

**WASCO COUNTY PLANNING COMMISSION**

**September 6, 2016**

**Meeting begins at 3:00 p.m.**

**Wasco County Public Works Building**

**Conference Room**

**The Dalles, OR 97058**

**CALL TO ORDER**

**I. ROLL CALL**

**WASCO COUNTY PLANNING COMMISSIONERS PRESENT**

Russ Hargrave  
Brad DeHart  
Lynne Erickson  
Vicki Ashley  
Jeff Handley  
Andrew Myers  
Chris Schanno

**WASCO COUNTY PLANNING COMMISSIONERS ABSENT**

Mike Davis  
Aimee Bell

**WASCO COUNTY PLANNING OFFICE STAFF PRESENT**

Angie Brewer, Planning Director  
Dustin Nilsen, Senior Planner  
Will Smith, Associate Planner  
Brent Bybee, Assistant Planner  
Brenda Jenkins, Planning Coordinator

**OTHER STAFF PRESENT**

Kristen Campbell, County Counsel  
Dan Olsen, Facilitator

**Chair Hargrave** called the meeting to order at 3:04

**II. QUASI JUDICIAL HEARING:**

File # PLASAR-15-01-004. Union Pacific Railroad and their land use consultants, CH2M Hill, request to expand an existing railroad siding on either side of Mosier, Oregon for 4.02 miles of new second mainline track and realigned existing track; place five new equipment shelters; install drainage structures, a retaining wall, new lighting and signage, and wireless communication poles; modify existing utilities, temporary landing zones for construction; and construct temporary and

permanent access roads. The request also includes off-site wetland mitigation east of the primary project site.

**Chair Hargrave** called for roll call of the Commission. He introduced Dan Olsen, who will be the facilitator for the hearing; and Kristen Campbell, County Counsel. He then opened the hearing as follows:

The hearing will proceed as follows:

- County Staff will present the staff report, including identifying the applicable criteria, summarize the proposed requests and staff recommendation.
- The applicant or applicant's representatives will then have an opportunity to testify to explain the proposal, respond to county staff, submit any new evidence or ask questions.
- Persons speaking in favor may testify.
- After that, persons wishing to testify in opposition, who are uncertain, or just have questions may testify.
- The Applicant will then have an opportunity to present any rebuttal, but no new evidence.
- Staff will have an opportunity to make final comments but no new evidence.

The applicable criteria for this application are set out in the Staff Report and Recommendation. Angie Brewer, the Wasco County Planning Director will provide the staff report.

It is important for us to hear from as many people as possible. Therefore, we will not permit demonstrations, applause, questions or comments from the audience or other disruptions as these take up valuable time from persons waiting to be heard.

The County is represented at this hearing by Kristen Campbell, the County's legal counsel. In addition, the county is represented by Dan Olsen. Mr. Olsen will assist me in conducting the meeting and advising on any procedural matters that may arise. He will call the witnesses to testify.

This will be the only opportunity for oral testimony before the Planning Commission. We also will provide additional time for submitting written comments. Accordingly, I first will ask for a motion from the commission to adopt the following process for this hearing:

Each person will have three minutes. Time spent responding to commission questions will not count against the 3 minute time limit. No one may transfer time to another person. Oral testimony will be limited to 4 hours after the staff report. The total time for the applicant and those speaking in favor will be two hours. If all testimony from proponents is heard before the two hours are up, all remaining time may be used by those in opposition or who are neutral. The applicant will have 15 minutes after the oral testimony period for final rebuttal. No new evidence is permitted during rebuttal.

Do I have a motion to that effect?

**Vice Chair Ashley** moved to adopt the process and testimony rules as described by the Chair.

**Commissioner Erickson** seconded.

**Chair Hargrave** called for a vote.

**The motion was unanimously approved 7 to 0, 2 absent** (Commissioner Davis and Commissioner Bell).

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Hargrave – yes  
Vice-Chair Ashley – yes  
Commissioner DeHart – yes  
Commissioner Myers - yes  
Commissioner Davis – absent  
Commissioner Handley – yes  
Commissioner Schanno – yes  
Alternate Commissioner Erickson – yes  
Alternate Commissioner Bell – absent

**Chair Hargrave** explained the rules regarding testimony and stated that at the end of testimony he will ask for a motion to keep the written record open for until 5:00pm on September 13, 2017; also written responses to these comments may be received until 5:00pm on September 21, 2017.

**Chair Hargrave** asked if any Commission member wished to disqualify themselves for any personal or financial interest in this matter?

**Commissioner DeHart** stated that he works for Oregon Department of Transportation (ODOT), but he has not been involved in any discussion or work regarding this project.

**Commissioner Handley** stated that he had something to declare, but it was determined to be ex-parte, not disqualifying interest.

**Chair Hargrave** noted for the record that all Commissioners have seen the site while driving past on the highway.

**Chair Hargrave** asked if any Commission member wished to declare any ex-parte contact.

**Commissioner Handley** stated that he was a member of a The Dalles community page on Facebook. There had been discussions on the page regarding the derailment which he read. He

further stated that when the conversation turned to discussion of the proposal, he left the conversation string, turned off the notifications, and did not read the comments.

**Chair Hargrave** stated that he met with the Mosier City Manager, and had a conversation where she stated the City Council had become more interested in the project. She had further stated that the council members were concerned and not in favor of the proposal. He asked what the concern was and she replied that it was safety.

**Chair Hargrave** asked if anyone had objection to the jurisdiction of this body to act on behalf of Wasco County. There were none.

**Chair Hargrave** asked if there were any questions or objections to the procedure as outlined, or on any ex parte or disqualifying interests disclosed. There were none.

**Chair Hargrave** called for the Staff Report from Planning Director, Angie Brewer.

\*\*\*See Attachment A for PowerPoint Presentation\*\*\*

\*\*\*See Attachment B, beginning on page 8, for Transcript of Director Brewer's Staff Report Presentation\*\*\*

**Chair Hargrave** called for questions from the Commission.

**Chair Hargrave** asked for the ratios on the wetland creation, enhancement, and reparation.

**Director Brewer** stated that the ratio for wetland creation is 3:1; wetland enhancement is 4:1; and wetland reparation is 2:1.

**Chair Hargrave** asked if in this case it was 3:1.

**Director Brewer** stated that was correct.

**Chair Hargrave** called for additional questions from the Commission. There were none.

**Chair Hargrave** turned the meeting over to Dan Olsen for the testimony portion of the hearing.

**Dan Olsen** stated that the applicant will testify first, then he would call persons generally in the order they appear on the sign-up sheet. However, before he calls the sign-up sheet names he will allow elected/public/tribal officials who may have other public meetings or public business to attend to.

As the Chair stated, to provide time for as many people to speak as possible, please refrain from applause, calling out from the audience, demonstrations or other actions that may interfere with the speakers. I will call the speaker and two additional names. If you hear your name, please come to the on deck area so we may proceed efficiently. If you decide not to speak, please just so

indicate. Please avoid repetitious testimony. If an earlier speaker has made your points, you are urged to just state that you agree with that speaker. Please note that you do not need to testify orally to be considered a party – signing the sheet or submitting written comments is sufficient. Testimony must be relevant to the applicable land use criteria. Irrelevant testimony may be ruled out of order. There is a time clock that will indicate when you have 1 minute remaining. Time limits will be strictly enforced. When you come to the microphone, please state your name and address for the record. If you have written material to submit, please hand it to the hearings reporter before or after you testify. The hearings reporter will mark it with a case and exhibit number, and it will be part of the official record.

**Dan Olsen** then called for testimony from the applicant.

**Aaron Hunt, Clint Schelbitzki, and Wes Lujan** representing Union Pacific Rail Road gave testimony. \*\*\*See Attachment B, beginning on page 40, for Transcript of Applicant's testimony\*\*\*

**Chair Hargrave** called for questions from the Commission.

**Commissioner Handley** asked how much of the project is occurring outside the Mosier urban area.

**Mr. Luhan** responded that 3.57 miles is located outside Mosier.

**Commissioner Handley** then asked for the applicant's stance on the proposed conditions of approval.

**Mr. Wyman** stated that the rail road has a common carrier obligation which basically means that if someone gives them a load that is properly contained, they must ship it.

**Commissioner Handley** asked if they had any control on how the railcars are loaded or is it dictated by federal law.

**Mr. Wyman** responded that to some extent it is dictated by federal law. As long as it meets the appropriate federal standards, that it is in good order, meets all the requirements, the rail road is obligated to ship it.

**Commissioner Handley** asked if they could dictate higher standards to their customers.

**Mr. Wyman** responded that it is all set in a series of federal regulations.

**Dan Olsen** called for additional questions from the Commission. There were none.

**Dan Olsen** called for testimony from public officials and audience members

\*\*\*See Attachment B, beginning on page 49, for public testimony\*\*\*

\*\*\*dinner recess was taken during public testimony and reconvened at 6:16pm\*\*\*

List of persons providing testimony:

- Jim Appleton, Mosier Fire Chief
- Paul Blackburn, Mayor of Hood River
- Arlene Burns, Mayor of Mosier
- Emily Reed, President of Mosier City Council
- Kate McBride, President of Hood River City Council
- John Nelson, North Wasco School District 21 Board Member
- Deanna Busdieker, Cascade Locks City Council Member
- Nick Hogan, Representing Stevenson Mayor Cox
- Peter Cornelison, Hood River City Council Member
- Loren Clark was called but declined to testify
- Steve McCoy, President, Friends of the Columbia Gorge
- Lauren Goldberg, Staff Attorney, Columbia Riverkeeper
- Gary Kahn, Attorney with Reeves, Kahn & Hennesy, on behalf of Friends of the Columbia Gorge
- Jordan Sector, Departmental Planner & Senior Resource Specialist, WHPacific
- Nathan Baker, Senior Staff Attorney, Friends of the Columbia Gorge
- Ryan Rittenhouse, Friends of the Columbia Gorge
- Kevin Gorman, Executive Director, Friends of the Columbia Gorge
- Michael Lang, Conservation Director for Friends of the Columbia Gorge
- Dan Serres, Conservation Director for Columbia Riverkeepers
- Paul Lestock – left before testifying
- Richard Hodgkin
- Michael Berlly – did not respond when name was called
- Jill Barker
- Regina Merrit, representing Oregon Physicians for Social Responsibility on behalf of Dr. Maria McCormick
- Dr. Theodore Tsongas, Oregon Physicians for Social Responsibility
- Dr. Nancy Crumpacker
- Don Steinke
- Alana Steinke
- Jane Elkin
- Dr. Gregory Monahan, Oregon Chapter of the Sierra Club
- Bonnie McKinlay
- Elizabeth Deed
- Jennifer Dalquist
- Kelsey Severida
- Mrs. Severida
- Charlie Boonstra
- Dave Berger
- Chris Turner
- Deborah Porschersky
- Georgia Opherin - did not respond when name was called
- Craig Heverly

- Laurent Picard
- Cathy Samson-Kruse, Umatilla Tribes
- Charlene Immoda
- Jack Herbert
- Patricia Morgan
- Daniel Rasmusson
- Roberta Lapp
- Rose Christopherson
- Vicki Stifter
- Debra Romerein
- David Ojala – submitted written testimony
- Pat Freberg
- Lydie Boyer
- John Boonstra
- Todd Verdi
- Judy Todd
- Gina Fuller
- Catherine Cozwell – submitted written testimony
- Ken Ferguson
- Stan Corman – didn't respond when name was called
- Lois Bancroft – didn't respond when name was called
- John Olmstead – didn't respond when name was called
- Shannon Hill – didn't respond when name was called
- Katherine Hill – didn't respond when name was called
- Michelle Ryan – didn't respond when name was called
- John Hall – didn't respond when name was called
- Margaret Tula – didn't respond when name was called
- Jeanette Fishtie – didn't respond when name was called
- Susan Froelich
- Ellen Leitham
- Raging Grannies
- Barbara Robinson
- Matthew Kerner
- Edith Gilloil

**Chair Hargrave** called for rebuttal from the applicant. He stated that rebuttal will be kept to 15 minutes.

\*\*\*See Attachment B, beginning at the bottom of page 164, for applicant rebuttal\*\*\*  
 (Rebuttal given by Ty Wyman, Wes Luhan, and Clint Schelbitzki)

**Mr. Wyman** stated that the rebuttal was finished and they were available for questions from the Commission.

**Vice Chair Ashley** asked if train traffic would increase due to the proposal.

**Mr. Schelbitzki** stated that train traffic as a result of this project will not increase. He further stated that the traffic is really dictated by the global market, by the US economy. He stated that when the customers give more goods to ship, the train volumes will increase, or if less given the traffic will decrease, but it has nothing to do with the amount of track that they install in any given area.

**Commissioner Myers** asked about capacity. There was testimony from opponents that current capacity was in the neighborhood of 30 to 48 trains and after this project it would be in the neighborhood of 75 to 100 trains a day. Could you clarify what your capacity is now and what the capacity will be after the project.

**Mr. Schelbitzki** stated that he did not have the specific number with him, but that 75 to 100 is false. He stated that there is no way they could move 75 to 100 trains with the track they have there.

**Chair Hargrave** asked if it were true that train volume could be higher after this project than it could be prior to the project.

**Mr. Schelbitzki** stated that was correct.

**Mr. Luhan** stated that they will be able to fit longer trains passing each other after the project. That doesn't mean there will be more trains trying to get out of the way, the trains may be incrementally longer. He further stated that the Portland subdivision on UPRR is 169 miles on an equal ordinance to cross Oregon. There are 28.8 miles of double track. With the addition of the Mosier double track project, the 4.024 miles of double track, the route will have 28.84 miles of double track on the route. That is 17% of the track is double track. Since the majority of the route is single track, the capacity has to take this fact into account. They expect 5 to 7 trains more per day.

**Commissioner Schanno** asked if Mosier was the shortest siding on the route.

**Mr. Schelbitzki** stated that it was Bridal Veil. Mosier has 6,388 feet siding and Bridal Veil is comparative with 6,360 feet.

**Commissioner Schanno** asked if the 25 to 32 trains per day was a current average or a maximum.

**Mr. Luhan** stated that they provide 25 trains per day, give or take, which is the operating average with a maximum velocity of 5 to 7 increase.

**Commissioner Schanno** asked for clarification that with the double track, UPRR will still run into bottle neck because they only have 17% double track.

**Mr. Schelbitzki** and **Mr. Luhan** replied yes, that was correct.

**Chair Hargrave** called for additional questions from the Commission. There were none.

**Chair Hargrave** called for comments from Staff.

**Planning Director Brewer** stated that she appreciate all the people who came out tonight. She further stated that there were no amendments to the Staff Report.

**Chair Hargrave** called for a motion to keep the written record open until 5:00pm on September 13<sup>th</sup> for submittal of new evidence and argument, and until 5:00pm September 21<sup>st</sup> for written rebuttal, but no new evidence and to continue this meeting to 3:00pm on September 26, 2016 for Planning Commission deliberations.

**Commissioner Erickson** moved to keep the written record open until 5:00pm on September 13, 2016, for submittal of new evidence and arguments, and until 5:00pm September 21, 2016 for written rebuttal, but no new evidence; and to continue this meeting to a date and time certain. That being, Monday September 26, 2016 at 3:00pm, in the Theater of the Gorge Discovery Center, The Dalles Oregon, for Planning Commission deliberations.

**Vice Chair Ashley** seconded.

**Chair Hargrave** called for the vote. **The motion was unanimously approved 7 to 0, 2 absent** (Commissioner Davis and Commissioner Bell).

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Hargrave – yes  
Vice-Chair Ashley – yes  
Commissioner Myers – yes  
Commissioner Handley - yes  
Commissioner Davis – absent  
Commissioner DeHart – yes  
Commissioner Schanno – yes  
Alternate Commissioner Erickson – yes  
Alternate Commissioner Bell - absent

Meeting adjourned at 8:37pm

---

Rus Hargrave, Chair  
Wasco County Planning Commission

---

Angie Brewer, Planning Director  
Wasco County Planning & Development

ATTACHMENT A

# WASCO COUNTY PLANNING COMMISSION HEARING

---

Application Number: PLASAR-15-01-0004

Applicant: Union Pacific Railroad

---

September 6, 2016

The Columbia Gorge Discovery Center & Museum

The Dalles, Oregon



# If you wish to provide comment:

- Please:
  - **Sign up to provide comment**
  - Come to the waiting area when your name is called
  - State your name for the record
  - Limit your comments to 3 minutes
  - Be respectful of one another and the process

It is important that as many people are able to speak as possible, please be respectful in your time management.

