

**From:** Laurie Dougherty <lauriedougherty@gmail.com>  
**Sent:** Tuesday, October 29, 2013 9:09 PM  
**To:** EFSEC (UTC)  
**Subject:** Comment on Tesoro Savage proposed oil terminal in Vancouver, WA

**Categories:** Comment, Blue Category

Laurie Dougherty 462 20th St. SE Salem, OR  
617-504-0016 [lauriedougherty@gmail.com](mailto:lauriedougherty@gmail.com)

I have lived in Oregon for two years, however my daughter has lived in the Pacific Northwest for two decades and I visited Washington and Oregon many times before moving here. When I retired I was happy to come to such a beautiful region with such a history of innovative environmental policy.

I am very concerned about the climate change impacts of ramping up oil production. I'm also very concerned about the risk of oil spills along the Columbia River which would be disastrous to fisheries, recreation and other commerce on the river. I have traveled across country by Amtrak several times and will do so again next month to visit my son for Thanksgiving., traveling along the same BNSF tracks that carry Bakken Shield oil from North Dakota. Even before the increased capacity that this project would bring, I've seen hundreds of oil tanker cars on the route on sidings and in rail yards. I'm very concerned about the risk of train wrecks involving Bakken Shield oil, the same oil that devastated the Quebec town of Lac Megantic in an explosive train wreck last summer.

Just yesterday the governors of Washington, Oregon and California and provincial officials from British Columbia signed a plan to join together to fight climate change and build a clean energy economy. This is a big step in the right direction. The Tesoro Savage project would be a huge step in the wrong direction. I urge you to give comprehensive consideration to the harmful impacts of this proposal. Thank you

## Docket EF-131590

Tesoro Savage CBR  
Scoping Comment  
#152

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**From:** Friends of the Columbia Gorge <Advocacy@GorgeFriends.org> on behalf of Rita Heinz <ritaheinz@hotmail.com>  
**Sent:** Tuesday, October 29, 2013 10:01 PM  
**To:** EFSEC (UTC)  
**Subject:** Docket No. EF-131590 Application No. 2013-01 Tesoro Savage Vancouver Energy Distribution Terminal Comments  
**Categories:** Comment, Blue Category

Oct 30, 2013

Energy Facility Site Evaluation Council  
WA

Dear Site Evaluation Council,

Please deny the permit for the Tesoro Savage Vancouver Energy Distribution Terminal.

Please have the courage to say no to this massive push on dirty fossil fuels. Someone has to stop the insanity. The proposed Tesoro Savage project would transport 360,000 barrels of oil per day through the Columbia River Gorge National Scenic Area. I have grave concerns about this proposal and its impact on the Columbia River Gorge National Scenic Area. The scope of review under the State Environmental Policy Act (SEPA) must include the following:

What is the purpose of the project? The purpose statement must not be narrowly worded to only include the construction of an oil terminal for distribution of oil through the region. The purpose should be broad enough to include providing for the energy needs of the region and providing opportunities for appropriate waterfront development that benefits the local community.

Is there a need for this project? There is not. This proposal, in conjunction with other existing and pending oil terminals, would result in a glut of oil in the Northwest that would far exceed current consumption. There are alternative waterfront development opportunities that would create jobs and generate greater benefits for the local community.

What are the alternatives? A "no action" alternative; an alternative relying on other oil terminals that already exist, are in the permitting process or under construction; and reducing reliance on fossil fuels all must be considered as viable alternatives. Transport routes that do not pass through congressionally protected areas, like the Columbia River Gorge also must be included in the alternatives analyses. The EIS should also consider reasonably foreseeable waterfront development opportunities that would be incompatible with an oil terminal, such as mixed use development with waterfront amenities.

What are the direct, indirect and cumulative effects of the proposal, including transportation impacts on the Columbia River Gorge National Scenic Area, such as:

- Increased air pollution from train diesel emission. The Gorge already suffered from smog and visibility impairment up to 95% of the time.
- Rail expansion into sensitive areas. Rail lines in the Gorge are currently near capacity. This proposal and other oils by rail and coal export proposals would result in rail infrastructure expansion into sensitive areas in the Gorge, including

wetlands, fish and wildlife habitat, rare plant habitat, and cultural resource sites. These likely impacts must be included in the scope of review.

