

October 4, 2013

U.S. Army Corps of Engineers
Attn: Colonel Bruce A. Estok
Seattle District Commander
P.O. Box 3755
Seattle, WA 98124-3755

RECEIVED-NW Field Office

OCT 07 2013

USACE-REGULATORY

IN SUPPORT OF THE LUMMI NATION

This letter is written in support of the position taken by the Lummi Nation, as communicated in their July 30, 2013 letter to you, the Army Corps of Engineers. In that letter, they stated “unconditional and unequivocal opposition” to the proposed Gateway Pacific Terminal project (GPT). How much more clear and concise can they be? September 27th ended the first phase of the Lummi Totem Pole journey. A ceremony took place on the shores of Cherry Point at the exact spot where SSA plans to construct a coal-shipping terminal of monumental proportions. Jewell James, the chief carver of that totem pole spoke for about one hour about how the Lummi Nation chooses to protect what is left of their tribal land. They have had enough encroachment from industry and do not plan on allowing any more, ever.

As you know, for hundreds of years before we became a nation, many First Nations Peoples lived on the shores of the Salish Sea, respecting and protecting their environment, which sustained them with abundant and healthy wildlife. The Point Elliott Treaty of 1855 was supposed to protect the shorelines and waters in and around Cherry Point and the San Juan Islands, the accustomed area used by the Lummi Nation for subsistence and commercial activities. In the 1970's the **“Magnuson Amendment”** was created by Senator Warren G. Magnuson to protect Cherry Point. Senator Magnuson had a deep personal affection for the marine environment and ***stood up to protect it***, sponsoring other important environmental bills, including the Marine Mammal Protection Act and the Coastal Zone Management Act, both in 1972. It is important to also note that in 2005, Jay Inslee, then a state representative, was instrumental in stopping a bill which was aimed at lifting the Magnuson Amendment, which effectively puts a ban on oil supertankers in Puget Sound, limiting the size of cargo ships entering the inland waters to 125,000 dead weight tons (DWT).

By reading Chapter 4.5 of Pacific International Terminals (PIT) permit application for GPT, 54 million tons of coal are planned for shipment to Asia, using a total of 487 cargo vessels per year at full buildout: **169 Capesize** and **318 Panamax** vessels. **A standard Capesize vessel, is about 175,000 DWT, but can range in size up to 400,000 DWT.** Using the Capesize vessels seems like a direct conflict with The Magnuson Amendment, which is designed to protect our inland waters. If we have only one spill or accident from one of these supertankers coming in and leaving daily, that will be one too many, and may be the ultimate “death knoll” for the entire Puget Sound ecosystem for decades.

I believe, as many others do, that the Lummi Nation has not been treated fairly in the past and this mistreatment continues into the present. The most recent transgression seems to have been in 2011 when representatives of SSA/PIT went ahead without a permit and unlawfully trespassed and disturbed a sacred Lummi archaeological site, which is protected under State law and eligible for the National Register of Historic Places. They trespassed 4 ½ miles into what they deemed as part of the “proposed GPT site” to drill bore holes for geotechnical testing and to clear trees in the wetlands. Obviously SSA/PIT had no intention of respecting the rights of the Lummi Nation since they developed and executed this plan in secrecy without a permit.

Colonel Bruce A. Estok, U.S. ACE
October 4, 2013
Page 2

No matter what SSA/PIT promises in the future, there will never be a way to trust them. Further, it is my opinion that there is no conceivable mitigation that will ensure that a coal-shipping port at Cherry Point will not harm, degrade and pollute the biodiversity and ecosystem of the Salish Sea, including the Cherry Point Aquatic Reserve, home to essential marine life and fishing industries, upon which the Lummi Nation depends. In addition, the terminal will destroy and/or disturb all or part of the Lummi Nation sacred lands, which have existed for at least 175 generations: approximately 3,400 years. The people of the Lummi Nation, as well as many other First Nations tribes and many non-native people, embrace their belief that the earth's creatures are all connected in a complex web of life; living or dead, we are all made up of the same elements and are bound together with ties unseen. The spiritual essence and physical manifestation of all life systems on the earth sustain one another and should never be deliberately disturbed, interrupted, or destroyed.

