



Coalition of Coastal Fisheries

Coastal Office: PO Box 2472, Westport, WA 98595 – 360 642 3942, Cell 360 244 0096
Administrative Office: 806 Puget St. NE, Olympia, WA 98506 – ofc: 360 705 0551, Fax 360 705 4154

.....Serving the needs of the coastal fishing industry and coastal fishing communities.....

November 14, 2015

DEIS Comments for Imperium and Westway

Paula Ehlers: DOE, Diane Butorac DOE, Brian Shay: City of Hoquiam

C/O ICF International 710 Second Ave., Suite 550

Seattle, WA 98104

INTRODUCTION:

My name is Larry Thevik. I have been a commercial fisher for 45 years. I am the vice president of the WDCFA headquartered in Westport. The comments I am submitting represent the position of the Washington Dungeness Crab Fishermen's Association (WDCFA) and members of the Coalition of Coastal Fisheries (CCF) a fifteen member organization of commercial fishing organizations, oyster growers, and charter boat operators. CCF also includes associate members representing seafood processors.

A recent Port of Grays Harbor study states 2,200 jobs and over \$220,000,000 annually come from fishing activity in Westport. A 2012 NOAA study on the importance and value of our nation's economy identified 67,000 jobs in Washington State that were based on seafood related activity commercial and recreational in Washington State. The business of seafood generated \$8 billion in sales value annually. **We must not forget the business of seafood relies on good water quality.**

The coastal crab fishery is sustainable and is the most valuable single species fishery on the West Coast. Washington tribal and non-tribal fishers deliver on average \$44,000,000 in catch value each year, employ approximately 600 fishers, and contribute an estimated 80 to 150 million dollars in economic benefit to the State and coastal communities. **Grays Harbor is a major nursery area for Dungeness crab and is considered an essential habitat for many other species.**

Our organizations voted to oppose the crude by rail projects and high volume shipping from Port of Grays Harbor terminals. As everyone knows Grays Harbor County needs jobs and these projects held promise of creating more. After further

Officers

Dale Beasley, President
David Hollingsworth, VP
Libie Cain, Secretary
Doug Fricke, Treasure,
Coordinator

Directors

Bob Alverson
Bob Kehoe
Mark Cedargreen
Bob Lake
Kent Martin
Scott McMullen
Dick Sheldon
Butch Smith
Ray Toste
Louie Hill
Brian Allison
Carl Nish

Organizations

American Albacore
Fishermen Association

Bandon Submarine Cable
Council

Columbia River Crab
Fisherman's Association

Fishing Vessel Owner
Association

Grays Harbor Gillnetter's
Association

Ihwaco Charter Association

Puget Sound Crab
Association

Purse Seine Vessels Owners
Association

Salmon For All

Washington Dungeness Crab
Fishermen's Association

Washington Trollers
Association

Western Fishboat Owners
Association

Westport Charterboat
Association

Willapa Bay Gillnetter's
Association

Willapa-Grays Harbor
Oyster Growers Association

Executive Director

Tom Echols, CEO
Echo Enterprises NW
Cell: 360 951 2398

consideration, our members concluded that the benefits from the terminals simply do not measure up to the risks and unintended consequences they will likely bear. **The new jobs expected are not that many yet the potential threat to existing jobs dependent on a healthy estuary, and our marine resources is huge.**

The amount of oil that will move through southwest Washington from the proposed Grays Harbor and Vancouver terminal sites would equal half of all the oil moved by rail throughout the entire nation in 2014. Arguably half of the derailments, fires, explosions, and spills will happen here. Remember three trains derailed in Grays Harbor County and a fourth derailed in Lewis County last year. Those derailments occurred without the expected increase in rail traffic and extremely heavy weight of unit oil trains.

The Washington Department of Fish and Wildlife has stated: **“Grays Harbor is an area particularly sensitive to the adverse effects of oil spills. If there were to be a spill the volume of product considered would likely lead to a catastrophic loss of Habitat. And the potentially affected area could be much larger than just Grays Harbor vicinity.”** The 11,000,000 gallons of crude oil spilled in Prince William Sound, from the Exxon Valdez, soiled 1,300 miles of Alaska’s coast line. The tankers moving through Grays Harbor will haul up to 15,000,000 gallons each. The total amount stored in Grays Harbor at one time in ships, barges, tanks, and trains would be upward of 115,000,000 gallons.

