



**Pacific International
Terminals**
A Carrix Enterprise

1131 SW Klickitat Way
Seattle Washington
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March 18, 2016

Transmitted electronically

Randel Perry, Project Manager
US Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

**RE: USACE Reference Number NWS-2008-260; Gateway Pacific Terminal,
REVISED Joint Aquatic Resources Permit Application (JARPA)**

Dear Mr. Perry,

Please find attached a completed copy of the Pacific International Holdings, LLC (a wholly owned subsidiary of Pacific International Terminals, Inc.) Joint Aquatic Resources Permit Application ("JARPA") to the US Army Corps of Engineers ("USACE") for the Gateway Pacific Terminal which was initially submitted to you on January 15, 2016. This version supersedes the January 15, 2015 version. This copy of the JARPA was completed by:

1. identifying the applicant as Pacific International Holdings, LLC, which is the holder of the real property interests that are the subject of the JARPA; and
2. including the Coastal Zone Management Program certification revised consistent with your instructions.

In all other aspects the attachment is the same as the document filed with you on January 15th, 2016 under this project reference number. Please advise us if anything further is necessary for the application to be deemed complete and when the USACE is planning on publishing a notice in the Federal Register.

Sincerely,

Pacific International Holdings, LLC

Vice President, Project Development

Enclosure

CC: Colonel John G. Buck, Commander and District Engineer, Seattle District, U.S. Army Corps of Engineers
Michelle Walker, Regulatory Branch Chief, Seattle District, U.S. Army Corps of Engineers
Francis Eugenio, Attorney, Seattle District, U.S. Army Corps of Engineers



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2} [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps of Engineers®
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #:

Tax Parcel #(s):

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Gateway Pacific Terminal

Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Pacific International Holdings, LLC

2b. Organization (If applicable)

2c. Mailing Address (Street or PO Box)

1131 SW Klickitat Way

2d. City, State, Zip

Seattle, Washington 98134

2e. Phone (1)

(800) 422-3505

2f. Phone (2)

(206) 623-0304

2g. Fax

(206) 381-5186

2h. E-mail

Skip.Sahlin@ssamarine.com

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx>.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go to http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

3a. Name (Last, First, Middle)			
Mr. Skip Sahlin			
3b. Organization (If applicable)			
Pacific International Holdings, LLC			
3c. Mailing Address (Street or PO Box)			
1131 SW Klickitat Way			
3d. City, State, Zip			
Seattle, Washington 98134			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(800) 422-3505	(206) 623-0304	(206) 381-5186	Skip.Sahlin@ssamarine.com

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
Pacific International Holdings, LLC			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
1131 SW Klickitat Way			
4d. City, State, Zip			
Seattle, Washington 98134			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail
(800) 422-3505	(206) 623-0304	(206) 381-5186	Skip.Sahlin@ssamarine.com

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input checked="" type="checkbox"/> Private <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.) <input type="checkbox"/> Tribal <input checked="" type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
4750 Gulf Road - In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Roads. (See Sheet 1 and Sheet 2).			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Ferndale, Washington, 98248			
5d. County [help]			
Whatcom County			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	17, 18, 19, 20	39 North	01 East
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none"> Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83) 			
48.864762 N lat. / -122.727799 W long.			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none"> The local county assessor's office can provide this information. 			
39011-7473110	39011-9214451	Parcel 15 -	
39011-7067334	39011-9252449	39011-9440480	
39011-7205467	39011-9298423	39011-9502484	
30911-7065466	39011-9327425	39012-0095477	
39011-8117050	39011-9349425	39012-0135359	
39011-9424335	39011-9388424	39012-0340476	
39011-9198377	39011-9438360	39011-9512341	
39011-9092500	39011-9454299	39012-0135359	
39011-9172456	39011-9469346	39011-9505246	
39011-9199451	39512-546546	39020-151212	
	Parcel 14 -	39012-337323	
	39011-7278062		

5h. Contact information for all adjoining property owners. (If you need more space, use [JARPA Attachment C.](#)) [\[help\]](#)

Name	Mailing Address	Tax Parcel # (if known)
See Attachment C		

5i. List all wetlands on or adjacent to the project location. [\[help\]](#)

The Gateway Pacific Terminal project area includes Pacific International Holdings owned parcels, Washington Department of Natural Resources tidelands (to be leased), and two parcels privately held by others (Parcel 14 and Parcel 15). The project area is approximately 1,566 acres.

Wetland areas and wetland functions in the project area have been documented and described in a series of wetland delineation reports produced between 2008 and 2014. Wetland functions have been rated using the *Washington State Wetlands Rating System for Western Washington* (Hruby 2004). A Jurisdictional Determination (NWS-2008-260) from the USACE, was issued on November 12, 2013 and confirmed approximately 608.6 acres of wetlands in the project area (see **Sheet 3**).

Total wetland areas by Cowardin class are provided in the table below:

Wetland Areas by Cowardin Class on Property Owned or Controlled by Pacific International Holdings

Wetland Area by Cowardin ¹ Classification (acres) ²				
Palustrine Forested	Palustrine Scrub-Shrub	Palustrine Emergent	Palustrine Open Water	Total Wetland Area (acres) ²
402.6	58.9	143.8	3.3	608.6 ²

1. Cowardin et al. (1979).

2. Total area of wetlands calculated using professionally surveyed boundaries and geographic information system (GIS), and rounded to the nearest 0.1 acre.

Section 3.0 of the *Draft Conceptual Compensatory Wetland Mitigation Plan* (AMEC, May 2014) provides summary descriptions of wetlands and wetland functions in the project area.

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

The project area includes the Strait of Georgia. Streams and drainages identified within the project area drain to the Strait of Georgia. Stream 1 (WRIA 1 # 01.0100), Stream 2 (WRIA 1 # 01.0101) and 10 other unnamed streams have been identified in the project area. Streams 1, 1A, 2, 2A, and 2B flow for the most part in natural watercourses. Streams 3, 4, 5, 6A, 6B, 7A, and 7B flow in roadside ditches or adjacent to BNSF's Custer Spur rail line. Stream characteristics are summarized in the table below.

Stream Characteristics in the Project Area

Stream ID	WDFW Jurisdiction?	State of Washington Stream Type ¹	Whatcom County Stream Type ²	Tributary Class ³	Location
Stream 1	Yes -Reaches 1, 2, and 3 No - Reaches 4 and 5	F – Reach 1 Ns – Reaches 2 through 5	HCA 1b	RPW	Flows mainly south through the west side of the project area.
Stream 1A	Yes	Ns	HCA 1c	RPW	Flows in a defined channel between Wetland 7A and Stream 1; confluence with Stream 1 located approximately 50 feet north of Henry Road.
Stream 2	Yes	Ns	HCA 1b	RPW	Flows southwest in the southernmost portion of the project area.
Stream 2A	Yes	Ns	HCA 1c	RPW	Tributary to Stream 2. Located south of Henry Road and east of Gulf Road.

Stream ID	WDFW Jurisdiction?	State of Washington Stream Type ¹	Whatcom County Stream Type ²	Tributary Class ³	Location
Stream 2B	Yes	Ns	HCA 1c	RPW	Tributary to Stream 2. Located in the southeast corner of the project area.
Stream 3	No	Ns	HCA1c	RPW	Drainage ditch on BP property adjacent to north side of Aldergrove Road. Drains to the "Industrial Tributary to Terrell Creek." Adjacent to property.
Stream 4	Yes	Ns	HCA 1c	RPW	Drainage ditch on the north side of Lonseth Road.
Stream 5	No	Ns	HCA 1c	RPW	Drainage ditch on the north side of Henry Road.
Stream 6A	Yes	Ns	HCA 1c	RPW	Drainage ditch on the east side of Gulf Road and north of Lonseth Road.
Stream 6B	No	Ns	HCA 1c	RPW	Drainage ditch on the east side of Gulf Road between Lonseth Road and Henry Road.
Stream 7A	No	Ns	HCA 1c	RPW	Drainage ditch located between Aldergrove and Lonseth Road west of the Custer Spur rail embankment in the Elliot Yard.
Stream 7B	No	Ns	HCA 1c	RPW	Drainage ditch located between Henry Road and Lonseth Road along the west side of the Custer Spur rail embankment in the Elliott Yard.

1. WAC 222-16-030.
2. Habitat Conservation Area (HCA). HCA 1b - Other fish-bearing streams that do not meet the definition of shorelines of the state but have known or potential use by anadromous or resident fish species. HCA 1c - Non-fish-bearing streams are those streams that have no known or potential use by anadromous or resident fish.
3. All streams drain to the Strait of Georgia, a Traditional Navigable Water. RPW = relatively permanent water.

In addition to the streams, 11 other drainages occur as roadside ditches (Drainages 1 through 11), and two drainages occur as railroad ditches (Drainages 12 and 13). See **Sheet 3** for locations of all waterbodies on or adjacent to the project area.

5k. Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Vegetation in the terrestrial portion of the project area is comprised of pastures, hayfields, mowed utility corridors, and secondary growth deciduous forest. Pastures in the project area are grazed seasonally and hayfields are annually harvested. Whatcom County roads paralleled by roadside ditches cross the project area (see **Sheet 4** for locations of roadways). Both the forested wetland and forested upland habitats have multiple vegetation layers (canopy, subcanopy, shrub layers) that provide habitat for a variety of common terrestrial wildlife species. Roads and other adjacent land uses preclude undisturbed wildlife corridors.

Habitats in the project area include a coastal lagoon located near the shoreline, which is rated a Category I wetland per the *Washington State Wetlands Rating System for Western Washington* (Hruby 2004). Riparian areas of Streams 1 and 2 are mapped as priority habitat by Washington Department of Fish and Wildlife (WDFW) and Whatcom County. Additional priority habitats present within the project area include wetlands, tributaries to Streams 1 and 2 and their riparian zones, and the balance of the marine nearshore.

Marine habitat areas include intertidal to subtidal marine habitat consisting of a nearshore macroalgae community growing mainly on cobble substrate to a depth of approximately minus 20 feet mean lower low water (MLLW). Generally marine plants do not occur in water depths greater than minus 20 feet MLLW as light penetration is too low. Also at this depth the marine substrate transitions from cobbles to sands and silt.

5m. Describe how the property is currently used. [\[help\]](#)

Approximately 245 acres (16 percent) of the project area is currently used for pastures and hayfields. The remaining portions of the property are comprised of deciduous forest and shrub habitats, and have been historically developed as small farms and used to harvest pulpwood and firewood.

Linear right-of-ways for underground pipelines and a BPA electrical transmission line cross the project area approximately north to south. BNSF Railway's Custer Spur line transects the eastern edge of the project area. Whatcom County roads cross the project area. Marine areas offshore (-30 to -60 MLLW) support commercial, recreational, and tribal fisheries. The beach area is used for a variety of passive recreation activities.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

The project area lies within Whatcom County's Heavy Impact Industrial Zone and Urban Growth Area (UGA). BP's Cherry Point Refinery and associated industries lie north and west of the property. The Strait of Georgia is adjacent to the project area to the south. The ALCOA-Intalco Works (aluminum plant) lies to the southeast. Single-family residences lie to the east. The northeastern corner of the property is adjacent to State owned property managed by Washington Department of Natural Resources (WDNR), and WDNR manages State Aquatic lands adjacent to the property.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

An uninhabited house and a hay barn are located in the southeast portion of the project area. A partially developed area is adjacent to Henry Road in the vicinity of Gulf Road and includes two large, unused, slab foundations and associated stormwater facilities. A conveyor trestle in-ruin at the shoreline and at least four, formerly residential, foundations-in-ruin in other locations are present in other locations. Other development in the project area includes two-lane roadways; agricultural and roadside ditching, fencing and dirt lane access for agriculture; and rail, pipeline, and electric utility corridors.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

The project area can be accessed from Interstate 5. Take Exit 266 from Interstate 5, then travel west on SR 548/Grandview Road. Turn left (south) on Kickerville Road (before the BP Refinery) continuing to Henry Road. Turn right (west) on Henry Road. Continue on Henry Road to access the project area (See **Sheet 1** and **Sheet 2**).

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

The following provides a summary of the overall project. Additional details on the project description are found in, "Appendix B: Project Description for Alternative C2" in the *Gateway Pacific Terminal Project Alternatives Report* (Pacific International Terminals, Inc. 2014).

Pacific International Holdings proposes to construct and operate a deep-water, multimodal terminal for the export of dry bulk commodities. The development footprint and project components are shown on **Sheet 4**. The Terminal would have a 3,000-foot-long, deep-water wharf (see **Sheets 5, 6, and 7**), an approximately 1,285-foot-long access trestle connecting the wharf to shore and to on-shore commodity unloading, and storage and transfer areas. The storage and transfer area would be serviced by a rail loop (see **Sheet 8**) and

support facilities (see **Sheets 9, 10, and 11**). The wharf would accommodate large ocean-going vessels, including Panamax and Capesize vessels.

The Terminal would handle a variety of dry bulk commodities throughout its lifetime. Dry bulk commodities would be transferred to and from the Terminal by rail. Rail access would be provided by the BNSF Railway main line via the existing Custer Spur industrial rail line. Commodities-handling equipment would be installed and appropriate management practices enforced to protect the environment from fugitive dust during Terminal operations.

Development of the Terminal would result in the following facilities and infrastructure:

- A rail loop with sufficient rail tracks to handle projected bulk volumes and which is connected to BNSF Railway’s existing Custer Spur rail line;
- Open and closed commodity storage areas, material handling equipment, and other required bulk handling infrastructure, such as conveyors;
- Access to the trestle and wharf;
- A 3,000-foot, deep-draft wharf with ship loading equipment and an access trestle extending from the shoreline to the wharf;
- A stormwater management system; and
- Utilities, including electric power and water.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The purpose of the Gateway Pacific Terminal project is:

To develop and successfully operate a multimodal marine terminal, including a deep-draft wharf with access trestle and other associated upland facilities, for export of multiple dry bulk commodities (“multimodal deep-water bulk terminal”) within the Cherry Point Industrial Area, to meet international and domestic demand.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- Commercial
 Residential
 Institutional
 Transportation
 Recreational
 Maintenance
 Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

<input type="checkbox"/> Aquaculture <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Boat House <input type="checkbox"/> Boat Launch <input type="checkbox"/> Boat Lift <input type="checkbox"/> Bridge <input type="checkbox"/> Bulkhead <input type="checkbox"/> Buoy <input type="checkbox"/> Channel Modification	<input type="checkbox"/> Culvert <input type="checkbox"/> Dam / Weir <input type="checkbox"/> Dike / Levee / Jetty <input type="checkbox"/> Ditch <input checked="" type="checkbox"/> Dock / Pier <input type="checkbox"/> Dredging <input type="checkbox"/> Fence <input type="checkbox"/> Ferry Terminal <input type="checkbox"/> Fishway	<input type="checkbox"/> Float <input type="checkbox"/> Floating Home <input type="checkbox"/> Geotechnical Survey <input checked="" type="checkbox"/> Land Clearing <input type="checkbox"/> Marina / Moorage <input type="checkbox"/> Mining <input type="checkbox"/> Outfall Structure <input checked="" type="checkbox"/> Piling/Dolphin <input type="checkbox"/> Raft	<input type="checkbox"/> Retaining Wall (upland) <input checked="" type="checkbox"/> Road <input type="checkbox"/> Scientific Measurement Device <input type="checkbox"/> Stairs <input checked="" type="checkbox"/> Stormwater facility <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Utility Line
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Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

There is no 100-year floodplain in the project area.

Upland Facilities

The Gateway Pacific Terminal upland facilities would be developed on approximately 283 acres of the 1,520-acre upland portion of the project area. Prior to initiation of any **land clearing**, appropriate sedimentation control and other water quantity and quality controls would be installed to protect adjacent and downstream resources. Clearing and excavation would likely be performed using mechanical excavators within delimited construction zones. Where possible, excavated materials would be reused on site as fill. Construction staging, stockpiling, and material laydown are anticipated to occur within the bounds of the upland facility, in locations that would ultimately function as part of the commodity-handling infrastructure. Construction **roads** would include the currently existing roadways in the project vicinity along with new roads built for site access in the same location as the final roadways would be built to serve the facility. New roadbeds would be graded and surfaced with appropriate hard surfaces.

Within the construction footprint, vegetation would be cleared, topsoil and organic material would be removed, and the soil surface would be graded and compacted. In some locations, the surface would be preloaded with fill. Existing topsoil and organic material present within areas of excavation would be stockpiled and stored during rough grading for potential reuse as soil amendments for re-vegetating disturbed areas. If it is not practical to stockpile existing on-site material, imported compost or other organic material may be used to amend soils for re-vegetation.

Stormwater Management System

Installation of the construction stormwater management system (**stormwater facilities**) would be the one of the first steps in construction and would be completed before bulk earthwork activities. It is anticipated that construction stormwater facilities would mainly be designed to fit within the areas of the various operational stormwater ponds (shown on **Sheet 12**). It is anticipated that Stormwater Management Ponds 1, 7, 9, 10, and 11 would be preferred locations to settle and treat construction stormwater runoff (see **Sheet 12**).

Stormwater runoff during construction would be managed to protect water quality in accordance with erosion and sedimentation control plans. Discharges would meet requirements for construction stormwater discharges under the Washington State NPDES requirements and would incorporate best management practices (BMPs) for stormwater management, such as stormwater sediment-trapping basins. It is anticipated that perimeter sediment-controlling geotextile fabric fences would be installed, then stormwater management basins would be excavated. These would act as the primary sediment-trapping basin with internal finger dikes and flow-control outlets. Construction drainage ditches, with erosion-resistant linings, would then be constructed to drain to the sediment trapping basins. In addition to traditional settling ponds, treatment using flocculants or electrocoagulation would be used to reduce the turbidity of construction runoff, if needed.

Site preparation, including earthmoving, cutting, and filling activities, would be performed in a manner to minimize and manage stormwater runoff. Interim exposed disturbed areas would be stabilized with mulch or plastic covering, and permanent exposed cut surfaces would be vegetated as soon as practicable, including those portions of the ditches that do not require smooth hard surfaces to prevent erosion. Water trucks would routinely sprinkle dust-suppressing water spray over the site until disturbed soils are treated with mulch and revegetated. Spill-containment measures would be constructed and maintained around chemical and oil storage areas and equipment fueling areas, to supplement drip trays and other spill-control practices during construction. Additional pollution control BMPs would be implemented as required to comply with local and state requirements and permit conditions.

Marine Wharf and Access Trestle

Marine wharf and access trestle construction would occur in the Strait of Georgia. Construction of the **access trestle** would start with **pile** installation using an incremental methodology whereby construction begins at the

shore and the pile crane moves incrementally away from shore on the newly installed piles. The pile crane used to install piles would act as a mobile and self-contained work platform to support pile-driving activities. Piles would be installed with a vibratory pile driver, proofed with an impact hammer, and then topped with a cast-in-place pile cap. The pile caps would be created by building wooden and reinforced steel bar forms around the top of the piles and pouring concrete into the forms. Once the concrete pile cap has cured, the form would be removed. The deck structure would be constructed of pile caps and pre-cast concrete girders.

Construction of the marine **wharf** would be initiated from a center section of the wharf using floating equipment. Once the center section of the wharf is complete, the center section would function as a platform for using the same methodology as described for the trestle where a pile-driving crane works off of existing piles to extend the wharf. Construction activity would require a variety of support vessels—tug boats, barges, and monitoring boats. The number of support vessels would vary, ranging from two to eight, depending on the activity being conducted.

Water quality protections would include implementation of best management practices to prevent and protect marine water quality degradation during construction. The wharf and access trestle construction would be limited to the agency approved in-water work windows and would occur over approximately 2 years.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start date: January 2017

End date: January 2019

See JARPA Attachment D

The Terminal would be constructed over a period of approximately 2 years, commencing after environmental reviews required under the National Environmental Policy Act and State Environmental Policy Act have been completed and required federal, state, and local permits and authorizations have been obtained. The Terminal would be built to its full capacity (54 million metric tons per year [mmt]), in a single construction effort once project permitting is completed. Initial operation of the Terminal is anticipated to occur in 2019.

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$665 Million

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- **If yes**, list each agency providing funds.

Yes No Don't know

Part 7–Wetlands: Impacts and Mitigation

- Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

In 2012, a Terminal layout of the same capacity (54 mmt) with two independently functioning rail loops was presented in a JARPA and had wetland impacts estimated to be on the order of 180 acres. Terminal design was revised in 2014 which resulted in significantly reduced impacts to wetlands. The revised layout is called the “Revised Terminal Layout” and is described in detail in, “Appendix B--Project Description for Alternative C2” to the *Gateway Pacific Terminal Project Alternatives Report* (Pacific International Terminals, Inc. 2014).

The Revised Terminal Layout avoids and minimizes impacts to wetlands, streams, and ditches to the extent possible. The project would rectify temporary impacts and provide compensation for minimized, unavoidable negative effects to wetlands, streams, ditches, and their functions, consistent with federal and state regulatory requirements and guidance. More information regarding avoidance and minimization and the proposed wetland and stream mitigation is provided in the *Draft Conceptual Compensatory Wetland Mitigation Plan* (AMEC 2014).

Avoidance

Adverse impacts to aquatic resources have been avoided to the extent practicable. Potential impacts to the shoreline area have been avoided by placing all project infrastructure (materials handling, commodity storage, and rail facilities) away from the shoreline, except for the trestle which must cross the shoreline to connect with the wharf.

The project does not require marine dredging for construction, operation, or maintenance of the wharf.

An earlier Terminal design had included a new rail crossing of the Stream 1 ravine, which would have likely required construction of an embankment within the ravine. Operation of trains across the ravine may have resulted in other indirect impacts. These potential direct and indirect effects of a train crossing of Stream 1 has been completely avoided.

To avoid aquatic areas, Terminal infrastructure was repositioned to be more densely developed, leaving large areas of the property undisturbed.

Priority wildlife habitats are present in the project area and were avoided to the extent possible to protect these areas. The current design completely avoids direct effects to the highest functioning wetland (coastal lagoon) and stream system (Stream 1) in the project area.

Approximately 534 acres of wetlands would be completely avoided by the revised layout of the Terminal, which is more avoided acres than the 391 acres avoided by the previously considered layout.

Minimization

For those impacts that cannot be avoided, appropriate and practicable measures to minimize impacts to wetlands, streams, and ditches have been taken.

Compared to the previously considered layout, the Revised Terminal Layout reduces wetland impacts to approximately 72.5 acres and impacts to named streams to approximately 2,955 linear feet.

Other actions taken to minimize impacts aquatic resources included:

- The Terminal’s overall footprint (in non-marine areas) has been re-designed and reduced from 334 acres to approximately 278 acres.
- The Terminal layout has been compacted to minimize the length of rail required to deliver bulk commodities to the open and closed storage areas.

- Rail lines were aligned to minimize impacts to wetlands, streams, and drainages while maintaining the length and turning radius required for trains to enter and exit the site safely and efficiently.
- Bulk commodities would be delivered to the closed storage area via conveyor belt rather than by rail to minimize the length of new railbed.
- Facilities have been shifted away from the shoreline, which allows for preservation and improvement of the critical areas proximate to shoreline priority habitats.
- Stormwater management facilities have been configured to minimize direct impacts to wetlands.
- The Longshore Building and support area have been relocated to an existing upland hayfield to minimize impacts to forested habitats.
- Required grading quantities have been minimized to the maximum extent practicable through positioning of facilities on the site.
- Extra consideration has been given to preserving watershed functions, especially functions that protect Stream 1 and its watershed area.
- Potential effects to hydrology and water quality have been minimized through the careful design of stormwater facilities that provide water quality protection and integrate hydrologic functions with natural stream courses.
- Development of Terminal infrastructure would be completed in a single phased construction period (vs. multiple-phased construction), which avoids repeated disturbances to areas over time.
- Temporary construction impacts have been minimized by:
 - Placing construction lay-down and staging areas in locations that would ultimately be developed,
 - Requiring high-visibility fencing to locate construction limits, and
 - Designing and implementing an effective construction stormwater plan.

The Terminal was designed to avoid and minimize impacts to wetlands and streams to the extent practicable.

The degradation of water quality is not anticipated because the Terminal development would result in:

- Effective on-site management of commodities using emission control technologies,
- Providing effective stormwater treatment systems, and
- Rerouting streams and drainages to the extent possible into new or restored natural stream corridors to improve water quality functioning.

No grazing is planned to remain in the project area following construction. Some of the currently grazed areas would be permanently affected by Terminal development, but approximately 79 acres of wet pasture would be enhanced from emergent wet pasture to forested wetland, and approximately 13.9 acres of upland pasture would become forested wetlands. Wetland and buffer areas temporarily affected by vegetation removal during construction will be restored. Areas of temporary vegetation disturbance in wet pastures would be enhanced with receive shrubs or tree plantings, as appropriate.

7b. Will the project impact wetlands? [\[help\]](#)

Yes No Don't know

Permanent direct impacts to 74.7 acres of wetlands would occur from development of the Terminal infrastructure. Approximately 8.0 acres of temporary impacts to wetlands would also occur. See Section 4.2 of the *Draft Conceptual Compensatory Wetland Mitigation Plan* (AMEC 2014) for details.

