



Contact
Miles Johnson
Clean Water Attorney, Columbia Riverkeeper
miles@columbiariverkeeper.org | 541.490.0487
columbiariverkeeper.org

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FEDERAL COURT REBUKES ARMY CORPS OVER SECRECY SURROUNDING COAL EXPORT DOCUMENTS

Judge Orders Agency to Release Documents on Ambre Energy's Controversial Morrow Pacific Coal Export Project

Aug. 15, 2014 (Portland, OR) — The U.S. Army Corps of Engineers illegally withheld documents on Ambre Energy's Morrow Pacific coal export proposal, according to a federal court decision issued yesterday in a Freedom of Information Act case brought by non-profit organization Columbia Riverkeeper.

"This is a victory for government transparency and communities threatened by coal export on the Columbia River," stated Brett VandenHeuvel, Executive Director of Columbia Riverkeeper. "Now, the public will finally learn why the Army Corps chose a cursory environmental review of the Morrow Pacific coal export project at the same time it opted for in-depth environmental reviews of two similar coal export proposals in Washington," stated VandenHeuvel.

Ambre Energy's Morrow Pacific coal export project has stirred public controversy and prompted widespread calls for a thorough review of the environmental and human-health impacts. Governor Kitzhaber, the Washington State Department of Ecology, the National Marine Fisheries Service, dozens of elected officials, and over 15,000 citizens asked the Army Corps to prepare a thorough Environmental Impact Statement. Instead, the Corps chose a truncated environmental review process, which excludes public and agency participation.

When Columbia Riverkeeper sent the Army Corps a Freedom of Information Act request for information about that controversial decision, the Army Corps refused to turn over key documents.

On August 14, 2014, the Oregon Federal District Court rejected nearly every legal argument that the Army Corps asserted to justify keeping the documents secret, and ordered the Army Corps to turn over the information. According to VandenHeuvel, "the Court's order will force the Army Corps to explain its actions, and hopefully encourage the Army Corps to reconsider its decision to prepare a narrow and cursory environmental analysis for the Morrow Pacific project."

The Morrow Pacific coal export project proposes to ship coal via train from Montana and Wyoming to Boardman, Oregon, where the coal would be loaded on to barges and shipped to Port Westward near Clatskanie, Oregon. From there, Ambre would transfer coal to ocean-going ships bound for Asian coal-fired power plants.

Columbia Riverkeeper was represented in the case by Chris Winter of the nonprofit Crag Law Center and Miles Johnson, Clean Water Attorney for Columbia Riverkeeper.

About Columbia Riverkeeper

Columbia Riverkeeper’s mission is to protect and restore the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Representing a diverse coalition of members and interests, Columbia Riverkeeper works to restore a Columbia River where people can safely eat the fish they catch, and where children can swim without fear of toxic exposure.

About the Crag Law Center

To preserve the diverse ecosystems of the Northwest for future generations, Crag ensures equal access to justice by providing its clients with professional legal services for free or as close to free as possible, implementing a unique model of “legal aid for the environment.” In addition to litigation, Crag helps clients with assistance on civic participation, campaign strategies, communications, organizing and media relations.

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