



January 22, 2013

GPT/BNSF Custer Spur EIS Co-Lead Agencies
c/o CH2MHill
1100 112th Avenue Northeast, Suite 400
Bellevue, WA 98004

*Protecting and
Preserving
Puget Sound*

RE: Scoping Comments for GPT/BNSF Custer Spur EIS

Dear Co-Lead Agencies' Representatives Ms. Kelly (DOE), Mr. Perry (USACE), and Mr. Schroeder (Whatcom County):

Thank you for the opportunity to provide scoping comments for preparation of an Environmental Impact Statement (EIS) for the Pacific International Terminals Inc.'s proposed Gateway Pacific Terminal project at Cherry Point, Washington and the Burlington Northern Santa Fe Railway's (BNSF's) Custer Spur Rail Expansion project ("GPT"). Please accept this letter as the official filing from Puget Soundkeeper Alliance (Soundkeeper).

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Overview

Soundkeeper is a non-profit organization with its mission to protect and preserve Puget Sound by monitoring, cleaning up and preventing pollutants from entering its waters. Soundkeeper uses legal and regulatory tools in addition to operating a proactive pollution prevention and cleanup program to accomplish its mission. Soundkeeper was founded in 1984 as the first citizen advocacy organization to focus on the health of Puget Sound. In 1990 Soundkeeper became a founding member of the Waterkeeper Alliance, which today includes over 200 member organizations on six continents, each one a local grass roots advocate for protecting community water resources. Today, Soundkeeper advocates for a healthy Puget Sound on behalf of its 2500 members, supporters and volunteers. This includes many individuals, families, business owners, educators, shellfish growers, restaurateurs, environmental professionals and policy makers as well as fishermen, boaters, kayakers, wildlife enthusiasts, SCUBA divers and others who are concerned about the health of the Sound. To expand its role beyond the Sound, Soundkeeper regularly partners with members of the Waterkeeper Alliance, Waterkeepers Washington and other organizations on issues of regional, national and global significance.

Puget Sound is in serious trouble from water pollution, toxic sediments, habitat destruction, sea level rise, ocean acidification and invasive species introductions. The Sound's ecosystem is out of balance and could be nearing a tipping point which could make meaningful recovery extremely difficult. Fish consumption health advisories

exist for various populations of Puget Sound and Washington State fish, both freshwater and marine. Several of the region's signature species like Southern Resident Orca whales, Chinook salmon and steelhead trout are listed under the Endangered Species Act and recovery plans are underway. To address these concerns and others, local federal and state governments have declared the recovery of the Sound a priority. Numerous public and private resources are being marshaled through the auspices of the Puget Sound Partnership to prioritize actions and facilitate the recovery of the Sound. The task is large and the outcome is uncertain even with the current pressures on the system, let alone new pressures from additional development, industrialization, climate change and ocean acidification.

Puget Sound has some of the most corrosive marine waters on the planet. Science shows that the Sound's calcium carbonate-producing (shell bearing) marine animals are at severe risk from ocean acidification due to the tendency for newly formed shells to dissolve in increasingly corrosive seawater. The science suggests that if atmospheric carbon levels continue to rise, the predicted local acidification effects may precede those in other regions by several decades, making extinctions of whole categories of animals possible. If these trends hold, the local ecosystem and economic impacts would be catastrophic.

Soundkeeper and its members are extremely concerned about the enormous breadth of potential and likely health and environmental impacts of the proposed GPT deepwater coal export facility, along with the associated transportation, handling and combustion of the dirty carbon-based fuel. These impacts will adversely affect not only the region we love and depend on, but also water, land and air resources nationally and globally. Soundkeeper and its members strongly believe that the sheer scale of the project is worthy of special consideration. In particular, Soundkeeper believes that the scale of this and the other related coal export projects warrant a consideration of the certain exacerbating effects on the serious and worsening issues of climate change and ocean acidification.

WAC 197-11-060 (4)(c) states that "agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer."

WAC 197-11-060 (4) (d) states that the "proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions."

Soundkeeper urges the Army Corps of Engineers, the Washington Department of Ecology and Whatcom County (Agencies) to consider the vast and full range of both short-term and long-term, direct and indirect impacts of this project on the Puget Sound marine environment, the freshwater environments along the projected rail route, as well as the health, cultural and economic well-being of Puget Sound residents and their communities, those along the projected rail route and those most impacted by climate change, sea level rise, ocean acidification and aerial deposition of pollutants from coal burning in Asia.