The Grays Harbor ebb tide “plume” commonly extends eight miles into the ocean. The Nestucca oil barge holed off of Grays Harbor in 1988 spilled “only” 231,000 gallons of “heavy fuel oil” yet that oil killed an estimated 56,000 seabirds, with a surface sheen that stretched from Oregon to the Straights of Juan de Fuca. Another large portion of that spill travelled over a hundred miles undetected under the surface of the Ocean and reappeared to heavily soil beaches on the North end of Vancouver Island about a week after the spill. Had the barge holed in the summer months under different wind, current, and tide events spilled oil would have just as easily ended up in Willapa Bay just twelve miles to the south. **Spilled oil in or near Grays Harbor will travel fast and it will travel far.**

Grays Harbor has a narrow, shallow, twenty mile channel with limited deep water anchorage and staging area. Tanker and ATB traffic associated with the terminals is expected to increase vessel visits 450% adding 728 annual large tanked vessel bar transits. Unlike Puget Sound or the Columbia River tanked vessel traffic in Grays Harbor will exceed non-tanked traffic by six to one. **A collision, allision, or grounding in Grays Harbor is MOST likely to involve tanked oil vessel traffic.** Increased vessel traffic of the magnitude proposed is likely to increase conflicts with current fishing operations and smaller vessel navigation and likely preempt existing fishing areas.

Many of our members have been directly affected by past oil spills –the Exxon Valdez “crude oil” spill in Alaska, the Nestucca barge “bunker oil” spill off Grays Harbor, the 1999 New Carrisa “bunker oil” spill off Oregon, and the Cosco Buson 2007 “bunker oil” spill in San Francisco Bay are some examples. **Those members witnessed first-hand the difficult task of recovery of oil on water and shorelines.**

Many of our members have also witnessed the difference between a promise to pay for damages and the reality of payment. Mitigation easily becomes “mythigation”. Exxon was still appealing judgments 19 years after the Alaska spill and 25 years after still owed 92million dollars. Evidence of spilled oil and impacts remain today.

The DOE-claims Washington State has the best spill response plans in the country. While that may be the case the plans are still painfully inadequate for a major spill in the fast moving sediment laden waters of Grays Harbor. **No matter how high the paper is stacked, oil spill response plans and available near site spill response assets in Grays Harbor are simply not up to the task.** Booming is our first defense when a spill occurs. Booming loses effectiveness in strong current and in rough water. Ebb Tide in Grays Harbor regularly exceeds four knots. Fall and winter gales blow strong and often--unless a spill occurs during daylight hours, with no wind, at a slack tide, and in calm water—booming will offer little defense against a spill. Grays Harbor tidal currents in excess of 3.5 knots occurred at least 112 times in 2014. Booming may work well in some places but not in Grays Harbor. **A major oil spill in or near Grays Harbor will not be contained.** And, if Grays Harbor is targeted for the shipment of Tar Sands oil much of that oil will likely sink rendering booming useless and our estuary destroyed.

According to the International Tanker Owners Pollution Federation Limited (ITOPF) and the Governors Oil Safety Study at sea recovery rarely results in the recovery of more than 10-15% of spilled oil. **The majority of spilled oil will simply not be recovered.**

All Grays Harbor terminal sites are located in Tsunami Zones and in DNR designated liquefaction areas. All of the storage tanks are within 70 miles of the Cascadia Subduction zone. Unfortunately we have a 65% chance of a magnitude 6 earthquake during the expected life of the proposed facilities. A Recently released study from Oregon State University cites a 40% chance of a major earthquake along the Cascadia Subduction Zone during the next 50 years. And that earthquake could approach the intensity of the Tohoko quake, (magnitude 9 producing a devastating Tsunami), that devastated Japan in March of 2011.

As the three West Coast Governor's jointly stated last summer"**a sizeable spill anywhere along our shared coast would have a devastating impact on our population, recreation, natural resources, and our ocean and coastal dependent economies".**

Hauling trainload after trainload of extremely volatile crude oil through our communities, storing it near a population center, in a Tsunami Zone, on sites subject to liquefaction, shipping it through a highly valued, highly productive, highly sensitive marine resource environment, in fast moving sediment laden water, and then over the "second worst bar on the west coast" is a recipe for disaster. Hardly a more perfect poison to kill existing jobs could be concocted. The proponents of these projects, knowingly or not, are systematically placing all of the elements of one of the worst man-made disasters our state could suffer.

The potential for damages and risk to existing jobs, to our communities, and to our futures far exceed the economic benefits the oil terminals would provide. To put it simply Grays Harbor is a poor choice for oil terminals.

