



State of Washington  
Department of Fish and Wildlife

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Imperium and Westway EISs  
c/o ICF International  
710 Second Avenue, Suite 550  
Seattle, WA 98104

**RE: Imperium and Westway Environmental Impact Statement Scoping Comments**

The Washington Department of Fish and Wildlife (WDFW) is mandated to preserve, protect, and perpetuate the fish and wildlife resources on behalf of the citizens of the State of Washington. In addition, WDFW has the responsibility to maintain the economic well-being of the fishing industry and promote outdoor recreation. In recognition of our responsibilities, we submit the following comments on the scope of the environmental reviews for the Westway Expansion Project and the Imperium Renewables Proposal.

While WDFW is concerned about the broader ecosystem effects associated with all of the areas identified for discussion in the Environmental Impact Statement (EIS), we are focusing these initial comments on the potential threats to fish, wildlife, their habitats and in some cases, the commercial and recreational fisheries and coastal communities dependent upon the health of those resources, resulting from these proposals.

WDFW understands that these are separate proposals, which will have separate EIS documents; however, as the proposals have common elements, such as the addition of bulk liquid storage tanks for crude oil (and, in the Imperium Renewables proposal, for other hazardous materials), expansion of rail facilities, and new pipelines, our comments are relevant to both projects. The project area of potential effect should be analyzed at three scales: the project site, the project vicinity, and the broader project shipping prism. In addition, impacts to natural resources from the increase in rail transportation associated with the delivery of crude oil to the distribution terminal also must be addressed. These proposed projects will significantly increase the amount of oil transiting Grays Harbor and the surrounding areas by trains (1,188 new train movements per year), pipelines, and vessels/barges (428 new vessel/barge movements per year).

While WDFW recognizes that there are existing storage tanks, pipelines, and rail facilities bordering the Harbor now that pose potential threats to marine life, we are concerned about the greater risks associated with the dramatic expansion of this infrastructure, the increase in the amount of product being handled, and the additional rail activity that will occur in the area bordering the estuary and throughout the western Washington region.

## **Potential Impacts to the Marine Environment**

WDFW has serious concerns about the potential impacts to marine life, which could occur during the transport of crude oil or other hazardous products via rail, shipping vessel, or pipeline, or at the bulk liquid storage facility adjacent to Grays Harbor.

The Westway Expansion Project would involve the construction of five new storage tanks on the site to the south of Westway's existing bulk storage tanks. The new tanks would each have a capacity of 200,000 barrels (8.4 million gallons) for a project total storage capacity of 1 million barrels (42 million gallons). The annual maximum throughput would be 17.8 million barrels (749.9 million gallons) per year. Up to nine storage tanks would be constructed on the site to the north/northwest of Imperium's existing bulk storage tanks. The new tanks would each have a capacity of 80,000 barrels (3.36 million gallons) for a project total storage capacity of up to 720,000 barrels (30.2 million gallons). The annual maximum throughput for the entire Imperium facility, including the expansion, would be 30 million barrels (1.26 billion gallons) per year.

The proposed increase in storage and associated systems for each of these projects will significantly increase the risk of an accidental oil release. In addition, the proposed volume of storage exponentially increases the impacts associated with any given release. Oil storage facilities can fail for a variety of reasons, including industrial accidents, unusual weather conditions such as severe storms and flooding, and other natural disasters such as earthquakes and tsunamis—all of which pose a high risk.

Grays Harbor is an area particularly sensitive to the adverse effects of oil spills. Salt marshes and sheltered tidal flats are found throughout the harbor and are vital to salmon, birds, and marine mammals. Grays Harbor is also an area vital to migrating shorebirds, supporting upwards of one million birds during their spring migration.

If there were to be a spill, the volume of product being considered for this project would likely lead to a catastrophic loss of habitat, and the potentially affected area could be much larger than just the Grays Harbor vicinity. Depending on the location and timing of the incident, the area affected by an oil spill could extend throughout the Grays Harbor estuary, its tributaries, and to offshore waters where the spill could reach a broad expanse the Washington coast and beyond. As an illustration of this, the Nestucca Barge incident (1998) released ~213,000 gallons of oil near the entrance of Grays Harbor. While the majority of the oil washed ashore near Ocean Shores, beaches as far away as Oregon and Vancouver Island, British Columbia were impacted. The habitats within Grays Harbor and the nearshore areas are particularly sensitive to oil spill impacts, notoriously difficult to clean of oil, and are likely to suffer years of degraded function following a spill event.

