

1 6. In 1993, I completed a bachelor's degree in Geography with a minor in
2 Environmental Studies from Central Washington University. I am a member of the
3 American Institute of Certified Planners (AICP). AICP certification is a nationwide
4 independent verification of a planner's qualifications. Certification requires a certain level
5 of professional experience, testing to demonstrate knowledge of land use planning
6 principals, carries ethical standards, professional conduct expectations and a requirement
7 for ongoing professional education.

8 7. I have been working as a professional land use and natural resource planner
9 in some capacity for more than 20 years, since my graduation from Central Washington
10 University.

11 8. I began my planning and natural resources career in 1993 in the Long
12 Range Planning Division of Clark County, Washington assisting with the development of
13 the County's comprehensive plan in response to the state Growth Management Act
14 (GMA). My responsibilities included addressing citizen requests, developing land use and
15 zoning maps, developing and analyzing plan policies, and developing zoning and
16 development standards.

17 9. In 1999, I accepted a Senior Planner position in Yakima County,
18 Washington. My responsibilities included staffing the annual comprehensive plan update
19 process, developing zoning and development standards, and updating Yakima County's
20 surface mining provisions.

21 10. In 2000, I accepted the City Planner position at the City of Cle Elum,
22 Washington. My responsibilities included acting as the responsible official under the State
23 Environmental Policy Act (SEPA) and as the building official, and managing the current
24 and long-range planning activities at the City of Cle Elum. In this position, I oversaw the
25 development of a SEPA environmental impact statement (EIS), land use master plan and

1 development agreement for a significant expansion of the City's Urban Growth Boundary
2 and an expansion of the City's sewer treatment plant. I also assisted with the City of Cle
3 Elum's interests in all aspects of the neighboring Suncadia Resort Development. This
4 position required me to interpret and apply a wide range of city, county and state
5 regulations and planning policies and to advise the Mayor, Council, and Planning
6 Commission on those issues. These involved balancing economic development while
7 protecting the natural and built environment that was important to the community. For
8 example the master plan adopted for the Bullfrog Urban Growth Area preserved important
9 open space, meeting the GMA requirements for the identification and preservation of open
10 space corridors, while providing for residential, commercial and industrial development as
11 well as reserving space for the development of Washington State Horse Park. The
12 planning also involved assurances that city services could be maintained financially with
13 the development of the project.

14 11. In 2003, I accepted the Planning Director position at the City of Battle
15 Ground, Washington. I was then promoted to Community Development Director and my
16 responsibilities extended to include oversight of the Building Division, engineering review
17 of development projects, and development of an update to the Battle Ground
18 comprehensive plan. I managed approximately nine employees as Community
19 Development Director and also served as the SEPA responsible official. While at the City
20 of Battle Ground, I advised the City Manager, Mayor, Council, and Planning Commission
21 in all matters related to land use and development within the City including compliance
22 with the Growth Management Act, Comprehensive Plan and county wide planning
23 policies for Clark County, the Shoreline Management Act, State Building Code, other
24 development regulations and matters related to community development such as nuisance
25

1 and code enforcement, HUD grants, parks development, development agreements and
2 impacts fees.

3 12. In 2007, I began work as a Senior Planner for BergerABAM (at that time
4 known as The JD White Company, a division of BergerABAM Engineers Inc.). In that
5 capacity, I provided planning services for a variety of public and private projects.

6 13. During my 8-year tenure at BergerABAM, I have worked on permitting
7 and environmental review and compliance for multiple port and industrial projects in
8 Washington. Some of these projects include the City of Vancouver Waterfront Park,
9 Vancouver Waterfront Development, West Vancouver Freight Access Project, the Bulk
10 Potash Handling Facility and the United Grain Terminal Expansion Project, all within
11 close proximity to the Vancouver Energy project. These projects involved intense
12 development within sensitive environmental areas within the City of Vancouver and
13 required compliance with City development regulations including shorelines and critical
14 areas.

15 **II. SCOPE OF TESTIMONY**

16 14. I have been involved with the Vancouver Energy project (Project) since
17 approximately February 2013. I am part of the BergerABAM team that was initially hired
18 by Savage Services Corporation, and subsequently by Tesoro Savage Petroleum Terminal
19 LLC (TSPT), to assist with identifying the required permits and approval timelines for the
20 development of an oil by rail facility at the Port of Vancouver USA. Following this
21 original effort, I have been involved as part of the BergerABAM team that has continued
22 to support the project permitting by preparing the Application for Site Certification (ASC)
23 for the state's Energy Facility Site Evaluation Council (EFSEC), many of the technical
24 reports that support the ASC, as well as by providing other planning, engineering, and
25 public outreach services for the Project. In this role, I consider myself to be very familiar

1 with the details and the history of this Project, its application and environmental review
2 materials and its permitting history, including the history of discussions with the City of
3 Vancouver (City).

4 15. In order to support the application and permitting process for the Project, I
5 prepared the Project Narrative for Land Use Consistency Review ("Project Narrative")
6 submitted to the City on September 13, 2013. A true and complete copy of this Project
7 Narrative is attached to this written testimony as Attachment B. I also participated in
8 discussions with City staff regarding land use consistency during the early stages of
9 project review.

10 16. My role in preparing the ASC and related documents for Project approval
11 involved numerous tasks and responsibilities. For the ASC, I prepared Section 4.2, which
12 addresses land use and shorelines, as well as various sections of Chapter 2 and Appendix
13 I.2 of the ASC, which addresses compliance with the City of Vancouver Shoreline
14 Management Program. I also assisted with the overall review and completion of the ASC.
15 For the land use consistency hearing held on May 28, 2014, I assisted with submittals to
16 EFSEC on behalf of the Applicant. For the required federal permits, I oversaw staff
17 preparing the Joint Aquatic Resources Permit Application (JARPA) and the biological
18 assessment (BA), which are included as appendices to the ASC. For SEPA review of the
19 Project, I contributed to the Applicant-prepared preliminary Draft EIS (PDEIS) by
20 researching parks and recreation sites, road crossings, and land uses in the Project vicinity
21 and along the rail and vessel corridors utilized by the Project; drafting Section 4.9 (Land
22 Use), Section 4.13 (Parks and Recreation), and Appendix M (Representative Community
23 Impacts); and assisting with the review and completion of other sections of the PDEIS. I
24 also researched and identified other projects that could result in cumulative impacts
25 associated with activity near the Project site as well as projects further from the site that

1 could result in additional rail or vessel traffic in the corridors used by the Project. Finally,
2 I reviewed the Draft EIS (DEIS) published by EFSEC and prepared various sections of the
3 Applicant's comments on the DEIS.

4 17. In support of this testimony, I reviewed the DEIS for the Project and
5 comment letters addressing land use consistency and related topics. I also reviewed
6 materials submitted for the Land Use Consistency determination by EFSEC, including the
7 following documents adopted by the City of Vancouver and Clark County¹: Vancouver
8 Comprehensive Plan 2011–2030,² relevant portions of the Vancouver Municipal Code³
9 (VMC) in effect on the date of the land use consistency hearing for the Project held on
10 May 28, 2014, Shoreline Master Program⁴ (Nov. 21, 2011), City Center Vision and
11 Subarea Plan⁵ (June 18, 2007, revised 2010), Fruit Valley Subarea Plan⁶ (Sept. 20, 2010),
12 Riverview Gateway Subarea Plan⁷ (Feb. 2, 2009), Clark County Regional Trail and
13 Bikeway System Plan⁸ (Apr. 6, 2006), and various neighborhood action plans, in addition
14 to existing land use conditions at the Project site and along the rail corridor within the
15 City. I also researched tribal fishing access sites along the Columbia River, conducted an

16 _____
17 ¹ EFSEC may take judicial notice of City of Vancouver and Clark County adopted ordinances, codes,
published plans and regulations. See ER 201(b).

18 ² Available at

19 [http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/p
age/874/vancouvercomprehensiveplan2011-2030.pdf](http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/874/vancouvercomprehensiveplan2011-2030.pdf).

20 ³ Available at <http://www.cityofvancouver.us/vmc>.

21 ⁴ Available at

22 http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/vancouver/exhibita_smp.pdf.

23 ⁵ Available at

24 [http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/p
age/1023/vccvfinalplan2010revision.pdf](http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/1023/vccvfinalplan2010revision.pdf).

25 ⁶ Available at

[http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/p
age/1415/fruitvalleysubareaplan.pdf](http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/1415/fruitvalleysubareaplan.pdf).

⁷ Available at

[http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/p
age/1415/riverviewgateway.pdf](http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/1415/riverviewgateway.pdf).

⁸ Available at https://www.clark.wa.gov/sites/default/files/ClarkCounty_2006TrailPlans.pdf.

1 assessment of access to these sites and prepared a series of maps indicating access sites
2 within the State of Washington.

3 18. Based on my role in preparing the ASC for the Vancouver Energy Project
4 and other related documents, my review of the information described above, and my
5 professional planning experience, I offer the following testimony and opinions regarding
6 the consistency of the Project with local land use and development regulations, as well as
7 with applicable provisions of the Vancouver Comprehensive Plan and other subarea plans
8 for the City. Additionally, my testimony will address recreational sites that will
9 potentially be affected by the Project. I also provide testimony regarding my analysis of
10 reasonably foreseeable terminal projects proposed along the Columbia River and the map
11 and visual assessment that I prepared related to Tribal fishing sites and access thereto.