- Likelihood of accidents. Current coal train traffic in the Gorge has resulted in massive amounts of coal dust escaping the open topped rail cars, which weakens the train ballast and causes accidents. The U.S. Surface Transportation Board has determined that coal dust is a "pernicious ballast foulant," weakening rail lines and resulting in derailments. The likelihood of oil train derailments, the likely effects on Gorge resources and the impacts on communities must be analyzed.

- Adverse effects to resources protected by the Columbia River Gorge National Scenic Area Act. The project's indirect and cumulative effects on the scenic, natural, cultural and recreation resources of the Columbia River Gorge National Scenic Area must be included in the scope of review.

In conclusion, SEPA requires that the EIS address impacts to sensitive or special areas, such as the Columbia River Gorge, and the degree that the proposal would conflict with state, local, and federal protections for the environment, such as the Columbia River Gorge National Scenic Area Act. WAC 197-11-330(3)(e)(i), (iii). State law also requires the Governor and all state agencies to carry out their respective functions in accordance with the Columbia River Gorge National Scenic Area Act.

RCW 43.97.025. EFSEC and the Governor are required to review projects for their impacts on the Columbia River Gorge and to take actions to avoid those impacts.

Thank you for considering these comments and including them into the official record.

Sincerely,

Ms. Rita Heinz  
210 Suncrest Rd Unit 3  
Talent, OR 97540-8620

**Docket EF-131590**

Tesoro Savage CBR  
Scoping Comment  
#153

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**From:** Robin Thomas <robint@pacifier.com>  
**Sent:** Tuesday, October 29, 2013 10:06 PM  
**To:** EFSEC (UTC)  
**Subject:** Testimony from EFSEC Hearing at Clark College 10/29/13  
**Attachments:** Opposition to Oil Transfer Terminal .docx  
  
**Categories:** Comment, Blue Category

Attached is a copy of my testimony from tonight's hearing. I appreciated the opportunity to testify.  
Signed,  
Robin C. Thomas

## **Testimony –Opposition to Oil Transfer Terminal 10/29/13**

Hello, my name is Robin Thomas and I've lived at 3912 Clark Ave in Vancouver for the last 13 years.

I am here today to strongly urge the EFSEC to deny a permit to Tesoro Savage to create a "pipeline on wheels" that would transport 360,000 barrels of crude oil per day into the Port of Vancouver. This would require at least four 1 ½ mile long trains per day in addition to the current rail traffic coming in & out of our city.

The increased train traffic alone would seriously impact the waterfront development along our Renaissance Trail, and would expose walkers, bikers, joggers, infants, & children in strollers crossing our Vancouver Land Bridge to incessant noise pollution, diesel fuel exhaust, and restricted views of the Columbia River.

The Renaissance Trail and the Vancouver Land Bridge are popular and unique recreational sites that required significant investment of public and private funds. They are heavily used by both residents and tourists year round, and they deserve preservation and enhancement, not environmental degradation. The current trains create significant noise pollution and distraction and frequently block views of the Columbia from the Land Bridge already. A significant increase in train traffic could seriously impact the recreational & historical value of this unique site .

While these concerns may seem minor compared to the increase in global warming and toxic air pollution that the oil trains would create, the Land Bridge and the Renaissance Trail are part of the heart and soul of our community, and they need to be protected and preserved for future generations.

Lastly, the proposed 32 acre Vancouver water front development east of the Port of Vancouver includes plans for 3,300 residential units, 250,000 square feet of retail space, and one million square feet of office space. This seems completely incompatible with the amount of train traffic that would traverse the new development en route to what would be the largest crude oil terminal in the Pacific Northwest.

