Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#001

Port of Vancouver USA

December 11, 2013

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ENERGY FACILITY SITE
EVALUATION COUNCIL

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

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

Dear Mr. Posner and members of the Energy Facility Site Evaluation Council (EFSEC):

Thank you for the opportunity to comment on the Environmental Impact Statement scope for the Tesoro Savage Vancouver Energy Distribution Terminal, application 2013-01, docket EF-131590.

**The Port of Vancouver is part of the community**
The Port of Vancouver has been a part of the SW Washington community since 1912. We operate our facilities with commitment to our community's economic vitality, safety and environmental quality.

We have a robust community relations program, including outreach specifically for this project. As part of this outreach effort, we are including public participation in the development of our operations and safety plan for the Vancouver Energy Distribution Terminal. Additionally, we are beginning outreach with the City of Vancouver, its downtown businesses and residents in helping to address issues, including safety concerns along the port's spur rail line, which begins just west of I-5 and extends into a new entry into the port. We regularly meet with the neighborhoods, community groups and individuals to share information, take input and ensure the flow of information about this and many other projects at the port.

We are grateful for EFSEC's oversight of the Environmental Impact Statement and the siting of the facility, believing it will make the Vancouver Energy Distribution Terminal a better project for the community, and for our port. We look forward to your recommendations and the robust permitting and oversight process you provide.

**Ports, cargo diversity and the movement of freight by rail**
The Port of Vancouver's state charter directs us to promote trade, transportation and industrial development. The Vancouver Energy Distribution Terminal project is a result

of years of planning, preparation and investment. The port has invested in land acquisition, rail infrastructure, a deeper river channel and other improvements to prepare for tremendous growth, including this project.

Of most consequence is the West Vancouver Freight Access rail project (WVFA), now entering its ninth year. This project has been critical to our ability to accommodate both current and future customers, while increasing efficiency and safety to the regional and national rail network. Put simply, it is the reason why transportation/distribution projects of this scale can be efficiently accommodated at our port.

About $150 million has been invested in the port's WVFA rail project, including funds from the port, district citizens, private entities and state and federal grants. To date, this rail investment has attracted more than $500 million in private investment, including increased grain and soy exports, potash and other bulks, in addition to the Tesoro Savage crude oil facility. As a rail-served port, we attract commodities such as these due to their reliance on using rail rather than trucks to access maritime-served markets.

**Rail capacity on mainlines**

Rail is the most efficient method of moving cargo by land – it can move one ton of freight more than 400 miles on one gallon of fuel. Rail's proximity to, and connectivity between source and market has been included in state and national rail plans. Washington State's recently completed rail plan, included identification of projects that increase efficiency and safety statewide. Many rail capacity improvements in the plan are already under way; including the Port of Vancouver's West Vancouver Freight Access rail project, which, when completed, will improve the flow of all rail freight through the region by 40 percent.

These efforts, in combination with investments from Class 1 railroad companies such as BNSF Railway, will help ensure additional capacity needs can be accommodated as resources and markets grow.

**At-grade crossing delays**

The number of trains carrying all types of cargos is increasing, making it even more important to separate train crossings from roadways – an initiative we fully support. Priority at-grade crossings are recognized statewide and regionally, and are included in

the Washington State Rail Plan, and in the Clark County Transportation Alliance legislative agenda.

Additional attention is being placed on this issue through the formation of organizations such as the Great Northern Corridor Coalition made up of eight states, three Canadian Provinces, ten ports, 18 Metropolitan Planning Organizations, and multiple counties, cities and communities along the 3,600 route miles from the Great Lakes to the Pacific. The primary purpose of this coalition is to help leverage local and state funds with federal transportation dollars for projects such as rail crossing safety improvements.

Projects that include new silent crossings and grade-separated crossings in downtown Vancouver have recently been completed. Plans to reduce at-grade crossings in many more communities in the region where train crossings can be disruptive are also under way.

**A "programmatic" EIS is inequitable, subjective and harms movement of all cargo**
The port welcomes a stringent and thorough Environmental Impact Statement analysis, but objects to additional analysis which includes the transport route and consumption of the product. Permitting for all types of railed cargo must be consistent with legal requirements, uniform, reasonable and equitable. No other commodity at this port is required to undergo this amount of analysis.

Oil and other liquid and dry bulks travel by rail and vessel from the Midwest to the Columbia River today, and have been for many years. A "cradle to consumption" model is excessive, lacks parity and significantly impacts all cargo in our trade and transportation-reliant state. Consistency is critical not only to our port and this commodity, but to every port in the state moving cargo of all kinds.

A "cradle to consumption" EIS is untested, complex and includes criteria and factors that are difficult to quantify for an EIS and that exceed any prior experience. Including impacts from consumption of oil can also be redundant. For example, vehicular emissions laws and monitoring programs already account for the burning of fossil fuels within the United States.

**Other issues outside of the EIS scope**

The port recognizes the need for improved policy on energy and climate change on a national level, but asserts that this issue is far outside the scope of the project EIS. As a port, we are committed to our local approach to addressing climate change and environmental protection, and are constantly improving on our sustainability efforts in these important areas. Our efforts include purchasing 100 percent green energy, an anti-idling protocol, state-of-the-art stormwater treatment, tenant environmental audits, advanced wetland mitigation management and an aggressive recycling program throughout port operations.

The port and its tenants must comply with all local, state and federal laws regarding emissions control. However, climate change requires a comprehensive, statewide and national approach to managing carbon, with all local, state and federal laws regarding emissions control. The application of unique and unproven constraints to this project singles out and places undue burden on the transport of one commodity, one business and our port.

**Conclusion**

Thank you for your time and attention to our scoping comments. We are working hard to improve upon the project as it works through design and as we interact with our community. We applaud your efforts in making this a project that safely provides jobs and economic value to SW Washington, while ensuring a healthy environment where we can live, work and play.

Sincerely,

Todd M. Coleman
Chief Executive Officer

cc: efsec@utc.wa.gov
The Honorable Jay Inslee, Governor, Washington State

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#002

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Dec. 13, 2013



Stephen Posner, Interim EFSEC Manager
Energy Facility Site Evaluation Council
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**Re: Environmental Impact Statement Scoping Comments for the Proposed Tesoro Savage Vancouver Energy Distribution Terminal: Application No. 2013-01; Docket No. EF-131590**

On Dec. 10, 2013, the City Council of the City of Vancouver approved the submission of the following scoping comments to the Energy Facility Site Evaluation Council. These scoping comments are submitted to you for consideration in determining the Scope of the Environmental Impact Statement for the proposed Tesoro Savage Vancouver Energy Distribution Terminal at the Port of Vancouver.

EFSEC issued a Determination of Significance (DS) in recognition of the fact that this crude-by-rail terminal project "is likely to have a significant adverse impact on the environment." In the DS, EFSEC identified a number of areas that will likely be discussed in environmental impact statement (EIS) including:

> Geology; vegetation; fish and wildlife; water quality runoff/absorption; air-quality; climate; environmental health; noise; risk of fire or explosion; release or potential releases of toxic or hazardous materials; land and shoreline use; housing; aesthetics; transportation: vehicular, waterborne and rail traffic; and public services.

The city requests that the entire range of probable significant adverse environmental impacts associated, not only with the proposed terminal site, but also with transportation of the commodity to the port by rail and the shipping by ocean-going tankers on the Columbia River, be considered.

The EIS should also include an analysis of the cumulative impacts associated with other projects under consideration in the region that may have impacts that are similar to the proposed project.

In submitting these comments, the city is neither taking a position for or against the project. Rather, the city encourages EFSEC to require a full and comprehensive analysis of the probable, significant adverse environmental impacts of the entire project.

In addition, impacts from the project to existing land use plans, recreation, parks and scenic resources, the movement/circulation of people and goods, traffic hazards, police and fire services must be considered. In addition to considering these elements of the environment, the EIS must consider alternatives to the project including a no action alternative.[1]

EFSEC has adopted the SEPA rules set forth in chapter 197-11 WAC.[2] Pursuant to those rules, EFSEC must consider any probable, significant, adverse environmental impacts from a proposed project.[3] An impact is "probable" if it is "reasonably likely to occur".[4] Impacts are to be considered be they direct, indirect or cumulative.[5]

**Cumulative Impacts**

The Tesoro Savage project is one of a number of proposed projects that will have impacts to the city. The other proposed projects include the following:

Westway – Westway is a crude-by-rail terminal project proposed to be developed in Grays Harbor, Washington.[6] The Westway terminal would add two additional unit trains that would run through Vancouver every three days.

Imperium – Imperium is the second crude-by rail terminal project to be developed in Grays Harbor. The Imperium project would add two additional unit trains that would run through Vancouver every day.[7]

BHP Billiton - The Port of Vancouver approved three agreements with BHP Billiton related to the development of a potash export facility at the Port's Terminal 5.[8] The City of Vancouver approved site plans for the BHP facility June 16, 2011. The Port issued a SEPA MDNS for this project. At full build-out, BHP plans to move eight million metric tons of potash through the port annually. According to the Port, construction is expected to begin in 2014, "with operations commencing as early as 2017."[9] The potash will be transported through the city by rail for delivery to the Port.

Millennium Bulk Terminals – The city previously commented on the Millennium Bulk Terminals and the potential impacts that it will have on the city.[10] This project would add up to 20 unit trains daily traveling through the city.

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[1] WAC 197-11-440(5)
[2] WAC 463-47-020
[3] WAC 197-11-060
[4] WAC 197-11-782
[5] WAC 197-11-060 and 197-11-792
[6] Shorelines Hearing's Board No. 13-012c, Order on Summary Judgment at p. 7.
[7] Ibid. at p. 8.
[8] http://www.portvanusa.com/news-releases/port-commission-signals-confidence-in-bhp-billiton-project/
[9] The Columbian, August 22, 2013, "BHP Signals Commitment to Port of Vancouver Project"
[10] City scoping comments to Ecology and Cowlitz County dated September 30, 2013.

Gateway Pacific – Gateway Pacific Terminal will be a multi-commodity, dry bulk cargo-handling facility on nearly 1,500 acres in Whatcom County, Washington, with development occurring on about one-quarter of the site.

Rail traffic generated by this facility may be routed through Vancouver. There are no estimates on the number of trains that may be routed through the city.

These projects are reasonably foreseeable and the EIS analysis needs to encompass the cumulative impacts of them with the impacts of the Tesoro Savage project.

**Environmental Elements**
The following comments are in outline form addressing the environmental elements as they appear in then SEPA Environmental Checklist form (WAC 197-11-960).

**1. Earth**

This includes all impacts to the earth including slopes, soils, instability, erosion, etc. For this proposal the following should be analyzed:

- Impact of additional train traffic on the stability of the shoreline along the Columbia River.
- Potential impacts to the project site created by the increased development.
- Impacts of added river traffic to potential bank erosion.
- The project is in an area identified to have a high risk of liquefaction in the event of an earthquake. The analysis needs to address this risk and its potential impacts.

**2. Air**

This review generally deals with emissions. For this proposal, the following should be analyzed:

- The combined impacts from emissions from the operation of the terminal facility, the emissions associated with the additional rail traffic and the emissions associated with the tanker ships on the Columbia River.
- The potential of accidental releases of emissions.
- The impact of emissions on the general public.
- Impacts of odor on existing and future developments.

**3. Water**

This element addresses impacts to water. The following should be reviewed as part of the EIS:

- Impacts to the ground water from infiltration on the terminal site.
- Impacts to the surface water due to additional river traffic.
- Impacts to surface and groundwater due to spills, including those associated with the terminal, rail shipments and river shipments.
- Runoff from trains, operations at the port and transport by ships.

**4. Plants**

This section deals with determining the impacts to vegetation associated with the proposal. Analysis should include the following:

- Impacts to plants from the emissions at the terminal site and of additional train and river traffic.
- Potential importation of exotic plants which may endanger native vegetation.
- Impacts to endangered plant species along the entire train and water routes.

**5. Animals**

This section deals with the overall impact to all animal life. The Tesoro Savage project will add 730 deep draft freighter trips to the vessel traffic on the Lower Columbia River. The Lower Columbia and its estuaries provide critical habitat to threatened and endangered species. The increase in river traffic presents a risk of introduction of invasive species through hull fouling.

In addition to the added river traffic, additional train traffic is expected. These impacts must be analyzed. This should include analysis of the following:

- Additional occurrences of animal impacts due to additional river traffic.
- Issues caused by the in-water construction component of the proposal.
- Importation of exotic invasive species.
- Impacts to critical habitat created by wave action and prop-wash associated with increased river traffic.
- Impacts to listed and endangered species.
- Impacts on species using the Pacific Flyway migration route.
- Animal impacts created by additional train traffic.
- Impacts to wildlife if there are spills or derailments while the oil is being transported by rail.

**6. Energy and Natural Resources**

This section deals with what natural resources will be impacted and whether the proposal would restrict the use of energy, such as solar energy. The applicant is required to address the energy conservation features that will be employed for the entire proposal.

**7. Environmental Health**

This element deals with any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous wastes that could occur as a result of this proposal.

This element also includes impacts associated with ambient noise levels and potential noise generation. The EIS should review the following as they relate to the public in general, and to all residents that may be impacted, and specifically including the residents of Fruit Valley and the Lower River Road Jail (located within 400 yards of the project). In particular:

- Exposure to toxic chemicals –
  A full study of the impact of the potential emissions on the population, including the impact to those in poor health.

- Noise –
  There are at least 26 at-grade crossings within Vancouver city limits, and many of these are un-signalized crossings. Impacts from train horn, locomotive and rail car noise, to nearby residents or employees should be studied in the EIS.

- Risk of Fire, Spills and Explosions –
  Bakken crude oil is recognized as being highly volatile. The disaster at Lac-Megantic, Quebec, in which 47 lives were lost, demonstrates beyond question the danger posed by shipping this commodity through population centers. Analysis should include a review of the Federal Railroad Administration's "Operation Classification" undertaken due to its "specific safety concerns about the proper classification of crude oil being shipped by rail, the subsequent determination or selection of the proper tank car packaging used for transporting crude oil, and the corresponding tank car outage requirements." The Association of American Railroads[11] recently commented to the Pipeline and Hazardous Materials Safety Administration on the need to revise and upgrade the standards for DOT-11 cars used to transport crude oil.[12] The EIS needs to identify the potential for risks of explosion and if and how those can be mitigated to nonsignificant levels. The mitigation measures to be analyzed need to include the proper equipping of first responders. (Also see comments under Public Services)

**8. Land and Shoreline Use**

This element addresses whether the proposal is compatible with existing and projected land uses and plans. For this proposal, the following should be addressed:

In October 2009, the city unanimously approved the master plan for the Columbia Waterfront Development project, which calls for the development of 3,300 residential units and one million square feet of commercial space on 32 acres of riverfront property. This site is bordered by the BNSF railroad tracks that will be used to transport the oil to the terminal. On Nov. 4, 2013, the Vancouver City Council unanimously approved the Waterfront Park Plan that calls for a 7.3-acre park and trail within the Waterfront Development project. The city has invested $45 million in transportation improvements to serve the Waterfront Development project. The EIS needs to identify the impacts of the Tesoro Savage project and other reasonably foreseeable projects on the Waterfront Development project and identify how these impacts will be reduced to nonsignificant levels. The following should be considered:

- Impacts of the proposal on the viability of the city's Vancouver City Center Vision Subarea Plan.
- Impacts on existing land and shoreline uses.
- Impacts on envisioned future uses.
- Impacts to parks and public spaces.

[11] The AAR is a trade association whose membership includes freight railroads that operate 82 percent of the line-haul mileage, employ 95 percent of the workers, and account for 97 percent of the freight revenues of all railroads in the United States.

[12] See ARR comments submitted in Docket NO. PHMSA—2012—0082.

## 9. Housing

This element addresses impacts to housing. There are areas within the city zoned for residential development that are located south of the BNSF railroad tracks. The additional train traffic will reduce access to these areas. The following impacts should be analyzed:

- Impacts of noise on existing and planned residential development along the railroad corridor.
- Impacts of odor on existing and planned residential development.
- Impacts to access to existing and proposed residential development as a result of additional rail traffic.

## 10. Aesthetics

This section deals with views, heights of structures and the appearance of structures and buildings. The EIS should address the following:

- Potential impacts to existing views.
- Impacts to potential views of future developments based on the zoning and the adopted comprehensive plan.

## 11. Light and glare

This section addresses potential impacts caused by lighting and glare. The following should be addressed in the EIS:

- Impacts of overwater lighting on river traffic and on fish and wildlife habitat.

## 12. Recreation

This section addresses potential impacts on recreational uses, including recreational opportunities. The following should be addressed by the EIS:

- Impacts to recreational fishing and boating on the Columbia River.
- Impacts to access to outdoor recreational areas, including Wintler Park and the proposed Waterfront Park downtown.
- Impacts on development of, access to and the use of, the Evergreen Highway Trail.

## 13. Historic and Cultural Preservation

This element addresses landmarks, or evidence of historic, archaeological, scientific, or cultural importance which may be impacted by a proposed development. The terminal site is in an area designated as having high probability for encountering artifacts. The applicant has indicated no additional archeological studies are necessary, unless excavation reaches the native soils.

It does not appear any additional study related to historic or cultural preservation is required.

## 14. Transportation

This element addresses all modes of transportation. This includes rail, ship, air, personal vehicles, public transportation, trucks, buses etc.

The oil will be transported to the terminal over 14 miles of rail running through Vancouver. There are 18 private and eight public at-grade crossings along the route. There will be eight (four full and four empty) unit trains serving the project every day. A unit train is 100 to 110 cars long. Each unit is approximately one and a half miles long. The EIS needs to analyze the following:

- The cumulative impacts to vehicular and passenger rail transportation caused by the increase in rail traffic associated with the Tesoro Savage when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.
- Identify any rail infrastructure improvements that need to be made to accommodate the increased rail traffic of these projects.
- Identify impediments to public and private access created by additional rail traffic.
- Identify if there are opportunities for public transportation to the terminal site.

## 15. Public Services

This section addresses whether the project could result in an increased need for public services. These include, for example: fire protection, police protection, health care, and schools, among others.

Some residential areas along the Columbia River could be entirely cut-off from emergency services for extended periods of time and increased frequency due to the length of the unit trains and slow speeds of the trains in city limits, or from trains stopped waiting for other trains to move. Emergency responders may have no alternative but to access these areas by boat. However, such a response would be clearly inadequate for fire response or responses to criminal activity.

The EIS needs to identify and address the impact of the Tesoro Savage project and all reasonably foreseeable projects on public services provided by emergency responders. These include:

- Potential impacts to health service providers should there be a spill, chemical release or other such incident associated with the terminal, rail or river shipping of the commodity.
- Potential impact to public and private utility providers when responding to emergency situations such as outages, leaks or failures.
- Potential need for additional police officers to assure they are available when there are trains blocking the access over the rail lines.
- An analysis to determine if the city should employ specially trained responders to respond to spills, fires, releases of contaminants etc.
- The Vancouver Fire Department has listed several concerns. Their specific concerns are attached. The Vancouver Fire Department requests the EIS review include a third-party fire protection engineer to analyze the attached comments.

**16. Utilities**

This section addresses impacts on utilities. The proposal may have impacts on the city's ability to provide utilities as well as impact the provision of services by private utilities. The EIS should address any impacts the proposal may have on:

- Public sanitary sewer collection system
- Public sanitary treatment system
- Public water supply
- Public water distribution system
- Public storm water drainage and water quality systems

**Climate Change**

The applicant indicates on page 3-256 of the Application for Site Certification Agreement, "*Although most scientists concur that anthropogenic global emissions of greenhouse gasses are affecting climate, there are no analytical tool or established procedures for evaluating climate impacts from individual projects*"

Although there is some controversy with this concept, the EIS should address the potential impacts to climate associated with this proposal.