# Hearing Format

- Public hearing begins at 3:00pm
- The hearing will be conducted in the following order:
  - The Planning Commission Chair will open the hearing
  - Staff will provide a presentation
  - The applicant has an opportunity to speak
  - Testimony from those in favor, then those opposed
  - Board to deliberate and decide next steps

# STAFF PRESENTATION

---

Application Number: PLASAR-15-01-0004

Applicant: Union Pacific Railroad

Landowners: UPRR, ODOT, OPRD, Schacht

---

Read the full Staff Summary online at:  
<http://co.wasco.or.us/planning/UPRR.html>



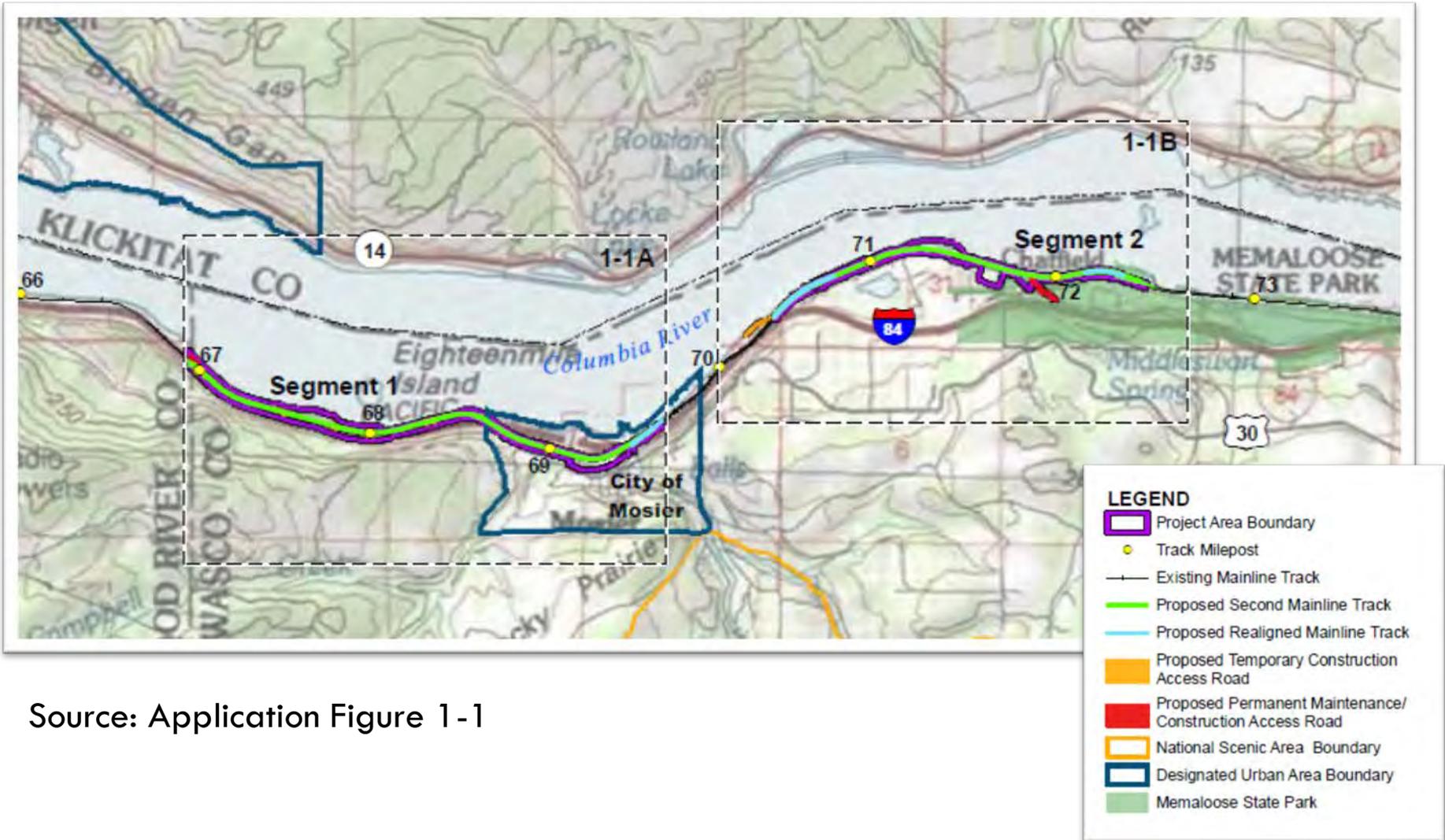
# Proposed Development:

- Expand an existing railroad siding to create 4.02 miles of second mainline track
- Replace 5 equipment buildings and associated equipment
- Install drainage structures
- Fill wetlands and remove vegetation for new ballast
- Blast out a rock wall
- 170-foot long, 25-foot tall concrete retaining wall
- 12 new signal lights
- Required safety signage
- Remove telephone poles
- 5 new monopole wireless communication poles
- Modify existing utilities
- Clearing of vegetation for construction of temporary landing zones
- Improve access roads (grade and gravel)
- Off-site wetland mitigation

# Location and Zoning

- Only those portions located outside of the Mosier Urban Area are subject to the National Scenic Area Act, the Management Plan for the Columbia River Gorge National Scenic Area and the requirements of the Wasco County NSA Ordinance.
- General Management Area Large-Scale and Small-Scale Agriculture, Open Space, and Water; and Special Management Area Public Recreation, Agriculture, and Open Space.

# Site Plan / Vicinity Map



Source: Application Figure 1-1

# Applicable Rules

- The proposed development is subject to compliance with the:
  - *Management Plan for the Columbia River Gorge National Scenic Area*, and the
  - Wasco County National Scenic Area Land Use and Development Ordinance (NSALUDO)
- NSALUDO Chapters that apply:
  - Chapter 1 – Introductory Provisions
  - Chapter 2 – Development Approval Procedures
  - Chapter 3 – Basic Zoning Provisions
  - Chapter 5 – Conditional Use Review
  - Chapter 6 – Variance Criteria
  - Chapter 11 – Fire Safety Standards
  - Chapter 14 – Scenic Area Review

Wasco County Staff prepared a staff summary and recommendation to consider the proposal's consistency with the applicable rules.

These documents can be viewed in at:  
<http://co.wasco.or.us/planning/UPRR.html>

# Chapter 3: Basic Zoning

## Proposed Use: Railroad construction, reconstruction, replacement, and expansion

Zone:	Listed as allowed review use?	Applicable Section NSALUDO:
<b>GMA Large Scale Agriculture</b>	Yes, subject to full review	Section 3.120(E)(20)
<b>SMA Agriculture</b>	Yes, subject to full review	Section 3.120(E)(18)
<b>GMA Small Scale Agriculture</b>	Yes, subject to full review	Section 3.130(E)(14)
<b>GMA Open Space</b>	Yes, subject to full review	Section 3.180(D)(2)
<b>SMA Open Space</b>	Yes, subject to full review	Section 3.180(D)(3)
<b>SMA Public Recreation</b>	Yes, subject to full review	Section 3.170(E)(27)
<b>GMA Water</b>	There are no uses listed for GMA Water. Consistent with past policy, the proposed use is subject to compliance with Chapter 14.	

# Chapter 5: Conditional Use Criteria

- Must be consistent with the MP and NSALUDO
- Must be compatible with the surrounding area
- Must not significantly burden public service, including Fire & EMS
- Must not impair traffic flow or safety
- Must minimize noise, dust, odor, in all phases
- Must not reduce or impair sensitive habitat or cause erosion
- Must not adversely effect air, water, or land
- Must not detract from the visual character
- Must preserve historic value and cultural significance
- Must be compatible with agriculture
- Must not significantly increase fire hazard, suppression costs, or risks to personnel

{ Failure to comply with any conditions of approval = revocation of CUP permit }

# Conditional Use Criteria – Conditions

- Staff Recommends the following conditions of approval:
  - Non-compliance (at any time) = revoke permit
  - Coal cars shall be covered
  - Adhere to all FRA safety standards, including any safety improvements that are optional
  - Stay within existing range of 20 to 30 trains per day
  - A Spill Response Plan must be prepared prior to construction
  - Provide regular training to Gorge fire departments included in the Mid-Columbia Five County Mutual Aid Agreement
  - UPRR solicit feedback about local needs for combatting a railroad related fire incident and make a good faith effort to assist in meeting those needs.
  - Must comply with agriculture resource protections
  - Temporary traffic impacts must be coordinated with ODOT, Wasco County Public Works, and OPRD
  - Grading, excavation, vegetation removal must be minimized where possible and revegetated as soon as possible. BMPs shall be implemented at all times.

# Chapter 6: Variances

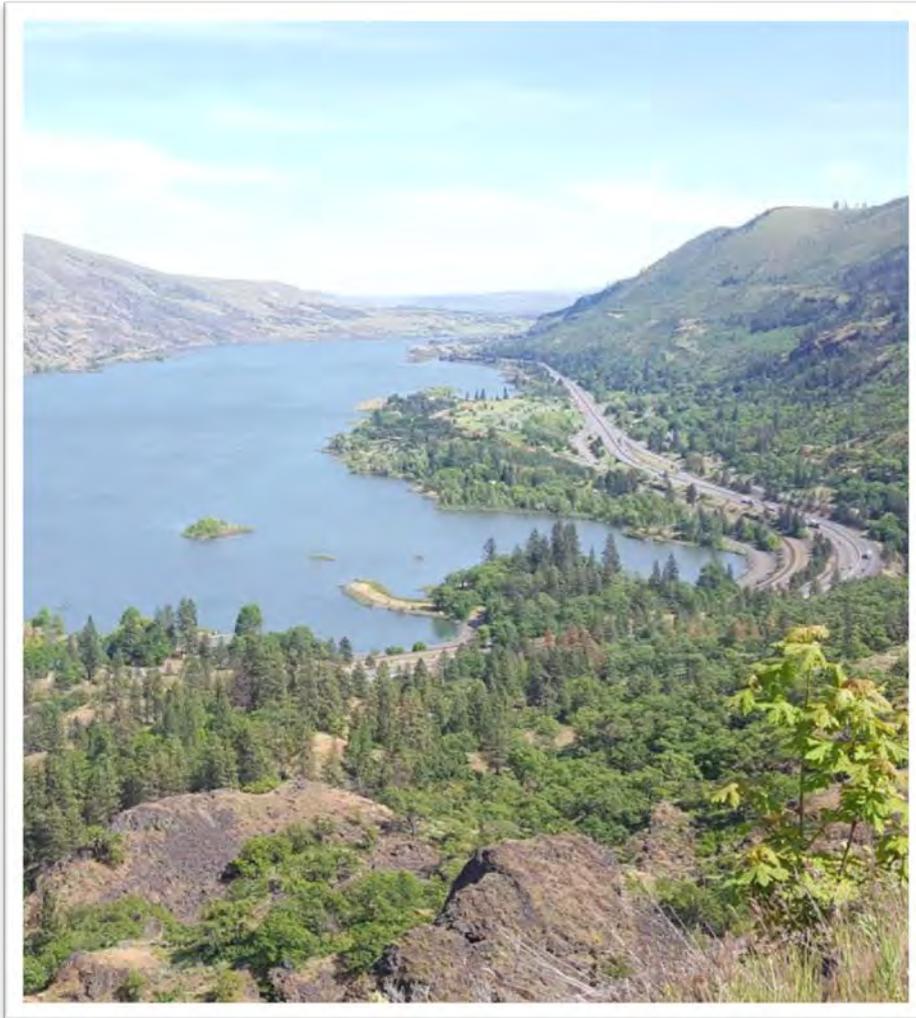
- Requested Planning Commission Variances:
  - Columbia River development setback standards
  - Scenic Travel Corridor (I-84) setback standard
  - Wetland buffer standards
  - Sensitive plant buffer zones

{ Planning Commission Variance = more than 50%  
variance is requested by the applicant }

# Chapter 11: Fire Safety Standards

- Fire Safety Standard Self-Certification Checklist to confirm compliance with requirements of Chapter 11.
- No concerns were expressed by local or regional fire or emergency services during staff consultation.
- **Condition of approval** to require the development of a Spill Response Plan , provide regular training to Gorge fire departments included in the Mid-Columbia Five County Mutual Aid Agreement, and UPRR to solicit feedback about local needs for combatting a railroad related fire incident and make a good faith effort to assist in meeting those needs.

# Chapter 14 - Scenic Area Review



- Scenic
- Cultural
- Natural
- Recreation
- Treaty Rights
- GMA and SMA rules are applied throughout.

# Chapter 14: Scenic Resources

- Key viewing areas:
  - State Route 14; Columbia River; I-84; and the Historic Columbia River Highway
  - Foreground, middle ground and background views
  - Scenic Standards: visually subordinate & visually not evident
- Landscape settings
  - Pastoral landscape setting in the GMA, the Oak Pine Woodland Landscape Setting in the SMA, River Bottomlands Landscape Setting in the GMA and SMA, the Gorge Walls, and the Canyonlands and Wildlands Landscape Setting in the GMA.
- Scenic travel corridors:
  - I-84 and the Historic Columbia River Highway

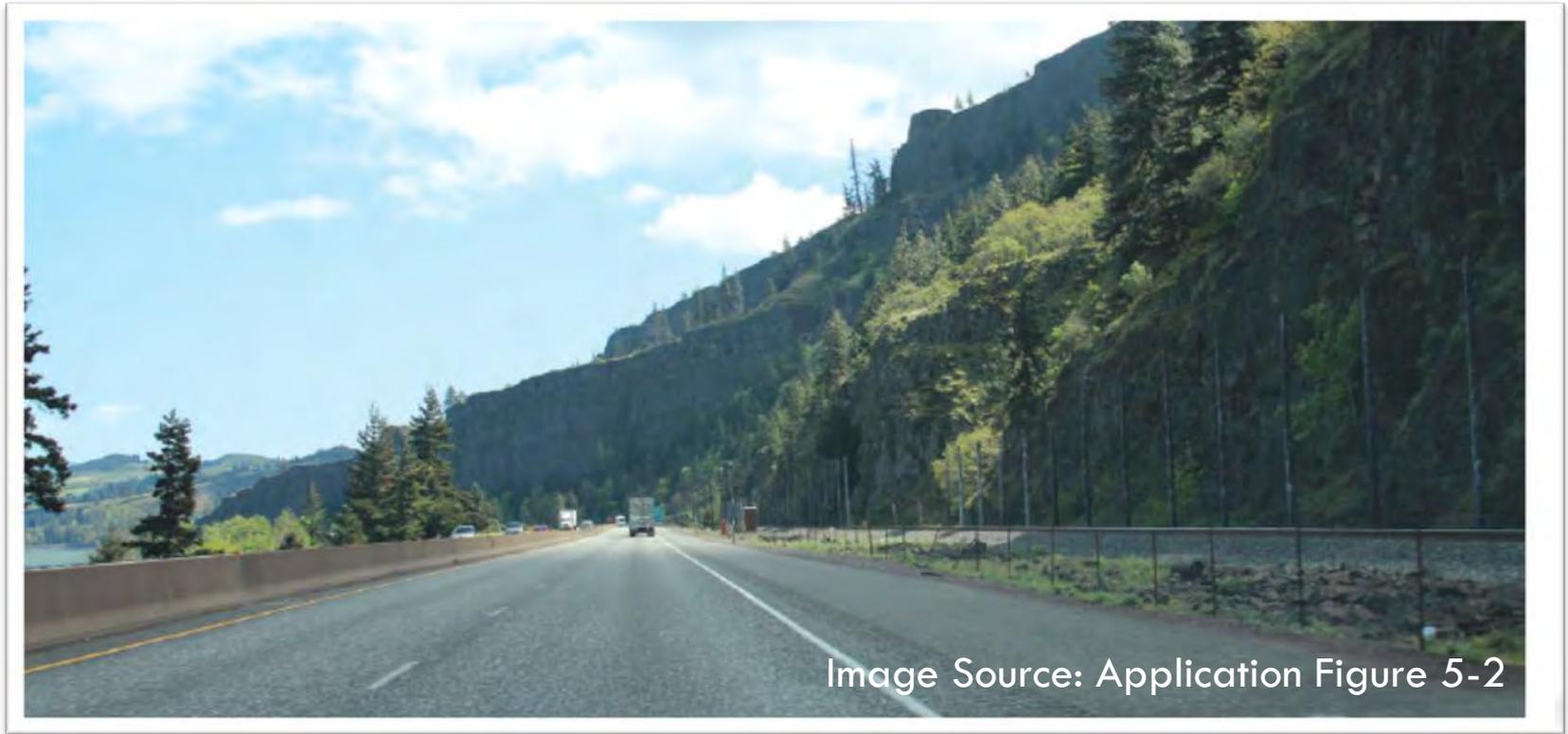
# Scenic – Anticipated Impacts



Image Source: Application Figure 5-6

View from SR14 and Columbia River; foreground and middle ground  
**Red circles** (added by staff) indicate areas of blasting and vegetation clearing

# Scenic – Anticipated Impacts



View from I-84; foreground

Anticipated impact = Second track and vegetation clearing as needed construction

# Scenic – Recommended Conditions

- ❑ Prohibit the clearing of 6.62acre Open Space site east of rock blasting site (scenic and natural)
- ❑ Retain all vegetation to the maximum extent practicable
- ❑ Rock blasting must occur in natural appearing, irregular patterns to emulate a natural cut face
- ❑ Retaining wall must be a basalt rock pattern color treated to blend with surrounding rock wall colors, shadows, and patterns
- ❑ Revegetate all disturbed areas immediately with native seed mixes
- ❑ All new structures, buildings and signage shall comply with the color and material requirements of the I-84 Corridor Strategy, a plan developed for infrastructure in the NSA
- ❑ Buildings must be treated for non-reflective finish
- ❑ New lighting shall not cause visual pollution or create a hazard
- ❑ Guardrail replacement shall be in-kind to ensure a continuous aesthetic, consistent with the I-84 Corridor Strategy

# Chapter 14: Cultural Resources

- There are three types of cultural resources protected in the NSA:
  - Archaeological
  - Traditional Cultural Properties
  - Historic
- A survey was prepared, shared, and amended based on feedback.
- There are no anticipated impacts
- Conditions of approval to cease development upon discovery during construction

# Chapter 14: Natural Resources

- **Waterbodies** – will impact wetlands and lakes; mitigation plan approved by USACE, NMFS, NFW, ODFW, USFS NSA.
- **Wildlife habitat** – deer and turkey range, shallow water habitat; mitigation plan approved by ODFW
- **Rare plant** populations – 3 plant species will be affected; mitigation plan approved by ORBIC
- **SMA Priority Habitats** – USFS expressed concerns regarding Oregon white oak impacts and the high quality Priority Habitat areas proposed to be affected

# ATTACHMENT A

WATER RESOURCES CONCEPTUAL MITIGATION PLAN  
UNION PACIFIC RAILROAD SECOND MAINLINE TRACK PROJECT  
WASCO COUNTY, OREGON

**Table 1**  
**Wetland and Water Body Disturbance**

Wetland ID	GMA/SMA	Approx. Milepost(s)	Total Wetland/ Waterbody Area (acres)	Open Water Permanent Impacts (acres)	Vegetated Wetland Permanent Impacts (acres)	Total Buffer Zone Impact (acres)
Wetland 7	SMA	72.28 – 72.34	0.17	0	0.17	
Wetland 9	SMA	71.46 – 71.51	0.24	0	0	1.59 <sup>1</sup>
Wetland 9B	SMA	71.47 – 71.51	1.78	0	0	
Wetland 11	GMA	70.72 – 70.95	1.15	0.00	0.25	
Lake 11	GMA	70.78 – 70.94	1.86	0.14	0.00	1.01 <sup>1</sup>
Wetland 12	GMA	70.69 – 70.72	0.14	0	0.03	
Wetland 17	GMA	68.55 – 68.57	0.08 <sup>2</sup>	0.00	0.06 <sup>2</sup>	
Wetland 18	GMA	68.56 – 68.58	0.09 <sup>2</sup>	0	0	0.20 <sup>1</sup>
Lake 18	GMA	68.56 – 68.58	1.21 <sup>3</sup>	0	0	
Wetland 20	GMA	66.97 – 67.12	0.15	0	0	0.55
Lake 20	GMA	66.97 – 67.12	1.66	0.02	0	
Columbia River/Bonneville Reservoir	GMA/SMA	North of project area for full project length	-	0.00 <sup>3</sup>	0	5.58 <sup>4</sup>
<b>Total Impacts to Wetlands, Waterbodies &amp; Buffers</b>				<b>0.41</b>	<b>0.75</b>	<b>Temp: 3.52</b> <b>Perm: 8.75</b>

<sup>1</sup> The buffer zones of adjacent wetlands and/or waterbodies overlap in some cases, necessitating buffer disturbance to be reported as a combined acreage.

<sup>2</sup> A portion of Wetlands 17 and 18 are located within the NSA-designated Urban Area; the total wetland/waterbody and impact areas provided in this table constitute only the portions within the NSA and outside of the designated Urban Area.

<sup>3</sup> No permanent disturbance to the Columbia River/Bonneville Reservoir will result from the project; however, approximately 0.01 acres will be temporarily affected during the installation of two culverts proposed to mitigate for potential impacts to fish habitat.

<sup>4</sup> Acreage excludes Columbia River buffer impact areas that intersect with wetland buffers accounted for in above calculations.

