

Scoping Report
Tesoro Savage Vancouver Energy
Distribution Terminal

APPENDIX

C

SCOPING MEETING TRANSCRIPTS
AND ATTENDANCE LISTS

Appendix C Scoping Meeting Transcripts and Attendance Lists

Sign in Sheet for October 29, 2013 Meeting in Vancouver

List of Speakers Attending the October 29, 2013 Meeting in Vancouver

Transcript of the October 29, 2013 Meeting in Vancouver

Sign in Sheet for December 11, 2013 Meeting in Spokane

List of Speakers Attending the December 11, 2013 Meeting in Spokane

Transcript of the December 11, 2013 Meeting in Spokane

Tesoro Savage Vancouver
Energy Distribution Terminal

PUBLIC SCOPING MEETING

October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Joyce Buehke	tcjb2004@yahoo.com	yes ✓
Hannah Rogers		
Ryan Rittenhouse	ryan@gorgesfriends.org	yes ✓
Emily Hajian-Zadeh Columbia Riverkeeper	ehajianzadeh@gmail.com	no ✓
Emily Rome	emm.rome@gmail.com	NO ✓
Susan Miller	lePierre88@gmail.com	yes ✓
Michael Lang	michael@gorge-friends.org	yes ✓

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PUBLIC SCOPING MEETING

October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Mary Krygier	P.O. Box 2754, Vancouver, WA 98668 mkrygier@spiritone.com	yes ✓
Elaine Killian	Oak 44 @comcast.net	yes ✓
George Killian	george@killianpacific.com	yes ✓
Lori Benton	lori.benton30@yahoo.com	yes ✓
Theresa Wagner	Wagner-Theresa@yahoo.com	Yes ✓

Tesoro Savage Vancouver
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PUBLIC SCOPING MEETING

October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Aron Villalva		
Vincent	vincent.vignani@uobmail.fr	
Julie Remmende	Julie remmende@teleport.com	yes, ✓
Laura Stevens Sierra Club	laura.stevens@sierraclub.org	✓ yes (signed up last night)

Tesoro Savage Vancouver
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PUBLIC SCOPING MEETING
October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/mailing list?
Angie Lindquist	ANGIE.L@SPIRITONE.COM POB 6146 VANCOUVER WA 98666	yes ✓
Doug Hayner	5825 NE Emerson, Portlandia OR 97218	no

Tesoro Savage Vancouver
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PUBLIC SCOPING MEETING
October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
MICHAEZ ANDERSON	KNOWBA@COMCAST.NET	Y ✓
Tracy + Henry	tinahenryk54@gmail.com	✓
AMELIA BRISOP	ameliasb@earthlink.net	Yes ✓
Joe Mahoney	mahoneyjoe633@gmail.com	yes ✓
John + Nancy Fite	johnfite@comcast.net	
Celeste M Howard	celeste@pacifiern.com	Y ✓
JOE STEIN	-	N

Tesoro Savage Vancouver
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PUBLIC SCOPING MEETING
October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Sonya Rowe	lycaena@comcast.net	already there ✓
Daniel Timmons	dtimmons@martenlaw.com	yes ✓
Rein Attemann	rein@wecprotection.org	yes ✓
ANTHONY COFFMAN	hoveringn@j@gmail.com	yes ✓
Kate Sandgren	sandgrenk@gmail.com	yes ✓
DEEMANNAIS	dvadnais@earthlink.net	yes ✓
J Whittby		no
Sharon Bucher	doerstein@aol.com	yes ✓

Tesoro Savage Vancouver
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PUBLIC SCOPING MEETING

October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Marilyn Burke	MB.SIR.DONORD@C-MAIL.COM	Add ✓
Robert Rowe	rowe9629@comcast.net	yes ✓
Danielle Ito	danielle.ito@sierraclub.org	yes ✓
M RUDOLPH	myti@comcast.net	yes ✓
Barbara Quinn	barbaraghn718@gmail.com	yes ✓
Sierra Club MELANIE WOOD	EGIB healthystategies@comcast.net	yes ✓
WES KEMPER	WKEMPER@GMAIL.COM	yes ✓
Erik Robison	erik_robison@yahoo.com	yes ✓

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PUBLIC SCOPING MEETING

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MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
David Goldbery	hoplites@comcast.net	YES ✓
Mark Nelson	msnelson@redc.org	yes ✓
eileen covey	eileen_covey@vthra.com	NO ✓
MICHELE MOLSTEAD	michelemolstead@gmail.com	Yes, please ✓
Jason Soy	jason.soy@gbrx.com	Yes ✓
Dianne Kocer	diannekx@gmail.com	Yes ✓
Stephen Hurlick	Kaweah50@gmail.com	yes ✓
Kathleen Hurlick	" " "	" ✓
CAL Roberts	crobe86209@aol.com	Yes ✓

Tesoro Savage Vancouver
Energy Distribution Terminal

PUBLIC SCOPING MEETING
October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
ERIC LABRANT	LABRANT@GMAIL.COM	Yes ✓
FRUIT VALLEY NEIGHBORHOOD	Fruit Valley Newsletter@Gmail.com	Yes ✓
Christine Woodward	christinewoodward@gmail.com	No ✓
Dina Roberts	Vancouver, WA	No ✓
Bonnie McKinley	goto350pdx@gmail.com	Yes ✓
Derrin Mark Wichat	deedubs@westv.net 711 W 21st, Vancouver 98660	✓
MARION WARD	MARLOW 75@GMAIL.COM	✓
Cheryl Willis	cherylwillis@earthlink.net	✓
Bill Custis	1000bc@comcast.net	✓

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PUBLIC SCOPING MEETING

October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Maria Brenden	Vancouver WA	
Cathy Knight	Portland OR	
Jill Suehrue	Vancouver, WA	
Bev Bissett	bev@54321.com	✓
Jane Nicolai		
Joel Morgan	jstevem@gmail.com	✓
Bob Rondeau	rs.rondeau@gmail.com	✓
Liz Rondeau	rondeau.liz@gmail.com	✓
Kylee Gullikson	kgullikson22@gmail.com	N

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PUBLIC SCOPING MEETING

October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Carlo Voli	Carlovoli@yahoo.com	✓
JERRY OLIVER PART OF VAVC		
Reny Gibbons	GA GORGE KID@YAHOO.COM	✓
Kathryn Green	-	-
Marilyn Lee	MARILEE LEA@COMCAST	✓
Robert W Doherty	1926 E" ST VANCO 98663	✓
Pat Lindemeyer	5700 NE 82ND AVE #55 VANCO 98662	✓
KATHY PERCE	210A W 2 0 TH ST VANCO 98660	N
NANCY PARMA	3115 HARNEY ST VANCOUVER, WA 98660	✓

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Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Nancy Baker-Krofft	nbakerkrofft@gmail.com	yes ✓
LAURE DUCHECITY	loudieduchecity@gmail.com	yes ✓
STEVE GOLDSTEIN	stevegoldstein@hotmail.com	yes ✓
S.C. V. Puyon		
Kate Ketcham	ketcham_k@yahoo.com	yes ✓
Kath Cottrell	kath@cottrell.net	yes
Luis Jodas-Sieraduk	jodads28@gmail.com	yes ✓
Erith Cotton	-	no thanks
Gary Cotton	-	"

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PUBLIC SCOPING MEETING
October 29, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Blaine Ackley	blaineackley@me.com 97134 655 NW 8 th Ave. Hillsboro, OR	yes ✓
William BRAVE	WILLIAM B 98685 @ AOL.COM VANCOUVER WASHINGTON	YES ✓
Alexander Reid Ross	a.reid.ross@gmail.com	✓
ANGELA VAHSOLTZ-ANDERSEN	8914 E. MULOUGHAN BLVD. VANCOUVER, WA 98661	YES ✓
Sandra Dinters	sgwinters@comcast.net	Tel ✓
Sharon D Conser	sharon.conser@gmail.com	yes ✓
Hanna Klett	Vancouver WA	
James Lanz	james.lanz7@gmail.com	Yes ✓
Linda Chan	gianlca@yahoo.com	Yes ✓

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Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
LOWEN BERMAN		
Matt Krugh	mttkrugh@gmail.com	X ✓
David Williams	will4011@hotmail.com	✓
ANITA THOMAS		
MARCELLA CHANDLER	mysticella@msn.com	X ✓
Michael Apter	piperclark@gmail.com	X ✓
STEVE CHESBROUGH	chezztone@gmail.com	✓
Rebecca Fontana	rebecca@necprotects.org	X ✓
Kayla Godawa	—	✓

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Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
KATH BROWN	humansol@Teleport.com	✓
Teresa Robbins	humansol@teleport.com	✓
Julie Rawls	julierawls@comcast.net	no ✓
Elizabeth Gruber Lindsey	egruberlindsey@gmail.com	✓
LYNDEE CANNING	lyndee@comcast.net	already ✓ on list
Linda Romero	petticoatrebel@gmail.com	Y ✓
Rowena Mills	mills.row@bnetmail.com	Y ✓
Jody Deda Varque	4714 NE 13th Ave Portland OR 3004 - HEARTIEC pm.org	y ✓
Mundt, Michelle	335 NW 19th AVE Apt 211 Portland michelle.mundt@live.com	✓

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Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
George Jacobs	RSTART4 C YAHOO.COM 3104 SE MORRISON ST. PORTLAND OR 97214	Y ✓
ANDREW STONE	andy.mstone@gmail.com	Y ✓
Michael Losier	mikelosier@gmail.com	Y ✓
Wickie Holman	wjohnman@hotmail.com	Y ✓
Sarah Collmer	sollmer@gmail.com	Y ✓
Stephen Quinke	Stephen.Quinke@ucsf.edu	Y ✓
LEONARD HIGGINS	leonard.higgins@leobel.net	Y ✓
Soren Andersen	KNOX BIRD@comcast.net	Y ✓
LUKE ANAVI	LANAVI@YMAIL.COM	Y ✓

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Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Wilbur Wood	wilburw2@comcast.net	yes ✓
Linda Garcia		
Pam Allee	alleepa@gmail.com	✓
Irina Makarow	Boyr Adam.	✓
Paul Sexton	PSEXTONS@FERTHINK.NET	✓
Kathy Lane	Lodylane99@hotmail.com	✓
Debra Steinko		
Dave Muir	dave1986@yahoo.com	Yes ✓
Jeff Stookey	jstookey108@gmail.com	✓

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Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Frank Jurestad	H00522 Wabugad P/ Rd Kjarmstad@ldbc.com Wabugad P/ Rd	Yes - ✓
David Gordon	209 gardens@comcast.net	yes ✓
Betty Montgomery		no
Mike Hornes	norman2ant@yahoo.com	No ✓
Gretchen Starke	gstarke@pacifier.com	Yes ✓
Julie Ann Smith	520 SE Columbia River Dr #223 Vancouver WA 98601 / JANS24A@GMAIL.COM	Yes ✓
KATH WERT	1303 GRAND BLVD VANCOUVER WA 98601 / JOWR24A@GMAIL.COM	Yes ✓
Joe Seamons	2717 SE 22nd St Portland OR 97202	yes ✓
Patricia Fulbright	pfubright@clark.edu	yes ✓

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Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Hanna Klett	10318 NE 84 th St. Vancouver WA 98662	
Adrian Voss-Andree	vossandree@gmail.com	Yes

**Tesoro Savage Vancouver
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EFSEC SEPA Scoping Meeting – October 29, 2013

Speaking Tonight? Please Sign Up

	Name: Please write clearly!	
✓/1	John Karpinski	accommodation Reasonable
✓/2	ERIC LABRANT	
✓/3	Blaine Ackley	
✓/4	Don Steinkel Barry Cain	
✓/5	LOWEN BERMAN	
✓/6	Christine Woodward	
✓/7	George Jacobs	
✓/8	Vahid Brown	
✓/9	David Goldberg	
✓/10	Linda Garcia	
✓/11	Dave Seabrook	
✓/12	Matt Krogh	
✓/13	Carol Panfilio	
✓/14	Karen Axell	
✓/15	Maria Nelson	
✓/16	Robin Thomas	
✓/17	Eileen Cowen	
✓/18	Jim Eversaul	
✓/19	Cager Clabough	
✓/20	Den Mark Wichar	

**Tesoro Savage Vancouver
Energy Distribution Terminal**

EFSEC SEPA Scoping Meeting - October 29, 2013

Speaking Tonight? Please Sign Up

✓21	Dr. Dina Roberts, Vancouver, WA
✓22	Mitch Meacham
X23	ANDREW STONE
✓24	DINE BERGER Lyle, WA
X25	Bonnie McKinlay
X26	Pam Allee
✓27	Don Orange
✓28	Cathryn Chudy
✓29	Daewthen Dahlquist
✓30	Ken Ferguson / Dave Lafayette
✓31	WILLIAM BRAKE
✓32	Michael Gaskill
✓33	Alexander Reid Ross
✓34	Michel Losier
✓35	Dianne Kocer Jane Nikolai
✓36	JIM CHASE
✓37	Vicki Hofman
✓38	PAUL SEAMONS
✓39	Stephen Hulick
✓40	TAZZ Medalia

**Tesoro Savage Vancouver
Energy Distribution Terminal**

EFSEC SEPA Scoping Meeting – October 29, 2013

Speaking Tonight? Please Sign Up

✓41	Olona Steinko
X42	Katey Lane Kathy Lane
✓43	Pat Freiberg
✓44	Noun Hine
X45	Carl Roberts
✓46	Jane Rather Thiobaud
✓47	Sarah Collmer
✓48	Stephen Quinke
✓49	Keith BROWN
✓50	Teresa Robbins
✓51	Ed Cohn
✓52	MARION WARD
✓53	DAVE MILLER
X54	Brooks Bennett
X55	Corina Bell
✓56	Don Sures DON STEINKE
✓57	Coelia Kessel
✓58	LEONARD HIGGINS
✓59	Sharon Conser
✓60	Edith Gillis

