



# COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

700 NE Multnomah Street, Suite 1200  
Portland, Oregon 97232

(503) 238-0667  
F (503) 235-4228  
www.critfc.org

November 18, 2013

VIA Email and U.S. Post

Millennium Bulk Terminals – Longview EIS  
c/o ICF International  
710 Second Avenue, Suite 550  
Seattle, WA 98104  
comments@millenniumbulkeiswa.gov

RE: Millennium Bulk Terminals LLC, Longview Shipping Facility Project – Scoping Comments

To Whom It May Concern:

The Columbia River Inter-Tribal Fish Commission (CRITFC) appreciates this opportunity to comment on the scoping process for the state and federal environmental impact statements (SEPA and NEPA, respectively) being conducted by the State of Washington and the U.S. Corps of Engineers. We submit these comments in support of and as a companion for the comments and concerns of our member tribes, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe and the Confederated Tribes of the Warm Springs Reservation. Any comments filed by these tribes are hereby incorporated by reference.

CRITFC was formed 1977 to ensure a unified voice in our member tribes' management of their fishery resources, and as managers, to protect reserved treaty rights through the exercise of the inherent sovereign powers of tribes. CRITFC functions to protect, promote, and enhance the Columbia River Basin's anadromous fish resources consistent with the treaty-secured interests of its member tribes by formulating a broad, general fisheries program, and providing technical and legal support. The tribes recognize that to protect their fisheries, managers must take a holistic approach to recovering the fish and the ecosystems upon which those fish depend. Therefore, proposals for new developments must be examined and analyzed with the best scientific information available to determine whether the project – and the synergistic effect stemming from that project – does not place too much burden on the aquatic resources of the Basin.

## **General Site Concerns**

The Port of Longview is located within the Columbia River estuary, a valuable functioning ecosystem that has been identified by scientists and resource managers as a vital link in the lifecycle of most anadromous fish in the Basin. All anadromous species, including those listed under the Endangered Species Act, pass through or rear, in the estuary. The fact that habitat around the Port is already degraded makes it imperative that any new development cause as little injury as possible. The particular

site on which Millennium Bulk is planning to build is especially polluted, so planners need to take extra caution. On all the factors below, the State and the Corps should carefully analyze the potential effects and examine the best available science.

- **Destruction of Wetlands.** The proposal will include destruction of wetland habitat in order to build out the docks. The estuary is habitat-deficient for many aquatic species, so further loss of wetlands is a significant concern.
- **Dock Construction.** Docks have been shown to cause disparate impacts to the system depending on their location and size. Docks provide in-water refugia for aquatic predators as well as resting spots for birds that feed on outmigrating salmonid smolts. Construction of the docks diminish rearing habitat and create water quality concerns.
- **Nighttime lighting.** The proposal indicates that the project will be operated on a twenty-four hour basis. Other projects that operate at night with bright lights have been shown to benefit predators to the detriment of salmonids and other aquatic species.
- **Fugitive coal dust from the site.** Fugitive coal dust is a challenge at every point in the “coal lifecycle”, i.e., from extraction to use. The Port of Longview is subject to frequent high winds from the west and south. During certain wind patterns fugitive coal dust will impact the river regardless of the amount of surfactant and water that is applied to the coal mounds. Coal dust has been shown to contain toxic properties that pollute the air and may cause toxic water conditions.
- **Polluted Stormwater Runoff.** As the piles of coal are wetted to reduce fugitive coal dust, runoff from the coal, which may contain mercury, arsenic, lead and other pollutants, will either pollute the river or pollute the soil and be entrained into the alluvial groundwater paths. This issue must be examined and any opportunities to devise means to avoid these sources of pollution should be examined.
- **Dredging for Construction and Operations and Maintenance.** Dredging is projected to be a continual need for dock operation and will contribute long-term impacts to river flow and degrade benthic health. Repeated actions such as this will result in cumulative effects.
- **Dredge Spoils.** The site upon which this project is proposed is highly contaminated from past practices of tenants. All dredge spoils should be carefully analyzed for potential contaminants before being placed back in the riverine system, and if contaminants are found, they should be properly disposed. General concerns with dredge spoil placement should also be analyzed, including the creation or expansion of avian predator habitat.
- **Increase in Large-sized Ship Traffic.** The ships of the Panamax category, proposed for this project, will be massive for the Columbia River. Ships of this size and draft are unique for this area. Studies have shown that large ships cause huge disturbances in the system, including causing wake stranding of outmigrating smolts, bank erosion and disturbance of nearshore habitats. Adding this project to the river will increase ship traffic dramatically and will have significant negative effects on listed salmonids.