# ATTACHMENT A



**Wetland impacts  
and mitigation  
proposals:**



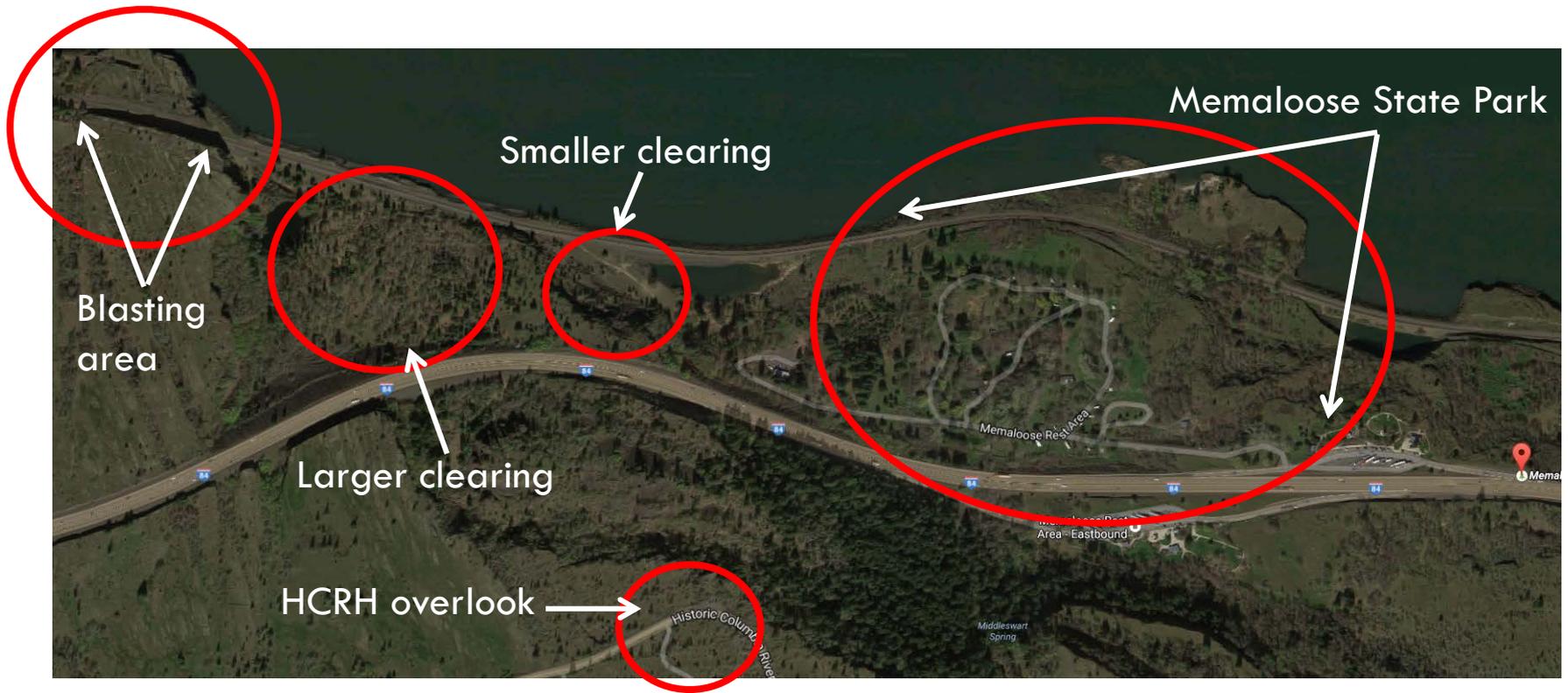
# Natural – Recommended Conditions

- ❑ Prohibit 6.62acre Open Space clearing
- ❑ Implement the Tooley Lake Wetland Mitigation Plan
- ❑ Implement the Sensitive Species and Wildlife Habitat Protection and Rehabilitation Plan
- ❑ Remove blasted materials for off-site crushing
- ❑ Avoid areas of identified special-status plant populations, priority habitats, sensitive wildlife and plant areas, and their buffer areas to the maximum extent practicable.
- ❑ Implement micro-siting of development during construction to avoid habitat where practicable
- ❑ Remove and conserve, and immediately replant plants that will be directly affected
- ❑ Implement weed control procedures to prevent the spread of noxious weeds
- ❑ Require the SMA Oregon white oak replacement ratio of 8:1 (*please note this would be a correction to the staff summary*)

# Chapter 14: Recreation Resources

- Established recreation sites within vicinity of development: Memaloose State Park & Historic Columbia River Highway State Trail
- Comments from OPRD cite impacts of noise, disconnection from park properties, and resource impact concerns at Memaloose as well as the Gorge region of state parks properties.
- Recommended conditions of approval:
  - (1) to develop a Columbia River access feasibility study to ensure long term impacts of the railroad do not impact established recreation uses or sites. Improved access from State Parks properties to the Columbia River shall be the outcome of this study and any resulting action items. And,
  - (2) minimize impacts of construction to recreation users

# Recreation - proximity



Oregon State Parks properties are cut by railroad

Image source: Google Maps

# Chapter 14: Treaty Rights

- Comments received from the Confederated Tribes of the Umatilla Indian Reservation:
  - River access and fisherman safety while crossing
  - Significant natural resource impacts
  - Cultural resource impacts
- Government to government consultation with the USACE
- Anticipated impacts: decreased safety in crossing tracks
- REQUIRED condition to add at least 2 safe crossings
- **Failure to comply = denial of this development request**

# Chapter 23: Sign Provisions

- Proposed signage is required by FRA for safety
- Proposed signage is allowed without review; however Staff recommends condition of approval to require compliance with this chapter through the Interstate 84 Corridor Strategy
- *Staff recommends a correction to the Staff Summary to accurately reflect the applicability of this chapter.*

ATTACHMENT A

# New Information

**Received After 8/30/2016 Staff Summary & Recommendation was prepared.**

- ❑ Many more public comments expressing concern via email
- ❑ Letter from Mosier Volunteer Fire and Rescue citing capacity concerns, requesting clarification of risks, and a fire mitigation plan.
- ❑ Letter from Mosier City Council opposing project for public health and safety reasons, river access concerns, noise, and wetland impacts.
- ❑ Letter from ODOT requesting structural analysis for seismic stability and expressing support for improved recreation access condition of approval
- ❑ Letter from OPRD describing regional context of recreation disconnection, noise and resource impacts
- ❑ Letter from Columbia Gorge Windsurfing Association expressing opposition to the proposed development
- ❑ Letter from the Confederated Tribes of the Umatilla requesting a study to analyze the impacts on tribal fishing (note this would be a required condition).
- ❑ Several large items from the Friends of the Gorge

ATTACHMENT A

# Opportunity for Applicant to Speak



# Public Hearing – Rules of Conduct

**If you'd like to comment, please sign up for comment**

- ❑ Come to the waiting area when your name is called
- ❑ State your name for the record
- ❑ Limit your comments to 3 minutes

**To provide time for as many people as possible to speak, please:**

- ❑ No applause
- ❑ No calling out comments or questions from the audience
- ❑ No demonstrations

**Please be respectful of all speakers.**

# Planning Commission

- At the end of the hearing,
  - Continue or close the public hearing?
    - If the hearing is continued, please specify the date, time and location.
    - If the hearing is closed, the Commission will deliberate at a future public meeting. Please specify the date, time and location.

# For additional information:

Wasco County Planning Department  
2705 East Second Street, The Dalles, Oregon 97058  
(541) 506-2560

Materials related to this case can be viewed online at  
<http://co.wasco.or.us/planning/UPRR.html>

Angie Brewer, Director  
[angieb@co.wasco.or.us](mailto:angieb@co.wasco.or.us)

**ATTACHMENT B**  
**Hearing Transcript**

DRAFT

WASCO COUNTY PLANNING COMMISSION

Application for Conditional Use

Union Pacific Case File PLASAR 15-01-0004

September 6, 2016

1           CHAIRMAN HARGRAVE: This is the Wasco County  
2           Planning Commission and I'm Russ Hargrave, the  
3           chairman. I'll open tonight's hearing. This is an  
4           application for conditional use approval to expand  
5           an existing railroad siding with 4.02 miles of new  
6           second mainline track, realigning existing track,  
7           replace five equipment shelters, and make related  
8           improvements. The applicant is the Union Pacific  
9           Railroad, and the case file number is PLASAR  
10          15-01-0004.

11           This is a quasi-judicial proceeding and the  
12          hearing will proceed as follows: The County staff will  
13          present the staff report, including identifying  
14          applicable criteria, summarize the proposed request  
15          and staff recommendation.

16           The Applicant or Applicant's representatives will  
17          then have an opportunity to testify to explain the  
18          proposal, to respond to County staff and submit any new  
19          evidence or ask questions.

20           Next, persons wishing to speak in favor may testify;  
21          and after that, persons wishing to testify in  
22          opposition or who are uncertain or just have  
23          questions may testify. The Applicant will then have  
24          an opportunity to present any rebuttal, but no  
25          new evidence at that time. Staff will have an

1 opportunity to make final comments, but no new evidence.

2 The applicable criteria for this application are  
3 set out in the staff report and recommendation.

4 Angie Brewer, the planning director -- Angie Brewer,  
5 the planning director, will provide the staff report.

6 So, before we begin the proceeding, let's do roll  
7 call.

8 MS. ERICKSON: Lynne Erickson from The Dalles.

9 MR. HANDLEY: Jeff Handley from The Dalles.

10 MR. MYERS: Andrew Myers, The Dalles.

11 MR. DEHART: Brad DeHart, from The Dalles.

12 MS. ASHLEY: Vicki Ashley, Bakeoven.

13 CHAIRMAN HARGRAVE: Russ Hargrave, Mosier.

14 MR. SCHANNO: Chris Schanno, Dufur.

15 CHAIRMAN HARGRAVE: There really are a lot of people  
16 here, and we appreciate that. And it's important for us  
17 to hear from as many as possible. Therefore, we will not  
18 permit disruptive demonstrations, applause, questions or  
19 comments from the audience or other disruptions, as these  
20 take up valuable time from persons who are waiting to  
21 be heard. If you want to be heard, we welcome that.  
22 Make sure you sign up on one of the sign-up lists.

23 The County tonight is represented at this hearing by  
24 Kristen Campbell, the County's legal counsel. And, in  
25 addition, the County is represented by Dan Olsen.

1 Mr. Olsen will assist me in conducting the meeting and  
2 advising on any procedural matters that may arise and  
3 he will call the witnesses to testify. This will be  
4 the only opportunity for oral testimony before the  
5 Planning Commission. We also will provide additional  
6 time for submitting written comments. Accordingly, I  
7 first will ask for a motion from the commission to  
8 adopt the following process for this hearing: Each  
9 person will have three minutes. Time spent responding  
10 to commission questions will not count against the  
11 three-minute time limit. No one may transfer time to  
12 another person. Oral testimony will be limited to four  
13 hours after the staff report. Total time for the  
14 Applicant and those speaking in favor will be two  
15 hours. However, if all testimony from proponents is  
16 heard before the two hours are up, all remaining time  
17 may be used by those in opposition or those who are  
18 neutral. The Applicant will have 15 minutes after the  
19 oral testimony period for final rebuttal. No evidence  
20 is permitted during rebuttal.

21 Do I have a motion to this effect?

22 UNIDENTIFIED SPEAKER: I so move.

23 UNIDENTIFIED SPEAKER: Second.

24 CHAIRMAN HARGRAVE: Okay. All in favor, say aye.

25 GROUP RESPONSE. Aye.

1 CHAIRMAN HARGRAVE: All opposed? So carried.

2 (Pause in proceedings)

3 CHAIRMAN HARGRAVE: So, please note that these time  
4 limits will be strictly enforced. Testimony is limited  
5 to the applicable criteria. We will not accept testimony  
6 that is irrelevant, repetitious, abusive, or disruptive.  
7 Note that you may also submit written comments, either  
8 in addition to or instead of testifying orally. You  
9 are not required to testify to be considered a party to  
10 this proceeding as long as you sign up on one of the  
11 sign-up sheets.

12 So, if you haven't signed up already and you want  
13 to be a party, please do so. Please sign up.

14 State law provides that failure to raise an issue  
15 orally or in writing before the close of the record  
16 with enough specificity that the Planning Commission is  
17 able to respond may preclude you from raising that  
18 issue in a later appeal.

19 State law also provides that failure of the  
20 Applicant to raise constitutional or other issues  
21 relating to proposed conditions of approval with  
22 sufficient specificity to allow the County or its  
23 designee to respond to the issue may preclude an  
24 action for damages in Circuit Court.

25 At the conclusion of testimony I will ask for a

1 motion to keep the written record open until five  
2 o'clock on September 13th. Any new evidence or argument  
3 may be provided until that time. Written responses to any  
4 comments may be received until five o'clock on  
5 September 21st. This is limited to arguments based on  
6 the record. No new evidence is permitted. Well, no  
7 new evidence is permitted after September 13th. All  
8 comments must actually be received by the Planning  
9 Department by the deadline. This meeting will be  
10 continued to September 26th for Planning Commission  
11 deliberations and either a tentative or final decision  
12 at that time. If necessary, that meeting may be  
13 continued to October 3rd for a final decision and  
14 adoption of findings.

15 Before proceeding further, I ask the members of  
16 the Planning Commission to disclose if they have any  
17 conflicts of interest regarding this matter.

18 UNIDENTIFIED SPEAKER: I'd just like to mention  
19 that I work for the Oregon Department of Transportation,  
20 but I haven't been involved with any review or processes.  
21 I haven't been doing review of application and I don't  
22 feel like I have any conflict.

23 CHAIRMAN HARGRAVE: Okay. So that does not sound  
24 like a conflict. Thanks.

25 UNIDENTIFIED SPEAKER: I have one. During the train

1 derailment in Mosier, I'm part of the Facebook group  
2 Friends of The Dalles -- The Dalles -- and I get my  
3 news update from that Facebook post. And then in terms  
4 of discussing this application, at this time I  
5 discontinued looking at that web page any further.

6 UNIDENTIFIED SPEAKER: Could you say that louder?

7 CHAIRMAN HARGRAVE: Okay. So no conflicts of  
8 interest noted.

9 Note for the record that all the Planning Commission  
10 members have seen the site while driving by on the highway.

11 Does any member of the Planning Commission have any  
12 ex parte contacts to disclose, including any visit to  
13 the site for the purpose of evaluating the application?

14 UNIDENTIFIED SPEAKER: I'm part of the Facebook group  
15 The Dalles Community Members. During the derailment in  
16 Mosier I was getting my new information from that site.  
17 When that site started talking about upcoming proceedings,  
18 I turned off the notification of that site to my Facebook  
19 account. I then discontinued reviewing that information.

20 CHAIRMAN HARGRAVE: Okay. Thanks.

21 Any other ex parte contact or visits to the site  
22 other than driving by?

23 I have an ex parte contact to report. I met with Kathy  
24 Fitzpatrick, the Mosier city manager. She and I had a  
25 conversation where she said that council members have

1 become more interested after the derailment. She said  
2 that it seemed that most council members were concerned,  
3 not in favor of the proposal. She mentioned a couple  
4 council members whose names I can't recall. She also  
5 mentioned Arlene, who is the Mayor. And I asked what the  
6 concern was and she said the main concern was safety, so  
7 that was the conversation.

8 Any other ex parte contact?

9 Okay. Does anyone in attendance have any objection to  
10 jurisdiction of the Planning Commission to hearing this  
11 matter, any procedural objections or to ask about any  
12 of the ex parte contacts that have been disclosed?

13 Okay. Hearing none. So, with that, we will hear the  
14 staff report. And you are going to project it, right?  
15 We are going to look.

16 MS. BREWER: All right. Good afternoon, everyone. My  
17 name is Angie Brewer. I'm the planning director for Wasco  
18 County. I am going to walk you through a PowerPoint  
19 presentation that attempts to summarize a 120-page staff  
20 report in a brief, concise presentation for you all.

21 So I want to make sure you know that the entire  
22 document is located on our website. And the URL is on  
23 the bottom of the screen and that will be on the last slide  
24 as well. You can go ahead and check it out there.

25 I also want to make sure you know the complete record

1 is online and available. You can see all the comments,  
2 letters, and all of the agency (inaudible) and other subject  
3 documents that we will review in this hearing.

4 So, for starters, I am going to let you all know that  
5 we received this application from the Union Pacific  
6 Railroad on January 11, 2015. We worked with them for  
7 quite some time on (inaudible), back and forth with  
8 recommendations, proposals, survey requirements, and the  
9 application became complete on November 17th, 2015.

10 As you have probably heard or seen in the media, this  
11 hearing has been rescheduled multiple times, and I just  
12 want to point out the reasons for why that is. The  
13 first time was due to a lack of feedback from our  
14 partner agency. Wasco County staff felt uncomfortable  
15 moving forward without hearing from some of our partner  
16 agencies, who provide us with very important technical  
17 assistance for resource protection in this area. We  
18 felt we needed more time for that and the Applicant  
19 allowed us to move forward on that.

20 The second time was because when we finally received  
21 some feedback, which was -- which was very helpful, it  
22 took us some time to evaluate it and really analyze it for  
23 what it meant for this proposal.

24 The third time was a request from the Applicant due  
25 to the derailment again, making sure that they were able

1 to send their staff and responded to that (inaudible)  
2 ahead of time to do both at once. So that's how we got  
3 here today. It's been a long time coming.

4 We've been working on this since January, with the  
5 pre-application process in 2014 for this. This  
6 conversation has been going a long time at Wasco County,  
7 but also with our partner agency and the State of Oregon  
8 as well.

9 So on that note, there's one other thing I'd like to  
10 make you all aware of, is that the staff report was  
11 published and posted online August 30th. We received  
12 quite a bit more comments since August 30th that were not  
13 available to us at the time of preparing this analysis  
14 and recommendation.

15 I have a summarized list of that information in this  
16 presentation and all of those comment letters will be  
17 available online. I just want to make sure everyone is  
18 aware of that part of the packet.

19 All right. With that said, it is important to start  
20 with a list of what they are asking for. Union Pacific  
21 Railroad is specifically asking for expanding an existing  
22 railroad site near Mosier to create 4.02 miles of second  
23 mainline tracks. They would like to replace five  
24 equipment buildings and associated equipment. Those  
25 buildings are in existence today. They are not

1 proposing new buildings in similar locations, and it is  
2 a similar siding. (Inaudible)

3 It will be an installation and in some cases removal  
4 of drainage structures like culverts and ditches, filling  
5 wetlands and removing vegetation to construct new railroad  
6 ballast. It includes blasting out an existing rock  
7 wall, which we'll have a photo of later on in this  
8 presentation. And in areas where blasting will occur,  
9 to stabilize that cut face, they are proposing a rather  
10 large concrete retaining wall that will be stamped to  
11 appear as though it is naturally occurring rock, basalt.

12 It includes 12 new station lights, requires safety  
13 signage, removal of existing telephone poles, five new  
14 monopole wireless communication poles, modification of  
15 existing utilities, clearing of vegetation for  
16 construction of temporary landing zone, the improvement  
17 of a couple of existing access roads that are described  
18 as "new" in the application, but as you watch the  
19 analysis, you realize they are actually there. Some of  
20 them are existing road shoulders. They just need to be  
21 regraded and graveled. Some of them are existing  
22 gravel roads that just need to be brought up to a  
23 little bit higher standards than they use for  
24 construction.

