

My name is Allison Warner and I am a Wetland Ecologist, currently employed by the Tulalip Tribes. I live on Camano Island.

My concerns with the Millenium Bulk Export Coal Terminal are both local and regional and national. The irreversible and many un-mitigatable impacts to our regional economy, environment, and to irreplaceable resources are so wide-reaching and large in scope, it is impossible to conclude this project is in the public interest therefore the agencies must select a no-action alternative as the preferred alternative. because of proposed wetland impacts and aquatic impacts, the lead agencies must deny the permit as no public interest exists which would override the level of damaging impacts to the environment. The terminals merely provide a conduit for coal as an export product with many costs and very little benefits to Washington State

CUMULATIVE IMPACTS

The EIS cites 22 out of 23 Environmental Resource areas with adverse impact and potential for cumulative impacts. The EIS has inadequate mitigation measures to deal with the scale of the environmental impact. Many of these impacts have NO mitigation possible. the DEIS predicts 19 coal train accidents per year, impacts to Longview's economy and reputation due to coal dust and coal train traffic impacts, real estate values, loss of 48 acres of river estuary area, loss of monies invested in watershed and salmonid restoration, and increased emissions have no real mitigation proposed in the EIS.

NATIONAL, AND STATE IMPACTS

This is a federal project and as such NEPA requires evaluation of all on and off-site impacts of the project. If the analysis includes all onsite and offsite impacts of this project, it must be concluded that the no-action alternative is the preferred alternative. While the purpose and need, to provide a coal export terminal, may provide some economic benefit to those employed there, is not only directly opposed to our state and national interests, by sending coal to China so that we may further increase the CO2 in the atmosphere and be subject in Washington State to the returning particulant-polluted air (see Cliff Mass, UW climatologist blog dated July 7, 2012 <http://cliffmass.blogspot.com/2012/07/asian-haze-is-not-gone.html>; see also June 2, 2012 <http://cliffmass.blogspot.com/2012/06/coal-trains-really-bad-idea.html>); it also directly conflicts with regional economic growth and numerous State and regional economic studies and initiatives. It cannot be concluded that the national, regional and statewide impacts are outside the scope of this EIS in that they are a direct and predictable result of the permitting of this facility.

The EIS must consider the conflicts of this project to Statewide initiatives to bolster and sustain Washington's agriculture economy, and Washington' unique fisheries, with a special consideration of the location on the Columbia River and its proximity to the agriculturally important Columbia Basin agricultural export rail capacity, and as such must study the potential impacts on the local agricultural economy. The EIS documents several studies which show that the rail lines from Spokane to Pasco and

Pasco to Vancouver are already at capacity and cannot actually accommodate the proposed rail car increases needed by this project. The single commodity that is being “funneled” through Washington State is a direct conflict to our regional economy’s use of the rail lines. This is a direct and foreseeable impact from permitting of this facility and is un-mitigatable in any way that doesn’t involve spending billions of taxpayer money in upgrading and improving rail transportation. The economic cumulative effects to local state and federal government expenditures for the foreseeable needed infrastructure improvements need to be evaluated, and were inadequately evaluated in the EIS .

Washington State’s 270 million a year shellfish industries are already experiencing impacts from ocean acidification- resulting in State expenditures (on Nov 27, 2012, Governor Gregoire signed an executive order creating a 42 point program to address the dramatic situation <http://www.kitsapsun.com/news/2012/nov/27/governor-calls-for-action-to-fight-acidification/#axzz2lg4cqccm>- November 27, 2011, Kitsap Sun) . This is just one of the many statewide initiatives that are in direct conflict with a permit to allow 44 million tons per year of coal be burned into our atmosphere- there is no national boundary for this issue. While we cannot prevent China from burning coal, we can decide it is not in the public interest to allow this US coal to be transported by rail and shipped there to be burned. This is an indirect environmental and economic impact to our environment that must be considered by the EIS. Upon signing the executive order, Gregoire said Washington State produces nearly 85 percent of the oysters, clams and mussels produced along the U.S. West Coast, including Alaska. The industry employs more than 3,200 people, directly and indirectly.