Cumulatively these activities; dock building, dredging, wetland removal and fill and excess ship traffic, can wreak havoc on the estuarine ecosystem. As more is learned about the high value of estuarine habitat, a greater understanding is being gained of the hydrodynamic impacts of various developments within the estuary. At a minimum, the analysis needs to determine a baseline bathymetry value and conduct a hydrodynamic modeling study of the effects of all these activities on the estuary, including effects on water flow, velocity, and sediment transport. The study should include various water quality parameters, including temperature.

## **Transportation**

This project is nothing without transporting coal to and from the site. And the opposite is also true, coal shipments to and from Longview will not occur without this Project. Without trains, ships and potentially, barges, no coal would be transferred to or stored at the Port of Longview. The effects of coal transportation will directly – and disproportionately – affect tribal people along the river.

Currently, rail traffic on both sides of the Columbia River is at high volume. During fishing season, tribal fishers are faced with extremely dangerous conditions as they cross rail tracks, usually without the benefit of an overpass or lighted crossing signal, in order to reach their usual and accustomed fishing sites along the river bank. This proposal will increase this traffic by an order of magnitude and will further exacerbate this situation. Neither Millennium Bulk nor Burlington Northern, which owns the rail lines, has planned to pay for crossing improvements to decrease the danger. In fact, neither entity is required to do so.

Two to three coal trains travel the Gorge area daily. Tribal fishers have reported fugitive coal dust emitting from the open cars and have noted coal dust in all areas around the train tracks. Fugitive coal dust is already a concern for tribal fishers; it is a concern for their lung health and for the health of their river and fish. Studies need to be conducted to learn about the interaction of coal and water and its bioaccumulative capacity of associated toxics with regards to fish, both anadromous and native.

Tribal fishers are very concerned about the potential for expansion of the rail along the river. As you are aware, there are multiple similar projects proposed for the area, including a handful of oil export terminals, which will burden the rail capacity as it currently exists. BNSF has claimed more than once that it wants to expand capacity. At many points along the Columbia River Gorge, there is no land available between the mountains, highway, train tracks and the river to allow for rail expansion. Where there is physical space that might allow for expansion, known issues associated with rail expansion would include:

- Construction and operating impacts on access to and use of Treaty Fishing Access Sites developed pursuant to P.L. 100-581. Seventeen are located on the Washington side of the Columbia River between Bonneville and McNary dams. Fifteen are accessed by grade level crossings.
- Construction and operating impacts on access to and use of In-Lieu Fishing sites developed pursuant to P.L. 79-14. Residents at these sites complain of coal dust emissions from current coal shipments.

- Impacts to Columbia River ecosystem functions associated with construction impacts, fill and railroad operations associated with an expanded footprint.
- Impacts to tribal cultural resources along the Columbia River, including impacts to tribal cultural properties, associated with land disturbing activities, restrictions on access, and other changes to properties affecting the Columbia River shoreline.
- Impacts to the scenic values of the Columbia River Gorge.

These impacts would be unacceptable to the tribes.

Finally, there has been some speculation that the proponent company, Ambre Energy, which is also proposing a smaller coal export project at the Port of Morrow, Oregon, would resort to using barges to move coal to Longview for this project. The tribes are on record with their concern about expanding the number of barges on the river from that which are currently active. Barges can put tribal fishers in dangerous conditions, particularly when tribal members are fishing with drift nets. Barges can also clip gill nets and destroy them. The tribes call upon the Corps of Engineers to revisit their navigation decisions and update their NEPA analysis with respect to Columbia River navigation, including these proposals – with expanded navigation – as part of the analysis.

In summary, the State of Washington and the Corps of Engineers should analyze the role transportation plays in this project and the risks and dangers posed by that transport as well as consider the multiplying effects of other similar (oil and coal) projects operating within the same region using the same transportation resources. These risks include (but are not limited to):

- An increase of large Panamax ships in the estuary that could damage fragile habitat and strand aquatic species;
- A substantial increase in current train traffic, impeding economic activity along the river and increasing train-strike danger to tribal members accessing their treaty-supported fishing sites;
- More trains increase other risks, including derailments and crashes, which, if occurred, could devastate tribal fisheries and create serious dangers to tribal fishers along the river;
- Expansion of rail in the Gorge and along the river that could include filling the river, and will likely impede or displace access to treaty fishing;
- Increase in fugitive coal dust that will pollute the river banks, the water and create great human health concerns; and
- A potential increase of riverine barge traffic, which will impede tribal fishing and create greater dangers.

