

AGENDA

TOWN HALL MEETING

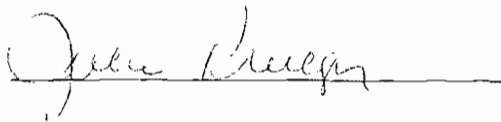
April 16, 2012

5:30 p.m.

Mid Columbia Senior Center
1112 West Ninth Street
The Dalles, Oregon

1. CALL TO ORDER AND WELCOME - Mayor Wilcox
2. PRESENTATION REGARDING COAL TRAINS IN THE COLUMBIA RIVER GORGE - City Attorney Gene Parker
3. PRESENTATION REGARDING PRIDE IN THE DALLES PROGRAM - Mayor Wilcox
4. OTHER COMMENTS
5. ADJOURNMENT

Prepared by/
Julie Krueger, MMC
City Clerk



Presentation on Coal Exports in the Northwest
The Dalles City Council Meeting
April 16, 2012, 5:30PM

Presenters

Dennis Morgan, Resident and Real Estate Broker
Lauren Goldberg, Resident and Staff Attorney, Columbia Riverkeeper

Citizen Statements (1 - 2 min.)

Kathy Fitzpatrick, Mosier City Council Member
Luise Langheinrich, Resident and Business Owner
Katy Young, Resident and Attorney
John Nelson, Resident and Planning Commission Member
Phil Brady, Resident and Teacher

Purpose of Presentation

- Share information and answer questions about coal exports and potential impacts on The Dalles
- Request that the City Council consider joining other Northwest communities in sending a letter and/or passing a resolution directed to federal and state decisionmakers asking for a thorough review of coal export impacts on rail communities, including The Dalles.

Brief Background

The Pacific Northwest is at a crossroads. Global coal companies are seeking permits to build at least seven coal export terminals in Washington and Oregon – currently four along the Columbia River, two on the coast and one on the banks of Puget Sound. If all of these terminals were built, more than 146 million tons of coal annually would travel through Washington, Oregon, Montana and Idaho. Some Northwest communities could see as many as 60 mile-and-a-half long coal trains rolling through town—every day. Communities along the rail corridor and at the terminal sites have serious concerns about the coal dust, diesel pollution, traffic congestion, safety, noise, and the disruption to daily commerce and quality of life that would follow from construction of these facilities.

Right now, there is a need for hard questions about whether these terminals are right for the Pacific Northwest and what it means for our communities. That's why a growing coalition of citizens is calling on federal and state governments to analyze the cumulative or shared impacts of all the terminal sites and communities along the rail lines before any permitting decisions are made.

Proposed Terminals in Oregon & Washington

Location / project proponent	Million tons per year of coal	Trains per day (inbound and outbound)
Bellingham, WA, Cherry Point / SSA Marine, Peabody Coal	48	18
Longview, WA / Ambre Energy and Arch Coal	44	18
Port Westward, OR / Kinder Morgan	30	12
Port of Morrow, OR / Ambre Energy <i>*coal barged to Port Westward</i>	9	4 (to Boardman)
Coos Bay, OR/ "Project Mainstay"	10	4
Gray's Harbor, WA/ Rail America	5	2
TOTAL	146	58

City Council Packet Attachments

1. Sightline Institute, *Northwest Coal Exports: Some common questions about economics, health, and pollution* (Apr. 2012)
2. Power Past Coal, *The Cumulative Impacts of Coal Export: FAQs on Programmatic Environmental Review* (Apr. 2012)
3. City of Washougal Resolution
4. City of Camas Resolution
5. City of Mosier Letter
6. Dallesport Community Council Letter
7. Skagit County Letter
8. King County Letter
9. Mount Vernon City Council Letter
10. City of Burlington Letter
11. City of Bellingham, Mayor Pike Letter
12. City of Seattle News Release
13. Washington State Senators Letter
14. Port of Skagit Letter
15. City of Edmonds Resolution
16. Bainbridge Island Resolution



Northwest Coal Exports

Some common questions about economics, health, and pollution.

Eric de Place

April 2012

“Coal is a dead man walkin’.”

That’s what Kevin Parker, the global head of asset management for Deutsche Bank, told the *Washington Post*. Regarding coal-fired power plants, he said, “Banks won’t finance them. Insurance companies won’t insure them. The EPA is coming after them. . . . And the economics to make [coal] clean don’t work.”¹

Customer demand for coal has been declining in the United States, in part because of competition from cleaner energy sources. With dimming prospects in North America, coal companies are looking to Asian markets where demand appears to be increasing.² These companies hope to take coal mined on public land in the Powder River Basin of Montana and Wyoming, carry it by rail to West Coast ports, and ship it to Asia, including China and India, where it would be burned to generate electricity.³ Before coal companies can export large volumes of coal to Asia, however, they would need new shipping terminals. Yet exporting coal from the Northwest states could open a Pandora’s box of pollution and economic risk for the region.

What is the status of coal exports in the Northwest?

Several coal export terminals are planned in Oregon and Washington, and they have the potential to dramatically increase the amount of coal shipped to Asia.

Some coal already travels through terminals in British Columbia. Most of it is high grade metallurgical coal mined in Canada, rather than the thermal power plant fuel coal from the Powder River Basin. The biggest coal export facility is the Westshore Terminal at Roberts Bank, just north of the US border, which moved about 21 million metric tons of coal in 2010. Neptune Terminals in North Vancouver moved an additional 8 million metric tons, and Ridley Terminals in Prince Rupert exports roughly 9 million.⁴

Some capacity expansions are underway at British Columbia’s coal ports, but the Northwest’s coal

exports would be enlarged dramatically with the addition of new export facilities that are planned for Oregon and Washington:

- ◆ **Cherry Point, Washington.** SSA Marine is planning to build and operate the Gateway Pacific Terminal, a new shipping facility north of Bellingham that would be capable of handling 48 million tons of coal per year. Peabody Energy, the world's largest private sector coal company, has already agreed to supply 24 million tons of coal.⁵
- ◆ **Longview, Washington.** Millennium Bulk Terminals, a subsidiary of the Australian coal mining company Ambre Energy, purchased a port site on the Columbia River. Arch Coal, a major American coal mining company, has a 38 percent stake in the site. Ambre hopes to export 44 million tons of coal, with 25 million tons in the first phase.⁶
- ◆ **Grays Harbor, Washington.** According to newspaper accounts, RailAmerica is planning to develop a coal export terminal at the Port of Grays Harbor's Marine Terminal 3 that could handle 5.5 million tons of coal each year.⁷
- ◆ **Port Westward, Oregon.** Kinder Morgan is planning to build and operate a coal export terminal at the Port Westward Industrial Park near Clatskanie that will be capable of handling 30 million tons of coal per year, with 15 million tons in an initial phase of development.⁸
- ◆ **Port of Morrow, Oregon.** Ambre Energy is planning to construct a facility on the Columbia River in eastern Oregon that will transfer coal from rail to barges that will be towed downriver Port Westward where the coal will be loaded on ongoing vessels. The company says that the system will be capable of handling 8 million tons per year.⁹
- ◆ **Coos Bay, Oregon.** The Port of Coos Bay is considering a mysterious proposal known only as "Project Mainstay" that officials say could export 6 to 10 million tons of coal per year.¹⁰

If each of these facilities were to operate at full capacity Northwest ports would be shipping more than 140 million tons of coal each year, making it one of the largest coal-shipping regions in the world.

Does the US already export coal to Asia?

In recent years, the US has exported only a few million tons of coal to Asia, and just a fraction of that to China.¹¹ Even though the volume of Asia-bound coal increased during 2010 and early 2011, the two facilities proposed for Washington could easily multiply total American coal exports to China tenfold.¹²

Coal mining companies want to tap new markets as domestic utilities shift away from coal. Coal power in the US is facing economic competition from cleaner fuels, and older plants can't meet modern pollution standards without expensive upgrades. In January 2011, Chevron announced it would sell its coal mines by the end of the year because staying in the industry was no longer a good business strategy.¹³ Over the last two years, utilities have announced plans to close more than three dozen outdated coal plants, including Oregon's only coal-fired electricity plant at Boardman.¹⁴ Washington's lone coal plant will close by 2025.¹⁵

At the same time that North American prospects are dimming, however, coal has been commanding higher prices in Asia.¹⁶ Coal mining companies are looking to overseas markets that lack strong

pollution and health standards. Yet even exports to Asia will not save the industry. A July 2011 research report from Deutsche Bank argues that Chinese coal imports for power plants will stabilize at roughly 100 million tons per year, rather than increasing as many analysts had been expecting.¹⁷

Do coal export facilities make good neighbors?

One of the primary objections to coal export terminals is the spread of coal dust. Exporters store coal in large piles at terminals, and these piles can feed prolific quantities of dust to the wind, especially when terminal machinery are loading and unloading the fuel. As one study put it, “coal terminals by their nature are active sources of fugitive dust.”¹⁸ Unsurprisingly, coal dust problems plague several coal export facilities in North America.

In Seward, Alaska, for example, residents have sued the local terminal operators because coal dust blowing off the terminal’s stockpiles regularly coats nearby fishing boats and neighborhoods with debris. The residents’ suit states that the conveyor system used to load ships drops coal dust into Seward’s scenic harbor, violating the Clean Water Act.¹⁹ In 2010, the state of Alaska fined the railroad company that delivers coal to the terminal \$220,000 for failing to adequately control dust.²⁰

British Columbia’s Westshore coal terminal, which ships about 21 million metric tons per year, sits on a peninsula jutting into the Strait of Georgia. Some residents of Point Roberts, a beachfront community three miles away, complain that coal dust blackens their homes, patio furniture, and boats moored in the local marina.²¹ A comprehensive 2001 study of coal dust emissions in Canada found that the Westshore Terminal emits roughly 715 metric tons of coal dust a year.²² A separate study recently conducted by researchers at the University of British Columbia found that the concentrations of coal dust in the vicinity of the terminal had doubled during the period from 1977 to 1999.²³

The Lamberts Point Coal Terminal in Norfolk, Virginia, which ships 28 million tons of coal annually, is legally permitted to release up to 50 tons of coal dust into the air each year. Black grit from the coal piles commonly coats cars, windowsills, and plants in neighboring communities. Neighbors worry that the dust is responsible for the vicinity’s elevated asthma rates.²⁴

The scale of likely dust emissions at the export facilities planned for the Northwest is unclear. Project developers at Longview and Bellingham are promising to install mitigation devices that they say will control dust, yet it’s highly unlikely that the coal dust can be contained entirely. Huge piles of coal will stand outdoors in wind and weather, and frequently be shoveled into new positions by giant bulldozers and other machinery.

Does rail transport release coal dust?

Coal dust escapes from the open-top rail cars used for transporting coal and can create safety and congestion problems for rail traffic. In 2005, for example, coal dust that had accumulated in ballast, the layer of crushed rock that supports rail tracks, caused two derailments. Coal dust deposits sometimes even cause spontaneous fires.

