

10/9/2020

Submitted by: Mark Uhart, Kalama, WA

SUBJECT: Deficient KMMEF SEPA Environmental Assessment and Risk Analysis

After reviewing the SSEIS I find it to be deficient in its risk analysis of the proposed project and each of the alternatives, except for the no-action alternative. The Environmental Impact Statement (EIS), required by NEPA Section 101, requires the submitting entity "to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony (emphasis added), and fulfill the social, economic, and other requirements of present and future generations of Americans (emphasis added.)" 42 U.S.C. 4331(a). Entities submitting an EIS must prepare a detailed statement on: (1) the environmental impact of the proposed action; (2) any adverse effects that cannot be avoided; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources that would be involved in the proposed action. 42 U.S.C. 4332(2)(C). The KMMEF original EIS, FSEIS and this SSEIS, referred to as the "EISs" do not adequately describe the relationship between the short-term uses of man's environment (40 year methanol plant lifecycle) and the maintenance and enhancement of long-term productivity, how it will affect Washington's economy in the long term as a result of irreversible climate change.

Title 40, Chapter 5, Part 1502 (Environmental Impact Statement), §1502.15 Affected Environment states, "The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. ... Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement." NWIW's data and analysis inadequately described the importance of the impact of increased GHGs on Washington's economy with respect to the affected industries. The EIS authors could have reached out to various Washington departments and agencies, our indigenous people, communities, and non-profit organizations that are stakeholders in the Washington marine ecosystem. The posited questions should lead to quantified information on projected lost resources and natural resources due to decreased water flows as glaciers retreat in British Columbia, hotter and drier weather, increased ocean temperatures and acidity leading to damage to our fisheries, forest fires, rising sea levels, and increased PM2.5 pollution from direct and indirect sources.

[NOTE: Most of concerns brought up in this comment were brought up by numerous people during the FSEIS comments period, codified in Appendix D, Section 3, parts 1 and 2, yet not addressed in subsequent EISs; reference Kevin Kane's comment on December 28, 2018 4:25 PM.]

The scope of the EISs appears to be intentionally restricted to the Port of Kalama, and as expanded in the supplemental EISs, to include GHG emissions from upstream methane releases. They DO NOT

address the potential effects on the increased GHGs on Pacific Northwest fishing and shellfish, manufacturing, timber, agriculture, healthcare and recreation industries. The GHGs emitted in all alternative plans, with the exception of the “no-action alternative,” will impact all these industries and the economics of the City of Kalama, Cowlitz County and Clark Counties, and the State of Washington.

Required by Part 1502 §1502.16 Environmental Consequences, this section “forms the scientific and analytic basis for the comparisons under §1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in §1502.14. It shall include discussions of (a) Direct effects and their significance (§1508.8); (b) Indirect effects and their significance (§1508.8); (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See §1506.2(d).); (d) The environmental effects of alternatives including the proposed action. The comparisons under §1502.14 will be based on this discussion. (e) Energy requirements and conservation potential of various alternatives and mitigation measures. (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures. (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures. (h) Means to mitigate adverse environmental impacts (if not fully covered under §1502.14(f)). [43 FR 55994, Nov. 29, 1978; 44 FR 873, Jan. 3, 1979].” We don’t see that these requirements were addressed outside the local (Kalama) area.

Although NWIW states in the Aug 30, 2019 SEPA Final SEIS that the EIS was prepared in consultation with the City of Kalama, there is no evidence the City of Kalama was requested to provide any information other than what was required to access City of Kalama Water Dept. resources and to obtain permits (water extraction, fill and grade, critical areas, and right-of-way.) Had NWIW truly consulted with the City of Kalama, it would have included a summary in the FSEIS on the direct and indirect effects of each of the plan alternatives on the City of Kalama, and their significance IAW §1508.8 (a) and (b); any possible conflicts between the proposed action and the objectives of the City of Kalama land use plans, policies and controls for the area concerned (§1508.8) (c); and the environmental effects of alternatives, including the proposed action (§1506.2 (d). The comparisons under §1502.14 will be based on this discussion. The financial benefits and economic impact to the Port of Kalama and Cowlitz County are apparent but unknown for the City of Kalama and surrounding residents.

