

1 In Re: Tesoro Savage Vancouver
2 Energy Distribution Terminal
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5 EFSEC PUBLIC INFORMATIONAL MEETING
6 Center Place Regional Event Center
7 2426 North Discovery Place
8 Spokane Valley, Washington
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11
12 December 11, 2013

13 6:00 p.m.
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21 Reported by:

22 Bonnie L. Martinelli, RPR, CSR
23 Court Reporter
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COUNCIL PANEL

CHAIR:

Bill Lynch

MEMBERS:

Andrew Hayes - Department of Natural Resources

Cullen Stephenson - Department of Ecology

Christina Martinez - Department of Transportation

Dennis Moss - Utilities & Transportation Commission

Jeff Swanson - Clark County

Joe Stohr - Department of Fish & Wildlife

Larry Paulson - Port of Vancouver

Liz Green-Taylor - Department of Commerce

ADMINISTRATIVE LAW JUDGE:

Honorable Adam Torem

1 SPOKANE VALLEY, WASHINGTON; WEDNESDAY, DECEMBER 11, 2013

2 6:01 P.M.

3 * * *

4 THE CHAIR: Good evening. Let's go ahead and get
5 started. Welcome to the meeting of the Washington State
6 Energy Facility Site Evaluation Council. This is the second
7 SEPA public scoping meeting that we have on the proposed
8 Tesoro Savage Vancouver Energy Distribution Terminal located
9 in Vancouver, Washington. And what I'm going -- I'm Bill
10 Lynch. I'm the current Chair of the Energy Facility Site
11 Evaluation Council. And I'd like to just go ahead, starting
12 on my far right, I just want to introduce all the council
13 members who we have here today.

14 On the very far right, Andrew Hayes, who
15 represents the Department of Natural Resources. Next to him
16 is Cullen Stephenson of the Department of Ecology. Next is
17 Christina Martinez from the Department of Transportation.
18 On my immediate right is Dennis Moss, council member for the
19 Utilities & Transportation Commission. On my immediate left
20 is Judge Adam Torem, who is the presiding judge who is
21 assigned to this particular hearing.

22 After we get through these initial introductory
23 remarks and staff presentation, Judge Torem will be
24 presiding over the public testimony this even evening and
25 give you some short ground rules prior to taking the

1 testimony.

2 From Clark county, we have Jeff Swanson, and then
3 next to him, council member Joe Stohr representing the State
4 Department Fish & Wildlife. And then next to him is Larry
5 Paulson, representing the Port of Vancouver. And then on
6 the far left is Liz Green-Taylor representing the Department
7 of Commerce.

8 So we have some staff people from EFSEC here with
9 us this evening. They're the people with the badges. So
10 make sure that, if you want to get in any written comments
11 or have questions, you can certainly see them.

12 At the left is Stephen Posner and Sonia Bumpus.
13 And then at the -- manning the tables as you came in was
14 Tammy Talburt and Kali Wraspir.

15 So those are the EFSEC staff with us here
16 tonight. And one thing I wanted to make a special note of
17 is that all scoping -- you can still send in written
18 comments to the EFSEC staff, but all written comments must
19 be postmarked by December 18th.

20 So there's still a little bit of time, but make
21 sure that if there are any written comments you have the
22 council to consider postmarked by December 18th.

23 At this point in time, I'd like to turn it over
24 to our staff coordinator, Stephen Posner, to give an
25 overview of the project.

1 MR. POSNER: Thank you, Chair Lynch. And what
2 I'd like to do is -- we have just a short PowerPoint
3 presentation, just a couple of slides describing EFSEC,
4 Energy Facility Site Evaluation Council, who we are, what we
5 do, and then a little bit about the SEPA process, which is
6 the main purpose of the meeting tonight to receive SEPA
7 scoping public comments from the public.

8 So, to get started, EFSEC was formed in 1970, and
9 it's considered a one-stop permitting agency. EFSEC gives
10 all the permits for certain types of energy facilities if
11 they meet the threshold levels, and it consists of state
12 agency representatives, local government members, and a
13 chair person appointed by the governor. EFSEC makes a
14 recommendation to the Governor. The Governor ultimately
15 makes the decision on whether or not to approve the project.

16 The final decision concerning the project
17 preempts all other state and local government decisions for
18 oversight for a particular project that EFSEC regulates.
19 EFSEC is responsible for reviewing specific site proposals.
20 These bullets that are on this slide are specifically from
21 our statute, talks about recognizing the pressing need for
22 increased energy facilities, providing abundant energy at
23 reasonable cost, balancing demands, and producing minimal
24 adverse effects on the environment.

25 The members of EFSEC are made up of the Chair,

1 Department of Ecology, members that were introduced here.
2 You can see on the slide that those particular agencies are
3 listed there. We also have representatives from local
4 government, from the City of Vancouver, Clark County, and
5 the Port of Vancouver, as well as an optional state agency,
6 Department of Transportation's represented as well.

7 Certain types of power plants, energy facilities,
8 alternative energy facilities such as wind and solar of any
9 size may opt in to EFSEC jurisdiction. They're not required
10 to be regulated by EFSEC. It's an opt-in process.

11 Non-hydrothermal power plants greater than 350 megawatts,
12 certain types of transmission lines, depending on the size,
13 may also opt in; pipelines, depending on the dimensions of
14 the pipelines; and then also refineries and storage
15 facilities, depending on their capacity, which brings us
16 basically to the facility that we're here to discuss this
17 evening, the Tesoro Savage Energy Distribution Facility.

18 And there is a section of our statute, our law, which
19 addresses this type of facility, and it is based on the
20 capacity to receive of the facility. This particular
21 facility does meet the threshold capacity to receive of
22 greater than 50,000 barrels per day.

23 This is just a map showing the general location
24 of the site at the Port of Vancouver. Here's an aerial
25 view. And then facility overview -- as I said earlier, this

1 proposed facility is proposed to be located at the Port of
2 Vancouver. It will result in some construction on-site of
3 two 7500-foot loop tracks. It's designed to receive and
4 unload two to four unit trains per day. It's 120,000 to
5 360,000 barrels per day.

6 The oil will be staged in storage tanks. It will
7 then be loaded onto double-walled vessels for transportation
8 to U.S. refineries on the west coast.

9 So part of our review process requires us to do a
10 SEPA analysis. And SEPA is the State Environmental Policy
11 Act. It's modeled after the National Environmental Policy
12 Act, which establishes environmental policy and agency
13 responsibilities to protect the environment.

14 The key aspects of SEPA, informs agencies and
15 decision makers of potentially significant impacts. It may
16 be used to address regulatory gaps, and ideally it's an
17 opportunity to review the impacts early in the review
18 process for the facility.

19 So what is scoping? And that's what we're here
20 for tonight. We're in the scoping phase of SEPA. We are in
21 the process of determining what the environmental impact
22 statement -- what issues the environmental impact statement
23 should address. And part of that process involves public,
24 all of you, giving you the opportunity to express to the
25 council what your concerns are specifically related to the

1 environment and what things you believe the Environmental
2 Impact Statement should address.

3 We're here to invite the public agency and tribal
4 comments. And some of the things that we're looking for are
5 potential alternatives using reasonable mitigation measures
6 which may be addressed to address environmental impacts, and
7 then also specific studies, surveys, and methodology for
8 analysis.

9 We have made a Determination of Significance,
10 which essentially, at that point, requires the -- that
11 Environmental Impact Statement be prepared. We have issued
12 a SEPA scoping notice, and the notice indicated the dates
13 and times for public meetings. This is our second public
14 meeting. The Determination of Significance included
15 description of the project and the elements of the
16 environment likely to be impacted.

17 Scoping comments. What's most helpful for us as
18 the lead agency is, when we receive scoping comments, if
19 they're as focused as possible on issues or concerns that
20 the public has that should be considered in the EIS, such as
21 mitigation measures that may reduce or eliminate adverse
22 impacts, alternatives to the proposal might be considered,
23 and methods of analysis that should also be used.

24 Commenting allows you to identify, clarify, and
25 resolve concerns. It also allows us to achieve more

1 environmentally sound proposals, and it creates a written
2 record. Other comment periods vary. We actually have a
3 75-day public comment period. Often you'll see, depending
4 upon the type of project, anywhere from 30 to 60 days. We
5 originally had public comment period from -- started
6 October 3rd through November 18th. We extended that by 30
7 days. The public comment period is set to close on
8 December 18th.

9 After scoping, the lead agency, EFSEC, will
10 review the comments. We will prepare a scoping report which
11 will summarize what we heard and what -- you know, what
12 issues we heard from the public. And then the lead agency,
13 with that information, bases its decisions concerning the
14 scope of the draft Environmental Impact Statement.

15 Just to summarize, SEPA applies to all Washington
16 state and local public agencies. It's an opportunity to
17 address environmental concerns and informs agencies and
18 decision makers. The process of Determination of
19 Significance, scoping, focus of environmental review. Where
20 we're at now in the process, we're inviting public comments.
21 When we complete scoping, we'll move into the DEIS stage.
22 There will be another opportunity for the public to provide
23 comments.

24 And then, at some point, the final Environmental
25 Impact Statement will be issued, which will inform the

1 council as they go through the information on this project,
2 which also will include information gathered during the
3 administrative proceedings in making a recommendation to the
4 Governor.

5 So the environment -- the SEPA process is
6 considered along with the adjudicated process, which also
7 takes place in analyzing this proposal. That information is
8 all considered by the council when it makes its
9 recommendation to the Governor.

10 This is our website. We have lots of information
11 on our website about our process and also has staff
12 contacts. So I encourage you to check out our website,
13 contact us if you have any other questions. That concludes
14 my presentation.

15 JUDGE TOREM: All right. Thank you very much,
16 Mr. Posner.

17 Again, my name is Adam Torem. I'm the
18 Administrative Law Judge from the Washington Utilities and
19 Transportation Commission, and I've been appointed to
20 preside in this EFSEC matter. For tonight my job is simple.
21 I get to listen and hopefully pronounce your names
22 correctly.

