



September 26, 2013

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
108 Army Pentagon, RM 3E446
Washington, DC 20310-0108

Re: Request for Reconsideration of Position on EIS Review of Coal Terminals

Dear Assistant Secretary Darcy:

Members of the Leadership Alliance Against Coal represent elected leaders of cities, counties and tribes all over the Northwest. We share a collective concern about the review of proposals to export coal from Northwest ports.

In June, at a congressional hearing on energy exports, Acting Chief of the Regulatory Program, Jennifer Moyer, testified that the U.S. Army Corps of Engineers had reached a determination that it will not prepare a programmatic or area-wide environmental impact statement on the impacts of the three proposed coal export facilities in Washington and Oregon. Subsequently on July 29, 2013, the Seattle District of the Corps of Engineers issued a memorandum outlining a very limited scope of environmental review for a single terminal. The Corps limited the scope of its EIS for the Gateway Pacific Terminal, declining to review rail impacts outside of Whatcom County, vessel impacts outside of U.S. territorial waters, or climate change impacts arising from the burning of coal to be exported from the proposed pier. These decisions effectively allow the Corps to ignore direct and indirect environmental, cultural, and economic impacts on our communities.

We believe that the Corps has an obligation under the National Environmental Policy Act to consider environmental effects of these projects both *inside* and *outside* the territorial jurisdiction of the United States.¹ Furthermore, the Corps' approval of permits for facilities that ship coal to Asia will enable that coal to be burned in power plants that will emit greenhouse gases and other toxic pollutants into the atmosphere. While these pollutants would be emitted outside the jurisdiction of the United States, they would have direct impacts on communities within the

¹ We refer you to the recent court decision and settlements involving the cross-border lawsuit brought by the Confederated Tribes of the Colville Reservation, regarding Teck Metals, Ltd.' pollution of U.S. waters: <http://www.prnewswire.com/news-releases/colville-tribes-win-long-running-environmental-lawsuit-against-teck-metals-183585251.html>

United States through climate disruption (e.g. rising sea level, ocean acidification, increased severe weather and wild fires), as well as through the atmospheric transport of toxic pollutants such as mercury.²

We request that your office review and reconsider these two types of decisions. We urge you to ensure that the indirect and cumulative impacts of the projects outside the U.S. boundaries and waters and beyond the immediate boundaries of proposed piers are carefully studied and considered.

We continue to believe that a single, comprehensive analysis of the impacts of all three proposed Northwest coal terminals is warranted in a combined EIS. Tens of thousands of citizens and hundreds of groups, businesses, elected officials and tribal leaders from across the Northwest, as well as the Governors and several Senators of Washington and Oregon, have called for a full and thorough review of the impacts of the proposed terminals. Federal, State and local agencies have also weighed in with recommendations for an inclusive scope.³ The communities touched by the proposed export terminals need a full understanding of all the potential impacts of coal export including:

- From increased mining in Wyoming and Montana, particularly on public lands;
- From increased rail traffic and related impacts to infrastructure throughout Wyoming, Montana, Idaho, Washington, and Oregon, including the impacts of at-grade rail crossings on our cities;
- From traffic congestion, pollution, safety, and health issues in communities along the rail line between Powder River Basin area coal mines and the Pacific Northwest terminal sites;
- On tribes' treaty rights, sacred places and life ways;
- Of significantly increased barge and cargo ship operations on the Columbia River and in the Salish Sea and combined vessel traffic impacts and oil spill risks in the transpacific navigational routes including the Gulf of Alaska and Unimak Pass;
- Of coal export on domestic energy security and pricing;
- Of global consumption of coal exported from the proposed terminals on international market prices, and resulting increased greenhouse gas emissions and air pollution impacts from coal combustion in Asia, including mercury and other contaminant deposition in Pacific Northwest waters.

While the Washington State Department of Ecology will now be studying many of these factors as part of the Gateway Pacific Terminal, this does not satisfy the Corps' obligations under NEPA and it does not ensure consideration of the three terminals together, in a cumulative impact analysis. As the lead federal agency, the Corps must ensure a thorough review of all cumulative and indirect impacts.

² Members of the Leadership Alliance are keenly aware of the studies demonstrating that their jurisdictions are receiving depositions of mercury and other air born toxic pollutants from coal plants in Asia, in more than de minimus amounts. **Strode, et al.**, *Trans Pacific transport of mercury*, Journal of Geophysical Research, Vol. 113, D15305, doi: 10.1029/2007JD009428 (2008).

³ Federal agencies submitting comments included the Environmental Protection Agency, Housing and Urban Development, the National Oceanic and Atmospheric Administration, the US Forest Service, the US Fish and Wildlife Service, and the National Park Service. <http://www.eisgatewaypacificwa.gov/resources/project-library>

We urge you to reconsider your decision regarding the area-wide or programmatic EIS as that is the best opportunity to understand the full breadth of impacts. We ask that you withdraw and reconsider the local District decision to narrow the federal review of impacts for the individual terminal analysis. In closing, our joint communication here does not limit or constrain the participation of any jurisdiction or tribe in the environmental review process under NEPA.

Thank you for your consideration.

Sincerely,



Mayor Arthur Babitz
City of Hood River, OR



Mayor Stephen H. Buxbaum
City of Olympia, WA

*Councilmember Nancy Dumas
City of Sumner, WA

*State Representative Jessyn Farrell
State of Washington



Councilmember Jennifer Gregerson
City of Mukilteo, WA



Commissioner Katherine Haque-Hausrath
City of Helena, MT

*Councilmember Michael Lilliquist
City of Bellingham, WA

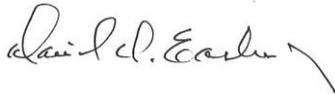


Councilmember Doris McConnell
City of Shoreline, WA

*Councilmember Joan Bloom
City of Edmonds, WA



Councilmember Richard Conlin
City of Seattle, WA



Mayor Dave Earling
City of Edmonds, WA

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