The Burlington Northern / Santa Fe Railway (BNSF) has studied the problem and found that as much as a ton of coal can escape from a single loaded coal car, while other reports show that as much as 3

percent of a coal car's load, which is typically 100 tons or more, can blow away in transit.²⁵ The US Department of Transportation classifies coal dust as a “pernicious ballast foulant” that can weaken and destabilize rail tracks.²⁶ It is not clear how much coal dust might escape in the Pacific Northwest, but one watchdog group has verified that coal and coal dust does escape from open rail cars traveling along Puget Sound coastlines.²⁷

To reduce or eliminate coal dust from escaping, shippers can fill cars less full or cover them with tarps or chemical sprays, but these measures run up the cost of moving coal, so coal shippers rarely employ them by choice.²⁸ A March 2011 ruling from the US Surface Transportation Board, which oversees railway operations, allows BNSF to require coal shippers to cover their loads or otherwise control dust.²⁹

How effective those measures will be is anyone's guess: Powder River Basin coal is notoriously difficult to handle. One technical analysis finds that, “PRB coal is extremely friable and will break down into smaller particles virtually independent of how the coal is transported or handled.” According to the study's authors, “PRB represents the extremes of handling problems.”³⁰

The same analysis found that:

Spontaneous combustion of coal is a well-known phenomenon, especially with PRB coal. This high-moisture, highly volatile sub-bituminous coal will not only smolder and catch fire while in storage piles at power plants and coal terminals, but has been known to be delivered to a power plant with the rail car or barge partially on fire...³¹

Outside of confined environments, Powder River Basin coal does not spontaneously explode or burst into full flame, but under the wrong conditions it can self-ignite and burn slowly even while it is riding the rails—a troubling proposition for railroad workers and communities along the tracks.

Is coal dust harmful?

Coal dust is more than a nuisance. It degrades water quality and may pose a danger to residents' health. Coal workers who are exposed to dust, for example, suffer elevated rates of bronchitis, emphysema, and black lung disease.³² In Liverpool, England, researchers found that, even after correcting for economic and environmental factors at home, children exposed to coal dust from the nearby docks were more likely to miss school because of respiratory problems, including wheezing and coughing.³³

In Norfolk, Virginia, home of the Lamberts Point Coal Terminal, soil samples contain up to 20 percent coal by weight at a site less than 1 kilometer from the docks, 3 percent coal at a site 5 kilometers away, and 1 percent coal as far as 12 kilometers away. High coal levels in soil along railroad tracks suggest that trains are another pathway for contamination. Researchers in Norfolk also found arsenic levels were 5 times higher than background soil concentrations nearby, and hypothesize that the coal export terminal is at least partially responsible for the difference because coal often contains arsenic.³⁴

A group of 160 doctors and other health professionals in Whatcom County, Washington, published a position statement documenting a number of health-related problems with coal exports. In addition

to the risks of coal dust, the doctors raise concerns about the impacts of the trains themselves, which generate noise, create collision hazards, and delay emergency medical response by impeding rail crossings. Trains are also responsible for hazardous air pollution from diesel engines, a documented threat to health in Washington.³⁵

The BNSF rail yards in Spokane—an important linkage point between the Powder River Basin and Washington’s Pacific ports—would see increased rail traffic that is almost certain to increase harmful pollution there. A 2010 study by the Spokane Clean Air Agency identified lung cancer risks in Spokane that appear closely related to residents’ proximity to the BNSF railyard, where diesel engines generate prodigious quantities of small particulate pollution—the most health-threatening major air pollutant in the Northwest. Researchers ruled out numerous alternative explanations and concluded that “the BNSF railyard appears to be the only other air pollution source in the vicinity of Hillyard that can account for its differential lung cancer risk.”³⁶

Is Powder River Basin coal better for the environment than China’s coal?

Powder River Basin coal is lower in ash and sulfur than some other kinds of coal, but it also produces less energy per pound than the coals that are more commonly burned in modern power plants.³⁷ To produce the same amount of energy from Powder River Basin coal requires mining, shipping, and burning about 50 percent more.³⁸ After accounting for those differences, coal from the Powder River Basin is somewhat cleaner than China’s domestic sources of coal, but it is still coal—an extremely polluting form of energy.

Coal is a highly impure form of fuel, and burning it releases numerous hazardous substances, including radioactive materials such as uranium and thorium. In fact, the US Department of Energy’s Oak Ridge National Laboratory has estimated that coal plants have released hundreds of thousands of tons of uranium, and that radiation from coal plants is a greater threat to Americans than is radiation from nuclear plants.³⁹

The true costs of coal are daunting. Researchers at the Harvard Medical School recently pegged the annual cost of coal—including harm to public health, mining damage, pollution, and subsidies—at \$345 billion per year in the United States alone.⁴⁰ A 2010 report from the National Research Council finds that the non-climate damages from burning coal are 20 times higher than the damages from natural gas, the next dirtiest and costliest fossil fuel in use.⁴¹ And a 2009 report from the National Academy of Sciences determined that US coal burning results in \$60 billion per year in health costs alone.⁴²

Won’t China just burn someone else’s coal if we don’t supply it?

US coal exports would not supplant the burning of dirtier Chinese coal. Instead, North American exports would add to the volume burned in Asia. In a recent white paper, resource economist Thomas Power demonstrated this point:

This result—that international competition to serve particular import markets will lower the

prices that the importing countries have to pay—should not be startling. One of the major benefits of international trade is that it allows countries access to lower cost sources of supply.⁴³

In other words, Washington coal exports will not simply displace other coal in the market. Instead, American coal exports will adhere to fundamental economic principles: an increase in supply will bring down market prices and thereby increase total consumption. The extent to which increasing supply will boost demand is debatable—just like the extent to which higher prices would dampen demand—but the direction of the change is clear.

In fact, some underlying dynamics may make US exports even more critical. As Power points out, lower prices may encourage China to build more coal-burning power plants than they otherwise would, an investment that would lock in elevated coal burning and pollution for decades to come.

Can Chinese coal burning harm the Northwest's environment?

Sulfur compounds, soot, and other byproducts of Asian coal combustion are detectable on mountaintops in the western United States.⁴⁴ Researchers have also linked ozone in the air above the United States to pollution from developing Asian countries that are burning fossil fuels.⁴⁵ Ozone can exacerbate asthma and heart disease. Mercury, a neurotoxin that is particularly dangerous for children, is especially likely to travel across the Pacific Ocean. An Oregon researcher estimates that as much as 18 percent of the mercury in Oregon's Willamette River comes from sources overseas, increasingly from China.⁴⁶ Another study found that human-created pollution from Asia contributed to 14 percent of the mercury dropped on Mount Bachelor in central Oregon.⁴⁷

What's more, burning large amounts of coal accelerates global climate change. Burning 100 million tons of Powder River Basin coal releases roughly 180 million tons of heat-trapping carbon-dioxide into the atmosphere. That's about twice as much global warming pollution as results from every activity in Washington in a year, including every power plant, car, truck, factory, and farm in the state combined. The power plant in Centralia, now scheduled to phase out coal-burning, emits about 10 million tons of carbon dioxide per year.⁴⁸ All the activity in the entire city of Seattle emits less than 7 million tons.⁴⁹

Would coal exports help the Northwest's economy?

Coal export terminals employ surprisingly few people. In Longview, estimates for the original version of the export project were that operations would employ 70 people to move about 5 million tons of coal.⁵⁰ The site currently employs 50 people, however, and news reports indicate that the coal terminal would eliminate most of the activity related to those 50 jobs.⁵¹ The net employment gain could be as small as 20 jobs. Project sponsor Millennium Bulk Logistics might create more jobs if its ambitions are actually to move 20 to 60 million tons of coal a year, as court documents suggest, rather than 5 million.

At Cherry Point, project developers say that a 24 million ton facility, which they plan to open in 2015, would employ 89 workers. In 2026, when the entire 54 million ton facility is completed, proponents believe that it would directly employ about 280 people.⁵²

Each of the coal export facilities planned for Washington would occupy hundreds of acres of

waterfront land with storage for raw coal, possibly forestalling other, more job-intensive uses for those lands. For example, at the Port of Tacoma, a marine construction company leasing just 3.5 acres of land and a new cold storage facility on 17 acres of land are each likely to generate 100 new jobs.⁵³ A Port of Seattle economic impact study found that shipping 1,000 metric tons of grain—a bulk commodity like coal—generates just 0.09 jobs, compared with 0.57 jobs for containerized cargo and 4.2 jobs for “break bulk” cargo, such as big machines or goods shipped on pallets, which requires more handling.⁵⁴ A study at the Port of Baltimore came to similar conclusions, finding that coal export supports just 0.11 jobs per 1,000 metric tons, as compared to 0.41 for other dry bulk commodities, 0.43 jobs for containerized cargo, and 1.71 jobs for autos.⁵⁵

Recent redevelopments on port sites along the Lower Columbia River illustrate the weakness of coal exports as an economic strategy. The proposed coal export terminal at Longview would occupy 416 acres of heavy industrial waterfront property and produce 70 jobs—less than 0.2 jobs per acre. By contrast, in Troutdale, Oregon a recently cleaned-up port site attracted a FedEx Ground regional distribution center that employs over 750 people on 700 acres of heavy industrial property—supporting 1.1 jobs per acre.⁵⁶ In Vancouver, Washington another redeveloped port site with 218 acres of heavy industrial waterfront is expected to employ up to 1,000 people to accommodate a surge in wind turbines and other cargo—generating 3.4 jobs per acre.⁵⁷

Will Canada ship the coal if the US does not?

Although coal mined in the US accounted for no more than 6 percent of the total volume shipped through BC ports in 2009 and 10 percent in 2010, US coal mining companies appear to have looked at reaching new Asian markets through BC ports.⁵⁸ In January 2011, for example, Arch Coal announced that it had reached an agreement with Ridley Terminals to export 2.5 million metric tons of coal annually from Prince Rupert. In June 2011, Cloud Peak Energy announced an agreement to export an unspecified volume of coal from Westshore over a 10-year period.⁵⁹

Yet big increases in shipments of American coal from British Columbia seem unlikely. Canadian steelmaking coal is in high demand, and it brings significantly higher prices than the Powder River Basin coal. Moreover, to a large extent, BC’s coal ports are structured to handle primarily Canadian coal and other exports.

Finally, space is limited at BC terminals. Expansions planned for BC’s coal terminals do not come close to providing enough capacity for the volumes of coal called for by the recent proposals in Washington. Even if none of the planned new capacity were filled with high-value Canadian coal, and even if all three of BC’s coal ports were able to operate year-round at full capacity—two highly unlikely scenarios—the terminals would have less than 28 million metric tons of extra capacity, a small fraction of the 100 million tons or more planned for Washington.

What’s the history of coal exports on the West Coast?