Neither the KMMEF FSEIS nor SSEIS adequately addressed the potential impact significance and conflicts between the proposed action and the objectives of Federal (USFWS) regional, State, and local land use plans, policies and controls for the area concerned. The FSEIS minimizes the effects of global GHG increases by stating in Section 3.5.1, “Because it is not possible to tie a particular climate change impact to individual emissions, it is not possible to identify or quantify specific direct environmental impacts

from the GHG emissions of the proposed project. Therefore, the impact analysis is inherently a cumulative impacts analysis of the indirect effects of the GHG emissions. It is the resulting climate change effects that take place in the future and distant from the project that are the relevant impacts.” Data is available from a variety of Federal and State agencies and department databases that quantify the potential effects of climate change in Cowlitz County and Washington State. On page 3-3 of the FSEIS it does state that the “U.S. Geological Survey (USGS) National Climate Change Viewer (NCCV) indicates that in Cowlitz County minimum temperatures are likely to rise by 3.8 to 4.3 degrees Fahrenheit and maximum temperatures by 4 to 5.4 degrees Fahrenheit (2.2 to 3.0 degrees Celsius) by 2040. Precipitation changes reported in the NCCV show both increases and decreases in precipitation.” (The yearly mean temperature is projected to increase 5 degrees Fahrenheit within the next 40 years.) The FSEIS and SSEIS don’t elaborate on the probable impact of this increase of 5 degrees, which would result in and higher river and ocean temperatures, increased acidification and changes in ocean currents. From everything I’ve read shellfish, salmon and steelhead won’t survive in this environment.

We also believe some information was not accurately stated in the FSEIS. In Table 2-1. Permits and Authorizations Required for the Proposed Project, listed is a NOAA Biological Opinion issued 10/10/2017 and a NOAA Environmental Assessment issued 10/24/2016 with a “Finding of No Significant Impact” in the FSEIS. This is not a true statement.

I read the NOAA Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the KMMEF, dated Oct 10, 2017. In the last table this question is asked, “Would the action adversely affect the Essential Fish Habitat (EFH)? And the response was “YES.” In the table titled “Affected Species and NMFS’ Determinations” the Endangered Species Act (ESA) status is identified as threatened (T) or endangered (E) next to 28 listed species. To the right of the ESA-Listed Species and the ESA Status columns is a column with the heading/description, “Is the action likely to adversely affect this species or its critical habitat?” A “Yes” in this column, for each of the listed species, indicates the species or its critical habitat will be adversely affected by the action (the KMMEF). Twelve (12) threatened species and seven (7) endangered species, or their habitat, will be adversely affected by this project. Of these 19 species listed as being impacted, six (6) salmon and five (5) steelhead are listed as threatened. The remaining two (2) salmon, four (4) whale and one (1) turtle species are listed as endangered. How can NWIW state that there will be “No Significant Impact” to these 19 species when they are listed in the report as being impacted? The amount and extent of the accidental “take” of these species were not codified in the NOAA Biological Opinion, but it was stated that some species would be injured or die from increased predation, elevated sound levels during construction, eulachon eggs entrained during dredging, increased wake stranding of eulachon and juvenile salmonids, piling strikes and ship strikes. It would be counterproductive to approve this shoreline permit and allow the KMMEF to be built when our local and State government is committing so much money and effort toward the recovery of these threatened and endangered species. It defies logic.

Section 3.0 of the SSEIS covers the GHG LCA Emissions, Displacement Analysis & Climate Change. It states, “It is not meaningful to link a specific climate change directly to a specific emissions source (USFS 2009; USEPA 2009; California Air Pollution Control Officers Association 2008; Council on Environmental

Quality 2016; USFWS 2008; IPCC 2007; NMFS 2017).” It also refers to the IPCC 2018 report on climate change and its general effects on the global environment:

- Global temperature increases.
- A rise in sea levels affecting coastal areas and cities.
- Increased ocean acidification.
- Reduction in snow cover and sea ice.
- More intense and frequent heat waves, tropical cycles, and heavy precipitation.
- Impacts to biodiversity, drinking water, and food supplies.”

All of these effects will have a profound effect on our economy and way of life. I read the latest (1/29/20) [Climate Impacts Group \(CIG\) report titled Shifting Snowlines and Shorelines](#), a special report on the ocean and cryosphere, and implications for Washington State. I recommend Ecology read the latest report and apply that knowledge to the decision on this project. (The SSEIS only refers to a 2018 CIG report.) As stated above, climate change will have a profound effect on Washington fishing and shellfish, manufacturing, timber, agriculture, healthcare and recreation industries. There was no attempt in the FSEIS or SSEIS to quantify these economic and lifestyle effects, probably because NWIW is still backing the GHG displacement assumption and only plans on mitigating “in-state” GHGs.