**Tesoro Savage Vancouver
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EFSEC SEPA Scoping Meeting - October 29, 2013

Speaking Tonight? Please Sign Up

✓ 61	Adan Gaya Kayla Godaya - Tuffi
X 62	Francis Gaze
✓ 63	Elizabeth Graser - Lindsey
✓ 64	LEHMAN HOLDER
✓ 65	Nicole He O'Connor
X 66	Roxana Millis
✓ 67	Annetta Thomas
✓ 68	Marcella CHANDLER
✓ 69	Tednie Roos
✓ 70	MICHAEL PIPER
✓ 71	Jeffrey Stookey
✓ 72	Sonya Rowe
✓ 73	Luna
✓ 74	Nancy Sales - Kufft
✓ 75	Brett Vandenteuve
9:05 AM	76 Blake Schmidt
	77 AURIE DOUGHERTY
	78 Beulah Pereira
	79 BARRY CAIN
	80 STEVE GOLDSTEIN

**Tesoro Savage Vancouver
Energy Distribution Terminal**

EFSEC SEPA Scoping Meeting – October 29, 2013

Speaking Tonight? Please Sign Up

81	Carlo Voli
82	Virginia Nugent
83	Kayla Bodowa-Tutti
84	Karen Grunstad-
85	Kate Ketcham
86	LEIZA MINCH
87	Sjoukje Schoustra
88	Elliot Adams
89	Micah Meskel
90	TRAVIS LONDON
91	SCOTT SCHRODER
92	Diana Gordon
93	Katherine Cotrell
94	Jon Wagner
95	BEV BASSETT
96	MARilee Day
97	JANE NICOLA Dianne Kocer
98	Ryan Grossenbacher
99	Trip Jennings
100	MIKE HORNER

**Tesoro Savage Vancouver
Energy Distribution Terminal**

EFSEC SEPA Scoping Meeting – October 29, 2013

Speaking Tonight? Please Sign Up

101	KATHY PERCE
102	Robert Rowe
103	Michael Lang
104	Ian LaVallee
105	PAT DONCASTER
106	BILL MILMOE
107	Carol Andersen
108	MYZEL RUDOLPH
109	Peter Cornelison
110	Thom Mc Country
111	Paul THOMAS
112	YONA VOSS-Andreae
113	John Herbert
114	Yoko Silk
115	
116	
117	
118	
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120	

1 In Re: Tesoro Savage Vancouver
2 Energy Distribution Terminal
3
4
5
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
20
21
22
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24
25

1 COUNCIL PANEL
2
3 CHAIR:
4 Dennis Moss - Utilities & Transportation Commission
5
6
7
8 MEMBERS:
9 Andrew Hayes - Department of Natural Resources
10 Christina Martinez - Department of Transportation
11 Bryan Snodgrass - City of Vancouver
12 Cullen Stephenson - Department of Ecology
13 Joe Stohr - Department of Fish & Wildlife
14 Jeff Swanson - Clark County
15 Liz Green Taylor - Department of Commerce
16 Larry Paulson - Port of Vancouver
17
18
19
20 ADMINISTRATIVE LAW JUDGE:
21 Honorable Adam Torem
22
23
24
25

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 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 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 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 an 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 will, 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 sole 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 EVERSAIL: 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 EVERSAIL: 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, 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 likelihood 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 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 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 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 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 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 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'CONNOR: 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 torn --
 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.)

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.

GRACE F. LENGMUELLER
Certified Court Reporter
Certificate No. 3031

Tesoro Savage Vancouver
Energy Distribution Terminal

SEPA PUBLIC SCOPING MEETING

December 11, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Susan Drumbheller	sdrumbheller@idahocanservation.org	YES
VALERIE WALTER	vw58bug@yahoo.com	YES
Rob Hoyer	Hoyer.r.tb@aoi.com	NO
Madonna Yuers	mYuers@aol.com	YES
Harvey Brown	b1b1b88@gmail.com	Yes
Juliana Repp	JRepp198@gmail.com	Yes

Tesoro Savage Vancouver
Energy Distribution Terminal

SEPA PUBLIC SCOPING MEETING

December 11, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Bob Hoff	3738 W.Olympic Spokane	
GRANT Pfeifer	Grant.Pfeifer@ECY.WA.GOV	✓
TWALE SWAN Spokane Tribe	twalea@spokane-tribe.com	✓

Tesoro Savage Vancouver
Energy Distribution Terminal

SEPA PUBLIC SCOPING MEETING

December 11, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
City Spokane Valley Tom Tousey	Howey@SpokaneValley.org	
Becky Moody Peter Albrecht	PeterNbecky@msn.com	
Cathy Gunderson	2427 E Sharp Spokane, WA 99202	mailing
Carol Ellis	2015 E. 36th Spokane WA 99203 carolellis@spokanehotmail.com	email yes
Barb Grubbe	9212 E Wellesley Ave Spokane WA 99206	
Mike Peterson Firelands Council	mpeterson@landscouncil.org	
Jace Bylenga Sierra Club	jace.bylenga@sierraclub.org	
Suzi Hokom	suzihokomson@yahoo.com	yes

Tesoro Savage Vancouver
Energy Distribution Terminal

SEPA PUBLIC SCOPING MEETING

December 11, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
BNSF	Patrick.Brady@BNSF.com	Yes
Matt McCoy GSF	mmccoy@greaterspokane.org	Yes
BNSF/UTU	dlvolland@gmail.com	Yes
LINDA GREENE	GREENEPERE@GMAIL.COM	Yes
BNSF/BLET	hartails64@gmail.com	yes
Steve Vigus	sevigus@comcast.net	yes
Ziggy	8900 S Muller Hill Rd #606 SPOKANE WA 99221	yes
Linda DelCaro	rich@peregrinetrace.com	
LARRY HAMPSON	larryhampson2009.com	Yes

Tesoro Savage Vancouver
Energy Distribution Terminal

SEPA PUBLIC SCOPING MEETING

December 11, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
SOUTHWEST COUNTY COMMISSION	PATIENCE 5907@hotmail.com P.O. Box 177 MANASSAH WA 99020	
Spokane Coalition Builders	4023 E Fairview Spokane, WA 99217	✓
Courtney Wallace BNSF Rail	Courtney.wallace@BNSF.COM	✓
TESOs	MATHGILL - MATHGILL@TESOS.COM	
Laura Achenbach	simahofarm@gmail.com	✓
STEPHEN SCHROEDER	1331 E 37th Ave Spokane WA 99203	
Makarjya Jordan	MavJordan7ca@gmail.com	✓
DENNIS McLAUGHLIN	RDCSpokane@aol.com	✓
Peter Higgins	2021 E. 8th Ave. Greenacres, WA 99016	

Tesoro Savage Vancouver
Energy Distribution Terminal

SEPA PUBLIC SCOPING MEETING

December 11, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Harvey Morrison	h.morrison@gmail.com 3805 S. Kanonte Spokane WA 99203	Yes
Dan Serres	dserres@gmail.com	on it! tho!
Bret Plunkett		
Sandy Wikum	P.O. Bx 182 Peary Idaho 83823	yes
Ann Murdock Center for Justice	420 W 20th Spokane WA 99203	yes
Shanda Grocher	sgorder@cfjjustice.com	yes
Kevin Anderson	kands@ceet.com	YES
GARY PATTON	gpatton@ceet.com	No
Marian Fennings	cashme327@comcast.net 327 E. Broad, Spokane, WA 99207	Yes

Tesoro Savage Vancouver
Energy Distribution Terminal

SEPA PUBLIC SCOPING MEETING

December 11, 2013

MEETING ATTENDANCE

Please write clearly

Name and/or Organization	Email/Mailing address	Add you to e/ mailing list?
Sierra Club Pauline Druffel	pdruffel@yahoo.com	✓
Amanda Tracy	ecotracy@umich.edu	✓
Matt Krogh	mattkrogh@foresthics.org	✓
JENNIFER WAX		X
Mark Nelson	msnelson@nedc.org	X
Cheryl Costigan	Hklbrnes@aol.com	Yes ✓
Rick Eickstedt Center for Justice	ricke@cforjustice.org	Yes
Andrew Woods Gonzaga Law Center Environmental Law Center	awoods@lawschool.gonzaga.edu	yes
Brock	earthpeace7@gmail.com	Yes

Tesoro Savage Vancouver Energy Distribution Terminal

EFSEC SEPA Public Scoping Meeting – December 11, 2013

Speaking Tonight? Please Sign Up

	Name: Please write clearly!
✓1	MITCHELL SMITH
✓2	TODD COCEMAN
✓3	GREG JOHNSON
✓4	Bart Haggan
✓5	Tom Schmidt
✓6	Pauline Kruffel
✓7	Paul Beasley
✓8	Harvey Morrison
✓9	Daniel Serres
X10	Matt McCoy
✓11	Patrice Brady
✓12	Bart Mihalic
✓13	Amanda Tracy
✓14	Mat Krogh
✓15	JJ England
✓16	Brian Fister
✓17	Marla Nelson
✓18	Laura Ackerman
✓19	JARREN VOLUNTEER

Tesoro Savage Vancouver Energy Distribution Terminal

EFSEC SEPA Public Scoping Meeting – December 11, 2013

Speaking Tonight? Please Sign Up

✓ 20	Bruce Holloway
✓ 21	Linda Greene
✓ 22	Cheryl Costigan
✓ 23	Kerry Costigan
✓ 24	Rick Eichstaedt
✓ 25	Andrew D. Woods
✓ 26	Steven A. Hart
✓ 27	Makayia Jordan
✓ 28	GARY PAYTON
✓ 29	Susan Drumheller
✓ 30	Marian Hennings
✓ 31	Bob Hoff
32	Peter Higgins
✓ 33	Carol Ellis
✓ 34	Mike Petersen
✓ 35	Matthias Nelson
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Tesoro Savage Vancouver

Energy Distribution Terminal

EFSEC SEPA Public Scoping Meeting – December 11, 2013

Speaking Tonight? Please Sign Up

✓40	DAN McLAY
✓41	Jace Bylenga
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Page 1	Page 3
<p>1 In Re: Tesoro Savage Vancouver 2 Energy Distribution Terminal 3 4 5 EFSEC PUBLIC INFORMATIONAL MEETING 6 Center Place Regional Event Center 7 2426 North Discovery Place 8 Spokane Valley, Washington 9 10 11 12 December 11, 2013 13 6:00 p.m. 14 15 16 17 18 19 20 21 Reported by: 22 Bonnie L. Martinelli, RPR, CSR 23 Court Reporter 24 25</p>	<p>1 SPOKANE VALLEY, WASHINGTON; WEDNESDAY, DECEMBER 11, 2013 2 6:01 P.M. 3 * * * 4 THE CHAIR: Good evening. Let's go ahead and get 5 started. Welcome to the meeting of the Washington State 6 Energy Facility Site Evaluation Council. This is the second 7 SEPA public scoping meeting that we have on the proposed 8 Tesoro Savage Vancouver Energy Distribution Terminal located 9 in Vancouver, Washington. And what I'm going -- I'm Bill 10 Lynch. I'm the current Chair of the Energy Facility Site 11 Evaluation Council. And I'd like to just go ahead, starting 12 on my far right, I just want to introduce all the council 13 members who we have here today. 14 On the very far right, Andrew Hayes, who 15 represents the Department of Natural Resources. Next to him 16 is Cullen Stephenson of the Department of Ecology. Next is 17 Christina Martinez from the Department of Transportation. 18 On my immediate right is Dennis Moss, council member for the 19 Utilities & Transportation Commission. On my immediate left 20 is Judge Adam Torem, who is the presiding judge who is 21 assigned to this particular hearing. 22 After we get through these initial introductory 23 remarks and staff presentation, Judge Torem will be 24 presiding over the public testimony this even evening and 25 give you some short ground rules prior to taking the</p>
Page 2	Page 4
<p>1 2 COUNCIL PANEL 3 4 CHAIR: 5 Bill Lynch 6 7 8 MEMBERS: 9 Andrew Hayes - Department of Natural Resources 10 Cullen Stephenson - Department of Ecology 11 Christina Martinez - Department of Transportation 12 Dennis Moss - Utilities & Transportation Commission 13 Jeff Swanson - Clark County 14 Joe Stohr - Department of Fish & Wildlife 15 Larry Paulson - Port of Vancouver 16 Liz Green-Taylor - Department of Commerce 17 18 19 ADMINISTRATIVE LAW JUDGE: 20 Honorable Adam Torem 21 22 23 24 25</p>	<p>1 testimony. 2 From Clark county, we have Jeff Swanson, and then 3 next to him, council member Joe Stohr representing the State 4 Department Fish & Wildlife. And then next to him is Larry 5 Paulson, representing the Port of Vancouver. And then on 6 the far left is Liz Green-Taylor representing the Department 7 of Commerce. 8 So we have some staff people from EFSEC here with 9 us this evening. They're the people with the badges. So 10 make sure that, if you want to get in any written comments 11 or have questions, you can certainly see them. 12 At the left is Stephen Posner and Sonia Bumpus. 13 And then at the -- manning the tables as you came in was 14 Tammy Talburt and Kali Wraspir. 15 So those are the EFSEC staff with us here 16 tonight. And one thing I wanted to make a special note of 17 is that all scoping -- you can still send in written 18 comments to the EFSEC staff, but all written comments must 19 be postmarked by December 18th. 20 So there's still a little bit of time, but make 21 sure that if there are any written comments you have the 22 council to consider postmarked by December 18th. 23 At this point in time, I'd like to turn it over 24 to our staff coordinator, Stephen Posner, to give an 25 overview of the project.</p>

