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January 17, 2013

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

**RE: City of Bellingham's Second Set of Scoping Comments on the Gateway Pacific Terminal**

Dear Sir or Madam:

This letter is the City of Bellingham's second set of scoping comments on the Gateway Pacific Terminal (GPT) proposal. These scoping comments are provided pursuant to both the Washington State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The scoping comments are submitted to you on behalf of the City of Bellingham ("City").

On July 23, 2012 the Bellingham City Council adopted Resolution 2012-22 ("Resolution"), which highlighted the need for additional Burlington Northern Santa Fe ("BNSF") railroad infrastructure within the City in order for the GPT project to function as proposed at full build-out in 2026. The Resolution also specified how this infrastructure would negatively affect the City's ability to achieve its adopted Legacies and Strategic Commitments. The Resolution provided the foundation for the City's December 12, 2012 scoping letter that identified resources and planning efforts within the City and its Urban Growth Area that would be negatively impacted by the GPT proposal. The Resolution and December 12<sup>th</sup> letter are attached.

The City is now providing the following specific scoping comments for consideration and inclusion in the Final Scoping Document. Pursuant to SEPA these scoping comments intend to:

1. Identify City resources and planning efforts that may be negatively affected by the proposal;
  2. Provide a description of significant unavoidable adverse impacts;
  3. Recommend a reasonable range of alternatives; and
  4. Recommend mitigation measures to avoid, minimize and mitigate effects of the proposal
- 1. City resources and planning efforts may be negatively affected by the GPT and the associated increase in the number of dry-bulk commodity trains (including coal) as well as their length, frequency, duration and weight:**
- Negative impacts to funded and completed at grade improvements. Within the last eight years the City has implemented upgrades at two existing at grade crossings costing hundreds of thousands of dollars. These improvements occurred at the intersections of Roeder Avenue and F Street and Wharf and Pine Streets.

**Therefore, please require the applicants to analyze the suitability of the completed improvements in relation to the increase in the number, length, frequency, duration and weight resulting from up to 18 additional dry-bulk commodity trains (including coal) that are expected to pass through these at grade crossings per day.**

- Potential unsuitability of crossings if project completed. Additional at grade crossings and water-body crossings exist within the City have not been upgraded and may not be suitable for the increase in the number, length, frequency, duration and weight resulting from up to 18 additional dry-bulk commodity trains (including coal). These at grade crossings are located at: Harris Avenue, 6<sup>th</sup> Street providing access to the Fairhaven Public Boat Launch, Bayview Drive, Pine and Wharf Streets, Cornwall Avenue, Central Avenue, C and F Streets. Crossings over Bellingham Bay are: Chuckanut Bay Causeway, lagoon crossings at Madrona Point, Edgemoor, Post Point, Padden Creek Estuary, Roeder Avenue Bridge.

**Therefore, please require the applicants to analyze the suitability of these crossings in relation to the increase in the number, length, frequency, duration and weight resulting from up to 18 additional dry-bulk commodity trains (including coal) that are expected to pass through these at grade crossings per day.**

- Negative impacts to planned City projects. Negative impacts to several projects specified on the City's adopted six-year Transportation Improvement Program (TIP) for 2013-2018 (project numbers indicated below indicate number on TIP) have not been designed nor analyzed to interface with up to 18 additional freight train trips per day at the time of full build-out of the GPT. The expected impacts are not solely a result of the number of trains but also their length, frequency, duration and weight. These projects are seriously undermined and threatened by this additional and unplanned increase in impacts. Specifically, these projects are:

*Project #11: Boulevard Park to Cornwall Avenue Overwater Pedestrian Walkway.* The increase in number, frequency, volume and length of dry-bulk commodity (including coal) trains serving the GPT will negatively impact both the general public's ability to access the walkway itself by vehicle at the Boulevard Park entrance on Bayview Drive, as well as the demand for use of the walkway due to increase in noise and air quality impacts. The City expects that the project will cost a total of approximately eight million dollars. Approximately \$660,000 has been spent to date.