12 **III. CONSISTENCY OF PROJECT WITH LAND USE PLANS AND**
13 **DEVELOPMENT REGULATIONS APPLICABLE TO THE PROJECT**
14 **SITE**

15 19. To address consistency with City development standards and zoning
16 requirements, TSPT met early in the process to discuss the Project with the City. I
17 attended several meetings with City staff to discuss the Project, the EFSEC process, and
18 an appropriate process for City review of the Project, including a meeting on May 16,
19 2013 that included Jon Wagner, Senior Planner, Greg Turner, Land Use Planning
20 Manager and other City and EFSEC staff. *See* ASC, § 1.6.

21 20. Although not required because of EFSEC's jurisdiction, TSPT elected to
22 prepare a pre-application request (Pre-Application) for submittal to the City. *See* ASC,
23 Appendix I.1, a true and correct copy of which is attached to this testimony as Attachment
24 C. The pre-application process is required for many development projects that need a City
25 permit and would be required for a project of this type if it were not subject to EFSEC

1 jurisdiction. *See* VMC 20.210.080. The City's pre-application process is intended to
2 acquaint City and other agency staff with a sufficient level of detail about the proposed
3 development to enable staff to advise the applicant of the approvals and requirements that
4 apply, acquaint the applicant with the requirements of the Vancouver Municipal Code and
5 other laws, and identify issues and concerns in advance of a formal application. The pre-
6 application is intended to save the applicant time and expense as the project moves
7 through the permitting process and to inform the affected City-recognized neighborhood
8 associations of potential development activity within their neighborhoods. The formal
9 pre-application meeting for the Project was held on June 27, 2013 and included a large
10 number of individuals from multiple City departments (Engineering, Water Resources
11 Protection, Fire, Fire Marshal, Planning, Transportation), other permitting agencies
12 (including Washington State Department of Fish and Wildlife), Columbia Riverkeeper,
13 and the Fruit Valley Neighborhood Association. A true and correct copy of the sign-in
14 sheet for the pre-application meeting is attached to this written testimony as Attachment
15 D.

16 21. As part of the pre-application process, the City issued a Conference Report
17 summarizing the provisions of the VMC that apply to the project. A true and complete
18 copy of the Conference Report is attached as Attachment E. The Conference Report
19 identified these provisions of the VMC as applicable to the Project:

- 20 • VMC Title 11: Streets and Sidewalks
- 21 • VMC Title 11.95: Concurrency
- 22 • VMC Title 12: Trees and Vegetation
- 23 • VMC Title 14.04, 14.10, and 14.16: Water and Sewers
- 24 • VMC Title 14.24: Erosion Control
- 25 • VMC Title 14.25: Stormwater
- VMC Title 14.26: Water Resource Protection
- VMC Title 16: Fire Code
- VMC Title 17: Building and Construction
- VMC Title 20: Zoning/Land Division/SEPA

- 1 • Revised Code of Washington (RCW)

2 See Att. E at 3-4. In the Conference Report, the City identified the zoning of the site as
3 Heavy Industrial (IH). *Id.* at 4. The purpose and standards unique to the IH zone are
4 stated in chapter 20.440 VMC. The City determined that the proposed oil terminal would
5 be an allowed use in the IH zone⁹ and identified additional information needs to address
6 specific comments from various departments. *Id.* at 5. The City also determined that the
7 Project, but for EFSEC jurisdiction, would be a Type II process per VMC 20.210.050. *Id.*
8 The Type II process applies to quasi-judicial actions that contain some discretionary
9 criteria and are decided administratively by the planning officer with public notice and an
10 opportunity for comment and are subject to an appeal to the Hearings Examiner.

11 22. Chapter 463-26 WAC identifies EFSEC's process for considering
12 consistency with local land use regulations and plans. On behalf of TSPT, I prepared an
13 application package for the City, the Project Narrative for Land Use Consistency Review,
14 Att. B, in an effort to obtain a certificate from the City indicating that the Project was
15 consistent with the City plans and ordinance as contemplated in WAC 463-26-090. The
16 Project Narrative addressed the applicable provisions that the City had identified in the
17 Conference Report. I oversaw staff that submitted the Project Narrative on September 13,
18 2013, along with approximately \$30,000 in application fees. A true and correct copy of
19 the receipt is attached to this written testimony as Attachment F.

20 23. After receiving the Project Narrative, City staff on November 3, 2013
21 briefed City Council and asked for direction on the request because the City lacks specific
22 procedures for granting certification for a project under EFSEC review. During the
23 Council briefing, staff recommended the City review the Project Narrative and determine

24 _____
25 ⁹ This issue was subsequently addressed by EFSEC in its Order Determining Land Use Consistency, as
addressed in paragraph 25 below.

1 if they could certify that the Project met City standards and regulations. The City Council
2 reached a consensus that the Project Narrative and land use certification should be
3 reviewed administratively. A true and complete copy of the City Council's Agenda dated
4 December 9, 2013, indicating the City Council's determination, is attached to this
5 testimony as Attachment G.

6 24. City staff reviewed the Project Narrative and prepared a draft "Staff
7 Determination of Consistency and Compliance with Land Use Plans and Zoning
8 Ordinances" (Draft Staff Report) on December 5, 2013. A true and correct copy of the
9 Draft Staff Report is attached to this testimony as Attachment H. The Draft Staff Report
10 concluded that "[s]taff has determined that subject to certain concerns and recommended
11 conditions, the applicant has demonstrated the proposal is in compliance with the
12 development regulations of the city of Vancouver." Att. H at 4. Page 4 of the Draft Staff
13 Report analyzed the Project against a comprehensive set of development regulations,
14 including the applicable provisions of the following:

- 15 • VMC Ch. 20.210 Decision Making Procedures
- 16 • VMC Ch. 20.270 Site Plan Review
- 17 • VMC 20.440.030 Industrial Districts Uses
- 18 • VMC 20.440.040 Industrial Districts Development Standards
- 19 • VMC Ch. 20.710 Archaeological Resource Protection
- 20 • VMC Ch. 20.740 Critical Areas- Non-Shoreline Jurisdiction
- 21 • VMC Ch. 20.760 Shoreline Management
- 22 • VMC Ch. 20.770 Tree Conservation
- 23 • WAC 173-27-150 Review criteria for substantial development permits
- 24 • City of Vancouver Comprehensive Plan Polices
 - 25 ○ CD-1 Citywide land supplies
 - CD-3 Infill and redevelopment
 - CD-9 Compatible uses
 - CD-11 Archaeological and historic resources
 - EC-2 Family-wage employment
 - EC-3 Public revenue enhancement
 - EC-6 Efficient use of employment land

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- EN-6 Habitat
- EN-7 Endangered species
- EN-8 Water quality and quantity
- EN-9 Trees and other vegetation
- EN-10 Air quality
- EN-11 Hazard areas
- VMC Ch. 20.790 SEPA Regulations
- VMC Ch. 20.915 Impact Fees
- VMC Ch. 20.945 Parking and Loading
- VMC Ch. 20.960 Signs
- VMC Ch. 20.970 Solid Waste Disposal
- VMC Ch. 20.985 Vision Clearance
- VMC Ch. 11.70 Transportation – Concurrency
- VMC Ch. 11.80 Transportation – Street & Development Standards
- VMC Ch. 14.04 Water
- VMC Ch. 14.24 Erosion Control
- VMC Ch. 14.25 Stormwater
- VMC Ch. 14.26 Water Resources Protection
- VMC Title 16 Fire
- VMC Title 17 Building 20.770

To my knowledge, City staff has never revised nor finalized this Draft Staff Report, nor asserted that the staff analysis contained in that report was incorrect.

25. On May 28, 2014, EFSEC, pursuant to WAC 463-26-110, conducted a land use consistency hearing to determine the Project’s consistency with local land use plans and zoning. TSPT and the City of Vancouver both submitted information regarding land use consistency. For many City code provisions, the City did not argue noncompliance, but instead argued that land use consistency should wait until after SEPA review. *See, generally*, City of Vancouver’s Request to Defer Land Use Consistency Determination and Leave Record Open, May 22, 2014. After review of all information and public comment at the land use consistency hearing, EFSEC determined that the Vancouver Energy Distribution Terminal Site was consistent with the City’s land use plan (Chapter 1 of the Vancouver Comprehensive Plan) and in compliance with local zoning

1 ordinances. See Council Order No. 872, Order Determining Land Use Consistency (Aug.
2 1, 2014) at 11-14.

3 26. On June 3, 2014, after conducting a public hearing and receiving
4 testimony, the Vancouver City Council passed Resolution No. M-3821 opposing the
5 Project. A true and correct copy of Resolution No. M-3821 is attached to this testimony
6 as Attachment I. The hearing and adoption process took place prior to publication of the
7 DEIS by EFSEC and thus did not consider findings of the SEPA review. Following
8 adoption of this resolution, the Applicant's discussions and coordination with Vancouver
9 City staff diminished and no further action was taken on the Draft Staff Report as City
10 staff did not appear to support the Project.

11 27. EFSEC's Order Determining Land Use Consistency did not address
12 individually each of the comprehensive plan policies that might relate to the Project nor
13 all City development regulations that would apply to the Project but for EFSEC's
14 jurisdiction. Therefore my testimony will address what I believe to be relevant
15 comprehensive plan policies and City development regulations that were not addressed in
16 the EFSEC Order Determining Land Use Consistency, as well as those comprehensive
17 plan policies and regulations raised in various DEIS comments I reviewed.