25 They don't propose to pave them. They propose to

1 gravel them, just so you know. And then there is a  
2 rather substantial offsite wetland mitigation proposal  
3 that will create a new wetland feature offsite closer  
4 to the downtown (inaudible).

5 So the location and zoning of the project is critical.  
6 It is important for us to note that Wasco County Planning  
7 only has the jurisdictional authority to review both  
8 portions of the project located outside of the City of  
9 Mosier urban area because the rules we're applying are the  
10 National Scenic Area rules and the National Scenic Area  
11 ordinance.

12 Our rules do not apply inside the City of  
13 Mosier and they don't apply inside the urban area. They  
14 are physically exempt by the Scenic Area Act. So I'll  
15 show you a map in just a minute. Just know there is a  
16 large portion of this project that occurs inside the  
17 city that this analysis does not cover. Just making  
18 sure.

19 The zoning of the proposed development portions  
20 of the project will occur in what is known as the  
21 General Management Area of the National Scenic Area;  
22 other portions will occur in the Special Management  
23 portions of the Scenic Area, and a handful in different  
24 zones, including large-scale and small-scale  
25 agriculture, open space, and water and Special

1 Management Area public recreation, agriculture, and open  
2 space.

3 So, as you can see on this map -- I'm kind of  
4 scared to touch this map (inaudible).

5 As you can see on this map, the City of Mosier  
6 urban area is this line right here. The portions of  
7 the project that we're able to review is this Segment 1  
8 right here on the county line to the urban area line  
9 and then a piece of the project from the urban area  
10 line where the project terminates Hoodway through  
11 Memaloose State Park. Just keep in mind that this piece  
12 right here (inaudible).

13 Before I leave that slide, it is also important  
14 to note that there is an existing siding in much of  
15 this area that is proposed to be expanded out in either  
16 direction east and west.

17 All right. So applicable rules for this project.  
18 It's required to be consistent with the Management Plan  
19 for the Columbia Gorge National Scenic Area, Management  
20 Plan implemented by Wasco County to our National Scenic  
21 Area ordinance, which has been reviewed and confirmed by  
22 the Columbia River Forest Commission and U.S. Forest  
23 Service National Scenic Area Office and Secretary of  
24 Agriculture.

25 The URL for our website is on that slide, if you

1 would like to jot it down, and the chapters that apply  
2 are as well. So introductory provisions, Chapter 1;  
3 Development and Approval Procedure, Chapter 2; Basic  
4 Zoning Requirements, Chapter 3; and Chapter 5 includes  
5 Conditional Use Provisions.

6 Chapter 6 are Drafted Variances; and Chapter 11  
7 address Fire Safety Standards, and Chapter 14 includes  
8 all of the Scenic Area Review, which is further broken  
9 down by scenic, scenic resources, natural resources,  
10 cultural resources, recreation resources, tree rights,  
11 so that (inaudible) from National Scenic Area.

12 So this is just a quick table to help illustrate  
13 what the current rules allow. It's important to note  
14 that the railroad has been in existence before our rules  
15 were written. The plan anticipates railroad development;  
16 at the very least, railroad maintenance and minor  
17 expansion where necessary.

18 So, as you know, as you'll see in our rules, in  
19 each of the zones where this is proposed, the rules  
20 actually allow railroad development subject to a  
21 full review and it doesn't necessarily mean that the  
22 light is green. Don't get me wrong. I don't want to  
23 say that, but it is allowed where it is appropriate in  
24 the landscape (inaudible), where it does not harm or  
25 cause adverse effects to resources, and where it can be

1 conditional (inaudible).

2 But it is important to know that the plan does  
3 include this kind of development. It is a humongous  
4 infrastructure in the Columbia River Gorge and it is  
5 anticipated that at some point it will be maintained,  
6 prepared, and modified. (Inaudible).

7 So, with that, I'll jump into conditional use criteria.  
8 The conditional use criteria is a pretty significant  
9 component of our ordinance. And I'm just going to read  
10 through this, because I think it's worth touching on  
11 each of these things.

12 And, Planning Commissioner, I'm not going into  
13 humongous detail because it is in that report. If  
14 anyone has any questions, please let me know.

15 The conditional use criteria require a new  
16 proposal to be consistent with the Scenic Area  
17 ordinance, require it to be compatible with the  
18 surrounding area. Use must not significantly burden  
19 public service, including fire and emergency services.  
20 It must not impair traffic flow or safety. It must  
21 minimize noise, dust, and odor in all cases; must not  
22 reduce or impair sensitive habitat or cause erosion;  
23 must not adversely affect air, water, or land; must not  
24 detract from the visual character; should never destroy  
25 historic value, and -- excuse me -- must preserve the

1 historic value and cultural significance; must be  
2 compatible with agriculture; must not significantly  
3 increase fire hazard suppression costs or risk to  
4 personnel.

5 But I want to point out the bottom screen, you  
6 might not be able to see, is that a failure to comply  
7 with any conditions of approval, consistent with the  
8 conditions of this criteria, is a failure of your  
9 permit and so it's a mandatory revocation of the  
10 permit.

11 So, staff recommend going through analysis.  
12 And please note we did struggle to get feedback from  
13 our technical resource partner on some of these items.  
14 Based on the best available information we have, staff  
15 recommends the following conditions of approval to  
16 address these criteria: We are recommending that coal  
17 cars be covered; that Federal Rail Administration  
18 safety standards, including any safety improvements  
19 that are optional, be required; that the existing range  
20 of 20 to 30 trains per day be maintained and no  
21 significant increase in rail traffic; that a Spill  
22 Response Plan be prepared prior to construction; that  
23 training be provided to Gorge fire departments included  
24 in the Hood-Columbia Five County Mutual Aid Agreement;  
25 that Union Pacific Railroad solicit feedback about

1 local needs for combatting railroad-related fire  
2 incidents and make a good-faith effort to assist in  
3 meeting those needs; to comply with agriculture  
4 resource protection; to ensure that any temporary  
5 traffic impact is coordinated with the Department of  
6 Transportation, Wasco County Public Works Department,  
7 Oregon Parks and Recreation Department; and the  
8 requirement that grading, excavation, and vegetation  
9 removal be minimized wherever possible and that  
10 revegetation happens as soon as possible; and that best  
11 management practices are used throughout the  
12 construction, and I let them know that also.

13 Chapter 6 addresses variances. The Applicant is  
14 requesting several Planning Commission variances. In  
15 order for a request to be considered -- a Planning  
16 Commission variance means they're requesting more  
17 than a 50 percent variance. So what they are asking  
18 for is a variance from the Columbia River development  
19 setback standards, the Scenic Travel Corridor, the  
20 Interstate 84 Corridor Setback Standards, Wetlands buffer  
21 standards, as well as the Sensitive plant buffer zones.

22 There are some very specific criteria in our  
23 ordinance in order for a variance to be granted.  
24 However, there are some situations that are not  
25 anticipated by plans, and the staff feels that this may

1 be one of them.

2 The railroad occurs immediately adjacent to the  
3 river and is sandwiched in by Interstate 84 in both  
4 locations. And you are almost always going to be in  
5 the buffer when you do anything on the railroad.

6 So given that the ordinance anticipates railroad  
7 development, allows maintenance and a use to occur  
8 without any kind of -- excuse me, maintenance and  
9 repair to occur without any kind of review and  
10 requirements, and the fact that there is an  
11 unavoidable buffer in every single location along the  
12 railroad, staff does recommend granting a variance, as  
13 long as all of the other mitigation proposals are  
14 implemented prior to construction and all the  
15 anticipated impacts are addressed upfront.

16 Chapter 11 addresses fire safety standards. Our  
17 ordinance requires a self-certification checklist to  
18 be completed for every application that was submitted  
19 for completeness. Up until, I believe, August 31st we  
20 had not heard any concern expressed by local or regional  
21 fire or emergency services during staff consultations.

22 A condition -- based on what staff learned and not  
23 based on any feedback, we're recommending a condition  
24 of approval, and that's neither here nor there, but a  
25 condition of approval to require the development of a

1 Spill Response Plan, regular training to Gorge fire  
2 departments included in the regional Mutual Aid  
3 Agreement, and that Union Pacific Railroad would  
4 solicit feedback from the local departments about what  
5 -- to make sure they have capacity to respond to  
6 emergencies in their community.

7 Chapter 14, Scenic Area Review. And, as I  
8 mentioned before, it runs through what we call the SCNR,  
9 the scenic, cultural, natural and recreation resources.  
10 It also addresses treaty rights. And I just want to note  
11 that the General Management Area and Special Management  
12 Area rules are addressed here as well.

13 So, for scenic resources, the important things to  
14 note here are the key viewing areas designated as  
15 public points and scenic resources protected by our  
16 ordinance are Interstate 84, State Route 14, Columbia  
17 River, and the Historic Columbia River Highway.

18 The project will be visible intermittently from  
19 the foreground, middleground, and background view, and  
20 that the scenic standards that apply to this project are  
21 based on the zoning. Some of the zoning requires that  
22 standard of visually subordinate, which means it's not  
23 the first thing you see, but it does blend with the  
24 surrounding landscape and not visually evident in  
25 special imagery. Essentially it means you should not be

1 able to see it. This is not (inaudible).

2 Those terms are defined in our ordinance, if anyone  
3 is looking for the definition.

4 Landscape settings that apply (inaudible). And  
5 this is partly due to the fact that it is such a long,  
6 linear project across (inaudible) and many landscape  
7 settings. You will find that the vegetation changes  
8 from one end to the other (inaudible).

9 So we have pastoral landscape setting in the  
10 General Area, the Oak Pine Woodland Landscape Setting  
11 in the Special Management Area, River Bottomlands  
12 Landscape Setting in the General Management Area and  
13 the Special Management Area, Gorge Walls and Canyonlands  
14 and Wildlands Landscape Settings in the General  
15 Management Area.

16 And, finally, scenic travel corridors. The proposed  
17 development will occur within the scenic travel  
18 corridors of Interstate 84 and the Historic Columbia  
19 River Highway.

20 I have a couple of images that I hope will show up.

21 Okay. This is one of these views the staff feels  
22 will be most impacted by the proposed development. And it  
23 is the rock base that is proposed to be blasted for  
24 expansion. So, you're looking from the State Route 14.  
25 Keep in mind that you are traveling west and probably

1 driving 60 miles an hour. So this is the view from SR14.  
2 And it is also visible from the Columbia River, obviously,  
3 but it is not directly visible from Interstate 84 in any  
4 way the staff could reasonably achieve and it did not  
5 appear to be visible from the east side of the Historic  
6 Columbia River Highway, which is only open to pedestrians,  
7 but was visible from the Memaloose overlook from the  
8 Historic Columbia River Highway gravel road portion  
9 from the other side.

10 This area right here is one of the landing zones  
11 proposed to be cleared for development. And there will be  
12 (inaudible). The proposed development includes clearing  
13 these trees. There is not a lot of screen topography.

14 What I want to point out is that you -- you make  
15 (inaudible) rocks coming out here, but because this  
16 intervenes with the existing topography, there is  
17 unlikely to be a huge visible cut of the rock inside of  
18 this canyon that would be visible. The proposed  
19 retaining wall will be just back here, where there is  
20 some screening vegetation and with the right stamp and  
21 color combination, (inaudible) over here.

22 Staff is recommending a condition of approval to  
23 prohibit this clearing that all of the rock blasted  
24 from this area be removed from the site and crushed in  
25 a different location outside of the main area.

1           The other visual aid that we have -- and you can  
2           (inaudible) from here, Commissioner -- is from  
3           Interstate 84 in the foreground. And I just want to  
4           show that there is existing railroad infrastructure  
5           there now. There is not a whole heck of a lot of  
6           vegetation that needs to be cut out to further expand  
7           it and there's no blasting approval in this area.

8           So visual -- although you will be able to see it  
9           in the immediate foreground, the visual impact with  
10          the expanded rail will not (inaudible) be a significant  
11          detriment to the visual resources in this particular  
12          area.

13          We spent plenty of time on the Columbia River  
14          Highway and (inaudible) impacted the existing  
15          development, and I just want to make sure you all know  
16          that.

17          So that said, the recommended conditions of  
18          approval staff made for you is that you prohibit the  
19          clearing of these 6.62-acre open space site east of  
20          rock blasting, scenic and natural resources in that  
21          area; that you retain all of the vegetation to the  
22          maximum extent practicable; that rock blasting occurs  
23          in the natural appearing area with a pattern to it that  
24          will emulate the natural cut face. The retaining wall  
25          must be a basalt rock pattern and color to blend with

1 the surrounding rock wall colors to comply with the  
2 pattern; that all disturbed areas are rededicated  
3 immediately with native seed mixes; that all new  
4 structures, buildings, and signage comply with  
5 color material requirements of the Interstate 84  
6 Corridor Strategy, which is a plan that was developed  
7 for infrastructure along the Columbia River Gorge, I  
8 believe in the '90s, which is applicable to interstate  
9 bridges along the highway and all of the signage that  
10 support utilities along the way.

11 So, just for the record, that does not include the  
12 dark earth tone requirement and low-reflective  
13 requirement.

14 We recommend a condition that the small six-by-ten  
15 and eight-by-eight equipment buildings be treated with a  
16 material to have a non or low-reflective finish; and  
17 that new lighting not cause any visual light pollution  
18 or create a hazard to drivers, and that any guardrail  
19 replacement that has to occur, we go back and rail  
20 in-kind to ensure a continuity with the I-84 Corridor  
21 Strategy.

22 Cultural resources. In the Gorge there are  
23 three types of them: Archeological, traditional  
24 cultural properties, and historic resources. An  
25 extensive survey was prepared and shared with

1 (inaudible) tribes, and the state preservation office  
2 as well as national parks. It was amended multiple  
3 times based on feedback and questions and requests from  
4 those entities. As a result of that complication,  
5 there were no anticipated impacts to cultural resources,  
6 and the conditions of approval we included are to make  
7 sure that any new resources discovered during  
8 construction cause the project to stop until the  
9 resources can be evaluated and (inaudible) to be  
10 identified.

11 Natural wildlife resources. The Scenic  
12 Area ordinance addresses categories of wildlife,  
13 habitat, rare plants, Special Management Area Priority  
14 Habitats. As you can see in the application materials  
15 and the extensive wetland mitigation proposal, quite a  
16 few wetlands will be impacted by the proposed  
17 development. Part of that is because the railroad  
18 created quite a few water bodies when the ballast was  
19 constructed in the late 1800s. So there are quite a  
20 few little lakes and wetlands that nestle right up  
21 against the existing ballast that will be impacted when  
22 the ballast is expanded to create the width and length  
23 for the double track.

24 So I will get into the mitigation strategy in a little  
25 bit, but I -- just so the public knows, the mitigation

1 plan was approved by the Army Corps of Engineers, the  
2 National Marine Fisheries Service, National Fish and  
3 Wildlife, Oregon Department of Fish and Wildlife, and the  
4 Forest Service National Scenic Area office. (Inaudible)  
5 coordination also went into the creation of that document  
6 to ensure that all of the mitigation ratios required by the  
7 Scenic Area were met.

8 The mitigating ratios in the National Scenic Area are  
9 more expensive and higher than the Corps of Engineers  
10 requires or any of the other federal agencies or state  
11 agencies listed in this list, and so it took quite a bit  
12 of land to be able to mitigate in a way appropriate to  
13 make sure that the kind of habitat that would be  
14 considered appropriate for the kinds of habitat that will  
15 be mitigated directly.

16 Wildlife habitat proposed to be affected includes  
17 deer, turkey range, shallow water habitat, and the  
18 mitigation plan was approved. Some of it (inaudible) but  
19 there is a separate habitat mitigation plan that was  
20 approved through the Oregon Department of Fish and Wildlife.

21 There are several rare plant populations, three species  
22 that will be affected. (Inaudible) The Oregon Biodiversity  
23 Information Center in our natural (inaudible) program  
24 testified in the same set of rules, they reviewed the  
25 proposal to mitigate the impact that will occur, and they

1 confirmed that they are comfortable with the level of  
2 impact and the techniques that will be used to mitigate  
3 them.

4 The Special Management Area Priority Habitats were  
5 reviewed by the Forest Service, and the Forest Service  
6 National Scenic Area provided two comment letters  
7 expressing concerns about the impacts, particularly  
8 (inaudible) the staff recommending prohibiting (inaudible).

9 The Forest Service also recommended a condition of  
10 approval to have the Oregon white oaks replaced at a ratio  
11 of 8 to 1, which is required for critical habitat area, and  
12 staff recommends adding that to the staff report, based  
13 on things that do not get caught in the original  
14 conditions of approval. With a correction.

15 This is just a clip from the application for  
16 those of you that have not seen it. The Applicant  
17 provided an extensive table of the wetlands that  
18 were identified in their surveys, the kinds of  
19 impacts that are likely to occur and whether or not  
20 they would be temporary or permanent impact. So  
21 for those of you that haven't seen it, there is a  
22 survey and table impact in there.

23 This is an image -- and I don't know how well  
24 you can see it with the lighting, but the upper  
25 photo is a picture of the lake called Thompsons

1 Lake. It's a larger lake near Memaloose State Park  
2 that is supposed to be partially filled to allow  
3 for the new ballast to be constructed there.

4 The image below is a Google Earth snapshot that  
5 shows the general location of where the offsite  
6 mitigation will occur. I don't know if you can see  
7 that, but it says "Tooley Lake" and it is on the  
8 bend of Interstate 84 as you are coming into The  
9 Dalles near the Discovery Center. There is a  
10 couple of lower elevation agricultural properties  
11 down there. It's proposed to a current landfill.  
12 One of those farms in that location -- you can kind  
13 of see this -- this did translate here. That  
14 (inaudible) wetland feature.

15 And the reason it's so far away, part of the  
16 extensive review process we went through to try to  
17 find an appropriate location is that there is not  
18 much of this habitat in the Gorge. There are not  
19 many wetlands to add to or modify in a way that  
20 would have been directly applicable to what is  
21 being proposed here.

22 So in order to mitigate, they had to create,  
23 which is a higher ratio, and at the end of the  
24 complication it was felt strongly by the resource  
25 agencies that creation of new habitat of a

1 high-quality level would not necessarily be a bad  
2 thing because we are lacking it in some different  
3 parts of the Gorge.

4 We asked them to look far and wide, including  
5 the entire Columbia River Gorge watershed, which is  
6 allowed by our organization. They looked as far as  
7 the Sandy River and the Deschutes and also looked  
8 in Washington (inaudible) where this kind of  
9 wetlands mitigation can occur.

10 That said, I will -- I do want to note that the  
11 City of Mosier is going through a process to  
12 identify wetlands mitigation projects in the city  
13 or near the city (inaudible). That was not brought  
14 to staff's attention until after the (inaudible),  
15 but it was generally discussed that there were  
16 simply no locations that could meet the needs on a  
17 scale that we were requiring for the ordinance.

18 So that is not meant to seem as though we  
19 don't encourage that mitigation to happen past the  
20 city of Mosier. That's up to the City of Mosier to  
21 inquire to (inaudible) support that. This proposal  
22 was considered to be the best fit for what the  
23 impact was at the outset to the city and required  
24 by the city.