23 Today we have a court reporter. So I'm going to
24 go through a couple of items here. It's December 11th,
25 2013. We're getting ready to start our public comment here

1 at about 20 minutes after 6:00. The purpose for the meeting
2 is for the council to receive your comments on any issues
3 you believe should be addressed in the draft Environmental
4 Impact Statement.

5 As Mr. Posner noted, on October 1st, EFSEC did
6 send out a SEPA Determination of Significance and a notice
7 of scoping. That Determination of Significance, or DS, is
8 the trader for having a full Environmental Impact Statement,
9 or EIS.

10 And the purpose, again, the legal purpose of
11 scoping is for this council to determine the focus of the
12 environmental review, invite public agency and tribal
13 comments, identify impacts to consider, and identify
14 specific studies, surveys, perhaps even methodologies for
15 analysis of individual issues.

16 The information that we gain during scoping
17 tonight and at our previous hearings and all of the other
18 comments that are coming in by mail, all of those will help
19 EFSEC in developing the draft EIS.

20 In the back, if you haven't already picked up the
21 mailing address or seen it on the website, the deadline
22 again for sending in your comments is next Wednesday. The
23 postmark has to be by next Wednesday, December the 18th. So
24 if tonight you hear something and want to develop your
25 comments further, you can still send that in electronically

1 or by writing, but if it's in the traditional mail, it's got
2 to be postmarked by next Wednesday.

3 There are some other resources you can ask
4 questions to. Tonight's not a place where we can answer
5 your questions, but if you have questions about the process,
6 Kali and Tammy in the back can answer those, so can Stephen
7 up here in the front will be around after the meeting
8 tonight to answer questions with the process.

9 There's also a gentleman known as the council for
10 the environment. He's an Assistant Attorney General. His
11 name is Matt Kernutt, and he, as an AAG, is appointed to
12 represent the public and the public interests in protecting
13 the quality of the state's environment. Matt is not here
14 tonight. He couldn't make the trip to Spokane, but I do
15 want to give you his address and his phone number -- his
16 phone number and his e-mail address. Matt's office number
17 is (360) 586-0740. That's 586-0740. And his e-mail is
18 mattk1, MATTK and the number one at ATG dot WA dot GOV. So
19 mattk1@atg.wa.gov.

20 Tonight's comments are becoming a part of our
21 council's SEPA process and our official record. So if
22 everyone will be respectful when people are at the
23 microphone in front of us talking, that will help the
24 council hear the witness and the court reporter be able to
25 get down each and every word.

1 When you come up to the microphone, you're going
2 to see I have some chairs set off to my left, your right, to
3 seat people to come. We'll go through things fairly
4 quickly. I'll call people three at a time. As the next
5 speaker makes their way to the microphone, those that follow
6 can make their way to the seats up front.

7 At our last hearing, we had about a hundred
8 and -- over a hundred and eighty people signed up to speak.
9 It seemed like we got through most of them. We gave them
10 two minutes per speaker, and we didn't go past 9 o'clock.
11 Tonight I'd like to stay with that two minutes per speaker
12 just in case we have more people come in. I understand that
13 may be the case.

14 To save your time, if you hear someone testify
15 early on that you agree with, I would encourage you to just
16 state your agreement with Mr. Stanley or Mrs. Jones, whoever
17 it was, and then go on and make additional points. Once you
18 do that, that will tell us that that's an issue of concern
19 to many people and you don't have to repeat that item.

20 Our goal tonight for the ground rules are just to
21 provide you and us a safe and effective public meeting. We
22 want to make sure this is a secure non-intimidating,
23 respectful, atmosphere. Some of you are going to hear
24 things that you disagree with, and some of you are going to
25 hear things you really do agree with, but I'm asking you all

1 to honor the basic ground rules and maintain an open,
2 secure, and respectful environment. And everyone's voice
3 can be heard equally.

4 So we're going with two minutes per speaker. I
5 want you to speak slowly and deliberately. If you signed up
6 on one of these yellow sheets, I'll be calling your name.
7 If you still want to sign up, the second sheet is still in
8 the back of the room. If you have a blue sheet that you
9 signed in on, that's simply for the mailing list, and that
10 won't get me to call your name. You have to be on one of
11 the yellow sheets for me to call your name.

12 To make sure that we don't have jeering or booing
13 or hissing after any of the comments, what I've found is a
14 pretty good idea for folks to express an agreement is just
15 simply to give a nonverbal indication of support for a
16 speaker. What we did in Vancouver was we actually asked
17 people to give a thumbs up or a thumbs down. It was
18 something that the speaker couldn't necessarily see, it
19 wouldn't disrupt them, but the council could certainly see
20 the audience if that was something that was well agreed with
21 or disagreed with as the case may be.

22 So we found that does not disrupt the speaker,
23 and I certainly will allow that. But if there's booing or
24 jeering or anything else, I will stop the meeting until we
25 can quiet things down and keep things, like I said, keep the

1 democracy in action and keep it as civil as we can.

2 I think that's pretty much all the ground rules I
3 need to go through. When you do come up, if you'll state
4 your full name, your mailing address, and your city of
5 residence, that will help us know where you're coming from
6 and what the specific impacts might be geographically on
7 you.

8 If you're looking to file a written comment, we
9 do have additional paper in the back. Tammy and Kali will
10 give you something to write on. There's a box if you
11 happened to type it up already, you can leave your written
12 comments with us tonight. And, again, next week on
13 Wednesday, December 18th, is the deadline.

14 All right. I think we are ready to call the
15 first few folks up. Mitchell Smith will be our first
16 commenter followed by Todd Coleman and Greg Johnson and Bart
17 Haggin or Haggin. So Mitchell Smith, you'll make sure this
18 microphone is on.

19 MR. MITCHELL SMITH: Testing.

20 JUDGE TOREM: It looks like it's good. What I'm
21 going to do, Mr. Smith, and for the rest of you is hold up
22 when you have one minute remaining, and when it turns
23 yellow, you've got 30 seconds, and hopefully, as traffic
24 lights work, the same here in the red will give you guys a
25 chance to know it's time to wrap up.

1 Mr. Smith, go right ahead.

2 MR. MITCHELL SMITH: My name is Mitchell Smith.
3 I'm with the Southwest County Coalition, P.O. Box 127,
4 Marshall, Washington 99020. The Southwest County Coalition
5 is the first alliance of Spokane county families and
6 individuals organized to address public concerns. The
7 county coalition is committed to bring to light concerns of
8 our southwest county neighbors, family, and friends when the
9 action or inaction of the public or private sector adversely
10 affects southwest county citizens. We would be oil train
11 losers.

12 Any increased train traffic will adversely affect
13 our southwest county neighbors and friends. The known
14 dangers of crude oil tank cars passing through our site --
15 passing through or sited in local neighborhoods and near
16 family farms is unconscionable. The Southwest County
17 Coalition does not believe the risk could ever be mitigated
18 enough to prevent the inevitable tragedy.

19 Noise pollution alone would significantly impact
20 those living within two miles of the tracks, particularly
21 when considered cumulatively. All the oil passing through
22 Washington state should be in the safest means possible. We
23 believe that would be via pipeline. The increased pollution
24 of additional oil trains must be substantially addressed to
25 protect those living near the tracks. Increased railroad

1 traffic will block local access and stifle commerce while we
2 wait for these trains. Drive through downtown Cheney when
3 that happens.

4 An emergency response vehicle delayed by just one
5 minute will make a difference between life or death, whether
6 someone's home is destroyed. We no longer have to worry
7 about terrorists getting ahold of a bomb. The railroad is
8 going to bring the bomb right to our front door.

9 Southwest County Coalition remains concerned
10 public officials are ignoring local labor and entire cities
11 in favor of a political agenda that places money ahead of
12 (inaudible), safety, and health.

13 JUDGE TOREM: Thank you, Mr. Smith.

14 MR. MITCHELL SMITH: Thank you for the
15 opportunity for the comment.

16 JUDGE TOREM: Next is Todd Coleman.

17 MR. TODD COLEMAN: Your Honor and esteemed
18 council, we thank you for the opportunity to speak to you
19 today. My name is Todd Coleman. I'm the CEO of the Port of
20 Vancouver. Our address --

21 JUDGE TOREM: Can you lean into the microphone?

22 MR. TODD COLEMAN: Our address is 3103 Northwest
23 Lower River Road, Vancouver, Washington.

24 And I'm pleased to have the opportunity to share
25 with you just a few comments that we think will be critical

1 in your decision making process as you move forward. I do
2 have written comments that I will leave with you here today.

3 We are very pleased that you are here in Van- --
4 Spokane, Washington. Spokane is a critical place for us as
5 we -- as a export -- primarily export port for the state of
6 Washington. A lot of our traffic runs through Spokane and
7 the Spokane Valley area, and this is really a critical
8 transportation mode for us. So we think it is absolutely
9 appropriate for you to be here and for us to be here and
10 certainly at least have the opportunity to share in those as
11 we have -- as we've heard in the past.

12 The port's been in existence for over a hundred
13 and one years. We've been a part of Washington state.
14 Washington state was actually (inaudible) the ports about a
15 hundred and two years ago. We were the third one in the
16 state. We put an RFP out for this project because we have
17 invested heavy in rail. The state of Washington and our
18 federal government have invested heavily in rail for our
19 export ports.

20 And as we look at our existing facilities, we
21 believe this is the right place for this terminal to exist.
22 We have great access to the west coast. We have the right
23 safety procedures in place. We've got good partners in
24 class one railroads, and I think that's unique in this
25 facility that we don't have shore lines who are carrying

1 this cargo.

2 We would just ask that, while we work to address
3 the safety issues with our partners and with the community
4 that we would ask that, when you look at the cumulative
5 effects, that you limit that to the project, that you not
6 make this so broad as to start to impact from what we call
7 cradle to grave. When you start to look at that, how do we
8 differentiate between crude oils and wheat and corn and
9 soybean and those other products? So we just need to be
10 careful not to impact all those jobs occurring in the state
11 of Washington that rely on trains. Thank you.

