Chapter 1

Project Background and Purpose and Need

1.1 INTRODUCTION

Tesoro Savage Petroleum Terminal LLC (the Applicant) is proposing to construct and operate the Vancouver Energy Distribution Terminal Facility (the Facility, or the Project) at the Port of Vancouver (Port) in Vancouver, Washington, located on the Columbia River. The proposed Facility would be a crude oil terminal capable of receiving an average of 360,000 barrels of crude oil per day by train, storing it onsite, and loading it onto marine vessels. The Applicant anticipates that crude oil loaded onto marine vessels at the proposed Facility would be delivered to refineries primarily located on the US West Coast.[1] A map showing the Project area location is presented on Figure 1-1.

1.2 PROJECT OVERVIEW

Crude oil would be delivered to the proposed Facility by railroad within "unit trains" composed of up to 120 sole-purpose crude oil tank cars. Existing railroad tracks belonging to the Burlington Northern Santa Fe (BNSF) railroad (a Class I Railroad) would be used to transport the crude oil from its source to the Port.[2] The proposed Facility could receive crude oil from any source with rail access to the Port; however, according to information provided by the Applicant, the most likely sources would be northern mid-continent crude oil produced in North Dakota, Montana, and the provinces of Alberta and Saskatchewan, Canada. An average of four unit trains per day would arrive at the proposed Facility.

Crude oil would be unloaded from the unit trains and pumped through transfer pipelines to a storage area containing six aboveground storage tanks. The crude oil would then be transferred via pipeline from the storage tank area to a marine terminal on the Columbia River where it would be loaded onto marine vessels. Occasionally, crude oil would be pumped directly from unit trains to marine vessels. The marine vessels would transit down the Columbia River to the Pacific Ocean and on to receiving refineries. The Applicant estimates that the total capital cost of the proposed Facility is approximately $210 million, which includes both capital and construction costs.

1.3 THE APPLICANT

Tesoro Refining & Marketing Company LLC, a subsidiary of Tesoro Corporation, and Savage Companies have entered into a joint venture as Tesoro Savage Petroleum Terminal LLC. Tesoro Savage Petroleum Terminal LLC is seeking a Site Certification Agreement (SCA) to construct and operate the proposed Facility at the Port. An Application for Site Certification (ASC) is required before an SCA can be considered. The Applicant would own the crude oil unloading facilities, transfer pipelines, storage tanks, and marine loading facilities consistent with the terms in the existing land lease agreement with the Port. Savage Companies would oversee and manage Facility design, construction, and operation on behalf of both parties.

1 Receiving refineries could include those located in Alaska, Hawaii, California, and Washington.

2 Union Pacific also has operating rights over portions of the BNSF track and could deliver crude oil to the proposed Facility.

