



## INTERNAL DOCUMENTS SHOW CORPS' D.C. OFFICE NIXED FULL ENVIRONMENTAL REVIEW OF OREGON COAL EXPORT TERMINAL

*Following a recent court victory,<sup>i</sup> Columbia Riverkeeper obtained internal agency documents showing why the Army Corps refused to conduct a thorough environmental impact statement for the controversial Morrow Pacific coal export terminal.*

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### OVERVIEW

Scientists at the Army Corps of Engineers (Corps) Portland office determined that the Morrow Pacific coal export project required a full environmental review, called an Environmental Impact Statement (EIS). Nevertheless, the Corps' Washington D.C. office quashed this important decision. Without an EIS, there will be no more public involvement in the Corps' decision-making process and the Corps will not take a hard look at the impacts of the Morrow Pacific coal export project, located on the Columbia River. Thousands of Oregonians, as well as state and federal officials, told the Corps that an EIS was necessary:

**Oregon Governor John A. Kitzhaber, MD:** *"I am writing to request that a federal agency prepare a programmatic and comprehensive environmental impact statement under the National Environmental Policy Act."*<sup>ii</sup>

**United States Senator for Oregon Jeffrey A. Merkley:** *"I support an expedited programmatic EIS."*<sup>iii</sup>

**United States Senator for Oregon Ron Wyden:** *"I strongly encourage the U.S. Army Corps of Engineers (USACE) to conduct a full impact statement."*<sup>iv</sup>

### KEY FACTS

- Officials in the Corps' Portland office decided that an EIS was required by law, wrote a detailed memo justifying the EIS, and drafted a letter to the coal company, Ambre Energy, explaining that decision. ([See FOIA Documents marked USACE 121–133](#)).
- Corps' Washington D.C. office severely criticized the EIS approach, and told the Corps' Portland office not to announce that it would prepare an EIS. ([See FOIA Documents marked USACE 191–200](#)).
- Shortly afterward, the Corps' Portland office quietly told Ambre Energy and others that it would not prepare an EIS.

## RIVERKEEPER STATEMENT

### **Executive Director of Columbia Riverkeeper, Brett VandenHeuvel:**

*“These FOIA documents confirm that coal export is harmful to our river. The Corps’ questionable approach highlights the importance of strong state-level review. Oregon and Washington should exercise their full authority to deny coal export terminals because the Corps has proven unreliable to take a hard look at the environmental and human health risks. It is discouraging that the Corps’ Washington D.C. bureaucrats meddled with the technical decision about the impacts of the proposed coal export terminal. The Corps should re-commit to preparing an EIS for the Morrow Pacific Project if the permitting process moves forward.”*

## **CURRENT STATUS OF MORROW PACIFIC COAL EXPORT PROJECT**

The Oregon Department of State Lands denied Ambre Energy a permit to build the dock for the Morrow Pacific project. Similar to the Portland Corps’ initial conclusion, Oregon determined that coal export had a significant impact on the Columbia River, including salmon fishing. Ambre Energy has appealed Oregon’s decision and the Corps is delaying its federal permitting process until that appeal is resolved.

## **WHAT’S NEXT?**

The State of Washington is currently cooperating with the Corps to study the environmental impacts of coal export terminals in Longview, Washington and near Bellingham, Washington. The FOIA documents obtained in this case demonstrate that Washington’s officials and citizens cannot rely on the Corps to take a hard look at the impacts of coal export.

## **ABOUT THE CRAG LAW CENTER**

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.

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i *Columbia Riverkeeper v. U.S. Army Corps of Eng’rs*, No. 3:13-CV-1494, 2014 U.S. Dist. LEXIS 112778 (D. Or. Aug. 14, 2014).

ii Letter to Secretary of the Army, Secretary of the Interior, U.S. Army Corps of Engineers, Bureau of Land Management, April 25, 2012.

iii Letter sent to the U.S. Army Corps of Engineers and the Bureau of Land Management, July 18, 2012.

iv Letter to Assistant Secretary of the Army (Civil Works), March 13, 2013.