7c. Will the project impact wetland buffers? [\[help\]](#)

Yes No Don't know

Permanent direct impacts to approximately 70.7 acres of wetland buffers would occur from development of the Terminal infrastructure. See Section 4.4 of the *Draft Conceptual Compensatory Wetland Mitigation Plan* (AMEC 2014) for further information.

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- **If Yes**, submit the report, including data sheets, with the JARPA package.

Yes No

Approximately 609 acres of wetlands are located within the project area (see **Sheet 3**). On November 12, 2013, the USACE issued a Jurisdictional Determination (NWS-2008-260) that confirmed wetlands, streams, and ditches within the project area to be jurisdictional as they either abut or are adjacent to unnamed tributaries of the Strait of Georgia, a traditional navigable waterway used for interstate and foreign commerce. The USACE also confirmed the location and extent of delineated wetlands on the project site. Whatcom County and Department of Ecology participated in the decision by attending the field inspections and participating in discussions and concurred with the results.

Wetland descriptions and functional assessments are documented in the following documents: *Wetland Determination and Delineation* (AMEC 2008); *Wetland Identification and Delineation – Parcel 14* (AMEC 2011); letter from Amec Foster Wheeler to USACE dated September 12, 2012 (AMEC 2012); and *Wetland Determination and Delineation – Parcel 15 Property* (AMEC 2013).

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

Yes No Don't know

Wetlands have been rated using the Western Washington Wetland Rating System (Hruby 2004), and rating forms have been submitted with the wetland delineation reports listed in Section 7d. Ratings for impacted wetland areas are given on the table on **Sheet 25**.

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

Yes No Not applicable

The Draft Conceptual Compensatory Wetland Mitigation Plan (AMEC 2014) has been developed for the Gateway Pacific Terminal project.

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

Compensatory Mitigation

Compensatory mitigation for unavoidable, minimized impacts to wetlands is proposed. The compensatory mitigation strategy was developed using a watershed approach, where compensation is designed within a holistic framework, and which addresses the highest needs for the watershed when viewed as a connected, interactive ecosystem from its headwater wetlands to the Strait of Georgia. The goal of the watershed approach is to maintain and improve the quality and quantity of aquatic resources in a watershed through strategic selection of mitigation sites and by addressing functional needs.

Proposed permittee-responsible, on-site wetland compensation includes creating approximately 122.7 acres of wetlands and enhancing approximately 117.5 acres. The proposed compensatory mitigation areas are shown on **Sheet 24**. Wetland buffers would be provided in association with the wetland creation and enhancement areas. Approximately 534 acres of wetlands would be preserved in the project area. Pursuant to Whatcom County Code requirements for mitigation, the proposed mitigating actions would generate approximately 76.0 mitigation acre-credits, where 74.7 mitigation acre-credits are needed to compensate for unavoidable wetland impacts (see table below). This estimate does not include any credits which may be available from preservation of remaining wetland acreage on the property.

Potential Wetland Mitigation Credits Available

Mitigation Type	Estimated Area Available (acres)	Ratio²	Potentially Available Mitigation Credits
Creation	122.7	2:1	61.3
Enhancement ¹	117.5	8:1	14.7
Total			76.0

1. Enhancement includes areas enhanced to forested wetland and other habitat improvements
2. Based on WCC replacement ratios for Category III wetlands (WCC 16.16.680(C)).

Additional compensation measures include 7,757 linear feet of stream restoration, riparian buffer enhancement, and improving fish habitat and access through culvert replacements. These compensation actions are intended to improve ecological functions at a watershed scale and satisfy federal, state, and local agency guidelines for wetland mitigation.

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

See **Sheet 25**, a table which provides details on anticipated permanent and temporary impacts to wetlands, impacts extent and duration, and also the type and amount of mitigation proposed.

Additional information for wetlands, stream and ditches is available in the *Draft Conceptual Compensatory Wetland Mitigation Plan* (AMEC 2014): Section 4 – Potential Impacts and Functional Assessment; Section 5 – Mitigation Sequencing; and Section 6 – Proposed Compensatory Mitigation.

Sheet 13 provides an overview and key map for the overlay of the project's construction footprint and direct permanent wetland impacts. **Sheets 14 through 22 and Sheet 23** detail the location of wetland and stream direct impacts.

Page number(s) for similar information in the mitigation plan, if available: Pages 41 to 82.

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

For all wetlands, fill material will be clean, native soil and subsoil from other locations on site. Fill will be placed by dump trucks, front-end loaders, and excavators within delimited construction areas within the project area. Development of the Terminal will require approximately 2.68 million cubic yards of material to be moved to create a level area for the open and closed storage areas, and rail embankment. Minimal grading would be needed for the shared services area to create a roadbed and for the abutment of the trestle.

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Excavation activities would be by mechanical excavators within delimited construction areas within the project area. Where wetlands would be excavated, organic overburden material will be removed using tracked backhoes and bulldozers. Where possible, the excavated material surface will be transferred to the overburden fill location on site to be reused in appropriate locations. The temporary overburden storage areas would be located in areas that will ultimately be developed. Subsurface materials will be used for rail embankments and filling at other locations on site when appropriate. A total of 2.68 million cubic yards would be moved including cut and fill with an on-site balance achieved.

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

Non-wetland waterbodies on or adjacent to the project area include streams, roadside ditches, and marine waters of the Strait of Georgia, known as “the Cherry Point Reach”. See Section 7a (on Page 10) for a discussion of avoidance and minimization of impacts to streams and ditches.

The following information is a summary of avoidance, minimization and mitigation of impacts to the Strait of Georgia.

Avoidance and Minimization of direct impacts in the Strait of Georgia

- **Avoidance of Dredging** - The Wharf and Trestle (see **Sheets 5 through 7**) have been configured to avoid disturbing and eliminating benthic habitat by dredging. No fill or dredging is required in the Strait of Georgia during construction. No fill or dredging is required during operational life-time of the Terminal.
- **Shoreline Bluff Erosion** - Direct alterations to the shoreline bluff that could potentially cause or change the rate of bluff erosion at the location of the trestle crossing have been avoided by installation of an elevated trestle that spans the shoreline bluff. No excavation or other alteration of the bluff will be required for construction or for permanent placement of the trestle.
- **Maintenance of Water Quality** - Loss of dust entrained in the conveyed commodities that could be potentially deposited on the shoreline or in nearshore waters is avoided by installation of full

enclosures on all overwater conveyors that will prevent fugitive dust emissions. Commodities are moved on long, belt conveyors, which are in enclosures (building-like structures) on both the wharf and trestle. The enclosure has a roof, a solid floor, and walls on all sides.

- **Displacement of Marine Habitat** - Displacement of intertidal and marine bottom habitat by the installation of piles has been minimized through optimal placement of the piles and minimizing the overall size of the wharf and trestle structure. The design width of the trestle has been minimized to 50-foot (15 m) width by stacking the conveyors to reduce the required width of the trestle. The trestle structure would be oriented approximately due north-south which was determined to have the least area of crossing the photic zone. The number of pilings to be used to support the wharf and trestle would be minimized and grated decking would be used above the intertidal photic zone to reduce shading. The photic zone lies from the ordinary high water mark to approximately -20 feet (-9 m) relative to Mean Lower Low Water (MLLW).
- **Effects on Benthic Habitat** - Shading impacts to intertidal bottom habitat, including algae beds (the photic zone), has been avoided and minimized by locating the wharf offshore in deep water and by minimizing the width of the access trestle as it crosses the intertidal zone. The height of the trestle deck within this zone would be approximately 40 feet (12 m) above MLLW in the nearshore. The deck height and piling locations are planned to enhance light refraction and diffusion under and around the structure, particularly within the photic zone. The *Marine Biology Baseline Report* (AMEC 2014) provides additional information regarding current biological resources in the marine environment, and reports macroalgae growth to a depth of approximately -20 MLLW. For the area that is unavoidably shaded, a macroalgae compensation site is proposed to compensate for these effects. **Sheet 26** shows the location of the macroalgae mitigation site.

Avoidance and Minimization of indirect impacts in the Strait of Georgia

- **Pre-construction and Construction Monitoring** - Extensive monitoring of marine vegetation, water quality (turbidity), and marine wildlife will be conducted both prior to and during construction. Marine vegetation surveys will be conducted within 2 years of construction. Underwater surveys to evaluate and monitor benthic conditions are planned prior to construction and during construction. Monitoring of the presence of marine mammals in the vicinity will be conducted during construction, and following the details in the *Marine Mammal Monitoring Plan* (unpublished).
- **Marine Water Quality Protection** - During construction and operation of the Terminal, potential impacts to marine water quality would be avoided and minimized through implementation of stormwater control measures, and spill control and containment and response plans. The wharf would include containment and processing of potentially contaminated stormwater and equipment wash-down water. Uncontaminated stormwater runoff from the wharf and trestle would be allowed to drain naturally. As stated earlier, all commodities on the trestle and wharf are within enclosures at all times. Introduction of any hydrocarbon pollutants to marine waters would be avoided by prohibiting fueling (bunkering) of vessels calling at the wharf. All bunkering would occur at locations where bunkering is now occurring, or at other ports of call.
- **Prevention of Invasive Species Release** - During facility operations, the potential for release of non-native invasive species or other potential contaminants during ballast water discharge while loading vessels will be avoided by requiring that all calling vessels are fully in compliance with international, federal, and state ballast water management requirements. By the time of initial operation of the Terminal, federal standards are scheduled to require that all ballast water be processed through a USCG certified ballast water treatment system (on-board the vessel) to eliminate the potential release of invasive species. Pacific International Holdings will require that calling vessels demonstrate compliance through review of shipboard systems certification.
- **Prevention of Impacts to Tribal Treaty Fishing Activities** – No permanent fishing exclusion zone is required by any regulation and no permanent exclusion zone would be established around the wharf that would continuously prohibit tribal fishing activities.

- **Port Operations Plan** – A Port Operations Plan (the Plan) has been developed by Pacific International Holdings (PI Terminals 2015) detailing project features which allow unimpeded access to fishing during marine operations at the Terminal.

The following measures are described in more detail in the Plan (PI Terminals 2015) and include:

- Establishment of an Operational Safety Zone that limits fishing in direct proximity to vessels only when Terminal-calling vessels approach, moor, or depart from the wharf.
- Advanced notice to tribal fishers of Terminal-calling vessel movements.
- Navigation support for tribal fishers.
- Use of Inshore Traffic Zone navigation during Terminal-calling Vessel approach/departure.
- Tug and barge operations would be prohibited in the vicinity of the operational wharf to prevent fishing gear loss. This includes no use of tug and barge operations either for transportation of commodity cargos or refueling of vessels. Note that tug and barge operations would occur during construction.

Mitigation of Expected Marine Impacts

Construction and operation of the wharf and trestle is expected to create certain unavoidable long term impacts in marine waters for which mitigation is planned as an element of the proposed action. These mitigation measures include:

- **Removal of existing overwater structure: abandoned conveyor**
To reduce overwater shading in the project area and to improve water quality, the existing abandoned creosote-piling conveyor along the shoreline would be removed. Eight creosote piles support the conveyor structure. The total area of the abandoned conveyor is approximately 848 square feet (79 square m), with the nearshore area calculated to be 484 square feet (45 sq m). Removal of the existing conveyor would result in a net reduction of approximately 484 square feet (45 sq m) of overwater structure in the nearshore habitat, prior to construction of the Terminal.
- **Macroalgae compensatory mitigation site**
Macroalgae compensatory mitigation is proposed to compensate for potential shading effects from construction of the wharf and trestle (**Sheet 26**). Small to large cobble and small boulders would be placed at four existing locations of sandy substrate which is currently without vegetation to enhance macroalgae production in these locations. A total of 16,000 square feet of sandy substrate would be enhanced to support macroalgae. Installation would occur prior to wharf and trestle construction. Each of the four locations would be developed with a slightly different substrate mix (see table below).

Proposed Substrate Mix by Location at the Macroalgae Enhancement Site

Location	Size (square feet)	Small boulders (2 x 3 ft)	Large cobble (1 x 1 ft)	Small cobble (6 in x 6 in)	Large gravel (4 ft x 3 ft)
A	2,097	—	60%	40%	—
B	4,757	—	—	60%	40%
C	6,840	5%	65%	30%	—
D	2,306	—	—	20%	80%

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes No

8c. Have you prepared a mitigation plan to compensate for the project’s adverse impacts to non-wetland waterbodies? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 8d.

- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes No Not applicable

The *Draft Conceptual Compensatory Wetland Mitigation Plan* (AMEC 2014) has been developed for the Gateway Pacific Terminal project and addresses stream and ditch mitigation. The Appendix B of the Gateway Pacific Terminal Biological Assessment (AMEC 2014) along with Appendix B of the 1999 Settlement Agreement provide a detailed description of the Macroalgae Mitigation Plan and requirements.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

See Section 7g and 8a above.

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Impacts to Streams and Drainages

Terminal development would permanently impact approximately 5,443 linear feet of drainages and 5,696 linear feet of streams (11,139 ft. total). Impacts would primarily be to roadside streams and ditches (4,232 ft), with 1,211 linear feet of streams flowing in natural corridors permanently impacted – all attributed to Stream 2A. For Stream 2A, impacts would result from redirecting flow through a culvert that would connect with Stream 2 at a location just upstream of the existing confluence between Stream 2 and Stream 2A.

For more information regarding impacts to non-wetland waterbodies see the *Draft Conceptual Compensatory Wetlands Mitigation Plan* (AMEC 2014). In all cases, existing flows would be rerouted to new or restored natural surface systems whenever possible, preferably in association with existing, enhanced, or new wetland systems.

Impacts to Streams and Ditches

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name	Impact location	Permanent Impacts (fill) (Linear Feet)	Temporary Impacts (Linear Feet)
Clearing, grading, excavation, and filling for Terminal infrastructure.	Stream 2A	In-water	1,211	71
	Stream 4 (roadside ditch)	In-water	773	90
	Stream 5 (roadside ditch)	In-water	2,726	97
	Stream 6b (roadside ditch)	In-water	577	68
	Stream 7A	In-water	0	38
	Stream 7B	In-water	409	44
	Drainage 1	In-water	1,068	148
	Drainage 3	In-water	3,173	291
	Drainage 4	In-water	33	25

	Drainage 7	In-water	208	178
	Drainage 10	In-water	961	64
	Total		11,139	1,114

Impacts to the Strait of Georgia

No fill or dredging would be required to construct the wharf or access trestle in the Strait of Georgia. No fill or dredging would be required during the operation of the wharf.

An estimated 730 steel piles would be required to build the wharf. Each pile is estimated to be up to 48 inches in diameter and averaging 172 feet long. The trestle would be built on an estimated 64 steel piles, each estimated to be 24 to 30 inches in diameter and averaging about 122 feet long each. This is the maximum number of piles expected to be required and there is a possibility that fewer piles will be needed. The number, size, and spacing of the wharf and trestle piles will be finalized after marine geotechnical information is available.

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody Name	Impact Location	Duration of Impact	Amount of material to be placed in or removed from waterbody	Area (sq. ft.) of waterbody directly affected
Pile installation	Strait of Georgia	In-water for Wharf and Trestle	Approximately 18 months over two in-water work windows	Piles only; no dredge or filling will be performed	1,320 ¹

1. Affected area was estimated using the area covered by 730 48-inch diameter piles, and 64 24-inch diameter piles. This is the maximum number and size of piles estimated to be likely required for the wharf and trestle. Future geotechnical evaluation will confirm or reduce these estimates.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

Streams and Drainages

Fill material would be clean, native soil and subsoil from onsite locations within the project area. Areas to be filled and graded are shown on **Sheets 14 through 22**. During construction stream flows will be temporarily diverted to new temporary flow pathways and ultimately to restored natural areas. For ditches, flows will be managed using construction stormwater management techniques, and ultimately flows will be restored to natural water courses. Fill will be placed by front-end loaders and excavators within delimited construction areas within the project area. Currently it is estimated that approximately 2,000 cubic yards would be needed as fill. More complete estimates for each stream or ditch will be determined when final grading plans are developed for the project.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

No dredging activities are proposed for any waterbodies in the project area.

Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]			
Agency Name	Contact Name	Phone	Most Recent Date of Contact
Whatcom County	Tyler Schroeder	(360) 676-6717	December 2015
USACE	Randel Perry	(360) 734-3119	December 2015
WDFW	Brendan Brokes	(360) 466-4345	April 2015
WDNR	Dennis Clark	(360) 854-2805	December 2015
Ecology	Alice Kelly	(425) 649-7168	December 2015
9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]			
<ul style="list-style-type: none"> • If Yes, list the parameter(s) below. • If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/. 			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]			
<ul style="list-style-type: none"> • Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC. 			
17110002			
9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]			
<ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #. 			
WRIA #01			
9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]			
<ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards. 			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable			
9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]			
<ul style="list-style-type: none"> • If you don't know, contact the local planning department. • For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html. 			
<input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input checked="" type="checkbox"/> Other <u>Cherry Point Area Shoreline Management Unit</u>			
9g. What is the Washington Department of Natural Resources Water Type? [help]			
<ul style="list-style-type: none"> • Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System. 			
<input checked="" type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input checked="" type="checkbox"/> Non-Fish Seasonal			

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- **If No**, provide the name of the manual your project is designed to meet.

Yes No

Name of manual: Stormwater Management Manual for Western Washington (Ecology 2012, as amended 2014).

9i. Does the project site have known contaminated sediment? [\[help\]](#)

- **If Yes** please describe below.

Yes No:

Marine sediments were sampled and analyzed for contaminants in 2011 (*2011 Baseline Sediment Sampling Report*, Amec Environment and Infrastructure). Stream sediments were sampled and analyzed for contaminants in 2015 (Foster Wheeler 2015, *2015 Stream Water Quality and Sediment Quality Baseline Sampling Report: Stream 1 and Stream 2*, Pacific International Terminals Property, Whatcom County, Washington).

9j. If you know what the property was used for in the past, describe below. [\[help\]](#)

Archaeological studies indicate that portions of the property have been used by Native Americans for approximately 3,000 years. Beginning in the late 1800s, the site was logged and homesteaded. Farming activities and fishing of the marine waters continued through the mid-1940s when large tracts of land, including this property, were acquired for industrial uses. Several foundations-in-ruin are present on-site. At the shoreline, a trestle-in-ruin remains from an historic gravel loading operation. Review of aerial photography indicates that the present landscape pattern, with county roads, open fields, and wooded areas, appears to have been stable for approximately the last 50 years.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- **If Yes**, attach it to your JARPA package.

Yes No

The Draft *Gateway Pacific Terminal Archaeological Findings Report* (Amec Foster Wheeler 2015) has been submitted to the USACE.

9I. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

Individual species that are listed under the Endangered Species Act by the National Oceanic and Atmospheric Administration (NOAA) and the US Fish and Wildlife Service (USFWS), and occur in the project vicinity or might be affected by the proposed project, are provided in the table below.

Agency	Common Name:	Scientific Name:
USFWS-Listed Species	Bull trout	<i>Salvelinus confluentus</i>
	Marbled murrelet	<i>Brachyramphus marmoratus</i>
	Oregon spotted frog	<i>Rana pretiosa</i>
NOAA-Listed Species	Chinook salmon	<i>Oncorhynchus tshawytscha</i>
	Steelhead trout	<i>Oncorhynchus mykiss</i>
	Summer Chum salmon	<i>Oncorhynchus keta</i>
	Humpback whale	<i>Megaptera novaeangliae</i>
	Killer whale	<i>Orcinus orca</i>
	Blue whale	<i>Balaenoptera musculus</i>
	Fin whale	<i>Balaenoptera musculus</i>
	Leatherback sea turtle	<i>Dermochelys coriacea</i>
	Bocaccio	<i>Sebastes paucispinis</i>
	Canary rockfish	<i>Sebastes pinniger</i>
	Yelloweye rockfish	<i>Sebastes ruberrimus</i>
	Eulachon	<i>Thaleichthys pacificus</i>
	Green sturgeon	<i>Acipenser medirostris</i>

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Wetlands, streams, shoreline bluff, and riparian areas are considered Priority Habitats by WDFW on the property. Individual Priority Species that may be affected by the proposed work are listed in the table below.

Common Name:	Scientific Name:
Pacific herring	<i>Clupea pallasii</i>
Surfsmelt/longfin smelt	<i>Hypomesus pretiosus</i>
Pacific sand lance	<i>Ammodytes hexapterus</i>
Bull trout	<i>Salvelinus confluentus</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Chum salmon	<i>Oncorhynchus keta</i>
Coastal Res./Searun cutthroat	<i>Oncorhynchus clarki clarki</i>
Coho salmon	<i>Oncorhynchus kisutch</i>
Kokanee/sockeye salmon	<i>Oncorhynchus nerka</i>
Pink salmon	<i>Oncorhynchus gorbuscha</i>
Rainbow trout/steelhead	<i>Oncorhynchus mykiss</i>
Pacific cod	<i>Gadus macrocephalus</i>
Pacific hake	<i>Merluccius productus</i>
Walleye pollock	<i>Theragra chalcogramma</i>
Black rockfish	<i>Sebastes melanops</i>
Bocaccio rockfish	<i>Sebastes paucispinis</i>
Brown rockfish	<i>Sebastes auriculatus</i>
Canary rockfish	<i>Sebastes pinniger</i>
Copper rockfish	<i>Sebastes caurinus</i>
Greenstriped rockfish	<i>Sebastes elongates</i>
Quillback rockfish	<i>Sebastes maliger</i>
Redstripe rockfish	<i>Sebastes prioriger</i>
Yelloweye rockfish	<i>Sebastes reuberrimus</i>
Yellowtail rockfish	<i>Sebastes flavidus</i>
Lingcod	<i>Ophiodon elongatus</i>
English sole	<i>Parophrys vetulus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Butter clam	<i>Saxidomus giganteus</i>
Native littleneck clam	<i>Protothaca abrupt</i>
Dungeness crab	<i>Cancer magister</i>
Pandalid shrimp	<i>Pandalus spp.</i>
Dall's porpoise	<i>Phocoenoides dalli</i>
Gray whale	<i>Eschrichtius robustus</i>
Harbor seal	<i>Phoca vitulina</i>
Orca (Southern Resident killer whale)	<i>Orcinus orca</i>
Pacific harbor porpoise	<i>Phocoena phocoena</i>
Common loon	<i>Gavia immer</i>
Western grebe	<i>Aechmophorus occidentalis</i>
Great blue heron	<i>Ardea herodias</i>
Harlequin duck	<i>Histrionicus histrionicus</i>
Bald eagle	<i>Haliaeetus leucocephalus</i>
Merlin	<i>Falco columbarius</i>
Pileated woodpecker	<i>Dryocopus pileatus</i>
Oregon spotted frog	<i>Rana pretiosa</i>

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor’s Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

A copy of the SEPA determination or letter of exemption is included with this application.

Whatcom County and Ecology have issued a SEPA determination of Significance and Public Notice (Attachment F). The SEPA Co-leads are currently in an EIS process. USACE has issued a Notice of Intent and is currently in a NEPA EIS process for this project.

A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

This project is exempt (choose type of exemption below).

Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

Other: _____

SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

Substantial Development Conditional Use Variance

Shoreline Exemption Type (explain): _____

Other City/County permits:

Floodplain Development Permit Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- Hydraulic Project Approval (HPA) Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

You must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

- \$150 check enclosed. Check # _____
Attach check made payable to Washington Department of Fish and Wildlife.
- My project is exempt from the application fee. (Check appropriate exemption) _____
- HPA processing is conducted by applicant-funded WDFW staff.
Agreement # _____
 - Mineral prospecting and mining.
 - Project occurs on farm and agricultural land.
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
 - Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
HPA # _____

Washington Department of Natural Resources:

- Aquatic Use Authorization
Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

- Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

- Section 404 (discharges into waters of the U.S.) Section 10 (work in navigable waters)

United States Coast Guard permits:

- Private Aids to Navigation (for non-bridge projects)

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. Skip Sahlin (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. Skip Sahlin (initial)

<u>Skip Sahlin</u>	<u>Skip Sahlin</u>	<u>March 18, 2016</u>
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

<u>Kristie Dunkin</u>	<u>Kristie Dunkin Ph.D., PMP</u>	<u>March 18, 2016</u>
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements.

