



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 14, 2011

Tom Ehrlichman and Barbara Dykes
Salish Land Policy Solutions
909 Harris Avenue Suite 202(a)
Bellingham, WA 98225

RE: Gateway Pacific Terminal Pre-Scoping Considerations

Dear Mr. Ehrlichman and Ms. Dykes:

Thank you for your letter of October 20, 2011, to Director Sturdevant. You raise issues that are timely and pertinent to the review of the Gateway Pacific Terminal proposal.

Many of the issues you are concerned about are issues that should be and we expect will be brought up during the scoping process as defined by State Environmental Policy Act (SEPA). These include current and projected rail traffic with and without the project; location of anchorage and bunkering of cargo ships; impacts to federally- and state-listed endangered and threatened species; stormwater runoff from rail corridors as well as the site; and more. Scoping is the portal for receiving information from all interested parties and agencies, and it was designed expressly for that purpose. I urge you to bring forth information and provide input during the scoping process. There will be public meetings and ample opportunity to submit written comments. The co-lead agencies and the consultant team will review all comments and will consider those comments in determining what impacts need to be considered in the Environmental Impact Statement (EIS).

Your letter also suggests a need for a certain level of baseline information in order to allow the environmental review process to move forward. We agree that full and complete information is an important component of the review process. However, there is no requirement for a certain level of baseline information before the SEPA process begins; rather, the third party consultant's job will be to work with the co-lead agencies to compile the information needed for a full environmental review.

Your letter also expresses concern that the permit applicant may not be providing full and accurate information to the Multi-Agency Permitting (MAP) Team and that this could impact the integrity of the environmental review process. Please be aware that the co-lead agencies do not intend to conduct environmental review based solely on information provided by the applicant. Rather, the third party consultant will gather information from all relevant sources and will critically review all information prior to incorporating it into an environmental analysis. We are confident that the end result will be a thorough and objective EIS.



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If the process so far seems slow, it is because we share your concern about the integrity of the consultant selection process. The three co-lead agencies are taking great care in developing the bidding documents to ensure that we have a fair process and we get a well-qualified consultant pool. As part of the process, we will require the consultants to verify that they have no conflicts of interest.

Your letter also mentions the biological assessment process. Please be aware that the process for reviewing a project for impacts to federally-listed threatened and endangered species under the Endangered Species Act falls to the US Army Corps of Engineers, and the Washington State Department of Ecology (Ecology) has no involvement in the timing of submittal of the Biological Assessment.

As for the status of review of the project: Earlier this year, as part of the MAP team process, Ecology staff reviewed the Joint Aquatic Resource Permit Application (JARPA) and the Project Information Document (PID) submitted by SSA Marine. Ecology staff responded with 14 pages of comments, questions, and requests for more information. SSA Marine has not responded or submitted any follow-up documents to the JARPA or PID, so there has been no further review. However, we did respond to and reviewed documents as needed when we learned of the land clearing that took place in July prior to permits being issued.

Last, I am sorry that you feel the process has not been completely transparent to date. We have endeavored to provide up-to-date information to the public through our website, and Whatcom County has done the same through its website. In addition, any member of the public can register to access documents related to the MAP team. We will continue these efforts to provide information and updates to the public as they become available. As mentioned above, there will be a robust public process when we begin scoping for the EIS, which is expected to take place in early 2012.

We hope this explanation of process is helpful to you, and we encourage you to continue to take advantage of opportunities to weigh in on this major project.

If you have any further questions, please feel free to contact Alice Kelly, Regional Planner of our Northwest Regional Office, at alice.kelly@ecy.wa.gov / (425) 649-7128. Thank you.

Sincerely,



Jeannie Summerhays
Regional Director

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cc: Alice Kelly, Regional Planner, Ecology