

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.

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
- Jaime Rossman, Department of Commerce
- 4 Cullen Stephenson, Department of Ecology
- Dennis Moss, Utilities and Transportation Commission
- 5 Joe Stohr, Department of Fish and Wildlife (via phone)
- Dan Siemann, Department of Natural Resources (via phone)

7 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

- 8 Ken Stone, Department of Transportation
- Bryan Snodgrass, City of Vancouver
- 9 Greg Shafer, Clark County
- Larry Paulson, Port of Vancouver

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11 ASSISTANT ATTORNEY GENERAL:

12 Ann Essko

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COUNCIL STAFF:

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- Stephen Posner
- 15 Sonia Bumpus
- Joan Aitken
- 16 Ami Kidder
- Christina Potis

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1 OLYMPIA, WASHINGTON; DECEMBER 19, 2017

2 1:32 P.M.

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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 passing
10 in 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

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

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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

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.

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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,

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

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

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.

10 (Adjourned at 1:44 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

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



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358