FRIENDS
OF THE SAN JUANS

January 18, 2013

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

RE: Scoping Comments for GPT/BNSF Custer Spur EIS

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

Thank you for this opportunity to provide scoping comments for preparation of an Environmental Impact Statement (EIS) for the Pacific International Terminals Inc.'s proposed Gateway Pacific Terminal project at Cherry Point, Washington and the Burlington Northern Santa Fe Railway's (BNSF's) Custer Spur Rail Expansion project ("GPT"). Please accept as the official filing from Friends of the San Juans the following letter and the attached Summary Itemization of Analyses Needed to Assess and Evaluate Concerns document which has appended numerous supporting Scoping Memorandums and interactive links to the internet.

FRIENDS of the San Juans ("FRIENDS") is a Washington State not-for-profit corporation with its offices located in Friday Harbor. FRIENDS was established in 1979 with the mission to protect the land, water, sea, and livability of the San Juan Islands through science, education, law and citizen action. FRIENDS currently represents approximately 2,000 members and works with diverse stakeholders, including citizens, tribal and governmental agencies, as well as with other non-profit organizations, to achieve the greatest benefit for people and nature. FRIENDS of the San Juans is not only concerned about the local impacts associated with the GPT project, especially those affecting our marine waters, but also as global citizens, FRIENDS is concerned about regional, national, and international impacts to air, land and water as they affect all those that depend on a clean and healthy environment.

San Juan County, a collection of almost two hundred islands, sits at the mouth of one of the largest estuaries in the United States and at the confluence of two major ocean straits. With waters full of eelgrass, orcas, herring and salmon and shorelines teaming with waterfowl, San Juan County has one of the best functioning marine systems in Puget Sound. (See Attached: ARC Scoping Memorandum concerning the Pacific Gateway Terminal: The Marine Environment of the San Juans, Excerpt from *Personal Watercraft Use in the San Juan Islands*) for a general description

of the island's marine ecosystems). Fourteen thousand people have chosen this cluster of islands to call home. They have done so because of the quality of life the island community affords. Others choose to visit, an important economic engine in the San Juans. According to the Outdoor Industry Association, outdoor recreation supports 115,000 jobs and contributes $11.7 billion to the Washington State economy. In San Juan County, tourism is valued to generate over $51 million dollars in spending and 669 jobs every year. International, national, and regional media and publications continually show a strong interest in the destination value of the Salish Sea.[1]

The San Juans are an international destination for people and wildlife. San Juan Island National Historical Park encompasses 1,752 acres and 6.1 miles of shoreline, the most extensive publicly accessible shoreline in the San Juan Islands. The park receives more than 250,000 visitors each year and is an important piece in the mosaic of attractions that draws tourists to the island. The National Park Service mission is to preserve park resources unimpaired and provide for visitor enjoyment of this precious place. Hundreds of thousands of tourists enjoy the beauty of the San Juan Islands annually and the marine waters are a central theme: Coast Salish canoes travel their ancestral waterways, families rent sailboats and yachts, children attend camps, kayakers paddle, and vacationers enjoy our local restaurants, accommodations, and shops. Maintaining the health, integrity and natural beauty of these islands in the Sound is critical to preserving our local and regional economy. However, the project may impact an array of topics that could threaten both the way of life for residents, tourists and the reasons both groups are here, the remarkable natural environment of this portion of the Salish Sea.

THIS PROJECT CREATES AREA WIDE IMPACTS FOR THE SALISH SEA

THE SALISH SEA

The Salish Sea is the unified bi-national ecosystem that includes Washington State's Puget Sound, the Strait of Juan de Fuca and the San Juan Islands as well as British Columbia's Gulf Islands and the Strait of Georgia. The name recognizes and pays tribute to the first inhabitants of the region, the Coast Salish. The name Salish Sea has been approved by naming boards in both British Columbia and Washington State as well as by the United States and Canadian naming boards.