25 So natural resource conditions of approval

1 recommended by staff, they include prohibiting that  
2 open space clearing, specifically the big open  
3 space clearing that is (inaudible); implementing  
4 the Tooley Lake Wetland Mitigation Plan;  
5 implementing the Sensitive Species and Wildlife  
6 Habitat Protection and Rehabilitation Plan; removing  
7 blasted materials for off-site crushing; avoiding  
8 areas of identified special-status plant  
9 populations, priority habitats, sensitive wildlife  
10 and plant areas, and their buffer areas to the  
11 maximum extent practicable; implementing  
12 micro-siting of development during construction to  
13 avoid habitat where practicable.

14 What that means is when they're actually doing  
15 the construction, there are options available to  
16 them to minimize (inaudible) on the ground to  
17 (inaudible).

18 Removing and conserve, and immediately  
19 plant -- replant plants that will be directly  
20 affected; implement weed control procedures to  
21 ensure the containment of any noxious weeds; and to  
22 require the SMA Oregon white oak replacement ratio  
23 of 8:1. This would be a correction to our  
24 recommendation.

25 Recreation Resources, Chapter 14. I'm sure

1 that most of you know that not only state parks is  
2 included in this proposed project, Oregon state  
3 parks is one of the affected landowners and  
4 they -- I'll show you a map in just a few minutes  
5 of the property that would be affected by this  
6 proposed development.

7 The Historic Columbia River Highway is located  
8 closer to Segment 1 on the east side where you will  
9 be able to see the development from the Historic  
10 Highway, but it will not occur on the Oregon state  
11 parkland in that area.

12 We did receive comments from Oregon State Parks  
13 Department citing impacts from noise, disconnection  
14 from park properties, and resource impact concerns  
15 at Memaloose State Park as well as the Columbia  
16 River Gorge region of the state park properties.

17 And in our conversations with them, what they  
18 are referring to is that the railroad cuts through  
19 most of the park properties along the river because  
20 they own property on either side, and there were  
21 concerns about if the proposal did include more  
22 rail traffic, then access should be discussed and  
23 there should be an effort to minimize conflict  
24 wherever possible and that is to include the  
25 relationship that resulted in (inaudible) if there

1 was going to be increased rail traffic, what does  
2 that mean for the enjoyment of their user as well  
3 as -- let's see, resource impact during development  
4 occurring within the vicinity of this affected  
5 plant property, wildlife (inaudible) had their own  
6 process for protecting resources on the property.

7 The recommended conditions of approval of  
8 staff, after consultation with Oregon State Parks,  
9 (inaudible) the Columbia River Access Feasibility  
10 Study to ensure long-term impacts of the railroad  
11 do not impact established recreation uses or sites,  
12 and that improved access from State Parks  
13 properties to the Columbia River shall be the  
14 outcome of the study and resulting action items.

15 The second recommendation of approval we had  
16 for recreation, to minimize impacts of construction  
17 on recreation users. There is a shared road  
18 between -- on that map there, this is the Memaloose  
19 State Park overnight camping. There is not a lot  
20 of day use at this park, but there is some  
21 (inaudible). There are some informal trails that  
22 come right down toward the bottom, but there is no  
23 formal access to this park property on this side of  
24 the track.

25 This is the railroad track. The rest stop on

1 Interstate 84 is over here and the Memaloose  
2 Overlook is on the right side of the highway. So  
3 the proximity of this stretch is pretty clear.

4 The rock blasting area will be in this general  
5 vicinity. The larger clearing that we're  
6 recommending including is right here, and there is  
7 a smaller clearing here in the area that's pretty  
8 heavily disturbed already that is proposed in that  
9 area.

10 There is an existing access road down and it  
11 actually leaves park property and goes on through  
12 this property in this general vicinity.

13 Treaty Rights is Chapter 14. We received  
14 several comments from the Confederated Tribes of  
15 the Umatilla Indian Reservation regarding fisherman  
16 access and river access and safety while crossing  
17 the tracks.

18 We received comments about natural resource  
19 impact associated with potential disaster and the  
20 effects of particular coal trains.

21 Then there is also concerns of impact of  
22 cultural resources. It's important to note that  
23 the treaty rights that have been entered into with  
24 government complication are included in here. I  
25 have an outside (inaudible) Wasco County process,

1 but they didn't keep us in the loop. So we have  
2 been following that conversation, but that is a  
3 separate conversation than what we have been  
4 (inaudible).

5 The anticipated impacts based on these comments  
6 and the application materials is that there could  
7 be an issue of safety in crossing the track. If  
8 the track -- if the trains don't have to stop to  
9 pass each other, then hypothetically the result  
10 would be you wouldn't want to cross because the  
11 trains are not running. So -- it is not a  
12 designated safe crossing. So it's important to  
13 note.

14 We also want to point out that when it comes to  
15 treaty rights, the National Scenic Area (inaudible)  
16 do not allow us to move forward with a project that  
17 would have any impact on tree growth, so these  
18 conditions of approval, the conditions of approval  
19 that I'm about to list to you, would be required,  
20 are not optional. If for some reason you didn't  
21 want to include them in the final decision, we  
22 would not be able to approve the decision.

23 So we are requesting or recommending that you  
24 include conditions of approval to require at least  
25 two new state crossings for traveling fishermen on

1 either side of the project area. The location of  
2 the crossings should be developed in the process  
3 with Union Pacific Railroad and the Umatillia  
4 Indian Tribes to make sure that the location is  
5 feasible, but that, most importantly, it addresses  
6 the treaty right impacts on their site; and that  
7 that -- I just want to point out that that doesn't  
8 necessarily have to happen in Wasco County. It can  
9 happen anywhere in the Columbia River Gorge as long  
10 as it addresses treaty rights and (inaudible).  
11 That would be something that would happen after the  
12 (inaudible) issues.

13 All right. Chapter 23, Sign Provisions. This  
14 is more of a correction and I just want to get it  
15 on the record. We advertised the proposed project  
16 as being subject to compliance with Chapter 23,  
17 which is our sign provisions chapter. After  
18 (inaudible) the staff in our office and going  
19 through some of the other presentations, we  
20 realized that that chapter doesn't actually apply  
21 because the kinds of signage that are proposed are  
22 required signage for safety and required by the  
23 Federal Rail Administration.

24 One sign qualifies for being a match, such as  
25 (inaudible) required for safety standards. There

1 is a provision that allows that to occur without  
2 any kind of review, but they do require them to  
3 have -- to adhere to the color (inaudible)  
4 requirements.

5 So we are still recommending the condition of  
6 approval that the signs all comply with the  
7 Interstate 84 strategy, which would (inaudible)  
8 single-sided sign (inaudible). But I just want to  
9 make sure the Chapter 23 does not actually project  
10 (inaudible).

11 All right. So, as promised, I have a slide  
12 summarizing (inaudible). I'll just read through  
13 this very quickly. We have received many more  
14 public comments and concerns. You will receive  
15 them. You have most of them in front of you, but  
16 we continued to receive them this past weekend.

17 We received a letter from the Mosier Volunteer  
18 Fire Department citing capacity concerns,  
19 requesting clarifications of risk, and a fire  
20 mitigation plan.

21 We received a letter from the Mosier City  
22 Council opposing the project for public health and  
23 safety reasons, river access concerns, noise, and  
24 wetland impacts.

25 We received a letter from Oregon Department of

1 Transportation requesting structural analysis for  
2 seismic stability and expressing support for  
3 improved recreation access condition of approval.

4 We received a second letter from the Oregon  
5 State Parks and Recreation describing regional  
6 context of recreation disconnection, noise and  
7 resource impact concerns.

8 And we received a letter from the Columbia  
9 River Gorge Windsurfing Association expressing  
10 opposition.

11 We also received a second letter from the  
12 Confederated Tribes of the Umatilla requesting a  
13 new study to analyze the impacts on tribal fishing.  
14 And just to note, this, again, would be a required  
15 condition of approval if you were to move forward.

16 And then we received several large items from  
17 the Friends of the Gorge. Some of them touch on  
18 safety and its impact (inaudible) very large.

19 All right. So that concludes my staff  
20 presentation. And I'm going to have time  
21 (inaudible).

22 Dan, would you like me to start the next  
23 PowerPoint presentation, or did you want to have  
24 them ask questions?

25 CHAIRMAN HARGRAVE: They can ask questions.

1 MS. BREWER: Okay.

2 UNIDENTIFIED SPEAKER: Is this being recorded?

3 MS. BREWER: Yes, this is being recorded.

4 UNIDENTIFIED SPEAKER: On the internet?

5 MS. BREWER: The audio recording will be  
6 available on the internet hopefully by tomorrow.

7 UNIDENTIFIED SPEAKER: Thank you.

8 CHAIRMAN HARGRAVE: Are you going to sit down?

9 MS. BREWER: Union Pacific has a couple of  
10 short slides as well, so I'm not sure --

11 UNIDENTIFIED SPEAKER: I have one question for  
12 you. What was the ratio on the wetland creation to  
13 the wetland (inaudible)?

14 MS. BREWER: Sure. I have that. (Inaudible).

15 So, for creation, it's 3:1; enhancement would  
16 be 4:1; and reparation is 2:1.

17 UNIDENTIFIED SPEAKER: So in this case it was  
18 3:1?

19 MS. BREWER: Right.

20 UNIDENTIFIED SPEAKER: With the recommended  
21 site?

22 MS. BREWER: Correct. And we did -- we did try  
23 to block the enhancement opportunities that might  
24 be (inaudible).

25 CHAIRMAN HARGRAVE: Any commissioners have

1 questions at this time? Okay. (Inaudible) Let's  
2 catch up to where we are in the program.

3 UNIDENTIFIED SPEAKER: Catch up to where we are at with  
4 this program.

5 UNIDENTIFIED SPEAKER: Do we have the ability to get  
6 any light in here yet?

7 UNIDENTIFIED MALE: I think still somewhere slides.  
8 So at this time we'll take public testimony and...

9 (Multiple voices)

10 CHAIRMAN HARGRAVE: Okay. We will now hear from those  
11 in attendance. And at this time I'm going to turn the  
12 microphone over to one of our attorneys, Mr. Olsen, to  
13 call the names of people who signed up on the sheet.  
14 If you have not signed up, you're still welcome to do  
15 so. Can you hear me out there?

16 GROUP RESPONSE: No.

17 MR. OLSEN: Thank you, Mr. Chairman.

18 How's that?

19 GROUP RESPONSE: That's better.

20 MR. OLSEN: Thank you. We will first hear from the  
21 Applicant. After hearing from the Applicant, I will call  
22 persons generally to testify in the order on the sign-up  
23 sheet as I have them, but first after the Applicant we  
24 will first hear from elected or public or tribal  
25 officials who wish to testify may have other public

1 meetings or public business to attend to. If you have  
2 not yet signed up on the sign-up sheet and wish to  
3 testify or be noted on record as a party, please do so.  
4 There's still sign-up sheets at the door. If time  
5 permits at the conclusion of public testimony, the  
6 Chairman will ask any persons who have not signed up  
7 who wish to testify.

8 As the Chairman stated, to provide time for as many  
9 people to speak as possible, please refrain from  
10 applause, calling out from the audience, demonstrations,  
11 or other actions that may interfere with speakers.  
12 I will call the speaker and two additional names.  
13 If you hear your name, please come to the on-deck area  
14 right there where the staffer is waving and wait  
15 there so we can proceed efficiently. There is going  
16 to be a lot of people shuffling around, coming and  
17 going to their seats.

18 If you signed up and decide not to speak, please  
19 do so state. Please avoid repetitious testimony. If  
20 an earlier speaker has made your point, you're urged  
21 to just state that you agree with that earlier  
22 speaker. Again, please note you don't all need to  
23 testify orally to be considered a party.  
24 Signing a sheet or submitting written comments is  
25 sufficient and all written comments reviewed.

1 Testimony must be relevant to the applicable land use  
2 criteria, those indicated by staff or criteria that  
3 you believe staff have met. The relevant testimony  
4 may be ruled out of order. There is a time clock and  
5 we will try to give you notice when one minute remains  
6 of your time. The three-minute time limits are being  
7 strictly enforced so we can let as many people speak  
8 as possible.

9 When you come to the microphone, please state your  
10 name and address for the record. If you have written  
11 material to submit, please hand it to the hearings  
12 reporter right there in the corner either before or  
13 after you testify. The hearings reporter will mark it  
14 with a case and exhibit number and that way it will  
15 become part of the official record. And just for your  
16 information, the staff report, the application, and all  
17 the comments received to this point are included in  
18 the record.

19 And with that, we're going to go ahead and start  
20 calling names. As I indicated, we're going to start  
21 with the Applicant, and the three names that I have for  
22 the Applicant are Aaron Hunt, Clint Schelbitzki, and  
23 Wes Lujan.

24 MR. HUNT: Yes, my name is Aaron Hunt. I am Director  
25 of Public Affairs for the Union Pacific Railroad here in Oregon.

1 And I'd like to start by introducing the Union Pacific team that  
2 is here today. So you just called Clint Schelbitzki's name, he's  
3 with our networking planning team; Wes Lujan, also from Public  
4 Affairs. We also have Linnea Eng, who is our permitting consultant.  
5 We have Luke Baatz, here from our engineering. He is our  
6 department manager from the engineering side of this project.

7 We have our in-house counsel Ty Wyman with Dunn Carney.  
8 And we have Phillip Houk, our risk manager representative,  
9 and also our media relations director, Justin Jacobs.

10 I represent the Union Pacific team here today.

11 We appreciate each member of the Commission. We  
12 understand that this is a lot of work. The staff, everyone  
13 that put in many, many hours, obviously, to bring this  
14 together today, and we appreciate that. We thank you for  
15 your time.

16 It seems appropriate that I should start by  
17 reiterating our apology for the incident in Mosier on  
18 June 3rd. And we understand that that was an unfortunate  
19 incident, a severe, a severe incident. And we are sincerely  
20 sorry for that and every employee at UP works constantly to  
21 avoid incidents like that. We were very appreciative of the  
22 collaboration that we had from the emergency responders, from  
23 hazmat professionals, from public employees who helped us  
24 respond, who helped us in Mosier and throughout the Gorge.  
25 And we understand that we have to continue to work together

1 as we continue to operate in the Gorge.

2 So with that, we appreciate, again, the Commission.

3 And I'm going to hand it off to my colleague Clint Schelbitzki  
4 to walk through some of the technical details of the project.

5 MR. SCHELBITZKI: Thanks, Aaron.

6 First of all, on behalf of Union Pacific Railroad, I'm  
7 happy to be part of this. I'll try to shy away from a lot of  
8 the technical details. I think Angie did an excellent job  
9 going through the finer points of the project, but I would  
10 like to spend a little bit of time talking about the lot, why  
11 we need to build this project.

12 Essentially what we have in Mosier today is just  
13 over a mile of double track. When we have trains moving  
14 both in both directions, both east and west, this section of  
15 double track functions as a place where we can meet and pass  
16 trains. Essentially, today when you have that scenario with  
17 trains moving in each direction, one of the trains is going  
18 to have to go into that second double track and stop and wait,  
19 for the other one to be able to pass it before it can  
20 proceed on forward. That, for us, represents where the  
21 inefficiencies are. What we're attempting to do is extend  
22 that the double track segment so in that scenario I just  
23 mentioned, when we have a train moving eastward, eastbound  
24 and westbound it can reach that segment of double track, a  
25 five-mile segment of double track, and continue on, proceed

1 on without having to stop. That's where the efficiencies  
2 are gained with this project. That is driving the need for  
3 the project. I should also note the existing siding is just  
4 over a mile long. We have trains that are longer than that  
5 today. They couldn't even use the siding as a place to meet  
6 and pass. Those trains are held out in The Dalles while they  
7 are waiting to go bound longer than they need to be. So this  
8 project will essentially eliminate a lot of that unnecessary  
9 idling that is occurring with the trains that are stopped  
10 and waiting to be able to proceed forward.

11 We also -- we also see that there will be a net  
12 reduction in wait associated with this project, because the  
13 stopped trains, they're idling, you have locomotive noise  
14 coming from that and also there a policy from us when you're  
15 passing a stationary train, the train that's stationary has  
16 to sound their horn before they start up again. So, if you --  
17 if you have both trains continuously moving, you reduce or  
18 eliminate that additional noise. I just want to point out  
19 that this project is not about increased trains either.  
20 This is purely for efficiency, validity of the network that  
21 we operate today. Our traffic frequencies are dictated  
22 largely by market, general market, the U.S.  
23 economy and global market. The fact that we're extending  
24 this segment of double track isn't necessarily going to create  
25 any market demand that is going to warrant an increase or

1 decrease in train traffic over time. Only markets can do that.

2 But conversely, if the project's not built, that doesn't  
3 mean there's going to be less trains over time. If the  
4 project's not built, what that means is there's an increase  
5 in the U.S. economy and more train traffic is warranted; as a  
6 result, that additional train traffic will continue to move in.  
7 It will continue to move over the network that's less  
8 efficient than it could be, less fluid, and that ultimately  
9 will create more congestion throughout the Gorge communities,  
10 and that's not good for any of us, that's not good for us,  
11 it's not good for our customers, it's certainly not good  
12 for those to live in the Gorge.

13 Thank you. Wes Lujan.

14 MR. LUJAN: I'm from Union Pacific. I'm based out of  
15 Rosewood. I've been spending a lot of time in the Gorge, so you  
16 know. I just want to touch on my leadership and basically there's  
17 a lot of speculation of what we do. And one of the things I  
18 just want to say is on August 26th our chairman met with a  
19 number of officials from the Gorge community's elected  
20 officials, City of Mosier, Friends of the Gorge, Columbia River  
21 (inaudible) attended the meeting as well as tribal interest.  
22 One of the things we are committed to is making sure we're  
23 transparent. So this applies to illustrate how we move in  
24 and out of the Pacific Northwest, and how over 1600 employees  
25 serve the economy of Oregon. So this is a breakdown:

1 61 percent of our product is moving in and out on our line  
2 here are inner mobile. Inner mobile basically as a direct  
3 containment, like a truck on a train. Those double-stack  
4 mobile containers you have seen move up and down the Gorge,  
5 that's the equivalent, one of those containers is the  
6 equivalent of a truck with a diesel engine attached to a power  
7 unit. So one train is equivalent of about 280 of those  
8 trucks moving up and down I-84. That's a pretty important  
9 statistic to look at when you look at domestic interval service  
10 provided in and out of the PNW and into the overall economy  
11 of America.

12 Ag products, servicing a lot of different  
13 commodities that are grown here in Oregon, from the port,  
14 both Washington and Oregon and move inland, east/west.  
15 Industrial products, aggregate, rock, soda ash, you name it.  
16 Steel is coming in and out servicing the economy of the  
17 Northwest here.

18 Chemicals, a lot of the 12 percent chemicals here.  
19 A large majority of those are tied to agriculture industry,  
20 in terms of fertilizers, it is my understanding. I just want to  
21 stress here that less than one percent of what we haul is crude  
22 by rail in this Gorge area. We started hauling that commodity  
23 through Union trains, in December, less than one percent.  
24 I just want to reiterate that, less than one percent we haul.  
25 Autos, three percent. Obviously, we do a lot of work with Toyota,

1 a lot of automotive manufacturers coming inbound and outbound  
2 to your area. I also have a breakdown of some of those other  
3 commodity groups moving import and export. I just want to  
4 stress we have had a relationship with your community since the  
5 1880s. We've been serving the economy of your region since that time.  
6 We want to grow going forward another 150-plus years and beyond  
7 and this is project is critical to be able to facilitate and  
8 serve your economy, your future and grow with you. So thank you  
9 for your time.

