Emails pertaining to Gateway Pacific Project
For October 2013
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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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,

Henry and Jan Vollmer, Hollowarrow Farm

5975 Schornbush Road

Deming WA 98244

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

Henry and Jan Vollmer, Hollowarrow Farm

5975 Schornbush Road

Deming WA 98244

For more information, please visit us at GatewayPacificTerminal.Com.
From: site@supportgpt.com [mailto:Site@SupportGPT.com]
Sent: Saturday, October 19, 2013 7:03 PM
To: Council
Subject: Support Gateway Terminal - A Letter From Brian H. Martin

This is a Support Gateway Pacific Terminal! letter from Brian H. Martin.

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,

Brian H. Martin

1395 Chuckanut Crest Drive

Bellingham, Wa 98229

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

janette c. larsen

4294 salt spring dr.

f98248erndale waf

For more information, please visit us at GatewayPacificTerminal.Com.
From: site@supportgpt.com [mailto:Site@SupportGPT.com]  
Sent: Saturday, October 19, 2013 2:41 PM  
To: Council  
Subject: Support Gateway Terminal - A Letter From Henry and Jan Vollmer, Hollowarrow Farm

This is a **Support Gateway Pacific Terminal!** letter from Henry and Jan Vollmer, Hollowarrow Farm.

Dear County Council:

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Henry and Jan Vollmer, Hollowarrow Farm

5975 Schornbush Road

Deming WA 98244

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Sincerely,

Dorthann Cloud

2400 Donovan Ave #38A

Bellingham WA 98225

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Sincerely,

Greg Brown

4363 Saddlestone Dr

Bellingham

For more information, please visit us at GatewayPacificTerminal.Com.
This is a Support Gateway Pacific Terminal! letter from Max Perry.

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.

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Sincerely,

Max Perry

1111 Deer Creek Lane

Bellingham, WA, 98226

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Sincerely,

Matt Tellefsen

227 E. Sunrise Dr

Lynden, Wa 98264

For more information, please visit us at GatewayPacificTerminal.Com.
This is a Support Gateway Pacific Terminal! letter from Michael F Pickinpough.

Dear County Council:

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Sincerely,

Michael F Pickinpough

40850 Ore road

Minatare Nebraska 69356

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Sincerely,

Henry and Jan Vollmer, Hollowarrow Farm

5975 Schornbush Road

Deming WA 98244

For more information, please visit us at GatewayPacificTerminal.Com.
Looks like an automessage that was sent out to a mailing list

Randel Perry  
Army Corps of Engineers, Seattle District  
Regulatory NW Field Office  
(360) 734-3156 (office)  
(360) 393-2867 (cell)

From: Jodi.Ketelsen@CH2M.com [mailto: Jodi.Ketelsen@CH2M.com]  
Sent: Tuesday, October 01, 2013 5:08 PM  
To: tschroed@co.whatcom.wa.us  
Cc: AKEL461@ECY.WA.GOV; Perry, Randel J NWS  
Subject: [EXTERNAL] FW: Thank you for your comments on the GPT coal terminal

FYI -

Jodi

From: Steffen, Brandy/PDX  
Sent: Tuesday, October 01, 2013 3:32 PM  
To: Ketelsen, Jodi/SEA  
Cc: Gault, Jaclyn/SEA  
Subject: FW: Thank you for your comments on the GPT coal terminal

FYI – I just received this email . . . not sure if this was from the guy who requested the mailing list (the Whatcom County elected official).

Brandy Steffen  
CH2M HILL  
503.736.4223

From: Whatcom Wins [mailto: comments@mail137.wdc04.mandrillapp.com] On Behalf Of Whatcom Wins  
Sent: Tuesday, October 01, 2013 2:18 PM  
To: Steffen, Brandy/PDX  
Subject: Thank you for your comments on the GPT coal terminal

Dear brandy,

Thank you for standing with our environment and submitting comments about GPT’s proposed coal terminal at Cherry Point.
More than 125,000 comments were delivered during the scoping last winter. That number alone sent a strong message that the public is paying attention and concerned about the impact to jobs and the environment of building North America's largest coal export terminal on the shores of Washington State. This is in no small part due to you.

Recently the Lummi Nation - whose historic tribal lands encompass Cherry Point - told the Army Corps of Engineers that they oppose the proposal. The next step is a vote of the 7-member Whatcom County Council. Here's where we need your input.

Tell us the reason you decided to stand up, and add your voice to those of thousands of others, in asking for a thorough study of the impacts of this proposed massive coal terminal.

Whatcom Wins is a coordinated campaign committed to electing a County Council that will ask the hard questions and study all the information before they vote on the coal terminal. We have 4 great candidates who support jobs and the environment. Making sure they're elected is the right thing to do but we can't do it without your input. Tell us your opinion on the coal export terminal.