**Alternatives to the Proposal**

The EIS must present an analysis of a reasonable range of alternatives to the proposal including a no action alternative.[13] Alternatives that might be considered include transporting the crude by pipeline; transporting the crude directly to the refineries by rail rather than by rail and then by ship; and the no action alternative.

The City of Vancouver appreciates this opportunity to provide comments on the appropriate scope of the EIS. The city encourages EFSEC to engage in a full and comprehensive review of the impacts associated with this project.

If you have questions please call me at (360) 487-7885 or e-mail me at jon.wagner@cityofvancouver.us.

**JON WAGNER, AICP, SENIOR PLANNER**
Land Use Team
Community & Economic Development Department

Attachment, Vancouver Fire Department Specific Comments

[13] WAC 197-11-440

## VANCOUVER FIRE DEPARTMENT, SPECIFIC COMMENTS

### Part A

### Section 1 - Local and regional risk Analysis

Determine the fire and life safety risk and probability of error based on volume of crude oil and transport type as it will pertain to its proximity to City of Vancouver. The analysis shall include but not be limited to the risks to the following:

a) Residential dwelling along the rail system and Columbia River.
b) Commercial businesses along the rail system, Columbia River and downtown area.
c) Industrial complexes adjacent to the rail lines, Columbia River and Port of Vancouver. (Rail lines through city/waterfront – undeveloped, high-rise buildings [planned]).

### Section 2 - Fire Operations Gap Analysis

Determine what impacts the proposed facilities and operations will or could have on the fire department's ability to provide incident response services. Identify deficiencies and needed mitigations such as training or equipment.

a) Assess risks associated with the proposed facilities and operations.
b) Assess risks associated with the proposed systems for transportation and storage of flammable & combustible liquids, including:
    1. Rail transportation over local railways, loading and off-loading operations
    2. Marine transportation over local waterways, loading and off-loading operations
    3. Pipeline transportation
    4. Storage, high capacity tank storage.
c) Evaluate the fire department's ability to provide incident response services (i.e., spill response, firefighting, confined space rescue, etc.) to the proposed facilities and related transportation systems. Evaluation to include:
    1. Pre-emergency plans
    2. Tactics and strategies
    3. Training
    4. Equipment
    5. Other resources
d) Evaluate the proposed fire protection systems and spill protection systems for the proposed facilities.
e) Recommend measures and estimated costs to mitigate any impacts the proposed facilities or related transportation systems may have on the fire department's ability to provide emergency services. Recommendations to include:
    1. Pre-emergency plans
    2. Tactics and strategies
    3. Training
    4. Equipment
    5. Other resources
f) Evaluate and verify the proposed emergency vehicle access:
    1. Given the reach of Vancouver's fire water streams and the specifications of Vancouver's fire apparatus, identify specifically what is required in terms of apparatus access as it pertains to the storage tanks, the rail car facility and the dock.
        i. Identify the best fire apparatus access design to and within the entire site.
        ii. Provide a plan view of the site showing the acceptable access.
        iii. Show the fire lanes and where fire lane signage is required if any.
        iv. Identify any additional access recommendations.

g) Evaluate and verify the fire hydrants and water supply:
   1. Identify the minimum fire flow required.
   2. Determine whether the Port of Vancouver's and/or the City of Vancouver's water supply are adequate or whether storage water, pump and standby power are required. If storage water supply is required, identify the minimum specifications.
   3. Provide a scale plan view document with the recommended hydrant placement.
   4. New water main minimum size considering any recommended fixed fire protection systems and/or fixed fire equipment such as dike mounted nozzles.

h) Storage tanks: Provide an analysis of tank design, construction in terms of the 2012 International Fire Code and its referenced NFPA standards.
   1. Tank design including but not limited to foundation, supports, signage, etc.
   2. Ignition control issues: required classified wiring locations, protection against ignitions arising out of static, lightning, or stray currents or vapor leak migration to rail line sparks.
   3. Tank and pipe material compatibility with commodity stored/transported.
   4. Secondary containment design and material.
   5. Seismic, snow and wind load and flood uplift prevention issues.
   6. Identify minimum separation distances from adjacent structures, operations, property lines, public ways and other tanks.

What follows is a proposed scope of work for the 3rd party fire protection engineer.

**Part B**

**Section 1 - Fire Protection Engineering**

a) Evaluate the proposed startup plans.
b) Evaluate the proposed HMMP (Hazardous Materials Management Plan).
c) Evaluate the HMIS (Hazardous Materials Inventory Statement) reflecting peak capacities.
d) Evaluate the proposed accident procedures and emergency response/evacuation plans for on-site staff.
e) Provide an analysis of the proposed emergency relief from process vessels, taking into consideration the properties of the materials used and the automatic and manual fire protection and control measures taken.
f) Provide an analysis of applicable codes, regulations, NFPA and industry standard requirements for flammable and combustible/hazardous material liquid handling, transfer, and use.
g) Evaluate proposed portable fire extinguishing equipment, size, type and placement.
h) Evaluate the proposed fire protection systems and spill protection systems for the proposed facilities.
   1. The storage tanks
   2. The rail offloading facility
   3. The transfer piping
   4. The ship loading facility
i) Verify the review drawings and comment on the proposed emergency vehicle access and identify any additional access recommendations.
j) Verify the review drawings and comment on the proposed fire hydrants locations and adequacy of the proposed water supply.
k) Review the proposed fixed fire protection systems.
   1. Provide an analysis of proposed design of fixed fire protection for each location to be installed.

2. Evaluate and comment on the proposed ongoing NFPA inspection, testing and maintenance standards for each system including tanks, liquid transfer and fixed fire protection systems.

l) Provide plan review services by a licensed fire protection engineer for all fire protection system permits.

m) Review and comment on the proposed inspection list and inspection plans provided by the applicant's contractor, Poole Fire Protection.
   (1) The installation of fixed fire protection for the storage tanks.
   (2) The fixed fire protection for the rail loading/unloading facility and equipment.
   (3) The installation of emergency or backup power systems.

2. When requested by the fire marshal, provide qualified on-site acceptance inspections and notify the fire marshal of planned dates and times as they are scheduled so they can audit the process and progress.

Docket EF-131590

STATE REPRESENTATIVE
18th LEGISLATIVE DISTRICT
LIZ PIKE
**ASSISTANT REPUBLICAN FLOOR LEADER**

State of Washington House of Representatives

ENVIRONMENT
**ASSISTANT RANKING MEMBER**
APPROPRIATIONS
COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS
APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES
EDUCATION

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December 12, 2013

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RECEIVED
DEC 16 2013
ENERGY FACILITY SITE EVALUATION COUNCIL

Dear Mr. Posner:

As a state legislator, I represent approximately 167,000 citizens in the 18th district. What I hear most often from my constituents is their concern about their jobs and the economy. We are still suffering from chronic high unemployment in Southwest Washington compared to most other regions in the State.

I support a vibrant local economy that attracts new manufacturing jobs and preserves our existing jobs. I've had the opportunity to study the proposed Tesoro and Savage joint venture project to develop, own and operate a new energy distribution terminal at the Port of Vancouver. These companies have a strong and consistent reputation for protecting the environment by going above and beyond most state and national standards. They have an exemplary safety record.

I have also toured the expansive Port of Vancouver industrial area and recognize the $187 million rail expansion project currently underway there. This is a significant investment of Washington taxpayer dollars designed to attract companies like Tesoro and Savage to our corner of the state.

The proposed energy distribution terminal will serve an important function: to unload railcars of North American crude oil and load marine vessels for transport to West Coast refineries including those owned by Tesoro. Fundamentally, this is about enabling North American crude oil processing in West Coast refineries resulting in transportation fuel for American families and businesses.

**LEGISLATIVE OFFICE:** 122-B LEGISLATIVE BUILDING • PO BOX 40600, OLYMPIA, WA 98504-0600 • 360-786-7812
**E-MAIL:** Liz.Pike@leg.wa.gov
TOLL-FREE LEGISLATIVE HOTLINE: 1-800-562-6000 • TDD: 1-800-635-9993 • www.leg.wa.gov

I support this project at our local terminal since it will positively impact the region by:

- Providing family wage jobs and substantial economic benefits,
- Supporting energy independence by facilitating transportation of North American crude oil to West Coast refineries, and
- Combining the capabilities, experience and resources of partners with strong safety and environmental commitments.

It is my sincere desire the Washington Energy Facility Siting Evaluation Council (EFSEC) will utilize a fair and consistent process to review this proposal. It is projects like these that will ensure America's energy independence now and in the future.

Most importantly, I would request that the scope of the SEPA environmental analysis be purposefully focused on potential impacts from the proposed facility. The scope of the EIS must be limited to those potential impacts directly related to the facility design and operation. I ask that EFSEC consider the following site-specific impacts in preparation of the SEPA Environmental Impact Statement:

- Risks caused by earthquakes
- Spill prevention and spill response requirements that protect the environment
- Ability to comply with state and federal air quality emission standards
- Protection of Columbia River water quality and fish and wildlife resources
- Impact of the facility on local transportation infrastructure and public services
- Facility design that meets all relevant safety standards

I am concerned that conducting a SEPA EIS that looks beyond site-based facility impacts is an overreach that could dilute the core focus on this facility and have a dampening effect on transportation of other commodities, such as agricultural products, which are vital to the economies of Vancouver, Clark County and the state of Washington.

This balanced approach is consistent with SEPA statutes and regulations and will protect the environment while also ensuring the state's ability to grow its economy. Thank you for considering my comments.

Sincerely,

Liz Pike
Washington State House of Representatives
18th Legislative District
"Protecting life, liberty and the pursuit of happiness"

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#004

# United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
333 Bush Street, Suite 500
San Francisco, California 94104-2828

In reply refer to:
L7621 (PWR-NR)

December 10, 2013

RECEIVED
DEC 16 2013
ENERGY FACILITY SITE
EVALUATION COUNCIL

Stephen Posner
Interim EFSEC Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Dear Mr. Posner:

The National Park Service (NPS) appreciates the opportunity to provide scoping comments on the Environmental Impact Statement (EIS) for the Tesoro Savage Vancouver Energy Distribution Terminal Project (Tesoro Savage), Application No. 2013-01, Docket No. EF-131590. We understand the project would involve shipment of up to an average of 360,000 barrels of crude oil per day from the Midwestern U.S. to the Port of Vancouver, Washington (Port). The crude oil would be transported over Burlington Northern Santa Fe (BNSF) rail lines, with up to four 1.5 mile long trains arriving at, and departing from, the Port each day. The oil would be stored temporarily at the Port, piped from storage tanks to ships at the Port's marine terminal on the Columbia River, and then transported downriver for distribution to refineries in California and northern Washington. The project includes permitting of two primary, and one back-up, 62 MMBTU/hr natural gas-fired boilers that would be used to heat the tank cars during unloading at the Port.

In accordance with Washington's State Environmental Policy Act (SEPA), the Tesoro Savage EIS should fully evaluate all direct and indirect effects of the crude oil distribution project, including railroad shipment from the Midwest, Port operations, marine vessel shipment and climate change impacts associated with eventual fuel refining and combustion. In particular, we recommend the EIS evaluate potential project impacts on natural and cultural resources, visitor use and enjoyment, and employee and public safety at the following areas managed or administered by the NPS: Glacier National Park (NP) in Montana; Fort Vancouver National Historic Site (NHS) in Vancouver, Washington; Lewis and Clark National Historical Park (NHP) near Astoria, Oregon; and sections of the Lewis and Clark National Historic Trail (NHT), Oregon NHT and Ice Age Floods National Geologic Trail (NGT) along the Columbia River in Oregon and Washington. Detailed comments are provided below.

Glacier NP

Glacier NP preserves more than a million acres of forests, alpine meadows, lakes, rugged peaks and glacial-carved valleys in the Northern Rocky Mountains. Its diverse habitats are home to nearly 70 species of mammals including the grizzly bear, wolverine, gray wolf and lynx. Over 270 species of birds visit or reside in the park, including such varied species as harlequin ducks, dippers and golden eagles. The park is named for its prominent glacier-carved terrain and remnant glaciers descended from the ice ages of 10,000 years past. Bedrock and deposited materials exposed by receding glaciers tell a story of ancient seas, geologic faults and uplifting, and the movement of giant slabs of the earth's ancient crust overlaying younger strata. The result of these combined forces is some of the most spectacular scenery on the planet.

The BNSF railroad runs adjacent to, and at times forms the southern boundary of, Glacier NP. The rail line borders Bear Creek and the Middle Fork Flathead River, a designated wild and scenic river that is world-renowned for whitewater rafting and fishing. The railroad also crosses several park streams and well-established avalanche chutes. We are very concerned about potential impacts from oil spills and train derailments on gateway communities, as well as on park water quality and aquatic life--specifically the federally-threatened bull trout (*Salvelinus confluentus*) and the westslope cutthroat trout (*Oncorhynchus clarkii lewisi*), a state species of concern. These impacts should be evaluated in the Tesoro Savage EIS.

The 1977 Clean Air Act amendments include requirements to protect air quality in 156 mandatory Class I national parks and wilderness areas, including Glacier NP. The Clean Air Act also directs the NPS to protect air pollution-sensitive resources, including visibility, streams, lakes, vegetation, soils and wildlife in Class I areas. Accordingly, the Tesoro Savage EIS should evaluate the impact of train emissions on air quality in the park.

Visitor and employee safety is a concern at Glacier NP because several high use and developed areas are adjacent to the railroad tracks and more rail traffic increases the likelihood of derailments. In addition, research has shown the current traffic level of about 30 trains per day affects wildlife movement and survival. For example, from 1998-2011, thirty-one out of 290 (11%) confirmed deaths of threatened grizzly bears in the Northern Continental Divide Ecosystem (NCDE) of Montana were due to collisions with trains. Train collisions represent the fourth most common form of human-caused mortality in the NCDE grizzly bear population (US Fish and Wildlife Service, 2013). Increased rail traffic could further restrict wildlife movement and increase mortality in and near the park.

Fort Vancouver NHS

Fort Vancouver NHS encompasses 209 acres and contains numerous cultural resources associated with American Indians, the Hudson's Bay Company colonial establishment and the first U.S. Army post in the Pacific Northwest. During World War I, Sitka spruce was brought from the Coast Range, including areas of Olympic NP, by railroad to be milled on the grounds of the National Park unit into aviation-grade lumber to support the war effort. The affiliated sites of the Vancouver National Historic Reserve include the City of Vancouver's Old Apple Tree Park, where the region's oldest living survivor of the early colonial days of Fort Vancouver still lives. There are numerous archaeological resources associated with Fort Vancouver NHS including the Fort Vancouver Village ("Kanaka" Village), the pond and Waterfront Complex, and underwater

sites within the Columbia River (the Quartermaster East and Benoit sites). The entire area is a listed National Register District. Today, over one million visitors come to the park and its affiliated sites each year to learn more about the history of the Pacific Northwest.

The BNSF railroad runs through Fort Vancouver NHS and a portion of the lines are on an easement that dates back to 1906 when the original Spokane, Portland, and Seattle (SP&S) Line was built across the U.S. Army post. The EIS should evaluate the potential for Tesoro Savage to adversely affect Fort Vancouver NHS and its affiliated areas of the Vancouver National Historic Reserve. In particular, we are concerned about increased rail traffic associated with the project. This increased rail traffic could have direct and indirect effects on the historic properties of Fort Vancouver NHS. Increased rail traffic may increase the risk of a derailment that could damage irreplaceable cultural resources, and could pose hazards to visitors enjoying the site. For example, some of the areas immediately adjacent to the railroad contain highly sensitive and significant subsurface and submerged archaeological resources associated with the colonial period of the Pacific Northwest. A derailment in these areas could directly damage or destroy these resources. The EIS should include an analysis to address the increased risk of a derailment, or other accident, and how contingency plans would minimize harm of an oil spill on fragile and significant cultural resources on land and potentially in the Columbia River.

Visitor and employee safety is also a concern, including at the heavily-used land bridge trail that runs alongside, and goes underneath, the tracks. Obviously, an accident could endanger visitors that are using the Waterfront, Old Apple Tree Park, or the Confluence Project Land Bridge. The EIS should analyze the increased risk to human health associated with increased train traffic.

We are concerned that the increased rail traffic for the Tesoro Savage project could introduce visual and audible elements that might diminish the ability of visitors (including American Indians and Native Hawaiians) to make connections to the historic properties of the district, including in particular, aspects of feeling and setting. Views from inside and adjacent to the Fort, Village and Waterfront Complex may be disrupted, affecting the ability of the visitor to orient to the historical context of the site. Some of these sites may have a special significance to American Indian tribes. The increased rail noise will be a constant distraction that could further diminish the integrity of the setting and feeling of the Fort, Village and Waterfront. The EIS should address indirect effects associated with the increased rail traffic through Fort Vancouver NHS and its affiliated areas.

The 1916 NPS Organic Act provides air quality protection in all units of the National Park System. Fort Vancouver NHS is located within 10 km of the Port. Because Tesoro Savage has not yet identified the brand of boilers that would be constructed at the Port, we cannot determine whether or not the applicant will need to obtain a Prevention of Significant Deterioration (PSD) air quality permit. Regardless, the EIS should evaluate the impacts of the proposed natural gas-fired boilers on air quality, including visibility, at the park.

Lewis and Clark NHP

Lewis and Clark NHP consists of seven sites totaling 3,400 acres in the lower Columbia River estuary and along the Pacific Ocean in Clatsop County, Oregon, and Pacific County, Washington. The park preserves a variety of ecosystems from coastal dunes, estuarine mudflats

and tidal marshes to shrub wetlands, temperate rainforests and swamps. Extensive wetlands in the park include fringing saltmarshes on the lower Columbia River, the tidally-influenced lower Lewis and Clark River and many low-gradient brackish sloughs and marshes. These wetlands provide valuable habitat for a diversity of mammals, birds, reptiles, amphibians and fish.

The Tesoro Savage EIS should evaluate the impacts of potential oil spills from marine vessels on natural resources and visitor use and enjoyment at Lewis and Clark NHP. In particular, the analysis should address the effect that oil spills in the lower Columbia River estuary would have on critical habitat for federally threatened and endangered species that rear in and migrate through NPS waters in the estuary including but not limited to: Pacific eulachon (*Thaleichthys pacificus*), coho salmon (*Oncorhychus kisutch*), Chinook salmon *Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*) and steelhead (*Oncorhynchus mykiss*). The analysis should also include potential impacts to water quality and the aquatic environment.

National Historic and National Geologic Trails

In Washington and Oregon, the Lewis and Clark NHT follows the Columbia River from its confluence with the Snake River near Kennewick, Washington, to its mouth on the Pacific coast. The Oregon NHT joins the Columbia River east of the Deschutes River in Oregon and follows it west to Vancouver. Ice Age Floods NGT includes the entire Columbia River basin. The three trails provide unique interpretation of the area's cultural and natural history and include several viewpoints along the Columbia River. The EIS should evaluate how increased rail traffic could affect visitor access to, and enjoyment of, trail viewpoints and interpretive displays.

Climate Change

Eventual refining and combustion of crude oil distributed by Tesoro Savage will result in greenhouse gas emissions. The NPS is concerned about climate change impacts in parks, including the loss of iconic glaciers at Glacier NP. The EIS should thoroughly evaluate the project's potential impacts on climate change.

