

1                   In Re: Tesoro Savage Vancouver  
2                   Energy Distribution Terminal  
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6                   EFSEC SEPA SCOPING MEETING  
7                   Clark College, Gaiser Student Center  
8                   1933 Fort Vancouver Way  
9                   Vancouver, Washington  
10

11  
12                   October 29, 2013

13                   6:00 p.m.  
14

15  
16                   Reported by:  
17                   Grace F. Lengmueller, RPR, CSR  
18                   Court Reporter  
19

COUNCIL PANEL

CHAIR:

Dennis Moss - Utilities & Transportation Commission

MEMBERS:

Andrew Hayes - Department of Natural Resources

Christina Martinez - Department of Transportation

Bryan Snodgrass - City of Vancouver

Cullen Stephenson - Department of Ecology

Joe Stohr - Department of Fish & Wildlife

Jeff Swanson - Clark County

Liz Green Taylor - Department of Commerce

Larry Paulson - Port of Vancouver

ADMINISTRATIVE LAW JUDGE:

Honorable Adam Torem

1 VANCOUVER, WASHINGTON; TUESDAY, OCTOBER 29, 2013

2 6:08 P.M.

3 \* \* \*

4 THE CHAIR: Good evening and welcome. Thank  
5 you all very much for turning out tonight. It's  
6 gratifying to have so many citizens from the community  
7 attend a session such as this that's important to us,  
8 and I'm going to talk a little bit about it in a  
9 moment.

10 My name is Dennis Moss. I am a member of the  
11 council; I have been for several years. And, at this  
12 moment, at least, I am the acting chair of the council.  
13 However, the governor has appointed a permanent chair,  
14 and -- Bill Lynch, sitting to my right, and Bill will  
15 be beginning Friday, November the 1st, and will take  
16 the helm for the council at that point in time.

17 The EFSEC is a council with five standing  
18 members. We have a member from the Department of  
19 Commerce, Department of Ecology, Department of Fish &  
20 Wildlife, Department of Natural Resources, the  
21 Utilities & Transportation Commission -- and that's me.  
22 And then we have four additional members for this  
23 particular matter as provided for under the statutes.  
24 We have a representative from the Department of  
25 Transportation and one from Clark County, one from the

1 City of Vancouver, and one from the Port of Vancouver.

2 I'm going to ask the council members to  
3 introduce themselves to you. Starting on the far end  
4 down here to my right, Mr. Hayes.

5 COUNCIL MEMBER HAYES: Good evening. My name  
6 is Andy Hayes, and I represent the Washington  
7 Department of Natural Resources.

8 COUNCIL MEMBER MARTINEZ: Hi. I'm Christina  
9 Martinez with the Department of Transportation.

10 COUNCIL MEMBER STEPHENSON: Good evening. My  
11 name is Cullen Stephenson with the Department of  
12 Ecology.

13 COUNCIL MEMBER SNODGRASS: My name is Bryan  
14 Snodgrass with the City of Vancouver.

15 MR. BILL LYNCH: Hi. I'm Bill Lynch, and I'm  
16 the incoming chair of EFSEC.

17 JUDGE TOREM: My name is Adam Torem. I'm not  
18 a member of the council, but I'm the administrative law  
19 judge. I'm also with the Utilities & Transportation  
20 Commission, and I'll help the chair -- whoever it is at  
21 any given time -- preside over these meetings.

22 COUNCIL MEMBER STOHR: Hello, everybody. My  
23 name is Joe Stohr, and I'm with the Department of Fish  
24 & Wildlife.

25 COUNCIL MEMBER SWANSON: Good evening. My

1 name is Jeff Swanson, and I'm with Clark County.

2 COUNCIL MEMBER GREEN TAYLOR: Hello. My name  
3 is Liz Green Taylor. I'm with the Department of  
4 Commerce.

5 COUNCIL MEMBER PAULSON: Good evening. I'm  
6 Larry Paulson representing the Port of Vancouver.

7 THE CHAIR: Thank you. In addition tonight,  
8 we have with us the counsel for the environment, Matt  
9 Kernith. If you'd stand up, Matt, so folks can get a  
10 look at you. Did you want to say a word or two  
11 tonight? No? All right. Fine. Well, Matt represents  
12 the interest of the state, people of the state, so  
13 he'll be a good contact person for you going forward as  
14 you participate in this process with us.

15 Last night -- I see some familiar faces here  
16 tonight, so some of you already know. Last night, we  
17 had a public information meeting, and we had a nice  
18 turnout. We had a number of speakers, and we had the  
19 benefit of some very good comments. Tonight is a bit  
20 different. We're kicking off the -- this is the first  
21 formal meeting in the State Environmental Policy Act or  
22 SEPA process.

23 The SEPA process -- you've probably heard the  
24 term "environmental impact statement." The SEPA  
25 process is the process by which that is developed, and

1 tonight's hearing is what we call a "scoping hearing."  
2 We'll hear from you, and that will help the council  
3 decide in -- in coordination with the manager, the  
4 EFSEC manager, who is the responsible official under  
5 SEPA, and we'll -- we'll scope -- this proceeding will  
6 decide just how broad a scope or how narrow a scope we  
7 will consider. We won't be deciding that tonight, but  
8 we will be hearing a lot of comment relative to that  
9 point.

10 The SEPA is one part of the process. Another  
11 part of the process is a formal adjudicative hearing  
12 that we will hold on parallel track with the SEPA  
13 process, and that's something -- council would hear  
14 that, and it's much like a courtroom hearing. We --  
15 we'll have -- in the final analysis, we'll have an  
16 order as a result of that process. We'll have the  
17 environmental impact statement, and based on those  
18 documents and everything we've heard, the council will  
19 make a recommendation to the governor, and then the  
20 governor will make the final decision in the matter.

21 So tonight, we're going to have a very brief  
22 presentation from a member of the EFSEC staff, Sonia  
23 Bumpus, who's standing there at the podium, and she  
24 will just go through a few points with you quickly, and  
25 then we'll turn the floor over to Judge Torem, who will

1 conduct our public comment session.

2 So Sonia.

3 MS. SONIA BUMPUS: Thank you, Chair Moss.  
4 Good evening, everyone. Thank you for coming out  
5 tonight. My name is Sonia Bumpus. I am a member of  
6 the EFSEC staff which serves the council you see before  
7 you. I'm going to just give a brief overview of how  
8 EFSEC implements the SEPA process when we receive a  
9 proposal for an energy facility.

10 EFSEC stands for the Energy Facility Site  
11 Evaluation Council. Chair Moss already went over some  
12 of this. EFSEC consists of a governor-appointed chair,  
13 five agency members from the Department of Ecology,  
14 Fish & Wildlife, the Department of Commerce, Department  
15 of Natural Resources, and the Utilities &  
16 Transportation Commission.

17 In the Tesoro Savage project, we have four  
18 additional council members. We have a port, city, and  
19 county official, and the Washington Department of  
20 Transportation has also appointed a member of the  
21 council for this project.

22 EFSEC sites several different types of energy  
23 facilities. You can see here on this slide some of  
24 these are opt-in facilities. There at the bottom,  
25 refineries and storage facilities, which is where

1 Tesoro Savage comes in.

2 Our statute -- EFSEC statute -- defines  
3 different types of energy plants. Oil storage  
4 facilities is one of those. And, in this case, our  
5 threshold is an average of greater than 50,000 barrels  
6 per day to be transported, and you can see there on  
7 this slide where it goes into some more detail about  
8 the specifics of that threshold for us. But, in this  
9 case, Tesoro Savage does exceed this threshold, and  
10 therefore, they fall under EFSEC jurisdiction.

11 So SEPA was first adopted in 1971 and was  
12 modeled after the National Environmental Policy Act of  
13 1969. SEPA was intended to give agencies the tools to  
14 allow them to both consider and mitigate for  
15 environmental impacts of various proposals. Provisions  
16 were also included to involve the public, (inaudible),  
17 and interested agencies in most review processes prior  
18 to the final decision being made. So that's -- that's  
19 what brings us here tonight is the beginning of the  
20 SEPA process.

21 So key aspects of SEPA. Essentially, you  
22 begin by making a determination of significance, which  
23 is what was done in this case. It doesn't always go  
24 that way, but that's the determination that was made  
25 for the Tesoro Savage project. And that basically

1 means that there is an expected significant potential  
2 for adverse environmental impacts related to the  
3 project. And so we inform agencies and decision-makers  
4 of the -- of the significant impacts. It also helps to  
5 kind of address regulatory gaps as far as mitigation  
6 measures. Some mitigation measures may not necessarily  
7 be specifically discussed in a regulation, but we try  
8 to address as many as we can with regard to  
9 environmental impacts. And also, the other thing  
10 that -- that this process helps to do is identify these  
11 environmental impacts or other impacts that there may  
12 be early in the process.

13 So scoping. This is a scoping meeting. This  
14 is the first of the scoping meeting that EFSEC has held  
15 for Tesoro Savage project. And so this slide basically  
16 goes over what scoping is; what it means, essentially.  
17 We reach out to the public, and we try to encourage  
18 comments and -- and information on what the scope of  
19 the project should be. And this essentially is so that  
20 we can develop an environmental impact statement.

21 The first impact statement would be a draft,  
22 and so there's a series of processes that come after  
23 that. But, initially, what we're trying to do is get  
24 comments on these impacts, and then based on those  
25 comments, get an idea of how broad of a net to cast,

1 per se, for the draft environmental impact statement.

2 So this is just a picture showing you where  
3 the project is. So, basically, as part of SEPA, we  
4 want to try to reach out specifically to people that  
5 are in and near the project area. And so we reach out  
6 to -- based on SEPA requirements in scoping, to the  
7 people that are in those immediate areas to -- near the  
8 project, near the proposed project.

9 So this is just a overview of the SEPA  
10 scoping -- or, I guess, scoping SEPA pathway. So a  
11 SEPA determination significance, as I mentioned before,  
12 has already been made. We send out a SEPA scoping  
13 notice, and this is just general information about the  
14 project, and it gives you information about the  
15 meetings that we'll hold initially -- this is our first  
16 one -- where we want to get feedback from you on what  
17 your concerns are regarding the project, particularly  
18 the environmental impacts that the project may have,  
19 and then this will, as I said before, help in the  
20 development of the draft EIS.

21 So, again -- this is sort of redundant, but  
22 again, we're looking for comments on what the draft  
23 environmental impact statement is going to talk about.  
24 How broad should it be? These are all questions that  
25 our council will be making decisions on, and we rely on

1 your comments to make some of these very important  
2 determinations.

3 And this is just talking about public comment  
4 periods. In this case, we started our SEPA scoping  
5 comment period with 45 days initially. We try to --  
6 tried to sort of stay in the middle here. It can go  
7 anywhere from 30 to 60 days, but of course, the council  
8 can make determinations on that. Depending on the  
9 feedback that they get, they can extend the comment  
10 period and -- and make other decisions related to this.

11 And there's also a note on here about  
12 submission of comments. You can submit your comments  
13 hard copy, you could mail them in to EFSEC, you could  
14 e-mail them, you can submit them, I believe, online on  
15 our website as well.

16 So, ultimately, what we're trying to do, what  
17 scoping leads to, is the issuance of a final  
18 environmental impact statement, which ultimately aids  
19 the council in their recommendation to the governor for  
20 this project. And then the governor has the final say  
21 on the project. They have the final decision.

22 That's essentially all I have. This is the  
23 EFSEC website. You can go to EFSEC website to get  
24 updates on the Tesoro Savage project. My contact  
25 information is on there. You can submit comments via

1 e-mail. You can mail them in. You can provide them  
2 here tonight on hard copy. So thank you.

3 THE CHAIR: Thank you, Ms. Bumpus.

4 Judge Torem.

5 JUDGE TOREM: All right. Before we get to  
6 your comments, really, it's a lot of listening for us  
7 up here on this visit to Vancouver. I want to echo  
8 what Ms. Bumpus said and let you know the kickoff date  
9 for this was October 1st. The council issued what was  
10 that determination of significance, the EFSEC DS, and  
11 the current deadline for comments to be postmarked is  
12 November the 18th. So make a note of that date. If  
13 you intend to submit any comments, it's November the  
14 18th is the deadline. And I'll probably refer to the  
15 date several times later this evening.

16 Tonight's comments are going to become part  
17 of the official record. To my left at the table here  
18 is a court reporter. I apologize for those who were  
19 here last night. I didn't indicate she was here taking  
20 you down, everything you said one word at a time. What  
21 I want you to know is you come to the microphone  
22 tonight, use the microphone so that everybody in the  
23 audience can hear you, so that we can hear you clearly,  
24 and if you can speak in a slow and deliberate pace,  
25 that's helpful as well so she can get every word down

1 and it becomes part of our record.

2           There are some ground rules. Those that were  
3 here last night know that we did really well with them.  
4 We have over a hundred people already signed up that  
5 I've got on the list and probably another several that  
6 will need to come up. I want to see if we can get to  
7 as many of you as possible tonight. The meeting is  
8 scheduled to run until 9:00 o'clock. Last night, we  
9 gave people up to three minutes to speak. That proved  
10 to be adequate for most. Only a few ran over.

11 Tonight, I'm going to have to cut that back to two  
12 minutes. It took an hour to get through those 19, 20  
13 people last night, and if we went at that pace, we'd be  
14 here till midnight, so we're not going to do that.

15           I want to encourage those of you that have  
16 comments that you know are going to run more than two  
17 minutes to right now cut them back to the highlights so  
18 we can hear them. Please submit them in writing. If  
19 there's anything you didn't get to say tonight --  
20 because I'm telling you now, two minutes. Give it to  
21 us in writing. We will have it as part of the record.  
22 Whether it's stated or whether it's written, it's the  
23 same impact for us. We will read it all.

24           And with that in mind, we do want to have a  
25 safe and effective public meeting; not only for you,

1 but for this council. So we want it to be secure. We  
2 want it to be non-intimidated and fair play for  
3 whichever side or whatever comments you want to make.

4 So the ground rules are going to help us  
5 honor -- I think somebody pointed out -- democracy in  
6 action. Each of us is going to have a voice that's  
7 heard equally tonight. I think that we judge that  
8 there's a variety of views in the room. Some will  
9 outweigh the others, but we want everyone when they're  
10 at the microphone to be treated equally.

11 So, please, I'm going to call you up by the  
12 order you appear on the sheet. If I need to, I have a  
13 gavel in front of me, but I didn't need to resort to it  
14 last night. What we're looking for is to make sure  
15 that you come up and speak clearly. If you need to  
16 express your support for a speaker, please do it  
17 silently and respectfully. Last night, it seemed to be  
18 effective to use a thumbs-up or a thumbs-down approach  
19 and not to clap, stand. This shouldn't devolve into  
20 any kind of a bride side/groom side or a Hatfield or  
21 McCoy show-off. We just need to know what you think  
22 when you're at the microphone. So no intimidating  
23 behavior. And, again, just no overly approving  
24 behavior. If it's silent, great. If it distracts from  
25 a speaker, we'll ask you to stop.

1           It's -- one of the ways you can save time and  
2 not feel like you have to fill three minutes is to  
3 recognize some of your views will have already been  
4 stated before you get up here. That's a really good  
5 time to write down that speaker's name, if you can  
6 remember it, and say you agreed with Mr. Smith or  
7 Mrs. Jones. We'll count that thought as though you had  
8 repeated those same comments. So you don't have to  
9 repeat something that's already been told to the  
10 council.

11           When you do come up, start off by telling us  
12 your name. If you can, state your mailing address or  
13 P.O. Box. If you live here in Vancouver or one of the  
14 surrounding cities like Camas or Washougal, let us know  
15 how long you've been a member of the community. That  
16 really helps us set the scene and get to know you right  
17 away.

18           And, again, there's a box in the back. You  
19 can drop your written comments in there. There's a  
20 number of these cards that have all of the information.  
21 If it's too much to take in tonight, make sure you take  
22 one of these with you. It has the website address, it  
23 has the e-mail address, and it has the mailing address.  
24 Okay. November 18th is the current postmark date that  
25 we have to have it. The back of the card gives you

1 kind of a coming attractions view of the two processes  
2 that Judge Moss talked about as well; that there's a  
3 SEPA process and there's a parallel adjudication, and  
4 the adjudication is not yet initiated. We'll get that  
5 started in the days or months ahead.

6 All right. I think that's all the ground  
7 rules I have. I have one request for a little bit  
8 extra time to speak, and because of their disability,  
9 I'm going to accommodate that first speaker. I'm going  
10 to ask Mr. John Karpinski to come up. I'll be giving  
11 him four minutes to speak based on a reasonable  
12 accommodation that we owe under the law. The next  
13 speaker is going to be Eric LaBrant, followed by Blaine  
14 Ackley and then Don Steinke.

15 Those of you that I've asked to come up  
16 following Mr. Karpinski, if you could take these seats  
17 to my left, stage right of the room, that'll help us  
18 keep things flowing and guarantee that we have the  
19 maximum number of people that can speak before  
20 9:00 o'clock.

21 One other item I wanted to address was --  
22 we're going to try to press through and do this without  
23 a break. The court reporter says she can go three  
24 hours. Not everybody on this table has made that same  
25 promise, so if you see -- if you see a member of the

1 council get up to depart the room, be assured they're  
2 going to make a note of what number speaker we're on  
3 and review that on the transcript later. But if  
4 somebody does need to take a comfort break, we're going  
5 to let them do that without costing us 10 or 15 minutes  
6 of process and getting everybody seated again. If you  
7 find yourself in a similar position, if you'll go out  
8 of the room in an orderly fashion, that would be  
9 helpful. So if you see anybody getting up, it's for  
10 that reason and hopefully that reason alone.

11 All right. Let's get started.

12 Mr. Karpinski, you have the floor.

13 MR. JOHN KARPINSKI: Thank you. My name is  
14 John Karpinski. My address is 2808 E. 8th Street in  
15 Vancouver. I've lived here for 28 years. For 25  
16 years, I've been the main environmental attorney  
17 representing the green side of things. Unfortunately,  
18 I have a health disability because of a trauma --  
19 traumatic brain injury, so I don't quite speak as  
20 eloquently as I used to. Although, thank you for  
21 giving me reasonable -- reasonable accommodations, and  
22 I'll do the best I can to get through my comments as  
23 fast as possible.

24 I'll skip my credentials and go into the  
25 scoping process. My first point is that the port

1 cannot take any action that will limit the choice of  
2 reasonable alternatives during SEPA review, so I  
3 officially object to the port entering into a lease  
4 with Tesoro prior to the final EIS is a violation of  
5 WAC 197-11-070(1)(b) that says, "No action shall be  
6 taken concerning a proposal that will limit the choice  
7 of reasonable alternatives." We want a real no-action  
8 alternative here. I mean, the lease has already been  
9 entered into. There's not a fair playing field for  
10 this. Leases are not exempt from SEPA when  
11 197-11-800(5)(c) says that "leases are exempt, but only  
12 when it's the exact same use as the current use." It's  
13 obviously not the case. They're building a facility  
14 here.

15 Now, the port lease is an action under SEPA,  
16 WAC 197-11-704. Actions include Sub 1 -- or excuse  
17 me -- Sub 2, Sub A, Sub -- ay-yay -- to -- to lease  
18 publicly-owned land whether or not it's directly  
19 modified is subject to SEPA. The lease is a public  
20 proposal because Tesoro wants to limit the scope of the  
21 EIS to "Let's do this, let's do this light, and let's  
22 not do anything at all." That's not allowed. This is  
23 a public project. The lease is a public proposal under  
24 WAC 197-11-784, which defines proposal to include the  
25 action of agencies.