## **Climate Change**

Climate change is expected to significantly alter the ecology and economy of the Pacific Northwest during the 21<sup>st</sup> century. The CRITFC tribes are among the most climate-sensitive communities <http://www.critfc.org/fish-and-watersheds/climate-change/climate-change-strategies/>, since their culture and economies are deeply connected to tribal First Foods; foremost among them water and salmon.

Increased insect outbreaks, wildfires and changing species composition in forest and upland areas will pose challenges for adequate ecosystem health. Declining springtime snowpack will also lead to reduced summer streamflows, which will strain water supplies and require alterations in hydropower operations. Coldwater fisheries such as salmon, Pacific lamprey and sturgeon will experience additional stresses as water temperatures rise and summer streamflows decline.

Salmon and lamprey are particularly susceptible to these changes in water quantity and quality not only because they rely on freshwater rivers and streams as spawning and rearing habitat and as migration corridors but also because their survival is already imperiled by an accumulation of other detrimental synergistic factors.

The resulting alteration of salmon migration patterns, degradation of salmon spawning and rearing grounds, and the increase of predators and aquatic contaminants, if not addressed, could lead to salmon, lamprey and other fish extinctions.

The proposed project will significantly add to the burdens already placed on the climate through extra diesel consumption at the outset and then later, additional CO<sub>2</sub> from coal burning emissions in Asia. These inputs may increase ocean acidification, which will directly affect anadromous fish, specifically those that return to the Columbia River. It has been demonstrated that proper ocean conditions result in healthier adult returns to the river.

The burning of coal also results in more mercury in the atmosphere that travels on the prevailing winds to deposit in the rivers and soils of the Pacific Northwest. Recently, tissue of native fish in various locations in the Basin have been found to contain high levels of methylated mercury, which is dangerous to children, elderly and pregnant women. Increasing source inputs of mercury is not the direction that we want to go. Will the ultimate consumers of this coal burn it in facilities that would operate in facilities in accordance to standards similar to the U.S. EPA's Mercury and Air Toxics Standards (MATS)? What mercury standards are in effect where this coal will be burned?

## **Scope of Analysis**

CRITFC is pleased that the State of Washington is conducting an appropriately balanced analysis that will include a broad review of all direct, indirect and cumulative effects, including climate effects. Unfortunately, however, the U.S. Corps of Engineers has failed to interpret and implement its obligations under NEPA correctly – to comprehensively examine the effects of a proposal on the human environment. Even the CEQ has included greenhouse gas emissions, among other broad issues, in its implementing regulations for NEPA. The issues that are pointed out in this letter logically stem from the proposals and are, at a minimum, reasonably foreseeable to occur. For example, but for train transport (and potentially, barge transport) there would not be a project proposed for the Port of Longview. This project cannot be reviewed in a narrow vacuum under any interpretation or construction of the NEPA statute – as well as current case law – in the way that the Corps is attempting to do. In addition, the

Corps is abdicating its trust responsibility to the tribes of the Basin by not considering how this project will reasonably and foreseeably directly, indirectly and cumulatively effect tribal treaty fishing.

Throughout the last century the river people have seen development projects come and go. Many developments remained but very few of these benefited tribal people; most have wreaked havoc on the ecosystem and brought tribal fisheries to the brink of extinction. This is the lens in which the river people view new developments that propose to destroy more aquatic habitat with little, or no, benefit to those who rely on the river for sustenance. In this light, it is important that the State of Washington and the Corps of Engineers take their respective responsibilities seriously and carefully evaluate all the impacts, broad and narrow, that could disrupt the fragile balance of the river and the region.

We appreciate this opportunity to provide scoping comments for this process. If you have any questions, please contact CRITFC staff, Julie Carter, at 503-238-0667.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Lumley', with a horizontal line underneath and the word 'for' written in cursive below the line.