Spill Response and Mitigation

Tesoro Savage, BNSF and their contracted haulers should be required to develop robust mitigation and emergency response plans for the entire length of the supply and distribution lines. These plans should consider both winter and summer conditions and should provide a rapid response in the event of a train derailment or marine oil spill. In areas of high snowfall, including at Glacier NP, project proponents should investigate construction of snow sheds to prevent derailments and consider alternatives to using explosive devices to control avalanche events along the tracks. To minimize impacts on park resources, visitors and staff, Tesoro Savage and BNSF should coordinate with the NPS and other local responders to develop emergency response plans before the distribution center begins operation.

National Park Service staff can provide guidance on air emission estimates, atmospheric modeling and cultural and natural resource impact assessments for our areas. Please contact Tonnie Cummings, Regional Air Resources Specialist, at 360-816-6201 or Tonnie_Cummings@nps.gov for additional information.

Sincerely,

Palmer Jenkins
Deputy Regional Director, Pacific West Region

Reference cited:

U.S. Fish and Wildlife Service. 2013. Draft NCDE Grizzly Bear Conservation Strategy. U.S. Fish and Wildlife Service, Missoula, Montana, USA.

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#005

# SPOKANE COUNTY FIRE DISTRICT #3

December 17, 2013

Washington State Energy Facility Site Evaluation Council

Re: crude oil trans-loading facility at the Port of Vancouver WA.

Top whom it may concern:

Spokane County Fire District 3, Cheney WA., has developed a good working relationship with the BNSF railroad over the past twenty years. We have approximately forty miles of BNSF main line in our District. BNSF has worked with the District to develop a safer operation through our district. They have a deep agency commitment and culture to the safe operation of the railroad. They have always been receptive to suggestions regarding changes to operations to improve their safety in our area. I am committed to work with them to continue the relationship we have developed to provide the safest possible railroad in our area and therefore protect the interests of our citizens with regard to safe railroad operation.

Yours Truly

Bruce Holloway
Fire Chief



10 S. Presley Dr.
Cheney, WA.
99004

Commissioners:
Ron McKinley, Chairman
Sharon Colby
Howard Marsh Jr.

Phone: 509-235-6645
Fax: 509-235-6183

## Wraspir, Kali (UTC)

**From:** Bruce Holloway <BHolloway@SCFD3.org>
**Sent:** Tuesday, December 17, 2013 2:29 PM
**To:** EFSEC (UTC)
**Cc:** Courtney.Wallace@BNSF.com
**Subject:** The crude oil trans-loading facility at the Port of Vancouver WA
**Attachments:** bnsf.ltr.pdf

**Categories:** Agency

To whom it may concern:
Enclosed is a document with testimony regarding the crude oil trans-loading facility at the Port of Vancouver WA.
Thanks

*Bruce Holloway*
Fire Chief
Spokane County Fire District 3
Work 509-235-6645
Cell 509-991-5566

Tesoro Savage CBR
Agency Scoping Comment
#006

REFERENCE:

**COEUR D'ALENE TRIBE**

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

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DEC 17 2013
ENERGY FACILITY SITE
EVALUATION COUNCIL

Governor Inslee
PO Box 40002
Olympia, WA 98504-0002

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

December 16, 2013

**RE: Proposed Tesoro Savage crude-by-rail uploading and marine loading facility at the Port of Vancouver, Washington**

Dear Governor Inslee, Mr. Posner and Washington EFSEC,

The Coeur d'Alene Tribe is opposed to the proposed Tesoro Savage crude-by-rail uploading and marine loading facility at the Port of Vancouver, Washington.

The Coeur d'Alene Tribe (Tribe) resides on the Coeur d'Alene Reservation in the panhandle of Northern Idaho. The Coeur d'Alene Reservation covers approximately 345,000 acres and spans the rich farming country of the Palouse to the western edge of the Northern Rocky Mountains. The Reservation encompasses the beautiful Coeur d'Alene and St. Joe Rivers and the lower half of Coeur d'Alene Lake itself. The Reservation is home to a vast number of native flora and fauna species that exist and thrive in the abundant habitat types found throughout the Reservation. The Tribe's aboriginal territory extends north to encompass the entirety of Pend Oreille Lake and east to the amazing mixed conifer woodlands of the Clark Fork River and the Bitterroot Range and as far south as the Clearwater mountains of north central Idaho.

The Coeur d'Alene Tribe is a sovereign nation and the sovereignty of Indian Tribes is *inherent* and has existed since time immemorial. Tribes were here many thousands of years before there was a United States or even an Idaho, Washington or Oregon. The sovereignty of Indian Tribes is recognized in the

Constitution of the United States and Tribes have equal legal and constitutional status in their dealings with the U.S. federal government.

The Coeur d'Alene Tribe has witnessed the devastation of the legacy of mining impacts on the Coeur d'Alene Basin from irresponsible mining activities for over a century. Historic mining activities have left area ecosystems tattered and native wildlife populations poisoned and in decline. In an effort to restore these critical ecosystems and wildlife populations the Tribe is heavily involved in the Basin-wide clean-up of historic mining related contamination. The Tribe, as co-Trustee to natural resources, is also at the forefront of developing a basin wide Restoration Plan to restore those natural resources that were found injured due to the release of mining related heavy metals. As the original stewards of Coeur d'Alene Lake the Tribe understands and realizes that any more contamination to area ecosystems from the derailment and spill of crude oil would imperil native ecosystems and wildlife potentially beyond human kind's ability to restore, replace, or rehabilitate.

The Coeur d'Alene Tribe urges you to assess the full impact of Tesoro Savage's proposal to ship close to 400,000 barrels of oil each day through Northwestern communities, specifically Spokane Washington Due to the nature of the material proposed to be transported and shipped (crude oil) as well as the proximity of the facility to area wildlife preserves and Vancouver Lake, The Coeur d'Alene Tribe requests a full and comprehensive Environmental Impact Statement (EIS) that will assess the negative impacts shipping crude oil will have on public health and safety as well as on the greater environment.

Within a comprehensive EIS, the Coeur d'Alene Tribe would like you to analyze, examine alternatives and propose mitigation for the projects' negative impacts on the following;

- The potential impacts of large train-related oil spill(s) along the entire rail route from extraction site to port.
- The transportation, emergency response capability, and public health impacts of additional train traffic through communities along the proposed oil by rail route.
- Impacts to area Tribal cultural resources, air, waters, wildlife and fisheries from a train-related oil spill.

The Coeur d'Alene Tribe believes that you, Jay Inslee and the Energy Facility Site Evaluation Council (EFSEC) have a fundamental responsibility to consider *all* of the impacts with the utmost attention said oil by rail transport would have on the Pacific Northwest as the Northwest is interconnected through the families, tribes, resources and waterways that these oil shipping routes would traverse.

Sincerely,

Alfred M. Nomee
Natural Resource Director

## Wraspir, Kali (UTC)

**From:** Amy Anderson <aanderson@cdatribe-nsn.gov>
**Sent:** Tuesday, December 17, 2013 2:45 PM
**To:** EFSEC (UTC)
**Subject:** Comments CDA Tribe Tesoro Savage Crude by Rail
**Attachments:** FINAL Tesoro Savage Crude by Rail.pdf

**Categories:** Agency

The following attached comments are directed to **Stephen Posner Interim EFSEC Manager, Energy Facility Site Evaluation Council**. These comments are from the Coeur d'Alene(CDA)Tribe of Idaho. The CDA Tribe would like to receive a confirmation email from EFSEC that this comment letter has been received and entered into the official scoping comment log for this proposed Tesoro-Savage crude-by-rail uploading and marine facility at the Port of Vancouver, WA. project.

Amy Anderson
Environmental Programs, CDA Tribe
aanderson@cdatribe-nsn.gov
(208) 686-1088

Tesoro Savage CBR
Agency Scoping Comment
#007

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**Bob Ferguson**
**ATTORNEY GENERAL OF WASHINGTON**
Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

December 17, 2013

**Via electronic mail to efsec@utc.wa.gov**

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

RE: **Scoping Comments on Tesoro Savage Vancouver Energy Distribution Terminal Application NO. 2013-01**

Dear Mr. Posner:

The Counsel for the Environment (CFE) appreciates the opportunity to comment on the scope of the environmental impact statement (EIS) for the proposed Tesoro Savage Vancouver Energy Distribution Terminal (Project). The CFE's statutory role is to represent "the public and its interest in protecting the quality of the environment." See RCW 80.50.080. In this capacity, the following comments seek to ensure that the EIS provides the public with the most detailed information possible on the environmental impacts of the proposed Project.

The State Environmental Policy Act (SEPA) requires the broad consideration of environmental impacts and directs EFSEC to act "to the fullest extent possible" when assessing the environmental impacts of the proposed Project. In that light, CFE strongly encourages EFSEC to engage in broad and thorough environmental review and to thoroughly examine the Project's impacts to the natural and built environment. CFE is particularly interested in ensuring that this review process accurately identifies and reviews the full range of potential adverse environmental impacts, not just in the area immediately surrounding the project site, but statewide as comprehensively as possible.

In addition, CFE would like to see a thorough evaluation of the following topics:

- Air quality effects on the area surrounding the Project location related to the construction and operation of the terminal.
- Impacts on water quality and aquatic life from diesel emissions and potential oil spills and/or train derailments at the Project location and along the rail route.

- The potential effects of increased wildlife collisions and potential impacts to wildlife movement/migration as a result of additional rail traffic along the train route.
- Air quality impacts due to any increase in rail traffic associated with the Project.
- Cumulative impacts from increased rail traffic generated by the Project, and other similar projects, on communities on or near the anticipated rail line, including but not limited to, impacts to public health and safety.

As CFE, I would like to again thank EFSEC for considering the CFE's request that EFSEC engage in as broad an environmental review as is allowed under state law.

Sincerely,

Matt Kernutt
Assistant Attorney General
Counsel for the Environment

MK:mm

cc: Christina Beusch, Deputy Attorney General
Linda Dalton, Division Chief – Government Compliance & Enforcement Division
Jean Wilkinson, Section Chief – Government Compliance & Enforcement Division

**Wraspir, Kali (UTC)**

**From:** Posner, Stephen (UTC)
**Sent:** Tuesday, December 17, 2013 12:51 PM
**To:** EFSEC (UTC)
**Subject:** FW: Scoping Comments on Tesoro (App No. 2013-01)

**Categories:** Agency

Please process as a Scoping Comment.

Stephen Posner
Energy Facility Site Evaluation Council
Utilities and Transportation Commission
P.O. Box 43172
Olympia, WA 98504-3172
(360) 664-1903
stephen.posner@utc.wa.gov
www.efsec.wa.gov

---

**From:** Mulkins, Marlena (ATG)
**Sent:** Tuesday, December 17, 2013 9:25 AM
**To:** Posner, Stephen (UTC)
**Cc:** Beusch, Christina (ATG); Dalton, Linda A. (ATG); Wilkinson, Jean (ATG); Kernutt, Matt (ATG)
**Subject:** Scoping Comments on Tesoro (App No. 2013-01)

RE: **Scoping Comments on Tesoro Savage Vancouver Energy Distribution Terminal Application NO. 2013-01**

Mr. Posner:

Attached is correspondence dated December 17, 2013.

tesoro.pdf

Please contact me at the information listed below if you have any questions or concerns.

*Marlena Mulkins*, Legal Assistant
**Attorney General's Office/GCE**
**Highways Licensing Building**
**PO Box 40100**
**Olympia, WA 98504-0100**
**360-586-2296 (Direct), 360-664-0229 (fax)**

marlena.mulkins@atg.wa.gov (e-mail)

Please print only if necessary

Tesoro Savage CBR
Agency Scoping Comment
#008

STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
*1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250*
*(360) 664-1160 • TTY (360) 586-8203*

December 18, 2013

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EVALUATION COUNCIL

Stephen Posner, EFSEC Interim Manager
Energy Facility Site Evaluation Council
1300 S. Evergreen Park Drive Southwest
P.O. Box 43172
Olympia, WA 98104-3172

**RE: Application No. 2013-01/Docket No. EF-131590**
**Environmental Impact Statement Scoping Comments on the**
**Tesoro Savage Vancouver Energy Distribution Terminal Project**

Dear Mr. Posner:

The Utilities and Transportation Commission (UTC or Commission) appreciates the opportunity to comment on the scope of the Environmental Impact Statement (EIS) for the proposed Tesoro Savage Vancouver Energy Distribution Terminal in Clark County, Washington.

The UTC has responsibility under state law for ensuring the safety of the more than 2,600 public railroad crossings in Washington state.[1] Among other things, the UTC inspects the surface conditions of railroad crossings and establishes required clearances over, beside and between railroad tracks. The UTC also reviews railroads' requests to increase train speeds within the limits of a city; establish new crossings at, above or below grade; and alter or close a railroad crossing.

Tesoro Savage Petroleum Terminal, LLC (Tesoro Savage), proposes to construct and operate Tesoro Savage Vancouver Energy Distribution Terminal (Tesoro Terminal). The new crude oil export facility will be located at the Port of Vancouver (Port) on 41.5 acres. The Tesoro Terminal

[1] The UTC's authority does not include railroad crossing located within the limits of first class cities, RCW 81.53.240. These cities are Aberdeen, Bellingham, Bremerton, Everett, Richland, Seattle, Spokane, Tacoma, Vancouver, and Yakima.

would house a 3,400 square-foot office building for administrative functions and two additional buildings to house other employee support facilities, each consisting of approximately 3,400 square feet. The Tesoro Terminal is proposed to receive crude oil by rail, unload and temporarily store it, and then re-load the crude oil onto marine vessels for primary delivery to refineries located on the west coast of the United States.

Tesoro Savage proposes construction of two additional rail lines to the existing rail loops at Terminal 5 at the Port's West Vancouver Freight Access rail facility. With the additional two rail loops, on average four unit trains, carrying up to 360,000 barrels of crude oil could be received at the unloading facility daily. The unit trains would be composed of approximately 120 rail cars and be up to 8,000 feet in length. Once unloaded, the crude oil would be stored in above-ground steel tanks and then transferred by pipeline from the storage tanks to the marine terminal for vessel loading and export.

When the Tesoro Terminal becomes fully operational, up to four loaded unit trains would be entering the Port and four empty unit trains will be departing the Port on a daily basis. In the Commission's view, the EIS should evaluate the potential impact of the Tesoro Terminal on the safety of the public on and around all railroad lines and crossings that would be used to deliver crude oil to the facility. Currently, less than one train per day serves the Port of Vancouver. Increasing the train traffic could potentially require upgrades to the rail infrastructure, including new crossings, or new or expanded sidings or upgrades to existing crossings.

The UTC monitors accidents and fatalities at public railroad crossings. Approximately 40 accidents have occurred at railroad crossings in each of the past 10 years, including seven fatalities per year. Moreover, the trend has shown that accidents are increasingly occurring in western Washington near population centers. Because crude oil for export may move through populated western Washington communities, it is likely that without proper planning the increase in train traffic could result in an upturn in the number of railroad crossing accidents or fatalities in Washington state.

Moreover, closures of existing railroad crossings bring potential disruption to communities as vehicle traffic is rerouted, farms and neighborhoods divided, and businesses isolated from their customers. Understanding the scope of such potential disruption should be a focus of the EIS.

The EIS should further examine whether the additional train traffic would significantly increase wear and tear on existing crossings, necessitating increased inspections by UTC rail safety staff and increased maintenance costs for the railroads. At present, the UTC inspects each rail crossing at least once every 36 months. If increased train traffic is shown to quicken deterioration of crossing surfaces and signal equipment, the UTC will need to find additional staffing and resources to take on the additional rail inspection work. In addition, costs for maintaining or

replacing crossing surfaces and signal equipment for railroad companies will likely increase because of the rise in usage.

Increased train traffic, particularly multiple unit trains a day at lengths up to 8,000 feet, would also likely result in an increased number and duration of blocked crossings. UTC defines a blocked crossing as a crossing where a train sits without moving for 10 minutes or more. This happens when two trains occupy the same track and one must move to a siding, or side track, to allow the other to pass. It also happens when a long train must be stopped to add or subtract cars. Blocked crossings pose an inconvenience to the public because motorists must stop and wait for the train to vacate the crossing. Blocked crossings also cause increased public safety risks because emergency response vehicles cannot go over a crossing to reach an emergency on the other side.

Finally, because the rail corridor will experience additional train traffic, the UTC would need to be prepared to review proposals from the railroads to modify train speeds within cities and towns. While the UTC has very little direct jurisdiction over train speeds because of federal preemption, it is responsible for reviewing and commenting on any train speed increase proposed by a railroad.

In sum, the impact of increased train traffic in Washington state must be carefully evaluated from a safety standpoint and appropriate planning must be undertaken to mitigate any risks identified.

Thank you for the opportunity to comment on the scope of the EIS for the Tesoro Savage Vancouver Energy Distribution Terminal project. We look forward to assisting EFSEC in any way as the EIS is prepared. Please contact me at (360) 664-1115 or sking@utc.wa.gov if we can provide additional information.

Sincerely,

Steven V. King
Executive Director and Secretary

cc: David W. Danner, Chairman, UTC

WASHINGTON STATE DEPARTMENT OF
**Natural Resources**
**Peter Goldmark** - Commissioner of Public Lands

Caring for
your natural resources
... now and forever

December 18, 2013



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

SUBJECT: Tesoro Savage Vancouver Energy Distribution Terminal Project,
Application No. 2013-01, Docket No. EF-131590

Dear Mr. Posner:

Please accept these comments from the Washington State Department of Natural Resources (DNR) regarding the scope of the Environmental Impact Statement (EIS) for the proposed Tesoro Savage Vancouver Energy Distribution Terminal project in Vancouver, Washington. DNR is the manager of over 3 million acres of state trust lands comprised of forest, range, commercial, and agricultural lands, and 2.6 million acres of state-owned aquatic lands. In addition, DNR administers the state Forest Practices Rules on more than 12.7 million acres of non-federal, public, and private lands.

DNR is committed to sustainably managing the state's resources, relying on sound science, and making transparent decisions in the public's interest and with the public's knowledge throughout the environmental review process.

DNR is regarded as possessing special expertise under Washington state's environmental policy act rules, Washington Administrative Code (WAC) Chapter 197-11-920, related to the following areas: water resources and water quality of state-owned aquatic tidelands, shorelands, harbor areas, and beds of navigable waters; natural resources development; energy production, transmission, and consumption (geothermal, coal, and uranium); land use and management of state-owned or managed lands; recreation; and burning in forests.

The proposed project includes the expansion of capacity of an existing bulk oil terminal. The upland is owned by the Port of Vancouver (Port). The actual footprint of the marine terminal is within a limited area managed by the Port for the State of Washington under a specific delegation of authority. The Port has authority to authorize infrastructure development and operational management in the area. The State retains underlying fee ownership of the state-owed aquatic lands. DNR has direct control of most bedlands and state-owned tidelands and

shorelands along the Columbia River corridor. As such, DNR is the abutting land owner for much of the downstream reach.

DNR appreciates the opportunity to submit comments on the scope of the EIS, which are provided in the attachment to this letter. The attachment identifies project alternatives to the proposal that should be considered in the EIS. The comments that follow identify analyses for each element of the environment identified under WAC Chapter197-11-444 where DNR has identified probable, significant adverse impacts needing analysis in the EIS. For each issue of concern identified in this letter, DNR requests that the EIS identify the potentially affected resources; analyze the probable impacts to those resources; and identify measures to avoid, minimize, and mitigate effects of the proposal. DNR may submit additional scoping comments as we increase our understanding of the proposal and its impacts.