10 CHAIRMAN HARGRAVE: That's it for the formal UP comments.  
11 They will accept questions.

12 MR. OLSEN: Next the site Commission would like to hear from  
13 any elected public or tribal officials that may be present,  
14 regardless of whether you are speaking in favor or opposed.

15 (Pause in proceedings)

16 UNIDENTIFIED SPEAKER: Okay. I have a question:

17 MR. WYMAN: Let me introduce myself. Todd Wyman as introduced  
18 by Mr. (inaudible) as outside counsel for the railroad. We want  
19 to stress, we have submitted a great deal of documentation  
20 (inaudible). We are here to answer your questions. So please  
21 fire away. I'd like to not personally (inaudible).

22 UNIDENTIFIED SPEAKER: First question: How much of this  
23 project is occurring outside the Mosier urban area? Is it four  
24 miles?

25 UNIDENTIFIED SPEAKER: 3.57 miles.

1 UNIDENTIFIED SPEAKER: 3.57 miles.

2 UNIDENTIFIED SPEAKER: And my second question is what's  
3 your feeling on the, quote, conditions of approval? I'd like  
4 to know if you guys can meet those approval (inaudible)?

5 MR. WYMAN: Excellent question. Thank you very much.

6 And so we've only had the staff report for about a week,  
7 we certainly recognize the staff, which again, I have worked  
8 with the staff in the past, just trying to strike a balance  
9 there clearly. There's another factor in the balance. There's  
10 another factor in the balance for us, which is that we have  
11 a common carrier obligation.

12 And, Clint, I don't know, maybe you could, you could nod  
13 or shake your head, you'd be in the best position to state.  
14 I could try. The common carrier obligation is basically if  
15 someone gives us a load that is properly contained, we must  
16 ship it. And that, as well as Clint's comment about the  
17 status of the American economy, is what will drive -- is what  
18 drives the train traffic, but that common carrier obligation  
19 comes from -- comes from that fact. (Inaudible) So we have to  
20 comply with that. What we would like to do here vis-a-vis conditions  
21 is just go through them and there's a good chance we'd  
22 recommend revisions to them, but we absolutely want to work  
23 toward the balance (inaudible).

24 Do you have any more questions?

25 UNIDENTIFIED SPEAKER: Do you have any say on how these

1 truck/railcars are loaded?

2 UNIDENTIFIED SPEAKER: Can't hear you.

3 UNIDENTIFIED SPEAKER: Does Union Pacific have any say on  
4 how railcars are loaded or what rail cars (inaudible) or is it  
5 dictated by federal law?

6 MR. WYMAN: Dictated by federal law, to some extent.  
7 Basically just like dropping a parcel off at the post office or  
8 UPS, you're giving that parcel or that product to the postal  
9 service for delivery and as long as it is packaged properly and  
10 you pay your billing, the post office accepting it and it's really  
11 no different than our situation. The way it's explained to me  
12 to (inaudible) that shipper, you know owns that car, owns that  
13 railcar, so as long as he meets the appropriate federal standards,  
14 meets the requirements, that's in good order, meets all the  
15 requirements, we are obligated to ship it. (inaudible)

16 UNIDENTIFIED SPEAKER: Can you dictate higher standard to  
17 your customers?

18 UNIDENTIFIED SPEAKER: You know, it's really a function of  
19 the Requirements (inaudible). So it's all set by a series of  
20 federal regulations.

21 MR. OLSEN: Do other commissioners have questions of  
22 the Applicant?

23 UNIDENTIFIED SPEAKER: Can you come to the microphone so we  
24 can hear you.

25 UNIDENTIFIED SPEAKER: Since there are no other questions,

1 thank you very much.

2 If you think of questions during the other testimonies, I will  
3 return for (inaudible). Thank you.

4 UNIDENTIFIED SPEAKER: We will now start.

5 Correct, we will have our first public official. If you  
6 could state your name and address for the record because I don't  
7 have a separate list of officials to cross you off the list.

8 CHIEF APPLETON: Good afternoon. I'm Jim Appleton, Fire  
9 Chief of Mosier. As noted, there is a letter submitted and rather  
10 than go through that, I'd direct folks to see it online, on  
11 the website, Mosierfire.com. I do want to summarize a couple of  
12 our points, mainly fire safety, wildfires, and other causes of  
13 noted fires have been one of our historically largest sources  
14 of fires in the Mosier Fire District.

15 Let me back up. We have your (inaudible). Your entire  
16 project is in the Mosier Fire District. So, we will be  
17 responding agency for life safety, fire, hazmat, etc., first  
18 line of defense, so that's why we're here.

19 The basic issue that we have is that the number of trains  
20 is undefined, increase of trains is undefined and the impact  
21 that has been on the fire and hazmat. So I guess with reference  
22 to the conditions, it would be -- if they're verifiable and  
23 enforceable conditions that limits the trains, that would be  
24 acceptable to us, but it still can affect public safety. The  
25 elephant in the room is really hazmat.

1           And, Wes, I appreciate your comment that one percent of  
2 your traffic is oil, but one percent was too much on June 3rd.  
3 The fact that it happened again in the same place or worst place,  
4 or with worse conditions really is our main concern, but we  
5 have no clue. Nothing in that plan that indicates how the  
6 mitigation of a hazmat incident, given we were overwhelmed  
7 with the best-case scenario on June 3rd. We need to know how --  
8 how we deal with the worst-case scenario moving forward.  
9 There's more that I can say, but I think I want to yield time  
10 back. Thank you very much.

11           UNIDENTIFIED SPEAKER: Can I ask you one quick question?

12           CHIEF APPLETON: Sure.

13           UNIDENTIFIED SPEAKER: How many fires in the last years --  
14 created by Union Pacific in the last year?

15           CHIEF APPLETON: In the last year?

16           UNIDENTIFIED SPEAKER: In the last year.

17           CHIEF APPLETON: Well, one big one, as you heard, that we  
18 had, but going back at least two years there's been at least a  
19 couple of others.

20           Route 66 fire was a railroad-related fire. We had a  
21 train that was on fire that didn't -- I am answering your  
22 question. I am out of time. We had a train that was on fire  
23 that didn't cause a wildfire land fire.

24           Going back, you kind of stumped me, but  
25 1988 was the locomotive-caused fire that started it

1 was several dozen fires between The Dalles and Mosier.  
2 (inaudible) Something like 45 acres, two houses lost, and our  
3 only to date firefighter lost in the line of duty, who was a  
4 fellow who had a heart attack. So some big ones went back in  
5 the past year.

6 UNIDENTIFIED SPEAKER: So one this year and possibly four  
7 or five off the top of your head in the last five years?

8 CHIEF APPLETON: Going back further than five years, yeah,  
9 there have been some, yes.

10 UNIDENTIFIED SPEAKER: All right. Is there more dangerous  
11 items that create a more significant risk to your department  
12 (inaudible) than just a train? What I am getting at:  
13 Is there things on those trains being transported that are  
14 more dangerous than crude oil?

15 CHIEF APPLETON: Undoubtably. I mean, however, the law  
16 of averages with the (inaudible) the more of those you run,  
17 the more oil moves through the district, and it's again, it's  
18 a matter of time. So, I'm not an expert on rail safety, but I  
19 can tell you that there are (inaudible) train, thank goodness,  
20 and if there's a need for it, a commercial need for it, I  
21 think you'd see people up in arms about that as well.

22 UNIDENTIFIED SPEAKER: Okay. Thank you.

23 UNIDENTIFIED SPEAKER: Thank you. Jim, three minutes are  
24 up. Thank you.

25 (Pause in proceedings)

1           MAYOR BLACKBURN: My name is Paul Blackburn.  
2     I'm the mayor of Hood River. 4011 South. I decided to venture  
3     this far east today, because this is very important to my  
4     city. In the weeks after the derailment we achieved a very  
5     impressive thing: We got three mayors to agree to the same  
6     letter and we will publish in The Oregonian and I will read  
7     that to you briefly. But also I would just like to comment  
8     on something UP said, that they've been in our community  
9     since 1880 and are a very important and valuable partner.  
10    I would agree with that. I was very struck to learn that  
11    they just started hauling oil in December, so that they had  
12    136 years of good partnership and then it only took them  
13    six months to almost burn us down.

14           And I understand that they're a common carrier and  
15    obligated, but I will invite them, as I've invited them  
16    before, to lobby with us to change those rules, because  
17    when you go to the post office, you don't get to send  
18    whatever you want. If it's lithium batteries, they say you may  
19    not send it.

20           UNIDENTIFIED SPEAKER: We asked you to cut the applause  
21    because it does make it harder for us to hear and it does  
22    take time.

23           MAYOR BLACKBURN: Here is The Oregonian letter.  
24    "This week the cities in the Columbia River Gorge joined  
25    a growing list of cities that find themselves in the line of

1 fire, the fire of an oil train derailment. Two of us dodged  
2 the bullet, but our neighbors in Mosier took a pretty solid  
3 hit. Through dumb luck, no one was killed, none of the children  
4 in the nearby school were burned, and only a small sheen of  
5 oil surged through the sewer plant into our mighty  
6 Columbia River and easily could have been much worse. The  
7 UP Railroad operators are professionals. They know how to  
8 move freight by rail, take standard precautions and keep  
9 things rolling, but they could not and cannot ensure our  
10 safety. Derailments and fires from oil trains are simply  
11 a mathematical certainty. The risk analysis is not rocket  
12 science, nor is it disputable. These are now regular  
13 occurrences predicted to occur monthly, on average.  
14 They're going to happen again and again.

15 We collectively call upon our federal leaders to end  
16 oil train traffic through the Columbia River Gorge. Congress  
17 acted once again -- once to name this area the nation's largest  
18 National Scenic Area. Let them act again before an oil train burns  
19 another town. I have had it explained to me many, many times that  
20 we cities don't have the authority to stop oil trains  
21 through our cities. We have as a council passed a  
22 resolution objecting to them, but our best strategy  
23 is to make noise about it. So here I am making noise  
24 to you all."

25 Thank you.

1           MAYOR BURNS: I'm Arlene Burns, the Mayor  
2 of Mosier. And our City Council met on behalf of our  
3 constituents and recently we have been, as you know,  
4 severely impacted by this derailment, and we request  
5 the denial of this project. We know that what you guys  
6 are talking about is out of the jurisdiction of the  
7 City of Mosier. And we are affected more than anyone  
8 by this -- this expansion. It will cover the entirety  
9 of our town, and our wetlands will not be mitigated by  
10 this either.

11           We also have big issues with access as it is.  
12 We have seasonal access under the Rock Creek railroad  
13 bridge and no access on the Mosier Creek side. So  
14 people are right now jumping over the tracks to get  
15 from one trail to another trail. So double tracks would  
16 be something that we feel in no way benefits the  
17 community and all that we've worked for, for a long time  
18 to make it a livable place.

19           And I wanted to reiterate what Chief Appleton said  
20 with regards to the safety issue our town is still  
21 traumatized and we know we dodged a bullet. We've enjoyed  
22 an incredible winter skiing season this summer. And if  
23 this incident on June 3rd had happened on a windy day,  
24 it would be an entirely different story as we're sitting  
25 here. And whether it's chance or fate or dumb luck, this

1 is not the normal weather for the Gorge. So we feel that  
2 as long as these dangerous materials are carried on  
3 train and there's not a way to stop this material, there's  
4 no way that we can get behind the increase in traffic.

5 MS. REED: Emily Reed, resident and Mosier Council.  
6 Why would anyone come to Mosier? This is what we've been  
7 working on at the council ever since I joined about four  
8 years ago. How to attract families and businesses and  
9 visitors to those businesses and how do you keep our water  
10 system going with enough people to pay for that and a  
11 coffee shop, keep that going.

12 We've done a lot of things in that time, we've  
13 changed ordinances. We've painted a mural. We have  
14 planted flowers. We put in benches. We did a lot of  
15 grants in the County. And we're really trying to really  
16 grow a very strong Mosier economy. And sometimes we  
17 actually think we have some headway there. And I think  
18 we're really moving, but it is tough, because why would  
19 people come to Mosier? Originally, the Native Americans  
20 came to Mosier for hunting. We know they didn't live there,  
21 but used it as a hunting ground. Even Lewis and Clark may  
22 have glanced our way (inaudible) as they passed along.  
23 Mr. Mosier started with the extraction of trees, logging,  
24 and when the ferries opened up, they brought a lot of  
25 people to the orchard. Right?

1           But today our economy is very much built around the  
2 natural resources, but in a very different way, thanks to  
3 the National Scenic Act. I want to read that real quick,  
4 because it says "To protect, support the economy of Columbia  
5 River Gorge or Gorge (inaudible) Act, by encouraging growth to  
6 occur in existing urban areas, and by allowing future  
7 economic development in a manner that is consistent with  
8 the enhancement of the scenic, cultural, recreational,  
9 and natural resources."

10           We, in Mosier, are concerned that the second track  
11 puts this future in question for us in a number of ways,  
12 a number of ways that I already mentioned, including fire  
13 and safety. But I just wanted to just touch really  
14 briefly on the economy and the business.

15           I want you to imagine yourself sitting in -- wrapped  
16 in cloth -- in downtown Mosier with a beer in your hand  
17 or in the Thirsty Woman. You're sitting outside on a  
18 beautiful day or maybe you have ice cream at the totem  
19 area and a train comes by. Have you been there when a  
20 train comes by? And it's not the -- it's not the horn.  
21 When a train comes by, all conversation must stop until  
22 it passes. It is not -- it is noisy. It is not a  
23 conducive area. And instead of looking at the beauty  
24 of the river and the trees and surroundings, you're  
25 looking at industrial metal going by and you're hearing

1 a lot of noise. The potential for increasing the number  
2 of cars going by really concerns us and that would be  
3 -- why would you come to Mosier when there's -- instead  
4 of looking at beauty, you're hearing a lot of not very  
5 beautiful, loud trains come by. It really concerns our  
6 ability to grow our downtown.

7 There's also the access block, the  
8 thought of having a nice walk to the river is dead.  
9 If we have that many trains, it absolutely blocks our town.

10 So, why would a family move to Mosier if  
11 there's safety concerns? We're all in this together  
12 in Wasco County. A strong Mosier economy absolutely  
13 enhances the economy of Wasco County. Our children  
14 can go to a good strong school instead of being flooded  
15 in the Gorge. And our people who have moved  
16 to our area increases your tax base in a way that  
17 enhances Wasco County. So, in summary, in today's  
18 economy people come to Mosier for its beauty.

19 Instead of industrial extraction, it's for the beauty  
20 of those resources. The Scenic Act protects us and we  
21 hope it does Wasco County.

22 PRESIDENT MCBRIDE: Hi. My name is Kate  
23 McBride. I'm City Council President for Hood River,  
24 The City of Hood River.

25 Thank you for listening to all the

1 testimony and reading that exhaustive packet of information.

2 I went through it. It's very (inaudible).

3 My family has a personal history of fires that  
4 started on the railroad tracks in the Mosier area.

5 Twice fires started below the tracks below my  
6 great-grandparents' house, 8530 Highway 30, just east  
7 of Mosier. It burned within up to 200 yards of the  
8 house and one of the fires burned down their barn.

9 So I'm very familiar with fires and railroads over  
10 another generation now.

11 As much as Union Pacific says all they want  
12 is a safe as possible train system, it's inherently  
13 unsafe. The June 3rd derailment fire and oil spill  
14 with the subsequent investigation that deemed that  
15 Union Pacific was negligent with unsafe track are the  
16 reasons to deny this proposal to protect the  
17 citizens of your county and Hood River County.

18 I'm submitting into the record today  
19 Resolutions 2012-15 and 2014-22 from the City of Hood  
20 River. Both resolutions oppose increased rail  
21 traffic to our city. Adding another track will  
22 increase rail traffic, which will allow  
23 additional transportation of coal or oil. The City  
24 of Hood River cites many reasons for imposing  
25 additional train traffic. First and foremost, is

1 the safety of our citizens that live there. We  
2 do not want our town and its citizens to be  
3 collateral damage for a particular industry or  
4 transportation hazard.

5 The FAA has strict standards for planes.  
6 The Department of Transportation has strict  
7 guidelines for roads, but the railroad commission,  
8 apparently, does not have rules strict enough,  
9 fines large enough, or the capacity to enforce  
10 these in a safer rail system. I wish they were  
11 stricter rules, but they're not. So we have to  
12 protect our citizens by using common sense to  
13 limit these extreme dangers when we have criteria  
14 in our code that will allow that protection.

15 Please deny this application. It will just  
16 add more disasters on the rail line. It is like  
17 having more bullets in the gun when in Russian  
18 roulette. Will it be the Dalles, Hood River, or  
19 the Columbia River that gets hit next?

20 I was working in Lyle with a crew here to  
21 reduce tall grass for fire prevention on the morning  
22 that the Mosier derailment happened and I drove back  
23 to Hood River on Highway 14 and I could see the black  
24 smoke rising close to Mosier, And then I saw the  
25 unit train stretching out to the east. And I got a

1 sick feeling in my stomach.

2 I was thinking, what if it was in the heart of  
3 Hood River? It could have been right next to the old  
4 Diamond Fruit building. That's where it would have been  
5 if it was in Hood River, and that's where my daughter works.  
6 Your daughter may not work within a hundred feet of the  
7 actual rail line, but all of your citizens deserve  
8 protection when we have the ability to make a  
9 situation safer or at least not add bullets to that gun.  
10 Thank you.

11 MR. NELSON: I am John Nelson. I am school board  
12 director for Wasco County Schools.

13 (Pause in proceedings)

14 MR. NELSON: John Nelson. I would -- most of  
15 my comments have to do with the recommendations from  
16 the Planning Department of Wasco County. I would  
17 just like to first say -- to commend the Wasco County  
18 Planning Department for doing due diligence and  
19 providing a thorough review of Union Pacific's proposal.  
20 I was very impressed by that review.

21 However, on the day of the derailment I  
22 was in Hood River. And one of the things I  
23 noticed that the derailment affected was the ability  
24 to transport yourself on I-84. You could not get from  
25 Hood River to The Dalles during that derailment. I --

1 you could on back roads, but that's what I would  
2 like to mention.

3 The -- I really see the need out of this to --  
4 for Wasco County to look at improving the road -- the  
5 secondary road systems to serve the public when I-84  
6 is closed because of a train derailment or any  
7 other or a fire or any other such thing, it was very  
8 obvious.

9 I'm not going to say a whole lot, because  
10 I'm handing this thing in, so, but I do have some  
11 questions about points that were raised about -- by  
12 the Wasco County Planning Department and their  
13 conditions.