18 **A. Compliance with Comprehensive Plan Policies**

19 28. Before commenting more specifically on compliance with individual
20 comprehensive plan policies, it is important to note that a comprehensive plan is not a
21 regulatory document under the GMA or the Vancouver Municipal Code, and therefore, is
22 not used to determine whether a project should or should not be permitted. Development
23 regulations serve that purpose. In fact, if a situation arose where the development
24 regulations were deemed to be inconsistent with the comprehensive plan (i.e., allowing a
25 use or activity that the comprehensive plan, arguably did not allow), the provisions (or

1 permissions) in the development regulations would control over the limitations in the
2 comprehensive plan, to the extent than any inconsistency could not be harmonized
3 through interpretation. The comprehensive plan is intended to serve as a guide to
4 balancing various public interests as the city plans for and implements land uses and
5 development in the future. As defined in RCW 36.70A.030(4) of the GMA, a
6 comprehensive plan is a “generalized coordinated land use policy statement....” A
7 primary function of the comprehensive plan policies under the GMA is to provide
8 direction and guidance to the City for adopting development regulations and to guide City
9 actions such as funding and program decisions. As noted in the Vancouver
10 Comprehensive Plan, the intent of the comprehensive plan is to establish a vision for the
11 future and the plan includes policy direction relating to growth and development,
12 including how to accomplish growth in the context of environmental protection and
13 sustainability. Comprehensive Plan at i-ii. The Vancouver Comprehensive Plan also notes
14 that the zoning code must implement the comprehensive plan. *Id.* at iii. This is further
15 supported by the overall purpose of the City’s zoning code, which is “to provide a vehicle
16 to implement the City’s Comprehensive Plan.” VMC 20.110.010(A). The Vancouver
17 Comprehensive Plan also recognizes that balance, especially when it comes to economic
18 development and environmental protection is necessary. Comprehensive Plan at 4-8. In
19 my professional experience, with limited exception, application of development
20 regulations to project proposals do not require assessment or even consideration of the
21 local jurisdiction’s comprehensive plan. At best, comprehensive plan policies provide
22 guidance in applying development regulations, particularly when there is discretion in
23 applying a standard. For example, the establishment of Plan Districts under chapter 20.610
24 VMC requires that the plan district is “in conformance with the Comprehensive Plan.”
25 However, where a development regulation directly and specifically addresses a use or an

1 issue, the project is reviewed for consistency with those development regulations, and that
2 development regulation compliance review is not modified through a more subjective
3 review against comprehensive plan statements of policy.

4 29. Having worked with the Vancouver Comprehensive Plan over the past 8
5 years and having reviewed this plan with the Vancouver Energy Project in mind, it is in
6 my professional opinion that the Project is consistent with the following plan policies.

7 **a. CD-3 Infill and redevelopment –**

8 **Where compatible with surrounding uses, efficiently use urban land**
9 **by facilitating infill of undeveloped properties, and redevelopment of**
10 **underutilized and developed properties. Allow for conversion of single**
11 **to multi-family housing where designed to be compatible with**
12 **surrounding uses.**

13 This policy emphasizes the need to respect compatibility with surrounding uses, and
14 then encourages infill development of undeveloped properties where and if compatible
15 with those surrounding uses. Given the IH designation of the site and the surrounding
16 uses, it is my opinion that this policy should be interpreted to encourage development of
17 this site for a heavy industrial use, consistent and compatible with the surrounding uses.
18 This policy should not be interpreted to require any other type of infill development (such
19 as mixed use or residential) on this particular site. “Infill Development” is defined by
20 VMC 20.150.040C as “Development that occurs on underutilized or challenged parcels.”
21 As noted in the Pre-Application, the site generally contains limited development and is
22 surrounded primarily by other developed industrial properties with some open space
23 activities. Att. C, § 3.0. Unlike many other underutilized properties in the City, such as
24 the Waterfront Development site, the Project site could not take advantage of the infill
25 provisions specified by City code. It is also important to note that the City’s infill
ordinance, chapter 20.920 VMC, applies only to certain residentially zoned properties.

Because the Project is located in the middle of an industrial zone, is currently vacant or

1 underutilized, and is proposing an industrial use in an industrial zone, in my professional
2 opinion, the Project is consistent with this policy.

3 **b. CD-4 Urban centers and corridors –**

4 **Achieve the full potential of existing and emerging urban activity
5 centers and the corridors that connect them, by:**

6 **(a) Promoting or reinforcing a unique identity or function for
7 individual centers and corridors**

8 **(b) Planning for a compact urban form with an appropriate mix of uses**

9 **(c) Working with stakeholders to develop flexible standards to
10 implement the vision for that center or corridor**

11 **(d) Encouraging innovative, attractive private development that
12 efficiently uses available land and resources**

13 **(e) Establishing connectivity within each center and to other areas to
14 provide Accessibility**

15 **(f) Providing a range of transportation options**

16 **(g) Investing in public facilities and amenities to enhance livability**

17 As noted in the Vancouver Comprehensive Plan, the Project site is not located in a
18 designated center or corridor. Comprehensive Plan, Figure 1-2. Thus, it is my opinion
19 that this policy does not apply to the Project. Because the Project does not include any
20 proposal to construct modifications to the rail corridor, it is my opinion that this policy
21 does not apply to the existing rail corridor, nor to Project rail traffic on the existing rail
22 corridor. However, even if this policy were to be applied to rail traffic associated with the
23 Project, the planning efforts for these identified centers and corridors haven taken into
24 account the existing rail corridors and rail transportation that may occur within the
25 boundaries of the center or corridor and thus rail traffic associated with the Project is
consistent with this policy.¹⁰

26 **c. CD-6 Neighborhood livability –**

27 **Maintain and facilitate development of stable, multi-use neighborhoods
28 that contain a compatible mix of housing, jobs, stores, and open and
29 public spaces in a well-planned, safe pedestrian environment.**

30 **CD-7 Human scale, accessible development, and interaction –**

31 ¹⁰ Section IV of this testimony addresses rail-related impacts on surrounding land uses in detail.

1 **Facilitate development that is human scale and encourages pedestrian**
2 **use and human interaction.**

3 **CD-8 Design –**

4 **Facilitate development and create standards to achieve the following:**
5 **(a) Increased streetfront use, visual interest, and integration with**
6 **adjacent buildings**
7 **(b) Improved pedestrian connections and proximity of uses within**
8 **developments**
9 **(c) Enhanced sense of identity in neighborhoods and subareas**
10 **(d) Publicly and/or privately owned gathering spaces facilitating**
11 **interaction**

12 These policies address creation of urban environments to address livability. However, it is
13 my professional opinion that these policies are not intended to require or even encourage
14 mixed use and pedestrian oriented development in all locations in the city, in particular in
15 the heavy-industrial areas of the City. As noted in Table 1-5 of the Vancouver
16 Comprehensive Plan, the IH zoning district is intended to provide for “Intensive industrial
17 manufacturing, service, production or storage often involving heavy truck, rail or marine
18 traffic, or outdoor storage and generating vibration, noise and odors.” As shown on the
19 City’s zoning map, the Project site is completely surrounded by heavy industrial or open
20 space zones. A true and correct copy of the City’s zoning map is attached to this
21 testimony as Attachment J. Policies CD-6, CD-7, and CD-8 are directed at mixed-use
22 neighborhoods and it is my opinion that they are not intended to encourage mixed use
23 development in industrial areas. In my opinion, the Project is consistent with these
24 policies.

25 **d. CD-9 Compatible uses –**

Facilitate development that minimizes adverse impacts to adjacent
areas, particularly neighborhoods.

As the City included in their comments to EFSEC during the land use consistency hearing,
the City recognizes that the use of the site for an oil terminal is appropriate and

1 contemplated by the Vancouver Comprehensive Plan. See City of Vancouver's
2 Comments Regarding Consistency of Proposal with Land Use Plans and Zoning
3 Regulations (May 28, 2014) at 7. Lands adjacent to the Project site are devoted to
4 industrial, transportation, and correctional activities. As noted in the DEIS, there are no
5 significant unavoidable adverse impacts related to land use or land use compatibility.
6 DEIS at § 3.10.6. It is my understanding that other witnesses will be addressing impacts
7 other than land use compatibility, if any, to adjacent neighborhoods, such as air, noise,
8 risk from incident, etc. In my opinion, the Project is consistent with this comprehensive
9 plan policy from a land use compatibility perspective.

10 e. **CD-10 Complementary uses -**

11 **Locate complementary land uses near one another to maximize**
12 **opportunities for people to work or shop near to where they live.**

13 **CD-12 Integrated area planning -**

14 **Promote cohesive, integrated planning of areas and sites through use of**
15 **subarea planning, master planning, and planned developments, or**
16 **other methods**

17 **CD-14 Connected and integrated communities -**

18 **Facilitate the development of complete neighborhoods and subareas**
19 **containing stores, restaurants, parks and public facilities, and other**
20 **amenities used by local residents**

21 The IH zoning district is intended for the location of industrial activities that are not
22 generally compatible with residential or commercial activities. See VMC 20.440.025. In
23 my experience, heavy industrial uses are often located in areas separated from general
24 commercial uses and, in particular, from residential uses. This is reflected in the purpose
25 statement of the industrial districts which states that "The location of land within each
industrial district must be carefully selected and design and development standards created
to minimize the potential adverse impacts of industrial activity on established residential

1 areas.” VMC 20.440.010. In addition, given the fact that the Project includes a marine
2 vessel loading component, it is appropriate to locate this Project on a site in close
3 proximity to an existing dock. These comprehensive plan policies only refer to locating
4 “complementary” land uses near one another. I do not interpret these policies as
5 determining that ALL uses, including heavy industrial uses must be located near each
6 other. The surrounding zoning is all IH with the exception of lands north of Area 300 and
7 Lower River Road, which are zoned Greenway which specifically prohibits residential
8 activities and most commercial activities. VMC 20.450.030; ASC, Figure 4.2-2. EFSEC
9 has already made the decision that the Project is appropriately designated as a heavy
10 industrial use and that heavy industrial use is permitted by the comprehensive plan and
11 zoning designation. Order No. 872 at 11-14. In my opinion, the Project is consistent with
12 these policies.

