



US Army Corps  
of Engineers



DEPARTMENT OF  
ECOLOGY  
State of Washington



Combined NEPA/SEPA

# Environmental Impact Statement

## Proposed Gateway Pacific Terminal/Custer Spur

# Public Involvement Plan

Prepared for  
**U.S. Army Corps of Engineers**  
**Washington Department of Ecology**  
**Whatcom County**

October 31, 2012

**CH2MHILL®**





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# Environmental Impact Statement

## Proposed Gateway Pacific Terminal/Custer Spur

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# Acronyms and abbreviations

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Co-Lead Agencies	U.S. Army Corps of Engineers, Washington Department of Ecology, and Whatcom County
Corps	United States Army Corps of Engineers
Ecology	Washington Department of Ecology
EIS	environmental impact statement
NEPA	National Environmental Policy Act
SEPA	State Environmental Policy Act





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### 1.0 Plan overview

#### ***Public Involvement Plan purpose***

This plan describes the goals and objectives, methods and strategies, and schedule for the public involvement program to support the Gateway Pacific Terminal/Custer Spur Environmental Impact Statement (EIS). Both the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) require public involvement. The Council on Environmental Quality's Citizen's Guide to the NEPA describes citizen involvement as one of the two major purposes of environmental review.<sup>1</sup> Similarly, Washington Administrative Code 197-11-030 calls for agencies to "encourage public involvement in decisions that significantly affect environmental quality." NEPA and SEPA regulations form the basis for this public involvement plan and the goals and objectives that follow.

The Co-Lead Agencies share the following goals for the public involvement process:

- Deliver a "transparent" environmental review process that provides ongoing, inclusive, and meaningful two-way communication between the Co-Lead Agencies and the public.
- Meet the regulatory requirements and intent associated with NEPA, SEPA, federal Executive Order on Environmental Justice, and Title VI requirements.
- Encourage active participation of stakeholders—those agencies, interest groups, and individuals with particular "stakes" in the outcome of the project.

A key element of the public involvement process is establishing clear input milestones and a complete feedback loop at each of these milestones. At each step, stakeholders should clearly understand:

- What is the purpose of the milestone?
- How will a decision about how to move forward at that milestone be made (e.g., scope of EIS, mitigation)?
- How does my involvement matter?
- When will I have an opportunity to participate?
- How will my input be considered?

#### ***Proposal description and the EIS process***

The U.S. Army Corps of Engineers (Corps), Washington Department of Ecology (Ecology), and Whatcom County (collectively referred to as the Co-Lead Agencies) are preparing an EIS to document the effects of a proposed Gateway Pacific Terminal, which is proposed by Pacific International Terminals, Inc., and BNSF Railway as a deepwater multimodal terminal in the Cherry Point industrial area of Whatcom County, and modifications to BNSF's Custer Spur. The Custer Spur is an approximately 6-mile-long connection from the Cherry Point industrial area to the BNSF mainline at the unincorporated community of Custer, Wash.

<sup>1</sup> Council on Environmental Quality, Executive Office of the President. 2007. *A Citizen's Guide to the NEPA: Having Your Voice Heard*. December 2007.

These project proposals require federal and state permit actions; the Gateway Pacific Terminal also requires local Whatcom County permits. As a prerequisite to making permit decisions, the proposals must be evaluated through the NEPA and SEPA processes. Both NEPA and SEPA require an objective and unbiased environmental review before making decisions on any permit. Public input is a valuable component in determining the scope and extent of study. The Co-Lead Agencies are responsible for providing this objective review of the proposals and opportunities for the public to participate in the review process. This public involvement plan outlines who is interested in these proposals and the avenues to engage interested persons in the process.

**EIS steps**

The Co-Lead Agencies will complete the following steps in the EIS process. The responses to questions commonly asked about the public process are provided in the milestone summary boxes on this page.

***Milestone 1: Scoping***

The scoping process will be used to determine what factors to analyze and to what extent they are considered in the EIS. The Co-Lead Agencies will ask the public, tribes, and other agencies to comment on what the EIS should analyze during a 120-day comment period. Specifically, the Co-Lead Agencies will ask for input on the following topics:

**Scoping milestone summary**

- What is the purpose of the milestone? The purpose of scoping is to determine the “scope” of the EIS, including the resources to be examined and the extent of analysis.
- How will a decision about how to move forward at this milestone be made? At scoping, the Co-Lead Agencies will review public and agency input and NEPA and SEPA regulations and determine the “scope” of the EIS.
- How does input matter? Public input will help determine the scope the EIS.
- When will I have an opportunity to participate? Public input will be accepted during a 120-day scoping period at meetings, by mail, by email, and online.
- How will input be considered? Input will be considered by the Co-Lead Agencies and documented in a scoping report.

**Draft and final EIS milestone summary**

- What is the purpose of the milestone? The purpose of the EIS is to document the impacts of the proposals and measures that could be taken to avoid, minimize, or mitigate these impacts, as well as consider alternatives to the proposal. When the draft EIS is published, the public will have an opportunity to comment on the completeness of the environmental impact and alternatives analysis and the appropriateness of avoidance, minimization, and mitigation measures before a final EIS is prepared.
- How will a decision about how to move forward at this milestone be made? The Co-Lead Agencies will respond to comments on the draft EIS in the final EIS.
- How does input matter? Public input will help determine how the draft EIS is revised before the final EIS is prepared.
- When will I have an opportunity to participate? The public will be invited to review the draft EIS and provide comments in writing, by email, or at a public hearings.
- How will input be considered? The Co-Lead Agencies will consider comments, respond to those comments, and make appropriate revisions in the final EIS.

