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December 12, 2012

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

RE: Scoping Comments for the Gateway Pacific Terminal Environmental Impact Statement

Dear Sir or Madam:

These scoping comments are submitted to you on behalf of the Mayor of the City of Bellingham and the Bellingham City Council. The following comments are meant to address both on and off-site potential impacts of the Gateway Pacific Terminal (GPT) project to the City of Bellingham and its Urban Growth Areas and are organized according to the negative impacts the project may have on the City's Legacies and Strategic Commitments, as further discussed below and attached for your reference.

On July 23, 2012 the Bellingham City Council adopted Resolution 2012-22, which is attached to this letter. The Resolution highlighted the potential that additional off-site infrastructure within the City may be necessary for the GPT project to function as proposed at full-build out in 2026, which may adversely impact the City's ability to achieve its Legacies and Strategic Commitments.

Therefore, the City is providing the following specific scoping comments for consideration and inclusion in the Final Scoping Document in order to inform the various alternatives to be studied in the EIS.

1. Please analyze the cumulative impacts of all currently proposed coal export facilities and/or dry bulk commodity terminals within Washington and Oregon in a Cumulative Impact Analysis pursuant to the National Environmental Protection Act. Specifically, please analyze the cumulative impact to existing freight and passenger train traffic capacity in Washington State as well as the cumulative impacts to natural and cultural

resources resulting from the increase in freight train trips within Washington State and vessel traffic within Puget Sound, Georgia Straight and the Columbia River. We acknowledge that the BP Refinery located within the Cherry Point Industrial Area has applied for permits to develop new railroad (loop) infrastructure on their own property. The proposed improvements are intended to accommodate a planned for increase in trains carrying crude oil from the Midwest to their facilities at Cherry Point. BP has forecasted that they expect one additional train every two days to travel on the BNSF line traveling through Bellingham to the Custer Spur and then to the refinery itself. Please include this additional train traffic in the Cumulative Impact Analysis.

2. Please analyze the increase in impacts to the health and welfare of the citizens of Bellingham including impacts from diesel emissions from trains and ships, coal dust, noise and the potential for increased rail/car and rail/pedestrian accidents through a comprehensive independent third party Health Impact Assessment.
3. Please analyze the impacts to existing freight train and passenger train service, including impacts to shared capacity by the addition of up to 18 additional bulk-commodity train trips per day on Burlington Northern Santa Fe (BNSF) railroad infrastructure (Bellingham Subdivision Mainline), between Mount Vernon, Washington and the GPT.
4. Please analyze the impacts to the elements of the environment, as specified in WAC 197-11-444, which would result from the construction / development of a new railroad siding partially or wholly within the City in order to facilitate / accommodate the addition of up to 18 additional bulk-commodity train trips per day on the Bellingham Subdivision Mainline (BSM) between Mount Vernon and the GPT.

The following comments relate to the City's potentially affected resources and are categorized in relation to the City's Legacies and Strategic Commitments. The City expects these resources to be adversely impacted by the increase of up to 18 additional freight train trips traveling through the City of Bellingham every day at the time of full build out of the GPT. We request that the "increase" in impacts resulting from this action be analyzed through the EIS process for each element list below.

5. Please analyze the increase in impacts within an EIS to the following elements, related to the City's "Healthy Environment Legacy," which commits the City to protect the health of Bellingham Bay and its ecological functions, as well as reduce contributions to climate change:
 - Marine species, vegetation and the water quality of Bellingham Bay and its pocket estuaries as a result of increased coal dust from open container cars and increased diesel particulates from locomotives;
 - Marine species, aquatic vegetation and water quality due to an increase in vessel traffic and vessel anchorage;
 - Air quality of park and recreation users related to increased dust and increased particulates from open container cars and locomotives due to idling of those locomotives to the proximity of BSMs to heavily used City park and trail amenities;