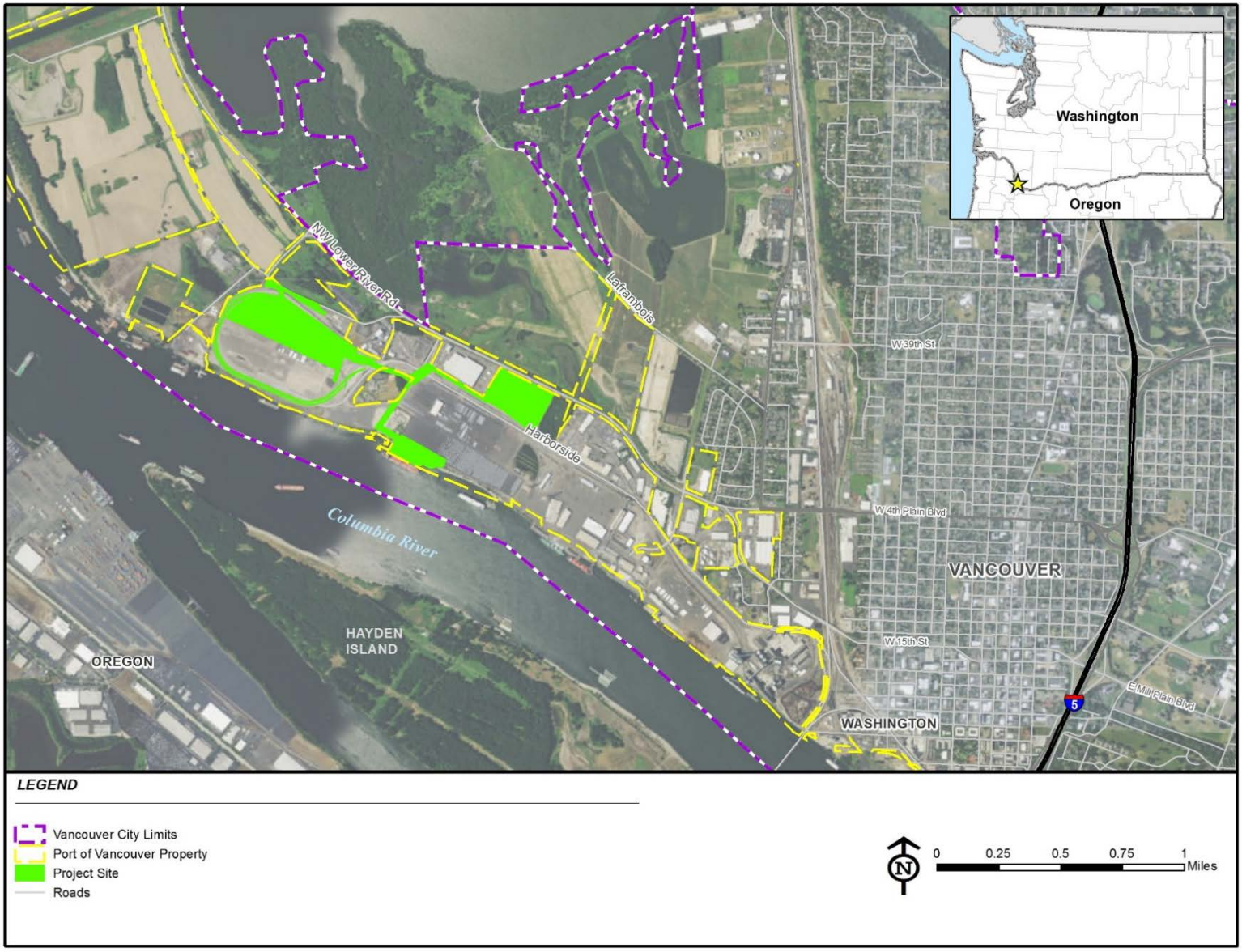

Figure 1-1. Vicinity Map of the Proposed Facility

1.4 ENERGY FACILITY SITE EVALUATION COUNCIL

The Washington State Energy Facility Site Evaluation Council (EFSEC) is the state agency responsible for evaluating and making recommendations to the governor on approval or denial of certain major energy facilities in Washington. The agency's responsibilities are listed in the Revised Code of Washington (RCW) 80.50. They include making recommendations about facilities with the capacity to receive more than an average of 50,000 barrels per day of crude or refined petroleum that has been or will be transported over marine waters.

EFSEC is a council comprising the directors of five state agencies (or their designees) and a chair appointed by the governor. The state agencies with designees on EFSEC are:

- Department of Commerce
- Department of Ecology (Ecology)
- Department of Fish and Wildlife (WDFW)
- Department of Natural Resources (WDNR)
- Utilities and Transportation Commission (UTC)

The directors of other specified state agencies may at their discretion choose to participate as council members for a particular proposal before EFSEC. For this Project, the Washington State Department of Transportation has designated a member to EFSEC. Counties, cities, and port districts where a potential project is located also appoint members to EFSEC. For this proposed Project, Clark County, the City of Vancouver, and the Port of Vancouver have appointed members. By law, the Port's designee is a nonvoting member pursuant to RCW 80.50.030(6).

1.5 PROJECT BACKGROUND

1.5.1 Port of Vancouver Request for Statements of Interest

The proposal to construct and operate the proposed Facility was initiated on November 30, 2012, when the Port issued a Request for Statements of Interest from firms to "design, permit, construct and operate a petroleum transloading facility that would accept petroleum products by rail from multiple sources and origination points, transfer the cargo to dedicated storage via pipelines, and load vessels for transport to customer facilities" (Port of Vancouver 2012). The request stated that the Port expected the transloading facility to be a "Common User" facility open to all potential customers and operated by a designated terminal operator. The terminal operator would function under a Rail Operating Agreement, a Ground Lease, and a Marine Terminal Operating Agreement that would contain the various commercial and operational terms and conditions that, as among the parties to the lease and agreements, would be expected to guide the relationship among the Port, the Port's exclusive rail operator, and the terminal operator.

The Port began construction of the West Vancouver Freight Access (WVFA) project in 2007. The WVFA project consists of several separate project elements, "aimed to increase efficiency of rail movement into and through the Port" (Port of Vancouver 2015). The Port's request for Statements of Interest described a range of infrastructure improvements the Port would make available to the terminal operator (see Section 2.2.2.1), including exclusive use of existing rail loop tracks, land for a railcar unloading facility and crude oil storage area, use of vessel loading berths on the Columbia River, and rights-of-way for transfer pipelines from the unloading facility to the storage area and from the storage area to the vessel loading berths.

