

# Verbatim Transcript of Special Council Meeting

## Tesoro Savage Vancouver Energy Project

December 19, 2017



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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL

J.A. Cherberg Building  
301 - 15th Avenue Southwest  
Senate Hearing Room 4  
Olympia, Washington  
December 19, 2017  
1:32 p.m.

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SPECIAL COUNCIL MEETING  
Verbatim Transcript of Proceeding

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358  
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1                   A P P E A R A N C E S  
2 COUNCILMEMBERS:  
3 Roselyn Marcus, Chair  
4 Jaime Rossman, Department of Commerce  
5 Cullen Stephenson, Department of Ecology  
6 Dennis Moss, Utilities and Transportation Commission  
7 Joe Stohr, Department of Fish and Wildlife (via phone)  
8 Dan Siemann, Department of Natural Resources (via phone)  
9  
10 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:  
11 Ken Stone, Department of Transportation  
12 Bryan Snodgrass, City of Vancouver  
13 Greg Shafer, Clark County  
14 Larry Paulson, Port of Vancouver  
15  
16 ASSISTANT ATTORNEY GENERAL:  
17 Ann Essko  
18  
19 COUNCIL STAFF:  
20  
21 Stephen Posner  
22 Sonia Bumpus  
23 Joan Aitken  
24 Ami Kidder  
25 Christina Potis

\* \* \* \* \*

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1                   OLYMPIA, WASHINGTON; DECEMBER 19, 2017  
2                   1:32 P.M.  
3                   --oOo--  
4                   P R O C E E D I N G S  
5  
6                   CHAIRMAN MARCUS: All right. I would like  
7 to call to order this special meeting of the Washington  
8 State Energy Facility Site --  
9                   IRENE: Hello, this is Irene. I'm patching in  
10 Joe Stohr from his cell phone into this call.  
11                  CHAIRMAN MARCUS: Great. Thank you.  
12                  Okay. We will try starting again.  
13                  I'd like to call to order the special  
14 meeting of the Washington State Energy Facility Site  
15 Evaluation Council. It is 1:32 p.m. on  
16 December 19th, 2019 [sic]. We are in Senate Hearing  
17 Room 4 in the Cherberg Building in Olympia, Washington.  
18                  Could you please call the roll?  
19                  MR. POSNER: Chair?  
20                  CHAIRMAN MARCUS: Here.  
21                  MR. POSNER: Department of Commerce?  
22                  MR. ROSSMAN: Jaime Rossman, here.  
23                  MR. POSNER: Department of Ecology?  
24                  MR. STEPHENSON: Cullen Stephenson, here.  
25                  MR. POSNER: Department of Fish and

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1 Wildlife?  
2                  MR. STOHR: Joe Stohr is on the phone.  
3                  MR. POSNER: Department of Natural  
4 Resources?  
5                  MR. SIEMANN: Dan Siemann is on the phone.  
6                  MR. POSNER: Utilities and Transportation  
7 Commission?  
8                  MR. MOSS: Dennis Moss is here.  
9                  MR. POSNER: Local government and optional  
10 state agencies, Department of Transportation?  
11                  MR. STONE: Ken Stone is here.  
12                  MR. POSNER: City of Vancouver?  
13                  MR. SNODGRASS: Bryan Snodgrass, here.  
14                  MR. POSNER: Clark County?  
15                  MR. SHAFER: Greg Shafer, present.  
16                  MR. POSNER: Port of Vancouver?  
17                  MR. PAULSON: Larry Paulson, here.  
18                  MR. POSNER: We do have a quorum.  
19                  CHAIRMAN MARCUS: Thank you.  
20                  Does any councilmember have any changes to  
21 make to the agenda today?  
22                  Okay. Seeing none, we have a number of  
23 minutes to approve from our prior meeting, so we will  
24 take them one at a time. The minutes for the meeting of  
25 October 17th, 2017, does anyone have any changes? Do I

