Emails pertaining to Gateway Pacific Project For February 2014
Dear County Council:

I write to urge you to support SSA Marine’s proposed Gateway Pacific Terminal at Cherry Point. Our County and this region desperately need this infusion of high quality family wage jobs that this full service bulk commodity export-import terminal will generate.

As you explore the issues regarding SSA Marine’s jobs proposal, I want to respectfully remind you that for decades Whatcom County shoreline and zoning ordinances have designated Cherry Point as the place for more good jobs. We settled this debate as a community more than 10 years ago when Cherry Point was designated for this use.

That is why SSA Marine plans to bring jobs and tax revenues to our area with a private investment of nearly $665 Million. This project, if approved by you, will create between 3,500 and 4,500 new jobs during construction and between 850 and 1,250 jobs through its operations.

This boost for local families and the economy is sorely needed. We simply must not pass up this opportunity to address our county’s need for community and economic development. Yet, now there are those who want to reopen this debate.

I urge you to stay strong and fair during this time of review and consideration of the Gateway Pacific Terminal project. I am confident that the process set forth by the County, the State and the Federal governments will safeguard the community while helping to deliver much needed jobs to the region. Please remember, our community needs strong leaders like you who know that we can protect the environment without sacrificing good jobs and economic development that our community needs today.
Sincerely,

Adrienne Lederer

4244 Wintergreen Cir #270

Bellingham, WA 98226

For more information, please visit us at GatewayPacificTerminal.Com.
-----Original Message-----
From: Craig Keyes [mailto:craigk1129@gmail.com]
Sent: Sunday, February 09, 2014 6:49 PM
To: Council
Subject: Bakken and Murphy's Law

Do I want Whatcom County or any other place in the United States to experience a tanker wreck of the likes of Quebec, Alabama or N Dakota? Absolutely not. Your present MDNS is heading us in that direction. The DOT 111A which comprises 78,000 of the 92,000 dot 111 tanker cars do not have the safety upgrades initiated in 2011. Former NTSB director, states that “moving as quickly as possible to upgrade the cars is critical” What you are doing is proceeding with an unsafe operation of tanker cars through Whatcom Co., as soon as possible. This makes no sense. At the very least we need to put the brakes on until the safety concerns for the tankers is addressed. The DOT 111A has a poor safety record going way back beyond the que/Ala/N Dak episodes and well beyond what Murphy’s Law would have predicted. Its not a matter of will it happen but when and how disastrous. In case you’ve missed the news recently, Bakken crude is very flammable.
From: Liz D [mailto:lizdelgatto@gmail.com]
Sent: Monday, February 10, 2014 11:48 AM
To: Council
Subject: AB 2014-069, AB 2014-070

Dear County Council,

I am in support of measures AB 2014-069 & 070. I need much convincing that the coal terminal will bring any benefit at all to our community. I believe that it will bring pollution in all forms, negatively impact tourism and local businesses, further reduce our quality of life (already impacted by jet traffic and current train traffic), damage our water ecosystems (and land) nationally, globally, and in Whatcom County, and negatively impact our entire planet by supporting the use of coal as fuel, increasing the already dangerous CO2 levels in our planet's atmosphere.

I believe that the few jobs in that this project will create will be far offset by the many jobs lost due to lost tourism, local business, and the loss of sustainably minded residents who will work to create a REAL future for our county and our descendants forever.

Please vote to support these measures and protect our land, air, and water for ourselves, our children, and future generations.

Sincerely,

Elizabeth Delgatto
3812 Bennett Ave
Bellingham, WA 98229
Honorable County Council members:

As you are well aware, the proposed Gateway Pacific Terminal project, if approved, will impose significant economic, environmental, health, and social justice consequences on Whatcom County. I am concerned that the County Executive and his administration have been orchestrating the GPT environmental review process outside the purview of County Council and the public. This is unacceptable when one considers the size and potential impact of this proposal, particularly since the Council will play a key role in deciding the project's fate. To be perfectly blunt, I don't have an ounce of trust in SSA Marine's trustworthiness; their track record locally and internationally is abysmal. I want you who represent my interests on Council to watch this process as closely as the law allows.

Regardless of one's position on the suitability of this project, the public needs to know that the County Council is looking out for their welfare during the EIS review. One place where this should be happening is at the fiduciary level. Accordingly, I urge you to vote "aye" on measures AB 2014-069 and AB 2014-070.

Respectfully,

Charlie Maliszewski

crmaliszewski@comcast.net
360-305-2871
Jennifer, Per our conversation a few minutes ago, please find enclosed the letter to the County Council. I understand you will distribute it to the Chairman and Council Members and I will mail the original to your attention for your file. Thank you for your assistance in this matter.

Frances T. Ostruske

1201 Pacific Avenue, Suite 2100
Tacoma, Washington 98402
T 253 620 6409
F 253 620 6565
fostruske@gth-law.com
http://www.gth-law.com

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February 7, 2014

Carl Weimer, Chairman
and County Council Members
Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

RE: Proposed Resolution Regarding EIS Contract

Dear Chairman Weimer and Members of the Whatcom County Council:

We are writing on behalf of Pacific International Terminals, Inc., the proponent for the Gateway Pacific Terminal project, concerning a resolution on the Council’s docket for the February 11, 2014 meeting. The resolution would directly engage the County Council in contract amendments relating to CH2M Hill’s work on the Gateway Environmental Impact Statement (EIS). We believe that the resolution is contrary to the State Environmental Policy Act (SEPA), RCW Ch. 43.21.C, contrary to the County Charter, and actually works against the concept of “open transparent government,” which is the stated purpose of the resolution.

First, the resolution is contrary to SEPA because it purports to involve the Council in setting the “scope of the review” for the Gateway project. SEPA, as state law, directs that environmental considerations be taken into account in government decision-making through a “systematic, interdisciplinary approach”. RCW 43.21C.030. The County’s own SEPA ordinance sets forth detailed procedural requirements as to how the mandates of that statute will be carried out in the County. That County SEPA implementation process designates the Director of Planning and Development Services or his/her designee as the “Responsible Official” for the implementation of SEPA. Whatcom County Code 16.08.040.A. By law, the County Council has no responsibility or authority whatsoever for determining the scope of the EIS for the project.

Equally important is the fact that the SEPA scoping process for the Gateway EIS has already been concluded. After a lengthy and, in fact, unprecedented scoping process, involving numerous public meetings and tens of thousands of comments from interested parties, the County’s Responsible Official issued a written determination setting forth the established scope for the Gateway EIS. That decision-making process was concluded long ago. The
suggestion that the Council should somehow now involve itself in determining the scope of the EIS is both contrary to state and local law and untimely.

Second, we believe that the resolution is contrary to the County Charter. The County Council and Executive have their own counsel on the Whatcom County Prosecuting Attorney staff and we would expect that you will look to them for your legal advice. However, the County has already signed two amendments to the original EIS reimbursement contract and the legal conclusion has been reached and reaffirmed that the contract amendment authority lies wholly with the County Executive. That is the case because these are pass-through contracts in which 100% of the EIS costs are paid by Pacific International Terminals. While past and future amendments may increase the EIS cost, that does not represent any liability to the County whatsoever.

The separate powers of the Executive and County Council are deeply imbedded in County law, in fact, the County Charter. This separation of powers is reflected, among other places, in Section 2.24 of the Charter which states:

"Except in the exercise of its legislative powers under this Charter, as defined in Section 2.20, the County Council, its staff, and individual councilmembers shall not interfere in the administration of the executive branch. They shall not give orders to or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Executive, executive branch, or elected official."

It is deeply troubling that the proposal has been made to interfere with this separation of powers that arises out of the County Charter. It certainly finds no support in the name of "open transparent government."

This leads us to our third and final point. There should be no conceivable issue about transparency on the Gateway project. Pacific International Terminals actually encouraged the preparation of an entirely new EIS for the Gateway project as now envisioned. The County staff and its SEPA Responsible Official have taken unprecedented steps to involve the public at every step along the way, and this project has drawn interest and comment from the public, not only in Whatcom County, but well beyond the County lines. The County and state agencies leading the EIS have established a scope of environmental study that is literally unprecedented in its breadth. Since the scope has been defined, the environmental review is appropriately now in the hands of experts who will review scientific data and complete additional study. Once that study is completed, the public will have further opportunities for comment and testimony. This is the "systematic" process established by law.
The proposed resolution would not enhance confidence in this important process. It would create a special rule for this project and deviate significantly from state law, county code provisions, and even the County Charter. Anyone interested in fair-handed processes, and certainly an “open transparent government” should quickly reject this resolution.

Very truly yours,

William T. Lynn

WTL:fto

cc: Jack Louws, County Executive
    David S. McEachran, Prosecuting Attorney
    Bob Watters
From: Jim Hildt [mailto:jim@chnwmd.com]
Sent: Friday, February 07, 2014 3:24 PM
To: Council
Subject: Support for Weimer resolution to have council review and vote on executive contracts

To all County Council Members:

As a Whatcom County citizen and president of a Whatcom County Business, we support Carl Weimer’s proposed amendment to require council review and vote on the executive contract change to CH2M Hill related the Gateway Terminal proposal.

This is a critical and probably the most important industrial proposal ever faced in Whatcom County with affects for decades to citizens and businesses in Whatcom County. It is imperative the council have review and vote for any and all actions, and particularly by the County Executive.

Thank You for your consideration,

James Hildt
CompuHealth Northwest
A Medical Management Company
800-592-9826
jim@chnwmd.com
www.chnwmd.com

Sending Patient Statements?
If you are sending your own statements you are paying a minimum of $1.20 per statement. Save money and free your time! For only $.74 a statement- have someone else print, fold, stuff, seal, & mail your statements for you! learn more

McKesson Practice Partner
Best EHR Software - TEPR 2006, 2005, 2004
Best Integrated System - Investmed 2004
Technical Support Award - InfoWorld Top IT Projects 2005
CCHIT Certified EHR 2006 2007 2008 2009, 2010
CCHIT ONC-ATCB 2011/2012 Meaningful Use Compliant
Selected by VHA as EHR Supplier
Listen to Doctors talk about Practice Partner
As a registered voter in Whatcom county, in the city of Bellingham, Washington; I am telling you all to QUIT DRAGGING YOUR FEET AND GO WITH THE CURRENT LEGAL PROCESS REGARDING GATEWAY PACIFIC TERMINAL'S EIS. Philippe Bateman
Good afternoon -

I am writing to express my concern over a proposed resolution by Carl Weimer in which he wants to allow the County Council to get involved in the administration of the Environmental Impact Statement (EIS) process related to the proposed Gateway Pacific Terminal. I believe that resolution oversteps the bounds of the County Council's authority.

I encourage the Council to follow the current legal process regarding the proposed Gateway Pacific Terminal's EIS.

Thank you.

Jess Rudd
In God We Trust
From: J. Manuel Reta [mailto:nwwhcc@yahoo.com]
Sent: Friday, February 07, 2014 3:33 PM
To: Council
Subject: Legal process

It is important to follow the current legal process regarding Gateway Pacific Terminal's EIS. Accountability is and will be an important issue when we have young people that will be looking for jobs. We must continue to support a safe environment with an open mind to insure a strong economic development in this county. I am a strong believer that this is an ongoing issue with the terminal which will lead to more local exports from our state.

J.Manuel Reta
nwwhcc-board

360.255.1874
PO Box 2154
Ferndale, WA 98248
From: David Stalheim [mailto:stalheim@aol.com]
Sent: Friday, February 07, 2014 3:43 PM
To: Council
Subject: Re: Pacific International Terminals, Inc.

Thanks. Any communication from County Executive or PDS?

David Stalheim
Sent from my iPhone

On Feb 7, 2014, at 3:23 PM, Council <Council@co.whatcom.wa.us> wrote:

From: Council
Sent: Friday, February 07, 2014 12:13 PM
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Cc: Dana Brown-Davis; Jill Nixon; Marina Engels; Martha Blakely; NaDean Hanson
Subject: FW: Pacific International Terminals, Inc.

From: Ostruske, Frances [mailto:FOstruske@gth-law.com]
Sent: Friday, February 07, 2014 10:24 AM
To: Council
Cc: Lynn, Bill
Subject: Pacific International Terminals, Inc.

Jennifer, Per our conversation a few minutes ago, please find enclosed the letter to the County Council. I understand you will distribute it to the Chairman and Council Members and I will mail the original to your attention for your file. Thank you for your assistance in this matter.

Frances T. Ostruske
<image001.png>
1201 Pacific Avenue, Suite 2100
Tacoma, Washington 98402
T 253 620 6409
F 253 620 6565
fostruske@gth-law.com
http://www.gth-law.com
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<2014 02 07 SSA Whatcom Cty Council re EIS Contract.pdf>
Please follow the current legal process for the upcoming EIS for the proposed shipping terminal at cherry point. We have a fair process that should be implemented, not obstructed. It would hardly be fair for the council to administrate a plan it will then be voting on.

Thank you,

Chris Lindberg
Bellingham resident
As a citizen of Whatcom County and as you being my representative I am requesting that you follow the current legal process regarding EIS for the Gateway Pacific Terminal

A.J. Schuurmans
Ferndale, Wa
Sylvester Maran (927-5525) called to request that you follow the legal process regarding CH2M Hill
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<thead>
<tr>
<th>From</th>
<th>Council</th>
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<tr>
<td>Sent</td>
<td>Monday, February 10, 2014 3:17 PM</td>
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<tr>
<td>To</td>
<td>GPT_archive</td>
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<tr>
<td>Subject</td>
<td>FW: Call</td>
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| From:       | Jennifer Schneider |
| Sent:       | Friday, February 07, 2014 4:16 PM |
| To:         | Council          |
| Subject:    | Call             |

Sylvester Maran (927-5525) called to request that you follow the legal process regarding CH2M Hill
Follow the current legal process regarding Gateway Pacific Terminal's EIS
Greetings

Please do your job and tell Weimer to kiss off.

Ronald Erickson
any further delays in the EIS process for the GPT. I am not a "Tea Partier", just a lifelong Whatcom County resident who does not support the "progressive" agenda of anti-industrialization of Cherry Point.

Please do your jobs as outlined under the Whatcom County Charter and let the current process go forward.......enough delay's already.........

J. Mark Tilley
4134 Palisade Way
Bellingham, WA 98226

360-734-9558
Dear Whatcom County Council Members,

I hope that you all as voted members, will do what is in the legal realm of “all” the citizens rights and not just your personal ambitions, and allow the current legal process regarding Gateway Pacific Terminal’s EIS to start and complete without prejudice.

Thank you,

Kris Palmerton
Executive Vice President
Coastal Industrial Services
2417 Main St. #102
Ferndale, Wa. 98248
360-815-2066 c
360-778-1822 f
From: BBGUN1010@aol.com [mailto:BBGUN1010@aol.com]
Sent: Friday, February 07, 2014 6:00 PM
To: Dana Brown-Davis
Cc: NaDean Hanson; Council; Martha Blakely; Marina Engels; Jennifer Schneider; Pete Kremen; Barbara Brenner; Sam Crawford; Carl Weimer; Ken Mann; Rud Browne; Barry Buchanan
Subject: Resolution re: GPT

Dana,

After reading the resolution I was concerned about council members becoming involved in an administrative function, especially since we will be sitting as judges on this issue. I contacted our attorneys who told me they had concerns, but thought maybe the resolution had been amended. However, staff knew nothing about this.

It is unfortunate that we have had no update from the author, who may have spoken to legal, since I have had e-mails and phone calls about this. Also, council staff has been also fielding calls and e-mails. I tried to call the author but got a message machine. I left a message but have heard nothing.

I hope council members can be informed as soon as possible regarding the current status, potential bias, and possible need to recuse council members from a vote on this when it comes to us, if we consider the resolution in its present form.

In the future I think it would be very helpful for authors of resolutions, that are so obviously connected to our function as judges, send them to legal for an opinion before they are put in our packets. Without that, I believe it may place a burden on council members and staff, as well as members of the public.

Barbara Brenner, Whatcom County Council Member

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.
Council Members,

Please follow the prescribed legal process regarding the Gateway Pacific Terminal EIS. We need a fair process, letting it come to its own natural conclusion, not a delayed process driven by the personal views of a few individuals.

Thank you for your consideration of my comment on this matter.

Sincerely,

Ralph Speakman
Birch Bay, WA
From: COLIN WRIGHT [mailto:wrightcolin@msn.com]
Sent: Saturday, February 08, 2014 12:17 PM
To: Council
Subject: Gateway EIS

Please follow the current legal process regarding Gateway Pacific Terminal's EIS. Stop making up rules as you go along to support your own agenda.

 Regards,
Colin Wright
Blaine WA
Weimer Wants to Delay Gateway EIS Process

Whatcom County Council Chair Carl Weimer, a longtime skeptic of industrial growth at Cherry Point and an opponent of the Gateway Pacific Terminal project, has proposed a delay of the environmental review of the project. Although seemingly contrary to county and state laws, Weimer has proposed a Resolution that would insert the Council into the administration of the EIS process, which is the responsibility of the executive branch of County government.

In a letter to the County Council, Northwest Jobs Alliance Co-Chairs Brad Owens and John Huntley point out the contradictions in Weimer’s resolution, which will be presented during the County Council meeting at 7 p.m., February 11, 2014:

"Although the proposed resolution mentions 'open transparent government,' its own content violates this principle. Nowhere does the Resolution's author use language that forthrightly references his target, which is the Gateway Pacific Terminal project, to which he has long been opposed. Nor does it mention the fact that the County will be reimbursed for all of the EIS contract costs."

HOW YOU CAN HELP:
Contact the County Council by Tuesday and tell them to follow the current legal process regarding Gateway Pacific Terminal's EIS. Call the County Council office at (360) 676-6690 or email all of the County Council
members at council@co.whatcom.wa.us
Thanks for your support of a fair and rational EIS process!

The Northwest Jobs Alliance promotes the growth of family-wage jobs in the context of sound environmental practice.
Dear Sirs:

The purpose of this email is to support Carl Weimer’s proposed amendment to Whatcom County Code 3.08.090, Bid Specifications, Deposits and Awards.

As an employee of an international consulting firm, I facilitated the negotiation of many contracts for our firm’s services to state agencies. Each contract was reviewed by our attorneys and, often there were extended negotiations of contract provisions. Our consulting contracts were for smaller fees than the EIS services contract.

Our international consulting firm was larger and, in some ways, more exposed to public scrutiny than Whatcom County government. Since moving to Whatcom 10 years ago, I have seen differences between our world class business practices and the practices of our local government, and I accept that the county lacks resources to build and maintain world class management systems. I am encouraged by this initiative to move toward reliably sound practice.

Sincerely,

John P. Bremer
john.bremer@comcast.net
2604 Kentucky Street,
Bellingham, WA 98229-4058
From: Council
Sent: Monday, February 10, 2014 3:20 PM
To: GPT_archive
Subject: FW: Agenda Bill 2014-69

From: wechslerlaw@comcast.net [mailto:wechslerlaw@comcast.net]
Sent: Sunday, February 09, 2014 1:16 PM
To: Council
Subject: Agenda Bill 2014-69

I support the captioned agenda bill, which would amend the county code to provide for council approval of pass-through contracts as currently required for two-party contracts. I do not agree with Council member Crawford that contracts in the hundreds of thousands of dollars are "minutia," nor that the council and the public you were elected to represent should not have more ready access to information about whether all or merely a portion of the county’s costs are actually getting passed through when that is the purpose of a particular contract.

This situation should emphasize for the council, I would hope, that the cap we have placed on fees for major project permits is insufficient. There should be no cap so that we would not be dependent on applicants to agree to cover costs associated with assessment of their proposals.

Thank you very much for your attention.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

"Americans can always be counted on to do the right thing...after they have exhausted all other possibilities."
--Winston Churchill
From: Louann Chapman [mailto:loumura@gmail.com]
Sent: Sunday, February 09, 2014 1:23 PM
To: Council
Subject: GPT EIS

We are in support of Mr. Weimer's proposal that the County Council needs to have more transparency regarding GPT's EIS study. I support the existing legal process.

Citizens cannot expect the Council members to adequately evaluate the fairness or readiness (prior to allowing permits for the project) unless they are allowed to know what is going on step-by-step.

I certainly hope Whatcom County citizens can feel secure that the council members have all our best interests in mind in this decision process

Sincerely,
Louann and Paul Chapman
2216 A St
Bellingham WA 98225
I am writing to request your approval of Carl Weimer’s amendment to Whatcom County’s Code 3.08.090, Bid specifications, Deposits and Awards. Our democratic system is founded on the concept of a balance of power. Bypassing the review and comment by elected representatives who are the public’s eyes, ears, and voice to heed only the pressure of large, outside, financial interests is counter to this foundational democratic process.

Many of us who live and will continue to live in this county have the eagle’s perspective on our land, with the ability to look behind, below, and ahead. In the last twenty-five years Whatcom County has moved (albeit in jack rabbit fits and starts) toward the transformation of fertile land, clean air, and abundant, healthy, water towards drought, pollution and shrinking habitability for humans and other living things.

Currently we see what fifty years of constant building- tract houses and condominiums, malls, strip malls and industrial parks, and roads and freeways combined with industrial agro-farming- has done to our suffering coastal neighbor, California, now experiencing unprecedented drought conditions. We in Whatcom County, Washington, are at a crossroad that could take us to preservation or to devastation; don’t let us end up like California.

Looking ahead we see the outlines of water scarcity and dying ecosystems that will be brought to us by a greed that, although upheld by “reasonable” arguments, codes, and this law or that law, will obliterate the hope of future generations to have the necessities of life. If we are guided by the knowledge we now have of the consequences of barely checked development and the science of ecology to inform our decisions today, we may choose to create a future of abundance and harmony with nature and one another.

Carl Weimer’s proposed amendment will allow our County Council to have oversight of “externally funded pass-through moneys” as they should.

Sincerely,

Carol Follett
From: C H [mailto:chollod@hotmail.com]
Sent: Sunday, February 09, 2014 2:20 PM
To: Council
Subject: Whatcom County code amendment

To Council Members: Sam Crawford, Pete Kremen, Barbara Brenner, Carl Weimer, Kenn Mann, Rud Browne and Barry Buchanan,

My husband and I are in full support of the amendment to Whatcom County code 3.08.090, regarding bid specifications, deposits and awards that Council member Carl Weimer has recommended and is on the council docket for this coming Tuesday, February 11, 2014.

The EIS process is of great concern to many of us living in Bellingham and Birch Bay. We are expecting due diligence in the entire process, so that the information we get is accurate, complete and totally transparent.
We encourage you to support the amendment to Whatcom County code 3.08.090.

Thank you for your consideration.

Dan & Claudia Hollod
927 Key Street
Bellingham, WA 98225
From: Jill MacIntyre Witt [mailto:jillmw@oz.net]
Sent: Sunday, February 09, 2014 3:36 PM
To: Council
Subject: Please vote for resolutions numbers AB2014-069 and AB2014-070

Dear County Council,

I write today to ask that you vote for the proposed resolution numbers AB2014-069 and AB2014-070 to allow for more transparency for the public in relation to the concerns addressed in the resolutions. The Whatcom County government represents the people of this county, not the corporations that wish to do business in our county.

We, the citizens in Whatcom County have the right to know the details in relation to contracts over 10,000 and pass through funds. It is evident by the response from PIT and the Northwest Jobs Alliance that they would prefer lack of transparency. This is not in the best interest of the process.

These amendments are minor for good governance and the fact that the two parties mentioned above are concerned leads me to believe that their response is of concern as well. These resolutions don’t impact their project proposal, whatsoever.

Thank you for voting in favor of Carl Weimer’s resolutions. I applaud the detail of the resolutions and the care of our citizens on the issues related to the resolutions so that we can do the best job possible in regards to consideration of this unprecedented project of building North America’s Largest Coal Export facility. The process needs to be respected and the 125,000 comments from the public need adequate attention and this will require many funds that need to come from the project’s checkbook, and they need to be billed properly and we need to have this process transparent.

Thank you, Jill

Jill MacIntyre Witt
Whatcom County resident
360-201-3093
From: Freudengerber's [mailto:freudbj7@comcast.net]
Sent: Sunday, February 09, 2014 3:49 PM
To: Council
Subject: resolution concerning contracts for GPT

Councilmembers,

The League of Women Voters of Bellingham Whatcom supports the resolution proposed by Councilmember Carl Weimer concerning contract amendments for Gateway Pacific Coal Terminal. We have been concerned by the lack of transparency in the work the planning department is doing with the applicant for permits and EIS work for the coal terminal.

Citizens should not have to “dig” for information regarding contract amendments or any other information about this project. It is not that the League believes that the County is necessarily doing the wrong thing but how do we know if proper oversight is being applied?

The perception that things are being done behind closed doors leads to public cynicism about the project. Are these amendments getting the proper oversight? Is the applicant paying for the time the County departments are spending on overseeing this work. Is the county administration properly vetting these amendments?

How do we know the answers to these questions? The County Council is elected to represent the citizenry. Let them do their job and open this process to public scrutiny.

We urge support for Councilman Weimer’s resolution..

Jayne Freudengerber, Advocacy Chair
League of Women Voters Bellingham/Whatcom County
Advocacy@bellinghamwhatcom.org
VP League of Women Voters Washington State MLD

Democracy is not a spectator sport. Join the League where hands on work to safeguard democracy leads to civic improvement.
Dear elected County Council members,

You will soon be considering Carl Weimer’s resolutions (numbers AB2014-069 and AB2014-070), which propose to create more transparency in our local government. I strongly urge you to approve them. In considering contracts for any project with potentially huge impacts on the financial and ecological health of our county, the Council has an equally huge obligation to be very conservative and careful. The citizens that you have been elected to represent deserve to know the full process used to consider major changes. Our future is in your hands.

I appreciate your consideration and again urge you to approve these resolutions.

Sincerely,
Libby Hazen
Whatcom County, WA
360 671 5822
From: Bob Aegerter [mailto:boba@openaccess.org]
Sent: Sunday, February 09, 2014 4:52 PM
To: Council

I am writing today to ask that you vote for the proposed resolution numbers AB2014-067, AB2014-069 and AB2014-070.

AB2014-067  A water component has always been a part of planning process under the Growth Management Act. Whatcom County is likely facing a significant water management problem without a significant plan or the tools to assure our prosperous and safe community.

AB2014-069 AB2014-070  These actions will allow more transparency for the public in relation to the concerns addressed in the resolutions. The Whatcom County government represents the people of this county and is accountable to them. Increase their trust in you by passing these resolutions.

The citizens in Whatcom County have the right to know the details in relation to contracts over $10,000 including those for pass through funds.

Thank you in advance for voting in favor of Carl Weimer’s resolutions.

Bob Aegerter
78 North Point Drive
Bellingham WA 98229-7931
DESK 360-671-2652
From: Max Perry [mailto:maxandcarole@gmail.com]
Sent: Sunday, February 09, 2014 7:56 PM
To: Council
Cc: Jack Louws
Subject: Gateway Pacific EIS

County Council Members,
I urge you to follow the current established legal process regarding the Gateway Pacific Terminal EIS. Let our elected County Executive do his job and the Council needs to stay neutral and let the legal EIS proceed without interference by the County Council who are supposed to eventually evaluate the EIS findings.

Max Perry
Northwest Road
Whatcom County
I hereby support AB2014-060: Interim Zoning Ordinance Allowing Agricultural Packinghouses in the Agricultural Zoning District as Conditional Uses

I feel that it is imperative to not use the number of employees as the sole criteria to distinguish between permitted and conditional use determinations. As a result of technology and other factors, the number of employees a facility employs has little or no bearing on the potential environmental impact of a given slaughterhouse proposal, whereas the size and management of a given facility can have a significant impact environmental impact. Because of the nature of slaughterhouse - their use of precious and/or vulnerable natural resources, generation of industrials wastes, their location in the Agricultural Zoning District and their potential adverse impacts on resources, environment and industries beyond the immediate area, I feel it necessary that they be subject to public comment and input and be held to a higher standard of environmental review.

I hereby support AB2014-069: Amending Whatcom County Code 3.08.090, Bid Specifications, Deposits and Awards and AB2014-070: Requesting the County Executive Not Enter into Further Contract Amendments on Contract Number 201205028 with CH2M Hill without County Council Review and Approval.

I feel it is imperative that any and all projects in Whatcom County that could potentially have significant economic, health, environmental, social and infrastructure impacts, like the proposed Gateway Pacific Terminal, have the utmost transparency and will be reviewed and considered by more than just the Executive and delegated staff or just the Planning Department staff. Too many errors, oversights, insufficient knowledge, complexity of the tasks, increased workload and alleged lack of reporting accuracy and other administrative challenges are occurring and need additional oversight, review and approval. Since the Whatcom County Council has been designated as one of the co-leads in the GPT project and will likely be in similar situations with future projects, the decision-making, even in contracts, needs to have their involvement and approval. It is also imperative that accurate accounting and accounting oversight of expenses related to the GPT project are kept as it will be necessary to track not only the financial expenditures but how those expenditures were used to ensure that Whatcom County doesn't get saddled with any more costs than necessary and any more than it will already have to bear. It is also imperative that steps be taken to ensure that no action inadvertently jeopardizes Whatcom County
Council's ability to function as an effective and informed co-lead agency in decisions later on down the line in the EIS process.

Deb Cruz
dwcruz@comcast.net

“Life should not be a journey to the grave with the intention of arriving safely in a pretty and well preserved body, but rather to skid in broadside in a cloud of smoke, thoroughly used up, totally worn out, and loudly proclaiming "Wow! What a Ride!“ — Hunter S. Thompson
I support Mr. Weimer’s resolution dealing with the contract between PIT and Whatcom County.

Naomi Murphy
From: Philip Humphries [mailto:pilipo.two@gmail.com]
Sent: Sunday, February 09, 2014 9:13 PM
To: Council
Subject: Pass-through Contracts Approval

I strongly support Council Chair Weimer’s resolution to amend the County Code regarding approval of externally funded pass-through moneys. The gaping loophole in the current Code is clearly not protecting the public’s best interest.

Philip humphries
From: joseph miller [mailto:millerjoseph06@gmail.com]
Sent: Monday, February 10, 2014 10:29 AM
To: Council
Subject: please follow the current legal process. Seems like this county is anti business. Look there are enough federal regulations in place. And since cherry point is zoned industrial why does the county council and the minority of paranoid environmentalists always want to shove their beliefs down my throat. Gateway Pacific seems to be going beyond what is already required by federal and state environmental laws and you want to add more from the county. I guess you want everyone to work at service industry jobs since they are not environmentally friendly.. Come on now lets make Whatcom county a good place to do business..Joseph lee miller 245 H st. Apt c Blaine Wa 98230
I wish to oppose the resolution proposed by Weimer that would insert the Council into the EIS process. This is just one more way for the Council to try to delay the project. They stated from the beginning that their major tactic would be to delay things as much as possible and they've had pretty good luck so far!

Dolores Evans
Dear County Council,

I am in support of measures AB 2014-069 & 070. I need much convincing that the coal terminal will bring any benefit at all to our community. I believe that it will bring pollution in all forms, negatively impact tourism and local businesses, further reduce our quality of life (already impacted by jet traffic and current train traffic), damage our water ecosystems (and land) nationally, globally, and in Whatcom County, and negatively impact our entire planet by supporting the use of coal as fuel, increasing the already dangerous CO2 levels in our planet's atmosphere.

I believe that the few jobs in that this project will create will be far offset by the many jobs lost due to lost tourism, local business, and the loss of sustainably minded residents who will work to create a REAL future for our county and our descendants forever.

Please vote to support these measures and protect our land, air, and water for ourselves, our children, and future generations.

Sincerely,

Elizabeth Delgatto
3812 Bennett Ave
Bellingham, WA  98229
From: Amy Glasser [mailto:glassera@hotmail.com]
Sent: Monday, February 10, 2014 11:59 AM
To: Council

Please support AB 2014-069 and AB 2014-070. As a resident of Custer, the council is my only representation when it comes to important decisions made that affect me, my family, my home and my neighborhood.

Amy Glasser
Dear Whatcom County Council Members,

I urge you to support and vote for a resolution and an ordinance to be considered at tomorrow's county council meeting: AB 2014-69 and -70. These changes to current contracting processes would allow Whatcom County citizens to know what is happening in the environmental impact statement (EIS) process for the proposed Cherry Point coal terminal.

To date, the county's executive and planning department have failed to inform the public on the costs of the EIS and how much of those costs are being borne by local taxpayers (in my view, citizens should pay none of these costs). Even more important, citizens have no information on the scope of the EIS, what topics suggested during the scoping period will be included and what topics will be excluded.

This proposed coal-export terminal is, by far, the largest project ever proposed for Whatcom County. It is also hugely controversial. All of us - proponents, opponents, and skeptics - want and need complete information on both the process and results. Only the county council can provide the oversight needed to ensure that citizens are well informed on this project.

Thank you.

Eric

----------------------------
Eric Hirst  
1932 Rhododendron Way  
Bellingham, WA 98229  
☎ 360-656-6690  ✉️ EricHirst@comcast.net
Honorable County Council members:

As you are well aware, the proposed Gateway Pacific Terminal project, if approved, will impose significant economic, environmental, health, and social justice consequences on Whatcom County. I am concerned that the County Executive and his administration have been orchestrating the GPT environmental review process outside the purview of County Council and the public. This is unacceptable when one considers the size and potential impact of this proposal, particularly since the Council will play a key role in deciding the project's fate. To be perfectly blunt, I don't have an ounce of trust in SSA Marine's trustworthiness; their track record locally and internationally is abysmal. I want you who represent my interests on Council to watch this process as closely as the law allows.

Regardless of one's position on the suitability of this project, the public needs to know that the County Council is looking out for their welfare during the EIS review. One place where this should be happening is at the fiduciary level. Accordingly, I urge you to vote "aye" on measures AB 2014-069 and AB 2014-070.

Respectfully,

Charlie Maliszewski

crmaliszewski@comcast.net
360-305-2871
Dana,

Could you please ask Council Member Weimer to show us with underline, line-out, or highlight, what changes he made? The way it was sent makes it difficult for me to tell what was changed.

Barbara Brenner

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/10/2014 11:25:03 A.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
From: Dana Brown-Davis <dbrown@co.whatcom.wa.us>
To: Barbara Brenner <bbrenner@co.whatcom.wa.us>, Barry Buchanan <BBuchana@co.whatcom.wa.us>, Carl Weimer <cweimer@co.whatcom.wa.us>, Ken Mann <kmann@co.whatcom.wa.us>, Pete Kremen <PKremen@co.whatcom.wa.us>, Rud Browne <RBrowne@co.whatcom.wa.us>, Sam Crawford <scrawfor@co.whatcom.wa.us>
CC: Jennifer Schneider <JSchneid@co.whatcom.wa.us>, Jill Nixon <jnixon@co.whatcom.wa.us>, Marina Engels <mengels@co.whatcom.wa.us>, "Martha Blakely" <mblakely@co.whatcom.wa.us>, NaDean Hanson <nhanson@co.whatcom.wa.us>
Subject: FW: Purchasing Ordinance & Resolution
Date: Mon, 10 Feb 2014 19:24:49 +0000

Hello, all.

The attached ordinance and resolutions are distributed as substitutes for tomorrow (hard copies are on your chairs). I wanted to get them to you ASAP.

Have a good day.

Dana
Hi Royce,

Got your message with concerns about the purchasing ordinance and resolution. Attached are two new versions that I believe remove the concerning language but get to the same endpoint. Take a look and see if I captured your concerns, and if not feel free to tweak it as you see fit. Glad to get these entered as replacements for Tuesday once we think they are ready.

Thanks

Carl

Carl Weimer, Chairman
Whatcom County Council
360-223-2636
I can’t be at the meeting Tomorrow night at 6:30 pm, but I’d like to show my support for the Council’s efforts to increase public oversight and improve transparency of the environmental review process, while ensuring local taxpayers aren’t footing the bill for the proposed coal terminal. We shouldn't let Big Coal’s lawyers take over a county’s process.

I’d like to support for the measures, AB 2014-069 and AB 2014-070. thank you- Lin McJunkin

Lin Rebolini McJunkin Sculpture Studio
360-941-6742
www.mcjunkinglass.com
From: Dick Porter [mailto:dkporternet@gmail.com]
Sent: Monday, February 10, 2014 1:11 PM
To: Council
Subject: I support AB 2014-069 and AB 2014-070

I

Coal companies and terminal proponents are working hard to prevent our County Council from having proper oversight of the environmental review process for the proposed coal terminal and other important projects. Council review of contracts is a core function of the public process.

we can support our Council's efforts to increase public oversight and improve transparency of the environmental review process, while ensuring local taxpayers aren't footing the bill for the proposed coal terminal. Let's not stand by while Big Coal's corporate lawyers take over our county's process.

I won't be able to be at the meeting so I am putting my thoughts in this email to voice support for the measures, AB 2014-069 and AB 2014-070.

Sincerely,

Kay Porter
911 10th Street
Bellingham WA 98225
I urge you to vote for the amendment to have the County Council review contracts of more than $10000 rather than allowing them to pass through with only the approval of the Whatcom County Executive. It appears from David Stahlheim’s review, that these contracts were not actually reviewed for impacts on the county. So, we need improved reviews on the impacts of these contracts.

Thank you,
Andronetta Douglass
7137 Halibut Dr,
Blaine, WA 98230
Sent from my iPad
To all Council members
I am writing in support of Councilor Weimer’s proposal to amend Whatcom County Code 3.08.090 and also Councilor Weimer’s resolution regarding contract number 201205028. It is of utmost importance that that our elected council have open discussions about contract issues - even and especially those involving externally funded "pass through" moneys. The amendment and resolution are needed to correct the unacceptable unilateral power of the County Executive to make agreements potentially having significant impact upon the people of Whatcom County out of sight of the people's elected county council. The amendment is needed to allow the people of Whatcom County full view of agreements affecting our lives, being made in our name. Thank you for your consideration of my request.
Sincerely,
Paula Rotondi
Blaine
From: Andrew Renaud [mailto:bay@plantasativa.com]
Sent: Monday, February 10, 2014 1:53 PM
To: Council
Subject: Support 2014-069, 2014-070

Please support these 2 measures to insure transparency in the EIS/SEPA disclosures. No back room deals with developers!!!

Cheers,

Bay Renaud
Bellingham, WA
To Whatcom County Council,

I wish to voice my strong support for increased public oversight and improved transparency (AB 2014-069 and AB 2014-070). It is extremely important that the County Executive not enter into any more agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight. It is also vital that the Council review and approve contract amendments to protect the public interest.

Already, it appears that the County Executive has not considered adequately the cumulative environmental, health, and public safety effects of increased rail transportation of highly volatile crude oil through Whatcom County in addition to coal in its decision to allow additional handling capacity at Whatcom County refineries.

I urge you to support Measures AB 2014-069 and AB 2014-070 for the health and safety of those living in Whatcom County and the protection of our precious resources here.

Sincerely,

Dr. Jane Kroger
401 Cove Road
Bellingham, WA 98229
From: Steve Lydolph [mailto:stevl@comcast.net]
Sent: Monday, February 10, 2014 2:12 PM
To: Council
Subject: ab2014-070 - County Council review of contract amendments

Council Members,

I support proposed resolution ab2014-070. I think it is appropriate that the Council exercise oversight of all contracts entered into by the County. That oversight should be from beginning to end of each contract and should extent to any changes even if a permit applicant is ultimately paying the bill.

I think this resolution will improves transparency and greater transparency in government is always desirable.

Steve Lydolph
5648 Orchard Dr.
Ferndale, WA
This goes beyond being a comment on process and addresses the merits of the application. I would advise against distributing.

Can I forward to Council?

Honorable County Council members:

As you are well aware, the proposed Gateway Pacific Terminal project, if approved, will impose significant economic, environmental, health, and social justice consequences on Whatcom County. I am concerned that the County Executive and his administration have been orchestrating the GPT environmental review process outside the purview of County Council and the public. This is unacceptable when one considers the size and potential impact of this proposal, particularly since the Council will play a key role in deciding the project's fate. To be perfectly blunt, I don't have an ounce of trust in SSA Marine's trustworthiness; their track record locally and internationally is abysmal. I want you who represent my interests on Council to watch this process as closely as the law allows.

Regardless of one's position on the suitability of this project, the public needs to know that the County Council is looking out for their welfare during the EIS review. One place where this should be happening is at the fiduciary level. Accordingly, I urge you to vote "aye" on measures AB 2014-069 and AB 2014-070.

Respectfully,

Charlie Maliszewski
crmaliszewski@comcast.net
360-305-2871
From: Scott, Peggy [mailto:Peggy.Scott@bellinghamschools.org]
Sent: Monday, February 10, 2014 2:47 PM
To: Council
Subject: Support measures

Bellingham City council,

Please support measures AB 2014-069 and AB 2014-070.

Thank you,

Peggy Scott

444 S STATE ST UNIT 109

BELLINGHAM WA 98225-6143

360-647-2027
I would like you to follow the current legal process regarding the Gateway Pacific Terminal. If it is not feasible, the study will show it, you don't need to do any illegal activities to rid yourselves of it.

Best Regards,

Robin H. Pestarino
Anacortes
Council Members,

Please reject Mr Weimers attempt to subvert the process as established by law by requesting that the County Council should administer the EIS process rather than the executive branch. The system was devised to provide checks and balances between the government branches and that is the way it should remain.

Thank you for your attention to this matter.

Bill Henshaw
2653 North Park Drive
Bellingham, WA 98225
Please follow the current legal rules concerning the Gateway Pacific Terminal EIS process. It is in the best interest of the community that this process does not waver from the legal path. Kind Regards, Sandra McKay Everson, Wa
From: Angel [mailto:vogtenator@gmail.com]
Sent: Monday, February 10, 2014 3:15 PM
To: Council
Subject: Do not delay Gateway Pacific Terminal project

I urge you to follow the current legal process regarding Gateway Pacific Terminal's EIS. If each of us decided to run our own direction, we would be breaking laws all over the place. Why is it ok for government to break rules and laws? However, if the common layperson breaks a law, they are punished and made an example of?

Please do the right thing and follow the current legal process for Gateway Pacific Terminal.

Thank you,

Angel Vogt
Dear Sir,

The Resolution proposed in Agenda Bill 2014 70 by Chair Carl Weimer does not have merit. An EIS has been called for and the County will be reimbursed for expenses incurred under such an EIS, Changing the existing legal process so that the Council can have an open-ended review of something fully outside it's jurisdiction is unwarranted.

Please consider retracting the Resolution proposed under Agenda Bill 2014 70.

Thank you.

Giuseppe M. Aldina
Dear County Council Members:

I urge your support of Councilman Weimer's proposed amendment to Whatcom County Code 3.08.090 as well as for Mr. Weimer's resolution regarding contract number 201205028. Both the proposed amendment and the resolution would serve to correct a current flaw in the "checks and balances" essential both for transparency and for responsible governance. Even the Whatcom County Executive should welcome these changes, as they will reduce the risk of improper business practices designed to influence the decisions of only one person. Potentially improper and/or, in worst cases, illegal incentives very well may be most likely to occur in projects/contracts involving externally funded "pass through" moneys.

As a resident of Whatcom County, I prefer accountability and transparency at all levels of our government. Thank you for your consideration.

Respectfully,

Michael Crum
Blaine, WA
From: Bob Smith [mailto:bsmith@tlvengineering.com]
Sent: Monday, February 10, 2014 2:49 PM
To: Council
Subject: gateway terminal

Mr Weimer,
I am diametrically opposed to your thinking. We need good paying jobs. Our country needs exports. Why are obstructing the needs oh the many when the environment is not an issue? Do not press your resolution to delay the EIS process. No one could be that short sighted. Did you vote to legalize pot? Did you vote for Obama?

Robert Smith
Ferndale
360-961-5205
Keep the executive and legislative branches separate. If the law says EIS is an executive purview, leave it that way. Allowing a council to be involved is a recipe for disaster.

We need GPT.

G

February 10, 2014

Weimer Wants to Delay Gateway EIS Process

Whatcom County Council Chair Carl Weimer, a longtime skeptic of industrial growth at Cherry Point and an opponent of the Gateway Pacific Terminal project, has proposed a delay of the environmental review of the project. Although seemingly contrary to county and state laws, Weimer has proposed a Resolution that would insert the Council into the administration of the EIS process, which is the responsibility of the executive branch of County government.

In a letter to the County Council, Northwest Jobs Alliance Co-Chairs Brad Owens and John Huntley point out the contradictions in Weimer's resolution, which will be presented during the County Council meeting at 7 p.m., February 11, 2014:

"Although the proposed resolution mentions 'open transparent government,' its own content violates this principle. Nowhere does the Resolution's author use language that forthrightly references his target, which is the Gateway Pacific Terminal project, to which he has long been opposed. Nor does it mention the fact that the County will be reimbursed for all of the EIS contract costs."
HOW YOU CAN HELP:
Contact the County Council by TOMORROW and tell them to follow the current legal process regarding Gateway Pacific Terminal's EIS. Call the County Council office at (360) 676-6690 or email all of the County Council members at council@co.whatcom.wa.us

Thanks for your support of a fair and rational EIS process!

The Northwest Jobs Alliance promotes the growth of family-wage jobs in the context of sound environmental practice.

Forward this email

This email was sent to grant@grantdalgliesh.com by nwjobsalliance@gmail.com | Update Profile/Email Address | Instant removal with SafeUnsubscribe™ | Privacy Policy.
Northwest Jobs Alliance | P.O. Box 2162 | Bellingham | WA | 98227-3170
Mr Weimer,
I am diametrically opposed to your thinking.
We need good paying jobs. Our country needs exports. Why are obstructing the needs oh the many when the
environment is not an issue?
Do not press your resolution to delay the EIS process.
No one could be that short sighted. Did you vote to legalize pot? Did you vote for Obama?

Robert Smith
Ferndale
360-961-5205
We need all the jobs we can get.
Please follow the established legal procedure.

Respectfully,

Charlie Oatridge
From: Ronald Koshinz [mailto:rkoshinz@gmail.com]
Sent: Monday, February 10, 2014 3:19 PM
To: Council
Subject: Measures AB 2014 69 and AB 2014 70.

This is to voice my support for Measures 2014 69 and 2014 70.

Thank you.

Ron Koshinz

3008 Coolidge Dr.
Bellingham, WA 98226
As regards Chairman Weimer’s Proposed Resolution, my husband Gary Pettigrew and I would like for you to follow the current legal process regarding Gateway Pacific Terminal’s EIS.

Linda E. Pettigrew
From: Brad Jones [mailto:bradj@whatcombuilders.com]
Sent: Monday, February 10, 2014 3:34 PM
To: Council
Subject: Gateway Pacific

To whom it may concern:  Please follow the current legal process on the EIS concerning the Gateway Pacific Terminal

................Thank you ........Brad Jones .... 3316 Massey Rd Everson Wa
Dear Council members,

It is important that this project be treated fairly in the EIS process. It is easy to be swayed by interests on both sides, but it's vital that you operate outside the realm of politics and treat each person, project, and entity with the same standards. As County decision-makers, I am trusting each of you to do just that.

Regards,

Bonnie Onyon
Blaine City Council

344 H Street
Blaine, WA 98230
360-332-8311 City Hall
360-201-7239 cell
February 10, 2014

Honorable Whatcom County Council Members:

Please protect the financial interests of your constituents, the citizens of Whatcom County, and insist that County Executive Louws seek your approval before signing any further contract amendments with CH2M Hill or any other entity, carrying an expense to us citizens.

It is shocking to learn that three amendments totaling 92% (889,507 of 961,703) of the original contract amount to CH2M Hill regarding the Gateway Pacific Terminal Project have already been signed. Where is the oversight and public notice? This is a huge additional tax burden on us slipping by, almost unnoticed.

I expect that no further giveaways to corporate interests occur without public notice, discussion, and County Council approval. Please make it so, by supporting measures, AB 2014-069 and AB 2014-070.

Yours truly,

Vince Biciunas

911 Wilson Ave

Bellingham, WA 98225
February 10, 2014

Honorable Whatcom County Council Members:

Please protect the financial interests of your constituents, the citizens of Whatcom County, and insist that County Executive Louws seek your approval before signing any further contract amendments with CH2M Hill or any other entity, carrying an expense to us citizens.

It is shocking to learn that three amendments totaling 92% (889,507 of 961,703) of the original contract amount to CH2M Hill regarding the Gateway Pacific Terminal Project have already been signed. Where is the oversight and public notice? This is a huge additional tax burden on us slipping by, almost unnoticed. Citizen input is being avoided regarding crucial business.

I expect that no further giveaways to corporate interests occur without public notice, discussion, and County Council approval.

Please support measures AB 2014-069 and AB 2014-070.

Sincerely,

Remigijus Biciunas

911 Wilson Ave

Bellingham, WA 98225
Dear Whatcom County Council Members,

I am writing in support of measures AB 2014-069 and AB 2014-070. As a Whatcom County community member, I am firmly in support of legislative oversight, and of giving communities transparency into the environmental review process. Please help us stand up for the environment, the community, and the integrity of our nation's commitment to a sustainable future.

Thank you for your work in protecting the public interest.

Sincerely,

Kathlyn Kinney

2010 Harksell Rd.
Ferndale, WA 98248
Jennifer, Per our conversation a few minutes ago, please find enclosed the letter to the County Council. I understand you will distribute it to the Chairman and Council Members and I will mail the original to your attention for your file. Thank you for your assistance in this matter.

Frances T. Ostruske

Gordon Thomas Honeywell

1201 Pacific Avenue, Suite 2100
Tacoma, Washington 98402
T 253 620 6409
F 253 620 6565
fostruske@gth-law.com
http://www.gth-law.com

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From: Chris Pasquini [mailto:chrispasquini21@gmail.com]
Sent: Monday, February 10, 2014 4:24 PM
To: Council
Subject: Upcoming City Council meeting

Please support measures, AB 2014-069 and AB 2014-070. The health and well-being of our community is of the utmost importance. Jobs are important, but we need to work hard to create the right kinds of jobs. Jobs that help people now, while not harming their future.

Thank you for your support,

Chris Pasquini
Bellingham, WA
As a voter in Whatcom County I approve of Councilman Weimer's proposed amendment to the County code. The amendment will require County contracts which involve externally funded pass-through money’s be approved by the County Council.

I will attend the council meeting at 7 PM on February 11.