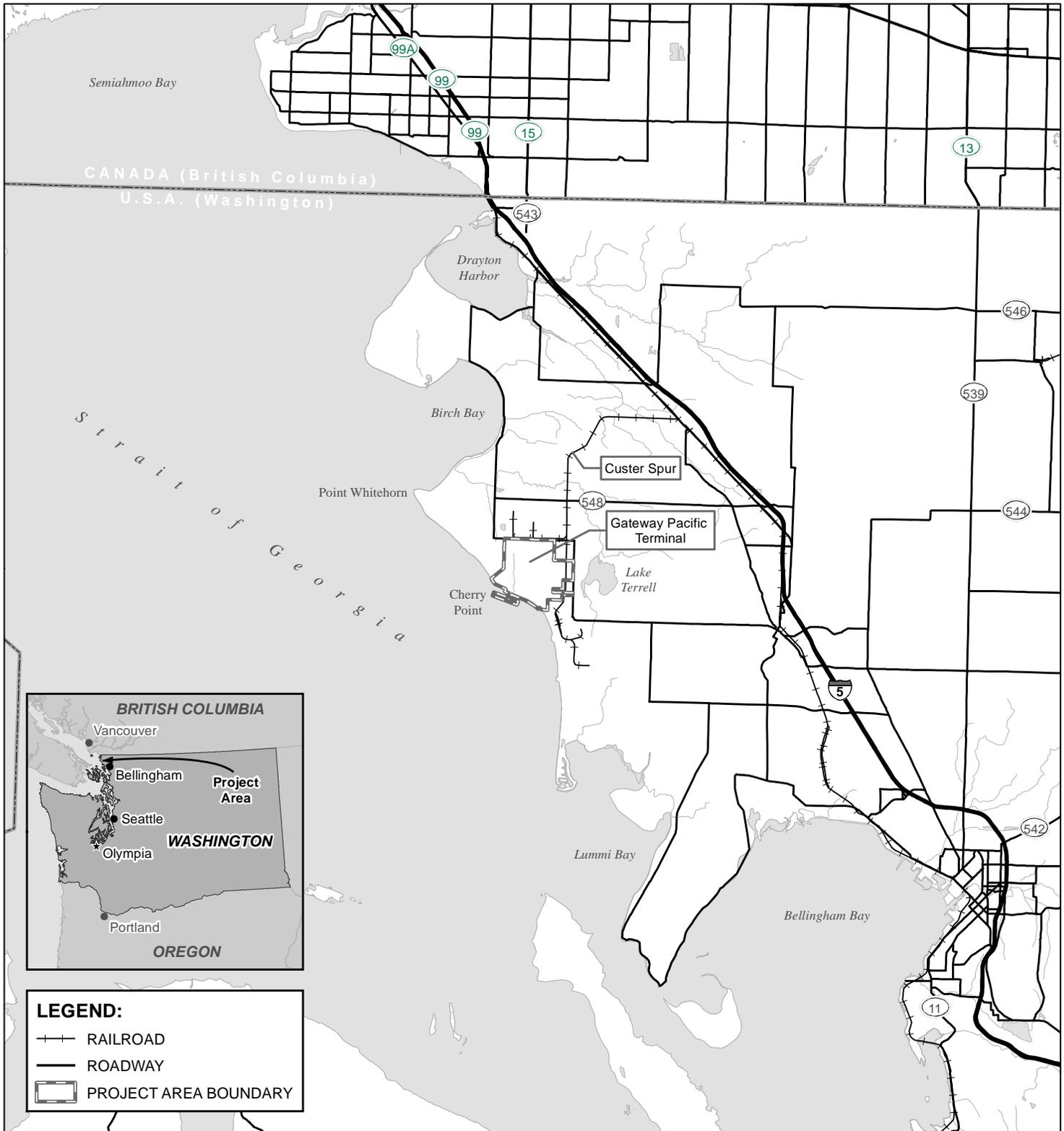
I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

See attachments A-1 and A-2

_____	_____	_____
Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-019-09 rev. 09/2015



NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)



SHEET TITLE: Vicinity Map

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

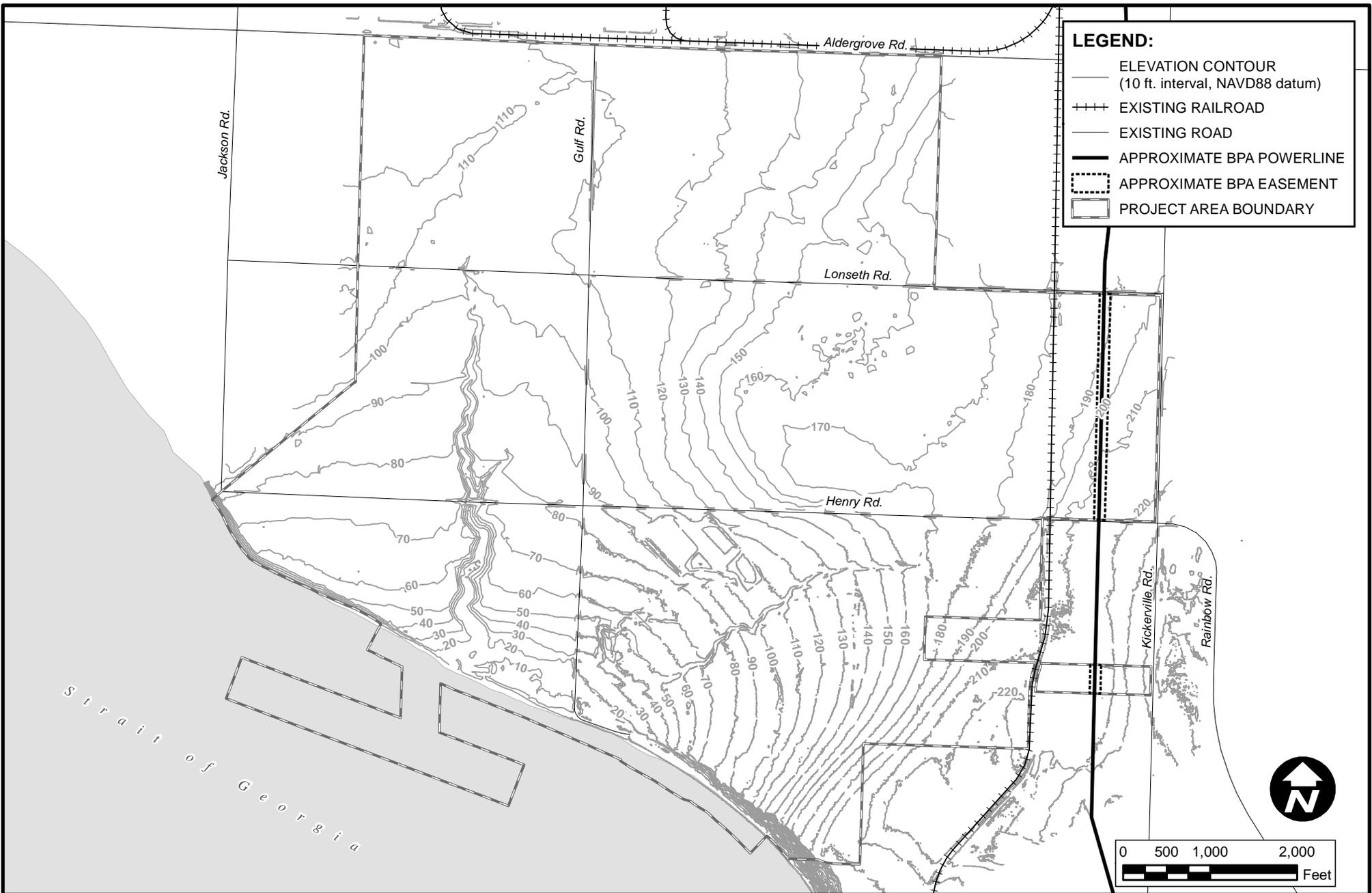
IN: Strait of Georgia, tributaries, and wetlands.

NEAR/AT: Femdale

COUNTY: Whatcom STATE: WA

APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 1 of 26

DATE: March, 2016



SHEET TITLE: Project Site

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83
ADJACENT PROPERTY OWNERS: See JARPA Attachment C
Source: Elevation Contours obtained from David Evans & Associates: 2013-09-17-svTPX-piti006-DEGROSS-C3d.dwg, 09/17/2013 & 2012-09-05-svEM01piti0006-CIP-LIDAR-2' contours.dwg, 09/05/2012

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

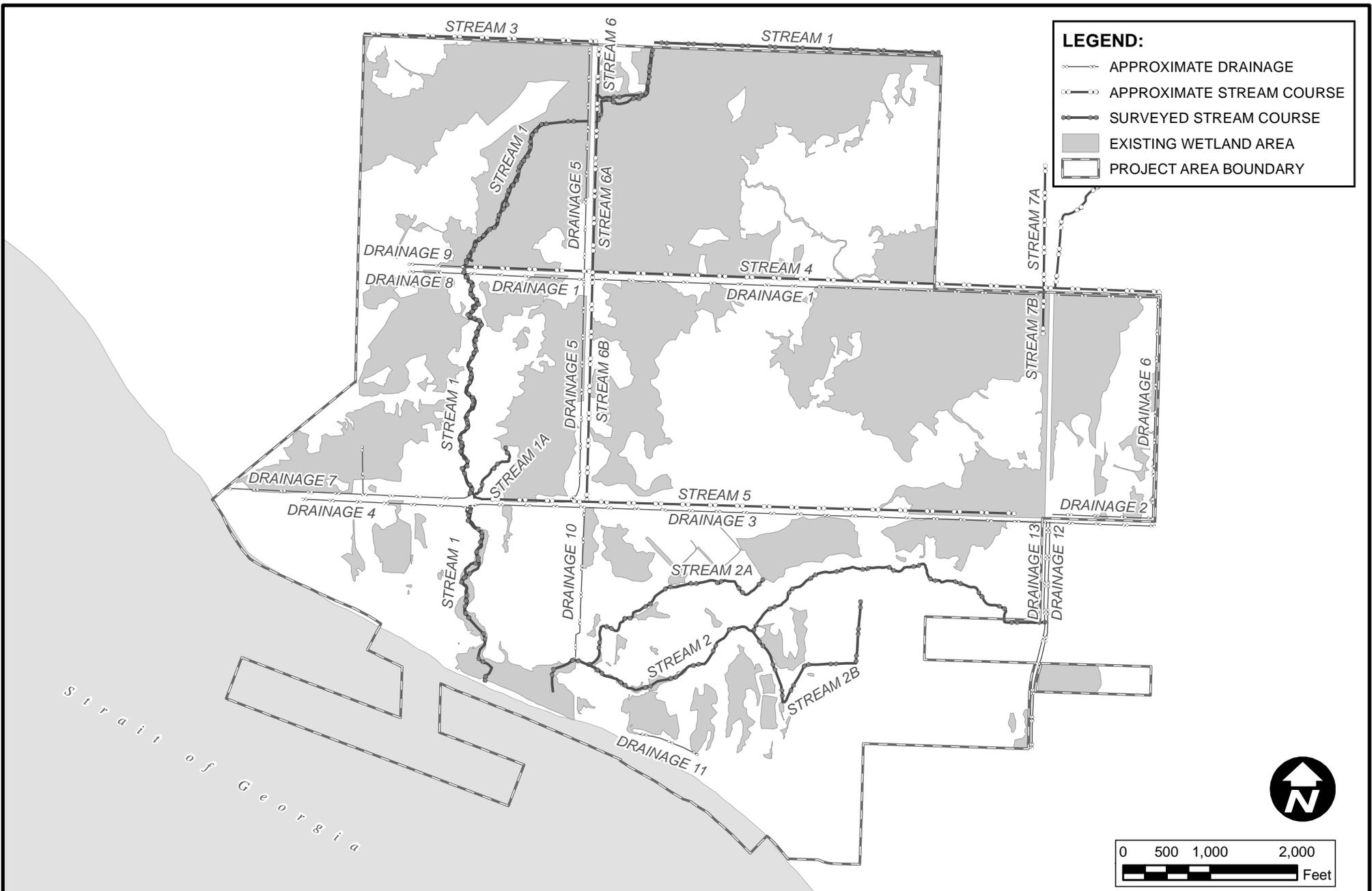
NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom **STATE:** WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 2 of 26

DATE: March, 2016



SHEET TITLE: Wetlands

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

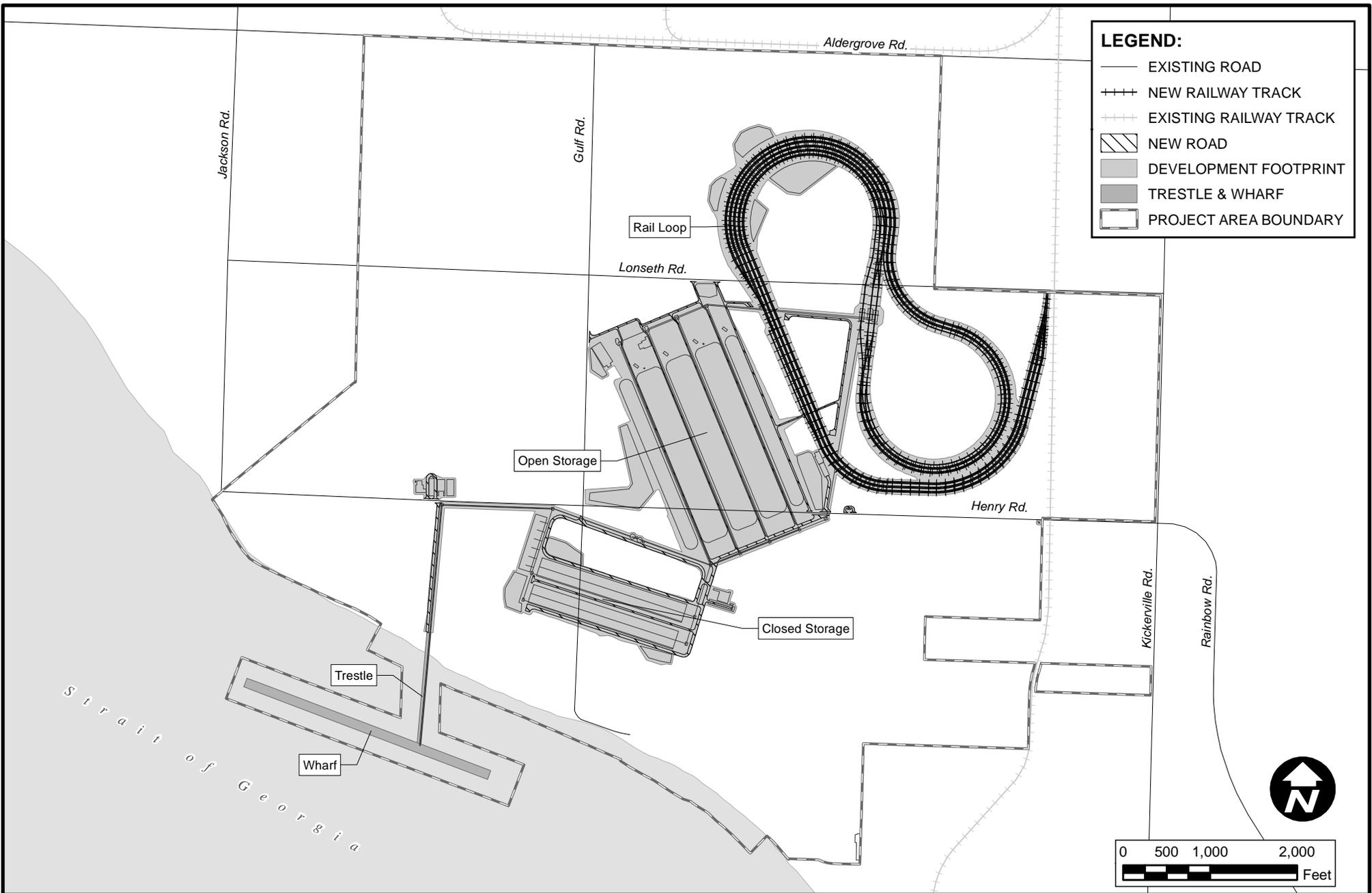
NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
 NEAR/AT: Ferndale
 COUNTY: Whatcom STATE: WA
 APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 3 of 26

DATE: March, 2016



SHEET TITLE: Proposed Project Layout

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

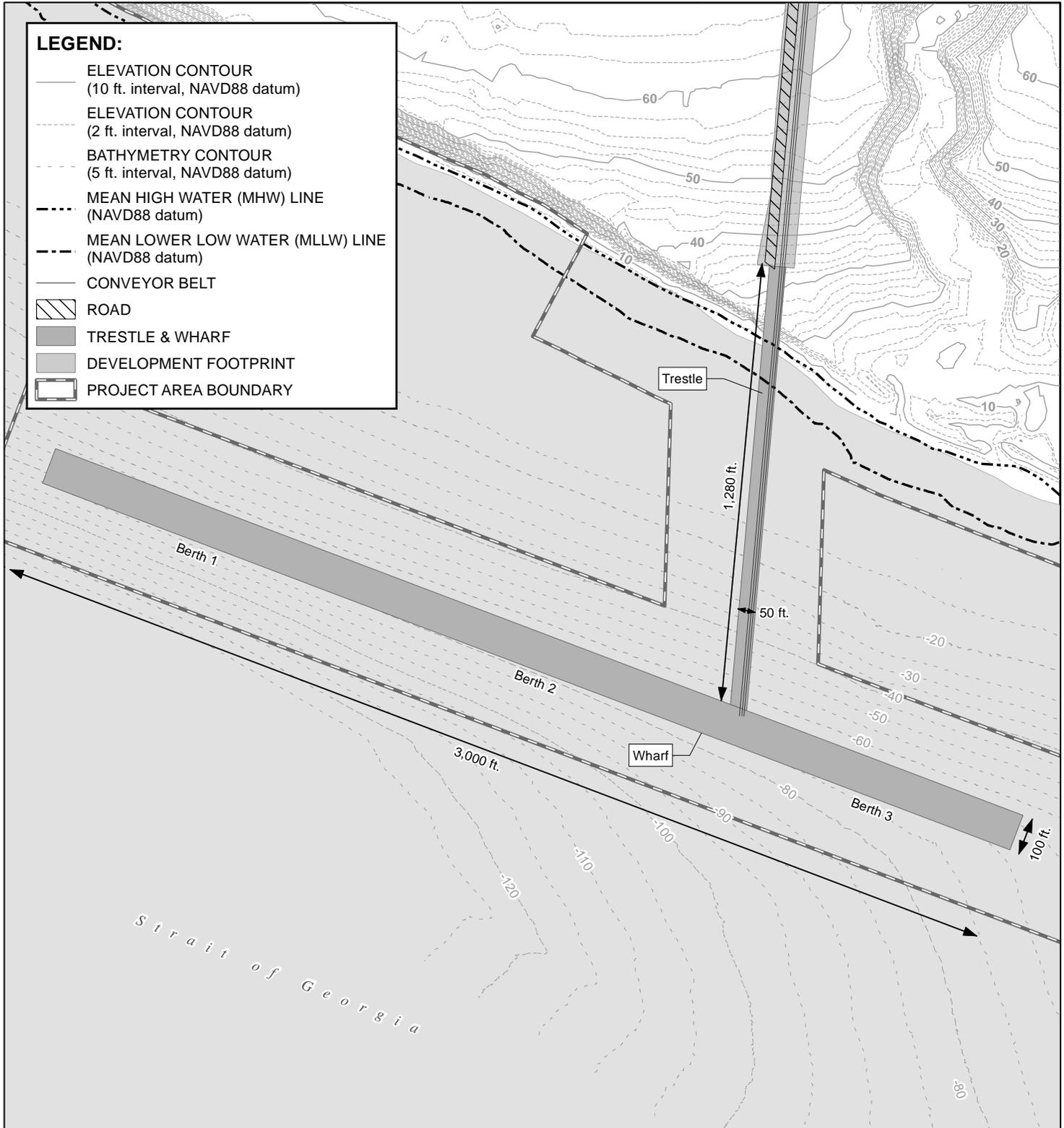
PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom **STATE:** WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 4 of 26

DATE: March, 2016

LEGEND:

- ELEVATION CONTOUR (10 ft. interval, NAVD88 datum)
- - - ELEVATION CONTOUR (2 ft. interval, NAVD88 datum)
- · - · BATHYMETRY CONTOUR (5 ft. interval, NAVD88 datum)
- · - · MEAN HIGH WATER (MHW) LINE (NAVD88 datum)
- - - MEAN LOWER LOW WATER (MLLW) LINE (NAVD88 datum)
- CONVEYOR BELT
- ▨ ROAD
- TRESTLE & WHARF
- DEVELOPMENT FOOTPRINT
- ▭ PROJECT AREA BOUNDARY



NOTE: Not for construction, for agency review only.

PROJECT AREA:
48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)



SHEET TITLE: Proposed Wharf and Trestle

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83
ADJACENT PROPERTY OWNERS: See JARPA Attachment C
Source: Elevation Contours obtained from David Evans & Associates: 2013-09-17-svTPX-piti006-DEGROSS-C3d.dwg, 09/17/2013 & 2012-09-05-svEM01piti006-CIP-LIDAR-2' contours.dwg, 09/05/2012

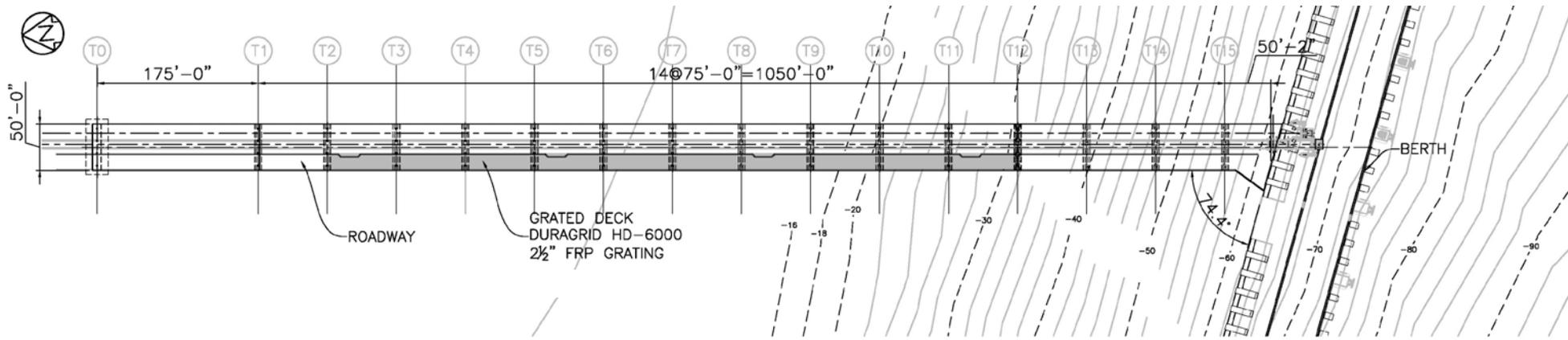
CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

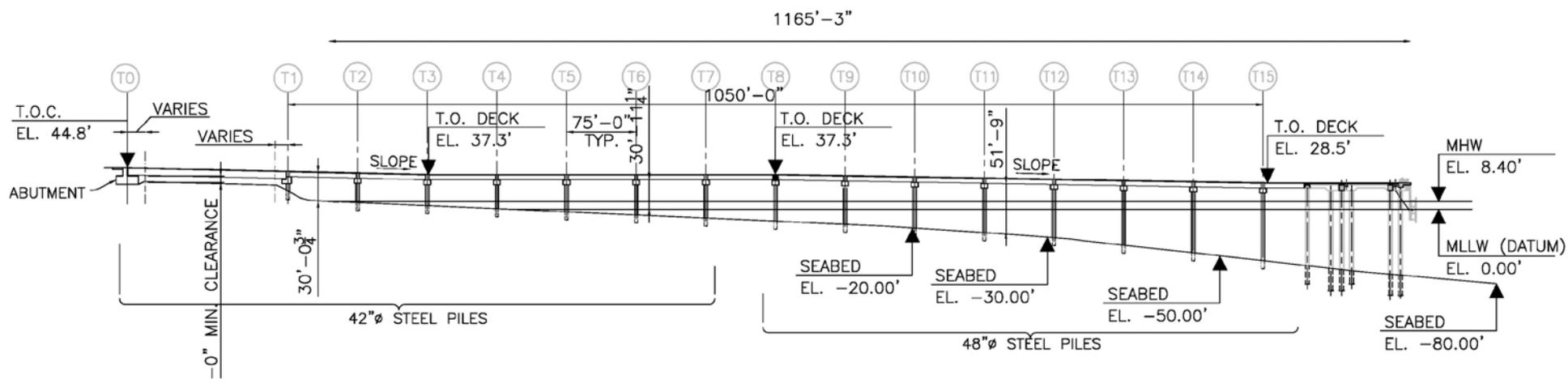
PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Femdale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 5 of 26

DATE: March, 2016



Trestle Plan View



Trestle Profile View Looking Southeast

SHEET TITLE: Elevation View of Trestle & Wharf

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: N/A

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

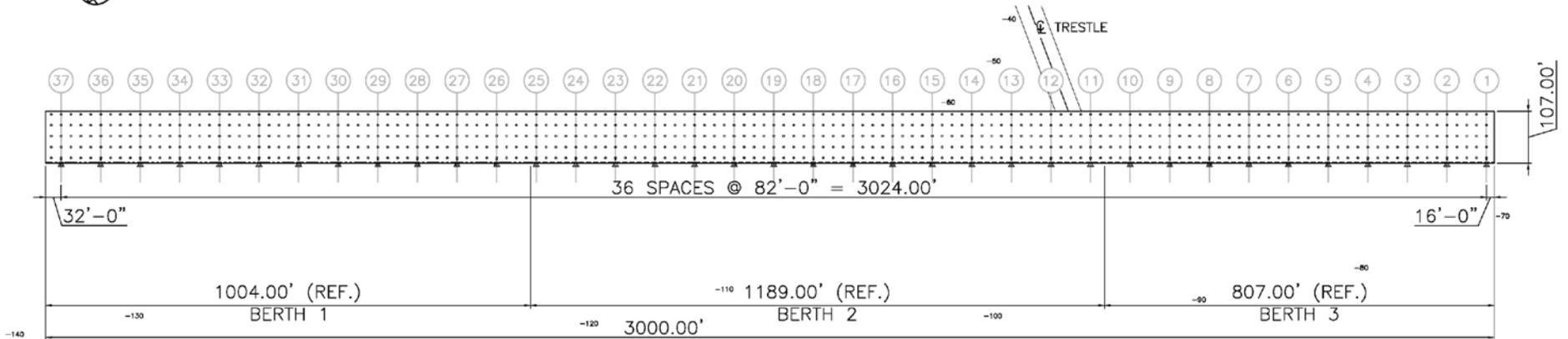
NOTE: Not for construction, for agency review only.

