

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

BNSF RAILWAY COMPANY,

Petitioner,

v.

CITY OF MOUNT VERNON,

Respondent

SKAGIT COUNTY, WASHINGTON
STATE DEPARTMENT OF
TRANSPORTATION, WEST VALLEY
FARMS LLC, and SKAGIT COUNTY,

Intervenors.

DOCKET NO. TR-070696

DECLARATION OF ELIZABETH
PHINNEY IN SUPPORT OF JOINT
RESPONSE IN OPPOSITION TO THE
CITY'S MOTION IN LIMINE AND
MOTION FOR SUMMARY
JUDGMENT

Elizabeth J. Phinney hereby states and declares as follow:

I am employed by the Washington State Department of Transportation (WSDOT) in the Freight Systems Division, State Rail Office. Among other duties, I have served as the Environmental Manager for the Mount Vernon Siding Extension Project since early 2006. I make this declaration based on my personal knowledge.

DEC. OF ELIZABETH PHINNEY IN SUPPORT
OF JOINT RESPONSE IN OPP. TO
THE CITY'S MOTION IN LIMINE AND
MOTION FOR SUMMARY JUDGMENT

1

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
7141 Cleanwater Drive SW
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126 Facsimile: (360) 586-6847

1. As the Environmental Manager for this project, I am familiar with the various community outreach opportunities made by WSDOT to the community and government officials. Those outreach efforts were considered as the State Environmental Policy Act (SEPA) documents were prepared. Those efforts include the following:

2. On October 25, 2006, I called the City of Mount Vernon and Skagit County about the local permits that could be required.

3. I talked with Krista Jewett (Permit Tech, Community & Economic Development Department) at the City of Mount Vernon. She said that either Christina or Jana Hanson (Director, Community & Economic Development Department) would call me back.

4. I talked with Dan and then Tawnee Bosman (Permit Technician/Planning Coordinator, Planning & Development Services) at Skagit County. Ms. Bosman said that a pre-application meeting would be required, and that I should fill out a pre-application meeting request, and submit eight copies of all project documents.

5. On October 26, 2006, Krista Jewett from the City of Mount Vernon called me back. She said that she had spoken with the Director of Public Works and the Director of Planning and Permitting and that they all wanted a pre-application meeting. The City attendees were going to be Public Works, Planning & Permitting and Fire. We discussed possible meeting times. She sent me the pre-application meeting request form by e-mail, and listed the probable local permits needed, including SEPA. We discussed (via e-mail) whether a shoreline permit was needed, and if so, what kind. She said it would be determined at the pre-application meeting. A true copy is attached as Exhibit A to this declaration.

6. On February 16, 2007, WSDOT issued a SEPA determination of non-significance (DNS) and an Environmental Checklist. The comment due date was March 6, 2007. The SEPA DNS and Environmental Checklist were sent to the Department of Ecology (DOE) via e-mail for publication in the SEPA Register. A true copy is attached as Exhibit B to this declaration.

7. On February 16, 2007, the SEPA DNS was listed in the SEPA Register. The comment due date was March 6, 2007. (The comment period was 19 days instead of the required 14 days; allowance was made for the February 19 holiday.)

8. On March 1, 2007, I called Skagit County Planning & Development Services and talked with Tawnee Bosman regarding what permits Skagit County would require for the siding project. They asked me to send project information to see whether a pre-application meeting would be necessary.

9. On March 1, 2007, I also called the City of Mount Vernon and talked with Rebecca Bradley-Lowell (Senior Planner, Community & Economic Development Department) regarding what permits Skagit City would require for the siding project. They asked me to send project information to see whether a pre-application meeting would be necessary.

10. I e-mailed Rebecca Bradley-Lowell and attached project information, including the SEPA DNS and Environmental Checklist (Exhibit B). I also added that the comment due date was March 6, 2007. Also attached were the Joint Aquatic Resource Permit Application (JARPA) and the plan drawings. The project description on the first page of the JARPA states that two at-grade railroad street crossings (one private and one public) were anticipated to be closed. A Plan Drawing 3 (pp3.pdf) showed the blockage of Hickox Road. In my e-mail, I also

listed all the other information that was available, and stated that traffic was “being evaluated in connection with the possible closure of the two at-grade railroad street crossings.” A true copy is attached as Exhibit C to this declaration.

11. On March 2, 2007, I e-mailed Tawnee Bosman of Skagit County and attached project information, including the SEPA DNS and Environmental Checklist (Exhibit B). I also added that the comment due date was March 6, 2007. Also attached were the JARPA and the plan drawings (Exhibit C). The project description on the first page of the JARPA states that two at-grade railroad street crossings (one private and one public) were anticipated to be closed. The Plan Drawing 3 (pp3.pdf) (Exhibit C) showed the blockage of Hickox Road. In my e-mail, I also listed all the other information that was available, and stated that traffic was “being evaluated in connection with the possible closure of the two at-grade railroad street crossings.” A true copy is attached as Exhibit D to this declaration.

12. On March 2, 2007, Tawnee Bosman of Skagit County responded via e-mail that they would likely require a pre-development meeting, and that it looked like we had satisfied just about everything on their pre-application checklist except for their fact sheet. A true copy is attached as Exhibit E to this declaration.

13. On March 5, 2007, Rebecca Bradley-Lowell of the City of Mount Vernon e-mailed me that the City would like to have a pre-application meeting for the project. Other local permits that were likely to be needed were listed, but she noted “. . . it appears that you have already taken care of the SEPA and critical areas review.” Rebecca Bradley-Lowell followed up

eight minutes later with an e-mail listing two other potential required local permits. A true copy is attached as Exhibit F to this declaration.

14. Please note that neither the City nor Skagit County provided comments on the DNS and the information in the SEPA Checklist or asked for an extension of the comment period during the above contacts.

15. On April 3, 2007, DOE issued a 21-day Public Notice for the 401 Water Quality Certification for the project. The notice contained a project description and location. The comment period closed on April 24, 2007. A true copy is attached as Exhibit G to this declaration.

16. The Public Notice for the 401 Water Quality Certification was sent via paper copy to over 400 people on both DOE's and the U.S. Army Corps of Engineers' mailing lists. In addition, the adjacent property owners, as listed in the JARPA, were also sent a notice. (These property owners were on the east side of the project because the project was on the east side of the BNSF rail line.)

17. One public comment was received. The comment, dated April 16, 2007, stated that the project would be harmful to farmers, ducks, geese and swans by taking farmland and wildlife habitat. The person commenting lives over three miles south of the project area. A true copy is attached as Exhibit H to this declaration.

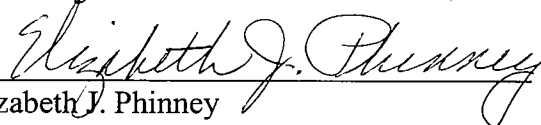
18. Prior to the preparation of the SEPA documents, studies were conducted and reports were prepared that looked at the potential environmental impacts of the Mount Vernon Siding Extension. All of those documents were made available to the City of Mount Vernon,

Skagit County, the DOE, the U.S. Army Corps of Engineers, and the Federal Highway Administration. SEPA and the National Environmental Policy Act (NEPA) environmental documents were prepared based on those studies.

19. During the preparation of the SEPA and NEPA documents, I conferred with Ken Uznanski, the Manager of the Rail Office at that time, and Jeffrey T. Schultz, the Project Manager for the Mount Vernon Extension project. The three of us discussed the potential impacts of the project, and were in agreement that the environmental impacts were non-significant. Thus, a SEPA DNS (and Environmental Checklist) and a NEPA Documented Categorical Exclusion (DCE) were prepared for the project. Each of these documents were supported by the above-referenced studies; the studies were available for review by anyone who requested a copy. However, the traffic study was widely distributed by Jeffrey T. Schultz prior to the issuance of the SEPA DNS.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 10th day of September, 2007, at Olympia, Washington.


Elizabeth J. Phinney

DECLARATION OF SERVICE

Lisa M. Savoia states and declares that I am a citizen of the United States of America, over 18 years old and competent to testify to the matters herein. On September 12 2007, I caused to be served by e-mail and first class mail, postage prepaid, a true and correct copy of the foregoing document on the following:

BRADLEY P. SCARP, ESQ.
1218 THIRD AVENUE, 27TH FLOOR
SEATTLE WA 98101
E-MAIL: brad@montgomeryscarp.com

STEPHEN FALLQUIST
SKAGIT COUNTY DEPUTY PROSECUTING ATTORNEY
605 S. 3RD STREET
MOUNT VERNON WA 98273
E-MAIL: stephenf@co.skagit.wa.us

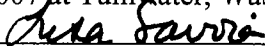
JONATHAN THOMPSON, AAG
OFFICE OF THE ATTORNEY GENERAL
P. O. BOX 40128
OLYMPIA WA 98504-0128
E-MAIL: jonat@atg.wa.gov

GARY T. JONES, ESQ.
P. O. BOX 1245
MOUNT VERNON WA 98273
E-MAIL: gjones@jonesandsmith.com

BRIAN K. SNURE, ESQ.
612 SOUTH 227TH STREET
DES MOINES WA 98198
E-MAIL: Brian@SnRlaw.net

KEVIN ROGERSON, CITY ATTORNEY
P. O. BOX 809
MOUNT VERNON, WA 98273
E-MAIL: kevinr@ci.mount-vernon.wa.us

DATED this 12 day of September, 2007 at Tumwater, Washington.



Lisa Savoia, Legal Assistant

DEC. OF ELIZABETH PHINNEY IN SUPPORT
OF JOINT RESPONSE IN OPP. TO
THE CITY'S MOTION IN LIMINE AND
MOTION FOR SUMMARY JUDGMENT

7

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(360) 753-6126 Facsimile: (360) 586-6847

Phinney, Elizabeth

From: Jewett, Krista [kristaj@ci.mount-vernon.wa.us]
Sent: Thursday, October 26, 2006 9:50 AM
To: Phinney, Elizabeth
Subject: Emailing: Pre-Application Meeting Request.pdf

Attachments: Pre-Application Meeting Request.pdf



Pre-Application
Meeting Reques...

<<Pre-Application Meeting Request.pdf>> Hello, I spoke w/ one of our planners. She felt that the permits that would be required are: Floodplain, Shoreline, SEPA, Critical Areas, and Fill & Grade.

Hope this helps.

Krista-Permit Tech

City of Mount Vernon-CEDD

*** eSafe1 scanned this email and found no malicious content ***

*** IMPORTANT: Do not open attachments from unrecognized senders ***

T2006-_____



CITY OF MOUNT VERNON
Development Services Department
910 Cleveland Avenue
P.O. Box 809
Mount Vernon, WA 98273
Phone: (360) 336-6214 • FAX: (360) 336-6283
www.ci.mount-vernon.wa.us

Pre-Application Meeting Request

PROJECT: _____

LOCATION OF PROJECT: _____ P#s: _____

BRIEF DESCRIPTION OF PROJECT (Size, Scope, etc.): _____

APPLICANT: _____ AGENT/CONTACT: _____

PHONE: _____ FAX: _____ E-MAIL: _____

ADDRESS: _____

NUMBER OF REPRESENTATIVES IN ATTENDANCE: _____

Will your project utilize or benefit from fiber optics/telecommunication infrastructure? _____

Applications are processed on a first-come, first-served basis. The first available meeting date will be scheduled at the time of submittal of the application packet (see below). Faxed applications are not accepted.

Please submit one copy of this application, and 10 of each of the following, in sets.

1. Site plan (to scale, with dimensions)
2. Vicinity map
3. Plans (if available)
4. List of questions -- what information do you wish to gain from this meeting; i.e. zoning, drainage, building code, street improvements, fire flow requirements?

Please ensure that the application is completely filled out, and that all plans and maps are folded, not rolled:

Meetings are held every Tuesday of the month with the first scheduled to start at 9:30 a.m. Representatives from the applicable City Departments will be in attendance. Due to the number of agenda items, discussion will generally be limited to 45 minutes per project. However, if you feel you may require additional time, please inform our office so we may adjust the schedule accordingly.

Note: THE PRE-APPLICATION MEETING IS A GENERAL INFORMATION MEETING ONLY. It is not intended to itemize every requirement for the project. Information obtained by staff at the meeting will be used to determine specific requirements, and the extent of abutting and/or off-site street improvements will be determined subsequent to site visits and study of regional issues. Information obtained in this meeting is based on the size and scope of the project represented at this meeting, and any deviations and/or changes to the size or scope of the project may result in additional requirements from various City Departments.

Staff Contact: Linda Blymyer, Development Services Department; 360-336-6214; fax 336-6283;
e-mail: ds@ci.mount-vernon.wa.us

STAFF USE ONLY:

Scheduled Date of Meeting: _____

Time: _____

**PRE-APPLICATION CHECKLIST FOR:
Preliminary Plats, Preliminary Short Plats,
Rezones, Conditional Use & Shoreline Permits**

CONCEPTUAL SITE PLAN *Site plan and conceptual lot configuration showing:*

- North arrow, Scale, Date
- Existing parcels assembled, existing zoning and comprehensive plan
- Vicinity map
- Existing sanitary, septic system(s) and/or well(s), buildings
- Proposed connection to existing road system
- General dimensions of lots, right-of-ways, easements, lot layout
- Existing elevation contours
- Streams, wetlands and any other critical areas generally known within 100 feet of the project site
- Flood areas
- Proposed new internal roads
- Proposed elevation contours
- Conceptual drainage proposal showing collection, detention and discharge

SITE DESCRIPTION A brief, written site description describing parcel conditions (soils, drainage, topography, wetlands, streams, vegetation, wildlife, surrounding land use, traffic patterns, nearest schools, bus stops, walkways and any other unique characteristics of the site). Please also include any other known land use activities or permits, which may affect the process (i.e., any logging within the past 6 years and/or forest practice permits).