Alice Brown
Birch Bay
Recent reports of proposed attempts to further delay subject process is NOT in the best interest of Whatcom County’s residents. Rules and Regulations are already in place to govern EIS procedures, yet certain members on the County Council seem bent to interject their personal prejudices. Each Council Member represents ALL of their constituents, not just those who voted for them. If any member acts otherwise it would be an injustice to their sworn duty.

Art Van Allen
Lynden
To our county council members,

I am a twenty-year resident of Whatcom County, educated at WWU, and I worked in mainstream business, healthcare and community relations positions for 30 years. I have set down roots here and contribute my time where I can to keep this community strong.

I am writing to urge you to pass Carl Weimer’s proposed amendment tomorrow so that contracts over the value of $10,000 which the county enters into receive oversight and approval by the council body.

The County Executive has published his explanation for how very few hours the Finance Department, Public Works, and other county departments have so far billed to the PIT/SSA pass-through contract. I strongly feel Mr. Weimer’s direction is the right one for a small county which is grappling with one of the largest projects on the drawing board in the country.

It will be a good new rule for the future, as well.

Thank you for your attention.

Sincerely,

Jean Waight
919 Coronado Ave.
Bellingham, WA  98229
Dear Counties Council,

I would like you to pass Resolutions AB 2014-069 and 070. It is very important that we have transparency in our government and specifically in large projects which effect all our lives. It is evident from PIT and the Northwest Jobs Alliance that they have concerns about this going to the full council instead of just the executive for approval. I would like to know why they have such concerns. I think the citizens of Whatcom County have a right to know everything that is being discussed so that we can judge for ourselves how monies are spent.

There were 125,000 comments for GPT on the EIS and this is going to take time and money to make sure every issue is thoroughly covered. There are also other costly issues that will certainly arise over time and we need to make sure the full Council is called upon to look into all matters and the public is kept informed.

Again, I ask you to consider Councilman Weiner's resolution and vote in favor of open and transparent government.

Judith Akins

360-982-8599
2174 E Birch St.
Bellingham, WA
98229
Dear Council Members,

I am unable, due to work, to attend the County Council meeting Tuesday, Feb. 11, but would like to share my support for the two measures, AB 2014-069 and AB 2014-070, on the table.

Thank you!

Lisa Bryce Lewis
Whatcom County Resident
Uncertain if I can make 2/11 meeting, but wanted to voice my support for these two measures.

Keep up the good work....

Mary Anne White
My husband Ben Rogers and I want to express our support for AB 2014-069 and AB 2014-070 increasing public oversight of the environmental review process for the proposed coal terminal and other similar projects.

Thank you! Myra Ramos

Myra Ramos
myraramos@lummiislandcable.com
Ben Rogers
benrogers@lummiislandcable.com
2877 N Nugent Rd M-1
Lummi Island WA 98262
360-758-2374
Cool heads will reign, those that know the law. What I have not heard yet is that someone from Federal Gov't has decided that anyone from Whatcom County or the State can just ignore federal and state laws and ban commerce from the State from using the railroad system. the last time I checked that was in the hands of the Federal Gov't.

Ron Erickson
I am unable to attend the council meeting and wanted to convey my support for AB 2014-069 and AB 2014-070. These will help ensure that our elected officials will have adequate legislative oversight and be able to protect the public interest in projects in Whatcom county.

This is our county, not outside corporations, and we expect our elected officials to work for us.

Thank you for your consideration.
From: adinasam3@gmail.com [mailto:adinasam3@gmail.com] On Behalf Of Richard Low
Sent: Monday, February 10, 2014 5:28 PM
To: Council
Subject: I support AB 2014-069 and AB 2014-070

Being unable to attend the council meeting, I wanted to convey my support for these two measures which will increase public oversight and improve transparency of the environmental review process, while ensuring local taxpayers aren't footing the bill for the proposed coal terminal. Council review of contracts is a core function of the public process. This is our county and our process.

Thank you.

Richard J Low
709 W Wiser Lake Rd
Ferndale, WA
Greetings,

I strongly support resolutions ab2014-070 and ab2014-069 to amend Whatcom County code 3.08.090 to limit the powers of the county executive in regard to contract amendments in general and the the contract with CH2M Hill in particular.

Lyle Anderson
3723 Pebble Pl
Bellingham, WA 98226
From: Council  
Sent: Tuesday, February 11, 2014 8:50 AM  
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford  
Cc: GPT_archive  
Subject: FW: February 11th Meeting

From: Kay Mason [mailto:mason.kay@gmail.com]  
Sent: Monday, February 10, 2014 5:41 PM  
To: Council  
Subject: February 11th Meeting

Thank you for working to increase public oversight and transparency of the proposed coal export terminal. I support the two measures, AB 2014-069 and AB 2014-070, on the table.

Sincerely,

Kay Mason
From: Christine [mailto:westlandstar@comcast.net]
Sent: Monday, February 10, 2014 5:52 PM
To: Council
Subject: AB 2014-069 and AB 2014-070

Dear County Council Members:

I live in Birch Bay and have worked for over two years now, opposing the proposed Gateway Pacific Terminal. I am one member of a small grassroots group that also worked hard to get Carl Weimer and others that we believe will help us get elected last November. Therefore, we want the County Council to have the authority to approve changes or amendments to the environmental review contract, rather than the County Executive. Apparently there is currently a major amendment proposed with CH2M Hill; the county council should be able to have influence in this, since it is the County Council who will, in the end, have some of the power to grant or not grant permits to SSA to build the coal shipping terminal.

Carl Weimer’s amendment eliminates a loophole in the normal system of checks and balances that provides oversight of large contracts over $10,000. What is the purpose of having a County Council with the power to review the EIS and reject or accept permits on such a huge project, if they cannot have a vote in contracts worth millions of dollars.

Mr. Weimer’s amendment simply states that contracts “which involve externally funded pass-through moneys” should be approved by the County Council. That’s all it does. It eliminates a loophole in the normal system of checks and balances that provides oversight of large contracts.

We want more oversight given for the EIS, meaning that we want comprehensive environmental review to include global warming effects of burning the coal wherever it is shipped. We want to be heard more loudly than the big corporations behind this ill-fated scheme and we do not want any other entity superceding the Whatcom County process by any means. We want transparency, not lies!

Both my husband and myself both support the above-referenced Bills and hope the County Council will also.

Sincerely,

Christine Westland
Harold Roper
Birch Bay, WA
360-371-8319
February 10, 2014

Members of the Council,

I am writing you today regarding concerns I have over the possible passage of Resolution AB 2014-070 that will probably come before the council tomorrow night. The Resolution, written by Carl Weimer would prohibit the County Executive from entering into further contact amendments on Contract 201205028 without County Council review and approval. It seems to me that this resolution is design to create the impression that there is some kind of problem with the County Executive handling contract amendments when in fact it is part of the responsibility and the purview of the Executive to administrate and handle contract amendments. To imply with the filing of this resolution that something is amiss in the administration of amendments to Contract 201205028 is an insult to both the County Executive and his office. There has been nothing untoward in the Executives handling of any of the amendments to Contract 201205028 and the curious question to me is why this resolution only requires Council review of this resolution. If there was truly a problem with the contract amendment process it seems that Mr. Weimer should have asked for oversight of all Contract amendments. The County Executive is simply doing his job.

For the County Council to try and intervene in this process raises the question of what Mr. Weimer thinks the Council will accomplish with this intervention. My understanding of the process is that the role of the Council is to evaluate the facts that will be brought forward in the EIS consider the recommendation of the hearing examiner and adjudicate the issue of whether to issue or deny a permit for this project based on the facts that are gathered. Passage of this resolution which would place the council in the middle of the process and would only serve to further entangle an already complex EIS process and has the potential to further delay consideration of this project. It also is probably a violation of the law.

When the community started into the debate over a shipping terminal being located at Cherry Point I attended a Sierra Club meeting where they discussed what tactics they were going to use to delay and keep this project from being evaluated by the county. The first thing they accomplished was the extension of the time parameters of the scoping process. They managed to get the time frame for comments nearly doubled. They then said they would flood the scoping period with so many
comments that it would be almost impossible for CH2M Hill to evaluate all the comments. They then said that if this didn't work their next tactic was to sue, sue, sue. With the extended time frame for scoping they managed to get 125,000 scoping comments submitted. Every time we even get close to examining this issue some question seems to be raised to further delay the project. At the last County Council committee work session where Mr Schroder was explaining to the Council where we were in the process Mr Weimer was asking whether they would be provided with staff to educate them when they were making their decision.

The opposition to this project has been assisted in their opposition by a $26,000,000 donation by Chesapeake Bay Natural Gas Producers to fund the clubs beyond coal campaign. They used that money to travel all over the nation fomenting fear about the burning and export of coal. There is a militant group of people who are focusing all their efforts on trying to keep this proposal from being evaluated because they know when a rational evaluation occurs most problems that arise can be mitigated.

This resolution to my mind is one more attempt to throw a stumbling block in front of this project and further obfuscate the process. Passage of this resolution would put the council in a questionable legal position if they try and usurp the tasks of the executive branch of county government. It also could make the community wonder whether there is ever going to be a fair evaluation because the council's mind could appear to be made up before the fact. We need to get back to the place where we are governed by law rather than fear and hysteria and proceed with the process. That time is now.

Respectfully submitted John Munson 2195 Lummi Shore Rd. Bellingham 98226
Dear Council,

I am writing as a resident of Island County, a neighboring county, who will be significantly impacted by the processes and decisions made in your county. I support measures AB 2014-069 and AB 2014-070. We are all counting on you to maintain transparency throughout this process!

Sincerely,

Emmy Atwood
401 Minnie Lane
Langley, WA
98260
From: Carly Lapinsky [mailto:lapinskyc@gmail.com]
Sent: Monday, February 10, 2014 6:48 PM
To: Council
Subject:

Dear council members,

Please follow the current legal process regarding Gateway Pacific Terminal EIS.

Thank you,

Carly Lapinsky
(360)223-0772
Blaine
From: Council
Sent: Tuesday, February 11, 2014 9:06 AM
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Cc: GPT_archive
Subject: FW: Please vote YES on 069 and 070

From: Tris Shirley [mailto:tjshirle@comcast.net]
Sent: Monday, February 10, 2014 7:37 PM
To: Council
Subject: Please vote YES on 069 and 070

Dear Council Members,

The history of the GPT project demonstrates that strict legislative oversight is essential. Please vote yes on both measures to ensure that you can represent the interests of the community on this important issue. Thanks.

Tris Shirley
Dear Whatcom County Council:

I am very concerned about the impact of the proposed Coal Port on our community.

Please do not enter into any agreement with Gateway Pacific or any group until you and our community have a chance to read and discuss the EIS report. We need to have public hearings and listen to each others ideas.

I am concerned because for many years we have been trying to clean up the Salish Sea (Puget Sound) so that we might swim, fish, get clams and oysters; further, that eel grass beds be preserved for herring, salmon and orcas. Yet it seems that this beautiful resource gets more more polluted each year.

Another concern is that more jobs will be lost than what will be gained from this project. The gain, if any, would be small because it is so highly automated.

I am not able to attend because of poor health. I am very concerned because it effects the environment, our health, water from the Nooksack River, misuse of that wonderful water resource and of the apparent disregard of treaties and rights of native people in our area.

Thank you for your time and efforts.

Sincerely - Ernie Loreen  (360)-945-5175.  260 Tyee Drive, Point Roberts, WA.  98281
Sincerely - Lola Loreen  (360)-945-5175.  260 Tyee Drive, Point Roberts, WA.  98281
Dear County Council members,

Please support and vote for AB 2014-69 and AB 2014-70 which would increase public oversight and transparency.

Diane Smith
1234 Chuckanut Crest
Bellingham, WA 98229
Council Members,
Please let the EIS go forward as presently planned. We need these union jobs in Whatcom County to maintain the quality of life that we all enjoy here.
Gene Goldsmith
Former State Representative
Yvonne Goldsmith
Former Ferndale Mayor
To the Council – I am opposed to Mr. Weimer’s resolution to delay and distort the process. His opposition to growth of business and industry in designated areas is a known fact. It would be a pleasant change to support the wishes of the people instead of a personal ideology. Please get on with the EIS as originally intended and move the process forward a bit faster than the current snail’s pace. Thank you. madeleine baines.
From: Andrew Friedman [mailto:adfriedman@gmail.com]
Sent: Monday, February 10, 2014 8:58 PM
To: Council
Subject: AB 2014-069 and AB 2014-070

Please support measures AB 2014-069 and AB 2014-070.

I support the Council's efforts to increase public oversight and improve transparency of the environmental review process, while ensuring local taxpayers aren't footing the bill for the proposed coal terminal. Let's not stand by while Big Coal's corporate lawyers take over our county's process.

Thank you
Dear County Commissioners,

For months, my husband and I have been involved in the coal terminal process, and have submitted comments for that scoping process. Although we are absent from Washington during the next month, my husband, John, and I are very involved with understanding the process, and how to communicate with our leaders. We strongly encourage the County Executive not to enter into any more agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight. Please avoid any commitments until your constituents have an opportunity to weigh in on that process. We need to create an ordinance that will provide oversight for similar serious potential impacts for our county. Thank you for considering our opinion.

Teresa and John Van Haalen
Bellingham, WA
I urge you to support AB 2014-069 and AB 2014-070.
Thank you, Colleen
I think that it ought to be OK for the public and the County Council to see what's happening in the contract between PIT and Whatcom County. I support Council Chair Weimer's resolution.

Barbara J. Gilday

Weddings, Memorials, Rituals, Speaking,

journeys@nas.com; www.BarbaraGilday.com

Hm. 360-676-0765; cell. 360-927-6627

2300 "I" St., Bellingham, WA., 98225
From: Dirk Burgon [mailto:dirk@lundberg.com]
Sent: Monday, February 10, 2014 10:27 PM
To: Council
Subject: My support for measures, AB 2014-069 and AB 2014-070

Hello,

I'm sorry but I will be out of town and unable to attend the meeting tomorrow night, but since this is such an important topic and so important to the future of Bellingham I wanted to write you an e-mail.

When we moved to Bellingham 3 years ago we had a number of cities on our radar. The final factors in our selection of Bellingham was the Clean Air, Clean Water and the great outdoors that Bellingham offered our family (we have 3 young children). The Coal Export Terminal is a threat to this and our way of life here in the Northwest. It is also a serious threat to our valuable tourist trade. Just try going to Woods Coffee at Boulevard Park at the same time a coal train is slowly creeping and see just how frustrating it is. Is that really the cold message we want to send our visitors home with? These are folks who might be future residents, or future investors in Bellingham. I urge you to please consider the short sighted decisions that China has made in pursuit of a buck and you will see that this is a very poor strategy indeed, certainly not sustainable...

Please do the right thing for our children and for the future of Bellingham and send these carcinogenic laden railcars back to the mine where they came from.

Dirk Burgon
Concerned Citizen
From: Dirk Burgon [mailto:dirk@lundberg.com]
Sent: Monday, February 10, 2014 10:27 PM
To: Council
Subject: My support for measures, AB 2014-069 and AB 2014-070

Hello,

I'm sorry but I will be out of town and unable to attend the meeting tomorrow night, but since this is such an important topic and so important to the future of Bellingham I wanted to write you an e-mail.

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Please do the right thing for our children and for the future of Bellingham and send these carcinogenic laden railcars back to the mine where they came from.

Dirk Burgon
Concerned Citizen

This message may contain confidential information. If you are not the intended recipient and received this message in error, any use or distribution of this message is strictly prohibited. Please also notify us immediately by return e-mail, and delete this message from your computer system. Thank you.
From: John Tuxill [mailto:johntuxill@yahoo.com]
Sent: Monday, February 10, 2014 10:36 PM
To: Council
Subject: I support AB 2014-069 and AB 2014-070

Dear County Councilmembers,

I strongly support AB 2014-069 and AB 2014-070 as steps that can help ensure the Council retains its proper decision-making role regarding the proposed Coal Export Facility at Cherry Point. I will not be able to attend the Council meeting this Tuesday, but I wanted to make sure you heard my view. Thank you.

John Tuxill
1604 20th St.
Bellingham 98225
Please pass AB2014-069 that means you will make no more agreements regarding review process until you set up a framework for adequate legislative oversight.

And pass AB2014-070 which sets up the framework for adequate legislative oversight.

Residents of Whatcom County are counting on you to do the right thing in protecting our environment, our health, and the beauty of our county.

Mary E. Mullen
As a long time Whatcom county resident and supporter of the Gateway Pacific Terminal, I do not want to see the EIS process delayed, and I would like to see no further attempts to delay this terminal. Thanks.
There should be ABSOLUTELY no delay in the EIS process for the Gateway Pacific Terminal. In fact, as far as I'm concerned, there should have been ABSOLUTELY no delay in approving the terminal now!

We are allowing radical extremists to run roughshod over the average American with their often nonsensical protests. I'm all for protecting our environment as much as "humanly possible" but when you are hurting so many people by your actions then it should no longer be considered to fit the term "HUMANLY possible".

Thanks to all this type of foolishness & more in this country, people are out of work, can't take care of their families, & breaking the backs of those who are lucky enough to still have a job. The middle class is dealing with higher taxes, lower incomes, higher cost of living, etc. Our national debt is out of control & most state, county, & city governments are struggling with some even facing bankruptcy. This is no longer a game to see who can win because we are all losing these days.

Our country is in terrible crisis & at some point, common sense should lead the way!

Alice Johnson
Ferndale, WA 98248

"He is your friend, your partner, your defender, your dog. You are his life, his love, his leader. He will be yours, faithful and true, to the last beat of his heart."
Members of Whatcom County Council,

I am a bit unsure of the intention of Resolution AB 2014-070. Councilman Weimer is asking for insertion of the Council into a very specific contract amendment series, relating to an ongoing EIS process. It would be concerning to most people going through a permitting process to have the process changed in the middle; how are we to view a process change into one of the most talked about, visible EIS processes this County will likely ever contemplate?

It would seem that in order to be legally defensible, at the least the Council should clearly delineate the following:

1. That the County Executive has been derelict in his duty and that is why the change is needed – and bring examples
2. That the process needs additional oversight and it will be dealt with prospectively, for all future contracts – not existing contracts.

If those two issues cannot be demonstrated, then it would seem that the change could bring legal questions to bear about the actions of the council. This will not improve the process, nor will it improve the science upon which the review is being conducted. If there are no other contracts that are to be part of this additional oversight, past or future, then it is not an example of the kind of legislation that the Council should be concerning itself with.

Is it the intention of the County to put us on notice that the permitting process is not sound, and will be subject to change with limited notice? How will that translate into a prudent business climate, with transparent processes, that can be depended upon?

I ask you to consider this and not support the resolution.

Lori Province
2501 West Street
Bellingham, WA 98225
February 10, 2014

Members of the Council,
I am writing you today regarding concerns I have over the possible passage of Resolution AB 2014-070 that will probably come before the council tomorrow night. The Resolution, written by Carl Weimer would prohibit the County Executive from entering into further contact amendments on Contract 201205028 without County Council review and approval. It seems to me that this resolution is designed to create the impression that there is some kind of problem with the County Executive handling contract amendments when in fact it is part of the responsibility and the purview of the Executive to administrate and handle contract amendments. To imply with the filing of this resolution that something is amiss in the administration of amendments to Contract 201205028 is an insult to both the County Executive and his office. There has been nothing untoward in the Executive's handling of any of the amendments to Contract 201205028 and the curious question to me is why this resolution only requires Council review of this resolution. If there was truly a problem with the contract amendment process it seems that Mr. Weimer should have asked for oversight of all Contract amendments. The County Executive is simply doing his job.

For the County Council to try and intervene in this process raises the question of what Mr. Weimer thinks the Council will accomplish with this intervention. My understanding of the process is that the role of the Council is to evaluate the facts that will be brought forward in the EIS consider the recommendation of the hearing examiner and adjudicate the issue of whether to issue or deny a permit for this project based on the facts that are gathered. Passage of this resolution which would place the council in the middle of the process and would only serve to further entangle an already complex EIS process and has the potential to further delay consideration of this project. It also is probably a violation of the law.

When the community started into the debate over a shipping terminal being located at Cherry Point I attended a Sierra Club meeting where they discussed what tactics they were going to use to delay and keep this project from being evaluated by the county. The first thing they accomplished was the extension of the time parameters of the scoping process. They managed to get the time frame for comments nearly doubled. They then said they would flood the scoping period with so many comments that it would be almost impossible for CH2MHiIl to evaluate all the comments. They then said that if this didn't work their next tactic was to sue, sue, sue. With the extended time frame for scoping they managed to get 125,000 scoping comments submitted. Every time we even get close to examining this issue some question seems to be raised to further delay the project. At the last County Council committee work session where Mr Schroder was explaining to the Council where we were in the process Mr Weimer was asking whether they would be provided with staff to educate them when they were making their decision.

The opposition to this project has been assisted in their opposition by a $26,000,000 donation by Chesapeake Bay Natural Gas Producers to fund the clubs beyond coal campaign. They used that money to travel all over the nation fomenting fear about the burning and export of coal. There is a militant group of people who are focusing all their efforts on trying to keep this proposal from being evaluated because they know when a rational evaluation occurs most problems that arise can be mitigated.
This resolution to my mind is one more attempt to throw a stumbling block in front of this project and further obfuscate the process. Passage of this resolution would put the council in a questionable legal position if they try and usurp the tasks of the executive branch of county government. It also could make the community wonder whether there is ever going to be a fair evaluation because the council's mind could appear to be made up before the fact. We need to get back to the place where we are governed by law rather than fear and hysteria and proceed with the process. That time is now.

Respectfully submitted John Munson 2195 Lummi Shore Rd. Bellingham 98226
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<thead>
<tr>
<th>From:</th>
<th>Council</th>
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<tbody>
<tr>
<td>Sent:</td>
<td>Tuesday, February 11, 2014 10:31 AM</td>
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<tr>
<td>To:</td>
<td>Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford</td>
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<td>Cc:</td>
<td>GPT_archive</td>
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<td>Subject:</td>
<td>FW: AB 2014-069 &amp; AB 2014-070</td>
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<td>Attachments:</td>
<td>img-140211163936.pdf</td>
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**From: Ted Hammer [mailto:western_geo@hotmail.com]**

| Sent:         | Tuesday, February 11, 2014 8:41 AM                                      |
| To:           | Council                                                                  |
| Subject:      | AB 2014-069 & AB 2014-070                                              |

We have scanned in a short letter regarding our opinion of the above resolutions.

Thank you for your consideration.

Ted and Martha Hammer
February 11, 2014

Whatcom County Council
council@co.whatcom.wa.us

Re: AB 2014-069 & AB 2014-070

We are writing in support of AB 2014-069 & 2014-070. We support Carl Weimer’s resolution and think that Whatcom County Council needs to have oversight of contract amendments made regarding the coal terminal at Cherry Point. We need transparency of the EIS process; and full disclosure of all contract amendments proposed. We also think that Whatcom County needs full cost recovery by the applicant. The taxpayers should not pay their bills.

Also, we support the right of the public to have a voice regarding slaughterhouse development in the county when it is proposed in other than industrial zones, such as agricultural land and wetlands.

Ted & Martha Hammer
4183 Saltsprings Dr.
Ferndale, WA
I am writing in support of measures AB 2014-069 and AB 2014-070.

It is my strong and firm opinion that the County Executive should NOT permit any further agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight. We absolutely need an ordinance that will create a framework that requires Council to review and approve contract amendments to ensure that they protect the public interest!!

This is a matter of transparency in government - a government that represents the community!

Also, all this private discussion and review by the Planning Department and Legal staff regarding the GPT Coal Terminal should be fully documented and paid by the applicant - SSA Marine. And further additional staff should be acquired - at least on a temporary basis - in order to ensure that the ongoing responsibilities of these services to Whatcom County are NOT eclipsed by the demands of SSA Marine. And OF COURSE, these additional staff should be paid for by the applicant.

It is disturbing that so much negotiation on the contract for the EIS is happening behind closed doors without any information being provided to the community.

We should have the right to see drafts at regular intervals - not every day negotiations - to be sure that the public's issues that were presented during the scoping process are being incorporated into the final contract.

You are obligated to represent the community - not a facilitator of commercial interests. And as such, transparency and oversight by the Council is an obligation of our elected officials to the community.

Thank you

Alan Stein
1808 Taylor Avenue
Bellingham, WA 98225
-----Original Message-----
From: brooks anderson [mailto:brksanderson@gmail.com]
Sent: Tuesday, February 11, 2014 8:28 AM
To: Council
Cc: Jack Louws
Subject: Support for AB 2014-069 and AB 2014-070

Please vote for these two measures.

It is so frustrating that we cannot address the Gateway Terminal with our elected officials when the project proponents and the other two permitting agencies seem to have a lot of information and access that the local public does not have. Our county legal staff instructs you not to acquire information because of your "quasi judicial" role. We, the public, cannot address you our representatives, about this under threat of you having to recuse yourself. . Meanwhile SAA and the other two agencies charged with assessment of this project have access to EIS progress information. Passing these two measures is a positive start to information access for those who will bear the financial and quality of life consequences of the possibility of the largest export coal terminal being built in our midst.

Two years ago when I heard our county legal and planning staff address this project I was concerned about their ability to deal with such a huge project. My concern increased when I attended the last county council meeting; hearing the legal and planning department staff field questions from the council. They are doing the best they can; but it is not reasonable to expect them to have the necessary expertise to deal with such a huge, unprecedented project.

It is essential that additional expertise be employed. Hire a project manager with sufficient relevant experience to address the complicated process. The project manager's sole responsibility would be to navigate the EIS with transparency and fairness to all stakeholders. The county council should vet and approve the hiring with the proponent paying for his/her services.

The real costs to Whatcom County need to be billed to the proponents including indirect costs. There have been many unbilled hours of work by our county employees on this project. Including; while not limited to county health officer, public works department, county attorney, county executive and his staff.

Our county council needs to be the oversight authority to approve amendments to the contracts that the county executive has been making without the public being informed.

Pass chairman Weimer's ordinance amending county code.

--
Brooks Anderson
905 Wilson Avenue
I am writing in support of measures AB 2014-069 and AB 2014-070.

The community absolutely needs an ordinance that will create a transparent framework that requires Council to review and approve contract amendments to ensure that they protect the public interest. The County Executive should NOT permit any further agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight.

Also, all discussions by the Planning Department and Legal staff regarding the GPT Coal Terminal should be fully documented and paid by the applicant - SSA Marine. I think that the Department should increase the number of competent staff- at least on a temporary basis and paid by the applicant - in order to ensure that the ongoing responsibilities of these services to Whatcom County are not submerged by the demands of SSA Marine.

You represent the community. As such, transparency and oversight by the Council is an obligation of our elected officials to the community.

Thank you

Antonella Antonini

1808 Taylor Avenue, Bellingham, WA, 98225
Dear County Council Members: I am not able to attend the meeting tonight but wish to express my support for both AB 2014-069 and AB 2014-070. I am a resident of Whatcom County. Thank you, Sharon Russell
Communitywise Bellingham (CWB) has been very discouraged by the GPT SEPA Agencies' actions since they first issued a press release months ago about the scope but have since blocked the public's access to details about what the EIS Scope will actually include. We are just one of many with that concern and we feel the lack of Scope information runs counter to the excellent public process delivered to gather comments. Below is a summary of a complaint and call for action that we sent to the SEPA Agencies earlier this week.

---------------------------
This memo is to formally request that the SEPA Agencies make public the GPT EIS Scope.

A public SEPA scope document, which is a DOE SEPA Handbook suggestion, is an essential component for the Gateway Pacific Terminal (GPT) EIS process. This critical step is currently being circumvented. Although this may be technically legal, it is a policy shift that seriously undermines hard won achievements of the SEPA Agencies. It also frustrates reasonable expectations of the many Scoping participants and is sure to erode the important public trust.

Broad community trust and goodwill were developed by the SEPA Agencies by their design and execution of the EIS comment process. The comment process closely followed suggestions in the DOE SEPA Handbook. That public trust was earned against a tide of cynicism that had been building because of secretive deliberations held behind the closed doors of the State’s MAP process. Adopting a more expansive process required additional work, but it delivered the public confidence that is essential.

Following those expansive process suggestions appears to have been abandoned by the SEPA Agencies at this most critical juncture. No Scope document that meets the purposes outlined in the SEPA Handbook has been provided to the public. CWB, like legions of other scope participants, has been patiently waiting for one. Recent news indicates that a final EIS contract, based on scope details that remain unknown to the public, was actually written some two months ago. What rationale exists for moving towards such unexplained secrecy after resounding success in a robust and open process?

Elevating expediency over careful and informative process will always seem “convenient” at certain points in a big and complex process, but it does not serve the public interest. What compelling reasons are there to keep the public in the dark? It has been impossible for the public to miss the massive interstate lobbying effort by applicants and their surrogates to accelerate the EIS process and to contract its Scope. Those efforts firmly
underscore the need for the SEPA Agencies to maintain public confidence. They make the best argument for more openness and attention to process, not for less.

Vast numbers of individual citizens, jurisdictions and organizations took their own time to study issues and participate in an EIS comment process that was open and transparent. Keeping these same citizens uninformed about Scope details and EIS process decisions would be a glaring failure. It could engender unanticipated problems for both the SEPA Agencies and applicants. This is an urgent and important matter affecting Bellingham and Whatcom County residents.

---

Jack Delay, President
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
Follow us on Facebook and Twitter.
We are extremely concerned about Powering past Coal and the enormity of the issues surrounding it (health, Lummi rights, $$$$$, ENVIRONMENT, safety, marine welfare) Not to mention all of the lies spurting forth from SSA

Wee support AB 2014-069 and AB. 2014-070 We have had 5 generations living in Bellingham. The youngest is now 6 years old PLEASE help us maintain a community we are proud of, that attracts people from all over the world to visit and is a safe, healthy, caring environment for the next 5 generations to come!

Bonnie and David Goss
4840 Fremont St
Bellingham WA 98229

Sent from my iPad
From: Council  
Sent: Tuesday, February 11, 2014 11:04 AM  
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford  
Cc: GPT_archive  

-----Original Message-----
From: Campkids [mailto:campkids@comcast.net]  
Sent: Tuesday, February 11, 2014 10:17 AM  
To: Council  
Subject: Proposed measures AB 2014-069 & 070.

Dear, Whatcom county council members.

Please consider approving, proposed measures AB 2014-069, and AB 2014-070.

These measures, if approved, will close a communication gap within our county government.

Sincerely,
John & Helen Campbell  
3780 Brownsville Place  
Bellingham Wa.  
campkids@comcast.net  
360-927-9069
From: Jennifer Schneider
Sent: Tuesday, February 11, 2014 11:16 AM
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Cc: GPT_archive
Subject: call

Fully supports AB2014-070 and feels that full transparency is necessary especially regarding the scope of the project. She feels Sam’s reasons were unfortunate to citizens of Whatcom County.

From Stephanie Davis
Dear Council Members,

I support our Council's efforts to increase public oversight and improve transparency of the environmental review process, while ensuring local taxpayers aren't footing the bill for the proposed coal terminal.

I support the resolution that asks the County Executive not to enter into any more agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight. I also support the ordinance that would set up that framework, requiring the Council to review and approve contract amendments to ensure they protect the public interest. We must insure this process is as transparent to the public as it can be.

Thank you for your time and attention to this matter.

Sincerely,

Pam Borso
P O Box 154
Custer, Wa 98240
360-319-9004
"Although the proposed resolution mentions 'open transparent government,' its own content violates this principle. Nowhere does the Resolution’s author use language that forthrightly references his target, which is the Gateway Pacific Terminal project, to which he has long been opposed. Nor does it mention the fact that the County will be reimbursed for all of the EIS contract costs."

Let’s be sure to the rule of law is followed, & NOT undermined by personal agendas!

Let’s follow the current legal process regarding Gateway Pacific Terminal’s EIS.

Thank you
R.Stickel
From: Lorraine Newman [mailto:lmn213@comcast.net]
Sent: Tuesday, February 11, 2014 11:37 AM
To: Council
Subject: Weimer Resolution

Dear Council Members:

I do not support the Weimer Resolution that attempts to insert the Council into contract management. This is the prevue of the County Executive so that the business of county government can move forward. It would also allow a council in essence to “vote” on a matter twice, by delaying or interfering with contracts. This can be used to negate prior council votes and further diminishes the reliability of our local government. The voters of Whatcom County elected the current council and executive with a clear understanding of their separate powers. Any change of this magnitude in these powers should be brought to the people and not be allowed to take effect until a new council and new executive are elected, so that the voters understand the powers given to those they elect.

Lorraine Newman
4035 Cedarbrook Court, Bellingham WA
671-9210
Dear Council Members,

Please follow the law in regards to the Gateway Terminal/EIS.

Thank you,
Sharon DeBruler

Sent from my iPhone
Honorable County Council Members,

Please vote Yes and approve measures **AB 2014-069** and **AB 2014-070**.

Both of these measures are necessary to ensure not only transparency to the public but also public oversight and accountability to the taxpayers and the voters who live in Whatcom County for the environmental review process and costs.

The subject terminal and railroad project for shipping coal is the largest project of its nature to be proposed in Whatcom County, with far-reaching economic, financial, environmental and health consequences. The public deserves to have the most expansive transparency and public oversight of the process, particularly since ultimately the public and taxpayers will be paying the bill of the long-term impacts.

Even though the proponent pays some of the upfront costs, the taxpayers will bear the burden long-term not only in terms of financial costs, but equally importantly quality of life and protection of the environment. Only complete transparency, and easy access to information, and public oversight and accountability will meet the best interests of the public, taxpayers and voters.

Thank you for your consideration.

Sincerely,

Amy Mower
PO Box 2004
Maple Falls, WA 98266
County Council members,

We are writing to voice our support for these two measures. The citizens of our county have the right to know about and have oversight of the review process regarding the EIS for the proposed coal port terminal at Cherry Point, and other projects. Thank you for your careful consideration of this resolution and this ordinance.

Stephen Gockley
Ellen Posel
As I am unable to attend the council meeting tonight, by means of this message I urge you to approve the above measures.

Our county must be in charge of what is approved here, hopefully with the intent to provide the best outcome for its citizens and environment.

Please also address why GPT should be allowed permission to use millions of gallons of water a day from the Nooksack River for its coal piles when much of the county has a shortage of water. It would seem to be common sense that water sprayed on piles of coal and/or coaldust would leach in to the water table and eventually end up in the Salish Sea - a disaster!

Thank you.

Liz Washburn
2919 Racine St
Bellingham, WA 98226
Leaf Schumann

I am unable to attend tonight's meeting but strongly encourage you to vote yes on AB 2014-069 and AB 2014-070 in the hope of greater oversight of the proposed coal terminal. This is a matter of great concern for me.

Thank you.
Leaf Schumann
Councilmembers: 

I have read the referenced as well as the submission by Mr. Lynn. There is no merit to his arguments that the referenced resolutions are somehow outside of the law. Please vote in favor of AB 2014 069 and 070.

We need closer examination of how our pass through funding is being handled. After all it is our money and we are talking about very large sums.

I do not take comfort in the representation that these monies will be paid by the applicant. So far, we have received little, if any reimbursement for County time on this particular project.

Thank you.

John Lesow
317 Madrona Place
Point Roberts, WA 98281-9104
Dar Council -

"I support greater oversight and transparency for the proposed coal terminal. Please vote yes on AB 2014-069 and AB 2014-070". thanks, Marian and David Neevel
To: Whatcom County Council

From: Christine R. Hansen & Peter T. Hurd

Subject: Support of Measures AB 2014-069 and AB 2014-070

Date: 2/11/14

This correspondence is to advise you that we are in support of your efforts to increase public oversight and improve transparency of the environmental review process. Therefore, we support measures AB 2014-069 and AB 2014-070.

We understand that AB 2014-070 is a resolution that would require the County Executive to not enter into any further agreements concerning the review process until the County Council has the opportunity to establish a framework for satisfactory legislative oversight. We absolutely support this measure.

In addition, it is our understanding that AB 2014-069 is an ordinance that would establish that framework so that the Council would be required to review and approve any contract amendments, thus ensuring the public interest is protected. We definitely support this measure as well.

We cannot attend tonight's meeting due to previous commitments, but we want to ensure your awareness of our support of these two measures.

If you have any questions, we can be reached at (360) 671-0696 during the day (or by mail at P O Box 30826, Bellingham WA 98228).
Councilmembers:

We are homeowners in Whatcom County, unable to attend tonight's meeting.

We want to go on record with our support for measures AB 2014-069 and AB 2014-070

Thank you for placing measure AB 2014-069 and measure AB 2014-070 on tonight's agenda.

We support both measure AB 2014-069 and measure AB 2014-070 and consider them critical to the process of protecting our environment; its inhabitants and our financial bottom line.

We appreciate your commitment to passing these measures tonight

Whatcom County is a pacific northwest "jewel", and needs our help to ensure safe keeping for future generations

Thank you.

Sincerely

The Mitchells
Silverstar Road Bellingham WA 98226
-----Original Message-----
From: Jeff Daffron [mailto:jeffquicksilver@qwestoffice.net]
Sent: Tuesday, February 11, 2014 3:05 PM
To: Council
Subject: AB 2014-069 & 070

Dear council members,

I believe we must keep maximum oversight on the environmental review process for the proposed coal terminal here in our county. Please vote yes on AB 2014-069 and AB 2014 070.

Thanks,
Jeff Daffron, owner
Quicksilver Photo Lab
Dear County Council members,

Please support greater oversight and transparency for the proposed coal terminal. Please vote yes on AB 2014-069 and AB 2014-070

Thank you,

Maggie Bates
Adaptations Design Studio
360-739-7293-cell
360-734-5275 ext 103-office
www.adaptations.ws

Check out our latest newsletter!
Dear Councilpersons:
I am writing to urge you to vote in support of AB2014-070 as recommended by the Finance Committee:
Resolution requesting the County Executive not enter into further contract amendments on Contract No. 201205028 with CH2M Hill without County Council review and approval (AB2014-070)
Thank you.
Meredith Moench, President
and the Lummi Island Conservancy Board
Lummi Island
Dear County Council Members,

I am unable to attend the meeting tonight, so am writing to voice my support for the measures AB 2014-069 and AB 2014-070. Thank you for your work to protect the local and global environment by ensuring proper environmental review of the proposed coal terminal.

Jolahna Gamblewood
From: Council
Sent: Tuesday, February 11, 2014 5:27 PM
To: GPT_archive; Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Subject: FW: Oversight

-----Original Message-----
From: Barry Mason [mailto:gizmobur37@yahoo.com]
Sent: Tuesday, February 11, 2014 4:17 PM
To: Council
Subject: Oversight

Dear Council members,

I am writing to ask that you, as I do, support greater oversight and transparency in all development projects and, in particular, the proposed Gateway Pacific Terminal project. You can further such oversight by supporting AB 2014-069 and AB 2014-070, and I urge you to show such support by voting for them. Thank you.

Barry Mason
461 Cove Road
Bellingham, WA 98229
Dear County Council:

I support greater oversight and transparency for the proposed coal terminal. Please vote yes on AB 2014-069 and AB 2014-070.

In an age when we are all learning in our families, religion, businesses, and schools that what small things we gain in hiding are most often ultimately destroyed by what we lose in that shrunken and blocked off space, it is such a critically important move to choose a wider vision, input, guidance, and collaboration for the operation of our county government here in Whatcom county!

Dena Jensen
Birch Bay, WA
To Whatcom County Council and County Executive Jack Louws:

First, it is my understanding that the County Council will be potentially deciding on two important measures tonight, February 11, 2014 at your County Council meeting which affect the future of the EIS for the gateway pacific terminal and other significant projects now and in the future.

- **AB 2014-069**: An ordinance that would set up the framework requiring the Council to review and approve contract amendments to ensure they protect the public interest.
- **AB 2014-070**: A resolution that asks the County Executive not to enter into any more agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight.

I strongly support greater oversight and transparency for the proposed coal terminal. And I ask that you council members vote yes on AB 2014-069 and AB 2014-070.

I would like to give you all one example of why I feel strongly about the transparency issue and the issue of requiring the County Council’s approval to modify or amend the original contract between the county and CH2M Hill. Please review my emails between myself, County Planning Department’s Tyler Schroeder, and Jack Louws at the bottom of this email.

The original signed contract between Whatcom County and CH2M Hill to conduct the EIS for the GPT was signed in June 2012. In that contract here was an expectation and a promise made in that contract by CH2M Hill to do a mailing to 20,000 residents giving notice about the EIS scoping and that was never done. This was an expectation that was considered vital to the process and yet it was not done.

I first wrote to Jack Louws and the county about this back in May 2013 and after several email communications back and forth Tyler Schroeder wrote this in an email to me: "There are specific citations in the contract that allow for modifications to the contract. According to Section 40.1 Modifications: Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties. The section that Ms. Robson has questions on is located in Section 2.4 Public and Agency Meetings, in which there was an assumption of 20,000 postcards that will be printed and mailed. This section of the contract was changed by mutual agreement between Whatcom County and CH2M HILL. This change was done in writing under Amendment #1 to the original contract: [link](http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/pdf/contract201205028-amendment1-20130125.pdf). There is also an email chain which discusses these changes to the Public Involvement Plan and GPT Notification Plan between Whatcom County and CH2MHILL to the specific question of mailings (limiting postcards to adjacent property owners in coordination with the other notification actions)."

I have reviewed Amendment #1 to the original Whatcom County Contract with CH2M Hill. Tyler’s email explains that the specific contract change I asked about (20,000 postcards mailing that was in the original contract) was mutually agreed upon by both CH2M Hill and Whatcom County and that change was one in writing under Amendment #1 to the original contract. There is nothing specific to that subject in Amendment #1 that I can see from reviewing it.

I also requested records that might show me the “email chain which discusses these changes to the Public Involvement Plan and GPT Notification Plan between CH2M Hill and the county and in the emails sent to me for review there is nothing specifically mentioned about the 20,000 postcard
mailings being changed/amended from the original contract. In the email communications supplied to me, resulting from my county records request there is one mention of postcards being mailed to properties within 1 mile of the proposed GPT site location. That is the only mention.

From my understanding of Section 40.1 Modifications: "Either party my request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties." Besides the fact that the 20,000 postcard mailings that were agreed upon in the original contract not being mentioned, it is important to note that the Amendment #1 to the original contract between the county and CH2M Hill was not signed until January 25, 2013. That date is therefore when any change or amendment to the original contract becomes valid and legally binding. The postcard mailings were to be done back when the EIS scoping phase was starting in September 2012.

So the postcard mailings were not done at all, and I’m told that was due to an agreed upon change supposedly in Amendment #1 to the original contract, and that Amendment #1 did not become fully agreed to and executed until January 25, 2013 which was 4+ months after the EIS scoping period started and as a matter of fact, that was after the closing date of the EIS scoping phase.

This change or amendment (which I can not find any mention of in the documents supplied to me or in the Amendment #1 document itself) if it was in fact done, was done without the agreement of the County Council and was instead done by the County Executive Jack Louws who signed the Amendment #1 because of the current regulation which allows the County Exec to make changes to the contract without the vote/approval of the council if there is not additional money that would be sent by the county so in essence; pass-through contract amendments presently do not need County Council approval.

Just this example that I hope makes sense to you as I’ve tried to expel, win it is an example of the problems with the current process on this issue, and this is just one of the reasons why I support both:

- AB 2014-069: An ordinance that would set up the framework requiring the Council to review and approve contract amendments to ensure they protect the public interest.
- AB 2014-070: A resolution that asks the County Executive not to enter into any more agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight.

I would appreciate someone getting back to me about my serious concern that I have been trying to bring up since May 2013, about these 20,000 postcard mailings which were never done, thus leaving thousands of county residents without proper notification about this proposal. It is not a good enough excuse to simply think that because there were an unprecedented number of EIS scoping comments for GPT submitted that then it seems okay. It is not okay. What matters is how many Whatcom County residents were not given the agreed upon (by the county and CH2M Hill) notification of mailings to their properties to notify them about the proposed GPT and that those people may have not had the chance to submit comments. The County Council should have been asked to approve such a major change to the contract which had the potential to greatly affect the EIS process.

The County Council, when it voted originally on the original contract with CH2M Hill had a level of expectation that they agreed to. Deciding not to do 20,000 postcard mailings wasn’t simply agreeing to more fees to be paid to CH2M Hill by SSA/PIT for the additional work by CH2M Hill, but rather was an agreed to deliverable between the County and CH2M Hill which then was not performed as was promised. The council should have been asked to vote on such a significant change to the contract when it directly affected the county residents who the County Council represents. I live in Birch Bay and the notice to the public about the proposed GPT was never put in the newspaper which is considered our local newspaper, the Northern Light. The weekly newspaper is delivered into residents mailboxes without even having any subscription so it would have made sense to place at least just one notification about GPT in that publication, but for some reason that never was done. So, to not have the notification in our town of Birch Bay’s only news publication, and on top of that to not perform the agreed to postcard mailings of 20,000 postcards to county residents left Birch Bay with little to no notification is unacceptable to me and I’m sure others here. The site location for the proposed GPT is partly in Birch Bay so it is very important to residents here.

I would like someone to tell me why this is okay and why Jack Louws, if he did, think it was okay to agree to this change? And if it was agreed to then why was it changed without signatures from both parties until 4+ months after the fact and after it was to be done? I would greatly appreciate someone explaining how this could happen.

Thank you very much.

Regards,

Sandy Robson
email: sjrer2@yahoo.com

Begin forwarded message:

From: Sandra Robson <sjrer2@yahoo.com>
Ms. Robson,

This is the direct response I received from Tyler Schroeder, Whatcom County’s SEPA official concerning your inquiry about the GPT contract concerning the distribution of 20,000 postcards. It appears to me that Whatcom County has followed the terms of the contract correctly.

Thank you for your interest in ensuring that Whatcom County is following contracting procedures related to GPT. We strive for accuracy and accountability in all our work. According to Tyler Schroeder’s January email

Jack,

Here is more information on the question from Ms. Robson. There are specific citations in the contract that allow for modifications to the contract. According to Section 40.1 Modifications: Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties. The section that Ms. Robson has questions on is located in Section 2.4 Public and Agency Meetings, in which there was an assumption of 20,000 postcards that will be printed and mailed. This section of the contract was changed by mutual agreement between Whatcom County and CH2M HILL. This change was done in writing under Amendment #1 to the original contract: http://www.whatcomcounty.us/pds/plan/current/gpt-sa/pdf/contract201205028-amendment1-20130125.pdf. There is also an email chain which discusses these changes to the Public Involvement Plan and GPT Notification Plan between Whatcom County and CH2MHILL to the specific question of mailings (limiting postcards to adjacent property owners in coordination with the other notification actions). This change is consistent with Washington’s State Environmental Policy Act (SEPA) which requires that lead agencies use reasonable methods to inform the public. The state law does not specifically require postcards and it was determined during the process that other types of notification (web, newspaper, etc.) was more appropriate. Additional details on the overall scoping process including the processes for outreach to the public is found in The Scoping Summary Report. The Scoping Summary Report is available on the GPT EIS website here: http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/GPT_Scoping_Report_0.pdf.

Thanks,

Tyler R. Schroeder

Best regards,

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717
Dear Mr. Louws and County Council,

I sent you an email about this on May 28, 2013. Mr. Louws reply to me, and my subsequent response back, are copied and pasted at the bottom of this email. Mr. Louws response was only to say he passed my letter onto the agencies, but really, since this issue pertains to the contract between CH2M Hill and Whatcom County, I believe that is not anything under the overseance of the agencies. It is specific to Whatcom County. I also believe that while there is some kind of moratorium on ex parte county council members communications, this is a contract issue, not about supporting or opposing GPT, so the council members should be able to communicate on this issue, along with Mr. Louws.

The reason I sent the email letter to you and the Whatcom County Council is because CH2M Hill has a signed contract with Whatcom County to conduct the EIS for the GPT. There was an expectation and a promise made in that contract by CH2M Hill to do a mailing of 20,000 residents giving notice about the EIS scoping and that was never done. I consider it egregious that in the Whatcom County GPT EIS contract with CH2M Hill it was stated that there would be 20,000 mailings to the public and this mailing was never done. This was an expectation that was considered vital to the process and yet it was not done. My concern still is that one of the contractual obligations between Whatcom County and CH2M Hill is not being met by CH2M Hill, which severely and adversely impacts the EIS process, I believe it is something that needs to be addressed immediately. Additionally, the county has paid for this expectation and deliverable by CH2M Hill and yet it never occurred.

In the contract between CH2M Hill and Whatcom County for the GPT EIS under section 2.4 Public and Agency Scoping Meetings, it states that one of the ways that CH2M Hill Team will provide notice of the scoping process would be to do "a mailing of 20,000 postcard announcements. Notification area to be determined in consultation with the Agencies. Database to be pulled via postal code from mailing vendor." I have checked with everyone that I know and I have also written and asked CH2M Hill and the Agencies if any postcards or any types of sheets or cards were mailed out to the public and the answer was no. Unless I am misunderstanding the written response back from CH2M Hill (the Agencies were copied on this communication), this promised mailing of postcards was never done. Just this one fact is enough reason that I can say with confidence that the public was never properly informed about the proposed GPT project and the EIS process which is vital to the integrity of NEPA and SEPA. Our Whatcom County Council has been forbidden to receive/send communications about GPT or even read any news about GPT (as advised by Whatcom County Counsel). How am I, and others, supposed to alert them to the fact that this promised public outreach of 20,000 mailings stated in the contract was never done? I feel like I have absolutely no voice and my due process has been violated by the fact that I can't even address my County Council members about this and other concerns.

In CH2M Hill's Public Involvement Plan under the Stakeholder Interview section it listed Outreach Ideas given by Stakeholders that were interviewed and one of those was:

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From: Sandy Robson [mailto:sjrer2@yahoo.com]
Sent: Wednesday, September 18, 2013 5:05 PM
To: Jack Louws; Bill Knutzen; Kathy Kershner; Pete Kremen; Ken Mann; Sam Crawford; Carl Weimer; Barbara Brenner
Subject: problem with the contract between Whatcom County and CH2M Hill

Dear Mr. Louws and County Council,

I sent you an email about this on May 28, 2013. Mr. Louws reply to me, and my subsequent response back, are copied and pasted at the bottom of this email. Mr. Louws response was only to say he passed my letter onto the agencies, but really, since this issue pertains to the contract between CH2M Hill and Whatcom County, I believe that is not anything under the overseance of the agencies. It is specific to Whatcom County. I also believe that while there is some kind of moratorium on ex parte county council members communications, this is a contract issue, not about supporting or opposing GPT, so the council members should be able to communicate on this issue, along with Mr. Louws.

