding potential effects on patient care seriously during your environmental impact review process by studying the impact of increased train traffic on emergent access to health care services and addressing specific solutions.

Thank you for ensuring that our concerns are addressed through your scoping and environmental review process. If you need additional information, you may contact me at 360-419-7442.

Respectfully submitted,

Bruce G. Lisser
President, Board of Commissioners
Skagit Valley Hospital District No. 1

P.O. Box 1376 · 1415 East Kincaid · Mount Vernon, WA 98273-1376 phone 360-424-4111 fax 360-428-2475 web skagitregionalhealth.org

Skagit Valley Hospital · Skagit Regional Clinics · Skagit Valley Hospital Regional Cancer Center · Skagit Valley Kidney Center · Skagit Wound Healing Center
Skagit Regional Heart & Vascular Institute · The Breast Institute · Hospice of the Northwest · Skagit Valley Hospital Foundation · Cascade Skagit Health Alliance

SKAGIT COUNTY
BOARD OF COMMISSIONERS

RON WESEN, First District
KENNETH A. DAHLSTEDT, Second District
SHARON D. DILLON, Third District

January 3, 2013

GPT/Custer Spur EIS Co-Lead Agencies
c/o CH2M Hill
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

RE: Gateway Pacific Terminal / Custer Spur EIS Scoping Comments

Greetings,

We write to provide comments and input relevant to the Gateway Pacific Terminal / Custer Spur EIS scoping (GPT EIS). Please make this comment letter part of the official record of this action.

We are concerned about the potential impact within Skagit County arising from additional coal trains along the main Burlington Northern Santa Fe (BNSF) freight line, which passes through Skagit County's urban core, bisecting the cities of Mount Vernon and Burlington. A portion of this line traverses at-grade street crossings throughout Skagit County, including streets connected to on-ramps and exits from Interstate 5. Among other things, we are concerned about:

- Degradation of transportation levels of service in Skagit County, and the resultant implications under our State's Growth Management Act;

- Impacts to the community's transportation grid, including possible impacts on emergency access point as well as the economic impacts arising from substantially increased delay at BNSF crossings;

- Impacts to passenger rail service;

- Additional train traffic on the BNSF Bridge over the Skagit River that this proposal will occasion. The BNSF Bridge is an outdated structure that regularly creates backwater conditions during flood events, and has the potential to jeopardize the safety of Skagit County citizens.

Skagit County has a duty to ensure activities related to the project are done in a manner that does not threaten our irreplaceable environment and quality of life. In light of the foregoing, we request that the Gateway Pacific Terminal/Custer Spur EIS include within its scope a systemic analysis of potential impacts to Skagit County, including but not limited to regional transportation and economic impacts. Please make Skagit County a party of record to this action. We thank you for the opportunity to comment on this proposal.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

cc: Mayor Jill Boudreau (Mount Vernon)
Mayor Steve Sexton (Burlington)
Mayor Mike Anderson (Sedro-Woolley)
Mayor Dean Maxwell (Anacortes)
Mayor Ramon Hayes (La Conner)
Mayor Debbie Heinzman (Lyman)
Mayor Judd Wilson (Concrete)
Mayor Appoint, Town of Hamilton

Name: Williams, Phil

Date: Jan. 22, 2013

City: Edmonds

Part: Rail

Human environment: Noise, Human health, Traffic or safety, Other human environment topic

EIS process: Area of potential effect, Other EIS process topic

Comment:

I am the Public Works and Utilities Director for the City of Edmonds. I am submitting the following information and requests electronically on behalf of the City. The letter has also be mailed to the address specified.

January 18th, 2013

To: Co-lead agencies for the subject EIS
GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Alice Kelly
Northwest Regional Office, Department of Ecology

Randel Perry
U.S. Army Corps of Engineers, Regulatory Branch
Northwest Field Office

Tyler Schroeder
Planning and Development Services, Whatcom County
RE: GPT/BNSF Custer Spur EIS
From: City of Edmonds
Subject: Comments regarding scoping

The City of Edmonds wishes to provide comment regarding the scope of the subject EIS being prepared by the Department of Ecology (Ecology), the U.S. Army Corps of Engineers (USACOE), and Whatcom County as co-lead agencies.

Edmonds City Council adopted resolution No. 1280 on July 13th, 2012 expressing significant concerns about the potential for increased rail traffic related to the Gateway Pacific Terminal proposed by SSA Marine for Cherry Point in Whatcom County. A copy of that resolution is attached. We ask that it specifically be made a part of the scoping summary report.

Edmonds has 4 ½ miles of shoreline on Puget Sound. Throughout that distance BNSF operates either a single rail line or a double track system. BNSF is in the process of converting their entire frontage in Edmonds to a double track system but the timing of that project has not been released by BNSF. It would appear, based on information made available to date, that virtually all freight destined for shipment from this proposed terminal would pass through Edmonds on existing BNSF rail lines. This trackage currently handles an average of 45 trains each day, including both freight and passenger trains. Each movement through Edmonds blocks both Dayton and Main streets either in sequence (passenger trains) or simultaneously (freight trains). This existing level of train traffic already creates a number of significant issues for our citizens and visitors.

Emergency Response

When a train passes one of Edmonds' at-grade crossings emergency vehicles must wait for it to clear before a response can be made. This includes law enforcement, fire suppression, and paramedic/ambulance services. The portion of Edmonds cut-off by passing trains includes the Edmonds Senior Center, two City parks, a nationally known dive park, four restaurants, the Port of Edmonds with 897 slips, a busy Dog Park, a sizeable office building, and residential condominiums. Accounting for the average speed of freight and passenger trains through Edmonds and their respective average lengths, this creates a total of approximately 4 ½ hours of blockage each day with more than 90% of that from freight trains. That is 4 ½ hours each day where emergency responders can't get to those who need their services. This is the current situation. Any further reduction in response times would be unacceptable. Train traffic is estimated to grow from 45 trains per day (TPD) to 70 TPD by 2020 and 104 TPD by 2030. The 9-18 coal trains necessary to supply the proposed terminal analyzed by this EIS is the single biggest, identifiable block of new rail traffic being proposed. Now is the time to analyze the impacts of rail traffic growth on Cities that host BNSF rail lines. There may never be another opportunity to do so. Train traffic is likely to grow slowly over time to the levels cited above. It is quite possible we won't see another major EIS on a new facility as dependent on rail as this one is. The EIS

process for this project needs to thoroughly evaluate the environmental, social, economic, and transportation impacts that are clearly foreseeable when looked at as part of the underlying growth of rail traffic in Washington State. This is an issue of public safety for the City of Edmonds and several other cities in our state.

Edmonds requests the scope of the EIS include a detailed study of the baseline interference to traffic patterns between trains and vehicle traffic at both Dayton and Main streets and then project the change in those patterns out to the year 2030, including, but not limited to, projected coal train traffic. The study should identify possible alternatives to resolving these conflicts which can be analyzed as possible mitigation for this project.

Ferry Traffic Interruption

Edmonds hosts the only remaining location where ferry loading and unloading operations are at grade over BNSF rail lines. This results in significant and increasing delays to all modes of travel. With train traffic increasing over time this problem will become only more acute. The Edmonds/Kingston route carries more vehicle traffic than any other route in the Washington State ferry system (2010/2011 totals). It also carries nearly 4 million passengers each year, second only to the Bainbridge Island crossing. This connection is a critical part of the Puget Sound transportation network for commuting, tourism, and freight. The additional delays inherent to increased rail traffic, particularly by long, relatively slow coal trains, will be considerable. Unmitigated, these delays could begin to impact ferry schedules and capacity. The volume of both passengers and vehicles choosing to use the ferry system could be reduced as a result. This would reduce revenues to the system and place more vehicles on our busy highways. There is also an issue of safety at these two crossings. Edmonds has experienced two train/vehicle accidents in the last three months, one where a passenger train struck a very large semi-tractor trailer at Main Street illustrating the significant safety concerns at this location. This issue needs additional and detailed analysis leading to specific proposals to eliminate this at-grade conflict. The EIS should study these interferences with Ferry system operations and make reliable projections based on expected conditions out to 2030. This information can be used in conversations regarding mitigation should the project continue to move forward.

Noise

The 45 trains that come through Edmonds each day blow their whistle at each of our two crossings. That is a total of eight for each train or 360 high-intensity blasts every 24 hours which could rise to over 800 in the future. These horns are required by the FRA to put out a minimum sound pressure level of 96 dBA and a maximum of 110 dBA at a 100 foot distance in front of the train. This is occurring in an area where over two million cars and four million people transit, many of them twice each day. The most acute exposures are likely to be to walk-on ferry riders, people waiting for a Sounder or Amtrak train, and citizens trying to enjoy the public amenities at Edmonds' waterfront parks. These noise levels are well above levels that can cause hearing loss to those not wearing hearing protection. It is also loud enough, according to available research, to cause significant interruption to normal conversation as much as a mile and a half from the track. No comprehensive study has been conducted in Edmonds that measures the sound level and impacts of train whistles on hearing loss, sleep patterns, real estate prices, or stress levels. Such a study should be completed that is Edmonds-specific and projects to 2030 train traffic levels so that noise abatement strategies can be discussed intelligently during deliberations about mitigation. In the alternative, project proponents should commit to the establishment of a complete "Quiet Zone" for downtown Edmonds two crossings that incorporates all of the available strategies to enhance pedestrian and vehicle safety while eliminating the need for train whistles.

PDF Attachment: **Resolution_1280.pdf**

RESOLUTION NO. 1280

A RESOLUTION OF THE CITY OF EDMONDS EXPRESSING CONCERN ABOUT IMPACTS FROM INCREASED RAIL TRAFFIC IN EDMONDS RESULTING FROM THE PROPOSED SSA MARINE GATEWAY PACIFIC RAIL TERMINAL PROJECT LOCATED IN WHATCOM COUNTY AND REQUESTING THE PRINCIPAL AGENCIES REVIEWING ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR SAID PROJECT, INCLUDING WHATCOM COUNTY, WASHINGTON DEPARTMENT OF ECOLOGY, AND THE UNITED STATES CORPS OF ENGINEERS, STUDY AND IDENTIFY THE IMPACTS TO THE CITY OF EDMONDS, AND THAT AT LEAST ONE OF THE EIS SCOPING HEARINGS BE HELD IN EDMONDS

WHEREAS, SSA Marine proposes to develop a coal and commodities export facility called Gateway Pacific Terminal (GPT) located in Whatcom County near the Cherry Point area of Bellingham Washington; and

WHEREAS, Whatcom County, Washington Department of Ecology and the United States Corp of Engineers have entered into a Memorandum Of Understanding (MOU) to jointly promulgate a required Environmental Impact Statement (EIS) and are currently scoping the EIS for the GPT project; and

WHEREAS, potential adverse impacts from the proposed GPT project, such as reduced air and water quality, increased noise levels, decreased ability to provide effective emergency response, increased risk of accidents, and impediments to transportation and pedestrian movements, will be experienced by communities along rail line corridors within the Puget Sound region; and

WHEREAS, the City of Edmonds is concerned about the probable adverse economic and environmental impacts to our community resulting from increased rail traffic; and

WHEREAS, as a result of future GPT operations, an addition of nine to eighteen coal related trains per day, each with up to four engines and 125 cars and/or 1.5 miles in length, would equate to approximately one additional coal train every 1.3 hours passing through Edmonds, all day long, in addition to existing and projected train traffic; and

WHEREAS, Burlington Northern Santa Fe rail lines run along 4.5 miles of Edmonds' coastline which is lined with single and multifamily homes, the Port of Edmonds, Edmonds Senior Center, Washington State Ferry

Terminal, Sound Transit and Community Transit Commuter Rail and Bus Station, City beaches and parks, including a nationally recognized 27-acre underwater dive park; and

WHEREAS, in Edmonds, Dayton and Main Streets/SR/104, critical arterial streets used to access the City's waterfront, intersect with an existing BNSF rail line and in the near future, two BNSF rail lines at grade, and these at-grade rail crossings slow the movement of people and goods between downtown Edmonds and the City's waterfront, thus creating mobility and safety hazards; and

WHEREAS, the Dayton Street crossing is the primary access to the Port of Edmonds, Marina Beach Park, Olympic Beach Park, Edmonds Senior Center, restaurants, businesses, residential units, etc., and the Main Street/SR104 crossing serves as the access and exit corridor for the Washington State Ferry Terminal, 27-acre Underwater Dive Park, Edmonds Senior Center, restaurants, businesses, residential units, etc.; and

WHEREAS, under existing conditions and without the additional train traffic proposed by the GPT project, loading and unloading of vehicles at the Washington State Ferry Terminal are routinely disrupted by existing trains moving along the mainline railroad tracks and such vehicles must cross existing/future BNSF rail line(s), the only at grade crossing in the Washington State Ferry System, and the addition of nine to eighteen coal related trains per day will increase the disruption of loading and unloading of vehicles at the Washington State Ferry Terminal; and

WHEREAS, due to reduced train speeds through the City of Edmonds and the need to lower approach warning crossing barriers at Main and Dayton Streets simultaneously due to their close proximity, rail crossing barriers for each train at each controlled crossing would need to be down for approximately 6-8 minutes for 1.5 mile long freight trains; and

WHEREAS, with the number of all trains per day expected to increase from the current 40 (weekday average) to as many as 70 by 2020 and 104 in 2030, the City is concerned that increased rail traffic generated from the Gateway Pacific Terminal project has the potential to adversely affect local environment and economy of Edmonds in the following ways:

- Effective emergency response times could be threatened if response times for police and fire are interrupted more frequently, and for longer periods of time, due to the length of each train
- Reductions in overall system mobility, i.e., pedestrians, bicycles, automobiles, buses, freight, etc.

- Increased risk of accidents (due to increased train traffic through pedestrian and vehicular intersections)
- A significant increase in coal train traffic will more frequently delay general commerce, commuters, and other vehicular traffic, thus impacting economic sustainability, e.g., impediments to Washington State Ferries operations and freight mobility, decreased tourism and waterfront activities due to congestion, noise, blockage, etc.,
- Delays in existing commuter and passenger train service due to lack of double tracks through Edmonds
- Air and water quality and attendant health impacts due to fugitive coal dust from trains and increased diesel exhaust from the four engines needed to operate each coal train; and the impact of which on the health of Edmonds residents and visitors is yet to be determined; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. We ask that the potential impacts to Edmonds' public health, safety, economy, traffic, and environment be studied by the agencies conducting the environmental review and request that Edmonds be included in any EIS hearing schedule pertaining to any project in the Northwest that may cause significant increases in associated rail traffic traveling via Edmonds.

Section 2. We urge the United States Corps of Engineers, Washington Department of Ecology, and Whatcom County Council to hold at least one of the environmental impact statement scoping hearings in Edmonds and to conduct thorough studies which identify and measure the major impacts to the City of Edmonds that would result from a significant increase in coal train traffic, and that said agencies include the impacts of the proposed increase in rail traffic and those referenced in this Resolution in the scope of the EIS and public hearings at the various stages of the EIS process.

Section 3. The City of Edmonds hereby urges Whatcom County, Washington Department of Ecology, and United States Corp of Engineers to fully study impacts to Edmonds, including but not limited to increased traffic congestion and delays to residents and commerce (including Washington State Ferries operations), potential impacts from coal dust and other particulates, noise, mobility, etc., in the scoping of the EIS for the GPT project,

and that adverse impacts are fully mitigated.

Section 4. That the City of Edmonds requests that the railroad provide representatives to meet periodically with local citizen groups and local government officials from Edmonds to seek mutually acceptable ways to address local concerns.

Section 5. That the City of Edmonds requests that SSA Marine and BNSF identify any improvement plans related to grading, widening, or otherwise providing crossings at intersections that would be necessary to address/mitigate impacts caused by increases in rail traffic and require that SSA and BNSF mitigate impacts by funding the design and construction of these upgrades.

Section 6. That Washington State Department Transportation, Washington Utilities and Trade Commission, Burlington Northern Santa Fe, City of Edmonds, etc., study the issue of capacity and the threshold at which point train operations essentially render connectivity between the City's downtown and Waterfront, SR104/Main Street and Washington State Ferry Terminal ineffective/inefficient/nonfunctional, and that the City's Waterfront ceases to be a place that is easily accessible and can be enjoyed by businesses, restaurants, visitors, tourists, residents, etc.

Section 7. That the City of Edmonds be made a Party of Record for all aspects of the environmental and permitting phases of the GPT project.

RESOLVED this 17th day of July, 2012

APPROVED:

MAYOR, DAVID O. EARLING

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

FILED WITH THE CITY CLERK: 07-13-2012
PASSED BY THE CITY COUNCIL: 07-17-2012
RESOLUTION NO. 1280

PLANNING AND COMMUNITY DEVELOPMENT

EVERETT

Allan Giffen
Director

January 17, 2013

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE Suite 400
Bellevue, WA 98004

RE: City of Everett Comments on Scope of EIS

Dear Lead Agencies:

The City of Everett is located along the BNSF rail lines that have been identified in the information provided to date that will be used to transport coal to the proposed terminal and return empty rail cars to the coal mines. As an affected jurisdiction, Everett is providing the following comments related to the scope of issues to be addressed in the NEPA / SEPA Environmental Impact Statement.

Comments Already Provided: There have been a great number of comments already provided from a wide range of cities, interest groups and citizens, concerning impacts related to traffic, safety, air quality, health, climate change, rail freight capacity, and cumulative impacts of the proposed export terminal, as well as other coal export facility proposals in Washington and Oregon. Everett encourages the lead agencies to fully address the impacts as suggested by those who have already commented on the scope of the EIS.

Additional Information Requested / Potential Environmental Impacts of the Proposal:

The City of Everett asks that the following additional information be addressed in the Draft EIS:

1. Number of additional train trips above current levels that will use tracks within the City of Everett, including number of trains, length of trains, schedule and time required to pass at-grade crossings.

2. Routing of additional train trips. Please identify specific routes to be used by the additional coal train traffic, and the cumulative future train traffic anticipated from both coal trains and other railroad users within Everett. Please also specify alternate routes to be used, if any, in the event of track blockage or closure.

3. Track and related infrastructure improvements necessary to support the additional train traffic, depending upon the scope and location of improvements, this may trigger the need for a shoreline permit within the City.

4. The DEIS should identify in the description of the No Action Alternative the routes that coal trains would use, and the anticipated future train traffic volumes, to transport coal to other potential export facilities. For example, if the Cherry Point Gateway project is not built, would coal trains still use the BNSF tracks in Everett to transport coal to other export facilities in British Columbia, or elsewhere? This description should also identify whether or not there is any mitigation of impacts that would be regulated by existing regulations or project specific mitigation measures from some other environmental review process. This alternative should also compare the job creation figures in Washington and elsewhere (British Columbia) with those anticipated by the proposed project.

The environmental analysis should address the following items under "Impacts and Mitigation Measures:"

5 Air Quality Impacts -Additional train traffic and its associated impacts on air quality through diesel emissions and coal dust. Areas of potential impacts include residential neighborhoods and employment areas along the Everett portion of the BNSF railroad line, and downtown Everett.

6 Traffic Impacts on at-grade rail crossings in Everett, including the cumulative future train traffic anticipated from coal trains and other railroad users in Everett and other communities along all impacted rail corridors. This analysis should also identify mitigation necessary to avoid significant adverse impacts, including infrastructure improvements such as grade separations, and identify the timing and responsibility for funding such improvements. For example, will the project proponents or the railroad be responsible for mitigating traffic LOS impacts created by the project? If not entirely mitigated by the project proponent and railroad, who will be responsible for the balance of costs for infrastructure improvements?

7 Landslide Activity -Impacts of additional train traffic and/or track improvements on slide-prone geologically hazardous hillsides in Everett. There has been an unusually high number of track closures since the start of the current rainy season and geological and drainage analysis of the hillsides should be provided. In the event of track closures, what are the proposed train layover locations.

8 Structural issues -potential effects of additional freight trains on structural integrity of the train tunnel in downtown Everett and buildings located above and adjacent to the tunnel. This analysis should a vibration study and should also identify mitigation necessary to avoid significant adverse impacts.

9 Freight Mobility -impacts on Mount Baker Terminal Rail Barge Transfer facility for Boeing airplane production in Everett and serving the Boeing 747/767/777/787 assembly plant -what are the potential delays on cargo movement between the Mount Baker terminal and the Boeing plant, and how would they be mitigated?

10 Passenger trains -impacts on Sounder and Amtrak schedules resulting from additional train traffic on BNSF mainline, including the cumulative future train traffic anticipated

from coal trains and other railroad users in Everett.

11 Water quality -impacts on water quality in Port Gardner Bay/Possession Sound, the Snohomish River or other water bodies from coal dust, or from trains potentially derailed as a result of a mudslide. A mudslide occurred during the current rainy season resulting in derailment of moving freight cars.

12 Potential impacts (delays) of boat traffic on the Snohomish River waterway. Movement of trains across the river results in closure of the river to boat traffic while the train crosses. Additional closures could negatively affect local business, including commercial marinas that rely on the Snohomish River for access.

13, The City of Everett asked for citizen comments on the draft comments on the scope of environmental analysis. Some of those comments resulted in additions or revisions to this letter. The City is passing along all of the comments it received from Everett citizens as an attachment to this letter.

Thank you for the opportunity to offer comments on the scope of the EIS. If you have any questions about this letter, please contact Dave Tyler, Senior Planner, of this department at (425) 257-7155, or via email at dtyler@everettwa.org.

Sincerely,

Allan Giffen
Director

Cc: Mayor Stephanson
City Council
Debra Bryant, CAA
Pat McClain, Mayor's Office
Dave Tyler, Planning Department

Dave Tyler

From: Allan Giffen
Sent: Monday, December 17, 2012 1:26 PM
To: Dave Tyler
Subject: FW: Coal. Train letter comments
Attachments: Allen Coal Trains.docx

From: doughtyg@comcast.net [mailto:doughtyg@comcast.net]
Sent: Monday, December 17, 2012 1:17 PM
To: Allan Giffen
Subject: Coa. Train letter comments

Allen,
Attached are my thoughts on the City's draft letter concerning the proposed increase in coal trains transiting Snohomish County.

Thanks,
Gary Doughty

Allen,

Below are my comments on the Coal Train Scoping Notice. Please note that I have not read the Notice but I did review the City's draft response. Perhaps some or all of my comments are already incorporated in the draft Scope.

1. What is the projected amount of time that the coal trains will take to pass any given point and at what time of day or days of weeks are coal trains expected to pass through Snohomish County?
2. What is the principal coal train route through Everett? Are there alternative routes available in case of a blockage? Where? Impacts on these routes should also be analyzed for impacts.
3. What is the stopping distance of a coal train at the anticipated speeds?
4. What is the expected increase in the number of pedestrian and vehicle accidents along the BNSF tracks? Where are the most likely pedestrian/vehicle conflicts with coal trains? What streets will be blocked during train stoppages for accident clearing and investigations?
5. What percentage of the track capacity will be utilized by the coal trains as compared to the current track use? How much track capacity will remain?
6. A complete sound and vibration study on the projected increase in unit train trips is necessary. Low frequency sound and vibrations can travel long distances depending on soil/earth and moisture, and may skip some areas to emerge in other areas. (Some Boeing rooftop equipment had to be insulated to prevent impacts to some citizens in Veralene Estates.) If coal trains will transit Snohomish County at night the impact of noise and vibration will be exacerbated by the noise sensitivity of people trying to sleep. What is the projected impact on sleep patterns of affected people? What other normal human activities will be adversely impacted by the increased number of large trains?
7. What additional amount of the day will the Boeing rail service be restricted beyond current levels? How many minutes or hours per day will their access be limited? Are the coal train trips predictably scheduled or are the transit times more random?
8. Boeing probably receives aircraft parts both at the barge terminal and via normal rail routes. How will the addition of 36 coal train trips affect Boeing deliveries?
9. Will the potential disruptions to Boeing rail access affect Boeing's decisions on where to build airplanes or how many airplanes to build at the Boeing facility?
10. A comprehensive freight mobility analysis is required of the coal train impacts on the Port of Everett and other industrial areas/properties, including Smith/Spencer Islands. Will sufficient capacity exist to support existing and potential rail traffic from and to other industrial users?
11. Will coal dust, dust control chemicals or vibration impact fish passage to various streams in Snohomish County? Will spills, dust or other discharges from coal trains along tracts adjoining water bodies impact aquatic life? What mitigation measures are proposed?
12. Will vibration from coal trains cause additional slides in the slide-prone areas of Snohomish County? What impact will these slides, if any, have on other rail traffic, especially passenger rail?
13. In the event of slides where will the coal trains layover? What intersections will be impacted and for how long?

14. What additional areas will require double tracking? If the Everett tunnel will be used, will it become a rail congestion space?
15. What is the impact of coal trains on track/track bed conditions such that additional maintenance will be required?S

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Monday, January 07, 2013 3:52 PM
To: Dave Tyler
Subject: FW: Coal trains

From: Beverly Davis [mailto:bzdavis@earthlink.net]
Sent: Monday, January 07, 2013 9:16 AM
To: Planning Email
Subject: Coal trains

Please consider this email a plea AGAINST making the Northwest the world's largest coal export region with the planned coal trains and coal terminals.

There does not seem to be an upside for anyone in this plan other than the coal companies and Goldman Sachs, who has the largest investor stake in the port operating company building Cherry Point, and BNSF transporting the coal. The jobs created by this industry are minimal. This is a hugely mechanized industry. And the size of this plan displaces other industries and opportunities for the railroads and this region. The crab industry at Cherry Point, for example, would be displaced and/or destroyed. In addition, the public would bear the cost of upgrading the rail capacity while the coal companies would pay nothing and the railroad pays a percentage in the single digits. There are also health considerations, particularly asthma and mercury contamination which is especially hard on children. There are the property values along the path of the railroad which are expected to go down, which would result in less tax revenue which would need to be met in some other way.

The public will bear the cost in terms of health, loss of other industries, property value reductions, rail upgrades and overpasses, problems with at grade rail crossings for all of us, including emergency vehicles . Responsible interest in public policy would evaluate the total economic costs and jobs lost versus jobs gained. There does not appear to be an upside to this for Everett, the region, or the world . Coal burning contributes to global warming and the costs incurred to even partially clean up coal burning power plants makes them less competitive than other fuels like natural gas. The reason coal is still used is only because it is cheap for the power plants. And it is only cheap if there are no or minimal pollution controls.

Please strongly oppose this plan.

Yours truly,

Beverly Davis
Everett, WA

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Friday, December 07, 2012 9:04 AM
To: Dave Tyler
Subject: FW: coal trains (comment)

From: Steven Winecoff [mailto:winecoffsd@gmail.com]
Sent: Thursday, December 06, 2012 11:22 PM
To: Planning Email
Subject: coal trains (comment)

December 6, 2012

Dave Tyler, City of Everett Planning Department

I am writing in response to the article published in the Everett Tribune on Dec 5, 2012 and written by Michael Whitney titled, "City publishes draft letter expressing its concerns on coal trains". I'm providing this input as part of the public comment process.

I fully support allowing coal trains to travel through Everett, Snohomish County and the State of Washington to and from other destinations. I believe in using our nation's natural resources including coal as an energy source and I certainly believe in commerce which of course includes transporting coal from one place in our country to another. To have a healthy economy we need to use our rail capabilities just like we need to use our airports, roads and other facilities for various purposes.

I live within about 1/2 mile up the hill from the rail road tracks in southwest Everett. Since the rail road tracks have been there for many years, people who buy homes or work near rail road tracks understand that trains make noise and this just goes along with living near RR tracks. This is similar to moving into a home near an airport or a freeway.

The coal business is an important part of our economy and it is an important part of our nations energy resources. Coal also helps keep the cost of energy down which also helps our economy and even creates jobs (which we desperately need in our country). Why would we not want to use our natural resources? We have to use our natural resources, so we have to allow our rail roads to operate as a rail road and that includes trains that transport coal.

I encourage and highly recommend the city of Everett to support coal trains through our city.

Thank you very much.

Steven Winecoff
Everett, WA

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Friday, December 07, 2012 2:40 PM
To: Dave Tyler
Subject: FW: Coal transport

From: jack henry [mailto:jhenry8293@yahoo.com]
Sent: Friday, December 07, 2012 9:13 AM
To: Planning Email
Subject: Coal transport

Our railroads were built for the express purpose of transporting goods. Railroads have been, and continue to be, the backbone of American commerce. The rails have been in place long before most homes were built. If you live in a house near railroad tracks, you have no right to complain about any inconvenience they might cause. The rails were here first! What did you expect?

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Thursday, December 06, 2012 2:47 PM
To: Dave Tyler
Subject: FW: No to coal mining train traffic

From: Lembi Kongas [mailto:reflexing1@yahoo.com]
Sent: Wednesday, December 05, 2012 4:56 PM
To: Planning Email
Subject: No to coal mining train traffic

Dear Dave Tyler,
I strongly oppose coal trains coming through Everett, the Pacific Northwest and the West Coast. The proposal to ship coal through the U.S. to China is unacceptable and intolerable.
These are my reasons for my stance:
a) Coal is an out-dated, dangerous and dirty industry causing illness, pollution and the destruction of the environment. Let's use clean technology for our future.
b) I live in the 3200 block of Rockefeller Ave. I have lived in North Everett for the last 20 years. We are building up a family friendly great community. I would have to move away if
the proposed 20 one-1/2-mile long trains came through Everett. I live 5 blocks from the train depot and four blocks from Hewitt Ave , through which the trains would travel. The noise level from the locomotion and the from the train whistle would stress me out. I often awaken now at night as the train travels through the town.
c) The coal train cars are not fully sealed. Coal dust and debris would fall onto the tracks and into the local community. Since the cars would be just sprayed on top of the coal,
the same problem would apply to that. Coal dust fouls our lungs, some of it remaining there indefinitely.
d) Everett is developing into a great family-oriented community. The coal train traffic going through the center of the town plus on both the east and west sides would ruin all that progress. The trains would be so close to Comcast arena, the YMCA, the Schack Art Center, the Children's Museum, the library, not to mention our waterfront and the Grand Ave. bluff area (which would be destabilixed).
e) The noise would be appalling.
f) There is no economic gain to Everett, nor to any of the other
communities through which the trains wiould travel.
Our neighbors in Edmonds, Mukilteo, Marysville, Mt. Vernon and Bellingham have these
concerns plus others for strongly opposing these coal trains.
g) We would be exporting our resources too a foreign nation, China. Are we then a colony
that is to lose its natural resources? (if there will ever be a time when coal is cleanly utilized.)
h) The coal dust would blow back from China to the U.S., polluting this country and contriburting to world pollution.
i) The world is now one large community. What we do effects other countries. What they do effects us.
Whether it's in Montana or Wyoming, the Pacific Northwest or the West Coast (or in future the Gulf Coast), coal is destructive to our health, to our communities and to the world.
Let's turn to clean energy!
Please help us preserve the quality of life we have in Everett, in the Pacific Norhtwest and in the U.S., and help us to help keep the rest of the planet clean too.
At this time, nations are meeting in Qatar re the climate. Let's not add to the world's problems by polluting with coal mining.
Thank you,
Lembi Kongas

Comments Concerning Coal Export Facility at Cherry Point, Whatcom County

Many immediate, direct likely derogatory environmental impacts have been cited in other individual and organizations' comments , all of which I support including in a well –researched Environmental Impact Statement regarding Cherry Point as well as other planned and existing coal export facilities in the country.

My primary concern is beyond these direct impacts. Climate Change because of CO2 emissions, in my opinion, is likely the largest threat to the planet in terms of survivability, economics, and security. In Washington State we already see direct economic effects in our shellfish industry from ocean acidification and probably infrastructure and other effects caused by more dramatic weather events. Migration patterns seem to be changing in the country as well as drought and rainfall pattern's impacts on agriculture.

From what I've read, the United States projects our coal resources available for power generation to last between 300-400 years at current levels. Coal currently is one of the dirtiest fossil fuels in terms of CO2 emissions. Many states including Washington, in recognition of the threat of greenhouse gas emissions' causing climate change, have passed legislation requiring larger mixes over time dedicated to clean power generation. In fact, coal generation as a percent of total generation has been reduced about 10% by these efforts over the last number of years. New federal emission standards are accelerating this trend. The idea is to transition to clean energy over many years and as a result to stabilize and reverse international greenhouse gas levels to prevent ecological and economic disaster. Hopefully, if successful, coal may become a backup resource that may never be fully used by this country and the world at large or used sparingly enough that we no longer threaten our future. While the coal industry may not like this trend, other products and industries have met their demise when found to be hazardous or no longer in the best interests of society. At least this is being done gradually enough to allow transition as well as time for research to proceed on possible sequestration methods in the future.

