Tesoro Savage CBR
Scoping Comment
#30948

From:	Sandy Robson <sjrer2@yahoo.com>
Sent:	Wednesday, December 18, 2013 4:59 PM
To:	EFSEC (UTC)
Subject:	Comment, Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590
Attachments:	12-18-13 Tesoro Savage Comment.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged
Categories:	Red Category

I would like to submit this comment which references a comment submitted by Terry We has,er. I believe Ms. Wechsler makes excellent points which I agree with. Please see below and her attached comment made as Protect Whatcom.

Sandy Robson
Birch Bay WA

From: wechslerlaw@comcast.net
To: efsec@utc.wa.gov
Sent: Wednesday, December 18, 2013 4:51:57 PM
Subject: Comment, Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590

Attached please find Protect Whatcom's comment in the captioned matter for your consideration. Thank you very much for your attention.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

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Bellingham, WA 98225-6580
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December 18, 2013

Stephen Posner, Interim Manager
Washington State Energy Facility Site Evaluation Council (EFSEC)
P.O. Box 43172
Olympia, WA 98504

VIA ELECTRONIC TRANSMISSION: efsec@utc.wa.gov

SUBJECT: Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590

Dear Mr. Posner:

Protect Whatcom is a grassroots organization the mission of which includes educating the public about how to participate in the permitting process for the proposed Gateway Pacific Terminal. We are commenting on the proposed Tesoro Savage crude terminal because it is one of nearly 20 proposals for expansion or construction of refinery and terminal infrastructure in the Pacific Northwest which would overwhelm rail infrastructure, place enormous traffic demands and physical stress of our already decaying road and bridge infrastructure, add enormously to vessel traffic increasing the likelihood of a collision, allision or spill that could have permanent repercussions for our waterways, and negatively impact our state's container ports and industries such as agri- and aquaculture.

It is time for a programmatic approach to consideration of permit proposals in the region, and particularly in Washington, given the enormous implications of Tesoro Savage and other proposals. Further, our environmental laws guide agencies to take such an approach. According to the U.S. Council on Environmental Quality (CEQ), it was Native American Chief Seattle who stated in the latter part of the nineteenth century, "We do not inherit the Earth from our ancestors—we borrow it from our children."[1] While the origin of that statement is debatable, what is not is this: that notion has been codified in the National and Washington State Environmental Acts (NEPA and SEPA). The notion of stewardship reverberates through those statutes, both of which direct agencies to coordinate their respective actions, to the extent practicable, to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations...."[2]

Protect Whatcom co-developed an info graphic to illustrate the implications of all pending fossil fuel proposals in Washington which can be located online at http://protectwhatcom.files.wordpress.com/2013/10/gatewaytoextinctioncarrie10-14-13.pdf/ We invested considerable time and expense to gather information and put it into a "visual story" format so that the public could begin to comprehend the full scope of what is being proposed throughout this region, and how that directly impacts Washington. The data used in the info graphic is detailed below in Table 1 which lists known terminal and refinery construction or rail expansion projects for coal and crude, in Oregon, Washington, and British Columbia.

Table 1[3] FOSSIL FUEL TERMINALS AND REFINERIES, PROPOSED FOR CONSTRUCTION OR EXPANSION[4]				
	Terminal or Refinery/Location (North to South)	**Proposed Vol. (bpd[5] or mmta[6])**	**Possible Additional Unit Trains per Day (one way)**	**Possible Additional Vessels per Annum[7] (one way)**
	Puget Sound			
1	Westridge Marine Terminal,[8] Burnaby, BC	590,000[9] bpd	n.a.	348[10]
2	Ridley Terminals,[11] Prince Rupert, BC	13 mmta[12]	2[13]	n.a.[14]
3	Neptune Terminals,[15] Vancouver, BC	6 mmta[16]	1[17]	52[18]
4	Fraser-Surrey,[19] Vancouver, BC	8 mmta[20]	1.3	40[21]
5	Westshore Terminal, Vancouver, BC	6 mmta[22]	1	104[23]
6	Gateway Pacific Terminal (coal),[24] Ferndale, WA	48 mmta[25]	9[26]	487[27]
7	BP Cherry Point Refinery,[28] Blaine, WA	71,500 bpd	1[29]	33
8	Phillips 66 Refinery,[30] Ferndale, WA	35,750 bpd	0.5[31]	17
9	Tesoro Refinery,[32] * Anacortes, WA	50,000[33] bpd	1[34]	36
10	Shell Refinery,[35] Anacortes, WA	61,286 bpd	1[36]	45
11	U.S. Oil & Refining Co.,[37] Tacoma, WA	40,000[38] bpd	0.6	29[39]
12	Targa Sound Terminal,[40] Tacoma, WA	30,000[41] bpd	0.4	22[42]
	Total Possible Additional Vessels in the Puget Sound (2012 traffic: 6272)[43]			***1213***
	Grays Harbor, Hoquiam, WA[44]			
13	Imperium Bulk Liquid Terminal, T1[45]	68,250 bpd	1[46]	200[47]
14	Westway Terminal Co., T1[48]	28,692[49] bpd	0.4	60[50]
15	Grays Harbor Rail Terminal, T-3[51]	50,000[52] bpd	0.7	54[53]
	Total Possible Additional Vessels in Grays Harbor (2012 traffic: 82)			***314***
	Columbia River[54]			
16	Oregon LNG,[55] Warrenton, OR	9 mmta	n.a.	125[56]
16	Millennium Bulk Logistics (coal), Longview	44 mmta	7.4	850
17a	Port of Morrow,[57] Boardman, OR (coal)	8 mmta	1	624 barge tows
17b	Port Westward, Clatskanie, OR	See 17a	n.a.	156
18	Tesoro Savage Vancouver Energy Distribution Terminal,[58] Vancouver	360,000 bpd[59]	4[60]	386
19	Columbia Pacific Bio-Refinery,[61] Port of St. Helens, Port Westward Industrial Park, Clatskanie, OR	28,600 bpd[62]	0.4	31
	Total Possible Additional Vessels on the Columbia River (2012 traffic: 1490)[63]			***2172***
	Total Possible Additional Trains (one way)		***34.2***	

Rail Impacts

Together, all proposals could result in 35 loaded trains per day passing through Spokane. If those trains average 1.5 miles in length, total miles of trains, going and coming, would total over 100 miles. This only accounts for Powder River Basin Coal and North Dakota crude oil traveling to terminals proposed for construction or expansion on the Columbia River and in the Salish Sea. In addition, the Washington

Department of Transportation (WADOT) calculates, based on best available statistical analysis, other freight on Washington rails will increase by a compound rate of 3.4 percent per year.[64]

If all crude-by-rail (CBR) terminal proposals come on line, they would add at least 53 million tons of North Dakota crude to the rails, assuming the refineries are accurately reporting the number of trains they expect to receive. WSDOT reports the BNSF Pasco-Spokane subdivision currently operates at 87% capacity,[65] so regardless of what percentage of total freight currently uses that line, the Bakken shale crude – all of which would move on the Pasco-Spokane subdivision – would overwhelm rail capacity there. The same would pertain to all other subdivisions traversed by CBR, from Pasco to the Columbia River Gorge, and up the coast to Grays Harbor, Tacoma, and the refineries in Skagit and Whatcom Counties.

The Federal Railroad Administration (FRA) should be a co-lead in conducting any environmental review. In addition to having jurisdiction and expertise over rail traffic, they are already in communication with the American Petroleum Institute about concerns with safety of crude trains.[66] Tesoro-Savage's permit application notes new tank car construction specifications went into effect October 2011 for DOT-111-type cars – the type that exploded in Lac-Megantic killing over 50 people – but older cars still in use have not all been retrofitted to make them less prone to puncture. Additionally, the railroads have reduced crews on some unit trains to one, forcing the engineer to act as a brakeman, and to leave the train unattended in order to rest – the situation that preceded the incident in Lac-Megantic. Unions have negotiated in vain as railroads reduced crews from four to the lower limit of one. A condition of any crude terminal permit should be that it only accepts deliveries from new or retrofitted DOT-111 trains with a minimum crew of two.

WSDOT recommends the state "take an active leadership role to build on existing multistate coalitions to address rail system and corridor needs across the Northwest."[67] Specifically, it recommends collaboration with Oregon, Idaho, California, and British Columbia regarding "corridor-level improvement opportunities." Actually, the Surface Transportation Board and the Federal Railroad Administration should have been co-leads with agencies from the beginning of the MAP Team deliberations for the Gateway Pacific Terminal. It was always the case that rail impacts on communities from the terminal to the mines should be scoped programmatically with all other known and reasonably foreseeable future impacts. Now, with the knowledge that WSDOT assumes BNSF will use rate manipulation when rail traffic overwhelms capacity in Washington, with Washington and out-of-state freight products bound for our ports defaulting to our highways, we must study, in addition to rail traffic impacts on communities, impacts on Washington's ports if agricultural and other freight can't access the rails or must pay a premium to do so. Further, what will the impact be on agriculture and aquaculture industries? In short, it is logical to assume that in a rate war between crude and wheat, crude wins, but this must be studied.

Washington must institute a system to track fossil fuel shipments by rail. Particularly, we need to know exactly how many crude trains are calling on terminals and refineries, because some proposals, such as BP and Phillips 66 at Cherry Point, received mitigated determinations of nonsignificance on the assumption they would be receiving one or fewer trains per day. If that is not the case, those proposals' merits should be reconsidered in light of regional cumulative rail and vessel traffic and associated risks and impacts on other economic activities.

Finally, the cumulative effects of rail traffic must be quantified, together with the costs of all infrastructure the state must invest in, from projects to reach the ports, to addition of sidings and lines to add capacity. Studies of communities needs for grade changes and quiet zones must include cost estimates and a determination of who will bear those costs. If current job projections – such as the Port of Seattle's estimate it would add 100,000 jobs in the next 25 years at container ports – will be negatively impacted, that must be

quantified. In short, neither Millennium nor the other fossil fuel proposals should be allowed to externalize their own costs, and they should bear all costs associated with mitigating their impacts on our state.

Vessel Impacts

The Columbia River — presumably a single watershed — has multiple proposals which would add significantly to annual vessel traffic if approved:

- Oregon LNG: an 86-mile pipeline would transfer Canadian liquefied natural gas (LNG) from the existing pipeline to a proposed new terminal in Warrenton, OR, for processing and re-export to the Pacific Rim via 125 LNG carriers;
- Millennium Bulk Logistics: a coal terminal would export 44 mmta coal via at least 850 Panamax bulker vessels;
- Pacific Transloading, Port of Morrow: an Ambre-owned rail-to-barge facility would transfer eight mmta coal from the PRB bound for a shipping terminal at Port Westward via 624 barge tows (typically one tug pushing four plus barges lashed together);
- Port Westward Marine Project: the coal shipping terminal also proposed by Millennium would receive the barged eight mmta coal, store it, and ship via 156 Panamax bulkers;
- Global Partners CBR terminal, Port Westward Industrial Park: a 28,600 barrel-per-year crude terminal would ship via some combination of tanker (31) and articulated tug-barge (123); and
- In addition, some number of "bunker barges" will be added to river traffic in order to fuel vessels requiring it which call at piers with no fueling capability. One barge fuels roughly two large vessels.

Potentially impacted species which are federally listed, proposed for listing, and/or identified by Washington Dep't of Fish and Wildlife as priority species in the Columbia River or vicinity, include Chinook, chum, coho, sockeye salmon, eulachon/smelt, bull trout, steelhead trout, resident/searuncutthroat trout (*O. clarki clarki*), white (*Acipenser transmontanus*) and green sturgeon, Pacific (*Lampetra tridentata*) and river lamprey (*L. ayresi*), Steller sea lions, California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), and Sandhill cranes (*Grus canadensis*). Protection of these species requires a cumulative vessel traffic risk assessment that considers existing and reasonably foreseeable future vessel traffic including articulated barge tows and bunker barges. Vessel traffic discussed above in the Table and text of this comment assumes the largest possible tankers on the river when the reality is that some combination of tankers and articulated tug-barge combination will be used, so our vessel projections are very low.

Proponents note in their permit application 2012 river traffic was slightly less than 1500 vessels, roughly 1/3 less than the peak of 2086 vessels in 2000. However, the decrease is due to the fact that vessels today are much larger. A Panamax-class bulker or tanker is the size of a Nimitz-class aircraft carrier, and current proposals could double current vessel traffic with just those largest of vessels, without addition articulated barge tows and bunker barges. Further the world fleet is aging, such that the large vessels pose risks associated with sinkings due to structural fatigue, or collisions or allisions associated with engine or rudder failure (see, e.g., http://gcaptain.com/bulk-carrier-mv-smart-aground-richards-bay/). Newly-hired and trained pilots must attempt to communicate with crews which increasingly have difficulty with English. Further, there is no requirement tankers have tug escorts on the River as they must in the Puget Sound.

On the Columbia River (and in the Puget Sound and Grays Harbor), a cumulative vessel traffic study must not merely consider spill risk on the river, but the increased risk along the Great Circle Route to Asia,

particularly at the Aleutian Island passages. Escort and emergency tugs must be considered as a mitigation, and the costs associated with spill risk prevention and response calculated and allocated. Further, the state must study and quantify the risk to fishing and tourism of a spill.

We know there is much pressure being placed on politicians and regulators in Washington to abrogate our environmental laws and streamline fossil fuel proposals for the sake of jobs and tax revenues. Given the enormous costs associated with these terminals, in terms of our public health, safety, infrastructure needs, and environmental consequences, we urge you to take all the time necessary to property review, in a programmatic way, with state and federal agencies with requisite jurisdiction and expertise, all of the direct and relative impacts this proposal poses for our state.

Thank you very much for your consideration of this comment. Please accept an electronic signature as you would an original.

Sincerely,

Protect Whatcom

s/Terry J. Wechsler

By: Terry J. Wechsler
360-656-6180, 541-913-5976
wechslerlaw@comcast.net

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[1] 1991, Environmental Quality: The Twenty-first Annual Report of the Council on Environmental QualityTogether with the President's Message to Congress,p.4, published by the Executive Office of the Pres., Council on Environmental Quality, Washington, D.C., located online 9/10/13, at http://babel.hathitrust.org/cgi/pt?id=mdp.39015028575507;view=1up;seq=3.

[2] 42 USC § 4331(b)(1); Rev. Code Wash. § 43.21C.020(2)(a).

[3] Compiled by Protect Whatcom. Table updated as of October 17, 2013. Numbers on info graphics are based on known information at the time of printing, and may not be consistent with this table.

[4] General information Source: http://www.petroleumnewsbakken.com/.

[5] "BPD" is barrels per day. A barrel of crude is 42 U.S. gallons or 158.9873 litres.

In some cases, volume is extrapolated from train numbers. We assumed 110 rail cars/train, each carrying an average of 650 bbl (range is 600-700 bbl), for a total of 71,500 bbl/train unit. *See* Ass'n of American Railroads, *Just the Facts – Railroads Safely Move Hazardous Materials, Including Crude Oil,* located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Facts-on-Hazmat-and-Crude-Oil-Safety.pdf.

[6] Mmta = metric tonnes per annum. A metric tonne is approximately 1.1 short tons.

[7] Vessels are bulkers of the Panamax or Cape class; tankers of the Panamax class; and LNG (liquid natural gas) carriers of equivalent size as Panamax tankers and bulkers. Not counted are bunker barges which will fuel vessels at dock. For every two large vessels, estimate one bunker barge transit. Source: *Minutes, Combined Meeting, Steering Committee of the Puget Sound Harbor Safety Committee and Puget Sound Partnership Oil Spill Work Group, Vessel Traffic Risk Assessment (VTRA),* Draft *Estimates, Notes and Decisions on Future Scenarios,* May 2, 2013 (rev. 5/7) (hereafter "5/13 PSP VTRA Est."), located online Oct. 15, 2013, at http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

Unless otherwise specified, the following assumptions were made:

- Crude received will leave terminals and refineries in its unrefined state, by vessel and not by rail or the Olympic pipeline;
- Crude volume received is roughly equivalent to volume of refined product. In fact, volume of refined product is actually slightly higher. Source: telephone conversation with Julie Harris, Refinery Operations, US DOE EIA, 2032-586-6281. *See Petroleum & Other Liquids, Data, Refinery Yields,* US Energy Information Administration, http://www.eia.gov/dnav/pet/pet_pnp_pct_dc_nus_pct_m.htm.
- At Tacoma, Grays Harbor, and Columbia River terminals, crude will leave by some combination of (a) oil tankers with a maximum draft of 40' and capacity of 340,000 bbl ; and (b) articulated tug/barge combo, with an 85,000 bbl-capacity barge (they range from 55-150,000 bbl). Vessel estimates in the table represent only tankers of the largest class, and not barges, unless other source information is cited.

[8] Proponent Kinder Morgan Canada Terminals LP. The Kinder Morgan Pipeline serves multiple facilities including the Westridge Terminal, BP Cherry Point, Phillips 66 Ferndale, and the Tesoro and Shell refineries in Anacortes. *TransMountain Pipeline & Puget Sound Pipeline: Connected Delivery Terminals and Refineries*, located online Aug. 31, 2013, at http://www.kindermorgan.com/business/canada/delivery_receipt_locations.cfm.

[9] According to the proponent's website, the Trans-Mountain Pipeline Expansion project would increase capacity from 300,000 to 890,000 bpd. Accessed online Oct. 17, 2013, at http://www.kindermorgan.com/business/canada/tmx_expansion.cfm.

[10] Kinder Morgan Canada, Trans Mountain, *Tanker Traffic,* located online Oct. 17, 2013, at http://www.transmountain.com/tanker-traffic.

[11] Proponent website: http://www.rti.ca/. Ridley is an existing coal terminal with plans for expansion.

[12] The terminal plans to expand from 12 to 25 mmta. http://www.rti.ca/terminal (accessed Oct. 17, 2013).

[13] Ridley's rail map for coal routes from the Powder River Basin bear no relation to current lines. *See http://www.rti.ca/sites/default/files/shippingcommodities.png*. They seem to be saying coal would go to the coast through Stevens Pass, but loaded trains are too heavy for the grades in the Cascade Mountains, and loaded trains all go west through the Columbia River Gorge. Returning empty trains could use Stevens Pass until it reaches capacity. The more direct route, north from the PRB to Calgary, and north by northwest via Canadian National, is not favored by BNSF.

[14] Ships from Ridley Terminal have direct access to the Pacific Ocean and do not add traffic in Puget Sound. They do, of course, add traffic on the Great Circle Route to the Pacific Rim.

[15] The permit for this coal terminal's expansion was granted in January 2013. *See* terminal webpage: http://www.portmetrovancouver.com/en/projects/OngoingProjects/Tenant-Led-Projects/neptune-terminals-upgrades-coal-handling-expansion.

[16] Information from terminal website, accessed Oct. 17, 2013, at http://www.portmetrovancouver.com/en/projects/OngoingProjects/Tenant-Led-Projects/NeptuneTerminals.aspx.

[17] *Vacouver Fraser Port Authority Environmental Assessment Report and Schedule of Environmental Conditions,* Port Metro Vancouver VFPA Review No. 12-066, p.1, Jan. 23, 2013, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/2013-01-23-project-permit---signed-with-plans-and-schedule---neptune-coal-capacity-pp-2012-066.pdf?sfvrsn=0. Note that this projection assumes trains 152 cars long, versus the current average of 125 cars. *Port Metro Vancouver Neptune Bulk Terminals – New Stacker Reclaimer Project and Additional Coal Handling Improvements January 2013 – Input Consideration Memorandum,* p.4, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/january-2013_final_neptune-project-input-consideration-memo.pdf?sfvrsn=0. Total terminal capacity after proposed expansion would be 18.5 mmta. *Id.* at 2.

[18] According to the *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf, there would be a total additional 176 vessel calls per year, for all commodities and docks at Neptune. Vessels associated with expansion for met coal will be one additional vessel per week. *Vancouver Fraser Port Authority Environmental Assessment Report and Schedule of Environmental Conditions,* Port Metro Vancouver VFPA Review No. 12-066, p.1, Jan. 23, 2013, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/2013-01-23-project-permit---signed-with-plans-and-schedule---neptune-coal-capacity-pp-2012-066.pdf?sfvrsn=0.

[19] Proponent website: http://www.fsd.bc.ca/index.php/company/community-outreach/. Port Metro Vancouver conducted a River Tanker Traffic Study completed June 2012. See generally

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http://www.portmetrovancouver.com/en/portusers/marineoperations/navigation/tanker-traffic. Study located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/port-users-marine-operations/Fraser_River_Tanker_Traffic_Study_Full_Report.pdf?sfvrsn=0.

[20] *Fraser Surrey Docks, Risk Assessment Study for Coal Barge Operation,* Report No./DNV Reg.No.: PP050173/1-5EZEXO, Rev. 2A, 2012-09-26, p.1, located online Oct. 17, 2013, at http://www.fsd.bc.ca/_documents/coal/marine_risk_assessment.pdf.