(I didn't read the last paragraph, as someone else had already made this argument. )

I said, "I agree with the 3<sup>rd</sup> speaker about the incompatibility of the proposed Vancouver water front development with the plan to build an oil transfer terminal just east of this proposed development."

Please consider the above concerns as you proceed with the scoping process. Thank you.

Robin C. Thomas

**From:** Robert Hughes <bugsrh@msn.com>  
**Sent:** Tuesday, October 29, 2013 10:16 PM  
**To:** EFSEC (UTC)  
**Subject:** Not Everyone in Vancouver says 'no' to the Tesoro Savage application

**Categories:** Comment, Blue Category

I attended the Scoping Meeting tonight at Clark College and wanted to share with you that not everyone there felt antagonistic to this project.

Some of us know that Norway has successfully said "yes" to building an economy around oil production and has not lost it's natural beauty or grandeur; some of us know that Paris or London in the late 1890's was filthy and is clean today . . .in fact, even in the 1990's we were having those days we were told not to go outside in many cities right here! Things are BETTER today, and we should recognize that our regulations are working.

There are many of us out here who have faith in the system and understand that before the project is built it will have to pass strict regulations and have state-of-the-art mitigation plans. Many of my neighbors are supportive of the project and the possibilities it brings to the area.

Robert and Ruth Ann Hughes  
2710 Grant Street  
Vancouver, WA  
360-903-1462

**From:** Friends of the Columbia Gorge <Advocacy@GorgeFriends.org> on behalf of Robert Swope <frhn@nwinfo.net>  
**Sent:** Tuesday, October 29, 2013 10:31 PM  
**To:** EFSEC (UTC)  
**Subject:** Docket No. EF-131590 Application No. 2013-01 Tesoro Savage Vancouver Energy Distribution Terminal Comments

**Categories:** Comment, Blue Category

Oct 30, 2013

Energy Facility Site Evaluation Council  
WA

Dear Site Evaluation Council,

Please deny the permit for the Tesoro Savage Vancouver Energy Distribution Terminal.

The proposed Tesoro Savage project would transport 360,000 barrels of oil per day through the Columbia River Gorge National Scenic Area. I have grave concerns about this proposal and its impact on the Columbia River Gorge National Scenic Area. The scope of review under the State Environmental Policy Act (SEPA) must include the following:

What is the purpose of the project? The purpose statement must not be narrowly worded to only include the construction of an oil terminal for distribution of oil through the region. The purpose should be broad enough to include providing for the energy needs of the region and providing opportunities for appropriate waterfront development that benefits the local community.

Is there a need for this project? There is not. This proposal, in conjunction with other existing and pending oil terminals, would result in a glut of oil in the Northwest that would far exceed current consumption. There are alternative waterfront development opportunities that would create jobs and generate greater benefits for the local community.

What are the alternatives? A "no action" alternative; an alternative relying on other oil terminals that already exist, are in the permitting process or under construction; and reducing reliance on fossil fuels all must be considered as viable alternatives. Transport routes that do not pass through congressionally protected areas, like the Columbia River Gorge also must be included in the alternatives analyses. The EIS should also consider reasonably foreseeable waterfront development opportunities that would be incompatible with an oil terminal, such as mixed use development with waterfront amenities.

What are the direct, indirect and cumulative effects of the proposal, including transportation impacts on the Columbia River Gorge National Scenic Area, such as:

- Increased air pollution from train diesel emission. The Gorge already suffered from smog and visibility impairment up to 95% of the time.

- Rail expansion into sensitive areas. Rail lines in the Gorge are currently near capacity. This proposal and other oils by rail and coal export proposals would result in rail infrastructure expansion into sensitive areas in the Gorge, including



wetlands, fish and wildlife habitat, rare plant habitat, and cultural resource sites. These likely impacts must be included in the scope of review.

- Likelihood of accidents. Current coal train traffic in the Gorge has resulted in massive amounts of coal dust escaping the open topped rail cars, which weakens the train ballast and causes accidents. The U.S. Surface Transportation Board has determined that coal dust is a "pernicious ballast foulant," weakening rail lines and resulting in derailments. The likelihood of oil train derailments, the likely effects on Gorge resources and the impacts on communities must be analyzed.