I presume and believe your deliberations should assume that every ton of coal we export will be burned and lacking any other evidence will be additive to the current rate of international greenhouse gas emissions. The EIS should consider the impact of the maximum coal exports envisioned from US ports including Cherry Point over at least 100 years and the potential effects on Washington State both ecologically as well as economically from its additive greenhouse gas effects on ocean acidification, temperature and rainfall on agriculture, rising water levels on low lying areas and infrastructure costs.

Submitted by: George Lockeman, 2430 81st Pl SE, Everett, WA 98203, ph. 425-355-5434, llockeman@yahoo.com

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Tuesday, December 11, 2012 3:09 PM
To: Dave Tyler
Subject: FW: Comments concerning coal export facility at Cherry Point, Whatcom County
Attachments: Comments Concerning Coal Export Facility at Cherry Point.docx

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From: George Lockeman [mailto:llockeman@yahoo.com]
Sent: Tuesday, December 11, 2012 2:38 PM
To: comments@eisgatewaypacificwa.gov; Planning Email
Subject: Comments concerning coal export facility at Cherry Point, Whatcom County

Please add the attached file to public comments. George Lockman

To: Dave Tyler, Everett Planning Department, Eisgateway Pacific
Re: Coal Train and Terminal

I represent Dagmars Marina, a 800 boat Marina located at 1871 Ross Avenue, Everett, Washington. The Marina provides jobs and benefits to local businesses as many of the boats and boaters who utilize the facility come from all over the state, as well as Canada. The purpose of this letter is to voice a three fold concern regarding the proposed terminal including the impact on the waterway in the Everett-Marysville area, the highway traffic impact, and the coal dust airborne issue.

THE ADDITIONAL TRAINS WILL DISRUPT THE SNOHOMISH RIVER WATERWAY

The patrons of the Marina enjoy the easy access through the Snohomish water into the Puget Sound. When a train (such as the proposed coal trains) passes over the Snohomish River, the bridge closes and boats must wait for the bridge to reopen. The bridge located nearest to Dagmars Marina is the SR-529 Snohomish River Bridge #37. The additional openings of the bridge will create large delays and cripple the access through the Snohomish River. Dagmars Marina has managed to continue during the tough economic times, but the additional delays will negatively effect the business including the jobs, tax revenue, and additional benefits to the Everett and Marysville area from the various patrons who arrive from foreign locations to enjoy the benefit of easy access.

THE ADDITIONAL TRAINS WILL CREATE ADDITIONAL LAND/ROADWAY TRAFFIC

The additional train traffic will worsen an already existing traffic congestion problem in Marysville and Everett. Traffic accumulates due to the existing train crossing openings. Creating an additional burden will severely impact commerce in the area.

COAL DUST ACCUMULATING ON LOCAL BUILDINGS AND BOATS

Finally, a concern voiced by many interested parties locally is the possibility of the dark coal particles accumulating on boats, cars and buildings along its path. It is seen in other contexts such as sawdust, and some effort needs to be directed toward this issue as well.

Please determine realistic solutions to address the problems presented in our comment. Thank you.

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Thursday, December 13, 2012 5:01 PM
To: Dave Tyler
Subject: FW: Gateway Pacfiic Terminal and Coal Trains
Attachments: Dagmars train bridge letter.doc

From: JJ Sato [mailto:jjsato@hotmail.com]
Sent: Thursday, December 13, 2012 2:23 PM
To: vicwithsatocorporation@comcast.net; Planning Email; comments@eisgatewaypacificwa.gov
Subject: Gateway Pacfiic Terminal and Coal Trains

Dear Mr. Tyler and Gateway Pacific,

Attached is the comment from Dagmars Marina, an interested Marysville Party which will be effected by the proposed Coal export Terminal and additional Coal Trains through Marysville and Everett located at 1871 Ross Avenue, Everett, Washington. The Snohomish River Waterway is an essential driver of the Everett Economy in regards to transportation of materials, trade, fishermen, tourism, and other water related activities. The Coal Trains will adversely impact those waterways with undue congestion. Furthermore, the already overburdened traffic highways will also suffer. Please review the letter and make the appropriate decision to find an alternative location for the terminal and Coal Train routes. Thank you.

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Thursday, December 13, 2012 5:01 PM
To: Dave Tyler
Subject: FW: Coal Train Comment

-----Original Message-----
From: jimw@seanet.com [mailto:jimw@seanet.com]
Sent: Thursday, December 13, 2012 12:09 PM
To: Planning Email
Subject: Coal Train Comment

Hello,

I think expanded coal train proposal is very bad for the community - both Mukilteo and Everett. It represents bad public policy because:

1. The bluffs along the tracks vibrate when trains pass. More trains - especially heavy long trains - will cause more serious vibration and cause more of the bluff to become unstable and cause landslides.

2. Traffic at any crossing will be very negatively affected.

3. More noise is a negative.

4. Coal dust is poor for health and more trains will cause more coal dust to fall in Puget Sound, the train tracks, the atmosphere etc. This is a decision that will over the long term injure salmon, air quality, sea life, and people.

5. Several communities in Southern Washington already have turned the coal train port idea down. They were smart and recognized this idea is not good for the citizens.

6. Costs. If allowed, over time there will be a continual request by citizens for better grade crossings, over/under passes, road improvement to get around the train delays, etc. Where is this money going to come from? It's not going to be cheap to build out the infrastructure to construct a large number of re-engineered grade crossings from Seattle to Belling ham.

7. Time delays. People will have huge delays in traveling over the tracks until the grade crossings are improved. This will over time mean people will avoid any business that requires them to cross the tracks and that could mean a loss of business for many organizations.

8. Sound Transit is investing a huge amount of money trying to convince people to ride the train to Seattle. Money for parking lots in Mukilteo, expanding lots in Everett, more lots for Edmond's etc. Plus costs to run the Sounder. Just how can adding all these long, long, trains not possibly interfere with the efficiency of the Sounder and its plans for the future?

9. The large ships transiting Puget Sound and the Straits will increase and with the increase the risk of ship collisions etc increases. Dumping a load of coal into the Sound or a load of oil is not wise.

1. Home values will drop near the train routes. Taxes will therefore drop also. The drop in value will hurt Snohomish County at a time when property taxes already are down.

And of course, burning more coal - whether in China or the US - is not good for the environment. Pollution does cross over the Pacific and come right to the US coasts. So the West Coast will get the pollution from coal burned in China - especially because there will be no legal regulations on how coal is burned outside of the US or mandates for clean coal technology.

This is simply a bad idea and negative for Everett and everyone else.
There won't be enough jobs created to offset the negatives.

Please do the right thing and turn down this idea.

Jim Wright

Everett Planning Department – ATTN: Dave Tyler
2930 Wetmore Avenue suite 8A
Everett, WA 98201
December 15, 2012

RECEIVED
DEC 1 9 2012
CITY OF EVERETT
Planning Dept.

Dear Everett Planning Department:

I am writing to object to the proposed rail use of tracks through Everett for coal trains destined for Cherry Point Refinery and subsequently for export to China.

I reside one and a half blocks from the railroad tracks that go under the Broadway Avenue Bridge and through downtown Everett. With the rail traffic as it is now, without the addition of 18 or more coal trains per day, the noise of trains grinding against tracks and train brakes squealing as they slow to enter the tunnel is intolerable. Liken it to fingernails across a blackboard magnified 100 fold and you get a feel for how nerve racking the noise is. Day and especially at night! Seven days a week!

There are times we can even feel the ground shake from the force of these massive trains. They run almost continuous throughout the day and night now. I cannot imagine the addition of a large number of dangerous coal trains to the already highly traveled tracks.

My other objection and of even more importance is **safety**. Coal transport involves risk and there is always the potential of derailment or other possible deadly and hazardous consequences of coal transport.

Thank you for allowing me to voice my objection to coal trains through Everett. Such a dangerous product as coal should be disallowed through Everett's main core area.

Sincerely,

Joyce Pangburn
3017 Lombard Ave #704W
Everett, WA 98201
(425)903-4799

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Monday, January 07, 2013 8:03 AM
To: Dave Tyler
Subject: FW: comments to the city's drafted letter regarding the Gateway Terminal project

-----Original Message-----
From: William Belshaw [mailto:wtbelshaw@comcast.net]
Sent: Saturday, January 05, 2013 9:17 AM
To: Planning Email
Cc: msbelshaw@gmail.com
Subject: comments to the city's drafted letter regarding the Gateway Terminal project

Thank you for the opportunity to respond to the city's drafted comments to the lead agencies for the scoping process regarding the proposed Gateway Pacific Terminal at Cherry Point.

Among your eleven concerns, you have asked the co-lead agencies to study the significant adverse and cumulative impact of 18 to 20 additional coal trains on slide-prone geologically hazardous hillsides in Everett (#7). This is a major concern for us, especially after the recent derailment of seven freight cars at the south end of the Port of Everett property below Rucker Hill. This event was captured on film and seen on the internet by a world-wide audience. It cannot be ignored. Imagine the environmental disaster that would have occurred had this been a coal train. Or had the derailment occurred just 100 yards south where the tracks meet the shoreline and there is no buffer between our fragile Puget Sound and the hillside. Is there a plan in place to clean up our shoreline in such an event?

I am asking that the significant impact of more coal trains on the stability of our fragile bluffs, already at risk, be studied as the first and most important impact for the people of the Everett area and the health of Puget Sound.

Yesterday, January 4, 2013, the Herald reported a mudslide between Everett and Mukilteo, along our shoreline, and today's Herald reports yet another mudslide along Puget Sound, both closing the tracks to the Sounder and Amtrak trains. We know that mudslides can derail trains. Fortunately, this didn't happen today or yesterday. There have been a number of derailments all across the US: in July of this year, six trains derailed, one in Eastern Washington when 30 trains derailed and spilled 6 million tons of coal. In August, there were two fatalities when 21 coal cars derailed near Baltimore, MD. On its website, BNSF states that "BSNF has determined that coal dust poses a serious threat to the stability of the track structure and thus to the operational integrity of our lines in the Powder River Basin". Along Puget Sound between Seattle and Everett, we are even more concerned about derailments caused by mudslides. We know they happen and to ignore this possibility is irresponsible.

The citizens of Everett have asked for more waterfront access. Mudslides and possible derailments will make the waterfront even less accessible. Eighteen to twenty more coal trains each day to satisfy Asia's massive appetite for coal will continue to destabilize our already geologically hazardous hillsides. Is it possible to contain the slides? Is it possible to move the tracks? Who will pay for this? We need our tracks for moving commodities other than coal, for moving commuters to and from Seattle, and for Amtrak services to points East. We cannot accommodate more coal trains.

Another issue not addressed is the significant adverse and cumulative impact of noise on our health and quality of life. Federal rules require that engineers of all trains sound their horns for at least 15-20 seconds at 96-110 decibels at all public crossings. Decibels in the

range of 80-105 are labeled extremely loud. Above 105 is dangerous. Besides directly affecting our hearing and that of our children, this very loud, chronic noise can affect our sleep, increase fatigue and exacerbate mental health disorders and anxiety. We in Everett have fewer public crossings than most cities along the route to the proposed terminal, but we do have an industrial site and future Port improvements and hopefully more public access, all to be affected by more train noise.

Please study these impacts.

Thank you for considering my comments.

Mary Belshaw
2111 Rucker Ave.
Everett, 98201
425-258-1527

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Monday, January 07, 2013 8:03 AM
To: Dave Tyler
Subject: FW: Comments on the City of Everett's Draft Letter Regarding Coal Train Scoping Comments

-----Original Message-----
From: Timothy Knopf [mailto:timknopf1@yahoo.com]
Sent: Monday, January 07, 2013 7:26 AM
To: Planning Email
Subject: Comments on the City of Everett's Draft Letter Regarding Coal Train Scoping Comments

Dear Gentlemen and Ladies,

I appreciate the attention to detail in the city's draft letter and support the concerns expressed within the letter regarding the local impact of Pacific Gateway Terminal and the coal trains that would supply it. Thanks for doing such a complete job.

Sincerely,

Timothy Knopf
timknopf1@yahoo.com

932 Wetmore Avenue
Everett, WA 98201

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Monday, January 07, 2013 3:52 PM
To: Dave Tyler
Subject: FW: City of Everett Coal Train Comments

From: Leslie Strickland [mailto:stricklt76@hotmail.com]
Sent: Monday, January 07, 2013 9:15 AM
To: Planning Email
Subject: City of Everett Coal Train Comments

January 7, 2013

City of Everett Planning Department

Attn: Dave Tyler

I agree with the City of Everett draft EIS comments and would like to see them expanded with the following concerns:

Air Quality Impacts – this should include HUMAN HEALTH & SAFETY. How will cancer, heart disease, asthma and other health risks be affected by air and water pollutions associated with coal transport and export? How will additional rail and ship traffic affect accident and collision rates? Why aren't the coal rail cars covered to lessen air quality impacts?

Landslide Activity: Everett's slide-prone geologically hazardous hillsides bordering the BNSF tracks are a significant issue. There have been over 70 slides since November 2012, including one train derailment. These natural factors cannot be controlled, and with onset of climate change, are likely to get worse. Everett's rainy season lasts about 9 months out a year.

NOISE: How will the noise and vibrations of unusually long, heavy and frequent trains impact property values and the structural integrity of homes and other buildings close to the tracks? How will chronic noise exposure affect the health and quality of life of people living, working, and playing nearby?

FISHERIES & TOURISM: How will tourism; boating; collision risks; oil/coal spill risks; salmon, crab and be affected by coal port construction and operations, and by the over 950 annual transits of immense coal ships?

COST TO TAXPAYERS: How much will we, the taxpayers, ultimately pay for costs affiliated with coal transport and export? Will such direct and indirect costs include necessary upgrades and additions to rail infrastructure; safety measures; public health expenses; the building of under- and overpasses and other attempts at mitigating adverse impacts; lost local businesses and jobs; damaged tourism trade; and decreased property values?

Thank you for your follow up on this important issue.

Sincerely,

Leslie Strickland

5127 Seaview Way

Everett, WA 98203

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Monday, January 07, 2013 8:02 AM
To: Dave Tyler
Subject: FW: Gateway Terminal Proposal - Ocean Acidification
Attachments: Coal #5 Ocean Acidification.docx (Jan 4, 2013)

-----Original Message-----
From: richard brigham & sally stapp [mailto:stappbrigham@earthlink.net]
Sent: Friday, January 04, 2013 3:44 PM
To: Planning Email
Subject: Gateway Terminal Proposal - Ocean Acidification

I submitted the attached letter to the <comments@eisgatewaypacificwa.gov> for the scoping process. But I noticed your draft letter didn't mention the impact of increased burning of coal causing more absorption of CO2 in the world's oceans. Hope you can use this info.
Sally Stapp

Sally Stapp

January 4, 2013

To: Whatcom County Council, Washington State Environmental Protection Agency, and US Army Corps of Engineers

Re: EIS Gateway Pacific Coal Terminal at Cherry Point, Washington

Impact: Ocean Acidification

My name is Sally Stapp. I live in Everett, Washington and spend much of my time on Guemes Island in Skagit County. I grew up with local fisherman Pete Knutson who spoke recently at the Seattle Scoping Hearing. Pete & his family are among the 15,000 people employed in the Seattle-based fishing industry.

I would like to reiterate his concerns about increased mining, transporting, storage, shipping and burning of 48 - 54 million additional tons of coal and the impact this GPT proposal will have on the acidification of the world's oceans.

In his two minute scoping comments he said, "About 30% of the carbon dioxide generated from fossil fuel burning is absorbed by the earth's oceans, which then become more acidic. We are already seeing the impacts to shellfish in Puget Sound, impacts now recognized in the scientific literature, impacts now being studied by NOAA."

Pete continues, "North Pacific salmon eat huge quantities of a microscopic floating mollusk called a pteropod, also know as a "sea butterfly". It has a shell that is vulnerable to ocean acidification. If we lose the pteropod, we endanger the salmon which feed orca, bear, cedar, human and the whole living web of the north Pacific Rim."

The Union of Concerned Scientists, in their recent publication – Cooler Smarter: Practical Steps for Low-Carbon Living - support Pete's assertion. They present data collected hourly at the Mauna Loa Observatory in Hawaii beginning in 1958 that show a continuous, nearly linear increase in atmospheric Carbon Dioxide - the Keeling Curve, Figure 3.2 on p. 34. "As part of the carbon cycle, the world's oceans have long absorbed roughly one-third of all the carbon dioxide emitted by human activity…" (p. 42). "In fact, current measurements indicate the Earth's oceans are already about 30% more acidic than they were before the Industrial Revolution. As the world's oceans absorb more carbon dioxide, they become more acidic, threatening the ocean's reefs and some of the plankton that form the base of the aquatic food chain" (p. 43).

Please study the significant, negative, cumulative impact the burning of coal and all fossil fuels has on ocean acidification in our local, state, national and worldwide oceans and all other water systems.

Additionally, please study the impact on our local, state, national and worldwide fisheries caused by mining, transporting, storing, shipping and burning fossil fuels – including sub-bituminous coal from the Powder River Basin, Wyoming.

If a spill were to occur at any of the above stages, please study the exacerbation of the impacts listed above. Thank you.

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Thursday, December 13, 2012 9:12 AM
To: Dave Tyler
Subject: FW: Coal trains

Importance: High

-----Original Message-----
From: Marilyn [mailto:hiheatro@frontier.com]
Sent: Wednesday, December 12, 2012 4:55 PM
To: Planning Email
Subject: Coal trains
Importance: High

Gentlemen:

Yes, I have a few thoughts about having more coal trains running through Everett Nice of you to ask. We, who are being "planned about", should have been asked as soon as the subject came up.

Firstly I do not believe that this will profit the city either in money or in jobs. Those proposing the trains will take the one and fill the others.

Secondly your own draft comments are a perfect catechism of points against, with perhaps special mention for this town's lung damage, already fed for years by paper companies, and its precarious geologic situation.

Finally, I would hope the planning department and the city spokesperson would be more forthcoming about and anxious to discuss this and other such matters in future.

Sincerely,

Marilyn Hjort

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Thursday, December 13, 2012 9:13 AM
To: Dave Tyler
Subject: FW: Coal Trains

-----Original Message-----
From: Marilyn [mailto:hiheatro@frontier.com]
Sent: Wednesday, December 12, 2012 9:04 PM
To: Planning Email
Subject: Coal Trains

Gentlemen:

Yes, I do have a few thoughts about more coal trains. Everett residents should be informed and polled more often, before "the papers are signed", and city staff should be more forthcoming.

1. The City's draft is a catechism of all that's wrong with the idea of sprinkling more coal dust over the paper mill pollution and geological shortfalls.
Take those points and whatever else Mr Smith has found, and run with them.

2. Promises of profits and jobs are not to be believed. The (non-local) proponents of the added trains will take the first and fill the second.

Sincerely,

Marilyn Hjort

Dave Tyler

From: Kathy Davis on behalf of Planning Email
Sent: Monday, December 10, 2012 8:05 AM
To: Dave Tyler
Subject: FW: Comments regarding Gateway Pacific coal export terminal

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From: Jennie Lindberg [mailto:jennie_lindberg98020@yahoo.com]
Sent: Sunday, December 09, 2012 7:32 PM
To: Planning Email
Subject: Comments regarding Gateway Pacific coal export terminal

December 9, 2012

City of Everett

RE: Coal Export Facility at Cherry Point, Whatcom County

Dear Panning Department
Please add the following comments and questions to your comments regarding the Gateway Terminal project. Thank you for taking the initiative to draft comments on this. I appreciate your time and effort.
Sincerely

Jennie Lindberg
3007 Federal Avenue
Everett, WA 98201
(206) 818 7650

Army Corps of Engineers:
According to go.skagit.com, on Thursday, December 6, 2012, a train was stopped due to mechanical problems in down town Mt. Vernon, Washington. "The train blocked several roadways, including Fir Street, College Way and Riverside Drive, for 45 minutes to an hour, said Sgt. Peter Lindberg. The train was moved about 10:45 a.m." What are the economic effects of blocking customers from businesses for 45 minutes during the middle of a day? Can you please study the economic impacts on small communities such as Mt. Vernon, Burlington, Stanwood, Marysville and Edmonds, that all have trains running directly through the down town corridor.

According to the Ottawa Citizen, on December 7, 2012, "A large bulk carrier docking at Westshore Terminals in Roberts Bank destroyed a coal conveyor system early Friday morning, knocking out the largest of the port's two berths and spilling an undetermined amount of coal into Georgia Strait. "

Read more:
http://www.ottawacitizen.com/Ship+crashes+into+dock+near+Vancouver+spilling+coal+into+water/7671884/story.html#ixzz2EbYYKjU0

I am concerned about what happens to the water quality when coal is dumped in to our waters. Could you please study the effects on the marine life, plant, fish, and mammals when quantities of coal are directly

dumped? Would you also please study the odds of this happening, and how those odds might increase with increased ship traffic?

I personally am very concerned about the fact of coal being dug up from the earth, transported long distances, and then eventually burned to produce electricity in China. What are the global effects of this? How will our local communities be affected by the coal smoke that blows back to us? What are the effects to the planet if we do this – as we do not have a 'back up planet' – what are the long range effects of digging up coal and burning it?

The land under the rail road tracks going through the City of Everett is identified as a "liquification zone." What will be the effects of an additional 18 mile and ½ long coal trains per day? The banks along Port Gardner Bay, which the tracks run in front of, already often have mud slides after a heavy rain. The rail road crews are constantly cleaning up mud slides. Amtrak is often re-routed onto buses. What will be the effects of the heavy trains on the bluffs? Are the homes safe? Will they lose property value, as they lose land to mudslides and it appears as though some of them are in danger of sliding?

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CHIEF ADMINISTRATIVE OFFICER/
COMMUNITY DEVELOPMENT DIRECTOR
Gloria Hirashima
1049 State Avenue
Marysville, Washington 98270
Phone: (360) 363-8088
ghirashima@marysvillewa.gov

December 17, 2012

Brig. Gen. John McMahon
Commander and Division Engineer
U.S. Army Crop of Engineers Northwestern Division
PO Box 2870
Portland, OR 97208-2870

Col. John Eisenhauer
Commander, Portland District
U.S. Army Corp of Engineers
PO Box 2946
Portland, OR 97208-2946

Col. Bruce Estok
Commander, Seattle District
U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

Dear Brig. Gen. McMahon, Col. Eisenhauer, and Col. Estok:

The City of Marysville submits this letter as our scoping comments for the Gateway Terminal coal export project proposed at Cherry Point, Whatcom County, Washington, facility site ID #22237. The City of Marysville with a population of approximately 61,360 is located in Snohomish County Washington. Snohomish County, together with King, Pierce, Whatcom, and Skagit Counties comprise the areas expected to be most adversely impacted by the proposed project as they are the most densely populated, intensely improved, and therefore, potentially the most affected metropolitan and urban areas along the route. Additionally, Marysville is located north of Everett where rail traffic is expected to be greater than south of Everett due to fact that empty coal trains are expected to return easterly through the Cascade Tunnel rather than utilize the same route and return through the Stampeded Pass Tunnel. The City respectfully requests that the U.S. Army Corp of Engineers, Washington State Department of Ecology, and Whatcom

County (collectively 'the lead agencies') fully disclose and carefully assess the impacts of the Gateway Pacific Terminal (GPT) on Marysville, other communities, and the broader region.

Public Investment and Transportation

Pacific International Terminals, a subsidiary of SSA Marine, proposes to export 48 million metric tons of coal annually. We understand that the number of trains expected to transport coal to the GPT site could force many major railways to operate at or above capacity. The BNSF's main rail line runs north/south through Marysville and bisects portions of the City's commercial/industrial/residential districts. Marysville, as the second largest city in Snohomish County currently has eleven public at grade crossings and nine private crossings and does not have any grade-separated crossings for major access. Motor vehicle congestion resulting from at-grade crossings and rail traffic is already highly problematic at several of the major arterial crossings in the City. The congestion that may be caused by additional trains could result in significant impacts on a number of key city streets as well as state and federal highways. For example, a terrible scenario for the city would be having all I-5 entrances blocked at the same time, i.e. SR 528, 88th St NE and 116th St NE. Preliminary traffic analyses have already been done for Marysville, Burlington, Mt Vernon, Stanwood, and Edmonds. These studies show the potential for severe impacts in communities from the dramatic increase in rail traffic intensity associated with GPT.

Furthermore, the public cost to develop capital projects that would separate these at-grade crossings threatens to divert precious public transportation resources that are programmed for existing needs. As a result, according to much of the analysis identified to date, many upgrades are probable, and we encourage the agencies to carefully examine:

- Where rail infrastructure improvements would be likely to occur.
- The sources of funding of such proposed improvements.
- The incremental impact of needed rail improvements necessitated partially or entirely by the addition of GPT-bound coal trains over the life of the project's capital infrastructure needs.
- The increased costs of rail maintenance necessitated by the additional rail traffic.
- The share of these costs borne by the public at the local, regional, and state level should be noted so a full accounting of transportation externalities can by accurately identified.
- The cost of mitigation measures, such as additional overpasses, tunnels, crossings, and diversions, that additional rail traffic will likely motivate, especially relative to economic impacts.
- The location of necessary or probable mitigation projects, as well as the portion of the cost contributed by the federal government.

Additionally, recent capacity improvements may also be negated. For example, the city completed improvements at 116th St NE to ease congestion. It appears that the benefits gained with this improvement will be completely negated due to increased rail traffic. Impacts such as these should also be assessed and compensation and/or adequate mitigation provided to the city as well as other jurisdictions within the region.

Public Safety Impacts

The safety of residents and businesses in our community is our highest priority. Potential adverse impacts from proposed increases to rail traffic include an increased risk of accidents, impacts to the city's level of service, decreased ability to provide effective emergency response times. The EIS should analyze:

- The impact of increased train traffic on the rate of vehicular accidents and the projected increase in train-related fatalities.
- The projected increase in coal train derailments due to the large increase in coal train traffic, and the emergency response capabilities to address derailments within Marysville, other local jurisdictions, the state, and the region as a whole.
- The actual travel time delays at specific intersections in Marysville, including but not limited to SR 528, 88th St NE, 116th St NE, and SR 531, and the economic and environmental impacts of these delays.
- The impact of increased coal train traffic on access to emergency services, including fire, police, and EMT services.

Economic Impacts

A strong economy is vital to Marysville's well-being. The city is concerned that existing properties would be compromised and/or businesses lost in order to accommodate coal traffic. Increased delays at city rail crossings and on I-5, waterfront accessibility issues, and increased noise and pollution would likely impact local jobs and businesses. Mitigating the disruption to the flow of traffic would require the building of over- and underpasses, which would, in themselves, cause disruption to local commerce. It is unclear who would pay for mitigation; these costs are typically borne, in large part, by taxpayers. Rail corridor communities outside of Whatcom County, such as Marysville will experience negative economic impacts without guarantee of any potential economic benefits (i.e. tax revenue from the terminal, the permanent employment of 44 terminal operators).

Both single- and multi-family residences have the potential to be negatively influenced by increased rail traffic. Marysville has both single-family and multi-family developments that face the rail line. Also, due to the city's topography sound waves from train noise travels throughout the city. Obviously, units facing the tracks are more influenced by the noise, vibration and pollution factors, while those further away experience noise and pollution to a lesser extent. Single-family residences are generally acknowledged as the most sensitive property type, as the consequential impacts can be perceived as having the capacity to directly influence the quality of life of the occupant(s), as well as negatively impact property values. For example the train's signal horn, which typically repeated blown prior to at grade crossings, is generally acknowledged as one of the loudest noises produced by trains, and is the primary negative externality generated by train traffic. Relocation for single-family home owners also represents a substantial barrier to changing their situation vs. apartment dwellers which have the ability to be more transient and relocate if ambient conditions do not meet their preferences. Condominium owners are more like single-family residential owners in that relocation is more difficult due to ownership/property value issues.

Public Health

Coal is commonly transported in open-top rail cars, contaminating local air quality, infrastructure, streams and rivers with coal dust, chunks of coal, and diesel pollution. The EIS must take a hard look at the impacts of coal export, including:

- The public health impacts of increased air pollution from coal dust, which contains heavy metals, including mercury, arsenic, lead and uranium. Exposure to these toxins is linked to a multitude of health problems, such as cancers, neurological diseases, and birth defects. It is unknown if and to what extent these heavy metals might leach out from the coal and/or fugitive coal dust, from the train cars and at the terminal storage site, into local water supplies and into the marine environment. There are potential implications for the safety of the water we drink and the seafood we eat.
- Public health impacts from increased noise and vibration from large freight trains, which are associated with negative impacts on psychological health.
- Public health impacts associated with diesel emissions and other pollutants from coal trains.
- In addressing the impacts of coal dust and diesel pollution, the EIS should specifically analyze the potential rise of respiratory problems among children, the elderly, and other vulnerable members of our communities.
- Public health impacts from increased car emissions caused by traffic delays from coal trains.

Whatcom Docs, a group representing over 180 local physicians, and an increasing number of health care providers from the Pacific Northwest (Skagit, Snohomish, King, and Thurston counties; Oregon) are calling for a *Health Impact Assessment (HIA)*. While few specific mandates or resources exist for conducting HIA its use is increasing and recently has been included in state legislation to fulfill regulatory requirements. For example, Washington state required an HIA be performed to inform mitigation planning for the State Route 520 Bridge in Seattle to analyze effects on air pollution exposure. Realizing the benefits of HIA, the City of Marysville joins in advocating its analysis be integrated with or part of the EIS process.

Climate Change

Burning coal leads to increased emissions of greenhouse gases and climate change. In turn, the EIS must assess the negative impacts to quality of life, public health, and the environment which are associated with climate change. This includes the impacts of climate change in Marysville and surrounding communities; ocean acidification; increased likelihood of reduced snowpack; flooding; summer droughts; forest fire risk; and quality of coastal and near-shore habitat.

Cumulative Impacts

The lead agencies must assess the cumulative impacts of the Gateway Pacific project and existing rail traffic, as well as projected increases in rail traffic from other coal export proposals through a Programmatic EIS (PEIS). Currently, five ports are considering coal export proposals, which, together, could transport more than 140 million tons of coal through the region. For example, the lead agencies must assess the cumulative impacts resulting from the emissions of greenhouse

gasses that would result from the proposed combustion, mining and transportation of coal that would be handled by the proposed coal export facility at Cherry Point. In doing so, the lead agencies must assess the totality of greenhouse gas emissions associated with all of the coal export facilities that are currently proposed for the West Coast.

Each individual port terminal project creates local impacts on the environment and immediate community that should be evaluated in a project-specific EIS for each site. In addition to project-specific EISs appropriate for each terminal site, we are asking you to conduct a PEIS on those environmental and economic effects of the various projects that are similar, connected or cumulative. These shared impacts include rail traffic and emissions; ocean-going vessel traffic and emissions; increased mining; national coal supply and pricing; and air-borne mercury deposition in the Northwest and GHG emissions associated with increased combustion of coal.

The USACE may look at cumulative impacts as required by the National Environmental Policy Act (NEPA), however, USACE has no authority over interstate railroad movements. The U.S. Surface Transportation Board (STB) is an economic regulatory agency that Congress has charged with resolving railroad rate and service disputes and reviewing proposed railroad mergers. The STB has often been involved in cases which involved mitigation resulting from increased railroad traffic levels and has been involved in several cases involving the proposed expansion of PRB coal movements. Previous other potential expansions of railroad PRB coal movements have also been under the jurisdiction of, and the subject of approval by, the STB, namely:

- **DM&E** – The application filed by the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) to construct and operate 280 miles of new rail line and the rehabilitation of approximately 600 miles of existing rail line in Wyoming, South Dakota, and Minnesota; and

- **TRRC** – The Tongue River Railroad Company (TRRC), which involves the construction of an 89-mile coal line from Ashland, MT to Miles City, MT.