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<p>1 have a motion to approve the minutes?                  2 MR. MOSS: Chair Marcus, I would move that                  3 we approve the minutes of October 17th, 2017 as                  4 transcribed.                  5 CHAIRMAN MARCUS: Is there a second?                  6 MR. STEPHENSON: I will second.                  7 CHAIRMAN MARCUS: Okay. It has been moved                  8 and seconded to approve the minutes of the                  9 October 17th, 2017 meeting. All those in favor?                  10 COUNCILMEMBERS: Aye.                  11 CHAIRMAN MARCUS: Okay. Unanimous.                  12 We are now going to move to the next meeting                  13 minutes. November 21st, we have two sessions, one in                  14 the morning and one in the afternoon. We'll approve                  15 those minutes together. Does anybody have any changes                  16 to the minutes for the meetings on November 21st?                  17 MR. STOHR: Madam Chair --                  18 CHAIRMAN MARCUS: Could you identify                  19 yourself?                  20 MR. STOHR: Yeah, this is Joe Stohr from                  21 Fish and Wildlife. I'll have to abstain from the vote.                  22 I wasn't at that meeting.                  23 CHAIRMAN MARCUS: Okay. Thank you for                  24 reminding us.                  25 Okay. Do I have a motion to approve the</p>	<p>1 Tesoro/Savage Vancouver Energy Distribution Terminal.                  2 Today we have the final order and report to the governor                  3 to approve. To proceed, we'll take them one at a time.                  4 I will call for the first item, ask for a motion,                  5 provide an opportunity for councilmembers to comment,                  6 and then I will call for the vote. And then before you                  7 depart, you will need to sign the documents to reflect                  8 your vote.                  9 I do want to remind everyone here today that                  10 the Port representative, Mr. Paulson, by statute is not                  11 authorized to vote, although he has been a full                  12 participating member throughout the process, and I would                  13 like to thank him for his insight and his expertise                  14 because he has been extremely helpful throughout the                  15 process.                  16 So thank you, Mr. Paulson.                  17 So I'd like to start with the adjudication                  18 findings of fact and conclusions of law and order to                  19 proceed to recommendation to the governor. The order                  20 finds based on the evidence in the adjudication record                  21 that Tesoro/Savage failed to meet its burden of                  22 establishing by a preponderance of the evidence that the                  23 Port of Vancouver is the appropriate location for siting                  24 its proposed Vancouver Energy Distribution Terminal. I                  25 would like to first call for a motion.</p>
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<p>1 minutes of the November 21st, 2017 meeting, both morning                  2 and afternoon sessions?                  3 MR. ROSSMAN: So moved.                  4 CHAIRMAN MARCUS: Is there a second?                  5 MR. MOSS: I'll second that.                  6 CHAIRMAN MARCUS: Okay. It's been moved and                  7 seconded that we approve the minutes for the morning and                  8 afternoon session of November 21st, 2017. Any                  9 discussion? All those in favor, "aye."                  10 COUNCILMEMBERS: Aye.                  11 CHAIRMAN MARCUS: Opposed? Motion passed.                  12 Now we move to the minutes of the meeting                  13 for November 28th, 2017. Does anybody have any changes?                  14 Seeing none, is there a motion to approve the minutes of                  15 the November 28th, 2017 meeting?                  16 MR. STONE: So moved.                  17 CHAIRMAN MARCUS: Is there a second?                  18 MR. ROSSMAN: Second.                  19 CHAIRMAN MARCUS: Okay. It's been moved and                  20 seconded that we approve the minutes of the                  21 November 28th, 2017 meeting. Any discussion? All those                  22 in favor say "aye."                  23 COUNCILMEMBERS: Aye.                  24 CHAIRMAN MARCUS: Opposed? Motion passed.                  25 The next item on our agenda is the</p>	<p>1 MR. SNODGRASS: Madam Chair, I would move as                  2 follows. In the matter of Application No. 2013-01,                  3 Tesoro/Savage LLC, Vancouver Energy Distribution                  4 Terminal, Case No. 15-001, I move that the Council                  5 approve the adjudication findings of fact and                  6 conclusions of law and order to proceed to                  7 recommendation for the governor dated                  8 December 19th, 2017.                  9 CHAIRMAN MARCUS: Thank you.                  10 Is there a second?                  11 MR. MOSS: I'll second that.                  12 CHAIRMAN MARCUS: It has been moved and                  13 seconded that the Council approve the adjudication                  14 findings of fact, conclusions of law and order to                  15 proceed to recommendation to the governor in the matter                  16 of Application 2013-01. Is there discussion?                  17 MR. MOSS: Chair Marcus, if I may.                  18 CHAIRMAN MARCUS: Mr. Moss.                  19 MR. MOSS: Yes, I would just like to say --                  20 and I don't have a substantive comment so much as I do a                  21 comment to say how much I, as a member of the Council,                  22 appreciate working with my colleagues through this long                  23 process involved in the multiweek hearing and the                  24 accumulation of many thousands of pages of exhibits.                  25 The councilmembers uniformly exhibited patience,</p>

