



Washington State Senate

January 21, 2013

Ms. Alice Kelly

Northwest Regional Office, Department of Ecology

Mr. Randel Perry

U.S. Army Corps of Engineers, Regulatory Branch
Northwest Field Office

Mr. Tyler Schroeder

Planning and Development Services, Whatcom County
360-676-6907 ext 50202

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2M HILL
1100 112th Avenue NE, Suite 400
Bellevue, WA 98004

Re: NEPA & SEPA Scoping Comments on Gateway Pacific Terminal Project

Dear Ms. Kelly, Mr. Perry & Mr. Schroeder:

This letter provides scoping comments to the co-lead agencies responsible for preparing the environmental impact statement (EIS) for the Gateway Pacific Terminal project and associated Custer Spur rail improvements, at Cherry Point in Whatcom County. The proposed project will have the capacity to handle up to 54 million tons per year of bulk commodities, of which as much as 48 million tons may be coal that is mined in the upper Midwest and exported for consumption in Asian markets. Because of the size and nature of this facility, and the associated movement of commodities to the facility and then from the facility, it is necessary that the EIS analyze comprehensively the impacts that the facility may generate, whether those impact are local, regional, or broader in geographic scope.

Nearshore and Upland impacts from Construction and Operation of the Terminal. The EIS must analyze the full range of environmental impacts from construction of this major facility on a site of 1500 acres of which 334 acres would be fully developed (over half of a square mile.

Construction activities are likely to generate significant discharges of pollutants to the air as well as to surface waters on the construction site. The loss of wetlands on the site as well as impacts to nearshore marine waters from dock construction and shoreside handling facilities must be fully analyzed.

Water quality and habitat impacts from rail transport of coal to the facility. The Department of Ecology has already acknowledged through a response to an inquiry from state legislators that the EIS must include an analysis of indirect impacts of the terminal, which would include the associated transport of commodities both to and from the terminal. Therefore the EIS must analyze the full range of environmental impacts to the state's many rivers and streams which the likely rail transport routes cross. An assessment of spill prevention and response measures, including the adequacy of state programs for the oversight of such measures, should be included.

Impacts to communities along the rail transport routes. There may be as many as nine additional coal-laden trains arriving at the GPT facility when operating at capacity, and perhaps double that amount if other proposed export terminals are built. The EIS must analyze all of the impacts which communities may experience along the likely routes, including public health and safety concerns with long delays at crossings. The impacts to other shipping needs, as well as required rail infrastructure upgrades and associated environmental impacts of those upgrades, must also be analyzed. Additionally, the economic impacts to these communities from business interference of increased rail traffic, reduced property values, and public health impacts, must be analyzed.

Impacts to the state's marine waters. The export of as much as 54 million tons of bulk commodities from the GPT facility, the vast majority of it coal, will require an enormous increase in the vessel traffic in already crowded maritime area in Northern Puget Sound. Unlike the size limits on oil tankers transiting Puget Sound, the bulk carrier vessels could be as much as twice the size of the typical oil tanker, and there could be almost a thousand additional transits to handle the GPT exports operating at its design capacity. The EIS must analyze all of the potential impacts from coal cargo spills, from the expected "routine" fugitive spills in loading operations at the dock to a potential catastrophic spill of an entire vessel cargo. The coal dust from the 80-acre stockpile proposed at the facility is likely to have significant impacts not only to nearby communities but to nearby marine waters, including the vital eel grass beds at Cherry Point, and must be analyzed as well. The environmental sensitivity of marine waters along the potential vessel routes, potential marine commerce disruption, impacts to fishers and others dependent upon a health Sound, and impacts to nearby communities, must all be analyzed.

Cumulative impacts analysis of all regional proposals for coal export facilities. I concur with the request of past Washington Governor Gregoire and Oregon Governor Kitzhaber that

U.S. Army Corps of Engineers undertake a NEPA analysis of the cumulative impacts likely to be generated if multiple export facilities are constructed in the region. While not everyone single one of the proposed facilities is likely to be constructed, there is a significant likelihood that facilities in addition to the GPT facility will move forward. Therefore the analysis of the potential impacts of larger volumes of rail transport of coal, greater impacts to communities along the rail route, additional marine impacts from increased vessel traffic, etc., should be analyzed comprehensively. If a programmatic EIS on all of the facilities is not undertaken by the U.S. Army Corps of Engineers, then this analyzed must be undertaken by the co-lead agencies in the GPT EIS.

Climate change impacts from combustion of the coal handled at the GPT facility. While the EIS may not be the document to analyze ever-changing world energy markets, it is clearly the place to analyze the impacts that carbon dioxide emissions from the burning of the coal handled at the facility may cause in global -- and thus regional and local -- climate change. The demand for coal in the United States is declining as renewable energy is becoming more cost competitive and natural gas supplies dramatically increase along with low prices and less carbon emission. Unless offshore markets such as Asia make up for this declining domestic demand, there simply may be less coal mined from the Powder River basin in Wyoming and Montana, the likeliest source of coal that would be handled at the GPT facility. Greenhouse gas emissions are certainly "pollutants" under both federal and Washington law, and climate impacts are certainly an "environmental" impact within the scope of both NEPA and SEPA. As Washington State's Blue Ribbon Panel on Ocean Acidification has recently demonstrated, the impacts of increasing atmospheric carbon dioxide on our state are already being felt in increased acidity of our marine waters, which is already harming our shellfish industry and the thousands of associated jobs while undoubtedly causing much additional damage to our marine ecosystem.

Economic impacts associated with the facility and transportation of coal. There are potentially hundreds of construction jobs associated with the facility at Cherry Point, as well as many more ongoing jobs to operate the facility once constructed. There will also likely be new jobs associated with the transportation of the coal to the facility along the rail corridor as well as those maritime jobs associated with the export of coal through the Puget Sound and the Strait of Juan de Fuca. While these jobs have been documented in reports leading up to this process and therefore will likely be included in the EIS, it is also important that the potential negative economic impacts of increased rail and vessel traffic be fully analyzed in the EIS process. The potential for up to ten 60 mile-and-a-half long trains through Washington communities from Spokane, to Mount Vernon to Bellingham is likely to cause extensive negative economic impacts to businesses from greatly increased and more frequent delays at at-grade crossings, as well as impacts to the movement of other freight in these communities and at ports along the rail line. These negative impacts outside of the immediate area of the terminal, but clearly associated with

this coal export activity of the terminal, must be fully incorporated into the EIS discussion of impacts from the proposed terminal.

Thank you for considering these comments in the scoping phase of developing the combined NEPA and SEPA environmental impacts statement for the Pacific Gateway Terminal Project. The EIS will certainly be the most important document informing the many decisionmakers regulatory and land use approvals of the broad range of potential impacts of constructing and operating this facility, and the co-lead agencies have a very important responsibility in ensuring that these impacts are fully analyzed, and that alternatives to the proposal are also fully analyzed.

Sincerely,

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