Many thanks for your continued efforts.

Thanks,

Whatcom Wins! 2013 Campaign Team.
Here is the first email in regards to notification of the clearing activity.

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: Carl Weimer [mailto:carlweimer@comcast.net]
Sent: Saturday, July 16, 2011 7:40 PM
To: Tyler Schroeder
Cc: Carl Weimer; Wenger, Barry (ECY)
Subject: Cherry Point wetlands clearing

Hi Tyler,

I was out walking my dogs on Saturday at Cherry Point and I noticed that in the past week someone (SSA?) has been clearing swaths through some of the wetland areas at Cherry Point. Lots of trees taken down to create what appears to be future access roads or perhaps utility corridors. Not sure what types of permits, if any, would be needed for such clearing and work in wetlands, but I had not heard that any permits had been given yet. Attached is an aerial with some red arrows that show very roughly where the corridors have been cut. Still equipment out there.

Please let me know what is going on out there since I thought we were in the very preliminary phases and a complete permit had not even been submitted yet. Others are sure to see this and inquire.

Thanks

Carl
Global coal market trends: Is this the beginning of the end?

- Even before EPA announced its GHG standards, a BLM auction for mining rights to coal deposits drew such low bids that BLM rejected the bid because it did not meet fair value. The bid of 21 cents per ton was less than 1/5 of what mining companies paid for similar deposits last year. Another sale in August attracted no bidders. In the U.S., coal demand is predicted to decrease by 50% by 2020, with many mining companies closing high-cost mines. In the first half of 2013, 151 mines were idled.

- “One of the most unassailable assumptions in global energy markets” – that China demand for coal will continue to rise for the foreseeable future – has justified investments and expenditures around the world, but now that is in doubt. Both Citibank and Bernstein Research predict that China coal consumption will peak in 2020 or earlier. Part of this is due to China’s slowing economic growth and announced ban on new coal plants around Beijing, Shanghai, and Guangzhou, prioritizing natural gas, nuclear, and solar energy instead. China previously accounted for 50% of world demand for coal, and all of the growth in world demand.

- Both in the U.S. and globally, coal exports are predicted to decrease, and 2012 plans to expand port capacity are now being canceled. Firms predict capital expenditures on coal will no longer be justified, with Goldman Sachs stating that the window for thermal coal investments is closing and calling 2013 “a watershed year for global coal markets”; BR: “beginning of the end of coal.”

- Coal industry remains confident that this is just a temporary lull caused by a global oversupply in coal that drove costs down. Global demand for coal will continue to rise, with Peabody predicting between 2012 and 2017 an additional growth of 1.3 billion tons of coal per year (1/3 more than the U.S.’s annual consumption). (AP) (NYTimes) (Bloomberg) (China Dialogue)
Summary of literature done by staffer at Sacramento Metropolitan Air Quality Management District
I know that the many vague statements about capacity have crossed your desk over time and have not helped clarity in the matter. Fortunately we did not have to wait for the technical appendices to understand exactly what the changes for the Bellingham Siding Extensions meant. Our second reading found the language in the report appendices that explained this new Table format. It is explicitly for projects that are no longer in the vague "hoped for somewhere off in the future" public funding category but are now actively planned for BNSF funding. Rest below is a paste from a report to our Board.

CWB is hoping to deliver a "recap" document prepared by counsel by the end of next week on the subject of the many reasons to move forward with good speed now that scope has been determined.

--------------------------

The new state study has eliminated any lingering doubt that any reader of this might harbor. Since at least 1998 the Bellingham Siding Extension has been presented in tables of projects designated for the remote and unfunded future of major Amtrak expansion. Those same tables contain the companion projects to the siding extension which would all be needed to service four new 110mph round trip trains from Seattle to Vancouver. Other projects like the siding for that project included an entirely separate passenger only high speed rail line from Bellingham to Blaine - that eliminates a climbing grade North by tunneling under the airport and then running parallel to I5.

The new study, in addition to including the long known facts about inadequate capacity and the Bellingham Siding Extension, has moved the siding from this long term future "maybe" status for public funding to a new near-term category of projects that BNSF will self fund for profit making. The attached Table D2 shows the Bellingham siding extension in that category (note the "> 5 year" column is not checked). This is how the plan itself describes this category:

"Table D.2 includes only a few projects on Class I freight railroads that do not involve public involvement. With a planning horizon that is typically five years or less, the Class I railroads use their own financial resources to undertake improvements that provide a direct financial return. "
<table>
<thead>
<tr>
<th>Location</th>
<th>Project Name</th>
<th>Source</th>
<th>Description</th>
<th>Completion Date</th>
<th>Funding Source(s)</th>
<th>Areas of Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bellingham Siding Extension</td>
<td>WSDOT Long Range Plan for Amtrak Cascades</td>
<td>Rail milepost 92.2 to 97.9. Will allow passenger and freight trains to pass each other. Current siding at this location is not long enough to accommodate most freight trains.</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Whatcom County</td>
<td>Bellingham to Blaine High-Speed Track</td>
<td>WSDOT Long Range Plan for Amtrak Cascades</td>
<td>Rail milepost 101.5 to 117.1. Project entails construction of a high-speed track and associated facilities. The purpose of the project is to allow passenger trains to operate at 110 mph, providing part of the travel time reduction needed between Seattle and Vancouver, BC to achieve WSDOT's service goal.</td>
<td>&gt;5 years</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Whatcom County</td>
<td>Bellingham GP Update</td>
<td>WSDOT Long Range Plan for Amtrak Cascades</td>
<td>Rail milepost 96 to 97. Rehabilitation to improve the track so that it can handle higher speeds. This improvement is needed because the current condition of the existing track does not meet FRA standard for increased speeds.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whatcom County</td>
<td>Burlington to Bellingham High-Speed Track</td>
<td>WSDOT Long Range Plan for Amtrak Cascades</td>
<td>Rail milepost 72.2 to 86.5. Entails construction of fourteen miles of high-speed track and associated facilities. The project is to allow passenger trains to operate at 110 mph, providing part of the travel time reduction needed between Seattle &amp; Vancouver, BC to achieve WSDOT's service goal.</td>
<td>&gt;5 years</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Whatcom County</td>
<td>Marysville to Mount Vernon High-Speed Track</td>
<td>WSDOT Long Range Plan for Amtrak Cascades</td>
<td>Rail milepost 39.19 to 67.5. Entails construction of twenty-eight miles of high-speed track and associated facilities. Will allow passenger trains to operate at 110 mph, providing part of the travel time reduction needed between Seattle and Vancouver, BC to achieve WSDOT's service goal.</td>
<td>&gt;5 years</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>King County</td>
<td>Ballard Bridge Speed Increase</td>
<td>WSDOT Long Range Plan for Amtrak Cascades</td>
<td>Rail milepost 6.2 to 6.4. Current speed on bridge is twenty miles per hour. Increasing the Talgo speed limit to forty-five miles per hour and the freight speed limit</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

_Bellingham Siding Extension added to under 5yr category of BNSF profit funded projects._
Jim,

Thanks for the call today and I want to follow up with an email because we got cut off. Yes, we have extended the reimbursement contract by written agreement (email) in the past. The current contract, Amendment #3, expires October 31st, 2013. I suggest that we keep that date in mind and if we are unable to agree to the larger scope by then we can then extend the Amendment #3 via email. We would then sign Amendment #4 with a signed copy once the large scope contract is agreed upon. The reimbursement contract is between the companies (SSA and BNSF) and the County, so the federal closures shouldn’t affect the extension of that contract.

I will also send out an email to all parties about the availability for Friday, Oct. 11th to discuss the larger scope contract.

Thanks again,

Tyler R. Schroeder

Planning Manager
Whatcom County PDS
5280 Northwest Drive
Bellingham, WA 98226
Tschoed@whatcomcounty.us
www.whatcomcounty.us/pds
360.676.6907
Thanks, apologize for the phone issues on my side. Look forward to catching up hopefully on Friday on the scope.

Jim,

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

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed within.

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The Communitywise Bellingham policy concerning the accumulated information available from our research efforts continues to be one of open sharing of that knowledge base with local units of government and the general public. This includes everything from answering (or researching) questions presented via phone or email to making ourselves available for in person briefings of staff and public officials.

With important questions in areas like railroad services and economic impacts continuing to be developed, I believe it is a good time to reiterate that our mission is to "inform the conversation", that we are available to discuss technical questions and issues, and that it is our continuing Board policy not to take any position, pro or con, concerning the GPT proposal.
Please add the attached comment letter to the record.

Randel Perry
Army Corps of Engineers, Seattle District
Regulatory NW Field Office
(360) 734-3156 (office)
(360) 393-2867 (cell)
October 4, 2013

U.S. Army Corps of Engineers
Attn: Colonel Bruce A. Estok
Seattle District Commander
P.O. Box 3755
Seattle, WA 98124-3755

IN SUPPORT OF THE LUMMI NATION

This letter is written in support of the position taken by the Lummi Nation, as communicated in their July 30, 2013 letter to you, the Army Corps of Engineers. In that letter, they stated “unconditional and unequivocal opposition” to the proposed Gateway Pacific Terminal project (GPT). How much more clear and concise can they be? September 27th ended the first phase of the Lummi Totem Pole journey. A ceremony took place on the shores of Cherry Point at the exact spot where SSA plans to construct a coal-shipping terminal of monumental proportions. Jewell James, the chief carver of that totem pole spoke for about one hour about how the Lummi Nation chooses to protect what is left of their tribal land. They have had enough encroachment from industry and do not plan on allowing any more, ever.