2 (Pages 5 to 8)

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1 interest, intellect, and a willingness to do the hard  
 2 work necessary to process what is truly the most complex  
 3 application that's ever been before EFSEC as far as I  
 4 know, and I have been here about 20 years off and on.  
 5 So it was quite an undertaking.  
 6 On top off that, I would like to extend my  
 7 compliments to Chair Marcus and her team who assisted  
 8 her in writing as she brought this matter to where we  
 9 are today. It's been an extraordinary effort on their  
 10 part involving many, many 70-, 80-hour weeks several  
 11 months now, and I just wanted to acknowledge that and  
 12 say thank you very much for bringing the sort of  
 13 leadership to the Council that was required to bring  
 14 this matter to a conclusion. Thank you.  
 15 CHAIRMAN MARCUS: Thank you.  
 16 Any other comments on the order?  
 17 Mr. Snodgrass?  
 18 MR. SNODGRASS: I would just expand and echo  
 19 that compliment to the entire Council who's been very  
 20 much a working Council and also particularly Chair  
 21 Marcus for your leadership and extraordinary work within  
 22 the past months.  
 23 But I think it's also -- I would also like  
 24 to recognize some of the other contributing folks in  
 25 that. Ann Essko and her team from the AGO's office,

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1 Sonia Bumpus lead the production of the EIS document,  
 2 even larger and more complex than the order today, and  
 3 Stephen Posner oversaw the entire process. So I do want  
 4 to recognize those folks. Also to compliment parties  
 5 for their civility and professionalism through the  
 6 entire process. And also I would extend that to the  
 7 testifying public as well.  
 8 CHAIRMAN MARCUS: Thank you.  
 9 Any other comments on the order? Then I  
 10 will call for a vote on the order. All those in favor  
 11 of approving the order as presented say "aye."  
 12 COUNCILMEMBERS: Aye.  
 13 CHAIRMAN MARCUS: Opposed? Motion passed.  
 14 Next, I would like to take up the report to  
 15 the governor. At the Council's last meeting, the  
 16 Council approved a motion recommending disapproval and  
 17 the statute provides rejection of the Application  
 18 2013-01 and directed that the report be drafted  
 19 consistent with that decision. Before you is the final  
 20 report to the governor on Application 2013-01 with the  
 21 recommendation as follows.  
 22 Considering the entire adjudicative record,  
 23 the Final Environmental Impact Statement, and all other  
 24 findings from this application for site certification  
 25 process, the Council finds and concludes that the

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1 application for the site certification should be  
 2 forwarded to the governor with a recommendation to  
 3 reject the application.  
 4 Do I have a motion to approve the report?  
 5 MR. SHAFER: Madam Chair, I have a motion in  
 6 the matter of Application number twenty -- or 2013-01,  
 7 Tesoro/Savage --  
 8 IRENE: Excuse me, this is Irene again. I'm  
 9 going to patch Joe back in. He was lost on the call.  
 10 CHAIRMAN MARCUS: Okay. Thank you.  
 11 MR. SHAFER: Let me begin that again, Madam  
 12 Chair. In the matter of Application No. 2013-01,  
 13 Tesoro/Savage LLC, Vancouver Energy Distribution  
 14 Terminal, I move that the Council approve the report to  
 15 the governor on the Application 2013-01 dated December  
 16 19th, 2017, and direct Staff to file with the governor  
 17 and serve all parties to the proceedings the report,  
 18 order, and other appropriate records from this  
 19 application process as required.  
 20 CHAIRMAN MARCUS: Thank you.  
 21 Is there a second?  
 22 MR. STONE: I'll second.  
 23 CHAIRMAN MARCUS: Okay. It's been moved and  
 24 seconded that the report to the governor as presented  
 25 today be approved and filed with the governor and served

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1 on all parties to the proceeding. Do we have  
 2 discussion? Hearing none, all those in favor of the  
 3 motion say "aye."  
 4 COUNCILMEMBERS: Aye.  
 5 CHAIRMAN MARCUS: Opposed? Motion carries.  
 6 Is there any further business that you have  
 7 to bring before the Council today?  
 8 MR. POSNER: Chair Marcus, we just -- I  
 9 think we should make sure that Councilmember Stohr was  
 10 on the line when the vote was taken for the first vote.  
 11 I'm not sure. Maybe confirm that he actually voiced his  
 12 vote on that.  
 13 CHAIRMAN MARCUS: Mr. Stohr, are you on the  
 14 line?  
 15 MR. STOHR: Yes, Mr. Posner, Madam Chair, I  
 16 was on the line and I voted.  
 17 MR. POSNER: Okay. Thank you.  
 18 CHAIRMAN MARCUS: Thank you.  
 19 Is there any further business to bring  
 20 before the Council? Then I would just like to say some  
 21 closing words. Having been here only three months and  
 22 having read everything involved in this proceeding and  
 23 understanding what the Council has gone through, I do  
 24 believe this has been a huge undertaking for this  
 25 Council and we could have not gotten to this point

