

States cite climate worries in push to stop coal sales

Washington is among the states

By **MATTHEW BROWN**
Associated Press

BILLINGS, Mont. — Four states that say burning coal will hurt their residents as it makes climate change worse are trying to stop the Trump administration from selling vast reserves of the fuel that are beneath public lands.

Attorneys for California, New Mexico, New York and Washington argue the coal sales have been shortchanging taxpayers because of low royalty rates and cause pollution that puts the climate and public health at risk.

The states were joined by conservation groups and Montana's Northern Cheyenne tribe in a lawsuit that seeks to revive a coal leasing moratorium imposed under President Barack Obama. The moratorium blocked new lease sales from federal lands that hold billions of tons of the fuel.

U.S. District Judge Brian Morris is presiding over a hearing today on whether the moratorium should be reinstated.

The Trump administration said in court filings that ending the moratorium last year was of critical importance to the economy. That claim comes despite the slow pace of lease sales in recent years and a precipitous drop in demand for the heavily polluting fuel.

U.S. lands in Western states including Wyoming, Montana, Utah and Colorado



Rail cars are filled with coal and sprayed with a topper agent to suppress dust at Cloud Peak Energy's Antelope Mine north of Douglas, Wyo., in 2014.

Ryan Dorgan/The Casper Star-Tribune

are a major source of coal for mining companies. There are 7.4 billion tons of the fuel in roughly 300 leases administered by the Bureau of Land Management.

Morris, who was appointed by Obama, recently ruled in a separate case that the administration must consider reducing coal mining in the Powder River Basin of Wyoming and Montana to help combat climate change.

The judge has played the role of spoiler to Trump on another Obama administration policy reversal — the contentious Keystone XL oil sands pipeline from Canada. Trump approved the pipeline last year, but Morris blocked it temporarily in March. The judge said further environ-

mental reviews were needed for the line to comply with federal laws.

Some of those same laws are at the center of the coal moratorium dispute.

Sweeping review

The states and their allies want to push to stop further leasing and resume a sweeping review of the program's environmental effects. Government attorneys and the National Mining Association say the review started under Obama was a voluntary step and the Trump administration is within its rights to end it.

"We view this as a legal issue and believe this is an open-and-shut case," said Conor Bernstein with the mining association, which

has intervened in the case.

Growing concerns over climate change have put a spotlight on the once-obscure coal leasing program, which has gone largely unchanged and not been through a major environmental review since 1979.

Companies have mined about 4 billion tons of coal from federal reserves in the past decade, contributing \$10 billion to federal and state coffers through royalties and other payments.

The Obama administration blocked the sale of new leases in 2016 out of concerns over climate-changing greenhouse gases from burning coal and to review royalty rates paid by mining companies for federal coal.

Interior Secretary Ryan

Zinke withdrew the moratorium in March 2017. He said the Obama administration's environmental review would cost "many millions of dollars," and improvements to the program could be made without prolonged study.

California Attorney General Xavier Becerra said Zinke's actions fly in the face of a government report released last month that predicted dire consequences from climate change for the U.S. economy.

"He ignored the law in opening the door to expanded coal leasing without taking a hard look at the environmental consequences," Becerra said in a statement.

Shortchanging taxpayers

Federal officials and

members of Congress have said for years that royalty rates were shortchanging taxpayers. Under Obama, officials began considering raising rates, but it was not done.

After the Trump administration ended the moratorium, Zinke appointed a committee to review royalty rates. Critics contend he has stacked the panel with industry-friendly representatives interested in maintaining the status quo.

Since January 2017, the government has sold leases for 134 million tons of coal on more than 13,000 acres of public land in six states, according to figures provided by the Interior Department.

That's a relatively small amount compared with previous years, for example 2011 and 2012, when more than 2 billion tons were sold in Wyoming alone.

Despite the slowdown in sales, the outcome of the court case could be pivotal to the industry's long-term outlook and determine if it has access to a cheap and readily available supply of coal. For environmentalists, it's a question of making sure that coal is never burned to prevent carbon dioxide emissions tied to climate change.

"The idea that they lease millions of acres of public lands every year to private companies so that they can extract the coal and we've never once studied the climate impacts, that should bother people," Sierra Club attorney Nathaniel Shoaff said.

Legislature to weigh statewide tax on plastic bags, straw ban

Associated Press

SALEM — The Legislature will consider a statewide tax on plastic bags and a ban on plastic straws.

The Statesman Journal reported a Senate committee voted to introduce both legislative concepts, or preliminary bills, during an informational hearing Wednesday.

Both bills would help reduce plastic waste that ends up in landfills and the environment.

"From our perspective, nothing we use for 10 minutes should pollute the environment for hundreds of years," said Celeste Meiffren-Swango, state director of Environment Oregon.

One would impose a 5 cent per bag tax on single-use plastic bags used by retail stores selling food or alcohol, and require the establishments to provide paper checkout bags.

The tax wouldn't apply to meat and vegetable bags, or other noncheckout bags. And customers who use

vouchers and state benefit cards would be exempt.

Money collected would go to the Oregon Department of Environmental Quality for a new Plastic Cleanup and Recycling Fund.

Fourteen Oregon cities have banned single-use plastic bags.

The Legislature previously considered banning plastic bags in 2010, 2011 and 2012. All three bills died in committee.

This is the first time a tax, rather than a ban, has been proposed. Because the bill would raise revenue, it would require a three-fifths majority approval.

Another measure would prohibit restaurants from providing single-use plastic straws to customers unless they request a straw.

The proposal specifically exempts straws made from sugar cane, pasta and some other natural ingredients.

Violators could be fined up to \$25 per day, with a cap of \$300 per year.

Federal judge dismisses more Millennium claims

Latest in a series of setbacks

By **KATIE FAIRBANKS**
The Daily News

LONGVIEW, Wash. — In a potentially fatal blow to the Longview coal project, a federal judge Tuesday upheld the state of Washington's denial of a key water quality permit for the \$680 million export dock.

Judge Robert Bryan of U.S. District Court in Tacoma dismissed claims by Lighthouse Resources and BNSF Railway that the permit denial pre-empted

the Interstate Commerce Commission Termination Act and the Ports and Waterways Safety Act.

Bryan found the companies failed to prove that the federal acts should have barred the state Department of Ecology from denying the water permit.

Millennium began the permitting process for the coal terminal in 2012. The state denied its application for a water quality certificate in September 2017, pointing to "significant unavoidable adverse impacts" outlined in the final environmental impact assessment for the project. The state also

said it didn't have reasonable assurance that the terminal would meet applicable water quality standards.

Lighthouse Resources sued Gov. Jay Inslee's administration over the decision in January. Six coal-producing states — Montana, Wyoming, South Dakota, Utah, Kansas and Nebraska — intervened in the suit on behalf

of Lighthouse and the railroad, alleging that Washington was blocking interstate commerce by blocking the project.

Six other states — California, Maryland, New Jersey, New York, Massachusetts and Oregon — entered the suit on behalf of the state Department of Ecology, saying the state has a right to regulate its environment.

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