

NWS-OD-RG

MEMORANDUM FOR RECORD

REFERENCE: NWS-2010-1225, Millennium Bulk Terminals–Longview, LLC

DATE: 14 February 2014

SUBJECT: U.S. Army Corps of Engineers Scope of Analysis and Extent of Impact Evaluation for National Environmental Policy Act Environmental Impact Statement.

AGENCIES: The U.S. Army Corps of Engineers, Seattle District (Corps) is the Federal lead agency. The U.S. Environmental Protection Agency (EPA) is a Federal cooperating agency. The Corps also invited the U.S. Coast Guard and the U.S. Department of Transportation’s Federal Railroad Administration (FRA) and Surface Transportation Board (STB) to be Federal cooperating agencies. The STB declined to become a cooperating agency; the U.S. Coast Guard and FRA have not yet responded.

1. ACTION SUMMARY: Millennium Bulk Terminals–Longview, LLC (MBTL) proposes to construct and operate a shipping terminal; the current commodity identified for export by the applicant is coal. The terminal would be constructed on approximately 190 acres of a 540-acre site leased by MBTL and in the Columbia River adjacent to the lease site. The proposed terminal would consist of two piers and supporting upland facilities. One pier would be 1,400 feet long and range in width from 90 to 130 feet; the other pier would be 900 feet long by 100 feet wide. Access to the piers would be provided by an 800-foot-long trestle ranging from 35 to 60 feet wide. Upland facilities would include a balloon track capable of parking eight trains and unloading and handling facilities for a coal storage area. A system of conveyors would carry coal from the coal storage area to the trestle and piers. Upland facilities would also include roadways, service buildings, water management facilities, utility infrastructure, and other ancillary facilities. Coal from the Powder River basin, and possibly other locations, would be transported to the terminal by train over existing rail lines. No new rail line or spur outside of the project area would be required by this proposal.

To accommodate fully loaded Panamax-class ships at the terminal, MBTL proposes to dredge up to 500,000 cubic yards of sediment from a 48-acre berthing area along the riverward side of the proposed piers. Current bottom elevations in this area range from -21 to -42 feet Columbia River Datum (CRD). The proposed dredging would lower the bottom elevation to a target depth of -43 feet CRD, plus a 2-foot overdredge allowance, and connect the proposed shipping terminal to the Columbia River Federal navigation channel. The dredged material would be disposed in the navigation channel (flow lane) at site(s) to be determined by the Corps of Engineers, Portland District. Periodic dredging and disposal would be required in the future to maintain operation of the terminal.

The proposal described above (the “project”) would involve work and structures in or affecting the course, condition, location, or capacity of the Columbia River, a navigable water of the U.S. In addition, the project would involve discharges of dredged and fill material into waters of the U.S., including wetlands, ditches, and the Columbia River. Therefore, the project requires authorization by Department of the Army (DA) permit pursuant to the requirements of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The permit decision will be made by the Seattle District Engineer under authority delegated to the District Engineer by the Secretary of the Army and Chief of Engineers (33 CFR 325.8).

The National Environmental Policy Act (NEPA) requires Federal agencies to analyze the environmental impacts of “Federal actions” and to prepare an Environmental Impact Statement (EIS) for any “major

Federal action significantly affecting the quality of the human environment.” See 40 USC 4332(C). In this case, the Federal action is the decision to issue, issue with conditions, or deny a DA permit to MBTL for the activities under Corps jurisdiction. See 40 CFR 1508.18(b)(4). On 13 July 2012, the Corps determined the MBTL project may have significant impacts and that issuance of a DA permit would be a major Federal action significantly affecting the quality of the human environment, requiring preparation of an EIS to comply with NEPA.

2. PROJECT SETTINGS:

Location – The project site is located south of Industrial Way (SR 432) along the north bank of the Columbia River at River Mile 63, in an industrial area south and west of the city of Longview, in Cowlitz County, Washington (Figure 1). MBTL leases the site from the landowner, Northwest Alloys, Inc. MBTL also operates an independent bulk products terminal business immediately east of the project site.

Site Size and Upland Description – The 540-acre MBTL lease site is a former aluminum smelting facility comprising a mixture of paved and gravel roads, utility buildings, silos, dikes, wetlands (primarily forested wetlands with pockets of scrub/shrub and emergent wetlands), and mowed utility corridors. The proposed project would cover 190 acres of the lease site (Figure 2). In the Columbia River (adjacent to the lease site), the proposed over-water structures would cover 5.4 acres, while the dredging area between the proposed piers and Federal navigation channel would cover 48 acres.