1. Identify utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, fiber optics, other.
2. Identify public streets and highways serving the site, and describe proposed access to the existing street system.

PROJECT DESCRIPTION A brief, written description of the proposed development objectives: for subdivisions, project feasibility, housing type objectives (townhouses, duplexes, zero-lot line, etc.), development themes, and others.

1. Proposed project timing or schedule (including phasing, if applicable):
2. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?
3. How many vehicular trips per day would be generated by the completed project?
4. Will the proposal require any new roads or streets, or improvements to any existing roads or streets?

Please include what you see as key issues or specify questions that you have about the property that you would like the staff to respond to at the pre-application meeting. **The more information you provide in your pre-application submittal package, the more feedback you will get from your project team to help you towards finalizing your application.**

Phinney, Elizabeth

From: Jewett, Krista [kristaj@ci.mount-vernon.wa.us]
Sent: Thursday, October 26, 2006 11:27 AM
To: Phinney, Elizabeth
Subject: RE: Emailing: Pre-Application Meeting Request.pdf

Elizabeth.

I did check with our planner, she would not be able to confirm without more information, which we will get at the pre-app.

Krista Jewett - Permit Tech
Community & Economic Development
Building, Planning & Engineering

-----Original Message-----

From: Phinney, Elizabeth [mailto:PhinneE@WSDOT.WA.GOV]
Sent: Thursday, October 26, 2006 10:44 AM
To: Jewett, Krista
Subject: RE: Emailing: Pre-Application Meeting Request.pdf

Krista,

Thanks for the information and the pre-app meeting request form.

I was surprised by the need for a shoreline permit, as we are more than 200 feet away from what the state considers shorelines. But if we do need one, I have to put a check on the JARPA by one of the choices below. Would you please ask the planner which shoreline permit she thinks we will need?

	Substantial Development	Conditional Use
Variance	Exemption	

Thanks,

Elizabeth Phinney
WSDOT Rail Environmental Coordinator

-----Original Message-----

From: Jewett, Krista [mailto:kristaj@ci.mount-vernon.wa.us]
Sent: Thursday, October 26, 2006 9:50 AM
To: Phinney, Elizabeth
Subject: Emailing: Pre-Application Meeting Request.pdf

<<Pre-Application Meeting Request.pdf>> Hello, I spoke w/ one of our planners. She felt that the permits that would be required are: Floodplain, Shoreline, SEPA, Critical Areas, and Fill & Grade.

Hope this helps.

Krista-Permit Tech
City of Mount Vernon-CEDD

*** eSafel scanned this email and found no malicious content ***
*** IMPORTANT: Do not open attachments from unrecognized senders ***

Phinney, Elizabeth

From: Phinney, Elizabeth
Sent: Friday, February 16, 2007 11:25 AM
To: SEPA Unit (sepaunit@ecy.wa.gov)
Cc: Swanson, Terry
Subject: Mount Vernon Siding Extension DNS and SEPA Checklist
Attachments: Mount Vernon Siding DNS and SEPA Checklist.pdf; Mount Vernon Siding DNS.pdf; Mount Vernon Siding SEPA Checklist.pdf

Hi Peg,

I have attached 3 files for the Mount Vernon Siding Extension. One contains the combined DNS and Checklist. The other two are separate files -- one for the DNS and one for the Checklist. Just delete the file(s) that you don't want to forward to NWRO.

Thanks again for all your helpful information.

Elizabeth
705-7902

I am cc'ing Terry Swanson to let her know that she will getting a complete set of the environmental documentation -- plan drawings, wetland report, wetland mitigation plan, Biological Assessment, etc, for this project.

EXHIBIT B

9/6/2007

DETERMINATION OF NONSIGNIFICANCE

Description of proposal:

The proposed **Mount Vernon Siding Extension Project** will extend the existing 6,000-foot BNSF Railway siding in Mount Vernon an additional 3,700 feet to the south.

The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit faster passenger trains and other faster freight trains to pass. The existing siding is located on the east side of the main line track.

As part of the extension project, two at-grade railroad street crossings (one private and one public) are anticipated to be closed.

Proponent:

Washington State Department of Transportation (WSDOT)

Location of proposal, including street address, if any:

The project site is located on the BNSF main line railroad tracks at the southwestern limits of Mount Vernon and into Skagit County, between Railroad Mileposts 66.07 and 76.08, Bellingham Subdivision of the Northwest Division of BNSF. Hickox Road and Pederson Lane, two at-grade railroad street crossings, cross over the railroad tracks within the project site. The project site is located in Section 31, township 34 N, range 4 W; and section 6; township 33 N; range 4 W.

Lead agency:

Washington State Department of Transportation (WSDOT)

For engineering questions, please contact:
Kevin Jeffers, P.E., Rail Projects Engineer
WSDOT Rail Office
PO Box 47407
Olympia WA 98504-7407
360-705-7982; jefferk@wsdot.wa.gov

For environmental questions, please contact:
Elizabeth Phinney, Rail Environmental Coordinator
WSDOT Rail Office
PO Box 47407
Olympia WA 98504-7407
360-705-7902; phinnee@wsdot.wa.gov

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Comments must be submitted by March 6, 2007.

Please send comments to:
Elizabeth Phinney
WSDOT Rail Office
PO Box 47407
Olympia WA 98504-7387
phinnee@wsdot.wa.gov

Responsible official: Kenneth M. Uznanski, Jr.

Position/title: Manager, WSDOT Rail Office

Phone: 360-705-7905

Address: PO Box 47407
Olympia WA 98504-7407

Date: 02/16/07

Signature: Kenneth M Uznanski

**SEPA
ENVIRONMENTAL CHECKLIST**

**THE BNSF RAILWAY
MOUNT VERNON SIDING EXTENSION PROJECT**

Prepared by:

Washington State Department of Transportation

February 2007

**SEPA
ENVIRONMENTAL CHECKLIST**

A. BACKGROUND

1. Name of proposed project, if applicable:

Mount Vernon Siding Extension Project

2. Name of applicant:

Washington State Department of Transportation (WSDOT)

3. Address and phone number of applicant and contact person:

Applicant

Washington State Department of Transportation
Rail Office
310 Maple Park Avenue SE
PO Box 47407
Olympia WA 98504-7407

Contact

Kevin Jeffers, P.E.
360-705-7982
or
Elizabeth Phinney
360-705-7902

4. Date checklist prepared:

February 2007

5. Agency requesting checklist:

Washington State Department of Transportation

6. Proposed timing or schedule (including phasing, if applicable):

Construction is anticipated to begin in May / June 2007 and will be completed by December 31, 2007.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Wetland Report (prepared by WSDOT)
Wetland Mitigation Report (prepared by WSDOT)

Biological Assessment (prepared by WSDOT)
Site Reconnaissance (prepared by Farallon Consulting)
Cultural Resources Survey (prepared by Jones & Stokes)
Traffic Study (prepared by Garry Struthers Associates)

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

No.

10. **List any government approvals or permits that will be needed for your proposal, if known.**

Corps of Engineers Nationwide Permit 23
401 Water Quality Certification
Coastal Zone Consistency Determination
Section 106 compliance
Critical Areas Ordinance compliance
Fill and grading

11. **Give brief, complete description of your proposal, including the proposed uses and the site of the project. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.**

The proposed project will extend the existing 6,000-foot BNSF Railway siding in Mount Vernon an additional 3,700 feet.

The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit faster passenger trains and other faster freight trains to pass. The existing siding is located on the east side of the main line track.

As part of the extension project, two at-grade railroad street crossings (one private and one public) are anticipated to be closed.

12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The project site is located on the BNSF main line railroad tracks at the southwestern limits of Mount Vernon and into Skagit County, between Railroad Mileposts 66.07 and 76.08, Bellingham Subdivision of the Northwest Division of BNSF. Hickox Road and Pederson Lane, at-grade railroad street crossings, cross over the railroad tracks within the

project site. (Please see attached vicinity map.) The project site is located in Section 31, township 34 N, range 4 W; and section 6; township 33 N; range 4 W.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other:**

The existing rail bed is standard railroad right-of-way. The tracks are placed on level fill above a standard railroad embankment. The surrounding land is agricultural (Skagit County) and a limited amount of light industrial land (Mount Vernon).

- b. What is the steepest slope on the site (approximate percent slope)?**

The existing railroad bed is elevated 8 feet above the bottom of the railside ditch, with 2H:1V sloping sides (50% slope).

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**

Sumas Silt Loam is the only soil series present within the project footprint.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

No.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

Fill is needed to construct the 8-foot high railroad support structure. The width of the fill will be 40 feet for 3,050 feet and 70 feet for 650 feet. The extra width at the southern end of the siding extension is so that the turnout (switch) can be constructed in one piece prior to its move into the railroad main line. It is anticipated that there will be approximately 720 cubic yards of excavation of structurally unsuitable soil and 23,315 cubic yards of clean structural fill and ballast used for the construction of the siding extension. The fill material will come from an approved commercial quarry.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Soil erosion is not probable on the site because of the nature of the construction practices involving compacted stabilized material. Construction Best Management

Practices (BMPs) will be used appropriately to prevent any construction-related erosion. The finished project has been designed to preclude erosion.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

The only impervious surface will be the rail, ties, and signal bungalow. The ties are spaced at 16 to 23 inches apart with pervious crushed rock ballast between rails. The ballast is designed so any precipitation striking the rail or ties infiltrates into the ballast and the subballast. The signal bungalow is an 8 x 8 foot structure. The percent of impervious surface is minimal, and there will be no stormwater runoff from the completed project.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

Construction Best Management Practices (BMPs) will be designed and implemented according to the most recent version of the Stormwater Management Manual for Puget Sound. The BMPs used will be those most appropriate for the project site, and could include such items as construction entrances, filter fabric fences, sediment ponds or basins, check dams, filter berms, and permanent seeding.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

Some dust could be generated during construction. Heavy equipment will emit exhaust during construction. Following completion of the project, emissions from the site will be limited to diesel train exhaust passing the site, which is pre-existing to the project.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any.**

Dust will be controlled, as needed, using water.

3. Water

- a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site**

(including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

There were six wetlands identified within the project action area. Five of these wetlands were located along the railroad berm toe of slope, with two of these areas extending out into privately-owned agricultural fields. These wetlands are considered of low quality and were rated as Category 3 and 4.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes, 0.89 acres of Category 3 and 4 wetlands will be filled as a result of this project. These wetlands occur primarily in the railroad ditch at the toe of the railroad support structure. Mitigation for the impacted wetlands will be at a mitigation site on Gages Slough. This site will be shared with the SR 20, I-5 to Freedonia highway project. (Details are contained in the attached Mount Vernon Wetland Biology Report, updated February 2007, and the Mount Vernon Wetland Mitigation Report, February 2007.) (Please note that this project is utilizing the Multi-Agency Permitting Team to facilitate permitting.)

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

The material to be removed from the wetlands is 720 cubic yards of structurally unsuitable soil. A total of 23,315 cubic yards of structural fill will be used to create a railroad support structure 8 feet high and 40 feet wide for 3,050 feet, and 8 feet high and 70 feet wide for an additional 650 feet (at the southern end – to support the construction of a rail turnout (switch)). Fill material will come from an approved commercial quarry.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water withdrawals or diversions will be required.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The historic floodplain in this location lies behind a dike.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No waste will be discharged to surface waters. Best Management Practices will be employed, which will prevent construction erosion and sedimentation.

b. Ground:

- 1) **Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities, if known.**

No ground water will be withdrawn, nor will water be discharged to the groundwater.

- 2) **Describe waste material that will be charged into the ground from septic tanks or other sources, if any (for example: Domestic sewage, industrial, containing the following chemicals; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

There will be no waste discharged to ground water.

c. Water Runoff (including storm water):

- 1) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

The only source of runoff will be precipitation in the form of rain and/or snowmelt. During construction, to prevent sediments from traveling beyond the construction zone, a series of Best Management Practices have been designated for the site. These best management practices include such items as construction entrances, filter fabric fences, sediment ponds or basins, check dams, filter berms, and permanent seeding. No runoff will be allowed to flow off the construction site until the quality of the discharge is at or below acceptable water quality limits.

- 2) **Could waste materials endanger ground or surface waters? If so, generally describe.**

No. Best Management Practices for erosion control will be applied for handling any possible waste materials.

d. Proposed measures to reduce or control surface, ground, or runoff water impacts, if any:

Best Management Practices will be used during construction, and seeding, fertilizing and mulching of disturbed slopes after construction will be performed to reduce and eliminate surface water runoff impacts.

4. Plants

a. Check or circle types of vegetation found on the site:

- shrubs
- grasses
- blackberries
- trees

b. What kind and amount of vegetation will be removed or altered?

All the vegetation in the area to be filled will be removed. Seeding, fertilizing and mulching of exposed soils will be done when the proposed project is completed.

c. List threatened or endangered species known to be on or near the site.

None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Seeding, fertilizing and mulching will be done to cover cover disturbed slopes.

5. Animals

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

- songbirds
- mice

b. List any threatened or endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any:

No impacts are anticipated; thus no measures are proposed.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for

heating, manufacturing, etc.

During construction, the contractor will be using diesel-fueled construction equipment. Diesel fuel will also be used by the trains on the tracks. A minor amount of electricity will be used to operate the signals and switches. The use of electricity should be similar to current conditions, with the possibility that it could increase slightly as rail traffic on the tracks increase.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

Does not apply.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

No environmental health hazards are anticipated as a result of project construction. Continued railroad operations will be consistent with applicable rules and regulations.

1) Describe special emergency services that might be required.

WSDOT/BNSF do not anticipate that special emergency services will be required. Following construction, BNSF is equipped to respond to derailments or accidents. During railway operations, BNSF personnel will be required to comply with BNSF's health and safety plan.