As you know, for hundreds of years before we became a nation, many First Nations Peoples lived on the shores of the Salish Sea, respecting and protecting their environment, which sustained them with abundant and healthy wildlife. The Point Elliott Treaty of 1855 was supposed to protect the shorelines and waters in and around Cherry Point and the San Juan Islands, the accustomed area used by the Lummi Nation for subsistence and commercial activities. In the 1970’s the “Magnuson Amendment” was created by Senator Warren G. Magnuson to protect Cherry Point. Senator Magnuson had a deep personal affection for the marine environment and stood up to protect it, sponsoring other important environmental bills, including the Marine Mammal Protection Act and the Coastal Zone Management Act, both in 1972. It is important to also note that in 2005, Jay Inslee, then a state representative, was instrumental in stopping a bill which was aimed at lifting the Magnuson Amendment, which effectively puts a ban on oil supertankers in Puget Sound, limiting the size of cargo ships entering the inland waters to 125,000 dead weight tons (DWT).

By reading Chapter 4.5 of Pacific International Terminals (PIT) permit application for GPT, 54 million tons of coal are planned for shipment to Asia, using a total of 487 cargo vessels per year at full buildout: 169 Capesize and 318 Panamax vessels. A standard Capesize vessel, is about 175,000 DWT, but can range in size up to 400,000 DWT. Using the Capesize vessels seems like a direct conflict with The Magnuson Amendment, which is designed to protect our inland waters. If we have only one spill or accident from one of these supertankers coming in and leaving daily, that will be one too many, and may be the ultimate “death knoll” for the entire Puget Sound ecosystem for decades.

I believe, as many others do, that the Lummi Nation has not been treated fairly in the past and this mistreatment continues into the present. The most recent transgression seems to have been in 2011 when representatives of SSA/PIT went ahead without a permit and unlawfully trespassed and disturbed a sacred Lummi archaeological site, which is protected under State law and eligible for the National Register of Historic Places. They trespassed 4 ½ miles into what they deemed as part of the “proposed GPT site” to drill bore holes for geotechnical testing and to clear trees in the wetlands. Obviously SSA/PIT had no intention of respecting the rights of the Lummi Nation since they developed and executed this plan in secrecy without a permit.
Colonel Bruce A. Estok, U.S. ACE  
October 4, 2013  
Page 2

No matter what SSA/PIT promises in the future, there will never be a way to trust them. Further, it is my opinion that there is no conceivable mitigation that will ensure that a coal-shipping port at Cherry Point will not harm, deplete and pollute the biodiversity and ecosystem of the Salish Sea, including the Cherry Point Aquatic Reserve, home to essential marine life and fishing industries, upon which the Lummi Nation depends. In addition, the terminal will destroy and/or disturb all or part of the Lummi Nation sacred lands, which have existed for at least 175 generations: approximately 3,400 years. The people of the Lummi Nation, as well as many First Nations tribes and many non-native people, embrace their belief that the earth’s creatures are all connected in a complex web of life; living or dead, we are all made up of the same elements and are bound together with ties unseen. The spiritual essence and physical manifestation of all life systems on the earth sustain one another and should never be deliberately disturbed, interrupted, or destroyed.

Added to these facts is the issue of increased global environmental degradation. Shipping millions of tons of coal anywhere will add millions more tons of CO2 to the earth’s atmosphere and oceans. The atmosphere contains the air we breathe and belongs to all the people who live on it. What right or law gives any corporation license to spew millions more tons of CO2 to an already seriously polluted atmosphere? Everyone, yes, everyone, breathes the same thin layer of air sooner or later. The winds in the Northern Hemisphere blow from west to east, causing the U.S. to be one of the first countries to suffer the effects of additional CO2 pollution. We are no different than all other living creatures that require oxygen to live, and compromising our air with heavier concentrations of CO2 will lead to certain disease and death. Wherever the corporate officials of SSA, Peabody Coal, Carrix, and Goldman Sachs live, unless it is in an underground bunker, they too will breathe the polluted air and experience the climate chaos brought on by an ever-increasing warming earth and oceans which creates hugely disrupted weather patterns. Rest assured, the environment will survive somehow, but human beings may not. The laws of physics are not choosy about which species lives and which does not. The tragedy is that human beings are the only species responsible for the addiction to fossil fuels and the only species intelligent enough to change the course of energy production.