- Upland wildlife habitat, connectivity and accessibility to park lands and greenway habitat corridors as a result of an increase in the amount, frequency and length of commodity trains;
 - Air quality, the marine environment and upland vegetation, resulting from the various methods of handling, moving and storing coal and other similar commodities from the moment it arrives at the terminal via train to its deposition into the cargo vessel;
 - Marine near-shore environment from an increase in noise and vibration due to additional, longer and more frequent freight train trips along the BSM;
 - Noise from increased train traffic on park users, riverine and estuarine fish and wildlife and related habitat; and
 - Potentially unstable slopes located on or adjacent to public and private lands especially those within the Edgemoor, South Hill, Birchwood and Columbia Neighborhoods as a result of additional, longer and more frequent freight train trips along the BSM;
6. Please analyze the increase in impacts within an EIS to the following elements related to the City's Legacy of "Vibrant and Sustainable Economy," which commits the City to support and promote a thriving local economy across all sectors, public and private investment as well as preservation of farmland and agricultural economy:
- Existing and planned land use and economic development potential within the City's Central Business District, the Waterfront District, Old Town and Fairhaven, all of which have development potential west of the BSM as a result of additional, longer and more frequent freight train trips;
 - Property values and assessments and the impacts to services resulting from a potential decrease in property tax revenue;
 - Job retention and creation within the City of Bellingham;
 - Bellingham's economy from increased train traffic related to tourism use of public park property within proximity of the rail line;
 - Tribal nations, local and regional fishing industries resulting from the increase in vessel traffic and marine infrastructure within the Strait of Georgia and the Cherry Point Aquatic Reserve.
7. Please analyze the increase in impacts within an EIS to the following elements related to the City's Legacy of "Sense of Place," which commits the City to support and protect neighborhoods, historic and cultural resources, as well as natural settings and access to open space:
- Resulting from additional freight train trips on the BSM on recreation resources and social benefits of the Bellingham parks and open space system;
 - Impacts of additional, longer and more frequent freight train trips along the BSM, as well as related infrastructure, including fencing, signals, siding, tracking, to the quality of public parks, open space and trails, and to scenic water views;

- Impacts of potential expansion of tracking or sidings associated with the increased rail traffic on public park lands and access to those lands, including impacts due to acquisition and/or eminent domain of properties that have a potential for future public access;
 - Impacts of trains idling to adjacent park land, including public access, emergencies and operational access, noise, dust;
8. Please analyze the increase in impacts within an EIS on to the following elements related to the City's Legacy of "Safe and Prepared Community," which commits the City to preventing and responding to emergencies and crime, as well as increasing community readiness and resilience:
- Paramedic response times and services of City of Bellingham's Fire and Police Departments as well as Whatcom Medic One and Fire District 7;
 - Emergency response times for Medic One and Fire District 7 paramedics within and beyond the northern portions of the City;
 - Safety of the general public resulting from fire in a coal car, including idling locomotives and train derailments or collisions;
 - Impacts resulting from accelerated wear and tear on the rails themselves, ties, supporting ballast, bridges, crossings and tunnels.
 - Public access issues, including delays in emergency response time and operational access, caused by increased rail traffic, to existing and future park lands along the rail right of way;
 - Existing rights of way, both opened and unopened, that provide access to public lands and shorelines;
 - Public and private property resulting from any potential spill on land or water during transport, storage or handling, including any spill due to a ship collision.
9. Please analyze the increase in impacts within an EIS on the following elements related to the City's Legacy "Mobility and Connectivity Options," which commits the City to providing safe and well connected mobility options for all users as well as increase infrastructure for non-vehicular modes of transportation:
- The safety of park users as a direct result of increased rail traffic. Many existing legal access points to parks and trails involve at-grade rail crossings;
 - Mobility and connectivity between on-street and off street non-motorized pedestrian and bicycle systems;
 - Existing and proposed trail systems, including the Coast Millennium Trail, Bay to Baker Trail, Nooksack Loop Trail, all of which are identified in the City's Comprehensive Plan as well as proposed trail systems and linkages within and along the shoreline in the Waterfront District;
 - Crossing safety for pedestrians, bicyclists, transit busses, automobiles, and freight delivery vehicles;
 - Traffic congestion backing up into other intersections, blocking access to side streets, alleys, and driveways;