- Adverse effects to resources protected by the Columbia River Gorge National Scenic Area Act. The project's indirect and cumulative effects on the scenic, natural, cultural and recreation resources of the Columbia River Gorge National Scenic Area must be included in the scope of review.

In conclusion, SEPA requires that the EIS address impacts to sensitive or special areas, such as the Columbia River Gorge, and the degree that the proposal would conflict with state, local, and federal protections for the environment, such as the Columbia River Gorge National Scenic Area Act. WAC 197-11-330(3)(e)(i), (iii). State law also requires the Governor and all state agencies to carry out their respective functions in accordance with the Columbia River Gorge National Scenic Area Act.

RCW 43.97.025. EFSEC and the Governor are required to review projects for their impacts on the Columbia River Gorge and to take actions to avoid those impacts.

Thank you for considering these comments and including them into the official record.

Sincerely,

Mr. Robert Swope  
16191 Tieton Dr  
Yakima, WA 98908-8021  
(509) 965-2561

**Docket EF-131590**

Tesoro Savage CBR  
Scoping Comment  
#156

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**From:** Friends of the Columbia Gorge <Advocacy@GorgeFriends.org> on behalf of Marjorie Johnson <mejohanson41@aol.com>  
**Sent:** Tuesday, October 29, 2013 11:01 PM  
**To:** EFSEC (UTC)  
**Subject:** Docket No. EF-131590 Application No. 2013-01 Tesoro Savage Vancouver Energy Distribution Terminal Comments

**Categories:** Comment, Blue Category

Oct 30, 2013

Energy Facility Site Evaluation Council  
WA

Dear Site Evaluation Council,

Please deny the permit for the Tesoro Savage Vancouver Energy Distribution Terminal.

The proposed Tesoro Savage project would transport 360,000 barrels of oil per day through the Columbia River Gorge National Scenic Area. I have grave concerns about this proposal and its impact on the Columbia River Gorge National Scenic Area. The scope of review under the State Environmental Policy Act (SEPA) must include the following:

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Is there a need for this project? There is not. This proposal, in conjunction with other existing and pending oil terminals, would result in a glut of oil in the Northwest that would far exceed current consumption. There are alternative waterfront development opportunities that would create jobs and generate greater benefits for the local community.

What are the alternatives? A "no action" alternative; an alternative relying on other oil terminals that already exist, are in the permitting process or under construction; and reducing reliance on fossil fuels all must be considered as viable alternatives. Transport routes that do not pass through congressionally protected areas, like the Columbia River Gorge also must be included in the alternatives analyses. The EIS should also consider reasonably foreseeable waterfront development opportunities that would be incompatible with an oil terminal, such as mixed use development with waterfront amenities.

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RCW 43.97.025. EFSEC and the Governor are required to review projects for their impacts on the Columbia River Gorge and to take actions to avoid those impacts.

I personally do not see the value in lost natural resources which would be our beautiful Columbia River to a devastating OIL SPILL. We fish the best Salmon out of the Columbia, have many visitors just come to the Gorge to view it's beauty and enjoy its parks and recreation opportunities. Do you think they will come is all they hear is train whistles, hold up on track crossings, oil slicks on the river, polluted fish, etc. etc.??? This is a bad bad idea and no amount of temporary jobs can justify something that will affect the millions of our future generations in a negative way. Please do not let this Big Oil project go forward. Thank you for listening, please do not let this hazard poisonous "waste" flow down our Columbia Gorge.

Thank you for considering these comments and including them into the official record.