- Reasonable range of alternatives
- Potentially affected resources and extent of analysis for those resources
- Significant unavoidable adverse impacts
- Measures to avoid, minimize, and mitigate effects of the proposals

After considering comments, the Co-Lead Agencies will decide what should be included in the EIS. The Co-Lead Agencies will summarize comments received during the scoping process into a publicly available scoping report.

### ***Milestone 2: Draft EIS***

The draft EIS will document environmental consequences, possible alternatives to the proposal, and any appropriate mitigation or measures to reduce adverse effects. When the draft EIS is released for comment, the Co-Lead Agencies will accept comments for at least 45 days, holding at least one public hearing to collect comments. Information on how members of the public can review and comment will be available when the draft EIS is ready to be published.

### ***Milestone 3: Final EIS***

The final EIS will respond to public comments on the draft EIS. The final EIS will include an appendix containing comments received on the draft EIS, along with responses from the Co-Lead Agencies. The body of the final EIS will have corrections and edits based on comments received. The final EIS completes the Co-Lead Agencies' record of the environmental analysis conducted for the proposal. Following the final EIS, each Co-Lead Agency and other agencies have unique decision processes related to permit decisions.

### **Roles**

The Corps is the lead agency for NEPA. Ecology and Whatcom County are the co-lead agencies for SEPA. CH2M HILL is the consultant supporting the Co-Lead Agencies in preparing the EIS and conducting the public involvement process.





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### 2.0 Public involvement assessment

#### *Audiences*

The EIS for the Gateway Pacific Terminal and Custer Spur modification has a broad audience of individuals and groups within Whatcom County, around the state of Washington, and across the country expressing an interest in the process and outcome. Some examples of potential audiences include:

- Businesses and business groups
- Environmental and conservation groups
- Tribes
- General public
- Jurisdictions, including staff and elected officials
- Labor organizations
- Low-income, minority, and limited English proficient communities
- Ports and shipping interests
- Public health interests

#### *Stakeholder interviews*

During August 2012, the consultant team conducted meetings with representatives from 18 stakeholder groups. The stakeholder interviews were each designed to last approximately 1 hour and focus on the public process for the EIS rather than viewpoints on the proposals. Most interviews were conducted in person by two staff people; to accommodate scheduling constraints, a few interviews were conducted by phone or by a single staff person.

Stakeholders were selected using the following criteria:

- Broad range of interests and perspectives
- Experience with public processes and ideas about how to structure the public process
- Representative of an interest or stakeholder group
- Interest in the public and EIS process, beyond the substance of the proposal
- Equitable inclusion of representatives of environmental justice communities

A summary of the interviews is attached to this public involvement plan as Appendix A. A few of the key themes that emerged from the stakeholder interviews include expectations for:

- A transparent process in which technical work and comments from agencies and the public are readily available for public review.
- A scoping process where all voices can be heard and community members have many choices about how to participate, including a chance to verbally share comments in front of community members and agency decision makers.
- A process that is objective and presents facts for public review and consideration.

- Clear information about the outcomes of the scoping process and how the EIS was shaped in response to the scoping process.

Stakeholders agreed that websites and email are the best ways to share information but that traditional media and mailings will be important to getting information out to all community members.



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### 3.0 Public involvement tools and methods

#### *Overall tools and methods*

The EIS process will include opportunities for public review and input at key milestones, such as scoping to gather input on what should be studied and the extent of that study; reviewing the draft EIS document, allowing the public to find answers on the effects and potential mitigation measures of the proposal and alternatives under consideration; and making available the final EIS that incorporates responses to the public's comments on the draft EIS. To support these milestones and keep the public informed of progress throughout this process—even between these major milestones, the Co-Lead Agencies will employ outreach tools. The public involvement program will focus on several outreach methods:

- **Website:** The Co-Lead Agencies will host a robust website ([www.eisgatewaypacificwa.gov](http://www.eisgatewaypacificwa.gov)). The website will include all final technical documents, the full text of comments received during the process, and public meeting notices. During the scoping period and draft EIS review processes, the website will be used to collect formal comments. The Co-Lead Agencies will provide links from their websites to this site, and the EIS website will link back to the Co-Lead Agencies' sites for historical information.
- **Meetings:** The Co-Lead Agencies will host in-person meetings at the scoping and draft EIS milestones to talk with community members about the proposal and EIS process. Locations and formats of these meetings will be determined as the meetings are planned.
- **Public information and media:** The Co-Lead Agencies will distribute information throughout the EIS process to interested parties via email/ mailing list; mailers to households, business, and property owners immediately adjacent to the affected area; and media advisories to media outlets. The Co-Lead Agencies may also use existing groups within their organizations or other channels to distribute information during the EIS process. Finally, the Co-Lead Agencies will purchase advertisements in local papers to share information about key milestones.
- **Transparency:** The Co-Lead Agencies will post comments and questions received throughout the process to the project website. All final technical reports and information will be posted to the project website after thorough reviews. Technical reports will be posted to the website once technical and agency experts agree (1) analysis reflects the best science available, (2) conclusions are reasonable, and (3) reports are approved by the three Co-Lead Agencies and thus ready for inclusion in the EIS.

The following sections provide an outline of activities specific to the EIS process and how activities and tools will support outreach during each milestone. The major milestones are scoping and public review of the draft EIS. Other process steps may occur where the Co-Lead Agencies would consider updating the public on key considerations and environmental methodologies and studies. These updates would be determined during development of the EIS.

## ***Public involvement during the scoping process***

### **Goals and objectives for the EIS scoping process**

#### ***Goal 1: The scoping process will provide the agencies with enough information to make a clear decision about what to analyze in the EIS.***

- Objective A: The public involvement process will adequately inform and engage all likely stakeholders who could have a stake in the proposals.
- Objective B: The 120-day comment period will help discover potential issues that should be analyzed in the EIS.
- Objective C: The Co-Lead Agencies will receive regular and frequent updates about the content of public input and how that input is being considered and addressed in the scoping process.