1           Now, there should be, again, the no-action  
2 alternative required by SEPA as obviated by the law --  
3 by lease -- excuse me. WAC 197-11-440 goes through the  
4 no action alternative shall be evaluated and prepared  
5 to other alternatives. We feel obligated to the lease  
6 has interfered with that ability to do that.

7           The lease in violation of SEPA is an ultra  
8 vires act. Knoll v. Co. They can simply void. The  
9 scoping notice fails to require comprehensive review,  
10 doesn't deal with exporting. This is deep-water port.  
11 You could train -- you could train this to any place in  
12 the West Coast. This is an exporting proposal, and  
13 failure to deal with the environmental impacts of an  
14 export in proposal is simply not acceptable. It should  
15 deal with extra jurisdictional impacts, indirect  
16 impacts including the President. They're talking about  
17 this is going to be the hub of dirty energy policy for  
18 the Northwest. That precedent must be in there.  
19 Cumulative impacts, catastrophic impacts like spills  
20 that actually have been regarding this WAC 197-11-794  
21 fails to discuss required alternatives. This is a  
22 government project. And --

23           JUDGE TOREM: Thank you, Mr. Karpinski.

24           MR. JOHN KARPINSKI: That's what I need to  
25 say. I'll try to put the mic back up for other people.

1 JUDGE TOREM: Thanks, Mr. Karpinski. And I  
2 already obtained from you a copy of those comments, and  
3 we've put them into the written comment box. Thank you  
4 very much.

5 MR. JOHN KARPINSKI: Thank you again.

6 JUDGE TOREM: Mr. LaBrant.

7 MR. ERIC LaBRANT: Good evening. My name's  
8 Eric LaBrant. I'm with the Fruit Valley Neighborhood  
9 Association. I'm the president. But I'm also here  
10 this evening on behalf of myself as someone who lives  
11 about a mile and a half downwind of the proposed  
12 project. The reason I wanted to -- I wanted to speak  
13 up this evening is there are several different  
14 substances that are going to be burned as a part of  
15 this project. The euphemism is "marine vapor  
16 combustion unit." Also, the euphemism "thermal  
17 oxidation" has been raised.

18 I direct your attention to page 5-477 of the  
19 application, which shows a table of all of the proposed  
20 emissions. Those are going to be headed square at my  
21 house to the tune of 160 pounds of benzene every single  
22 year for the life of the project. In addition to that,  
23 4,000 pounds of hexane, 80,000 pounds of carbon  
24 monoxide, and a total of 97 tons every single year of  
25 substances that the state has classified as toxic air

1 pollutants.

2 I'm not actually opposing the project. What  
3 I'm asking for is emissions controls to make it safe  
4 for me to continue to live in my home as I'm doing  
5 today without any breathing problems like what this  
6 would cause.

7 I'm also asking the -- the current  
8 application doesn't use wind modeling data based on  
9 anything in the neighborhood because that would show  
10 everything headed downstream toward -- toward  
11 residences, toward the wetland mitigation bank that's  
12 across the street. The wind modeling data is actually  
13 picked from four miles away, so I'm asking that -- that  
14 wind modeling data be requested from the site or within  
15 a mile of the site. And -- and I would ask that you  
16 take an extra long look at the impacts on livability  
17 and the extremely sensitive region that this project  
18 has proposed to take place in. Thank you.

19 JUDGE TOREM: Thank you, Mr. LaBrant.

20 Next is Blaine Ackley followed by Don Steinke  
21 and Lowen Berman.

22 MR. BLAINE ACKLEY: My name is Blaine Ackley.  
23 I reside in Hillsboro, Oregon, now, but I spend a large  
24 portion of my life here in the State of Washington, and  
25 I am a sport fisherman on the Columbia River, so I

1 think I have some standing to speak tonight.

2 I would like to first commend the council for  
3 the initial scope of the in -- investigation of the  
4 impact of the proposed project. After reviewing the  
5 materials, I believe that most of the important  
6 environmental impacts have been given some attention.  
7 However, I urge the council to adopt a more broad scope  
8 in assessing the environmental impact of the proposed  
9 facility. I do think there are some major missing  
10 areas that need further and/or greater attention.

11 In the first place, I can see no mitigation  
12 or consideration for the migratory endangered salmon,  
13 steelhead, and sturgeon that must pass through the  
14 narrow channel of the Columbia River at the site of the  
15 proposed terminal. I urge the council to involve NOAA,  
16 the Army Corps of Engineers, the Interstate Fish  
17 Commission, and the Washington Department of Fish &  
18 Wildlife for date -- about the dates and times of the  
19 year when in-water construction on the river would  
20 be -- should be curtailed during the passage of these  
21 fish.

22 Furthermore, I see no mitigation plans for  
23 the safety of the inhabitants in the communities that  
24 are bisected by the mile-long trains. There are no  
25 plans to measure the increases in air pollution or

1 decreases in the ability of public safety and emergency  
2 responders to access emergency and public safety  
3 facilities because of the wait time at these crossings.  
4 These are literally life and death matters that deserve  
5 attention and mitigation of some kind. Finally and  
6 most importantly are the effects that this project  
7 would have on local air pollution and international  
8 climate change. I would --

9 JUDGE TOREM: It's time, Mr. Ackley.

10 MR. BLAINE ACKLEY: Yes. I would like to  
11 remind the councilors that the governors have signed an  
12 agreement to stop that.

13 JUDGE TOREM: Thank you, sir.

14 Mr. Steinke.

15 MR. DON STEINKE: (Inaudible.)

16 JUDGE TOREM: Yeah. I recognize you from  
17 last night, so -- and your name is, sir?

18 MR. BARRY CAIN: Barry Cain.

19 JUDGE TOREM: All right. So we'll substitute  
20 you on the speakers list.

21 MR. BARRY CAIN: Thank you.

22 JUDGE TOREM: Can you spell your last name  
23 for us, please.

24 MR. BARRY CAIN: C-A-I-N. I'm president of  
25 Gramor Development, and I'm here on behalf of the

1 Columbia Waterfront, LLC, to ask that the scope of the  
2 EIS on the Tesoro Savage --

3 JUDGE TOREM: Slow down just a little for the  
4 court reporter.

5 MR. BARRY CAIN: I know. I'm trying to cut  
6 it back.

7 Crude -- to -- the scope of EIS include  
8 the -- the Tesoro Savage -- the impacts that Tesoro  
9 Savage crude oil facility will have on downtown -- new  
10 downtown waterfront community, which is set to break  
11 ground in 2015. The planning for this new waterfront  
12 community -- community started in the early 2000s when  
13 Boise Cascade decided to cease operating paper  
14 manufacturing business on the site.

15 After hundreds of hours of community  
16 involvement, a master fund was approved in April 2010  
17 to include up to 3,300 residential units, the main  
18 square feet of office, and 400,000 square feet of  
19 retail and restaurants. Our waterfront community plan  
20 also includes a seven-acre city waterfront park and a  
21 half-mile-long waterfront trail to help connect people  
22 to the Columbia River. This development when completed  
23 will completely transform our community.

24 This development could be harmed because of  
25 the proposed Tesoro Savage crude oil facility at the

1 port. The unit lines will be traveling along tracks  
2 immediately adjacent to our waterfront community half  
3 of the 22 blocks within a hundred feet of the rail  
4 line. People looking to invest in the waterfront  
5 development and purchase or rent homes will rightfully  
6 be nervous about projected 700 train cars with crude  
7 oil passing by their homes on a daily basis and a crude  
8 oil transfer station located close to where they live  
9 and operate.

10 With that in mind, we ask that the EIS scope  
11 include at least the following: Measurements of visual  
12 and noise impacts on the planned 5,000 residents and  
13 over 5,000 workers and guests in the waterfront  
14 community and an economic analysis on the impact of the  
15 facility and the 1,400 train cars passing through each  
16 day will have on the waterfront development. An impact  
17 analysis, the facility, and the 1,400 daily trains will  
18 have on the redevelopment of downtown Vancouver to a  
19 pedestrian friendly and livable city. When Tesoro  
20 Savage prepares an emergency plan as required in the  
21 EFSEC process, we request it include the future 5,000  
22 residents and over 5,000 workers and guests in the  
23 downtown waterfront development.

24 JUDGE TOREM: Thanks, Mr. Cain. I have to  
25 cut you off here.

1 MR. BARRY CAIN: An impact analysis --

2 JUDGE TOREM: Mr. Cain --

3 MR. BARRY CAIN: -- limited --

4 JUDGE TOREM: -- if you could turn -- no.

5 MR. BARRY CAIN: Okay.

6 JUDGE TOREM: That's all the time you get.

7 If you can -- I see you have this in writing. Please  
8 submit them to us, and we want to get that full list,  
9 but I've got to get to everybody else tonight.

10 MR. BARRY CAIN: Thank you.

11 JUDGE TOREM: Thank you, sir.

12 Next is Lowen Berman. Mr. Berman will be  
13 followed by Christine Woodward. Please keep the  
14 clapping to a minimum or to zero would be best.

15 Christine Woodward and George Jacobs and  
16 Vahid Brown. If you can come up to the seats.

17 Mr. Berman.

18 MR. LOWEN BERMAN: Hello. Thank you to the  
19 council for the opportunity to speak. My name is Lowen  
20 Berman, and I live in Portland just about five blocks  
21 from the Columbia on northeast. I'm not a particularly  
22 simple-minded guy. I have a master's degree. I'm a  
23 journeyman machinist, but my message to you tonight is  
24 very simple. For the first time in human history, the  
25 sky really is falling. Burning fossil fuels causes

1 climate change. Climate change is right now today  
2 causing death and destruction across the world, and it  
3 threatens the very future of humanity and other species  
4 as well.

5           You may hear the argument that says, Well, if  
6 we don't supply the oil or the gas or the natural gas,  
7 someone else well, so we may as well take advantage of  
8 the jobs or the profits or the taxes or whatever.

9           Besides being immoral, this is a false  
10 argument. The fact is that anything that restricts the  
11 supply or increases the cost of the extraction and  
12 distribution of fossil fuels, those two things, it  
13 raises the cost, which will, of course, lower the  
14 quantity of fuel burned, and it makes alternatives more  
15 affordable and more -- and better for folks.

16           So the bottom line being you have the power  
17 to either facilitate or restrict the burning of fossil  
18 fuel, and you can, as we used to say in the '60s, we're  
19 part of the problem, we're part of the solution, you're  
20 going to have to answer to your children and your  
21 grandchildren. I ask you please, please do your part  
22 and recommend against this project.

23           JUDGE TOREM: Christine Woodward next, and  
24 George Jacobs, Vahid Brown, and David Gold -- Goldberg.

25           MS. CHRISTINE WOODWARD: Hello. My name is

1 Christine Woodward, and I have lived in Vancouver  
2 almost my whole live, and I live at 1000 S.E. 160th  
3 Avenue. And I work in Fruit Valley. And my job there  
4 is -- I work with residents to address livability  
5 issues in the neighborhood, and this project is  
6 definitely a livability issue. So I'd like to echo  
7 what Eric LaBrant said about all the dangerous  
8 chemicals and add to that that there will be .21 pounds  
9 of hexavalent chromium expelled per year and 42,000  
10 pounds of sulfur dioxide per year. And all of these  
11 chemicals, even in small quantities, carry very  
12 negative health effects for all of the residents of  
13 Fruit Valley. So these would be things like headaches,  
14 coughs, asthma, bronchitis, lesions, and over a period  
15 of 20 years, a lot of different kinds of cancer.

16 So what the neighborhood would like is that  
17 we maintain a good relationship with the port and with  
18 the port tenants, but good neighbors don't poison each  
19 other. So we would like the council to take those  
20 negative health effects from air pollution into  
21 consideration as you continue with this process and  
22 remember that there's people living very close to this  
23 facility and consider those mitigation measures as you  
24 move forward. Thank you.

25 JUDGE TOREM: Thank you. George Jacobs.

1 MR. GEORGE JACOBS: Hello, council. My name  
2 is George Jacobs. I live at 3104 S.E. Morrison Street  
3 in Portland, Oregon. For most of my professional life,  
4 I have been a registered architect, although I'm no  
5 longer in practice. In looking at this proposal, a few  
6 things jumped out at me. The first is in regards to  
7 the meeting and the intent of codes and the permit  
8 process. Everyone in the building profession is taught  
9 very early that the purpose of codes, laws, and due  
10 process are to protect the health, safety, and welfare  
11 of the general public. Those proposals which are  
12 determined to meet this criteria pass, and the ones  
13 which do not are denied.

14 The second aspect that jumped out at me about  
15 this proposal was one of scale and proportion. As a  
16 designer, we've been schooled in the appropriateness of  
17 scale and proportion. In fact, most zoning and plan  
18 ordinances in this country take this into account.  
19 When one looks at a proposal for a particular  
20 operations plant, it's more than fair to ask to see  
21 examples, precedence of other facilities in  
22 similarly-situated places.

23 Tesoro operates a refinery in Anacortes, one  
24 which has a very dark history of repeated violations  
25 and fines. It is a facility which has a processing

1 capacity of around 115,000 barrels a day in a community  
2 population of 65,000 people. There's a refinery in  
3 Anacortes which is run by Shell as well; 60,000  
4 barrels. U.S. Oil & Refining has an operation in  
5 Tacoma, a more metropolitan center; population of  
6 around 400,000 people in the vicinity. The facility  
7 has a capacity of only 39,000 barrels a day. These are  
8 in Washington State. You can also look at the Tesoro  
9 facilities elsewhere such as Salt Lake City and  
10 Martinez, California.

11 The proposed Vancouver facility site sits in  
12 the second largest population center in the Pacific  
13 Northwest. Within a 15-mile radius, there lives over  
14 925,000 people. This is between double and 15 times  
15 the population of any of the aforementioned facilities.  
16 The proposal calls for a handling of over 350,000  
17 barrels a day. This is between triple and nine times  
18 the amount of the old capacity. The proposed rail  
19 traffic is between four and ten times the amount of any  
20 other facility anywhere. So scale and proportion, I  
21 would appreciate it if you would consider that when  
22 you're looking over this proposal. Thank you very  
23 much.

24 JUDGE TOREM: Thank you, Mr. Jacobs.

25 Vahid Brown.

1 MR. VAHID BROWN: Thank you, council. My  
2 name is Vahid Brown. I'm a resident of Portland. I've  
3 lived there for about 20 years. I'm a Ph.D. candidate  
4 at Princeton University. For five years, I worked in  
5 the Combating Terrorism Center at West Point, and I'm  
6 an internationally recognized expert on al-Qaeda and  
7 international terrorism. I also follow the sites on  
8 climate change very closely since the 1990s, and in my  
9 professional judgment, fossil-fuel-driven climate  
10 change poses a far greater threat to Americans and  
11 indeed to life on earth than al-Qaeda or terrorism ever  
12 has or will.

13 This proposed oil terminal itself represents  
14 a greater of such threat. The science regarding  
15 anthropogenic climate change is unequivocal. The  
16 dangers and threats it imposes to our community and to  
17 communities all over the world are not theoretical and  
18 do not loom in a distant future. The World Health  
19 Organization says that, today, climate change is  
20 causing 150,000 deaths worldwide, that today, there are  
21 tens of millions of climate change refugees. And that  
22 includes 80 percent of the Alaska native village  
23 communities, 184 communities in Alaska that are facing  
24 this personally because of adverse effects of global  
25 warming in their communities.

1           Climate change is also fueling an ever larger  
2 and more destructive adverse weather events. I was in  
3 Hurricane Sandy in central New Jersey. That storm  
4 killed 20 -- 286 people. Those are 286 deaths that  
5 were caused by our consumption of fossil fuels or --  
6 you know, that that disaster was made worse. By  
7 contrast since 9/11, 43 people have died in the United  
8 States by terrorist attacks. Clearly, it's not  
9 terrorism that we need to be worried about; it is the  
10 adverse effects of our expansion of fossil fuel  
11 consumption.

12           This facility at capacity would have -- would  
13 have the capacity to dump 133,000 tons of CO2 into the  
14 atmosphere a day. That's over 48 million tons of CO2  
15 into the atmosphere a year. This is an expansion of  
16 the problem that is totally unacceptable and is a dire  
17 threat to all of life. That's not hyperbole. That is  
18 fact. Thank you.

19           JUDGE TOREM: I have to ask folks again that  
20 we not have the clapping and audible approval or  
21 disapproval. Let's stick with the thumbs up, thumbs  
22 down. I think you can see we are seeing that from up  
23 here, and it does help keep things going.

24           Our next speaker is David Goldberg, who will  
25 be followed by Linda Garcia and then Dave Seabrook.

1 MR. DAVID GOLDBERG: Hi. My name is Dave  
2 Goldberg. I've been a Vancouver resident for 35 years.  
3 And, recently, there were riots in Turkey because one  
4 of the last parks -- spaces they had was being --  
5 considered being taken away with -- from them without  
6 their consent.

7 A lot of people feel very angry that our area  
8 might be used as a conduit for destroying the world  
9 with global warming without their consent. Are we  
10 entering a Sixth Extinction event? A growing number of  
11 scientists believe we are. The asteroid that killed  
12 the dinosaurs also wiped out about 75 percent of all  
13 species on earth. Scientists refer to this as a  
14 Cretaceous-Paleogene extinction event.

15 During the 540-million-year history of  
16 multicellular life, there had been a total of five  
17 major extinction events. During the Permian event, the  
18 event most associated with global warming by  
19 scientists, 90 to 96 percent of all species became  
20 extinct. During each of the other four events, an  
21 estimated 70 to 75 percent of all species succumbed.  
22 Climate change might have been natural, but it wasn't  
23 nice.

24 But I mention carbon isotopes and (inaudible)  
25 formed during these extinction events. University of

1 Washington paleontologist Peter Ward concludes that  
2 four of the five of these extinction events were caused  
3 by global warming. The culprit, Ward believes, has  
4 flood this all of (inaudible) which features large  
5 pools of flowing lava. These pools are sometimes as  
6 large as countries and give off massive amounts of CO2.

7 Ward believes that we are entering a Sixth  
8 Extinction event and a seasonal difference in the CO2  
9 produced by humans and that produced by volcanos. Ward  
10 says, quote, We are heading down the same road, but  
11 we're -- we've traded volcanos as the agents of  
12 destructions for SUVs, unquote. Arguing and saying  
13 climate change can occur naturally. Humans can cause  
14 it. It's like arguing since forest fires occur  
15 naturally, a human can't start one. Thank you.

16 JUDGE TOREM: Thank you. Linda Garcia is  
17 next followed by Dave Seabrook and then Matt Krogh.

18 MS. LINDA GARCIA: Good evening. My name is  
19 Linda Garcia. I'm at 2112 W. 28th Street, and that's  
20 in Fruit Valley. My house is approximately one mile  
21 from where the anticipated project will be located, as  
22 it was lovingly referred to last night as "Ground  
23 Zero."

24 It's already been stated a couple of times,  
25 but I feel the importance is well worth repeating.

1 Arsenic, hexane, benzene, hexavalent chromium, sulfur  
2 dioxide; these are just some of the chemicals that are  
3 going to be released from day one from the anticipated  
4 Tesoro Savage project. The list of health consequences  
5 from these are staggering. Some of the very few are  
6 cancers, and most are respiratory diseases.