2) Proposed measures to reduce or control environmental health hazards, if any:

During construction, the contractor will be required to follow the applicable Washington Industrial Safety and Health Administration (WISHA) regulations. BNSF will require the contractor's Health and Safety Plan to define the appropriate engineering control methods and personal protection equipment for the health and safety of their workers. The contractor will be required to have a safety officer on-site at all times. In addition, the contractor's employees are required to attend a BNSF safety orientation.

During operation, BNSF personnel will be required to comply with BNSF's health and safety plan.

b. Noise

1) What types of noise exists in the area which may affect your project (for example: traffic, equipment, operation, other)?

The area is currently a transportation corridor for the BNSF railway; however, train noise will not affect this project. The noise generated by surrounding agricultural work or light industrial work will not affect this project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

During construction, operation of heavy equipment will generate noise. Construction times will be limited to daylight hours per the County's and / or City's ordinances. The BNSF will work with the County and / or City if there is a need to work outside the County's and / or City's ordinances.

During operation, noise will be generated by trains. An increase in the number of trains can be anticipated as demand increases. Trains will continue to pass the site 24 hours per day. Train noise is exempt from noise regulation per WAC173-60-050 (4)(c).

3) Proposed measures to reduce or control noise impacts, if any:

None are proposed.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

The site is currently used as a railroad corridor.

The adjacent properties consist of agricultural land, and at the northeast portion of the project site, a few light industrial properties.

b. Has the site been used for agriculture? If so, describe.

The project site is part of the BNSF Railway's north-south main line railroad corridor.

c. Describe any structures on the site.

Presently, the site has a set of railroad tracks, signal apparatus, and a signal control bungalow on the rail support structure.

- d. Will any structures be demolished? If so, what?**
- No.
- e. What is the current zoning classification of the site?**
- Established Rail Corridor for roughly 100 years.
- f. What is the current comprehensive plan designation of the site?**
- Established Rail Corridor for roughly 100 years.
- g. If applicable, what is the current shoreline master program designation of the site?**
- Does not apply.
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.**
- No.
- i. Approximately how many people would reside or work in the completed project?**
- No one would reside at the completed project site. Track maintenance crews of 1-4 persons can be on-site periodically as needed.
- j. Approximately how many people would the completed project displace?**
- None.
- k. Proposed measures to avoid or reduce displacement impacts, if any:**
- No measures are needed.
- l. Proposed measures to ensure the proposal is compatible with existing and project land uses and plans, if any:**
- The proposed siding extension is an enhancement of the existing rail corridor; the rail corridor has been at this site for roughly 100 years.
- 9. Housing**
- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**
- None.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**
None.

- c. Proposed measures to reduce or control housing impacts, if any:**
None are proposed.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

The tallest structures will be two signal posts, located at the southern end of the siding extension, which will be up to 21 feet high. These signal posts will replace two existing signal posts, located midway through the project area. The signal posts are made of steel and painted gray. Aside from these posts, there will be an 8 foot x 8 foot electronics bungalow that is 8 feet high. All other facilities will be within 6 inches of surface level.

- b. What views in the immediate vicinity would be altered or obstructed?**

The railroad tracks are located on an 8-foot support structure. The height of the support structure will remain the same, but will be 40 feet wider on the east side, with a 70-foot width at the southern end. Since the majority of the surrounding land is agricultural with no nearby houses, any impact to the view will be minimal. Where the light industrial properties are located, either storage lots or parking lots are located adjacent to the BNSF right-of-way. Again, there will be minimal impact on views.

- c. Proposed measures to reduce or control aesthetic impacts, if any:**
None will be needed.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

The only source of light will be the railroad signal system, which will operate continuously. The signal system lights are only visible in a straight line of sight along the tracks.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

No, the purpose of the signal lights is to safely signal trains.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

None are needed.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

None.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None.

c. Proposed measures to reduce or control impacts, if any:

Not applicable because there are no impacts.

14. Transportation

a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.

Hickox Road (a public crossing) and Pederson Lane (a private crossing) currently cross

over the railroad tracks in an east-west direction. Both of these roads are anticipated to be closed at the railroad tracks as part of the project. Each of these roads intersect with public roads both east and west of the project site, so access is still ensured for residences, farm buildings, and businesses. A traffic study has been conducted for the project.

For any proposed closing of a public grade crossing (in this project that would be Hickox Road), the Washington Utilities and Transportation Commission holds a public hearing prior to a closure decision.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

No.

- c. How many parking spaces would the completed project have? How many would the project eliminate?**

None.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

No new roads or streets are proposed.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

The project is a rail project designed to allow for additional capacity for rail transportation.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

No impacts to vehicular traffic are anticipated.

- g. Proposed measures to reduce or control transportation impacts, if any.**

Temporary construction impacts to traffic will be managed by working with Skagit County and the City of Mount Vernon.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.**

No.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

None are proposed.

16. Utilities

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

Electricity, natural gas, water, refuse service, telephone, and sanitary sewer are available next to the site. However, only existing electricity for the track signals will be used at the site.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in immediate vicinity which might be needed.**

Only electricity for the track signals will be needed at the site. Puget Sound Energy is the provider.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge.

Signature: Kenneth M. Ygnacio

Date Submitted: 02/16/07

Phinney, Elizabeth

From: Phinney, Elizabeth
Sent: Thursday, March 01, 2007 6:10 PM
To: Rebecca Bradley-Lowell (rebeccab@ci.mount-vernon.wa.us)
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: Mount Vernon Siding Upgrade information
Attachments: Mount Vernon Final JARPA 2-16-2007.pdf; Mount Vernon Siding DNS and SEPA Checklist.pdf; COVER.pdf; LEGEND.pdf; PP1.pdf; PP2.pdf; PP3.pdf; PP4.pdf; PP5.pdf; PP6.pdf; PP7.pdf

Ms. Bradley-Lowell,

I am attaching information for the Mount Vernon Siding Upgrade rail project. The Washington State Department of Transportation is the lead agency (and applicant) for this rail upgrade. BNSF will be responsible for the construction of the siding extension.

This e-mail is being sent at the City's request to determine whether a pre-application meeting is necessary. We are hoping that it will be possible for the City to determine what additional permits will be needed for this project from the information provided.

Project Description:

The proposed project will extend the existing 6,000-foot BNSF Railway siding in Mount Vernon an additional 3,700 feet.

The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit faster passenger trains and other faster freight trains to pass. The existing siding is located on the east side of the main line track, and will be extended south.

As part of the extension project, two at-grade railroad street crossings (one private and one public) are anticipated to be closed. The private crossing is Pederson Lane, and the public crossing is Hickox Road.

Project Location:

The project location is immediately adjacent to and parallel with the BNSF Railway main line railroad tracks, between Railroad Mileposts 66.07 and 67.08, Bellingham Subdivision of the Northwest Division of BNSF, at the southwestern limits of Mount Vernon and into Skagit County.

Section 31, Township 34N, Range 4W and Section 6, Township 33N, Range 4W.

Attachments to this e-mail:

- JARPA (submitted to U.S. Army Corps of Engineers for Nationwide Permit 23, and to Ecology for 401 WQ Certification)
- Plan drawings that were submitted with the JARPA. A vicinity map is on the cover sheet.
- SEPA DNS and Checklist (Comment due date is March 6, 2007)

Additional information available:

- Wetland Biology Report
- Wetland Mitigation Report
- Biological Assessment

9/6/2007

EXHIBIT C

- Site Reconnaissance
- NEPA Documented Categorical Exclusion (DCE)
- Cultural Resources Report (nearing completion)
- Traffic is being evaluated in connection with the possible closure of the two at-grade railroad street crossings

Please let me know if you have any questions or need additional information.

Elizabeth Phinney
Rail Environmental Coordinator
WSDOT Rail Office
360-705-7902
phinnee@wsdot.wa.gov

Agency Reference #:

Date Received:

Circulated by:

(local govt. or agency)

Project Tracking Number:

JOINT AQUATIC RESOURCES PERMIT APPLICATION FORM (JARPA)

(for use in Washington State)

Please use black ink.



To fill in electronically, use F11 to move through the form. To use the help feature you must have an internet connection.

- Application for a Fish Habitat Enhancement Project per requirements of RCW 77.55.290. You must submit a copy of this completed JARPA application form and the (Fish Habitat Enhancement JARPA Addition) to your local Government Planning Department and Washington Department of Fish & Wildlife Area Habitat Biologist on the same day.

NOTE: LOCAL GOVERNMENTS – You must submit any comments on these projects to WDFW within 15 working days.

Based on the instructions provided, I am sending copies of this application to the following: *(check all that apply)*

- Local Government for shoreline: Substantial Development Conditional Use Variance Exemption Revision
 Floodplain Management Critical Areas Ordinance
- Washington Department of Fish and Wildlife for HPA (Submit 3 copies to WDFW Region)
- Washington Department of Ecology for 401 Water Quality Certification (to Regional Office-Federal Permit Unit)
- Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification
- Corps of Engineers for: Section 404 Section 10 permit
- Coast Guard for: General Bridge Act Permit Private Aids to Navigation (for non-bridge projects)
- For Department of Transportation projects only: This project will be designed to meet conditions of the most current Ecology/Department of Transportation Water Quality Implementing Agreement

PROJECT TITLE: Mount Vernon Siding Upgrade

PROJECT DESCRIPTION:

The proposed project will extend the existing 6,000-foot BNSF Railway siding in Mount Vernon an additional 3,700 feet.

The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit faster passenger trains and other faster freight trains to pass. The existing siding is located on the east side of the main line track.

As part of the extension project, two at-grade railroad street crossings (one private and one public) are anticipated to be closed.

SECTION A - Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

1. APPLICANT Washington State Department of Transportation (WSDOT) – Elizabeth Phinney

MAILING ADDRESS

Rail Office, PO Box 47407, Olympia, WA 98504-7407

WORK PHONE

360-705-7902

E-MAIL ADDRESS

phinnee@wsdot.wa.gov

HOME PHONE

N/A

FAX #

360-705-6821

If an agent is acting for the applicant during the permit process, complete #2. Be sure agent signs Section C (Signature Block) for all permit applications

2. AUTHORIZED AGENT

Washington State Department of Transportation (WSDOT) – Jeff Schultz

MAILING ADDRESS

Rail Office, PO Box 47407, Olympia, WA 98504-7407

WORK PHONE

360-705-7981

E-MAIL ADDRESS

schultj@wsdot.wa.gov

HOME PHONE

N/A

FAX #

360-705-6821

3. Relationship of applicant to property: OWNER PURCHASER LESSEE USER **Used by Amtrak Cascades intercity passenger trains, which are sponsored by the State of Washington.**

4. Name, address and phone number of property owner(s) if other than applicant:

BNSF Railway Company, 2454 Occidental Ave South, Suite 1A, Seattle WA 98134-1451

5. Location (street address, including city, county and zip code, where proposed activity exists or will occur)
BNSF Railway main line railroad tracks, between Railroad Mileposts 66.07 and 67.08, Bellingham Subdivision of the Northwest Division of BNSF, at the southwestern limits of Mount Vernon and into Skagit County

Local government with jurisdiction (city or county) **City of Mount Vernon and Skagit County, Washington**

Waterbody you are working in Wetlands		Tributary of N/A	WRIA # 3 Lower Skagit / Samish
Is this waterbody on the 303(d) List** <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, what parameter(s)? **For 303d List, http://www.ecy.wa.gov/programs/wq/303d/index.html		Shoreline designation Not within a designated shoreline	
		Zoning designation Railroad corridor right-of-way	Adjacent properties are zoned as: County parcels: Agricultural-Natural Resources Lands. City parcels: Commercial / Limited industrial

1/4 Section	Section 31 6	Township 34N 33N	Range 4W 4W	Government Lot	DNR stream type if known N/A
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Latitude and Longitude: LAT 48° 25' 04"
LONG 122° 20' 12"

Tax Parcel Number N/A

6. Describe (a) the current use of the property, (b) structures existing on the property, and (c) existing environmental conditions. Have you completed any portion of the proposed activity on this property? YES NO
 For any portion of the proposed activity already completed on this property, indicate month and year of completion.

(a) **The current use of the property is the BNSF Railway north-south main line rail corridor.**

(b) **There is an 8-foot by 8-foot metal signal bungalow at the end of the existing siding. This signal bungalow will be moved to the southern terminus of the new siding extension.**

(c) **The railroad tracks are located atop an 8-foot-high railroad support structure (often referred to as a "berm"). The railroad berm consists of ballast (rock) and sub-ballast (also rock). There is a railroad ditch at the toe of slope of the railroad berm.**

Is the property agricultural land? YES NO **Are you a USDA program participant?** YES NO

7a. Describe the proposed work that needs aquatic permits: Complete plans and specifications should be provided for all work waterward of the ordinary high water mark or line, including types of equipment to be used. If applying for a shoreline permit, describe all work within and beyond 200 feet of the ordinary high water mark. If you have provided attached materials to describe your project, you still must summarize the proposed work here. Attach a separate sheet if additional space is needed.

The proposed project will extend the existing BNSF Mount Vernon railroad siding southward an additional 3,700 feet so that the completed siding will be 9,700 feet long to meet the needs of increased passenger rail traffic and lengthened freight trains. The footprint of the existing railroad support structure will be widened 40 feet from the centerline of the existing main line track, except at the south end where the widening may be approximately 70 feet for 650 linear feet to accommodate the new rail turnout location. (Another name for a turnout is a switch.) This widening will result in filling 0.89 acres of Category III and IV wetlands located at the toe of the existing railroad support structure in the railroad ditch.

PREPARATION OF DRAWINGS: See sample drawings and guidance for completing the drawings. ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED. NOTE: Applicants are encouraged to submit photographs of the project site, but these DO NOT substitute for drawings. THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.