Aquatic Resources – The 190-acre area has been extensively modified beginning in the 1940s with construction of an aluminum smelting facility. Any natural streams and wetlands existing at that time would have been deeply buried under dredged or fill material used to develop the site. As a result, the site drains by man-made channels into a municipal ditch system that eventually discharges into the Columbia River near the MBTL site and via Coal Creek Slough about seven miles downstream of the project area. Approximately 11,000 linear feet of on-site ditches are waters of the U.S. Much of the western portion of the project area consisted of forested wetlands until several years ago when a previous lessee cleared and graded some of these wetlands, resulting in a discharge of dredged or fill material into waters of the U.S., without Department of the Army authorization. The proposed project would result in the permanent loss of these and other wetlands in the project area. A total of 28.5 acres of the site are considered to be forested wetlands containing small pockets of emergent and scrub-shrub wetlands.

3. ENVIRONMENTAL REVIEW PROCESS: The Corps has entered into an agreement with Cowlitz County Building and Planning (County) and the Washington State Department of Ecology (Ecology), jointly the co-lead agencies, to prepare two separate EISs: one to meet the requirements of NEPA and another to meet the requirements of Washington’s State Environmental Policy Act (SEPA). The Corps serves as the lead agency for compliance with NEPA; the County and Ecology serve as lead agencies for compliance with SEPA. The co-lead agencies are directing and supervising the preparation of their respective EISs and will independently evaluate them once prepared.

The NEPA process is intended to provide the public an opportunity to participate in and understand the Federal action and future decision. The NEPA process is also intended to assist the Corps in identifying and assessing the potentially significant environmental impacts of a proposed action before making a decision on that action. The Corps is responsible for ensuring compliance with NEPA and related environmental statutes, as well as applicable Executive Orders and Treaties, for the proposed action requiring a DA permit decision. Ensuring compliance with NEPA and applicable Treaties are separate processes. ICF International, as the third-party contractor, is assisting in preparation of the EISs pursuant to 40 CFR § 1506.5 and 33 CFR Part 325, Appendix B Section 8(f)(1).

Scope of Analysis and Extent of Impact Evaluation for MBTL NEPA EIS

The Corps will decide whether or not to issue a DA permit to MBTL pursuant to Section 404 of the Clean Water Act (33 USC §§ 1251-1376, as amended) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC § 403). Ecology will decide whether or not to issue Water Quality Certification under Section 401 of the Clean Water Act, Coastal Zone Management Consistency Determinations (18 USC §§ 1451-1466), and National Pollution Discharge Elimination System permits under Section 402 of the Clean Water Act. The County will decide whether or not to issue the following permits: Shoreline Substantial Development and Conditional Use (Cowlitz County Code (CCC) 19.20), Critical Area Permit (CCC 19.15.030), Floodplain Management (CCC 16.25.090), Grading (CCC 16.35) Fire & Life Safety (CCC 16.05.080) Building (CCC 16.05) and Demolition (16.05).

As part of its NEPA review, the Corps is gathering and analyzing environmental information and data to compare the potential environmental effects of possible project alternatives and the “no action” alternative in the EIS. After issuing this Memorandum for the Record, the Corps, with input from cooperating agencies and considering the public input received to date, will prepare a Draft NEPA EIS (DEIS) for the proposed actions. The DEIS will identify the potential environmental impacts of the proposed project and alternatives and address those environmental issues identified during the scoping process and in the preliminary assessment in this Memorandum. The DEIS will also discuss a reasonable range of alternatives to the proposed action, including a no-action alternative, and recommend environmental mitigation measures, as appropriate.

Upon completion, the DEIS will be made available for review and comment by the public, government agencies, and affected Tribes. A Final NEPA EIS (FEIS) will then be prepared responding to the public, agency, and Tribal comments received on the DEIS and providing further analysis if needed. In reaching a final permit decision on the MBTL proposal, the Corps will take into account those portions of the administrative record, including the DEIS, FEIS, and public, agency, and Tribal comments received, that the Corps determines are germane to its specific regulatory authorities.

4. THE SCOPE OF ANALYSIS: In determining the scope of analysis for the EIS, the Corps must identify the Corps’ action under consideration and decide, for the purposes of NEPA, whether the agency has “control and responsibility” for activities outside of waters of the U.S. such that issuance of a permit would amount to approval of those activities. See 33 CFR Part 325, Appendix B, Section 7(b)(1). In this case, the proposed action to be taken by the Corps is the decision whether to issue, issue with conditions, or deny a DA permit for those activities within the Corps’ jurisdiction that are part of the MBTL proposal.