#### ***Goal 2: The public, agencies, tribes, and other stakeholders will feel satisfied the scoping process was clear, accessible, and fair and met the requirements of NEPA and SEPA.***

- Objective A: The public will understand that the Corps, Ecology, and Whatcom County are the right agencies to manage this EIS process.
- Objective B: Public involvement strategies and methods will be convenient and accessible to a broad and diverse range of stakeholders and community members that could be affected by the proposed project.
- Objective C: The public involvement team will publicize EIS-related activities through multiple and diverse communications vehicles.
- Objective D: All public materials and talking points will clearly explain the EIS and scoping process; when, where, and how stakeholders can engage in the scoping process; and the type of input needed at each point in the EIS process.
- Objective E: The public will be able to review comments from other members of the public throughout the process.
- Objective F: The scoping report and all EIS documents will be clearly written and approachable for a non-technical audience.

#### ***Goal 3: The scoping process and outcomes adhere to SEPA and NEPA guidelines.***

- Objective A: All public involvement activities, stakeholder interaction, and public input will be thoroughly documented and available for review by the public, as appropriate.
- Objective B: All internal and external communications will adhere to strict and clear communication protocols.
- Objective C: The scoping process will generate input that allows the Co-Lead Agencies to determine a scope of the EIS that adheres to the NEPA and SEPA guidance and regulations.
- Objective D: All public materials will clearly and prominently identify the source of the content.

## Tools and methods for scoping phase

During the scoping phase, the Co-Lead Agencies will launch a public involvement program that will continue throughout the EIS process. The following section describes the public involvement tools, schedule, and messages that will guide the public involvement program through scoping. A key aspect of public involvement will be educating community members about how to participate in the scoping process and how to provide effective scoping comments. This public involvement plan will be updated before the draft EIS phase.

### Education

The Co-Lead Agencies will focus on educating the public about the EIS and scoping processes. This will include a guide to scoping with information about how to comment, what kinds of comments are most useful, and guidelines for participating in scoping meetings. In addition, the website and public scoping meetings will include information on the EIS process and how to provide scoping comments. Finally, public information staff from the Co-Lead Agencies will provide briefings on the scoping process to interested reporters.

### Website

During scoping, the website will provide information about the EIS process, the proposal, and opportunities for participation. The website will include an online comment form, allowing users to upload scoping comments, including attachments. Comments submitted through the website and other means will be posted to the website in a searchable database that allows anyone to query and review comments.

### Meetings

The Co-Lead Agencies will host seven public scoping meetings and one agency scoping meeting. Public scoping meetings will be held in the following locations:

- Bellingham
- Ferndale
- Mt. Vernon
- Friday Harbor
- Seattle
- Spokane
- Vancouver, Wash.

As shown in Figure 1, each scoping meeting will include the following:

- A welcome area where participants can learn about the meeting format and sign in to provide verbal comments
- An open house area where participants can review information, talk to staff, and write scoping comments

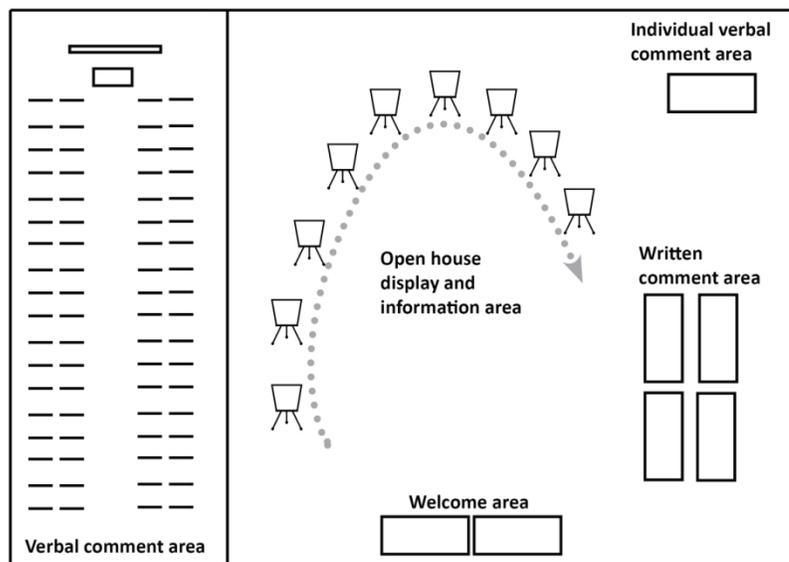


Figure 1. Typical scoping meeting area elements

- A quiet area where participants can provide individual verbal comments to a staff person ready to record comments
- A public comment area where participants can provide verbal comments in front of other community members

In addition to the seven in-person public scoping meetings, the EIS website will include an online scoping meeting throughout the 120-day comment period. The online scoping meeting will include an introductory video, the same information available at the in-person scoping meetings, and a web-based comment form for submitting comments. Comments submitted through the online scoping meeting will be posted for public review within 7 days of submittal.

### ***Notification and media***

The Co-Lead Agencies will publicize the scoping period, meetings, and comment opportunities using the following methods:

- Display and legal ads in the *Bellingham Herald* and *Seattle Times* at the commencement of scoping
- Display ads in local newspapers before each scoping meeting
- Email to all individuals who have requested to be placed on the project mailing list
- A Corps special public notice
- A limited mailing of the determination of significance to addresses and property owners near the proposed Gateway Pacific Terminal site and Custer Spur
- News releases
- Interviews with reporters as needed, with a focus on education

The Co-Lead Agencies will maintain an interested parties' email list, including anyone who requests to be added to the mailing list.