Please also consider the precedent that this proposal will set for future actions. The proposed project is nothing short of disturbing, alarming and life-changing for those concerned about the

health of our region. However it also provides our region a critical once-in-a-lifetime opportunity to do our part in addressing carbon emissions on a global scale.

1. Project Impacts on Puget Sound Marine Environment and Freshwater Tributaries

Soundkeeper asks that the Agencies consider the wide array of risks that this project poses to the marine and freshwater ecosystems in Puget Sound.

Please consider the likely degradation in water quality that would inevitably accompany the large scale release of pollutants (including persistent bio-accumulative toxins) caused by terminal construction, increased marine and rail-based diesel engine emissions and fugitive coal dust from over 1100 open top rail cars traversing our shoreline railway system every day.

Please consider the irreparable harm to marine plants and animals (including the 113 species listed in and candidates for the Endangered Species Act). These risks include the effects from pollutants and other accompanying physical impacts on these animals. The risks also include the creation of inhospitable environment caused by the increased risk of vessel strike and vessel noise, which has been documented as a stressor on Southern Resident Orca whales.

Please consider the unreasonable increase in the risk of a catastrophic oil spill that would come along with the increased vessel and rail traffic. In congested waters the risk of a collision goes up quite significantly with every additional vessel. Please consider also the fact that large Cape size and Panamax ships carry as much fuel as many smaller tanker ships, only without the mandates for double hull construction and vessel escorts during transits of inside waters. It is widely recognized that a major spill in Puget Sound would be catastrophic given the low flushing, cold waters, and degraded nature of the ecosystem.

Landslides are common along the shoreline rail route in Puget Sound, posing a risk of oil and/or coal discharge to surface waters in the event of a landslide accident involving a train. Please consider the increased risk of landslide accidents involving trains and resulting pollution discharges.

These unwelcome stressors would unduly strain an already at risk marine ecosystem.

On this topic, Soundkeeper agrees with comments provided by: FRIENDS of the San Juans; Dr. Joseph Gaydos, U.C. Davis Wildlife Health Center; Richard Steinhardt, U.C. Berkeley; Washington Department of Fish and Wildlife; and Crina Hoyer, RE Sources for Sustainable Communities (North Sound Baykeeper).

2. Project Impacts on Puget Sound Residents and Communities

The economy, communities and individuals of the Puget Sound region all depend on the health of its waterways.

Soundkeeper asks that the Agencies please consider the risks that this project poses to commercial, recreational and subsistence fishing and shellfishing industries. Would increases in toxic bioaccumulative pollutants like polycyclic aromatic hydrocarbons (PAHs) from fugitive coal dust and diesel emissions and mercury from trans-continental atmospheric deposition likely

increase the frequency of health warnings and decrease the recommended consumption rates by the Washington Department of Health? Would the increases in PAH's affect the reproduction, development and survival of sensitive species like Pacific herring, Chinook salmon and English sole. Would health warnings or decreased abundance have a negative effect on fishing-related businesses and jobs? Would ocean acidification from increased global emissions tied to this project further damage the food web, reducing prey for juvenile salmon and forage fish, and further damage the survival and recruitment of oyster larvae to the point of this industry becoming no longer viable?

Please also consider the impacts of this project on the entire outdoor recreation community and industries. Please consider the impacts that degradation in water quality and marine life will have on the region's divers, kayakers, paddlers, swimmers, boaters, sailing enthusiasts, bird watchers, etc. Would decreased abundance of marine life have a chilling effect on outdoor equipment and boat sales, fishing tackle sales, guide fees, and resort fees and the direct and indirect benefits they provide? How would this impact Puget Sound's tourism industry, including wildlife viewing opportunities such as whale watching?

Please consider the complex array of impacts of this project on our region's quality of life. Please consider the physical and mental impacts of exposing our residents and visitors to increased noise pollution from rail traffic, including around-the-clock horn blasts and screeching train brakes. Please consider the physical, mental, and financial impacts of increasing the daily commute times of our region's working population who will be forced to wait as coal trains get the right-of-way through our communities. Please consider the impacts of delaying emergency response vehicles and commercial vehicles. Please consider the impacts of increased rail and vessel traffic on property values.