**Therefore, please require the applicant to analyze the negative impacts to this project in terms of air quality, odor, aesthetics, recreation, scenic resources and transportation systems pursuant to WAC 197-11-444.**

*Project #12 (12a - 12c): Waterfront District Multimodal Improvements.* The planned connections from downtown and existing streets to the Waterfront District may also be significantly impacted by the increase in dry-bulk commodity trains as specified above. (The proposed Waterfront District Sub-Area Plan is scheduled for legislative review this spring.) While contemplation of *relocating* the BNSF tracks was included as part of the Sub-Area Plan the number, length, frequency, duration and weight of the proposed trains associated with the GPT were not.

These multimodal connections interface with the BNSF railway at the intersections of Roeder, Central and Granary Avenues (12a; Granary - Bloedel) and Cornwall Avenue and Log Pond Drive (12b; Bloedel to Cornwall). Project 12c is a new arterial loop that does not interface with the BNSF railroad infrastructure, but is designed and intends to facilitate, improved function for projects 12a and 12b. Additional crossings at Cornwall Avenue and Oak Street, if BNSF track is NOT relocated, and Commercial Street, via a new bridge into the Waterfront District, would also be negatively impacted.

**Therefore, please require the applicant to analyze the impacts to these planned improvements pursuant to WAC 197-11-444, specifically focusing on the six elements relating to transportation.**

*Project #17: Chestnut-Bay Bridge Rehabilitation.* This project is intended to upgrade the existing bridge which is currently weight limited. However, this rehabilitation project does not include additional rehabilitation and structural improvements that may be necessary due to a significant increase in the number, more frequent, heavier and longer freight train trips.

**Therefore, please require the applicant to analyze the structural integrity of this bridge in relation to the increase in the number, length, frequency, duration and weight of dry-bulk commodity trains (including coal) and the structural capability of the bridge to handle the new significant impact.**

- The Greenhouse Gas Inventory and Climate Protection Action Plan, adopted by the City in May, 2007. In May of 2007 the City adopted the Greenhouse Gas Inventory and Climate Protection Action Plan. This plan focuses on City operations and how greenhouse gas emissions can be reduced. Phase I includes an inventory of our emissions and Phase II includes the action plan. The increase in number, length, frequency, duration and weight of up to 18 additional dry-bulk commodity trains negatively affects Action Plan Item #15 which is to "reduce idling time." City vehicles which must idle while waiting for trains to pass at-grade crossings actually increases idling times.

**Please analyze the impacts to achieving this element of our Climate Action Plan as a result of increased gate down times at six at grade crossing locations; Harris Avenue, Bayview Drive, Wharf and Pine Streets, Cornwall Avenue, Central and Roeder Avenues and F Street and Roeder Avenue.**

2. **Significant unavoidable adverse impacts to the City as a result of a significant increase in the number, length, frequency, duration and weight of dry-bulk commodity freight trains (including coal) travelling through the City and its Urban Growth Area include:**

- Harm and threat to the lives, safety and welfare of City citizens as well as the environment in which they live, resulting from freight train derailments, collisions and spills. Derailments, collisions and spills can destroy the areas in which they occur. Areas beyond the immediate site are also threatened from these events as is the case with tracks over or adjacent to Bellingham Bay and its pocket estuaries. A derailment, collision and/or spill or any combination of these events would result in immeasurable harm and significant impacts to aquatic ecosystems and to the air we breathe. Furthermore, derailments, collisions and spills can damage or compromise vital existing infrastructure such as underground gas lines, City sewer and water mains and electricity substations. Cascade Natural Gas ("CNG") has transmission and distribution lines that run parallel to and intersect sections of BNSF infrastructure. A 16-inch CNG main begins at the

BNSF crossing at Cornwall Avenue and travels along a potential corridor of to-be-relocated track along the base of the bluff. This 16-inch main transitions to a 12-inch main and runs from between Commercial and Bay Streets to Army Street and again from C Street to Bellwether Way along and parallel to the BNSF mainline track. Encogen and Puget Sound Energy have significant electricity and other supporting infrastructure near the existing mainline track. Destruction or disruption to any of these vital services resulting from a derailment, collision or spill would cause significant unavoidable adverse impacts to life, safety and welfare of the general public.

