



San Juan County Council

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18 December 2012

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

Randel Perry, Project Manager
USACE, Seattle District
1440 10th Street
Suite 102
Bellingham, WA 98225-7028

Tyler Schroeder, Planning Supervisor
Whatcom County, Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226

Alice Kelly, Planner
WA Department of Ecology, NWRO
3190 160th Ave SE
Bellevue, WA 98008-5452

RE: Comments on Proposed Gateway Pacific Terminal EIS Scoping

Dear CH2M HILL, Mr. Perry, Mr. Schroeder, and Ms. Kelly,

San Juan County Resolution No. 36-2012, "Regarding Legislative Priorities for the 2013 Legislative Session," includes the following legislative priority:

Secure endorsements from Washington State Representatives and the Governor for the Council's position to oppose the proposed Gateway Pacific Terminal project unless a scoping meeting is held in San Juan County and all project related concerns (including increased vessel traffic and the increased risk of a major oil spill) are considered and addressed in the EIS, and all identified project related impacts are guaranteed to be mitigated.

We want to follow up on our previous comments identifying significant adverse impacts to San Juan County that would only occur if the proposed Gateway Pacific Terminal project is approved. It is our understanding that you must address all of our comments in the EIS by in-depth analysis with reasonable alternatives identified including mitigation measures, and that if any comment is considered not to be significant, you will provide a thorough explanation.

Our previous comment letter was signed on November 27th; the same day that Governor Gregoire issued Executive Order 12-07, Washington's Response to Ocean Acidification (attached). This Executive Order includes the implementation of the Governor Gregoire's Blue Ribbon Panel on Ocean Acidification's recommendations; the number one recommendation being reduce emissions of carbon dioxide. The proposed Gateway Pacific Terminal presents a direct contradiction to Executive Order 12-07, Washington's Response to Ocean Acidification.

Coal burned in Asia releases carbon dioxide that returns to San Juan County via the Jet Stream. Coal from the proposed Gateway Pacific Terminal, estimated at 50 million tons per year, when burned in Asia would effectively double the total greenhouse gas emissions from Washington State. This is in addition to the emissions from trains and marine transportation, which are significant.

The proposed Gateway Pacific Terminal's EIS must address ocean acidification's risk to San Juan County's marine species and ecosystems. The burning of coal releases carbon dioxide into our oceans and contributes to ocean acidification. Based on the tonnage of coal proposed to be exported and subsequently burned, what would be the impacts of increased ocean acidification in the waters of San Juan County? What would be the costs of the increased ocean acidification's impacts on recreational and commercial shellfish? What would be the impacts to the spawning of shellfish for recreational and commercial harvest? What would be the impacts to the wildlife who feed on shellfish? What would be the impacts to the pteropods that comprise much of the diet of juvenile salmon? What would be the costs associated with the increased ocean acidification?



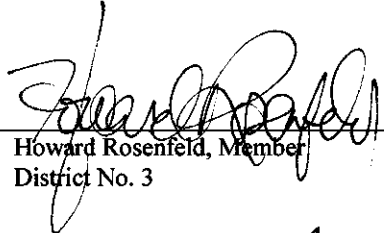

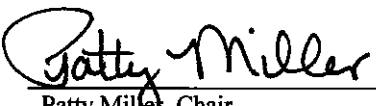
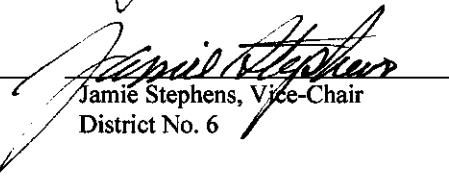
We are further concerned about the increased risk of a coal spill given the December 7th bulk carrier crash into a berth at the Westshore (BC) Terminals, spilling an undetermined amount of coal into Georgia Strait. It has come to our attention that the George Washington University updated Vessel Traffic Risk Assessment is not set up to evaluate the risk of the loss of cargo from vessels in a collision, allision, or grounding, other than oil. As we stated in our comment letter of November 27th, we are also very concerned about the increased risk of an oil spill and associated impacts due to the proposed Gateway Pacific Terminal. We want to be sure that the Gateway Pacific Terminal EIS addresses the increased risk of an oil spill as a result of the increased vessel traffic associated with the proposed Gateway Pacific Terminal project according to the George Washington University updated Vessel Traffic Risk Assessment. We also want to be sure that the Gateway Pacific Terminal EIS addresses the following: The transport of coal through Haro and Rosario straits and the Strait of Juan de Fuca, with their narrow channels and strong currents, especially in fog-bound and storm-tossed sea lanes, increases the risk of a coal cargo spill. What is the increased risk of a coal spill as a result of the increased vessel traffic associated with the proposed Gateway Pacific Terminal project? What is the risk of a coal spill from a collision, allision, or grounding involving the single-hull bulk carriers? How wide-spread would the damage be? How many species and commercial and recreational fisheries would be impacted and how would it affect the sustainability of those species? How many local jobs and businesses would be adversely impacted and/or lost? What would be the impacts to property values? What would be the impacts to desalinization systems? What would be the impacts to Washington State Ferries in the event of a coal spill? What would be the costs associated with a coal spill?

We look forward to the draft EIS that addresses all of our comments with in-depth analysis and with reasonable alternatives identified including mitigation measures. Thank you for this opportunity to

comment on the scoping for the proposed Gateway Pacific Terminal EIS and to further secure the San Juan County Council's standing in the EIS process.

Sincerely,

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

 Lovel Pratt, Member District No. 1	 Richard Peterson, Member District No. 2	 Howard Rosenfeld, Member District No. 3
 Richard Fralick, Member District No. 4	 Patty Miller, Chair District No. 5	 Jamie Stephens, Vice-Chair District No. 6

Cc. The Honorable Maria Cantwell, US Senator
The Honorable Patty Murray, US Senator
The Honorable Rick Larsen, US Representative
The Honorable Christine Gregoire, Governor of the State of Washington
The Honorable Jay Inslee, Governor-Elect of the State of Washington
The Honorable Kevin Ranker, Washington State Senator
The Honorable Jeff Morris, Washington State Representative
The Honorable Kristine Lytton, Washington State Representative
The Honorable Billy Frank, Chairman, Northwest Indian Fisheries Commission
The Honorable Cliff Cultee, Chair, Lummi Nation
The Honorable Melvin R. Sheldon, Jr., Chair, Tulalip Tribes
The Honorable Brian Cladoosby, Chair, Swinomish Indian Tribal Community
The Honorable Micah McCarty, Chairman, Makah Tribe
The Honorable W. Ron Allen, Chair, Jamestown S'Klallam Tribe
The Honorable Frances Charles, Chair, Lower Elwha Klallam Tribe
The Honorable Robert (Bob) Kelly, Chairman, Nooksack Tribe
The Honorable Jeromy Sullivan, Chair, Port Gamble S'Klallam Tribe
The Honorable Leonard Forsman, Chair, Suquamish Tribe

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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EXECUTIVE ORDER 12-07

WASHINGTON'S RESPONSE TO OCEAN ACIDIFICATION

WHEREAS, acidification of the world's oceans, measured by the lowering pH numbers and caused primarily by increasing levels of carbon dioxide in the atmosphere, has arrived on the West Coast sooner than predicted and is already reaching levels that are corrosive for shellfish and other marine organisms; and

WHEREAS, Washington's marine waters are particularly vulnerable to ocean acidification because they experience the effects of global carbon dioxide absorbed by the oceans in addition to regional and local factors. One of the most important regional factors is coastal upwelling, which occurs when strong northerly winds blow across the Pacific Ocean, bringing deeper water up to the surface, along the Washington coast, into coastal estuaries like Willapa Bay and Grays Harbor, and the Puget Sound basin. Today's upwelled water is rich in carbon dioxide and low in pH and oxygen, and was in contact with the atmospheric concentration of carbon dioxide from 30 to 50 years ago, meaning we will continue to see acidification for several decades after global carbon dioxide emissions begin to fall; and

WHEREAS, acidification near the coasts, and particularly in highly populated and developed areas, is often exacerbated by local sources of pollutants, such as nutrients and organic material, that generate additional carbon dioxide in marine waters; and

WHEREAS, between 2005 and 2009, the Pacific Northwest oyster hatcheries experienced disastrous production failures when billions of their youngest oysters, the larvae, died due to acidified seawater that dissolved shells or prevented their formation; and

WHEREAS, Washington is the country's top provider of farmed oysters, clams, and mussels. Our shellfish growers employ directly and indirectly more than 3,200 people around the state and provide an annual total economic contribution of \$270 million statewide. The increasing levels of acidification in Washington's marine waters pose serious and immediate threats to our shellfish resources, and the revenue and jobs supported by the shellfish industry; and

WHEREAS, ocean acidification has important implications to Washington's tribal communities and fishermen who increasingly depend on shellfish species to support their families; and

WHEREAS, increasing levels of acidity also have implications for the broader marine ecosystem because many organisms that are important food sources for species such as salmon, whales, and seabirds, are dependent on their ability to form and maintain shells, skeletons, or other hard parts; and

WHEREAS, Washington is a national leader in addressing the problem of ocean acidification. World-class scientists are already working on ocean acidification; state agencies, businesses, tribes, and others are implementing innovative approaches to reduce carbon dioxide and nutrient runoff; federal partners are engaged on solutions to ocean acidification; the shellfish industry is committed to protecting ecosystems and cultivated resources; and diverse nonprofit organizations are ready to give voice to the problem; and

WHEREAS, to chart a course for addressing the effects of ocean acidification on Washington's shellfish resources and other marine organisms, I convened the Washington State Ocean Acidification Blue Ribbon Panel comprised of scientific experts, industry representatives, public opinion leaders, and state, local, federal, and tribal policy makers; and

WHEREAS, the Panel produced a *Scientific Summary of Ocean Acidification in Washington State Marine Waters* and a set of recommended actions in a document titled *Ocean Acidification: From Knowledge to Action – Washington's Strategic Response to Changing Ocean Chemistry*, documenting the understanding of ocean acidification in Washington, and recommending actions to reduce contributions to the problem, help the shellfish industry adapt to changes, advance our knowledge about acidification in Washington's marine waters, and educate and engage stakeholders, the public and decision makers in addressing the problem; and

WHEREAS, it is critical to our economic and environmental future that effective and immediate actions be implemented in a well-coordinated way and that we work collaboratively with federal, tribal, state, and local governments, universities, the shellfish industry, businesses, the agricultural sector, and the conservation/environmental community to address this emerging threat.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington by virtue of the power invested in me by the Constitution and statutes of the state of Washington do, effective immediately, hereby order and direct:

1. The Office of the Governor and the cabinet agencies that report to the Governor to advocate for reductions in emissions of carbon dioxide at a global, national, and regional level. The Office of the Governor and cabinet agencies shall work on this effort with federal and regional partners (including at a minimum Oregon, California, and the Province of British Columbia) and shall consult with affected public and private entities.

2. The Director of the Department of Ecology to:

- a) Coordinate effective implementation of the Blue Ribbon Panel's recommendations. In doing so, the Department shall work with other state agencies, the Commissioner of Public Lands, the University of Washington, the National Oceanic and Atmospheric Agency (NOAA), the Environmental Protection Agency (EPA), Tribes, non-governmental organizations, and the shellfish industry. This effort will require coordination of numerous activities at the national and regional level aimed at protecting and restoring the health of our marine waters.

- b) Work with the University of Washington (UW), the Commissioner of Public Lands, NOAA and other state agencies to establish a coordinating mechanism to: continue the focused and productive interaction between scientists and decision makers to enhance Washington's ability to respond to the problem of acidification; promote sharing of scientific information; and secure efficiencies in implementing the Panel's recommendations. In doing so the Department shall build on existing efforts such as the Puget Sound Strategic Science Plan, the UW coastal and marine research programs, NOAA Ocean Acidification Program, California Current Acidification Network, Pacific Shellfish Institute, and other related efforts.
- c) Craft and execute a memorandum of understanding or other mechanisms among key state and federal agencies, including Departments of Natural Resources and Fish and Wildlife, NOAA, EPA, and U.S. Department of Interior, to support data sharing, collaboration, and leveraging and prioritizing of funds.
- d) Work with the University of Washington to deliver the technical analysis recommended by the panel on the relative importance to ocean acidification of local land-based sources of nutrients and organic carbon and local air emissions.
- e) Reduce nutrients and organic carbon in locations where these pollutants alone, or in combination with other pollutants, are causing or contributing to multiple water quality problems in our marine waters. This effort shall be coordinated with the Directors of the Department of Agriculture and Department of Health, and the Executive Director of the Conservation Commission. In implementing this directive, Ecology with its partners shall prioritize watersheds with the most significant water quality problems, regardless of the source(s) – urban storm water, septic tanks, large and small sewage treatment facilities, or rural runoff from agricultural lands. This effort shall be carried out in consultation with other agencies, affected local and tribal governments, federal agencies, landowners, and the environmental community. These efforts shall:
 - i. build on existing programs;
 - ii. utilize, where appropriate, the voluntary stewardship program established by RCW 36.70A.710; and
 - iii. utilize other approaches, including technical assistance, funding, permitting and enforcement, where most appropriate and effective.
- f) Formally request that EPA begin the assessment of water quality criteria relevant to ocean acidification and encourage EPA to work with scientists from NOAA, Ecology, and other agencies in carrying out this effort.
- g) In consultation with the Department of Commerce and Department of Transportation, review unimplemented actions recommended by the Climate Action Team and identified in the State Energy Strategy and, where appropriate, propose a path forward to implement additional actions to reduce atmospheric

carbon dioxide. In developing the proposed actions, the Department of Ecology shall consult with affected stakeholders.

- h) Work with other agencies, NOAA, universities, the Puget Sound Partnership, WA Sea Grant, shellfish growers, Tribes, non-governmental organizations, and various education and outreach networks to increase understanding of ocean acidification and its consequences among policymakers, interested organizations, and the public.
- i) Work with other state agencies, the Commissioner of Public Lands, and appropriate federal agencies to engage agricultural, business, and other stakeholders; coastal communities; shellfish and fishery interests; and other affected or interested groups, in developing and implementing local solutions.

3. The Executive Director of the Puget Sound Partnership to work with its partners to advance the implementation of the Panel's recommendations by incorporating the scientific findings, and strategies and actions into the Puget Sound Action Agenda, the Biennial Science Work Plan, and ecosystem monitoring programs, by December 1, 2014.

4. In implementing this Executive Order, the state and its agencies shall invite consultation, on a government-to-government basis, with affected and interested Indian Tribes and Nations in Washington State.

5. The Director of the Department of Ecology, in cooperation with affected agencies, shall provide a progress report to the Governor by December 31, 2013.

Signed and sealed with the official seal of the state of Washington on this 27th day of November, 2012, at Olympia, Washington.

By:

/s/

Christine O. Gregoire
Governor

BY THE GOVERNOR:

/s/

Secretary of State