The reason I sent the email letter to you and the Whatcom County Council is because CH2M Hill has a signed contract with Whatcom County to conduct the EIS for the GPT. There was an expectation and a promise made in that contract by CH2M Hill to do a mailing of 20,000 residents giving notice about the EIS scoping and that was never done. I consider it egregious that in the Whatcom County GPT EIS contract with CH2M Hill it was stated that there would be 20,000 mailings to the public and this mailing was never done. This was an expectation that was considered vital to the process and yet it was not done. My concern still is that one of the contractual obligations between Whatcom County and CH2M Hill is not being met by CH2M Hill, which severely and adversely impacts the EIS process, I believe it is something that needs to be addressed immediately. Additionally, the county has paid for this expectation and deliverable by CH2M Hill and yet it never occurred.

In the contract between CH2M Hill and Whatcom County for the GPT EIS under section 2.4 Public and Agency Scoping Meetings, it states that one of the ways that CH2M Hill Team will provide notice of the scoping process would be to do "a mailing of 20,000 postcard announcements. Notification area to be determined in consultation with the Agencies. Database to be pulled via postal code from mailing vendor." I have checked with everyone that I know and I have also written and asked CH2M Hill and the Agencies if any postcards or any types of sheets or cards were mailed out to the public and the answer was no. Unless I am misunderstanding the written response back from CH2M Hill (the Agencies were copied on this communication), this promised mailing of postcards was never done. Just this one fact is enough reason that I can say with confidence that the public was never properly informed about the proposed GPT project and the EIS process which is vital to the integrity of NEPA and SEPA. Our Whatcom County Council has been forbidden to receive/send communications about GPT or even read any news about GPT (as advised by Whatcom County Counsel). How am I, and others, supposed to alert them to the fact that this promised public outreach of 20,000 mailings stated in the contract was never done? I feel like I have absolutely no voice and my due process has been violated by the fact that I can't even address my County Council members about this and other concerns.

In CH2M Hill's Public Involvement Plan under the Stakeholder Interview section it listed Outreach Ideas given by Stakeholders that were interviewed and one of those was:
"Direct mail – stakeholders representing rural interests said this was particularly important"
This was never done even though it was something that was identified as an important outreach tool/idea by Stakeholders who were interviewed. Even more egregious is the fact that in the Whatcom County GPT EIS contract with CH2M Hill it was stated that there would be 20,000 mailings to the public which was never done. This was an expectation that was considered vital to the process and yet it was never done.

I would appreciate a response to this letter first to confirm your receipt of it, and secondly after you all discuss it, to let me know what the county plans to do about this problem with the contract performance by Ch2M Hill which certainly adversely affects the EIS process.

Thank you for your attention to this matter.
Regards,

Sandy Robson
email: sjrer2@yahoo.com

From: Sandy Robson <sjrer2@yahoo.com>
Date: May 28, 2013 1:14:30 PM PDT
To: Jack Louws <JLouws@co.whatcom.wa.us>
Subject: Re: serious problems with the current EIS process for the Gateway Pacific Terminal at Cherry Point, WA project
Reply-To: Sandy Robson Emails <sjrer2@yahoo.com>

Mr. Louws,
Thank you for your response. I understand from your response that you are trusting that the lead agencies are handling the EIS process lawfully, and you will pass this onto them. The reason I sent the email letter to you and the Whatcom County Council is because CH2M Hill has a signed contract with Whatcom County to conduct the EIS for the GPT. There was an expectation and a promise made in that contract by CH2M Hill to do a mailing of 20,000 residents giving notice about the EIS scoping and that was never done. I consider it egregious that in the Whatcom County GPT EIS contract with CH2M Hill it was stated that there would be 20,000 mailings to the public and this mailing was never done. This was an expectation that was considered vital to the process and yet it was never done.

In the contract between CH2M Hill and Whatcom County for the GPT EIS under section 2.4 Public and Agency Scoping Meetings, it states that one of the ways that CH2M Hill Team will provide notice of the scoping process would be to do "a mailing of 20,000 postcard announcements. Notification area to be determined in consultation with the Agencies. Database to be pulled via postal code from mailing vendor." I have checked with everyone that I know and I have also written and asked CH2M Hill and the Agencies if any postcards or any types of sheets or cards were mailed out to the public and the answer was no. Unless I am misunderstanding the written response back from CH2M Hill (the Agencies were copied on this communication), this promised mailing of postcards was never done. Just this one fact is enough reason that I can say with confidence that the public was never properly informed about the proposed GPT project and the EIS process which is vital to the integrity of NEPA and SEPA. Our Whatcom County Council has been forbidden to receive/send communications about GPT or even read any news about GPT (as advised by Whatcom County Counsel). How am I, and
others, supposed to alert them to the fact that this promised public outreach of 20,000 mailings stated in the contract was never done? I feel like I have absolutely no voice and my due process has been violated by the fact that I can't even address my County Council members about this and other concerns.

I am not attorney, but this seems to be a serious breach of contract which I expect Whatcom County to address immediately since the agreed upon mailing of 20,000 postcards to residents was critical to the public notice and public involvement part of the process. As a resident of Whatcom County, I expect that you will address what I see as a serious problem with the process, especially as it relates to the contract between the county and CH2M Hill.

I would appreciate a response back after you check with appropriate experts and possibly your county counsel on your end.

Thank you.

Regards.

Sandy Robson
email: sjrer2@yahoo.com

On May 28, 2013, at 12:53 PM, Jack Louws wrote:

Ms. Robson,

Thank you for your comments. I will pass them on to the lead agencies conducting this EIS. I trust they are handling this process lawfully, but I’m sure they will take your comments seriously. I’ll allow them to respond to your claim of unfairness related to the GPT EIS if necessary.

(Tyler, make sure this is available for all the lead agencies)

Respectfully,

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717
TO: Whatcom County Council

RE: Coal terminal oversight

I support the utmost care, oversight and transparency in the proposed coal terminal.

Please vote YES on AB 2013-069 and AB 2014-070!

The public interest and greater public good for all of Whatcom County needs to be preserved!

Thank you,
Linda Gamrath
PO Box 164
1911 Valley Hwy
Acme, WA 98220
360 595 2897
From: Council
Sent: Tuesday, February 11, 2014 5:30 PM
To: GPT_archive; Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Subject: FW: Please vote yes on AB 2014-069 and AB 2014-070

-----Original Message-----
From: Andrew Reding [mailto:aareding@gmail.com]
Sent: Tuesday, February 11, 2014 4:42 PM
To: Council
Subject: Please vote yes on AB 2014-069 and AB 2014-070

I support greater oversight and transparency for the proposed coal terminal. Please vote yes on AB 2014-069 and AB 2014-070.

Andrew Reding
Bellingham
Dear Sirs:

I support the two measures listed above. (AB 2014-069 and AB 2014-070)

The Whatcom County Council needs to have more oversight of the proposed Coal Terminal at Cherry Point.

They also need to review the decision of the county executive about the expanded oil by rail handling facilities at Phillips 66 and Tesoro refineries.

Thank you,

Joe Wiederhold, 1405 Edwards St, Bellingham, WA 98229
Dear council members:

I am writing to voice my support and urge you to pass measures AB 2014-069 and AB 2014-070.

I believe in good jobs now and i believe in our future. I also believe in local government working together with companies and corporations.

Thank you,
Sean Nieves
2626 Henry St
Bellingam, WA 98225
Dear County Council,

Please vote in support of proposed resolutions AB2014-069 and AB2014-070. I believe these measures closing loopholes in County contracting procedures improve transparency in County government and financial practices. I do not agree with the assertion that the public is too stupid to understand the meaning of contracts, the significance of those resolutions, or the importance of the additional Council oversight they will permit. In fact, I would be very heartened to know that the incumbent Council was being kept fully informed of County contract obligations, regardless of who is ultimately paying the bills. I also note that a lawyer for a large corporation planning a massive local construction project has written a lengthy criticism of these measures, and I frankly doubt that he or his distant corporate paymasters have the best interests of our County’s citizens at heart. I would much rather trust an incumbent Council member with a long and sound record of representing and defending our legitimate local interests.

Thank you,

Ken Kaliher

1207 Chuckanut Drive, Bellingham, WA 98229-8980
Home Phone: (360) 734-2096

"I arise in the morning torn between a desire to improve the world and a desire to enjoy the world. This makes it hard to plan the day."

-- E. B. White
Dear County Council,

Please vote in support of proposed resolution AB2014-060, modifying the unsatisfactory slaughter house rezoning measure to suspend accessory use permits for facilities of 7,000 square feet or less during settlement talks, while allowing the much more appropriate conditional use permits. This resolution will extend the meaning of “property rights” to encompass OTHER people’s property rights as well as those of a permit applicant. This resolution would not deny anyone legitimate and fair use and enjoyment of their property, but would protect the interests of the County as a whole.

And in the related general area of County water resources, please keep in mind the long-term, County-wide impact of water source management, and the rights of all County citizens. We rely on your wisdom to ensure adequate water resources for genuine agricultural use, safe drinking water, and sufficient in-flow volumes to protect the precious natural resources that make this County such a desirable place to live.

Thank you,

Ken Kaliher

---

1207 Chuckanut Drive, Bellingham, WA 98229-8980
Home Phone: (360) 734-2096

"I arise in the morning torn between a desire to improve the world and a desire to enjoy the world. This makes it hard to plan the day."

-- E. B. White
FW: SUPPORT for Carl Weimer’s proposed amendment to Whatcom County Code 3.08.090

Subject: SUPPORT for Carl Weimer’s proposed amendment to Whatcom County Code 3.08.090

Because, as Carl Weimer notes, “citizens affected by major decisions should have an opportunity to have a voice in those decisions,” I am writing to give my absolute support for Carl Weimer’s proposal to amend Whatcom County Code 3.08.090, bid specifications, deposits and awards striking “…existing contracts which involve externally funded pass through moneys may be approved by the county executive without council approval…”

Many of us who have worked in active opposition to the PIT/SSA Marine/BNSF terminal project since news of it leaked out (it is my belief that it was originally intended to be kept secret, “stream-lined” and rubber-stamped at the state and local level) have been frustrated by our inability to express our concerns to our county council members because the appearance of fairness clause.

I continue to be frustrated and not much mollified that my concerns and those of others are funneled through a CH2M Hill package since I find it difficult to trust a corporation which is so anti-democratic (and so suspect) that it pushes “the Privatization of Government Services on the West Coast;”

In 2012, CH2M published a report for the West Coast Infrastructure Exchange, a partnership between California, Oregon, Washington, and British Columbia that illustrated the wide array of services that can be privatized, and promoted the involvement of private companies in the public infrastructure. The report maps out an implementation plan to remedy the perceived infrastructure deficiencies of the Pacific Northwest in order to help the states to transition from public infrastructure systems to privatized ones. In California, the goal is to privatize transportation, energy grids, and water/sewer systems, and then move on to schools and public buildings.
In Washington, the report suggested starting by privatizing schools, public buildings, energy efficiency projects, and water/sewer systems, with transportation being the long term goal. (“CH2M Hill,” SourceWatch, http://www.sourcewatch.org/index.php/CH2M_Hill).

Gordon Thomas Honeywell noted that “tens of thousands” of citizens weighed in during scoping. This demonstrates just how serious we are about having a voice in the process.

When is it ever “untimely” for County Councilmembers to do their job in representing the wishes of “tens of thousands” of voters as over against the determination of a few corporations?

Sincerely,
Hello,

I am unable to attend the council meeting this evening, but wish to voice my support of measures AB 2014-069 and AB 2014-070.

The County council should retain oversight of the environmental review process for important projects that directly impact the quality of life in our communities now and in the future.

Thank you for your consideration,

Sara Brooke Benjamin

--

Sara Brooke Benjamin, M.Sc.

Watersheds.us:
http://watersheds.us

Once Upon a Watershed:
http://onceuponawatershed.org
From: Council  
Sent: Wednesday, February 12, 2014 8:50 AM  
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford  
Cc: GPT_archive  
Subject: FW: Please vote yes on 2014-069 and AB 2014-070"  

From: tgilmore66@comcast.net [mailto:tgilmore66@comcast.net]  
Sent: Tuesday, February 11, 2014 7:12 PM  
To: Council  
Subject: Please vote yes on AB 2014-069 and AB 2014-070"  

Dear Sir,

I support greater oversight and transparency for the proposed coal terminal. Please vote yes on AB 2014-069 and AB 2014-070

Thomas Gilmore  
Bellingham, WA
From: clarissa mansfield [mailto:clarissajanae@yahoo.com]
Sent: Tuesday, February 11, 2014 7:25 PM
To: Council
Subject: Please approve AB 2014-069 and AB 2014-070

Dear County Council Members,

I regret I am unable to attend tonight's meeting, and instead am submitting this email to the public record in order to state that I support greater oversight and transparency for the proposed coal terminal at Cherry Point, and I am also asking that you please vote yes on AB 2014-069 and AB 2014-070.

Thank you.

Sincerely,

Clarissa Mansfield
2233 E. Birch St.
Bellingham, WA 98229
Dear Council Members,

I was not able to attend the meeting this evening.

I very much believe in greater oversight and in complete transparency for the proposed coal terminal.

Please pass AB 2014-069 and AB 2014-070.

Thank you,
Karen A. Burrough
Blaine, WA
From: crn_aez [mailto:crn_aez@hotmail.com]
Sent: Wednesday, February 12, 2014 10:45 AM
To: Council
Subject: Move on please!

follow the current legal process regarding Gateway Pacific Terminal's EIS

Sent from my Virgin Mobile phoned
Hello Council Members,

My name is Lance Bailey. I attended the council meeting last night, February 11, 2014. Thank you for your hard work on issues facing our county.

I would like to comment on Carl Weimer's resolution requesting the County Executive not enter into further contract amendments on Contract No. 201205028 with CH2M Hill without County Council review and approval (AB2014-070).

I left the meeting early, needed to get home to my family, and was not present for the vote, if it did happen, last night. Therefore, I apologize if I am being redundant here. The public discussion seemed to be concerned with government transparency to the public in this circumstance. Transparency is of the utmost importance for any proper functioning democracy and I fully support any measure that promotes transparency in our local government. I would like to query the council, especially Carl Weimer; is this resolution truly to promote transparency or is it an attempt to impede the process related to GPT? This is a very important question to answer in order to provide transparency into the County Council's process.

Regarding the 60 day moratorium on marijuana operations in the county outside of the Bellingham city limits; I propose that the council not implement an additional moratorium should regulations and safety procedures not be developed within the first 60 day moratorium. It is difficult, if not impossible, to anticipate every factor that will have an effect on the operations that have been placed on hold. We must allow the process to begin so that we may react to the unforeseen consequences of the action. It is better to do so sooner than later and it is not fair to the population outside the Bellingham city limits to be unable to participate in the legal acts enjoyed by the city population.

I would also like to bring to the council's attention an intersection north of Slater Road, the intersection of Graveline and Sunset. There is a four way stop at this intersection. The amount of traffic that uses Sunset is not enough to warrant a four way stop. This four way stop is inefficient, unnecessary, wasteful, and environmentally insensitive (it causes traffic to stop unnecessarily, thus increasing pollution, ware and tear on the vehicles that stop unnecessarily and increased carbon emissions).

I own the businesses that occupy the Greene's Corner building at corner of Smith Road and Northwest Drive. I anticipate that the county is considering building a round-a-bout at that intersection. Should a round-a-bout be located at that intersection it would have a direct effect on access to my business. I would appreciate notification should this discussion begin and I would like to have input into the construction and location of prior mentioned possible round-a-bout.
Finally, should you be interested, I can start looking for a Soviet Flag if you guys really want one. Let me know...

Thank you for your time,

Lance Bailey
3852 Griffith Ave
Bellingham WA, 98225
360.599.3036
Dear Mr. Louws,

I wanted to thank you for your answers to our questions last night. I was probably one of the commentors that made you angry and I want to say that I do not question your ability to run the County affairs. What I was looking for is just what is happening with the contracts with CH2M Hill and how much time it is taking away from the business of our county. The other question I wanted answered is where in the EIS process are we. I think you addressed many of the questions in your comments before the break.

I am very concerned that as a county citizen that we should be told about what is going on with our environment. For instance, Bakken crude oil is now going through to the one refinery in Ferndale and soon to be both of them because of the upgrading to the facilities there and according to the law we aren't allowed to know what is in the tanks etc. ! There have been many accidents recently with the transport of this crude and nothing has been published so that the general public is aware of potentially dangerous trains.

I appreciate your statement last night and look forward the continuation of open and transparent government.

Sincerely,
Judith Akins

360-982-8599
2174 E Birch St.
Bellingham, WA
98229
Weimer Wants to Delay Gateway EIS Process

Whatcom County Council Chair Carl Weimer, a longtime skeptic of industrial growth at Cherry Point and an opponent of the Gateway Pacific Terminal project, has proposed a delay of the environmental review of the project. Although seemingly contrary to county and state laws, Weimer has proposed a Resolution that would insert the Council into the administration of the EIS process, which is the responsibility of the executive branch of County government.

In a letter to the County Council, Northwest Jobs Alliance Co-Chairs Brad Owens and John Huntley point out the contradictions in Weimer's resolution, which will be presented during the County Council meeting at 7 p.m., February 11, 2014:

"Although the proposed resolution mentions 'open transparent government,' its own content violates this
principle. Nowhere does the Resolution's author use language that forthrightly references his target, which is the Gateway Pacific Terminal project, to which he has long been opposed. Nor does it mention the fact that the County will be reimbursed for all of the EIS contract costs."

HOW YOU CAN HELP:
Contact the County Council by Tuesday and tell them to follow the current legal process regarding Gateway Pacific Terminal's EIS. Call the County Council office at (360) 676-6690 or email all of the County Council members at council@co.whatcom.wa.us
Thanks for your support of a fair and rational EIS process!

The Northwest Jobs Alliance promotes the growth of family-wage jobs in the context of sound environmental practice.
To all Council members

I am writing in support of Carl Weimer’s amendment proposal to bid specifications, deposits, and awards 3.08.090. It is imperative that our elected council have open discussions about contract issues that impact our daily life in Whatcom County. I believe that just because a contract will not (supposedly) cost the taxpayers of the County money should not mean that there is not maximum transparency in these agreements.

Thank You for your consideration.

Rick Hann
5513 Maple Way
Blaine, WA

Sent from Windows Mail
From: Council
Sent: Thursday, February 13, 2014 1:20 PM
To: GPT_archive
Subject: FW: Support Carl Weimer’s proposed amendment to Whatcom County Code 3.08.090, Bid Specifications, Deposits and Awards

From: Council
Sent: Monday, February 10, 2014 3:19 PM
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Subject: FW: Support Carl Weimer’s proposed amendment to Whatcom County Code 3.08.090, Bid Specifications, Deposits and Awards

From: John Bremer [mailto:johnpaulbremer@gmail.com]
Sent: Sunday, February 09, 2014 1:08 PM
To: Council
Subject: Support Carl Weimer’s proposed amendment to Whatcom County Code 3.08.090, Bid Specifications, Deposits and Awards

Dear Sirs:

The purpose of this email is to support Carl Weimer’s proposed amendment to Whatcom County Code 3.08.090, Bid Specifications, Deposits and Awards.

As an employee of an international consulting firm, I facilitated the negotiation of many contracts for our firm’s services to state agencies. Each contract was reviewed by our attorneys and, often there were extended negotiations of contract provisions. Our consulting contracts were for smaller fees than the EIS services contract.

Our international consulting firm was larger and, in some ways, more exposed to public scrutiny than Whatcom County government. Since moving to Whatcom 10 years ago, I have seen differences between our world class business practices and the practices of our local government, and I accept that the county lacks resources to build and maintain world class management systems. I am encouraged by this initiative to move toward reliably sound practice.

Sincerely,

John P. Bremer
john.bremer@comcast.net
2604 Kentucky Street,
Bellingham, WA 98229-4058
Begin forwarded message:

Dear SEPA Agencies,

We very much welcome the recent decision to provide the public with Scope documentation. Please find attached a short one page memo that we trust will be of benefit in your internal deliberations about this release.

Thank you for your time and consideration of this important public matter.

---

Jack Delay, President
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
Follow us on Facebook and Twitter.
February 13, 2014

SEPA Agencies:
Washington Sate Department of Ecology (DOE)
Whatcom County Planning & Development Services (PDS)

The decision to publish the CH2MHiIl contract is one that will serve the SEPA Agencies well, especially in maintaining hard won public trust. Assuring public understanding of Scope follows the most important advice that we found concerning best practices for an EIS (we assume the contract includes the Scope document¹). The Agencies will find that EIS advice in the DOE’s own SEPA Handbook:

"Including the public early in the EIS process is key to identifying public issues, establishing communication lines, and facilitating trust. Taking time up-front to plan how to involve the public and being responsive to the public’s needs as the process proceeds can result in a more complete and accurate document and a more satisfied public. Early involvement can also avoid later pitfalls and unnecessary delays."²

Benefits …
“• Communicate the decisions made on what is to be analyzed in the EIS; and
• Provide a reference for the reader to assess whether the agency has heard all the concerns and is accurately interpreting them”.³

The benefits of a Scope document identified for the public are also important for the SEPA Agencies and the contract. It is hard to disagree with providing clear details of what will be analyzed, which establishes intentions, and providing the interested parties a means to assess if the Agencies “heard all the concerns and is accurately interpreting them”.

A Scope document necessarily drives contract language and not vice-versa. For the public, or a court, any attempt to divine the underlying intent of Scope analysis without a sufficient context would be a risky business indeed. Publishing a Scope document provides the SEPA Agencies with two important side benefits: (1) it allows an opportunity to discover potential errors of omission or interpretation; and (2) it provides some degree of immunity against claims that might head to the courts if Scope were only revealed at the time of a Draft EIS.

We understand that the Agencies are not proposing or accepting any additional process steps by providing the public with adequate Scope documentation. Any additional feedback that it may generate could be helpful in internal discussions to perfect the process. This may create more work, but it is important work that should not be overlooked. Listening is a powerful skill, we encourage the Agencies to maintain a path of maximum openness and transparency.

Jack Delay
President
Communitywise Bellingham

¹ If it is by reference, it is essential to release a Scope document at same time for the reasons discussed herein.
²SEPA Handbook 3.1
³SEPA Handbook 3.2.2
Dear County Councilmembers,

I strongly support AB 2014-069 and AB 2014-070 as steps that can help ensure the Council retains its proper decision-making role regarding the proposed Coal Export Facility at Cherry Point. I will not be able to attend the Council meeting this Tuesday, but I wanted to make sure you heard my view. Thank you.

John Tuxill
1604 20th St.
Bellingham 98225
Dear David And Geri,

Hello,

I am writing to support AB 2014-069 and AB 2014-070. Coal companies and terminal proponents are working hard to prevent our County Council from having proper oversight of the environmental review process for the proposed coal terminal and other important projects. Council review of contracts is a core function of the public process.

Thank you,
David and Geri Turnoy
Eastsound

the 10th of February, 2014
The whole county won because of your exhaustive efforts during last night’s marathon county council meeting. Without passing, Councilman Weimer’s amendment achieved its goal by enabling the questions and discussion that resulted in increased transparency, improved availability of contract information and greater public understanding of what is being done in our name and with our tax dollars. I came away from the meeting satisfied with, grateful for and proud of my county government. Council members, County Executive, County Administrator and staff, thank-you for bringing home the gold in good government to Whatcom County last night.

Sincerely,

Paula Rotondi
Councilmembers,

Congratulations on an amazingly productive meeting last night. I hope you managed to get some lunch and dinner sometime during the day.

I've observed a number of council meetings recently and as I sat in the chamber last night I had some ideas about how to improve the quality and value of the public input you receive. Too many public commenters speak without having read the legislation they are commenting on, and of course, we can't force them to do so. It's unfortunate that people on both sides of a number of issues last night were misinformed and then others commented on this misinformation, compounding the confusion.

Two things that might improve the quality of public testimony, increasing it's relevance, and increase it's value to you:
1. Have the sponsor, or surrogate, speak first at a public hearing to explain the proposal, what it is and what it is not. Give them the same
3 minutes as everyone else, or give them more time. But it seems like you have a teachable moment right there with the most interested folks in the county in attendance, to explain the proposal.

2. Have paper copies available of the proposals that you anticipate will be of most interest to the public. Again you have a teachable moment. I realize that issues that come up during the open comment period will not be formally introduced as in #1 above, but if the legislation is available in writing, audience members can refer to it and share it around.

These measures won't clear up all the misinformation, but I think they are simple enough to be worthwhile, and get us part of the way.

Natalie McClendon

--
Natalie McClendon
360-319-8287
http://www.facebook.com/natalie.mcclendon.5
-----Original Message-----
From: Council
Sent: Thursday, February 13, 2014 9:12 AM
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Cc: Dana Brown-Davis; Jill Nixon; Marina Engels; Martha Blakely; NaDean Hanson
Subject: FW: public input at council meetings

-----Original Message-----
From: Ken Mann
Sent: Thursday, February 13, 2014 9:06 AM
To: Council
Subject: Re: public input at council meetings

Great ideas!!

Sent from my iPhone

> On Feb 13, 2014, at 8:31 AM, "Council" <Council@co.whatcom.wa.us> wrote:
> 
> > 
> > > 
> > > -----Original Message-----
> > > From: Natalie McClendon [mailto:nataliebham@gmail.com]
> > > Sent: Wednesday, February 12, 2014 10:12 PM
> > > To: Council
> > > Subject: public input at council meetings
> > > 
> > > Councilmembers,
> > > Congratulations on an amazingly productive meeting last night. I hope you managed to get some lunch and dinner sometime during the day.
> > > 
> > > I've observed a number of council meetings recently and as I sat in the chamber last night I had some ideas about how to improve the quality and value of the public input you receive. Too many public commenters speak without having read the legislation they are commenting on, and of course, we can't force them to do so. It's unfortunate that people on both sides of a number of issues last night were misinformed and then others commented on this misinformation, compounding the confusion.
> > > 
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1. Have the sponsor, or surrogate, speak first at a public hearing to explain the proposal, what it is and what it is not. Give them the same 3 minutes as everyone else, or give them more time. But it seems like you have a teachable moment right there with the most interested folks in the county in attendance, to explain the proposal. 

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Natalie McClendon

--
Natalie McClendon
360-319-8287
http://www.facebook.com/natalie.mcclendon.5
Dear County Council:

I write to urge you to support SSA Marine’s proposed Gateway Pacific Terminal at Cherry Point. Our County and this region desperately need this infusion of high quality family wage jobs that this full service bulk commodity export-import terminal will generate.

As you explore the issues regarding SSA Marine’s jobs proposal, I want to respectfully remind you that for decades Whatcom County shoreline and zoning ordinances have designated Cherry Point as the place for more good jobs. We settled this debate as a community more than 10 years ago when Cherry Point was designated for this use.

That is why SSA Marine plans to bring jobs and tax revenues to our area with a private investment of nearly $665 Million. This project, if approved by you, will create between 3,500 and 4,500 new jobs during construction and between 850 and 1,250 jobs through its operations.

This boost for local families and the economy is sorely needed. We simply must not pass up this opportunity to address our county’s need for community and economic development. Yet, now there are those who want to reopen this debate.

I urge you to stay strong and fair during this time of review and consideration of the Gateway Pacific Terminal project. I am confident that the process set forth by the County, the State and the Federal governments will safeguard the community while helping to deliver much needed jobs to the region. Please remember, our community needs strong leaders like you who know that we can protect the environment without sacrificing good jobs and economic development that our community needs today.
Sincerely,

Sonya Dean

583 river rd

Lynden, WA 98264

For more information, please visit us at GatewayPacificTerminal.Com.
Dear County Council:

I write to urge you to support SSA Marine’s proposed Gateway Pacific Terminal at Cherry Point. Our County and this region desperately need this infusion of high quality family wage jobs that this full service bulk commodity export-import terminal will generate.

As you explore the issues regarding SSA Marine’s jobs proposal, I want to respectfully remind you that for decades Whatcom County shoreline and zoning ordinances have designated Cherry Point as the place for more good jobs. We settled this debate as a community more than 10 years ago when Cherry Point was designated for this use.

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Sincerely,

Brad

3316 Massey Rd

Everson Wa 98247

For more information, please visit us at GatewayPacificTerminal.Com.
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Sincerely,

marion gobbato

5444 tsawwassen lp.

blaine, wa. 98230

For more information, please visit us at GatewayPacificTerminal.Com.
From: Council
Sent: Thursday, February 27, 2014 9:29 AM
To: GPT_archive
Subject: FW: Civic Agenda: Whatcom County preparing for 13-month study of coal terminal plan

From: Council
Sent: Wednesday, February 19, 2014 2:25 PM
To: Barbara Brenner; Barry Buchanan; Carl Weimer; Ken Mann; Pete Kremen; Rud Browne; Sam Crawford
Subject: FW: Civic Agenda: Whatcom County preparing for 13-month study of coal terminal plan

From: Arden Landry
Sent: Tuesday, February 18, 2014 9:16 AM
To: Council
Cc: Dana Brown-Davis
Subject: Civic Agenda: Whatcom County preparing for 13-month study of coal terminal plan

http://www.bellinghamherald.com/2014/02/16/3475158/civic-agenda-whatcom-county-preparing.html
<table>
<thead>
<tr>
<th>From:</th>
<th>Jennifer Schneider</th>
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<td>Sent:</td>
<td>Friday, February 28, 2014 9:09 AM</td>
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<td>Attachments:</td>
<td>ab2014-070.pdf</td>
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</tbody>
</table>
February 7, 2014

Honorable Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

Re: Proposed Resolution Number AB 2014-070 (to the County Executive)

Dear Members of the Council:

Our organization was formed by citizens from business and labor to promote an informed and accurate discussion of economic development opportunities and to explore balanced community solutions, especially as regards the Gateway Pacific Terminal project. We are opposed to this resolution, because it appears to serve no constructive purpose and would further entangle an already extraordinarily broad and complex EIS process.

There is an irony to this matter. The need for this contract amendment is to advance the desires of those who sought an unprecedented expansion of the scope of the environmental review for the Gateway project. The proposing company is reimbursing the County for every penny spent under the contract.

The law as it stands places the responsibility for matters of this nature with the executive branch of County government. The County Charter even contains provisions that prohibit interference in executive functions, to ensure that government can function in an orderly manner. This is not the time to be making up laws or special rules as we go. All parties deserve fair and equitable treatment under established "rules of the road". To do otherwise would set an unhealthy precedent.

Although the proposed resolution mentions "open transparent government," its own content violates this principle. Nowhere does the Resolution's author use language that forthrightly references his target, which is the Gateway Pacific Terminal project, to which he has long been opposed. Nor does it mention the fact that the County will be reimbursed for all of the contract costs.

Please abide by the law and let the process proceed in an orderly and timely manner.

Respectfully,

Brad Owens
Co-Chair

John Huntley
Co-Chair

P.O. Box 2162, Bellingham, WA 98227
GATEWAY PACIFIC TERMINAL DRAFT EIS CONTRACT SCOPE OF WORK

INTRODUCTION
The Gateway Pacific Terminal (GPT) EIS process is currently being undertaken by Whatcom County. The EIS includes environmental review of two proposals, the Gateway Pacific Terminal initiated by Pacific International Terminals (PIT), and development of the Custer Spur, initiated by BNSF Railway. Recognizing that the proposals could have regional and statewide implications, Whatcom County asked the Washington State Department of Ecology (Ecology) to act as a State Environmental Policy Act (SEPA; Chapter 43.21C RCW, WAC 197-11) co-lead agency in managing the EIS process for issues that fall under Ecology’s jurisdiction. The U.S. Army Corps of Engineers (Corps) was also asked to act as a co-lead agency to provide input on issues that fall under Federal jurisdiction. On initiation of the EIS process, Whatcom County, together with Ecology and the Corps, entered into a Memorandum of Understanding (MOU) that established and described the collaborative effort required for the EIS process. Each of the SEPA parties to the MOU has somewhat differing responsibilities; however, decisions as to EIS scope, content, and timing are joint and shared. The county maintains a webpage on the GPT project. The link to that site is here: http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp

EIS CONTRACT
Whatcom County has entered into a contract with CH2M Hill to develop the EIS for the proposed Gateway Pacific Terminal project. The following is a discussion of the contracting phases, as well as the contract content, and is intended for informational purposes only. The SEPA Co-Lead Agencies will make SEPA-based decisions throughout the EIS process; these decisions may alter the course of the contracting phases provided here and may alter contract content at any time.

The GPT EIS process has been divided into discreet contracting phases:
- The initial contracting phase was for scoping
- The present phase is for development of the Draft EIS
- A future phase will be for development of the Final EIS.

While developing the present scope of work and contract, an additional contract phase for interim work toward completion of the Draft EIS was initiated and completed. Whatcom County has also entered into a cost reimbursement contract with the applicants (PIT and BNSF) for payment of all costs associated with CH2M Hill and County staff time.

SCOPING PHASE CONTRACT
Under the scoping phase contract of the EIS process, Whatcom County issued a Determination of Significance (DS; WAC 197-11-360) after determining that the GPT proposal may have probable significant adverse environmental impact, and initiated a 120 day scoping period, inviting agencies, affected tribes, and the public to comment on the DS. Comments received during the scoping period were summarized in an
optional scoping comment report issued on March 29, 2013 and available at http://www.eisgatewaypacificwa.gov/resources/scoping-report. After issuance of the scoping summary report, Whatcom County and Ecology established the scope of analysis for the Draft EIS, as well as the geographic scope of analysis. All SEPA elements of the environment (WAC 197-11-444) will be included in the scope of analysis. These include: earth, air, water, plants and animals, energy and natural resources, environmental health, land and shoreline use, transportation, and public services and utilities as outlined in Attachment A. More detail on each environmental element is included in Attachment B. The information included in Attachment B is a starting point and will be refined throughout the development of the Draft EIS. These decisions will be made by the SEPA Co-Lead Agencies based on information gathered or data generated, and on comments received during the scoping period, consistent with SEPA.

INTERIM CONTRACT AMENDMENT
A portion of the work described under the Draft EIS Development Contract Amendment was completed in the interim contracting phase. This contract amendment included work toward completion of project definition and purpose and need, early identification of the no action alternative, early identification of off-site alternatives for NEPA, and review and critique of applicant PIT’s Project Information Document.

DRAFT EIS DEVELOPMENT CONTRACT AMENDMENT
The present contracting phase is associated with a scope of work that outlines the steps involved in completion of the Draft EIS. These completion steps include:

- Defining the proposal
- Defining alternatives
- Analyzing the environmental setting encompassed within the development area of the proposal and that of alternatives
- Determining the impact to the environment if either the proposal or an alternative is implemented
- How to mitigate that impact or make it less severe.

The information gathered and developed in these steps will be incorporated into a single document, the Draft EIS, which is limited to 150 pages (WAC 197-11-425(4)).

The scope of work that supports the present contract amendment includes work required for both the SEPA process administered by Whatcom County and Ecology and the NEPA (National Environmental Policy Act) process administered by the Corps. Note that NEPA-specific scope of work items relevant to the Corps process, such as off-site alternative identification and maintenance of an administrative record, are not discussed here. These issues are discussed in the Memorandum for the Record (MFR) available at http://www.nws.usace.army.mil/Portals/27/docs/regulatory/News/SCOPEMFRGATEWAYBNSF.pdf. The scope of work also describes administrative tasks required to support development of the Draft EIS, such as project management; and public communications required for website management and notices for issuance of the Draft EIS. The Draft EIS development steps included in the present contract amendment are summarized in the following discussion.

PROJECT DEFINITION / PURPOSE AND NEED – DEFINING THE PROPOSAL
This process step is discussed as Task 4 of the scope of work and includes describing and presenting the proposal. This section of the Draft EIS is largely refined from application materials submitted to Whatcom
County at initiation of the permitting process, and will be added to or amended if the applicants submit updates or changes to the proposals. Information will be tailored for a thorough understanding of all aspects of the proposals and will be included in Chapter 2 of the Draft EIS. A portion of development of the project definition was completed in the interim contracting phase; project definition work to be completed under this contract amendment is refinement of the interim contract amendment effort.

**ALTERNATIVES DEVELOPMENT – DEFINING ALTERNATIVES**

This process step is described in Task 5 of the scope of work. The SEPA rules require that alternatives be reasonable courses of action that could approximate a proposal’s objectives on the project site, but at a lower environmental cost (WAC 197-11-440(5)(b)), and provides the intent that the term “reasonable” be used by the agency to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative (WAC 197-11-440(5)(b)(i)). The alternatives evaluation limitation to the project site is for private projects on specific sites per WAC 197-11-440(5)(d).

The SEPA Co-Lead agencies, upon initiation of the present scope of work, will begin identifying reasonable on-site alternative(s) for the PIT project site. If any alternative identified is deemed to be reasonable under SEPA, the alternative(s) will be reviewed in the Draft EIS. The scope of work associated with this contracting phase has assumed identification and review of one on-site alternative; identification of additional alternatives will require amendment of the present contract and associated scope of work. Upon execution of the present contract, PIT has stated that an alternative site plan will be submitted for consideration by Whatcom County. The degree to which the submitted alternative site plan meets the SEPA requirements for a reasonable on-site alternative will be determined after a thorough review by the SEPA Co-Lead Agencies. Once alternatives have been identified in the Draft EIS development process, identified alternatives will be appended to this document as Attachment C.

SEPA also requires review of the no-action alternative (WAC 197-11-440(5)(b)(ii)). The no action alternative is typically defined as what would be most likely to happen if the proposal did not occur. As part of this environmental review process, the no action alternative includes the project site in its undeveloped condition, along with existing land use entitlements. This means that the no action alternative will describe the site as it exists today, with the addition of 1997 land use approvals for an 8.2 million metric ton bulk commodity shipping terminal on 1,092 acres, including a wharf and trestle, and its regulatory implications. The existing, undeveloped site and the developed site pursuant to 1997 land use approvals will serve as benchmarks from which other identified alternatives will be compared.

**RESOURCES ANALYSES – ANALYZING THE ENVIRONMENTAL SETTING, DETERMINING ENVIRONMENTAL IMPACTS, MITIGATING ENVIRONMENTAL IMPACTS**

This process step is discussed in Task 6 of the scope of work. This step will include development of technical reports and technical memoranda for inclusion in Chapter 3 of the Draft EIS that will, as prescribed in WAC 197-11-440(6)(c):

- Succinctly describe the physical features of the environment that would be affected or created.
- Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment.
- Clearly indicate mitigation measures that could be implemented or might be required, as well as those that agencies or applicants are committed to implement.
• Summarize significant adverse impacts that cannot be mitigated.

The project site and surrounding area, as well as transportation corridors, will be examined fully under all applicable environmental elements (WAC 197-11-444) as they relate to the proposal for transportation and storage of dry bulk commodities. To complete this technical work, studies submitted by the applicants will be reviewed and a gap analysis completed. Additional field review and data collection, review, and analysis will be required. The analyses will be generally extended to areas beyond Washington State waters and out of state rail corridors based on the requirement that SEPA examine potential impacts that could affect adjoining areas. As noted in WAC 197-11-060(4)(b) and as supported in SEPA case law, SEPA review must be extended to examine whether impacts could affect the healthful environment of an adjoining area. Potentially significant unavoidable adverse impacts will be examined for areas that adjoin Washington State, as long as the impacts are likely and not merely speculative (WAC 197-11-060(4)(a)). The geographic scope of analysis was determined to include rail transportation corridors both in-state and out of state, and vessel transportation corridors beyond Washington State waters. Further discussion of the geographic scope can be found at [http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/EIS-PressRelease-73113.pdf](http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/EIS-PressRelease-73113.pdf) As with discussion of the project site and associated transportation corridors, discussion will be of significant impacts.

A Health Impact Assessment (HIA) on the GPT proposal will also be part of the technical analyses to be included in Chapter 3. Health impacts associated with bulk commodity transportation and storage will be identified based on local, regional, and state health data, as well as technical data collected in the EIS process. Health-based impacts identified in the HIA will be incorporated into Chapter 3 of the Draft EIS as appropriate.

**PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENT**

This process step is discussed in Tasks 7 and 8 of the scope of work. This step includes refining information from other scope of work tasks into a final document and preparing the Draft EIS summary. The Draft EIS summary will be included Chapter 1 of the Draft EIS. Completion of the Draft EIS will close the present contracting phase.

**FUTURE CONTRACT AMENDMENT – FINAL EIS**

Public hearings per WAC 197-11-535 for commenting on Draft EIS and preparation of the Final EIS, including decisions on public and agency review of the Draft EIS, will be managed under a subsequent contract amendment. The Final EIS will, in addition to responses to comments received on the Draft EIS, include additions, corrections, and clarifications to the Draft EIS, including additional study, if required, to adequately respond to Draft EIS comments. This future contract amendment phase will culminate in completion and issuance of a Final EIS.

**NEXT STEPS**

**PUBLIC DRAFT EIS REVIEW**

Once the Draft EIS is completed and issued, a public comment period is initiated. Agencies, affected tribes, and the public may provide comment for a period of 30 days following the date of Draft EIS issuance. WAC
197-11-455(7) provides that, upon request, the lead agencies may grant an extension of up to 15 days to the comment period as long as the request is received during the initial 30 day comment period.

**FINAL EIS DEVELOPMENT AND BEYOND**
As described in the section under Future Contract Amendment, a Final EIS will be prepared that responds to comments on the Draft EIS. After release of the Draft EIS, Whatcom County staff will prepare a staff report for submittal to the Whatcom County Hearing Examiner. The Whatcom County Hearing Examiner will make a recommendation to the Whatcom County Council on the proposals, and the Whatcom County Council will be the ultimate decision-maker. Permit decisions by other agencies will follow the decision of the Whatcom County Council if the Council’s decision is to approve the proposals. More information on these next steps will be provided concurrent with Final EIS development.
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<td>▪ Utilities including electricity, water, sewer, solid waste, other utilities</td>
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WAC 197-11-444: Elements of the Environment

Earth

The earth element includes the primary review areas of geology/geologic hazards and physical oceanography/coastal processes.

For the project site and immediate vicinity:

- Primary topics to be analyzed for geology include geologic conditions, erosion potential, vibration-related instability, long term soil compaction/settling, spill/hazardous material impacts to site soils, and long term operational impacts to site soils/geologic conditions. In addition geologic impacts of climate change to the proposed site will be examined.

- Primary topics to be analyzed for physical oceanography/coastal processes include changes to coastal bluffs, beaches, nearshore areas, and related shoreline habitats, change related to upland facilities and proposed shoreline structures, propeller scour of bottom sediments or barge grounding during construction activities near the wharf and potential deposition areas for scoured sediment, sediment inputs from streams, including from run-off and slope erosion along streams/ditches, and alteration of water circulation and wave energy from ship mooring, vessel anchorage, ship wakes.

For bulk commodity transportation, to the extent possible, vessel-related vibrational impacts on slope stability will be evaluated for vessel transit lanes within the geographic study area. Impacts from ship wakes along the shipping route will be analyzed based on projections of wake generated from ships and the wave energy reaching beaches during different tide stages to determine the potential for shoreline erosion. Train-related vibration information collected for the Noise and Vibration study will be used to determine the areas of highest slope stability risk along railway lines.

Air

The air element includes analysis of air quality, energy, and greenhouse gases (GHG).

For the site and immediate vicinity:

- Air quality analysis will include establishing baseline emissions levels for criteria pollutants and toxic air pollutants. Operation-based emissions, along with fugitive dust from terminal operations and cargo handling equipment will be analyzed and air dispersion modeling will be conducted.

- The GHG baseline will be established based on existing land use using quantification methods and associated emission factors for existing site use and surrounding industries. GHG production from proposed site activities to be calculated using established emission factors to include production from on-road mobile sources, non-road mobile sources, stationary combustion sources, and vehicular trips generated by the proposals. GHG production...
associated with land use change and emissions from lost carbon storage will be included in the analysis, along with GHG production from off-site emissions produced for purchased electricity and associated energy usage. Analysis will consider the vulnerability of the proposal to a changing climate (changes to existing populations and habitats, erosion and landslide potential associated with elevated winter winds and precipitation, sea level rise, and increased flooding).

For bulk commodity transportation, vessel and train-generated emissions related to air quality will be modeled. For impacts of additional traffic congestion along the train route, emissions from both the trains and on-road traffic will be determined and modeled.

An evaluation of greenhouse gas emissions from rail and vessel traffic will be conducted. Analysis will consider the vulnerability of the vessel transit area to a changing climate primarily from data collected for other aspects of vessel transportation. An evaluation and disclosure of GHG of end-use coal combustion will also be completed.

**Water**

The water element under SEPA includes analysis of surface water, ground water, water quality, water supply, and wetlands.

For the site and immediate vicinity:

- Primary topics to be analyzed for water resources include evaluation of stormwater runoff quality, the proposed stormwater system, discharge points, and discharge quality including runoff pattern changes; bulk commodity dust contribution to water quality degradation; floodplain fill/raise evaluation and quantification; groundwater discharge/recharge associated with project development and regional groundwater volume; potable, industrial, fire suppression water demands and analysis of ability to meet demands; drinking water quality; water quality change as a result of spills, chemical handling, or accident risk; and marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for the wharf/trestle.

- Wetlands, wetland buffers, and wetland functions will be analyzed, including alterations to hydrology; activity encroachment; invasive species dispersal into new areas by construction equipment, cars, and trains; effects of untreated or improperly treated runoff.

For bulk commodity transportation, water-based analysis will include the addition of marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for vessel transit areas; water quality changes from increased vessel traffic during routine operations and associated change to current patterns affecting erosion and deposition; bulk commodity (coal) contribution to water quality degradation; ballast water management; sediment re-suspension; fueling techniques; water quality changes that may result from chemical/product spills or accidents.
For rail traffic routes, water bodies, including wetlands and stream crossings, along routes will be catalogued. Evaluations will be based on stream categories to represent a range of effects. Air quality technical analysis describing composition, volume, rates, origin, and dispersal patterns of coal dust generated (including suppressant/surfactant chemicals) will be used to determine fate and effect on adjacent water bodies. These patterns will also be used to establish patterns of invasive species dispersal. Information from the oil spill/fate transport and hazards and risks, air quality, vibration analyses will inform this analysis.

**Plants and Animals**

The Plants and Animals element includes the primary analysis areas of terrestrial habitats and species and aquatic habitats and species.

For the site and immediate vicinity:

- Primary topics to be analyzed for terrestrial habitats and species include loss (physical or functional) of terrestrial vegetation from site operation and maintenance; species or habitat change as a result of coal dust or surfactant introduction to soil/vegetation; invasive species dispersal into new areas by equipment, cars, or trains; community connectedness and corridor changes or blockages; habitat availability offsite to accommodate displaced wildlife; evaluation of change to biological diversity; noise, vibration, or lighting disturbance; and community composition or population change from toxics.

- Primary topics to be analyzed for aquatic habitats and species include loss or physical degradation of habitat or aquatic vegetation due to fill, spills, or hydrologic changes; effects of coal dust (or other product dust) related to physical accumulation and potential toxicity; aquatic resources related to water quality or sediment quality degradation resulting from groundwater infiltration, stormwater inputs; potential change to habitats or populations from emissions, noise and vibration, lighting, or shade from overwater structures; competition, population loss, or habitat degradation from invasive species imported via ship, rail, or surface transportation; loss or physical degradation of habitat or aquatic vegetation due to pilings, shoreline substrate changes, sedimentation patterns, hydrologic changes, marine riparian vegetation removal, propeller scour, ship wakes, and/or spills; changes to the food web in terms of alteration of productivity, degradation, or availability as a result of site development and operations; behavioral disturbances as a result of the physical presence of facility and operations; stranding based on projected ship wakes using information on the number, speed, size, and draft of ships, beach bathymetry along the routes, and the animal community along the shorelines; aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals.

For water-borne bulk commodity transportation, analysis will include introduction of non-native invasive species on ships or in cargo, behavioral disturbances as a result of the physical presence of facility and
operations, stranding from ship wakes along shipping routes. As with the proposal, aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals will be analyzed.

For rail bulk commodity transportation, coal dust/surfactant, potential spills, and invasive species impacts will be analyzed. Impacts to wildlife movement, toxic substances collected on vegetation and ingested, noise and vibration, and coal dust collection on eggs will be analyzed.

**Energy and Natural Resources**

The scoped element of “amount required” (WAC 197-11-444(1)(e)(i) is included under the air element, as energy required is linked to usage and resulting potential significant adverse impacts to air quality and greenhouse gas production. The scoped element of “scenic resources” is included under the land use element of “aesthetics”.

**Environmental Health**

The environmental health element includes analysis of noise and vibration, risk of explosion, and releases or potential releases to the environment affecting public health, such as toxic or hazardous materials.

For the site and immediate vicinity:

- Primary topics to be analyzed for noise and vibration include coal terminal operations and on-site train operations; noise from vessels docked or adjacent to the wharf; noise from additional train trips on the Custer Spur; and noise and vibration potentially affecting sensitive land uses.

- Primary topics to be analyzed for risk of explosion and release or potential release of toxic or hazardous materials include releasing and spreading contaminated soil, sediment, or groundwater; accidental hazardous materials spills or releases; types and quantities of construction and operation wastes and their likely treatment/disposal methods; potential risks and management provisions related to the accidental release of oil or toxic chemicals;

- Releases or potential releases to the environment affecting public health will be examined through development of a health impact assessment (HIA). Health impacts will be computed based on the prediction model(s) developed through the HIA process, baseline conditions, applied data, and expected changes in health risk factors.

For water-borne bulk commodity transportation, evaluations will include noise from vessels en route to and from the terminal site and offshore underwater noise from vessels en route to and from the terminal; fate and effects of oil spills in the marine environment of the Strait of Juan de Fuca, the Strait of Georgia, and surrounding waters; risks and management provisions related to normal ship operations and regular discharges including oil, ballast water, bilge water, tank washings (oily water), oily sludge, sewage (black water), garbage, and grey water; and risks and management provisions for
vessels docked or adjacent to the wharf including accidental releases, proximity of moving vessels, refueling activity at berths, navigational hazards.