- Access to and from Amtrak passenger trains, the Alaska Ferry Terminal, other marine transportation tenants stationed at the Bellingham Cruise Terminal, the Community Boating Center and the Port of Bellingham's Fairhaven boat launch facilities and the effect on Bellingham's tourism income.
- The following at-grade street crossings all within the City limits:
 - Harris Avenue (Fairhaven)
 - 6th Street north of Harris Avenue (Fairhaven)
 - Bayview Drive (Boulevard Park)
 - South Bay Trail @ Boulevard Park
 - Pine and Wharf Street (Waterfront District)
 - Cornwall Avenue (Waterfront District)
 - West Laurel Street (Waterfront District)
 - Central Avenue (Old Town)
 - "C" Street (Old Town)
 - "F" Street (Old Town)

10. Please analyze the following items related to the City's Legacy "Quality, Responsive City Services," which commits the City to delivering efficient, effective and accountable services, and transparent processes to involve stakeholders in decisions:

- Associated costs of transportation improvements necessary to mitigate safety, congestion, and access issues resulting from an increase in freight train trips as part of the GPT proposal.

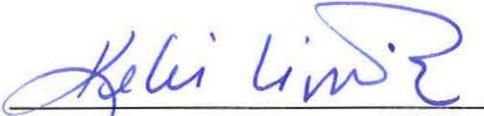
It is important to note that the City concurs with the October 22, 2012 letter from Buri, Funston and Mumford Attorneys at Law, which asserts that the GPT proposal is a "major development" as defined in Whatcom County Code (WCC) 20.88.010 and therefore is required to satisfy the "major development criteria," as specified in WCC 20.88.130.

As the project qualifies as a major project, the applicant is responsible for demonstrating compliance with the criteria listed in WCC 20.88.130, including a showing that the project will not impose uncompensated requirements for public expenditures for additional utilities, facilities and services, will not impose uncompensated costs on other property owned and will be appropriately responsive to any EIS prepared for the project.

It is vital that any off-site infrastructure that is necessary for the project be considered as part of the project proposal itself, as required by WCC 20.88.130(6). If the Washington State Department of Ecology, the Army Corps of Engineers and Whatcom County (the "Co-Leads") does not require that the off-site infrastructure be considered as part of the project, then that infrastructure should be included as a condition precedent to the establishment of the major development, as required by WCC 20.88.140 or, considered as a reasonable alternative to the proposal and be analyzed pursuant to both SEPA and NEPA.

The City looks forward to the inclusion of the study of these potential impacts as part of the GPT project EIS.

Sincerely,



Kelli Linville
Mayor



Terry Bornemann
City Council President

Attachments: Legacies & Strategic Commitments
Resolution 2012-22

“We are working today so future generations will benefit from...”

Clean, Safe Drinking Water

- Protect & improve drinking water sources
- Limit development in Lake Whatcom watershed
- Use efficient, ecological treatment techniques
- Maintain reliable distribution system
- Promote water conservation

Healthy Environment

- Protect & improve the health of lakes, streams & bay
- Protect & restore ecological functions & habitat
- Reduce contributions to climate change
- Conserve natural & consumable resources

Vibrant Sustainable Economy

- Support a thriving local economy across all sectors
- Promote inter-dependence of environmental, economic & social interests
- Create conditions that encourage public & private investment
- Foster vibrant downtown & other commercial centers
- Preserve farmland & the agricultural economy

Sense of Place

- Support sense of place in neighborhoods
- Encourage development within existing infrastructure
- Preserve historic & cultural resources
- Protect natural green settings & access to open space
- Support people-to-people connections

Safe & Prepared Community

- Prevent and respond to emergencies
- Prevent and respond to crime
- Ensure safe infrastructure
- Increase community readiness and resilience

Mobility & Connectivity Options

- Provide safe, well-connected mobility options for all users
- Maintain & improve streets, trails & other infrastructure
- Limit sprawl
- Increase infrastructure for bicycles, pedestrians & non-single-occupancy vehicle modes of transportation
- Reduce dependence on single-occupancy vehicles

Access to Quality of Life Amenities

- Maintain & enhance publicly owned assets
- Foster arts, culture & lifelong learning
- Provide recreation & enrichment opportunities for all ages & abilities
- Ensure convenient access to & availability of parks & trails citywide

