

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In The Matter Of:)
Application No. 2013-01)
TESORO SAVAGE, LLC) Case No. 15-001
VANCOUVER ENERGY DISTRIBUTION)
TERMINAL)

HEARING, Volume 23
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ADMINISTRATIVE LAW JUDGE CASSANDRA NOBLE
PUBLIC COMMENTS

1:00 p.m.

July 29, 2016

Clark College at Columbia Tech Center
18700 SE Mill Plain Boulevard
Vancouver, Washington 98683

REPORTED BY: Diane Rugh, CRR, RMR, CCR No. 2399

Buell Realtime Reporting, LLC
1325 Fourth Avenue, Suite 1840
Seattle, Washington 98101
206.287.9066 | Seattle
360.534.9066 | Olympia
800.846.6989 | National

www.buellrealtime.com

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1 JUDGE NOBLE: This is the phase of the
2 council's process where we hear from the public, and as
3 has been announced previously on numerous occasions,
4 this is a process where -- because of so many of you
5 want to speak up, we have allowed people to form groups
6 and appoint a spokesperson, and if that has been done,
7 those people will be allowed a little bit more time to
8 talk to the council.

9 I think most -- and after the
10 representatives of the groups have spoken and we're
11 alternating opponents, proponents -- well, we're
12 starting with proponents and then going to opponents,
13 back and forth like that.

14 After those representatives have had a
15 chance to speak, then individuals may come up and in the
16 same fashion opponents, proponents. We will accommodate
17 as many as we can.

18 I think you all should realize that we just
19 aren't going to be able to hear from everyone because
20 you are so numerous. So to the extent that you can keep
21 your remarks succinct and save a little bit of time for
22 other people, that would be greatly appreciated.

23 It's very important, since this is
24 associated with the adjudication, that you have followed
25 the evidence that has been presented in the adjudication

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1 and keep your remarks pertinent to that evidence and not
2 go outside of the record that we have established.

3 And just for the court reporter's sake,
4 would you just repeat your name when you come up to
5 speak to the council really quickly. The
6 representatives will have three minutes each to speak,
7 and we will go through all of the representatives first,
8 and the individual speakers will have two minutes.

9 And you can see up on these screens is our
10 timekeeper's indication of where we're at on your time.
11 And then there will be a bell; Ms. Aiken, show them the
12 bell. And when you hear that bell, stop talking.

13 All right. So let's get started before the
14 Energy Facility Siting Council considering the comments
15 of the public on the Vancouver Energy Distribution
16 Terminal and limited to the evidence in the
17 adjudication.

18 Could we have the first speaker, please?
19 You are a proponent? Are you Captain Rick Gill?

20 PUBLIC COMMENTER: I am.

21 JUDGE NOBLE: Please proceed.

22 PUBLIC COMMENTER: I'm Captain Rick Gill,
23 the president of the Columbia River Pilots known as
24 COLRIP. The purpose of my testimony is to address
25 statements made by Ms. Harvey regarding --

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1 JUDGE NOBLE: Captain Gill, I just want to
2 stop you, stop the clock. You used the word
3 "testimony," and I want you to understand that this is
4 not testimony, this is public comment, so there's a
5 distinction.

6 PUBLIC COMMENTER: Okay, okay.

7 JUDGE NOBLE: And you need to slow down.
8 We've had -- our court reporter has had a long -- long
9 day already.

10 PUBLIC COMMENTER: Okay. I apologize. I'm
11 trying to get a hundred years of safety in three
12 minutes.

13 JUDGE NOBLE: All right. So let's go back
14 to three minutes. Can we go back to three minutes?
15 Thank you.

16 PUBLIC COMMENTER: Okay, proceed here.
17 Ms. Harvey claims that outbound tankers are required to
18 navigate in a narrow 300-foot-wide 43-foot-deep outbound
19 lane of a 600-foot-wide shipping channel for 105 miles
20 down the Columbia River. This is not true.

21 Pilots use the entire width of the river,
22 where depth permits, and not limited to the
23 600-foot-wide Army Corps of Engineers' maintained
24 portion of the channel.

25 Ms. Harvey notes that the U.S. Coast Guard

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1 does not have a tanker traffic system to monitor and
2 guide ships through the Columbia River, implying that
3 this is a deficiency.

4 Quote, COLRIP has a system used by every
5 pilot to monitor and manage vessel traffic. The system,
6 TB 32, was developed and maintained by Volpe Center at
7 the U.S. Department of Transportation. TB 32 provides
8 COLRIP with realtime navigation tools necessary to
9 monitor and manage vessel traffic on the river. A U.S.
10 Coast Guard managed system would not increase safety of
11 navigation.

12 Ms. Harvey states that a comprehensive risk
13 assessment should be done to evaluate tug escorts.
14 COLRIP agrees that a comprehensive risk assessment
15 should be done to determine if tug escorts add value.

16 I am the chair of the Columbia River Vessel
17 Traffic Evaluation and Safety Assessment Working Group
18 which was formed to assist the Washington Department of
19 Ecology with a risk assessment commissioned by the
20 Washington legislature in 2015.

21 Ms. Harvey describes Valdez Narrows in
22 Alaska as though it is comparable and should be a model
23 for sitting standards of the Columbia River. It's
24 bounded by rocks on all sides. Columbia River is
25 composed primarily of soft mud and sand.

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1 JUDGE NOBLE: Slow down, Captain Gill.

2 PUBLIC COMMENTER: Sorry. The narrows are
3 less than three miles in length, almost a mile wide
4 except for one area of 1400 feet. There's a 16-foot
5 range of tide twice a day and cross-currents of six
6 feet.

7 The tankers calling Valdez are VLCCs and are
8 much larger than anything that would call the Columbia
9 River. One cannot compare the Valdez Narrows and the
10 Columbia River as they are entirely different.

11 Ms. Harvey describes an accident in 1984 in
12 which the tanker SS Mobil Oil suffered a steering
13 failure and subsequently grounded and spilled in the
14 Columbia River.

15 All tankers today are double hull, have
16 modern redundancy steering systems, comply with ISM and
17 ship-specific safety management systems.

18 Each pilot carries a portable pilot unit
19 using TB 32 and have a watch forward standing by the
20 anchors so that the ship can self-arrest by dropping its
21 anchor.

22 The grounding of the SS Mobil Oil is of very
23 limited relevance to risk assessment today. The
24 Columbia River Pilots are dedicated to the highest
25 levels of safety and navigation; we are the protectors

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1 of the environment. My comments should not be
2 misinterpreted as underpinning the concern for safety in
3 the Vancouver Energy Distribution Terminal if permitted,
4 built, or operated.

5 Rather, COLRIP recognizes that there are
6 legitimate safety concerns that must be addressed and
7 mitigated. We only desire that identification of safety
8 issues be fact-based. Thank you.

9 JUDGE NOBLE: Thank you, Captain Gill.

10 It would be helpful, I think, if the
11 speakers could maybe line up so that we don't have the
12 lag time for you to approach the microphone.

13 The staff over there has a list, I think.

14 Nope?

15 PUBLIC COMMENTER: Hello.

16 JUDGE NOBLE: Okay. Rudy Salakory?

17 PUBLIC COMMENTER: Right.

18 JUDGE NOBLE: Let me tell you that the next
19 speaker is Ann Donnelly. So if you'd get ready. I'll
20 just call the name of the next one. Thank you,
21 Mr. Salakory, please begin.

22 PUBLIC COMMENTER: Hello. My name is Rudy
23 Salakory. I am the Aquatic Habitat Restoration Program
24 Manager for the Cowlitz Indian tribe. I have, over the
25 last eight years, established and curated a program

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1 which has developed and implemented 27 habitat
2 restoration and conservation projects throughout
3 Southwest Washington. These projects are funded by
4 state, federal, and private entities through competitive
5 grant rounds and has to date secured nearly \$20 million
6 to build these projects.

7 JUDGE NOBLE: Slow down.

8 PUBLIC COMMENTER: We do these projects to
9 restore landscapes and processes which are integral to
10 the Cowlitz people and their culture. I'm here today to
11 rebut the testimony of the Glenn Grette and Christopher
12 Earle.

13 I have four points to make.

14 First, I would advise the council and other
15 decision-makers that the Grette Report is not
16 peer-reviewed. Peer review is a cornerstone of modern
17 science. The Grette Report could be correct in its
18 analysis, but we cannot know for certain as we can only
19 take the word of the preparers.

20 Without peer review, we cannot know if the
21 methods and assumptions used to determine the
22 conclusions of the study are appropriate.

23 We cannot, therefore, understand the
24 validity of the data used nor can we claim that there's
25 consensus from experts in the field, that the

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1 conclusions are correct and free from bias. However, if
2 we take the report and testimony as read, I still have
3 some comments and concerns.

4 First, there are 13 species of ESA-listed
5 salmonids in the lower river, not just fall Chinook.
6 All salmonids, from the headwaters of the Columbia and
7 Snake on down, use the lower river twice in their
8 lifetimes: First as out-migrating juveniles and again
9 as returning adults.

10 There's year-round use by both juvenile and
11 adult fish of different species and life-history
12 strategies. Not considering other species of salmonids,
13 this represents the impact smaller take has on highly
14 imperiled stock such as chum salmon, which are smaller
15 and more vulnerable to wake stranding than juvenile fall
16 Chinook.

17 A take of 100 fish of one species may not be
18 as catastrophic or may not be as catastrophic as the
19 loss of ten fish from another species. And even if you
20 only consider juvenile fall Chinook, the residence time
21 of each individual in the lower river can vary between
22 25 and 60 days, which is distributed throughout much of
23 the year.

24 With long residence times and increased
25 number of vessels moving through the lower river, each

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1 individual fish is likely exposed to wake-stranding
2 conditions on multiple occasions, increasing the
3 likelihood of fish mortality.

4 Grette also asserts the eulachon are not
5 affected because the absence of eulachon in that survey
6 is done inside of reports. Eulachon larva and eggs
7 range between .8 and one millimeter. The mesh size used
8 by researchers to collect eulachon eggs and larva is .33
9 millimeters, much smaller in size than any of the
10 equipment used.

11 It is inappropriate to determine that
12 there's no impact from wakes on both larval eulachon,
13 which are entirely at the mercy of tide and currents, or
14 adult eulachon which heavily uses shallow water areas
15 along the shoreline.

16 Oral testimony relies heavily on the Grette
17 Report. Both testimonies conclude that wake stranding
18 only occurs at three to eight places in the river which
19 are easy to access by survey teams. The work done for
20 the Bradwood Landing arguments demonstrate the wake
21 stranding occurs at multiple locations and without
22 monitoring can be difficult to assess. Birds can take
23 stranded fish -- (bell) Thank you.

24 JUDGE NOBLE: Ms. Donnelly, we are
25 all going --

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1 (Court reporter admonition to public
2 commenters.)

3 JUDGE NOBLE: You took the words right out
4 of my mouth. I know you're anxious to say everything
5 that you have to say, but there's so many people that
6 want to speak, these time limits are necessary. So
7 please do be careful to not -- and the court reporter
8 just won't be able to catch everything you have to say.

9 PUBLIC COMMENTER: I understand. I'm Ann
10 Donnelly; I'm testifying as a taxpayer, and also I
11 happen to be president of the Board of the National
12 Alliance on Mental Illness in Southwest Washington, so I
13 advocate for the mentally ill in our community.

14 Our city, region, and state are in urgent
15 need of family-wage jobs. Just raising taxes will not
16 help; in fact, it will hurt. Consider the following
17 indications of our need.

18 The City of Vancouver has a homelessness
19 crisis and is considering raising taxes. Clark County
20 is now projecting a 20 million shortfall and the state
21 of Washington is out of compliance with court orders to
22 provide for the mentally ill and for our public schools,
23 and we're incurring penalties as taxpayers every day for
24 those court orders.

25 So we have to include these realities in our

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1 economic assessment. We know that the Vancouver Energy
2 Project will add an average of more than a thousand jobs
3 a year long-term, hundreds more jobs supporting vendors
4 and spinoff activities, one billion in labor income, and
5 more than two billion in economic value, and then tens
6 of thousands of dollars in direct grants to Clark County
7 nonprofits.

8 No industrial development is without risk,
9 but this applies the same proven state-of-art technology
10 that is applied safely around the world.

11 The Project plans meet or exceed safety
12 standards in rail safety and all the other areas that
13 have been testified on. The Project's investments in
14 these areas will make our current rail operations safer,
15 so let's try to find the best both approaches.

16 Yes to the terminal, and yes to improved
17 safety, because we need the money. Thank you.

18 JUDGE NOBLE: Thank you, Ms. Donnelly.

19 Mayor Burns?

20 PUBLIC COMMENTER: Hello. Arlene Burns,
21 Mayor of Mosier, Oregon, and first I want to thank you
22 guys; I know you must be exhausted. It's been a long
23 process and for us in Mosier, it's been about the same
24 amount of time since the derailment, and we are really
25 still exhausted.

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1 I wanted to speak to three things: First of
2 all, the Washington Department of Natural Resources on
3 the wildfire danger, it was only because it was a rare
4 windless day that our town was not wiped out. And we
5 know how rare that is, and it was also because it was
6 early June, not August or September, when the fire
7 danger was extraordinary. So this is a real risk, and
8 this is twice we've come to a place in Mosier where
9 we've almost lost our town to fire.

10 But this idea that a train can derail going
11 26 miles an hour on a relatively straight piece of track
12 and cause this much damage is really devastating to us
13 and something to consider.

14 Next is the testimony of Brett
15 Vandenhoevel -- his name is challenging -- regarding the
16 groundwater, and our groundwater has been contaminated.
17 Right now it's not affecting the drinking water of the
18 town because those wells are further up the hill. But
19 we haven't gotten to the rainy season yet, so there's a
20 lot of oil that is basically in a static position until
21 the rains start, so this is going to be an ongoing,
22 long-term process that we're going to be dealing with.

23 We've also had a lot of people in our town
24 that are -- our property values have gone down, people
25 want to move. The children haven't come back to the

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1 school yet, so we're still a bit terrorized by what
2 could have happened and what did happen.

3 The third thing I would like to speak to is
4 Eric Holmes' testimony to prepare for the worst-case
5 scenario, and I think this is a realistic scenario. And
6 even though we heard that the plan for the storage tanks
7 will endure a 9 earthquake, I don't think they've made
8 trains yet to ensure 9 earthquakes.

9 Every single train would derail and explode,
10 and there would be no resource to put out those fires,
11 so we're really creating a time bomb and we know that
12 this seismic activity is upon us. It's a scientific
13 reality.

14 So we are all connected, all along the
15 tracks. This decision will affect every community on
16 the tracks on both sides of the river, as well as the
17 habitat of Columbia River; so we're all in this
18 together, and we really urge you to think of the larger
19 picture of going forward. Thank you very much.

20 JUDGE NOBLE: Thank you, Mayor Burns.

21 Liz Wainwright.

22 PUBLIC COMMENTER: Hello. My comments today
23 concern some misimpressions created by several other
24 witnesses as it relates to the MFSA, the Vessel Response
25 Plan for the oil spills, and the Lower Columbia Maritime

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1 Fire Safety Plan.

2 I'm Liz Wainwright, Executive Director of
3 Maritime Fire & Safety Association. MFSA established in
4 1983 is a nonprofit local maritime industry-based
5 organization with financial support from the ships that
6 transit up and down the lower Columbia and Willamette
7 Rivers.

8 JUDGE NOBLE: Slow down, Ms. Wainwright. A
9 little bit slower, thanks.

10 PUBLIC COMMENTER: Fees from vessels support
11 our Oil Contingency Response Program, our VHF radio
12 system, and our fire program. We are the leading
13 advocate for safe, environmentally responsible, and
14 cost-effective response for commercial vessels in the
15 lower Columbia, Willamette River Maritime Transportation
16 System.

17 Our board and committee members and
18 stakeholders include representatives from the
19 departments of Ecology and Environmental Quality, U.S.
20 Coast Guard, public ports, private terminals, fire
21 departments, and maritime businesses in Oregon and
22 Washington including the Columbia River Steamship
23 Operators Association.

24 The FPAAC chair has a seat on the MFSA board
25 of directors. The MFSA Vessel Response Plan for oil

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1 spills is utilized by all large commercial vessels
2 navigating the lower Columbia and Willamette.

3 Our plan is being continuously approved by
4 the states of Oregon and Washington since laws were in
5 enacted in 1991. A unique feature of the response plan
6 is a requirement that each enrolled vessel commit to
7 making their federal-approved vessel response plan OSRO
8 resources available to the MFSA response plan, which
9 extends the response coverage and resources to the ocean
10 ensuring a seamless response.

11 Since 1993 we've had an agreement with the
12 Clean Rivers Cooperative to utilize their response
13 equipment and resources to respond to any spill. Clean
14 Rivers is a nonprofit organization dedicated to
15 professional spill response and the prevention of
16 maritime petroleum spills.

17 We sponsor the Fire Protection Agency
18 Advisory Council, FPAAC, comprised of 13 fire agencies
19 and including the Vancouver Fire Department. Since 1993
20 MFSA has provide annual funding assistance to FPAAC for
21 shipboard training and equipment, something agencies
22 didn't have access to previously.

23 Decisions on which equipment and training
24 are obtained are directed by FPAAC as the technical
25 experts in their fields, not the MFSA. In 1984 they

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1 developed the Lower Columbia Maritime Fire Safety Plan,
2 along with the Shipboard Fire Operations Guide. Last
3 month MFSA received 198,000 FEMA grant allocation, which
4 along with a cash match from MFSA will be used to
5 conduct a risk assessment of the lower Willamette
6 Maritime firefighting environment and develop a
7 comprehensive update to the Plan and the guide.

8 The need to evaluate and up the Plan was
9 recognized by FPAAC and received the unanimous support
10 of the MFSA Board of Directors. We anticipate the
11 project will be completed in the first quarter of 2018.

12 JUDGE NOBLE: Thank you, Ms. Wainwright.
13 Tim Young.

14 PUBLIC COMMENTER: I'm Tim Young, Chairman
15 of the Board of Commissioners of the Skamania County
16 Fire District. The District provides fire production
17 and emergency medical sources at the west end of
18 Skamania County and includes a portion of the Columbia
19 River Gorge National Scenic Area.

20 JUDGE NOBLE: Mr. Young, slower, please.

21 PUBLIC COMMENTER: We have reviewed
22 testimony previously submitted and offer the following
23 comments. One of our partners in wildfire suppression,
24 the Washington Department of Natural Resources, has
25 stated, "The proposal would create an increased risk of

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1 wildfire ignition along every mile of track used both
2 from heat and sparks created by increased daily rail
3 traffic and from catastrophic accidents. Additionally,
4 state firefighters are not prepared to address
5 additional wildfires associated with transportation with
6 crude oil by rail as part of this proposal," end of
7 quote.

8 This is from the very agency that we turn to
9 assistance in wildfire operations in our district. If
10 they can't handle the wildfire, then how can we be
11 expected to and how can our neighbors be expected to?

12 Approximately five of the seven miles of the
13 BNSF tracks in our district are not accessible by fire
14 apparatus: The Mosier fire in Oregon has the benefit of
15 access. In our case the fire would burn unabated, with
16 no ability to apply water for railcar cooling and
17 eventual extinguishment in an area characterized as
18 heavily wooded.

