



King County

Dow Constantine

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January 15, 2015

The Honorable Patty Murray
United States Senate
448 Russell Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
United States Senate
311 Hart Senate Office Building
Washington, DC 20510

RE: **Lummi Nation Request for Denial of Permit for the Proposed Gateway Pacific Terminal Bulk Dry Goods Shipping Facility (Ref. No. NWS-2008-260).**

Dear Senators Murray and Cantwell:

I am writing to request that you review the recent letter and resolution from the Lummi Nation calling on the United States Army Corps of Engineers (USACE) to protect treaty rights and deny the permit for the Gateway Pacific Terminal (Ref. No. NWS-2008-260) and that you contact the USACE in support of the Lummi Nation and ask them to deny the permit.

The USACE has a responsibility and obligation to protect treaty rights and to ensure that the proposed action does not adversely impact the rights of the Lummi Nation to harvest salmon and shellfish. Based on the recent Gateway Pacific Terminal Vessel Traffic and Risk Assessment Study, the Lummi Nation finds that the proposed project will result in substantial impairment of treaty rights throughout their usual and accustomed fishing areas, and that these impacts cannot be mitigated.

I have expressed concern in past comment letters, including one directly to the USACE, about the potential negative impacts of the proposed Gateway Pacific Terminal on treaty fishing rights, habitat for listed salmon species, water quality, habitat, public health, safety, traffic, and economic development not only at the site of the proposed terminal but along connecting barge and rail routes.

This is truly a statewide and regional issue. Increased barge traffic in the Salish Sea will bring increased risk of water pollution to critical habitat for threatened salmon species harvested by multiple tribes with treaty fishing rights. Significant increases in rail traffic – including the projected potential for 18 mile-and-a-half-long coal trains a day through the heart of King

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County and other communities along the rail route – will bring traffic and freight delays and potential health impacts to our most vulnerable communities.

King County has come together with 138 state, tribal, and local elected officials from four states and British Columbia to raise awareness of the safety risks of oil and coal trains and their economic, cultural, environmental, and health impacts. One of the core guiding principles of the Safe Energy Leadership Alliance is to protect tribal treaty rights and sacred places from potential harm from coal transport and export.

Please urge the USACE to fulfil its trust responsibility to protect the treaty rights of the Lummi Nation and deny the permits under its jurisdiction for the proposed Gateway Pacific Terminal.

Sincerely,

A handwritten signature in black ink, appearing to read "Dow Constantine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dow Constantine
King County Executive

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
The Honorable Jack Louws, Whatcom County Executive
Lieutenant General Bostick, Commander, U.S. Army Corps of
Engineers (USACE)
Colonel John G. Buck, Seattle District Commander, Seattle District, USACE
Lorraine Loomis, Chair, Northwest Indian Fisheries Commission
Maia Bellon, Director, Washington State Department of Ecology
Safe Energy Leadership Alliance members