Politically the Salish Sea is governed by the USA and Canada, but the international boundary separating the Puget Sound Basin (USA) from the Georgia Basin (Canada) corresponds to no natural barrier or transition. The border is invisible to marine fish and wildlife. Species listed as threatened or endangered under the US Endangered Species Act or the Canadian Species at Risk Act, including Southern Resident killer whales (Orcinus orca), Marbled murrelets (Brachyramphus

[1] New York Times: The 41 Places to Go in 2011—listed as the number 2 place to visit in the world, in between Santiago, Chile as number 1 and Koh Samui, Thailand as number 3. (Editor's tagline related to the San Juan Islands: "Bold-face restaurateurs vie with unspoiled nature. Nature wins."), National Geographic Traveler: The world list featured San Juan Islands as number 3 in the 10 Best Trips of Summer 2011, "all about weather, whales, and water", Travel + Leisure: World's Best List in 2011 and 2010, the number 4 position for Top Islands (moving up from number 5 in 2009), Life: 100 Places to See in Your Life Time, July 2011, USA Today: Best Wildlife Watching Spots in Each State, July 2011, Lonely Planet: US Islands that Won't Break the Bank, July 2011, New York Times: A Directory of Rare Wonders, May 2011, HUFFPOST TRAVEL: 10 Best Whale Watching Destinations Around the World, April 2011, The TODAY Show, NBC: Affordable Secret Island Getaways, April 2011, AOL Travel: Six Best Beach Vacation Spots in the Pacific Northwest, February 2011, Sunset magazine: "One of the Best Coastal Vacation Spots in the West 2010"

marmoratus), and some ecologically significant units or species of Pacific salmon (Onchorynchus spp.), traverse the boundary daily. Oceanographic processes such as freshwater inflows and wind driven surface currents exchange biota, sediments and nutrients throughout the larger ecosystem.

Some facts on the Sea (based on 1:250,000 scale World vector Shoreline and TEOPO2 topographic/bathymetric GIS grid):

- The coastline length, including islands: 7,470 km;

- The total number of islands: 419
- The total land area of islands: 3,660 square kilometers
- The sea surface area: 16,925 square kilometers
- The Maximum depth: 650 meters (Bute Inlet, BC)
- The total population of the Salish Sea is approximately 8 million people;
- There are a number of different marine species estimated: 37 species of mammals, 172 species of birds, 247 species of fish, and over 3,000 species of invertebrates (See Gaydos & Pearson, 2011, and Brown and Gaydos, 2011, as attached in Scoping Memorandum, The Marine Environment of the San Juans);
- Number of species listed as threatened, endangered or are candidates for listing: 113 (See Brown and Gaydos, 2011). [2]

In the San Juans' portion of the Salish Sea, there are a number of important federally and Washington State protected lands that add to the health and variety of the natural environment. They are discussed in the attached Scoping Memorandum, Brief Description of Examples of Federal and State Protected Lands in San Juan County. Like the species that rely upon them for protection, numerous types of pollution do not respect the boundaries we have drawn between protected and not protected. Certainly the waters on both sides of the boundary are equally susceptible to persistent or accidental disruption caused by GPT.

[2] Gaydos, J. K. and N.A. Brown. 2011. Species of Concern within the Salish Sea: Changes from 2002 to 2011. Proceedings of the 2011 Salish Sea Ecosystem Conference, October 25-27, 2011, Vancouver, BC

FIRST NATIONS OF THE SALISH SEA AND SALMON

In 1855-56, Territorial Gov. Isaac Stevens negotiated a series of treaties with Indian tribes in what is now Western Washington. Treaties are legally binding contracts and are the supreme law of the land under the United States Constitution.

The federal government recognized the tribes as sovereign nations and the rightful owners of all the land in the region. Tribes agreed to give up the land but reserved certain rights to ensure their cultures would survive. Among them were the rights to fish, hunt and gather shellfish, among other activities. In western Washington, 20 tribes were signatories to the so-called Stevens Treaties.

Those rights were forgotten in the years that followed as the state of Washington took control of salmon harvests and systematically denied the tribes the ability to exercise their treaty reserved rights. Only after years of protests and civil disobedience by the tribes were their treaty rights acknowledged by federal courts.

The 1974 ruling in U.S. v. Washington (the Boldt Decision) re-affirmed the rights reserved by the tribes in the original treaties and established the tribes as co-managers of the salmon resource with the state. Subsequent federal court rulings have upheld tribal shellfish harvest rights and the tribal environmental right to protection and restoration of salmon habitat.