You are a U.S. Government permitting agency. It is my hope and expectation that you and others will be consistent and show honor and respect to the decisions of the past in regard to the Lummi Nation and other First Nations peoples. The U.S.A. is one people, united under the pledge of “liberty and justice for all”. Momentum is building and dozens of federal, state, and local leaders have voiced their commitment to divest in fossil fuels – chiefly coal - while dozens of coalitions and 57 indigenous Northwest Indian tribes and tens of thousands of local citizens have also expressed opposition to GPT. Therefore, you have a duty to represent their wishes – not the wishes of a few greedy corporations. History will be the judge and your own personal lives will bear witness to your leadership. As you review the EIS, I, along with the Lummi Nation and others, hope that you decide to not grant approvals for permits under your control.

Respectfully submitted,

Christine Westland  
Citizen and Homeowner, Birch Bay, WA  
westlandstar@comcast.net

Dr. Harold E. Roper, Lt. Col. USAF (Ret.)  
Citizen and Homeowner, Birch Bay, WA  
halroper@comcast.net
Copies to:

- **Governor Jay Inslee**: Office of the Governor, POB 40002, Olympia, WA 95804-0002
- **Randel Perry**, USACE, NW Field Office, 1440 10th Street, Ste. 102, Bellingham, WA 98225-7028
- **Ms. Muffy Walker**: Regulatory Branch Chief, USACE, Seattle District
- **Colonel John S. Kem**: USACE N.W. Division: POB 2870, Portland, OR 97208-2870

- **U.S. Senator Cantwell**: 311 Hart Senate Office Building, Washington, D.C. 20510
- **WA DOE**: Alice Kelly, NW Regional Office, 3190 160th Ave. S, Bellevue, WA 98008
- **WA DOE**: Maia D. Bellon, Director: POB 47600, Olympia, WA 98504-7600
- **Whatcom County PDS**, Tyler Schroeder, 5280 Northwest Ave., Bellingham, WA 98225
- **U.S. EPA – Region 10**: Office of Ecosystems, Tribal & Public Affairs, 1200 Sixth Avenue, #900, Seattle, WA 98101-3140
- **WA DNR**: Peter Goldmark, commissioner of Public Lands, 1111 Washington Street, S.E.; POB 47000, Olympia, WA 98504-7000
- **Dept. of Fish & Wildlife**: Bob Everitt, Director, Region 4, 16018 Mill Creek Blvd., Mill Creek, WA 98012-1541
- **NOAA**: NW Regional Office, 7600 Sandpoint Way, N.E., Seattle, WA 98115
- **USCGC**: Commanding Officer, 365 Harris Avenue, Bellingham WA 98225
Good Day

CWB is in the process of preparing some reports and we wanted to confirm that there is no additional information available since the general announcement of scope was made for DOE and the County which included the FAQ was published at the url http://www.eisgatewaypacificwa.gov/resources/project-library.

We are aware of the relationships changes reflected in contracts and MOU but did not want to rely entirely on those very general existing statements of scope if they have been supplanted or supplemented with additional materials.

Thank you.

---

Jack Delay, President
Communitywise Bellingham
Informing the conversation.

CommunitywiseBellingham.org
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I sent you my personal informal first read "heads up" of the 2013 WSDOT Rail Plan update last week because I know it clarifies questions about the Bellingham Siding Extension that are of interest to both City and County planners.

I made a minor mistake in that email when presenting a quote concerning BNSF self funding rail projects when it would be profitable to do so (as opposed to waiting for the public to pay for it). That is, of course, an incontrovertible business truth. The error was in my indication that the quote was directly associated with the project table for the Bellingham siding.

A closer reading with CWB land use counsel (who is preparing formal CWB submissions that will be free of my rushed little flubs) found the specific quote was in a discussion of a companion project table (D2 instead of D1). So, while it remains true that BNSF would self fund any project needed for profitable operations (like GPT), the specific quotation was not in a direct discussion of the Bellingham siding table as I indicated.

The important point remains that the siding has now been placed in a priority category exactly the same as the GP track relocation project - a project which has already been submitted for funding several times.

That's it, my apologies, additional details below. Please let me know if you have any questions, I have pdf's of all of the studies and supporting technical reports that reference the siding and capacity over the last 15 years.

------------- Details ------------

2013 WSDOT Plan Clarified - Bellingham Siding Extension ("the siding")

**Funding Reference Error** - In my quick "heads up" of important conclusions from the draft 2013 Rail Plan I included the quote, “Class I railroads use their own financial resources to undertake improvements that provide a direct financial return" in discussing that the siding has for the first time been placed the "ready to fund" category.

The quote is a simple statement of an incontrovertible business truth which is obviously true for any rail project. In the draft, however, that text is in the discussion of a companion project table. My sincere apologies for mistaking this as an explicit reference to the table with Bellingham siding in my first quick read. I find it deeply embarrassing even though it has no affect on any conclusions.