Two West Coast port cities have already gambled and lost on coal-export facilities. After investing

millions of dollars in infrastructure and setting aside sizeable harbor acreage to coal export facilities, both Portland and Los Angeles watched their promised revenue from coal exports evaporate. The abandoned coal export facilities represented millions in stranded investments and clean-up expenses, not to mention years-long missed opportunities for more durable economic development choices.⁶⁰

The early 1980s saw a rush of coal companies proposing export terminals in Washington and Oregon to satisfy a hungry Asian market. Longview, Kalama, Vancouver, and Astoria all entertained proposals, but the Port of Portland bought in,⁶¹ committing to a 25-year lease with Pacific Coal for 90 acres and 900 feet of prime riverfront for a coal export terminal.⁶²

The Port and investors spent \$25 million building a coal export terminal, but two years later, the project imploded after Asian markets proved unstable and unreliable.⁶³ The *Oregonian* reported:

A five-month investigation showed Port and Pacific Coal officials heedlessly plunged ahead despite clear warnings that they might never move a solitary lump of coal.”⁶⁴

Contractors didn't get paid, borrowers defaulted, and lawsuits flourished. Analysts later determined that coal export failed because the Asian demand was based on promises rather than actual long-term contracts. International banks studying the issue found that the demand for coal had been “vastly overstated.”⁶⁵

Soon after the Port of Portland collapse, nearly all other West Coast coal plans died. In the early 1990s, however, Los Angeles forged ahead with another coal export facility when coal giant Peabody led a consortium of investors that promised jobs, tax revenue, and environmental protection with a new coal export terminal at LAXT, the Port of Los Angeles.⁶⁶ The plan was an enormously divisive project that alarmed neighbors and nearby workers.⁶⁷

A 1993 *Los Angeles Business Journal* article prefigures today's debates in the Northwest:

... although the terminal will create jobs and taxes throughout Southern California, the terminal will have a negligible impact on L.A. County because the product (coal) is sourced from other states and the automated terminal won't generate many direct jobs.⁶⁸

And:

[The City of Long Beach filed] a lawsuit July 14, alleging that the Port of L.A.'s environmental impact report doesn't adequately address the negative environmental impact of coal dust that will be spewed from the massive uncovered storage pile of coal and petroleum coke.

Fears proved well-founded. The terminal experienced at least two fires after dangerous amounts of coal dust accumulated in the ship-loading machinery.⁶⁹

The facility closed just six years after it opened, owing to unfavorable market conditions. When the facility shut down, the city of Los Angeles had to write off \$19 million of capital investment, and forfeit \$94 million in expected revenue.⁷⁰ Ultimately, the city was sued for improperly managing the site—and for failing to consider alternative uses of the site—and local authorities shelled out \$28 million to settle the suit.⁷¹

About the Author

Eric de Place leads Sightline’s work on climate and energy policy. He is an expert on regional carbon-reduction programs, and his commentary on federal carbon legislation has been widely influential.

Sightline Institute is a not-for-profit research and communications center—a think tank—based in Seattle. Sightline’s mission is to make the Northwest a global model of sustainability—strong communities, a green economy, and a healthy environment.

Endnotes

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71. LAXT's development and subsequent closure also sparked a firestorm of lobbying, backroom deals, and lawsuits. As one city councilmember at the time put it, "Every lobbyist I have ever heard of is in this chamber... I would like to know where, if [the terminal] is on the verge of bankruptcy, they got the money to hire all these lobbyists." The LA Times reported that the terminal, "made 25 political contributions totaling more than \$10,000 to city officials and candidates including Mayor James K. Hahn and his sister, Councilwoman Hahn." (See Patrick McGreevy, "L.A. Weighs Costly Exit From Coal Terminal," Los Angeles Times, June 14, 2003, <http://articles.latimes.com/2003/jun/14/local/me-coal14>; Patrick McGreevy, "L.A. To Pay \$28 Million to Settle Port Suit," Los Angeles Times, December 14, 2006, <http://articles.latimes.com/2006/dec/14/local/me-settle14>; and Patrick McGreevy, "City Is Hit With \$4 Million in Claims Over Rejected Port Project," Los Angeles Times, June 11, 2004, <http://articles.latimes.com/2004/jun/11/local/me-laxt11>).

The Cumulative Impacts of Coal Export Terminals: FAQs on Programmatic Environmental Review

The Pacific Northwest is at a crossroads. Global coal companies are seeking permits to build at least seven coal export terminals in Washington and Oregon – currently four along the Columbia River, two on the Coast and one on the banks of Puget Sound. If all of these terminals were built, more than 150 million tons of coal annually would travel through Washington, Oregon, Montana and Idaho. Some Northwest communities could see as many as 60 mile-and-a-half long coal trains rolling through town—every day. Communities all along the rail corridor and at the terminal sites have serious concerns about the coal dust, diesel pollution, traffic congestion, safety, noise, and the disruption to daily commerce and quality of life that would follow from construction of these facilities.

Right now, no one is asking the hard questions about whether these terminals are right for the Pacific Northwest and what it means for affected communities not only in Washington and Oregon but inland along rail-lines in Montana and Idaho. That’s why a growing coalition of citizens is calling on federal and state governments to conduct an environmental analysis of the cumulative or shared impacts of all the terminal sites before any permitting decisions are made. Such a document, called a “programmatic environmental impact statement,” would provide an opportunity to analyze the “big picture” and give citizens throughout the region an opportunity to weigh in with decisionmakers.



Roberts Bank (Westshore Terminal) Coal Export Terminal in Vancouver, Canada currently exports 21 million tons of coal annually.

What is a “programmatic environmental impact statement”?

A programmatic environmental impacts statement (“EIS”) is a document that considers at one time several related actions within a geographic area that have shared impacts. NEPA regulations specifically direct agencies to consider in a single EIS independent actions that are “cumulative” (i.e., that when viewed together have “cumulatively significant impacts”) or “similar” (i.e., that when viewed with “other reasonably foreseeable or proposed agency actions have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography”). 40 C.F.R. § 1508.25.

Programmatic EISs involving multiple independent proposals are always an option where they make sense, and can be required in some instances. In a landmark case, the U.S. Supreme Court case observed that “when several proposals for coal-related actions that will have a cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together. Only through comprehensive consideration of pending proposals can the agency evaluate different courses of action.” Kleppe v. Sierra Club, 427 U.S. 390, 410 (1976).

Why should a programmatic EIS be performed for coal export terminals?



Right now, the U.S. Army Corps of Engineer is processing permits for multiple coal export terminals in Washington and Oregon: Cherry Point (48 million tons per year (“mty”)), Longview (44 mty), and Port of Morrow (9 mty). The Corps is processing another permit application for a terminal at the Port of Coos Bay (reportedly 10 mty) that does not provide details on the Port’s plans to build a coal export terminal. There are other proposals that have been publicly discussed even though no formal permit applications have been filed with the Corps yet (for example, the Rail America proposal at Grays’ Harbor and the Kinder-Morgan project at Port of St. Helens). Still others may be proposed in the near future.

Each of these projects has serious environmental impacts at the terminal location and surrounding area due to air and water pollution, safety risks, and local traffic impacts. However, the various projects also

have a number of very serious collective impacts that affect the regional and even the global environment that are better considered in one programmatic EIS. For example, operation of all of the pending or potential known proposals could mean around 150 million tons per year moving via rail—scores of mile-and-a-half-long trains every day—through Northwest communities. The programmatic EIS could consider those shared impacts of all the terminal proposals, and separate terminal-specific EISs could be performed on the individual or unique impacts of the individual projects.

What should a programmatic EIS include?

A programmatic EIS should consider those environmental impacts of the various coal export terminal proposals that are cumulative or similar. The precise contours of what should be included in the EIS should be determined through a full scoping process that includes multiple hearings around the region to allow the public to voice concerns common to all the projects. 40 C.F.R. § 1501.7. Issues that could be considered for inclusion in a programmatic EIS include:

- Traffic, pollution, safety, and congestion issues along the rail line between coal mines and the Pacific Northwest.
- Increased mining in Wyoming and Montana, particularly on public lands, and its effect on domestic energy security and pricing.
- Effect on global consumption of coal due to effect of export on market prices, and resulting increased greenhouse gas emissions.
- Effect of significantly increased barge and cargo ship operations on the Columbia and in Puget Sound.

Does Washington State have authority under SEPA to do a programmatic EIS?

Yes. Under SEPA, agencies have authority to perform an EIS on “nonproject” proposals. WAC 197-11-442. While nonproject proposals can include programs, policies and plans, WAC 197-11-774, Ecology’s SEPA handbook confirms that a nonproject EIS can cover a “series of connected actions.” SEPA Handbook at 65; 46 (noting that “nonproject” is the same as “programmatic”). Ecology has been involved in programmatic EISs in the past, for example for the Columbia River Water Management System.¹ Also, Ecology has cooperated with federal agencies, including the Corps, on joint SEPA/NEPA programmatic EISs.²

¹ <http://www.ecy.wa.gov/programs/wr/cwp/eis.html>

² <http://www.ecy.wa.gov/programs/tcp/smu/muds/MPEISSummary.htm>



150 million tons of coal/year out of NW ports means some communities could see as many as 60 mile-and-a-half long coal trains passing through every day.

What would a programmatic EIS mean for the terminal-specific EISs?

Terminal-specific EISs could focus only on those aspects of each project that are unique to that project, and incorporate by reference the programmatic EIS for discussion of cumulative effects, as long as its adequate. Both NEPA and SEPA provide for “tiering” from broad EISs to more site-specific EISs. 40 C.F.R. § 1502.20. This means that the terminal-specific EISs would not need to evaluate cumulative effects that are already analyzed in the programmatic EIS. Both SEPA rules and the SEPA Handbook acknowledge that a programmatic EIS provides greater predictability, and greater efficiency, for project-specific review. SEPA Handbook, at 65; WAC 197-11-060(5)(c)(i) (discussing phased review from programmatic to project-specific review).

Are Programmatic EISs unusual or uncommon?

No. Federal agencies have performed comprehensive programmatic EISs for a variety of different agency actions, programs, or plans, including:

- Energy development actions on public lands, including wind, solar, geothermal and tar sands;³
- Designation of energy corridors;⁴
- Approval of mountaintop-removal mining permits;⁵
- Development of high-speed rail corridors;⁶
- Management actions to recover protected species;⁷
- Regulation of genetically engineered crops;⁸
- Military training and readiness activities;⁹
- Law enforcement;¹⁰

³ http://www.blm.gov/wo/st/en/prog/energy/geothermal/geothermal_nationwide/Documents/Final_PEIS.html; <http://windeis.anl.gov/>; <http://solareis.anl.gov/>; <http://ostseis.anl.gov./index.cfm>.

⁴ <http://corridoreis.anl.gov/>

⁵ <http://www.epa.gov/region03/mtntop/eis2005.htm>

⁶ <http://govpulse.us/entries/2004/05/20/04-11397/programmatic-environmental-impact-statement-high-speed-rail-corridor-las-vegas-nv-to-anaheim-ca>

⁷ <http://www.nmfs.noaa.gov/pr/permits/eis/hawaiianmonkseal.htm>; <http://www.gpo.gov/fdsys/pkg/FR-2011-05-20/html/2011-12511.htm>.