Sincerely,

Ms. Marjorie Johnson  
640 NW Freeman Ave  
Hillsboro, OR 97124-2833  
(503) 640-4682

**From:** Friends of the Columbia Gorge <Advocacy@GorgeFriends.org> on behalf of Kathy Lane <ladylane99@hotmail.com>  
**Sent:** Tuesday, October 29, 2013 11:31 PM  
**To:** EFSEC (UTC)  
**Subject:** Docket No. EF-131590 Application No. 2013-01 Tesoro Savage Vancouver Energy Distribution Terminal Comments

**Categories:** Comment, Blue Category

Oct 30, 2013

Energy Facility Site Evaluation Council  
WA

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RCW 43.97.025. EFSEC and the Governor are required to review projects for their impacts on the Columbia River Gorge and to take actions to avoid those impacts.

Thank you for considering these comments and including them into the official record.

Sincerely,

Ms. Kathy Lane  
1906 C St  
Vancouver, WA 98663-3330

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**From:** Friends of the Columbia Gorge <Advocacy@GorgeFriends.org> on behalf of Brian Anderson <brianmichaelanderson@yahoo.com>  
**Sent:** Tuesday, October 29, 2013 11:31 PM  
**To:** EFSEC (UTC)  
**Subject:** Docket No. EF-131590 Application No. 2013-01 Tesoro Savage Vancouver Energy Distribution Terminal Comments

**Categories:** Comment, Blue Category, Yellow Category

Oct 30, 2013

Energy Facility Site Evaluation Council  
WA

Dear Site Evaluation Council,

Please deny the permit for the Tesoro Savage Vancouver Energy Distribution Terminal.

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RCW 43.97.025. EFSEC and the Governor are required to review projects for their impacts on the Columbia River Gorge and to take actions to avoid those impacts.

Thank you for considering these comments and including them into the official record.

Sincerely,

Mr. Brian Anderson  
1848 SE 35th Ave  
Portland, OR 97214-5041



Washington State Energy Facility Site Evaluation Council

COMMENT FORM

Tesoro Savage Vancouver Energy Distribution Terminal

Public Informational & Scoping Meeting – Vancouver, Washington,  
October 28 & 29, 2013

Name: Cynthia Thornton-Tang

Address: 218 NW 41st St, Vancouver, WA 98660  
(Please include your Zip!)

RECEIVED

Please write any comments you have with respect to the  
Tesoro Savage Vancouver Energy Distribution Terminal  
Informational & Scoping Comments

OCT 29 2013

ENERGY FACILITY SITE  
EVALUATION COUNCIL

Leave this sheet in the Comment Box today, or mail it to:  
EFSEC, PO Box 43172, Olympia, WA 98504-3172.

Comment letters must be postmarked by Monday, November 18, 2013.

- Will there be an escrow fund set up for clean up costs once the port transitions away from an oil terminal?
- Will there be back up plans for the safety of the terminal in the case of flood, earthquake, or fire? If relying on a back up generator, <sup>how</sup> will that be protected?
- Will there be a mandate that all spills, whether in transit over land, on site, or in the river or ocean are reported and <sup>the reports are</sup> available to the public? <sup>Who would be the clean up crew?</sup> How would the fines be levied?
- Will there be an escrow account set up in the event of a spill or other accident?

Use the back of this form if you need more room for your comments.

For more information about EFSEC's review of these project changes, please contact:  
Sonia Bumpus, EFSEC Siting Specialist, PO Box 43172, Olympia, WA 98504-3172,  
call (360) 664-1363, or e-mail [efsec@utc.wa.gov](mailto:efsec@utc.wa.gov).



- Are the railway cars the same as involved in the explosion in Canada? If the railway cars are not double hulled, when will they be replaced & who will pay for this?
- Will the Tesoro Savage & the port still find this profitable if there is a carbon tax?
- Will the oil be exported out of the country?
- Is this the safest way to transport the oil?
- Could the equivalent number of jobs be created in this region if the port land was used by a different tenant?
- How will disruptions to communities be handled where there are street level crossings?
- Will a value be set for the natural resources of this area or the wildlife? ~~so that~~ If there was a spill, there would be compensation to the public who make their living by having our resources and wildlife? Would there be compensation for loss of a legacy?