### **Public involvement schedule for scoping**

The scoping process will begin on September 24, 2012, and conclude on January 21, 2013. The first in-person scoping meeting will be held at least 30 days after scoping begins; the last in-person scoping meeting will be held at least 30 days before scoping ends. Comments will be accepted throughout the 120-day scoping process. Meetings will be held as follows:

#### **Bellingham**

11 am-3 pm Sat., Oct. 27  
Squalicum High School  
3773 E McLeod Road, Bellingham

#### **Friday Harbor**

12-3 pm Sat., Nov. 3  
Friday Harbor High School  
45 Blair Avenue, Friday Harbor

Mount Vernon  
4-7 pm Mon., Nov. 5  
McIntyre Hall  
2501 E College Way, Mt. Vernon

Seattle  
4-7 pm Tues., Nov. 13  
North Seattle Community College  
9600 College Way N, Seattle

Ferndale  
3-7 pm Thurs., Nov. 29  
Ferndale Events Center  
5715 Barrett Road, Ferndale

Spokane  
4- 7 pm Tues., Dec. 4  
Spokane Co. Fairgrounds Plaza  
404 N Havana Street, Spokane Valley

Vancouver  
4 - 7 pm Wed., Dec. 12  
Clark College  
1933 Fort Vancouver Way, Vancouver

### ***Public involvement during draft and final EIS processes***

This section will be updated at the beginning of the draft and final EIS phases to respond to community issues raised during the scoping process. Generally, the agencies expect to conduct the following outreach during the draft and final EIS process.

### **Public information**

The Co-Lead Agencies will continue to add interested parties to the project mailing list and will send email updates to the addresses on the list when new technical reports or meeting dates are added to the project website or when project milestones occur. In addition to those who request to be added to the mailing list, the Co-Lead Agencies will proactively seek the participation of groups who work with low-income, minority, elderly, and other populations who might be less likely to participate in the EIS process, as well as those with existing networks who can distribute information about the process. At major project milestones, the Co-Lead Agencies will mail notices to those without email addresses.

### **Website for draft and final EIS phases**

The EIS website ([www.eisgatewaypacificwa.gov](http://www.eisgatewaypacificwa.gov)) will be the central repository for EIS information, public comments, and public involvement opportunities. During the EIS process, the Co-Lead Agencies will post all final technical documents, meeting notices, and public comments to the website. During the draft EIS review period, the website will be used to share the draft EIS document and invite comments.

### **Public comment period and hearings**

Publication of the draft EIS will initiate a comment period. The comment period, in accordance with SEPA and NEPA, will last at least 45 days. At least one public hearing will be held during this time. Like scoping, comments will be accepted via email, mail, online, and at public hearings. At a minimum, notice of the public comment period will be provided through:

- Legal and display ads in the *Bellingham Herald*
- Email notice to the project's mailing list
- A postcard or letter mailing to addresses and property owners adjacent to the area of potential impact

The draft EIS and final EIS will be available for public review on the website as a PDF, at public libraries, at Co-Lead Agency offices, and by request.

### ***Environmental justice***

According to President Clinton's 1994 Executive Order 12898, federal agencies, while undertaking their responsibilities, should "ensure the full and fair participation by all potentially affected communities in the decision-making process; to avoid/mitigate disproportionately high human health or environmental effects, including social and economic effects, on minority and low-income populations; to prevent the denial of, reduction in, or significant delay in the receipt of benefit by minority populations and low-income populations." Environmental justice communities, as identified by Executive Order 12898, include African American, Asian American, Native American, Hispanic/Latino (regardless of race), and low-income populations. In 2000, President Clinton issued additional federal guidance about providing translated materials to people with limited English proficiency (Executive Order 13166).

### **Demographic overview**

For this plan, the study area is defined as the area within 1 mile of where proposed construction activities would occur. It includes three census tracts; within those tracts are the smaller geographic areas called out by the U.S. Census Bureau as block groups. Of the 159 block groups in these tracts, 69 had zero population. While the proposal could have direct impacts on this area (the study area), there may also be indirect impacts on the nearby towns of Birch Bay and Ferndale, along with the Lummi Reservation. Both the surrounding communities and the census tracts in the study area are examined in this section.

Table 1 provides information regarding the ethnicity and poverty status of the population within these various areas and jurisdictions. Compared to the rest of the surrounding areas, the study area has the highest income and the lowest percentage of unemployment, minority groups, and low-income populations.

**TABLE 1**  
**Population characteristics in study area and surroundings**

	Study Area	Birch Bay	Ferndale	Whatcom County	Lummi Reservation	Washington State
Total Population	3,149 <sup>a</sup>	8,413	11,415	201,140	4,706	6,724,540
Minority Population (%)	13.9% <sup>a</sup>	15%	22%	18%	60%	27.5%
Low-Income Population (%)	10% <sup>a</sup>	14.2%	19%	15%	11.8%	12.1%
Median Household Income (\$)	\$62,993 <sup>a</sup>	\$49,579	\$56,210	\$49,031	\$47,826	\$57,244
Unemployed (%)	7.2% <sup>a</sup>	9.6%	9.4%	8.2%	14.7%	7.6%

<sup>a</sup>Total Population and Minority Population are based upon 2010 Census data at the census block level, and Low-Income Population, Median Household Income, and Unemployed are based upon 2006-2010 American Community Survey data at the census tract level.

Source: U.S. Census Bureau, 2010.

The study area has a lower minority population (13.9%) than the rest of the county (18%) or state (27.5%). Birch Bay also has a low minority population (15%), but Ferndale (22%) is more diverse than the county, while the Lummi Reservation has a much higher percentage of minority populations (60%). Low-income demographics show roughly the same distribution as the minority population, with the most people living in poverty (i.e., low-income population) located in Ferndale (19%), which is a greater percentage than the county (15%) or state (12.1%). The other areas are below the county average.