7b. Describe the purpose of the proposed work and why you want or need to perform it at the site. Please explain any specific needs that have influenced the design.

The proposed project is lengthening the existing railroad siding to meet the needs of increased passenger rail traffic and lengthened freight trains. This is the only location for the project due to the location of the Mount Vernon Train Station to the north. Other potential locations in the area would result in the blocking of several busy public at-grade street crossings for significant periods of time.

In addition, lengthening the existing siding means that only 3,700 linear feet of new track and railroad support structure need to be constructed, whereas constructing a new siding elsewhere would mean 9,700 feet of new siding and railroad support structure in another location. Thus, the project "footprint" and cost would be increased.

Elements that influenced design include:

- Railroad engineering standards for the construction of railroads and railroad support structures.
- Federal worker safety standards for railroad workers.

Table 7c. Describe the potential impacts to characteristic uses of the water body. These uses may include fish and aquatic life, water quality, water supply, recreation and aesthetics. Identify proposed actions to avoid, minimize, and mitigate detrimental impacts and provide proper protection of fish and aquatic life. Identify which guidance documents you have used. Attach a separate sheet if additional space is needed.

All the wetlands located in the ditch at the toe of the railroad support structure result from drainage from the railroad structure itself as well as run-off from the surrounding agricultural land and the parking lots of the few adjacent light industrial properties.

Hydrologic functions are limited because of landscape position. The wetlands do not have the opportunity to provide flood flow attenuation or reduce velocities associated with floodwaters. All the wetlands have a relatively constricted outline and are confined to ditches and depressions along the railroad support structure toe of slope. They have limited ability to trap surface water and receive most of their water from precipitation and high groundwater. The wetlands serve a water quality, hydrologic and limited habitat function.

The wetland biology report states that the functions that are provided by these wetlands are: ability to trap sediment from surrounding cultivated fields; ability to trap and store nutrients and toxicants from surrounding farms and industrial activities; and potential habitat for birds and small mammals. (Please see the wetland biology report for more detailed information.)

The very nature of railroad support structure ("berm") construction means that the ditch at the toe of slope will be impacted by the 40-foot wide fill needed to support the railroad track and ties placed on top of the fill. A new railroad ditch will be constructed at the toe of the railroad support structure for the entire length of the siding extension.

The new siding extension continues southward from the existing siding, which is parallel to the existing main line track. The siding then connects back to the main line track at the southern end via a turnout (switch). The turnout structure is constructed on a widened portion of the fill (an additional 30 feet of fill for 650 feet is used at this location) and is then moved into place as one very large intact piece with very large earth-moving machines.

Impacts to wetlands were either avoided when possible or minimized through the site design process. By extending the existing siding on the east side of the railroad tracks rather than constructing a completely new 9,700-foot siding on the west side of the tracks at this location, the project avoided impacting the higher quality wetlands on the west side of the tracks. Also, Wetland A and its buffer were avoided with a minor design modification.

When wetland and buffer impacts could not be avoided or minimized through site design, the project was able to combine compensatory mitigation with the mitigation for the SR 20, I-5 to Freedonia highway

project. The mitigation site is located at a site on West McCorquadale Road, adjacent to Gages Slough. This site is in the same basin as the Mount Vernon Siding Extension wetland impacts and is located approximately 4.6 miles northwest of the project. (Please see the wetland mitigation plan for more detailed information.)

Compensatory Mitigation: To mitigate for unavoidable impacts, compensatory mitigation will be implemented in accordance with Governor's Executive Order 89-10 (Protection of Wetlands: "No Net Loss") and WSDOT Directive 31-12 (Protection of Wetlands Action Plan). The total area of mitigation proposed is based on the guidelines established in Wetland Mitigation in Washington State (Ecology 2006) and the Skagit County Critical Areas Ordinance.

Total direct wetland impacts are estimated to be 0.89 acres, with 0.69 acres of Category III and the remainder of 0.20 acres of impact to Category IV wetlands.

There will be minimal buffer impacts based on the existing conditions. Wetland buffers are limited to steep gravel slopes along the BNSF railroad tracks, adjacent cultivated fields, and some gravel and soil along the western edge of the industrial facilities.

In addition, indirect wetland impacts are estimated to be approximately 0.40 acres. Those wetlands that are partially filled will likely function at a reduced level after completion of the project.

The compensatory mitigation for the wetland impacts will consist of the following:

1. Create / re-establish 1.67 acres of wetlands to mitigate for filling 0.89 acres of wetlands
2. Skagit County and Ecology require the establishment of a buffer around all mitigation sites. This project will include the establishment of a 1.08-acre buffer to mitigate for indirect impacts of 0.40 acres and another 0.68 acres to provide for an adequate buffer.

(Please see the wetland mitigation plan for detailed information on the mitigation ratios.)

help 7d. For in water construction work, will your project be in compliance with the State of Washington water quality standards for turbidity WAC 173.201A-110? YES NO (See USEFUL DEFINITIONS AND INSTRUCTIONS)

help 8. Will the project be constructed in stages? YES NO
 Proposed starting date: **May / June 2007**
 Estimated duration of activity: **Approximately 7 months.**

help 9. Check if any temporary or permanent structures will be placed: **N/A**
 Waterward of the ordinary high water mark or line for fresh or tidal waters AND/OR
 Waterward of the mean higher high water for tidal waters?

help 10. Will fill material (rock, fill, bulkhead, or other material) be placed: **N/A**
 Waterward of the ordinary high water mark or line for fresh waters?
 If YES, VOLUME (cubic yards) / AREA (acres)
 Waterward of the mean higher high water for tidal waters?
 If YES, VOLUME (cubic yards) / AREA (acres)

help 11. Will material be placed in wetlands? YES NO
 If YES: **Wetland B complex (0.69 acres); Wetland C (0.005 acres); Wetland D (0.19 acres)**

help A. Impacted area in acres: **0.89 acres**

help B. Has a delineation been completed? If YES, please submit with application. YES NO

help C. Has a wetland report been prepared? If YES, please submit with application YES NO

help D. Type and composition of fill material (e.g., sand, etc.) **Clean structural fill and ballast (rock)**

help E. Material source: **An approved commercial quarry**

help F. List all soil series (type of soil) located at the project site, and indicate if they are on the county's list of hydric soils. Soils information can be obtained from the natural Resources Conservation Service (NRCS).

Sumas Silt Loam is the only soil series present within the project footprint. It is on the County's list of hydric soils.

help 12. Stormwater Compliance for Nationwide Permits Only: This project is (or will be) designed to meet ecology's most current stormwater manual, or an Ecology approved local stormwater manual. YES NO

If YES – Which manual will your project be designed to meet: **2005 Stormwater manual for Western Washington**

help If NO – For clean water act Section 401 and 404 permits only – Please submit to Ecology for approval, along with this JARPA application, documentation that demonstrates the stormwater runoff from your project or activity will comply with the water quality standards, WAC 173.201(A)

help 13. Will excavation or dredging be required in water or wetlands? YES NO

If YES:

A. Volume: **720** (cubic yards) /area **0.5** (acre)

B. Composition of material to be removed: **Structurally unsuitable soil**

C. Disposal site for excavated material: **State-approved site**

D. Method of dredging: **Backhoes and/or front loaders will be used for excavation**

help 14. Has the State Environmental Policy Act (SEPA) been completed YES NO

SEPA Lead Agency: **WSDOT**

SEPA Decision: **DNS**

Decision Date (end of comment period) **March 7, 2007**

SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WDFW AS REQUIRED FOR A COMPLETE APPLICATION

help 15. List other Applications, approvals or certifications from other federal, state or local agencies for any structures, construction discharges or other activities described in the application (i.e. preliminary plat approval, health district approval, building permit, SEPA review, federal energy regulatory commission license (FERC), Forest practices application, etc.). Also, indicate whether work has been completed and indicate all existing work on drawings. NOTE: For use with Corps Nationwide Permits, identify whether your project has or will need an NPDES permit for discharging wastewater and/or stormwater.

TYPE OF APPROVAL	ISSUING AGENCY	IDENTIFICATION NO.	DATE OF APPLICATION	DATE APPROVED	COMPLETED?
Critical Areas Ordinance	Mt. Vernon/Skagit Co				
Corps NW Permit 23	USACE				
401 WQ Certification	Dept of Ecology				
Coastal Zone Consistency Determination	USACE/Dept of Ecology				
ESA Compliance – No Effect	NOAA			08/04/2006	Yes
ESA Compliance – No Effect	USFWS			08/04/2006	Yes
SEPA Review -- DNS	WSDOT			Issued 2/16/07	Yes
NEPA DCE	FHWA				
Section 106 Compliance	DAHP				

help 16. Has any agency denied approval for the activity you're applying for or for any activity directly related to the activity described herein?

YES NO

If YES, explain:

SECTION B - Use for Shoreline and Corps of Engineers permits only:

help 17a. Total cost of project. This means the fair market value of the project, including materials, labor, machine rentals, etc.

\$3.8 million

17b. If a project or any portion of a project receives funding from a federal agency, that agency is responsible for ESA consultation. Please indicate if you will receive federal funds and what federal agency is providing those funds. See instructions for information on ESA.*

FEDERAL FUNDING YES NO If YES, please list the federal agency. **FHWA (Grade crossing funds)**


18. Local government with jurisdiction: **City of Mount Vernon and Skagit County**

19. For Corps, Coast Guard and DNR permits, provide names, addresses and telephone numbers of adjoining property owners, lessees, etc. *Please note: Shoreline Management Compliance may require additional notice – consult your local government.*

NAME	ADDRESS	PHONE NUMBER
Drainage Dist. #17, c/o Herb Waltner	18687 W Stackpole Road, Mount Vernon, WA 98273	360-424-3720
Arthur C. Rogers III	20824 Starbird Road, Mount Vernon, WA 98274	360-445-3242
Gunnar Pedersen	16325 Dike Road, Mount Vernon, WA 98273	360-424-6974
Robert and Pamela Burkland	17295 Britt Road, Mount Vernon, WA 98273	360-424-1711
Richard / Patricia Smith & Robert / Pamela Burkland	18495 Dike Road, Mount Vernon, WA 98273	360-424-6022
Larry L. Johnson	PO Box 594, Conway, WA 98238	360-445-5483
Lillian Sundquist c/o Norma Gilbertson	PO Box 395, Stanwood, WA 98292	360-939-2636
Leslie / G. Joy Faber & Robert / Pamela Burkland DBA Farwest Equipment	3927 Old Hwy 99 So. Road, Mount Vernon, WA 98273	360-424-6048
MTV LLC c/o Phillips Real Estate Svc	312 Fairview Ave N, Seattle WA 98109	206-622-8600

SECTION C - This section MUST be completed for any permit covered by this application

20. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work ONLY after all necessary permits have been received.

 SIGNATURE OF APPLICANT	DATE 2-16-07
---	-----------------

 SIGNATURE OF AUTHORIZED AGENT	DATE 2-16-07
--	-----------------

I HEREBY DESIGNATE _____ TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR)

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.

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.

COMPLETED BY LOCAL OFFICIAL

A. Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any)

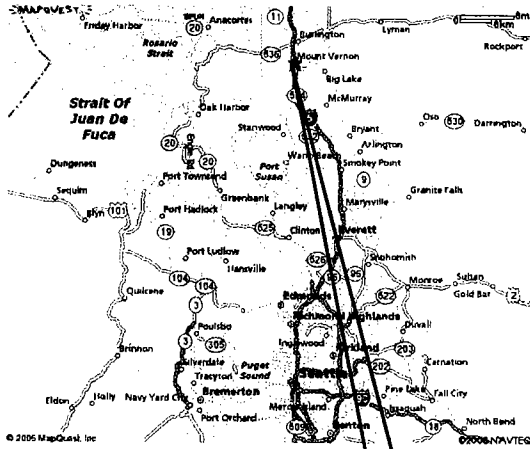
B. In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level,

indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view:
C. If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought:

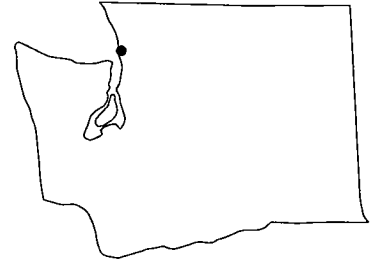
These Agencies are Equal Opportunity and Affirmative Action employers.
For special accommodation needs, please contact the appropriate agency in the instructions