Babtist Paul Lumley  
Executive Director

Enclosure

## REFERENCES

- Arkoosh, M., E. Casillas, E. Clemons, B. McCain, and U. Varanasi. 1991. Increased Susceptibility of Juvenile Chinook Salmon from a Contaminated Estuary to *Vibrio anguillarum*. *Fish and Shellfish Immunology* 1:261-277.
- Arkoosh, M., E. Casillas, P. Huffman, E. Clemons, J. Evered, J. Stein, and U. Varanasi. 1998. Increased Susceptibility of Juvenile Chinook Salmon from a Contaminated Estuary to *Vibrio anguillarum*. *Transactions of the American Fisheries Society* 127:360-374.
- Borde AB, AJ Bryson, A Cameron, C Corbett, EM Dawley, BD Ebberts, R Kauffman, GC Roegner, MT Russell, A Silva, JR Skalski, RM Thom, J Vavrinec, III, DL Woodruff, SA Zimmerman, GE Johnson, and HL Diefenderfer. 2010. Evaluating Cumulative Ecosystem Response to Restoration Projects in the Lower Columbia River and Estuary, 2009. PNNL-19440, Pacific Northwest National Laboratory, Richland, WA.
- Baptista, A. M., Y. Zhang, A. Chawla, M. Zulauf, C. Seaton, E. P. Myers, J. Kindle, M. Wilkin, M. Burla and P. J. Turner (2005). *A cross-scale model for 3D baroclinic circulation in estuary-plume-shelf systems: II. Application to the Columbia River*. *Continental Shelf Research* 25: 935-972.
- Bottom, D.L., and K.K. Jones. 1990. Species composition, distribution, and invertebrate prey of fish assemblages in the Columbia River Estuary. *Progress in Oceanography* 25:243-270.
- Bottom, D. L., C. A. Simenstad, A. M. Baptista, D. A. Jay, J. Burke, K. K. Jones, E. Casillas and M. H. Schiewe. 2005. *Salmon at River's End: The Role of the Estuary in the Decline and Recovery of Columbia River Salmon*, U.S. Dept. of Commerce NOAA Technical Memorandum NMFS-NWFSC-68.
- Burla, M., A. M. Baptista, Y. Zhang and S. Frolov. accepted. *Seasonal and interannual variability of the Columbia River plume: A perspective enabled by multi-year simulation databases*. *Journal of Geophysical Research: Oceans*.
- Dawley, E.M., R.D. Ledgerwood, T.H. Blahm, C.W. Sims, J.T. Durkin, R.A. Kirn, A.E. Rankis, G.E. Monan, and F.J. Ossiander. 1986. Migrational characteristics, biological observations, and relative survival of juvenile salmonids entering the Columbia River estuary, 1966-1983. Final Report to Bonneville Power Administration, Portland, OR, Contract DE-A179-84BP39652. 256 pp.
- Fox, D.S., S. Bell, W. Nehlsen, and J. Damron. 1984. The Columbia River estuary: atlas of physical and biological characteristics. Columbia River Estuary Data Development Program. 87 p.
- Hinton, S.A., G.T. McCabe, Jr., and R.L. Emmett. 1990. Fishes, benthic invertebrates, and sediment characteristics in intertidal and subtidal habitats at five areas in the Columbia River estuary. NMFS, Seattle, WA. 93 p

- Jones, K.K., C.A. Simenstad, D.L. Higley, and D.L. Bottom. 1990. Community structure, distribution, and standing stock of benthos, epibenthos, and plankton in the Columbia River estuary. *Progress in Oceanography* 25: 211-241.
- Ledgerwood, R.D., F.P. Thrower, and E.M. Dawley. 1991. Diel sampling of migratory juvenile salmonids in the Columbia River Estuary. *U.S. Fishery Bulletin* 68: 203-217.
- McCabe, G.T.Jr., R.L. Emmett, W.D. Muir, and T.H. Blahm. 1986. Utilization of the Columbia River estuary by subyearling chinook salmon. *Northwest Sci.* 60(2):113-124.
- McMichael GA, RA Harnish, BJ Bellgraph, JA Carter, KD Ham, PS Titzler, and MS Hughes. 2010. Migratory Behavior and Survival of Juvenile Salmonids in the Lower Columbia River and Estuary in 2009. PNNL-19545, Pacific Northwest National Laboratory, Richland, WA.
- Miller, J.A., D.J. Teel, A. Baptista, C.A. Morgan. 2013. Disentangling bottom-up and top-down effects on survival during early ocean residence in a population of Chinook salmon (*Oncorhynchus tshawytscha*). *Canadian Journal of Fisheries and Aquatic Sciences* 70(4): 617-629, 10.1139/cjfas-2012-0354.
- Roegner GC, HL Diefenderfer, AB Borde, RM Thom, EM Dawley, AH Whiting, SA Zimmerman, and GE Johnson. 2008. Protocols for Monitoring Habitat Restoration Projects in the Lower Columbia River and Estuary. PNNL-15793, Pacific Northwest National Laboratory, Richland, WA.
- Scheuerell, M.D., R.W. Zabel, and B.P. Sandford. 2009. Relating juvenile migration timing and survival to adulthood in two species of threatened Pacific salmon
- Scheuerell, M.D., R.W. Zabel, and B.P. Sandford. 2009. Relating juvenile migration timing and survival to adulthood in two species of threatened Pacific salmon (*Oncorhynchus* spp.). (*Oncorhynchus* spp.). *Journal of Applied Ecology* 46:983-990.
- Schreck, C.B., T.P. Stahl, L.E. Davis, D.D. Roby, and B.J. Clemens. 2006. Mortality Estimates of Juvenile Spring-Summer Chinook Salmon in the Lower Columbia River and Estuary, 1992-1998: Evidence for Delayed Mortality? *Transactions of the American Fisheries Society* 135(2):457-475.
- Sherwood, C.R., D.A. Jay, R.B. Harvey, P. Hamilton, and C.A. Sinenstad. 1990. Historical changes in the Columbia River estuary. *Prog. Oceanog.* 25:299-352.
- Thomas, D. 1983. Changes in Columbia River habitat types over the past century. Columbia River Estuary Data Development Program, Columbia River Estuary Study Task Force, Astoria, OR.
- USACE. 2001. *Biological assessment - Columbia River channel improvements project: An internal report to the National Marine Fisheries Service and U.S. Fish and Wildlife Service*. U.S. Army Corps of Engineers, Portland, OR