[21] *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

[22] See http://www.platts.com/latest-news/coal/washington/vancouvers-westshore-terminal-coal-exports-increase-21394473.

[23] *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

[24] *MDP2011-000001/SHR2011-00009, Pacific International Terminals, Inc. Major Project Permit and Shoreline Substantial Development Permit Supplemental Applications – Supplemental Information (*hereinafter "GPT Permit App."), March 16, 2012, located online Oct. 15, 2013, at http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/20120319-permit-submittal.pdf. Status: Scoping closed for the Draft Environmental Impact Statement January 22, 2013; the Scoping Report was issued March 29, 2013. http://www.eisgatewaypacificwa.gov/resources/scoping-report. Comments may be viewed online at http://www.eisgatewaypacificwa.gov/get-involved/comment/all.

[25] *GPT Permit App.* at Table 4-2, p. 4-51.

[26] *Ibid.* at Table 4-5, p. 4-55.

[27] *Ibid.* at Table 4-6, p. 4-63.

[28] Proponent BP West Coast Products, LLC. County permits were approved for rail expansion on October 18, 2012, after a SEPA threshold review resulted in a mitigated determination of nonsignificance. See case No. SEP2012-00059 at http://whatcomcounty.us/pds/plan/sepa/2012-quarter4.jsp. For a general description of the facility, see BP Cherry Point, http://www.bp.com/content/dam/bp/pdf/abp_wwd_us_cherry_point_fact_sheet_june_2011.pdf.

Pending from the Wash. Dep't of Ecology: Water Permit Draft NPDES WA-00-2290-0. Comment period opens 9/4/13, and closes 10/7/13. For information: public disclosure coordinator Ann Lowe via E-mail or phone (360) 407-6916. http://apps.ecy.wa.gov/industrial/proposed.asp.

[29] Cascade Engineering Group, P.S., Inc., *Rail Logistics Stormwater Site Plan,* p.1, Aug. 16, 2012, located online 8/31/13, at http://whatcomcounty.us/pds/plan/sepa/pdf/sep2012-00059-sepa-packet-mdns-20121018-part2.pdf at 83/164 ("The facility will be designed to transfer a variety of train sizes (up to and including one unit train per day).").

[30] Proponent Phillips 66 Co. Ferndale Refinery. Permits were approved for rail expansion on Apr. 29, 2013, after a SEPA threshold review resulted in a mitigated determination of nonsignificance. See case No. SEP2013-00005 at http://whatcomcounty.us/pds/plan/sepa/2013-quarter2.jsp.

[31] Whatcom County Planning & Development Services SEPA Mitigated Determination of Nonsignificance, p.4, Apr. 29, 2013, located online 8/31/13, at http://whatcomcounty.us/pds/plan/sepa/pdf/sep2013-00005-sepa-packet-mdns-20130429.pdf at 2/40 ("The project will add up to one unit train every other day, on average on an annual basis....").

[32] Proponent Tesoro Refining & Marketing Co./KM/BNSF. Refinery website: http://www.tsocorp.com/tsocorp/productsandservices/locations/refinerylocations/001545.

[33] *See id.* The terminal manager states publicly Tesoro refinery receives only 50,000 bpd, but that number is very low given they receive 6 trains per week. We assume industry average volume per train and applied that number. This terminal states it can receive no more tha 120,000 total bpd from all sources—Alaskan and Bakken crude, and Canadian tar sands by pipeline.

[34] This facility receives Bakken crude now. Mark Stayton and Kate Martin, *Shell considers rail loop for Bakken crude,* goskagit.com, Mar. 30, 2013, located online 9/1/13, at http://www.goskagit.com/all_access/shell-considers-rail-loop-for-bakken-crude/article_117f6919-350e-539d-b38d-4c8bb694aebf.html (quoting terminal manager stating they receive 6 trains per week).

[35] Proponent Shell Oil Products US. Pre-application filed (see fn. below). Skagit County POC: Will W. Honea, willh@co.skagit.wa.us.

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[36] *Shell Puget Sound Crude by Rail East Gate Project, Anacortes, WA, Pre-Development Meeting* "Project Description" at p.3 of attachment filed Aug. 22, 2013, located online 8/31/13 at http://www.scribd.com/doc/163737250/Shell-SkagitCounty-PreDevelopmentMeetingApplication-2013-08-22 ("At this early stage the project plans to handle about one unit train per day, with a maximum of 6 trains per week in and out of the facility.").

[37] Proponent U.S. Oil Trading LLC, Transcor Astra Grp, subsid. of Compagnie Nationale a' Portefeuille S.A. (CNP) (Belgium).

[38] Fielden, Sally, *Crude Loves Rock'n'Rail—West Coast Destinations,* RBN Energy, LLC, Apr. 10, 2013, located online 9/1/13, at http://www.rbnenergy.com/crude-loves-rock-n-rail-west-coast-destinations.

[39] Berth information: http://www.usor.com/about/dock. One pier accommodates tankers; one barges.

[40] Proponent Targa Resources & Phillips 66 Ferndale.

[41] Phillips 66 Press Release, March 20, 2013, located online 8/31/13, at http://www.phillips66.com/EN/newsroom/news_releases/2013NewsReleases/Pages/03-20-2013.aspx, announcing Bakken crude will be delivered to Targa for transfer to vessels bound to Phillips 66 Ferndale or San Francisco.

[42] Gilley, John, *Diversifying for Port of Tacoma's Future*, The News Tribune, Feb. 3, 2013, located online 8/31/13, at http://www.thenewstribune.com/2013/02/03/2460260/diversifying-for-ports-future.html.

[43] VEAT 2012 Vessel Entries And Transits for Washington Waters. Washington State Department of Ecology Spill Prevention, Preparedness and Response Program P.O. Box 47600 Olympia, WA 98504-7600. WDOE Publication 13-08-001, March 2013, available online as of Oct. 17, 2013, at https://fortress.wa.gov/ecy/publications/SummaryPages/1308001.html.

[44] Rail service via Union Pacific and BNSF through GW Puget Sound & Pacific RR.

[45] Proponent Imperium Renewables. T-1's depth is http://www.portofgraysharbor.com/terminals/terminal1.php. MDNS issued 5/2/13 jointly by the City of Hoquiam and Wash. ECOL. SSDP issued 6/17/13; appeal pending, hearing week of 9/30/13, before Shoreline Hearings Board. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf. Imperium Renewables produces pure, unblended B100 biodiesel. Port of Grays Harbor (PGH) will not grant a lease until all required permits are received from city, state, and federal governments. http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf. Proponent does business as Imperium Term. Svcs., LLC. Rail carrier will be Union Pacific and BNSF through GW Puget Sound & Pacific RR. Port of Grays Harbor, *Grays Harbor Economic Opportunity: Crude by Rail,* Jan. 30, 2013, p.13, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Workshop_Presentation.pdf

[46] Volume was extrapolated from unit train estimates. *City of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Imperium Bulk Liquid Facility Project*, May 2, 2013, p.3, located 8/30/13, at http://www.cityofhoquiam.com/public-notices/imperium-proposal-mdns-and-ro-for-public.pdf ("The company estimates that the terminal operations would consist of two unit trains per day, one loaded and one empty. Each unit train would consist of an average of 105 tank cars.").

[47] Product will be shipped out by some combination of tankers and barges. Port of Grays Harbor, *Frequently Asked Questions,* Aug. 7, 2013, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf. Vessel traffic could range from 75-300 vessels, depending on type and dwt, but 200 is the average given. *City of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Imperium Bulk Liquid Facility Project*, May 2, 2013, p.3, located 8/30/13, at http://www.cityofhoquiam.com/public-notices/imperium-proposal-mdns-and-ro-for-public.pdf ("The company estimates that the terminal operations would consist of up to 200 ships or barges a year (400 entry and departure transits).")

[48] MDNS from City of Hoquiam and ECOL Mar. 2013. SSDP issued 4/26/13; appeal pending; hearing week of 9/30/13, before Shoreline Hearings Board. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf. Port of Grays Harbor (PGH) will not grant a lease until all required permits are received from city, state, and federal governments. http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf.

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[49] Westway Terminal Company, LLC power point, Apr. 23, 2013, at 6, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Westway_GGHI_Presentaton.pdf (proposing "expanding the terminal to allow [Westway] to receive and ship 9,600,000 barrels of crude oil per year").

[50] *Cit of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Westway Terminal Tank Farm Expansion Project.* Located online 10/14/13, at http://www.cityofhoquiam.com/public-notices/mdns-westway-apr04.2013.pdf.

[51] Proponent US Development Group, LLC . T-3's depth is 38-40'. http://www.portofgraysharbor.com/terminals/terminal3.php. Proponent granted option to lease by PGH in Apr. 2013. Pending filing of permits after feasibility review by proponent. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf.

[52] Grays Harbor Rail Terminal, *Proposed Facility at Port of Grays Harbor: Frequently Asked Questions,* located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/USD_FAQ.pdf.

[53] *Id.* Proponent states "[s]hip calls will range from 45-60 per year, depending on vessel size."

[54] Other possible proposals include:

- NuStar Energy, Tacoma or Vancouver. *New Traffic Patterns Emerge to Supply Crude Oil to West Coast Refiners,* EIA, Aug. 14, 2013, located online 9/2/13, at http://www.eia.gov/oog/info/twip/twiparch/2013/130814/twipprint.html ("[M]erchant terminal operators, such as ... NuStar Energy ... are also investing in new rail-to-barge and rail unloading facilities.") NuStar has three terminals, one in Tacoma and two in Vancouver. http://www.nustarenergy.com.
- Paramount Terminal, Portland, OR. The Wash. Dept. of Ecology lists this proposal on their *Energy Movement Evolution* map. http://static.squarespace.com/static/50538902e4b06a8cd25aff1b/t/51a95db6e4b0c88fb1ffbae4/1370054070258/Ecology%20Map%20oilmovementjan713.pdf. Possible proponent: Paramount Petroleum Corp. (503) 273-4760, http://paramountasphalt.com/about-us.

[55] Proponents LNG Development Company, LLC (d/b/a Oregon LNG) and Oregon Pipeline Company, LLC. http://www.oregonlng.com/, http://www.oregonpipelinecompany.com/.

[56] Terminal depth is 43', vessel numbers are for LNG (liquid natural gas) carriers. Source for number of vessels: *Oregon LNG Export Project Resource Report 1—General Project Description,* Docket Number PF12-18-000, Table 1.3-1, Aug. 2012, located online Oct. 15, 2013, at https://s3-us-west-2.amazonaws.com/oregonlng/pdfs/RR1_Prefiling_Draft_8-13-12/1OLNG_RR1_PrefilingDraft_public.pdf.

[57] Proponent Coyote Island Terminals, LLC, a subsidiary of Ambre Energy, proponent of the Millennium Bulk Logistics Terminal in Longview. Coal would arrive by rail for storage and transfer to barges which would be towed to the shipping terminal at Port Westward. http://www.nwp.usace.army.mil/Missions/Currentprojects/CoyoteIslandTerminal.aspx.

[58] Proponent Tesoro-Savage Petroleum Terminal, LLC; Rail service by Puget Sound and Pacific RR. Permitting lead agency: Wash. Energy Facility Site Evaluation Council (http://www.efsec.wa.gov/default.shtm, 360-664-1345), POC Stephen Posner, Compliance Mgr., sposner@utc.wa.gov, 664-1903. Governing law: RCW § 80-50-020. 10/1/13 approx. date of announcement of pre-scoping review.

[59] http://tesorosavagevancouver.com/here/wp-content/uploads/2013/08/POV_FactSheet.pdf.

[60] The EFSEC project description says the rail constructed could accommodate "an average of 4" unit trains per day, but based on volume, the average should be 5. See Determination of Significance Scoping Noice, located 10/27/13, at http://www.efsec.wa.gov/Tesoro%20Savage/Tesoro%20legal%20Scoping%20notice%20Final%2010-1-13.pdf.

[61] Proponent Global Partners, LP.

[62] Source: de Place, Eric, *Sightline Report: The Northwest's Pipeline on Rails: Crude Oil Shipments Planned for Puget Sound, the Washington Coast, and the Columbia River*, (Aug. 2013 Update), fn.20, located 8/29/13 at http://www.sightline.org/wp-content/uploads/downloads/2013/07/crude-oil-by-rail_August-Update.pdf.

[63] This number represents 1311 cargo and passenger vessels, 117 tankers, and 62 articulated barge tows. VEAT 2012 Vessel Entries And Transits for Washington Waters. Washington State Department of Ecology Spill Prevention,

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Preparedness and Response Program P.O. Box 47600 Olympia, WA 98504-7600. WDOE Publication 13-08-001, March 2013, available online as of Oct. 17, 2013, at https://fortress.wa.gov/ecy/publications/SummaryPages/1308001.html.

[64] Washington State Rail Plan, *Public Review Draft*, Sept. 30, 2013, p.35. Accessed Oct. 22, 2013, at http://www.wsdot.wa.gov/NR/rdonlyres/F67D73E5-2F2D-40F2-9795-736131D98106/0/DSRP_Draft_Final_Report_20131003.pdf.

[65] *See* http://www.wsdot.wa.gov/Rail/StateRailPlan.

[66] See their letter of July 29, 2013, at http://www.fra.dot.gov/eLib/details/L04717, for a list of specific concerns.

[67] http://www.wsdot.wa.gov/NR/rdonlyres/F67D73E5-2F2D-40F2-9795-736131D98106/0/DRAFTStateRailPlanforPublicComment.pdf, p. 87.

Tesoro Savage CBR
Scoping Comment
#30949

Docket EF-131590

From: wechslerlaw@comcast.net
Sent: Wednesday, December 18, 2013 5:00 PM
To: EFSEC (UTC)
Subject: Re: Comment, Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590
Attachments: info graphic10-14-13.pdf; 12-18-13 Tesoro Savage Comment.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

This is a duplicate submission of the captioned comment, with the info graphic linked in the comment attached.

Thank you.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

From: wechslerlaw@comcast.net
To: efsec@utc.wa.gov
Sent: Wednesday, December 18, 2013 4:51:57 PM
Subject: Comment, Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590

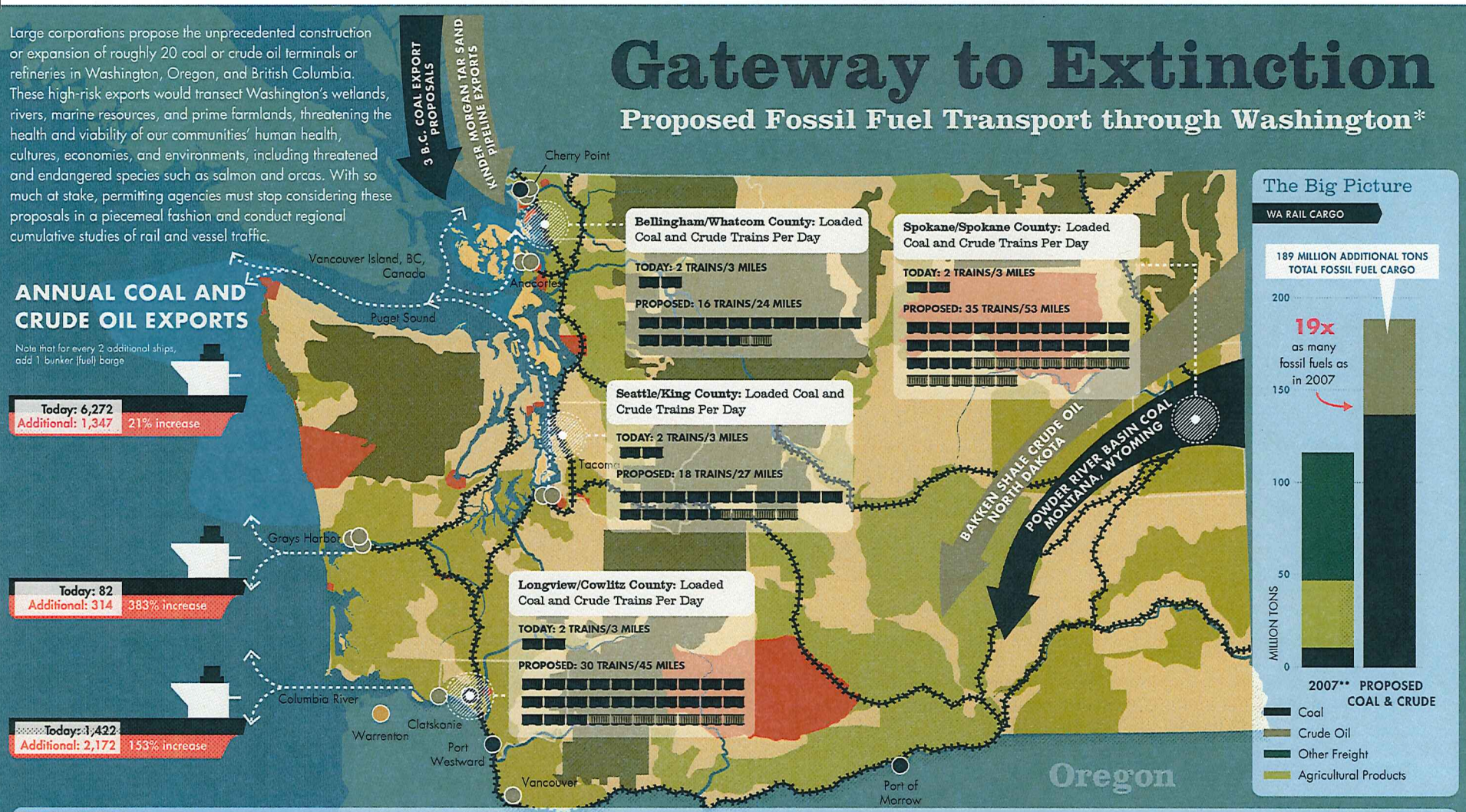
Attached please find Protect Whatcom's comment in the captioned matter for your consideration. Thank you very much for your attention.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

Gateway to Extinction

Proposed Fossil Fuel Transport through Washington*

Large corporations propose the unprecedented construction or expansion of roughly 20 coal or crude oil terminals or refineries in Washington, Oregon, and British Columbia. These high-risk exports would transect Washington's wetlands, rivers, marine resources, and prime farmlands, threatening the health and viability of our communities' human health, cultures, economies, and environments, including threatened and endangered species such as salmon and orcas. With so much at stake, permitting agencies must stop considering these proposals in a piecemeal fashion and conduct regional cumulative studies of rail and vessel traffic.



PRODUCED BY HEALTHY PLANET/HEALTHY PEOPLE (HPHP) IN COLLABORATION WITH FRIENDS OF THE EARTH

HPHP is a coalition of individuals and organizations including Protect Whatcom, Safeguard the South Fork, and Friends of the San Juans

* Information current as of 9/25/13. For data sources and updated information, go to ProtectWhatcom.org. ** Last available data. Source: Wash. DOT. *** All trains travel west through the Columbia River Gorge. Actual rail traffic is double because of returning trains, which use one of three routes east: the Columbia River Gorge, or through Stampede or Stevens Pass.

protectwhatcom.org

336 36th St., No. 605
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December 18, 2013

Stephen Posner, Interim Manager
Washington State Energy Facility Site Evaluation Council (EFSEC)
P.O. Box 43172
Olympia, WA 98504

VIA ELECTRONIC TRANSMISSION: efsec@utc.wa.gov

SUBJECT: Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590

Dear Mr. Posner:

Protect Whatcom is a grassroots organization the mission of which includes educating the public about how to participate in the permitting process for the proposed Gateway Pacific Terminal. We are commenting on the proposed Tesoro Savage crude terminal because it is one of nearly 20 proposals for expansion or construction of refinery and terminal infrastructure in the Pacific Northwest which would overwhelm rail infrastructure, place enormous traffic demands and physical stress of our already decaying road and bridge infrastructure, add enormously to vessel traffic increasing the likelihood of a collision, allision or spill that could have permanent repercussions for our waterways, and negatively impact our state's container ports and industries such as agri- and aquaculture.

It is time for a programmatic approach to consideration of permit proposals in the region, and particularly in Washington, given the enormous implications of Tesoro Savage and other proposals. Further, our environmental laws guide agencies to take such an approach. According to the U.S. Council on Environmental Quality (CEQ), it was Native American Chief Seattle who stated in the latter part of the nineteenth century, "We do not inherit the Earth from our ancestors—we borrow it from our children."[1] While the origin of that statement is debatable, what is not is this: that notion has been codified in the National and Washington State Environmental Acts (NEPA and SEPA). The notion of stewardship reverberates through those statutes, both of which direct agencies to coordinate their respective actions, to the extent practicable, to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations...."[2]

Protect Whatcom co-developed an info graphic to illustrate the implications of all pending fossil fuel proposals in Washington which can be located online at http://protectwhatcom.files.wordpress.com/2013/10/gatewaytoextinctioncarrie10-14-13.pdf/ We invested considerable time and expense to gather information and put it into a "visual story" format so that the public could begin to comprehend the full scope of what is being proposed throughout this region, and how that directly impacts Washington. The data used in the info graphic is detailed below in Table 1 which lists known terminal and refinery construction or rail expansion projects for coal and crude, in Oregon, Washington, and British Columbia.