The City has water and sewer mains and trunk lines that cross underneath BNSF infrastructure in several locations and run parallel to in others. Sewer main pipe sizes range from 24 inches up to 60 inches in diameter. Water mains range from 8 inches up to as much as 30 inches in diameter. Collisions or derailments in locations where these mains exist would cause significant unavoidable impacts to the City's ability to provide vital water and sewer services to its citizens and numerous commercial and industrial establishments.

These significant impacts are in addition to those that would manifest themselves if a derailment, collision or spill occurred on mainline tracks that are abutting or traveling over Bellingham Bay and/or its pocket estuaries.

- Congestion, stacking/queuing, frequency and duration of multiple freight trains that are obstructed or 'backed up' by slides, debris, flooding and other unforeseen events at locations south of Bellingham and specifically between Bow and the Custer Spur. It is extremely difficult to predict when mud and debris slides across tracks will occur which would cause trains to be delayed and stacked until the blockage is cleared or cause a derailment, collision and/or spill. AMTRAK customers frequently get on and off Greyhound busses forced into service during the winter months at the Fairhaven Station in place of passenger trains when these slides, debris flows or flooding 'events' occur. The City expects this trend to continue, particularly in light of the effects of climate change and the resultant increase in precipitation in the City's general geographic area. In addition to derailments, collisions and spills, the City also expects the unavoidable significant impact and likelihood of multiple freight trains traveling through Bellingham in succession with minimal delays between them to result in (1) serious threats to emergency service providers; (2) congestion at waterfront intersections; (3) delays in movement of non-rail goods and services utilizing designated truck routes and arterials; and (4) increased noise and impacts to air quality.
- Destruction of marine near-shore environments and other critical areas such as pocket estuaries and landslide hazard areas resulting from the development of new railroad infrastructure such as a new railroad siding in order to accommodate up to 18 additional dry-bulk commodity trains (including coal) per day on the Bellingham Subdivision Mainline. Various studies have concluded that there is an existing bottleneck or "chokepoint" on the Bellingham Subdivision Mainline between Bow and the Custer Spur. These studies also conclude that one likely location for a new siding to handle an increase in freight train traffic (in order to maintain existing freight and passenger train capacity and efficiency) would be parallel to and water-ward of the existing mainline between, roughly, Harris Avenue and the foot of Cornwall Avenue within Bellingham City limits. Such a siding would not only destroy existing marine near-shore environments, but would also undermine and nullify planned

necessary shoreline restoration efforts at Padden Creek Estuary, Boulevard Park, the historic Cornwall Avenue Landfill and portions of the Whatcom Waterway.

**3. Please consider and analyze as specified the following reasonable alternatives to the proposed project as part of the Environmental Impact Statement process:**

- The No Action alternative.
- Development of only the west loop as well as loading and berthing / wharf infrastructure for up to one cape size vessel.
- Development of the original proposal permitted via SHS92-20 and MDP92-3 provided that the items specified within the 1999 settlement agreement have been completed to the satisfaction of the DOE, WDFW and the Washington Environmental Council.
- As an alternative to negatively impacting the nine at grade crossings (vehicle and multi-modal) within the City please consider the following combinations of at grade closures and construction of new grade separated crossings; at grade closures of Pine / Wharf Streets, Central Avenue and/or C Street in tandem with construction of new grade separated crossings: Commercial Street Bridge (down to Waterfront District) and a new Cornwall Avenue Bridge at the time the BNSF tracks are relocated to the east at the base of the bluff.
- As an alternative to negatively impacting existing available capacity on the Bellingham Subdivision Mainline for freight and passenger service please consider the development of a new railroad siding in a minimum of two locations between Mount Vernon and the Custer Spur.
- The capability of the existing BNSF rail line running parallel to Highway 9 from north of Mount Vernon north to Sumas in terms of capacity, structural integrity and overall suitability for potentially accepting some increases in freight train traffic. Potentially, the train traffic on this corridor could be limited to freight destined for Canada in order to free up the Bellingham Subdivision Mainline for GPT generated trains. The City recognizes that residents and businesses on this rural alignment as well as those within Whatcom County's smaller cities may be adverse to this type of analysis and that any necessary or required upgrades and improvements may also have associated negative impacts.