12 JUDGE TOREM: Thank you, Mr. Coleman.

13 Next is Greg Johnson who will be followed by Bart
14 Haggin, then Tom Schmidt, then Pauline Druffel.

15 Mr. Johnson?

16 MR. GREG JOHNSON: Yes. My name is Greg Johnson.
17 I live at 612 West 16th Avenue here in Spokane. I agree
18 with everything Mr. Smith said. I disagree with everything
19 the previous speaker said. If a bunch of wheat comes out of
20 a rail car over my aquifer, it's not going to poison the
21 aquifer. I'm not going to be drinking oil for the next six
22 months or however much time it takes. That's one of the
23 reasons why I'm here.

24 I love water. I swim in it. I bathe in it. I
25 drink it every day. I cook with it, and it's very, very

1 important to me. And corporate America continuously tells
2 us that they build safe things that are as safe as they can
3 possibly be, nothing wrong is going to happen. And we know
4 unequivocally that that's false because we see things happen
5 all the time.

6 And I don't doubt that they're going to make
7 everything as safe as it possibly can be, but the fact of
8 the matter is that, if a train goes over that's carrying
9 dirty oil over the aquifer, the aquifer's going to be
10 impacted. And I understand the previous speaker saying you
11 can't look at the cradle to the grave thing, but you need to
12 consider what happens all the way up and down this rail
13 line. It's going to affect everybody. It just doesn't
14 affect Vancouver.

15 Mother nature rules. And whatever we build,
16 mother nature can destroy at the drop of a hat by storm, by
17 earthquake, by whatever else she decides to do. And we
18 can't protect ourselves against that. History has already
19 established that there's been explosions from trains. I
20 would ask you to specifically look at how many rail crossing
21 accidents we have along this line all the way to Olympia and
22 consider how many times those trains could potentially be
23 hit and sent over and leak all over their fuel.

24 It's also important to consider -- right now the
25 United States is one of the largest exporters of energy. So

1 we don't need any more energy to be exported. Thank you.

2 JUDGE TOREM: Next is Bart Haggin.

3 MR. BART HAGGIN: Well, I'm opposed to the
4 building of the port in Vancouver, and I would just like to
5 take a little larger picture of this situation.

6 You have to understand that this is a finite
7 planet with finite resources. And as a matter of fact,
8 they're not making any more oil. And it's time for us to
9 think about simply leaving it in the ground for the future.
10 So that's the main thing that I would tell you is that we
11 don't need to transport it out of our country. We don't
12 need to export any of the Canadian oil either.

13 And we know, obviously, that exporting crude oil
14 from the United States of our domestic supply, whether it's
15 from Alaska or whether it's from the 48 lower states, we
16 know that that's illegal. We know that only a refined
17 product can be exported. And so I urge you to think in
18 terms of where is this going. Is it going to Anacortes? Is
19 it going to the Bay Area? Where is the oil going and how
20 much of it is Canadian oil and how much of it comes from the
21 Bakken or for -- from the area in and around Montana.

22 So I'd urge you to say don't ship away our oil.
23 I would say also that we will never be self-sufficient. You
24 know that that's the truth. We will never be
25 self-sufficient. The best that we can do is maybe produce 7

1 or 8 million barrels a day. And we're consuming 17 or
2 18 million barrels a day. So we'll never -- we're never
3 going to be self-sufficient anyway.

4 So I would just say that we have met the enemy,
5 and he is us. And I would say that this is really what
6 we're talking about is Easter Island and --

7 JUDGE TOREM: Mr. Haggin, that's time, sir.

8 MR. BART HAGGIN: -- we are not going to destroy
9 the planet in order to save us. Thank you.

10 JUDGE TOREM: Next is Tom Schmidt followed by
11 Pauline Druffel and then April Beasley.

12 MR. TOM SCHMIDT: Tom Schmidt, 1614 East 33rd,
13 here on the South Hill.

14 Thank you for the chance to shoot off my mouth.
15 I'm a retired psychotherapist. I had bone cancer. So I'm
16 regarded by the doctors slowly -- I hope very slowly dying
17 of bone cancer. You will hear a lot about health. You will
18 hear a lot about environmental degradation.

19 I agree with all of those, but I'm here to
20 mention the -- how horrified I am that we're meeting and
21 even talking about this. How long will we continue to
22 privilege property values over human values? That's what it
23 comes down to. I think we're missing a wonderful
24 opportunity to -- economic opportunity to better our
25 economic abilities, and all the expertise up here and in the

1 room and represented by the railroads and the railroad
2 unions, they have the ability to retool their thinking and
3 their skills to alternative energy which would not face most
4 of what you will hear happening tonight.

5 Keep it simple. I think that's basically it.
6 Let's stop privileging property rights over human rights.
7 The only reason we value property rights is because they
8 support human rights, and we need to start getting back to
9 that, the general welfare.

10 JUDGE TOREM: Thank you, Mr. Schmidt.

11 Pauline Druffel followed by April Beasley, then
12 Harvey Morrison, and Daniel Serres.

13 MS. PAULINE DRUFFEL: My name is Pauline Druffel.
14 I live at 930 South Cannon, Spokane, Washington. I'm
15 opposed to the Vancouver oil transit terminal for several
16 reasons. I live close to the Latah Creek bridge and can see
17 the trains go by. There are a lot of them, day and night.
18 I don't want there to be more. The increased number of
19 trains coming through our area would tie up traffic at the
20 railroad crossings in the Spokane Valley, especially,
21 hindering the movements of fire trucks, police, and
22 ambulances.

23 I am concerned about the possibility of
24 derailments of railroad cars carrying this dangerous crude
25 oil. Not long ago a train did derail from the bridge by my

1 place. If it had been an oil-carrying train, the oil could
2 easily have gone into the creek, Latah Creek, and be in
3 the -- have been in the Spokane River in a short amount of
4 time. I think less than a mile away.

5 We've already seen such derailments with
6 disastrous consequences. Explosions and 47 deaths in Quebec
7 in July, terrible contamination of waterways and fields by
8 the pipeline reached along the Kalamazoo River in 2010 and
9 the grounding of the Exxon Valdez tanker in 1989 -- 1989.
10 Accidents do happen. The best way to assure that they don't
11 happen with dangerous crude oil is to not ship it by rail or
12 barge.

13 But for me an even larger concern is the reality
14 that we know we have to stop the burning of fossil fuels.
15 We've already put way too much greenhouse gas into our
16 environment and into our atmosphere. We know that we are
17 heading toward the tipping point of global climate change.
18 So it makes no sense whatsoever that we keep on taking oil
19 out of the ground to burn it.

20 JUDGE TOREM: Thank you, ma'am. That's time.

21 April Beasley?

22 For those of you that I'm calling time before you
23 finish your comments, if you want to turn in written
24 comments so we hear every other piece of it, please make
25 sure you get those in by next week, or you can turn in the

1 written comments in tonight.

2 Ms. Beasley?

3 MS. APRIL BEASLEY: The railroad infrastructure
4 in northern Idaho and eastern Washington has not been
5 upgraded to meet the demand of proposed train traffic. Add
6 more traffic to that system that's already at its limits,
7 and it's absurd and will contribute to trail derailments. I
8 also don't want to contribute to climate change and
9 environmental devastation with tar sand oil.

10 We are not adversaries of railroad employees, but
11 it only takes one derailment of oil and other toxins hauled
12 by these trains to devastate our city and result in loss of
13 life. I want a positive future for our railroads. But it
14 won't last long with twentieth century fossil fuels. We
15 need to think long term and train comments will continue
16 without oil trains. Even Wall Street and blue bird
17 businesses has this as short-sighted, bad economics.

18 An EPA impact study is a no-brainer, and we also
19 need an emergency contingency plan when a derailment
20 happens. No more oil trains is the only solution that will
21 guarantee our clean environment and safety. Now is the time
22 to move forward and stop allowing oil companies to stop
23 progress of clean sustainable energy and kill the future for
24 our children.

25 Many of us in this audience feel this hearing is

1 here to patronize us and big money will rule as always. Oil
2 corporations have shown over and over that their only goal
3 is record profits with no concerns of the long-term effects.

4 As a panel, your determination can support or
5 deny tar sand oil trains through our state. Ask yourself,
6 how would you feel when a train with oil or other toxins
7 derail and devastate our community? Because it is only a
8 matter of time.

9 I challenge you to help Washington state lead the
10 way and do what is right for the people and the environment.

11 JUDGE TOREM: Harvey Morrison followed by Daniel
12 Serres, Matt McCoy, and Patrick Brady.

13 MR. HARVEY MORRISON: Thank you. I'm Harvey --
14 excuse me -- I'm Harvey Morrison. I live at 3805 South
15 Lamonte in Spokane.

16 For all the previous reasons that people stated,
17 I adamantly oppose the rail transport (inaudible) the port
18 and the new export facility. We will incur all of the
19 inconvenience, hazards, and catastrophic risks with no
20 benefit for it that I can see.

21 JUDGE TOREM: Mr. Morrison, can you speak up just
22 a little bit?

23 MR. HARVEY MORRISON: Sure. But we need to look
24 beyond this narrow issue. If an alien invaded our planet
25 and set out to destroy our life-giving atmosphere, seas, and

1 climate, we would wage a war of worlds to stop him. In
2 reality, the earth and all life on the earth threatened by
3 causes of our own making, we are doing the aliens' work.
4 The impacts of man-made climate change are evident and
5 getting incrementally worse throughout the world. Think of
6 Katrina, superstorm Sandy, the Philippines' typhoon, and the
7 smog now blanketing China.

8 Unless we start taking dramatic actions to
9 reverse the trends, we will be witnesses of our own
10 destruction. The oil that is proposed to be extracted and
11 hauled through Spokane is shipped to refineries in far-away
12 places. It should be left in the ground until such time as
13 technology is developed that allows its conversion without
14 poisoning the environment.

15 I am not an expert. I don't have the answers for
16 our energy and environmental crisis, but there are legions
17 of brilliant scientists, inventors, engineers, and
18 capitalists that we should be listening to and given
19 incentives to solve this (inaudible) challenge. Alternative
20 sustainable energy is needed worldwide.

21 Think back 50 years when the challenge was to put
22 a man on the moon or 70 years when our nation's industries
23 mobilized to defeat fascism. With the right incentive,
24 amazing and rapid change can and have occurred. Our studies
25 should be save life on the planet. We have four personal

1 choices when facing the consequences of climate change --
2 denial, despair, ambivalence, or hope. In this season of
3 peace and good will, I think, with hope, we will turn the
4 corner to sustainability before the climate turns
5 irreversibly against us.

