

November 28, 2016

U.S. Army Corps of Engineers

Via email at <https://public.commentworks.com/cwx/mbtldeiscommentform/>

Re: Public Comment on Millennium Bulk Terminals – Longview, LLC Project  
SEPA/NEPA Environmental Impact Statements, NEPA Draft Environmental Impact  
Statement

Dear U.S. Army Corps of Engineers:

Thank you for this opportunity to provide public comment on the NEPA Draft Environmental Impact Statement (DEIS) for the proposed Millennium Bulk Terminals - Longview, LLC project (MBTL or “the project”). Please accept the following comment on the DEIS from Friends of Alaska National Wildlife Refuges (Friends), FRIENDS of the San Juans (FRIENDS), and Friends of Grays Harbor (FOGH).

We recommend selection of the No Action Alternative and denial of all permits for the proposed MBTL, including the permits under the Clean Water Act Section 404 (33 USC § 1344) and the Rivers and Harbors Act Section 10 (33 USC § 403). The proposed MBTL if permitted would result in significant unavoidable adverse impacts and the irreversible and irretrievable commitment of resources that cannot be adequately mitigated. On June 12, 2016 we each timely submitted a public comment to Cowlitz County, the Washington Department of Ecology, and to your agency: “Public Comment on Millennium Bulk Terminals - Longview, LLC Project SEPA/NEPA Environmental Impact Statements, SEPA Draft Environmental Impact Statement” submitted by Friends of Alaska National Wildlife Refuges (Friends), FRIENDS of the San Juans (FRIENDS), and Friends of Grays Harbor (FOGH)”

<http://www.millenniumbulkeiswa.gov/Comments/MBTL-SEPA-DEIS-0002589-102468.pdf>. We have attached a copy of our prior comment to this email for your convenience. Each of us fully incorporates our prior comment herein for all purposes by this reference to it. Please fully consider our prior comment as addressing your NEPA DEIS in addition to the comment herein.

For your additional information, Friends of Alaska National Wildlife Refuges (Friends) is an independent, non-profit organization dedicated to promoting the conservation of the natural resources of all the Alaska National Wildlife Refuges. The Friends promote understanding and appreciation of these refuges and assist the U.S. Fish and Wildlife Service in meeting its mandates. Our work includes educating the public and decision makers on local, national, and international levels about Alaska’s National Wildlife

Refuges; and assisting refuges in accomplishing their missions through wildlife management and habitat.

FRIENDS of the San Juans (FRIENDS) is an independent, non-profit organization that advocates for healthy, sustainable communities and has defended natural spaces and wildlife in the San Juan Islands for over 35 years. Our scientists, educators, and lawyers provide the expertise that citizens and groups need to protect and preserve the Salish Sea ecosystem. FRIENDS is concerned about the marine impacts associated with the MBTL project – many of the concerns are echoed along the entire shipping route and must be included in the EIS process.

Friends of Grays Harbor (FOGH) is a broad-based 100% volunteer tax-exempt 501(c)(3) citizens group made up of crabbers, fishers, oyster growers, and caring citizens. The mission of FOGH is to foster and promote the economic, biological, and social uniqueness of Washington's estuaries and ocean coastal environments. The goal of FOGH is to protect the natural environment, human health, and safety in Grays Harbor and vicinity through science, advocacy, law, activism, and empowerment. We oppose locating any coal or other fossil fuel terminals in the State of Washington, and any expansion of such terminals elsewhere.

## **DETAILED COMMENT**

The NEPA DEIS inappropriately focuses very narrowly on the proposed MBTL project's impacts and applies artificially restricted study areas for the direct, indirect, and cumulative impacts that would result from permits issued for either the On-Site or Off-Site alternatives. These inadequate study areas encompass only immediate MBTL project boundaries and, for some impacts, geographic areas extending only slightly beyond the project boundaries. As a result, the NEPA DEIS obtusely understates the adverse environmental impacts of the proposed MBTL project on resources and communities. Moreover, the DEIS is too narrowly focused to fully inform decision makers and the public about the full range of environmental consequences if the project is permitted.

If permitted, the MBTL would be the largest coal export terminal in North America and would export 44 million tons of coal per year. Among other things, burning this coal would produce over 90 million metric tons (MMT) of CO<sub>2</sub>e annually upon full operation of the project. The project would be equivalent to the addition of at least seven coal-fired power plants. The MBTL if permitted would result in an irreversible and irretrievable commitment of resources that cannot be adequately mitigated as a result of adding significant greenhouse gas pollution to the atmosphere. Nevertheless, the NEPA DEIS completely ignores significant climate change, greenhouse gas emissions,

and mercury emissions impacts of the project by artificially restricting the study area for greenhouse gas emissions to “the project areas, those areas in the vicinity of the project that could be affected by greenhouse gases resulting from construction and operation of the proposed export terminal, and the lower Columbia River from the project area to the mouth of the river.” The Army Corps of Engineers disregards the severe climate impacts from mining and burning the coal over the life of the proposed project and the agency closes its eyes to the ensuing dire consequences of increasing greenhouse gas and mercury emissions and ocean acidification including the permanent, irretrievable, and irreversible harm to Washington and Alaska’s National Wildlife Refuges, marine waters, shorelines, fish and wildlife resources, and communities.