⁸ http://www.aphis.usda.gov/publications/biotechnology/content/printable_version/fs_programmatic_eis.pdf

⁹ <https://www.federalregister.gov/articles/2011/10/14/2011-26579/draft-programmatic-environmental-impact-statement-eis-for-modernization-of-training-infrastructure>

¹⁰ http://www.jtfn.northcom.mil/factsheets/peis_jun01.pdf

CITY OF WASHOUGAL, WASHINGTON
RESOLUTION NO. _____

A **RESOLUTION** of the city council of the City of Washougal, Washington, expressing concern regarding the impact of increased rail traffic in Washougal resulting from proposed rail terminal projects in Whatcom County and Cowlitz County and requesting that the principal agencies reviewing the Environmental Impact Statements (EIS) for said projects, including Whatcom County, Cowlitz County, Washington Department of Ecology and The United States Army Corps of Engineers, include impacts along the train route for freight moving to the proposed terminals in the scoping document for the EIS and that at least one of the EIS Scoping hearings and one of any other subsequent hearings related to the EIS for each project be held in Clark County.

WHEREAS, the Burlington Northern Santa Fe (BNSF) track runs through and bisects both communities of Washougal and Camas running east/west; and

WHEREAS, Washougal has five at-grade crossings and only one grade separated crossing; and

WHEREAS, there are proposed rail terminal projects in Whatcom County (the Gateway Pacific Terminal Project, or GPT) and Cowlitz County (Millennium Project); and

WHEREAS, the proposed projects will significantly increase freight traffic on the BNSF track; and

WHEREAS, the increased freight traffic is intended to be coal being delivered to the new terminals but may potentially include a variety of commodities; and

WHEREAS, this increased rail traffic will have impacts in Washougal and Camas including but not limited to increased traffic congestion and delays to residents and commerce and increased tail pipe emissions from stopped and idling vehicles and;

WHEREAS, Washougal has been made aware of potential impacts from coal dust and other particulates that may be blown from open rail cars but has no way to evaluate such potential impacts; and

WHEREAS, Whatcom County, Washington Department of Ecology and the United States Corp of Engineers have entered into an MOU to jointly promulgate the required EIS and are currently scoping the EIS for the GTP project; and

WHEREAS, Cowlitz County is evaluating an application and developing an EIS for the Millennium project and Washington Department of Ecology and the United States Corp of Engineers are also involved; and

WHEREAS, said agencies should include the impacts of this increased rail traffic in the scope of the EIS for each project and public hearings at the various stages of the EIS process should be conducted in Clark County; and

WHEREAS, the City of Washougal wishes to become a Party of Record regarding both projects,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WASHOUGAL AS FOLLOWS:

SECTION I

We urge Whatcom County, Cowlitz County, State Department of Ecology and United States Army Corps of Engineers to include impacts to Washougal, including but not limited to increased traffic congestion and delays to residents and commerce, increased tail pipe emissions from stopped and idling vehicles and potential impacts from coal dust and other particulates that may be blown from open rail cars in the scoping of the EIS for both the GPT project and the Millennium project.

SECTION II

We urge Whatcom County, Cowlitz County, State Department of Ecology and United States Army Corps of Engineers to conduct at least one EIS scoping hearing for each project and at least one of any subsequent hearings related to the EIS for both projects at a location in Clark County.

SECTION III

We request that the City of Washougal be made a Party of Record for both the GPT and Millennium projects.

SECTION IV

That this Resolution shall take effect and be in full force upon passage and signatures hereon.
Dated and signed this 19th day of March, 2012.

CITY OF WASHOUGAL

Sean Guard, Mayor

ATTEST:

Jennifer Forsberg, City Clerk

APPROVED AS TO FORM:

Donald English, City Attorney

RESOLUTION NO. 1235

A RESOLUTION expressing concern about potential adverse impacts from the presence of increasing numbers of coal trains passing through the City of Camas, and requesting the appropriate authority to require an environmental impact statement that identifies the impacts to the City of Camas.

WHEREAS, there would be a significant increase in the number of coal trains passing through the City of Camas, and

WHEREAS, the expanded number of coal trains would result in an increase in train travel noise and frequency of horn blowing, and

WHEREAS, the Burlington Northern Santa Fe track bisects the communities of Camas and Washougal in an easterly/westerly direction, and

WHEREAS, Washougal has five at-grade crossings, and only one overhead crossing, and

WHEREAS, the City of Camas provides emergency medical services to the City of Washougal, and

WHEREAS, the City Council is concerned that the substantial increase in coal train traffic will result in closure of at-grade crossings with greater frequency and for longer times, thus resulting in traffic congestion that can potentially impact emergency service response times, and

WHEREAS, the Council is concerned about the impact on our community's health, environment, safety and businesses from coal dust and other particulates which may be blown or fall from open coal cars,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

I

We urge the appropriate authorities to require an environmental impact statement that identifies and measures the impacts on our community from the significant increase in coal train traffic.

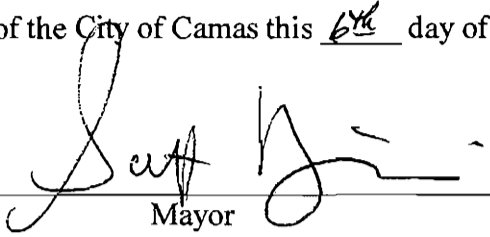
II

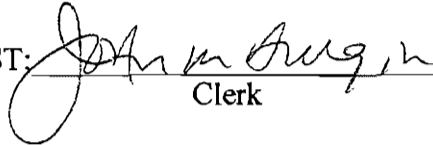
We request that the impact statements include impacts to traffic from increased closure of at-grade crossings, impacts to the City of Camas's ability to render emergency services due to inability to cross the train tracks, and health and safety impacts related to coal dust and other particulates being blown from open coal cars.

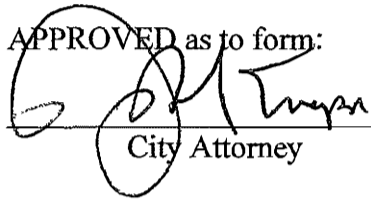
III

We urge the appropriate authorities to hold at least one of the environment impact statement scoping hearings at a location in Clark County.

ADOPTED at a regular meeting of the Council of the City of Camas this 6th day of March, 2012.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:

City Attorney

*Mayor Andrea Rogers
Council President Tim
Mortenson
Peny Wallace
Kathy Fitzpatrick
David Princehouse
Steve McKibben
Hector Kent*

City of Mosier

P.O. Box 456 Mosier, OR 97040
541-478-3505 541-478-3810 (fax)
mosiercityhall@mosierwinet.com

Governor John Kitzhaber
160 State Capitol
900 Court Street
Salem, OR 97301-4047

Dick Pederson
Director, Department of Environmental Quality
811 SW Sixth Ave.
Portland, OR 97204-1390

Louise Solliday
Director, Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

Matthew Garrett
Director, Department of Transportation
1158 Chemeketa St NE
Salem, OR 97301-2528

Dear Governor Kitzhaber and Directors Pederson, Solliday, and Garrett,

The Mosier City Council strongly opposes the proposed new coal export terminals which could result in an untenable increase in train traffic through our community and the exposure of our entire population and our environment to the harmful effects of coal dust. Calculations based only on the proposals that have been publicly announced reveal that mile long trains of open cars filled with coal could fill to capacity the railroad tracks that run through the heart of our community. Proposals have also been made to load coal on barges and ship the exposed coal down the Columbia River, the river which forms the City of Mosier's northern boundary.

The City of Mosier is located on the Columbia River in the heart of the Columbia River Gorge National Scenic Area. Tourists visiting this national treasure also visit Mosier because we offer excellent cycling roads through the natural scenic beauty of the Gorge and because the City of Mosier has invested heavily in a waterfront park that includes a windsurfing beach on the Columbia River.

Cherry orchards have historically formed the economic base of the Mosier Valley and are still the Mosier area's strongest industry. Vineyards have contributed recently to this strong agricultural presence. Within our city limits, Mosier relies more heavily on the tourist industry to sustain the businesses in our downtown core.

The proposals to traffic open train cars full of coal through the Columbia River Gorge could heavily impact every sector of the Mosier community. These proposals represent a change in the usage of the rail lines that is unprecedented.

The Union Pacific Railroad runs alongside the City of Mosier's downtown commercial zone, through our Waterfront Park, and through our residential areas. Every residence and business in Mosier is exposed to the railroad by a very close proximity. Mosier Community School children play in the schoolyard located less than 100 yards from the railroad tracks. Our restaurants and our market are located less than 100 yards from the railroad tracks. The historic Mosier Fruit Growers building, where cherries are packed every summer for export, is located less than 30 yards from the railroad tracks. One of our new residential developments, the Mosier Creek Condos, is located less than 30 yards from the railroad tracks and our largest subdivisions are directly exposed to the railroad tracks by sight and sound. Some of the Mosier Valley's orchards border the railroad tracks.

Because our residences and our school are so exposed to the railroad tracks, The Mosier City Council is gravely concerned about the impact of coal dust on the health of our community members, especially our children.

And because coal dust escaping from the open train cars could pollute our air, our river, and our orchards, we are concerned that coal train traffic will damage our economic bases of agriculture and tourism.

If coal trains are allowed to dominate our community, they could stunt if not crush the success of our developing downtown.

Yet these coal export terminal proposals are moving forward without any opportunity for public debate. Negotiations are occurring literally behind closed doors. The City of Mosier and other Columbia Gorge communities that could be seriously impacted by the proposed coal export terminals have not been invited to participate in any form of information gathering or decision making.

The Mosier City Council expects Governor Kitzhaber and our Oregon state agencies to respond to our concerns with the following:

1. Require an analysis of public health impacts of coal dust as would be relevant to the communities in the Columbia River Gorge.
2. Require an analysis of the economic impact of coal train traffic on Oregon communities (health care, businesses, property values, downtown development, agriculture, etc).
3. Require an analysis of the environmental impacts of coal train traffic on air quality, surface and/or ground water, and agriculture within 7 miles of the railroad tracks.
4. Ensure that all information is public.
5. Hold informational hearings in affected communities and in the Columbia River Gorge in order to share information and hear concerns from citizens. These hearings should include the governor, his staff, and the directors of state agencies.
6. The governor should direct the agencies to carefully scrutinize any permits and consult with him prior to any approvals for permits associated with coal export.
7. Require an analysis of the cost of the environmental devastation a coal train derailment would have on the communities in the Columbia River Gorge.
8. Require coal companies to avoid adversely affecting communities like Mosier or compensate these communities for the negative health, environmental, and economic impacts resulting from coal exports and the associated traffic by rail or barge.

Thank you for your attention to this issue which could have such a strong negative impact on our community. We request that you inform the City of Mosier in a timely manner of any updates regarding the proposed new coal export terminals.

Sincerely,

Andrea Rogers, Mayor
Mosier City Council
City of Mosier

Concerned Citizens,

I believe that the Dallesport Community Council may be the first Community Council to publically declare their concern for the potential threat that the upcoming coal train shipments might pose to the citizens living in the Gorge.