The DEIS repeats this statement several times: **"Although overall risks would be low, if a spill occurred the potential environmental damage would be significant these risks would remain even with implementation of mitigation."** Our organizations agree. And if the impacts are significantly adverse, cannot be mitigated, and therefore unacceptable, the permits can and should be denied.

COMMENTS SPECIFIC TO DEIS: All references to page numbers are specific to Imperium DEIS but the corresponding sections in Westway DEIS are also meant to be included. These projects are similar and cumulative in impacts and impacts in almost every case and every issue cannot be separated and are duplicated in both documents. There is statistical information unique to each and page numbers for each issue unique to each. Other than that there is no significant difference between the DEIS documents and therefore have not, (with noted exceptions), been referenced separately.

- 1. The comment period provided for the public to review and respond to a document over 3,000 pages has been inadequate.** These projects will affect coastal communities and our entire region for decades. Although the impacts will span decades our chance to comment on our futures spans only 90 days. It was appreciated the 60 day comment period was extended. But in light of overriding deficiencies and omission of numerous scoping comments that were not recognized, acknowledged, or remain unanswered a longer vetting process or restart would seem more appropriate and likely provide a more productive process.
- 2. The DEIS does not recognize, acknowledge, or afford answers to scoping testimony offered by WDCFA.** The Crab association testified at both scoping hearings in the spring of 2014 and submitted written testimony as well. Hundreds of other commenter's and comments were included in the scoping appendix "A"—but not ours. (Comments by the Quinault Nation, Oyster Growers, and USFW were also omitted.) Nor is there any place that I can find within the DEIS released on August 31, 2015 recognizing the oral comments at the two hearings held on scoping by anyone. More importantly, it seems that not only were our comments not recognized--the scoping issues we brought up and those of others, were not addressed. Had they been the DEIS might have been a more meaningful and helpful document. **Their seeming omission demonstrates a serious flaw in the process, resulted in additional deficiencies in the DEIS, and is a disservice to those who will be affected most when these projects result in a major spill.** Although the "missing" scoping comments have now been added as an attachment to the DEIS the scoping issues WDCFA raised in May of 2014, should have been a part of the consideration going into the DEIS. If this is the last step before a final EIS then for WDCFA and others who share our concerns-- a major step in this process was not afforded us. I am attaching those comments to this testimony, expect inclusion by reference, and expect this time WDCFA comments will be adequately addressed.
- 3. DEIS has a number of factual errors and consequently a number of misleading conclusions:** Section 3.5- 28: on vessel strikes states "Large marine mammals, like whales, typically migrate and forage in deeper waters (outside three miles) and are not likely to enter the harbor". Actually Gray whales, the most prolific off of our coast, travel very close to shore, primarily within three miles, and often enter Grays Harbor. How the DEIS can be this inaccurate is troubling what is worse is that as a consequence a conclusion in the DEIS—"that increased marine mammal strikes from increased vessel traffic from this project is therefore unlikely"--- is patently wrong. **Such inaccurate data begs the question how many other faulty data sets and misinformed conclusions hide within over 3,000 pages of this document?**
- 4. Inaccurate water flow data:** 4.3-5 DEIS states: "In the harbor, current velocities in the navigation channels seldom exceed 3 knots." Actually currents in the Harbor exceeded 3 knots on 136 occasions in 2014. Source: "NOAA 2014 Current Tables".
- 5. Oil Spill Model in Appendix N is not based on reality:** In WDCFA scoping comments specific mention was made of the strong currents and bad weather events in Grays Harbor. Among our

other scoping comments we pointed out that current flows in Grays Harbor are very strong—exceeding one knot every day--and would result in reduced booming efficiency. Unfortunately, the oil spill model in Appendix N does not capture the reality of Grays Harbor flows. We specifically requested, in our essentially ignored scoping comments submitted in May of 2014, that the DEIS include adequate and accurate spill modeling. Instead, the model reads like a fairytale. Actual flow rates in Grays Harbor exceed the high flow model every day. (High flow in the model is described as .5 meters/second which is less than one knot). Since the model is not based on reality it has very little merit. The DEIS on page N-3 claims: “.....because model variables such as winds and currents are spatially constant within GNOME, they are reliable for harbor conditions”. Actually the model is only reliable for “low” and “lower” flow conditions. The model does not capture the commonly occurring “high” flows in the Harbor. As a consequence the model is unrealistic and **is not reliable**. **The fact is that regardless of federal and state preparedness and response requirements the majority of oil when spilled in or near Grays Harbor will not be contained and it will not be recovered.**