The Port selected the Applicant's proposal and the elected Port Board of Commissioners unanimously approved a 10-year lease on October 22, 2013.

1.5.2 Application for Site Certification

The Applicant submitted an ASC for the Facility (ASC No. 2013-01) to EFSEC on August 29, 2013. The ASC contained information regarding the site including the natural and built environments, the ownership lease, the proposed construction methods, and information for other permits and authorizations per the requirements of Washington Administrative Code [WAC] 463-060-010. Also included in the ASC were tribal correspondence, preliminary spill contingency and accident prevention plans, a preliminary stormwater report, a biological resources report, a Joint Aquatic Resources Permit Application form, and information regarding shoreline management and potential impacts to transportation and socioeconomics. The ASC documents can be found on EFSEC's website: http://www.efsec.wa.gov/Tesoro%20Savage/Application/Tesoro%20Savage%20Application%20Page.shtml.

1.5.3 EFSEC's Role and Responsibilities

EFSEC has jurisdiction over the evaluation of major energy facilities, including the proposed Facility. EFSEC will review the Applicant's proposal under the requirements of RCW 80.50 and associated regulations. The proposed Project falls under EFSEC's jurisdiction because it meets the definition of an "energy plant" with the capacity "to receive more than an average of 50,000 barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters…" [RCW 80.50.020(12) (d)].

EFSEC is responsible for evaluating the proposed Facility in accordance with RCW 80.50. During its analysis, EFSEC obtains information from a variety of sources including an administrative adjudication under the Administrative Procedure Act, public hearings, and information gathered pursuant to Washington's State Environmental Policy Act (SEPA). EFSEC's analysis is guided by RCW 80.50.010, which articulates Washington's policy to recognize "the pressing need for increased energy facilities"; ensure through available and reasonable means that the location and operation of such facilities would produce minimal adverse effects; and balance the increasing demands for energy facilities with the broad interests of the public. Such balancing is to include adequate operational safeguards; preserve and protect the environment; provide abundant energy at a reasonable cost; and avoid costly duplication and wasted time. After its evaluation is complete, EFSEC will submit a recommendation to the governor. If EFSEC recommends approval of the Facility, EFSEC will submit a draft SCA for the governor's signature. An approved SCA typically includes conditions that the Applicant must meet during project construction, operation, and eventual decommissioning. Within 60 days of receipt of EFSEC's recommendation, the governor may approve the Facility, reject the Facility, or direct EFSEC to reconsider the SCA. If an ASC is denied, a proposal cannot be constructed and operated.

EFSEC's governing statutes supersede all other state laws and regulations that would otherwise apply to energy facilities approved under RCW 80.50 (RCW 80.50.110 and RCW 80.50.120). As a result, otherwise applicable state and local regulatory permits, requirements, and standards may not apply to the proposed Facility.

1.5.4 State Environmental Policy Act Review Process

During the site certification process, EFSEC functions as the "lead agency" responsible for complying with SEPA's procedural requirements (WAC 463-47). As authorized under WAC 463-47-090, the Applicant prepared a Preliminary Draft Environmental Impact Statement (EIS; BergerABAM 2014) for EFSEC review, together with supporting technical information. EFSEC subsequently prepared this Draft

EIS with the assistance of an independent consultant, as provided for in WAC 463-47-090(2)(b). EFSEC's independent consultant reviewed all Applicant-prepared information and analyses provided before including them in this Draft EIS. EFSEC staff and EFSEC's consultant also extensively supplemented Applicant-provided information and analyses.

1.6 OBJECTIVES INCLUDING PURPOSE AND NEED TO WHICH THE PROPOSAL IS RESPONDING

Oil production in portions of the United States and Canada has been growing, resulting in increased availability of crude oil from these areas. At the same time, production in California and Alaska has been declining. The use of rail to transport crude oil from sources to refineries has been increasing throughout the United States (Ecology 2015). In Washington, a greater volume of crude oil from mid-continent sources has been transported by rail in recent years to replace the declining supply of Alaska North Slope crude oil, which has been the primary feedstock for West Coast refineries since the late 1970s. In 2013 approximately 8.4 percent of the crude oil imported to Washington was transported by rail compared to 0 percent in 2011 (Ecology 2015). Currently, crude oil transported by rail enters Washington near Spokane and is destined for facilities on the Columbia River and the Puget Sound (Ecology 2015). The proposed Facility is intended to serve the growing demand of West Coast refineries for mid-continent crude oil.