19 Furthermore, in our District, we have no
20 ability to access a fire from the Columbia River, thus
21 rendering a fire completely inaccessible in all
22 directions.

23 In addition, in areas where tracks might be
24 accessible, there are not sufficient water tenders
25 available under full state mobilization to provide for

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1 the cooling and suppression fire-flow rates as
2 experienced in the Mosier fire.

3 And as Chief Appleton of Mosier has
4 previously testified, there's no guarantee that these
5 types of resources are available at any given time. The
6 nonintervention tactic of allowing Bakken crude oil
7 fires to burn out on their own or the requirement to let
8 them burn down for eight to ten hours before foam can be
9 applied, as experienced in Mosier, is unacceptable in a
10 region that is heavily wooded and susceptible to
11 extremely high winds. This will result in exposure to
12 substantial wildland fire risk.

13 Skamania County Fire District No. 4
14 respectfully urges the State of Washington to deny the
15 site certification application due to the unacceptable
16 fire and life-safety risks and impacts to the District,
17 Skamania County, and to the Columbia River Gorge
18 National Scenic Area at large. Thank you.

19 JUDGE NOBLE: Janine Terrano.

20 PUBLIC COMMENTER: Good afternoon, council.
21 Thank you for the opportunity to address you today
22 concerning the Vancouver Energy Project. My comments
23 will reference the testimony of Brad Roach of Tesoro.
24 My name is Janine Terrano; I'm CEO of Topia Technology,
25 a cyber security company in Tacoma.

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1 I have evaluated this project as the CEO of
2 Topia, a technology company; an active citizen of
3 Washington state; and an avid fly fisherman who is
4 concerned about the overall health of Washington's
5 water.

6 I see this project as a very important step
7 to increase U.S. energy and dependence, reduce carbon,
8 and reduce the amount of oil crossing the Pacific ocean
9 and into the waters of this state.

10 Mr. Roach described the ongoing need for oil
11 in Washington and on the West Coast. I, for one, want
12 to reduce our need for oil and reduce our carbon
13 footprint. This can only be achieved by a thoughtful
14 and rational glide path over the next 30 to 40 years.

15 I see Bakken crude transporting oil by
16 trains as a major step forward in reducing our carbon
17 footprint because this oil is less carbon intensive.

18 By approving this project, we also reduce
19 our dependence on foreign oil coming across the Pacific
20 Ocean. I believe we've made terrible foreign-policy
21 decisions by being so dependent upon oil from the Middle
22 East, Russia, and other nations, and if there is any way
23 to reduce that dependence by moving forward with
24 projects like this, we should do it.

25 I would urge both Tesoro and EFSEC to move

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1 forward with this project but make certain it is safe.
2 Work with the federal government to ensure that our rail
3 lines are capable of safely handling this cargo on a
4 regular basis. Tesoro has already invested millions in
5 the highest quality railcars. But let's make certain
6 that the local, state, and federal governments are
7 prepared to protect our public safety and our precious
8 environment. I feel strongly that this can be done.

9 You need to take seriously the job before
10 you today. In my job I need to evaluate risk every day.
11 I pay close attention to data and facts. When I look at
12 this project, I see a positive regional socioeconomic
13 project that creates jobs, will be an economic asset,
14 and will begin reducing carbon and pose a lesser threat
15 to our beautiful Pacific Ocean.

16 Let me be clear. If you don't approve this
17 project, you will be accepting the status quo of heavier
18 and more carbon-intensive oil from foreign sources being
19 shipped over the Pacific Ocean. The demand for crude
20 oil is not going to disappear overnight. That's the
21 reality. Change is strategic and incremental.

22 Let's take an important step into the
23 future. I'm committed to reducing the petroleum use,
24 but in the interim, let's do it the right way. I would
25 urge you to approve the Vancouver Energy Project. Thank

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1 you.

2 JUDGE NOBLE: Thank you.

3 Pastor Richenda Fairhurst.

4 PUBLIC COMMENTER: Thank you so much for
5 being here and for listening. It means a lot to this
6 community that you have done this.

7 So I'm not an engineer or an
8 environmentalist, I'm a member of the clergy. And so
9 what I want to talk about is what it means to people
10 like me when we contemplate the reality of building an
11 enormous crude oil transfer station and sending
12 mile-and-a-half-long trains through the communities.

13 I pastor the church in Camas, Washington,
14 Camas United Methodist Church, and we are at the top of
15 the first blast zone, and well within the evacuation
16 zone should there be an event. And these kinds of
17 things, as we heard Mosier mayor testify, they don't
18 just leave physical wounds, they leave emotional and
19 spiritual wounds.

20 So think about it this way. At Lac-Megantic
21 there were 47 deaths. That's the facts. But five of
22 those folks are just plain missing. There's 42
23 confirmed people killed and five that are missing. So
24 consider for a moment what that means, that the fire
25 burned so hot and for so long, that there was nothing

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1 left to give to the family as they mourned their losses.
2 People like me, we do the funerals. People like me, we
3 step up and hold people's hands as they try to make
4 sense of the crises that come their way, as they mourn
5 someone they can't even bury. They can't even have the
6 closure of saying, well, for sure, he was there. So
7 what do you -- how do you counsel somebody through that
8 kind of pain?

9 And downtown Vancouver, there's a lot of
10 people that live on the edge, so one crisis would be
11 compounded by other crises, homelessness and things like
12 that. If they are going to be evacuated, where are they
13 going to go?

14 Sixty percent of Americans turn to a clergy
15 member above physicians and counselors. After the 9/11,
16 90 percent nationally turned to religion seeking some
17 answers and some help.

18 There's been some outstanding testimony here
19 from the City of Vancouver saying what kind of community
20 we want to live in. Our children want to live in
21 communities that affirm life, that affirm a future for
22 our children. And I will do funerals for first
23 responders, and I will do funerals for teachers and for
24 students who are not able to be evacuated in time along
25 the elementary school route, I will do funerals for our

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1 downtown folks if there is an explosion, but I don't
2 want to. I don't want to.

3 We can choose right now the stories that we
4 tell each other and our kids about what we did when this
5 moment came. Are we going to poke the dragon in the
6 eye? (Bell)

7 JUDGE NOBLE: Thank you, Pastor Fairhurst.
8 Kirk Bonin. Kirk, Kirk Bonin.

9 PUBLIC COMMENTER: Hello. I'm here to
10 comment on statements made by Captain Marc Bayer and
11 Susan Harvey. I'm Captain Kirk Bonin with Harley Marine
12 Services.

13 Captain Bayer did an outstanding job in his
14 testimony of describing the way navigation on the
15 Columbia River actually occurs in refuting some of the
16 assertions made by Susan Harvey for Columbia
17 Riverkeeper.

18 Her testimony was full of errors.
19 Ms. Harvey mentions the Columbia River Bar, a graveyard
20 of the Pacific and 2,000 vessels lost since 1793, 1793.

21 It's important to have perspective and
22 accurate information on the Vancouver Energy Project.
23 As Captain Marc Bayer testified, the 2,000 vessels is
24 for the entire Oregon coast, and 95 to 80 percent were
25 sailing vessels lost before 1930.

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1 Ms. Harvey also mentioned the Mobil Oil
2 spill more than 30 years ago. A lot has changed. All
3 vessels have double-hulled including tugs. A Columbia
4 River pilot and a Columbia River Bar pilot will be on
5 every vessel carrying or serving Vancouver Energy
6 Terminal. Both are licensed by the Coast Guard,
7 certified for their expertise and piloting large vessels
8 in the area they serve. The crews are also highly
9 trained and the vessels on the river are in contact with
10 each other. It is far different than Ms. Harvey
11 describes.

12 Ms. Harvey also pointed out Prescott as a
13 problem navigation area. Yet as Captain Bayer
14 testified, it is wider than Ms. Harvey implied, and the
15 river is actually deeper than the maintained channel
16 almost bank to bank. That's based on actual charts and
17 not observations from space.

18 The Percy Island location also has a lot
19 more water to navigate than Ms. Harvey claimed. I could
20 go on if time permitted, but the bottom line is this:
21 The environment can and will be protected with Vancouver
22 Energy.

23 All of us depend on the products the
24 terminal will provide, and it will bring great jobs, not
25 just at the terminal supporting related jobs, but also

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1 to our shipyards, their subcontractors, and suppliers.
2 A lot of great-paying jobs will help provide balanced
3 budgets for schools, fire, and police departments, and a
4 rebuilding of our infrastructure. We can do this and be
5 green at the same time. Thank you.

6 JUDGE NOBLE: Thank you, Captain Bonin.
7 Don Orange.

8 PUBLIC COMMENTER: Good afternoon and thank
9 you for your work here. My name is Don Orange. I am
10 founder of a small business organization called
11 Vancouver 101, which is well over 101 Vancouver
12 businesses, most of them from the downtown region who
13 are absolutely opposed to this oil terminal.

14 And I'd like to kind of testify on what our
15 City Manager, Eric Holmes, had to say relative to this.
16 And it affects our small businesses.

17 He talks about the waterfront project; he
18 talks about our ideas for downtown, and what we're
19 supposed to look like. One of the developments down
20 there is supposed to build 3,000 condominiums right next
21 to a track that is designed to go straight into this oil
22 terminal.

23 These are my future customers. I do not
24 believe that people are going to buy fancy condominiums
25 within a few hundred feet of the main line going into

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1 the Tesoro Plant.

2 What is good for the community as a
3 philosophy of small business is good for our small
4 businesses. This is not good for the community. We
5 absolutely need jobs. Any small business person that
6 doesn't know that the backbone of our business is jobs.
7 It isn't return on great investments or what have you.

8 People pay to get their cars fixed at my
9 store with wages or salary. The people pay to get food
10 down at the bakery or beer down at the microbrew with
11 their income. And so nobody could be more concerned
12 about jobs.

13 The question is, what are we choosing for
14 jobs for the future of America's Vancouver? Do we want
15 to be Valdez, Alaska, whose name will ever go down in
16 history, or do we want to be America's Vancouver?

17 And I ask you to think about the citizens.
18 I've got a school a block from my store. I'm two miles
19 as the crow flies from where this plant is designed to
20 go half a mile from one main line railroad and
21 three-quarters of a mile from the other.

22 We will lose businesses in Vancouver who
23 have other places like Bend and Bellevue and beautiful
24 places to choose from. This is a treasure. Vancouver
25 is a treasure, and the longer I've been here the more

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1 I've appreciated it.

2 I want you to respect our Vancouver. This
3 is not a place for 19th century dirty technology.

4 Thank you.

5 JUDGE NOBLE: Thank you, Mr. Orange.

6 Since people are not feeling they have
7 enough time to say the group that they're representing,
8 I will just say that when I announce the name.

9 The next speaker is Kris Greene from the
10 East Vancouver Business Association, a small business
11 owner.

12 PUBLIC COMMENTER: Thank you. I'm here to
13 comment on the testimony by Jerry Johnson of Johnson
14 Economics in Portland. My name is Kris Greene, that's
15 Kris with a K, K-r-i-s. I'm a small business owner,
16 member of the East Vancouver Business Association and
17 former president of the Evergreen School District
18 Foundation.

19 Mr. Johnson asserted that the Vancouver
20 Energy project would provide very little value to the
21 State, quote, very few jobs and possibly have an overall
22 negative net economic impact.

23 Those assertions are simply wrong. Maybe
24 300 construction jobs, maybe 1,000 total direct and
25 indirect jobs every year, \$1.5 billion in labor income,

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1 and more than \$2 billion in total economic impact
2 wouldn't mean much in Portland, although I suspect that
3 that is not the case, or to Mr. Johnson's business. But
4 in Vancouver, Clark County, and Southwest Washington,
5 this is a huge impact.

6 I can speak specifically to schools and
7 other public services. In addition to the other
8 benefits I mentioned, which the project application
9 categorizes as having been identified through
10 professional economic analysis, this project will
11 produce an estimated 7.8 million in tax and local taxes
12 every year. That includes money for schools.

13 Our schools are vital today and for our
14 future and everyone knows that there are always needs in
15 the schools that are not met and that are underfunded.
16 That includes funding for police and fire which today is
17 also underfunded.

18 But beyond that direct revenue, our schools
19 will benefit from the millions of dollars earned and
20 spent every year in our community by the people who will
21 build and operate Vancouver Energy, and by all the local
22 businesses that will provide goods and services to the
23 facility.

24 The new employees in our area will also
25 impact our ability to generate income. This is not some

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1 pie-in-the-sky assertion, it is based on sound economic
2 principles. And it's certainly more relevant than the
3 speculations and attempts to portray the project in the
4 worst possible light.

5 As a community member, I also want to say
6 that I appreciate the way Tesoro and Savage have stepped
7 up to create a local foundation to support local
8 projects. We've already seen the benefit from our East
9 Vancouver Business Association Scholarship Program.
10 We've been given over \$5,000 for local scholarships.

11 That's just one more of Vancouver Energy's
12 many projects and benefits. Economic opportunities
13 should not go lost to hyperbole. And I thank you for
14 your time.

15 JUDGE NOBLE: Thank you, Mr. Green.

16 Den Mark Wichar from the Hough Neighborhood.
17 I know I mispronounced that.

18 PUBLIC COMMENTER: It's Patty Hough, with
19 our founder, Hough. Thanks.

20 JUDGE NOBLE: Thank you.

21 PUBLIC COMMENTER: In the City of Vancouver
22 testimony to EFSEC, City Manager Eric Holmes stated that
23 the City's goal is to, quote, "facilitate development
24 that minimizes adverse impacts to adjacent areas,
25 particularly neighborhoods." That's good.

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1 In contrast, proposed oil terminal would
2 adversely impact immediate areas around the Port which
3 are historically residential. My neighborhood, Hough,
4 next to rails and Port in the blast zone, has been
5 opposed to the proposal from the start, opposition which
6 increases with every new incident and revelation
7 involving toxic explosive crude.

8 Whether one likes the product or not, it
9 should never be transported through and stored adjacent
10 to where people, including children, live and work in
11 school and shop and play. Never, especially since the
12 two corporations intend to walk away from consequent
13 disasters.

14 Location for this proposal: The location is
15 insane. Hough does not accept it, nor do eleven other
16 neighborhoods, cities of Spokane, Washougal, Camas
17 Vancouver; State DNR, Clark County, State AG, Counsel
18 for the Environment, Columbia Waterfront Development
19 Group, tribal parties, Columbia Riverkeeper, Friends of
20 the Columbia River George, Washington Environmental
21 Council, Sierra Club; 140-plus small Vancouver
22 businesses plus physicians, nurses, educators, clergy,
23 elected officials. The list goes on, including, most
24 arrestingly, firefighters.

25 In more than a half century of environmental

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1 activism, I've never seen such broad, deep opposition as
2 stands against Tesoro Savage's oil terminal proposal at
3 Port of Vancouver.

4 Millions of gallons of explosive product do
5 not make good neighbors. This project makes no sense.
6 It must be denied, and it will be denied if sanity and
7 intelligence are the standards.

8 JUDGE NOBLE: Thank you, Mr. Wichar.

9 Alan Sprott of Vigor Industrial,
10 manufacturer.

11 PUBLIC COMMENTER: Good afternoon. My name
12 is Alan Sprott; I'm vice president of Environmental
13 Affairs for Vigor Industrial. Vigor is a leading
14 provider of shipbuilding, ship repair, and complex
15 fabrication in the Pacific Northwest.

16 JUDGE NOBLE: Slow down a little bit,
17 Mr. Sprott.

18 PUBLIC COMMENTER: At Vigor we support the
19 development of alternative energy for environmental and
20 business reasons. Vigor has been involved in renewable
21 energy projects including hydro, nuclear, wave energy,
22 and offshore wind.

23 That said, we support the Vancouver Energy
24 project, and I'm here to speak to statements about
25 maritime issues on the Columbia River made by a number

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1 of the Intervenor witnesses.

2 I can't begin to touch on all of them, but I
3 want to focus on the testimony of Mr. Blaine Parker. We
4 are very familiar with the aspects of vessel operation
5 on the Columbia.

6 Mr. Parker has commented that ballast water
7 carried by vessels that would serve Vancouver Energy
8 could release invasive species that would colonize the
9 Columbia River.

10 In reality, a robust program already exists
11 for managing ballast water that is applicable to
12 commercial vessels across this country. Both the
13 Environmental Protection Agency and the U.S. Coast Guard
14 regulate ballast water management under a number of
15 statutes.

16 That's just one example. The EPA regulates
17 ballast water through the Vessel General Permit using
18 its authority under the Clean Water Act.

19 In short, the ballast water provisions of
20 the Vessel General Permit incorporate the best science
21 and technologies for controlling aquatic invasive
22 species.

23 All vessels calling on Vancouver Energy will
24 operate under an EPA Vessel General Permit. There is no
25 reason to believe that the vessels associated with this

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1 project pose any greater risk of introducing invasive
2 species than any other vessel traffic on the river.

3 Such inaccuracies in Mr. Parker and other
4 intervenors' testimony are troubling because this is an
5 important project. It should be evaluated based on
6 facts and not erroneous information and conjecture.

7 We support Vancouver Energy because it is
8 consistent with our environmental ethic. It would
9 enable the use of mid-continent crude oil that is up to
10 30 percent less carbon intensive than the average crude
11 in Washington refineries today.

12 We know from our experience in the renewable
13 industry that the transition to renewables will take
14 decades to accomplish; so at present, oil is still a
15 critical energy resource, particularly for
16 transportation.

17 That being the reality, it makes great sense
18 to us that the less carbon-intensive mid-continent crude
19 is a better choice and that the hundreds of family-wage
20 jobs associated with this project should remain in the
21 region. Thank you.

22 JUDGE NOBLE: Thank you, Mr. Spratt.

23 Bob Sallinger, Portland Audubon Society.

24 PUBLIC COMMENTER: Good afternoon. I'm Bob
25 Sallinger, Conservation Director for the Audubon Society

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1 of Portland.

2 JUDGE NOBLE: Slow down.

3 PUBLIC COMMENTER: One of the things I do in
4 my job is I run our Wildlife Care Center; I've run it
5 close to 25 years. We're the largest wildlife hospital
6 in Oregon, and we're not a first responder and we're not
7 a primary responder to oil spills, but we do tend to get
8 called when they happen in the chaos that ensues and
9 they're frantically looking around for somebody to
10 respond to these situations. And so we do have
11 experience with this. I haven't reviewed the record,
12 and I would like to respond to a couple of things in it.

13 First and foremost, Dr. Taylor, who
14 testified, talked about his confidence about the
15 Geographic Response Plans. I've been in trainings for
16 these things; I've been in a variety of different forums
17 that have looked at these.

18 We have very, very little confidence in the
19 Geographic Response Plans and their ability to respond
20 to a catastrophic oil spill or even a large oil spill.
21 That's no insult intended toward the people that work in
22 this field and do their best, but the reality is, it is
23 very, very difficult to contain oil once it gets into
24 the water.

25 And it is very hard to remove once it gets

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1 flushed down the river. And so although we do have a
2 lot of trainings in place and a lot of materials in
3 place, the fact is when you have a catastrophic spill,
4 history tells us, experience with oil spills tell us
5 that it is almost impossible to contain that oil, and
6 once it's out in the environment, it's hard to recover
7 it.