The DEIS also unacceptably restricts the study areas for impacts on fish and wildlife resources, including endangered and threatened fish and wildlife. This flawed approach underestimates the significant environmental harm to fish and wildlife from construction and operation of the project due to not only greenhouse gas and mercury emissions, climate change, and ocean acidification but also the following: 1.) vessel accidents, spills and leaks resulting from the addition of 840 vessels (1,680 transits) annually; 2.) rail accidents resulting from the addition of 16 new trains per day; 3.) wake stranding of fish including particularly vulnerable subyearling Chinook salmon; 4.) releases of non-native and/or invasive species in ballast water or from ship fouling; and 5.) coal dust from coal piles at the project site and along the rail transportation route. Instead, the DEIS study areas should have included all adverse impacts on fish and wildlife all the along the rail and vessel routes; on Washington and Alaska’s inland waterways, coastal waters, coastal shorelines, and seabeds; and on all affected National Wildlife Refuges.

Additionally, the DEIS omits full analysis of the project’s direct, indirect and cumulative impacts on Southern Resident Killer Whale’s critical winter food supply of Chinook salmon. A close analysis of these impacts is crucially important in light of a spate of recent orca deaths that have lowered the endangered Southern Resident population to 80, perilously close to the lowest level in decades. A 2014 report by the National Oceanic and Atmospheric Administration on threats facing Washington’s orcas cited declines in salmon, vessel noise and traffic, and chemical contamination as the greatest threats. Available at: [https://www.nwfsc.noaa.gov/news/features/killer\\_whale\\_report/](https://www.nwfsc.noaa.gov/news/features/killer_whale_report/).

The study areas (only to the mouth of the Columbia River) for both the on-site and off-site alternatives’ impacts on marine mammals from increased underwater vessel traffic noise and vessel strikes are unreasonably and arbitrarily restricted. Moreover, the DEIS relies solely on information about pinnipeds (and even for pinnipeds, the DEIS’s conclusions are improperly based on speculation). The DEIS thus omits studies, analysis, and disclosure of increased vessel noise and vessel strike impacts on Cetaceans and other marine mammals known to occur not only at the mouth of the

Columbia River but also along the vessel route in Washington and Alaska's coastal oceans and along the states' coastal shorelines. The deeply flawed DEIS wholly fails to analyze significant adverse impacts of noise and vessel strikes on Cetaceans, including the Southern Resident Killer Whale population, even while acknowledging that Cetaceans are more susceptible to vessel strikes.

The NEPA DEIS's rail transportation analysis also applies an artificially narrow focus: a study area restricted to the project footprint area, and for indirect impacts, an additional area "(Reynolds Lead and BNSF Spur) between the project area and the junction with the BNSF main line (Longview Junction)." This tunnel vision approach completely ignores the significant pollution and safety hazards from the planned rail traffic across and along sensitive landscapes and waterways, through critical wildlife habitat, and through communities all along the rail line from the coal mines to the proposed project study area. The DEIS thus ignores significant adverse consequences of rail accidents and coal dust and coal particle pollution beyond the limited study area.

BNSF Railway officials have acknowledged that the average coal unit car loses approximately 500 pounds of coal dust, for an average of 60,000 pounds of coal from each 120-car train. Coal dust and coal particles released from the uncovered coal cars traveling to the proposed terminal are well known to contain mercury, arsenic, uranium and hundreds of toxins harmful to the public health, waterways, and fish and wildlife resources all along the route. Although as of the writing of this comment a lawsuit under the federal Clean Water Act brought by a coalition of environmental groups against BNSF Railway has resulted in a "settlement in principle" for coal pollution of sensitive waterways. The agreement calls for studies by BNSF Railway of more effective methods to control the significant coal dust and particle pollution of waterways that currently occurs all along the rail line. This agreement, however, has not been finalized and accepted by the court. Larson, S. November 15, 2016. Breaking: Major coal train lawsuit settled by environmental groups, BNSF. Crosscut.com. Available at: <http://crosscut.com/2016/11/breaking-major-coal-train-lawsuit-settled-by-environmental-groups-bnsf/>. Union Pacific Railroad is not a party to the agreement. Additionally, this lawsuit does not address a derailment or other rail accident involving spillage of a large amount of coal. Notably however, the scope of the agreement in principle is far beyond the narrow geographic scope of the NEPA DEIS. Even the railroads would acknowledge the fact that the coal pollution issue is not limited to the DEIS study area.

Because of the DEIS's myopic approach to analysis of the direct, indirect, and cumulative probable adverse impacts of the proposed project, the measures suggested in Chapter 8 for "minimization and mitigation" of MBTL's impacts would fail to prevent adverse environmental impacts from construction and operation of the proposed coal export terminal. Indeed, the DEIS did not even identify any minimization or mitigation

measures for land use, surface water and floodplains, rail transportation, or vessel transportation. Measures identified for other resources would be woefully inadequate. We do not believe any set of mitigation measures would be adequate to remedy the negative permanent adverse impacts on even the narrow set of resources studied for this DEIS and certainly not for the full range of impacts an appropriate DEIS would have analyzed.

Finally, by taking an approach to the MBTL proposal that is too narrowly focused, the U.S. Army Corps of Engineers has shirked its duty to protect the Public Trust in resources that it is required by law to protect for future generations of Americans. Among other things, particularly in light of the present climate crisis, it is inconceivable that agency decision makers would fail to perform their duties as trustees of the Public Trust to protect the affected air, atmosphere, water, fish and wildlife, communities, and economies in this matter. The Corps along with the other permitting agencies must choose the No Action Alternative and deny the permits for the proposed MBTL project.

Respectfully submitted by,

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