Here, the size of the railroad track construction and expansion of the PNW export terminals may be smaller in comparison to the DM&E and TRRC PRB build-in proposals, but the overall impacts will be much broader and more adverse to the areas along the over 4,000 miles of impacted rail route. The City of Marysville promotes a full STB environmental review of the effect of exporting PRB coal via PNW ports and/or Federal legislation which would require STB approval for such increase in traffic levels or extensive infrastructure improvements.

Alternatives Analysis

We urge the lead agencies to complete a thorough analysis of alternatives to coal export at Cherry Point, including export of other commodities, the use of the property by other industries, and a 'no action' alternative.

Conclusion

The proposed coal export projects in the Northwest present unprecedented threats to our communities. The City joins with other communities and regions located between the coal mines

in the Powder River Basin and the export terminals in Oregon and Washington and urge the lead agencies to prepare an exhaustive, expansive EIS which accounts for the wide range of direct, indirect, and reasonably foreseeable impacts from coal export in the Pacific Northwest.

Thank you for your consideration in these matters. I can be reached Monday through Friday, 7:30 am to 5:00 pm at (360) 363-8088 or by e-mail at ghirashima@marysvillewa.gov.

Sincerely,

Gloria Hirashima
Chief Administrative Officer/Community Development Director

cc: Jon Nehring, Mayor
Marysville City Council

Date: Jan. 22, 2013

City: Monroe

Part: Rail

Human environment: Noise, Air quality, Human health, Traffic or safety

EIS process: Area of potential effect

Comment:

These scoping comments are submitted to you in my capacity as Mayor of the City of Monroe, Washington. While the project proposal, as submitted by the project proponents, is limited to 1,200 acres at Cherry Point, the City of Monroe will also suffer from potentially significant adverse environmental impacts, due to the increase in train traffic through the center of Monroe.
The following specific scoping comments are provided for consideration and inclusion in the Final Scoping Document, in order to inform the various alternatives to be studied in the EIS.
1.Please analyze the cumulative impacts of all currently proposed coal export facilities and/or dry bulk commodity terminals within Washington and Oregon in a Cumulative Impact Analysis pursuant to the National Environmental Protection Act. Specifically, please analyze the cumulative impact to existing freight and passenger train traffic capacity in Washington State as well as the cumulative impacts to natural and cultural resources resulting from the increase in freight train trips through the City of Monroe. In addition to the proposed coal terminal, the BP Refinery located within the Cherry Point Industrial Area has applied for permits to develop new railroad (loop) infrastructure that is intended to accommodate a planned for increase in trains carrying crude oil from the Midwest to their facilities at Cherry Point. This one additional train every two days can be expected to travel on the BNSF line traveling through the City of Monroe and then to the refinery itself. Please include this additional train traffic in the Cumulative Impact Analysis.
2.Please analyze the increase in impacts to the health and welfare of the citizens of Monroe, including impacts from diesel emissions from trains, noise, and the potential for increased rail/car and rail/pedestrian accidents through a comprehensive independent third-party Health Impact Assessment.
3.Please analyze the impacts to existing freight train and passenger train service, including impacts to shared capacity by the addition of up to nine additional bulk-commodity train trips per day on Burlington Northern Santa Fe (BNSF) railroad infrastructure through the City of Monroe.
The following comments relate to the City's potentially affected resources. The City expects these resources to be adversely impacted by the increase of up to nine additional freight train trips traveling through the City of Monroe every day at the time of full build out of the GPT. We request that the "increase" in impacts resulting from this action be analyzed through the EIS process for each element list below.
1.Please analyze the increase in impacts within an EIS to the following economic elements:
•Existing and planned land use and economic development potential within the City's Central Business District, Fryelands Area, and North Kelsey Area; all of which have development potential that will be impacted as a result of additional, longer, and more frequent freight train trips;
•Property values and assessments and the impacts to services resulting from a potential decrease in property tax revenue;
•Job retention and creation within the City of Monroe;

•Associated costs of transportation improvements necessary to mitigate safety congestion and access issues resulting from an increase in freight train trips as part of the GPT proposal.

2.Please analyze the increase in impacts within an EIS on to the following public safety elements:

•Response times and services of Monroe Fire District #3 and the City of Monroe Police Department;

•Safety of the general public resulting from idling locomotives and train derailments or collisions;

•Impacts resulting from accelerated wear and tear on the rails themselves, ties, supporting ballast, bridges, and crossings.

•Public access issues, including delays in emergency response time and operational access, caused by increased rail traffic;

•Impacts of trains idling to adjacent park land, including public access, emergencies and operational access, noise, and dust;

3.Please analyze the increase in impacts within an EIS on the following mobility elements:

•Crossing safety for pedestrians, bicyclists, transit buses, automobiles, and freight delivery vehicles;

•Traffic congestion backing up into other intersections, blocking access to side streets, alleys, and driveways;

•The following at-grade street crossings all within the City limits:

- Fryelands Boulevard
- 179th Avenue SE
- North Kelsey Street
- Lewis Street/SR 203
- East Main Street

As Mayor of the City of Monroe, I look forward to the inclusion of the study of these potential impacts as part of the GPT project EIS.

Looking forward,

Robert G. Zimmerman
Mayor

CITY OF MUKILTEO

11930 Cyrus Way – Mukilteo, WA 98275

December 7, 2013

Brig. Gen. John McMahon
Commander and Division Engineer
U.S. Army Corps of Engineers Northwestern Division
P.O. Box 2870
Portland, OR 97208-2870

U.S. Corps of Engineers Portland & Seattle Districts
Department of Ecology
Whatcom County

Re: EIS Scoping for Proposed Gateway Pacific Terminal Project
Proposed at Cherry Point, Whatcom County, Washington, Facility Site ID #22237

Dear Co-leads for NEPA & SEPA on the Proposed Gateway Pacific Terminal:

The City of Mukilteo has the following scoping issues to submit regarding the Gateway Pacific Terminal (GPT) Project being proposed by Pacific International Terminals, Inc., through SSA Marine, to develop a multi-user import and export marina terminal for bulk, break-bulk and other marine cargoes. This project is proposed to include rail terminal storage areas, and a pier. The rail traffic from the project is expected to lead to at least 9-18 additional trains per day travelling through the region, each of which is likely to be one mile in length. We already have two coal trains per day that impact our shorelines and railroad capacity. Railroad traffic has increased from 45 to 60 trains/day in the last three years. Adding additional trains could impact regional and interstate trains. This DEIS needs to cover air quality, noise, vibration, and infrastructure impacts.

BNSF now requires coal transport to use: surfactants/chemical binding; reduced load-top profiles; and coal cars to be cleaned before they are hauled back empty. These are steps in the right direction, but in this case where sensitive environments are involved, the cars may also need to be lined to ensure no dust leaks out from bottom bins.

The cars should be fully covered and the coal profiles only be up to the sides of the tender cars. The Power River coal is very susceptible to pulverizing and creating fugitive dust both at the top of the load and at the bottom of the cars.

The City is also interested in knowing whether probable significant adverse impacts will occur within the City. Such impacts could include but are not limited to increased rail traffic, noise, vibration, and air quality impacts, impacts due to train idling, increased steep slope slides during the rainy season, and the impacts of reducing pedestrian and bicycle access to the waterfront across the railroad in the City. The Snohomish County Tomorrow Board also requested that the direct, indirect, and cumulative impacts of coal export on public health, public safety, economic, marine health, public investment, and climate change also be addressed in their November 2012 letter, and we agree.

More specifically, the City has concerns about how increases in rail traffic could impact air quality along our six miles of shoreline including increased diesel and coal dust emissions? The downtown waterfront area is planned for future redevelopment. Lighthouse Park is used during the summer by the Farmers' Market, Mukilteo Lighthouse Festival and an Arts Festival, and throughout the year when it is also used by residents and visitors. Impeded access to the waterfront area includes: Lighthouse Park, the Tank Farm areas and Washington State Ferry terminal. Train idling along the city's shoreline is also of concern, as this presently occurs over extended periods of 24-72 hours, thereby concentrating diesel fumes.

The Mount Baker Crossing will be re-opened and is signalized for a quiet zone. This signalized crossing is not listed as an at-grade crossing that should be studied related to traffic disruption. The Mt. Baker crossing also is associated with the Boeing rail spur and Rail Barge Transfer Facility. BNSF previously performed traffic counts and found that this crossing could not be closed (except temporarily) as it is also needed for emergency response. The Mount Baker Crossing and BNSF's Boeing Spur both need to be added to at-grade crossings impacted by the proposal.

There has been more attention in the last few years to the many slides that are occurring along the steep slopes of our waterfront. These slides impact rail traffic, and particularly impact the function of the Sound Transit commuter trains. The City has concerns that the heavy, frequent trains related to this project might have on our slope stability and the Sound Transit commuter rail and Cascadia and AMTRAK systems. The scope should cover alternative haul routes and evaluate whether the loaded-delivery routes should be limited to the inland Stevens Pass alignment, rather than the shoreline alignment. It should also consider having both loaded and unloaded trains be handled via Stevens Pass, rather than the Columbia River and shoreline route.

Protecting such interests and the safe transport of coal, oil and other hazardous goods must be covered by the State Environmental Policy Act (SEPA). As a jurisdiction along the BNSF Puget Sound shoreline corridor, it is foreseeable that

without adequate scoping, investigation or mitigation (solutions to steep hillside slides have not been found); injury and derailments are likely to result.

Scoping of the Draft Environmental Impact Statement (DEIS) must include the direct, indirect, and cumulative impacts. As you know, lead agency(s) cannot limit consideration to those aspects within its jurisdiction, such as local and state boundaries. The U.S. Corps of Engineers is responsible for reviewing multiple coal terminals within the State of Washington and the connecting routes to other states and even into Canada. A "Programmatic EIS" would be more suitable for the broad cumulative impacts, but also needs to be available at the same time for complete review. To-date, there are six (6) potential rail terminal proposals or approximately 130 million tons/year that could be shipped. Cherry Point is projected to be the largest terminal. Chinook Salmon is just one species that will be impacted in the Columbia River and Puget Sound – Snohomish, Stillaquamish, Skagit and Whatcom Counties.

The City respectfully requests that any environmental review carefully consider in its scope the regional impacts of this proposal beyond Whatcom County, including direct, indirect and cumulative impacts to the City of Mukilteo. As part of the analysis, the City believes full consideration of alternatives as well as mitigation measures designed to alleviate the air quality, noise and vibration impacts, as well as, slope stability impacts and waterfront access impacts be addressed and also whether project financial mitigation is appropriate.

As a party with a known interest in this proposal, Mukilteo respectfully requests that all SEPA notifications be sent to the following when SEPA notification is required under your rules:

Heather McCartney, FAICP
Community Development Director/SEPA Official
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275

The City looks forward to providing constructive comments when the DEIS and Programmatic EIS have been made available for simultaneous review. If you have any questions, please do not hesitate to contact Heather McCartney, the City's Community Development Director at 425-263-8040; hmccartney@ci.mukilteo.wa.us

Sincerely,

Joe Marine

Mayor Joe Marine

Cp: Mukilteo City Council
Correspondence Files
Project File
EIS Co-leads

City of Stanwood

10220 270th Street NW
Stanwood, Washington 98292
(360) 629-2181

GPT/BNSF Custer Spur EIA Co-Lead Agencies
c/o CH2M HILL
1100 112th Ave N.E. Suite 400
Bellevue, WA 98004

Dear Sir or Madam;

This letter is a follow-up to the City of Stanwood letter of May 14, 2012 requesting Party of Record status regarding the proposed rail terminal project in Whatcom County (the Gateway Pacific Terminal Project, or GPT). The Burlington Northern Santa Fe (BNSF) main north/south track runs through and bisects Stanwood, and the proposed GPT project will significantly increase freight traffic on the BNSF track through the at-grade crossing at 271st St. that provides access to downtown Stanwood. The City has had input from local citizens and has developed further comments and requests for information to be included in the scope of the EIS.

The City requests that any environmental review carefully consider the regional impacts of this proposal beyond Whatcom County, including direct indirect and cumulative impacts to the City of Stanwood. As part of the analysis, the City believes full consideration of alternatives as well as mitigation measures to address Stanwood's identified concerns is in order.

Recent studies conducted by Gibson Traffic Consultants in the western Washington cities of Burlington, Marysville, Mt Vernon, and Stanwood identifies potentially severe vehicular traffic consequences due to the proposed increase in rail traffic intensity associated with GPT. Adverse effects to Stanwood and other cities include increased risk of accidents, impacts to the City's level of service, decreased ability to provide effective emergency response times, and possible interference with local truck freight delivery systems affecting the local economy. A memorandum by Edward Koltonowski of Gibson Traffic Consultants Inc. dated August 8, 2011 (enclosed) and presented to the City, identifies thirteen potential traffic impacts to the City. The City requests that these thirteen issues be incorporated into the EIS scope and that further information analysis, mitigation and alternatives be developed for each issue.

GPT has identified that full build out of the coal export facility would result in eighteen additional train trips through Stanwood per day; and eighteen trains per day would equate to approximately one additional coal train every 1.3 hours, all day long, in addition to existing train traffic. The City is aware that public safety could be threatened if response times for police and fire are increased due to critical access blockages caused by more frequent and

longer trains. Issues # 4, #5, and # 6 in the Gibson memorandum address this issue in greater detail. These issues are of significant concern to the City and its citizens.

In addition, the City has been made aware of potential impacts to air quality from diesel fumes, coal dust and other particulates that may be blown from open rail cars but has no way to evaluate such potential impacts.

The City requests that Whatcom County, Washington Department of Ecology and the United States Corp of Engineers include analysis of the impacts of this increased rail traffic and the impacts to air quality in the scope of the EIS and public hearings at the various stages of the EIS process. The City specifically requests that the following issues be analyzed and that appropriate mitigation and alternatives be identified.

a. Increased traffic congestion and delays to residents and commerce including local freight delivery.
b. Economic impacts to businesses in the Stanwood downtown as a result of traffic congestion, noise impacts, delays and the increased visual presence of trains in an area in immediate proximity to downtown.
c. Economic impacts to residential properties located in proximity to the BNSF corridor, and in the Cedarhome Area above the tracks.
d. Noise and vibration impacts to residential and commercial uses along the rail line within the city limits.
e. Impacts to emergency services within Stanwood and in outlying areas including delays in service.
f. Impacts to pedestrians using 271st St NW, Cedarhome Road and Florence Drive.
g. Impacts to the municipal parking lot including limitations on potential future re-development of the parking lot for a mixed use project as anticipated in the Transit Overlay designation of the Stanwood Comprehensive Plan.
h. Impacts to the rail corridor from potential flooding
i. Delays and impacts to passenger service currently provided at the Stanwood Amtrak Station
j. Analysis of physical impacts including increased wear and tear on the rail/street crossing at 271st St. NW.
k. Impacts to air quality including diesel fumes and coal dust and other particulates that may be blown from open rail cars.

The City requests that the railroad provide representatives to meet periodically with local citizen groups and local government officials from Stanwood to seek mutually acceptable ways to address local concerns.

The City of Stanwood requests that the railroad identify road improvement plans for grading, widening, or otherwise providing a crossing at the 271st St NW/Cedarhome intersection that would be impacted by rail traffic increases and require the railroad to mitigate its impacts by funding the design and construction of upgrades.

As a party with known interest in this proposal, Stanwood respectfully requests that all SEPA notifications be sent to the following when SEPA notification is required under your rules:

Rebecca Lind
Community Development Director/SEPA Official for the City
10220 2780th Street NW
Stanwood, WA 98292

The City looks forward to participating in this review process. If you have any questions please contact Rebecca Lind, Community Development Director at 360629-4577; rebecca.lind@ci.stanwood.wa.us.

Sincerely,

Dianne White

Dianne White
Mayor

cc: Stanwood City Council
Deborah Knight, City Administrator

Town of Woodway
WASHINGTON

January 18, 2013

Brig. Gen. John McMahon
Commander and Division Engineer
U.S. Army Corps of Engineers Northwestern Division
P.O. Box 2870
Portland, OR 97208-2870

Col. John Eisenhauer
Commander, Portland District
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

Col. Bruce Estok
Commander, Seattle District
U.S. Army Corps of Engineers
P.O. Box 3755
Seattle, WA 98124-3755

RE: Scoping Comments concerning the Proposed Gateway Pacific Coal Export Terminal at Cherry Point

Dear Sirs:

The Town of Woodway is located in the southwestern tip of Snohomish County with our western municipal boundaries running north and south along the coast of Puget Sound. The Burlington Northern Railroad's railroad line traverses along that coast with high bank lands adjacent. Woodway residents own single-family homes along that bluff. The coal trains that would operate in and out of the proposed terminal would run along that rail line.

Many organizations and individuals have submitted comments regarding the proposed terminal. Scoping comments have identified issues such as public investment, transportation, public health, public safety, economic impacts, marine health, and climate change. The focus of my community's concerns echo the issues identified in a letter submitted by Snohomish County Tomorrow, which is a growth management advisory council to Snohomish County government.

Additionally, my community is concerned about the impacts the increased rail traffic would have on the lands adjacent to the rail line. Our community has identified those

23920 113TH PLACE W. | WOODWAY, WASHINGTON 98020
PHONE: (206) 542-4443 | FAX: (206) 546-9453

lands and adjacent high bank bluffs as "critical areas" as defined by the Washington State Department of Ecology. Development is prohibited due to the environmental value of these lands plus the steep grade. Over the years, various geotechnical companies have analyzed these lands and have concluded that the soil composition, layers of specific unstable materials plus underground springs have created a high potential for landslides.

There are several "triggers" that influence the stability of these lands. Excessive moisture during the winter months can increase the ground water, saturating the soils and creating landslides that close the Burlington Northern rail line. A severe slide occurred in 1997 that moved 100,000 to 150,000 cubic yards of soil and debris[1] and derailed three Amtrak cars, pushing them into the waters of Puget Sound. In recent months, we have again seen land instability on the rail line between Seattle and Everett (between November 22, 2012 and January 4, 2013, at least 73 slides[2] have closed the line to rail traffic). During 2011, a total of 70 train runs were cancelled due to mudslides.

Another "trigger" that affects bluff stability is heavy vibration of trains that idle on the tracks or trains that are moving slowly. The proposed increase in train traffic and the length of the trains (which require a slower pace) could create increased instability to these lands, which are already well documented as unstable.

The proposed Environmental Impact Statement must study the impacts of the coal trains and their movement along Puget Sound and these high bluff, unstable lands. While many groups have discussed the impacts to commuter rail and the safety of train riders, it is equally important to consider the impacts of those individuals who live adjacent to the rail lines and what measures will be added to assure that these unstable conditions can be addressed.

Sincerely,

Carla A. Nichols, Mayor

cc: Town Council
Stephanie Wright, Chair
Snohomish County Council

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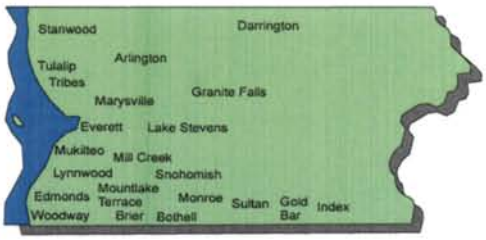
[1] Woodway Landslide - A Reminder and an Opportunity
[2] The Seattle Times, January 4, 2013

Snohomish County Tomorrow

A GROWTH MANAGEMENT ADVISORY COUNCIL



December 21, 2012

Brig. Gen. John McMahon
Commander and Division Engineer
U.S. Army Corps of Engineers Northwestern Division
P.O. Box 2870
Portland, OR 97208-2870

Col. John Eisenhauer
Commander, Portland District
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

RECEIVED
JAN 9 2013
REGULATORY

Col. Bruce Estok
Commander, Seattle District
U.S. Army Corps of Engineers
P.O. Box 3755
Seattle, WA 98124-3755

RE: Scoping Comments - Proposed Gateway Pacific Coal Export Terminal at Cherry Point

Dear Brig. Gen. McMahon, Col. Eisenhauer, and Col. Estok:

As the cooperative and representative body for growth management policies in Snohomish County, WA, the Snohomish County Tomorrow (SCT) Steering Committee submits this letter as our scoping comments for the Gateway Pacific Terminal coal export project proposed at Cherry Point, Whatcom County, Washington, facility site ID #22237. SCT is a countywide policy organization that recognizes that the impacts of coal export at Cherry Point will extend far beyond the terminal, reaching into every community located along the rail line between the coal mines and the export terminal, and even to communities outside the state that will be affected by the climate impacts of these proposals. We respectfully request that the U.S. Army Corps of Engineers, Washington Department of Ecology, and Whatcom County (collectively "the lead agencies") fully disclose and carefully assess the impacts of the Gateway Pacific Terminal on our communities and the broader region.

Pacific International Terminals, a subsidiary of SSA Marine, proposes to export 48 million metric tons of coal annually. Depending on the specific routes that the trains may take, this coal will travel in uncovered rail cars en route to the proposed Whatcom County terminal and return trains will pass through dozens of communities, including the Snohomish County cities and towns of Woodway, Edmonds, Mukilteo, Everett, Marysville, Stanwood, Sultan, Monroe and Snohomish. Aside from the impacts of coal export at and near the terminal, the Environmental Impact Statement (EIS) must examine the impacts of coal trains and the coal export industry on the citizens, local environment, and quality of life. This includes the direct, indirect, and cumulative impacts of coal export on public health, public safety, economic, marine health, public investment, and climate change. These potential impacts are described in greater detail below.

Finally, and due to the broad scale and incremental nature in which the coal train operations are expected to develop over a number of years, we believe it is imperative that the Army Corps of Engineers conducts an area-wide Environmental Impact Statement that assesses the cumulative impacts of all five of the Northwest coal export proposals.

Public Investment and Transportation

Based on existing analyses of Washington's rail infrastructure, we understand that the number of trains expected to transport coal to the GPT site could force many major railways to operate at or above capacity. Many of our communities adjacent to the rail line currently have multiple at-grade crossings, some of which are on major arterial streets. Motor vehicle congestion resulting from at-grade crossings and rail traffic is already highly problematic at some of these locations. The congestion that may be caused by additional trains could result in significant impacts on a number of key local streets as well as state and federal highways. http://www.coaltrainfacts.org/gibson-traffic-consultants-bellingham-wa-traffic-study. Preliminary traffic analyses have already been done for Edmonds, Marysville and Stanwood. These studies show the potential for severe impacts in communities from the dramatic increases in traffic. The EIS should review the impacts at specific intersections and potential mitigation in more detail, and should evaluate potential impacts on other communities in Snohomish County that have not yet been reviewed.

Furthermore, the public cost to develop capital projects that would separate these at-grade crossings threatens to divert precious public transportation resources that are programmed for existing needs. As a result, according to much of the analysis identified to date, many upgrades are probable, and we encourage the agencies to carefully examine:

- Where rail infrastructure improvements would be likely to occur.
- The sources of funding of such proposed improvements.
- The incremental impact of needed rail improvements necessitated partially or entirely by the addition of GPT-bound coal trains over the life of the project's capital infrastructure needs.
- The increased costs of rail maintenance necessitated by the additional rail traffic.

- The share of these costs borne by the public at the local, regional and state level should be noted so a full accounting of transportation externalities can be accurately identified.
- The cost of mitigation measures, such as additional overpasses, tunnels, crossings,
- and diversions, that additional rail traffic will likely motivate, especially relative to economic impacts.
- The location of necessary or probable mitigation projects, as well as the portion of the cost contributed by the federal government.

Public Health

Coal is commonly transported in open-top rail cars, contaminating local air quality, infrastructure, open spaces, farms, forestland, streams and rivers with coal dust, chunks of coal, and diesel pollution. The EIS must take a hard look at the impacts coal export, including:

- The public health impacts of increased air pollution from coal dust, which contains heavy metals, including mercury, arsenic, lead and uranium. Exposure to these toxins is linked to a multitude of health problems, such as cancers and birth defects.
- The health impacts from coal dust and diesel pollution under various exposures scenarios based on different operational lifetime projections for the Gateway Pacific Terminal.
- Public health impacts from soil contaminated by coal dust and chunks of coal deposited by coal trains.
- Public health impacts from increased noise and vibration from large freight trains, which are associated with negative impacts on psychological health.
- Public health risks associated with diesel emissions and other pollutants from coal trains.
- In addressing the impacts of coal dust and diesel pollution, the EIS should specifically analyze the potential rise of respiratory problems among children, the elderly, and other vulnerable members of our communities.
- Public health impacts from increased car emissions caused by traffic delays from coal trains.
- Many of the factors listed above will also negatively affect natural ecosystems, particularly fisheries in the Columbia River and Puget Sound. These impacts should also be incorporated into your analysis.

Public Safety Impacts

The safety of residents and businesses in our communities is our highest priority. The increase in train traffic has the potential to harm our communities by leading to more frequent accidents, including train derailments and delays in emergency response times. The EIS should analyze:

- The impact of increased train traffic on the rate of vehicular accidents and the projected increase in train-related fatalities.
- The projected increase in coal train derailments due to the large increase in coal train traffic, and the emergency response capabilities to address derailments in our communities.

- The actual travel time delays at specific intersections in our communities, and the economic and environmental impacts of these delays.
- The impact of increased coal train traffic on access to emergency services, including fire, police, and EMT services.

Economic Impacts

A strong economy is vital to the well-being of our communities. Increased train traffic and port activity has the potential to slow the growth of existing businesses (particularly in the fishing, tourism, and outdoor recreation industries) and damage property, thus reducing the likelihood that new businesses will take root in our communities. The EIS should analyze:

- The impact of increased train traffic on real estate values, including safety and noise concerns.
- The potential damage that coal dust may cause to other types of property, including businesses, crops, homes, cars, and boats.
- How additional rail traffic might impact non-rail freight mobility and access to local businesses.
- The effects of rail crossing delays on the movement of goods and people given that the GPT project would likely increase the number of trains traveling near a number of Washington's largest ports, tourist centers, and economic centers.
- The net economic and employment effects of the project. The analysis should look at the jobs that will be created by the project, including the wage level, location, and duration of these jobs, as well as whether the existing workforce is adequately equipped to fill the new positions. The agencies should also look at the employment impacts felt elsewhere in Washington, and the potential for economic impacts to communities potentially affected by the rail and other impacts to determine the net employment impact of the project. This analysis should specifically look at the economic impacts on communities in Snohomish County, as well as elsewhere in the state and region.
- The impact that added freight rail traffic will have on passenger rail service. The agencies should determine what effect, if any, GPT-induced rail traffic will have on rates, dependability, and frequency of passenger rail services such as Amtrak and the Sounder commuter services.
- The potential changes in property values for those properties that may be affected by their proximity to rail corridors and as a result of the proposal's noise, dust, traffic and other related impacts.

Marine Health

Exporting 48 million tons of coal as proposed requires 974 transits of giant bulk carriers every year of ships, twice the size of the oil tankers currently allowed to call on Washington ports. There is a clear need to evaluate these risks:

- Oil spills. These tankers carry up to two million gallons of bunker fuel, suffer from poor maneuverability, are not required to have tug escorts, and would join the increasingly congested waterways of Rosario and Haro straits.

- Impacts to the marine life at Cherry Point during construction of GPT. This should include sea-floor disturbance and increased turbidity, noise from pile driving and seismic surveys, and lighting – an attractive nuisance.
- Impacts during operations that need to be considered include shading from the pier and wharf, toxics from the terminal's outfall pipes, night lighting, and noise from vessel operations that could impact species at Cherry Point.
- Impacts of coal dust on the marine environment.

Climate Change
Burning coal leads to increased emissions of greenhouse gases and climate change. In turn, the EIS must assess the negative impacts to quality of life, public health, and the environment which are associated with climate change. This includes the impacts of climate change in our communities; ocean acidification, increased likelihood of reduced snowpack, flooding, summer droughts, and forest fires risk, and quality of coastal and near-shore habitat.

Cumulative Impacts
The lead agencies must assess the cumulative impacts of the Gateway Pacific project and existing rail traffic, as well as projected increases in rail traffic from other coal export proposals through a Programmatic EIS (PEIS). Currently, five ports are considering coal export proposals, which, together, could transport more than 140 million tons of coal through the region. For example, the lead agencies must assess the cumulative impacts resulting from the emissions of greenhouse gasses that would result from the proposed combustion, mining and transportation of coal that would be handled by the proposed coal export facility at Cherry Point. In doing so, the lead agencies must assess the totality of greenhouse gas emissions associated with all of the coal export facilities that are currently proposed for the West Coast, and the lead agencies must not only consider the total emissions but also the resulting impacts to climate change and the associated impacts on human health and natural resources resulting from rising temperatures, changing climatic patterns, rising sea levels, and increasing ocean acidification.

To clarify, we are not asking you to conduct a single EIS on all of the impacts of the pending coal-export terminal proposals. Each individual project has a range of unique local effects on the environment and local communities that should be evaluated in a project-specific EIS for each site. Instead, in addition to project-specific EISs at each terminal site, we are asking you to conduct a PEIS on those environmental and economic effects of the various projects that are similar, connected or cumulative. These shared impacts include rail traffic and emissions; ocean-going vessel traffic and emissions; increased mining; national coal supply and pricing; and air-borne mercury deposition in the Northwest and GHG emissions associated with increased combustion of coal.

Alternatives Analysis
We urge the lead agencies to complete a thorough analysis of alternatives to coal export at Cherry Point, including export of other commodities, the use of the property by other industries, and a "no action" alternative.

Conclusion

The proposed coal export projects in the Northwest present unprecedented threats to our communities. We join other regions and communities located between the coal mines in the Powder River Basin and the export terminals in Oregon and Washington and urge the lead agencies to prepare an exhaustive, expansive EIS which accounts for the wide range of direct, indirect, and reasonably foreseeable impacts from coal export on our communities. We appreciate the opportunity to comment on the first EIS for coal export in the Pacific Northwest.

Sincerely,

Councilmember Brian Sullivan, Co-chair
SCT Steering Committee

Mayor Jon Nehring, Vice-Chair
SCT Steering Committee

Stephanie Wright

Councilmember Stephanie Wright, Vice-chair
SCT Steering Committee

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ADRIENNE FRALEY-MONILLAS: Good afternoon. My name is Adrienne Fraley-Monillas and I serve on the Edmonds City Council.

Edmonds was the first city in the Puget

Sound to write a resolution in opposition to the coal trains in its current proposal. We have great concerns as citizens of Edmonds who live on Puget Sound.

Our concerns are around public safety. Across the train tracks from where the coal trains will be going up and down, we have a senior center that is very vital to our city. We have people living on the other side. We have our boats. We have people on the other side of the railroad tracks that need to get from one side to the other.

We also have access to our ferry. You will be stopping ferry traffic up to 18 times a day in a very vital port for the Puget Sound.

We also have issues with our health in the coal dust in the Puget Sound. Not enough has been done to find out what the coal dust will do to the citizens of Edmonds.

Our wildlife in Puget Sound and Edmonds, one of our basis is tourism and we will lose a lot of our tourism. They won't be able to get to the beaches. And our fear is that it will affect the wildlife in the area.

I also serve in a strange position, because I am a labor leader. I have spent 34 years in the

labor movement fighting for the rights of workers. I feel that labor needs to get together with commerce, environmentalists, and we need to come to some sort of realization that we need to work together to make a better future for Washington State.

Thank you very much.

oo-OO-oo

City of Bellevue

Office of the City Manager • Phone (425) 452-7228 • Fax (425) 452-5247
Post Office Box 90012 • Bellevue, Washington • 98009-9012

SENT VIA ELECTRONIC MAIL

January 18, 2013

Colonel Anthony C. Funkhouser
Commander, NW Division
U.S. Army Corps of Engineers
PO Box 2870
Portland, OR 97208

Ms. Polly Zehm, Deputy Director
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504

Dear Colonel Funkhouser and Deputy Director Zhem:

The City of Bellevue staff has been following the proposal by Pacific International Terminals, Inc., a subsidiary of SSA Marine, to develop a marine terminal at Cherry Point in Whatcom County. As proposed, this "Gateway Pacific Terminal" would provide storage and handling for the export and import of as much as 50 million metric tons of commodities per year, primarily coal from the Powder River Basin of Wyoming and Montana. This represents approximately 4.6% of all the coal burned in the U.S. annually and perhaps more than 1% of the coal burned globally, so it will have very large impacts.