Should you have any questions regarding this letter, please do not hesitate to contact me, at (360) 902-1034.

Sincerely,

Megan Duffy
Deputy Supervisor for Aquatic Resources and Geology
Department of Natural Resources

Attachments: (12)
DNR comments on EFSEC SEPA scoping for Tesoro Savage project, Vancouver.

**Attachment**

**WDNR Comments to EFSEC SEPA Scoping**

**Tesoro Savage Oil Terminal Expansion in Vancouver, Washington**

## Organization of comments

The following comments identify local, regional and statewide impacts which may result from the proposed project. The specific emphasis is on impacts to State resources managed by DNR. We have identified: 1) project alternatives to the proposal that should be considered in the EIS, 2) probable project impacts in the immediate vicinity of the project area, 3) within the lower Columbia region, and 4) to state-managed lands statewide. Impacts are further organized into the Natural and Built environment categories according to the elements of the environment identified in Chapter 197-11-444, WAC. For each identified issue of concern, DNR requests that the EIS identify the potentially affected resources, analyze the probable impacts to those resources, and identify measures to avoid, minimize, and mitigate effects of the proposal. DNR may submit additional scoping comments as we increase our understanding of the proposal and its impacts.

## PROJECT ALTERNATIVES

### Project Location

The EFSEC process was developed to centralize the evaluation and oversight of large energy facilities in a single location within state government. In evaluating large energy projects, EFSEC must balance the demand for new energy facilities with the broad interests of the public. As part this balancing process, protection of environmental quality, safety of energy facilities, and siting must be taken into account. Thus, EFSEC review of this project should include a comprehensive analysis of alternative locations throughout the Columbia River corridor that substantially meet the project objective.

### Design Analysis

The project proposes to expand an existing facility and increase existing operations. The increased scale of the proposal warrants the same consideration as a new facility. The design analysis should address possible configurations which will be required to accommodate maximum projected volumes. Equipment design should include options available to reduce operational risks. Basic design parameters should include scenarios of high water and catastrophic events.

Overwater structure modifications should identify options that avoid and minimize impacts to the aquatic environment. Increased operations should be examined with regard to dredging requirements, including the use of smaller, shallower-draft vessels. Future structural requirements which might be required to achieve full capacity should be identified and impacts quantified.

Operational factors including vessel size, frequency and loading speeds should be considered within maximum design parameters and extreme conditions. Impacts of perceivable advances in technology should be integrated with vessel traffic predictions.

Vessel Traffic

The project would generate an additional 600 one-way vessel trips annually on the lower Columbia River. A detailed vessel traffic analysis should be conducted using a robust model that relies on the most recent vessel tracking data for the Columbia River system. The analysis should include both existing levels and any projected increases in vessel traffic from this proposal and other sources throughout the Columbia River system, The EIS should evaluate multiple alternatives for reducing potential conflicts, including routes, operations, and traffic control.

Vessel Operations

The EIS should analyze alternative berthing times and seasonal restrictions to ensure that cargo vessel and tug operations do not adversely affect the spawning and migration behavior of salmon, eulachon, sturgeon, and other species that utilize the proposed project area.

Rail Corridor Expansion

The EIS should identify any necessary expansion of rail corridors or infrastructure that may be utilized by the proposed project and possible alternative rail routes or pipeline options. If any necessary expansions of rail corridors or infrastructure are identified, alternatives should be identified that avoid and minimize impacts to aquatic habitat and water quality.

## IMPACTS IN THE IMMEDIATE PROJECT VICINITY

### Natural Environment:

Earth

Sediment and Geomorphic Processes
The EIS should include a detailed analysis of the potential alteration of physical and geomorphological processes in the nearshore zone, focused on sediment transport and riverine processes, particularly with respect to initial and ongoing dredging requirements.

Waves and Prop Scour
The EIS should analyze adverse impacts of waves and prop scour generated by large vessels docking at the facility and tugs assisting with docking on sediment transport, bank erosion, and attached aquatic vegetation. How will the change in operations affect scour in the shoreline and bedlands environments in the aquatic lease area, and also downstream of the site? How will

waves, currents, and propeller wash change the sediment characteristics and hydrodynamic environment? How will riverine vegetation and habitat for freshwater invertebrates be affected by changes in wave energy, sediment transport, or substrate? What is the likelihood that the project will require shoreline modification or armoring in the future, due to operations, climate change, sea level rise, or other reasons, and how will impacts be mitigated?

The EIS should analyze the potential of construction or operations (including future maintenance, repair, and replacement) to disturb any contaminated sediments and how this will be mitigated.

Geologic Hazards

DNR has responsibility for obtaining, maintaining and distributing information and technical assistance regarding geologic hazards under the Geological Survey Act, Chapter 43.92, Revised Code of Washington (RCW). In addition to the objectives stated in Chapter 43.92.020 RCW, the geological survey must conduct and maintain an assessment of seismic, landslide, and tsunami hazards in Washington. This assessment must include the identification and mapping of volcanic, seismic, landslide, and tsunami hazards, an estimation of potential consequences, and the likelihood of occurrence. DNR recommends the EIS analyze the potential for geologic hazards at the site using the following methodology:

a) Identify both shallow and deep-seated landslide hazards using DNR's GIS Statewide Landslide database and then create a site-specific geologic map. In areas with no existing landslide inventory, create a shallow landslide database using historic aerial imagery and other spatial data in a GIS.
b) Evaluate riverbank sloughing and subaqueous landslide hazards using bathymetry or similar DEM data.
c) Identify potentially unstable slopes using DNR's Shalstab model or other comparable slope stability modeling program in a GIS.
d) Identify slope hazards associated with slope modification or vegetation removal at construction areas.
e) Evaluate earthquake hazards including earthquake-induced ground failures.
f) If dredging for port access, identify potential hazards to adjacent beaches and bluffs from loss of subaqueous buttressing, and
g) Identify tsunami inundation hazards from both local faults and a Cascadia subduction zone event, or through subaqueous or terrestrial landslides. Explicitly address increased risk of inundation resulting from climate change and sea level rise.

Flooding and Volcanic Events

A complete analysis of any major industrial facility in the Columbia River watershed should include the potential impacts from natural events, including extreme localized rainfall events, periodic systemic high water events, and seismic and volcanic cataclysms. Engineering assumptions, building codes, oil facility-specific federal codes and permitting regimes, do not fully address the extent of natural events which have occurred in this specific area and within recorded history. While extensive flood control infrastructure has reduced the potential for flooding in the Columbia system, this area is relatively low and has historically flooded. Facility design and impacts should quantify likely impacts of extreme events which might overwhelm

storm water infrastructure or threaten on-site infrastructure.

Plants and Animals

Baseline Study
The EIS should include a detailed baseline study of the area's biological resources and analyze potential impacts, including, but not limited to: benthic habitats; shellfish resources (such as native freshwater mussels); littoral vegetation; migration and spawning corridors and behavior for multiple species (such as eulachon, green and white sturgeon, Pacific lamprey, and eight salmonid species); marine mammals (such as Stellar and California sea lions); waterfowl and migratory shorebird communities including nesting, rearing, resting, and feeding habitats along the river banks and islands, as well as and upland species, including endangered or threatened species.

The project proponent should coordinate with DNR and WDFW regarding appropriate mapping methods for uplands vegetation, littoral vegetation, shellfish resources, eulachon spawning areas, and benthic and epibenthic invertebrate abundance and distribution. WDFW studies have a documented eulachon spawning downstream from the proposed terminal in the Cowlitz and Kalama rivers.

Potential impacts to waterfowl, shorebirds, the Columbian white-tailed deer, and other wildlife species should be examined. Lifecycle impacts should be addressed for migratory salmon, Pacific lamprey, and eulachon, as documented and monitored by WDFW and the Cowlitz Indian Tribe. Pacific lamprey play a key ecological role in the food web and are considered an indicator species for anthropogenic impacts to aquatic systems. They also have significant cultural and subsistence value for many Native American tribes in the Pacific Northwest. Because their lifestages include a filter-feeding larval stage that drifts downstream and burrows, they are particularly vulnerable to exposure to contaminants, dredging, channel maintenance, and construction impacts. The EIS should identify and synthesize all available information about these species.

Shading
The EIS should analyze the amount of shading at each depth that will be generated by the overwater structure and moorage of vessels, including tugs and vessels that may perform maintenance during operations. What are the potential adverse impacts of shading on riverine resources, including, but not limited to: littoral vegetation (including productivity), benthic habitats, eulachon migration and spawning behavior, and migratory movement of juvenile and adult salmon, green and white sturgeon, and Pacific lamprey, and how will they be avoided? How will shading be monitored over time to detect adverse impacts on riverine vegetation (including rushes, sedges, and other littoral species) or fish species?

Construction
The EIS should analyze adverse impacts during construction. The proposed project site includes areas of soil contamination in excess of state and federal cleanup levels which are designed to be contained by shoreline armoring and isolation from groundwater. Continued efficacy of this containment has to be more extensively considered in the development of the proposed facility.

Accidental breaches due to design errors, construction mistakes or disruption due to a major fire or explosion need to be both quantified and addressed in operational controls during the upland construction.

Direct aquatic impacts from future maintenance, repair, and replacement should be fully considered. Alternatives in construction, design, and materials should be identified which reduce impacts to biological, chemical, and physical habitats. Specific consideration should be made to threatened and endangered species including eulachon, salmon, green and white sturgeon, pacific lamprey, marine mammals, marbled murrelet, and migratory shorebirds and waterfowl. Impacts to habitat that support these species, including sediment transport, benthic habitats, and riverine vegetation, should be identified along with mitigation measures.

Operational Noise
The EIS should analyze the amount of noise that will likely be generated during operation at full capacity. Both periodic and cumulative impacts of noise generated from this project on eulachon migratory and spawning behavior, salmon, and other aquatic species during operation of the proposed terminal should be examined. How will any changes in noise be monitored over time to assure there are no adverse impacts to eulachon and other aquatic species?

Artificial Lighting
The EIS should analyze impacts of lighting proposed on the overwater structure and within 200 feet of the shoreline on eulachon, salmon, Pacific lamprey, and other aquatic species. A study should be conducted to investigate the potential changes in species abundance and dominance resulting from increased prey access under artificial lighting and address ways to reduce or eliminate any identified impacts.

Aquatic Vegetation
The EIS should analyze any potential for dock construction, operations, and future maintenance, repair, and replacement to scour sediments or disrupt or harm riverine vegetation or other benthic habitats. How will impacts to riverine vegetation damaged during construction or operations through displacement, shading, burial, or scour be avoided?

Biological Resources
The EIS should analyze how vessels, including barges, propose to navigate or dock at the proposed facility, and how adverse impacts of the proposed alignment and vessel operations on eulachon, salmon, marine mammals, riverine vegetation, and other biological resources and species will be mitigated.

Air

Air discharged from vessel holds during loading requires treatment. Contingencies for equipment failure and potential expansion of air treatment facilities should be examined, including providing cold iron connections. Vessels' impacts to localized air pollution or emission of greenhouse gases and entering surface waters through atmospheric deposition need to be better examined.

Water

Hydrological Dynamics
The EIS should evaluate existing nearshore hydrological dynamics in the area due to structures, operations or changes to freshwater inflows. What is the potential of the in-water operations to impact existing shoreline armoring and downstream shorelines?

Point and Nonpoint Discharges
The EIS should analyze whether any stormwater, treated or untreated, point or nonpoint, or any other pollution sources, may enter the Columbia River as a result of the project. The proposed storm water management regime does not adequately account for cumulative impacts from predictable events. In the context of extensively expanded impervious surface and multiple pathways for incremental releases, the capacity and capability of the storm water management regime needs to be extensively examined. Current permitting does not require monitoring at the outfalls to an extent adequate to confirm efficacy of the system. The EIS needs to identify a monitoring regime adequate to confirm design assumptions.

The EIS should include a characterization of the source, quality and quantity, and potential impacts of all stormwater runoff generated by the entire project that may enter state waters, whether treated or untreated.

Spills
The EIS should analyze the increased risk of oil spills that may occur during transfer to vessels, or through vessel collisions that may result due to the increase in vessel traffic through the lower Columbia River. What measures will be taken to ensure prevention and timely response to oil spills to avoid water quality and habitat impacts? The state's oil spill program is funded through a crude oil tax on vessels; that does not include rail.

Cumulative Impacts
Stormwater and wastewater discharges can carry heavy metals and other pollutants that may be harmful to fish and wildlife. What is the individual impact, and what are the cumulative impacts of stormwater, other pollutants, and any other wastewater discharges generated by the project, when considering all other stormwater and wastewater discharges in the lower Columbia River system? The EIS should include an ambient water toxicity study, using protocols accepted by Ecology and EPA to evaluate the cumulative effects of existing industrial wastewater and stormwater outfalls and groundwater seeps on riverine species survival and water quality.

Biologic monitoring design should include studies of bioaccumulation of polycyclic hydrocarbons (PAH), pentacholorophenol (PCP), and heavy metals in caged mussels. Future PAH, PCB, and heavy metal concentrations should be modeled based on the various alternatives being considered.

Vessel Fueling and Pumpouts
The EIS should analyze where fueling of vessels will occur. What are the adverse impacts of any fueling activities? If the need for such a facility is identified in the future, how will potential adverse impacts of spillage be avoided and mitigated? The EIS should analyze where vessels will pump out sewage and handle gray water.

Ballast Water
The EIS should discuss ballast water management and examine impacts from potential

discharges into the riverine environment. Management of ballast water should be consistent with Washington State Ballast Water Management Act and interstate agreements on Columbia River ballast water management.

Invasive Species
The EIS should analyze the potential for the project to introduce invasive species to the project site and to the lower Columbia River system and how the potential adverse impacts will be mitigated to prevent introduction. If an invasive species is found to occur on a vessel associated with the project, what actions will be implemented to prevent spread of the species into riverine waters?

**Built Environment**

Environmental Health

Toxic Chemicals
The EIS should analyze the need for safeguards to prevent potential release of toxic chemicals associated with construction and future maintenance of both upland and aquatic facilities. Worst case scenarios involving flooding and fire should be quantified and discussed.

Land and Shoreline Use

Sea Level Rise
The EIS should analyze how many pilings will be installed and the construction methods, design, and materials to be used. How will the structure be designed to function at current and forecast sea levels based on most recent predictions from the "Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future" (June 2012).

Transportation

Marine Vessels
The EIS should include a detailed vessel traffic analysis and assessment of traffic management needs. The analysis should provide information on vessel drift, ballast water management, frequency of entry, egress, and moorage time anticipated for the different types of vessels and sizes of vessels, and their potential impact on the Columbia River environment (including aquatic natural resources). It should be based on a robust model that relies on the most recent United States Coast Guard vessel tracking system data for the Columbia River system, including existing or projected traffic from adjacent industrial facilities, upstream shipping terminals, and nonindustrial vessels. The scope of the study should include all of the Columbia River system, and not just the site of the proposed terminal. The study should evaluate multiple alternatives for reducing potential incidents.

The EIS should analyze the impacts of the increased vessel traffic, size of the vessels, and proposed vessel routes on fish and wildlife species and their habitats. The impacts of projected vessel traffic generated by the project on the spawning and migration behavior of eulachon, salmonid, sturgeon, and other species should be analyzed. How will vessel operations be conducted during eulachon pre-spawning and spawning season to prevent impacts to eulachon? What are the cumulative impacts of projected vessel traffic generated by the project, and projected traffic for the region, eulachon, salmonid, sturgeon, and other species? What are the

impacts to these species due to the increase in noise expected to occur from increased vessel traffic approaching and leaving the facility?

The EIS should analyze the potential for the project's proposed vessel operations to adversely impact or interfere with adjacent industrial operations, including facility access. If a vessel can't access one of the facilities and has to moor temporarily, how might this affect other industrial operations and vessels transiting through the lower Columbia, or the risk of collision?

The greatly increased ship activity has the potential to impact sediment quality. Diesel burning by the ships can create greenhouse gases, PAHs and dioxins, which can contribute to localized ocean acidification as well as contaminate the sediments in the area through atmospheric deposition, especially if diesel fuel is burned while the container ships are idling while at the terminal. The EIS should analyze the cumulative impacts of engine exhaust from the cargo vessels and tugs and upland machinery operations, and the potential for pollutants to the Columbia River from atmospheric deposition, or from vessel machinery, or loading operations.

Historical and Cultural Preservation

The EIS should analyze impacts of construction and operations (including future maintenance, repair, and replacement) on cultural resources and tribal use. This analysis should be completed for the aquatic lands as well as any upland areas affected by the project.

## IMPACTS TO STATE-MANAGED LANDS IN THE LOWER COLUMBIA REGION

### Natural Environment

Air

The EIS should analyze the adverse impacts of engine exhaust from the cargo vessels and tugs and its potential to enter the Columbia River, including sediment quality, water quality, and localized acidification. It should also include analysis of the additional carbon dioxide generated by the burning of fossil fuels by additional trains traveling over state-managed lands and identify measures to reduce the project's carbon footprint.

Water

The EIS should evaluate the ways in which hydrocarbons may escape the rail cars and enter the Columbia River, including wind, stormwater, and spills.

Plants and Animals

The EIS should analyze how the increase in traffic of large vessels may affect fish and wildlife, including their migration, rearing, foraging, and spawning habitat.

The existing rail system is located adjacent to the shoreline along long stretches of the Columbia River. The EIS should analyze whether rail corridors may need to expand onto state-owned aquatic lands and state uplands in other areas to accommodate the project. How many stream crossings will require modification and what are the potential impacts from increased operations at stream crossings?

**Built Environment**

Environmental Health

The EIS should analyze the increased risk of oil and fuel spills that may occur due to the increase in vessel traffic through the lower Columbia River.

The EIS should analyze the potential impacts of increasing the number of tracks on aquatic and upland habitats managed by the state along the existing rail corridor, or any alternative corridors that may be needed. Analysis should include, but not be limited to, impacts on: habitat, cultural resources, water quality, and wetlands. The EIS should analyze the impacts to ground and surface water, soil and adjacent wetlands from any necessary expansion, and evaluate mitigation measures that reduce and prevent the potential for short and long term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup.

Natural Resources

DNR-Managed Uplands and Conservation Lands
DNR manages a statewide system of conservation lands, protecting some of the best remaining natural areas in Washington. These sites contribute to region-wide biodiversity conservation, while serving as baseline reference sites to guide the management of less-pristine lands. The EIS should analyze the potential impact on DNR Natural Resources Conservation Areas (NRCAs) and Natural Area Preserves (NAPs) along the rail corridors.

The EIS should analyze impacts of forests, sensitive ecosystems, and plant communities listed as threated or endangered that may be impacted due to expansion of the rail lines on state-managed lands along the rail corridors.

**IMPACTS TO STATE-MANAGED LANDS STATEWIDE**

**Natural Environment**

Earth

Please refer to the comments on geological hazards. Any expansion of rail lines over state-managed lands should provide the recommended geological hazard analysis.

Plants and Animals

Rail Corridor Expansion
The existing rail system is located directly adjacent to the shoreline along long stretches of the Columbia River and other state-managed rivers. The EIS should analyze potential impacts to state-owned aquatic lands and DNR managed uplands required to accommodate the increase in train traffic. What are the potential impacts of that potential expansion? Will expansion of rail corridors be needed on state-managed uplands? How will impacts to habitats be minimized and mitigated?