Page 5	Page 7
<p>1 MR. POSNER: Thank you, Chair Lynch. And what 2 I'd like to do is -- we have just a short PowerPoint 3 presentation, just a couple of slides describing EFSEC, 4 Energy Facility Site Evaluation Council, who we are, what we 5 do, and then a little bit about the SEPA process, which is 6 the main purpose of the meeting tonight to receive SEPA 7 scoping public comments from the public.</p> <p>8 So, to get started, EFSEC was formed in 1970, and 9 it's considered a one-stop permitting agency. EFSEC gives 10 all the permits for certain types of energy facilities if 11 they meet the threshold levels, and it consists of state 12 agency representatives, local government members, and a 13 chair person appointed by the governor. EFSEC makes a 14 recommendation to the Governor. The Governor ultimately 15 makes the decision on whether or not to approve the project.</p> <p>16 The final decision concerning the project 17 preempts all other state and local government decisions for 18 oversight for a particular project that EFSEC regulates. 19 EFSEC is responsible for reviewing specific site proposals. 20 These bullets that are on this slide are specifically from 21 our statute, talks about recognizing the pressing need for 22 increased energy facilities, providing abundant energy at 23 reasonable cost, balancing demands, and producing minimal 24 adverse effects on the environment.</p> <p>25 The members of EFSEC are made up of the Chair,</p>	<p>1 proposed facility is proposed to be located at the Port of 2 Vancouver. It will result in some construction on-site of 3 two 7500-foot loop tracks. It's designed to receive and 4 unload two to four unit trains per day. It's 120,000 to 5 360,000 barrels per day.</p> <p>6 The oil will be staged in storage tanks. It will 7 then be loaded onto double-walled vessels for transportation 8 to U.S. refineries on the west coast.</p> <p>9 So part of our review process requires us to do a 10 SEPA analysis. And SEPA is the State Environmental Policy 11 Act. It's modeled after the National Environmental Policy 12 Act, which establishes environmental policy and agency 13 responsibilities to protect the environment.</p> <p>14 The key aspects of SEPA, informs agencies and 15 decision makers of potentially significant impacts. It may 16 be used to address regulatory gaps, and ideally it's an 17 opportunity to review the impacts early in the review 18 process for the facility.</p> <p>19 So what is scoping? And that's what we're here 20 for tonight. We're in the scoping phase of SEPA. We are in 21 the process of determining what the environmental impact 22 statement -- what issues the environmental impact statement 23 should address. And part of that process involves public, 24 all of you, giving you the opportunity to express to the 25 council what your concerns are specifically related to the</p>
Page 6	Page 8
<p>1 Department of Ecology, members that were introduced here. 2 You can see on the slide that those particular agencies are 3 listed there. We also have representatives from local 4 government, from the City of Vancouver, Clark County, and 5 the Port of Vancouver, as well as an optional state agency, 6 Department of Transportation's represented as well.</p> <p>7 Certain types of power plants, energy facilities, 8 alternative energy facilities such as wind and solar of any 9 size may opt in to EFSEC jurisdiction. They're not required 10 to be regulated by EFSEC. It's an opt-in process. 11 Non-hydrothermal power plants greater than 350 megawatts, 12 certain types of transmission lines, depending on the size, 13 may also opt in; pipelines, depending on the dimensions of 14 the pipelines; and then also refineries and storage 15 facilities, depending on their capacity, which brings us 16 basically to the facility that we're here to discuss this 17 evening, the Tesoro Savage Energy Distribution Facility. 18 And there is a section of our statute, our law, which 19 addresses this type of facility, and it is based on the 20 capacity to receive of the facility. This particular 21 facility does meet the threshold capacity to receive of 22 greater than 50,000 barrels per day.</p> <p>23 This is just a map showing the general location 24 of the site at the Port of Vancouver. Here's an aerial 25 view. And then facility overview -- as I said earlier, this</p>	<p>1 environment and what things you believe the Environmental 2 Impact Statement should address.</p> <p>3 We're here to invite the public agency and tribal 4 comments. And some of the things that we're looking for are 5 potential alternatives using reasonable mitigation measures 6 which may be addressed to address environmental impacts, and 7 then also specific studies, surveys, and methodology for 8 analysis.</p> <p>9 We have made a Determination of Significance, 10 which essentially, at that point, requires the -- that 11 Environmental Impact Statement be prepared. We have issued 12 a SEPA scoping notice, and the notice indicated the dates 13 and times for public meetings. This is our second public 14 meeting. The Determination of Significance included 15 description of the project and the elements of the 16 environment likely to be impacted.</p> <p>17 Scoping comments. What's most helpful for us as 18 the lead agency is, when we receive scoping comments, if 19 they're as focused as possible on issues or concerns that 20 the public has that should be considered in the EIS, such as 21 mitigation measures that may reduce or eliminate adverse 22 impacts, alternatives to the proposal might be considered, 23 and methods of analysis that should also be used.</p> <p>24 Commenting allows you to identify, clarify, and 25 resolve concerns. It also allows us to achieve more</p>

Page 9	Page 11
<p>1 environmentally sound proposals, and it creates a written 2 record. Other comment periods vary. We actually have a 3 75-day public comment period. Often you'll see, depending 4 upon the type of project, anywhere from 30 to 60 days. We 5 originally had public comment period from -- started 6 October 3rd through November 18th. We extended that by 30 7 days. The public comment period is set to close on 8 December 18th.</p> <p>9 After scoping, the lead agency, EFSEC, will 10 review the comments. We will prepare a scoping report which 11 will summarize what we heard and what -- you know, what 12 issues we heard from the public. And then the lead agency, 13 with that information, bases its decisions concerning the 14 scope of the draft Environmental Impact Statement.</p> <p>15 Just to summarize, SEPA applies to all Washington 16 state and local public agencies. It's an opportunity to 17 address environmental concerns and informs agencies and 18 decision makers. The process of Determination of 19 Significance, scoping, focus of environmental review. Where 20 we're at now in the process, we're inviting public comments. 21 When we complete scoping, we'll move into the DEIS stage. 22 There will be another opportunity for the public to provide 23 comments.</p> <p>24 And then, at some point, the final Environmental 25 Impact Statement will be issued, which will inform the</p>	<p>1 at about 20 minutes after 6:00. The purpose for the meeting 2 is for the council to receive your comments on any issues 3 you believe should be addressed in the draft Environmental 4 Impact Statement.</p> <p>5 As Mr. Posner noted, on October 1st, EFSEC did 6 send out a SEPA Determination of Significance and a notice 7 of scoping. That Determination of Significance, or DS, is 8 the trader for having a full Environmental Impact Statement, 9 or EIS.</p> <p>10 And the purpose, again, the legal purpose of 11 scoping is for this council to determine the focus of the 12 environmental review, invite public agency and tribal 13 comments, identify impacts to consider, and identify 14 specific studies, surveys, perhaps even methodologies for 15 analysis of individual issues.</p> <p>16 The information that we gain during scoping 17 tonight and at our previous hearings and all of the other 18 comments that are coming in by mail, all of those will help 19 EFSEC in developing the draft EIS.</p> <p>20 In the back, if you haven't already picked up the 21 mailing address or seen it on the website, the deadline 22 again for sending in your comments is next Wednesday. The 23 postmark has to be by next Wednesday, December the 18th. So 24 if tonight you hear something and want to develop your 25 comments further, you can still send that in electronically</p>
Page 10	Page 12
<p>1 council as they go through the information on this project, 2 which also will include information gathered during the 3 administrative proceedings in making a recommendation to the 4 Governor.</p> <p>5 So the environment -- the SEPA process is 6 considered along with the adjudicated process, which also 7 takes place in analyzing this proposal. That information is 8 all considered by the council when it makes its 9 recommendation to the Governor.</p> <p>10 This is our website. We have lots of information 11 on our website about our process and also has staff 12 contacts. So I encourage you to check out our website, 13 contact us if you have any other questions. That concludes 14 my presentation.</p> <p>15 JUDGE TOREM: All right. Thank you very much, 16 Mr. Posner.</p> <p>17 Again, my name is Adam Torem. I'm the 18 Administrative Law Judge from the Washington Utilities and 19 Transportation Commission, and I've been appointed to 20 preside in this EFSEC matter. For tonight my job is simple. 21 I get to listen and hopefully pronounce your names 22 correctly.</p> <p>23 Today we have a court reporter. So I'm going to 24 go through a couple of items here. It's December 11th, 25 2013. We're getting ready to start our public comment here</p>	<p>1 or by writing, but if it's in the traditional mail, it's got 2 to be postmarked by next Wednesday.</p> <p>3 There are some other resources you can ask 4 questions to. Tonight's not a place where we can answer 5 your questions, but if you have questions about the process, 6 Kali and Tammy in the back can answer those, so can Stephen 7 up here in the front will be around after the meeting 8 tonight to answer questions with the process.</p> <p>9 There's also a gentleman known as the council for 10 the environment. He's an Assistant Attorney General. His 11 name is Matt Kernutt, and he, as an AAG, is appointed to 12 represent the public and the public interests in protecting 13 the quality of the state's environment. Matt is not here 14 tonight. He couldn't make the trip to Spokane, but I do 15 want to give you his address and his phone number -- his 16 phone number and his e-mail address. Matt's office number 17 is (360) 586-0740. That's 586-0740. And his e-mail is 18 mattk1, MATTK and the number one at ATG dot WA dot GOV. So 19 mattk1@atg.wa.gov.</p> <p>20 Tonight's comments are becoming a part of our 21 council's SEPA process and our official record. So if 22 everyone will be respectful when people are at the 23 microphone in front of us talking, that will help the 24 council hear the witness and the court reporter be able to 25 get down each and every word.</p>

Page 13	Page 15
<p>1 When you come up to the microphone, you're going 2 to see I have some chairs set off to my left, your right, to 3 seat people to come. We'll go through things fairly 4 quickly. I'll call people three at a time. As the next 5 speaker makes their way to the microphone, those that follow 6 can make their way to the seats up front.</p> <p>7 At our last hearing, we had about a hundred 8 and -- over a hundred and eighty people signed up to speak. 9 It seemed like we got through most of them. We gave them 10 two minutes per speaker, and we didn't go past 9 o'clock. 11 Tonight I'd like to stay with that two minutes per speaker 12 just in case we have more people come in. I understand that 13 may be the case.</p> <p>14 To save your time, if you hear someone testify 15 early on that you agree with, I would encourage you to just 16 state your agreement with Mr. Stanley or Mrs. Jones, whoever 17 it was, and then go on and make additional points. Once you 18 do that, that will tell us that that's an issue of concern 19 to many people and you don't have to repeat that item.</p> <p>20 Our goal tonight for the ground rules are just to 21 provide you and us a safe and effective public meeting. We 22 want to make sure this is a secure non-intimidating, 23 respectful, atmosphere. Some of you are going to hear 24 things that you disagree with, and some of you are going to 25 hear things you really do agree with, but I'm asking you all</p>	<p>1 democracy in action and keep it as civil as we can. 2 I think that's pretty much all the ground rules I 3 need to go through. When you do come up, if you'll state 4 your full name, your mailing address, and your city of 5 residence, that will help us know where you're coming from 6 and what the specific impacts might be geographically on 7 you.</p> <p>8 If you're looking to file a written comment, we 9 do have additional paper in the back. Tammy and Kali will 10 give you something to write on. There's a box if you 11 happened to type it up already, you can leave your written 12 comments with us tonight. And, again, next week on 13 Wednesday, December 18th, is the deadline.</p> <p>14 All right. I think we are ready to call the 15 first few folks up. Mitchell Smith will be our first 16 commenter followed by Todd Coleman and Greg Johnson and Bart 17 Haggin or Haggin. So Mitchell Smith, you'll make sure this 18 microphone is on.</p> <p>19 MR. MITCHELL SMITH: Testing.</p> <p>20 JUDGE TOREM: It looks like it's good. What I'm 21 going to do, Mr. Smith, and for the rest of you is hold up 22 when you have one minute remaining, and when it turns 23 yellow, you've got 30 seconds, and hopefully, as traffic 24 lights work, the same here in the red will give you guys a 25 chance to know it's time to wrap up.</p>
Page 14	Page 16
<p>1 to honor the basic ground rules and maintain an open, 2 secure, and respectful environment. And everyone's voice 3 can be heard equally.</p> <p>4 So we're going with two minutes per speaker. I 5 want you to speak slowly and deliberately. If you signed up 6 on one of these yellow sheets, I'll be calling your name. 7 If you still want to sign up, the second sheet is still in 8 the back of the room. If you have a blue sheet that you 9 signed in on, that's simply for the mailing list, and that 10 won't get me to call your name. You have to be on one of 11 the yellow sheets for me to call your name.</p> <p>12 To make sure that we don't have jeering or booing 13 or hissing after any of the comments, what I've found is a 14 pretty good idea for folks to express an agreement is just 15 simply to give a nonverbal indication of support for a 16 speaker. What we did in Vancouver was we actually asked 17 people to give a thumbs up or a thumbs down. It was 18 something that the speaker couldn't necessarily see, it 19 wouldn't disrupt them, but the council could certainly see 20 the audience if that was something that was well agreed with 21 or disagreed with as the case may be.</p> <p>22 So we found that does not disrupt the speaker, 23 and I certainly will allow that. But if there's booing or 24 jeering or anything else, I will stop the meeting until we 25 can quiet things down and keep things, like I said, keep the</p>	<p>1 Mr. Smith, go right ahead. 2 MR. MITCHELL SMITH: My name is Mitchell Smith. 3 I'm with the Southwest County Coalition, P.O. Box 127, 4 Marshall, Washington 99020. The Southwest County Coalition 5 is the first alliance of Spokane county families and 6 individuals organized to address public concerns. The 7 county coalition is committed to bring to light concerns of 8 our southwest county neighbors, family, and friends when the 9 action or inaction of the public or private sector adversely 10 affects southwest county citizens. We would be oil train 11 losers.</p> <p>12 Any increased train traffic will adversely affect 13 our southwest county neighbors and friends. The known 14 dangers of crude oil tank cars passing through our site -- 15 passing through or sited in local neighborhoods and near 16 family farms is unconscionable. The Southwest County 17 Coalition does not believe the risk could ever be mitigated 18 enough to prevent the inevitable tragedy.</p> <p>19 Noise pollution alone would significantly impact 20 those living within two miles of the tracks, particularly 21 when considered cumulatively. All the oil passing through 22 Washington state should be in the safest means possible. We 23 believe that would be via pipeline. The increased pollution 24 of additional oil trains must be substantially addressed to 25 protect those living near the tracks. Increased railroad</p>