8 There was testimony about booms and the
9 effectiveness of booms. Booms can be effective in
10 limited circumstances, but when you have a massive oil
11 spill, they are quickly overwhelmed. If you have chop
12 in the water, they are quickly overwhelmed; if you have
13 a windy day, they are quickly overwhelmed, and that oil
14 gets loose. It often can go over them and can go under
15 them. Booms are one part of a much bigger strategy, but
16 to rely on booms to contain a large amount of oil once
17 it gets in the river is just not credible. The capture
18 rate on oil spills tends to be very, very low.

19 I also want to respond to Gary Challenger
20 who talked about no population level impacts if there
21 was a catastrophic spill or a large spill. That just is
22 a fallacy. There could very easily be.

23 If you look at the area around this
24 facility, you have Sauvie Island Wildlife Refuge, Hayden
25 Island, and Ridgefield National Wildlife Refuge directly

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1 across or downstream, critically important wildlife
2 areas.

3 You have critically important wildlife
4 populations, just to name a few: Caspian Terns, largest
5 colony in the world is downriver of this; Double-crested
6 Cormorants, the largest colony in the world is downriver
7 (Court reporter interruption.) Cormorants. Largest
8 colony in the world is from this. Brown Pelicans,
9 largest night-roost pelicans in the Western United
10 States is downriver from this.

11 If you had a catastrophic spill, a group
12 like Audubon would very quickly (bell) if these
13 populations were impacted, look at seeking to list those
14 species under the Endangered Species Act, if you lost
15 those colonies.

16 JUDGE NOBLE: Thank you, Mr. Sallinger.

17 Neil Hartman, Washington State Building
18 Trades Council.

19 PUBLIC COMMENTER: Thank you. My comments
20 will address the testimony of Todd Schatzki whose firm
21 prepared the economic analysis for Vancouver Energy.

22 I'm Neil Hartman, Legislative and Political
23 Director for the Washington State Building and
24 Construction Trades Council. Our organization has nine
25 local building trade's councils representing more than

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1 70,000 hard-working men and women in communities all
2 across the State of Washington, including many here in
3 Vancouver and Clark County.

4 As was announced earlier this month, on
5 August 1st, the Pacific Northwest Regional Council of
6 Carpenters and International Union of Operating
7 Engineers Locals 302 and 612 will reaffiliate with the
8 council. That will push the number of skilled workers
9 we represent to about 94,000.

10 As Todd Schatzki testified, Vancouver Energy
11 will generate thousands of jobs and billions in economic
12 activity including 1.5 billion in labor income. The
13 Port of Vancouver is supposed to be an economic engine.
14 It's done a good job of finding this opportunity to
15 bring family-wage jobs to the community.

16 In contrast, we've seen billions of dollars
17 and other new construction opportunities canceled in
18 Longview, Tacoma, and other communities. The more than
19 300 jobs required to build the Vancouver Energy terminal
20 will be a tremendous shot in the arm to the construction
21 industry, and we need it.

22 Washington's union construction workers are
23 among the best in the world and will make sure the
24 Vancouver Energy terminal is built safely. Vancouver
25 Energy will push the U.S. closer to energy independence

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1 by providing infrastructure needed to get domestic crude
2 to U.S. refineries.

3 The Washington building trades are impressed
4 with and support Vancouver Energy's commitment to the
5 safe construction and operation of the terminal. Our
6 council and our incoming members, the carpenters, and
7 operating engineers all have a Letter of Understanding
8 with Vancouver Energy for project labor agreement for
9 construction of the facility.

10 All are committed to ensuring that
11 construction of the terminal is completed safely and all
12 components meet all federal and state requirements. Our
13 members look forward to their role and helping fulfill
14 that commitment.

15 We urge you to complete your review of this
16 project based on facts and reality. If you do that,
17 then your recommendation to Governor Inslee should be to
18 approve the project.

19 JUDGE NOBLE: Thank you, Mr. Hartman.

20 Again, I need to remind everybody that you
21 really do have to slow down in your speech because our
22 court reporter is having a difficult time keeping up.
23 Thank you.

24 Michael O'Leary, Association of Northwest
25 Steelheaders. Michael O'Leary. After Mr. O'Leary is

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1 Steve Lennon. Mr. Lennon, if you could come closer.

2 PUBLIC COMMENTER: Thank you. First of all,
3 three minutes is not enough, and I'm sad that I'm not
4 able to submit written testimony. And I urge you to
5 reconsider that because I have more substantive comments
6 in rebuttal to today's comments and the comments that
7 are on the record.

8 Specifically going back to Captain Bonin and
9 Mr. Sprott from Vigor, I would reclarify your focus to
10 include your issues of safety on the river to the
11 SPARNA, a 623-bulk carrier that grounded in Cathlamet,
12 sustaining gashes 25 feet across, March 21st of this
13 year.

14 Big boat hit the rocks in the river. It's
15 not just a sandbox. It happens. We got lucky. I would
16 also suggest that while our sport fishing boats cruise
17 and fish very close to docks and very large vessels,
18 that's not my concern. We share the river. We're fine
19 with that.

20 We do have a conflict, however, that's noted
21 by the USGS and the Army Corps of Engineers, and I'm
22 happy to provide these reports or help you find them,
23 about wake stranding.

24 When a big cargo vessel goes by, the smelts
25 that are on the small edges of the river on gently

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1 sloping beaches, of which there are many, wash up with
2 the waves and get trapped. We lose tens of thousands of
3 fish that's recorded, and I could estimate quite a bit
4 more.

5 Quickly, then, as fast as I possibly can,
6 I'd like to correct and clarify that written testimony
7 of Todd Schatzki of May 13, on Page 36. He omits the
8 consumptive sport and traditional noncommercial fishery
9 that makes up the vast majority of the harvest on the
10 Columbia.

11 We're 70 percent. He only refers to
12 commercial. That's \$800 million; that's 10,000 jobs,
13 and in Washington state you've got great manufacturing:
14 You've got boats; you've got rods; you've got bait
15 companies. This is not just doughnuts and beers
16 afterwards; this is real value-added jobs.

17 He also suggests that mitigations, that are
18 completely impractical if not entirely impossible, on
19 Page 36. He suggests we can go fish someplace else.
20 Not my words, "someplace else."

21 Not Valdez, Alaska, the recreational fishery
22 29 years later has not improved; has not recovered.
23 Sorry, has not recovered. That's what's listed
24 currently on the task force's website.

25 The sockeye itself is recovered; the Pacific

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1 herring is not recovering; it has not bounced back in 29
2 years. I'll just keep going as fast as I possibly can
3 rather than color it. He suggests delays in vessel
4 traffic are inconsequential. We fish with the tides on
5 the Columbia. A lot of folks don't know that
6 necessarily up here, but it makes a big difference,
7 especially down where the fishing is estuarian, where
8 all the pollution will go depending on how high the
9 accident happens, the next disaster. We lose an hour of
10 time (bell), we lose the fish.

11 JUDGE NOBLE: Mr. O'Leary, you're out of
12 time.

13 PUBLIC COMMENTER: I only have five more
14 points to make on Mr. Schatski's testimony.

15 JUDGE NOBLE: There are a lot of people that
16 need to speak and everyone is under the same rules.

17 PUBLIC COMMENTER: I do understand. Is
18 there a way the process can be amended?

19 JUDGE NOBLE: No, I'm sorry. Everyone has
20 been given the rules in advance and --

21 PUBLIC COMMENTER: Yeah, I read them.

22 JUDGE NOBLE: And we need to hear from a lot
23 of people today.

24 PUBLIC COMMENTER: Sure, sure. It's just
25 that there's points of substance that I think --

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1 JUDGE NOBLE: I understand that, but we need
2 to call the next person, Mr. O'Leary.

3 PUBLIC COMMENTER: Thank you.

4 JUDGE NOBLE: Thank you.

5 PUBLIC COMMENTER: I hope we can change this
6 process to be fully informed. Thank you.

7 JUDGE NOBLE: Steve Lennon, JH Kelly LLC
8 Construction.

9 PUBLIC COMMENTER: Hello. My comments today
10 will refer to the testimony of Jerry Johnson and others.
11 I'm Steve Lennon, Senior Project Manager for JH Kelly;
12 we're a family-owned industrial contractor that's been
13 in business since 1923. We have offices in Vancouver
14 and Longview, and we employ over 800 skilled craft, the
15 majority from southwest Washington.

16 We're one of those companies who want to and
17 can provide the skilled and talented local craft workers
18 for Vancouver Energy that Jerry Johnson claimed aren't
19 available, for those hundreds of construction jobs that
20 Mr. Johnson implied really don't matter.

21 Our company's excellent work can be seen in
22 bulk liquid terminals, chemical and food processing
23 facilities, marine, natural gas, and power projects, and
24 dozens of other sophisticated construction projects
25 throughout the Pacific Northwest.

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1 Jerry Johnson said there aren't local people
2 to handle specialized jobs at Vancouver Energy, but he's
3 wrong. Ian Goodman testified for the opposition as
4 well. As Mr. Johnson said, the benefits from Vancouver
5 Energy would be very small. With all due respect, the
6 perspective that these men shared is simply not true.

7 The only point Mr. Goodman grudgingly
8 admitted to that made any sense in this regard is that
9 the local benefits of Vancouver Energy would be higher
10 from just having crude pass by rail through the city as
11 it does today.

12 The economic benefits of Vancouver Energy
13 establish through professional economic analysis would
14 include about a thousand jobs a year, counting direct,
15 indirect, and induced jobs, and \$2 billion over 16
16 years. That's huge for this community.

17 Todd Schatzki of the analysis group
18 testified to the accuracy of those numbers based on
19 their economic analysis. That's a substantial economic
20 impact for one project in almost any community, and it's
21 clearly substantial for Vancouver and southwest
22 Washington. That includes 300 skilled construction jobs
23 which are family-wage jobs. That should not be
24 discounted. That's important to our community and our
25 employees.

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1 Mr. Johnson attacked the study saying that
2 it assumed construction labor would come from Clark
3 County, but, of course, that's not what the study
4 assumed at all. It looked at impacts in a ten-county
5 area. I wonder if he's ever been on a construction
6 jobsite.

7 Usually some people are local and some are
8 from far away, but the point is the work gets done, the
9 wages get paid, and the money gets spent and a huge
10 proportion of it locally. Local companies provide goods
11 as subcontractors and a project that creates more than
12 300 construction jobs for a year and the Port of
13 Vancouver is going to have a significant economic impact
14 in the local area no matter what the critics say.

15 To try to diminish and just oppose the
16 project based on that is disingenuous and, quite
17 frankly, ridiculous.

18 Thank you.

19 JUDGE NOBLE: Thank you, Mr. Lennon.

20 Ella Shriner, student, Sunnyside
21 Environmental School.

22 PUBLIC COMMENTER: Thank you for your time.
23 This coming year I'll be a freshman at Grant High School
24 in Northeast Portland. I'm 14 years old. Although I
25 would love to be spending today with friends, enjoying

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1 the beauty of the Pacific Northwest summer day, I have
2 chosen to be here because I think it is essential that
3 there be a youth voice in this decision.

4 My generation will be the ones who must deal
5 with the consequences, good or bad, of the decisions
6 that are made by today's leaders. The Tesoro project
7 would greatly intensify oil-train traffic through the
8 Gorge and Vancouver.

9 In his testimony, City Manager Eric Holmes
10 stated, "There are no effective mitigation measures
11 addressing a worst-case scenario involving a derailment
12 spill and explosion." I'm anxious about the safety of
13 the people who live along the routes traveled by oil
14 trains.

15 You heard testimony about Mosier School's
16 evacuation during the June 3rd oil fire. It is
17 fortunate that no one was injured in this accident as
18 the oil cars that derailed near the school could have
19 resulted in many deaths.

20 It concerns me that numerous other schools
21 along the train routes could be in the same situation.
22 My own high school is just five short blocks from the
23 Union Pacific tracks that bring oil through the city. I
24 worry about the risks we could face while at school.
25 Our leaders need to start recognizing these dangers and

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1 taking positive action to ensure the health and safety
2 of the people.

3 The counsel for the Environment submitted a
4 study that shows that a major oil spill could cause
5 hundreds of millions of dollars along with decades of
6 damage to the Columbia River estuary. I am particularly
7 disturbed by Tesoro's efforts to downplay this risk,
8 suggesting that spills might even have economic benefits
9 in cleaning up contaminated areas and remediating
10 affected properties.

11 In Portland there has been a great deal of
12 concern recently about lead in drinking water in our
13 schools. People are being hired to test the water and
14 to test students for elevated lead levels. Would Tesoro
15 applaud the economic benefit resulting this issue? It
16 is far better to employ people for positive outcomes
17 rather than to clean up messes.

18 I recognize the economics are important, but
19 it is the region's long-term economic health that must
20 be considered, not short-term profits. Our future does
21 not lie in fossil fuels. It is time to look to economic
22 investments and clean energy that will take us toward a
23 better future, both for the residents of this region and
24 for the earth I will inherit.

25 Thank you for your time.

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1 JUDGE NOBLE: Thank you, Ms. Shriner.

2 Dan Jordon, Bar Pilots.

3 PUBLIC COMMENTER: Good afternoon. My name
4 is Captain Dan Jordon, and I'm a Columbia River Bar
5 pilot. I'm hear today to address the safety of
6 navigation on the Columbia River Bar piloted grounds and
7 comments made by Susan Harvey.

8 But first I'd like to say that the Columbia
9 River Bar pilots consider environmental protection as
10 one of our key missions. Ms. Harvey quotes in
11 Paragraph 39 of her direct testimony, "Our description
12 of the bar as one of the most dangerous and challenging
13 stretches of water in the world. Bend, Oregon reports
14 that since 1792, approximately 2,000 large ships have
15 sunk in and around the Columbia River Bar giving this
16 area the reputation as the graveyard of the Pacific."

17 I would like to point out that most of the
18 2,000 ships lost were wooden sailing ships lost prior to
19 the construction of the jetties, and vessels lost since
20 then are primarily fishing boats and barges.

21 Additionally, safety measures put in place
22 by the Columbia River Bar pilots and the U.S. Coast
23 Guard limit operations to conditions that are safe for
24 each individual ship. On average, we suspend pilot
25 services to all ships crossing the bar about ten times

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1 each year.

2 Ms. Harvey increases escort tugs in
3 Paragraph 31 of her direct testimony. "We're not
4 opposed to the use of escort tugs in calm waters of the
5 river, but safety issues surrounding escort tugs on a
6 rough bar need to be carefully weighed against the
7 protection they might provide."

8 We believe any determination on the use of
9 escort tugs should be properly studied and proven. The
10 Columbia River Bar pilots are currently participating in
11 the Washington Department of Ecology's Vessel Traffic
12 Safety Risk Assessment.

13 In Paragraph 20 of Ms. Harvey's direct
14 testimony, she says that the Coast Guard does not
15 operate a tanker traffic system on the Columbia River.
16 That's true, but there are several vessel traffic
17 information services in place.

18 Our office monitors computer-based vessel
19 traffic information systems 24/7 and provides
20 information to pilots on the ships. Each pilot carries
21 a portable pilot unit which provides realtime navigation
22 data. The PPU monitors not only the ship that is being
23 piloted but other marine traffic on the pilot's grounds.
24 The information is used by pilots to prearrange passing
25 by adjusting their vessel's speed to avoid meeting in

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1 the narrow areas in the river.

2 Commercial traffic on the Columbia River and
3 the Columbia River Bar also use a radio-announcement
4 program, as described in the Harbor Safety Plan to
5 broadcast their positions. In harbor, without cross
6 traffic, this ensures that vessels are aware of oncoming
7 traffic and provides the information to act
8 appropriately.

9 In closing, I'm proud of the cooperation and
10 collaborative nature that stakeholders on the river use
11 to manage the safe navigation of marine vessels.

12 Thank you.

13 JUDGE NOBLE: Thank you, Captain Jordon.

14 The next name I'm not sure about. Peter
15 Conliens, OneAmerica. You might tell me the correct
16 pronunciation of your name, sir.

17 PUBLIC COMMENTER: Actually, my name is
18 Glicerio Zurita.

19 JUDGE NOBLE: Zurita?

20 PUBLIC COMMENTER: Yes.

21 JUDGE NOBLE: Thank you.

22 PUBLIC COMMENTER: Thank you, Judge Noble
23 and EFSEC commissioners for the opportunity to speak to
24 you today. My name is Glicerio Zurita, and I'm
25 organizer with OneAmerica.

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1 In Vancouver and throughout Washington,
2 OneAmerica works with the Latino communities and
3 minority communities on issues that impact our
4 neighborhoods and families. I am here today to urge you
5 to give special consideration to the disproportionate
6 impact that the Tesoro Savage terminal may have on
7 minority and Latino communities in Vancouver.

8 According to the testimony from Robert
9 Blackburn and the City of Vancouver's Eric Holmes,
10 Vancouver could be dramatically harmed by an oil
11 terminal accident. An oil-train accident in Vancouver,
12 Pasco, and other communities could directly impact
13 OneAmerica members and the communities we work with.

14 Just as importantly, I have reviewed the
15 expert testimony of Dr. Elinor Fanning. She wrote in
16 her prefiled testimony that the relation of neighborhood
17 air quality by the terminal puts sensitive members of
18 the community at greater risk for acute and chronic
19 health effects.

20 We know this to be true. The DEIS and the
21 report generated by the US EPA shows that a greater
22 proportion of our neighborhood residing in the Fruit
23 Valley area are Hispanic and Latino ethnicity and low
24 income, and according to the American Family Income and
25 the Census Block Group is well below Washington state

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1 average.

2 Also, there are clear environmental concerns
3 associated with the Tesoro Savage proposal. This
4 includes both the toxic air emission from the terminal,
5 and in the worst-case fire, smoke, and other damage that
6 would come from an oil train derailment.

7 EFSEC needs to carefully consider the
8 impacts of siting a large oil storage facility with
9 planet-toxic emissions in the facility of catastrophic
10 accidents adjacent to our neighborhood that already bear
11 a heavy air pollution burden, along with health burden
12 and challenges of access to healthcare that exists in
13 the Latino communities here in Vancouver.

14 Low-income populations, including many in
15 the communities we serve, will not be able to locate
16 away from an oil terminal. We are counting on you to
17 protect our health from the types of impacts Dr. Fanning
18 and others have described.

19 Thank you.

20 JUDGE NOBLE: Thank you, Mr. Zurita.

21 Mr. Joe Wilson, Pederson Bros., Coalition
22 for Energy Independence Construction.

23 PUBLIC COMMENTER: Thank you for this
24 opportunity. My purpose today is to comment on the
25 testimony of Brad Roach and others.

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1 I'm Joe Wilson, Vice President of Sales for
2 Pederson Bros. We specialize in steel fabrication;
3 we're a heavy industrial steel fabricator for aerospace
4 alternative energies. I was involved in one of the
5 largest solar facilities in this country, forest
6 products, marine, petroleum, and the petro-chemical
7 industry, and the refineries. I also work with private
8 companies, federal companies, federal agencies, and
9 state agencies.

10 I also represent the Washington Coalition
11 for Energy Independence, a group of over 70 businesses
12 like mine, many of them small businesses. We have
13 thousands of employees, many of them in this county, but
14 throughout the Northwest.