Stream Passage Structures
The EIS should analyze the location and design of bridges and culverts needed or replacement of

existing structures for any stream crossing. All structures should meet fish passage and hydraulic code requirements of the WDFW. Structures should be appropriately sized based on hydraulic calculations similar to those in the WDFW manual for 100-year flood plus debris events, regardless of fish presence. The project proponent should consult with WDFW and use appropriately sized round culverts on non-fish bearing streams and open-bottom culverts or bridges for crossings on fish streams.

Habitat Conservation Plan
Washington's Trust Lands Habitat Conservation Plan (HCP) is an ecosystem-based forest management plan developed by DNR to provide habitat for species such as the Northern Spotted Owl, Marbled Murrelet, and riparian-dependent species such as salmon and bull trout. The HCP is a contract with the United States Fish and Wildlife Service (USFWS) and the National Ocean and Atmospheric Administration (NOAA) providing protections for species listed as 'threatened' or 'endangered' under the federal Endangered Species Act (ESA). The HCP applies to 1.8 million acres of forested state trust lands within the range of the Northern Spotted Owl. Under the HCP DNR was issued an Incidental Take Permit (ITP).

The EIS should analyze impacts on lands covered by DNR's HCP to demonstrate and document that the construction of a new facility near DNR-managed lands and site expansion of existing facilities (railroad rights-of-way) on DNR-managed lands will not adversely affect the agreement and the commitments made in the HCP, thereby affecting covered species. Additionally, it would be helpful for USFWS Section 10 representatives familiar with the upland HCP to be involved in any discussion with USFWS regarding DNR-managed lands.

Water Quality

The EIS should analyze how much right-of-way onto state-owned aquatic lands is estimated to be required to accommodate the increase in trains. What are the potential impacts to water quality? Where relevant, the EIS should review existing studies from other parts of the country.

Spills
The EIS should analyze the increased risk of oil spills that may occur during rail transport of crude oil. What measures will be taken to ensure prevention and timely response to oil spills to avoid water quality and habitat impacts? The state's oil spill program is funded through a crude oil tax on vessels; that does not include rail.

Natural Resources

Conservation Lands
The EIS should analyze the potential impact on DNR Natural Resources Conservation Areas and Natural Area Preserves along the rail corridor including potential indirect effects of new or expanded rail corridors or infrastructure. For example, within the Columbia River corridor, a direct impact may be on the Washougal Oaks Natural Area that is directly to adjacent to the existing rail line. DNR can provide additional information on locations of these areas, if necessary.

**Built Environment**

Environmental Health

Please refer to the earlier comment regarding hazardous substances associated with any rail corridor expansions. Any expansion of rail corridors on state-managed lands to support the project should analyze the potential for soil contamination and include mitigation measures that reduce and prevent the potential for short- and long-term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup.

Land and Shoreline Use

How might the additional train and vessel traffic affect DNR's agricultural and commercial lessees' lands and the ability to get their commodities, such as wheat, grains, potatoes, and timber to the market? The EIS should include a cumulative impacts analysis of these potential effects.

Natural Resources

The project proponent should analyze or consider ongoing restoration activities along the rail corridors. Analysis of impacts should include, but should not be limited to, analyzing effects of rail traffic including increases along existing rail feeder tracks.

Public Services and Utilities

The EIS should analyze whether any uses of state-managed lands would need to be increased to accommodate the construction, operation, and any future maintenance activities of rail corridors and infrastructure. This includes but is not limited to: all excavation of material, placement of construction materials and tracks, equipment movement and placement of equipment. The EIS should analyze how state resources, including wetlands and forests within and outside directly affected areas, will be protected. Will the project require re-configuring of existing wetlands?

Fire Risk

The EIS should analyze additional wildlife risk for lands covered by DNR fire suppression responsibilities along existing rail rights-of-way that will anticipate increased traffic carrying crude oil. Chapter 76.04, RCW and Chapter 332-24, WAC provide requirements regarding landowner and operator responsibilities related to fire prevention and fire hazard abatement. The EIS should identify all reasonable measures to prevent and minimize the start and spread of fire on forested areas adjacent to rail corridors. Construction site safety operating procedures should include compliance with the substantive requirements of Chapter 332-24-301, WAC (Industrial restrictions) and Chapter 332-24-405, WAC (Spark emitting requirements).

Analysis and proposed mitigation measures should be undertaken that will anticipate increased traffic. The EIS should analyze the potential increased risk of explosion and resulting wildfire from the additional train traffic through or adjacent to forest and grass lands.

Historical and Cultural Preservation

The EIS should analyze impacts of construction and operations (including future maintenance, repair, and replacement) on cultural resources and tribal use. This analysis should be completed for the aquatic lands, the uplands areas subject to Forest Practices Permits, and additional uplands easement areas.

Rail Capacity Impacts

DNR manages approximately 1.1 million acres of agriculture lands in the state. Commodities from these lands are typical with Washington grown products: tree fruit, grains, row crops, and cattle. In fiscal year 2011, $13 million in revenue was generated from the leasing of DNR-managed agriculture lands. The lessees of these lands rely on transportation infrastructure such as highways and railways to move commodities to regional destinations or ports bound for international trade. The 2006 Statewide Rail Capacity and System Needs Study commissioned by the Washington State Transportation Commission identified several limiting factors regarding rail use and growth in the state. Specifically, the study highlights capacity issues on existing rail partly due to increases on Class I railroads in long-haul bulk and intermodal trains arriving from or departing to the mid-west and other states. According to the study, long-haul trains tend to be more profitable for rail companies and hence create an economic barrier for Class II short-haul trains that typically transport state-grown agriculture goods and link to Class I railways. The report states: "The railroads are focusing on high-volume and long-haul services, but the state's industrial and agricultural shippers also need low volume and short-haul services."

The EIS should analyze impacts from increases in long-haul or intermodal trains and increases in vessel traffic on the Columbia River to the proposed terminal and to the Washington state agriculture industries. Analysis should include, but not be limited to: socio-economic impacts to DNR agriculture revenues; potential for reduced crop productivity associated with coal dust particles; limits on access for purposes of managing DNR lands; reductions in the ability for producers to move goods to international ports due to increased congestion; and, opportunities to improve rail infrastructure. Mitigation measures should be identified.

## Wraspir, Kali (UTC)

**From:** MURPHY, KYLE (DNR)
**Sent:** Wednesday, December 18, 2013 4:25 PM
**To:** EFSEC (UTC)
**Subject:** Tesoro Savage Vancouver Energy Distribution Terminal Project, Application No. 2013-01 Docket No. EF-131590
**Attachments:** Final scoping letter 12_18_13 .pdf

**Categories:** Agency

Hello Mr. Posner

Please accept the attached comments for the Tesoro Savage Vancouver Energy Distribution Terminal SEPA scoping process.

**Kyle C. Murphy**
Assistant Division Manager
Aquatic Resources Division
Washington State Department of Natural Resources (DNR)
360-902-1081
Kyle.murphy@dnr.wa.gov

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#010

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ENERGY FACILITY SITE
EVALUATION COUNCIL

SPOKANE CITY COUNCIL
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335
(509) 625-6255

18 December, 2013

Dear Mr. Posner,

We are writing you today to comment on the proposed Tesoro Savage crude oil terminal in Vancouver. According to Tesoro, there will be an average of 360,000 barrels of crude oil per day being shipped via rail from the Midwest through Spokane to the Port of Vancouver.

An analysis of the project shows that there could be ten full and empty trains on the rails per day to meet the 360,000 barrel a day average, with each train extending one and a half miles. This expanded rail traffic would lead to more traffic delays for citizens and emergency vehicles in our city and in our region; an increase in noise pollution; upping the amount of greenhouse gases released into the atmosphere and increasing wasted productivity. Increased rail traffic also means a greater likelihood of oil spills, which would significantly harm nearby neighborhoods, businesses and native habitat. Finally, there is also a significant public safety threat posed by crude oil shipped via train, as witnessed by the recent crude oil train derailment in Lac Magentic, Quebec that killed over fifty people. As recently 1992 a railroad bridge, just west of downtown Spokane above Latah Creek, was the site of a major derailment.

In moving forward on this issue, we urge to you take the above concerns into consideration and do a full impact study on this project. The citizens of Spokane, Washington, deserve to know just how much this project will impact them.

Sincerely,

Ben Stuckart
Council President

Jon Snyder
Councilmember

Amber Waldref
Councilmember

## Wraspir, Kali (UTC)

**From:** Snyder, Jon <jsnyder@spokanecity.org>
**Sent:** Wednesday, December 18, 2013 3:37 PM
**To:** EFSEC (UTC)
**Cc:** Waldref, Amber; Stuckart, Ben
**Subject:** Tesoro Savage Comment Letter
**Attachments:** oil train letter signatures.pdf

**Categories:** Agency

Hi Stephen,

Attached is a letter signed by three Spokane City Council members, my included, regarding the scope of the environmental impact survey for the Tesoro Savage Oil Terminal. We hope you will take these comments into consideration as you move forward.

Please let me know if you have any questions.

Thank you,
Jon


**Jon Snyder**

*Spokane City Council*
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Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#011

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December 17, 2013

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DEC 18 2013
ENERGY FACILITY SITE
EVALUATION COUNCIL

Stephen Posner, Interim Manager
Energy Facility Site Evaluation Council
Post Office Box 43172
Olympia, Washington 98504-3172

Dear Mr. Posner:

Thank you for the opportunity to provide comments on the scope of the Environmental Impact Statement for the proposed Tesoro Savage Vancouver Energy Distribution Terminal Docket #EF-131590. This proposal is to construct and operate a crude oil-by-rail storage and loading facility at the Port of Vancouver.

The Department of Health's concerns for public health are enclosed. For each health topic we address in our comments, we ask that the Environmental Impact Statement include an analysis of potential impacts on the health of people in Washington State.

Our comments focus on public health impacts directly related to our scope of responsibility and express our concerns associated with the extraction, transport, storage, and subsequent burning of this oil. These impacts pertain to our state, but may have far-reaching public health implications.

The proposal involves transporting crude oil by train across Washington to the Port of Vancouver storage and loading facility site. For this reason, we ask that the scope of the Environmental Impact Statement include potential health impacts and prevention/mitigation strategies for the entire length of the statewide rail corridor in addition to those at the project site. We also ask that the Environmental Impact Statement address potential health impacts and risk reduction strategies in the Washington shipping lanes proposed for this project.

I urge the Energy Facility Site Evaluation Council to use a Health Impact Assessment for this project. A Health Impact Assessment is a tool that communities and decision-makers can use to objectively evaluate the potential health effects of a project before it is built. A Health Impact Assessment includes a process for bringing together public input and project-relevant data to make recommendations that minimize adverse health effects.

If you have questions about these comments or need technical assistance from our department during the Environmental Impact Statement scoping process, please contact Mark Soltman at 360-236-3012 or by email at mark.soltman@doh.wa.gov

Sincerely,

John Wiesman, DrPH, MPH
Secretary of Health

Enclosure

cc: Maryanne Guichard, Department of Health
Mark Soltman, Department of Health
Kitty Weisman, Department of Health
Dale Jensen, Department of Ecology

# Washington State Department of Health Comments on the Environmental Impact Statement (EIA) for the Proposed Tesoro Savage Vancouver Energy Distribution Terminal Docket #EF-131590

**Air Quality – Diesel Exhaust**

Diesel exhaust from equipment, trains and ships at the port facility and along the railway corridor will increase air pollution and affect public health. Diesel exhaust contains particulate matter, nitrogen oxides, sulfur dioxide, and polycyclic aromatic hydrocarbon. It also contains known human carcinogens, such as benzene and formaldehyde. Diesel exhaust is a human carcinogen based on evidence linking it with lung and bladder cancers.

Diesel particulates can cause lung damage, worsen allergies and asthma, and increase the risk of lung and cardiovascular diseases. They can decrease lung function and increase susceptibility to respiratory infections. Fine particulate matter is associated with the development and worsening of respiratory and cardiovascular diseases, as well as lung cancer.

Within the Vancouver region specifically, oil-related transport and port activities will further degrade local air quality. According to the Washington State Department of Ecology, air pollution in the Vancouver area is already sufficiently high that the community is at risk of failing to meet federal air quality standards.

**Air Quality – Passenger Vehicle Emissions**

The project would substantially increase train traffic and cause truck and car traffic delays at train crossings, resulting in pollution from idling vehicles. Emissions from idling vehicles include volatile organic compounds, carbon monoxide, nitrogen oxides, particulate matter and carbon dioxide, which contributes to ocean acidification and climate change. Volatile organic compound exposure is linked to liver, kidney, and nervous system damage. Carbon monoxide exposure is linked to headache, dizziness, confusion, nausea, and neurological and cardiac complications.

**Air Quality – Greenhouse Gas Emissions**

The application states "the incremental effect of the project on global climate change is insignificant." We do not consider the increased contribution of 0.14 percent (136,000 metric tons a year) of Washington State's total greenhouse gas emissions as insignificant. The extraction, rail transport and proposed terminal operations will significantly increase greenhouse gas emissions responsible for predicted climate change impacts on public health. For example, climate change will affect the operation, maintenance, and water availability of drinking water systems in our state.

Recent climate projections suggest that significant adverse climate change impacts will occur as soon as 2033 under current carbon dioxide ($C0^2$) emission scenarios (Mora et.al., 2013). Observed ecological and weather pattern changes are already being attributed to climate change and the human release of $C0^2$ and other greenhouse gases. Direct human health effects from greenhouse gas emissions include increases in morbidity and mortality from extreme weather events, heat stress, and air pollution; resulting in respiratory and cardiovascular morbidity and mortality particularly in the young and in older adults (Githeko and Woodward). The extraction, transport and proposed port operations outlined in the proposed application will significantly

contribute to greenhouse gas emissions. As expressed in the application, port activities alone are predicted to increase state greenhouse gas emissions by 0.14% (136,000 metric tons).

**Noise**

We are concerned about the public health impacts from railway noise and port operations. The railway transport of oil will increase noise in communities along the railway corridor and at the port facility in Vancouver. According to the World Health Organization, "Excessive noise seriously harms human health and interferes with people's daily activities at school, at work, at home and during leisure time. Noise can disturb sleep, produce cardiovascular and psycho-physiological effects, reduce performance, and provoke annoyance responses and changes in social behavior." Studies have shown that as environmental noise increases, children's performance on tests of reading ability and memory decreases. Research also shows that noise from road traffic and airplanes can negatively affect cardiovascular health in adults, and may influence blood pressure in children. Studies have also found links between environmental noise exposure and feelings of well-being.

**Railroad Traffic – Access to Emergency Care**

The number and length of proposed trains transporting the oil will affect local emergency response capabilities due to increased blockage of road crossings. This would increase the time it takes to reach patients in medical distress and/or the time it takes to transport them to hospitals. The additional train activity of this project may affect community access to emergency care, both pre-hospital emergency medical and hospital care. Both are essential components of our emergency care system. Any delays in responding to requests for emergency medical services – specifically responses to trauma, cardiac, and stroke-related incidents – can worsen patient outcomes. Patients in cardiac arrest are more likely to survive when paramedics or emergency medical technicians arrive quickly. Any delay in response also affects the emergency medical services providers' ability to quickly evaluate the patient's condition to best match their medical needs with the most appropriate hospital. When decisions on patient care are influenced by transport time rather than the best facility for the patient's condition, the likelihood of a poor outcome rises. Survival rates of trauma patients increase when the patient is taken to the right hospital in the right amount of time.

**Spills – Drinking Water Systems and Supplies**

Train derailment, oil-loading accidents, and oil storage leaks can lead to crude oil spills. Oil spills pose a significant public health risk to drinking water supplies. Many public drinking water system wells are located downstream of the proposed loading and storage facility, and along the main rail lines that would be used to transport oil across Washington State. The application does not address the potential threats to these public drinking water supplies and systems that could be affected by oil spills and/or derailments, such as the devastating spill that occurred in Lac-Megantic, Quebec, in July 2013.

The application identified only one Port well (#2) situated approximately 1.3 miles southeast of Area 300. Our GIS maps show three Port wells within the application area. The Port's wells #1 and #3 should be included in any revisions of the application report.

Many other Group A public water supplies are situated near the rail transport route along the Columbia River and across the state. We urge you to use our GIS data to map drinking water sources downstream of the proposed loading and storage facility and along the rail transport

route, and to assist with spill prevention and response planning. Our data shows location of drinking water wells and surface water intakes; wellhead protection areas to determine contaminant time of travel; and water system contact information. To obtain the GIS data, please contact Kitty Weisman at 360-236-3114 or Kitty.Weisman@doh.wa.gov.

We also urge you to make clear in your proposal the elevations of the proposed oil storage tanks at Port of Vancouver, with respect to 100-year and 500-year flood zones, and to ultimately site these storage facilities above the flood zone.

The project should include a spill prevention and response plan that includes the following:

1. Coordination with Department of Ecology Spills Program (Dale Jensen, spills program manager, 360-407-7450) on incorporating spill prevention and response best management practices into your project, including double-lined storage tanks, spill containment around storage tanks, spill prevention and response training for offloading and rail staff.
2. Spill response protocols that include notification to public drinking water supplies downstream of the Port of Vancouver and along the rail transport route.
3. Provision of boom equipment and training to first responders at key locations along the train transport route.
4. A spill mitigation plan that details how you will mitigate and remediate spill impacts in the event of a spill.

**Train derailment and potential public health impacts**

Beyond the impact on drinking water supplies, recent events highlight the potentially devastating effects of a train derailment on communities and the environment. Bakken crude oil contains toxic chemicals such as benzene that are highly volatile. A train derailment and subsequent oil spill could expose a community to toxins via inhalation, ingestion and dermal contact. Benzene is a known carcinogen and increases an individual's risk of developing leukemia, according to the Centers for Disease Control.

In the event of a derailment, fire is a serious direct threat to public health and the long-term well-being of the affected community. Due to the chemical properties of Bakken crude oil, it is more flammable than crude oil from other sources. This increased fire and explosion potential is a serious public health threat.

**Railway Traffic – Pedestrian Safety**

With increased train traffic, there is a corresponding rise in the risk of traffic- and pedestrian-related train collisions. These public health risks are greatest where railroad crossings are unprotected by train crossing signals, which is common in smaller communities.

**Railway Traffic – Recreation**

Increased rail traffic from oil transport will likely affect enjoyment and participation of recreational activities in urban and rural areas along the railway and in the areas near the port facility. The noise, vibrations, and traffic from the railway will likely diminish recreational access and enjoyment in these areas where residents now enjoy walking, boating, fishing, cycling, and other physical activities as part of a healthy lifestyle. The physical and psychological benefits of recreation are well documented, as are the detrimental aspects of limited physical activity.

**Railroad traffic and community wellness impacts**

Unit trains reaching a length of nearly 1.5 miles and traveling at reduced speeds through communities along the railroad corridor will block roadway crossings for approximately 15 to 20 minutes. Up to eight unit trains will cross the state daily under the proposed plan. The physical barrier these trains would create at road crossings in smaller communities will adversely affect daily life in the same manner as a major highway does.

In addition to blocking residential, commercial and pedestrian traffic, these blockages would cut off one portion of the community from another, potentially affecting local businesses, social and educational activities. These activities contribute to the health and well-being of a community and the social connectedness of the people who live there. Based on the World Health Organization definition of health-- "A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" -- consideration must also be given to impacts on mental health and well-being.

Due to evidence linking the built-environment to population health outcomes, it important that consideration of the public health impacts of this project also consider the social well-being of the communities that would be affected.