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1 traffic will block local access and stifle commerce while we
 2 wait for these trains. Drive through downtown Cheney when
 3 that happens.
 4 An emergency response vehicle delayed by just one
 5 minute will make a difference between life or death, whether
 6 someone's home is destroyed. We no longer have to worry
 7 about terrorists getting ahold of a bomb. The railroad is
 8 going to bring the bomb right to our front door.
 9 Southwest County Coalition remains concerned
 10 public officials are ignoring local labor and entire cities
 11 in favor of a political agenda that places money ahead of
 12 (inaudible), safety, and health.
 13 JUDGE TOREM: Thank you, Mr. Smith.
 14 MR. MITCHELL SMITH: Thank you for the
 15 opportunity for the comment.
 16 JUDGE TOREM: Next is Todd Coleman.
 17 MR. TODD COLEMAN: Your Honor and esteemed
 18 council, we thank you for the opportunity to speak to you
 19 today. My name is Todd Coleman. I'm the CEO of the Port of
 20 Vancouver. Our address --
 21 JUDGE TOREM: Can you lean into the microphone?
 22 MR. TODD COLEMAN: Our address is 3103 Northwest
 23 Lower River Road, Vancouver, Washington.
 24 And I'm pleased to have the opportunity to share
 25 with you just a few comments that we think will be critical

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1 in your decision making process as you move forward. I do
 2 have written comments that I will leave with you here today.
 3 We are very pleased that you are here in Van- --
 4 Spokane, Washington. Spokane is a critical place for us as
 5 we -- as an export -- primarily export port for the state of
 6 Washington. A lot of our traffic runs through Spokane and
 7 the Spokane Valley area, and this is really a critical
 8 transportation mode for us. So we think it is absolutely
 9 appropriate for you to be here and for us to be here and
 10 certainly at least have the opportunity to share in those as
 11 we have -- as we've heard in the past.
 12 The port's been in existence for over a hundred
 13 and one years. We've been a part of Washington state.
 14 Washington state was actually (inaudible) the ports about a
 15 hundred and two years ago. We were the third one in the
 16 state. We put an RFP out for this project because we have
 17 invested heavily in rail. The state of Washington and our
 18 federal government have invested heavily in rail for our
 19 export ports.
 20 And as we look at our existing facilities, we
 21 believe this is the right place for this terminal to exist.
 22 We have great access to the west coast. We have the right
 23 safety procedures in place. We've got good partners in
 24 class one railroads, and I think that's unique in this
 25 facility that we don't have shore lines who are carrying

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1 this cargo.
 2 We would just ask that, while we work to address
 3 the safety issues with our partners and with the community
 4 that we would ask that, when you look at the cumulative
 5 effects, that you limit that to the project, that you not
 6 make this so broad as to start to impact from what we call
 7 cradle to grave. When you start to look at that, how do we
 8 differentiate between crude oils and wheat and corn and
 9 soybean and those other products? So we just need to be
 10 careful not to impact all those jobs occurring in the state
 11 of Washington that rely on trains. Thank you.
 12 JUDGE TOREM: Thank you, Mr. Coleman.
 13 Next is Greg Johnson who will be followed by Bart
 14 Haggin, then Tom Schmidt, then Pauline Druffel.
 15 Mr. Johnson?
 16 MR. GREG JOHNSON: Yes. My name is Greg Johnson.
 17 I live at 612 West 16th Avenue here in Spokane. I agree
 18 with everything Mr. Smith said. I disagree with everything
 19 the previous speaker said. If a bunch of wheat comes out of
 20 a rail car over my aquifer, it's not going to poison the
 21 aquifer. I'm not going to be drinking oil for the next six
 22 months or however much time it takes. That's one of the
 23 reasons why I'm here.
 24 I love water. I swim in it. I bathe in it. I
 25 drink it every day. I cook with it, and it's very, very

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1 important to me. And corporate America continuously tells
 2 us that they build safe things that are as safe as they can
 3 possibly be, nothing wrong is going to happen. And we know
 4 unequivocally that that's false because we see things happen
 5 all the time.
 6 And I don't doubt that they're going to make
 7 everything as safe as it possibly can be, but the fact of
 8 the matter is that, if a train goes over that's carrying
 9 dirty oil over the aquifer, the aquifer's going to be
 10 impacted. And I understand the previous speaker saying you
 11 can't look at the cradle to the grave thing, but you need to
 12 consider what happens all the way up and down this rail
 13 line. It's going to affect everybody. It just doesn't
 14 affect Vancouver.
 15 Mother nature rules. And whatever we build,
 16 mother nature can destroy at the drop of a hat by storm, by
 17 earthquake, by whatever else she decides to do. And we
 18 can't protect ourselves against that. History has already
 19 established that there's been explosions from trains. I
 20 would ask you to specifically look at how many rail crossing
 21 accidents we have along this line all the way to Olympia and
 22 consider how many times those trains could potentially be
 23 hit and sent over and leak all over their fuel.
 24 It's also important to consider -- right now the
 25 United States is one of the largest exporters of energy. So

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<p>1 we don't need any more energy to be exported. Thank you. 2 JUDGE TOREM: Next is Bart Haggin. 3 MR. BART HAGGIN: Well, I'm opposed to the 4 building of the port in Vancouver, and I would just like to 5 take a little larger picture of this situation. 6 You have to understand that this is a finite 7 planet with finite resources. And as a matter of fact, 8 they're not making any more oil. And it's time for us to 9 think about simply leaving it in the ground for the future. 10 So that's the main thing that I would tell you is that we 11 don't need to transport it out of our country. We don't 12 need to export any of the Canadian oil either. 13 And we know, obviously, that exporting crude oil 14 from the United States of our domestic supply, whether it's 15 from Alaska or whether it's from the 48 lower states, we 16 know that that's illegal. We know that only a refined 17 product can be exported. And so I urge you to think in 18 terms of where is this going. Is it going to Anacortes? Is 19 it going to the Bay Area? Where is the oil going and how 20 much of it is Canadian oil and how much of it comes from the 21 Bakken or for -- from the area in and around Montana. 22 So I'd urge you to say don't ship away our oil. 23 I would say also that we will never be self-sufficient. You 24 know that that's the truth. We will never be 25 self-sufficient. The best that we can do is maybe produce 7</p>	<p>1 room and represented by the railroads and the railroad 2 unions, they have the ability to retool their thinking and 3 their skills to alternative energy which would not face most 4 of what you will hear happening tonight. 5 Keep it simple. I think that's basically it. 6 Let's stop privileging property rights over human rights. 7 The only reason we value property rights is because they 8 support human rights, and we need to start getting back to 9 that, the general welfare. 10 JUDGE TOREM: Thank you, Mr. Schmidt. 11 Pauline Druffel followed by April Beasley, then 12 Harvey Morrison, and Daniel Serres. 13 MS. PAULINE DRUFFEL: My name is Pauline Druffel. 14 I live at 930 South Cannon, Spokane, Washington. I'm 15 opposed to the Vancouver oil transit terminal for several 16 reasons. I live close to the Latah Creek bridge and can see 17 the trains go by. There are a lot of them, day and night. 18 I don't want there to be more. The increased number of 19 trains coming through our area would tie up traffic at the 20 railroad crossings in the Spokane Valley, especially, 21 hindering the movements of fire trucks, police, and 22 ambulances. 23 I am concerned about the possibility of 24 derailments of railroad cars carrying this dangerous crude 25 oil. Not long ago a train did derail from the bridge by my</p>
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<p>1 or 8 million barrels a day. And we're consuming 17 or 2 18 million barrels a day. So we'll never -- we're never 3 going to be self-sufficient anyway. 4 So I would just say that we have met the enemy, 5 and he is us. And I would say that this is really what 6 we're talking about is Easter Island and -- 7 JUDGE TOREM: Mr. Haggin, that's time, sir. 8 MR. BART HAGGIN: -- we are not going to destroy 9 the planet in order to save us. Thank you. 10 JUDGE TOREM: Next is Tom Schmidt followed by 11 Pauline Druffel and then April Beasley. 12 MR. TOM SCHMIDT: Tom Schmidt, 1614 East 33rd, 13 here on the South Hill. 14 Thank you for the chance to shoot off my mouth. 15 I'm a retired psychotherapist. I had bone cancer. So I'm 16 regarded by the doctors slowly -- I hope very slowly dying 17 of bone cancer. You will hear a lot about health. You will 18 hear a lot about environmental degradation. 19 I agree with all of those, but I'm here to 20 mention the -- how horrified I am that we're meeting and 21 even talking about this. How long will we continue to 22 privilege property values over human values? That's what it 23 comes down to. I think we're missing a wonderful 24 opportunity to -- economic opportunity to better our 25 economic abilities, and all the expertise up here and in the</p>	<p>1 place. If it had been an oil-carrying train, the oil could 2 easily have gone into the creek, Latah Creek, and be in 3 the -- have been in the Spokane River in a short amount of 4 time. I think less than a mile away. 5 We've already seen such derailments with 6 disastrous consequences. Explosions and 47 deaths in Quebec 7 in July, terrible contamination of waterways and fields by 8 the pipeline reached along the Kalamazoo River in 2010 and 9 the grounding of the Exxon Valdez tanker in 1880 -- 1989. 10 Accidents do happen. The best way to assure that they don't 11 happen with dangerous crude oil is to not ship it by rail or 12 barge. 13 But for me an even larger concern is the reality 14 that we know we have to stop the burning of fossil fuels. 15 We've already put way too much greenhouse gas into our 16 environment and into our atmosphere. We know that we are 17 heading toward the tipping point of global climate change. 18 So it makes no sense whatsoever that we keep on taking oil 19 out of the ground to burn it. 20 JUDGE TOREM: Thank you, ma'am. That's time. 21 April Beasley? 22 For those of you that I'm calling time before you 23 finish your comments, if you want to turn in written 24 comments so we hear every other piece of it, please make 25 sure you get those in by next week, or you can turn in the</p>

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<p>1 written comments in tonight. 2 Ms. Beasley? 3 MS. APRIL BEASLEY: The railroad infrastructure 4 in northern Idaho and eastern Washington has not been 5 upgraded to meet the demand of proposed train traffic. Add 6 more traffic to that system that's already at its limits, 7 and it's absurd and will contribute to rail derailments. I 8 also don't want to contribute to climate change and 9 environmental devastation with tar sand oil. 10 We are not adversaries of railroad employees, but 11 it only takes one derailment of oil and other toxins hauled 12 by these trains to devastate our city and result in loss of 13 life. I want a positive future for our railroads. But it 14 won't last long with twentieth century fossil fuels. We 15 need to think long term and train comments will continue 16 without oil trains. Even Wall Street and blue bird 17 businesses has this as short-sighted, bad economics. 18 An EPA impact study is a no-brainer, and we also 19 need an emergency contingency plan when a derailment 20 happens. No more oil trains is the only solution that will 21 guarantee our clean environment and safety. Now is the time 22 to move forward and stop allowing oil companies to stop 23 progress of clean sustainable energy and kill the future for 24 our children. 25 Many of us in this audience feel this hearing is</p>	<p>1 climate, we would wage a war of worlds to stop him. In 2 reality, the earth and all life on the earth threatened by 3 causes of our own making, we are doing the aliens' work. 4 The impacts of man-made climate change are evident and 5 getting incrementally worse throughout the world. Think of 6 Katrina, superstorm Sandy, the Philippines' typhoon, and the 7 smog now blanketing China. 8 Unless we start taking dramatic actions to 9 reverse the trends, we will be witnesses of our own 10 destruction. The oil that is proposed to be extracted and 11 hauled through Spokane is shipped to refineries in far-away 12 places. It should be left in the ground until such time as 13 technology is developed that allows its conversion without 14 poisoning the environment. 15 I am not an expert. I don't have the answers for 16 our energy and environmental crisis, but there are legions 17 of brilliant scientists, inventors, engineers, and 18 capitalists that we should be listening to and given 19 incentives to solve this (inaudible) challenge. Alternative 20 sustainable energy is needed worldwide. 21 Think back 50 years when the challenge was to put 22 a man on the moon or 70 years when our nation's industries 23 mobilized to defeat fascism. With the right incentive, 24 amazing and rapid change can and have occurred. Our studies 25 should be save life on the planet. We have four personal</p>
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<p>1 here to patronize us and big money will rule as always. Oil 2 corporations have shown over and over that their only goal 3 is record profits with no concerns of the long-term effects. 4 As a panel, your determination can support or 5 deny tar sand oil trains through our state. Ask yourself, 6 how would you feel when a train with oil or other toxins 7 derail and devastate our community? Because it is only a 8 matter of time. 9 I challenge you to help Washington state lead the 10 way and do what is right for the people and the environment. 11 JUDGE TOREM: Harvey Morrison followed by Daniel 12 Serres, Matt McCoy, and Patrick Brady. 13 MR. HARVEY MORRISON: Thank you. I'm Harvey -- 14 excuse me -- I'm Harvey Morrison. I live at 3805 South 15 Lamonte in Spokane. 16 For all the previous reasons that people stated, 17 I adamantly oppose the rail transport (inaudible) the port 18 and the new export facility. We will incur all of the 19 inconvenience, hazards, and catastrophic risks with no 20 benefit for it that I can see. 21 JUDGE TOREM: Mr. Morrison, can you speak up just 22 a little bit? 23 MR. HARVEY MORRISON: Sure. But we need to look 24 beyond this narrow issue. If an alien invaded our planet 25 and set out to destroy our life-giving atmosphere, seas, and</p>	<p>1 choices when facing the consequences of climate change -- 2 denial, despair, ambivalence, or hope. In this season of 3 peace and good will, I think, with hope, we will turn the 4 corner to sustainability before the climate turns 5 irreversibly against us. 6 In the face of tyranny, Patrick Henry painlessly 7 said, "Give me liberty or give me death." Today we face a 8 different form of tyranny, one imposed on us by big oil. 9 It's a tyranny of forced addiction to the burning of fossil 10 fuels. Our rallying cry should be, "Free us from this 11 addiction or we shall all parish." Change must start here. 12 JUDGE TOREM: Thank you, Mr. Morrison. 13 MR. HARVEY MORRISON: Thank you, and Merry 14 Christmas. 15 JUDGE TOREM: Mr. Serres followed by Matt McCoy, 16 Patrick Brady, Mark Mihavolic, and then Amanda Tracy. 17 MR. DANIEL SERRES: Thank you very much, members 18 of EFSEC and Mr. Chair for being here tonight. I hope that 19 your presence in Spokane reflects the fact that you intend 20 to take a very -- getting the signal to lean in a little 21 bit. 22 I hope your presence here reflects your intention 23 to take a broad look at this project, which is incredibly 24 important for all people in Washington and throughout the 25 state. And in taking that broad look, I think you will find</p>