Treaty negotiations of Treaty of Point Elliott, Treaty of Point No Point, Treaty of Neah Bay, Treaty of Olympia, Treaty of Medicine Creek, have established specific treaty right for US Coastal tribes.[3]

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[3] The TREATY WITH THE DWAMISH, SUQUAMISH, ETC., 1855 (Jan. 22, 1855 12 Stat. 927. Ratified Mar. 8, 1859. Proclaimed Apr. 11, 1859) Articles of agreement and convention made and concluded at Múúcklte-óóh, or Point Elliott, in the Territory of Washington, this twenty-second day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, head-men and delegates of the Dwáámish, Suquáámish, Sk-táához, Sam-áához, Smalh-kamish, Skope-áához, St-kááh-mish, Snoquáálmoo, Skai-wha-mish, N'' Quentl-máá-mish, Sk-tááh-le-jum, Stoluck-whää-mish, Shaho-mish, Skáágit, Kik-i-áállus, Swin-áá-mish, Squin-ááh-mish, Sah-ku-méého, Noo-whää-ha, Nook-wa-cháához-mish, Mee-séée-qua-quilch, Cho-bah-ááh-bish, and other allied and subordinate tribes and bands of Indians occupying certain lands situated in said Territory of Washington, on behalf of said tribes, and duly authorized by them.

TREATY WITH THE S''KLALLAM, 1855. Jan. 26, 1855. 12 Stats., 933. Ratified Mar. 8, 1859. Proclaimed Apr. 29, 1859. Articles of agreement and convention made and concluded at Hahdskus, or Point no Point,Suquamish Head, in the Territory of Washington, this twenty-sixth day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the different villages of the S''Klallams, viz: Kah-tai, Squah-quaihtl, Tch-queen,Ste-tehtlum, Tsohkw, Yennis, Elh-wa, Pishtst, Hunnint, Klat-la-wash, and Oke-ho, and also of the Sko-ko-mish, To-an-hooch, and Chem-a-kum tribes, occupying certain lands on the Straits of Fuca and Hood''s Canal, in the Territory of Washington, on behalf of said tribes, and duly authorized by them.

TREATY WITH THE MAKAH, 1855. Jan. 31, 1855. 12 Stat., 939. Ratified Mar. 8, 1859. Proclaimed Apr. 18, 1859. Articles of agreement and convention, made and concluded at Neah Bay, in the Territory of Washington, this thirty-first day of January, in the year eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the several villages of the Makah tribe of Indians, viz: Neah Waatch, Tsoo-Yess, and Osett, occupying the country around Cape Classett or Flattery, on behalf of the said tribe and duly authorized by the same.

TREATY WITH THE NISQUALLI, PUYALLUP, ETC., 1854.
Dec. 26, 1854. 10 Stat., 1132. Ratified Mar. 3, 1855. Proclaimed Apr. 10, 1855. Articles of agreement and convention made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on

As sovereign nations, the 20 treaty Indian tribes in western Washington signed treaties with the United States in 1855-56, reserved their rights to harvest salmon and other natural resources. For those rights to have meaning there must be salmon to harvest. If salmon are to survive, and if Treaty Rights are to be honored, there must be real gains in habitat protection and restoration. Habitat is the key to salmon recovery, protection of treaty rights and ensuring that salmon will be there for future generations, both Natives and non-native alike.

Some species of salmon from Washington State, including from the Salish Sea area, migrate thousands of miles north in nutrient-rich currents, driven north along the west coast of Canada and Southeast Alaska, to reach the biologically rich waters of the Gulf of Alaska and Bering Sea. Investigation must occur as to potential affect on any of this wide-ranging habitat adjacent to or potentially implicated by vessel traffic occasioned by GPT.

Recent research has concluded that pocket beaches surrounding the San Juans have the highest rate of wild juvenile Chinook salmon presence of any shoreline type in San Juan County, approximately four times greater than that for rocky shorelines.[4] Juvenile Chinook salmon, which are listed as threatened under the Federal Endangered Species Act, are not only most likely to be found near pocket beaches, but are also more likely to be found there in greater numbers.[5] Likewise, surf smelt are much more likely to be found along pocket beaches than rocky shorelines.[6] The San Juans have documented 59 forage fish spawning sites that extend along only 11 miles of the more than 400 miles of shoreline in San Juan County. In addition eelgrass, a priority species and habitat listed along with surf smelt spawning beaches under the County's critical areas ordinance is present throughout the San Juans. Due to such factors, the San Juans have a relatively pristine shoreline and have received over 10 million dollars of federal salmon enhancement dollars since 2001 and the islands have been designated as a top priority for protection and restoration.[7]

An accident involving a coal spill or a coal ship/oil tanker collision involving a spill of one or both cargoes could have long ranging and far reaching implications for the system that brings us salmon and must be fully discussed. Daily persistent pollution, at an increased rate and including new elements precipitated by a new coal port, might be just as devastating, but will take longer to show. These too must be fully considered.