While the construction and long-term operation of the proposed Gateway Pacific Terminal is not expected to directly affect the City of Bellevue—the proposal is expected to utilize the BNSF rail facilities running along the Columbia River and up the I-5 corridor—there is nonetheless a possibility that BNSF might choose to utilize the existing rail corridor running through Bellevue should the initial route encounter permitting or other obstacles in the NEPA/SEPA analysis. As you conduct the alternatives analysis, we presume that the Woodinville Subdivision route that passes through Bellevue might be an alternative that would be considered. However, it should be noted that the rail line is incomplete given the adjudication by the Surface Transportation Board and subsequent removal of the Wilburton overpass, which presents substantial obstacles to getting coal further north from south Bellevue.

Further, alternative routes exist through less populated areas of the state that might prove to have fewer negative environmental, economic and transportation impacts and should be included in the NEPA/SEPA analysis.

Given the significant negative impacts of this proposal, I am requesting that your NEPA/SEPA review include an analysis of the impacts in the following areas:

Environmental Impacts

We concur with other local commenters that the NEPA/SEPA review process should account for the direct and indirect impacts resulting from construction and operation of the coal terminal and rail yard on sensitive aquatic and wetland habitats in the project vicinity. In addition, it must consider the direct, indirect and cumulative environmental and human impacts, including coal dust emissions and associated mercury and heavy metal pollutants on water quality, habitat and listed species throughout the route and the impacts to transportation, public safety, quality of life, human health and property values associated with the transport of coal through heavily populated urban corridors.

Quality of Life and Economic Impacts

Adding up to 18 trains per day, each one-and-a-half miles long, could result in significant current and future negative impacts to the economic health and quality of life in our region and our City. Impacts to public health and safety from coal dust and the associated mercury, heavy metals cannot help but greatly diminish the quality of life in our city and other communities impacted by their proximity to the terminal and rail line.

Many of our rail crossings are already chronically congested and this additional traffic would negatively impact existing capacity and mobility for the key industries that rely on these corridors to move their products. I encourage you to work with transportation, planning and economic development agencies in our area, as well as cities and counties along the rail corridor to thoroughly document baseline conditions and future plans for freight and passenger rail capacity along these rail corridors. A clear assessment of the impacts of the proposal on property values along the route, as well as the impacts on residential and commercial development, will be essential to accurately measure the impacts from the proposed coal terminal.

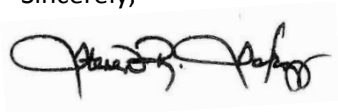
Traffic and Transportation Impacts

The addition of 18 mile-and-a-half long coal trains on the BNSF corridor has the very real potential to create significant delays at at-grade crossings in Bellevue, most notably the heavily travelled NE 8th Street corridor. NE 8th Street is the main connection into and out of downtown Bellevue and our Hospital District, which includes three major hospital facilities—Group Health, Overlake Hospital and Medical Center and Children's Eastside. Any delay on this corridor will have a direct economic impact on downtown Bellevue as well as inhibiting emergency vehicle access to these healthcare facilities which will create an additional negative impact on public safety. The addition of miles-long coal trains would exacerbate the congestion at our rail crossings, and would create additional negative traffic impacts on adjacent streets and regional highway corridors as drivers seek alternate routes to avoid the congested rail crossings.

In addition, the new East Link Light Rail station serving the Hospital District will be located immediately north of NE 8th Street on the BNSF corridor. Coal trains in this area will put at risk the significant pedestrian population accessing and departing the light rail station. The EIS should analyze the economic and safety impacts of this new train traffic on other vehicular traffic (cars, trucks, emergency vehicles, transit and non-motorized uses) and estimate the cost of mitigating these impacts.

I appreciate the opportunity to convey our initial concerns to you on behalf of the City of Bellevue. Our City will continue to follow this issue closely and staff is available to share information on traffic, transit, economic development, health and environmental impacts that would accrue to the City of Bellevue as the NEPA/SEPA process for this project moves forward. If you have any questions or need additional information, please contact Joyce Nichols, Interim Intergovernmental Relations Director at 425-452-4225, or jnichols@bellevuewa.gov

Sincerely,



Steven R. Sarkozy, City Manager

cc: Bellevue City Council

OFFICE OF THE MAYOR
Suzette Cooke, Mayor
220 4th Avenue South
Kent, WA 98032
Fax: 253-856-6700

PHONE: 253-856-5700

January 14, 2013

GPT/Custer Spur EIS
C/O CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

RE: Combined NEPA and SEPA Scoping for the Proposed Gateway Pacific Terminal and Custer Spur

Dear EIS Co-Leaders:

The City of Kent offers the following comments on the combined NEPA and SEPA scoping for the proposed Gateway Pacific Terminal (GPT) and associated Custer Spur. The City is particularly concerned about the economic and environmental impacts from the increased train activity through the heart of the City. The Burlington Northern Santa Fe (BNSF) track runs through and bisects the City of Kent running north/south. These impacts are significant and require that the study area be expanded to include communities along the travel path as well as at the terminus at Cherry Point.

The City of Kent is the sixth largest city in the State of Washington with over 119,000 residents. The City holds the fourth largest Industrial and Warehouse Distribution Center in the nation and is the second largest on the west coast. Kent is located in South King County which has been identified as home to some of the most fragile health populations in the county. A King County Health Department study found that 31% of the population in South King County suffers from obesity and associated chronic illness including diabetes and pulmonary disease. This percentage is double that found in the rest of the county. South King County has the highest percentage of diversity and multicultural ethnicity in the region and impacts to these communities should be analyzed under the Environmental Justice umbrella. These quick facts about the City of Kent will help set the stage for understanding the following concerns and comments related to Scoping the project.

Transportation, Congestion, Safety

There is uncertainty regarding the number of additional trains that will be added to existing rail facilities but estimates indicate an initial complement of nine round-trip or 18 total daily trains, each up to a mile and a half long. The impacts to local traffic congestion and the level of service on the local road network should be examined. Future traffic congestion impacts need to be evaluated based on a realistic expectation of future coal train traffic and not just this initial minimum number of proposed trips at start-up.

The City of Kent has eight at-grade crossings on the BNSF line, most of which are in the downtown urban center. The combined daily traffic on these eight cross streets is roughly 100,000 vehicles. A study of crossing delay estimated a range of 45 to 90 minutes of additional delay every day from these 18 new coal trains. (Total time of delay varies with speed of the train.) As the number of trains increases, the potential for accidents and fatalities increases. The mobility and safety impacts from

this increased train traffic need to be evaluated in the EIS.

Increased traffic congestion and crossing delays will increase tailpipe emissions from stopped and idling vehicles and increased diesel emissions from train engines. These impacts to traffic congestion and air quality need to be evaluated in the EIS.

The addition of this significant street closure time due to 18 or more long trains per day increases delay to Fire Department and Police personnel responding to emergency calls and to medical transport vehicles moving patients to area hospitals.

It increases daily delay to school buses which puts increased burden on financially strapped school districts to increase their fleets and transportation budgets to restore the transit times they originally planned for picking up children and transporting them to local schools.

It increases delay to workers trying to access jobs and negatively impacts the city's major employment sector moving freight in and out of the Kent Manufacturing/Industrial Center. It increases delay of shipping valuable commodities to the Port of Seattle and the Port of Tacoma as well as short-haul distribution of imported goods to local businesses.

How would this addition of 18 coal trains affect other rail capacity? Residents and businesses in Kent rely on Sound Transit Commuter Rail as a preferred mode of transportation for commuters. Will this traffic supplant or preclude additional Sounder Rail service? The EIS should look at how this project will affect competition for future rail capacity and opportunities for more favorable or higher uses of the track time.

Kent has spent considerable time and local financial investment in bicycle facilities and new transit facilities. Bus schedules are timed to meet commuter rail schedules at the Sound Transit Kent Station. The City's signal timing and corridor progression are coordinated to assist bus routes in reaching the Kent Transit Center on schedule for transfers to Commuter Rail or Express commuter bus service. The BNSF tracks separate the majority of Kent residential neighborhoods from the Commuter Rail and Transit Center. The EIS should examine to what extent the additional hour to two and half hour delay every day at crossings would affect bicycle, pedestrian and transit users throughout the coal train corridor.

According to the 2012 Washington State Congestion Report, the cost of congestion is $21.90 per hour. Considering 18 trains per day imposing anywhere from one to two and a half hours of delay and around 100,000 vehicles being affected, many with more than one occupant, the cost of delay could be estimated to be in the millions of dollars to Kent residents and businesses alone. The EIS should examine the magnitude of this economic cost to communities along the corridor.

The EIS should consider the impacts to the existing 900 households and 3,700 jobs in the downtown, as well as impacts to planned future growth in households and jobs in this existing regionally-designated urban center where most significant increases in jobs and housing are expected to occur.

- Public Health
  Proximity to rail lines provides significant exposure to toxic diesel exhaust. The proposed coal trains would be powered by four engines each spewing diesel engine particulate emissions from 72 engines per day. The Environmental Justice impacts to low-income communities from this toxin need to be examined in the EIS.

  Studies on coal dust from the transport of these commodities indicate anywhere from 500 to 2,000 pounds of coal dust will escape from each and every car on every coal train. The cumulative effects of coal dust from over 400,000 loaded coal cars per year and another potential 400,000 unloaded coal cars need to be examined in the EIS. How would this affect levels of asthma attacks, pulmonary inflammation, bronchitis, emphysema and cancer in our local community?

  Noise, diesel emissions, and toxic coal dust from the increased rail traffic will negatively impact the livability of Kent's neighborhoods and the health of our population. The EIS should examine the degree to which these negative externalities affect people and property in residential communities and business districts along the travel corridor.

- Noise and Vibrations
  The City of Kent is in the process of pursuing a Quiet Zone for its downtown area. The EIS should study what effect the addition of 18 or more trains that are up to a mile and a half long will have on this community and others in the pursuit of noise abatement and future Quiet Zone implementation.

  In January 2012 a hillside on the east side of the BNSF tracks slid - propelling mud, trees and utilities into the East Valley Highway. The soils in the Kent Valley are great transmitters of vibrations and could make future development in the downtown core problematic if there is an additional one to two hours of new ground-transmitted vibrations from coal trains. The effect of vibrations on hillsides and the extra costs associated with projected household and job growth along the train corridor should be studied in the EIS.

  Environmental
  The Kent Valley is part of the Green River/Duwamish watershed and host to many species of fish and wildlife. Salmonid species present in the watershed include Chinook, Chum, Coho, Sockeye, and Pink salmon, Bull Trout and Cutthroat trout.

  Coal dust from these additional trains will settle on environmentally sensitive wetlands in the Kent Valley. The EIS should study the effect of coal dust on wetlands and floodplains, and its transmission to streams and rivers.

  The EIS should consider impacts on the Green River and Mill Creek which provide designated critical habitat for listed species. In the Green River this includes three listed salmon species, namely: Chinook, Bull Trout and Steelhead.

  Coal dust particles from the proposed GRT trains would deposit heavy metals and other toxic chemicals that settle in soils and water. The EIS should evaluate the magnitude of

the impacts to aquatic life, wildlife and people.

The EIS needs to examine and mitigate the full impacts to the health, environment, and economic viability of local communities along the entire proposed coal train corridor. Although it's questionable whether the above impacts could be adequately mitigated, the EIS should consider mitigation measures such as, covering and securing the coal in the rail cars, both for dust control and securing cargo in the event of derailment; construction of overpasses/underpasses to address impacts to the local transportation system; monetary assistance for commercial, industrial and retail construction enhancements to mitigate noise and vibration; control of air emissions from train engines; and track improvements and equipment to mitigate noise from the trains. The City of Kent wishes to become a Party of Record regarding the Gateway Pacific Terminal and Custer Spur and be included in any further elements of the EIS.

Sincerely,

Suzette Cooke, Mayor
City of Kent

Dennis Higgins
Kent Council President

Elizabeth Albertson
City Council Member
Chair of the Public Works Committee

Deborah Ranniger
City Council Member
Chair of the Parks Committee

Bill Boyce
City Council Member
Chair of the Public Safety Committee

Dana Ralph
City Council Member

Jamie Perry
City Council Member
Chair, ECD Committee

Les Thomas
City Council Member
Chair, Operations Committee

CITY OF SHORELINE

SHORELINE
CITY COUNCIL

Keith A. McGlashan
Mayor

Chris Eggen
Deputy Mayor

Will Hall

Doris McConnell

Chris Roberts

Jesse Salomon

Shari Winstead

January 18, 2013

EIS Scoping
GPT/Custer Spur EIS
c/o CH2M Hill
1100 112 Avenue NE, Suite 400
Bellevue, WA 98004

Re: Scoping Comments for Coal Train EIS

Dear Department of Ecology, U.S. Army Corp of Engineers, and Whatcom County:

On behalf of the City of Shoreline City Council, we are providing comments for the scoping of the coal train proposal Draft EIS. After holding several community meetings, a council meeting, and receiving written comments, Shoreline, overwhelmingly, has deep concerns about the wisdom of the project as well as the environmental analysis and impacts.

On January 14 the City Council voted to unanimously oppose the proposed project at Gateway Pacific Terminal at Cherry Point and all exports of coal. On behalf of our 53,000 residents, the City Council will be passing a resolution in the next several weeks opposing the project entirely. We realize that an EIS is a document that discloses environmental impacts but does not approve or deny a project.

We believe the project has very little benefit in terms of job growth and will result in tremendous adverse impacts that disclosure in an EIS will not avert or mitigate. Our concerns range from local impacts to Shoreline to regional and global impacts. Shipping the coal to be burned in poorly regulated Asian plants does not address climate change or reduce greenhouse gas emissions. We believe this is contrary to our community's, Governor Inslee's, and President Obama's desire to expand and grow alternative and green energy jobs and products.

17500 Midvale Avenue North Shoreline, Washington 98133-4905
Telephone: (206) 801-2700 www.shorelinewa.gov

Our recommendations for you to include in the scoping of the Draft EIS are the following:

1. The project is narrowly focused on the Gateway Terminal at Cherry Point and increase in train traffic. The EIS should be a programmatic EIS that is more comprehensive which would include the mining, transportation, terminals, unloading/loading, shipping to Asia, burning with its impacts on climate change, ocean acidification, and air pollution.

2. The Cherry Point site was zoned and partially developed prior to SEPA so the impact analysis should reach back to include those changes as well as the proposed changes. Off Cherry Point is a herring breeding ground and eelgrass bed that the State Department of Natural Resources has designated as an Aquatic Reserve. The herring population has been diminished in recent years and this project would further impact this resource. Puget Sound fisheries in general and endangered salmon and orca rely on the herring; any negative impacts to this area could have profound and far-reaching effects on food production, existing jobs in the fishing and tourism industries, and cultural impacts to traditional Lummi Tribal grounds at Cherry Point.

3. Puget Sound is a huge estuary. Salmon are an endangered species and a major food source for orcas and essential to the NW fishery industry. The transportation of coal and its attendant coal dust and possibility of derailment would result in an increase in toxic pollutants into the Sound, including arsenic, lead, and mercury. Through Shoreline there is little or no buffer between the rail line and Puget Sound. The BNSF tracks drain directly into Puget Sound. The section of rail between Seattle and Everett is precarious with about 70 landslides since November 2012 that disrupt train traffic and in one case derailed a train toward Puget Sound. Water pollution is also a regional and global concern. All waterways along the train route may be impacted, including the Columbia River. Further, mercury and other toxic air pollutants produced when China and other Asian countries burn coal shipped from Washington will end up in the Northwest's air, water and fish.

4. Vehicle traffic impact analysis related to RR crossings will be important including emergency service access and their response times should be conducted. Diesel emissions and vibration from passing train engines and idling, side-tracked engines and the proximity to human habitation should be studied.

5. The economic impacts of those whose jobs or homes are negatively affected by the project should be studied. A cost-benefit analysis of jobs

destroyed verses jobs created should be conducted. Environmental justice should be considered for those who cannot afford to move from polluted areas.

6. Economic impacts include human health care, environmental remediation, and to property values and city tax revenue. Financial impacts to state and local jurisdictions (and taxpayers) that will result from having to fund needed infrastructure improvements must also be assessed.

7. No Project Alternative - If the project could not be sited at Cherry Point for whatever reason, what would be the alternative? Would a terminal be built in British Columbia? If so, what would the environmental review process for that site entail? If the terminal is placed in Vancouver BC, could BNSF increase the traffic through our city without any environmental review? Alternative uses of the site should also be analyzed. There may be better ways to use the industrial site that offer more jobs per acre and have less environmental impact.

As lead agency, we urge you to complete a more comprehensive environmental review until we can urge our state government to deny the project all together.

Sincerely,

Julie Thuy Underwood
City Manager

cc: Shoreline City Council
Rachael Markle, Planning& Community Development Director

Enclosures: Written public comments

From: Gini Paulsen
To: City Council; Julie Underwood
Subject: Global warming and coal
Date: Thursday, January 10, 2013 1:22:34 PM

To: Mayor McGlashan, and Shoreline Council Members Eggen, Hall, McConnell, Roberts, Salomon, &
Winstead, and
City Manager Underwood

We have been warned repeatedly over the past several years about the increase in CO2, now reported to be worldwide at approximately 395ppm. Global warming is mainly the result of CO2 levels rising in the Earth's atmosphere. Both atmospheric CO2 and climate change are accelerating. Climate scientists say we have only years, not decades, to stabilize CO2 and other greenhouse gases to prevent even more devastating environmental catastrophes, as UW Prof. Peter Ward discusses and describes in his book
THE FLOODED EARTH. The website below reveals how sharply CO2 levels have increaed over the past half century.

CO2 Now | CO2 Home
co2now.org/Cached - Similar
You +1'd this publicly. Undo
To help the world succeed, CO2Now.org makes it easy to see the most **current CO2 level** and what it means. So, use this site and keep an eye on **CO2**.
CO2 Now - Weekly Data | Atmospheric CO2 - Current CO2 - CO2

In the Seattle Times, Wed, Jan 9th, 2013 A2 news, it was reported that 2012 was the hottest year on record in the contiguous US. There were 16 months of consecutive warmer temperatures, which included droughts that engulfed 61% of the nation, killed corn, soybean, grain, peanut and other crops, led to the slaughter of large herds of beef and raised food prices considerably. According to the latest report, food prices will increase by another 3% due to the 2012 drought. I find buying foods of all kind much more expensive in the last several years.

The costs of just 11 disasters in 2012 in the US exceeded a threshold of $1 BILLION. I am not sure if this includes the huge damage caused to the NY and NJ seacoasts by Super Storm Sandy in November 2012. The most recent estimated costs, as reported by Huffington Post, are as follows: **New York is seeking $42 billion in federal aid, including about $9 billion for projects to head off damage in future storms. New Jersey is seeking nearly $37 billion in aid, including $7.4 billion for future projects.**

Clearly, the states of New York and New Jersey are unable to pay the costs of repair, replacement, restoration, and/or renovation to individuals and businesses who suffered such extensive damages caused by this Super Storm. Nor are these states able to pay for the costs of prevention of future disasters which are highly likely to occur. As well, **Congress may not be able to provide these rquested funds.**

Global warming is caused primarily by humans releasing greenhouse gases, especially CO2, most notably by burning fossil fuels such as petroleum products and by coal It is increasingly clear that the federal government lacks funds for the continuing environmental diasters caused by global warming. Therefore, we must, each and all -individuals, businesses, corporations and governments - do everything we can to prevent any further increases in global warming as soon as possible. **AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE,** especially when the cure is not affordable, and that may not be effective, that is sufficient.

The **sources of CO2** are either natural (from release of methane by farm animals, for example) or by humans burning fossil fuels such as petroleum products and coal. One estimate is that 45% of all CO2 is released by cars burning petroleum. Another estimate is that a similar percentage is contributed by burning coal.

Greenpeace's website states that "**Coal is the most polluting of all fossil fuels and the largest single source of global warming pollution in the world."** To curb global warming pollution to the levels needed to minimize the risk of catastrophic global warming, we must end our use of coal in the U.S. within the next 30-40 years. **COAL IS NOT CLEAN. Nor can it be cleaned.** Sequestering CO2 underground, or in the sea is and will be prohibitively expensive, and this at a time when there are large demands on governmental revenues at all levels. Despite claims that there exist technological devices to clean it technology such as that proposed by Carbon, Capture and Storage (CCS) is a false hope according to GreePeace.

China is regarded as the biggest user of coal. The coal trains coming from Wyoming and Montana, transversing Washington State, East to West, and then to ports on Puget Sound, will be shipped to China.

The consequences to shipping coal on trains coming from WY and MT, through WA state include extensive pollution of the atmosphere, water and land. Coal dust on open trains does not just stay there. It seeps into the air, falling in minute particles onto the water and land. Puget Sound is already heavily polluted, despite ten years of efforts and millions of dolars to clean it up, unsuccessfully. Given the heavy rains we have been experiencing along and on the BNSF RR tracks just a single accident resulting in the derailment of coal trains would be an unmitigatable environmental disaster, further and probably permanently polluting the Puget Sound. If a port is constructed at Bellingham and Grays Harbor, an accident at these and other oceanside ports would also pollute the Pacific Ocean.

Falling on the land coal dust seepage jeopardizes crops, including vegetable, fruit, grains and grass on which farm animals feed, habitats of bees and other pollinators on which we depend for pollination of grains, fruits, and vegetables, thus jeoparcizing our survival.

There are also adverse health effects to these coal trains, since particulate matter gets into the lungs. Miners die from lung disease caused by inhaling coal dust. Damage to the lungs also affects, adversely, heart functioning, brain capability and other physiological systems and organs. As someone suffering from pulmonary fibrosis, I can tell you that you do not want to get a lung disease in which your lungs are packed with coal or any other type of dust (e.g., asbestos.) Such disease seriously impairs functioning. As well, it is children and older persons who are most

likely to be harmed by coal dust.

There are other adverse consequences to coal trains transversing Washington State. This includes disruption of usual activities. The frequent, slow moving, long coal trains take a long time to cross any given point. This disrupts normal traffic from one side of the RR tracks to another. The cities of Edmonds and Seattle illustrate this. Coal trains, if not prevented, will severely disrupt ferry traffic, both traffic attempting to board the ferries and traffic disembarking from the ferries. The delays will be onerous, and seriously and extensively disruptive, with substantial economic hardships.

Further, access of public safety vehicles - Fire, Police, Medic 1 - will be seriously hampered, jeopardizing lives and property, if coal trains are allowed. Lives, both private and public, and property will be lost because coal trains prevent necessary traffic from crossing the RR tracks.

A cost/benefit analysis to indivduals, businesses,and governments, in both the short and long term indicate that the short term benefits of a few number of permanent jobs and revenues generated by these coal trains will be far less than the enormous costs that will be incurred if the coal trains are allowed. This is because the damages caused by coal trains, which will result in enormous shipments of coal to China, where burning coal will increase CO2 in the atmosphere, and then global warming, will be too expensive to remedy or repair.

The primary beneficiary of the coal trains in Washington State will be BNSF and its owners, and the owners of the coal fields in Montana and Wyoming, and the huge financial gains to these entities will be at the expensive of residents, citizens, businesses and governments in WA State. We cannot allow and cannot afford to have a single industry profit while imposing huge costs on the land, waters and residents of states outside the boundaries of WY and MT.

For these various reasons Coal trains from WY and MT must be terminated and not allowed into this state, and especially not allowed to go to China. Otherwise, there will be a boomerang effect on our lives and on this state that will be devastating. Prof Peter Cook in **THE FLOODED EARTH** (which I urge each and all of you to read) describes the consequences of increased global warming, will include rising, warming and increasingly acidic seas, lethal to marine life, and ultimately to our survival. Storm surges at high tides will destroy private property, both residences and businesses, as happened recently in West Seattle, and at Whidbey and Camano Islands.. The costs of repair and renovation, as well as prevention of such disasters, will be too severe, too frequent for either private parties or governments to remedy and to prevent.

The only way to respond at this time is to prevent and prohibit any and all coal trains from entering and tranversing Washington State, such that coal is not shipped overseas to China or other nation for them to burn.

I urge members of the Shoreline City Council and the City Manager to listen and learn, and to take a strong stand in prohibiting coal trains in Shoreline, in King County and in Washington State. I also recommend that the City Council and its Manager request Gov Jay Inslee to have WA State AG Bob Ferguson initiate lawsuits against BNSF, against the owners of the WY and MT coal fields and mines and against China in order to mitigage the extensive damages caused by

global warming due to burning coal.

Virginia M. Paulsen, PhD
16238 12th Ave NE
Shoreline, WA 98155

From: joyceroth
To: City Council
Cc: Julie Underwood
Subject: Coal Trains
Date: Wednesday, January 09, 2013 5:33:18 PM

I have lived in the Richmond Beach area of Shoreline for over 40 years. Our residence is not far from the RR tracks and there is vibration from the trains going through. If you are lying in bed when a train is going thru, you will feel the bed shake. I think coal trains will only increase this problem as they will significantly add to the train traffic which at times is about 5-10 minutes per convoy. They are quite noisy and I have been told they can be heard in North City.

The current mudslide situation has adversely affected freight and passenger traffic on BNSF tracks and there is potential for further damage from coal train traffic.

The facts about global warming are well documented and coal shipments to China will add to the dire consequences. All humans on this earth should be concerned. Therefore, I urge you to vote against the proposed coal train terminal as being in the best interests of the City you represent and whose care you are charged with.

Sincerely,
Joyce Roth

From: webmaster@shorelinewa.gov
To: agenda comments
Subject: New agenda comment via website
Date: Friday, January 11, 2013 2:43:44 PM

Submission information

Submitter DB ID : 2938
Submitter's language : Default language
IP address : 206.188.38.177
Time to take the survey : 11 min. , 17 sec.
Submission recorded on : 1/11/2013 2:33:17 PM

Survey answers

Name (required):
Gabriel

City of Residence (required):
Shoreline

Neighborhood:
Ballinger []
Briarcrest []
Echo Lake []
Highlands []
Highland Terrace []
Hillwood []
Innis Arden []
Meridian Park []
North City []
Parkwood []
Richmond Beach []
Richmond Highlands []
Ridgecrest []
Westminster Triangle []
Don't know []
Not applicable [x]

Email:
gabe_pinnick@hotmail.com

Agenda Date (required):
1/14/2013

Agenda Item:
Coal Train Environmental Impact Statement Scoping Process

Comments:

Understand the most comprehensive and in-depth EIS will only assist the corporations involved, if nothing else, to build better permit applications. It does not address the cause of power imbalance within each community affected. We must organize collectively within our municipalities and demand the inherent right of self-governance to the people of these communities; to turn the lawmaking functions within these municipalities against state and federal level to drive in the sustainability we the people want, and desperately need, from the inside out. Under the current legal framework, the people –the majority- can express discontentment, we can say " no" under the guise of participatory democracy, but we cannot change the material conditions with our moral suasion or requests because these corporations build these proposals, despite majority outcry, off of laws that declare them as possessing the privately-enforceable, constitutionally-protected rights to do so; more so than the communities in which they operate, and especially more so than the natural communities in which they operate for the simple reason that nature does not have legal rights. I propose the City of Shoreline, as well as every municipality, to collectively draft local home-rule ordinances that ban coal-train passage through municipal boundaries, declare constitutional corporate rights of commerce and property as subordinate to the rights of the people and their communities, legally promote the Puget Sound and other natural communities as possessing privately-enforceable rights, and a preemption that invalidates any state-issued permit that contradicts any of the above. I ask the Shoreline City Council to join this collective municipal effort, and not side with BNSF or others to sue to keep the measure off the ballot to prevent our voices from being heard. Also, understand that throughout history, imminent harm being forced upon communities generally radicalizes those communities; to say, where there's oppression, there's resistance. From there, it either flourishes solidarity, repression, or both. We, the majority, have identified an imminent harm, and if we demand our humanity and justice for our planet, how will you – the City Council- choose to respond?

Position:
Support []
Oppose [x]
Neutral []

From: webmaster@shorelinewa.gov
To: agenda comments
Subject: New agenda comment via website
Date: Friday, January 11, 2013 2:53:45 PM

Submission information

Submitter DB ID : 2939
Submitter's language : Default language
IP address : 206.188.38.177
Time to take the survey : 1 min. , 6 sec.
Submission recorded on : 1/11/2013 2:44:36 PM

Survey answers

Name (required):
Rachel Sowash

City of Residence (required):
Shoreline

Neighborhood:
Ballinger []
Briarcrest []
Echo Lake [x]
Highlands []
Highland Terrace []
Hillwood []
Innis Arden []
Meridian Park []
North City []
Parkwood []
Richmond Beach []
Richmond Highlands []
Ridgecrest []
Westminster Triangle []
Don't know []
Not applicable []

Email:
rach_sowash@excite.com

Agenda Date (required):
1/14/2013

Agenda Item:
Coal Train Discussion

Comments:

We live in a unique and abundant bioregion. The people of the Pacific Northwest should make the decisions, should stand up to protect nature, and should strive for a better community. Not let some corporation thousands of miles away rip apart and our beloved land and community.

Corporate greed has already destroyed 98% of the old growth forests and has polluted the Sound so badly that nobody can safely consume the very fish and shellfish that the indigenous before us (and still) subsisted on for thousands of years.

Activist and author, Jane Anne Morris is quoted as saying "Making decisions for the community is called self-governing. Making decisions for other people where they live is called subjugation or empire. "Free-trade" denies self-governance and imposes empire."

It's time we put in rights-based municipal ordinances all around Puget Sound to stop these abusers of local democracy in their tracks; literally.

Just a few months ago, with the expert help of the Community Environmental Legal Defense Fund, multiple cities in Ohio unanimously adopted various forms of Community and Environmental bills of rights to ban proposed toxic wastewater injection wells from entering the cities.

There is no reason why that same model couldn't be applied here all throughout Washington.

Position:

Support []

Oppose [x]

Neutral []

From: Ginny Scantlebury
To: City Council
Subject: Another coal train letter from 27th Ave NW
Date: Monday, January 14, 2013 3:40:55 PM

Dear Mayor & Council Members,

We live on 27th Ave NW (are members of the Richmond Beach Preservation Association) and we live adjacent to the railroad tracks:

1. We have been told that we have a problem with coal dust and other coal residue from passing Burlington Northern trains. We have lived here since 1981 and have experienced some soot and residue from passing trains since we have lived here. Since we have had coal trains, we have noticed no increase in deposits and/or residue on our property.

2. Consequently, we have a problem with proclaiming that this is a problem. In addition, we have heard the Burlington Northern is spraying the coal cargo to prevent coal dust dispersion.

3. Everyone needs to consider the following thoughts:

4. A. For the good of the US economy, we need to export as much as we can to help with our balance of trade payments throughout the world.

B. In addition, the coal provides for many jobs in various communities in our country.

C. Burlington Northern is a company doing business as a transporter of goods and materials. Do we want to micromanage what they can transport? Please note – that every day they pass through Shoreline with cargo far more toxic than coal.

D. Please remember "the first rule in business" – if you don't take care of your customers somebody else will.

Sincerely,

Roy and Ginny Scantlebury

19625 – 27th Ave NW

Shoreline, WA 98177

206-546-5627

From: webmaster@shorelinewa.gov
To: agenda comments
Subject: New agenda comment via website
Date: Monday, January 14, 2013 1:36:18 PM

Submission information

Submitter DB ID : 2942
Submitter's language : Default language
IP address : 67.185.165.101
Time to take the survey : 10 min. , 10 sec.
Submission recorded on : 1/14/2013 1:34:31 PM

Survey answers

Name (required):
Pat Kato

City of Residence (required):
Shoreline

Neighborhood:
Ballinger []
Briarcrest []
Echo Lake []
Highlands []
Highland Terrace []
Hillwood []
Innis Arden []
Meridian Park []
North City []
Parkwood []
Richmond Beach [x]
Richmond Highlands []
Ridgecrest []
Westminster Triangle []
Don't know []
Not applicable []

Email:
Not answered

Agenda Date (required):
1/14/2013

Agenda Item:
coal trains

Comments:
I oppose coal trains due to the negative environmental impacts on water, soil, air and climate wherever the trains travel. I think we should discourage coal use globally.