14 Mainly what I saw was that when you are  
15 addressing wetland proposals or sensitive plant and  
16 animal areas, that kind of thing, there's a lot of  
17 conditions that have to do with providing timely  
18 reports as to how that's transpiring by being  
19 specific, what they have to attend to, but there  
20 is -- there's no -- there's no condition for having  
21 somebody on the ground to monitor what's going on,  
22 which I feel is critical. Because if they're doing  
23 the job which is not okay, it's too late after the  
24 fact of getting a report a year later. And we feel  
25 like you can't undo damage done.

1           So, I would criticize or at least think about  
2 getting some sort of (inaudible). That also goes for  
3 the Cultural Heritage case. You know, if there's  
4 archeology artifacts that are found there that are  
5 important or human remains, who's to know whether  
6 that's important or not. And would -- would it  
7 -- would you be, in all honesty, if they uncover a  
8 skull, report that, because that would mean the whole  
9 project would be shut down so --

10           MR. OLSEN: Your three minutes are up.

11           MR. NELSON: Thank you very much.

12           MS. BUSDIEKER: All right. Well, you  
13 guys are way more formal than we are in Cascade  
14 Locks. My name is Deanna Busdieker. I am a City  
15 Council member in Cascade Lodge. And so, I'm not  
16 here officially on behalf of the City or the  
17 Council.

18           We did unanimously pass Resolution 1359  
19 on June 13th following the Mosier accident opposing  
20 further oil trains through Cascade Locks.

21           The derailment in Mosier should have been  
22 the canary in the coal mine. Those of us who live  
23 in the river town have always known it was never a  
24 matter of if, but when. Mosier was so lucky. It  
25 could have been a lot worse. And Cascade Locks is

1 largely in the same situation, so we really relate  
2 to that.

3 My first point, as your (inaudible)  
4 criteria is that, you know, we cannot  
5 significantly -- we cannot significantly reduce the  
6 fire hazard. I've seen firsthand that Union Pacific  
7 cares more about their profit than our safety. They  
8 may say safety is their top priority, but I think we  
9 all know by now it's just words. They didn't  
10 maintain their tracks properly and only gave minor  
11 tweaks to their inspection system to make it look  
12 like they are doing something.

13 The first thing said to Mosier by the  
14 Union Pacific's spokesman was "Sorry for the  
15 inconvenience." You call that fire an inconvenience?  
16 I would not have been nearly as gracious as Mayor  
17 Burns if that had happened in Cascade Locks, if I  
18 survived at all, because my house is only four blocks  
19 away from the tracks.

20 So many, many broken light bulbs that the ODOT  
21 investigation found were broken on the rusted end,  
22 which means they had been broken for a long time  
23 before the accident. Union Pacific led us to  
24 believe it was only a handful. They do everything  
25 they can to avoid the costs of making their train

1 safer than the absolute minimum requirement and  
2 fight tooth and nail to keep from being required to  
3 implement anything further. Oil is not the only  
4 hazardous material moving through our towns. They  
5 also carry chlorine, anhydrous ammonia, and propane.  
6 An accident with any one of these would be  
7 devastating with a great human and habitat cost.

8 Our towns received no financial benefit  
9 from these deals but we bear all the costs of  
10 accidents in both lives and property. They may be  
11 safer, but they will never be safe, and the risk is  
12 unacceptable to our communities.

13 I also wanted to quickly talk about the  
14 treaty tribes. I work closely with many of the  
15 traditional fishing people on their water issues.  
16 And I fully support them and our obligation to  
17 honor their treaties. Like I said before, I don't  
18 believe the trains could ever be made safe and then  
19 we are not honoring the treaties.

20 UNIDENTIFIED SPEAKER: Are there double tracks  
21 through Cascade Locks?

22 MS. BUSDIEKER: Yes. Actually, I have heard  
23 from the Port that they're pushing to try to get more.

24 UNIDENTIFIED SPEAKER: Does your community  
25 continue to grow double tracked?

1 MS. BUSDIEKER: Pardon?

2 UNIDENTIFIED SPEAKER: Does your community  
3 continue to grow using that double tracks? Is  
4 Cascade Locks getting bigger?

5 MS. BUSDIEKER: Well, yeah, it is.

6 UNIDENTIFIED SPEAKER: Okay.

7 MS. BUSDIEKER: But the trains have nothing to do  
8 with that.

9 MR. HOGAN: Thank you for accepting public  
10 comment. My name is Nick Hogan and I live in  
11 Stevenson, Washington. That's right across from Cascade  
12 Locks. It's on the sunny side of the river.

13 Mayor Cox couldn't be here today, so he asked me  
14 to step in on his behalf and make a few comments.

15 The City of Stevenson Council passed two  
16 resolutions over the past couple of years opposing  
17 transporting crude oil through the Gorge, and it  
18 stressed concerns about potential adverse impact of  
19 increased rail train through the Gorge like many  
20 other cities have done.

21 These resolutions highlight many concerns, and  
22 I'll just list a couple of things real quick: Train  
23 whistles and poor-managed traffic; train traffic impacting  
24 the recreational use of the Columbia River waterfront,  
25 which is a key component of the tourism industry in

1 many of our cities, including Hood River, Stevenson;  
2 and it affects the citizens' general quality of life.

3 The number of oil train cars moving through the  
4 Gorge is projected to increase dramatically in the next  
5 few years. Derailment poses a significant threat to both  
6 specific emergency response plan, including training  
7 and equipment to handle such an event. And the city  
8 insists that the railroad and barge transportation of  
9 crude oil be fully insured against risk of catastrophic  
10 fire and explosion, loss of life, environmental  
11 destruction, and (inaudible) any other harm that comes  
12 with derailment. Complete copies -- I think copies of both  
13 resolutions are available on the City of Stevenson  
14 website as well as the (inaudible) record. The  
15 Stevenson City Council opposes any rail expansion  
16 through the Columbia River Gorge. Thank you.

17 MR. CORNELISON: Hello. My name is Peter  
18 Cornelison. I'm a Hood River City Council person. And  
19 I live at 1003 5th Street, Hood River. Union Pacific  
20 has a very poor track and safety record and the June  
21 incident in Mosier was a direct result of poorly  
22 maintained tracks. The Federal Rail Administration  
23 issued those findings.

24 Railroad experts refused Union Pacific's  
25 contention that this project would only allow five

1 to seven more trains a day through Wasco and Hood  
2 River Counties. Many more dangerous oil trains are  
3 likely to pass through the County and my city of Hood  
4 River if this project is approved. Not all those  
5 trains that pass through Hood River, The Dalles,  
6 Mosier will do so safely. We've already seen the  
7 result of that. There are dozens of areas  
8 where the Union Pacific's double tracking proposal  
9 does not meet legal criteria. You already have  
10 those examples in the testimony you received in writing.  
11 I ask that the County deny the application on many  
12 legal grounds that you already have. Thank you.

13 MR. OLSEN: All right. So, now we will  
14 hear from those who have signed in favor of the  
15 application, and the first one I have is Jill Parker.

16 Oh, okay. Wrong.

17 How about Loren -- Loren Clark,  
18 perhaps from The Dalles?

19 MR. CLARK: I will decline to speak at  
20 this time. Thanks.

21 MR. OLSEN: All right. Mr. Chairman,  
22 moving now into those who are opposed. As I  
23 indicated before, I'm going to call three names and  
24 ask (inaudible) people on deck. Mary Lester. I  
25 have Steve McCoy, Lauren Goldberg, and Gary Cox.

1           MR. MCCOY: I am Steven McCoy, President  
2 of Friends of the Columbia Gorge. Since 1980  
3 Friends have been working to protect the scenic,  
4 natural, and recreational and cultural resources in  
5 the Columbia Gorge. We have about 6,000 members,  
6 many who live, work, and play in the Gorge, including  
7 in Wasco County and in Mosier itself. Tonight we will  
8 be testifying with our friends and colleagues from  
9 Columbia Brewery and thank you for being given the  
10 opportunity to testify.

11           In its application, UP said that it was  
12 seeking this permit voluntarily and asserts that there  
13 is federal jurisdiction over this permitting process.  
14 I think it's important for you to know that your work  
15 here is extremely important and is not prohibited;  
16 without public review, the application cannot be lawfully  
17 approved and (inaudible). We would like to highlight  
18 some of the conditions of approval that we think move  
19 things in the right direction and are not permitted.

20           First, there is the grants and effects of  
21 the Interstate Commerce Commission Termination Act  
22 of 1995 where it picked up. It states that the  
23 jurisdiction of a service transportation board over  
24 transportation by rail carriers is exclusive. Yes,  
25 that's pretty broad.

1           However, due to constitutional principles, courts  
2     have repeatedly ruled dicta is not intended to  
3     interfere with the role of state and local agencies,  
4     including any federal environmental statutes.

5     Of course, the Columbia River Gorge National Scenic  
6     Area Act is a federal departmental statute and the  
7     early '90s ordinance that implements it.

8     So that means, first of all, that UP needs this  
9     permit to proceed. That is extremely important.

10    (Inaudible) that is what is principal to one of  
11    the conditions of approval (inaudible).

12           Ms. Brewer mentioned in the 6.62 acres  
13    of woodlands that the applicant has proposed to  
14    grade and turn into a rock crushing and staging area.  
15    This is not permitted under Wasco County's Land Use  
16    and Development ordinance conditions 24, 32 and  
17    34 prevent this and are not permitted under  
18    (inaudible).

19           Another federal law is the Federal Railroad  
20    Safety Act, which also has a preemption branch and  
21    clause. It, however, is more of an exception to  
22    preemption than actual preemption. It says  
23    local governments can adopt conditions that are  
24    necessary to eliminate or refuse local safety or security  
25    hazards.

1           So condition 15 limits UP train traffic increases  
2 today. In its application and statements, UP has said the  
3 proposed project is for operational efficiency  
4 rather than to increase the number of trains through  
5 the Gorge. Condition 15 limits UP to what it applied for.  
6 UP gets what it sought then they (inaudible) applied  
7 for not a restraint (inaudible). Under County ordinance  
8 the application should be denied. However, if it's approved,  
9 the conditional approval is critically important to  
10 protect the Gorge and her residents. Thank you.

11           Thank you.

12           MS. GOLDBERG: Thank you. My name is Lauren  
13 Goldberg. I'm a staff attorney with Columbia Riverkeeper.  
14 Columbia Riverkeeper has approximately 13,000  
15 members and we have several thousand members that  
16 live in Wasco County and the Columbia River Gorge.  
17 Our organization opposes the UP project.

18           Looking at the law and the facts  
19 presented in Union Pacific's application, the  
20 Applicant failed to do its job. Union Pacific is  
21 the nation's largest railroad with incredible  
22 financial resources at its disposal. It is Union  
23 Pacific's job, not Wasco County's, to demonstrate that  
24 this project complies with the law, and it has not.

25           Friends of the Columbia River Gorge coalition

1 of public health and conservation organizations, in  
2 detailing a number of legal flaws in the Union  
3 Pacific's application, we are urging the Commission  
4 to carefully consider this testimony and deny this  
5 project.

6           Tonight I'm going to focus on needs for  
7 the impact on the Columbia River and wetlands. As  
8 many of you know, our region and nation has invested  
9 billions of dollars in recovering salmon, strong  
10 salmon runs for Columbia River communities,  
11 including those in Wasco County. We need to protect  
12 our investment and this project undercuts that  
13 investment.

14           Union Pacific's double track impacts  
15 specifically three wetlands, nine buffer zones,  
16 (inaudible) Columbia River, but it's more than that,  
17 it's about increasing rail traffic and risk to the  
18 Columbia River, specifically spills. This has been  
19 an issue that's been up front and center in the  
20 news, the June 3rd derailment and the nation's  
21 largest oil by rail terminal proposed just across the  
22 river in Vancouver.

23           What's important to recognize, this is a hot  
24 commodity right now. Once this double track project  
25 is in place, it will exist for decades, if not

1 centuries to come. And so one question to  
2 consider is the risk that it will place on  
3 the Gorge and the Columbia River Act for many  
4 generations to come with a project of this size and  
5 scale. As Union Pacific explained, this project was  
6 about improving efficiencies to their system. This  
7 is about a private company that wants to pay its  
8 shareholders.

9 We are a community in the Gorge, but we  
10 are also a community here in the Columbia River.  
11 And this project undercuts our investment in a  
12 strong Columbia River, in a strong Columbia River  
13 community. They have very diverse economies.  
14 Economies that depend on the rail line, depend on  
15 other factors as well, including clean water and clean  
16 air.

17 I, again, encourage you to consider the  
18 detailed legal and technical comments in evidence  
19 filed by Friends of Columbia River Gorge and deny  
20 this application. Thank you for your time.

21 MR. Kahn: My name is Gary Kahn. I am an  
22 attorney with Reeves, Kahn & Hennesy in Portland.  
23 I'm here on behalf of Friends of Columbia Gorge.  
24 I have been involved with legal issues in the National  
25 Scenic Area since 1986. Since that time I have seen

1 literally thousands of development applications  
2 submitted to the Gorge Commission, the Forest Service,  
3 in five counties. Of all of those thousands of  
4 applications I believe the safety ramifications and  
5 possibility of (inaudible) and property damage if this  
6 application is approved is enormous. It is more so than  
7 any other application that I've seen. I think it is  
8 inevitable that there will be a problem. There is a problem --  
9 (inaudible). Now I would like to address specifics.

10 In 2009 the Oregon Supreme Court reached  
11 a decision in a case arising in the National Scenic  
12 Area that requires the counties to evaluate the  
13 punitive impact of projects, including past,  
14 present and likely future actions and actions that  
15 are individually significant, but cumulatively significant.  
16 The management plan has recently been amended to include the  
17 requirements. If cumulatively adverse impacts are identified,  
18 the counties must require the avoidance of those impacts  
19 or the application must be denied. That's the law.

20 In short, this analysis is a requirement  
21 of the act, but the application here falls far short  
22 of what is required. I'm going to give you a couple  
23 examples.

24 One requirement is that all sensitive plant  
25 species be protected and surrounded by an undisturbed

1 200-foot buffer zone. (Inaudible) The railroad has  
2 acknowledged this buffer zone will not be met and  
3 thus has requested a variance. To receive a  
4 variance the Applicant must prove that there are no  
5 practicable alternatives and all adverse effects  
6 would be fully mitigated. Again, right out of the  
7 ordinance.

8 The UP has not completed an adequate practical  
9 alternatives test as part of application, it has not  
10 considered other reasonable alternatives, nor has it  
11 applied the test on a parcel-by-parcel basis as is  
12 required by a plain reading of the county ordinance.  
13 Rather than meeting the legal requirements for protection  
14 of the resources, the 200-foot buffer zone, or the legal  
15 criteria for the variance, the applicant merely  
16 proposes to, quote: avoid sensitive species and  
17 priority habitats to the extent practical.  
18 The application cannot be approved in its form.

19 Second example, the ordinance requires  
20 that projects must maintain, protect, and enhance the  
21 integrity and function of priority habitat, this  
22 must include the consideration of the human impacts.  
23 As an example of what the application includes,  
24 rather than protecting this oak woodland, UP proposes  
25 to cut down all the trees, grade the area and set up a

1 rock crushing point of operation on it on 6.62 acres.  
2 That does not meet the legal criteria, nor does it  
3 meet criteria for a variance. We strongly urge that  
4 the application should be denied. Thank you.

5 MR. OLSEN: All right. Next we have  
6 Jordan Secter, Nathan Baker, and Ryan Rittenhouse.

7 MR. SECTER: Hello. My name is Jordan Secter.  
8 I'm a landscape architect and departmental planner.

9 UNIDENTIFIED SPEAKER: Speak up.

10 MR. SECTER: Sorry. Thank you.

11 My name is Jordan Secter. I'm with WHPacific.  
12 I'm a departmental planner, senior resource specialist.  
13 I have been asked here today to discuss the visibility  
14 and scenic criteria that was proposed in the  
15 Applicant process in their plan.

16 It's our professional opinion that the  
17 Applicant's analysis of the visual impacts provided  
18 is inadequate and their findings are not supported by  
19 the information provided. Five specific key points that  
20 I'd like to discuss are the potential visibility for key  
21 viewing areas is understated using available  
22 methods, and is incomplete; project features, particularly  
23 rock preservation areas are not well described, mapped, or  
24 analyzed. They are just diagrammed in the plan. Views  
25 from the Columbia River, from the water back to the

1 project are accounted for as a proponent of the recreation  
2 or industrial experience, river base experience.  
3 Mitigation measures and simulation showing the  
4 reduction of potential impacts were not included in  
5 the report. And the analysis fails to address or  
6 describe effective environments and impact to visual  
7 character and how the project relates to change to  
8 the existing features.

9 As the Planning Commission report  
10 describes, the potential visual impacts is  
11 significantly understated. The visual quality  
12 objective standards for scenic quality in the  
13 special management portion of the CGNSA  
14 are mostly not visually evident. Meaning no obvious  
15 change or contrast in visual subordination, which  
16 limits the visual change or contrast within the  
17 study area.

18 There is high potential for this project.  
19 That as proposed will not meet either standard.  
20 Particularly the east end of the cut-through, the  
21 rock mesa, as viewed from one or more of the key  
22 viewing areas. While it is possible that the design  
23 and mitigation, visual mitigation, could reduce  
24 impacts within the scenic area, it's impossible to  
25 know without more analysis.

1           Within our report, which I want to go  
2 through now, we've identified some key figures and  
3 additional information will need to be added so that  
4 we can provide -- so we can provide more analysis  
5 and standards.

6           That said, the additional analysis should  
7 include a GIS basis, a GIS base assessment for  
8 potential visibility of the project for key viewing  
9 areas within at least five miles -- within a  
10 five-mile radius. Key viewing areas should be  
11 considered from the Columbia River and I-84 and viewing  
12 areas above the mesa. A more detailed description  
13 of the mapping identified -- identifying proposed  
14 staging areas regarding their impacts to the visual  
15 condition and provide visual simulations for key  
16 viewing areas and potential for visual impacts.

17           One last point on the visual simulations.  
18 In following the traditional methodologies for  
19 visual -- for addressing scenic impacts, it's important  
20 to understand and to look at the simulations to  
21 understand what the proposed project will look like  
22 in its proposed condition from their view analysis  
23 and great contrast provide (inaudible) the report.

24           And secondly, from there develop visual  
25 mitigation options and re-simulate those options and

1 to see if we're meeting those visual quality  
2 objectives. Without those we're not going to be able  
3 to (inaudible). Thank you.

4 MR. BAKER: Good afternoon. My name is  
5 Nathan Baker. I'm a senior staff attorney with  
6 Friends of Columbia Gorge. I thank you for allowing  
7 us to speak to you this afternoon.

8 On a procedural note, I just want to  
9 support the idea of keeping the record open for  
10 seven days after this hearing; the chairman  
11 mentioned that. There will be a motion to support  
12 that and we do plan on submitting further comments  
13 in writing after that during that time period.

14 Ms. Brewer, I'm generally going to speak  
15 about the scenic impacts of the project.

16 Ms. Brewer described the two scenic  
17 standards that applies to this project, which are  
18 visual subordinates and not visually evident.

19 Visual subordinates mean that a project must  
20 blend in with the surroundings. And not visually  
21 evident means that the observer can see it. And that's  
22 a fair characterization of the standard, we would agree  
23 with that.

