

**THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON**

**Warm Springs, Oregon 97761 / 541 553-1161**



November 18, 2013

Col. Bruce A. Estok  
Commander  
Seattle District, U.S. Army Corps of Engineers  
PO Box 3755  
Seattle, WA 98124-3755

Re: Comments on scope of EIS for Millennium Bulk Terminals Longview LLC Coal Export Terminal

Dear Colonel Estok,

The Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) submits the following comments regarding the above-referenced permit application. We have numerous concerns with the proposed facility. These concerns include the following:

1. Unacceptable impacts to federally protected fish species
2. Failure to show need for the project
3. Cumulative project impacts throughout Oregon and Washington.
4. Need for a Programmatic EIS for the proposed shipments of coal through Oregon and Washington

Based on these concerns, which are explained in detail below, we request that you deny this permit application as not meeting the Section 404(b)(1) Guidelines under the Clean Water Act. We also request that the U.S. Army Corps of Engineers ("Corps") prepare a Programmatic Environmental Impact Statement for this project along with the other proposed actions pursuant to the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.* ("NEPA"). The Corps should conduct formal consultation with the

U.S. Fish and Wildlife Service (“FWS”) and NMFS because of the impacts to federally-protected fish species, pursuant to the Endangered Species Act, 16 U.S.C. §§ 1531 *et seq.* (“ESA”).

Currently, coal dust is a problem in the Gorge, and would be exacerbated with an increase of coal traffic. Burlington Northern estimates that each car of coal loses 500 pounds of dust each trip, with each 100-car train potentially losing 50,000 pounds. Off-loading coal and coal pile storage at the terminal will result in dust spillage that would directly affect the river around the docks.

Coal dust contains arsenic and polycyclic aromatic hydrocarbons (PAHs), a known carcinogen. High levels of both contaminants have been found in the soil around coal piles, and arsenic can leach into water. A recent report signed by doctors in Washington noted that airborne coal dust has been associated with bronchitis, emphysema, and asthma. Coal burned in northeastern China emits mercury, which travels the jet stream to the Pacific Northwest. This would contribute to an already growing mercury problem in the basin. There is some research demonstrating this affect already occurring with the current coal use level in China.

The shipment of coal would have broad and pervasive impacts. These diverse and vast cumulative impacts would likely lead to serious, irreversible consequences on the water quality, air quality, forest land, national park land, wildlife habitat and treasured landscapes throughout the region. NEPA was intended, to “foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation.” The only way to guarantee that the natural resources and environment of Washington and Oregon are protected as required by federal law, is to require the United States to conduct a PEIS to study the cumulative impacts of coal shipments and to, in turn, draft and issue regulations promulgating the necessary protections.

The Confederated Tribes of the Warm Springs requests that the Army Corps of Engineers undertake a cumulative impacts study to determine the effects that the shipment of coal through Oregon

and Washington, including, but not limited to, impacts to the air and water quality, forest land, national park land, wildlife habitat and ecosystems.

Subsequently, the Army Corps of Engineers should issue a Programmatic Environmental Impact Statement addressing the cumulative impacts and promulgate any necessary guidance and regulations based upon the findings in the PEIS.

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. Brunoe'.

Robert A. "Bobby" Brunoe, General Manager  
Branch of Natural Resources  
Confederated Tribes of the Warm Springs Reservation of Oregon