SIDING EXTENSION AT MT VERNON, WA

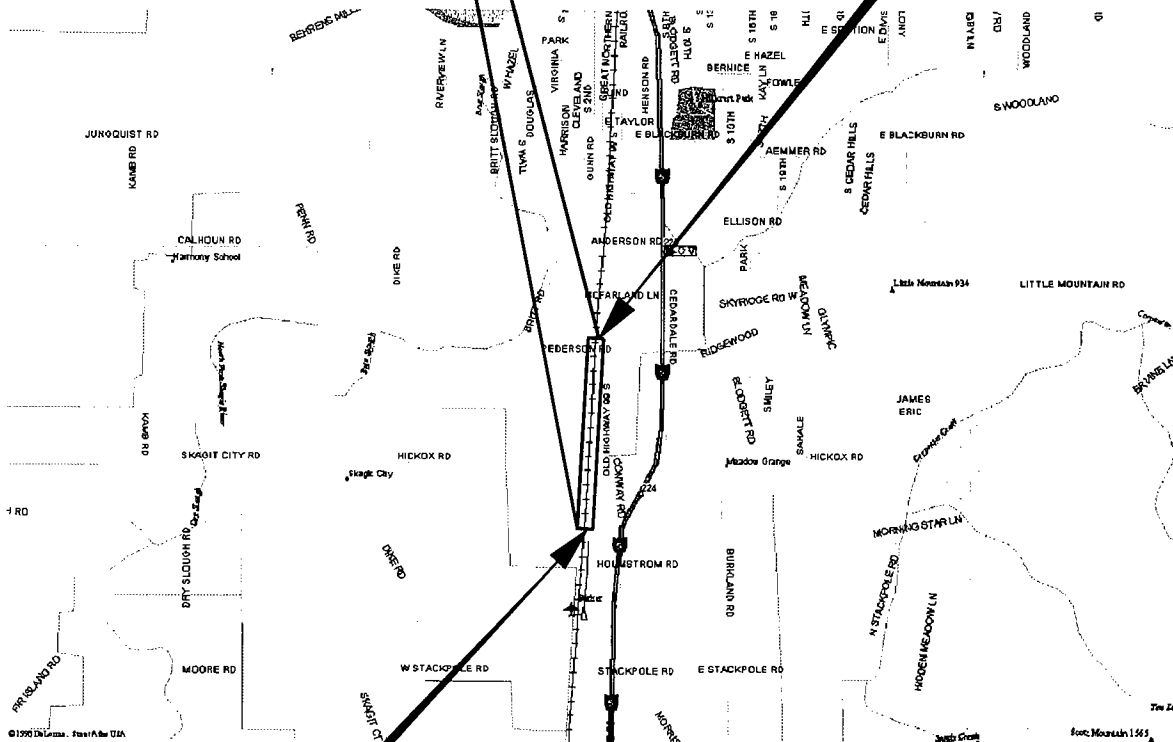
WASHINGTON
PROJECT LOCATION



CITY LOCATION



END PROJECT
MP 66.1



BEGIN PROJECT
MP 65.5

LOCATION MAP

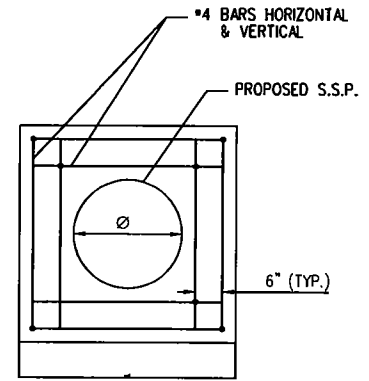
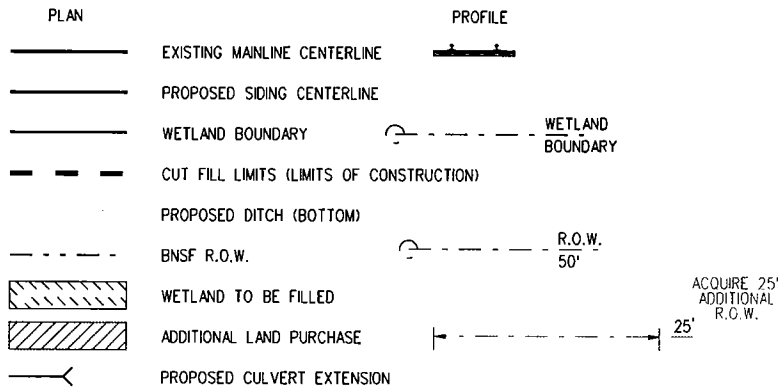
SKAGIT COUNTY, WASHINGTON

SEC 31 T 34N R 4E

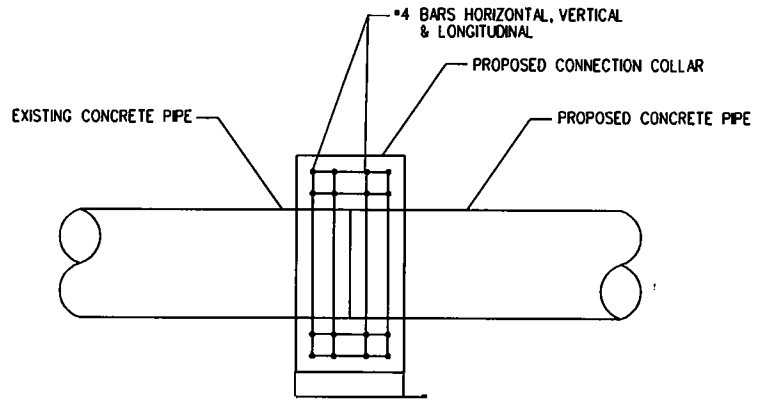
LAT N48° 23' 06" LON W122° 20' 18"

REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 1 OF 9 DATE: 01/19/07

LEGEND



FRONT VIEW



SIDE VIEW

CONCRETE COLLAR CONNECTION DETAIL
NOT TO SCALE

SCOPE OF WORK FOR GRADING CONTRACTOR

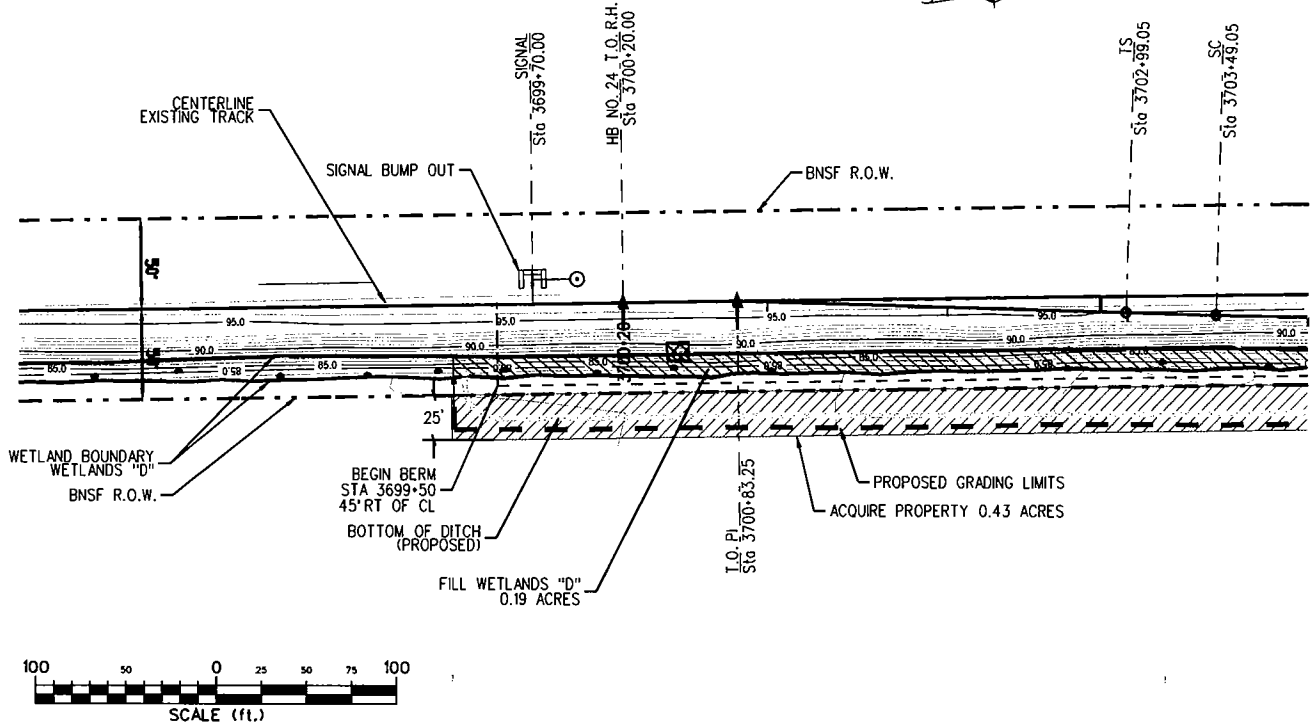
<u>JOB ITEM</u>	<u>QUANTITY</u>
EXCAVATION	3555 CY
EARTH FILL PLACEMENT	15610 CY
SUBBALLAST PLACEMENT	3750 CY
QUARRY SPALL PLACEMENT (CONSTRUCTION ENTRANCE)	220 CY

WETLAND IMPACT OF GRADING WORK

<u>WETLAND AREA</u>	<u>DISTURBED AREA</u>	<u>EXCAVATED VOLUME</u>
AREA A	0 SF	0 CY
AREA B1	9391 SF	169 CY
AREA B2	11342 SF	213 CY
AREA B3	9451 SF	178 CY
AREA C	218 SF	4 CY
AREA D	8378 SF	156 CY
TOTAL	38780 SF	720 CY

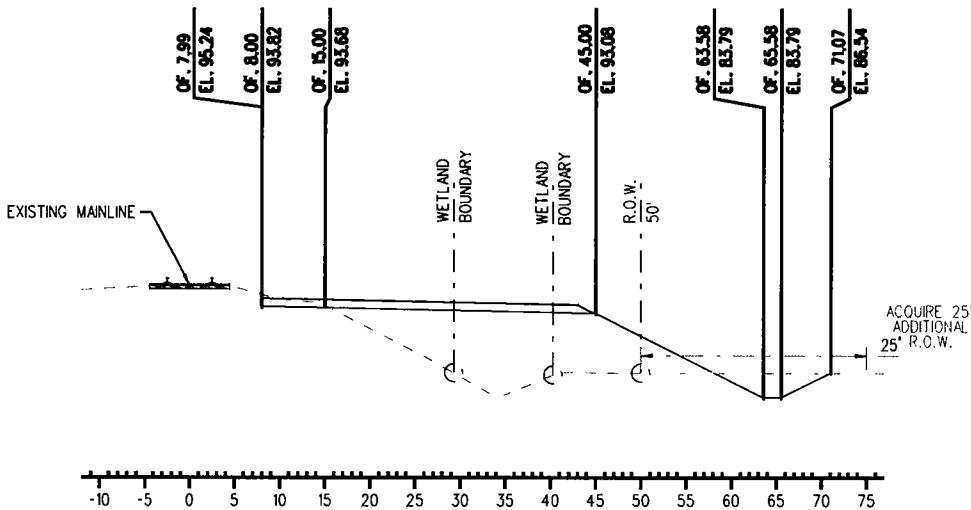
REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 2 OF 9 DATE: 01/19/07

PLAN

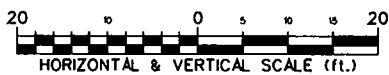


MATCH SHEET 2

PROFILE

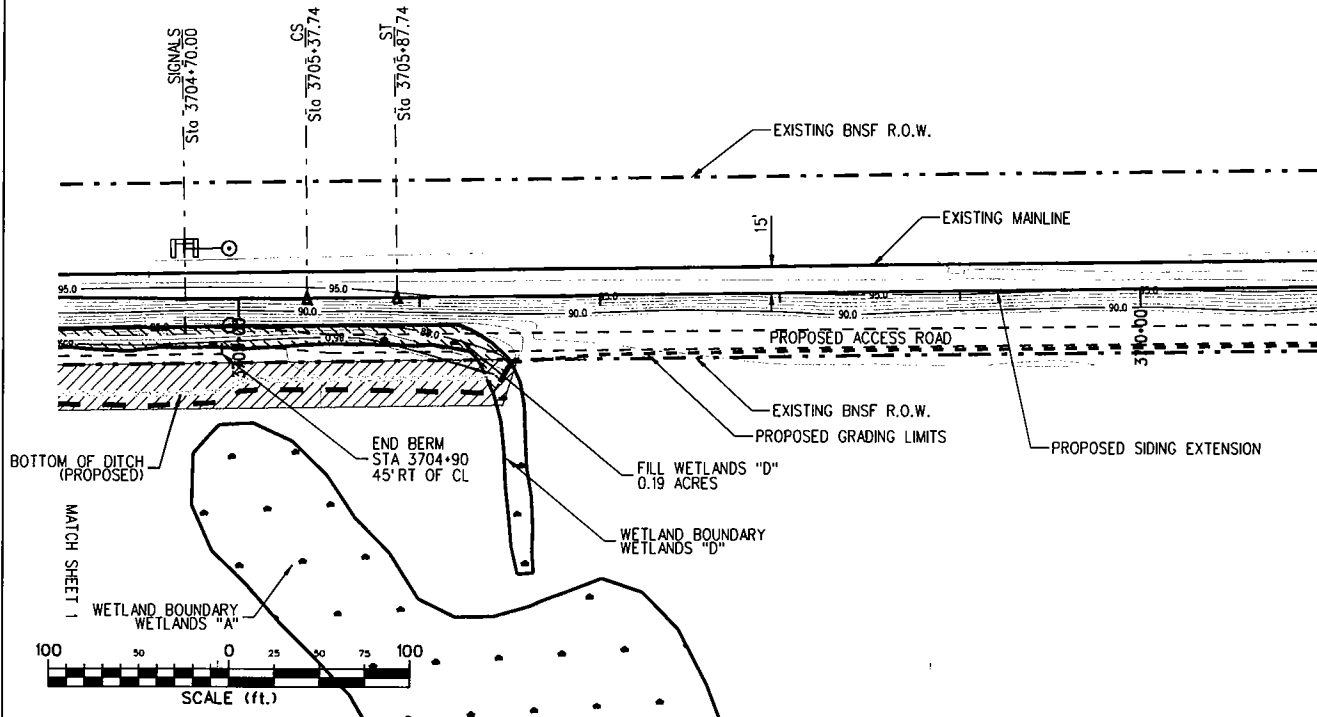
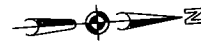