15 We support the Vancouver Energy project. We
16 support the Vancouver Energy project because we
17 recognize not only a potential opportunity for our
18 companies, but also it's a very important infrastructure
19 project that will benefit our state, region, and
20 country.

21 Some critics of Vancouver Energy say we can
22 dramatically cut back on the use of petroleum or that
23 Vancouver Energy is not needed to supply refineries in
24 Washington or elsewhere on the West Coast. But
25 Mr. Roach testified to the current and future demand for

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1 petroleum in PADD 5.

2 The federally designated petroleum defense
3 district for the West Coast including Washington,
4 Oregon, and California. As Mr. Roach indicated, the
5 U.S. Energy Information Administration estimates that
6 this country's light-duty fleet of 200 million cars and
7 trucks, including about 40 million in PADD 5, is
8 suspected to continue to increase to 270 million through
9 the years 2040, and 95 percent of those vehicles will
10 continue to use some version of internal combustion
11 engines.

12 Vancouver Energy will help ensure stable
13 supplies of petroleum for refineries to produce fuel for
14 these vehicles that are essential to our economy and way
15 of life. And also add contributions to jet fuel, bunker
16 fuels, lubricants, and other products essential to
17 travel by air, sea, and land.

18 Transportation is only one important area of
19 need for petroleum, but it's a big one. As Keith Casey
20 of Tesoro testified, in the next five years, regulations
21 requiring a shift to lower sulfur content and gasoline
22 and marine fuels will make the mid-continental crude oil
23 that Vancouver Energy will deliver all the more
24 essential for our refineries up to and down the West
25 Coast, including the refineries here and Washington

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1 state.

2 Thank you very much.

3 JUDGE NOBLE: Thank you, Mr. Wilson.

4 Dr. Ann Turner, Physicians for Social
5 Responsibility.

6 PUBLIC COMMENTER: Thank you for this
7 opportunity. My name is Ann Turner; I'm a physician
8 representing Oregon's Physicians for Social
9 Responsibility.

10 I've worked my entire career providing
11 comprehensive healthcare in underserved communities,
12 both in Los Angeles and in Oregon, and am currently the
13 Associate Medical Director at the Virginia Garcia
14 Memorial Health Center.

15 I'm here today to ask that you give strong
16 consideration to the issue of environmental justice and
17 recommend denial of the Tesoro Savage project to
18 Governor Inslee. It's so important that you fully
19 understand the broad and negative impacts that this
20 dangerous proposal will bring to low-income and minority
21 communities as Mr. Zurita also emphasized.

22 And, similarly, I've read and support the
23 direct testimony of Dr. Elinor Fanning, and I'd like to
24 quote from some of her testimony which will elaborate on
25 the previous remarks.

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1 The small Fruit Valley neighborhood of
2 Vancouver is bounded to the east and south by rail lines
3 that will be used by locomotives serving the terminal.
4 The Port, with industrial pollution sources, lies to the
5 east. The Fruit Valley Elementary School is
6 approximately one mile from the prospective terminal's
7 storage tank area. Homes are as close as a few 100
8 meters from the rail lines and Port-access roads
9 emitting nitrous oxide, particulate matter, and carbon
10 monoxide pollution. Neighborhood residential exposures
11 are a critical piece of the overall public-health
12 impacts of the terminal.

13 Children have greater sensitivity to
14 respiratory irritants because of their smaller airways,
15 developing lungs, and immune systems, and higher
16 breathing rates. The elderly and ill are also more
17 sensitive to air pollution than an average worker
18 population.

19 A meaningfully greater proportion of the
20 neighborhood residents are Hispanic-Latino ethnicity,
21 and as previously noted, low income. There are clear
22 environmental justice concerns that have not been
23 addressed by Tesoro Savage.

24 EFSEC needs to carefully consider the
25 impacts of siting a large industrial facility with these

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1 planned toxic emissions in a neighborhood that already
2 bears a high burden of heavy air pollution.

3 I've worked my entire life to improve the
4 health of low-income and diverse communities. I ask
5 that you please deny this application to meet the
6 standards of equity, environmental justice, and protect
7 public health.

8 JUDGE NOBLE: Thank you, Dr. Turner.

9 We are going to take a short break until
10 2:25. Thank you. We'll be off the record.

11 (Recess taken from 2:12 p.m. to
12 2:25 p.m.)

13 JUDGE NOBLE: Mr. Steve McDonagh, small
14 businesses.

15 PUBLIC COMMENTER: Good afternoon, thank
16 you. My name is Steve McDonagh; I'm one of the owners
17 and publisher of the Vancouver Business Journal. And
18 today I would like to make a few comments about the
19 testimony of Ian Goodman and a few others about the
20 benefits to the Vancouver and surrounding area from the
21 Vancouver Energy project.

22 I'd remind the council that the economic
23 study completed for the Vancouver Energy project by Todd
24 Schatzki's analysis group said the combined effects of
25 construction and operations would yield an average of

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1 over 1,000 jobs annually over 16 years. And in addition
2 to those 17,000 job-years, Vancouver Energy would
3 generate nearly 1.6 billion in labor income and over 2
4 billion in economic value added to Clark County and the
5 surrounding areas as well.

6 It's important to remember that not only
7 Mr. Schatzki, but also Alastair Smith, who has worked
8 for the Port of Vancouver for some 13 years, refuted
9 many of the claims made by Mr. Goodman and Mr. Johnson.

10 For example, it was asserted that the Port
11 might find a better use for the property where the
12 Vancouver Energy project is scheduled to be built, one
13 that might generate more jobs and economic impact. But
14 the reality is that the property there is ideally suited
15 for the Vancouver Energy project.

16 Mr. Smith, who certainly had far more
17 familiarity with the property than the other Mr. Goodman
18 and Mr. Johnson, is that the Vancouver Energy project
19 represents a unique opportunity for the Port. The
20 off-loading area, rail spur, tank location, and marine
21 terminal are uniquely suited to exactly this kind of
22 project and the property site at the Port, and the
23 Vancouver Energy represents the optimum opportunity for
24 job creation and economic return.

25 The money generated by this project will go

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1 back into the Port of Vancouver and help the Port
2 fulfill its goal of providing economic drivers for our
3 community. It's a lot of money to the Port from this
4 that goes back into more jobs that are not directly
5 related to the Vancouver Energy project.

6 Specific to the testimony of Mr. Goodman, he
7 asserted that as a jurisdiction hosting a so-called
8 passthrough facility, studies show that a city such as
9 Vancouver would face costs and risks that exceed the
10 economic benefits.

11 Mr. Schatzki testified that it appeared that
12 Mr. Goodman cherry-picked his studies, because when
13 Mr. Schatzki reviewed the literature, he found many
14 economic reports on the other projects Mr. Goodman
15 referred to and saw, in fact, that they found positive
16 economic impacts, not negative impacts, from such a
17 facility.

18 These included analysis by Canada's National
19 Energy Board as these were Canadian pipeline projects,
20 two of which have been improved, no doubt in part,
21 because of the proposed or substantial economic
22 benefits, not because they're going to be a negative on
23 the communities where they're being placed.

24 It is clear that Vancouver Energy represents
25 a substantial economic opportunity for Vancouver, Clark

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1 County, the surrounding area of southwest Washington,
2 and the State of Washington, and for this and many other
3 reasons I believe it should be approved. Thank you.

4 JUDGE NOBLE: Thank you, Mr. McDonagh.

5 Councilman Peter Cornelison, Hood River City
6 Council.

7 PUBLIC COMMENTER: Thank you. That's Peter
8 Cornelison.

9 JUDGE NOBLE: I'm sorry.

10 PUBLIC COMMENTER: No problem. My testimony
11 is in part based on the earlier testimony from Ernie
12 Nieme, a natural resource economist, on July 20th. He
13 testified about the secondary impacts, economic impacts
14 from an oil spill.

15 As Mr. Nieme stated, the direct cost of an
16 oil spill is only 10 percent of the actual costs. I
17 have seen this effect first-hand as the close observer
18 of the recent Mosier oil train derailment which happened
19 just seven miles east of Hood River.

20 As Mosier's leaders continue to be almost
21 two months later still focused on the derailment, this
22 includes Mosier City Council, the Mosier Fire Department
23 and the Mosier School Board. I attended a meeting just
24 last night that included each of these agencies which
25 are still seeking a way to recover damages from the

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1 derailment. They basically spent thousands of hours
2 trying to deal with this derailment for their small
3 town, and that would be no different than any other town
4 in the Columbia River Gorge Natural Scenic Area.

5 In Hood River the impacts of the oil train
6 derailment were immediately felt when I-84 was closed
7 just east of Hood River. Our city roads were quickly
8 jammed with traffic that took hours to move, and all
9 three of the Hood River exits off I-84 were at a
10 standstill, along with the traffic over the Hood River
11 Bridge to Washington.

12 The secondary impacts were that Hood River's
13 police and fire emergency response were virtually
14 unavailable. Some of the local Hood River fire
15 departments that responded to Mosier were absent, and
16 Hood River had to accept Mosier's sewage for three to
17 four weeks while their sewer plant was incapacitated.

18 As Vancouver City Manager Eric Holmes stated
19 in his earlier testimony, a major incident related to
20 these Tesoro operations would significantly and
21 unavoidably impact the overall standard of living within
22 the City. This is true, as I've said, with every city
23 and agency in the Columbia Gorge, and many of these have
24 passed resolutions or written letters expressed outright
25 opposition to the oil trains.

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1 In Washington this list includes the
2 Columbia River Gorge Commission, Dalles Port, Bingen,
3 Stephenson, North Bonneville, Washougal, the Washougal
4 School District, and Skamania County Fire District
5 No. 4. In Oregon this includes Mosier, Hood River
6 County, the City of Hood River, and Cascade locks.
7 Thank you.

8 JUDGE NOBLE: Thank you, Councilman
9 Cornelison.

10 Lars Harvey, Infoblocks.

11 PUBLIC COMMENTER: Good afternoon. Thank
12 you for the opportunity to speak about the proposed
13 Vancouver Energy Distribution Terminal project. My
14 comments are in response to the testimony of Brad Roach
15 who discussed our ongoing need for petroleum.

16 My name is Lars Harvey, and I'm the Vice
17 President of Infoblocks, a publicly traded technology
18 company with over 900 employees located across the
19 country. I'm a resident of Washington state, and my
20 office is located in Tacoma. I currently live alongside
21 the tracks Bakken oil trains use as they come through
22 the City of Tacoma destined for the local refinery.

23 While I believe that we must find a
24 replacement for fossil fuels over the long-term, in the
25 interim, we must find ways to protect the environment,

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1 create jobs, lower the carbon footprint of our fuels,
2 and decrease our dependence on foreign sources.

3 If we could flip a switch and immediately
4 have every source of energy be clean and renewable, I
5 don't think any of us would find a complaint. To be
6 blunt, that is not going to happen in a year or five
7 years or the next 20 years. Unfortunately, it does not
8 appear feasible with current technology. Should that
9 change, great, but that is uncertain.

10 What we do know is that Bakken crude is
11 lighter than other oils, with less carbon intensity,
12 which reduces its carbon impact. Crude transport via
13 rail does not come without its dangers as we have all
14 witnessed, but it lacks the catastrophic impact
15 potential of a massive tanker running aground in our
16 sensitive coastal areas.

17 In my business I evaluate security risks
18 daily. The fact is, any type of transport has its own
19 inherent risks. On balance, I believe this project
20 reduces numerous risks to our environment, our economy,
21 and our national security.

22 Now, many may not be drawing a link to this
23 proposed project and between this project and my
24 business sector, but the two do relate. This project
25 will greatly reduce the demand for foreign oil. My

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1 specialty within the company is cyber security.

2 The less we have to defend on foreign
3 actors, such as Russia and China, the stronger our
4 position becomes in fighting their nefarious activities.

5 Our continued dependance on nation states
6 that openly execute cyber attacks against our country is
7 dangerous. The more we can be self-sustaining, the
8 better off we are.

9 I completely understand the route of the
10 emotion involved with a project like this, but if you
11 look to the long-term, this project creates jobs, it
12 increases our nation's security, it promotes a fuel with
13 less carbon intensity, and keeps crude out of our water.
14 All of these are great benefits, while we collectively
15 spend our time to find alternative sources of energy
16 that do not require fossil fuels.

17 Thank you for your time.

18 JUDGE NOBLE: Thank you, Mr. Harvey.

19 Dr. Kelly O'Hanley, Climate Action
20 Coalition.

21 PUBLIC COMMENTER: Good afternoon. My name
22 is Dr. Kelly O'Hanley. As an obstetrician-gynecologist
23 with a degree in public health, I've worked for over 30
24 years in 40 countries to protect the lives of mothers
25 and babies. I've helped teach the next generation of

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1 doctors at Stanford and Harvard universities.

2 I believe that the issue in front of us is
3 more important than all that work. I'm speaking on
4 behalf of the Climate Action Coalition, composed of a
5 dozen different organizations. I would like to address
6 the testimony of Dr. Penney, the scientist from the
7 Columbia River Intertribal Fish Commission who
8 elucidated a key impact of climate change on fish,
9 testimony that Judge Noble ruled be included.

10 Dr. Penney testified that salmon and
11 steelhead have optimal thermal ranges within which they
12 live and thrive. When river temperatures rise above
13 that range, the heat acts as a stressor which, combined
14 with other stressors, can disseminate fish populations.

15 Last year, for example, high-water
16 temperatures contributed to the fact that only 10 to 20
17 percent of sockeye reached their spawning grounds.
18 Dr. Penney links increased river temperatures to
19 shrinking of mountain ice packs and melting of ice
20 earlier in the spring.

21 Salmon and steelhead are sacred in the
22 Pacific Northwest, and they function as the proverbial
23 canaries in the coal mine. As they go, so go other
24 species. The list of species already endangered by
25 climate change is, frankly, heartbreaking.

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1 Given that EFSEC is entrusted to determine
2 whether energy facility will produce a net benefit,
3 abundant energy at a reasonable cost, while preserving
4 and protecting the environment in the broad interests of
5 the public, given that Tesoro Savage's project would
6 release nearly one percent of the United States' entire
7 contribution to global warming, given that climate
8 change is endangering our salmon and steelhead
9 populations and populations of other species, not to
10 mention human populations, given that renewable energy
11 is becoming increasingly viable alternative both in
12 terms of cost and capacity, the Climate Action Coalition
13 asks EFSEC unequivocally recommend to Governor Inslee
14 that the oil terminal permit be denied.

15 Thank you.

16 JUDGE NOBLE: Thank you, Dr. O'Hanley.

17 John Ley, citizen and pilot.

18 PUBLIC COMMENTER: I want to add some
19 important context to the testimony of Tesoro's Brad
20 Roach and Ian Goodman of the Goodman Group.

21 I'm John Ley, a Delta Airlines captain. My
22 Boeing 767 needs jet fuel that comes from petroleum.
23 Boeing is our state's largest employer. They would be
24 out of business without jet fuel. Access to jet fuel is
25 so critical that my airline bought a refinery in the

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1 heart of Philadelphia with much of the oil delivered by
2 rail.

3 In their testimony, Mr. Goodman and Roach
4 acknowledged that American crude oil from Alaska is
5 declining. Goodman confirmed that low-sulfur, Bakken
6 crude that Vancouver Energy would handle would be
7 advantageous for Washington refineries, but he says they
8 could simply get that crude from Canada via pipeline.
9 The Keystone Pipeline Proposal took ten years before
10 being rejected by the president. Americans can't wait
11 another decade for a maybe pipeline to satisfy
12 Mr. Goodman's alternative.

13 The economies of the entire West Coast are
14 tied together by refined oil products. West Coast
15 agricultural products are shipped all over the world.
16 Diesel fuel powers those ocean-going ships that frequent
17 ports from Seattle to L.A. Washington is the 8th or 9th
18 largest consumer of jet fuel in the nation. Sea-Tac is
19 in the midst of a huge expansion as a natural hub for
20 commercial and cargo flights to and from Asia.

21 Washington's multi-billion-dollar aerospace
22 industry is critically dependent, not only on jet fuel,
23 but lubricants and plastics and technology, all derived
24 from or dependent upon the petroleum industry.

25 Two Washington Air Force bases use

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1 significant quantities of jet fuel for our national
2 security, not to mention diesel and gas used by the army
3 at JBLM and naval facilities at Whidbey Island and
4 Bremerton.

5 Our Washington State Ferry System is the
6 largest in the nation and needs that low-sulfur oil to
7 be refined into clean, diesel fuel. For over three
8 decades, the Port of Vancouver has safely handled all
9 types of refined oil products, safely, is their record.

10 Across the river, the Port of Portland
11 presently has 16 times the storage capacity for refined
12 oil products as is being proposed for the Vancouver
13 Energy facility.

14 We can and do handle oil products safely.
15 BNSF reports that 99.9 percent of all their HAZMAT
16 products are delivered safely without incident. Can you
17 name another mode of transportation that has a better
18 safety record? Other than my airline, of course.

19 We need American energy independence.
20 Please say yes to the Vancouver Energy facility. My
21 passengers and I will thank you. The economy of the
22 entire West Coast will benefit from this project.

23 Thank you. (Bell)

24 JUDGE NOBLE: Thank you, Captain Ley. Good
25 timing, too.

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1 Merilee Dea, Portland's Cully Neighborhood.

2 PUBLIC COMMENTER: Thank you, you did a very
3 good job on my last name as "day." Very few people,
4 because it's Gaelic, can pronounce it that way. It's
5 D-e-a.

6 I'm a pediatric nurse practitioner, but
7 today I'm representing the Board of Directors of the
8 Cully Association of Neighbors. That neighborhood is
9 the most diverse neighborhood in the state of Oregon and
10 we're proud of that. But the UP line goes right through
11 our neighborhood, dissects it. It's right next to
12 schools, the American Native American Youth School and
13 right next to industrial chemical plants, chugging along
14 through our neighborhood.

15 We're also a neighborhood of 30 urban farms,
16 which one of them I live on. We've just been told,
17 through the Multnomah County Department of
18 Sustainability, that we are in the blast zone and we are
19 in the evacuation zone, and we can see it because we can
20 hear these trains coming through at night.

21 The trains used to lull us to sleep, but as
22 the Department of Natural Services just stated, there's
23 a potential for a tremendous catastrophic loss
24 associated with a shipment of crude-by-rail and the
25 difficulty of assessing the frequency of the disaster

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1 that will occur.

2 We're no longer lulled to sleep by these
3 trains. Approving Tesoro would increase trains from
4 eight a week to 25 a week down our line. This crude
5 increase has moved our Board of Directors into action.
6 We've passed a resolution, we've written a letter to
7 Obama, to our governor and Washington's governor, and to
8 our representatives to deny the Tesoro project.

9 As a nurse, I have to remind you that diesel
10 oil pollution from these trains increases in asthma and
11 cancer. Cully has one of the highest rates of asthma in
12 the city. Schools, parks and businesses are on the
13 wrong side of the tracks for our services for
14 emergencies. Ambulances and fire response time where
15 every minute counts could be delayed by 20 minutes by
16 the slow-moving mile-long trains.

17 Finally, Cully witnessed a disastrous
18 head-on train-to-train accident many years ago on the UP
19 line where metal shrapnel flew for blocks. It could
20 happen again. The crude oil potential for fire
21 explosion, morbidity, mortality, and toxic contamination
22 could be catastrophic.