We have submitted the following letter of concern and request for action to the public and our elected officials:

Dallesport-Murdock Community Council

P.O. Box 8

Dallesport, WA 98617

Chairman: Don McDermott

Vice-Chairman: Jack Cherry

Secretary: Anthony Rizzi

Treasurer: L. Renee Briggs

Elaine Kincheloe Jack Kincheloe Art Mengert Chris Murray Susan Martin

The Dallesport Community Council voted to write letters of concern and complaint to local newspapers and elected officials concerning the proposed shipping of up to 20 additional trains every day of up to 125 cars uncovered and loaded with coal from the Powder River Basin in Wyoming thru the Gorge.

A short while ago, BNSF said that each coal car loses 500 to 2000 lbs in transit. This was their own study. They were not happy about this. The US Department of Transportation classifies coal dust as a “pernicious ballast foulant.” So they advised their shippers that they were recommending tighter emission standards for safety reasons. They were most concerned that the coal dust blow off is contaminating their rail beds and it undermines the ballast by sifting into the base rock. This has caused derailments in some areas. The BNSF then advised shippers that they were responsible for securing their loads. We know exactly what this meant. It meant cover the loads. However there is now even greater conflict of interest between the miners and the BNSF. Ownership has changed and the new owners are invested in coal mining. Coal mining companies are planning to ship 60 million tons of coal to the cash rich Asian market though the old Alcoa facility on the Columbia in Longview. BLM Coal Lease Fair Market Value for Powder River Basin Coal is 75 cents per ton. We are concerned that there is little real incentive to contain the load. For evidence, the occasional coal train that has gone by lately has been uncovered. So you lose a couple tons, no big deal. Right?

We want our elected officials to represent our opposition to increased health and safety threats to our communities. The threat to adjacent farms and agriculture is also of great concern. Can we really expect employers with living wage jobs to want to locate in an area that would be objectionable to their employees due to health and safety issues?

Why would Insitu want to build a campus in Bingen or Dallesport with this potential level of pollution, and unlivable proximity to this activity?

Next year is an election year and we expect action on this issue.
<http://youtu.be/5hV5FXtHCiU>

Respectfully,

Don McDermott
Chairman





SKAGIT COUNTY BOARD OF COMMISSIONERS

RON WESEN, First District
KENNETH A. DAHLSTEDT, Second District
SHARON D. DILLON, Third District

July 28, 2011

The Honorable Christine O. Gregoire
Governor of the State of Washington
Legislative Building
P.O. Box 40002
Olympia, WA 98504-0002

RECEIVED
AUG 03 2011
Office of the Governor

Dear Governor Gregoire,

Skagit County has learned of the Gateway Pacific Terminal proposal for a new coal export facility in Washington State, with a suggested location at Cherry Point, in Whatcom County. After reviewing application materials, we are concerned about the possible impact of additional coal trains along the main Burlington Northern Santa Fe (BNSF) freight line. A portion of this line traverses at-grade street crossings throughout Skagit County, including streets that are connected to on-ramps and exits from Interstate 5.

It is our understanding the proponent intends to add nine fully loaded coal trains per day (each up to a mile and a half long) to the system, with a total of 18 trains round trip, with no cap on future facility expansion that could involve even more trains. Among other things, we are concerned about the degradation of transportation levels of service in Skagit County, and the resultant implications under our state's Growth Management Act. We are also concerned about the additional train traffic on the BNSF Bridge over the Skagit River, which is an outdated structure that creates backwater conditions during flood events and has the potential to jeopardize the safety of Skagit County citizens. In addition to concerns about possible lengthy delay at crossings, Skagit County requests that environmental review for this project address impacts to our transportation grid, possible adverse impacts on the County's emergency access points, and the economic impact of substantial new delays at crossings.

We appreciate efforts to improve the nation's trade deficit through the export of raw materials, provided the activities are done in a manner consistent with our quality of life here in the Northwest. The issue of coal exports is complex, and Skagit County has not yet taken any position on the merits of the proposal. However, we urge you to reinvigorate agency and public process to ensure state siting decisions are done transparently, including all jurisdictions impacted by this proposal -- in particular, Skagit County and its communities.

It is our understanding that the State has recently asserted co-lead agency status over environmental review of this proposal, along with Whatcom County. With that in mind, we explicitly request that you instruct State agency directors to carefully consider the regional impacts of this proposal, beyond Whatcom County's Cherry Point area. As part of the analysis, we request full consideration of alternatives, including a no-action alternative as well as consideration of alternative sites proposed for coal export activities within Washington State.

Finally, we request that you make Skagit County a sitting member and participant on your ongoing MAP team, which we understand has been reviewing the proposal for the past nine months under

SKAGIT COUNTY COMMISSIONERS ADMINISTRATIVE BUILDING

1800 CONTINENTAL PLACE, SUITE 100, MOUNT VERNON, WA 98273 PHONE (360) 336-9300 FAX (360) 336-9307

the leadership of your Office of Regulatory Assistance (ORA). Throughout that process, we understand the participants have included third parties who are not agencies with permitting jurisdiction or applicants, but whose interests are directly affected by the proposal. Because the proposal is likely to have potential significant impacts within Skagit County, we believe the County meets the criterion for participation.

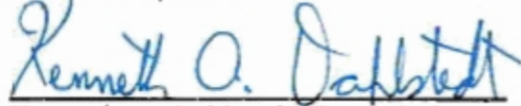
Thank you for considering these requests, and for your continued leadership in the siting of facilities with regional impacts.

Respectfully,

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Ron Wesen, Chair



Kenneth A. Dahlstedt, Commissioner



Sharon D. Dillon, Commissioner

cc: Mr. Peter Goldmark, Commissioner of Public Lands (cpl@dnr.wa.gov)
Mr. Jay Manning, Office of the Governor (jay.manning@gov.wa.gov)
Mr. Ted Sturdevant, Director, Department of Ecology (tstu461@ecy.wa.gov)
Mr. Phil Anderson, Director, Department of Fish and Wildlife (director@dfw.wa.gov)
Ms. Paula Hammond, Director, Department of Transportation (HAMMONP@wsdot.wa.gov)
The Hon. Richard Weyrich, Skagit County Prosecuting Attorney (richardw@co.skagit.wa.us)



King County

Dow Constantine

King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818

206-263-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

January 31, 2012

Ted Sturdevant
Director, Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504

The Honorable Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Dear Director Sturdevant and Executive Louws:

I have been closely following the proposal by Pacific International Terminals, Inc., a subsidiary of SSA Marine, to develop a marine terminal at Cherry Point in Whatcom County. The "Gateway Pacific Terminal" would provide storage and handling for the export and import of up to 54 million metric tons per year of commodities, primarily coal from the Powder River Basin of Wyoming and Montana.

I'm concerned about the significant impacts of this proposal on air, water, energy and natural resources, environmental health, land and shoreline use, public services, and transportation in communities along the rail corridor. In addition, the proposal has broader implications for increased climate pollution. These are elements of the natural and built environment required to be considered during environmental review under the State Environmental Policy Act (SEPA). I am writing to provide input onto the scope of the SEPA review for this project, and requesting that your SEPA review include the following areas of analysis:

Health, Equity, and Social Justice Impacts

As highlighted in August 2011 by a group of 160 Whatcom County physicians, there are potentially significant public health impacts associated with the project. These include respiratory health impacts of diesel particulate matter associated with increased train traffic, coal dust, and health effects associated with mercury and other heavy metal pollution from open-pit coal trains, noise exposure along the train route, and increased

frequency of long trains at rail crossings, with potential to delay emergency medical response times and increase vehicle-train accidents. The analysis should consider the impacts on communities along the rail corridor, areas that are often disproportionately populated by ethnically diverse and low income communities already experiencing disparities in health outcomes and exposure to environmental pollution.

Environmental Impacts

The SEPA review process should identify and analyze the impacts of construction and long-term operations on sensitive herring populations and eel grass beds within the designated Aquatic Reserve adjacent to the proposed terminal, as well the impacts of coal dust emissions and associated mercury and heavy metal pollutions on water quality, habitat, and listed species along the rail corridor route.

When considering environmental impacts, it is also critical to consider the indirect, cumulative impacts of the project, no matter where the impacts occur. The project and terminal would directly support a huge quantity of coal burning in China. Burning the upper estimate of coal associated with this proposal (48 million tons) would result in more than 100 million metric tons of carbon dioxide equivalent greenhouse gas emissions annually, roughly equivalent to all emissions produced in Washington State. Indirect emissions resulting from this proposal would erase the significant progress and commitment Washington State and many of its communities have made to address the climate change challenge.

Economic impacts

Research by the Sightline Institute has highlighted existing train congestion challenges in Washington, especially at several chronically congested choke points throughout the state. Adding up to eighteen mile-and-a-half long trains per day, without addressing rail capacity and mobility issues, could result in significant impacts to both current and future freight and passenger train traffic. In King County, key industries like aerospace and international trade rely on the rail corridor to move parts and finished products. For example, Boeing uses the rail line to transport fuselages for its expanding 737 production line. Increased use of this corridor by long-haul coal trains could conflict with existing future rail-dependent economic development, like the plans for 737 MAX production.

In conducting SEPA, I urge your agencies to work with the Puget Sound Regional Council, Puget Sound Clean Air Agency, the Port of Seattle, enterpriseSeattle, the aerospace industry, Sound Transit, and cities and counties along the rail corridor to thoroughly document baseline conditions and future plans related to freight and passenger rail capacity along the corridor. Having a clear assessment of current conditions, including freight and passenger rail mobility “choke points”, will be essential

to supporting an accurate assessment of impacts from the proposed coal terminal and associated rail traffic.

Traffic

In addition to freight and passenger train mobility impacts, addition of eighteen, mile-and-a-half long coal trains has the potential to create significant delays at at-grade crossings, inhibit the travel of emergency vehicles, endanger pedestrians, and cause increased delays in ferry loading and unloading. Traffic delays will have direct economic impacts that also need to be considered in communities along the rail corridor. The EIS should analyze the economic and safety impacts of increased train traffic on other vehicle traffic (cars, trucks, ferries, passenger rail, and transit), and estimate the cost of mitigating these impacts.

Washington's environmental, labor, political and business interests came together in 2011 to phase out the only remaining coal-fired power plant in the state, the Centralia plant owned by the TransAlta corporation. Exporting finite, domestic natural resources for short-term financial gain, while harming our environment and precluding more value-added economic development, would be a giant step backward. Instead, we need to chart a path forward for sustainable economic development, healthy communities, environmental protection, and clean energy. I will continue to follow this issue closely and our staff would be happy to share information on traffic, transit, economic development, health and environment in King County. If you have any questions, please contact Megan Smith, Environmental Policy Advisor, at 206-263-9605, or megan.smith@kingcounty.gov.