7 I'd like to take a moment just to ask my son,  
8 Jacob Garcia, to stand up. He won't be coming up, but  
9 I would like everybody on the council to try and  
10 coalesce all of the side effects from the chemicals  
11 that I just stated with who you see standing before  
12 you. This is a very personal issue for me and for many  
13 of my neighbors in Fruit Valley.

14 I would like to extend a sincere invitation  
15 to every council member here this evening. I would  
16 like to invite you all into my home, come and have  
17 dinner with us, come and get to know my son, the rest  
18 of my family. Afterwards, take a walk with us as we do  
19 every day. Get to know my neighbors. Get to see my  
20 beautiful community that I live in, that I love and I  
21 do not want to leave.

22 This is an issue of livability for us in  
23 Fruit Valley. I want you to see personally how this  
24 would directly impact all of us. I believe that  
25 industry and residents can live together, they can be

1 cohesive, but I want you all to know that if I -- if it  
2 cannot work out and they cannot provide the clean  
3 operating facility, then I will stand up, and I will  
4 make my voice heard to everyone. Thank you.

5 JUDGE TOREM: Next is Dave Seabrook. Then  
6 Matt Krogh and Carol Panfilio.

7 MR. DAVE SEABROOK: Good evening, council  
8 members. My name is Dave Seabrook. I'm a 25-year  
9 resident of Clark County, a longtime firefighter,  
10 currently a battalion chief here in Vancouver. To be  
11 clear, I'm here tonight to share my personal  
12 perspective and not on behalf of my employer, but I was  
13 shocked when I learned of the Port of Vancouver's  
14 decision to move forward with the Tesoro Savage  
15 proposal so soon after the fiery train disaster in  
16 Quebec.

17 What worries me most, however, is a larger  
18 threat to our shared human habitat. Climate change is  
19 a slow-motion runaway train. All the CO2 we've been  
20 putting into our atmosphere has exceeded the natural  
21 system's ability to buffer it. Storms have become more  
22 powerful, drought more persistent, wildfire rage across  
23 the West and around the globe. Sea levels are rising.  
24 The acidification of our oceans already threatens  
25 fisheries on the Hood Canal and at Willapa Bay. The

1 overwhelming consensus of our scientists is that we are  
2 rapidly running out of time to do something to change  
3 the trajectory.

4 I don't think we really understand the forces  
5 that we've set in motion, but even if we don't know  
6 where this runaway train is headed, there are some  
7 things we can do. Now is the time for us to transition  
8 away from oil. We need to safeguard our air and water  
9 and to stabilize the climate system that supports our  
10 food production. For too long we have used the  
11 atmosphere and natural systems as a trash sheet onto  
12 which we dump fossil fuel by-products. We can do this  
13 no longer.

14 We want our community leaders to focus on the  
15 development of energy solutions. We cannot afford  
16 projects that seek only to burn more and more oil. We  
17 simply cannot accept a project like the Tesoro Savage  
18 oil train facility here in Vancouver. No way. Enough  
19 is enough. I urge you to reject the proposal. Thank  
20 you.

21 JUDGE TOREM: Matt Krogh.

22 MR. MATT KROGH: Thank you for the  
23 opportunity to testify. My name is Matt Krogh, and I  
24 work for an organization called ForestEthics, which is  
25 dedicated to the protection of healthy forests,

1 ecosystems, and people. I'm absolutely opposed to this  
2 project. And I would ask that anybody in this room who  
3 is also opposed quietly raise your hand and look at  
4 that guy. Thank you.

5 I came down from Bellingham, Washington,  
6 because we have four crude-by-rail proposals in the  
7 area, none of which has received an environmental  
8 impact assessment, all which received determinations of  
9 non-significance.

10 I'm trying to figure out if that's me.

11 JUDGE TOREM: Blackberries are notorious for  
12 interference.

13 MR. MATT KROGH: How's that? Good.

14 And so I ask you when you look at this  
15 environmental impact assessment scope that you make  
16 sure that you --

17 JUDGE TOREM: It may not be you.

18 MR. MATT KROGH: It's not me.

19 That you're not looking at it in isolation.  
20 There are seven other new crude-by-rail proposals in  
21 this state. Each of them shares the same tracks. Each  
22 of them shares the same risk environment. When we talk  
23 about those tracks and risk environment, we also have  
24 to acknowledge the coal terminal proposals and the  
25 increased risk of derailment that the coal dust

1 represents.

2           And we talk about derailment of oil trains,  
3 we're talking about notoriously prone to puncture and  
4 exploding railcars. And we talk about what's in those  
5 railcars, we're talking about the worst of both worlds.  
6 Your choices are Bakken crude, which is known to  
7 explode, and we're talking about tar sands crude, which  
8 sinks when it's in an aquatic environment. We have no  
9 cleanup plans for that kind of crude.

10           Finally, fundamentally, we have to look at  
11 the scope of the project. You mentioned project area.  
12 Right now, none of the work that we're doing  
13 acknowledges the risk of rail communities between the  
14 mine sites and the actual terminals that are proposed.  
15 These are term -- these are places where we see  
16 high-speed rail. We see high-speed oil trains coming  
17 through, and we have to acknowledge that risk and  
18 acknowledge the impacts of both an explosion and a  
19 spill in those (inaudible) as well. Thank you.

20           JUDGE TOREM: Thank you, sir.

21           Next is Carol Panfilio. She'll be followed  
22 by Karen Axell, Marla Nelson, and Robin Thomas.

23           MS. CAROL PANFILIO: Good evening and thank  
24 you for hearing our comments. I'm Carol Panfilio, a  
25 citizen of Vancouver and the world. We have made a

1 mess of our home, Planet Earth. We're no longer doing  
2 what is right. Because mankind has made money as their  
3 God, Mother Nature is stepping in to clean up our mess.  
4 She will not be kind, nor will she be gentle. As our  
5 soil, water, and air are unhealthy, the very essence of  
6 our existence is at risk. We cannot walk away from our  
7 responsibilities, as we will be held accountable. As  
8 for every action, there is a reaction. It is a law of  
9 the universe. Please expand the scope of our review,  
10 and it is not about just one location. Thank you.

11 JUDGE TOREM: Thank you, ma'am.

12 Karen Axell.

13 MS. KAREN AXELL: Judge and members of the  
14 council, thank you again for having us tonight. My  
15 name is Karen Axell, a resident of Vancouver for 22 --  
16 maybe 23 years. P.O. Box 5183, Vancouver. I'm here on  
17 behalf of the Rosemary Neighborhood Association here in  
18 Vancouver. We urge you to look at the greater scope of  
19 this project, the aggregate of risks to the  
20 environment, rivers, watersheds, wetlands, the ground  
21 water, and to our sole source aquifer here in Clark  
22 County.

23 We already face threats to our aquifer due to  
24 under-regulated stormwater runoff and a history of  
25 superfund sites like Abacoa and Frontier Chrome which

1 are near or at the port. And now, we face an enormity  
2 of environmental issues from coal trains, coal  
3 terminals, a potential I-5 bridge design that could  
4 pierce our aquifer. Add to that now this proposal from  
5 Tesoro Savage for the largest crude oil terminal in the  
6 Pacific Northwest. The cost to the environment is just  
7 too high, and there are not enough safety precautions  
8 in place.

9 I found an interesting article apparently  
10 last spring. The Department of Ecology held a practice  
11 run along the Columbia River. And EarthFix -- OPB's  
12 EarthFix was there. I'm going to read to you. They  
13 interviewed DOE's Curt Hart. With the number of trains  
14 that are coming to our state, the exponential rise in  
15 the number of trains carrying crude oil, that all does  
16 increase the risk, Hart said. Responders worry if  
17 crude oil train derails, the oil spill could reach  
18 waterways. Hart said, responders are most concerned  
19 about an oil spill in eastern Washington reaching  
20 waterways like the Columbia River. Oil is an  
21 environmental toxin, Hart said. As soon as it hits the  
22 water, it starts doing environmental damage, degrades  
23 water quality, threatens fish and wildlife.

24 A big oil spill can shut down rivers, halting  
25 vessel traffic, which has economic ripples throughout

1 it. The department estimates a major crude oil spill  
2 at the mouth of the Columbia River straight up and  
3 (inaudible) one to Puget Sound could cost Washington  
4 \$10.5 billion, disruptions to maritime and port  
5 traffic, recreational activities, et cetera. They have  
6 not determined how such a spill would cost the Columbia  
7 River. Please think of this as a environmental toxin  
8 and not just the commodity that you think it might  
9 bring to this region. Thank you very much.

10 JUDGE TOREM: Next is Marla Nelson followed  
11 by Robin Thomas and then Eileen Cowen and Jim Eversaul.

12 MS. MARLA NELSON: Good evening. My name is  
13 Marla Nelson, and I'm an attorney with the Northwest  
14 Environmental Defense Center located at  
15 10015 S.W. Terwilliger Boulevard.

16 Ms. Bumpus stated that EFSEC reached out to  
17 the public in and near the project area, yet the Tesoro  
18 Savage project itself includes more than just the  
19 construction and operation of the facility in the Port  
20 of Vancouver. Rail traffic will have real direct  
21 adverse impacts on eastern Washington communities. We  
22 have requested in writing that EFSEC hold a public  
23 hearing in eastern Washington, and I do so again today.

24 The Pacific Northwest has been flirting with  
25 the fossil fuel industry over -- as of lately. To name

1 just a few, there is a little coal export terminal  
2 proposed at the Port of Morrow, another little one in  
3 Cherry Point, a little coal terminal proposed for  
4 Longview, the little crude oil projects proposed in  
5 Grays Harbor, and then this little crude oil transit  
6 terminal. Get real, Washington. All of these projects  
7 will have very real adverse impacts to human health in  
8 the environment that EFSEC should consider in the  
9 cumulative. And ECD urges Washington to say no to  
10 these profit now, pay later projects. We urge you to  
11 say no to the Tesoro Savage project and make that such  
12 recommendation to the governor. Thank you.

13 JUDGE TOREM: Robin Tomas.

14 MS. ROBIN THOMAS: Hello. My name is Robin  
15 Thomas, and I've been a Vancouver resident for 13  
16 years, and I live at 3912 Clark Ave. I'm here today to  
17 strongly urge the EFSEC to deny a permit to Tesoro  
18 Savage to create a pipeline on wheels that would  
19 transport 360,000 to 380,000 barrels of crude oil per  
20 day into the Port of Vancouver.

21 This would require at least four  
22 mile-and-a-half-long trains per day in addition to the  
23 current rail traffic coming in and out of our city.  
24 This increased train traffic would seriously impact our  
25 waterfront development at the Renaissance Trail and

1 would expose walkers, bikers, joggers, and infants and  
2 children in strollers crossing our Vancouver land  
3 bridge to incessant noise pollution, diesel fuel  
4 exhaust, and restricted views of the Columbia River.

5 The Renaissance Trail and Vancouver land  
6 bridge are popular and unique recreational sites that  
7 requires significant investment of public and private  
8 funds. They're heavily used by both residents and  
9 tourists year-round, and they deserve preservation and  
10 enhancement, not environmental degradation. The train  
11 noise and visual destruction from the land bridge are  
12 already distracting at best and could seriously impact  
13 the recreational and historical value of this site if  
14 the train traffic significantly increased.

15 These may sound like small issues compared to  
16 the enormity of global warming and all the -- the toxic  
17 by-products of this project, but I think they're part  
18 of the heart and soul of Vancouver, and we need to  
19 remember the Renaissance Trail and the land bridge in  
20 what decisions are made. Thank you very much.

21 JUDGE TOREM: Eileen Cowen and then Jim  
22 Eversaul. I think it's Cager Clabaugh and Den Mark  
23 Wichar.

24 MS. EILEEN COWEN: Good evening. My name is  
25 Eileen Cowen. I live at 715 W. 21st Street in downtown

1 Vancouver. I'm also the co-chairperson at the Hauk  
2 Neighborhood Association. At our September meeting,  
3 our neighborhood association voted to unanimously --  
4 unanimously oppose the oil terminal project. Its  
5 opposition is based on many environmental safety and  
6 economic concerns. Primarily, our neighborhood is  
7 concerned with impacts to the ecosystem in the Columbia  
8 River. An accident on the river would be disastrous  
9 for local salmon and sturgeon stock.

10 JUDGE TOREM: Ms. Cowen, could you slow down  
11 just a little bit.

12 MS. EILEEN COWEN: Sure.

13 JUDGE TOREM: That court reporter is getting  
14 tortured here.

15 MS. EILEEN COWEN: Sorry. This concern is --  
16 applies to the local salmon and sturgeon stock as well  
17 as damage to the livelihood of native populations who  
18 fish the river. This concern not only applies to the  
19 waterways of the greater Vancouver area, but on off  
20 rivers and streams from North Dakota westward all the  
21 way to the Pacific coast refineries north to south on  
22 the West Coast. We request environmental impact  
23 statements throughout the vast areas this is -- project  
24 affects.

25 We're also quite aware of Tesoro's

1 less-than-stellar safety record. Gross negligence at  
2 their Anacortes refinery caused the deaths of human  
3 beings. The reporting of their recent oil spill in  
4 North Dakota tells a story of secrecy and disregard for  
5 government procedure. We have to not feel that Tesoro  
6 operates in the best interest of the communities  
7 surrounding their facilities, and Vancouver will not be  
8 the site of our disaster.

9 Economically, Vancouver has been the site of  
10 many boom and bust economies. We've had our fair share  
11 of economic depression most notably after wartime ship  
12 production ceased and when the timber industry bottomed  
13 out. We suggest that frack oil is the next boom/bust  
14 economy. Vancouver needs long-term vibrant and history  
15 to prosper. The Tesoro Savage project will do quite  
16 the opposite for Vancouver. The city will have a  
17 difficult time attracting new economic opportunities if  
18 this project proceeds. No one wants to be downwind  
19 from toxic chemicals, increased air pollution, and a  
20 unending den of trains and ships carrying explosives.

21 Our neighborhood is bordered by the Vancouver  
22 train yard. This project will negatively affect our  
23 home values as well as our health. We in Hauk will not  
24 trade our (audible) and vibrancy in return for  
25 increased safety, disregard for the environment, and

1 loss of future prosperity because of this project.

2 Thank you.

3 JUDGE TOREM: Mr. Eversaul.

4 MR. JIM EVERSAUL: Good evening. My name is  
5 Jim Eversaul, and I'm a lifelong resident of Clark  
6 County. I'm also a retired ship's engineer and has  
7 worked as an oil spill responder. The port's plan to  
8 bring in up to 360,000 barrels of crude oil per day by  
9 rail has me very concerned. As a resident of the  
10 Columbia River, I live on a 41-foot sailboat. I'm very  
11 worried about the safety precautions being taken to  
12 ensure the river is protected. The tracks are very  
13 close to the river for over 200 miles.

14 The company, Tesoro, chosen to transport this  
15 oil has a very poor safety record and also a very poor  
16 memory. In 2010, Tesoro was fined \$2.4 million for an  
17 explosion that killed seven men at their Anacortes  
18 refinery and were cited for 39 willful safety  
19 violations; the largest fine in Washington State  
20 history. In 2009, they were cited for clean air and  
21 water violations at their West Coast refineries between  
22 2006 and 2009 and fined \$1.1 million; also a record.  
23 At this time in North Dakota, Tesoro has the largest  
24 oil spill on U.S. soil in history; 865,000 gallons.  
25 This spill was not reported to the public for 12 days.

1 Cleanup is in progress. So much for transparency.

2 There's oil being brought through -- the oil  
3 being brought through the Gorge will be in DOT-111 tank  
4 cars known to be defective since 1991. These cars are  
5 called the pinels of tank cars for how easily they are  
6 damaged. The frequency of tank car derailments has  
7 increased greatly in the last year in the U.S. and  
8 Canada happening nearly every two weeks. One expert  
9 calls this a new normal with the increased rail  
10 traffic, which also includes coal.

11 Also, the oil in Canada that exploded and  
12 destroyed a small city was mislabeled. We have to make  
13 this oil that's been brought down, the Bakken oil, is  
14 as flammable as gasoline and has to be handled as time.  
15 Is --

16 JUDGE TOREM: It's time, Mr. Eversaul. Thank  
17 you.

18 MR. JIM EVERSAUL: Is this really what we  
19 want for the Pacific Northwest? Thank you.

20 MR. CAGER CLABAUGH: Good evening. My name  
21 is Cager Clabaugh. I'm president of the International  
22 Longshore Warehouse Union Local 4 in Vancouver  
23 representing 199 members. We voted unanimously to  
24 oppose the Tesoro project at the Port of Vancouver.

25 We -- we have a lot of concerns what might

1 happen during a freak accident. We've seen quite a few  
2 of those at the port. We've seen our grain elevator  
3 explode under dust explosion. We've seen ships show up  
4 that have 60 feet of their bow missing exposing the  
5 forward hull for the -- because they lost steering as  
6 well as other ships showed up damaged because they've  
7 lost power. We're afraid of what might happen should a  
8 ship lose power or steering problems and spill oil into  
9 the river because it's going to shut down the entire  
10 river. Commerce will stop. Every job we do will stop.

11 Now, we understand there may be some work  
12 created for us with this -- with this project, but we  
13 do not believe in -- in jobs at any cost. And we're  
14 asking you to -- to seriously consider -- to seriously  
15 consider what might happen during a freak accident  
16 because we've seen what happens during freak accidents,  
17 and usually the response isn't good.

18 Now, we've heard a lot of promises from  
19 Tesoro Savage about how they've got all these great  
20 booms that can stop all the oil from doing any damage  
21 anywhere, and we've never seen those work anywhere  
22 else. So we'd like you to not give them the  
23 opportunity to try those booms on the Columbia River.  
24 Thank you.

25 JUDGE TOREM: Thank you. Our 20th speaker

1 tonight is Den Mark Wichar, be followed by Dr. Dina  
2 Roberts and then Mitch Meacham and then Andrew Stone.

3 MR. DEN MARK WICHAR: Den Mark Wichar, Hauk  
4 neighborhood. Our neighborhood is on the map that was  
5 shown earlier. I'm a science teacher. Calling the TS  
6 proposal of crude oil terminal is apt; crude indeed.  
7 We all oppose such terminal in west Vancouver and do so  
8 with defined scientific and economic basis; nothing  
9 crude about our position.

10 We stand on facts that pollution causes  
11 cancer and other diseases. Climate change is real. No  
12 port is an island unto itself. Energy corporations are  
13 very wealthy. They have poor safety record. Their  
14 products are highly subsidized with corporate welfare.  
15 They do not pay their fair share of taxes. They are  
16 attacking the Pacific Northwest on many fronts using  
17 minimal jobs as extortion that poor people bear unjust  
18 burden of pollution and so on.

19 Oh, yes. But this is the Pacific Northwest,  
20 and we are different here. We are prosperous even  
21 while adhering to high standards of environmental  
22 responsibility; something people from elsewhere might  
23 not stand or care about. Today, three governors at one  
24 premiere formed a western pact to combat climate  
25 change. We are different here. And if certain rich

1 corporations and their rich investors and banker  
2 backers do not get that, they should get upped.

3 Tesoro Savage proposal warrants the most  
4 intense, the most broad, the most strict EFSEC process  
5 possible. We will oppose the terminal and do so with  
6 no less intent than defense of a plant and for every  
7 person on it. The time to stand bravely against greed  
8 and ignorance and environmental danger and degradation  
9 was the day before yesterday. No more delay.

10 We environmentalists have been right all  
11 along. Turn away from the past. Turn away from dark  
12 holes in the ground. Take a new path toward the sun  
13 all that that implies; toward the light, toward the  
14 warmth, toward the energy of the sun.

