

From: Wenger, Barry (ECY)
Sent: Tuesday, October 04, 2011 2:44 PM
To: Tom Ehrlichman
Cc: (mattk@re-sources.org); Wendy Steffensen; Wendy Harris; Tyler Schroeder; Randel.J.Perry@nws02.usace.army.mil; Jeremy Freimund; Dewell, Jane (ORA); Summerhays, Jeannie (ECY); McFarland, Brenden (ECY)
Subject: FW: Gateway Pacific Terminal

Dear Mr. Ehrlichman:

Summer brings some slow-downs in the machinations of government, as relayed below. The following is Ecology's well-vetted opinion of whether the specific noted wetlands are considered "associated" under the Shoreline Management Act. Please feel free to contact Ms. Meyer directly should you have additional questions or need more information.

Regards,

Barry A. Wenger
Senior Environmental Planner
Washington State Dept. of Ecology
Bellingham Field Office
1440 10th Street Suite 102
Bellingham, WA 98225
(360) 715-5220

From: Meyer, Susan (ECY)
Sent: Thursday, September 29, 2011 4:32 PM
To: Wenger, Barry (ECY)
Cc: Grout, Richard (ECY)
Subject: RE: Gateway Pacific Terminal

Dear Barry,

I apologize for taking so long to get back to you on whether or not there are additional associated wetlands on the GPT site. I wanted to vet the Wetland Resources conclusions with our Wetlands TAG, before giving a final response and most of our summer meetings were cancelled. TAG's consensus was in line with what you and I thought originally.

The question I presented to TAG was: are Wetlands 2, 3, and 8A in proximity to Georgia Strait and do they influence or are they influenced by the marine shoreline? The Wetland Resources Report authors concluded that Wetlands 2, 3, and 8A are associated wetlands and in shoreline jurisdiction due to their proximity to Stream 1, which flows into Georgia Strait, and their influence on the stream, and therefore, the shoreline. They assert that the wetlands function to store and treat stormwater runoff, thus preventing the conveyance of agricultural pollutants into the nearshore habitat of Georgia Strait and that the wetlands provide primary production and sediment into the shoreline to enhance the critical habitat there.

Ecology does not agree with the conclusions made by Wetland Resources for the following reasons:

- The wetlands are not proximate to the shoreline. Wetland 8A is greater than .5 miles upstream of the tidal influence of the shoreline, and Wetlands 2 and 3 are nearly a mile or more from the marine shoreline and none of them are in the floodplain.
- The influence test is very weak, especially for Wetlands 2 and 3. These wetlands likely do provide water quality functions, but since the shoreline is about a mile downstream, their influence on the nearshore habitat is questionable. Any sediment or organic material that flows down the channel of Stream 1 is likely intercepted and stored in Wetland 12, which is an associated wetland.

Ecology does not support the conclusion that Wetlands 2, 3, and 8A are associated wetlands. Please let me know if you have any questions, and please forward this on to Mr. Ehrlichman and any other interested parties.

Regards,

Susan Meyer, Wetland Specialist
Shorelands and Environmental Assistance Program

From: Wenger, Barry (ECY)

Sent: Friday, June 03, 2011 9:13 AM

To: Meyer, Susan (ECY)

Subject: FW: Gateway Pacific Terminal

These folks contacted me to inquire about SMA "associated wetlands" on the GPT site. I said I didn't think the upland ones beyond the 200 ft OHWM were "associated" due to not meeting the "proximity and influence" tests but that you were the person I relied upon to make that determination so I said I'd check with you. Let me know what you think. BW

From: Tom Ehrlichman [mailto:tom@salishlaw.com]

Sent: Thursday, June 02, 2011 5:13 PM

To: Wenger, Barry (ECY)

Cc: Barbara Dykes; scott@wetlandresources.com

Subject: Gateway Pacific Terminal

Dear Mr. Wenger,

Attached is a report from Wetland Resources analyzing the Gateway applicant's wetland information, focusing on the question of whether any of the wetlands qualify as "associated wetlands," as defined in Whatcom County's shoreline management master program and regulations. They did not go on the site because they did not have permission. They would be willing to do so if invited.

Thank you.

Tom Ehrlichman

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