6. **Oil Spill Model in Appendix N based on “make believe oil”:** The spill model presumes a medium weight crude oil as the proxy for spilled oil behavior in Grays Harbor. In truth two types of oil--- Bakken Shale; a light crude and Tar Sands; a heavy crude-- will move through our Harbor. Each of those oil types will behave radically different when spilled and require different prevention and spill response plans. There is no adequate discussion of spill response in the DEIS, specific to the sinking behavior of tar sands oil or the contrasting behavior of a highly volatile Bakken Shale oil that has ignited in the past when spilled. There is no adequate representation of how the differing oils will move or behave when spilled in the Harbor or along our coast in the DEIS. WDCFA scoping comments included a specific reference to Tar Sands oil and the need to plan specifically for its submerging behavior when spilled in fast moving sediment laden water (as is the case in Grays Harbor). Additionally, in the DEIS it is claimed that: “Medium crude oil was selected to present an over-estimation of persistence in the environment, comparable to an actual spill of Bakken crude oil or diluted bitumen.” Unfortunately, unlike the description in the DEIS on Page b-2 that “most oil remained on the water surface in the Kalamazoo River spill”--two years after the only major Tar Sands, (“dilbit”), spill into US waterways (Kalamazoo River) over half of the spilled oil was estimated to have sunk and remained on the bottom of the waterway. Diluted Bitumen has proved to be very persistent when spilled. Similarly the Bakken Shale oil that spilled and exploded in Lac Megantic has proved more persistent than predicted and much of the oil that spilled into the river sank
Page N-2 of the DEIS States: “The GNOME model requires selecting the specific type of oil for the modeled trajectories from a predetermined list of pollutants. Bakken crude oil and diluted bitumen, which are the two most likely types of oil under the proposed action, are not included in this list. Therefore, the GNOME model cannot fully reflect how these types of oils would behave or persist in the environment when spilled”. **In so far as the oil spill model in Appendix N— based on insufficient tidal modeling, faulty flows, and “make believe” oil--is a part of helping form spill response plans it will lead to a false sense of confidence in the ability to respond and it will not help provide very meaningful conclusions, plans, or mitigation.**
7. **By reference I include comment by Doug Zimmer, retired from USFW, on October 1, 2015 at Elma DEIS Hearing: 3.5-21** “The DEIS characterizes the effects of contaminants reaching a surface water body as short-term and temporary. The bottom and sides of the Grays Harbor estuary are soft soils – essentially mud – and the tidally-influenced rivers that feed the Harbor back flush for tens of miles in each tide cycle. The effects of toxic release in such areas are not short-term, nor are they temporary: rather they are chronic and persistent. Please review the effects of similar

releases into coastal estuaries during the Deepwater Horizon event for examples. Any toxics spilled into Grays Harbor water bodies are likely to be detectable and toxic for decades.”