15 JUDGE TOREM: Dr. Dina Roberts.

16 MS. DINA ROBERTS: Thank you for the  
17 opportunity to speak to you all tonight. And I do have  
18 a Ph.D. in science, but I'm not going to talk to you  
19 about -- and I've worked with some of the world's top  
20 climate scientists doing work trying to keep carbon in  
21 the ground across the border and across to Canada. But  
22 that's not what I'm here to talk to you about tonight.

23 I am a citizen of Vancouver, Washington, and  
24 I feel lucky to call Vancouver my home. I made my  
25 biggest personal investment here when I bought a house

1 in the historic neighborhoods of downtown about four  
2 years ago, so I live in that red zone around -- within  
3 a mile or two of the port in this proposal.

4 When I bought the home, I invested not only  
5 in my own future, but also in my community's future.  
6 This community of Vancouver, Washington, has just been  
7 listed as one of the top 100 places to live in the  
8 United States. And that may frighten you from  
9 Portland, but I don't think you made the list this  
10 time. So that's at [www.livability.com](http://www.livability.com), if you want to  
11 check my facts. We were placed as No. 96, and I think  
12 we're moving up on that list, if you get my drift.

13 Since I moved here four years ago from  
14 Portland, I've seen the downtown even during this  
15 recession grow. There are so many young people moving  
16 here that want to make this a different kind of  
17 community. They have invested in businesses, and it's  
18 growing, and we have this amazing port idea at this  
19 waterfront development that's just getting off the  
20 ground. There's new condominiums.

21 I really hope that all of you all during this  
22 process will get out and walk around in downtown  
23 Vancouver. It is a really cool place to live now, and  
24 this is not the time to put this kind of development in  
25 this small historic downtown area. I hate to imagine

1 the possibility of our downtown looking like what  
2 happened in Lac-Migantic, but that is a possibility  
3 when you bring in thousands of trains a day that are  
4 carrying toxic flammable materials.

5 Numerous groups have raised concern about the  
6 increase in volume of oil moved by rail, and the United  
7 States Department of Transportation also found the risk  
8 six times higher than that by pipeline. So these rail  
9 lines are going through really big communities. So I  
10 hope -- I ask that the scope will be broad, that it  
11 will look at the social --

12 JUDGE TOREM: Thank you, Dr. Roberts.

13 MS. DINA ROBERTS: -- and cultural impacts  
14 and also for Joe Stohr to look at any importance of the  
15 project on endangered salmon in the Columbia,  
16 white-tailed deer --

17 JUDGE TOREM: Next is Mr. Meacham.

18 MS. DINA ROBERTS: -- which is downstream.  
19 So thank you.

20 JUDGE TOREM: And then Andrew Stone. And I  
21 think the next one is Dave Berger followed by Bonnie  
22 McKinlay.

23 Mr. Meacham.

24 MR. MITCH MEACHAM: Hello, my fellow  
25 Northwesterners. My name is Mitchell Meacham, and I'm

1 a 16-year-old student at Camas High School. The  
2 philosopher Edmund Burke stated "The only thing  
3 necessary for evil is for good men to do nothing." The  
4 Tesoro Savage oil terminal which is proposed to be  
5 built in Vancouver is an evil, from its beginnings with  
6 fracking in North Dakota to rail transport, the  
7 movement of oil over water, and ending with the burning  
8 of oil to pollute our earth. Throughout America, the  
9 process of fracking is being used to gain access to  
10 oil. What the oil companies don't want you to know is  
11 that the fracking is polluting aquifers with dangerous  
12 chemicals and releasing --

13 JUDGE TOREM: Mr. Meacham, just slow down  
14 just a little bit.

15 MR. MITCH MEACHAM: Releasing harmful gases  
16 into American communities. Next, the oil is  
17 transported by rail. These oil trains are not only a  
18 nuisance as they thunder through our home towns but are  
19 also extremely dangerous. This year alone, there have  
20 been two oil train accidents in North America. An oil  
21 train in a rural area derailed and exploded. Another  
22 derailed destroying 30 buildings and causing 47 deaths,  
23 as many of us know. Are we willing to allow this sort  
24 of tragedy in Stevenson, Washougal, Camas, or  
25 Vancouver? Of course not. But Tesoro is.

1           After going through the proposed terminal,  
2 the oil will take a boat ride down the Columbia. If  
3 one of these ships were to wreck, it would be a  
4 disaster decimating the lower Columbia River ecosystem.

5           The oil will eventually go to refineries  
6 which are also quite dangerous. Out of 140 U.S.  
7 refineries, 28 had fires in 2012 alone. Tesoro is a  
8 company which claims to pride itself on safety, a claim  
9 which is grossly untrue.

10           A month ago, a Tesoro pipeline spilled 20,600  
11 barrels. That's over 865,000 gallons of oil into North  
12 Dakota. Also, the Tesoro refinery in Anacortes caught  
13 fire in 2010 killing seven.

14           Tesoro Savage is feeding us a bad deal  
15 endangering all of us. I urge EFSEC to take a wide  
16 scope of the effects of this terminal, as you will find  
17 it will negatively affect everything it touches along  
18 the entire process. We must say no to all this  
19 terminal. Thank you.

20           JUDGE TOREM: Thank you, Mr. Meacham, with  
21 10 seconds to spare.

22           Next is Andrew Stone, then Dave Berger, and  
23 Ms. Bonnie McKinlay.

24           Is Andrew Stone here? All right. Not seeing  
25 Andrew Stone, let's move on to Dave Berger.

1 MR. DAVE BERGER: Hi. Dave Berger.  
2 Klickitat County, Washington. And it -- it's -- first  
3 of all, I am against this project. Secondly, it -- it  
4 kind of strikes me that we're in a 10,000-year sweet  
5 spot where the human race has a chance to either go  
6 extinct right now, all species too, or make a turn and  
7 last a little longer. We need to look at the climate  
8 impacts of these projects, and we need to look at them  
9 cumulatively on a global basis.

10 We need to tie these projects to the  
11 Washington renewable energy programs, and -- and look  
12 at them in a -- in a way that's cohesive, and -- and  
13 definitely take a close look at the cumulative impacts  
14 and begin to decide that we're going to go on a softer  
15 renewable energy path.

16 We also need to look at the Columbia River  
17 from top to bottom. We need spill protection plans for  
18 the entire river. And also for a project for this --  
19 for like -- a project like this to fly, we need to look  
20 at insurance, top to bottom. If it's too expensive to  
21 insure, it's too expensive to do.

22 And -- and, lastly, I look at this room, and  
23 there's a lot of people that kind of look like me.  
24 It's -- if we're going to include the other nations in  
25 this country, the tribes, these hearings need to go to

1 the reservations. We truly need to include the people  
2 who are impoverished and whose livelihood depends on  
3 this river that will be impacted. We cannot go do  
4 these things in Portland and Pendleton and Vancouver.  
5 They've got to be in places called Umatilla and Warm  
6 Springs and other places like Yakima Reservation. We  
7 need an all-inclusive non-racist environmental policy.  
8 Thank you.

9 UNKNOWN SPEAKER FROM AUDIENCE: Thank you.

10 JUDGE TOREM: Next is Bonnie McKinlay. I  
11 don't see Ms. McKinlay coming forward, so let me read  
12 off the next five names. Pam Allee, Don Durango,  
13 Cathryn Chudy or Chuly -- I'm not sure which it is --  
14 Daeuthen Dahlquist, and Ken Ferguson. Are any of those  
15 folks still here to speak tonight? Pam Allee. Don  
16 Durango.

17 And who are you? Your name? Are you coming  
18 up to speak? He's coming up? Excellent. Let me see  
19 if Cathryn -- is Don Durango up here?

20 UNKNOWN SPEAKER FROM AUDIENCE: This is Don.

21 JUDGE TOREM: Okay. Mr. Durango will be  
22 next. And then Cathryn Chudy.

23 Okay. And, Daeuthen, you're going to be  
24 after Ms. Chudy. Okay?

25 Mr. Durango, go ahead.

1 MR. DON ORANGE: My handwriting apparently  
2 isn't much. My name is Don Orange.

3 JUDGE TOREM: My apologies.

4 MR. DON ORANGE: On me.

5 JUDGE TOREM: I'm glad you can make sense of  
6 the calling of the names.

7 MR. DON ORANGE: Thank you all for being  
8 here. I own a business called Hoesly Eco Automotive.  
9 It is at Columbia and McLoughlin in Vancouver,  
10 Washington. We work really hard at helping people be  
11 as efficient as possible so that their cars aren't  
12 damaging the environment.

13 Small business people are pragmatists, by  
14 definition. This thing is stupid. At the very least,  
15 I -- I appreciate the contributions of various of the  
16 speakers. Robin Thomas brought up what it was going to  
17 do to our community, what it's going to do to our  
18 property values.

19 This is not a good economic proposal, let  
20 alone what it is from an environmental standpoint.  
21 This few million dollars seems to me a whole lot like  
22 30 pieces of silver. Leave the stuff in the ground.  
23 Let's work harder at -- at being environmentally  
24 conscious at doing the things that are necessary.

25 The -- one of the things that really troubles

1 me about this dream that's going to bring oil down into  
2 Fruit Valley and pollute our air, some of my customers  
3 ride right down the Columbia to ride across the bridge  
4 to go to work in downtown Portland. They're riding 10,  
5 12 miles a day to try to save our air quality. They're  
6 riding right under the path of your -- your trains.

7 One of my people that's a customer of mine  
8 also -- just to kind of make it clear, the largest part  
9 of his business where he makes his best money is  
10 cleaning up rail spills. There's a whole industry  
11 that's about getting these cars uprighted and on their  
12 way again. So we -- if we do this, the spills will  
13 come. Thank you. Good night.

14 JUDGE TOREM: Thank you, Mr. Orange. Sorry  
15 about the name mishap.

16 Cathryn -- is it Chudy or Chuly?

17 MS. CATHRYN CHUDY: Chudy.

18 JUDGE TOREM: All right. Oh for two now.

19 MS. CATHRYN CHUDY: My name is Cathryn Chudy.  
20 I've lived in Vancouver for 20 years. I work with  
21 suicidal kids, who, should they survive, deserve to  
22 live in a world where they can be healthy and safe.  
23 This proposal threatens both.

24 I'm here representing myself and also  
25 submitting comments on behalf of the Oregon Conservancy

1 Foundation. Lloyd Marbet is its executive director,  
2 and I'm representing its board. The most significant  
3 oversight in the preparation of your EIS would be if  
4 you failed to consider increased consumption of fossil  
5 fuel, increased emissions of carbon dioxide, and  
6 catastrophic climate change.

7 Our comments include findings by the  
8 intergovernmental panel on climate change. I'm not  
9 going to read them, but we also urge you to do risk  
10 assessments for threatened and endangered species, a  
11 programmatic EIS that considers cumulative regional  
12 rail impacts for coal as well as oil terminals, and an  
13 analysis of the vessel traffic impacts of all terminal  
14 proposals on the Columbia River.

15 It is also imperative to consider the  
16 collective global impacts of multiple fossil fuel  
17 terminal projects on ocean acidification, acid rain,  
18 mercury trend emissions, and climate change. The sole  
19 purpose for transporting oil this way is to press  
20 forward relentlessly with the consumption of fossil  
21 fuel which will have multiple adverse impacts affecting  
22 not only Vancouver, but the Pacific Northwest and all  
23 of Planet Earth.

24 We do not exist in a vacuum. What we do here  
25 leads with what happens beyond the confines of our

1 location. Your mandate requires you to, quote,  
2 balance, unquote, demand for new energy facilities with  
3 the broad interest of the public, including protection  
4 of environmental quality and safety. You have it  
5 within your authority and you owe it to concerned  
6 citizens to ensure that your study will encompass the  
7 wider impacts that will be felt not only locally and  
8 regionally, but outwardly in the world for centuries to  
9 come. Thank you.

10 UNKNOWN SPEAKER FROM AUDIENCE: Thank you.

11 JUDGE TOREM: Next is Daeuthen Dahlquist. If  
12 you want to take that microphone down and hand it to  
13 him, that's just fine.

14 Go ahead.

15 MR. DAEUTHEN DAHLQUIST: Hi. My name is  
16 Daeuthen Dahlquist, and I have lived here my whole  
17 life. We need to stop this oil terminal because it  
18 will pollute the waters, disrupt the food chain, and  
19 harm our beautiful Columbia River Gorge.

20 When oil spills, it coats the water like  
21 thick molasses. The thick black oil spills, and it  
22 coats the fish, rocks, sand, and birds. Oil-coated  
23 rocks and sand are not places salmon can spawn.  
24 Oil-soaked birds cannot fly. Oil -- oil-coated fish  
25 cannot breathe.

1           We have spent years and thousands of dollars  
2 to rebuild our salmon run and repair the habitats  
3 around the Gorge. Are we willing to damage all of that  
4 just because of money? Are we willing to sacrifice our  
5 wildlife and one-of-a-kind river just for money? Are  
6 we willing to trade my future just for money? I am  
7 only nine, but I do understand what this is really  
8 about; jobs and money. This is really about what you  
9 are willing to do for money.

10           People always tell me not to do drugs. They  
11 say drugs will hurt me, they are dangerous, they will  
12 destroy my life, and nothing good will come from them.  
13 Maybe I should just deal them instead. That makes a  
14 whole lot of money. That's a really good job.

15           This oil terminal will hurt the Gorge. It is  
16 dangerous. Nothing good will come from it. Oil and  
17 water -- oil and water do not mix. This oil terminal  
18 and our Columbia River waters do not mix. Please be  
19 responsible with my future. Say no to this oil  
20 terminal. Thank you.

21           JUDGE TOREM: For him, I'll let the clapping  
22 go. Let's -- let's try to stop that the rest of the  
23 evening, though.

24           Ken Ferguson is next, who will be followed by  
25 William Brake and Michael Gaskill.

1 MR. KEN FERGUSON: Hello. My name is Ken  
2 Ferguson, and I'd like to second the gentleman we  
3 heard -- or just prior heard. Just about everybody  
4 else that I heard tonight too brought up a lot of  
5 important issues from transportation to global warming  
6 to air quality.

7 Particularly, I want the agency to take a  
8 broad review, cumulative and global, environmental  
9 impact of combustion fossil fuels as part of their  
10 process, but I do want to give my time to a resident of  
11 the impact area, Dave Lafayette.

12 JUDGE TOREM: You've got about a minute and a  
13 half of his time left, Mr. Lafayette.

14 MR. DAVE LAFAYETTE: Well, I came totally  
15 unprepared, and so instead of speaking about the  
16 ecological aspects of this, which I think has been  
17 talked about a lot, and I agree with wholeheartedly. I  
18 just wanted to speak about it as a resident of downtown  
19 Vancouver.

20 I moved to downtown Vancouver. I've -- I  
21 grew up here. I moved away. I came back. And I  
22 watched the downtown area grow significantly over the  
23 last 12, 15 years. I'm raising my children in the red  
24 zone. It's been a hard fight to get the small  
25 businesses open. They get people moving back downtown,

1 and I just think that with everything that we were  
2 trying to go forward with the development on the  
3 waterfront, with Esther Short Park, when we have more  
4 rail coming in, it's -- it's -- it's in contrast with  
5 that, and it will also -- we're talking about building  
6 larger roads to go up and down the neighborhoods,  
7 Fourth Plain, Mill Plain, 39th Street.

8 I think we need to decide, do we want to move  
9 forward and create 80 jobs or maybe a hundred jobs at  
10 the port, or do we want to develop our downtown the way  
11 that -- the way that it will last to the future and  
12 give us all a better quality of life? So thank you.

13 JUDGE TOREM: Thank you. Next is William  
14 Brake followed by Michael Gaskill and then Alexander  
15 Reid Ross and Michael Losier.

16 MR. WILLIAM BRAKE: Hi. I'm William Brake.  
17 I'm a resident of Vancouver for eight years.

18 JUDGE TOREM: Mr. Brake, can you lean into  
19 the microphone a little more.

20 MR. WILLIAM BRAKE: Yes.

21 JUDGE TOREM: Thank you.

22 MR. WILLIAM BRAKE: I'm William Brake, a  
23 resident of Vancouver for eight years. I'm oil field  
24 trash and proud of it, as it supported me and my family  
25 for 35 years. As a registered professional engineer, a

1 degreed chemical engineer, I have spent 35 years in the  
2 natural gas and energy business as a process engineer,  
3 environmental engineer, and in safety and management  
4 positions.

5 I have seen the industry go from the  
6 Flintstones to the Jetsons. We all say newbie, not in  
7 my backyard, but as regulators on this project, put  
8 yourself in the same feet as half a million local  
9 Vancouver residents do with this proposed facility in  
10 my backyard.

11 The proposal lists six different grades of  
12 North American crude oil from light sweet to heavy  
13 sour. One of the components of crude oil is hydrogen  
14 sulfide. It is dangerous and detect -- and detectable  
15 at 10 parts per billion. It is deadly at 500 parts per  
16 billion, and some of this proposed crude is over 30,000  
17 parts per million. This can kill you 60 times faster  
18 than 500 parts per billion. Is this the best we can do  
19 for Vancouver?

20 The 2,190 pages of this proposal will only be  
21 read by very few people. I intend to read it all.  
22 Process safety management is not listed as one of the  
23 criteria for this review. Process safety management  
24 must have pressure, flow, temperature, level  
25 composition to keep the product inside the pipe and not

1 go to the environment.

2 JUDGE TOREM: Thank you, Mr. Brake.

3 MR. WILLIAM BRAKE: Thank you.

4 JUDGE TOREM: Michael Gaskill, and then I  
5 understand Pam Allee was out of the room when I called  
6 her name. She'll be after Mr. Gaskill.

7 So Michael Gaskill.

8 MR. MICHAEL GASKILL: Hello. My name is  
9 Michael Gaskill, and I stand in opposition to any and  
10 all new fossil fuel infrastructure. In this day and  
11 age when it has been proved beyond the shadow of a  
12 doubt, the catastrophic climate change is real,  
13 manmade, and caused by the combustion of fossil fuels.  
14 It is unconscionable that we would allow any project  
15 such as this to move forward.

16 As many people have already stated, Tesoro is  
17 a bad corporation, and that is a hard distinction to  
18 make; one of the worst. You know, so -- so we have  
19 their shoddy track record. This project also means,  
20 more simply, the extraction of more fossil fuels and  
21 exacerbated global warming.

22 So I respectfully demand that this regulatory  
23 body consider every impact in this project; from the  
24 local impacts here in Vancouver to the extraction to  
25 the transport to the combustion and the increased CO2

1 and pollution in the atmosphere. And then -- excuse  
2 me. Sorry. And then after reaching the only logical  
3 conclusion one could after studying all of these  
4 impacts, I urge you to swiftly deny this permit and  
5 save us some time. Thank you.

6 JUDGE TOREM: All right. Pam Allee. Sorry  
7 to miss you earlier.

8 MS. PAM ALLEE: Thank you.

9 JUDGE TOREM: Go ahead.

10 MS. PAM ALLEE: Thank you very much. I  
11 live -- I live in the North Peninsula area of Portland,  
12 and we are greatly impacted by this. Most of the  
13 comments I was going to make have been made, but I  
14 would like to say that I'm a retired maritime worker in  
15 engineering.

16 So what are your plans -- I'd like to know --  
17 when, not if, there is a spill in the Willamette and  
18 Columbia Rivers or when there is a fire in the -- or  
19 explosion in either Oregon or Washington? Even in  
20 Washington, that will definitely affect my house.

21 Have you visited North Dakota lately? Take  
22 the Amtrak and keep looking out the window in North  
23 Dakota. Day and night, the fracked gas flares burn,  
24 and some of them -- some of those wells are huge; like  
25 you could put a house in them. In fact, the Bakken

1 field can now be seen from satellites. Global warming,  
2 anybody? This is Bakken oil, my friends.

3 Have you ever worked around an or -- oil  
4 terminal or a refinery? I have for nearly 20 years.  
5 They stink. What passes for air burns the eyes and  
6 nose, throat, and lungs. One emerges from a lifetime  
7 of working around these things, working lifetime, a  
8 physically broken human sacrifice to the dollar. I  
9 cannot imagine what residents, little kids and old  
10 people like myself, you know, anybody is going to  
11 suffer.

12 To me, the moral difference between  
13 participating in organized crime, another enterprise  
14 that provides jobs and cooperating with an industry  
15 that will train you some relatively short-term profits  
16 in exchange for a world our grandchildren and  
17 great-grandchildren will not find livable the same as  
18 we do. Okay?

19 There are just some of my role -- some of my  
20 questions, and I'm looking forward to your answers, and  
21 I want to say thank you to the longshoremen of  
22 Vancouver for their 199 vote against this. Thank you.

23 JUDGE TOREM: All right. Next speaker is  
24 Alexander Reid Ross. For those keeping time, we've  
25 gotten up to No. 33 on the list in about an hour.

1 Congratulations. We're doing it pretty well to keep it  
2 to two minutes or less. Let's keep going.

3 MR. ALEXANDER REID ROSS: All right. I'll  
4 try to keep mine short. My name is Alexander Reid  
5 Ross. I'm actually originally from Houston, Texas,  
6 where there are a lot of oil refineries around there,  
7 and there's actually a terminal, you know, in Houston  
8 Ship Channel, and it looks a lot like Mordor. It's  
9 really not a cool place to be.

10 And, actually, my mom has had several cancers  
11 removed from her body. My dad had a cancer removed  
12 from his body. He was like 40-something. My older  
13 brother had a cancer removed from his body when he was,  
14 let's see, like 28. And I'm actually older than 28  
15 now.

16 This is like a huge deal. I mean, you even  
17 had somebody from the FBI come up and say it's bigger  
18 than al-Qaeda, you know. I mean, that's like a real  
19 like, you know, warning bell. This -- it's -- it's a  
20 huge deal, not only for us here, but also folks in east  
21 Asia. This is where this stuff is going, right?  
22 Because they want to bypass Houston. They want to  
23 bypass the Panama Canal and just ship it straight up  
24 the Pacific, right?

25 So they're going to be burning this stuff in

1 east Asia, and it's not because they just love to burn  
2 fossil fuels. It's actually because the -- the quality  
3 of -- of life is getting a little bit better for  
4 workers in China so that they're trying to exploit more  
5 people in southeast Asia, you know, so they're trying  
6 to keep those sweatshops going in southeast Asia and  
7 burn more fuels down there, you know.

8           And what they give us is biofuels, which has  
9 been proven is just slightly better than the tar sands.  
10 Okay? So we're talking about like a huge network of  
11 climate change that's all coming together right here.  
12 This is like one of the most important things happening  
13 in the world right now, you know. So you have to ask  
14 yourself, do you care about climate change? Do you  
15 care about people that -- you know. Thank you. Thank  
16 you very much for having me here.

17           JUDGE TOREM: Thank you. Michael Losier.  
18 He'll be followed by Diane -- I think it's Kocer, Jim  
19 Chase, and Vicki Hofman or Holman. I'm not sure which  
20 it is.

21           MR. MICHEL LOSIER: Hi. I'm Mike Losier. I  
22 own a residence of Portland, Oregon. So I want to  
23 start first by acknowledging my comments on the  
24 concerns that were raised earlier about this proposal.  
25 And the thing that I want to point out is that a lot of

1 these concerns are effected by communities all over the  
2 region; not only with this project, but with several  
3 coal, oil, and gas projects that are proposed from  
4 Oregon to British Columbia.

5 Folks understand that we cannot afford new  
6 fossil fuel structure projects which pose severe risks  
7 to our climate, the community's front line to  
8 transport, the workers who are handling at the ports  
9 and to those who are dispossessing their livelihood to  
10 the point of extraction. And they're all engaged in  
11 similar permitting process, which at -- this reflects  
12 at the same time is that we're engaged in a public  
13 process that's -- that does not acknowledge or reflect  
14 the reality of the conditions of our planet and the  
15 values of our communities, but these projects -- the  
16 val -- the values of our communities that see these  
17 projects as utterly insane threats to our lives.

18 The regulatory structure that seeks to  
19 protect the environment and interest of its constit --  
20 constituents has become increasing -- increasingly  
21 relevant in its role to fully take on climate change  
22 and keep our community safe from reckless projects as  
23 these. It seems ludicrous to me to waste time  
24 discussing the lack of merits of this project when  
25 there should be a full halt on new fossil fuel

1 infrastructure.

2           Instead, what we need in terms of a public  
3 process is the seizing and securing of our community's  
4 fundamental rights to determine the projects that  
5 happen within them and the right to freely organize and  
6 participate in labor that is both safe and fruitful and  
7 the freedom to determine our relationships with the  
8 environment that is -- that are sustainable and not  
9 suffer the relationships that capitalism finds  
10 sustainable to profits. Thank you.

11           JUDGE TOREM: Diane Kocer.

12           MS. JANE NICOLAI: Good evening. I'm Jane  
13 Nicolai. Diane and I traded speaking.

14           JUDGE TOREM: Can you state your name again,  
15 ma'am.

16           MS. JANE NICOLAI: Jane Nicolai. Lifelong  
17 resident of Washington State; about 17 years in  
18 Vancouver. Thanks for this opportunity to speak. I  
19 recommend that the scope of the environmental impact  
20 study be inclusive of the full length of the system  
21 required for transport from oil field to terminal,  
22 piping, storage, and shipment to subsequent  
23 destinations. Anything less is incomplete and  
24 inaccurate; that health studies for the full length of  
25 the system required for transport are taken into

1 account, health of humans -- for example, cancer rates  
2 and respiratory illnesses -- health of towns and cities  
3 like traffic, rail crossings affected increased illness  
4 on the community; and having in place effective  
5 disaster plans for -- and the health of the larger  
6 ecosystems in the undeveloped areas, the rural land,  
7 and water bodies along which the oil will travel.

8 I'd like to ask the disaster plans for all  
9 areas along the course of travel be addressed for  
10 spills, derailment, fire, and explosion. With  
11 increasing coal transport, include a scenario for  
12 combined -- and combined concentration of coal and oil.  
13 Looking further out, potash seems to be heading to the  
14 Port of Vancouver. How does potash affect the outcome  
15 of toxicity and flammability with oil and with the  
16 threesome of potash, coal, and oil? This EIS needs to  
17 examine the larger issues of Vancouver's emergence  
18 as-proposed convergence zone of hazardous industrial  
19 toxins.

20 Those are my recommendations. Couple min --  
21 a little more for my comments. It's baffling to me  
22 that we have these -- these discussions, though I  
23 appreciate being here. We know the toxicity of oil.  
24 Whether it's raw, refined, processed, burned, oil  
25 products are toxic to humans, animals, plants, land,

1 and water bodies. Where it's brought out of the oil,  
2 where its fumes reach airline, where cities are  
3 decimated by fire, where particles of oil burn destroy  
4 the balance of life, the effects of oil are known. I'm  
5 not sure what we need to study, but study it all.  
6 Thank you.

7 JUDGE TOREM: Thank you. Jim Chase is next.  
8 And, Ms. Kocer, if you're actually trading with  
9 Ms. Nicolai, you are now No. 97.

10 All right. Jim Chase is next followed by  
11 Vicki Holman, then Paul Seamons and Stephen -- Stephen  
12 Hulick, and I think it's Tazz or Taizz Medalia.

13 Mr. Chase, you have the floor.

14 MR. JIM CHASE: Jim Chase, a resident of  
15 northwest Portland. I'm very active as a volunteer in  
16 recreation and environmental activities in the Columbia  
17 Gorge. It never fails whoever I speak after covers the  
18 same subjects, but I would like to elaborate a little  
19 bit.

20 JUDGE TOREM: And she traded on you too.

21 MR. JIM CHASE: Please -- please be sure that  
22 the scope of this project includes proper treatment of  
23 contingencies. If you only write down one word, make  
24 it "contingencies," please.

25 Tesoro and the railroads will tell you the

1 transportation of this oil is safe, that accidents are  
2 rare. There's a two-word reply to that; it's  
3 "Lac-Migantic." Spills, derailments, fires, explosions  
4 will occur. It's not a question of if; it's a question  
5 of when.

6 What you can do is require in advance that  
7 they would -- that they prepare and submit proper  
8 emergency response plans, both large and small,  
9 remediation plans, both short-term and long-term, and  
10 if they can't tell you how they're going to remediate,  
11 your answer should be obvious.

12 And, finally, in a demonstration of fiscal  
13 responsibility for how these things will be  
14 accomplished, I'm required to -- to insure my house and  
15 my car. Certainly, they should be required to insure  
16 what they're going to have problems with. You can't  
17 prevent human mistakes, machine errors, natural  
18 disasters, earthquakes, landslide, you name it, but  
19 what you can do is require proper planning to deal with  
20 these things when they occur. Thank you very much.

21 JUDGE TOREM: Thank you, Mr. Chase.

22 Vicki Holman.

23 MS. VICKI HOLMAN: Hello. My name is Vicki  
24 Holman. I live at 11701 N.W. 27th Avenue in Vancouver;  
25 very close to the red line on your chart. I retired

1 here three years ago. I was a senior facilities  
2 project manager in Silicon Valley.

3 I oppose the proposed oil terminal in  
4 Vancouver. I'm concerned about the potential of oil  
5 spills particularly along the beautiful Columbia River.  
6 Accidents do happen.

7 I'm also concerned about the risk to our  
8 waterfront development project. I am concerned about  
9 the health effects to residents, and ultimately, I'm  
10 extremely concerned about the effects on climate  
11 change. This cannot be undervalued. This is a real  
12 big problem. We must consider it.

13 In your evaluation, please consider these  
14 issues. Many citizens of Vancouver oppose this  
15 terminal -- terminal, the effects on the Columbia  
16 River, health effects to residents, risk to waterfront  
17 development, and the effects on climate change. And to  
18 the young man that smoke -- spoke earlier, I'd like to  
19 say that please do not deal drugs, and please do not  
20 use drugs. We are all here trying to save this planet  
21 for you.

22 JUDGE TOREM: Paul Seamons.

23 MR. PAUL SEAMONS: Hello. My name is Paul  
24 Seamons, and I'm a consulting engineer. I live across  
25 the river in Rainier and have for about 40 years. I'm

1 a father and businessman.

2 I believe that you, the council members,  
3 cannot avoid consideration of the climate change and  
4 ocean acidification impacts of this project. And I  
5 believe that, ultimately, you -- you must recommend  
6 against proceeding with the Tesoro proposal because it  
7 just takes us further down the road of fossil fuel  
8 ruining climate change and ocean acidification.

9 We dug ourselves a pretty deep hole with  
10 regard to these issues, and we need to stop digging the  
11 hole deeper. And the only way to stop that is to stop  
12 and reduce the production of fossil fuels. We need to  
13 produce less fossil fuels, not more. It's as simple as  
14 that. We need to leave the oil in the ground, not  
15 facilitate its production.

16 In a reasonable world, this country would  
17 have a energy policy, it would have a climate change  
18 policy that would lead us out of the carbon ribbon mess  
19 we're in. Well, we know that's unlikely to happen.  
20 Washington D.C. is gridlocked. So, given that reality,  
21 it seems to me it falls to you, you council members on  
22 deciding council, to help lead us in the direction that  
23 we all know we need to go, which is towards reduction  
24 in fossil fuel combustion. Our national leaders have  
25 abdicated the responsibility. Please don't abdicate

1 yours. This proposal takes us in the wrong direction.  
2 The project's on the wrong side of science, and it's on  
3 the wrong side of history.

4 So I ask you to think, in a few years when  
5 you're bouncing your granddaughter on your knee and she  
6 says, "Grandpa, grandma, what did you do when you found  
7 out that fossil fuels were -- was -- were spoiling the  
8 climate and making the ocean and the planet unlivable?"  
9 Will you say, "Well, we built an awesome coal and oil  
10 export facility in Vancouver, Washington." Will you?  
11 Thank you.

12 JUDGE TOREM: Stephen Hulick. Then I think  
13 it's Taizz Medalia who will be followed by Alona  
14 Steinke.

15 MR. STEPHEN HULICK: Hi. My name's Steve  
16 Hulick. I live in Clark County. I'm a professional  
17 land surveyor. I would thank all of you for hosting  
18 this and also for your service to the State of  
19 Washington. I'm opposed to this project, and I want to  
20 ask you to consider all the aspects of this project,  
21 starting from the hydraulic fracking to the use of the  
22 products. Please weigh the benefits versus the  
23 negative effects.

24 Some of the reasons I'm opposed to the  
25 project are -- is that this is a massive proposal way

1 out of scale with -- with the surrounding area. It's  
2 just -- it's completely out of whack. As you know, it  
3 will contribute to global warming and to the  
4 acidification of the oceans. The dry farming in the  
5 eastern state will be severely impacted. For every  
6 increase of one degree in the global temperature, the  
7 wheat yield in eastern Washington will be decreased by  
8 10 percent.

9           Regarding the oceans, we're -- we're seeing a  
10 lawsuit recent by the Center of -- of Biological  
11 Diversity against the EPA over acidification on the sea  
12 life. Some Washington oyster growers have already gone  
13 out of business due to the increased water acidity. If  
14 climate change continues, daily life as we know it will  
15 be gone. A greater and greater amount of public funds  
16 will go only to disaster relief.

17           The use of DOT-111 railcars to transport the  
18 oil is a very unsafe thing. These cars are known to be  
19 unsafe. It looks like over half the cars will be  
20 DOT-111s. The oil terminal at one time can hold up to  
21 90 million gallons of oil at one time, and this puts --  
22 it imposes undue burden on the community in case of  
23 catastrophe or attack. We should be striving towards  
24 renewables. Thank you very much.

25           JUDGE TOREM: Ms. Medalia. And then Alona

1 Steinke. I think it's Kelly Lau and Pat Freiberg to  
2 follow.

3 MS. TAIZZ MEDALIA: Hello. I'm Taizz  
4 Medalia. I live in Overlook neighborhood of north  
5 Portland, and 20 years as a respiratory therapist has  
6 made me aware that it's a lot easier to prevent  
7 respiratory disease than to treat it once it's already  
8 occurred. So I would like you to study some of the  
9 health and safety impacts on the surrounding  
10 populations.

11 In particular, I would like you to study  
12 the -- how many more cases of respiratory disease we  
13 could have related to the diesel emissions from four  
14 mile-and-a-half-long trains, how much more sleep  
15 disturbance we could expect, how many more ER visits  
16 and incidents of asthma we could expect. And having  
17 lived and worked right near the Richmond refinery in  
18 Richmond, California, I remember just last August a  
19 year ago a toxic plume of smoke sent 15,000 people to  
20 the hospital. I would like you to study whether we  
21 could handle an emergency on that scale as well.

22 There's so many issues to be studied.  
23 It's -- you have a big job ahead of you, and I'm sure  
24 you're -- you will rise to the occasion. It's been  
25 said that the Stone Age didn't end when there were no

1 more stones, and I think we are seeing a similar thing  
2 that we don't necessarily have to extract every last  
3 drop of oil or fossil fuels. It's time to move on and  
4 do something that's really good for our community.

5 JUDGE TOREM: Thank you. Alona Steinke and  
6 then Kelly Lau, Pat Freiberg. And I'm not really sure;  
7 maybe it's Noreen Hine will follow.

8 Go ahead, ma'am.

9 MS. ALONA STEINKE: Hello. My name is Alona  
10 Steinke. I've been a Vancouver resident for six years.

11 JUDGE TOREM: Could you lean into the mic  
12 just a little bit. Thanks.

13 MS. ALONA STEINKE: Uh-huh. As an RN, I'm  
14 very concerned about the health effects associated with  
15 having an oil terminal at our port here in Vancouver.  
16 If this terminal is approved, there will be up to 250  
17 locomotives per week going through our beautiful  
18 Columbia River Gorge. Diesel emissions from these  
19 locomotives are a great risk to human health. The  
20 exhaust is one of the most widespread and toxic  
21 substances in our air causing respiratory illness,  
22 stroke, and heart disease.

23 The International Agency for Research on  
24 Cancer, part of the World Health Organization, sent out  
25 a press release this October 17. They stated, "The air

1 we breathe has become polluted with a mixture of  
2 cancer-causing substances." We now know that outdoor  
3 air pollution is not only a major risk to health, in  
4 general, but also a leading environmental cause of  
5 cancer deaths. The study showed one of the prominent  
6 sources of outdoor air pollution is transportation like  
7 diesel exhaust. They urge the international community  
8 to take action without further delay.

9 I urge you to consider the cumulative impacts  
10 from the proposed increase in coal train pollution  
11 along this same transportation corridor, the potential  
12 for accidents and derailments, and delayed emergency  
13 response time. If further review is warranted, please  
14 do a health impact assessment with a public scoping  
15 process. The port commissioner said with callous  
16 disregard for our health and well-being, "It's just a  
17 10-year lease." We don't have 10 years. The  
18 alternatives are here. If we keep dealing the drug,  
19 the coal and oil addicts will continue to consume. I  
20 repeat, we don't have 10 years.

21 JUDGE TOREM: Ms. Lau. There's no Ms. Lau?

22 Okay. Ms. Freiberg.

23 MS. PAT FREIBERG: Good evening. I'm Pat  
24 Freiberg. I live at 8327 N.E. 54th Street in  
25 Vancouver. I came here 43 years ago, raised my

1 children in Vancouver, and I have young adult and  
2 adolescent grandchildren living in Clark County.

3 Before arthritis set in, I was an avid hiker,  
4 and for decades, I hiked the Columbia River Gorge from  
5 the Sandy River to Biggs Junction. The Gorge, as we  
6 know it today, was carved out by a series of  
7 prehistoric floods originating in Missoula, Montana.

8 About 40 miles east of here, Wind Mountain on  
9 the Washington side was once attached to the Cascades  
10 on the Oregon side, and it didn't give way easily to  
11 the Missoula floods. Today, this is an unstable area  
12 where the BNSF tracks run between a slowly shifting  
13 Wind Mountain and the Columbia River. I understand  
14 that the BNSF trains slow down dramatically while  
15 traversing around Wind Mountain because the slope is so  
16 steep nothing grows on it, and falling rocks and  
17 boulders are frequent.

18 This in -- instability extends across the  
19 river to Interstate 84 on the Oregon side. The I-84  
20 roadway slowly buckles over time as the ground beneath  
21 it shifts and the adjacent mountain slides rock by  
22 stone onto the interstate during storms. In fact, this  
23 situation has caused the closure of Interstate 84 at  
24 least twice in the time I've lived here. If I had to  
25 predict a likely spot for train derailment or oil

1 spill, it would be at the BNSF tracks probably circling  
2 around Wind Mountain.

3 Now, did you know that Tesoro Savage is used  
4 as a contractor for cleanup? This leaves me wondering,  
5 who's responsible for the expense of a cleanup? Tesoro  
6 Savage or a contractor with a much shallower pocket? I  
7 spoke with the cleanup company representatives who  
8 proudly showed me their equipment. It's a floating  
9 boom that has absorbent pads attached, the same method  
10 used unsuccessfully in the Gulf in 2010 and even at  
11 Ex -- by Exxon Valdez 30 years ago in Alaska. While  
12 subsidized oil companies have invested in new drilling  
13 technology introducing us to fracking, they've invested  
14 little to zero in cleanup technology.

15 JUDGE TOREM: Thank you, Ms. Freiberg. I've  
16 got to stop you there.

17 MS. PAT FREIBERG: Okay.

18 JUDGE TOREM: Ms. Hine. Noreen Hine will be  
19 followed by Cal Roberts, Jane Rather Thiibaud, and  
20 Sarah Collmer.

21 MS. NOREEN HINE: Noreen Hine, and I live in  
22 Vancouver, and I've been a resident for about 25, 30  
23 years. The first -- I have some questions that I don't  
24 expect answers from, but I'm offering them as food for  
25 thought.

1           How did Vancouver become the chosen site? Is  
2 free healthcare and certainly (inaudible) going to be  
3 free to those affected by all this? Why do residents  
4 have to be taxed for this? Who profits from this? And  
5 I'd like to also say that this project can make us all  
6 here, all those that live in this area, an endangered  
7 species. Thank you.

8           JUDGE TOREM: Cal Roberts. Cal Roberts going  
9 twice. All right. Next is Jane Rather Thiibaud  
10 followed by Sarah Collmer, and then I've got Stephen  
11 Quirke.

12           MS. JANE RATHER THIEBAUD: Hello. I live in  
13 Vancouver at East Reserve Street, very close-by. I've  
14 been here seven years. And it was in this room that I  
15 heard the very passionate Bill McCruden (verbatim)  
16 speak, and it -- it really touched me very deeply.

17           And I went to the meeting down at the port,  
18 and I was amazed at the wonderful people that got up  
19 and spoke and the intelligence and the importance of  
20 what they were saying. And I was very terribly  
21 disappointed the next day when I read the paper that  
22 they had gone ahead and -- and given the lease. I -- I  
23 thought that they wouldn't do that after hearing that.  
24 And now again tonight, what wonderful group -- proud to  
25 be here to -- all these people, they're all so

1 well-spoken, and they brought up so many really  
2 important things.

3 I -- I am very, very proud to be American at  
4 this moment, and I came back from 30 years living in  
5 Europe, and I've been very disappointed in what I've  
6 seen here in this country because it seems like  
7 everybody's talking about making money all the time, be  
8 a millionaire, and now, Forbes Magazine, in a recent  
9 issue -- I saw it in a waiting room -- it's into being  
10 a billionaire. Suddenly, it's going to be nothing to  
11 be a millionaire. So I think we're going really in the  
12 wrong direction there. I'm very concerned.

13 Just to go back, Bill McKinnon (verbatim)  
14 brought it home to me that this was really a gro --  
15 global problem. And it's true. The whole world is  
16 watching us. I was in Switzerland this summer, and  
17 there are meetings going on. We need to realize that.  
18 And it's -- it's extremely, extremely important that  
19 you people on this -- in this council, that you use  
20 great wisdom. Wouldn't it be wonderful if you decided  
21 to stop this thing? It may be -- really, you would be  
22 well-known around the world, and the whole world might  
23 change the direction it's going in because the world is  
24 looking at America. Whatever we do, they follow like  
25 little moontoons (verbatim).

1 JUDGE TOREM: Thank you, Ms. Thiibaud.

2 Sarah --

3 MS. JANE RATHER THIEBAUD: That means clam.

4 JUDGE TOREM: Sarah Collmer.

5 MS. SARAH COLLMER: Good evening. My name is  
6 Sarah Collmer, and I'm a resident of the Hauk  
7 neighborhood in downtown Vancouver, a mother, and a  
8 member of Clark County Clean Air. We must necessarily  
9 admit that climate change alone is more than  
10 substantial reason to stop the proposed Tesoro Savage  
11 oil terminal, but there are a myriad reasons to  
12 terminate this project.

13 Consider, for example, the recent oil leak  
14 from a Tesoro pipeline in North Dakota, which, as you  
15 know, has devastated at least 20 acres with over 20,600  
16 barrels of oil. After suspiciously delaying this  
17 closure and measurement efforts in this bill, Tesoro  
18 claims that it will eventually remediate the land to  
19 the same condition as before. This remains to be seen.

20 A particular relevance to our region,  
21 however, is what Eric Haugstad, director of contingency  
22 planning and response for Tesoro, has said of the spill  
23 in North Dakota. Quote, "As unfortunate as it is,  
24 having it happen here in this type of soil is actually  
25 very beneficial with a clay layer and not hitting

1 water. If you hit water, whether it be groundwater or  
2 a river, it would have been much worse," end quote.

3           Given the disastrous effects on land, what  
4 will happen when such a spill occurs on or near the  
5 Columbia River as oil travels by rail and barge? Some  
6 may argue, forgetting the recent tragic oil train  
7 derailment in Quebec, that Tesoro's trains won't  
8 threaten the Columbia River and the lives it sustains  
9 and supports. However, Tesoro's own people, its  
10 abysmal record, tell us differently. What will be the  
11 result of a train derailment and spill in the Columbia  
12 River? How difficult if not impossible will mitigation  
13 be? How long will such mitigation take, and what  
14 further problems may it incur? If Tesoro's own  
15 official admits that such a spill on or near water  
16 would be, quote, much worse, we can easily conclude  
17 that it would, in fact, be catastrophic here.

18           I urge you to do a comprehensive review of  
19 this project considering the destructive and  
20 long-lasting environmental health and economic impacts  
21 from fracking to transport to climate change. Consider  
22 too the cumulative effects of all of the proposed  
23 trafficking of fossil fuel.

24           JUDGE TOREM: Thank you.

25           MS. SARAH COLLMER: We do not want to find

1 out firsthand how much worse it could be.

2 JUDGE TOREM: Next is Stephen Quirke followed  
3 by Keith Brown and Teresa Robbins. After Ms. Robbins  
4 will be Ed Cohn.

5 MR. STEPHEN QUIRKE: Thank you. So my name  
6 is Stephen Quirke. I live in Portland, Oregon. I've  
7 been there for four years now. And I'm originally from  
8 northeast Ohio, and a home a few years ago about 30  
9 miles from where I'm from actually exploded from what's  
10 called a fracking accident. This is -- these -- what  
11 we usually term "accidents" here are not actually  
12 accidents. As many people have pointed out, these are  
13 guaranteed. They're building right into the business  
14 model.

15 To actually take a broad view and a broad  
16 scope, we would have to incorporate those as necessary  
17 to the project. And, really, what I want to point out  
18 today is that we've been trapped by kind of short-term  
19 thinking. We've been brought to this point with --  
20 with all the -- the harms and all the -- all of the  
21 nightmarish features of climate change because, as  
22 institutions, as agencies, as companies, as  
23 corporations, we've all been trapped in this kind of  
24 short-term logic. To actually get out of this, we need  
25 to not use the same logic. You can't solve the problem

1 by using the logic that created it. We actually need  
2 to think a little bit differently.

3 So what I -- what I would urge all of you to  
4 do is really rethink your role as individuals. Think  
5 about how can you actually do your part and use all the  
6 tools at your disposal to actually stop this project  
7 and stop climate change. Because that -- that is the  
8 problem. This is the question that everyone should be  
9 asking themselves; not how to do your little  
10 institutional role, maximize your little one thing  
11 you're supposed to do, you've been expected to do. How  
12 do you actually use your power to fix the situation?

13 Because today, as agencies like yours talk  
14 about how to do development, create jobs and growth,  
15 places in the global south are suffering from  
16 (inaudible), from droughts, and from natural disasters  
17 directly caused by climate change. So, you know, we're  
18 not really -- what you have to consider is not just how  
19 do we do something for an industry like oil? Because  
20 we have to think about agriculture surviving. And  
21 that's not just in the industry. It's how people don't  
22 starve. Thank you.

23 JUDGE TOREM: Mr. Keith Brown and Teresa  
24 Robbins followed by Ed Cohn, Marion Ward, and Dave  
25 Miller.

1 MR. KEITH BROWN: Good evening. I'm Keith  
2 Brown. I live in Washougal, Washington, for the last  
3 17 years. I'm board chair of Friends of the Columbia  
4 Gorge. My wife and I live in Skamania County in the  
5 heart of the incredible Columbia River Gorge and its  
6 national scenic area; rated No. 6 in the world for  
7 sustainable beauty that -- destinations by the National  
8 Geographic Traveler.

9 This scoping process must take into account  
10 the impact of coal, oil -- oil trains going through  
11 this exceptional area. It needs to include the  
12 likelihood of increased fires as a direct result of  
13 derailment, possibly exacerbated by the coal deposits  
14 along the tracks loosening the rails and the additional  
15 train traffic.

16 As former volunteer firefighters and a former  
17 fire commissioner, we have fought fires in the Kay  
18 Point area caused by rail transport. Oil, as we all  
19 know, is highly combustible. And on a dry day, with a  
20 high east or west wind which frequent this area, an oil  
21 fire -- fire could easily sweep out of control and up  
22 the slopes of the Cape Horn destroying homes, lives,  
23 and wildlife.

24 We're distressed to see that the assessment  
25 of fire danger in the Tesoro Savage application did not

1 include the rail transport route. The fire dangers and  
2 the ability of local volunteer community fire  
3 departments to adequately respond must be included as a  
4 part of the EIS scoping process.

5           There are numerous homes in west end of  
6 Skamania County that will be totally cut off from  
7 emergency services as mile-and-a-half-long oil trains  
8 travel through and along a too all too frequent basis.  
9 As former EMTs, we know that this 15- to 20-minute  
10 delay for each train can literally be the li --  
11 difference between life and death. Eight more  
12 additional trains would block any access for two and a  
13 half to three hours a day just for this proposal.  
14 Thank you very much.

15           JUDGE TOREM: Next.

16           MS. TERESA ROBBINS: Hello. Teresa Robbins.  
17 I live up the Washougal River in Skamania County. The  
18 cumulative impacts on the national scenic area of the  
19 rail traffic for the Vancouver Tesoro Savage proposal  
20 plus the proposed Cherry Point coal terminal in  
21 Bellevue plus the proposed Millennium terminal in  
22 Longview totaling 42 additional trains moving through  
23 the Gorge daily; at least half carrying toxic and  
24 highly combustible fumes, not even to mention the  
25 trains generated for other oil product -- projects.

1           The cumulative impacts must be included and  
2 fully evaluated as part of the scope of this EIS. We  
3 have been intricately involved in developing the Cape  
4 Horn Trail and recreation area for the past eight  
5 years. The excessive train traffic will dramatically  
6 increase noise, the likelihood of a train derailment  
7 due to buildup of coal on the tracks, and could result  
8 in significant crude oil spills and toxic degradation  
9 to what has been a pristine and treasured environment  
10 and experience. Fully investigates part of this  
11 scoping process the contamination that will certainly  
12 result from crude oil in Washington to the Columbia  
13 River, its tributaries, and its many wildlife refuges.  
14 Do not allow this scene of treasure and sensitive  
15 high -- wildlife to be destroyed.

16           Skamania County's economic health and future  
17 depends heavily on the draw this area has for tourists  
18 because of the national scenic area and the  
19 recreational opportunities that exist here. For  
20 example, 72 percent of all retail sales in Skamania  
21 County come from tourists. The additional oil trains  
22 will cut Stevenson off from their waterfront area,  
23 discouraging tourists, the docking of passenger ships,  
24 and the holding of special events.

25           While the Tesoro application touts the 151

1 jobs created on the rail lines, it does not address the  
2 possible loss of community jobs and tourist income  
3 affected by the excessive train traffic, possible  
4 contamination, and rail disasters throughout the rail  
5 route. And the economic impact on and the potential  
6 loss of jobs within the Gorge community must be fully  
7 considered in the scoping process. Thank you so much.  
8 Common sense and courage, please.

9 JUDGE TOREM: Thank you, Ms. Robbins. We're  
10 at No. 51 on our list. And, again, the ones I have go  
11 to 100. I understand there's another sheet, at least,  
12 in the back, so let's keep moving on.

13 Ed Cohn is next.

14 MR. ED COHN: I'm Ed Cohn. We need oil.  
15 We're completely dependent on it. Everywhere you look,  
16 right now, right here, we can see how its products have  
17 inundated our lives. Many jobs have been created by  
18 oil and has everything to do with the success of the  
19 world economy.

20 Our world grows more and more each day, and  
21 we become more and more dependent on oil as a result,  
22 but it's a finite resource. As its supplies dwindle,  
23 it becomes scarce. Oil will become more and more  
24 valuable and only affordable by the richest economies,  
25 but even they eventually will crumble because of lack

1 of oil.

2 We can be short-sighted and live for the now  
3 without regard for generations to come, or we can take  
4 the opportunity to make changes to avoid the  
5 inevitable -- this inevitable collapse. Supporting the  
6 growth of the oil industry, as this proposal does, will  
7 help to ensure that collapse.

8 I appeal to you to look deep into your hearts  
9 and the eyes of your children and your grandchildren  
10 and explain to them how you support an industry that is  
11 destroying their world. Other energy sources that are  
12 sustainable exist, but they need the support of leaders  
13 like you to bring us forward into a world that we can  
14 be proud to give to our children. I urge you to do the  
15 difficult but right thing, to challenge your comfort  
16 zone, leave oil behind, and promote industries that  
17 produce and implement sustainable energy. Do it for  
18 our future so that you can look your children in the  
19 eye and know that you did your part for them.

20 JUDGE TOREM: Next is Marion Ward followed by  
21 Dave Miller and Brooks Berndt or Barndt and then  
22 Corinne Ball.

23 MS. MARION WARD: My name is Marion Ward. I  
24 live in Vancouver. According to the Federal Railroad  
25 Administration, last year alone, there were 292

1 derailments just by Burlington Northern Santa Fe. In  
2 July of last year, one of these derailments was loaded  
3 with coal, and 30 coal cars turned on their sides in  
4 Pasco, Washington.

5 If 30 cars containing over 800,000 gallons of  
6 fracked oil overturned and spilled into the Columbia  
7 River east of Vancouver, we would like to know what the  
8 mitigation would be. There are very swift currents in  
9 the Columbia River. How could the oil effectively even  
10 be cleaned up? If the tracks are blocked due to a  
11 derailment, what would be the impact to other freight  
12 trains traversing the route?

13 It's my understanding that there's about 30  
14 trains along the route on the north side of the  
15 Columbia River every day. If proposed terminals are  
16 permitted for coal and oil, many more trains would be  
17 on these tracks; double the number that are currently  
18 using the tracks. So it would be important to know  
19 what the impact of the derailment would be. The scope  
20 of any study for this proposal should definitely  
21 include the Federal Railroad Administration and the  
22 National Transportation Safety Board.

23 And a National Safety Transportation Board  
24 study was done on the DOT-111 tank cars, and they found  
25 them to be generally ineffective in preventing impact

1 damage. Using DOT-111 tank cars to transport hundreds  
2 of thousands of barrels of fracked crude oil every day  
3 should be prohibited. Storing approximately 90 million  
4 gallons of fracked oil at the Port of Vancouver should  
5 all give -- it should give us all pause for thought.  
6 How large would the blast zone be in the event of a  
7 fire or an explosion? The scope of any study needs to  
8 address these issues.

9 JUDGE TOREM: Thank you.

10 Dave Miller, followed by Brooks Berndt,  
11 Corinne Ball, and Dan Serres.

12 MR. DAVE MILLER: Hi. My name is Dave  
13 Miller. I live in Camas on N.W. Third Avenue, and I've  
14 lived there since 1990. I'd like to speak for the  
15 wildlife and habitats of the Gorge, especially the  
16 wildlife of the Steigerwald Lake, Franz Lake, and  
17 Pierce National Wildlife Refuges where I volunteer.

18 My concerns are that wildlife are frequently  
19 killed by trains in the Gorge. I've done GPS surveys  
20 along the tracks of the Pierce Refuge, and in just two  
21 and a half miles, I found the remains of at least 45  
22 large animals killed by trains such as this elk and  
23 this elk and this elk and this turkey vulture and this  
24 elk, et cetera, et cetera. Here's a herd of elk on the  
25 tracks. Increasing -- let's see. Mostly elk, but also

1 deer, rabbits, (inaudible), et cetera. Increasing  
2 train traffic will also increase the amount of wildlife  
3 killed by trains.

4 This project would increase the oil train  
5 traffic through the Gorge from about 120 cars per day  
6 to about 1,200 cars per day, more than 10 times the  
7 current traffic of the oil trains. When combined to  
8 fill the coal export proposals, the number of cars for  
9 coal and oil goes from 207 per day to 4,037 per day,  
10 which is 20 times the current traffic of coal and oil  
11 trains. And, of course, there are other freight and  
12 passenger trains in -- using the tracks.

13 The other thing I'm concerned about is  
14 increased train traffic will severely impede or stop  
15 wildlife migrations. This amount of train traffic will  
16 mean that there will be a train on the tracks nearly  
17 all the time. This will prevent wildlife from  
18 migrating across the tracks like they do currently.  
19 And the tracks will, in effect, become a  
20 1,200-mile-long wall. I urge you to study the  
21 cumulative impacts of all these proposals together, not  
22 each one individually.

23 And I brought a little visual aid. This is a  
24 chart --

25 JUDGE TOREM: Mr. Miller, if you can just

1 submit that with your written comments, we'll be sure  
2 it gets in front of the council.

3 MR. DAVE MILLER: It says "current  
4 traffic" --

5 JUDGE TOREM: We need to move to Brooks  
6 Berndt and Corinne Ball. Are either of them here? Dan  
7 Serres.

8 All right. After Mr. Serres will be Cecilia  
9 Kessel, Leonard Higgins, Sharon Conser --

10 MR. DAN SERRES: I'm going to cede my time to  
11 Don Steinke.

12 JUDGE TOREM: And you are?

13 MR. DON STEINKE: That's Dan Serres.

14 MR. DAN SERRES: I'm Dan Serres.

15 JUDGE TOREM: Mr. Steinke, you've already had  
16 the time, so I'm -- tonight to speak.

17 MR. DON STEINKE: I gave --

18 MR. DAN SERRES: He didn't.

19 JUDGE TOREM: All right. It's hard for me to  
20 keep track, but I know we heard from you last night,  
21 so ...

22 All right. So Brooks Berndt is not here,  
23 correct? Corinne Ball is not here? And, Dan, you've  
24 ceded your time to Don Steinke.

25 All right. Mr. Steinke, you can begin.

1 MR. DON STEINKE: When I was born, CO2 levels  
2 were about 320 parts per million. Now, it is nearly  
3 400 parts and rising. The pH of the ocean has changed  
4 so much it has crippled the oyster industry in Willapa  
5 Bay. The oyster industry has even asked the governor  
6 to put an antacid in the waters. The last time CO2  
7 levels were this high was when dinosaurs walked the  
8 earth and oceans were 200 feet higher.

9 The majority of scientists say it's urgent to  
10 reduce greenhouse gas emissions, and if we don't do  
11 this, this planet will not be fit to live on by mid  
12 century. I want you to study all the impacts on the  
13 fracking fields of North Dakota to the tailpipe. Be  
14 sure to include climate change and ocean acidification.

15 How many people on your commission understand  
16 the impacts of climate change? Which agency is in  
17 charge of climate change? Fish? Transportation?

