

ATTORNEY GENERAL

STATE OF MONTANA

Tim Fox
Attorney General



Department of Justice
Joseph P. Mazurek Justice Bldg.
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

November 29, 2016

Millennium Bulk Terminals NEPA EIS
C/O ICF International
710 Second Avenue, Suite 550
Seattle, WA 98104

Re: Comments on NEPA Draft EIS for Millennium Bulk Terminals

Ladies and Gentlemen:

I submit the following comments on behalf of the State of Montana:

Millennium Bulk Terminals-Longview, LLC has proposed to construct and operate a coal export terminal for the shipment of coal on a 190-acre site (project area) in Cowlitz County, Washington, along the Columbia River. Pursuant to the National Environmental Policy Act (NEPA) and regulations promulgated thereunder, this proposal is under review by the U.S. Army Corps of Engineers with respect to authorization the applicant is required to obtain from the Department of the Army under the Rivers and Harbors Act of 1899 and the Clean Water Act for construction of the terminal. The NEPA Draft Environmental Impact Statement (DEIS) is the result of this review.

Montana is a landlocked, commodity-producing state. Our economy, and the well-being of our state's families, depends on access to markets for these commodities. Decisions about port facilities which provide the gateway to national and international markets for the commodities produced in our State are of paramount importance to the people of our State. That is the reason for our State's interest in the NEPA DEIS and in the decisions to be made as the culmination of the review process.

It appears to the State of Montana that the agency has made appropriate decisions as to the study areas for the various categories of assessment in the DEIS. It also appears to Montana that the findings as to the various categories of assessments are appropriate and supportive of issuance of necessary permits for the proposed terminal.

TELEPHONE: (406) 444-2026 FAX: (406) 444-3549 E-MAIL: contactdoj@mt.gov WEB: mtdoj.gov

MONTANA DEPARTMENT OF JUSTICE

Legal Services Division ★ Division of Criminal Investigation ★ Highway Patrol Division ★ Forensic Science Division
Gambling Control Division ★ Motor Vehicle Division ★ Information Technology Services Division ★ Central Services Division

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We appreciate the work The Department of the Army has put into this Draft EIS, and into getting it produced in a timely fashion. We also appreciate the opportunity to provide these comments, and we look forward to watching this project proceed to final permitting and construction.

We have every reason to believe that decisions made for this project will recognize and protect our state's interests, but it's our duty, our obligation, to make sure our interests are known. That is the reason for our involvement in the agency's review. Our state, together with the State of North Dakota, was engaged in this review at the scoping phase, and the State of Wyoming also is interested in and commenting upon the DEIS. We will be closely scrutinizing the agency's responses to our comments, and the comments of others, and to the decision-making to follow, with the object of protecting our state's interests in this project.

Montana, therefore, reserves the right to raise additional concerns about the process in the future should the need arise.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Fox', with a long horizontal line extending to the left from the top of the signature.

TIM FOX
Attorney General