

October 28, 2015

Stephen Posner, Manager  
Energy Facility Site Evaluation Council  
Utilities & Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 43172  
Olympia, Washington 98504-3172

Re: Tesoro Savage Vancouver Energy Distribution Terminal  
Project No. 2013-01—Extension of DEIS Comment Period

Dear Mr. Posner,

In response to comments by and a request from Chairman Lynch at the EFSEC Council meeting on October 20, 2015, Tesoro Savage Petroleum Terminal LLC (dba Vancouver Energy) is willing to consent to an extension of the DEIS comment period beyond the maximum authorized by state law—to January 22, 2016—which would be 60 days from the November 24, 2015, DEIS publication date. Vancouver Energy is willing to agree to this voluntary extension to accommodate two issues articulated by EFSEC staff and the Chair at the Council meeting: (1) the Thanksgiving Holiday, and (2) EFSEC's desire to schedule public comment hearings on the DEIS the first week in January.

Vancouver Energy agrees to this extension, subject to the following understanding and conditions:

1. Vancouver Energy's agreement to this extension of the comment period only applies if the DEIS is published on November 24, 2015, since the reason articulated by EFSEC for the request was to allow additional time in recognition of the Thanksgiving holiday. Any later publication date of the DEIS would remove that holiday conflict from the DEIS comment schedule. If the DEIS is published after Thanksgiving, the comment period should be limited to the statutory maximum of 45 days.
2. Vancouver Energy agrees with the Chairman's interpretation that the deadline in the Adjudication Prehearing Order for submittal of preliminary lists of issues, witnesses and exhibits will remain at 45 days from publication of the DEIS, regardless of whether the comment period is extended as proposed in this letter. Vancouver Energy agrees that no modification of the prehearing order is required to confirm the Chairman's interpretation. Vancouver Energy believes that 45 days remains an adequate period of time for all participants in the adjudication to identify these preliminary lists and allow the parties to begin preparation for the adjudication. If the Administrative Law Judge disagrees with the Chairman's interpretation of the prehearing order deadline, then Vancouver Energy asks that this issue be addressed in a modified order before the comment period is extended beyond the statutory 45-day maximum.

3. Vancouver Energy reiterates its request for a proposed schedule describing EFSEC staff's plans for managing the balance of the project review. With confirmation of a November 24, 2015 publication date, Vancouver Energy asks the Chair to instruct staff to discuss a project review schedule for the balance of the work required to complete the EFSEC process (including permits, public comment opportunities and preparation of the Final EIS).

Vancouver Energy appreciates the work done to this point and looks forward to publication of the DEIS, so that all parties can review that environmental assessment and commence the adjudicative phase of project review.

Sincerely,

Kelly J. Flint

cc: Jared Larrabee, Tesoro Savage Petroleum Terminal LLC  
Jay Derr, Van Ness Feldman