Such an incident would cause irreparable harm to the marine fish, shellfish, wildlife, and greater ecosystem for decades. The estuary is important nursery and foraging area for juvenile salmonids including stocks of coastal cutthroat trout; winter and summer steelhead; fall, spring, and summer Chinook; fall chum and coho salmon. Herring spawning areas occur in eelgrass

beds at several locations within the estuary, and Grays Harbor is also nursery ground for sixgill and sevengill sharks.

The nearshore Pacific Ocean waters are designated as critical habitat for species listed under the Endangered Species Act (ESA), such as the leatherback sea turtle, green sturgeon, and Eulachon, and as Essential Fish Habitat for West Coast salmon (including ESA-listed stocks), groundfish, forage fish, and coastal pelagic sharks. The adjacent nearshore waters are important areas for thresher sharks and juvenile and adult rockfish, including species that are under rebuilding plans, such as canary and yelloweye rockfish. These rockfish and pelagic sharks are long-lived, slow-growing species with low productivity whose populations take decades to recover to healthy levels.

With regard to shellfish, the estuary is a major nursery area for juvenile Dungeness crab, which contributes significantly to the adult population along the outer coast. Portions of the estuary are under active commercial oyster culture. While much of tidelands and oysters are privately owned, commercial oyster beds provide much the same habitat benefits to native fish and shellfish as do natural beds. Eastern soft-shell clams, horse clams, Manila clams and cockles are also found at various locations throughout the estuary.

Relative to wildlife, a wide variety of birds and marine mammals also frequent the Grays Harbor area, its tributaries, nearshore ecosystem, and offshore waters. Grays Harbor is an important foraging and resting area for migratory shorebirds and waterfowl. Waterfowl concentrations occur from fall through spring, especially in North Bay. Grays Harbor is a shorebird site of world significance, supporting up to one million birds during the spring migration, as well as large numbers of fall-migrating and wintering shorebirds. The Oyhut/Damon Point area is one of only three nesting areas in Washington for the federally threatened Snowy plover. Bald eagles and great blue herons nest throughout the region and forage in the bay, and Peregrine falcons are common during peak shorebird abundance in spring.

Migrating Gray whales commonly feed in the bay during the northward migration from about March through June. Occasional resident grays may also be seen, especially around the mouth of the bay. Grays Harbor is also home to thousands of harbor seals and California Sea Lions from mid-spring through early fall, and is one of the largest seal pupping areas in the state. Pupping occurs throughout the bay with concentrations around Sand Island and in North Bay.

Sea otters are fairly rare in the immediate vicinity of Grays Harbor, but there is a recovering population living on the outer coast north of Point Grenville with a significant portion of this population found around Destruction Island. It is possible that a large spill in the Grays Harbor area could be transported by wind and currents to the north coast area where sea otters would be impacted. Sea otters are particularly susceptible to oil injury due to their reliance on dense fur, rather than blubber, for thermal protection; once the pelt of sea otters is oiled, it loses most of its thermally protective qualities and the animal would likely succumb to hypothermia.

Southern Resident Orcas periodically utilize the offshore waters near Grays Harbor and the Columbia River entrance particularly in the winter and early spring where they prey on salmon



and other fish. Orcas suffered high rates of mortality following the Exxon Valdez oil spill; the same would likely happen here if a similar sized spill occurred while they were present. ESA-listed Southern Resident Orcas rely heavily on Chinook salmon for prey, and an oil spill in Grays Harbor would eliminate a large portion of these preferred prey items from the area.

### **Potential Impacts to the Upland and Freshwater Environments**

Each of the proposed projects will significantly increase the number of train transits through the area. These additional trains would transit tracks from Centralia to Aberdeen passing adjacent to, or crossing, numerous salmon bearing waters including the Chehalis, Black, Satsop, Wynoochee and Wishkah Rivers as well as numerous other fish bearing creeks and streams. There are 20 rail crossings of documented salmon spawning streams in Grays Harbor County alone. Loss of oil into these waters could have a significant impact on resident and anadromous fish runs. Additionally, there are no effective oil spill containment and collection procedures identified for these waterways. The uncontrolled release of even one tank car could cause oil impacts for many miles downstream.