Sincerely,



Dow Constantine
King County Executive

cc: King County Councilmembers
 ATTN: Cindy Domingo, Acting Chief of Staff
 Anne Noris, Clerk of the Council
 Jason King, Director of Government Relations, Communications and
 External Affairs
Mayor Pete Lewis, City of Auburn
Mayor Suzette Cooke, City of Kent
Mayor Denis Law, City of Renton
Mayor Mike McGinn, City of Seattle

Mayor Keith McGlashan, City of Shoreline
Mayor Jim Haggerton, City of Tukwila
Peter Goldmark, Washington State Commissioner of Public Lands
Dennis McLerran, Regional Administrator, U.S. Environmental Protection Agency
Tay Yoshitani, CEO, Port of Seattle
Joni Earl, Chief Executive Officer, Sound Transit
Bob Drewell, Executive Director, Puget Sound Regional Council
Craig Kentworthy, Executive Director, Puget Sound Clean Air Agency
Christie True, Director, Department of Natural Resources and Parks
Ngozi Oleru, Director of Environmental Health, Department of Public Health
Carrie Cihak, Director of Policy and Strategic Initiatives, King County Executive's
Office (KCEO)
Megan Smith, Environmental Policy Advisor, KCEO

September 29, 2011

Tyler R. Schroeder
Whatcom County Planning Supervisor/Designated SEPA Official
Planning and Development Services
Whatcom County
5280 Northwest Drive
Bellingham, WA 98226-9097

Re: Proposed Gateway Pacific Terminal Project

Dear Mr. Schroeder:

The City of Mount Vernon has been keenly following the Gateway Pacific Terminal (GPT) Project being proposed by Pacific International Terminals, Inc., through SSA Marine, to develop a multi-user import and export marina terminal for bulk, break-bulk, and other marine cargoes. The project will include new rail loop tracks, covered and open terminal storage areas, and a pier and trestle connection to the terminal storage area.

The City of Mount Vernon supports projects that provide economic and job benefits locally and regionally. The City understands from a recent presentation at a Mount Vernon City Council meeting that the proposed project benefits the Northwest Region which the City supports.

The City also is interested in whether probable significant adverse impacts located within the City will result. Such impacts could include but are not limited to increased rail traffic, impacts to vehicle traffic flow and impacts to public safety services within Mount Vernon. More specifically, how increases in rail traffic could effect levels of service on local, city and state roads within the City and whether adverse impacts to the ability for emergency services to be deployed and provided in a timely manner could result. The City of Mount Vernon has spent a great deal of effort and capital on the revitalization of our historic downtown. An increase in the number of train delays by the BNSF rail line at critical crossings could result in isolating downtown and other areas from the rest of the City where the hospital, police services and other emergency services are located.

Protecting such interests is within the zone of interests protected by the State Environmental Policy Act (SEPA). As a jurisdiction along the BNSF corridor with five rail crossings within City limits (two of which cross heavily traveled state routes) it is foreseeable that without adequate scoping, investigation, or mitigation, an injury in fact may result.

The City is encouraged by the fact that Whatcom County has been in discussion with the Washington State Department of Ecology to be a co-lead agency for the project and that Washington State Department of Ecology has agreed to do so in their letter dated July 15, 2011.

Once the proposal is properly defined, an initial step in the preparation of a Draft Environmental Impact Statement (DEIS) is scoping the direct, indirect, and cumulative impacts. As you know, lead agency(s) cannot limit consideration to those aspects within its jurisdiction, such as local and state boundaries.

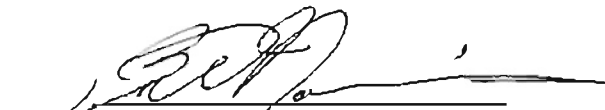
The City respectfully requests that any environmental review carefully consider in its scope the regional impacts of this proposal beyond Whatcom County including impacts to the City of Mount Vernon. As part of the analysis, the City believes full consideration of alternatives as well as mitigation measures designed to alleviate the conflicts between rail traffic and our system of roadways may be in order.

As a party with a known interest in this proposal, Mount Vernon respectfully requests that all SEPA notifications be sent to the following when SEPA notification is required under your rules:

Jana Hanson
Community and Economic Development Director/SEPA Official for the City
PO Box 809
910 Cleveland Avenue
Mount Vernon, WA 98273

The City looks forward to beginning constructive participation and providing further input in this matter. If you have any questions, please do not hesitate to contact Jana Hanson, the City's Community and Economic Development Director at 360-336-6214.


Sincerely,

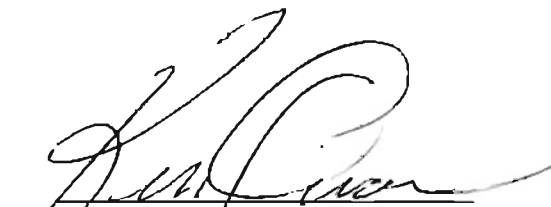


Bud Norris, Mayor

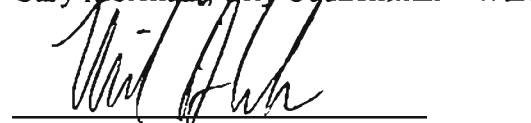
Joe Lindquist, City Councilman – Ward 1

Scott McMullen, City Councilman – Ward 2

Bob Fiedler, City Councilman – Ward 3

Dale Ragan
City Councilman – At Large

Ken Quam, City Councilman – Ward 1

Gary Molenaar, City Councilman – Ward 2

Mike Urban, City Councilman – Ward 3

cc: Ted Sturdevant, Director of the Washington State Department of Ecology



July 14, 2011

The Honorable Christine Gregoire
Governor of Washington
P.O. Box 40002
Olympia, WA 98504-0002

SUBJECT: Request for Expanded Environmental Review for Gateway Pacific
Terminal, Cherry Point, WA

Dear Governor Gregoire:

Our community has recently been made aware of a proposal having been made by Pacific International Terminals, Inc. to develop an export facility at Cherry Point in Whatcom County, Washington. From the Project Information Document published by the project applicant,¹ we further understand that the facility is intended to be utilized in the export and import of dry bulk commodities. Of significant importance to the City of Burlington, the project will be served by the BNSF Railway Company through its Custer Spur Industrial Rail Line, which connects to BNSF Railway's main line at Custer, Washington. The Custer Spur provides the Terminal's access to the nationwide rail network, which traverses through the City of Burlington.

The Project Information Document reveals that initially, 7,000-foot-long trains (1.3 miles) are expected to serve the proposed facility, and that longer trains up to 8,500 feet (1.6 miles) will serve the Terminal ultimately. By 2026, the applicant expects some 9 loaded trains to arrive at the terminal each day (and 9 additional trains leaving each day.)² As the Federal Railroad Administration has stated,

At twenty miles an hour, a train one mile in length would take 3 minutes to clear a crossing. If the crossing has gates (as is the case with all crossings on BNSF's main line in Burlington), those gates would go down before the train arrived and would not rise until the train had passed, perhaps adding another minute or two. With growing rail traffic handled over fewer rail lines, blockages due to passing trains are becoming more frequent in certain areas.³

¹ Available at https://secureaccess.wa.gov/ofm/iprmt24/site/alias_1357/22894/review_documents.aspx (last viewed July 13, 2011.)

² Id.

³ Impact of Blocked Highway/Rail Grade Crossings on Emergency Response Services, Federal Railroad Administration (August, 2006) Page 8.

The possibility that train crossings will impede traffic is of particular concern to Burlington where BNSF's main line bisects the City, effectively hindering access to a large portion of the City and surrounding areas by emergency responders from the City's lone police station. As well, access to the region's critical access hospital will also be curtailed during the times that crossings are blocked by trains. This is especially significant given the fact that as a small community, the amount of emergency apparatus is quite limited. The Federal Railroad Administration has also recognized that blocked crossings are a particularly serious problem for emergency responders:

An ambulance racing to a heart attack victim or an automobile accident may be delayed only a few minutes by a passing train, but even a few minutes is a very long time in an emergency. A fire engine forced to take another route because of a stopped train may arrive at a fire too late to prevent significant damage or even deaths or injuries. Delayed police response can lessen the chance to apprehend a criminal or prevent a more serious crime.⁴

I should point out that, unlike many other states, Washington has no applicable statute that precludes the blockage of train crossings for extended periods of time.⁵ Clearly, the impacts of this proposal must be well understood.

We understand that an environmental review has yet to be done, and we anticipate looking to that review for a complete understanding of how this proposal will impact our community. At the same time we think it appropriate for that review, which will include the preparation of an Environmental Impact Statement under both SEPA and NEPA to be prepared under the auspices of the State, with local government sharing co-lead status with the State Department of Ecology and working in concert with the Federal Army Corps of Engineers. Although the Governor's Office of Regulatory Assistance has already provided assistance with this project, we believe that the Department of Ecology has the unique expertise to assess the project's environmental impacts.

Thank you in advance for your attention to this important matter.

Sincerely,

Edward J. Brunz, Mayor

EJB/sa

cc: City Council
Ted Sturdevant, Director, Washington State Department of Ecology
Paula Hammond, Secretary, Washington State Department of Transportation
Pete Kremen, Whatcom County Executive
Mayor Dan Pike, City of Bellingham

⁴ Id, Page 5

⁵ See, <http://www.fra.dot.gov/downloads/safety/frachp03.pdf>. Oregon's statute is Or. Rev. Stat. § 824.822; Idaho's is found at Idaho Code § 49-1425



MAYOR'S OFFICE
Dan Pike, Mayor
City Hall, 210 Lottie Street
Bellingham, WA 98225
Telephone (360) 778-8100
Fax (360) 778-8101

June 14, 2011

The Honorable Christine Gregoire
Governor of Washington
P.O. Box 40002
Olympia, WA 98504-0002

**Re: Request for State Lead Agency Role in Environmental Review
Gateway Pacific Terminal, Cherry Point, WA**

Dear Governor Gregoire:

Due to the excellent working relationship between our offices, you are aware of the interests of the City of Bellingham in its efforts to become a sustainable City, grounded in solid growth management planning, excellent economic opportunities and good environmental practices. My administration has spent considerable time studying the specific probable adverse economic and environmental impacts and the potential benefits of the coal and commodities export facility, proposed for Cherry Point, on our City and the State. After meeting with the applicant's representatives (SSA Marine and BNSF), we determined the applicant is not providing complete information on project impacts and necessary mitigation. I am writing you to make two requests that I hope you will consider carefully.

First, I am requesting that you direct State agency directors to assert lead agency status for review of the proposal under the State Environmental Policy Act, RCW ch. 43.21C (SEPA). I am also requesting that you make the City of Bellingham a member and participant on your ongoing "iMAP" team reviewing the proposal under the leadership of your Office of Regulatory Assistance (ORA). Thank you for your consideration of the following.

1. The City and State Have Substantial Interests Affected by the Proposal.

Although we understand that environmental review is yet to be done, our team is concerned that the construction and operation of the proposed Gateway Pacific Terminal will bring more than moderate economic and environmental impacts to the citizens of Bellingham, the Salish Sea region, and the State. As you may be aware, the applicant's environmental information acknowledges a build-out export volume of approximately 50 million tons per year, and 9 additional coal trains *per day*, which translates into 18 trains round trip, each up to a mile and a half long.

