



**Pacific International
Terminals**
A Carrix Enterprise

1131 SW Klickitat Way
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April 14, 2016

Colonel John G. Buck
Commander and District Engineer
U.S. Army Corps of Engineers Seattle District
4735 E. Marginal Way S.
PO Box 3755
Seattle, WA 98124-3755

RE: USACE Reference No. NWS-2008-260 (Gateway Pacific Terminal), Joint Aquatic
Resources Permit Application (JARPA)

Dear Col. Buck:

As you know, Pacific International Holdings, LLC invoked the 45 day suspension clause in its agreement with Whatcom County and BNSF Railway Company for reimbursement of costs and fees in preparing an Environmental Impact Statement (EIS) for the Gateway Pacific Terminal (GPT) project. A copy of the suspension letter is attached, and the reasons for the suspension are set forth in that letter. From our conversations with you and US Army Corps of Engineers (USACE) staff members, we recognize that this raises an issue with respect to public notification of the JARPA filing for the GPT project.

We understand under applicable rules a public notice is to be issued following a determination that the JARPA is complete. It has been explained to us the USACE has determined it has received a complete application and has sufficient information to issue a public notice. However, given our recent suspension letter to Whatcom County, and the media discussion of that letter, a public notice of a JARPA could create potential confusion on the part of the public. With that in mind, we write this letter to advise USACE that Pacific International Holdings, LLC will not object to a decision by the USACE to forego noticing of the JARPA at this time. We would expect to revisit this issue with you when work on the EIS is renewed.

We would be happy to discuss this issue with you and/or your staff at your convenience.

Very truly yours,

Bob Watters

Enclosure

Cc: Josh Baldi, Regional Director, Department of Ecology
Tyler Schroder, Whatcom County Executive's Project Manager



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April 1, 2016

VIA CERTIFIED MAIL

J.E. "Sam" Ryan, Director
Whatcom County Planning and Development
Services Dept.
5280 Northwest Drive
Bellingham, WA 98226

David Sturtevant
CH2M Hill Engineers, Inc.
1100 112th Avenue NE
Bellevue, WA 98004

RE: Suspension of Whatcom County Contract #201205029 and Contract #201505028 (Gateway Terminal EIS reimbursement)

Pacific International Holdings, LLC ("PIH") hereby invokes the suspension clause in paragraph 3.5 of Agreement Between Whatcom County, Pacific International Terminals, Inc., and BNSF Railway Company for Reimbursement of Costs and Fees (Agreement 201205029), a copy of which is attached to this letter. The interests of Pacific International Terminals, Inc. were assigned to PIH. Paragraph 3.5 provides that:

In the event Pacific International Terminals, Inc. or BNSF Railway Company wishes to terminate or suspend work being performed under this Agreement or the agreement in Attachment "A", [Whatcom County Agreement #201205028], the terminating party shall notify both the County and the Consultant by certified mail that work is to be terminated or suspended and the reasons therefor. Suspensions of the work covered by either agreement shall not exceed forty-five (45) days unless all parties to both agreements agree to a longer period of time.

This letter is notice that PIH is suspending the Agreement and the agreement in Attachment "A" effective immediately. There are a number of factors that have gone into this decision, including the extended timing of the US Army Corps of Engineers' consideration of the Lummi Tribe's claims under the 1855 Treaty of Point Elliott and a desire to ensure all processes in the EIS are in synch, so facts and science generated by the different reviewing agencies continue to follow in line with the EIS process. The uncertainty and related costs are of significant concern. As a consequence, and to ensure optimal use of resources from all sides, county, state, federal as well as private, we are invoking the 45 day suspension.

Very truly yours,

Bob Watters
Senior Vice President
SSA Marine
(206) 654-3575

cc: Tyler Schroeder, County Executive's Office
Jack Loew, County Executive
Skip Kalb, BNSF