

Office of the Governor

April 19, 2013

The Honorable Nancy Sutley, Chair
Council on Environmental Quality (CEQ)
Executive Office of the President
722 Jackson Place NW
Washington, DC 20503

Dear Chairwoman Sutley,

I write in response to the letter written to you, on March 25, 2013, by Oregon Governor John A. Kitzhaber and Washington Governor Jay Inslee. The Governors' letter urges that draft CEQ guidance regarding consideration of climate change in the National Environmental Policy Act (NEPA) analysis "be applied to coal export terminal proposals now pending as well as to all future decisions concerning coal leases." The letter also seeks "proper policies for pricing coal leases from federal lands, both as a matter of securing a fair return for this resource, and to account for the direct costs of the resulting emissions..."

I take issue with the March 25th letter. First, I oppose using draft guidance, which has been controversial enough to remain in draft stage for over three years, for any decision-making purpose. Second, I believe the draft guidance should be scrapped. Third, I oppose the notion of a life cycle greenhouse gas analysis as part of the NEPA process before approving coal leases or developing export terminals. Such analysis is unprecedented in reach and wholly speculative. It also runs the high risk of introducing bias and prejudice into a NEPA process that must remain objective, not result-oriented. Last, it turns the NEPA document into an opinion piece on global climate change instead of an analysis of site-specific issues.

In January I wrote a letter supporting the Gateway Pacific Terminal and modifications to the Custer Spur of the BNSF Railway. I support an EIS for the project that is a thorough, thoughtful environmental and economic analysis as required by the NEPA. I support a site-specific EIS for a site-specific project. A copy of my January 22, 2013, letter is attached.

I note that Governor Kitzhaber's and Governor Inslee's letter does not mention northwest commodities - like lumber - for climate change analysis under NEPA; rather, their letter targets one commodity - coal - and the producers, transporters, and workers who deal with it. This undermines the fundamental fairness of the process and potentially sets U.S. regions, states and resources at odds with each other.

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As for pricing coal leases, the Director of the Bureau of Land Management (BLM) in a January 28, 2011, letter stated that "all... evidence demonstrates that the BLM practice has ensured fair market values are received" for leases. An audit should determine whether additional royalties are due. With all due respect, the CEQ should neither be determining policies for pricing federal coal leases nor establishing new policies for the issuing of coal leases based on a global climate change analysis.

In sum, I ask the CEQ *not* to take the action urged upon it by the March 25th letter. I stand ready to meet and discuss this most important matter with you.

Sincerely,



Matthew H. Mead
Governor

MHM:mh

Encl.

cc: The Honorable John A. Kitzhaber, Governor of Oregon
The Honorable Jay Inslee, Governor of Washington
The Honorable Michael Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Cynthia Lummis, U.S. House of Representatives

MATTHEW H. MEAD
GOVERNOR

THE STATE  OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

January 22, 2013

Delivered via regular mail and email: comments@eisgatewaypacificwa.gov

The Honorable John McHugh
Secretary of the Army
1400 Defense Pentagon
Washington, D.C. 20301-1400

Lt. General Thomas P. Bostick
Army Chief of Engineers and Commanding General
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Dear Secretary McHugh and Lieutenant General Bostick,

Thank you for the opportunity to comment on the scope of the proposed environmental impact statement (EIS) for the Gateway Pacific Terminal and modifications to the Custer Spur of the BNSF Railway (project). I support this project. It will enhance infrastructure and business activity, produce jobs and economic growth, and increase the country's global competitiveness in all ways. I support a thoughtful, thorough environmental and economic impact analysis of this project under the National Environmental Policy Act (NEPA).

I am troubled by suggestions that this project and other proposed terminals be lumped into a single analysis – a programmatic environmental impact statement (PEIS). A single PEIS that includes Asia, world-wide greenhouse gas emissions, climate change and similarly broad and diverse areas will result in less informed decision-making. Expanding the breadth of the EIS will divert resources away from analysis of the environmental impacts of the terminal and rail spur to matters not relevant to this project. Coal is one of the many commodities that would pass through the terminals. Advocates for a broad PEIS could be ascribed a motive that targets coal. The environmental review mechanism should not dictate a result, but an ill-advised broad PEIS that looks only at coal would do just that. It would stifle valuable coal exports by purposely including review elements that are not relevant and are aimed at a preordained conclusion.

NEPA does not require a PEIS for this type of project and engaging in a PEIS would be contrary to the intent of NEPA. This is a crystallized project, in a specific place, with defined parameters

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and operations. I have every confidence in the Corps of Engineers and other co-lead agencies to conduct a full and focused EIS for the Gateway Pacific Terminal and Custer Spur project.

I support this project and an EIS for this project. I oppose a broad PEIS, a proposal with numerous faults, not the least of which is a destined outcome –targeting only one export commodity.

Sincerely,



Matthew H. Mead
Governor

MHM:mdm

cc: The Honorable Mike Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Cynthia Lummis, U.S. House of Representatives