Position:
Support []
Oppose [x]
Neutral []

RICHMOND BEACH PRESERVATION ASSOCIATION
19711 27th Avenue Northwest, Shoreline WA 98177

January 14, 2013

Shoreline City Council
City of Shoreline
17500 Midvale Avenue
Shoreline WA 98133

Sent via Email

Re: Coal Train Environmental Impact Statement Scoping Process

Honorable Members of the Shoreline City Council;

I am writing on behalf of the Richmond Beach Preservation Association, a non-profit homeowners association established under the Revised Code of Washington and consisting of property owners along 27th Ave NW in the city of Shoreline, and adjacent to the BNSF right of way. The RBPA is voicing their opposition to the proposed Gateway Terminal at Cherry Point in Whatcom County. Our opposition is based on several often cited concerns.

First is the Environmentally Sensitive Marine Area of the proposed terminal site. While other industrial facilities exist in this area, they were constructed prior to the level of knowledge that exists today regarding the delicate balance and overall importance of a healthy marine habitat.

Second, the overwhelming opposition by health care professionals – most of who would not be directly impacted by the transportation of the coal or the operation of the terminal. In other words, their opposition is not a NIMBY ("not in my back yard") reaction, but rather a unified statement as to the detrimental health issues related to coal dust.

Third, there is a very evident increase in presence of coal dust appearing along the BNSF transport corridor from the coal trains traveling to and from Roberts Bank in Canada. Residents along 27th Ave NW have noticed an accumulation of coal dust on their homes, vehicles, and property – especially since the increased number of coal trains destined for Roberts Bank. Additionally, I have heard from boat owners at Squalicum Harbor in Bellingham that now are finding coal dust on their boats.

On this point of coal dust from train traffic, we would urge the City of Shoreline to join others in the effort to require coal carrying rail cars to be covered. It is a purely economic decision not to cover the coal carrying rail cars.

For the Council's reference, I have included a couple pictures from the Roberts Bank coal terminal in Canada. The first picture is from April 2012 of a coal dust cloud at the terminal. As a reference to the size of the coal dust cloud, the ship in the foreground is about 800 ft long and the container cranes are nearly identical to those at the Port of Seattle.

The second picture is from December 2012 when a ship lost control and demolished about 300 feet of the causeway that supplies the coal to the ships. While the ships have numerous tugboats to assist in mooring, it is proof that accidents do happen.

Finally, there is the issue of the greater good. Even though the proposed Gateway Terminal may have a direct monetary benefit to a relative few, the economic costs to the environment, the public health and the overall quality of life is too great to justify the Gateway Terminal or the continued practice of allowing the transport of coal in open air rail cars.

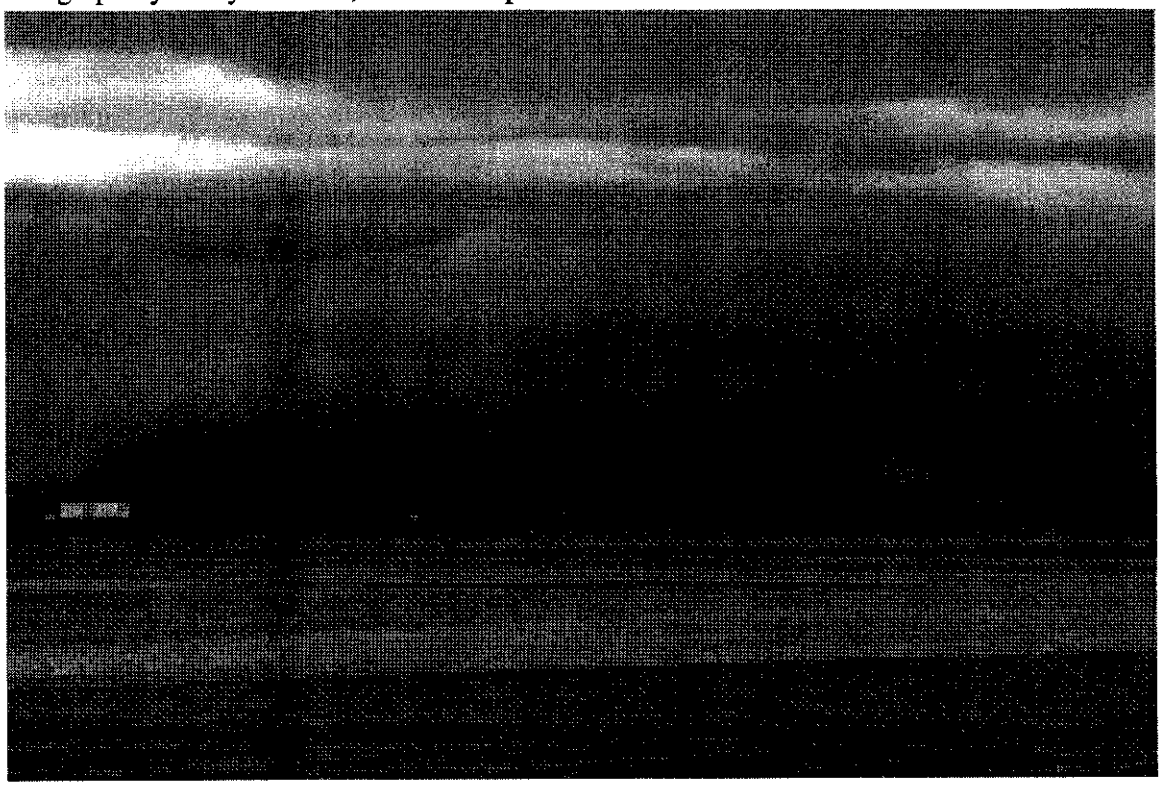
On behalf of the RBPA, thank you for your time and thoughtful consideration of this issue.

Sincerely,

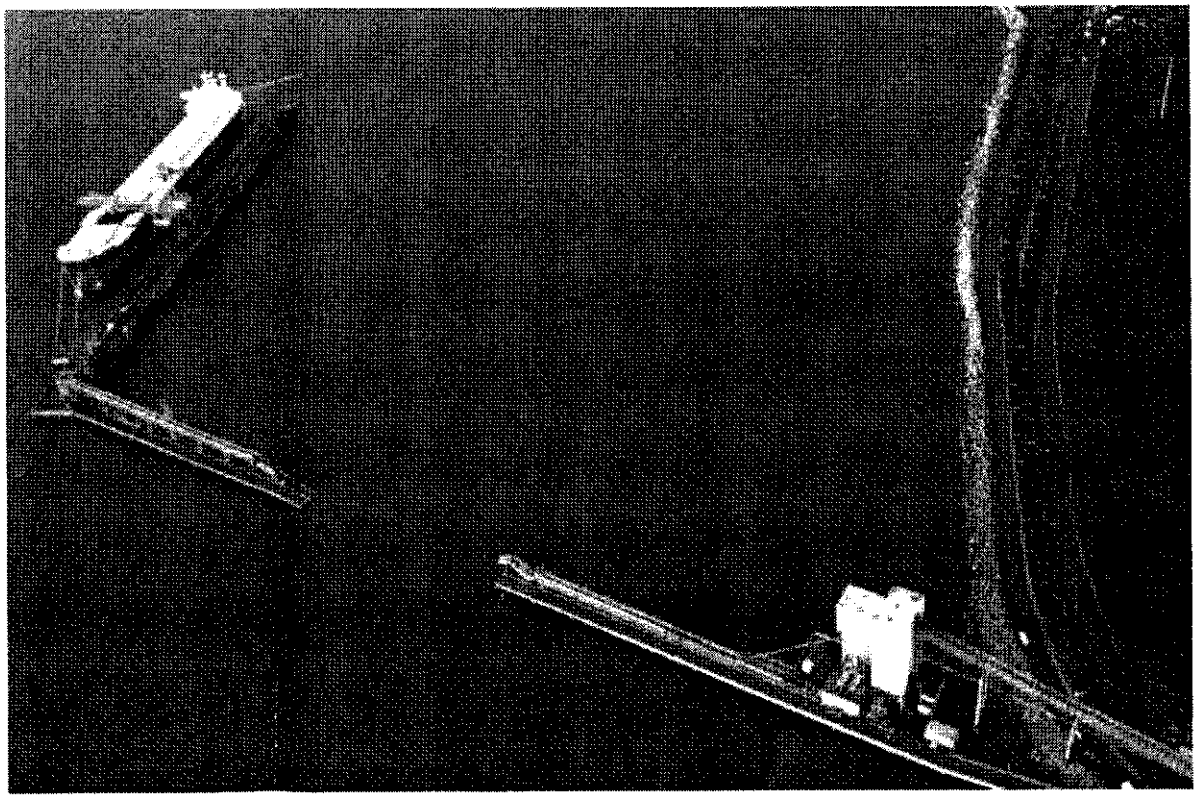
Richard Kink for
Richmond Beach Preservation Association
Board Member

enclosure

Photograph by: Jerry Bierens , for Delta Optimist



Photograph by: Special to the Vancouver Sun



Kimberly Lehmberg

From: City Council
Sent: Tuesday, January 15, 2013 8:26 AM
To: Carolyn Wurdeman; Chris Eggen; Chris Roberts; Debbie Tarry; Doris McConnell; Jesse Salomon; Julie Underwood; Keith McGlashan; Shari Winstead; Will Hall
Cc: Paul Cohen; Kimberly Lehmberg
Subject: Distribution Only: Suzi Jamieson - Coal Trains

This comment came too late for distribution before the meeting last night.

Heidi C.

-----Original Message-----
From: webmaster@shorelinewa.gov [mailto:webmaster@shorelinewa.gov]
Sent: Monday, January 14, 2013 6:14 PM
To: City Council
Subject: Website Contact Form

Submission information

Submitter DB ID : 2943
Submitter's language : Default language
IP address : 71.231.146.196
Time to take the survey : 28 min. , 57 sec.
Submission recorded on : 1/14/2013 6:13:55 PM

Survey answers

Your Neighborhood
Ballinger []
Briarcrest []
Echo Lake []
Highlands []
Highland Terrace []
Hillwood []
Innis Arden []
Meridian Park []
North City []
Parkwood []
Richmond Beach []
Richmond Highlands []
Ridgecrest []
Westminster Triangle []
Don't Know []
Not applicable []

How Should We Contact You? (Please provide the necessary contact information below.)
Email []
Phone []
Mail []
No Response Needed [x]

Name:
Suzy Jamieson

Address:
19030 11 Ave. NW Shoreine, WA 98177-2611

Phone:
206-546-5027

Email:
s2jamieson@aol.com

Comments:
The coal industry is responsible for many health problems including asthma, cancer and heart disease. It poisons our food supplies (fish) and us. We should not bring this directly into our community by allowing coal trains to travel through, spewing their toxins as they go into our homes and waterways. The cost of health care and toxic clean up on land and in the water will far outway any benefit that a few jobs in our state will provide. This industry has a history of not cleaning up after themselves, costing tax payers billions of dollars.

The coal industry is also directly responsible for climate change. As we have seen by the recent super storm on the east coast, this also costs tax payers billions of dollars.

We cannot afford to promote this industry in any way. It is too costly.

January 14, 2013

To: Shoreline City Council

From: Suzanne Pardee, MPA
suzannepardee@w-link.net
17530 10th Ave NW
Shoreline, WA 98177

Re: Coal Train Scoping Comments

Request: Pass a Resolution Opposing the Proposed Coal Trains and Cherry Point Terminal. Demand a truly comprehensive Environmental Impact Statement that evaluates all the environmental, economic, and social impacts of coal mining, transportation and burning.

Dear Shoreline City Council Members:

I urge the Shoreline City Council to pass a resolution firmly opposing the proposed Coal Train and Cherry Point Terminal, and I urge the Council to demand that the lead agencies responsible for the EIS Scoping Process conduct a thorough review of all impacts, from start to finish. This means that all the known and potential environmental, social, and economic consequences of coal mining, coal transportation, and consumption should be thoroughly evaluated in the EIS Scoping Process. Concerns include, but are not limited to the following topics:

- Most of the coal mining will be done on public lands in Montana and Wyoming, yet private corporations will reap the lion's share of the profits. The public has already been shortchanged billions of dollars from coal taken from public lands in these states, and the leases for future extraction promise the public a mere pittance.

- The ecosystems on public lands provide half the watersheds for America's municipal water supplies, and coal mining and coal dust is known to release a wide variety of toxins into the environment, including lead, arsenic, and mercury. Toxic exposure is known to increase rates of cancer, birth defects and infertility, and it increases rates of neurological damage such as decreased intelligence, increased learning disabilities, and increased violent behavior. Do we really want to create a whole new host of health and social problems, and further stress the public systems that must deal with them?

- What is the impact of coal mining to ecosystems, both in terms of habitat loss, and from toxic exposure? Do we really want to further degrade ecosystems that are reeling from global warming, acid rain, and wholesale elimination through conversion to development?

- Mining activities often cause landslides, threatening communities that live downhill. How many homes and lives will be lost, and who will pay for the damage that can be repaired?

- Coal mining damages economic activity in other industries, especially in fishing, tourism, and real estate sectors. Why should these jobs merit less consideration than coal train jobs?

- The coal trains would pass through the farmland of several western states. What will be the health effects to farm animals and crops that are exposed to toxic coal train dust and diesel train fuel, and the concurrent health effects to humans that ingest this contaminated food? What will be the economic effect on farmers who find their livestock dead, or their crops, milk, and meat too toxic to sell?

- The coal train project would bring approximately 18 trains of coal through Puget Sound each day, each train about 1 ½ miles long, and taking ¼ hour to pass. What will this do to traffic in a region that already suffers from gridlock much of the time? What is the impact of halting traffic for 15 minutes, every 1 – 1 ½ hours? What desperate things will people do to get to work on time? What road rage will we see, when Seattle area traffic routinely comes to a standstill throughout the day? How many lives will be lost when ambulances cannot make it to the hospital in time? How much more air pollution will we have in our region due to idling cars? How much wasted lives and productivity will the region face from waiting and gridlock?

- The coal trains would intersect the Seattle and Edmonds ferry terminals right at their loading and off-loading areas. Will our region's ferries every run on time again, if they must cease loading and unloading for 15 minutes, every 1 – 1 ½ hours?

- Amtrak leases Burlington Northern rail lines. Amtrak service is routinely delayed to allow current freight train traffic to pass, and is often delayed for landslides, freight train derailments, and fatal accidents at crossings. Will the delays caused by 18 coal trains per day kill passenger rail service all together, as the delays caused to Amtrak become untenable?

- I know a train worker well. His union ostensibly endorses the coal train project, yet he and the rest of the union membership were never asked their opinion. He opposes the project, not only for the overall negative impacts to the society and environment, but because he will personally be exposed to more toxins, and because the coal train traffic will severely impede all other rail traffic, and because it will further degenerate rail beds throughout the West that already need replacement, causing more derailments and injuries.

- What will be the health and environmental impacts of the toxic coal dust and increased diesel fumes throughout the Puget Sound rail corridor? Why should residents of Shoreline, Seattle, or Edmonds suffer from increased rates of asthma, cancer, neurological and reproductive damage?

- What will happen to real estate values and the economic viability of our region, once coal trains rumble incessantly through our communities? Families and entrepreneurs often chose to live in Puget Sound because of the natural beauty and relatively clean environment. Will we see businesses and individuals with money flee the region, seeking the next Emerald City?

- Construction of the Cherry Point Terminal will directly convert 350 acres of relatively undeveloped land into industrial use. What will be the environmental impact of this construction to the Threatened and Endangered Species of the area, both aquatic and terrestrial? What will be the hydrologic impacts of further converting wetlands into ports?

City Council Comment Form

Shoreline City Council Meeting

Date: _____

Please use this form if you wish to provide written comments to the City Council. The form can be turned in to the City Clerk or left in the Comment box on the table. This comment form is Public Record, so any contact information you provide may be disclosed as part of a Public Record.

Name Lorette Walker

Address _____

Phone Number _____

Agenda Item (if applicable) _____

Comment:

Permission to speak to council
for New Year Greeting
Late from School Board meeting

Lorette

- What will be the impact on fisheries and shellfish, as marine life is poisoned by coal train dust, and diesel that enters the water from ships directly, and from trains indirectly? Why should the fishing industry suffer for coal production and transportation?

- What will be the economic, environmental, and social cost of coal train derailments, and coal ship accidents? Who will pay the cost? Puget Sound and the Straits of Juan de Fuca are already busy with ship traffic, and that traffic would only increase substantially with coal train exports. It's questionable whether Washington State is prepared for major marine accidents, and it's likely that the public would pay the cost of disaster preparation and clean-up.

- Once coal is loaded on ships to Asia, it will need to cross thousands of miles of the Pacific Ocean. What will be the environment impact of toxic coal dust and diesel exhaust into the marine ecosystems that are already suffering from global warming, acidification, and species depletion? Will our beloved salmon become more toxic or fewer in number? What will be the economic and environmental cost of coal ship accidents on the high seas?

- Just as Washington State will suffer severe impacts from coal train transportation, what will be the environmental, economic, and social impacts from building terminals and transporting coal in Asian communities? What will be the direct health impacts to Asian communities that burn American coal? Is it moral to export coal that we consider too dirty to burn ourselves? Cancer is already the leading cause of death in China. Will cancer be Washington's #1 export?

- Burning coal. It's scarcely imaginable that in this day and age when the effects of global warming and climate change are so clearly felt, that humans would ever consider such a monstrous project. Extreme weather events, whether it be drought that plagued 2/3 of American counties this year, Hurricane Katrina and Sandy, or the 50 degree below zero temperatures that Russia is now experiencing, humans are paying the costs of fossil fuel addiction. Will we spend money and ingenuity creating a clean green future with renewable energy jobs, or will we further hasten our rendezvous with climate catastrophe?

Please request that the EIS scoping process evaluates all these concerns. Please join with the cities of Seattle and Edmonds in rejecting the Coal Train/ Cherry Point Terminal, and send an official resolution of opposition by January 21, 2013 for inclusion in the scoping comments.

Thank you,

Suzanne Pardee, MPA

Kimberly Lehmberg

From: City Council
Sent: Tuesday, January 15, 2013 10:44 AM
To: Carolyn Wurdeman; Chris Eggen; Chris Roberts; Debbie Tarry; Doris McConnell; Jesse Salomon; Julie Underwood; Keith McGlashan; Shari Winstead; Will Hall
Cc: Paul Cohen; Kimberly Lehmberg
Subject: Distribution Only: Peterka Family - Thanks re: Coal Train Decisions

This correspondence is distribution only.

Heidi C.

From: Meghan & Brian Peterka [mailto:brianpeterka@gmail.com]
Sent: Tuesday, January 15, 2013 10:33 AM
To: City Council
Subject: Thanks re: Coal Train Decisions

Dear City Council Members-

Our family of four was present at the City Council Meeting last night, and applaud all of you for taking a unanimous position against the Coal Train proposal and for working on an official resolution which states that position.

As I mentioned during the public comment period last night, our family is working to reduce our reliance on the fossil fuels that currently heat our home and fuel our car, and we're actively evaluating how to switch to solar energy and also how we can get along without a car. These small efforts would seem even smaller if our City supported the Coal Train proposal.

My 12 year old son Zeth also wanted to say: "Thank you for taking into consideration everyone's thoughts and opinions on the Coal Train issue."

Sincerely,

Brian, Meghan, Devon and Zeth Peterka
Proud recipients of the City's 2010 Earth Day Proclamation

SEATTLE, WASHINGTON; THURSDAY, DECEMBER 13, 2012

-- oo O oo --

MAYOR MIKE McGINN: Mike McGinn.

First of all, I just want to thank the agencies for giving this opportunity for the public to be heard.

And I'm standing here joined by four city council members, and in fact all nine city council members and I have signed a letter which contains the written testimony regarding the scoping we'd like you to take a look at.

The fact is that these trains, 18 potential trains, a mile long each, will go from one end of our community to the other, through our industrial areas, next to our waterfront, and past residences as well.

We have very serious questions regarding the effect on commuters, effect on freight traffic, effect on public safety; our emergency responders who must go from one side of the tracks to the others. How will it affect our transit system. The very significant health questions raised around coal dust in the communities that are next to it. The effects on water quality and habitat. And of course the challenges that are faced by increasing global warming pollution, which has affects here locally in the state of

Washington.

In order to get a better understanding of this issue, we commissioned a study, SDOT, our local Department of Transportation, commissioned a study from Parametrix to look at the traffic impacts locally. The findings indicated that it would significantly increase delays near Belltown and in Sodo at our at-grade crossings. That railroad crossing gates will be down an additional one to three hours each day.

That level of traffic impact now raises questions about economic impacts locally caused by this, so we have commissioned an economic impact study as well.

Our study of our local impacts, and we have the resources locally to commission these studies, are a window into the types of impacts locally that will occur in communities the length of the state of Washington from east to west, from north to south. We believe you need to take a close look at all of these.

It is our urging that you take a look at all of the areas near the proposed train route and be as comprehensive as possible in understanding those impacts.

Thank you.

SEATTLE PARKS AND RECREATION
100 Dexter Avenue North
Seattle, Washington 98109

Seattle Board of Park Commissioners
Antoinette Angulo
John Barber
Megan Heahlke
Jourdan Keith, Vice-chair
Diana Kincaid, Chair
Caitlin McKee
Yazmin Mehdi
Brice Maryman
Barbara Wright

January 15, 2013

GPT/BNSF Custer Spur EIS
Co-Lead Agencies
1100 112th Ave. NE, Suite 400
Bellevue, WA 98004

To Whom It May Concern:

The Seattle Board of Park Commissioners thank you for the opportunity to comment on the Environmental Impact Statement (EIS) scoping for the Gateway Pacific Terminal (GPT) and attendant induced traffic, particularly coal-filled trains as they move through the City of Seattle.

As a Board, our role is to advise Seattle's Mayor and Council regarding issues facing the management and operations of City of Seattle's parks and open space resources. This includes parks, playgrounds, playfields, natural areas and shorelines, as well as the roads, sidewalks and trails that make these resources accessible to our residents and visitors. These assets serve both people--many of whom come from at-risk, underserved and/or vulnerable populations like children, the elderly or homeless--and the environment. These precious public spaces help make the air, water and soil cleaner through our stewardship of streams and urban forests. These spaces are also critical assets in the City's ongoing climate adaptation and mitigation efforts. And finally, we are concerned about the public accessibility to these invaluable assets.

We are writing today because we are concerned that a number of park and open space assets lie within close proximity to the rail lines that will carry coal to the proposed GPT. We have included a map as an attachment to this letter noting the park assets that may be impacted.

As stakeholders, we have three types of concerns related to the proposed GPT, that we would like to see addressed within the scope of the EIS: cumulative risks, proximate risks long-term property risks and public health risks. Each of these is explained in more detail below.

Concerns about Cumulative Risks

First, we strongly urge that the EIS measure the impacts of the GPT beyond the terminal itself. The human and environmental health concerns for these communities where these coal trains would pass are real. We feel strongly that for the EIS to be silent on these matters will not give elected officials nor the public all of the information they need to make an informed decision about the project.

Second, we recognize that there are existing coal trains traveling through Seattle. This traffic represents an existing baseline level of coal train impacts on Seattle's parks and open space assets. Thus we ask that the cumulative impacts of both the existing coal trains, as well as the additional expected induced coal train traffic, be included within the scope of the GPT EIS.

Third, we are concerned that, while there are estimates regarding how many trains will be traveling through our community, there is no guarantee that is a firm cap. If more coal trains travel the rail corridor than currently projected, we would expect more impacts, yet there is no review, appeal or engagement process to assess and mitigate those additional impacts. This is a significant concern and adds uncertainty to our understanding of the cumulative risks and impacts for our parks and open space assets.

Concerns about Proximate Risks

For our community, we are particularly concerned about the proximate impacts from increased coal train traffic on properties adjacent to the rail corridor, including potentially serious impacts to human and environmental health. Some of these proximate impacts include:

- **What are the impacts on air pollution?** Both coal dust and diesel particulates are of concern, especially to the young and elderly who use our parks. Children are disproportionately impacted due to their size, and the elderly are disproportionately impacted due to their fragility. We also understand that coal dust retardants may contribute to poor air quality as well, and ask that these be studied and better understood. Additionally, how will the resulting pollution from coal being burned and particulates migrating here from Asia impact our general air quality? This is a secondary air pollution concern, but one related to the region's compliance with national clean air laws.
- **What are the impacts on water pollution?** Diesel and coal dust particulates are concerns for the streams and shorelines along the route. Our residents and visitors cherish these assets and use them to swim in and eat from. We are all concerned about the impacts to fish stocks, due to a worry about mercury accumulation and accelerated ocean acidification from coal dust and burning. Tribal communities who culturally have a long history of fishing are extremely concerned how this could disproportionately impact their communities.
- **What are the impacts on soil pollution?** Within a short distance from the train lines lie playfields with both natural and artificial soils, playgrounds, P-Patches and community gardens, golf courses and beaches. The Seattle residents and visitors that frequent these spaces expect that the soil they and their children play in is clean and safe to touch. They expect the produce they pull from the soil is safe to eat. They expect the

playgrounds are not contaminated. How will the additional coal train traffic impact these places? Will soil be contaminated by coal dust or additional diesel particulates? How will soil pollution affect our streams as pollution runs into them?

- **What are the impacts on noise pollution?** Additional train traffic may mean more noise pollution, for residents within earshot of the train tracks. The increased noise levels in areas close to rail lines could potentially impact the quality of sleep, restlessness and fatigue which in turn could impact overall individual health. How will this be mitigated or reduced?
- **Will there be more frequent train-related accidents?** More frequent trains could increase the potential for accidents at intersections, along the track and at stations for cars, bikes, and pedestrians. How will the increased number of trains impact the number and frequency of accidents and how will it be mitigated?
- **How will park access be delayed?** Several of our parks are accessed by streets, trails and/or sidewalks that are impeded by existing train traffic. We expect that these delays will only increase with additional train traffic. We ask that additional access delays be considered as part of the GPT EIS scope. We also would like you to address the increased exposure to automobile exhaust from idling to park users. We are concerned that increased access interruptions will have added negative impacts for parks and community centers users.
- **What happens if a train derails?** If a derailment occurs enroute to the terminal, what are the potential threats to soil, water and air? What, if any, mitigation/response measures are in place to minimize these threats? Particularly along the Puget Sound or near playfields and playgrounds these are significant concerns for our community.
- **Will property values decrease?** Seattle Parks and Recreation relies on allocations from the City's General Fund and voter-approved property tax levies for funding. Will additional train traffic decrease the city's property values and hence decrease available funding for operations?

Concerns about Long-Term Property Risks Concerns

In addition to the proximate and cumulative concerns outlined above, we have long-term existential concerns for the City's parks and open space assets. As we know, the burning of coal contributes to global climate change. Locally, scientists predict rising sea levels and increased precipitation. Both of these give us pause as the stewards of Seattle Parks and Recreation's open space assets. Not only will a rising Puget Sound imperil Seattle's parks including Lincoln, Alki, Puget, Seacrest, Herring House, the Central Waterfront, Discovery Park, Smith Cove Park, Golden Gardens, Myrtle Edwards and Carkeek Parks, it will also increase storm water management costs and threaten our already stressed urban forest, which is one of the best assets we have in adapting to a changing climate. How will the long-term health impacts from this increased coal burning be addressed in this project?

Concerns about Public Health Risks

Our research indicates that there are varying considerations regarding how far the impacts of diesel particulates and coal dust would spread from the rail corridors themselves. This seems a critical first step toward understanding the long-term environmental and human health impacts of this proposal. How far will the coal dust spread from the rail corridors and how will it impact human health in the areas impacted?

Second, most of the concerns listed above have significant potential for impacts to human health. Therefore, we suggest that an extensive health impact assessment (HIA) be conducted in conjunction with the traditional EIS to evaluate those impacts from a public health perspective. We also urge the HIA be an integral part of the EIS and that it receives equal attention in mitigation and project development.

Thank you for the opportunity to share our thoughts. We look forward to reading the GPT EIS.

