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Westway & Imperium Expansion Projects DEIS  
c/o ICF International  
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**SUBJECT: Comments Regarding The Westway & Imperium Expansion Projects DEIS**

Thank you for the opportunity to provide written comment on these two major projects, as well as the extension of the comment period deadline. Below are specific comments, concerns, and shortcomings that we have identified with the DEIS as written. In summary, the significant impact on recreational resources, marine mammals and wildlife, and the threats to community resilience when a spill occurs all lead us to strongly support the no-action alternative.

**Impacts to Recreation**

3.10.3 How were impacts on recreation evaluated? 3.10.3.1 Information Sources

*"Information about recreational uses and areas in the study area was obtained from the Washington Department of Fish and Wildlife (WDFW), local planning documents, scoping comments, personal communications with local planners, and a review of aerial photography. Additionally, a site visit to observe and verify recreational uses of the project site occurred on August 13<sup>th</sup>, 2014."*

The section on recreation is heavily skewed towards extractive recreational fishing. The DEIS does an adequate job of highlighting the recreation areas and access points within the harbor, but fails to account for the broader scope of recreation along the outer coast, and the importance of Grays Harbor as a major hub for non-consumptive recreation in the state of Washington. Making observations on just one day in August is totally insufficient. If built as proposed, there will be a decrease in community revenue associated with the displacement of recreational users along with a decreased quality of recreational experience, this needs to be further evaluated before the final EIS is released.

In May of 2015 we sent via email to the Department of Ecology (receipt acknowledged) our recently published study on non-consumptive recreation along the Washington Coast which provides an economic and spatial baseline of the various uses in the bay and along the coast, and yet this study was not incorporated at all in the DEIS, we would like to see this information included into the final EIS.

If the study had been incorporated, one would know that in 2014, Washington residents took an estimated 4.1 million trips to the Washington coast, with nearly 60% saying the primary purpose was for recreation. Average respondents spent approximately \$111.14 per trip, translating to an estimated \$481 million in direct trip expenditures. 35.6% of the 4.1 million trips were taken to Grays Harbor County. Beach going,

sightseeing/scenic enjoyment, wildlife viewing, and photography were the most popular activities coastwide, with some of the highest rates of activity found along the shorelines of Grays Harbor County and the ocean and estuary coastlines. The full report can be downloaded and incorporated into the Final EIS by visiting: <https://washington.surfrider.org/rec-use/>

## **Whale Watching & Increased Probability for Vessel Collision, Extinction**

As mentioned above, whale watching and wildlife viewing is one of the most popular recreational activities along the Washington coast, and especially within the Grays Harbor area as one of only a few ports along the coast.

*“Whale watching off the coast of Washington peaks between March and May as gray whales migrate between feeding grounds in the North Pacific and breeding lagoons in Baja California. During the early spring, Pacific gray whales can be spotted approximately 2 miles beyond the entrance to Grays Harbor, from the north jetty, or from one of the many chartered whale-watching boats departing from Westport. “*

*“Several ESA-listed whale species may occur off the Washington coast near Grays Harbor. These include blue, fin, and sei whales (*Balaenoptera musculus*, *B. physalus*, and *B. borealis*, respectively), sperm whale (*Physeter macrocephalus*), killer whale (*Orcinus orca*), and humpback whale (*Megaptera novaengliae*), all of which are federally listed and state-listed as endangered. Other whale species that may occur in the waters off Grays Harbor are the pygmy sperm (*Kogia breviceps*), common minke (*Balaenoptera acutorostrata*), and the state-listed sensitive gray whale (*Eschrichtius robustus*). The occurrence of these species in the coastal waters of Washington State ranges from exceptionally rare (blue whales) to relatively common (humpback whales) (Carretta et al. 2011 in U.S. Army Corps of Engineers 2014: 88).”*

The presence and importance of whale watching locally is acknowledged, but is incorrect and greatly understates the location and frequency of Pacific gray whales, humpback whales, and Southern Resident population of Killer Whales (All ESA listed) in proximity to the project site, harbor entrance and increased vessel transit. This past July, Surfrider staff members personally witnessed several gray whales within the harbor, as well as multiple humpback whales within a mile of the entrance. Several other commercial and recreational fishermen have witnessed the same occurrence over numerous years and have made public statements accordingly, yet this information was not incorporated into the DEIS. How many gray whales are residing and foraging locally in the summer months? What is the increased probability for vessel collision with the proposed increase in vessel transit with tankers and barges associated with this project? Before releasing the Final EIS, a robust study of presence/absence of whales in this area should be undertaken and calculations made for the increased probability for vessel collision. The increased probability for vessel collision is acknowledged below, but as stated previously, the location and frequency of these whales in relation to vessel transit and the proposed project area is incorrect, this warrants further study before a final decision is made.