**How Would the Siding Be Funded?** - The priority of the siding for WSDOT public funding has increased to the same level as for other projects such as the GP site track relocation. The GP relocation project has already been submitted by WSDOT multiple times for funding (most recently as part of their 2009 list for windfall TARP money). The siding, however, has never before been considered by WSDOT for active funding and the siding has always been associated with long term high speed rail hopes. High levels of new federal grant money like TARP are not in the pipeline. Public funding seems unlikely.

GPT, on the other hand, would provide an enormous "direct financial return" to BNSF and the project could not proceed without the siding. If GPT is built BNSF would self fund the project (unless a creative way for the public to pay for it can be organized in the meantime).

**Why Would the Siding Be Built?** - In some future era a new high speed rail system would require a place for freights to "get out of the way" of 110mph passenger trains with their 8 daily transits through Bellingham. This will obviously not be the driver for this project any time in the foreseeable future.

A large increase in demand for capacity, however, would absolutely depend on the siding. Rail freight studies to date have discounted any likelihood of significant increases of "through" rail traffic (for both structural and market reasons). There are no plans to increase capacity through White Rock, a worse bottleneck than Bellingham. Only a destination in Whatcom County itself, like GPT which would more than double current traffic, would require the construction of the siding.
How Is This Known?- The joint 2013 rail plan update contains the same technical findings and conclusions that have been present in every study since 1998. The WSDOT studies are done in concert with BNSF who owns the system and releases their private data to the consultants who staff these studies. These are technical exercises required by law for BNSF and WSDOT to benefit from any federal grant funds. In over 15 years of agreement by these studies two conclusions remain constant:

A. The Capacity of the local bottleneck is 14-15 trains per day (which has remained adequate to serve the cyclical peaks of rail traffic on this mainline segment).

B. The Bellingham Siding Extension is the chosen project to provide increased capacity should it be required and a Bellingham location is the only one that could double capacity.
From: David Swindale [mailto:DSwindale@cityofup.com]
Sent: Wednesday, October 23, 2013 4:33 PM
To: Kelly, Alice (ECY)  
Cc: Steve Sugg; Mariza Craig
Subject: Party of Record Request

The City of University Place requests to be made a party of record with regard to the Cherry Point Coal Terminal EIS. We have reviewed the Scoping Summary and believe that our issues will be addressed. We are specifically concerned about impacts from coal trains including but not limited to coal dust, noise, transportation, emergency services, recreation and the crossing at Chamber Creek (WIRA 12). Notices can be sent to:

David Swindale, AICP
Director, Planning and Development Services
City of University Place
3715 Bridgeport Way,
University Place WA 98466

Or e-mail at DSwindale@cityofup.com
Ph. (253) 460-2519
Fx. (253) 460-2541

Thank you.
Letitia Wheeler, M.S.
Senior Environmental Project Manager
letitia@wheelerconsulting.net

Wheeler Consulting Group  360-815-3014 Cell/Direct
PO Box 1404  360-595-0999 Office
Burlington, WA  98233

Wallace, Alan [mailto:awallace@williamskastner.com]
Attorney at Law
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601 Union Street, Suite 4100
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Main: 206.628.6600
Direct: 206.628.6771
awallace@williamskastner.com
www.williamskastner.com
October 23, 2013

Outside money and coal shape
Whatcom Co. races

By PHUONG LE
Associated Press

An unprecedented amount of outside money is pouring into local elections in Whatcom County that may shape whether the area becomes home to the largest coal shipping terminal on the West Coast.

A $600 million Gateway Pacific Terminal project proposed outside Bellingham could export as much as 48 million tons of coal from Montana and Wyoming to Asia.

An environmental political action committee which has gotten a chunk of its money from a California billionaire has given $224,000 to back candidates they
believe are opposed to that project.

Meanwhile, coal interests including one of the largest U.S. coal producers have given more than $100,000 to a local conservative political committee that backs candidates they believe support business growth.

“It's just really unheard of,” said Todd Donovan, a political science professor at Western Washington University in Bellingham. He added that he's not even sure how one would spend that much money in “this little county.” About 200,000 people live in Whatcom County, located about 80 miles north of Seattle.

Four of the seven seats on the Whatcom County Council are up for grabs in the Nov. 5 election. The council will eventually decide whether to approve two permits for the coal-export terminal, but the project also requires permits from the state and U.S. Army Corps of Engineers.

Coal is “the 800 pound gorilla in the election,” Donovan said. “It's dominating how they're talking, even though they're not talking about how they're voting on the thing.”

Candidates have kept mum on the coal project; council members have been told they cannot pre-judge the project or it'll open the process up to legal challenges, he and others said.

In the face of that silence, independent political groups are stepping in to help voters decide which candidates to pick — even without knowing which way they'll lean on the issue.

The Washington Conservation Voters Action Fund has independently spent $224,000 in direct mailing and door-to-door canvassing to support four candidates — Rutherford Browne, Ken Mann, Carl Weimer and Barry Buchanan, according to independent expenditure reports. The group has also spent $18,200 to oppose incumbent Kathleen Kershner.

The top contributor to the PAC is NextGen Climate Action Committee, set up in Washington state by Thomas Steyer, a former hedge fund manager and environmentalist.

“The Whatcom County Council will be making a key decision in the permitting for that proposed facility. It's
critically important that we elect folks who share our values,” said Brendon Cechovic, executive director of the Washington Conservation Voters. “It is a lot of money for a local election.”

Cechovic said the group plans to spend more but hasn't decided how much.

Meanwhile, Save Whatcom, a political action committee that formed two months ago, has raised about $165,000, with $50,000 each from Cloud Peak Energy and Global Coal Sales. SSA Marine of Seattle, which is developing the project, also gave $12,000.

Wyoming-based Cloud Peak is one of the largest U.S. coal producers. Earlier this year, it announced an agreement with SSA Marine of Seattle for the option to ship up to 16 million tons a year through the proposal coal terminal.

Save Whatcom has given most of its money, $154,000, to another political action committee, Whatcom First. Campaign records show Whatcom First has so far spent about $17,000 supporting four council candidates — Kershner, Ben Elenbaas, William Knutzen and Michelle Luke — and two candidates running for Port of Bellingham.

The Whatcom County Democrats filed a complaint with the state Attorney General, accusing Whatcom First and Save Whatcom of violating campaign finance laws by shifting money between the committees to hide donor names from the public.

The attorney general's office has forwarded the complaint to the Public Disclosure Commission, agency spokeswoman Janelle Guthrie said.

Lori Anderson, a PDC spokeswoman, said she didn't know the specifics of the complaint but said: “In general, a political committee can raise money and transfer that money to another political committee, provided the original committee has $10 from 10 Washington state registered voters.”

A call left with Save Whatcom was not immediately returned. On its website, the group says it was formed in response to county Democrats resolution calling for no new development at Cherry Point.
To the attention of the Co Leads,

Below you find a copy of an email that I sent to Utilities and Transportation Commissioner Jeffrey Goltz, Whatcom County Sheriff Bill Elfo, Senator Kevin Ranker, Representative Reuven Carlyle and Washington State Trooper Tom Pillow. I am apprising them and now you about what I consider to be a reasonable test of BNSF track for the use of an extraordinarily long train. During the Scoping Period I wrote to you about my concern about GPT transportation impacts in eastern Whatcom County. The letter below speaks to that issue. It is my belief that the advent of this "test" is an additional indicator that rail impacts in eastern Whatcom County must be studied to their fullest. As I said, in my initial submission, not only would my business and homestead be immediately affected but the concomitant buildout and highway development would have transformative social and economic consequences for this region.

I realize that it has been suggested that only rail impacts near Ferndale and some impacts elsewhere in the state would be considered in your analysis. Given the simplicity of this hyper extended train trial on October 20, 2013, and the probability that it might simulate a coal train, I hope that this would be considered sufficient evidence for your record and that this "Farm Land Route" must be recognized as "ONE of the SOME" impacts that would be considered elsewhere.

Respectfully,
Jeff Margolis

Begin forwarded message:

From: Everybody's Store <goodbuy@everybodys.com>
Date: October 24, 2013 6:50:13 PM PDT
To: jgoltz@utc.wa.gov, Bill Elfo <BElfo@co.whatcom.wa.us>, Kevin.Ranker@leg.wa.gov, carlyle.reuven@leg.wa.gov, tompillow@wspta.org

Gentlemen: Commissioner Goltz, Sheriff Elfo, Senator Ranker, Representative Carlyle, Trooper Pillow

In the Spring of 2011 in my capacity as Co-Chair of Safeguard the Southfork (SGSF), an educational and environmental organization, I spoke with Commissioner Goltz and Sheriff Elfo about the likelihood that the Burlington Northern Sante Fe Railroad (BNSF) would, in the advent of an approved Gateway Pacific Terminal, utilize the rail corridor paralleling SR 20 & SR 9 from Burlington to Sumas and thence on through lower mainland B.C., to send coal trains to Cherry Point. SGSF identified this corridor in its Scoping Submissions to the U.S. Army Corp, et al., as "The Farm Land Route". Additionally I wrote to Trooper Pillow in response to a Bellingham Herald OpED of his, expressing my relevant concern about auto and truck traffic getting boxed in and trying to outrun trains along this route.
With respect to BNSF spokespersons who have expressed the position that they could not say if the Farm Land Route would be utilized, our organization has always maintained, to make a long story short, that the route was both logical and necessary. The Farm Land Route provides a redundancy that advanced systems require and given BNSF capacity challenges the route could be called into play at any time for intermittent or permanent use.