The specific activity requiring a DA permit from the Corps may, at times, be merely one component of a larger project. As a general rule, the Corps extends its scope of analysis beyond waters of the U.S. where the environmental consequences of upland elements of the project may be considered products of either the Corps permit action or the permit action in conjunction with other Federal involvement (33 CFR Part 325, Appendix B, Section 7(b)(2)). When determining the extent to which the Corps is considered to have control and responsibility for portions of the project outside waters of the U.S., the Corps normally considers the following four factors set forth by regulation:

a. *Whether or not the regulated activity comprises “merely a link” in a corridor-type project:* There are no other proposed actions by the applicant outside the project area. The MBTL project is a “stand alone” project and not a link in, or component of, any linear or corridor project.

b. *Whether there are aspects of the upland facility in the immediate vicinity of the regulated activity which affect the location and configuration of the regulated activity:* The proposed upland facilities would affect the location and configuration of the regulated activities. The rail loop, coal handling and storage area, and attendant features would need to be constructed in reasonable proximity to the proposed

piers to facilitate the transfer of coal onto ocean-going vessels. There appears to be a strong relationship between the locations of the piers and coal handling and storage area based primarily on cost and logistics. Based on information provided by the applicant, constructing a functional facility on upland portions of the site could likely not be accomplished without impacting waters of the U.S. because there is a substantial amount of wetlands scattered in a mosaic across the site.

c. *The extent to which the entire project will be within the Corps' jurisdiction:* The proposed project would involve installing structures in the Columbia River, a navigable water of the U.S., and discharging dredged and fill material into waters of the U.S. (the Columbia River, adjacent wetlands, and jurisdictional ditches), all of which require authorization by DA permit. Based on preliminary project plans, a substantial amount of wetlands that are scattered in a mosaic across the site would be impacted by the proposed MBTL facility. In the Columbia River, 5.4 acres of overwater structure, 48 acres of dredging, and an undetermined acreage for dredged material disposal would occur in waters of the U.S.

d. *The extent of cumulative Federal control and responsibility:* The Corps, through its Seattle District, has authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 to regulate the construction of the proposed MBTL project, including maintenance dredging. The Corps, through its Portland District, has authority and responsibility to maintain the Federal navigation channel in the Columbia River and to specify the locations of dredged material disposal sites in the river. No other Federal agency has control or responsibility over any other aspect of the proposed shipping terminal project itself. The purpose of the MBTL project is to construct and operate a shipping facility; the current commodity identified for export by the applicant is coal.

When considered in accordance with applicable laws and regulations, many of the activities of concern to the public, such as rail traffic, coal mining, shipping coal overseas, and the burning of exported coal in other countries, are outside the Corps' control and responsibility. While other Federal agencies may have regulatory control over certain aspects of a commodity's extraction or production, those activities are already occurring and would continue to occur independent of the proposed project under review by the Corps. Similarly, while there is general Federal oversight of existing rail lines and rail traffic, neither the STB nor the FRA have a licensing role or are funding any aspect of the proposed project.¹ Federal oversight of existing rail lines is limited to FRA authority over rail safety. Federal oversight of vessel traffic associated with this project is limited to U.S. Coast Guard authority over vessel traffic and safety in territorial waters of the U.S. Vessel traffic from ships using the proposed facility would occur along ship routes in U.S. waters that are already well established. Use of these routes would continue independent of the project under review by the Corps. Based on the information available at this time, this project is not dependent upon or subject to "federal control and responsibility" by the EPA, U.S. Coast Guard, FRA, or STB, in that these federal agencies do not have an independent obligation to issue their own NEPA decision document(s) for this project. See definition of "major federal action" at 40 CFR 1508.18.

¹ If transportation of coal requires new rail lines, the Surface Transportation Board (STB) would be responsible for approving the new rail lines that might be needed to move coal to its ultimate destination. For example, the STB recently issued a Notice of Availability for the Final Scope of Study for an EIS for proposed construction of an 83-mile-long rail line in Montana. 78 Fed. Reg. 17752 (March 22, 2013). The Corps, Omaha District, is a cooperating agency in this EIS in order to assess potential impacts to waters of the U.S. The purpose of the proposed rail line is to transport coal from the Powder River Basin to utilities in Montana and the Midwest. The Federal Register notice also states that the coal could be transported to export markets in Asia or Europe or through ports on the Atlantic Coast, Pacific Coast, or Gulf Coast, or through the Great Lakes. *Id.* at 17753. In the Notice, the STB states it will use "modeling and other available information to project economically reasonable and feasible transportation movements" in order to inform the public and "take the requisite hard look at the environmental effects....". *Id.* at 17756. This new proposed rail line is not, however, interrelated, dependent upon, or contingent upon approval of the MBTL project.