For rail bulk commodity transportation, evaluations will include severe and moderate noise or vibration for historical and projected future train operations at locations where noise thresholds; the change in train traffic due to the project proposals to determine if there is vibration impact due to the additional trains; potential risks and management provisions related to the types and quantities of normal rail operational wastes and their likely treatment/disposal methods and associated environmental impacts.

**Land Use**

The land use element includes analysis of land use, cultural resources, and aesthetics.

For the site and immediate vicinity:

- Primary topics to be analyzed for land use include conversions based on the proposal footprint; consistency with planning goals, policies, and strategies; land use impairment based on a review of the noise and vibration, air quality, and transportation analyses; and a determination on whether the activities, features, or attributes of adjacent lands (including shorelines (physical and visual access), walking and biking trails, fishing, shellfishing and recreational boating) would be substantially impaired.

- Primary topics to be evaluated for cultural resources include excavation into and grading of existing ground surfaces; installation of pilings and piers; ground preparation such as clearing and grubbing; staging and stockpiling activities; temporary visual effects; vibration caused during construction; operational impacts from coal dust and vibration.

- Primary topics to be evaluation for aesthetics include visual quality from site development and associated vegetation removal; secondary effects of site operation such as coal dust generation; induced lighting and glare from site development and operation, visual effects of wharf and pier development and operation; and visual effects of ships.

For water-borne bulk commodity transportation, the potential for land use impairment will be evaluated based on a review of the noise and vibration, air quality, and transportation analyses. Cultural resource topics to be evaluated include analysis of increased vessel traffic, such as erosion of coastal archaeological sites or visual effects on cultural landscapes. Aesthetics topics to be evaluated include prop-wash, wake erosion, visual effects, vibration, and materials spill events; induced lighting and glare from ship passage; visual character from increased number of ships.

For rail bulk commodity transportation, the potential for land use impairment will be based on noise and vibration, air quality, and transportation analyses and may be where train volumes would substantially increase, noise levels would substantially change, and at-grade crossing delays would substantially increase. Cultural resource topics include evaluation of historic buildings and structures, both individual and within historic districts; cultural landscapes; traditional cultural properties; and historic railroad
properties. Aesthetics topics to be evaluated include visual aspects of coal dust and bulk commodity spills; induced lighting and glare from additional trains operations; blocking important or protected views; visual character from additional trains operations.

Transportation

The transportation element includes surface transportation, water-borne transportation, and rail transportation.

For the site and immediate vicinity:

- The primary topics to be analyzed for surface transportation include cataloguing roadway at-grade crossings in the Cherry Point area; identifying average daily traffic volumes, existing safety issues, distance to next crossing, type of community (rural, urban, or city), and whether there are nearby grade separations. Further assessment, including modeling will be based on impact potential for crossing delay, volumes, and safety.

- Water-borne transportation is included in a vessel traffic study now under preparation. This analysis, once complete, will be reviewed for possible data gaps and incorporated into the Draft EIS as directed by the Co-Lead agencies. The vessel traffic study will provide the basis for water-borne transportation-related basis for analysis for other elements of the environment.

- Rail transportation analysis will apply 2010 base rail traffic data and result in rail traffic growth projections through 2035. Once the growth projections are complete, additional assessments will be completed that will provide the basis for rail-related analyses for other elements of the environment. These assessments include road/rail conflicts at key locations along the rail route(s) forecast to include GPT coal trains within the state; locomotive fuel consumption that can be converted into a projection of diesel fuel emissions; and rail infrastructure capacity implications as a result of the forecast projections of train volume growth over the involved rail corridors/line segments.

Public Services and Utilities

The primary topics to be analyzed for public services and utilities include demand on public services and utilities including schools, emergency services, local water, stormwater, electric, gas, and telecommunications utilities; and disruption or severance of public services. For bulk commodity transportation, both water-borne and rail, the demand on emergency services related to increased traffic will be analyzed.
Dear County Council:

I write to urge you to support SSA Marine’s proposed Gateway Pacific Terminal at Cherry Point. Our County and this region desperately need this infusion of high quality family wage jobs that this full service bulk commodity export-import terminal will generate.

As you explore the issues regarding SSA Marine’s jobs proposal, I want to respectfully remind you that for decades Whatcom County shoreline and zoning ordinances have designated Cherry Point as the place for more good jobs. We settled this debate as a community more than 10 years ago when Cherry Point was designated for this use.

That is why SSA Marine plans to bring jobs and tax revenues to our area with a private investment of nearly $665 Million. This project, if approved by you, will create between 3,500 and 4,500 new jobs during construction and between 850 and 1,250 jobs through its operations.

This boost for local families and the economy is sorely needed. We simply must not pass up this opportunity to address our county’s need for community and economic development. Yet, now there are those who want to reopen this debate.

I urge you to stay strong and fair during this time of review and consideration of the Gateway Pacific Terminal project. I am confident that the process set forth by the County, the State and the Federal governments will safeguard the community while helping to deliver much needed jobs to the region. Please remember, our community needs strong leaders like you who know that we can protect the environment without sacrificing good jobs and economic development that our community needs today.
Sincerely,

Cameron J Charvet

1926 FRONT STREET
LYNDEN

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Max Perry

1111 Deer Creek Lane

Bellingham, WA, 98226

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Carol Nickel

5484 Canvasback Road

Blaine

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I write to urge you to support SSA Marine’s proposed Gateway Pacific Terminal at Cherry Point. Our County and this region desperately need this infusion of high quality family wage jobs that this full service bulk commodity export-import terminal will generate.

As you explore the issues regarding SSA Marine’s jobs proposal, I want to respectfully remind you that for decades Whatcom County shoreline and zoning ordinances have designated Cherry Point as the place for more good jobs. We settled this debate as a community more than 10 years ago when Cherry Point was designated for this use.

That is why SSA Marine plans to bring jobs and tax revenues to our area with a private investment of nearly $665 Million. This project, if approved by you, will create between 3,500 and 4,500 new jobs during construction and between 850 and 1,250 jobs through its operations.

This boost for local families and the economy is sorely needed. We simply must not pass up this opportunity to address our county’s need for community and economic development. Yet, now there are those who want to reopen this debate.

I urge you to stay strong and fair during this time of review and consideration of the Gateway Pacific Terminal project. I am confident that the process set forth by the County, the State and the Federal governments will safeguard the community while helping to deliver much needed jobs to the region. Please remember, our community needs strong leaders like you who know that we can protect the environment without sacrificing good jobs and economic development that our community needs today.
Sincerely,

Mark

3190 White Swan Lane

Ferndale-WA-98248

For more information, please visit us at GatewayPacificTerminal.Com.
Draft EIS Work Begins
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Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907
I will be out of the office Friday February 28 through Friday March 7. If you need immediate assistance please call 360-715-7450 and ask for Kraig Olason or Remy McConnell.

Thank you, Ingrid
From: Jeff Hegedus
Sent: Friday, February 28, 2014 3:25 PM
To: PDS
Subject: Automatic reply: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

Thank you. I will be out of the office until Monday, March 3 and I will get back to you at that time. If this is urgent, please call (360)676-6724 and you will be provided with assistance. Have a good day, Jeff.
From: Microsoft Outlook
To: jessejames06@centurytel.net
Sent: Friday, February 28, 2014 3:25 PM
Subject: Undeliverable: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

mail946c35.carrierzone.com rejected your message to the following email addresses:

jessejames06@centurytel.net (jessejames06@centurytel.net)

mail946c35.carrierzone.com gave this error:
<jessejames06@centurytel.net> ... User unknown

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB513.namprd07.prod.outlook.com
Total retry attempts: 1

jessejames06@centurytel.net
mail946c35.carrierzone.com
Remote Server returned '550 5.1.1 <jessejames06@centurytel.net>... User unknown'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB513.namprd07.prod.outlook.com (10.141.204.14) with Microsoft SMTP
Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:24:54 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:24:54 +0000
From: PDS <PDS@co.whatcom.wa.us>
To: PDS <PDS@co.whatcom.wa.us>
Delivery has failed to these recipients or groups:

elaine@elaineAcook.com (elaine@elaineAcook.com)
Your message wasn't delivered because the recipient's email provider rejected it.

Diagnostic information for administrators:

Generating server: BLUPR07MB513.namprd07.prod.outlook.com
Total retry attempts: 1

elaine@elaineAcook.com
Remote Server returned '550 5.7.0 Proxy session setup failed on Frontend with '554 5.4.4
SMTPSEND.DNS.NonExistentDomain; nonexistent domain''

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB513.namprd07.prod.outlook.com (10.141.204.14) with Microsoft SMTP Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:24:53 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:24:54 +0000
From: PDS <PDS@co.whatcom.wa.us>
To: PDS <PDS@co.whatcom.wa.us>
Subject: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS
Thread-Topic: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS
Thread-Index: Ac803EY4pBfNnopmTC6telju98JLQg==
Date: Fri, 28 Feb 2014 23:24:53 +0000
Message-ID:
mtain-mj09.r1000.mx.aol.com rejected your message to the following email addresses:

Jspinac1@aol.com (Jspinac1@aol.com)

mtain-mj09.r1000.mx.aol.com gave this error:
<Jspinac1@aol.com>: Recipient address rejected: aol.com

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB513.namprd07.prod.outlook.com
Total retry attempts: 1

Jspinac1@aol.com
mtain-mj09.r1000.mx.aol.com
Remote Server returned '550 5.1.1 <Jspinac1@aol.com>: Recipient address rejected: aol.com'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB513.namprd07.prod.outlook.com (10.141.204.14) with Microsoft SMTP
   Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:24:54 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:24:54 +0000
From: PDS <PDS@co.whatcom.wa.us>
To: PDS <PDS@co.whatcom.wa.us>
Greetings,

I have left Explorations Academy. If you wish to reach me personally, you may email me at galesterrett1@gmail.com.

For Explorations Academy or Global Community Institute business, your email will be replied to shortly by another staff member. If you need immediate response, please call Explorations at 360-671-8085. Thank you.

Wishing you well, Gale
imta03.westchester.pa.mail.comcast.net rejected your message to the following email addresses:

ewf48@comcast.net (ewf48@comcast.net)

imta03.westchester.pa.mail.comcast.net gave this error:
Not our Customer

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB513.namprd07.prod.outlook.com
Total retry attempts: 1

ewf48@comcast.net
imta03.westchester.pa.mail.comcast.net
Remote Server returned '550 5.1.1 Not our Customer'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB513.namprd07.prod.outlook.com (10.141.204.14) with Microsoft SMTP Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:24:54 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:24:54 +0000
From: PDS <PDS@co.whatcom.wa.us>
I will be out of the office December 20 – 27. If you need immediate assistance, please contact Mark Gardner at ext. 8204.

The Council office will be closed December 24 – 27.

Contact information for individual Council Members can be found on the City's website at www.cob.org You'll find contact information under the Government tab by clicking on the Council Member Biographies below the link named Council.

The office will resume normal business hours on Monday, December 30. We wish you all a wonderful holiday season.

Thank you,

J. Lynne Walker
Executive Assistant to the
Bellingham City Council
I will be out of the office until Monday, March 3. I will have very limited ability to respond to messages in a timely manner. Should you require assistance in the interim, please contact Jessica Smith at 206/224.8296 or at jsmith@karrtuttle.com.
I am out of the office, and only periodically checking email, until Tuesday, March 11. If you need immediate assistance, contact Cara Hazzard at (206) 448-1230 or chazzard@ziontzchestnut.com.
Draft EIS Work Begins

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Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907
Delivery has failed to these recipients or groups:

kkershne@co.whatcom.wa.us (kkershne@co.whatcom.wa.us)
Kathy Kershner is no longer with Whatcom County.

Diagnostic information for administrators:

Generating server: BLUPR07MB514.namprd07.prod.outlook.com
Total retry attempts: 1

kkershne@co.whatcom.wa.us
Remote Server returned '550 5.7.1 TRANSPORT.RULES.RejectMessage; the message was rejected by organization policy'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB514.namprd07.prod.outlook.com ([10.141.204.15]) with Microsoft SMTP
    Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:25:19 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:25:19 +0000
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: PDS <PDS@co.whatcom.wa.us>
To: PDS <PDS@co.whatcom.wa.us>
Subject: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS
Thread-Topic: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS
Thread-Index: Ac803FPauEBoWTwHRgGeY06LIIykGw==
Date: Fri, 28 Feb 2014 23:25:17 +0000
From: Microsoft Outlook  
To: myraramos@hughes.net  
Sent: Friday, February 28, 2014 3:26 PM  
Subject: Undeliverable: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

mx02.hughes.cmh.synacor.com rejected your message to the following email addresses:
myraramos@hughes.net (myraramos@hughes.net)

mx02.hughes.cmh.synacor.com gave this error:  
[R2] Recipient myraramos@hughes.net does not exist here.

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB514.namprd07.prod.outlook.com  
Total retry attempts: 1  
myraramos@hughes.net  
mx02.hughes.cmh.synacor.com  
Remote Server returned '550 5.1.1 [R2] Recipient myraramos@hughes.net does not exist here.'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB514.namprd07.prod.outlook.com (10.141.204.15) with Microsoft SMTP  
Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:25:19 +0000  
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:25:19 +0000  
From: PDS <PDS@co.whatcom.wa.us>  
To: PDS <PDS@co.whatcom.wa.us>
From: Microsoft Outlook
To: Morticianhaley@gmail.com
Sent: Friday, February 28, 2014 3:26 PM
Subject: Undeliverable: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

mx.google.com rejected your message to the following email addresses:

Morticianhaley@gmail.com (Morticianhaley@gmail.com)

mx.google.com gave this error:
The email account that you tried to reach does not exist. Please try double-checking the recipient's email address for typos or unnecessary spaces. Learn more at http://support.google.com/mail/bin/answer.py?answer=6596 h93si2036085qgh.4 - gsmt

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB514.namprd07.prod.outlook.com
Total retry attempts: 1

Morticianhaley@gmail.com
mx.google.com
Remote Server returned '550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 http://support.google.com/mail/bin/answer.py?answer=6596 h93si2036085qgh.4 - gsmt'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB514.namprd07.prod.outlook.com (10.141.204.15) with Microsoft SMTP Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:25:19 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by
Hello. I’m away from the office. If you need media relations assistance from the Dept. of Ecology, please contact my colleague as shown:

- Jan. 28-31: ................ Linda Kent,..... lken461@ecy.wa.gov
- Feb. 3-7: ..... Joye Redfield-Wilder,..... jred461@ecy.wa.gov
- Feb. 10: ...... Joye Redfield-Wilder, ... jred461@ecy.wa.gov
- Feb. 18-21: ........... Brook Beeler, ... bbee461@ecy.wa.gov
- Feb. 24-28: ............ Lisa Copeland, ... LCOP461@ecy.wa.gov
- March 3-4: .......... Dan Partridge, ... dpar461@ecy.wa.gov

Thank you.
Larry Altose
From: Drewel, Katie <Katie.Drewel@leg.wa.gov>  
Sent: Friday, February 28, 2014 3:26 PM  
To: PDS  
Subject: Automatic reply: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

I am no longer working for Representative Lytton. Please send all inquiries directly to Representative Lytton at kristine.lytton@leg.wa.gov.

Thank you,
Katie Drewel
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Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907
From: Microsoft Outlook
To: tcaldwel@clearwire.net
Sent: Friday, February 28, 2014 3:26 PM
Subject: Undeliverable: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

mx.google.com rejected your message to the following email addresses:

tcaldwel@clearwire.net (tcaldwel@clearwire.net)

mx.google.com gave this error:
The email account that you tried to reach does not exist. Please try double-checking the recipient's email address for typos or unnecessary spaces. Learn more at http://support.google.com/mail/bin/answer.py?answer=6596 y7zsi5573048yhi.50 - gsmtp

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB515.namprd07.prod.outlook.com
Total retry attempts: 1

tcaldwel@clearwire.net
mx.google.com
Remote Server returned '550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 http://support.google.com/mail/bin/answer.py?answer=6596 y7zsi5573048yhi.50 - gsmtp'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) byBLUPR07MB515.namprd07.prod.outlook.com (10.141.204.21) with MicrosoftSMTP Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:25:41 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by
From: MAILER-DAEMON@ymail.com
Sent: Friday, February 28, 2014 3:26 PM
To: PDS
Subject: Delivery failure

Message from ymail.com.
Unable to deliver message to the following address(es).
<wlwallace@ymail.com>:
This user doesn't have a ymail.com account (wlwallace@ymail.com) [0]

--- Original message follows.

The original message is over 5K. Message truncated.

Return-Path: <PDS@co.whatcom.wa.us>
Received-SPF: none (domain of co.whatcom.wa.us does not designate permitted sender hosts)
X-YMailSG: nWo92JUWLQsdEyAKCndf7ESz1uUKVUvU_sunpo80IM68M 9OJtnPwpIPnQYaFskYcAlr7oCqx8Q80HJwCU7SGvk8IQ6a5fo2MiHLK 4H4bNH8cbgSXBPURXFNNOYikZIJ1YKPH7ykSZnVc3XN708PQpzYqFlhuf PntrnNtAFyyE53X.nnzthWNaFvD2wg3QPJr4ytRm8FCvnQg8w.2O5CFzHO wSsgAV8RTZgRHfnVHGNROhB_7VvPji.iI5YzA3.2bzJvCO3EKnA8LClSF 787zzUvfAF2UXgdm60Gc5eAQzVpTVRdoUcZ.Upk1W5WBGZAOlW45QpJB2T 4kZB9cL2bS6RM7Q0isYhRFUV6_UA8ZNO0Tm_20DrHsqTh2X5hjkNSqa1cZHQ FsTzjubZeT9ZsKna7T0IsQeuNnxK4h5_V0FBSaym41npwwTtO_wjEwo10fl mSdZy29aVDok2_Subb3Z2G2GX.oXBpRlYFALDyEEP4ePejBqFexRnL7jddy tcPZ8SbgqzklXXSgNI1AwR.LvHxg_LU8N43137PiCrZhr3ShhLO__QLCeF Qa43Xm.NuluLPZXSHlUvFvgFubpp72Fq1evX9n6JxHApCAJaxmvOvwoO3Vo eUAHRnXkuKeER0mFNLrCrFopJu1Rrm8CoQNCsfuSdKcboim3jbZAUx5epB CnmFmcixRIJw92750Ga22mr6ergxkgTGEVUZROxS5h4drnTt6WlaokxzVxQ0LDr QTZxx7soS49VzQzQK_4bsLiC7pinhw.RA5066B5jgy92JyfEX4vCrG_Silt d6xRFEvMbCm5__gcCVlAaLA_hqT1AkzaW0QhpB32P7sDW3gKMKd9rkLNbdy3P McsdDII_voFfyvQKus8QZm2B2BD7Guv9yezIoJnTbzt2v3gmmB44M1mvUM mTNZoPqZn9WO4kjkEeoKpH.4mSLrRkKE3WO2Hj0dBWcvHn..P676GuGd1eIRJK FGfkkOQkgFX8P0k38kJgpLyvEJT4RmsAlOFr9HF40FH.BQOtsDFB5sQJL_y_ 0KLBaeh30Onneigh8HlIfflMvymYW76LWjkgKUd_WuxihvoJ9Ghl2iyKWiOZ BpObQ1qcl9wvEQ7TP9kZBGdgYWvJnwhHq6ea2fyyKukP0ilmC3Ex_xlC sMfk_QcRybkOjijBmqi952CDd2ktGTJtqBQ5c3va6sQ1Y4KqteKVUkolpvwZ sVTeiouML1zcpCXWHgd91tm0Kw6YjFhGIlSvDORRR5mK61gM1ZD4V7Ldk zMS5wxdvL0kWh15JuCcxmm4nGsMDJWvjkMWS5UTCbuUODnWX2tdoxuc35U 4s5EqFt6i5OvHRpdILS X-Originating-IP: [207.46.163.211]
Authentication-Results: mta1541.mail.ne1.yahoo.com from=co.whatcom.wa.us; domainkeys=neutral (no sig); from=co.whatcom.wa.us; dkim=neutral (no sig)
Received: from 127.0.0.1 (EHLO na01-b12-obe.outbound.protection.outlook.com) (207.46.163.211)
by mta1541.mail.ne1.yahoo.com with SMTPS; Fri, 28 Feb 2014 23:25:51 +0000
proteus.vo.lu rejected your message to the following email addresses:

steve.hansen@alfa-consult.com (steve.hansen@alfa-consult.com)

proteus.vo.lu gave this error:
<steve.hansen@alfa-consult.com> is not a valid mailbox

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB515.namprd07.prod.outlook.com
Total retry attempts: 1

steve.hansen@alfa-consult.com
proteus.vo.lu
Remote Server returned '550 5.1.1 <steve.hansen@alfa-consult.com> is not a valid mailbox'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB515.namprd07.prod.outlook.com (10.141.204.21) with Microsoft SMTP
Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:25:41 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:25:41 +0000
From: PDS <PDS@co.whatcom.wa.us>
To: PDS <PDS@co.whatcom.wa.us>
From: Microsoft Outlook
To: wc_green@earthlink.net
Sent: Friday, February 28, 2014 3:26 PM
Subject: Undeliverable: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

mx-dipper.atl.sa.earthlink.net rejected your message to the following email addresses:

wc_green@earthlink.net (wc_green@earthlink.net)

mx-dipper.atl.sa.earthlink.net gave this error:
wc_green@earthlink.net...User account is unavailable

A problem occurred while delivering this message to this email address. Try sending this message again. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR07MB515.namprd07.prod.outlook.com
Total retry attempts: 1

wc_green@earthlink.net
mx-dipper.atl.sa.earthlink.net
Remote Server returned '550 wc_green@earthlink.net...User account is unavailable'

Original message headers:
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB515.namprd07.prod.outlook.com (10.141.204.21) with Microsoft SMTP
Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:25:41 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) with mapi id 15.00.0883.010; Fri, 28 Feb 2014 23:25:41 +0000
From: PDS <PDS@co.whatcom.wa.us>
To: PDS <PDS@co.whatcom.wa.us>
From: Mail Delivery System <MAILER-DAEMON@kungfu.dreamhost.com>
To: rsb@robertsarazinblake.com
Sent: Friday, February 28, 2014 3:26 PM
Subject: Undeliverable: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

Delivery has failed to these recipients or groups:
rsb@robertsarazinblake.com
Your message wasn't delivered due to a permission or security issue. It may have been rejected by a moderator, the address may only accept email from certain senders, or another restriction may be preventing delivery.

The following organization rejected your message: mail.robertsarazinblake.com.

Diagnostic information for administrators:
Generating server: kungfu.dreamhost.com

rsb@robertsarazinblake.com
mail.robertsarazinblake.com
Remote Server returned '<mail.robertsarazinblake.com #5.7.1 smtp; 554 5.7.1 <kungfu.dreamhost.com[66.33.216.126]>: Client host rejected: Access denied>'

Original message headers:
Received: from homiemail-mx18.g.dreamhost.com (unknown [69.163.253.190]) by kungfu.dreamhost.com (Postfix) with ESMTP id 4AB0915AA0F54F for <rsb@robertsarazinblake.com>; Fri, 28 Feb 2014 15:26:10 -0800 (PST)
Received: from na01-bl2-obe.outbound.protection.outlook.com (mail-bl2lp0207.outbound.protection.outlook.com [207.46.163.207]) (using TLSv1 with cipher AES128-SHA (128/128 bits)) (No client certificate requested)
Received: from BLUPR07MB481.namprd07.prod.outlook.com (10.141.203.13) by BLUPR07MB515.namprd07.prod.outlook.com (10.141.204.21) with Microsoft SMTP Server (TLS) id 15.0.883.10; Fri, 28 Feb 2014 23:25:41 +0000
Received: from BLUPR07MB481.namprd07.prod.outlook.com ([10.141.203.13]) by
Hello - I'm having a foot-stompin' good time at the Wintergrass Festival in Bellevue all day today! YEE-HAW! I will be back in the office on Monday March 3, 2014 and will respond to your email ASAP.
DENISE SMITH

From: MAILER-DAEMON@yahoo.com
Sent: Friday, February 28, 2014 3:26 PM
To: PDS
Subject: Delivery failure

Message from yahoo.com.
Unable to deliver message to the following address(es).

<ohtoseethesunset@yahoo.com>:
Sorry your message to ohtoseethesunset@yahoo.com cannot be delivered. This account has been disabled or discontinued [#102].

--- Original message follows.

The original message is over 5K. Message truncated.

Return-Path: <PDS@co.whatcom.wa.us>
Received-SPF: none (domain of co.whatcom.wa.us does not designate permitted sender hosts)
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HSbdJLzfpxDDv.SLLN6TuQLdHjKBMORdL1PQOJQ1pVvkyUL80pA3Gu.YyR5
I will be out of the office until Monday, 3 Mar 2014. Your email has not been forwarded. You may contact LT Jarrett Owens at jarrett.m.owens@uscg.mil or 206 220 7278. Have a great day! John Moriarty
Stephanie is no longer with Tucker House Inn; please resend your message and remove this address from your files.

For all Harrison House, Tucker House and Coho Restaurant business, send to Anna Maria, am@tuckerhouse.com. For Great Island Clean-up, send to David Dehlendorf, dauffa@gmail.com. For Soroptimists International of Friday Harbor, send to Patty Brightman, patty@dvsassanjuans.org. For personal messages, send to Stephanie, misc17@musetta.us.

Please note, responses from Anna Maria may be delayed as she will be "doing double duty" and will be stretched for time. If you need immediate assistance, please call our innkeeper at 360 378-2783.

Thank you.
From: MAILER-DAEMON@yahoo.com
Sent: Friday, February 28, 2014 3:27 PM
To: PDS
Subject: Delivery failure

Message from yahoo.com.
Unable to deliver to the following address(es).

<kirkorian_laura@yahoo.com>:
This user doesn't have a yahoo.com account (kirkorian_laura@yahoo.com) [0]

--- Original message follows.

The original message is over 5K. Message truncated.

Return-Path: <PDS@co.whatcom.wa.us>
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JQGdww_0G12Ms6661sOiJkywbmdx6v0zuB5RXNiRzpGE2M2U2J1vEN8Dy5YD
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X-Originating-IP: [207.46.163.17]
The link will not launch

Best Regards,

Toni Bistodeau | Pacific Support Services

Draft EIS Work Begins
The contract amendment between Whatcom County and consultant CH2M Hill to begin the draft Environmental Impact Statement (DEIS) for the Gateway Pacific Terminal/Custer Spur project has been signed.

For an overview and plain language document explaining the contracting phases, as well as the contract content, please click here. This document is intended for informational purposes only. The SEPA Co-Lead Agencies will make SEPA-based decisions throughout the EIS process; these decisions may alter the course of the contracting phases provided herein and may alter contract content in the future. The scope of work included in the contract is available at this link.

Both contracts related to this project were signed on 2/27/2014. The Contract with CH2M Hill for preparation of the draft EIS is included at the following link, contract #201205028-Amendment 4. The contract between Whatcom County and Pacific International Terminals & BNSF for payment for all costs related to the completion of the draft EIS is included at the following link, contract #201205029-amendment 4.

Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907
From: Jennifer Morgan
Sent: Saturday, February 01, 2014 1:47 PM
To: Denise Smith; Tyler Schroeder
Subject: SSA Marine Invoice 20533 - Dec13 Staff Time
Attachments: SSA Marine Invoice 20533 Dec13 Staff Time.pdf

Jennifer Morgan
Financial Accountant, AS Finance
311 Grand Ave Ste 503
Bellingham WA 98225-4050
360-676-6734 ext #50190
jmorgan@co.whatcom.wa.us
**INVOICE**

**Invoice#** - 20533  
**Customer#** - 2254629  
**Date** - 2/01/14

ARI STEINBERG  
SSA MARINE  
1131 SW KICKITAT WY  
SEATTLE WA 98134

Payment due upon receipt. Thank you.

<table>
<thead>
<tr>
<th>Invoice Date</th>
<th>Invoice Number</th>
<th>Description</th>
<th>Invoice Amount</th>
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<td>20533</td>
<td>DEC13 STAFF TIME GPT20130012</td>
<td>300.00</td>
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</tbody>
</table>

Balance Due 300.00

**REMITTANCE**

Please make payment to Whatcom County A.S. Finance  
311 Grand Avenue, Suite #503, Bellingham, WA 98225-4082

12/31/13 20533 001 DEC13 STAFF TIME GPT20130012 300.00
Request for Invoice

Date: January 31, 2014

Bill To: SSA Marine
        Attn: Ari Steinberg
        1131 SW Klickitat Way
        Seattle, WA 98134

RE: December 2013 - Monthly Whatcom County Staff Time

Fees:

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<tr>
<td>Whatcom County Parks Department Fees</td>
<td>6011.4345.8140</td>
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<td>Whatcom County Planning &amp; Development Services Department Fees</td>
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</tr>
<tr>
<td>Whatcom County Public Works Department Fees</td>
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<td></td>
</tr>
</tbody>
</table>

TOTAL DUE 300.00

Prepared by: [Signature] (Initials)

Denise Smith (Name)

Approved by: [Signature] (Initials)

Tyler Schroeder (Name)
Jack,

I have started to write a draft of the Op-Ed and I need to get some general points that you would like me to include. Please call or send back some points and I can do the rest.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
From: Jack Louws  
Sent: Tuesday, February 04, 2014 9:54 AM  
To: Tyler Schroeder  
Subject: RE: Op-Ed

- Different paths available to complete EIS – prescriptive / mandated?  
- WCC Major development requirements will be addressed after EIS  
- Timeline – contract negotiation with DOE and Corp – CH2M-Hill  
- We are recouping costs  
- It will take additional review time after Draft EIS is completed  
- These are a few of my initial thoughts. Do you want to incorporate oil trains in this?

You have a max of 1100 words.

Jack Louws  
Whatcom County Executive  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225  
Ph 360 676 6717

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.

From: Tyler Schroeder  
Sent: Monday, February 03, 2014 3:04 PM  
To: Jack Louws  
Subject: Op-Ed

Jack,

I have started to write a draft of the Op-Ed and I need to get some general points that you would like me to include. Please call or send back some points and I can do the rest.

Thanks,

Tyler R. Schroeder

Planning Manager  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226  
Tschoed@whatcomcounty.us  
www.whatcomcounty.us/pds  
360.676.6907
Alice and Randle,

Thank you for the responding and providing no objection to the release of this document. The County will be releasing this document on or before Feb. 14th. We intend to post this document to our website. Please coordinate with me on the release if you would like. Also, there is a chance that the contract will be signed by this date and we are currently coordinating with BNSF to discuss their requested language on the contract.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

From: Kelly, Alice (ECY)  
Sent: Thursday, January 30, 2014 9:49 AM  
To: Tyler Schroeder; Randel J NWS Perry  
Cc: 'Jodi.Ketelsen@CH2M.com'; Royce Buckingham; Young, Tom (ATG); Baldi, Josh (ECY)  
Subject: RE: Public Disclosure of GPT documents

Thanks for the notification. Ecology has no objection to the release.

Alice Kelly
Department of Ecology
Northwest Regional Office
425-649-7128
alice.kelly@ecy.wa.gov

From: Tyler Schroeder  
Sent: Friday, January 24, 2014 10:45 AM  
To: Kelly, Alice (ECY); Randel J NWS Perry  
Cc: 'Jodi.Ketelsen@CH2M.com'; Royce Buckingham  
Subject: Public Disclosure of GPT documents

Alice and Randle,

I have a public disclosure request for the current CH2M Hill contract/scope of work and the GPT/BNSF cost reimbursement contract. According to the revised MOU our agencies have agreed to consult with each other prior to
releasing documents that may potentially be protected from release due to being a deliberative document. The revised MOU can be found at the following link, http://whatcomcounty.us/pds/plan/current/gpt-ssa/pdf/20130918FinalsignedGPTMOUAMENDMENT.pdf, and the specific language is below;

3. When any Party determines that all or portions of potentially deliberative documents should be released, that Party will consult with the Parties of this MOU to discuss and inform them of the documents that are to be released. After the consultation, if the Party subject to the request maintains its determination that the documents are to be released, then the Party will provide the other Parties of this MOU timely notice prior to the release of the documents.

The County intends to release the attached documents. Please review the attached document and provide agreement to the release of these documents or provided specific reasons why these documents should not be released at this time. I understand that a response might take a few days/weeks, please let me know of a timeframe so that I can inform the public disclosure requestor as required by state law.

Thank you

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
From: Jack Louws  
Sent: Tuesday, February 04, 2014 2:50 PM  
To: Carl Weimer  
Cc: Dana Brown-Davis; Daniel Gibson; Royce Buckingham; Karen Frakes; Tyler Schroeder  
Subject: RE: An ordinance and resolution coming next week

Carl,
Thanks for the heads up on this. I’m concerned the council might set itself up for a bias claim if it wants to specifically get into a discussion and/or provide direction for contract changes pertaining to what is being studied as a result of the scoping for GPT. I’m having legal review this to offer advice to council, if warranted.
Jack

Jack Louws  
Whatcom County Executive  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225  
Ph 360 676 6717

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.

From: Carl Weimer  
Sent: Tuesday, February 04, 2014 1:01 PM  
To: Jack Louws  
Cc: Dana Brown-Davis  
Subject: An ordinance and resolution coming next week

Hi Jack,

I wanted to give you a heads up on an ordinance and resolution that will be in the packet this week (non-formatted versions attached). Both are aimed at addressing the issue of contract amendments involving pass-through money. I have heard from people on both ends of the political spectrum that felt like this was an issue that needed correcting, so the ordinance is meant to make that correction.

It in no way is meant to reflect any belief that the Administration did anything wrong or underhanded. You followed the code perfectly. It is more an attempt to correct a situation that I suspect the Council never thought about when that section of the code was drafted.

I have no idea whether the council will support either of these, but at least we can show the public we had the discussion.

Thanks

Carl

Carl Weimer, Chairman  
Whatcom County Council  
360-223-2636
Please ensure that your staff has entered their January 2014 Hours for GPT Billing by the end of the day Monday, February 10th.

Thanks everyone!

Denise

Denise Massey Smith
Administrative Assistant
Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907 Ext. 50201
The original is going directly to the Council, with copy to the County Executive

William T. Lynn  
Attorney at Law  
T 253 620 6416  
F 253 620 6565
February 7, 2014

Carl Weimer, Chairman
and County Council Members
Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

RE: Proposed Resolution Regarding EIS Contract

Dear Chairman Weimer and Members of the Whatcom County Council:

We are writing on behalf of Pacific International Terminals, Inc., the proponent for the Gateway Pacific Terminal project, concerning a resolution on the Council’s docket for the February 11, 2014 meeting. The resolution would directly engage the County Council in contract amendments relating to CH2M Hill’s work on the Gateway Environmental Impact Statement (EIS). We believe that the resolution is contrary to the State Environmental Policy Act (SEPA), RCW Ch. 43.21.C, contrary to the County Charter, and actually works against the concept of “open transparent government,” which is the stated purpose of the resolution.

First, the resolution is contrary to SEPA because it purports to involve the Council in setting the “scope of the review” for the Gateway project. SEPA, as state law, directs that environmental considerations be taken into account in government decision-making through a “systematic, interdisciplinary approach”. RCW 43.21C.030. The County’s own SEPA ordinance sets forth detailed procedural requirements as to how the mandates of that statute will be carried out in the County. That County SEPA implementation process designates the Director of Planning and Development Services or his/her designee as the “Responsible Official” for the implementation of SEPA. Whatcom County Code 16.08.040.A. By law, the County Council has no responsibility or authority whatsoever for determining the scope of the EIS for the project.

Equally important is the fact that the SEPA scoping process for the Gateway EIS has already been concluded. After a lengthy and, in fact, unprecedented scoping process, involving numerous public meetings and tens of thousands of comments from interested parties, the County’s Responsible Official issued a written determination setting forth the established scope for the Gateway EIS. That decision-making process was concluded long ago. The
suggestion that the Council should somehow now involve itself in determining the scope of the EIS is both contrary to state and local law and untimely.

Second, we believe that the resolution is contrary to the County Charter. The County Council and Executive have their own counsel on the Whatcom County Prosecuting Attorney staff and we would expect that you will look to them for your legal advice. However, the County has already signed two amendments to the original EIS reimbursement contract and the legal conclusion has been reached and reaffirmed that the contract amendment authority lies wholly with the County Executive. That is the case because these are pass-through contracts in which 100% of the EIS costs are paid by Pacific International Terminals. While past and future amendments may increase the EIS cost, that does not represent any liability to the County whatsoever.

The separate powers of the Executive and County Council are deeply imbedded in County law, in fact, the County Charter. This separation of powers is reflected, among other places, in Section 2.24 of the Charter which states:

“Except in the exercise of its legislative powers under this Charter, as defined in Section 2.20, the County Council, its staff, and individual councilmembers shall not interfere in the administration of the executive branch. They shall not give orders to or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Executive, executive branch, or elected official.”

It is deeply troubling that the proposal has been made to interfere with this separation of powers that arises out of the County Charter. It certainly finds no support in the name of “open transparent government.”

This leads us to our third and final point. There should be no conceivable issue about transparency on the Gateway project. Pacific International Terminals actually encouraged the preparation of an entirely new EIS for the Gateway project as now envisioned. The County staff and its SEPA Responsible Official have taken unprecedented steps to involve the public at every step along the way, and this project has drawn interest and comment from the public, not only in Whatcom County, but well beyond the County lines. The County and state agencies leading the EIS have established a scope of environmental study that is literally unprecedented in its breadth. Since the scope has been defined, the environmental review is appropriately now in the hands of experts who will review scientific data and complete additional study. Once that study is completed, the public will have further opportunities for comment and testimony. This is the “systematic” process established by law.
The proposed resolution would not enhance confidence in this important process. It would create a special rule for this project and deviate significantly from state law, county code provisions, and even the County Charter. Anyone interested in fair-handed processes, and certainly an “open transparent government” should quickly reject this resolution.

Very truly yours,

William T. Lynn

WTL:fto
cc: Jack Louws, County Executive
    David S. McEachran, Prosecuting Attorney
    Bob Watters
Tyler,

Any change since the last council meeting, on Jan. 28, when you reported that the contract for CH2M Hill to do the EIS has not yet been signed by SSA Marine or BNSF? Have those companies signed yet, or do you have a better idea of when they will?

Thanks,
-Ralph

--

Ralph Schwartz, reporter

The Bellingham Herald and BellinghamHerald.com
1155 N. State St., Suite 200, Bellingham WA 98225
Voice: 360-715-2289
E-mail: ralph.schwartz@bellinghamherald.com
Visit us at www.bellinghamherald.com
Mobile site: www.bellinghamherald.com/mobile
Ralph,

The contract have not been signed to date. It is still anticipated that the contracts are likely to be signed by the end of the month.

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

Tyler,

Any change since the last council meeting, on Jan. 28, when you reported that the contract for CH2M Hill to do the EIS has not yet been signed by SSA Marine or BNSF? Have those companies signed yet, or do you have a better idea of when they will?

Thanks,
-Ralph

--

Ralph Schwartz, reporter

The Bellingham Herald and BellinghamHerald.com
1155 N. State St., Suite 200, Bellingham WA 98225
Voice: 360-715-2289
E-mail: ralph.schwartz@bellinghamherald.com
Visit us at www.bellinghamherald.com
Mobile site: www.bellinghamherald.com/mobile
Tyler,

Thank you. Follow-up question I just thought of: If the resolution requiring council approval of all contract amendments passes on Tuesday, will council need to approve this "amendment no. 4" or is it already signed by the exec, just waiting for company signature?

-Ralph

On Fri, Feb 7, 2014 at 1:31 PM, Tyler Schroeder <tschroed@co.whatcom.wa.us> wrote:

Ralph,

The contract have not been signed to date. It is still anticipated that the contracts are likely to be signed by the end of the month.

Thanks,

Tyler R. Schroeder
Planning Manager
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Bellingham, WA 98226
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Voice: 360-715-2289
E-mail: ralph.schwartz@bellinghamherald.com
Visit us at www.bellinghamherald.com
Mobile site: www.bellinghamherald.com/mobile

--

Ralph Schwartz, reporter
The Bellingham Herald and BellinghamHerald.com
Dana,
Please distribute to council if you think appropriate.
Thanks,

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

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Ostruske, Frances
Sent: Friday, February 07, 2014 10:37 AM
To: Jack Louws; David McEachran
Cc: Lynn, Bill
Subject: Pacific International Terminals

Attached please find a copy of a letter directed to the Whatcom County Council from Bill Lynn concerning the above matter. A hard copy will also be mailed.

Frances T. Ostruske

GORDON THOMAS HONEYWELL
1201 Pacific Avenue, Suite 2100
Tacoma, Washington 98402
T 253 620 6409
F 253 620 6565
fostruske@gth-law.com
http://www.gth-law.com

NOTICE: The information contained in this e-mail communication is confidential and may be protected by the attorney/client or work product privileges. If you are not the intended recipient or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this email in error and delete the copy you received. Thank you.
February 7, 2014

Carl Weimer, Chairman
and County Council Members
Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

RE: Proposed Resolution Regarding EIS Contract

Dear Chairman Weimer and Members of the Whatcom County Council:

We are writing on behalf of Pacific International Terminals, Inc., the proponent for the Gateway Pacific Terminal project, concerning a resolution on the Council’s docket for the February 11, 2014 meeting. The resolution would directly engage the County Council in contract amendments relating to CH2M Hill’s work on the Gateway Environmental Impact Statement (EIS). We believe that the resolution is contrary to the State Environmental Policy Act (SEPA), RCW Ch. 43.21.C, contrary to the County Charter, and actually works against the concept of “open transparent government,” which is the stated purpose of the resolution.

First, the resolution is contrary to SEPA because it purports to involve the Council in setting the “scope of the review” for the Gateway project. SEPA, as state law, directs that environmental considerations be taken into account in government decision-making through a “systematic, interdisciplinary approach”. RCW 43.21C.030. The County’s own SEPA ordinance sets forth detailed procedural requirements as to how the mandates of that statute will be carried out in the County. That County SEPA implementation process designates the Director of Planning and Development Services or his/her designee as the “Responsible Official” for the implementation of SEPA. Whatcom County Code 16.08.040.A. By law, the County Council has no responsibility or authority whatsoever for determining the scope of the EIS for the project.

Equally important is the fact that the SEPA scoping process for the Gateway EIS has already been concluded. After a lengthy and, in fact, unprecedented scoping process, involving numerous public meetings and tens of thousands of comments from interested parties, the County’s Responsible Official issued a written determination setting forth the established scope for the Gateway EIS. That decision-making process was concluded long ago. The
suggestion that the Council should somehow now involve itself in determining the scope of the EIS is both contrary to state and local law and untimely.

Second, we believe that the resolution is contrary to the County Charter. The County Council and Executive have their own counsel on the Whatcom County Prosecuting Attorney staff and we would expect that you will look to them for your legal advice. However, the County has already signed two amendments to the original EIS reimbursement contract and the legal conclusion has been reached and reaffirmed that the contract amendment authority lies wholly with the County Executive. That is the case because these are pass-through contracts in which 100% of the EIS costs are paid by Pacific International Terminals. While past and future amendments may increase the EIS cost, that does not represent any liability to the County whatsoever.

The separate powers of the Executive and County Council are deeply imbedded in County law, in fact, the County Charter. This separation of powers is reflected, among other places, in Section 2.24 of the Charter which states:

"Except in the exercise of its legislative powers under this Charter, as defined in Section 2.20, the County Council, its staff, and individual councilmembers shall not interfere in the administration of the executive branch. They shall not give orders to or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Executive, executive branch, or elected official."

It is deeply troubling that the proposal has been made to interfere with this separation of powers that arises out of the County Charter. It certainly finds no support in the name of "open transparent government."

This leads us to our third and final point. There should be no conceivable issue about transparency on the Gateway project. Pacific International Terminals actually encouraged the preparation of an entirely new EIS for the Gateway project as now envisioned. The County staff and its SEPA Responsible Official have taken unprecedented steps to involve the public at every step along the way, and this project has drawn interest and comment from the public, not only in Whatcom County, but well beyond the County lines. The County and state agencies leading the EIS have established a scope of environmental study that is literally unprecedented in its breadth. Since the scope has been defined, the environmental review is appropriately now in the hands of experts who will review scientific data and complete additional study. Once that study is completed, the public will have further opportunities for comment and testimony. This is the "systematic" process established by law.
The proposed resolution would not enhance confidence in this important process. It would create a special rule for this project and deviate significantly from state law, county code provisions, and even the County Charter. Anyone interested in fair-handed processes, and certainly an "open transparent government" should quickly reject this resolution.

Very truly yours,

[Signature]

William T. Lynn

WTL:fto
cc:    Jack Louws, County Executive
        David S. McEachran, Prosecuting Attorney
        Bob Watters
Never mind last question. Wording of the resolution makes the answer clear. Feel free to offer comment, however, if you wish.

-Ralph

On Fri, Feb 7, 2014 at 1:31 PM, Tyler Schroeder <tschroed@co.whatcom.wa.us> wrote:

Ralph,

The contract have not been signed to date. It is still anticipated that the contracts are likely to be signed by the end of the month.

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
To: Tyler Schroeder

Subject: GPT EIS update

Tyler,

Any change since the last council meeting, on Jan. 28, when you reported that the contract for CH2M Hill to do the EIS has not yet been signed by SSA Marine or BNSF? Have those companies signed yet, or do you have a better idea of when they will?

Thanks,

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Ralph Schwartz, reporter

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Ralph Schwartz, reporter

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1155 N. State St., Suite 200, Bellingham WA 98225
Voice: 360-715-2289
Good Afternoon, Tyler,

In the packet of materials I received this week, I am not finding a copy of the Application for Gateway Pacific Terminal. Before I get too deeply buried in this file, and when convenient for you, would you please send the Application and supporting documents.

Happy Weekend to you!

~ Carole
You too.

From: Tyler Schroeder  
Sent: Friday, February 07, 2014 3:49 PM  
To: Linda Nielsen  
Subject: Re: Gateway Pacific Terminal

Nope, we'll find it on Monday. Have a good weekend!

Sent from my iPhone

On Feb 7, 2014, at 3:47 PM, "Linda Nielsen" <lnielsen@co.whatcom.wa.us> wrote:

I checked your table and didn’t find the LDP. I also checked the boxes in the record storage room. Any other ideas?

Linda

From: Tyler Schroeder  
Sent: Friday, February 07, 2014 3:34 PM  
To: Linda Nielsen  
Subject: Fwd: Gateway Pacific Terminal

Could you check my round table and see if the LDP application is with the files that we copied and sent down to Carole. If it is, could you send the original LDP file and supporting docs to her?

Thanks,

Tyler

Sent from my iPhone

Begin forwarded message:

From: Carole Magner <cmagner@co.whatcom.wa.us>  
Date: February 7, 2014 at 3:19:56 PM PST  
To: Tyler Schroeder <tschroed@co.whatcom.wa.us>  
Subject: Gateway Pacific Terminal

Good Afternoon, Tyler,

In the packet of materials I received this week, I am not finding a copy of the Application for Gateway Pacific Terminal. Before I get too deeply buried in this file, and when convenient for you, would you please send the Application and supporting documents.
Happy Weekend to you!

~ Carole
January thru July are now on the I Drive to you to review

Denise Massey Smith
Administrative Assistant
Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907 Ext. 50201
Tyler,
Has Jack gotten back to you on this already? I am just back today.

Arden Landry, CAP-OM
Executive Assistant / Communications Coordinator
Whatcom County Executive’s Office
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

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From: Tyler Schroeder
Sent: Friday, February 07, 2014 2:15 PM
To: Arden Landry; Jack Louws
Cc: Sam (Jeanne) Ryan
Subject: RE: op ed for Herald in February

Arden and Jack,

Attached is a draft for the Op-Ed. Please review and edit and seen fit. I will be in the office Monday if you would like to discuss. I hit all of the points that we talked about.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

From: Arden Landry
Sent: Wednesday, January 22, 2014 9:15 AM
To: Tyler Schroeder
Subject: op ed for Herald in February

Dear Tyler,
Jack would like you to do an op ed piece for the Herald in February – its 1100 words and is a Gateway Pacific Terminal project update. I think he talked to you about this yesterday.

The deadline is February 11, due to Julie Shirley at the Herald.

I’m on vacation until the 10th. If you want to send me your draft I’ll take a look at it and get it by Jack. Or, feel free to do this directly with him while I’m away.

I’ll need the final op ed when its ready and I can submit to Julie on the 11th and then distribute to council right after it goes to print on Sunday, February 16.

Let me know if you have any questions.

Cheers,

Arden Landry, CAP-OM
Executive Assistant / Communications Coordinator
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Ph 360 676 6717

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August thru Dec 2013 are now also on the I drive for review. Let me know when it is ok to load all the 2013 emails onto the website.
Thanks
D

Denise Massey Smith
Administrative Assistant
Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907 Ext. 50201
From: Tyler Schroeder  
Sent: Monday, February 10, 2014 10:13 AM  
To: Carole Magner  
Subject: RE: Gateway Pacific Terminal

Here is where the applications can be found online.  
http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/documents-2012.jsp#Applications

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

From: Carole Magner  
Sent: Friday, February 07, 2014 3:20 PM  
To: Tyler Schroeder  
Subject: Gateway Pacific Terminal

Good Afternoon, Tyler,

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Happy Weekend to you!

~ Carole
Dear Whatcom County Council Members,

I urge you to support and vote for a resolution and an ordinance to be considered at tomorrow's county council meeting: AB 2014-69 and -70. These changes to current contracting processes would allow Whatcom County citizens to know what is happening in the environmental impact statement (EIS) process for the proposed Cherry Point coal terminal.

To date, the county's executive and planning department have failed to inform the public on the costs of the EIS and how much of those costs are being borne by local taxpayers (in my view, citizens should pay none of these costs). Even more important, citizens have no information on the scope of the EIS, what topics suggested during the scoping period will be included and what topics will be excluded.

This proposed coal-export terminal is, by far, the largest project ever proposed for Whatcom County. It is also hugely controversial. All of us - proponents, opponents, and skeptics - want and need complete information on both the process and results. Only the county council can provide the oversight needed to ensure that citizens are well informed on this project.