Around ten years ago, grain cars derailed on the Wynoochee Bridge, spilling grain onto pasture lands adjacent to the Wynoochee River. Had this been oil instead of grain, the river would have delivered this oil to the Chehalis and the surge plain immediately below it. This surge plain is protected by the Washington Department of Natural Resources as a natural area, and is one of the largest preserved natural surge plain habitats on the west coast. Spilled oil would be impossible to remove from this critical habitat. This year, there have been three derailments over the course of less than three weeks—one involved more cars immediately adjacent to the Chehalis River in Aberdeen and another was near the Wynoochee River. These recent incidents significantly reduce our confidence in the safety of this form of oil delivery to Grays Harbor.

Increased rail traffic also leads to potential increased train and wildlife interaction, including mortality from collisions. There are likely to be some hotspots for wildlife mortality along the rail and these are likely to correspond to adjacent habitats, migration/travel corridors, and/or human caused funneling of habitat. The loss of lactating females and adult nesting birds also often results in secondary mortality to dependent offspring, which should be considered.

### **Potential Impacts to Recreational and Commercial Fisheries**

Grays Harbor and adjacent ocean waters are home for many healthy marine fish and shellfish stocks, which are harvested in Washington's recreational and commercial fisheries, and upon which our coastal communities depend, including Dungeness crab, Pacific halibut, Pacific whiting, salmon, lingcod, sablefish, nearshore flatfish and rockfish species, forage fish—including anchovy, sardines, and mackerel—and oysters and razor clams. The average ex-vessel revenue for Washington's coastal commercial fisheries for the past five years exceeds \$109 million, and commercial oyster growing operations in the harbor contribute significantly to the state's economy as well. It is imperative that the potential impacts to recreational and commercial fisheries resulting from a catastrophic event, such an oil spill, and secondary effects, such as from airborne pollutants from train diesel engines, and the subsequent effects on the

economies of the local communities and broader state be analyzed and considered in this decision-making process.

### **Recommendations**

The Department of Ecology and the City of Hoquiam must assess the proposed action's significant indirect and cumulative effects on fish, wildlife, and their habitats and the subsequent effects on recreational and commercial fisheries and commercial aquaculture facilities. The very real and significant risks that increased transport, storage, and shipping operations resulting from these proposals would present to vulnerable coastal and marine fish and wildlife need to be addressed.

Again, while WDFW recognizes that there are existing facilities that pose potential threats to marine life now, the risks of a spill event significantly increase with the expansion of one or both of these facilities. Recovery from the devastating impacts associated with a spill on fish and wildlife resources will take decades and the economies of our coastal communities will undoubtedly suffer long term impacts that will have negative consequences on the fabric of the communities.

In general, WDFW recommends:

- Those entities with regulatory authority, both states and federal, consider the relative proximity to vulnerable and irreplaceable fish and wildlife resources and their habitats when considering project approval and siting determinations.
- Creation of new jobs must be balanced with placing existing jobs and businesses at risk. A thorough analysis of the existing jobs and their reliance on a healthy and vibrant ecological environment must be completed to understand the risks and consequences of a spill.
- While outside the scope of these two particular proposals, we recommend against siting any bulk fluid storage and transloading/shipping operation at Terminal 3. A decision to site crude-by-rail facilities on land immediately adjacent to the U.S. Fish and Wildlife Service's Wildlife Refuge poses an unacceptable risk to this critical habitat.

More specifically, to address the concerns we have identified, WDFW strongly recommends:

1. A series of status determination studies for key fish and wildlife populations in the Grays Harbor and nearshore Pacific Ocean waters to establish a baseline prior to the expansion of these facilities. The key populations would include forage fish, such as anchovy, herring, and smelt; nearshore and juvenile rockfish; nearshore flatfish; seabirds and shorebirds.