8. **A more complete review of Bakken spill events around the nation and in Canada and the Tar Sands spill in Kalamazoo in 2010 must be included in the EIS:** The cost of recovery of different oils spilled in the past was not included in the DEIS. An examination of spill response costs for various major spill events should be included. (So far the cost of recovering Tar Sands oil, (dilbit), in the Kalamazoo river spill--just under 1,000,000 million gallons--exceeds \$1,500 a gallon without inclusion of compensatory or punitive damages). In the worst case spill scenario modeled in Appendix N what would be the estimated cost of recovery of spilled “dilbit” or of Bakken crude oil? Do the math. Who would pay those costs? Who pays when the cost of recovery exceeds liability coverage or financial ability to pay?
9. **Area of Impact studied is not inclusive of regional, national, or international impacts from these proposals:** WDCFA scoping comments included the need for the DEIS to describe impacts both upstream and downstream of these projects on communities, environments and economies. Although most of the potential negative impacts lie outside the jurisdiction of the permitting agency they cannot be ignored. From North Dakota to Grays Harbor, from Grays Harbor to California and to Puget Sound, and potentially Asia, the impacts follow the crude. If the terminals are not built the impacts do not follow. So far the DEIS has done a good job of ignoring the larger impacts. The DEIS does not survive scrutiny in this regard. An example closer to home: As the Washington Department of Fish and Wildlife stated: **“If there were to be a spill the volume of product considered would likely lead to a catastrophic loss of Habitat. And the potentially affected area could be much larger than just Grays Harbor vicinity”**. I have seen no mention in the DEIS of the potential for spilled oil in or around Grays Harbor to inundate Willapa Bay and no mention of the potential negative impacts if this was to occur or any mitigation measures to address this event. **The current DEIS study area is painfully inadequate for an assessment of actual impacts and risk.**
10. **Restrictive study area in DEIS causing diminished recognition of true impacts:** Example Chapter 3.5- 14 describes Dungeness crab catches in Grays Harbor. By confining discussion to crab populations in Grays Harbor and quantifying crab catches in Grays Harbor a false sense of the importance of Grays Harbor to the success of the overall coastal Crab fishery and value of Grays Harbor to the coastal crab resource is seriously understated. As a consequence the potential impact on crab from a major spill is easily misunderstood. Grays Harbor is a major nursery area for Dungeness crab and an essential fish habitat for many other species. The catches within the Harbor of crab, or for that matter salmon, and other species do not reflect the importance of a healthy estuary to the biological health of the resources or the economic value of resources dependent on it. The majority of resource value is captured in waters adjacent to Grays Harbor outside of the study area but would be severely impacted in the event of a major spill associated with these projects within the study area or along the transportation routes outside the study area.
The average tribal and non-tribal **coastal catch** value of Dungeness crab is \$44,000,000 per year. The DEIS in 3.5.4.3 Page 3.5-14 suggests Grays Harbor only provided for about \$30,000 (approx 10,000lbs) in non-tribal crab value in 2013/2014, and only on average a tribal catch value of approximately \$21,000 per year from 1997-2012. A contradictory statement in the DEIS in 3.17.43 Page 3.17-19 and 20, suggests a 71,000 crab per year harvest in Grays Harbor for past six years, (approximately \$390,000). In either case, Grays Harbor provides for juvenile populations of crab to flourish and is a major contributor to the success of the coastal crab fishery primarily occurring outside of Grays Harbor. The DEIS does not capture the truth--- that the coastal crab

fishery (worth \$44,000,000 annually) would be at risk from a major spill in or around Grays Harbor.

11. **Protection of crab fishery:** In our May 2014 scoping comments we pointed out the risk to the coastal crab fishery and asked what plans would be in place to protect the crab fishery and those dependent on it in the event of a spill? There is no discussion in the DEIS of our request. We also asked how do you rebuild an estuary if a catastrophic loss of habitat occurred? Again no response in the DEIS. Unfortunately we know the answer--it cannot be mitigated and we will wait decades for it to heal.
12. **Vessel traffic impacts:** As was mentioned earlier the DEIS conclusion that increased vessel traffic from projects would not likely lead to increased vessel strikes with large marine mammals was patently wrong. Similarly conclusions that these projects will not interfere in any serious way with small boat navigation, commercial fishing, sport charter operations, and recreational boating and fishing is also wrong. Once again the lack of knowledge within the study area is evident. **And once again the limited study area of the DEIS also limits a true understanding of potential impacts.** The new tanker and ATB traffic will of course cause increase potential for interference with other vessel navigation both large and small. It will of course increase likelihood of collision at sea and in Harbor approaches, (especially in dense fog events that although episodic, are persistent, and will always occur in the Harbor and on the coast). It will of course increase interaction with and preemption of fixed gear fisheries in coastal waters adjacent to Gray Harbor. Every year long line gear and crab pots are run over, drug off, and destroyed by large vessel activity—that interference will only increase with the new tanker and ATB traffic from these projects. And increased vessel traffic will of course increase interference impacts all along the coast especially outside the current study area. In WDCFA's ignored scoping comments we stated: "at the present time agreements between towboat operators and the fixed gear crab fishery are in place. These agreements are facilitated through Sea Grant. Agreements provide for designated towboat lanes entering and leaving Grays Harbor. The lanes help to minimize interaction and damage to crab pots, (estimated 100,000 pots on Washington Coast), and vessels and to minimize pre-emption of fishing areas by shipping activities. These lanes are described for the length of the coast not just at the entrance to Grays Harbor. Will existing towboat agreements remain in effect with the expected increase in shipping traffic from CBR proposals? If wider lanes are needed to accommodate increased traffic or if "Safety Zones" have to be in place to accommodate increased traffic and/or hazard cargo transport, who will mitigate for lost fishing opportunities and areas?" There is no mention or discussion of these potential impacts or any proposed mitigation for them in the DEIS.
13. **Vessel Staging Areas are extremely limited:** The DEIS states that: 3.17-10 "The current deep-draft areas, (anchorage area), can accommodate three large deep-draft vessels...." With present large vessel traffic and expected new large vessel traffic vessel trips will be well over 1,000 per year with all three projects and in excess of 900 in 2017 from Imperium (table 3.17-11) and Westway (table 3.17-11). It is likely that in Harbor staging and anchorage areas will not be sufficient-- especially in bad weather and conflicting scheduling or both. When that occurs large vessels will have to "lay-to", or idle off-shore or anchor outside of Grays Harbor to wait for a change in the weather or transit/berthing space to free up. Large vessels "laying-to" or idling around or at anchor outside Grays Harbor will interfere, preempt, or damage fixed gear fisheries such as crab and interfere and preempt mobile gear fisheries such as trolling or charter and recreational fishing. There is no mention of these potential impacts in the DEIS. WDCFA scoping comments asked "Are staging areas adequate to accommodate expected increases in shipping traffic? Will staging area be designated? Where will ships and ATBs await a turn to load? Where