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1 support throughout the state.
 2 Just a few nights ago in Vancouver, Washington,
 3 the city council passed a set of comments that are very
 4 strong and asked you to look at cumulative impacts of not
 5 just this oil proposal from Tesoro Savage but also coal
 6 export terminals that are proposed also, you know,
 7 downstream from Vancouver.
 8 If you add in the Millennium Bulk terminals
 9 proposal in Long View, Washington, and the trains that would
 10 be associated with that alongside the Xwe'chi' terminal up
 11 in Bellingham, you see literally dozens of potential unit
 12 trains moving through.
 13 Unlike corn, as the previous speaker noted, oil
 14 trains present an enormous risk. And I just want to
 15 identify a few of those, one of which is we don't know
 16 what's in these trains. We don't know what will be moving
 17 to the Port of Vancouver, what will be moving through the
 18 city of Spokane. Part of that is due to the lease that was
 19 signed with the City of Vancouver which said petroleum
 20 products would be shipped to the terminal. That can be
 21 anything from heavy tar sands crude to light crude coming
 22 out of North Dakota. Those have very different public
 23 safety impacts. I encourage you to look at the worst-case
 24 scenario of a train derailment either in a place where a lot
 25 of people live or along the Columbia River where an oil

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1 spill could have devastating impacts on the Columbia River
 2 ecosystem.
 3 I don't need to harp too long on the example that
 4 brought this issue really to the fore, which was the
 5 Lac-Megantic disaster in Quebec. And that is one of the
 6 reasons we are all here tonight. And to imagine one tenth
 7 of what happened to Quebec happening in Spokane or anywhere
 8 in a river community along the Columbia River is
 9 unimaginable. And I ask you to take that into account and
 10 take a hard look at the safety and emergency response
 11 impacts of this project.
 12 Thank you very much for being here. I really
 13 appreciate it.
 14 JUDGE TOREM: Next is Matt McCoy. Is Matt McCoy
 15 here? All right. We'll move on to Patrick Brady.
 16 Mr. Brady will be followed by Mark Mihavolic and then Amanda
 17 Tracy.
 18 MR. PATRICK BRADY: Good evening. My name is
 19 Patrick Brady. I'm at 4200 Deen Road in Fortworth, Texas.
 20 I'm the assistant Director of Hazmat with BNSF Railway. My
 21 primary responsibility with BNSF Railway is hazmat emergency
 22 response and hazmat emergency planning.
 23 When people meet me and they find out what I do,
 24 they often say, "Boy, that must keep you really busy." My
 25 response is always plain yes, response no. We just don't

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1 have many derailments. In fact, we don't even have many
 2 (inaudible) or release of hazardous material. You may have
 3 read or heard that BNSF transports over 99.997 percent of
 4 our hazardous materials (inaudible) investing without our
 5 ever having a hazmat accident causing release.
 6 What does that number really mean? So last year
 7 we transported out of our 32,500 miles of track, 27 states,
 8 two Canadian provinces, we transported 1.4 million shipments
 9 of hazardous material. So, in that 1.4 million shipments of
 10 hazardous material, we experienced four derailments that
 11 caused a partial release of 15 hazmat shipments.
 12 So 1.4 million shipments, 15 partial releases.
 13 Even with that excellent safety record, we understand it is
 14 our responsibility to be able -- to be prepared for any
 15 hazmat emergency. So we have robust emergency response
 16 plans that include a geographic response plan that is
 17 specifically designed to protect both the Columbia and the
 18 Spokane River. And these plans are updated continually.
 19 In fact, by the end of January, we'll have
 20 increased our response capabilities on the Columbia River by
 21 staging additional hazmat emergency response equipment along
 22 the river. We also provide substantial emergency response
 23 training to local communities. Every year we transport over
 24 4,000 -- we train over 4,000 community responders in how to
 25 safely respond to hazmat incidents.

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1 BNSF can transport crude safely for all of our
 2 customers, and in the very unlikely event of an incident, we
 3 will respond safely, efficient, and responsibly. Thank you.
 4 JUDGE TOREM: Bart Mihavolic?
 5 MR. BART MIHAVOLIC: Good evening. My name is
 6 Bart Mihavolic, 418 East Liberty Avenue in Spokane,
 7 Washington.
 8 Thank you for granting this hearing here in
 9 Spokane and for being here. Our organizations is one of the
 10 organizations that requested the hearing in Spokane. So I
 11 really appreciate you taking the time.
 12 I'm director of the Spokane Riverkeeper
 13 Association for the Center for Justice. These comments are
 14 submitted on behalf of our 1200 members who share our vision
 15 of a fishable and swimmable Spokane River. We strongly
 16 encourage you to consider all potential impacts to the
 17 Spokane Valley, Spokane, Cheney, and the entire Spokane
 18 River Basin that would be created by increasing the shipping
 19 of crude oil through our region and through to the Port of
 20 Vancouver.
 21 Our members routinely bring up concerns with the
 22 BNSF refueling depot in Idaho and how it deacid the aquifer
 23 and how further it's connected to the Spokane River and
 24 which can transport pollutants to the river system. It
 25 already has --

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1 JUDGE TOREM: Slow down just a little bit.
 2 MR. BART MIHAVOLIC: It already has issues and
 3 can't withstand a massive increase in refueling instances
 4 due to increased traffic. This needs to be studied very
 5 carefully; for we only have one shot to protect the aquifer.
 6 Furthermore, I have a couple things here. First,
 7 the map created by the Department of Ecology -- you all have
 8 probably seen it -- showing the alarming number of proposals
 9 for coal and oil projects. This map was created earlier
 10 this year, and it is most certainly outdated. As it is
 11 easily interpreted, you can see that all the projects that
 12 we're talking about, the train traffic comes through
 13 Spokane.
 14 Another map from the Department of Ecology shows
 15 the primary response oil spill response equipment and where
 16 it is located in our state. The amount of the equipment in
 17 Spokane and really all of eastern Washington is beyond
 18 alarming given what is being proposed to come through our
 19 region of what we know about accidents.
 20 Let's see here. I guess I just want to -- I had
 21 some more to say, but I want to do one quick thing. I want
 22 to ask folks just for a show of hands in the audience who is
 23 here because they are opposed to this project. For that
 24 reason and for a lot of other reasons, Spokane Riverkeeper
 25 along with 12 other organizations on Monday submitted a

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1 letter to Governor Jay Inslee, ecology director in Lansing,
 2 Michigan, Peter Goldmark. We're calling for a moratorium on
 3 permitting new oil transportation infrastructure at least
 4 until a programmatic EIS can be proposed and approved.
 5 There are just too many questions and too many
 6 unknowns in the cumulative impacts of both coal and oil
 7 projects and their impacts on Spokane to move forward with
 8 any of these single projects.
 9 And I'll leave this letter that we sent to the
 10 governor as well in the back.
 11 JUDGE TOREM: Thank you.
 12 Amanda Tracy to be followed by Matt Krogh, then
 13 J.J. England, Brian Eister, and Marla Nelson.
 14 MS. AMANDA TRACY: My name is Amanda Tracy, and I
 15 live at 1510 West Dean Avenue in Spokane, right next to our
 16 river. And I will be getting -- I will be beginning a
 17 graduate program in ecology in January. I'm here to speak
 18 about the durability of petrochemicals when spilled onto
 19 soils and into aquifers and the problem that proposes to
 20 human and nonhuman life.
 21 It's insufficient simply to have a contingency
 22 plan to deal with oil spills in the short term because oil
 23 spills do not affect life in the short term. When
 24 petrochemicals such as those shipped by rail enter our soils
 25 and our aquifers, drops in tens of thousands of gallons of

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1 water can have health effects ranging from cancers,
 2 reproductive difficulties, and developmental defects.
 3 The hazmat gentleman failed to mention that the
 4 method of cleaning up oil spills, once they have entered
 5 soils, often includes scooping the soil out with a tractor,
 6 wrapping it in plastic, and leaving it or incinerating it.
 7 The more environmentally friendly methods include seeding it
 8 with mushroom and hoping for the best, and I just don't
 9 think that's sufficient.
 10 Furthermore, oil companies have not demonstrated
 11 their commitment or ability to carry out cleanup on this
 12 scale and time frame that is necessary to deal with these
 13 sorts of spills. Environmentally and health significant
 14 quantities of these chemicals can remain in the soil and
 15 deep in the aquifers for decades, and I do not believe that
 16 they have the commitment to fully impact their actions.
 17 JUDGE TOREM: Thank you, ma'am.
 18 Next is Matt Krogh.
 19 MR. MATT KROGH: Hi. My name is Matt Krogh. I'm
 20 from Bellingham, Washington. So when I say thank you for
 21 making the trek out here for this hearing, you know I mean
 22 it. I really appreciate you guys being here.
 23 First I'd like to address the issue of what types
 24 of rail cars are used to transport crude, and noted in a
 25 very recent comment period -- a public comment period for

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1 the Department of Transportation, the Association of
 2 American Railroads agreed with many environmental groups
 3 that the cars used to transport crude are simply unsafe and
 4 need to be taken off the tracks.
 5 So, as you look at your scoping report, whatever
 6 kind of evaluation you do for rail needs, what types of cars
 7 you're going to use, and whether or not the DOT-111s in
 8 particular will be it used to transport crude into
 9 Vancouver.
 10 Secondly, for coal terms and a number of other
 11 projects around the state, there have been vessel traffic
 12 risk assessments conducted. I would ask that you include a
 13 rail traffic risk assessment, which in this case would
 14 identify the areas of highest risk of derailment and the
 15 risk to human life and safety and the risk to the
 16 environment as well as many people talked about with
 17 aquifers. We also see these tracks go along the Puget
 18 Sound, along the Columbia River, and other impacts there,
 19 and the most likely areas of derailment should be analyzed.
 20 There will be some discussion about whether or
 21 not other oil terminals should be included in your review.
 22 I would ask that outside director staff take a look at three
 23 of the North Sound refineries and, too, Grays Harbor
 24 proposals to see whether or not they meet the 50,000 barrel
 25 threshold. Probably would add myself in that to work with

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1 you. But I do believe there is a case to take a look at
 2 (inaudible) in Grays Harbor as well as for BP, Tesoro, and
 3 Conoco-Phillips.
 4 With respect to climate, I would love to see you
 5 guys include climate. There will be a number of arguments
 6 that it's simply replacing other sources of oil, but the
 7 reality is that we see 30 times more tar sands available in
 8 the (inaudible). And we'll see incredible pressure to have
 9 that oil be transported into international markets, and
 10 that's a much greater increase in climate demands.
 11 Finally, I believe that Mr. Posner mentioned this
 12 was -- the terminal is focused on the west coast terminals;
 13 however, it can be used for export. The vessel traffic
 14 report would absolutely have to take a look at any of the
 15 rail -- I'm sorry -- the vessel perhaps to Asia and include
 16 Unimak Pass and Gulf of Alaska in terms of the environmental
 17 impacts.
 18 So I would ask you to include those as well.
 19 Thank you.
 20 JUDGE TOREM: Next is J.J. England.
 21 MR. J.J. ENGLAND: Good evening. Thank you for
 22 the opportunity to speak tonight and especially for holding
 23 this hearing here in Spokane, a city that is, as you are
 24 hearing from numerous people, very likely to receive the
 25 brunt of the burdens and risks of the Tesoro proposal while