**4. Please consider requiring the following mitigation measures on the subject proposal:**

- Covering coal in each rail car with appropriate material or structure that minimizes dust and particulate from leaving the car while underway as well as from leaching of rainwater.
- Enclosing entire coal handling area with weather protective structure(s) or building(s) to minimize dust and particulate from coal stockpile areas being broadcast to abutting properties and onto onsite wetlands and the marine environment.
- Developing and installing wind-walls around the entire coal handling area to minimize dust and particulate from coal stockpile areas being broadcast to abutting properties and onto onsite wetland and the marine environment. The terminal is in the direct and unobstructed path of the prevailing winds, which are from the southwest, as well as those common winter winds originating in the Fraser River Valley.
- Establishing railroad "quiet zones" within Bellingham's city limits.
- Installing sound walls at selected locations within Bellingham's city limits.
- Specify the mitigation/handling requirements imposed by BNSF for the transport of coal.
- Specify the mitigation / handling / protocol / response requirements imposed by BNSF in the event of a derailment, collision or spill of any freight train.

- Please specify the mitigation / response measures that are employed in the event of a marine vessel spill, collision or other accident that is associated with importing or exporting any commodity from the GPT.
- Please establish air quality thresholds for coal dust at a minimum of two locations at the upland terminal handling area, at the wharf and a minimum of three locations within Bellingham's city limits and require quarterly air quality reports at these locations.

Pursuant to NEPA the following scoping comments are intended to:

1. Request that additional information be provided;
2. Affect the applicant's Purpose and Need Statement; and
3. Request an indirect effects analysis under NEPA.

1. **The City requests that the data, reports, analyses, studies or methodologies that were conducted by BNSF and/or SSA Marine or any of their subcontractors, in which it was concluded that all the new infrastructure at the Custer Spur is necessary in order to "safely and sufficiently handle the potential volume and length of trains without impacting operations on the Cherry Point Subdivision Mainline or the Bellingham Subdivision Mainline" be made available to the Co-Lead Agencies prior to their establishment of a range of reasonable alternatives.** The City is unaware of how improvements made on the Custer Spur would alleviate known "chokepoints" on the Bellingham Subdivision Mainline between Bow and the Custer Spur.

## 2. Purpose and Need Statement.

The Purpose and Need Statement ("PNS") is not 'finalized' until scoping is concluded. As you are aware, the Purpose and Need Statement is utilized by the United States Army Corps of Engineers (COE) to define the scope of the project and identify a reasonable range of alternatives which must be "rigorously explored and objectively evaluated." The City acknowledges that the Co-Lead Agencies overall objective is to streamline and merge the SEPA and NEPA processes. However, under NEPA, the Purpose and Need Statement, in its final form, places additional emphasis on the alternatives to be considered.

The City recognizes that the PNS includes two distinct projects as well as two distinct applicants. To summarize, one project is proposed by SSA Marine, which intends to "develop and successfully operate a multimodal marine terminal that includes upland facilities, loading trestle and a deep draft wharf for import and export of dry-bulk commodities to meet international and domestic demand." (See applicant's PNS.)

The other project is proposed by BNSF which intends to make improvements and modifications along the Cherry Point Subdivision Mainline (aka Custer Spur) to facilitate the increase in train traffic. In fact, the actual language describing the Custer Spur proposal states, "Improvements to the BNSF Cherry Point Subdivision Mainline (Custer Spur) are necessary to accommodate the number, length, and weight of trains, as well as to safely and efficiently provide rail services for the existing facilities in the Cherry Point Industrial Area and the proposed GPT facility. Current capacity is insufficient to efficiently and safely handle the potential volume and length of trains without impacting operations on the Cherry Point Subdivision Mainline or the Bellingham Sub-division Mainline." (See applicant's PNS. Italics and underling added for emphasis.)

