

FRIENDS OF THE COLUMBIA GORGE

INVITED GUEST
TESTIMONY

**Testimony in support of the Multnomah County's
Resolution Opposing Oil-by-Rail
By Michael Lang, Conservation Director, Friends of the Columbia Gorge
January 21, 2016**

Good morning. Thank you for the opportunity to testify in support of the resolution opposing oil-by-rail and also in support of Multnomah County's comments on the Vancouver Energy draft environmental impact statement. I'm Michael Lang, conservation director for Friends of the Columbia Gorge. I also serve on the executive committee for the Stand Up to Oil coalition, whose mission is to stop oil companies from endangering our children, our communities and the Earth's climate with massive oil-by-rail terminals in the Northwest.

The Columbia River Gorge is a national scenic treasure and an icon of the Northwest. In the early 1980's, the Multnomah County Commission led efforts to protect the Gorge through federal legislation. The Gorge that you see today would not exist but for the efforts of Multnomah County, elected leaders throughout the region and thousands of citizens who worked tirelessly to pass the Columbia River Gorge National Scenic Area Act in 1986.

Today, the Columbia River Gorge is facing its biggest threat since the passage of this landmark legislation. Crude oil shipments by rail through the Gorge and massive oil terminals on the Columbia River and throughout the region are a threat not only to the Gorge and the region's inhabitants, it's a direct threat to the core values that make us proud to live and work in this region.

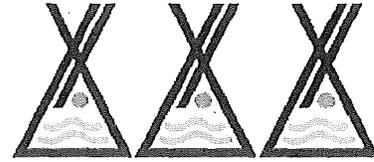
- **Unprecedented increase in oil-by-rail:** The dramatic increase in oil extraction in the Bakken region of North Dakota has resulted in a 57-fold increase in oil-by-rail. Starting in 2013, two to three oil trains, each carrying 3 million gallons of oil, began traveling through the Gorge every day. Now, more than a dozen proposals for oil-by-rail terminals are pending throughout the Northwest, including the largest oil-by-rail terminal in the U.S., Tesoro's Vancouver Energy project. If approved, all of this oil would be transported by rail through the Gorge. These terminals would far exceed the refining capacity in the region.
- **Oil-by-rail targets the Columbia River Gorge:** Tesoro would transport an average of 15 million gallons of oil per day by rail cars through the Gorge to Vancouver. From there, oil tankers would travel down the Columbia River, crossing the dangerous

Columbia Bar, destined for domestic or foreign refineries. If Vancouver Energy and all other terminals proposed in the Northwest are approved, 100 oil trains per week would travel through the Gorge. This would convert the Columbia River Gorge from a **National Scenic Area** into a **national** oil pipeline.

- **This is especially alarming in light of the oil train derailments and explosions that have shaken the country over the past two years.** Bakken oil is extremely volatile. Over the last 2 ½ years there have been several oil train derailments and explosions throughout North America, which have killed 47 people, caused the evacuation of thousands more, and caused billions of dollars in property damage and environmental destruction. **An oil train accident, spill, and fire in the Columbia River Gorge would be devastating to its communities, economies and the environment.**
- **Transporting crude oil by rail is inherently unsafe.** Several recent explosive train accidents have involved the newer rail cars, the same cars that Tesoro has called safe. Now Tesoro claims it will use upgraded tank cars, but these tank cars puncture at speeds as low as 18 mph. These trains would pass by our schools, day care centers, homes and businesses every day, endangering our children and our communities.
- **Blast Zone:** The blast and impact zone from an oil train explosion would cover most of the towns along the rail lines. *Firefighters throughout the Gorge and across the region oppose Tesoro's terminal because they would be unable to respond to a spill and ensuing explosion and fire.*
- **Tesoro's sad safety and environmental record:** In addition to the documented dangers of transporting oil by rail, Tesoro has a terrible safety and environmental record, such as causing the deaths of seven employees at its Anacortes refinery to millions of dollars in fines for safety violations and pollution.
- **Columbia River communities oppose oil-by-rail:** Public opposition to Tesoro's oil-by-rail terminal is intense and growing every day. Towns and fire districts from throughout the Gorge have adopted resolutions opposing oil-by-rail. The City of Vancouver, 101 Vancouver businesses, firefighters, unions, tribes, and hundreds of elected officials oppose this terminal. The majority of local residents are opposed to the project.

Please join communities throughout the region and adopt the resolution opposing oil-by-rail and also the comments prepared by your staff on the draft environmental impact statement for the Vancouver Energy terminal. Thank you.