23 The Board of Directors of the Cully
24 Association of Neighbors strongly urge you to protect
25 our health, our residents, the environment, and the

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1 climate and deny this permit.

2 Thank you very much.

3 JUDGE NOBLE: Thank you, Ms. Dea.

4 Herb Krohn, United Transportation Union.

5 PUBLIC COMMENTER: Hi, I'm Herb Krohn, the
6 Legislative Director for Smart Transportation Division
7 representing 2,000 rail workers in Washington. I'm a
8 federally certified railroad trainman with over 15 years
9 of experience on both Union Pacific and BNSF. And I
10 hope I perhaps I'm the only person testifying who has
11 actually worked on-board one of these trains.

12 I'm commenting on the testimony of Ian
13 Goodman, Jerry Johnson, Michael Hildebrand, Greg Rhoads,
14 and others. In addressing oil train safety,
15 consideration must be given to train crew size and the
16 significant increases in train length over the last 25
17 years.

18 Mr. Hildebrand pointed out the difference
19 between trains of mixed commodities versus unit trains
20 of only one commodity like oil. The dynamics are
21 different because of the sheer weight of 100-plus-filled
22 full tank cars; longer, heavier trains are harder to
23 control, slow, or stop.

24 Greg Rhoads testified that oil has been
25 moved in rail tank cars since the 1860s. It's nothing

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1 new. What's changed? Why all the recent major
2 accidents? It's the development of new, high-strength
3 car couplers have enabled railroads to more than double
4 train lengths. It's lower cost but less operational
5 control. In the past, these trains were limited to no
6 more than 50 cars. Accidents were unheard of.

7 Regarding blocked grade crossings, a 100-car
8 oil train is over a mile long; it's about 20-plus
9 football fields, and it takes us about 20 minutes in the
10 best -- 25 minutes in the best of conditions to get from
11 the head end of the train to the rear.

12 Rhoads testified of the need for train crews
13 to separate uninvolved cars quickly; mandating
14 additional crew members on both ends of trains can
15 significantly reduce the time required for us to get to
16 any part of the train to make a separation for
17 emergency-response needs. And the cost of adding two
18 rear brakemen from Idaho to Vancouver on a train is less
19 than \$2,500. Shorter trains are safer trains.

20 Goodman, Johnson, and others assert that
21 there's no major economic boost to the community and no
22 local benefit. That's flat-out wrong. The terminal
23 will create many thousands of jobs, not only here but
24 railroad jobs all the way back to the Dakotas, jobs that
25 the opposition are writing off.

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1 The real controversy is fossil fuel use and
2 global warming. There's no free lunch. All energy
3 sources have major environmental impacts. We're all
4 responsible for global warming. Many here today are
5 using laptops, cell phones, and devices all made in
6 factories using electricity generated by fossil fuels.

7 We came here in vehicles burning oil
8 products, and our manufactured goods are all using coal
9 and gas. All of our possessions come to us using
10 petroleum. It's hypocrisy for our opponents to claim a
11 moral high-ground while benefitting from fossil fuel
12 consumption themselves. No one is without guilt. This
13 project will mean good, family-wage jobs, and we think
14 you should approve the Port of Vancouver's position.

15 (Bell).

16 Thank you.

17 JUDGE NOBLE: Thank you, Mr. Krohn.

18 Alona Steinke from Clark County Natural
19 Resources Council.

20 PUBLIC COMMENTER: Pronounced perfectly,
21 thank you. My name is Alona Steinke; I'm a RN retired
22 after a 40-year career. CCNRC was founded by John
23 Karpinski, who is as an environmental lawyer, fought for
24 our vision of Clark County and Vancouver as a vibrant,
25 healthy and sustainable place in which to live.

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1 I'm speaking in reference to the prefiled
2 testimonies of Dr. Elinor Fanning and Dr. Frank James.
3 Both are greatly concerned about the air pollution from
4 this project. The World Health Organization states that
5 air pollution is now the world's greatest single
6 environmental health risk.

7 Six of the toxic cancer-causing pollutants
8 would be emitted at rates that exceed Washington
9 standards. These are arsenic, benzene, cadmium,
10 hexavalent chromium, dimethyl benzene, anthrazine, and
11 diesel particulates.

12 Vancouver, Clark County has in the past
13 exceeded emissions standards and we are on a maintenance
14 program. Last year we were nearly declared noncompliant
15 again when we had six days where we exceeded the limit.
16 Earlier this week a witness from the proponent stated
17 that in an oil spill, a large portion of oil just
18 evaporates. Well, a lot of oil is evaporated but it
19 doesn't disappear.

20 The hydrocarbons create large plumes in the
21 atmosphere of tiny particles or aerosols which, like
22 diesel emissions, can be inhaled, resulting in heart and
23 lung damage and fall back to earth with the rain. Those
24 who would be most at risk are those who can least
25 afford it.

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1 As Linda Garcia testified, her neighborhood,
2 Fruit Valley, has a high rate of poverty and
3 underemployment. They and the inmates of the nearby
4 Jail Work Center have no choice about what air they
5 breathe; they can't just pack up and leave.

6 One in nine Latino children have asthma, and
7 a large percentage of our Latino population live in
8 Fruit Valley. Cowlitz County, another economically
9 disadvantaged area, has a high rate of asthma and death
10 due to chronic lower respiratory disease.

11 In Spokane, the NAACP is concerned about
12 increased air pollution's impact on communities of
13 color. Riverside neighborhood already has the highest
14 rates in Spokane County for cardiovascular and chronic
15 lower respiratory diseases. A health impact assessment
16 has been requested, but I'm not aware that one has been
17 done.

18 Words like "cancer alley" and "sacrifice
19 zone" are not to be taken lightly; they are real. And
20 when these people suffer, we all do. But those who will
21 suffer the most are those who are as yet unborn.

22 JUDGE NOBLE: Thank you, Ms. Steinke.

23 Dave Konz.

24 PUBLIC COMMENTER: Thank you. I'll speak to
25 the statements made by Susan Harvey, Jerry Johnson, and

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1 others. I'm Dave Konz with Tidewater Transportation and
2 Terminals.

3 Harvey claimed that the facility will,
4 quote, "be serviced by a host of unnamed shipping
5 companies with unknown safety records, unknown
6 navigational experience transiting the Columbia River,
7 unknown prevention plans, unknown tank vessel design,
8 unknown tug escort plans, and unconfirmed response
9 capability."

10 That is completely incorrect. Tidewater
11 plans to be one of those service providers. As
12 testimony from Vancouver Energy representatives made
13 clear, vessels servicing the terminal will be Jones Act
14 vessels piloted by professional pilots and crews. Their
15 response plans will be vetted. Every aspect of any
16 importance will be reviewed and verified.

17 Tidewater is an 83-year-old company
18 headquartered in Vancouver that includes tidewater barge
19 lines, tidewater terminal company, and West Coast marine
20 cleaning. Tidewater is the largest inland marine
21 transportation company west of the Mississippi River
22 with 16 tugboats and 170 barges.

23 We operate up and down the Columbia and
24 Snake and Willamette rivers from Astoria to Lewiston,
25 Idaho. We've always been good stewards of the

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1 environment and emphasize safety in all aspects of our
2 work. It's just how we do business.

3 We haul everything from refined petroleum
4 products, ethanol, and grain to fertilizer, paper
5 products, solid waste, and special cargo. That includes
6 millions of gallons of fuel annually. We started
7 deploying only double-hulled barges to transport
8 petroleum in 2009, well ahead of the federal mandate in
9 2015 to do so.

10 We have a company-wide Spill Response and
11 Pollution Prevention Plan that includes maintaining an
12 emergency response team and spill-response equipment
13 strategically located along the 465-mile river system at
14 terminals on both boats and barges. Tidewater's
15 commitment to environmental stewardship and safety has
16 resulted in Tidewater achieving a best-of-class customer
17 record in transporting products over the last 20 years.

18 Likewise, our industry statistics and safety
19 records show that the industry in Washington, our
20 industry, has one of the best programs for moving energy
21 cargos in the nation.

22 Mr. Johnson claimed Vancouver Energy won't
23 have much of an economic impact, but the 1,000 jobs a
24 year created directly by the facility and through
25 services and spending will likely include positions that

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1 our company where our people can make an average of
2 about \$85,000 a year.

3 So those are good family-wage jobs that will
4 have a significant impact on the local economy. We know
5 petroleum and other hazardous substances can be moved on
6 the Columbia safely with an absolute protection of the
7 environment because we do it virtually every day of the
8 year.

9 Thank you.

10 JUDGE NOBLE: Thank you.

11 Don Steinke, Sierra Club, Vancouver Oil &
12 Gas Task Force.

13 PUBLIC COMMENTER: Hello, everybody; Don
14 Steinke, Sierra Club.

15 On June 27, the applicant said this terminal
16 was necessary to meet the demand for oil on the West
17 Coast, mainly in California. California doesn't need
18 the oil. Governor Brown's climate legislation in
19 California would have cut demand there 50 percent, but
20 his bill was weakened by unprecedented lobbying by the
21 oil industry last year.

22 California doesn't want oil trains either.
23 A year ago, the Los Angeles City Council voted 15 to
24 zero to oppose a small crude-by-rail terminal. They
25 were joined by 21 other cities opposing crude-by-rail.

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1 Same way with Spokane. They have a mile of
2 elevated tracks in the city passing near or over offices
3 and restaurants. Four days ago they voted six to zero
4 to place a measure on the ballot to ban existing oil
5 train traffic within 2,000 feet of their rivers,
6 schools, and hospitals. Of course it's a long shot. So
7 they're looking to you to not increase the risk.

8 On Tuesday, the Wall Street Journal said,
9 "As contracts for crude-by-rail expire, ships will once
10 again supply coastal refineries." For Tesoro to say we
11 need this oil would be like the tobacco companies saying
12 we need more cigarettes to meet demand after an all-out
13 effort to cover up the consequences and resist
14 regulations.

15 Our current cars use half the gasoline as
16 our previous cars, and our next cars will be even more
17 fuel efficient. The automakers have spent billions of
18 dollars, billions of dollars developing electric cars,
19 but the oil industry is opposing their adoption.

20 Last month, electric car sales in California
21 exceeded electric car sales at all the other states
22 combined despite Tesoro's efforts. Norway plans to ban
23 new cars that require gasoline by 2025.

24 Regarding the probability of an accident, I
25 don't believe anyone here has asked the right question.

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1 I know you tried. I think the right question is, how
2 many tank cars per million shipped are likely to lose
3 cargo? They hid that number from you with all that
4 blizzard of math about two days ago.

5 Thank you.

6 JUDGE NOBLE: Thank you, Mr. Steinke.

7 Tom Pierson, Tacoma Pierce County Chamber of
8 Commerce.

9 PUBLIC COMMENTER: Well, thank you for the
10 opportunity to make comments on the Vancouver Energy
11 Distribution Terminal project. My comments are in
12 response to Brad Roach of Tesoro. Again, my name is Tom
13 Pierson, and I'm the president and CEO for the Tacoma
14 Pierce County Chamber. We are the second largest
15 chamber in the State, and we have over 1,700 members,
16 business members.

17 As mentioned earlier by Lars Harvey of
18 Tacoma, I, too, watch the oil trains come through our
19 community. I see also trucks and cars, marine vessels,
20 and every other form of transportation that's dependent
21 upon petroleum. Our economy, our way of life, depends
22 on petroleum, and that's not going to change overnight.

23 Most of us, if not all of us, drove here.
24 As a matter of fact, when I got to the parking lot here,
25 there's only a few stalls that were available were the

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1 low emission ones, and I maybe saw one electric car out
2 there. I think we all can do our part and trying to
3 lessen our need on petroleum ourselves first.

4 But we have noticed a difference. When I
5 drove down here on I-5, you see more electric, you see
6 more hybrid vehicles, and I think we are in a transition
7 in our economy and in our communities to transition to a
8 more cleaner environment, cleaner cars, cleaner fuels,
9 as well.

10 So we're moving in that direction, but we're
11 not going to move overnight. And make no mistake, our
12 state's economy, our transportation system, our way of
13 life is dependent upon oil for some time to come.
14 Personally, I take seriously the need for less
15 dependency on foreign oil. I take seriously and fully
16 embrace the development of less carbon intensive
17 biofuels. However, we must seriously take the need for
18 the transition to new forms of energy and make sure that
19 we don't harm our state's economy.

20 I'm here today as a citizen of the State of
21 Washington and urge you to approve this project. This
22 project does transition us to a less carbon-intensive
23 fuels. The project does transition us away from heavier
24 crude oil, and it has more -- helps in terms of the
25 carbon impacts.

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1 This project does transition us from foreign
2 fuels, from those nations that are not our friends. And
3 finally, it creates jobs here at home, here in the
4 Northwest, which is a huge asset to our economy and to
5 our environment.

6 And I'm bothered by the discourse of this
7 project. The opponents have you believe that it's
8 needed and it won't be safe; and we believe it's
9 absolutely needed, and it's an excellent project. Let's
10 keep it moving, keep the rail safety improvements; let's
11 build on this project and help sustain and improve our
12 regional economy that's less dependent on foreign fuels
13 and cleaner fuels for our gasoline. (Bell)

14 Thank you.

15 JUDGE NOBLE: Thank you, Mr. Pierson.

16 Eric Strid, member, Friends of the Columbia
17 Gorge and Columbia Gorge Climate Action Network.

18 PUBLIC COMMENTER: Good afternoon. My name
19 is Eric Strid, a retired high-tech CEO living in White
20 Salmon, Washington, a quarter mile from the tracks.

21 I'd like to comment on attracting
22 world-class talent to the Northwest. I have reviewed
23 the video testimonies of Vancouver City Manager Eric
24 Holmes, and Matthew Grady of Gramor Development.

25 I was impressed by Vancouver's long-range

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1 planning and Gramor's project, and I believe it will
2 help attract world-class talent to the Northwest. But
3 not with bomb trains next door.

4 I started a global technology company in
5 Beaverton that now employs over 500 people. I didn't
6 need handouts from the government; what I needed most
7 was talent. I needed technical experts, marketing
8 experts, and senior management, and they all had to be
9 world class.

10 This is talent that is compensated at six
11 figures and up. Capital will follow such talent because
12 they create growing companies with lots of jobs.
13 World-class talent can choose to live wherever they
14 wish. They could live in San Francisco, Seattle,
15 Portland, wherever.

16 Where would they choose to live next to
17 unsafe trains in Vancouver or in the Gorge? It wouldn't
18 take many existing or new companies leaving to reduce
19 property values by more than the 1.5 percent, the
20 reduction of property value asserted in the draft EIS.
21 Eric Holmes' prehearing brief adds up more than \$100
22 million of property value lost in Vancouver alone if the
23 effect is only 1.5 percent.

24 Eric Holmes testified that this terminal is
25 incompatible with the City's development vision. It is

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1 also incompatible with the cost trajectory of electric
2 vehicles.

3 My career required that I recognize the
4 impacts and timing of nascent technology shifts and
5 global market disruptions. I led our company through
6 the years of the PC, cell phone, wi-fi, telecom, and
7 smartphone revolutions.

8 The Port doesn't seem to care if they create
9 stranded assets, but for two years I've warned you that
10 oil-powered transportation is about to become as
11 obsolete as typewriters or film cameras.

12 Bloomberg now estimates that if electric
13 vehicles continue to grow at their current rate, they
14 could displace oil demand of 2 million barrels a day by
15 2023. That will create a glut of oil equivalent to what
16 triggered the 2014 oil crisis.

17 As electric vehicles sweep transport
18 applications, this terminal would certainly become a
19 stranded asset. Has the Port planned for the costs of
20 decommissioning this oil terminal? Far from attracting
21 world-class talent, the Vancouver Energy project would
22 become the laughingstock of the West Coast.

23 Thank you for this opportunity to comment.

24 JUDGE NOBLE: Thank you, Mr. Strid.

25 Well, that completes the testimony of the

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1 group speakers, and this is a good time to take another
2 break for our court reporter. We will be in recess
3 until 3:15.

4 (Recess taken from 3:04 p.m. to
5 3:15 p.m.)

6 JUDGE NOBLE: All right, folks, we're ready
7 to get started with the individual speakers. I want to
8 reiterate once again that your comments, everyone will
9 have two minutes, and we're going to call proponent,
10 opponent, and go back and forth like that, but your
11 comments do have to be restricted to the evidence in the
12 adjudication, which I hope you've all been following.

13 So we're ready to get started. We're going
14 to choose people with these random slips that we've
15 given out. Thank you.

16 MS. WRASPIR: John Marcantonio from Foss
17 Maritime. John? I know I completely destroyed your
18 last name, I do apologize.

19 JUDGE NOBLE: Sonya Norton in the speaker
20 queue, please.

21 MS. WRASPIR: Rich Spratt for the speaker
22 queue, please.

23 JUDGE NOBLE: Why don't we just stop for the
24 names for a bit so that we can hear from the speaker.
25 You may give us your name, please.

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1 PUBLIC COMMENTER: Good afternoon. I'm here
2 to comment on the testimony of Captain Marc Bayer. I'm
3 John Marcantonio, General Manager of Harbor Services and
4 Regional Towing, a Foss Maritime Company.

5 In addition to two shipyards, including one
6 in Rainier, Oregon on the Columbia River, Foss operates
7 a fleet of more than 75 vessels including harbor and
8 ocean tugs and tank barges.

9 In fact, we built the world's first hybrid
10 tugboat on the Columbia River. We employ over 110
11 people working on the Columbia River. We are on the
12 Columbia River every day of the year, and we know it
13 very well.

14 Captain Bayer did an excellent job of
15 describing navigation on the Columbia River. That was
16 in strong contrast to the testimony of Susan Harvey
17 whose opinion seems to be based on inaccurate
18 information and poor assumptions and a complete lack of
19 any actual experience operating on the river. We don't
20 have time to go into all the mistakes of Ms. Harvey's
21 testimony.

22 But in particular, I want to mention Captain
23 Bayer's description of the navigation system. He
24 mentioned the Columbia River and the bar pilots who will
25 help ensure that we navigate the river safely. He also

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1 mentioned tug escorts which is supported by Vancouver
2 Energy and as another safety feature. This is also a
3 service that we provide at other West Coast ports.

4 Ms. Harvey made it sound like tankers and
5 other commercial vessels valued at millions of dollars
6 are free-wheeling it out on the river. Let's deal in
7 reality. The pilots are in communication with each
8 other. They're able to see each other electronically
9 with the vessel traffic information known as TV 32.
10 They know what other vessels are on the river and
11 exactly where they are, and they, more than anyone, know
12 how to make passing arrangements.

13 She was wrong about the shipping channel in
14 the specific locations and the way traffic flows as
15 Captain Gill discussed. Opponents to the project are
16 wrong about what vessels would be allowed to serve
17 Vancouver Energy and the vetting that is done. Thank
18 you.

19 JUDGE NOBLE: Thank you, Mr. Marcantonio.

20 MS. WRASPIR: Sonya Norton.

21 PUBLIC COMMENTER: Mr. Salazar [sic] of the
22 Audubon Society spoke my piece, and I thank him for
23 speaking, and I thank you for listening.