PROJECT AREA:
48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)

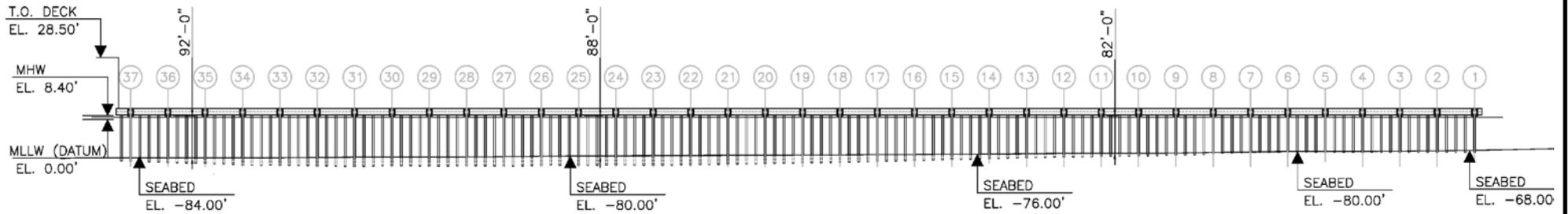
PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 6 of 26

DATE: March, 2016



Wharf Plan View



Wharf Profile View Looking Towards Shore

SHEET TITLE: Wharf Plan View & Profile

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: N/A

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

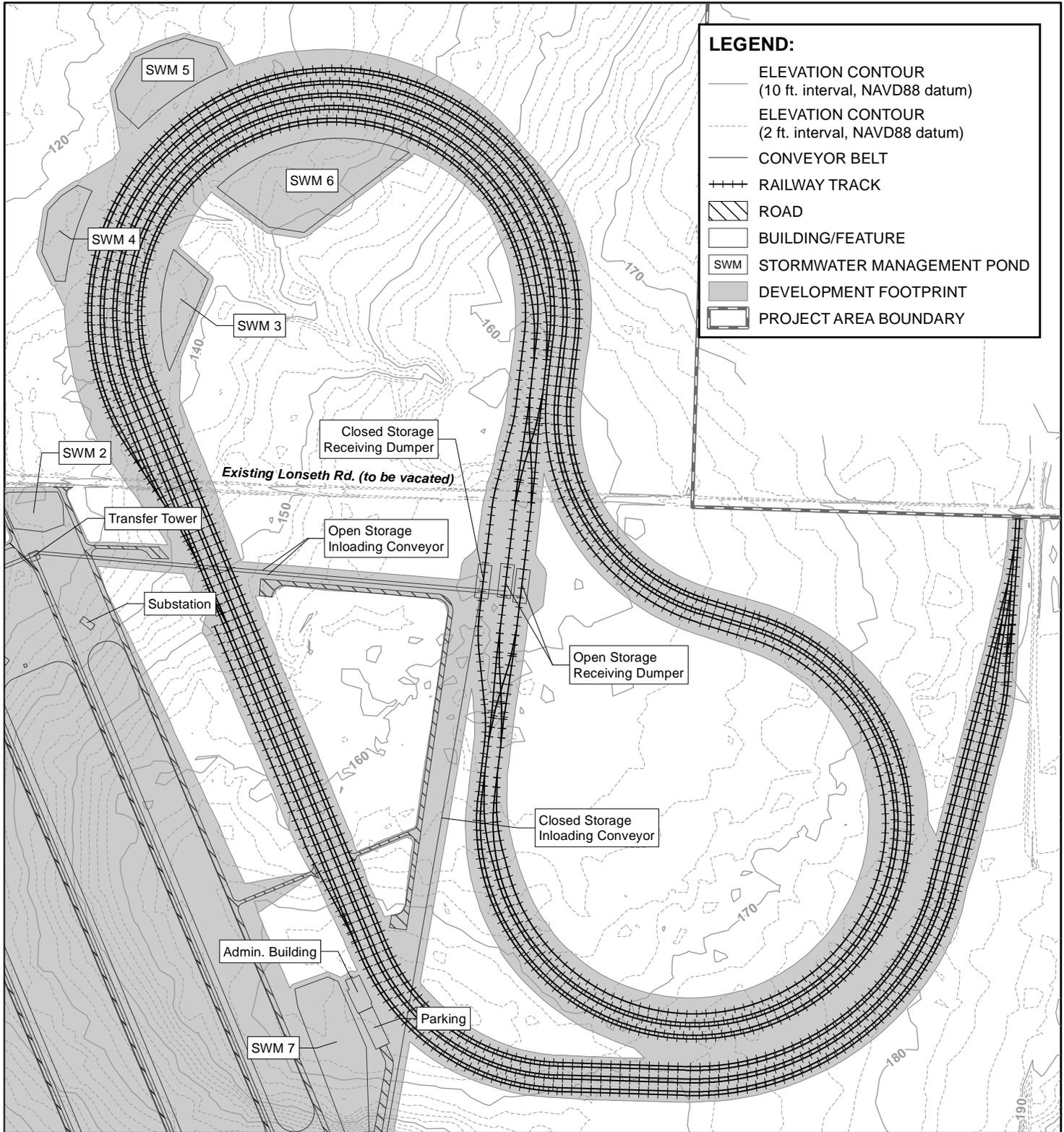
NOTE: Not for construction, for agency review only.

PROJECT AREA:
48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

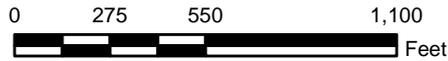
IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 7 of 26

DATE: March, 2016



NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)



SHEET TITLE: Proposed Rail Loop

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83
 ADJACENT PROPERTY OWNERS: See JARPA Attachment C
 Source: Elevation Contours obtained from David Evans & Associates:
 2013-09-17-svTPX-piti006-DEGROSS-C3d.dwg, 09/17/2013 &
 2012-09-05-svEM01piti0006-CIP-LIDAR-2' contours.dwg, 09/05/2012

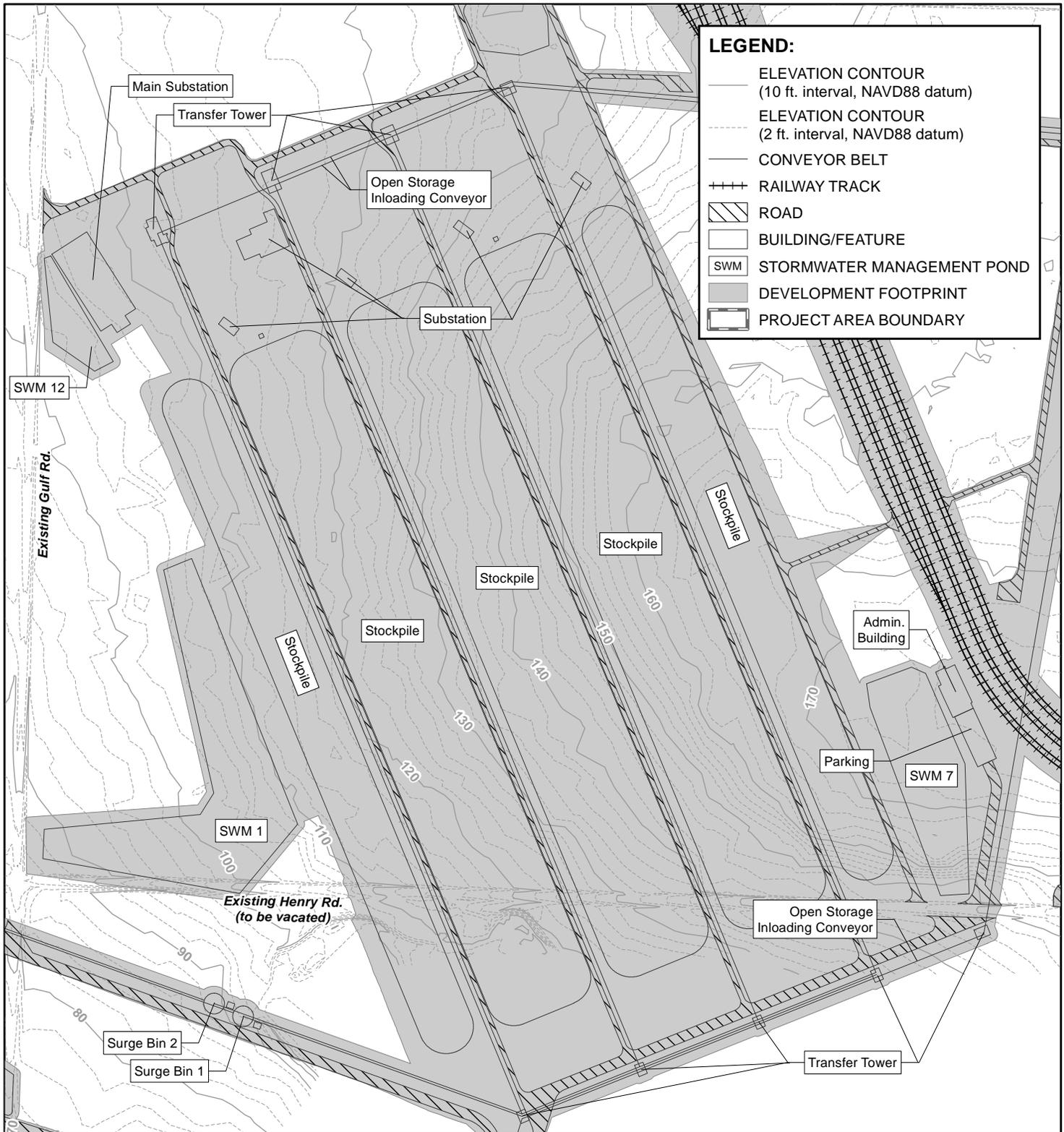
CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
 NEAR/AT: Femdale
 COUNTY: Whatcom STATE: WA
 APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 8 of 26

DATE: March, 2016

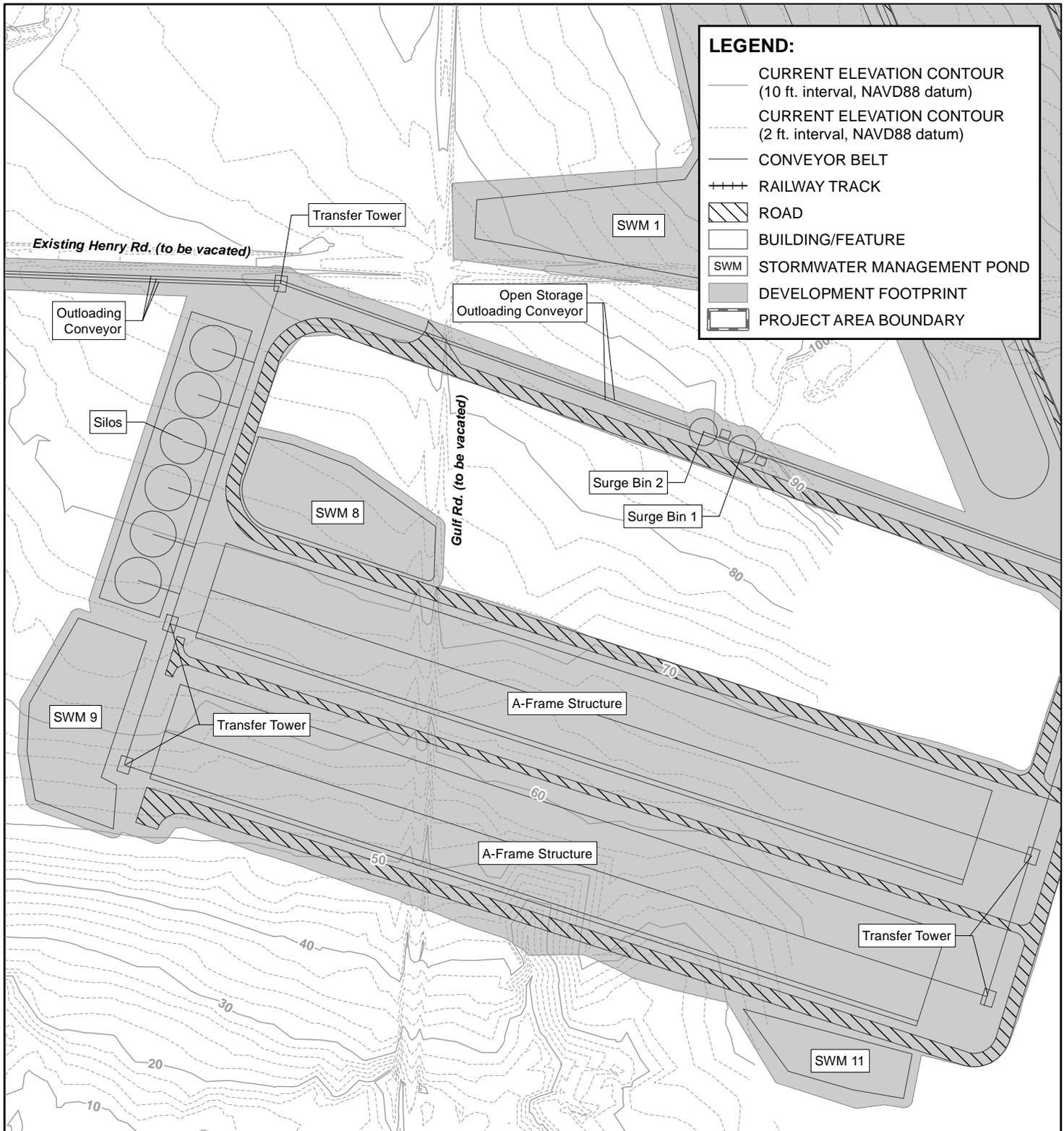


NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)



<p>SHEET TITLE: Proposed Open Storage Area</p> <p>PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.</p> <p>DATUM: NAD83</p> <p>ADJACENT PROPERTY OWNERS: See JARPA Attachment C</p> <p>Source: Elevation Contours obtained from David Evans & Associates: 2013-09-17-svTPX-piti006-DEGROSS-C3d.dwg, 09/17/2013 & 2012-09-05-svEM01piti006-CIP-LIDAR-2' contours.dwg, 09/05/2012</p>	<p>CORPS REFERENCE NUMBER: NWS-2008-260</p> <p>LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.</p>	<p>PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.</p> <p>IN: Strait of Georgia, tributaries, and wetlands.</p> <p>NEAR/AT: Femdale</p> <p>COUNTY: Whatcom STATE: WA</p> <p>APPLICATION BY: Pacific International Holdings, LLC</p> <p>SHEET: 9 of 26</p> <p>DATE: March, 2016</p>
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NOTE: Not for construction, for agency review only.

PROJECT AREA:
48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)



SHEET TITLE: Proposed Closed Storage Area

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83
ADJACENT PROPERTY OWNERS: See JARPA Attachment C
Source: Elevation Contours obtained from David Evans & Associates: 2013-09-17-svTPX-piti006-DEGROSS-C3d.dwg, 09/17/2013 & 2012-09-05-svEM01piti006-CIP-LIDAR-2' contours.dwg, 09/05/2012

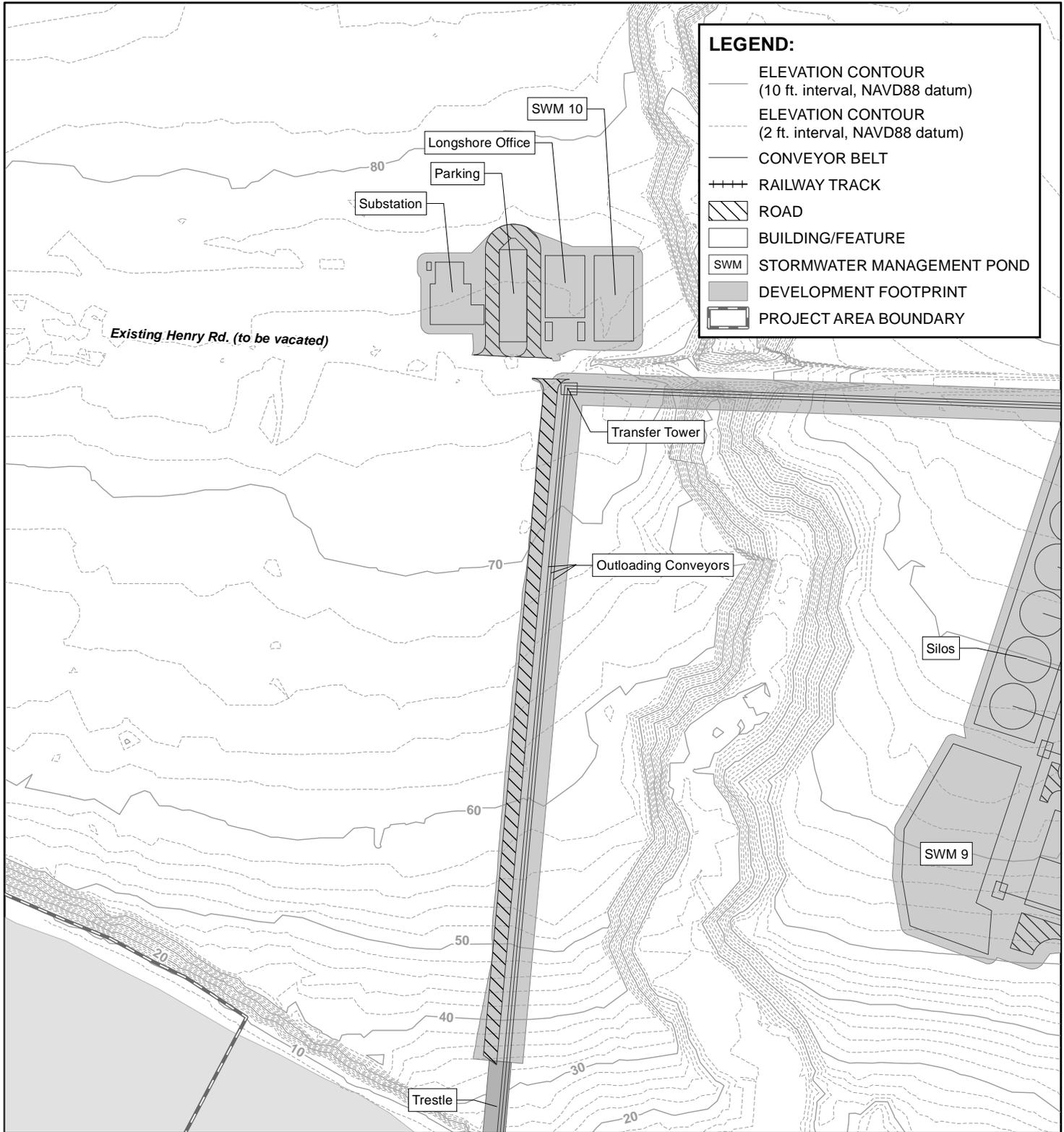
CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

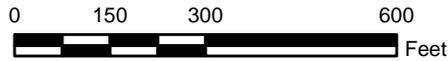
IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Femdale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 10 of 26

DATE: March, 2016



NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)



SHEET TITLE: Proposed Longshore Building

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83
 ADJACENT PROPERTY OWNERS: See JARPA Attachment C
 Source: Elevation Contours obtained from David Evans & Associates:
 2013-09-17-svTPX-piti006-DEGROSS-C3d.dwg, 09/17/2013 &
 2012-09-05-svEM01piti0006-CIP-LIDAR-2' contours.dwg, 09/05/2012

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
 NEAR/AT: Femdale
 COUNTY: Whatcom STATE: WA
 APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 11 of 26

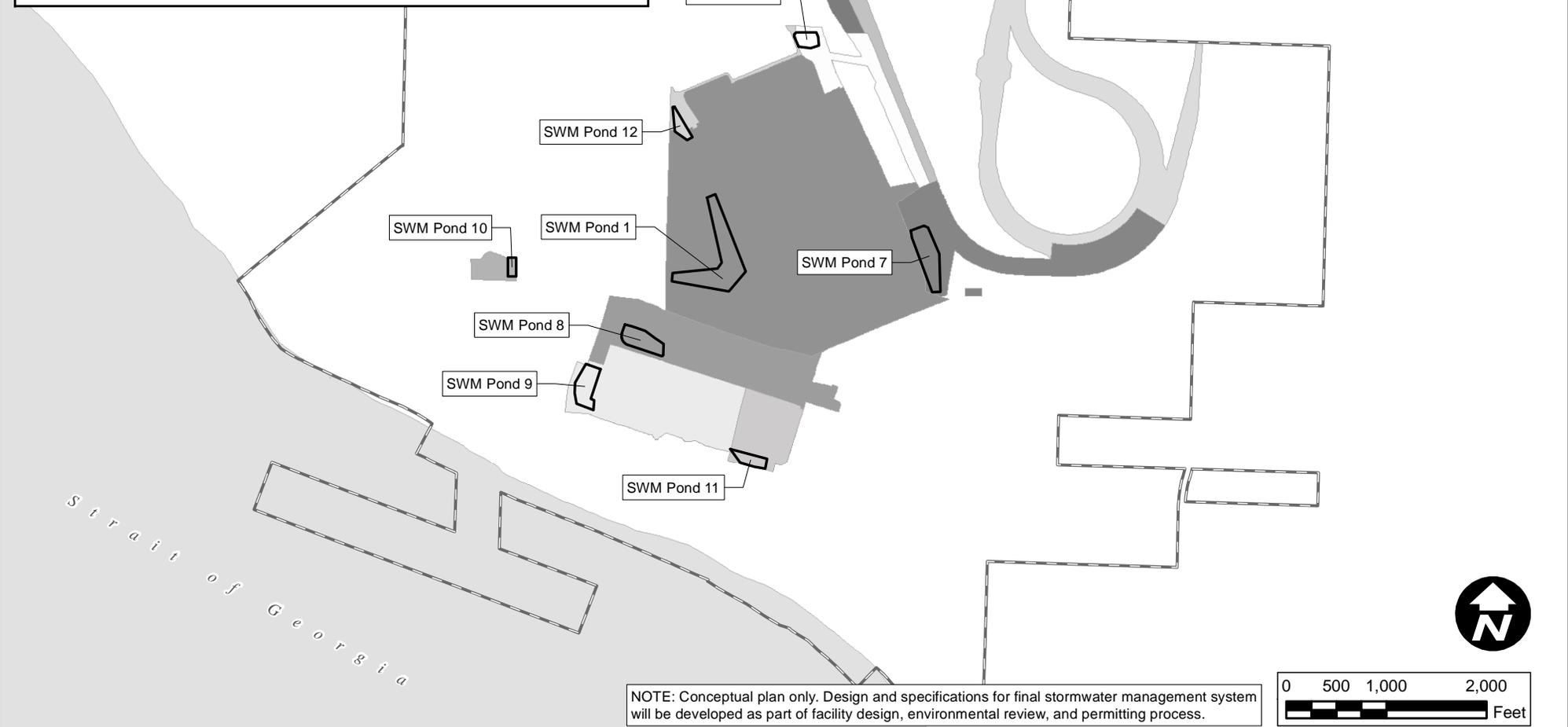
DATE: March, 2016

LEGEND:

-  PROJECT AREA BOUNDARY
-  PROPOSED STORMWATER POND

STORMWATER FACILITY TRIBUTARY SUBBASINS:

- | | |
|---|---|
|  SWM POND 1 |  SWM POND 6 |
|  SWM POND 2 |  SWM POND 7 |
|  SWM POND 3 |  SWM POND 8 |
|  SWM POND 4 |  SWM POND 9 |
|  SWM POND 5 |  SWM POND 10 |
| |  SWM POND 11 |
| |  SWM POND 12 |