3702+00



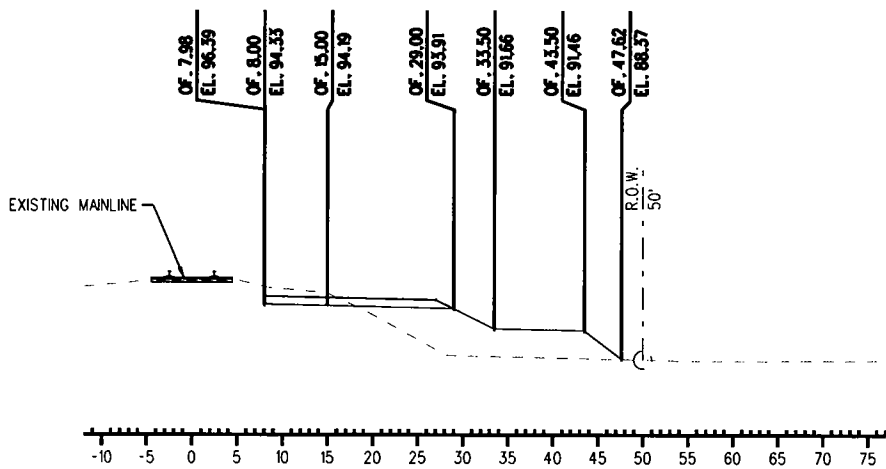
REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 3 OF 9 DATE: 01/19/07

PLAN

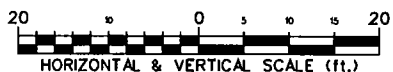


MATCH SHEET 3

PROFILE

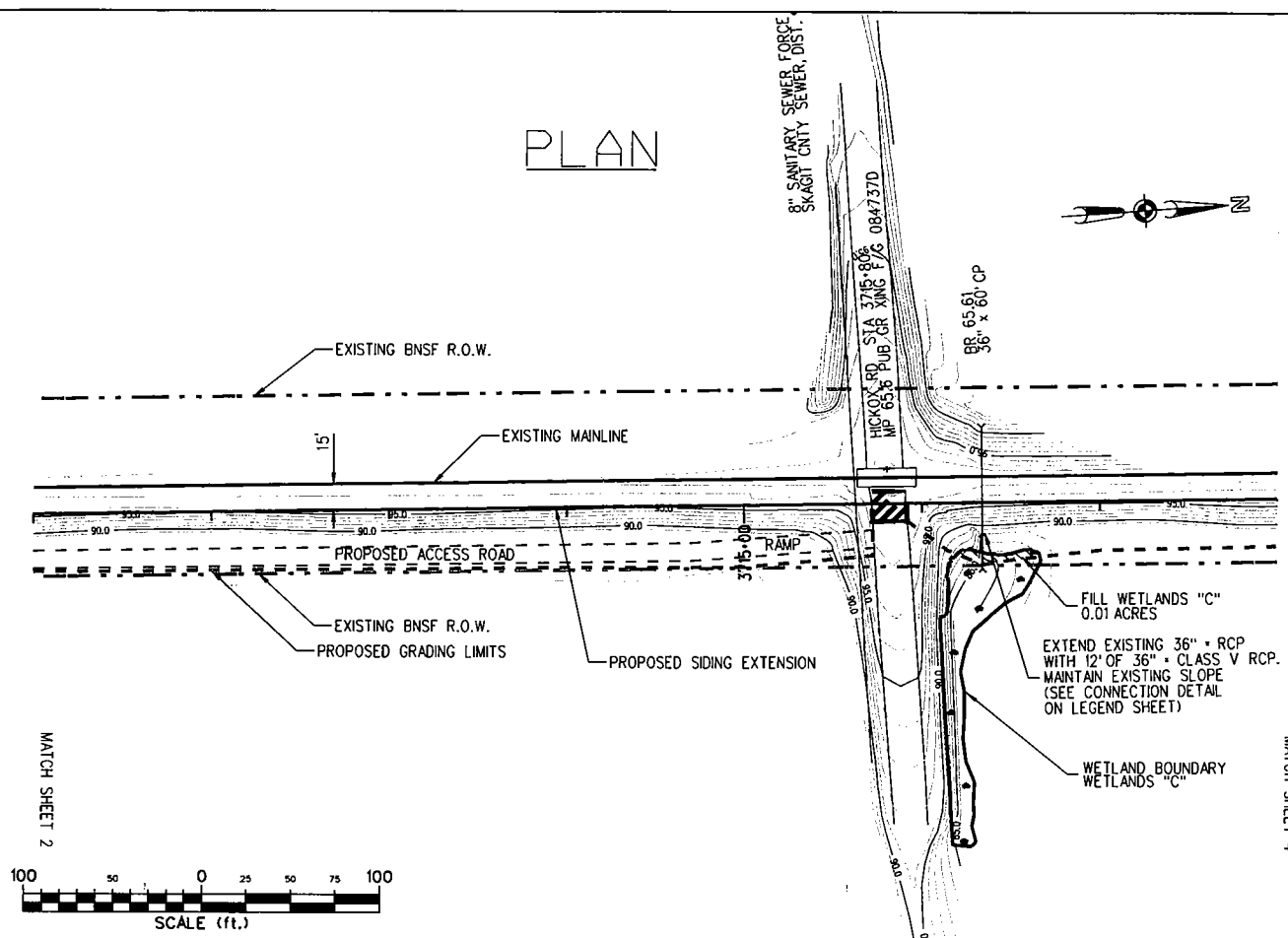


3711+00

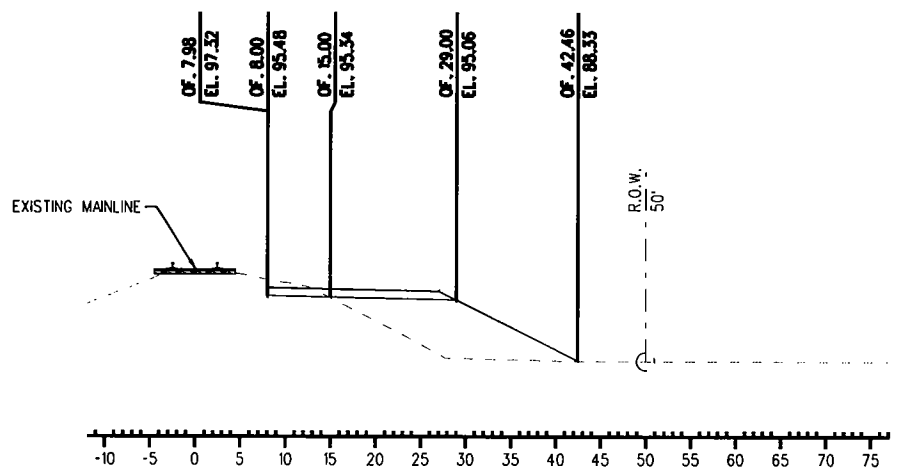


REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 4 OF 9 DATE: 01/19/07

PLAN

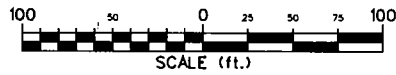
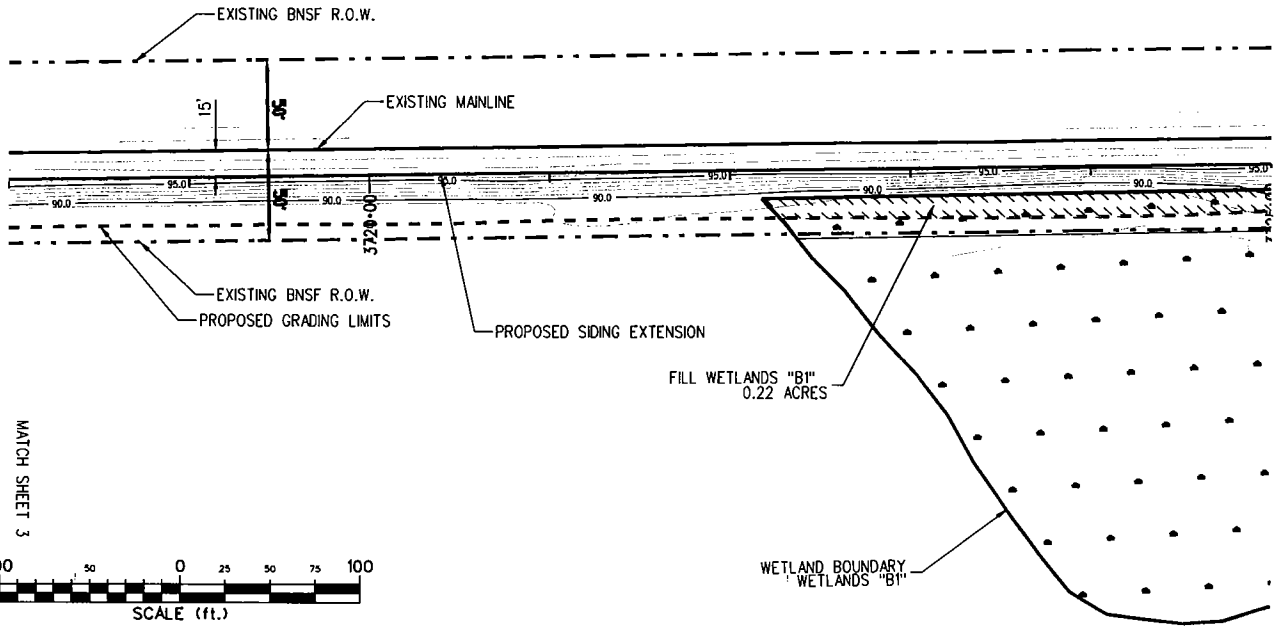
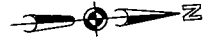


