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Army Corps Denies Coal Export Permits and Upholds Lummi Nation Treaty Rights

Pacific Northwest communities celebrate tribe's leadership in landmark victory

BELLINGHAM, Wash.: After careful review, the US Army Corps of Engineers issued a landmark decision to deny federal permits for SSA Marine's proposed Gateway Pacific Terminal, a coal export facility at Xwe'chi'eXen, also known as Cherry Point, Wash. In January 2015, the Lummi Nation asked the Army Corps to reject the project because of its significant harm to their treaty-protected fisheries and ancestral lands. The historic decision deals a severe blow to SSA Marine's struggling proposal and marks the first time that a coal export facility has been rejected based on its negative impacts to the treaty rights of a tribal nation.

"This is an historic win, and we are grateful to the Lummi Nation for their leadership in delivering a tremendous victory for Northwest families. By denying permits for the largest proposed coal export terminal in North America, the Army Corps is honoring the Lummi Nation's treaty rights and protecting the Salish Sea for all people who call the Pacific Northwest home," said Crina Hoyer, executive director of Bellingham's Re Sources for Sustainable Communities. "The message rings loud and clear: communities will never accept the health, safety, economic or environmental impacts of dirty coal exports."

Since its proposal in 2011, Gateway Pacific has been plagued by delays and financial setbacks, and has faced unprecedented community opposition including more than 124,000 public comments on a scoping process in 2012. Financial backer [Goldman Sachs pulled out](#) of the project in 2014; since then, domestic and overseas coal markets have continued their [precipitous decline](#). And this May, leaders from nine tribal nations came together [to sign a proclamation](#) urging the Army Corps to respect treaty rights and deny permits for the terminal.

"From this decision to China's groundbreaking cap-and-trade program and recent commitments from world leaders at the UN Climate Negotiations in Paris, the writing on the wall is clear: Coal exports are the wrong direction," said Cesia Kearns, Deputy Director with the Sierra Club's Beyond Coal Campaign, and Co-Director of the Power Past Coal coalition. "The Lummi Nation's victory brings even more energy to local movements working for justice, and against coal exports and harmful fossil fuels throughout the continent. From British Columbia, to Longview, Washington, to the Gulf of Mexico, we will continue to stand together to say no to corporate special interests and yes to healthy, community-driven futures."

Gateway Pacific would have exported up to 48 million tons of Powder River Basin coal each year, bringing up to 18 additional coal trains every day through Washington, Idaho and Montana, and nearly 1,000 giant coal ships per year through the Salish Sea. Due to the terminal's unprecedented risks to the health, safety, local economies and natural resources of Northwest communities, the Washington State Department of Ecology and Whatcom County planned to consider the project's broad impacts in the environmental impact statement, including coal dust around the terminal, rail traffic and coal dust along rail lines and waterways in Montana, Idaho and Washington; and the effects of burning coal overseas on the Northwest, particularly regarding climate pollution and mercury contamination.

“The peoples of the Pacific Northwest have stopped coal companies dead in their tracks. We’ve defeated five of six proposals to protect the health and welfare of our families--and families around the world,” said Beth Doglio, Campaign Director of Climate Solutions and Co-Director of Power Past Coal. “Now, only the proposed Millennium Bulk Terminals in Longview remains, along with a terminal expansion in British Columbia that would affect rail-line communities in the Northwest. We will continue standing together to defeat these remaining projects and move forward with a cleaner, safer and more sustainable way of life.”

Background

Since 2010, coal companies have pushed for a total of six coal export terminals for the Pacific Northwest. Four have been defeated, and one is on life support--the Port of Morrow proposal is being appealed by coal export company Lighthouse Resources after receiving state and federal permit denials in 2014. In Washington state, only the Millennium Bulk Terminals proposal remains in Longview, Washington. Combined, Gateway Pacific and Millennium Bulk Terminals would be capable of exporting nearly 100 million metric tons of coal each year. In response, the public has submitted more than 400,000 comments, and nearly 15,000 people have attended public hearings for the facilities.

Opposition is being further fueled by a proliferation of proposals for oil terminals and new oil-by-rail to existing refineries. Together, coal and oil projects place an extreme strain on regional rail systems; rail-line communities could see up to 30 loaded coal and oil trains per day and 212 loaded oil and coal trains every week.

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POWER PAST COAL is an ever-growing alliance of health groups, businesses and environmental, clean-energy, faith and community organizations working to stop coal export off the West Coast. Visit www.powerpastcoal.org for more information.