According to Jane Lubchenco, administrator of the National Oceanic and Atmospheric Administration, who joined the Governor at Tuesday's presentation, along with U.S. Reps. Norm Dicks, D-Belfair, and Brian Baird, D-Vancouver, the panel has produced a "remarkable report" that could serve as a "beacon" for national action.

"Nowhere on the planet is a local response more urgently needed than here in Washington," Lubchenco said. "Ocean acidification is already affecting Puget Sound and Hood Canal."

The EIS inadequately evaluates the effects of burning of coal shipped due to the permitting of this project and cumulatively of the other terminals if permitted on the WA state shellfish industry. Include in this analysis losses of public expenditures such as the \$3 million invested with this program to help shellfish hatcheries adapt to more acidic conditions and establishing a new center for ocean acidification at the University of Washington.

Climate change:

“From SEPA: “The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.” SEPA, WAC sec. 197-11-440(5)(c)(vii)

Therefore, through a cumulative analysis for the proposed MBT, determine the total amount of CO2 emissions that would result from the mining, transport by rail, export by cargo ship, and burning of 44million tons of Powder River Basin coal over the life of the project. How will all these emissions impact

and accelerate climate changes in Washington state? In particular, what will be the impacts on the glaciers of the North Cascades, on ocean acidification that is detrimental to marine ecosystems and shellfish, on precipitation that contributes to river and stream flow in the summer months that is crucial to salmon and agriculture?" ***I would add that this is one of the key reasons that the EIS must do a cumulative impacts analysis of ALL of the proposed terminals.***

"What are the projections for extreme weather events in Washington that may increase due to the possible burning of coal that might be exported from Cherry Point and Longview? ***(And the other export terminals)***What would be the projected economic impacts due to climate change-induced extreme weather events like landslides in the winter due to greater than normal precipitation or drought in the summer due to a decrease in precipitation in our state?

"How much would the burning of the Powder River Basin coal in Asia that is proposed to be exported from the Longview Terminal offset the goals established by Washington State to reduce greenhouse gas emissions as adopted by our state legislature in 2008?

"Washington State adopted greenhouse gas reduction standards via legislation adopted in 2008. (RCW 70.235.070(1)(a). The statute establishes that by 2020, emissions shall be reduced to 1990 levels. By 2035, GHG emissions are to be 25 percent below 1990 levels and by 2050, they are to be 50 percent below 1990 levels." (James Wells, Don't Pee In The Pool!, January 5, 2013)" ***Allowing this terminal to be built is in direct conflict to this state goal, and will result in a loss of public expenditures to achieve those goals, and in enacting the above legislation. Finally I agree with her request of the agencies to*** "do a rigorous cumulative analysis of CO2 emissions from the GPT as well as the four other coal export terminals that are being proposed in Washington and Oregon. What would be the overall climate change effects due to burning approximately 150 million tons of coal over the life of the proposed export terminals?"

The EIS inadequately considers Carbon Dioxide (CO2) and other pollutant emissions from the coal at its point of combustion in Asia. The agencies must consider the impacts from this foreseeable and unavoidable impact of the project on WA economy and environment (shellfish industry, etc)

The plan is to export over 48 million metric tons of coal per year to China, where it will be burned, resulting in air pollution that will cause impacts in the United States (in addition to the effects on nearby populations in China). The pollution includes carbon dioxide (CO2), a greenhouse gas that also causes ocean acidification. [The combustion also releases harmful pollutants such as mercury, but this comment is focused on CO2]

In public discourse, we have repeatedly heard a defeatist and misleading suggestion that people in China will just acquire coal from elsewhere, dug out of mines that do not currently exist, and burn that coal instead, if we do not export coal to them. That may or may not occur. If it does, that other coal will cost them more than importing coal from the USA, and thus they would probably use less. But in all cases it's never morally acceptable to be part of something harmful on the theory that someone else, somewhere else, is going to do it anyway.