6 In the face of tyranny, Patrick Henry painlessly
7 said, "Give me liberty or give me death." Today we face a
8 different form of tyranny, one imposed on us by big oil.
9 It's a tyranny of forced addiction to the burning of fossil
10 fuels. Our rallying cry should be, "Free us from this
11 addiction or we shall all parish." Change must start here.

12 JUDGE TOREM: Thank you, Mr. Morrison.

13 MR. HARVEY MORRISON: Thank you, and Merry
14 Christmas.

15 JUDGE TOREM: Mr. Serres followed by Matt McCoy,
16 Patrick Brady, Mark Mihavolic, and then Amanda Tracy.

17 MR. DANIEL SERRES: Thank you very much, members
18 of EFSEC and Mr. Chair for being here tonight. I hope that
19 your presence in Spokane reflects the fact that you intend
20 to take a very -- getting the signal to lean in a little
21 bit.

22 I hope your presence here reflects your intention
23 to take a broad look at this project, which is incredibly
24 important for all people in Washington and throughout the
25 state. And in taking that broad look, I think you will find

1 support throughout the state.

2 Just a few nights ago in Vancouver, Washington,
3 the city council passed a set of comments that are very
4 strong and asked you to look at cumulative impacts of not
5 just this oil proposal from Tesoro Savage but also coal
6 export terminals that are proposed also, you know,
7 downstream from Vancouver.

8 If you add in the Millennium Bulk terminals
9 proposal in Long View, Washington, and the trains that would
10 be associated with that alongside the Xwe'chi' terminal up
11 in Bellingham, you see literally dozens of potential unit
12 trains moving through.

13 Unlike corn, as the previous speaker noted, oil
14 trains present an enormous risk. And I just want to
15 identify a few of those, one of which is we don't know
16 what's in these trains. We don't know what will be moving
17 to the Port of Vancouver, what will be moving through the
18 city of Spokane. Part of that is due to the lease that was
19 signed with the City of Vancouver which said petroleum
20 products would be shipped to the terminal. That can be
21 anything from heavy tar sands crude to light crude coming
22 out of North Dakota. Those have very different public
23 safety impacts. I encourage you to look at the worst-case
24 scenario of a train derailment either in a place where a lot
25 of people live or along the Columbia River where an oil

1 spill could have devastating impacts on the Columbia River
2 ecosystem.

3 I don't need to harp too long on the example that
4 brought this issue really to the fore, which was the
5 Lac-Megantic disaster in Quebec. And that is one of the
6 reasons we are all here tonight. And to imagine one tenth
7 of what happened to Quebec happening in Spokane or anywhere
8 in a river community along the Columbia River is
9 unimaginable. And I ask you to take that into account and
10 take a hard look at the safety and emergency response
11 impacts of this project.

12 Thank you very much for being here. I really
13 appreciate it.

14 JUDGE TOREM: Next is Matt McCoy. Is Matt McCoy
15 here? All right. We'll move on to Patrick Brady.
16 Mr. Brady will be followed by Mark Mihavolic and then Amanda
17 Tracy.

18 MR. PATRICK BRADY: Good evening. My name is
19 Patrick Brady. I'm at 4200 Deen Road in Fortworth, Texas.
20 I'm the assistant Director of Hazmat with BNSF Railway. My
21 primary responsibility with BNSF Railway is hazmat emergency
22 response and hazmat emergency planning.

23 When people meet me and they find out what I do,
24 they often say, "Boy, that must keep you really busy." My
25 response is always plain yes, response no. We just don't

1 have many derailments. In fact, we don't even have many
2 (inaudible) or release of hazardous material. You may have
3 read or heard that BNSF transports over 99.997 percent of
4 our hazardous materials (inaudible) investing without our
5 ever having a hazmat accident causing release.

6 What does that number really mean? So last year
7 we transported out of our 32,500 miles of track, 27 states,
8 two Canadian provinces, we transported 1.4 million shipments
9 of hazardous material. So, in that 1.4 million shipments of
10 hazardous material, we experienced four derailments that
11 caused a partial release of 15 hazmat shipments.

12 So 1.4 million shipments, 15 partial releases.
13 Even with that excellent safety record, we understand it is
14 our responsibility to be able -- to be prepared for any
15 hazmat emergency. So we have robust emergency response
16 plans that include a geographic response plan that is
17 specifically designed to protect both the Columbia and the
18 Spokane River. And these plans are updated continually.

19 In fact, by the end of January, we'll have
20 increased our response capabilities on the Columbia River by
21 staging additional hazmat emergency response equipment along
22 the river. We also provide substantial emergency response
23 training to local communities. Every year we transport over
24 4,000 -- we train over 4,000 community responders in how to
25 safely respond to hazmat incidents.

1 BNSF can transport crude safely for all of our
2 customers, and in the very unlikely event of an incident, we
3 will respond safely, efficient, and responsibly. Thank you.

4 JUDGE TOREM: Bart Mihavolic?

5 MR. BART MIHAVOLIC: Good evening. My name is
6 Bart Mihavolic, 418 East Liberty Avenue in Spokane,
7 Washington.

8 Thank you for granting this hearing here in
9 Spokane and for being here. Our organizations is one of the
10 organizations that requested the hearing in Spokane. So I
11 really appreciate you taking the time.

12 I'm director of the Spokane Riverkeeper
13 Association for the Center for Justice. These comments are
14 submitted on behalf of our 1200 members who share our vision
15 of a fishable and swimmable Spokane River. We strongly
16 encourage you to consider all potential impacts to the
17 Spokane Valley, Spokane, Cheney, and the entire Spokane
18 River Basin that would be created by increasing the shipping
19 of crude oil through our region and through to the Port of
20 Vancouver.

21 Our members routinely bring up concerns with the
22 BNSF refueling depot in Idaho and how it deacid the aquifer
23 and how further it's connected to the Spokane River and
24 which can transport pollutants to the river system. It
25 already has --

1 JUDGE TOREM: Slow down just a little bit.

2 MR. BART MIHAVOLIC: It already has issues and
3 can't withstand a massive increase in refueling instances
4 due to increased traffic. This needs to be studied very
5 carefully; for we only have one shot to protect the aquifer.

6 Furthermore, I have a couple things here. First,
7 the map created by the Department of Ecology -- you all have
8 probably seen it -- showing the alarming number of proposals
9 for coal and oil projects. This map was created earlier
10 this year, and it is most certainly outdated. As it is
11 easily interpreted, you can see that all the projects that
12 we're talking about, the train traffic comes through
13 Spokane.

14 Another map from the Department of Ecology shows
15 the primary response oil spill response equipment and where
16 it is located in our state. The amount of the equipment in
17 Spokane and really all of eastern Washington is beyond
18 alarming given what is being proposed to come through our
19 region of what we know about accidents.

20 Let's see here. I guess I just want to -- I had
21 some more to say, but I want to do one quick thing. I want
22 to ask folks just for a show of hands in the audience who is
23 here because they are opposed to this project. For that
24 reason and for a lot of other reasons, Spokane Riverkeeper
25 along with 12 other organizations on Monday submitted a

1 letter to Governor Jay Inslee, ecology director in Lansing,
2 Michigan, Peter Goldmark. We're calling for a moratorium on
3 permitting new oil transportation infrastructure at least
4 until a programmatic EIS can be proposed and approved.

5 There are just too many questions and too many
6 unknowns in the cumulative impacts of both coal and oil
7 projects and their impacts on Spokane to move forward with
8 any of these single projects.

9 And I'll leave this letter that we sent to the
10 governor as well in the back.

11 JUDGE TOREM: Thank you.

12 Amanda Tracy to be followed by Matt Krogh, then
13 J.J. England, Brian Eister, and Marla Nelson.

14 MS. AMANDA TRACY: My name is Amanda Tracy, and I
15 live at 1510 West Dean Avenue in Spokane, right next to our
16 river. And I will be getting -- I will be beginning a
17 graduate program in ecology in January. I'm here to speak
18 about the durability of petrochemicals when spilled onto
19 soils and into aquifers and the problem that proposes to
20 human and nonhuman life.

21 It's insufficient simply to have a contingency
22 plan to deal with oil spills in the short term because oil
23 spills do not affect life in the short term. When
24 petrochemicals such as those shipped by rail enter our soils
25 and our aquifers, drops in tens of thousands of gallons of

1 water can have health effects ranging from cancers,
2 reproductive difficulties, and developmental defects.

3 The hazmat gentleman failed to mention that the
4 method of cleaning up oil spills, once they have entered
5 soils, often includes scooping the soil out with a tractor,
6 wrapping it in plastic, and leaving it or incinerating it.
7 The more environmentally friendly methods include seeding it
8 with mushroom and hoping for the best, and I just don't
9 think that's sufficient.

10 Furthermore, oil companies have not demonstrated
11 their commitment or ability to carry out cleanup on this
12 scale and time frame that is necessary to deal with these
13 sorts of spills. Environmentally and health significant
14 quantities of these chemicals can remain in the soil and
15 deep in the aquifers for decades, and I do not believe that
16 they have the commitment to fully impact their actions.

17 JUDGE TOREM: Thank you, ma'am.

18 Next is Matt Krogh.

19 MR. MATT KROGH: Hi. My name is Matt Krogh. I'm
20 from Bellingham, Washington. So when I say thank you for
21 making the trek out here for this hearing, you know I mean
22 it. I really appreciate you guys being here.

23 First I'd like to address the issue of what types
24 of rail cars are used to transport crude, and noted in a
25 very recent comment period -- a public comment period for

1 the Department of Transportation, the Association of
2 American Railroads agreed with many environmental groups
3 that the cars used to transport crude are simply unsafe and
4 need to be taken off the tracks.

5 So, as you look at your scoping report, whatever
6 kind of evaluation you do for rail needs, what types of cars
7 you're going to use, and whether or not the DOT-111s in
8 particular will be it used to transport crude into
9 Vancouver.