PROFILE

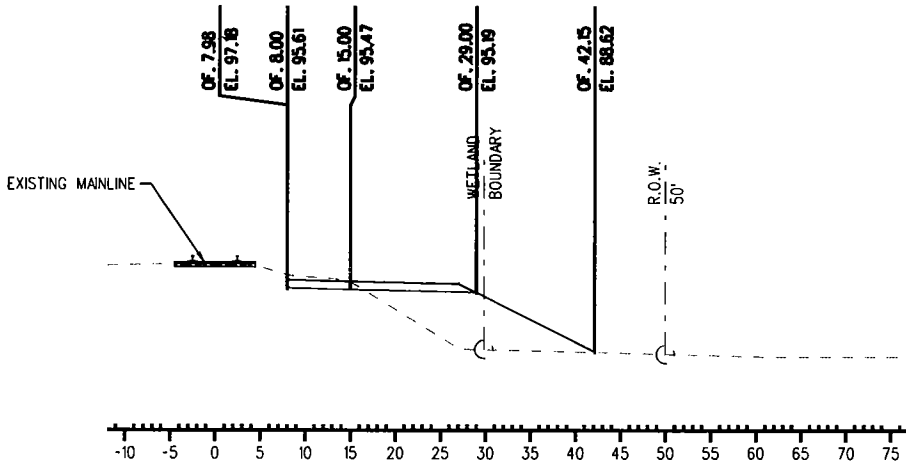


REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 5 OF 9 DATE: 01/19/07

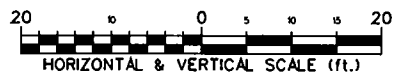
PLAN



PROFILE

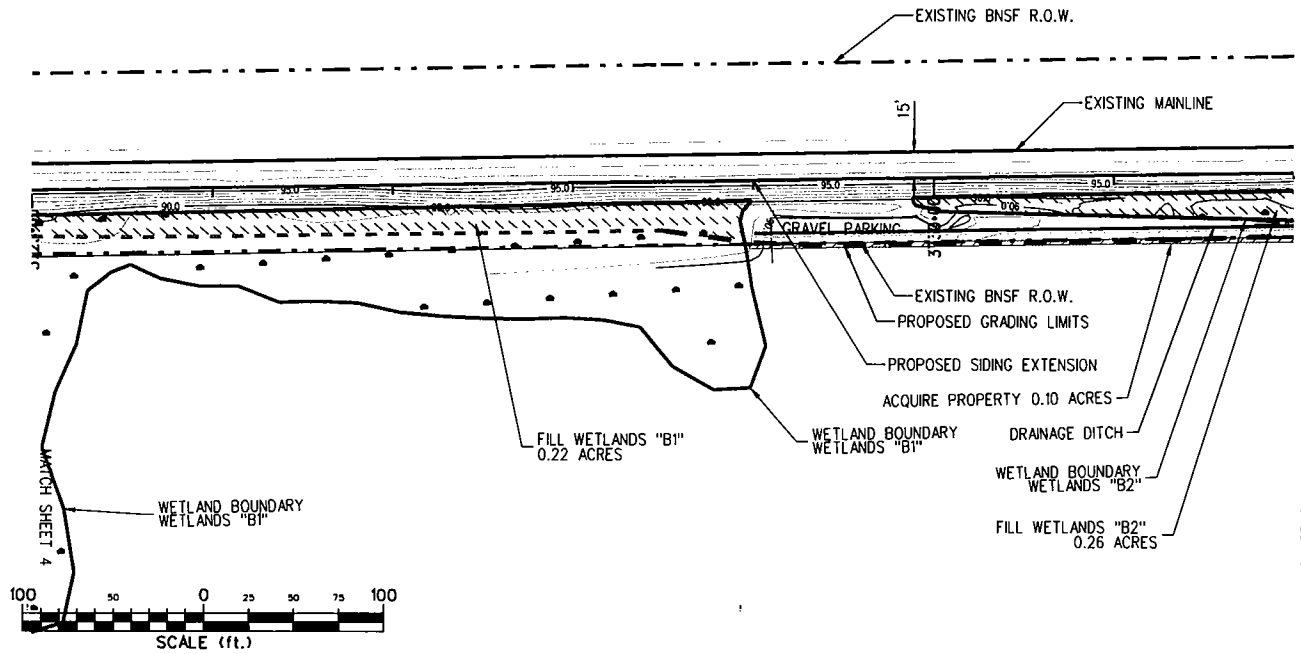


3723+00

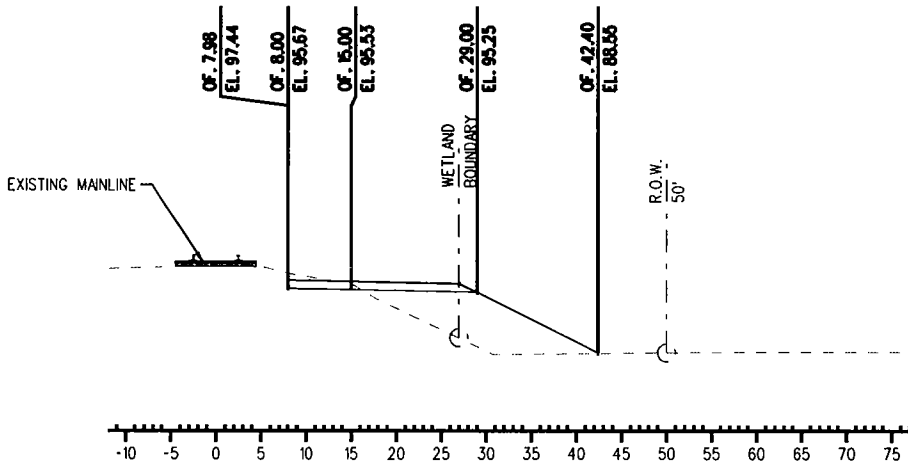


REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 6 OF 9 DATE: 01/19/07

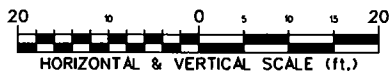
PLAN



PROFILE

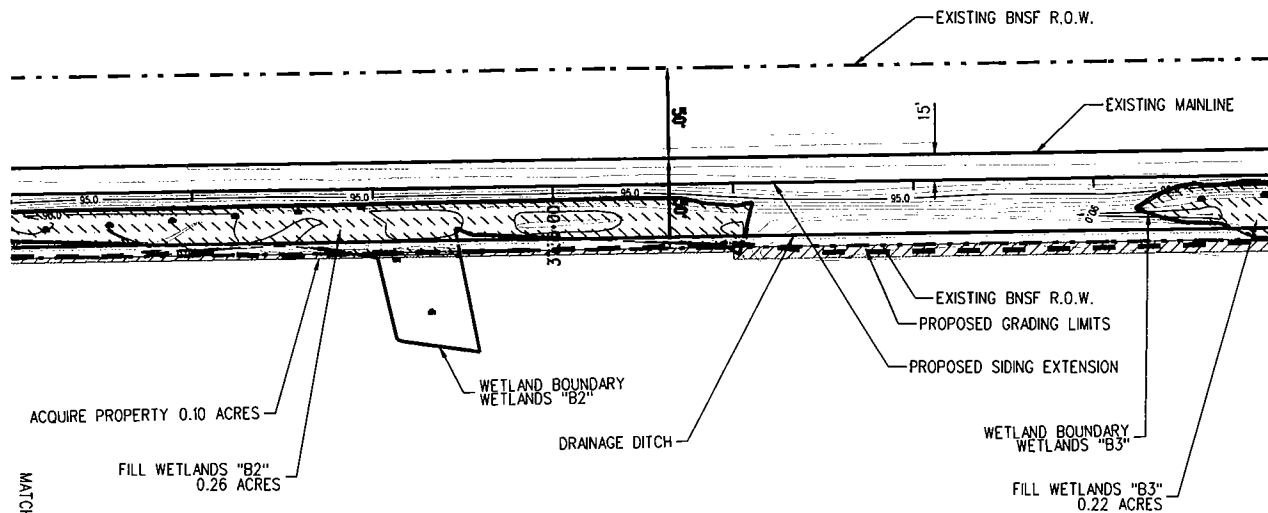


3728+00



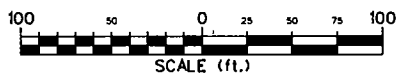
REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 7 OF 9 DATE: 01/19/07

PLAN

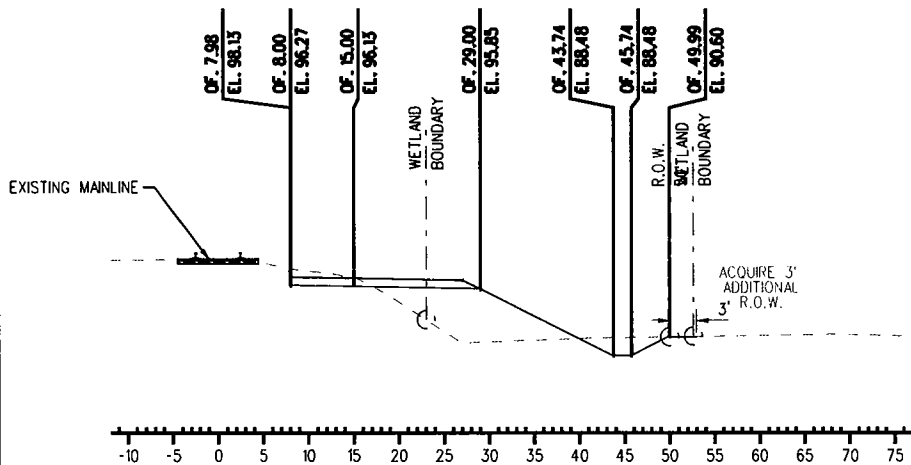


MATCH SHEET 5

MATCH SHEET 7



PROFILE

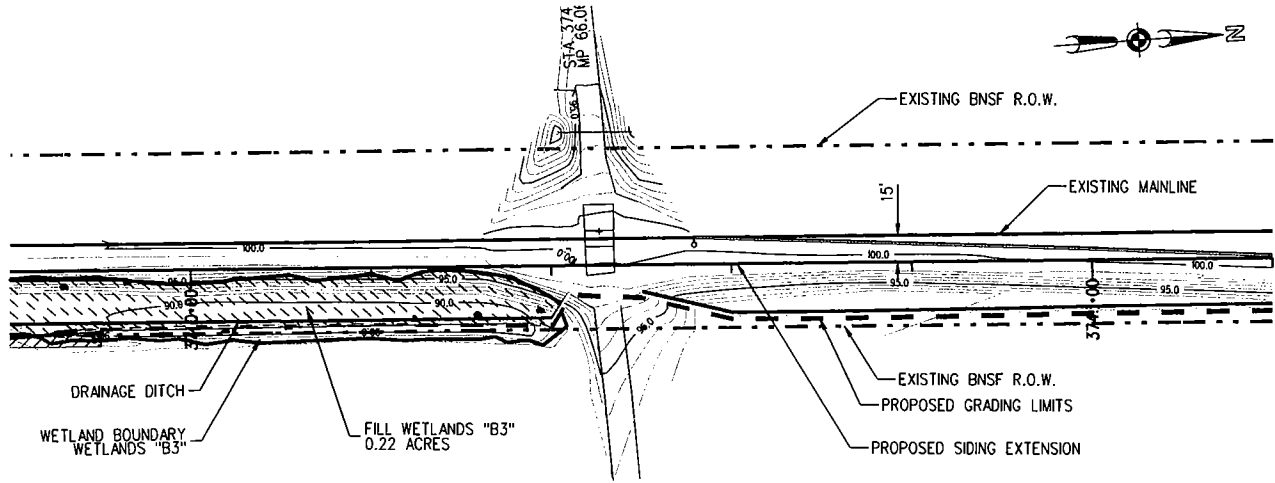


3734+00

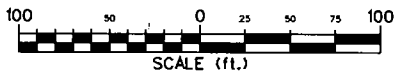


REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 8 OF 9 DATE: 01/19/07

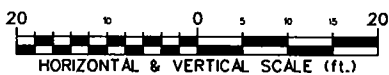
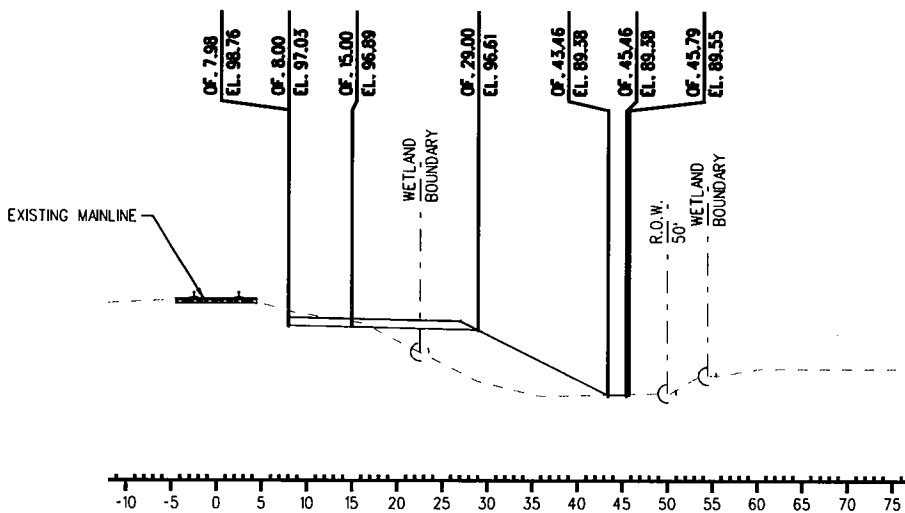
PLAN



MATCH SHEET 6



PROFILE



REFERENCE: 2007
 APPLICANT: WSDOT
 PROPOSED: FILL 0.89 ACRES
 NEAR: MT. VERNON, WA
 SHEET: 9 OF 9 DATE: 01/19/07

Phinney, Elizabeth

From: Phinney, Elizabeth
Sent: Friday, March 02, 2007 9:26 AM
To: Tawnee Bosman (tawneeb@co.skagit.wa.us)
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: Mount Vernon Siding Upgrade information
Attachments: Mount Vernon Final JARPA 2-16-2007.pdf; Mount Vernon Siding DNS and SEPA Checklist.pdf; COVER.pdf; LEGEND.pdf; PP1.pdf; PP2.pdf; PP3.pdf; PP4.pdf; PP5.pdf; PP6.pdf; PP7.pdf

Ms. Bosman,

I am attaching information for the Mount Vernon Siding Upgrade rail project. The Washington State Department of Transportation is the lead agency (and applicant) for this rail upgrade. BNSF will be responsible for the construction of the siding extension.

This e-mail is being sent to the County to determine whether a pre-application meeting is necessary. We are hoping that it will be possible for the County to determine what additional permits will be needed for this project from the information provided.

Project Description:

The proposed project will extend the existing 6,000-foot BNSF Railway siding in Mount Vernon an additional 3,700 feet.

The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit faster passenger trains and other faster freight trains to pass. The existing siding is located on the east side of the main line track, and will be extended south.

As part of the extension project, two at-grade railroad street crossings (one private and one public) are anticipated to be closed. The private crossing is Pederson Lane, and the public crossing is Hickox Road.

Project Location:

The project location is immediately adjacent to and parallel with the BNSF Railway main line railroad tracks, between Railroad Mileposts 66.07 and 67.08, Bellingham Subdivision of the Northwest Division of BNSF, at the southwestern limits of Mount Vernon and into Skagit County.

Section 31, Township 34N, Range 4W and Section 6, Township 33N, Range 4W.

Attachments to this e-mail:

- JARPA (submitted to U.S. Army Corps of Engineers for Nationwide Permit 23, and to Ecology for 401 WQ Certification)
- Plan drawings that were submitted with the JARPA. A vicinity map is on the cover sheet.
- SEPA DNS and Checklist (Comment due date is March 6, 2007)

Additional information available:

- Wetland Biology Report
- Wetland Mitigation Report
- Biological Assessment

9/6/2007

EXHIBIT D

- Site Reconnaissance
- NEPA Documented Categorical Exclusion (DCE)
- Cultural Resources Report (nearing completion)
- Traffic is being evaluated in connection with the possible closure of the two at-grade railroad street crossings

Please let me know if you have any questions or need additional information.

Elizabeth Phinney
Rail Environmental Coordinator
WSDOT Rail Office
360-705-7902
phinnee@wsdot.wa.gov

Phinney, Elizabeth

From: Phinney, Elizabeth
Sent: Friday, March 02, 2007 10:22 AM
To: 'TawneeBosman'
Subject: RE: Mount Vernon Siding Upgrade information

Thank you!

From: TawneeBosman [mailto:tawneeb@co.skagit.wa.us]
Sent: Friday, March 02, 2007 10:05 AM
To: Phinney, Elizabeth
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: RE: Mount Vernon Siding Upgrade information

Thank you for the information.

This will very helpful in determining what permit process will be needed, if any. I'll look this all over and try to get back to you before the end of the day.

Sincerely,
~Tawnee

Tawnee Bosman, CPT
Permit Technician/Planning Coordinator
1800 Continental Place
Mount Vernon WA 98273
Phone 360-336-9410 x 5933
Fax 360-336-9416
E-mail: tawneeb@co.skagit.wa.us

"Helping You Plan and Build Better Communities."

From: Phinney, Elizabeth [mailto:PhinneE@WSDOT.WA.GOV]
Sent: Friday, March 02, 2007 9:26 AM
To: TawneeBosman
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: Mount Vernon Siding Upgrade information

Ms. Bosman,

I am attaching information for the Mount Vernon Siding Upgrade rail project. The Washington State Department of Transportation is the lead agency (and applicant) for this rail upgrade. BNSF will be responsible for the construction of the siding extension.

9/6/2007

This e-mail is being sent to the County to determine whether a pre-application meeting is necessary. We are hoping that it will be possible for the County to determine what additional permits will be needed for this project from the information provided.

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- Site Reconnaissance
- NEPA Documented Categorical Exclusion (DCE)
- Cultural Resources Report (nearing completion)
- Traffic is being evaluated in connection with the possible closure of the two at-grade railroad street crossings

Please let me know if you have any questions or need additional information.