Washington State Energy Facility Site Evaluation Council

COMMENT FORM

Tesoro Savage Vancouver Energy Distribution Terminal

Public Informational & Scoping Meeting – Vancouver, Washington,  
October 28 & 29, 2013

Name: Soren ANDERSEN  
Address: 2914 E. McLoughlin Vancouver, WA 98601  
(Please include your Zip!)

Please write any comments you have with respect to the  
Tesoro Savage Vancouver Energy Distribution Terminal  
Informational & Scoping Comments

Leave this sheet in the Comment Box today, or mail it to:  
EFSEC, PO Box 43172, Olympia, WA 98504-3172.  
Comment letters must be postmarked by Monday, November 18, 2013.

I DO NOT WANT ANY OIL OR  
COAL EXPORTS.

RECEIVED

OCT 29 2013

ENERGY FACILITY SITE  
EVALUATION COUNCIL

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Sonia Bumpus, EFSEC Siting Specialist, PO Box 43172, Olympia, WA 98504-3172,  
call (360) 664-1363, or e-mail [efsec@utc.wa.gov](mailto:efsec@utc.wa.gov).



Washington State Energy Facility Site Evaluation Council

COMMENT FORM

Tesoro Savage Vancouver Energy Distribution Terminal

Public Informational & Scoping Meeting – Vancouver, Washington,  
October 28 & 29, 2013

Name: CAROL ROSE

Address: 2209 NW 12 AVE, VANCOUVER  
(Please include your Zip!)

RECEIVED

98665

OCT 29 2013  
Please write any comments you have with respect to the  
Tesoro Savage Vancouver Energy Distribution Terminal  
Informational & Scoping Comments  
ENERGY FACILITY SITE EVALUATION COUNCIL

Leave this sheet in the Comment Box today, or mail it to:  
EFSEC, PO Box 43172, Olympia, WA 98504-3172.  
Comment letters must be postmarked by Monday, November 18, 2013.

The Columbia River is already  
in danger due to Hanford.  
How can our state protect the  
oil danger on the Columbia,  
Gov. Inslee just signed an  
environmental agreement with  
B.C, Cal, & Oregon. Surely he won't  
approve this. This is adding oil  
& coal to a disaster waiting to  
happen. Fracked oil is most dangerous

Use the back of this form if you need more room for your comments.

For more information about EFSEC's review of these project changes, please contact:  
Sonia Bumpus, EFSEC Siting Specialist, PO Box 43172, Olympia, WA 98504-3172,  
call (360) 664-1363, or e-mail efsec@utc.wa.gov.

Port of Vancouver/energy facility site evaluation Council Tesoro Savage Vancouver energy distribution terminal introductory and scoping comments application number 2013 -- 01 Docket number EF --131590

RECEIVED

OCT 29 2013

ENERGY FACILITY SITE  
EVALUATION COUNCIL

**I introductory comments**

welcome to Vancouver  
reasonable accommodation- thank you



John Karpinski -- credentials  
Who's Who in American Law (at least) 2003 to present  
Won 2 Washington Supreme Court cases on the same day -- 9/9/99

- *Concerned Ratepayers Ass'n v. Public Utility Dist. No. 1 of Clark County, Wash.*, 138 Wn.2d 950, 983 P.2d 635 (Wash. 1999)
- *Currens v. Sleek*, 138 Wn.2d 858, 983 P.2d 626 (Wash. 1999)

Defeated Williams GSX natural gas pipeline through San Juan Co underwater nature preserve 2004

**II Objections/scoping comments for the record**

- My comments focus on SEPA, but equally relevant to NEPA

**A) PORT CANNOT TAKE ANY ACTION THAT WILL LIMIT THE CHOICE OF REASONABLE ALTERNATIVES DURING SEPA REVIEW**

I) object to the Port of Vancouver entering into a lease with Tesoro prior to final EIS as a violation of WAC 197 -- 11 -- 070

**WAC 197-11-070 Limitations on actions during SEPA process**

(1) Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, **no action concerning the proposal shall be taken** by a governmental agency that would:

- (a) Have an adverse environmental impact; or
- (b) **Limit the choice of reasonable alternatives.**

**B) LEASES NOT EXEMPT FROM SEPA**

WAC 197 -- 11 -- 800 (5)(c)Categorical exemptions

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(c) The lease of real property **when the use of the property for the term of the lease will remain essentially the same as the existing use**, or when the use under the lease is otherwise exempted by this chapter.