Thank you.

Eric

----------------------------------------
Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
 360-656-6690   EricHirst@comcast.net
Couple minor changes. Thoughts?

Jack Louws  
Whatcom County Executive  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225  
Ph 360 676 6717

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Thanks,

Tyler R. Schroeder

Planning Manager  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226  
Tschroed@whatcomcounty.us  
www.whatcomcounty.us/pds  
360.676.6907

Dear Tyler,
SEPA reviews are conducted on a project-by-project basis. Small projects, similar to a 40 car parking lot, are processed with a fairly straight-forward review. Large projects, similar to the GPT project, require a very thorough review which requires community and agency discussion to ensure the impacts are known to the decision makers. This case-by-case basis is similar to the different paths available in developing an Environment Impact Statement (EIS).

Part of the SEPA law is mandated while other sections provide a framework for decisions. This is to allow for community discussion while ensuring the ability of the County administration to prepare an EIS legally defensible and thorough. SEPA law indicates the scoping period typically runs 30 days and in comparison the GPT project had a 120-day scoping period. This extended period was to ensure full community dialogue could be accomplished statewide. The GPT project issued a Scoping Summary Report including a summary of the approximately 125,000 comments. The goal was to allow for a timely response to the communities and to allow for additional review of the comments and applicable SEPA laws before making decisions. All past and future decisions strive to balance the community discussion while making sure the known environmental factors are taken into consideration.

There has been a great deal of discussion regarding the involvement the Whatcom County Council is allowed in the development of the EIS. Due to the Councils’ role as a quasi-judicial body, the decision maker for the permit, the Council cannot have any role in the development of the EIS. The Council role in the permit process is aimed at arriving at a fact-based decision on the merits of the Whatcom County Code for a Major Project Permit. The public participation in the EIS process provides valuable input and insights that the Council can address in the final decision-making process.

One way the EIS will help inform the Council decision is to specifically address the seven (7) required criteria for issuance of the major project permit. An example of one of the criteria is the proposed development “will not impose uncompensated requirements for public expenditures...” This criterion and the
It is a large responsibility for County staff to produce a useful EIS document on a project of this scale. Through this process, the County has been Co-Lead with the Department of Ecology on the environmental review process. There have been different roles the Co-Lead agencies have taken while sharing the overall responsibility of the EIS. The County is focused on the probable impacts in and near Whatcom County and Ecology has focused on the statewide and regional impacts. In addition, CH2M Hill is directed by our agencies to prepare and analyze the project utilizing experts hired specifically to help the agencies prepare the EIS. All of the County staff time and the cost for CH2M Hill’s work have been directly paid by the applicants of the project.

Overall, this coordination between the agencies and the consultant has been very productive. The contract scope of work, budget and schedule, for the Draft EIS phase is finalized and it is anticipated the applicants will agree to fund the study and staff time within the month.

Since the contract has not been signed to date, the agencies have not substantively started to prepare the Draft EIS. The scope, schedule and level of effort for this phase of the contract has been prepared based on a 13-month project schedule. This means the development of the Draft EIS is scheduled to be accomplished spring/summer 2015. This timeline is a “best case” schedule. The environmental review process often requires adaptations due to changes in design and new information revealed that may require additional time above the 13 months to accomplish the Draft EIS.

One aspect of the EIS process which may frustrate some is that the SEPA law does not include an ability to have public input during the development of the Draft EIS. This allows the agencies to work and prepare a Draft EIS that will include the analyses, detailed models and methodologies used to provide adequate information. When the Draft EIS is issued there will be another public comment period, for the community to provide feedback, which will happen in 2015. At
that time, the co-lead agencies will consider and respond to all comments. The draft will be revised and additional analyses or research may be done, depending on comments. Ultimately, what is included in the EIS must be technically and legally sound. We cannot and will not speculate impacts. This process will continue to strive for community discussion while providing the Whatcom County Council a fair and impartial record upon which to base a permit decision.

Tyler Schroeder is the Lead SEPA official for the Gateway Pacific project. You can reach Tyler at tschroed@co.whatcom.wa.us. The county website has a page dedicated to the project which can be reviewed at:
http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp
Jack would like you to do an op ed piece for the Herald in February – its 1100 words and is a Gateway Pacific Terminal project update. I think he talked to you about this yesterday.

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Let me know if you have any questions.

Cheers,

Arden Landry, CAP-OM
Executive Assistant / Communications Coordinator
Whatcom County Executive’s Office
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

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Here are my edits.

Arden

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Couple minor changes. Thoughts?

Jack Louws
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I like it. You on board with our edits, Tyler? If so, consider it done.

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

From: Arden Landry
Sent: Monday, February 10, 2014 1:11 PM
To: Jack Louws; Tyler Schroeder
Cc: Sam (Jeanne) Ryan
Subject: RE: op ed for Herald in February

Here are my edits.

Arden

From: Jack Louws
Sent: Monday, February 10, 2014 1:03 PM
To: Tyler Schroeder; Arden Landry
Cc: Sam (Jeanne) Ryan
Subject: RE: op ed for Herald in February

Couple minor changes. Thoughts?

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

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From: Tyler Schroeder  
Sent: Friday, February 07, 2014 2:15 PM  
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Cc: Sam (Jeanne) Ryan  
Subject: RE: op ed for Herald in February

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I’m on board. I have made a couple of small edits to your drafts. The final is attached.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
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From: Jack Louws
Sent: Monday, February 10, 2014 2:46 PM
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Subject: RE: op ed for Herald in February

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Jack Louws
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Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.
Whatcom County is an incredible place with many attributes making it an amazing community. Our community strives to provide a balance between the environment and the economy. This balance encompasses using the land to produce raspberries or farm-to-market products, sustainable timber operations in our forests, and working shorelines supporting fishing and industrial trade. With this connection in mind, Whatcom County has aspired to grow our communities while respecting our natural resources. This balance in our community is why people and businesses choose to stay and why many choose to move to our beautiful area.

Accomplishing this balance is not easy. To achieve this balance and manage the needs of our economy while protecting our quality of life requires community discussion. The intent of The State Environmental Policy Act, known as SEPA, is to help achieve this balance and facilitate the discussion. The SEPA process has been a prominent aspect of the environmental review process for the Gateway Pacific Terminal, commonly referred to as the GPT project. The GPT project proposes to export through a marine terminal up to 54 million metric tons per year of bulk commodities, including 48 million metric tons of coal. To accomplish this size of a facility the proposal has many potential environmental impacts including but not limited to; up to 150 acres of wetland, ½ mile long wharf and 1,100 foot long trestle in an area with a dwindling-sensitive herring population. Along with these potential impacts comes a balance with the significant economic advantages to the community.

The Washington State Legislature adopted SEPA in 1970. The Director of Whatcom County Planning and Development Services Department is the responsible official for administering the law at the local level. In the last five
years Whatcom County has made close to 100 SEPA decisions on average annually. These SEPA reviews are conducted on a project-by-project basis. Small projects, similar to a 40 car parking lot, are processed with a fairly straightforward review. Large projects, similar to the GPT project, require a very thorough review which requires community and agency discussion to ensure the impacts are known to the decision makers. This case-by-case basis is similar to the different paths available in developing an Environment Impact Statement (EIS).

Part of the SEPA law is mandated while other sections provide a framework for decisions. This is to allow for community discussion while ensuring the ability of the County administration to prepare an EIS legally defensible and thorough. SEPA law indicates the scoping period typically runs 30 days and in comparison the GPT project had a 120-day scoping period. This extended period was to ensure full community dialogue could be accomplished statewide. The GPT project issued a Scoping Summary Report including a summary of the approximately 125,000 comments. The goal was to allow for a timely response to the communities and to allow for additional review of the comments and applicable SEPA laws before making decisions. All past and future decisions strive to balance the community discussion while making sure the known environmental factors are taken into consideration.

There has been a great deal of discussion regarding the involvement the Whatcom County Council is allowed in the development of the EIS. Due to the Councils’ role as a quasi-judicial body, the decision maker for the permit, the Council cannot have any role in the development of the EIS. The Council role in the permit process is aimed at arriving at a fact-based decision on the merits of the Whatcom County Code for a Major Project Permit. The public participation in the EIS process provides valuable input and insights that the Council can address in the final decision-making process.

One way the EIS will help inform the Council decision is to specifically address the seven (7) required criteria for issuance of the major project permit. An example of one of the criteria is the proposed development “will not impose uncompensated requirements for public expenditures...” This criterion and the
others will be addressed throughout the EIS and will be specifically referenced in the Land Use section of the EIS.

This is a large responsibility for County staff to produce a useful EIS document on a project of this scale. Through this process, the County has been Co-Lead with the Department of Ecology on the environmental review process. There have been different roles the Co-Lead agencies have taken while sharing the overall responsibility of the EIS. The County is focused on the probable impacts in and near Whatcom County and Ecology has focused on the statewide and regional impacts. In addition, our consultant CH2M Hill is directed by our the co-lead agencies to prepare and analyze the project utilizing experts hired specifically to help the agencies prepare the EIS. All of the County staff time and the cost for CH2M Hill’s work have been directly paid by the applicants of the project.

Overall, this coordination between the agencies and the consultant has been very productive. The contract scope of work, budget and schedule, for the Draft EIS phase is finalized. We and it is anticipated the applicants will agree to fund the study and staff time very soon, likely within the month.

Since the contract has not been signed to date, the agencies have not substantively started to prepare the Draft EIS. The scope, schedule and level of effort for this phase of the contract has been prepared based on a 13-month project schedule. This means the development of the Draft EIS is scheduled to be accomplished spring/summer 2015. This timeline is a “best case” schedule. The environmental review process often requires adoptions due to changes in design and new information revealed that may require additional time above the 13 months to accomplish the Draft EIS.

One aspect of the EIS process which may frustrate some is that the SEPA law does not include an ability to have public input during the development of the Draft EIS. This allows the agencies to work and prepare a Draft EIS that will include the analyses, detailed models and methodologies used to provide adequate information. When the Draft EIS is issued in 2015 there will be another public comment period, for the community to provide feedback, which will happen in
At that time, the co-lead agencies will consider and respond to all comments. The draft will be revised and additional analyses or research may be done, depending on comments. Ultimately, what is included in the EIS must be technically and legally sound. We cannot and will not speculate on impacts. This process will continue to strive for community discussion while providing the Whatcom County Council a fair and impartial record in which upon which to base a permit decision upon.

Tyler Schroeder is the Lead SEPA official for the Gateway Pacific project. You can reach Tyler at tschroed@co.whatcom.wa.us. The county website has a page dedicated to the project which can be reviewed at: http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp
I would be interested in a thorough written response to this. It sounds reasonable, no?

Communitywise Bellingham (CWB) has been very discouraged by the GPT SEPA Agencies' actions since they first issued a press release months ago about the scope but have since blocked the public’s access to details about what the EIS Scope will actually include. We are just one of many with that concern and we feel the lack of Scope information runs counter to the excellent public process delivered to gather comments. Below is a summary of a complaint and call for action that we sent to the SEPA Agencies earlier this week.

---------------------------
This memo is to formally request that the SEPA Agencies make public the GPT EIS Scope.

A public SEPA scope document, which is a DOE SEPA Handbook suggestion, is an essential component for the Gateway Pacific Terminal (GPT) EIS process. This critical step is currently being circumvented. Although this may be technically legal, it is a policy shift that seriously undermines hard won achievements of the SEPA Agencies. It also frustrates reasonable expectations of the many Scoping participants and is sure to erode the important public trust.

Broad community trust and goodwill were developed by the SEPA Agencies by their design and execution of the EIS comment process. The comment process closely followed suggestions in the DOE SEPA Handbook. That public trust was earned against a tide of cynicism that had been building because of secretive deliberations held behind the closed doors of the State’s MAP process. Adopting a more expansive process required additional work, but it delivered the public confidence that is essential.

Following those expansive process suggestions appears to have been abandoned by the SEPA Agencies at this most critical juncture. No Scope document that meets the purposes outlined in the SEPA Handbook has been provided to the public. CWB, like legions of other scope
participants, has been patiently waiting for one. Recent news indicates that a final EIS contract, based on scope details that remain unknown to the public, was actually written some two months ago. What rationale exists for moving towards such unexplained secrecy after resounding success in a robust and open process?

Elevating expediency over careful and informative process will always seem “convenient” at certain points in a big and complex process, but it does not serve the public interest. What compelling reasons are there to keep the public in the dark? It has been impossible for the public to miss the massive interstate lobbying effort by applicants and their surrogates to accelerate the EIS process and to contract its Scope. Those efforts firmly underscore the need for the SEPA Agencies to maintain public confidence. They make the best argument for more openness and attention to process, not for less.

Vast numbers of individual citizens, jurisdictions and organizations took their own time to study issues and participate in an EIS comment process that was open and transparent. Keeping these same citizens uninformed about Scope details and EIS process decisions would be a glaring failure. It could engender unanticipated problems for both the SEPA Agencies and applicants. This is an urgent and important matter affecting Bellingham and Whatcom County residents.

---

Jack Delay, President

Communitywise Bellingham

*Informing the conversation.*

CommunitywiseBellingham.org

Follow us on [Facebook](http://www.facebook.com) and [Twitter](http://www.twitter.com)
The whole county won because of your exhaustive efforts during last night’s marathon county council meeting. Without passing, Councilman Weimer’s amendment achieved its goal by enabling the questions and discussion that resulted in increased transparency, improved availability of contract information and greater public understanding of what is being done in our name and with our tax dollars. I came away from the meeting satisfied with, grateful for and proud of my county government. Council members, County Executive, County Administrator and staff, thank-you for bringing home the gold in good government to Whatcom County last night.

Sincerely,

Paula Rotondi
Ralph,

Good job on the article today. I wanted to point out one thing that is not quite accurate. The article indicates “SSA Marine won't submit a permit application to the county until after the review document, called an environmental impact statement, is finalized - possibly before the end of 2015, although the timeline is highly uncertain.” SSA Marine has submitted the Major Project Permit to the county, however, a decision on that permit won't be until after the EIS.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Got it, thanks.

-Ralph

On Wed, Feb 12, 2014 at 4:30 PM, Tyler Schroeder <tschroed@co.whatcom.wa.us> wrote:

Ralph,

Good job on the article today. I wanted to point out one thing that is not quite accurate. The article indicates “SSA Marine won't submit a permit application to the county until after the review document, called an environmental impact statement, is finalized - possibly before the end of 2015, although the timeline is highly uncertain.” SSA Marine has submitted the Major Project Permit to the county, however, a decision on that permit won’t be until after the EIS.

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
We're getting it corrected now -- for print -- before it goes to press. Thanks for being so quick to catch that and bring it to my attention.

On Wed, Feb 12, 2014 at 4:30 PM, Tyler Schroeder <tschroed@co.whatcom.wa.us> wrote:

Ralph,

Good job on the article today. I wanted to point out one thing that is not quite accurate. The article indicates “SSA Marine won't submit a permit application to the county until after the review document, called an environmental impact statement, is finalized - possibly before the end of 2015, although the timeline is highly uncertain.” SSA Marine has submitted the Major Project Permit to the county, however, a decision on that permit won’t be until after the EIS.

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Ari—
Attached are is the invoice for the billable hours for January.
Please let us know if you have any questions.
Thank you
Denise

Denise Massey Smith
Administrative Assistant
Whatcom County Planning and Development
5280 Northwest Drive
Bellingham, WA 98226
360-676-6907 Ext. 50201
Request for Invoice

Date: February 27, 2014

Bill To: SSA Marine
Attn: Ari Steinberg
1131 SW Klickitat Way
Seattle, WA 98134

RE: January 2014 - Monthly Whatcom County Staff Time

Fees:

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<tr>
<td>Whatcom County Public Works Department Fees</td>
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<td></td>
</tr>
</tbody>
</table>

TOTAL DUE 1800.00

Prepared by: [Signature] (Initials)
Denise Massey Smith

Approved by: [Signature] (Initials)
Tyler Schroeder
Dear SEPA Agencies

We very much welcome the recent decision to provide the public with Scope documentation. Please find attached a short one page memo that we trust will be of benefit in your internal deliberations about this release.

Thank you for your time and consideration of this important public matter.

---
Jack Delay, President
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
Follow us on Facebook and Twitter
Barbara,

The public has the opportunity to sign up for a mailing list and that can be done through the project’s joint website and the link to that site is http://www.eisgatewaypacificwa.gov/get-involved/comment. An individual needs to include their contact information and any process questions that he/she might have.

Also, the County has a website devoted to the project and the link is http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp. This website has all of the current and past documents for people to review. This website is updated periodically with new information. The latest contract amendment will be posted to this site very soon.

If anyone has questions on the project or process they can also contact myself at tschroed@whatcomcounty.us or by phone at 360.676.6907.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Mr. Browne,

Based off of one of your questions at Tuesday meeting I wanted to provide you a link to the GPT project’s flow chart. The County has this posted at the following web address, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/20110613PermitProcessFlowChart.pdf. This document is intended to inform the public of the process and the timeframes with the EIS and the permit process. Please contact me if you have a question about the process.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Paula,

Thank you for your email and I am glad that you found the Council meeting to be productive. Please let me know if you have questions about the project or process and I can try and assist you with those.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
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The whole county won because of your exhaustive efforts during last night’s marathon county council meeting. Without passing, Councilman Weimer’s amendment achieved its goal by enabling the questions and discussion that resulted in increased transparency, improved availability of contract information and greater public understanding of what is being done in our name and with our tax dollars. I came away from the meeting satisfied with, grateful for and proud of my county government. Council members, County Executive, County Administrator and staff, thank-you for bringing home the gold in good government to Whatcom County last night.

Sincerely,

Paula Rotondi
Jack,

Thank you for your email. I have been listening to the public request for the scope determination and I see the request as being reasonable. I will continue to discuss this in our office and with Ecology to see if we can provide that type of document. Numerous Whatcom County Council members have requested a plain language explanation of the Administrative Draft Scope of Work for the DEIS. This is the type of document that might serve the public. It would provide a straightforward description and a more transparent explanation of the content to the DEIS. The County will continue to discuss the details of how that document, or a similar document, can be provided.

Also, the county website will be updated with the Administrative Draft Scope of Work for the DEIS this afternoon, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp. This will provide a summary of the scope of work and budget for the preparation of the DEIS.

Thanks for your continued professional dialogue through this process,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

---

Dear SEPA Agencies

We very much welcome the recent decision to provide the public with Scope documentation. Please find attached a short one page memo that we trust will be of benefit in your internal deliberations about this release.

Thank you for your time and consideration of this important public matter.

---

Jack Delay, President
Communitywise Bellingham
Informing the conversation.
Good Day Tyler

Don’t want to risk any mutual arm damage from self back patting here, but thanks for your kind words about the CWB submission. CWB necessarily will continue to question or disagree at certain times with the SEPA Agencies, but we too believe in maintaining an agreeable and professional approach. I have appreciated your ability to listen with care rather than becoming defensive. There is often far too much unproductive noise in this discussion.

On a personal note, I was vey pleased to come across a transcript of your comments at the January 28th meeting of the Finance Committee in regards the WCC Major Project issues that has been so important to COB and to CWB these past couple of years. It was good to see a clear articulation of those issues. I pasted the relevant transcript snippet below.

I have shared those comments with interested CWB and COB parties who I know will find them welcome.

This email is just some personal observations, I am not wearing my CWB hat here, just the regular old interested citizen’s beat up irish cap.

Patricia and I (as well as Shannon and Kim) have always assumed from our discussions with PDS that there was implicit agreement about the need for the permit to include all required transportation infrastructure. I am not alone, however, in having been worried about agreement on that point because there was never any direct response to the Buri letter nor any of the many CWB letters on the subject. Even the fairly vague response to the Mayor and City Council, "the type and extent of necessary improvements to existing rail corridors is one that WCPDS shares with the Bellingham City Council", has left many elected officials continuing to worry about the underlying PDS view and especially how the EIS can accomplish its goals without asking for the additional plans.

I bolded a statement in the transcript of your summary statement that I found troubling given a long standing personal worry - that may sound a little outlandish - but reflects observations from my own personal work as an elected official in Oregon chairing an Air Quality Maintenance Area Advisory Committee. In that process I saw first hand how large and influential industries love technical legal arguments to “get their way”. In particular, I am troubled with your statement (bolded for emphasis below) that in their application they “aren’t indicating that those rail improvements are needed now”. I believe they have taken two explicit actions to the contrary (and potentially with purpose): (1) they removed the assertion that adequate rail transportation services existed; (2) they included a reference to the State Rail Plan - a plan that explicitly documents lack of capacity for the additional traffic.

This is all outlined in the Buri/CWB memo to Louws (7/25/12) which calls it a “tacit acknowledgement” by applicants of the capacity issue. So my personal fear is that since the County did not ask any explicit clarifying questions (as the COB requested) and has “accepted” the application which includes a clear indication of the capacity problem some two years ago - can the applicants call foul if an issue they have already disclosed is
raised even further downstream at DEIS time? A request for additional information has always seemed a very mild action by the County given the wealth of documentation of that issue by the state and independent parties (even the applicants include it by reference in the PID itself). From my own public experience that may remain a worthwhile “cover all bets” exercise to consider.

“Timing issue meaning that with the environmental review we will be looking at rail impacts, looking at rail congestion, looking at different crossing safety issues at intersections so if its, ah, clear with our rail experts that we have hired through CH2MHiLL that there are additional infrastructure improvements that have to happen that then would be a / because one of the requirements for the Major Development permit issuance is that the permit is .. uh .. I’m losing the (unintelligible) term, but is responsive to what is in the draft EIS and so there is a chance that the draft EIS shows that rail siding has to happen and so then the permit would have to be responsive to that for the Council to make a decision in regards to it.

That’s why I say its a timing issue. I understand that there is concern of .. that the .. that it doesn’t indicate that rail improvement thats why we’re doing the draft EIS to review if we can .. ahhh .. clearly show that those improvements would need to be happening and then that the permit would have to be responsive to that information before permit decision was made. **Now if the Company is not .. aren’t / aren’t .. aren’t indicating that those rail improvements are needed now, then you are right, there’ll be additional delays at the end but that .. the Company would kinda bear the brunt of that delay because they haven’t indicated that those improvements are going to happen.** So we’re gonna look at that a little bit more and .. and .. and I will review the record to see if a response has been given to the City and to Communitywise Bellingham and provide more information, Thank You.”
Alice,

The scope and budget is online, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/GPT_Phase2_Scope_COMBINED_14Feb2014_FINAL.pdf

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
OK. Our link hasn’t been updated yet…. If anybody comments on that, tell them it will be updated soon.

From: Tyler Schroeder [mailto:tschroed@co.whatcom.wa.us]
Sent: Friday, February 14, 2014 1:56 PM
To: Kelly, Alice (ECY)
Subject: Scope of Work

Alice,

The scope and budget is online, [http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/GPT_Phase2_Scope_COMBINED_14Feb2014_FINAL.pdf](http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/GPT_Phase2_Scope_COMBINED_14Feb2014_FINAL.pdf)

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
_Tschroed@whatcomcounty.us_
_www.whatcomcounty.us/pds_
_360.676.6907_
Great, no calls yet. But I know that Floyd McKay has read through it...

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

Links are good on both websites.

On Ecology's , the “we are Here” got updated to spring 2014.

OK. Our link hasn’t been updated yet.... If anybody comments on that, tell them it will be updated soon

The scope and budget is online, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/GPT_Phase2_Scope_COMBINED_14Feb2014_FINAL.pdf

Thanks,

Tyler R. Schroeder
Planning Manager
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360.676.6907
Hi Floyd,

I hope you find the scope of work and contract info as a good read. I want to focus you to a letter that the County sent to SSA back in 2011 when the current permit was submitted. The link is below. I think that this correspondence will answer some of your questions.

http://www.co.whatcom.wa.us/pds/plan/current/gpt‐ssa/pdf/20110711‐wc‐response‐to‐request‐for‐reconsideration.pdf

Please call to discuss if you have additional questions. Also, I will be discussing your questions with our attorney next week.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

---Original Message---
From: floydmckay@comcast.net
Sent: Thursday, February 6, 2014 10:50:57 AM
To: Tyler Schroeder
Subject: 1997 permits

Hi, Tyler: Thanks very much for posting the Draft EIS contract that is currently being negotiated with SSA. Some of the language makes me ask, again, for some clarification on the 1997 contract. See my earlier email below; I know you are busy, but I suspect this is one for the lawyers. Do hope for a reply in any event.

Thanks very much,
Floyd

--- Forwarded Message ----- 
From: floydmckay@comcast.net
To: "Tyler Schroeder" <tschoed@co.whatcom.wa.us>
Sent: Thursday, February 6, 2014 10:50:57 AM
Subject: 1997 permits
Hi, Tyler: Trying to do some catch-up. Could you (or the attorney) tell me the status of the 1997 shoreline and project development permits for P.I.T. Agreements were signed in 1999 but I am not sure what the status is at this point. Are the permits still actionable by P.I.T.?
Hope you are warm and well.

Thanks,
Floyd McKay
Crosscut.com
Thanks, Tyler. I had read the Lynn letter earlier and was unsure as to how the county would view a situation such as referred to in the Draft DEIS contract, in which it would be an on-site fallback if GPT as proposed is dropped. Since the new development is not similar to the 1997 one, the county told SSA it needed a new application. OK, but could SSA fall back on its 1997 plan, as negotiated in 1999, for a 8-million ton terminal without coal, if it fulfilled its obligations under the 1999 settlement. In all the documents I've read (courtesy of your Web site), it is not really clear. Thus my question to you and, ultimately, to your legal advisor.

Let me know after your meeting. This could come up as we progress. Thanks, hope you have a good weekend

Floyd

----- Original Message ----- 
From: "Tyler Schroeder" <tschroed@co.whatcom.wa.us>
To: floydmckay@comcast.net
Sent: Friday, February 14, 2014 2:48:03 PM
Subject: RE: 1997 permits

Hi Floyd,

I hope you find the scope of work and contract info as a good read. I want to focus you to a letter that the County sent to SSA back in 2011 when the current permit was submitted. The link is below. I think that this correspondence will answer some of your questions.

Please call to discuss if you have additional questions. Also, I will be discussing your questions with our attorney next week.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
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360.676.6907

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Thanks very much,
Floyd

----- Forwarded Message ----- 
From: floydmckay@comcast.net 
To: "Tyler Schroeder" <tschroed@co.whatcom.wa.us> 
Sent: Thursday, February 6, 2014 10:50:57 AM 
Subject: 1997 permits 

Hi, Tyler: Trying to do some catch-up. Could you (or the attorney) tell me the status of the 1997 shoreline and project development permits for P.I.T. Agreements were signed in 1999 but I am not sure what the status is at this point. Are the permits still actionable by P.I.T.? 
Hope you are warm and well.

Thanks,
Floyd McKay 
Crosscut.com
From: Philip Buri <Philip@burifunston.com>  
Sent: Friday, February 14, 2014 3:24 PM  
To: Tyler Schroeder  
Cc: Heidi Main; Jack Delay  
Subject: FW: Response to July 25, 2012 GPT Letter to Executive Louws  
Attachments: mdp2011-00001-ltr-bornemann.t-20120803_1.pdf

Tyler:

Here is the copy of the email you sent to me on August 3, 2012.

Phil

-----Original Message-----
From: Tyler Schroeder [mailto:Tschroed@co.whatcom.wa.us]  
Sent: Friday, August 03, 2012 1:32 PM  
To: Philip Buri  
Cc: Jack Louws; Royce Buckingham; Jack Delay  
Subject: Response to July 25, 2012 GPT Letter to Executive Louws

Phil,

Thank you for your letter dated July 25, 2012 GPT project. I further appreciate your follow-up discussions on the topic with Royce and I. I have attached the correspondence to the City of Bellingham, as discussed. This letter is similar to what we have been discussing in regards to the County using the EIS process to ultimately inform the permit decisions.

Kind Regards,

Tyler

Tyler R. Schroeder  
Planning Manager  
Phone: (360) 676-6907 ext. 50202  
Fax: (360)738-2525  
Email: Tschroed@co.whatcom.wa.us  
Address:  
Whatcom County Planning and Development Services  
5280 Northwest Dr.  
Bellingham, WA 98225
August 3, 2012

Terry Bornemann, Council President
Bellingham City Council
210 Lottie Street
Bellingham, WA 98225


Dear Mr. Bornemann:

Thank you for your letters of May 15, 2012 and July 5, 2012 regarding the on-going permit review associated with the proposed Gateway Pacific Terminal (GPT). The issue of off-site rail impacts associated with the GPT project review and the type and extent of necessary improvements to existing rail corridors is one that Whatcom County Planning and Development Services (WCPDS) shares with the Bellingham City Council.

As you know, the above-referenced permits are subject to the State Environmental Policy Act (SEPA), and a Determination of Significance (DS) and scoping for the required Environmental Impact Statement (EIS) will be forthcoming from the Co-Lead Agencies. As the SEPA EIS requires identification and study of significant impacts associated with the project, including those outside the jurisdiction of the project permits alone, the issue of rail impacts and necessary improvements is best vetted through that process.

Whatcom County will be using the EIS process to ultimately inform the permit decisions and will be including all of the comments submitted in response to the Notice of Application, including both the May 15, 2012 and July 5, 2012 letters from the Bellingham City Council in the EIS review. This will ensure that all issues brought forward during the comment period on the notice of application will be appropriately addressed in the EIS process.

Thank you for your continued involvement in the environmental review process on the GPT project. Please let me know if you have additional questions or concerns related to this correspondence.

Kind Regards,

Tyler R. Schroeder
Whatcom County Planning Manager

Cc: Jeannie Summerhays, DOE
    Randel Perry, USACE
    Kelli Linville, Mayor of Bellingham
    Jack Louws, Whatcom County Executive
Bob,

Here is the media statement that Ecology prepared which explains the scope of work document posted on our website.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Tyler,

I cannot answer the questions from Sandra Robson. I would greatly appreciate it if you can work with her to ensure they are answered.

Thank you in advance for any clarifications you can provide.

Barbara Brenner, Whatcom County Council Member

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.
I strongly support greater oversight and transparency for the proposed coal terminal. And I ask that you council members vote yes on AB 2014-069 and AB 2014-070.

I would like to give you all one example of why I feel strongly about the transparency issue and the issue of requiring the County Council's approval to modify or amend the original contract between the county and CH2M Hill. Please review my emails between myself, County Planning Department’s Tyler Schroeder, and Jack Louws at the bottom of this email.

The original signed contract between Whatcom County and CH2M Hill to conduct the EIS for the GPT was signed in June 2012. In that contract here was an expectation and a promise made in that contract by CH2M Hill to do a mailing to 20,000 residents giving notice about the EIS scoping and that was never done. This was an expectation that was considered vital to the process and yet it was not done.

I first wrote to Jack Louws and the county about this back in May 2013 and after several email communications back and forth Tyler Schroeder wrote this in an email to me: “There are specific citations in the contract that allow for modifications to the contract. According to Section 40.1 Modifications: Either party my request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties. The section that Ms. Robson has questions on is located in Section 2.4 Public and Agency Meetings, in which there was an assumption of 20,000 postcards that will be printed and mailed. This section of the contract was changed by mutual agreement between Whatcom County and CH2M HILL. This change was done in writing under Amendment #1 to the original contract: http://www.whatcomcounty.us/pds/plan/current/gptssa/pdf/contract201205028-amendment1-20130125.pdf. There is also an email chain which discusses these changes to the Public Involvement Plan and GPT Notification Plan between Whatcom County and CH2MHILL to the specific question of mailings (limiting postcards to adjacent property owners in coordination with the other notification actions).”

I have reviewed Amendment #1 to the original Whatcom County Contract with CH2M Hill. Tyler’s email explains that the specific contract change I asked about (20,000 postcards mailing that was in the original contract) was mutually agreed upon by both CH2M Hill and Whatcom County and that change was one in writing under Amendment #1 to the original contract. There is nothing specific to that subject in Amendment #1 that I can see from reviewing it.

I also requested records that might show me the “email chain which discusses these changes to the Public Involvement Plan and GPT Notification Plan between CH2M Hill and the county and in the emails sent to me for review there is nothing specifically mentioned about the 20,000 postcard mailings being changed/amended from the original contract. In the email communications supplied to me, resulting from my county records request there is one mention of postcards being mailed to properties within 1 mile of the proposed GPT site location. That is the only mention.

From my understanding of Section 40.1 Modifications: "Either party my request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties." Besides the fact that the 20,000 postcard mailings that were agreed upon in the original contract not being mentioned, it is important to note that the Amendment #1 to the original contract between the county and CH2M Hill was not signed until January 25, 2013. That date is therefore when any change or amendment to the original contract becomes valid and legally binding. The postcard mailings were to be done back when the EIS scoping phase was starting in September 2012.

So the postcard mailings were not done at all, and I’m told that was due to an agreed upon change supposedly in Amendment #1 to the original contract, and that Amendment #1 did not become fully agreed to and executed until January 25, 2013 which was 4+ months after the EIS scoping period started and as a matter of fact, that was after the closing date of the EIS scoping phase.

This change or amendment (which I can not find any mention of in the documents supplied to me or in the Amendment #1 document itself if it was in fact done, was done without the agreement of the County Council and was instead done by the County Executive Jack Louws who signed the Amendment #1 because of the current regulation which allows the County Exec to make changes to the contract without the vote/approval of the council if there is not additional money that would be sent by the county so in essence; pass-through contract amendments presently do not need County Council approval.

Just this example that I hope makes sense to you as I’ve tried to expel, win it is an example of the problems with the current process on this issue, and this is just one of the reasons why I support both:

- AB 2014-069: An ordinance that would set up the framework requiring the Council to review and approve contract amendments to ensure they protect the public interest.
- AB 2014-070: A resolution that asks the County Executive not to enter into any more agreements regarding the review process until the Council has an opportunity to set up a framework for adequate legislative oversight.
I would appreciate someone getting back to me about my serious concern that I have been trying to bring up since May 2013, about these 20,000 postcard mailings which were never done, thus leaving thousands of county residents without proper notification about this proposal. It is not a good enough excuse to simply think that because there were an unprecedented number of EIS scoping comments for GPT submitted that then it seems okay. It is not okay. What matters is how many Whatcom County residents were not given the agreed upon (by the county and CH2M Hill) notification of mailings to their properties to notify them about the proposed GPT and that those people may have not had the chance to submit comments. The County Council should have been asked to approve such a major change to the contract which had the potential to greatly affect the EIS process.

The County Council, when it voted originally on the original contract with CH2M Hill had a level of expectation that they agreed to. Deciding not to do 20,000 postcard mailings wasn’t simply agreeing to more fees to be paid to CH2M Hill by SSA/PIT for the additional work by CH2M Hill, but rather was an agreed to deliverable between the County and CH2M Hill which then was not performed as was promised. The council should have been asked to vote on such a significant change to the contract when it directly affected the county residents who the County Council represents. I live in Birch Bay and the notice to the public about the proposed GPT was never put in the newspaper which is considered our local newspaper, the Northern Light. The weekly newspaper is delivered into residents mailboxes without even having any subscription so it would have made sense to place at least just one notification about GPT was never put in that publication, but for some reason that never was done. So, to not have the notification in our town of Birch Bay’s only news publication, and on top of that to not perform the agreed to postcard mailings of 20,000 postcards to county residents left Birch Bay with little to no notification is unacceptable to me and I’m sure others here. The site location for the proposed GPT is partly in Birch Bay so it is very important to residents here.

I would like someone to tell me why this is okay and why Jack Louws, if he did, think it was okay to agree to this change? And if it was agreed to then why was it changed without signatures from both parties until 4+ months after the fact and after it was to be done? I would greatly appreciate someone explaining how this could happen.
Thank you very much.

Regards,

Sandy Robson
email: sjrer2@yahoo.com

Begin forwarded message:

From: Sandra Robson <sjrer2@yahoo.com>
Date: January 25, 2014 at 1:49:29 PM PST

Ms. Robson,

This is the direct response I received from Tyler Schroeder, Whatcom County’s SEPA official concerning your inquiry about the GPT contract concerning the distribution of 20,000 postcards. It appears to me that Whatcom County has followed the terms of the contract correctly.

Thank you for your interest in ensuring that Whatcom County is following contracting procedures related to GPT. We strive for accuracy and accountability in all our work. According to Tyler Schroeder’s January email

Jack,

Here is more information on the question from Ms. Robson. There are specific citations in the contract that allow for modifications to the contract. According to Section 40.1 Modifications: Either party my request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties. The section that Ms. Robson has
questions on is located in Section 2.4 Public and Agency Meetings, in which there was an assumption of 20,000 postcards that will be printed and mailed. This section of the contract was changed by mutual agreement between Whatcom County and CH2M HILL. This change was done in writing under Amendment #1 to the original contract: http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/pdf/contract201205028-amendment1-20130125.pdf. There is also an email chain which discusses these changes to the Public Involvement Plan and GPT Notification Plan between Whatcom County and CH2MHILL to the specific question of mailings (limiting postcards to adjacent property owners in coordination with the other notification actions). This change is consistent with Washington’s State Environmental Policy Act (SEPA) which requires that lead agencies use reasonable methods to inform the public. The state law does not specifically require postcards and it was determined during the process that other types of notification (web, newspaper, etc.) was more appropriate. Additional details on the overall scoping process including the processes for outreach to the public is found in The Scoping Summary Report. The Scoping Summary Report is available on the GPT EIS website here: http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/GPT_Scoping_Report_0.pdf.

Thanks,

Tyler R. Schroeder

Best regards,

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.

From: Sandy Robson [mailto:sjrer2@yahoo.com]
Sent: Wednesday, September 18, 2013 5:05 PM
To: Jack Louws; Bill Knutzen; Kathy Kershner; Pete Kremen; Ken Mann; Sam Crawford; Carl Weimer; Barbara Brenner
Subject: problem with the contract between Whatcom County and CH2M Hill

Dear Mr. Louws and County Council,

I sent you an email about this on May 28, 2013. Mr. Louws reply to me, and my subsequent response back, are copied and pasted at the bottom of this email. Mr. Louws response was only to say he passed my letter onto the agencies, but really, since this issue pertains to the contract between CH2M Hill and Whatcom County, I believe that is not anything under the overseeance of the agencies. It is specific to Whatcom County. I also believe that while there is some kind of moratorium on ex parte county council members communications, this is a contract issue, not about supporting or opposing GPT, so the council members should be able to communicate on this issue, along with Mr. Louws.

The reason I sent the email letter to you and the Whatcom County Council is because CH2M Hill has a signed contract with Whatcom County to conduct the EIS for the GPT. There was an expectation and a
promise made in that contract by CH2M Hill to do a mailing of 20,000 residents giving notice about the EIS scoping and that was never done. I consider it egregious that in the Whatcom County GPT EIS contract with CH2M Hill it was stated that there would be 20,000 mailings to the public and this mailing was never done. This was an expectation that was considered vital to the process and yet it was not done. My concern still is that one of the contractual obligations between Whatcom County and CH2M Hill is not being met by CH2M Hill, which severely and adversely impacts the EIS process, I believe it is something that needs to be addressed immediately. Additionally, the county has paid for this expectation and deliverable by CH2M Hill and yet it never occurred.

In the contract between CH2M Hill and Whatcom County for the GPT EIS under section 2.4 Public and Agency Scoping Meetings, it states that one of the ways that CH2M Hill Team will provide notice of the scoping process would be to do "a mailing of 20,000 postcard announcements. Notification area to be determined in consultation with the Agencies. Database to be pulled via postal code from mailing vendor." I have checked with everyone that I know and I have also written and asked CH2M Hill and the Agencies if any postcards or any types of sheets or cards were mailed out to the public and the answer was no. Unless I am misunderstanding the written response back from CH2M Hill (the Agencies were copied on this communication), this promised mailing of postcards was never done. Just this one fact is enough reason that I can say with confidence that the public was never properly informed about the proposed GPT project and the EIS process which is vital to the integrity of NEPA and SEPA. Our Whatcom County Council has been forbidden to receive/send communications about GPT or even read any news about GPT (as advised by Whatcom County Counsel). How am I, and others, supposed to alert them to the fact that this promised public outreach of 20,000 mailings stated in the contract was never done? I feel like I have absolutely no voice and my due process has been violated by the fact that I can't even address my County Council members about this and other concerns.

In CH2M Hill's Public Involvement Plan under the Stakeholder Interview section it listed Outreach Ideas given by Stakeholders that were interviewed and one of those was: --"Direct mail – stakeholders representing rural interests said this was particularly important" This was never done even though it was something that was identified as an important outreach tool/idea by Stakeholders who were interviewed. Even more egregious is the fact that in the Whatcom County GPT EIS contract with CH2M Hill it was stated that there would be 20,000 mailings to the public which was never done. This was an expectation that was considered vital to the process and yet it was never done.

I would appreciate a response to this letter first to confirm your receipt of it, and secondly after you all discuss it, to let me know what the county plans to do about this problem with the contract performance by Ch2M Hill which certainly adversely affects the EIS process.

Thank you for your attention to this matter.

Regards,

Sandy Robson
email: sjrer2@yahoo.com
Mr. Louws,
Thank you for your response. I understand from your response that you are trusting that the lead agencies are handling the EIS process lawfully, and you will pass this onto them. The reason I sent the email letter to you and the Whatcom County Council is because CH2M Hill has a signed contract with Whatcom County to conduct the EIS for the GPT. There was an expectation and a promise made in that contract by CH2M Hill to do a mailing of 20,000 residents giving notice about the EIS scoping and that was never done. I consider it egregious that in the Whatcom County GPT EIS contract with CH2M Hill it was stated that there would be 20,000 mailings to the public and this mailing was never done. This was an expectation that was considered vital to the process and yet it was never done.

In the contract between CH2M Hill and Whatcom County for the GPT EIS under section 2.4 Public and Agency Scoping Meetings, it states that one of the ways that CH2M Hill Team will provide notice of the scoping process would be to do "a mailing of 20,000 postcard announcements. Notification area to be determined in consultation with the Agencies. Database to be pulled via postal code from mailing vendor." I have checked with everyone that I know and I have also written and asked CH2M Hill and the Agencies if any postcards or any types of sheets or cards were mailed out to the public and the answer was no. Unless I am misunderstanding the written response back from CH2M Hill (the Agencies were copied on this communication), this promised mailing of postcards was never done. Just this one fact is enough reason that I can say with confidence that the public was never properly informed about the proposed GPT project and the EIS process which is vital to the integrity of NEPA and SEPA. Our Whatcom County Council has been forbidden to receive/send communications about GPT or even read any news about GPT (as advised by Whatcom County Counsel). How am I, and others, supposed to alert them to the fact that this promised public outreach of 20,000 mailings stated in the contract was never done? I feel like I have absolutely no voice and my due process has been violated by the fact that I can't even address my County Council members about this and other concerns.

I am not attorney, but this seems to be a serious breach of contract which I expect Whatcom County to address immediately since the agreed upon mailing of 20,000 postcards to residents was critical to the public notice and public involvement part of the process. As a resident of Whatcom County, I expect that you will address what I see as a serious problem with the process, especially as it relates to the contract between the county and CH2M Hill.

I would appreciate a response back after you check with appropriate experts and possibly your county counsel on your end.
Thank you.
Regards.
On May 28, 2013, at 12:53 PM, Jack Louws wrote:

Ms. Robson,

Thank you for your comments. I will pass them on to the lead agencies conducting this EIS. I trust they are handling this process lawfully, but I’m sure they will take your comments seriously. I’ll allow them to respond to your claim of unfairness related to the GPT EIS if necessary.

(Tyler, make sure this is available for all the lead agencies)

Respectfully,
Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717
Jack 
I looked through the document Tyler provided below, and while I am glad it is available I think a more graphical "plain 
English" "decision tree" chart format would be easier for the public to follow. This is difficult to follow for someone who 
does not understand the acronyms and and terminology.

Thanks

Rud
Rud Browne
Councilmember - At-Large
Whatcom County Council
311 Grand Ave. Suite 105
Bellingham, WA 98225
Phone: 360-820-9494
Email: RBrowne@co.whatcom.wa.us
Profile: www.WhatcomCounty.us/Council/distatlargeprofile.jsp

NOTICE: All emails and attachments sent to and from Whatcom County are public records and may be 
subject to disclosure pursuant to the Public Records Act (RCW 42.56)

From: Tyler Schroeder
Sent: Thursday, February 13, 2014 3:38 PM
To: Rud Browne
Cc: Council
Subject: GPT Flow Chart

Mr. Browne,

Based off of one of your questions at Tuesday meeting I wanted to provide you a link to the GPT project’s flow 
chart. The County has this posted at the following web address, http://www.co.whatcom.wa.us/pds/plan/current/gpt- 
ssa/pdf/20110613PermitProcessFlowChart.pdf. This document is intended to inform the public of the process and the 
timeframes with the EIS and the permit process. Please contact me if you have a question about the process.

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Thanks for sending this

**Rud**

Rud Browne  
Councilmember - At-Large  
Whatcom County Council  
311 Grand Ave. Suite 105  
Bellingham, WA 98225  
Phone: 360-820-9494  
Email: RBrowne@co.whatcom.wa.us  
Profile: www.WhatcomCounty.us/Council/distatlargeprofile.jsp

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Mr. Browne,

Based off of one of your questions at Tuesday meeting I wanted to provide you a link to the GPT project’s flow chart. The County has this posted at the following web address, http://www.co.whatcom.wa.us/pds/plan/current/gptssa/pdf/20110613PermitProcessFlowChart.pdf. This document is intended to inform the public of the process and the timeframes with the EIS and the permit process. Please contact me if you have a question about the process.

Thanks,

Tyler R. Schroeder  
Planning Manager  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226  
Tschroed@whatcomcounty.us  
www.whatcomcounty.us/pds  
360.676.6907
Tyler,

Please add Judy's comments so they will be addressed in the EIS.

Thank you.

Barbara Brenner, Whatcom County Council Member

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

From: bbrenner@co.whatcom.wa.us
To: bbgun1010@aol.com
Subj: FW: Support for EIS Process

-----Original Message-----
Date: Tue, 11 Feb 2014 12:55:24 -0800
Subject: Support for EIS Process
From: Judy Anderson <anderson.judy8@gmail.com>
To: <cweimer@co.whatcom.wa.us>, <SCrawfor@co.whatcom.wa.us>, <KMann@co.whatcom.wa.us>, <PKremen@whatcomcounty.us>, <BBuchana@co.whatcom.wa.us>, <RBrowne@co.whatcom.wa.us>

I am hopeful that the EIS's analyses will include a review of the environmental impacts, including human health effects related to the construction and operation of the Gateway Pacific Terminal facilities and all modifications to the BNSF Custer Spur. I am trusting you will also include the EIS's analyses to provide an assessment of whether measures can be taken to avoid or minimize those environmental impacts. We elected you to speak to the corporations and America on our small counties behalf. Please put humans before profits.

Thank you,

Judy Anderson
Whatcom County Democratic Women's Club VP & Communications
anderson.judy8@gmail.com
Dear Tyler,

Thanks for taking the time to prepare the very interesting piece that appeared in today's Bellingham Herald.

Although your piece is a small step in the right direction, the column did not offer to make it easy for Whatcom County residents to know what is going on in the EIS process.

My concern, as we discussed earlier this year, is the lack of information the county gives citizens concerning the process. The proposed coal-export terminal is a major undertaking with huge effects (both positive and negative) throughout the county and beyond. Because this project is so unlike the typical one (e.g., repairing a bridge or putting culverts in a creek), the county must make a serious, ongoing effort to keep citizens informed.

Posting contracts on the county's website is a very weak form of public information. I hope the county will issue a statement explaining clearly what topics will be included in the forthcoming EIS and what topics will not be included.

I hope you will keep the public well informed on the process and content of the forthcoming EIS.

Thank you.

Eric

----------------------------
Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
📞 360-656-6690  📧 EricHirst@comcast.net
From: BBGUN1010@aol.com
Sent: Sunday, February 16, 2014 10:04 AM
To: EricHirst@comcast.net
Cc: NaDean Hanson; Barbara Brenner; Tyler Schroeder; Jack Louws
Subject: Re: FW: Re: FW: EIS process for Cherry Point: Support AB 2014-69 and -70

Eric,

Point well taken. I am copying this to Tyler so he can also consider your comments. I did hear back from a resident about that. I am not sure I understood him but it sounded like the site might have had some problems. Because I really trust Tyler, I do believe they are doing their best to post documents as soon as possible.

I know we are getting new equipment soon. I think it is this week. Maybe that will help.

I think Executive Louws heard loud and clear there is frustration. He gave his word he would make sure documents are posted asap and I do trust him to do it. I will copy him too.

Barbara

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/16/2014 7:50:00 A.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
Date: Sun, 16 Feb 2014 07:47:22 -0800
To: "bbrenner@co.whatcom.wa.us" <bbrenner@co.whatcom.wa.us>
From: Eric Hirst <EricHirst@comcast.net>
Subject: Fwd: Re: FW: EIS process for Cherry Point: Support AB 2014-69 and -70
CC: <NHanson@co.whatcom.wa.us>

Dear Barbara,

Thanks so much for the detailed response to my email about the EIS process for Cherry Point. I really appreciate your taking the time to tell me your views on Carl Weimer's proposed resolution and ordinance.

My concern is not with the role of county council in overseeing the county's EIS process. My concern is the lack of information from the county to our citizens concerning the process. The proposed coal-export terminal is a major undertaking with huge effects (both positive and negative) throughout the county and beyond. Because this project is so unlike the typical one (e.g., repairing a bridge or putting culverts in a creek), the county must make a serious, ongoing effort to keep citizens informed.

Posting contracts on the county's website is a very weak form of public information. I hope the county planning department will issue a statement explaining clearly what topics will be included in the forthcoming EIS and what topics will not be included. Tyler Schroeder's column in today's Bellingham Herald is a small step in the right direction; sadly his column did not offer to make it easy for Whatcom County residents to know what is going on.

I hope you will urge Jack Louws to keep the public well informed on the process and content of the forthcoming EIS.

Eric
Hi Eric,

I hope you find this information useful.

