



# THE SUQUAMISH TRIBE

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January 14, 2013

Randel Perry  
U.S. Army Corps of Engineers, Seattle District Regulatory Branch  
C/O GPT/BNSF Custer Spur EIS Co-Lead Agencies  
1100 112<sup>th</sup> Avenue Northeast, Suite 400  
Bellevue, WA 98004

Re: NWS-2008-260, Pacific International Terminals, Inc.  
NWS-2011-325, BNSF Railways, Scoping Comments

Dear Mr. Perry,

The location of the proposed Pacific International Terminals, Inc.'s Gateway Pacific Terminal and the Burlington Northern Santa Fe Railway's Custer Spur Rail Expansion projects ("Gateway Pacific Terminal") is within the Suquamish Tribe's ("Suquamish") Usual and Accustomed Fishing Grounds and Stations. Based on the information available at this time, Suquamish opposes the Gateway Pacific Terminal project due to the Tribe's concern that the project will significantly and irreparably effect Treaty-reserved resources and rights, aquatic habitat, and cultural resources.

The proposed Gateway Pacific Terminal project includes but are not limited to construction of a deep-water wharf 3,000 feet long and 105 feet wide, construction of a trestle 1,100 feet long and 50 feet wide, impacts to over 150 acres of wetlands, and modifications to two creek crossings. The location of the proposed Gateway Pacific Terminal is Cherry Point. Cherry Point is a designated aquatic reserve by the State of Washington to prevent further degradation and to maintain the area's unique habitat critical to salmon, forage fish, and other fish and wildlife species.

Suquamish requests that potentially significant issues to be analyzed in depth, both project specific and cumulatively, during construction, operation, and maintenance include:

- Long-term loss of access to Treaty-reserved fishing areas;
- Unavoidable impacts to habitat structures, functions, and processes;
- Loss and alterations of nearshore habitat and wetlands;
- Effects to the behavior and migration of fish;
- Density and distribution of eelgrass and macroalgae;
- Hydrodynamic, littoral, and geomorphic conditions;
- Modifications to sediment transport and habitat-forming processes;

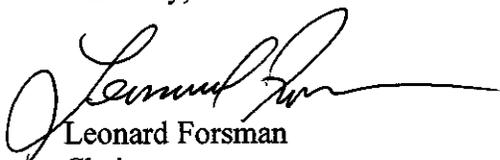
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- Effects of noise on ESA-listed species, Pacific Herring, and other fish and wildlife species;
- Effects of artificial light and excessive intermittent sound;
- Vessel and rail traffic;
- Risks of spills;
- Risks of invasive aquatic and plant species being introduced through vessel ballast water;
- Effects to air, water, and sediment quality;
- Direct, indirect, and cumulative impacts to cultural resources, including archaeological sites and traditional cultural properties such as sacred sites, plant collecting localities, traditional fishing localities, and cultural landscapes in and adjacent to project areas;
- Human health risks associated with the transportation of coal; and
- Climate change effects (including ocean acidification within Puget Sound) from the transfer of coal from Montana and Wyoming to Asia through proposed Northwest terminals.

The proposed Gateway Pacific Terminal is one of approximately six coal transfer facilities planned in the Pacific Northwest for the transportation of coal from Montana and Wyoming to Asia. Suquamish requests that a comprehensive, broadly-scoped EIS is conducted to assess the cumulative impacts of transporting coal from Montana and Wyoming to Asia through proposed Oregon and Washington terminal facilities. This request is consistent with recommendations or requests from Affiliated Tribes of Northwest Indians,<sup>1</sup> U.S. Environmental Protection Agency Region 10,<sup>2</sup> Oregon Governor Kitzhaber,<sup>3</sup> and other entities.

Thank you for the opportunity to provide scoping comments on this proposed project. Suquamish's points of contact for this project are Richard Brooks (Environmental Program Manager) and Dennis Lewarch (Tribal Historic Preservation Officer).

Sincerely,



Leonard Forsman  
Chairman

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<sup>1</sup> Affiliated Tribes of Northwest Indians Resolution #12-53

<sup>2</sup> April 5, 2012 Letter from EPA region 10 to U.S. Army Corps of Engineers

<sup>3</sup> April 25, 2012 Letter from Governor Kitzhaber to the Secretary of the Army, the Secretary of the Interior, the U.S. Army Corps of Engineers, and the Bureau of Land management