

WASHINGTON DUNGENESS CRAB FISHERMEN'S ASSOCIATION

P.O. Box 2678, Westport, WA 98505

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Stephen Posner, EFSEC Manager
Washington State Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172

RE: Tesoro Savage Vancouver Energy Distribution Terminal Facility DEIS

Mr. Posner:

My name is Larry Thevik. I have been a commercial fisher for 45 years. I am the vice president of the Washington Dungeness Crab Fishermen's Association (WDCFA) headquartered in Westport. The comments I am submitting represent the position of WDCFA and the Columbia River Crab Fishermen's Association (CRCFA).

The Coastal Crab fishery is sustainable and is the most valuable single species fishery on the West Coast. The coastal estuaries of Washington State are major nursery areas for Dungeness crab and essential habitat for many other species. The tribal and non-tribal average catch value is \$44,000,000 million a year. The economic benefit is estimated to be \$80,000,000 to \$150,000,000 annually. The Crab fishery is just one of many natural resource based industries in our area. According to a University of Washington study in 2013 over 31% of Grays Harbor and 36% of Pacific County workforces are employed in marine resource dependent jobs. Pacific County is the 4th most dependent of all counties in the nation on fishing related jobs.

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.**

Our organizations voted to oppose the crude by rail projects and high volume shipping from Port of Vancouver and Port of Grays Harbor terminals. Southwest Washington has some of the highest unemployment in Washington State and needs more jobs. These projects held promise of creating more. But, after further 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. Our members see it as a shortsighted vision with little community benefit and potential for long term risk and high community and environmental costs. **The new jobs expected are not that many yet the threat to existing jobs dependent on healthy estuaries and our marine resources is huge.**

As Governor Inslee, Governor Kitzhaber, and Governor Brown jointly stated on July 30th 2014: "Our ocean dependant industries contribute billions of dollars annually to our region and sustain our coastal communities. Residents and visitors from around the world enjoy the recreation, scenic, and spiritual bounty of our spectacular shores." Further they jointly stated, "....a sizeable spill anywhere along our shared coast would have a devastating impact on our population, recreation, natural resources, and our ocean and coastal dependant economies".

Many of our members have been directly affected by past oil spills – the 1988 Nestucca barge "bunker oil" spill off Grays Harbor, the 1989 Exxon Valdez "crude oil" spill in Alaska, the 1999 New Carissa "bunker oil" spill off

Oregon, and the Cosco Buscon 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.

By the end of 2014 an estimated 19.5 billion gallons of crude oil moved throughout our nation by rail. If the terminal projects in Vancouver and Grays Harbor are approved over half of what was transported by rail in the entire nation in 2014 will move through the State of Washington and over its waterways. Arguably half of the derailments, fires, explosions, and spills could be expected to happen in Washington. Remember three trains derailed in Grays Harbor County and a fourth derailed in Lewis County in 2014. Those derailments occurred without the expected increase in rail traffic and extremely heavy weight of unit oil trains.

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 loading at the Vancouver Facility will haul 13,500,000 gallons each 80% of the time and 26,000,000-28,000,000 gallons 20% of the time. The total amount of crude oil stored at the Vancouver terminals and/or transiting on the Columbia River on a given day in ships, barges, tanks, and trains could be in excess of 120,000,000 gallons from Facility activities.

The Columbia River ebb tide “plume” commonly extends 20 miles into the Pacific 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 traveled 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.

Spilled oil in the upper reaches of the Columbia River, in the lower Columbia River, and at or near the entrance of the Columbia River will travel fast and it will travel far. In the event of a major a spill the footprint and adverse impacts will far exceed the scope of the DEIS study area. **A large or very large spill from an oil tanker could impact the entire Columbia River from the site of the spill downstream to the mouth of the river or beyond, (DEIS, p. ES 43).**

Tanked vessel traffic associated with the terminals is expected to increase tanked vessel visits to the Columbia River by 130% over the 2013 baseline, (Table 15 Appendix J). Without any inclusion of increased bunkering vessels, the facility will result in an additional 730 tanked vessel bar crossings annually. (There is no quantification of expected increased bunkering tanked vessel traffic or impacts associated with the facility in the DEIS analysis.) **As the DEIS states in Appendix J page 17 “The more transits that occur, the greater the likelihood of incidents that may lead to spillage”.** Increased vessel traffic of the magnitude proposed is also likely to increase conflicts with current fishing operations and smaller vessel navigation and likely preempt existing fishing areas.