Another document I found that would have been useful to NWIW in developing the “importance of the impact” of this project was the [Marine Spatial Plan for Washington’s Pacific Coast](#) (published Oct 2017 and revised June 2018). It was jointly authored by the Washington Departments of Ecology, Natural Resources and Fish & Wildlife. The relationship between climate change and climate forces (El Nino events, the Blob, and Pacific Decadal Oscillation) that impact the Pacific Northwest ocean conditions, and their effects on Phytoplankton, Zooplankton, cold and warm-water Copepods, Pteropods, must be fully appreciated in Ecology’s decision on this project. As stated in the referenced report, “Pteropods can serve as an indicator for ocean acidification because they are experiencing shell dissolution as acidification increases, and they are a key food source for herring, mackerel, salmon, and other fish species (Chan et al., 2016). Gelatinous Zooplankton are also an important part of the pelagic food web. Jellyfish compete with forage fish and juvenile salmon for similar food items, so changes in jellyfish abundance can impact community structure (Andrews et al., 2015).” Many factors affect the survivability, nutrition, and health of juvenile salmon and steelhead in fresh and saltwater. For the last 50 years we have witnessed the decimation of our fisheries. Anthropogenic climate change is increasing fresh and saltwater temperatures, acidification, and affecting climate forces. [Building this methanol plant will be adding another nail to the coffin.](#)

Lastly, NWIW’s assertion that the KMMEF will not have an environmental impact on the indigenous people of Washington State is not accurate. Although not a subject of review in this SSEIS, it is an open matter in the EIS and FSEIS and must be considered by Ecology in their decision. It is not my intent to speak for the Indigenous People of Washington State, but to bring out the potential effects the KMMEF project will have on climate change and the marine environment of which our Indigenous People depend.

Chapter 11 of the Draft EIS addressed “Historic and Cultural Resources.” The scope of the environmental impact was inconsistent with the culture and rights of the indigenous people as defined in multiple Washington treaties. On pages 17-123 and 17-124 of the FSEIS it states, “The NOI was published in the Federal Register and was mailed to approximately 300 interested parties, including federal, state and local officials; ... “potentially interested Indian tribes, ...” Based on the potential impact of the Native peoples’ way of life all of the tribes in WA should have been notified, not just the two Washington confederated tribes (Chehalis and Umatilla Reservations) and the Columbia River Inter-Tribal Fish Commission listed in Chapter 18 (Distribution List) of the FSEIS. The other tribes are in Oregon (Grand Ronde, Siletz and Warm Springs.) What was the logic in notifying these Oregon interior tribe confederations at the exclusion of notifying 16 Washington coastal and Puget Sound tribes, and seven Puget Sound interior tribes that depend on salmon and steelhead as a way of life?

There are 29 federally recognized tribes throughout Washington, consisting of some 140,714 Native citizens. The livelihood for many Washington Native people rely on fishing, agriculture and timber, as is with the Yakima Nation. Sea life and salmon are especially culturally and economically important for the Coast Salish people. Their dependence on the earth’s resources was unrecognized by NWIW in the FSEIS, and not even mentioned in the SSEIS. The GHGs spewed out by the KMMEF will impact nearly all tribes in Washington, but particularly the coastal, Puget Sound and Columbia River tribes.