*“Collisions with ships are one of the primary threats to marine mammals, particularly large whales, along the U.S. west coast, and around the world. Related to the proposed action, the greatest potential for vessel strikes to occur would be in the shipping lanes, which are located outside of state waters (farther than 3 nautical miles from the coast). This is because large mammals, like whales, typically migrate and forage in deeper waters and are not likely to enter the harbor. However, there is some potential for vessels to strike marine animals within the study area, particularly during transits outside the harbor but within 3 nautical miles of the harbor mouth. Depending on the circumstances (i.e., vessel speeds, vessel type, type of animal, animal*

*behavior), the impacts could vary widely, but could include bone fractures, organ damage, and internal hemorrhages (National Oceanic and Atmospheric Administration 2008a:4). There are cases in which small marine mammals survived strikes but sustained injuries and disfigurement to dorsal fins and other body parts (National Oceanic and Atmospheric Administration 2008a:17). In Sarasota Bay, Wells and Scott (1997 in National Oceanic and Atmospheric Administration 2008a:17) documented four cases of vessel strikes on bottlenose dolphins in which all four animals survived the strike. The potential for strikes in the study area would be somewhat greater compared with the no-action alternative because of the increase in vessel trips.”*

The loss of community revenue related to trip expenditures from a decrease in whale watching needs to be evaluated. Killer whales are extremely vulnerable, and are known to visit areas in close proximity to the harbor entrance. “One major oil spill will tip the Southern Resident population of Killer Whales to extinction” Don Noviello, Washington Department of Fish and Wildlife, personal communication Nov. 16<sup>th</sup> 2015. This is an un-mitigatable impact and therefore the precautionary principle should be applied and support given to the no-action alternative.

### **Coastal Hazards, Climate Change, and Community Resiliency**

Both proposed expansion projects are located within significant earthquake and tsunami inundation areas, as recognized in the DEIS documents. It is currently estimated that there is a 10-15% probability of a major Cascadia subduction earthquake occurring in the next 50 years, and some estimates as high as 33-40% in the southern Oregon region, and it should be noted that our knowledge in this potential threat is improving by the day. An inevitable earthquake or tsunami of modest or severe size slated for the region would cause an unprecedented environmental disaster should these projects be developed (including significant oil spills and explosions). The mitigation proposed in the DEIS does not adequately address this outcome and its destructive effects as these are un-mitigatable impacts. “Making land-use development decisions based on the Ordinary High Water Mark (OHWM)—which can be approximated by the vegetation line—without the context of seasonal fluctuations, event-induced erosion, and decadal-scale trends may lead to decisions that challenge community resilience.” George Kaminsky, Washington Department of Ecology, personal communication Nov. 17<sup>th</sup>, 2015. It is predicted that subsidence of 1-2 meters will occur in liquefaction areas along the coast following a major Cascadia subduction earthquake. Developing in this area and the impacts from a spill will greatly impair the community’s ability to recover from a major natural disaster.

These proposals promote the extraction, transport, and burning of fossil fuels, all of which are contributing to climate change and a host of related hazards, costs, and threats to every community, coastline and economy in the world, including our own. The Surfrider Foundation has recognized climate change is a scientific reality that will include changes in the characteristics of the ocean including warmer waters, more acidic oceans, increased sea level rise and storm severity that threaten coastal communities and the health of beaches, and coastal and ocean ecosystems. We are actively working throughout Washington, and in Grays Harbor County to promote adaption and improve community resiliency in the face of these unprecedented changes,

approving these project proposals is moving in the opposite direction of enhanced resiliency and is significantly adding to the problem.

Surfrider Foundation finds that siting oil terminal facilities in the coastal zone is not consistent with successful protection, conservation and access to coastal resources. Our significant concerns that are outlined above lead us to conclude that we strongly support the no-action alternative. Additionally, the unknown environmental impacts of coastal oil terminal development and operation present significant risks to the marine environment that are difficult, if not impossible, to adequately address through adaptive management protocols under existing regulatory authorities.

Sincerely,

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