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1 receiving none of the benefits.
 2 I have three specific impacts that I would like
 3 to bring to your attention. The first briefly relates to
 4 the number and quantity of trains that will be coming
 5 through the Spokane region headed down to the Columbia River
 6 Gorge and spreading out across the northwest. Those trains
 7 are risky as you've heard. I don't think I need to cover
 8 that anymore. However, I have a background in air
 9 pollution, and I'd like to discuss that in additional
 10 details.
 11 In the cumulative, the city of Spokane is looking
 12 at an additional quantity of approximately 40 trains per day
 13 which is a substantial -- represents a substantial public
 14 health risk within the proximity of those tracks simply
 15 based on air quality. The council should specifically take
 16 into account the impact of criteria pollutants as well as
 17 air toxins in your analysis up and down -- up and down the
 18 train line throughout Washington state.
 19 In addition, the council should take into account
 20 synergistic impacts. With coal -- with the addition of coal
 21 trains, that can increase the risks of potential
 22 derailments.
 23 Finally, I'd like to bring to your attention the
 24 impacts from the ships themselves in the Vancouver area.
 25 The county of Santa Barbara, for example, has stated that

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1 more than half of their smog emissions come from ships.
 2 That has a significant impact on the ozone. That could --
 3 (inaudible) transport could actually reach its way all the
 4 way up to the Spokane region. And, finally, climate impacts
 5 as you have heard. Thank you.
 6 JUDGE TOREM: Brian -- is it Eister or Eister?
 7 MR. BRIAN EISTER: Eister. You got it the first
 8 time.
 9 JUDGE TOREM: Next one is going to be Marla
 10 Nelson and then Laura Ackerman.
 11 MR. BRIAN EISTER: In addition to the impacts on
 12 climate, I think it's very important for Washington in
 13 particular that we take into account the effects of ocean
 14 deacidification. That's going to have a very significant
 15 effect on our seafood industry, on local economies. And in
 16 addition -- more specifically than climate, you know,
 17 60 percent of Washington's population does live in the
 18 Seattle region. So the impact to sea level rise is very
 19 serious.
 20 You're also looking at the impact of -- you know,
 21 changing weather patterns, flooding, mudslides, things of
 22 this nature in the Seattle region. It's going to be very
 23 serious to the residents of Washington as well as the impact
 24 on agriculture. So those are my more technical comments for
 25 the specific scoping. But I do really need to say from the

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1 heart I participated in a 30-day fast outside the American
 2 Petroleum Institute not to bring awareness to climate but to
 3 get us all to act in a way that reflects the urgency that we
 4 already understand this issue carries.
 5 So when we're talking about a situation where
 6 more than a billion people are going to go without water,
 7 farmers all over the world are going to lose their rainfall,
 8 and we're really going to see obviously more suffering and
 9 scarcity than any of us, doing well as we are, can even
 10 imagine that sometimes we have to go beyond, you know, what
 11 we technically need to consider in these things and in the
 12 technical day-to-day order of business and really make a
 13 bold stance, acknowledge what's really at stake. How many
 14 lives -- our own grandchildren we see every day whose lives
 15 are at stake, we have to start making decisions that are
 16 going to lead to a future where they can have food to eat
 17 and water to drink. Thank you guys very much. And women.
 18 JUDGE TOREM: Thank you, Mr. Eister.
 19 Marla Nelson will be followed by Laura Ackerman
 20 and then Darren Volland and Bruce Holloway.
 21 MS. MARLA NELSON: Good evening. My name is
 22 Marla Nelson, and I'm an attorney with the Northwest
 23 Environmental Defense Center. One of my main projects is
 24 the Spokane Clean Water Project, which is why I'm here
 25 tonight. And I have two points to make.

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<p>1 First, I want to thank the council for</p> <p>2 coordinating a second public hearing and making the trek out</p> <p>3 to eastern Washington. Tesoro Savage's proposed crude oil</p> <p>4 transit terminal would have very real adverse impacts on the</p> <p>5 communities that -- the communities and the environment</p> <p>6 located along the rail lines in eastern Washington. NEDC</p> <p>7 applauds EFSEC's efforts to hear those concerns of those</p> <p>8 communities tonight.</p> <p>9 Second, NEDC urges EFSEC to address the impact of</p> <p>10 Tesoro's crude oil transit terminal proposal in addition to</p> <p>11 the other very profitable transport projects that recently</p> <p>12 have been or are currently being permitted in Washington.</p> <p>13 I find it interesting that Mr. Coleman from the</p> <p>14 Port of Vancouver mentioned the term "cradle to grave,"</p> <p>15 which is a defined term under CERCLA, the Comprehensive</p> <p>16 Environmental Response Compensation and Liability Act.</p> <p>17 CERCLA was created because our federal government determined</p> <p>18 that it was necessary to protect human health against</p> <p>19 hazardous substances. Ignoring the cumulative impacts of</p> <p>20 this proposal from start to finish, in addition to the</p> <p>21 realities of the other projects that are currently being</p> <p>22 proposed or permitted, would be a grave mistake.</p> <p>23 Therefore, NEDC urges EFSEC to consider the</p> <p>24 cumulative impacts, either whether it's done through a</p> <p>25 baseline by considering those proposals in the baseline of</p>	<p>1 on especially low-income citizens, the elderly, children,</p> <p>2 disabled urban dwellers, and those who live and work within</p> <p>3 a mile of the train tracks. And because some people do live</p> <p>4 and work within a mile of the train tracks or go to school,</p> <p>5 they're going to get a double exposure of diesel particulate</p> <p>6 matter. And that double and, in some cases, maybe even</p> <p>7 triple exposure needs to be scoped. If you can't even</p> <p>8 escape it at all, that especially needs to be scoped.</p> <p>9 I will be sending you all the studies on this.</p> <p>10 And the railroads and the fossil fuel extraction business --</p> <p>11 it is a cradle-to-grave system. The EIS needs to be</p> <p>12 comprehensive. Thank you for coming to Spokane. I really</p> <p>13 appreciate it.</p> <p>14 JUDGE TOREM: Darren Volland will be followed by</p> <p>15 Bruce Holloway, then Linda Greene, Cheryl Costigan, and</p> <p>16 Kerry Costigan.</p> <p>17 MR. DARREN VOLLAND: Darren Volland, 823 West</p> <p>18 Kiernan, Spokane, Washington 99205.</p> <p>19 As I said, my name is Darren Volland, legislative</p> <p>20 representative of the United Transportation, Local 426, here</p> <p>21 in Spokane. I'm also a switchman for the BNSF Railway for</p> <p>22 the last 23 years. As you've heard tonight people talk</p> <p>23 about the tragic rail accident in Quebec -- one thing the</p> <p>24 com- -- one thing this happens, they had one-man crews in</p> <p>25 the cabin locomotive for these accidents. We can safely</p>
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<p>1 its analysis or as reasonably foreseeable similar projects,</p> <p>2 we ask you that consider those in your analysis. Thank you.</p> <p>3 JUDGE TOREM: Laura Ackerman.</p> <p>4 MS. LAURA ACKERMAN: Good evening, council</p> <p>5 members. Laura Ackerman, 3118 South Windsor Road, Spokane</p> <p>6 99224.</p> <p>7 I agree strongly with Bart Mihavolic and Matt</p> <p>8 Krogh and Marla Nelson. I was going to bring those points</p> <p>9 up. They did it well. I'm also going to be e-mailing</p> <p>10 detailed scoping comments, but briefly I want to talk</p> <p>11 about -- I want noise pollution scoped. We'll have more</p> <p>12 trains, more train whistles, and more audio warning signals</p> <p>13 from crossing gates. Medical pollution -- excuse me --</p> <p>14 noise pollution is a significant medical problem, and I'm</p> <p>15 going to be e-mailing you the studies on this.</p> <p>16 And I'm really concerned about diesel particulate</p> <p>17 matter pollution. And in just the last year and a half,</p> <p>18 I've found at least two dozen significant studies on how bad</p> <p>19 it is for human health. And with the increase of trains</p> <p>20 we're going to get from the various projects, this is going</p> <p>21 to be a real concern. Diesel particulate matter is in the</p> <p>22 same category as UV radiation, tobacco smoke, and plutonium.</p> <p>23 It causes more deaths worldwide than malaria and AIDS</p> <p>24 combined.</p> <p>25 And the negative health impacts need to be scoped</p>	<p>1 move oil trains with other types of freight through Spokane,</p> <p>2 two people in a loco cab.</p> <p>3 Last year the conductors, engineers, switchmen,</p> <p>4 making some way, signal, car men, dispatchers, and BNSF of</p> <p>5 Spokane safely moved over 17,500 trains through the Spokane</p> <p>6 BNSF terminal. We will continue to safely move any type of</p> <p>7 freight, including oil trains, through this state.</p> <p>8 These are good-paying jobs, and I've been very</p> <p>9 fortunate to have mine. I'm able to provide for my family.</p> <p>10 These are living-wage jobs, and hopefully you can help them</p> <p>11 (inaudible). Thank you.</p> <p>12 JUDGE TOREM: Bruce Holloway?</p> <p>13 MR. BRUCE HOLLOWAY: Good evening. I'm Bruce</p> <p>14 Holloway. I'm the Fire Chief for the Spokane County Fire,</p> <p>15 Engine 3. We have approximately 40 miles of BNSF railway in</p> <p>16 our district.</p> <p>17 JUDGE TOREM: Can you lean into the microphone a</p> <p>18 little bit, sir? Thank you.</p> <p>19 MR. BRUCE HOLLOWAY: Is that better?</p> <p>20 JUDGE TOREM: That's perfect.</p> <p>21 MR. BRUCE HOLLOWAY: I just want to -- I'm not</p> <p>22 going to testify one way or the other as far as whether I'm</p> <p>23 in favor or against the project. All I wanted to testify</p> <p>24 was our relationship with the railroad. I've been here for</p> <p>25 20 years. We've had some significant issues over the areas</p>

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1 of the railroad. They've always been very responsive in
 2 dealing with me and our department in fixing the issues and
 3 taking care of them. I feel they're a very responsible and
 4 safety-conscious outfit, and I think that they will continue
 5 to do so no matter what they move. And thank you for your
 6 time.

7 JUDGE TOREM: Linda Greene followed by Cheryl
 8 Costigan and Kerry Costigan.

9 MS. LINDA GREENE: Hi. My name is Linda Greene.
 10 I live at 15313 East Jacobs Road in Spokane. I'm here
 11 tonight to urge you to deny the proposal of Tesoro Savage to
 12 build a giant crude oil transit terminal at the Port of
 13 Vancouver. I am concerned about the increased rail traffic
 14 through Spokane and the many smaller communities on the way
 15 from North Dakota to the coast.

16 I understand that these trains that are going to
 17 be going through Spokane would be each a mile and a half
 18 long, and that would be a little bit much of a wait. I live
 19 not far from here, close to Pines and Trent in the
 20 Spokane Valley, an intersection I use frequently. The
 21 lineup of cars waiting for the long trains to pass is
 22 impressive and would be formidable if this port is put into
 23 operation.

24 It is more of an annoyance. It is also a safety
 25 hazard, delaying emergency vehicles which need to cross the

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1 tracks. Speaking of safety, I'm quoting here from an NBC
 2 news investigative report.

3 Quote: "For two decades, federal officials have
 4 warned that the tank car that carries oil and ethanol, known
 5 as DOT-111, has a serious design flaw and can split open in
 6 an accident, turning a derailment into a fiery catastrophe."
 7 This kind of car was that that used in the Quebec
 8 explosion that killed 47 people.

9 According to a transit safety expert, John Goglia
 10 who served on the National Transportation Service Board from
 11 1995 to 2004, he said, "If we don't start upgrading these
 12 cars soon, my concern is that we will have a catastrophic
 13 event in the new future."

14 The government has done little, allowing the oil
 15 industry to go about business as usual despite the
 16 increasing probability of more spills and possibly more loss
 17 of life.

18 I'm also against this proposal because it
 19 involves oil obtained through fracking and tar sands mining,
 20 both processes which you use huge amounts of water and ruin
 21 the environment.

22 Finally, we don't need more oil. We need more
 23 renewable resources. Why feed an industry that is not
 24 sustainable? Thank you.

25 JUDGE TOREM: Cheryl Costigan to be followed by

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1 Kerry Costigan and Rick Eichstaedt, Andrew Woods, and Steven
 2 Hart.

3 MS. CHERYL COSTIGAN: Hi. I'm sorry we did not
 4 follow your rule.

5 JUDGE TOREM: No worries. Press on.

6 MS. CHERYL COSTIGAN: Thanks. I am Cheryl
 7 Costigan, P.O. Box 905, Spirit Lake, Idaho. I live in
 8 Spirit Lake. I have to catch my breath. I'm here
 9 tonight -- came over because this is something that's not
 10 just a Washington issue; it's an Idaho issue. And I don't
 11 know what you all read or whatnot, but I've watched films
 12 called, like, "Chasing my (inaudible)," "Fierce Green Fire,
 13 I've read "Collapse," I read the newspaper, I listen to
 14 radio. Everything around me seems to be collapsing. Our
 15 oceans -- we've got to stop doing things the way we're doing
 16 it now.

17 I'm passionate about this. I have been for a
 18 long time. I think we should have started addressing this
 19 stuff after the first oil embargo back in the 1970s, and we
 20 didn't, and here we are again. We're talking about fossil
 21 fuels. I maintain there is no safe transport. I'm a -- I
 22 had a list, and I'm just going to kind of read this off.

23 I'm a veteran Alaskan, I guess you could call me.
 24 I lived up there ten years, and I saw the aftermath of the
 25 Exxon Valdez oil spill. I helped with the eagle rehab and

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1 things like that. I've got friends that fish up there now.
 2 It's still not clean, still not good. I don't think there's
 3 any possible transport you can do with this fuel coming
 4 through that's going to be safe.

5 And we don't need to be doing this, anyway. We
 6 need to be looking at alternatives in free, sustainable
 7 energy, fossil fuels -- or not fossil fuels -- biofuels,
 8 wind, water, wave. Who benefits from this? There may be a
 9 few good-paying jobs, but they aren't many, you know. And
 10 all of us are suffering. The rest of us will suffer. We
 11 breathe this air.