2. As a mitigation measure, should one or both of these projects move forward, we recommend adequate funding be provided to WDFW for ongoing annual monitoring studies for the populations listed in item # 1.
3. The Department of Ecology and the City of Hoquiam should host a series of inter-agency discussions that include WDFW, the Quinault Indian Nation, and the Chehalis Tribe, to properly coordinate with these other entities with substantial interests before continuing to advance proposals that would bring additional bulk fluid storage and transloading/shipping operations to Grays Harbor. A focus should be placed on the areas of port safety, spill prevention measures, stand-by resources for spill containment, and contingency planning.
4. A Vessel Transportation Impact Analysis (VITA) be conducted relative to these specific proposals. This analysis should include evaluation of the items listed below, and should provide recommended solutions and mitigation measures to minimize any risks identified.
  - a. The risk associated with each proposal's traffic (including the number and size of ships) increase relative to existing conditions, and the cumulative effects of both proposals combined with existing conditions.
  - b. The risk associated with the combined Imperium and Westway Terminals traffic increase relative to existing navigation safety throughout the navigation channels associated with the Salish Sea (Strait of Juan de Fuca, Puget Sound, Georgia Basin, etc.), in Grays Harbor, and along the Washington coast.
  - c. The risk associated with the combined Imperium and Westway Terminals traffic increase relative to potential increases of petroleum shipments from terminals with the Salish Sea (Strait of Juan de Fuca, Puget Sound, Georgia Basin, etc.)
  - d. The capability of current tugs to control disabled vessel movements under the most adverse prevailing weather conditions in the area and respond to incidents in the harbor, outside the harbor entrance, and within a safe distance of the Washington shoreline, given that there is no ocean capable rescue tug stationed in Westport.
  - e. The emergency tug availability from Neah Bay and Columbia River, include availability during severe weather or bar closures.

- f. How vessels will be managed offshore if the bars associated with Grays Harbor or the Columbia River are closed.
  - g. The risks of incidents and measures to mitigate the risk for potential groundings, collision/allisions/loss of propulsion or oil spill while underway within the harbor and along the outer coast.
5. The EIS should include, at a minimum, the following analyses:
- a. Short- and long-term impacts of oil spills on the sensitive marine habitats and wildlife resources found within the project area, including on: State and federally listed threatened and endangered species; resident and migratory birds and marine mammals; salt marshes, tidal flats, and other sensitive shallow water habitats; other WDFW-listed Priority Habitat and Species (PHS); the marine fish and shellfish species important to recreational and/or commercial fisheries and commercial aquaculture activities.
  - b. An economic analysis of the current status of and potential impacts to recreational and commercial fisheries resulting from the direct or indirect effects of one or both of these projects.
  - c. Impacts to recreational and commercial fisheries resulting from additional shipping traffic during peak salmon runs, the possibility of shipping conflicts with fishing gears, and the potential for displacement of fish away from normal fishing grounds due to increased shipping.
  - d. The effects that increased barge and ocean going vessel traffic would have on fish, birds, and marine mammals. For example, gray whales are particularly susceptible to ship strikes, and the burrowing shrimp on which they feed are both susceptible to mortality from oil toxicity and would become vectors for delivery of sub-lethal doses of toxic compounds in oil to whales, green sturgeon, and other shrimp predators.
  - e. WDFW has documented active bald eagle and great blue heron nests in the bay approximately one mile from the proposed site. The potential effects of construction noise should be addressed if it occurs during times that overlap with the breeding season, and the impacts associated with increased barge and vessel traffic passing by these nests within relative close proximity to the colonies should be analyzed.

- f. The risks associated with potential train derailments, and resulting oil spills, to freshwater ecosystems along rail corridors and the likely impacts to the associated aquatic organisms; evaluations should keep in mind the specific physical characteristics associated with individual products being transported along the rail lines.
  - g. The EIS include an analysis of the potential cumulative effects resulting from airborne pollutants from diesel engines from increased rail activity on the terrestrial and marine environment, including fish and wildlife.
6. The project proponent(s) monitor train/wildlife collisions and create appropriate wildlife crossing structures to avoid collisions when and where hotspots for mortality are identified.

Thank you for the opportunity to review and offer comments on the Westway Expansion Project and the Imperium Renewables Proposal. We hope that Ecology and the City of Hoquiam are willing to engage WDFW and other entities potentially impacted with the proposed course of action. As you know, Grays Harbor is the fourth largest estuary in the nation and it deserves our best effort to protect it for future generations and the natural resources that its supports.

If you have questions regarding our comments and/or recommendations, please feel free to contact me at (360) 249-1211 or Michele.Culver@dfw.wa.gov.

Sincerely,



Michele K. Culver  
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