Defining a proposed project's objectives, including the purpose and need to which the proposal is responding, is important because it plays a key role in determining the range of alternatives that will be considered and analyzed in an EIS, and in selecting a preferred alternative or eliminating alternatives from further consideration.

The Applicant's purpose and need is to:

> *…construct and operate a facility that would provide the service of trans-loading mid-continent North American crude oil to the West Coast to allow shipment of crude oil to refineries located primarily on the West Coast of North America.* (BergerABAM 2014)

1.7 PUBLIC, AGENCY, AND TRIBAL INVOLVEMENT

SEPA requires opportunities for public involvement and comment during EIS preparation. The initial phase of public involvement is the scoping phase, during which the SEPA lead agency requests public input on the scope of the Draft EIS to be prepared, including the range of alternatives, potential environmental impacts, and possible mitigation measures. EFSEC provided public notice of these meetings by mailing and emailing persons on its mailing list, along with agencies, tribes, organizations, and other interested individuals; advertising in local newspapers; and posting meeting notices on its website. Further information on the scoping process is provided in Section 1.7.2 below.

Project documents are available to the public on EFSEC's website (http://www.efsec.wa.gov/Tesoro-Savage.shtml) and in local libraries. EFSEC has also developed and is maintaining a mailing list of interested persons for the EIS. All public notices and announcements concerning the Project are posted to the EFSEC Project website and mailed to all persons on the Project-specific mailing list and EFSEC's regular mailing list.

1.7.1 Notice of Receipt of Application

On September 4, 2013, EFSEC mailed a notice to the public and interested agencies and organizations indicating receipt of an ASC for the proposed Project, and stating that it was beginning review of the proposal under RCW 80.50 and WAC Chapter 463 and that it is the lead agency under SEPA. This

review commenced prior to the Port formally approving a lease agreement with the Applicant. EFSEC further identified that copies of the application were available upon request and that a public information meeting would be conducted in Vancouver, Washington, at a later date.

1.7.2 Public and Agency Scoping

1.7.2.1 EFSEC Public Notice and SEPA Scoping Notice

On October 3, 2013, EFSEC issued a notice to the public concerning the Applicant's August 29, 2013, ASC submittal (EFSEC 2013). The notice included a summary of the Proposed Action, EFSEC's threshold determination of significance for initiating the preparation of an EIS, and information concerning the scoping process for the EIS that would be prepared. The notice requested all scoping comments be received by EFSEC by November 18, 2013, and provided the date, time, and location for the initial public information and scoping meeting for the EIS. On November 8, 2013, EFSEC issued an extension of the SEPA scoping comment period from its original date of November 18, 2013, to December 18, 2013. The notice also announced the date, time, and location for an additional public scoping meeting.

1.7.2.2 State Environmental Policy Act Scoping Meetings

A scoping meeting was held on October 29, 2013, at Clark College Gaiser Student Center in Vancouver, Washington. A second scoping meeting was held on December 11, 2013, at Center Place Regional Event Center in Spokane Valley, Washington. Public notice of these meetings was provided by mailing and emailing persons on EFSEC's mailing list, along with agencies, organizations, and other interested persons; advertising in local newspapers; and posting meeting notices on EFSEC's website. The meetings included presentations by EFSEC to explain the SEPA process for preparation of the EIS. Members of the public were given the opportunity to provide oral and written comments on the scope of the EIS. A total of 374 people attended the two scoping meetings, and 105 speakers provided verbal comments.

1.7.2.3 State Environmental Policy Act Scoping Report

Following closure of the extended public scoping comment period on December 18, 2013, EFSEC reviewed all of the comments received from the public, tribes, agencies, interest groups, and other persons, and developed the scope of issues for evaluation in this EIS. EFSEC received a total of 31,074 comments from private citizens, environmental organizations, public agencies, and tribal representatives from the EIS scoping meetings and through written submittals.

EFSEC prepared a Scoping Report, which was released to the public on February 24, 2014 (EFSEC 2014). The EIS Scoping Report, which is incorporated by reference, provides additional information on the EIS scoping comments that were received. On April 2, 2014, at a public meeting held in Vancouver, Washington, EFSEC discussed the Scoping Report and approved the scope of analysis for the Draft EIS.

A copy of the Scoping Report can be found at:
http://www.efsec.wa.gov/Tesoro%20Savage/Scoping%20Report/Scoping%20report%202-24-14.shtml.

1.8 EFSEC PUBLIC INFORMATION MEETING AND DRAFT EIS COMMENT PERIOD AND PUBLIC MEETINGS

In accordance with WAC 463-26-025, on October 28, 2013, EFSEC held a public information meeting at Clark College Gaiser Center in Vancouver, Washington, to explain the process that would be followed for review of the proposal. Members of the public were provided an opportunity to provide oral and written comments.