Please consider not only the immediate human health risks posed by coal dust emissions and diesel particulates but also the long term impacts of the toxic air pollution that would return to our coast after the coal is burned in Asia. Please consider the impacts both on the general population and also on sensitive/ susceptible populations including children and the elderly as well as the neurological effects of increases in mercury and lead.

Please consider the impacts of the blowback of mercury pollution on Puget Sound residents and communities that will occur after the exported coal is burned in Asia. How will the increase in this well-known neurotoxin impact our nervous, cardiovascular, respiratory, gastrointestinal, hematologic, immune and reproductive systems?

Please also consider the impacts of the proposed project on the regional identity, which is based on respect and love of the environment. People stay here, move here and visit here because of the region's rich diverse ecosystems and countless opportunities to interact with the natural world. Please consider the impacts of this project on the way that people view this region. Do we want to be known for our coal trains and Post-Panamax cargo ships? Do we want to trade our current role as leader in reducing carbon emissions to that of a world leader in the international carbon trade?

On this topic, Soundkeeper agrees with comments provided by Crina Hoyer, RE Sources for Sustainable Communities (North Sound Baykeeper); and Dr. Sara Mostad, MD, PhD.

3. Project Impacts Regionally and Globally

WAC 197-11-060 (4)(b) states: “in assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries (see WAC 197-11-330(3) also).”

Waterkeepers around the globe recognize that we are connected in a global community and share a complex system of resources, each of which depends largely upon the health of the others.

It is undeniable that the impacts of this project transcend geographic boundaries. GPT would serve to link coal mining in the Central Northern United States to coal combustion in Asia. As such, the EIS must consider the impacts of coal mining in the Powder River Basin and coal burning in China, India and Bangladesh.

Please consider the impacts of this project on the coal mining communities in Montana and Idaho. Please consider the impacts to every community along the route transport route between the western United States, through Washington and across the ocean to Asia. What are the impacts of coal dust from rail cars and diesel particulates coming off the trains, barges, transfer stations and loading areas on surrounding communities, people, wildlife and waterways?

Please fully consider the increased risk of a marine accident that could result in a major oil spill in the Salish Sea or any water system along the route.

Please consider the impacts of the air pollution in the western United States caused by the combustion of the coal that this project would export to Asia. Please measure the mercury pollution, fine particulates and other air pollutants that will blow back across the Pacific Ocean and pollute Pacific Northwest airways and waterways after the coal has been burned in power plants in India and China.

Please consider all of the costs of continuing to develop the coal industry, including health impacts on everyone from coal mine employees to the residents of coal burning communities. Please also consider the worsening harm to our climate that will result from increasing our consumption of coal, one of the worst sources of fossil fuel emissions.

On this topic, Soundkeeper agrees with comments provided by: Crina Hoyer, RE Sources for Sustainable Communities (North Sound Baykeeper); Rick Eichstaedt, Center for Justice (Spokane Riverkeeper); and Pete Nichols, Waterkeeper Alliance.

In summary, Soundkeeper would like to emphasize the importance of including in the EIS the full spectrum of impacts that would result from this project, including the aforementioned

impacts on the Puget Sound marine environment and freshwater tributaries, impacts on Puget Sound residents and communities and impacts regionally and globally.

Soundkeeper urges the Agencies to conduct a full environmental analysis which considers the short-term, long-term, direct, indirect, local, regional, national and global impacts of this project.

Please consider the environmental, health, cultural and economic benefits of a no-action alternative.

Soundkeeper would also like to request that a public hearing occur in Seattle to receive comment on the draft EIS when it becomes available.

Thank you for your consideration of these comments, submitted on behalf of Puget Soundkeeper Alliance. Please enter this document into the record for this matter and keep me on the service list for this action. My email address is chris@pugetsoundkeeper.org.

Sincerely,

Puget Soundkeeper Alliance

A handwritten signature in black ink, appearing to read "Chris Wilke". The signature is fluid and cursive, with the first name "Chris" being more prominent than the last name "Wilke".

Chris Wilke
Executive Director and Puget Soundkeeper