Table 1[3] FOSSIL FUEL TERMINALS AND REFINERIES, PROPOSED FOR CONSTRUCTION OR EXPANSION[4]				
	Terminal or Refinery/Location (North to South)	**Proposed Vol. (bpd[5] or mmta[6])**	**Possible Additional Unit Trains per Day (one way)**	**Possible Additional Vessels per Annum[7] (one way)**
	Puget Sound			
1	Westridge Marine Terminal,[8] Burnaby, BC	590,000[9] bpd	n.a.	348[10]
2	Ridley Terminals,[11] Prince Rupert, BC	13 mmta[12]	2[13]	n.a.[14]
3	Neptune Terminals,[15] Vancouver, BC	6 mmta[16]	1[17]	52[18]
4	Fraser-Surrey,[19] Vancouver, BC	8 mmta[20]	1.3	40[21]
5	Westshore Terminal, Vancouver, BC	6 mmta[22]	1	104[23]
6	Gateway Pacific Terminal (coal),[24] Ferndale, WA	48 mmta[25]	9[26]	487[27]
7	BP Cherry Point Refinery,[28] Blaine, WA	71,500 bpd	1[29]	33
8	Phillips 66 Refinery,[30] Ferndale, WA	35,750 bpd	0.5[31]	17
9	Tesoro Refinery,[32] * Anacortes, WA	50,000[33] bpd	1[34]	36
10	Shell Refinery,[35] Anacortes, WA	61,286 bpd	1[36]	45
11	U.S. Oil & Refining Co.,[37] Tacoma, WA	40,000[38] bpd	0.6	29[39]
12	Targa Sound Terminal,[40] Tacoma, WA	30,000[41] bpd	0.4	22[42]
	Total Possible Additional Vessels in the Puget Sound (2012 traffic: 6272)[43]			***1213***
	Grays Harbor, Hoquiam, WA[44]			
13	Imperium Bulk Liquid Terminal, T1[45]	68,250 bpd	1[46]	200[47]
14	Westway Terminal Co., T1[48]	28,692[49] bpd	0.4	60[50]
15	Grays Harbor Rail Terminal, T-3[51]	50,000[52] bpd	0.7	54[53]
	Total Possible Additional Vessels in Grays Harbor (2012 traffic: 82)			***314***
	Columbia River[54]			
16	Oregon LNG,[55] Warrenton, OR	9 mmta	n.a.	125[56]
16	Millennium Bulk Logistics (coal), Longview	44 mmta	7.4	850
17a	Port of Morrow,[57] Boardman, OR (coal)	8 mmta	1	624 barge tows
17b	Port Westward, Clatskanie, OR	See 17a	n.a.	156
18	Tesoro Savage Vancouver Energy Distribution Terminal,[58] Vancouver	360,000 bpd[59]	4[60]	386
19	Columbia Pacific Bio-Refinery,[61] Port of St. Helens, Port Westward Industrial Park, Clatskanie, OR	28,600 bpd[62]	0.4	31
	Total Possible Additional Vessels on the Columbia River (2012 traffic: 1490)[63]			***2172***
	Total Possible Additional Trains (one way)		***34.2***	

Rail Impacts

Together, all proposals could result in 35 loaded trains per day passing through Spokane. If those trains average 1.5 miles in length, total miles of trains, going and coming, would total over 100 miles. This only accounts for Powder River Basin Coal and North Dakota crude oil traveling to terminals proposed for construction or expansion on the Columbia River and in the Salish Sea. In addition, the Washington

Department of Transportation (WADOT) calculates, based on best available statistical analysis, other freight on Washington rails will increase by a compound rate of 3.4 percent per year.[64]

If all crude-by-rail (CBR) terminal proposals come on line, they would add at least 53 million tons of North Dakota crude to the rails, assuming the refineries are accurately reporting the number of trains they expect to receive. WSDOT reports the BNSF Pasco-Spokane subdivision currently operates at 87% capacity,[65] so regardless of what percentage of total freight currently uses that line, the Bakken shale crude – all of which would move on the Pasco-Spokane subdivision – would overwhelm rail capacity there. The same would pertain to all other subdivisions traversed by CBR, from Pasco to the Columbia River Gorge, and up the coast to Grays Harbor, Tacoma, and the refineries in Skagit and Whatcom Counties.

The Federal Railroad Administration (FRA) should be a co-lead in conducting any environmental review. In addition to having jurisdiction and expertise over rail traffic, they are already in communication with the American Petroleum Institute about concerns with safety of crude trains.[66] Tesoro-Savage's permit application notes new tank car construction specifications went into effect October 2011 for DOT-111-type cars – the type that exploded in Lac-Megantic killing over 50 people – but older cars still in use have not all been retrofitted to make them less prone to puncture. Additionally, the railroads have reduced crews on some unit trains to one, forcing the engineer to act as a brakeman, and to leave the train unattended in order to rest – the situation that preceded the incident in Lac-Megantic. Unions have negotiated in vain as railroads reduced crews from four to the lower limit of one. A condition of any crude terminal permit should be that it only accepts deliveries from new or retrofitted DOT-111 trains with a minimum crew of two.

WSDOT recommends the state "take an active leadership role to build on existing multistate coalitions to address rail system and corridor needs across the Northwest."[67] Specifically, it recommends collaboration with Oregon, Idaho, California, and British Columbia regarding "corridor-level improvement opportunities." Actually, the Surface Transportation Board and the Federal Railroad Administration should have been co-leads with agencies from the beginning of the MAP Team deliberations for the Gateway Pacific Terminal. It was always the case that rail impacts on communities from the terminal to the mines should be scoped programmatically with all other known and reasonably foreseeable future impacts. Now, with the knowledge that WSDOT assumes BNSF will use rate manipulation when rail traffic overwhelms capacity in Washington, with Washington and out-of-state freight products bound for our ports defaulting to our highways, we must study, in addition to rail traffic impacts on communities, impacts on Washington's ports if agricultural and other freight can't access the rails or must pay a premium to do so. Further, what will the impact be on agriculture and aquaculture industries? In short, it is logical to assume that in a rate war between crude and wheat, crude wins, but this must be studied.

Washington must institute a system to track fossil fuel shipments by rail. Particularly, we need to know exactly how many crude trains are calling on terminals and refineries, because some proposals, such as BP and Phillips 66 at Cherry Point, received mitigated determinations of nonsignificance on the assumption they would be receiving one or fewer trains per day. If that is not the case, those proposals' merits should be reconsidered in light of regional cumulative rail and vessel traffic and associated risks and impacts on other economic activities.

Finally, the cumulative effects of rail traffic must be quantified, together with the costs of all infrastructure the state must invest in, from projects to reach the ports, to addition of sidings and lines to add capacity. Studies of communities needs for grade changes and quiet zones must include cost estimates and a determination of who will bear those costs. If current job projections – such as the Port of Seattle's estimate it would add 100,000 jobs in the next 25 years at container ports – will be negatively impacted, that must be

quantified. In short, neither Millennium nor the other fossil fuel proposals should be allowed to externalize their own costs, and they should bear all costs associated with mitigating their impacts on our state.

Vessel Impacts

The Columbia River — presumably a single watershed — has multiple proposals which would add significantly to annual vessel traffic if approved:

- Oregon LNG: an 86-mile pipeline would transfer Canadian liquefied natural gas (LNG) from the existing pipeline to a proposed new terminal in Warrenton, OR, for processing and re-export to the Pacific Rim via 125 LNG carriers;
- Millennium Bulk Logistics: a coal terminal would export 44 mmta coal via at least 850 Panamax bulker vessels;
- Pacific Transloading, Port of Morrow: an Ambre-owned rail-to-barge facility would transfer eight mmta coal from the PRB bound for a shipping terminal at Port Westward via 624 barge tows (typically one tug pushing four plus barges lashed together);
- Port Westward Marine Project: the coal shipping terminal also proposed by Millennium would receive the barged eight mmta coal, store it, and ship via 156 Panamax bulkers;
- Global Partners CBR terminal, Port Westward Industrial Park: a 28,600 barrel-per-year crude terminal would ship via some combination of tanker (31) and articulated tug-barge (123); and
- In addition, some number of "bunker barges" will be added to river traffic in order to fuel vessels requiring it which call at piers with no fueling capability. One barge fuels roughly two large vessels.

Potentially impacted species which are federally listed, proposed for listing, and/or identified by Washington Dep't of Fish and Wildlife as priority species in the Columbia River or vicinity, include Chinook, chum, coho, sockeye salmon, eulachon/smelt, bull trout, steelhead trout, resident/searuncutthroat trout (*O. clarki clarki*), white (*Acipenser transmontanus*) and green sturgeon, Pacific (*Lampetra tridentata*) and river lamprey (*L. ayresi*), Steller sea lions, California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), and Sandhill cranes (*Grus canadensis*). Protection of these species requires a cumulative vessel traffic risk assessment that considers existing and reasonably foreseeable future vessel traffic including articulated barge tows and bunker barges. Vessel traffic discussed above in the Table and text of this comment assumes the largest possible tankers on the river when the reality is that some combination of tankers and articulated tug-barge combination will be used, so our vessel projections are very low.

Proponents note in their permit application 2012 river traffic was slightly less than 1500 vessels, roughly 1/3 less than the peak of 2086 vessels in 2000. However, the decrease is due to the fact that vessels today are much larger. A Panamax-class bulker or tanker is the size of a Nimitz-class aircraft carrier, and current proposals could double current vessel traffic with just those largest of vessels, without addition articulated barge tows and bunker barges. Further the world fleet is aging, such that the large vessels pose risks associated with sinkings due to structural fatigue, or collisions or allisions associated with engine or rudder failure (see, e.g., http://gcaptain.com/bulk-carrier-mv-smart-aground-richards-bay/). Newly-hired and trained pilots must attempt to communicate with crews which increasingly have difficulty with English. Further, there is no requirement tankers have tug escorts on the River as they must in the Puget Sound.

On the Columbia River (and in the Puget Sound and Grays Harbor), a cumulative vessel traffic study must not merely consider spill risk on the river, but the increased risk along the Great Circle Route to Asia,

particularly at the Aleutian Island passages. Escort and emergency tugs must be considered as a mitigation, and the costs associated with spill risk prevention and response calculated and allocated. Further, the state must study and quantify the risk to fishing and tourism of a spill.

We know there is much pressure being placed on politicians and regulators in Washington to abrogate our environmental laws and streamline fossil fuel proposals for the sake of jobs and tax revenues. Given the enormous costs associated with these terminals, in terms of our public health, safety, infrastructure needs, and environmental consequences, we urge you to take all the time necessary to property review, in a programmatic way, with state and federal agencies with requisite jurisdiction and expertise, all of the direct and relative impacts this proposal poses for our state.

Thank you very much for your consideration of this comment. Please accept an electronic signature as you would an original.

Sincerely,

Protect Whatcom

s/Terry J. Wechsler

By: Terry J. Wechsler
360-656-6180, 541-913-5976
wechslerlaw@comcast.net

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[1] 1991, Environmental Quality: The Twenty-first Annual Report of the Council on Environmental QualityTogether with the President's Message to Congress,p.4, published by the Executive Office of the Pres., Council on Environmental Quality, Washington, D.C., located online 9/10/13, at http://babel.hathitrust.org/cgi/pt?id=mdp.39015028575507;view=1up;seq=3.

[2] 42 USC § 4331(b)(1); Rev. Code Wash. § 43.21C.020(2)(a).

[3] Compiled by Protect Whatcom. Table updated as of October 17, 2013. Numbers on info graphics are based on known information at the time of printing, and may not be consistent with this table.

[4] General information Source: http://www.petroleumnewsbakken.com/.

[5] "BPD" is barrels per day. A barrel of crude is 42 U.S. gallons or 158.9873 litres.

In some cases, volume is extrapolated from train numbers. We assumed 110 rail cars/train, each carrying an average of 650 bbl (range is 600-700 bbl), for a total of 71,500 bbl/train unit. *See* Ass'n of American Railroads, *Just the Facts – Railroads Safely Move Hazardous Materials, Including Crude Oil,* located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Facts-on-Hazmat-and-Crude-Oil-Safety.pdf.

[6] Mmta = metric tonnes per annum. A metric tonne is approximately 1.1 short tons.

[7] Vessels are bulkers of the Panamax or Cape class; tankers of the Panamax class; and LNG (liquid natural gas) carriers of equivalent size as Panamax tankers and bulkers. Not counted are bunker barges which will fuel vessels at dock. For every two large vessels, estimate one bunker barge transit. Source: *Minutes, Combined Meeting, Steering Committee of the Puget Sound Harbor Safety Committee and Puget Sound Partnership Oil Spill Work Group, Vessel Traffic Risk Assessment (VTRA),* Draft *Estimates, Notes and Decisions on Future Scenarios,* May 2, 2013 (rev. 5/7) (hereafter "5/13 PSP VTRA Est."), located online Oct. 15, 2013, at http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

Unless otherwise specified, the following assumptions were made:

- Crude received will leave terminals and refineries in its unrefined state, by vessel and not by rail or the Olympic pipeline;
- Crude volume received is roughly equivalent to volume of refined product. In fact, volume of refined product is actually slightly higher. Source: telephone conversation with Julie Harris, Refinery Operations, US DOE EIA, 2032-586-6281. *See Petroleum & Other Liquids, Data, Refinery Yields,* US Energy Information Administration, http://www.eia.gov/dnav/pet/pet_pnp_pct_dc_nus_pct_m.htm.
- At Tacoma, Grays Harbor, and Columbia River terminals, crude will leave by some combination of (a) oil tankers with a maximum draft of 40' and capacity of 340,000 bbl ; and (b) articulated tug/barge combo, with an 85,000 bbl-capacity barge (they range from 55-150,000 bbl). Vessel estimates in the table represent only tankers of the largest class, and not barges, unless other source information is cited.

[8] Proponent Kinder Morgan Canada Terminals LP. The Kinder Morgan Pipeline serves multiple facilities including the Westridge Terminal, BP Cherry Point, Phillips 66 Ferndale, and the Tesoro and Shell refineries in Anacortes. *TransMountain Pipeline & Puget Sound Pipeline: Connected Delivery Terminals and Refineries*, located online Aug. 31, 2013, at http://www.kindermorgan.com/business/canada/delivery_receipt_locations.cfm.

[9] According to the proponent's website, the Trans-Mountain Pipeline Expansion project would increase capacity from 300,000 to 890,000 bpd. Accessed online Oct. 17, 2013, at http://www.kindermorgan.com/business/canada/tmx_expansion.cfm.

[10] Kinder Morgan Canada, Trans Mountain, *Tanker Traffic,* located online Oct. 17, 2013, at http://www.transmountain.com/tanker-traffic.

[11] Proponent website: http://www.rti.ca/. Ridley is an existing coal terminal with plans for expansion.

[12] The terminal plans to expand from 12 to 25 mmta. http://www.rti.ca/terminal (accessed Oct. 17, 2013).

[13] Ridley's rail map for coal routes from the Powder River Basin bear no relation to current lines. *See http://www.rti.ca/sites/default/files/shippingcommodities.png*. They seem to be saying coal would go to the coast through Stevens Pass, but loaded trains are too heavy for the grades in the Cascade Mountains, and loaded trains all go west through the Columbia River Gorge. Returning empty trains could use Stevens Pass until it reaches capacity. The more direct route, north from the PRB to Calgary, and north by northwest via Canadian National, is not favored by BNSF.

[14] Ships from Ridley Terminal have direct access to the Pacific Ocean and do not add traffic in Puget Sound. They do, of course, add traffic on the Great Circle Route to the Pacific Rim.

[15] The permit for this coal terminal's expansion was granted in January 2013. *See* terminal webpage: http://www.portmetrovancouver.com/en/projects/OngoingProjects/Tenant-Led-Projects/neptune-terminals-upgrades-coal-handling-expansion.

[16] Information from terminal website, accessed Oct. 17, 2013, at http://www.portmetrovancouver.com/en/projects/OngoingProjects/Tenant-Led-Projects/NeptuneTerminals.aspx.

[17] *Vacouver Fraser Port Authority Environmental Assessment Report and Schedule of Environmental Conditions,* Port Metro Vancouver VFPA Review No. 12-066, p.1, Jan. 23, 2013, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/2013-01-23-project-permit---signed-with-plans-and-schedule---neptune-coal-capacity-pp-2012-066.pdf?sfvrsn=0. Note that this projection assumes trains 152 cars long, versus the current average of 125 cars. *Port Metro Vancouver Neptune Bulk Terminals – New Stacker Reclaimer Project and Additional Coal Handling Improvements January 2013 – Input Consideration Memorandum,* p.4, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/january-2013_final_neptune-project-input-consideration-memo.pdf?sfvrsn=0. Total terminal capacity after proposed expansion would be 18.5 mmta. *Id.* at 2.

[18] According to the *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf, there would be a total additional 176 vessel calls per year, for all commodities and docks at Neptune. Vessels associated with expansion for met coal will be one additional vessel per week. *Vancouver Fraser Port Authority Environmental Assessment Report and Schedule of Environmental Conditions,* Port Metro Vancouver VFPA Review No. 12-066, p.1, Jan. 23, 2013, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/2013-01-23-project-permit---signed-with-plans-and-schedule---neptune-coal-capacity-pp-2012-066.pdf?sfvrsn=0.

[19] Proponent website: http://www.fsd.bc.ca/index.php/company/community-outreach/. Port Metro Vancouver conducted a River Tanker Traffic Study completed June 2012. See generally

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http://www.portmetrovancouver.com/en/portusers/marineoperations/navigation/tanker-traffic. Study located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/port-users-marine-operations/Fraser_River_Tanker_Traffic_Study_Full_Report.pdf?sfvrsn=0.

[20] *Fraser Surrey Docks, Risk Assessment Study for Coal Barge Operation,* Report No./DNV Reg.No.: PP050173/1-5EZEXO, Rev. 2A, 2012-09-26, p.1, located online Oct. 17, 2013, at http://www.fsd.bc.ca/_documents/coal/marine_risk_assessment.pdf.

[21] *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

[22] See http://www.platts.com/latest-news/coal/washington/vancouvers-westshore-terminal-coal-exports-increase-21394473.

[23] *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

[24] *MDP2011-000001/SHR2011-00009, Pacific International Terminals, Inc. Major Project Permit and Shoreline Substantial Development Permit Supplemental Applications – Supplemental Information (*hereinafter "GPT Permit App."), March 16, 2012, located online Oct. 15, 2013, at http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/20120319-permit-submittal.pdf. Status: Scoping closed for the Draft Environmental Impact Statement January 22, 2013; the Scoping Report was issued March 29, 2013. http://www.eisgatewaypacificwa.gov/resources/scoping-report. Comments may be viewed online at http://www.eisgatewaypacificwa.gov/get-involved/comment/all.

[25] *GPT Permit App.* at Table 4-2, p. 4-51.

[26] *Ibid.* at Table 4-5, p. 4-55.

[27] *Ibid.* at Table 4-6, p. 4-63.

[28] Proponent BP West Coast Products, LLC. County permits were approved for rail expansion on October 18, 2012, after a SEPA threshold review resulted in a mitigated determination of nonsignificance. See case No. SEP2012-00059 at http://whatcomcounty.us/pds/plan/sepa/2012-quarter4.jsp. For a general description of the facility, see BP Cherry Point, http://www.bp.com/content/dam/bp/pdf/abp_wwd_us_cherry_point_fact_sheet_june_2011.pdf.

Pending from the Wash. Dep't of Ecology: Water Permit Draft NPDES WA-00-2290-0. Comment period opens 9/4/13, and closes 10/7/13. For information: public disclosure coordinator Ann Lowe via E-mail or phone (360) 407-6916. http://apps.ecy.wa.gov/industrial/proposed.asp.

[29] Cascade Engineering Group, P.S., Inc., *Rail Logistics Stormwater Site Plan,* p.1, Aug. 16, 2012, located online 8/31/13, at http://whatcomcounty.us/pds/plan/sepa/pdf/sep2012-00059-sepa-packet-mdns-20121018-part2.pdf at 83/164 ("The facility will be designed to transfer a variety of train sizes (up to and including one unit train per day).").

[30] Proponent Phillips 66 Co. Ferndale Refinery. Permits were approved for rail expansion on Apr. 29, 2013, after a SEPA threshold review resulted in a mitigated determination of nonsignificance. See case No. SEP2013-00005 at http://whatcomcounty.us/pds/plan/sepa/2013-quarter2.jsp.