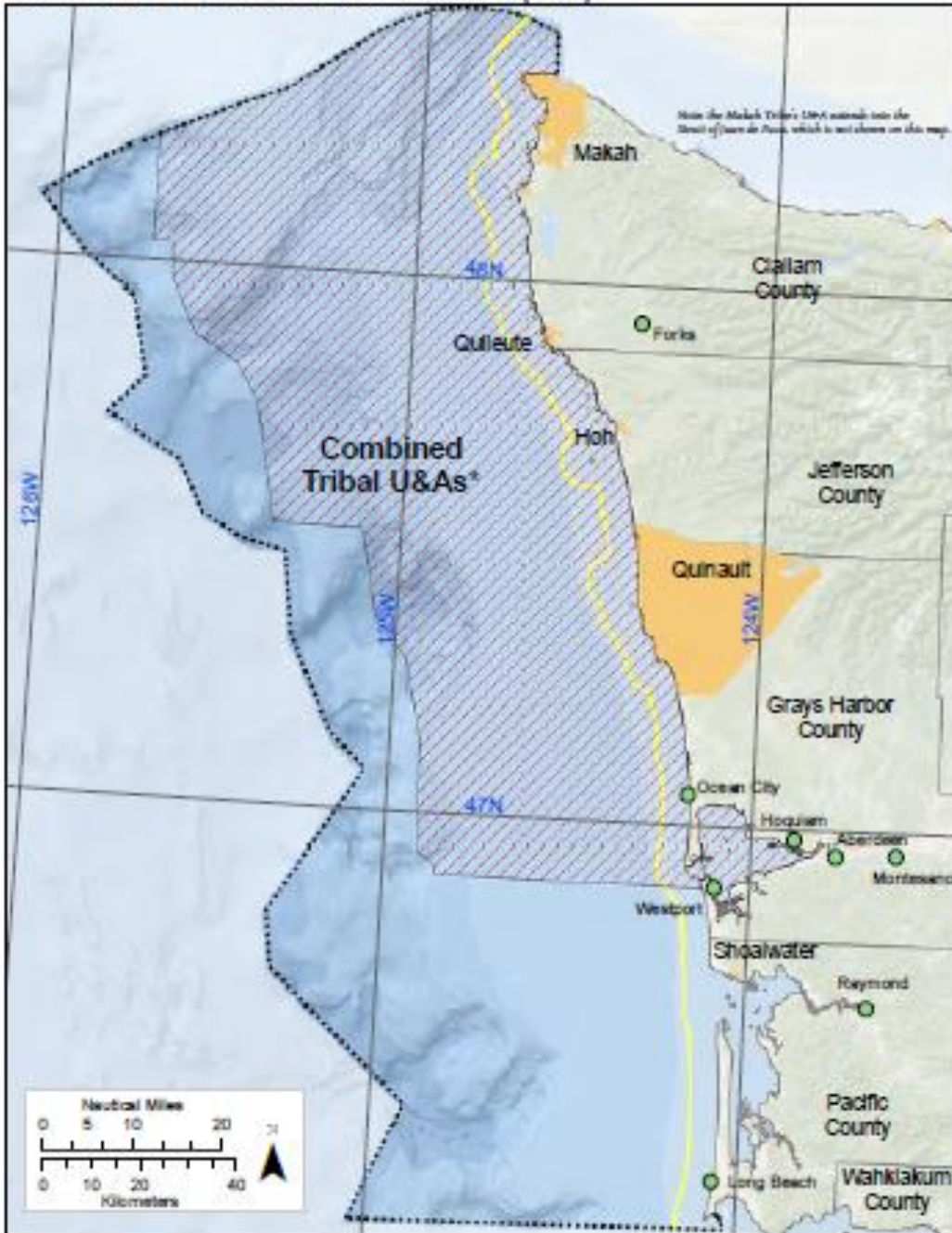
The regulatory context used in Chapter 11 of the EIS was described as “the cultural resources within the Area of Potential Effect (APE) for the proposed project, and probable impacts on such resources.” The APE used was the approximate 100 acres of the KMMEF building site, Kalama Lateral Project (the proposed pipeline), and proposed electrical service improvements. The cultural resources were as identified in a cultural survey using the Washington State Department of Archaeology and Historic Preservation (DAHP) database. There were no changes to Chapter 11 in the FSEIS. This is an extremely narrow scope considering that the increased GHGs, which will exacerbate climate change, will continue to affect Washington fisheries in Native American waters.

As described in the “Marine Spatial Plan for Washington’s Pacific Coast (June 2018),” “the management of the marine environment is crucial to each of the coastal tribes, as the marine environment is integral to their history, culture, identity, and future. Marine resource management as a matter of law is shared with the State and federal government. The MSP Study Area overlaps with 3,924 square nautical miles (67%) of the combined, adjudicated tribal fishing Usual and Accustomed Areas (U&As) and can be seen in Map 2 (next page.)

“Four counties (Clallam, Jefferson, Grays Harbor, and Pacific Counties) border the Study Area, along with the reservations of five federally-recognized tribes (the Hoh, Makah, Quileute, and Shoalwater Bay Tribes, and the Quinault Indian Nation) (Map 2). At the Study Area’s southern boundary is the Mouth of the Columbia River, the largest river in the Pacific Northwest with source waters from the Rocky Mountains. At the northern boundary is the Strait of Juan de Fuca, with source waters from Puget Sound and the Strait of Georgia (Canada). Two-thirds (67%) of the MSP Study Area overlaps with the

Usual and Accustomed Areas (U&As) of one of the coastal treaty tribes – the combined area for adjudicated tribal fishing U&As is approximately 3924 nautical miles of the Study Area. The Makah U&A extends into the Strait of Juan de Fuca, which is not displayed on this map.)

