



Community Development Department

P.O. Box 936, 2095 Main Street, Ferndale, WA 98248 - (360) 384-4006

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DEC 04 2012
Whatcom County P&DS

December 3, 2012

Tyler Schroeder
5280 Northwest Drive
Bellingham, WA

Re: Gateway Pacific Terminal Scoping: City of Ferndale

Dear Mr. Schroeder,

Thank you for providing the City of Ferndale with the opportunity to provide scoping comments on the proposed Gateway Pacific Terminal at Cherry Point.

Job growth in the Cherry Point area has long had a very visible impact on the City of Ferndale, resulting in substantial growth within the City that is closely associated with growth at Cherry Point. Many of the individuals who now work or have previously worked at Cherry Point call Ferndale home, and the City's infrastructure and services have been used to support these working families, as well as services to and from the industrial facilities. Historically, the impacts of industrial development (both positive and negative) have been felt most directly in Ferndale, and we anticipate that the Gateway Pacific Terminal would be no different.

The City of Ferndale also understands and respects the fact that expansions to the Custer Spur are also proposed, and that the Burlington Northern Santa Fe railroad, which owns the spur, will also be subject to the reviews contained within this EIS. While we respect that the impacts of these two projects (and other projects) may be somewhat different, there will be cumulative impacts on the immediate and surrounding area (including Ferndale), and these impacts must be mitigated by the entities that create them.

To that end, the City expects that any environmental review through the EIS process will incorporate the following, and will recognize that the local impacts (in and around Ferndale)

will likely be more pronounced and concentrated than impacts a greater distance from the facility.

Transportation: The City expects the EIS to analyze the impacts of rail traffic created by the Gateway Pacific Terminal on the City's surface streets. There are currently five at-grade rail crossings within the City – Slater Road, Hovander Road, Second Avenue, Brown Road and Grandview Road – all of which should be analyzed based on delays created by increased rail traffic throughout the day and specifically during the 4-6pm peak hour (including any delays experienced prior to or following the peak hour which may result in impacts during peak commute periods). The City has adopted a Level of Service (LOS) C during the weekday peak hour, and the City will require that this LOS be preserved. Please note that within the context of the City's scoping comments, the City assumes "increased rail traffic" to include not only an increase in the actual number of trains, but any increase or change in the size (length) of the trainsets themselves, and the speed through which they will travel through the City of Ferndale.

The EIS should analyze not only the immediate time period(s) in which trains will traverse the City's streets, but the period of time necessary for street traffic to return to normal following the passage of a train. Should the City's traffic not have sufficient time to return to normal before the passing of an additional train, mitigation measures should be identified to restore traffic to normal levels, in addition to any mitigation measures identified during the specific 4-6pm peak hour referenced above.

The EIS should utilize the City of Ferndale Comprehensive Plan (Transportation Element) and determine to what extent rail traffic would impact the City's adopted Level of Service. Mitigation measures identified should also conform or relate to the long-term transportation improvements identified by the City of Ferndale. In particular, the funding of the proposed Thornton Street grade separation by the proponents should be considered as a potential mitigation measure.

The City of Ferndale is separated by both the railway and the Nooksack River, and the majority of Ferndale residents live west of both. The EIS must analyze the impacts of rail traffic in times of emergency, in order to ensure that emergency vehicles are not delayed by additional train traffic, in terms of both responding to emergency calls and transporting injured persons.

The EIS should determine if and to what extent additional rail traffic will impact school students within walking distance (one mile) of public schools, and identify mitigation measures necessary to preserve safety.

During construction of the facility, it is likely that construction traffic will utilize City streets to transport materials in and out of the site. The EIS should address construction-related traffic, including the impacts that the transportation of large/heavy equipment and materials may

have on the City's streets. Potential mitigation measures may include but are not limited to the identification of "haul routes," the payment of restoration fees, other methods, or a combination of several methods.

While coal shipments have been identified as the initial major product that will be shipped from the terminal, the applicant has indicated that other products may be shipped to or from the terminal in the future. It is possible that not all of these goods and materials will be shipped via rail. The City recognizes the potential for non-rail shipment of other materials in the future, and requests that the EIS clarify in its scope those products that will be analyzed. Should products that do not require rail shipment be included in the scope, the type of delivery (and the impacts/ mitigation of that delivery system, as it relates to traffic) should also be analyzed. The City further requests that the EIS and succeeding documents clearly state which products/ which types of products (and their volume) have been analyzed, in order to provide the applicant and affected parties the ability to anticipate the need for additional environmental review, should the project (or its impacts) be altered in the future.

In addition to any other mitigation measures, the City suggests that steps be taken to encourage or require BNSF to provide anticipated train schedules for all train traffic at all rail crossings within the City of Ferndale, in order for commuters to anticipate and avoid train traffic. In addition, BNSF may consider the development of a mobile "app" that could provide subscribers with train schedules and potential delays.

Railway Construction: The BNSF railway has indicated that improvements/ expansion to the railway may be necessary to serve this project or other projects. Such improvements may include but are not limited to the conceptual "Custer to Ferndale Double Track Project." The EIS and other reviews should clarify whether such related projects are within the scope of review of this study, or if they will be studied/ approved separately. By all indications, these projects are considered separate – but it is important to make that distinction clear at this early stage – and to identify the permitting process (and lead agency status) of jurisdiction(s) affected by the proposed improvements. BNSF has indicated that double track projects could be constructed within the City of Bellingham or within the City of Ferndale, and appear to have suggested that if a double track project were not constructed in Bellingham, the Custer to Ferndale project would become necessary – and vice versa. BNSF must identify which of these proposals (or others) is the preferred alternative.

Similarly, the City is concerned that applicants will argue that increases to overall rail capacity are not related to a specific project, and that mitigation measures associated with the offsite impacts of additional rail traffic should be identified only when those future projects are proposed. While this may be appropriate, the EIS should clearly state this expectation in order to ensure that future applicants do not suggest that mitigation measures should have been identified at the time railway capacity was expanded. Alternatively, the current EIS could simply include mitigation measures based on the maximum projected rail traffic anticipated by the capacity expansions.

Land Use: While the Gateway Pacific Terminal itself will be located outside of the City's jurisdiction, the EIS should review the City's Comprehensive Plan (specifically the Land Use and Transportation Elements) in order to determine whether the impacts of the terminal (or mitigation measures/ projects associated with the terminal) will limit or otherwise impact the City's plans for future growth, both within the City and inside its Urban Growth Area.

Environment: The environmental impact of increased rail traffic, the transportation and storage of coal (or other materials that may be shipped to or from the terminal), the impact on aquatic species and the sensitive area in and around Cherry Point must be analyzed in the EIS. While it is likely that the EIS will analyze these impacts, it should also address the degree to which Ferndale, as a central hub of activity, would experience greater (or unique) impacts than communities elsewhere. For example, a spokesperson from the BNSF Railway has stated "we can't necessarily tell you that any facility up in Ferndale would cause an increase in traffic in Seattle."

This reflects the City's concerns that the impacts of a facility in close proximity Ferndale will be experienced most directly...in Ferndale. The potentially lesser impacts on a greater number of people (in larger population areas) should not trump the analysis of potentially greater impacts on a smaller number of people (in Ferndale and its environs).

Noise and Vibration: The noise and vibration of increased rail traffic should be analyzed. The Federal Railroad Administration requires that locomotive horns be sounded at all public grade crossings, and pre-empts local requirements from restricting such controls. However, federal law does provide for mitigation measures. The effect and time of day of increased rail noise (horns) should be analyzed within the City limits and Urban Growth Area of Ferndale, particularly within residential areas.

Safety: Each grade crossing of the BNSF railway should be analyzed within the City of Ferndale and UGA to ensure compliance with Americans with Disability Act (ADA) requirements and crossing arm/ light visibility (particularly when the railroad crossing is at an intersection or street corner). Mitigation measures/ improvements should also be identified, where needed – and the cost of any such mitigation measures must be borne by the proponents.

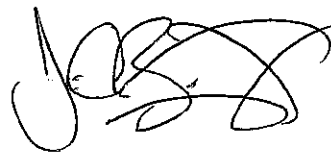
In addition to ongoing safety concerns associated with the day-to-day operations of the proposed terminal, there are additional safety issues associated with construction activities at the site. Many of these issues will likely be limited to onsite worker safety, environmental best management practices, and more. However, the proponents' application materials suggest that a significant number of temporary construction jobs will be created by the facility, and it is likely that many of these jobs will be filled by individuals who do not reside in Whatcom County but who find temporary housing in adjacent communities. The EIS should study the extent to which temporary workers who are away from their homes and

families may or may not increase demands on local law enforcement, particularly in the cities of Ferndale and Blaine and the Whatcom County Sherriff's office. If there is a likely short-term impact, the EIS should identify mitigation measures appropriate to offset those impacts.

Process: While the process through which the Gateway Pacific Terminal will be analyzed has been established through the existing regulations of the various permitting and review agencies and is not directly tied to this scoping process, the City must also comment on the degree to which those agencies may be encumbered by the significant reviews that must be part of this project. The Gateway Pacific Terminal review is one of many (both public and private) that the various agencies – Whatcom County, Department of Ecology, Army Corps of Engineers will be required to review and comment on over the coming months and years. The City of Ferndale believes that the Gateway Pacific Terminal reviews should not otherwise delay or prevent adequate review of other projects, and each agency should clarify any delays that may occur and identify appropriate mitigation measures to prevent such delays. The City is very concerned that affected agencies may seek to transfer resources and staff time from other reviews to this review. While Ferndale does in no way question the importance (and potential impacts) of this proposed project, it also recognizes the fact that each project is of particular value to each applicant.

The City looks forward to working with Whatcom County and its consultants, and City staff will be available throughout this process to provide additional clarification as to the City's expectations and comprehensive plan requirements. The City recommends that the County and its consultants schedule at least one meeting with the City in order to review issues specific to Ferndale soon after the scoping comments are reviewed, with at least one additional meeting prior to the release of the Draft Environmental Impact Statement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jori Burnett', with a stylized flourish at the end.

Jori Burnett
SEPA Official, City of Ferndale

CC: Mayor Gary Jensen