Whatcom County is recouping our costs. According our county executive, Whatcom County has billed the project proponents $59,931 through last November at a rate of $80 to $100 per hour. Staff working on it make approximately $40 hour and are getting 35 percent benefits. Therefore, direct staff time is $60 per hour. If the County had billed for the staff’s direct time, it would have billed about $36,000, not $59,931. The difference takes care of incidental costs, including the Prosecutor’s time. The Health Department and Public Works Department have both billed their time. It’s very likely that the County will need extra help analyzing the reports as scoping begins and the County begins receiving reports. The County will charge the proponents of this project for the time the County invests into it.

Regarding transparency, there have been, and will be many more opportunities for the public to read information and to comment before council members, sitting as judges, will decide this issue. There are many more steps after the draft environmental impact statement (EIS) that will give members of the public the opportunity to comment and ask questions. Currently there are county websites regarding the project and the process. After my response I have included comments and websites from our SEPA (State Environmental Policy Act) official and staff project lead, Tyler Schroeder to help you continue to be part of the public process. The sites contains correspondence/documents from the county, other agencies, and members of the public. Additionally, I was told there have been and will be press releases from the WA State Department of Ecology. Tyler’s training and background is in putting together environmental impact statements (EIS). He also has the benefit of working with members of the State Department of Ecology and U.S. Army Corps of Engineers because the County, Ecology, and the Corps are all equal partners on this part of the process.

Public comment will be sought for the draft environmental impact statement (EIS) when the draft is ready. Although Washington State law says the comment period for the draft EIS SHALL be 30 days, and can be extended out to 45 days, that will not be the only opportunity for the public to comment. After that there will be a public hearing before the county hearing examiner, where the public can comment. After that, the proposal will come to the council with a recommendation from the hearing examiner. At that time the council has the option of sending the proposal to the planning commission, who may hold public hearings of their own. Finally it will come before the council where the public can again comment. Right now the public and council members are able to read each document as it is posted to the County website. The public will be able to comment at any and all future hearings on this. The County, Ecology, and the Corps are also working in consultation with attorneys at the State, federal, and local levels. This information was provided to me from our county project lead, Tyler Schroeder.

This whole process is unique in some ways. The final decision is the county council's, acting as judges, so we cannot insert ourselves into the administrative process. This part of the EIS process is administrative, as determined by our county code and county charter, and according to our legal counsel. If we pass an ordinance requiring the county executive to have the council review and approval for anything within the EIS part of the process, we are setting the county taxpayers up for costly lawsuits, in that there will be a glaring appearance of bias. Also, council members can be recused from even deciding the issue because of the same bias, in that we went beyond our authority. Usually, but not in this case, the EIS process goes before the hearing examiner for a decision. If any party wants to appeal the hearing examiner's decision, it comes to the council. At that point, when it is appealed to us, we must refrain from ex-parte communications or inserting ourselves into it because we will be sitting as judges. That type of action usually only takes a few weeks from the time it is appealed to us until our decision. This is different because right from the beginning the council was designated as the final decision-makers, the judges. This proposal only goes before the hearing examiner for a recommendation, not a final decision. Because we were designated as the judges right from the beginning, we were required, right from the beginning, to not insert ourselves into the process until it comes to us. While this process is pretty unique, we have been told by our legal counsel since the beginning that we cannot insert ourselves into the process. Additionally, our county charter and county code dictate we cannot insert ourselves into administrative
processes, even if it wasn't this. I can't pick and choose which laws I can ignore, especially in this type of situation.

I have gone into more detail here, and maybe been too repetitious, because this issue is so important to many people, and so is public trust in the process. ALL (except maybe the two new) council members have been told repeatedly we cannot insert ourselves into the process at this point. I can see how the wording of the ordinance and resolution could cause people to think the process has been secretive. This process will be lengthy and transparent.

Be sure to read our EIS official, Tyler Schroeder's comments below.

Barbara

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Tyler R. Schroeder, Planning Manager, Whatcom County Planning and Development Services
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Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
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To: Barbara Brenner <bbrenner@co.whatcom.wa.us>, Barry Buchanan <BBuchana@co.whatcom.wa.us>, Carl Weimer <cweimer@co.whatcom.wa.us>, Ken Mann
From: Eric Hirst [mailto:EricHirst@comcast.net]
Sent: Monday, February 10, 2014 12:11 PM
To: Council
Cc: Jack Louws; Tyler Schroeder
Subject: EIS process for Cherry Point: Support AB 2014-69 and -70

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1932 Rhododendron Way
Bellingham, WA 98229
( 360-656-6690  : EricHirst@comcast.net
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Subject: Fwd: Re: FW: EIS process for Cherry Point: Support AB 2014-69 and -70
CC: <NHanson@co.whatcom.wa.us>

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Sent: Sunday, February 16, 2014 10:03 AM
To: EricHirst@comcast.net
Cc: NaDean Hanson; Barbara Brenner; Tyler Schroeder; Jack Louws
Subject: Re: FW: Re: FW: EIS process for Cherry Point: Support AB 2014-69 and -70

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Tyler R. Schroeder, Planning Manager, Whatcom County Planning and Development Services

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Thank you.

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____________________________
Eric Hirst
1932 Rhododendron Way
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Hi Tyler

I have been trying to find a map of the proposed rail rout of GPT-SSA. I think they will use the current track which crosses Grandview at Peace Portal and then use the Custer spur to get to their property. That spur crosses the Bay Road and Grandview again closer to Birch Bay. The trains on that spur move extremely slow. We at Birch Bay will never be able to leave because of the excessive amount of train traffic and having to cross two rail lines to get to I-5.

Arne Cleveland
Birch Bay
Tyler,

I'm impressed that you're working on a weekend - my tax dollars hard at work.

Joking aside, I very much appreciate your response and look forward to reading the nonlegalese explanation of the scope of work for the forthcoming EIS.

Eric

At 10:39 AM 2/16/2014, you wrote:

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Posting contracts on the county's website is a very weak form of public information. I hope the county planning department will issue a statement explaining clearly what topics will be included in the forthcoming EIS and what topics will not be included. Tyler Schroeder's column in today's Bellingham Herald is a small step in the right direction; sadly his column did not offer to make it easy for Whatcom County residents to know what is going on.
I hope you will urge Jack Louws to keep the public well informed on the process and content of the forthcoming EIS.

Eric

From: BBGUN1010@aol.com

Full-name: BBGUN1010
Date: Sat, 15 Feb 2014 17:19:46 -0500 (EST)
Subject: Re: FW: EIS process for Cherry Point: Support AB 2014-69 and -70
To: EricHirst@comcast.net
CC: NHanson@co.whatcom.wa.us, BBrenner@co.whatcom.wa.us

Hi Eric,

I hope you find this information useful.

Whatcom County is recouping our costs. According our county executive, Whatcom County has billed the project proponents $59,931 through last November at a rate of $80 to $100 per hour. Staff working on it make approximately $40 hour and are getting 35 percent benefits. Therefore, direct staff time is $60 per hour. If the County had billed for the staff’s direct time, it would have billed about $36,000, not $59,931. The difference takes care of incidental costs, including the Prosecutor’s time. The Health Department and Public Works Department have both billed their time. It’s very likely that the County will need extra help analyzing the reports as scoping begins and the County begins receiving reports. The County will charge the proponents of this project for the time the County invests into it.

Regarding transparency, there have been, and will be many more opportunities for the public to read information and to comment before council members, sitting as judges, will decide this issue. There are many more steps after the draft environmental impact statement (EIS) that will give members of the public the opportunity to comment and ask questions. Currently there are county websites regarding the project and the process. After my response I have included comments and websites from our SEPA (State Environmental Policy Act) official and staff project lead, Tyler Schroeder to help you continue to be part of the public process. The sites contains correspondence/documents from the county, other agencies, and members of the public. Additionally, I was told there have been and will be press releases from the WA State Department of Ecology. Tyler’s training and background is in putting together environmental impact statements (EIS). He also has the benefit of working with members of the State Department of Ecology and U.S. Army Corps of Engineers because the County, Ecology, and the Corps are all equal partners on this part of the process.

Public comment will be sought for the draft environmental impact statement (EIS) when the draft is ready. Although Washington State law says the comment period for the draft EIS SHALL be 30 days, and can be extended out to 45 days, that will not be the only opportunity for the public to comment. After that there will be a public hearing before the county hearing examiner, where the public can comment. After that, the proposal will come to the council with a recommendation from the hearing examiner. At that time the council has the option of sending the proposal to the planning commission, who may hold public hearings of their own. Finally it will come before the council where the public can again comment. Right now the public and council members are able to read each document as it is posted to the County website. The public will be able to comment at any and all future hearings on this.
The County, Ecology, and the Corps are also working in consultation with attorneys at the State, federal, and local levels. This information was provided to me from our county project lead, Tyler Schroeder.

This whole process is unique in some ways. The final decision is the county council's, acting as judges, so we cannot insert ourselves into the administrative process. This part of the EIS process is administrative, as determined by our county code and county charter, and according to our legal counsel. If we pass an ordinance requiring the county executive to have the council review and approval for anything within the EIS part of the process, we are setting the county taxpayers up for costly lawsuits, in that there will be a glaring appearance of bias. Also, council members can be recused from even deciding the issue because of the same bias, in that we went beyond our authority. Usually, but not in this case, the EIS process goes before the hearing examiner for a decision. If any party wants to appeal the hearing examiner's decision, it comes to the council. At that point, when it is appealed to us, we must refrain from ex-parte communications or inserting ourselves into it because we will be sitting as judges. That type of action usually only takes a few weeks from the time it is appealed to us until our decision. This is different because right from the beginning the council was designated as the final decision-makers, the judges. This proposal only goes before the hearing examiner for a recommendation, not a final decision. Because we were designated as the judges right from the beginning, we were required, right from the beginning, to not insert ourselves into the process until it comes to us. While this process is pretty unique, we have been told by our legal counsel since the beginning that we cannot insert ourselves into the process. Additionally, our county charter and county code dictate we cannot insert ourselves into administrative processes, even if it wasn't this. I can't pick and choose which laws I can ignore, especially in this type of situation.

I have gone into more detail here, and maybe been too repetitious, because this issue is so important to many people, and so is public trust in the process. ALL (except maybe the two new) council members have been told repeatedly we cannot insert ourselves into the process at this point. I can see how the wording of the ordinance and resolution could cause people to think the process has been secretive. This process will be lengthy and transparent.

Be sure to read our EIS official, Tyler Schroeder's comments below.

Barbara

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

Barbara,

The public has the opportunity to sign up for a mailing list and that can be done through the project's joint website and the link to that site is http://www.eisgatewaypacificwa.gov/get-involved/comment. An individual needs to include their contact information and any process questions that he/she might have.

Also, the County has a website devoted to the project and the link is http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp. This website has all of the current and past documents for people to review. This website is updated periodically with new information. The latest contract amendment will be posted to this site very soon.
If anyone has questions on the project or process they can also contact myself at tschroed@whatcomcounty.us or by phone at 360.676.6907.

Thanks,

Tyler R. Schroeder, Planning Manager, Whatcom County Planning and Development Services

5280 Northwest Drive
Bellingham, WA 98226

Tschoed@whatcomcounty.us

www.whatcomcounty.us/pds

360.676.6907

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/10/2014 1:55:10 P.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes: -----Original Message-----
From: Council <Council@co.whatcom.wa.us>
To: Barbara Brenner <bbrenner@co.whatcom.wa.us>, Barry Buchanan <BBuchana@co.whatcom.wa.us>, Carl Weimer <cweimer@co.whatcom.wa.us>, Ken Mann <kmann@co.whatcom.wa.us>, Pete Kremen <PKremen@co.whatcom.wa.us>, Rud Browne <RBrowne@co.whatcom.wa.us>, Sam Crawford <scrawfor@co.whatcom.wa.us>
Subject: FW: EIS process for Cherry Point: Support AB 2014-69 and -70
Date: Mon, 10 Feb 2014 21:55:00 +0000

From: Eric Hirst [mailto:EricHirst@comcast.net]
Sent: Monday, February 10, 2014 12:11 PM
To: Council
Cc: Jack Louws; Tyler Schroeder
Subject: EIS process for Cherry Point: Support AB 2014-69 and -70

Dear Whatcom County Council Members,
I urge you to support and vote for a resolution and an ordinance to be considered at tomorrow's county council meeting: AB 2014-69 and -70. These changes to current contracting processes would allow Whatcom County citizens to know what is happening in the environmental impact statement (EIS) process for the proposed Cherry Point coal terminal.
To date, the county's executive and planning department have failed to inform the public on the costs of the EIS and how much of those costs are being borne by local taxpayers (in my view, citizens should pay none of these costs). Even more important, citizens have no information on the scope of the EIS, what topics suggested during the scoping period will be included and what topics will be excluded.
This proposed coal-export terminal is, by far, the largest project ever proposed for Whatcom County. It is also hugely controversial. All of us - proponents, opponents, and skeptics - want and need complete information on both the process and results. Only the county council can provide the oversight needed to ensure that citizens are well informed on this project.

Thank you.

Eric

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Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
(360-656-6690 : EricHirst@comcast.net
Thank you Tyler.

But I do feel bad that you are working on the weekend.

Barbara

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/16/2014 10:38:13 A.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
From: Tyler Schroeder <tschroed@co.whatcom.wa.us>
To: "BBGUN1010@aol.com" <BBGUN1010@aol.com>, "EricHirst@comcast.net"<EricHirst@comcast.net>
CC: NaDean Hanson <nhanson@co.whatcom.wa.us>, Barbara Brenner <bbrenner@co.whatcom.wa.us>, Jack Louws <JLouws@co.whatcom.wa.us>
Date: Sun, 16 Feb 2014 18:37:57 +0000

Eric,

A couple of other Council members have requested a plain language explanation of the contract. I remember your email correspondence with me earlier last month and we have been considering such a document since then. Also, Community-wise Bellingham has also requested a scope document be prepared. I have reviewed that request and have been listening to a number of different citizens that have asked for that type of document. There seems to be very reasonable argument on why the County should prepare this type of document. In regards to the scope document, the County had discussed this issue with Ecology when the press release was issued (last summer) and I am still of the opinion that it would serve everyone to have a more detailed explanation of the scope.

I am currently working with our consultant to prepare a plain language explanation of the scope. It is likely that this plain language explanation document will be issued. Hopefully we will have something prepared by the time the contract is signed.

Thanks for you interest in community dialogue throughout this process.

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
360.676.6907
From: BBGUN1010@aol.com <BBGUN1010@aol.com>
Sent: Sunday, February 16, 2014 10:03 AM
To: EricHirst@comcast.net
Cc: NaDean Hanson; Barbara Brenner; Tyler Schroeder; Jack Louws
Subject: Re: FW: Re: FW: EIS process for Cherry Point: Support AB 2014-69 and -70

Eric,

Point well taken. I am copying this to Tyler so he can also consider your comments. I did hear back from a resident about that. I am not sure I understood him but it sounded like the site might have had some problems. Because I really trust Tyler, I do believe they are doing their best to post documents as soon as possible.

I know we are getting new equipment soon. I think it is this week. Maybe that will help.

I think Executive Louws heard loud and clear there is frustration. He gave his word he would make sure documents are posted asap and I do trust him to do it. I will copy him too.

Barbara

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In a message dated 2/16/2014 7:50:00 A.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
Date: Sun, 16 Feb 2014 07:47:22 -0800
To: "bbrenner@co.whatcom.wa.us" <bbrenner@co.whatcom.wa.us>
From: Eric Hirst <EricHirst@comcast.net>
Subject: Fwd: Re: FW: EIS process for Cherry Point: Support AB 2014-69 and -70
CC: <NHanson@co.whatcom.wa.us>

Dear Barbara,

Thanks so much for the detailed response to my email about the EIS process for Cherry Point. I really appreciate your taking the time to tell me your views on Carl Weimer's proposed resolution and ordinance.

My concern is not with the role of county council in overseeing the county's EIS process. My concern is the lack of information from the county to our citizens concerning the process. The proposed coal-export terminal is a major undertaking with huge effects (both positive and negative) throughout the county and beyond. Because this project is so unlike the typical one (e.g., repairing a bridge or putting culverts in a creek), the county must make a serious, ongoing effort to keep citizens informed.

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I hope you will urge Jack Louws to keep the public well informed on the process and content of the forthcoming EIS.

Eric

From: BBGUN1010@aol.com
Hi Eric,

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This whole process is unique in some ways. The final decision is the county council's, acting as judges, so we cannot insert ourselves into the administrative process. This part of the EIS process is administrative, as determined by our county code and county charter, and according to our legal counsel. If we pass an ordinance requiring the county executive to have the council review and approval for anything within the EIS part of the process, we are setting the county taxpayers up for costly lawsuits, in that there will be a glaring appearance of bias. Also, council members can be recused from even deciding the issue because of the same bias, in that we went beyond our authority. Usually, but not in this case, the EIS process goes before the hearing examiner for a decision. If any party wants to appeal the hearing examiner's decision, it comes to the council. At that point, when it is appealed to us, we must refrain from ex-parte communications or inserting ourselves into it because we will be sitting as judges. That type of action usually only takes a few weeks from the time it is appealed to us until our decision. This is different because right from the beginning the council was designated as the final decision-makers, the judges. This proposal only goes before the hearing examiner for a recommendation, not a final decision. Because we were designated as the judges right from the beginning, we were required, right from the beginning, to not insert ourselves into the process until it comes to us. While this process is pretty unique, we have been told by our legal counsel since the beginning that we cannot insert ourselves into the process. Additionally, our county charter and county
code dictate we cannot insert ourselves into administrative processes, even if it wasn't this. I can't pick and choose which laws I can ignore, especially in this type of situation.

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Be sure to read our EIS official, Tyler Schroeder's comments below.

Barbara

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

Barbara,

The public has the opportunity to sign up for a mailing list and that can be done through the project’s joint website and the link to that site is http://www.eisgatewaypacificwa.gov/get-involved/comment. An individual needs to include their contact information and any process questions that he/she might have.

Also, the County has a website devoted to the project and the link is http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp. This website has all of the current and past documents for people to review. This website is updated periodically with new information. The latest contract amendment will be posted to this site very soon.

If anyone has questions on the project or process they can also contact myself at tschoed@whatcomcounty.us or by phone at 360.676.6907.

Thanks,

Tyler R. Schroeder, Planning Manager, Whatcom County Planning and Development Services

5280 Northwest Drive

Bellingham, WA 98226

Tschoed@whatcomcounty.us

www.whatcomcounty.us/pds

360.676.6907

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In a message dated 2/10/2014 1:55:10 P.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
From: Council <Council@co.whatcom.wa.us>
To: Barbara Brenner <bbrenner@co.whatcom.wa.us>, Barry Buchanan
From: Eric Hirst [mailto:EricHirst@comcast.net]
Sent: Monday, February 10, 2014 12:11 PM
To: Council
Cc: Jack Louws; Tyler Schroeder
Subject: EIS process for Cherry Point: Support AB 2014-69 and -70

Dear Whatcom County Council Members,

I urge you to support and vote for a resolution and an ordinance to be considered at tomorrow's county council meeting: AB 2014-69 and -70. These changes to current contracting processes would allow Whatcom County citizens to know what is happening in the environmental impact statement (EIS) process for the proposed Cherry Point coal terminal.

To date, the county's executive and planning department have failed to inform the public on the costs of the EIS and how much of those costs are being borne by local taxpayers (in my view, citizens should pay none of these costs). Even more important, citizens have no information on the scope of the EIS, what topics suggested during the scoping period will be included and what topics will be excluded.

This proposed coal-export terminal is, by far, the largest project ever proposed for Whatcom County. It is also hugely controversial. All of us - proponents, opponents, and skeptics - want and need complete information on both the process and results. Only the county council can provide the oversight needed to ensure that citizens are well informed on this project.

Thank you.

Eric

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Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
( 360-656-6690  : EricHirst@comcast.net)
From: BBGUN1010@aol.com
Sent: Monday, February 17, 2014 12:38 PM
To: anvanallen@gmail.com
Cc: Tyler Schroeder; NaDean Hanson; Barbara Brenner
Subject: Re: FW: Gateway Pacific Terminal EIS

Art,

Thank you for your response. However, your response is regarding more than the process. It includes comments about the project itself so it needs to be in our planning department's public record. Your original e-mail is already part of the public record so there is not a problem with it. I don't want to appear to be having an ex-parte conversation regarding what you think about the project (which could exclude me from the vote), so I am forwarding to our planning department.

I do appreciate you taking the time to let me know some information. But I don't want to be seen as bias in any way so am being very careful and am copying your response to our planning EIS official and he can make that decision.

I just wanted to let you know.

Barbara Brenner

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/16/2014 11:42:28 A.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
From: Art Van Allen <anvanallen@gmail.com>
Subject: Re: Gateway Pacific Terminal EIS
Date: Sun, 16 Feb 2014 11:40:05 -0800
To: <BBGUN1010@aol.com>, <bbrenner@co.whatcom.wa.us>

Barbara,

Thank you for responding to my earlier email. I appreciate your sincerity in executing your duties as a Whatcom County Commissioner. I am concerned, however, as to the sincerity of some of the newly elected commissioners, particularly those who benefited from PACs that were from out of state and representing their own agendas and had no loyalty to the residents of Whatcom County.

Much has been bandied about as to the perceived 'dangers' of rail transportation of coal through the county. The nay sayers act as if coal trains as would be something new and result in spreading death and destruction to our residents. Their hysterical argument seems based on the coal industry of 50-100 years ago which is designed to instill fear in their supporters (or anyone who will listen) of some imagined catastrophe and conveniently ignore the fact that coal trains have been traveling through our neck of the woods for quite some time... on their way to export their cargo (and associated jobs) to facilities north of the border. I'm not aware of any 'catastrophic' (or even non-catastrophic) problems occurring as a result... are you? Would the RR issue even be a 'hot button' when grain, corn and other commodities are shipped through GPT? I'm including an attachment of an article about RR safety that appeared in an opinion column a few months ago. It made sense to me and thought you might find it helpful.

The other argument of wanting to "save the earth" by stopping development of GPT seems ludicrous to me. Not all countries are fortunate enough to have the natural resources we do so they shop in the world market for what they need. The reality is that coal fired power plants are needed in our country and others to help provide electricity to run cities, factories, computers, cell phones, etc. that we all enjoy. Other means of generating

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electricity are also needed (hydro, nat’l gas, nuclear, solar, wind, thermal, etc.) since no single type of generation is capable of supplying enough electricity of all our needs (or the needs of other developed countries). All forms of electrical generation come with some undesirable side effects, some of which are not highly publicized. Some of the best coal (i.e., lowest polluting) in the world is the low sulfur variety from the Wyoming mines which would be shipping their product through the GPT. If that coal isn’t readily available to foreign customers they will simply buy whatever coal is available from other countries, most of which is the higher sulfur content (higher polluting) coal. The reality is that world coal usage isn’t going to diminish (or even slow down) if the GST project isn’t built. Faced with that reality, wouldn’t it make sense to facilitate pollution REDUCTION by allowing low sulfur coal to be shipped through GPT? Personally, I think the billions of dollars being spent to somehow reverse global warming would be better spent to improve infrastructure needed for surviving the undesirable effects of global warming. The forces of nature are so much greater than anything mankind can do… thinking otherwise is egotistical folly.

Am I in favor of allowing the development of GPT? Yes, I am. Not because I would be able to get one of those high paying jobs (I retired 5 years ago); because I think it is the best choice, both short term AND long term, for Whatcom County and its residents… and the rest of the world that will benefit by having access to those commodities needed for their populace to prosper.

Thanks for listening,
Art Van Allen
Lynden
anvanallen@gmail.com
360-255-1477
From: PublicRecordsOfficer
Sent: Tuesday, February 18, 2014 7:55 AM
To: Linda Nielsen; Tyler Schroeder; Denise Smith
Subject: FW: CH2M Hill Contract Record Request Follow-up

Thought you all should see this.

Mark Burnfield

From: wechslerlaw@comcast.net [mailto:wechslerlaw@comcast.net]
Sent: Saturday, February 15, 2014 5:12 PM
To: PublicRecordsOfficer
Cc: Jack Louws; Council
Subject: Re: CH2M Hill Contract Record Request Follow-up

Hi, Mark,
Thank you for your response, but it raises two issues:

1. March 17 would put you at over 60 days from my original request for the correspondence, raising a timeliness issue under RCW 42.56.520. I did not challenge the issue regarding the contract itself, because a date (more or less) certain was given for its eventual release to the public and a link was, in fact, furnished on February 14. However, the county had, until the 14th, entirely ignored the request for the correspondence.

2. "[R]eview[ing] the communications" implies PDS is screening what it is releasing to the public, and it has already had 30 days to do that. At any rate, please furnish an index of documents withheld IAW RCW 42.56.210(3) with a general description of each document, if the request is denied in whole or in part.

I repeat my earlier request that the County update the PDS GPT webpage to include all county correspondence related to the proposal, particularly all documents and correspondence relating to Amendment 4 to the CH2M Hill contract governing the Draft EIS. In the alternative, please furnish all of the correspondence to me under the Public Records Act in a timely manner, in accordance with my request of January 14.

Thank you for your time and attention.
Terry

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

From: "PublicRecordsOfficer" <PublicRecordsOfficer@co.whatcom.wa.us>
To: wechslerlaw@comcast.net
Sent: Friday, February 14, 2014 4:24:31 PM
Subject: RE: CH2M Hill Contract Record Request Follow-up
Terry,

PDS estimates that it will take at least one month to review the communications concerning the establishment of the scope of the DEIS prior to the release of any records. Please contact me if you have not been contacted regarding these records by March 17, 2014.

Mark Burnfield, CPRO
Public Records Officer
Whatcom County
311 Grand Ave., Suite B-04
Bellingham, WA 98225
360-676-7694

From: wechslerlaw@comcast.net [mailto:wechslerlaw@comcast.net]
Sent: Friday, February 14, 2014 2:01 PM
To: PublicRecordsOfficer
Subject: CH2M Hill Contract Record Request Follow-up

Hi, Mark,
Please see my records request, below. The link provided was broken. I have received a working link from a community member. However, the correspondence requested is not online, nor has it been provided to me in response to my records request. My preference would be for all correspondence to be posted online.

Thank you for your immediate response. My original request is dated exactly one month ago.
Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

From: wechslerlaw@comcast.net
To: "Tyler Schroeder" <tschroed@co.whatcom.wa.us>
Sent: Tuesday, January 14, 2014 2:38:26 PM
Subject: Re: CH2M Hill Contract

Tyler,
This is a public records request for copies of all correspondence and documents in the county's possession relating to the subject of your email, below. Anything which can be furnished electronically, please do.

Thank you,
Terry

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)
Terry,

I hope you have been well. Jack has asked that I respond to your questions in regards to the status of the contract and DEIS for GPT.

The County is currently working with the companies to finalize Amendment #4 of the contract. As you know, this contract is between Whatcom County, Pacific International Terminals, Inc., and BNSF Railway Company. The purpose of Amendment #4 is for reimbursement of all costs and fees for preparation of the Draft Environmental Impact Statement (DEIS) for the Gateway Pacific Terminal and BNSF Custer Spur Modification Project.

The preparation of the DEIS has not started to date. It is anticipated that the companies will be signing the within the month and at that time the County and CH2M Hill will start on the DEIS phase.

The County will be contracting with CH2M Hill for this phase of the contract. The contract includes language to require GPT to reimburse the county for staff time (charged at $100/hour) and for all costs associated with CH2M Hill’s work.

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Please let me know if you have any other questions and please do not hesitate to call me if you have any questions at 360.676.6907.

Thanks,

Tyler
Tyler, FYI

From: wechslerlaw@comcast.net [mailto:wechslerlaw@comcast.net]
Sent: Saturday, February 15, 2014 5:12 PM
To: PublicRecordsOfficer
Cc: Jack Louws; Council
Subject: Re: CH2M Hill Contract Record Request Follow-up

Hi, Mark,
Thank you for your response, but it raises two issues:

1. March 17 would put you at over 60 days from my original request for the correspondence, raising a timeliness issue under RCW 42.56.520. I did not challenge the issue regarding the contract itself, because a date (more or less) certain was given for its eventual release to the public and a link was, in fact, furnished on February 14. However, the county had, until the 14th, entirely ignored the request for the correspondence.

2. "[R]eview[ing] the communications" implies PDS is screening what it is releasing to the public, and it has already had 30 days to do that. At any rate, please furnish an index of documents withheld IAW RCW 42.56.210(3) with a general description of each document, if the request is denied in whole or in part.

I repeat my earlier request that the County update the PDS GPT webpage to include all county correspondence related to the proposal, particularly all documents and correspondence relating to Amendment 4 to the CH2M Hill contract governing the Draft EIS. In the alternative, please furnish all of the correspondence to me under the Public Records Act in a timely manner, in accordance with my request of January 14.

Thank you for your time and attention.
Terry

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)
Terry,

PDS estimates that it will take at least one month to review the communications concerning the establishment of the scope of the DEIS prior to the release of any records. Please contact me if you have not been contacted regarding these records by March 17, 2014.

Mark Burnfield, CPRO  
Public Records Officer  
Whatcom County  
311 Grand Ave., Suite B-04  
Bellingham, WA 98225  
360-676-7694

---

From: wechslerlaw@comcast.net [mailto:wechslerlaw@comcast.net]  
Sent: Friday, February 14, 2014 2:01 PM  
To: PublicRecordsOfficer  
Subject: CH2M Hill Contract Record Request Follow-up

Hi, Mark,  
Please see my records request, below. The link provided was broken. I have received a working link from a community member. However, the correspondence requested is not online, nor has it been provided to me in response to my records request. My preference would be for all correspondence to be posted online.  

Thank you for your immediate response. My original request is dated exactly one month ago.  
Terry J. Wechsler  
Bellingham, WA  
360-656-6180 (r), 541-913-5976 (c)

---

From: wechslerlaw@comcast.net  
To: "Tyler Schroeder" <tschroed@co.whatcom.wa.us>  
Sent: Tuesday, January 14, 2014 2:38:26 PM  
Subject: Re: CH2M Hill Contract

Tyler,  
This is a public records request for copies of all correspondence and documents in the county's possession relating to the subject of your email, below. Anything which can be furnished electronically, please do.  

Thank you,  
Terry

Terry J. Wechsler  
Bellingham, WA  
360-656-6180 (r), 541-913-5976 (c)
From: "Tyler Schroeder" <tschroed@co.whatcom.wa.us>
To: "wechslerlaw@comcast.net" <wechslerlaw@comcast.net>
Cc: "Jack Louws" <JLouws@co.whatcom.wa.us>
Sent: Tuesday, January 14, 2014 9:31:26 AM
Subject: RE: CH2M Hill Contract

Terry,

I hope you have been well. Jack has asked that I respond to your questions in regards to the status of the contract and DEIS for GPT.

The County is currently working with the companies to finalize Amendment #4 of the contract. As you know, this contract is between Whatcom County, Pacific International Terminals, Inc., and BNSF Railway Company. The purpose of Amendment #4 is for reimbursement of all costs and fees for preparation of the Draft Environmental Impact Statement (DEIS) for the Gateway Pacific Terminal and BNSF Custer Spur Modification Project.

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Please let me know if you have any other questions and please do not hesitate to call me if you have any questions at 360.676.6907.

Thanks,

Tyler

From: wechslerlaw@comcast.net [mailto:wechslerlaw@comcast.net]
Sent: Thursday, January 09, 2014 8:07 AM
To: Jack Louws
Cc: Council
Subject: CH2M Hill Contract

Can you tell me:
1) the status of the contract with CH2M Hill for the GPT DEIS;
2) the status of the DEIS for GPT;
3) if there will be or has been a new contract with CH2M Hill or other contractor to prepare the DEIS, who is ultimately responsible for those costs (e.g., has GPT agreed to reimburse the county?).

Thank you.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)
Thanks Arden,

I read this this morning and am working to facilitate her request.

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

From: Arden Landry
Sent: Tuesday, February 18, 2014 8:46 AM
To: Tyler Schroeder
Subject: FW: CH2M Hill Contract Record Request Follow-up

Tyler, FYI

From: wechslerlaw@comcast.net [mailto:wechslerlaw@comcast.net]
Sent: Saturday, February 15, 2014 5:12 PM
To: PublicRecordsOfficer
Cc: Jack Louws; Council
Subject: Re: CH2M Hill Contract Record Request Follow-up

Hi, Mark,
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1. March 17 would put you at over 60 days from my original request for the correspondence, raising a timeliness issue under RCW 42.56.520. I did not challenge the issue regarding the contract itself, because a date (more or less) certain was given for its eventual release to the public and a link was, in fact, furnished on February 14. However, the county had, until the 14th, entirely ignored the request for the correspondence.

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Thank you for your time and attention.
Terry

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

From: "PublicRecordsOfficer" <PublicRecordsOfficer@co.whatcom.wa.us>
To: wechslerlaw@comcast.net
Sent: Friday, February 14, 2014 4:24:31 PM
Subject: RE: CH2M Hill Contract Record Request Follow-up

Terry,

PDS estimates that it will take at least one month to review the communications concerning the establishment of the scope of the DEIS prior to the release of any records. Please contact me if you have not been contacted regarding these records by March 17, 2014.

Mark Burnfield, CPRO
Public Records Officer
Whatcom County
311 Grand Ave., Suite B-04
Bellingham, WA 98225
360-676-7694

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To: PublicRecordsOfficer
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Bellingham, WA
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Terry, 
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Thank you.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)
From: Arden Landry
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To: Tyler Schroeder
Subject: RE: CH2M Hill Contract Record Request Follow-up

ok

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Tyler R. Schroeder
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Sent: Thursday, January 09, 2014 8:07 AM
To: Jack Louws
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Thank you.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)
Tyler,

Thank you for your response and effort to keep the public informed.

Best regards,

Shannon

On Feb 14, 2014, at 11:20 AM, Tyler Schroeder wrote:

Jack,

Thank you for your email. I have been listening to the public request for the scope determination and I see the request as being reasonable. I will continue to discuss this in our office and with Ecology to see if we can provide that type of document. Numerous Whatcom County Council members have requested a plain language explanation of the Administrative Draft Scope of Work for the DEIS. This is the type of document that might serve the public. It would provide a straightforward description and a more transparent explanation of the content to the DEIS. The County will continue to discuss the details of how that document, or a similar document, can be provided.

Also, the county website will be updated with the Administrative Draft Scope of Work for the DEIS this afternoon, [http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp](http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp). This will provide a summary of the scope of work and budget for the preparation of the DEIS.

Thanks for your continued professional dialogue through this process,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
[Tschroed@whatcomcounty.us](mailto:Tschroed@whatcomcounty.us)
[www.whatcomcounty.us/pds](http://www.whatcomcounty.us/pds)
360.676.6907

---

Dear SEPA Agencies
We very much welcome the recent decision to provide the public with Scope documentation. Please find attached a short one page memo that we trust will be of benefit in your internal deliberations about this release.

Thank you for your time and consideration of this important public matter.

---

Jack Delay, President
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
Follow us on Facebook and Twitter

---

Shannon Wright
Executive Director
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
Follow us on Facebook and Twitter.
I don't recall the details off the top of my head, but I'm sure if we pull the documents and chat about them we can refresh our recollection. Happy to chat. I'm available Tues-Thurs, except that I have Thurs. afternoon meetings.

Royce Buckingham
Civil Deputy Prosecuting Attorney for Whatcom County rbucking@co.whatcom.wa.us
360-676-6784

Incoming and outgoing e-mail message may be subject to public disclosure requirements per RCW 42.56. However, Attorney/Client privilege does apply to some e-mails.

-----Original Message-----
From: Tyler Schroeder
Sent: Friday, February 14, 2014 2:41 PM
To: Royce Buckingham
Subject: FW: 1997 permits

Do you remember this discussion? Let's talk....

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

-----Original Message-----
From: floydmckay@comcast.net [mailto:floydmckay@comcast.net]
Sent: Friday, February 14, 2014 2:23 PM
To: Tyler Schroeder
Subject: Re: 1997 permits

Hi, Tyler: Thanks very much for posting the Draft EIS contract that is currently being negotiated with SSA. Some of the language makes me ask, again, for some clarification on the 1997 contract. See my earlier email below; I know you are busy, but I suspect this is one for the lawyers. Do hope for a reply in any event.

Thanks very much,
Floyd
Hi, Tyler: Trying to do some catch-up. Could you (or the attorney) tell me the status of the 1997 shoreline and project development permits for P.I.T. Agreements were signed in 1999 but I am not sure what the status is at this point. Are the permits still actionable by P.I.T.?
Hope you are warm and well.

Thanks,
Floyd McKay
Crosscut.com
Arne,

Please see the proposal’s map, http://www.eisgatewaypacificwa.gov/about/proposal-map. This is a general layout of the proposed rail traffic along Custer Spur. If you click on each green outline there is a more detailed map.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

Hi Tyler

I have been trying to find a map of the proposed rail rout of GPT-SSA. I think they will use the current track which crosses Grandview at Peace Portal and then use the Custer spur to get to their property. That spur crosses the Bay Road and Grandview again closer to Birch Bay. The trains on that spur move extremely slow. We at Birch Bay will never be able to leave because of the excessive amount of train traffic and having to cross two rail lines to get to I-5.

Arne Cleveland
Birch Bay
I have added this email and the correspondence to the record.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

--- Original Message ---
Date: Tue, 11 Feb 2014 12:55:24 -0800
Subject: Support for EIS Process
From: Judy Anderson <anderson.judy8@gmail.com>
To: cweimer@co.whatcom.wa.us,
    SCrawfor@co.whatcom.wa.us,
    KMann@co.whatcom.wa.us,
    PKremen@whatcomcounty.us,
    BBuchana@co.whatcom.wa.us,
    RBrowne@co.whatcom.wa.us
CC: Barbara Brenner <BBrenner@co.whatcom.wa.us>,
    <SCrawfor@co.whatcom.wa.us>,
    <KMann@co.whatcom.wa.us>,
    <PKremen@whatcomcounty.us>,
    <BBuchana@co.whatcom.wa.us>, <RBrowne@co.whatcom.wa.us>
I am hopeful that the EIS's analyses will include a review of the environmental impacts, including human health effects related to the construction and operation of the Gateway Pacific Terminal facilities and all modifications to the BNSF Custer Spur. I am trusting you will also include the EIS's analyses to provide an assessment of whether measures can be taken to avoid or minimize those environmental impacts. We elected you to speak to the corporations and America on our small counties behalf. Please put humans before profits.

Thank you,

Judy Anderson
Whatcom County Democratic Women’s Club VP & Communications

anderson.judy8@gmail.com
Greg,

I left you and Jeff a phone call this morning. I would like to talk of one of you as soon as I can. Please call at x50202. It has to do with the hiring of a sub-consultant for the GPT project. It turns out that Neufield has a conflict of interest and we are no longer able to hire them so I need to discuss going with the Habitat group.

Thanks,

Tyler R. Schroeder

Planning Manager
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www.whatcomcounty.us/pds
360.676.6907
Here's the Bob Simmons article.

http://www.cascadiaweekly.com/currents/project_scope_is_established_and_montana_reacts
Laura Leigh,

I apologize for the mistake. I was probably too focused on responding regarding the other issue and assumed your concerns about increased rail traffic had to do with GPT process. Since it didn't, I am copying this to our county executive and to Tyler Schroeder, our planning official who may have been involved in that permitting process. I am not sure the council has any authority over that permitting process.

I don't know if you are aware, but the council did pass a resolution to the federal government, requesting they institute upgrades to all rail trains as expeditiously as possible. There will be some federal officials coming to Whatcom County and they will personally be given a copy of our resolution.

Barbara Brenner, Whatcom County Council Member

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/19/2014 4:56:53 P.M. Pacific Standard Time, friendsofchuckanut@gmail.com writes:

Dear Ms. Brenner:

Thank you for the courtesy of your February 15 reply to our letter of February 10, 2014 to Whatcom County Executive Jack Louws on increased rail transport of highly volatile crude oil along Chuckanut Bay and vicinity.

However, your reply concerns the ongoing process of the environmental impact statement for the proposed Gateway Pacific Terminal (a process of which we are well aware and closely monitoring). It does not address the topic of our recent letter. We remain concerned that the process by which permits were issued by Whatcom County to the two existing oil refineries for modifications to rail facilities on their sites apparently did not consider, and did not offer the opportunity for public consultation on, the resulting increase in rail transport of highly volatile crude oil through the County beyond those site perimeters. The potential risks to public health and safety, as well as environmental hazards, along the entire transport corridor were apparently not considered. Similarly, the plans of the County, rail operators, and refinery operators to deal with these foreseeable hazards are not publicly known.

We would welcome your reply on these points, as well as greater transparency in such County administrative decisions.

Sincerely,

Laura Leigh Brakke,
for the Board of Directors of Friends of Chuckanut
Jack and Tyler,

All I can say is WOW! Great info.

Barbara Brenner

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/19/2014 2:25:18 P.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
From: Arden Landry
Sent: Tuesday, February 18, 2014 9:16 AM
To: Council
Cc: Dana Brown-Davis
Subject: Civic Agenda: Whatcom County preparing for 13-month study of coal terminal plan

http://www.bellinghamherald.com/2014/02/16/3475158/civic-agenda-whatcom-county-preparing.html
From: BBGUN1010@aol.com
Sent: Wednesday, February 19, 2014 8:14 PM
To: BOnyon@cityofblaine.com
Cc: Tyler Schroeder; NaDean Hanson
Subject: Re: FW: GPT EIS

Its always good to hear from you. Time goes by so fast, it is sometimes difficult to keep friendships active. So thanks for the e-mail.

Barbara

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/19/2014 2:11:40 P.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:

-----Original Message-----
Subject: GPT EIS
Date: Wed, 19 Feb 2014 14:11:22 -0800
From: Bonnie Onyon <BOnyon@cityofblaine.com>
To: <BBGUN1010@aol.com>
CC: <NHanson@co.whatcom.wa.us>, <BBrenner@co.whatcom.wa.us>, City Council
    <CityCouncil@cityofblaine.com>

Barbara,

Thank you for taking the time to answer so completely. I know I can trust you to study issues well and I believe you always try to stick to the facts rather than opinion or politics.

I believe there have been exaggerations about the environmental impacts of the project and it's been used as a political football. Yet at the same time we need to look at every aspect with our eyes wide open. Of course there will be impacts; there always is, no matter how small or large a project. Ultimately, decision-makers will need to decide if the economic and social benefits to the region outweigh any negative impacts to the site and surrounding area.

Again, thanks for answering and I'll check out the links you provided.

Take care,

Best regards,

Bonnie Onyon
Blaine City Council

344 H Street
Blaine, WA 98230
360-332-8311 ofc.
360-201-7239 cell
Hi Bonnie,

I appreciate your interest in Whatcom County's EIS process regarding the GPT application. I am sorry I was unable to respond immediately but I wanted to be as in-depth as possible, and that took a little time. I am also sorry that some people may have believed there won't be transparency and that the county is not recouping our costs from the applicant. Further, I hope by now you know you can trust me. I am providing you some information regarding this issue, which you may already know, but just in case you don't have it all.

Whatcom County is recouping our costs. According our county executive, Whatcom County has billed the project proponents $59,931 through last November at a rate of $80 to $100 per hour. Staff working on it make approximately $40 hour and are getting 35 percent benefits. Therefore, direct staff time is $60 per hour. If the County had billed for the staff's direct time, it would have billed about $36,000, not $59,931. The difference takes care of incidental costs, including the Prosecutor's time. The Health Department and Public Works Department have both billed their time. It's very likely that the County will need extra help analyzing the reports as scoping begins and the County begins receiving reports. The County will charge the proponents of this project for the time the County invests into it.

Regarding transparency, there have been, and will be many more opportunities for the public to read information and to comment before council members, sitting as judges, will decide this issue. There are many more steps after the draft environmental impact statement (EIS) that will give members of the public the opportunity to comment and ask questions. Currently there are county websites regarding the project and the process. After my response I have included comments and websites from our SEPA (State Environmental Policy Act) official and staff project lead, Tyler Schroeder to help you continue to be part of the public process. The sites contains correspondence/documents from the county, other agencies, and members of the public. Additionally, I was told there have been and will be press releases from the WA State Department of Ecology. Tyler's training and background is in putting together environmental impact statements (EIS). He also has the benefit of working with members of the State Department of Ecology and U.S. Army Corps of Engineers because the County, Ecology, and the Corps are all equal partners on this part of the process.

Public comment will be sought for the draft environmental impact statement (EIS) when the draft is ready. Although Washington State law says the comment period for the draft EIS SHALL be 30 days, and can be extended out to 45 days, that will not be the only opportunity for the public to comment. After that there will be a public hearing before the county hearing examiner, where the public can comment. After that, the proposal will come to the council with a recommendation from the hearing examiner. At that time the council has the option of sending the proposal to the planning commission, who may hold public hearings of their own. Finally it will come before the council where the public can again comment. Right now the public and council members are able to read each document as it is posted to the County website. The public will be able to comment at any and all future hearings on this. The County, Ecology, and the Corps are also working in consultation with attorneys at the State, federal, and local levels. This information was provided to me from our county project lead, Tyler Schroeder.

This whole process is unique in some ways. The final decision is the county council's, acting as judges, so we cannot insert ourselves into the administrative process. This part of the EIS process is administrative, as determined by our county code and county charter, and according to our legal counsel. If we pass an ordinance requiring the county executive to have the council review and approval for anything within the EIS part of the process, we are setting the county taxpayers up for costly lawsuits, in that there will be a glaring appearance of bias. Also, council members can be recused from even deciding the issue because of the same bias, in that we went beyond our authority. Usually, but not in this case, the EIS process goes before the hearing examiner for a decision. If any party wants to appeal the hearing examiner's decision, it comes to the council. At that point, when it is appealed to us, we must refrain from ex-parte communications or inserting ourselves into it because we will be sitting as judges. That type of action usually only takes a few weeks from the time it is appealed to us until our decision. This is different because right from the beginning the council was designated as the final decision-makers, the judges. This proposal only goes before the hearing examiner for a recommendation, not a final decision. Because we were designated as the judges right from the beginning, we were required, right from
the beginning, to not insert ourselves into the process until it comes to us. While this process is pretty unique, we have been told by our legal counsel since the beginning that we cannot insert ourselves into the process. Additionally, our county charter and county code dictate we cannot insert ourselves into administrative processes, even if it wasn't this. I can't pick and choose which laws I can ignore, especially in this type of situation.

I have gone into more detail here, and maybe been too repetitious, because this issue is so important to many people, and so is public trust in the process. ALL (except maybe the two new) council members have been told repeatedly we cannot insert ourselves into the process at this point. I can see how the wording of the ordinance and resolution could cause people to think the process has been secretive. This process will be lengthy and transparent.

Thank you for being part of the public process and please be sure to read our EIS official, Tyler Schroeder's comments below.

Barbara Brenner, Whatcom County Council Member

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

Barbara,

The public has the opportunity to sign up for a mailing list and that can be done through the project's joint website and the link to that site is http://www.eisgatewaypacificwa.gov/get-involved/comment <http://www.eisgatewaypacificwa.gov/get-involved/comment> . An individual needs to include their contact information and any process questions that he/she might have.

Also, the County has a website devoted to the project and the link is http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp <http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp> . This website has all of the current and past documents for people to review. This website is updated periodically with new information. The latest contract amendment will be posted to this site very soon.

If anyone has questions on the project or process they can also contact myself at tschroed@whatcomcounty.us <mailto:tschroed@whatcomcounty.us> or by phone at 360.676.6907.

Thanks,

Tyler R. Schroeder, Planning Manager, Whatcom County Planning and Development Services

5280 Northwest Drive

Bellingham, WA 98226

Tschroed@whatcomcounty.us <mailto:Tschroed@whatcomcounty.us>

www.whatcomcounty.us/pds <http://www.whatcomcounty.us/pds>

360.676.6907

If this e-mail is about county business, it is a public record subject to public disclosure upon request. Please send all e-mails related to county business to my official county e-mail address, bbrenner@co.whatcom.wa.us. Thank you.

In a message dated 2/10/2014 4:08:50 P.M. Pacific Standard Time, bbrenner@co.whatcom.wa.us writes:
Dear Council members,

It is important that this project be treated fairly in the EIS process. It is easy to be swayed by interests on both sides, but it's vital that you operate outside the realm of politics and treat each person, project, and entity with the same standards. As County decision-makers, I am trusting each of you to do just that.

Regards,

Bonnie Onyon
Blaine City Council

344 H Street
Blaine, WA 98230
360-332-8311 City Hall
360-201-7239 cell
Dear Tyler,

Bob Simmons' column in yesterday's Cascadia Weekly said that the "final scope of work [was] sent to news media last week ... ." I could not find the scope on the county website. Could you please email me a copy?

Thanks.

Eric

Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
☎ 360-656-6690   ✉ EricHirst@comcast.net
Eric,

I believe that Bob is referring to this document, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/GPT_Phase2_Scope_COMBINED_14Feb2014_FINAL.pdf and it the link and brief description is found on this page, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp under the header Draft EIS Development Scope of Work.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

From: Eric Hirst [mailto:EricHirst@comcast.net]
Sent: Thursday, February 20, 2014 9:01 AM
To: Tyler Schroeder
Subject: scope of work for EIS

Dear Tyler,

Bob Simmons' column in yesterday's Cascadia Weekly said that the "final scope of work [was] sent to news media last week ... ." I could not find the scope on the county website. Could you please email me a copy?

Thanks.

Eric

-----------------------------
Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
☎ 360-656-6690  📧 EricHirst@comcast.net
Eric,

The December 9th date is when we sent this document to the companies for signature. The 2/14 date is when we put the final copy together so that we could post it to the web. The document was unchanged between those dates. This is the final copy that is anticipated to be signed.

The County is working on preparing a "plain language" document to accompany the contract. It is anticipated that this document will be issued at the same time that a notice to the public is issued that the contract has been fully executed. We anticipate that to be next week. The County has to coordinate with Ecology on the issuance of the "plain language" document and that is going on right now.

I am out of the office until Monday and I will respond to any other questions you might have then.

Thanks,

Tyler

Sent from my iPhone

On Feb 20, 2014, at 1:40 PM, "Eric Hirst" <EricHirst@comcast.net> wrote:

   Tyler,

   Thanks for the quick reply. The title page for the first link has a date of 12/9/2013, but the link itself (and the pages in Attachment 2) say 2/14/2014 FINAL. Is this the final report that documents the planned scope of work for the forthcoming EIS, or is it still in draft form?