Table 2 provides information on the breakdown of the ethnic characteristics in those same areas. Most of the ethnic distribution in the project area is consistent with the county's averages, though there are more White populations (86.2% compared to Whatcom County 81.9%). The ethnic breakdown of the other areas is consistent with the county average, except in the Lummi Reservation, which has 49.2% American Indian and a much lower Asian population (0.7%) compared to Whatcom County (3.5%). Ferndale also had a higher percentage of Hispanic population (12%) than the county (7.8%).

TABLE 2  
**Race/ethnic characteristics in study area and surroundings**

Area	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Hispanic <sup>a</sup>
Study Area	86.2%	0.5%	1.3%	2.4%	0.03%	2.3%	7.2%
Birch Bay	84.9%	0.9%	1.1%	3.2%	0.3%	3.4%	6.2%
Ferndale	77.8%	0.9%	2.1%	3.5%	0.2%	3.4%	12.0%
Lummi Reservation	40.0%	0.5%	49.2%	0.7%	0.1%	4.2%	5.3%
Whatcom County	81.9%	0.9%	2.5%	3.5%	0.2%	3.2%	7.8%
Washington State	81.4%	4.8%	3.0%	9.0%	1.0%	6.0%	11.2%

<sup>a</sup> Hispanic population may be a double count of other racial classifications, because it is an ethnic characteristic. Percentage based on the total population that is "non-Hispanic" of all racial classifications.

Source: U.S. Census Bureau, 2010.

Census tract data from the 2006-2010 American Community Survey showed that close to 95% of the population speaks English "very well" in the study area, but in some nearby areas, 6% to 8% of the population does not speak English "very well." Spanish is the second most common language in the study area and surrounding areas. Translations are generally recommended when more than 5% of the population does not speak English "very well." For this reason, information about how to request alternate language information or translation will be provided on the project website, mailers, and in advertisements.

**Outreach recommendations**

While the study area does not include significant low-income or minority populations, surrounding areas do. As a result, the team will conduct targeted outreach to facilitate equal access to all interested community members. Outreach will include the following:

- Tribes: The Corps and Ecology will initiate government-to-government consultation with the Lummi Nation and other Tribes as necessary.
- Hispanic population: The Co-Lead Agencies will include a message in Spanish on the project website and in project advertisements and mailings informing Spanish speakers of how to request translated documents or a translator at public meetings.
- Low-income populations: The Co-Lead Agencies will hold meetings at locations accessible by transit, at a variety of times of day to accommodate varying work schedules, and include meeting formats where children are welcome. The Co-Lead Agencies also will work with service providers (e.g., Bellingham-Whatcom Housing Authority) to distribute information about the EIS process.

The following groups or organizations may be useful in reaching low-income or minority populations in and around the study area. At a minimum, these organizations will be placed on the project's

interested parties email list to receive information about the process to distribute. The project team also will work with these groups before the draft EIS is released to make sure their constituents have access to information and are prepared to review the draft EIS. To accomplish this, the project team may host informational workshops, targeted for these groups, on how to navigate, review, and comment on the draft EIS.

**TABLE 3**  
**Groups and organizations for low-income and minority population outreach**

Organization	Contact
Habitat for Humanity in Whatcom County Store	Jaime Arnett, Store Manager
Nooksack Headstart of Deming	
Lummi Housing Authority	
Bellingham Whatcom County Housing Authority	Kathy Reed, Executive Services Manager
Lummi Nation Employment	
Northwest Indian College	
Domestic Violence and Sexual Assault Services	Karen Burke, Executive Director
Whatcom Transportation Authority	
WIC Nutrition Program	
Whatcom YMCA	Dave Harding, Executive Director
Whatcom County Library System	Dave Harding, Executive Director
Ferndale YMCA	Dave Harding, Executive Director
Ferndale Food Bank	
Interfaith Community Health Center, Ferndale Clinic	





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### 4.0 Communication protocols

#### *Media communication*

All media communication related to the EIS process will be handled by the Co-Lead Agencies and will be routed through the following representatives:

Contact	Agency	Phone	Email
Larry Altose	Washington Department of Ecology	(425) 649-7098	lalt461@ecy.wa.gov
Patricia Cook Graesser	Seattle District U.S. Army Corps of Engineers	(206) 764-3760	Patricia.graesser@us.army.mil
Tyler Schroeder	Whatcom County	(360) 676-6907	tshroed@co.whatcom.wa.us

Members of the consultant team will not speak to the media unless requested by the contacts listed above.

#### *Public comment and question response*

The Co-Lead Agencies will compile and summarize the scoping comments in the scoping report. The scoping report will be issued after the scoping process ends.



APPENDIX A

## Stakeholder Interview Summary

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US Army Corps  
of Engineers



DEPARTMENT OF  
ECOLOGY  
State of Washington



Combined NEPA/SEPA

# Environmental Impact Statement

## Proposed Gateway Pacific Terminal/Custer Spur

To: Co-Lead Agencies  
From: Kristin Hull, CH2M HILL  
Date: August 27, 2012  
Subject: Stakeholder interview summary

Representatives from CH2M HILL and PRR conducted 18 stakeholder interviews in August 2012. The input gathered during the interviews will be used to develop a plan for public involvement in the scoping process and the overall public involvement process for the EIS. This memo summarizes the key themes expressed during the interviews. A list of people interviewed is included at the conclusion of this memorandum.