13 **f. CD-15 Public Health and the built environment –**

14 **Promote improved public health through measures including but not**
15 **limited to the following:**

- 16 (a) **Develop integrated land use and street patterns, sidewalk and**
17 **recreational facilities that encourage walking or biking**
18 (b) **Recruit and retain supermarkets and other stores serving fresh**
19 **food in areas otherwise lacking them. Discourage supermarkets**
20 **and fresh food stores that do relocate from using non-compete**
21 **clauses that prevent timely replacement of similar uses. Encourage**
22 **stores that locate near sensitive populations or underserved areas**
23 **to offer healthy food choices**
24 (c) **Assess and promote opportunities for growing food in home or**
25 **community gardens. Consider guidelines for service provision**
levels.
(d) **Coordinate with Clark County Public Health to better integrate**
health impacts and land use and public facilities and service
planning

23 **CD-16 Sustainability –**

24 **Facilitate sustainable land use development through measures including**
25 **but not limited to the following**

1 **(a) Develop integrated land use patterns and transportation networks**
2 **that foster reduced vehicle miles traveled and associated**
3 **greenhouse gas emissions**

4 These policies are directed at land use and transportation patterns and not at the specific
5 type of development. Therefore, it is my opinion that these policies are not applicable to
6 the Project. Further, it is my opinion that when interpreting these policies that promote
7 land use patterns that promote non-vehicular access and opportunities for growing food
8 close to home, they should not be interpreted to override other policies that promote siting
9 and development of heavy industrial uses in the heavy industrial zones. It is my
10 understanding the impacts to public health and public services, if any, are addressed in
11 more detail by other witnesses.

12 **g. EC-1 Jobs-housing balance –**

13 **Increase the ratio of jobs to residents in the City of Vancouver and the**
14 **region**

15 **EC-2 Family-wage employment -**

16 **Promote the formation, recruitment, retention and growth of**
17 **businesses that provide a wide range of employment opportunities,**
18 **particularly family-wage employment. Prioritize family-wage**
19 **employment in land use policies and practices.**

20 **EC-3 Public revenue enhancement –**

21 **Promote development that enhances revenue generation for public**
22 **services.**

23 **EC-4 Industrial and business park sanctuaries –**

24 **Provide an adequate supply of industrial and/ or business park areas**
25 **with opportunities for family-wage employment and revenue**
 generation.

EC-5 No net loss of employment capacity –

Restrict zone changes or legislative land use approvals that would
 lessen long-term capacity for high-wage employment unless
 accompanied by other changes within the same review cycle that would

1 **compensate for the lost capacity or unless the proposed change would**
2 **promote the long-term economic health of the city.**

3 The Vancouver Comprehensive Plan further states, at page 2-6, as follows:

4 The goal is to increase jobs, particularly family wage jobs, for local
5 residents, and to reduce the number of residents who commute to Oregon
6 for work, shopping, and entertainment. The City would like to provide a
7 ratio of at least one local job for every Vancouver household. Providing
8 land and public services that are adequate for job growth is an important
9 part of the strategy.

10 As addressed in the ASC and testimony provided by Todd Schatzki, Analysis Group, Inc.,
11 the Project will generate approximately 91 jobs annually for the start-up period and 176
12 jobs annually for each year of the remaining years over the assumed 15-year operational
13 period for the Project, while not displacing any significant employment. ASC at § 2.15. It
14 is anticipated that these jobs will generate income that is substantially higher than average
15 wage in this area. The Project is located within industrial areas and will create many
16 family wage jobs. The Project will also result in additional revenues to the state and local
17 agencies through property, business and occupation, and sales taxes. Because the Project
18 will increase jobs, it is consistent with these policies.

19 **h. EC-6 Efficient use of employment land -**

20 **Maximize utilization of land designated for employment through**
21 **more intensive new building construction and redevelopment and**
22 **intensification of existing sites**

23 **EC-7 Regional Focus -**

24 **Work with the larger Portland- Vancouver region to leverage**
25 **opportunities, unique site availability and marketing to promote the**
 region nationally and globally to attract new business.

 The Project will utilize existing developed areas of the Port currently used for low
intensity cargo laydown, or otherwise vacant lands and is therefore consistent with policy
EC-6. ASC at § 2.1. The efforts of the Port have resulted in the Project site having the

1 ability to accommodate unit trains for cargo and being uniquely suited in the Vancouver-
2 Portland region for this activity. Use of the site for the Project is consistent with Policy
3 EC-7.

4 **i. H-1 Housing options –**

5 **Provide for a range of housing types and densities for all economic**
6 **segments of the population. Encourage equal and fair access to housing**
for renters and homeowners

7 The IH zone specifically excludes residential activities as an allowed use. *See* VMC
8 20.440.030, Table 20.440.030-1. Because the land to be occupied by the Project cannot be
9 used for housing, using it for an oil terminal is not contrary to this policy.

10 **j. EN-1 Environmental protection -**

11 **Protect, sustain, and provide for healthy and diverse ecosystems.**

12 The Vancouver Comprehensive Plan does not define “ecosystem.” Merriam Webster
13 Dictionary defines an “ecosystem” as “the complex of a community of organisms and its
14 environment functioning as an ecological unit.” *Ecosystem*, Merriam-Webster.com,
15 <http://www.merriam-webster.com/dictionary/ecosystem> (last visited May 11, 2016). As
16 indicated in the DEIS, the Project site is predominately vacant industrial land that has
17 been previously developed for other industrial activities. The construction of the Project
18 does not directly affect natural areas such as wetlands or riparian lands. DEIS at 3.3-46.
19 In addition, as addressed in subsequent portions of my testimony, the Project is consistent
20 with the City’s critical areas regulations which are intended “to implement the goals and
21 policies of the Vancouver Comprehensives Plan...” VMC 20.740.010(C). It is my
22 opinion that the Project is consistent with this policy. Other witnesses will be testifying to
23 impacts, if any, to healthy and diverse ecosystems.

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k. EN-3 Energy Conservation –

Promote and facilitate energy conservation and alternative energy sources and generation

This policy does not direct the City to prohibit or stop all development that may not have specific energy conservation or alternative sources and generation. Rather, it directs the City to “facilitate,” or make easy, development that involves these features. Regardless, the Project has committed to use a variety of energy conservation measures in its construction and operations. ASC at § 3.6. Thus, it is my opinion that this policy does not prohibit the Project, and rather should be interpreted as not applicable to the Project.

l. EN-4 Restoration and enhancement -

Promote and facilitate ecosystem restoration and enhancement

The Project does not involve restoration or enhancement activities, and also does nothing to limit or restrict ecosystem restoration or enhancement activities except to the extent that it will occupy specific lands. As shown in the ASC, the land use consistency analysis, and the DEIS, the Project is located in an already developed area where impacts have already occurred. Therefore, it is my opinion that the Project is not inconsistent with this policy because this particular site is not appropriate for ecosystem restoration and enhancement.

m. EN-6 - Habitat -

Protect riparian areas, wetlands, and other fish and wildlife habitat Link fish and wildlife habitat areas to form contiguous networks. Support sustainable fish and wildlife population

The City has established a critical areas protection ordinance and critical areas protection as part of its Shoreline Master Program (SMP).¹¹ SMP, ch. 5A (modifying ch. 20.740 VMC). As noted in the Pre-Application and Conference Report, the Applicant identified and the City confirmed a number of critical areas on the Project site. Atts. C, E. These

¹¹ Project compliance with these regulations are further addressed in paragraph 30.

1 include fish and wildlife conservation areas (riparian buffers), but do not include wetlands
2 or other fish and wildlife habitat areas. The Applicant described compliance with these
3 provisions in the Project Narrative. Att. B, § 4.2.4. The only activity located in fish and
4 wildlife conservation areas is the proposed dock improvements. As noted in sections 3.4
5 and 3.5 of the ASC, these improvements are limited to work associated with the existing
6 Berth 13 and Berth 14, and are relatively minor in scope, mostly involving seismic
7 upgrades to existing dock structures. The City's critical area ordinance, chapter 20.740
8 VMC, as modified by chapter 5A of the SMP, contains criteria for approval of
9 development within shoreline critical areas. See Att. B. Rather than prohibit all
10 development, VMC 20.740.060 provides a sequence for impact mitigation. If impacts
11 cannot be avoided then designing to minimize or mitigate for impacts is the accepted
12 approach:

- 13 A. Avoid Impacts. The Applicant shall first avoid all impacts that
14 degrade the functions and values of (a) critical area(s) by not taking
15 a certain action or parts of an action. This may necessitate a
16 redesign of the proposal.
- 16 B. Minimize Impacts. The Applicant shall minimize the impacts of the
17 activity by limiting the degree or magnitude of the action and its
18 implementation by using appropriate technology or by taking
19 affirmative steps to avoid or reduce the impacts. The Applicant
20 shall seek to minimize the fragmentation of the resource to the
21 greatest extent possible.
- 19 C. Rectify Impacts. The Applicant shall rectify the impacts by
20 repairing, rehabilitating, or restoring the affected environment.
- 21 D. Reduce Impacts. The Applicant shall reduce or eliminate the
22 impacts over time by preservation and maintenance operations.
- 22 E. Compensatory Mitigation. The Applicant shall compensate for the
23 impacts by replacing, enhancing, or providing substitute resources
24 or environments. The compensatory mitigation shall be designed to
25 achieve the functions as soon as practicable.