will ships and ATBs await bad weather events?" Thus far DEIS fails to answer those questions adequately.

14. **Vessel Traffic numbers do not add up Page 3.17-18 Imperium report states:** "Comparing the actual number of trips (Table 3.17-7) to the established number of windows by vessel draft confirms the assumptions of this analysis are conservative. For example, 41 **VESSELS**, (emphasis added), with drafts of more than 32 feet transited the harbor in 2012 compared to an estimated 21 navigable windows per year." The fact is the table is expressed in **TRIPS** not vessels and while the analysis might be conservative **the conclusion is off by a factor of two**. There were only 21 vessels over 32 feet in draft that transited Grays Harbor in 2012.
15. **Vessel Traffic and maintenance dredging operations:** If all three proposed terminals are built an additional 728 vessel transits are expected. These two proposals in the current DEIS are expected to add 638. Grays Harbor undergoes yearly maintenance dredging operations. The dredges obviously operate in the channel months at a time. How does such an expected volume of vessel traffic co-exist with dredging operations? How much longer will dredge operations take if the dredge needs to move with every passing? Will large laden tanked vessel traffic close to dredge operations add to collision risk? The DEIS proposes no opposing deep draft traffic will be in the channel with any laden tanked vessel transit. How does that reconcile with large dredge vessels that operate, (when on site), in the channel 24/7? With my limited opportunity to review 3,000 pages of DEIS I have not discovered any discussion of this vessel traffic issue.
16. **Disposal of Oil Contaminated Dredge Spoils:** In the event of a major spill--especially of "dilbit"--or contamination of Grays Harbor sediments by smaller spills from the day to day operations of these projects, how and/or where would oil contaminated dredge spoils be remediated? Even without the increased dredging operations expected with the Grays Harbor Navigation Improvement Project upwards of 1.7 million cubic yards of dredge material is transported and dumped in the marine waters in Grays Harbor or nearby outside dredge disposal sites annually. Oil contamination of sediments from these projects will occur. How much or how soon none of us know. But it will occur. There is no mention or recognition anywhere in the DEIS for monitoring plans, contingency plans, or mitigation for these inevitable events and disposition of contaminated dredge spoils.
17. **Exclusion of non-tribal fishery and mariculture impacts:** There is no mention under the list in table S-3 under "environmental damage from oil spills, fires or explosions" of non-tribal extraction industries such as fishing and mariculture. The non-tribal fishing and mariculture industries in Grays Harbor, in Willapa Bay, and on the outer coast generate well over \$100,000,000 of landed value every year. By the time these products move through processing, transportation, and market networks they generate in excess of \$300,000,000 in economic value to our State and coastal economies. Yet there is hardly any mention of the potential negative impacts in the DEIS to these sizeable economic contributors. All of these extraction industries are dependent on good water quality, on the protection and preservation of our estuaries, on public perception of a clean and safe food supply chain and access to extraction locations. There is a major, legitimate, and deep rooted concern over the compatibility of re-making Southwest Washington into a major crude oil exporting hub and the continued success of marine resource based sustainable industries. Hardly any serious consideration of the potential conflict between these oil terminal projects and our coastal culture, heritage, and economies is reflected in the DEIS. **The DEIS has failed to capture the true economic displacement and human misery that would occur both upstream and downstream of these projects when things go seriously wrong.**

By reference: DEIS comments from the United States Department of Interior (USFW) dated 10/29/2015 states a similar position: “The cost—benefit analysis included in the Draft EIS’s fail to acknowledge or consider significant impacts, damages, and costs.”

