

1 Q: **What are your qualifications?**

2 A: My resume/CV is attached as Exhibit No. (PB-2).

3 Q: **What work do you do for BNSF Railway Company?**

4 A: I am an Environmental Consultant for environmental review, assessments, alternatives
5 analysis for impact avoidance and minimization, and permitting.

6 Q: **Have you been involved in the Intalco Yard Expansion project, and if so, how?**

7 A: Yes. I have been the Lead for developing the environmental baseline studies and
8 permit applications for the project

9 Q: **What is the purpose of your testimony?**

10 A: I have been asked to respond to/rebut the prefiled testimony of Roland Middleton, as
11 relates to the State Environmental Policy Act (SEPA).
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14 Q: **Mr. Middleton describes his overall “concern with the Intalco Yard Expansion
15 project,” in light of the SEPA, beginning on page 2 of his prefiled testimony. Specifically, he
16 states that the Intalco Yard Expansion project appears to be a significant part of the
17 proposed Custer Spur Improvements as submitted for the Gateway Pacific Terminal, and
18 that SEPA review is not complete for the GPT. Is Mr. Middleton correct? Why or why not?**

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20 A: Mr. Middleton is not correct. The Intalco Yard Expansion Project is not related to
21 projected improvements identified for the GPT (Identified as the BNSF Custer Spur
22 Improvements Project). Although the Intalco Yard Improvement Project does fall within the
23 footprint of the proposed Custer Spur Project, these projects address different needs and
24 achieve different purposes. The Intalco project is primarily a siding extension with
25 associated yard improvements to allow full length trains to clear the mainline for other full
26 length trains. Presently, trains need to go through multiple switching operations to break the
27 train up and store portions of a train on the shorter yard tracks and existing siding, which
28 increases congestion and road blockages.

1 The Intalco project is to serve existing BNSF customers whether or not the proposed Gateway
2 Pacific Terminal (GPT) and proposed Custer Spur projects are built. The Army Corps of
3 Engineers (Corps) issued a memorandum on September 5, 2014 that determined these projects
4 have independent utility and function for regulatory environmental review and permitting.
5 That memorandum is attached as Exhibit No. (PB-3).

6 **Q: Mr. Middleton suggests on page 3 that crossing closure would be premature because**
7 **“[t]o move forward with elements of the Gateway Pacific Terminal project prior to**
8 **completion of the SEPA review would not be allowed under the Washington Administrative**
9 **Code.” What is your response?**

10 A: As identified above, and per the Corps September 5, 2014 memorandum determination of
11 independent utility, the Intalco Yard Improvements are not elements of the GPT project. They
12 are improvements to an existing BNSF Yard and siding to allow full length trains to meet and pass
13 within the Cherry Point Subdivision to reduce congestion, and avoid the need for trains to perform
14 multiple switching operations across road crossings, and be broken into shorter lengths to clear the
15 main line.

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17 **Q: Mr. Middleton references, and attaches, a letter from the Department of Ecology to**
18 **BNSF dated March 17, 2015, indicating that the SEPA review is not complete for the**
19 **Gateway Pacific Terminal. Did you respond to that letter on behalf of BNSF?**

20 A: Yes. We responded on July 27, 2015. That letter is attached as Exhibit No. (PB-4). In that
21 letter we explained, among other things, that “[a]lthough the Intalco Yard Improvement Project
22 does fall within the footprint of the proposed Custer Spur Project, these projects address different
23 needs and achieve different purposes.”

24 We also noted that “[t]he Army Corps of Engineers issued a memorandum on September 5, 2014
25 that determined the Intalco Yard Expansion project and the Gateway Pacific Terminal projects
26 have independent utility and function for regulatory environmental review and permitting.” A copy
27 of that memorandum is attached as Exhibit No. (PB-3).
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Q: Did the DOE reply to your July 27, 2015, letter? What was its reply?

A: I have been advised by Ecology that the response was accepted as complete and is currently being processed. Once we have received the Determination we will provide it to the parties in this proceeding.

Q: So what is the current status of the SEPA review for the Intalco Yard Expansion project?

A: Please see my answer to the question above.

Q: Mr. Middleton concludes his prefiled testimony by stating that the Intalco Yard Expansion Project would have its own SEPA review if it was demonstrated not to be a part of the Gateway Pacific Terminal. Is Mr. Middleton correct? Please explain.

A: That is correct. That is why the Intalco Yard Expansion project does have its own SEPA review.

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3 DECLARATION

4 I, PIERRE BORDENAVE, declare under penalty of perjury under the laws of the State of
5 Washington that the foregoing PREFILED TESTIMONY OF PIERRE BORDENAVE is true and
6 correct to the best of my knowledge and belief.

7 DATED this 20 day of October, 2015.

8 

9 _____
10 PIERRE BORDENAVE

11
12 DATED this _____ day of October, 2015.

13 Montgomery Scarp, PLLC

14
15 _____
16 Kelsey Endres, WSBA #39409
17 Attorney for BNSF Railway Company
18 1218 Third Ave., Suite 2500
19 Seattle, WA 08101
20 Tel. (206) 625-1801; Fax (206) 625-1807
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CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that the original and 1 copies of the PREFILED TESTIMONY OF PIERRE BORDENAVE have been sent by VIA FED EX to Steven King at WUTC and a PDF version sent by electronic mail. I also certify that true and complete copies have been sent to the following interested parties via U.S. Mail:

Daniel L. Gibson
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Prosecuting Attorney
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I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this ____ day of October, 2015, at Seattle, Washington.

Pamela Ruggles, Paralegal