SHEET TITLE: Proposed Stormwater Drainage Plan

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

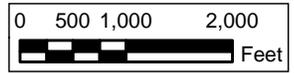
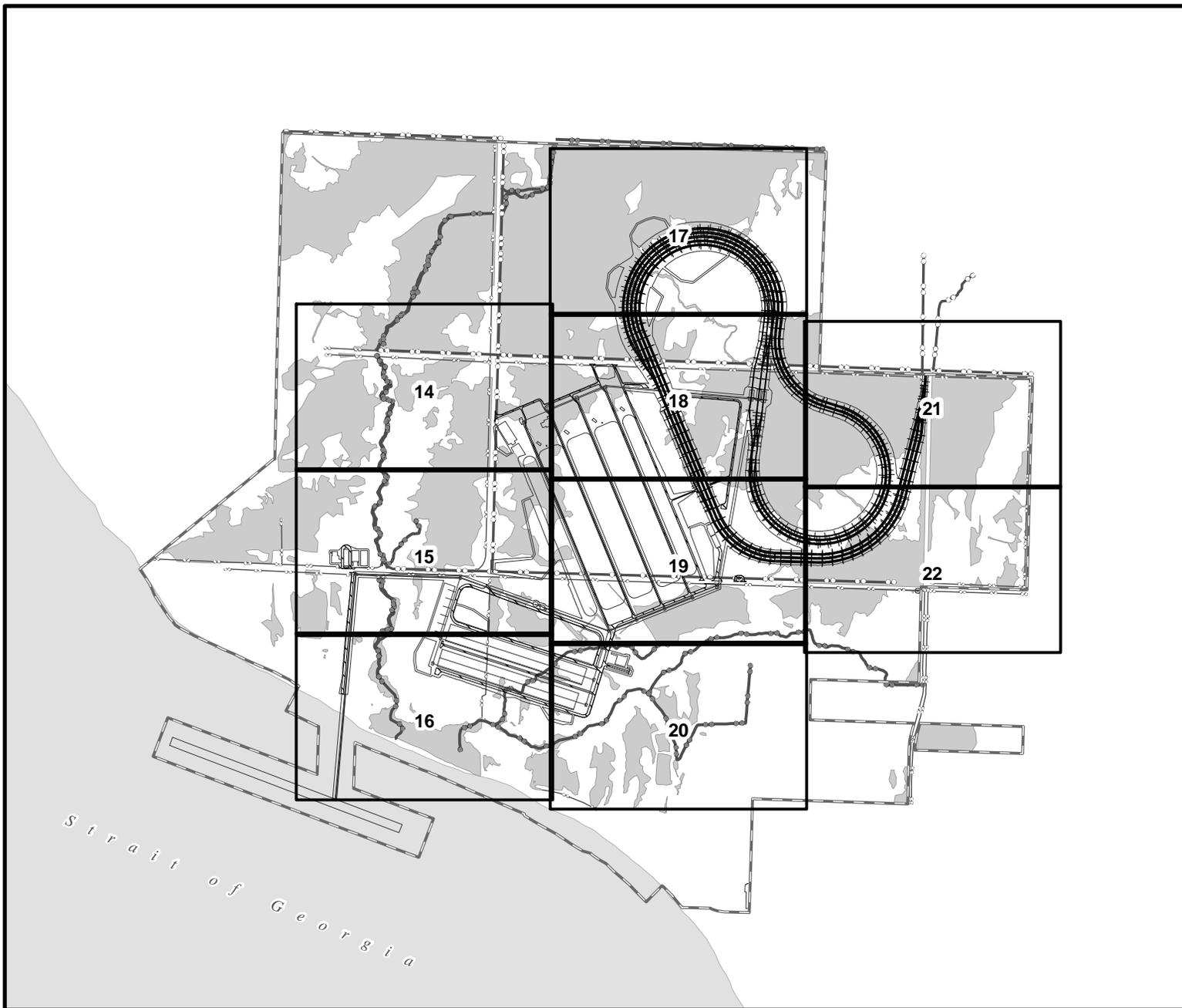
PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
 NEAR/AT: Ferndale
 COUNTY: Whatcom STATE: WA
 APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 12 of 26

DATE: March, 2016

LEGEND:

-  EXISTING WETLAND AREA
-  DEVELOPMENT FOOTPRINT
-  PROJECT AREA BOUNDARY
-  KEY
-  APPROXIMATE DRAINAGE
-  APPROXIMATE STREAM COURSE
-  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Index Map

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

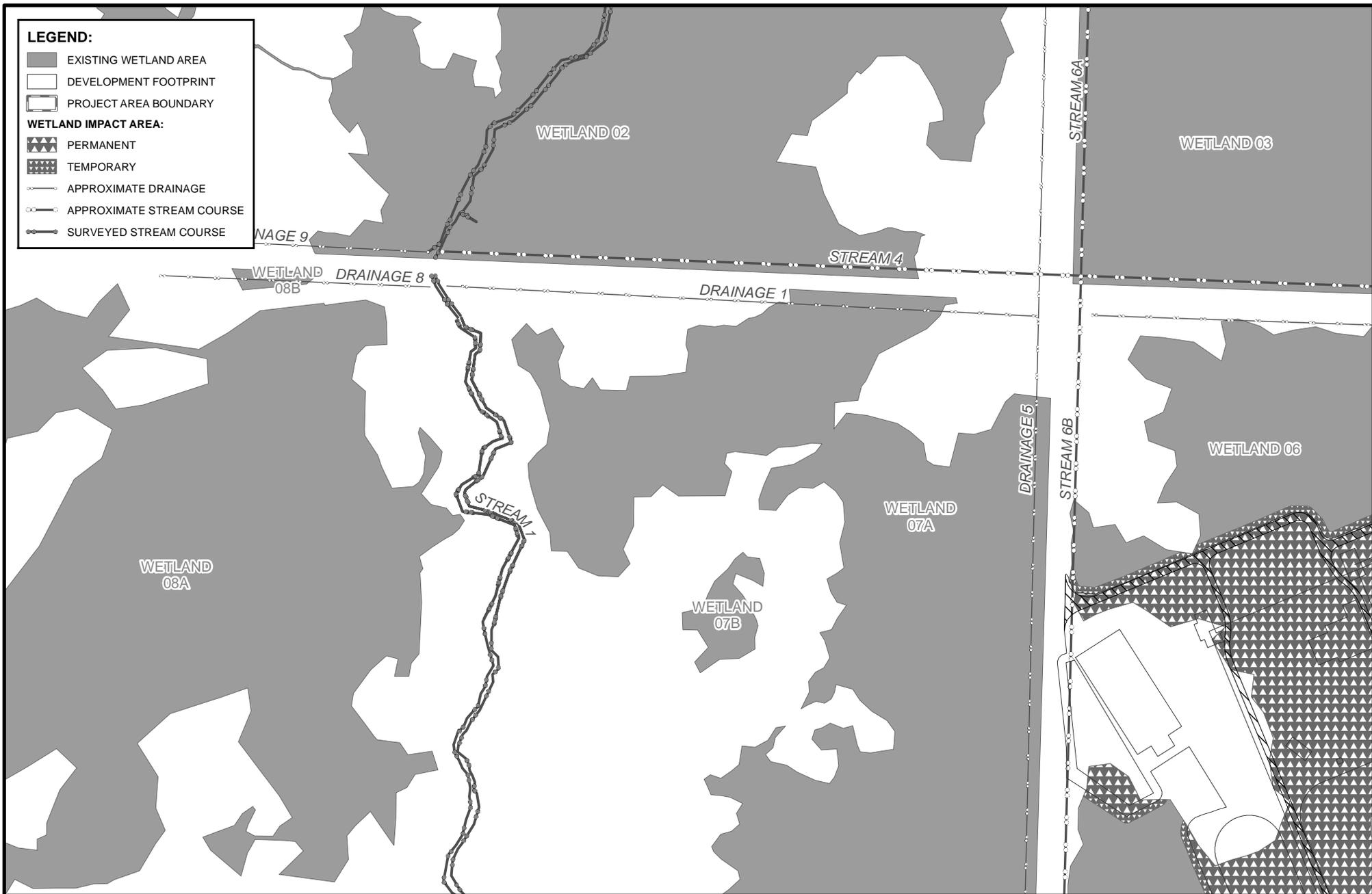
PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom **STATE:** WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 13 of 26

DATE: March, 2016

- LEGEND:**
-  EXISTING WETLAND AREA
 -  DEVELOPMENT FOOTPRINT
 -  PROJECT AREA BOUNDARY
- WETLAND IMPACT AREA:**
-  PERMANENT
 -  TEMPORARY
 -  APPROXIMATE DRAINAGE
 -  APPROXIMATE STREAM COURSE
 -  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)



PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

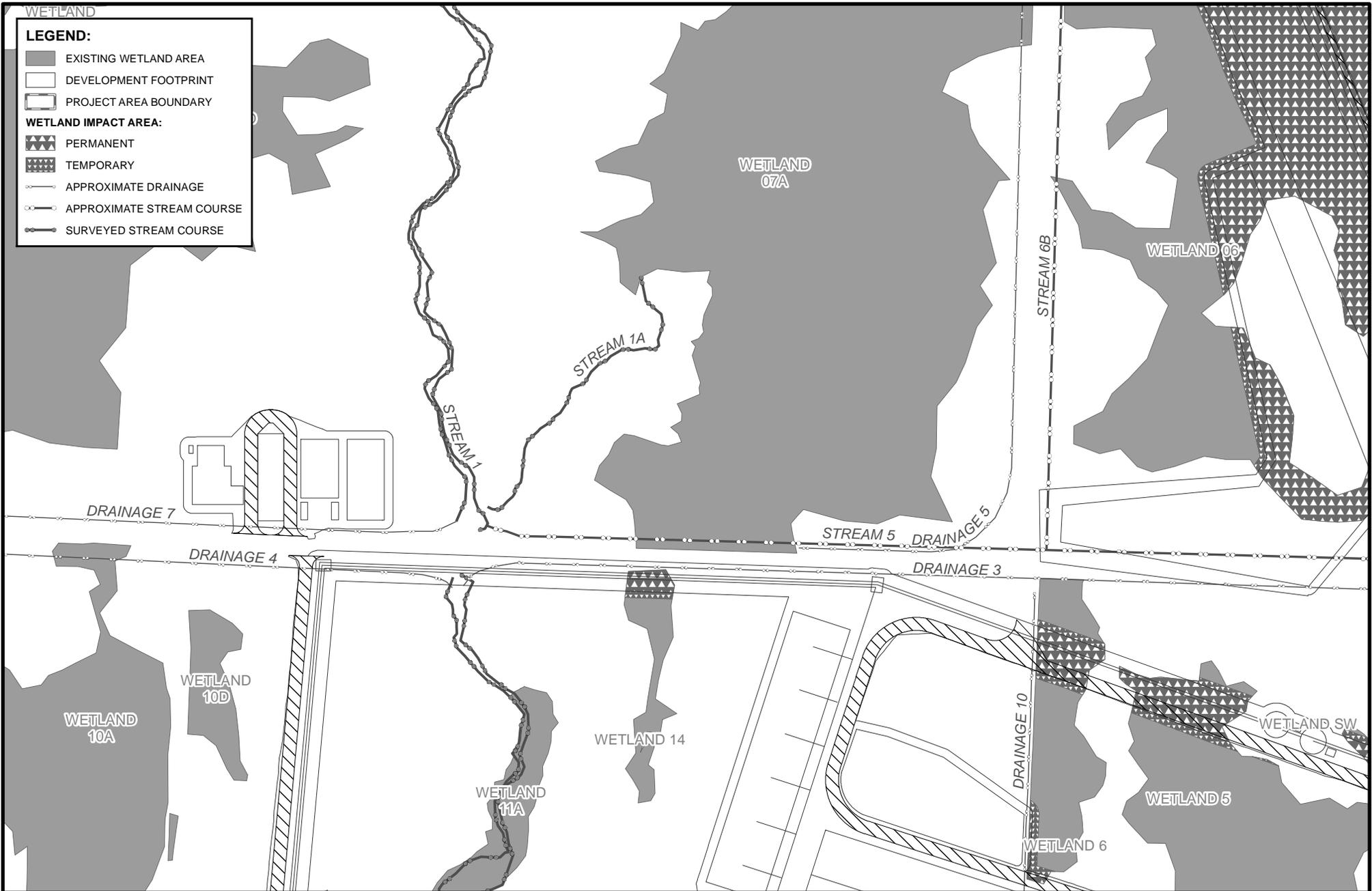
IN: Strait of Georgia, tributaries, and wetlands.
 NEAR/AT: Ferndale
 COUNTY: Whatcom STATE: WA
 APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 14 of 26

DATE: March, 2016

WETLAND

LEGEND:

-  EXISTING WETLAND AREA
-  DEVELOPMENT FOOTPRINT
-  PROJECT AREA BOUNDARY
- WETLAND IMPACT AREA:**
-  PERMANENT
-  TEMPORARY
-  APPROXIMATE DRAINAGE
-  APPROXIMATE STREAM COURSE
-  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

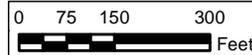
PROJECT AREA:

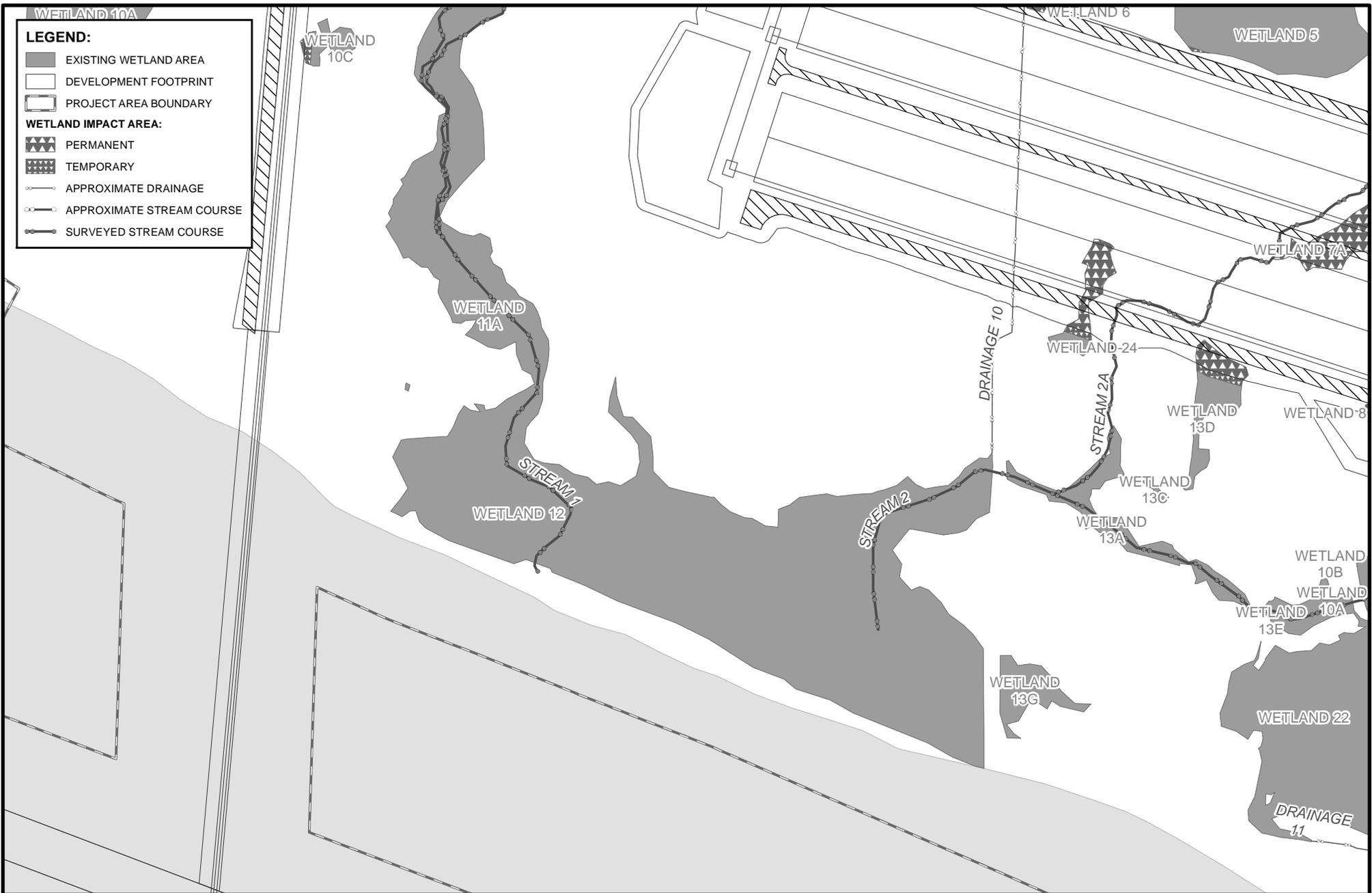
48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 15 of 26

DATE: March, 2016





SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:

48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.

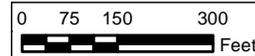
NEAR/AT: Ferndale

COUNTY: Whatcom STATE: WA

APPLICATION BY: Pacific International Holdings, LLC

SHEET: 16 of 26

DATE: March, 2016



LEGEND:

-  EXISTING WETLAND AREA
-  DEVELOPMENT FOOTPRINT
-  PROJECT AREA BOUNDARY

WETLAND IMPACT AREA:

-  PERMANENT
-  TEMPORARY
-  APPROXIMATE DRAINAGE
-  APPROXIMATE STREAM COURSE
-  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:

48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)



PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.

NEAR/AT: Ferndale

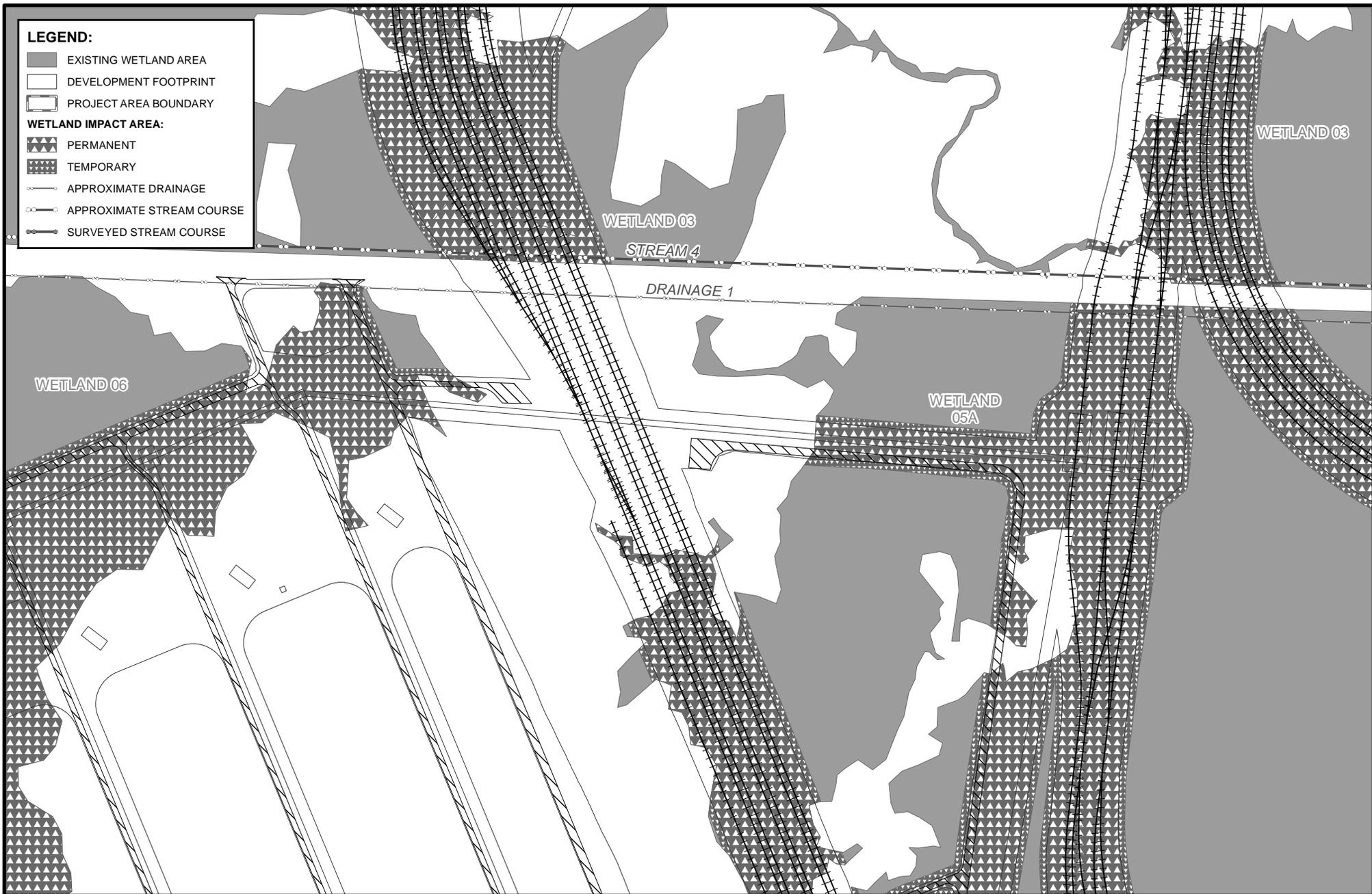
COUNTY: Whatcom STATE: WA

APPLICATION BY: Pacific International Holdings, LLC

SHEET: 17 of 26

DATE: March, 2016

- LEGEND:**
-  EXISTING WETLAND AREA
 -  DEVELOPMENT FOOTPRINT
 -  PROJECT AREA BOUNDARY
- WETLAND IMPACT AREA:**
-  PERMANENT
 -  TEMPORARY
 -  APPROXIMATE DRAINAGE
 -  APPROXIMATE STREAM COURSE
 -  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

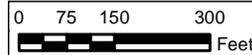
Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)



PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
 NEAR/AT: Ferndale
 COUNTY: Whatcom STATE: WA
 APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 18 of 26

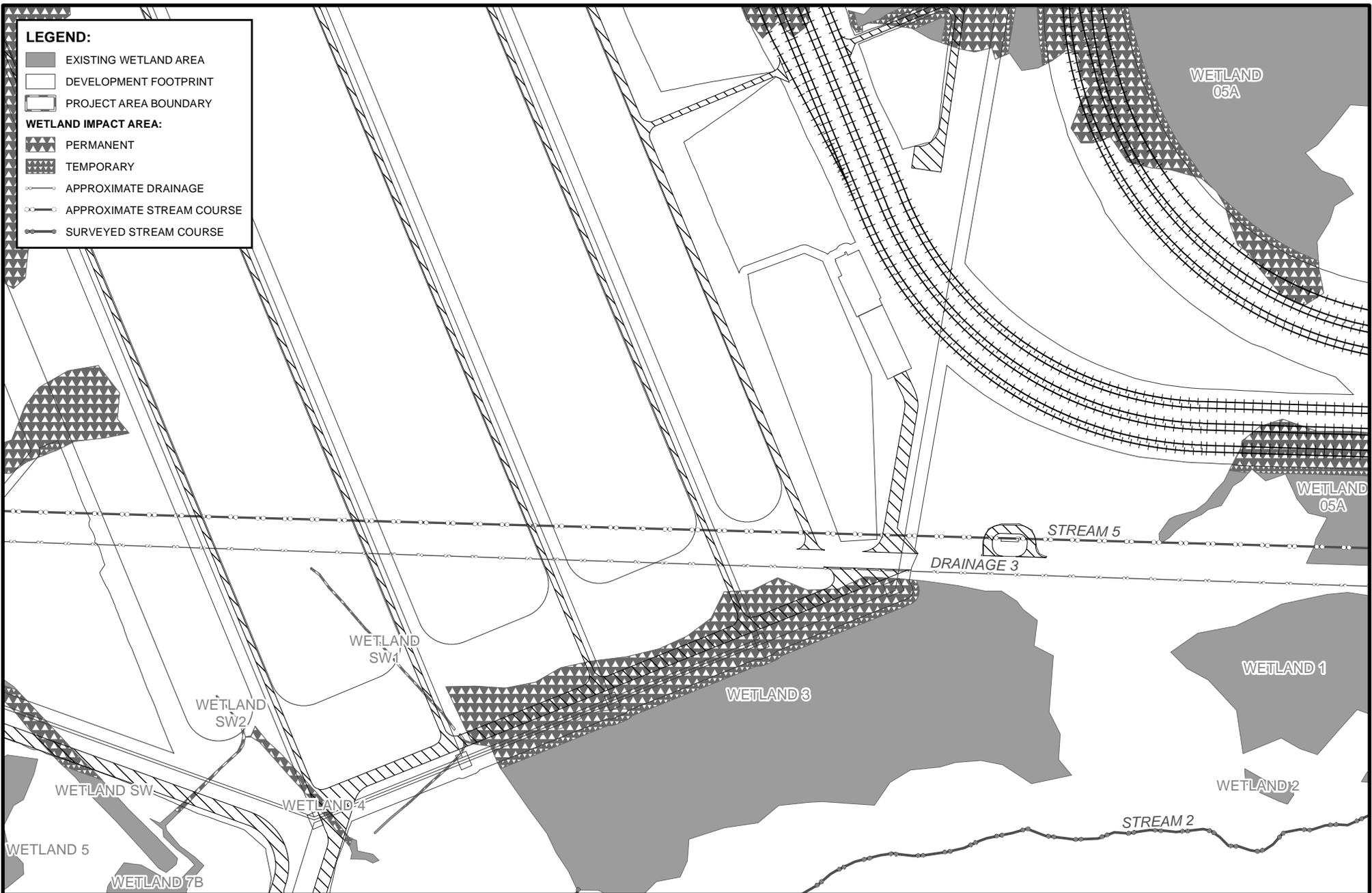
DATE: March, 2016

LEGEND:

-  EXISTING WETLAND AREA
-  DEVELOPMENT FOOTPRINT
-  PROJECT AREA BOUNDARY

WETLAND IMPACT AREA:

-  PERMANENT
-  TEMPORARY
-  APPROXIMATE DRAINAGE
-  APPROXIMATE STREAM COURSE
-  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

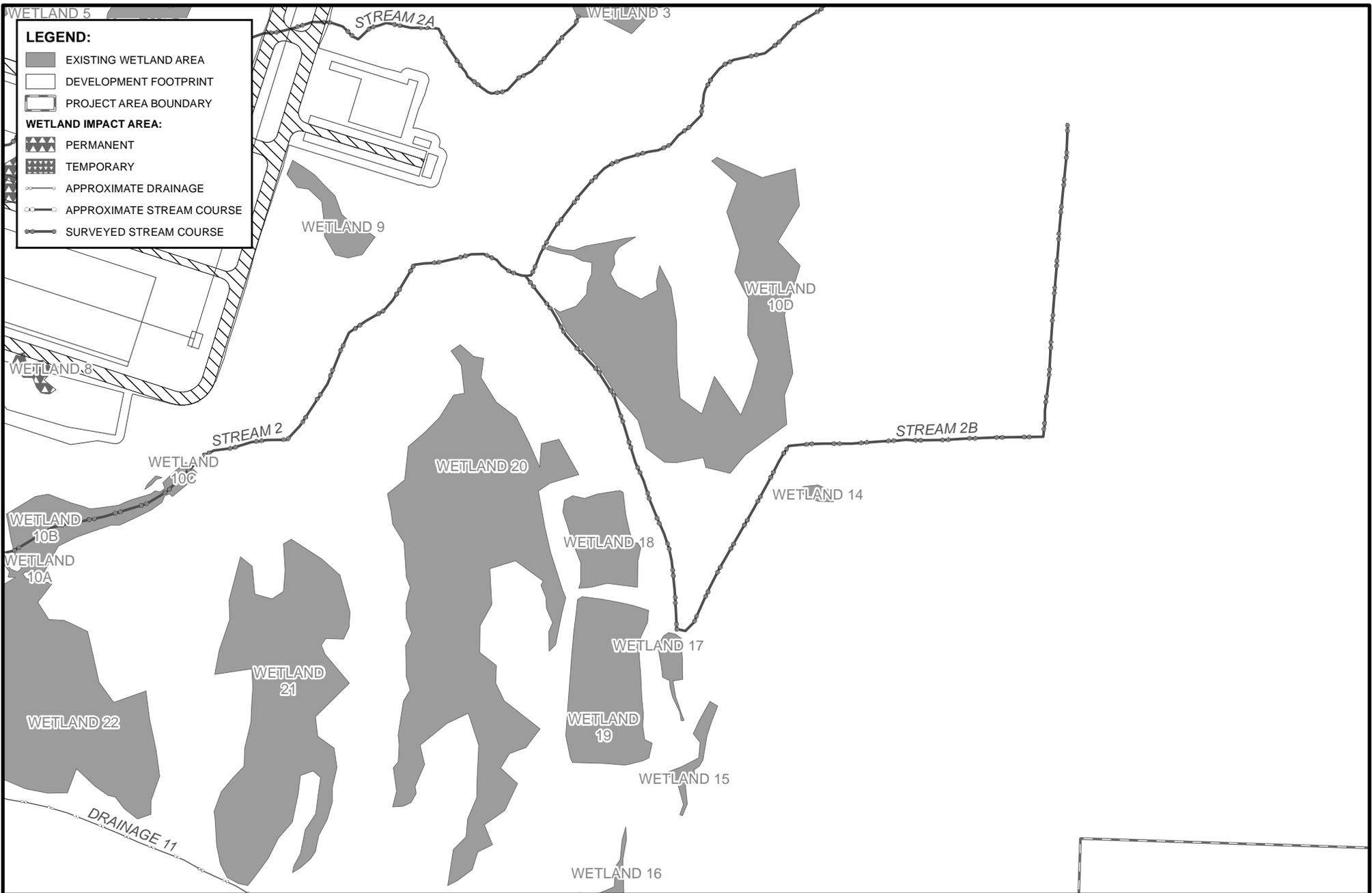
NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom **STATE:** WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 19 of 26

DATE: March, 2016



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:

48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 20 of 26

DATE: March, 2016

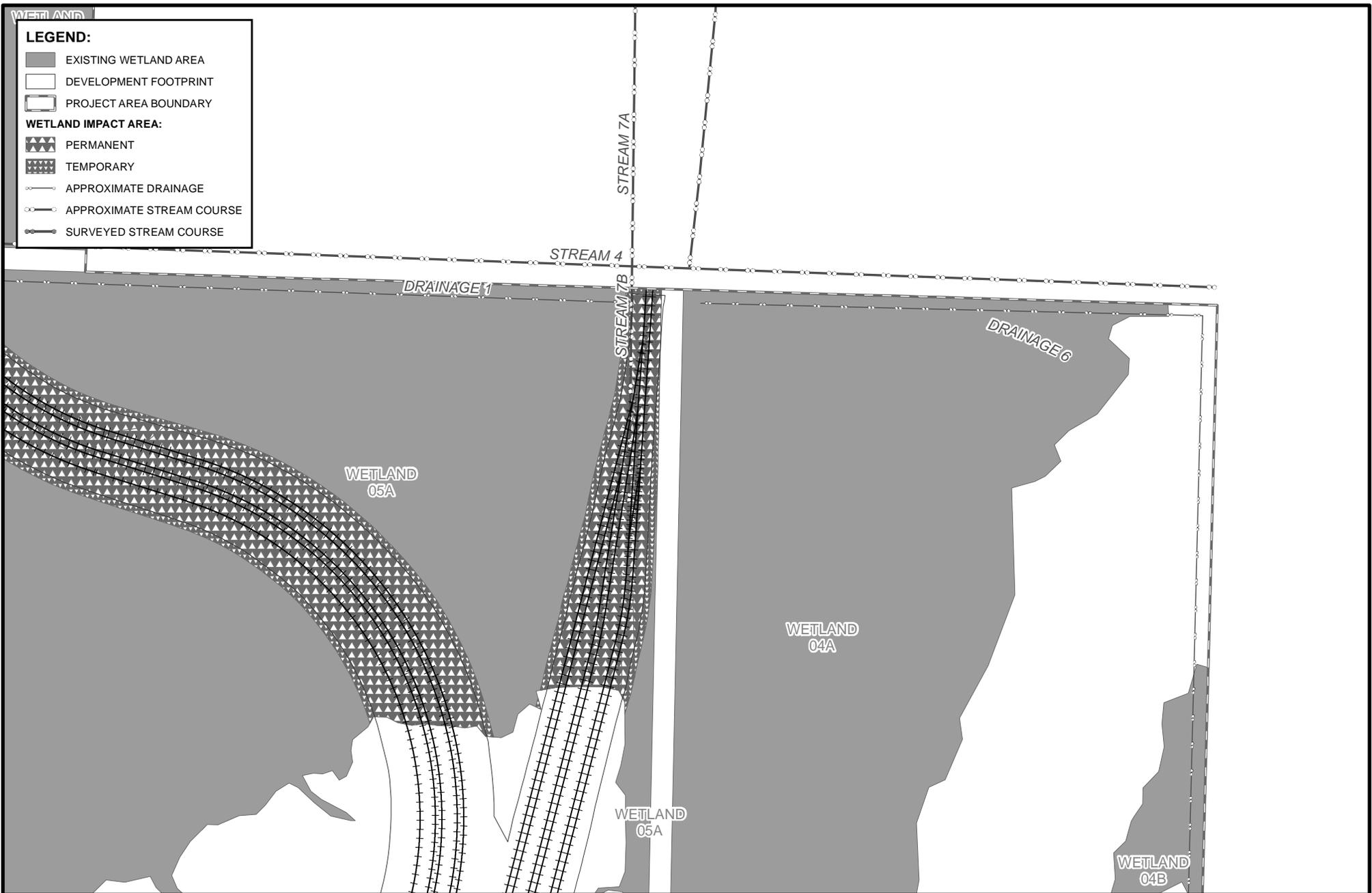


LEGEND:

-  EXISTING WETLAND AREA
-  DEVELOPMENT FOOTPRINT
-  PROJECT AREA BOUNDARY

WETLAND IMPACT AREA:

-  PERMANENT
-  TEMPORARY
-  APPROXIMATE DRAINAGE
-  APPROXIMATE STREAM COURSE
-  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

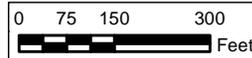
PROJECT AREA:

48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 21 of 26

DATE: March, 2016

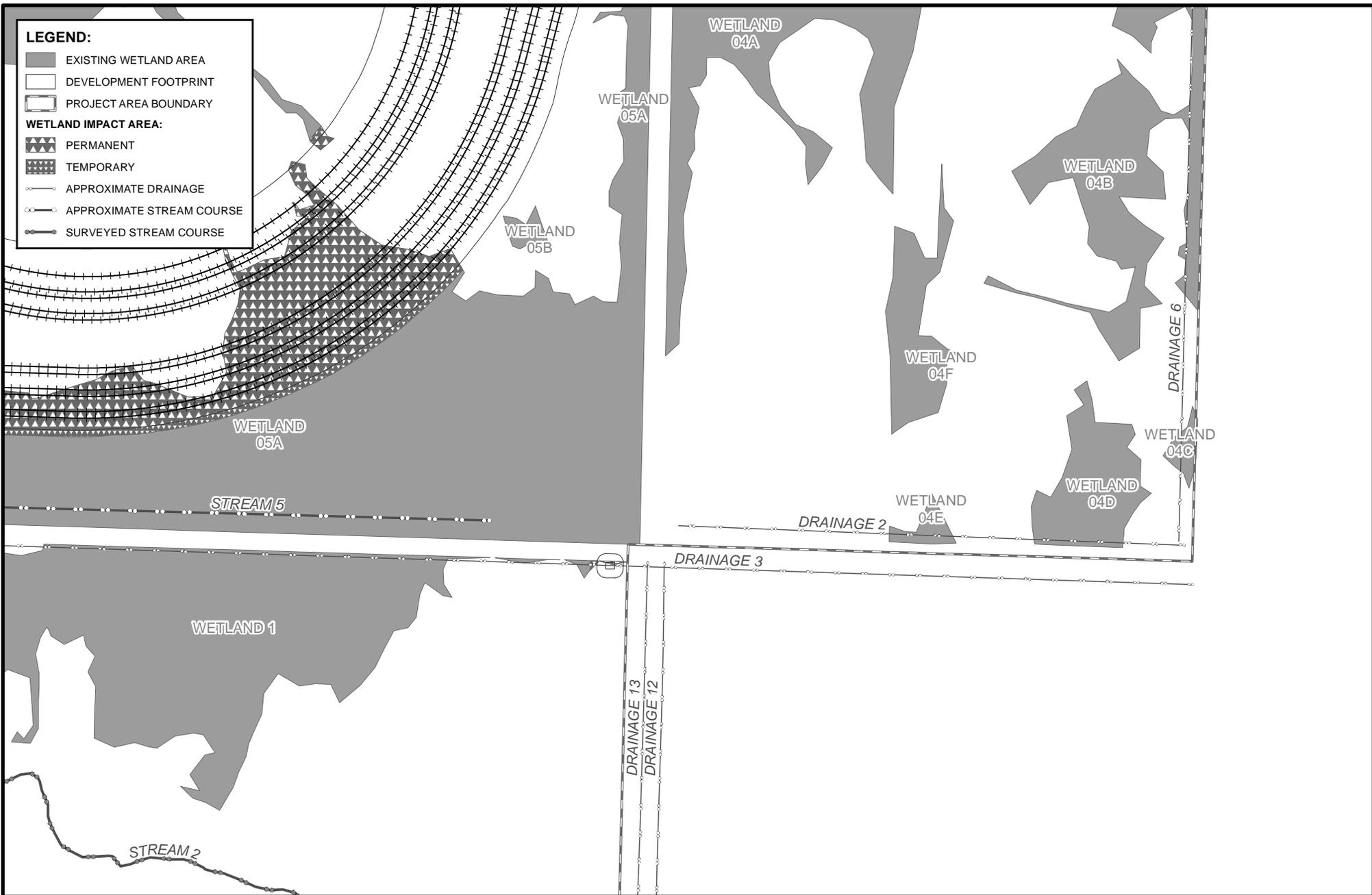


LEGEND:

-  EXISTING WETLAND AREA
-  DEVELOPMENT FOOTPRINT
-  PROJECT AREA BOUNDARY

WETLAND IMPACT AREA:

-  PERMANENT
-  TEMPORARY
-  APPROXIMATE DRAINAGE
-  APPROXIMATE STREAM COURSE
-  SURVEYED STREAM COURSE



SHEET TITLE: Wetlands Mapbook

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

Jurisdictional Determination issued by USACE on 11/12/2013.

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

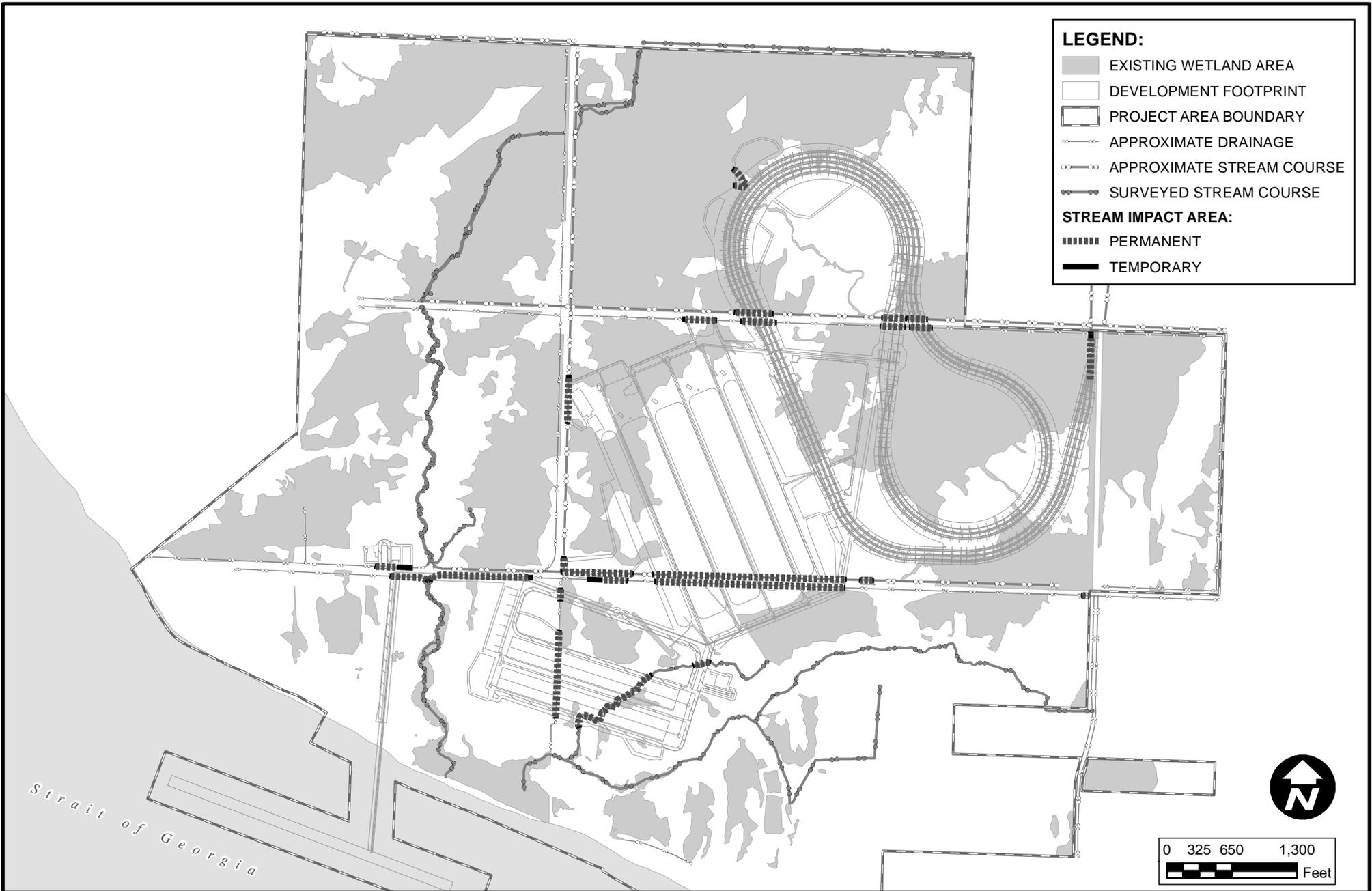
PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)




PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom **STATE:** WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 22 of 26

DATE: March, 2016



SHEET TITLE: Streams Impacts

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

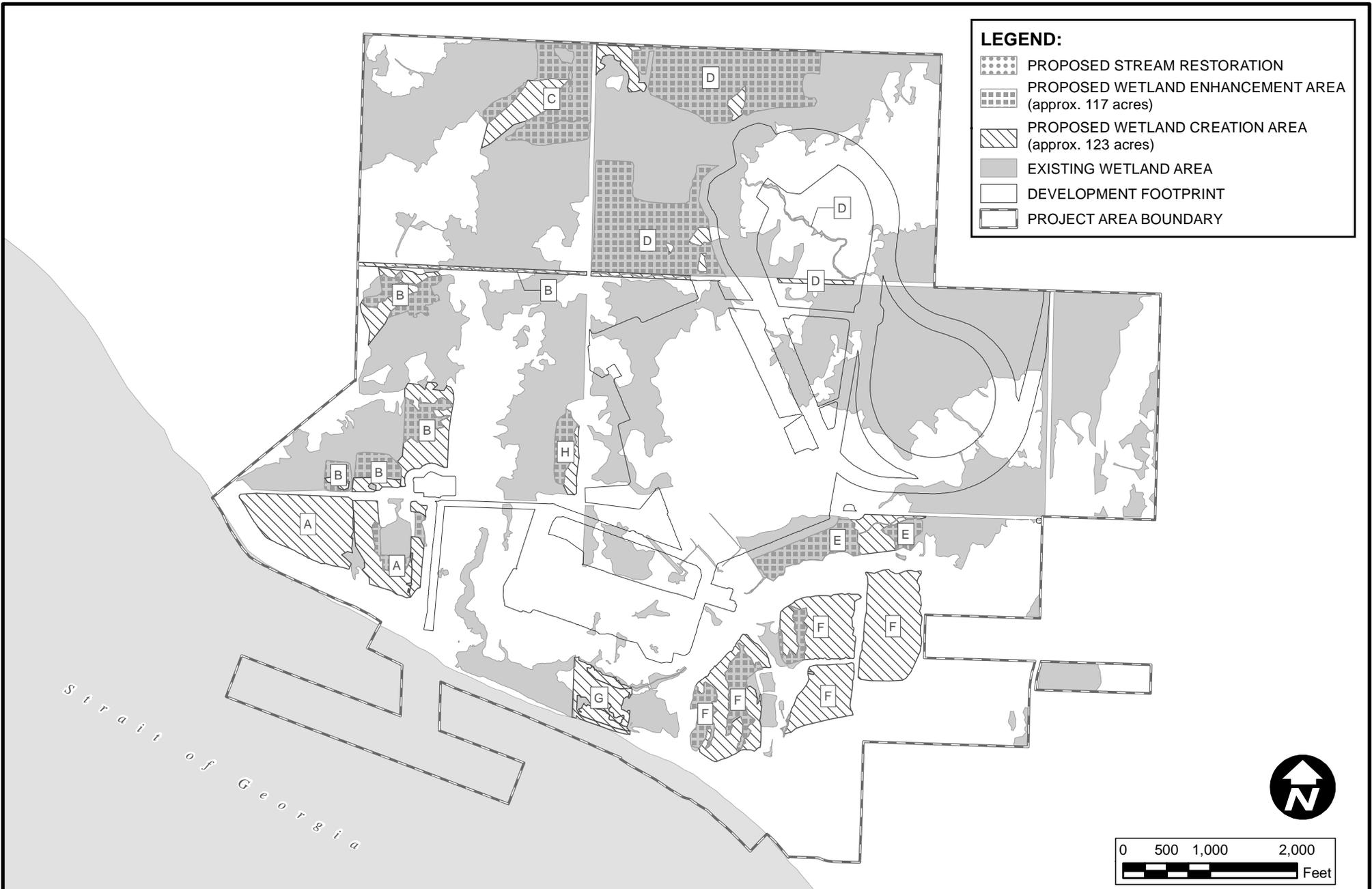
NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom **STATE:** WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 23 of 26

DATE: March, 2016



SHEET TITLE: Proposed Mitigation Areas

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom **STATE:** WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 24 of 26

DATE: March, 2016

Direct Temporary Wetland Impacts and Restoration

Activity	Wetland ID	Rating Category ³	Impact Area by Cowardin Class (acres) ²			Total Temporary Impact Area (acres) ²
			PEM	PFO	PSS	
Vegetation impacts and soil disturbance in a zone 15 feet beyond the outer edge of the development footprint.	03	III	0.5	0.8	0.2	1.5
	3	III	0.3	0.1	-	0.4
	4	III	-	<0.1	-	<0.1
	05A	III	0.2	4.1	0.3	4.6
	5	III	-	0.1	-	0.1
	06	III	-	1.1	-	1.1
	6	III	-	0.2	-	0.2
	10C	III	-	<0.1	-	<0.1
	13D	III	-	<0.1	-	<0.1
	014	III	-	<0.1	-	<0.1
	24	III	-	<0.1	-	<0.1
Total³			0.9	6.6	0.4	8.0

1. Cowardin, et al. (1979)
2. Total wetland area calculated using GIS spatial data and by rounding to 0.1 acre.
3. Hruby (2004).

Direct Permanent Wetland Impacts and Mitigation

Activity	Wetland ID	Rating Category ³	Impact Area by Cowardin ¹ Class (acres) ²				Total Permanent Impact Area (acres) ²	Proposed Mitigation Type and Area (acres)
			PEM	PFO	PSS	POW		
Clearing, grading, excavation and filling for Terminal Infrastructure	03	III	6.2	9.3	2.2	-	17.7	Wetland Mitigation Areas A-H: • Creation = 122.7 acres • Enhancement = 117.5 acres Total compensation area = 240.2 acres
	3*	III	3.0	0.1	-	-	3.1	
	4*	III	-	0.1	-	-	0.1	
	05A	III	0.7	28.2	1.5	-	30.4	
	5*	III	-	0.6	-	-	0.6	
	06	III	-	21.0	-	-	21.0	
	6*	III	-	0.4	-	-	0.4	
	7A*	III	-	0.7	-	-	0.7	
	8*	III	-	0.1	-	-	0.1	
	010C	III	-	<0.1	-	-	<0.1	
	13D	III	-	0.1	-	-	0.1	
	014	III	-	0.1	-	-	0.1	
	24*	III	-	0.2	-	-	0.2	
	SW*	IV	-	-	-	0.2	0.2	
	SW1*	IV	-	0.1	-	-	0.1	
	SW2*	IV	-	<0.1	-	-	<0.1	
Total³			9.8	60.9	3.7	0.2	74.7	

1. Cowardin, et al. (1979)
2. Total wetland area calculated using GIS spatial data and by rounding to 0.1 acre.
3. Hruby (2004).