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- F. Monitor Impacts and Mitigation. The Applicant shall monitor the impacts and the compensation projects and take appropriate corrective measures.
- G. Type and Location of Mitigation. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.
- H. In addition to mitigation, unavoidable adverse impacts may be addressed through restoration efforts.
- I. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.
- J. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
- K. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.

SMP, ch. 5A, VMC 20.740.060. As indicated in the JARPA and the ASC for the Project, and based on the testimony of other witnesses, the Project will not result in any new impacts to fish and wildlife habitat conservation areas. Therefore, the Project is consistent with the review criteria.

n. EN-7 Endangered species –

Protect habitat for salmonids and other listed species and facilitate recovery. Encourage and support actions that protect other species from becoming listed

As stated in the ASC and the BA for the Project, the Columbia River is designated critical habitat for salmonids and other listed species and compliance with this policy is explained in those documents and further discussed in testimony by others.

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o. EN- 8 Water quality and quantity -

Enhance and protect surface water, stormwater, and groundwater quality from septic discharge, impervious surface runoff, improper waste disposal, and other potential contaminant sources. Ensure safe and adequate water supplies and promote wise use and conservation of water resources

The City has adopted a variety of regulations to enhance and protect water quality, including VMC 14.24 Erosion Control, VMC 14.25 Stormwater Control, and VMC 14.26 Water Resources Protection. Compliance with these standards demonstrates consistency with this policy. The Project Narrative shows how the Project is consistent with the adopted standards and is further discussed in testimony by others. Att. B, § 4.1.3.

p. EN-9. Trees and other vegetation –

Conserve and restore tree and plant cover, particularly native species, throughout Vancouver. Promote planting using native vegetation. Protect historic and other significant trees. Work towards the Vancouver Urban Forestry Program goal of covering 28% of Vancouver’s surface area with tree canopy.

The ASC addresses trees and other vegetation that would be impacted by the Project. ASC, § 3.4.2.1. The City has established a tree conservation ordinance, chapter 20.770 VMC, and the Project Narrative contains an analysis of consistency with these standards. See Att. B, § 4.2.6. The Project has been shown to be consistent with the adopted standards which implement this policy.

q. EN-10. Air quality –

Protect and enhance air quality, in coordination with local and regional agencies and organizations.

Section 3.2 and Part 5 of the ASC address air and air quality and is further discussed in testimony by others.

B. Compliance with Development Regulations

1 30. EFSEC's Order Determining Land Use Consistency did not address all
2 applicable City development regulations under the VMC. For that reason, the following is
3 my evaluation of those regulations within my areas of professional expertise that were not
4 addressed in EFSEC's land use consistency process:

5 **a. Shoreline Master Program.** The Project site is located along the
6 Columbia River, a shoreline of statewide significance, and portions of the Project site are
7 subject to the City's Shoreline Master Program. Lands on the Project site 200 feet from
8 the ordinary high water mark are subject to the shoreline regulations. SMP, § 2.1. The
9 DEIS discusses the Project's compliance with the SMP and concludes that the Project is
10 consistent with relevant developments standards of the SMP. DEIS at 3.10-14. Project
11 activities that are subject to the shoreline regulations are identified in Appendix I.2 of the
12 ASC, a true and correct copy of which is attached to this testimony as Attachment K.
13 Attachment K demonstrates how the Project is consistent with all applicable policies and
14 regulations in the SMP policies. In my opinion, the Project is consistent with the
15 applicable provisions of the SMP.

16 **b. Critical Area Regulations.** The Project site, both in the shoreline
17 jurisdiction and upland areas, would be subject to City critical area regulations as
18 addressed in the Project Narrative. Att. B, § 4.2.4. These critical areas include fish and
19 wildlife conservation areas, frequently flooded areas, and geologic and seismic hazards. If
20 the Project were subject to City review standards, a critical areas report typically would be
21 required by VMC 20.740.050, and the report would identify and characterize the critical
22 areas on site, assess impacts or risk of injury and property damage, and respond in writing
23 to the approval criteria. EFSEC's requirements for the ASC, particularly those sections on
24 Earth (WAC 463-60-302), Water (WAC 463-60-322), Habitat, Vegetation, Fish and
25 Wildlife (WAC 463-60-332) and Wetlands (WAC 463-60-333), are similar to the typical

1 requirements of a critical areas report, with the single exception of compliance with the
2 applicable approval criteria established by the VMC. The ASC and other materials
3 prepared for the Project (i.e., JARPA, BA) comprehensively address impacts to critical
4 areas on the Project site. Additionally, the lengthy Project Narrative reviews the approval
5 standards that would apply and shows that the Project, as proposed, is consistent with the
6 City's critical area regulations. Att. B, § 4.2.4. As noted in the City's Draft Staff Report,
7 the Project complies with, or can be made to comply, with City critical areas standards.
8 Att. H at 49-51. Further details on impacts to fish and wildlife, floodplains and geologic
9 hazards are discussed in testimony by others. As shown, the Project is consistent with the
10 relevant critical area provisions.

11 **c. Other Development Regulations under the VMC.** But for the EFSEC
12 process, the Project would be subject to numerous other sections of the Vancouver
13 Municipal Code. These include: Title 11 Streets and Sidewalks (Chapter 11.70
14 Transportation Concurrency, Chapter 11.80 Street and Development Standards); Title 14
15 Waters and Sewers (Chapter 14.04 Water and Sewer Use – Regulations and Charges;
16 Chapter 14.10 Pretreatment Ordinance; Chapter 14.16 Water and Sewer Service
17 Connections; Chapter 14.24 Erosion Control; Chapter 14.25 Stormwater; Chapter 14.26
18 Water Resources Protection); Title 16 Fire Code; Title 17 Building and Construction;
19 Title 20 Land Use and Development Code (Chapter 20.270 Site Plan Review; Chapter
20 20.440 Industrial Districts; Chapter 20.710 Archaeological Resources Protection; Chapter
21 20.770 Tree Conservation; Chapter 20.912 Fences and Walls; Chapter 20.915 Impact
22 Fees; Chapter 20.925 Landscaping; Chapter 20.935 Off –Site Impacts; Chapter 20.945
23 Parking and Loading; Chapter 20.960 Signs; Chapter 20.970 Solid Waste Disposal and
24 Recycling). Compliance with these provisions is documented in the Project Narrative,
25 including its appendices. *See generally*, Att. B. Chapter 20.620 VMC establishes a

1 Columbia River Shoreline Enhancement District; however that District and its applicable
2 regulation only apply to land south of the BNSF rail line and east of the BNSF rail bridge
3 to Wintler Park. The District does not include the Project site or the rail lines that may be
4 used by trains serving the Project. *See* VMC 20.620.020. As shown, the Project is or can
5 be designed to be consistent with all applicable City development standards. This is
6 confirmed in the Conference Report and Draft Staff Report. *See generally* Atts. E, H.

7 **C. Additional Comments Regarding Site Suitability**

8 31. In addition to complying with applicable comprehensive plan policies and
9 development regulations, in my professional opinion, the Project site is well suited for the
10 proposed facility. There are a number of other facilities handling bulk fossil fuels located
11 in the City. These include the existing Tesoro facility at the Port of Vancouver USA,
12 which includes seven tanks for the storage and distribution of refined fuels, and the
13 NuStar Main and Annex which include multiple tanks for the storage and distribution of
14 chemicals, refined fuels and crude oil. These facilities are closer to the Fruit Valley
15 Neighborhood and Downtown Vancouver than the proposed Project. While these facilities
16 are on a smaller scale than the proposed Project, I am not aware of any land use issues that
17 have been raised by their operation and they do not appear to have affected land use
18 activity and development in the area.

19 **IV. RAIL-RELATED IMPACTS AND NEIGHBORING LAND USES**

20 32. I have also been asked to testify regarding the potential land use impacts
21 associated with the rail lines leading to the Project site. It is my opinion that the Project
22 will not impact neighboring land uses along the rail corridor. The rail line along the
23 Columbia River through the City is known as the Fallbridge Subdivision by BNSF. A
24 true and correct BNSF map showing routes through Washington is attached to this
25 testimony as Attachment L. The Fallbridge Subdivision was originally constructed as the

1 Spokane, Portland, and Seattle Railway and was completed in 1908. See Washington
2 State Transportation Commission, *Statewide Rail Capacity and System Needs Study: Task*
3 *1.1.A Washington State's Freight Rail System* 8 (May 2006),
4 http://www.wstc.wa.gov/Rail/TM1_1_A_WashStateFreightRailsys.pdf. In 1910, at
5 approximately the time of the completion of the rail lines, the populations of Clark County
6 and the City of Vancouver were 26,115 and 9,300 respectively. See Washington State
7 Office of Financial Management Forecasting Division, *Decennial Census Counts of*
8 *Population for Counties Cities and Towns 1890-2010*,
9 http://www.ofm.wa.gov/pop/april1/hseries/pop_decennial_census_series_1890-2010.xlsx.
10 Their current populations are 451,820 and 170,400. See Washington State Office of
11 Financial Management, *Population of Cities, Towns and Counties* (Apr. 1, 2015),
12 http://www.ofm.wa.gov/pop/april1/ofm_april1_population_final.pdf. As indicated by
13 these numbers, the booms in the populations of Clark County and the City of Vancouver
14 occurred well after the establishment of the rail line. In my professional opinion
15 population growth, development, and planning took place recognizing that the rail line
16 was in place and that train traffic would occur. It is also likely that some development was
17 intentionally centered on the rail line to take advantage of the transportation it provided.
18 This would be the typical approach to make land use planning and development decisions.