[31] Whatcom County Planning & Development Services SEPA Mitigated Determination of Nonsignificance, p.4, Apr. 29, 2013, located online 8/31/13, at http://whatcomcounty.us/pds/plan/sepa/pdf/sep2013-00005-sepa-packet-mdns-20130429.pdf at 2/40 ("The project will add up to one unit train every other day, on average on an annual basis....").

[32] Proponent Tesoro Refining & Marketing Co./KM/BNSF. Refinery website: http://www.tsocorp.com/tsocorp/productsandservices/locations/refinerylocations/001545.

[33] *See id.* The terminal manager states publicly Tesoro refinery receives only 50,000 bpd, but that number is very low given they receive 6 trains per week. We assume industry average volume per train and applied that number. This terminal states it can receive no more tha 120,000 total bpd from all sources—Alaskan and Bakken crude, and Canadian tar sands by pipeline.

[34] This facility receives Bakken crude now. Mark Stayton and Kate Martin, *Shell considers rail loop for Bakken crude,* goskagit.com, Mar. 30, 2013, located online 9/1/13, at http://www.goskagit.com/all_access/shell-considers-rail-loop-for-bakken-crude/article_117f6919-350e-539d-b38d-4c8bb694aebf.html (quoting terminal manager stating they receive 6 trains per week).

[35] Proponent Shell Oil Products US. Pre-application filed (see fn. below). Skagit County POC: Will W. Honea, willh@co.skagit.wa.us.

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[36] *Shell Puget Sound Crude by Rail East Gate Project, Anacortes, WA, Pre-Development Meeting* "Project Description" at p.3 of attachment filed Aug. 22, 2013, located online 8/31/13 at http://www.scribd.com/doc/163737250/Shell-SkagitCounty-PreDevelopmentMeetingApplication-2013-08-22 ("At this early stage the project plans to handle about one unit train per day, with a maximum of 6 trains per week in and out of the facility.").

[37] Proponent U.S. Oil Trading LLC, Transcor Astra Grp, subsid. of Compagnie Nationale a' Portefeuille S.A. (CNP) (Belgium).

[38] Fielden, Sally, *Crude Loves Rock'n'Rail—West Coast Destinations,* RBN Energy, LLC, Apr. 10, 2013, located online 9/1/13, at http://www.rbnenergy.com/crude-loves-rock-n-rail-west-coast-destinations.

[39] Berth information: http://www.usor.com/about/dock. One pier accommodates tankers; one barges.

[40] Proponent Targa Resources & Phillips 66 Ferndale.

[41] Phillips 66 Press Release, March 20, 2013, located online 8/31/13, at http://www.phillips66.com/EN/newsroom/news_releases/2013NewsReleases/Pages/03-20-2013.aspx, announcing Bakken crude will be delivered to Targa for transfer to vessels bound to Phillips 66 Ferndale or San Francisco.

[42] Gilley, John, *Diversifying for Port of Tacoma's Future*, The News Tribune, Feb. 3, 2013, located online 8/31/13, at http://www.thenewstribune.com/2013/02/03/2460260/diversifying-for-ports-future.html.

[43] VEAT 2012 Vessel Entries And Transits for Washington Waters. Washington State Department of Ecology Spill Prevention, Preparedness and Response Program P.O. Box 47600 Olympia, WA 98504-7600. WDOE Publication 13-08-001, March 2013, available online as of Oct. 17, 2013, at https://fortress.wa.gov/ecy/publications/SummaryPages/1308001.html.

[44] Rail service via Union Pacific and BNSF through GW Puget Sound & Pacific RR.

[45] Proponent Imperium Renewables. T-1's depth is http://www.portofgraysharbor.com/terminals/terminal1.php. MDNS issued 5/2/13 jointly by the City of Hoquiam and Wash. ECOL. SSDP issued 6/17/13; appeal pending, hearing week of 9/30/13, before Shoreline Hearings Board. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf. Imperium Renewables produces pure, unblended B100 biodiesel. Port of Grays Harbor (PGH) will not grant a lease until all required permits are received from city, state, and federal governments. http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf. Proponent does business as Imperium Term. Svcs., LLC. Rail carrier will be Union Pacific and BNSF through GW Puget Sound & Pacific RR. Port of Grays Harbor, *Grays Harbor Economic Opportunity: Crude by Rail,* Jan. 30, 2013, p.13, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Workshop_Presentation.pdf

[46] Volume was extrapolated from unit train estimates. *City of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Imperium Bulk Liquid Facility Project*, May 2, 2013, p.3, located 8/30/13, at http://www.cityofhoquiam.com/public-notices/imperium-proposal-mdns-and-ro-for-public.pdf ("The company estimates that the terminal operations would consist of two unit trains per day, one loaded and one empty. Each unit train would consist of an average of 105 tank cars.").

[47] Product will be shipped out by some combination of tankers and barges. Port of Grays Harbor, *Frequently Asked Questions,* Aug. 7, 2013, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf. Vessel traffic could range from 75-300 vessels, depending on type and dwt, but 200 is the average given. *City of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Imperium Bulk Liquid Facility Project*, May 2, 2013, p.3, located 8/30/13, at http://www.cityofhoquiam.com/public-notices/imperium-proposal-mdns-and-ro-for-public.pdf ("The company estimates that the terminal operations would consist of up to 200 ships or barges a year (400 entry and departure transits).")

[48] MDNS from City of Hoquiam and ECOL Mar. 2013. SSDP issued 4/26/13; appeal pending; hearing week of 9/30/13, before Shoreline Hearings Board. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf. Port of Grays Harbor (PGH) will not grant a lease until all required permits are received from city, state, and federal governments. http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf.

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[49] Westway Terminal Company, LLC power point, Apr. 23, 2013, at 6, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Westway_GGHI_Presentaton.pdf (proposing "expanding the terminal to allow [Westway] to receive and ship 9,600,000 barrels of crude oil per year").

[50] *Cit of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Westway Terminal Tank Farm Expansion Project.* Located online 10/14/13, at http://www.cityofhoquiam.com/public-notices/mdns-westway-apr04.2013.pdf.

[51] Proponent US Development Group, LLC . T-3's depth is 38-40'. http://www.portofgraysharbor.com/terminals/terminal3.php. Proponent granted option to lease by PGH in Apr. 2013. Pending filing of permits after feasibility review by proponent. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf.

[52] Grays Harbor Rail Terminal, *Proposed Facility at Port of Grays Harbor: Frequently Asked Questions,* located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/USD_FAQ.pdf.

[53] *Id.* Proponent states "[s]hip calls will range from 45-60 per year, depending on vessel size."

[54] Other possible proposals include:

- NuStar Energy, Tacoma or Vancouver. *New Traffic Patterns Emerge to Supply Crude Oil to West Coast Refiners,* EIA, Aug. 14, 2013, located online 9/2/13, at http://www.eia.gov/oog/info/twip/twiparch/2013/130814/twipprint.html ("[M]erchant terminal operators, such as ... NuStar Energy ... are also investing in new rail-to-barge and rail unloading facilities.") NuStar has three terminals, one in Tacoma and two in Vancouver. http://www.nustarenergy.com.
- Paramount Terminal, Portland, OR. The Wash. Dept. of Ecology lists this proposal on their *Energy Movement Evolution* map. http://static.squarespace.com/static/50538902e4b06a8cd25aff1b/t/51a95db6e4b0c88fb1ffbae4/1370054070258/Ecology%20Map%20oilmovementjan713.pdf. Possible proponent: Paramount Petroleum Corp. (503) 273-4760, http://paramountasphalt.com/about-us.

[55] Proponents LNG Development Company, LLC (d/b/a Oregon LNG) and Oregon Pipeline Company, LLC. http://www.oregonlng.com/, http://www.oregonpipelinecompany.com/.

[56] Terminal depth is 43', vessel numbers are for LNG (liquid natural gas) carriers. Source for number of vessels: *Oregon LNG Export Project Resource Report 1—General Project Description,* Docket Number PF12-18-000, Table 1.3-1, Aug. 2012, located online Oct. 15, 2013, at https://s3-us-west-2.amazonaws.com/oregonlng/pdfs/RR1_Prefiling_Draft_8-13-12/1OLNG_RR1_PrefilingDraft_public.pdf.

[57] Proponent Coyote Island Terminals, LLC, a subsidiary of Ambre Energy, proponent of the Millennium Bulk Logistics Terminal in Longview. Coal would arrive by rail for storage and transfer to barges which would be towed to the shipping terminal at Port Westward. http://www.nwp.usace.army.mil/Missions/Currentprojects/CoyoteIslandTerminal.aspx.

[58] Proponent Tesoro-Savage Petroleum Terminal, LLC; Rail service by Puget Sound and Pacific RR. Permitting lead agency: Wash. Energy Facility Site Evaluation Council (http://www.efsec.wa.gov/default.shtm, 360-664-1345), POC Stephen Posner, Compliance Mgr., sposner@utc.wa.gov, 664-1903. Governing law: RCW § 80-50-020. 10/1/13 approx. date of announcement of pre-scoping review.

[59] http://tesorosavagevancouver.com/here/wp-content/uploads/2013/08/POV_FactSheet.pdf.

[60] The EFSEC project description says the rail constructed could accommodate "an average of 4" unit trains per day, but based on volume, the average should be 5. See Determination of Significance Scoping Noice, located 10/27/13, at http://www.efsec.wa.gov/Tesoro%20Savage/Tesoro%20legal%20Scoping%20notice%20Final%2010-1-13.pdf.

[61] Proponent Global Partners, LP.

[62] Source: de Place, Eric, *Sightline Report: The Northwest's Pipeline on Rails: Crude Oil Shipments Planned for Puget Sound, the Washington Coast, and the Columbia River*, (Aug. 2013 Update), fn.20, located 8/29/13 at http://www.sightline.org/wp-content/uploads/downloads/2013/07/crude-oil-by-rail_August-Update.pdf.

[63] This number represents 1311 cargo and passenger vessels, 117 tankers, and 62 articulated barge tows. VEAT 2012 Vessel Entries And Transits for Washington Waters. Washington State Department of Ecology Spill Prevention,

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Preparedness and Response Program P.O. Box 47600 Olympia, WA 98504-7600. WDOE Publication 13-08-001, March 2013, available online as of Oct. 17, 2013, at https://fortress.wa.gov/ecy/publications/SummaryPages/1308001.html.

[64] Washington State Rail Plan, *Public Review Draft*, Sept. 30, 2013, p.35. Accessed Oct. 22, 2013, at http://www.wsdot.wa.gov/NR/rdonlyres/F67D73E5-2F2D-40F2-9795-736131D98106/0/DSRP_Draft_Final_Report_20131003.pdf.

[65] *See* http://www.wsdot.wa.gov/Rail/StateRailPlan.

[66] See their letter of July 29, 2013, at http://www.fra.dot.gov/eLib/details/L04717, for a list of specific concerns.

[67] http://www.wsdot.wa.gov/NR/rdonlyres/F67D73E5-2F2D-40F2-9795-736131D98106/0/DRAFTStateRailPlanforPublicComment.pdf, p. 87.

Tesoro Savage CBR
Scoping Comment
#30950

Docket EF-131590

From: Sandy Robson <sjrer2@yahoo.com>
Sent: Wednesday, December 18, 2013 5:01 PM
To: EFSEC (UTC)
Subject: Fwd: Comment, Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590
Attachments: 12-18-13 Tesoro Savage Comment.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Sandy Robson
949-677-5565
sjrer2@yahoo.com

Begin forwarded message:

From: Sandy Robson <sjrer2@yahoo.com>
Date: December 18, 2013 at 4:59:07 PM PST
To: "efsec@utc.wa.gov" <efsec@utc.wa.gov>
Subject: Comment, Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590

I would like to submit this comment which references a comment submitted by Terry Wechsler. I believe Ms. Wechsler makes excellent points which I agree with. Please see below and her attached comment made as Protect Whatcom.

Sandy Robson
Birch Bay WA

From: wechslerlaw@comcast.net
To: efsec@utc.wa.gov
Sent: Wednesday, December 18, 2013 4:51:57 PM
Subject: Comment, Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590

Attached please find Protect Whatcom's comment in the captioned matter for your consideration. Thank you very much for your attention.

Terry J. Wechsler
Bellingham, WA
360-656-6180 (r), 541-913-5976 (c)

336 36th St., No. 605
Bellingham, WA 98225-6580
info@protectwhatcom.org

December 18, 2013

Stephen Posner, Interim Manager
Washington State Energy Facility Site Evaluation Council (EFSEC)
P.O. Box 43172
Olympia, WA 98504

VIA ELECTRONIC TRANSMISSION: efsec@utc.wa.gov

SUBJECT: Tesoro Savage Petroleum Terminal, Application No. 2013-01/Docket No. EF-131590

Dear Mr. Posner:

Protect Whatcom is a grassroots organization the mission of which includes educating the public about how to participate in the permitting process for the proposed Gateway Pacific Terminal. We are commenting on the proposed Tesoro Savage crude terminal because it is one of nearly 20 proposals for expansion or construction of refinery and terminal infrastructure in the Pacific Northwest which would overwhelm rail infrastructure, place enormous traffic demands and physical stress of our already decaying road and bridge infrastructure, add enormously to vessel traffic increasing the likelihood of a collision, allision or spill that could have permanent repercussions for our waterways, and negatively impact our state's container ports and industries such as agri- and aquaculture.

It is time for a programmatic approach to consideration of permit proposals in the region, and particularly in Washington, given the enormous implications of Tesoro Savage and other proposals. Further, our environmental laws guide agencies to take such an approach. According to the U.S. Council on Environmental Quality (CEQ), it was Native American Chief Seattle who stated in the latter part of the nineteenth century, "We do not inherit the Earth from our ancestors—we borrow it from our children."[1] While the origin of that statement is debatable, what is not is this: that notion has been codified in the National and Washington State Environmental Acts (NEPA and SEPA). The notion of stewardship reverberates through those statutes, both of which direct agencies to coordinate their respective actions, to the extent practicable, to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations...."[2]

Protect Whatcom co-developed an info graphic to illustrate the implications of all pending fossil fuel proposals in Washington which can be located online at http://protectwhatcom.files.wordpress.com/2013/10/gatewaytoextinctioncarrie10-14-13.pdf/ We invested considerable time and expense to gather information and put it into a "visual story" format so that the public could begin to comprehend the full scope of what is being proposed throughout this region, and how that directly impacts Washington. The data used in the info graphic is detailed below in Table 1 which lists known terminal and refinery construction or rail expansion projects for coal and crude, in Oregon, Washington, and British Columbia.

Table 1[3] FOSSIL FUEL TERMINALS AND REFINERIES, PROPOSED FOR CONSTRUCTION OR EXPANSION[4]				
	Terminal or Refinery/Location (North to South)	**Proposed Vol. (bpd[5] or mmta[6])**	**Possible Additional Unit Trains per Day (one way)**	**Possible Additional Vessels per Annum[7] (one way)**
	Puget Sound			
1	Westridge Marine Terminal,[8] Burnaby, BC	590,000[9] bpd	n.a.	348[10]
2	Ridley Terminals,[11] Prince Rupert, BC	13 mmta[12]	2[13]	n.a.[14]
3	Neptune Terminals,[15] Vancouver, BC	6 mmta[16]	1[17]	52[18]
4	Fraser-Surrey,[19] Vancouver, BC	8 mmta[20]	1.3	40[21]
5	Westshore Terminal, Vancouver, BC	6 mmta[22]	1	104[23]
6	Gateway Pacific Terminal (coal),[24] Ferndale, WA	48 mmta[25]	9[26]	487[27]
7	BP Cherry Point Refinery,[28] Blaine, WA	71,500 bpd	1[29]	33
8	Phillips 66 Refinery,[30] Ferndale, WA	35,750 bpd	0.5[31]	17
9	Tesoro Refinery,[32] * Anacortes, WA	50,000[33] bpd	1[34]	36
10	Shell Refinery,[35] Anacortes, WA	61,286 bpd	1[36]	45
11	U.S. Oil & Refining Co.,[37] Tacoma, WA	40,000[38] bpd	0.6	29[39]
12	Targa Sound Terminal,[40] Tacoma, WA	30,000[41] bpd	0.4	22[42]
	Total Possible Additional Vessels in the Puget Sound (2012 traffic: 6272)[43]			***1213***
	Grays Harbor, Hoquiam, WA[44]			
13	Imperium Bulk Liquid Terminal, T1[45]	68,250 bpd	1[46]	200[47]
14	Westway Terminal Co., T1[48]	28,692[49] bpd	0.4	60[50]
15	Grays Harbor Rail Terminal, T-3[51]	50,000[52] bpd	0.7	54[53]
	Total Possible Additional Vessels in Grays Harbor (2012 traffic: 82)			***314***
	Columbia River[54]			
16	Oregon LNG,[55] Warrenton, OR	9 mmta	n.a.	125[56]
16	Millennium Bulk Logistics (coal), Longview	44 mmta	7.4	850
17a	Port of Morrow,[57] Boardman, OR (coal)	8 mmta	1	624 barge tows
17b	Port Westward, Clatskanie, OR	See 17a	n.a.	156
18	Tesoro Savage Vancouver Energy Distribution Terminal,[58] Vancouver	360,000 bpd[59]	4[60]	386
19	Columbia Pacific Bio-Refinery,[61] Port of St. Helens, Port Westward Industrial Park, Clatskanie, OR	28,600 bpd[62]	0.4	31
	Total Possible Additional Vessels on the Columbia River (2012 traffic: 1490)[63]			***2172***
	Total Possible Additional Trains (one way)		***34.2***	

Rail Impacts

Together, all proposals could result in 35 loaded trains per day passing through Spokane. If those trains average 1.5 miles in length, total miles of trains, going and coming, would total over 100 miles. This only accounts for Powder River Basin Coal and North Dakota crude oil traveling to terminals proposed for construction or expansion on the Columbia River and in the Salish Sea. In addition, the Washington

Department of Transportation (WADOT) calculates, based on best available statistical analysis, other freight on Washington rails will increase by a compound rate of 3.4 percent per year.[64]

If all crude-by-rail (CBR) terminal proposals come on line, they would add at least 53 million tons of North Dakota crude to the rails, assuming the refineries are accurately reporting the number of trains they expect to receive. WSDOT reports the BNSF Pasco-Spokane subdivision currently operates at 87% capacity,[65] so regardless of what percentage of total freight currently uses that line, the Bakken shale crude – all of which would move on the Pasco-Spokane subdivision – would overwhelm rail capacity there. The same would pertain to all other subdivisions traversed by CBR, from Pasco to the Columbia River Gorge, and up the coast to Grays Harbor, Tacoma, and the refineries in Skagit and Whatcom Counties.

The Federal Railroad Administration (FRA) should be a co-lead in conducting any environmental review. In addition to having jurisdiction and expertise over rail traffic, they are already in communication with the American Petroleum Institute about concerns with safety of crude trains.[66] Tesoro-Savage's permit application notes new tank car construction specifications went into effect October 2011 for DOT-111-type cars – the type that exploded in Lac-Megantic killing over 50 people – but older cars still in use have not all been retrofitted to make them less prone to puncture. Additionally, the railroads have reduced crews on some unit trains to one, forcing the engineer to act as a brakeman, and to leave the train unattended in order to rest – the situation that preceded the incident in Lac-Megantic. Unions have negotiated in vain as railroads reduced crews from four to the lower limit of one. A condition of any crude terminal permit should be that it only accepts deliveries from new or retrofitted DOT-111 trains with a minimum crew of two.

WSDOT recommends the state "take an active leadership role to build on existing multistate coalitions to address rail system and corridor needs across the Northwest."[67] Specifically, it recommends collaboration with Oregon, Idaho, California, and British Columbia regarding "corridor-level improvement opportunities." Actually, the Surface Transportation Board and the Federal Railroad Administration should have been co-leads with agencies from the beginning of the MAP Team deliberations for the Gateway Pacific Terminal. It was always the case that rail impacts on communities from the terminal to the mines should be scoped programmatically with all other known and reasonably foreseeable future impacts. Now, with the knowledge that WSDOT assumes BNSF will use rate manipulation when rail traffic overwhelms capacity in Washington, with Washington and out-of-state freight products bound for our ports defaulting to our highways, we must study, in addition to rail traffic impacts on communities, impacts on Washington's ports if agricultural and other freight can't access the rails or must pay a premium to do so. Further, what will the impact be on agriculture and aquaculture industries? In short, it is logical to assume that in a rate war between crude and wheat, crude wins, but this must be studied.

Washington must institute a system to track fossil fuel shipments by rail. Particularly, we need to know exactly how many crude trains are calling on terminals and refineries, because some proposals, such as BP and Phillips 66 at Cherry Point, received mitigated determinations of nonsignificance on the assumption they would be receiving one or fewer trains per day. If that is not the case, those proposals' merits should be reconsidered in light of regional cumulative rail and vessel traffic and associated risks and impacts on other economic activities.

