Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#021

State of Washington
Department of Fish and Wildlife
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RE: Tesoro Savage Vancouver Energy Distribution Terminal
Application No. 2013-01
Docket No. EF-131590

Thank you for the opportunity to provide Environmental Impact Statement (EIS) scoping comments for the Tesoro Savage Vancouver Energy Distribution Terminal (project). Washington Department of Fish and Wildlife (WDFW) has reviewed the project Energy Facility Site Evaluation Council (EFSEC) application (Application) for completeness and have identified information gaps that should be addressed in the EIS.

WDFW's mission is to protect, restore and enhance fish and wildlife and their habitats, while providing sustainable fish and wildlife-related commercial and recreational opportunities. Our comments reflect our mandate to protect these state's natural resources for the citizens of Washington.

Project Area of Potential Effect

The project area of potential effect is analyzed at three scales: the project site, the project vicinity, and the project shipping prism. In addition to those three scales, impacts to natural resources from the increase in rail transportation associated with the delivery of crude oil to the distribution terminal should also be addressed. The Application indicates that an average of four trains a day will be entering the project area and counting the trains leaving the terminal, 3,426 trains a year will travel on the section of BNSF rail lines that serve the Port. From origin to the terminal one third of the trip will be in Washington so WDFW anticipates that the 3,426 trains a year will also be traveling on rail lines in Washington to bring the cargo to the Port rail lines. This increase in train traffic will likely increase the mortality of deer and elk from train strikes. Currently railroad engineers count and collect carcasses of mammals hit by trains. The impact associated with trains carrying crude oil to the project could be quantified through the continued count and collection of carcasses. The additional rail traffic will also increase the amount of time the tracks are blocked to wildlife

migration across the tracks. These and other impacts to wildlife associated with the increase in rail traffic should be address in the EIS, and mitigation provided.

Work Window

The applicant suggests an October 1st to February 28th work window. WDFW proposes altering this window to October 15th to December 31st, primarily for fish, but there will be additional benefits for terrestrial wildlife and marine mammals. This proposed work window will provide ample time, based on the work estimates in the Application and allowing for weather flexibility, to conduct the necessary pile-driving activities. Past Hydraulic Project Approval (HPA) permits issued by WDFW for Port in-water work specified the work window to be October 15th to December 31st to minimize impacts to fish. WDFW strives to maintain consistency between HPA permits issued for work in the Vancouver Port and associated work windows.

Bald Eagle

The proposed October 15th to December 31st work window will also benefit bald eagle. Completing pile driving activity by December 31st will eliminate the co-occurrence of intermittent sound-producing activities and potential bald eagle breeding activity.

The state bald eagle protection rules were amended in 2011 to apply to eagles only when they are listed as endangered or threatened. Because eagles are now listed as Sensitive, the previous requirement to develop state bald eagle management plans is no longer in effect. Bald eagles remain protected under state and federal law, and the applicant must still comply with the federal Bald and Golden Eagle Protection Act (Eagle Act) to avoid impacting eagles.

WDFW suggests refraining from activities within 660 feet of a breeding nest or frequent, prolonged, loud noises within a quarter mile of a breeding nest from January 1 through March. The applicant's proposal appears to address bald eagle nesting, and will be further benefitted by avoiding pile-driving activities in January and February. WDFW recommends the nest be monitored to ensure any bald eagle chicks have fledged prior to commencing pile-driving.

In addition, given the potential for impacts to roosting and foraging behavior in November and December, WDFW would recommend on-site noise abatement verification to more precisely determine the extent of terrestrial noise proliferation at the project site. Field verification should be conducted to ensure no disturbance to foraging and roosting behavior of bald eagles. Should field verification of noise attenuation indicate elevated noise levels from pile-driving in areas indicated as used by raptors for foraging.

Steller Sea Lions

Steller sea lions make seasonal journeys (usually January through May) into the Lower Columbia River to feed, primarily on sturgeon. Completing impact pile-driving by January as proposed avoids co-occurrence with this marine mammal.

Sandhill Crane

In order for sandhill cranes to survive in Washington, their breeding, migration, and wintering habitats need to be protected and enhanced. As noted in Appendix H. the fall migration of sandhill cranes through the Vancouver Lake Lowlands typically occurs in late

September and early to mid-October. WDFW suggests the applicant delay pile-driving until October 15.

Great Blue Heron

Site conditions are likely to satisfy WDFW's recommended year round buffer around a potential Heron Management Area. Completing pile driving by February is recommended to avoid behavioral impacts to breeding and pre-nesting behavioral patterns. Commencing pile driving after September is recommended to prevent disturbance of foraging habitat. The proposed work window for fish, bald eagle, Steller sea lion, and sandhill crane will also benefit great blue herons, and their rookeries and roosts.

Effects of Impact Hammers

The effects of impact hammers have not been adequately address for many situations found in the Application and should be addressed in the EIS. The use of impact hammers will affect both aquatic and terrestrial species. Some combination of noise and vibrations will travel through water, ground and air. The noise and vibrations associated with the impact hammer have been evaluated for aquatic and above ground environments but the distance vibrations will travel through the ground has not. Habitat for Oregon spotted frog exists along the southern portion of the Vancouver Lowland Lakes. Oregon spotted frog, if present, and other amphibians will be over wintering in the mud and duff during the proposed construction window. Identify if vibrations have the potential to reach the southern portion of the lake system and possible impacts to the species found there.