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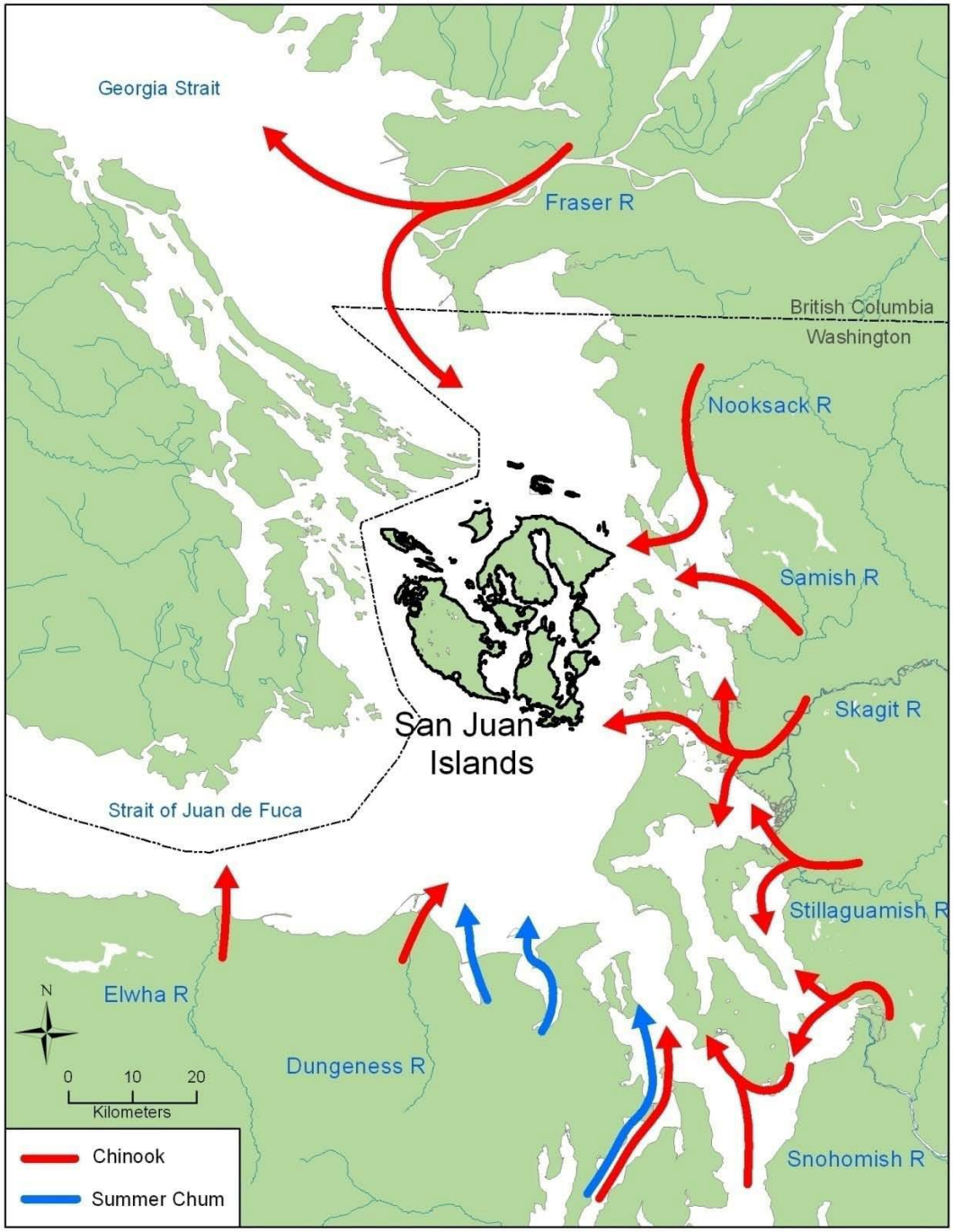
the part of the United States, and the undersigned chiefs, head-men, and delegates of the Nisqually, Puyallup, Steilacoom, Squawskin, S''Homamish,Stehchass, T'' Peek-sin, Squi-aitl, and Sa-heh-wamish tribes and bands of Indians, occupying the lands lying round the head of Puget''s Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

