



FRIENDS OF THE COLUMBIA GORGE

SUBMITTED VIA E-MAIL AND FIRST-CLASS MAIL

January 21, 2013

Mr. Randel Perry, U.S. Army Corps of Engineers, Seattle District
Tyler R. Schroeder, Designated SEPA Official
c/o GPT/BNSF Custer Spur EIS Co-Lead Agencies
CH2MHILL
1100 112th Ave. NE, Suite 400
Bellevue, WA 98004

RE: Scope of Review for the Gateway Pacific Terminal/BNSF Custer Spur EIS

Dear Mr. Perry and Mr. Schroeder:

Friends of the Columbia Gorge submits the attached comments on the scope of review for the environmental impact statement to be prepared for the Gateway Pacific Terminal and Custer Spur Rail Expansion Project. 77 Fed. Reg. 58531 (Sept. 21, 2012). Friends has also joined comments prepared by Earth Justice on behalf of a coalition of conservation organizations. The attached comments are intended to supplement the comments submitted by Earth Justice.

Sincerely,

Richard Till
Conservation Legal Advocate

**Comments to the U.S. Army Corps of Engineers and Whatcom County
on the Scope of the Environmental Impact Statement
for the Gateway Pacific Terminal**



**Submitted by
Friends of the Columbia Gorge
January 21, 2013**

Cover photo © Coal dust and debris at Columbia Hills State Park. Photo by Julie Coop.
Coal trains would cause significant adverse impacts to sensitive resources while delivering coal to the Gateway Pacific Terminal.

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LIST OF ATTACHMENTS

- A. Declarations of Jeremy Bechtel and Matt Ryan

- B. Articles and Reports on Train Derailments:
 - The Seattle Times, *Coal train derails in Columbia River Gorge*, (July 2, 2012)
 - Tri City Herald, *Coal Train Derailment* (July 3, 2012)
 - Chicago Tribune, *2 bodies inside car found in wreckage from train derailment*, (July 5, 2012)
 - The Seattle Times, *26 Hurt When Amtrak Train Derails Along Columbia Gorge Route*, (April 4, 2005)
 - U.S. E.P.A., *Making Environmental Progress, Improving Local Communities Accomplishments of the EPA Region 10 Superfund Program* (Jan. 2004) (Excerpt attached).

INTRODUCTION

Friends of the Columbia Gorge (“Friends”) submits these comments to the U.S. Army Corps of Engineers (“the Corps”) and Whatcom County regarding the scope of the Environmental Impact Statement (“EIS”) for the Gateway Pacific Terminal. Friends is a nonprofit organization with approximately 5,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Friends’ membership lives, works, and plays in the Columbia River Gorge and would be adversely affected by the direct, indirect, and cumulative impacts caused by the proposed coal export facility. Friends has also signed onto comments submitted by Earthjustice. The following comments are provided to supplement Earthjustice’s submission with additional information regarding potential impacts to the Columbia River Gorge.

The proposed Gateway Pacific Terminal is part of a larger proposal to export 48 million tons of coal per year from the Powder River Basin in Wyoming and Montana to markets in Asia. The proposal would require coal to be transported by train to the Gateway Pacific Terminal, with the most likely route being through the Columbia River Gorge. The proposal would cause a significant increase in the number of coal trains passing through the Columbia River Gorge. This would cause significant adverse impacts to the communities and the natural, scenic, cultural, and recreational resources of the Columbia River Gorge. Because of this causal relationship, the scope of the EIS must include full disclosure of all direct, indirect, and cumulative impacts to the Columbia River Gorge.

BACKGROUND

I. The affected environment

The impacts of the proposed Gateway Pacific Terminal would not be limited to the project site or immediate vicinity. The affected environment includes all communities and resources that would be directly, indirectly, or cumulatively affected by all stages in the process. This includes mining in the Powder River Basin, transportation via rail through Montana, Idaho, and Washington, transferring the coal to ocean-going vessels at the Gateway Pacific Terminal, the combustion and release of air pollutants in China, and the dispersal of air pollutants back to the United States. This comment will focus primarily on the scope of likely impacts to communities and resources in the Columbia River Gorge.

The Columbia River Gorge is a national treasure. In 1986 Congress recognized the national significance of the Gorge and created the Columbia River Gorge National Scenic Area to protect and enhance the aesthetic, biological, ecological, historic, and recreational values in the Gorge. *See* Columbia River Gorge National Scenic Area Act (“Scenic Area Act”), 16 U.S.C. §§ 544–544p. The Gorge, under the protection of the Scenic Area Act, offers a stunning array of sensitive resources, including scenic and historic views along the Columbia River, site of the final portion of Lewis and Clark’s journey across the West. The Gorge has been occupied by Native American tribes for more than 10,000 years, and the scenic, natural, and cultural resources of the Gorge remain critical to sovereign Native American governments.

Additionally, the Gorge offers unique recreational opportunities with its many side-river canyons, ridgetops, and the Columbia River itself. Hiking, bicycling, river rafting, kayaking, skiing, boating, fishing, camping, kiteboarding, windsurfing, birdwatching, and wildflower viewing are all pursued actively by the public throughout the Gorge. The Columbia River itself is a world-renowned windsurfing and kite boarding destination that is contingent on public access across rail lines to high-quality recreation sites on the Columbia River. The Gorge also has a growing agri-tourism industry centered on the local vineyards and wineries that form the Columbia Gorge American Viticultural Area (“AVA” or “appellation”).

The National Scenic Area is also a working landscape, sustained economically by agricultural and forest lands and 13 designated urban areas. The urban areas in the National Scenic Area are generally located along the Columbia River and straddle the highway and railroad transportation corridors that run the length of the Gorge in both Washington and Oregon.

In its November/December 2009 issue, *National Geographic Traveler* ranked the Columbia Gorge region sixth internationally, and second in the nation, among “iconic destinations.” The Gorge was ranked higher than all of the county’s national parks that were surveyed, and higher than Tuscany, Italy; the Serengeti Plains; and Mount Kilimanjaro. A primary reason given by *National Geographic* for the Gorge’s high ranking was the Gorge’s international reputation for “an incredible job of protecting the views.” Another stated reason was the Gorge’s “[g]reat potential for ‘agritourism and geotourism.’”

The Gorge has long been considered a special area. In 1915, the U.S. Forest Service (“USFS” or “Forest Service”) established Eagle Creek as the first Forest Service Recreation Area in the nation. The following year, the Gorge was proposed as a National Park. Continuing development pressures led to the establishment of the National Scenic Area in 1986. Today the Gorge contains hundreds of miles of hiking and bike trails through locales as diverse as misty river canyons and arid grassland plateaus. The Gorge also contains dozens of lakes, parks, campgrounds, and other recreational areas.

The proposed Gateway Pacific Terminal would export 48 million tons of coal annually from the Powder River Basin by rail through the Columbia River Gorge to markets in Asia. The Project would likely require 11 round-trip coal trains per day, for a total of 22 trains per day, each about one and one-half miles long, travelling through the Columbia River Gorge. The coal would be transported in uncovered coal cars that would deposit literally thousands of tons of coal dust and debris in the Gorge’s air, lands, and waters during transport. This coal dust and debris would be deposited directly into the Gorge’s communities and directly into public recreation sites. The increased rail traffic would likely require the construction of new rail sidings on and near sensitive scenic, natural, recreational, and cultural resource lands. The increased diesel emissions would further degrade already impaired air quality. Combined with other coal export proposals, the Gateway Pacific Terminal has the potential to cause major environmental impacts in one of the nation’s most important heritage landscapes.

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II. The National Environmental Policy Act

A major purpose of the National Environmental Policy Act (“NEPA”) is to ensure that federal agencies conduct fully informed environmental decision-making. NEPA promotes its sweeping commitment to “prevent or eliminate damage to the environment and biosphere” by focusing the attention of federal decision makers and the public on the environmental and other impacts of proposed agency action. 42 U.S.C. § 4321. By focusing agency attention on the environmental and socioeconomic impacts of a proposed action, NEPA ensures that the agency will not act on incomplete information, only to regret its decision once finalized. *See Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

To that end, “[t]he sweep of NEPA is extraordinarily broad, compelling consideration of any and all types of environmental impacts of federal action.” *Calvert Cliffs’ Coordinating Comm. v. United States Atomic Energy Comm’n*, 449 F.2d 1109, 1122 (D.C. Cir. 1971). An agency must “take the initiative of considering environmental values at every distinctive and comprehensive stage of the process.” *Id.* at 1111.

III. The State Environmental Policy Act

The Washington State Environmental Policy Act (“SEPA”) applies to state and local governmental actions and decisions. SEPA’s general purpose is to require consideration of environmental factors at the earliest possible stage in order to allow decisions to be based on a complete disclosure of environmental consequences. *See Stempel v. Dept. of Water Resources v. City of Kirkland*, 82 Wn. 2d. 109, 118 (1973). Agencies are required to engage in an open and public study of environmental impacts at the earliest possible time. RCW § 43.21C.030(b); *see also* WAC § 197-11-300.

Agencies must assess the likely cumulative, direct, indirect, short-term, and long-term impacts to the environment. WAC 197-11-030(2)(b), (2)(g); *see also* State Environmental Policy Act Handbook (SEPA Handbook) at 2 (2003). Agencies must also evaluate alternatives and mitigation measures. WAC 197-11-055(2)(c); *see also* SEPA Handbook at 2. Agencies “shall not limit” consideration only to impacts within the boundaries of the agencies’ jurisdiction. WAC 197-11-060(4).

For projects with likely significant impacts, environmental impact statements are required to ensure that government agencies and interested citizens have an opportunity to thoroughly review environmental impacts of proposed actions at the earliest possible stage; the agency must use the EIS in planning actions and making decisions. WAC 197-11-400(4). “The primary purpose of an environmental impact statement is to ensure that SEPA’s policies are an integral part of the ongoing programs and actions of state and local government.” WAC 197-11-400(1).

The EIS must be *impartial* and must inform decision makers of alternatives and mitigation measures that avoid or minimize impacts of a proposed action. WAC 197-11-400(2). The EIS must not merely rationalize a predetermined outcome. WAC 197-11-402(10). (“EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather

than justifying decisions already made.”) Rather, the EIS must include sufficient objective analysis to actually inform the agency’s decision-making process.