### ***Introduction***

The stakeholder interviews were designed to last about 1 hour and to focus on the public process for the EIS rather than viewpoints on the proposed projects. Most interviews were conducted in person by two staff people; a few interviews were conducted by phone or by a single staff person to accommodate scheduling constraints. The interviews focused on:

- Knowledge of the proposed Gateway Pacific Terminal and Custer Spur modification projects
- Hopes and expectations for the public scoping process
- Expectations for public involvement during the EIS process
- Ideas about which stakeholders to engage during the public involvement process
- Ideas about how to share information during the process

A full list of stakeholders interviewed is attached to this summary. Stakeholders were selected using the following criteria:

- Broad range of interests and perspectives
- Experience with public processes and ideas about how to structure the public process
- Representative of an interest or stakeholder group
- Interest in the public and EIS process, beyond the substance of the proposal
- Equitably include representatives of Environmental Justice communities

### ***Input summary***

The following is a summary of key themes raised during the interviews. It does not include every comment; rather, it focuses on the issues most commonly raised and themes discovered during this process.

### **Familiarity with the proposed projects**

All stakeholders interviewed indicated they were familiar with the proposed Gateway Pacific Terminal and Custer Spur projects and that they believed the people in their groups/organizations are familiar with the projects. Several stakeholders said people who are less engaged know that something big is proposed having to do with coal and railroads, but do not know the details of the proposed projects or the environmental process. One stakeholder group said that South Fork Valley residents tend to have trouble keeping up with information because the Valley lacks high-speed internet, and newspaper delivery is expensive. Stakeholders also noted there is some confusion among the public about what the EIS process will accomplish and how they can participate, as well as about the details of the proposed projects.

Stakeholders reported learning about the proposed projects and process from a wide range of information sources including traditional media, primarily the *Bellingham Herald*. Many stakeholders reported that they regularly reviewed agency and local government websites (e.g., City of Bellingham, Whatcom County, Washington Department of Ecology [Ecology], Multi-Agency Permitting (MAP) team/Office of Regulatory Affairs) and said that Whatcom County is doing a good job of posting all information and comments. Stakeholders also reported gathering information through primary sources such as the permit application/PID, Freedom of Information Act (FOIA) requests or interviews with technical experts. Advocacy groups are distributing information using email and websites, and many stakeholders noted that they had visited the [coaltrainfacts.org](http://coaltrainfacts.org) or [powerpastcoal.org](http://powerpastcoal.org) websites. Finally, some stakeholders said they have learned about the project directly from the proposer either through personal contacts with SSA Marine (Pacific International Terminals is a subsidiary of SSA Marine) or the SSA Marine website. In addition, some stakeholders had talked with Pacific International Terminals representatives who have gone door-to-door in the area.

### **Expectations for the EIS process**

During the interviews, stakeholders were asked what a fair, objective and accessible process for the EIS would look like, as well as about their experiences with other EIS processes and their concerns about this EIS process. Generally, stakeholders indicated they were committed to supporting a fair, objective and accessible public process, but that they had little trust in the proposers, the agencies or the “other” side. Some stakeholders said they believed the process will result in approved permits for the proposer regardless of what the EIS says, and others said they believed the environmental process will be controlled by those who oppose the proposed projects.

Stakeholders defined a fair, objective and accessible process as one in which:

- There is adequate opportunity for public input and input is considered by the Co-Lead Agencies.
- Public input is accepted in a variety of ways (hard copy, web-based, email, verbal, in person).
- Questions, responses and comments are available for all stakeholders to review.
- Stakeholders from a broad geography are included, particularly those along rail and vessel routes.
- There is adequate time for thorough public and expert review of technical documents.

- The applicant does not have special access to the consulting team, agencies or technical information.
- All viewpoints are heard in the process and the loudest voice does not dominate.
- All stakeholders, regardless of disability, income or ability to speak/read English, are able to participate.

Stakeholders asked to have information about the public participation process provided clearly, early and to all stakeholders. Stakeholders requested information about (1) the decision-making process for each milestone (scope of EIS, EIS findings, permitting), (2) how input can be provided at each milestone and (3) why people should be involved. They also noted that the Co-Lead Agencies should be clear about how comments will be compiled and reviewed (e.g., whether they are weighted based on the number of similar comments) and who makes final decisions. Finally, many stakeholders said community members need a clear, objective understanding of the proposed projects before beginning the EIS process.

Stakeholders said a transparent and fair process was critical to success. Many stakeholders said making everything—for instance, emails, comments and decision processes—accessible to public scrutiny was important. Specifically, this would mean posting all comments to the website as quickly as possible and making all information from and communications with the applicant public. Some stakeholders also said having adequate time to review the EIS (some suggested 120 days, like the scoping process) and ensuring the review period does not occur during inconvenient times (December holidays, summer vacations in August) would be important to building credibility. Several stakeholders said they believed the MAP process had not been transparent and that decisions were being made outside of the public's view or the formal environmental process. Several stakeholders voiced a concern that they did not have any recourse if they did not believe the process was fair or objective, or a route to provide feedback about how the process could be improved.

Several stakeholders said the process should be clear and accessible. This might mean making technical work understandable and presenting it in a variety of formats for people with various experiences and interests. Stakeholders also requested that technical work—in all of its detail—be available to the public and that the EIS be detailed enough to address the full suite of issues. Several stakeholders said they are counting on this process to define the facts of the proposed project and that the analysis should focus on objective facts from peer-reviewed literature and science rather than opinions.

Stakeholders said outreach should be broad and should provide people outside of Bellingham (e.g., in Ferndale, Birch Bay and South Fork Valley) the opportunity to participate. Similarly, stakeholders said targeted outreach to low-income populations, particularly those who live adjacent to the railroad, should be conducted. Finally, several stakeholders said significant minority populations should be engaged, including Spanish-speaking residents in Burlington and Ferndale, and Ukrainian communities in Kendall, Peaceful Valley and Maple Valley.