[4] Eric Beamer and Kurt Fresh, (DRAFT) *Juvenile Salmon and Forage Fish Presence and Abundance in Shoreline Habitats of the San Juan Islands, 2008-2009: Map Applications for Selected Fish Species*, 20, 41-43 (April 2012)
[5] *Id*.
[6] *Id*. at 32, 53-55.
[7] Andrea MacLennan & Stephanie Williams, *Resilient and At Risk Priority Nearshore Habitats of San Juan County*, Map 1B (Aug. 31, 2011)



Beamer, E, and K Fresh. 2012. Juvenile salmon and forage fish presence and abundance in shoreline habitats of the San Juan Islands, 2008-2009: Map applications for selected fish species. Skagit River System Cooperative, LaConner, WA.

Direct Impacts to Tribal Fishing

This project would cause direct impacts to Tribal fishing opportunities due to the increase in shipping traffic through the tribes usual and accustomed fishing areas. The scope of the EIS must fully include an analysis of these impacts. Fishermen are unable to fish in the path of the shipping vessels due the risk of accidents. Once fishing nets are set, fishing vessels have little ability to move out of the way of the large cargo vessels which also have little maneuvering ability.

Tribal fishermen are already severely impacted by the loss of fishing opportunity due to the current level of shipping traffic, impacts from docks, piers, anchorage areas, pilings, buoys and other obstacles interfering with a fisherman's ability to fish. Tribal fishing gear is damaged every year due to vessels running over nets and/or pot lines. Damaging fishing nets causes the fisherman to lose valuable fishing opportunities until the net can be repaired or replaced. Ships running over crab and shrimp pot lines can cut through the lines. Once the lines are cut, the fishermen are unable to retrieve their gear causing them to miss fishing opportunities until the pots can be replaced.

To make things worse, those pots continue to capture and kill shellfish for several years or until the gear can be recovered through the derelict gear program currently managed by the Northwest Straits Commission. The loss of fishing opportunity is a direct violation of the tribe's right to fish under the Treaty of Point Elliott and cannot be permitted without specific and express consent of Congress. (*Muckleshoot vs. Hall* 698 F. Supp. 1504, (W.D.1988).

TRIBAL BURIAL GROUNDS

The proposed project would directly impact a known burial site for the Lummi Tribe. This site had been used as a cemetery for the tribe for thousands of years. This site must be protected. The burial site must not be disturbed by allowing any construction activities over or adjacent to the site. For the tribes, allowing this cemetery to be used as an industrial site is comparable to allowing the Arlington National Cemetery to be developed as an industrial site. Hundreds or thousands of graves are likely to be located there. Indian tribal burial sites are protected under Washington State law (Indian Graves and Records, Chapter 27.44 RCW).

REQUEST THAT THIS PROJECT LOOK AT AREA-WIDE IMPACTS

On July 12, 2012, FRIENDS requested that the Army Corp of Engineers conduct an area-wide or programmatic environmental impact statement to address the cumulative impacts of new coal terminals in Washington and Oregon. The request asked that any EIS should include a comprehensive analysis of impacts to public health, water quality, air quality, listed species, and aquatic resources and potential impacts from oil spills, sea level rise, increased erosion, and any other risk to the marine waters of the San Juan Islands from the export of coal mined on public

and private lands in the West. An area-wide programmatic EIS is necessary to provide our island communities with an opportunity to comment because balkanized reviews of individual permits at each export terminal could ignore the likely marine impacts that would be specific to the San Juans.

Three coal-export terminal projects currently have permits pending before the Corps: the Gateway Pacific Terminal site at Cherry Point, Washington; the Oregon Gateway Terminal at the Port of Coos Bay, Oregon; and the Coyote Island Terminal site at the Port of Morrow, Oregon. Additional permit applications are anticipated in the weeks ahead at the Millennium Bulk Logistics site in Longview, Washington; and two separate facilities at the Port of St. Helens, Oregon (Ambre Energy and Kinder Morgan). It is likely that additional proposals will be forthcoming.

