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October 17, 2013

RECEIVED

OCT 28 2013

Maia D. Bellon, Director
Washington State Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR

Re: Scope of EIS on terminal proposal at Longview

Dear Ms. Bellon:

As an environmentally interested resident of Washington, I agree with the department's decision to conduct a separate environmental impact statement with a much broader scope than the U.S. Army Corp of Engineers. In the last decade, federal courts have seen a rise in litigation over issues concerning impact statements, with the majority of federal agencies losing these cases due to incompleteness. I fear that the U.S. Army Corp of Engineers statement could fall prey to this trend, as the most common reason agencies lost in court was due to a lack of sufficient scope. Federal courts have made it clear that agencies should "consider cumulative impacts for each resource [they] are analyzing, and carefully search out, document, and analyze all past, present, and reasonably foreseeable future actions" (Smith, M. 2005. "Recent Trends in Cumulative Impact Case Law" Paper presented at the National Association of Environmental Professionals Annual Conference, April 16-19, 2005, Alexandria, VA). Furthermore, some plaintiffs have been successful in deeming an EIS inadequate in court when an agency failed to "carefully consider whether other projects ongoing in their project area might comprise 'cumulative actions'" (*Id.*)

The terminal at Longview will affect more than just the immediate area surrounding the terminal. As a Spokane resident specifically, I am sure that the public health, environmental and business effects as a result of coal trains running through our community could be considered cumulative impacts of the proposal as "reasonably foreseeable actions" to result from the activity. Therefore, at the very least, I think the scope of the EIS should include the entire state of Washington. Please take a moment to consider the following concerns with regard to Spokane; these cumulative impacts are not unlike what any Washington community will experience if the trains are permitted to pass through their area.

The amount of overwhelming evidence that speaks to how terrible the coal train plan is seemed like a problem at first; I had to be selective and choose a plan of attack—I had to pick the best worst reason for allowing coal trains to pass through Spokane. I soon realized that this was actually a blessing in disguise. I can't imagine that there is a person in Spokane who wouldn't be concerned with at least one of the facets of life that this plan seeks to disrupt

Long term health concerns are the first obvious issue with the coal train plans. Diesel exhaust would dramatically increase cancer, asthma, and other ailments. The wide ranging health dangers of coal dust include exposure to toxic heavy metals like mercury and increased rates of asthma, especially in children. If long term health statistics don't hold weight with you, what about public nuisance concerns? If the plan were put into place, up to 18 coal trains a day could be rolling through Spokane, and these trains are the heaviest, longest and loudest trains on the rails. This added activity will limit access to

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neighborhoods, schools and businesses. If you live, go to school, have children that go to school, or work in Spokane, you will notice these effects (www.coaltrainfacts.org/key-facts).

If you still were convinced by public health or challenges to accessing the community, you might find yourself convinced by the pollution and environmental harm that the coal trains will produce. Five hundred pounds of coal can be lost from each rail car en route. Five hundred pounds of coal per 18 trains per day equals 9 thousand pounds of lost coal per day in route—some of which will most definitely be lost in Spokane. The coal dust coming off these trains would pollute our air and water, and in particular, our beloved Spokane River (www.coaltrainfacts.org/key-facts).

If you're pro-business and especially pro-railroad business, this plan will have an effect on that too; passenger rail and other freight commodities that need the region's railways would be impacted negatively. Or what about the taxpayers out there? Tax dollars would in large part fund needed upgrades to the railways, and increased coal train traffic could lower property values along the rail lines and would create congestion for critical business corridors. *See* www.coaltrainfacts.org/key-facts.

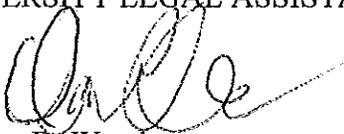
Not to mention there are concerns with our region's native population: the coal terminals would directly degrade or destroy sacred tribal ground. On the west side, our state would face concerns over marine life. The export terminals would sharply increase marine traffic, and would aid in the physical disruption of ecologically sensitive areas. *See* www.coaltrainfacts.org/key-facts.

All this negativity, destruction, and complication; one begins to ask himself or herself: what do the coal companies have in mind? What is their best argument? What is the benefit that outweighs the cost? In the end, there is nothing. The incentive for the coal companies is the same incentive they have operated under for years: profit. Their main concern is profit. Forget public health, environmental concerns, economic concerns, community concerns, native concerns, marine concerns, etc. If you identify with one of the following areas over coal company profit, this issue is a no-brainer. It is them versus the entire Spokane community; it is them versus the growth of Inland Northwest environmentally, economically, and socially.

If you care about the quality of life in Spokane in any respect, you will soon realize it is an easy decision. Stopping the coal trains would mean taking a stand for your community and for your region. Stopping the coal trains would mean caring about people over profit. In fact, considering all the evidence, stopping the coal trains is simply the right decision.

Sincerely,

UNIVERSITY LEGAL ASSISTANCE



Andrew D. Woods
Law Clerk

ADW/rke/vly