



Cowlitz Indian Tribe

January 25, 2016

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

RE: Energy Facility Site Evaluation Council and the Draft Environmental Impact Statement (Draft EIS)
Concerning the Proposed Tesoro Savage Vancouver Energy Distribution Terminal.

Dear Governor Inslee,

I write on behalf of the Cowlitz Indian Tribe to address concerns associated with the Energy Facility Site Evaluation Council (EFSEC or Council) and the proposed Tesoro Savage Oil Terminal at the Port of Vancouver. We recently met with representatives of EFSEC to discuss the Draft EIS associated with the proposed oil terminal on January 7, 2016. As part of this discussion, we gained some insight regarding processes associated with siting potential of energy facilities and the Council that ultimately provides a recommendation to you in this regard.

It is our understanding that the EFSEC currently lacks representation of tribal interests. We believe that this Council has important roles that carry responsibilities that have the potential to significantly impact tribes and trust resources. As you well know, there are significant overlaps in the State of Washington regarding tribal and non-tribal interests. When it comes to the issue of proposals such as the Tesoro Savage proposal, which has the potential to considerably impact the future of our Tribe and many others; we believe it is appropriate that tribal interests are represented on EFSEC. We respectfully request that you immediately consider adding tribal representation to this Council.

We also understand there have been additional appointments (from the City of Vancouver and Clark County) to the Council regarding the Tesoro Savage proposal due to the circumstance that the proposed terminal is being considered within Clark County, WA. The Cowlitz Indian Tribe's reservation is located within Clark County and we believe that the proposal has a significant potential to impact our Tribe. Whether we would participate or not, we believe that there should be a consideration in regards to our Tribe's opportunity to participate at this level. We respectfully request that you would follow up in regards to reviewing and potentially making changes as it pertains to representation that make up EFSEC.

Following this letter we have provided our comments regarding the Draft EIS associated with the proposed Tesoro Savage Vancouver Energy Distribution Terminal. Our Tribe carries natural resource management authorities, rights, and obligations within the Columbia Basin that will be impacted by the proposal presented in the Draft EIS. In general, we are alarmed at the potential for significant deleterious impacts to our environment within the Lower Columbia River region. The risk has been stated in many areas throughout the Draft EIS. We also have concern in regards to statements and citations that we believe are an incorrect characterization of the historic and cultural landscape within the study area. The Draft EIS reaffirms our opposition to this proposal.

We also would like to point out another major concern that we have regarding the Draft EIS. An analysis was done to understand some of the cumulative impacts associated with this proposal and other "*reasonably foreseeable future actions*" (i.e. Proposed Millenium Coal Terminal in Longview, WA) in regards to other

potential industrial developments within the potential impact area. Although we appreciate this analysis, there is one key component of reasonably foreseeable future actions we believe was overlooked.

We have been and continue significant activities in regards to addressing and implementing restoration activities of our traditional first foods within our homeland. Several of our significant cultural resources continue to be listed under the Endangered Species Act (ESA). Significant areas of our work towards restoration are within the footprint of potential impacts associated with the Tesoro Savage proposal. There are numerous other entities in the potential impact area that have invested considerable resources regarding restoration within the Columbia River system. A considerable amount of resources have been invested from Federal and State tax dollars, as well as "rate payer" dollars from utilities in the region. There are significant restoration plans that have been and will be implemented in the region in the foreseeable future. We and many others maintain the goal of restoring habitat and other conditions for natural resources within the Columbia Basin. Much of this work is due to habitat loss, poor water quality, and other factors of which industrial developments have been a significant contributor to.

We believe that activities and future plans toward Environmental Restoration in the potential impact area of the Tesoro Savage proposal should also be analyzed as "*reasonably foreseeable future actions*" within the study area and documented within the Draft EIS. Currently, there is little to no characterization in this regard in the Draft EIS. These actions are just as significant, if not more significant to consider as part of your decision. We respectfully request that this component (investment in environmental restoration activities, future plans, and potential impacts) be incorporated into the analysis and documented into a new Draft EIS for the public to review. Just one significant oil spill event could likely wipe out several years of investment in this regard.

We would also like to point out the inconsistency in responsibility for the environmental hazard associated with the proposed transport and storage of the crude oil. There is no solid foundation of shared responsibility and accountability for hazard or spill mitigation as there should be due to the proposed project and its proponents. Who will pay for the infrastructure, maintenance, standby service, and all other associated services of emergency responders over the obvious threat this proposed project would have? If a major event happened, what degree of certainty that a cleanup effort would fully reconcile the damage that would be done?

We finally would like to point out that the Draft EIS poorly justifies any need for the facility. Actually, the Draft EIS points out that there are no proposed improvements for the receivers (i.e. West Coast refineries) to handle the increased amount of oil brought into the region. The Draft EIS poorly demonstrates any demand.

We thank you for the opportunity to express our concerns associated with the make-up and decision making processes of EFSEC and the proposed Tesoro Savage Vancouver Energy Distribution Terminal Draft EIS. Again, following this letter includes additional specifics of our comments associated with the Draft EIS. Please contact myself or have appropriate staff contact our Natural Resources Director, Taylor Aalvik at: 360-577-8140 or taylor.a@cowlitz.org for follow up activities. Again, we thank you for this opportunity to comment,

Sincerely Yours,



William Iyall
Chairman of the Cowlitz Indian Tribe

Cc: Craig A. Bill, Executive Director, Governor's Office of Indian Affairs
Energy Facility Site Evaluation Council
Stephen Posner, EFSEC Manager
Sonia Bumpus, EFSEC Siting