The City cannot reconcile nor understand why the Custer Spur proposal is included in the PNS for the reasons stated above without also acknowledging and addressing other known infrastructure deficiencies on the Bellingham Subdivision mainline. Rail studies performed by the Washington State Department of Transportation and others, as far back as 2006, and as recently as 2011, have concluded that existing BNSF railroad infrastructure allows operation of existing freight and passenger services to operate at or near capacity. Studies also conclude that chokepoints already exist on the Bellingham Subdivision Mainline between Bow and the Custer Spur. These studies did not take into account the phased increase of up to 18 additional dry-bulk commodity trains per day on the Bellingham Subdivision at full build out of the GPT.

**The City requests that the PNS be revised to include future development of BNSF railroad infrastructure (beyond those BNSF proposed improvements along the Custer Spur) anywhere within Whatcom County in order to address the chokepoint and capacity deficiencies specified above.**

### 3. Indirect Effects Analysis

Indirect effects are those effects that “. . . are caused by the action and are later in time and farther removed in distance, but are still reasonably foreseeable” (40 C.F.R. 1508.8). These are different than "direct effects" which are caused by the action and occur at the same time and place. For example, there is a direct effect of building the upland terminal facilities on wetlands, i.e. wetland fill. Indirect effects are also different than "cumulative impacts," which are those impacts on the environment which result from the incremental impact of the action if added to other past, present and reasonably foreseeable future actions, regardless of who undertakes the actions. For example, there is an expected cumulative impact on rail capacity, air quality, etc. when added with the number of freight trains hauling coal to *other* dry-bulk commodity terminals proposed within Washington and Oregon States.

Many cities between the origin of the coal and GPT, especially those with larger populations, will be negatively impacted by the increase in freight trains over time as the GPT approaches full build-out. Full build-out is projected to occur in 2026, or, an estimated ten years after the GPT is built. Projected export of coal to Asia will begin at 25 million metric tons per year and increase up to approximately 48 million metric tons per year over that ten year period. The number of trains (delivering and then returning) will start at 10 per day and increase to up to 18. If the GPT is built, impacts on municipalities between the Powder River Basin and GPT continue and increase up to and beyond the 10-year full build out date.

These estimates and projections are specifically listed in Table 4.5 of the Revised Project Information Document from March 2012 as submitted by the applicant as part of its project application. These indirect effects ARE reasonable and foreseeable because the applicant states it directly in its application.

Municipalities vary in size and are in various stages of land use and transportation planning. It is unclear to many of the municipalities along the rail corridor exactly how adversely they will be affected by the increase in freight trains resulting from this specific proposal. Municipalities within the Puget Sound region have ports and important transportation hubs (such as the Washington State Ferries) that may be negatively impacted by the increase in freight trains well into the future.

The City of Bellingham's Planning Commission is about to commence review of the Waterfront District Sub-Area Plan. This project presents a rare opportunity for the City to reclaim and renew its downtown central waterfront that for decades was a pulp mill. However, the Waterfront District is separated from

the downtown core by the BNSF mainline and the City is concerned about the adverse impacts that may result from the GPT.

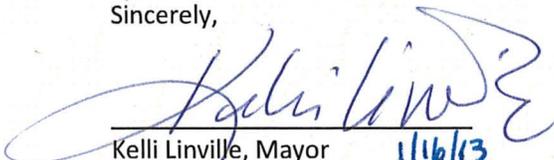
While it is true that coal leaving the Powder River Basin (as well as other mines) may go to a handful of different terminals in Oregon and Washington, those terminals all have limited capacities. The GPT is expected to be the largest of the proposed terminals. With the exception of the proposed Millennium Bulk Terminal, which is proposed to be slightly smaller than the GPT, the GPT terminal will export nearly twice the tonnage and require twice the number of freight trains - per year - as any of the other proposed terminals in Washington and Oregon.