We know from the applicant's own project description, from the comment letters of your State agencies through the ORA process, and from the operations of similar coal export

facilities in Canada and other parts of the U.S., this facility has the potential to adversely affect the following City, regional, and State interests in the following ways:

- Jobs and economic investments at ports, manufacturing facilities, and waterfront enterprises which depend on regular access and service deliveries across rail crossings;
- Levels of service on City and State roads, including substantial increased delays at rail crossings and associated access points to State highways, due to the 18 additional trains per day;
- Water quality and habitat in the Salish Sea through stormwater runoff, including degradation of habitat within the Cherry Point Aquatic Reserve;
- Air quality and attendant health impacts due to fugitive coal dust from trains and stockpiles, and increased diesel exhaust from the four engines expected for each coal train (72 engines running the entire length of the rail line per day) as well as from the exhausts of the over 200 cape-class ships per year expected to load at the Cherry Point Gateway Pacific Terminal; and
- The maintenance and operation of City streets and State highways, which becomes more expensive due to coal dust residue escaping from trains.

These impacts and interests are not unique to the City of Bellingham or Whatcom County. The impacts on the Aquatic Reserve, the waters of the Salish Sea, and clean air, affect the interests of all State citizens and Indian Tribes. Many of the impacts on air quality and rail-line delays will be experienced by other communities along the entire rail line within Washington State, from Spokane, through the Columbia River system and up through Puget Sound.

Of particular note are the City's interests in the planned redevelopments for the Georgia Pacific waterfront in downtown Bellingham, and the Fairhaven waterfront, in south Bellingham. We request you refer to the adopted plans for those future investments. The above list of impacts to the City and the region obviously is not exhaustive and will need to be further detailed during EIS scoping.

2. The Need for the State to Play the Lead Agency Role.

As I indicated above, the impacts of this proposal are far-reaching and are not unique to Whatcom County. During the iMAP discussions, the County is discussed as the anticipated lead for SEPA review. However, the County does not have substantive SEPA authority to regulate the impacts of the proposal beyond the County's boundaries. Early indications are that the County sought to narrow the impact analysis with the applicant to the immediate environs of the Cherry Point facility. Since receiving the Bellingham City Council's letter dated May 24, 2011, County Executive Pete Kremen has issued a

statement on the County's website indicating the scope of review might also include review of rail line impacts to the City of Bellingham, including its waterfront.

Although I am quite appreciative of Executive Kremen's apparent willingness to extend the reach of the scope of review to include impacts to the City, I am concerned that the SEPA environmental impact statement (EIS) will need to include more analysis of impacts beyond Whatcom County's borders and include other impacts that Whatcom County does not have the resources to review. I believe it is critical that the State step in to assert lead agency status on SEPA.

A. The Analysis Needs to Cover Other Jurisdictions Affected by the Rail Line.

Under the current direction, it does not appear SEPA review would include analysis and mitigation of impacts to Burlington, Mt. Vernon, Stanwood, Marysville, Everett, Mukilteo, Edmonds, Seattle, Tukwila, Kent, Auburn or cities to the south and east like Olympia, Vancouver, Pasco or Spokane. Assuming coal trains return east over Stevens Pass, impacts could also affect the cities of Snohomish, Monroe, Leavenworth, Wenatchee and further east. Presumably, any one of these cities or all could seek co-lead agency status for purposes of SEPA review, and perhaps they should. The City is not waiving the opportunity to do so in requesting the State step forward.

In addition, as you know, the Cherry Point Aquatic Reserve Area is the Usual and Accustomed Fishing Grounds of four Federally Recognized Indian Tribes — the Nooksack, the Lummi, the Swinomish, and the Tulalip Tribes. Although Whatcom County has a relationship with its local tribes, it seems that the State might be better positioned to facilitate SEPA review with Indian Tribes outside Whatcom County interested in this critically important resource.

B. The State's Interests Should Be Adequately Represented in this SEPA Analysis.

The interests of the State, administered by the Department of Transportation, Department of Ecology, Department of Natural Resources, the State Department of Fish and Wildlife and others, are beyond the scope of Whatcom County's authority and interests when it comes to imposing substantive mitigation. It appears the County does not have the resources, nor understandably, the expertise to conduct the comprehensive and cumulative impacts analysis necessary under SEPA along the entire rail line corridor within the State, including impacts related to greenhouse gas emissions, health impacts from particulate emissions, effects on road maintenance, or traffic delays.

C. Only the State Is Equipped to Conduct a Full Analysis of Site Alternatives.

Whatcom County also does not appear to have the resources to conduct a full analysis of alternative sites in the State, as my team believes will be required and should be conducted for this proposal's environmental impact Statement. When the State takes on a major new industrial port such as this one, I question whether it makes sense to site it here in Whatcom County, as opposed to a port such as Longview, where trains would not have to

go all the way up and down the Puget Sound corridor and ships do not have to disturb a sensitive herring fishery. Absent more complete information from the applicant on impacts and necessary mitigation at Cherry Point, this is an analysis the State will be much better equipped to analyze fully and objectively.

D. The Shoreline Management Act Impacts Require Objective Review.

From all indications, it appears that Whatcom County is inclined to process this development as a mere “revision” of a twenty year old permit utilizing 1992 shoreline permit standards. My team is concerned the SEPA review will not include the **best available science** required by the County’s more modern Shoreline Management Master Program, adopted by the Department of Ecology in 2008. This could not only adversely affect our coastal waters, but the livelihoods of our fishermen utilizing Bellingham’s piers and markets, as well as our local Tribes who utilize City markets.

I request that you direct your Department heads and encourage the Department of Natural Resources to assert lead agency status, to ensure this proposal gets full and transparent review of all significant impacts. The City is concerned about and encourages your consideration of public perceptions about State government and its efforts to protect its citizens during this siting process.

3. Time is of the Essence in Making This Decision.

I do not need to impress upon you the urgency of making this decision in the next few weeks. Already, the iMAP team process has spent seven months considering issues related to SEPA review and lead agency status for the JARPA application. I understand the U.S. Army Corps of Engineers (Corps) and Whatcom County have already exchanged draft documents for the Request for Proposals from EIS consultants.

The time to assert State lead agency status is now, before the Corps or the County issues any scoping notice on the EIS. If any member of my team or I can be of assistance in expediting your review of this important decision, please contact me at your earliest convenience.

4. Request for iMAP Membership.

Because the issue of EIS scoping is already under discussion within the Office of Regulatory Assistance by the iMAP team, I am writing to formally request City representation on the iMAP team. To date, the team includes some affected State agencies and municipalities, but not others. It also includes membership of representatives for Burlington Northern Santa Fe, a third party to the JARPA application who I understand has not submitted permits for review by the iMAP team. Given the direct impacts of the proposal on the City of Bellingham and our possible interest in co-lead agency status, it would seem appropriate for the City to become a full participant in the process. My team would welcome discussions with Faith Lumsden, ORA Director, about the logistics of that participation at her earliest convenience.

5. Conclusion.

I appreciate the good working relationship between the City and State agencies on a wide range of issues over the years. We are committed to working cooperatively with your administration during the review of cumulative impacts of the Gateway Pacific Terminal proposal.

The Gateway proposal involves transportation, air quality and water quality impacts stretching throughout the State, as an additional 18 trains per day round trip traverse our Statewide rail system, each train extending a mile and a half long. The resources and interests of Whatcom County are necessarily limited and do not appear to rise to the level needed for full Statewide SEPA review of these impacts or a full analysis of alternative sites that may have fewer impacts and greater benefits.

The State has both the authority and the experience to play a leadership role in the public process analyzing alternatives and the regional impacts of large industrial proposals like the Gateway Pacific Terminal. We urge you to bring that leadership to this table, demonstrating that government has the interests of its citizens foremost in mind in protecting the quality of our environment, our existing local economies, and our plans for future economic investments, even during difficult times. Your regional perspective is vital at this pivotal point in the process for review of the Cherry Point coal export facility.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Pike". The signature is fluid and cursive, with a large initial "D" and "P".

Dan Pike, Mayor
City of Bellingham

cc: The Honorable Peter Goldmark, Washington State Lands Commissioner
The Honorable Pete Kremen, Whatcom County Executive
Patrick Swan, Chief of Public Affairs, US Army Corps of Engineers, NW Region
Bellingham City Councilmembers



City of Seattle
Office of the Mayor

Mayor's Statement

For Immediate Release
July 18, 2011

Contact: Aaron Pickus
Tel: (206) 233-2650

Mayor's statement

"I commend and thank Bellingham Mayor Dan Pike for his leadership in requesting an analysis of the state-wide impacts from transporting coal across our state to the Gateway Pacific Terminal. I also thank Governor Gregoire and the Department of Ecology for joining Whatcom County in reviewing this project.

The impacts of the Gateway Pacific Terminal are not confined to Bellingham or Whatcom County. Seattle would experience nine 1.5 mile-long trains of coal every day through our waterfront, with potentially significant impacts on traffic, air quality and water quality. That's why I signed Mayor Pike's letter calling for a state-wide analysis. I will continue to support his position for a robust review of the environmental and economic impacts this project has across Washington State."

State officials announced on Friday that the State Department of Ecology would be joining Whatcom County in order to conduct a state-wide environmental review of the proposed Gateway Pacific Terminal at Cherry Point.

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[@MayorMcGinn](https://twitter.com/MayorMcGinn)



[Mayor Mike McGinn](https://www.facebook.com/MayorMikeMcGinn)



Washington State Legislature

November 3, 2011

Ted Sturdevant
Director, Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504

Pete Kremen
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Re: Gateway Pacific Terminal site at Cherry Point

Dear Sirs,

We are writing to ask that the agencies directing the State Environmental Policy Act (SEPA) review determine that directly associated impacts, such as those from associated transportation, be considered a part of the "proposal" within the required State Environmental Protection Act analysis.

Many in our respective communities throughout Washington State have contacted us regarding the proposal to significantly increase rail traffic with shipments of coal to a new terminal at the Gateway Pacific Terminal site at Cherry Point.

Many have expressed a concern for public safety and impacts to our quality of life posed by additional rail runs through our communities each day. Others have cited worries about the impact these runs will have on local businesses. Still others have questioned why we would choose to promote the use of coal as a fuel source anywhere, whether here at home or across the ocean. Lastly, we have heard from many regarding the impact to public health from increased particulate matter as a result of the use of diesel fuel on rail runs. Recently, more than 100 physicians in Whatcom County have united to oppose this project based upon this possibility. We share these concerns.

As this project gains speed, our constituents continue to look to us for answers about the consequences – ecological, fiscal and physical – that the increased rail traffic and transportation of coal may have in their local communities.

This fall the Department of Ecology and Whatcom County must determine the scope of the environmental, health and safety review of this project beyond the terminal footprint itself. The review should consider the full impact to local communities of statewide transportation of up to 54 million tons of coal.

