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Washington Department of Ecology
c/o Sally Toteff
300 Desmond Drive SE
Lacey, WA 98503

June 10, 2016

Cowlitz County Building and Planning
c/o Elaine Placido
207 4th Avenue North
Kelso, WA 98626

RE: Upper Columbia United Tribes Comments on the Washington State Environmental Policy Act Draft Environmental Impact Statement for the Proposed Millennium Bulk Terminals – Longview Project

Dear Collective "Parties":

The Upper Columbia United Tribes (UCUT) – comprised of the Coeur d'Alene Tribe, the Confederated Tribes of the Colville Reservation, the Kalispel Tribe of Indians, the Kootenai Tribe of Idaho, and the Spokane Tribe of Indians – unify in a cost-effective and efficient manner on issues of common concern: to protect, preserve, and enhance Treaty and Executive Order tribal rights, sovereignty, culture, fish, water, wildlife, habitat, and other interests and issues for the benefit of all people. The UCUT associate with nearly 20,000 enrolled tribal members with management authority and responsibility of approximately 2 million acres of reservation land, over 14 million acres of aboriginal territories, over 500 miles of navigable waterways, more than 40 interior lakes, and 30 dams and reservoirs (Map Attached).

The UCUT is opposed to the proposed Millennium Bulk Terminals (MBT) Longview, LLC's coal export terminal at Longview, in Cowlitz County, Washington. The UCUT supports the no-action alternative in the DEIS. The UCUT is opposed to all of the "action" alternatives, including the proposed action. The UCUT contends that the DEIS is inadequate and does not address UCUT tribal rights.

The UCUT maintains that the proposed coal export terminal in Longview, Washington would be a violation of the tribal and public trust and constitutes the unwise stewardship of common resources. The proposal to dramatically increase the number of coal trains (currently 2-4 trains per day to more than 16 trains) running through the UCUT aboriginal territory will lead to damages from coal dust, diesel particulates, and potential train derailments with the consequential ill effects on human health, as well as contamination of the natural, environmental and cultural resources of the UCUT and the people of the inland Northwest.

The UCUT is at the forefront of restoring ecosystem-based function throughout the Columbia River Basin, and reconciling past environmental injustices. These actions include restoring fish passage to all historic habitat, and the reintroduction of anadromous fish into habitats blocked by man over the past

150 years. The UCU T oppose the MBT because it thwarts the timely need to reconcile historic environmental and social injustices of the past. The UCU T understands and realizes that any more contamination to area ecosystems from the mining, transport and potential coal train derailment and spill of coal would imperil native ecosystems and wildlife potentially beyond humankind’s ability to restore, replace, or rehabilitate.

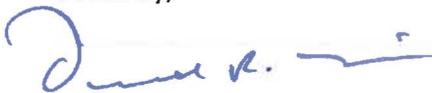
The UCU T scoping comments on this proposal, dated November 14, 2013, stated our support of the Affiliated Tribes of Northwest Indians Resolution #12-53 and Resolution #13-47 (Attached) for a comprehensive Programmatic EIS (PEIS) pursuant to the National Environmental Policy Act (NEPA) that deals with the cumulative effects and impacts throughout the entire Northwest and internationally, including direct and indirect impacts on tribal resources, tribal rights, and interests. The Longview DEIS does not adequately respond to the UCU T concerns, and as such does not address broader regional, programmatic, comprehensive issues. The UCU T is concerned that the scope of the study area is limited to the terminal. The study area should include all rail routes to and from the places where the trains would originate and all potential impacts. The DEIS is not adequate in its analysis of the impacts on Tribes in the region, especially in terms of tribal resources such as fish, wildlife, water and health impacts specific to UCU T. The UCU T concerns were not adequately addressed or analyzed in the DEIS, even at the local level.

The fact sheet on “Social and Community Resources” on the project says that “A separate report, a Health Impact Assessment (HIA), is being prepared for the proposed project. This report will use the analysis in the environmental study to consider impacts on human health.” Human health impacts are of deep concern to the UCU T. Human health issues including heart disease, diabetes, and inordinately high rates of premature death are rampant among UCU T members. The ecosystem-based function upon which the UCU T membership rely for spiritual and physical sustenance is further jeopardized by the proposed MBT.

The DEIS is inadequate by not including the impacts to the UCU T. The UCU T tribal rights are jeopardized by this failure. The DEIS fails to consider anadromous fish migrations, which will be of even more importance as we are examining the feasibility of fish passage into blocked habitat in the upper Columbia River. The DEIS is inadequate by not having a Health Impact Assessment and in not looking at rail communities beyond Washington State and the many negative problems they face. Climate change impacts and impacts to the cultures of Tribal Nations have not been adequately addressed. If all impacts were adequately addressed in the DEIS, then the decision would be clear: There are too many risks to too many people and resources to allow a major increase of trains hauling hazardous materials through hundreds of miles in order for a very few stakeholders to make a profit.

If you would like additional information or to discuss this matter further, please contact me at (509) 954-7631; or by emailing me at dr@ucut-nsn.org.