Determination of the Scope of Analysis for the Draft EIS: Any one of the four factors considered above could support a determination by the Corps to expand its scope of analysis beyond the area directly subject to Corps jurisdiction. In the analysis above, Factor “a” is not applicable because the proposed project is not a “link” in a corridor-type project. Consideration of Factors “b” and “c” each indicate that the environmental consequences of upland elements of the project may be considered products of the Corps’ permit action and they support expanding the scope of analysis beyond the area directly subject to Corps jurisdiction. Factor “d” does not support extending the Corps’ scope of analysis because the proposed project is not subject to other Federal control and responsibility outside of the Corps’ jurisdiction.

Based on the analysis above, the scope of analysis includes the entire MBTL project area and any off-site area that might be used for compensatory mitigation. The project area consists of the 190-acre lease area; the areas of the Columbia River that would be directly affected by overwater structures, dredging, and dredged material disposal; and any other area in or adjacent to the Columbia River that would be affected by, and be integral to, the proposed project (Figure 2).

5. PUBLIC PARTICIPATION, AGENCY CONSULTATION, AND GOVERNMENT-TO-GOVERNMENT CONSULTATION: Public participation in the scoping process, as required by 40 CFR § 1501.7, is a necessary step to determine the direct, indirect, and cumulative impacts to be analyzed in the EIS. As part of the environmental review process to date, the Corps, in cooperation with the other co-lead agencies, conducted a broad outreach effort to inform the public, Tribes, and government agencies about the proposed action and to facilitate participation in the NEPA process. The co-lead agencies have completed a public scoping process to obtain information and recommendations on the scope of the EIS. The scoping comment period ran from 16 August 2013 to 18 November 2013 and included five public meetings. More than 3,900 people participated in the public scoping meetings and over 215,000 comments were received during the scoping period, including comments from Federal, State, and local government agencies, Tribes, and non-governmental organizations.

The Corps has consulted, and will continue to consult, Federal, State, and local agencies, Tribes, affected communities and all interested parties to gather information about the proposal. As part of that process, the Corps has invited federally recognized Tribes to participate in government-to-government consultation to discuss and consider the views of the Tribes regarding the proposed action and alternatives.

6. SUMMARY OF SCOPING COMMENTS: The document, *Scoping Report, Millennium Bulk Terminals–Longview*, dated February 2014 and prepared by ICF International, summarizes the comments collected during the scoping period. The report is available at <http://www.millenniumbulkeiswa.gov>. Commenters requested the EIS include an analysis of the project’s potential impacts to water resources; wetlands; geology and soils; terrestrial wildlife and vegetation; aquatic species and habitats; water quality; climate change/greenhouse gases; transportation, including rail traffic, vessel traffic and navigation; land use; shorelines; recreation; agriculture; human health; cultural, historical, and archaeological resources; Tribal treaty rights; economics; and energy policy. Commenters also requested evaluation of a wide variety of impacts related to train traffic, including noise, vibration, dust, and public safety. Additionally, many commenters requested the EIS evaluate impacts associated with the mining and burning of coal shipped through this terminal and that an “area wide” EIS be prepared to evaluate the cumulative impacts of all proposed Northwest export facilities that would include coal as a commodity. Scoping comments may be viewed at the above-listed website. The Corps has reviewed and considered the received scoping comments and the recommendations they contain in making the determinations that follow below.

7. EXTENT OF DIRECT, INDIRECT, AND CUMULATIVE IMPACT EVALUATIONS FOR THE EIS: Based on the above-stated scope of analysis and public input during the scoping period, the following is a preliminary assessment of the extent of impact evaluation to be discussed in the EIS.

Proposed Action: The EIS will address activities associated with the construction and operation of the proposed MBTL shipping terminal.

Impact Categories: The EIS will analyze potential direct, indirect, and cumulative impacts of the proposed action for each of the elements of the natural and human environment listed below.

Set forth in this section are the extents of impact evaluation to be considered in the NEPA EIS. The extents of evaluation for direct, indirect, and cumulative impacts provided in this document indicate the Seattle District Engineer's current assessment of available information. While the Corps' scope of analysis is now established, the extents of impact evaluation are subject to modification during the remainder of the NEPA EIS preparation process.

