



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,

Ken

Ken S. Berg, Manager
Washington Fish and Wildlife Office

Enclosure

Subject Area	Comments Related to Project Impacts	Data Needs
Action/Affected Area	<p>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.</p>	<p>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.</p>
Federally Listed Species	<p>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 (<i>Brachyramphus marmoratus</i>), bull trout (<i>Salvelinus confluentus</i>), 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.</p>	<p>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.</p>
Fish	<p>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</p>	<p>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.</p>

	<p>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</p>	
	<p>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.</p>	
	<p>Provide the inwater work windows that will be used for each waterbody to avoid/minimize effects to aquatic species.</p>	<p>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.</p>
Birds	<p>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</p>	<p>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.</p> <p>Provide the spectrum level of in-air sound at 3 kHz.</p> <p>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.</p>
	<p>If impact pile driving is proposed, the applicant should include measures to minimize the underwater and in-air sound pressures associated with the construction</p>	

	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 (<i>Zostera marina</i>) or macroalgae such	

	as bull kelp (<i>Nereocysts spp.</i>), 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.	