## C) PORT LEASE IS AN ACTION UNDER SEPA...A PUBLIC ACTION.

1) lease is an action under WAC 197-11-704

**(1) "Actions" include, as further specified below.**

(a) New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

(b) New or revised agency rules, regulations, plans, policies, or procedures; and

(c) Legislative proposals.

(2) Actions fall within one of two categories:

(a) **Project actions.** A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to **agency decisions to:**

(i) License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.

(ii) Purchase, sell, **lease**, transfer, or exchange natural resources, including **publicly owned land, whether or not the environment is directly modified.**

## 2) Lease is a public proposal under WAC 197-11-784

"Proposal" means a proposed action. A proposal includes both **actions** and regulatory decisions **of agencies** as well as any actions proposed by applicants.

## D) NO ACTION ALTERNATIVE REQUIRED BY SEPA, obviated by lease

WAC 197-11-440 EIS contents

**(5) Alternatives including the proposed action.**

(a) This section of the EIS describes and presents the proposal (or preferred alternative, if one or more exists) and alternative courses of action.

(b) Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

(i) The word "reasonable" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative.

**(ii) The "no-action" alternative shall be evaluated and compared to other alternatives.**

(iii) Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts either directly, or indirectly through requirement of mitigation measures.

(c) This section of the EIS shall:

(i) Describe the objective(s), proponent(s), and principal features of reasonable alternatives. Include the proposed action, including mitigation measures that are part of the proposal.

(ii) Describe the location of the alternatives including the proposed action, so that a lay person can understand it. Include a map, street address, if any, and legal description (unless long or in metes and bounds).

(iii) Identify any phases of the proposal, their timing, and previous or future environmental analysis on this or related proposals, if known.

(iv) Tailor the level of detail of descriptions to the significance of environmental impacts. The lead agency should retain any detailed engineering drawings and technical data, that have been submitted, in agency files and make them available on request.

(v) Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action. The amount of space devoted to each alternative may vary. One alternative (including the proposed action) may be used as a benchmark for comparing alternatives. The EIS may indicate the main reasons for eliminating alternatives from detailed study.

(vi) Present a comparison of the environmental impacts of the reasonable alternatives, and **include the no action alternative**. Although graphics may be helpful, a matrix or chart is not required. A range of alternatives or a few representative alternatives, rather than every possible reasonable variation, may be discussed.

(vii) Discuss the benefits and disadvantages of reserving for some future time the implementation of the proposal, as compared with possible approval at this time. The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of **foreclosing future options by implementing the proposal**.

#### **E) Lease in violation of SEPA is an *Ultra vires* act**

Noel v. Cole, 98 Wash. 2d 375, 655 P.2d 245 (1982) Gov't approval issued in violation of SEPA is ultra vires

#### **F) SCOPING NOTICE FROM EFSEC FAILS TO REQUIRE COMPREHENSIVE REVIEW**

1) **fails to include impacts including**, but not limited to

- Exporting oil impacts
  - Only need for a deep water port is for oil export
  - If claim only domestic use, put condition that any change to export must go through another full EFSEC review, SEPA and NEPA EIS
- Extra jurisdictional impacts
- WAC 197 -- 11 -- 060 4 b
  - Includes entire transportation system
- indirect impacts including the precedent of future dirty energy related projects
- WAC 197 -- 11 -- 060 4 d
- cumulative impacts
- WAC 197 -- 11 -- 060 4 d
- catastrophic impacts...like explosions/dead people/spills who live everywhere the rail line, and river/ocean spills
- WAC 197- 11 -794
  -

(1) "Significant" as used in SEPA means a **reasonable likelihood of more than a**