The determinations for the extent of direct, indirect, and cumulative impacts² are based on the Corps' scope of analysis, project information, information from scoping comments, experience from consultations with local, State, and Federal agencies for past Corps actions, and the Corps' expertise in evaluating environmental impacts. Determinations of the extent of evaluation for direct impacts are based on factors discussed in Section 4, above. Determinations for indirect and cumulative impacts are based on whether a close causal relationship exists between the Corps' permitting activity and the potential effects, employing a "rule of reason" and assessing whether this type of information would be relevant to the Corps' decision-maker. At this point, the geographic extent for some indirect and cumulative impacts cannot be stated precisely. In these cases, the extent has been stated using such terms as "immediate vicinity". Further refinement of the extent of impact evaluation for these items will be made once potential impacts have been further evaluated during preparation of the DEIS and FEIS.

The Corps has determined the extent of impact evaluation for each of the following NEPA elements of the environment:

a. **Water Resources.** The EIS will describe the existing surface water and groundwater resources in the project area, including streams, ponds, wetlands, and floodplains, and analyze the potential impacts of the proposed project on these resources.

(1) **Wetlands.** For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts the extent of the impact evaluation will be the project area and immediate vicinity. The evaluation area is based on the potential of the project to impact wetlands in the project area and off-site wetlands physically or hydrologically connected to those in the project area.

(2) **Water Quality.** For direct impacts, the extent of impact evaluation will be the project area and the mixing zone in the Columbia River within 300 feet of the project area to evaluate the effects of suspended sediment and turbidity on water quality during construction and dredging activities. The evaluation area will also include each in-river dredged material disposal site including an area extending

² Direct effects are those which are caused by the action and occur at the same time and place. Indirect effects are those which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable (40 CFR Sec. 1508.8). Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR Sec. 1508.7).

Scope of Analysis and Extent of Impact Evaluation for MBTL NEPA EIS

300 feet downstream of each site to evaluate the impact of sediment disposal on water quality. For indirect and cumulative impacts, the extent of impact evaluation will be the project area, Consolidated Diking and Improvement District No. 1 (CDID No.1) stormwater system drainage ditches adjacent to the site, and the Columbia River downstream one mile from the project area and each dredged material disposal site. Indirect and cumulative impact evaluation extents are based on the the project's potential to affect water quality in waterbodies downstream of the project area.

(3) Surface Water (streams). Natural channels on the MBTL site were replaced years ago by a network of man-made ditches draining the site into the CDID No.1 system. A CDID No.1 pump station pumps stormwater from Ditch 14, located along the west boundary of the MBTL site, directly into the Columbia River at the downstream end of the site. For direct impacts, the extent of impact evaluation will be the Columbia River and stormwater drainage ditches within the project area. For indirect and cumulative impacts, the extent will be the CDID No.1 stormwater system drainage ditches adjacent to the MBTL site and the Columbia River downstream one mile from the project area. Indirect and cumulative impact extents are based on the potential of the proposed project to affect flow regimes downstream of the project area.

(4) Floodplains. The shipping terminal project site lies in the 500-year floodplain of the Columbia River. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of impact evaluation will be the project area and the surrounding 500-year floodplain on the north side of the Columbia River in the vicinity of the project area. Indirect and cumulative impacts are based on the potential of the proposed project to affect floodplain functions and values.

(5) Groundwater. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts the extent of impact evaluation will be the 2,200-acre City of Longview–Frontal Columbia River hydrologic unit (HUC-12: 170800030402). Indirect and cumulative impact extents consider the potential of the proposed project to affect groundwater quality, quantity, movement, and support of downstream waterbodies.

b. Biological Resources. The EIS will describe the biological resources of the project area and its immediate vicinity, including vegetative communities, wildlife, fisheries, aquatic reserves, and federally listed threatened or endangered species (including candidate species), and analyze the potential impact of the proposed project on these resources.

(1) Fish and Aquatic Habitat. For direct impacts, the extent of impact evaluation will be the project area (including dredged material disposal sites) plus the Columbia River within 3,000 feet of the construction zone (extent based on construction noise impacts). For indirect and cumulative impacts, the extent of impact evaluation will be the project area plus an area extending 300 feet (e.g., for suspended sediment, turbidity) from the dredging area and each dredged material disposal site. Indirect and cumulative impact extents are based on the proposed project's potential to affect aquatic species and habitat functions.

(2) Wildlife and Wildlife Habitat. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of impact evaluation will be the project area and those lands in the vicinity of the project where project-related disturbances to wildlife and wildlife habitat could occur. Indirect and cumulative impacts are based on the potential of the proposed project to affect wildlife species and habitat functions, including disruption of wildlife movements along travel corridors.

Scope of Analysis and Extent of Impact Evaluation for MBTL NEPA EIS

(3) **Terrestrial Vegetation Communities.** Forestland is the only substantive vegetation community in the project area. All other on-site vegetation communities have been highly altered or eliminated by prior industrial development. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of impact evaluation will be the project area and adjacent, contiguous forestland and other intact vegetation communities. Indirect and cumulative impact extents are based on the proposed project's potential to affect continuity and function of nearby vegetation communities.

