



## Washington State Legislature

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Washington Department of Ecology  
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**RE: Millennium Bulk Terminals—Longview, LLC; NWS-2010-1225; Public Comment on Draft Environmental Impact Statement, Department of Army Permits, and Clean Water Act 401 Certification**

Dear U.S. Army Corps of Engineers and Washington Department of Ecology:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS), Department of Army permit, and Clean Water Act 401 certification for the Millennium Bulk Terminals, LLC, NWS-2010-1225, facility. Millennium proposes handling up to 44 million metric tons of coal a year with 24/7 operations for 30 years. The terminal would generate up to 16 trips by loaded and unloaded, mile-and-a-half long trains along rail corridors in Washington, Oregon, Idaho, Montana, and Wyoming each day, and an estimated 1,680 transits of Panamax bulk vessels on the Columbia River.

As state legislators, we represent diverse communities across Washington, and we share the common interests of protecting public health and safety, economic development, treaty rights and cultural resources, and the environment in our communities.

The purpose of this letter is to acknowledge the many adverse impacts identified by the federal draft environmental impact statement (DEIS) and to urge the U.S. Army Corps of Engineers (Corps) to broaden the



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scope of the review further so as to highlight a number of significant impacts that are not included in the draft review. Increased rail and barge traffic will have direct and cumulative impacts on safety, traffic, noise, air and water pollution, and economic development not only in the immediate vicinity of the terminal in Longview, but also communities in the entire state.

We urge the Corps to deny the Department of the Army permit under Clean Water Act Section 404 and Rivers and Harbors Act Section 10. For the reasons described below and in thousands of comments by our constituents, agencies, municipalities, Tribes and others, this project is not in the public interest.

We also urge the Washington Department of Ecology (Ecology) to deny the Clean Water Act Section 401 certification for this project. The Ecology and Cowlitz County DEIS discloses significant impacts to designated uses and supports findings that the project would violate state water quality standards, including the state's Antidegradation Policy. Our state has invested taxpayer dollars in improving water quality and recovering strong salmon runs in the Columbia River. Countless businesses, families, and individuals rely on clean water and healthy fish populations in the Columbia. Millennium's project undermines decades of taxpayer investments. We urge the state to carefully analyze the robust public record and its own findings in the DEIS and, based on this record, deny Millennium's 401 certification.

Overall, Millennium's project is not in the public interest and would violate state water quality standards. The federal and state draft environmental impact statements (DEISs) fail to provide a full and accurate assessment of direct and indirect impacts on traffic, public safety, air and water quality, protected areas, fishing access, and economic development across the region impacted by related rail and barge traffic. Even with these shortcomings, the DEISs still identify several significant adverse impacts extending far beyond the local project area with uncertain mitigation. Many of the proposed mitigation measures fall into the category of monitoring or coordination, raising the concern that the burden of costs for physical mitigation will fall to local communities along rail and barge lines.

From the perspective of regional economic development, the proposed project represents a risky investment in a declining commodity with significant impacts to our health and environment. The Corps' final EIS must provide a more robust analysis of full costs and risks of this proposal to communities across the impacted region.

Our specific concerns about the Corps' DEIS fall into several categories:

### **Impacts of increased traffic**

The proposed terminal would generate up to 16 daily trips by loaded and unloaded, mile-and-a-half long trains along rail corridors in Washington, Oregon, Idaho, Montana, and Wyoming each day, and an estimated 1,680 transits of Panamax bulk vessels on the Columbia River annually.

This increase in rail and vessel traffic will have profound impacts on the communities along the rail corridors that lead to the proposed terminal site and along the Columbia River. The DEIS examines some of the impacts that will be felt in Cowlitz County, but does not fully capture the impacts to communities elsewhere in the state.

### **Who will pay for the necessary infrastructure improvements?**



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The DEIS notes that rail infrastructure investments will be necessary to deal with increased rail traffic, but no investments in infrastructure improvements are proposed as mitigation outside the local project area. Instead, proposed mitigations along rail main lines are focused on coordination and notification, shifting the burden for costly infrastructure improvements for crossing safety and traffic to state and local governments.

### **What economic impacts will result from increased rail traffic?**

The analysis of economic impacts is focused on the local project area and Cowlitz County, and this does not fully capture the regional economic impacts of increased traffic congestion, over-capacity rail lines, air and water pollution, and noise along rail lines and the Columbia River. Outside Cowlitz County, farmers are already experiencing difficulties in getting commodities to market, and in communities along the rail line, traffic congestion, pollution, and noise will deter economic development.