12 I don't want to see these terminals built. I
 13 don't want to see us go this route. I mean, I'm old. I'm
 14 not going to be here forever, but I care about the young
 15 people, and I care about this planet, and I'm passionate,
 16 and I hope that you will...

17 JUDGE TOREM: Thank you, ma'am.

18 Kerry Costigan?

19 MS. KERRY COSTIGAN: Hi, Kerry Costigan. We're
 20 from Spirit Lake, Idaho.

21 I also disagree with Mr. Coleman's earlier
 22 statement that this should not be a cradle-to-grave
 23 assessment. I absolutely believe it should be. We live in
 24 a global environment. We live in a global economy. And
 25 energy decisions in one area ripple and affect all of us.

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1 So I think this is a backwards-looking
 2 technology, and I strongly believe that we need to
 3 prioritize other energy technologies that others here are
 4 talking about tonight.
 5 I'm concerned about increased traffic in the
 6 waterways and the potential for another catastrophic oil
 7 spill in the Vancouver Sound like the one that my mom talked
 8 about, the Exxon Valdez spill. Like she said, it still
 9 affects the economy in Prince William Sound today; it still
 10 affects the wildlife in Prince William Sound today. That
 11 could do the same thing for Washington that happened in 1989
 12 in Alaska.
 13 I'm also concerned about longer and more numerous
 14 trains moving through our communities and the impact it
 15 would have on public safety. The hazmat representative from
 16 BNSF talked about the excellent safety record of
 17 99.997 percent. It only take .003 percent to contaminate
 18 our aquifer here. So I think you should look at the
 19 worst-case scenario for a derailment or an oil spill in
 20 Washington.
 21 Thank you for your time.
 22 JUDGE TOREM: Rick Eichstaedt followed by Andrew
 23 Woods, Steven Hart, and then Makayla Jordan.
 24 MR. RICK EICHSTAEDT: Good afternoon -- or good
 25 evening. My name is Rick Eichstaedt, 35 West Main, Spokane,

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1 Washington 99201. I serve as the executive director at the
 2 Center for Justice, which is a public interest law firm
 3 focused on environmental and social justice. I also serve
 4 as an adjunct professor of law at Gonzaga University, School
 5 of Law. I'm here tonight to testify on behalf of the Center
 6 for Justice.
 7 We heard much testimony so far about some of the
 8 impacts associated with this project. I would like to
 9 suggest that the scope of this EIS needs to be expanded to
 10 include the impacts of rail traffic, including impacts in
 11 Spokane.
 12 We also need to ensure that the scope analyzes
 13 the cumulative impacts of additional train traffic
 14 associated both with coal train transport and additional oil
 15 transport for all the proposed, both oil and coal terminals.
 16 In that assessment, there should be an analysis
 17 of impacts to local rail use in eastern Washington,
 18 particularly by the agricultural community. A recent
 19 analysis by the Spokane regional transit council indicates
 20 that our rail lines are often at or near capacity. Adding
 21 additional oil trains will impact our local economy.
 22 The precedent for this type of analysis was set
 23 by the Department of Ecology and Whatcom county in its
 24 July 31st, 2013, scoping determination for the Cherry Point
 25 coal terminal, which called for a detailed assessment of

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1 rail transport throughout the state, greenhouse gas as in
 2 both the end product as well as through the transport and
 3 vessel traffic.
 4 And do I -- did I still have some time here?
 5 JUDGE TOREM: (Nodded head.)
 6 MR. RICK EICHSTAEDT: One last point and just to
 7 rebut a point raised by the Burlington Northern Santa Fe
 8 representative. A little bit less than -- or excuse me. A
 9 little bit more than a week ago in Minot, North Dakota,
 10 there was a nine-tanker derailment associated with oil
 11 transport. Fortunately, it was empty. Thank you.
 12 JUDGE TOREM: Andrew Woods?
 13 MR. ANDREW WOODS: Hello. My name is Andrew
 14 Woods. I'm a second-year law student here at the Gonzaga
 15 University, School of Law. I'm also the Gonzaga University,
 16 School of Law, Environmental Law Caucus president, speaking
 17 on behalf of the Environmental Law Caucus as well as the
 18 Environmental Law Clinic.
 19 I'd first just like to echo what Ms. Nelson and
 20 many others said that cumulative impacts are extremely
 21 important and an urgent concern here. I'd also like to
 22 start an appeal to logic, if we can, with a simple
 23 conditional, if A, then B. Very simple. If A holds, B will
 24 hold.
 25 If there is physical presence of coal, trains,

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1 and oil in Spokane, then B, we will see the effects.
 2 Physical causation is the easiest form of causation that we
 3 witness in reality. So to say that these projects with
 4 their physical presence on our rails in Spokane should not
 5 consider Spokane is a logical fallacy and core to our
 6 existence.
 7 Secondly, I'd like to echo what Mr. Schmidt,
 8 Eister, both the Costigan ladies said, and many others. I'm
 9 from Cleveland, Ohio. I'm from an area where the river was
 10 set on fire in four to five different times in history. I
 11 escaped to Washington with their progressive policies and
 12 where the environment was going to be number one in concern
 13 by our regulatory agencies, our officials, and all the other
 14 constituents within the state of Washington.
 15 I moved here to make change, and I'm urging you
 16 to do that. We can no longer prioritize economic interests
 17 over every other value. Monetary value is not the only
 18 value that we hold as American citizens. We hold human
 19 health values, environmental values. As the trustees of our
 20 environment, head of our regulatory agencies, I'm urging you
 21 to please benefit the beneficiaries; protect our
 22 environment.
 23 You hold the key. You hold the key to take
 24 Washington and lead us to a new energy climate here in the
 25 United States, a progressive state. That's why I moved

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1 here, and that's why I became involved in environmental law
 2 in the first place.
 3 When I was a freshman in college, on the last
 4 day, I heard Thomas Friedman speak. He's an outspoken
 5 climate change advocate and for clean energy. And he said,
 6 "The demand for clean energy, clean fuel and energy
 7 efficiency is clearly going to explode. It's going to be a
 8 global market." And in his presentation, he said, "This
 9 needs to be a revolution."
 10 What does that mean? Somebody needs to get hurt.
 11 And who is going to get hurt? Big corporate oil companies
 12 with the monies. We can no longer let them rule things. We
 13 need to move forward. Thank you.
 14 JUDGE TOREM: Steven Hart followed by Makayla
 15 Jordan, Gary Payton, Susan Drumheller.
 16 MR. STEVEN HART: Steven Hart, 21200 East Country
 17 Vista Drive, Apartment C204, Liberty Lake, Washington 99094.
 18 I'm here on behalf of my employer. They're the
 19 ones that give me a paycheck every two weeks. I'm a 25-year
 20 veteran with BNSF Railway. So I'm a locomotive engineer for
 21 BNSF. I've been doing that since 1996. I'm a licensed
 22 engineer. We have to go through a lot of training. We have
 23 to be recertified by the feds every 36 months.
 24 And just for the record, if you look at the
 25 Spokesman Review, Page B3, December 8th edition of the

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1 Sunday paper, you'll see that we're moving three train sets
 2 of oil through Spokane currently going to Tesoro, to
 3 Anacortes, U.S. oil refining in Tacoma, and we're also
 4 moving some traffic to Port Westward, which is down near
 5 Clatskanie, Oregon.
 6 BNSF is a very good corporate citizen. Our
 7 predecessors have been moving trains through this community
 8 for over a hundred years. So I'm a professional. I handle
 9 oil trains. I've probably handled 10 or 20 oil trains in
 10 the last year through this community and just wanted, you
 11 know, for the record, to say that we're a very safe
 12 industry.
 13 BNSF just this year has invested somewhere about
 14 \$4.5 billion into our infrastructure, and our infrastructure
 15 capital budget for next year will probably be closer to
 16 \$5 billion.
 17 The U.S. rail industry is a growth industry right
 18 now. My company employs over 40,000 people. And we serve
 19 28 different states. So I'm for this. I think it's good
 20 for the country. I think that, you know, we need to take
 21 advantage of our own resources and use them wisely. Thank
 22 you.
 23 JUDGE TOREM: Next is Makayla Jordan followed by
 24 Gary Payton, Susan Drumheller, Marian Hennings.
 25 MS. MAKAYLA JORDAN: I'm Makayla Jordan. I'm a

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1 biomed student, P.O. Box 458, Greenacres, Washington 99016.
 2 (inaudible).
 3 First of all, I'm going to start with my biggest
 4 concern is for the safety and the health of people here and
 5 our environment. As some people may know or have done
 6 research, Tesoro has 2.4 million in fines according to the
 7 new reports. Part of this 2.4 million fines is for 39 local
 8 violations. This means they could have potentially been
 9 prevented.
 10 One of the violations happened in April 2010
 11 which involved human loss, seven lives. Washington Labor
 12 Industry has claimed these incidents were preventable. In
 13 my opinion, Tesoro has so many safety violations that they
 14 don't appear to take preventions to keep employees safe. So
 15 what makes anyone think that they would care about keeping
 16 our environment and community safe?
 17 We have so many beautiful landmarks. We have the
 18 aquifer, and we have farms. People's houses and lives are
 19 at stake. We shouldn't allow this moving environmental
 20 hazard through our community. Is all the money that they're
 21 making worth the money that we will have to spend on an oil
 22 spill safe for our environment? Thank you.
 23 JUDGE TOREM: Thank you.
 24 Next is Gary Payton.
 25 MR. GARY PAYTON: Good evening. My name is Gary

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1 Payton of Sandpoint, Idaho. My address is 1189 Janish
 2 Drive.
 3 Sandpoint is the community at the northern end of
 4 the rail funnel. It's a town through which oil trains and
 5 coal trains come to Spokane and roll on to the west. I'm
 6 here as an Idaho citizen to urge you not to permit Tesoro
 7 Savage. Other speakers have already highlighted the risk
 8 associated with expanding oil train movement from the
 9 Bakken. You know the issues. Oil train derailments and
 10 crude fuel infernos, oil spills hounding lakes and rivers,
 11 increased diesel particulate, delayed emergency response at
 12 at-grade crossings, and interruptions in normal lives and
 13 commerce.
 14 But there's an irony in these hearings. Each of
 15 you is charged to make a decision on this case on one
 16 terminal. 360,000 barrels of highly volatile crude per day,
 17 four trains in, four trains out. Each of you is a citizen
 18 of Washington, and you serve your governor in this process.
 19 But you are really making a decision affecting hundreds of
 20 communities across North Dakota, Montana, Idaho, Washington,
 21 and even across the Columbia River to the south shoreline in
 22 Oregon. This is not about one terminal and eight trains.
 23 Your decision lies atop another set of decision
 24 processes now underway that you're all aware of dealing with
 25 coal export terminals at Cherry Point, Longview, and

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1 Boardman. Those coal train decisions have the potential of
 2 adding about 40 additional trains per day through Sandpoint
 3 and Spokane along the route. And now we add another eight
 4 oil trains to that equation.

5 I urge you to think regionally. I urge you to
 6 consider the cumulative impacts beyond Vancouver, from the
 7 oil fields to the terminals. I'm from Idaho where we see
 8 nothing but risk for the citizens in five states. Deny the
 9 permit.

10 JUDGE TOREM: Susan Drumheller followed by Marian
 11 Hennings, Bob Hoff, then Peter Higgins.

12 MS. SUSAN DRUMHELLER: Hi. My name is Susan
 13 Drumheller, and I live at 85 Sweeney Drive in Sagle, Idaho,
 14 and I work for the Idaho Conservation League. And they're a
 15 statewide organization that's been running for 40 years to
 16 protect our air and water quality, our wilderness, and our
 17 quality of life.

18 And I'm here to add our voice to those calling
 19 for broad comprehensive EIS studies, which impact the
 20 transporting of oil. We'd appreciate it if you would not
 21 look at this in a vacuum and consider a large geographic
 22 scope and study the cumulative impacts as Gary Payton just
 23 mentioned.

24 Your jurisdiction may just be Washington. But
 25 North Idaho will face many of the same impacts as

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1 communities in eastern Washington. So, at the very least,
 2 if you'll take a statewide look, some of our concerns need
 3 to be addressed. And one thing I want to point out is the
 4 Rathdrum Prairie aquifer is an aquifer that spans across
 5 both states, and the refueling depot is over the aquifer in
 6 Idaho. So what happens there could effect, you know, over a
 7 hundred thousand people who drink that water in Spokane.

8 So we are tied together, and I hope you'll take
 9 that into consideration. As Gary mentioned, Sandpoint is a
 10 funnel. This is where the coal trains from Montana and
 11 Wyoming will meet the oil trains coming down from the
 12 northern line, and those trains will all come through
 13 Rathdrum Prairie and through Spokane on to the ports west.

14 And you've heard some about potential for coal
 15 dust affecting the maintenance of the tracks, and that's a
 16 concern for the oil trains crossing those tracks as well,
 17 and that increases the risk of derailments potentially. So
 18 I hope you will study that as well as the potential impacts
 19 on the Rathdrum Prairie aquifer. Look at the risks of oil
 20 spills and the readiness of the communities along the rail
 21 line to handle an oil spill or any other disaster.

22 Finally, please consider the true cost of this
 23 proposal, and we shouldn't bear the expense. Thank you.

24 JUDGE TOREM: Marian Hennings?
 25 MS. MARIAN HENNING: Thank you, ladies and

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1 gentlemen. I gave some written remarks also because I find
 2 it hard to speak. I've had throat cancer. But my main
 3 concern is that you give your consideration to the entire
 4 area and not just to the port itself. But there is going to
 5 be damage to Vancouver if there were ever a spill there.