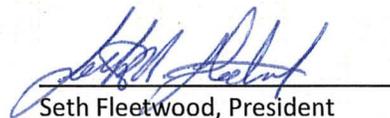
An Indirect Effects Analysis is appropriate in this case because the proposed GPT terminal located in the northwest corner of Whatcom County will have effects that are "later in time and farther removed in distance, but are still reasonably foreseeable."

**The City requests that an Indirect Effects Analysis (as defined in 40 C.F.R. Section 1508.8) be performed to determine the indirect effects resulting from the applicant's projected increase of up to 18 additional dry-bulk commodity freight trains (including coal) that originate from and return to the points of origin where the commodity is mined, extracted or harvested. Specifically, the study area should include incorporated municipalities that may be indirectly affected by the applicant's projected increase in freight trains hauling dry-bulk commodities (including coal) that travel or merge onto the BNSF mainline between the Centralia Junction (where the BNSF and Union Pacific lines merge) and the GPT. The analysis should include a 20-year time period beginning at the time the GPT is operational. The City makes this request pursuant to 40 Code of Federal Regulations; Section 1502.16; Environmental Consequences.**

The City of Bellingham appreciates the opportunity to provide this follow up scoping letter and we look forward to having these comments reflected in the Final Scoping Document and carried forward into the EIS process.

Sincerely,

  
Kelli Linville, Mayor  
City of Bellingham  
11/16/13

  
Seth Fleetwood, President  
Bellingham City Council

Attachments:

Resolution 2012-16  
December 12, 2012 Scoping Letter



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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)
  - 6<sup>th</sup> 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.

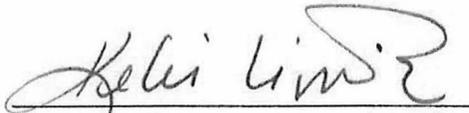
It is important to note that the City concurs with the October 22, 2012 letter from Buri, Funston and Mumford Attorneys at Law, which asserts that the GPT proposal is a "major development" as defined in Whatcom County Code (WCC) 20.88.010 and therefore is required to satisfy the "major development criteria,"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

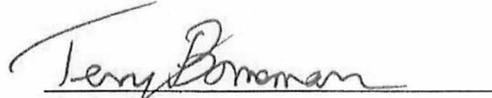
It is vital that any off-site infrastructure that is necessary for the project be considered as part of the project proposal itself, as required by WCC 20.88.130(6). If the Washington State Department of Ecology, the Army Corps of Engineers and Whatcom County (the "Co-Leads") does not require that the 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

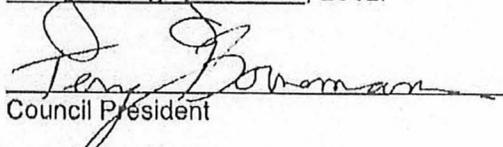
**WHEREAS**, the GPT and associated increased freight trains and potential siding may undermine the City's "Equity and Social Justice" Legacy by decreasing opportunities for living wage employment as economic investment may decrease due to the GPT project impacts to the environment and access to amenities.

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

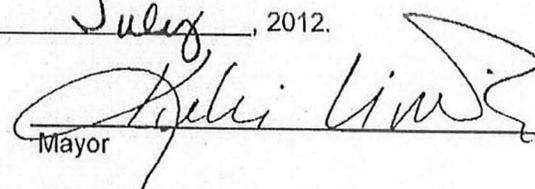
1. The City of Bellingham supports the Washington State Department of Ecology May 7, 2012 request that the U.S. Army Corps of Engineers conduct a Cumulative Impact Analysis under NEPA, of all currently proposed Coal export facilities and/or dry-bulk commodity terminals within Washington and Oregon.
2. 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 23<sup>rd</sup> day of July, 2012.

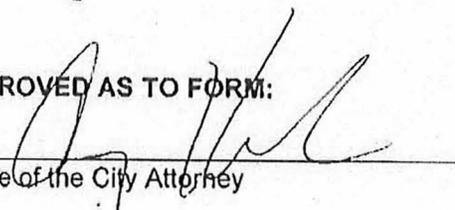
  
\_\_\_\_\_  
Council President

APPROVED by me this 27<sup>th</sup> 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

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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: