



Cowlitz Indian Tribe

June 13, 2016

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

**RE: Comments Regarding the Draft Environmental Impact Statement (Draft EIS)
Concerning the Proposed Millennium Bulk Terminals-Longview.**

Dear Cowlitz County and the Washington State Department of Ecology (collectively called the Action agencies),

The Cowlitz Indian Tribe is a Federally Acknowledged Tribe located in SW Washington State. Our historic area includes a large portion of the Lower Columbia River Basin that spans on both sides of the Columbia River and into Oregon State. The proposed Millennium Bulk Terminal (also identified further as “Coal terminal”) lies clearly within our homeland. We write to you in regards to commenting on the Draft EIS for the proposed Coal Terminal. The impacts that this proposal has would eventually have direct and indirect consequences to our people if it were approved.

We have relied on the once bountiful resources in the region since time immemorial for survival. Our Tribe continues to depend on the precious resources (many of which are in a depressed state) in the region, which carry high significance to our way of life. Our Tribe carries natural resource management authorities, rights, and obligations within the Columbia Basin that would be impacted by the proposed alternative presented in the Draft EIS. The Proposed Coal Terminal is another threat to our way of life, culture, and subsequently our future generations’ right to the use and enjoyment of natural resources within our homelands.

Since before and after Federal Acknowledgement, we have taken the “*high road*” in regards to being a good neighbor, establishing positive relations with numerous Federal, State, Tribal, and Local entities. We have numerous activities that are ongoing in the region in regards to addressing concerns associated with the depleted status of our first foods and working on recovery of such significant resources.

A. Draft EIS Lack of Recognition of Past Environmental Degradation and Current Restoration Activities within Potential impact Areas

The proposed action that you present is a threat to our restoration activities and our cultural practice continuity in the region. We have been and continue significant activities in regards to addressing and implementing restoration activities of our traditional first foods within our

homeland. Several of our traditional resources continue to be listed under the Endangered Species Act (ESA). Substantial areas of our work towards restoration are within the footprint of potential impacts associated with the Coal terminal proposal. There are numerous other entities in the potential impact area that have invested considerable resources regarding restoration within the Columbia River system, especially the Columbia Estuary. The estuary is also an “ecologically critical area,” 40 CFR § 1508.27(b)(3), that is essential to the survival of juvenile salmon and steelhead, waterfowl, and many other species. A considerable amount of resources have been invested from Federal and State tax dollars, as well as “rate payer” dollars from utilities in the region. There are significant restoration plans that have been and will be implemented in the region in the foreseeable future. We and many others maintain the goal of restoring habitat and other conditions for natural resources within the Columbia Basin. Much of this work is due to habitat loss, poor water quality, and other factors of which industrial developments have been a significant contributor to.

We believe that activities and future plans toward Environmental Restoration in the potential impact area of the proposed Millennium Bulk Terminal should also be analyzed as “existing conditions and reasonably foreseeable future actions” within the study area and documented within the Draft EIS. Currently, there is little to no characterization in this regard in the Draft EIS. These actions are just as significant, if not more significant to consider as part of your decision. We respectfully request that this component (investment in environmental restoration activities, future plans, and potential impacts) be incorporated into the analysis and documented into a new Draft EIS for the public to review. Just one spill or accident event could likely wipe out several years of investment in this regard. The Draft EIS you present serves to reaffirm our opposition to this proposed development.

We believe that there is no amount of mitigation possible to fully compensate the deleterious impacts the proposed action would have to our community, our natural environment, and future outlook towards restoration. Of considerable note, the Draft EIS fails to acknowledge any of the restoration efforts completed, underway, and future projects to repair the already depressed state of the regions environment due to previous industrial developments and their continued negative impacts to area species that are listed under the Endangered Species Act.

B. Lack of Adequate time to Review Draft EIS

The Cowlitz Indian Tribe is troubled that there is just 45 days to put together meaningful and substantive comments on such a massive Draft Environmental Impact Statement. This is a highly significant proposed development within our homelands that deserves more time to understand and be able to put together meaningful comments. We are troubled to hear from one of the Action Agencies in charge of this proposal that they sought with the Applicants to extend the comment period past 45 days, but Millennium Bulk Terminals would not agree to any additional extension to the comment period.

We are disheartened and question the good faith from the Applicant regarding their proposal. We are troubled that the Action Agencies who are charged to make an informed decision on this proposal are unable to get the Applicant to agree for the public to have more time to review and comment. This shows us that the Applicant is not genuine in regards to positively working with the public in this process.

Chapter 1 captures our concern we have in regards to relationship of comment period timeline with the scoping process and subsequent Draft EIS comment period. As it is stated in section 1.1.1.2 Public Scoping:

“The co-lead agencies invited local agencies, state agencies, federal agencies, tribes, organizations, and members of the public to comment on the scope of the SEPA and NEPA EISs during a 95-day scoping period.”

We are very disappointed that you provided 95 days for comments on the scoping process for this proposed development but for the comment period for the subsequent Draft EIS, you are only allowing a 45 day comment period. Given that the scoping process produced a significant number of comments (217,500 comments), it should be obvious to the Applicant of the serious attention and concern that their proposal is having to the region. If they were genuine in regards to their assertions of trying to positively work with the region, they should have at least matched the same comment period length as with the scoping period of 95 days. Scoping processes are normally shorter in length in regards to Draft EIS comment periods because there is normally less documentation to review. **Shame on the Applicant** as their obvious intent in our opinion, of which to our Tribe is interpreting it as trying to limit substantive comments regarding the Draft EIS. It is likely to us that they are doing so as a way to improve their position regarding future potential litigation regarding the adequacy of the Draft EIS and proposed action.

C. The Draft EIS is Biased toward the Applicant’s Proposed Action

It is obvious to us that the Draft EIS is biased in support of the proposed project. We believe concerted effort was made to downplay any potentially significant impacts and places the document in context of a major action that would only have minor environmental impacts. We disagree with this assertion and believe the intent is to try and sway the action agencies in their favor as well as to set up as little mitigation as possible towards their development.

The proposed mitigation measures within the document are severely lacking or non-existent. How are we to ascertain if this is good for our community when we can’t understand what is proposed to offset potentially significant impacts?

D. The Cowlitz Indian Tribe is not a Public Entity

The Cowlitz Indian Tribe is a Federally Acknowledged Government entity in the region. We believe that we are not confined or bound by the public comment periods under this process. We plan to request additional follow up communications regarding this proposal through government-to-government consultations. We strongly believe that this documentation is highly flawed and contains inaccurate information as well as key omissions in regards to preparing for an informed decision.

The Cowlitz Tribe does not believe that this proposal is good for our environment or for the health and stability of the communities of the Lower Columbia River and threatens our Government and people’s *“fundamental and inalienable right to a healthful environment.”*

E. Poor Demonstration of the Purpose and Need for the Proposed Action

The summary section of this Draft EIS is a high level look at the proposed action and a brief description of the chapter components, potential impacts, permits needed and potential mitigation measures as well as associated SEPA processes for the Draft EIS. One noticeable area where there is a lack of substantiated information is in regard to the need for the proposed action. Under Washington State SEPA regulations, within WAC 197-11-440 (4):

“...The summary shall briefly state the proposal's objectives, specifying the purpose and need to which the proposal is responding...”

Although section S3 of this summary gives some information regarding project objectives, it isn't substantiated and doesn't provide any insight regarding State initiatives regarding the ethics toward future developments. One example is in regards to climate change.

- Why would Washington State be open to diversifying its economic base with an industry that contributes to continued global warming concerns when this State has taken one of the leading roles/initiatives in the entire United States to try and curb and/or reduce global warming concerns?

The Cowlitz Tribe disagrees with the following statement in section S3:

“The Applicant states further development of western U.S. coalfields and the growth of Asian market demand for U.S. coal is expected to continue, and existing West Coast terminals are unavailable to support this need.”

It is obvious through media and other sources that the demand for coal has considerably declined and also statements from Asian countries has made it obvious of their intent is to reduce coal burning consumption. We request references that substantiate the claim pointed out in the reference indicated of increasing Asian demand. We also request information as to the apparent or assumed analysis that led to the assertion that other West Coast terminals are unavailable to support this need. Was there a specific analysis done in this respect?

We request some clarification in regards the significance of the assertion within the Draft EIS of contributing to reducing unemployment in Cowlitz County. The website: <https://fortress.wa.gov> should provide some of this insight for you. For the long-term in regards to the employment outlook from this proposed development, we don't believe that there is any significance towards reducing unemployment in Cowlitz County. With a current workforce of around 45,724 (revised in March 2016 noted from fortress.wa.gov) and the outlook of this proposal of adding approximately 135 new long-term jobs; that would only equate to **.29% increase** (less than 1/3 of a percent) in contributing to the current workforce for Cowlitz County in the long-term “if the Applicant hires locally.”

We don't believe that the assertion of reducing local unemployment is significant to justify the proposed coal terminal in relationship to the potential environmental impacts we would have to endure. It also doesn't describe the potential of displacement of other potential developments that

may contribute significantly higher employment outlook for the region. If the action agencies and the Port of Longview are serious about creating a better jobs outlook, we are sure that there are other developments that would contribute more employment opportunities for the area; especially developments that may include some sort of manufacturing component of which the proposed Coal terminal falls short.

We believe that there is little justification regarding the need of this development, and we believe it falls short of the intent of SEPA in regards to WAC 197-11-440 (4) given the current State policy initiatives around climate change and future sustainable developments for our communities.

Chapter 2 of the Draft EIS tries to validate their objective that we pointed out concerns which we provided in the summary section on purpose and objectives. We believe a very poor substantiation was done and believe that the concerns we presented in regards to the objective in the summary section of the proposed action also equally apply here. We request the same concerns presented in regards to the projects objectives presented in the summary section also be applied to “2.1 Applicant’s Project Objectives”. We believe the Draft EIS does a poor job in regards to justifying the need for this proposed development.

One additional concern we would like to point out is in regard to the unemployment data used in section 2.1.3: The current unemployment rate has now changed from the 8% reported in the Draft EIS to a rate last reported in April 2016 of 7.5%. Looking at the past three years, the unemployment rate for the month reported in the Draft EIS of January has progressively gone down from 2014 (9.1%); 2015 (8.5%); and last January of 2016 (8.0%) (Resource: <https://fortress.wa.gov/esd/employmentdata/reports-publications/regional-reports/labor-area-summaries>). This shows that Cowlitz County has been progressively improving its economic outlook and we believe the proposed Coal terminal would do little to nothing in regards to this concern based on the few (135) long-term jobs they would bring as it relates to the entire workforce/employment opportunity of Cowlitz County. Actually, the Cowlitz Tribe will likely provide a considerable improved employment outlook for Cowlitz County for the future than what Millennium would ever be able to provide. We also plan to do so in an environmentally friendly manner.

The Applicant’s proposal is insufficient in regards to providing any impact towards improving economic conditions for Cowlitz County. We also don’t agree with the economic feasibility of the Coal industry given the current issues/relationships around global climate change and the current dilapidated condition of the world Coal marketplace. Also, with the uncertainty of the Coal markets, it is likely that the jobs related to this proposal would be under constant threat of continuous or frequent employment layoff conditions. We request that the Draft EIS is clearly updated to clearly describe the data associated with the volatility of the market of the products they wish to handle at the proposed Coal terminal; and to clearly delineate an appropriate interpretation of the data based on best available science and/or information.

F. Rail Facilities: BNSF - Cowlitz River Bridge is in Poor State for even Current Industrial Rail Traffic

We believe that there is enough concern to currently close industrial rail traffic across the BNSF - Cowlitz River Railroad Bridge. We don't believe that it is designed or intended to handle the Proposed Action's volume of rail traffic in either the short or long-term. Although it may be indicated in the Draft EIS that there are potential ideas of improving the current bridge; there shows to be no plans or commitment to do so at this time. We believe that this is a highly significant situation given that much current public & policy concerns regarding rail safety have been expressed through a variety of media. Appropriate agencies have contacted us recently in regards to their heightened efforts in this regard, including the Washington Department of Ecology (one of the authorities regarding this Draft EIS).

Section 2.2.2.2 gives an indication of the presence of the BNSF - Cowlitz River Bridge. It is also mentioned or provides insinuated concerns in:

- section 3.1.4.2 (page 3.1-11);
- section 5.1.3.2 (page 5.1-6);
- section 5.1.4.2 (page 5.1-10 (indicates a 10 mph speed limit to cross the bridge));
- section 5.1.5.1 (page 5.1-16 and 17 (mentions a possibility of improvements));
- section 5.8.2.5 (page 5.8 – 32 (“*The rail line crosses the Cowlitz River near the confluence with the Columbia River and runs near the rivers for the 5 miles to the project area. Because historical and recent crests have been reported on the Cowlitz River, flood risk from sedimentation is increasing, and future precipitation could increase, flooding of the Reynolds Lead is possible. Cowlitz River flooding at this location would likely disrupt rail and terminal operations, and ballast supporting the rail line could be dislodged. Therefore, Proposed Action-related trains could be affected by a Cowlitz River flood.*”));
- section 5.8.2.5 (page 5.8 – 32 (“*In the future, flooding could be of concern, particularly from the Cowlitz River. In August 2014, the U.S. Army Corps of Engineers found that sediment buildup on the Cowlitz River was increasing the potential for flooding. Without further action, the flood risk level on the river (0.6%) would be exceeded by 2018 (U.S. Army Corps of Engineers 2014)*”));
- SEPA RAIL TRANSPORTATION TECHNICAL REPORT section 2.2 (page 2.9 and 10 (nothing in regards to existing condition));
- Section 3.1.1.4 (page 3-3 (mention 10 mph speed limit across the bridge)); and
- SEPA RAIL SAFETY TECHNICAL REPORT section 2.2 (2 – 5 (nominal indication of a Cowlitz River bridge but no analysis as to its condition and safety))

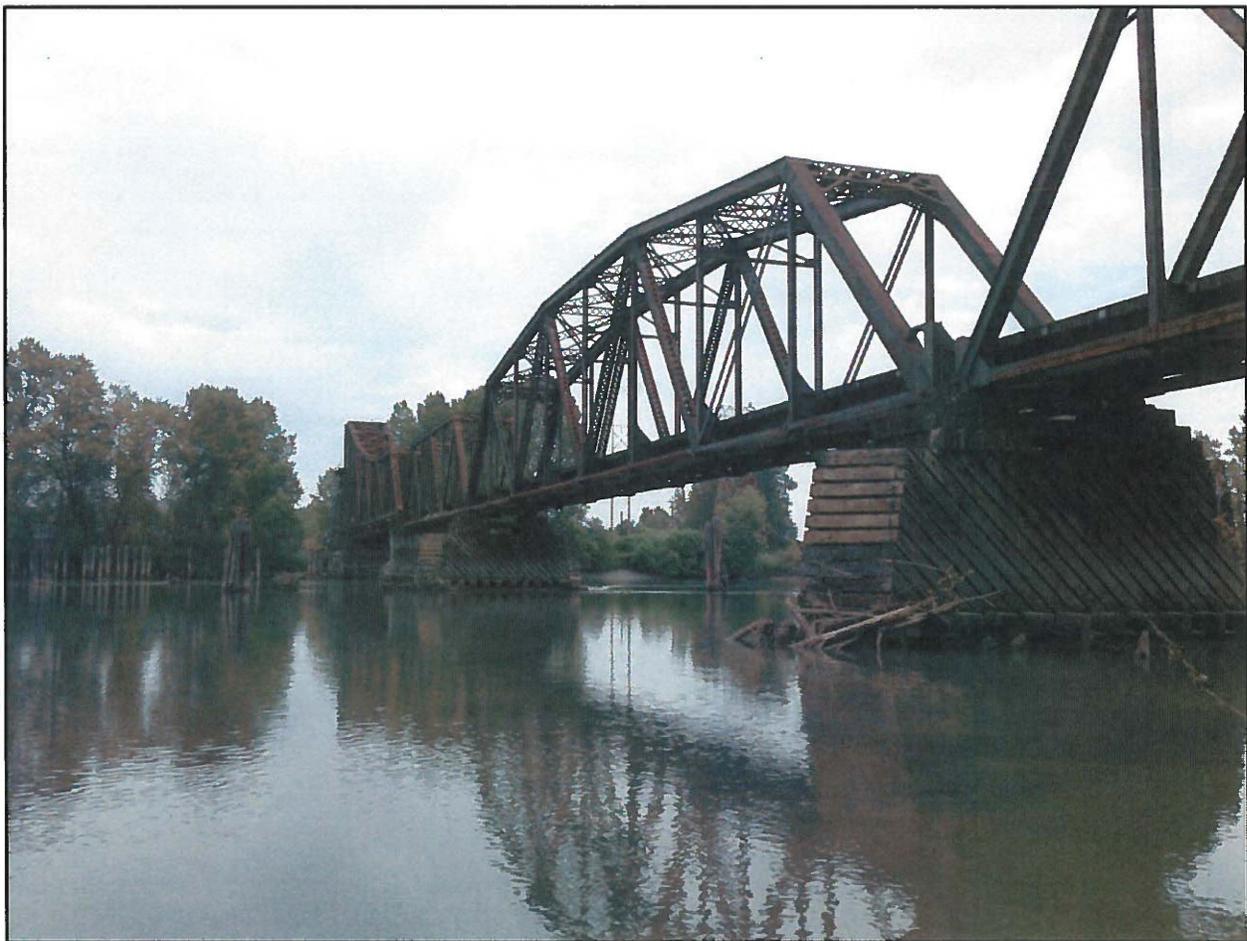
In no chapter, section, or appendices in this Draft EIS are we able find any information as to the current existing condition of the BNSF – Cowlitz River Bridge. It does speak of potential threats in relation to the future potential issues with the bridge and it does mention a “possibility” of improvements to the bridge, but it doesn't mention why?

- **In light of all the National concerns as it relates to rail safety, why is there what seems to be oversight and lack of detailed information regarding the BNSF - Cowlitz River Bridge condition in the Draft EIS?**

The Cowlitz Indian Tribe believes that the Applicant and the Action Agencies is not being forthright in regards to the BNSF – Cowlitz River Bridge condition.

- **Why is there a current 10 mph speed limit across the bridge?**

Upon our own investigation, here is some insight as to its condition which deservedly should have additional engineer details as to its current state and future potential threats. The following picture was taken by our Natural Resources Department on 06/08/2016:



- It looks as though this bridge is old, rusty, with wood railroad ties surrounding the old concrete footings.

We followed up to see if we can find some additional information. We found the following website which gives a little information which is summarized below:

- <https://bridgehunter.com/wa/cowlitz/bh38511/#Comments>

Overview

Scherzer rolling lift bridge over Cowlitz River on B.N.S.F. Railroad in Longview

Location

[Longview, Cowlitz County, Washington](#)

Status

Open to traffic

History

Built 1908 in Long Beach, CA, Moved to Longview 1934

Railroad

- [BNSF Railway](#) (BNSF)

Design

The Cowlitz River Railroad Bridge is a four span through truss bridge with a Scherzer rolling bascule lift span. The lift span was originally constructed in 1908 over the San Gabriel River in Long Beach, California. The span was moved to Longview in 1934.

Dimensions

Length of largest span: 200.0 ft.

Total length: 700.0 ft.

Also called

Port of Longview Bridge

Approximate latitude, longitude

+46.10364, -122.89308 (decimal degrees)

46°06'13" N, 122°53'35" W (degrees°minutes'seconds")

Approximate UTM coordinates

10/508263/5105568 (zone/easting/northing)

Quadrangle map:

[Rainier](#)

Inventory number

BH 38511 (Bridgehunter.com ID)

- Do you mean to tell us that there are plans to continue utilizing an old 1908 bridge that wasn't even designed for the Cowlitz River for current and future industrial rail traffic?

It is indicated that there might be upgrades to this bridge, but no planning, implementations, or funds have gone into any actions for any bridge work as indicated in section 5.1.5.1 (page 5.1-16 and 17). The Applicant does not discuss the bridge's age, fitness for the 200% increase in rail traffic, or the effect of many heavily loaded coal trains using the bridge daily. As the bridge is located on a spur, the Cowlitz Indian Tribe

requests the Applicant and Action Agencies provide additional information and analysis to detail the current state of the bridge and what impact the bridge would endure in regards to the current use & the proposed action. We are even wondering if this bridge was only meant to be temporary. What happened to the previous bridge before the current one? We believe it is totally justified that a detailed engineer report of existing conditions be presented. **It should have been presented in this Draft EIS.**

- **We request that more analysis and information regarding the BNSF Cowlitz River Bridge and that the Action agencies update the Draft EIS and re-issue another Draft EIS for another comment period before a Final EIS is issued.**
- **We request that the current use, proposed Action and this SEPA process should cease until all issues, concerns, processes, and potential solutions to the BNSF - Cowlitz River Bridge are resolved.**
- **With current conditions of the BNSF - Cowlitz River Bridge and if railroad users obey the rules attached to the bridge; if there is an accident due bridge failure; who would be the responsible party?**
- **What would be the potential impact if a derailment would occur at the Cowlitz River Bridge?**

The Cowlitz River is considered critical habitat by federal officials for the health of Columbia River stocks of federally Endangered Species listed eulachon and salmonids. In regards to eulachon, the Cowlitz River is considered by many as a key environment for their continued existence within the Columbia River system. Any accident/derailment caused by the failure of the BNSF – Cowlitz River Bridge could have irreparable harm to the status of these threatened species. We believe that it is imperative and necessary that the BNSF – Cowlitz River Bridge is adequately addressed and mitigated today (or yesterday) before anymore industrial related rail traffic utilizes this Bridge. The proposed Coal Terminal shouldn't even be considered until the safety and environmental threat associated with the condition of the Bridge's suitability for long-term industrial traffic is adequately addressed.

G. The Draft EIS significantly minimizes earthquake related Geologic hazards

We believe that the Draft EIS does a poor job in characterizing and analyzing the threats of a geologic event that may cause significant damage if the proposed action was allowed to be built. The Applicant bases their risk assessment on regional earthquakes in the 6.8 to 7.1 range, noting that these Puget Sound earthquakes did not cause substantial damage in the Longview area. The cited earthquakes occurred at a distance of approximately 70 miles. (Appendix Volume IIIb, pg. 15) **This is a misinterpretation of data.** The Draft EIS should have characterized - basing their earthquake environmental review on the worst case scenario, a subduction zone earthquake. A subduction zone earthquake can be as powerful as 9.0. A magnitude 9.0 earthquake has 1,000 times greater energy released than a 7.0 earthquake and may last from 3 to 5 minutes.

Liquefaction, a process in which the strength and stiffness of a soil is reduced by earthquake shaking or other rapid loading, could cause settlement of 7 to 16 inches during a major earthquake. (Appendix Volume IIIb, pg. 17) The project area is largely sands and silts. The Cowlitz County Site Class Map notes that the project area soils are the softest soils and have the highest level of potential ground shaking.

- **The Draft EIS does not discuss how liquefaction risks affect coal stockpiles or other infrastructure, including the loading booms.**

We are very concerned as to the potential of significant damage due to the likelihood for a geologic event in the region. If the facility is built, just one major geologic event would be catastrophic for many years to come and would have significant deleterious impacts to our way of life, culture, and environmental restoration efforts, which we believe is irreplaceable.

Sea level rise is discussed in terms of ocean rise. The Draft EIS notes that the project site is 60 miles inland, therefore the project site would be minimally affected by sea level rise. **The Draft EIS fails to discuss the project site's location adjacent to the tidal portion of the Columbia River**, which would be directly affected by sea level rise due to the increased tidal hold-in elevations. Additionally, no discussion is provided related to modified hydrology associated with climate change and the predicted warmer, wetter weather pattern, and the proposed project site's location on a modified floodplain.(Page 4.1-10).

The Draft EIS states there are no earthquake faults in the area. The Draft EIS should be modified to further clarify with references that there are no *known* earthquake faults in the area. (page 4.1-15).

H. The Proposed Action would Negatively Impact Groundwater Quality

The project area is defined by the Cowlitz County Critical Areas Ordinance as a critical aquifer recharge area. However the Draft EIS notes on page 4.3-16 that: 'operation of the Proposed Action would have a negligible impact on groundwater supply.' The project area is also defined by the City of Longview that it is within the Wellhead Protect Area. The Applicant writes that construction would be "unlikely to affect the well-field at the Mint Farm Industrial Park." (page 4.4-5)

The City of Longview documents present conflicting information, noting that "Washington's wellhead protection requirements are designed to prevent contamination of groundwater used for drinking water." Figure 15 in Appendix IIIb clearly shows the project area is within a defined Wellhead Protect Area. Depending on the rate of travel, the wellhead protection area is broken into management zones that correspond to an established time-of-travel rate for water within the aquifer. Each of the management zones represents an interval between the time a particle of water is introduced at the zone boundary and its eventual arrival at the well. These zones create an early warning system that gives a public water system time to respond to a contaminant moving within an aquifer before it arrives at the water supply well. A typical wellhead protection area has four or five management zones.

The project area is within the six-month, 1-year, and 5-year management zones. The Draft EIS states that the study area is not considered a major source of ground water recharge for the deep aquifer and notes only that the construction activities *could* have an impact on the shallow water aquifer. The proposed action include compacting 90% of the site, using wick drains to withdraw ground water, and using surface water to wet down construction dust before treating and pumping to the Columbia River. **These actions, taken together, imply substantial change in ground water recharge capacity.** The Draft EIS admits to a minor point on page 4.4-18, noting that dewatering trenches may result in temporary fluctuations in the shallow groundwater aquifer. (page 4.4-16). We believe that the analysis and characterization of ground water impacts is flawed and that the Draft EIS should further be analyzed based on appropriate references.

The Draft EIS provides a detailed description of soil contaminants, including the proposed coal and how coal leachates may contaminate soils. Although the Draft EIS says they will not encounter or disturb existing groundwater contamination in the project area, the Cowlitz Indian Tribe would like to restate that the Applicant plans to compact 2.1 million cubic yards of material into the project area. The Draft EIS also expressly notes on page 4.5-20 that ‘water discharged from the wick drains is not anticipated to be contaminated, thus no impact on water quality is anticipated.’ We disagree with this assertion and request additional analysis that substantiates the claims made within the Draft EIS.

I. Surface Water and Floodplains characterization is highly flawed within the Draft EIS.

EO 11988, Floodplain Management requires federal agencies to avoid short and long term impacts associated with floodplain occupancy and modification wherever there is a practical alternative. The Draft EIS states that because the proposed project site does not currently function as a floodplain, the project does not decrease Columbia River’s floodplain capacity. **The Draft EIS does not provide any discussion about how the site was selected, or how the Applicant attempted to avoid direct or indirect floodplain development.** The Applicant infers repeatedly that the levee system exempts them from considering the floodplain as a floodplain. However, a levee system is necessary because the site is entirely within a historic floodplain. (Pages 4.2-8, 12, 16).

Additionally, the Draft EIS presents the Columbia River Levee as a permanent structure that protects the project area indefinitely from the Columbia River. No discussion is provided about the existing levee condition, the expected life expectancy of the levee, pump, or ditching system, the project’s investment into the CDID #1 utility, how climate change and sea level rise may impact the levee, or any additional information that allows reviewers to evaluate the safety of the levee system. We are disappointed with the Draft EIS’s characterization and again it shows the bias of this document in favor of the Applicants proposed action.

J. The Draft EIS contains significant Omissions or Mischaracterizes Wetlands Analysis and Mitigation

Wetlands will likely be evaluated in greater detail in the US Army Corps of Engineer's NEPA document. However, the Cowlitz Indian Tribe would like to note the following omissions or inappropriate characterization within the Draft EIS document:

- The proposed project will impact 24.10 of 86.95 acres of wetlands within the overall study area. The wetlands in the project area are “primarily supported by high groundwater and direct precipitation.” (page 4.3-12)
- The Draft EIS inappropriately classes the wetlands' wildlife and hydraulic functions as 'limited' or 'low' because of the existing heavy industrial land use on the site and in adjacent areas. (page 4.3-16)
- The Draft EIS does not address impacts to buffers; identify buffer widths, or areal buffer impacts. (page 4.3-18)
- The Draft EIS does not provide any information about mitigation proposals, instead noting that the mitigation plan 'will be developed.' (page 4.3-18)
- Tidal wetland habitat is the most impacted habitat type in the Lower Columbia River estuary, with up to 71% loss since 1870.
- Mitigation opportunities are rare and both federal and state regulations require no net loss of wetland habitat.
- The Draft EIS does not evaluate wetland loss as required by Washington State Department of Ecology's matrix of avoid, minimize, mitigate. The Applicant provides no discussion about the first two options, and does not provide a path to mitigate other than “mitigation actions may be implemented at one or several locations.”
- The Draft EIS does not appropriately provide a negotiated mitigation ratio, or offer to mitigate on-site which is a preferred option to off-site mitigation.
- The Draft EIS inappropriately states that 24.10 acres of direct wetland fill, plus associated buffer impacts, qualifies as “no unavoidable or significant adverse environmental impact.” (page 4.3-18)

K. The Proposed Millennium Bulk Terminal Would only Exacerbate Existing Water Quality Concerns for the Columbia River.

The Draft EIS inappropriately narrowly defines the water quality study area as within 300 feet of the project area, into the Columbia River. The Draft EIS does not recognize any impacts to water quality beyond 1 mile downstream of the project area even within the 'indirect' project effects category. However, it is the opinion of the Cowlitz Tribe that the direct effects on water quality should be considered for the Columbia River downstream of the project area and into the Pacific Ocean within the Columbia River plume. (page 4.5-3) The Cowlitz Indian Tribe would like to point out to the Applicant that water flows downstream.

- The Draft EIS section “*Practices that Degrade Water Quality*” would be more accurately titled: “*Everyone Else Already Screwed It Up, So Our Project Is No Big Deal.*”

Although there are serious water quality issues associated with the main-stem Columbia River, this proposal does not adequately display interest in mitigating the effects associated by the project proposal itself. On page 4.5-27, the Draft EIS writes that the Columbia River is listed as impaired for a number of pollutants, and continued discharge of project area pollutants (arsenic, fecal coliform, and dioxin noted as three such) at existing levels would not cause a measureable impact in water quality. We disagree with this assertion. The proposed action would only exacerbate already dilapidated water quality concerns for the main-stem Columbia River.

The Draft EIS does not adequately describe the expected materials, quantities, or methods that would allow a reviewer to evaluate their proposal to protect water quality. As an example, the Draft EIS states that the “*contractor shall use tarps or other containment methods when cutting, drilling, or performing over-water construction that might generate a discharge to prevent debris, sawdust, concrete and asphalt rubble, and other materials from entering the water.*” This information infers that a tarp is adequate protection against concrete rubble entering the Columbia River. (page 4.5-17) We disagree with this approach toward safe-guards toward water quality concerns.

Table 2. Coal Dust Total Suspended Solids Emissions Rates at Maximum Throughput

Operation	Annual Average TSP Emissions Rate (tons per year)
Coal pile wind erosion	1.08
Coal pile development and removal	2.62
Ship transfer and conveyors	5.25
Train unloading	0.91
Total	9.86

Notes:
TSP = total suspended particulates

Deposition of coal dust at the ‘adjacent’ rate into the Columbia River assumes full mixing, which is absurd given that only the surface of the Columbia River would receive coal dust. (page 4.5-24) “The estimated maximum coal dust deposition from coal export terminal operations would be below the trigger level for sensitive areas. The highest estimated monthly deposition amounts would be near Mt. Solo Road, as shown in Figure 5.” IIIc Page 24. We disagree with this analysis and request substantiation to this claim.

Table 5. Estimated Maximum Annual and Monthly Coal Dust Deposition—Project Area

Location	Maximum Annual Deposition (g/m²/year)	Maximum Monthly Deposition (g/m²/month)	New Zealand Trigger Level for Sensitive Areas (g/m²/month)
Fence line	1.88	0.31	2.0

Notes:
g/m²/year = grams per square meter per year; g/m²/month = grams per square meter per month

L. The Draft EIS Vegetation Analysis is Highly Insufficient

The Draft EIS puts little effort into the vegetation section. Information sources and analysis appear to be cursory. Some elements are outright contradictory. As an example, the Applicant has not yet completed an aquatic vegetation study for the project area's Columbia River shoreline, so they cannot quantify aquatic vegetation impact. However, on page 4.7-10, the Applicant writes that the silty river sand has little organic matter, citing a 2014 Grette Associates report. Why did the Action Agencies release this Draft EIS when there is analysis yet to be completed? We request that all analysis which is the basis for this Draft EIS be completed as well as all draft mitigation measures associated with the proposed Coal terminal be completed prior to public review and comment. This would mean pulling this Draft EIS and re-issuing a new Draft EIS prior to finalizing the EIS.

Fourteen noxious weed species have been identified in the project area. Despite a specific list of noxious weeds, the Draft EIS states that the 'Applicant will coordinate with Cowlitz County Noxious Weed Control Board *if noxious weeds are detected.*' (emphasis added). (pages 4.6-15 4.6-26). Again, we believe that the Applicant did a poor job in adequately addressing vegetation concerns.

The Applicant has not conducted a special status plant survey or a rare plant survey although the Applicant plans to 'ensure that threatened, endangered, or rare plants are not affected.' (page 4.6-21)

The Applicant notes that the impact of coal dust on vegetation can be complex and neither the impact mechanism nor a threshold for potential physical or biological effects of coal dust deposition have been studied relative to the climate and native vegetation of the Pacific Northwest. (page 4.6-26). We believe that the intent of an Environmental Impact Study is supposed to study this and other potential impacts and be presented here in this Draft EIS.

The Applicant does not address vegetation, particularly on the shoreline, and its importance for wildlife migration corridors. The project would permanently impact 0.05 acres of riparian vegetation, including black cottonwood and willow.

M. Impact Analysis of Dredge Spoil Deposition is Severely Lacking in the Draft EIS.

In a major point, dredged materials will be placed in approximately 80 to 110 acres in or adjacent to the shipping channel between River Miles (RM) 60 and 66. This impact area is not discussed in further detail in the Draft EIS and indeed has not yet been identified as a specific area. (page 4.7-22). We request additional analysis in this regard.

N. The Draft EIS Inappropriately Downplays the Importance of Fish Resources.

The Fish study area includes the entire river in width near the project and the indirect effects extend downriver to the Pacific Ocean. The Draft EIS appears to infer that floodplain disconnection, altered or eliminated habitat availability, and degraded habitat

forming processes have resulted in a situation from which no further impact to salmon could possibly further interfere. Additionally, the Draft EIS describes the project area shoreline as highly modified by levees and riprap. While the description is accurate, it underplays the very low habitat availability in the Lower Columbia River and the critical role even substandard habitat plays for Endangered Species Act threatened salmon and steelhead stocks. We are disappointed in that, although there have been considerable degradation done in the past regarding habitat and habitat function in the lower Columbia, there is no recognition that there are efforts to improve current conditions. We are disheartened and state that there needs to be a better analysis of what the proposed action would have toward salmon and steelhead recovery efforts.

The Draft EIS utilizes juvenile salmon studies that are several years old. Several recent studies indicate that salmon may reside in Lower Columbia River and estuarine wetlands for weeks, gaining size. Larger salmon smolts have a higher survival rate than smaller smolts and size is tied with estuarine rearing time for ocean type salmonids. The Draft EIS addresses vessel wakes and fish stranding, noting that estuarine beach stranding makes fish 'susceptible' to stress, suffocation, and predation. The Draft EIS does not address mortality, which is the most common outcome of beach stranding. Beach stranding at Barlow Point, just downstream of the project area currently occurs at 53% of observed passages. Subyearling Chinook salmon appear to compose of 80% of the stranded juvenile salmon. (page 4.7-18). This is alarming to us and further justifies our opposition to this proposed development.

The Draft EIS discusses vessel wakes in terms of erosion and fish stranding but omits the impacts of vessel wake impacts on wetland systems throughout the lower Columbia River. These systems are composed of several features, and erosion and wake energy disrupt and erode fringe habitats that are critical to long term recovery of the Columbia River estuary ecosystem and would have an impact toward habitat restoration efforts which this Draft EIS fails to recognize.

It is proposed to have 610 36-inch steel piles to be driven below Ordinary High Water mark. Each pile will take 20 to 120 minutes to drive. The Draft EIS projects approximately 5000 strikes per day. The Draft EIS writes that noise attenuation models predict that injury and behavior impacts could range from 45 feet to 3.92 miles. Sound pressure levels ranging from 150 to 206 decibels could injure fish or change their behavior. (page 4.7-23) The Columbia River is 3000 feet wide in the project area. The projected injury distance is 1.1 miles, which means that during the pile driving period 100% of the migrating salmon species, either juvenile or adult, could be negatively affected, injured, and fitness reduced. (page 4.7-23)

This is a major impact on two entire salmon runs, as the pile driving is proposed to occur over two construction seasons, September 1 through December 31. Five threatened salmon runs and four threatened steelhead runs are present during the pile driving window (See Table 4.7-7). Actively migrating adult salmon are estimated to be in the project area between 20 and 90 minutes. Hearing loss injuries can reduce fitness, which may increase vulnerability to predators or reduced ability to locate prey, communicate or sense their physical environment. This is alarming to us and justifies non-approval of the proposed project.

The Draft EIS concludes their analysis of sound-injury by stating that injury area would occur only 33 feet from pile driving activities. This appears to relate to the single strike potential injury. Salmon migrating through the area would be subjected to cumulative sound injury. This is estimated by the Applicant to be approximately 20 to 90 minutes. Cumulative sound impacts increases the injury range to 1775 feet with behavioral impacts to 3.92 miles. The Draft EIS notes that adult salmon migrants move through the main-stem Columbia River relatively quickly. A sound attenuation device is proposed, but no backup information on this technology is provided, either in the main document or the technical addendum (page 4.7-26). We request additional detail in this regard.

The Applicant proposes a trestle that is 8 feet above Ordinary High Water Mark and 24 feet wide. 4.86 acres of aquatic habitat would be shaded by the proposed project's trestle and docks, with an additional 4.7 acres of habitat shaded by docking ships. Although elevating the deck reduces the amount of aquatic shading, it still leaves a substantial shaded band. Juvenile fish generally avoid shaded areas rather than crossing them. The trestle shading may cause fish to migrate around the trestle, dock, and any ships at dock. This would place migration corridors into the deep water zone for fish that may otherwise prefer shallow or moderate depth waters during migration. Low levels of underwater light are favorable for predatory fish. The stated 0.8% (9.56 acres) of the study area would be shaded, which is noted should establish an assumption that the predator-prey relationship would change and an increase in predation would be likely (page 4.7-27).

The Draft EIS state that its voluntary measures and mitigation measures will reduce impacts on fish, leaving no unavoidable or significant adverse impacts. It is worth noting that Bonneville Power Administration has been actively working to develop and implement tidal and estuary salmon habitat projects for several years. Limited habitat project availability has been a continual problem despite a large network of project sponsors. The Cowlitz Indian Tribe objects to the Applicant's impact statement, noting that adult and juvenile fish will not be able to avoid impacts or injury and will likely have increase mortality and/or reduced fitness (page 4.7-37)

Additional fish-related comments in brief:

- Eulachon are documented in general project area in both the egg and larval stage. The eulachon migration begins during the proposed two year dredging window (page 4.7-15). Nothing is indicated in regards to appropriately solidifying mitigation for potential impacts.
- The Draft EIS does not address fish screening for hydraulic dredging (page 4.7-20).
- The Applicant fails to account for the direct project impacts to the unidentified 80 to 110 acre dredge spoil deposition area (page 4.7-22)
- Vessel noise may cause potential behavioral disturbance for fish and may cause avoidance.

O. The Draft EIS Analysis of Wildlife and Wildlife Habitat Impacts is Severely Lacking

The Draft EIS identifies wildlife displacement and mortality associated with clearing and construction activities but does not appropriately identify specific species displacement or mortality (page 4.8-16). Twenty-five percent of the permanent terrestrial habitat loss occurs in relatively undisturbed areas (page 4.8-17) The Draft EIS minimizes species mortality by stating that ‘species reproduce rapidly and any losses due to mortality would not be expected to affect the viability or fitness of the species at the population scale.’ We disagree with this assertion and we believe the proposed action exacerbates current concerns associated with an already depressed state of affairs of wildlife and associated habitat conditions in the Lower Columbia Region. The Draft EIS does not provide further information on if this applies to rabbits, frogs, or endangered Columbian white-tailed deer (page 4.8-17).

Federally Endangered Columbian white tailed deer have been observed on the project site. The project proposal does not address habitat fragmentation or habitat corridor concerns either in the riparian or floodplain areas of the project impact area (page 4.8-10).

Page 4.8-2; The Draft EIS justifies railroads as beneficial for wildlife as corridors for feeding and migration, using the same criteria that contribute to the frequency of wildlife strikes along railroads (page 4.8-26). **This is ridiculous** and we request a do-over in analyzing wildlife resources and subsequent impact concerns.

We believe this proposed development threatens our sacred resource of federally endangered Columbian White-tailed Deer -- as well as many other culturally important resources we hold dear. The Cowlitz Indian Tribe is engaged in planning and implementing several Columbian White-tailed deer restoration projects within the Lower Columbia River. We have partnered with Federal, State, and local entities to implement projects to improve the recovery outlook for this federally-listed Endangered Species and other culturally significant resources.

We were alarmed when we read in the Draft EIS that the proposed Coal terminal would substantially increase shipping traffic in the Columbia River. The significant recovery efforts we have made will be deleteriously impact, including potential for waste of the dollars spent on recovery. This is alarming to us. We have planned additional restoration actions for Columbian White-tailed deer. We would a better assessment of the project's impacts on the federally-listed Endangered Columbian white-tailed deer. The Draft EIS fails to capture Wildlife recovery efforts in the region and what impacts the proposed action would have upon damaging past and future recovery efforts.

Extreme habitat fragmentation is a major contributing factor to Columbian White-tailed deer's historic decline. Habitat fragmentation continues to threaten recovery. Columbian white-tailed deer are cut off of their historic migratory corridor all along the Lower Columbia River lowlands. Industrial developments along their migratory corridor reduce their ability to move freely upstream and downstream. Migration is important for their recovery and sustainability of genetically viable populations. The proposed Coal terminal

is located between two populations, located at Diblee Point and Willow Grove. The proposed coal terminal would further exacerbate an already identified problem undermining their health and welfare.

Columbian white-tailed deer are threatened by this proposal in three ways. First, Columbian white-tailed deer are good swimmers and frequently cross the Columbia River to reach adjacent habitat. The Applicant's proposed order-of-magnitude of increased shipping presents likelihood for significant mortality. Impacts during migratory movements crossing the Columbia River include ship strikes and drowning.

The Draft EIS doesn't address threats to Columbian white-tailed deer through increased vessel traffic in the Columbia River. We believe that addressing this element is well justified. It is alarming to contemplate additional migratory patterns deleteriously impacted by increased shipping traffic.

Second, Columbia white-tailed deer were observed on the project site. The Draft EIS does not discuss the project site's features as existing habitat or as a migration corridor. It does not discuss lost habitat impacts. Mitigation is not addressed in any way.

Third, the Applicant does not discuss or evaluate Columbia white-tailed deer terrestrial or aquatic migration corridors. Our environment is already in a depressed State. Existing developments continue to have deleterious impacts on our environment. Why we would consider any new major developments of this nature while still struggling from past problems? The Draft EIS only recognizes the already depressed environment as a rationalization about why the project's impacts are unimportant. We don't think there is any mitigation that could effectively offset the damages to existing resources. Taken along with the Applicant's fuzzy 'trust us' approach to mitigation, we believe this further justifies our opposition for this proposed development.

P. Cultural Resources Government-to-Government Consultation is needed

The issue of historic and cultural resources is a sensitive issue for the Cowlitz Indian Tribe. In general, we believe that the analysis within the Draft EIS is flawed. The proposed project site lies within the exclusive use and occupancy area of the Cowlitz People as defined through the Federal Government. Cultural concerns are protected under certain laws from public disclosure.

We request follow up government-to-government consultation to clarify our concerns associated with the Draft EIS and proposed action on cultural resources. It is pointed out however that the Draft EIS speaks of developing a Memorandum of Agreement (MOA) with various entities and tribes. To date, we have not been approached at all in regards to any MOA. The Cowlitz Tribe has no plans to entertain or negotiate such an MOA in regards to the Proposed Action.

Q. Conclusion

The Millennium Bulk Terminals Draft SEPA Environmental Impact Statement (EIS) describes a major project as a minor impact. Throughout the document, the Applicant

describes project actions, minimizes project actions, conflates impact relationships, and states the project has minimal to no impact. Throughout the Draft EIS, Millennium Bulk Terminals describes its ‘no action alternative’ as ‘an increase in bulk terminal actions.’ This is misleading and doesn’t recognize the efforts and actions toward environmental recovery.

The Draft EIS also fails to recognize pending re-negotiation of the Columbia River Treaty between the US and Canada. The Proposed Action is likely to have considerable impact toward negotiation efforts. We request an analysis of the potential impacts that the Proposed Coal terminal would have on this Columbia River water management Treaty as it pertains to ability of increasing river flows for a better ecosystem function of the Columbia River. Also, if a future amended Treaty that increases water flows of the Columbia River happens, what impact would that potentially have on the Proposed Action?

The project is expected to take six years to construct. Dredging operations will be completed in one season, while pile driving will take two in-water work windows. Dredging will be ongoing, up to once per year and impacting 48 acres per dredging period, resulting in up to 500,000 cubic yards of per dredging operation. In water construction will include 610 piles below ordinary high water mark and over five acres of docks and trestles. Over 155,000 tons per day could be shipped out of the terminal.

Despite these huge numbers, the vast construction area, and the physical impacts associated with the rail, shipping, and construction activities, the Draft EIS claims that such things as fuel spills or coal spills would be “relatively small” and “minor.” We disagree with these assumed statement made in the Draft EIS. The Draft EIS mingles and conflates data. There are several major ways Millennium Bulk defers project impact responsibility throughout the Draft EIS document. We are providing comment on several major issues which should be addressed before the project is evaluated at any other level and there should be a re-release of another Draft EIS for the public to review and comment on.

Throughout the Draft EIS document, the Applicant has some broad errors and/or omissions. These errors and omissions are significant because the Applicant presents the data as if it were scientific and professionally suitable information. This is not the case. To start with, the Applicant presents only two alternatives; the proposed project and the “No-Action Alternative.” The “No-Action” alternative is actually an undefined “expansion” of existing activities. **The Draft EIS does not actually present a ‘no action’ alternative.**

Secondly, the Draft EIS repeatedly glosses over the risk of fuel spills, as ‘unlikely to occur’ and ‘be relatively small (typically less than 50 gallons).’ The Draft EIS repeatedly states that any coal spills associated with the coal export terminal ‘would be relatively small’ and ‘impact minor’ because of the contained nature and features of the terminal. The Draft EIS does not provide a rationale for its exclusion of medium, large, or catastrophic coal spills and their short and long term recovery trajectory.

While the Draft EIS's statements in some cases may be statistically accurate, it does not negate the Applicant or the Action Agencies responsibility to evaluate all possible scenarios and provide the public with an accurate description of possible impacts. The project scope is enormous and the potential for major damage is what we believe as inevitably going to happen. Playing the risk off as 'relatively small' is disingenuous and dishonest.

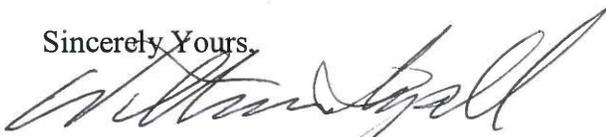
Just to reiterate the magnitude of the project: Eight trains with 125 cars, 122 tons of coal per car, would arrive each day. Coal would be placed on conveyor belts to move it around the site and onto ships. 4900 of 16100 lineal feet of the conveyor belts are proposed to be enclosed. 70 ships would come and go from the docking facilities each month (840 annually). They would on average hold 65,000 tons of coal. They would have to be loaded and refueled (which would occur offsite). We have a huge concern as to the significant jump or increase in shipping traffic in the Columbia River and what it entails in regards to environmental resource conservation and restoration efforts.

During construction, which is projected to last six years, the Applicant proposes using a 'skiff and a net' to retrieve any floating debris generated during construction. (4.5-21) Construction related energy uses is estimated at 500 gallons of gasoline, 50 gallons of oil, and 20,000 gallons of diesel fuel per year. Operational related energy use is estimated at 100 gallons of gasoline, 75 gallons of oil, and 865 gallons of diesel. The facility is expected to draw 4% of the total electricity supply available to the Cowlitz PUD service area.

We totally disagree with this sort of development along a fragile environmental system of which numerous entities are currently and foreseeably are working hard to recover. This development is contradictory to the State of Washington's goals and commitments toward global climate change reduction and local goals of recovery and sustainability within both the economic and environmental arena. We believe it is an ethical responsibility for the Action Agencies to deny any approval for the proposed Millennium Bulk Terminal – Longview; as justified within this comment letter of the Draft EIS associated with this proposal.

Please contact our Natural Resources Department Director, Taylor Aalvik or our Natural Resources Program Assistant, Tiffini Alexander for follow up communications and scheduling. Taylor can be reached at: 360-577-8140, or taylor.a@cowlitz.org, and Tiffini can be reached at: 360-577-8140, or talexander@cowlitz.org,

Sincerely Yours,



William Iyall, P.E
Chairman of the Cowlitz Indian Tribe

Cc: WA Governor Jay Inslee
Maia Bellen, Director of WA Dept. of Ecology
Cowlitz County Commissioners
Craig A. Bill, Executive Director, Governor's Office of Indian Affairs