

Emails pertaining to
Gateway Pacific Project
For July 2016

From: Wendy Harris <w.harris2007@comcast.net>
Sent: Sunday, July 31, 2016 5:16 AM
To: Mark Personius; PDS
Subject: GPT permit

Hi Mark. I am concerned by the comment filed recently by SSA regarding their permit for GPT. This application has effectively been killed through the denial of required permits at the state and local level by US Army Corp of Engineers and DNR, (and that is without even addressing the impacts of asserting Lummi treaty rights at Cherry Point.)

I have a few questions for you:

- 1) Why has the county not yet denied this permit and closed its file?
- 2) Is there a notice list that I can be added too with regard to this case?
- 3) What potential options does the county believe remain after denial by these agencies?
- 4) I am also hearing mixed rumours about the EIS, both that it is being closed down, but that SSA is taking several months to do so, which seems unjustified given that the EIS is currently on hold, or that the EIS is moving forward. Can you confirm the status of the permit and the status of the EIS?
- 5) What position does the county take with regard to rights under the 1998 settlement? We are closing in on 20 years without SSA having undertaken many of the studies that were required in the settlement, in violation of settlement terms.
- 6) DNR withdrew the aquatic lease with its permit denial. How does SSA and /or the county believe that this company still has the ability to build and use a pier and terminal?
- 7) Given the status of the Cherry Point UGA being withdrawn and referred back to the planning commission, does the county believe that SSA retains some sort of vested property right, and if so, what is the nature and extent of the assert right?

Thank you in advance for your anticipated cooperation.

Wendy Harris

From: Mark Personius
Sent: Thursday, August 04, 2016 12:03 PM
To: GPT_archive
Subject: FW: Questions related to the Gateway Pacific Terminal project

From: Mark Personius
Sent: Friday, July 29, 2016 11:55 AM
To: 'Sandra Robson'
Subject: RE: Questions related to the Gateway Pacific Terminal project

Sandy,

Answers to your questions are below in red.

Thanks,

Mark

From: Sandra Robson [<mailto:sjrer2@yahoo.com>]
Sent: Thursday, July 28, 2016 12:32 PM
To: Mark Personius
Subject: Questions related to the Gateway Pacific Terminal project

Mark,

First, thank you for your July 25th email response to my question. I have several questions today on a different subject.

1) Pacific International Holding (or Terminals) suspended the EIS for the Gateway Pacific Terminal project on April 1, 2016 (PIH/PIT's letter to the County was dated April 1, 2016).

Can PIH/PIT decide to resume the EIS for the GPT project even though the federal permit needed for the project was denied by the Army Corps, and the state permit needed for the project was denied by Washington DNR? Yes. The applicant has the option to proceed only with the Whatcom County permit path (and associated EIS preparation and SEPA review)

2) Has PIH/PIT resumed that EIS process? **No.**

3) If the EIS for GPT is still suspended, his long of a suspension duration is PIH/PIT legally allowed? **For shoreline permits, it's basically 180 days. However there are provisions in WCC 23.60.090.E that could allow for a longer "suspension" of a permit application (e.g., for SEPA review, litigation directly related to the proposal, etc.)**

It is my understanding from speaking with Josh Baldi, Director of the NW Regional Office for the WA Department of Ecology in April, that according to its contract with Whatcom County for the EIS, PIH/PIT is allowed to suspend the EIS for 45 days.

Mr. Baldi added that if the permit applicants ask for a longer pause, the County has granted 180-day pauses.

4) Is Mr. Baldi's understanding he stated to me correct? **The 45 day time period is a condition of the applicant's contract with Whatcom County for preparation of the EIS only.** If so, is there a written policy stated somewhere that the County operates under this policy, or if it is a code, can you cite a code that states that? **The Whatcom County Code (WCC) does have language in the Shoreline Management Plan (Title 23) that addresses determination of "inactive" status of shoreline permit applications. Please see WCC 23.60.090.E for applicability of expiration of inactive shoreline permit applications.**

5) Has PIH/PIT or its affiliates, requested a "longer pause," an extended suspension beyond its 45 days (stipulated as allowable in its contract with Whatcom County) for the EIS for the GPT project? **My understanding is the applicant has requested an EIS contract amendment time extension, not to exceed 180 days, to work on closing out the consultant(s) work on the EIS.**

6) When PIH/PIT suspended the EIS for the GPT project, did that action affect the EIS for the inter-related BNSF Custer Spur Rail Expansion project? If so, how? **See answer below.**

7) Is the EIS for the inter-related Custer Spur Rail Expansion project still ongoing? If so, what is the status on that? **The BNSF Custer Spur Rail Expansion project SEPA review is inter-related with the GPT proposal SEPA review. Therefore both are presently suspended. BNSF has not asked the County to move forward separately with the Custer Spur SEPA review.**

Thank you in advance for answering my questions. I would greatly appreciate it if you could answer these questions for me prior to the weekend.

Regards,

Sandy Robson

Sent from my iPhone