24 My name is Sonya Norton and I speak as a
25 20-year veteran of volunteer organizations dealing with

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1 watershed and as an environmental educator.

2 What I wanted to reiterate was the point
3 made by the Washington Attorney General's Counsel for
4 the Environment that there is a real threat to habitat
5 along lines of transport and at the terminal site.

6 Could be serious accidents anywhere along the route
7 requiring intense restoration.

8 And the estimated recovery time is grossly
9 underestimated at 20 years, as observed from records
10 being kept in Alaska where 30 years still we do not see
11 the kind of recovery where we can say this place is
12 going to make it, this place is going to become pretty
13 close to what it was.

14 There is a wetlands proposed directly across
15 the road from the terminal, and that is being prepared
16 because we do not have adequate place for endangered
17 species in our state. Even though we have Sauvie Island
18 and we have the Ridgefield Wildlife Center, we see that
19 there are other kinds of habitat that are needed that
20 are lacking in sufficient quantity in our county, and so
21 that has been promised to us.

22 But if there's an accident, that wetlands is
23 compromised and all its endangered species. But it's
24 not just them that are compromised. All the people
25 living in that area are compromised as well, because if

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1 the water table is affected (bell), you can't clean up a
2 water table. We're not talking about 20 years; we're
3 talking about a long time.

4 JUDGE NOBLE: Thank you for your testimony,
5 Ms. Norton.

6 MS. WRASPIR: Rich Spratt.

7 PUBLIC COMMENTER: Good afternoon. I'm here
8 to comment on the testimony of Brad Roach and others.
9 My name is Rich Spratt, and I'm a resident of Vancouver
10 and a Project Manager for Advanced American Construction
11 which specializes in heavy civil and marine
12 construction, diving in water work and other industrial
13 services mainly on the Columbia and Willamette River
14 systems.

15 We work on both rivers and in lakes
16 throughout the region for federal agencies, state
17 agencies, a number of municipalities and private
18 clients. All of us in the marine industry on the
19 Columbia and Willamette Rivers are aware that as
20 Mr. Roach testified, new bunker field standards are
21 going to be imposed on vessels that use these rivers and
22 are important to our business.

23 The point seems to be lost by project
24 critics, but these new requirements for marine
25 transportation and, frankly, also for other forms of

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1 transportation, are going to mandate the use of lower
2 sulfur fuels.

3 Vancouver Energy is designed to efficiently
4 provide lower-carbon and lower-sulfur fuels from the
5 mid-continent refineries to the West Coast, including
6 refineries in Washington state.

7 Our company would like to directly benefit
8 from these services provided to Vancouver Energy;
9 however, whether we directly benefit or not, this
10 project will provide billions of dollars of economic
11 impact to the State and local economies.

12 That goes for everyone in this room whether
13 you support the project or not. The likelihood is that
14 everyone here benefits from petroleum products, from
15 gasoline to the plastics we use every day and our cell
16 phones and everyday living.

17 The oil is going to keep coming to and from
18 the State of Washington regardless of if this project is
19 built. One difference is, though, without it, our local
20 southwestern Washington economy will not see the
21 economic opportunities that it offers.

22 Another is that without it the West Coast
23 and the country will still be reliant on the sources of
24 oil from unstable foreign countries.

25 Thank you.

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1 JUDGE NOBLE: Thank you, Mr. Spratt.

2 MS. WRASPIR: Anita Thomas.

3 PUBLIC COMMENTER: Distinguished EFSEC
4 council members, thank you for the opportunity. I am a
5 resident of Vancouver. I am deeply concerned about this
6 project, and I would like to offer a couple of concerns
7 about some of the testimony that we have heard today.

8 One of the matters that has been brought up
9 more than once is that this is supposedly a lower carbon
10 version of crude oil, but what is not mentioned at that
11 point is that it is very high in methane when it is
12 fract, and methane is a more potent greenhouse gas that
13 should not go unnoted.

14 On the ships on the Columbia, one of the
15 points that has not been answered that we have made is
16 about the problem with drafting when the river is low
17 that some of these will be too deep, the drafting will
18 be a problem. Please remember to consider that.

19 I also especially want to reiterate the
20 concerns of our City manager, because although some
21 people have talked about the need for this project to
22 increase the tax base, I fear that we would seriously be
23 compromising our taxpayers, because if there were an
24 incident, Vancouver Energy would not carry the cost.
25 The City of Vancouver would. And that cost could be as

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1 high as \$6 billion.

2 The waterfront project would bring more and
3 better and cleaner jobs and add to our tax base the way
4 we need it, and we need to please (bell) reject the
5 terminal.

6 Thank you.

7 JUDGE NOBLE: Thank you, Ms. Thomas.

8 MS. WRASPIR: Bret Andrich.

9 PUBLIC COMMENTER: My comments address the
10 testimony of Marc Bayer and others. I'm Bret Andrich
11 from Global Diving and Salvage.

12 Our company has been providing diving,
13 marine construction, ship husbandry, vessel salvage, and
14 spill-response services in Puget Sound since 1979. We
15 now serve clients throughout the world.

16 As part of this testimony, Captain Marc
17 Bayer described how vessels that will serve Vancouver
18 Energy will be vetted to make sure they have all the
19 necessary licenses and other requirements. Vessels
20 operating on the Columbia all have to have their own
21 spill-response plans, both federal and state, and there
22 is a significant oil-spoil infrastructure on the
23 Columbia that includes the Washington Department of
24 Ecology, the U.S. Coast Guard, and others.

25 Additionally, these vessels must adhere to

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1 the Marine Fire and Safety Association, MFSA, vessel
2 response plan or something similar for their operations
3 on the river. They must also have a federal plan,
4 because they are in U.S. waters, before they ever get to
5 the Columbia.

6 Once they enter the Columbia, they also have
7 to have a plan approved by Washington's Department of
8 Ecology, Oregon DEQ, and the Coast Guard. The operators
9 of most vessels on the Columbia River use the MFSA plan
10 because it complies with all of the pertinent
11 regulations.

12 Opponents have suggested that the MFSA plan
13 for the Columbia is deficient because it doesn't cover
14 waters beyond the mouth of the river. But in reality,
15 that plan goes out to three miles and the federal plan
16 goes out to 200 miles.

17 Opponents have also claimed that Vancouver
18 Energy has not provided a predicted oil-spill trajectory
19 in the event of a spill within its documentation. It is
20 my understanding that there is, in fact, a predicted
21 spill trajectory within the application for site
22 certification as part of the oil spill contingency plan.

23 Thank you for your time.

24 JUDGE NOBLE: Thank you, Mr. Andrich.

25 MS. WRASPIR: Alan Smith. And on deck we

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1 have Russ Lazelle [phonetic].

2 PUBLIC COMMENTER: Good afternoon. My name
3 is Alan Smith. Thank you for this opportunity to speak
4 about the proposed oil terminal.

5 I agree with the proponents of this project
6 that oil spills create jobs. It is fairly obvious.
7 They do that in the same way that events like the
8 Chernobyl nuclear power plant meltdown, the terrorist
9 attack on the World Trade Center Towers, and the bombing
10 of Hiroshima and Nagasaki created jobs.

11 So when you contemplate how to vote on this
12 project, you should imagine in your mind as vividly as
13 you can Chernobyl, 9/11, and the destruction of World
14 War II.

15 Thank you for listening.

16 JUDGE NOBLE: Thank you, Mr. Smith.

17 Russ Lazelle.

18 MS. WRASPIR: Rob Rich.

19 PUBLIC COMMENTER: Thank you all for this
20 opportunity. I'm Rob Rich with Shaffer Transportation
21 Company. We're a family-owned tug-and-barge line that
22 has safely and responsibly provided Columbia River
23 ship-assist services for 136 years.

24 We're concerned with some of the
25 misinformation, inaccurate condition descriptions,

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1 safety plan, and other aspects of marine transport on
2 the Columbia River as provided by Ms. Harvey and others
3 on behalf of Intervenors in this process.

4 We'd like to make the following comments.
5 We serve on the board of the CRSOA, Columbia River
6 Steamship Operators' Association. As such, we are
7 involved, as well, with MFSA, Marine Fire and Safety
8 Association.

9 MFSA is a leading provider of innovative and
10 cost-effective vessel response services here on the
11 Columbia and has served as a template for other response
12 programs in the U.S. You've had the opportunity to hear
13 many good statements about MFSA today --

14 JUDGE NOBLE: Mr. Rich, slow down, please.
15 The court reporter can't keep up with you.

16 PUBLIC COMMENTER: Thank you, and sorry for
17 that.

18 We note Ms. Harvey asserted that due to the
19 current 300,000-barrel limit of the MFSA program,
20 Vancouver Energy hasn't articulated a plan. Captain
21 Bayer outlines the efforts underway to amend that limit
22 to include the terminal's capacity in the Plan.
23 Ms. Harvey's assertion that with, quote, no plan, they
24 can't do it, unquote, is not reflective of where the
25 process is or the efforts being taken to meet those

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1 needs.

2 In general, Ms. Harvey has misstated facts
3 about the navigational system and the way our system
4 works, along with downplaying the planning and
5 preparedness our system enjoys.

6 We note that Captain Bayer has testified to
7 Vancouver Energy's focus on tug escorts of their vessels
8 calling the terminal, yet Ms. Harvey gives the
9 impression they have not directly said that. Tesoro has
10 been a key leader in promoting the latest in
11 vessel-assist technology here and in other ports that
12 they've served.

13 We appreciate the opportunity to share these
14 points today and look forward to the completion of this
15 process. Thank you.

16 THE COURT: Thank you, Mr. Rich.

17 MS. WRASPIR: Eric Peterson and Carl Lee.

18 PUBLIC COMMENTER: Good afternoon, ladies
19 and gentlemen of EFSEC. My name is Eric Peterson; I'm
20 both a home and technology business owner here in
21 Vancouver, Washington.

22 I stand here before the State of Washington
23 Energy Site Evaluation Council and would like to refer
24 to the matter of Application No. 2013-01, Case
25 No. 15-001, regarding Tesoro Savage LLC Vancouver Energy

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1 Distribution Terminal.

2 I recently read the prefilled testimony of
3 City Manager Eric Holmes and found the report very well
4 done. The comprehensive plan places particular emphasis
5 on how land uses relate to one another, emphasizing the
6 need to use colocation to maximize limited municipal
7 resources such as development that would minimize
8 adverse impacts to adjacent areas, et cetera.

9 Tesoro has proposed to construct and operate
10 a new crude oil terminal at the facilities at the Port
11 of Vancouver near downtown. Bakken crude oil and
12 diluted bitumen would be transported along the
13 High-Hazard Flammable Trains, or the HHFTs, that would
14 be about a mile-and-a-half long each.

15 The impacts of Tesoro's proposal is
16 completely at odds with Vancouver's vision of fostering
17 urban development that draws people to work, live, and
18 recreate along Vancouver's waterfront.

19 Example: The Draft Environmental Impact
20 Statement, or the DEIS for the project, acknowledged
21 that four HHFTs per day "could reduce property value
22 within a mile of the rail corridor by not greater than
23 1.5 percent" but concludes that this "is considered to
24 be a minor impact," DEIS at ES-41.

25 Being that property value in this area is a

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1 total of around 5.7 billion, 1.5 percent is \$85.5
2 million, which is a low reduction.

3 To conclude, there's no amount of money
4 which can ever offset or make up the damage caused by
5 oil trains. Personally I'd prefer to avoid all oil
6 train spills and explosions, even the low-carbon,
7 low-sulfur version.

8 JUDGE NOBLE: Thank you, Mr. Peterson.

9 Mr. Lee.

10 PUBLIC COMMENTER: Good afternoon. Thank
11 you for this opportunity. My name is Carl Lee. My
12 comments will be towards the testimony of Jerry Johnson
13 in that there's not much economic benefit to this
14 project.

15 It's very important for the state as a whole
16 to be able -- and the region, to be able to build major
17 projects such as this. The benefits to the community
18 and to the region and jobs created and the economic
19 revenues for public service are vital in supporting the
20 important public policies that we have.

21 As with any new endeavor or expansion, there
22 are risks involved; this being a new project that has
23 the benefit of using up-to-date, state-of-the-art
24 industry technology and the most current stringent
25 safety regulations that are in use today to minimize

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1 those risks.

2 The "what-ifs" should be addressed and
3 prioritized, but they should not rule the day. I
4 sincerely hope that the EFSEC follows the data and the
5 science that has been presented here in making their
6 decisions.

7 Thank you.

8 JUDGE NOBLE: Thank you, Mr. Lee.

9 We have noticed that some people are handing
10 written documents to the court reporter, and I'm not
11 sure why. We are not taking written testimony, though,
12 and I wanted to make sure everyone understood that you
13 will have to confine your input to your oral remarks
14 here today. Thank you.

15 MS. WRASPIR: Chris Dickinson and Ion Badea.

16 PUBLIC COMMENTER: Good afternoon, and thank
17 you for allowing me to share my testimony.

18 I'm here to reinforce our City Manager Eric
19 Holmes' testimony that the proposed terminal does not
20 meet with our City goals. I live in the Carter Park
21 Neighborhood. It's one of the historic districts in
22 Vancouver. My home was built in 1911. In fact, outside
23 on the sidewalk there are rings to tie up your horse and
24 buggy. However, now you will find Priuses and other
25 smart cars there. And I hope someday soon you'll find a

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1 charging station that will replace those horse-and-buggy
2 rinks.

3 As a Board Member of the Carter Park
4 Neighborhood Association, this week I have been planning
5 a National Night Out Picnic of Fun. This brings all
6 sorts of neighborhoods together, young and old, and
7 these are the very citizens that Eric Holmes mentioned
8 that Tesoro's operations would put an unnecessary burden
9 on. Please don't let us have to deal with the
10 aftermath.

11 Thank you.

12 JUDGE NOBLE: Thank you, Ms. Dickinson.

13 Ion Badea. I must be wrong about your name.
14 Give me your name again, sir.

15 PUBLIC COMMENTER: Ion Badea.

16 JUDGE NOBLE: Badea, thank you.

17 PUBLIC COMMENTER: Good afternoon; my name
18 is Ion Badea, I'm a Vancouver resident, and I work for
19 Norton Lilly International, and my job is to be
20 responsible for the West Coast marine operation.

21 Norton Lilly International is an
22 all-American company founded in 1841 with about 32
23 offices across the country and three Northwest offices:
24 Portland, Seattle, and Tacoma. We are specialized in
25 port services for all type of ships and cargos, from

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1 cruise ships to oil ships, gas ships, RoLo, containers,
2 break bulk, and dry bulk.

3 My remarks here will be response with
4 Ms. Harvey's comments. Anybody with the smallest degree
5 of maritime experience would know that some of those
6 comments are completely untrue and without any
7 fundament.

8 In her critique, she would say that the
9 ships calling the Tesoro Terminal are serviced by a host
10 of unnamed companies not recognized, not certified, and
11 so on. I can tell you right here, right now, after 21
12 years of working in this industry, that these ships are
13 extremely highly regulated.

14 This is a U.S.-owned vessel, manned by U.S.
15 crewmen with U.S. certification and U.S. training. Each
16 and every person who's servicing those ships is
17 absolutely proven to be above-and-beyond the general
18 average of a sailor within the world's standards.

19 Plus there is no ship entering these waters
20 without -- (bell) Thank you very much.

21 JUDGE NOBLE: Thank you, Mr. Badea.

22 MS. WRASPIR: Tom Gordon and Michael Alleyn.

23 PUBLIC COMMENTER: Chairman Lynch, EFSEC
24 council members, and EFSEC council staff, never have I
25 been in the presence of so few that hold the fate of so

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1 many in their hands.

2 The effects of the Mosier derailment will
3 last for years, as testimony acknowledges, and for many
4 oil-train accidents in general. If you refuse to
5 approve this terminal, you'll be heroes to the residents
6 of the Columbia River Gorge, as well as to the people of
7 Washington. They will know you have been looking out
8 for their welfare and their futures.

9 Thank you.

10 JUDGE NOBLE: Thank you, Mr. Gordon.

11 Mr. Alleyn.

12 PUBLIC COMMENTER: Good afternoon, Your
13 Honor and EFSEC council. I'm Mike Alleyn, terminal
14 manager for the Tesoro Terminal at the Port of
15 Vancouver. My comments pertain to the testimony of
16 Jerry Johnson and Todd Schatzki and others.

17 Mr. Johnson and Mr. Schatzki looked at the
18 same project and came up with different conclusions,
19 although Mr. Johnson hedged some of his comments under
20 questioning.

21 The numbers on Vancouver Energy's side are
22 strong. One thousand direct, indirect, and induced jobs
23 during operations; 320 full-time or equivalent jobs
24 during construction; 22 million in state and local taxes
25 during construction; 7.8 million yearly in tax revenue

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1 once fully operational; and 45 million to 60 million
2 back to the Port for additional economic development.

3 In addition to Mr. Schatzki's analysis
4 group, a national forum with a strong reputation, we
5 also have the analysis of the Port of Vancouver which
6 sought proposals for crude oil terminal, received and
7 reviewed submissions from a number of respondents, and
8 shows the Tesoro-Savage partnership.

9 Alastair Smith of the Port testified that
10 the decision was based on what was deemed the highest
11 and best use for the property and its infrastructure,
12 the sound business case for the project, and other
13 factors.

14 One of those factors was the experience the
15 Port has with Tesoro, which has operated a petroleum
16 products terminal on Port property for almost 31 years
17 without a single reportable incident or injury.

18 I'm proud to say I am the manager of the
19 Tesoro Vancouver Products Terminal. All of us
20 recognized that safety and environmental protection are
21 absolutely paramount for this project. We have Tesoro's
22 record at the Port to go on. We have Vancouver Energy's
23 commitments, and we have the opinions of experts in
24 every design aspect (bell) and issue related to this
25 project.

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1 Thank you.

2 JUDGE NOBLE: Thank you, Mr. Alleyn.

3 MS. WRASPIR: Harry Anderson, Kate
4 Mickelson.

5 PUBLIC COMMENTER: Thank you. I'm totally
6 against this oil terminal project. You talk about
7 360,000 barrels of oil a day. Okay. In fact, just the
8 other day our Attorney General, Bob Ferguson in the
9 State of Washington, has voted against the oil terminal.

10 He said, number one, it's against our
11 environment and it's against the public interest. So,
12 along with that, you got our number one cause in the
13 environmental is global warming, okay?

14 If we don't reduce the fossil fuel
15 consumption, the scientific experts have already said
16 eventually our oceans will rise 13 to 15 feet. What is
17 that going to do to the coastline in California,
18 Florida, and islands around the world will be totally
19 submerged.

20 JUDGE NOBLE: Mr. Anderson, I have to stop
21 you there, and I'd like to stop the clock and give
22 Mr. Anderson another two minutes.

23 You need to confine your remarks to the
24 evidence that we heard in the adjudication,
25 Mr. Anderson, and not go outside of the record like you

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1 have just now. So if you could do that, I'll give you
2 another two minutes.

3 PUBLIC COMMENTER: I don't need a total of
4 two minutes.

5 One of the things the oil company experts
6 commented about the employment process. He said, well,
7 if we had a major accident, you'll have more economy and
8 the people involved in cleaning it up.