The EIS must be completed early enough to serve as a practical contribution to the decision-making process. WAC 197-11-406 (“The statement shall be prepared early enough so it can serve practically as an important contribution to the decision making process and will not be used to rationalize or justify decisions already made.”); *see also King County v. Boundary Review Board*, 122 Wn. 2d 648, 666, 860 P.2d 1024 (1993); *Barrie v. Kitsap County*, 93 Wn. 2d 843, 854, 613 P.2d 1148 (1980); *Mentor v. Kitsap County*, 22 Wn. App. 285, 291, 588 P.2d 1226 (1978).

For projects with potentially significant or serious impacts, SEPA requires the same hard look that NEPA does. “The level of detail shall be commensurate with the importance of the impact,” and in the face of any scientific uncertainty, the EIS must disclose the uncertainty and analyze the worst case scenario and the likelihood of its occurrence. WAC 197-11-402(2) and 197-11-080(2), (3).

DISCUSSION

I. The EIS must not be unreasonably narrow, and the range of alternatives must provide actual choices for opportunities to avoid or mitigate the environmental impacts of the proposal.

A. The purpose and need for the proposal must be sufficient to ensure the EIS can address a broad range of alternatives.

The Corps and Whatcom County must first reasonably and objectively define the purpose and need of a proposed action. *See Simmons v. United States Army Corps of Eng’rs*, 120 F.3d 664, 666 (7th Cir. 1997) (citing *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 195–96 (D.C. Cir. 1991)). The statement of purpose and need effectively dictates the range of alternatives evaluate in an EIS. *Id.* NEPA requires federal agencies to “rigorously explore and objectively evaluate all reasonable alternatives” to a proposed action. 40 C.F.R. § 1502.14(a).

“[A]n agency cannot define its objectives in unreasonably narrow terms.” *City of Carmel-By-The-Sea v. United States Dep’t of Transp.*, 123 F. 3d 1142, 155 (9th Cir. 1997). “An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative . . . would accomplish the goals of the agency’s action, and the EIS would become a foreordained formality. *Nat’l Parks & Conservation Ass’n v. Bureau of Land Mgmt.*, 606 F.3d 1058, 1070 (9th Cir. 2010). Moreover, an agency may not allow the economic needs and goals of a private applicant to define the purpose and need, and hence the inevitable outcome, of an EIS. *Id.*

The Notice of Intent describes the proposal as “providing facilities suitable for the shipping and receiving of dry bulk good (grains, ore, coal, etc.) and for handling rail traffic to the new facility.” 77 Fed. Reg. 58532 (Sept. 21, 2012). There does not appear to be any demand, however, for a new facility to transport any of the listed dry goods, other than coal. If other dry

goods, such as grains, are actually under consideration, the Corps must clearly articulate a purpose and need statement that affords an opportunity to explore alternative facility designs that would allow for the export of grains and other dry goods while precluding the possibility of exporting coal.

The applicant's economic goals and needs are to export Powder River Basin coal to markets in Asia for significant profit. To accomplish this goal, the applicant would need a new export facility for transferring coal from trains to ocean-going vessels. The applicant would also need to increase coal-train traffic between the Powder River Basin and the Gateway Pacific Terminal. Given that this proposed facility is one of several proposals to ship coal from the Powder River Basin to Asia, a comprehensive, area-wide EIS needs to be prepared in order to address these multiple proposals on a regional basis and analyze various siting and transportation alternatives.

The purpose and need statement should also consider the economic development, employment, and environmental needs of Whatcom County and the need to address global energy demand while responding to the critical need to protect the global climate.

Ultimately, the Corps and Whatcom County need to adopt a broader purpose and need statement and a sufficiently wide range of alternatives to provide meaningful choices, as well as opportunities to avoid the likely significant direct, indirect, and cumulative impacts of a coal export facility.

B. The scope of review must consider a broad range of alternatives to address the purpose and need for the project, including alternatives that would avoid coal export.

Both NEPA and SEPA require the EIS to include a sufficient range of alternatives to give meaningful choices that would avoid significant adverse impacts to the environment. The alternatives analysis must also provide an opportunity to identify mitigation measures that reduce environmental impacts.

“The purpose of NEPA is to require disclosure of relevant environmental considerations that were given a ‘hard look’ by the agency, and thereby to permit informed public comment on proposed action and *any choices or alternatives that might be pursued with less environmental harm.*” *Te-Moak Tribe of Western Shoshone of Nevada v. United States Dep’t of the Interior*, 608 F.3d 592, 601 (9th Cir. 2010) (quoting *Lands Council v. Powell*, 395 F.3d 1019, 1027 (9th Cir. 2005) (emphasis added)); *see also* 42 U.S.C. § 4332(E) (requiring agencies to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources”). Agencies are required to consider alternatives in an EIS and must give full and meaningful consideration to all reasonable alternatives. *Id.*; *see also* 40 C.F.R. § 1508.9(b). “The existence of a viable but unexamined alternative renders an environmental impact statement inadequate.” *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir.1985).

Likewise, SEPA requires an EIS to evaluate alternatives. RCW 43.21C.030(2)(c)(i). The applicable guidelines are found at WAC 197-11-440(5). An alternative considered for purposes of an EIS need not be certain or uncontested, it must only be reasonable. *King County v. Central Puget Sound Growth Mgmt. Hearings Bd.*, 138 Wn.2d 161, 184–85, 979 P.2d 374, 385 (1999). A reasonable alternative is one that could feasibly attain or approximate a proposal’s objectives at a lower cost to the environment. *Id.*; see also WAC 197-11-440(5)(b).

According to the applicable federal regulations, an EIS “shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.” 40 C.F.R. § 1502.1. CEQ clarified the meaning of this requirement in its “Forty Most Asked Questions” policy guidance by defining “reasonable alternatives” as including “those that are *practical or feasible* from the technical and economic standpoint and using common sense, rather than simply *desirable* from the standpoint of the applicant.” Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026 (Mar. 23, 1981) (emphasis in original).

When selecting alternatives, an agency may *consider* an applicant’s desires, but is not by any means bound or limited by them. It is not appropriate for an agency to rely on the “self-serving statements of the project applicants.” *Southern Utah Wilderness Alliance v. Norton*, 237 F. Supp. 2d 48, 53 (D.D.C. 2002). Instead, the action agency must “to the fullest extent possible . . . study, develop and describe appropriate alternatives to recommended courses of action in any proposal [that involves] unresolved conflicts concerning alternative uses of available resources.” *Id.* at 54 (citing 42 U.S.C. § 4332(2)(E)). Moreover, “[o]ther factors [other than the applicant’s desires] to be developed during the scoping process—comments received from the public, other government agencies and institutions, and development of the agency’s own environmental data—should certainly be incorporated into the decision of which alternatives to seriously evaluate in the EIS.” CEQ, Guidance Regarding NEPA Regulations, 48 Fed. Reg. 34,263, 34,267 (July 28, 1983).

Indeed, under NEPA, the EIS may even have to look at alternatives over which the applicant has no control. *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 835 (D.C. Cir. 1972); *Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serrv.*, 235 F. Supp.2d 1143 (W.D. Wash. 2002). Further, it is irrelevant whether an applicant already owns alternative sites for the purposes of NEPA review: “The fact that this applicant does not now own an alternative site is only marginally relevant (if it is relevant at all) to whether feasible alternatives exist to the applicant’s proposal.” *Van Abbema v. Fornell*, 807 F.2d 633, 638 (7th Cir. 1986).

Similarly, SEPA also requires a discussion of alternate development sites for a proposed project in order to have an adequate discussion of reasonable alternatives. See *Barrie v. Kitsap County*, 93 Wn.2d 843, 855, 613 P.2d 11481155 (1980) (EIS was inadequate because it looked only at the use of the applicant’s private property for siting a shopping center, and failed to discuss alternative development sites).

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Here, the Notice of Intent sets forth an unacceptably narrow range of alternatives to be considered in the EIS:

The EIS will address an array of alternatives for providing facilities suitable for the shipping and receiving of dry bulk goods (grains, ore, coal, etc.) and for handling rail traffic to the new facility. Alternatives analyzed during the investigation may include but are not limited to no-action, alternative sites, alternative methods for shipping and handling bulk goods, alternative facility designs, and alternatives for the railroad spur upgrades. Mitigation measures may include but are not limited to avoidance of sensitive areas, creation or enhancement of marine macroalgae beds, and creation, restoration, or enhancement of wetlands.

77 Fed. Reg. 58532 (Sept. 21, 2012). The Notice of Intent appears to narrowly define the area of potential effect to the vicinity of the proposed facility. The proposal would likely cause impacts to a substantially broader area, including; the Powder River Basin; lands, waterways and communities along the transportation route including the Columbia River Gorge; and the global climate. The Corps and Whatcom County must explore alternatives that would avoid or minimize all reasonably foreseeable impacts.

As explained above, the primary driver for the proposed export facility is the applicant's desire to export Powder River Basin coal to Asian markets. Despite the applicant's economic goals, the Corps and Whatcom County must define a broader purpose and need and consider a broader range of alternatives for consideration. The range of alternatives considered in the EIS should include:

- Alternatives that better address the economic and environmental needs of the region and do not expand global reliance on fossil fuels responsible for causing catastrophic climate change. For example, the EIS should consider a facility that handles bulk dry goods such as grains while prohibiting the export of coal and avoiding the direct, indirect, and cumulative impacts of coal export.
- Alternative transportation routes that do not pass through federally protected areas like the Columbia River Gorge.

A sufficient range of alternatives would give the Corps and Whatcom County the ability to identify options that avoid or minimize unnecessary adverse impacts to the environment. This broad analysis is required by both NEPA and SEPA.

II. The EIS must analyze all direct, indirect, and cumulative impacts of the proposal.

A. NEPA and SEPA require analysis of direct, indirect, and cumulative impacts of a project.

Under NEPA, an EIS must consider direct effects, indirect effects, and cumulative effects. "Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural,

economic, social, or health, whether direct, indirect, or cumulative.” 40 C.F.R. § 1508.8. The direct effects of an action are those effects “which are caused by the action and occur at the same time and place.” 40 C.F.R. § 1508.8(a).