*invited
speaker*



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**TESTIMONY OF
Orvie Danzuka, Tribal Council Member for
The Confederated Tribes of the Warm Springs Reservation of Oregon**

**In Support of Multnomah County's Proposed Resolution
Opposing Crude by Rail Transportation**

January 21, 2016

On behalf of the Confederated Tribes of the Warm Springs Reservation of Oregon, I would like to express my appreciation for Multnomah County's leadership in opposing crude by rail transportation through Multnomah County. I appreciate that the county, as a good neighbor, reached out to the tribes to hear their concerns about fossil fuel transport.

Let me offer a few reasons why I think the resolution before you today are timely, needed, and appreciated not only by the tribes, but anyone who has an interest in protecting the health of the Columbia River.

- The Warm Springs, Yakama, Umatilla and Nez Perce tribes have uniquely borne the impacts of rail and waterborne shipping policies that have dramatically altered the Columbia River landscape with dams and rail lines. The Tesoro-Savage terminal is the latest in a long line of developments where tribes have unfairly carried the risks associated with corporate greed at the cost of the environments, our treaty reserved fishing rights, the Columbia River and our homes.
- The Tesoro-Savage proposal at the Port of Vancouver, I believe would be the largest oil port in North America and neither the oil spill nor rail shipping risks have been fully addressed.
- Trains derail for various reasons, but the Gorge presents some very high-risk challenges. It's not a matter of "if" an oil train derails; it's a matter of "when". The highly volatile, toxic, and potentially damaging material within these trains elevates the risk to the environment and our communities.
- Any spill of any type of crude into the river will have significant long-term impacts to the aquatic resources of the river. Bakken crude may evaporate quickly, but it has properties that are immediately toxic to fish. Canada tar sands crude is heavy and will be impossible to clean.
- The Vancouver Energy project means many more oil trains on the rail through the Columbia River Gorge and will have profound impacts to tribal members and their access to the river. Currently, the risk of train strike to tribal members crossing the railroad is too high; more trains will make this access even more treacherous.

- Washington State has noted in various documents that the BNSF railroad through the Columbia River Gorge is nearing capacity, so that means building more railroad tracks in a national scenic area along our sacred river. That is unacceptable.
- First responders along the Columbia River are not prepared for a crude-by-rail derailment. It's not their fault; they didn't ask for crude-by-rail shipments. Federal and state agencies have convened some discussion forums, but for the foreseeable future, local city, county, and tribal governments will bear the burden of an oil spill.
- The Columbia River treaty tribes appealed the U.S. Department of Transportation tank car safety rule asking for consultation with tribes and upgrade aspects of the tank car rule that fell short of protecting the environment and the tribes' interests. The communities within Multnomah County have a direct interest in ensuring tank car safety, as well, since these trains travel on rails that wind through residential, commercial, and industrial areas.
- The Columbia River treaty tribes are very concerned about climate change, particularly its effects on salmon and our other First Foods. <http://www.critfc.org/fish-and-watersheds/climate-change/climate-change-strategies/> Reducing fossil fuel use and its associated carbon footprints is movement in the proper direction for addressing climate change.
- The Warm Springs Tribe is a member tribe of CRITFC, has the closest ties to the City and is the judicially determined successor-in-interest to the seven bands and tribes signatory to the Treaty with the Tribes of Middle Oregon of June 25, 1855 ("1855 Treaty"). Further, it is also well documented that the decedents of 1855 Treaty signers had close ties to the Willamette Valley and the area now occupied by the City of Portland, especially the three Wasco bands signatory to the 1855 Treaty who were Chinookan speaking people related to many tribes and bands on the west side of the Cascades on both sides of the Columbia River and its Oregon and Washington tributaries. It should also be noted that the 1855 Treaty specifically secured off-reservation fishing rights for the Warm Springs Tribe at all "usual and accustomed stations", which federal courts have ruled can be located both within and outside the Tribe's Treaty ceded area. One of the largest and best known of the Warm Springs Tribe's off-reservation usual and accustomed fishing places is Willamette Falls, located just a few miles upstream from the City of Portland.

It is heartening that Multnomah County, the tribes, City of Portland, and many others are taking a stand against the dangerous oil by rail projects that threaten our communities. Tribal and non-tribal communities will be left to live with the consequences of these projects and all in the name of a company's bottom dollar. Our region is defined by the Columbia River, and its protection should be on the forefront of our thoughts and actions.

Thank you.