(4) **Federal Threatened or Endangered Species.** For direct impacts, the extent of impact evaluation will be the project area (including dredged material disposal sites) and, in the Columbia River, within 3,000 feet of the construction zone (extent based on construction noise impacts). For indirect and cumulative impacts, the extent of impact evaluation will include the area identified above for direct impacts plus an area extending 300 feet downstream of each dredged material disposal site plus the area necessary to evaluate project-related disturbances on Columbian white tailed deer.

c. **Geologic Processes.** The EIS will describe the geologic resources within the project area, including soils, physical processes (e.g., erosion), and geologically sensitive areas (e.g., unstable slopes), and analyze the potential impacts of the proposed project to these resources.

(1) **Soils and Geology (geomorphology).** For direct impacts, the extent of impact evaluation will be project area. For indirect and cumulative impacts, the extent of impact evaluation will include the project area and land in the immediate vicinity of the project area.

(2) **Riverine and Shorelines (Columbia River shoreline).** For direct impacts, the extent of impact will be the shoreline and nearshore portions of the project area. For indirect and cumulative impacts, the extent of impact evaluation will be the shoreline and nearshore areas of the north side of the Columbia River in the project area and in nearby areas where there is a potential for project-related effects to the Columbia River shoreline. Indirect and cumulative impacts extents are based on the potential of the proposed project to disrupt sediment transport, shoreline stability, and riparian habitat.

(3) **Geologically Unstable Areas.** For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of impact evaluation will include the immediate vicinity of the project site north of the Columbia River.

d. **Air Quality.** The EIS will describe air quality in the project area and analyze the potential impact of the proposed project on air quality. For direct impacts, the extent of impact evaluation will be a five-mile radius around the project area. For indirect and cumulative impacts, the extent of impact evaluation will be 20-mile radius around the project area. This extent could be reduced after analyzing prevailing wind patterns and the nature of potential airborne emissions and contaminants.

e. **Aesthetics.** The EIS will describe the existing conditions in the vicinity of the project area, including ambient noise, sources of noise and light, and viewshed, and analyze the potential impacts of the proposed project on aesthetics.

(1) **Noise.** For direct, indirect, and cumulative impacts, the extent of impact evaluation will be the project area and within one mile of the project area. The extent of evaluation is based on the likely distance noise would be transmitted from the project area.

Scope of Analysis and Extent of Impact Evaluation for MBTL NEPA EIS

(2) Visual Impacts, Light, and Glare. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of evaluation will be the project area and surrounding areas, including the south side of the Columbia River, where the proposed project would be visible.

(3) Viewshed. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of evaluation will be the project area and surrounding areas, including the south side of the Columbia River, where the proposed project would be visible.

f. Land Use. The EIS will describe existing land uses within the project vicinity, including types of use and land use planning and policies, and analyze the potential impacts of the project on land use.

(1) Land Uses, Land Use Plans, and Growth Management. The project area is zoned “heavy industrial” by Cowlitz County. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent will be the Longview-Kelso urban area and unincorporated areas of Cowlitz County in the vicinity of the project area.

(2) Agricultural and Farmlands. The project area is not an agricultural area and there are no adjacent farms. For direct impacts, the extent of impact evaluation will be the project site. For indirect and cumulative impacts, the extent will be the project area.

(3) Recreation. Recreation in the project area, which is already a developed industrial site, is generally limited to fishing in the Columbia River and possibly other in-river recreation such as kayaking. Common public access points to this area for boats and kayaks include the Willow Grove boat launch (five miles downstream of the project area) and the Gerhart Gardens boat launch located in the Cowlitz River two miles upstream of its confluence with the Columbia River and seven miles upstream of the project area. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of impact evaluation will be the project area.

g. Transportation. The EIS will describe existing transportation infrastructure in the vicinity of the project area, including roads, railroad facilities, and Columbia River shipping lanes, and analyze the potential impact of the proposed project on transportation.

(1) Vehicular Traffic. For direct impacts, the extent of impact evaluation will be the project site. For indirect and cumulative impacts, the extent will be arterials and secondary roads in the vicinity of the Longview industrial area along the Columbia River between the project area and Interstate 5. Indirect and cumulative impact extents are based on the potential of project-related traffic to affect local traffic patterns and volumes in the Longview industrial area.

(2) Rail Traffic. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent will be the project area and the rail corridor of the Longview industrial area. The basis for the extent of indirect and cumulative effects is the potential of project-related rail traffic to affect rail traffic patterns and volumes in the Longview industrial area.