Sincerely,

Diana Kincaid

Diana Kincaid, Chair
Seattle Board of Park Commissioners

Attachments
CC:
Seattle Mayor's Office
Seattle City Council
Department of Parks and Recreation
Seattle Planning Commission
Washington Recreation & Park Association (WRPA)
Washington Chapter American Society of Landscape Architects (WASLA)
Washington Chapter American Planning Association (WAPA)
Futurewise
City of Tukwila
City of Edmonds
City of Mukilteo
City of Shoreline
City of Woodway
Seattle Tilth
P-Patch Trust
Interbay P-Patch
Senator Maria Cantwell
Senator Patty Murray
Representative Jim McDermott
Representative Reuven Carlyle
Representative Jessyn Farrell
Representative Gael Tarleton
Senator Ed Murray
Representative Jamie Pederson
Representative Sharon Tomiko-Santos
House Speaker Frank Chopp
Representative Joe Fitzgibbon
Washington State Park Commission
Washington State Board of Natural Resources
Seattle Parks Foundation
Central Waterfront Committee Chairs
Port of Seattle Commissioners

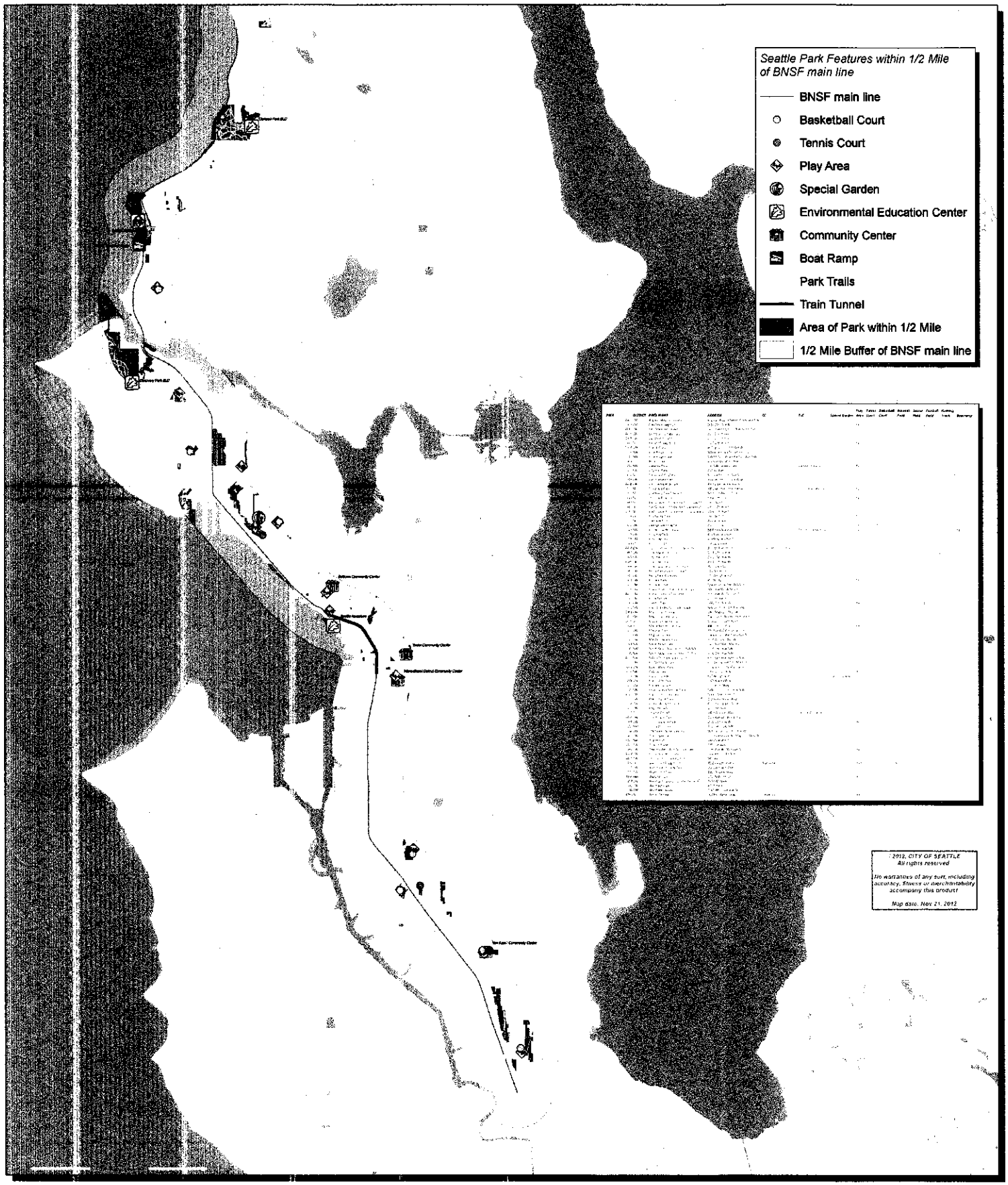
Seattle Parks

within 1/2 Mile of BNSF main line

4 Community Centers
4 ELCs
16 Play Areas
12 basketball Courts
5 Tennis Courts
19.17 Miles of Trails
705 Acres of Park Property

N

SEATTLE PARKS AND RECREATION



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Map date: Nov 21, 2012

Seattle Parks and Recreation property within 1/2 mile of BNSF Rail line

PARK NAME	ADDRESS	CC	ELC	Special Garden	Play Area	Tennis Court	Basketball Court	Baseball Field	Soccer Field	Football Field	Running Track	Boatramp
Alaskan Way Boulevard	Alaskan Way between Broad and Bay											
Bayview Playground	2614 24th Ave W				Yes		1	1	1			
Bell Street Boulevard	Bell Street from 1st Ave to 5th Ave											
Belltown Cottage Park	2512 Elliott Ave											
Belltown P-Patch	2512 Elliott Ave											
Benefit Playground	9320 38th Ave S				Yes		2					
Blaine Place	W Olympic Pl / 6th Ave W											
Blue Ridge Circle	NW Blue Ridge Dr/NW Roundhill											
Blue Ridge Places	NW Milford Way / Radford Ave NW											
Boren Place	Broadway / Boren Ave S											
Carkeek Park	950 NW Carkeek Park Rd		Carkeek Park ELC		Yes							
City Hall Park	450 3rd Ave											
Cleveland Playfield	S Lucile St / 13th Ave S								1		1	
Commodore Park	3330 W Commodore Way											
Counterbalance Park	700 Queen Anne Ave N											
Discovery Park	3801 W Government Way		Discovery Park ELC		Yes	2	1					
Discovery Park Tidelands	North of West Ruffner											
Dr. Jose Rizal Park	1008 12th Ave S				Yes							
East Duwamish Greenbelt:	Cecil Ave S											
East Duwamish Greenbelt:	2799 12th Ave S											
East Duwamish Greenbelt:	4599 10th Ave S											
Ella Bailey Park	2601 W Smith St				Yes							
Freeway Park	700 Seneca St											
Georgetown Playfield	750 S Homer St				Yes	1	1	2	1			
Golden Gardens Park	8800 Seaview Ave NW		Golden Gardens Park		Yes							Yes
Hing Hay Park	423 Maynard Ave S											
Hing Hay Park	423 Maynard Ave S											
Horiuchi Park	156 Boren Ave.											
Id/Chinatown Community C	701 8th Ave. South.	International District CC										
Interbay Athletic Field	3027 17th Ave W							2	2	1		
Interbay Golf	2501 15th Ave W											
Interbay P-Patch	2501 15th Ave W											
International Childrens Parl	700 S Lane St				Yes							
Kerry Park (Franklin Place)	211 W Highland Dr											
Kerry Park & Viewpoint	211 W Highland Dr											
Kinnear Park	899 W Olympic Pl				Yes	1						
Kinnear Place	Queen Anne Ave/W QA Dr											
Kiwanis Memorial Preserve	34th Ave W / W McCord Pl											
Kiwanis Ravine Overlook	36th Ave W / Ohman Pl											
Kobe Terrace	221 6th Ave S											
Lawton Park	3843 26th Ave W				Yes			1	1			

Llandover Woods Greenspa	NW 145th St / 3rd Ave NW											
Magnolia Boulevard	1461 Magnolia Blvd W											
Magnolia Greenbelt	Dartmouth Ave W / W Howe St											
Maple School Ravine	S Orcas St / 18th Ave S											
Maple Wood Playfield	4801 Corson Ave S				Yes		1	2	1			
Marshall Park	7th Ave W / W Highland Dr											
Mcgraw Square	Stewart St / Westlake Ave N											
Myrtle Edwards Park	3130 Alaskan Way W											
North Beach Park	24th Ave NW / NW 90th St											
North Beach Ravine: 30Th I	9100 28th Ave NW											
North Beach Ravine: NW 9(	9100 28th Ave NW											
NW 60Th Street Viewpoint	6001 Seaview Avenue NW											
Occidental Square	Occidental Ave S / S Main St											
Open Water Park	Tideland, Ell By Marina-Term 90											
Oxbow Park	6400 Corson Ave S				Yes							
Parsons Gardens	650 W Highland Dr			Parsons Garden								
Piers 62 And 63	1951 Alaska Way											
Pioneer Square	100 Yesler Way											
Pipers Creek Natural Area	NW 120th St / 6th Ave NW											
Plymouth Pillars Park	Boren Ave / Pike St											
Prefontaine Place	3rd Ave / Yesler Way											
Queen Anne Boulevard	Encircles Queen Anne Hill											
Regrade Park	2251 3rd Ave											
Seattle Aquarium	1483 Alaskan Way		Seattle Aquarium									
Smith Cove Park	23rd Ave W / W Marina Pl											
Soundview Terrace	2500 11th Ave W				Yes							
Sunset Hill Park	7531 34th Ave NW											
SW Queen Anne Greenbelt	W Emerson St / 36th Ave W											
Thorndyke Park	Thorndyke Ave W / Magnolia Way W											
Thyme Patch Park	2853 NW 58th St											
Tilikum Place	2701 5th Ave											
Twelfth West And W Howe	12th Ave W / W Howe St				Yes							
Union Station Square	Jackson St / 3rd Ave S											
Ursula Judkins Viewpoint	W Galer St								1			
Van Asselt Playground	7200 Beacon Ave S	Van Asselt CC			Yes		4	2	1			
Victor Steinbrueck Park	2001 Western Ave											
Waterfront Park	1301 Alaskan Way											
Webster Park	3014 NW 67th St				Yes		2					
West Central Grounds Mair	1403 W Howe											
Westlake Park	401 Pine St											
Westlake Square	1900 Westlake Ave N											
Yesler Terrace CC	917 East Yesler Way	Yesler CC			Yes							

King County

Dow Constantine
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
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TTY Relay: 711
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January 16, 2012

Ted Sturdevant
Director, Washington State
Department of Ecology
Attention: Alice Kelly
Northwest Regional Office
3190 - 160th Ave. SE
Bellevue, WA 98008-5452

The Honorable Jack Louws
Whatcom County Executive
Attention: Tyler Schroeder
Planning and Development Services
5280 Northwest Drive
Bellingham, WA 98226

Colonel Anthony C. Funkhouser
Commander, Northwestern Division
U.S. Army Corps of Engineers
Attention: Randel Perry
Northwest Field Office
1440 – 10th Street, Suite 102
Bellingham, WA 98225-7028

Gateway Pacific Terminal/BNSF
Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Dear Director Sturdevant, Executive Louws, and Colonel Funkhouser:

The "Gateway Pacific Terminal" would provide storage and handling for the export and import of up to 54 million metric tons per year of commodities, primarily coal from the Powder River Basin of Wyoming and Montana. This letter transmits King County's input into the scope of the SEPA and NEPA review for this project.

King County is concerned about the potential for significant adverse environmental impacts from this proposal on air and water quality, energy and natural resources, environmental health, land and shoreline use, public services, and transportation in communities along the rail corridor. In addition, the proposal has broader implications for increased climate pollution. These are elements of the natural and built environment required to be considered during environmental review under the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA). SEPA and NEPA review for this project should include the following areas of analysis:

King County is an Equal Opportunity/Affirmative Action Employer
and complies with the Americans with Disabilitites Act

Health, Equity, and Social Justice Impacts

There are potentially significant public health impacts associated with this project. Impacts to cardiovascular health could arise from exposure to toxins including diesel particulate matter, coal dust, mercury, and other heavy metals as coal-laden trains pass through communities. These toxins are known to negatively affect overall respiratory function with linkages to lung cancer, stroke, and asthma and allergy triggers. Other potential impacts are related to noise and emergency response time. People will be exposed to higher levels of noise along the train route and noise can add to or create mental stress. Both the increase in train trips and the length of individual trains at rail crossings have the potential to delay and thus impact the effectiveness of emergency and non-emergency responses of fire, police, and medical personnel. Increased rail traffic at unimproved at-grade crossings could increase the potential for collisions between trains and vehicles, pedestrians, and bicyclists. The analysis should consider impacts on ethnically diverse and low income communities along the rail corridor because such communities already experience disparities in health and quality of life related to exposure to toxins and other environmental factors.

Environmental Impacts

Environmental review should identify and analyze the impacts of construction and long-term operations on sensitive herring populations and eel grass beds within the designated Aquatic Reserve adjacent to the proposed terminal, as well the impacts of coal dust emissions and associated mercury and heavy metal pollutions on water quality, habitat, and Endangered Species Act-listed species along the rail corridor route.

When considering environmental impacts, it is also critical to consider the indirect, cumulative impacts of the project, no matter where the impacts occur. The project and terminal would directly support a very large quantity of coal burning in China. Burning the upper estimate of coal associated with this proposal would result in greenhouse gas emissions roughly equivalent to all sources in Washington State. Indirect emissions resulting from this proposal would erase the significant progress and commitment Washington State and many of its communities have made to address climate change.

Freight and Passenger Rail System Impacts

There are significant existing rail congestion challenges in Washington, especially at several chronically congested choke points throughout the state. Adding up to

eighteen mile-and-a-half long trains per day, without addressing rail capacity and mobility issues, could result in significant impacts to both current and future freight and passenger train traffic. In King County, key industries including aerospace and international trade rely on the rail corridor to move parts and finished products. Increased use of this corridor by long-haul coal trains could conflict with existing and future rail-dependent economic development.

In conducting the review, I urge your agencies to work with the Puget Sound Regional Council, Puget Sound Clean Air Agency, the Port of Seattle, the Economic Development Council of Seattle and King County, the aerospace industry, Sound Transit, and cities and counties along the rail corridor to thoroughly document baseline conditions and future plans related to freight and passenger rail capacity along the corridor. Having a clear assessment of current conditions, including freight and passenger rail mobility "choke points," will be essential to supporting an accurate assessment of impacts from the proposed coal terminal and associated rail traffic.

Truck Freight, Transit, Passenger Vehicle and Ferry Traffic Impacts

In addition to rail system impacts, the addition of up to eighteen, mile-and-a-half long coal trains has the potential to create significant impacts where roads intersect with at-grade rail lines. Potential impacts include inhibiting the travel of emergency vehicles, truck freight, passenger vehicles, and transit, as well as causing increased delays during ferry loading and unloading.

Goods flowing to and from the Port of Seattle and other sites are transported by truck across train crossings. Additionally, many shipments to and from local manufacturers are carried by trucks across rail crossings. Longer wait times would add transaction costs to truck shipments. Other passenger vehicle travel, including for commuting, would also likely be impacted.

King County Metro Transit has done a preliminary assessment of Metro bus service trips across at-grade train crossings. At the nine crossings considered, there were more than 1,000 transit trips per day that would likely suffer impacts to speed and reliability from increased coal train traffic. Particularly sensitive locations are the at-grade rail crossings at South Lander Street in the SODO area of Seattle and at the West Smith and James Street area in Kent. These are sites where several hundred bus trips occur each day.

These traffic impacts could have significant economic impacts if not considered and addressed throughout communities along the rail corridor. The EIS should also

analyze the economic and safety impacts of increased train traffic on freight, transit, and passenger vehicle traffic, and quantify the cost of mitigating these impacts.

We expect the EIS to thoroughly analyze the significant adverse impacts for the Gateway Pacific Terminal proposal and alternatives and to identify the scope and cost of actions necessary to mitigate these impacts. As part of this process, we urge the lead agencies to take the time required to obtain and, where necessary, develop all of the essential information concerning the potential significant adverse impacts in order to have a fair public discussion of this proposal. King County is happy to share information on traffic, transit, economic development, health, and environment in King County to support the review and analysis. We also expect to see meaningful consultation with tribes whose treaty fishing rights, burial grounds, and archeological resources could be impacted by the proposed terminal and associated transport of coal by ship and rail.

The Gateway Pacific Terminal is one of five active plans to ship coal from Wyoming to China via rail through ports in Washington and Oregon. King County urges you to conduct an area-wide and cumulative review of the impacts of these related proposals and thoroughly address how to avoid, minimize, and mitigate their effects. Only through a programmatic Environmental Impact Statement (EIS) can the cumulative impacts really be understood.

Washington's environmental, labor, political, and business interests came together in 2011 to phase out the only remaining coal-fired power plant in the state, the Centralia plant owned by the TransAlta Corporation. This was an important step forward for Washington toward more sustainable economic development, healthy communities, environmental protection, and clean energy. Exporting finite, domestic natural resources such as coal would harm our environment and would negatively impact King County's value-added economic base, a base that supports 49.7 percent of the non-agricultural payroll in Washington State. King County is taking this issue very seriously and will continue to monitor and engage in the process.

If you have any questions, please have your staff contact Megan Smith, Environmental Policy Advisor, at 206-263-9605, or megan.smith@kingcounty.gov.

Sincerely,

Dow Constantine
King County Executive

cc: King County Councilmembers
ATTN: Michael Woywod, Chief of Staff
Anne Noris, Clerk of the Council
Jason King, Director of Government Relations
The Honorable Timothy Ballew II, Chairman, Lummi Nation
The Honorable Virginia Cross, Chair, Muckleshoot Indian Tribe
The Honorable Leonard Forsman, Chairman, Suquamish Tribe
The Honorable Brian Cladoosby, Chairman, Swinomish Tribe
The Honorable Melvin Sheldon, Jr., Chairman, Tulalip Tribes
The Honorable Pete Lewis, Mayor, City of Auburn
The Honorable Suzette Cooke, Mayor, City of Kent
The Honorable Denis Law, Mayor, City of Renton
The Honorable Mike McGinn, Mayor, City of Seattle
The Honorable Keith McGlashan, Mayor, City of Shoreline
The Honorable Jim Haggerton, City of Tukwila
The Honorable Peter Goldmark, Washington State Commissioner of Public Lands
Dennis McLerran, Regional Administrator, U.S. Environmental Protection Agency
Tay Yoshitani, Chief Executive Officer, Port of Seattle
Joni Earl, Chief Executive Officer, Sound Transit
Bob Drewel, Executive Director, Puget Sound Regional Council
Craig T. Kenworthy, Executive Director, Puget Sound Clean Air Agency
Christie True, Director, King County Department of Natural Resources and Parks
Ngozi Oleru, Director of Environmental Health, Seattle-King County Department of Public Health
Harold Taniguchi, Director, King County Department of Transportation
Carrie S. Cihak, Chief Advisor, Policy and Strategic Initiatives, King County Executive's Office (KCEO)
Megan Smith, Environmental Policy Advisor, KCEO

King County

Larry Phillips
Councilmember, District Four
Metropolitan King County Council

October 15, 2012

The Honorable Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Ted Sturdevant
Director
Washington State Dept of Ecology
PO Box 47600
Olympia, WA 98504

Brigadier General John R. McMahon
Commander, NW Division
U.S. Army Corps of Engineers
PO Box 2870
Portland, OR 97208-2870

Dear Executive Louws, Mr. Sturdevant, and Brigadier General McMahon,

Thank you for the opportunity to provide public comment on the scope of the Environmental Impact Statement (EIS) regarding the proposed Gateway Pacific Terminal at Cherry Point, a facility to be used primarily for coal export. I wish to offer the following comments and concerns.

I represent King County Council District Four, which encompasses over 200,000 residents of several northwest Seattle neighborhoods through which the coal trains would pass on their journey to Cherry Point, including the Downtown Seattle Waterfront, Interbay, Ballard, Sunset Hill, North Beach, Blue Ridge, and Broadview. My constituents are gravely concerned about the impacts of this proposal on their health, environment, and economy, and opposition is growing. Just two weeks ago, the Ballard News Tribune, a community newspaper, published a front page story regarding community opposition to this proposal.

Common concerns include the following:

- Negative impacts on **public health** from air and water pollution from diesel engines and coal dust emanating from open rail cars. There is a potential for up to twenty coal trains a day traveling through our community, each over a mile-long, and with each car losing up to a ton of coal dust en route. Coal dust is notoriously difficult to control and the methods of containing coal dust, especially in adverse weather conditions, are unproven. Diesel particulate matter is also associated with health complications, such as pulmonary and cardiovascular issues. Furthermore, coal burned in China releases mercury into the atmosphere, which returns to the earth in precipitation. Air and ocean currents carrying mercury particulate have the potential to raise levels of mercury in our waters; mercury is associated with neurological dysfunction.

King County Courthouse, 516 Third Avenue Room 1200, Seattle, WA 98104 206-296-1004
Fax 206-296-0370 TTY 206-296-1024 larry.phillips@kingcounty.gov www.kingcounty.gov/phillips

The cumulative amount of air and water pollution, and resulting increases of diseases in our population, could be significant.

- **Quality of life** could be negatively impacted by noise pollution from the increase in train traffic. While there are many sources of noise from trains (high-pitched screeching, idling engines, rumbling of moving cars, etc.), horn sounding is the most significant. Federal rules governing the blowing of locomotive engine horns require that engineers of all trains sound horns for at least 15-20 seconds at 96-110 decibels at all public crossings. Decibels in the range of 80-105 are labeled extremely loud, whereas those above 105 are dangerous. Furthermore, cumulative effects of increased train vibration on landslide-prone soils may also pose risk to the rail line and adjacent private property. This increase in train noise and vibration at increased frequencies would have severe impacts on constituents living along the tracks.
- Impacts on **traffic and safety** could be significant. A single train can obstruct a rail crossing by 6 minutes or more; 20 trains would mean blocking some crossings by 2 hours per day. Access to the northern portion of the Downtown Seattle waterfront from northwest Seattle is dependent on several railroad crossing points. Pedestrian and vehicle safety must also be considered; the tracks traverse busy pedestrian corridors in my Council district, and I anticipate long waits and increased incidences of rail-pedestrian and rail-vehicle accidents.
- Chilling effects on **residential and commercial development** along the rail line. Due to increased noise, pollution, and traffic impacts from coal trains, property values in communities alongside the rail line could drop, and investments in new housing and retail could be hampered. Diverse existing businesses could also be compromised or lost in order to accommodate coal traffic. Attempts to repair the interrupted flow of commerce would likely include building over- and underpasses across the tracks. This kind of mitigation effort in itself would disrupt and displace surrounding businesses. Local businesses could be irreversibly damaged before any mitigation measures are complete.
- **Congestion on the tracks** impedes current and future freight, passenger and commuter rail service. Frequency of Amtrak and Sounder commuter rail trips are already limited by existing freight loads on the BNSF tracks. The addition of significant volumes of coal trains would appear to severely limit any expansion of freight and popular passenger rail service, or perhaps even require reductions in current service. This would hamper commerce and divert commuters and travelers from rail, resulting in more congestion and pollution on our region's roadways.
- A recent study by the Western Organization of Resource Councils outlines the **economic costs** associated with rail system, road and infrastructure upgrades that would be required by the coal export project. The study indicates that these costs, added to mitigation measures, could total in the billions and would likely be borne by state and local governments. Taxpayer investment in infrastructure necessary to support and mitigate the hauling of coal along the rail line could be considered a public subsidy of a private industry, as the railroads would continue to privately own and control the railways. These costs would put an unfair burden on my constituents.

- Given the issues outlined above, a thorough **economic analysis** should be conducted as part of the environmental review process. Such an analysis could approximate a net gain or loss of jobs, and a net gain or loss to the economy. It could take into account not only the number of permanent number of jobs created at the terminal site and the tax revenue associated with the terminal, but also job losses, damages to fisheries and small businesses along the tracks, opportunity costs (such as loss of tourism revenue), and taxpayer expenses for upgraded safety and infrastructure along the rail corridor. It is more difficult to quantify losses to quality of life and regional identity.
- Accelerated **climate change** resulting from burning coal for fuel. Coal is a dirty, carbon-intensive fuel, and exporting large quantities of it to other countries in order to develop overseas coal-based energy infrastructure—and the associated greenhouse gas emissions—will make it even more difficult to stabilize global climate change. Our state came together in 2011 to phase out the only remaining coal-fired power plant in Washington; exporting coal through our region does not match our residents' priorities and values.
- Negative impacts to the **shoreline environment** at Cherry Point. The proposed terminal site would fill wetlands and sit on herring habitat, the primary food source for endangered Chinook salmon, which are in turn, the main food source for endangered Orca whales, a potentially significant impact on the ecology of Puget Sound and adjacent waters.

I appreciate the opportunity to pass along these initial concerns on behalf of my King County Council district, and look forward to continued involvement in this important issue that directly affects my constituents.

Thank you for considering these concerns as part of the EIS process.

Sincerely,

Larry Phillips, Councilmember
Metropolitan King County Council, District Four

cc: The Honorable Christine Gregoire, Governor, State of Washington
The Honorable Peter Goldmark, Washington State Commissioner of Public Lands
Steve Gagnon, Project Manager, U.S. Army Corps of Engineers
Alice Kelly, Regional Planner, NW Regional Office, WA Dept of Ecology
Tyler Schroeder, Designated SEPA Official, Planning and Development Services, Whatcom County

received
OCT 18 2012

CITY OF PUYALLUP

City Council
Puyallup City Hall
333 South Meridian
Puyallup, WA 98371
253-841-5584

January 17, 2013

Alice Kelly
Department of Ecology

Randel Perry
U.S. Army Corps of Engineers
Regulatory Branch

Tyler Schroeder
Planning and Development
Whatcom County

GPT/BNSF Custer Spur EIS
Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

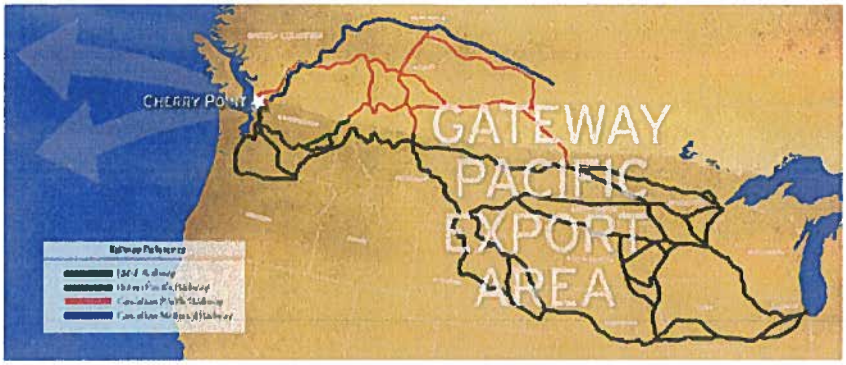
RE: Gateway Pacific Terminal at Cherry Point and Custer Spur Proposal
City of Puyallup Scoping Comments

Ms. Kelly, Mr. Perry & Mr. Schroeder:

The City of Puyallup (City), under the authority of the Puyallup City Council, submits the scoping comments contained herein with respect to the forthcoming environmental impact statement for the Gateway Pacific Terminal at Cherry Point and Custer Spur proposal. The City understands that the Co-Lead Agencies are seeking input on the following four topics:

- Reasonable range of alternatives;
- Potentially affected resources and extent of analysis of those resources;
- Significant unavoidable adverse impacts; and
- Measures to avoid, minimize and mitigate effects of the proposals.

The City understands that the proposal proponent, Pacific International Terminals, plans to build a deep-water marine terminal at Cherry Point in Whatcom County. The proposed Gateway Pacific Terminal (GPT) will be used to import and export of up to 54 million dry metric tons of bulk commodities per year, with coal as the primary export. The export area for the GPT will encompass much of America's Northern Tier and Midwestern states. This export area is primarily served by the Burlington Northern Santa Fe Railway (BNSF). See the following depiction:



The transport activities associated with the GPT, especially rail transport of coal, will significantly impact the City of Puyallup. Although BNSF has rail routes through passes in the Cascade Mountains, the City understand that the coal trains will be routed along the southerly BNSF rail route in Washington, i.e., along the Columbia River and then north through various cities, including the City of Puyallup. The City understands that as many as 18 trains, each up to a mile and half long, will pass through Puyallup along the BNSF railroad to the GPT each day. (The City recommends that the Co-Lead Agencies consider the October 2012 Coal Train Impact Study prepared by Parametrix for the City of Seattle.)

The City of Puyallup is a historic town, and is a beautiful place to live, work, and play. Thus, the City is very concerned about the impacts that will occur as result of the frequent coal train traffic. The BNSF Railway runs directly through the City of Puyallup. Consequently, the coal trains will pass through Puyallup's historic downtown and residential neighborhoods, and by several schools. Also, the coal trains will travel through five at grade road crossing for arterials that are critical to the City's transportation network.

Without a full description of the activities that are, or will, be associated with transport activity to and from the proposed Gateway Pacific Terminal, including and especially rail activity, the City cannot identify all potentially affected resources and significant unavoidable adverse impacts. Nonetheless, the City anticipates that the following resources will be affected, or that the following impacts may, or will, occur:

1. Traffic delays and congestion occurring due to the passage of lengthy trains and more frequent rail traffic. Automobile and pedestrian traffic will be disrupted by rail traffic, i.e., as many as 18 trains a day that can take up to eight minutes to pass. Residents and businesses will experience delays at rail crossings, and the ability of police and fire to timely respond to emergencies will be intermittently interrupted;
2. Air quality degradation caused by locomotive exhaust, emission of dust or other particulate matter, and idling automobiles, which will also exacerbate the particulate matter non-attainment area in Pierce County;
3. Contamination of soil or property due to settling or deposits of coal dust or other particulate matter, emitted from transport trains, with associated health risks for people that live, work or play in Puyallup;

4. Noise pollution from train or other transport traffic;
5. Rail congestion arising from increased train traffic, with associated economic development impacts on the Port of Tacoma and surrounding industrial areas, and adverse impacts to the Sounder and Amtrak passenger rail services ;
6. Home value decreases in the vicinity of the BNSF line, which will pose an economic cost to the home owners as well as all of Puyallup's residents through increased property taxes to offset the decreased valuations; and
7. Hazardous material spills.

The City believes it is essential that that the Co-Lead Agencies study the specific impacts of the proposed activity on the City of Puyallup, including those possible impacts that are known to the Co-Lead Agencies, but are not identified herein. The City considers the impacts associated with the transport of coal on communities such as Puyallup to be direct effects of the GPT project.

The City also believes that the Co-Lead Agencies must require the proposal proponent to identify, and if the project is approved, implement measures to that will avoid, minimize or mitigate effects of the proposal, including, but not limited to:

1. Construction of an overpass over the BNSF railroad in northwest Puyallup for vehicular and pedestrian traffic;
2. Covered rail cars to prevent particulate matter emissions;
3. Planting or implementation of landscape or other buffers along the railroads to mitigate noise pollution;
4. Prioritization and scheduling of rail traffic to minimize congestion; and
5. Provision of equipment and training to local emergency response agencies.

The City recognizes the important economic benefits of the GPT proposal. However, the City believes it is critical that the Co-Lead Agencies examine the impacts and costs to the City of Puyallup and other communities that will be affected by the coal trains in order to determine the true impacts and benefits.

The City also joins other Pacific Northwest public officials and jurisdictions in their request to the Army Corps of Engineers for a separate comprehensive environmental review that addresses the cumulative impacts of all activities associated with proposed coal shipments to the five identified terminals in Oregon and Washington.

If you have questions concerning this matter, please contact Bill McDonald, City Manager.

Sincerely,

Richard D. Hansen
Mayor

c: U.S. Senator Patty Murray
U.S. Senator Maria Cantwell
Governor Jay Inslee
State Senator Bruce Dammeier
State Representative Hans Zeiger
State Representative Dawn Morrell
Colonel Anthony C. Funkhouser, Commander, NW Division, U.S. Army Corps of Engineers
Polly Zehm, Acting Director, Department of Ecology
Jack Louws, Whatcom County Executive

Name: Sumner, City of

Date: Jan. 18, 2013

City: Sumner

Part: Multiple/not listed

Human environment: Noise, Air quality, Human health, Traffic or safety, Other human environment topic

Comment:

City of Sumner
1104 Maple Street
Sumner, WA 98390

January 18, 2013

GPT/Custer Spur EIS
c/o CH2M Hill
1100 112th Avenue NE, Suite 400
Bellevue, Washington 98004

RE: Scoping for the Gateway Pacific Terminal Environmental Impact Statement

Thank you for considering the following scoping comments from the City of Sumner. The impacts discussed are likely to occur in the majority of jurisdictions along the likely rail corridor that would be used to transport coal and other goods to the Gateway Pacific Terminal (GPT) and are discussed employing general language indicative of that fact. However, these comments are intended to address off-site impacts of the GPT project that are also specific to the City of Sumner and its Urban Growth Area.

The City of Sumner's EIS Scoping comments are as follows;

1.The EIS should include analysis of the cumulative impact of all proposed coal export facilities and/or dry bulk commodity terminals within Washington and Oregon in a Cumulative Impact Analysis (CIA) pursuant to the National Environmental Policy Act (NEPA). Specifically the cumulative impact to existing freight and passenger rail traffic capacity in Washington State should be analyzed. The CIA should address associated impacts to natural resources, cultural resources, and economic conditions in rail corridors impacted by the GPT project.

2.The EIS should include analysis of health impacts of additional train traffic in the City of Sumner as well as elsewhere along likely rail corridors associated with the project. Such analysis should include examination and quantification of the impacts of coal dust, increased emissions from train locomotives, increased emissions from cars and trucks idling at rail crossings as trains pass, the health effects of chronic noise from trains, and the increased likely hood of pedestrian and automobile versus train collisions. Health impacts should also be considered to include the potential delay in emergency response attributable to added delay at road/rail crossings. All health related impacts should be addressed through a Health Impact Assessment completed by an independent third party.

3.The EIS should analyze the social impacts of the GPT project. This analysis should include detailed and realistic assessment of the impact to quality of life, developability, and economic attractiveness in areas along the likely rail corridor due to increased rail activity associated with the project. Necessary analysis includes study of the impact of increased rail activity on the potential for new business to locate near the corridor and impact on the future development of areas with existing industrial and commercial infrastructure due to increased rail activity.

4.The EIS should analyze the economic impacts of the GPT. This analysis should consider and quantify the likely trade-off associated with jobs generated at the GPT versus jobs that may be lost along the corridor due to the various impacts of increased rail traffic. This analysis should consider the potential loss of both existing jobs and the loss of competitiveness for future jobs suffered in areas subjected to delay, noise, and other impacts associated with increased rail activity. This analysis may be in the form of a cost-benefit analysis as discussed in WAC 197-11-450.

5.The EIS should analyze the cost of each specific necessary impact mitigation measure associated with the GPT. The estimated costs and sources of funding for impact mitigation measures set forth by the EIS should be identified and the likely financial impact on the taxpayers of each community and unit of local government along the likely rail corridor associated with these measures should be estimated. The City of Sumner asks that the cost of mitigation measures such as grade-separated rail crossings and/or other street crossing improvements, wayside-horns, noise attenuation walls, business or residential displacement, and other similar potential measures be specifically provided for all areas within the City of Sumner and its Urban Growth Area.

6.The EIS should analyze the impacts of the GPT on the City of Sumner's comprehensive plan goals and standards and related zoning provisions. This analysis should include at a minimum impacts on the potential to successfully attract and develop mixed-use/transit oriented development near the BNSF rail line and Sounder commuter rail station, the impact to adopted traffic Levels of Service (LOS) at nearby intersections and street segments. This analysis

should include the impacts on Sounder ridership and associated investments in commuter infrastructure.

The City of Sumner looks forward to the inclusion of the preceding issues in the scope of the upcoming project EIS. Please include the City on the notification list employed for soliciting comments on the Draft EIS when it is published.

Sincerely,
Dave Enslow, Mayor

cc: City Council members
Paul Rogerson, AICP, SEPA Responsible Official, City of Sumner

oo-OO-oo

RYAN MELLO: For the record, my name is Ryan Mello and I serve on the Tacoma City Council. I serve city wide. And what a great citizen to follow.