# Columbia River Inter-Tribal Fish Commission

## Resolution



### Coal Export Proposals

#### COMMISSION RESOLUTION NO. 13-01

**WHEREAS**, the Columbia River Inter-Tribal Fish Commission was formed by the Nez Perce, Umatilla, Warm Springs, and Yakama tribes to provide a joint effort to protect, promote, and enhance the Indian treaty fishery on the Columbia River; and

**WHEREAS**, the Constitution and By-Laws of the Columbia River Inter-Tribal Fish Commission recognize that fisheries are a valuable resource, and that to protect the fisheries requires holistic management of both the fish and the ecosystems upon which those fish depend; and

**WHEREAS**, the Columbia River Inter-Tribal Fish Commission's Energy Vision of 2003 contemplates taking energy demand "off the backs of salmon and the environment that supports them" as the primary goal of the region's energy policy; and

**WHEREAS**, there are numerous proposals for the export of coal in volumes over 100 million tons annually to be shipped adjacent to, in proximity to, or on the surface of the Columbia River to destinations in Oregon and Washington, including the ports of Morrow, Vancouver, Longview, and Cherry Point; and

**WHEREAS**, any of the proposed projects would pose significant risks to tribal rights and resources, including:

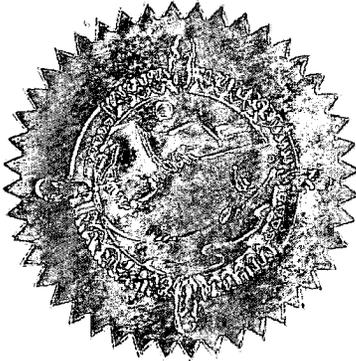
- Intrusion on and displacement of treaty-reserved traditional fishing, hunting and gathering sites;
- Degradation and destruction of cultural and religious sites;
- Harmful effects to human health related to fugitive coal dust and mercury poisoning;
- Further degradation of water quality and fish habitat;
- Filling of shorelines, wetlands, and streams during expansion or reconstruction of rail lines along the Columbia River;
- Potential for adding more mercury deposits in the region via weather patterns due to increased coal emissions in Asia.

**NOW THEREFORE BE IT RESOLVED** that the Commission opposes any project that would substantially degrade treaty fishery resources and the ecosystems upon which those resources depend; and

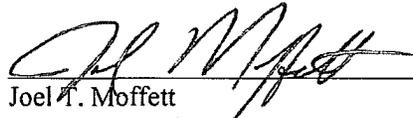
**BE IT FURTHER RESOLVED** that the Commission calls upon state, county, and federal agencies with regulatory permitting authorities to conduct comprehensive evaluations of the broad range of effects from all proposed coal export projects in the Columbia River Basin;

**AND BE IT FINALLY RESOLVED** that said Resolution has not been modified, amended, or repealed and is still in full force and effect.

**CERTIFICATION**



The foregoing Resolution was adopted at a Regular Commission Meeting of the Columbia River Inter-Tribal Fish Commission held on the 25th day of July, 2013, at which a quorum was present. The vote for the Resolution was 4 for and 0 opposed.

  
\_\_\_\_\_  
Joel T. Moffett  
Commission Chair

Attest

  
\_\_\_\_\_  
Gerald Lewis  
Commission Secretary