We must be fully aware of potential economic tradeoffs associated with this increased level of transportation. Small and large businesses along rail lines in communities from Spokane, to central Washington to Bellingham could be negatively impacted by significantly increased numbers of rail runs transecting their communities.

It is important that the formal evaluation of the project include the associated impacts to the communities and not just impacts at the actual site.

We have much hope that the agencies will keep the well-being of our local communities at the forefront of their concerns. When it comes to a project of this magnitude we owe it to our communities to determine how progress will affect them.

Sincerely,

Senator Kevin Ranker

Senator Dan Swecker

Senator Jeanne Kohl-Welles

Senator Ed Murray

Senator Karen Fraser

Senator Sharon Nelson

Senator Nick Harper

Senator Paul Shin

Senator Debbie Regala

Senator Adam Kline

Senator Steve Conway

Senator Maralyn Chase

Senator Karen Keiser



Port of Skagit

September 13, 2011

The Honorable Christine O. Gregoire
Governor of the State of Washington
Legislative Building
P. O. Box 40002
Olympia, WA 98504-0002

Re: Proposed Gateway Pacific Terminal Project

Dear Governor Gregoire,

The Port of Skagit has received information presented to the Skagit Council of Governments in late July regarding the proposed Gateway Pacific Terminal Project and our comments have been requested.

As a port we generally support projects such as this which have economic importance regionally and nationally. Also as a port, we do not consider it our role to become involved in the debate over many of the other non-economic issues (both pro and con) this project might entail. Our purpose is local economic development leading to the creation of good family wage jobs in our community. Let there be no doubt, the Gateway project as currently proposed will have a very significant negative impact on our local economy.

Specifically, a great deal of the job creating economic activity in our community is dependent upon ready east/west traffic movement of cars and trucks. There are some eight "at grade" rail crossings that currently block local business related traffic when trains pass through. Even the most cursory review of the Gateway proposal shows that the additional trains required to supply the new terminal with coal will further obstruct traffic, and have a negative impact on economic development in our community leading to a net loss of jobs. This problem could be at least partially solved by the construction of overpasses at certain key locations.

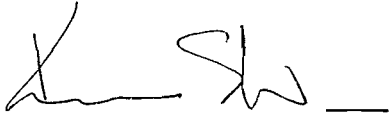
The Port of Skagit's support for this project is dependent upon solutions for at least the traffic issue being carefully studied, with the required funds to solve the problem

September 13, 2011
The Honorable Christine O. Gregoire
Page two

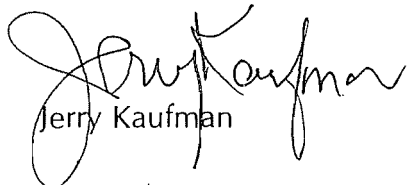
being incorporated into the budget of the Gateway project itself, rather than taken from Port of Skagit taxpayers.

The notion of "he who benefits pays" is considered fundamentally fair in America, and we believe it is fully applicable to the Gateway project's effect on our community.

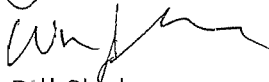
Yours truly,

A handwritten signature in black ink, appearing to read "Kevin Ware". The signature is stylized with a large initial "K" and a long horizontal stroke.

Kevin Ware

A handwritten signature in black ink, appearing to read "Jerry Kaufman". The signature is highly stylized and cursive.

Jerry Kaufman

A handwritten signature in black ink, appearing to read "Bill Shuler". The signature is cursive and somewhat compact.

Bill Shuler

RESOLUTION NO. 1263

A RESOLUTION STATING EDMONDS' OPPOSITION TO TRANSPORTING COAL ACROSS WASHINGTON STATE AND ON THE BURLINGTON NORTHERN SANTA FE RAILWAY ALONG PUGET SOUND TO EXPORT FOR OVERSEAS CONSUMPTION

WHEREAS, Edmonds has committed itself to being a leader in protecting the environment, air quality, and Puget Sound, and

WHEREAS, mounting evidence demonstrates the overwhelming negative impacts of coal mining and combustion on public health, and

WHEREAS, Washington State already recognizes the severe economic, public health, and environmental impacts of climate change on this state (Executive Order No. 0905), and

WHEREAS, Washington State and other states are taking steps toward reducing American dependence on coal-fired power, including the recent passage of TransAlta Energy Transition Bill, which will retire the two remaining coal-fired power plants in Washington State by 2025, and

WHEREAS, coal is commonly transported via opentop rail cars contaminating cities, towns, farmland, forestland, streams, and rivers across Washington State with coal dust and chunks of coal, and

WHEREAS, coal contains toxic heavy metals - including mercury, arsenic, and lead - and exposure to these toxic heavy metals in high concentrations is linked to cancer and birth defects, and

WHEREAS, increased rail traffic will lead to an increase in diesel emissions in communities along rail lines, and

WHEREAS, coal export terminals in other parts of the nation and world are associated with significant air and water pollution, and

WHEREAS, coal shipments through Edmonds are expected to add as many as 18 trains per day, and

WHEREAS, an additional 18 trains per day will inhibit the travel of emergency vehicles to our Senior Center, underwater dive park and waterfront residences and businesses, and

WHEREAS, an additional 18 trains per day will endanger pedestrians, and inhibit access to our waterfront for fishing, diving, and other recreational uses, and

WHEREAS, an additional 18 trains per day will cause increased delays in ferry loading and unloading having detrimental effects on traffic congestion and air quality due to idling cars, and

WHEREAS, increased noise from large freight trains have been shown to have a negative impact on health, and

WHEREAS, increased freight train traffic will have a negative effect on property values, and

WHEREAS, Edmonds and the region are not equipped to respond to the environmental devastation a coal train derailment would have on Puget Sound or the Edmonds Marsh, and

WHEREAS, Washington has been a national leader in creating clean-energy jobs and innovating, developing, demonstrating, and marketing clean energy technologies and practices that promote sustainable global economic development, and coal export promotes the most destructive and unsustainable energy development practices.

NOW THEREFORE BE IT RESOLVED, that the City of Edmonds opposes coal export terminals in Washington State, and

BE IT FURTHER RESOLVED, that the City of Edmonds supports economic growth that does not jeopardize Washington State's commitment to fight the serious impacts of climate change, and

BE IT FURTHER RESOLVED, that the City of Edmonds urges the Governor and the Legislature to work on a comprehensive policy opposing coal export terminals in Washington State, and

BE IT FURTHER RESOLVED, that the City of Edmonds intends to address any impacts to public health and/or property caused by the transport of coal through Edmonds by actively enforcing local public health, safety, building, electrical, and fire codes, and

BE IT FURTHER RESOLVED, that the City of Edmonds intends to address any impacts to surface and/or groundwater caused by the transport of coal through Edmonds by actively enforcing applicable federal environmental statutes delegated to Edmonds, and

BE IT FURTHER RESOLVED, that the City of Edmonds will request that the railroad mitigate any public safety hazards created by the transport of coal through Edmonds such as access by emergency vehicles to the senior center and waterfront, and

BE IT FURTHER RESOLVED, that the City of Edmonds will request from the railroad, and make public, any plans for new or expanded rail facilities or significant rail traffic volume increases within Edmonds, and

BE IT FURTHER RESOLVED, that the City of Edmonds will request that the railroad provide representatives to meet periodically with local citizen groups and local government officials from Edmonds to seek mutually acceptable ways to address local concerns, and

BE IT FURTHER RESOLVED, that the City of Edmonds will request that the railroad submit an emergency environmental clean-up plan in case of a derailment into Puget Sound or the Edmonds Marsh, and

BE IT FURTHER RESOLVED, that the City of Edmonds will request that the railroad perform environmental monitoring of noise, air, groundwater, and surface water quality on an ongoing basis and that the results will be shared with local and state agencies, and

BE IT FURTHER RESOLVED, that the City of Edmonds will request that the railroad carefully monitor the loading of coal at the coal mines as part of the contract(s) with the coal companies to assure best loading practices in order to reduce the amount of coal and coal dust coming out of the rail cars, and

BE IT FURTHER RESOLVED, that the City of Edmonds will request that the railroad write up road improvement plans for grading, widening, or otherwise providing crossings at intersections that would be impacted by rail traffic increases and require the railroad to pay for these upgrades, and

BE IT FURTHER RESOLVED, that the Edmonds City Clerk transmit copies of this resolution to the Governor of Washington, the State Lands Commissioner and to each Senator and Representative from the 1st, 21st and 32nd Legislative Districts in the State of Washington Legislature, and

BE IT FURTHER RESOLVED, that the Edmonds City Clerk be directed to transmit copies of this resolution to each Senator and Representative from Washington State in the Congress of the United States.


This Resolution shall take effect immediately upon its adoption.

Adopted this 22nd day of November, 2011.



MAYOR, MIKE COOPER

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA S. CHASE

FILED WITH THE CITY CLERK: 11-18-2011
PASSED BY THE CITY COUNCIL: 11-22-2011
RESOLUTION NO. 1263



CITY OF BAINBRIDGE ISLAND

PROCLAMATION

A **PROCLAMATION** by the Mayor of the City of Bainbridge Island, Washington, opposing the transportation of coal across Washington State to export for overseas consumption.

WHEREAS, mounting evidence demonstrates the overwhelming negative impacts of coal mining and combustion on public health; and

WHEREAS, Washington State already recognizes the severe economic, public health, and environmental impacts of climate change on this state (Executive Order No. 0905); and

WHEREAS, Washington State and other states are taking steps toward reducing American dependence on coal-fired power; and

WHEREAS, Washington State is currently experiencing an onslaught of proposals to export coal mined in the United States to foreign countries. These coal export proposals call for shipping tens of millions of tons of coal by rail across Washington State to private and public ports on the Columbia River and Puget Sound; and

WHEREAS, transporting coal in open rail cars will contaminate cities, towns, farmland, forestland, and rivers across Washington State with coal dust; and

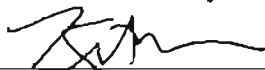
WHEREAS, coal export terminals in other parts of the nation and world are associated with significant air and water pollution; and

WHEREAS, Washington has been a national leader in creating clean-energy jobs and innovating, developing, demonstrating, and marketing clean energy technologies and practices that promote sustainable global economic development, and coal export promotes the most destructive and unsustainable energy development practices;

NOW, THEREFORE, I, Kirsten Hytopoulos, Mayor of the City of Bainbridge Island, on behalf of the City Council, do hereby oppose coal export terminals in Washington State. The City supports economic growth that does not jeopardize Washington State's commitment to fight the serious impacts of climate change. The City urges the Governor and the Legislature to work on a comprehensive policy opposing coal export terminals in Washington State. The Mayor is directed to transmit copies of this proclamation to the Governor of Washington, the State Lands Commissioner and to each Senator and Representative from Kitsap County in the State of Washington Legislature. The Mayor is directed to transmit copies of this proclamation to each Senator and Representative from Washington State in the Congress of the United States.



DATED this 12th day of October 2011.



Kirsten Hytopoulos, Mayor