### **Environmental Impacts**

The transportation of coal across the state, through many small and large communities and along the Columbia River, places public health and natural resources at risk.

The DEIS examines many of the potential impacts around the project area, but fails to address the broader array of impacts that may be felt throughout the state.

### **What impacts will result from more coal dust?**

The DEIS downplays impacts from coal dust on public health and environment, and does not reflect the impacts communities along rail lines are already experiencing.

Communities along the Gorge already report issues with deposits of coal dust along rail lines from existing coal trains, where contaminants can be washed in to the river. The DEIS projects that “average and maximum deposition of coal dust on the BNSF main line in Cowlitz County [is] estimated to be above the nuisance thresholds at 50 and 100 feet,” but then finds that these impacts are “not significant” because no state or federal standards apply. The proposed requirement to establish a coal dust complaint system only applies in Cowlitz County, and the requirement to share information with the Columbia River Gorge Commission once a year does not address the physical impacts of coal dust or provide any certainty they will be addressed.

### **How will impacts to treaty fishing rights be mitigated?**

The DEIS acknowledges impacts to fish populations and to Tribal fishing access across rail lines, but fails to fully analyze or propose mitigation to avoid significant adverse impacts.

The DEIS notes that to mitigate impacts on access to tribal treaty fishing areas, the Applicant may initiate a process with Columbia River Inter-Tribal Fish Commission officials to discuss and identify mitigation measures prior to beginning operations. This does not provide certainty that impacts to fishing access will be avoided or mitigated.

### **How will sensitive areas be protected?**

Impacts to protected areas along rail and barge lines are a particular concern. The Columbia River Gorge National Scenic Area is just one of many protected and sensitive areas that would be negatively impacted by coal trains that would service this facility. Wetlands, wildlife refuges, state parks, tribal fishing areas, critical fish, wildlife



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and plant habitat, recreation, and scenic resources would be harmed by the impacts of this facility, its trains, and the expansion of rail lines needed to accommodate the increase in rail traffic.

### Scope

While the DEIS identifies and analyzes many of the potential adverse impacts that will likely stem from the project, the statewide impact is not fully examined. The geographic scope of analysis for many of the DEIS elements is too narrow to capture impacts to impacted communities and resources along rail and barge routes.

For example, the analysis and mitigation of noise and economic impacts is focused only on Kelso, Longview, and Cowlitz County despite the fact noise and traffic impacts along rail and barge lines will impact communities in five states. Further, the DEIS acknowledged disproportionate impacts to Minority and Low-Income Populations within 1 mile of the project area and 0.5 mile of the affected rail lines in Cowlitz County. Again this, underrepresents the full scope of the impact, which extend to communities beyond the borders of Cowlitz County. The final EIS must provide a more robust analysis of full costs and risks of this proposal to communities across the impacted region.

We commend the reviewing agencies for examining a number of potential impacts, and especially for acknowledging and proposing mitigation for the greenhouse gas emission that the project will produce, but we think that the DEIS still falls short of uncovering the full range of potential impacts. We urge the Corps to build on this draft document and continue to identify potentially significant impacts, especially outside the immediate project area. We also urge Ecology to deny the 401 certification for this project because Millennium has failed to carry its burden as a new business in Washington state to demonstrate its project can comply with state water quality standards.

Thank you again for the opportunity to participate in this process, and for carefully considering our comments.

Sincerely,

Representative Joe Fitzgibbon  
34<sup>th</sup> Legislative District

Senator Kevin Ranker  
40<sup>th</sup> Legislative District

Representative Derek Stanford  
1<sup>st</sup> Legislative District

Representative Sherry Appleton  
23<sup>rd</sup> Legislative District



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Handwritten signature of Patty Kuderer in black ink.

Representative Patty Kuderer  
48<sup>th</sup> Legislative District

Handwritten signature of Cindy Ryu in black ink.

Representative Cindy Ryu  
32<sup>nd</sup> Legislative District

Handwritten signature of Joan McBride in black ink.

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Handwritten signature of Ruth Kagi in black ink.

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Handwritten signature of Strom Peterson in black ink.

Representative Strom Peterson  
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