



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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February 22, 2016

Donald Omsberg
BNSF Railway Co.
2454 Occidental Avenue South, Suite 2D
Seattle, WA 98134

**RE: Coastal Zone Consistency for Corps Reference #NWS-2014-980
U.S. Army Corps Public Notice for Individual Section 404 Permit, Custer to
Ferndale Double Track Project, Whatcom County, Washington**

Dear Mr. Omsberg:

On March 18, 2015, BNSF Railway Co. submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the Custer to Ferndale Double Track project.

The project entails construction of 3.48 miles of new railroad track to connect existing sidings in order to allow for 6.6 miles of double track operations. Work would include:

- Clearing and grubbing for construction.
- Relocating, upgrading, and/or installing utility infrastructure.
- Construction and safety improvements to existing access roads.
- Excavation, grading, and structural fill for the new rail grade.
- Extension or replacement of existing culverts.
- Relocation/modification of existing drainage channels along the edge of the rail grade to an adjacent location.
- Installation of rail, ties, and ballast; and vegetation restoration.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with BNSF Railway Co.'s determination that the proposed work is consistent with Washington's CZMP.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. Chapter 43.21B RCW and Chapter 371-08 WAC govern the appeal process. "Date of receipt" is defined in RCW 43.21B.001(2).



To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Sincerely,



Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

ES:rrp:ap

By certified mail: 7005 1820 0000 6707 8599

cc: Ron Wilcox, U.S. Army Corps of Engineers
Pierre Bordenave, JL Patterson & Associates, Inc.
Joel Ingram, Washington Department of Fish and Wildlife
Beth Doglio, Climate Solutions

e-cc: Doug Gresham, Ecology
Paul Anderson, Ecology
Bob Wright, Ecology
Loree' Randall, Ecology

BNSF Railway Co.

February 22, 2016

Page 3 of 3

Marnie Black, Ecology

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