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1 without the really hard work of all of you, and I  
 2 appreciate your support and your dedication in moving  
 3 this forward and bringing this to closure. So I want to  
 4 thank you all including Staff, the AG's Office, I think  
 5 at one point had six AGs and seven paralegals all  
 6 working to help us bring this to closure. So I want to  
 7 thank you all. This will be my last meeting, and so I  
 8 wanted to make sure I had that on the record. And with  
 9 that, this meeting is adjourned.

(Adjourned at 1:44 p.m.)

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CERTIFICATE

1  
2  
3 STATE OF WASHINGTON  
4 COUNTY OF THURSTON

5  
6 I, Tayler Garlinghouse, a Certified Shorthand  
7 Reporter in and for the State of Washington, do hereby  
8 certify that the foregoing transcript is true and  
9 accurate to the best of my knowledge, skill, and  
10 ability.



11  
12 ~~Tayler Garlinghouse~~  
Tayler Garlinghouse, CCR 3358

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<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> 14:10  <b>abstain</b> 5:21  <b>accumulation</b> 8:24  <b>accurate</b> 14:9  <b>acknowledge</b> 9:11  <b>adjourned</b> 13:9,10  <b>adjudication</b> 7:17  7:20 8:5,13  <b>adjudicative</b> 10:22  <b>afternoon</b> 5:14 6:2  6:8  <b>AG's</b> 13:4  <b>agencies</b> 2:7 4:10  <b>agenda</b> 4:21 6:25  <b>AGO's</b> 9:25  <b>AGs</b> 13:5  <b>Aitken</b> 2:15  <b>Ami</b> 2:16  <b>Ann</b> 2:12 9:25  <b>anybody</b> 5:15 6:13  <b>application</b> 8:2,16  9:3 10:17,20,24  11:1,3,6,12,15,19  <b>appreciate</b> 8:22  13:2  <b>appropriate</b> 7:23  11:18  <b>approve</b> 4:23 5:1,3  5:8,14,25 6:7,14  6:20 7:3 8:5,13  11:4,14  <b>approved</b> 10:16  11:25  <b>approving</b> 10:11  <b>ASSISTANT</b> 2:11  <b>assisted</b> 9:7  <b>ATTORNEY</b> 2:11  <b>authorized</b> 7:11  <b>Avenue</b> 1:7,21  <b>aye</b> 5:10 6:9,10,22  6:23 10:11,12  12:3,4</p> <hr/> <p style="text-align: center;"><b>B</b></p>	<p><b>back</b> 11:9  <b>based</b> 7:20  <b>believe</b> 12:24  <b>best</b> 14:9  <b>bring</b> 9:13 12:7,19  13:6  <b>bringing</b> 9:12 13:3  <b>brought</b> 9:8  <b>Bryan</b> 2:8 4:13  <b>Buell</b> 1:21  <b>Building</b> 1:6 3:17  <b>Bumpus</b> 2:15 10:1  <b>burden</b> 7:21  <b>business</b> 12:6,19</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:1 3:4 14:1,1  <b>call</b> 3:7,10,13,18  7:4,6,25 10:10  11:9  <b>carries</b> 12:5  <b>Case</b> 8:4  <b>CCR</b> 1:20 14:12  <b>cell</b> 3:10  <b>certification</b> 10:24  11:1  <b>Certified</b> 14:6  <b>certify</b> 14:8  <b>Chair</b> 2:3 3:19 5:2  5:17 8:1,17 9:7,20  11:5,12 12:8,15  <b>CHAIRMAN</b> 3:6  3:11,20 4:19 5:5,7  5:11,18,23 6:4,6  6:11,17,19,24 8:9  8:12,18 9:15 10:8  10:13 11:10,20,23  12:5,13,18  <b>changes</b> 4:20,25  5:15 6:13  <b>Cherberg</b> 1:6 3:17  <b>Christina</b> 2:16  <b>City</b> 2:8 4:12  <b>civility</b> 10:5  <b>Clark</b> 2:9 4:14  <b>closing</b> 12:21</p>	<p><b>closure</b> 13:3,6  <b>colleagues</b> 8:22  <b>comment</b> 7:5 8:20  8:21  <b>comments</b> 9:16  10:9  <b>Commerce</b> 2:3 3:21  <b>Commission</b> 2:4  4:7  <b>complex</b> 9:2 10:2  <b>compliment</b> 9:19  10:4  <b>compliments</b> 9:7  <b>concludes</b> 10:25  <b>conclusion</b> 9:14  <b>conclusions</b> 7:18  8:6,14  <b>confirm</b> 12:11  <b>Considering</b> 10:22  <b>consistent</b> 10:19  <b>contributing</b> 9:24  <b>Council</b> 1:5,15 2:13  3:15 8:4,13,21  9:13,19,20 10:16  10:25 11:14 12:7  12:20,23,25  <b>Council's</b> 10:15  <b>councilmember</b>  4:20 12:9  <b>councilmembers</b>  2:2 5:10 6:10,23  7:5 8:25 10:12  12:4  <b>County</b> 2:9 4:14  14:4  <b>Cullen</b> 2:4 3:24</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D</b> 3:4  <b>Dan</b> 2:5 4:5  <b>dated</b> 8:7 11:15  <b>December</b> 1:10 3:1  3:16 8:8 11:15  <b>decision</b> 10:19  <b>dedication</b> 13:2  <b>Dennis</b> 2:4 4:8</p>	<p><b>depart</b> 7:7  <b>Department</b> 2:3,4,5  2:5,8 3:21,23,25  4:3,10  <b>direct</b> 11:16  <b>directed</b> 10:18  <b>disapproval</b> 10:16  <b>discussion</b> 6:9,21  8:16 12:2  <b>Distribution</b> 7:1,24  8:3 11:13  <b>document</b> 10:1  <b>documents</b> 7:7  <b>drafted</b> 10:18</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 2:1,1 3:4,4 14:1,1  <b>echo</b> 9:18  <b>Ecology</b> 2:4 3:23  <b>effort</b> 9:9  <b>EFSEC</b> 9:3  <b>EIS</b> 10:1  <b>Energy</b> 1:5 3:8,14  7:1,24 8:3 11:13  <b>entire</b> 9:19 10:3,6  10:22  <b>Environmental</b>  10:23  <b>Essko</b> 2:12 9:25  <b>establishing</b> 7:22  <b>Evaluation</b> 1:5  3:15  <b>evidence</b> 7:20,22  <b>Excuse</b> 11:8  <b>exhibited</b> 8:25  <b>exhibits</b> 8:24  <b>expand</b> 9:18  <b>expertise</b> 7:13  <b>extend</b> 9:6 10:6  <b>extraordinary</b> 9:9  9:21  <b>extremely</b> 7:14</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>F</b> 14:1  <b>Facility</b> 1:5 3:8,14</p>	<p><b>fact</b> 7:18 8:5,14  <b>failed</b> 7:21  <b>far</b> 9:3  <b>favor</b> 5:9 6:9,22  10:10 12:2  <b>file</b> 11:16  <b>filed</b> 11:25  <b>final</b> 7:2 10:19,23  <b>findings</b> 7:18 8:5  8:14 10:24  <b>finds</b> 7:20 10:25  <b>first</b> 7:4,25 12:10  <b>Fish</b> 2:5 3:25 5:21  <b>folks</b> 9:24 10:4  <b>follows</b> 8:2 10:21  <b>foregoing</b> 14:8  <b>forward</b> 13:3  <b>forwarded</b> 11:2  <b>Fourth</b> 1:21  <b>full</b> 7:11  <b>further</b> 12:6,19</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>G</b> 3:4  <b>Garlinghouse</b> 1:20  14:6,12  <b>GENERAL</b> 2:11  <b>going</b> 5:12 11:9  <b>gotten</b> 12:25  <b>government</b> 2:7 4:9  <b>governor</b> 7:2,19 8:7  8:15 10:15,20  11:2,15,16,24,25  <b>Great</b> 3:11  <b>Greg</b> 2:9 4:15</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>hard</b> 9:1 13:1  <b>hearing</b> 1:8 3:16  8:23 12:2  <b>Hello</b> 3:9  <b>help</b> 13:6  <b>helpful</b> 7:14  <b>huge</b> 12:24</p> <hr/> <p style="text-align: center;"><b>I</b></p>
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