## Wraspir, Kali (UTC)

**From:** Guichard, Maryanne (DOH)
**Sent:** Wednesday, December 18, 2013 3:17 PM
**To:** EFSEC (UTC)
**Cc:** Posner, Stephen (UTC); Soltman, Mark (DOH); Weisman, Kitty (DOH); Jensen, Karen (DOH)
**Subject:** Tesoro Project Comment Letter
**Attachments:** Department of Health Comments FINAL.pdf

**Categories:** Agency

Good afternoon:

Attached are the comments from the Washington State Department of Health; sent on Behalf of Secretary of Health, John Wiesman.

Maryanne Guichard
Assistant Secretary
Division of Environmental Public Health
Washington State Department of Health
P.O. Box 47820
Olympia, Washington 98504-7820
(360) 236-3050

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DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION
Protect the Past. Shape the Future.

Allyson Brooks Ph.D., Director
State Historic Preservation Officer



December 18, 2013

Mr. Stephen Posner
Energery Facility and Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

In future correspondence please refer to:
Log: 090913-03-EFSEC
Property: Tesoro Savage Energy Distribution Terminal, EIS Scoping for Tesoro Savage Vancouver Energy Distribution Terminal, App No, 2013-01, Docket No. EF-131590
Re: Archaeology-EIS Scoping Comments

Dear Mr. Posner:

We have reviewed the above project information and have the following comment regarding the EIS scoping for the Tesoro Savage Energy Distribution Terminal in regard to the identification and subsequent protection and/or mitigation of cultural resource:

- In order to identify archaeological and cultural resources as required by the EIS, A thorough analysis of previous cultural resources studies in the project area should be undertaken to determine which areas of disturbance are likely to interest with native soils.

- This study should specifically plot out all prior subsurface sampling, probes and trenches referenced in previous archaeological and cultural resources studies provide the actual probe, trench, or subsurface sampling profiles and their spatial distribution across the Facility at a scale that allows the identification and depiction of the specific points in relationship to the proposed structures/elements for the Facility.

- The resulting information should then be used to evaluate alternatives and to develop a plans for site specific archaeological survey in consultation with DAHP and other consulting parties such as Tribal Cultural Resources Staff.

- Please be advised that DAHP will need to see any original cultural resources analyses/survey reports in addition to the summarized version of those reports that will become part of the EIS.

- Complete cultural resources reports should be sent to DAHP and the affected Tribes prior to the final EIS, and prior to any ground disturbing activities commencing, on any part of the project.

- Archaeological site inventory forms must be submitted to DAHP in advance of the final report, and Smithsonian trinomials (site numbers) must be incorporated into the final report text.

- DAHP will review the report(s) and inform the applicant if further work or DAHP excavation permits are required.

Thank you for the opportunity to review and comment.

Sincerely,

Gretchen Kaehler
Assistant State Archaeologist
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

cc. Eirik Thorsgard, THPO, Grand Ronde Tribe
Tony Johnson, Cultural Resources, Chinook Tribe
dAVe Burlingame, Cultural Resources, Cowlitz Tribe
Richard Bellon, Archaeologist, Chehalis Tribe
Rob Whitlam, State Archaeologist, DAHP

## Wraspir, Kali (UTC)

**From:** Kaehler, Gretchen (DAHP)
**Sent:** Wednesday, December 18, 2013 1:05 PM
**To:** EFSEC (UTC)
**Cc:** Tony Johnson (tjohnson@shoalwaterbay-nsn.gov); dAVe Burlingame; dee.bellon@comcast.net; thpo@grandronde.org; Whitlam, Rob (DAHP)
**Subject:** re: EIS Scoping for Tesoro Savage Vancouver Energy Distribution Terminal, App No, 2013-01, Docket No. EF-131590
**Attachments:** 090913-03-EFSEC_EIS Scoping for Tesoro Savage Vancouver Energy Distribution Terminal, App No, 2013-01, Docket No. EF-131590.pdf

**Categories:** Agency

Mr. Posner:

Please see the attached comment letter for the above project. Please feel free to contact me if you have any questions.

Thank you,

Gretchen

Gretchen Kaehler
Assistant State Archaeologist, Local Governments
Department of Archaeology and Historic Preservation
Olympia
Ph:360-586-3088
Cell:360-628-2755

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#013

Region 10 RTOC
Regional Tribal Operations Committee
"Tribes-RTOC-EPA: Working Together"
Port Graham Village Council, P.O. Box 5510 Port Graham, AK 99603
ph 907-284-2227 fax 907-284-2222 www.rtocregion10.org

December 18, 2013

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



**SENT VIA EMAIL (efsec@utc.wa.gov)**

**RE: Tesoro Savage Project**

Dear Mr. Posner:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee (RTOC). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC.

The RTOC is a partnership between the United States Environmental Protection Agency Region 10 (EPA) and elected Tribal representatives from Alaska, Idaho, Washington, and Oregon. The primary function of the RTOC is to serve as a partnership with the EPA to further Tribal environmental objectives at the regional level, to serve as a liaison between the EPA and Tribes regarding information exchange, and to provide assistance to the National Tribal Operations Committee (NTOC).

The RTOC is extremely concerned about the impacts of the proposed Tesoro Savage Project. It is apparent that the impacts, individually and cumulatively, of this project will be felt across the Northwest. Accordingly, the RTOC requests that a comprehensive environmental impact statement (EIS) be completed that analyzes impacts and alternatives of this project along with the impacts of other proposed oil and coal terminals in Washington and Oregon. This EIS must analyze the probable significant adverse environmental impacts that will displace treaty fishing sites; impact cultural resources; generate unacceptable levels of diesel emissions; create real risks of derailments through traditional hunting and gathering sites; and create unsafe navigation conditions for tribal fishers and others on the river. The regional impacts are also profound, including increased tanker vessel traffic risks in salmon rearing grounds in waters off Alaska or at other ports of call. The global climate impacts of oil export and oil combustion are significant.

Oil transport (by both rail and sea) is problematic when conducted at such scale. Tribal economies, communities, and human health are foremost amongst concerns. In short, we believe that the EFSEC should consider the full scope of the impacts of the oil transport to the environment both cumulatively and specific to each individual tribe in the region.

In addition to these general comments, the RTOC has the following specific comments on the impacts of the proposal that should all be considered and analyzed in the EIS:

1. CULTURAL AND FISHING SITES

The EIS must identify and study all cultural and archeological sites along the rail and vessel transportation corridor and assess possible significant environmental impacts on these resources by virtue of pollutants, as identified elsewhere in the EIS (e.g., diesel emissions, catastrophic spill in land or water).

Moreover, the rail lines travel near many tribal traditional hunting and gathering areas and are adjacent to waters important to fish habitat. It also crosses many of the rivers vital to treaty-reserved resources. The EIS must study how the cumulative oil and coal train traffic will adversely affect tribal traditional fishing, inland hunting and gathering areas by crossing or otherwise harming rivers and watersheds.

This should include noise pollution and vibration affecting fish and wildlife habitat; pollution from diesel emissions; increased risk of derailments due to sun kinks, weight, mudslides, and aging infrastructure further weakened by oil and coal train weight; and risk of environmental damage to Washington watersheds due to a coal train derailment.

2. TRAINS

Transporting coal to proposed terminal sites would require unprecedented levels of regional rail usage. There are concerns not only about dramatically increased rail traffic, but also about negative impacts associated with oil trains specifically, due to train length, weight, content, and polluting capacity. This would likely constrain passenger rail and adversely affect the transport of freight other than oil. The Washington state rail system is already nearing practical capacity; infrastructure would need to be upgraded to accommodate proposed usage. BNSF has been largely silent on the issue of rail improvements; it remains unclear who would pay, and what kind of physical and economic disruption such upgrades would cause.

3. TRAFFIC

"Findings have shown that increases in rail traffic have the potential to result in diseconomies as a result of traffic delays," according to a University of Texas Transportation Center study.[1] Adverse effects include increased risk of accidents, impacts to the city's level of service, decreased ability to provide effective emergency response times, and possible interference with the local freight delivery systems affecting the local economy.

[1] Available at http://www.trforum.org/forum/downloads/2010_91_Impact_Intermodal_Rail_State_Planning.pdf.

4. NOISE

While there are many sources of noise from trains (high-pitch screeching, idling engines; moving cars, etc.), horn sounding is the most significant. Federal rules governing the blowing of locomotive engine horns require that engineers of all trains sound horns for at least 15-20 seconds at 96-110 decibels (dB) at all public crossings. Decibels in the range of 80-105 are labeled extremely loud, whereas those above 105 are dangerous. Decibels are logarithmic, meaning that 100 decibels is ten times as loud as 90, 110 decibels is ten times as loud as 100, and so on.

While impacts to quality of life from repeated loud noise are self-evident, chronic noise exposure has proven adverse health effects, including cardiovascular disease; cognitive impairment in children; sleep disturbance and resultant fatigue; hypertension; arrhythmia; and increased rate of accidents and injuries; and exacerbation of mental health disorders such as depression, stress and anxiety, and psychosis.

5. PUBLIC HEALTH

Frequent long trains at rail crossings will mean delayed emergency medical service response times, as well as increased risk of accidents, traumatic injury, and death. This is particularly the case in rural areas, including tribal communities, where crossing are limited and emergency service are distant.

Diesel particulate matter emitted by the oil trains and ships are cause for concern with regard to regional air quality and the resultant health effect on humans who breathe that air. The proposed terminal would require a dramatic increase in the number of diesel-burning locomotives along the train line. Diesel particulate matter is a particularly noxious form of air pollution, as it is of sufficiently small size (PM 2.5) to embed in the lung tissue. Diesel particulate matter is associated with both pulmonary and cardiovascular issues, including cancers, heart disease, and asthma. Children, teens and the elderly are especially vulnerable.

6. DERAILMENTS

The use of frequent and lengthy trains to transport oil to the proposed terminal presents a real threat of impacts associated with train derailments. In the summer of 2013, over 50 people lost their lives when a crude oil train derailed in Lac Megantic, Quebec.

For all these reasons, the RTOC requests that a comprehensive EIS by conducted examining the wide variety of impacts and proposing a wide variety of alternatives and mitigation measures. This must include a cumulative effects analysis looking at the cumulative impacts of other proposed oil and coal terminals in the Region. The RTOC appreciates your consideration of these comments.

Sincerely,

Violet Yeaton

Violet Yeaton
Region 10 RTOC
Tribal Caucus Co-chair

## Wraspir, Kali (UTC)

**From:** Rick Eichstaedt <ricke@cforjustice.org>
**Sent:** Wednesday, December 18, 2013 9:12 AM
**To:** EFSEC (UTC)
**Cc:** Violet Yeaton (violety4@gmail.com); Christy Belanger (cs@rtocregion10.org); Debra Lekanoff <dlekanoff@swinomish.nsn.us> (dlekanoff@swinomish.nsn.us)
**Subject:** Tesoro Savage Project
**Attachments:** RTOC Tesoro Savage Comments.pdf

**Categories:** Agency

Find attached comments of the Tribal Caucus of the EPA Region 10 Tribal Operations Committee on the Tesoro Savage Project. Please include these comments in the record for this matter.

Rick Eichstaedt, Policy Analyst
Region 10 RTOC
35 West Main, Suite 300
Spokane, Washington 99201
Phone: (509) 835-5211
Fax: (509) 835-3867

**Washington State Department of Transportation**

**Lynn Peterson**
Secretary of Transportation

**Transportation Building**
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P.O. Box 47300
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360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov



December 17, 2013

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

RE: Tesoro Savage Vancouver Energy Distribution Terminal Environmental Impact Statement (EIS) Scoping Comments

Dear Mr. Posner:

Thank you for providing the Washington State Department of Transportation (WSDOT) with this opportunity to comment on the scope of the Tesoro Savage Vancouver Energy Distribution Terminal Environmental Impact Statement (EIS). WSDOT's responsibility to the citizens of Washington State is to provide a safe and efficient transportation system that supports our economy, communities and the environment. It is therefore essential for the agency to ensure that proposed actions that can impact this mission are carefully assessed to identify potential conflicts and necessary mitigation strategies.

With respect to the Tesoro Savage proposal, WSDOT's comments focus on potential impacts to state highway operations.

**State Highway System Impacts**

State highway transportation impacts would primarily result from additional train traffic associated with the facility. The proposal estimates that the facility would accommodate 4 daily unit train shipments, for a total of 8 trains traversing the state each day. The proposal also states that "Most trains will arrive from the east on the BNSF Pasco to Vancouver line, entering Washington near Spokane. Empty trains will be returned to BNSF control upon leaving the facility, and BNSF will route them to their future use."

There are many state highway grade crossings and intersections located along or adjacent to the various BNSF mainline routes that would be used to ship products to the facility. While this proposal is for a relatively small increase in total train traffic, this proposal is one of several projects which would add traffic to state rail lines. WSDOT requests that crossings and intersections that have the potential to experience significant impacts be evaluated. WSDOT will endeavor to assist in identifying locations that should be evaluated.

If certain state highway locations would be particularly sensitive to increases in unit train traffic, the EIS should identify and examine strategies to mitigate any adverse impacts, including estimating the cost of implementing those strategies, determining whether public investment would be required, and examining

alternate train routes (or combinations of routes) that may result in fewer or less severe impacts to the state highway system.

The proposal also mentions that "Empty trains will be returned to BNSF control upon leaving the facility, and BNSF will route them to their future use." While this can be construed to mean that empty trains leaving the facility are no longer associated with the facility's operations, the EIS should not be limited to assess impacts from loaded trains bound for the site, but include round trip operations within the state. It is our understanding that BNSF may employ directional running strategies that would involve shipments to the site to travel along different BNSF routes than empty rail cars from the site (e.g., loaded cars using the identified route and empty cars using the BNSF Stampede Pass Subdivision).

The EIS should evaluate the benefits to the state highway system of rail transportation compared with transportation via truck.

**Local Transportation Impacts**

Based on the current proposal, we do not anticipate there would be significant impacts to vehicle traffic on State Route (SR) 501 which is adjacent to the proposed facility. There may be some temporary traffic impacts during construction but these would only be short term. The EIS should confirm the level of construction and operational traffic impact.

The current proposal includes placing six, 48 feet high, white tanks adjacent to SR 501. Each tank will store up to 360,000 barrels of oil adjacent to SR 501. If a catastrophic event occurred and more than one of these large tanks were to rupture, we see the potential for a large spill to impact WSDOT property and the operations of SR 501. We request that the project proponent work with WSDOT to develop an emergency plan for what will happen to restore highway operations in such an event.

Thank you for the opportunity to comment on this proposal. We look forward to working with EFSEC, the SEPA lead agency, in furthering incorporation of our comments in the EIS. Please contact me at (360) 705 – 7480 if you have any questions or would like to discuss any of these comments.

Sincerely,

Megan White, P.E., Director
Environmental Services Office

MW:eg

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#015

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CLARK COUNTY
WASHINGTON

December 18, 2013

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ENERGY FACILITY SITE
EVALUATION COUNCIL

Stephen Posner, Interim EFSEC Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
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Olympia, WA 98504-3172
efsec@utc.wa.gov

**Re: Scoping Comments on Proposed Tesoro-Savage Vancouver Energy Distribution Terminal: Application No. 2013-01; Docket No. EF-131590**

Dear Mr. Posner,

The Board of Clark County Commissioners submits these comments for consideration in the Scope of the Environmental Impact Statement (EIS) for the proposed Tesoro-Savage Vancouver Energy Distribution Terminal at the Port of Vancouver.

The Energy Facility Site Evaluation Council issued a Determination of Significance (DS) recognizing this crude-by-rail terminal project "is likely to have a significant adverse impact on the environment." We agree, and appreciate the opportunity to provide comments about the scope of the EIS. Given the magnitude of Tesoro-Savage's proposal – a 360,000 barrel-per-day (bpd), crude-by-rail uploading and marine loading facility – in Clark County, we hope our concerns are studied and addressed before this project could be approved.

The county asks the council to consider the wide range of probable significant adverse environmental impacts of the proposed terminal site, as well as moving the commodity by rail to the port and by tanker on the Columbia River.

The EIS also should include analysis of cumulative impacts the proposed terminal could have with other projects being considered elsewhere in the region. This broad perspective is particularly important because regionally significant projects could have significant

1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2232 • fax: [360] 397-6058 • www.clark.wa.gov

impacts on Clark County and we already are involved in those projects' processes. These projects include:

**BHP Billiton** – The Port of Vancouver has three agreements with BHP Billiton regarding development of a potash export facility at Terminal 5. In June 2011, the city of Vancouver approved site plans for the BHP facility, and the port issued a SEPA MDNS for the project. When fully operational, BHP plans to move 8 million metric tons of potash through the port each year. Construction is expected to begin in 2014, with operations starting "as early as 2017." The potash will be delivered to the port by rail.

**Gateway Pacific** – Gateway Pacific Terminal will be a multi-commodity, dry bulk cargo-handling facility on nearly 1,500 acres in Whatcom County, Wash. Rail traffic generated by this facility could be routed through Clark County, but we know of no estimate of the number of trains.

**Imperium** – A crude-by-rail terminal project to be developed in Grays Harbor. It would add two unit trains through Clark County daily.

**Millennium Bulk Terminals** – The Board of County Commissioners earlier commented on the Millennium Bulk Terminals and its potential impacts. The project would add as many as 20 trains daily through local communities.

**Westway** – A second crude-by-rail terminal proposed to be developed in Grays Harbor. The terminal would add two trains through Clark County every three days.

Completion of these projects can reasonably be expected, so the Tesoro-Savage EIS analysis needs to encompass their cumulative impacts with those of the proposed Tesoro-Savage project.

Clark County is not taking a position for or against the Tesoro-Savage project. The board understands the value and necessity of a strong economy and good jobs. We appreciate the company's interest in bringing an estimated $75 million to $100 million investment to our county. Still, the county strongly recommends the council require a comprehensive analysis of probable significant adverse environmental impacts of the project.

The county asks that impacts on the following be considered: parks, recreation and scenic resources; movement/circulation of people and goods; existing land use plans; traffic; and, police, fire and emergency services. Also, the EIS must consider alternatives to the project, including a no-action alternative.

The county is specifically concerned about the proposed terminal's proximity to residents of the Fruit Valley neighborhood and the Clark County Jail Work Center on Lower River Road, just 400 yards from the proposed project site. In particular, special consideration must be given to: exposure to toxic chemicals, risk of fire, spills, explosions, and noise.

The Clark County Jail Work Center provides beds for up to 200 minimum security inmates in the custody of the Clark County Sheriff's Office and Washington Department of Corrections. Inmates work on-site or are employed off-site, which requires commuting to and from job sites according to an approved schedule. Some inmates work on-site in the 6,000-square-foot industrial kitchen where inmate meals for the center, main jail and Clark County Juvenile Detention Center are prepared. Other inmates work in the 4,000-square-foot laundry, which provides laundry service for the same facilities, or as grounds-keepers. The center is occupied around the clock, and consideration must be given not only to its staff and inmates but potential disruptions of time-sensitive federal and state constitutionally guaranteed services.

As a party with a known interest in this proposal, we respectfully requests all required SEPA notifications be sent to: Axel Swanson, Senior Policy Analyst, P.O. Box 5000 Vancouver, WA 98666-5000.

Clark County looks forward to being a constructive partner and providing any comment needed throughout the process. If you have questions, please don't hesitate to contact Mr. Swanson at (360) 397-2232 or axel.swanson@clark.wa.gov.