Quality, Responsive City Services

- Deliver efficient, effective & accountable municipal services
- Use transparent processes & involve stakeholders in decisions
- Provide access to accurate information
- Recruit, retain & support quality employees

Equity & Social Justice

- Provide access to problem-solving resources
- Support safe, affordable housing
- Increase living wage employment
- Support services for lower-income residents
- Cultivate respect & appreciation for diversity

Legacies and Strategic Commitments

**Adopted by Bellingham City Council
July 13, 2009**



RESOLUTION NO. 2012-22

A RESOLUTION REQUESTING THAT CERTAIN POTENTIAL ON AND OFF-SITE IMPACTS ASSOCIATED WITH THE GATEWAY PACIFIC TERMINAL BE ANALYZED AS PART OF THE SEPA AND NEPA PROCESSES

WHEREAS, Pacific International Terminals, Ltd. has proposed the Gateway Pacific Terminal (GPT) at Cherry Point for the shipment of up to 54 million metric tons of various dry bulk commodities including coal to foreign locations; and

WHEREAS, these bulk commodities will arrive at the GPT via trains that are proposed to travel through the City of Bellingham; and

WHEREAS, the length, number and frequency of these freight trains are likely to increase over time as the GPT phases construction towards full build-out, which may require construction of additional off-site rail infrastructure improvements within the City of Bellingham; and

WHEREAS, these bulk commodities will then leave the GPT via ship in approximately 9 bulk carriers per week for an estimated total of 487 per year, and the projected shipping route is through the San Juan Islands to GPT and then north along the coast of Vancouver Island, the coast of Alaska and through the Aleutian Islands, generally following the migratory route of wild salmon; and

WHEREAS, risk of spills and ship collisions increase with an additional 487 single-hulled bulk carriers per year and a diesel or bunker fuel spill will be catastrophic to Puget Sound and Bellingham Bay and harmful to industry, tourism, fisheries and our quality of life; and

WHEREAS, the increase in freight trains and/or additional infrastructure improvements within the City of Bellingham and the increase in shipping due to the GPT project is likely to compromise the City's ability to continue to achieve its Legacies and Strategic Commitments (the "Legacies") which were adopted by the Bellingham City Council on July 13, 2009 to set forth City goals and strategic commitments to support those goals; and

WHEREAS, the City of Bellingham aligns all of its actions with the Legacies including: protection of Bellingham Bay, land use planning, capital facilities planning for trail and park systems, multi-modal circulation and utility system upgrades, as well as providing reliable emergency services; and

WHEREAS, the City of Bellingham has a variety of boards and commissions that also contribute to achieving the Legacies, such as the Parks and Recreation Advisory Board, Greenway Advisory Committee, Tourism Commission, Transportation Commission and the Waterfront Advisory Group; and

WHEREAS, the City of Bellingham anticipates that the GPT and its associated freight train traffic, the potential for off-site infrastructure improvements within the City, and the shipping impacts to Puget Sound, will have direct negative impacts to the Legacies; and

WHEREAS, the GPT and associated increased freight trains, potential construction of a new rail siding, and increase in ocean shipping may undermine the City of Bellingham's "Healthy Environment" Legacy by negatively impacting the ecologic functions of Bellingham Bay, by contributing to climate change and air quality degradation through increased coal dust and diesel engine particulate emissions, by increasing consumption of natural resources through the export of coal, by harming runs of wild salmon that originate in or travel through our waters, and by increasing ocean acidification resulting in a decline in production by local shellfish producers; and

WHEREAS, the GPT and associated increased freight trains, increased train noise, potential siding, and increased shipping impacts may undermine the City's "Vibrant Sustainable Economy" Legacy by creating conditions that discourage public and private investment; decrease values of properties located along the rail line or located waterward of it; cut off the newly developing Waterfront District by creating significant problems with noise, traffic blockage, air pollution and safety, thereby putting at risk millions of public dollars, thousands of potential jobs and additions to the productive tax base; deter a thriving tourist economy by negatively affecting the image and reality of Bellingham as a "green" destination; pollute Bellingham Bay; harm commercial and sport fishing industries; and disable the interdependence of environmental, economic and social interests; and