With this history in mind I would like to bring a current event that bears upon our position to your attention. On Sunday morning October 20, 2013 BNSF sent the biggest and slowest train down the aforementioned corridor that I have ever seen in my 43 years of living nearly beside this line. Another member of our organization noticed that this train was sitting between Nooksack and Lawrence for at least two days prior to its departure. My recollection was that there were four locomotives, nothing particularly unusual about that. After a while I realized that the train was taking forever to clear the intersection in Van Zandt and then when I was driving south on SR 9 shortly thereafter, traffic was backed up.

I presume that either the UTC or the Whatcom County Sheriff or the Washington State Senate or the State Patrol, has the authority to make inquiries about this unusual train. Surely there must be a log that identifies the number of cars, the length and approximate weight of this train. It's time of departure and time of arrival allows one to figure the average speed. Perhaps a BNSF record is more specific, identifying variable speeds and locations. The math will speak for itself as to how long it took to get through an intersection. I presume that the State has a right to inquire about the unusual nature of this train. I am curious if there are legalities pertaining to the time it takes to get through an intersection and I presume that if any law was broken that the BNSF could be admonished in one manner or another. Can SGSF depend upon an official response to these queries?

Our concern is that this giant train might represent a rational and significant test for the feasibility of using the Farm Land Route. We have always maintained that GPT would have immediate transportation impacts in eastern Whatcom County. We submit that the advent of this train on 10/20, 2013, removes doubt and lowers speculation that the Farm Land Route is presumable. Now one may say that this is a mere coincidence and has nothing to do with a coal train. Yet this event must be illuminating and that alone might signify the feasibility or unfeasibility of a Farm Land: Thus making its consideration and declaration as a transportation impact mandatory.

This email is a request for administrative action on the part of your agency, to minimally make a discovery and perhaps enforce law. We look forward to your response.

Respectfully,
Jeff Margolis
Co Chair, SGSF
Hello Mr. Schroeder,

I would like to offer my encouragement as a constituent to oppose the coal-train that is currently under debate in the greater Bellingham area.

Thank you,

Jacalyn Stark
3114 Peabody Street
Bellingham, WA 98225
Tyler,

This email constitutes BNSF Railway Company's written agreement to extend the June 12, 2012, AGREEMENT BETWEEN WHATCOM COUNTY, PACIFIC INTERNATIONAL TERMINALS, INC., AND BNSF RAILWAY COMPANY FOR REIMBUREMSENT OF COSTS AND FEES" for an additional one hundred twenty (120) days; more specifically from October 31, 2013 to February 28, 2014. Given the upcoming holidays, this extension is necessary to permit the parties to finalize a revised scope of work for preparation of the NEPA and SEPA Environmental Impact Statements.

Thank you for your continued work on this matter. Please feel free to call me if you have any questions.

Skip Kalb | Director Strategic Development | BNSF Railway Company | skip.kalb@bnsf.com | 817-867-6133/Cell: 817-271-3057
Tyler,

As we discussed, Pacific International Terminals agrees to extend the Gateway Pacific Terminal EIS reimbursement contract term for 120 days through February 28, 2014. The extension will allow sufficient time to finalize the Phase 2b Scope of Work, Schedule and Budget for preparation of the SEPA and NEPA draft EIS documents.

Thank you,

Ari Steinberg

Program Manager
SSA Marine
1131 SW Klickitat Way
Seattle, Washington 98134
Phone: 206-654-3689
E-Mail: Ari.Steinberg@SSAMarine.com
All,

Thank you for the email correspondence in regards to agreeing to a 120-day extension to the reimbursement contract. The County agrees to the extension and will consider this email as written agreements as outlined in the contract.

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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Tyler,

As we discussed, Pacific International Terminals agrees to extend the Gateway Pacific Terminal EIS reimbursement contract term for 120 days through February 28, 2014. The extension will allow sufficient time to finalize the Phase 2b Scope of Work, Schedule and Budget for preparation of the SEPA and NEPA draft EIS documents.

Thank you,

Ari Steinberg

Program Manager
SSA Marine
1131 SW Klickitat Way
Seattle, Washington 98134
Phone: 206-654-3689
E-Mail: Ari.Steinberg@SSAMarine.com
I am out of the office and will return Tuesday, November 5. If you need assistance immediately, please contact my assistant Frances Ostruske (620-6439), paralegal Terri Vancil (620-6553) or my partner Margaret Archer (620-6550).