Washington State Labor Council, AFL-CIO

JEFF JOHNSON, *President* • LYNNE DODSON, *Secretary-Treasurer*

314 FIRST AVENUE WEST • SEATTLE, WASHINGTON 98119
TELEPHONE: (206) 281-8901 OR 1-800-542-0904
FAX (206) 285-5805
E-MAIL: WSLC@WSLC.ORG • WEB: WWW.WSLC.ORG

January 21, 2013

Gateway Pacific Terminal/Custer Spur EIS
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

To Whom It May Concern:

Please find below the comments from affiliate representatives of the more than 425,000 working families represented by the Washington State Labor Council, AFL-CIO and its more than 500 affiliated unions, regarding the Gateway Pacific Terminal/Custer Spur EIS.

We appreciate the opportunity to present comments to you regarding the Gateway Pacific Terminal/Custer Spur EIS. While there are multiple proposals for moving commodities overseas through seaport development, we have only endorsed a single proposal: Gateway Pacific Terminal. We are committed to a design of the highest and best science. We intend to promote the safest design for the workers and community in which the project resides. We support mitigation and remedies as outlined below that will lessen community risk, lessen worker risk, and lessen risk to our environment.

Having participated in all of the public hearings, we ask you to resist being drawn in to issues that we believe are distractions and beyond the scope of the EIS. One such distraction is the coal dust concern. We find no reported health claims from any state or federal agency regarding coal dust from trains in Washington State. Further surfactants cover the coal on train cars for the purpose of suppressing dust, the workers who have moved the trains for the past 25 years have not suffered injury, and the Gateway Pacific Terminal project proposes covered unloading areas and covered conveyors. Similarly we find the suggestion of studying diesel particulates from Wyoming to China to be a distraction beyond the scope of the EIS and intended to distort public perception.

Finally, we believe that suggestions to study grade crossings and rail improvements beyond the Custer Spur and, perhaps, Whatcom County, go beyond the scope of this EIS, though certainly within the purview of other entities, should they chose to enter negotiations with a common carrier.

We do, however, want indigenous tribes' cultural claims to be reviewed and considered. Where there are legitimate claims, they need to be addressed. We all have significant interest in preserving healthy fisheries.

Respectfully, we would like to draw your attention to several issues relating to the industrial site, and the EIS process, and what we believe are important areas to study in the marine environment, including safety and incident response, as well as the socio-economic environment of the community where the project proposes to locate. We believe the EIS review should include:

1. We would encourage you to make a determination that a site-specific EIS is the appropriate way forward. The Army Corp of Engineers, the WA Public Ports Council, local development entities and private individuals have all written on this subject in a very comprehensive way. While comparisons abound, just one recent comparison of a scoping process and EIS within sixty miles of Gateway involved the additional rail and necessary transfer infrastructure for the Tesoro Refinery in Anacortes to be able to receive Bakken Oil from North Dakota. Very similar aspects of the two developments become obvious; an industrial area is expanded in order to accommodate the input of a commodity product which is then distributed by rail and ship. There are several of these proposals in various locations due to the Bakken fields coming online. This was a site-specific EIS for a location specific industrial development. The Gateway Pacific Terminal is no different and should be evaluated in the same way.
2. We encourage you to review the Martin and Associates Study of economic impact to the local area as you review other social and economic factors. Martin and Associates' modeling is accepted worldwide as a definitive model of direct, indirect and induced economic factors relating to a port facility such as Gateway. As such, we hope you will review the impact of the economics of an industrial development on industrially zoned land, and determine that economic impact is relevant to the EIS review. The socio-economic impact of a project, with as many opportunities for short- and long-term employment as this one proposes, will provide many social improvements in the communities surrounding it due to the increased tax revenues produced, increased wages in the communities, increased security of families, and improved economic diversification.
3. We ask you to study the proposed site, specifically the fencing that is proposed to mitigate our winter and summer high winds and, additionally, the fast-growing tree buffer that the applicant intends to use. We believe that it is important to review representative wind speed and directions in all seasons in order to determine whether the fence and tree buffer proposed by the applicant as mitigation are sufficient or whether there is need for a more substantial

mitigation. We are concerned that even a fast-growing tree buffer will need to have an alternative for the first fifteen years of growth, and we are additionally concerned that if the tree buffer is deciduous, there will need to be studies to determine if said buffer is sufficient in any case, due to the high winter winds from the NE, SE, and SW, depending on the origination of the storm system.

4. We ask you to review the water right available to the applicant, in order to determine whether it is sufficient in all seasons to properly wet the surface of the coal pile.
5. The Washington State Labor Council, AFL- CIO is a member of the Puget Sound Harbor Safety Committee. This committee was created by federal Port Safety and Security legislation to provide for all stakeholders to have a place to review and comment on the safety and security of the public waterways surrounding Washington State, from the Pacific Ocean Gateway Pacific Terminal/Custer Spur EIS approaches to the Strait of Juan de Fuca to Puget Sound and the Strait of Georgia and approaches. Many of the Vessel Risk Assessment studies are being reviewed there, and input from stakeholders, including labor, will be contained in those assessments when they are completed and made part of the full application.
6. We encourage you to review the comments by Capt. Michael Moore, former Coast Guard Captain of the Port (the area referred to, above), regarding vessel traffic baselines that exist, and baselines that are needed. We concur with the Captain's urging to not make assumptions on yearly increases to bear on the data. And we also ask you to not make assumptions of collision from other areas into our waterway. There has been no collision or grounding caused oil spills by cargo vessels transiting to or from Puget Sound ports in 40 years of recordkeeping. We encourage you to study and focus on peak activity days or scenarios where vessel transits could be bunched closer together, and make risk mitigation determinations on that basis.
7. There are comments that recommend certain maritime risk studies be coordinated. While we do not want to duplicate efforts, we ask the regulatory partners not to lose sight of the rationale under which these assessments are being made. We would not want to lose an area of justified study for assessment, mitigation or alternative treatment in order to "streamline" or "coordinate" activities that appear similar at first glance.
8. We recommend that you include a comprehensive assessment of suitable tug availability that includes the distribution of tugs in the study area, both during escort and assist work, as well as during repositioning transits and most common mooring locations in-between jobs. With respect to mooring locations, please fully consider tug mooring capabilities at or near the proposed Cherry Point Gateway terminal in addition to the current locations used by tugs in the area.

Finally, we want to thank the regulatory partners for the opportunity to comment seriously on this proposal. We are available to provide additional information, should you require it.

Sincerely,

Jeffrey G. Johnson
President

Vince O'Halloran
President, Puget Sound
Ports Council

Nicole Grant
Exec. Director
Cert. Electrical
Workers of WA

Dan McKisson
President, ILWU
Puget Sound District
Council

Mike Elliott
WA State Legislative
Brotherhood of Locomotive
Engineers

Lee Newgent
Exec. Secretary
Seattle Building and
Construction Trades
Council

Dave Myers
Executive Secretary
WA State Building and
Construction Trades
Council

Mark Lowry
President
NW WA Central
Labor Council

Larry Brown
Legislative Director
WA Machinists Council

Herb Krohn
State Legislative Director
United Transportation Union

Bob Guenther, Chair
WSLC Economic Development
and Job Retention Committee

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