WHEREAS, the GPT and associated freight trains, potential siding, and potential increase in vessel traffic in Bellingham Bay may undermine the City's "Sense of Place" Legacy by severely limiting access to open space to such iconic places as Taylor Dock, Boulevard Park and the soon to be developed Cornwall Beach Park and by disrupting access to our public waters for sailing regattas and other recreational uses; and

WHEREAS, the GPT and associated freight trains, potential siding, and resulting blocked crossings may undermine the City's "Safe & Prepared Community" Legacy by preventing rapid response to emergencies and crime; and

WHEREAS, the GPT and associated increased freight trains, potential siding, and increased vessel traffic may undermine the City's "Mobility & Connectivity Options" Legacy by closing off at-grade crossings, blocking access to multi-modal trails and other infrastructure, disrupting non-bulk commodity vessels in Bellingham Bay, and disabling the well-connected mobility options, such as passenger train service the City of Bellingham strives to maintain and to increase; and

WHEREAS, the GPT and associated increased freight trains and potential siding may undermine the City's "Quality, Responsive City Services" Legacy by reducing the efficiency and effectiveness of the City Fire and Police Departments; and

WHEREAS, the GPT and associated increased freight trains and potential siding may undermine the City's "Equity and Social Justice" Legacy by decreasing opportunities for living wage employment as economic investment may decrease due to the GPT project impacts to the environment and access to amenities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:

1. The City of Bellingham supports the Washington State Department of Ecology May 7, 2012 request that the U.S. Army Corps of Engineers conduct a Cumulative Impact Analysis under NEPA, of all currently proposed Coal export facilities and/or dry-bulk commodity terminals within Washington and Oregon.
2. In addition to the Cumulative Impact Analysis specified above, the City of Bellingham requests a project specific EIS to evaluate the full range of potential cumulative and unique impacts of the GPT project, on the City of Bellingham including off-site infrastructure improvements that may be required now or in the foreseeable future.
3. If offsite infrastructure improvements are required within Bellingham city limits, the City of Bellingham requests that they shall not be included as mitigation, but rather as a part of the GPT project.
4. If a rail siding is required within Bellingham city limits, the City of Bellingham requests that it shall not block or disrupt access to our parks or our waterfront.
5. The City of Bellingham requests that costs for the required mitigation for potential negative impacts as specified above shall not be borne by Bellingham residents.
6. The City of Bellingham requests that a comprehensive Health Impact Assessment be conducted by a separate and qualified third party contractor in order to analyze potential impacts to the health and welfare of the citizens of Bellingham including impacts from diesel emissions from trains and ships, coal dust, noise and the potential for increased rail/car and rail/pedestrian accidents.
7. The City of Bellingham requests an analysis of the transportation impacts to at-grade rail/street crossings including the delays to traffic and emergency vehicle response time and impacts to passenger rail traffic at full build out.
8. The City of Bellingham requests an analysis of the economic impacts to public and private entities resulting from any potential spill on land or water during transport, storage, or handling, including any spill due to a ship collision.

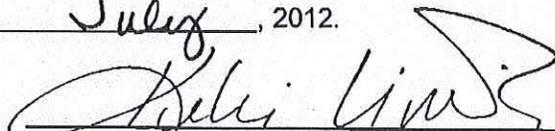
9. The City of Bellingham requests that probable anchorages be included in any vessel traffic analyses prepared for GPT, with an assessment of the likelihood of vessels anchoring in Bellingham Bay.

PASSED by the Council this 23rd day of July, 2012.



Council President

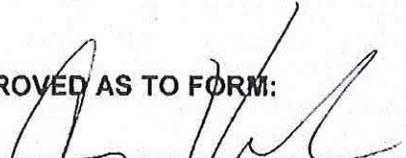
APPROVED by me this 27th day of July, 2012.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

A Resolution of the City of Bellingham, Washington

Resolution No. 2012-22
Agenda Bill No. AB 19618
Final Passage 7/23/2012
Published (if applicable)

CC Legal Secretary
Executive Assistant to City Council
Other: