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**RE: Draft Environmental Impact Statement (EIS) Scoping for Proposed Shell Anacortes Refinery Crude-by-Rail Unloading Facility in Skagit County**

Dear Ms. Kelly and Ms. Forbes,

Thank you for the opportunity to comment on Draft EIS scoping for Shell's proposed oil-by-rail facility on Padilla Bay near Anacortes, Washington. The proposed facility would allow for offloading of 6 unit trains a week carrying crude oil. Each mile-long unit train of 102 rail cars would carry approximately 60,000 barrels of crude oil.

We are members of the **Safe Energy Leadership Alliance**, more than 165 elected leaders from four states and British Columbia who are advocating for full assessment of costs and risks for oil-by-rail proposals like this one, and coal export proposals that will also bring significant rail traffic, health, and environmental risks to the same region. While we represent residents tens and hundreds of miles from the proposed Shell facility, we are directly and indirectly impacted by rail traffic and the growing risk of oil leaks, spills, fires, and explosions in our communities. Increased oil and coal train traffic is delaying emergency vehicles, truck freight, and commuters at at-grade crossings, and we are already seeing displacement of local agricultural products from rail freight. We are also connected by rivers and Puget Sound, where a spill in one location would be carried by flowing water or tides over a large area.

**We urge you to ensure the EIS analyzes how our communities – and others along the impacted railways and waterways – could be impacted by this proposal.** Specifically, we offer the following comments on the draft EIS Scoping:

## **Geographic Scope and Cumulative Impacts**

The geographic scope of the EIS must reflect the direct and indirect impacts and risks of oil train traffic on the hundreds of communities along rail routes that would be subject to increased oil train traffic serving the proposed Shell oil-by-rail facility. These trains come through the heart of cities like Spokane, Tacoma, Seattle, Marysville and Mukilteo, putting lives and property at risk, snarling traffic, and threatening our rivers and Puget Sound. The EIS should assess impacts and risks along rail lines from source to final destination, and characterize the additional areas and resources that would be at risk with an oil spill to a major river or Puget Sound along the rail route.

The Washington State Environmental Policy Act requires evaluation of direct, indirect, and cumulative impacts. The projected traffic of six, mile-long unit trains serving the proposed Shell facility would be in addition to oil train traffic serving three other recent or proposed oil-by-rail capacity expansions at refineries in Washington State. The draft EIS should assess cumulative impacts along rail lines for the proposed Shell facility in conjunction with the three other recent and proposed expansions of oil-by-rail capacity at Washington State refineries.

## **Issues to be Analyzed**

- Risk to Public Safety from Leaks, Spills, Derailment, Fire and Explosion

There is an unprecedented surge in the volume of oil being carried by rail across our region and the potential for catastrophic loss of life and damage in incidents like the Lac Megantic explosion and fire. Earlier this year, a federal study predicted that trains hauling crude oil or ethanol will derail an average of 10 times each year over the next two decades, causing more than \$4 billion in damage and endangering the lives of people in densely populated areas.

The draft EIS should assess the risks and impacts of leaks and spills along the rail route during transport and transloading, and worst-case scenarios for derailment, spill and explosion of a unit train along a major water body and in a densely populated urban area. In assessing risk, the EIS should consider types of crude oil to be transported, including volatile Bakken crude and heavy tar sands bitumen, each with different risks of explosion and clean-up challenges.

The EIS should also assess the increased financial burden to local governments for emergency planning, response and recovery associated with these increased risks of spill and catastrophic fire and explosion. Finally, the risk assessment should identify communities that would be most at risk from spills and explosions, and those that would bear a disproportionate impact.

- Traffic

Our communities are already seeing increased delays at at-grade crossings with increased coal and oil-train traffic, as well as more frequent delays to passenger rail service. The draft EIS should estimate the cumulative increased “gate down” time

for at-grade crossings in communities along the rail lines that would be impacted by the Shell proposal and other recent, under construction, and proposed oil-by-rail facilities at refineries in the region. The draft EIS should also assess the impacts of increased gate-down time on movement of emergency vehicles, freight, and commuters for representative communities along the rail line (e.g., densely populated urban area, port city, major employment center, city with highways accessed by at-grade rail crossing). The draft EIS should include an assessment of type and cost of infrastructure improvements needed to mitigate for traffic and safety impacts of increased oil-by-rail traffic, including improvements necessary to reduce delays in passenger rail service.

- Aquatic Resources

In addition to analyzing the local impacts of the facility on fish and wildlife habitat and wetlands of Padilla Bay, the draft EIS should assess and characterize the risks and impacts to water quality and habitat from leaks and spills along the rail route, including habitat for ESA-listed salmon species. Special attention should be given to potential impacts to fish and shellfish in Usual and Accustomed harvest areas for Treaty Tribes.

- Health Impacts

The draft EIS should assess health impacts associated with emissions from oil trains, both from combustion of diesel fuels by the trains and “crude shrinkage” along the rail route. We request that the draft EIS include a Health Impacts Analysis (HIA). The HIA should assess disproportionate impacts to health and safety of people living and working close to rail corridors.

Hundreds of communities will bear the burden of impacts to traffic, health, and environment and face catastrophic risks for spills and explosions from oil trains offloading at the proposed facility. The risks associated with these trains, basically oil tankers on wheels moving through densely populated areas, cannot be separated from review of facilities that will accommodate more oil-by-rail traffic. To fully assess impacts and risks, please conduct a regional and cumulative review of impacts for the proposed Shell oil-by-rail facility.

Thank you again for the opportunity to comment.

Sincerely,



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King County, WA  
Chair of SELA



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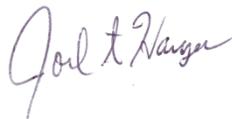
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Cc: Josh Baldi, Director, Northwest Regional Office, Washington State Department of Ecology