Finally, the cumulative effects of rail traffic must be quantified, together with the costs of all infrastructure the state must invest in, from projects to reach the ports, to addition of sidings and lines to add capacity. Studies of communities needs for grade changes and quiet zones must include cost estimates and a determination of who will bear those costs. If current job projections – such as the Port of Seattle's estimate it would add 100,000 jobs in the next 25 years at container ports – will be negatively impacted, that must be

quantified. In short, neither Millennium nor the other fossil fuel proposals should be allowed to externalize their own costs, and they should bear all costs associated with mitigating their impacts on our state.

Vessel Impacts

The Columbia River — presumably a single watershed — has multiple proposals which would add significantly to annual vessel traffic if approved:

- Oregon LNG: an 86-mile pipeline would transfer Canadian liquefied natural gas (LNG) from the existing pipeline to a proposed new terminal in Warrenton, OR, for processing and re-export to the Pacific Rim via 125 LNG carriers;
- Millennium Bulk Logistics: a coal terminal would export 44 mmta coal via at least 850 Panamax bulker vessels;
- Pacific Transloading, Port of Morrow: an Ambre-owned rail-to-barge facility would transfer eight mmta coal from the PRB bound for a shipping terminal at Port Westward via 624 barge tows (typically one tug pushing four plus barges lashed together);
- Port Westward Marine Project: the coal shipping terminal also proposed by Millennium would receive the barged eight mmta coal, store it, and ship via 156 Panamax bulkers;
- Global Partners CBR terminal, Port Westward Industrial Park: a 28,600 barrel-per-year crude terminal would ship via some combination of tanker (31) and articulated tug-barge (123); and
- In addition, some number of "bunker barges" will be added to river traffic in order to fuel vessels requiring it which call at piers with no fueling capability. One barge fuels roughly two large vessels.

Potentially impacted species which are federally listed, proposed for listing, and/or identified by Washington Dep't of Fish and Wildlife as priority species in the Columbia River or vicinity, include Chinook, chum, coho, sockeye salmon, eulachon/smelt, bull trout, steelhead trout, resident/searuncutthroat trout (*O. clarki clarki*), white (*Acipenser transmontanus*) and green sturgeon, Pacific (*Lampetra tridentata*) and river lamprey (*L. ayresi*), Steller sea lions, California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), and Sandhill cranes (*Grus canadensis*). Protection of these species requires a cumulative vessel traffic risk assessment that considers existing and reasonably foreseeable future vessel traffic including articulated barge tows and bunker barges. Vessel traffic discussed above in the Table and text of this comment assumes the largest possible tankers on the river when the reality is that some combination of tankers and articulated tug-barge combination will be used, so our vessel projections are very low.

Proponents note in their permit application 2012 river traffic was slightly less than 1500 vessels, roughly 1/3 less than the peak of 2086 vessels in 2000. However, the decrease is due to the fact that vessels today are much larger. A Panamax-class bulker or tanker is the size of a Nimitz-class aircraft carrier, and current proposals could double current vessel traffic with just those largest of vessels, without addition articulated barge tows and bunker barges. Further the world fleet is aging, such that the large vessels pose risks associated with sinkings due to structural fatigue, or collisions or allisions associated with engine or rudder failure (see, e.g., http://gcaptain.com/bulk-carrier-mv-smart-aground-richards-bay/). Newly-hired and trained pilots must attempt to communicate with crews which increasingly have difficulty with English. Further, there is no requirement tankers have tug escorts on the River as they must in the Puget Sound.

On the Columbia River (and in the Puget Sound and Grays Harbor), a cumulative vessel traffic study must not merely consider spill risk on the river, but the increased risk along the Great Circle Route to Asia,

particularly at the Aleutian Island passages. Escort and emergency tugs must be considered as a mitigation, and the costs associated with spill risk prevention and response calculated and allocated. Further, the state must study and quantify the risk to fishing and tourism of a spill.

We know there is much pressure being placed on politicians and regulators in Washington to abrogate our environmental laws and streamline fossil fuel proposals for the sake of jobs and tax revenues. Given the enormous costs associated with these terminals, in terms of our public health, safety, infrastructure needs, and environmental consequences, we urge you to take all the time necessary to property review, in a programmatic way, with state and federal agencies with requisite jurisdiction and expertise, all of the direct and relative impacts this proposal poses for our state.

Thank you very much for your consideration of this comment. Please accept an electronic signature as you would an original.

Sincerely,

Protect Whatcom

s/Terry J. Wechsler

By: Terry J. Wechsler
360-656-6180, 541-913-5976
wechslerlaw@comcast.net

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[1] 1991, Environmental Quality: The Twenty-first Annual Report of the Council on Environmental QualityTogether with the President's Message to Congress,p.4, published by the Executive Office of the Pres., Council on Environmental Quality, Washington, D.C., located online 9/10/13, at http://babel.hathitrust.org/cgi/pt?id=mdp.39015028575507;view=1up;seq=3.

[2] 42 USC § 4331(b)(1); Rev. Code Wash. § 43.21C.020(2)(a).

[3] Compiled by Protect Whatcom. Table updated as of October 17, 2013. Numbers on info graphics are based on known information at the time of printing, and may not be consistent with this table.

[4] General information Source: http://www.petroleumnewsbakken.com/.

[5] "BPD" is barrels per day. A barrel of crude is 42 U.S. gallons or 158.9873 litres.

In some cases, volume is extrapolated from train numbers. We assumed 110 rail cars/train, each carrying an average of 650 bbl (range is 600-700 bbl), for a total of 71,500 bbl/train unit. *See* Ass'n of American Railroads, *Just the Facts – Railroads Safely Move Hazardous Materials, Including Crude Oil,* located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Facts-on-Hazmat-and-Crude-Oil-Safety.pdf.

[6] Mmta = metric tonnes per annum. A metric tonne is approximately 1.1 short tons.

[7] Vessels are bulkers of the Panamax or Cape class; tankers of the Panamax class; and LNG (liquid natural gas) carriers of equivalent size as Panamax tankers and bulkers. Not counted are bunker barges which will fuel vessels at dock. For every two large vessels, estimate one bunker barge transit. Source: *Minutes, Combined Meeting, Steering Committee of the Puget Sound Harbor Safety Committee and Puget Sound Partnership Oil Spill Work Group, Vessel Traffic Risk Assessment (VTRA),* Draft *Estimates, Notes and Decisions on Future Scenarios,* May 2, 2013 (rev. 5/7) (hereafter "5/13 PSP VTRA Est."), located online Oct. 15, 2013, at http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

Unless otherwise specified, the following assumptions were made:

- Crude received will leave terminals and refineries in its unrefined state, by vessel and not by rail or the Olympic pipeline;
- Crude volume received is roughly equivalent to volume of refined product. In fact, volume of refined product is actually slightly higher. Source: telephone conversation with Julie Harris, Refinery Operations, US DOE EIA, 2032-586-6281. *See Petroleum & Other Liquids, Data, Refinery Yields,* US Energy Information Administration, http://www.eia.gov/dnav/pet/pet_pnp_pct_dc_nus_pct_m.htm.
- At Tacoma, Grays Harbor, and Columbia River terminals, crude will leave by some combination of (a) oil tankers with a maximum draft of 40' and capacity of 340,000 bbl ; and (b) articulated tug/barge combo, with an 85,000 bbl-capacity barge (they range from 55-150,000 bbl). Vessel estimates in the table represent only tankers of the largest class, and not barges, unless other source information is cited.

[8] Proponent Kinder Morgan Canada Terminals LP. The Kinder Morgan Pipeline serves multiple facilities including the Westridge Terminal, BP Cherry Point, Phillips 66 Ferndale, and the Tesoro and Shell refineries in Anacortes. *TransMountain Pipeline & Puget Sound Pipeline: Connected Delivery Terminals and Refineries*, located online Aug. 31, 2013, at http://www.kindermorgan.com/business/canada/delivery_receipt_locations.cfm.

[9] According to the proponent's website, the Trans-Mountain Pipeline Expansion project would increase capacity from 300,000 to 890,000 bpd. Accessed online Oct. 17, 2013, at http://www.kindermorgan.com/business/canada/tmx_expansion.cfm.

[10] Kinder Morgan Canada, Trans Mountain, *Tanker Traffic,* located online Oct. 17, 2013, at http://www.transmountain.com/tanker-traffic.

[11] Proponent website: http://www.rti.ca/. Ridley is an existing coal terminal with plans for expansion.

[12] The terminal plans to expand from 12 to 25 mmta. http://www.rti.ca/terminal (accessed Oct. 17, 2013).

[13] Ridley's rail map for coal routes from the Powder River Basin bear no relation to current lines. *See http://www.rti.ca/sites/default/files/shippingcommodities.png.* They seem to be saying coal would go to the coast through Stevens Pass, but loaded trains are too heavy for the grades in the Cascade Mountains, and loaded trains all go west through the Columbia River Gorge. Returning empty trains could use Stevens Pass until it reaches capacity. The more direct route, north from the PRB to Calgary, and north by northwest via Canadian National, is not favored by BNSF.

[14] Ships from Ridley Terminal have direct access to the Pacific Ocean and do not add traffic in Puget Sound. They do, of course, add traffic on the Great Circle Route to the Pacific Rim.

[15] The permit for this coal terminal's expansion was granted in January 2013. *See* terminal webpage: http://www.portmetrovancouver.com/en/projects/OngoingProjects/Tenant-Led-Projects/neptune-terminals-upgrades-coal-handling-expansion.

[16] Information from terminal website, accessed Oct. 17, 2013, at http://www.portmetrovancouver.com/en/projects/OngoingProjects/Tenant-Led-Projects/NeptuneTerminals.aspx.

[17] *Vacouver Fraser Port Authority Environmental Assessment Report and Schedule of Environmental Conditions,* Port Metro Vancouver VFPA Review No. 12-066, p.1, Jan. 23, 2013, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/2013-01-23-project-permit---signed-with-plans-and-schedule---neptune-coal-capacity-pp-2012-066.pdf?sfvrsn=0. Note that this projection assumes trains 152 cars long, versus the current average of 125 cars. *Port Metro Vancouver Neptune Bulk Terminals – New Stacker Reclaimer Project and Additional Coal Handling Improvements January 2013 – Input Consideration Memorandum,* p.4, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/january-2013_final_neptune-project-input-consideration-memo.pdf?sfvrsn=0. Total terminal capacity after proposed expansion would be 18.5 mmta. *Id.* at 2.

[18] According to the *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf, there would be a total additional 176 vessel calls per year, for all commodities and docks at Neptune. Vessels associated with expansion for met coal will be one additional vessel per week. *Vancouver Fraser Port Authority Environmental Assessment Report and Schedule of Environmental Conditions,* Port Metro Vancouver VFPA Review No. 12-066, p.1, Jan. 23, 2013, located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/projects-project-review/2013-01-23-project-permit---signed-with-plans-and-schedule---neptune-coal-capacity-pp-2012-066.pdf?sfvrsn=0.

[19] Proponent website: http://www.fsd.bc.ca/index.php/company/community-outreach/. Port Metro Vancouver conducted a River Tanker Traffic Study completed June 2012. See generally

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http://www.portmetrovancouver.com/en/portusers/marineoperations/navigation/tanker-traffic. Study located online Oct. 17, 2013, at http://www.portmetrovancouver.com/docs/default-source/port-users-marine-operations/Fraser_River_Tanker_Traffic_Study_Full_Report.pdf?sfvrsn=0.

[20] *Fraser Surrey Docks, Risk Assessment Study for Coal Barge Operation,* Report No./DNV Reg.No.: PP050173/1-5EZEXO, Rev. 2A, 2012-09-26, p.1, located online Oct. 17, 2013, at http://www.fsd.bc.ca/_documents/coal/marine_risk_assessment.pdf.

[21] *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

[22] See http://www.platts.com/latest-news/coal/washington/vancouvers-westshore-terminal-coal-exports-increase-21394473.

[23] *5/13 PSP VTRA Est.* http://www.psp.wa.gov/downloads/OILSPILL/VTRA_SC_Decisions5_2_13Final.pdf.

[24] *MDP2011-000001/SHR2011-00009, Pacific International Terminals, Inc. Major Project Permit and Shoreline Substantial Development Permit Supplemental Applications – Supplemental Information (*hereinafter "GPT Permit App."), March 16, 2012, located online Oct. 15, 2013, at http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/20120319-permit-submittal.pdf. Status: Scoping closed for the Draft Environmental Impact Statement January 22, 2013; the Scoping Report was issued March 29, 2013. http://www.eisgatewaypacificwa.gov/resources/scoping-report. Comments may be viewed online at http://www.eisgatewaypacificwa.gov/get-involved/comment/all.

[25] *GPT Permit App.* at Table 4-2, p. 4-51.

[26] *Ibid.* at Table 4-5, p. 4-55.

[27] *Ibid.* at Table 4-6, p. 4-63.

[28] Proponent BP West Coast Products, LLC. County permits were approved for rail expansion on October 18, 2012, after a SEPA threshold review resulted in a mitigated determination of nonsignificance. See case No. SEP2012-00059 at http://whatcomcounty.us/pds/plan/sepa/2012-quarter4.jsp. For a general description of the facility, see BP Cherry Point, http://www.bp.com/content/dam/bp/pdf/abp_wwd_us_cherry_point_fact_sheet_june_2011.pdf.

Pending from the Wash. Dep't of Ecology: Water Permit Draft NPDES WA-00-2290-0. Comment period opens 9/4/13, and closes 10/7/13. For information: public disclosure coordinator Ann Lowe via E-mail or phone (360) 407-6916. http://apps.ecy.wa.gov/industrial/proposed.asp.

[29] Cascade Engineering Group, P.S., Inc., *Rail Logistics Stormwater Site Plan,* p.1, Aug. 16, 2012, located online 8/31/13, at http://whatcomcounty.us/pds/plan/sepa/pdf/sep2012-00059-sepa-packet-mdns-20121018-part2.pdf at 83/164 ("The facility will be designed to transfer a variety of train sizes (up to and including one unit train per day).").

[30] Proponent Phillips 66 Co. Ferndale Refinery. Permits were approved for rail expansion on Apr. 29, 2013, after a SEPA threshold review resulted in a mitigated determination of nonsignificance. See case No. SEP2013-00005 at http://whatcomcounty.us/pds/plan/sepa/2013-quarter2.jsp.

[31] Whatcom County Planning & Development Services SEPA Mitigated Determination of Nonsignificance, p.4, Apr. 29, 2013, located online 8/31/13, at http://whatcomcounty.us/pds/plan/sepa/pdf/sep2013-00005-sepa-packet-mdns-20130429.pdf at 2/40 ("The project will add up to one unit train every other day, on average on an annual basis....").

[32] Proponent Tesoro Refining & Marketing Co./KM/BNSF. Refinery website: http://www.tsocorp.com/tsocorp/productsandservices/locations/refinerylocations/001545.

[33] *See id.* The terminal manager states publicly Tesoro refinery receives only 50,000 bpd, but that number is very low given they receive 6 trains per week. We assume industry average volume per train and applied that number. This terminal states it can receive no more tha 120,000 total bpd from all sources—Alaskan and Bakken crude, and Canadian tar sands by pipeline.

[34] This facility receives Bakken crude now. Mark Stayton and Kate Martin, *Shell considers rail loop for Bakken crude,* goskagit.com, Mar. 30, 2013, located online 9/1/13, at http://www.goskagit.com/all_access/shell-considers-rail-loop-for-bakken-crude/article_117f6919-350e-539d-b38d-4c8bb694aebf.html (quoting terminal manager stating they receive 6 trains per week).

[35] Proponent Shell Oil Products US. Pre-application filed (see fn. below). Skagit County POC: Will W. Honea, willh@co.skagit.wa.us.

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[36] *Shell Puget Sound Crude by Rail East Gate Project, Anacortes, WA, Pre-Development Meeting* "Project Description" at p.3 of attachment filed Aug. 22, 2013, located online 8/31/13 at http://www.scribd.com/doc/163737250/Shell-SkagitCounty-PreDevelopmentMeetingApplication-2013-08-22 ("At this early stage the project plans to handle about one unit train per day, with a maximum of 6 trains per week in and out of the facility.").

[37] Proponent U.S. Oil Trading LLC, Transcor Astra Grp, subsid. of Compagnie Nationale a' Portefeuille S.A. (CNP) (Belgium).

[38] Fielden, Sally, *Crude Loves Rock'n'Rail—West Coast Destinations,* RBN Energy, LLC, Apr. 10, 2013, located online 9/1/13, at http://www.rbnenergy.com/crude-loves-rock-n-rail-west-coast-destinations.

[39] Berth information: http://www.usor.com/about/dock. One pier accommodates tankers; one barges.

[40] Proponent Targa Resources & Phillips 66 Ferndale.

[41] Phillips 66 Press Release, March 20, 2013, located online 8/31/13, at http://www.phillips66.com/EN/newsroom/news_releases/2013NewsReleases/Pages/03-20-2013.aspx, announcing Bakken crude will be delivered to Targa for transfer to vessels bound to Phillips 66 Ferndale or San Francisco.

[42] Gilley, John, *Diversifying for Port of Tacoma's Future*, The News Tribune, Feb. 3, 2013, located online 8/31/13, at http://www.thenewstribune.com/2013/02/03/2460260/diversifying-for-ports-future.html.

[43] VEAT 2012 Vessel Entries And Transits for Washington Waters. Washington State Department of Ecology Spill Prevention, Preparedness and Response Program P.O. Box 47600 Olympia, WA 98504-7600. WDOE Publication 13-08-001, March 2013, available online as of Oct. 17, 2013, at https://fortress.wa.gov/ecy/publications/SummaryPages/1308001.html.

[44] Rail service via Union Pacific and BNSF through GW Puget Sound & Pacific RR.

[45] Proponent Imperium Renewables. T-1's depth is http://www.portofgraysharbor.com/terminals/terminal1.php. MDNS issued 5/2/13 jointly by the City of Hoquiam and Wash. ECOL. SSDP issued 6/17/13; appeal pending, hearing week of 9/30/13, before Shoreline Hearings Board. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf. Imperium Renewables produces pure, unblended B100 biodiesel. Port of Grays Harbor (PGH) will not grant a lease until all required permits are received from city, state, and federal governments. http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf. Proponent does business as Imperium Term. Svcs., LLC. Rail carrier will be Union Pacific and BNSF through GW Puget Sound & Pacific RR. Port of Grays Harbor, *Grays Harbor Economic Opportunity: Crude by Rail,* Jan. 30, 2013, p.13, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Workshop_Presentation.pdf

[46] Volume was extrapolated from unit train estimates. *City of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Imperium Bulk Liquid Facility Project*, May 2, 2013, p.3, located 8/30/13, at http://www.cityofhoquiam.com/public-notices/imperium-proposal-mdns-and-ro-for-public.pdf ("The company estimates that the terminal operations would consist of two unit trains per day, one loaded and one empty. Each unit train would consist of an average of 105 tank cars.").

[47] Product will be shipped out by some combination of tankers and barges. Port of Grays Harbor, *Frequently Asked Questions,* Aug. 7, 2013, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf. Vessel traffic could range from 75-300 vessels, depending on type and dwt, but 200 is the average given. *City of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Imperium Bulk Liquid Facility Project*, May 2, 2013, p.3, located 8/30/13, at http://www.cityofhoquiam.com/public-notices/imperium-proposal-mdns-and-ro-for-public.pdf ("The company estimates that the terminal operations would consist of up to 200 ships or barges a year (400 entry and departure transits).")

[48] MDNS from City of Hoquiam and ECOL Mar. 2013. SSDP issued 4/26/13; appeal pending; hearing week of 9/30/13, before Shoreline Hearings Board. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf. Port of Grays Harbor (PGH) will not grant a lease until all required permits are received from city, state, and federal governments. http://www.portofgraysharbor.com/downloads/crude-by-rail/Port_CBR_FAQ.pdf.

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[49] Westway Terminal Company, LLC power point, Apr. 23, 2013, at 6, located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/Westway_GGHI_Presentaton.pdf (proposing "expanding the terminal to allow [Westway] to receive and ship 9,600,000 barrels of crude oil per year").

[50] *Cit of Hoquiam and Washington Department of Ecology Responsible Officials' Amendments to the Environmental Checklist and Threshold Determination for Westway Terminal Tank Farm Expansion Project.* Located online 10/14/13, at http://www.cityofhoquiam.com/public-notices/mdns-westway-apr04.2013.pdf.

[51] Proponent US Development Group, LLC . T-3's depth is 38-40'. http://www.portofgraysharbor.com/terminals/terminal3.php. Proponent granted option to lease by PGH in Apr. 2013. Pending filing of permits after feasibility review by proponent. http://www.portofgraysharbor.com/downloads/crude-by-rail/CBR_Fact_Sheet.pdf.