Sincerely,



D.R. Michel
Executive Director

June 10, 2016 UCUT Comments to Millennium Bulk Terminal – Longview DEIS

Cc: Millennium Bulk Terminals-Longview EIS
c/o ICF International
710 Second Ave, Suite 550
Seattle, WA 98104

U.S. Army Corps of Engineers
c/o Danette Guy
2108 Grand Blvd.
Vancouver, WA 98661

CANADA

UNITED STATES

Okanogan River

COLVILLE

Columbia River

Franklin River

SPOKANE

Spokane River

WA

KALISPEL

Primo River

ID

Clark Fork River

Coeur d'Alene River

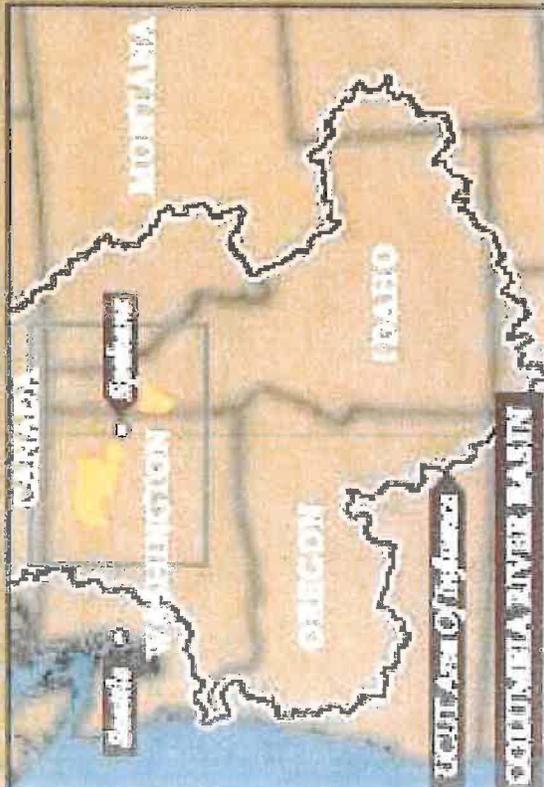
St. Joe River

COEUR D'ALENE

KOOTENAI

Kootenai River

MT





2013 Mid-Year Convention Airway Heights, Washington

RESOLUTION #13 - 47

“OPPOSE THE PROPOSALS FOR THE TRANSPORTATION AND EXPORT OF FOSSIL FUELS IN THE PACIFIC NORTHWEST”

PREAMBLE

We the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and Constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, since time immemorial, our economy, culture, religion and way of life has centered around our fishing, hunting and gathering resources, and the lands and waters on which they depend, and we have been, and remain, careful and conscientious stewards over them to ensure their continued health and well-being; and

WHEREAS, the tribes of ATNI depend on the natural resources of this region to sustain our way of life, rights to fish, hunt and gather, our economies, human health and fulfill our sacred obligation to protect our First Foods and our most precious natural resource, water; and

WHEREAS, the tribes of ATNI have previously adopted Resolution No. 12-53, in September 2012, recognizing the potential impacts of coal export terminal proposals that have come to the Northwest and the action directed to the Army Corp of Engineers to conduct a full regional Environmental Impact Statement (EIS) to address the significant cumulative impacts of these proposals; and

WHEREAS, the Northwest is facing the advancement of more fossil fuel exports, including numerous oil-rail proposals in Oregon and Washington, which would bring 500,000 barrels of oil a day via rail line to and across Northwest waterways as well as expansion of pipeline capacity from Alberta to British Columbia and Washington State; and

WHEREAS, based on review of proposals at these sites these past twelve months, the tribes of ATNI believe these energy transportation and export proposals will diminish our salmon habitat, our fishing, hunting and gathering rights, our treaty, indigenous, and inherent rights and resources, our life way, and will destroy sacred places of the Pacific Northwest tribes; and

WHEREAS, the tribes of ATNI respect and honor our Sacred Places just as we do our natural resources, including the Lummi Sacred Site known as *Xwe'Chi'eXen* where our ancestors are at rest, and the sacred traditional reef net sites at Cherry Point, Washington; and therefore call upon agencies to fulfill their statutory and legal responsibility to fully comply with Section 106 of the Historic Preservation Act; and

WHEREAS, the Northwest Tribes' ancestral industry of fisheries relies on sustainable resources that will face detrimental impacts from the transportation and export of nonrenewable fossil fuel resources; now

THEREFORE BE IT RESOLVED, that ATNI is in opposition of the transportation and export of fossil energy in the Northwest based on infringement and endangerment upon indigenous, inherent, and treaty-protected resources, impacts on human health, economies, sacred places and our traditional way of life; and

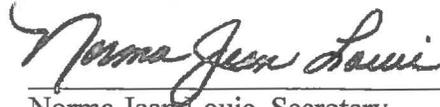
BE IT FURTHER RESOLVED, the tribes of ATNI support a strategy to document the impacts of these fossil fuel energy transport and export proposals, which includes baseline studies of science from a local approach, impacts to the economies, as well as legal and policy initiatives.