(3) Vessel Traffic and Navigation. For direct impacts, the extent of impact evaluation will be the portion of the project area in the Columbia River. Commercial vessels sailing the Columbia River to and from the MBTL terminal would be required to operate within the U.S. Coast Guard’s designated vessel traffic lanes. In the vicinity of the MBTL terminal, ocean-going vessels would maneuver in the berthing area between the navigation channel and the MBTL piers. For indirect and cumulative impacts, the

Scope of Analysis and Extent of Impact Evaluation for MBTL NEPA EIS

extent will be a one-mile radius area around the proposed piers (based on docking and departing vessel maneuvers and moorage) and the Lower Columbia River. The basis for the extent of indirect and cumulative effects is the relative increase in volume of Lower Columbia River vessel traffic that would result from the proposed project.

h. Cultural and Historic Resources. The EIS will identify historic buildings, structures, sites, objects, or districts listed, or eligible for listing, on the National Register of Historic Places (NRHP) and Native American cultural sites and resources within the Area of Potential Effect (APE) as identified through the National Historic Preservation Act Section 106 consultation process. The EIS will also analyze the potential impacts of constructing and operating the proposed project on archeological, historic, and cultural resources. For direct, indirect and cumulative impacts to cultural, historical, archaeological, and tribal resources, the extent of impact evaluation will be the project area APE.

i. Human Environment (per 40 CFR 1508.14). The EIS will analyze the socioeconomic effects of the proposed action, including effects on employment and tax revenues, demand on public services and utilities, and impacts to local businesses.

(1) Employment. For direct effects, the extent of impact evaluation will be the cities of Kelso and Longview. For indirect and cumulative impacts, the extent of evaluation will be Cowlitz County.

(2) Local Tax Base. For direct effects, the extent of impact evaluation will be the cities of Kelso and Longview. For indirect and cumulative impacts, the extent of evaluation will be Cowlitz County.

(3) Public Services. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of evaluation will be the industrial area along the Columbia River (including the project area) and adjacent areas in the city of Longview.

(4) Public Utilities. For direct impacts, the extent of impact evaluation will be the project site. For indirect and cumulative impacts, the extent of evaluation will be the Longview-Kelso urban area.

(5) Public Risk, Health, and Safety. For direct impacts, the extent of impact evaluation will be the project area. For indirect and cumulative impacts, the extent of evaluation will be the Longview-Kelso urban area.

(6) Environmental Justice. For direct impacts, the extent of impact evaluation will be populations and communities in the Longview-Kelso urban area. For indirect and cumulative impacts, the extent of impact evaluation will be Cowlitz County.

j. Tribal Treaty Rights and Trust Responsibility. The EIS will identify the federally recognized Tribes with interests in the project vicinity and analyze the potential impacts of constructing and operating the proposed project on treaty rights. These interests, which may include fishing rights, are not limited to accessing usual and accustomed stations and/or places. Consistent with the Federal government's trust responsibility, potential impacts to Tribes will be identified, in part, by consulting with affected Tribes. The extent of impact evaluation for impacts to treaty rights will be determined by the Corps after consulting with affected Tribes.

8. COMPLIANCE WITH OTHER FEDERAL LAWS AND RESPONSIBILITIES

The EIS will also address compliance with the following Federal laws:

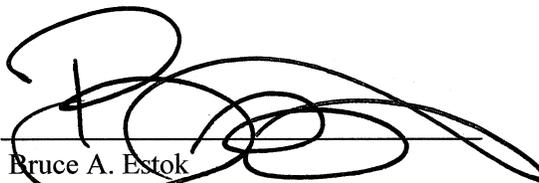
- a. Tribal Treaty and Trust Responsibilities – Government-to-Government consultations with affected tribes.
- b. Endangered Species Act – Formal consultation under Section 7 of the Act.
- c. Magnuson Stevens Fishery Conservation and Management Act – EFH consultation with the National Marine Fisheries Service.
- d. Marine Mammal Protection Act – Consultation with the National Marine Fisheries Service.
- e. Section 106 of the National Historic Preservation Act – Consultations with the Washington State Historic Preservation Officer and applicable Tribes.
- f. Coastal Zone Management Act – The State of Washington will review this work for consistency with the Washington Coastal Zone Management Program.
- g. Section 401 of the Clean Water Act – The State of Washington will review this work for compliance with applicable State and Federal water quality standards.
- h. Clean Air Act – The Corps will evaluate the proposed actions for conformity with regulations implementing Section 176(c) of the Clean Air Act.