This Draft EIS is available for public review now. The comment period on the Draft EIS will extend through January 8, 2016. Public comment hearings for this Draft EIS will be held during the public comment period. See the Fact Sheet at the beginning of this document for details of the public meetings.

1.8.1 EFSEC Adjudicative Proceedings

As required by RCW 80.50.090(3), the Washington Administrative Procedure Act (RCW 34.05), and WAC Chapter 463-30, EFSEC commenced adjudicative proceedings for the proposed Project on January 28, 2015. EFSEC's adjudicative proceeding is a formal hearing process similar to a courtroom trial, in which EFSEC hears evidence presented by the "parties" to the adjudication. By law, all state agencies and local governments with members on EFSEC are parties to any EFSEC adjudication, although they may elect not to actively participate. The state attorney general's office appoints an assistant attorney general to be a party in the adjudication. The Counsel for the Environment represents the public and its interest in protecting the quality of the environment.

Other persons or entities with an interest in the adjudication, such as tribes, groups, and local, state, or federal agencies, may petition EFSEC to intervene in the proceedings. EFSEC considers the intervenor petitions and determines whether to grant intervenor party status to the petitioner based on a proposed project's potential impact to the interest(s) of the intervenors. If denied party status, petitioners for intervention may ask EFSEC to reconsider its decision on their intervention petition.

See the EFSEC website (http://www.efsec.wa.gov/Tesoro%20Savage/Adjudication/TSVEPadj.shtml) for further information including motions, orders, and filings related to the adjudicative proceedings.

1.8.2 Applicant Meetings and Consultation

In addition to EFSEC's public outreach efforts, the Applicant has met and communicated with agencies, tribes, the public, and nongovernmental organizations throughout the review process being conducted by EFSEC. The Applicant consulted with the following local, state, and federal agencies and tribal representatives:

- Local Agencies: City of Vancouver, Clark County, and Port of Vancouver
- State Agencies: Washington State Department of Archaeology and Historic Preservation (DAHP), Washington Department of Commerce, and Ecology
- Federal Agencies: US Army Corps of Engineers (USACE) and National Marine Fisheries Service (NMFS)
- Tribal Governments: Cowlitz Indian Tribe, Confederated Tribes of the Grand Ronde, Chinook Nation, Chehalis Tribe, and Yakama Nation
- Nongovernmental Organizations: Sierra Club, Audubon Club, Friends of Clark County, Pacific Northwest Waterways Association, Columbia River Pilots, Columbia River Steamship Operators' Association, Maritime Fire and Safety Association (MFSA), Hispanic Community Public Affairs Liaison, and Kiwanis Club Cascade Park
- Neighborhood and Community Associations: Fruit Valley Neighborhood Association, Neighborhood Association Council of Clark County, Vancouver Neighborhood Alliance, Arnada Neighborhood Association, Esther Short Neighborhood Association, Harney Heights Neighborhood Association, Hough Neighborhood Association, Hudson's Bay Neighborhood Association, Maplewood Neighborhood Association, Northwest Neighborhood Association, Shumway Neighborhood Association, Vancouver Heights Neighborhood Association, Wildwood Neighborhood Association, Riverview Neighborhood Association, Columbia Way Neighborhood

Association, East Old Evergreen Highway/Old Evergreen Highway Neighborhood Association, Evergreen Highlands Neighborhood Association, South Cliff Neighborhood Association, Bella Vista and Lewis and Clark Neighborhood Associations, Evergreen Shores Neighborhood Association, Carter Park Neighborhood Association, and Village at Fisher's Landing Neighborhood Association

- Businesses and Economic Development Organizations: Gramor Development, Hi-School Pharmacy, Columbia River Economic Development Council, Identity Clark County, Washington Council on International Trade, Greater Vancouver Chamber of Commerce, East Vancouver Business Association, Hazel Dell/Salmon Creek Business Association, Vancouver's Downtown Association, and Columbia Corridor Association

1.9 DECISIONS TO BE MADE

This Draft EIS will be used to inform the governor, EFSEC, the public, tribes, agencies, and other interested persons about the potential environmental impacts of the proposed Project, as required by SEPA. It is being distributed to the public and other interested persons for comment. Distribution of the Draft EIS provides the public with information about the proposed Project and its environmental effects, while also allowing an opportunity for meaningful public participation and comment. EFSEC staff and its independent consultant will review and respond to comments received on the Draft EIS. Those comments and the responses will be identified in a Final EIS.

EFSEC will use the Final EIS to inform its decision on whether to recommend approval or denial of the proposed Project to the governor, and the Final EIS will inform the governor's ultimate decision.