9 That's all.

10 JUDGE NOBLE: Thank you, Mr. Anderson.

11 PUBLIC COMMENTER: I'm Kate Mickelson,
12 Executive Director of the Columbia River Steamship
13 Operators Association. I'm here to comment on the
14 comments by Susan Harvey.

15 Over the past 94 years, the CRSOA has
16 supported countless projects to improve navigation on,
17 and trade, through the Columbia River. As a founding
18 member of the Maritime Fire and Safety Association, we
19 also played a key role in expanding the MFSA to include
20 oil-and-hazardous-spill prevention response and
21 mitigation.

22 JUDGE NOBLE: Slow up a little bit.

23 PUBLIC COMMENTER: Our dozens of membership
24 and received commodities and provide services up and
25 down the Columbia River everyday. Our livelihoods

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1 depend on us holding the safety and environmental
2 protection of our river paramount in everything we do.
3 We know this river.

4 In contrast, as far as I can tell from her
5 comments, Ms. Harvey has no direct experience with the
6 Columbia River. Perhaps that's why her prefiled
7 testimony has so many misstatements, inappropriate
8 ascertains, and incorrect conclusions.

9 She notes that the Columbia has a very
10 narrow, 300-foot-wide outbound lane of 600-foot-wide
11 shipping channel and there would be minimal traffic
12 separations.

13 Observation from Google Earth are deemed a
14 sufficient substitute for actual knowledge of the river.
15 The reality is all piloted vessels use the entire
16 600-foot-wide channel. The risk of collisions due to
17 these factors and many navigation features on the river
18 is minimal. The safety record on the Columbia River is
19 unparalleled.

20 Contrast Ms. Harvey's lack of local
21 knowledge with the knowledge, expertise, and experience
22 of the Columbia River pilots and bar pilots who are
23 licensed by the Coast Guard and certified specific to
24 their pilotage grounds. They have memorized the charts
25 and have local knowledge of tides, weather, and

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1 currents. They are experts.

2 Ms. Harvey's dismissiveness of safety and
3 spill prevention and response capabilities on the river
4 simply does not square with the reality. The Columbia
5 River is our economic lifeline, and it's important for
6 the quality of life for all of us in the region. None
7 of us who work on the river take that lightly.

8 Thank you very much.

9 JUDGE NOBLE: Thank you, Ms. Mickelson.

10 MS. WRASPIR: Jenny O'Connor and Dan
11 Gugliolmo. I know I'm completely butchering that last
12 name.

13 JUDGE NOBLE: Why don't we have the
14 spelling?

15 MS. WRASPIR: G-u-g-l-i-o-l-m-o.

16 JUDGE NOBLE: Ms. O'Connor.

17 PUBLIC COMMENTER: My name is Jenny
18 O'Connor, and I'm here to speak to the City of Spokane,
19 the public safety risk concerns. And my background, I'm
20 a resident of Portland, but before I lived in Portland,
21 I lived in San Francisco. I worked for the City of San
22 Francisco for 15 years, and during that time, I was a
23 project manager of infrastructure projects there.

24 The largest one that I oversaw was the
25 replacement of the Embarcadero Freeway which was damaged

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1 in the earthquake. And I'm giving you this background
2 because it was four years of environmental review that
3 we went through to look at that project, and I oversaw
4 that process.

5 So my concern here is that in going through
6 the adjudication process and the documentation there, I
7 came across the determination by, I believe it was you,
8 Judge Noble, you determined that the rail transportation
9 regulation was not under the purview of EFSEC, it was
10 under the purview -- it was a federal, under the federal
11 guidelines or under federal oversight.

12 And so my concern here is that although
13 there were all these environmental risks raised and
14 public safety risk raised with regards to the
15 transportation of oil, the mitigation was not -- part of
16 the process did not result in the mitigation of these
17 public safety concerns with regards to the rail
18 transportation.

19 And, therefore, I request that you do not go
20 forward in approving or going forward in saying yes,
21 let's go ahead with this project, because (bell) you
22 don't have all the information. Thank you.

23 JUDGE NOBLE: Thank you.

24 MS. WRASPIR: Jessica Spiegel, number 3.

25 JUDGE NOBLE: What happened to Dan --

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1 perhaps we pronounced his last name incorrectly.

2 G-u-g-l-i-o-l-m-o?

3 MS. WRASPIR: Number one?

4 JUDGE NOBLE: Yes. Oh, thank you.

5 PUBLIC COMMENTER: Hello, I'm Jessica
6 Spiegel, and I'm with Western States Petroleum
7 Association. Thank you for letting me speak. I'd like
8 to comment on the testimony of Brad Roach.

9 We are a nonprofit trade organization which
10 represents 25 companies that account for the bulk of
11 petroleum exploration, production, refining,
12 transportation, and marketing in five western states
13 including Washington, Oregon, California, Arizona, and
14 Nevada.

15 As Mr. Roach explained, those five states
16 are in what is known as PADD 5, PADD being Petroleum
17 Administration for Defense District for the West Coast,
18 which also includes Alaska and Hawaii.

19 And as Mr. Roach indicated, the U.S. Energy
20 Information Administration estimates that the fleet of
21 200 million light-duty cars and trucks in the U.S. today
22 will grow by 70 million by 2040, and that more than
23 90 percent of those will have internal combustion
24 engines.

25 By 2040 our energy reality is that 12

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1 percent of our energy sources will be renewable, meaning
2 that the bulk of them will be petroleum-based.

3 Vancouver Energy will ensure a continued supply of a
4 product we all use in our everyday lives to get to the
5 grocery store and take our children to soccer games and
6 so forth, and that is essentially to our economy, our
7 businesses, and our way of life.

8 Washington refineries are tremendous
9 contributor to Washington's economy and this product
10 will help supply those refineries. New mandates on
11 carbon and sulfur will make the lighter crudes in the
12 Midwest even more attractive to those refineries.

13 Our member refineries employ more than 2000
14 workers whose average annual salary is \$120,000 a year,
15 which is going the way of the dodo bird to have
16 blue-collar jobs of that value. With related support
17 jobs and economic activity, our industry has economic
18 impacts which contribute 26,000 jobs and \$1.7 billion
19 dollars worth of -- (bell). Thank you.

20 MS. WRASPIR: Marsha Denason, number O-3;
21 and Cory Wright, number P-4.

22 PUBLIC COMMENTER: I'm here on behalf of
23 members of Pacific Rain Forest Wildlife Guardians.
24 Please deny Tesoro Savage terminal. It is illegal. It
25 violates federal law to transport such high

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1 concentrations of hydrogen sulfate and tank cars of
2 mixed flammable and poisonous substances. Parking them
3 at the Port to be unloaded and in town both are illegal
4 storage of dangerous, incompatible hazardous materials
5 requiring immediate removal and segregation before
6 shipping in the first place.

7 Mitigation for the certain potential for a
8 massive explosion like at Tianjin China's hazardous
9 material warehouse that left a crater behind the fiery
10 blast and killed 173 people is to move Vancouver
11 courthouse and jail further away, ignoring the other
12 neighbors who live and work downtown.

13 The Street of Dreams everywhere would become
14 locations of hydrogen sulfide. The tank cars parked
15 there now are illegal loads and incompatible hazardous
16 materials if they contain -- if they're full, containing
17 Class 1.5 D blasting agent, label code of 2.3 and 2.1
18 poisonous to inhale hydrogen sulfide mixed with toluene,
19 benzene, and other flammable materials.

20 It has been illegal to park rows of
21 incompatible hazardous materials in town since
22 Coeur d'Alene, Idaho blow up in the 1950s, initiating
23 the Hazardous Materials Act. Class 1.5 explosives can
24 only be stored and transported with other specified
25 Class 1 explosives, not flammable material of any kind.

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1 Hydrogen must only be transported in cryogenic liquid
2 bottles -- (bell) Or there's a tank car. What's that?

3 JUDGE NOBLE: Ms. Dennison, your time is up.

4 PUBLIC COMMENTER: Oh, okay. Anyway, 49 CFR
5 173.504 and 50 is violated by this.

6 JUDGE NOBLE: Thank you.

7 Mr. Wright?

8 PUBLIC COMMENTER: Are we good? Okay. My
9 comments will be directed toward the testimony of
10 Captain Marc Bayer and also to that of Susan Harvey. My
11 name is Cory Wright, and I represent Crowley Maritime
12 Corporation.

13 First of all, I want to compliment Captain
14 Bayer on his accurate explanation of how Columbia River
15 navigation safely occurs, as well as the many
16 regulations and safeguards that are in place to prevent
17 and address oil spills.

18 Unfortunately, Susan Harvey's erroneous
19 report appears to try to plant seed of doubts and
20 uncertainty on things she clearly didn't have the local
21 knowledge or expertise to address.

22 At Crowley, we have extensive experience in
23 the safe and reliable transportation of petroleum
24 product. We have the most modern fleet of articulated
25 tug barges in the country. We also provide tanker

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1 escorts and many other marine-based services. We have
2 more than 120 years of experience in owning and
3 operating vessels, and we have extensive experience on
4 the Columbia River.

5 Our highest priority is the safety of
6 people, property, and the environment in which we all
7 live and work. Crowley fully subscribes to the Maritime
8 Fire and Safety Vessel Response Plan so we were
9 surprised at the inaccurate portrayal of the Plan by
10 Susan Harvey, including the assertion that MFSA would
11 not be able to respond to a spill of heavy crude oil.

12 She also ignores the fact that in the remote
13 event of a spill, a massive team of responders would be
14 mobilized throughout the River under the Department of
15 Ecology. All this is apparently to heighten fear, push
16 people into thinking a spill is likely, and thus to cast
17 doubt about the Vancouver Energy project.

18 But I will tell you from our company's
19 standpoint, and as was clearly articulated by Captain
20 Bayer, all of us who rely on the Columbia River take our
21 responsibility for safety, environmental protection, and
22 spill preparedness very seriously. We have far better
23 plans and systems and equipment in place than Ms. Harvey
24 seems to understand, and we are committed to keeping the
25 Columbia River the Great Northwest treasure and national

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1 economic resource that it is today. Thank you.

2 JUDGE NOBLE: Thank you, Mr. Wright.

3 MS. WRASPIR: Ernie Quesada, number O-1 and
4 Tonya Newton, number P-18.

5 PUBLIC COMMENTER: Good afternoon. I'd like
6 to comment on the testimony of Dave Sawicki, Susan
7 Harvey, and others. I am Ernie Quesada, General Manager
8 of Clean Rivers Cooperative. Clean Rivers is a
9 member-based nonprofit organization dedicated to
10 professional spill response and prevention of maritime
11 pollution spills.

12 Clean Rivers was created in 1971 to provide
13 mutual aid to companies with vested interest. We have
14 large caches of spill equipment and provide ongoing
15 training and education to our members in Washington and
16 Oregon, which include BNSF and Tesoro. We are committed
17 to protecting the water of the Columbia River and
18 communities among them.

19 In her testimony of Intervenors, Susan
20 Harvey questioned various aspects of the MFSA plan which
21 included critiquing other plans developed for the
22 Vancouver Energy project, but Ms. Harvey acknowledged
23 that she has never been on the river, never visited the
24 projected site, and she demonstrated significant lack of
25 awareness on how vessels are actually navigated on the

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1 Columbia River.

2 I would contest her lack of local knowledge
3 with that of numerous witnesses in support of the
4 project. Among them I would include not only Eric
5 Haugstad, Captain Marc Bayer directly for the Vancouver
6 Energy, but also Dave Sawicki who appeared as a witness
7 for the Port of Vancouver.

8 Dave Sawicki testified that his expert
9 opinion is the Vancouver Energy will be safe, suitable
10 for the proposed location at the Port. If the Port --
11 if Vancouver Energy fully develops the draft plans of
12 the project, including oil handling, spill-contingency
13 plans, emergency plans and others, and operates in
14 consistent with those plans and applicable applications.
15 Thank you.

16 JUDGE NOBLE: Thank you, Mr. Quesada.

17 Ms. Newton?

18 PUBLIC COMMENTER: Good afternoon. My name
19 is Tonya Sorrel; I'm the Executive Director of the
20 Northwest Masonry Institute. I am a Washington state
21 resident, and I'm currently a student at the Oregon
22 Culinary Institute in Portland, Oregon.

23 I strongly -- my comments, first, are going
24 to refer to the testimony of Jerry Johnson regarding the
25 Vancouver Energy providing benefit.

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1 I strongly support the Vancouver Energy
2 Distribution Terminal. This project truly is the bridge
3 to a new energy future. It creates jobs, it lessens our
4 dependence on foreign oil, and I believe transporting
5 Bakken crude by rail is far better than shipping crude
6 over the Pacific Ocean from countries that are not
7 friendly to the United States.

8 This form of transport is safer, has been
9 made safer through technology, regulation, and
10 experience. Many of the issues with rail safety have
11 been addressed and are currently and continually being
12 addressed. A safe transport of crude oil is evolving,
13 and we must stay focused on making it better.

14 As someone who represents 128 manufacturing
15 and small construction businesses that support 1500-plus
16 jobs in the Northwest, I know this project to be an
17 economic win for our state and region. It is a winner
18 for the consumer. It will provide local jobs that are
19 greatly needed, and it will continue to make
20 Vancouver -- move Vancouver forward in the global
21 economy.

22 We must keep pace with the already changing
23 world, and in our opinion, Vancouver Energy is working
24 hard to meet the local community's goals, as well as
25 keeping Washington relevant in a global economy.

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1 In closing, I'm disturbed by our nation's
2 current political climate. We must stop yelling at each
3 other and not solving problems. I employ you to sift
4 through the rhetoric and focus on the facts. Please
5 approve Vancouver Energy Distribution Terminal. It
6 helps our state and our nation by making us all less
7 dependent on foreign oils. Thank you.

8 JUDGE NOBLE: Thank you, Ms. Newton.

9 Marjorie Kircher, O-7, and Deken Letinich
10 P-17.

11 PUBLIC COMMENTER: Thank you for this final
12 opportunity to comment on the Tesoro Savage Crude Oil
13 Terminal proposed for the Port.

14 I am Marjorie Kircher; I've worked as a
15 Pediatric Occupational Therapist in special education
16 here in Vancouver for over 25 years. We in public
17 education have witnessed a profound increase in the
18 number and severity of children per capita with
19 neurodevelopmental disorders such as autism, ADHD, and
20 learning impairments.

21 The Centers for Disease Control and
22 Prevention corroborates this increase in the recent
23 accounts of pediatric disorders. And this issue is
24 gathering widespread urgent concern in scientific and
25 medical communities across the U.S. This is likely due

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1 in part to increased exposures to environmental
2 neurotoxins. As cited in Dr. Elinor Fanning's direct
3 testimony to EFSEC, the proposed Tesoro Savage Terminal
4 has disclosed many pollutants in their permit
5 application that would be admitted by the facility.
6 Eight of these may exceed Washington State emissions
7 rates maximums including, among the others, arsenic,
8 cadmium, and hexavalent chromium of greatest concern to
9 Portlanders in recent news of these same toxins being
10 released by glass manufacturers.

11 Also included are diesel particulates and
12 other air pollutants that would be released during
13 terminal operations and oil transportation and
14 transfers. All of these have cumulative impacts of
15 further emission to what is already here, particularly
16 increasing impairments in our children and other adverse
17 health effects in adults and children.

18 Unlike other potential disaster scenarios,
19 additive air toxins from day-to-day operations of oil
20 terminals and increased mile-and-a-half-long trains,
21 transporting oil would be a certainty with well-studied
22 human health effects.

23 This will be at large cost to our society,
24 not only emotionally but in real dollars; it costs a
25 tremendous amount in taxpayer money to educate one child

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1 with a neurodevelopmental delay, an additional \$9,000
2 more per year with one in ten children in Washington
3 already receiving Special Ed.

4 Council, please consider long-term health
5 effects and reject this permit. (Bell)

6 Thank you.

7 JUDGE NOBLE: Thank you, Ms. Kircher.

8 PUBLIC COMMENTER: My comments will address
9 the testimony of Todd Schatzki whose firm prepared the
10 economic analysis for Vancouver Energy.

11 My name is Deken Letinich; I'm with the
12 Laborers' Union. We have about 500 members in southwest
13 Washington, roughly 5,000 statewide.

14 Analysis of the Vancouver Energy project by
15 Todd Schatzki's analysis group stated that 320
16 construction jobs, in addition to 173 onsite operations
17 jobs, would be created by this project. And in
18 addition, Vancouver Energy would generate nearly 1.6
19 billion in labor income and over 2 billion in economic
20 value added to Clark County and the surrounding area.

21 Washington's building trades are invested in
22 making sure this project is built safely. As one of
23 those working on the front line, safety is our number
24 one concern. And not only for our fellow workers about
25 the community around us.

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1 Alastair Smith with the Port of Vancouver
2 testified that the terminal is a unique opportunity for
3 the property, and would it would greatly benefit the
4 Port District with additional tax revenues. We would
5 provide hundreds of blue-collar jobs, good family-wage
6 jobs, and might I add, blue-collar talent is world-class
7 talent.

8 We have seen too many opportunities at local
9 ports fall to the wayside: Tacoma, Portland, Longview.
10 Put us to work and approve this project. It was clear
11 by testimony that not only will this community benefit
12 economically, but so will the entire region and our
13 country with this opportunity for energy independence
14 and security.

15 Thank you.

16 MS. WRASPIR: Steve Dragich, O-14; Troy
17 Ruff, P-10.

18 PUBLIC COMMENTER: I'm Mr. Dragich; my field
19 is engineering, fire science, and emergency medical
20 response. As of this year, I've been at it 30 years.
21 I'm from Cowlitz County. In my 30 years, I've seen
22 seven major industrial accidents in Cowlitz County: Two
23 major pipeline explosions, which shut down I-5; a marine
24 freighter at the Port of Kalama which burned causing one
25 fatality; a Coast Guard petty officer and just about my

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1 captain, Captain Don MacLean. The only thing that saved
2 him was the wiring railing on the ship. Ship was a
3 total loss. People panicked; they cut the ship loose,
4 it went out to the middle of the Columbia River channel.
5 We could not fight the fire. There was a possibility of
6 an explosion.

7 Second one was the Kalama Chemical Company,
8 benzene. If you've ever been at a chemical fire with a
9 petroleum product, you wouldn't believe how far
10 55-gallon drums can fly. I was born on the river. I've
11 seen numerous marine accidents.

12 A company called Millennium has reported in
13 the New York Times says a fossil fuel project,
14 specifically a coal export facility in Longview,
15 Washington, considers the people of Cowlitz County
16 expendable, quote, unquote. And it took a court order
17 to find that.

18 CEII stands for Critical Energy Information.
19 They don't give it to us first responders that have to
20 clean up people's mess like this. Is the governor
21 expendable? Ask Governor Inslee that question for me.
22 (Bell)

23 JUDGE NOBLE: Thank you, Mr. Dragich. We
24 have to remind people to keep their comments confined to
25 the record in the adjudication.

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1 PUBLIC COMMENTER: Good afternoon. My name
2 is Troy Ruff. I'd like to comment on the testimony of
3 Mr. Jerry Johnson. I'm with Harder Mechanical
4 Contractors. Harder Mechanical is a fifth generation
5 family-run company founded in 1934; dedicated to over 82
6 years of mechanical services tackling complex projects
7 that require sophisticated fabrication and installation
8 of process piping systems and mechanical equipment such
9 as the Vancouver Energy terminal.

