

Safe Energy Leadership Alliance

August 11, 2015

Colonel John G. Buck
District Commander
U.S. Army Corps of Engineers
Seattle District
P.O. Box 3755
Seattle, WA 98134-2385

Dear Colonel Buck,

The Safe Energy Leadership Alliance (SELA) is writing to request that you protect the treaty rights of the Lummi Nation by denying the permits to SSA Marine for the Gateway Pacific Terminal Project at Cherry Point (Ref. No. NWS-2008-260).

SELA has brought together more than 165 state, tribal, and local elected officials from five states and British Columbia to raise awareness of the full scope of health, safety, economic, cultural, and environmental impacts of coal export and oil transport proposals across our region. One of the core guiding principles of the Safe Energy Leadership Alliance is to protect the treaty rights of sovereign tribes and their sacred places from potential harm from coal transport and export.

Based on the November 2014 Gateway Pacific Terminal Vessel Traffic and Risk Assessment Study, the Lummi Nation found that the proposed project would result in substantial impairment of treaty rights throughout their usual and accustomed fishing areas. Moreover, mitigation of these impacts is not possible, permissible, nor allowable under the law. Treaty rights cannot be “partially” respected, if they are to be respected at all.

The Lummi Nation presented this report and supporting materials to the U.S. Army Corps of Engineers (USACE) earlier this year along with their request for denial of all permits for the proposed project. Last week, SSA Marine (also known through its subsidiary as Pacific International Terminals), proponents of the proposed project, submitted responses to the USACE addressing the material and claims presented by the Lummi Nation. We understand that the submittals of both the Tribe and SSA Marine are now under your review.

SELA members have provided comment letters, testimony, and resolutions raising concerns about the impacts of the proposed Gateway Pacific Terminal on cultural and habitat resources, treaty fishing rights, significant cultural resources, health, traffic, economic development and water quality. These impacts are likely not only at the site of the proposed terminal at Cherry Point, but also along connecting barge and rail routes.

It is our understanding that the Lummi Nation still finds that the project, if approved, would destroy a 3,500-year-old ancestral burial site and impair the Treaty right of Tribal members to harvest salmon and shellfish. Please give careful consideration to these findings and the supplemental information provided by the Lummi Nation to document likely harm to cultural resources and impairment of treaty rights, and deny the permits under your jurisdiction for the proposed Gateway Pacific Terminal.

Sincerely,



Arlene Burns
Mayor, City of Mosier, OR

Becky Brun
Councilmember, City of Hood River, OR



Stephen Buxbaum
Mayor, City of Olympia, WA



Joan Cathey
Councilmember, City of Tumwater, WA



Bob Champion
Councilmember, City of Mukilteo, WA



Christine Cook
Councilmember, City of Mukilteo, WA



Dow Constantine
Executive, King County, WA
Chair of SELA



Peter Cornelison
Councilmember, City of Hood River, OR



Janet Ellis
Representative, State of Montana (81st District)

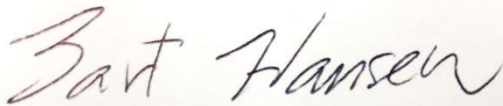
Adrienne Fraley-Monillas
Council President, City of Edmonds, WA



Mark Gamba
Mayor, City of Milwaukie, OR



Jennifer Gregerson
Mayor, City of Mukilteo, WA



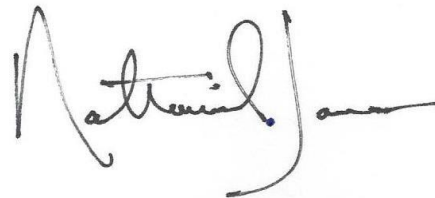
Bart Hansen
Councilmember, City of Vancouver, WA



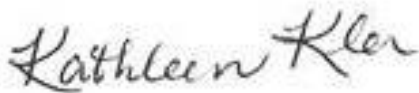
Dennis Higgins
Councilmember, City of Kent, WA



Phil Johnson
Commissioner, Jefferson County, WA



Nathaniel Jones
Mayor Pro Tem, City of Olympia, WA



Kathleen Kler
Commissioner, Jefferson County, WA



Jeanne Kohl-Welles
Senator, State of Washington (36th District)



Michael Lilliquist
Councilmember, City of Bellingham, WA



Joyce Lindsay
Councilmember, City of Washougal, WA



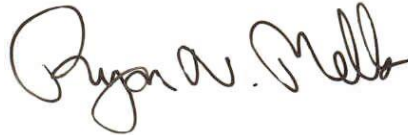
Carrie Logan
Mayor, City of Sandpoint, ID



Margi MacDonald
Representative, State of Montana
(51st District)



Linda Maio
Vice Mayor, City of Berkeley, CA



Ryan Mello
Councilmember, City of Tacoma, WA



Mike O'Brien
Councilmember, City of Seattle, WA



Tina Orwall
Representative, State of Washington
(33rd District)



Larry Phillips
Council Chair, King County, WA



Chuck Puchmayr
Councilor, City of New Westminster, BC

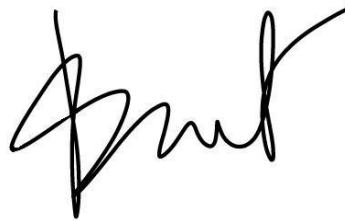
Emily Reed
Council President, City of Mosier, OR



Chris Roberts
Councilmember, City of Shoreline, WA



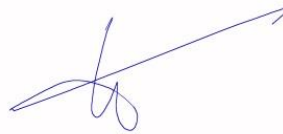
Jesse Salomon
Councilmember, City of Shoreline, WA



Kshama Sawant
Councilmember, City of Seattle, WA



Jon Snyder
Councilmember, City of Spokane, WA



Don Stevens
Mayor, City of North Bonneville, WA



Ben Stuckart
Council President, City of Spokane, WA



Shannon Williamson
Councilmember, City of Sandpoint, ID



David Sullivan
Commissioner, Jefferson County, WA



Ryan Walters
Councilmember, City of Anacortes, WA

cc: Chairman Tim Ballew II, Lummi Indian Business Council
Councilmember Jay Julius, Lummi Indian Business Council
The Honorable Jay Inslee, Governor, State of Washington
The Honorable Peter Goldmark, Washington State Commissioner of Public Lands