Sincerely,

Steve Stuart, Chair

Tom Mielke, Commissioner

David Madore, Commissioner

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#016


# COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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www.critfc.org


*VIA Email and U.S. Post*

December 18, 2013

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ENERGY FACILITY SITE
EVALUATION COUNCIL

Stephen Posner
EFSEC Interim Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
1300 S. Evergreen Parkway Dr. S.W.
Olympia, WA 98504-3172
efsec@utc.wa.gov

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

Dear Mr. Posner:

The Columbia River Inter-Tribal Fish Commission (CRITFC) appreciates this opportunity to provide some brief comments on the scope of the state environmental impact statement (EIS) for the Tesoro-Savage Terminal oil export project (Tesoro – Savage Project). This project raises some significant questions and concerns that must be carefully evaluated, particularly in light of the numerous other fossil fuel projects being considered in the region.

In 2003, CRITFC and its member tribes drafted the Energy Vision of the Columbia River to help guide the tribes in their comprehensive management decisions. The primary tenet of this vision is to take energy policy decision-making and energy development in the Columbia River Basin off the backs of salmon and other aquatic resources. Over the past decade, a variety of energy projects – particularly for energy import/export – have been proposed for the Columbia River Basin; each of these projects would pose significant threats to the river, its fish, and the tribes. The Tesoro – Savage Project, which arose unexpectedly this summer, also has the potential for significant adverse effects. CRITFC is very concerned about this risk to fish, the river, and tribal treaty rights.

CRITFC and its member tribes recently filed comments on the Millennium Bulk coal export terminal proposal planned for Longview, Washington. The Tesoro – Savage Project will pose many of the same issues as the Longview proposal with a few exceptions. For the Tesoro – Savage Project, the transport and handling of crude oil near fragile riparian habitat and a flowing river that supports significant aquatic life is a risk that may be too high for the perceived benefits of approving the project.

**Transportation**

Unquestionably the highest risk and greatest danger posed by the Tesoro – Savage Project is the transport of crude oil through the Columbia River Gorge. The rail lines that could serve several oil and coal export projects run directly next to the Columbia River and will directly and disproportionately affect tribal people along the river.

Trains that transport oil have had significant safety problems, some catastrophic, that have not been remedied. A train derailment and oil spill in the Columbia River Gorge would be the ultimate disaster to the region, the river, and tribal people. An analysis of the effects from the Exxon-Valdez oil spill in Alaska on aquatic life would be an appropriate comparison for the effects of an oil spill in the Columbia River.

Currently, rail traffic on both sides of the Columbia River is at high volume. During fishing season, tribal fishers are faced with extremely dangerous conditions as they cross rail tracks, usually without the benefit of an overpass or lighted crossing signal, in order to reach their usual and accustomed fishing sites along the river bank. This proposal will increase this traffic by an order of magnitude and will further exacerbate this situation. Burlington Northern Santa Fe (BNSF), which owns the rail lines, has planned to pay for crossing improvements to decrease the danger.

Tribal fishers are very concerned about the potential for expansion of the railway adjacent to the river. In fact, Union Pacific on the Oregon side of the river is proposing an expansion of its railway, and BNSF has claimed publically that is expects to expand capacity. At many points along the Columbia River Gorge, there is no land available between the mountains, highway, train tracks, and the river to allow for railway expansion. Where there is physical space that might allow for expansion, known issues associated with railway expansion would include:

- Construction and operating impacts on access to and use of Treaty Fishing Access Sites developed pursuant to P.L. 100-581. Seventeen of these sites are located on the Washington side of the Columbia River between Bonneville and McNary dams. Fifteen are accessed by grade-level crossings.

- Construction and operating impacts on access to and use of In-lieu Fishing sites developed pursuant to P.L. 79-14.

- Impacts to Columbia River ecosystem functions associated with construction impacts, fill, and railroad operations associated with an expanded footprint.

- Impacts to tribal cultural resources along the Columbia River, including impacts to tribal cultural properties, associated with land disturbing activities, restrictions on access, and other changes to properties affecting the Columbia River shoreline.

- Impacts to the scenic values of the Columbia River Gorge, the centerpiece of the Columbia River Gorge National Scenic Area.

In summary, EFSEC should analyze the role transportation plays in this project and the risks and dangers posed by that transport as well as consider the multiplying effects of other similar (oil and coal) projects operating within the same region using the same transportation resources. These risks include (but are not limited to):

- An increase of large Panamax ships in the estuary that could damage fragile habitat and strand aquatic species;

- A substantial increase in current train traffic, impeding economic activity along the river, and increasing train-strike danger to tribal members accessing their treaty-supported fishing sites;

- More trains increase other risks such as derailments and crashes, which, if occurred, could devastate tribal fisheries and create serious dangers to tribal fishers along the river;

- Expansion of rail in the Gorge and along the river that could include filling the river, impeding or displacing access to treaty fishing;

**General Site Concerns**

- Dock expansion: Any additional development needs to be comprehensively evaluated as to its effects on wetlands and aquatic habitat. Other issues related to dock expansion include providing in-water refugia for aquatic predators and resting spots for birds that feed on out-migrating salmonid smolts. Construction of the docks diminish rearing habitat and create water quality concerns.

- Storage and handling of crude oil on site.

- Polluted Stormwater Runoff: This issue must be examined and any opportunities to devise means to avoid these sources of pollution should be examined.

- Dredging for Construction and Operations and Maintenance: Most projects that support large ships require extensive dredging of the riverbed throughout the life of the project. Dredging will contribute long-term impacts to river flow and degrade benthic health. Repeated actions such as this will result in cumulative effects.

- Dredge Spoils: All dredge spoils should be carefully analyzed for potential contaminants before being placed back in the riverine system. If contaminants are found, they should be properly disposed. General concerns with dredge spoil placement should also be analyzed, including the creation or expansion of avian predator habitat.

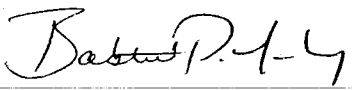
- Increase in Large-sized Ship Traffic: All of the proposed projects (coal and oil export) will rely on substantial numbers of very large ships. If one project is approved, the impact to the Columbia River estuary will be felt. Studies have shown that large ships cause huge disturbances in the system, including causing wake stranding of out-migrating smolts, bank erosion, and disturbance of nearshore habitats. Adding this project to the river will increase ship traffic dramatically and will have significant negative effects on ESA-listed salmonids.

Cumulatively these activities will affect the estuarine ecosystem. As more is learned about the high value of estuarine habitat, a greater understanding is being gained of the hydrodynamic impacts of various developments within the estuary. At a minimum, the analysis needs to determine a baseline bathymetry value and conduct a hydrodynamic modeling study of the effects of all these activities on the estuary, including effects on water flow, velocity, and sediment transport. The study should include various water quality parameters, including temperature.

An analysis of the Tesoro-Savage Project must include a comprehensive evaluation of all the direct, indirect, and cumulative effects of this project. Likewise, the analysis should be comprehensive enough to incorporate ancillary and synergistic effects from similar projects, such as the coal export projects proposed for the Ports of Morrow and Longview, and the oil export project being considered at Port Westward. If any or all of these projects are developed, there will be profound impacts to the region, to the Columbia River Gorge, and the tribal people who depend on or live near the river.

We appreciate this opportunity to provide scoping comments for this process. If you have any questions, please contact CRITFC Policy Analyst, Julie Carter, at (503) 238-0667.

Sincerely,



Babtist Paul Lumley
Executive Director

References attached

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Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#017

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
*PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300*
*711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

December 18, 2013

RECEIVED
DEC 24 2013
ENERGY FACILITY SITE
EVALUATION COUNCIL

Stephen Posner, EFSEC Interim Manager
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172

Dear Mr. Posner:

Thank you for the opportunity to comment on the determination of significance scoping notice for the Tesoro Savage Vancouver Energy Distribution Terminal project (Application No. 2013-01 & Docket No. EF-131590) located at the Port of Vancouver within the City of Vancouver as proposed by Tesoro Savage Petroleum Terminal LLC. The Department of Ecology (Ecology) reviewed the information provided by EFSEC and has the following comments regarding the scope of what the environmental impact study (EIS) should evaluate:

**AIR QUALITY: Julie Oliver (360) 407-6823**

The air quality impacts of the projected emissions from the proposal need to be evaluated for their impacts on ambient air quality for criteria, toxic, and hazardous air pollutants and for the potential impacts of the project on the ozone in the Portland-Vancouver ozone maintenance area. An air quality permit for all toxic, criteria, and hazardous air pollutants to be emitted by the project must be obtained.

**AIR QUALITY/GREENHOUSE GAS: Gail Sandlin (360) 407-6860**

As stated in the EFSEC documents, the EIS will evaluate climate and energy impacts. Ecology agrees climate and energy impacts should be a part of the scope, therefore, no comment at this time.

**FLOODPLAINS MANAGEMENT: Donovan Gray (360) 407-7253**

Parts of the proposed site may lie in a 100 year floodplain. A floodway has also been designated for the Columbia River in the project vicinity. Work in a 100 year floodplain requires a floodplain development permit. Development in a floodway will require a floodway (aka 'no-rise') analysis. The proponent must ensure at a minimum that the proposed new structures are constructed to current flood protection standards and the existing structures in the vicinity are kept reasonably safe from flooding.

**SHORELANDS & ENVIRONMENTAL ASSISTANCE/FEDERAL PERMIT MANAGER: Lori Ochoa (360) 407-6926**

Temporary and permanent impacts to wetlands and waterbodies from placement of the pipelines, roads, rail lines, and other structures should be identified and evaluated. Water crossing methodologies should be described and evaluated. The adequacy of the storage tank containment area should be evaluated due to the proximity to adjacent wetlands.

If any soil densification measures are proposed, the method, amount to be used, and location should be identified and evaluated.

If there are contaminated soils on site that will be disturbed, a description of how they will be identified and managed should be included.

A 401 Water Quality Certification from Ecology may be required for this project. Please identify the elements of the Vancouver Shoreline Master Program that will be relevant to the proposal, with expected actions taken to insure compliance.

**SPILLS PREVENTION, PREPAREDNESS & RESPONSE:**
**Linda Pilkey-Jarvis (360) 407-7447**

Because this proposal has several transportation components to it and represents a significant change, the impacts of the facility, vessel and rail operations should all be evaluated in the EIS.

**Spill Risk from the Oil Handling and Transfer Operations** - The proposal indicates that oil will be transferred at a rate of 40,000 barrels an hour, which is 1.68 million gallons an hour or 28,000 gallons a minute. This is a substantial rate of transfer (high pressure) that could result in a large spill within a short time period before a shut down can occur. In order to fully assess the impact from oil spills during transfers the EIS should:

- Assess oil transfer protocols that could prevent or reduce the risk of a spill at the terminals during transfer operations.

- Provide appropriate analysis to ensure oil transfers can be effectively pre-boomed at the terminal in strong currents and poor weather conditions. Consider further voluntary spill reduction strategies during these conditions, such as reduced pressures/flow rates or halting transfer operations.

- Evaluate the adequacy of vessel anchorage areas on the river (which are already limited) as tank vessels may need to anchor till there is room at the facility docks before transfers occur.

**Evaluating the Adequacy of Response Equipment on the River**– Washington's regulatory oil spill planning standards set the types and quantities of oil spill response equipment that must be pre-staged by both the facility and vessel sides of the transfer. These standards were developed in the past when facilities and tank vessels transiting the Columbia River did not carry crude oil at the volumes identified for the proposal. The capability to recover from crude oil spills on the river needs to be examined in the EIS.

- The worst case spill volume for this facility as identified in the application is 380,000 barrels or 16 million gallons (the volume of the largest tank). WAC 173-182-355 applies to the facility.

The adequacy of equipment on the river for both the facility and vessel should be evaluated together and the EIS should:

- As required by state and federal law, assess necessary and appropriate spill response and equipment coverage needed for a worst case spill at the facility and for the vessels that transit to the site.
- As required by state law, assess the need for response equipment to be staged at the terminal while oil transfers are occurring as protection measure in the event of a spill.

Geographical Response Plans (GRPs) - GRPs are geographic-specific response plans for oil spills to water. They include response strategies tailored to a specific beach, shore, or waterway and minimize impact on sensitive resources threatened by the spill. The strategies for the river are scheduled to be updated. The EIS should:

- Discuss the Lower Columbia River GRP process. Assess response strategies and equipment necessary to respond to crude oil spills that could be generated from rail transport, at the land based facility and from vessels as a result of the project.

**Spill Risk from Increased Vessel Traffic Calling on the Facility** - The EIS should assess the potential impacts on the river's navigational and traffic management system as a result of the increased vessel traffic generated by this project. The application states the terminal can handle vessels with a capacity of up to 600,000 barrels. The Columbia River and its bar present difficult navigational challenges for large deep draft vessels. This new operation involving the transport of crude oil will result in a significant change in the volume and type of oil moved on the Columbia River.

| Year | Tank ship calls* | Projected Increase |
|---|---|---|
| 2011 | 87 | N/A |
| 2012 | 88 | N/A |
| Projected for 2016 | 140 new tank vessel calls | Additional 280 inbound and outbound or 159% increase |
| Full build out of the facility | 365 new tank vessel calls | Additional 730 inbound and outbound or 414% increase |

* Currently tank ships on the Columbia River do not carry crude oil as cargo for the 105 mile distance to the Vancouver/Portland Terminals.

The consequences of a catastrophic spill from a laden crude oil tank ship represent one of the highest risks in Washington waters. As vessel traffic increases, additional prevention measures to mitigate the risk of an allision, collision or grounding that could lead to a major oil spill should be considered in the EIS. Information needed in the EIS to address this change in risk includes:

- Size and cargo carrying capacity of vessels that will transit the Columbia River to and from the proposed terminal.

- Increased vessel traffic from this proposal including number and size of ships relative to the existing conditions in the waterways.

- How vessels will be managed offshore and in river if the bar is closed to vessel traffic due to weather and sea state conditions.

**Addressing the Columbia River channel depth limitations** - The Columbia River channel is currently maintained to a depth of 43 feet and a width of 600 feet. Vessels with a fresh water draft of less than 36 feet are generally able to transit the river at any time. Vessels with drafts of 36 feet or greater require much greater voyage planning to take advantage of tides and river conditions to ensure adequate under keel clearance.

- The EIS should identify the size and cargo capacity of vessels that would transit the Columbia River to the proposed terminal and consider the risks associated with the channel depth limitations.

- The EIS should evaluate mitigation measures related to procedures for voyage planning, load limitations and passing protocols for outbound laden tank ships and other vessels to ensure adequate keel clearance during all transits.

**Consider the Need for Tug Escorts –** The EIS should evaluate use of tug escorts to reduce the risk of oil spills. Washington State and federal law currently require tug escorts for tank ships traveling to Washington's northern refineries through Rosario Strait. This requirement applies to all tankers of 40,000 dead weight tonnage (DWT) or greater when laden (loaded) with oil. The tug horsepower must equal or exceed 5 percent of the ship's dead weight tonnage. These requirements apply to all liquid cargoes, whether or not petroleum-based. Laden tankers greater than 125,000 DWT are prohibited from navigating in these regulated waters. These requirements apply to the navigable waters of Washington State east of a line extending from Discovery Island Light south to New Dungeness Light but do not apply to the Columbia River.

The proposed expansions of two marine terminals in Grays Harbor are also proposing to have all laden tankers escorted by two oceangoing size tugs throughout transit in Washington waters, including seaward to the 3-mile limit. This is an excellent mitigating measure that will greatly increase the safety net in this area and reduce the risk of major oil spill.

The proposal states that "each vessel is expected to use the services of two ship-assist tugboats for arrival and departure at the terminal." In order to fully assess the impact on navigation safety and risks created from the proposal as a result of the increased vessel traffic the EIS should:

- Assess the availability and capability of tugs on the Columbia River to respond and control disabled vessels in the river and offshore.

- Identify the locations where the tugs will escort the tank vessels. If this does not include all Washington waters, assess the need for a dedicated tug escorts for outbound laden tank vessels past the mouth of the Columbia River as a mitigating measure to reduce risk of an allision, collision or grounding that could lead to a major oil spill.

**Evaluate the additional risk from Rail Transport associated with the Facility -** Since Ecology is preempted from regulating rail transport systems, the EIS should assess the potential for oil spills from this mode of transport. The analysis should include measures to mitigate the risk of spills and identify potential response strategies for environmentally sensitive areas along the route. Mitigation could also include staging of appropriate response equipment if a spill were to occur. In order to fully assess the impact of rail transport the EIS should:

- Provide an analysis of spill risk for this mode of transport.
- Identify possible spill risk mitigation measures and response strategies that might be included as mitigation to the project.

**WATER QUALITY/INDUSTRIAL OPERATIONS UNIT: Gary Lee (360) 407-6291**

- An individual national pollutant discharge elimination system (NPDES) permit issued by Ecology is required for discharging contaminated stormwater from the tank farm secondary system and other areas to the waters of the state. Stormwater from those areas must be collected and treated in compliance with the permit limits and conditions. An engineering report for the wastewater treatment system prepared in accordance with Chapter 173-240 WAC must be submitted with the NPDES permits application package.

- Discharge of Boiler blowdown (Area 600 and 700 Boiler Building) must comply with all the applicable water quality regulations. Authorization from the local sewer district must be obtained prior to the discharge.

- P2-102, "If installed underground, the piping will be placed in casings with incorporated leak detection (as shown in Figure 2.3-8)." Figure 2.3-8 shows a pipeline casing but it does not indicate how leak detection will be accomplished and capability of the system. Information on the pipeline leak detection system/procedures that complies with requirements specified in Section 173-180-340 WAC should be included.

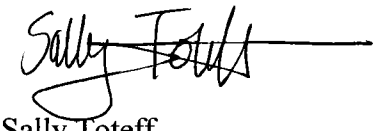
- The trench that contains production collection line and other ancillary piping is not lined as shown in Figure 2.3-6. It is recommended that the trench be equipped with an impervious liner to contain spilled product.

If you have any questions, please contact Gary Lee with the Southwest Regional Office, Water Quality program at the phone number given above.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above. Again, thank you for the opportunity to provide our comments.

Sincerely,



Sally Toteff
SWRO Regional Director
Department of Ecology

(SM:13-4881)

cc: Donovan Gray, Shorelands and Environmental Assistance Program
Gary Lee, Water Quality Program
Lori Ochoa, Shorelands and Environmental Assistance Program
Julie Oliver, Air Quality Program
Gail Sandlin, Air Quality Program
Linda Pilkey-Jarvis – Spill Prevention, Preparedness and Response Program

Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

December 18, 2013



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

**Re: Comments on the Scope of the EIS for the Tesoro Savage Vancouver Energy Distribution Terminal Project, Application No. 2013-01, Docket No. EF-131590**

Dear Mr. Posner:

On behalf of the Yakama Nation, I submit for the record the following comments regarding the scope of environmental analysis required for the proposed Tesoro Savage Vancouver Energy Distribution Terminal Project at the Port of Vancouver, Washington. The Yakama Nation is a federally recognized sovereign Nation created by the Treaty of 1855 with the United States (12 Stat. 951). The Treaty reserves for tribal members certain rights and resources that are necessary to maintain our customary way of life. Among these reserved rights is the right to fish at all usual and accustomed places, including the Columbia River. The proposed unrefined oil facility, dock, and increased transportation activity associated with this project would create direct adverse impacts — far beyond any *de minimis* threshold — to Treaty rights, including, among other things, Treaty-reserved salmon, steelhead, lamprey, and other resources critically important to the Yakama Nation and its People.

First and foremost, because of the significant and irreparable direct and indirect impacts that the proposed Tesoro Savage project would have on the Yakama People and our Treaty-reserved rights and resources, the Yakama Nation requests that the Energy Facility Site Evaluation Council (EFSEC) deny Tesoro Savage Petroleum Terminal LLC's application to construct and operate an unrefined oil export facility in Vancouver, Washington. The Tesoro Savage proposal could violate the Yakama Nation's Treaty rights to fish, hunt and gather traditional foods. It could also potentially result in irreparable harm to the Yakama Nation's cultural resources.

