



Oct. 24, 2012

Gateway Pacific Terminal "Scoping" Comments  
[comments@eisgatewaypacificwa.gov](mailto:comments@eisgatewaypacificwa.gov)

Dear Sirs:

The scope of the Environmental Impact Statement to be required of the Gateway Pacific Terminal bulk commodities export terminal proposed at Cherry Point is now under consideration. BIAWC has not taken a stance for or against the GPT proposal, but is extremely concerned that you not apply a "cumulative" approach to scoping for this or any similar EIS.

We ask that the lead agencies limit the scope of Gateway's EIS to a site-specific study of what is proposed at the Cherry Point site and to infrastructure in Whatcom County that would support it.

We're extremely concerned about the precedent that will be set if you require a marine terminal infrastructure environmental review to include analysis of the source and destination of the commodities to be moved.

We are concerned that a "cumulative" or "programmatic" approach to an EIS is in fact an attempt to limit interstate commerce. The point of an EIS is to study the terminal design and operating impacts, not commodity impacts, which are not guaranteed in a free market system. Market forces, not regulatory agencies, determine what is shipped over our rails and roadways. It's our understanding that the railroads cannot refuse legal loads. Changing that system should demand a much broader legal debate and action than the methods used to define the scope of one project's EIS.

We're concerned that even if you wanted to, there is no accurate means of evaluating any project's actual environmental effect on a regional, national or worldwide basis. It's impossible to realistically evaluate the "cumulative" effect of any project unless you can accurately predict all other potential contributors, and their effects. How would you find that information? Where would you draw the line? How would you obtain accurate information on other contributors' future actions? If shipments of U.S. coal are said to be dangerous to the global environment, for instance, how much larger will the carbon footprint be if the Chinese instead buy softer, dirtier-burning coal from Indonesia? And who is to determine whether that would occur? We simply don't know in what directions market forces in this country or governments elsewhere, as in China, will take us. It cannot be accurately predicted.

Setting a precedent that requires a “cumulative” analysis would be economically devastating to this state and nation. Significant delays and economic problems would result for the development of freight infrastructure as a whole if our state and federal agencies shift to such broad-scale impact analysis. “Death by 1,000 lawyers” is a common tactic used by those who oppose economic development, and this is a similar approach. If we set that as a precedent, it’s doubtful that any large project could ever come to fruition. This is of grave concern to our local tax base and our governmental revenue system, and support of our community through intelligent growth and “living-wage” jobs.

Encouraging limitations to trade is also in direct opposition to our national regulatory actions. President Obama signed Executive Order 13534 on March 11, 2010, setting a goal of doubling exports in the next five years by working to remove trade barriers. On Dec. 13, 2011, the White House Council on Environmental Quality issued draft guidance stating as its purpose “efficient and timely environmental reviews.” This further notes that “NEPA encourages simple, straightforward, and concise reviews and documentation that are proportionate to and effectively convey the relevant considerations in a timely manner to the public and decision makers...” In a March 2012 Executive Order, the President further stated, “Federal permitting and review processes must provide a transparent, consistent, and predictable path for both project sponsors and affected communities.”

BIAWC asks that you limit the scope of the EIS for Gateway Pacific Terminal to the project itself. The environmental review should be project/site specific, not broadly drawn to capture the overall system of commerce across the West, the nation or the world. Doing so sets extremely bad legal precedent, runs against our national economic interests, and would be neither accurate nor practical.

Thank you for your time and attention.

Sincerely,

Don Robinson,  
BIAWC President

Brian Evans  
BIAWC Executive Officer