   The report is 73 pages long, far longer than most citizens will want to read. Is the county planning to publish the plain language summary that you and I have discussed in the past? If so, do you know (at least roughly) when that document will be available?

   Eric

   At 09:12 AM 2/20/2014, you wrote:

   Eric,

   I believe that Bob is referring to this document, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/GPT_Phase2_Scope_COMBINED_14Feb2014_FINAL.pdf and it the link and brief description is found on this page, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp under the header Draft EIS Development Scope of Work.
Thanks,

Tyler R. Schroeder  
Planning Manager  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226  
Tschroed@whatcomcounty.us  
www.whatcomcounty.us/pds  
360.676.6907

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Thanks.

Eric

-------------------------

Eric Hirst  
1932 Rhododendron Way  
Bellingham, WA 98229  
( 360-656-6690  : EricHirst@comcast.net
Tyler,

Thanks.

Enjoy your time off from work.

Eric

At 02:23 PM 2/20/2014, you wrote:

Eric,

The December 9th date is when we sent this document to the companies for signature. The 2/14 date is when we put the final copy together so that we could post it to the web. The document was unchanged between those dates. This is the final copy that is anticipated to be signed.

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Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

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Sent: Thursday, February 20, 2014 9:01 AM
To: Tyler Schroeder
Subject: scope of work for EIS

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Thanks.

Eric

---------------------------------------------
Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
( 360-656-6690  : EricHirst@comcast.net
Can you tell me which agencies were involved in assessing the violation and determining how to rectify the damage (i.e., specifics regarding eh $1.6M settlement)?

Is there a summary of the incident and subsequent process?

Josh Baldi | Regional Director, Northwest Office | WA Department of Ecology | 425.649.7010 d | 425.647.3581 m
From: Arden Landry  
Sent: Monday, February 24, 2014 10:39 AM  
To: Tyler Schroeder  
Subject: RE: Request for information  

Thanks.

Arden Landry, CAP-OM  
Executive Assistant / Communications Coordinator  
Whatcom County Executive’s Office  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225  
Ph 360 676 6717  

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.

From: Tyler Schroeder  
Sent: Monday, February 24, 2014 10:17 AM  
To: Arden Landry  
Subject: RE: Request for information  

Arden,

Yes, Alice Kelly, from DOE, and myself have been talking with Frank on this issue.

Thanks,

Tyler R. Schroeder  
Planning Manager  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226  
Tschoed@whatcomcounty.us  
www.whatcomcounty.us/pds  
360.676.6907  

From: Arden Landry  
Sent: Monday, February 24, 2014 9:28 AM  
To: Tyler Schroeder  
Subject: FW: Request for information  

Hi Tyler,  
Did you respond to this one? Just want to clear it out of inbox if it is complete.

Thanks,
From: Frank James MD [mailto:frankejamesmd@mac.com]
Sent: Sunday, February 09, 2014 10:11 PM
To: Jack Louws
Subject: Request for information

Executive Louws

As you know the proponent proposing the Coal Terminal at Cherry Point has recently stated that “the fact that the SEPA scoping process for the Gateway EIS has already been concluded.” (emphasis in original document). And further “That decision making process was concluded long ago.”

As you may recall a large and concerned group of physicians in Whatcom County have requested a copy of that portion of the scoping that details the proposed Health Impact Assessment. We believe that this part of the process is essential to protect the publics health and our patients well being.

We would like to receive a copy of that scoping at this time. We have waited very patiently for a very long time.

Thank you for your prompt response.

Frank James MD
360 201-2505
Hi, Tyler: Hope you aren't snowed-in (or out). Haven't heard anything more from you or the county lawyers on my questions below. Any progress in that direction? I'm around home most of the day 647-8557 or via email. (are we still looking at a contract by end of February?)

thanks, Floyd

----- Forwarded Message ----- 
From: floydmckay@comcast.net
To: "Tyler Schroeder" <tschroed@co.whatcom.wa.us>
Sent: Friday, February 14, 2014 3:05:57 PM
Subject: Re: 1997 permits

Thanks, Tyler. I had read the Lynn letter earlier and was unsure as to how the county would view a situation such as referred to in the Draft DEIS contract, in which it would be an on-site fallback if GPT as proposed is dropped. Since the new development is not similar to the 1997 one, the county told SSA it needed a new application. OK, but could SSA fall back on its 1997 plan, as negotiated in 1999, for a 8-million ton terminal without coal, if it fulfilled its obligations under the 1999 settlement. In all the documents I've read (courtesy of your Web site), it is not really clear. Thus my question to you and, ultimately, to your legal advisor.

Let me know after your meeting. This could come up as we progress. Thanks, hope you have a good weekend

Floyd

----- Original Message ----- 
From: "Tyler Schroeder" <tschroed@co.whatcom.wa.us>
To: floydmckay@comcast.net
Sent: Friday, February 14, 2014 2:48:03 PM
Subject: RE: 1997 permits

Hi Floyd,

I hope you find the scope of work and contract info as a good read. I want to focus you to a letter that the County sent to SSA back in 2011 when the current permit was submitted. The link is below. I think that this correspondence will answer some of your questions.

Please call to discuss if you have additional questions. Also, I will be discussing your questions with our attorney next week.

Thanks,

Tyler R. Schroeder
Hi, Tyler: Thanks very much for posting the Draft EIS contract that is currently being negotiated with SSA. Some of the language makes me ask, again, for some clarification on the 1997 contract. See my earlier email below; I know you are busy, but I suspect this is one for the lawyers. Do hope for a reply in any event.

Thanks very much,
Floyd

----- Forwarded Message ----- 
From: floydmckay@comcast.net
To: "Tyler Schroeder" <tschroed@co.whatcom.wa.us>
Sent: Thursday, February 6, 2014 10:50:57 AM
Subject: 1997 permits

Hi, Tyler: Trying to do some catch-up. Could you (or the attorney) tell me the status of the 1997 shoreline and project development permits for P.I.T. Agreements were signed in 1999 but I am not sure what the status is at this point. Are the permits still actionable by P.I.T.?

Hope you are warm and well.

Thanks,
Floyd McKay
Crosscut.com
Tyler, I received the e-mail.

Thank you for the notification.

Ari

---

Ari and Skip,

Attach is the final scope of work. In the last week the original sub-consultant for the HIA declined to sign the conflict of interest form as required by our contract. Therefore, we have kept the budget item and scope, as we have agreed upon, but removed the sub-consultant’s name. I will be processing this copy down for signature from the Executive ASAP. Please confirm that you have received this email.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

---

Tyler –
Please find attached the same Phase 2 Draft EIS scope, budget and attachments with one small adjustment. The sub-consultant to conduct the HIA has shown to have a conflict to interest and therefore they are not named in the budget. The budget did not change. We will work immediately in collaboration with Whatcom County to decide on the replacement for these services within the existing budget allocation.

Our signature page for this contract was sent last week.
Jodi Ketelsen
Senior Environmental Project Manager, Transportation
D 425.233.3104 C 425.283.8806
jketelse@ch2m.com

CH2MHILL
1100 112th Avenue NE, Suite 400 Bellevue, WA 98004
T 425.453.5000 F 425.468.3104
Alice,

The chronology looks accurate to me. There is a county timeline in the first link below. The other links is Royce’s memo on the DNR and conversion situation, the MDNS, and a letter from DAHP. Just providing this to you as background. Call me today if you get a chance.

http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/20111005-archaeological-site-damage.pdf

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

Tyler,

Just making lists of events to get the history right. Take a peek. You are welcome to edit. Did you post the DNR letter?

Call me about other things.
Greetings Tyler:

I want to thank you again for the recent updates regarding both Whatcom County’s interest in publishing a Scoping Document for the GPT EIS as well as your more detailed explanation to the County Council on how the Co-lead Agencies plan to address the rail siding issue.

I am also writing today to share with you a 3-minute video slideshow Communitywise Bellingham has produced and is now distributing. The goal is to educate our community on the South Bellingham Siding currently identified as the solution to GPT’s additional 18 trains a day and what impacts we could anticipate. The video encourages local residents to contact County Executive Louws to express their concerns.

We welcome your feedback on this and other CWB initiatives, and please don't hesitate to contact me directly.

Best regards,

Shannon Wright
An Overview: How The GPT Proposal Threatens Our Waterfront

Map and Key showing the new waterfront track in Bellingham that GPT would include if built.

CWB Briefing to the Bellingham City Council.

Op-Ed on how the waterfront track would affect Boulevard Park.

Graphic: How Would A New Waterfront Track Affect You?
Shannon Wright
Executive Director
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
Follow us on Facebook and Twitter.
From: Shannon Wright [mailto:shannonwright@communitywisebellingham.org]
Sent: Tuesday, February 25, 2014 4:19 PM
To: Tyler Schroeder
Subject: Thank you and information on CWB video about GPT & waterfront

Greetings Tyler:

I want to thank you again for the recent updates regarding both Whatcom County's interest in publishing a Scoping Document for the GPT EIS as well as your more detailed explanation to the County Council on how the Co-lead Agencies plan to address the rail siding issue.

I am also writing today to share with you a 3-minute video slideshow Communitywise Bellingham has produced and is now distributing. The goal is to educate our community on the South Bellingham Siding currently identified as the solution to GPT's additional 18 trains a day and what impacts we could anticipate. The video encourages local residents to contact County Executive Louws to express their concerns.

We welcome your feedback on this and other CWB initiatives, and please don't hesitate to contact me directly.

Best regards,

Shannon Wright
New Video Slideshow:
How The GPT Proposal Threatens Our Waterfront

Watch this 3-minute video slideshow to learn more, and contact County Executive Louws today.

Learn More About The Waterfront Track:
An Overview: How The GPT Proposal Threatens Our Waterfront
Map and Key showing the new waterfront track in Bellingham that GPT would include if built.
CWB Briefing to the Bellingham City Council.
Op-Ed on how the waterfront track would affect Boulevard Park.
Graphic: How Would A New Waterfront Track Affect You?

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Jennifer Morgan
Financial Accountant, A5 Finance
311 Grand Ave Ste 503
Bellingham WA 98225-4050
360-676-6734 ext #50190
jmorgan@co.whatcom.wa.us
Request for Invoice

INV: GPT-2014-001

Date: February 27, 2014

Bill To: SSA Marine
Attn: Ari Steinberg
1131 SW Klickitat Way
Seattle, WA 98134

RE: January 2014 - Monthly Whatcom County Staff Time

Fees:

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<tr>
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<td></td>
</tr>
</tbody>
</table>

Prepared by: [Signature] (Initials)

Denise Massey Smith

Approved by: [Signature] (Initials)

Tyler Schroeder
Hi Tyler,
Upon closer inspection I recalled that the original Gateway documents were previously scanned by me and then forwarded to the Council office, as per the usual procedure with all “original” documents. So I have followed this same procedure and scanned the two original documents you left with me this morning (amendments #4). If you need a PDF, you can locate them on the “Contracts Online” link on InsideWhatcom: http://wcweb1.co.whatcom.wa.us/WebLink8/CustomSearch.aspx?SearchName=Contracts&dbid=0
The Executive office has NOT retained any hard copies.

Let me know if you have any questions.

Suzanne

Suzanne Mildner
Administrative Secretary/Grants Coordinator
Whatcom County Executive Office
311 Grand Avenue, Suite 108
Bellingham, WA 98229
(360) 676-6717
smildner@co.whatcom.wa.us

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.
Tyler,

Congratulations on getting the amendment executed and thank you for your efforts. We look forward to having the project back underway.

I did not receive e-mails 2 and 3; perhaps because of their size. I’ll be able to download the executed document after it is posted on the County’s website so unless there were other filed in the e-mails this shouldn’t be a problem.

Ari

---

Email 1-3

To follow up my last email please see the attached copies of the executed contracts. Hard copies to follow in the mail.

Also attached is an overview of the contract contents and process. The County prepared this document to accompany the contract to be provide a “plain language” explanation to the public. All of these documents will be posted on the County’s website tomorrow.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Ts Schroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
To: skip.kalb@bnsf.com; Ari Steinberg  
Subject: GPT Contract - Amendment #4 - Fully Executed

Ari and Skip,

The Executive signed the contracts today and I have signed the Notice to Proceed for CH2M Hill. We are currently scanning copies and will send that electronically shortly and will follow up with hard copies in the mail.

Thanks and please let me know if you have any questions,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Thanks for all your efforts on this, Tyler.

Skip Kalb

Sent from my BlackBerry Wireless Handheld

Ari and Skip,

The Executive signed the contracts today and I have signed the Notice to Proceed for CH2M Hill. We are currently scanning copies and will send that electronically shortly and will follow up with hard copies in the mail.

Thanks and please let me know if you have any questions,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Hi Tyler,

Jack tells me that you are updating the GPT webpage with an executive summary of some kind. He would like to have a features item on the main page of the county website that provides a link to that page when it’s ready.

Would you let me know when it’s done and I can handle getting the features piece up and getting it on our Facebook page.

Thanks,

Arden Landry, CAP-OM  
Executive Assistant / Communications Coordinator  
Whatcom County Executive’s Office  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225  
Ph 360 676 6717

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Arden,

Yes, I have updated the GPT website to include the contracts. Below is the pertinent text that is located are this webpage; http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp. I would like to recognize that the contract for the Draft EIS phase of the project has been executed and then focus on the “overview and plain language document” that is in the third paragraph below. Please let me know if you have any questions and thanks for getting this on the main page.

Draft EIS Work Begins
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Both contracts related to this project were signed on 2/27/2014; contract #201205028-Amendment 4 with CH2MHill for completion of the draft EIS & contract # 201205029-amendment 4 with Pacific International Terminals & BNSF for payment for all costs related to the completion of the draft EIS.

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Denise,

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Subject: Whatcom County Contract for preparation of the Gateway Pacific Terminal/Custer Spur Draft EIS

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GATEWAY PACIFIC TERMINAL DRAFT EIS CONTRACT SCOPE OF WORK

INTRODUCTION

The Gateway Pacific Terminal (GPT) EIS process is currently being undertaken by Whatcom County. The EIS includes environmental review of two proposals, the Gateway Pacific Terminal initiated by Pacific International Terminals (PIT), and development of the Custer Spur, initiated by BNSF Railway. Recognizing that the proposals could have regional and statewide implications, Whatcom County asked the Washington State Department of Ecology (Ecology) to act as a State Environmental Policy Act (SEPA; Chapter 43.21C RCW, WAC 197-11) co-lead agency in managing the EIS process for issues that fall under Ecology’s jurisdiction. The U.S. Army Corps of Engineers (Corps) was also asked to act as a co-lead agency to provide input on issues that fall under Federal jurisdiction. On initiation of the EIS process, Whatcom County, together with Ecology and the Corps, entered into a Memorandum of Understanding (MOU) that established and described the collaborative effort required for the EIS process. Each of the SEPA parties to the MOU has somewhat differing responsibilities; however, decisions as to EIS scope, content, and timing are joint and shared. The county maintains a webpage on the GPT project. The link to that site is here: http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp

EIS CONTRACT

Whatcom County has entered into a contract with CH2M Hill to develop the EIS for the proposed Gateway Pacific Terminal project. The following is a discussion of the contracting phases, as well as the contract content, and is intended for informational purposes only. The SEPA Co-Lead Agencies will make SEPA-based decisions throughout the EIS process; these decisions may alter the course of the contracting phases provided here and may alter contract content at any time.

The GPT EIS process has been divided into discreet contracting phases:

- The initial contracting phase was for scoping
- The present phase is for development of the Draft EIS
- A future phase will be for development of the Final EIS.

While developing the present scope of work and contract, an additional contract phase for interim work toward completion of the Draft EIS was initiated and completed. Whatcom County has also entered into a cost reimbursement contract with the applicants (PIT and BNSF) for payment of all costs associated with CH2M Hill and County staff time.

SCOPING PHASE CONTRACT

Under the scoping phase contract of the EIS process, Whatcom County issued a Determination of Significance (DS; WAC 197-11-360) after determining that the GPT proposal may have probable significant adverse environmental impact, and initiated a 120 day scoping period, inviting agencies, affected tribes, and the public to comment on the DS. Comments received during the scoping period were summarized in an
optional scoping comment report issued on March 29, 2013 and available at http://www.eisgatewaypacificwa.gov/resources/scoping-report. After issuance of the scoping summary report, Whatcom County and Ecology established the scope of analysis for the Draft EIS, as well as the geographic scope of analysis. All SEPA elements of the environment (WAC 197-11-444) will be included in the scope of analysis. These include: earth, air, water, plants and animals, energy and natural resources, environmental health, land and shoreline use, transportation, and public services and utilities as outlined in Attachment A. More detail on each environmental element is included in Attachment B. The information included in Attachment B is a starting point and will be refined throughout the development of the Draft EIS. These decisions will be made by the SEPA Co-Lead Agencies based on information gathered or data generated, and on comments received during the scoping period, consistent with SEPA.

INTERIM CONTRACT AMENDMENT

A portion of the work described under the Draft EIS Development Contract Amendment was completed in the interim contracting phase. This contract amendment included work toward completion of project definition and purpose and need, early identification of the no action alternative, early identification of off-site alternatives for NEPA, and review and critique of applicant PIT’s Project Information Document.

DRAFT EIS DEVELOPMENT CONTRACT AMENDMENT

The present contracting phase is associated with a scope of work that outlines the steps involved in completion of the Draft EIS. These completion steps include:

- Defining the proposal
- Defining alternatives
- Analyzing the environmental setting encompassed within the development area of the proposal and that of alternatives
- Determining the impact to the environment if either the proposal or an alternative is implemented
- How to mitigate that impact or make it less severe.

The information gathered and developed in these steps will be incorporated into a single document, the Draft EIS, which is limited to 150 pages (WAC 197-11-425(4)).

The scope of work that supports the present contract amendment includes work required for both the SEPA process administered by Whatcom County and Ecology and the NEPA (National Environmental Policy Act) process administered by the Corps. Note that NEPA-specific scope of work items relevant to the Corps process, such as off-site alternative identification and maintenance of an administrative record, are not discussed here. These issues are discussed in the Memorandum for the Record (MFR) available at http://www.nws.usace.army.mil/Portals/27/docs/regulatory/News/SCOPEMFRGATEWAYBNSF.pdf. The scope of work also describes administrative tasks required to support development of the Draft EIS, such as project management; and public communications required for website management and notices for issuance of the Draft EIS. The Draft EIS development steps included in the present contract amendment are summarized in the following discussion.

PROJECT DEFINITION / PURPOSE AND NEED – DEFINING THE PROPOSAL

This process step is discussed as Task 4 of the scope of work and includes describing and presenting the proposal. This section of the Draft EIS is largely refined from application materials submitted to Whatcom
County at initiation of the permitting process, and will be added to or amended if the applicants submit updates or changes to the proposals. Information will be tailored for a thorough understanding of all aspects of the proposals and will be included in Chapter 2 of the Draft EIS. A portion of development of the project definition was completed in the interim contracting phase; project definition work to be completed under this contract amendment is refinement of the interim contract amendment effort.

**ALTERNATIVES DEVELOPMENT – DEFINING ALTERNATIVES**

This process step is described in Task 5 of the scope of work. The SEPA rules require that alternatives be reasonable courses of action that could approximate a proposal’s objectives on the project site, but at a lower environmental cost (WAC 197-11-440(5)(b)), and provides the intent that the term “reasonable” be used by the agency to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative (WAC 197-11-440(5)(b)(i)). The alternatives evaluation limitation to the project site is for private projects on specific sites per WAC 197-11-440(5)(d).

The SEPA Co-Lead agencies, upon initiation of the present scope of work, will begin identifying reasonable on-site alternative(s) for the PIT project site. If any alternative identified is deemed to be reasonable under SEPA, the alternative(s) will be reviewed in the Draft EIS. The scope of work associated with this contracting phase has assumed identification and review of one on-site alternative; identification of additional alternatives will require amendment of the present contract and associated scope of work. Upon execution of the present contract, PIT has stated that an alternative site plan will be submitted for consideration by Whatcom County. The degree to which the submitted alternative site plan meets the SEPA requirements for a reasonable on-site alternative will be determined after a thorough review by the SEPA Co-Lead Agencies. Once alternatives have been identified in the Draft EIS development process, identified alternatives will be appended to this document as Attachment C.

SEPA also requires review of the no-action alternative (WAC 197-11-440(5)(b)(ii)). The no action alternative is typically defined as what would be most likely to happen if the proposal did not occur. As part of this environmental review process, the no action alternative includes the project site in its undeveloped condition, along with existing land use entitlements. This means that the no action alternative will describe the site as it exists today, with the addition of 1997 land use approvals for an 8.2 million metric ton bulk commodity shipping terminal on 1,092 acres, including a wharf and trestle, and its regulatory implications. The existing, undeveloped site and the developed site pursuant to 1997 land use approvals will serve as benchmarks from which other identified alternatives will be compared.

**RESOURCES ANALYSES – ANALYZING THE ENVIRONMENTAL SETTING, DETERMINING ENVIRONMENTAL IMPACTS, MITIGATING ENVIRONMENTAL IMPACTS**

This process step is discussed in Task 6 of the scope of work. This step will include development of technical reports and technical memoranda for inclusion in Chapter 3 of the Draft EIS that will, as prescribed in WAC 197-11-440(6)(c):

- Succinctly describe the physical features of the environment that would be affected or created.
- Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment.
- Clearly indicate mitigation measures that could be implemented or might be required, as well as those that agencies or applicants are committed to implement.
• Summarize significant adverse impacts that cannot be mitigated.

The project site and surrounding area, as well as transportation corridors, will be examined fully under all applicable environmental elements (WAC 197-11-444) as they relate to the proposal for transportation and storage of dry bulk commodities. To complete this technical work, studies submitted by the applicants will be reviewed and a gap analysis completed. Additional field review and data collection, review, and analysis will be required. The analyses will be generally extended to areas beyond Washington State waters and out of state rail corridors based on the requirement that SEPA examine potential impacts that could affect adjoining areas. As noted in WAC 197-11-060(4)(b) and as supported in SEPA case law, SEPA review must be extended to examine whether impacts could affect the healthful environment of an adjoining area. Potentially significant unavoidable adverse impacts will be examined for areas that adjoin Washington State, as long as the impacts are likely and not merely speculative (WAC 197-11-060(4)(a)). The geographic scope of analysis was determined to include rail transportation corridors both in-state and out of state, and vessel transportation corridors beyond Washington State waters. Further discussion of the geographic scope can be found at http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/EIS-PressRelease-73113.pdf#overlay-context=resources/press-room. As with discussion of the project site and associated transportation corridors, discussion will be of significant impacts.

A Health Impact Assessment (HIA) on the GPT proposal will also be part of the technical analyses to be included in Chapter 3. Health impacts associated with bulk commodity transportation and storage will be identified based on local, regional, and state health data, as well as technical data collected in the EIS process. Health-based impacts identified in the HIA will be incorporated into Chapter 3 of the Draft EIS as appropriate.

PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

This process step is discussed in Tasks 7 and 8 of the scope of work. This step includes refining information from other scope of work tasks into a final document and preparing the Draft EIS summary. The Draft EIS summary will be included Chapter 1 of the Draft EIS. Completion of the Draft EIS will close the present contracting phase.

FUTURE CONTRACT AMENDMENT – FINAL EIS

Public hearings per WAC 197-11-535 for commenting on Draft EIS and preparation of the Final EIS, including decisions on public and agency review of the Draft EIS, will be managed under a subsequent contract amendment. The Final EIS will, in addition to responses to comments received on the Draft EIS, include additions, corrections, and clarifications to the Draft EIS, including additional study, if required, to adequately respond to Draft EIS comments. This future contract amendment phase will culminate in completion and issuance of a Final EIS.

NEXT STEPS

PUBLIC DRAFT EIS REVIEW

Once the Draft EIS is completed and issued, a public comment period is initiated. Agencies, affected tribes, and the public may provide comment for a period of 30 days following the date of Draft EIS issuance. WAC
197-11-455(7) provides that, upon request, the lead agencies may grant an extension of up to 15 days to the comment period as long as the request is received during the initial 30 day comment period.

**FINAL EIS DEVELOPMENT AND BEYOND**

As described in the section under Future Contract Amendment, a Final EIS will be prepared that responds to comments on the Draft EIS. After release of the Draft EIS, Whatcom County staff will prepare a staff report for submittal to the Whatcom County Hearing Examiner. The Whatcom County Hearing Examiner will make a recommendation to the Whatcom County Council on the proposals, and the Whatcom County Council will be the ultimate decision-maker. Permit decisions by other agencies will follow the decision of the Whatcom County Council if the Council’s decision is to approve the proposals. More information on these next steps will be provided concurrent with Final EIS development.
Arden,

I really like that idea. Please see attached. I will update our website document to include the newest version.

Thanks,

Tyler R. Schroeder

Planning Manager
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Tyler,

I think I can make this work. However, it would be very helpful if the .pdf of the plain language document had within it a statement about where to find all the other information that is available on the county GPT project page because there is no clear direction back to that site to view any other information.

Even something like:

The county maintains a webpage on the GPT/PIT project. The link to that site is here: http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp

That way, people can continue to intuitively research if they wish.
Yes, I have updated the GPT website to include the contracts. Below is the pertinent text that is located are this webpage; http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp. I would like to recognize that the contract for the Draft EIS phase of the project has been executed and then focus on the “overview and plain language document” that is in the third paragraph below. Please let me know if you have any questions and thanks for getting this on the main page.

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From: Arden Landry
Sent: Friday, February 28, 2014 9:05 AM
To: Tyler Schroeder
Subject: gateway website page update

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This process step is discussed in Task 6 of the scope of work. This step will include development of technical reports and technical memoranda for inclusion in Chapter 3 of the Draft EIS that will, as prescribed in WAC 197-11-440(6)(c):

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The project site and surrounding area, as well as transportation corridors, will be examined fully under all applicable environmental elements (WAC 197-11-444) as they relate to the proposal for transportation and storage of dry bulk commodities. To complete this technical work, studies submitted by the applicants will be reviewed and a gap analysis completed. Additional field review and data collection, review, and analysis will be required. The analyses will be generally extended to areas beyond Washington State waters and out of state rail corridors based on the requirement that SEPA examine potential impacts that could affect adjoining areas. As noted in WAC 197-11-060(4)(b) and as supported in SEPA case law, SEPA review must be extended to examine whether impacts could affect the healthful environment of an adjoining area. Potentially significant unavoidable adverse impacts will be examined for areas that adjoin Washington State, as long as the impacts are likely and not merely speculative (WAC 197-11-060(4)(a)). The geographic scope of analysis was determined to include rail transportation corridors both in-state and out of state, and vessel transportation corridors beyond Washington State waters. Further discussion of the geographic scope can be found at http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/EIS-PressRelease-73113.pdf#overlay-context=resources/press-room. As with discussion of the project site and associated transportation corridors, discussion will be of significant impacts.

A Health Impact Assessment (HIA) on the GPT proposal will also be part of the technical analyses to be included in Chapter 3. Health impacts associated with bulk commodity transportation and storage will be identified based on local, regional, and state health data, as well as technical data collected in the EIS process. Health-based impacts identified in the HIA will be incorporated into Chapter 3 of the Draft EIS as appropriate.

PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENT
This process step is discussed in Tasks 7 and 8 of the scope of work. This step includes refining information from other scope of work tasks into a final document and preparing the Draft EIS summary. The Draft EIS summary will be included Chapter 1 of the Draft EIS. Completion of the Draft EIS will close the present contracting phase.

FUTURE CONTRACT AMENDMENT – FINAL EIS
Public hearings per WAC 197-11-535 for commenting on Draft EIS and preparation of the Final EIS, including decisions on public and agency review of the Draft EIS, will be managed under a subsequent contract amendment. The Final EIS will, in addition to responses to comments received on the Draft EIS, include additions, corrections, and clarifications to the Draft EIS, including additional study, if required, to adequately respond to Draft EIS comments. This future contract amendment phase will culminate in completion and issuance of a Final EIS.

NEXT STEPS

PUBLIC DRAFT EIS REVIEW
Once the Draft EIS is completed and issued, a public comment period is initiated. Agencies, affected tribes, and the public may provide comment for a period of 30 days following the date of Draft EIS issuance. WAC
197-11-455(7) provides that, upon request, the lead agencies may grant an extension of up to 15 days to the comment period as long as the request is received during the initial 30 day comment period.

**FINAL EIS DEVELOPMENT AND BEYOND**

As described in the section under Future Contract Amendment, a Final EIS will be prepared that responds to comments on the Draft EIS. After release of the Draft EIS, Whatcom County staff will prepare a staff report for submittal to the Whatcom County Hearing Examiner. The Whatcom County Hearing Examiner will make a recommendation to the Whatcom County Council on the proposals, and the Whatcom County Council will be the ultimate decision-maker. Permit decisions by other agencies will follow the decision of the Whatcom County Council if the Council’s decision is to approve the proposals. More information on these next steps will be provided concurrent with Final EIS development.
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<th>ENVIRONMENTAL ELEMENT</th>
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<td>Energy and Natural Resources</td>
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<td><strong>BUILT ENVIRONMENT</strong></td>
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<td>Public Services and Utilities</td>
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<td>▪ Utilities including electricity, water, sewer, solid waste, other utilities</td>
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WAC 197-11-444: Elements of the Environment

Earth

The earth element includes the primary review areas of geology/geologic hazards and physical oceanography/coastal processes.

For the project site and immediate vicinity:

- Primary topics to be analyzed for geology include geologic conditions, erosion potential, vibration-related instability, long term soil compaction/settling, spill/hazardous material impacts to site soils, and long term operational impacts to site soils/geologic conditions. In addition geologic impacts of climate change to the proposed site will be examined.

- Primary topics to be analyzed for physical oceanography/coastal processes include changes to coastal bluffs, beaches, nearshore areas, and related shoreline habitats, change related to upland facilities and proposed shoreline structures, propeller scour of bottom sediments or barge grounding during construction activities near the wharf and potential deposition areas for scoured sediment, sediment inputs from streams, including from run-off and slope erosion along streams/ditches, and alteration of water circulation and wave energy from ship mooring, vessel anchorage, ship wakes.

For bulk commodity transportation, to the extent possible, vessel-related vibrational impacts on slope stability will be evaluated for vessel transit lanes within the geographic study area. Impacts from ship wakes along the shipping route will be analyzed based on projections of wake generated from ships and the wave energy reaching beaches during different tide stages to determine the potential for shoreline erosion. Train-related vibration information collected for the Noise and Vibration study will be used to determine the areas of highest slope stability risk along railway lines.

Air

The air element includes analysis of air quality, energy, and greenhouse gases (GHG).

For the site and immediate vicinity:

- Air quality analysis will include establishing baseline emissions levels for criteria pollutants and toxic air pollutants. Operation-based emissions, along with fugitive dust from terminal operations and cargo handling equipment will be analyzed and air dispersion modeling will be conducted.

- The GHG baseline will be established based on existing land use using quantification methods and associated emission factors for existing site use and surrounding industries. GHG production from proposed site activities to be calculated using established emission factors to include production from on-road mobile sources, non-road mobile sources, stationary combustion sources, and vehicular trips generated by the proposals. GHG production
associated with land use change and emissions from lost carbon storage will be included in the analysis, along with GHG production from off-site emissions produced for purchased electricity and associated energy usage. Analysis will consider the vulnerability of the proposal to a changing climate (changes to existing populations and habitats, erosion and landslide potential associated with elevated winter winds and precipitation, sea level rise, and increased flooding).

For bulk commodity transportation, vessel and train-generated emissions related to air quality will be modeled. For impacts of additional traffic congestion along the train route, emissions from both the trains and on-road traffic will be determined and modeled.

An evaluation of greenhouse gas emissions from rail and vessel traffic will be conducted. Analysis will consider the vulnerability of the vessel transit area to a changing climate primarily from data collected for other aspects of vessel transportation. An evaluation and disclosure of GHG of end-use coal combustion will also be completed.

**Water**

The water element under SEPA includes analysis of surface water, ground water, water quality, water supply, and wetlands.

For the site and immediate vicinity:

- Primary topics to be analyzed for water resources include evaluation of stormwater runoff quality, the proposed stormwater system, discharge points, and discharge quality including runoff pattern changes; bulk commodity dust contribution to water quality degradation; floodplain fill/rise evaluation and quantification; groundwater discharge/recharge associated with project development and regional groundwater volume; potable, industrial, fire suppression water demands and analysis of ability to meet demands; drinking water quality; water quality change as a result of spills, chemical handling, or accident risk; and marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for the wharf/trestle.

- Wetlands, wetland buffers, and wetland functions will be analyzed, including alterations to hydrology; activity encroachment; invasive species dispersal into new areas by construction equipment, cars, and trains; effects of untreated or improperly treated runoff.

For bulk commodity transportation, water-based analysis will include the addition of marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for vessel transit areas; water quality changes from increased vessel traffic during routine operations and associated change to current patterns affecting erosion and deposition; bulk commodity (coal) contribution to water quality degradation; ballast water management; sediment re-suspension; fueling techniques; water quality changes that may result from chemical/product spills or accidents.
For rail traffic routes, water bodies, including wetlands and stream crossings, along routes will be catalogued. Evaluations will be based on stream categories to represent a range of effects. Air quality technical analysis describing composition, volume, rates, origin, and dispersal patterns of coal dust generated (including suppressant/surfactant chemicals) will be used to determine fate and effect on adjacent water bodies. These patterns will also be used to establish patterns of invasive species dispersal. Information from the oil spill/fate transport and hazards and risks, air quality, vibration analyses will inform this analysis.

Plants and Animals

The Plants and Animals element includes the primary analysis areas of terrestrial habitats and species and aquatic habitats and species.

For the site and immediate vicinity:

- Primary topics to be analyzed for terrestrial habitats and species include loss (physical or functional) of terrestrial vegetation from site operation and maintenance; species or habitat change as a result of coal dust or surfactant introduction to soil/vegetation; invasive species dispersal into new areas by equipment, cars, or trains; community connectedness and corridor changes or blockages; habitat availability offsite to accommodate displaced wildlife; evaluation of change to biological diversity; noise, vibration, or lighting disturbance; and community composition or population change from toxics

- Primary topics to be analyzed for aquatic habitats and species include loss or physical degradation of habitat or aquatic vegetation due to fill, spills, or hydrologic changes; effects of coal dust (or other product dust) related to physical accumulation and potential toxicity; aquatic resources related to water quality or sediment quality degradation resulting from groundwater infiltration, stormwater inputs; potential change to habitats or populations from emissions, noise and vibration, lighting, or shade from overwater structures; competition, population loss, or habitat degradation from invasive species imported via ship, rail, or surface transportation; loss or physical degradation of habitat or aquatic vegetation due to pilings, shoreline substrate changes, sedimentation patterns, hydrologic changes, marine riparian vegetation removal, propeller scour, ship wakes, and/or spills; changes to the food web in terms of alteration of productivity, degradation, or availability as a result of site development and operations; behavioral disturbances as a result of the physical presence of facility and operations; stranding based on projected ship wakes using information on the number, speed, size, and draft of ships, beach bathymetry along the routes, and the animal community along the shorelines; aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals.

For water-borne bulk commodity transportation, analysis will include introduction of non-native invasive species on ships or in cargo, behavioral disturbances as a result of the physical presence of facility and
operations, stranding from ship wakes along shipping routes. As with the proposal, aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals will be analyzed.

For rail bulk commodity transportation, coal dust/surfactant, potential spills, and invasive species impacts will be analyzed. Impacts to wildlife movement, toxic substances collected on vegetation and ingested, noise and vibration, and coal dust collection on eggs will be analyzed.

**Energy and Natural Resources**

The scoped element of “amount required” (WAC 197-11-444(1)e(i) is included under the air element, as energy required is linked to usage and resulting potential significant adverse impacts to air quality and greenhouse gas production. The scoped element of “scenic resources” is included under the land use element of “aesthetics”.

**Environmental Health**

The environmental health element includes analysis of noise and vibration, risk of explosion, and releases or potential releases to the environment affecting public health, such as toxic or hazardous materials.

For the site and immediate vicinity:

- Primary topics to be analyzed for noise and vibration include coal terminal operations and on-site train operations; noise from vessels docked or adjacent to the wharf; noise from additional train trips on the Custer Spur; and noise and vibration potentially affecting sensitive land uses.

- Primary topics to be analyzed for risk of explosion and release or potential release of toxic or hazardous materials include releasing and spreading contaminated soil, sediment, or groundwater; accidental hazardous materials spills or releases; types and quantities of construction and operation wastes and their likely treatment/disposal methods; potential risks and management provisions related to the accidental release of oil or toxic chemicals;

- Releases or potential releases to the environment affecting public health will be examined through development of a health impact assessment (HIA). Health impacts will be computed based on the prediction model(s) developed through the HIA process, baseline conditions, applied data, and expected changes in health risk factors.

For water-borne bulk commodity transportation, evaluations will include noise from vessels en route to and from the terminal site and offshore underwater noise from vessels en route to and from the terminal; fate and effects of oil spills in the marine environment of the Strait of Juan de Fuca, the Strait of Georgia, and surrounding waters; risks and management provisions related to normal ship operations and regular discharges including oil, ballast water, bilge water, tank washings (oily water), oily sludge, sewage (black water), garbage, and grey water; and risks and management provisions for
vessels docked or adjacent to the wharf including accidental releases, proximity of moving vessels, refueling activity at berths, navigational hazards.

For rail bulk commodity transportation, evaluations will include severe and moderate noise or vibration for historical and projected future train operations at locations where noise thresholds; the change in train traffic due to the project proposals to determine if there is vibration impact due to the additional trains; potential risks and management provisions related to the types and quantities of normal rail operational wastes and their likely treatment/disposal methods and associated environmental impacts.

**Land Use**

The land use element includes analysis of land use, cultural resources, and aesthetics.

For the site and immediate vicinity:

- Primary topics to be analyzed for land use include conversions based on the proposal footprint; consistency with planning goals, policies, and strategies; land use impairment based on a review of the noise and vibration, air quality, and transportation analyses; and a determination on whether the activities, features, or attributes of adjacent lands (including shorelines (physical and visual access), walking and biking trails, fishing, shellfishing and recreational boating) would be substantially impaired.

- Primary topics to be evaluated for cultural resources include excavation into and grading of existing ground surfaces; installation of pilings and piers; ground preparation such as clearing and grubbing; staging and stockpiling activities; temporary visual effects; vibration caused during construction; operational impacts from coal dust and vibration.

- Primary topics to be evaluation for aesthetics include visual quality from site development and associated vegetation removal; secondary effects of site operation such as coal dust generation; induced lighting and glare from site development and operation, visual effects of wharf and pier development and operation; and visual effects of ships.

For water-borne bulk commodity transportation, the potential for land use impairment will be evaluated based on a review of the noise and vibration, air quality, and transportation analyses. Cultural resource topics to be evaluated include analysis of increased vessel traffic, such as erosion of coastal archaeological sites or visual effects on cultural landscapes. Aesthetics topics to be evaluated include prop-wash, wake erosion, visual effects, vibration, and materials spill events; induced lighting and glare from ship passage; visual character from increased number of ships.

For rail bulk commodity transportation, the potential for land use impairment will be based on noise and vibration, air quality, and transportation analyses and may be where train volumes would substantially increase, noise levels would substantially change, and at-grade crossing delays would substantially increase. Cultural resource topics include evaluation of historic buildings and structures, both individual and within historic districts; cultural landscapes; traditional cultural properties; and historic railroad
properties. Aesthetics topics to be evaluated include visual aspects of coal dust and bulk commodity spills; induced lighting and glare from additional trains operations; blocking important or protected views; visual character from additional trains operations.

Transportation

The transportation element includes surface transportation, water-borne transportation, and rail transportation.

For the site and immediate vicinity:

- The primary topics to be analyzed for surface transportation include cataloguing roadway at-grade crossings in the Cherry Point area; identifying average daily traffic volumes, existing safety issues, distance to next crossing, type of community (rural, urban, or city), and whether there are nearby grade separations. Further assessment, including modeling will be based on impact potential for crossing delay, volumes, and safety.

- Water-borne transportation is included in a vessel traffic study now under preparation. This analysis, once complete, will be reviewed for possible data gaps and incorporated into the Draft EIS as directed by the Co-Lead agencies. The vessel traffic study will provide the basis for water-borne transportation-related basis for analysis for other elements of the environment.

- Rail transportation analysis will apply 2010 base rail traffic data and result in rail traffic growth projections through 2035. Once the growth projections are complete, additional assessments will be completed that will provide the basis for rail-related analyses for other elements of the environment. These assessments include road/rail conflicts at key locations along the rail route(s) forecast to include GPT coal trains within the state; locomotive fuel consumption that can be converted into a projection of diesel fuel emissions; and rail infrastructure capacity implications as a result of the forecast projections of train volume growth over the involved rail corridors/line segments.

Public Services and Utilities

The primary topics to be analyzed for public services and utilities include demand on public services and utilities including schools, emergency services, local water, stormwater, electric, gas, and telecommunications utilities; and disruption or severance of public services. For bulk commodity transportation, both water-borne and rail, the demand on emergency services related to increased traffic will be analyzed.
The contract between Whatcom County and Pacific International Terminals & BNSF for payment for all costs related to the completion of the draft EIS is included in the following link, contract # 201205029-amendment 4

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5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Arden,

Please use the attached document. It is the same one I just sent but with Attachment A and Attachment B included.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

Thank you.

Arden,

I really like that idea. Please see attached. I will update our website document to include the newest version.

Thanks,

Tyler R. Schroeder

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INTRODUCTION

The Gateway Pacific Terminal (GPT) EIS process is currently being undertaken by Whatcom County. The EIS includes environmental review of two proposals, the Gateway Pacific Terminal initiated by Pacific International Terminals (PIT), and development of the Custer Spur, initiated by BNSF Railway. Recognizing that the proposals could have regional and statewide implications, Whatcom County asked the Washington State Department of Ecology (Ecology) to act as a State Environmental Policy Act (SEPA; Chapter 43.21C RCW, WAC 197-11) co-lead agency in managing the EIS process for issues that fall under Ecology’s jurisdiction. The U.S. Army Corps of Engineers (Corps) was also asked to act as a co-lead agency to provide input on issues that fall under Federal jurisdiction. On initiation of the EIS process, Whatcom County, together with Ecology and the Corps, entered into a Memorandum of Understanding (MOU) that established and described the collaborative effort required for the EIS process. Each of the SEPA parties to the MOU has somewhat differing responsibilities; however, decisions as to EIS scope, content, and timing are joint and shared. The county maintains a webpage on the GPT project. The link to that site is here: [http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp](http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp)

EIS CONTRACT

Whatcom County has entered into a contract with CH2M Hill to develop the EIS for the proposed Gateway Pacific Terminal project. The following is a discussion of the contracting phases, as well as the contract content, and is intended for informational purposes only. The SEPA Co-Lead Agencies will make SEPA-based decisions throughout the EIS process; these decisions may alter the course of the contracting phases provided here and may alter contract content at any time.

The GPT EIS process has been divided into discreet contracting phases:

- The initial contracting phase was for scoping
- The present phase is for development of the Draft EIS
- A future phase will be for development of the Final EIS.

While developing the present scope of work and contract, an additional contract phase for interim work toward completion of the Draft EIS was initiated and completed. Whatcom County has also entered into a cost reimbursement contract with the applicants (PIT and BNSF) for payment of all costs associated with CH2M Hill and County staff time.

SCOPING PHASE CONTRACT

Under the scoping phase contract of the EIS process, Whatcom County issued a Determination of Significance (DS; WAC 197-11-360) after determining that the GPT proposal may have probable significant adverse environmental impact, and initiated a 120 day scoping period, inviting agencies, affected tribes, and the public to comment on the DS. Comments received during the scoping period were summarized in an
optional scoping comment report issued on March 29, 2013 and available at http://www.eisgatewaypacificwa.gov/resources/scoping-report. After issuance of the scoping summary report, Whatcom County and Ecology established the scope of analysis for the Draft EIS, as well as the geographic scope of analysis. All SEPA elements of the environment (WAC 197-11-444) will be included in the scope of analysis. These include: earth, air, water, plants and animals, energy and natural resources, environmental health, land and shoreline use, transportation, and public services and utilities as outlined in Attachment A. More detail on each environmental element is included in Attachment B. The information included in Attachment B is a starting point and will be refined throughout the development of the Draft EIS. These decisions will be made by the SEPA Co-Lead Agencies based on information gathered or data generated, and on comments received during the scoping period, consistent with SEPA.

INTERIM CONTRACT AMENDMENT

A portion of the work described under the Draft EIS Development Contract Amendment was completed in the interim contracting phase. This contract amendment included work toward completion of project definition and purpose and need, early identification of the no action alternative, early identification of off-site alternatives for NEPA, and review and critique of applicant PIT’s Project Information Document.

DRAFT EIS DEVELOPMENT CONTRACT AMENDMENT

The present contracting phase is associated with a scope of work that outlines the steps involved in completion of the Draft EIS. These completion steps include:

- Defining the proposal
- Defining alternatives
- Analyzing the environmental setting encompassed within the development area of the proposal and that of alternatives
- Determining the impact to the environment if either the proposal or an alternative is implemented
- How to mitigate that impact or make it less severe.

The information gathered and developed in these steps will be incorporated into a single document, the Draft EIS, which is limited to 150 pages (WAC 197-11-425(4)).

The scope of work that supports the present contract amendment includes work required for both the SEPA process administered by Whatcom County and Ecology and the NEPA (National Environmental Policy Act) process administered by the Corps. Note that NEPA-specific scope of work items relevant to the Corps process, such as off-site alternative identification and maintenance of an administrative record, are not discussed here. These issues are discussed in the Memorandum for the Record (MFR) available at http://www.nws.usace.army.mil/Portals/27/docs/regulatory/News/SCOPEMFRGATEWAYBNSF.pdf. The scope of work also describes administrative tasks required to support development of the Draft EIS, such as project management; and public communications required for website management and notices for issuance of the Draft EIS. The Draft EIS development steps included in the present contract amendment are summarized in the following discussion.

PROJECT DEFINITION / PURPOSE AND NEED – DEFINING THE PROPOSAL

This process step is discussed as Task 4 of the scope of work and includes describing and presenting the proposal. This section of the Draft EIS is largely refined from application materials submitted to Whatcom
County at initiation of the permitting process, and will be added to or amended if the applicants submit updates or changes to the proposals. Information will be tailored for a thorough understanding of all aspects of the proposals and will be included in Chapter 2 of the Draft EIS. A portion of development of the project definition was completed in the interim contracting phase; project definition work to be completed under this contract amendment is refinement of the interim contract amendment effort.

**ALTERNATIVES DEVELOPMENT – DEFINING ALTERNATIVES**

This process step is described in Task 5 of the scope of work. The SEPA rules require that alternatives be reasonable courses of action that could approximate a proposal’s objectives on the project site, but at a lower environmental cost (WAC 197-11-440(5)(b)), and provides the intent that the term “reasonable” be used by the agency to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative (WAC 197-11-440(5)(b)(i)). The alternatives evaluation limitation to the project site is for private projects on specific sites per WAC 197-11-440(5)(d).

The SEPA Co-Lead agencies, upon initiation of the present scope of work, will begin identifying reasonable on-site alternative(s) for the PIT project site. If any alternative identified is deemed to be reasonable under SEPA, the alternative(s) will be reviewed in the Draft EIS. The scope of work associated with this contracting phase has assumed identification and review of one on-site alternative; identification of additional alternatives will require amendment of the present contract and associated scope of work. Upon execution of the present contract, PIT has stated that an alternative site plan will be submitted for consideration by Whatcom County. The degree to which the submitted alternative site plan meets the SEPA requirements for a reasonable on-site alternative will be determined after a thorough review by the SEPA Co-Lead Agencies. Once alternatives have been identified in the Draft EIS development process, identified alternatives will be appended to this document as Attachment C.

SEPA also requires review of the no-action alternative (WAC 197-11-440(5)(b)(ii)). The no action alternative is typically defined as what would be most likely to happen if the proposal did not occur. As part of this environmental review process, the no action alternative includes the project site in its undeveloped condition, along with existing land use entitlements. This means that the no action alternative will describe the site as it exists today, with the addition of 1997 land use approvals for an 8.2 million metric ton bulk commodity shipping terminal on 1,092 acres, including a wharf and trestle, and its regulatory implications. The existing, undeveloped site and the developed site pursuant to 1997 land use approvals will serve as benchmarks from which other identified alternatives will be compared.

**RESOURCES ANALYSES – ANALYZING THE ENVIRONMENTAL SETTING, DETERMINING ENVIRONMENTAL IMPACTS, MITIGATING ENVIRONMENTAL IMPACTS**

This process step is discussed in Task 6 of the scope of work. This step will include development of technical reports and technical memoranda for inclusion in Chapter 3 of the Draft EIS that will, as prescribed in WAC 197-11-440(6)(c):

- Succinctly describe the physical features of the environment that would be affected or created.
- Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment.
- Clearly indicate mitigation measures that could be implemented or might be required, as well as those that agencies or applicants are committed to implement.
• Summarize significant adverse impacts that cannot be mitigated.

The project site and surrounding area, as well as transportation corridors, will be examined fully under all applicable environmental elements (WAC 197-11-444) as they relate to the proposal for transportation and storage of dry bulk commodities. To complete this technical work, studies submitted by the applicants will be reviewed and a gap analysis completed. Additional field review and data collection, review, and analysis will be required. The analyses will be generally extended to areas beyond Washington State waters and out of state rail corridors based on the requirement that SEPA examine potential impacts that could affect adjoining areas. As noted in WAC 197-11-060(4)(b) and as supported in SEPA case law, SEPA review must be extended to examine whether impacts could affect the healthful environment of an adjoining area. Potentially significant unavoidable adverse impacts will be examined for areas that adjoin Washington State, as long as the impacts are likely and not merely speculative (WAC 197-11-060(4)(a)). The geographic scope of analysis was determined to include rail transportation corridors both in-state and out of state, and vessel transportation corridors beyond Washington State waters. Further discussion of the geographic scope can be found at http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/EIS-PressRelease-73113.pdf#overlay-context=resources/press-room. As with discussion of the project site and associated transportation corridors, discussion will be of significant impacts.

