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4 **BEFORE THE STATE OF WASHINGTON**  
5 **ENERGY FACILITY SITE EVALUATION COUNCIL**

6 In the Matter of:  
7 Application No. 2013-01

CASE NO. 15-001

8 TESORO SAVAGE, LLC

DECLARATION OF TODD COLEMAN IN  
SUPPORT OF THE PORT OF  
VANCOUVER, USA'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT RE:  
PREEMPTION

9 VANCOUVER ENERGY  
10 DISTRIBUTION TERMINAL

11 Declarant Todd Coleman certifies and states as follows:

12 1. I am the Chief Executive Officer of the Port of Vancouver, USA  
13 ("POV" or "Port"). I am over the age of 18, have personal knowledge of the facts  
14 contained in this Declaration, and am competent to testify thereto.

15 2. I joined the Port in 2001. From 2005 to 2012 I was the Deputy  
16 Executive Director, and in May, 2012 I was appointed Executive Director. I manage  
17 a staff of more than 100 people involved in day-to-day port operations, and report  
18 directly to the port's three elected commissioners.

19 3. I am a registered Professional Engineer in Washington, Oregon and  
20 Idaho. Prior to joining the Port, I held positions in several engineering consulting  
21 firms, where I had the opportunity to work on various Port of Vancouver public  
22 works projects. I also have an MBA. I served eight years on the Washington State  
23 Transportation Improvement Board (TIB) as a representative of the state's public  
24 ports.  
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DECLARATION OF TODD M. COLEMAN IN  
SUPPORT OF PORT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT RE: PREEMPTION - 1

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1           4.       The Port is a 104-year-old independent public agency with a mission  
2 of providing economic benefit to our community through leadership, stewardship and  
3 partnership in marine, industrial and waterfront development.

4           5.       The Port was formed more than a century ago to ensure that prime  
5 industrial and marine property on the waterfront was retained for public economic  
6 benefit. Today, the Port serves as landlord for more than 1,500 acres with the  
7 primary purpose of marine and industrial development, and Port tenants and  
8 customers move more than 6 million metric tons of goods each year.

9           6.       From a global perspective, POV is a link in one of the most efficient  
10 shipping connections between the Midcontinent and the Pacific Rim. This deep-  
11 water inland port features four miles of waterfront, is served by two rail carriers and  
12 two interstate highways and offers two of North America's largest mobile harbor  
13 cranes.

14           7.       POV is not a container port, which is a port equipped to handle  
15 containerized cargo. Rather, POV specializes in transport of bulk commodities and  
16 transport of large high-value items like wind turbines and motor vehicles. For  
17 example, 10 percent of the nation's wheat harvest moves through the Port. The Port  
18 also handles large volumes of steel and scrap metal, corn, soybeans, copper,  
19 fertilizers, and petroleum products such as diesel and jet fuel.

20           8.       One of the Port's major areas of focus is improving the flow of freight  
21 through the Port. Railroad traffic comes to the Port from sources across the North  
22 America, served by BNSF Railway, Union Pacific Railroad, Canadian National  
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DECLARATION OF TODD M. COLEMAN IN  
SUPPORT OF PORT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT RE: PREEMPTION - 2

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1 Railroad and Canadian Pacific Railroad. Vessels that call at the Port primarily carry  
2 cargo up and down the west coast and to Asian ports.

3 9. The West Vancouver Freight Access (WVFA) rail project, a 10-year,  
4 \$275 million investment that increases the Port's internal track miles from about 16  
5 to more than 50, is expected to reduce congestion on the Interstate 5 and Great  
6 Northern corridor routes by as much as 40 percent, and will allow full unit trains  
7 carrying a single product to be handled within the Port.

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9 10. The VEDT, a project the Port expects will generate a \$22 million, one-  
10 time payment in state and local taxes during construction and \$7.8 million in tax  
11 revenue annually once fully operational, is just one of the Port's tenants that will take  
12 advantage of the WVFA improvements and the Port's deep-water marine terminal. A  
13 significant component of the WVFA project was the acquisition of the Terminal 5  
14 property and the development of Terminal 5 into a unit train facility, which I  
15 oversaw.

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17 11. Current and future Port tenants and customers using rail and vessel  
18 transportation will benefit from the Port's improved rail-to-vessel facilities,  
19 regardless of commodity.

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21 12. The U.S. port industry is a competitive market, and ports across the  
22 country are investing heavily in improving and expanding their infrastructure to gain  
23 an advantage. POV and its tenants would be at a competitive disadvantage if  
24 conditions were imposed on railroad operations or Columbia River vessel traffic  
25 under the Energy Facility Site Locations Act that are inconsistent with the uniform  
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DECLARATION OF TODD M. COLEMAN IN  
SUPPORT OF PORT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT RE: PREEMPTION - 3

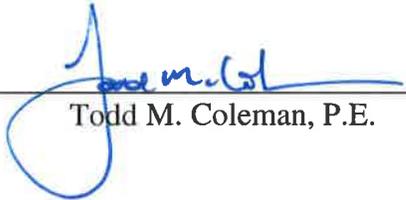
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1 and comprehensive federal regulation of rail and vessel traffic.

2 I certify under penalty of perjury under the laws of the state of Washington  
3 that the foregoing is true and correct.

4 Signed this 28 day of March, 2016 at Vancouver, Washington.

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Todd M. Coleman, P.E.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of March, 2016, I served the following  
DECLARATION OF TODD M. COLEMAN IN SUPPORT OF THE PORT OF  
VANCOUVER, USA’S MOTION FOR PARTIAL SUMMARY JUDGMENT RE:  
PREEMPTION on:

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