I'm here this evening concerned about the coal train traffic impacts on my city and many cities like mine. Tacoma is the second largest city in Puget Sound to be negatively impacted by this project.

I'm specifically concerned in five major areas in Tacoma.

One, port container traffic.

Two, the at-grade crossings.

Three, the inconsistency with our climate

action plan.

Four, property values impact.

Five, future passenger rail impacts.

I'm asking you to study the comprehensive and cumulative impacts caused by this project.

So first on container traffic. Port of Tacoma is a highly container traffic dependent port in the west coast and speed is our competitive advantage. When our ILWU workers lose that competitive advantage, we lose jobs in the Port of Tacoma.

We're concerned about the additional train traffic that's holding up container traffic coming from Asia and going to Asia, and that will put us at a competitive disadvantage.

Concern about the several at-grade crossings in our city and the impacts of more, possibly 18 more trains impacting pedestrian traffic and vehicle traffic in the city.

Third, we're concerned about how this negates our activity with our climate action plan and how it sets us back.

And finally, the property values impact by having up to 18 more train traffic in single family neighborhoods throughout the City of Tacoma.

Thank you for your consideration.

City of Olympia | Capital of Washington State
P.O. Box 1967, Olympia, WA 98507-1967

January 15, 2013

GPT/Custer Spur EIS
c/o CH2M HILL,
1100 112th Avenue NE Suite 400
Bellevue, WA 98004
comments@eisgatewaypacificwa.gov

RE: Scoping Comments on the Gateway Pacific Coal Export Terminal at Cherry Point

To Whom It May Concern:

Please consider this letter as part of the public record for the Gateway Pacific Terminal coal export project proposed at Cherry Point, Whatcom County, Washington, facility site ID #22237. The impacts of coal export at Cherry Point extend far beyond the terminal, reaching into every community located along the rail line between the coal mines and the export terminal. As a community that will be directly impacted by activity on the rail line to be used for servicing the Cherry Point facility, I respectfully request that the U.S. Army Corps of Engineers, Washington Department of Ecology, and Whatcom County (collectively "the lead agencies") fully disclose and carefully assess the impacts of the Gateway Pacific Terminal on our community.

Pacific International Terminals, a subsidiary of SSA Marine, proposes to export 54 million metric tons of coal annually. This coal that is destined for the proposed Whatcom Terminal, will travel in uncovered rail cars through dozens of communities, including land adjacent to the City of Olympia's McAllister Springs and Well Fields. McAllister Springs and the nearby well fields provide our city with the majority of our drinking water. Aside from the impacts of coal export at and near the terminal, the Environmental Impact Statement (EIS) must examine the impacts of coal trains and the coal export industry on our citizens, local environment, and quality of life. This includes the direct, indirect, and cumulative impacts of coal export on public health, traffic, existing businesses, public infrastructure, water quality, air quality, agriculture, climate change and quality of life. These impacts are described in greater detail below.

Public Health Impacts

Coal is commonly transported in open top rail cars, contaminating local air quality, infrastructure, open spaces, farms, forestland, streams and rivers with coal dust, chunks of coal, and diesel pollution. The EIS must take a hard look at the impacts coal export, including:

- The public health impacts of increased air pollution from coal dust, which contains heavy metals, including mercury, arsenic, lead and uranium. Exposure to these toxins is linked to a multitude of health problems.
- The EIS must assess the health impacts from coal dust and diesel pollution under various exposures scenarios based on different operational lifetime projections for the Gateway Pacific Terminal.
- Public health impacts from soil contaminated by coal dust and chunks of coal deposited by coal trains – and that could potentially directly affect the Nisqually Aquifer and McAllister Well Fields, upon which many communities, including the City of Olympia, is dependent upon for drinking water.
- Public health impacts from increased car emissions caused by traffic delays from coal trains.
- Public health risks associated with diesel emissions and other pollutants from coal trains.

MAYOR: Stephen H. Buxbaum **MAYOR PRO TEM:** Nathaniel Jones **CITY MANAGER:** Steven R. Hall
COUNCILMEMBERS: Jim Cooper, Julie Hankins, Steve Langer, Jeannine Roe, Karen Rogers

Climate Change

Burning coal leads to increased emissions of greenhouse gases and climate change. In turn, the EIS must assess the negative impacts to quality of life, public health, and the environment which are associated with climate change. This includes the impacts of climate change in our community; ocean acidification, increased likelihood of reduced snowpack, flooding, summer droughts, and forest fires risk, and quality of coastal and near-shore habitat.

Economic Impacts

A strong economy is vital to the well-being of our community. Increased train traffic has the potential to slow the growth of existing businesses and damage property, thus reducing the likelihood that new businesses will take root in our community due to limitations placed on the trunk lines that serve the City of Olympia. The EIS should analyze:

- The impact of increased train traffic on real estate values, including safety and noise concerns.
- The potential damage that coal dust may cause to other types of property, including crops, homes, cars, and boats.
- The potential impact to businesses along the rail line that may be blocked or experience an interruption in service for significant portions of the day.
- The potential impact to businesses like restaurants that may use an outdoor area and the East Olympia Amtrak passenger terminal which is situated directly on the rail line in question.
- The amount of public expenditures for rail improvements that are solely for accommodation of the coal export rail traffic and the impact this may have on other projects vital to our community's economic well-being.
- I am specifically concerned about rail line traffic in and out of the Port of Olympia and impacts on passenger train travel along the Amtrak Line that services our community and region.

Cumulative Impacts

The lead agencies must assess the cumulative impacts of the Gateway Pacific project and existing rail traffic, as well as projected increases in rail traffic from other coal export proposals. Currently, five ports are considering coal export proposals, which, together, could transport more than 140 million tons of coal through the region. For example, the lead agencies must assess the cumulative impacts resulting from the emissions of greenhouse gasses that would result from the proposed combustion, mining and transportation of coal that would be handled by the proposed coal export facility at Cherry Point. In doing so, the lead agencies must assess the totality of greenhouse gas emissions associated with all of the coal export facilities that are currently proposed for the West Coast, and the lead agencies must not only consider the total emissions but also the resulting impacts to climate change and the associated impacts on human health and natural resources resulting from rising temperatures, changing climatic patterns, rising sea levels, and increasing ocean acidification.

Alternatives Analysis

I urge the lead agencies to complete a robust analysis of alternatives to coal export at Cherry Point, including export of other commodities, the use of the property by other industries, and a "no action" alternative.

Conclusion

The rush of proposed coal export projects in the Northwest present unprecedented threats to our community and way of life. I join other with other local elected officials located between the coal mines in the Powder River Basin and the export terminals in Oregon and Washington and urge the lead agencies to prepare an exhaustive, expansive EIS which accounts for the wide range of direct, indirect, and reasonably foreseeable impacts from coal export on our community. I appreciate the opportunity to comment on this EIS for coal export in the Pacific Northwest.

Sincerely,

Stephen H. Buxbaum
Mayor
City of Olympia

cc: City Council Members
City Manager, Steve Hall
Public Works Director, Rich Hoey

cc-13-06-

THURSTON COUNTY
WASHINGTON
SINCE 1852

COUNTY COMMISSIONERS

Cathy Wolfe
District One
Sandra Romero
District Two
Karen Valenzuela
District Three
BOARD OF COUNTY COMMISSIONERS

January 10, 2013

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE Suite 400
Bellevue, WA 98004
comments@eisgatewaypacificwa.gov

RE: Scoping Comments on the Gateway Pacific Coal Export Terminal at Cherry Point

To whom it may concern:

Thank you for the opportunity to provide public comment on the scope of the Environmental Impact Statement (EIS) regarding the proposed Gateway Pacific Terminal at Cherry Point, a facility to be used primarily for coal export.

Our greatest priority as Commissioners is ensuring the health and safety of our community. Impacts of this project to public safety, public health, the environment, and economy are numerous; our constituents are becoming increasingly concerned by this proposal. We are respectfully requesting that the US Army Corps of Engineers, Washington Department of Ecology, and Whatcom County (the "lead agencies") fully disclose and carefully assess the impacts of the Gateway Pacific Terminal in our community.

Environmental and Health Impacts
In Bucoda, a small town here in Thurston County, the rail lines pass within 200 feet of the main street and many residential homes. This community -- along with others, including Tenino, East Olympia, and Nisqually -- could see up to 20 coal trains rolling through town every day. Since the coal is transported via open top rail cars without covers, Thurston County is at risk for contamination of its farmlands, forests, lakes, streams and rivers. Coal is a toxic material that contains heavy metals, mercury, arsenic, and lead. Exposure to these toxins in high concentrations is linked to cancer and birth defects.

The EIS should specifically analyze the potential health risks to our population, especially the very young, elderly, and pregnant, and degradation of our beautiful surroundings. Additionally, we request that all railroad crossings in Thurston County be studied for safety and the impact on safety the increased train traffic would have.

Climate Change
We have worked hard to reduce the county's greenhouse gas emissions and dependence on fossil fuels. We've amended our transportation policies, completed a baseline emissions inventory and forecast, and developed a Climate Action Plan. As you are aware, burning coal leads to increased emissions of greenhouse gases and climate change. The related health impacts of climate change are great:

- Thermal stress from heat waves
- Degradation of air quality
- Infectious and chronic diseases
- Extreme weather events affecting public safety
- Psychological stress, social disruption, and economic disparities

It is our hope that the EIS will assess the negative impacts to quality of life, public health, and the environment associated with climate change.

Economic Impacts
Washington is a national leader in creating clean-energy jobs and innovating, developing, demonstrating, and marketing clean energy technologies and practices that promote sustainable global economic development. Coal export promotes the most destructive and unsustainable energy development practices.

A thorough economic analysis should be conducted as part of the environmental review process. Such an analysis could approximate a net gain or loss to the economy.

Conclusion
These are but a few of our concerns with this project. We've attached the Resolution Opposing Coal Export we passed on August 7, 2012 for further documentation.

Threats from this project to our community and way of life are extraordinary. We join other communities affected by this proposal and urge the lead agencies to prepare an exhaustive, area-wide EIS which accounts for the broad range of direct, indirect, and reasonably foreseeable impacts from coal export on our community.

Sincerely,

Cathy Wolfe
Commissioner, District 1

Sandra Romero
Commissioner, District 2

Karen Valenzuela
Commissioner, District 3

Building #1, Room 269, 2000 Lakeridge Drive SW, Olympia, Washington 98502-6045 (360) 786-5440
TDD (360) 754-2933

City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

January 18, 2013

Tyler Schroeder
Designated SEPA Official
GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

SUBJECT: SEPA SCOPING COMMENTS ON GATEWAY PACIFIC COAL TERMINAL

Dear Mr. Schroeder:

Thank you for the opportunity to comment on the SEPA Scoping Notice for potential impacts of the proposed Gateway Pacific Coal Export Terminal upon the City of Vancouver and its citizens. Vancouver is uniquely situated at the intersection of major rail corridors which lead to points east and north and south. The BNSF rail lines run through the City of Vancouver East-West along the Columbia River and North-South west of the downtown. A significant amount of rail freight traffic travels through Vancouver city limits and most, if not all, of the coal trains headed to or from the Gateway Pacific facility will pass through Vancouver city limits.

As reflected in the City Council's Resolution of July 16, 2012 (attached), and in public testimony received at a Clark College forum on the project on December 12, 2012, the City of Vancouver has a number of concerns with the project in regard to potentially significant adverse impacts.

Please include the following in your Scoping Notice:

1. Impacts from Coal Dust. Substantial uncertainty exists, including contradictory evidence, about the potential environmental effects from coal dust that may blow off or otherwise escape the coal cars. The EIS should study and conclusively determine what direct and cumulative impacts may occur to human health or natural systems such as wetlands, soil, vegetation and streams. How much coal dust is likely to blow off or shake out of the open coal cars, based on the latest scientific studies? Serious consideration should be given to

requiring that all coal cars which access the Gateway Pacific Terminal be covered during transport in order to mitigate such impacts to a level of non-significance.

2. Blocked Crossings. Vancouver has as many as 18 private at-grade crossings and at least 8 public at-grade crossings. Given the projected length of the trains (up to a mile and-a-half per train) and the projected number of trains per day (as many as 20) that will be moving through Vancouver, there will be substantial delays at at-grade vehicle crossings. Such delays will result in increased residential and commercial traffic congestion, lost productivity, increased tailpipe emissions from idling vehicles, etc. Direct and cumulative impacts from blocked crossings need to be studied in the EIS, and mitigated to a level of non-significance.

3. Delays to Emergency Responders. Some residential areas along the Columbia River could be entirely cut off from emergency responders due to the length of the trains and slow speeds of the trains in city limits, or from trains that are stopped waiting for other trains to move. Emergency responders may have no alternative but to access such areas by boat. How will blocked crossings impact the ability of the fire department to respond to a fire or medical emergency, or the police to respond to a crime in progress? Such direct and cumulative impacts should be studied in the EIS and mitigated to a level of non-significance, which should include ongoing funding for the operation and maintenance of the City's fire boat and associated staff.

4. Impacts from Surfactant. To what extent does the chemical surfactant that is sprayed on the coal to minimize airborne transport of dust break down over time and under different weather conditions (e.g. heat, cold, precipitation, etc.)? What are the chemical components in the surfactant, and when the surfactant breaks down and is transported into the air, what are the potential health hazards and impacts to water, soil and vegetation? Direct and cumulative impacts from airborne or deposited surfactant released from the coal cars should be studied in the EIS. Again, mitigating such potential impacts by requiring the coal cars to be covered should be considered in the EIS.

5. Train Horn Noise. As noted above, there are at least 26 at-grade crossings within Vancouver city limits, and many of these are unsignalized crossings. Impacts from train horn noise to nearby residents or employees from as many as 20 additional trains per day should be studied in the EIS, and mitigated to the extent possible.

6. Increase in Train Diesel Emissions. It has been reported that, due to the anticipated length of the trains (up to one and a half miles), additional engines to pull or push the cars will be required, which will significantly increase localized impacts from diesel emissions. If each train requires twice the number of engines to haul the coal cars than a typical freight train, then the impacts from diesel emissions would be comparable to 40 trains per day, instead of 20. What are the potential adverse health impacts to nearby residents or employees from such an increase? What are the impacts to the local or regional air quality from such an increase? The amount of diesel emissions from the total number of engines needs to be quantified and the direct and cumulative health and air quality impacts should be studied in the EIS and mitigated to a level of non-significance.

7. Cumulative Impacts from Other Coal Export Facilities. The Gateway Pacific Terminal is one of several coal export facilities that are proposed in the States of Washington and Oregon. Cumulative impacts that can be reasonably anticipated from all other proposed coal facilities, whether or not a permit application has been filed, should be studied in the EIS, and potentially significant impacts mitigated to a level of non-significance.

Again, thank you for the opportunity to provide comments on the SEPA Scoping Notice for the GPT facility. We look forward to commenting further once the Draft EIS is made available for public comment.

Sincerely,

Chad Eiken, AICP, Director
Community and Economic Development Department
(360) 487-7882
chad.eiken@cityofvancouver.us

c Mayor and City Council
Eric Holmes, City Manager
Barbara Ayers, Communications Manager
Jan Bader, Program Manager
Joe Molina, Fire Chief
Chris Sutter, Acting Police Chief
Ted Gathe, City Attorney
Stephanie Rice, The Columbian

07/16/12

RESOLUTION NO. M-3778

A RESOLUTION of the City Council of the City of Vancouver, Washington, expressing concern regarding the impact of increased coal transport rail traffic in Vancouver resulting from proposed coal export terminal projects in Whatcom County Washington, Cowlitz County Washington, Grays Harbor County Washington, Morrow County, Oregon, Coos County, Oregon and Columbia County, Oregon and requesting that the agencies reviewing the Environmental Impact Statements (EIS) for said projects, including federal, state, and local agencies, include impacts, both direct and cumulative, along the train and Columbia River routes for freight moving to the proposed terminals in the EIS and that at least one of the EIS Scoping hearings and one of any other subsequent hearings related to the EIS for each coal export terminal project be held in Clark County.

WHEREAS, the Burlington Northern Santa Fe (BNSF) track runs through and bisects the city of Vancouver running east/west; and

WHEREAS, another BNSF line runs north/south through the City of Vancouver, uses a railroad bridge located in southwest Vancouver to cross the Columbia River to points in the State of Oregon, and the bridge and line are also used by Union Pacific trains; and

WHEREAS, there are proposed coal export terminal projects in Whatcom County Washington (the Gateway Pacific Terminal Project, or GPT) and Cowlitz County Washington (Millennium Project) in addition to possible proposals for Grays Harbor County Washington as well as Morrow, Coos and Columbia counties in Oregon; and

WHEREAS, the City of Vancouver supports projects that create jobs and provide a healthy economy locally and regionally and understands that many permanent and potentially thousands of temporary construction jobs are at stake with the coal terminal proposal, and

WHEREAS, the City of Vancouver, in partnership with the Port of Vancouver, is investing millions of dollars in public funding to improve its waterfront area with the intention of attracting new jobs and improving rail capacity; and

WHEREAS, the City of Vancouver supports the rail expansion project underway at the Port of Vancouver which will create additional capacity to move goods and freight; and

WHEREAS, the proposals (except Morrow County), if completed, will result in significant new rail traffic through Vancouver, including at least twenty additional trains per day of up to one and half miles long; and

WHEREAS, the Morrow County proposal will result in additional barge traffic along the Columbia River near the City of Vancouver; and

WHEREAS, this increased rail traffic will have impacts in Vancouver including but not limited to increased traffic congestion and delays to residents and commerce, increased tail pipe emissions from stopped and idling vehicles and increased diesel emissions; and

WHEREAS, Vancouver has been made aware of potential impacts from coal dust and other particulates that may be blown from open rail cars and barges including air and soil pollution and health impacts but has no way to evaluate such potential impacts; and

WHEREAS, Whatcom County, Washington Department of Ecology and the United States Corp of Engineers have entered into an MOU to jointly promulgate the required EIS and are currently scoping the EIS for the GTP project; and

WHEREAS, Cowlitz County is evaluating an application and developing an EIS for the Millennium project and Washington Department of Ecology and the United States Corp of Engineers are also involved such evaluation; and

WHEREAS, the nature and scope of the environmental review for the other coal export terminal proposals has yet to be determined; and

WHEREAS, said agencies should include the impacts of coal-based export facilities, including increased rail traffic and coal dust, in the scope of the EIS for each coal export terminal project, and public hearings at the various stages of the EIS process should be conducted in Clark County; and

WHEREAS, the Federal National Environmental Policy Act (NEPA) and the Washington State Environmental Policy Act (SEPA) require the consideration in environmental review of both the direct and indirect impacts of the terminal proposals including off-site impacts along the rail lines used to deliver coal to the terminals; and

WHEREAS, NEPA and SEPA require the consideration in environmental review of the cumulative impacts of all of the terminal proposals including those actually applied for and those that are reasonably foreseeable; and

WHEREAS, substantial uncertainty exists, including contradictory evidence, about the environmental effects of coal dust potentially escaping from the trains, potential impacts on water quality resulting from coal barge traffic, and the number and size of trains using the tracks passing through the City of Vancouver; and

WHEREAS, uncertainty regarding coal trains and barges passing through or near Vancouver should be clarified in NEPA and SEPA review; and

WHEREAS, the City of Vancouver wishes to become a Party of Record regarding all of the coal terminal projects proposed in the states of Oregon and Washington.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF VANCOUVER:

Section 1. We urge all local reviewing Washington and Oregon agencies, the Washington State Department of Ecology, reviewing Oregon State Agencies, and the United States Army Corps of Engineers to include impacts of the proposed coal export facilities on Vancouver, including but not limited to increased traffic congestion and delays to residents and commerce, increased tail pipe emissions from stopped and idling vehicles, increased diesel emissions and potential impacts from coal dust and other particulates that may be blown from open rail cars and barges in the scoping of the EIS for both the GPT project and the Millennium project and all coal export terminal projects reasonably foreseeable in the states of Washington and Oregon.

Section 2. We urge all local reviewing Washington and Oregon agencies, the Washington State Department of Ecology, reviewing Oregon State Agencies, and the United States Army Corps of Engineers to conduct an analysis of the cumulative impacts of the GPT and Millennium project and all coal export terminal projects reasonably foreseeable in the states of Washington and Oregon through a SEPA and NEPA environmental impact statement process.

Section 3. We urge all local reviewing Washington and Oregon agencies, the Washington State Department of Ecology, reviewing Oregon State Agencies, and the United States Army Corps of Engineers to conduct at least one EIS scoping hearing for each coal export terminal project and at least one of any subsequent hearings related to the EIS for all coal export terminal projects proposed in the states of Washington and Oregon at a location in Clark County.

Section 3. We request that the City of Vancouver be made a Party of Record for all coal export terminal projects proposed in the states of Washington and Oregon.

Section 4. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

ADOPTED at regular session of the Council of the City of Vancouver, this 16th day of July, 2012.

Timothy D. Leavitt, Mayor

ATTEST:

R. Lloyd Tyler, City Clerk
By: Carrie Lewellen, Deputy City Clerk

APPROVED AS TO FORM:

Ted H. Gathe, City Attorney

proud past, promising future
CLARK COUNTY
WASHINGTON

January 15, 2012

U.S. Army Corps of Engineers
Randel Perry, Seattle District Regulatory Branch
Care of GPT/BNSF Custer Spur EIS Co-Lead Agencies
1100 112th Ave. NE, Suite 400
Bellevue, WA 98004

Re: Clark County scoping comments for the proposed Gateway Pacific Terminals and Custer Spur Projects

Dear Designated SEPA Official:

Clark County respectfully asks to be made a party of record on the Gateway coal terminals project proposed in Whatcom County. If completed, this project could move 54 million tons of coal per year in up to 16 mile-long trains each day through Clark County communities. That could amount to 5,840 additional trains through our county annually.

Clark County supports projects that create jobs and provide a healthy economy locally and regionally. The county understands many new permanent and potentially thousands of temporary construction jobs are at stake. However, the Board of Clark County Commissioners cannot ignore the project's potentially significant, adverse impacts here.

The board is concerned about how rail traffic could harm the quality of life in Clark County, especially for those living and owning businesses near the rail lines. Impacts could include: emergency response delays; increased traffic congestion; air and noise pollution due to idling trains; air pollution created by coal dust; blocked pedestrian and bicycle access to the waterfront; destabilizing steep slopes adjacent to the tracks; changes to established and developing quiet zones.

Consideration of such interests is recognized by the State Environmental Policy Act (SEPA). As a jurisdiction on the Burlington Northern Sante Fe Railway corridor, the county wants to ensure the terminals project receives adequate scoping, investigation and mitigation to avoid injury to our county and citizens.

The board is encouraged that the U.S. Army Corps of Engineers, Whatcom County and Washington State Department of Ecology will be co-lead agencies for the project. Once the applicant properly defines the project, scoping the direct, indirect and cumulative impacts is required. As lead agencies, please ensure this review is not artificially limited by jurisdictional boundaries, but encompasses the full range of potential impacts.

1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2232 • fax: [360] 397-6058 • www.clark.wa.gov

Considering potential impacts in Clark County is crucial because, at the least, the cost of improving rail crossings to accommodate increased train traffic could be high, especially outside the immediate project impact area.

The county asks that an environmental review carefully consider the regional impacts of the proposal and that thorough consideration of alternatives and mitigation measures be included in the analysis.

As a party with a known interest in the proposal, we ask that all required SEPA notifications be sent to Axel Swanson, Senior Policy Analyst, P.O. Box 5000 Vancouver, WA 98666-5000.

Clark County looks forward to being a constructive partner and providing any comment needed throughout the process. If you have questions, please do not hesitate to contact Mr. Swanson at (360) 397-2232 or axel.swanson@clark.wa.gov.

Sincerely,

Steve Stuart, Chair
Board of Clark County Commissioners

cc: Alice Kelly, Washington State Department of Ecology
Tyler Schroeder, Whatcom County

MR. STUART: Good evening. My name is Steve Stuart. I'm the vice chair of the Clark County Board of Commissioners. For the record, Clark County requested to be made a party of record for this project proposal.

The board of County Commissioners is specifically requesting study of potentially-significant adverse impacts on our citizens. We have concerns with how added rail track can harm the quality of life in Clark County, especially for those living and owning businesses near the rail lines. Impacts could include emergency response delays, increased traffic congestion, air and noise pollution due to idling trains, air pollution created by coal dust, blocked pedestrian and bicycle access to the waterfront, destabilizing steep slopes adjacent to the tracks, and changes to established quiet zones.

Considering potential impacts in Clark County is crucial because of the costs associated with improving rail crossings, which could be very high in areas beyond the immediate project impact

area.

Also, Clark County cannot help but be concerned about potential downstream costs associated with all the impacts that have been identified above and the improving of the rail crossings with a significant increase in rail traffic.

The County specifically requests that an environmental review review carefully the regional impacts of this proposal, including direct, indirect and cumulative effects in Clark County. As part of the analysis, the County thinks full consideration of alternatives and mitigation measures are in order.

Thank you very much for this opportunity to speak, and thanks for hearing everybody that's here.

Welcome. Thank you.

ID: 11459
Date: 01/22/2013 - 14:46
Name: Kneipp (for Sean Guard, Mayor), Mitchell
Email: mkneipp@ci.washougal.wa.us
Address:
1701 C Street
Washougal, WA 98671
Phone: 360-835-8501 x604
Commenter Type:
Jurisdiction – Other WA State
Part: Rail
Human environment: Air quality, Traffic or safety
EIS process: EIS/regulatory process
Comment:
Greetings.

On March 19, 2012, the Washougal City Council unanimously approved a Resolution calling on the Washington State Department of Ecology, the US Army Corp of Engineers and local county jurisdictions to make the City of Washougal a "party of record" and commenter on the proposed coal export facilities in Bellingham and Longview.

This Resolution, which is attached, is specific to the impact the additional trainloads of coal, estimated to be 20-40 additional trains per day, each train up to 1.5 miles long each. These impacts include the delays that vehicle traffic will have at our five at-grade crossings (concerns of significant vehicle emissions from idling vehicles) as trains move through Washougal and especially delays to our emergency response vehicles should the at-grade crossings be blocked. In addition, the potential impact that loose coal dust will have on our community and environment, whether it blows out of the top of the uncovered rail cars or it seeps out the bottoms of the rail cars.

Burlington Northern Santa Fe Railroad has noted themselves that each railcar can lose between 500 – 2,000 pounds of coal product while in transit from the Powder River Basin to Bellingham, over a 1,000 mile trip. My office in city hall is literally 300 feet away from the rail lines and I watch these trains go by on a daily basis.

The City requests that the scoping of the EIS address the significant unavoidable adverse impacts to the City of Washougal, and other communities that these trains will travel through, including but not limited to impacts from; 1) vehicle emissions from idling vehicles at blocked at-grade crossings; 2) emergency response delays at blocked at-grade crossings; and 3) the impact of coal dust on the community and environment. The EIS should address ways to avoid, minimize and mitigate the effects of these impacts on our community.

The City of Washougal does not want to stand in the way of commerce or exports; in fact we applaud companies who are employing people. We just want to make sure that our community and residents will not have any adverse impacts from the transportation of these materials and that any impacts will be reasonably mitigated.

As the Mayor of a community that is literally split geographically by the BNSF rail lines, I will be

reaching out to the Mayors of other communities along the BNSF line to be sure we are kept informed of the progress and mitigations of these projects.

I appreciate any space that you can give to this important issue and I welcome any questions that you may have.

Respectfully,

Sean Guard
Mayor
City of Washougal
PDF Attachment:
http://www.eisgatewaypacificwa.gov/sites/default/files/comment-attachments/pdf/City of Washougal Resolution #1048.pdf

CITY OF WASHOUGAL, WASHINGTON
RESOLUTION NO. 1048

A RESOLUTION of the city council of the City of Washougal, Washington, expressing concern regarding the impact of increased rail traffic in Washougal resulting from proposed rail terminal projects in Whatcom County and Cowlitz County and requesting that the principal agencies reviewing the Environmental Impact Statements (EIS) for said projects, including Whatcom County, Cowlitz County, Washington Department of Ecology and The United States Army Corps of Engineers, include impacts along the train route for freight moving to the proposed terminals in the scoping document for the EIS and that at least one of the EIS Scoping hearings and one of any other subsequent hearings related to the EIS for each project be held in Clark County.

WHEREAS, the Burlington Northern Santa Fe (BNSF) track runs through and bisects both communities of Washougal and Camas running east/west; and

WHEREAS, Washougal has five at-grade crossings and only one grade separated crossing; and

WHEREAS, there are proposed rail terminal projects in Whatcom County (the Gateway Pacific Terminal Project, or GPT) and Cowlitz County (Millennium Project); and

WHEREAS, the proposed projects will significantly increase freight traffic on the BNSF track; and

WHEREAS, the increased freight traffic is intended to be coal being delivered to the new terminals but may potentially include a variety of commodities; and

WHEREAS, this increased rail traffic will have impacts in Washougal and Camas including but not limited to increased traffic congestion and delays to residents and commerce and increased tail pipe emissions from stopped and idling vehicles and;

WHEREAS, Washougal has been made aware of potential impacts from coal dust and other particulates that may be blown from open rail cars but has no way to evaluate such potential impacts; and

WHEREAS, Whatcom County, Washington Department of Ecology and the United States Corp of Engineers have entered into an MOU to jointly promulgate the required EIS and are currently scoping the EIS for the GTP project; and

WHEREAS, Cowlitz County is evaluating an application and developing an EIS for the Millennium project and Washington Department of Ecology and the United States Corp of Engineers are also involved; and

WHEREAS, said agencies should include the impacts of this increased rail traffic in the scope of the EIS for each project and public hearings at the various stages of the EIS process should be conducted in Clark County; and

WHEREAS, the City of Washougal wishes to become a Party of Record regarding both projects,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WASHOUGAL AS FOLLOWS:

SECTION I

We urge Whatcom County, Cowlitz County, State Department of Ecology and United States Army Corps of Engineers to include impacts to Washougal, including but not limited to increased traffic congestion and delays to residents and commerce, increased tail pipe emissions from stopped and idling vehicles and potential impacts from coal dust and other particulates that may be blown from open rail cars in the scoping of the EIS for both the GPT project and the Millennium project.

SECTION II

We urge Whatcom County, Cowlitz County, State Department of Ecology and United States Army Corps of Engineers to conduct at least one EIS scoping hearing for each project and at least one of any subsequent hearings related to the EIS for both projects at a location in Clark County.

SECTION III

We request that the City of Washougal be made a Party of Record for both the GPT and Millennium projects.

SECTION IV

That this Resolution shall take effect and be in full force upon passage and signatures hereon. Dated and signed this 19th day of March, 2012.

CITY OF WASHOUGAL

Sean Guard, Mayor

ATTEST:

Jennifer Forsberg, City Clerk

APPROVED AS TO FORM:

Donald English, City Attorney

Paul Greenlee
City Hall
1701 C Street
Washougal, WA 98671

GPT/Custer Spur EIS
c/o CH2M HILL,
1100 112th Avenue NE Suite 400
Bellevue, WA 98004
comments@eisgatewaypacificwa.gov

RE: Scoping Comments on the Gateway Pacific Coal Export Terminal at Cherry Point

To whom it may concern:

Please consider this letter as part of the public record for the Gateway Pacific Terminal coal export project proposed at Cherry Point, Whatcom County, Washington, facility site ID #22237. The impacts of coal export at Cherry Point extend far beyond the terminal, reaching into every community located along the rail line between the coal mines and the export terminal. As a elected official for the City of Washougal, Washington, located along the Burlington Northern Santa Fe (BNSF) rail line, I respectfully request that the U.S. Army Corps of Engineers, Washington Department of Ecology, and Whatcom County (collectively "the lead agencies") fully disclose and carefully assess the impacts of the Gateway Pacific Terminal on our community.

Pacific International Terminals, a subsidiary of SSA Marine, proposes to export 54 million metric tons of coal annually. This coal will travel in uncovered rail cars through dozens of communities, including Washougal, en route to the proposed Whatcom County terminal. Aside from the impacts of coal export at and near the terminal, the Environmental Impact Statement (EIS) must examine the impacts of coal trains and the coal export industry on our citizens, local environment, and quality of life. This includes the direct, indirect, and cumulative impacts of coal export on public health, traffic, existing businesses, public infrastructure, water quality, air quality, agriculture, climate change and quality of life. These impacts are described in greater detail below.