CERTIFICATION

The foregoing resolution was adopted at the 2013 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at the Northern Quest Resort and Casino, Airway Heights, Washington on May 13-May 16, 2013 with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary



2012 Annual Convention Pendleton, Oregon

RESOLUTION #12 - 53

“CALLING FOR FULL, TRANSPARENT ENVIRONMENTAL REVIEW OF THE PORT OF MORROW PROPOSAL, CONSULTATIONS, AND REGIONAL REVIEW OF ALL SIX NW COAL EXPORT PROPOSALS”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, since time immemorial, our economy, culture, religion and way of life have centered around our fishing, hunting and gathering resources, and the lands and waters on which they depend, and we have been, and remain, careful and conscientious stewards over them to ensure their continued health and well-being; and

WHEREAS, the tribes of ATNI are sovereign and our people depend on the natural resources of this region; and

WHEREAS, the tribes of ATNI have an obligation to protect our First Foods and our most precious resource, water; and

WHEREAS, there are sweeping proposals for Powder River Basin coal to be shipped by rail and/or barge to West Coast ports: Cherry Point, Washington; Longview, Washington; Grays Harbor, Washington; Port of Morrow, Oregon; St. Helens, Oregon; and Coos Bay, Oregon; and

WHEREAS, the coal will then be shipped through our waters to Asia where it will then be burned in coal-fired power plants, emitting mercury and other toxins that return through the atmosphere to our homes; and

WHEREAS, the estimated coal export volumes from the proposed West Coast ports are unprecedented at over 150 million tons per year; and

WHEREAS, Northwest tribes have strong concerns about the impact of these proposals on tribal rights and resources, including but not limited to the following:

- Intrusions into traditional fishing, hunting and gathering sites;
- Destruction of our cultural and religious areas;
- Degradation of human health, related to fugitive coal dust and mercury poisoning;
- Interference with tribal business enterprises and opportunities, causing a loss of jobs, preventing jobs growth, and reducing tribal income, related to increased coal-train traffic;
- Declining water quality and loss of salmon and lamprey habitat from barging and shipping operations;
- Increases in emergency response times, interference with school functions, and fiscal impacts on other public services due to delays at train crossings;
- Filling of shorelines, wetlands, and streams, during expansion or reconstruction of rail lines along the Columbia River, the Salish Sea, and their tributaries;
- Climate change, sea level rise, and ocean acidification from coal-fired power plants; and
- Overall degradation of our natural resources and culture

; and

WHEREAS, Northwest tribes require transparency and ongoing consultation to ensure that the permitting and Environmental Impact Statements (EIS) for all of the proposed coal ports are consistent, in light of the fact that all of our waterways are connected to one another; and

WHEREAS, that ATNI hereby declares that a mere Environmental Assessment for the Port of Morrow facility, instead of an EIS, is completely unacceptable, based on a number of

deficiencies, including but not limited to the lack of Government-to-Government consultation required with all affected tribes in the region; now

THEREFORE BE IT RESOLVED, that ATNI hereby calls upon the White House Council on Environmental Quality to require immediate preparation of a comprehensive Environmental Impact Statement for the Port of Morrow proposed coal export facility; and

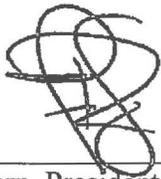
BE IT FURTHER RESOLVED, that ATNI hereby calls upon the White House Council on Environmental Quality to direct the U.S. Army Corps of Engineers (USACE) to develop a comprehensive EIS at the USACE Northwestern Division level, on the cumulative effects of all six currently proposed coal export proposals, and any future proposals, together, including analysis of the cumulative impacts of the proposals throughout the entire region and internationally, including their direct and indirect impacts on tribal cultural resources, treaty rights and interests (see attached letter); and

BE IT FURTHER RESOLVED, that ATNI hereby concludes that a separate EIS is also necessary for each of the coal export facilities individually; and

BE IT FINALLY RESOLVED, that ATNI hereby insists that the White House Council on Environmental Quality mandate all federal and state agencies to commence immediate Government-to-Government consultations with all tribes in the region, as our First Foods and resources, treaty rights and human health are directly impacted by the coal industry in the Northwest.

CERTIFICATION

The foregoing resolution was adopted at the 2012 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Wildhorse Resort and Casino, Pendleton, Oregon on September 24 – 27, 2012 with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary

Upper Columbia United Tribes
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Spokane WA 99201
US

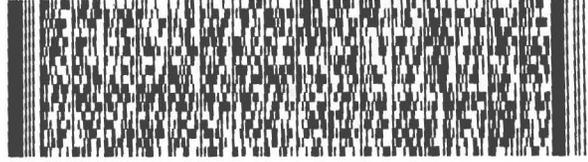
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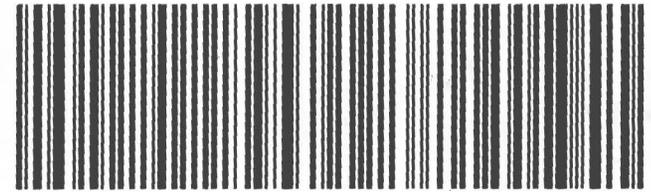


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