If EFSEC determines the Project should be recommended for approval, it will develop a recommendation and a draft SCA to be signed by the governor. The SCA would contain all requirements and any other conditions the Applicant must meet for construction and operation throughout the Project life, and for eventual decommissioning of the Facility. If EFSEC determines the Project should not be recommended to the governor for approval, the recommendation will explain the EFSEC's decision.

The governor has 60 days to consider EFSEC's recommendation and can take one of the following actions:

1. Approve EFSEC's recommendation to approve the application and execute the draft SCA.
2. Approve EFSEC's recommendation to deny the application and reject the application.
3. Direct EFSEC to reconsider certain aspects of the Project and draft SCA.

1.10 ISSUES TO BE RESOLVED

This Draft EIS analyzes a wide range of issues identified during scoping associated with the Proposed Action. Through the Draft EIS process, some of these issues have been found to require further consideration by the Applicant and decision makers, or require information that is not available during an EIS process (e.g., 100 percent design). The following issues will require the Applicant's and EFSEC's further consideration and/or additional information before being resolved:

- Confirm adequacy of the Applicant's proposed ground improvement program including numerical modeling and a reassessment of the required depth of penetration of stone columns, and confirm that the design of the transfer pipelines (Area 500) has sufficient strength and

flexibility to withstand earthquake-generated ground deformations that could impact the dock and moored vessels during seismic events (see Section 3.1.5);

- Determine the responsible entities for implementing proposed mitigation measures recommended to the governor by EFSEC in the event that an ASC is granted;
- Confirm adequacy of the Applicant's proposed onsite fire protection systems in an independent assessment at the 100 percent design stage;
- Consult with potentially affected tribes to determine potential impacts on Reserved Treaty Rights for accessing usual and accustomed (U&A) areas for hunting, fishing, and gathering;
- Determine the in-water work window in consultation with the Applicant, EFSEC and the WDFW;
- Determine if mitigations identified in the Draft EIS to address seismic and safety upgrades and utility line work at the marine terminal are adequately considered in ongoing discussions between EFSEC and the USACE regarding the Applicant's application for a Department of the Army permit and the associated Environmental Assessment.
- Determine through further discussions between the UTC and BNSF if at-grade crossings along the rail corridor require modifications or upgrades to address safety and delay issues.

1.11 FEDERAL, STATE, AND LOCAL PERMITS AND APPROVALS

1.11.1 State and Local Permits and Approvals

For facilities under its jurisdiction, EFSEC's governing statutes and rules preempt all aspects of the certification and regulation of energy facilities approved under RCW 80.50. As a result, state and local regulatory permits, requirements, and standards may not apply to the proposed Facility. Generally applicable state and local permits and approvals that would apply to the proposed Project if the Project were not under EFSEC's jurisdiction are listed in Table 1-1. (See Appendix A for additional information.)

Table 1-1. State (or Federally Delegated) and Local Permits and Approvals

Permit or Approval	Agency/Statute and/or Regulation
State or Federally Delegated Permits/Approvals	
SEPA Compliance	EFSEC (state lead agency for this Project); WAC 463-47, RCW 43.21C, and WAC 197-11
Hydraulic Project Approval	WDFW; Hydraulic Code (RCW 77.55 and WAC 220-660)
Ballast Water Management	WDFW; RCW 77.120 and WAC 220-150
Aquatic Resources Program	WDNR; RCW 79.105 and WAC 332-30-123
401 Water Quality Certification (federally delegated)	Ecology; Section 401 CWA
NPDES Industrial Stormwater Permit (federally delegated)	EFSEC; WAC 463-76; Ecology CWA, 40 CFR 122.28, RCW 90.48, and WAC 173-220
Operation SWPPP	Ecology; CWA, 40 CFR 122.28, RCW 90.48, and WAC 173-220
NPDES Construction Stormwater General Permit (federally delegated)	Ecology; CWA, 40 CFR 122.28, RCW 90.48, and WAC 173-220
Construction SWPPP	Ecology; CWA, 40 CFR 122.28, RCW 90.48, and WAC 173-220
Air Discharge Permit(s) (federally delegated)	Ecology; Washington Clean Air Act RCW 70.94 Federal Clean Air Act (as delegated to Southwest Clean Air Agency [SWCAA])

