

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of Application No. 96-1)	
)	PREFILED TESTIMONY OF:
)	FRED FELLEMAN
)	
Olympic Pipe Line Company,)	ISSUE: PURPOSE AND NEED
)	AND ENVIRONMENTAL COSTS
)	
Cross-Cascade Pipeline Project.)	SPONSOR:
)	PEOPLE FOR PUGET SOUND
_____)	

Pursuant to the provisions of RCW 9A.72.085 and the provisions of Rule 13 of Washington State Rules of General Application,

I, Fred Felleman, declare as follows:

1. I am a resident of Seattle, Washington; a citizen of the United States; over the age of 18 years; and competent to be a witness herein.
2. I am making this Declaration in support of the position of People for Puget Sound as an Intervenor in the above identified proceeding before the STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL.
3. The following attached documents are accurate copies of the source documents, and are

being hereby submitted to EFSEC as People for Puget Sound's evidence in this matter as being supportive of the contentions of Intervenor that the Application and Applicant has not established the need for this specific energy project that is statutorily required by Washington laws, that the Application involves a substantial increase in the risk of a catastrophic oil spill in Washington's marine waters, that the environmental harm that could be caused by this risk is horrific, and that when the need for this specific project is balanced, as is required by Washington law, against the significant increase in risk of horrific environmental harm, that the public interest of the State of Washington and the people of the State of Washington, and the Laws of this state, require that this Application be denied.

4. The documents are:

- a. a resume of Fred Felleman, attached as Exhibit FF-1;
- b. three charts of Oil Refinery Capacity in Washington State: the first for the period from 1977 to 1981, the second from 1982 to 1990 and the third for 1998; attached as Exhibit FF-2;
- c. a technical report identified in my resume as: Felleman, F.L. (1989) "Draft Evaluation: Northern Puget Sound National Marine Sanctuary", Center for Environmental Education, D.C.; attached as Exhibit FF-3;
- d. a DOE chart of RDA Active Case Status Sheet showing oil spills in Washington State from 4/25/93 through 10/27/98; attached as Exhibit FF-4;
- e. a DOE chart of Washington Oil Spill Resource Damages Assessment Claims: 1991-1998; attached as Exhibit FF-5;
- f. seventeen documents that were obtained from EFSEC's records, pursuant to a public information request, which are relevant to the attempts to define and establish the need for this specific project; attached as Exhibit FF-6-1 to FF-6-17;

g. an American Bureau of Shipping chart that shows the age profile of the Oil Tanker Fleet comparing those over 20 year and those over 25 year; attached as Exhibit FF-7;

h. the NOAA Announcement of Washington State Nearshore (Northern Puget Sound) as an active candidate for National Marine Sanctuary Designation, Federal Register, Vol. 54. No. 194, Tuesday. October 10, 1989 at page 41481, et seq.; attached as Exhibit FF-8;

i. the NOAA Announcement of Washington State Outer Coast as an active candidate for National Marine Sanctuary Designation, Federal Register, Vol. 54. No. 47, Monday. March 13, 1989 at page 10398, et seq.; attached as Exhibit FF-10;

j. four NOAA Puget Sound Environmentally Sensitive Area charts that show the dramatic variation of sensitivity in the San Juan Islands as determined by the Federal Government during Spring, Summer, Fall and Winter; attached as Exhibit FF-11;

k. a Summary and Overview of the injury caused by the Exxon Valdez oil spill prepared by the Marine Advisory Program, Alaska Sea Grant College Program, School of Fisheries and Ocean Studies, University of Alaska Fairbanks, and published in "Alaska's Marine Resources", Vol. VII No. 3, October 1992; attached as Exhibit FF-12;

l. an October 5, 1998 article in the Seattle Times entitled "A Generation of Salmon Harmed by Valdez Spill, Federal Researchers say"; attached as Exhibit FF-13;

m. six newspaper articles and news reports about ARCO and/or oil company mergers: The Online Investor on October 6, 1998; the Los Angeles Times on December 2, 1998; The Online Investor on December 4, 1998; the Wall Street Journal on December 9, 1998; the Wall Street Journal on December 30, 1998; and a press release issued by ARCO and Chevron on Tuesday, February 2, 1999; attached as Exhibit FF-14;

n. RCW 90.56.005 which sets forth the Findings of the Washington State Legislature that

marine oil spills are of "special concern", that oil spill accidents "have caused significant damage to the marine environment", that "Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill"; attached as Exhibit FF-15; and

o. a November 13, 1998 letter from EFSEC to the Land Use Study Commission which acknowledges that "EFSEC is required by Chapter 80.50 RCW to identify courses of action that will balance the need for major energy facilities with the broad interests of the public and the environment."; attached as Exhibit FF-16.

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

Signed at _____, on _____ .
(City and State) (Date)

Fred Felleman