[52] Grays Harbor Rail Terminal, *Proposed Facility at Port of Grays Harbor: Frequently Asked Questions,* located online 8/30/13, at http://www.portofgraysharbor.com/downloads/crude-by-rail/USD_FAQ.pdf.

[53] *Id.* Proponent states "[s]hip calls will range from 45-60 per year, depending on vessel size."

[54] Other possible proposals include:

- NuStar Energy, Tacoma or Vancouver. *New Traffic Patterns Emerge to Supply Crude Oil to West Coast Refiners,* EIA, Aug. 14, 2013, located online 9/2/13, at http://www.eia.gov/oog/info/twip/twiparch/2013/130814/twipprint.html ("[M]erchant terminal operators, such as … NuStar Energy … are also investing in new rail-to-barge and rail unloading facilities.") NuStar has three terminals, one in Tacoma and two in Vancouver. http://www.nustarenergy.com.
- Paramount Terminal, Portland, OR. The Wash. Dept. of Ecology lists this proposal on their *Energy Movement Evolution* map. http://static.squarespace.com/static/50538902e4b06a8cd25aff1b/t/51a95db6e4b0c88fb1ffbae4/1370054070258/Ecology%20Map%20oilmovementjan713.pdf. Possible proponent: Paramount Petroleum Corp. (503) 273-4760, http://paramountasphalt.com/about-us.

[55] Proponents LNG Development Company, LLC (d/b/a Oregon LNG) and Oregon Pipeline Company, LLC. http://www.oregonlng.com/, http://www.oregonpipelinecompany.com/.

[56] Terminal depth is 43', vessel numbers are for LNG (liquid natural gas) carriers. Source for number of vessels: *Oregon LNG Export Project Resource Report 1—General Project Description,* Docket Number PF12-18-000, Table 1.3-1, Aug. 2012, located online Oct. 15, 2013, at https://s3-us-west-2.amazonaws.com/oregonlng/pdfs/RR1_Prefiling_Draft_8-13-12/1OLNG_RR1_PrefilingDraft_public.pdf.

[57] Proponent Coyote Island Terminals, LLC, a subsidiary of Ambre Energy, proponent of the Millennium Bulk Logistics Terminal in Longview. Coal would arrive by rail for storage and transfer to barges which would be towed to the shipping terminal at Port Westward. http://www.nwp.usace.army.mil/Missions/Currentprojects/CoyoteIslandTerminal.aspx.

[58] Proponent Tesoro-Savage Petroleum Terminal, LLC; Rail service by Puget Sound and Pacific RR. Permitting lead agency: Wash. Energy Facility Site Evaluation Council (http://www.efsec.wa.gov/default.shtm, 360-664-1345), POC Stephen Posner, Compliance Mgr., sposner@utc.wa.gov, 664-1903. Governing law: RCW § 80-50-020. 10/1/13 approx. date of announcement of pre-scoping review.

[59] http://tesorosavagevancouver.com/here/wp-content/uploads/2013/08/POV_FactSheet.pdf.

[60] The EFSEC project description says the rail constructed could accommodate "an average of 4" unit trains per day, but based on volume, the average should be 5. See Determination of Significance Scoping Noice, located 10/27/13, at http://www.efsec.wa.gov/Tesoro%20Savage/Tesoro%20legal%20Scoping%20notice%20Final%2010-1-13.pdf.

[61] Proponent Global Partners, LP.

[62] Source: de Place, Eric, *Sightline Report: The Northwest's Pipeline on Rails: Crude Oil Shipments Planned for Puget Sound, the Washington Coast, and the Columbia River*, (Aug. 2013 Update), fn.20, located 8/29/13 at http://www.sightline.org/wp-content/uploads/downloads/2013/07/crude-oil-by-rail_August-Update.pdf.

[63] This number represents 1311 cargo and passenger vessels, 117 tankers, and 62 articulated barge tows. VEAT 2012 Vessel Entries And Transits for Washington Waters. Washington State Department of Ecology Spill Prevention,

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Preparedness and Response Program P.O. Box 47600 Olympia, WA 98504-7600. WDOE Publication 13-08-001, March 2013, available online as of Oct. 17, 2013, at https://fortress.wa.gov/ecy/publications/SummaryPages/1308001.html.

[64] Washington State Rail Plan, *Public Review Draft*, Sept. 30, 2013, p.35. Accessed Oct. 22, 2013, at http://www.wsdot.wa.gov/NR/rdonlyres/F67D73E5-2F2D-40F2-9795-736131D98106/0/DSRP_Draft_Final_Report_20131003.pdf.

[65] *See* http://www.wsdot.wa.gov/Rail/StateRailPlan.

[66] See their letter of July 29, 2013, at http://www.fra.dot.gov/eLib/details/L04717, for a list of specific concerns.

[67] http://www.wsdot.wa.gov/NR/rdonlyres/F67D73E5-2F2D-40F2-9795-736131D98106/0/DRAFTStateRailPlanforPublicComment.pdf, p. 87.

Tesoro Savage CBR
Scoping Comment
#30951

Docket EF-131590

From: Ken Ferguson <kensfer@gmail.com>
Sent: Wednesday, December 18, 2013 5:03 PM
To: EFSEC (UTC)
Subject: Tesoro-Savage
Attachments: Tesoro-Savage.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Pease view attched scoping comment

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"To work the Art of the Inward Door is to weave bejeweled nets spun from gold"
---The Willing Gensen Buddha

ATTN: Stephen Posner
Interim EFSEC Manager
Energy Facility Site Evaluation Council
PO Box 43172
1300 S Evergreen Park Dr. SW
Olympia, WA 98504-3172

Re: Tesoro-Savage

The Port of Vancouver has issued a lease to San Antonio, Texas based Tesoro, Inc., a refiner and marketer of petroleum products and Savage Services, a private supply chain corporation, for construction and operation of a rail trans-shipment oil terminal that would receive 360,000 barrels of fracked crude oil a day. I am writing to inform the council that I am opposed to the permitting of this facility and would like the council to recommend to the Governor that the Tesoro-Savage proposal not be approved for construction based upon the significant impact of this facility on the air and water of the entire region, from the oil fields through the refineries and ultimately the pollution and intensification of climate change caused by combustion of this fuel.

As part of the scoping process for preparation of the Environmental Impact Statement I would like the council to conduct a broad review of the cumulative impacts of the entire fuel cycle upon air, water, soil, fish and wildlife habitat, and the effects of fossil fuel exploration, extraction, transportation, processing and combustion upon the global climate through the emissions of carbon dioxide, monoxide, methane and other heat-trapping gases. In addition, I would also like the council to consider the cumulative impacts of other fossil fuel proposals currently being considered in the Pacific Northwest and western Canada such as plans to export 100 million metric tons of coal from ports in Oregon, Washington and British Columbia.

As you know, the proposed oil by rail, pipeline on wheels would involve at least four (4) 1.5 mile long trains passing through the Columbia River Gorge National Scenic Area and downtown Vancouver, **every day.** We're talking about roughly half the amount of oil proposed to be carried by the controversial Keystone XL project and more than the amount that is carried by Canada's Trans-Mountain Pipeline that currently feeds west coast refineries. This would mean a substantial increase in congestion caused by train traffic, more air pollution and particulates from diesel exhaust, and emissions of VOCs (volatile organic compounds) such as benzene and other polycyclic aromatic hydrocarbons (PAHs) known to cause asthma, respiratory and cardiac distress, cancer, genetic damage, birth defects and death. I would like the council to consider the increase in coal train traffic as well, combined with the oil trains, and the effects of a constant fossil fuel corridor through the Columbia River Gorge and the communities that line the tracks.

Safety risks are well documented; in 2013 a similar train carrying fracked shale oil derailed and exploded in Quebec killing 47 people and incinerating a large portion of the town of Lac Megantic. Tesoro was fined $2.39 million by Washington regulators, the largest penalty for workplace safety violations in the history of the state, for an April 2, 2010 explosion at its Anacortes refinery that killed seven people. Tesoro was cited for 39 "willful" violations and five "serious" violations of state workplace safety and health regulations. Many of the

aforementioned communities lack the necessary emergency response and remediation capabilities in the event of a derailment, explosion, spill or other accident.

Not only does the fracked shale produce a heavy oil that sinks and disperses in water, it is also known to be highly toxic volatile and potentially explosive. Please consider the effects that fracking has on aquifers, community water supplies and climate change as well.

Vancouver has come a long way in attracting downtown and riverfront businesses that will be put in jeopardy by this project. Investors of the $1.3 billion dollar Waterfront Project may not have tenants for the commercial and residential properties they plan to build next door to the port if this terminal is allowed. That would be a much greater loss to the city economy than the 80 jobs this dirty oil terminal would offer. Furthermore, the combustion of this oil would push us faster into runaway climate change, damage fisheries habitat, pollute the water and air, acidify the oceans, and ultimately, submerge the port under a rising tide of climate disaster.

Please deny the permit.

Sincerely,

Ken Ferguson

Vancouver, WA

Tesoro Savage CBR
Scoping Comment
#30952

Docket EF-131590

From: charles pace <charlespace@gorge.net>
Sent: Wednesday, December 18, 2013 5:21 PM
To: EFSEC (UTC)
Subject: Fwd: Tesoro Savage Scoping comment
Attachments: Tesoro Savage.pdf; Resolution 453.pdf; Pace Comment.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Mr. Posner,

Unfortunately, when I submitted the email below I neglected to attach an additional document for the record. In addition, the last full paragraph on the second page of my comments contained an error. Please accept the following corrected version of my comment, and the two attachments that are referenced therein, for inclusion in the record for the Tesoro Savage Terminal proposal.

Thank you very much.

Sincerely,

Charles Pace

Begin forwarded message:

From: charles pace <charlespace@gorge.net>
Date: December 18, 2013 5:02:48 PM PST
To: efsec@utc.wa.gov
Subject: Scoping comment

Stephen Posner

Please see attached comment and Resolution # 453 re the Tesoro Savage Terminal proposal.

Thank you very much.

Sincerely,

Charles Pace

Date: December 18, 2013

To: Stephen Posner, Interim ERSEC Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-3712
Email: efsec@utc.wa.gov

From: Charles Pace
P.O. Box 70
North Bonneville, WA 98639
Email: charlespace@gorge.net

Re: Scope of environmental analysis for Application No. 2013-10, Tesoro/Savage Vancouver Energy Distribution Terminal,

I am writing in response to the Energy Facility Site Evaluation Council's November 8l, 2013, invitation to agencies, affected tribes and members of the public to comment on the scope of the environmental impact statement required under RCW 43.21C.030(2)(c) for the proposed Tesoro Savage Vancouver Energy Distribution Terminal in Clark County, Washington.[1]

By way of background, I am a resident of the City of North Bonneville, Washington, and currently serve as an elected member of the City Council. If permitted, at full operation the Tesoro Savage distribution terminal would utilize existing railroad lines owned by Burlington Northern Santa Fe, LLC, to transport an average of 360,000 barrels of crude oil per day thru our town to the Port of Vancouver, which has formed a joint venture with the Tesoro and Savage Companies, for temporary storage and subsequent delivery by river- and ocean-going vessels to refineries owned by Tesoro in Carson, California (near Los Angeles), Northern California and elsewhere.[2]

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[1]Stephen Posner, Notice Of Extension Of Public Scoping Comment Period, Docket No. EF-131-590 (November 8, 2013), available online at http://www.efsec.wa.gov/Tesoro%20Savage/Revised%20Scoping%20Notice%20Electronic%2011-8-13.pdf.

[2] Apparently, shipping directly to facilities built in close proximity to Tesoro's refineries in California is viewed as "unfeasible" because the state of California's permitting process would "take too long" and be "very difficult to do." See Dan Murtaugh and Lynn Doan, "Tesoro Plans West Coast Rail Operation to Tap Shale Crude Boom," Bloomberg News (Apr. 22, 2013), available online at http://www.bloomberg.com/news/2013-04-22/tesoro-plans-west-coast-rail-operation-to-tap-shale-crude-boom.html.

If permitted, operation of the proposed facility at the Port of Vancouver would require, on average, four unit trains loaded with crude oil to pass thru our city on a day-to-day basis. This is over and above the increased number of trains loaded with coal that would that will also pass thru our town if two coal export terminals currently proposed for construction at Longview, Washington, in Cowlitz County[3] and at Cherry Point in Whatcom County are permitted. All three projects would have direct adverse impacts on both the City of North Bonneville and the health and safety of our citizens. For example, residents of—and visitors to—our City will be subjected to the diesel particulates emitted and the noise created by additional trains, which will detract from the quality of life in this locale, as well as hinder the efforts of North Bonneville to attract tourists, which is a key component of our efforts to enhance economic activity over time.

The significant increase in train traffic thru our sister cities—Stevenson, Washington, and the village of Skamania Landing—will also have delaying and disrupting impacts the day-to-day affairs of our citizens as they go about their lives. For example, trains passing thru the city of Stevenson may interfere with access to facilities at the Port of Skamania for emergency and non-emergency purposes. And significant increases in train traffic will block access to Skamania Landing, which could create traffic hazards for travelers on State Highway 14. All of these direct impacts of operation of the Tesoro Savage Terminal should be address in the environmental analysis.

For consideration, on January 8, 2013, the North Bonneville City Council enacted Resolution #453 requesting that the then co-lead agencies—the Army Corps of Engineers, the Washington Department of Ecology and Whatcom County—complete a comprehensive environmental assessment of the impacts of the coal export terminal proposed for Cherry Point. Because the Tesoro Savage Terminal, if constructed, will have virtually the same impacts on our community as the coal export facilities, and to avoid unnecessary repetition, I've attached a copy of Resolution #453 for incorporation in these comments. Also, for your consideration and review, I have attached hereto comments I submitted as an individual member of the City Council and resident of North Bonneville on the Gateway Pacific project.

The proposed project also triggers numerous concerns on a statewide, national and global basis. To avoid duplication, I will adopt—and incorporate here by reference—the scoping comments submitted on December 17, 2013, to the Energy Facility Site Evaluation Council on behalf of Columbia Riverkeeper, the

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[3] *See*: Notice of Amendment to the Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Millennium Bulk Terminals—Longview Shipping Facility Project, Federal Register, Vol. 78, No. 173, 54871-73; Cowlitz County Revised SEPA Determination of Significance & Request for Comments on Scope of EIS for Millennium Bulk Terminal Longview LLC Coal Export Terminal REVISED (September 9, 2013), available online at http://www.millenniumbulkeiswa.gov/assets/eis-millennium.pdf;

Friends of Columbia Gorge, Forest Ethics, Spokane Riverkeeper, Sierra Club, Washington Environmental Council, and Climate Solution, which identified issues that must be addressed as part of the environmental review process.

Thank you for your review and consideration of these concerns.

City Council Resolution #453

A City of North Bonneville Council Resolution submitted to the State of Washington Department of Ecology, United States Army Corps of Engineers and Whatcom County, Washington for the public record as Formal Comments for Scoping – Deciding what Factors, Issues, Environmental Impacts to Analyze and Geographic Area or Areas to Consider – for a comprehensive Environmental Assessment by the Co-Lead Agencies under a combined (NEPA) National Environmental Policy Act and (SEPA) State Environmental Policy Act, Environmental Review regarding construction of Coal Exporting Facilities in the States of Washington and Oregon and specifically the "Gateway Pacific Terminal at Cherry Point" in Whatcom County, Washington.

Whereas, The "Gateway Pacific Terminal at Cherry Point" in Whatcom County, Washington is a specific proposal under review for granting of construction permits, and one of five proposed coal export terminals planned for construction in the states of Washington and Oregon, and

Whereas, The mining of coal for export from the Gateway Pacific Terminal at Cherry Point and other proposed export terminals requires rail and barge transportation from the points of extraction in Montana and Wyoming through the states of Washington and Oregon and the Columbia River Gorge National Scenic Area, and

Whereas, The rail transportation routes from the states of Montana and Wyoming to coal export facilities on the west coast run through the City of North Bonneville and numerous other cities and small towns where elected officials are responsible for protecting the health, safety and welfare of their citizens, and

Whereas, The elected officials of each city, town and county are held responsible for the protection of the health, safety and welfare of their citizens and cannot discharge their sworn duty in making determinations and exercising judgments regarding both positive and negative environmental impacts on their respective communities without first having a comprehensive and formal environmental assessment report published by the co-lead agencies and conveyed to each jurisdiction prior to soliciting comments from said agencies on a draft EIS for the "Gateway Pacific Terminal at Cherry Point" proposal or any other coal export facility, and

Whereas, The elected officials of each city, town and county have a right to receive a comprehensive and complete scientific assessment of all impacts associated with or generated by the mining and transportation of coal through their jurisdictions for export from west coast coal export terminals and sale for consumption or burning of same by Asian countries for generation of power that increases a global carbon footprint.

Now Therefore, Be It Resolved by the Council of North Bonneville, Washington, a Municipal Corporation of the State of Washington, on behalf of its citizens as follows:

1. Scope of Environmental Assessments for Coal Exports from State of Washington and the Gateway Pacific Terminal at Cherry Point in Whatcom County, Washington – The Scope of Environmental Assessments should be comprehensive and analyze all potential human and natural environmental effects caused or generated by the construction of coal export terminals:

(a) Mining coal for transport and export from the Gateway Pacific Terminal and all other proposed facilities on the West Coast;

(b) Handling and transferring coal from trains and barges to export carriers;

(c) Defining the specific train and barge routes for transporting coal for export through the states of Washington and Oregon;

(d) Defining the loading and transportation by rail or barge by metric tons per rail car and coal train and barges on the Columbia River;

(e) Identifying all cities, towns and counties through which coal trains will transport coal mined in Montana and Wyoming or other location for export;

(f) Documentation of the history of rail accidents, fires caused by rail car brake or wheel bearing failures, and derailments along the projected coal train transportation routes; and

(g) Detail the markets to which American coal exports are destined to be shipped and consumed.

2. All Assessments and Scientific Analysis of Potential Human and Natural Environmental Effects Caused or Generated by Construction of Coal Export Terminals and Specifically the Gateway Pacific Terminal in Whatcom County, Washington, In Order to be Comprehensive, must include, but not limited to:

(a) Noise - Noise generated by mining, transportation and handling of coal.

(b) Air Quality – Emphasis on generation of coal dust starting with mining and loading, transportation with shedding of coal dust, unloading rail cars and barges and loading coal to ships for export, and associated increase in diesel fuel exhaust emissions by trains and barge tugs generated by transporting coal for export from the source at mines to the export terminals.

(c) Human Health – The specific detrimental effects of coal dust shedding, increased diesel exhaust emissions, increased noise generated by coal trains and barges, and the increased carbon footprint generated by coal exports for consumption by Asian countries. One major critical human health and environmental issue to be analyzed is the CO2 emissions generated by each metric ton exported that will contribute to pollution of the earth's atmosphere and global warming.

(d) Traffic and Safety – The documentation of coal train rail and barge traffic potential for accidents, spills, derailments, fire, local community impacts at both marked, signaled, non-signaled, urban and rural crossings, and bridges crossing streams and rivers.

(e) Wildlife and Their Habitat – Complete assessment of the effects of coal dust, noise and the dangers posed by potential fires and derailments generated by increased coal train transportation. In like manner the same potential effects and dangers posed by accidents on the Columbia River by coal barging.

(f) Marine Species, Fish and Fisheries – All rail and barge transportation routes for coal trains crossing streams, rivers, and wetlands that provide designated critical and essential fish habitat for a significant number of endangered species. All bridge crossings of streams, rivers and wetlands should be identified together with the marine species, fish, or fisheries dependent upon the individual habitats. An assessment of the potential negative effects on said habitats should include the impacts of a major derailment that contaminates these areas with coal or coal dust. The assessment should identify remedial actions that would be required to restore the habitats to their original condition if spilled coal and coal dust can be completely removed from those habitats.

(g) Wetlands or Streams -- The same comprehensive assessment as stated above for marine species, fish and fisheries must be undertaken for all wetlands, streams and rivers but must be expanded to include native vegetation, native wildlife not on an endangered species list, birds of all types, including water foul and migratory species, that depend those wetlands, streams and rivers for survival. Of critical importance in this assessment is the potential long term negative effect of coal dust buildup in the environment due to shedding of coal dust by coal trains during transportation from coal mines to proposed export terminals.

(h) Water Quality – The survival of species whether wildlife, marine species, fisheries, birds or habitat vegetation are all dependent upon water quality. The long term effects of mining, transporting, exporting American Coal for burning in coal fired power plants in Asia increases the carbon footprint on the planet and contributes to global warming with increases in CO2. The potential negative effects of such increased emissions on the quality and temperature of the water in our streams, rivers, and wetlands should be documented and analyzed. The same assessment should carefully document and analyze the potential negative effects on the world's oceans and all marine life dependent on said ocean as their life sustaining habitat. Identification of water quality temperatures as said temperatures related to propagation of endangered species of fish and marine species should be documented and fully analyzed. The amount of CO2 emissions released into the atmosphere through the burning of each metric ton of coal, together with release of other heavy metals, such as arsenic, lead and mercury, should be documented and analyzed as potential contaminants to water quality.