The Columbia River navigation channel from the entrance to Vancouver is over a hundred miles. Most of the dredged channel is little more than 600 feet wide, (DEIS App. “J” p 50). Tug escorts and tethered tows of laden tankers will be required in Grays Harbor if the oil terminal projects are permitted there, (the Grays Harbor channel is approximately 22 miles long to terminals and similar in dredged width to Columbia River channel),. Escorts and tethered tows are also required in Puget Sound for laden tankers under certain conditions and in specific narrow channel areas. A further restriction prohibiting opposing deep draft traffic while a laden tanker is in the channel is prescribed for the Grays Harbor terminals. While the risk of collision, allision, or grounding of laden tankers are fundamentally the same--probably greater on the Columbia due to entrance conditions,

channel length, and deep draft vessel traffic intensity--prescriptive measures that will help reduce risk from tanked vessel traffic associated with the Vancouver Facility are glaringly absent. "Existing tugs on the Columbia River are not suited for escort duties" DEIS App. "J" p. 50. The Facility should not be permitted prior to identifying and prescribing mitigation measures to reduce risk of oil spills from increased laden crude oil tanker vessel traffic. The DEIS offers no meaningful prescriptive measures in this regard. Further analysis of the benefits and need for escorts, tethered tows, and/or limitations on opposing vessel traffic should be conducted before permit approval.

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 the Columbia River and its entrance. **No matter how high the paper is stacked, oil spill response plans and available near site spill response assets in the Columbia River 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. Tidal currents especially in the lower Columbia River are extremely strong. The upper Columbia is susceptible to water releases, strong freshet flows, strong current from prevailing East winds and residual tidal effects (ocean water tides can have impact up to 140 miles upstream, (J. Wong 2001),. 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. The DEIS explains (pp. 4-33, 5-53) that this project could export Canadian Tar Sands crude oil ("dilbit"). If the terminal is targeted for the shipment of Tar Sands oil much of that oil will likely sink when spilled rendering booming useless. (Two years after the 2010 Kalamazoo River "dilbit" spill over half of the spill was still sunk and on the bottom of the river bed.)

A more complete review of Bakken oil spill events and impacts around the nation and in Canada and the Tar Sands oil spill in Kalamazoo in 2010 must be included in the EIS: The effectiveness of recovery and the cost of recovery of different oils spilled in the past was not included in the DEIS. An examination of spill response costs and effectiveness 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 a worst case spill scenario what would be the estimated cost of recovery of spilled "dilbit" or of Bakken crude oil? Who would pay those costs? **Who pays when the cost of recovery exceeds liability coverage or financial ability to pay?**

If the facility is approved two types of oil--Bakken Shale; a light crude oil and Tar Sands; a heavy crude oil--will move at high volume through the Columbia River. 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 Columbia River or along our coast in the DEIS. There is no adequate discussion of Tar Sands oil transport and the need to plan specifically for its submerging behavior when spilled in fast moving sediment laden water (as is the case in the Columbia River). Diluted Bitumen has proved to be very persistent when spilled. 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. 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.

A potential oil spill from "the new vessel traffic associated with the proposed Facility presents a new challenge to the Columbia River that has not been planned for to date" DEIS, p.5-54. To those who may suffer significant adverse impacts when things go seriously wrong the promise of additional study after permitting offers little confidence and is insufficient.

According to the International Tanker Owners Pollution Federation Limited (ITOPF) and the Governor's Oil Safety Study at sea recovery rarely results in the recovery of more than 10-15% of spilled oil. **The fact is that regardless of federal and state preparedness and response requirements the majority of oil when spilled in or near the Columbia River will not be contained and it will not be recovered.** DEIS p. ES 46 states: "Impacts to aquatic species from small to medium size spills would likely be moderate to major, and impacts from large to very large spills would likely be major in both cases."

In the event of a major spill--especially of "dilbit"--or contamination of Columbia River sediment by smaller spills from the day to day operations of these projects, how and/or where would oil contaminated dredge spoils be remediated? There is a very cursory discussion in the DEIS of this potential impact. Oil contamination of sediments from these projects will occur. How much or how soon none of us know. But it will occur. **While there is brief mention of remediation of sediments in the DEIS there is no adequate discussion in the DEIS for monitoring plans, contingency plans, or mitigation for these inevitable events, inevitable costs, and disposition of oil contaminated dredge spoils.**

The Vancouver terminal is sited on soil subject to liquefaction. Unfortunately, we have a 65% chance of a magnitude 6 earthquake during the expected life of the proposed facilities. And 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. That earthquake could approach the intensity of the Tohoku quake, (magnitude 9 producing a devastating Tsunami), that devastated Japan in March of 2011.

Although many if not most of the potential negative impacts lie outside the DEIS study area they cannot be ignored. From North Dakota to Vancouver, from Vancouver 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. As an example: I have seen no mention in the DEIS of the potential for spilled oil in or around the Columbia River 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 and mitigation plans are painfully inadequate for an assessment of actual impacts and risk.**

With the volume of oil considered it will only take one major spill event to cause unmitigated damage. 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. As has been the case throughout this document the selective scope of the study area 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 Columbia River area 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.

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 this oil terminal project and our coastal culture, heritage, and economies is reflected in the DEIS. The marine resource based extraction industries are sizeable and sustainable economic contributors to our State and coastal economies. And they are at risk from this Facility. **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.** The mitigation measures prescribed are insufficient, unrealistic, and will fall far short when pre-planned action translates into real time reaction to an emergency.

The DEIS states that a large or very large spill will have a major impact. WDCFA and CRCFA members agree. **WDCFA and CRCFA further contend that a major impact will be significantly adverse, it cannot be mitigated, is therefore unacceptable and the permits can and should be denied.**

Respectfully,



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