Map 2: Cities, Coastal Tribal Reservations, and Combined Tribal Usual and Accustomed Areas (U&As)



- Washington Coastal Tribal Reservations (DNR)
- Incorporated City (WSDOT)
- County Boundary (DNR)
- Combined Tribal U&As (NOAA Fisheries)
- Washington MSP Study Area (State Ocean Caucus)
- WA State Boundary (NOAA)
- Latitude and Longitude (ESRI)

* This represents the combined U&A footprints, within the MSP Study Area only, for the Gulleute, Quinault, and Makah tribes. Each tribe's U&A varies within this area.

Map coordinate system: North American Datum of 1983 (NAD83), Washington South State Plane Coordinate System, meters. Not to be used for legal purposes.

Four of the five tribes adjacent to the MSP Study area signed treaties and include the Hoh, Makah, and Quileute Tribes, and the Quinault Indian Nation (referred to collectively as the coastal treaty tribes). The treaties with the Makah Tribe and Hoh Tribe, Quileute Tribe, and the Quinault Indian Nation govern the relationships between the federal government and the coastal treaty tribes. “Through signing those treaties, the treaty tribes agreed to allow the peaceful settlement of much of western Washington and ceded land to do so, in exchange for, among other things, their reserved right to harvest fish, shellfish, wildlife, and plants, and exercise other cultural practices both on and off-reservation. The treaties reserved the right to fish in “usual and accustomed grounds and stations” beyond a tribe’s reservation boundaries. Other tribes were recognized by the federal government through federal processes and maintain tribal reservations, but do not have treaties with the United States.

U.S. District Court and Supreme Court decisions (1974, 1979 and 1994), upheld the tribes’ treaty fishing rights, affirming the tribal right to harvest up to 50% of all fish, including naturally occurring shellfish and salmon within their respective U&As. The KMMF, indirectly through its unmitigated GHG emissions and the effects it will have on climate change, may deny the tribes of Washington their fundamental treaty rights. Although tribal rights allow the taking of 50% of the forecasted returns, decreasing salmon and steelhead returns mean fewer fish with each coming year.

Furthermore, the In January 2017, the Makah Tribal Council approved the Makah Ocean Policy. The purpose of this Policy is to “protect and exercise the treaty-reserved rights and culture” of the Makah Tribe that are inextricably tied to the health of the ocean. The Policy acknowledges that in order for the Makah Tribe to preserve its treaty rights, “it is critical for the Tribe to be informed of, and actively involved in, decisions on actions that may affect the Tribe’s use of treaty resources or the health of the ecosystems upon which these resources depend (emphasis added.)” The Makah Ocean Policy contains consultation procedures that establish the requirements for when consultation is needed, including when it should begin, as well as pre-notification requirements, points of contact at the Tribe, and what is required of state and federal permitting agencies to initiate formal closure of consultation. (To obtain a copy of the Makah Ocean Policy, please contact the Makah Tribe, Rosina DePoe, Chief of Staff for tribal council).

In my quest for bringing facts to the table, facts that NWIW would prefer to obscure behind a curtain of deception, I read nearly 50 scholarly peer-reviewed research papers on the aquatic biodiversity of our oceans and the Pacific Northwest, and the effects of climate change on our fisheries. Ocean acidification and increasing temperatures are affecting the survivability of shellfish, salmon and steelhead in the Pacific Northwest. This includes the Pacific Ocean all the way to the coast of Alaska and the Bering Sea where salmon spend a good part of their time in the ocean. Our fisheries are not the only ones in decline. The 2020 salmon returns in Alaska so poor that many Alaskan communities are claiming fishery economic disasters and requesting government assistance. As of 8/12/20 all sockeye, chinook, pink and chum salmon fisheries are below projections, with some areas completely closed to commercial fishing. Bristol Bay appears to be the only area with good returns.

I reviewed the 2019 and 2020 Washington Coho Forecast Summary published by the Dept. of Fish and Wildlife. The forecasted and actual returns for hatchery and natural Coho salmon went from 2,013,316

in 2019 to 987,494 in 2020 (forecasted), less than half. Runs will likely be just above 50% of the 10-year average. Every production unit is forecasting significantly fewer natural fish. Although this is a snapshot, and only represents one of the 19 species, the running 10 year averages indicate nearly all species of salmon and steelhead are in decline. Many species will be on the edge of extinction by 2050 as a result of climate change, and here we are still considering the approval of a shoreline permit that will clear the way for a foreign-owned and operated GHG-emitting methanol plant to be built in our community at the expense of our economy. It is time for Ecology to follow our Governor's lead and deny the shoreline permit.

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