



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 NE Oregon, Suite 200, Portland, Oregon 97232

Telephone 503 238 0667

Fax 503 235 4228

March 30, 2012
VIA FACSIMILE

Louise Solliday
Director, Oregon Department of State Lands
775 Summer Street, NE
Salem, OR 97301-1279
Fax: 503-378-4844
louise.c.solliday@dsl.state.or.us

RE: Removal-Fill Permit Application No. APP0049123, Coyote Island Terminals, Coal Export Terminal, Morrow County.

Dear Director Solliday:

The Columbia River Inter-Tribal Fish Commission (CRITFC) appreciates the opportunity to provide comments on the Coyote Island Terminal, LLC coal export terminal permit application. This project has only recently come to our attention and has raised some significant concerns from our member tribes about the project's potential effects on tribal treaty fisheries. In addition, there are two other similarly large-scale coal export projects proposed for the Columbia River Basin and the cumulative effects on our tribes' rights and resources could be substantial. Much more analysis is needed before any agencies can – or should – make any decisions that would allow for the applicants to begin construction. Thus, we think it is premature to approve this permit, and we request that the Oregon Department of State Lands deny this permit at this time.

The proposed project area is currently used for fishing by tribal members exercising their treaty fishing rights. This area is also within lands designated as Traditional Cultural Property (TCP) and may contain significant cultural resources. Furthermore, as the application notes, there are ESA-listed aquatic species that migrate near and around the project site. While the "Joint Permit Application Form" acknowledges these and other issues, it is clear that none of these issues have been addressed or reviewed in any detail, and none of CRITFC's member tribes have been consulted on any of these matters.

The application cannot be considered "complete" at this time. According to DSL's Removal and Fill Guidance (RFG), page 6-5, a complete application is "one that contains sufficient information for the Department and the public to make an informed evaluation of the project's effects." The information included in the application, as mentioned

above is seriously deficient. For example, there is very little information in the application regarding tribal fishing sites in the area. While issues related to aquatic species' impacts and cultural resources are raised, fuller and more complete consideration of them is clearly put off until a future date. CRITFC would like to avoid a repeat of the difficult and unpleasant experience that began some years ago with the Port of Arlington, where a project was approved and pilings were driven into the riverbed before any tribes were consulted. Now the Port is faced with removing the pilings.

In the event the DSL deems the application complete, CRITFC requests that the agency deny the permit until more analysis is completed, either through state or federal processes. At a minimum a NEPA process will allow us to examine the effects of increased barge traffic on the river and tribal fisheries; the potential impacts from coal dust and heavy metals from coal storage on groundwater, river water quality and air quality; and the effects to tribal ceded lands and usual and accustomed fishing areas.

CRITFC encourages Oregon DSL to meet with the CRITFC member tribes individually to discuss these issues, and would be willing to help facilitate both policy-level and technical meetings. If we can be of any assistance, please contact me, or Julie Carter of our staff at 503-238-0667.

Sincerely,

A handwritten signature in blue ink that reads "Babbist Paul Lumley". The signature is written in a cursive, flowing style.

Babbist Paul Lumley
Executive Director

Cc: Bill Ryan, Assistant Director, Wetlands & Waterways
Lori Warner-Dickason, Northern Region Manager, Removal Fill Permits
Charles Redon, Resource Coordinator, Morrow County