18. **ATB Quandary:** In the executive summary page S-56 a mitigation for reducing the “...likelihood of an incident involving spill of crude oil within Grays Harbor compared to the no-action alternative...” a mitigation measure is prescribed that requires a tethered tow for laden tankers while transiting Grays Harbor. First it is unclear what “while transiting Grays Harbor” means. At what point in the transit is the tether required or not required? Additionally, while a tug escort is required for both Tankers and ATB’s “between the Hoquiam River and the Grays Harbor entrance” why is a tethered tow not prescribed for a laden ATB? ATB’s can carry large amounts of oil some over 7,000,000 gallons. The crew on an ATB is much smaller than on a tanker yet the load is significant and damage from mishap could be just as catastrophic as a laden tanker. Why with less crew to respond in an emergency situation and a similar risk is an ATB not required the same safety precautions as a laden tanker? Another prescriptive mitigation measure in this section prohibits the “...transit of any other deep draft vessels within the South Reach of the Navigation channel (just off Westport) to terminal 1 in both directions whenever a laden tank vessel is transiting within the same channel”. As was mentioned earlier how does this prescription reconcile with deep draft and other dredge vessels operating in the channel? And where exactly does the restriction on opposing vessel traffic end on the laden outward bound passage? If inbound “bunker” oil laden vessels require escorts or tethers where would the escort or tether begin?
19. **Bunker refueling Operations:** At the present time little or no (heavy oil) “bunker” refueling occurs in Grays Harbor. This potential activity to service vessels from these projects is referenced on S-58. There is no adequate review, mitigation, prescriptions or protocols for over water transfers of bunker oil between oil transport vessels and bunkering vessels described in the DEIS. If in-bound laden “bunker” oil vessels are to transit Grays Harbor what increased risk from collision, allision, grounding or spills would likely result from this activity? How many additional oil laden tank vessel--tanker, ATB, or oil barge--transits will occur from refueling “bunkering” activity? How many gallons will be transported and “bunkered”? What grades of fuel oil will be transported? The bunker C oil spilled from the oil barge Nestucca was very persistent in the environment, traveled subsurface hundreds of miles and took years to degrade on its own. No mention or quantification of the risks from “refueling” operations are included in the DEIS and no mitigation is offered.
20. **Use of the word “could” instead of “would” to describe increased risks from these projects:** There are many places in the DEIS where increased potential for impacts and risks from these projects whatever that risk may be--public safety, public health, fire, explosion, collision, spills, etc. are referred to as “could” occur. In almost every case **the potential for increased risks “would”** occur. Of that there is little doubt. The DEIS uses the word “would” and “could” as if they are interchangeable—they are not. The DEIS should be consistent and reflect that reality.
21. **Risk Assessment and likelihood of vessel spill events:** With the volume of oil considered it will only take one major spill event to cause unmitigated damage. As WDFW has stated: “**Grays Harbor is an area particularly sensitive to the adverse effects of oil spills. If there were to be a spill the volume of product considered would likely lead to a catastrophic loss of Habitat.**” And USFW scoping comments stated: these projects pose “**unacceptable risk**”. While the DEIS repeatedly claims that; “overall risks would be low” the DEIS also repeatedly recognizes that; “if a

spill occurred, the potential damage would be significant. These risks would remain with implementation of mitigation”.

According to Figure S-3, (the “slide-bar” characterization of likely spill events from differing vessel incidents), spills from vessel incidents are more likely rather less likely to occur. Unlike Puget Sound or the Columbia River tanked vessel traffic in and out of Grays Harbor will exceed non-tanker vessels by a ratio of more than six to one. No mention of this high incidence of tanked vessel traffic relative to other vessel traffic is referenced in the DEIS document. Not only will a vessel incident “likely” more than “unlikely” result in a spill-- the vessel most likely to be involved in a vessel incident in or near Grays Harbor will be a tanked vessel. Additionally, there is no recognition of risk from increased tanked “bunkering” vessel traffic included in the risk assessment analysis. “Bunkering” vessels will further raise the ratio of tanked to non-tanker vessel traffic and increase potential spill risk.

As a commercial fisher for 45 years, and after personally losing a season to the “Exxon Valdez” and having helped document bird deaths from “Nestucca”, it is hard to reconcile personal experience with the risk assessment claims in the DEIS “...that a chance of a release each year increases as follows: once in 45 years for a collision, once in 116 years for an allision and once in 128 years for a grounding.”