10 Secondly, for coal terms and a number of other
11 projects around the state, there have been vessel traffic
12 risk assessments conducted. I would ask that you include a
13 rail traffic risk assessment, which in this case would
14 identify the areas of highest risk of derailment and the
15 risk to human life and safety and the risk to the
16 environment as well as many people talked about with
17 aquifers. We also see these tracks go along the Puget
18 Sound, along the Columbia River, and other impacts there,
19 and the most likely areas of derailment should be analyzed.

20 There will be some discussion about whether or
21 not other oil terminals should be included in your review.
22 I would ask that outside director staff take a look at three
23 of the North Sound refineries and, too, Grays Harbor
24 proposals to see whether or not they meet the 50,000 barrel
25 threshold. Probably would add myself in that to work with

1 you. But I do believe there is a case to take a look at
2 (inaudible) in Grays Harbor as well as for BP, Tesoro, and
3 Conoco-Phillips.

4 With respect to climate, I would love to see you
5 guys include climate. There will be a number of arguments
6 that it's simply replacing other sources of oil, but the
7 reality is that we see 30 times more tar sands available in
8 the (inaudible). And we'll see incredible pressure to have
9 that oil be transported into international markets, and
10 that's a much greater increase in climate demands.

11 Finally, I believe that Mr. Posner mentioned this
12 was -- the terminal is focused on the west coast terminals;
13 however, it can be used for export. The vessel traffic
14 report would absolutely have to take a look at any of the
15 rail -- I'm sorry -- the vessel perhaps to Asia and include
16 Unimak Pass and Gulf of Alaska in terms of the environmental
17 impacts.

18 So I would ask you to include those as well.
19 Thank you.

20 JUDGE TOREM: Next is J.J. England.

21 MR. J.J. ENGLAND: Good evening. Thank you for
22 the opportunity to speak tonight and especially for holding
23 this hearing here in Spokane, a city that is, as you are
24 hearing from numerous people, very likely to receive the
25 brunt of the burdens and risks of the Tesoro proposal while

1 receiving none of the benefits.

2 I have three specific impacts that I would like
3 to bring to your attention. The first briefly relates to
4 the number and quantity of trains that will be coming
5 through the Spokane region headed down to the Columbia River
6 Gorge and spreading out across the northwest. Those trains
7 are risky as you've heard. I don't think I need to cover
8 that anymore. However, I have a background in air
9 pollution, and I'd like to discuss that in additional
10 details.

11 In the cumulative, the city of Spokane is looking
12 at an additional quantity of approximately 40 trains per day
13 which is a substantial -- represents a substantial public
14 health risk within the proximity of those tracks simply
15 based on air quality. The council should specifically take
16 into account the impact of criteria pollutants as well as
17 air toxins in your analysis up and down -- up and down the
18 train line throughout Washington state.

19 In addition, the council should take into account
20 synergistic impacts. With coal -- with the addition of coal
21 trains, that can increase the risks of potential
22 derailments.

23 Finally, I'd like to bring to your attention the
24 impacts from the ships themselves in the Vancouver area.
25 The county of Santa Barbara, for example, has stated that

1 more than half of their smog emissions come from ships.
2 That has a significant impact on the ozone. That could --
3 (inaudible) transport could actually reach its way all the
4 way up to the Spokane region. And, finally, climate impacts
5 as you have heard. Thank you.

6 JUDGE TOREM: Brian -- is it Eister or Eister?

7 MR. BRIAN EISTER: Eister. You got it the first
8 time.

9 JUDGE TOREM: Next one is going to be Marla
10 Nelson and then Laura Ackerman.

11 MR. BRIAN EISTER: In addition to the impacts on
12 climate, I think it's very important for Washington in
13 particular that we take into account the effects of ocean
14 deacidification. That's going to have a very significant
15 effect on our seafood industry, on local economies. And in
16 addition -- more specifically than climate, you know,
17 60 percent of Washington's population does live in the
18 Seattle region. So the impact to sea level rise is very
19 serious.

20 You're also looking at the impact of -- you know,
21 changing weather patterns, flooding, mudslides, things of
22 this nature in the Seattle region. It's going to be very
23 serious to the residents of Washington as well as the impact
24 on agriculture. So those are my more technical comments for
25 the specific scoping. But I do really need to say from the

1 heart I participated in a 30-day fast outside the American
2 Petroleum Institute not to bring awareness to climate but to
3 get us all to act in a way that reflects the urgency that we
4 already understand this issue carries.

5 So when we're talking about a situation where
6 more than a billion people are going to go without water,
7 farmers all over the world are going to lose their rainfall,
8 and we're really going to see obviously more suffering and
9 scarcity than any of us, doing well as we are, can even
10 imagine that sometimes we have to go beyond, you know, what
11 we technically need to consider in these things and in the
12 technical day-to-day order of business and really make a
13 bold stance, acknowledge what's really at stake. How many
14 lives -- our own grandchildren we see every day whose lives
15 are at stake, we have to start making decisions that are
16 going to lead to a future where they can have food to eat
17 and water to drink. Thank you guys very much. And women.

18 JUDGE TOREM: Thank you, Mr. Eister.

19 Marla Nelson will be followed by Laura Ackerman
20 and then Darren Volland and Bruce Holloway.

21 MS. MARLA NELSON: Good evening. My name is
22 Marla Nelson, and I'm an attorney with the Northwest
23 Environmental Defense Center. One of my main projects is
24 the Spokane Clean Water Project, which is why I'm here
25 tonight. And I have two points to make.

1 First, I want to thank the council for
2 coordinating a second public hearing and making the trek out
3 to eastern Washington. Tesoro Savage's proposed crude oil
4 transit terminal would have very real adverse impacts on the
5 communities that -- the communities and the environment
6 located along the rail lines in eastern Washington. NEDC
7 applauds EFSEC's efforts to hear those concerns of those
8 communities tonight.

9 Second, NEDC urges EFSEC to address the impact of
10 Tesoro's crude oil transit terminal proposal in addition to
11 the other very profitable transport projects that recently
12 have been or are currently being permitted in Washington.

13 I find it interesting that Mr. Coleman from the
14 Port of Vancouver mentioned the term "cradle to grave,"
15 which is a defined term under CERCLA, the Comprehensive
16 Environmental Response Compensation and Liability Act.
17 CERCLA was created because our federal government determined
18 that it was necessary to protect human health against
19 hazardous substances. Ignoring the cumulative impacts of
20 this proposal from start to finish, in addition to the
21 realities of the other projects that are currently being
22 proposed or permitted, would be a grave mistake.

23 Therefore, NEDC urges EFSEC to consider the
24 cumulative impacts, either whether it's done through a
25 baseline by considering those proposals in the baseline of

1 its analysis or as reasonably foreseeable similar projects,
2 we ask you that consider those in your analysis. Thank you.

3 JUDGE TOREM: Laura Ackerman.

4 MS. LAURA ACKERMAN: Good evening, council
5 members. Laura Ackerman, 3118 South Windsor Road, Spokane
6 99224.

7 I agree strongly with Bart Mihavolic and Matt
8 Krogh and Marla Nelson. I was going to bring those points
9 up. They did it well. I'm also going to be e-mailing
10 detailed scoping comments, but briefly I want to talk
11 about -- I want noise pollution scoped. We'll have more
12 trains, more train whistles, and more audio warning signals
13 from crossing gates. Medical pollution -- excuse me --
14 noise pollution is a significant medical problem, and I'm
15 going to be e-mailing you the studies on this.

16 And I'm really concerned about diesel particulate
17 matter pollution. And in just the last year and a half,
18 I've found at least two dozen significant studies on how bad
19 it is for human health. And with the increase of trains
20 we're going to get from the various projects, this is going
21 to be a real concern. Diesel particulate matter is in the
22 same category as UV radiation, tobacco smoke, and plutonium.
23 It causes more deaths worldwide than malaria and AIDS
24 combined.

25 And the negative health impacts need to be scoped

1 on especially low-income citizens, the elderly, children,
2 disabled urban dwellers, and those who live and work within
3 a mile of the train tracks. And because some people do live
4 and work within a mile of the train tracks or go to school,
5 they're going to get a double exposure of diesel particulate
6 matter. And that double and, in some cases, maybe even
7 triple exposure needs to be scoped. If you can't even
8 escape it at all, that especially needs to be scoped.

9 I will be sending you all the studies on this.
10 And the railroads and the fossil fuel extraction business --
11 it is a cradle-to-grave system. The EIS needs to be
12 comprehensive. Thank you for coming to Spokane. I really
13 appreciate it.

14 JUDGE TOREM: Darren Volland will be followed by
15 Bruce Holloway, then Linda Greene, Cheryl Costigan, and
16 Kerry Costigan.

17 MR. DARREN VOLLAND: Darren Volland, 823 West
18 Kiernan, Spokane, Washington 99205.

19 As I said, my name is Darren Volland, legislative
20 representative of the United Transportation, Local 426, here
21 in Spokane. I'm also a switchman for the BNSF Railway for
22 the last 23 years. As you've heard tonight people talk
23 about the tragic rail accident in Quebec -- one thing the
24 com- -- one thing this happens, they had one-man crews in
25 the cabin locomotive for these accidents. We can safely

1 move oil trains with other types of freight through Spokane,
2 two people in a loco cab.

3 Last year the conductors, engineers, switchmen,
4 making some way, signal, car men, dispatchers, and BNSF of
5 Spokane safely moved over 17,500 trains through the Spokane
6 BNSF terminal. We will continue to safely move any type of
7 freight, including oil trains, through this state.

8 These are good-paying jobs, and I've been very
9 fortunate to have mine. I'm able to provide for my family.
10 These are living-wage jobs, and hopefully you can help them
11 (inaudible). Thank you.

12 JUDGE TOREM: Bruce Holloway?

13 MR. BRUCE HOLLOWAY: Good evening. I'm Bruce
14 Holloway. I'm the Fire Chief for the Spokane County Fire,
15 Engine 3. We have approximately 40 miles of BNSF railway in
16 our district.