Elizabeth Phinney
Rail Environmental Coordinator
WSDOT Rail Office
360-705-7902
phinnee@wsdot.wa.gov

END

Phinney, Elizabeth

From: TawneeBosman [tawneeb@co.skagit.wa.us]
Sent: Friday, March 02, 2007 3:54 PM
To: Phinney, Elizabeth
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: RE: Mount Vernon Siding Upgrade information
Attachments: Pre-Application Request Form.pds.doc

Hi folks,

I've reviewed this with my boss briefly and we have determined that we will likely require a Pre-Development meeting on this project. It appears that some of the work is proposed outside the right of way and also within some critical areas. We will invite the City of Mount Vernon to the meeting so you can get information from both jurisdictions. I have attached the meeting request form. It looks like you have satisfied just about everything on the checklist with the exception of the fact sheet. Let me know if you have any questions.

We will need 8 copies of the information submitted. Pre-Development meetings have no fee, they are informal but a great way to discuss the project in it's entirety. Once its received, I will contact you with a date and time. The meetings are always on Thursday's and they are either 9:15, 10:15 or 11:15 a.m. If you have a preference I will do my best to accommodate it.

Thanks so much for sending me this information.

Have a wonderful weekend!

~Tawnee

Tawnee Bosman, CPT
 Permit Technician/Planning Coordinator
 1800 Continental Place
 Mount Vernon WA 98273
 Phone 360-336-9410 x 5933
 Fax 360-336-9416
 E-mail: tawneeb@co.skagit.wa.us

"Helping You Plan and Build Better Communities."

From: Phinney, Elizabeth [mailto:PhinneE@WSDOT.WA.GOV]
Sent: Friday, March 02, 2007 9:26 AM
To: TawneeBosman
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: Mount Vernon Siding Upgrade information

Ms. Bosman,

I am attaching information for the Mount Vernon Siding Upgrade rail project. The Washington State Department of Transportation is the lead agency (and applicant) for this rail upgrade. BNSF will be responsible for the

9/6/2007

EXHIBIT E

construction of the siding extension.

This e-mail is being sent to the County to determine whether a pre-application meeting is necessary. We are hoping that it will be possible for the County to determine what additional permits will be needed for this project from the information provided.

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Section 31, Township 34N, Range 4W and Section 6, Township 33N, Range 4W.

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- NEPA Documented Categorical Exclusion (DCE)
- Cultural Resources Report (nearing completion)
- Traffic is being evaluated in connection with the possible closure of the two at-grade railroad street crossings

Please let me know if you have any questions or need additional information.

Elizabeth Phinney
Rail Environmental Coordinator
WSDOT Rail Office
360-705-7902
phinnee@wsdot.wa.gov

END

9/6/2007

Phinney, Elizabeth

From: Bradley, Rebecca [rebeccab@ci.mount-vernon.wa.us]
Sent: Monday, March 05, 2007 12:55 PM
To: Phinney, Elizabeth
Cc: Hanson, Jana
Subject: RE: Mount Vernon Siding Upgrade information
Attachments: Pre-Application Meeting Request.pdf

Hello...from the materials that you sent me we would need to schedule a pre-application meeting for this project. I've attached an application that will need to be completed and returned to Linda Blymer here in our office. When you submit this application Linda will set up your meeting day and time.

Other permits that will likely be required include the following: Fill & Grade, Right-of-Way, and Utility permits...as it appears that you have already taken care of the SEPA and critical areas review.

Thanks,

Rebecca S. Bradley-Lowell,
Senior Planner
City of Mount Vernon
Community & Economic Development Department
910 Cleveland Ave. / P.O. Box 809
Mount Vernon, WA 98273
(360) 336-6214, fax: (360) 336-6283

From: Phinney, Elizabeth [mailto:PhinneE@WSDOT.WA.GOV]
Sent: Thursday, March 01, 2007 6:10 PM
To: Bradley, Rebecca
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: Mount Vernon Siding Upgrade information

Ms. Bradley-Lowell,

I am attaching information for the Mount Vernon Siding Upgrade rail project. The Washington State Department of Transportation is the lead agency (and applicant) for this rail upgrade. BNSF will be responsible for the construction of the siding extension.

This e-mail is being sent at the City's request to determine whether a pre-application meeting is necessary. We are hoping that it will be possible for the City to determine what additional permits will be needed for this project from the information provided.

Project Description:

The proposed project will extend the existing 6,000-foot BNSF Railway siding in Mount Vernon an additional 3,700 feet.

The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit faster passenger trains and other faster freight trains to pass. The existing siding is located on the east side of the main line track, and will be extended south.

As part of the extension project, two at-grade railroad street crossings (one private and one public) are anticipated

9/6/2007

EXHIBIT F

to be closed. The private crossing is Pederson Lane, and the public crossing is Hickox Road.

Project Location:

The project location is immediately adjacent to and parallel with the BNSF Railway main line railroad tracks, between Railroad Mileposts 66.07 and 67.08, Bellingham Subdivision of the Northwest Division of BNSF, at the southwestern limits of Mount Vernon and into Skagit County.

Section 31, Township 34N, Range 4W and Section 6, Township 33N, Range 4W.

Attachments to this e-mail:

- JARPA (submitted to U.S. Army Corps of Engineers for Nationwide Permit 23, and to Ecology for 401 WQ Certification)
- Plan drawings that were submitted with the JARPA. A vicinity map is on the cover sheet.
- SEPA DNS and Checklist (Comment due date is March 6, 2007)

Additional information available:

- Wetland Biology Report
- Wetland Mitigation Report
- Biological Assessment
- Site Reconnaissance
- NEPA Documented Categorical Exclusion (DCE)
- Cultural Resources Report (nearing completion)
- Traffic is being evaluated in connection with the possible closure of the two at-grade railroad street crossings

Please let me know if you have any questions or need additional information.

Elizabeth Phinney
Rail Environmental Coordinator
WSDOT Rail Office
360-705-7902
phinnee@wsdot.wa.gov

*** eSafe2 scanned this email and found no malicious content ***
*** IMPORTANT: Do not open attachments from unrecognized senders ***

9/6/2007

Phinney, Elizabeth

From: Bradley, Rebecca [rebeccab@ci.mount-vernon.wa.us]
Sent: Monday, March 05, 2007 1:03 PM
To: Phinney, Elizabeth
Cc: Hanson, Jana
Subject: RE: Mount Vernon Siding Upgrade information

Hello....I forgot to mention that a flood plain permit will also be required and if retaining walls greater than four (4) feet in height are constructed a building permit will be needed. Also....you will have to comply with our critical areas ordinance via a critical area permit which could require additional mitigation/monitoring depending on the critical area impacts. Thanks,

Rebecca S. Bradley-Lowell,
 Senior Planner
 City of Mount Vernon
 Community & Economic Development Department
 910 Cleveland Ave. / P.O. Box 809
 Mount Vernon, WA 98273
 (360) 336-6214, fax: (360) 336-6283

From: Phinney, Elizabeth [mailto:PhinneE@WSDOT.WA.GOV]
Sent: Thursday, March 01, 2007 6:10 PM
To: Bradley, Rebecca
Cc: Schultz, Jeff; Edward.Allard@bnsf.com
Subject: Mount Vernon Siding Upgrade information

Ms. Bradley-Lowell,

I am attaching information for the Mount Vernon Siding Upgrade rail project. The Washington State Department of Transportation is the lead agency (and applicant) for this rail upgrade. BNSF will be responsible for the construction of the siding extension.

This e-mail is being sent at the City's request to determine whether a pre-application meeting is necessary. We are hoping that it will be possible for the City to determine what additional permits will be needed for this project from the information provided.

Project Description:

The proposed project will extend the existing 6,000-foot BNSF Railway siding in Mount Vernon an additional 3,700 feet.

The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit faster passenger trains and other faster freight trains to pass. The existing siding is located on the east side of the main line track, and will be extended south.

As part of the extension project, two at-grade railroad street crossings (one private and one public) are anticipated to be closed. The private crossing is Pederson Lane, and the public crossing is Hickox Road.

Project Location:

The project location is immediately adjacent to and parallel with the BNSF Railway main line railroad tracks, between Railroad Mileposts 66.07 and 67.08, Bellingham Subdivision of the Northwest Division of BNSF, at the southwestern limits of Mount Vernon and into Skagit County.

9/6/2007

Section 31, Township 34N, Range 4W and Section 6, Township 33N, Range 4W.

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- Traffic is being evaluated in connection with the possible closure of the two at-grade railroad street crossings

Please let me know if you have any questions or need additional information.

Elizabeth Phinney
Rail Environmental Coordinator
WSDOT Rail Office
360-705-7902
phinnee@wsdot.wa.gov

Phinney, Elizabeth

From: Rozmyn, Lisa (ECY) [lroz461@ECY.WA.GOV]
Sent: Tuesday, April 03, 2007 3:20 PM
To: Phinney, Elizabeth
Cc: Weber, Sherry; McAndrew, Rebecca
Subject: FW: MountVernonSidingPN.pdf
Attachments: MountVernonSidingPN.pdf

Elizabeth,

Here's the electronic copy of the public notice for the Mount Vernon Siding project. I should be able to issue the "mini" 401 cert shortly after the public notice period ends. Let me know if you have any questions.

Thanks,

Lisa

From: Swanstrom, Dawn (ECY)
Sent: Tuesday, April 03, 2007 3:02 PM
To: Rozmyn, Lisa (ECY)
Subject: MountVernonSidingPN.pdf

Here is the electronic version of your Public Notice, I am working on getting the hard copies in the mail.

Thanks,
Dawn

9/6/2007

EXHIBIT G

PUBLIC NOTICE

Application For State Of Washington Water Quality Certification

April 3, 2007

The Department of Ecology (Ecology) has received an application for Water Quality Certification (WQC) for the project listed below.

- The applications and this public notice are consistent with Section 401 of the federal Clean Water Act and the requirements of Washington Administrative Code (WAC) 173-225.
- This notice is only intended to inform all interested parties of the proposed projects and to seek comments from the public, local, state, federal, and tribal agencies. It does **not** indicate approval of the proposed projects by any state agency.

Evaluation Process

Ecology will base each WQC application evaluation on its compliance with the provisions of the federal Clean Water Act and state aquatic protection requirements. Ecology will approve, approve with conditions, or deny WQC.

Comment and Review Period

Ecology is requesting comments from the public, state and local agencies, tribes, and other interested parties to evaluate the impacts of each activity.

- Anyone wanting to present their views about project compliance may do so by providing written comments within 21 days of the publication date of this notice.
- Ecology will evaluate the comments they receive to determine whether to approve, approve with conditions, or deny a certification for the proposed work.
- Ecology will consider all comments in the evaluation process.

1. **Project Name:** Mount Vernon Siding Upgrade (Rail Project0

Applicant: Washington State Department of Transportation

Project Description: The proposed project will extend the existing 6,000 foot Burlington Northern Santa Fe (BNSF) Railway siding in Mount Vernon an additional 3,700 feet. The total siding length of 9,700 feet will allow long freight trains to pull off the main line track and permit passenger trains and other faster freight trains to pass.

Location: BNSF Railway main line railroad tracks, between railroad mileposts 66.07 and 67.08, Bellingham Subdivision of the Northwest Division of BNSF, at the southwestern limits of Mount Vernon and into Skagit County.

FILE COPY

Appeals Process:

- All decisions are appealable to the Washington State Pollution Control Hearings Board, P.O. Box 40903, Olympia WA 98504-0903, within 30 days of your receipt of the WQC decision.
- At the same time, you must send a copy of the appeal to the Department of Ecology, Federal Permit Appeals Coordinator, P.O. Box 47600, Olympia WA 98504-7600.
- All appeals must be consistent with RCW 43.21B and the rules and regulations adopted pursuant to those provisions.

Comments will be accepted from April 3, 2007 to April 24, 2007.

Comments should be sent to the Department of Ecology

**Federal Project Coordinator
Department of Ecology
P.O. Box 47600,
Olympia, WA 98504-7600**

360.407.6068

Ecology is an Equal Opportunity and Affirmative Action employer and shall not discriminate based on race, creed, color, national origin, sex, marital status, sexual orientation, age, religion, or disability as defined by applicable state and federal regulations or statutes. If you have any special accommodation needs, please contact Ecology's TDD Headquarters at (360) 407-6006.

Phinney, Elizabeth

From: Rozmyn, Lisa (ECY) [lroz461@ECY.WA.GOV]
Sent: Tuesday, April 10, 2007 9:23 AM
To: Phinney, Elizabeth
Subject: Mount Vernon Siding - comment during public notice period
Attachments: mvsiding.pdf

Elizabeth,

I just wanted to let you know that Ecology received a comment on your project. There is nothing that you need to do. I just thought you might want to see it.

Lisa

<<mvsiding.pdf>>

EXHIBIT H

Apr. 16, 2007

Department of Ecology
RECEIVED

APR 09 2007

Shorelands & Environmental
Assistance Program

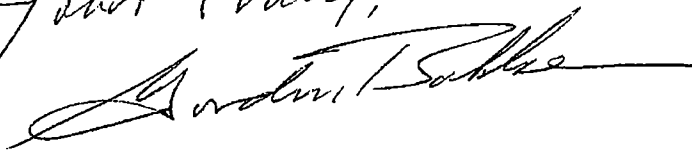
Federal Project Coordinator
Dept of Ecology
P. O. Box 47600
Olympia, WA 98504-7600

Dear Sir,

Re: Mount Vernon Siding Up grade (Steel Paving)

This project would be harmful to not only the farmers, but to the ducks, geese and swans that use that land were the proposed project is located. There are other places that would not take valuable farm land and wild life habitat. We are not for this project.

Yours truly,



Gordon Bakke

Bakke Farms Association

19356 Conway Hill Rd.

Mount Vernon, WA. 98274