19 33. Aerial photographs showing an area located along the BNSF rail line at
20 approximately SE 87th Avenue in the City visually demonstrate this population growth.
21 True and correct copies of these photographs are attached to this testimony as Attachment
22 M. As shown in Attachment M, in 1955, the rail line is in place and there are very few
23 residences or other structure located along it, whereas in contrast, the 2014 photograph
24 depicts many residences adjacent to the rail line. The rail line was in place when the
25 houses were built. In my opinion a person constructing or purchasing a house would have

1 been fully aware of the rail line and would have expected that rail traffic would pass along
2 the line.

3 34. Similarly, more recent land use planning processes completed by the City
4 recognize the presence of the rail line. The planning process that established the
5 Vancouver City Center Vision subarea plan (VCCV) in 2007 is a good example. Having
6 worked on several projects that are located in the VCCV, I am personally familiar with the
7 planning process and provisions of the VCCV. The VCCV planning effort was intended to
8 “foster and guide continued growth of the approximately 130-block City Center area of
9 Vancouver.” VCCV at 2. One of the plan policies was to “[o]vercome the barrier like
10 feeling of the BNSF railroad berm between downtown and the waterfront.” *Id.* at 3. The
11 VCCV project led to the rezone of approximately 30 acres from IH to CX (City Center)
12 located between the BNSF main line and the Columbia River. *See* VCCV Draft
13 Supplemental Environmental Impact Statement (DSEIS), Figures 2-2 and 2-3, a true and
14 correct copy of which is attached as Attachment N. The VCCV contemplates up to 3,014
15 residential units, 200 hotel rooms, and office and commercial uses within the area between
16 the rail line and the Columbia River. VCCV at 24. The DSEIS and Final Supplemental
17 EIS (FSEIS) for the VCCV contain numerous discussions of rail-related issues and
18 identified noise impacts related to rail traffic. Att. N at 50; FSEIS, ch. 5, a true and
19 correct copy of which is attached to this testimony as Attachment O. The implementing
20 ordinance for the VCCV, Ordinance M-3833, established the following mitigation
21 measures specific to rail issues:

- 22
- To mitigate for possible conflicts with the development of noise sensitive uses such as residential units in an area with high noise levels, it is recommended that effective planning be implemented to create more livable communities. For example, balconies and outdoor use areas should not be developed facing the railroad tracks or busy
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1 streets. Instead, noise sensitive uses should be developed in quieter
2 parts of the subarea or shielded by building to create quiet oases.

- 3 • Rail access is a primary feature of the Port of Vancouver's operations.
4 Therefore, the City of Vancouver shall notify and involve the Port of
5 Vancouver of any future train horn quiet-zone study or proposed
6 mitigation or improvements.
- 7 • The City of Vancouver will work with the Port of Vancouver on any
8 projects affecting rail access.
- 9 • Columbia West Renaissance District: Because of the magnitude of
10 growth in the Renaissance District relative to base year condition, the
11 City and the property owners shall agree to a master development plan
12 prior to initiation of a development activity beyond replacement of
13 existing structures. The master development plan shall address the
14 timing, financing and means of achieving the required infrastructure
15 improvements. These include but are not limited to:
 - 16 ○ Esther and Grant Street Multi-Modal Rail Under-crossings
 - 17 ○ Rail Crossing Protection for at-grade rail crossings on 8th and
18 Jefferson Streets
 - 19 ○ Grant Street from Rail Under-crossing to 8th Street
 - 20 ○ Jefferson/Kaufman Corridor Improvement
 - 21 ○ Waterfront Street Grid and east/west arterial connection between
22 Grant & Colombia (SIC)

23 Attachment A to City of Vancouver Ordinance M-3833, June 18, 2007, at 14-15, 17, 26, a
24 true and complete copy of which is attached to this testimony as Attachment P. As shown,
25 the planning process clearly recognized and took into account the presence of the rail line
and the rail traffic that uses it. The VCCV DSEIS does not identify any land use impacts
or incompatibilities in rezoning industrial land to mixed use along this active rail corridor.
Included as an Appendix D to the VCCV FSEIS is a description of the Port of
Vancouver's plan for rail improvements, a true and complete copy of which is attached to
this testimony as Attachment Q.

35. The City also undertook additional efforts to address land use issues
associated with the rail line. An example is the waterfront redevelopment access project,

1 which is a partnership between the City, BNSF, WSDOT, and the private developer to
2 improve the efficiency and safety of rail traffic in Vancouver and remove barriers between
3 the community and the Columbia River. *See generally* City of Vancouver, *Waterfront*
4 *Access Project*, [http://www.cityofvancouver.us/publicworks/page/waterfront-access-](http://www.cityofvancouver.us/publicworks/page/waterfront-access-project)
5 [project](http://www.cityofvancouver.us/publicworks/page/waterfront-access-project) (last visited May 11, 2016). The project removed two at-grade rail crossings and
6 decreased delays on the main BNSF line, including potential delays associated with rail
7 traffic in most of the VCCV subarea. *See* DEIS, Figure 3.14-5. Figure 3.14-5 in the DEIS
8 shows that only one at-grade crossing remains within the entire VCCV. This remaining
9 crossing provides access only to the BNSF rail yard and Amtrak station and there are
10 other accesses to both locations. With this one potential exception, residents, employees,
11 visitors, emergency services, and other road users will experience no delays from rail
12 traffic within this area of the city.

13 36. The proposed Project will use an existing rail line to transport crude oil to
14 the terminal. No improvements are proposed to the rail line. The West Vancouver Freight
15 Access Project, which the Project will utilize, was designed in anticipation of up to 10
16 trains per day (resulting in 10 trains inbound and 10 trains outbound on average) on the
17 section of the BNSF rail lines that serve the Port. ASC, § 4.3.3.2. It is my understanding
18 that trains associated with the Project fall within this volume. It is also my understanding,
19 based on the testimony of other witnesses and BNSF's comment letter to the DEIS, that
20 rail traffic is variable and the trains associated with the Project are within the typical ebb
21 and flow of rail volumes and will not automatically result in an increase in overall rail
22 traffic.

23 37. The Vancouver Waterfront Development has been approved for the
24 Columbia West Renaissance District within the VCCV. I am familiar with the permits
25 issued for this project, which indicate that the development, as approved, takes into

1 consideration the railroad through careful design. For example, buildings located along
2 the rail corridor have structured parking and garage entrances facing the rail corridor until
3 floors are above the rail. See Volume 2 Design Guidelines for the Type IV Planned
4 Development, Subdivision, Shoreline Substantial Development, Conditional Use and
5 Variance Permits, and Critical Areas Permit: Columbia Waterfront LLC Vancouver
6 Waterfront Development, Figure CD1 (June 2009), a true and correct copy of which is
7 attached as Attachment R. This design guideline, as shown in Figure CD1, places
8 residential and other uses above the rail corridor minimizing negative impacts.

9 38. Other City planning efforts recognize the rail and plan accordingly. The
10 Fruit Valley Subarea Plan was adopted by the City to protect and enhance the livability of
11 the plan area. Fruit Valley Subarea Plan at 1. This plan recognizes that the rail was
12 constructed prior to most of the development in the area and that the railroad led to the
13 development of the industrial area in the neighborhood. *Id.* at 3. As shown in the DEIS
14 for the Project, there are no at-grade crossings associated with the main line in the entire
15 Fruit Valley subarea. DEIS, Figure 3.14-5. Trains using the mainline will not cause
16 delays for vehicle traffic.

17 39. The Riverview Gateway subarea is located on the east side of Vancouver.
18 As shown on the Riverview Gateway Subarea Plan, most of the subarea is located on the
19 north side of SR 14, hundreds of feet north of and at a higher elevation than the rail line.
20 The plan calls for little or no change to land uses south of SR 14. Riverview Gateway
21 Subarea Plan, Figure 1. The implementing ordinance for this plan, chapter 20.680 VMC
22 does not even address land uses in the vicinity of the rail line. In my opinion, the rail line
23 is not addressed in great detail because it does not impact most of the subarea and
24 especially not the portion of the subarea where development is encouraged.

1 40. The City of Vancouver has adopted a Noise Impact Overlay District that
2 applies to specific areas of downtown Vancouver, including portions of the VCCV, that
3 are subject to elevated noise levels from aircraft, railroad and traffic. Ch. 20.520 VMC.
4 This ordinance applies to residential structures and requires that the residential project
5 incorporate building methods to reduce interior noise levels and requires identification and
6 acknowledgement of outside noise levels.

7 **V. RECREATION SITES AFFECTED BY FACILITY CONSTRUCTION AND**
8 **OPERATION**

9 41. To address the requirements of WAC 463-60-362(4), I helped prepare the
10 recreation section of the ASC. With the exception of the Columbia River, there are no
11 designated parks and recreation sites or recreational activity on the Project site. ASC,
12 Figure 4.2-2. Accordingly, no impacts on recreational activities that are near the Project
13 site are anticipated from construction of the Project. DEIS, § 3.12.3. This is consistent
14 with my experience working on other project in this area of the City.