17 JUDGE TOREM: Can you lean into the microphone a
18 little bit, sir? Thank you.

19 MR. BRUCE HOLLOWAY: Is that better?

20 JUDGE TOREM: That's perfect.

21 MR. BRUCE HOLLOWAY: I just want to -- I'm not
22 going to testify one way or the other as far as whether I'm
23 in favor or against the project. All I wanted to testify
24 was our relationship with the railroad. I've been here for
25 20 years. We've had some significant issues over the areas

1 of the railroad. They've always been very responsive in
2 dealing with me and our department in fixing the issues and
3 taking care of them. I feel they're a very responsible and
4 safety-conscious outfit, and I think that they will continue
5 to do so no matter what they move. And thank you for your
6 time.

7 JUDGE TOREM: Linda Greene followed by Cheryl
8 Costigan and Kerry Costigan.

9 MS. LINDA GREENE: Hi. My name is Linda Greene.
10 I live at 15313 East Jacobs Road in Spokane. I'm here
11 tonight to urge you to deny the proposal of Tesoro Savage to
12 build a giant crude oil transit terminal at the Port of
13 Vancouver. I am concerned about the increased rail traffic
14 through Spokane and the many smaller communities on the way
15 from North Dakota to the coast.

16 I understand that these trains that are going to
17 be going through Spokane would be each a mile and a half
18 long, and that would be a little bit much of a wait. I live
19 not far from here, close to Pines and Trent in the
20 Spokane Valley, an intersection I use frequently. The
21 lineup of cars waiting for the long trains to pass is
22 impressive and would be formidable if this port is put into
23 operation.

24 It is more of an annoyance. It is also a safety
25 hazard, delaying emergency vehicles which need to cross the

1 tracks. Speaking of safety, I'm quoting here from an NBC
2 news investigative report.

3 Quote: "For two decades, federal officials have
4 warned that the tank car that carries oil and ethanol, known
5 as DOT-111, has a serious design flaw and can split open in
6 an accident, turning a derailment into a fiery catastrophe."

7 This kind of car was that that used in the Quebec
8 explosion that killed 47 people.

9 According to a transit safety expert, John Goglia
10 who served on the National Transportation Service Board from
11 1995 to 2004, he said, "If we don't start upgrading these
12 cars soon, my concern is that we will have a catastrophic
13 event in the new future."

14 The government has done little, allowing the oil
15 industry to go about business as usual despite the
16 increasing probability of more spills and possibly more loss
17 of life.

18 I'm also against this proposal because it
19 involves oil obtained through fracking and tar sands mining,
20 both processes which you use huge amounts of water and ruin
21 the environment.

22 Finally, we don't need more oil. We need more
23 renewable resources. Why feed an industry that is not
24 sustainable? Thank you.

25 JUDGE TOREM: Cheryl Costigan to be followed by

1 Kerry Costigan and Rick Eichstaedt, Andrew Woods, and Steven
2 Hart.

3 MS. CHERYL COSTIGAN: Hi. I'm sorry we did not
4 follow your rule.

5 JUDGE TOREM: No worries. Press on.

6 MS. CHERYL COSTIGAN: Thanks. I am Cheryl
7 Costigan, P.O. Box 905, Spirit Lake, Idaho. I live in
8 Spirit Lake. I have to catch my breath. I'm here
9 tonight -- came over because this is something that's not
10 just a Washington issue; it's an Idaho issue. And I don't
11 know what you all read or whatnot, but I've watched films
12 called, like, "Chasing my (inaudible)," "Fierce Green Fire,
13 I've read "Collapse," I read the newspaper, I listen to
14 radio. Everything around me seems to be collapsing. Our
15 oceans -- we've got to stop doing things the way we're doing
16 it now.

17 I'm passionate about this. I have been for a
18 long time. I think we should have started addressing this
19 stuff after the first oil embargo back in the 1970s, and we
20 didn't, and here we are again. We're talking about fossil
21 fuels. I maintain there is no safe transport. I'm a -- I
22 had a list, and I'm just going to kind of read this off.

23 I'm a veteran Alaskan, I guess you could call me.
24 I lived up there ten years, and I saw the aftermath of the
25 Exxon Valdez oil spill. I helped with the eagle rehab and

1 things like that. I've got friends that fish up there now.
2 It's still not clean, still not good. I don't think there's
3 any possible transport you can do with this fuel coming
4 through that's going to be safe.

5 And we don't need to be doing this, anyway. We
6 need to be looking at alternatives in free, sustainable
7 energy, fossil fuels -- or not fossil fuels -- biofuels,
8 wind, water, wave. Who benefits from this? There may be a
9 few good-paying jobs, but they aren't many, you know. And
10 all of us are suffering. The rest of us will suffer. We
11 breathe this air.

12 I don't want to see these terminals built. I
13 don't want to see us go this route. I mean, I'm old. I'm
14 not going to be here forever, but I care about the young
15 people, and I care about this planet, and I'm passionate,
16 and I hope that you will....

17 JUDGE TOREM: Thank you, ma'am.

18 Kerry Costigan?

19 MS. KERRY COSTIGAN: Hi, Kerry Costigan. We're
20 from Spirit Lake, Idaho.

21 I also disagree with Mr. Coleman's earlier
22 statement that this should not be a cradle-to-grave
23 assessment. I absolutely believe it should be. We live in
24 a global environment. We live in a global economy. And
25 energy decisions in one area ripple and affect all of us.

1 So I think this is a backwards-looking
2 technology, and I strongly believe that we need to
3 prioritize other energy technologies that others here are
4 talking about tonight.

5 I'm concerned about increased traffic in the
6 waterways and the potential for another catastrophic oil
7 spill in the Vancouver Sound like the one that my mom talked
8 about, the Exxon Valdez spill. Like she said, it still
9 affects the economy in Prince William Sound today; it still
10 affects the wildlife in Prince William Sound today. That
11 could do the same thing for Washington that happened in 1989
12 in Alaska.

13 I'm also concerned about longer and more numerous
14 trains moving through our communities and the impact it
15 would have on public safety. The hazmat representative from
16 BNSF talked about the excellent safety record of
17 99.997 percent. It only take .003 percent to contaminate
18 our aquifer here. So I think you should look at the
19 worst-case scenario for a derailment or an oil spill in
20 Washington.

21 Thank you for your time.

22 JUDGE TOREM: Rick Eichstaedt followed by Andrew
23 Woods, Steven Hart, and then Makayla Jordan.

24 MR. RICK EICHSTAEDT: Good afternoon -- or good
25 evening. My name is Rick Eichstaedt, 35 West Main, Spokane,

1 Washington 99201. I serve as the executive director at the
2 Center for Justice, which is a public interest law firm
3 focused on environmental and social justice. I also serve
4 as an adjunct professor of law at Gonzaga University, School
5 of Law. I'm here tonight to testify on behalf of the Center
6 for Justice.

7 We heard much testimony so far about some of the
8 impacts associated with this project. I would like to
9 suggest that the scope of this EIS needs to be expanded to
10 include the impacts of rail traffic, including impacts in
11 Spokane.

12 We also need to ensure that the scope analyzes
13 the cumulative impacts of additional train traffic
14 associated both with coal train transport and additional oil
15 transport for all the proposed, both oil and coal terminals.

16 In that assessment, there should be an analysis
17 of impacts to local rail use in eastern Washington,
18 particularly by the agricultural community. A recent
19 analysis by the Spokane regional transit council indicates
20 that our rail lines are often at or near capacity. Adding
21 additional oil trains will impact our local economy.

22 The precedent for this type of analysis was set
23 by the Department of Ecology and Whatcom county in its
24 July 31st, 2013, scoping determination for the Cherry Point
25 coal terminal, which called for a detailed assessment of

1 rail transport throughout the state, greenhouse gas as in
2 both the end product as well as through the transport and
3 vessel traffic.

4 And do I -- did I still have some time here?

5 JUDGE TOREM: (Nodded head.)

6 MR. RICK EICHSTAEDT: One last point and just to
7 rebut a point raised by the Burlington Northern Santa Fe
8 representative. A little bit less than -- or excuse me. A
9 little bit more than a week ago in Minot, North Dakota,
10 there was a nine-tanker derailment associated with oil
11 transport. Fortunately, it was empty. Thank you.

12 JUDGE TOREM: Andrew Woods?

13 MR. ANDREW WOODS: Hello. My name is Andrew
14 Woods. I'm a second-year law student here at the Gonzaga
15 University, School of Law. I'm also the Gonzaga University,
16 School of Law, Environmental Law Caucus president, speaking
17 on behalf of the Environmental Law Caucus as well as the
18 Environmental Law Clinic.

19 I'd first just like to echo what Ms. Nelson and
20 many others said that cumulative impacts are extremely
21 important and an urgent concern here. I'd also like to
22 start an appeal to logic, if we can, with a simple
23 conditional, if A, then B. Very simple. If A holds, B will
24 hold.

25 If there is physical presence of coal, trains,

1 and oil in Spokane, then B, we will see the effects.

2 Physical causation is the easiest form of causation that we
3 witness in reality. So to say that these projects with
4 their physical presence on our rails in Spokane should not
5 consider Spokane is a logical fallacy and core to our
6 existence.

7 Secondly, I'd like to echo what Mr. Schmidt,
8 Eister, both the Costigan ladies said, and many others. I'm
9 from Cleveland, Ohio. I'm from an area where the river was
10 set on fire in four to five different times in history. I
11 escaped to Washington with their progressive policies and
12 where the environment was going to be number one in concern
13 by our regulatory agencies, our officials, and all the other
14 constituents within the state of Washington.

15 I moved here to make change, and I'm urging you
16 to do that. We can no longer prioritize economic interests
17 over every other value. Monetary value is not the only
18 value that we hold as American citizens. We hold human
19 health values, environmental values. As the trustees of our
20 environment, head of our regulatory agencies, I'm urging you
21 to please benefit the beneficiaries; protect our
22 environment.

23 You hold the key. You hold the key to take
24 Washington and lead us to a new energy climate here in the
25 United States, a progressive state. That's why I moved

1 here, and that's why I became involved in environmental law
2 in the first place.

3 When I was a freshman in college, on the last
4 day, I heard Thomas Friedman speak. He's an outspoken
5 climate change advocate and for clean energy. And he said,
6 "The demand for clean energy, clean fuel and energy
7 efficiency is clearly going to explode. It's going to be a
8 global market." And in his presentation, he said, "This
9 needs to be a revolution."

