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January 22, 2013

GPT/BNSF Custer Spur EIA Co-Lead Agencies
c/o CH2MHill
1100 112th Avenue Northeast, Suite 400
Bellevue, WA 98004

RE: Scoping Comment on need for review of potential rail expansion on South Fork River Valley Farmland in Whatcom County

Dear Co-Lead Agencies' Representatives Ms. Kelly (DOE), Mr. Perry (USACE), and Mr. Schroeder (Whatcom County):

Some groups have recommended informally that the impacts of coal trains on Bellingham be mitigated by rerouting those trains through the South Fork Valley in Whatcom County, WA. This alternative route is referred to as the Farmland Route because it cuts through some of the most productive farm valleys and agricultural communities of Whatcom County. It is also referred to in public planning documents as the East/West Rail proposal. A rail expansion project would connect the existing route to Cherry Point as shown in the [Whatcom County Comprehensive Plan's rail line map](#), showing an east/west rail proposal from Lynden to Custer.

Pacific International Terminals (PIT) proposes three key facilities as necessary for the daily operations of the terminal: a deep-draft wharf with an access trestle, dry bulk materials-handling and storage facilities, and rail transportation access.

In the proposed layout for Gateway Pacific Terminal (GPT), a disproportionate amount of space is dedicated to the east and west rail loops, which provide rail transportation access. The proposed layout makes clear just how much GPT's daily operational plan has to do with trains: staging, unloading, and inspecting. The east and west rail loops, as proposed, have capacity to stage up to eight trains at a time for terminal operations, approximately the same number of trains expected to travel daily to and from GPT. Each of these trains will be 1.5 miles long.

If permitted, these east and west rail loops would connect with the Custer Spur, requiring new infrastructure to accommodate the number, length, and weight of trains necessary for the daily operations of the terminal. The Custer Spur Improvement Project, as it is called by Burlington Northern Santa Fe Railway Co. (BNSF), is considered to be an "interdependent railway project" to the terminal; therefore, it is included in the project information document. According to PIT no additional "interdependent projects have been identified on the BNSF Railway's mainline—Bellingham Subdivision, or any other portion of BNSF Railway's infrastructure." (Project Information Document, pp. 4-31 - 4-32). However, for rail services to operate, track capacity has to be allocated; therefore, all GPT services operated by rail are interdependent to the extent that they share infrastructure.

Studies completed by the Washington State Department of Transportation document that the rail line running along the I-5 corridor is near or at practical capacity. One of the most restrictive choke points is the section of track running next to Samish Bay below Chuckanut Drive. No room is available to double track or otherwise modify that section of track to accommodate the number, length, and weight of trains necessary for the daily operations of the terminal. The expected coal trains per day to and from Cherry Point would double the amount of train traffic between Samish Bay and Cherry Point, for which there is no additional capacity. Therefore, the question of interdependence must remain at the forefront of consideration of both significant adverse impacts and scoping comments on rail.

The project information document (PID) visualizes why the Custer Spur requires new infrastructure to accommodate the expected tonnage of coal being staged on the east and west loops, as well as to manage the required maintenance demands resulting from increased numbers of trains while maintaining current service levels. However, what has not been appropriately addressed and must be is the infrastructure needs on the main line running parallel to I-5 that the east and west rail loops and Custer Spur feed into. That includes the east/west rail proposal in the Whatcom County Comprehensive Plan connecting the eastern Whatcom County foothills rail line to the Custer Spur, and all rail lines that would require new infrastructure to move coal between the Powder River Basin and the east and west rail loops at GPT. If these are interdependent rail projects, their significant adverse impacts must be identified and studied.

The question of interdependence is stated in the GPT project information document. The PID notes that while the proposal for an east/west rail freight corridor connecting an existing north/south rail line in Eastern Whatcom County to the Custer Spur “appears to be pertinent to the (GPT) project...an east/west rail freight corridor is not being proposed.”

In 2011 elected officials and community groups in Bellingham, WA recommended that the impacts of proposed coal trains traveling to and from GPT through Bellingham, WA be mitigated by rerouting those trains onto the Eastern Whatcom County Foothills rail line. This rerouting would require trains to cross the Sumas border or require the construction of a new rail link west from Lynden to the main line connecting to the Custer Spur (Map #15, Whatcom County Comprehensive Plan). BNSF has already rehabilitated the eastern county line to a state-of-the-art rail through Whatcom County farmlands that parallels much of the Nooksack River.