### **Expectations for the scoping process**

Many stakeholders were focused on the scoping process. Several suggested that comments should be accepted in a variety of ways (online, in person, by mail) and said it should be clear who will receive the comments and what they will do with them (i.e., the Co-Lead Agencies will receive and review the

comments and consider them in the decision-making process). They also said it would be convenient if comments only had to be submitted to one central place for scoping (rather than sending comments to the Corps, Ecology and Whatcom County). They suggested that scoping meeting notices be sent at least 30 days in advance of the first meeting and include media advisories, display ads, email blasts to stakeholders, a direct mailing and notice on websites.

Even if many ways to participate are included, many stakeholders said they felt strongly about where scoping meetings should be held. Ideas included the following:

- Ferndale: Ferndale has different issues than Bellingham has, and residents need an easy, less intimidating way to participate.
- Western Washington University (WWU): Holding a meeting on campus would be convenient to faculty experts and to the 15,000 students who come to campus each day.
- San Juan Islands, Anacortes: Having a meeting here would accommodate people affected by maritime/shipping traffic.
- Vancouver, Goldendale, Spokane, Custer, Mount Vernon: Provide access for people who would be affected by increased rail traffic.
- Birch Bay.
- Custer area.
- Bellingham.
- Van Zandt or another South Fork community.

Stakeholders requested that scoping meeting venues be easy to get to, have ample parking, be ADA accessible, be served by transit, and be large enough to accommodate up to 1,000 people. Stakeholders requested a variety of times (e.g., 9 a.m., 9 p.m.) and days of the week to allow people with different schedules to participate. Many stakeholders suggested that communicating the format ahead of time would allow stakeholders to participate effectively. Stakeholders had various opinions about how meetings should be structured. They generally suggested providing a public-hearing-style format in which people could comment directly to decision-makers in front of other community members, providing an open house with a written comment space and using listening stations at which community members could provide comments to staff in small groups or individually. Nearly all stakeholders agreed that providing a public-hearing-style opportunity would be critical to allowing community members to be heard, even if verbal comments are not considered to be any more important than written comments. Many stakeholders were adamant that a "listening-post"-style open house (in which people would not have the opportunity to speak into a microphone) would not be acceptable, especially in Bellingham and the San Juan Islands.

Several stakeholders said that the facilitator at the pre-scoping meeting did an excellent job. They suggested that the facilitator for subsequent meetings set ground rules at the beginning of the meeting and expect participants to follow them to ensure that the meetings are fair and are a safe place to express a variety of viewpoints. Stakeholders generally said speakers should be given a time limit (2 to 3 minutes), but everyone who wants to speak should be accommodated. Several stakeholders said the

Co-Lead Agencies should ensure that there are security personnel or police at each scoping meeting to increase personal safety for participants.

When asked about their hopes for the scoping process, stakeholders generally wanted to see the Co-Lead Agencies reach an informed, fair and transparent decision about the scope of the EIS and wanted to be able to understand how public input influenced decisions about the scope of the EIS. Many stakeholders noted that the integrity of the process, especially ensuring that everyone who wants to provide input has the opportunity to do so, is particularly important. Several stakeholders requested the opportunity to review comments from agencies as well as from the public during the scoping process.

Finally, stakeholders requested that technical information be provided in advance of the scoping process so the public could provide more informed input. Specific requests included the following:

- Topics that will be considered in the EIS regardless of the outcome of the scoping process
- The status of the health impact assessment (e.g., will one be prepared?)
- The content of the proposed projects and the geographic area that will be affected, particularly by the rail component
- Baseline or existing conditions information

### **Outreach ideas**

Most stakeholders said that email was the most effective way to provide information to them about the process. Most stakeholders interviewed distribute information to others and intend to continue doing so during the EIS process. Stakeholders also said that a central project website hosted by the Co-Lead Agencies would be useful in sharing information about the process. Other ideas for sharing information about the process and comment opportunities included the following:

- Direct mail – stakeholders representing rural interests said this was particularly important
- School districts – Ferndale School District and Mt. Baker High School were specifically mentioned as having good ways to get information out
- Links from local government websites to the EIS website
- Links from local government or organization Facebook pages to EIS website
- Information in local government or organization newsletters, e-newsletters or other mailings
- Using Co-Lead Agency communication channels (e.g., Ecology's listserv on climate issues)
- Media including the *Ferndale Record*, the *Bellingham Herald*, *Bellingham Business Journal*, *Cascadia Weekly*, community radio, and City of Bellingham public access TV station
- Briefings to city councils
- Door-to-door information distribution – specifically mentioned for properties owned by the Bellingham/Whatcom Housing Authority that are near the site or railroad tracks

- Posters and information at public places (e.g., general store, grocery stores, libraries, churches, post offices), bulletin boards of housing-authority-owned properties, senior centers, union hall, grange halls and Power Past Coal office

Some stakeholders also recommended translating some information and the website into Spanish, Russian and Ukrainian. The Bellingham/Whatcom Housing Authority is required to translate some documents into Spanish to comply with federal requirements. South Fork valley stakeholders said there is a Sikh community in the area. Other stakeholders mentioned sizeable Hispanic/Latino, Russian, Ukrainian and Asian communities that could be affected by the proposed projects or may be interested in the process.

Many stakeholders said they are looking forward to a centralized website with factual information, and encouraged the Co-Lead Agencies to make as much information as possible available on the website including answers to frequently asked questions, links to background documents and access to all comments submitted and any agency responses. Several stakeholders suggested having an EIS Facebook page and using it to accept comments, and suggested including an RSS feed function to make website updates easier to access.

