

Matt Hermen  
 1719 22<sup>nd</sup> Ave.  
 Longview, WA 98632

Millennium Bulk Terminals EIS  
 c/o ICF International  
 710 Second Avenue  
 Suite 550  
 Seattle, WA 98104

June 6, 2016

Cowlitz County Board of Commissioners and State of Washington officials,

Thank you for the opportunity to comment on Millennium Bulk Terminal’s proposed coal export facility located in Cowlitz County jurisdiction, along the Columbia River. Please find the comments regarding mitigating the impacts of the proposed terminal, as part of the SEPA process required by the site permit.

Commenting on a Draft Environmental Impact Statement is generally intended to refine the document for processing it to a final version. Therefore comments are most productive when focusing the content toward methodology, findings and proposed measures; that ultimately enlighten the final. However, the most important reason for commenting on the DEIS is to establish standing to file an appeal petition with the Growth Management Hearings Board (GMHB) under WAC 242-03-200. While Cowlitz County is considered a “partially planning county” under the Growth Management Act (GMA), the County is required to comply with the GMA on matters related to critical areas. Applications required by SEPA, including the EIS for Millennium Bulk Terminals, are subject to review by the GMHB upon appeal.

The following table details the County’s authority to deny the proposal by listing the inherent conflicts between the County’s adopted policies, per Cowlitz County Code 19.11.110 (Substantive authority), with the unavoidable impacts listed in the April 29, 2016 Millennium Bulk Terminal’s DEIS:

Cowlitz County Code 19.11.110	DEIS
<p><b>1. Cowlitz County shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:</b></p>	
<p><b>a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;</b></p>	<p>Section S.7.9 (Page S-43):</p> <p>Implementation of the Proposed Action would result in increased greenhouse gas pollution. Greenhouse gas emissions attributable to the Proposed Action would occur from construction, operation, transportation and changes in coal and natural gas usage. The greenhouse gas emissions attributable to the Proposed Action would be reduced but not entirely eliminated by implementing the proposed mitigation measures related to fuel efficient equipment, anti-idling policies, and a mitigation plan. The Proposed Action’s remaining projected increase in greenhouse gas emissions</p>

	would still be significant and adverse under the greenhouse gas emission intensity considerations used for the analysis.
<b>b. Assure for all people of Cowlitz County safe, healthful, productive, and aesthetically and culturally pleasing surroundings;</b>	<p>Section S.7.1 (Page S-41):</p> <p>Implementation of the Proposed Action would increase rail traffic that would increase noise levels along the Reynolds Lead and BNSF Spur in Cowlitz County. The increased noise levels from 16 trips per day related to the Proposed Action would expose noise-sensitive receptors to moderate and severe noise impacts per applicable criteria. These noise impacts would occur in areas with minority and low-income populations; therefore, the Proposed Action would have a disproportionately high and adverse effect on minority and low-income populations. If the mitigation measure to implement a Quiet Zone is approved, it would eliminate the need for trains related to the Proposed Action to sound horns as they approach the at-grade crossings, and it would eliminate the potential disproportionately high and adverse effect on minority and low-income populations. However, without approval and implementation of a Quiet Zone, the Proposed Action's disproportionately high and adverse effect on minority and low-income populations would be unavoidable.</p>
<b>c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;</b>	<p>Section S.7.6 (Page S-42):</p> <p>Vehicle delay would occur in Cowlitz County if trains related to the Proposed Action travel during peak travel times at six at-grade crossings on the Reynolds Lead without planned track improvements to the Reynolds Lead and BNSF Spur, four crossings on the Reynolds Lead and BNSF Spur with planned improvements to the Reynolds Lead and BNSF Spur, and two crossings on the BNSF main line in Cowlitz County. Vehicle delay could affect emergency service providers. The Proposed Action would also result in a significant and adverse impact related to vehicle safety at the 3rd Avenue crossing of the Reynolds Lead. While improvements for rail and road infrastructure have been proposed, it is unknown when these actions would be permitted and implemented. Therefore, the Proposed Action at full operations in 2028 could result in unavoidable and significant adverse impacts on vehicle transportation in Cowlitz County.</p>
<b>d. Preserve important historic, cultural, and natural aspects of our national heritage;</b>	<p>Section S.7.3 (Page S-41):</p> <p>Activities related to the Proposed Action would cause physical or behavioral responses in fish or affect aquatic habitat in the Columbia River. These impacts could reduce the number of fish surviving to adulthood and returning to areas upstream of Bonneville Dam, thereby affecting the number of fish available for harvest by the tribes. Trains related to the Proposed Action would travel through areas adjacent to and within the usual and accustomed fishing areas of Native American Tribes and could restrict access to tribal fishing areas in the Columbia River. Because other factors besides rail operations affect fishing opportunities, such as the number of fishers, fish distribution, timing, and duration of fish migration periods and seasons, the extent to which rail operations related to the Proposed Action would affect tribal fishing is difficult to quantify. Making a determination of significance related to treaty reserved rights related to traditional fishing sites on the Columbia River is not determined in this SEPA Draft EIS.</p> <p>Section S.7.2 (Page 41):</p> <p>Demolition of the Reynolds Metals Reduction Plant Historic District is an unavoidable and significant adverse environmental impact. The Memorandum of Agreement is currently being negotiated among the Corps, Cowlitz County, DAHP, City of Longview, BPA, National Park Service,</p>

	<p>potentially affected Native American tribes, and the Applicant. The Memorandum <i>may</i> resolve this impact in compliance with Section 106 of the National Historic Preservation Act of 1966.</p>
<p><b>g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.</b></p>	<p>Section S.7.9 (Page S-43):</p> <p>Implementation of the Proposed Action would result in increased greenhouse gas pollution. Greenhouse gas emissions attributable to the Proposed Action would occur from construction, operation, transportation and changes in coal and natural gas usage. The greenhouse gas emissions attributable to the Proposed Action would be reduced but not entirely eliminated by implementing the proposed mitigation measures related to fuel efficient equipment, anti-idling policies, and a mitigation plan. The Proposed Action's remaining projected increase in greenhouse gas emissions would still be significant and adverse under the greenhouse gas emission intensity considerations used for the analysis.</p>
<p><b>2. Cowlitz County recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.</b></p>	<p>Section S.7.1 (Page S-41):</p> <p>Implementation of the Proposed Action would increase rail traffic that would increase noise levels along the Reynolds Lead and BNSF Spur in Cowlitz County. The increased noise levels from 16 trips per day related to the Proposed Action would expose noise-sensitive receptors to moderate and severe noise impacts per applicable criteria. These noise impacts would occur in areas with minority and low-income populations; therefore, the Proposed Action would have a disproportionately high and adverse effect on minority and low-income populations. If the mitigation measure to implement a Quiet Zone is approved, it would eliminate the need for trains related to the Proposed Action to sound horns as they approach the at-grade crossings, and it would eliminate the potential disproportionately high and adverse effect on minority and low-income populations. However, without approval and implementation of a Quiet Zone, the Proposed Action's disproportionately high and adverse effect on minority and low-income populations would be unavoidable.</p>
<p><b>4(b). Noise Control. Inadequately controlled noise may adversely affect the health, safety and welfare of the public, the value of property and the quality of the environment. Cowlitz County may condition or deny proposals in order to reduce or prevent such adverse impacts. Mitigation measures may include, but are not limited to, requiring compliance with the standards of Chapter <a href="#">70.107</a> RCW and with any regulations thereunder, including Chapter <a href="#">173-60</a> WAC.</b></p>	<p>Section S.7.8 (Page S-42):</p> <p>Implementation of the Proposed Action would increase rail traffic that would increase noise levels along the Reynolds Lead and BNSF Spur in Cowlitz County. The increased noise levels from 16 additional daily train trips related to Proposed Action would expose noise-sensitive receptors to moderate and severe noise impacts per applicable criteria. These increases could occur near four public at-grade crossings on the Reynolds Lead. These noise impacts would be from train horn noise that is intended for public safety. Railroad noise is exempt from Washington State and local noise limits; however, it is possible for communities to work with the Federal Railroad Administration to apply for and implement a Quiet Zone to limit train horn sounding. The Applicant could work with the City of Longview, Cowlitz County, Longview Switching Company, the affected community, and other applicable parties to apply for and implement, if approved, a Quiet Zone. However, if a Quiet Zone is not implemented and train horns related to the Proposed Action are sounded for safety at the four grade crossings, then the potential for exposure to severe noise increases at these grade crossings would remain and would be an unavoidable and significant adverse environmental impact.</p>
<p><b>4(g). Safety. Many proposals have the potential to create safety hazards. Examples include the storage of chemicals at an industrial site, a sharp curve, a deep hole created by surface mining, etc. Cowlitz County may condition or deny proposals in order to reduce or prevent such adverse impacts. Mitigation</b></p>	<p>Section S.7.4 (Page S-41):</p> <p>Without improvements to increase capacity, the Reynolds Lead; BNSF Spur; and three segments of the BNSF main line routes in Washington State (Idaho/Washington State Line–Spokane, Spokane–Pasco, and Pasco–Vancouver) are not</p>

<p><b>measures may include, but are not limited to, requiring installation of protective coverings, fences, guardrails, etc.</b></p>	<p>projected to have the capacity to handle baseline rail traffic and Proposed Action-related rail traffic in 2028. BNSF could address capacity issues with capital improvements or operational changes, but it is unknown when these actions would be taken or permitted. Therefore, with existing infrastructure and using the methods to identify projected rail traffic in 2028, the Proposed Action could result in an unavoidable and significant adverse environmental impact on rail transportation.</p> <p>Section S.7.5 (Page S-42):</p> <p>Trains related to the Proposed Action could increase the number of potential train accidents along the rail routes in Cowlitz County and Washington State. BNSF and UP could address safety issues as they emerge using capital improvements or operational changes, but it is unknown when those actions would be taken or permitted. Therefore, the Proposed Action could result in a significant adverse environmental impact on rail safety in Cowlitz County and Washington State.</p>
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The Cowlitz County policies, as they relate to SEPA, were specifically put in place to provide you context and remind you of the paramount decision making your actions have on our community. I strongly urge you to be reminded of this historically significant proposal in front of you. Your term as commissioner or public official will be short relative to the impacts of this proposal. Will your decision make you proud 20 years later?

Thank you for considering my comments.

Sincerely,

Matt Hermen