As has been the case throughout this document the selective scope of the study area, and in this instance an exclusion of a major risk activity-- “bunkering”, has led to an under estimation of impacts from these projects and has also led to a risk assessment that seems to fall far short of reality and experience.

These projects will impact vessel traffic all along the Pacific Coast, from California to Puget Sound, and eventually other world ports. To confine impacts and risks from vessel spills associated with these projects in the DEIS to the navigation channel of Grays Harbor is fundamentally flawed and challenges credulity. Many vessel spill incidents of significance have occurred on the Pacific Coast and inland waters in the last 45 years. The following list only includes spills over 10,000 gallons:

Washington State: 1. 1972 “USS General M.C. Meigs” spilled 2.3 million gallons of heavy fuel oil. 2. In 1984 tanker ship “Mobiloil” leaked 233,000 gallons of heavy fuel oil. 3. 1988 “Arco Anchorage” spilled 239,000 gallons of crude oil. 3. 1988 tank barge “MCN-5” spilled 67,000 gallons of heavy cycle Gas oil. 4. 1988 “Nestucca” barge spilled 231,000 gallons of heavy bunker C oil. 4. 1991 “Tenyo Maru” spilled 361,000 gallons of bunker oil. 5. In 1994 Crowley Maritime Barge “101” spilled 26,936 gallons of diesel oil.

Oregon: 1. 1997 “New Carrisa” spilled estimated 70,000-140,000 gallons of heavy bunker oil. 2. 2001 “MS Tristan” spilled 12,000 gallons of heavy bunker oil.

California: 1. 1971, 1,121,400 gallons of oil were spilled after the tank vessels “Arizona” and “Oregon Standard” collided in fog under the Golden Gate Bridge. 2. 1984, the tanker “Puerto Rican” exploded and spilled approximately 1 – 1.5 million gallons 3. 1996, the “SS Cape Mohican” spilled 90,000 gallons of heavy bunker oil 4. 2007 “CUSCO Buson” spilled 54,000 gallons of bunker oil.

CONCLUSION: There are many Deficiencies within the Draft EIS. Inaccurate data and calculations have lead to several contradictory and misleading statements and conclusions. The scoping process was not inclusive and was

fundamentally flawed. As a consequence many of the issues raised were not considered or answered. The study area is woefully inadequate to include a true estimate of the costs and impacts of these projects. Limiting the study area may limit impacts described but it does not make those impacts disappear. Much of the mitigation measures prescribed are unrealistic, insufficient and will fall far short when pre-planned action translates into a real-time reaction to an emergency.

Although deficiencies exist in the DEIS the Document contains a core kernel of truth—a fundamental fact—that these projects if they move forward carry great risk that cannot be mitigated. WDCFA refers to the DEIS statement: “A large oil spill, fire, or explosion would likely cause unavoidable and significant adverse environmental impacts. The likelihood of a large spill or related fire or explosion is relatively low; however, the potential for significant consequences to the environment and human health if such an incident was to occur is high. The specific impacts would vary based on the location, amount spilled, type of liquid, and weather conditions. No mitigation measures would completely eliminate the possibility of an incident, nor would they completely eliminate the adverse consequences of an incident. Spill prevention, preparedness, and response requirements are intended, (emphasis added), to reduce likelihood of a spill during vessel transport and the resulting environmental damage. Implementation of Mitigation (Table S-1) would further reduce the risks. Although the overall risks would be low, if a spill occurred; the potential environmental damage would be significant. These risks would remain even with implementation of mitigation.”

In May of 2014 the United States Fish and Wildlife Service (USFW) stated in scoping comments “...the Service believes that redevelopment proposals bringing CBR to properties managed by the Port, including but not limited to the current Westway and Imperium proposals, **would bring unacceptable risks to fish and wildlife....**” WDCFA and members of the Coalition of Coastal Fisheries (CCF) agree with the core truth of the DEIS--that the impacts from these projects cannot be mitigated--and the assessment of USFW—that the risks are unacceptable. The potential for damages and risk to existing jobs, to our communities, and to our futures far exceed the economic benefits the oil terminals would provide. **WDCFA and CCF contend that if the impacts are significantly adverse, cannot be mitigated, and therefore unacceptable, the permits can and should be denied.**

Respectfully,



Larry L. Thevik 1st Vice President of Washington Dungeness Crab Fishermen’s Association, WDCFA 360 289 2647, 360 581 3910



Dale Beasley President of Coalition of Coastal Fisheries, CCF 360 642 3942, 360 224 0096