A Health Impact Assessment (HIA) on the GPT proposal will also be part of the technical analyses to be included in Chapter 3. Health impacts associated with bulk commodity transportation and storage will be identified based on local, regional, and state health data, as well as technical data collected in the EIS process. Health-based impacts identified in the HIA will be incorporated into Chapter 3 of the Draft EIS as appropriate.

PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENT
This process step is discussed in Tasks 7 and 8 of the scope of work. This step includes refining information from other scope of work tasks into a final document and preparing the Draft EIS summary. The Draft EIS summary will be included Chapter 1 of the Draft EIS. Completion of the Draft EIS will close the present contracting phase.

FUTURE CONTRACT AMENDMENT – FINAL EIS
Public hearings per WAC 197-11-535 for commenting on Draft EIS and preparation of the Final EIS, including decisions on public and agency review of the Draft EIS, will be managed under a subsequent contract amendment. The Final EIS will, in addition to responses to comments received on the Draft EIS, include additions, corrections, and clarifications to the Draft EIS, including additional study, if required, to adequately respond to Draft EIS comments. This future contract amendment phase will culminate in completion and issuance of a Final EIS.

NEXT STEPS

PUBLIC DRAFT EIS REVIEW
Once the Draft EIS is completed and issued, a public comment period is initiated. Agencies, affected tribes, and the public may provide comment for a period of 30 days following the date of Draft EIS issuance. WAC
197-11-455(7) provides that, upon request, the lead agencies may grant an extension of up to 15 days to the comment period as long as the request is received during the initial 30 day comment period.

**FINAL EIS DEVELOPMENT AND BEYOND**

As described in the section under Future Contract Amendment, a Final EIS will be prepared that responds to comments on the Draft EIS. After release of the Draft EIS, Whatcom County staff will prepare a staff report for submittal to the Whatcom County Hearing Examiner. The Whatcom County Hearing Examiner will make a recommendation to the Whatcom County Council on the proposals, and the Whatcom County Council will be the ultimate decision-maker. Permit decisions by other agencies will follow the decision of the Whatcom County Council if the Council’s decision is to approve the proposals. More information on these next steps will be provided concurrent with Final EIS development.
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<tr>
<th>ENVIRONMENTAL ELEMENT SUBCATEGORY</th>
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<td>Plants and Animals</td>
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<td>Fish and wildlife migration routes</td>
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<td>Energy and Natural Resources</td>
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<td>Public Services and Utilities</td>
<td>Services, including fire, police, parks and other recreation facilities, maintenance, stormwater</td>
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<td>Utilities including electricity, water, sewer, solid waste, other utilities</td>
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WAC 197-11-444: Elements of the Environment

Earth

The earth element includes the primary review areas of geology/geologic hazards and physical oceanography/coastal processes.

For the project site and immediate vicinity:

- Primary topics to be analyzed for geology include geologic conditions, erosion potential, vibration-related instability, long term soil compaction/settling, spill/hazardous material impacts to site soils, and long term operational impacts to site soils/geologic conditions. In addition geologic impacts of climate change to the proposed site will be examined.

- Primary topics to be analyzed for physical oceanography/coastal processes include changes to coastal bluffs, beaches, nearshore areas, and related shoreline habitats, change related to upland facilities and proposed shoreline structures, propeller scour of bottom sediments or barge grounding during construction activities near the wharf and potential deposition areas for scoured sediment, sediment inputs from streams, including from run-off and slope erosion along streams/ditches, and alteration of water circulation and wave energy from ship mooring, vessel anchorage, ship wakes

For bulk commodity transportation, to the extent possible, vessel-related vibrational impacts on slope stability will be evaluated for vessel transit lanes within the geographic study area. Impacts from ship wakes along the shipping route will be analyzed based on projections of wake generated from ships and the wave energy reaching beaches during different tide stages to determine the potential for shoreline erosion. Train-related vibration information collected for the Noise and Vibration study will be used to determine the areas of highest slope stability risk along railway lines.

Air

The air element includes analysis of air quality, energy, and greenhouse gases (GHG).

For the site and immediate vicinity:

- Air quality analysis will include establishing baseline emissions levels for criteria pollutants and toxic air pollutants. Operation-based emissions, along with fugitive dust from terminal operations and cargo handling equipment will be analyzed and air dispersion modeling will be conducted.

- The GHG baseline will be established based on existing land use using quantification methods and associated emission factors for existing site use and surrounding industries. GHG production from proposed site activities to be calculated using established emission factors to include production from on-road mobile sources, non-road mobile sources, stationary combustion sources, and vehicular trips generated by the proposals. GHG production
associated with land use change and emissions from lost carbon storage will be included in the analysis, along with GHG production from off-site emissions produced for purchased electricity and associated energy usage. Analysis will consider the vulnerability of the proposal to a changing climate (changes to existing populations and habitats, erosion and landslide potential associated with elevated winter winds and precipitation, sea level rise, and increased flooding).

For bulk commodity transportation, vessel and train-generated emissions related to air quality will be modeled. For impacts of additional traffic congestion along the train route, emissions from both the trains and on-road traffic will be determined and modeled.

An evaluation of greenhouse gas emissions from rail and vessel traffic will be conducted. Analysis will consider the vulnerability of the vessel transit area to a changing climate primarily from data collected for other aspects of vessel transportation. An evaluation and disclosure of GHG of end-use coal combustion will also be completed.

**Water**

The water element under SEPA includes analysis of surface water, ground water, water quality, water supply, and wetlands.

For the site and immediate vicinity:

- Primary topics to be analyzed for water resources include evaluation of stormwater runoff quality, the proposed stormwater system, discharge points, and discharge quality including runoff pattern changes; bulk commodity dust contribution to water quality degradation; floodplain fill/rise evaluation and quantification; groundwater discharge/recharge associated with project development and regional groundwater volume; potable, industrial, fire suppression water demands and analysis of ability to meet demands; drinking water quality; water quality change as a result of spills, chemical handling, or accident risk; and marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for the wharf/trestle.

- Wetlands, wetland buffers, and wetland functions will be analyzed, including alterations to hydrology; activity encroachment; invasive species dispersal into new areas by construction equipment, cars, and trains; effects of untreated or improperly treated runoff.

For bulk commodity transportation, water-based analysis will include the addition of marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for vessel transit areas; water quality changes from increased vessel traffic during routine operations and associated change to current patterns affecting erosion and deposition; bulk commodity (coal) contribution to water quality degradation; ballast water management; sediment re-suspension; fueling techniques; water quality changes that may result from chemical/product spills or accidents.
For rail traffic routes, water bodies, including wetlands and stream crossings, along routes will be catalogued. Evaluations will be based on stream categories to represent a range of effects. Air quality technical analysis describing composition, volume, rates, origin, and dispersal patterns of coal dust generated (including suppressant/surfactant chemicals) will be used to determine fate and effect on adjacent water bodies. These patterns will also be used to establish patterns of invasive species dispersal. Information from the oil spill/fate transport and hazards and risks, air quality, vibration analyses will inform this analysis.

Plants and Animals

The Plants and Animals element includes the primary analysis areas of terrestrial habitats and species and aquatic habitats and species.

For the site and immediate vicinity:

- Primary topics to be analyzed for terrestrial habitats and species include loss (physical or functional) of terrestrial vegetation from site operation and maintenance; species or habitat change as a result of coal dust or surfactant introduction to soil/vegetation; invasive species dispersal into new areas by equipment, cars, or trains; community connectedness and corridor changes or blockages; habitat availability offsite to accommodate displaced wildlife; evaluation of change to biological diversity; noise, vibration, or lighting disturbance; and community composition or population change from toxics

- Primary topics to be analyzed for aquatic habitats and species include loss or physical degradation of habitat or aquatic vegetation due to fill, spills, or hydrologic changes; effects of coal dust (or other product dust) related to physical accumulation and potential toxicity; aquatic resources related to water quality or sediment quality degradation resulting from groundwater infiltration, stormwater inputs; potential change to habitats or populations from emissions, noise and vibration, lighting, or shade from overwater structures; competition, population loss, or habitat degradation from invasive species imported via ship, rail, or surface transportation; loss or physical degradation of habitat or aquatic vegetation due to pilings, shoreline substrate changes, sedimentation patterns, hydrologic changes, marine riparian vegetation removal, propeller scour, ship wakes, and/or spills; changes to the food web in terms of alteration of productivity, degradation, or availability as a result of site development and operations; behavioral disturbances as a result of the physical presence of facility and operations; stranding based on projected ship wakes using information on the number, speed, size, and draft of ships, beach bathymetry along the routes, and the animal community along the shorelines; aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals.

For water-borne bulk commodity transportation, analysis will include introduction of non-native invasive species on ships or in cargo, behavioral disturbances as a result of the physical presence of facility and
operations, stranding from ship wakes along shipping routes. As with the proposal, aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals will be analyzed.

For rail bulk commodity transportation, coal dust/surfactant, potential spills, and invasive species impacts will be analyzed. Impacts to wildlife movement, toxic substances collected on vegetation and ingested, noise and vibration, and coal dust collection on eggs will be analyzed.

**Energy and Natural Resources**

The scoped element of “amount required” (WAC 197-11-444(1)e(i) is included under the air element, as energy required is linked to usage and resulting potential significant adverse impacts to air quality and greenhouse gas production. The scoped element of “scenic resources” is included under the land use element of “aesthetics”.

**Environmental Health**

The environmental health element includes analysis of noise and vibration, risk of explosion, and releases or potential releases to the environment affecting public health, such as toxic or hazardous materials.

For the site and immediate vicinity:

- Primary topics to be analyzed for noise and vibration include coal terminal operations and on-site train operations; noise from vessels docked or adjacent to the wharf; noise from additional train trips on the Custer Spur; and noise and vibration potentially affecting sensitive land uses.

- Primary topics to be analyzed for risk of explosion and release or potential release of toxic or hazardous materials include releasing and spreading contaminated soil, sediment, or groundwater; accidental hazardous materials spills or releases; types and quantities of construction and operation wastes and their likely treatment/disposal methods; potential risks and management provisions related to the accidental release of oil or toxic chemicals;

- Releases or potential releases to the environment affecting public health will be examined through development of a health impact assessment (HIA). Health impacts will be computed based on the prediction model(s) developed through the HIA process, baseline conditions, applied data, and expected changes in health risk factors.

For water-borne bulk commodity transportation, evaluations will include noise from vessels en route to and from the terminal site and offshore underwater noise from vessels en route to and from the terminal; fate and effects of oil spills in the marine environment of the Strait of Juan de Fuca, the Strait of Georgia, and surrounding waters; risks and management provisions related to normal ship operations and regular discharges including oil, ballast water, bilge water, tank washings (oily water), oily sludge, sewage (black water), garbage, and grey water; and risks and management provisions for
vessels docked or adjacent to the wharf including accidental releases, proximity of moving vessels, refueling activity at berths, navigational hazards.

For rail bulk commodity transportation, evaluations will include severe and moderate noise or vibration for historical and projected future train operations at locations where noise thresholds; the change in train traffic due to the project proposals to determine if there is vibration impact due to the additional trains; potential risks and management provisions related to the types and quantities of normal rail operational wastes and their likely treatment/disposal methods and associated environmental impacts.

**Land Use**

The land use element includes analysis of land use, cultural resources, and aesthetics.

For the site and immediate vicinity:

- Primary topics to be analyzed for land use include conversions based on the proposal footprint; consistency with planning goals, policies, and strategies; land use impairment based on a review of the noise and vibration, air quality, and transportation analyses; and a determination on whether the activities, features, or attributes of adjacent lands (including shorelines (physical and visual access), walking and biking trails, fishing, shellfishing and recreational boating) would be substantially impaired.

- Primary topics to be evaluated for cultural resources include excavation into and grading of existing ground surfaces; installation of pilings and piers; ground preparation such as clearing and grubbing; staging and stockpiling activities; temporary visual effects; vibration caused during construction; operational impacts from coal dust and vibration.

- Primary topics to be evaluation for aesthetics include visual quality from site development and associated vegetation removal; secondary effects of site operation such as coal dust generation; induced lighting and glare from site development and operation, visual effects of wharf and pier development and operation; and visual effects of ships.

For water-borne bulk commodity transportation, the potential for land use impairment will be evaluated based on a review of the noise and vibration, air quality, and transportation analyses. Cultural resource topics to be evaluated include analysis of increased vessel traffic, such as erosion of coastal archaeological sites or visual effects on cultural landscapes. Aesthetics topics to be evaluated include prop-wash, wake erosion, visual effects, vibration, and materials spill events; induced lighting and glare from ship passage; visual character from increased number of ships.

For rail bulk commodity transportation, the potential for land use impairment will be based on noise and vibration, air quality, and transportation analyses and may be where train volumes would substantially increase, noise levels would substantially change, and at-grade crossing delays would substantially increase. Cultural resource topics include evaluation of historic buildings and structures, both individual and within historic districts; cultural landscapes; traditional cultural properties; and historic railroad
properties. Aesthetics topics to be evaluated include visual aspects of coal dust and bulk commodity spills; induced lighting and glare from additional trains operations; blocking important or protected views; visual character from additional trains operations.

**Transportation**

The transportation element includes surface transportation, water-borne transportation, and rail transportation.

For the site and immediate vicinity:

- The primary topics to be analyzed for surface transportation include cataloguing roadway at-grade crossings in the Cherry Point area; identifying average daily traffic volumes, existing safety issues, distance to next crossing, type of community (rural, urban, or city), and whether there are nearby grade separations. Further assessment, including modeling will be based on impact potential for crossing delay, volumes, and safety.

- Water-borne transportation is included in a vessel traffic study now under preparation. This analysis, once complete, will be reviewed for possible data gaps and incorporated into the Draft EIS as directed by the Co-Lead agencies. The vessel traffic study will provide the basis for water-borne transportation-related basis for analysis for other elements of the environment.

- Rail transportation analysis will apply 2010 base rail traffic data and result in rail traffic growth projections through 2035. Once the growth projections are complete, additional assessments will be completed that will provide the basis for rail-related analyses for other elements of the environment. These assessments include road/rail conflicts at key locations along the rail route(s) forecast to include GPT coal trains within the state; locomotive fuel consumption that can be converted into a projection of diesel fuel emissions; and rail infrastructure capacity implications as a result of the forecast projections of train volume growth over the involved rail corridors/line segments.

**Public Services and Utilities**

The primary topics to be analyzed for public services and utilities include demand on public services and utilities including schools, emergency services, local water, stormwater, electric, gas, and telecommunications utilities; and disruption or severance of public services. For bulk commodity transportation, both water-borne and rail, the demand on emergency services related to increased traffic will be analyzed.
From: Arden Landry
Sent: Friday, February 28, 2014 9:37 AM
To: Tyler Schroeder
Subject: RE: gateway website page update

Tyler,
I think I can make this work. However, it would be very helpful if the .pdf of the plain language document had within it a statement about where to find all the other information that is available on the county GPT project page because there is no clear direction back to that site to view any other information.

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Executive Assistant / Communications Coordinator
Whatcom County Executive’s Office
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

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Thanks,

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Thanks Tyler,
I am linking to the online version – so when it’s updated the most current one will be “live”, however, this .pdf is great to respond to all the latest batch of emails from concerned citizens too.

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For an overview and plain language document explaining the contracting phases, as well as the contract content, please click here. This document is intended for informational purposes only. The SEPA Co-Lead Agencies will make SEPA-based decisions throughout the EIS process; these decisions may alter the course of the contracting phases provided herein and may alter contract content in the future.

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

From: Arden Landry
Sent: Friday, February 28, 2014 9:05 AM
To: Tyler Schroeder
Subject: gateway website page update

Hi Tyler,

Jack tells me that you are updating the GPT webpage with an executive summary of some kind. He would like to have a features item on the main page of the county website that provides a link to that page when it’s ready.

Would you let me know when it’s done and I can handle getting the features piece up and getting it on our Facebook page.

Thanks,

Arden Landry, CAP-OM
Executive Assistant / Communications Coordinator
Whatcom County Executive’s Office
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 676 6717

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.
Great, I like the idea of the .pdf being a response to the latest batch of email. We really created the “overview” doc to be responsive to Council and the public asking for a “plain language” document. Let me know if you need help formulating a response to the latest batch of emails.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

From: Arden Landry
Sent: Friday, February 28, 2014 10:35 AM
To: Tyler Schroeder
Subject: RE: gateway website page update

Thanks Tyler,
I am linking to the online version – so when it’s updated the most current one will be “live”, however, this .pdf is great to respond to all the latest batch of emails from concerned citizens too.

Thanks.

From: Tyler Schroeder
Sent: Friday, February 28, 2014 10:33 AM
To: Arden Landry
Subject: RE: gateway website page update

Arden,

Please use the attached document. It is the same one I just sent but with Attachment A and Attachment B included.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
From: Arden Landry  
Sent: Friday, February 28, 2014 9:51 AM  
To: Tyler Schroeder  
Subject: RE: gateway website page update

Thank you.

From: Tyler Schroeder  
Sent: Friday, February 28, 2014 9:47 AM  
To: Arden Landry  
Subject: RE: gateway website page update

Arden,

I really like that idea. Please see attached. I will update our website document to include the newest version.

Thanks,

Tyler R. Schroeder  
Planning Manager  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226  
Tschroed@whatcomcounty.us  
www.whatcomcounty.us/pds  
360.676.6907

From: Arden Landry  
Sent: Friday, February 28, 2014 9:37 AM  
To: Tyler Schroeder  
Subject: RE: gateway website page update

Tyler,

I think I can make this work. However, it would be very helpful if the .pdf of the plain language document had within it a statement about where to find all the other information that is available on the county GPT project page because there is no clear direction back to that site to view any other information.

Even something like:

The county maintains a webpage on the GPT/PIT project. The link to that site is here: [http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp](http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp)

That way, people can continue to intuitively research if they wish.

From: Tyler Schroeder  
Sent: Friday, February 28, 2014 9:17 AM
To: Arden Landry  
Subject: RE: gateway website page update

Arden,

Yes, I have updated the GPT website to include the contracts. Below is the pertinent text that is located are this webpage; [http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp](http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp). I would like to recognize that the contract for the Draft EIS phase of the project has been executed and then focus on the “overview and plain language document” that is in the third paragraph below. Please let me know if you have any questions and thanks for getting this on the main page.

**Draft EIS Work Begins**

There is a contract between Whatcom County and consultant CH2M Hill, which is agreed upon and funded by PIT and BNSF, to begin the draft Environmental Impact Statement (DEIS) for the Gateway Pacific Terminal/Custer Spur project. The scope of work included in the contract is available at [this link](http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp).

Both contracts related to this project were signed on 2/27/2014; [contract #201205028-Amendment 4](http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp) with CH2M Hill for completion of the draft EIS & [contract # 201205029-amendment 4](http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp) with Pacific International Terminals & BNSF for payment for all costs related to the completion of the draft EIS.

For an **overview and plain language document explaining the contracting phases, as well as the contract content**, please click here. This document is intended for informational purposes only. The SEPA Co-Lead Agencies will make SEPA-based decisions throughout the EIS process; these decisions may alter the course of the contracting phases provided herein and may alter contract content in the future.

Thanks,

Tyler R. Schroeder

Planning Manager  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226  
[Tschoed@whatcomcounty.us](mailto:Tschoed@whatcomcounty.us)  
[www.whatcomcounty.us/pds](http://www.whatcomcounty.us/pds)  
360.676.6907

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From: Arden Landry  
Sent: Friday, February 28, 2014 9:05 AM  
To: Tyler Schroeder  
Subject: gateway website page update

Hi Tyler,
Jack tells me that you are updating the GPT webpage with an executive summary of some kind. He would like to have a features item on the main page of the county website that provides a link to that page when its ready.

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Ph 360 676 6717

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Communitywise slideshow re: Bellingham siding


Communitywise Bellingham shows how Gateway Pacific Terminal, if built, would bring big changes to the Bellingham waterfront.
Council,

The contract amendment between Whatcom County and consultant CH2M Hill to begin the draft Environmental Impact Statement (DEIS) for the Gateway Pacific Terminal/Custer Spur project has been signed.

For an overview and plain language document explaining the contracting phases, as well as the contract content, please click here (also attached). This overview document has been prepared based off of discussion at the last Council meeting and input from other members of the public requesting a clear document that outlines the Draft EIS scope of work. The entire scope of work included in the contract is available at this link.

The scope of work describes what and how aspects of the environment should be studied, including methodologies, schedules and costs. Our approach to methodologies matches where we are in the study phase – at the starting point. The guidance given to the consultant on how to study impacts may evolve based on information assembled along the way. More details and information about the contract are available on Ecology’s website in a frequently asked questions document, which is available at this link.

Both contracts related to this project were signed on February 27, 2014. The contract with CH2M Hill for preparation of the draft EIS is included in the following link, contract #201205028-Amendment 4. The contract between Whatcom County and Pacific International Terminals & BNSF for payment of all costs related to the completion of the DEIS is included in the following link, contract # 201205029-amendment 4.

All of these documents are a part of the record and are posted on PDS’s website for public review.

Thanks,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
GATEWAY PACIFIC TERMINAL DRAFT EIS CONTRACT SCOPE OF WORK

INTRODUCTION
The Gateway Pacific Terminal (GPT) EIS process is currently being undertaken by Whatcom County. The EIS includes environmental review of two proposals, the Gateway Pacific Terminal initiated by Pacific International Terminals (PIT), and development of the Custer Spur, initiated by BNSF Railway. Recognizing that the proposals could have regional and statewide implications, Whatcom County asked the Washington State Department of Ecology (Ecology) to act as a State Environmental Policy Act (SEPA; Chapter 43.21C RCW, WAC 197-11) co-lead agency in managing the EIS process for issues that fall under Ecology’s jurisdiction. The U.S. Army Corps of Engineers (Corps) was also asked to act as a co-lead agency to provide input on issues that fall under Federal jurisdiction. On initiation of the EIS process, Whatcom County, together with Ecology and the Corps, entered into a Memorandum of Understanding (MOU) that established and described the collaborative effort required for the EIS process. Each of the SEPA parties to the MOU has somewhat differing responsibilities; however, decisions as to EIS scope, content, and timing are joint and shared. The county maintains a webpage on the GPT project. The link to that site is here: http://www.whatcomcounty.us/pds/plan/current/gpt-ssa/index.jsp

EIS CONTRACT
Whatcom County has entered into a contract with CH2M Hill to develop the EIS for the proposed Gateway Pacific Terminal project. The following is a discussion of the contracting phases, as well as the contract content, and is intended for informational purposes only. The SEPA Co-Lead Agencies will make SEPA-based decisions throughout the EIS process; these decisions may alter the course of the contracting phases provided here and may alter contract content at any time.

The GPT EIS process has been divided into discreet contracting phases:
- The initial contracting phase was for scoping
- The present phase is for development of the Draft EIS
- A future phase will be for development of the Final EIS.

While developing the present scope of work and contract, an additional contract phase for interim work toward completion of the Draft EIS was initiated and completed. Whatcom County has also entered into a cost reimbursement contract with the applicants (PIT and BNSF) for payment of all costs associated with CH2M Hill and County staff time.

SCOPING PHASE CONTRACT
Under the scoping phase contract of the EIS process, Whatcom County issued a Determination of Significance (DS; WAC 197-11-360) after determining that the GPT proposal may have probable significant adverse environmental impact, and initiated a 120 day scoping period, inviting agencies, affected tribes, and the public to comment on the DS. Comments received during the scoping period were summarized in an
optional scoping comment report issued on March 29, 2013 and available at [http://www.eisgatewaypacificwa.gov/resources/scoping-report](http://www.eisgatewaypacificwa.gov/resources/scoping-report). After issuance of the scoping summary report, Whatcom County and Ecology established the scope of analysis for the Draft EIS, as well as the geographic scope of analysis. All SEPA elements of the environment (WAC 197-11-444) will be included in the scope of analysis. These include: earth, air, water, plants and animals, energy and natural resources, environmental health, land and shoreline use, transportation, and public services and utilities as outlined in Attachment A. More detail on each environmental element is included in Attachment B. The information included in Attachment B is a starting point and will be refined throughout the development of the Draft EIS. These decisions will be made by the SEPA Co-Lead Agencies based on information gathered or data generated, and on comments received during the scoping period, consistent with SEPA.

**INTERIM CONTRACT AMENDMENT**

A portion of the work described under the Draft EIS Development Contract Amendment was completed in the interim contracting phase. This contract amendment included work toward completion of project definition and purpose and need, early identification of the no action alternative, early identification of off-site alternatives for NEPA, and review and critique of applicant PIT’s Project Information Document.

**DRAFT EIS DEVELOPMENT CONTRACT AMENDMENT**

The present contracting phase is associated with a scope of work that outlines the steps involved in completion of the Draft EIS. These completion steps include:

- Defining the proposal
- Defining alternatives
- Analyzing the environmental setting encompassed within the development area of the proposal and that of alternatives
- Determining the impact to the environment if either the proposal or an alternative is implemented
- How to mitigate that impact or make it less severe.

The information gathered and developed in these steps will be incorporated into a single document, the Draft EIS, which is limited to 150 pages (WAC 197-11-425(4)).

The scope of work that supports the present contract amendment includes work required for both the SEPA process administered by Whatcom County and Ecology and the NEPA (National Environmental Policy Act) process administered by the Corps. Note that NEPA-specific scope of work items relevant to the Corps process, such as off-site alternative identification and maintenance of an administrative record, are not discussed here. These issues are discussed in the Memorandum for the Record (MFR) available at [http://www.nws.usace.army.mil/Portals/27/docs/regulatory/News/SCOPEMFRGATEWAYBNSF.pdf](http://www.nws.usace.army.mil/Portals/27/docs/regulatory/News/SCOPEMFRGATEWAYBNSF.pdf). The scope of work also describes administrative tasks required to support development of the Draft EIS, such as project management; and public communications required for website management and notices for issuance of the Draft EIS. The Draft EIS development steps included in the present contract amendment are summarized in the following discussion.

**PROJECT DEFINITION / PURPOSE AND NEED – DEFINING THE PROPOSAL**

This process step is discussed as Task 4 of the scope of work and includes describing and presenting the proposal. This section of the Draft EIS is largely refined from application materials submitted to Whatcom
County at initiation of the permitting process, and will be added to or amended if the applicants submit updates or changes to the proposals. Information will be tailored for a thorough understanding of all aspects of the proposals and will be included in Chapter 2 of the Draft EIS. A portion of development of the project definition was completed in the interim contracting phase; project definition work to be completed under this contract amendment is refinement of the interim contract amendment effort.

**ALTERNATIVES DEVELOPMENT – DEFINING ALTERNATIVES**

This process step is described in Task 5 of the scope of work. The SEPA rules require that alternatives be reasonable courses of action that could approximate a proposal’s objectives on the project site, but at a lower environmental cost (WAC 197-11-440(5)(b)), and provides the intent that the term “reasonable” be used by the agency to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative (WAC 197-11-440(5)(b)(i)). The alternatives evaluation limitation to the project site is for private projects on specific sites per WAC 197-11-440(5)(d).

The SEPA Co-Lead agencies, upon initiation of the present scope of work, will begin identifying reasonable on-site alternative(s) for the PIT project site. If any alternative identified is deemed to be reasonable under SEPA, the alternative(s) will be reviewed in the Draft EIS. The scope of work associated with this contracting phase has assumed identification and review of one on-site alternative; identification of additional alternatives will require amendment of the present contract and associated scope of work. Upon execution of the present contract, PIT has stated that an alternative site plan will be submitted for consideration by Whatcom County. The degree to which the submitted alternative site plan meets the SEPA requirements for a reasonable on-site alternative will be determined after a thorough review by the SEPA Co-Lead Agencies. Once alternatives have been identified in the Draft EIS development process, identified alternatives will be appended to this document as Attachment C.

SEPA also requires review of the no-action alternative (WAC 197-11-440(5)(b)(ii)). The no action alternative is typically defined as what would be most likely to happen if the proposal did not occur. As part of this environmental review process, the no action alternative includes the project site in its undeveloped condition, along with existing land use entitlements. This means that the no action alternative will describe the site as it exists today, with the addition of 1997 land use approvals for an 8.2 million metric ton bulk commodity shipping terminal on 1,092 acres, including a wharf and trestle, and its regulatory implications. The existing, undeveloped site and the developed site pursuant to 1997 land use approvals will serve as benchmarks from which other identified alternatives will be compared.

**RESOURCES ANALYSES – ANALYZING THE ENVIRONMENTAL SETTING, DETERMINING ENVIRONMENTAL IMPACTS, MITIGATING ENVIRONMENTAL IMPACTS**

This process step is discussed in Task 6 of the scope of work. This step will include development of technical reports and technical memoranda for inclusion in Chapter 3 of the Draft EIS that will, as prescribed in WAC 197-11-440(6)(c):

- Succinctly describe the physical features of the environment that would be affected or created.
- Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment.
- Clearly indicate mitigation measures that could be implemented or might be required, as well as those that agencies or applicants are committed to implement.
- Summarize significant adverse impacts that cannot be mitigated.

The project site and surrounding area, as well as transportation corridors, will be examined fully under all applicable environmental elements (WAC 197-11-444) as they relate to the proposal for transportation and storage of dry bulk commodities. To complete this technical work, studies submitted by the applicants will be reviewed and a gap analysis completed. Additional field review and data collection, review, and analysis will be required. The analyses will be generally extended to areas beyond Washington State waters and out of state rail corridors based on the requirement that SEPA examine potential impacts that could affect adjoining areas. As noted in WAC 197-11-060(4)(b) and as supported in SEPA case law, SEPA review must be extended to examine whether impacts could affect the healthful environment of an adjoining area. Potentially significant unavoidable adverse impacts will be examined for areas that adjoin Washington State, as long as the impacts are likely and not merely speculative (WAC 197-11-060(4)(a)). The geographic scope of analysis was determined to include rail transportation corridors both in-state and out of state, and vessel transportation corridors beyond Washington State waters. Further discussion of the geographic scope can be found at http://www.eisgatewaypacificwa.gov/sites/default/files/content/files/EIS-PressRelease-73113.pdf#overlay-context=resources/press-room. As with discussion of the project site and associated transportation corridors, discussion will be of significant impacts.

A Health Impact Assessment (HIA) on the GPT proposal will also be part of the technical analyses to be included in Chapter 3. Health impacts associated with bulk commodity transportation and storage will be identified based on local, regional, and state health data, as well as technical data collected in the EIS process. Health-based impacts identified in the HIA will be incorporated into Chapter 3 of the Draft EIS as appropriate.

**PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENT**

This process step is discussed in Tasks 7 and 8 of the scope of work. This step includes refining information from other scope of work tasks into a final document and preparing the Draft EIS summary. The Draft EIS summary will be included Chapter 1 of the Draft EIS. Completion of the Draft EIS will close the present contracting phase.

**FUTURE CONTRACT AMENDMENT — FINAL EIS**

Public hearings per WAC 197-11-535 for commenting on Draft EIS and preparation of the Final EIS, including decisions on public and agency review of the Draft EIS, will be managed under a subsequent contract amendment. The Final EIS will, in addition to responses to comments received on the Draft EIS, include additions, corrections, and clarifications to the Draft EIS, including additional study, if required, to adequately respond to Draft EIS comments. This future contract amendment phase will culminate in completion and issuance of a Final EIS.

**NEXT STEPS**

**PUBLIC DRAFT EIS REVIEW**

Once the Draft EIS is completed and issued, a public comment period is initiated. Agencies, affected tribes, and the public may provide comment for a period of 30 days following the date of Draft EIS issuance. WAC
197-11-455(7) provides that, upon request, the lead agencies may grant an extension of up to 15 days to the comment period as long as the request is received during the initial 30 day comment period.

**FINAL EIS DEVELOPMENT AND BEYOND**

As described in the section under Future Contract Amendment, a Final EIS will be prepared that responds to comments on the Draft EIS. After release of the Draft EIS, Whatcom County staff will prepare a staff report for submittal to the Whatcom County Hearing Examiner. The Whatcom County Hearing Examiner will make a recommendation to the Whatcom County Council on the proposals, and the Whatcom County Council will be the ultimate decision-maker. Permit decisions by other agencies will follow the decision of the Whatcom County Council if the Council’s decision is to approve the proposals. More information on these next steps will be provided concurrent with Final EIS development.
<table>
<thead>
<tr>
<th>ENVIRONMENTAL ELEMENT</th>
<th>ENVIRONMENTAL ELEMENT SUBCATEGORY</th>
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<td>WAC 197-11-444</td>
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<tr>
<td><strong>NATURAL ENVIRONMENT</strong></td>
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<td>• Soils</td>
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<td>• Unique physical features</td>
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<td>• Erosion/enlargement of land area (accretion)</td>
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<td>• Air quality</td>
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<td>• Climate and climate change, including greenhouse gases</td>
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<td>Water</td>
<td>• Surface water movement/quantity/quality</td>
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<td>• Runoff/absorption</td>
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<td>• Floods and floodplains</td>
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<td>• Groundwater movement/quantity/quality</td>
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<td>• Wetlands</td>
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<td>• Habitat for and numbers or diversity of species of plants, fish, or other wildlife</td>
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<td>• Unique species</td>
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<td>• Fish and wildlife migration routes</td>
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<td>Energy and Natural Resources</td>
<td>• Amount required/rate of use/efficiency</td>
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<td>• Scenic resources</td>
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<td>• Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials</td>
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<td>Land and Shoreline Use</td>
<td>• Land Uses, land use plans, and growth management, including relationship to existing land use plans and to estimated population</td>
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<td>• Aesthetics</td>
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<td>• Recreation</td>
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<td>• Historic and cultural preservation</td>
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<td>• Agricultural crops</td>
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<td>Transportation</td>
<td>• Transportation systems</td>
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<td>• Waterborne, rail traffic</td>
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<td>• Movement/circulation of people or goods</td>
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<td>• Traffic hazards</td>
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<td>Public Services and Utilities</td>
<td>• Services, including fire, police, parks and other recreation facilities, maintenance, stormwater</td>
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<td></td>
<td>• Utilities including electricity, water, sewer, solid waste, other utilities</td>
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</table>
WAC 197-11-444: Elements of the Environment

Earth

The earth element includes the primary review areas of geology/geologic hazards and physical oceanography/coastal processes.

For the project site and immediate vicinity:

- Primary topics to be analyzed for geology include geologic conditions, erosion potential, vibration-related instability, long term soil compaction/settling, spill/hazardous material impacts to site soils, and long term operational impacts to site soils/geologic conditions. In addition geologic impacts of climate change to the proposed site will be examined.

- Primary topics to be analyzed for physical oceanography/coastal processes include changes to coastal bluffs, beaches, nearshore areas, and related shoreline habitats, change related to upland facilities and proposed shoreline structures, propeller scour of bottom sediments or barge grounding during construction activities near the wharf and potential deposition areas for scoured sediment, sediment inputs from streams, including from run-off and slope erosion along streams/ditches, and alteration of water circulation and wave energy from ship mooring, vessel anchorage, ship wakes

For bulk commodity transportation, to the extent possible, vessel-related vibrational impacts on slope stability will be evaluated for vessel transit lanes within the geographic study area. Impacts from ship wakes along the shipping route will be analyzed based on projections of wake generated from ships and the wave energy reaching beaches during different tide stages to determine the potential for shoreline erosion. Train-related vibration information collected for the Noise and Vibration study will be used to determine the areas of highest slope stability risk along railway lines.

Air

The air element includes analysis of air quality, energy, and greenhouse gases (GHG).

For the site and immediate vicinity:

- Air quality analysis will include establishing baseline emissions levels for criteria pollutants and toxic air pollutants. Operation-based emissions, along with fugitive dust from terminal operations and cargo handling equipment will be analyzed and air dispersion modeling will be conducted.

- The GHG baseline will be established based on existing land use using quantification methods and associated emission factors for existing site use and surrounding industries. GHG production from proposed site activities to be calculated using established emission factors to include production from on-road mobile sources, non-road mobile sources, stationary combustion sources, and vehicular trips generated by the proposals. GHG production
associated with land use change and emissions from lost carbon storage will be included in the analysis, along with GHG production from off-site emissions produced for purchased electricity and associated energy usage. Analysis will consider the vulnerability of the proposal to a changing climate (changes to existing populations and habitats, erosion and landslide potential associated with elevated winter winds and precipitation, sea level rise, and increased flooding).

For bulk commodity transportation, vessel and train-generated emissions related to air quality will be modeled. For impacts of additional traffic congestion along the train route, emissions from both the trains and on-road traffic will be determined and modeled.

An evaluation of greenhouse gas emissions from rail and vessel traffic will be conducted. Analysis will consider the vulnerability of the vessel transit area to a changing climate primarily from data collected for other aspects of vessel transportation. An evaluation and disclosure of GHG of end-use coal combustion will also be completed.

Water

The water element under SEPA includes analysis of surface water, ground water, water quality, water supply, and wetlands.

For the site and immediate vicinity:

- Primary topics to be analyzed for water resources include evaluation of stormwater runoff quality, the proposed stormwater system, discharge points, and discharge quality including runoff pattern changes; bulk commodity dust contribution to water quality degradation; floodplain fill/rise evaluation and quantification; groundwater discharge/recharge associated with project development and regional groundwater volume; potable, industrial, fire suppression water demands and analysis of ability to meet demands; drinking water quality; water quality change as a result of spills, chemical handling, or accident risk; and marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for the wharf/trestle.

- Wetlands, wetland buffers, and wetland functions will be analyzed, including alterations to hydrology; activity encroachment; invasive species dispersal into new areas by construction equipment, cars, and trains; effects of untreated or improperly treated runoff.

For bulk commodity transportation, water-based analysis will include the addition of marine water quality (physical and chemical parameters) and circulation (water movement from various physical forces such as tides, wind) evaluation for vessel transit areas; water quality changes from increased vessel traffic during routine operations and associated change to current patterns affecting erosion and deposition; bulk commodity (coal) contribution to water quality degradation; ballast water management; sediment re-suspension; fueling techniques; water quality changes that may result from chemical/product spills or accidents.
For rail traffic routes, water bodies, including wetlands and stream crossings, along routes will be catalogued. Evaluations will be based on stream categories to represent a range of effects. Air quality technical analysis describing composition, volume, rates, origin, and dispersal patterns of coal dust generated (including suppressant/surfactant chemicals) will be used to determine fate and effect on adjacent water bodies. These patterns will also be used to establish patterns of invasive species dispersal. Information from the oil spill/fate transport and hazards and risks, air quality, vibration analyses will inform this analysis.

Plants and Animals

The Plants and Animals element includes the primary analysis areas of terrestrial habitats and species and aquatic habitats and species.

For the site and immediate vicinity:

- Primary topics to be analyzed for terrestrial habitats and species include loss (physical or functional) of terrestrial vegetation from site operation and maintenance; species or habitat change as a result of coal dust or surfactant introduction to soil/vegetation; invasive species dispersal into new areas by equipment, cars, or trains; community connectedness and corridor changes or blockages; habitat availability offsite to accommodate displaced wildlife; evaluation of change to biological diversity; noise, vibration, or lighting disturbance; and community composition or population change from toxics.

- Primary topics to be analyzed for aquatic habitats and species include loss or physical degradation of habitat or aquatic vegetation due to fill, spills, or hydrologic changes; effects of coal dust (or other product dust) related to physical accumulation and potential toxicity; aquatic resources related to water quality or sediment quality degradation resulting from groundwater infiltration, stormwater inputs; potential change to habitats or populations from emissions, noise and vibration, lighting, or shade from overwater structures; competition, population loss, or habitat degradation from invasive species imported via ship, rail, or surface transportation; loss or physical degradation of habitat or aquatic vegetation due to pilings, shoreline substrate changes, sedimentation patterns, hydrologic changes, marine riparian vegetation removal, propeller scour, ship wakes, and/or spills; changes to the food web in terms of alteration of productivity, degradation, or availability as a result of site development and operations; behavioral disturbances as a result of the physical presence of facility and operations; stranding based on projected ship wakes using information on the number, speed, size, and draft of ships, beach bathymetry along the routes, and the animal community along the shorelines; aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals.

For water-borne bulk commodity transportation, analysis will include introduction of non-native invasive species on ships or in cargo, behavioral disturbances as a result of the physical presence of facility and
operations, stranding from ship wakes along shipping routes. As with the proposal, aquatic noise and vibration levels associated with ship movement throughout time at dock and while moving through the shipping lanes from propellers, machinery, hull passage through water, and any sonar/depth sounder signals will be analyzed.

For rail bulk commodity transportation, coal dust/surfactant, potential spills, and invasive species impacts will be analyzed. Impacts to wildlife movement, toxic substances collected on vegetation and ingested, noise and vibration, and coal dust collection on eggs will be analyzed.

Energy and Natural Resources

The scoped element of “amount required” (WAC 197-11-444(1)e(i) is included under the air element, as energy required is linked to usage and resulting potential significant adverse impacts to air quality and greenhouse gas production. The scoped element of “scenic resources” is included under the land use element of “aesthetics”.

Environmental Health

The environmental health element includes analysis of noise and vibration, risk of explosion, and releases or potential releases to the environment affecting public health, such as toxic or hazardous materials.

For the site and immediate vicinity:

- Primary topics to be analyzed for noise and vibration include coal terminal operations and on-site train operations; noise from vessels docked or adjacent to the wharf; noise from additional train trips on the Custer Spur; and noise and vibration potentially affecting sensitive land uses.

- Primary topics to be analyzed for risk of explosion and release or potential release of toxic or hazardous materials include releasing and spreading contaminated soil, sediment, or groundwater; accidental hazardous materials spills or releases; types and quantities of construction and operation wastes and their likely treatment/disposal methods; potential risks and management provisions related to the accidental release of oil or toxic chemicals;

- Releases or potential releases to the environment affecting public health will be examined through development of a health impact assessment (HIA). Health impacts will be computed based on the prediction model(s) developed through the HIA process, baseline conditions, applied data, and expected changes in health risk factors.

For water-borne bulk commodity transportation, evaluations will include noise from vessels en route to and from the terminal site and offshore underwater noise from vessels en route to and from the terminal; fate and effects of oil spills in the marine environment of the Strait of Juan de Fuca, the Strait of Georgia, and surrounding waters; risks and management provisions related to normal ship operations and regular discharges including oil, ballast water, bilge water, tank washings (oily water), oily sludge, sewage (black water), garbage, and grey water; and risks and management provisions for
vessels docked or adjacent to the wharf including accidental releases, proximity of moving vessels, refueling activity at berths, navigational hazards.

For rail bulk commodity transportation, evaluations will include severe and moderate noise or vibration for historical and projected future train operations at locations where noise thresholds; the change in train traffic due to the project proposals to determine if there is vibration impact due to the additional trains; potential risks and management provisions related to the types and quantities of normal rail operational wastes and their likely treatment/disposal methods and associated environmental impacts.

**Land Use**

The land use element includes analysis of land use, cultural resources, and aesthetics.

For the site and immediate vicinity:

- Primary topics to be analyzed for land use include conversions based on the proposal footprint; consistency with planning goals, policies, and strategies; land use impairment based on a review of the noise and vibration, air quality, and transportation analyses; and a determination on whether the activities, features, or attributes of adjacent lands (including shorelines (physical and visual access), walking and biking trails, fishing, shellfishing and recreational boating) would be substantially impaired.

- Primary topics to be evaluated for cultural resources include excavation into and grading of existing ground surfaces; installation of pilings and piers; ground preparation such as clearing and grubbing; staging and stockpiling activities; temporary visual effects; vibration caused during construction; operational impacts from coal dust and vibration.

- Primary topics to be evaluation for aesthetics include visual quality from site development and associated vegetation removal; secondary effects of site operation such as coal dust generation; induced lighting and glare from site development and operation, visual effects of wharf and pier development and operation; and visual effects of ships.

For water-borne bulk commodity transportation, the potential for land use impairment will be evaluated based on a review of the noise and vibration, air quality, and transportation analyses. Cultural resource topics to be evaluated include analysis of increased vessel traffic, such as erosion of coastal archaeological sites or visual effects on cultural landscapes. Aesthetics topics to be evaluated include prop-wash, wake erosion, visual effects, vibration, and materials spill events; induced lighting and glare from ship passage; visual character from increased number of ships.

For rail bulk commodity transportation, the potential for land use impairment will be based on noise and vibration, air quality, and transportation analyses and may be where train volumes would substantially increase, noise levels would substantially change, and at-grade crossing delays would substantially increase. Cultural resource topics include evaluation of historic buildings and structures, both individual and within historic districts; cultural landscapes; traditional cultural properties; and historic railroad

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GATEWAY PACIFIC TERMINAL EIS CONTRACT INFORMATION DOCUMENT: ATTACHMENT B - 5
properties. Aesthetics topics to be evaluated include visual aspects of coal dust and bulk commodity spills; induced lighting and glare from additional trains operations; blocking important or protected views; visual character from additional trains operations.

Transportation

The transportation element includes surface transportation, water-borne transportation, and rail transportation.

For the site and immediate vicinity:

- The primary topics to be analyzed for surface transportation include cataloguing roadway at-grade crossings in the Cherry Point area; identifying average daily traffic volumes, existing safety issues, distance to next crossing, type of community (rural, urban, or city), and whether there are nearby grade separations. Further assessment, including modeling will be based on impact potential for crossing delay, volumes, and safety.

- Water-borne transportation is included in a vessel traffic study now under preparation. This analysis, once complete, will be reviewed for possible data gaps and incorporated into the Draft EIS as directed by the Co-Lead agencies. The vessel traffic study will provide the basis for water-borne transportation-related basis for analysis for other elements of the environment.

- Rail transportation analysis will apply 2010 base rail traffic data and result in rail traffic growth projections through 2035. Once the growth projections are complete, additional assessments will be completed that will provide the basis for rail-related analyses for other elements of the environment. These assessments include road/rail conflicts at key locations along the rail route(s) forecast to include GPT coal trains within the state; locomotive fuel consumption that can be converted into a projection of diesel fuel emissions; and rail infrastructure capacity implications as a result of the forecast projections of train volume growth over the involved rail corridors/line segments.

Public Services and Utilities

The primary topics to be analyzed for public services and utilities include demand on public services and utilities including schools, emergency services, local water, stormwater, electric, gas, and telecommunications utilities; and disruption or severance of public services. For bulk commodity transportation, both water-borne and rail, the demand on emergency services related to increased traffic will be analyzed.
From: Tyler Schroeder
Sent: Friday, February 28, 2014 1:36 PM
To: Eric Hirst
Subject: RE: scope of work for EIS

Eric,

The contract amendment between Whatcom County and consultant CH2M Hill to begin the draft Environmental Impact Statement (DEIS) for the Gateway Pacific Terminal/Custer Spur project has been signed.

For an overview and plain language document explaining the contracting phases, as well as the contract content, please click here (also attached). This overview document has been prepared based off of discussion at the last Council meeting and input from other members of the public requesting a clear document that outlines the Draft EIS scope of work. The entire scope of work included in the contract is available at this link.

The scope of work describes what and how aspects of the environment should be studied, including methodologies, schedules and costs. Our approach to methodologies matches where we are in the study phase – at the starting point. The guidance given to the consultant on how to study impacts may evolve based on information assembled along the way. More details and information about the contract are available on Ecology’s website in a frequently asked questions document, which is available at this link.

Both contracts related to this project were signed on February 27, 2014. The contract with CH2M Hill for preparation of the draft EIS is included in the following link, contract #201205028-Amendment 4. The contract between Whatcom County and Pacific International Terminals & BNSF for payment of all costs related to the completion of the deft EIS is included in the following link, contract # 201205029-amendment 4.

All of these documents are a part of the record and our posted on PDS’s website for public review.

Thanks,

Tyler R. Schroeder
Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschroed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907

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From: Eric Hirst [mailto:EricHirst@comcast.net]
Sent: Thursday, February 20, 2014 3:31 PM
To: Tyler Schroeder
Subject: Re: scope of work for EIS

Tyler,
Thanks.

Enjoy your time off from work.

Eric

At 02:23 PM 2/20/2014, you wrote:

Eric,

The December 9th date is when we sent this document to the companies for signature. The 2/14 date is when we put the final copy together so that we could post it to the web. The document was unchanged between those dates. This is the final copy that is anticipated to be signed.

The County is working on preparing a "plain language" document to accompany the contract. It is anticipated that this document will be issued at the same time that a notice to the public is issued that the contract has been fully executed. We anticipate that to be next week. The County has to coordinate with Ecology on the issuance of the "plain language" document and that is going on right now.

I am out if the office until Monday and I will respond to any other questions you might have then.

Thanks,

Tyler

Sent from my iPhone

On Feb 20, 2014, at 1:40 PM, "Eric Hirst" <EricHirst@comcast.net> wrote:

Tyler,

Thanks for the quick reply. The title page for the first link has a date of 12/9/2013, but the link itself (and the pages in Attachment 2) say 2/14/2014 FINAL. Is this the final report that documents the planned scope of work for the forthcoming EIS, or is it still in draft form?

The report is 73 pages long, far longer than most citizens will want to read. Is the county planning to publish the plain language summary that you and I have discussed in the past? If so, do you know (at least roughly) when that document will be available?

Eric

At 09:12 AM 2/20/2014, you wrote:

Eric,

I believe that Bob is referring to this document, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/GPT_Phase2_Scope_COMBINED_14Feb2014_FINAL.pdf and it the link and brief description is found on this page, http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp under the header Draft EIS Development Scope of Work.
Thanks,

Tyler R. Schroeder  
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From: Eric Hirst [mailto:EricHirst@comcast.net]  
Sent: Thursday, February 20, 2014 9:01 AM  
To: Tyler Schroeder  
Subject: scope of work for EIS

Dear Tyler,

Bob Simmons' column in yesterday's Cascadia Weekly said that the "final scope of work [was] sent to news media last week ... " I could not find the scope on the county website. Could you please email me a copy?

Thanks.

Eric

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Eric Hirst  
1932 Rhododendron Way  
Bellingham, WA 98229  
( 360-656-6690   : EricHirst@comcast.net
Jack,

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All of these documents are a part of the record and our posted on PDS’s website for public review.

Tyler R. Schroeder

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360.676.6907
Dear SEPA Agencies

We very much welcome the recent decision to provide the public with Scope documentation. Please find attached a short one page memo that we trust will be of benefit in your internal deliberations about this release.

Thank you for your time and consideration of this important public matter.

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Jack Delay, President
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
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