

Verbatim Transcript of Special Council Meeting

Tesoro Savage Vancouver Energy Project

November 28, 2017



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
J.A. Cherburg Building
304 15th Avenue SW
Senate Hearing Room 4
Olympia, Washington
November 28, 2017
1:30 p.m.

SPECIAL COUNCIL MEETING
Verbatim Transcript of Proceeding

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

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1 A P P E A R A N C E S

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3 Councilmembers Present:

- 4 Roselyn Marcus, Chair
5 Jaime Rossman, Department of Commerce
6 Cullen Stephenson, Department of Ecology
7 Joe Stohr, Department of Fish and Wildlife
8 Dennis Moss, Utilities and Transportation Commission
9 Dan Siemann, Department of Natural Resources

10 Local Government and Optional State Agencies:

- 11 Larry Paulson, Port of Vancouver
12 Ken Stone, Department of Transportation
13 Bryan Snodgrass, City of Vancouver
14 Greg Shafer, Clark County

15 Assistant Attorney General:

- 16 Ann Essko, Senior Counsel
17 Tom Young

18 Staff in Attendance:

- 19 Stephen Posner
20 Tammy Mastro
21 Sonia Bumpus
22 Cassandra Noble
23 Joan Aitken
24 Patty Betts
25 Ami Kidder
 Christina Potis

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1 OLYMPIA, WASHINGTON; NOVEMBER 29, 2017

2 1:30 P.M.

3 P R O C E E D I N G S

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5 CHAIR MARCUS: Good afternoon. I'd like
6 to call to order this special meeting of the
7 Washington State Energy Facility Site Evaluation
8 Council.

9 It is 1:30 p.m. on November 28th, 2017,
10 and we are in Senate Hearing Room 4 in the J.A.
11 Cherburg building in Olympia, Washington.

12 Ms. Mastro, could you please call the
13 roll?

14 MS. MASTRO: Department of Commerce?

15 MR. ROSSMAN: Jaime Rossman, here.

16 MS. MASTRO: Department of Ecology?

17 MR. STEPHENSON: Cullen Stephenson, here.

18 MS. MASTRO: Fish and Wildlife?

19 MR. STOHR: Joe Stohr is here.

20 MS. MASTRO: Department of Natural
21 Resources?

22 MR. SIEMANN: Dan Siemann is here.

23 MS. MASTRO: Utilities and Transportation
24 Commission?

25 MR. MOSS: Dennis Moss is here.

1 MS. MASTRO: Local governments and
2 optional state agencies, for the Tesoro project,
3 Department Of Transportation?

4 MR. STONE: Ken Stone is here.

5 MS. MASTRO: City of Vancouver?

6 MR. SNODGRASS: Brian Snodgrass is here.

7 MS. MASTRO: Clark County?

8 MR. SHAFER: Greg Shafer, present.

9 MS. MASTRO: Port of Vancouver?

10 MR. PAULSON: Larry Paulson, here.

11 MS. MASTRO: Chair, there is a quorum for
12 the Tesoro/Savage Project Council.

13 CHAIR MARCUS: Thank you.

14 I want to welcome everybody here today to
15 this council meeting. I know this has been a very
16 long process and that you are all greatly anticipating
17 the decision of the Council today, and I just want to
18 again thank you for your patience and for your
19 attendance here.

20 For those who know and for those who
21 don't, I wanted to give a few opening remarks to put
22 this application into context and to frame the issues
23 we are dealing with today.

24 We are here to talk about our
25 recommendation to the governor on whether or not to

1 approve or disapprove the application submitted by
2 Tesoro/Savage Vancouver Energy Distribution Terminal,
3 and to decide on that application along with what
4 would go in the written report to the governor.

5 The rules for this Council state that a
6 written report must include findings of fact,
7 conclusions of law and all other information that the
8 Council deems appropriate for the governor to
9 consider.

10 We are operating under RCW 80.50.010, and
11 that requires the Council to balance the needs of the
12 facility at this particular site versus the broad
13 public interest and ultimately decide whether the
14 applicant has met its burden of proving that the needs
15 and benefits for this facility at the proposed site
16 outweigh the negative impacts to those broad public
17 interests.

18 And so today is the time for us to vote on
19 the disposition of that application, whether to
20 recommend approval or disapproval, with direction to
21 Staff to then craft a written report that will include
22 all the required information in support of that
23 decision.

24 That final report of recommendation and
25 the direction to transmit that recommendation to the

1 governor will be made on December 19th at the
2 Council's regular monthly meeting.

3 To put this into context, the application
4 was filed in 2013, and it has been a long process with
5 voluminous information, probably the longest process
6 in this Council's history with issues of great
7 significance that have never been faced by this
8 Council before.

9 So I'm going to outline the process and
10 the record upon which we are basing our decision, and
11 which record will ultimately go to the governor.