The EIS must also include vessels moving oil and tar sands through the Salish Sea from Canada. Here there may be an increase in shipping traffic resulting from increased tar sands production, an expansion of the Kinder Morgan pipeline and exports from the Port of Vancouver as well as from BC's coal ports at Neptune Terminal, Westshore Terminal at Roberts Bank and from Prince Rupert's Ridley Island Terminal.

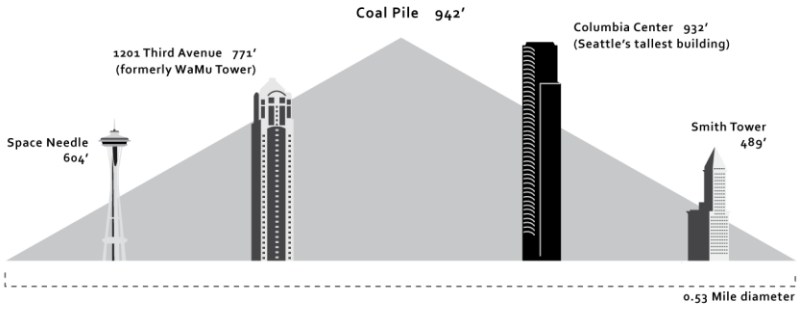
Collectively, the announced peak capacity of all of these US west coast projects is approximately 145 million metric tons of coal per year (48 mmt from GPT), with the potential for an even higher ultimate planned capacity for regional export (the three Canadian ports now ship approximately 50 mmt annually and may increase to 70 mmt). Such a large quantity of coal moving through the region's rail system and public waterways will have significant impacts on our transportation networks, air and water quality, wildlife habitat, and quality of life. For example, some projections reveal that if the terminals operated at full capacity, they would require 60 coal trains – each over a mile long – moving through Pacific Northwest communities every day.

As required under NEPA and the Corps' General Regulatory Policies, the EIS should provide the full range of connected, cumulative, and similar actions[8] associated with these proposed projects and to analyze and consider the direct, indirect, and cumulative effects[9] of those actions. The common timing and impacts of the large number of pending and anticipated export terminals create a heightened need for a thorough and comprehensive environmental review here. And the Corps could apply the similar scope of review and process that it is using to evaluate the cumulative impacts of four independent phosphate mining projects in Florida.[10]

[8] 40 C.F.R. § 1508.25; *see also Native Ecosystems Council v. Dombeck*, 304 F.3d 886 (9th Cir. 2002) (holding that a single NEPA review document is required for individual projects that are "connected" or "cumulative.").
[9] 40 C.F.R. subsections 1508.7, 1508.8.
[10] *See* http://www.phosphateaeis.org/doc_draft_aeis.html.

FRIENDS is concerned with the risks associated with the proposed Gateway Pacific Terminal and the impacts these pose to the San Juan Islands community. Here is what the annual amount of coal would look like:

The 48 Million tons of coal slated to come through Seattle annually would make a pile 1/2 mile in diameter and ten feet taller than the Columbia Center.



Infographic by daily.sightline.org.

Here are just some of the most important impacts that concern us and should be addressed (a full itemization of issues is attached with numerous supporting Scoping Memorandums):

- Increased shipping traffic;
- Impacts to recreational boaters (sailboats, kayaks, canoes, powerboats);
- Threats to endangered salmon and orca (including increased noise impacts);
- Impacts to crab and shellfish fisheries;
- Threat of collision oil/coal spill;
- Invasive species introduced through ballast water;
- Construction and development along wetlands and waterways; and
- Ocean acidification.

In addition, this EIS should consider the numerous effects associated with all of the terminals. For example, increased coal transport through and export from Oregon and Washington may result in the following cumulative and indirect effects:

- Air quality impacts associated with releases of coal dust from trains transporting coal through the region, from individual terminals, or from ocean-going vessels.
- Impacts to wetlands, forests, and threatened or endangered species from increased coal dust releases or from roadway or facility construction.
- Increased greenhouse gas emissions associated with burning coal in countries importing U.S. coal.
- Economic or quality of life impacts from noise or traffic from increased rail transport and increased activity at the terminals.
- Increased vessel traffic, and risk of accidents, threatening the listed endangered species (e.g., orca populations).

