

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2013-01

CASE NO. 15-001

TESORO SAVAGE, LLC
VANCOUVER ENERGY DISTRIBUTION
TERMINAL

PRELIMINARY LIST OF ISSUES,
EXHIBITS, AND WITNESSES OF
COLUMBIA WATERFRONT LLC

1 Pursuant to the Pre-Hearing Order Establishing Procedures and Setting Deadlines for
2 Submittals, May 5, 2015, Case No. 15-001 (“Pre-Hearing Order”), Columbia Waterfront LLC
3 (“Columbia Waterfront”) submits this PRELIMINARY LIST OF ISSUES, EXHIBITS, AND WITNESSES.
4 Columbia Waterfront notes that this preliminary filing is being submitted prior to the deadline
5 for submission of comments on the Draft Environmental Impact Statement (“DEIS”), which is
6 still under review by Columbia Waterfront, and that the Pre-Hearing Order provides for a final
7 list of issues, exhibits, and witnesses to be submitted at least 30 days prior to the first day of the
8 adjudication hearing. Columbia Waterfront reserves the right to include additional issues,
9 exhibits, and witnesses in the final list that Columbia Waterfront will submit pursuant to the
10 schedule established by the Pre-Hearing Order.

11 **I. PRELIMINARY LIST OF ISSUES**

- 12 1. Whether the proposed oil terminal project (“project”) and the EFSEC process are
13 consistent with all applicable laws and regulations.

- 1 2. Whether the project is in the best interests of the State of Washington and the broad
2 interests of the public, including the preservation and protection of the quality of the
3 environment and quality of life.
- 4 3. Whether the location and operation of the project will produce minimal adverse effects
5 on the environment, ecology of the land and its wildlife, and the ecology of state waters
6 and their aquatic life, as required by RCW 80.50.010.
- 7 4. Whether the project appropriately considers and balances the statutory factors in RCW
8 80.50.010.
- 9 5. The project's potential impacts to the environment, including direct, indirect, and
10 cumulative impacts.
- 11 6. The project's inconsistency with and adverse impacts to nearby land uses, including but
12 not limited to downtown Vancouver and the Columbia Waterfront development.
- 13 7. All public health and safety concerns and risks associated with the project, including but
14 not limited to rail tank car safety, vessel safety, fire and explosion risk, oil spill risks,
15 noise, and air emissions.
- 16 8. The inadequacy of project plans for responding to a natural disaster or catastrophic
17 accident, including but not limited to earthquakes of any magnitude, floods, windstorms,
18 tank fires, oil spills, train derailments, and other disaster scenarios.
- 19 9. The project's adverse impacts to recreational opportunities, including but not limited to
20 the Columbia River, the City of Vancouver Waterfront Park, and the Columbia River
21 Renaissance Trail.

- 1 10. Any and all issues involving economic impacts and benefits of the project, including
- 2 impacts to the Waterfront development, downtown Vancouver, other communities along
- 3 the rail corridor, agriculture, tourism, and rail freight capacity,
- 4 11. Any issues involving the short- or long-term economic viability of the oil terminal
- 5 project.
- 6 12. The project's potential impacts on fish and wildlife, and their habitat, including any
- 7 threatened, endangered, and sensitive species.
- 8 13. The project's potential impacts to the Columbia River.
- 9 14. The project's potential impacts to soil (e.g., erosion, stability, productivity), water
- 10 quality, and air quality.
- 11 15. Geological concerns associated with the project such as earthquake susceptibility,
- 12 liquefaction, and landslides.
- 13 16. Potential noise impacts to surrounding communities and wildlife.
- 14 17. The sources and types of crude oil shipped and their unique properties for health risks,
- 15 fire and explosion, spill clean-up, and climate impacts.
- 16 18. All potential climate change impacts from the project, including but not limited to
- 17 impacts from the extraction, processing, and transportation of crude oil to the project,
- 18 transportation of oil from the project to all potential destinations, oil refining activities,
- 19 and combustion of oil and refined products.
- 20 19. Crude oil demand impacts from the project resulting in the potential for additional crude
- 21 oil extraction in North Dakota, the Alberta tar sands region, and other potential source
- 22 areas.
- 23 20. All project impacts from construction, modification, and use of roads and rail lines.

- 1 21. The adequacy of the applicant's plans for decommissioning of the facility in the event of
- 2 a financial misfortune, natural disaster, and/or the conclusion of the project's life cycle.
- 3 22. Any and all issues listed in the State Environmental Policy Act Scoping Report, the Draft
- 4 Environmental Impact Statement, and the Final Environmental Impact Statement.
- 5 23. Any other issue identified by any other intervenor in this proceeding.

6 II. PRELIMINARY LIST OF EXHIBITS

- 7 1. City of Vancouver, Staff Report and Recommendation to the Planning Commission
- 8 (Nov. 10, 2009) (approving Waterfront development master plan).
- 9 2. City of Vancouver, Staff Report and Recommendation to the Planning Commission
- 10 (Nov. 10, 2009) (approving Waterfront Park master plan).
- 11 3. City of Vancouver, Shoreline Conditional Use Permit and Variance (Mar. 2010) (issued
- 12 to Columbia Waterfront).
- 13 4. City of Vancouver, Substantial Development Permit Approval (Mar. 2010).
- 14 5. City of Vancouver, Ordinance M-3936.
- 15 6. Downtown Vancouver Waterfront Development Agreement (Dec. 22, 2009).
- 16 7. Renderings of the completed Waterfront Park.
- 17 8. Renderings of the completed Columbia Waterfront development.
- 18 9. J. Johnson, Johnson Economics, Inc., *Tesoro Savage Vancouver Energy Distribution*
- 19 *Terminal DEIS Independent Review* (in progress).
- 20 10. D. Furchtgott-Roth, *Pipelines are Safest for Transportation of Oil and Gas*, MANHATTAN
- 21 INSTITUTE FOR POLICY RESEARCH, ISSUE BRIEF NO. 23 (June 2013).
- 22 11. D. Clark, *Externality Effects on Residential Property Values: The Example of Noise*
- 23 *Disamenities*, GROWTH AND CHANGE (Sept. 2006).