12 This Council held a land use hearing in
13 Vancouver, which resulted in a transcript of over
14 100 pages and 200 pages of evidence.

15 There was a public information meeting in
16 Vancouver, three environmental impact scoping meetings
17 in Vancouver and Spokane, numerous public comment
18 meetings on the Draft Environmental Impact Statement
19 and on all of the permits associated with this
20 project.

21 For the Draft Environmental Impact
22 Statement, this Council alone has had to review over
23 250 comments as part -- sorry, 250,000 comments.

24 This Council also held an adjudicative
25 hearing which lasted 21 days, had 21 parties of

1 record, 91 witnesses, 818 exhibits, resulting in over
2 5,000 pages of transcripts, and an additional
3 1,500 pages of pre-filed testimony, and there are over
4 10,000 pages of exhibits. And as you know, just last
5 week, the Environmental Impact Statement was released,
6 and with those exhibits, there's over 4,000 pages that
7 we have been reviewing.

8 But now's the time to bring that
9 information together and to decide on the
10 recommendation that we are going to submit to the
11 governor.

12 And so with that, I am going to turn it
13 over to our Council for a motion and for a discussion.

14 MR. SHAFER: Madam Chair, I have a motion.
15 I move that the Council recommend disapproval of
16 Vancouver Energy's application #2013-01 for site
17 certification of the proposed Vancouver Energy
18 Distribution Terminal, and that Staff be directed to
19 draft an appropriate recommendation to the governor
20 based on the full record, including the adjudicative
21 proceeding and the Final Environmental Impact
22 Statement, which, considered together, reflect that
23 Vancouver Energy has not met its burden under
24 RCW 80- -- or .50.010 to establish that the Port of
25 Vancouver is an acceptable location to the site -- to

1 site the proposed Vancouver Energy Distribution
2 Terminal, and that Staff be directed further to
3 present the written recommendation to the Council by
4 December 15th, 2017, for consideration during the
5 December 19th, 2017, council meeting.

6 CHAIR MARCUS: Thank you. Do I hear a
7 second?

8 MR. MOSS: I'll second that motion.

9 CHAIR MARCUS: It has been moved and
10 seconded.

11 Discussion? Mr. Rossman?

12 MR. ROSSMAN: Well, thank you. Based on
13 the evidence in the adjudicative record and the Final
14 Environmental Impact Statement, as well as the
15 voluminous testimony that we've heard, I am inclined
16 to agree with this direction, and I appreciate your
17 bringing it forward.

18 I want to say that I particularly
19 appreciate the work of Staff in finalizing the
20 Environmental Impact Statement. I feel it's a much
21 more substantial document than the draft was, and it
22 clearly outlines a number of impacts and risks that I
23 think speak for themselves in describing some of the
24 dangers of the potential facility.

25 And I look forward to seeing the final

1 write-up and looking through that and making sure that
2 everything's in order on the 19th, but I believe this
3 is the right course of action.

4 Thank you.

5 CHAIR MARCUS: Anybody else? Mr. Stohr?

6 MR. STOHR: I'd also support this
7 direction, and I want to thank the staff. The amount
8 of work they had to go through and the work that was
9 done by their consultants was -- was just an extreme
10 challenge, and I think they did a great job pursuing
11 that. I'd also like to thank the applicants and the
12 public for the patience that you had with the process
13 as we moved through all this material.

14 CHAIR MARCUS: Anybody else?

15 Then I would call for a vote. All those
16 in favor of the motion for disapproval, say "aye."

17 MULTIPLE SPEAKERS: Aye.

18 CHAIR MARCUS: Opposed, "Nay"?

19 Motion carries unanimously.

20 As you know, the Council has a deadline of
21 getting the recommendation to the governor by
22 November 30th. I will need a motion to extend that
23 deadline to December 30th.

24 Do I have a motion?

25 MULTIPLE SPEAKERS: So moved.

1 CHAIR MARCUS: A second?

2 MR. ROSSMAN: Chair, the letter we have in
3 front of us requested extension to December 29th.

4 CHAIR MARCUS: Okay. Excuse me.

5 Do I have a motion to extend the deadline
6 till December 28th -- 29th?

7 MR. SNODGRASS: So moved.

8 MR. MOSS: I'll second that.

9 CHAIR MARCUS: We have a motion and a
10 second to extend the deadline to December 29th, 2017.

11 All those in favor?

12 MULTIPLE SPEAKERS: Aye.

13 CHAIR MARCUS: Opposed?

14 Motion carried.

15 Is there any other business for the good
16 of the order? Seeing none, this meeting is adjourned.

17 (Hearing concluded at 1:39 p.m.)

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C E R T I F I C A T E

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, ANITA W. SELF, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of November, 2017.

Anita W. Self



ANITA W. SELF, RPR, CCR #3032