SHEET TITLE: Mitigation Tables

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83

ADJACENT PROPERTY OWNERS: See JARPA Attachment C

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

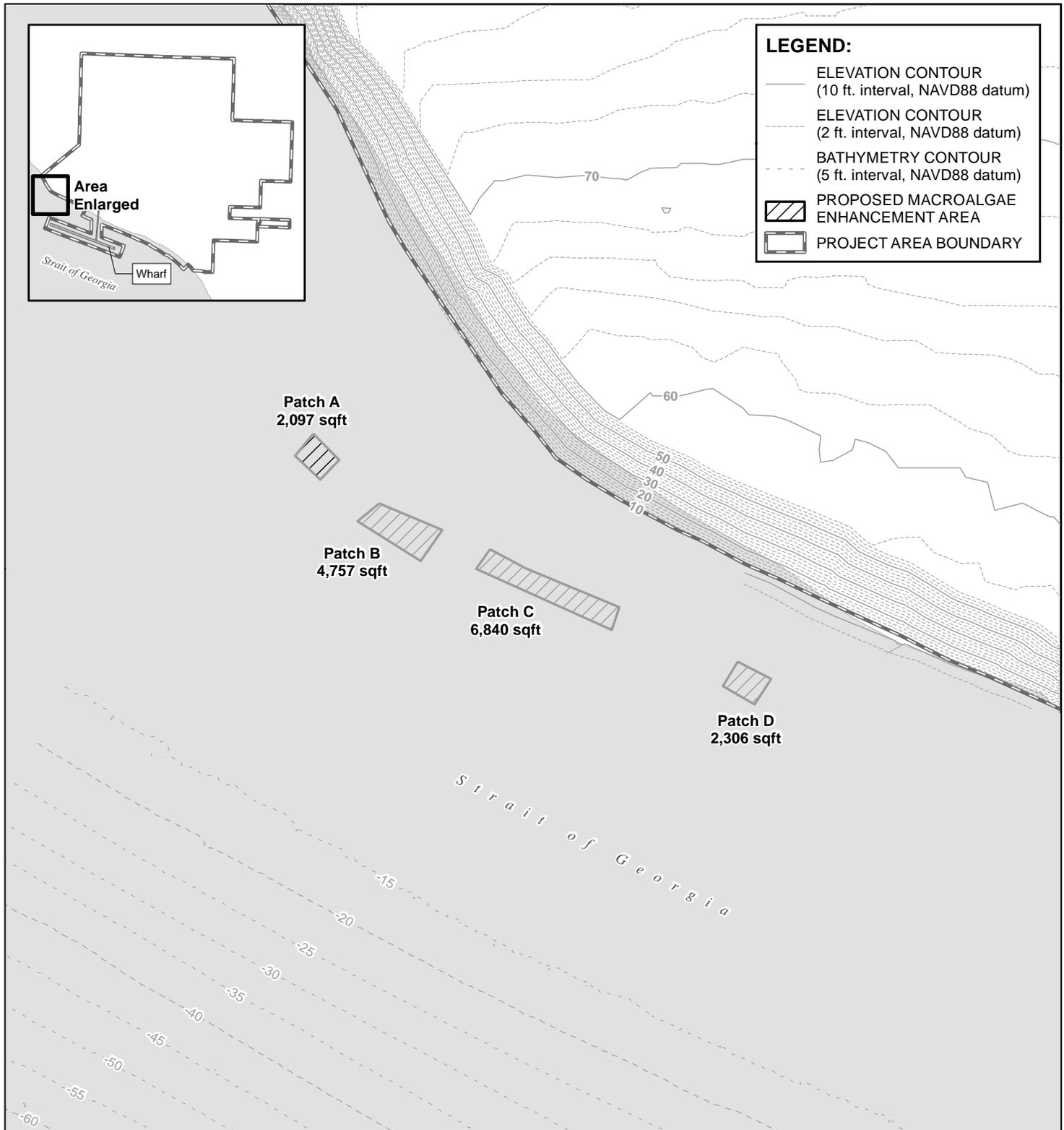
NOTE: Not for construction, for agency review only.

PROJECT AREA:
48.868383, -122.728311 (NAD83)
5412860.29, 519924.32 (UTM 10N)

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
NEAR/AT: Ferndale
COUNTY: Whatcom STATE: WA
APPLICATION BY: Pacific International Holdings, LLC
SHEET: 25 of 26

DATE: March, 2016



NOTE: Not for construction, for agency review only.

PROJECT AREA:
 48.868383, -122.728311 (NAD83)
 5412860.29, 519924.32 (UTM 10N)



SHEET TITLE: MacroAlgae Enhancement Area

PURPOSE: To develop and operate a multimodal (rail-to-ship) deepwater bulk terminal for export of dry bulk commodities.

DATUM: NAD83
 ADJACENT PROPERTY OWNERS: See JARPA Attachment C
 Source: Elevation Contours obtained from David Evans & Associates:
 2013-09-17-svTPX-piti006-DEGROSS-C3d.dwg, 09/17/2013 &
 2012-09-05-svEM01piti006-CIP-LIDAR-2' contours.dwg, 09/05/2012

CORPS REFERENCE NUMBER: NWS-2008-260

LOCATION: In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Road, Whatcom County, WA.

PROPOSED: Construct and operate a multimodal, deep-water storage, handling, and transportation facility for the export of bulk commodities.

IN: Strait of Georgia, tributaries, and wetlands.
 NEAR/AT: Femdale
 COUNTY: Whatcom STATE: WA
 APPLICATION BY: Pacific International Holdings, LLC
 SHEET: 26 of 26

DATE: March, 2016



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [help]



US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

TO BE COMPLETED BY APPLICANT [help]

Project Name: _____

Attachment A-1:
For additional property owner(s) [help]

Use this attachment only if you have more than one property owner. Complete one attachment for each additional property owner impacted by the project.

Signatures of property owners are not needed for repair or maintenance activities on existing rights-of-way or easements.

Use black or blue ink to enter answers in white spaces below.

1. Name (Last, First, Middle) and Organization (if applicable)			
Watts Family Partnership, Emily Watts Tidball, Partner			
2. Mailing Address (Street or PO Box)			
2608 260 th Place SE			
3. City, State, Zip			
Sammamish, Washington 98075			
4. Phone (1)	5. Phone (2)	6. Fax	7. E-mail
(425) 557-8684	(425) 736-7984	-	-
Address or tax parcel number of property you own:			
390117278062			
Signature of Property Owner			
<u>A purchase and sale agreement for this property has been negotiated with applicant.</u>			
I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner and/or project applicant.			
<u>Emily Watts Tidball</u>		<u>Emily Watts Tidball</u>	
Printed Name		Signature	

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-020-09 rev. 08/2013



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [help]



US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

TO BE COMPLETED BY APPLICANT [help]

Project Name: _____

Attachment A-2:
For additional property owner(s) [help]

Use this attachment only if you have more than one property owner. Complete one attachment for each additional property owner impacted by the project.

Signatures of property owners are not needed for repair or maintenance activities on existing rights-of-way or easements.

Use black or blue ink to enter answers in white spaces below.

1. Name (Last, First, Middle) and Organization (if applicable)			
Cherry Point Industries, LLC and Cherry Point Industrial Park Ltd			
2. Mailing Address (Street or PO Box)			
10587 108 Street NW			
3. City, State, Zip			
Edmonton, AB T5H 2Z8 Canada			
4. Phone (1)	5. Phone (2)	6. Fax	7. E-mail
(360) 715-1218	-	(360) 715-9829	-
Address or tax parcel number of property you own:			
390119440480, 390119502484, 390120095477, 390120135359, 390120340476, 390119512341, 390119505246			
Signature of Property Owner			
A purchase and sale agreement for this property has been negotiated with applicant. Owners Agent: Mr. Steven L. Shropshire Shropshire Law Firm, PLLC 1223 Commercial Street, Bellingham, WA 98225			
I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.			
<u>Steven L. Shropshire</u>		<u>[Signature]</u>	
Printed Name		Signature	

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-020-09 rev. 08/2013



**WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)**



AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

TO BE COMPLETED BY APPLICANT [\[help\]](#)

Project Name: _____

Location Name (if applicable): _____

**Attachment C:
Contact information for adjoining
property owners. [\[help\]](#)**

Use this attachment only if you have more than four adjoining property owners.

Use black or blue ink to enter answers in white spaces below.

1. Contact information for all adjoining property owners. [help]		
Name	Mailing Address	Tax Parcel # (if known)
Atlantic Richfield Company (1)	PO Box 512485, Los Angeles, CA 90051-0485	390118084466, 390118086345, 390118088200, 390118052092
Baker Septic (6)	PO Box 2128, Ferndale, WA 98248-2128	390121038472
BNSF Railway Company (2)	PO Box 961089, Fort Worth, TX 76161-0089	390120388243, 390117403017, 390108384026, 390107267010
BP West Coast Products LLC (3)	PO Box 5015, Buena Park, CA 90622-5015	395113488166, 390107317235, 390108071094, 390108018023, 390108059042, 390108204081
Campbell Land Corporation (4)	Attn: Herbert A Davis 6568 Lambert Crest, Delta, BC V4E 1R8 Canada	390108326085
David and Kathleen Wells (5)	P.O. Box 3104, Ferndale, WA 98248-3104	390116036016
Garrett and Lawanda Lemley (7)	6188 Kickerville Road, Ferndale, WA 98248-9617	390116018121
L. James and Linda Kolbo (8)	4017 Mayne Lane, Ferndale, WA 98248-9578	390116051110, 390116037071
LGJK LLC (9)	1134 37 th Street, Bellingham, WA 98226-3132	390120478526
Crystal Higdon and Edgar Rodriquez (10)	6128 Kickerville Road, Ferndale, WA 98248-9617	390116029040

Attachment C - Continued

Department of Natural Resources, State Lands Division (11)	415 East 11 th Street, Olympia, WA 98504	390117334462, 390117334328, 390116070420, 390116073206
Intalco Aluminum Corp. (12)	Attn: Property Tax Department 201 Isabella Street, Pittsburgh, PA 15212-5858	390120237207; 390120341236; 390120478304; 390120337323; 390120505379; 390120489388; 390120395412
Department of Natural Resources, Orca Straits Aquatic District (Tidelands)	919 N. Township Street Sedro Woolley, WA 98284-9384	-

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-022-09 rev. 08/2013



**Pacific International
Terminals**
A Carrix Enterprise

1131 SW Klickitat Way
Seattle Washington
98134
800/422-3505 tel
206/623-0179 fax

December 22, 2015

Transmitted electronically

Randel Perry, Project Manager
US Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

**RE: USACE Reference Number NWS-2008-260; Gateway Pacific Terminal,
Joint Aquatic Resources Permit Application (JARPA)**

Dear Mr. Perry,

Pacific International Terminals ("PI Terminals") re-submits its Joint Aquatic Resources Permit Application ("JARPA") to the U.S. Army Corps of Engineers ("USACE") for the Gateway Pacific Terminal ("Terminal"). The Terminal is a multi-commodity bulk shipping terminal to be located on approximately 1,500 acres of privately held land in the Cherry Point Heavy Impact Industrial (HII) zoned land in Whatcom County, Washington.

PI Terminals submitted a JARPA for the proposed project on February 28, 2011 ("2011 JARPA"). After USACE review and submittal of supplemental information, the application was found to be complete and the USACE's permit review process commenced. The USACE provided public notice and initiated environmental review of the project under the National Environmental Policy Act ("NEPA"). The 2011 JARPA was simultaneously submitted to state and local permitting agencies with jurisdiction and they initiated environmental review under the State Environmental Policy Act.

In response to the advice and a request from the USACE, PI Terminals withdrew the 2011 JARPA by letter dated June 12, 2012 with the expressed agreement that the USACE would continue permit review and environmental review under the provisions of the USACE regulations that provide for Pre-application review. As a Co-lead agency, the Washington State Department of Ecology made a similar request that the JARPA be withdrawn.

The ongoing Pre-application review includes preparation of a Draft Environmental Impact Statement ("DEIS") under NEPA and other federal processes such as the National Historical Preservation Act Section 106 cultural resources consultation process and the Endangered Species Act Section 7 consultation process. Over the more than 3 years since the 2011 JARPA was filed, the USACE accomplished a number of milestones in its permit review process. A list of the milestones that have been achieved during the pre-application review is shown in Attachment A.

During this period the Terminal's potential to impact treaty protected fishing rights of the Lummi Nation and other treaty recognized tribes was raised and the USACE is currently engaged in a government-to-government consultation with the Lummi Nation regarding this issue. In recognition of the importance of preserving tribal fishing as a subsistence lifeway and Treaty-protected right, PI



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Terminals has significantly engaged with the USACE and state agencies to collect, analyze and provide information in support of the government-to-government consultation. PI Terminals has also developed a set of project features related to tribal fishing that are now incorporated as committed features into our project. We believe they address the potential impacts to tribal fishing and will in fact enhance the safety and success of tribal fishing in the vicinity of Cherry Point.

In the normal course of a project review we understand that a final JARPA fully describing the project to be approved, including required mitigation, would be submitted following completion of the NEPA process and other essential permitting reviews. In that way the JARPA application would reflect the result of the permitting review including agency, tribal, and public review. However, PI Terminals is submitting our JARPA at this stage in the permit review process to provide the USACE with the clearest description of the project that PI Terminals currently wishes to have considered in the Department of the Army permit review and NEPA process and to inform the USACE in the current government-to-government consultation process with the Lummi Nation.

Accordingly, we are resubmitting the Gateway Pacific Terminal JARPA application (2015 JARPA). This 2015 JARPA proposes the same project initially proposed in 2012 with four key revisions:

- Updated Site Layout – As the result of an internal review of the upland facilities site layout undertaken by PI Terminals, the company issued a report, *“Gateway Pacific Terminal Project Alternatives Report”* on April 18, 2014, to the USACE and the other co-lead agencies. The report identified an alternative upland facilities site layout that reduced impacts to Waters of the United States (wetlands and streams) by approximately 50 percent. The report was accepted by the USACE and the revised upland facilities site layout identified in the report has been recognized as the Applicant’s Proposed Alternative for purposes of the ongoing NEPA process.
- Port Operations and Safety Plan to Facilitate Tribal Fishing – PI Terminals has developed, and incorporates as part of the proposed project, a *Port Operations and Safety Plan to Facilitate Tribal Fishing* (the “Plan”). This Plan will be implemented by PI Terminals in cooperation with the Lummi Nation, the USACE and other parties as required to accomplish the purpose and objectives of the Plan.
- Updated Property Boundary – Since filing the 2011 JARPA, PI Terminals acquired, or acquired the rights to, two additional properties. This increases the overall project site from approximately 1,200 acres to approximately 1,500 acres. The additional property was acquired to support development of an on-site wetlands compensatory mitigation in recognition of the area of wetlands disturbed by the proposed project.
- Updated Compensatory Wetlands Mitigation Plan – As a result of PI Terminals’ wetlands disturbance minimization efforts and a reduction in the area of wetland disturbance, and through discussion with the USACE, the *Draft Wetlands Compensatory Mitigation Plan* has been updated and was previously submitted to USACE in 2014.



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PI Terminals anticipates that the USACE will review this application to determine that the information provided meets your standards for a complete application. In the interest of continuing to move forward on the permit review and NEPA process, we will immediately respond to any information requests that you may have while determining the re-submitted JARPA application is complete. When reviewing the application you will note several other revisions including the revised company name, and an expanded discussion in Section 8 on avoidance, minimization and mitigation to marine resources.

Please advise if additional information is necessary for the application to be completed.

This application is submitted by Pacific International Terminals, LLC acting as agent for Pacific International Terminals, Inc., Cloud Peak Energy Logistics, LLC, and the Crow Tribe of Indians - an alliance for developing the Gateway Pacific Terminal.

Sincerely,

Pacific International Terminals,
Inc.

Bob Watters
Senior Vice President

Cloud Peak Energy,
Logistics I LLC

Bryan Pechersky
Executive Vice President,
General Counsel and
Corporate Secretary

Crow Tribe of Indians

Darrin Old Coyote
Chairman

Attachments:

- A – Pre-application Milestones Achieved (attached)
- Completed Joint Aquatic Resources Permit Application Form, December 2015 (as a separate PDF document)
- *Port Operations and Safety Plan to Facilitate Tribal Fishing, 2015*, Pacific International Terminals, LLC, Seattle, Washington (as a separate PDF document)

CC: Colonel John G. Buck, Commander and District Engineer, Seattle District, U.S. Army Corps of Engineers
Michelle Walker, Regulatory Branch Chief, Seattle District, U.S. Army Corps of Engineers
Francis Eugenio, Attorney, Seattle District, U.S. Army Corps of Engineers



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Attachment A - Pre-Application Milestones Achieved

To date the pre-application environmental review and consultation process has achieved the following milestones:

- JARPA and Project Information Document submitted – February 28, 2011
- USACE Public Notice and Notice of Scoping – September 21, 2012
- 120 – Day Public Scoping Period – September 24, 2012 to January 21, 2013
- USACE Public Scoping Meetings:
 - October 27, 2012, Bellingham
 - November 3, 2012, Friday Harbor
 - November 5, 2012, Mount Vernon
 - November 13, 2012, Seattle
 - November 29, 2012, Ferndale
 - December 4, 2012, Spokane
 - December 12, 2012, Vancouver
- USACE/PI Terminals joint agreement for withdrawal of 2011 JARPA - June 12, 2012
- USACE Scope of Analysis and Extent of Impact Evaluation for National Environmental Policy Act Environmental Impact Statement – July 3, 2013
- USACE Section 106 Initiation – July 9, 2013
- Submission of PI Terminals Alternatives Report and revised Site Layout – April 18, 2014
- USACE Determination of the Area of Potential Effect for Section 106 – July 25, 2014
- NEPA Scoping Reports – March 29, 2013
- Initial meeting of Section 106 Consulting parties – May 6, 2015
- USACE alternatives screening analysis completed – July 2015



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January 15, 2016

Transmitted electronically

Randel Perry, Project Manager
US Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

**RE: USACE Reference Number NWS-2008-260; Gateway Pacific Terminal,
REVISED Joint Aquatic Resources Permit Application (JARPA)**

Dear Mr. Perry,

On December 22, 2015 Pacific International Terminals ("PI Terminals") submitted a Joint Aquatic Resources Permit Application ("JARPA") for the Gateway Pacific Terminal ("Terminal") (see attached letter of transmittal). In response to your comments on the application which were received by PI Terminals on January 7, 2016, we have made the requested revisions and resubmit our application.

Your requested revisions included: 1. Specific revisions and additions to individual sheets; and 2. Title block revisions. Your comments are listed below, followed by a description of the changes, additions, or actions we have taken.

1. Sheet revisions and additions:

- a. Comment: Delete sheets 3 and 4.

Response: Sheets 3 and 4 (Tax Parcels and Adjacent Property Owners) were deleted.

- b. Comment: Show mean high water (MHW) line on sheet 7.

Response: Sheet 7 is now sheet 5 (Proposed Wharf and Trestle). Mean High Water (MHW) is now shown on Sheet 5.

- c. Comment: Provide elevation view of trestle and wharf to include MHW line, depths, and distances waterward to significant components (end of trestle, landward and waterward face of wharf, etc.).

Response: A new sheet 6 showing the elevation view of the trestle and wharf has been included. The MHW line, structure depths and other significant distances have been shown as requested.

- d. Comment: Provide elevation view of wharf (looking from Strait toward land) to include MHW line and depths.

Response: A new sheet 7 showing the elevation view of the wharf from offshore has been included. The MHW line and structure depths have been shown.



- e. Comment: Move sheets 13, 14, and 25 (mitigation) to end of drawing set.

Response: Sheets 13, 14 and 25 were moved to the end of the drawing set and have been numbered sheets 24, 25, and 26.

- f. Comment: Place legend from sheet 16 on sheets 17 through 24.

Response: The legend was added to the identified sheets, which are now sheets 15 through 22.

- g. Comment: Move sheet 26 to after wetland impacts – before mitigation

Response: Sheet 26 was moved and is now sheet 23.

2. Title block revisions:

- f. Comment: Change “Applicant Reference” to “Corps Reference Number” on all sheets.

Response: The change was made on all of the sheets.

- g. Comment: Change IN (waterbody) description to “Strait of Georgia, tributaries, and wetlands.”

Response: The requested change was made on all of the sheets.

- h. Comment: Add sheet title to each page (i.e. Vicinity Map, Existing Conditions, Project Overview, etc).

Response: A sheet title was added to each page.

- i. Comment: Re-number all sheets sequentially (1 of 24, 2 of 24, etc.).

Response: All sheets were re-numbered sequentially (1 through 26).

- j. Comment: Ensure that all sheets bear the same date.

Response: All sheets were dated the same, January 2016.

Having made the revisions indicated in your comments we believe that this application is now complete and we look forward to its consideration by the USACE.

This application is submitted by Pacific International Terminals, LLC acting as agent for Pacific International Terminals, Inc., Cloud Peak Energy Logistics, LLC, and the Crow Tribe of Indians - an alliance for developing the Gateway Pacific Terminal.

Sincerely,
Pacific International Terminals

Vice President, Project Development



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Attachments:

December 22, 2015 Revised JARPA resubmitted January 15, 2016

December 22, 2015 Letter of Transmittal

CC: Colonel John G. Buck, Commander and District Engineer, Seattle District, U.S. Army Corps of Engineers
Michelle Walker, Regulatory Branch Chief, Seattle District, U.S. Army Corps of Engineers
Francis Eugenio, Attorney, Seattle District, U.S. Army Corps of Engineers



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PORT OPERATIONS AND SAFETY PLAN TO FACILITATE TRIBAL FISHING

Gateway Pacific Terminal

Whatcom County, Washington

Pacific International Terminals, LLC

1131 SW Klickitat Way

Seattle, Washington

98134

December 21, 2015

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1.0 INTRODUCTION

Pacific International Terminals, LLC (PI Terminals), proposes to develop the Gateway Pacific Terminal (the “Terminal”), a multimodal terminal for transfer of dry bulk commodities, at Cherry Point in Whatcom County, Washington. The Terminal will include marine facilities consisting of a three berth wharf and trestle and upland facilities including rail, commodity unloading and storage facilities and commodity handling and ship loading facilities.

The proposed Terminal project is located approximately 18 miles northwest of the City of Bellingham in an industrially zoned waterfront area (see Figure 1 for general location). A more detailed description of the proposed Terminal including the layout is provided in “Appendix B: Project Description for Alternative C2” in the *Gateway Pacific Terminal Project Alternatives Report* (Pacific International Terminals, Inc. 2014).

PI Terminals recognizes that the proposed location of the Terminal’s wharf and trestle is within the Usual and Accustomed (U&A) fishing area of tribal fishers. Certain rights have been granted by treaty to tribal fishers to undertake fishing activities for both shellfish and fin fish in the region in which the proposed wharf and trestle are to be located. Fishing may occur during time periods and at locations designated by fisheries management agencies (including tribal agencies) with jurisdiction.

To assure that tribal fishers may continue to exercise their rights, PI Terminals has stated to the United States Army Corps of Engineers (USACE) in response to claims by the Lummi Nation of potential interference with their treaty protected fishing rights that it would include, as part of its proposed project, certain committed project features that are designed to avoid and minimize effects, and facilitate continued exercise of treaty protected tribal fishing activities. These features would pertain to fishing activities that would occur at the location of the proposed wharf and trestle¹.

PI Terminals hereby includes as part of its proposed project this “Port Operations and Safety Plan to Facilitate Tribal Fishing” (the “Plan”).

¹ In PI Terminals’ July 27, 2015 submittal to the USACE, the Company committed to implement the following actions; 1) Adopt approach and departure vessel lanes, suggested in the 2008 Gear Loss Forum, including a short leg to the Terminal Wharf, 2) Support adoption of a Standard Of Care within Puget Sound Harbor Safety Plan to include a local vessel traffic system, 3) Implement a communications program to keep Lummi fishers informed of vessels’ positions and intentions, 4) Establish a protocol with Lummi Nation to provide a communications system and equipment that will ensure the Lummi fishers receive advance notice of all vessel movements, and 5) Commit that commercial barge operations and vessel bunkering will not be allowed at the Terminal.

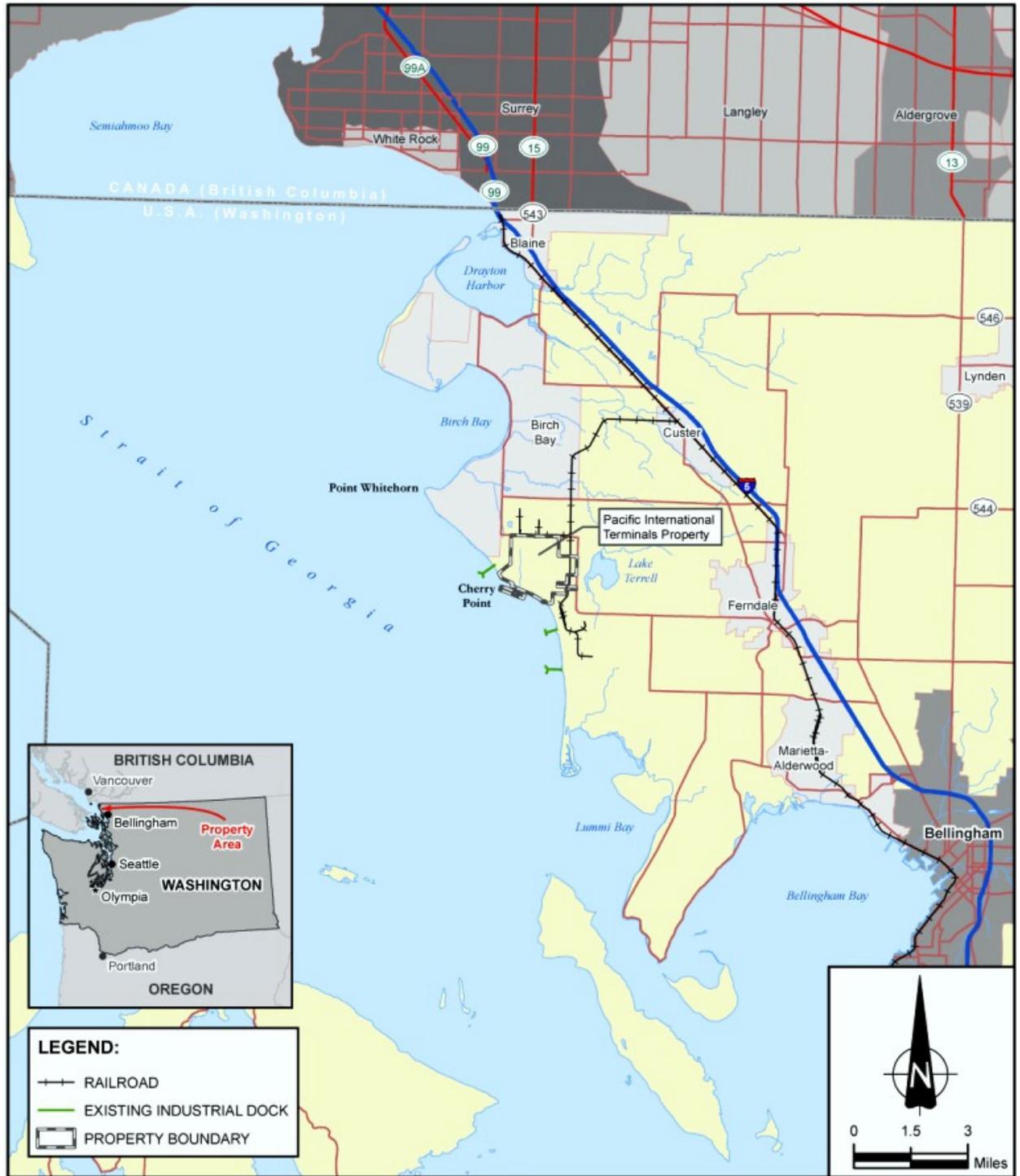


Figure 1 Project Location

2.0 AUTHORITY

The commitments included in this Plan will be implemented by PI Terminals in cooperation with tribal authority to the extent PI Terminals is able to act independently of regulatory standards and process. Where Plan Elements require regulatory approval, PI Terminals will pursue diligent implementation of those commitments. All commitments of the Plan shall be implemented in compliance with federal and state laws, regulations and authorities.