3. <u>The Environmental Impact Statement Process – A comprehensive Environmental Assessment Report should be compiled and published as a base document from which the Draft Environmental Impact Statement is prepared.</u>

(a) **Alternatives** - All alternative actions that can be documented to mitigate potential negative environmental impacts identified in the completing of a comprehensive environmental assessment report (EAR) should be evaluated and weighted in terms of economic, social, and environmental quality benefits.

(b) **Areas of Potential Effect** – The mining of coal in Montana and Wyoming for transportation to and export from coal export terminals on the west coast, including the Gateway Pacific Terminal at Cherry Point in Whatcom County, generates significant environmental impacts in every city, small town, rural community and county through which coal trains travel to transport coal for export to Asian markets for power generation. The areas of potential significant effects start at the point of mining, handling, and loading coal on rail cars for transport through Wyoming, Montana, Washington and Oregon to reach coal export terminals proposed on the west coast. The potential significant negative effects are then generated with each mile in transport through shedding of coal dust and the potential for major spills and derailments and the unloading of coal at export terminals for transfer to ships destined to Asian markets. The area of potential effects then shifts to the consumption, burning of coal by Asian power producers through coal fired plants that generate CO2 emissions that further pollute the earth's atmosphere. The areas of potential effects, therefore, begin at the mining of the coal, transportation and export and end with the resulting consumption through burning of American coal by Asian power producers which adds to generation of CO2 and pollution of the earth's atmosphere. A comprehensive EAR and final environmental statement must cover and encompass the entire area of impacts from mining to final consumption for the generation of power. All the effects on cities, towns, counties, and the human and natural environments are impacted in significant measure through the coal train or barge transportation and the ultimate negative effects of increased coal production and consumption.

(c) **Environmental Impact Statement Process** – The solicitation of public input during public hearings for "scoping" a draft EIS leaves a major gap in presenting documented findings, analyzes, and scientific assessments necessary to expose all potential environmental impacts for review by the public, public entities, cities, towns and counties prior to the time they are requested to make comment on the draft EIS. It is essential that a comprehensive EAR containing all studies, assessments, scientific analyzes, and documentations should be published and presented to the public and entities of the States prior to the time a draft EIS is circulated for comment by governmental entities. Elected officials must be afforded the full opportunity to have sufficient time to thoroughly review a detailed EAR prior to preparing official written comments to a draft EIS.

Enacted by the City Council of the City of North Bonneville, Washington, a municipal corporation of the State of Washington, sitting in general session of a

regular meeting on this 8th day of January 2013, by affirmative vote of the City Council and Approval by the Mayor as recorded in the records of the City.

_____

Don Stevens, Mayor

Attest: _____

John Spencer, Clerk/Treasurer/Administrator

DATE: January 22, 2012

TO: Tyler Schroeder, Planning Manager
Whatcom County Planning and Development Services
5280 N.W. Drive
Bellingham, WA 98226
tschroeder@co.whatcom.wa.us

Alice Kelly, Regional Planner
Northwest Regional Office
Washington Department of Ecology
3190 – 160th Ave. SE
Bellevue, WA 98008-5452
akel461@ecy.wa.gov

Randel Perry – GPT Co-Lead Agency Contact
U.S. Army Corps of Engineers
Seattle District Regulatory Brnch
Northwest Field Office
1440 10th Street, Suite 102
Bellingham, WA 98225-7028

FROM: Charles Pace
P.O. Box 70
North Bonneville, WA 98639
charlespace@gorge.net

RE: Scope of environmental impact statement for proposed Gateway Pacific Terminal and Custer Spur Modification projects

I am responding to the request for public comment re the appropriate scope of an environmental impact statement being prepared by Whatcom County, the state of Washington's Department of Ecology, and the U.S. Army Corps of Engineers ("co-lead agencies") for the proposed Gateway Pacific Terminal and Custer Spur Modification projects.

By way of background, I am a resident of the City of North Bonneville, Washington, and currently serve as an elected member of the City Council. As you may know, the proposed projects will utilize existing railroad lines owned by the Burlington Northern Santa Fe, LLC ("BNSF") bisecting our City to deliver coal to the proposed Gateway Pacific Terminal for export abroad. If approved, this will have direct adverse impacts on the City of North Bonneville.

For example, residents of, and visitors to, our City will be subjected to the noise created, and emissions of diesel particulates emitted, by as many as 18 additional trains passing through North Bonneville each day. This will adversely

impact the quality of life for our residents, as well as hinder the efforts of North Bonneville to attract tourists, which is a key component of our efforts to enhance economic activity over time.

Because the proposed projects are likely to have direct impacts on our city, as well as trigger concerns on a statewide, national and global basis, on January 8, 2013, North Bonneville's City Council enacted Resolution #453 calling for a comprehensive environmental assessment of the impacts of the proposed projects for submittal to the co-lead agencies. Resolution #453 is incorporated here by reference and this comment, submitted on my own behalf, supplements and expands thereon.

First, note that Resolution #453 suggests the co-lead agencies should assess the impacts of coal exports from the Gateway Pacific Terminal, as well as all other proposed export facilities on the West Coast and, in particular, that the environmental analysis address the global impacts on air quality when the coal is combusted for power generation.

For your consideration, this expansive approach is required by the National Environmental Policy Act of 1969, as amended ("NEPA"), 42 U.S.C. § 4321 *et seq.*, and NEPA implementing regulations, and the State Environmental Policy Act of 1971 ("SEPA").

More specifically, NEPA requires consideration of the cumulative effects of any action, where regulations promulgated by the President's Council on Environmental Quality for implementing NEPA define cumulative effects as impacts on the environment that result from

> the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency ... or person undertakes such actions[,noting that such impacts/effects] can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7. And, as set forth in section 43.21C.030(f) RCW, when discharging their duties under SEPA, WDEQ and Whatcom County must

> [r]ecognize the <u>worldwide and long-range character of environmental problems</u> and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the <u>world environment</u>.

Emphasis added.

My other concern has to do with the potential that the proposed projects have for degradation and/or adverse modification of habitat for species of anadromous fish, which are listed as threatened or endangered under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Specifically, the transport of coal by rail thru the City of North Bonneville carries with it the increased probability that species of salmon and steelhead returning to the Columbia River basin could be harmed by any accidental spill of coal dust directly into the mainstem of the Columbia River and/or tributaries thereto, such as Hamilton Creek, which flows thru the City of North Bonneville.

There are eight "evolutionary significant units" ("ESUs") of salmon that may be impacted, which your analysis should address:[1]

- Snake River sockeye ESU listed as endangered on Nov. 20, 1991, 56 Fed. Reg. 58,619; critical habitat designated on Dec. 28, 1993, 58 Fed. Reg. 69,543; and endangered status reaffirmed on June 28, 2005, 70 Fed. Reg. 37,160.

- Snake River spring/summer Chinook ESU listed as threatened on Apr. 22, 1992, 57 Fed. Reg. 14,653; status corrected on June 3, 1993, 57 Fed. Reg. 23,458; threatened status reaffirmed on June 28, 2005, 70 Fed. Reg. 37,160; critical habitat designated on Dec. 28, 1993, 58 Fed. Reg. 68,543; and critical habitat designation revised on Oct. 25, 1999, 64 Fed. Reg. 57,399.

- Snake River fall Chinook ESU listed as threatened on Apr. 22, 1992, 57 Fed. Reg. 14,653; status corrected on June 3, 1992, 57 Fed. Reg. 23,458; threatened status reaffirmed on June 28, 2005, 70 Fed. Reg. 37,160; and critical habit designated on Dec. 28, 1993, 58 Fed. Reg. 68,543.

- Upper Columbia River spring Chinook ESU listed as endangered on Mar. 24, 1999, 64 Fed. Reg. 43,308; endangered status reaffirmed and protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat designated on Sept. 2, 2005, effective Jan. 2, 2006, 70 Fed. Reg. 52,630.

- Lower Columbia River Chinook ESU listed as threatened on Mar. 24, 1999, 64 Fed. Reg. 14,308; threatened status reaffirmed and protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat designated on Sept. 2, 2005, effective Jan. 2, 2006, 70 Fed. Reg. 52,488.

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[1]Available online, http://www.nwr.noaa.gov/ESA-Salmon-Listings/Salmon-Populations/.

- Upper Willamette River Chinook ESU listed as threatened on Mar. 24, 1999, 64 Fed. Reg. 14,308; threatened status reaffirmed and protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat designated on Sept. 2, 2005, effective Jan. 2, 2006, 70 Fed Reg. 52,630.

- Columbia River chum salmon ESU listed as threatened on Mar. 25, 1999, 64 Fed. Reg. 14,507; threatened status reaffirmed and protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat designated on Sept. 2, 2005, effective Jan. 2, 2006, 70 Fed Reg. 52,630.

- Lower Columbia River Coho ESU listed as threatened June 28, 2005, 70 Fed. Reg. 37,160, protective regulations issued June 28, 2005, 70 Fed. Reg. 37,160, and designated critical habitat proposed on Jan. 18, 2013.

There are also five of distinction population segments ("DPS") of steelhead that might be adversely affected by the proposed projects:[2]

- Upper Columbia River steelhead DPS listed as endangered, Aug. 18, 1997, 63 Fed. Reg. 43,937; status upgraded to threatened on Jan. 5, 2006, 71 Fed. Reg. 834; critical habitat designated Sept 2, 2005, effective Jan. 2, 2006, 70 Fed. Reg. 52,630;status reinstated to endangered per U.S. District Court for the Western District of Washington's decision on June 13, 2007, in *Trout Unlimited v. Lohn*, C06-0483-JCC (2007); and status upgraded to threatened by U.S. District Court per order on appeal and remand by the U.S. Court of Appeals for the Ninth Circuit, June 18, 2009.

- Snake River basin steelhead DPS, listed as threatened on Aug. 18, 1997, 63 Fed. Reg. 43,937; threatened status reaffirmed on Jan. 5, 2006, 71 Fed. Reg. 834; protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat designated on Sept. 2, 2005, effective Jan 2, 2006, 70 Fed. Reg. 52,630.

- Middle Columbia River steelhead DPS listed as threatened on Mar. 25, 1999, 63 Fed. Reg. 13,347; threatened status reaffirmed on Jan. 5, 2006, 71 Fed. Reg. 834; protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat designated on Sept. 2, 2005, effective Jan. 2, 2006, 70 Fed. Reg. 52,630.

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[2]Available online, http://www.nwr.noaa.gov/ESA-Salmon-Listings/Salmon-Populations/Steelhead/.

- Lower Columbia River steelhead DPS, listed as threatened on Mar. 19, 1998, 63 Fed. Reg. 13,347; threatened status reaffirmed on Jan. 5, 2006, 71 Fed. Reg. 834; protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat on designated Sept. 2, 2005, effective Jan. 2, 2006, 70 Fed. Reg. 52,630.

- Upper Willamette River steelhead DPS listed as threatened on Mar. 24, 1999, 64 Fed. Reg. 43,308; threatened status reaffirmed on Jan. 5, 2006, 71 Fed. Reg. 834; protective regulations issued on June 28, 2005, 70 Fed. Reg. 37,160; and critical habitat designated on Sept. 2, 2005, effective Jan. 2, 2006, 70 Fed. Reg. 52,360.

Thank you for your review and consideration of these concerns.

Tesoro Savage CBR
Scoping Comment
#30953

Docket EF-131590

From: John and Joellen Taves <jandjtaves@gmail.com>
Sent: Wednesday, December 18, 2013 9:00 PM
To: EFSEC (UTC)
Subject: Scoping Comments on Proposed Tesoro Savage Vancouver Energy Distribution Terminal DEIS
Attachments: Tesoro Savage Scoping Comments.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Dear Mr. Posner,

Please see attached comment letter concerning the scope of the draft environmental impact statement for the proposed Tesoro Savage Vancouver Energy Distribution Terminal Project.

Thank you.

John Taves
714 Sunrise Drive
Cheney, WA 99004

December 18, 2013

Tesoro Savage Vancouver Energy Distribution Terminal EIS
c/o Mr. Stephen Posner, EFSEC Interim Manager
Energy Facility Site evaluation Council
P.O. Box 43172
1300 S. Evergreen Park Dr. S.W.
Olympia, WA 98504-3172

Dear Mr. Posner:

Thank you for the opportunity to offer these comments regarding the scope of the draft environmental impact statement (DEIS) addressing the Tesoro Savage Vancouver Energy Distribution Terminal (Tesoro Savage) proposal.

Cheney, Washington, is located approximately 17 miles southwest of Spokane and is bisected by mainline tracks for both the Union Pacific (UP) and Burlington Northern/Santa Fe (BNSF) railroads. Its population includes slightly more than 11,000 permanent residents and, during the school year, a significant number of students attending Eastern Washington University (Fall 2013 enrollment is 10,056 full-time and 2,070 part-time students).

I am concerned about the additional rail traffic that would occur through the city were the Tesoro Savage Project to be built. Currently there are four intersections within the city limits where roads cross the BNSF rails. The UP rails involve three crossings within, and one just outside, the city limits. All of these crossing are at grade.

I request that the DEIS scope include an analysis of the impacts of added rail traffic that would result if the Tesoro Savage Project were built. These impacts would include delays at rail crossings, resulting in increased response times for emergency services, traffic congestion, and emissions from waiting vehicles. Other impacts that should be considered include increased emission from diesel locomotives, train noise (including both rail noise and train horns), and the potential consequences of a derailment or train/vehicle collision within the city.

In addition, burning the oil involved (or derivatives therefrom) would contribute substantially to release of carbon dioxide, particulates and other pollutants that poison air and water and contribute to global warming.

Unless the impacts I have listed above are addressed, the scope of the DEIS will be completely inadequate in enabling a decision maker to be fully informed about the potential environmental consequences of approving a permit(s) for the proposed project.

In addition to the direct impacts of the Tesoro Savage Project, I request you also conduct a cumulative impact analysis that includes consideration of both existing rail traffic and any additional rail transport effects in Cheney resulting from other reasonably foreseeable future rail terminal projects that could further increase rail traffic through Cheney. Specifically, this should include potential impacts associated with the construction and operation of the proposed Morrow Pacific Coal Export Terminal Project to be built by Ambre Energy, the Millennium Bulk Terminal's proposed Gateway Pacific Terminal Project to be located at Cherry Point, Washington, and the proposed Millennium Bulk Terminals Longview Project. It is my understanding that all of these projects would depend on additional rail shipments over the tracks bisecting Cheney.

Thank you for your attention to these comments.

Sincerely,

John M. Taves
714 Sunrise Drive
Cheney, WA 99004

Tesoro Savage CBR
Scoping Comment
#30954

Docket EF-131590

From: Stephanie Buffum <stephanie@sanjuans.org>
Sent: Wednesday, December 18, 2013 9:56 PM
To: EFSEC (UTC)
Subject: Tesoro Project Comment Letter from the Safe Shipping Alliance of the Salish Sea
Attachments: Tesoro Project SSASS 12-16-13.doc

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Dear Mr. Posner,

Thank you for this opportunity to provide scoping comments for preparation of the Tesoro Savage Vancouver Energy Distribution Terminal Environmental Impact Statement (Tesoro Savage).

Please accept the following attached comment letter from the Safe Shipping Alliance of the Salish Sea, a multi-nation coalition to protect the environmental and economic integrity of the Salish Sea and all that depend on it from adverse maritime impacts.

SAFE SHIPPING ALLIANCE OF THE SALISH SEA

A multi-nation coalition to protect the environmental and economic integrity of the Salish Sea and all that depend on it from adverse maritime impacts.

December 18, 2013

Stephen Posner, Interim EFSEC Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
1300 S Evergreen Park Dr. SW
Olympia, WA 98504-3172

Delivered via email: efsec@utc.wa.gov

RE: Docket No. EF-131590 Application No. 2013-01 Tesoro Savage Vancouver Energy Distribution Terminal Comments

Dear Mr. Posner,

Thank you for this opportunity to provide scoping comments for preparation of the Tesoro Savage Vancouver Energy Distribution Terminal Environmental Impact Statement (Tesoro Savage). Please accept the following comments from the Safe Shipping Alliance of the Salish Sea, a multi-nation coalition to protect the environmental and economic integrity of the Salish Sea and all that depend on it from adverse maritime impacts.

With over 6 million people residing in and around the Salish Sea, our members recognize that the economy of the Salish Sea is inextricably connected to our environment.

As representatives of the Safe Shipping Alliance of the Salish Sea we request that the *Energy Facility Site Evaluation Council* (EFSEC) evaluate the issues identified below as well as the cumulative impacts likely to occur from the pending and anticipated crude terminal expansion and construction with projects in Oregon and Washington in addition to the proposed Tesoro Savage cargo exports that will add cumulative shipping traffic through the Salish Sea.

Tourism is the primary economy in San Juan County and the Gulf Islands. The health of the endangered Southern Resident Killer Whales (SRKW), also known as orca whales, are the prime driver of that economy. The SRKW is an endangered species under the US Endangered Species Act and Canada's Species at Risk Act.

The application states that the project will receive up to 360,000 barrels of crude oil per day from the *Midwest North America* at the Port of Vancouver, Washington. It is important to note that such a broad description requires that EFSEC consider not just the impacts of cargo spills associated with Bakken Shale, but Alberta Tar Sand-derived crude as well which is known to sink, especially in fresh water. It is important to note that the Columbia River has not had crude oil transported on it until this past year with the relatively small project in Clatskanie where crude is being unloaded and sent to BP's Cherry Point refinery. No additional spill response assets have been put into operation despite this new risk that is unacceptable, especially given the volumes proposed for the project under discussion here. The application states that this volume will require 4 unit trains/daily which we estimate will generate 386 tank vessel transits and an additional 193 bunker barges to serve the tank vessels. Not including the bunkering operations, this project would constitute a 27% increase in vessel traffic over that which called on the Columbia River in 2012. It is but one of six projects currently under permit review that would collectively result in a 153% increase in traffic. The risks of maritime accidents and associated spills as a result of such dramatic increases need comprehensive evaluation.

The economy and cultural vitality of the Salish Sea[1] is inextricably connected to the beauty of our environment and the health of our ecosystems. Many residents from the San Juan Islands and the Gulf Islands and neighboring tribal communities depend upon a healthy and sustainable salmon fishery and orca population.

A. ECONOMICS DEPEND ON THE HEALTH OF THE ORCA

In San Juan Islands of Washington State, tourism is the primary economy; and, the endangered Southern Resident Killer Whales (SRKW), also known as orca whales, are the prime driver of that economy. With a boost from the recent designations of "#1 Island in the U.S." by Trip Advisor[2]," #2 in the New York Times' Best Places to Visit," "#3 on Lonely Planet's 'Top 10 Destinations for 2013'", and National Monument status, the San Juan Islands are a major established tourist destination. San Juan County's visitors and part-time residents provide significant state and local tax revenues. [3] In 2012, more than 700,000 people visited our islands and spent nearly $158 million.[4] In the same year, 1,850 jobs here were directly related to the travel industry.[5]

The cultural and economic fabric of the Salish Sea faces "direct, indirect and induced" damage due to the impacts on the endangered southern resident orcas and other species due to increased shipping traffic from the Tesoro Savage proposal, including underwater noise, air and water pollution, increased risk of a fuel/cargo spill in our surrounding waters.

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[1] The San Juan and Gulf Islands are nestled in the midst of the Salish Sea, one of the world's largest and biologically rich inland seas.The name recognizes and pays tribute to the first inhabitants of the region, the Coast Salish.
[2] Http://www.youtube.com/watch?v=8ApK0SYothA.
[3] San Juan County collected $884,314 and the Town of Friday Harbor collected $298,830 in lodging taxes in 2012. Treasurer, Town of Friday Harbor; San Juan County Treasurer's Office.
[4] San Juan Islands Visitors Bureau, http://www.visitsanjuans.com.
[5] Dean Runyan Associates "Washington State Travel Impacts and Visitor Volume, 2002-2012."