Broadly, in permitting activities, agencies are required to evaluate an activity for the entirety of what it is, not as compared to some imaginary other circumstance that may or may not occur. This particular coal, if shipped to Asia to be burned, will create the pollutants. If not, then those pollutant emissions will not occur at that place and time. Therefore the full effects should be considered.

One regulatory question is whether the applicable law allows for consideration of an effect that may occur outside the US. The clear answer: Yes it can. It's right in the applicable SEPA law:

"[A] lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries." (Wash. Admin. Code sec. 197-11-060(4)(b))

Next: Can the impact of combustion emissions, including carbon dioxide emissions, be considered?

Again, Yes. The United States EPA has recognized the materials emitted from combustion, including Carbon Dioxide, as pollutants that threaten human health and the environment.

At play is the combination: Considering combustion emissions, including carbon dioxide, that originate overseas.

PUBLIC INTEREST

A key consideration is the concept of the Public Interest. The agencies should broadly consider the public interest in this case, because the project needs to use government resources rather than just private assets. The effect of greenhouse gas emissions is relevant to public interest, because global warming and ocean acidification represent a very serious threat to our environment and the livability of our planet, and specifically to Washington State's economy.

In the case of Millenium Bulk terminal, there are at least three major government-controlled resources that are required for the project to go forward:

- The pier requires a shoreline lease from the WA State Department of Natural Resources - The coal is mined from federal government land in Montana and Wyoming
- Large water withdrawals from the Columbia River are needed for dust control and other purposes

This request to use government resources is profoundly different from meeting regulatory requirements for an activity on private land. The applicants have no title to the government resources, and so for access to be granted, the proposed activity needs to be in the public interest. This is especially applicable to the waters of the state due to the Public Trust Doctrine, as explained on the WA Department of Ecology web site: "The essence of the [Public Trust] doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land."

In another example, leases to mine coal from public lands have been granted on the basis that the coal will provide a stable domestic energy supply. The current practice of shipping coal from federal lands to British Columbia for export to Asia is in conflict with the justification for the coal leases, and a massive

expansion of such export would also be. No export terminal should be permitted prior to conducting a complete review of the basis for the lease to mine the subject coal, and coal whose lease was justified on the theory of providing for domestic energy supplies should not be allowed to be exported.

The MBT project will also require exercise of a key government power, which is: Eminent Domain. This means seizing land from other private owners, whether or not they want to sell, in order to allow the project to occur. This is another point whether the question of the Public Interest is applicable.

The project is also inconsistent with certain federal or state laws or policies.

- Copenhagen Accord

The United States is a signatory to the Copenhagen climate accord, which agrees in concept to large reductions in GHG emissions worldwide. Large new coal export schemes are clearly inconsistent with the intent of the document.

- EPA has Recognized CO2 as a Pollutant

The US EPA has declared carbon dioxide to be a pollutant, and has started to regulate CO2 emissions. The New Source Performance Standards (NSPS) state that any new coal-fired power plant in the US must meet a very tight standard for low CO2 emissions. If we build a new export terminal for the purpose of supplying coal to be burned in a manner that does not meet these new standards, then that undermines the entire purpose of the NSPS standards. The EPA has also commented on a different coal export proposal that resulting CO2 emissions should be considered.

- WA State GHG Reduction Standards

Washington State adopted greenhouse gas reduction standards via legislation adopted in 2008. See RCW 70.235.070(1)(a). The statute establishes that by 2020, emissions shall be reduced to 1990 levels. By 2035, GHG emissions are to be 25 percent below 1990 levels and by 2050, they are to be 50 percent below 1990 levels. The coal terminal, if permitted, would emit tens of millions of metric tons of CO2 per year, wiping all of those reductions, and more. Since CO2 is a global pollutant, it would be futile to reduce local emissions while facilitating an increase elsewhere. [For reference, all GHG emissions in all of WA state are about 100 million metric tons / year]

- WA State Panel on Ocean Acidification

In November of 2012, the Governor of Washington State released an executive order initiating action on ocean acidification. The executive order states, in part, "I, Christine O. Gregoire, Governor of the state of Washington ... do, effective immediately, hereby order and direct ... The Office of the Governor and the cabinet agencies that report to the Governor to advocate for reductions in emissions of carbon dioxide at a global, national, and regional level."