The indirect effects of an action are those effects “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8(b). For example, “[i]ndirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” *Id.* These types of growth-inducing impacts must be analyzed, even when they are characterized as “secondary.” *City of Davis v. Coleman*, 521 F.2d 661, 676 (9th Cir. 1975) (requiring EIS to address growth-inducing impacts of freeway interchange planned in agricultural area on the edge of urban development); *see also Swain v. Brinegar*, 542 F.2d 364, at 370 (7th Cir. 1976) (Federal Highway Administration was required to consider the effects of possible future highway construction that would be made possible by a proposed highway project, particularly when the proposed segment would have “no utility” absent related development.) In fact, “[f]or many projects, these secondary or induced effects may be more significant than the project’s primary effects While the analysis of secondary effects is often more difficult than defining the first-order physical effects, it is also indispensable.” Fifth Annual Report of the Council on Environmental Quality, 410-11 (December 1974).¹

A cumulative impact is the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.” 40 C.F.R. § 1508.7. NEPA requires that an EIS assess cumulative impacts in sufficient detail to be “useful to a decision maker in deciding whether, or how, to alter the program to lessen cumulative impacts.” *City of Carmel-By-The-Sea v. United States Dep’t. of Transp.*, 123 F.3d 1142, 1160 (9th Cir. 1997). The cumulative impacts analysis for a proposed project must examine past, present, and proposed/reasonably foreseeable actions in the same area. 40 C.F.R. §§ 1508.7, 1508.25, 1508.27(b)(7); *Tomac v. Norton*, 433 F.3d 852, 864 (D.C. Cir. 2006).

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. “To consider cumulative effects, some quantified or detailed information is required. Without such information, neither the courts nor the public, in reviewing [an action agency’s] decisions, can be assured that the [agency] provided the hard look that it is required to provide.” *Neighbors of Cuddy Mountain v. United States Forest Serv.*, 137 F.3d 1372, 1379 (9th Cir. 1998). The cumulative effects of the proposed action, combined with the cumulative effects of other proposed actions, must be described in detail. *Muckleshoot Indian Tribe v. United States Forest Serv.*, 177 F.3d 800, 810 (9th Cir. 1999). Broad and general statements “devoid of specific, reasoned conclusions” are not sufficient; neither are one-sided cumulative impact statements. *Id.* at 811.

¹ Available at <http://www.slideshare.net/whitehouse/august-1974-the-fifth-annual-report-of-the-council-on-environmental-quality>.

All phases and portions of a project must be evaluated at the outset during environmental review of the first phase. *See Merkel v. Port of Brownsville*, 8 Wn. App. 844, 850–51, 509 P. 2d 390, 395 (1973); *Indian Trail Property Owner’s Ass’n v. City of Spokane*, 76 Wn. App. 430, 443, 886 P.2d 209 (Wn. App. 1994).

SEPA requires the scope of environmental review to include direct, indirect, and cumulative impacts to elements of the environment. WAC 197-11-792(2)(c) (scope of review), 197-11-752 (impacts), 197-11-444 (elements of the environment). “Impacts include those effects resulting from growth caused by a proposal.” WAC 197-11-060(4)(c). The EIS “shall not limit its consideration of a proposal’s impacts only to those aspects within its jurisdiction, including local or state boundaries.” WAC 197-11-060(4)(b). If the project would be “dependent on subsequent proposed development,” it must analyze the cumulative impacts of that development. *Boehm v. City of Vancouver*, 111 Wn. App. 711, 720, 47 P.3d 137 (2002). Lead agencies must consider impacts to sensitive areas that would be adversely impacted by development. *See Swift v. Island County*, 87 Wn. 2d 348, 552 P.2d 175 (1976) (requiring an EIS for private development that would cause adverse impacts (traffic, visual impacts, and wildlife impacts) in sensitive areas, including a state-designated scenic and recreational highway, an Audubon Society-designated Important Bird Area, a state park, and a historic district).

B. The Gateway Pacific Terminal would cause indirect and cumulative adverse impacts to the Columbia River Gorge.

The proposed Gateway Pacific Terminal would export 48 million tons of coal annually from the Powder River Basin by rail through the Columbia River Gorge to markets in Asia. The construction of this terminal would create a clear, certain, and substantiated causal chain of events that would result in adverse impacts to the Columbia River Gorge. Indeed, the Gateway Pacific Terminal would have no independent utility of, and would be completely dependent on, trains delivering coal from the Powder River Basin. The likely impacts of increased coal train traffic are neither remote nor speculative; rather, they are proximate and certain.

The transport of 48 million tons of coal would require approximately 22 train trips per day with 11 trains per day loaded with coal. Each train would be about one and one-half miles long. At that rate, the Gateway Pacific Terminal alone would require more than 8,000 train trips per year.

1. Coal trains release coal dust and debris causing adverse impacts to the resources in the Columbia River Gorge.

Open coal trains lose huge volumes of coal dust and debris during transportation. According to Burlington Northern Santa Fe (“BNSF”) studies, between 500 lbs. to 2000 lbs. of coal can be lost in the form of dust for each rail car.² In other studies, as much as three percent of the coal in each car (around 3600 pounds per car) can be lost in the form of dust. A study of a

² *See* Hearing, July 29, 2010, Arkansas Electric Cooperative Association—Petition for Declaratory Order, Surface Transportation Board, Docket No. FD 35305, at 42: 5-13.

West Virginia rail line found that one pound of coal per car per mile is lost from coal trains.³ At this rate, one coal train with 120 cars traveling 85 miles through the Columbia River Gorge National Scenic Area could lose just over 10,000 pounds of coal in the Gorge. One coal train per day for 365 days is 3,650,000 lbs. per year deposited on Gorge lands and in Gorge waterways. 20 trains per day would deposit 73 million lbs. of coal in the Gorge. Converted to short tons this is 36,500 tons per year of coal pollution.

Aggregated annually, the potentially 4,000 fully loaded trains that would transport coal per year through the Columbia River Gorge would cause a huge volume of coal to escape into the air, land, water, and communities of the Columbia River Gorge. The impacts from coal dust and debris from coal trains is already a significant impact to the Gorge. In 2008 the BNSF rail line in the Gorge had 32 trains per day pass through the Gorge.⁴ The number of trains carrying coal is uncertain, but anecdotal evidence supports and estimate of a few trains per week. Even with the relatively low number of coal trains currently passing through the Gorge, coal trains have been documented (as described below) releasing coal dust and debris. The proposal would create a significant, likely exponential increase to rail traffic and coal dust and debris in the Gorge.

The proposal is one of five pending coal export proposals involving a combined 150 million tons of coal that would be transported through the Columbia River Gorge to export facilities in Oregon and Washington. The scope of the EIS and its cumulative effects analysis must include the cumulative effects of transporting 150 million ton of coal annually with nearly 60 additional trains per day (21,900 additional trains per year) passing through the Columbia River Gorge. The analysis must also account for existing coal transport through the Gorge.

The EIS must also account for how the unique geographic features of the Gorge would exacerbate the impacts of wind-blown coal dust and debris. The Columbia River Gorge is the only sea-level passage through the Cascade Mountains between the temperate coast and the dry interior. This geography and seasonal temperature variance between the coast and the interior create a veritable wind tunnel in the Gorge throughout much of the year. The reliable high winds of the Gorge make it an international destination for windsurfing and kiteboarding. These same high winds would also create an obvious problem for transporting coal via train through the Gorge. High winds would cause coal trains to release substantial plumes of coal dust and debris that would be distributed throughout the Gorge.

Such occurrences have already been documented by numerous people in the Gorge. For example, people have literally been bombarded by windblown coal dust and debris while driving in the Gorge. Attached as evidence of such events are declarations from Jeremy Bechtel and Matt Ryan explaining encounters with windblown coal dust and debris in the Columbia River Gorge. In addition, included below are photographs demonstrating the dramatic impacts of windblown coal dust and debris in the Gorge. Finally, Friends' staff has visited railroad crossings and the banks of the Columbia River along railway lines in the Gorge and gathered and photographed

³ Simpson Weather Associates 1993. Norfolk southern rail emission study: consulting report prepared for Norfolk Southern Corporation. Charlottesville, VA.

⁴ Washington State 2010-2030 Freight Rail Plan, page 3-28.

coal debris that was released by coal trains. Included below are photos of coal debris deposited in the Gorge by coal trains.



Photo of plumes of coal dust and debris at Columbia Hills State Park. Photo by Julie Coop.



Photo of plumes of coal dust and debris at Columbia Hills State Park. Photo by Julie Coop.



Coal debris along BNSF rail line near Columbia Hills State Park is easily gathered by the bucket-full. Photo by Peter Cornelison.



Coal dust and debris settles in the soil throughout the Gorge. Photo by Peter Cornelison.

2. Coal trains increase the risk of train derailment.

The EIS must also address the risk of derailment from increased train traffic carrying coal in the Columbia River Gorge. Increased train transportation, particularly coal trains, poses a real threat of derailments, spills, and impacts to sensitive areas. Coal dust has been documented as a rail ballast contaminant and BNSF has attributed derailments to the ballast contaminated with coal dust.⁵ A cursory review of the recent history of accidents illustrates the risks of derailment:

- In July 2012 a coal train transporting Powder River Basin coal derailed near Pasco, Washington, dumping and undetermined amount of coal.⁶ (Photo at right).
- In July 2012 a coal train derailed in Chicago because a bridge was not designed to carry the weight of coal cars.⁷
- On April 24, 2005, an Amtrak train traveling on the Washington side of the Columbia River derailed within the National Scenic Area.⁸
- In January 2003, a train containing hazardous waste derailed near The Dalles on the Oregon side of the Columbia River. That derailment occurred in a culturally significant area within the Columbia Gorge National Scenic Area, and threatened tribal cultural resources.⁹



⁵ See Decision, March 3, 2011, Arkansas Electric Cooperative Association—Petition for Declaratory Order, Surface Transportation Board, Docket No. FD 35305, at 7.

⁶ The Seattle Times, *Coal train derails in Columbia River Gorge*, (July 2, 2012) (Attached). Available at http://seattletimes.com/html/localnews/2018585778_apwacoaltrainderailment.html (last visited Jan. 14, 2013). Tri City Herald, *Coal Train Derailment* (July 3, 2012) (downloaded Jan. 14, 2013). Available at <http://www.tri-cityherald.com/2012/07/03/2009115/coal-train-derailment.html#wgt=rcntmulti#storylink=cpy> (last checked Jan. 14, 2013).

⁷ Chicago Tribune, *2 bodies inside car found in wreckage from train derailment*, (July 5, 2012) (Attached). Available at http://articles.chicagotribune.com/2012-07-05/news/ct-met-train-derailment-overpass-20120705_1_train-derailment-coal-cars-bridge-collapse. (last visited Jan. 14, 2013).

⁸ The Seattle Times, *26 Hurt When Amtrak Train Derails Along Columbia Gorge Route*, (April 4, 2005) (Attached). Available at http://seattletimes.nwsourc.com/html/localnews/2002230033_derail04.html (last visited January 14, 2013).