10 Mr. Johnson testified that Vancouver Energy
11 would provide much in terms of economic benefit. He
12 didn't question whether it would create any local jobs.
13 He did this, in part, with what I would call a
14 "strong-man approach" where he said the jobs benefit for
15 the project were overstated because the economic
16 analysis for the project was based on all construction
17 jobs coming from Clark County. He created a false issue
18 and then knocked it down.

19 The economic study was actually conducted
20 for a ten-county area, but either way, jobs are jobs and
21 the economic impact is essentially the same. Our
22 company has four offices in the western United States.
23 Our corporate headquarters is located in Portland,
24 Oregon. We're one of the many regional businesses that
25 potentially stand to benefit from the Vancouver Energy

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1 terminal.

2 A very large number of our employees live in
3 Clark County and in Vancouver, specifically. Harder
4 Mechanical is very interested in this project because
5 we're a prime candidate to provide the construction for
6 the Vancouver Energy terminal. So in terms of skilled
7 local jobs and highly skilled jobs, we can help fill
8 that need with our large local workforce.

9 We support the project for that reason. We
10 also support it because we recognize it's the right
11 thing to do. Continuing to drive industry in the area
12 and supporting our local economies is a top priorities.
13 It's a smart infrastructure investment that will benefit
14 people and businesses all across Washington, Oregon, and
15 the entire West Coast.

16 It will also help reduce our company's
17 dependency on foreign oil. With the shape of things in
18 the Middle East, Africa, Venezuela, and Russia, if we
19 can all open our eyes, it's the right thing to do. Our
20 business and every business in this region depends on
21 oil to get our people to and from work and for many of
22 the other things we use every day, even for the
23 manufacture of the components we build. (Bell)

24 Thank you.

25 JUDGE NOBLE: Thank you, Mr. Ruff.

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1 Carrie Parks, O-15. Tom Pierson, P-15.

2 PUBLIC COMMENTER: Hi, I'm Carrie Parks, and
3 I'm responding to some of the testimony from Eric Holmes
4 and Todd Schatzki.

5 My family has lived in Washington near the
6 Columbia River within a few miles of it for five
7 generations. I want to respond to the economic impacts.
8 Those of you who think you're going to get good jobs out
9 of this should think about the jobs you are taking away
10 from the people who already have jobs here. Don Orange
11 testified about how many small businesses will be
12 negatively impacted. I think we already are seeing
13 signs in Mosier about the damage there is not being
14 picked up by the railroad or the oil company, the
15 taxpayers are going to be expected to pick that up.

16 So when Tesoro is telling us that they're
17 going to bring all kinds of jobs and tax money in here,
18 they're not taking into account what we'll be paying to
19 clean up their messes. Tourism is one of the major
20 industries in our state and so is agriculture. Those
21 jobs are all at risk from oil spills and fires and
22 pollution. So please deny the permit.

23 Thank you.

24 JUDGE NOBLE: Thank you, Ms. Parks.

25 Mr. Pierson, Tom Pierson.

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1 MS. WRASPIR: Mike Bridges, P-12.

2 PUBLIC COMMENTER: Good afternoon. I'm Mike
3 Bridges. I'm here today to comment on the testimony of
4 Jerry Johnson.

5 I'm representing the Columbia Pacific
6 Building Trades Council on behalf of Willy Myers, our
7 Executive Secretary today. Our organization represents
8 more than 25,000 skilled men and women in 25 different
9 trades in both Oregon and Washington. I, along with
10 others, have today to take issue with Jerry Johnson's
11 characterization of Vancouver Energy's job numbers and
12 economic impact as inconsequential.

13 The latest unemployment numbers had
14 Washington at 5.8 percent, about a full percentage point
15 more than the national average, and number 40 in the
16 country. That number is skewed by the Puget Sound
17 Region where the economy is much stronger. The latest
18 numbers had Clark County at 6 percent. Not all jobs are
19 equal. The 300-plus construction jobs, the 176 onsite
20 operation jobs, and 440 offsite jobs created directly by
21 the terminal will all be high-paying jobs, family-wage
22 jobs.

23 According to the analysis group study, in
24 contrast to Johnson's critique, the Columbian reported
25 earlier this month that a research faculty member at

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1 Washington State University School of Economic Science
2 reviewed the report and said the methodology was good
3 and he had no problem with the numbers.

4 Johnson offered a number of other
5 questionable conclusions in attacking the project. For
6 example, he said it put constraints on competing
7 shippers, but did not offer any real rationale. As
8 we've heard several people testify, neither the
9 potential increase in rail traffic nor the number of
10 vessels serving the terminal on the Columbia River is a
11 significant jump over what those systems already carry.

12 Johnson also questioned the use of 16 years
13 for the economic analysis, even though that makes
14 perfect sense. It is a conservative approach with a
15 year of construction and an initial ten-year lease for
16 operations. (Bell)

17 JUDGE NOBLE: Thank you, Mr. Bridges.

18 MS. WRASPIR: Edith Gillis, 0-8; David Finn,
19 0-19.

20 PUBLIC COMMENTER: Thank you, Your Honor,
21 and council. I am a former social studies and science
22 teacher and a current driver of an electric car. I am
23 making comments on the testimony of Susan Harvey.

24 While I agree we need a comprehensive risk
25 assessment, my concern is that we have an urgent and

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1 important need to look at variables that were not
2 mentioned and to be aware that what effects those
3 variables is different from what has ever happened in
4 history.

5 A historical record of those variables would
6 say "no" to the permit, but in actuality the recent
7 past, the present, and the future are going to be
8 changing those variables much more quickly, much more
9 dangerously and much more erratically.

10 For example, the quality of the steel in the
11 ships, the hull, the ship design, the mental capacity of
12 the crew, the communication between the crew and others,
13 the stock market. We are having change. We had 14
14 drivers in the ocean currents, then seven, we have
15 fewer. We may not even have one because of the melting
16 of the Arctic; we don't have the same ocean currents and
17 the same wind currents.

18 JUDGE NOBLE: Ms. Gillis, I have to stop
19 you. I don't see that this is related to the testimony.

20 PUBLIC COMMENTER: She was talking about the
21 safety of tankers and the waterways and how those
22 change, and I'm addressing that.

23 JUDGE NOBLE: All right, but you need to not
24 add so much additional material that wasn't part of the
25 record. So I'd like you to have another minute so

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1 that -- because I interrupted you. Please continue.

2 PUBLIC COMMENTER: We had the Shell
3 Icebreaker Fennica, that was a highly well-mapped place
4 with lots of good, rested crew. We went aground and had
5 a huge gash in the hull. We tried to take it to
6 Portland, and they said the small, little easy
7 maneuverable ship couldn't even handle it safely with a
8 few flimsy kayaks with a lot of law enforcement.

9 When you have these big, huge floating
10 football fields that don't even have information to the
11 crew on what is wrong and enough time to do something
12 about it, not enough good communication, we're having
13 changes of solar flares with law enforcement jamming of
14 communications, there's not going to be the ability from
15 ship-to-ship from land-to-ship from satellite-to-ship
16 communications. And those ships cannot maneuver quickly
17 enough.

18 We're going to be having more traffic,
19 especially along the Columbia and the Pacific, and on
20 the way to China, which is the destination for the
21 profit, not for our use here; we're having more military
22 drills, and we're having piracy and terrorism.

23 JUDGE NOBLE: Thank you, Ms. Gillis.

24 PUBLIC COMMENTER: Thank you, council.
25 Hello, my name is David Finn, and I live in Woodburn

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1 Neighborhood in Washougal, Washington. You recently
2 heard from the Clark County Regional Emergency Services,
3 and they talked about the Cascadian subduction zone
4 earthquake and breaking of water mains and how that
5 would affect being able to fight a rail fire or a tank
6 farm fire.

7 We are asking you to reject the proposed oil
8 terminal not for any single such reason as this, but for
9 an overwhelming number and variety of them. We all know
10 how close we came to a major disaster in Mosier earlier
11 this year when, as luck would have it, we did not have
12 the 35-mile-an-hour winds that we usually have in that
13 area. That could have totally disseminated the City and
14 the head of the Gorge.

15 To those ultimately responsible for making
16 the decision of whether or not to allow an oil terminal
17 anywhere along the lower Columbia River, the jobs
18 created by such a venture will pale in comparison to the
19 negative impact in our communities, net job loss, and as
20 you've heard others talk about, loss of tourism, the
21 devaluation of property, livability, and the general
22 economic health of every community along the route.

23 Once again, enough is enough. We've come
24 too far to let our community's livability be forfeited
25 in order to provide a few jobs, and I do mean a few

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1 jobs, while drastically and dramatically affecting many
2 of the positive and admirable attributes this area has
3 been able to develop. These oil trains present a real
4 hazard to our public welfare.

5 Thank you.

6 JUDGE NOBLE: Thank you, Mr. Finn.

7 MS. WRASPIR: Charles Miller, O-2; Sonya
8 Rowe, O-13.

9 PUBLIC COMMENTER: Members of the council,
10 my name is Charles Miller; I'm a resident of Corvallis,
11 Oregon, and an Emeritus Professor of Oceanography at
12 Oregon State University.

13 I have reviewed the publicly available items
14 of testimony to the council regarding the potential for
15 and damage from oil spills into the Columbia River that
16 could result from activities at the proposed Tesoro
17 Savage Plant.

18 A sharp contrast emerges between the
19 coordinated testimony of Elliott Taylor and Gregory
20 Challenger of Polaris Applied Sciences working for
21 Tesoro, and that of Daniel D. Royce, on oil spill and
22 oil pollution expert recently retired from NOAA.

23 Royce's testimony was sponsored by the
24 Columbia River Inter-Tribal Fish Commission, so both
25 parties have some personal interest in the outcome of

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1 the council's adjudication. The Polaris testimony is
2 complexly legalistic and emphasized conclusions based on
3 whatever it means, a tabletop exercise.

4 The potential for a great deal of damage is
5 admitted, but the impression developed for their readers
6 is that spills will be small, downstream transport of
7 oil will be short, and damage to habitats will heal in
8 appropriately, acceptably brief times. The tone of
9 Polaris Applied Science's testimony agrees with that of
10 the DEIS in support of the terminal.

11 The testimony of Royce is direct and based
12 on actual and real-world events. He cites, among
13 others, an actual oil spill in the Columbia in 1984 of
14 3,000 barrels at River Mile 88, not so far from
15 Vancouver. It was swept downstream, reached the river
16 mouth in three days, and contaminated the Washington
17 shores as far north as Willapa Bay.

18 Royce's report emphasizes, particularly, the
19 import of persistent toxic effects on larval fish and
20 small invertebrates; think bird food and fish food.
21 This is a subject upon which Royce is a premiere expert.
22 While these effects are not obvious to the eyes above
23 the water, they are prolonged due to leaching of
24 polyaromatic hydrocarbons from the sediment.

25 The important difference is in Royce's tone.

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1 As Royce concludes --

2 JUDGE NOBLE: Mr. Miller, your time is up.

3 PUBLIC COMMENTER: As Royce concludes, the
4 profit is for the oil and transport industry; risk is on
5 the river, organisms living in that habitat, and those
6 people who use the river.

7 Thank you.

8 JUDGE NOBLE: Thank you, Mr. Miller.

9 Ms. Rowe?

10 PUBLIC COMMENTER: My name is Sonya Rowe. I
11 live here in Vancouver, and I've been here for eight
12 years. I moved up here from San Diego, and I moved up
13 here because of the clean air, because my brother had
14 needed the clean air, as well, he had moved up here. I
15 have eight more relatives very near and dear to my heart
16 who live in San Diego and who would like to move up
17 here, but the air pollution risk right now is greater
18 than it was when I moved up here eight years ago.

19 I'm a sufferer of COPD, which includes a
20 great deal of chronicness. I'm a sufferer from
21 congestive heart failure. I have multiple sclerosis,
22 I'm diabetic and -- ah. And I suffer from severe
23 separation anxiety from my grandchildren.

24 In any event, the thing that concerns me the
25 most is being able to sit -- personal evidence -- being

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1 able to sit downtown with a cold drink in my hand that
2 has a plastic lid on it. That plastic lid is clean when
3 I come out of the establishment where I bought it.
4 After I have sat for 15 or 20 minutes without removing
5 that lid, I can take my finger, wipe it over the top of
6 the lid, and get visible particulates. And I have been
7 sitting there breathing them.

8 My COPD has become worse, and I feel that
9 the health challenges that are currently existing here
10 are about all I can take. Nobody thought I would live
11 to be over 50 or even to see my 50th birthday. In
12 October, I will be 70 years old, and I'd like to keep
13 the good luck rolling. I am very, very alarmed when I
14 see things like the train wreck in Mosier, Oregon last
15 month. (Bell)

16 Thank you very much for listening and
17 caring.

18 JUDGE NOBLE: Thank you, Ms. Rowe.

19 At this time, all the speakers that have
20 signed up to speak have done so, and that means that our
21 proceedings are concluded for today, except that I would
22 like to thank -- excuse me, there's a gentleman with his
23 hand up.

24 All right. Come forward, sir, and just tell
25 us your name. Come forward to the microphone so we can

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1 hear you.

2 PUBLIC COMMENTER: Peter Teneau, Portland,
3 Oregon.

4 JUDGE NOBLE: Sir, we have to have your name
5 a little bit clearer.

6 PUBLIC COMMENTER: Oh. Peter Teneau,
7 T-e-n-e-a-u.

8 JUDGE NOBLE: Thank you.

9 PUBLIC COMMENTER: Portland, Oregon. I can
10 only cover two items. The impending subduction
11 earthquake estimated at between force 8 to 9 will do
12 uncalculable damage, a huge threat of explosion, fire
13 and toxic release within Portland and Vancouver
14 geographical bounds result in loss of life and property
15 and a remedial damage to the Columbia River ecosystem.

16 Add to this the threat of populations and
17 damage to properties wherever oil trains pass on their
18 way to Vancouver. Ships serving the terminal,
19 particularly loaded at dockside and navigating down the
20 Columbia, finally arrive at the enter estuary of the
21 Columbia Bar, one of the most dangerous marine entrances
22 in the world.

23 Need a tsunami? What about them? Just how
24 does a ship survive a grounding or a coastal tsunami?
25 The inevitable earthquake demands that rail shipment of

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1 Bakken crude to the terminal and ship passage from the
2 terminal be of elevated concern to truly evaluate the
3 entire risk posed by the Tesoro project.

4 Looked at from this perspective, the
5 terminal should not be built, because there's no way to
6 avoid disaster at any point, because there's no
7 engineering, mitigation that will assure safety.

8 Two, Bakken crude is known in its
9 production, transporting, and handling and storage
10 operations to leak between 3 and 6 percent of methane.
11 Detanking railcars and tanker ships and storage would
12 comprise Tesoro's terminal full contribution.

13 A recent Harvard study produced convincing
14 new data showing that the EPA estimate of methane
15 leak-rate is much too low, and if we are to keep
16 fracking, keep on fracking, it will nearly be impossible
17 for the United States to reach its promised goal of 26
18 to 28 percent reduction in greenhouse gases from 2005 to
19 2025. EPA old chemistry aside, a heating value of 28
20 (bell) to 36 times that of carbon dioxide.

21 JUDGE NOBLE: Mr. Teneau, you are out of
22 time.

23 PUBLIC COMMENTER: Yes. A more accurate
24 figure is a whole lot more: 86 to 105.

25 JUDGE NOBLE: Thank you, Mr. Teneau.

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1 PUBLIC COMMENTER: Hi. I'm Dr. Rose
2 Christopherson; I'm a retired VA physician, and I want
3 to thank you for being flexible enough to allow me to
4 speak even though the table was closed. And I also
5 don't know quite what the rules are. It seems as if we
6 have to address something that someone else said. I
7 haven't been here long enough.

8 JUDGE NOBLE: Dr. Christopherson, let me let
9 you know what the basic rule is, and then I'll give you
10 two minutes once I stop talking.

11 We have had a long adjudication and the
12 rules of that adjudication have been strictly observed
13 according to the Administrative Procedures Act, and the
14 Rules of Evidence. And so we are asking -- the
15 adjudication has been made available to the public, and
16 it's been opened to the public, and so we are requiring
17 people to restrict their comments to the evidence that
18 was presented in that adjudication, according to the
19 Washington rules for that kind of a procedure.

20 So if you would restrict your comments to
21 the evidence that was presented to the council for the
22 last five weeks, that is the basic rule. And you get
23 two minutes.

24 PUBLIC COMMENTER: Great, okay. I'm just
25 going to say something that will be interesting to

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1 everyone in this room whether it exactly fits the rules
2 or not, it should, and that is I'm going to explain how
3 carbon dioxide heats the atmosphere.

4 The way it does it is because it's not
5 sunlight; sunlight is only part of the electromagnetic
6 spectrum of energy that falls on the earth. Other parts
7 include infrared and ultraviolet. Now, anyone who goes
8 out after this meeting in this beautiful warm weather,
9 including you with that nice suit on, will either get
10 warm or not so warm depending upon the infrared heating
11 of that dark or light clothing.

12 JUDGE NOBLE: Dr. Christopherson, I respect
13 your expertise, but you must restrict your remarks to
14 the Vancouver Energy Distribution Terminal and how it
15 relates to that with the evidence we've heard.

16 PUBLIC COMMENTER: Okay, that's fine. And
17 therefore, the previous speaker who discussed ocean
18 currents changing, they will change, and they are
19 changing. And that is all related to this big picture
20 of increasing heat in the atmosphere due to the fact
21 that the carbon dioxide molecules do the same thing that
22 my black shirt does: They gather heat and then increase
23 their energy production, the kinetic energy that comes
24 off from the vibrating molecule.

25 So as a matter of fact, everything is

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1 becoming more dangerous and more unstable. And I'm sure
2 there's something in your report about danger and
3 instability. And this becomes more unhealthy, more
4 leading to wars and problems.

5 JUDGE NOBLE: Thank you, Dr. Christopherson.

6 PUBLIC COMMENTER: You're most welcome.

7 JUDGE NOBLE: Well, now we are complete, and
8 everyone who has asked to speak has been given the
9 chance to speak.

10 I want to thank all the people who are here
11 and who were here, and all the people who have been
12 following our proceedings for the last five weeks.

13 We've appreciated your attention, and so at
14 this point, we are ready to conclude our adjudication,
15 and so we will be adjourned.

16 Thank you all very much.

17 (Public comments concluded.)
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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

THIS IS TO CERTIFY that I, Diane Rugh, Certified Court Reporter in and for the State of Washington, residing at Snohomish, reported the within and foregoing testimony; said testimony being taken before me as a Certified Court Reporter on the date herein set forth; that the witness was first by me duly sworn; that said examination was taken by me in shorthand and thereafter under my supervision transcribed, and that same is a full, true and correct record of the testimony of said witness, including all questions, answers and objections, if any, of counsel, to the best of my ability.

I further certify that I am not a relative, employee, attorney, counsel of any of the parties; nor am I financially interested in the outcome of the cause.

IN WITNESS WHEREOF I have set my hand this 12th day of August, 2016.

DIANE RUGH, RPR, RMR, CRR, CCR
CCR NO. 2399