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- SEPA Standards

The SEPA standard itself recognizes the world-wide scope of environmental issues. SEPA considers "each person's" right to a "healthful environment" to be "fundamental and inalienable" Rev.Code Wash. Sec. 43.21C.020(3), "[r]ecognize[s] the worldwide and long-range character of environmental problems," and directs agencies, "where consistent with state policy, [to] lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment...." (RCW 43.21C.030(1)(f).)

LOCAL IMPACTS

- Coal Dust Impacts-

Of all the impacts other than the CO₂ generated by the rail transport transport and operations of the MBT, and by the burning of the fossil fuel exported by the proposed terminal, the impacts by dust emissions during handling and transfer of coal related to rail unloading, ship loading, conveyor transfer, coal pile development and removal and wind erosion of coal piles is one of the most significant, irreversible, and truly unmitigatable impact of all the reasonably foreseeable and unavoidable impacts of the project. The EIS finds insignificant the coal dust problem, where other places with open coal dust piles, coal dust coats neighbor's homes, cars and boats and the water quality is bad. Lots of studies beyond those examined by the project exist (see *The True Cost of Coal, the Coal Industries Threat to Fish and Communities in the Pacific Northwest*- National Wildlife Federation, 2015 [attached]) and the physical example of other existing coal export facilities can be reviewed by the proponents to show that the waters and aquatic bed surrounding these existing facilities are impacted by coal dust, negatively affecting light penetration and growth of algae and bottom dwelling plants and animals, and negatively impacting juvenile salmonids and other fish. BNSF itself indicates it can't reduce coal dust emission levels during rail transport below 85% reduction in transit (See attached: Coal Train Facts, BNSF Customer Fact Sheet Coal dust Frequently asked questions). A highly optimistic statistic of 95% reduction in dust emission due to standard operating procedures and mitigation measures., was assumed at the export terminal site, which seems ludicrous in how small a number. The EIS states that 9.86 tons (19,728 lbs) of coal dust will be emitted at the site due to handling and transfer of coal related to rail unloading, ship loading, conveyor transfer, coal pile development and removal and wind erosion of coal piles . This is less than a millionth of the coal to be exported. The EIS does not indicate how it arrived at the exceedingly low figure it gives per year, which it then converts to 1.88 grams per square meter at the site, with no explanation as to how it arrived at this minimal impact. . It is reasonably foreseeable that this toxic black sediment, deposited at the site would accumulate X per year given river

flow and transport from the site. The EIS should have given the river miles expected to be impacted, and the size of the impact area by this 19780 lbs annually, and how far downstream the currents as well as winds will take this impact. They assume only 300 feet offsite for an impact area, which is laughable. The BE for a take determination on federally listed salmonids usually require a downstream sedimentation impact area from any instream work. There are other studies that have been used for sediment transport as well. The EIS states only that it was unable to determine impacts on aquatic resources and will rely on the US Geological Survey study yet to be published for its final EIS. This is entirely unacceptable as there are other studies cited in the attached National Wildlife Federation (NWF) publication addressing impacts to fish and fish habitat. While the EPA's cited 2005 study states that all of the chemical constituents would be bioavailable, the use of the study to show the project "would not exceed ecological soil screening levels for plants, soil invertebrates, avian wildlife or mammalian wildlife" does not seem to account for an irreversible smothering impact in the impact area with a continuing annual impact of additional 9.86 tons to the year 2038, and it does not discuss the impacts within the river and how far it would be carried by currents downstream, but only says it would be spread out over an area of 3 million square meters (despite assuming an impact of only 300 feet downstream), which would not cause a "measurable" change. The impacts of deposition of 9.86 tons of coal dust annually at the site on the Columbia River, a free flowing river estuary and at the confluence of the Cowlitz River must be considered when weighing the impacts of the project vs any potential benefits from the project. These impacts should include the loss of vast sums of money spent on restoration of river and salmonid aquatic habitats in Washington State, the City of Cowlitz and affected watersheds, and on the Columbia River.