- Vessel traffic increases noise in the water, collision probability, and interference with socialization, feeding and migration of orca and other marine species.
- Oil spills would threaten the endangered Southern Resident orca whale population and the 410 miles of shoreline of the San Juans that is critical for endangered juvenile salmon and the forage fish (Pacific herring, Pacific sand lance, surf smelt) that these species depend on. In addition several endangered rockfish species and the marine foraging Marbled murrelet would be impacted. Coal and coal dust also contain pollutants that can harm creatures living on the seafloor, and in coastal wetlands.
- San Juan County and Cypress Island were established as a Marine Biological Preserve in 1923. All of SJC became a Marine Stewardship area in 2004. This includes specific Marine Protected Areas managed by WDFW and the University of Washington, as well as voluntary bottomfish recovery areas, state and national parks, and national wildlife refuges. Cherry Point, Cypress Island and Fidalgo Bay are all DNR Aquatic Reserves, and there are two others just south of the San Juans directly in the ship traffic routes (Protection Island, Smith and Minor Islands). These extensive marine protected areas are directly threatened by this project.
- Many residents of San Juan County, and adjacent counties, depend on healthy ecosystems and would be severely impacted by even a single major vessel accident including a coal or oil spill.

Vessel Anchorage, Accidents And Consequences

The docks at the existing BP, Conoco Phillips, Shell and Tesoro Refineries cannot be accessed in all weather and often there is a backup of ships that need to be staged for transfer of materials. This same situation will happen for the proposed coal terminal.

This problem will be greater with deep draft Panamax coal ships that are much larger and deeper than oil tankers. Oil tankers already impact the area by anchoring down off of Smith Island or, in some cases when there are too many for that area, they anchor in Bellingham Bay. The areas that are most protected for large ship anchoring are only about 100 feet deep. The coal ships are almost 50 feet deep so this does not leave a large margin for error. When they can find a place to anchor, these coal vessels will put down huge anchors and chain which will dredge up the sediment in the bay in a wide swath. This leads to a number of questions that should be answered.

- If all ships use the same areas how much sea bottom will be impacted?
- What are the impacts of deepwater vessel's anchoring on shell fish, crab and nursery fish throughout the whole project area?
- What is the diameter of impact and damage to the sea floor?
- What areas in the San Juan Islands and Whatcom County are adequate for anchorage of deep water coal ships?
- What are the current anchorage patterns for all oil tankers, proposed coal ships, and tar sands bitumen ships?

- How this will impact fisheries throughout the anchoring areas as the sea floor is displaced over and over each week and this sediment is carried around in the currents?

Vessel Traffic

Based upon the volume of vessel traffic currently traversing and planned to traverse the North Pacific Great Circle Route to and from Asia, we request that the scope of the EIS for the GPT include a rigorous review of the risk and consequences of all accidents and spills of any kind along this route and potential adverse impacts on the ecosystems and marine resources especially of the Salish Sea and within the San Juans. This should include a discussion of the following:

- The entire route, including passage along the Salish Sea, the North Pacific Great Circle Route and through the Aleutian Islands, that GPT vessels would take to and from Asia during all seasons of the year;
- The owners, operators and crews of GPT vessels (and flags under which they would operate);
- An assessment of the risk of GPT vessel accidents, including collisions, allisions, powered groundings, drift groundings, fire and explosion, structural failures and founderings;
- The types and volumes of fuel that would be carried by GPT vessels;
- The safety communication systems and equipment that would be on board each GPT vessel and how and by whom it would be maintained;
- The rescue protocols and maritime accident response infrastructure along the GPT vessels' route;
- The operational discharges of oil from GPT vessels;
- The operation and safety laws/regulations applicable to the GPT vessels passage all along the route from Washington State to Asia, including in international straits and waters, and responsibility for and enforcement of compliance;
- All potential impacts of GPT vessel accidents and spills on the oceans; shorelines, including on the marine food web, marine mammals, seabirds and their rookeries, water fowl, and migratory birds, fish, aquatic plants, marine invertebrates, phytoplankton and zooplankton, terrestrial habitats, and on commercial and recreational fisheries, tourism and local economies;
- Who would pay the costs of response, assessment of damages, remediation, cleanup and restoration of natural resources and damages for their loss to the public for all impacts from coal, oil and other cargo spillage resulting from a GPT vessel accident; and
- Increases in the number of vessels transiting through the Salish Sea, in particular taking into account the proposed Kinder Morgan expansion in Vancouver, BC that will see an increase from 5 oil tankers to 25 oil tankers a month.