18 Gifford Pinchot said that the public trust  
19 was about providing the greatest benefit for the most  
20 people for the longest time with the least harm. You  
21 have a trust obligation to protect the interests of all  
22 present and future generations of citizens. I want  
23 your report to say how this project honors your public  
24 trust obligations to my grandkids. Thank you.

25 JUDGE TOREM: Thank you, Mr. Steinke.

1 Cecilia Kessel. We're at 8:20, and we're up  
2 to -- Ms. Kessel is now No. 57.

3 MS. CECILIA KESSEL: Good evening. My name  
4 is Cecilia Kessel. I've been a resident of Clark  
5 County for 50 years. I am a grandmother of four and a  
6 former teacher, and I've been taking -- taking care of  
7 my community all these years. I don't want to be  
8 fouled by the lease that the port has -- has assigned  
9 with Tesoro. Absolutely not.

10 A little -- I'm going to limit my -- limit my  
11 comments because a lot of people have already expressed  
12 the dangers of this -- of this lease, but I would like  
13 to urge the committee to -- to -- to exhaustively  
14 examine every potential aspect of this proposal from  
15 the -- from initial extraction of the oil to the point  
16 of combustion when the CO2 is released into the air we  
17 all breathe.

18 It seems Vancouver has become the epicenter  
19 of the fossil fuel wars as Vancouver is also threatened  
20 with the Millennium proposal coal shipping terminal in  
21 Longview, Washington. The negative confluence of these  
22 two mega threats will inexorably alter the livability  
23 of the area not only here but also the livability of  
24 the planet. Our community cannot accept these  
25 assaults.

1           And I want to quote Washington governor, Jay  
2     Inslee, when he -- with this quote. We are the first  
3     generation to feel the sting of climate change, and we  
4     are the last generation who could do something about  
5     it. This is our opportunity and yours to do something  
6     about it.

7           JUDGE TOREM: Thank you, Ms. Kessel.

8           Mr. Higgins. Mr. Higgins will be followed by  
9     Sharon Conser and Edith Gillis. And as we go on to the  
10    fourth page, Adam Gaya or Gava. I'm not sure.

11          MR. LEONARD HIGGINS: My name is Leonard  
12    Higgins. I'm a father and a grandfather.

13          JUDGE TOREM: Can you speak a little bit  
14    further into the mic.

15          MR. LEONARD HIGGINS: Sure. I've lived in  
16    Oregon all my life. I love the natural beauty of the  
17    Pacific Northwest. Both Oregon and Washington State  
18    are well-known for their natural beauty and a history  
19    of stewardship for their land and their people.

20          Our state governors, Inslee and Kitzhaber,  
21    have said the increasing levels of greenhouse gases  
22    from burning fossil fuels are imposing direct costs on  
23    people, businesses, and communities in the U.S. and  
24    around the world. These costs include the public  
25    health cost as well as costs resulting from ocean

1 acidification, rising sea levels, wildfires, and  
2 shrinking snow packs that are the key sources of water  
3 for the western U.S.

4           There are also known and hidden costs, both  
5 financial and social, to be born by state and local  
6 communities by the increased traffic and for the  
7 railroad infrastructure improvements that would be  
8 required if this project is approved at a time when our  
9 very survival is threatened by climate change impacts  
10 on food and water security, super storms, wildfires,  
11 and increasing rates of planet and animal species  
12 extinctions.

13           It's hard to imagine that community leaders  
14 like yourselves will approve plans that will increase  
15 carbon emissions and increase the already great threats  
16 to the well-being of our families and communities.  
17 Common sense, your professional responsibility, and  
18 your responsibility to your family and your community  
19 require that you fully consider not only the  
20 significant direct, local, health safety, economic, and  
21 social justice impacts, but also the regional and  
22 global considerations that will have a direct impact on  
23 Washington and Oregon families.

24           JUDGE TOREM: Thank you.

25           Sharon Conser. And, again, I want to thank

1 you for sticking with the thumbs up, thumbs down. It  
2 helps us keep moving.

3 MS. SHARON CONSER: My name is Sharon Conser.  
4 I live on the Old Evergreen Highway, two houses from  
5 the Columbia River. I look out at the tip of  
6 Government Island. We are here as a group to talk  
7 about something that's very important to this city and  
8 this community, this county, this state, and I see that  
9 the majority of you are representing my state  
10 government. I also notice that we have Clark County  
11 here, City of Vancouver, and a port commissioner.

12 Now, this is kind of mind-boggling because  
13 the port commissioner has already approved Tesoro. I  
14 see that as a conflict of interest. Right there. I  
15 was at the July hearing at the Port of Vancouver.  
16 11,000 signatures were presented by the people of Fruit  
17 Valley. They did not want that port there. It was not  
18 heard. You've got to hear the people of Fruit Valley  
19 and Hauk tonight. Do you think that we think this is  
20 going to be an unbiased report? I don't. I don't  
21 trust the Port of Vancouver. They've lost my respect.  
22 I'm glad to see Bryan here, Ms. Taylor here,  
23 and Jeff Swanson here because they represent this city,  
24 and we elected some of you. We elected him, and he is  
25 a conflict of interest.

1 JUDGE TOREM: Ms. Conser.

2 MS. SHARON CONSER: And I'm unhappy.

3 JUDGE TOREM: I want to --

4 MS. SHARON CONSER: I'm --

5 JUDGE TOREM: I don't want to interrupt; I  
6 just want to clarify.

7 MS. SHARON CONSER: I know --

8 JUDGE TOREM: He's not a port commissioner.  
9 He's a representative of the port.

10 MS. SHARON CONSER: Then please stand up and  
11 accept my apology because if I see anything from the  
12 Port of Vancouver, I see the word "traitor."

13 JUDGE TOREM: Ms. Gillis is next, followed by  
14 Adam Gaya or Gava, Francis Gaze, Elizabeth  
15 Graser-Lindsey, and Lehman Holder.

16 MS. EDITH GILLIS: Please write  
17 "earthquakes." In-ground oil and coal act as  
18 lubricants and shock absorbers preventing earthquakes.  
19 The use of sonar to test where oil and coal are causes  
20 earthquakes. The fracking causes small and more  
21 frequent earthquakes, earthquakes were triggered more,  
22 and they're more resis -- they're less resistant to the  
23 earthquakes.

24 The drilling, the explosions to use -- to  
25 remove it cause earthquakes. The very heavy equipment

1 causes the destabilization of the earth. When you  
2 insert water into the ground, it is heated up. Hot  
3 water can boil, become steam, and cause explosions and  
4 earthquakes. When you have all that heavy oil on the  
5 rails, including with the coal, you destabilize the  
6 earth. Those vibrations cause more earthquakes.

7 In Portland, Oregon, we have four major  
8 fault -- fault lines. We have the sub -- this Cascadia  
9 subduction zone off the Oregon coast, the Washington  
10 coast, California, would just unzipper the whole area  
11 causing earthquakes. They're expecting to go beyond  
12 the 10 Richter scale they used to have.

13 In Portland, they're not expecting to have a  
14 few 9-point, 9.5 earthquakes, but many, many, many.  
15 And after the first 5-point earthquake, they're  
16 expecting the city of Portland to not be able to  
17 provide community services for over 12 years.

18 Not only that, but over 65 years ago, climate  
19 scientists said the global climate change, you would  
20 have the coals melting ice causes squeezing of the  
21 sen -- temperate areas and more earthquakes in the  
22 central zones as we have been having. When you have  
23 these earthquakes, you're going to have derailment,  
24 you're going to have explosions, you're going to have  
25 that with the electronic and static that goes with the

1 equations and the earthquakes cause more explosions  
2 with the --

3 JUDGE TOREM: Thank you.

4 MS. EDITH GILLIS: -- coal dust --

5 JUDGE TOREM: Thank you, Ms. Gillis. You've  
6 got to stop.

7 MS. EDITH GILLIS: And the fires.

8 JUDGE TOREM: Is Adam Gaya here?

9 MS. KAYLA GODAWA-TUFTI: I'm speaking in Adam  
10 Gaya's place.

11 JUDGE TOREM: Can you state your name,  
12 please.

13 MS. KAYLA GODAWA-TUFTI: For the record, my  
14 name Kayla Godawa-Tufti.

15 JUDGE TOREM: You're going to have to slow  
16 down and spell it for me because I didn't catch any of  
17 that.

18 MS. KAYLA GODAWA-TUFTI: G-O-D-O-W-A, hyphen,  
19 T-U-F-T-I.

20 JUDGE TOREM: Okay. Ms. Godawa-Tufti, go  
21 ahead.

22 MS. KAYLA GODAWA-TUFTI: I'd like to  
23 acknowledge my presence in what I believe to be  
24 Clackamas, Cowlitz, Klickitat, Multnomah territory.  
25 E tut hi habib hi (verbatim). My name is Kayla

1 Godawa-Tufti. I have lived in Eugene, Oregon, for 20  
2 years, about half a mile from the Kinder Morgan  
3 terminal and the KMEP Portland to Eugene 8-inch  
4 pipeline.

5 Rail clamors at a nerve-racking rate day and  
6 night in my neighborhood. I know for a fact that this  
7 unconventional oil is railed and trucked past my home  
8 every single day. I stand in solidarity with  
9 communities in resistance to international oil greed  
10 from extraction to export from Canada to North Dakota  
11 to Cherry Point. In resistance, we are united.

12 I'm a descendent of treaty signers of the  
13 Mid-Columbia River Treaty signed in 1855; ratified in  
14 1859. We relinquished 10 million acres in ex -- to  
15 the -- we relinquished 10 million acres to the  
16 U.S. Government in exchange for a 600,000-acre parcel  
17 dubbed the "Warm Springs Reservation." I hold federal  
18 and international aboriginal treaty right to the  
19 Columbia River, which we call "In che wana wemo papa  
20 udu" (verbatim).

21 As a member of the Confederated Tribes of  
22 Warm Springs, it is my obligation and responsibility to  
23 protect our homelands and waters within my sovereign  
24 territory as a treaty rights holder and an individual  
25 whose obligation it is to uphold our (inaudible) law

1 for all generations.

2 Where is the tribal representation in  
3 consultation on this board for recommendation to  
4 Governor Inslee? There are four Columbia River treaty  
5 tribes, which, according to your procedure, as tribal  
6 treaty rights holders, the Confederated Tribes of  
7 Umatilla, Confederated Tribes of Warm Springs, Yakima  
8 Nation, and the Nez Perce Tribe should all have seats  
9 on this board. The fact that there is no tri --  
10 tribal -- Columbia River treaty tribe representation on  
11 this board is a direct violation of your own guidelines  
12 and of national and international law regarding  
13 consultation of local sovereign tribal entities.

14 JUDGE TOREM: Thank you, Ms. Godawa-Tufti.

15 UNKNOWN SPEAKER FROM AUDIENCE: Give her more  
16 time.

17 JUDGE TOREM: I -- I can't give anybody more  
18 time. I can't display any favoritism.

19 MS. KAYLA GODAWA-TUFTI: We have publicly  
20 opposed as the Confederated Tribes in Warm Springs --

21 JUDGE TOREM: Thank you, ma'am.

22 MS. KAYLA GODAWA-TUFTI: -- all four Columbia  
23 River treaty tribes have opposed this --

24 JUDGE TOREM: Ma'am, you need to stop.

25 Francis Gaze is up.

1 MS. KAYLA GODAWA-TUFTI: We have  
2 officially --

3 JUDGE TOREM: Can I have --

4 MS. KAYLA GODAWA-TUFTI: -- opposed this --

5 JUDGE TOREM: -- security remove her from the  
6 microphone, please.

7 MS. KAYLA GODAWA-TUFTI: -- these terminals  
8 involved in the industry.

9 JUDGE TOREM: Shut the microphone down.

10 UNKNOWN SPEAKER FROM AUDIENCE: Give her more  
11 time.

12 JUDGE TOREM: Francis Gaze is next.

13 MS. KAYLA GODAWA-TUFTI: You're in violation  
14 of international and federal -- this board -- this  
15 entire board in the State of Washington --

16 JUDGE TOREM: Francis Gaze has ceded his  
17 time, but it won't be awarded to you, ma'am.

18 Elizabeth Graser-Lindsey is next. If we --  
19 we're going to end up stopping very shortly if we can't  
20 control the hearing and press on. Everybody was given  
21 the same two minutes. Let's press on to the next one,  
22 please.

23 UNKNOWN SPEAKER FROM AUDIENCE: The lady  
24 after you deserves more than two minutes.

25 JUDGE TOREM: Elizabeth Graser-Lindsey.

1 MS. KAYLA GODAWA-TUFTI: You are in direct  
2 violation of your own right.

3 JUDGE TOREM: Are you Ms. Graser-Lindsey?  
4 Okay. You're up.

5 MS. ELIZABETH GRASER-LINDSEY: My name is  
6 Dr. Elizabeth Graser-Lindsey, and my background is in  
7 agricultural meteorology. Our legal system is based on  
8 us not harming each other. The laws "Thou shalt not  
9 kill" and "Thou shalt not steal" are thousands of years  
10 old and are fundamental to modern law. In  
11 understanding and applying these laws was broadened  
12 with the Clean Air Act and the Clean Water Act were  
13 adopted.

14 Recently, we added law against secondhand  
15 smoke because smoke can steal health and kill.  
16 Scientists are in agreement that climate change  
17 threatens life on earth. The World Health Organization  
18 recognized several years ago that 150,000 people are  
19 dying each year from climate change, from the severe  
20 weather, the floods, the tornadoes, the hurricanes, the  
21 super storms, the droughts, the high temperatures,  
22 famine, insect outbreaks, et cetera. It also causes on  
23 stealing of property.

24 The Supreme Court agreed that the Clean Air  
25 Act can regulate carbon dioxide as a major driver of

1 climate change. It is wrong that this project proposal  
2 requests waivers for the CO2 mitigation and performance  
3 standards on page 2170. We've seen in Canada how a  
4 small town had over a half mile blast radius and almost  
5 four dozen people killed from an oil train. This  
6 government body needs to honor and apply the legal  
7 principles that protect people's life and health from  
8 harm and that would steal their health and property and  
9 kill them and their right to be.

10 JUDGE TOREM: Thank you, Ms. Graser-Lindsey.

11 Next is Lehman Holder followed by Nicolette  
12 O'Conner.

13 MS. KAYLA GODAWA-TUFTI: You're all in  
14 violation, and this is all illegal right now. You have  
15 not --

16 JUDGE TOREM: Mr. Holder, if you can proceed  
17 to the microphone, go ahead, sir.

18 MS. KAYLA GODAWA-TUFTI: And our tribes will  
19 be notified.

20 MS. LUNA: What number are we on?

21 JUDGE TOREM: We're at No. 64:

22 MS. LUNA: Oh. I -- I believe I was No. 61.

23 JUDGE TOREM: No, you weren't, ma'am. That  
24 was Adam Gaya.

25 MS. LUNA: (Inaudible.)

1 JUDGE TOREM: I'll get to that as soon as I  
2 let him speak. Okay?

3 MR. LEHMAN HOLDER: Thank you for the  
4 opportunity to speak this evening and thanks so much  
5 for listening. My name is Lehman Holder. I'm a  
6 Vancouver resident. I live at 8916 N.E. 11th Street  
7 where I've been for 22 years. I also serve as chair  
8 for the Loo Wit Southwest Washington Group Sierra Club,  
9 and I speak on behalf of Loo Wit's 1,400 members across  
10 five counties of southwest Washington.

11 At every hearing, an overwhelming majority of  
12 local citizens have been opposed to this project. With  
13 this in mind, it's clear that the voice of the people  
14 should be heard and heeded. I ask you to say no to  
15 this proposed project.

16 Next, seismologists tell us that the  
17 Northwest is overdue for a major earthquake of the size  
18 that devastated Japan in 2011. So if Tesoro has  
19 assured us that these tanks will be safe in such an  
20 event because a berm will be built around them to  
21 contain the oil. Do they not understand or appreciate  
22 just how severe an 8 or 9.0 magnitude quake is? Almost  
23 certainly, the ground on which these tanks are built  
24 will liquefy, and the berm will fracture. The result  
25 will be a nightmarish oil spill, much of which will go

1 into the Columbia River.

2 I call your attention to this recent article  
3 in the Oregonian newspaper which researched the likely  
4 results of such a large quake on an existing oil  
5 storage facility in northwest Portland, such as an area  
6 would be extraordinarily ugly. Transmission lines  
7 would be severed likely igniting the oil and setting  
8 the river ablaze. Such a huge earthquake might not  
9 occur for a hundred years, or it can happen much  
10 sooner. According to the Oregonian's report, if it  
11 doesn't happen by 2060, it will exceed 85 percent of  
12 all known intervals of earthquake recurrence in the  
13 last 10,000 years. It's too great of a gamble. Thank  
14 you.

15 JUDGE TOREM: Thank you, Mr. Holder.

16 Ma'am, you are 73. Getting close.

17 Nicolette O'Conner is next followed by Rowena  
18 Millis, Anita Thomas, and Marcella Chandler.

19 MS. NICOLETTE O'CONNER: Good evening, Chair  
20 Moss and council. My name is Nicolette O'Conner. I am  
21 a resident of Vancouver. My address is 4618 E. 18th  
22 Street, Vancouver, Washington. I am a homeowner and a  
23 recreational kayaker and hiker. I'm also an antique.  
24 And the proposed Tesoro Savage project is not in the  
25 best interest of Vancouver nor the Pacific Northwest.

1 The project will negatively impact our air and water  
2 quality and contribute to climate change.

3 The site of the proposed project is just a  
4 few miles east of two popular recreational areas;  
5 Vancouver Lake, which is in the red zone, and  
6 Frenchman's Bar. Many times during the year, I -- I  
7 kayak Vancouver Lake, and I go up the slough into the  
8 Ridgefield National Wildlife area. Many of my friends  
9 take their children and grandchildren to Frenchman's  
10 Bar. If this proposed facility is approved, we will  
11 all travel past this industrial site breathing its  
12 toxins, fumes.

13 As you are well aware, it is estimated that  
14 four unit trains per day carrying anywhere from 360,000  
15 to 380,000 barrels of crude oil will travel through the  
16 Columbia River Gorge. The Columbia River Gorge is a  
17 national treasure and needs our protection as do all of  
18 the towns and wildlife area along the railroad routes.

19 I just want to echo what Eric LaBrant said,  
20 what Linda Garcia said, and everyone's comments as well  
21 as Jim Chase and Keith Brown. Thank you for this  
22 opportunity to speak, and I look forward to a  
23 comprehensive EIS and the governor's ability to say no.

24 JUDGE TOREM: Thank you, Ms. O'Conner.

25 Next is Rowena Millis. Okay. Not seeing

1 Rowena Millis. Can I have Anita Thomas.

2 Ms. Thomas, as we did last night, I'll give  
3 you a 30-second verbal warning.

4 MS. ANITA THOMAS: Thank you so much.

5 Good evening. My name is Anita Thomas. I am  
6 a resident of Vancouver. I live at 1414 Coffman  
7 Avenue, No. 201, 98660. I moved here a year ago. I  
8 love the area. I have family who lived here long  
9 before I did. It took me a long time to get here, and  
10 I am exceedingly distressed at the thought of putting  
11 in an oil terminal here.

12 I moved from Dallas, Texas. I had lived in  
13 the oil patch all my life, and I am daughter of Dura  
14 Thomas, who was a member of Pipeliners Local 798. And  
15 thank you, longshoremen, for your unanimous vote  
16 against this project.