Washougal has five (5) at-grade crossings and only one grade-separated crossing. BNSF is single-track through Washougal, with a double siding (total three tracks) less than 100 yards east of the grade crossing at our 32nd St. Our primary arterial, Evergreen Way (the old Evergreen Highway) parallels the tracks just 50 yards to the north. That intersection, 32nd at Evergreen, is the busiest intersection in our city. Facts on the ground severely limit the storage space for stopped, crossing and turning, traffic at 32nd/Evergreen. So it seems likely that a heavily laden

train, west-bound from a dead stop in that siding would likely close that grade crossing for long time. Effectively closing not only the North/South grade crossing on 32nd, but also our primary East/West arterial with stopped cars. In our city, housing is predominately north of the tracks and the jobs are south of the tracks as is the Police Station and the Fire Station.

The economic, and public safety impacts, of cutting our city in half, at those crossings, are beyond our ability to evaluate and to mitigate. Nor should it be our responsibility.

Similarly the impacts on public health and welfare, are beyond our ability to evaluate or mitigate. We have concerns about noise, particulates and sulfur from the trains themselves, as well as the stalled automobile and truck traffic stalled at crossings. We can only imagine the potential impacts of coal and coal dust dropped or blown from the trains into our community, or into the Columbia River (Threatened and Endangered Species!) and the Columbia River Gorge National Scenic Area.

While we certainly support economic development by and for all of our communities in Washington, we certainly would require a broad analysis of net gains. For example, if a rail terminal would create 150 jobs at the terminal, but would effectively cost 300 jobs at a mill, because the rail traffic at-grade crossings effectively cuts truck traffic access to the mill, on balance, the rail terminal is a net loss. To put a fine point on it, neither Washougal, nor any other community should have to give up its larger economic future for small gains elsewhere. Any economic analysis of the Gateway Pacific Terminal, which fails to consider the economic impacts to the broader community fails in total.

Conclusion

The Gateway Pacific Terminal will have major impacts throughout the rail corridor. Washougal is hopeful (I, personally, would say, insistent.) that examination of impacts, and the mitigation required for those impacts will extend across the entire transportation route. Washougal City Council enacted a resolution this past spring enumerating many of our concerns, and asking that the City of Washougal be a party of interest, and that testimony be taken, locally, here in Clark County.

Thank you for your consideration,
Paul Greenlee
Council Member
City of Washougal, Washington

From:	John Spencer
To:	comments@eisgatewaypacificwa.gov
Subject:	EIS Comments
Date:	Wednesday, January 16, 2013 9:54:08 AM
Attachments:	City_North_Bonneville_Resolution_RE_Coal.pdf

Please find attached a resolution passed by our city council last week regarding the gateway project.

John Spencer
Administrator / Clerk / Treasurer
City of North Bonneville
(509) 427-8182

City Council Resolution #453

A City of North Bonneville Council Resolution submitted to the State of Washington Department of Ecology, United States Army Corps of Engineers and Whatcom County, Washington for the public record as Formal Comments for Scoping – Deciding what Factors, Issues, Environmental Impacts to Analyze and Geographic Area or Areas to Consider – for a comprehensive Environmental Assessment by the Co-Lead Agencies under a combined (NEPA) National Environmental Policy Act and (SEPA) State Environmental Policy Act, Environmental Review regarding construction of Coal Exporting Facilities in the States of Washington and Oregon and specifically the "Gateway Pacific Terminal at Cherry Point" in Whatcom County, Washington.

Whereas, The "Gateway Pacific Terminal at Cherry Point" in Whatcom County, Washington is a specific proposal under review for granting of construction permits, and one of five proposed coal export terminals planned for construction in the states of Washington and Oregon, and

Whereas, The mining of coal for export from the Gateway Pacific Terminal at Cherry Point and other proposed export terminals requires rail and barge transportation from the points of extraction in Montana and Wyoming through the states of Washington and Oregon and the Columbia River Gorge National Scenic Area, and

Whereas, The rail transportation routes from the states of Montana and Wyoming to coal export facilities on the west coast run through the City of North Bonneville and numerous other cities and small towns where elected officials are responsible for protecting the health, safety and welfare of their citizens, and

Whereas, The elected officials of each city, town and county are held responsible for the protection of the health, safety and welfare of their citizens and cannot discharge their sworn duty in making determinations and exercising judgments regarding both positive and negative environmental impacts on their respective communities without first having a comprehensive and formal environmental assessment report published by the co-lead agencies and conveyed to each jurisdiction prior to soliciting comments from said agencies on a draft EIS for the "Gateway Pacific Terminal at Cherry Point" proposal or any other coal export facility, and

Whereas, The elected officials of each city, town and county have a right to receive a comprehensive and complete scientific assessment of all impacts associated with or generated by the mining and transportation of coal through their jurisdictions for export from west coast coal export terminals and sale for consumption or burning of same by Asian countries for generation of power that increases a global carbon footprint.

Now Therefore, Be It Resolved by the Council of North Bonneville, Washington, a Municipal Corporation of the State of Washington, on behalf of its citizens as follows:

1. Scope of Environmental Assessments for Coal Exports from State of Washington and the Gateway Pacific Terminal at Cherry Point in Whatcom County, Washington – The Scope of Environmental Assessments should be comprehensive and analyze all potential human and natural environmental effects caused or generated by the construction of coal export terminals:

(a) Mining coal for transport and export from the Gateway Pacific Terminal and all other proposed facilities on the West Coast;

(b) Handling and transferring coal from trains and barges to export carriers;

(c) Defining the specific train and barge routes for transporting coal for export through the states of Washington and Oregon;

(d) Defining the loading and transportation by rail or barge by metric tons per rail car and coal train and barges on the Columbia River;

(e) Identifying all cities, towns and counties through which coal trains will transport coal mined in Montana and Wyoming or other location for export;

(f) Documentation of the history of rail accidents, fires caused by rail car brake or wheel bearing failures, and derailments along the projected coal train transportation routes; and

(g) Detail the markets to which American coal exports are destined to be shipped and consumed.

2. All Assessments and Scientific Analysis of Potential Human and Natural <u>Environmental Effects Caused or Generated by Construction of Coal Export Terminals and Specifically the Gateway Pacific Terminal in Whatcom County, Washington, In Order to be Comprehensive, must include, but not limited to:</u>

(a) Noise - Noise generated by mining, transportation and handling of coal.

(b) Air Quality – Emphasis on generation of coal dust starting with mining and loading, transportation with shedding of coal dust, unloading rail cars and barges and loading coal to ships for export, and associated increase in diesel fuel exhaust emissions by trains and barge tugs generated by transporting coal for export from the source at mines to the export terminals.

(c) Human Health – The specific detrimental effects of coal dust shedding, increased diesel exhaust emissions, increased noise generated by coal trains and barges, and the increased carbon footprint generated by coal exports for consumption by Asian countries. One major critical human health and environmental issue to be analyzed is the CO2 emissions generated by each metric ton exported that will contribute to pollution of the earth's atmosphere and global warming.

(d) Traffic and Safety – The documentation of coal train rail and barge traffic potential for accidents, spills, derailments, fire, local community impacts at both marked, signaled, non-signaled, urban and rural crossings, and bridges crossing streams and rivers.

(e) Wildlife and Their Habitat – Complete assessment of the effects of coal dust, noise and the dangers posed by potential fires and derailments generated by increased coal train transportation. In like manner the same potential effects and dangers posed by accidents on the Columbia River by coal barging.

(f) Marine Species, Fish and Fisheries – All rail and barge transportation routes for coal trains crossing streams, rivers, and wetlands that provide designated critical and essential fish habitat for a significant number of endangered species. All bridge crossings of streams, rivers and wetlands should be identified together with the marine species, fish, or fisheries dependent upon the individual habitats. An assessment of the potential negative effects on said habitats should include the impacts of a major derailment that contaminates these areas with coal or coal dust. The assessment should identify remedial actions that would be required to restore the habitats to their original condition if spilled coal and coal dust can be completely removed from those habitats.

(g) Wetlands or Streams -- The same comprehensive assessment as stated above for marine species, fish and fisheries must be undertaken for all wetlands, streams and rivers but must be expanded to include native vegetation, native wildlife not on an endangered species list, birds of all types, including water foul and migratory species, that depend those wetlands, streams and rivers for survival. Of critical importance in this assessment is the potential long term negative effect of coal dust buildup in the environment due to shedding of coal dust by coal trains during transportation from coal mines to proposed export terminals.

(h) Water Quality – The survival of species whether wildlife, marine species, fisheries, birds or habitat vegetation are all dependent upon water quality. The long term effects of mining, transporting, exporting American Coal for burning in coal fired power plants in Asia increases the carbon footprint on the planet and contributes to global warming with increases in CO2. The potential negative effects of such increased emissions on the quality and temperature of the water in our streams, rivers, and wetlands should be documented and analyzed. The same assessment should carefully document and analyze the potential negative effects on the world's oceans and all marine life dependent on said ocean as their life sustaining habitat. Identification of water quality temperatures as said temperatures related to propagation of endangered species of fish and marine species should be documented and fully analyzed. The amount of CO2 emissions released into the atmosphere through the burning of each metric ton of coal, together with release of other heavy metals, such as arsenic, lead and mercury, should be documented and analyzed as potential contaminants to water quality.

3. <u>The Environmental Impact Statement Process – A comprehensive Environmental Assessment Report should be compiled and published as a base document from which the Draft Environmental Impact Statement is prepared.</u>

(a) **Alternatives -** All alternative actions that can be documented to mitigate potential negative environmental impacts identified in the completing of a comprehensive environmental assessment report (EAR) should be evaluated and weighted in terms of economic, social, and environmental quality benefits.

(b) **Areas of Potential Effect** – The mining of coal in Montana and Wyoming for transportation to and export from coal export terminals on the west coast, including the Gateway Pacific Terminal at Cherry Point in Whatcom County, generates significant environmental impacts in every city, small town, rural community and county through which coal trains travel to transport coal for export to Asian markets for power generation. The areas of potential significant effects start at the point of mining, handling, and loading coal on rail cars for transport through Wyoming, Montana, Washington and Oregon to reach coal export terminals proposed on the west coast. The potential significant negative effects are then generated with each mile in transport through shedding of coal dust and the potential for major spills and derailments and the unloading of coal at export terminals for transfer to ships destined to Asian markets. The area of potential effects then shifts to the consumption, burning of coal by Asian power producers through coal fired plants that generate CO2 emissions that further pollute the earth's atmosphere. The areas of potential effects, therefore, begin at the mining of the coal, transportation and export and end with the resulting consumption through burning of American coal by Asian power producers which adds to generation of CO2 and pollution of the earth's atmosphere. A comprehensive EAR and final environmental statement must cover and encompass the entire area of impacts from mining to final consumption for the generation of power. All the effects on cities, towns, counties, and the human and natural environments are impacted in significant measure through the coal train or barge transportation and the ultimate negative effects of increased coal production and consumption.

(c) **Environmental Impact Statement Process** – The solicitation of public input during public hearings for "scoping" a draft EIS leaves a major gap in presenting documented findings, analyzes, and scientific assessments necessary to expose all potential environmental impacts for review by the public, public entities, cities, towns and counties prior to the time they are requested to make comment on the draft EIS. It is essential that a comprehensive EAR containing all studies, assessments, scientific analyzes, and documentations should be published and presented to the public and entities of the States prior to the time a draft EIS is circulated for comment by governmental entities. Elected officials must be afforded the full opportunity to have sufficient time to thoroughly review a detailed EAR prior to preparing official written comments to a draft EIS.

Enacted by the City Council of the City of North Bonneville, Washington, a municipal corporation of the State of Washington, sitting in general session of a

regular meeting on this 8th day of January 2013, by affirmative vote of the City Council and Approval by the Mayor as recorded in the records of the City.

_____

Don Stevens, Mayor

Attest: _____

John Spencer, Clerk/Treasurer/Administrator

Cheney
OFFICE OF THE MAYOR
TOM TRULOVE, MAYOR

January 18, 2013

GPT / BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M Hill
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

To Whom It May Concern:

Thank you for the opportunity to offer these comments regarding the scope of the draft environmental impact statement (DEIS) addressing the Gateway Pacific Terminal Project.

Cheney, Washington, is located approximately 17 miles southwest of Spokane and is bisected by mainline tracks for both the Union Pacific (UP) and Burlington Northern / Santa Fe (BNSF) railroads. Its population includes slightly less than 11,000 permanent residents and, during the school year, a significant number of students attending Eastern Washington University (Fall 2012 enrollment is 12,587).

We are concerned about the additional rail traffic that would occur through the city were the Gateway Pacific Terminal Project to be built. Currently there are four intersections within the city limits where roads cross the BNSF rails. The UP rails involve three crossings within, and one just outside, the city limits. All of these crossings are at grade.

We request that the DEIS scope include an analysis of the impacts of added rail traffic that would result if the Gateway Pacific Terminal Project were to be built. These impacts would include delays at rail crossings, resulting in increased response times for emergency services, traffic congestion, and emissions from waiting vehicles. Other impacts that should be considered include increased emissions from diesel locomotives, train noise (including both rail noise and train horns), and the potential consequences of a derailment or train/vehicle collision within the city.

In addition to the direct impacts of the Gateway Pacific Terminal Project, we request you also conduct a cumulative impact analysis that includes consideration of both existing rail traffic and any additional rail transport effects in Cheney resulting from other reasonably foreseeable future rail terminal projects that could further increase rail traffic through Cheney. Specifically, this should include impacts associated with the construction of the proposed Morrow Pacific Coal Export Terminal Project to be built by Ambre Energy with a projected completion date in 2014 and the Ambre Millennium Bulk Terminals proposed for construction near Longview, Washington. It is our understanding that these projects would depend on additional rail shipments over the tracks bisecting Cheney.

609 SECOND STREET • CHENEY, WA 99004 • PHONE 509 498-9200 • FAX 509 498-9206 • WWW.CITYOFCHENEY.ORG
HOME OF EASTERN WASHINGTON UNIVERSITY

Thank you for your attention to these requests. Please add the following to your project mail list:

Arlene Fisher, ICMA-CM
City Administrator
City of Cheney
609 Second Street
Cheney, WA 99004

Sincerely,

Tom Trulove
Mayor

For our children, our community, our world, our future

CHENEY PUBLIC SCHOOLS

520 FOURTH STREET, CHENEY, WA 99004

(509) 559-4599 * FAX 559-4508
www.cheneysd.org

January 18, 2013

GPT/Custer Spur EIS
c/o CH2M HILL
1100 112th Ave. NE, Suite 400
Bellevue, WA 98004

Re: Scoping Comments

To Whom It May Concern:

As superintendent of Cheney Public Schools, I am writing to express the district's request that our school district, as well as the City of Cheney and the West Plains area, be included in the scoping process to determine any potential negative impacts of increased coal train traffic that would result from the "Gateway Pacific Terminal-Coal-Exports."

It would be important to us that an Environmental Impact Statement be granted to look at the environmental impacts to the whole coal-exports area, and not just the Bellingham area. Several of our public schools are located in the City of Cheney, in the immediate vicinity of the railway which would be utilized to transport the coal.

Our buses transport students throughout the school district, consisting of approximately 360 square miles, on a daily basis and cross the railway tracks often as they transverse the area. A large number of our students have severe allergies/asthma issues which could be significantly increased by exposure to coal dust.

I would like to encourage you to examine the impact on children's health that could be caused by air pollution, as well as the possible negative economic impacts. For example, we know that increased rail traffic will result in traffic delays, and potentially the need to make changes to roads to ease congestion. We could also see delays that result in additional cost to the school district if a large number of trains result in regular delays for busses traveling to pick up students on rural routes in our district.

I sincerely hope that you will give careful consideration to our request.

Respectfully,

Debra J. Clemens, Ph.D.
Superintendent

1 **GATEWAY PACIFIC TERMINAL**
2 **PUBLIC HEARING**
3 **TAKEN ON**
4 **TUESDAY, DECEMBER 4, 2012**
5 **4:09 P.M.**
6 **BEN STUCKART:** My name is Ben Stuckart. I'm the
7 City Council President for the city of Spokane. I
8 appreciate you coming and having a hearing in Spokane.
9 On June 18th of this year, the City Council
10 unanimously passed a resolution about coal trains. That
11 resolution read that we ask that the potential impact to
12 Spokane's public health, safety, economy, traffic and the
13 air quality be assessed by the agencies conducting the
14 environmental review and request that Spokane be included in
15 any of the EIS hearings scheduled for the community in any
16 project in the Northwest that may cause significant
17 increases in association with rail traffic traveling via
18 Spokane.
19 The city of Spokane and our legislative body stand
20 united asking that in the EIS process, that you include
21 local impacts, in particular in Spokane, because we are the
22 choke point for the rail traffic that will come through. I
23 ask that the EIS be cumulative. It should limit the impact
24 of all five proposed coal export facilities, and that those
25 negative impacts be mitigated by the involved parties if the

1 rail traffic does go through. We can't get to litigation if
2 we don't look at the whole area of study and we are impacted
3 such being at the choke point of potential for 63 trains,
4 that we ask that you consider that.
5 Heavy Traffic Ahead, published in July of 2012
6 points out that by 2022, Spokane we will have 63 trains a
7 day coming through Spokane. I keep hearing that we have
8 trains now that nobody is able is able to quantify how many
9 of those are. We should look and study that and study
10 whether the impact of increasing that by 63 are.
11 I keep hearing that 30 years ago we had more
12 trains coming through Spokane, but when I asked, I'm told
13 that's proprietary information, so we need to understand how
14 doubling the number of trains through Spokane will impact
15 our community.
16 The EIS should be cumulative to the -- if -- oh,
17 thank you very much.
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10 **JON SNYDER:** My name's John Snyder, Spokane City
11 Council. My very first words were choo-choo. I love
12 trains and appreciate all they do for our economy, but my
13 love of trains takes a back seat to the citizens I represent
14 in the city of Spokane, and also on the regional health
15 district.
16 Both of these bodies voted overwhelmingly for a
17 broad EIS to find out what the impacts are for Spokane
18 county on the impacts of coal trains. Why? Because our
19 citizens have questions. They want to know what will be the
20 effect on commercial traffic in cities like Spokane, Spokane
21 Valley, Millwood and Cheney. They want to know how many
22 trains will actually be coming through. They want to know
23 what the health impacts are on children living near the
24 tracks. They want to know, are we, in fact, subsidizing
25 coal for export. Are we, in fact, as Americans providing

1 cheap energy for Asia at the cost of our citizens.
2 I also want to know about the resources. Emergency
3 service delivery is one of our most important resources. In
4 the city of Spokane, we're losing 100 jobs next year, most
5 of them public safety. I'll have to spread those people
6 farther than they've ever been spread before. How will
7 increased gate time in -- impact our emergency service
8 delivery?
9 And what about our transportation capacity. I
10 have served on the Regional Transportation Council. We do
11 not have the information to find out about how gate time
12 will impact our plans for the future. Will we have to throw
13 out our entire 2040 plan because we don't know exactly what
14 it's going to do to the local transportation? Will we no
15 longer deal with the grain to market from the Palouse?
16 I was here in 1991 when a massive train derailment
17 was -- occurred over Latah Creek. What are the chances of
18 that happening again with a coal train? Choo-choo is a great
19 first word, but it shouldn't be the last word on the health
20 of our community. I appreciate you coming to Spokane, and I
21 thank you for your hard work in deliberating on this
22 subject.
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MS. KATE MCBRIDE: My name is Kate McBride, and I'm a fourth generation Gorge resident, and I represent the Hood River City Council. On April 23rd of this year, Hood River City Council passed a strong resolution opposing coal transportation through the Columbia River Gorge three pages long. I'll submit it.

Our community is opposed to both train and barge transport methods. We have and are continuing to urge the governors and other decision makers to work on a comprehensive policy to prevent the Gorge from becoming the coal chute of the nation.

Over 30 trains travel through Hood River

daily. With as many as 50 additional coal trains in the Gorge, twenty from this project alone both on the Oregon and Washington sides, our quality of life will suffer and will stifle tourism in our community as a result of spewing coal dust, adding noise pollution, and potential safety and fire hazards.

Hood River is known for its water and wind sports of windsurfing and kite boarding. Any additional barge or train traffic will make these sports more dangerous, less accessible, and ultimately less attractive.

Coal dust entering the water from trains or barges is a health a hazard and we ask the Army Corps and Department of Ecology to perform an area-wide EIS study for this project and all other forms of coal transportation in the Gorge.

I've witnessed personally four destructive fires within the Gorge during the tinder dry summer days with our famous winds blowing ten to 30 miles an hour or more. Two of these fires started at the rail lines. Who is going to be responsible if a coal barge or train catches on fire or derails?

With our city budgets stretched to the limits, how will we be able to afford more fire and emergency personnel if additional fires start as a

result of more rail traffic? I have personally witnessed lots of coal next to the tracks in Washington. With additional coal dust on the tracks, the chances of those fires increasing will rise significantly. The safety of our citizens with the potential for fires is just too much. Thank you.

AARON QUALLS: My name is Aaron Qualls, and I'm a City Council member for the city of Sandpoint, Idaho. I want

1 to thank you for coming this far east to host this public
2 scoping meeting. Love it if you visited us in Sandpoint,
3 and I'm sure the folks from Montana would love a visit as
4 well. There may be some economic benefits to Whatcom county
5 and companies operating out of the Powder River Basin, but
6 at what costs of all the communities along the route.
7 Sandpoint has joined many other cities across the
8 route in adopting a resolution call asking that we be
9 included in this scope. Sandpoint, in particular, may be
10 adversely affected in many ways. We're located, as pointed
11 out by others, at a major choke point for the railroad
12 lines, also termed the funnel by railroaders, so we have a
13 lot of questions.
14 How many trains would be passing through our town?
15 What traffic impacts would that have? How would it affect
16 emergency vehicle response times. What additional safety
17 risks will there be at rail crossings? How will it affect
18 air quality? What about water quality? Lake Pend Oreille
19 is a source of potable water for the citizens of Sandpoint
20 and a habitat for threatened species. Is there a great risk
21 of train derailment from this project?
22 Just in this last year, we had two derailments in
23 and around the city of Sandpoint. A coal train derailment
24 along the shores of Lake Pend Oreille, which it would travel
25 approximately 30 miles, looking at current routes, could be

1 devastating. So please consider us as part of this scope.
2 Thank you.
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City of Livingston

Incorporated 1889

Chairman
Steve Caldwell

Vice Chairman
James Bennett

Commissioners
Adam Stern
Mel Friedman
Bill Spannring

Mr. Randel Perry
U.S. Army Corps of Engineers, Seattle District
C/O GPT/BNSF Custer Spur EIS Co-Lead Agencies
1100 112th Avenue Northeast, Suite 400
Bellevue, Washington 98004

Subject: EIS Scoping Comments from Livingston, MT

Dear Mr. Perry,

The City of Livingston, Montana, population 7,500, is bisected by the southern main line of the Montana Rail Link/Burlington Northern Santa Fe railroad companies. The development of ports on Washington's coast will have an impact upon the City of Livingston by increasing train traffic. The City requests that the Army Corps expand its scope of the Environmental Impact Study for said ports to include an analysis of effects to the City of Livingston.

Increasing the number of trains through Livingston will exacerbate three issues currently facing Livingston, including 1. reduced access, 2. additional noise, and 3. potential health concerns from exhaust and coal dust.

1. **Access.** As the City is bisected by the rail line, three railroad crossings, two at grade, and one underpass serve as access points. These crossings are currently stressed with re-routing and congestion issues. Increased traffic will in turn increase access issues for citizens, businesses and emergency response vehicles.
2. **Noise.** Many citizens are currently impacted by train and whistle noise due to the central location of the rail line. Residents of Livingston have expressed considerable distress over potential increases in train noise from increased rail traffic.
3. **Potential Health Hazards.** Potential health hazards, including exhaust from increased idle time from waiting motor vehicles, increased diesel exhaust from the trains themselves, and coal dust from moving trains are a concern for Livingston.

Please consider this request to address the impact of the development of Washington ports and associated increases to rail traffic on the City of Livingston.

Sincerely,

Steve Caldwell
City Commission Chairman

Mr. Randel Perry
U.S. Army Corps of Engineers, Seattle District
C/O GPT/BNSF Custer Spur EIS Co-Lead Agencies
1100 112th Avenue Northeast, Suite 400
Bellevue, Washington 98004

Subject: EIS Scoping Comments from Livingston, MT

Dear Mr. Perry,

It has come to the attention of the Livingston City Commission that the development of one or more proposed coal export terminal projects in Washington or Oregon may result in a substantial increase in train traffic through our community. We would like to take the opportunity to comment on the potential impacts these projects would have on Livingston during the environmental impact scoping period for the Gateway Pacific Terminal in Cherry Point, Washington. As one of the largest proposed ports on the West Coast, we believe this project would have substantial impacts in Livingston. We respectfully request that you consider these impacts to our community as you undergo the remaining EIS process, and also ask that you examine the cumulative impacts of all of the proposed export terminals.

Livingston has historically been a railroad town, with the Montana Rail Link line cutting along the edge of the downtown district before ascending Bozeman Pass. According to Montana Rail Link, we currently experience an average of 15 trains each day. Already, residents experience traffic delays, particularly on the 5th Street crossing and Bennett Street crossings (we have one underpass constructed on North B. Street). Any additional train traffic would certainly exasperate these delays and adversely affect transportation from one side of town to the other. More importantly, there could be serious health and safety implications with emergency service vehicles incurring delays while crossing the tracks. Both our emergency medical services and fire stations are located on the south side of the tracks, with no services on the north. The only way an emergency service vehicle could get to the north side when moving trains have the crossings blocked is through the B. Street underpass.

We are also concerned about the possible impacts on health that would result from an increase in coal train traffic. Both an increase in idling cars and trucks waiting at rail crossings and train pollution threaten Livingston's air quality. Specifically, the increase in diesel fumes from train engines pose significant risks to human health. With the railroad tracks so central to our community, we believe these risks deserve serious attention. Numerous peer-reviewed studies document the potential harm associated with exposure to diesel fumes, including increased risks of cancer, cardiopulmonary mortality, pulmonary inflammation, and increased severity and frequency of asthma. We believe this data must be looked at closely when analyzing the costs from increased train traffic to communities along the rail line.

Livingston is an exceptionally windy city. For this reason especially, we are concerned about the movement of coal dust from the areas surrounding the tracks and the health impacts it has when inhaled. Coal dust consists of toxic heavy metals and has been associated with numerous negative health effects, including chronic bronchitis, emphysema, and pulmonary fibrosis. It seems highly likely that an increase in coal train traffic would result in an increase of serious health problems in Livingston. Although surfactants are supposedly used by all mining facilities, this regulation is not actively enforced, and there is still dust produced and lost as admitted by information previously found on BNSF's website.

Another concern is the noise from train horns. Citizens have complained about train noise for a long time, and though we would like to implement a quiet zone that would consist of safety improvements so trains would not be required to blow their horns, we again lack city funding for this. While most think of noise as purely an inconvenience, it has been shown to cause sleep disturbance and resultant health problems, as well as the exacerbation of mental health disorders.

Lastly, we believe it is worth evaluating the economic impact that increased train traffic would have on Livingston. While we greatly appreciate railroad jobs and the economic benefits these bring to our community, it would be worth exploring how many jobs would actually be gained locally with increased train traffic, and how many businesses may be hurt by the resulting inconveniences, health and safety concerns, and noise.

We ask the Corps to consider these potential serious effects on Livingston in the course of evaluating the Gateway Pacific Terminal and other similar projects that would increase coal train traffic through our community. We furthermore believe that a cumulative, programmatic EIS is the only appropriate way to assess the impacts of building these West Coast ports. The City of Livingston stands ready to assist with this process in any way.

Sincerely,

Frances Stewart, landowner

P.S. I have personally witnessed the cloud of coal dust engulfing these rail cars as they sit at the crossings in Livingston. This same toxic dust that we are breathing also falls into the Yellowstone River as the trains roar over the bridges. Please investigate this seriously poisonous phenomenon and see to it that all environmental regulations and protections are strictly enforced. Thank you for your efforts on our behalf. FS

"Committed to the protection and promotion of public health"

Gallatin City-County Health Department

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November 5, 2012

GPT/Custer Spur EIS
1100 112th Ave. NE, Suite 400
Bellevue, WA 98004

Re: Scoping Comments, GPT/Custer Spur EIS

To Whom It May Concern:

I am writing on behalf of the Board of Health of Gallatin County, Montana. We hereby request that the Army Corps of Engineers (ACE) prepare an area-wide ("programmatic") Environmental Impact Statement concerning coal transport from the Powder River Basin of Wyoming and Montana, through the Northwest to the potential new export facilities on the coast of Washington and Oregon. We understand that ACE already plans to examine the impacts of new ports; our request is to broaden the scope of the process to examine the entire transport corridors from the mines to the ports.

Should the increased coal export come about, the communities of Bozeman, Belgrade and Manhattan in Gallatin County through which trains pass will experience doubled (at least) train traffic. Several potential health and safety impacts to these communities have been brought to our attention. The Board does not have enough information to conclude that these impacts will be negligible, hence our request to examine them. We understand the particular issues to be examined will be identified during the scoping stage of the EIS. The Board's questions can be summarized for scoping as follows:

- How much coal dust is likely to blow off open coal cars in our towns, what are its characteristics and to what extent would it compromise the pulmonary and cardiovascular health of our citizens? Could buildup of coal dust within track ballast increase derailments along the transport corridors? While the loss of coal dust diminishes with distance from the mine mouth, at what point does it cease to be problematic? The potential emission and accumulation of coal dust in our communities raises concern.

- What other proximate air pollutants should be anticipated from, for example, locomotive exhaust emissions and auto traffic idling at blocked crossings? What would their effects be? Belgrade and Bozeman are both very close to becoming non-compliant with existing air quality standards. EPA's recent adoption of a more stringent standard for particulate air pollution pushes us even closer to non-compliance. The proposed increase in coal-train traffic will increase diesel exhaust emissions from moving trains, and auto exhaust emissions from blocked traffic. The Bozeman Rail Yard, where trains are attached to helper engines for their transit over the Bozeman Pass, will experience

greatly increased activity. What will be the air-quality impact on the residents adjacent to that facility?

- Residents of Bozeman and Belgrade have expressed concern about a potential doubling (or more) in the number of delays experienced by emergency vehicles. Each unit coal train is between 1.1 and 1.5 miles in length, so these trains simultaneously close all three at-grade crossings in Bozeman, and, in Belgrade, all four at-grade crossings. This effectively blocks access to large parts of the cities and adjoining suburbs. A related issue was recently raised during community health working sessions by residents of Belgrade, who pointed out that their town is effectively "cut in two" by transportation corridors (rail and interstate highway). How would the passage of 3000+ rail cars per day through central Belgrade affect the quality of life there? The Board has no idea how to go about assessing this impact, but it's clearly an important characteristic of the human community.

- A number of residents have expressed concern about noise pollution from trains in Gallatin County at the current level of traffic. The Board understands that frequent loud noise is not just an annoyance, but can be a health hazard. What kinds of health impacts from increased noise should we anticipate from the coal-export project? What can be done to mitigate these impacts?

We understand that preparation of a PEIS usually does not involve the collection of new data, but should there prove to be inadequate information to answer any of these questions, we ask that ACE consider generating new data. The questions for other communities along the coal-transport corridors are likely to be similar to those of Gallatin County. For this reason, we ask for a comprehensive, cumulative and connected analysis.

Please view the Gallatin City-County Board of Health and the Health Department as willing partners in any analysis activities, whether involving new or existing information. Our concern is to understand the magnitude and nature of project impacts, so that our communities can make plans and collaborate with the railroad to implement mitigation measures. Given how little we know now, we consider this the prudent and responsible course for a Board of Health.

You can contact me or Health Officer Matt Kelley at any time regarding our concerns and this letter. Thank you for your consideration.

Sincerely,

Gretchen Rupp

Gretchen Rupp, P.E.
Chair, Gallatin City-County Board of Health