Added to these facts is the issue of increased global environmental degradation. Shipping millions of tons of coal *anywhere* will add millions more tons of CO₂ to the earth's atmosphere and oceans. The atmosphere contains the air we breathe and belongs to all the people who live on it. What right or law gives any corporation license to spew millions more tons of CO₂ to an already seriously polluted atmosphere? Everyone, yes, everyone, breathes the same thin layer of air sooner or later. The winds in the Northern Hemisphere blow from west to east, causing the U.S. to be one of the first countries to suffer the effects of additional CO₂ pollution. We are no different than all other living creatures that require oxygen to live, and compromising our air with heavier concentrations of CO₂ will lead to certain disease and death. Wherever the corporate officials of SSA, Peabody Coal, Carrix, and Goldman Sachs live, unless it is in an underground bunker, they too will breathe the polluted air and experience the climate chaos brought on by an ever-increasing warming earth and oceans which creates hugely disrupted weather patterns. Rest assured, the environment will survive somehow, but human beings may not. The laws of physics are not choosy about which species lives and which does not. The tragedy is that human beings are the only species responsible for the addiction to fossil fuels and the only species intelligent enough to change the course of energy production.

You are a U.S. Government permitting agency. It is my hope and expectation that you and others will be consistent and show honor and respect to the decisions of the past in regard to the Lummi Nation and other *First* Nations peoples. The U.S.A. is **one** people, united under the pledge of "*liberty and justice for all*". Momentum is building and dozens of federal, state, and local leaders have voiced their commitment to divest in fossil fuels – chiefly coal - while dozens of coalitions and 57 indigenous Northwest Indian tribes and tens of thousands of local citizens have also expressed opposition to GPT. Therefore, you have a duty to represent their wishes – not the wishes of a few greedy corporations. History will be the judge and your own personal lives will bear witness to your leadership. As you review the EIS, I, along with the Lummi Nation and others, hope that you decide **to not grant approvals** for permits under your control.

Respectfully submitted,



Christine Westland
Citizen and Homeowner, Birch Bay, WA
westlandstar@comcast.net



Dr. Harold E. Roper, Lt. Col. USAF (Ret.)
Citizen and Homeowner, Birch Bay, WA
halroper@comcast.net

Colonel Bruce A. Estok, U.S. ACE
October 4, 2013
Page 3

Copies to:

- **Governor Jay Inslee:** Office of the Governor, POB 40002, Olympia, WA 95804-0002
- **Randel Perry,** USACE, NW Field Office, 1440 10th Street, Ste. 102, Bellingham, WA 98225-7028
- **Ms. Muffy Walker:** Regulatory Branch Chief, USACE, Seattle District
- **Colonel John S. Kem:** USACE N.W. Division: POB 2870, Portland, OR 97208-2870

- **U.S. Senator Cantwell:** 311 Hart Senate Office Building, Washington, D.C. 20510
- **WA DOE:** Alice Kelly, NW Regional Office, 3190 160th Ave. S, Bellevue, WA 98008
- **WA DOE:** Maia D. Bellon, Director: POB 47600, Olympia, WA 98504-7600
- **Whatcom County PDS,** Tyler Schroeder, 5280 Northwest Ave., Bellingham, WA 98225
- **U.S. EPA – Region 10:** Office of Ecosystems, Tribal & Public Affairs, 1200 Sixth Avenue, #900, Seattle, WA 98101-3140
- **WA DNR:** Peter Goldmark, commissioner of Public Lands, 1111 Washington Street, S.E.; POB 47000, Olympia, WA 98504-7000
- **Dept. of Fish & Wildlife:** Bob Everitt, Director, Region 4, 16018 Mill Creek Blvd., Mill Creek, WA 98012-1541
- **NOAA:** NW Regional Office, 7600 Sandpoint Way, N.E., Seattle, WA 98115
- **USCGC:** Commanding Officer, 365 Harris Avenue, Bellingham WA 98225