Other Issues with Coal Port Facilities

Other important operational factors that will have cumulative impact include:

- The nearshore transport and bottom accumulation of coal/coal dust when spilled/dispersed due to normal operations at Facility; and
- Projected economic impact of each of the various types of accidents that could occur – the need for review of the increased risk and consequences of accidents and spills is illustrated by the December 7, 2012, Westshore Terminal collision in BC.;
- Projected economic impact from consistent fugitive coal dust emanating from rail offloading, yard activities and loading of ships. One study, *Coal dust dispersal around a marine coal terminal (1977–1999), British Columbia: The fate of coal dust in the marine environment* [11] identifies the state of information in this area.

SUMMARY

A lack of sufficient research on all potential impacts at sites similar to the proposed Cherry Point facility requires us to request that the best available science be reviewed to determine whether the study designs have been spatially, temporally and ecologically comprehensive enough to adequately predict and quantify the impacts on valued and important biota and the physical processes that help maintain them. For example, while the Johnson and Bustin 2005 study is a great review of changes in sediment impacts between 1977 and 1999, was the study extensive enough to detect all depositional centers? Currents, waves and tidal processes can interact to transport suspended materials in complex ways. Has there been sufficient study of impacts that could affect the food web and if they might offset restoration efforts across the Salish Sea intending to recover several valued ecologically and economically important species of plants and animals?

The EIS should conduct an analysis of cumulative impacts of climate change, ocean acidification, sea level rise, storms, glacier/snowpack retreat, river flooding, landslides, lower summer river flows, increased atmospheric deposition of Asian dust/contaminants, increased accumulation of marine debris on our shores and a large earthquake. These are impending challenges that will limit possible timely and effective recovery solutions for impacts from coal or oil spills associated with proposed increases in exports and ship traffic in the Salish Sea.

Just as the vessels exporting GPT's cargo must not be considered in isolation, so too the impacts on the Salish Sea, shorelines, marine species, bird species, fish and fisheries, tourism and local economies must not be considered singly. Instead, we request that you study the potential impacts discussed herein acting in synergy and cumulatively with other impacts. For example, what would be the combined impacts upon marine shorelines, seabirds and their rookeries, and marine species from climate change/ocean acidification and coal or oil spills in the Salish Sea? How would noise from an increase in large vessel traffic impact marine mammals in combination with impacts from climate change/ocean acidification? What impacts could result if impacts from vessel noise and coal spills occurred in synergy? How would the release of invasive marine or terrestrial species impact marine and/or land animals and plants combined with climate change/ocean acidification impacts? How does climate change and ocean acidification act in combination with mercury exposure in fish and marine mammals?

[11] Johnson and Bustin 2005, International Journal of Coal Geology 68 (2006) 57–69)

The proposed Gateway Pacific Terminal project poses substantial impacts to: the exercise of tribal treaty rights; a known archeological and burial site; regional and global air quality issues; and the health and safety of the residents of coastal tribes. These adverse impacts from this project are not limited to the terminal site. All of these impacts must be included in the scope of the environmental impact study (EIS) for the project. As sovereign nations, the treaty Indian tribes in western Washington[12], British Columbia, and Alaska signed treaties reserving their rights to harvest salmon, shellfish and other natural resources.

In conclusion, please fully consider the comments made above. Furthermore, to aid you, we have enumerated our concerns in the attached Summary Itemization of Analyses Needed to Assess and Evaluate Concerns document which supplies links to numerous FSJ Scoping Memorandums (also attached) as well as links to relevant sites on the web.

Please feel free to contact me if I may be of further assistance as the scoping process moves forward. And thank you for your careful attention in this very important matter.

Sincerely,

Stephanie Buffum Field
Executive Director
FRIENDS of the San Juans

[12] A REPORT FROM THE TREATY INDIAN TRIBES IN WESTERN WASHINGTON, July 14, 2011. Treaty Rights At Risk:Ongoing Habitat Loss, the Decline of the Salmon Resource, and Recommendations for Change