The EIS did not discuss impacts to surrounding aquatic bed and water pH, but only says that Barium would precipitate as Barium sulfate- the study didn't seem to examine the impact to the river bed and surrounding area of a layer of coal covering the bed as a suitable medium for plants and animals to thrive (despite the "bioavailability" of its chemicals- if it makes the river bed extremely acid, nothing can grow or thrive). No other coal export terminal impacts were cited or reviewed by the EIS and should be for final EIS. The EIS makes a pitiful show of addressing the "coal dust" issue without addressing the real issue of the unmitigatable impact to the surrounding aquatic bed and how far this impact will extend due to river currents. Lots of other coal export terminals exist to use as comparison, most closely the British Columbia export terminal near Tswassen, BC, which was studied most recently in 2006 and cited in the attached NWF publication. This EIS fails to address the increased coastal and riparian and marine habitat degradation from coal dust impacts and should be sent back to the drawing board for further analysis. If the US Geological Survey is unavailable, it must be stated that the EIS simply fails to adequately analyze this issue. The study area for Water Quality impacts was considered only 300 feet downstream of the project area, which is laughable, and wholly inadequate considering the size of the Columbia River and its flow of up to 864,000 cfs.

WILDLIFE AND WETLAND IMPACTS

The EIS is wholly inadequate in its evaluation of impacts to plants and wildlife and wetlands at the project site. The EIS says it will reduce coal dust by 95%, but for impacts on fish, wildlife and plants, its only mitigation measure suggested is to monitor and reduce coal dust. How the MBT intends to further

reduce coal dust is not offered and therefore this cannot be considered to be an adequate mitigation measure. The EIS also says it will conduct surveys for rare plants and aquatic plants prior to construction and "plan to reduce impacts" if any are found. The survey for rare and aquatic plants and animal species should be conducted prior to permitting of the project so that any impacts may be disclosed and evaluated as part of the EIS. This is not a reasonable mitigation that could lead to a MDNS. No consideration is given to coal dust impacts to the remaining 62+ acres of wetlands at the site due to smothering (which could be considered another method of "fill"), changes in pH (increased acidity), nutrient status, in the EIS. The importance of the wetlands at this location adjacent to the Columbia river in providing water storage during lower flow times and during flood stages and the loss of floodplain function at this site is not considered by the EIS, as well as the water quality impacts of water seeping into the Columbia via groundwater recharge from the adjacent remaining wetlands. The EIS ridiculously asserts no significant unavoidable adverse impacts from the project. Impacts to the remaining 62 acres of wetlands adjacent to a major river estuary being converted to a major dirty polluted industrial site is not insignificant, especially since the EIS has not identified a suitable mitigation site that could adequately replace the existing wetlands.

TRAFFIC IMPACTS

With 16, mile long trains each day, the proposed coal project has the potential to snarl local traffic and increase air pollution. Pollution from open coal cars and open piles will harm the community and cannot realistically be mitigated.

Any infrastructure improvements necessary to facilitate coal trains — such as the proposed SR 432 re-alignment project and a new overpass at the foot of the Lewis & Clark Bridge — should be part of the EIS review. Without major changes, coal trains would make traffic unbearable in Longview.

The EIS should have evaluated the cumulative impacts of coal trains in communities like Camas, Washougal, Vancouver, Spokane, Seattle, and the Tri-Cities that could see train traffic from multiple coal export terminals.

The EIS should evaluate the human health impact of coal exports on Longview from coal dust and diesel pollution, and should assess how toxic coal will impact the Columbia River.