- 1 12. T. Carroll, et al., *The Economic Impact of a Transient Hazard on Property Values: The*
2 *1988 PEPCON Explosion in Henderson, Nevada*, 13 JOURNAL OF REAL ESTATE FINANCE
3 AND ECONOMICS 2 (1996).
- 4 13. S. Farber, *Undesirable Facilities and Property Values: A Summary of Empirical Studies*,
5 24 ECOLOGICAL ECONOMICS (1998).
- 6 14. R. Diaz, *Impacts of Rail Transit on Property Values*, American Public Transportation
7 Association, Proceedings of 1999 Commuter Rail/Rapid Transit Conference, Toronto,
8 Canada (1999).
- 9 15. D. Forkenbrock, *Comparison of External Costs of Rail and Truck Freight*
10 *Transportation*, TRANSPORTATION RESEARCH PART A 35 (2001).
- 11 16. ECONorthwest, *Portland Harbor: Industrial Land Supply Analysis*, Prepared for the City
12 of Portland: Bureau of Planning and Sustainability (May 2012).
- 13 17. K. Gawande, et al., *The Long-Run Impact of Nuclear Waste Shipments on the Property*
14 *Market: Evidence from a Quasi-Experiment*, JOURNAL OF ENVIRONMENTAL ECONOMICS
15 AND MANAGEMENT 65 (2013).
- 16 18. M. Fucht, *Examining the Spatial Distribution of Externalities: Freight Rail Traffic and*
17 *Home Values in Los Angeles* (Nov. 11, 2011).
- 18 19. M.A.J. Theebe, *Planes, Trains, and Automobiles; The Impact of Traffic Noise on House*
19 *Prices*, SBV Research (2002).
- 20 20. G. Debrezion, et al., *The Impact of Rail Transport on Real Estate Prices: An Empirical*
21 *Analysis of the Dutch Housing Market*, TINBERGEN INSTITUTE DISCUSSION PAPER, No.
22 06-031/3 (2006).

- 1 21. K. Gawande and H. Jenkins-Smith, *Nuclear Waste Transport and Residential Property*
2 *Values: Estimating the Effects of Perceived Risks*, JOURNAL OF ENVIRONMENTAL
3 ECONOMICS AND MANAGEMENT 42 (2001).
- 4 22. R. Simons & A. El Jaouhari, *The Effect of Freight Railroad Tracks and Train Activity on*
5 *Residential Property Values*, THE APPRAISAL JOURNAL (Summer 2004).
- 6 23. Washington Physicians for Social Responsibility, *Position Statement on Crude Oil*
7 *Transportation and Storage to Governors of Washington and Oregon from Concerned*
8 *Washington & Oregon Health Care Professionals* (Feb. 2015).
- 9 24. Washington Department of Ecology, *Final Cost-Benefit and Least Burdensome*
10 *Alternative Analysis: Chapter 173-182 WAC, Oil Spill Contingency Plan*, Pub. No. 12-
11 08-014 (Dec. 2012).

12 **III. PRELIMINARY LIST OF WITNESSES**

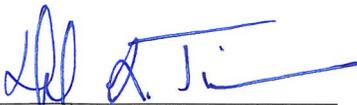
- 13 1. Jerry Johnson, Johnson Economics LLC: economic impacts
- 14 2. Witness to be identified later: land use impacts and consistency

15 **IV. CONCLUSION**

16 Columbia Waterfront respectfully submits this PRELIMINARY LIST OF ISSUES, EXHIBITS,
17 AND WITNESSES.

18 Dated this 8th day of January, 2016.

19 MARTEN LAW PLLC

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21 By: 
22 Linda R. Larson, WSBA No. 9171
23 Daniel L. Timmons, OSB No. 124798
24 Attorneys for Columbia Waterfront LLC

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CERTIFICATE OF FILING

I hereby certify that on January 8, 2016, I filed this PRELIMINARY LIST OF ISSUES, EXHIBITS, AND WITNESSES OF COLUMBIA WATERFRONT LLC and one true and correct copy by first class U.S. mail, postage prepaid, to the following mailing address:

Energy Facility Site Evaluation Council
1300 S. Evergreen Park Drive SW
Olympia WA 98504-3172;

and sent a true and correct copy by electronic mail to the following electronic filing address:

EFSEC@utc.wa.gov.

Dated: January 8, 2016

Daniel L. Timmons
Attorney for Intervenor
Columbia Waterfront LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2016 I served by authorized method of service pursuant to WAC 463-30-120(3) and the Pre-Hearing Order a true and correct copy of this PRELIMINARY LIST OF ISSUES, EXHIBITS, AND WITNESSES OF COLUMBIA WATERFRONT LLC upon all parties of record in this proceeding.

Dated: January 8, 2016

Daniel L. Timmons
Attorney for Intervenor
Columbia Waterfront LLC