10 What does that mean? Somebody needs to get hurt.
11 And who is going to get hurt? Big corporate oil companies
12 with the monies. We can no longer let them rule things. We
13 need to move forward. Thank you.

14 JUDGE TOREM: Steven Hart followed by Makayla
15 Jordan, Gary Payton, Susan Drumheller.

16 MR. STEVEN HART: Steven Hart, 21200 East Country
17 Vista Drive, Apartment C204, Liberty Lake, Washington 99094.

18 I'm here on behalf of my employer. They're the
19 ones that give me a paycheck every two weeks. I'm a 25-year
20 veteran with BNSF Railway. So I'm a locomotive engineer for
21 BNSF. I've been doing that since 1996. I'm a licensed
22 engineer. We have to go through a lot of training. We have
23 to be recertified by the feds every 36 months.

24 And just for the record, if you look at the
25 Spokesman Review, Page B3, December 8th edition of the

1 Sunday paper, you'll see that we're moving three train sets
2 of oil through Spokane currently going to Tesoro, to
3 Anacortes, U.S. oil refining in Tacoma, and we're also
4 moving some traffic to Port Westward, which is down near
5 Clatskanie, Oregon.

6 BNSF is a very good corporate citizen. Our
7 predecessors have been moving trains through this community
8 for over a hundred years. So I'm a professional. I handle
9 oil trains. I've probably handled 10 or 20 oil trains in
10 the last year through this community and just wanted, you
11 know, for the record, to say that we're a very safe
12 industry.

13 BNSF just this year has invested somewhere about
14 \$4.5 billion into our infrastructure, and our infrastructure
15 capital budget for next year will probably be closer to
16 \$5 billion.

17 The U.S. rail industry is a growth industry right
18 now. My company employs over 40,000 people. And we serve
19 28 different states. So I'm for this. I think it's good
20 for the country. I think that, you know, we need to take
21 advantage of our own resources and use them wisely. Thank
22 you.

23 JUDGE TOREM: Next is Makayla Jordan followed by
24 Gary Payton, Susan Drumheller, Marian Hennings.

25 MS. MAKAYLA JORDAN: I'm Makayla Jordan. I'm a

1 biomed student, P.O. Box 458, Greenacres, Washington 99016.
2 (inaudible).

3 First of all, I'm going to start with my biggest
4 concern is for the safety and the health of people here and
5 our environment. As some people may know or have done
6 research, Tesoro has 2.4 million in fines according to the
7 new reports. Part of this 2.4 million fines is for 39 local
8 violations. This means they could have potentially been
9 prevented.

10 One of the violations happened in April 2010
11 which involved human loss, seven lives. Washington Labor
12 Industry has claimed these incidents were preventible. In
13 my opinion, Tesoro has so many safety violations that they
14 don't appear to take preventions to keep employees safe. So
15 what makes anyone think that they would care about keeping
16 our environment and community safe?

17 We have so many beautiful landmarks. We have the
18 aquifer, and we have farms. People's houses and lives are
19 at stake. We shouldn't allow this moving environmental
20 hazard through our community. Is all the money that they're
21 making worth the money that we will have to spend on an oil
22 spill safe for our environment? Thank you.

23 JUDGE TOREM: Thank you.

24 Next is Gary Payton.

25 MR. GARY PAYTON: Good evening. My name is Gary

1 Payton of Sandpoint, Idaho. My address is 1189 Janish
2 Drive.

3 Sandpoint is the community at the northern end of
4 the rail funnel. It's a town through which oil trains and
5 coal trains come to Spokane and roll on to the west. I'm
6 here as an Idaho citizen to urge you not to permit Tesoro
7 Savage. Other speakers have already highlighted the risk
8 associated with expanding oil train movement from the
9 Bakken. You know the issues. Oil train derailments and
10 crude fuel infernos, oil spills hounding lakes and rivers,
11 increased diesel particulate, delayed emergency response at
12 at-grade crossings, and interruptions in normal lives and
13 commerce.

14 But there's an irony in these hearings. Each of
15 you is charged to make a decision on this case on one
16 terminal. 360,000 barrels of highly volatile crude per day,
17 four trains in, four trains out. Each of you is a citizen
18 of Washington, and you serve your governor in this process.
19 But you are really making a decision affecting hundreds of
20 communities across North Dakota, Montana, Idaho, Washington,
21 and even across the Columbia River to the south shoreline in
22 Oregon. This is not about one terminal and eight trains.

23 Your decision lies atop another set of decision
24 processes now underway that you're all aware of dealing with
25 coal export terminals at Cherry Point, Longview, and

1 Boardman. Those coal train decisions have the potential of
2 adding about 40 additional trains per day through Sandpoint
3 and Spokane along the route. And now we add another eight
4 oil trains to that equation.

5 I urge you to think regionally. I urge you to
6 consider the cumulative impacts beyond Vancouver, from the
7 oil fields to the terminals. I'm from Idaho where we see
8 nothing but risk for the citizens in five states. Deny the
9 permit.

10 JUDGE TOREM: Susan Drumheller followed by Marian
11 Hennings, Bob Hoff, then Peter Higgins.

12 MS. SUSAN DRUMHELLER: Hi. My name is Susan
13 Drumheller, and I live at 85 Sweeney Drive in Sagle, Idaho,
14 and I work for the Idaho Conservation League. And they're a
15 statewide organization that's been running for 40 years to
16 protect our air and water quality, our wilderness, and our
17 quality of life.

18 And I'm here to add our voice to those calling
19 for broad comprehensive EIS studies, which impact the
20 transporting of oil. We'd appreciate it if you would not
21 look at this in a vacuum and consider a large geographic
22 scope and study the cumulative impacts as Gary Payton just
23 mentioned.

24 Your jurisdiction may just be Washington. But
25 North Idaho will face many of the same impacts as

1 communities in eastern Washington. So, at the very least,
2 if you'll take a statewide look, some of our concerns need
3 to be addressed. And one thing I want to point out is the
4 Rathdrum Prairie aquifer is an aquifer that spans across
5 both states, and the refueling depot is over the aquifer in
6 Idaho. So what happens there could effect, you know, over a
7 hundred thousand people who drink that water in Spokane.

8 So we are tied together, and I hope you'll take
9 that into consideration. As Gary mentioned, Sandpoint is a
10 funnel. This is where the coal trains from Montana and
11 Wyoming will meet the oil trains coming down from the
12 northern line, and those trains will all come through
13 Rathdrum Prairie and through Spokane on to the ports west.

14 And you've heard some about potential for coal
15 dust affecting the maintenance of the tracks, and that's a
16 concern for the oil trains crossing those tracks as well,
17 and that increases the risk of derailments potentially. So
18 I hope you will study that as well as the potential impacts
19 on the Rathdrum Prairie aquifer. Look at the risks of oil
20 spills and the readiness of the communities along the rail
21 line to handle an oil spill or any other disaster.

22 Finally, please consider the true cost of this
23 proposal, and we shouldn't bear the expense. Thank you.

24 JUDGE TOREM: Marian Hennings?

25 MS. MARIAN HENNINGS: Thank you, ladies and

1 gentlemen. I gave some written remarks also because I find
2 it hard to speak. I've had throat cancer. But my main
3 concern is that you give your consideration to the entire
4 area and not just to the port itself. But there is going to
5 be damage to Vancouver if there were ever a spill there.
6 They should consider the likelihood of the sand -- the crude
7 oil being spilled while it's being loaded into the vessels.
8 Spills of that sort happened with molasses in Hawaii and
9 with coal in British Columbia within the last six months.

10 So it could happen easily in Vancouver. And it
11 would damage the port -- the water supply, the fishery, the
12 wildlife. And two other considerations locally regarding
13 derailments is that there have been several in Spokane in
14 the last 20 years. One of them was over Interstate 90 a
15 little over 20 years ago.

16 If that had contained crude oil, it would have
17 caused an explosion in downtown Spokane which would have
18 destroyed the concrete overpass over the freeway, which
19 would no doubt have killed dozens of people. It's just too
20 dangerous. And I ask that you consider the remarks I've put
21 in the box. Thank you.

22 JUDGE TOREM: Thank you.

23 Next is Bob Hoff followed by Peter Higgins, Carol
24 Ellis, and Mike Petersen.

25 MR. BOB HOFF: My name is Bob Hoff. I live at

1 3738 West Olympic here in Spokane. I've lived there for 34
2 years. I've also lived in western Washington, and I've
3 lived 24 miles north of Williston, North Dakota, the heart
4 of the Bakken oil boom.

5 You've heard a lot tonight about spills, oil
6 spills. A number from the pipeline and hazardous materials
7 administration, U.S. government: Spill rate for railroads
8 carrying crude oil, 38 hundredths of one gallon spilled per
9 million barrel miles. You've asked what are some
10 alternatives. How about a pipeline? Gee, I thought I'd see
11 thumbs down on that one.

12 It was said I think by a few people here tonight
13 that Spokane would have all the risks with no benefits.
14 There are people in Spokane who are being paid right now
15 royalties on oil that moves by train to the west coast. I
16 know of many people here. They're descendants of people
17 from North Dakota who farm. They inherited land. They
18 inherited mineral rights. Those rights are now being
19 drilled for oil, and they're being paid royalties on that
20 oil, and I'm not talking nickels and dimes. This is going
21 to add up over time.

22 That money goes to the Spokane banks. It's spent
23 in the Spokane economy. I know of people all across
24 Washington state. I'm sure you're aware there are a lot of
25 former North Dakotans who live over on the west side around

1 Seattle and so forth.

2 If you drive a gasoline-powered car -- and you've
3 probably noticed the price of gasoline lately. It's about
4 the lowest I've seen since I can't remember, and I'm sure
5 the increased supplies of crude due to the Bakken oil boom
6 have something to do with that. So that's a benefit to
7 everybody in Spokane who drives.

8 As for the whole issue of global warming and
9 we've got to stop burning fossil fuels -- I think even the
10 international panel on climate of the U.N. acknowledges
11 that, for the past 15 years, there has not been much, if
12 any, increase in global mean climate.