Table 1-1. State (or Federally Delegated) and Local Permits and Approvals

Permit or Approval	Agency/Statute and/or Regulation
	New Source Performance Standards (NSPS) 40 CFR 60 Crude Oil Storage Tanks equipment and procedures defined in 40 CFR 60.112(b) Hazardous Air Pollutants (HAPs) 40 CFR 61 Maximum Achievable Control Technology (MACT) Standards 40 CFR 63 Notice of Construction (NOC) Preconstruction Permit WAC 173-400-110 Title V Air Operation Permit WAC 173-401 Toxic Air Pollutants (TAPs) WAC 173-460 Particulate Matter (PM) WAC 173-470 Sulfur Oxides WAC 173-474 Volatile Organic Compounds (VOCs) WAC 173-490 Reporting of Emissions of Greenhouse Gases WAC 173-441
Facility Oil Handling Standards/Oil Transfer Requirements/Design Standards/Operations Manual Training/Certification/Oil Transfer Response Plans	Ecology; 33 CFR 154 (Facilities Transferring Oil or Hazardous Material in Bulk), 40 CFR 112 (Oil Pollution Prevention), 40 CFR 300 (National Oil and Hazardous Substances Pollution Contingency Plan), and WAC 173-180 (Facility Oil Handling Standards)
Vessel Oil Transfer Advance Notice and Containment	Ecology; 40 CFR 112 (Oil Pollution Prevention) and WAC 173-184
Spill Prevention and Contingency Plans	Ecology; 40 CFR 112 (Oil Pollution Prevention), RCW 90.56 (Oil and Hazardous Substance Spill Prevention and Response), WAC 173-180 (Facility Oil Handling Standards), WAC 173-182 (Oil Spill Contingency Plan), and WAC 173-183 (Oil Spill Natural Resource Damage Assessment)
Local Permits/Approvals	
Site Plan Review	City; VMC 20.270
Industrial Wastewater Discharge Permit	City; VMC 14.10
Stormwater Management System	City; VMC 14.24-26
Hazardous Material Regulatory Fee Certificate	City; VMC 16.40
Shoreline Substantial Development Permit	City; RCW 90.58 and City SMP
Critical Areas Protection	City; VMC 20.740.130
Tree Ordinance	City; VMC 20.770
Archaeological Predetermination Review	City; VMC 20.710
Fire Code (construction permit and a Fire Code Operational Permit)	City; VMC 16.04.010
Transportation Concurrency	City; VMC 11.70

CFR = Code of Federal Regulations, CWA = Clean Water Act, Ecology = Washington State Department of Ecology, EFSEC = Washington State Energy Facility Site Evaluation Council, MTCA = Model Toxics Control Act, OSHA = Occupational Safety and Health Administration, NPDES = National Pollutant Discharge Elimination System, RCRA = Resource Conservation and Recovery Act, RCW = Revised Code of Washington, SEPA = Washington's State Environmental Policy Act, SMP = Shoreline Master Program, SWPPP = Stormwater Pollution Prevention Plan, VMC = Vancouver Municipal Code, WAC = Washington Administrative Code, WDFW = Washington Department of Fish and Wildlife, WDNR = Washington Department of Natural Resources, WISHA = Washington Industrial Safety and Health Act

1.11.2 Federal Permits and Approvals

Generally applicable federal permits and regulations that would apply to the proposed Project are listed in Table 1-2 (see Appendix A for additional information on federal permits and approvals). The Applicant would be responsible for complying with all applicable federal permits and approval processes.

Table 1-2. Federal Permits and Approvals

Permit or Approval	Agency and Regulations
Federal Permits/Approvals	
NEPA Compliance	USACE (federal lead agency[1] for this project); 42 USC 4321 and 40 CFR 1500-1508
ESA Section 7 Consultation	USACE in consultation with USFWS and NMFS; 16 USC 1531-1544 and 50 CFR 402
Magnuson Stevens Fisheries Conservation and Management Act	USACE in consultation with NMFS; 16 USC 1801-1883 and 50 CFR 600
Marine Mammal Protection Act (MMPA)	USACE in consultation with USFWS and NMFS; 16 USC 1361-1407, 50 CFR 18, and 50 CFR 216
Migratory Bird Treaty Act (MBTA)	USACE in consultation with USFWS; 16 USC 703, Executive Order 13186, and 50 CFR 21
Bald and Golden Eagle Protection Act	USACE in consultation with USFWS; 16 USC 668 and 50 CFR 22
National Historic Preservation Act (NHPA) Section 106 Review	USACE in consultation with DAHP and potentially affected Indian tribes; 54 USC 306108 and 36 CFR PART 800
Section 404 Permit (Section 404 of the CWA)	USACE; 33 USC 1251 et seq. and 33 CFR Parts 320-332
Section 10 Permit (Rivers and Harbors Act)	USACE; 33 USC 403 and 33 CFR 322
Private Aids to Navigation (PATON) Permit	USCG; 33 CFR 66
Hazardous Materials & Oil Transportation Regulations (Hazardous Material Transportation Act)	US Department of Transportation; 49 CFR 100-185
Maritime Procedures	USCG; 46 CFR 35 (Tank Vessels – Operations)
Maritime Transportation Security Act (MTSA) security plan	USCG; 33 CFR 101-107