⁹ U.S. E.P.A., *Making Environmental Progress, Improving Local Communities Accomplishments of the EPA Region 10 Superfund Program* (Jan. 2004) (Excerpt attached).

3. Coal trains increase rail traffic causing adverse impacts to communities, the environment, and the economy.

In addition to the impacts from coal dust and debris and derailment the Gateway Pacific Terminal EIS must also address the impacts of increased rail traffic in the Gorge.¹⁰ An increase in rail traffic, regardless of whether trains are carrying coal, would result in a number of consequences that must be fully evaluated in the EIS.

The BNSF rail line in the Columbia Gorge is “the primary route for export grain trains inbound to the Columbia River ports but due to heavy traffic through Stevens Pass, this has become a reliever route for intermodal traffic moving from Seattle and Tacoma to Vancouver, Washington, and then east along the river.”¹¹ The relationship between rail lines and export facilities is closely connected.¹² In 2006 Washington Department of Transportation (“WSDOT”) found that the carriers were redirecting traffic from the over-burdened Everett-Spokane line to the Gorge, which “has added considerable volume to the Vancouver-Pasco line along the Columbia River Gorge, and made the scheduling of train moves through the Gorge and along the I-5 rail corridor more complex. . . .” and causing delays in the Portland-Vancouver area.¹³ In 2008 the BNSF rail line in the Gorge was utilized by 32 per day and was operating at 80% of its 40-train capacity.¹⁴ It was estimated that by 2028 capacity would increase to 48 cars per day, but would be 100% utilized.¹⁵ The Gorge has been identified as a possible major traffic congestion area.¹⁶

The 22 additional coal trains per day that would be generated by the Gateway Pacific Terminal would either place the rail line in the Gorge above its capacity and likely displace other customers, such as Washington agricultural sectors. Overall, coal train export is likely to cause an expansion in rail infrastructure and cause adverse environmental and economic impacts.¹⁷ It is reasonably foreseeable that the project would cause the following changes that must be addressed:

- Increased air pollution from diesel railroad engines.
- Additional greenhouse gas (“GHG”) emissions from trains.
- Increased conflicts with other modes of transportation, such as at-grade road crossings, and the likely need to construct grade-separation features to reduce conflict.

¹⁰ See e.g., *Heavy Traffic Ahead: Rail Impacts of Powder River Basin Coal to Asia by way of Pacific Northwest Terminals*, Report Prepared For Western Organization of Resource Councils (July 2012)(“Heavy Traffic Ahead”).

¹¹ See WSDOT, *Statewide Rail Capacity and System Needs Study, Final Report*, at 14 (Dec. 2006).

¹² See *id.* at 18–19.

¹³ *Id.* at 23–24.

¹⁴ Washington State 2010-2030 Freight Rail Plan, page 3-28.

¹⁵ *Id.*

¹⁶ *Heavy Traffic Ahead* at 29, 36.

¹⁷ *Id.* at 47–51.

- The aesthetic, noise, and recreational impacts of numerous trains within a federally protected national scenic area, including the obstruction of scenic views, the interference with use of recreational sites along the Columbia River, impacts on fish and wildlife, and impacts to tourism.
- The need to construct additional railroad sidings.
- The need to expand to use Oregon rail lines.
- Additional impacts and conflicts with residents of and visitors to the Gorge, as well as economic activities within the Gorge.
- The impacts to property values near rail lines.¹⁸
- The economic and environmental impacts of causing other rail customers, like the agricultural sector that primarily relies on the Gorge to export grains, to shift to other modes of shipping, pay higher prices for services, or be denied service in favor of coal transport.¹⁹ “3 percent of the gross state product and accounting for 6 percent of the employment. Washington State ranked 11th among states in agricultural production in 2002, producing crops and livestock valued at over \$5.3 billion. Agriculture is the major source of employment in many of the State’s rural counties.”²⁰ The proposal would cause adverse impacts to small grain elevator operators and local growers that would be squeezed out of rail transport options in favor of coal and grains from the Midwest.²¹

Under NEPA and SEPA, the Corps and Whatcom County must analyze the reasonably foreseeable direct, indirect, and cumulative adverse impacts of the proposed Gateway Pacific Terminal. The proposal would cause an increase in coal trains in the Gorge and an increase in overall rail traffic in the Gorge that would cause adverse impacts to the environment. The scope of those impacts is more fully explained below.

4. Impacts to local, state, and federally designated sensitive areas in the Gorge.

The Columbia River Gorge has a remarkable concentration of significant scenic, natural, cultural, and recreational resources. This is evidenced by the numerous local, state, and federally designated parks, recreation areas, wild and scenic rivers, and historic trails found in the Gorge.

At the highest level, Congress created the Columbia River Gorge National Scenic Area to protect the scenic, natural, cultural, and recreational resources of the Columbia River Gorge. *See* Columbia River Gorge National Scenic Area Act (“Scenic Area Act”), 16 U.S.C. §§ 544–544p. The Columbia River Gorge National Scenic Area extends approximately 85 miles along the Columbia River Gorge. The following state and federally designated areas are located within or near the Scenic Area:

- the Lewis and Clark National Historic Trail

¹⁸ Simons & El Jaouhari, *The effect of freight railroad tracks and train activity on residential property values*. The Entrepreneur (Summer, 2004).

¹⁹ *See* WSDOT, *Statewide Rail Capacity and System Needs Study, Final Report*, at 17–19, 26, 28 (Dec. 2006).

²⁰ *Id.* at 19–20.

²¹ *Id.* at 19, *see also Heavy Traffic Ahead* at 42–44.

- the Oregon Pioneer National Historic Trail
- the Historic Columbia River Highway (designated as a National Historic District on the National Register of Historic Places, as well as a National Historic Landmark)
- the Ice Age Floods National Geological Trail
- The White Salmon and Klickitat Wild and Scenic Rivers in Washington
- The Deschutes, Hood, and Sandy Rivers in Oregon
- Numerous “in lieu” and treaty fishing access sites
- Numerous state and local parks
- Hundreds of miles of hiking trails on federal, state, local, and private lands

The dispersal of coal dust and debris and an increase in rail traffic would cause reasonably foreseeable impacts to these sensitive areas, including the aesthetic impacts of coal dust and debris, increased noise from rail traffic, reduced access at at-grade crossings, and the construction of new sidings and possible grade separation.

5. Impacts to air quality in the Gorge.

The Gateway Pacific Terminal would cause an increase in air pollution in the Gorge, including coal dust and debris released during transport and emissions of railroad engines. The Corps and Whatcom County must analyze both the indirect and cumulative impacts of the proposal on Gorge air quality.

The Columbia River Gorge National Scenic Area is already severely impaired by air pollution, especially nitrogen oxides (NOx) and particulate pollution. The Gorge now stands among the most polluted places in the country, including Pittsburgh and Los Angeles. A 2005 joint study by the U.S. Forest Service and National Park Service studied twelve federally managed areas around the West and found that the Columbia River Gorge National Scenic Area and Sequoia National Park had by far the worst “annual standard visual range[s]” of the twelve areas.²² Similarly, a 2000 Forest Service study of air quality monitoring data from 39 federally managed “visibility protected” areas in the West found that the Scenic Area has “the highest levels of haze” and “the sixth worst visibility pollution of these areas.”²³ Gorge air quality has been monitored for the last twenty years. The Forest Service has documented that visibility impairment occurs on at least 95% of the days that have been monitored.²⁴

Deposition of pollutants also has profound negative impacts on ecosystems. Studies demonstrate that in the Western United States, some aquatic and terrestrial plant and microbial

²² Mark Fenn, USDA Forest Service et al., *Why federal land managers in the Northwest are concerned about nitrogen emissions*, at 10 (Dec. 2004).

²³ Arthur Carroll, USDA Forest Service, Letter to Columbia River Gorge Commission, at 3 & attach. 3 (Feb. 7, 2000).

²⁴ Robert Bachman, USDA Forest Service, *A summary of recent information from several sources indicating significant increases in nitrogen in the form of ammonia and ammonium nitrate in the Eastern Columbia River Gorge and the Columbia Basin*, at 2 (June 24, 2005).

communities are significantly altered by nitrogen deposition.²⁵ Metals, sulfur and nitrogen concentrations in lichen tissue found in the Gorge are comparable to that found in lichen tissue sampled in urban areas. Nitrogen deposition rates in the Gorge are comparable to the most polluted areas in the United States. The Gorge does not deserve this bombardment on its ecological resources.

Particulate matter pollution also threatens human health and welfare. In fact, when reviewing the National Ambient Air Quality Standards for PM_{2.5}, EPA found that there is no level of particulate matter pollution at which there are no human health effects. According to EPA, fine particulate matter pollution causes a variety of adverse health effects, including premature death, heart attacks, strokes, birth defects, and asthma attacks.²⁶ Even low levels of PM can cause low birth weights, damage lung function, and increase risks of heart attack and premature death. Studies reviewed by EPA revealed a linear or almost linear relationship between diseases like cancer and the amount of fine particulate matter in the ambient air.²⁷ Consequently, any particulate matter contamination has adverse health effects.

The Management Plan for the National Scenic Area requires that “air quality shall be protected and enhanced, consistent with the purposes of the Scenic Area Act.” NSA Management Plan at I-3-32–33. The identification of air quality in the Scenic Area Management provides further support for the need to evaluate in the EIS the project’s impacts to air quality.

The Corps and Whatcom County must analyze the extent that new coal transportation would contribute to ongoing adverse impacts to Gorge air quality and the related impacts to human health, the environment, and sensitive cultural resources.

6. Impacts to water quality in the Gorge.

The proposed facility would cause the release of thousands of tons of coal dust and debris in the Columbia River Gorge. A portion of that dust and debris would settle in waterways, either at river crossings or where railway lines run sufficiently close to the Columbia River. The Columbia River and many of its tributaries are already impaired by water pollution. The proposal would compound those impacts, releasing pollutants directly into these waters. Recent research has shown that coal storage facilities release arsenic and polycyclic aromatic hydrocarbons (“PAHs”) into soils and waterways. Coal also contains lead and mercury. It is likely that windblown coal dust and debris would also leach these same poisons into waterways. Finally, the burning of exported coal in Asian markets has been documented as a significant source of mercury pollution in the Columbia River watershed. The proposed project would exacerbate these effects.