Bubble curtains have been identified as Best Management Practices (BMP) to alleviate the effects of the impact hammer on aquatic organisms. Evidence suggests the bubble curtain do not fully mitigate for the potential impacts to fish and marine mammals. Additional monitoring should occur and activities paused when marine mammals are present. Appendix H associated with the Application, identifies a zone of 30 feet from each driven pile as a zone of injury. Monitoring for marine mammal should be conducted during pile driving activities. If a marine mammal is spotted moving towards the zone of injury all piling activity should be stopped until the mammal is leaving the site and is beyond the 30 ft buffer.

Above ground the noise of the impact hammer will travel some distances. Investigate and address BMPs to minimize above ground noise. One possible BMP is to surround above ground equipment with material to reduce how far the noise carries. This method has been used on drill rigs running 24/7 for a week at a time to minimize the sound. Other sound reducing methods for the pile driving may also be available. WDFW recommends that the elevated noise of vibratory hammers also be addressed in the EIS and BMPs provided if necessary.

In addition to BMPs, address mitigation measures for temporal impacts to fish, and wildlife associated with pile driving activities.

Special Status Species

CRWMB and associated wetlands and forested habitats on the Shillapoo NWR south of Vancouver Lake are being used extensively by a variety of waterfowl, raptors, migratory birds, small mammals, amphibians, and reptiles. These habitats provide potentially suitable habitat for a number of special status wildlife species. There is potential for special status

species to be present in these habitats during construction and they could be exposed to elevated terrestrial noise levels. WDFW recommends addressing species and habitats found on the State Priority Habitat and Species (PHS) list in the EIS and include management recommendations for individual species.

Habitat loss

WDFW generally concurs with the Application regarding the functional value of the terrestrial habitat on the project site, which is categorized as 'Urban/Mixed Environ wildlife habitat'. Nevertheless, WDFW policy and WAC text states "The council's intent is to achieve no net loss of habitat functions and values by maintaining the functions and values of fish and wildlife habitat in the areas impacted by energy development." Identified direct impacts on the project site consist of removal of approximately 6,300 square feet of upland cottonwood stands, and the impact of the proposed pipeline passing through a portion of the riparian area.

Recognizing that the project site's highly-developed and de-vegetated nature limit the value of the habitat, WDFW still suggests the applicant consider compensatory mitigation for the permanent and temporary impacts to wildlife foraging caused by the removal of the upland cottonwood stands not already permitted for removal, as well as the riparian buffer. The WAC text suggests, '(d) The ratios of replacement habitat to impacted habitat shall be greater than 1:1 to compensate for temporal losses, uncertainty of performance, and differences in functions and values.'

Recreational and Commercial Fisheries

Commercial and recreational fisheries are important to WDFW and the public. Please address recreational and commercial fisheries impacts from additional shipping traffic during peak fish runs. Address the possibility of the nets and lines being caught on ships and becoming compromised. Also address any displacement of fish away from normal fishing grounds due to increase shipping.

Monitoring and Mitigation Plans

WDFW feels a construction and post-construction monitoring plan for fish, wildlife, and habitat is essential. WDFW encourages the applicant to consult with WDFW to develop a fish, wildlife, and habitat compliance monitoring plan. Quantitative descriptions of the areas fish and wildlife should be developed to evaluate both pre and post-construction conditions. Include methods to monitor BMPs during construction to verify effectiveness of reducing or eliminating impacts. WDFW also recommends including post-construction monitoring of fish, marine mammals, and terrestrial wildlife during all seasons of the year to determine if fish and wildlife return to baseline conditions. Upon evaluation and comparison of pre and post-construction conditions of habitat and the utilization of the project area for breeding, summer, winter, and migratory usage, WDFW recommends the applicant report the results of post-construction monitoring and evaluation to relevant state and federal agencies to determine potential courses of action. Also include in the report the effectiveness and success of any mitigation measures implemented during construction such as the proposed aquatic habitat structures and fish utilization.

In addition to the construction and post-construction monitoring plan, prepare a formal 'mitigation plan' for both temporal and permanent impacts to fish, wildlife, and habitat. This should include compensatory mitigation.

Oil Spill Impacts

WDFW suggests that the EIS should include a description of potential risks of a spill to fish and wildlife species. WDFW's Oil Spill Team (OST) is a key component of Washington State's oil spill response program and provides extensive technical support to the State's oil spill planning and preparedness efforts. Since its formation in 1992, the OST has provided round-the-clock oil spill response capability to address the needs of fish and wildlife resources. While WDFW's OST's planning and preparedness efforts generally do not seek to identify upfront mitigation for indirect effects during a spill event without the benefit of a damage assessment, spill-planning tools for fish and wildlife species are available for this region of the state.

The EIS should also address potential movement of the oil to wetlands and tidal areas, cleanup efforts and potential mitigation measures. Work with WDFW and the Oil Spill Team to identify potential impacts to fish, wildlife and their habitat should an oil spill occur. Include additional BMPs to prevent spreading of or minimizing impacts of oil in wetlands and tidal areas, and potential Natural Resource Damage Assessments to be utilized to identify mitigation for damages.

Other Best Management Practices

WDFW suggests considering lighting BMPs. Recent information suggests that night time lighting directed to rivers negatively affect fish behavior. In addition fish and wildlife circadian rhythms are disrupted by some light frequencies at night. These light frequencies mimic daylight. For temporary and permanent light structures consider shades to direct light away from the water and when that is not possible, utilize bulbs with frequencies that do not mimic daylight.

WDFW looks forward to continuing to work with EFSEC, Tesoro Savage and other resource agencies to protect, restore and enhance fish and wildlife and their habitats within the area of project influence in Washington.

If you have any questions or comments, please feel free to contact me at 360-902-2593 or peggy.miller@dfw.wa.gov .

Sincerely,

Peggy Miller

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