"Major oil spills are potentially catastrophic to killer whales and their environment, as illustrated by the probable impacts on the main resident and transient pods frequenting the area of the massive *Exxon Valdez* oil spill in Prince William Sound, Alaska, which occurred in 1989. Six of the 36 members of AB pod were missing within one week of the spill after being seen in heavily oiled waters and eight more disappeared within two years (Dahlheim and Matkin 1994, Matkin et al. 1994, 1999a, 2003, Matkin and Saulitis 1997). These were followed by the deaths of two orphaned calves in the winter of 1993-1994, as well as two adult males (including one fairly young individual) in 1994 and 1997 whose dorsal fins collapsed soon after the spill, indicating stress or ill health. AT1 pod lost eight of its 22 members by 1990 and two others by 1992. These mortality rates are unprecedented for the northeastern Pacific." (NOAA 2001) Recovery Plan for Southern Resident Killer Whales (*Orcinus orca*) http://www.nmfs.noaa.gov/pr/recovery/plans.htm Overall, the Biological Review Team (BRT) was concerned about the viability of the Southern Resident DPS and concluded that it is at risk of extinction because of either small-scale impacts over time (e.g., reduced fecundity or subadult survivorship) or a major catastrophe (e.g., disease outbreak or oil spill).

Please address the following impacts in the EIS for the Tesoro Savage Project:

1. What are adverse impacts, including the adverse impacts from the increased risk of oil spills, to salmon, an essential food for the endangered SRKW, in the Columbia River?

2. What would be the adverse impacts to forage fish, an essential food for salmon and in turn SRKW, from increased oil spills in the Columbia River?

3. What is the economic threat from the loss of SRKW to the economy of the San Juans?

4. What would be the loss of property values and what would be the loss of tourism, real estate sales, from depleted fish and wildlife populations such as the SRKW in the event of a major oil spill in the Columbia River?

5. What would be the loss of property values and what would be the loss of tourism, real estate sales, from depleted fish and wildlife populations such as SRKW in the event of a major oil spill from vessels and barges transiting through the San Juans on their way to deliver propulsion fuel to ships in Longview?

6. In analyzing each and all of the above impacts, what would a "worst case scenario" look like in the presence of *each* of the plausible, compounding factors or events, including but not limited to human errors, storms, earthquakes, tsunamis, and other planned/proposed projects that may contribute to increased cumulative impacts and chance of accidents? What would a "worst case scenario" look like for *all* the above plausible, compounding factors combined? What would be the estimated damages in dollars, overall and for San Juan County in particular, if such a "worst case" event were to happen? Wi the Tesoro Savage project have sufficient insurance coverage to insure against the "worst case" damages and economic losses?

7. What is the route of tank vessels calling to and from the proposed terminal and what additional maritime and facility capabilities will be brought to bear to address the increasing threat?

B. UPPER COLUMBIA RIVER AND SNAKE RIVER CHINOOK SALMON ARE ESSENTIAL FOR THE SURVIVAL OF THE ORCA WHALES THAT FREQUENT THE SALISH SEA

Source:www.nwfsc.noaa.gov/research/divisions/cb/ecosystem/marinemammal/index.cfm

The Southern Resident Killer Whales (SRKW), also known as the orca whale, is San Juan County's icon. As noted above, tourism-drives the economy and is dependent on these charismatic marine mammals. It is also one of the most intensively studied populations of wild whales in the world with the life history of all individuals documented since 1976 by the Center for Whale Research (Whaleresearch.com). The occurrence of the SRKWs is strongly correlated with the timing and abundance of Chinook salmon. Recent survey, sighting and tagging information shows that abundant runs of Columbia and Snake River Chinook salmon are important to the long-term survival of the SRKW.[6] However, as the associated figure documents, the whales will also travel to the west coast's largest Chinook hatchery in California. While the applicant does not state the market for the oil, some if not most, is likely to be bound for Tesoro's refinery they recently purchased from BP in California, thereby extending the risks posed to SRKWs by this project.

Since the Southern Resident Killer Whale (SRKW) was listed as Endangered under the Endangered Species Act in 2005, the National Oceanic and Atmospheric Administration (NOAA) has funded studies of SRKWs to better understand how they can be protected. A key part of this effort is defining Critical Habitats that are essential for their traveling, foraging, resting, and reproduction. It is well established that SRKWs spend the spring-fall near the San Juan and Canadian Gulf Islands. A satellite-tracking device was attached to a young male SRKW in K pod. This NOAA-funded project has tracked the winter travels of the K pod of Southern Resident Killer Whales along the outer coast from the Strait of San Juan de Fuca to Northern California. K pod spent the most time between late December 2012 and early April 2013 around the mouth of the Columbia River. Because Chinook salmon is the preferred food of the SRKW, they were likely feasting on spring-run Chinook. These early migrants are the largest and fattiest of the salmon because they have the farthest to travel upstream, making them of particular caloric value to the endangered orcas.

Juvenile Chinook salmon migrate past the proposal and use the lower Columbia River for to physiologically prepare for salt water and sustenance. Adult salmon must migrate up the Columbia River past the site of the proposed Tesoro Savage terminal. Impacts associated with the proposed terminal, including cargo and fuel spills from vessels visiting the terminal, are potential threats to

[6] http://www.nwfsc.noaa.gov/research/divisions/cb/ecosystem/marinemammal/satellite_tagging/blog.cfm.

maintaining Chinook salmon runs adequate to sustain the SRKW population. Therefore we request that the scope of the EIS for the proposed Tesoro Savage project include a study of impacts to this key salmon populations that are federally listed as Threatened and endangered under the Endangered Species Act. Chinook salmon are also subject to further conservation considerations under the Fish and Wildlife Coordination Act, 16 U.S.C. 661-667e and the Magnuson-Stevens Fishery Conservation and Management Act-Essential Fish Habitat, Pub. L. 94-265 and by international conservation efforts under the Treaty. As species listed under the Endangered Species Act, their defined critical habitat must be protected under law.

Please address the following impacts in the EIS for the Tesoro Savage project:

1. What would be the impacts to Chinook salmon at all of their life stages, during construction of this project?

2. What would be the cumulative impacts to Chinook salmon, at all of their life cycles, , from dredging contaminated river sediments near the Tesoro Savage Project site every few years to maintain access for Panamax-sized vessels coming to this site?

3. What would be the impacts to Chinook salmon, at all of their life cycles,, from noise and lighting during the round-the-clock operation of the proposed new rail lines and associated facilities, conveyors, and equipment?

4. What would be the impacts to Chinook salmon, at all of their life cycles, , from cumulative smaller fuel spills from the transfer spills and accidents associated with vessel traffic to the Tesoro Savage Project and other projects on the river?

5. What would be the adverse impacts to migrating Chinook salmon smolts from oil spills of all sizes and in particular from heavy oils including tar sands and Dilbit?

6. What would be the impacts to Chinook salmon, at all of their life cycles,, from improper flushing of vessel bilge spaces to remove oil, oil vapors, and other chemicals that may be lethal or sub-lethal to juvenile salmon?

7. What would be the impacts to Chinook salmon, and especially to juvenile Chinook salmon, from pollution-bearing stormwater from the proposed Tesoro Savage Project facilities into the Columbia River?

8. What would be the impacts to the federally listed Endangered Southern Resident Killer Whales from declining runs of Upper Columbia River and Snake River Chinook salmon?

The Tesoro Savage Project should also study the cumulative adverse impacts to Chinook salmon of the proposed Morrow Pacific Coyote Island Project at Boardman, OR, the proposed Port Westward Transloading Coal Barge Dock and Global Partners facility at Clatskanie, OR, the proposed Vancouver Energy Distribution Terminal associated with the Tesoro Savage project, the proposed Millennium Bulk Terminals at Longview, WA and the proposed Paramount Terminal at Portland, OR.

C. CUMULATIVE IMPACTS OF VESSEL TRAFFIC

The total number of cargo and tanker vessels calling at Columbia River terminals in 2012 was about 1,428[7]. The Tesoro Savage Project must consider additional vessels projected in the Columbia River including the Millennium Bulk Terminal, Port Westward Coyote Island Terminal, and Ambre's Pacific Transloading Barge Dock. The number of vessels navigating the Columbia River could increase by as much as 153%. The number and size of ships visiting the existing and proposed terminals and the amounts of hazardous cargo and fuel within those ships elevates the risk of shipping accidents and fuel spills in the Columbia River, the extremely dangerous Columbia River Bar, or the surrounding ocean waters.

In an emergency, tug assistance can be undependable because it is based on the vessel of opportunity concept. This means that any tug that happens to be in the area may be called upon to provide assistance to a stricken vessel. However, a randomly available tug may not have the power, the proper equipment, or crew training necessary to render effective assistance to a large vessel in distress.

The bar at the entrance to the Columbia River is a physical challenge to any mariner and seagoing vessel. The following is from "Running the Bar" in the February, 2009 Smithsonian Magazine:

> 'Each of the 16 bar pilots has the authority to close the bar when conditions are too dangerous.' Still, "When we shut down the bar for two days, trains are backed up all the way into the Midwest. And just like a traffic jam on the freeway, once you clear the wreck, it takes a long time for it to smooth out again."

The impediment of the Columbia Bar has the potential to cause substantial delays in shipping schedules, particularly during stormy conditions. Shutting down "the bar" for several days in bad weather could result in crude trains accumulating all along the rail transport corridor. This can also result in tankers queuing or anchoring offshore and could result in incident like the *New Carrisa.*

Because of the increased vessel traffic from all proposed facilities, the Tesoro Savage Project EIS should include cumulative vessel traffic and risk evaluation studies. These assessments should consider not only the increased vessel size and numbers, but also the requirement for an expansion in the number of trained ship pilots to ensure safe navigation of the Columbia River from the bar to the proposed terminals and to sea again. Similarly, there are currently no tug escort regulations like there are for Puget Sound that needs to be evaluated.

Please address the following questions within the EIS being developed for Tesoro Savage Project:

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[7] Washington State Department of Ecology, Spill Prevention, Preparedness and Response Program. (2013). *Vessel Entries and Transits for Washington Waters: VEAT 2012.* (Washington State Department of Ecology).

1. Please evaluate the need for a tug escort regulation like there are in Puget Sound.

2. What would be the adverse impacts to Columbia and Snake River Chinook salmon (which are an essential food source for Southern Resident Orca Whales) from the increased risk of oil spills associated with the Tesoro Savage Project and the other proposed terminals on the river?

3. What would the economic losses to commercial and recreational fisheries be as a result of intermittent, and point source medium, and large oil spills in the Columbia River system impacting salmon, other finfish such as forage fish, and shellfish populations?

4. Are there adequate oil spill response resources and capability (trained personnel, equipment, response plans, and vessels) available and resident in the lower Columbia River to respond to, contain, and clean up oil spills? If not, please determine what would be required, what would be the cost, and who would pay to upgrade response resources necessary to adequately address oil spills on the river especially for tar sand derived oil?

5. What would be the economic and social impacts from a storm-related or terminal equipment malfunction delay (possibly for days) in the scheduled shipping of crude from the proposed terminals, on the rail transportation system, and communities along the rail shipment corridor? Please study the impacts on local businesses, medical response time, traffic, and the efficient movement of goods by trucks created by any foreseeable delays in transportation of fossil fuels to export terminals.

6. In addition to trains, would ships be backed up? Would ships remain offshore or would some need to anchor in the river? Both choices increase navigational hazards in dangerous waters.

7. What would be the loss of property values, tourism revenue, real estate sales and related tax revenue from a major oil spill in the Columbia River or associated waters?

8. For each of the impacts above, please conduct "worst-case" scenario analyses considering each and all combinations of possible, compounding factors such as storms, floods, earthquakes and human errors.

9. Identify, quantify and evaluate the types and volumes of oil cargo and fuel (including fuel oil and diesel fuel), lubricating oil, hydraulic oil, mechanical oil, and cargo that would be carried by Tesoro Savage vessels, and under what circumstances, including results of an accident or during operations, fuel and other oils, and/or cargo could be spilled, discharged, or otherwise released into the environment.

10. Evaluate the types and efficacy of all safety communication systems and equipment that would be on board each Tesoro Savage vessel and the entities that would be responsible for providing and maintaining this equipment.

11. Identify and evaluate all rescue protocols and maritime accident response infrastructure along the Tesoro Savage vessels' routes, at the terminal and along the rail path.

12. Identify, quantify, and evaluate all potential impacts of Tesoro Savage vessel accidents or operational events that may result in fuel, oils, and cargo spills and/or other materials discharges on:

a. oceans and shorelines, including all aquatic and terrestrial habitats;
b. fish, marine mammals, other marine vertebrates and invertebrates;
c. seabirds and their rookeries, water fowl, shorebirds and all other birds;
d. terrestrial mammals;
e. phytoplankton and zooplankton;
f. aquatic and terrestrial plants;
g. the marine food web;
h. commercial, sport, subsistence and Treaty fisheries; and
i. tourism, local economies, communities, and cultures.

13. Identify who would pay the costs of response, assessment of damages, remediation, cleanup, and restoration of natural resources and damages for all impacts that could result from a Tesoro Savage vessel accident or operation.

D. IMPACTS OF OCEAN ACIDIFICATION

Since the beginning of the industrial age ever-increasing amounts of carbon dioxide have been released into the atmosphere, not only warming the planet but increasing oceanic CO_2 content by 30% during the same period. For many years scientists have been measuring and reporting that oceanic CO_2 absorption is causing seawater to be more acidic. The chemistry of our oceans is changing. This change is already impacting coral reefs and could now threaten the entire marine food chain.

Ninety-seven percent of climate scientists agree that the burning of fossil fuels by industry, transportation, and energy production are responsible for the climate and chemical changes occurring in the atmosphere and oceans. If oceanic biodiversity is important for the species we rely upon as a food source, it would seem illogical to continue to promote the use of fuels associated with physical and economic damages linked to atmospheric and oceanic changes.

Executive Order 12-07, Washington's Response to Ocean Acidification, includes implementation of the recommendations of Governor Gregoire's Blue Ribbon Panel on Ocean Acidification; the number one recommendation is to reduce emissions of carbon dioxide. The proposed Tesoro Savage Project presents a direct contradiction to that Executive Order.

Please address the following impacts in the EIS for the Tesoro Savage Project:

1. The project's impact on climate change. This analysis should include climate change impacts from crude oil as well as tar sands oil from cradle to grave.

2. What would be the economic cost to the shellfish industry in Washington State because of ocean acidification due to increased oceanic CO_2 from the burning of the 360,000 barrels of oil the project proposes to export each day through the Columbia River?

3. The increased risk of an oil tanker spill on Washington State waters and along the shipping route.

4. What would be the economic losses to the seafood and fishing industry, in terms of jobs and capital infrastructure, as a result of the decrease or loss of important species of marine food animals due to ocean acidification from GHG's and CO_2 contributed by burning fuel from products exported from the Tesoro Savage project and the other proposed Northwest fossil fuel export terminals?

5. What would be the economic costs to coastal communities of sea level rise due to climate change driven by the additional CO_2, and other GHG's produced from the burning of fuel shipped from the Tesoro Savage Terminal and the other terminals proposed in the Pacific Northwest?

6. What economic losses would the Columbia River system sustain because of a decline, or loss, of tourist, commercial, and recreational fishing revenue due to decrease in salmon fisheries because of ocean acidification affecting the marine food web attributable to CO_2 contributions from the proposed Tesoro Savage terminal?

7. What would be the cultural and socioeconomic losses to Native American Tribes of the region from a further decline in salmon populations due to ocean acidification by the additional CO_2 contributions from the Tesoro Savage project and other terminals proposed for the Pacific Northwest?

8. What would be the economic costs to the Salish Sea (San Juan County and British Columbia) from the adverse impacts of ocean acidification on Chinook salmon? Since Chinook salmon are the main food source of the Endangered Southern Resident Killer Whales, what would a decline in both their Salish Sea and Columbia River food supply mean for their survival?

E. IMPACTS OF CLIMATE CHANGE AND SEA LEVEL RISE

The Tesoro Savage project at full capacity will transport 360,000 barrels a day of oil by rail through the Columbia River Gorge to the Port of Vancouver on the banks of the Columbia River.[8] The adverse effects of climate change are those which result in changes to the physical environment or biota and which have significant deleterious effects on the composition, resilience, or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.[9]

The potential impacts of this change upon island communities such as the San Juan Islands are astronomical. The San Juans are comprised of over 450 islands, rocks, and pinnacles.[10] Twenty of these islands are inhabited by residents. Many of the remaining islands serve as summer recreation areas, research sites, or nesting or breeding haul out sites for marine mammals and seabirds. They could all be adversely impacted by sea level rise.

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[8] http://www.efsec.wa.gov/Tesoro%20Savage/Revised%20Scoping%20Notice%20Electronic%2011-8-13.pdf.
[9] FCCC. Article 1. Definitions.
[10] http://www.blm.gov/or/resources/recreation/sanjuans/.

Washington State is believed to be extremely vulnerable to a warming climate particularly because of its snow-fed water supplies that provide drinking water, irrigation for agriculture and which are also responsible for nearly three-fourths of the state's electrical power. In addition to the San Juan Islands, nearly 40 other communities, including some of the state's largest population areas, exist along 2,300 miles of Washington's shoreline, which is threatened by rising sea levels and ocean acidification.

It has been estimated that if no action is taken, potential costs to Washington State from climate change impacts are projected to reach nearly $10 billion per year by 2020 from increased health costs, storm damage, coastal destruction, rising energy costs, increased wildfires, drought, and other impacts.[11]

Due to the severity of this threat, Pacific coast leaders in the United States have recognized this threat to their regional environment and economy and on October 28, 2013, leaders of California, Oregon, Washington and British Columbia signed the Pacific Coast Action Plan[12] on Climate and Energy to begin to address these threats.

Climate impacts to island communities are well documented. Small islands are at the forefront of the extreme risks posed by climatic change. The threat of, 'possible adverse effects of sea level rise on islands'[13] was recognized in the United Nations *Framework Convention on Climate Change* (FCCC). It was added that such 'small island countries' are 'particularly vulnerable to the adverse effects of climate change'.[14] The 'deep concern' for small island states was reiterated at the 7th COP in 2001.[15] This concern, which is continually reiterated by groups such as the South Pacific Forum,[16] is due to their specific situation, which according to the 1994 United Nations Global Conference for the Sustainable Development of Small Island Developing States stated,

> While small islands developing states are among those that contribute least to global climate change and sea level rise, they are among those that would suffer most from the adverse effects of such phenomena and could in some cases become uninhabitable.[17]

Based on the volume of fuel to be exported and subsequently burned, we would request that the Tesoro Savage EIS include an analysis on the impacts of climate change on the San Juans.

Please address the following impacts in the EIS for the Tesoro Savage Project:

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[11] Department of Ecology, State of Washington (2012). *Preparing for a Changing Climate Washington State's Integrated Climate Response Strategy.* (DOE, Olympia, Publication No. 12-01-004) 2-6.
[12] http://www.pacificcoastcollaborative.org/Documents/Pacific%20Coast%20Climate%20Action%20Plan.pdf.
[13] The United Nations *Framework Convention on Climate Change Preamble Paragraph 12.*
[14] The United Nations *Framework Convention on Climate Change Preamble Paragraph 19.*
[15] The Marrakesh Ministerial Declaration. COP 7 (Marrakesh). FCCC/CP/2001/13/Add.1. 21 January 2002. Part II. Action Taken. Decision 1/CP. 7.3.
[16] Example: "Global warming and sea level rise were among the most serious threats to the Pacific region and the survival of some island states." South Pacific Forum Communique. Paragraph 29. Available from www.forumsec.org.fj/docs/fc93.htm.

1. What would be the impacts of the acceleration of climate change to San Juan County's public infrastructure (roads, water, sewer, shoreline infrastructure and electric utilities)?

2. What would be the costs from associated increased storm winds, ocean surges, and precipitation on the San Juans from climate change?

3. What are the impacts of sea level rise on marine mammal haul out sites and nesting and/or foraging sites for seabirds?

4. What would be the costs associated with more intense storms coinciding with the highest tides on our public roads and shoreline infrastructure?

CONCLUSION

Our members share common interest in the rich and diverse fish and wildlife resources that spend their lives in both the Salish Sea and the Columbia River. The Safe Shipping Alliance of the Salish Sea respectfully requests that you fully exercise your legally conferred duties as trustees to study in detail the broader implications and impacts of the Tesoro Savage Proposal, including the impacts on cultural resources, and fish and wildlife. Many of the impacts we have raised in these comments cannot or would not be mitigated or mitigation would be ineffective to prevent or remediate permanent environmental harm. Unless every one of these impacts, singly and in combination, would be fully mitigated, we recommend the "no action" alternative.

We look forward to the Draft EIS addressing all of our comments with in-depth analysis and with reasonable alternatives identified, including the no build option. Should the project be permitted, all feasible mitigation measures should be required to be implemented.

Thank you for this opportunity to comment on the scope of the EIS for the proposed Tesoro Savage Project.

Sincerely,

Stephanie Buffum, Friends of the San Juans
Fred Felleman, Friends of the Earth
Eoin Madden, Wilderness Committee
Terry J. Wechsler, Protect Whatcom

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[17] Report of the Global Conference on the Sustainable Development of Small Island Developing States. A/CONF.167/9. October, 1994. Annex I, Section III.