9. ADDITIONAL IMPACT ANALYSES.

In addition to the analyses contained in the EIS, the Corps will analyze the proposal's potential direct, indirect, and cumulative impacts as part of the Department of the Army permit process. These analyses will include a public interest determination (see 33 CFR 320.4(a)(1)), Clean Water Act Section 404(b)(1) Guidelines compliance determination (see 40 CFR 230), and evaluation of comments received in response to the public notice describing the proposed project. The results of these analyses will be documented in the Corps' Record of Decision.

14 Feb 2014

Date



Bruce A. Estok
Colonel, Corps of Engineers
District Engineer

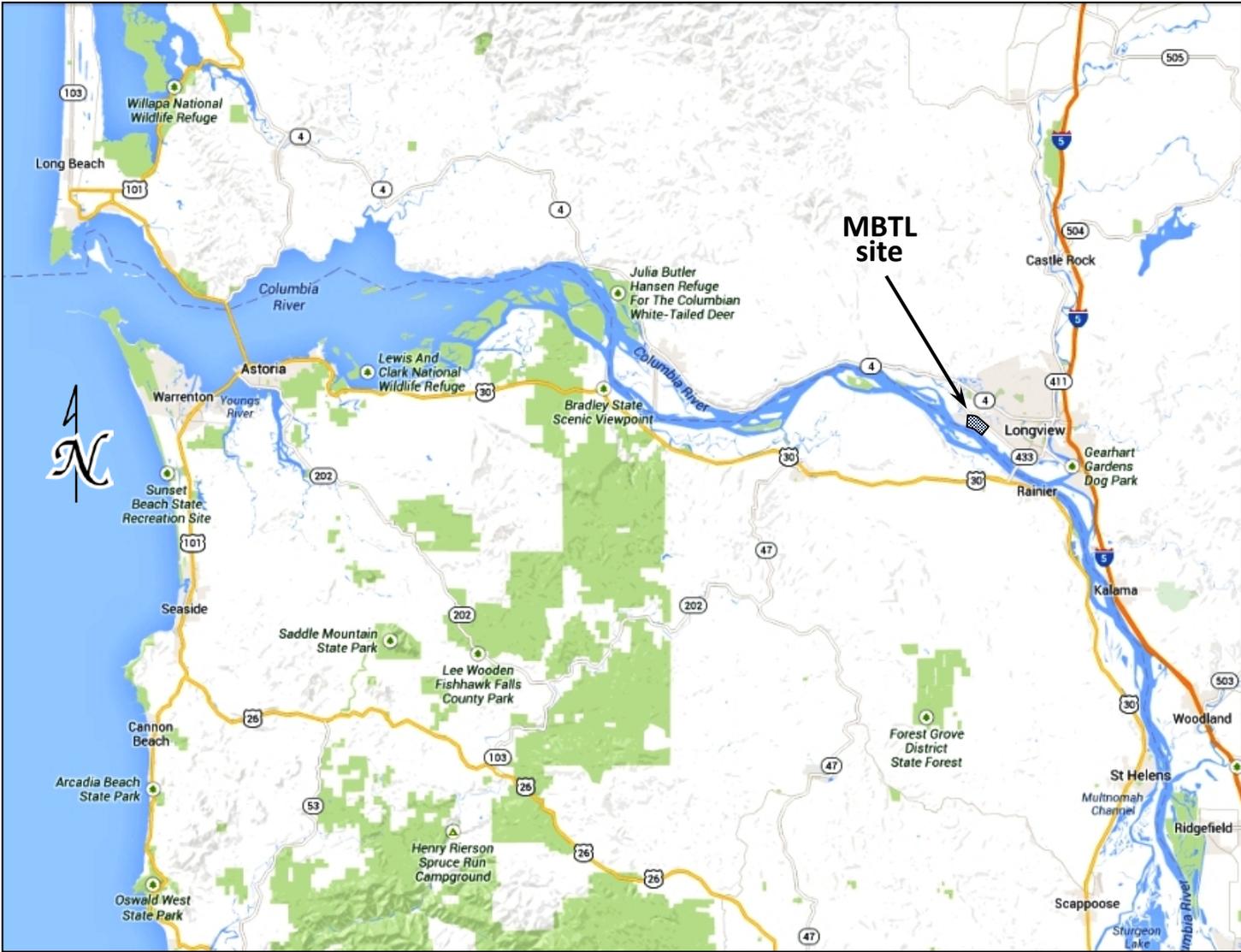


Figure 1. Millennium Bulk Terminals–Longview, LLC (MBTL) vicinity map.



Figure 2. Millennium Bulk Terminals–Longview, LLC (MBTL) project area map.