



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

January 18, 2013

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Re: Comments on the Scope of the Joint SEPA/NEPA EIS for the Proposed Gateway Pacific Terminal and Custer Spur Expansion Projects (NWS-2008-260; NWS-2011-325)

Dear Sirs:

As you are well aware, the Yakama Nation has considerable concerns regarding the proposed coal export projects in the Northwest. Based on our current understanding of these proposals and their potential impacts to the Yakama People, our Treaty-reserved rights and resources, and our way of life, we are left with no other option than to fully oppose any and all coal transport and coal export projects in Washington and Oregon, per Yakama Tribal Council Resolution (T-041-12). All coal that would be exported from terminals in Washington and Oregon would first be transported through Yakama Nation's Ceded Lands and Usual and Accustomed Use Areas, including those trains heading for the proposed Gateway Pacific Terminal at Cherry Point. It is also our understanding that the return trains from the Cherry Point Terminal would also pass through our Reservation and most certainly through our Ceded Lands.

YAKAMA NATION CONTINUES TO ASK FOR A COMPREHENSIVE, REGION-WIDE ENVIRONMENTAL ANALYSIS OF ALL COAL EXPORT PROPOSALS

Yakama Nation continues to ask you, the Corps of Engineers and your fellow federal agencies to conduct a comprehensive, region-wide environmental analysis of all coal export proposals in the Northwest. It is our hope and expectation that the federal government will uphold its trust responsibility and will complete such a critical comprehensive analysis before moving forward with individual, project specific analyses, and most certainly prior to issuing any single permit associated with a proposed coal export project. The cumulative impacts of each proposed project would be

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compounded by the combined, cumulative impacts of all those that may come to fruition in the Northwest.

PUBLIC SCOPING PROCESS FOR THE GATEWAY PACIFIC TERMINAL EIS

We appreciate the opportunity to comment on the scope of the environmental impact statement (EIS) for the proposed Gateway Pacific Terminal and for the opportunity to have testified at one of the seven public meetings held in Western Washington and Spokane. Fortunately, someone who had stood in line for hours in Spokane, graciously gave their ticket to the Yakama Nation's representative in order for our concerns and requests to have been heard. As requested by the Yakama Nation in Spokane, we ask that you hold additional public meetings in central Washington from the Columbia River, north, where our tribal members and others who stand to be affected by this proposal also deserve the opportunity to become informed and engaged in this important public process. We also ask that you consider holding these meetings as far away as Montana and Alaska, where we have heard from our brothers and sisters that they as well would be directly impacted by the Gateway Pacific project and the other coal export proposals in Washington and Oregon.

COMMENTS ON THE SCOPE OF THE GATEWAY PACIFIC TERMINAL EIS

Yakama Nation asks that the scope of the Gateway Pacific Terminal EIS includes an evaluation of all potential impacts to our cultural and Treaty-reserved resources, our environment, public health and safety, and to our economies from the coal's origins in the Powder River Basin through our homelands, to Asia, and back – as the effects of this proposal are not limited to the state of Washington and do not recognize the political boundaries that have been created. To give an example, the coal shipping vessels will essentially be following, via the North Pacific Great Circle Shipping Route, the migratory route of our sacred salmon who spend much of their adult lives in the Northern Pacific Ocean before returning to spawn in our rivers. The EIS needs to evaluate the impacts from the ships' air emissions, ballast water, coal escapement, potential spills, etc. in terms of damages to our salmon and the larger ocean environment, as these impacts affect our ability to exercise our Treaty-reserved rights within our Ceded Lands and Usual and Accustomed Use Areas.

Yakama Nation requests that the Gateway Pacific Terminal EIS also includes, but is not limited to:

- An analysis of cultural resources, including Traditional Cultural Properties. Proper application of cultural resources laws must be achieved within the joint NEPA/SEPA process.
- An evaluation of the impacts of the increased rail traffic to tribal fishers, their customers, and tribal members on and near the Yakama Reservation needs to be included in the EIS. Rail traffic in the Columbia Basin directly impacts tribal members' ability to exercise Treaty-reserved fishing rights along the Columbia River including but not limited to access to fishing sites, transportation throughout the river, sale of fish on the river, and access to housing. The additional rail traffic would increase the health and safety risks to tribal members exercising their Treaty rights at all usual and accustomed places in the Columbia Basin and to the customers of those tribal fishers. Similarly, tribal members would be exposed to increased health and safety risks created by the coal trains transiting the Yakama Reservation and other rail lines in central Washington.
- An analysis of the likelihood and frequency of coal train derailments and shipping spills and the impacts that such incidents would have on the terrestrial and aquatic environments. The EIS

should also include a discussion of how such incidents would be handled, who would respond, and which parties and/or agencies would be responsible for clean-up.

- An analysis of the emissions from rail and ship traffic, terminal operations, and combustion by the end users. This emissions analysis needs to include types, quantities and effects to human health and the environment. Specific examples include how these emissions would exacerbate the currently compromised air quality in the Columbia River Gorge (from local and Asian sources), toxicity levels in our rivers and fish, as well as climate change and ocean acidification.
- An analysis of the amounts and effects of the fugitive coal dust that would be deposited upon our lands and waters during transport through the Columbia Basin and across the Northern Pacific Ocean.

Thank you for your time and consideration in determining the scope of this important analysis. If you have any questions, please contact Philip Rigdon, Deputy Director for the Yakama Nation Department of Natural Resources at (509) 865-5121 extension 4655.

Sincerely,



Harry Smiskin
Yakama Tribal Council Chairman
Confederated Tribes and Bands of the Yakama Nation