17 I not only object to the stench and the waste  
18 left by the oil products, but I also am deeply  
19 concerned that up here it is so beautiful, it is too  
20 easy for people to take -- take for granted what you  
21 have, and it would be a criminal act if you were to  
22 lose the beauty of this area to short-term profit.

23 I would also like to add that on today's  
24 news, it was reported by Thom Hartmann that in North  
25 Dakota there are -- is approx -- almost 300 oil spills

1 that have gone unreported, partly because the agencies  
2 in charge of regulating them are not required to report  
3 them.

4 JUDGE TOREM: About 30 seconds, ma'am.

5 MS. ANITA THOMAS: So I would like to point  
6 out that when the nuclear agen -- the nuclear energy  
7 was in its beginnings, people thought this was the  
8 answer to everything. Now, we think fracking will give  
9 us a lot more time on oil. It will not.

10 I think there are -- we not only need to  
11 reject the project all together as the esteemed  
12 attorney said -- the first person who spoke -- but  
13 also, if it must be considered then as broadly as  
14 possible and certainly with climate change which I  
15 could feel in Dallas with overnight lows in the mid 80s  
16 when it used to only be rare to get to 80, and  
17 getting --

18 JUDGE TOREM: Ms. Thomas, it's time. Thank  
19 you.

20 MS. ANITA THOMAS: Thank you.

21 JUDGE TOREM: Marcella Chandler. Is Marcella  
22 Chandler here?

23 MS. MARCELLA CHANDLER: I -- I'm here.

24 JUDGE TOREM: Oh, you are. Okay. Great.

25 If Tedine Roos is here, she'll be next

1 followed by Michael Piper and then Jeffrey Stookey.

2 MS. MARCELLA CHANDLER: My name is Marcella  
3 Chandler, and I live at 1414 Coffman Avenue,  
4 Apartment 411, off Mill Plain Boulevard in Vancouver.  
5 I was born and grew up in Portland just south of the  
6 Columbia River. My husband, my two sons, and I moved  
7 to Vancouver -- Vancouver almost 19 years ago, and we  
8 grew to love the city of Vancouver.

9 I currently live a couple blocks from the  
10 rail yard and train station. I'm within walking  
11 distance of the river, and I can see and hear the port  
12 from the roof deck of my apartment building. I too am  
13 in the -- in the red zone. I am concerned about the  
14 safety of my family, friends, and city.

15 360,000 barrels of -- a day coming down --  
16 coming through the -- Vancouver is a big increase in  
17 volume, which also increases the risk of -- for an  
18 accident. If a -- if a train carrying crude oil  
19 through Vancouver derails as the one in Quebec did, it  
20 is likely more than 50 people will lose their lives.

21 In Vancouver, these trains are not skirting  
22 the edges of town. They are passing schools,  
23 neighborhoods, passing over a convention center, two  
24 hotels, passing restaurants, bicycle and walking paths,  
25 shops, city hall, Esther Short Park, and on weekends

1 during the summer, farmers market. Now, I know Tesoro  
2 Savage assures us that they are prepared to handle  
3 anything, but, as you know, things do happen. An  
4 explosion at the port or train derailment and explosion  
5 would be devastating. I am asking that you stop this  
6 project. Thank you.

7 JUDGE TOREM: Thank you, Ms. Chandler.

8 Ted -- is it Tedine Roos? Ms. Roos. All  
9 right. And then Mr. Piper. Sorry.

10 MS. TEDINE ROOS: My name is Tedine Roos, and  
11 I live in Vancouver at 3706 N.W. 129th. Many comments  
12 given tonight concern immediate effects of oil trains.  
13 My comments refer to a larger picture. The human race  
14 has exceeded the care and capacity of the planet and is  
15 overdue for a population crash. It is incredible to  
16 destroy food production areas in the face of this  
17 looming horror. But that's what fossil fuel extraction  
18 does.

19 The Gulf of Mexico has been destroyed as food  
20 source. Floods in Colorado topped with waste ponds and  
21 tanks of oil, acres of food production destroyed.  
22 Fracking in the Bakken permanently destroys land that  
23 has been used for generations to produce food, animals,  
24 wheat, and corn. To convey Bakken oil is to  
25 participate in this destruction in the same way

1 Goodyear and Ford participated in the Third Reich.

2 Vancouver oil terminal is not even good  
3 business. The Bazhenov Shale area in Siberia is 80  
4 times as big as the Bakken, and there are fissures and  
5 cracks in this formation which means the oil would get  
6 less expensive to extract and closer to Asian markets  
7 and have the pipelines already there. By the time --  
8 time the port terminal is built, the market may well  
9 have fallen. Then what is there to export? This  
10 terminal must be stopped.

11 JUDGE TOREM: Okay. Next is Michael Piper  
12 followed by Jeffrey Stookey, Sonya Rowe, and Luna.

13 MR. MICHAEL PIPER: Good evening. My name is  
14 Michael Piper. I'm a resident of Vancouver downtown.  
15 Welcome, Bill, to your new job. It's been a long time.

16 I used to be the sustainability coordinator  
17 for the City of Vancouver and conducted their  
18 greenhouse gas inventory, and I can assure you that  
19 this project would blow the lid off of any goals the  
20 city had in reducing climate change. The same goes for  
21 the state. It's tremendous.

22 Prior to that, I was the assistant director  
23 for what's now the Department of Commerce through three  
24 governors, and I'm very familiar with economic  
25 development and job creation. These are not the kind

1 of jobs that we want.

2 Prior to that, I was the administrator for  
3 Bonneville Power's conservation programs in the 1980s,  
4 and both the governor of Oregon and Washington and the  
5 Northwest Power Planning Council have said that we can  
6 meet 100 percent of our energy requirements by  
7 conservation alone. That's electric conservation,  
8 which our transportation is moving to electric  
9 vehicles.

10 Just in summary and in order to be brief  
11 because all the points have been brought up, I agree  
12 with completely. There is one thing that I wanted  
13 to -- and impression that I'd like you to consider is  
14 Washington State oil spill response program is funded  
15 through a tax on crude oil coming into the state by  
16 vessel, but not rail. If the state transitions from  
17 vessel shipments of Alaskan oil to rail shipments of  
18 oil from North Dakota or Canada, it's possible that the  
19 program may find itself underfunded and unprepared for  
20 disaster.

21 In conclusion, my very first job after school  
22 was I worked on three Green Peace boats for three years  
23 and got to look around the world and see what's  
24 happening to our environment, and I'm proud to tell  
25 you -- and if you're around town -- to arriving

1 tomorrow night, the Rainbow Warrior will be arriving at  
2 the Vancouver Landing. Its other ship is in hostage  
3 being held by Russia right now for protesting in the  
4 Arctic oil drilling, but you can go down and learn more  
5 about climate change and clean energy options and visit  
6 the Rainbow Warrior down at the Vancouver Landing.

7 Thank you.

8 JUDGE TOREM: Jeffrey Stookey.

9 MR. JEFFREY STOOKEY: My name is Jeff  
10 Stookey. I'm a fourth generation Washingtonian born  
11 and raised in Hook Mountain Valley (verbatim) and a  
12 20-year resident of Portland, Oregon. I'm opposed to  
13 the proposed Vancouver oil terminal because my -- of my  
14 concerns about the potential of oil spills, traffic  
15 congestion, community safety, the volume and type of  
16 oil coming through the area, and potential pollution  
17 from oceangoing oil tankers. But, most importantly,  
18 the global system -- systematic climate disruption  
19 already described eloquently.

20 Ms. -- Ms. Bumpus mentioned the council's  
21 obligation to consider public impact alternatives.  
22 Well, we currently have all the specific and technical  
23 knowledge and the physical resources to get all of our  
24 energy from renewables, according to Mark Z. Jacobson,  
25 professor of civil and environmental energy --

1 engineering at Stanford University. Former Irish  
2 president and climate justice advocate, Mary Robinson,  
3 says, It is very clear that as we move to lower -- low  
4 carbon, it will actually be job-creating.

5 Renewable energy already employs 2.7 million  
6 workers more than the fossil fuel industry, and studies  
7 have shown the green energy will continue to create far  
8 more jobs than the fossil fuel industry. The U.S.-led  
9 green industrial revolution will move our economy  
10 forward, create millions of new jobs, and help ensure a  
11 livable planet for future generations. Every dollar we  
12 spend on fossil fuel infrastructure is one less dollar  
13 we can devote to renewable energy development. Global  
14 climate change is here. Future generations are  
15 watching to see what actions we take to reverse it.

16 Thank you.

17 JUDGE TOREM: Thank you, Mr. Stookey.

18 Sonya Rowe. She'll be followed by Luna,  
19 Nancy Baker-Krofft and Brett VandenHeugel.

20 MS. SONYA ROWE: Good evening. My name is  
21 Sonya Rowe. I've been a resident of the Vancouver area  
22 and Clark County for about five and a half years this  
23 month. And I moved here for my health from San Diego.  
24 The climate here was ideal, and it's the most beautiful  
25 place I've ever seen. I moved here following my

1 brother who had preceded me by several years, and he  
2 had just glowing reports of this place.

3 I want to talk a little bit about the law of  
4 unintended consequences for just a second here.

5 Anytime -- according to Murphy's Law, anytime there's a  
6 situation where something might go wrong, it will. And  
7 this law of unintended consequences brought to mind a  
8 story about the Ft. St. Vrain Nuclear Power Plant in --  
9 along the Platte River in northern Colorado. This  
10 plant was built in the late '60s, early '70s, was  
11 expected to provide a great deal of energy and great  
12 benefit to the community because it was such a clean  
13 industry, and it was going to replace so much of the  
14 fossil fuel energy that was being used. The  
15 Ft. St. Vrain Power Plant has never operated at more  
16 than 17 percent of its capacity. The unintended  
17 consequences of that limited operation meant that  
18 gallons -- thousands and thousands of gallons of hot  
19 water from cooling the plant ended up in the South  
20 Platte River completely destroying the ecology of the  
21 river.

22 There are so many opportunities for this oil  
23 terminal, which is going to be esthetically an awful  
24 lot like having an old downtown Dumpster decorating the  
25 front yard. It's a false --

1 JUDGE TOREM: Thank you, Ms. --

2 MS. SONYA ROWE: -- economy to think that  
3 this is going to bring profit to our community. If you  
4 look at the amount of money that it's -- that it's  
5 involved as income from the leases --

6 JUDGE TOREM: Thank you, Ms. Rowe. You've  
7 reached the two minutes.

8 MS. SONYA ROWE: -- you'll find that the cost  
9 of one cleanup is higher.

10 JUDGE TOREM: Luna.

11 MS. LUNA: Thank you. Thank you for -- sirs,  
12 ma'am, for your patience and for your attentiveness  
13 throughout this whole ordeal. My name is Luna, and  
14 we -- we are Dorothy Day, we are Rachel Carson, Martin  
15 Luther King, Jr. We are Mother Teresa. We are Chief  
16 Joseph. Everyone here tonight, we represent what is  
17 good and right and sacred. We speak for the earth, we  
18 speak for children, and we speak for posterity. We  
19 speak for future generations of people; children and  
20 children's children. It is thought wicked -- it is  
21 thought wicked and inhumane to profess indifference  
22 about whether the world will go up in flames once one  
23 is dead, and so it is undoubtedly true that we must  
24 consider on their own account the interest of those who  
25 will one day come after us. Cicero.

1           If you recommend this permit be approved, you  
2 will be professing indifference to the possibility that  
3 the world may perhaps not so figuratively go up in  
4 flames one day in the future. Over 800 scientists from  
5 over 80 countries, the international panel on climate  
6 change, you know how certain they are? 95 percent that  
7 it comes from carbon emissions.

8           JUDGE TOREM: Thank you, ma'am.

9           MS. LUNA: This is about ethics.

10          JUDGE TOREM: Nancy Baker-Krofft.

11          MS. NANCY BAKER-KROFFT: I'm a teacher. I  
12 would like to wrap up. It's 9:00 o'clock. I do  
13 believe that we have learned a lot of things today,  
14 that good neighbors don't poison each other. My name  
15 is Nancy Baker-Krofft. I came here from Salem, Oregon.  
16 I am also affected.

17          There is no one representing Oregon. Oregon  
18 is on the other side of the same beautiful Columbia  
19 River that I grew up next to in Portland. We've also  
20 learned that al-Qaeda is not nearly as bad as this  
21 problem, and it's a one-way train. Thank you for all  
22 the excellent testimony we've heard tonight.

23          We know that it's taken three years in the  
24 Gulf. BP said that they would clean it up, but their  
25 ecosystem has been ruined. They put in money, but will

1 it bring back life?

2 We have low river levels in the Columbia.  
3 How will that be affected? Oil is not a commodity, as  
4 it has been said tonight. It is a toxin. And I have a  
5 friend from Olympia who asked if I would explain to you  
6 that we have to realize fossil fuel exports are absurd  
7 because a massive extraction -- extinction is under way  
8 now. And someone else talked about what massive  
9 extinction is, and our society is already ahead of  
10 carrying capacity. We don't want short-sighted  
11 economics to give us a long-term disaster. Thank you.

12 JUDGE TOREM: I've been informed that my  
13 reading of Kathy Lane's handwriting was incorrectly to  
14 call her name, so if you can come to the podium now,  
15 we'll take her. She was back at No. 42. Thank you,  
16 Ms. Lane.

17 MS. KATHY LANE: Hi. My name is Kathy Lane.  
18 I've been a resident for over -- Vancouver for over 20  
19 years. I live about one mile downwind at the Port of  
20 Vancouver train tracks. I am concerned that this oil  
21 terminal will be unsafe for those that live, travel, or  
22 work nearby.

23 This proposal plans to transport 380,000  
24 barrels per day using DOT-111 train cars. DOT-111 cars  
25 have proven to breach when they derail. The Port of

1 Vancouver and Tesoro Savage plan to store on site six  
2 tanks of oil, each holding up to 400,000 barrels. If  
3 they explode, downtown Vancouver is toast. After all  
4 the recent spills, derailments, and explosions, this  
5 seems like a recipe for disaster.

6 Tesoro claims doing our work safely is our  
7 number one priority, yet they have a long history of  
8 breaking safety laws. In 2010, seven workers died at  
9 the Anacortes plant because of safety regulations that  
10 were not followed. They were fined for 39 willful and  
11 five serious violations of the law that could have  
12 prevented the accident. In 2011, their Salt Lake City  
13 refinery released hazardous sulphur dioxide after an  
14 unexpected power outage. They were not prepared, but  
15 they should have been. In February 2011, the Tesoro  
16 refinery on Oahu experienced 90 minutes of unplanned  
17 flaring with the serious release of hazardous  
18 chemicals. Just a couple of weeks ago, a Tesoro  
19 pipeline in North Dakota spilled over 20,000 barrels of  
20 oil, yet they failed to report it. A farmer did 12  
21 days after the fact. Air quality regulators in the Bay  
22 Area fined 1.1 million on Tesoro for spewing more  
23 dangerous -- for spewing dangerous particulate  
24 pollution in residential areas. It was one of the  
25 largest fines involving an oil refinery in that region.

1           This list is long, but we'll not (inaudible)  
2 to complete two minutes. So please do a  
3 comprehensive -- a comprehensive study that includes  
4 the safety, health, economic, and environmental impacts  
5 of this oil terminal. Thank you.

6           JUDGE TOREM: Thank you, ma'am.

7           We have reached the limits of our time, but I  
8 did call Brett VandenHeugel to come. He will be our  
9 last speaker. I do recognize that there's at least 25,  
10 potentially 35 folks who signed up that did not get a  
11 chance to speak in the time allotted tonight. I  
12 encourage you to put down your comments in writing.  
13 That deadline for written comments is currently on  
14 November the 18th.

15           Mr. VandenHeugel.

16           MR. BRETT VANDENHEUVEL: Chair Moss, incoming  
17 chair, council, thank you for being here tonight.  
18 With -- with that announcement, I'd first just like to  
19 request that the -- the council give people the  
20 opportunity to speak and hold another hearing both here  
21 in Vancouver for all the people who have been here for  
22 hours as well as in Spokane or somewhere in eastern  
23 Washington.

24           I'm the director of Columbia River Keeper,  
25 and we're a Washington non-profit with over 3,000

1 members, and we will submit detailed comments on the  
2 scoping process and submit those in writing. Tonight,  
3 I would just like to, first of all, say that I'm very  
4 proud to be on the same team as all of -- of these  
5 folks here tonight, and they've -- they've done an  
6 amazing job of testifying.

7 As someone who is a environmental lawyer and  
8 a father and a avid river user who has dedicated my  
9 career to protecting the Columbia River, these are not  
10 boring times. These are pretty heady times on the  
11 Columbia where we're threatened by coal export, oil,  
12 LNG, and I think we're at a turning point of whether to  
13 turn our region into a fossil fuel highway with dirty  
14 oil and coal and LNG or whether to stand up for  
15 protection in the things that we value; things like  
16 clean water and healthy communities and families.  
17 We're at a turning point, and that turning point is  
18 coming to a head with this decision.

19 Bloomberg recently wrote that oil companies  
20 are buying up railcars like drunken sailors because  
21 they're abandoning pipelines and moving to oil by rail.  
22 They can do it faster and less permitting. And so what  
23 we're looking at is tens of thousands of new railcars  
24 being bought up right now for oil, for tar sands, and  
25 unlimited fossil fuel products.

1           The Port of Vancouver's lease says fossil  
2 fuel. We could be looking at Canadian tar sands, we  
3 could be looking at Bakken, up a lot of projects. Not  
4 only the rail, but to me, the threat of an oil spill in  
5 a tanker on the lower Columbia during salmon rearing  
6 season is unfathomable what could happen with the Exxon  
7 Valdez type spill at that time. Thank you.

8           JUDGE TOREM: Thank you, Mr. VandenHeugel.

9           I want to echo what Mr. VandenHeugel said.  
10 Thank you, for the most part, for the courtesy that was  
11 extended to the council in the entirety of the speakers  
12 tonight. We know there's a lot more to be said from a  
13 lot of you that didn't get a chance tonight. The  
14 council is taking this initial scoping meeting as a  
15 chance to see and measure community spirit and  
16 determine if we need to hold additional hearings in the  
17 SEPA process as we can work on the draft.

18           There are a lot of other opportunities to  
19 speak. If there is not another SEPA scoping hearing,  
20 there will be hearings at the adjudication. We'll make  
21 sure to set aside abundant time during the adjudication  
22 to hear again from you as we get more information on  
23 this process.

24           I want to turn it back over to the acting  
25 chair for any closing comments and again encourage you

1 if you haven't picked up these cards -- they have all  
2 of the contact information you need to communicate with  
3 the council in -- electronically or in writing.

4 Chair Moss.

5 THE CHAIR: I just want to add my thanks and  
6 the thanks of behalf of the council for your -- all of  
7 you turning out tonight. I know a lot of people have  
8 left through the course of the evening, but perhaps  
9 you'll have some friend and so forth you can  
10 communicate to them how much we appreciate you all  
11 being here. Thank you very much. We'll be adjourned.

12 (The meeting adjourned at 9:07 p.m.)  
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CERTIFICATE

I, GRACE F. LENGMUELLER, a Certified Court Reporter for Washington, hereby certify that the public meeting occurred before me at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction, and that the foregoing transcript, pages 3 to 132, both inclusive, constitutes a full, true, and accurate record of all such testimony adduced and oral proceedings had, and of the whole thereof.

Witness my hand and CSR seal at Washougal, Washington, this 18th day of November, 2013.

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GRACE F. LENGMUELLER  
Certified Court Reporter  
Certificate No. 3031