13 And, of course, I will admit that the scientists
14 who have recently reported to the U.N. have said we're 95
15 percent certain we're in global warming caused by man. If I
16 could just put that in context quickly for you. Last week
17 there was a story about a new planet being discovered way,
18 way out there. We've been hearing about that a lot lately.
19 The mysterious thing about this planet is it shouldn't be
20 where it is according to all the science, according to all
21 the models the scientists have, the planet should not exist,
22 but it does. So I guess you could say science was
23 100 percent wrong.

24 JUDGE TOREM: Next is Peter Higgins. Peter
25 Higgins? Carol Ellis. She'll be followed by Mike Petersen

1 and Matthew Nelson.

2 MS. CAROL ELLIS: My name is Carol Ellis. I live
3 at 2015 East 36th in Spokane.

4 I'm a lifelong Spokaneite, and I'd like you to
5 look at the elephant in the room. There's actually more
6 than one elephant in this room. China is one of the
7 elephants because the New York Times reports October 31st of
8 this year that 75 percent of the Bakken oil is already being
9 shipped by rail and that the proposed shipments through
10 Sandpoint, Spokane, out to the coast will be going to China,
11 will be contributing to global warming, and they also
12 reported two rail derailments in Canada this summer before
13 the one in Quebec.

14 And I'd like to add that, in my research, I've
15 found that there was a big rail accident not long ago near
16 Bonners Ferry because of wet soil. They had 7 inches of
17 rain, and that caused -- the wet soil was too soft. There
18 are also sun kinks on the rails. Too much heat. Do we have
19 global warming creating more heat? Yes, we do. We also
20 have broken rails because of our thawing and freezing,
21 thawing and freezing, all the conditions that can cause rail
22 problems exist in the whole parameters coming through five
23 states.

24 Please go beyond just Spokane. Look at all the
25 aquifers in the state of Washington. Look how the Spokane

1 aquifer begins in Idaho. Look at how the Clark Fork aquifer
2 begins in Montana and goes to Idaho. If you go to the state
3 of Washington's map for aquifers, you will see how many
4 sole-source aquifers will be impacted.

5 I am also submitting a list of chemical problems.
6 The EPA is kind of all on crude oil. The oil coming by --
7 in the trains would be crude. They don't even have the
8 codes to deal with the crude if you check the EPA. The
9 health problems -- I'm leaving you a list of all the schools
10 and hospitals that are in the track coming all the way from
11 Montana, Idaho, Spokane, and I haven't even covered out to
12 the coast.

13 You really need to look at the whole system --
14 water, air, health, people. Thank you.

15 JUDGE TOREM: Mike Petersen?

16 MR. MIKE PETERSEN: Hi. I'm Mike Petersen. I'm
17 the director of the Lands Council. We're at 25 West Main
18 here in Spokane, and I want to thank the council here for
19 coming out and holding this hearing. It's really important
20 for a lot of us here in Spokane.

21 We're a river city. The train track crosses the
22 river in multiple places as it, you know, goes through
23 Sandpoint in Idaho and on through Spokane. And, ironically,
24 our city is going to spend about \$200 million in removing
25 contaminants from the river. \$200 million. One spill would

1 easily destroy decades of cleanup. So we got to require a
2 bond from Tesoro or the railroad to make sure that, if
3 something does happen, they'll pay for the cleanup.

4 Now, the other thing that's interesting about
5 Spokane is the rail runs right through downtown. You might
6 have seen that as you were coming in today. It's a couple
7 hundred yards from Lewis & Clark High School. What if what
8 happened in Quebec or in Alabama or -- I don't think anyone
9 has mentioned the chlorine spill in Alberton, Montana. If
10 that were to happen near that high school, you might have
11 killed a few thousand kids.

12 We've got to analyze these things. There is a
13 huge risk. I'd like to see you analyze moving that track,
14 moving any track that transports toxic chemicals out of
15 Spokane and going around the town because that's what it
16 might take to lower the health risk assessments so that I
17 and other people are satisfied.

18 So I agree with much of what's being said here
19 today, study the cumulative impacts. We've got at-rail
20 crossings, we've got traffic congestion, diesel
21 particulates. And I'm pretty happy with a 95 percent
22 certain on climate change. Some others may not be, but I
23 think it's happening. And so we've got to look at all of
24 these things.

25 This just enables -- this facility would just

1 enable a chain of cumulative impacts for the Bakken mines
2 where you have very expensive oil fracking, extremely -- you
3 know, they're gassing off all the pollution, all the
4 methane. So I hope you look at the cumulative impacts, and
5 thank you again for coming tonight.

6 JUDGE TOREM: Last three speakers that we have
7 signed up are Matthew Nelson, then Dan McLay, and I believe
8 it's Jace Bylenga.

9 MR. MATTHEW NELSON: Hi. My name is Matthew
10 Nelson, 4612 South Victory Road, 99206. I'm currently a
11 student at Spokane Valley Tech. I'm studying engineering.
12 I am for the proposed rail line refinery, Tesoro Savage. I
13 think that the United States has the capability to become
14 energy independent by using the resources such as the Bakken
15 oil fields.

16 I'm confident in the rail company's -- BNSF's
17 ability to safely and efficiently transport the oil through
18 Spokane. And for those of you who consider the chance of an
19 oil spill to be high, too high to allow this project to go
20 through, a .003 percent chance of an oil spill, then you
21 should not drive your car because the chances of you getting
22 into a car accident are much higher than .003 percent; yet
23 people still drive their cars to work every day.

24 And I think that this would be a great thing for
25 Spokane and the community to create jobs and to have the

1 United States become energy independent.

2 JUDGE TOREM: Thank you.

3 Dan McLay?

4 MR. DAN McLAY: My name is Dan McLay. I am a
5 retired nurse from Sacred Heart. My address is 112 West
6 Cliff Drive, Number 306. I grew up in Detroit. I used to
7 work on an assembly line in 1973 --

8 JUDGE TOREM: Slow down.

9 MR. DAN McLAY: -- sorry -- built V8 engines on
10 the assembly line in Detroit. I bought a four-cylinder
11 Toyota car, and I was called a trader by my coworkers. So,
12 ultimately, I decided that wasn't where I wanted to spend my
13 life working, and you can see what happened in Detroit with
14 their obsession with old technology.

15 And the other point I want to make is that
16 Spokane has a great potential as a tourist town, I think.
17 We have a beautiful city here. I'd like to see it become a
18 tourist mecca for baby boomers. Come and have some wine and
19 smoke a joint and really enjoy our beautiful town. But
20 interestingly we have this motto "Spokane, near nature, near
21 perfect." But if they run all of these trains right through
22 downtown with all this oil, I think they're going to have to
23 change it to say "Spokane, near nature, near disaster."

24 Thank you.

25 JUDGE TOREM: Jace Bylenga.

1 MR. JACE BYLENGA: Hello. My name is Jace
2 Bylenga, and I live currently at 7 -- I just moved there.
3 1234 West 12th Avenue in Spokane, Washington 99204. And I
4 just recently moved down to Spokane from Sandpoint, Idaho.
5 I lived up there for about three years, and I moved down to
6 Spokane to take a job as an organizer for the Sierra Club to
7 work on issues such as this. And I'm going to go ahead and
8 say I agree with a number of people -- Bart Mihavolic, Matt
9 Krogh, Marla Nelson, Laura Ackerman, Rick Eichstaedt, Gary
10 Payton, Susan Drumheller, and Mike Petersen.

11 And then I'd like to, I guess, share a few
12 personal stories from folks that I've talked to. Most of
13 them live in the Sandpoint area, which is, as you know, a
14 part of that rail line funnel.

15 I was recently this summer an employee of the
16 Bonner County Water & Soil Conservation District, and I was
17 a boat inspector for them, and I would sit for 12-hour
18 shifts by the side of the road and inspect boats for
19 invasive species, and that was right by an at-grade railroad
20 crossing. And whenever a train came by, I couldn't hear. I
21 actually had to plug my ears; otherwise, it would literally
22 hurt my eardrums, and I wouldn't be able to basically do my
23 jobs, which was talk to the boat owners about where their
24 boat had been to protect our environment from invasive
25 species. So that's one thing to consider is the noise from

1 trains.

2 Another thing, there was a recent tragedy up in
3 the Sandpoint area. 19-year-old Kayle Jean Porter on
4 Wednesday, the 27th, was struck by a train in her car at an
5 at-grade railroad crossing. And that was a tragedy.

6 So these at-grade railroad crossings are
7 dangerous, and the increased traffic is going to cause more
8 accidents. And if there is crude oil on those trains,
9 there's going to be more of that (inaudible).

10 Also, last week I actually talked to some friends
11 of a friend who are Spokane natives who drive out a few
12 weeks of the year, a few months of the year to -- I'll tell
13 you another time, Your Honor. No longer. Thank you.

14 JUDGE TOREM: All of you that have written
15 comments and want to turn them in tonight, Kali and Tammy
16 are still in the back and can take those tonight. Is there
17 anyone else that wanted to address the council and come
18 forward to speak this evening? All right. Thank you all
19 very much for your time. I'm glad that it was worth our
20 while to come to Spokane and that you came out to make it
21 worth our while.

22 The end of the scoping period is next Wednesday,
23 December the 18th. If you have something, please give it to
24 us by e-mail that day or at least have it postmarked by
25 Wednesday, December 18th. And at some point in the months

1 ahead when we've reviewed all the thousands of comments we
2 received on the project, EFSEC will be issuing a scoping
3 report. Those of you that signed up to be on the mailing
4 list can access that on the EFSEC website and track the rest
5 of the adjudication that will come in the parallel process
6 to this environmental evaluation through SEPA. Thank you
7 all very much for coming tonight. And good night.

8 (7:41 p.m.)
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I, Bonnie L. Martinelli, a notary public in and for the State of Idaho and Washington, do hereby certify:

That the foregoing is a true and correct transcription of my shorthand notes of the proceedings transcribed by me or under my direction.

I further certify that I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31st day of December, 2013.

Bonnie L. Martinelli, CSR 3164, RPR
Notary Public in and for the State
of Washington, residing in
Coeur d'Alene, Idaho

My commission expires 9/11/2017