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Department of Ecology
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JUL 03 2012
Shorelands & Environmental
Assistance Program

June 27, 2012

Michelle Walker
US Army Corps of Engineers
Regulatory / Permits
P.O. Box 3755
Seattle, Washington 98124-3755

Loree' L. Randall
Shoreland & Environmental Assistance
Department of Ecology
State of Washington
PO Box 47600
Olympia, WA 98504-7600

RE: Gateway Pacific Terminal Project, Whatcom County, Washington - Joint Aquatic Resource Permit Application (JARPA)

We are writing to confirm the procedural status of the Gateway Pacific Terminal project and our previously submitted Joint Aquatic Resources Permit Application (JARPA) for purposes of processing US Army Corps of Engineers ("USACE") permits and Department of Ecology's ("Ecology") Clean Water Act §401 water quality certification. This letter furthers our ongoing coordination with both agencies on procedural aspects of permit review and on compliance with the National Environmental Policy Act (NEPA) and the Washington State Environmental Policy Act (SEPA).

Your respective agencies along with Whatcom County have executed a Memorandum of Understanding, effective October 17, 2011, agreeing to act as lead agencies for preparation of a joint SEPA/NEPA Environmental Impact Statement (EIS) for the Gateway Pacific Terminal project. We understand from the USACE that it has the authority to complete its obligations under this MOU with the project in a JARPA pre-application status. We also understand from Ecology that it can act as co-lead agency along with Whatcom County to complete the EIS under SEPA based upon the completed Shoreline Substantial Development Permit and Major Project Permit applications filed with Whatcom County and does not require that a JARPA be on file for the EIS process to be initiated and completed. Your agencies have advised us that the most appropriate time for filing a final JARPA will be in the same period that the Draft EIS will be released for public comment and review. Additional details about the project and project mitigation will be available through the preparation of the Draft EIS. The notices will therefore more specific and better serve to elicit public comments if the final JARPA is filed at that time. This will ensure the public has the opportunity to provide meaningful public comment on the proposed project.

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Please confirm that we correctly understand your agencies' advice with respect to this matter and the JARPA as set forth above. Upon receipt of this confirmation, we agree to a procedural withdrawal of the February, 2011 JARPA and the May 29, 2012 JARPA withdrawal/reapplication form, with the expectation that we will file an updated version of the JARPA when the Draft EIS is near completion and your agencies request further submittals from us. We understand that the updated application could include any changes to the project that are derived from environmental review during preparation of the Draft EIS.

Very truly yours,

PACIFIC INTERNATIONAL TERMINALS

Mark Knudsen