**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 10**
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

April 5, 2012

Mr. Steve Gagnon, Project Manager
U.S. Army Corps of Engineers
PO Box 2946
Portland, Oregon 97208-2946

Re: Comments on Public Notice for Permit Application under Section 10 of the Rivers and Harbors Act for a Coal Transloading Facility, Port of Morrow, Oregon.
U.S. Army Corps of Engineers No: NWP-2012-56
EPA Region 10 Project Number: 12-0013-COE.

Dear Mr. Gagnon:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced March 6, 2012 Public Notice for Permit Application. We are submitting comments in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We commend the Corps for a generally informative Public Notice and appreciate your clear disclosure of the project's purpose, to "Ship coal mined in Wyoming and Montana over-seas to Asia." We note that the Public Notice is soliciting comments to evaluate the impacts of the proposed activity and that comments will be used in the preparation of NEPA documents.

To assist your preparations for conducting an adequate NEPA analysis, we are sharing our perspective regarding potential environmental impacts. Our comments are structured in terms of the context and intensity components laid out in the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the NEPA, 40 CFR Part 1508.27, as this structure is helpful in determining the significance of potential impacts.

**Potential for significant impacts to public health:** Transporting and transloading up to 8.8 million tons of coal with eleven trains, twelve loaded barge tows, and two Panamax ships per week has the potential to significantly impact human health and the environment. Two of our primary preliminary concerns relate to the potential for adverse effects from project-related coal dust and diesel pollution. Coal dust is a human health concern because it can cause pneumoconiosis, bronchitis and emphysema.[1] Coal dust is an environmental concern because it may settle on water, soil, or vegetation and impair biological processes such as photosynthesis. In addition, coal dust has been shown to cause tumors in experimental animals.[2] We are similarly concerned about diesel emissions because they can cause lung damage, aggravate existing respiratory disease such as asthma and are thought to be a human

[1] http://www.osha.gov/SLTC/healthguidelines/coaldust-less5percentsio2/recognition.html
[2] *Ibid.*

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carcinogen. Diesel emissions have a high potential to impact people who are sensitive to the health effects of fine particles (e.g. children, the elderly, and those with existing heart or lung disease, asthma or other respiratory problems).[3]

We agree that all factors listed in the Public Notice[4] need to be considered as the process moves forward. Other factors, such as local air quality and haze may also require your consideration. We support and encourage your pursuit of a robust process to capture, understand and respond to concerns of the public, interest groups, and agencies.

**Controversy:** We are aware that there is a high level of interest and concern among communities, agencies, interest groups, and industries regarding proposals to ship coal mined in Wyoming and Montana to Asia. It is reasonable to expect that decision processes related to these proposals will be controversial.

**Uncertainty and unique setting:** The large quantity and high friability of Wyoming and Montana-mined coal contributes to the intensity and uncertainty of potential impacts from coal transport and transloading activities on the Columbia River - a federally designated National Scenic Area and one of our Nation's great waterbodies.

**Effects on listed species, critical habitat and aquatic resources:** According to the Public Notice, the project may affect an endangered or threatened species or its critical habitat. We would bring to your attention to the fact that impacts from project-related activities may affect critical habitat in the Port Westward area of the project corridor. A preliminary list of Endangered Species Act aquatic species with designated critical habitat likely to occur within the Port Westward area of the project corridor includes: lower Columbia River Chinook salmon ESU, upper Willamette River Chinook salmon ESU, Snake River fall run Chinook salmon ESU, Columbia River chum salmon ESU, middle Columbia River steelhead DPS, and, lower Columbia River steelhead DPS.

**Effects on cultural resources:** The project area may yield resources eligible for inclusion in the national Register of Historic Places, and project activities may affect cultural resources important to several tribes.

**Contribution to cumulatively significant impacts:** This project is one of at least six proposals to export coal from Oregon and Washington,[5] and one of at least three which will require permits from the Corps.[6] All of these projects – and others like them – would have several similar impacts. Consider, for example, the cumulative impacts to human health and the environment from increases in greenhouse gas emissions, rail traffic, mining activity on public lands, and the transport of ozone, particulate matter, and mercury from Asia to the United States. To address these and other cumulative impacts, we recommend

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[3] http://www.epa.gov/otaq/toxics.htm#health

[4] "...conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and, the needs and welfare of the people."

[5] http://ecotrope.opb.org/2012/04/desperate-to-export-a-coal-industry-close-up/

[6] Morrow Pacific Project (the subject of this Public Notice); Millennium Bulk Terminals – Longview in Longview, Washington; and, the Gateway Pacific Terminal in Bellingham, Washington

that the Corps conduct a thorough and broadly-scoped cumulative impacts analysis of exporting large quantities of Wyoming and Montana-mined coal through the west coast of the United States to Asia. This cumulative impacts analysis could be used in the environmental analyses of other proposed coal export projects of similar scope.

Finally, we encourage the Corps to integrate environmental review and consultation requirements into a single NEPA process. For example, integrating the NEPA process with those for permitting under Section 404 of the Clean Water Act and consultation under Section 106 of the National Historic Preservation Act would result in streamlined and consistent agency decision-making, enhanced public disclosure, and better predictability for the applicant.

We appreciate this opportunity to comment. If you have any questions or concerns I can be reached by email at kelly.kate@epa.gov, or by telephone at (206) 553-1271.

Sincerely,

Kate Kelly, Director
Office of Ecosystems, Tribal and Public Affairs