15 42. The Clark County Regional Trail and Bikeway System Plan (Trail and
16 Bike Plan) identifies several trails that existing or are planned near the Project site. *See*
17 *Trail and Bike Plan* at 2-6. The Trail and Bike Plan was adopted by resolution by the
18 Board of County Commissioners for Clark County to be considered as part of the Clark
19 County Comprehensive Land Use Plan. A portion of the Lewis and Clark Discovery
20 Greenway Trail is located on Lower River Road adjacent to Area 300 of the Project and
21 approximately 800 feet north of the Port of Vancouver USA rail line. This section of trail
22 was constructed by the Port and is not impacted directly by the Project, as addressed in the
23 DEIS. DEIS at 3.12-23. A section of the planned Lake to Lake Trail is also identified in
24 the area, but the alignments in the plan are not detailed enough to provide a specific
25 location of planned improvements, although the trail appears to be planned to intersect

1 Lower River Road near its intersection with W. 26th Avenue – more than a half-mile
2 away from the planned improvements and not close to the main line or Port of Vancouver
3 USA rail lines. The Project should not hinder construction of or investment in the trail
4 system. In 2015, the Southwest Regional Transportation Council approved grant requests
5 for several trail segments, including one directly adjacent to Area 300 (Port of Vancouver
6 Port Connector Bike/Pedestrian Path Segment 2) and one at the Vancouver Waterfront
7 Park (Vancouver Columbia River Renaissance Trail Extension & Grant Street Overlook).
8 *See* Southwest Washington Regional Transportation Council, *2015 TAP Application and*
9 *Selection*, <http://www.rtc.wa.gov/programs/tap/projects/> (last visited May 12, 2016), a true
10 and correct copy of which is attached to this testimony as Attachment S. This occurred
11 two years after the Vancouver Energy Terminal project application and after substantial
12 media coverage of the Project. For that reason, it is my opinion that Project-related traffic
13 is unlikely to affect trail development or users.

14 43. During normal operations, rail traffic and its impacts are expected to be
15 similar to those of any freight train operating on the mainline. Parks in proximity to the
16 rail line have taken appropriate measures to deal with this traffic where it may affect the
17 activities taking place at the site. As an example, Doug’s Beach State Park is a state park
18 on the Columbia River and is known for windsurfing. *Doug’s Beach State Park*,
19 *Stateparks.com*, http://www.stateparks.com/dougs_beach.html (last visited May 11, 2016).
20 The park is located on the other side of the rail tracks from the parking and access. The
21 state installed fencing and a pedestrian crossing gate to provide for safe access across the
22 rail line. Users may be delayed by a passing train, but based on the rail crossing analysis
23 in the DEIS, the typical delay is not expected to last more than 2.5 minutes. DEIS at 3.14-
24 25. Other sites, such as Beacon Rock State Park, include grade-separated access that
25 eliminates potential delays from rail traffic. A true and correct copy of a photograph

1 showing Beacon Rock State Park is attached to this testimony as Attachment T. If an
2 incident along the rail occurs, access to recreational site may be restricted until the
3 incident is addressed. However, in my experience, temporary recreational impacts can
4 occur for various reasons and last longer than the 2.5 minutes when a train passes.
5 Examples include snow and rain storms, forest or wild fires, seasonal wildlife use, or
6 unsafe conditions. In past examples of such temporary closures, when conditions are safe,
7 access is restored. *See, e.g.,* Pacific Crest Trail Association, *Trail Closure History*,
8 <http://www.pcta.org/discover-the-trail/trail-conditions-and-closures/tags/trail-closure/> (last
9 visited May 11, 2016); Washington State Parks, *Beacon Rock State Park*,
10 <http://parks.state.wa.us/474/Beacon-Rock> (last visited May 11, 2016). True and correct
11 copies of these webpages are attached to this testimony as Attachment U. It is my opinion
12 that impacts from rail activities will not be any different or more extreme than current
13 conditions found along the rail corridor.

14 VI. VESSEL ANALYSIS

15 44. In preparation of the cumulative impacts section of the PDEIS, I researched
16 proposed projects on the Columbia River that could result in additional deep draft vessel
17 traffic. I also directed the completion of the Columbia River Anticipated Vessel Traffic
18 memorandum dated February 11, 2015. A true and correct copy of this memorandum is
19 attached to this testimony as Attachment V. The purpose of this effort was to estimate the
20 potential for increased vessel traffic in the Columbia River resulting from future
21 developments in order to consider them in the Quantitative Vessel Traffic Risk
22 Assessment being completed by DNV-GL. In addition, the estimated vessel numbers from
23 my memorandum are used in the PDEIS to assess the cumulative impacts of the
24 Vancouver Energy Project in conjunction with other planned developments and existing
25 use of the Columbia River.

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1 45. I identified projects to be included in calculating vessel numbers along the
2 Columbia River based on my general understanding of projects on the Columbia River
3 gained from my work experience, industry and regulatory reports, existing environmental
4 documents, and published media reports. I only included those projects that resulted in
5 additional or the potential for additional deep-draft vessel trips in my memorandum. In
6 order to complete the list of projects, I used a variety of sources. These included actual
7 permit documents for the project(s), published media sources, and information directly
8 from the project proponents.

9 46. An accurate list of constructed, planned, or announced projects, as of
10 February 11, 2015, is included in Attachment V. Since the time of the publication of the
11 DEIS for the Vancouver Energy Project, the Haven Energy (known as WEST) (Port of
12 Longview, 2015), Pembina (Pembina 2015), and Oregon LNG (Oregon LNG 2015)
13 projects have been cancelled, and vessel traffic associated with these projects should not
14 be considered in assessing cumulative impacts. *See Port of Longview, Project Fails to*
15 *Demonstrate Financial Wherewithal; Spurs Unanimous Commission Vote to Pass on*
16 *Proposed Project,*

17 <http://www.portoflongview.com/AboutThePort/ProjectsProposals/WatersideEnergy.aspx>
18 (last visited May 11, 2016); Pembina Pipeline Corporation, *2015 Annual Report* 30,
19 *available at*
20 [http://www.pembina.com/Pembina/media/Pembina/PDFs/Financial%20Files/2015/4Q-](http://www.pembina.com/Pembina/media/Pembina/PDFs/Financial%20Files/2015/4Q-2015-Annual-Report.pdf)
21 [2015-Annual-Report.pdf](http://www.pembina.com/Pembina/media/Pembina/PDFs/Financial%20Files/2015/4Q-2015-Annual-Report.pdf); Letter from Oregon LNG to FERC (Apr. 28, 2016), a true and
22 correct copy of which is attached to this testimony as Attachment W.

23 47. The DEIS for the Project includes a list of planned or proposed projects
24 that could generate additional vessel trips and contains a number of specific errors in
25 calculating vessel trips. The Kalama Manufacturing and Marine Export Facility is noted in

1 the DEIS as generating from 104 to 728 vessels per year. DEIS, Table 5-2. The DEIS
2 published for the Kalama project indicates 36 to 72 vessels per year and will produce up
3 to 10,000 tonnes of methanol per day. See Cowlitz County and Port of Kalama, *Draft*
4 *Environmental Impact Statement for Kalama Manufacturing and Marine Export Facility*
5 2-15, 2-39 (March 2016), available at [http://kalamamfgfacilitysepa.com/wp-](http://kalamamfgfacilitysepa.com/wp-content/uploads/2016/02/2-0-Proposed-Project-and-Alternatives.pdf)
6 [content/uploads/2016/02/2-0-Proposed-Project-and-Alternatives.pdf](http://kalamamfgfacilitysepa.com/wp-content/uploads/2016/02/2-0-Proposed-Project-and-Alternatives.pdf), a true and correct
7 copy of which is attached to this testimony as Attachment X. Vessel numbers are likely to
8 be similar for a methanol project by the same proponents at the Port of St. Helens based
9 on the same anticipated volume of methanol to be produced at both the Port of St. Helens
10 and Kalama facilities. See NW Innovation Works, *Gas to Methanol Facility at Port of St.*
11 *Helens* (February 2016), available at
12 [https://nwiw.blob.core.windows.net/media/Default/PortWestward/2016_02_NWIW_StHe-](https://nwiw.blob.core.windows.net/media/Default/PortWestward/2016_02_NWIW_StHelens_FactSheet_FINAL.pdf)
13 [lens_FactSheet_FINAL.pdf](https://nwiw.blob.core.windows.net/media/Default/PortWestward/2016_02_NWIW_StHelens_FactSheet_FINAL.pdf), a true and correct copy of which is attached to this testimony
14 as Attachment Y. The DEIS for the Project also appears to have interchanged trips and
15 entry transits. For example, the Millennium Bulk Terminal project is indicated as 1,680
16 vessels per year. DEIS, Table 5-2. This represents the total number of transits need for
17 entry and exit from the facility. As stated in the Millennium Bulk Terminal DEIS, the
18 project will service up to 840 vessels per year. This error results in the DEIS over
19 representing cumulative vessel impacts, or at a minimum, providing confusing
20 information. Proposed projects identified within the DEIS that need correction or
21 clarification in this manner are the Millennium Bulk Terminal, Morrow Pacific, and
22 Global Partners. DEIS, Table 5-2.

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1 **VII. MAPPING AND VISUAL ANALYSIS OF TREATY TRIBES' ACCESS**
2 **SITES**

3 48. I have also been asked to provide testimony related to maps that I prepared
4 showing areas and access sites where four Indian Tribes exercise fishing rights along the
5 Columbia River in relationship to the Project, as well as my analysis of aerial photography
6 showing these fishing sites and access roads leading to each site.

7 49. According to the Columbia River Inter-Tribal Fish Commission
8 ("CRITFC") website, there are four Indian Tribes that have treaty fishing rights on the
9 Columbia River below the Snake River confluence: the Confederated Tribes and Bands of
10 the Yakama Nation, the Confederate Tribes of the Warm Springs Reservation of Oregon,
11 the Confederated Tribes of the Umatilla Reservation, and the Nez Perce Tribe
12 (collectively referred to as "Treaty Tribes"). See Columbia River Inter-Tribal Fish
13 Commission, *Member Tribes Overview*, http://www.critfc.org/member_tribes_overview/
14 (last visited May 11, 2016). The Treaty Tribes negotiated and signed separate treaties
15 with the United States in the 1850s, as follows:

- 16 • Confederated Tribes and Bands of the Yakima Nation, June 9, 1855, *available*
17 *at* <http://www.fws.gov/pacific/ea/tribal/treaties/Yakima.pdf>;
- 18 • Confederated Tribes of the Umatilla Reservation, June 9, 1855, *available at*
19 <http://www.ccrh.org/comm/river/treaties/umatillat.htm>;
- 20 • Confederate Tribes of the Warm Springs Reservation, March 8, 1859,
21 *available at* <https://warmsprings-nsn.gov/who-we-are/treaty-documents/treaty-of-1855/>
- 22 • Nez Perce Tribe, June 11, 1855, *available at*
23 <http://www.ccrh.org/comm/river/treaties/nezperce.htm>.