3.0 PURPOSE OF THE PLAN

The purpose of the Plan is to conduct operations of the Terminal in a manner that ensures access by tribal fishers to fishery resources which might be at the wharf and trestle location. This Plan includes a system of communication to active tribal fishers of impending arrival and departure of vessels calling at the Terminal to avoid conflicts between the movement of deep draft vessels and tribal fishing vessels. It provides for tribal fishing activities in direct proximity to the wharf and trestle, and it includes the provision of certain fixtures to aid in tribal fishing and the prohibition of certain activities by non-fishing vessels in proximity to the wharf and trestle.

It is expected that implementation of the Plan will enhance tribal fishing success in the area of the proposed wharf. The principal commitments of the Plan are described in the following Plan Elements.

4.0 PLAN ELEMENTS

4.1 Navigation during Approach and Departure to Promote Vessel Safety

A concern expressed by Lummi fishers, as detailed in their presentation during the 2008 Gear Loss Forum, is the potential for conflicts between vessels in transit to the proposed wharf and tribal fishing activity during fishery openings. A study of vessel traffic in Northern Puget Sound with and without the Terminal project shows that interference with Lummi fishing vessels will increase less than one-tenth of one percent (0.08%) if the project is developed over the current disruption of the small fraction (0.11%) caused by existing facilities. With the Terminal, total disruption would still be only a small fraction, just 0.19%. (See Tables 134 and 135, in *Vessel Traffic and Risk Assessment Study*, Glostén Associates, November, 2014.)

Two types of vessels will be involved in wharf operations, deep draft bulk carriers and tugs to assist vessels during mooring and unmooring. A deep draft vessel is expected to arrive or depart to/from the wharf, on average, every 18 hours throughout the year. Commercial deep draft vessel traffic currently operates in the Cherry Point area calling at adjacent marine terminals. These vessels are required by United States Coast Guard (USCG) regulation and the requirements of the Puget Sound Harbor Safety Plan to transit within designated vessel traffic lanes and utilizing the Vessel Traffic Separation Scheme or "VTS". These lanes provide an approach to the Cherry Point area from Rosario Strait to the South and Boundary Pass to the West. Tribal fishers have declared that they presently tend to avoid conducting fishing operations in the existing routes commonly taken by commercial vessels between the designated traffic lanes and the existing marine terminals in the Cherry Point area.

To promote the safety of fishing vessels operating in the Cherry Point Area, all vessels calling at the Terminal will be required to utilize the same commercial traffic routes by vessels in transit to adjacent marine terminals. To implement this requirement, PI Terminals will actively promote establishment of an Inshore Traffic Zone (ITZ) as either a part of the Puget Sound Harbor Safety Plan as a Standard of Care (SOC), or as a Special

Operating Area (per 33 CFR Parts 160 and 161) by the USCG. Figure 2 shows the proposed location for an ITZ in the Cherry Point Reach. This layout follows a suggested layout generated during the 2008 Gear Loss Forum and would provide regulated Vessel traffic lanes where there currently are none.

The SOC (or Special Operating Area) would require that vessels arriving and departing the Terminal must transit through predetermined traffic lanes. This would confine traffic calling at the Terminal to use lanes already being used by deep draft vessels calling at Cherry Point. Use of these lanes will maintain the status quo between transiting traffic and existing tribal fishing activities and allow tribal fishers to expect with some certainty where they can elect to fish while being able to anticipate the potential presence of deep draft traffic.

Maneuvering and docking a vessel or unmooring and departure of a vessel from the Terminal is expected to require on the order of 1 to 1.5 hours per event. However, variability in arrivals, loading and departures schedule is expected to occur that will likely provide longer and shorter intervals between arrivals and departures. During the interval when vessel movements are not occurring, fishing activities in proximity to the operating side² of the wharf and trestle may occur.

At the final approach, and in unmooring and departing from the wharf, vessel travel speeds will be very slow and vessels will be assisted by tugs. When assist tugs are operating, and if they are outside of the designated VTS and ITZ lanes, the COLREGS Rules of the Road³ require that they avoid active fishers (COLREGS Rule 18(a)(iii)).

² "Operating side" denotes to side of the wharf to which vessels moor. No provision for mooring commercial vessels of any type will be made on the inner or shoreline side of the wharf.

³ International Regulations for Preventing Collisions at Sea, 1972

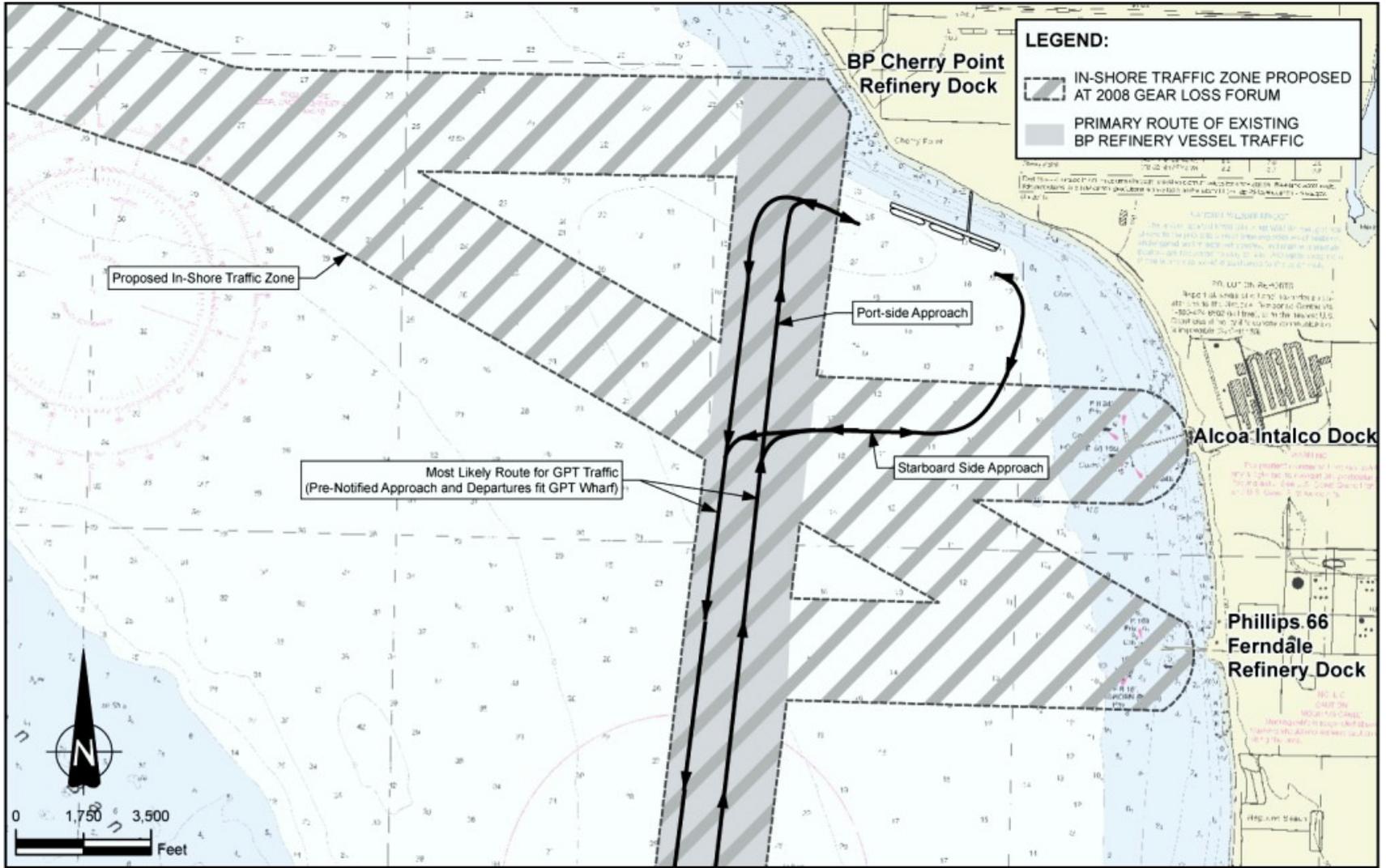


Figure 2 Vessel Traffic Arrival and Departure

Implementation of this Plan Element will confine vessel traffic calling at the Terminal to routes already avoided by tribal fisherman and increase safety for all vessel using the area. It will also provide access to areas for fishing in direct proximity to the wharf during most times of the day.

4.2 Advanced Notice and Communications Plan

To support Plan Element 4.1, and further enhance vessel safety for tribal fishing vessels and vessels calling at the Terminal, PI Terminals will establish and operate a system for advanced notification to tribal fishers of the position and movement of deep draft vessels and assist tugs calling at the Terminal. This would allow tribal fishers to appropriately plan and execute fishing activities.

Implementation of this element of the Plan is consistent with proposals made at the 2008 Gear Loss Forum⁴. It will be modeled after the current communication program effectively operating in Elliot Bay and the Duwamish Waterway (See *Puget Sound Harbor Safety Plan*, Section B- Fish Net Conflict Resolution) where tribal fishers are actively fishing in the Duwamish Waterway near Elliott Bay and in nearby marine waters. Elliot Bay and the Duwamish Waterway have significantly greater commercial shipping, ferry, enforcement and recreational boating traffic than the Cherry Point Reach.

In concert with the Lummi Nation, PI Terminals will establish a formal protocol to ensure that tribal fishers may receive advance notice, via mobile text message or VHF radio, of vessel movements into the Cherry Point Reach and in the vicinity of the Terminal. This will include the movement of both deep draft vessels and tugs. PI Terminals will establish a program to provide VHF communication and position/detection (e.g, GPS) equipment to registered and licensed Lummi fishers for shipboard installation. Such communication and position detection equipment will allow Lummi fishers to effectively utilize advanced notification information to monitor deep draft vessels that they wish to avoid during transits through the Cherry Point area to other fishing grounds and while fishing in the Cherry Point area.

Implementation of this plan element is expected to further enhance the safety of tribal fishers while fishing and to enhance the effectiveness of fishing activities through greater situational awareness.

4.3 Limitation of Vessel Types Vessels Calling at the Gateway Pacific Terminal

A concern expressed by Lummi fishers at the 2008 Gear Loss Forum is the loss of fishing gear, principally crab pots, due to the operation of commercial vessels in the areas fished. However, not all vessel traffic is the same. The Lummi fishers have stated the majority of their gear loss is attributable to tug-and-barge tow operations servicing the existing terminals, and not directly related to deep-draft vessels. Tug-and-barge tow operations waiting to approach and moor at the existing industrial wharfs at Cherry Point have been cited by Lummi fishers as a principal cause of crab fishing gear loss.

Routine cargo operations at the Terminal is limited to ocean-going bulk vessels and assist tugs. Work boats to assist in annual wharf maintenance and security activities will be utilized during annual maintenance cycles. The use of barges for bunkering, lightering, or movement of bulk cargoes will not be permitted by PI Terminals.

The *Vessel Traffic and Risk Assessment Study* (Glosten Associates 2014) makes the assumption that gear loss is ratable to vessel traffic and then projects out an estimated gear loss based on the number of vessels to arrive and depart from the Terminal. As the Terminal will not have tug and barge tow cargo operations, this type of gear loss from operations is eliminated.

⁴ 2008 Gear Loss Forum. Exhibit I (Jefferson presentation – loss reduction fishers and industry)

4.4 No Permanent Exclusion Zone

A concern expressed by the Lummi Nation is the formation of a permanent exclusion zone around the wharf and trestle within which fishing activities would be prohibited. No permanent exclusion zone is mandated by federal regulation for the Terminal, or will be created by PI Terminals.

PI Terminals will implement an Operational Safety Zone temporarily limiting the approach of vessels engaged in fishing to the direct proximity of deep draft vessels when vessels are approaching, mooring, and departing. The Operational Safety Zone will be established in consultation with the tribal fishing interests for the protection of fishers and equipment. Commercial deep draft vessels, tugs providing assistance, and fishing vessels would at all times be expected to observe to Collision Avoidance Regulations that regulate all shipping.

The implementation of a mutually agreed upon Operational Safety Zone is expected to promote the safety of tribal fishing activities operating in direct proximity to the wharf and trestle.

4.5 Fishing at the Location of the Wharf and Trestle

An expressed concern of Lummi fishers is the potential for interference with desired tribal fishing activities during designated fishing openings. PI Terminals will provide access for fishing in direct proximity to the Wharf and Trestle to facilitate continued access for fishing of fin-fish and shellfish species by tribal fishers at the location of, and in close proximity, to the wharf and trestle. The Plan Elements for facilitating tribal fishing operations in coordination with wharf operations is described for crabbing and net fishing in the following.

4.5.1 Crab Fishing

Crab fishing by tribal fishers will be permitted during designated fishery openings along the shoreward face of the wharf and underneath the trestle. Fishing using traps attached by a ground-line, as in normal fishing methods, will allow tribal fishers to draw crab located under the wharf and trestle to their traps. This is because the effective fishing area of a properly baited crab trap is understood to be approximately 300 feet in diameter. Figure 3 illustrates that the effective fishing area for crabs extends beneath the wharf, and crab traps placed near the outer margin of the wharf are able to attract crab from the entire area beneath the wharf.

Crab fishing will also be permitted on the operating side of the wharf, as illustrated on Figure 3. During crab fishery openings, tribal fishers will be encouraged to fish primarily during periods when a vessel is not present at a berth. Tribal fishers will temporarily be restricted from laying or recovering traps on the operating side of the wharf during periods when deep draft vessels are maneuvering to moor at the wharf or departing⁵.

Periods of vessel maneuver or time at berth may be determined by contacting the Terminal's Dock Supervisor, or the Lummi Nation designated contact person, as established in the communications protocol developed as part of Plan Element 4.2.

⁵ Approximately 2 to 3 hours of maneuvering time per call would be required. At 487 calls per year, approximately 972 to 1,461 hours per year or 11 to 17 percent of the available time access to the operating side of the wharf would be subject to maneuvering.

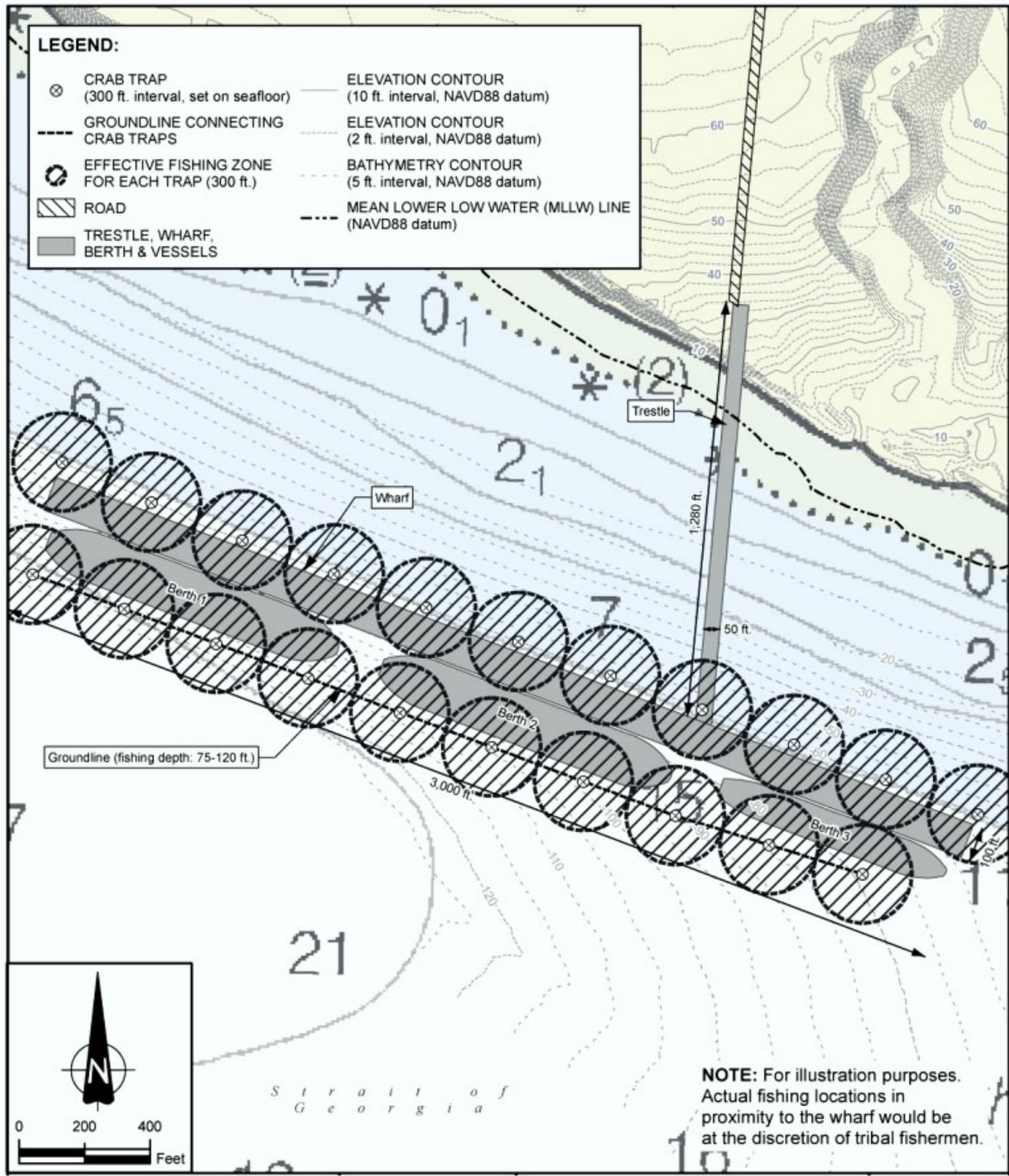


Figure 3 Example of Crab fishing accessing Wharf area

Because the wharf and trestle will not include any means of moorage for small vessels, tribal fishers will not be able to tie-up to the wharf or trestle during the waiting period between tending of crab traps.

4.5.2 Gill Net and Purse Seine Fishing

PI Terminals will install and maintain a pendant on the last piling at both the North and South end of the wharf to serve as an attachment point for gill nets deployed on the shore side of the wharf, if Tribal fishers initiate such fishing activities. No attachment points to establish a fixed net position (as opposed to a drifting net) are currently available to tribal fishers. Such a feature will enhance tribal fishing activities and will be reserved for the exclusive use of Tribal fishers. Both gill net and purse seine fishing are limited in shallow water by naturally occurring obstructions, therefore Tribal net fishing operations on the shoreward side of the wharf are not anticipated.

Purse seine, and to a lesser extent gill net fishing, require schooling up of a group of fish to maximize fishing effort. The presence of an obstacle to the along-shore movement of migrating salmon (reef, groin or wharf/trestle) is known to cause the migrating fish to move around such obstacles and during such movements become more tightly distributed and in some cases becoming an identifiable school. The installation of the wharf and trestle might cause such avoidance behavior in fish moving northward and cause schooling of fish as they move out and around the wharf. Such a pattern of movement, or “lead” which does not now likely exist would create a new and advantageous location for seine and gill net sets on the operating side of the wharf (see Figure 4). Nets set at the south end of the wharf would be expected to drift past the 3,000-foot-long wharf with the flood tidal current, which runs on the order of 1.5 knots. At that speed, nets set at the south end of the wharf would require approximately 30 minutes to clear the wharf (see Figure 4). Based on the reasonably short time period for seine and gill net operations in proximity to the operating side of the wharf, PI Terminals would not object to such operations providing that they are coordinated with the Terminal’s Dock Supervisor in accordance with communication protocol described in Plan Element 4.3.

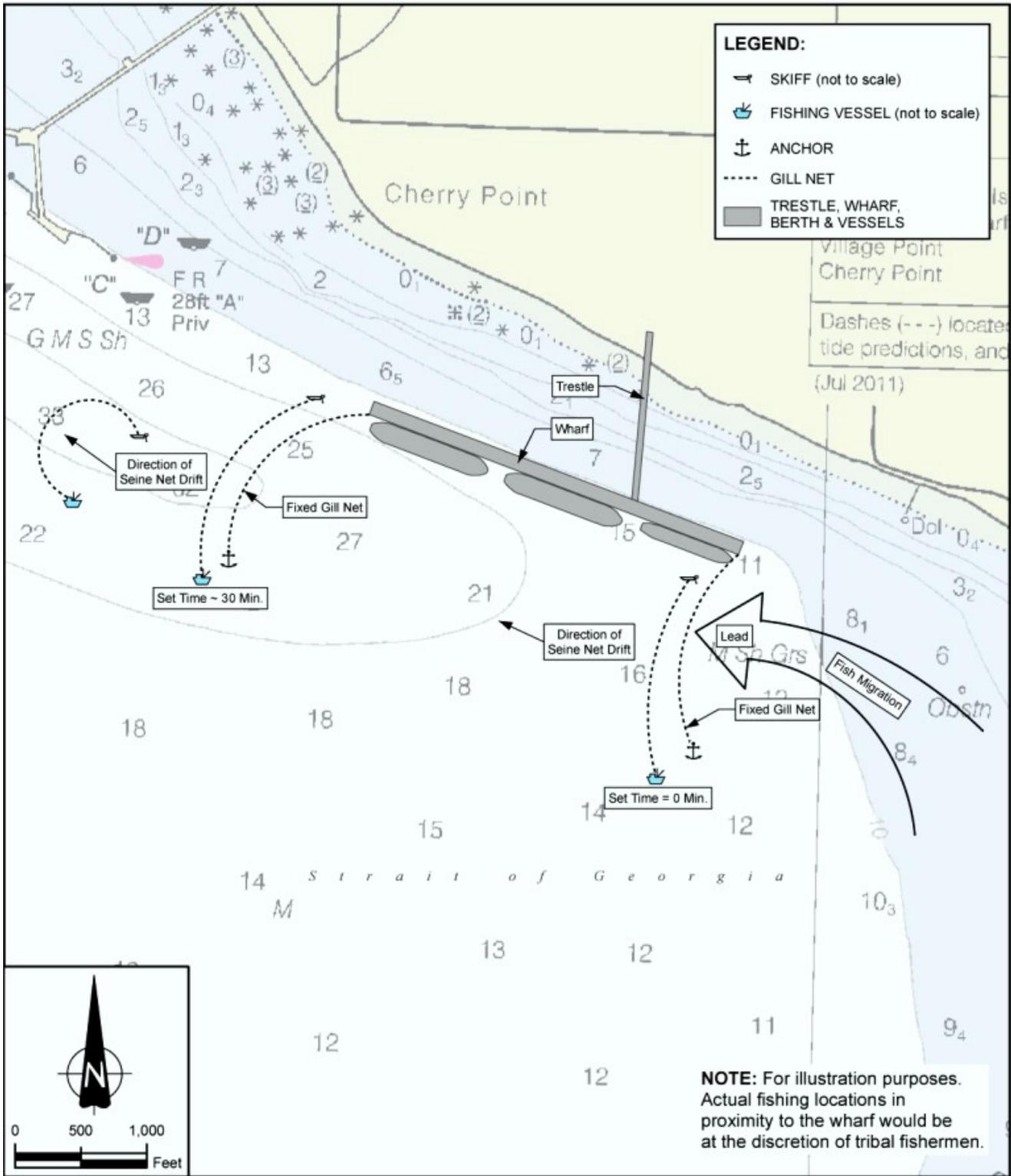


Figure 4 Illustration of Net Fishing at the Wharf