²⁵ See Mark E. Fenn, et al, Ecological Effects of Nitrogen Deposition in the Western United States, *BioScience* Vol. 53:4, Apr. 2003, available at <http://www.bioone.org/doi/abs/>

²⁶ 71 Fed. Reg. 2620, 2627–36 (Jan. 17, 2006).

²⁷ *Id.*

The causal relationship between the Gateway Pacific Terminal and adverse impacts to water quality in the Gorge is proximate and certain. The Corps and Whatcom County must address these impacts in the scope of the EIS.

7. Impacts to cultural and historic resources.

The Columbia River Gorge has been inhabited since time immemorial by Native Americans. Carbon dating has documented human settlements dating back over 10,000 years. This continuous human presence has left countless cultural resources sites throughout the Gorge. Native American governments' treaties with the United States retained rights protecting cultural resources and hunting, fishing, and gathering sites. The Corps and Whatcom County must ensure that they undertake all required intergovernmental consultation as part of preparing the EIS in order to ensure that Native American cultural resources are protected.

The Corps has an obligation under Section 106 of the National Historic Preservation Act ("NHPA"), 16 USC 470 et seq., to consult with tribal governments about the likely impacts of the proposal. NEPA regulations require the Corp to prepare the Draft EIS "concurrently with and integrated with" the required consultation under the NHPA. 40 C.F.R. § 1502.25(a).

SEPA requires EFSEC to consult with the tribal governments as well. "Cultural preservation" is an element of the environment that must be addressed through the SEPA process. WAC 197-11-444. In addition, the environmental checklist, which must be prepared for proposed actions, requires consideration of impacts to cultural resources. WAC 197-11-315; WAC 197-11-960. SEPA also requires that the County consult with agencies with expertise in the impacted environment. RCW 43.21C.030(2)(d); WAC 197-11-408(2)(a). Finally, the 1989 Centennial Accord between the State of Washington and federally recognized tribes mandates that state agencies undertake government-to-government consultation with representatives of tribal sovereigns regarding the measures necessary for adequate environmental review and appropriate mitigation measures.

In addition to its tribal cultural resources, the Columbia Gorge contains numerous other significant cultural and historic resources and sites. The Gorge is the final portion of Lewis and Clark's journey across the West. This seminal event in the history of the United States and the cultural landscape of the Gorge has been recognized via the designation of the Lewis and Clark National Historic Trail.

The Lewis and Clark National Historic Trail was created to "stimulate Federal, State, and local agencies and individuals to identify, mark, and preserve for public inspiration and enjoyment the routes traveled by the Lewis and Clark Expedition." Lewis and Clark Trail Management Plan at 1. The Management Plan for the trail recognizes that many of the historic and cultural resources have been altered or lost and the Expedition left scant traces of their passing. However, "[i]n a very real sense, many of the historic resources are the landmarks, vistas, flora, and fauna that make up the Trail's natural resources. It is virtually impossible to find either historic or natural resources along the Expedition route, which have not been altered in some way by man or nature." Lewis and Clark Trail Management Plan at 4 & 13. Thus, the scenery and natural resources of the Expedition's route are critical to appreciating the trail.

Locations where those vistas and natural resources are intact are exceedingly rare, and warrant the greatest attention during SEPA and NEPA review.

The Columbia River segment of the Lewis and Clark Trail was designated for three types of trail development: a water trail, a land trail, and a motor route. The Columbia River, Interstate 84, and Washington State Route 14 are all designated routes. The Management Plan notes that there is a “nearly continuous string of recreation sites along this segment.” Lewis and Clark Trail Management Plan at 70. The National Park Service identified the following sites in the Gorge as providing interpretive opportunities:

- Maryhill State Park
- Celilo Park
- Horsethief Lake State Park
- Spearfish Lake Recreation Area
- The Dalles Dam
- Seufert Visitor Center
- Mayer State Park
- Bingen Boat Basin
- Viento State Park
- Starvation Creek State Park
- Lyndsey State Park
- Cascade Locks Marine Park
- Pacific Crest National Scenic Trail and Trailhead
- Bonneville Dam
- Beacon Rock State Park
- Rooster Rock State Park
- Lewis and Clark State Park

Lewis and Clark Trail Management Plan at 72–75. Many of these locations are historic sites where the Lewis and Clark Expedition camped on their way through the Gorge.

The designated Lewis and Clark Trail routes, State Route 14, the Columbia River, and Interstate 84, all travel parallel and adjacent to the likely transportation route for the proposed coal export facility. A significant increase in rail traffic, coal dust and debris, and new rail sidings has the potential to cause significant adverse impacts to these resources. These impacts must be included within the scope of review for the EIS.

8. Impacts to natural resources, including fish, wildlife, plants, and priority habitats.

The Columbia River Gorge is habitat for numerous threatened and endangered fish, wildlife, and plant species. This includes both state and federally listed species. The Management

Plan for the National Scenic Area provides protection for additional sensitive species.²⁸

Protected sensitive species that may be impacted by coal transportation include the following:

- Resident and anadromous fish (Columbia and Snake River salmon and steelhead, Pacific lamprey, river lamprey, eulachon, and bull trout)
- Several species of herpetiles (California mountain king snake, sharptail snake, striped whipsnake)
- Several species of birds (peregrine falcon, golden eagle, bald eagle, numerous waterfowl, and numerous migratory birds)
- Several mammal species (pika, western gray squirrel)
- Numerous rare and endemic plant species

The EIS must address the impacts of coal trains, increased rail traffic, climate change, and mercury pollution on these species. The EIS must also address compliance with the Endangered Species Act (“ESA”). Under the ESA, “take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” 16 U.S.C. § 1532(19). Section 9 of the ESA prohibits both acts that would “take” a species, as well as acts that would cause an act that constitutes a “taking.” The Ninth Circuit has held that “a habitat modification which significantly impairs the breeding and sheltering of a protected species amounts to ‘harm’ under the ESA.” *Marbled Murrelet v. Babbitt*, 83 F.3d 1060, 1067 (9th Cir. 1996). The Corps will also need to consult with the federal fish and wildlife agencies pursuant to section 7 of the ESA regarding the likely impacts of the project on federally listed species and their habitat. 16 U.S.C. § 1536; 50 C.F.R. pt. 402.

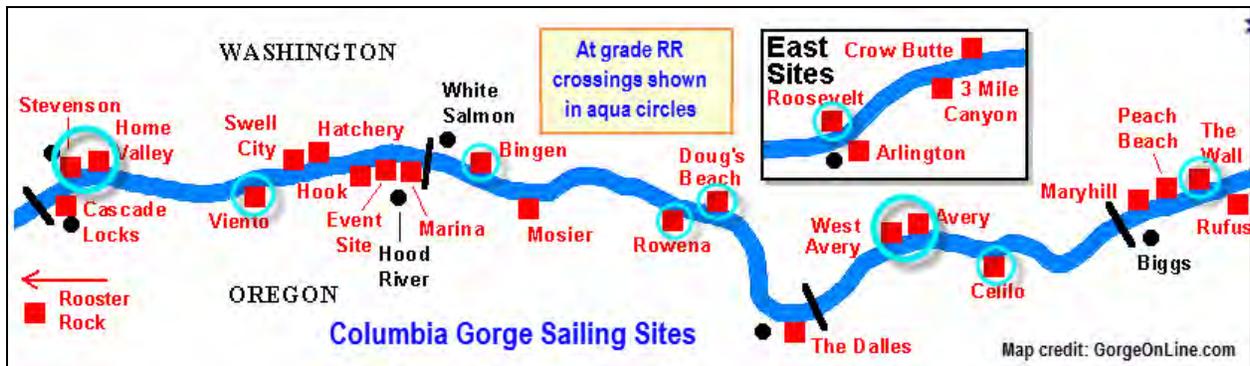
9. Impacts to local residents, recreation, tourism, and public health.

The Columbia River Gorge is home to numerous communities. The railroad line in Washington passes through or near the communities of Wishram, Lyle, Bingen, White Salmon, Home Valley, Carson, Stevenson, North Bonneville, Camas, and Washougal. Railroad lines in Oregon pass through the communities of Celilo Village, The Dalles, Mosier, Hood River, Cascade Locks, and Troutdale. In addition, numerous rural residences are dispersed along the Columbia River near the railroad lines. There are also multiple recreation and tourism sites along the Columbia River throughout the Gorge. Railroad lines pass through Columbia Hills State Park, Beacon Rock State Park, Doug’s Beach State Park, numerous windsurfing and kite boarding access sites, and numerous boat launches. The Gorge is also home to a growing agri-tourism industry. The Columbia Gorge American Viticulture Area is home to dozens of vineyards and wineries, many in close proximity to railroad lines.

The proposal would result in significant impacts to residents, recreation, and tourism. This includes impacts from coal dust and debris, increased air pollution from rail traffic, increased noise from trains, increased delays at railroad crossings, increased delays for emergency vehicles and railroad crossings, construction of new sidings near recreation sites, and potential limitations to recreational access. The proposal would also pose a public health risk for

²⁸ A full list of sensitive, threatened, and endangered species that occur in the Columbia River Gorge is available at: <http://www.gorgecommission.org/NRSpeciesList.cfm>. (last checked on Jan. 13, 2013).

residents and visitors by increasing exposure to dangerous chemicals such as mercury, arsenic, lead, and PHPs. Coal dust is a health problem for people with allergies, asthma, chronic bronchitis, emphysema and heart disease.



Residents and visitors would also be at an increased risk from impacts of derailments and fire. Coal dust has been documented as the cause of derailments in the Powder River Basin. The release of flammable coal may increase the risk of fires. Increase rail traffic may also require an increase in rail maintenance and grinding, which caused the recent Broughton Fire on Underwood Bluff in Skamania County. The proposal would increase the existing risks of fire from railroad operations.

10. Impacts to aesthetic resources.

The Columbia River Gorge is world-renowned for its remarkable scenery. The national significance of the aesthetic resources in the Gorge was the primary driver for the creation of the Columbia River Gorge National Scenic Area. Railroads, railroad-related development, and their impacts, such as warning signs and electric lines, railroad traffic, windblown coal dust and debris, new railroad sidings, and obstructions of scenic views all pose a threat to the aesthetic resources of the Columbia River Gorge. The scope of the EIS must include analysis of these impacts.

11. Impacts of climate change on the Columbia River Gorge.

The proposed Pacific Gateway Terminal would not be constructed but for the opportunity to sell low-cost Powder River Basin coal to coal-fired power plants in Asia. Using Powder River Basin coal at these facilities would cause a major increase in greenhouse gas emissions. The impacts of climate change are already being felt in the Gorge. The proposal would contribute to that ongoing adverse environmental impact.

Climate change's impacts in the Gorge include a change in conditions that has allowed a drastic expansion of the range of the California Fivespined Ips (*Ips paraconfusus*), a bark beetle that is killing ponderosa pine trees in the eastern Gorge. Climate change may also imperil low-elevation American pika (*Ochotona princeps*) populations that rely on cooler temperatures. Climate change will also imperil endangered fish species in the Gorge as annual hydrographs shift and water temperatures increase.

The Corps and Whatcom County must include analysis of these impacts in the EIS's scope of review.

III. The EIS must address consistency with local, state and federal laws protecting the affected environment.

The applicant's proposal to export coal from the Powder River Basin would cause an unprecedented increase in the number of coal trains passing through the Columbia River Gorge. SEPA requires analysis of potential conflicts with other environmental laws: "A proposal may to a significant degree . . . [c]onflict with local, state, or federal laws or requirements for the protection of the environment." WAC 197-11-330(3)(e)(iii).

The Columbia River Gorge National Scenic Area Act establishes land use development standards for all land within the National Scenic Area, excluding certain designated Urban Areas. Independent of the Scenic Area Act's mandates, SEPA requires that the EIS must include analysis of the likely increase in rail traffic and any accompanying expansions of railroad facilities within the National Scenic Area. The EIS must address the extent that any new development in the Scenic Area would be consistent with the Scenic Area Act and its implementing regulations. *See e.g.* WAC 197-11-330(3)(e)(iii).

Development that could occur as a direct result of a coal export facility includes new railroad sidings, new railroad markers, new railroad crossings, and new underpasses and overpasses. Each of these categories of development would require local land use approval under Scenic Area Act implementation regulations to ensure that development does not cause any adverse impacts to the scenic, natural, cultural, and recreational resources of the Columbia River Gorge. The EIS must consider the extent project-related impacts would conflict with these resource protection standards.

IV. The lead agencies must consult with agencies with expertise in the resources that would be affected by the project.

SEPA requires the County to consult with agencies with expertise in the resources that may be impacted by the proposed development. RCW 43.21C.030(2)(d); WAC 197-11-408(2)(a). SEPA requires that the agency "utilize a systematic, interdisciplinary approach" to environmental review. RCW 43.21C030(2)(A).

NEPA requires that the Corps request comments from federal agencies with special expertise in the resources that would be affected by the proposed development. 40 C.F.R. § 1503.1(a)(1). NEPA requires the Corps to seek comments from state agencies and tribal governments. 40 C.F.R. § 1503.1(a)(2). The NEPA regulations also requires federal agencies to respond to requests for comments: "Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved and agencies which are authorized to develop and enforce environmental standards shall comment on statements within their jurisdiction, expertise, or authority." 40 C.F.R. § 1503.2. NEPA regulations also require the Corps to prepare the DEIS "concurrently with and integrated with" required consultations. 40 C.F.R. § 1502.25(a).

Swift v. Island County established the importance of taking expert agency comments into consideration during SEPA review. *Swift v. Island County*, 87 Wn. 2d 348, 552 P.2d 175 (1976). In *Swift* the court ruled that a county's determination of non-significance violated SEPA because its findings conflicted with the comments of other agencies and experts. The agencies and experts included the United States Department of the Interior, Fish and Wildlife Service; State Parks and Recreation Commission; State Department of Game; State Department of Ecology; the Central Whidbey Island Historic Preservation Advisory Committee, and an authority on birds. *Id.* at 355.

Here, the Corps and Whatcom County must consult with agencies with jurisdiction over, or expertise with, resources in the Columbia River Gorge. Such agencies include the following:

- USDA Forest Service, Columbia River Gorge National Scenic Area office
 - Washington State Parks and Recreation Commission offices overseeing Beacon Rock State Park and Columbia Hills State Park
 - National Park Service, which administers the Lewis and Clark National Historic Trail.
 - The Columbia River Intertribal Fish Commission, the Confederated Tribes of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, the Nez Perce, the Confederated Tribes of the Grand Ronde, and Celilo Village
- Affected cities and communities in the Columbia River Gorge, including Wishram, Dallesport, Lyle, Bingen, Underwood, Home Valley, Carson, Stevenson, North Bonneville, Camas, Washougal, The Dalles, Hood River, and Cascade Locks.

NEPA and SEPA require the Corps and Whatcom County to consult with these agencies in order to fully disclose the likely impacts of the proposal.

CONCLUSION

Under both NEPA and SEPA the lead agencies are required to look at the direct, indirect, and cumulative impacts of the proposal. Indirect and cumulative impacts analysis is generally required when related actions are dependent upon or would not have any utility unless the project is constructed. The Gateway Pacific Terminal is part of a larger proposal to export coal from the Powder River Basin in Montana and Wyoming to coal markets in Asia. A necessary step in the process is transporting the coal by train through the Columbia River Gorge, to the proposed terminal in Bellingham, Washington. Because of this close causal relationship, the Corps and Whatcom County must undertake a thorough analysis of the impacts of coal transportation and increased rail traffic in the Columbia River Gorge.

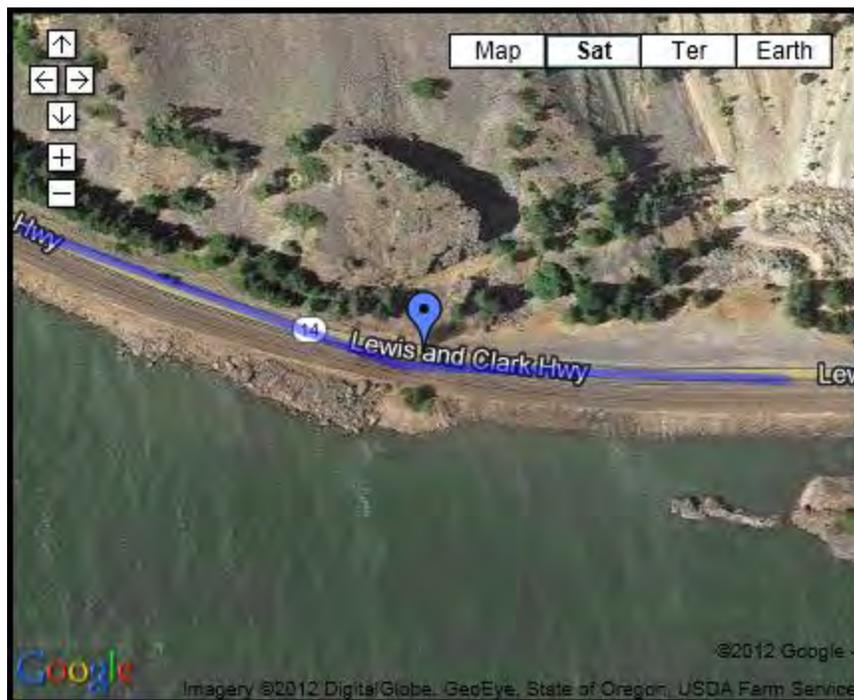
August 22, 2012

Compiled by: Friends of the Columbia Gorge (FoCG)

As told by: Jeremy Bechtel, husband of a FoCG staff member (Full Disclosure)

[A COAL TRAIN INCIDENT ON WA HIGHWAY 14]

While driving in a line of traffic on WA Highway 14 in the Columbia Gorge, Jeremy Bechtel was pelted with chunks of coal and coal dust from a coal train traveling close to the highway. This almost resulted in a multi-car accident. Click on the aerial photo below to open a Google Map showing where this incident took place.



1 STATE OF WASHINGTON

2 COUNTY OF SKAMANIA

DECLARATION OF JEREMY
BECHTEL

3
4 I, JEREMY BECHTEL, make this declaration based upon my personal knowledge and
5 belief and declare as follows:
6

7 1. I am a resident of Skamania County, Washington.

8 2. I am currently a member and supporter of Friends of the Columbia Gorge. I
9 support Friends of the Columbia Gorge because it advocates for my interest in protecting the
10 scenic, natural, cultural, and recreational resources of the Columbia River Gorge and surrounding
11 landscapes.

12 3. I live at 2001 Salmon Falls Road, Washougal, WA 98671 which is located
13 approximately 20 miles west of where the coal train incident I describe below took place. I have
14 lived at this address for 9.5 years.

15 4. I work as a sales representative for Stein Distributing, a distributor of beer, wine
16 and natural beverages located in Vancouver, Washington. My job involves daily travel on
17 highways in the Columbia Gorge.
18

19 5. In addition to driving through the Columbia Gorge for work, my family and I
20 drive through the Columbia Gorge for daily household trips, such as shopping for groceries. We
21 also recreate in the Gorge and use Highway 14 to access numerous recreation sites.
22

23 6. A large increase in the number of coal trains traveling along the Burlington
24 Northern Santa Fe (BNSF) railroad, which closely parallels Washington State Highway 14 in the
25 Columbia Gorge, would increase the likelihood of dangerous incidents resulting from coal dust
26

1 blow-offs, such as an incident I recently experienced that nearly resulted in a multi-vehicle
2 accident, as described below.

3 7. I am regularly exposed to coal dust from trains on the BNSF railroad when I travel
4 Highway 14 in the Columbia Gorge.

5 8. On August 22, 2012 at approximately 4:00 p.m., I was driving back from a sales
6 call, headed west on Highway 14 near milepost 51 in a line of traffic. In front of me was a semi-
7 truck followed by one car. Behind me was another car that was tailgating (following too close to)
8 my vehicle. On the train tracks paralleling the highway, approximately 15 feet from our vehicles,
9 a coal train was keeping pace with us as we traveled westward. The train suddenly rounded a
10 sharp bend in the tracks, which exposed the railcars to a strong westerly wind (I estimate it at 30
11 mph). Coal from at least four of the railcars blew in a northeast direction off the top of the cars
12 and bombarded the line of vehicles I was in. Coal chunks as big as baseballs collided with my
13 vehicle's windshield, and it was only because the coal was soft and broke up upon impact that the
14 coal did not puncture or break my windshield.. The coal chunks left tar marks on my vehicle.
15

16 9. The semi-truck, being the first vehicle in the line-up, was hit by the most coal dust
17 and coal chunks. The semi-truck driver suddenly slammed on his brakes causing a chain reaction.
18 The car ahead of me had to slam on its brakes to avoid an accident. In turn, I also had to brake,
19 but I was concerned about being hit by the car tailgating me, so I steered to the right into the road
20 gravel in order to create space for the car behind me to slow down. . I was very concerned about
21 getting rear-ended by the car behind me, but fortunately the semi-truck passed through the worst
22 of the coal bombardment and started accelerating again, which allowed all of us to put more
23 space between our vehicles.
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STATE OF WASHINGTON

COUNTY OF SKAMANIA

DECLARATION OF MATTHEW J
RYAN

I, MATTHEW J RYAN, make this declaration based upon my personal knowledge and belief and declare as follows:

1. I am resident of Skamania County, Washington, which includes the rail line which parallels Wash Hwy 14 on the north side of the Columbia River, and which sees significant coal train traffic.

2. I am currently a member and supporter of Friends of the Columbia Gorge. I support Friends of the Columbia Gorge because it advocates for my interest in protecting the scenic, natural, cultural, and recreational resources of the Columbia River Gorge and surrounding landscapes. They have been instrumental in protecting the quality of the Columbia River Gorge with regards to scenic impacts from timber harvesting and clear cuts, poorly sited wind turbines, water quality issues, and many other issues concerning quality of life in this unique area.

3. I live at 9372 Cook-Underwood Rd., Underwood, WA 98651

4. I am currently a Registered Nurse, semi retired. My wife and I spend most of the winter living in Utah. I have recently worked at the Alta Medical Clinic in Alta, Utah and am currently employed as an instructor with the Wasatch Adaptive Sports Program in Snowbird,

1 Utah, teaching mentally and physically handicapped individuals to ski, snowboard and other
2 winter activities as ongoing recreation therapy for said individuals.

3 5 I currently drive, hike, bike, windsurf, kiteboard, paddleboard, boat, maintain
4 trails, and otherwise recreate on both sides (Washington and Oregon) of the
5 Columbia River through out the Mid-Columbia Area.
6

7 6. I have specifically been affected by coal dust and fragments while accessing the
8 Columbia River to kiteboard, windsurf, paddleboard, and canoe from several locations that are
9 near or require crossing the tracks where coal trains run.
10

11 7. Locales where I have experienced flying coal dust and fragments are bicycling
12 along Hwy 14, and accessing the river at Doug's Beach State Park, WA and the
13 White Salmon Sand Bar at the confluence of the White Salmon and Columbia
14 Rivers
15

16 8. While just outside the chain link fences adjacent to the rail line at Doug's Beach
17 State Park and at the mouth of the White Salmon River I have personally
18 experienced coal dust and pea-sized and larger pieces of coal debris raining
19 down, visibly and audibly, on the hood of my car. I have had significant
20 quantities land on my person as I prepare my gear along the legal right of
21 way, soiling my clothes and getting in my hair to the point that I can comb
22 out chunks of coal debris when I get home before I shower. This, after the
23 trains have travel many hundreds of miles from their point of origin (Powder
24 River Country, WY). and are near the end of their journey. A reasonable
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person can only assume that coal is flying out of every coal car every mile of the journey. Why can't these cars be covered, if not eliminated altogether?

I think it is important to note that since the rail lines are typically on private property which is most often to inaccessible to the public, and that many members of the public are not aware of this problem because they are simply not in a position to experience the flying coal debris coming off of these trains firsthand.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

Executed in Alta, Utah, this 9th day of December, 2012.

Matthew J Ryan

The Seattle Times

Winner of Nine Pulitzer Prizes

Local News

Originally published Monday, July 2, 2012 at 9:02 PM

Coal train derails in Columbia River Gorge

A railroad spokesman says about 30 cars of a 125-car coal train bound from Wyoming's Powder River Basin to British Columbia have derailed along a Columbia River Gorge route east of Pasco, Wash., blocking a main rail line.

The Associated Press

PASCO, Wash. —

A railroad spokesman says about 30 cars of a 125-car coal train bound from Wyoming's Powder River Basin to British Columbia have derailed along a Columbia River Gorge route east of Pasco, Wash., blocking a main rail line.

Burlington Northern Santa Fe spokesman Gus Melonas said no injuries were reported in the Monday evening derailment.

He says the majority of the derailed cars ended up on their sides and an undetermined amount of coal spilled. Melonas says no environmental threat was reported.

Railroad officials are on site and the cause of the derailment is under investigation.

Melonas says more than 30 trains use that track daily. Heavy equipment was being dispatched from Pasco to shove the rail cars off the line so crews can replace the damaged tracks. BNSF hopes to reopen the rail line as soon as Tuesday.

Melonas says some rail traffic is being rerouted via Wenatchee, Wash., as well as the Seattle to Vancouver, Wash., route.

Tri-CityHerald.com

Coal train derailment

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Photo 1 of 5

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A loaded coal train passing through Mesa derailed Monday evening, knocking about 30 cars off the track and sparking a major cleanup effort well into today. Mesa resident Tony Eveland took this photo from the hill near his home. The two-person crew was not hurt but the wreck sent a cloud of black coal dust into the sky. The accident happened at 6:30 p.m. and within two hours, 40 personnel were dispatched to the small town in north Franklin County to work on the site through the night, according to BNSF Railway Co. TONY EVELAND — Special to the Herald

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Coal train derailment

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Photo 2 of 5

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Coal train derailment

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Photo 3 of 5

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Coal train derailment

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Photo 4 of 5

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A loaded coal train passing through Mesa derailed Monday evening, knocking about 30 cars off the track and sparking a major cleanup effort well into today. Mesa resident Tony Eveland took this photo from the hill near his home. The two-person crew was not hurt but the wreck sent a cloud of black coal dust into the sky. The accident happened at 6:30 p.m. and within two hours, 40 personnel were dispatched to the small town in north Franklin County to work on the site through the night, according to BNSF Railway Co. TONY EVELAND — Special to the Herald

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Coal train derailment

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Photo 5 of 5

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A loaded coal train passing through Mesa derailed Monday evening, knocking about 30 cars off the track and sparking a major cleanup effort well into today. Mesa resident Tony Eveland took this photo from the hill near his home. The two-person crew was not hurt but the wreck sent a cloud of black coal dust into the sky. The accident happened at 6:30 p.m. and within two hours, 40 personnel were dispatched to the small town in north Franklin County to work on the site through the night, according to BNSF Railway Co. TONY EVELAND — Special to the Herald

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2 bodies inside car found in wreckage from train derailment

July 05, 2012 | By Jonathan Bullington and Jon Hilkevitch | Tribune reporters

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A second body has been found in a car that was buried by debris and wreckage from a train derailment and bridge collapse near Northbrook, officials said.

Officials initially said no one was injured when the train hauling coal derailed on Union Pacific tracks near Willow Road and Shermer Avenue around 1:45 p.m. Wednesday. But this morning, crews spotted the bumper of a car and dug around it with shovels, officials said.



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Shortly before 1 p.m., workers could be seen clearing off what appeared to be the windshield, then covering the area with a blue tarp.

Officials on the scene initially said one body was inside but were checking for other victims. Later, officials said a second body had been found in the car. Their identities have not been released, but officials said one of them is a man.

The car, with the bodies inside, was loaded onto a flatbed truck and taken to the Cook County medical examiner's office.

The car was discovered at about 10 a.m., Globerger said. The crews had been working through the night since 5 p.m. Wednesday. "With 27 rail cars, full of coal, there was no way to get in to discover the car until this morning," Glenview Fire Chief Wayne Globerger said. "Keep in mind, we're talking tons (of debris), here."

He said crews would continue looking for any other victims.

While the investigation of the derailment continues, extreme heat causing steel rails to expand is a possible cause of the derailment and subsequent bridge collapse, a Union Pacific Railroad spokesman said Thursday.

The investigation is likely to take months, but the sequence of events is now clear, according to the UP.

The preliminary investigation has ruled out the failure of the bridge as the trigger to the accident, said UP spokesman Mark Davis. The bridge was not designed to carry the load of 28 coal cars that derailed, each weighing 75 tons to 85 tons, on the 86-foot bridge, Davis said.

Davis confirmed that UP inspectors were on the tracks checking for possible abnormalities in track gauge or shifting before the accident. Such inspections are routinely conducted twice a day during extreme heat or cold, he said.

Because of the "heat order," a 40 mph slow zone order, down from 50 mph normally on that segment of track, was in effect at the time of the accident, Davis said. An event recorder in the locomotive showed that the train was traveling at 37 mph when it derailed, he said.

"We ruled out the bridge failing and then the train derailling, based on the discussion with the train crew" as well as viewing the images from a camera on the train, Davis said. "The derailment occurred and then what happened was that 28 cars piled onto the bridge structure. Under all that weight, the bridge went down."

Davis said workers plan to use stone fill to close up the gap where the bridge was and install temporary tracks to get the trains moving again through the area. The railroad will have to design and build a new

bridge, which will take some time, he said. The bridge was just rebuilt last summer.

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A train derailed in the same area in November of 2009. A train headed southwest on the track derailed, hitting a train that was traveling northeast.

Eighteen cars were derailed: 14 on the southbound train, four on the other. Two rail cars fell under the viaduct at Shermer Road.

In Wednesday's derailment, Tony Nielsen said he was working in a nearby office building when he heard the train and then "the whole building shook."

He said that although they often feel the rumble of the trains going past, he and his co-workers ran outside when they felt the building shake.

"The train was already derailed; the bridge had collapsed," he said.

Tribune reporter Carlos Sadovi and WGN-TV contributed

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Originally published April 4, 2005 at 12:00 AM | Page modified April 4, 2005 at 12:46 PM

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26 hurt when Amtrak derails along Columbia Gorge route

An Amtrak passenger-train locomotive with four cars derailed on the Washington side of the Columbia River Gorge, injuring 26 people.

By [The Associated Press](#)

HOME VALLEY, Wash. — An Amtrak passenger-train locomotive with four cars derailed on the Washington side of the Columbia River Gorge, injuring 26 people.

One person was airlifted to Legacy Emanuel Hospital and Medical Center in nearby Portland, Ore., said Legacy spokesman Will Morton, but he could not reveal the person's condition. Twenty-four people were treated and released at other hospitals; one person was admitted to a hospital in Hood River, Ore.

The train's four cars remained partially upright, leaning at a 45-degree angle against an embankment alongside the track, after the engine's wheels left the track Sunday morning, Amtrak spokeswoman Marcie Golgoski said.

The accident occurred about 40 miles east of Vancouver with 107 passengers and a crew of eight aboard.

"We heard a big bang, bang, bang, and all hell broke loose," said Darrell Halseth, 66, of Kalama, a passenger on the train. "(The train car) just laid over on its side and slid, so it was a pretty wild ride."

Burlington Northern Santa Fe Railway Co., which owns and operates the track used by Amtrak, rushed equipment and about three dozen workers to the site but did not expect to reopen the line until today, said spokesman Gus Melonas.

Amtrak hoped to resume service on the line by Tuesday, Amtrak spokeswoman Sarah Swain said Sunday night. Buses were being used to take passengers between Portland and Spokane in the meantime, she said.

After the accident, those who could travel were loaded onto school buses and taken to Vancouver, and to Portland, which was the destination of the train that had left Spokane earlier in the day.

Two people were taken across the river to Hood River (Ore.) Memorial Hospital, said spokeswoman Barbara Young. One was treated and released and the other — a pregnant woman in her second trimester with abdominal pains — was admitted for observation.

Ten people were treated and released at Skyline Hospital in White Salmon, said Administrator Mike Madden. Twelve people were treated and released for facial injuries and bruises at Southwest Washington Medical Center in Vancouver. One person was treated and released from Oregon Health and Science University Hospital in Portland.

Medics treated an unknown number of other people for minor injuries at the scene, said Erik Anderson, director of Skamania County Emergency Medical Services.



enlarge

The National Transportation Safety Board and BNSF were investigating the cause of the accident.

About 115 passengers and crew members were on board when the locomotive and four cars derailed about 9:30 a.m. PDT, an Amtrak statement said.

The derailment occurred on the main Columbia Gorge rail line. About 40 trains use that track daily — two passenger trains, one in each direction, and dozens of freight trains. As of late Sunday night nine freight trains had been rerouted, Melonas said.

Video

A bag's journey through Sea-Tac Airport

Have you ever wondered how your luggage travels to your plane after leaving the ticket counter at Sea-Tac Airport? The answer, it turns out, is a long and winding path on a part of the 9.3 mile conveyor belt system.



First day of same-sex marriages in Washington

Same-sex couples receive marriage license at midnight

Glamour Beasts: The dark side of elephant captivity

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Making Environmental Progress, Improving Local Communities

Accomplishments of the EPA Region 10 Superfund Program



Bottom left cover photo contributed by Dan Rone.

A Snapshot of Region 10 Accomplishments

The Superfund Program in EPA Region 10 continues its strong record of addressing serious contamination problems throughout the Northwest and Alaska. I am proud of the progress we are achieving at our largest and most challenging sites, including Bunker Hill, the Lower Duwamish Waterway, Commencement Bay, and Portland Harbor. At the same time, we have completed rapid cleanup actions at many smaller sites and are preparing for final cleanup at others. I am pleased to offer this report summarizing our Superfund Program's major work to protect human health and the environment in Region 10.

Here is a brief summary of notable accomplishments in 2003:

Actions Completed in Fiscal Year 2003

- 100 site assessments
- 19 cleanup decision documents (*Records of Decision and Action Memos*)
- 5 cleanup negotiations
- 6 remedial designs
- 13 remedial actions
- 2 construction completions
- 27 five-year reviews
- 7 cost recovery actions totaling almost \$24 million
- 5,300-plus responses to spill notification calls
- 31 emergency response actions
- 14 time-critical removals

At most sites, EPA Region 10 became involved due to a request from a local, state, or federal agency, or a federally recognized Indian tribe. This year we also received seven citizen petitions requesting investigation of sites where hazardous waste contamination might be present. Through our Removal Program, we received over 5,300 notifications to our 24-hour duty officer, and responded to 31 emergencies and spills that posed an imminent threat to people or the environment.

Since the inception of the Superfund Program in 1980, EPA Region 10 has removed a total of 1,731 sites from the Region 10 Superfund inventory. About 500 sites remain in the inventory to be studied. Of the sites studied to date, Region 10 has listed 95 on the National Priorities List (NPL). Final cleanup construction has been completed at 60 of these sites, and it is under way at another 23 sites. In our Region, 25 sites have been deleted from the NPL.

This year the Superfund budget was under intense public scrutiny. While our overall Superfund budget in Region 10 has held steady for the past few years, we continue to experience significant demand for Superfund Program services. I'm pleased that this year EPA was able to provide \$12 million in new funding for McCormick and Baxter and \$10 million for the Coeur d'Alene Basin. To stretch cleanup dollars and to ensure that responsible parties shoulder their cleanup obligations, Region 10 maintains a strong Superfund enforcement program dedicated to fast and effective cleanup.

Region 10 is strongly committed to attaining cleanup progress at all important sites. I attribute the lion's share of our success to the strong relationships we have built with our state, federal, tribal, and community partners. Working together, we have used cleanup dollars effectively to deliver tangible results.



L. John Iani, Regional Administrator
EPA Region 10

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Making a Neighborhood Safe
North Ridge Estates Site, Klamath Falls, Oregon
Congressional District 2



EPA takes fast action to remove asbestos from the North Ridge Estates neighborhood.

In summer 2003, EPA took action to remove asbestos contamination from 22 residences in the North Ridge Estates neighborhood near Klamath Falls. The Oregon Department of Environmental Quality asked EPA to get involved when it learned that asbestos-laden debris throughout the subdivision could threaten the health of residents. EPA's work included removing more than 14,000 pounds of asbestos-containing materials from residential properties, and sampling air and soil to see if people were at risk.

More than two dozen homes at North Ridge Estates were built during the last decade on plots where military barracks once stood. The asbestos contamination originated from siding, roofing, and steam pipes from about 80 buildings constructed in the 1940's. Many of the buildings were demolished in place, leaving a dangerous asbestos problem for future residents.

Unified Command Tackles Train Derailment
Union Pacific Railroad Derailment, The Dalles, Oregon
Congressional District 2

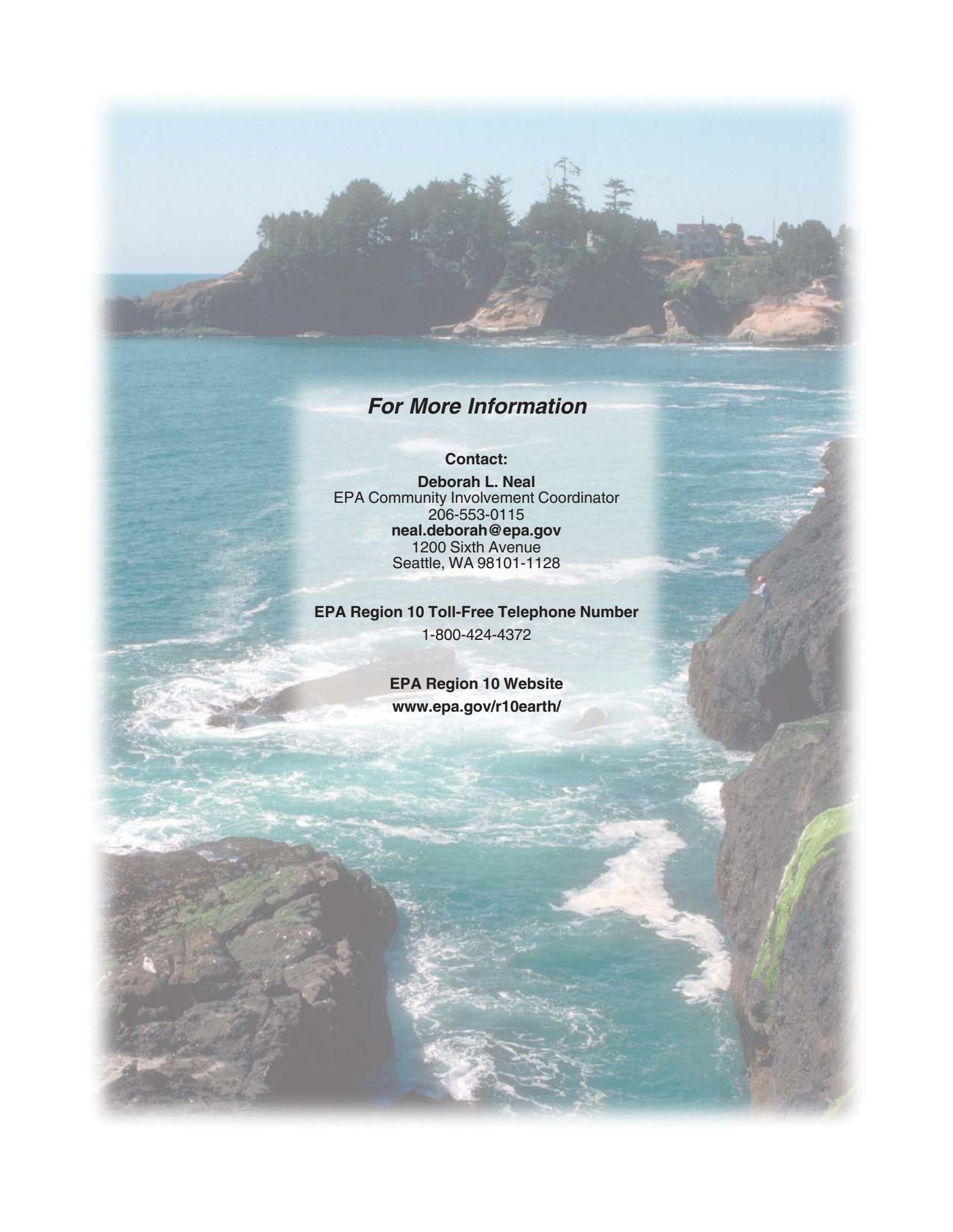
In January 2003, when 53 train cars were derailed just outside The Dalles and adjacent to Interstate 84, EPA took swift action. Within the hour, EPA arrived at the site to find five derailed cars containing hazardous materials, including phenol, anhydrous ammonia, arsenic acid, and vinyl chloride. EPA also responded to 14 cars containing oils, four of which were breached and leaking within about 100 yards of the Columbia River.

EPA, tribal representatives, the State, Wasco County, and Union Pacific quickly formed a Unified Command to address the situation. Working together, the Command safely removed four cars containing hazardous materials and pumped the contents of the fifth car into a tanker for removal. With EPA oversight, Union Pacific also cleaned up the soils contaminated with oil.

The derailment occurred in a culturally significant area within the Columbia Gorge National Scenic Area. The Yakima, Warm Springs, and Umatilla Indian tribes have cultural and historic connections to the area. During the cleanup, the Unified Command made sure that culturally and historically significant items weren't disturbed. At the tribes' request, EPA also made sure that soils removed from the site were returned after they were treated.



EPA responds at a train derailment where freight cars containing oils and hazardous materials jumped the track.



For More Information

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