Yakama Nation's Treaty rights in the Columbia River area have been upheld recently in federal court; notably through an injunction imposed to prohibit the shipment of Hawaiian garbage through Yakama ceded lands. In *Confederated Tribes and Bands of the Yakama Nation v. United States Department of Agriculture*, a case concerning the federal agencies' failure to adequately address the Yakama Nation's concerns in permitting a plan to ship garbage from Hawaii through Yakama ceded lands, Judge Shea held that the Yakama Nation was likely to "prevail on [its] NEPA claims that the EA and FONSI failed to adequately analyze the environmental impacts of shipment and receipt of

Hawaiian garbage to the Roosevelt Landfill, **which is located on lands ceded by the Yakama Nation, wherein tribal members enjoy 'in common' usufructuary rights** ... Further [the Court found that] there are serious questions about whether Defendants adequately consulted with the Yakama Nation as required by the Yakama Treaty of 1855 and federal Indian trust common law."[1] The situation before EFSEC is analogous to the 2010 Hawaiian garbage case. There, governmental agencies did not seriously analyze Treaty-protected rights that would be impacted along the route proposed to transport Hawaiian garbage.

To be clear, Yakama Nation will not negotiate nor agree to so-called mitigation for any violations or actions resulting in the diminishment or destruction of its Treaty-reserved rights and Treaty-protected resources. Put simply, there is no mitigation adequate to compensate my Tribe and its People for the continued degradation of our sacred places, the incremental but constantly worsening damages to our natural resources that sustain our culture, and the threats to the livelihoods and cultural practices of many Yakamas.

## COMMENTS ON THE SCOPE OF THE TESORO SAVAGE TERMINAL EIS

Yakama Nation recommends that the scope of the Tesoro Savage Environmental Impact Statement (EIS) includes evaluations of all potential impacts to our cultural and Treaty-reserved resources, our environment, public health and safety, and to our economies. We also request that these cumulative impacts be studied on a region-wide level, from the unrefined oil's origins, through our homelands, to its final destination.

We commend the Washington State Department of Ecology on its recent decision to identify and analyze the full range of impacts associated with the Cherry Point coal export-related proposal, including transportation-related impacts through the state, climate change effects, etc. We not only urge, we request EFSEC here to follow this same leadership and responsible governance, to the extent Tesoro's permits are not denied outright.

Accordingly, Yakama Nation requests that the Tesoro Savage EIS prepared by EFSEC under the State Environmental Policy Act (SEPA) include, without limitation and in addition to the general scope of issues described above, an analysis of impacts to and a discussion of at least the following:

1. Geology and soils at the proposed project site as well as along transport corridors.
2. Vegetation, including those of particular cultural significance to the Yakama Nation.
3. Fish and wildlife impacted by transport and potential spills
4. , Water quality impacts of spilled unrefined oil, including stormwater runoff and absorption at the storage site
5. Air quality effects in shipment and handling of unrefined oil
6. Potential contributions of burned fuel to climate and climate change.
7. An analysis of the purpose and need for the energy and natural resources,
8. Environmental health impacts, including noise, risk of fire and explosion, and potential releases of toxic or hazardous materials in transit and on the proposed loading site.
9. Land and shoreline use and any required new development..,
10. Potential impacts on local economies, population, housing, and employment.
11. Impacts to historic and cultural resources along the transportation corridor and on site.

[1] *Confederated Tribes and Bands of the Yakama Nation v. United States Department of Agriculture*, 2010 WL 3434091 (E.D. Wash. 2010) (emphasis added).

12. Aesthetics, including impacts to view sheds and access to recreational sites. ,.
13. Effects on regional transportation, including vehicular, waterborne, and rail.
14. Disclosure of any needed infrastructure development, such as additional rail handling capacity or ancillary infrastructure.
15. Potential impacts to the delivery of public services and utilities along the shipment route and in the vicinity of the terminal.

Specific examples include, but are not limited to:

- A safety analysis of the potential impacts at current and projected levels of rail traffic to tribal fishers and their customers along the shipment route through the Columbia Gorge. This analysis should be expanded to include the Yakama Reservation if the transport plan includes backhauling empty rail cars on existing tracks on the reservation. Tribal members are exposed to train-strike risk when crossing rails to access homes, fishing sites, and markets for the sale of harvested fish. A sad history of train-related fatalities at current levels of rail traffic naturally suggests that elevated levels of rail traffic in the Columbia Basin, particularly through the Columbia Gorge, will increase mortalities to tribal members attempting to exercise Treaty-reserved fishing and food gathering rights at usual and accustomed places. The probability of train-strike fatalities, injuries, and property damage can be quantified based on these tragic statistics, and the EIS should analyze the expected additional mortalities to tribal members and others that would be caused by the projected increase in rail traffic associated with the various fossil fuel-related proposals. Similarly, tribal members and others would be exposed to increased health and safety risks created by the empty unit trains transiting the Yakama Reservation and other rail lines in central Washington on their return trips.

- An assessment of track capacity and traffic control measures necessary to handle the projected 4 additional unit trains that would deliver unrefined oil to the Tesoro Savage Terminal each day. It is imperative that this analysis includes other current and proposed rail traffic on these lines and in the greater region. This should include an assessment of vehicle traffic delays and economic costs to communities bisected by rail lines.

- An analysis of the likelihood and frequency of unrefined oil train derailments, shipping spills, and fire and explosion probabilities. This should be accompanied by a detailed examination of the toxicity of spilled unrefined oil in terrestrial and aquatic environments and on the health, safety and wellbeing of our People and others in the region. This risk analysis can and needs to be quantified. The EIS should also include a discussion of how such incidents would be handled, who would respond, and which parties and/or agencies would be responsible for clean-up.

- An analysis of the expected frequency and potential damage to structures and landscape features of wild fires ignited by the projected four additional unit trains delivering unrefined oil to the Tesoro Savage terminal each day. Train-sparked fires are not uncommon in the Columbia Gorge and can be quite destructive.

- An analysis of the emissions from rail and ship traffic, terminal operations. This emissions analysis needs to include types, quantities and effects to human health and the environment. Specific examples include how these emission would exacerbate the currently compromised air quality in the Columbia River Gorge and toxicity to our rivers and fish.

- An analysis of impacts to all cultural resources, including Traditional Cultural Properties. Yakama Nation expects that the Area of Potential Effect (APE) for the Tesoro Savage project shall include the entire transportation route, including impacts from the unrefined oil's origins through our usual and accustom areas.

- An analysis of all impacts to aquatic and terrestrial species and habitat along the transportation route, at the proposed site of the Tesoro Savage Terminal, and adjacent to the shipping channel westward of the terminal. The proposed Tesoro Savage Terminal is located adjacent to the Lower Columbia River. This section of river is designated as Critical Habitat for Endangered Species Act (ESA)-listed salmon and steelhead populations and is so designated because every single salmon originating above this point migrates through this section of river as a juvenile and as a returning adult. The construction and operation of this facility poses threats to populations of salmon, steelhead and other aquatic species of cultural importance such as the Pacific Lamprey. Further, the operation of marine vessels is certain to increase the incidence of wake-stranding juvenile salmonids and lamprey in the lower Columbia adjacent to the shipping channel. The EIS should assess the potential magnitude of additional wake stranding mortality associated with the project proposal.

Thank you for your time and consideration. Yakama Nation stands prepared to help provide any information you may need in developing the EIS. If you have any questions, please contact Philip Rigdon, Deputy Director of Yakama Nation Department of Natural Resources at (509) 865-5121 extension 4655.

Sincerely,

Warren Seyler Jr

For Harry Smiskin, Chairman
Yakama Nation Tribal Council

Docket EF-131590

**Confederated Tribes** *of the*
**Umatilla Indian Reservation**
Department of Natural Resources
Administration

46411 Timíne Way
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Tesoro Savage CBR
Agency Scoping Comment
#019

RECEIVED
DEC 24 2013
ENERGY FACILITY SITE
EVALUATION COUNCIL

December 18, 2013

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

Transmitted via U.S. Mail and electronically to: efsec@utc.wa.gov

**Subject: Scoping Comments on Proposed Tesoro-Savage Vancouver Energy Distribution Terminal; Application No. 2013-01, Docket No. EF-131590**

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) appreciates the opportunity to comment on the above-referenced project. The Tesoro-Savage facility would be a major undertaking that could have serious, profound, far-reaching and long-lasting effects on the resources, rights and interests of the CTUIR and its members; therefore it should be examined and analyzed in a thorough and comprehensive manner. Specifically, the evaluation should include adequate information to make an informed assessment as to the potential impacts to tribal rights under the Treaty of 1855 (12 Stat. 945), traditional use areas and the near- and long-term health and sustainability of tribal First Foods.

Our region is currently in the midst of an onslaught of proposals to vastly increase the transport of various fossil fuel products (oil, coal and natural gas) via expanded or entirely new means and mechanisms. Based on the limited information available so far on this and other proposals, we have many substantial questions and concerns regarding this and other projects. The Tesoro-Savage facility could have multiple potential detrimental impacts to tribal First Foods and the exercise of our Treaty Rights based on them. It could directly and indirectly affect the environmental conditions necessary to sustain our First Foods and other natural and cultural resources. It raises issues crucial to tribal sovereignty and co-management authority, as well as the overall public interest.

The terminal will be located on the Columbia River, the migration corridor for the downstream and upstream passage of salmon, lamprey and other fish species in which we and other tribes have rights reserved in treaties with the United States. Rail traffic will also increase along the Columbia River corridor, passing through Zone 6 where tribal members continue to actively fish pursuant to the treaties and federal court orders interpreting them.

Our treaty-secured "right of taking fish" extends to all "usual and accustomed stations" along the Columbia River and its tributaries. In order for this right to have any meaning, there must be fish to take, they must be healthy and sustainable, and access must be available. The project will potentially negatively impact these sites and the fish that migrate past them. Additional trains may also adversely affect the ability of tribal members to access tribal fishing sites due to the increased obstruction at crossings. There are numerous tribal fishing sites along the Columbia

River and tributaries some with signaled railroad crossings and many without. The additional rail traffic, and cumulative rail traffic from various energy development projects, should be examined to determine the potential impacts and measures to avoid or mitigate for those impacts.

The Lower Columbia Estuary is particularly important to salmon life history and development. The tribes and many federal and state agencies have spent enormous time and resources over many decades in efforts to protect and restore salmon in the Pacific Northwest. A healthy estuary has been identified as key to successful recovery. The Tesoro-Savage project and others like it could undermine much of the progress and improvements we have made. The river, its water and its fish would be subject to significant risks from construction and operation of the facility and the entire range of activities associated with it. Construction and operation degrade the immediate environment (for example, from increased emissions) and could exacerbate broader climate change effects, which are already occurring and to which First Foods and tribal communities maybe particularly vulnerable.

A broad examination of this and other regional fossil fuel transport proposals is appropriate and necessary. Tesoro-Savage should not be analyzed in isolation, but in conjunction with the other proposed projects. Both individually and collectively, they raise issues related to the environment, economics, aesthetics, air quality, wetlands, historic and cultural properties, fish, wildlife, plants, water quality, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, energy needs and production, public safety, food production, and property use and ownership, for both Indian and non-Indian communities.

Recent efforts to drill in the Alberta Tar Sands have raised specific concerns regarding the nature of the oils being transported. Diluted bitumen, or dilbit, represents a form of fossil fuel unlike normal crude oil and can exhibit unique characteristics when immersed in water. For instance, dilbit can sink when spilled in a water body. The oil might not sink immediately, but when the dilution agents combined with the dense tar sands oil evaporate off, the denser material sinks. This makes recovery in a spill operation very difficult and can jeopardize entire river ecosystems. There must be analysis of the exact type, nature and characteristics of the oil shipped in order to fully evaluate the potential risks and any the development of any potential limitations on those oils that may be shipped. For coverage of a spill of similar material please see National Transpiration Safety Board Accident Report NTSB/PAR-12/01, PB2012-916501, Notation 8423, Adopted July 10, 2012.

EFSEC should address oil spill risks and impacts along the rail route, at the terminal, in the Columbia River, and in the Pacific Ocean; increased rail and ship traffic; impacts to streams, wetlands, fish and fishing areas; air quality and respiratory impacts; rail tank car safety; impacts of the terminal on local businesses (including tribal); types of oil shipped (including their health risks, spill clean-up plans and contingencies; climate change impacts; impacts on historic and cultural resources and properties; and effects on the Columbia River Gorge National Scenic Area.

In addition, rail transit and operations associated with the project will affect traditional cultural properties, ancestral human remains, archaeological resources, historic properties of religious and cultural significance to the CTUIR; sites protected and governed by the National Historic Preservation Act, Archaeological Resources Protection Act, Native American Graves Protection and Repatriation Act and other laws. The transit corridor will pass through or otherwise affect tribal trust lands and traditional use areas. Information pertaining to changes in rail usage is needed to assess the effects the proposed undertaking will have on those properties. An evaluation of impacts from rail and transportation impacts to these cultural resources and historic properties must be conducted through the entire route of the oil from its source.

Some specific, immediate questions and information that might help inform the assessments include:

1. How many trains, and of what length, will convey the oil to the facility per day, week, and month?
2. Is there a maximum or upper limit on the amount of oil and/or the number of trains and/or ships that will be used?
3. What route(s) will the trains take?
4. What type of auxiliary in-water services will be required (e.g., tugboats)?
5. Will any dredging, or increased/altered maintenance dredging, be required? If so, how often?
6. What are the capabilities of the U.S. Coast Guard in the event of an oil spill at the facility? In the estuary? Along the Columbia River upstream, in the event of an accident or spill or that reaches the River?
7. What are the characteristics of the oil that may be spilled that are different from other crude oil spills (i.e. diluted bitumen)?

Thank you for your attention to our comments and concerns. EFSEC's assessment should include and incorporate all the necessary information to enable us and the region to make an informed decision regarding the merits and drawbacks of this proposal and all the other projects that will have similar and related effects. Pursuant to the Centennial Accord, we believe it would be beneficial to consult with you on a government-to-government basis regarding the project. If you have any questions or would like to discuss this matter further, please contact Audie Huber, Inter-Governmental Affairs Manager, at audiehuber@ctuir.org or (541) 429-7228.

Sincerely,

Eric Quaempts, Director
Department of Natural Resources

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#020


**Upper Columbia United Tribes**
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**Coeur d'Alene** **Colville** **Kalispel** **Kootenai** **Spokane**

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

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



December 16, 2013

**RE: Proposed Tesoro Savage crude-by-rail uploading and marine loading facility at the Port of Vancouver, Washington**

Dear Governor Inslee, Mr. Posner and Washington EFSEC,

As a consortium of sovereign nations who fully understands and expects the fulfillment of the federal trust responsibility, the Upper Columbia United Tribes (UCUT) cannot support this proposal until a comprehensive EIS is completed. All potential impacts from the entirety of transportation to terminus should be considered for the Tesoro Savage crude-by-rail uploading and marine loading facility at the Port of Vancouver, Washington.

The UCUT provides a common voice for our region through the collaboration of five major area tribes, the Coeur d'Alene Tribe, the Kalispel Tribe of Indians, the Kootenai Tribe of Idaho, the Spokane Tribe of Indians and the Confederated Tribes of the Colville Reservation. The UCUT was formed to ensure a healthy future for the traditional territorial lands of our ancestors and takes a proactive and collaborative approach to promoting Indian culture, fish, water, wildlife and habitat.

The UCUT urges you to assess the full impact of Tesoro Savage's proposal to ship close to 400,000 barrels of oil each day through Northwestern communities, specifically through Spokane, Washington. Due to the nature of the material proposed to be transported and shipped (crude oil) as well as the proximity of the facility to area wildlife preserves and Vancouver Lake, The UCUT requests a

comprehensive Environmental Impact Statement (EIS) that will assess the impacts shipping crude oil will have on public health and safety as well as on the greater environment.

Within a comprehensive EIS, the UCUT would like you to analyze, examine alternatives and propose mitigation for the projects' potential negative impacts on the following;

- The potential impacts of large train-related oil spill(s) along the entire rail route from extraction site to port.
- The transportation, emergency response capability, and public health impacts of additional train traffic through communities along the proposed oil by rail route.
- Impacts to area Tribal cultural resources, air, waters, wildlife and fisheries from a train-related oil spill.

The UCUT believes that you, Jay Inslee, and the Energy Facility Site Evaluation Council (EFSEC) have a fundamental responsibility to consider *all* of the impacts with the utmost attention the proposed rail transport would have on the Pacific Northwest as the Northwest is interconnected through the families, tribes, resources and waterways that these oil shipping routes would traverse.

Sincerely,

Matt Wynne, Chairman

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#021

State of Washington
Department of Fish and Wildlife
Mailing Address: 600 Capitol Way N, Olympia WA 98501-1091, (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

December 16, 2013



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

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

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

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

**Project Area of Potential Effect**

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

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

**Work Window**

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

*Bald Eagle*

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

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

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

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

*Steller Sea Lions*

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

*Sandhill Crane*

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

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

*Great Blue Heron*

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

**Effects of Impact Hammers**

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

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

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

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

**Special Status Species**

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

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

**Habitat loss**

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

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

**Recreational and Commercial Fisheries**

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

**Monitoring and Mitigation Plans**

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

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

**Oil Spill Impacts**

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

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

**Other Best Management Practices**

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

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

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

Sincerely,

Peggy Miller

Peggy Miller, Major Projects Biologist
Washington State Department of Fish and Wildlife
(360) 902-2593
peggy.miller@dfw.wa.gov

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#022

Warm Springs, Oregon 97761 / 541 553-1161



December 18, 2013

Hon. Jay Inslee, Governor
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Re: Deny the Proposed Tesoro Savage Pipeline-on-Wheels Project

Dear Governor Inslee,

The Confederated Tribes of the Warm Springs Reservation is possessed of treaty reserved rights pursuant to the Treaty With The Tribes of Middle Oregon that was signed by those tribes and the United States on June 25, 1855. The Ceded Lands boundary described in that document, extends northward to the middle of the channel of the Columbia River between the mouth of Willow Creek and the Cascade Rapids.

Based upon the preceding cited rights and interests, the Confederated Tribes of the Warm Springs have substantial concerns regarding the permit application. We urge you to assess the full impact of Tesoro Savage's proposal to ship 360,000 barrels of oil each day through Spokane, the Columbia River Gorge National Scenic Area, Vancouver and other Northwest communities.

The public safety and environmental impacts of the state's largest pipeline-on-wheels proposal deserve close scrutiny. For example, EFSEC must assess:

•The potential impacts of a large train-related oil spill along the rail route.

•The transportation and public health impacts of additional unit train traffic through communities along the proposed oil-by-rail route. This includes evaluating emergency response capabilities in Vancouver, where oil trains would deliver and store oil, and other communities along the rail and shipping route.

•The increased risk of an oil tanker spill along the shipping route.

•The project's impact on climate change.

*Impacts to fisheries resources.

***Conclusion***

Accordingly, the Confederated Tribes of the Warm Springs Reservation requests that the consideration of the impacts of this application, include, but not be limited to, impacts to the air and water quality, climate change, fisheries resources, public health and safety, cultural traditions, and ecosystems

Sincerely,

Robert A. "Bobby" Brunoe
General Manager
Branch of Natural Resources
Confederated Tribes of the Warm Springs Reservation