The rail transportation component is tied directly to the existence or construction of GPT. The design of the port itself allows for inferences as to how much can be stored, shipped, and sold. As noted by local community members, when actual possibilities are acknowledged, then the downstream nodes for environmental assessment become evident.

In 2011, the Ninth Circuit Court of Appeals, in Northern Plains Resource Council v. Tongue River RR, heard arguments of the Surface Transportation Board’s (STB) denial of a request to stop construction of a 130-mile rail project in Montana intended to interconnect to the existing BNSF system at both the north and south ends. The Tongue River Railroad project was to facilitate the transport of coal from Montana to Asian markets. Rather than having the impact of the entire project evaluated as a whole by a single environmental impact statement

(EIS), BNSF segmented the project into three separate proceedings before the STB over the past 24 years, which was the basis of the litigation on review by the Ninth Circuit.

The string of environmental impact statements dating back two decades did not consider the railroad as a whole and did not consider the cumulative impacts or economic justification to support the construction of the new rail line to service the Otter Creek coal mine. The Ninth Circuit ruled BNSF could not industrialize an entire agricultural valley for a right-of-way to send coal to Asian markets without taking a careful look at the environmental impacts that would result from the construction of the rail route and its interdependence with the Otter River Mine.

Ted Sturdevant, Director of the Washington Department of Ecology (DOE) announced a similar EIS scoping “gap” regarding GPT’s application. On November 21, 2011, he stated that while DOE does “not consider the statewide rail traffic to be part of the ‘proposal’ itself,” the “full scope of any rail impacts analysis, including geographic scope, will be determined through the public scoping process.” This refusal to link the “full scope of any rail impacts” to the daily operations of the terminal is setting up communities along all rail lines to challenge the adequacy of scoping rail impacts which would not occur but for the construction of GPT.

Take for example the eastern Whatcom County foothills rail line. If it were to be used to get full trains to or empty trains from GPT, it would likely require both rail infrastructure improvements and the construction of a new rail line, likely including eminent domain seizures through Whatcom County’s most productive farmlands. Moreover, it would have transformative adverse impacts on the communities, farms, ecosystems, and residents throughout the corridor. The Western Whatcom County rail line is just one illustration of the many communities that would face significant adverse impacts related to rail transportation access if GPT were to be permitted.

If a mitigation measure is considered that includes reroutes coal train traffic on an “East/West route” through Whatcom County, the environmental impact statement for the proposed Gateway Pacific terminal should analyze any potential significant adverse impacts to valuable sustainable agriculture in the South Fork River Valley of Whatcom county, including but not limited to:

- Feasibility of using the inland route with or without upgrades or new construction and, if upgrades or new construction were required, what would those be? Also, what would be the environmental and economic impacts of these infrastructure changes on farms, businesses, public funds, and residents? And who would pay for them?
- Public convenience and necessity: This proposed railroad is not for the “public convenience and necessity” which is what is required in order for a body to get the power of eminent domain and condemnation authority. This railroad would serve only one coal company giant, Peabody Coal, which intends to sell the coal to China and other Asian countries.
- Property values: The project would devalue property and infringes on property rights. This railroad will cause fires, spread weeds, devalue property, especially valuable agricultural land, and will make organic farming more difficult and expensive, will split agricultural lands in half and separate fields from the river and will shift the liability of

- train crossings to the landowner.
- Wildlife: The South Fork River valley is an organic and sustainable agricultural region. Industrializing this valley with a railroad and the proposed volumes of coal transport will seriously degrade this excellent agricultural resource.
 - Noise: The loud trains will ruin the quiet enjoyment of life in the South Fork agricultural region.
 - Infrastructure and traffic: Taxes will go up for residents communities along the rail lines as the coal heads to GPT for shipment. This railroad will increase coal train traffic substantially causing traffic delays, noise, and diesel pollution (referred to in other scoping comments). The only way to live with this increased traffic will require expensive track improvements and safety crossings that are paid for primarily by local taxpayers.

Thank you for considering this request.

Donna Riordan