

March 25, 2015

Via email efsec@utc.wa.gov

William H. Lynch, Chairman
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Re: Vancouver Energy Project
Application No. 2013-01
Docket: EF-131590

Dear Chairman Lynch:

On March 17, 2015, EFSEC staff announced a delay in the expected publication date for the draft EIS for the Vancouver Energy Terminal project. This new delay illustrates again the need for EFSEC and its consultant team to establish a project review schedule, to release that schedule to the public and to then manage the project review to that schedule. Ongoing uncertainty regarding the project review schedule and continued delay sends a negative message to those considering development of important energy infrastructure in the State of Washington and is not consistent with EFSEC's statutory mandate to manage energy facility permit review thoroughly and efficiently. Additionally, the EFSEC review process requires a commitment of significant time and resources from each Council member agency designee and agency consultants working for EFSEC. Because it is important that those Council members and agency consultants be available at each critical juncture of project review, a publicly disclosed review schedule will ensure Council members and agencies can commit to making the necessary time and resources available in a timely manner.

Vancouver Energy has been requesting a project review schedule for almost a year; we formalized that request in a letter to EFSEC on December 17, 2014. However, despite repeated requests, staff has not provided any project schedule to the public, other than vague statements regarding "expected dates" or "hopes." If staff and EFSEC's consultants involved in Application review and adjudication have not prepared a project review schedule, we ask they be instructed to do so and present the schedule to Council and the public no later than the next EFSEC Council meeting on April 21, 2015. If they have already prepared a project review schedule that they have not publicly disclosed, then we ask that they be instructed to release the project review schedule to the public immediately and to apply the resources and effort necessary to meet that schedule. Publicly publishing an expected DEIS and project review schedule will provide better transparency and accountability and give the business and investment community greater

confidence in the state's ability to manage the permitting and development of significant projects.

Specifically, we believe a project review schedule can, and needs to, identify the following key milestones for the DEIS and the adjudication phases of the project review:

- Deadlines for any remaining data requests of the Applicant and the amount of time allocated for the Applicant to respond.
- Deadlines for when individual DEIS chapters (and presumably associated appendices) will be made available to Council through the internal SharePoint site described at the Council meeting on March 17.
- Deadlines, or the amount of time allocated for Council review of each DEIS chapter.
- The amount of time allocated to finalize the DEIS after all Council input, edit and proof the document, prepare it for publication, and formally issue it.
- Duration of the DEIS public comment period.
- Whether public comment hearings will be held on the DEIS and, if so, how many and when.
- The date for the first adjudication prehearing conference and what topics the ALJ intends to address at that first conference.
- When the ALJ expects to ask the parties to further define the issues and the party participation in those issues in relation to the DEIS publication and public review schedule, and an anticipated timeframe for hearings to be conducted.
- The expected dates for issuing draft permits for public comment, including length of comment period and whether public hearings will be held.
- The expected time frame to review and respond to public comments received on the DEIS and on the draft permits.
- Expected submittal dates and EFSEC review schedule for pre-construction and operations plans that EFSEC staff has requested the Applicant submit.
- The duration of Council deliberations and expected date for Council decision following conclusion of the adjudicative hearings.

The Applicant recognizes the public's significant interest in the proposed terminal project. That is precisely the reason why the Applicant has been urging EFSEC staff to obtain additional

Chairman William Lynch
Energy Facility Site Evaluation Council
March 25, 2015
Page 3

consultant expertise to work on several of the issues of substantial public interest. The Applicant's purpose in requesting a public project schedule and management to that schedule is to provide public transparency and accountability to the EIS and project permit review process, in keeping with EFSEC's statutory obligations that recognize the state's pressing need for energy facilities and to ensure energy facility siting decisions are made in a timely fashion and without unnecessary delay.

The Applicant remains committed to providing whatever information and whatever resources EFSEC deems necessary to complete a thorough environmental and project permit review of the Vancouver Energy proposal. We ask that EFSEC establish and then manage to a project schedule that fulfills its statutory obligations.

Thank you for your consideration of this request.

Sincerely,



Kelly J. Flint

cc: Jared Larrabee, Tesoro Savage Petroleum Terminal LLC
Jay Derr, Van Ness Feldman
Irina Makarow, BergerABAM