### ***Other stakeholders***

A question about other stakeholders who should be included resulted in a long list. If contact information can be obtained, these stakeholders will be added to the project mailing list (some these stakeholders were already included on the mailing list):

- Cities/counties/neighborhoods/elected officials
  - City of Burlington
  - City of Marysville
  - City of Mount Vernon
  - Birch Bay group
  - Chuckanut Neighborhood Association
  - Communities in Skagit County
  - Coeur d'Alene
  - Communities in Montana, Wyoming and San Juan elected officials including Sen. Ranker, Sen. Litton, Rep. Mors
- Transportation
  - South Fork Valley Community Association
  - Amtrak
  - Marine shipping industries
- Health
  - American Lung Association
  - Whatcom County Public Health Department
- Agriculture
  - Ag Preservation Society in Lynden
  - Farm Friends of Whatcom County
  - Washington State Farm Bureau
- Advocacy and interest groups, blogs
  - Climate Solutions – Ross MacFarlane
  - CommunityWise Bellingham
  - League of Women Voters

- Labor Council and unions
  - Friends of the San Juans
  - Lopez No Coalitions
  - Mount Baker Audubon
  - Sierra Club (local Mt. Baker group and Washington State Chapter)
  - Orcas No COALition
  - People for Puget Sound
  - PowerPastCoal
  - Sustainable Connections (500 business members, mostly small)
  - Western Organization of Research Councils (part of Power Past Coal coalition)
  - Chuckanut Conservancy
  - Get Whatcom Planning
- Faith communities – local churches, Jessie Dye Earth Ministry (based in Seattle)
  - City chambers of congress, economic development and tourism interests, businesses
    - Ferndale Chamber of Commerce
    - Center for Business and Economic Research at WWU
    - Northwest Economic Council
    - Port of Skagit
    - SeaMar
    - Whatcom County Tourism Bureau
    - Commercial fishing community
  - Environmental justice/Title VI/Limited English Proficiency (LEP)
    - Northwest Washington Hispanic Chamber of Commerce (Manuel Reta)
    - Tribes (e.g., Lummi Nation)
  - Marine resources councils – Skagit, Whatcom, San Juan
  - Waterfront Committee (formerly Waterfront Futures)
  - WWU

### ***Issues and questions***

The stakeholder interviews were focused on the public process for the EIS. However, stakeholders raised some substantive or process-related questions (listed below) that will inform the development of scoping information, the project website, frequently asked questions documents, and talking points.

- Stakeholders would like information about the EIS process, including:
  - How comments are addressed, and how public comments influence outcomes/decisions (e.g., whether the number of times a comment is received matters)
  - How people can influence the process and at what points comments will be accepted
  - Clarity on what decisions are made during an EIS process
  - Statement of items required to be included in the EIS and statement that people need only comment on other areas
  - Definition of the scoping process and description of what to expect – what the steps are, how the process progresses, where decisions are made

- Whether the EIS process will provide a way to assess impacts to waterfront development, coal dust, etc.
- Transparent information about the roles of other agencies, such as DNR and DFW
- Information on how mitigation measures (when assigned) will be handled (e.g., how the proposer will be able to mitigate enough)
- Stakeholders requested information about the permitting process, including:
  - What permits are being requested, what is requested with each one and what is the appeal process
  - Identification of decision-making and permit-issuing entities, in addition to the Co-Lead Agencies
- Stakeholders also had questions about the proposed project, including:
  - What changes are proposed to the Custer Spur?
  - What rail routes will be affected?
  - Will the South Fork area be affected?
  - Clear up misinformation and make sure all information is neutral (there is concern that the Applicant is influencing people by going door-to-door telling people not to worry).
  - What are the impacts; how would the proposed project really affect Ferndale (specifically, what would the affect be on traffic performance measures)?
  - Why is the Custer Spur siding part of the EIS?
  - Will the Bellingham siding be part of the EIS?
  - What has happened to the studies the Applicant committed to completing?
  - What are the implications of the grading the Applicant did on the site? Has that work changed the baseline conditions?
- Stakeholders said frequency is a big issue for rail on the tracks. They had questions related to the effect of the proposed project due to rail and other traffic changes:
  - What will be the real impacts (noise, air quality) from the heavy volume of rail cars?
  - What will be the impacts of increased traffic in the waterfront area (the housing authority has been encouraged to build a development in the waterfront area)?
  - What will be the impact on Amtrak?

### ***Use of this information***

This information, unless otherwise noted, will be used to inform the development of a public involvement plan for the EIS process and to inform the design of the scoping process.

## Stakeholders interviewed

	Organization	Stakeholders interviewed	Type of interview
1	City of Bellingham	Steve Sundin, Brian Heinrich, Amy Kraham and Janice Keller	In person
2	City of Ferndale	Jori Burnett	In person
3	Port of Bellingham	Sylvia Goodwin	In person
4	RE Sources for Sustainable Communities	Matt Krogh and Carina Hoyer	In person
5	Sierra Club	Llyn Doremus and Carol Gastellum	In person
6	Whatcom Docs	Dr. David Olson	In person
7	SafeGuard the South Fork	Jeff Margolis, Jill Bernstein, Joseph Knight, Nicole Brown, Elizabeth Volkart and Rand Jack	In person
8	Birch Bay Neighborhood	Kathy Berg	In person
9	Bellingham Housing Authority	John Harmon	In person
10	League of Women Voters	Jayne Freudenberger	In person
11	NorthWest Washington Central Labor Council	Mark Lowry, Michele Stelovich, Brad Owens and Chris Johnson	In person
12	The Center for Salish Community Strategies	Tom Ehrlichman and Barbara Dyke	In person
13	Bellingham-Whatcom Chamber of Commerce	Ken Oplinger	In person
14	Protect Whatcom	Terry Wechsler	Phone
15	Community Wise Bellingham	Shannon Wright	Phone
16	Washington Environmental Council	Becky Kelly	Phone
17	Western Washington University	Paul Cocke	In person
18	San Juan County	Rene Beliveau, Shireene Hale, Collin Maycock, Lynda Lyshall and Steve Revella	Phone