



Seattle Human Rights Commission

Established 1963

Resolution #12-5: Environmental Impacts of Gateway Pacific Coal Terminal

Whereas, all Seattle residents are born free and equal in dignity and rights; and

Whereas, the Seattle Human Rights Commission is committed to protecting and advocating for justice, human rights, and the equal treatment of all people who live and work in Seattle; and

Whereas, Pacific International Terminals, Inc. proposes the construction of the Gateway Pacific Terminal, a new coal shipping facility at Cherry Point near Bellingham; and

Whereas, construction of the terminal would require U.S. Department of the Army to issue permits under both Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act; and

Whereas, the U.S. Army Corps of Engineers (the Corps), along with the Washington State Department of Ecology (State) and the Whatcom County Planning and Development Services (County), will prepare an Environmental Impact Statement (EIS) that will determine whether the Corps will issue, issue with modification, or deny the permits for the proposed Gateway Pacific Terminal; and

Whereas, the Corps, the State, and the County are seeking public comment on the scope of impacts to be considered in defining issues, public concerns, and alternatives and the extent to which they will be evaluated in the EIS; and

Whereas, the impacts include numerous health, environmental, and cultural concerns as a result of the interstate transportation of coal from Wyoming and Montana through Seattle to Cherry Point and such impacts are directly related to the production of coal dust and diesel emissions; and

Whereas, the consequences of coal shipments to Cherry Point further impact numerous Indian tribes throughout the State of Washington who have treaty rights, cultural rights, and other health and environmental rights under federal and state law and international instruments such as the U.N. Declaration of the Rights of Indigenous Peoples; and

Whereas, the impacts of coal shipments affect human rights including the rights to right to life, the right to health, the right to clean and safe water, the right to an adequate standard of living, and the right to a healthy environment;

Therefore be it resolved, that the Seattle Human Rights Commission hereby requests that the U.S. Army Corps of Engineers, the Washington State Department of Ecology, and Whatcom County ensure that the scope of the review include a comprehensive assessment of the cumulative and regional impact of coal shipment on human rights, including the right to life, the



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right to health, the right to clean and safe water, the right to an adequate standard of living, and the right to a healthy environment; and

Now therefore be it further resolved, that the Seattle Human Rights Commission requests that the U.S. Army Corps of Engineers, the Washington State Department of Ecology, and Whatcom County ensure that the scope of the review include a comprehensive assessment of the regional impact of coal shipment on Native American rights recognized in the U.N. Declaration of the Rights of Indigenous Peoples and under federal government-to-government tribal consultation requirements enumerated in Presidential Executive Orders 13,175 (tribal consultation), 13,007 (tribal sacred sites), Presidential Memorandum of Nov. 5, 2009 (reaffirming tribal consultation), and U.S. Dept. of Defense American Indian and Alaska Native Policy and Instruction Number 4710.02, and federal statutes such as the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

Adopted by the Seattle Human Rights Commission on December 13, 2012.

A handwritten signature in blue ink, appearing to read "C. Stearns".

Christopher Stearns, Chairman

A handwritten signature in blue ink, appearing to read "Jennifer Yogi".

Jennifer Yogi, Secretary