US Army Corps of Engineers
Seattle District

Special Public Notice

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (360) 734-3156
ATTN: Randel Perry

Public Notice Date: September 24, 2012
Expiration Date: January 21, 2013
NWS-2008-260, Pacific International Terminals, Inc.
NWS-2011-325, BNSF Railways

NOTICE OF INTENT TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED GATEWAY PACIFIC TERMINALS AND CUSTER SPUR EXPANSION PROJECTS

PURPOSE: The U. S. Army Corps of Engineers (Corps), Seattle District, Regulatory Branch received a Department of the Army (DA) permit application from Pacific International Terminals Inc. to construct a dry bulk goods shipping and receiving facility and an application from BNSF Railways for expansion of the Custer rail spur. Both projects are within waters of the U. S. and subject to jurisdiction of the Corps. The Corps determined the proposed projects are interrelated and may have significant individual and/or cumulative impacts on the human environment.

The Corps has entered into an agreement with Whatcom County Planning and Development Services and the Washington State Department of Ecology to prepare a joint Environmental Impact Statement (EIS) pursuant to the requirements of the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA). The Corps will serve as the lead agency for compliance with NEPA and Whatcom County Planning and Development Services and the Washington State Department of Ecology will serve as the lead agencies for compliance with SEPA.

The Corps invites participation in the EIS process by affected federal, state, and local agencies, Tribes, individuals, and other private interest organization and parties. Whatcom County will be issuing a SEPA Determination of Significance announcing scoping for the joint NEPA/SEPA EIS. The Corps published a Notice of Intent (NOI) to prepare a federal NEPA EIS in the Federal Register on September 21, 2012 (Fed. Reg. Vol #77). All comments received in response to the Corps' NOI, this Special Public Notice, and Whatcom County's Determination of Significance will be considered when determining the scope of the combined DEIS.

COMMENT RESPONSE DATE: Scoping comments and suggestions must be received no later than January 21, 2013. To be most helpful, comments should clearly describe specific environmental topics or issues which the commentator believes the document should address.
NOTE: All comments received will become part of the administrative record and are subject to public release, as appropriate, in their entirety, including any personally identifiable information such as names, phone numbers, and addresses, if included in the comment.

ADDRESSES: Send written comments to U. S. Army Corps of Engineers, Seattle District Regulatory Branch care of GPT/BNSF Custer Spur EIS Co-Lead Agencies, 1100 112th Avenue Northeast, Suite 400, Bellevue, Washington 98004. Comments may also be submitted via e-mail to comments@eisgatewaypacificwa.gov or submitted on the EIS project website at www.eisgatewaypacificwa.gov.

PUBLIC SCOPING MEETINGS: Public scoping meetings will be held at the following times and locations:

At Squalicum High School, 3773 East McLeod Road, Bellingham, Washington 98226-7728 on Saturday, October 27, 2012, from 11:00 a.m. to 3:00 p.m.

At Friday Harbor High School, 45 Blair Avenue, Friday Harbor, Washington 98250 on Saturday, November 3, 2012, from 12:00 p.m. to 3:00 p.m.

At McIntyre Hall, 2501 East College Way, Mount Vernon, Washington 98273 on Monday, November 5, 2012, from 4:00 p.m. to 7:00 p.m.

At North Seattle Community College, 9600 College Way North, Seattle, Washington 98103 on Tuesday, November 13, 2012, from 4:00 p.m. to 7:00 p.m.

At Ferndale Events Center, 5715 Barrett Road, Ferndale, Washington 98248 on Thursday, November 29, 2012, from 3:00 p.m. to 7:00 p.m.

At Spokane County Fairgrounds, 404 North Havana Street, Spokane Valley, Washington 99202 on Tuesday, December 4, 2012, from 4:00 p.m. to 7:00 p.m.

At Clark College, Gaiser Student Center, 1933 Fort Vancouver Way, Vancouver, Washington 98663 on Wednesday, December 12, 2012, from 4:00 p.m. to 7:00 p.m.

During the scoping period, a continuous "online scoping meeting" will be hosted on the EIS website at www.eisgatewaypacificwa.gov.

Any person requiring a special accommodation (e.g. sign language interpreter, wheelchair accommodations, etc.) for attending a public meeting must file a request with the Corps at the address in the preceding section or by calling (360) 398-5087. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341. Such requests shall need to be received by the Corps at least 72 hours before the meeting is scheduled to start.

SUPPLIMENTARY INFORMATION: *Project Description*. The project sites are located in Whatcom County, Washington, northwest of Ferndale and south of Birch Bay in an area called Cherry Point (Figure 1). The terminal would be developed on approximately 350 acres and would include a three-berth, deep-water wharf. The proposed wharf would be approximately 3,000 feet long and 105 feet wide, with

access to suitable depths provided by an approximately 1,100 foot long by 50 foot side trestle. Upland facilities will include open air and covered commodity storage, each serviced by an on-site rail loop. A system of conveyors would connect the commodity storage areas to the trestle and wharf. The upland facilities would also contain rail unloading facilities, roadways, service buildings, storm water treatment facilities and utility infrastructure. Development of these facilities will result in impacts to approximately 145 acres of wetlands and numerous drainage features (ditches). Mitigation for proposed unavoidable impacts to waters of the U. S. will be required to comply with the Corps 2008 mitigation rule (33 CFR 322.1). Commodities would be delivered to the Gateway Pacific Terminal (GPT) by rail via the existing BNSF Railway's Custer Spur line from the Bellingham subdivision main line. BNSF Railway is proposing to upgrade its existing Custer Spur line with additional tracks and sidings, which will impact approximately 17 acres of wetlands, and involve modifications to two creek crossings and several drainage features (ditches). Mitigation for proposed unavoidable impacts to waters of the U. S. will be required to comply with applicable Corps requirements (Figures 3 and 4).

Permit authority. The proposed GPT project would involve work or structures in or affecting the course, condition, location, or capacity of navigable waters of the U. S. In addition, both the GPT and Custer Spur projects will involve discharges of fill into water of the U. S. Therefore both projects require an issuance of a DA permit pursuant to both Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

Alternatives. The EIS will address an array of alternatives for providing facilities suitable for the shipping and receiving of dry bulk goods (grains, ore, coal, etc.) and for handling rail traffic to the new facility. Alternatives analyzed during the investigation may include, but are not limited to, no action, alternative sites, alternative methods for shipping and handling bulk goods, alternative facility designs, and alternatives for the railroad spur upgrades. Mitigation measures may include, but are not limited to, avoidance of sensitive areas and creation, reestablishment, and/or enhancement of special aquatic sites.

Potentially significant issues. Potentially significant issues to be analyzed in depth in the EIS include, but are not limited to, project specific and cumulative effects on navigation (e.g. vessel traffic and navigational safety); marine aquatic habitats, including State designated aquatic reserves; marine aquatic species, including Endangered Species Act listed species and Washington State species of concern; Tribal treaty rights; wetland and riparian habitat and wildlife; railroad and vehicle traffic; cultural, historic, and archeological resources; air and water quality; noise; recreation; land use; and aesthetics.

Cooperating agencies. The U. S. Environmental Protection Agency and the U. S. Coast Guard have agreed to serve as cooperating agencies in preparation of the DEIS.

Additional consultations. The Corps anticipates consultations will be required pursuant to the provisions of Section 7 of the Endangered Species Act, Essential Fisheries Habitat provisions of the Magnuson-Stevens Act, and Section 106 of the National Historic Preservation Act. The Corps will also conduct government to government consultations with all affected tribes.

Permitting process. The decision whether to issue a DA permit will be based on an evaluation of the potential impacts, including direct, indirect, and/or cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably can be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. For the discharge of fill into special aquatic sites (wetlands), evaluation of the impact of the activity on the public interest will include application of the 404(b)(1) guidelines promulgated by the Administrator of the Environmental Protection Agency (40 CFR Part 230). Development of the EIS will assist the Corps in determining whether to issue a DA permit, issue a DA permit with special conditions, or deny a DA permit.

ATTACHMENTS:
Figure 1 - Project Locations
Figure 2 - GPT Project Overview
Figures 3 and 4 - Custer Spur project Overview

US Army Corps of Engineers
Seattle District

Special Public Notice

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (360) 734-3156
ATTN: Randel Perry

Public Notice Date: September 24, 2012
Expiration Date: January 21, 2013
NWS-2008-260, Pacific International Terminals, Inc.
NWS-2011-325, BNSF Railways

NOTICE OF INTENT TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED GATEWAY PACIFIC TERMINALS AND CUSTER SPUR EXPANSION PROJECTS

PURPOSE: The U. S. Army Corps of Engineers (Corps), Seattle District, Regulatory Branch received a Department of the Army (DA) permit application from Pacific International Terminals Inc. to construct a dry bulk goods shipping and receiving facility and an application from BNSF Railways for expansion of the Custer rail spur. Both projects are within waters of the U. S. and subject to jurisdiction of the Corps. The Corps determined the proposed projects are interrelated and may have significant individual and/or cumulative impacts on the human environment.

The Corps has entered into an agreement with Whatcom County Planning and Development Services and the Washington State Department of Ecology to prepare a joint Environmental Impact Statement (EIS) pursuant to the requirements of the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA). The Corps will serve as the lead agency for compliance with NEPA and Whatcom County Planning and Development Services and the Washington State Department of Ecology will serve as the lead agencies for compliance with SEPA.

The Corps invites participation in the EIS process by affected federal, state, and local agencies, Tribes, individuals, and other private interest organization and parties. Whatcom County will be issuing a SEPA Determination of Significance announcing scoping for the joint NEPA/SEPA EIS. The Corps published a Notice of Intent (NOI) to prepare a federal NEPA EIS in the Federal Register on September 21, 2012 (Fed. Reg. Vol #77). All comments received in response to the Corps' NOI, this Special Public Notice, and Whatcom County's Determination of Significance will be considered when determining the scope of the combined DEIS.

COMMENT RESPONSE DATE: Scoping comments and suggestions must be received no later than January 21, 2013. To be most helpful, comments should clearly describe specific environmental topics or issues which the commentator believes the document should address.
NOTE: All comments received will become part of the administrative record and are subject to public release, as appropriate, in their entirety, including any personally identifiable information such as names, phone numbers, and addresses, if included in the comment.

ADDRESSES: Send written comments to U. S. Army Corps of Engineers, Seattle District Regulatory Branch care of GPT/BNSF Custer Spur EIS Co-Lead Agencies, 1100 112th Avenue Northeast, Suite 400, Bellevue, Washington 98004. Comments may also be submitted via e-mail to comments@eisgatewaypacificwa.gov or submitted on the EIS project website at www.eisgatewaypacific.gov.

PUBLIC SCOPING MEETINGS: Public scoping meetings will be held at the following times and locations:

At Squalicum High School, 3773 East McLeod Road, Bellingham, Washington 98226-7728 on Saturday, October 27, 2012, from 11:00 a.m. to 3:00 p.m.

At Friday Harbor High School, 45 Blair Avenue, Friday Harbor, Washington 98250 on Saturday, November 3, 2012, from 12:00 p.m. to 3:00 p.m.

At McIntyre Hall, 2501 East College Way, Mount Vernon, Washington 98273 on Monday, November 5, 2012, from 4:00 p.m. to 7:00 p.m.

At North Seattle Community College, 9600 College Way North, Seattle, Washington 98103 on Tuesday, November 13, 2012, from 4:00 p.m. to 7:00 p.m.

At Ferndale Events Center, 5715 Barrett Road, Ferndale, Washington 98248 on Thursday, November 29, 2012, from 3:00 p.m. to 7:00 p.m.

At Spokane County Fairgrounds, 404 North Havana Street, Spokane Valley, Washington 99202 on Tuesday, December 4, 2012, from 4:00 p.m. to 7:00 p.m.

At Clark College, Gaiser Student Center, 1933 Fort Vancouver Way, Vancouver, Washington 98663 on Wednesday, December 12, 2012, from 4:00 p.m. to 7:00 p.m.

During the scoping period, a continuous "online scoping meeting" will be hosted on the EIS website at www.eisgatewaypacific.gov.

Any person requiring a special accommodation (e.g. sign language interpreter, wheelchair accommodations, etc.) for attending a public meeting must file a request with the Corps at the address in the preceding section or by calling (360) 398-5087. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341. Such requests shall need to be received by the Corps at least 72 hours before the meeting is scheduled to start.

SUPPLIMENTARY INFORMATION: *Project Description*. The project sites are located in Whatcom County, Washington, northwest of Ferndale and south of Birch Bay in an area called Cherry Point (Figure 1). The terminal would be developed on approximately 350 acres and would include a three-berth, deep-water wharf. The proposed wharf would be approximately 3,000 feet long and 105 feet wide, with

access to suitable depths provided by an approximately 1,100 foot long by 50 foot side trestle. Upland facilities will include open air and covered commodity storage, each serviced by an on-site rail loop. A system of conveyors would connect the commodity storage areas to the trestle and wharf. The upland facilities would also contain rail unloading facilities, roadways, service buildings, storm water treatment facilities and utility infrastructure. Development of these facilities will result in impacts to approximately 145 acres of wetlands and numerous drainage features (ditches). Mitigation for proposed unavoidable impacts to waters of the U. S. will be required to comply with the Corps 2008 mitigation rule (33 CFR 322.1). Commodities would be delivered to the Gateway Pacific Terminal (GPT) by rail via the existing BNSF Railway's Custer Spur line from the Bellingham subdivision main line. BNSF Railway is proposing to upgrade its existing Custer Spur line with additional tracks and sidings, which will impact approximately 17 acres of wetlands, and involve modifications to two creek crossings and several drainage features (ditches). Mitigation for proposed unavoidable impacts to waters of the U. S. will be required to comply with applicable Corps requirements (Figures 3 and 4).

Permit authority. The proposed GPT project would involve work or structures in or affecting the course, condition, location, or capacity of navigable waters of the U. S. In addition, both the GPT and Custer Spur projects will involve discharges of fill into water of the U. S. Therefore both projects require an issuance of a DA permit pursuant to both Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

Alternatives. The EIS will address an array of alternatives for providing facilities suitable for the shipping and receiving of dry bulk goods (grains, ore, coal, etc.) and for handling rail traffic to the new facility. Alternatives analyzed during the investigation may include, but are not limited to, no action, alternative sites, alternative methods for shipping and handling bulk goods, alternative facility designs, and alternatives for the railroad spur upgrades. Mitigation measures may include, but are not limited to, avoidance of sensitive areas and creation, reestablishment, and/or enhancement of special aquatic sites.

Potentially significant issues. Potentially significant issues to be analyzed in depth in the EIS include, but are not limited to, project specific and cumulative effects on navigation (e.g. vessel traffic and navigational safety); marine aquatic habitats, including State designated aquatic reserves; marine aquatic species, including Endangered Species Act listed species and Washington State species of concern; Tribal treaty rights; wetland and riparian habitat and wildlife; railroad and vehicle traffic; cultural, historic, and archeological resources; air and water quality; noise; recreation; land use; and aesthetics.

Cooperating agencies. The U. S. Environmental Protection Agency and the U. S. Coast Guard have agreed to serve as cooperating agencies in preparation of the DEIS.

Additional consultations. The Corps anticipates consultations will be required pursuant to the provisions of Section 7 of the Endangered Species Act, Essential Fisheries Habitat provisions of the Magnuson-Stevens Act, and Section 106 of the National Historic Preservation Act. The Corps will also conduct government to government consultations with all affected tribes.

Permitting process. The decision whether to issue a DA permit will be based on an evaluation of the potential impacts, including direct, indirect, and/or cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably can be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. For the discharge of fill into special aquatic sites (wetlands), evaluation of the impact of the activity on the public interest will include application of the 404(b)(1) guidelines promulgated by the Administrator of the Environmental Protection Agency (40 CFR Part 230). Development of the EIS will assist the Corps in determining whether to issue a DA permit, issue a DA permit with special conditions, or deny a DA permit.

ATTACHMENTS:
Figure 1 - Project Locations
Figure 2 - GPT Project Overview
Figures 3 and 4 - Custer Spur project Overview

Figure 1 – Project locations

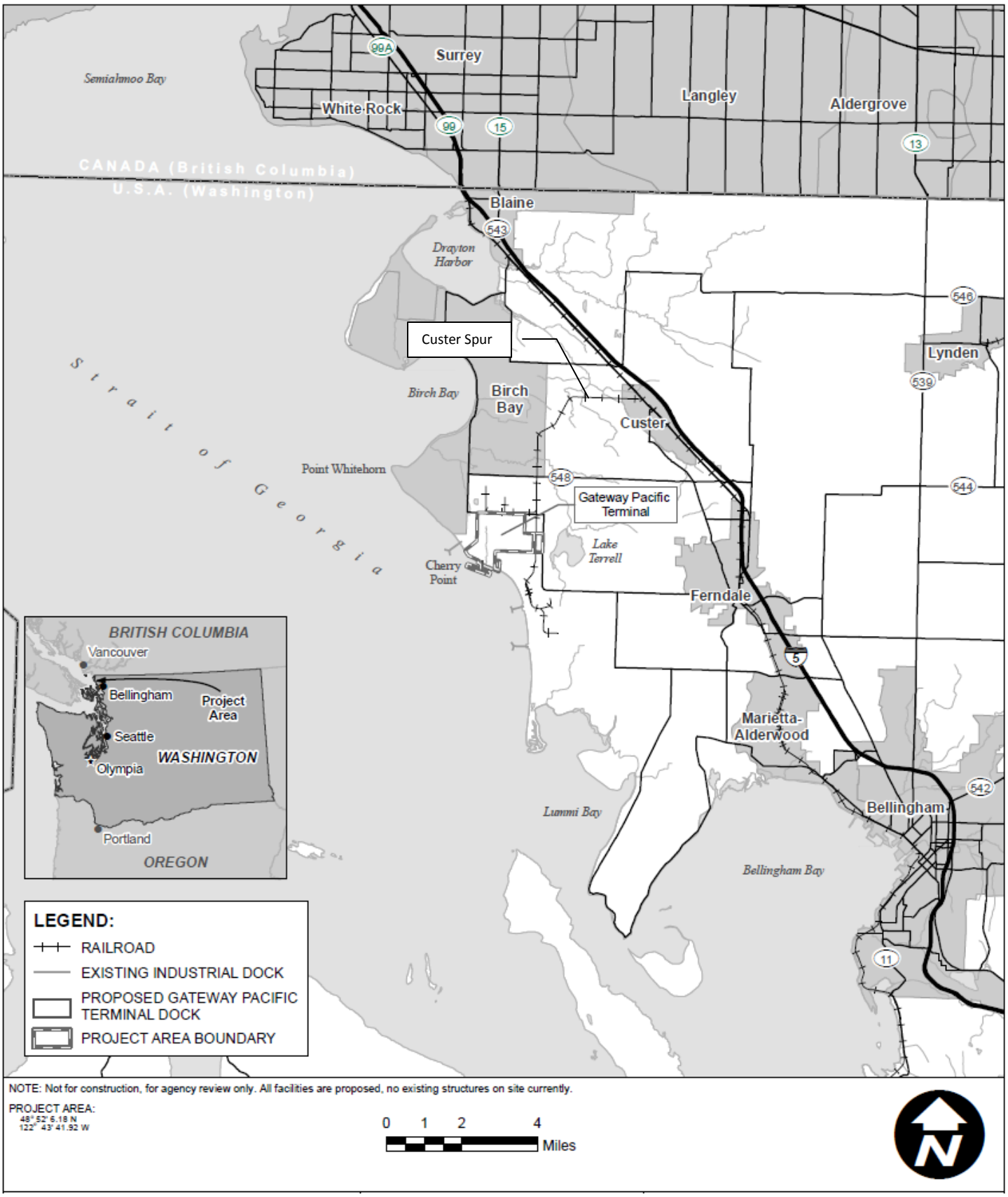

Figure 2 – Proposed Gateway Pacific Terminals Project

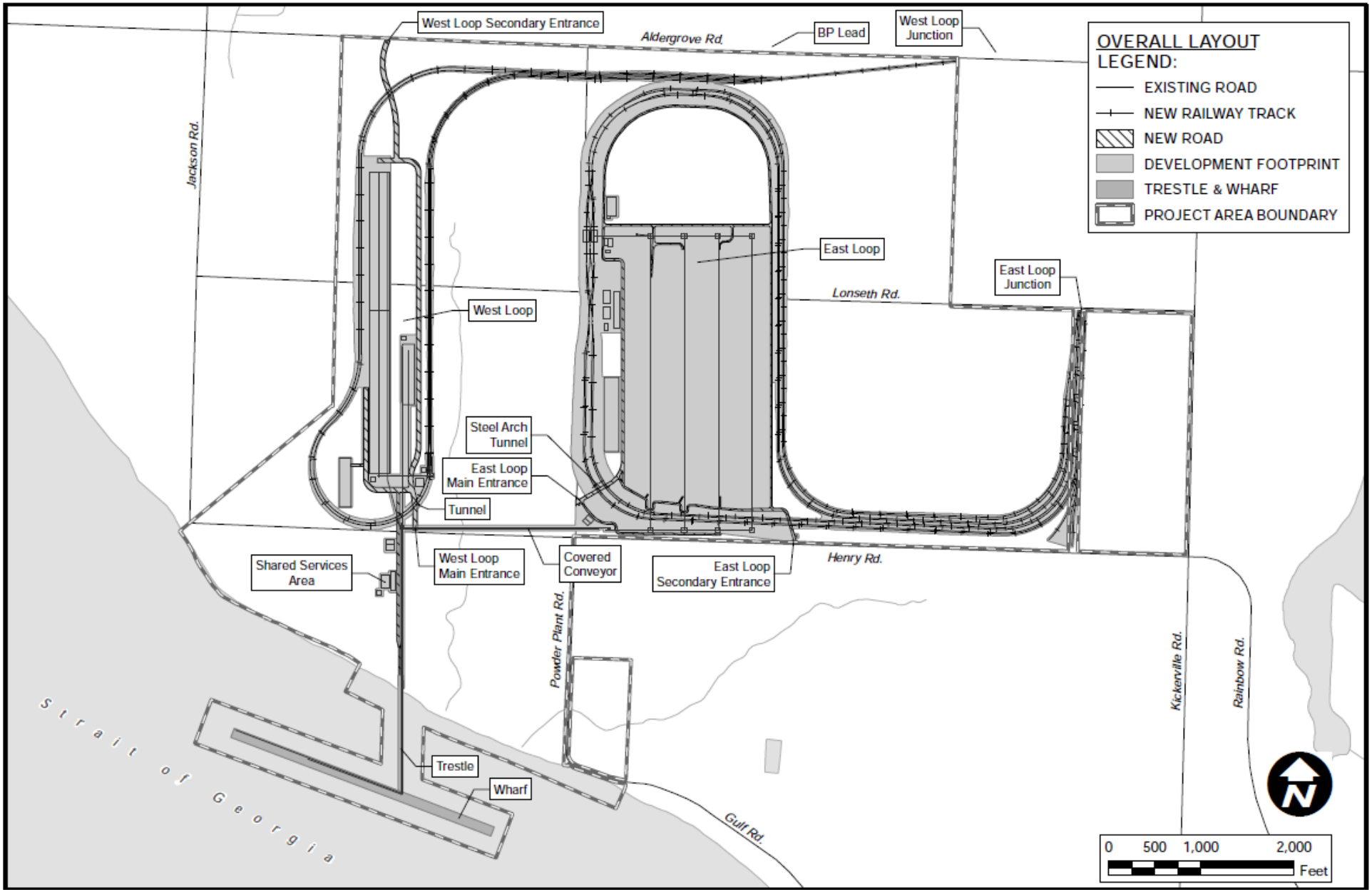

FIGURE 1 - CUSTER SPUR IMPROVEMENT PROJECT (1 OF 2 SHEETS)

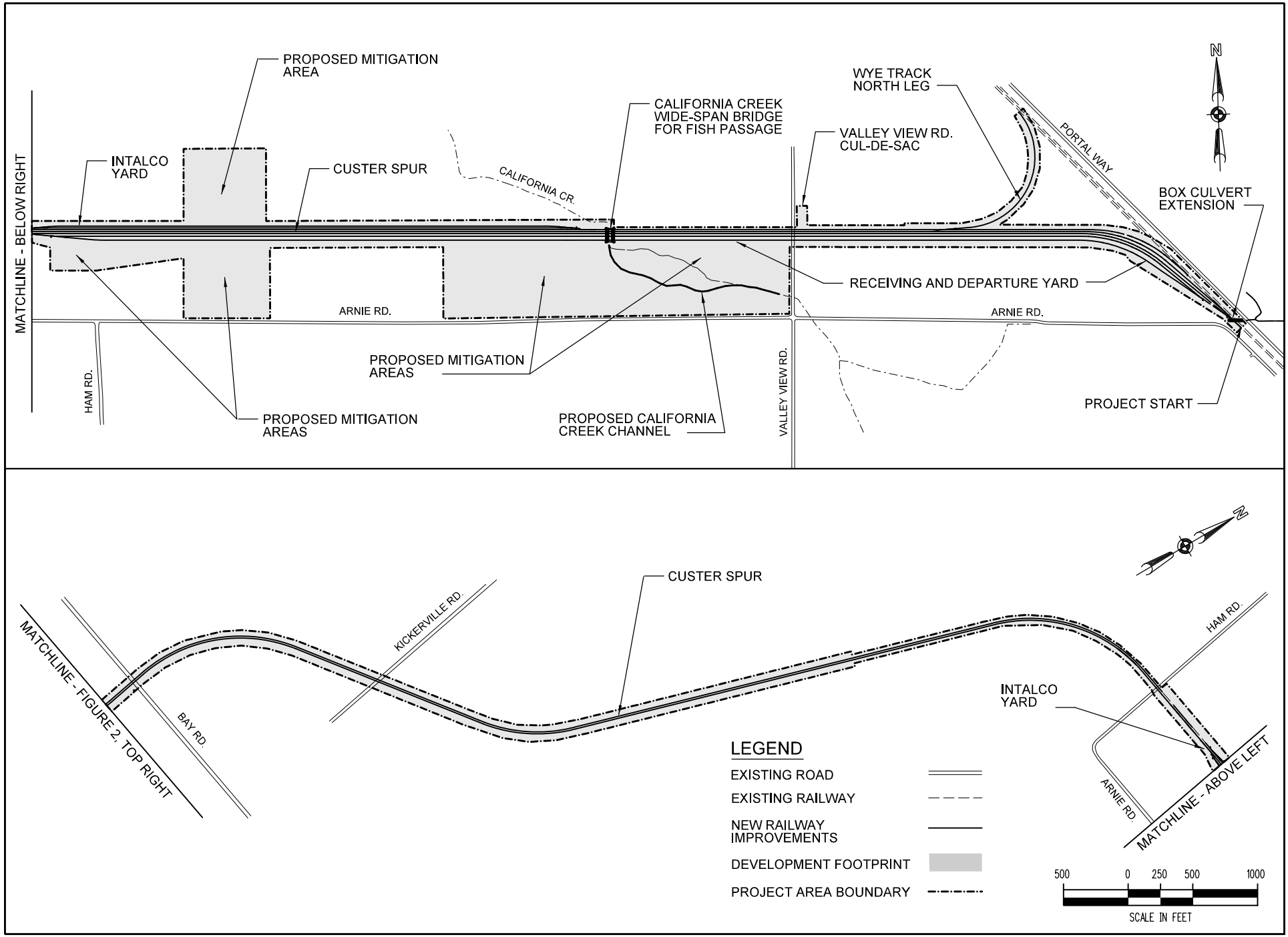
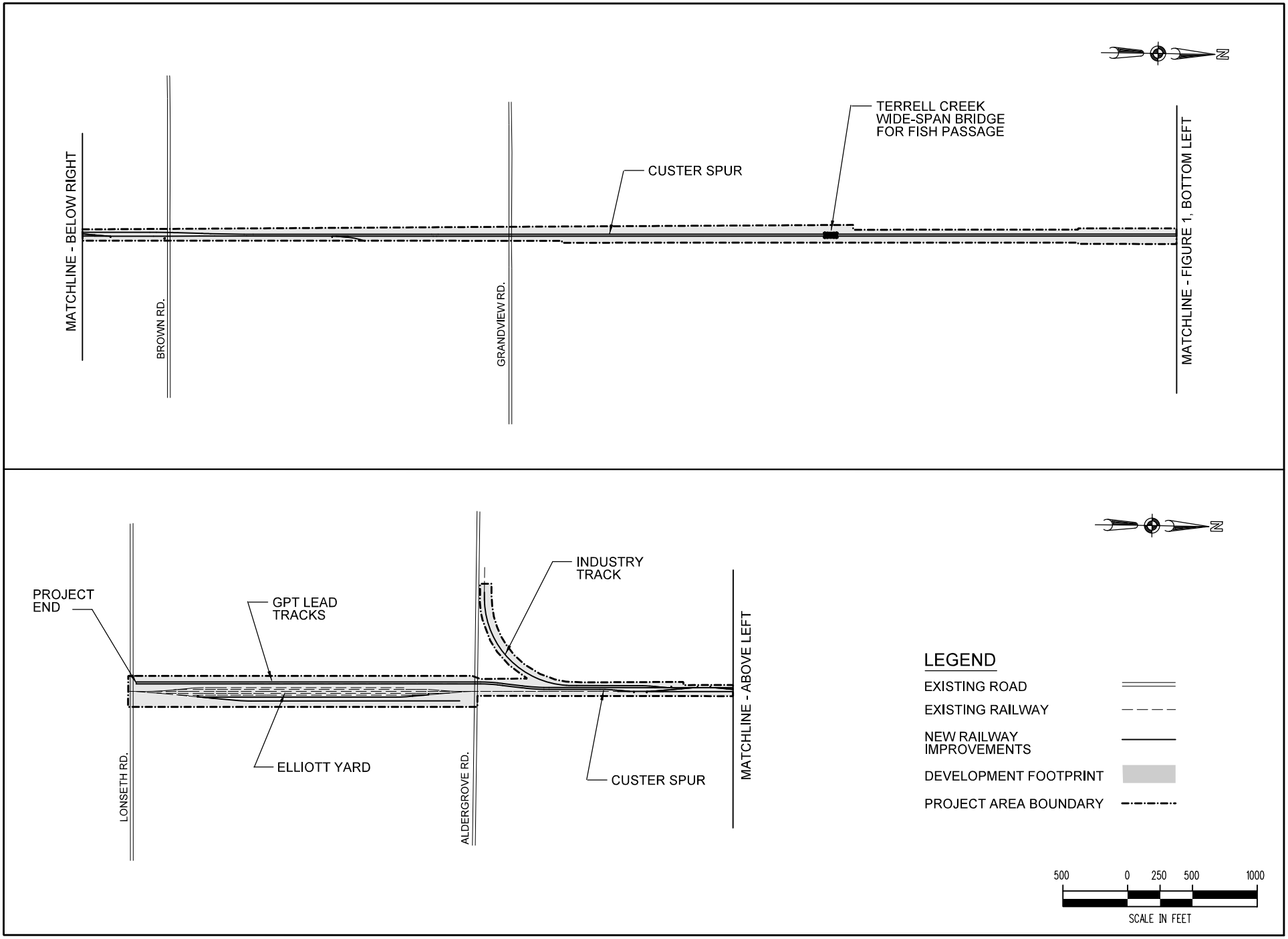
FIGURE 2 - CUSTER SPUR IMPROVEMENT PROJECT (2 OF 2 SHEETS)