24 These treaties reserved, to each of these Tribes, the right to take fish at usual and
25 accustomed grounds and stations ("U&A areas").

50. I've been informed by TSPT's attorneys that pursuant to court orders in the
U.S. v. Oregon treaty fishing rights litigation, since 1977, these Treaty Tribes have

1 exercised their treaty fishing rights upstream of, or immediately adjacent to Bonneville
2 Dam. *See e.g. United States v. Oregon*, Civil No. 68-513, Order Adopting a Plan for
3 Managing Fisheries on Stocks Originating From the Columbia River and its Tributaries
4 Above Bonneville Dam (D. Or. Feb. 28, 1977); 2008-2017 *United States v. Oregon*
5 Management Agreement.

6 51. Additionally, CRITFC's website provides the following information: 1)
7 Background on the Treaty Tribes' fishing rights. *See* Columbia River Inter-Tribal Fish
8 Commission, *Working Toward Equitable Harvest*, [http://www.critfc.org/tribal-treaty-](http://www.critfc.org/tribal-treaty-fishing-rights/equitable-harvest/)
9 [fishing-rights/equitable-harvest/](http://www.critfc.org/tribal-treaty-fishing-rights/equitable-harvest/) (last visited May 11, 2016). 2) The location of where the
10 four Treaty Tribes exercise their fishing rights along the Columbia River, referred to as
11 "Zone 6" by state and tribal fisheries managers. *See* Columbia River Inter-Tribal Fish
12 Commission, *Columbia River Zone 6*, [http://www.critfc.org/about-us/columbia-river-](http://www.critfc.org/about-us/columbia-river-zone-6/)
13 [zone-6/](http://www.critfc.org/about-us/columbia-river-zone-6/) (last visited May 11, 2016). 3) The Treaty Tribes' In-Lieu/Treaty Fishing Access
14 Sites, collectively referred to as "Access Sites," at 31 locations in Zone 6 along with a
15 map showing the location of such sites. *See* Columbia River Inter-Tribal Fish
16 Commission, *In-Lieu/Treaty Fishing Access Sites*, [http://www.critfc.org/for-tribal-](http://www.critfc.org/for-tribal-fishers/in-lieutreaty-fishing-access-sites/)
17 [fishers/in-lieutreaty-fishing-access-sites/](http://www.critfc.org/for-tribal-fishers/in-lieutreaty-fishing-access-sites/) (last visited May 11, 2016). True and correct
18 copies of referenced pages from CRITFC's website are attached to this testimony as
19 Attachment Z.

20 52. Based on the information I reviewed on the CRITFC website and where the
21 Treaty Tribes exercise their treaty rights under the court orders, I prepared a map that
22 shows the location of the four Treaty Tribes adjudicated U&A area (Columbia River Zone
23 6) in relationship to the proposed Vancouver Energy Project. The map illustrates that the
24 Tribes do not exercise treaty fishing rights within the vicinity of the proposed Vancouver
25 Energy Project or the downstream marine vessel corridor (with the possible limited

1 exception of periodic ceremonial fisheries). A copy of the map is attached to this
2 testimony as Attachment AA. The map also shows the location of the 31 Access Sites,
3 located in Washington or Oregon on the Columbia River, upstream of Bonneville Dam.
4 *Id.* All 31 Access Sites are located within Columbia River Zone 6. None of the 31
5 Access Sites are within the vicinity of the proposed Vancouver Energy Project or the
6 downstream marine vessel corridor. *Id.*

7 53. Based upon these descriptions of the Access Sites on the Columbia River
8 Inter-Tribal Fish Commission website, I also prepared a series of maps using *ArcMap 10.3*
9 which are attached to this testimony as Attachments BB. Attachment BB identifies 16
10 Access Sites in Washington State, collectively and individually, using *ArcMap 10.3* aerial
11 photographs as a basemap. I also used recent aerial photography for each Access Site to
12 identify the type of roads leading to the Access Site. I traced the Access Site roads back to
13 their connection with the general public road network. This typically led to State Route 14
14 (SR 14) in Washington State or Interstate 84 (I-84) in Oregon, but sometimes led to local
15 city or county roadways. I also reviewed the Access Site roads on the aerial photograph to
16 determine if each road required crossing the BNSF or UP rail corridor to reach the Access
17 Site and whether the crossing consisted of an at-grade or grade-separated crossing. The
18 nature of the crossing is readily apparent on the aerial photography.

19 54. My analysis of the aerial photographs in Attachment BB has been
20 summarized in the following tables by indicating the site and nature of the access. Grade
21 separated indicates that the access road crosses over or under the rail corridor. At-grade
22 indicates that the access crosses the track on the surface. No rail crossing needed indicates
23 that the access road from the major public roadway does not cross the rail corridor.

1 *Table 1: Washington Sites*

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Access Site	Type of crossing, if any, required to reach Access Site
Crow Butte	Grade Separated
Alderdale	Grade Separated
Pine Creek	At Grade
Roosevelt Park	Grade Separated
Sundale Park	No rail crossing needed
Pasture Point	At Grade
North Shore	No rail crossing needed
Maryhill	No rail crossing needed
Avery	At Grade
Dallesport	At Grade
Lyle	Grade Separated
White Salmon	At Grade
Underwood	No rail crossing needed
Cooks	At Grade
Wind River	No rail crossing needed
Bonneville	No rail crossing needed

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21 *Table 2: Oregon Sites*

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Site	Access
Faler Road	Grade Separated
Threemile Canyon	Grade Separated

Site	Access
LePage Park	No rail crossing needed
Preacher's Eddy	Grade Separated
Rufus	Grade Separated
Celilo	At Grade
Lone Pine	No rail crossing needed
Stanley Rock	No rail crossing needed
Wyeth	Grade Separated
Cascade Locks	Grade Separated

55. These maps in Attachment BB also show the location of the Access Sites located in Washington State in relation to the rail corridor. The rail corridor that is in the vicinity of the Access Sites that is used by trains traveling to and from the Project is entirely in Washington. As shown on the maps and indicated in the Table 1, in Washington State, only six (6) Access Sites are accessed by roadways with at-grade crossings. The remaining Access Sites in Washington State have grade separated access or no rail crossing, and therefore, rail traffic should not impact the Treaty Tribes members' ability to access these Access Sites.

56. Sections 3.4.3.2 and 3.4.4.2 of the ASC and testimony provided by other witnesses conclude that the proposed Vancouver Energy Project will have minimal impacts on aquatic and terrestrial resources, which the Treaty Tribes rely upon when exercising their respective treaty fishing rights. Also as indicated in Sections 3.4.3.3 and 3.4.4.3 of the ASC, the Applicant has proposed mitigation for all impacts to mitigate impacts on these resources.

1 **XX. ATTACHMENTS**

2 57. The following documents are attached to my testimony for reference:

3 Attachment A: Curriculum Vitae for Brian Carrico

4 Attachment B: Project Narrative for Land Use Consistency Review

5 Attachment C: Appendix I.1 of the ASC (Pre-Application)

6 Attachment D: Pre-Application Conference Sign-In Sheet

7 Attachment E: Pre-Application Conference Report

8 Attachment F: Receipt for Pre-Application

9 Attachment G: City Council's Agenda (December 9, 2013)

10 Attachment H: Staff Determination of Consistency and Compliance with Land Use
11 Plans and Zoning Ordinances (Draft Staff Report)

12 Attachment I: City of Vancouver Resolution M-3821

13 Attachment J: City Zoning Map

14 Attachment K: Appendix I.2 of the ASC

15 Attachment L: BNSF Route Map

16 Attachment M: Aerial photographs of BNSF rail line at SE 87th Avenue

17 Attachment N: Figures 2-2 and 2-3 to the VCCV DSEIS

18 Attachment O: Chapter 5 of VCCV FSEIS

19 Attachment P: Attachment A to City of Vancouver Ordinance M-3833

20 Attachment Q: Appendix D to the VCCV FSEIS

21 Attachment R: Figure CD1 to Volume 2 Design Guidelines for the Type IV
22 Planned Development, Subdivision, Shoreline Substantial
23 Development, Conditional Use and Variance Permits, and Critical
Development

24 Attachment S: Page from Southwest Washington Regional Transportation Council
website (2015 TAP Applications and Selections)

25 Attachment T: Photograph of Beacon Rock State Park

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Attachment U: Pages from Pacific Crest Trail Association and Washington State Parks websites

Attachment V: BergerABAM Memorandum Regarding Columbia River Anticipated Vessel Traffic

Attachment W: Oregon LNG Letter to FERC

Attachment X: Pages 2-15 and 2-39 from Kalama Manufacturing and Marine Export Facility DEIS

Attachment Y: Fact Sheet: Gas to Methanol Facility at Port of St. Helens

Attachment Z: Pages from Columbia River Inter-Tribal Fish Commission website

Attachment AA: Map of four Treaty Tribes adjudicated U&A area

Attachment BB: Maps of Treaty Tribes' Access Sites on the Columbia River

[Signature on Following Page]