6 They should consider the likelihood of the sand -- the crude
 7 oil being spilled while it's being loaded into the vessels.
 8 Spills of that sort happened with molasses in Hawaii and
 9 with coal in British Columbia within the last six months.

10 So it could happen easily in Vancouver. And it
 11 would damage the port -- the water supply, the fishery, the
 12 wildlife. And two other considerations locally regarding
 13 derailments is that there have been several in Spokane in
 14 the last 20 years. One of them was over Interstate 90 a
 15 little over 20 years ago.

16 If that had contained crude oil, it would have
 17 caused an explosion in downtown Spokane which would have
 18 destroyed the concrete overpass over the freeway, which
 19 would no doubt have killed dozens of people. It's just too
 20 dangerous. And I ask that you consider the remarks I've put
 21 in the box. Thank you.

22 JUDGE TOREM: Thank you.
 23 Next is Bob Hoff followed by Peter Higgins, Carol
 24 Ellis, and Mike Petersen.

25 MR. BOB HOFF: My name is Bob Hoff. I live at

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1 3738 West Olympic here in Spokane. I've lived there for 34
 2 years. I've also lived in western Washington, and I've
 3 lived 24 miles north of Williston, North Dakota, the heart
 4 of the Bakken oil boom.

5 You've heard a lot tonight about spills, oil
 6 spills. A number from the pipeline and hazardous materials
 7 administration, U.S. government: Spill rate for railroads
 8 carrying crude oil, 38 hundredths of one gallon spilled per
 9 million barrel miles. You've asked what are some
 10 alternatives. How about a pipeline? Gee, I thought I'd see
 11 thumbs down on that one.

12 It was said I think by a few people here tonight
 13 that Spokane would have all the risks with no benefits.
 14 There are people in Spokane who are being paid right now
 15 royalties on oil that moves by train to the west coast. I
 16 know of many people here. They're descendants of people
 17 from North Dakota who farm. They inherited land. They
 18 inherited mineral rights. Those rights are now being
 19 drilled for oil, and they're being paid royalties on that
 20 oil, and I'm not talking nickels and dimes. This is going
 21 to add up over time.

22 That money goes to the Spokane banks. It's spent
 23 in the Spokane economy. I know of people all across
 24 Washington state. I'm sure you're aware there are a lot of
 25 former North Dakotans who live over on the west side around

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1 Seattle and so forth.

2 If you drive a gasoline-powered car -- and you've

3 probably noticed the price of gasoline lately. It's about

4 the lowest I've seen since I can't remember, and I'm sure

5 the increased supplies of crude due to the Bakken oil boom

6 have something to do with that. So that's a benefit to

7 everybody in Spokane who drives.

8 As for the whole issue of global warming and

9 we've got to stop burning fossil fuels -- I think even the

10 international panel on climate of the U.N. acknowledges

11 that, for the past 15 years, there has not been much, if

12 any, increase in global mean climate.

13 And, of course, I will admit that the scientists

14 who have recently reported to the U.N. have said we're 95

15 percent certain we're in global warming caused by man. If I

16 could just put that in context quickly for you. Last week

17 there was a story about a new planet being discovered way,

18 way out there. We've been hearing about that a lot lately.

19 The mysterious thing about this planet is it shouldn't be

20 where it is according to all the science, according to all

21 the models the scientists have, the planet should not exist,

22 but it does. So I guess you could say science was

23 100 percent wrong.

24 JUDGE TOREM: Next is Peter Higgins. Peter

25 Higgins? Carol Ellis. She'll be followed by Mike Petersen

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1 and Matthew Nelson.

2 MS. CAROL ELLIS: My name is Carol Ellis. I live

3 at 2015 East 36th in Spokane.

4 I'm a lifelong Spokaneite, and I'd like you to

5 look at the elephant in the room. There's actually more

6 than one elephant in this room. China is one of the

7 elephants because the New York Times reports October 31st of

8 this year that 75 percent of the Bakken oil is already being

9 shipped by rail and that the proposed shipments through

10 Sandpoint, Spokane, out to the coast will be going to China,

11 will be contributing to global warming, and they also

12 reported two rail derailments in Canada this summer before

13 the one in Quebec.

14 And I'd like to add that, in my research, I've

15 found that there was a big rail accident not long ago near

16 Bonners Ferry because of wet soil. They had 7 inches of

17 rain, and that caused -- the wet soil was too soft. There

18 are also sun kinks on the rails. Too much heat. Do we have

19 global warming creating more heat? Yes, we do. We also

20 have broken rails because of our thawing and freezing,

21 thawing and freezing, all the conditions that can cause rail

22 problems exist in the whole parameters coming through five

23 states.

24 Please go beyond just Spokane. Look at all the

25 aquifers in the state of Washington. Look how the Spokane

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1 aquifer begins in Idaho. Look at how the Clark Fork aquifer

2 begins in Montana and goes to Idaho. If you go to the state

3 of Washington's map for aquifers, you will see how many

4 sole-source aquifers will be impacted.

5 I am also submitting a list of chemical problems.

6 The EPA is kind of all on crude oil. The oil coming by --

7 in the trains would be crude. They don't even have the

8 codes to deal with the crude if you check the EPA. The

9 health problems -- I'm leaving you a list of all the schools

10 and hospitals that are in the track coming all the way from

11 Montana, Idaho, Spokane, and I haven't even covered out to

12 the coast.

13 You really need to look at the whole system --

14 water, air, health, people. Thank you.

15 JUDGE TOREM: Mike Petersen?

16 MR. MIKE PETERSEN: Hi. I'm Mike Petersen. I'm

17 the director of the Lands Council. We're at 25 West Main

18 here in Spokane, and I want to thank the council here for

19 coming out and holding this hearing. It's really important

20 for a lot of us here in Spokane.

21 We're a river city. The train track crosses the

22 river in multiple places as it, you know, goes through

23 Sandpoint in Idaho and on through Spokane. And, ironically,

24 our city is going to spend about \$200 million in removing

25 contaminants from the river. \$200 million. One spill would

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1 easily destroy decades of cleanup. So we got to require a

2 bond from Tesoro or the railroad to make sure that, if

3 something does happen, they'll pay for the cleanup.

4 Now, the other thing that's interesting about

5 Spokane is the rail runs right through downtown. You might

6 have seen that as you were coming in today. It's a couple

7 hundred yards from Lewis & Clark High School. What if what

8 happened in Quebec or in Alabama or -- I don't think anyone

9 has mentioned the chlorine spill in Alberton, Montana. If

10 that were to happen near that high school, you might have

11 killed a few thousand kids.

12 We've got to analyze these things. There is a

13 huge risk. I'd like to see you analyze moving that track,

14 moving any track that transports toxic chemicals out of

15 Spokane and going around the town because that's what it

16 might take to lower the health risk assessments so that I

17 and other people are satisfied.

18 So I agree with much of what's being said here

19 today, study the cumulative impacts. We've got at-rail

20 crossings, we've got traffic congestion, diesel

21 particulates. And I'm pretty happy with a 95 percent

22 certain on climate change. Some others may not be, but I

23 think it's happening. And so we've got to look at all of

24 these things.

25 This just enables -- this facility would just

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1 enable a chain of cumulative impacts for the Bakken mines
 2 where you have very expensive oil fracking, extremely -- you
 3 know, they're gassing off all the pollution, all the
 4 methane. So I hope you look at the cumulative impacts, and
 5 thank you again for coming tonight.

6 JUDGE TOREM: Last three speakers that we have
 7 signed up are Matthew Nelson, then Dan McLay, and I believe
 8 it's Jace Bylenga.

9 MR. MATTHEW NELSON: Hi. My name is Matthew
 10 Nelson, 4612 South Victory Road, 99206. I'm currently a
 11 student at Spokane Valley Tech. I'm studying engineering.
 12 I am for the proposed rail line refinery, Tesoro Savage. I
 13 think that the United States has the capability to become
 14 energy independent by using the resources such as the Bakken
 15 oil fields.

16 I'm confident in the rail company's -- BNSF's
 17 ability to safely and efficiently transport the oil through
 18 Spokane. And for those of you who consider the chance of an
 19 oil spill to be high, too high to allow this project to go
 20 through, a .003 percent chance of an oil spill, then you
 21 should not drive your car because the chances of you getting
 22 into a car accident are much higher than .003 percent; yet
 23 people still drive their cars to work every day.

24 And I think that this would be a great thing for
 25 Spokane and the community to create jobs and to have the

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1 United States become energy independent.

2 JUDGE TOREM: Thank you.
 3 Dan McLay?

4 MR. DAN McLAY: My name is Dan McLay. I am a
 5 retired nurse from Sacred Heart. My address is 112 West
 6 Cliff Drive, Number 306. I grew up in Detroit. I used to
 7 work on an assembly line in 1973 --

8 JUDGE TOREM: Slow down.

9 MR. DAN McLAY: -- sorry -- built V8 engines on
 10 the assembly line in Detroit. I bought a four-cylinder
 11 Toyota car, and I was called a trader by my coworkers. So,
 12 ultimately, I decided that wasn't where I wanted to spend my
 13 life working, and you can see what happened in Detroit with
 14 their obsession with old technology.

15 And the other point I want to make is that
 16 Spokane has a great potential as a tourist town, I think.
 17 We have a beautiful city here. I'd like to see it become a
 18 tourist mecca for baby boomers. Come and have some wine and
 19 smoke a joint and really enjoy our beautiful town. But
 20 interestingly we have this motto "Spokane, near nature, near
 21 perfect." But if they run all of these trains right through
 22 downtown with all this oil, I think they're going to have to
 23 change it to say "Spokane, near nature, near disaster."
 24 Thank you.

25 JUDGE TOREM: Jace Bylenga.

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1 MR. JACE BYLENGA: Hello. My name is Jace
 2 Bylenga, and I live currently at 7 -- I just moved there.
 3 1234 West 12th Avenue in Spokane, Washington 99204. And I
 4 just recently moved down to Spokane from Sandpoint, Idaho.
 5 I lived up there for about three years, and I moved down to
 6 Spokane to take a job as an organizer for the Sierra Club to
 7 work on issues such as this. And I'm going to go ahead and
 8 say I agree with a number of people -- Bart Mihavolic, Matt
 9 Krogh, Marla Nelson, Laura Ackerman, Rick Eichstaedt, Gary
 10 Payton, Susan Drumheller, and Mike Petersen.

11 And then I'd like to, I guess, share a few
 12 personal stories from folks that I've talked to. Most of
 13 them live in the Sandpoint area, which is, as you know, a
 14 part of that rail line funnel.

15 I was recently this summer an employee of the
 16 Bonner County Water & Soil Conservation District, and I was
 17 a boat inspector for them, and I would sit for 12-hour
 18 shifts by the side of the road and inspect boats for
 19 invasive species, and that was right by an at-grade railroad
 20 crossing. And whenever a train came by, I couldn't hear. I
 21 actually had to plug my ears; otherwise, it would literally
 22 hurt my eardrums, and I wouldn't be able to basically do my
 23 jobs, which was talk to the boat owners about where their
 24 boat had been to protect our environment from invasive
 25 species. So that's one thing to consider is the noise from

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1 trains.

2 Another thing, there was a recent tragedy up in
 3 the Sandpoint area. 19-year-old Kayle Jean Porter on
 4 Wednesday, the 27th, was struck by a train in her car at an
 5 at-grade railroad crossing. And that was a tragedy.

6 So these at-grade railroad crossings are
 7 dangerous, and the increased traffic is going to cause more
 8 accidents. And if there is crude oil on those trains,
 9 there's going to be more of that (inaudible).

10 Also, last week I actually talked to some friends
 11 of a friend who are Spokane natives who drive out a few
 12 weeks of the year, a few months of the year to -- I'll tell
 13 you another time, Your Honor. No longer. Thank you.

14 JUDGE TOREM: All of you that have written
 15 comments and want to turn them in tonight, Kali and Tammy
 16 are still in the back and can take those tonight. Is there
 17 anyone else that wanted to address the council and come
 18 forward to speak this evening? All right. Thank you all
 19 very much for your time. I'm glad that it was worth our
 20 while to come to Spokane and that you came out to make it
 21 worth our while.

22 The end of the scoping period is next Wednesday,
 23 December the 18th. If you have something, please give it to
 24 us by e-mail that day or at least have it postmarked by
 25 Wednesday, December 18th. And at some point in the months

1 ahead when we've reviewed all the thousands of comments we
 2 received on the project, EFSEC will be issuing a scoping
 3 report. Those of you that signed up to be on the mailing
 4 list can access that on the EFSEC website and track the rest
 5 of the adjudication that will come in the parallel process
 6 to this environmental evaluation through SEPA. Thank you
 7 all very much for coming tonight. And good night.

(7:41 p.m.)

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1 STATE OF IDAHO)
 2 COUNTY OF KOOTENAI)
 3

4 I, Bonnie L. Martinelli, a notary public in and for the
 5 State of Idaho and Washington, do hereby certify:

6 That the foregoing is a true and correct transcription
 7 of my shorthand notes of the proceedings transcribed by me
 8 or under my direction.

9 I further certify that I am not a relative, employee,
 10 attorney or counsel of any party to this action or relative
 11 or employee of any such attorney or counsel and that I am
 12 not financially interested in the said action or the outcome
 13 thereof;

14 IN WITNESS WHEREOF, I have hereunto set my hand and
 15 seal this 31st day of December, 2013.

16
17 Bonnie L. Martinelli, CSR 3164, RPR
 18 Notary Public in and for the State
 19 of Washington, residing in
 20 Coeur d'Alene, Idaho
 21 My commission expires 9/11/2017
 22
23
24
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