

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of:	)	CASE NO. 15-001
Application No. 2013-01	)	
TESORO SAVAGE, LLC	)	NOTICE OF INTERVENORS' POSITION
	)	ON ALLOCATION OF ADJUDICATION
	)	TIME
VANCOUVER ENERGY DISTRIBUTION	)	
TERMINAL	)	
_____	)	

Intervenors Columbia Riverkeeper *et al.*, Columbia Waterfront LLC, City of Vancouver, City of Washougal, City of Spokane, Columbia Inter-Tribal Fish Commission, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes and Bands of the Yakama Nation, and Clark County (collectively “Intervenors”) respectfully provide the following position on the issue of allocation of adjudication time.

As discussed in the pre-hearing conference held before Judge Noble on March 11, 2016, the parties had previously agreed to an equal split of adjudication time between project proponents (Tesoro-Savage and Port of Vancouver) and all other parties (including Counsel for the Environment and the Washington Department of Natural Resources (“DNR”). Intervenors are coordinating their testimony and evidence to avoid duplication, and while many have raised similar issues, each intervening party will not be presenting individual evidence on each issue. Even so, Judge Noble expressed reservations about the equal allotment of time, given the many opposing groups and the overall number of preliminarily identified issues and witnesses, and indicated that she was considering a split which allocated more time to projects opponents (16

days) than proponents (5 days).

Intervenors have discussed the adjudication time allocation, reviewed their witness and issues lists, and communicated with counsel for DNR and Counsel for the Environment. Intervenors stand by their agreement to an equal division of adjudication time with one amendment. As the Counsel for the Environment plays a unique role in the adjudication, it would be appropriate to first allocate one day worth of time to the Counsel for the Environment and then to divide the remaining days of time evenly between proponents and the remaining parties, including DNR. Counsel for the Environment and counsel for DNR concur with this proposal.

All parties previously agreed to the “chess clock” method of time allocation, with time limits applying to direct and rebuttal examination of a side’s own witnesses and cross-examination of the opposing side’s witnesses.

Intervenors appreciate Judge Noble’s detailed review of the schedule and witness lists and the opportunity to consider a fair and equitable division of time. Intervenors believe that their coordinated effort will best present their case, and they will continue to coordinate to streamline review and proceed in the most efficient way.

Respectfully submitted this 17th day of March 2016.

*s/ Kristen L. Boyles*

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**CERTIFICATE OF SERVICE**

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203, Seattle, Washington 98104-1711.

I HEREBY CERTIFY that on March 17, 2016, I served the following document on the parties listed below:

- 1. *Notice of Intervenors’ Position on Allocation of Adjudication Time*

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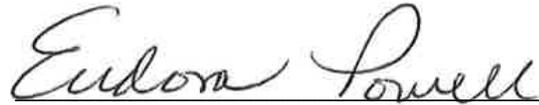
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I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Executed this 17th day of March, 2016, at Seattle, Washington.



EUDORA POWELL