Notes:

[1] The Proposed Action requires both a federal CWA Section 10 Permit and a federal CWA Section 404 Permit, which are administrated by the USACE (Joint Public Notice NWS-2013-962). The potential issuance of these permits constitutes a federal action that requires the USACE, as the federal lead agency, to follow the requirements of NEPA. The federal NEPA process is separate from Washington's SEPA process.

CFR = Code of Federal Regulations, CWA = Clean Water Act, DAHP = Washington State Department of Archaeology and Historic Preservation, EPA = US Environmental Protection Agency, ESA = federal Endangered Species Act, FR = Federal Register, NEPA = National Environmental Policy Act, NMFS = National Marine Fisheries Service, USACE = US Army Corps of Engineers, USC = United States Code, USCG = US Coast Guard, USFWS = US Fish and Wildlife Service

1.12 ORGANIZATION OF THIS DRAFT EIS

This Draft EIS is organized into nine separate chapters, as described below, including multiple technical appendices. Chapter 3 is further subdivided into 16 separate sections addressing specific resource topics. Chapter 4 focuses on the potential adverse effects a large uncontained crude oil release and potential fire and/or explosion could have on the natural and built environment at the proposed Facility or along the rail and vessel transportation routes. Additional details on the organization of the Draft EIS chapters are presented in the table below.

Chapter 1 Project Background and Purpose and Need	Chapter 1 provides background information on the proposed Facility, states the Project purpose and need, and provides a brief summary of the Proposed Action. It outlines the steps undertaken to date in the SEPA review process, describes public, agency, and tribal involvement to date, and identifies federal, state, and local permits that would apply to the proposed Facility.
Chapter 2 Proposed Action and Alternatives	Chapter 2 provides detailed descriptions of the construction, operation, maintenance, and decommissioning activities proposed for the Facility. It explains the Proposed Action, provides an evaluation of alternatives to the Proposed Action, and describes the No Action Alternative.

Chapter 3 Affected Environment, Impacts, and Mitigation Measures	Chapter 3 focuses on impacts that may occur from normal operations of the proposed Facility and associated rail and vessel transportation. The chapter discusses the regulations that pertain to specific resources, explains the methods used to analyze impacts to environmental resources, and describes the affected environment for environmental resources. It also discusses the potential impacts identified for each resource under the Proposed Action and No Action Alternative. Mitigation measures are suggested for resources with identified impacts. Any remaining significant unavoidable adverse impacts that remain after mitigation are identified.
Chapter 4 Crude Oil Safety Considerations, Potential Release Scenarios, and Impact Analysis	Chapter 4 focuses on the potential for and impacts from crude oil spills, fires, and explosions. The chapter describes the types of accidents that could occur from various Facility elements or associated operations, and provides estimates of spill sizes and accident probabilities from onsite Facility elements and from associated rail and vessel transportation of crude oil. It provides a description of the regulatory framework for accident prevention, response, and liability, including describing spill prevention, contingency, and response plans that pertain to the proposed Facility and to rail and vessel operations locally, statewide, regionally, and nationally. Chapter 4 also describes the fate and behavior of spilled crude oil in the environment generally, and describes impacts of crude oil spills, fires, and explosions for each resource analyzed in this Draft EIS.
Chapter 5 Cumulative Impacts	Chapter 5 describes potential cumulative impacts of the Proposed Action when combined with potential impacts from other past, present, and reasonably foreseeable future projects that could occur within similar geographic and temporal scopes. It includes other past, present, and reasonably foreseeable future projects in the vicinity of the Port, other projects in Washington state that could add trains to the rail system, or other projects on the Columbia River that could add vessels to the Columbia River navigation channel. Cumulative impacts are discussed for each resource analyzed in this Draft EIS. Chapter 5 also includes a qualitative analysis of Project data related to crude oil extraction, refining, and end use, and the contribution of these activities to greenhouse gas emissions.
Chapter 6 References	Chapter 6 provides references to the literature cited throughout the Draft EIS.
Chapter 7 List of Preparers	Chapter 7 identifies the staff who contributed materially to preparation of the Draft EIS.
Chapter 8 Glossary	The glossary provides definitions for many of the terms used in the Draft EIS.
Chapter 9 Distribution List	The distribution list identifies organizations and individuals who were sent an electronic copy of the Draft EIS.