24 Now the latter standard, not visually  
25 evident, applies in the special management areas

1 portions of the project, which is a very  
2 strict standard. Like I said, we can't see the  
3 project.

4 And, yet, the Applicant has not submitted any  
5 landscaping plans, has not proposed any new screening  
6 trees to screen the development from key viewing areas,  
7 none at all. And the application does not explain how  
8 much of this project would actually be visible from the  
9 key viewing areas. And that is a requirement of the  
10 ordinance. The ordinance requires the findings  
11 to address, quote, the amount of area of the  
12 building site exposed to key viewing areas. So  
13 there's no way around it. It must be done. And  
14 that information has not been supplied by the  
15 Applicant.

16 So, we don't know -- I mean, this is a  
17 large project, one of the largest projects ever  
18 proposed in the Scenic Area. There will be a lot of  
19 development exposed to key viewing areas and yet,  
20 there's no estimate as to how much that will be.

21 The proposed conditions of approval do  
22 require existing screening trees in the few areas  
23 that are screening to be retained, but there  
24 is no identification of those screening trees. And  
25 there's no requirement to replace any dead or dying

1 trees.

2           There is a -- there is a setback from the Columbia  
3 River, a 100-foot setback, required for clean-up reasons.  
4 The Applicant has requested a variance from that  
5 setback. In order to get a variance, the Applicant  
6 would have to show that without the variance the project  
7 site would be "unbuildable." Well, obviously the  
8 site is buildable and useable. It's being used right now  
9 and will continue to be used if this application is denied.

10           We will follow up in writing with  
11 additional comments but in general, there's simply  
12 not enough information or evidence in the record and  
13 in the application to justify approving this  
14 application and in some areas the evidence that is  
15 submitted, the standard will not be met.  
16 Particularly, in special management areas  
17 the standard is not visually evident.

18           Thank you.

19           MR. RITTENHOUSE: Good afternoon. My name  
20 is Ryan Rittenhouse. I work with Friends of the  
21 Columbia Gorge. I thank you again for this  
22 opportunity to speak to all of you. I will be  
23 addressing the cultural impacts, specifically that  
24 County approval of this proposed double tracking  
25 must ensure that community adverse impacts on cultural

1 resources in a natural scenic area are prevented.  
2 Unfortunately, the cultural survey that was  
3 completed by the railroad's contractor was  
4 incomplete. The railroad already has acknowledged  
5 that it failed to survey large areas. Why? Because of  
6 blackberries, brambles, and poison oak.

7           When it became inconvenient to survey for cultural  
8 artifacts, the railroad simply stopped surveying.  
9 The area that was not surveyed has been identified  
10 as having a high likelihood of having historic recontact  
11 artifacts by the Oregon Parks and Recreation Department.

12           Staff of OPRD has called for additional survey work  
13 in this area for cultural resources, and we concur that  
14 this is necessary. Under the adjudicated decision handed  
15 down in the Eagle Ridge decision, this survey work must  
16 be done before the County approves the application.  
17 Deferring this work for additional approval is not  
18 legally adequate.

19           In addition, due to potentially increased  
20 train traffic, the tribes have identified health and  
21 safety issues and interference with their treaty  
22 rights as well. So due to the likely impacts on  
23 cultural resources and the National Scenic Area, we  
24 ask you to deny this permit.

25           How many minutes do I have?

1 MR. OLSEN: About a minute and a half.

2 MR. RITTENHOUSE: Oh, great. Can I get a quick  
3 show of hands of everybody who is opposed to this rail --

4 MR. OLSEN: I am sorry, it's impossible for  
5 us to capture it that way.

6 (Pause in Proceedings)

7 MR. OLSEN: Kevin Gorman, Michael Lang, Dan Serres.

8 MR. GORMAN: Thank you. My name is Kevin Gorman.  
9 I'm the executive director at Friends of the Columbia  
10 Gorge. And before I start, I wanted to thank, really on  
11 behalf of the entire organization, the County staff.  
12 We know it's a lot of work, and it's a tough issue. And  
13 I take partial responsibility for several of the large  
14 items that you are receiving.

15 We've all heard that this is a National Scenic  
16 Area, you know, the two purposes of the Act. And our  
17 take here is that this proposal really is in contrast  
18 with both purposes of the act, not only the protection of  
19 the resources, but the protection of the community.

20 My focus here is to really touch on the  
21 recreation side. And your County codes require that  
22 recreation sites be protected from adjacent uses that  
23 would detract from their use and enjoyment.

24 Now, this project proposal includes rock  
25 crushing, road building, collapsing, grading and

1 track destruction on land adjacent to Memaloose State  
2 Park. The Applicant even concedes in its application  
3 that there would be adverse effects on the recreational  
4 resources, yet it did not propose the legally  
5 required mitigation measures.

6 Further permanent degradation of this  
7 recreation resource, the state park, would also  
8 likely occur due to more frequent train traffic  
9 waking campers and detracting from the experience at  
10 Memaloose State Park.

11 In addition, the applicants want a land  
12 transfer that would make Memaloose State Park  
13 smaller and for a new track to be constructed adjacent  
14 to the camping area. Now, reducing the size of the park  
15 as UP proposed would unlawfully result in  
16 displacement of existing recreation resources.

17 Now, the Oregon State Parks Commission,  
18 after a lot of public outcry, decided not to complete  
19 the land transfer on portions of Memaloose that the railroad  
20 said in its application was necessary to meet federal  
21 safety laws. So, if the land transfer took place,  
22 the application would need to be denied because it  
23 would harm current recreation resources. If the  
24 land transfer did not take place, then the proposed  
25 project cannot be completed as proposed and a new

1 application should be submitted. Either way, due to  
2 the adverse effect on recreation, the application  
3 cannot be lawfully approved in its current form.

4 Thank you.

5 MR. LANG: Good evening. My name is Michael  
6 Lang. I'm conservation director for Friends of the  
7 Columbia Gorge. Before I get started on my prepared  
8 testimony, I'd just like to take an issue with one of  
9 the statements made earlier, that oil trains started  
10 moving through the Gorge on the UP line last December.  
11 Actually it was April of 2014, to our knowledge, when the  
12 first unit train went through the Gorge. We took  
13 pictures of it, and they were published in the Oregonian.  
14 There were several articles about it too, so just wanted  
15 to clarify that.

16 I'd like to talk about issues that are  
17 included in the conditional use criteria. I also took a few  
18 notes on the facts.

19 First of all, the project would result in  
20 significant increases in rail traffic through the  
21 Gorge and the entire region. We wanted really to  
22 take a close look at this, so we hired two experts,  
23 Terry Whiteside and also Gerald Fauth, to perform  
24 independent analysis of the rail traffic increases  
25 and impacts on this. They have extensive experience

1 in working with the railroads for many years on  
2 these issues. They determined that because of this  
3 particular location of the proposed project that  
4 this would increase the operational or practical  
5 capacity up to 75 to 100 trains per day. So that's  
6 just capacity. And also with the lifting of the  
7 crude oil export ban, there are a lot of proposals for  
8 oil by rail terminals. Our experts determined that  
9 with all of the upgrades that Union Pacific is making,  
10 the timing is inescapable that they have their eye on  
11 serving these oil and possible export terminals.

12 According to Union Pacific, 25 to 30 trains per  
13 day currently move through Mosier. The Union Pacific  
14 planned that this could increase five to seven trains  
15 per day. Our experts, and this is submitted into the  
16 record, found that the current capacity is 30 to 48  
17 trains per day at the current configuration. So what  
18 that would mean is that they could accommodate their  
19 current increases without this project being approved  
20 just with the current single line.

21 I wanted to also address that Union  
22 Pacific was at fault and they have admitted that  
23 for the Mosier derailment. The Federal Railroad  
24 Administration released a report in June finding  
25 that Union Pacific was at fault for that accident.

1 They didn't follow safety procedures.

2 Also, overall, the Federal Railroad  
3 Administration reports that Union Pacific has more  
4 accident statistics compared with their peers. For  
5 example, in 2014 they experienced 3.17 accidents per  
6 one million miles of road -- of track travel. The  
7 industry average is 2.59 accidents per one million  
8 miles. If Union Pacific operated all the trains  
9 on tracks in the U.S., we would have experienced  
10 2,576 more accidents in 2015 than is currently  
11 occurring.

12 So, I'd just like to conclude, yeah, I'd  
13 just like to wrap it up here, including the likely  
14 increases in rail traffic, coupled with the poor safety  
15 record, would result to harm to Gorge resources, harm  
16 to its economy, and harm to its communities, and fails  
17 to comport with the required criteria of the ordinance  
18 and should be denied. Thank you.

19 Mr. SERRES: My name is Dan Serres. I am  
20 the conservation director for Columbia Riverkeepers.  
21 Thank you for your attention to this hearing.

22 You'll hear a lot during public testimony  
23 about oil and coal trains. And that testimony is  
24 very relevant to the Wasco County code that applies  
25 to this project. Particularly as Michael Lang

1 pointed out, conditional use criteria (inaudible) oil  
2 and coal train by any passage of water to air safety.  
3 The staff report didn't have the benefit of all of the  
4 testimony we've already heard today, which included  
5 testimony from Mosier. And they clearly point out that,  
6 for instance, the conditional use criteria holds  
7 public safety as one of those standards. And their  
8 testimony indicates that increased oil train traffic  
9 from this project would have impact on Mosier's public  
10 safety, on the ability of firefighters to address that  
11 issue.

12 Oil trains pose a huge risk (inaudible).  
13 Best-case scenario. An accident nearly wiped out the town.  
14 And what we see in a case of this kind of track extension  
15 would be a dramatic increase in not just oil trains, but  
16 also coal trains that release coal at such a high volume  
17 they (inaudible) the tracks and create safety risks for other  
18 trains on the tracks.

19 So putting these things together, what you  
20 will hear from many people in the community, see so many  
21 people have packed this room, and maybe not a  
22 single person from the public in favor of this  
23 project is the fact that oil trains are an  
24 overwhelming risk.

25 The Union Pacific has come here to ask

1 our permission to facilitate a dramatic increase in  
2 oil train capacity. We don't know by the fact that  
3 this will all be the same, the traffic will be the  
4 same, regardless of the fact (inaudible). Instead it  
5 asked permission to allow more oil trains over the  
6 Columbia River Gorge. That means you have  
7 the right to deny their permission. You are here  
8 with the responsibility to protect public safety, to  
9 protect wildlife and another conditional use standards,  
10 to protect wildlife.

11 Right now Mosier's dealing with groundwater  
12 that's contaminated with high levels of benzene  
13 from the type of oil train accident that will be the  
14 predictable result of increased oil train traffic.  
15 What happened in Mosier wasn't an accident. It  
16 wasn't something far from our imagination.  
17 It was something we were expecting, we were overdue for  
18 based on the amount of oil train traffic you see coming  
19 through the Columbia River Gorge.

20 You have the ability here today to send a message  
21 to make to make a statement, to apply your rules  
22 the State asked you to apply and deny this project.  
23 Thank you.

24 MR. OLSEN: All right. Next up we have  
25 Paul Beefstock, Michael Early, and Judy Parker --

1 excuse me, Jill Parker.

2 UNIDENTIFIED SPEAKER: He had to leave. Paul left.

3 MR. OLSEN: All right. Then let's see, next after  
4 that would be Richard Hodgkin from Seattle.

5 MR. HODGIN: My name is Richard Hodgkin. And  
6 I'm at 6524 26th Avenue Northeast, in Seattle, Washington.  
7 I belong to many organizations, but I'm here to  
8 speak for myself today.

9 I am a person of faith. My faith  
10 requires me to speak out on moral issues regarding  
11 protecting our environment. My faith community teaches us  
12 we are on Earth to heal ourselves, our communities,  
13 and our world. We have a healing prayer that  
14 includes two lines and they read: Help us find the  
15 courage to make our lives a blessing. You might  
16 note it doesn't say "Give us the courage." We're  
17 individually challenged to open our hearts and make  
18 our lives a blessing.

19 This last week we saw that we have a new  
20 person in the Catholic Church that's a saint. I  
21 want you to know I already submitted the name of Jim  
22 Appleton. And let me say that he found the courage  
23 to make his life a blessing. And I quote from OPS.  
24 You said there that in the past you tried to reassure  
25 this town that the Union Pacific Railroad had a

1 great safety record and that the accidents are rare.  
2 After a long night with hazard material teams and  
3 firefighters from across the Northwest,  
4 Appleton no longer believes shipping oil by rail is  
5 safe. "I hope that" -- this is his quote. "I hope this will  
6 become the death knell of this mode of shipping this  
7 cargo. I think it's insane."

8 I grew up in the state of Washington.  
9 And I've spent many a beautiful day down here in  
10 Oregon. We're all neighbors. We're only divided by  
11 a river.

12 In 1966, I was a senior in high school at  
13 Mount Vernon High School and I was in the choir.  
14 We were wearing white shirts, dress shirts, and green  
15 cummerbunds and we traveled to the state legislature  
16 in Olympia to passionately sing our state song  
17 "Washington. My home."

18 MR. OLSEN: Sir, I need to have you wrap  
19 up.

20 MR. HODGIN: I'll do that. Thank you.

21 Let me say because of my neighborly  
22 feelings, here is the refrain from that song:  
23 "Oregon, my home, wherever I may roam, this is my  
24 land, my native land. Washington, my home, our  
25 fervent forest green, caressed by silvery streams,

1 from mountain peaks to hills of wheat, Oregon, my  
2 home". I want this state to protect my home and all  
3 the homes along the Columbia Gorge.

4 Thank you very much.

5 MS. BARKER: Hello. My name is Jill  
6 Barker and I live in Mosier, Oregon, P.O. Box 572.  
7 And I'm here to ask the Planning Commission to deny  
8 this request. I have so many objections to this  
9 project that it's hard to focus and narrow it down  
10 for this hearing.

11 It would be a very huge increase in rail  
12 traffic in the Gorge. And I believe this would be a  
13 huge danger to the environment and to the community  
14 in the Columbia River Gorge.

15 Hello? These dangerous bomb trains, the  
16 bomb train, which people are calling them, they  
17 literally are bomb trains, are a huge danger to the  
18 Gorge. And one of the things I haven't heard anybody  
19 say before this hearing, or even discuss, is that  
20 these trains are not only derailed because of faulty  
21 tracks or faulty trains, they're very often the  
22 temperature, high temperatures will cause  
23 spontaneous combustion which makes the train  
24 explode and that causes the derailment and the  
25 subsequent fires. So, that hasn't even been

1 discussed.

2 We all know in the Gorge in the summer we  
3 often get triple digits temperature wise. And I  
4 think that this hasn't even been addressed. So,  
5 I think it was in West Virginia where one of the  
6 trains derailed carrying explosive oil was -- would  
7 do the same thing, I think, spontaneous combustion.

8 I think it's obvious that the Union  
9 Pacific doesn't care about the research of the  
10 safety of the communities in the Gorge. They --  
11 especially after the derailment in Mosier on June 3rd,  
12 coal trains were going through and oil trains are  
13 going through just two days after the derailment and  
14 the safety issues weren't even resolved or the  
15 clean-up wasn't completed.

16 The other issue is the devastating wildfires that  
17 occur. This will not only affect the City of Mosier, but  
18 the environment all around Mosier. And we know that  
19 that's one of the problems in the Gorge in the summertime,  
20 it's unstoppable. Once a fire starts, it can incinerate the  
21 whole area.

22 MR. OLSEN: I need you to wrap up, ma'am.

23 MS. BARKER: And this is all for the  
24 benefit of Union Pacific foreign oil market. It doesn't  
25 benefit the local communities whatsoever. It's

1 profit margin abuse. Union Pacific is concerned about  
2 shareholders and it's completely arrogant and unthinkable.  
3 Thank you.

4 MR. OLSEN: Thank you.

5 MS. BARKER: Thank you.

6 Regina Merritt, Dr. Theodore Tsongas, and Dr. Nancy  
7 Crumpacker.

8 MS. MERRITT: Good afternoon. My name is  
9 Regina Merritt. I'm here representing the Oregon  
10 Physicians for Social Responsibility. On behalf of our  
11 2500 medical professionals and public health advocates, I  
12 ask you to deny this application. Most of our substantive  
13 comments are included in a letter I submitted to you in  
14 August. So today I'm going to read you testimony from  
15 my friend and colleague who cannot be here, because she  
16 is with her patients this afternoon.

17 "My name is Maria McCormick and I appreciate  
18 the opportunity to have my comments read before the  
19 Wasco County Planning Commission. I am a mother. I am a  
20 farmer's wife and a family physician. And my family  
21 farm is in Mosier. We also grow grapes and have a  
22 winery with our extended family right along the  
23 Columbia River along the BNSF lines in Washington.  
24 You all know what happened in Mosier on June 3rd.  
25 That oil train derailed and caught on fire 600 feet

1 from Mosier Community School.

2 "Three months ago when the oil train crashed,  
3 we didn't know what was going to happen to our town.  
4 My husband and I were particularly fearful that day,  
5 not just because of the environmental  
6 disaster that was happening in our small town, but  
7 we recall that in the mid '80s a passenger train  
8 on the UP line sparked a fire that (inaudible) in  
9 downtown Mosier. That quick-spreading fire  
10 destroyed the family home on what is now our land.  
11 Accidents can happen, and that one was devastating.  
12 There are (inaudible) traveling our tracks now.  
13 We cannot describe what happened in Mosier on June  
14 3rd or any other oil by rail derailment as an accident.  
15 These are predictable catastrophes and there will be  
16 more and more, like the one in (inaudible) that killed 47  
17 and displaced 2,000 people and destroyed much of the  
18 downtown of that town.

19 "It will be that way until we stop them bringing  
20 oil by rail. The risk of another catastrophic oil  
21 catastrophe in Mosier or anywhere along the UP line  
22 means the life of our children, it means our  
23 livelihoods, it means the lives of my patients  
24 and thier families.

25 "In Planning Commission documents prepared

1 for today UP reports that line traffic is not  
2 expected to increase in the Gorge as a result of  
3 the rail extension in Mosier.

4 "That people rely on foxes to report (inaudible)  
5 chickens (inaudible). Of course traffic will increase, and  
6 that means more oil going through the Gorge putting the health  
7 and safety of all of us at risk. Please vote no on allowing  
8 expansion of the UP line through Mosier.

9 Thank you. Dr. Maureen McCormick."

10 DR. TSONGAS: Hi. I am Dr. Theodore Tsongas.  
11 7224 Southeast Madison in Portland. I am an environmental  
12 health scientist. I am a member of the Environmental  
13 Health Work Group of Oregon Physicians for Social  
14 Responsibility and a member of the Multnomah County  
15 Emergency Planning Committee. I'm going to talk today  
16 about fire safety standards.

17 Since the project will be reviewed for  
18 conditional use under the National Scenic Act, it  
19 must comply with the fire safety standards, in Chapter  
20 11. The project application does not address the fire  
21 safety standards in Chapter 11.

22 Given the history of wildfires started by  
23 railroads in the Gorge, this omission is  
24 particularly glaring and requires denial of the  
25 application.

1           Also, the new track would allow longer,  
2 faster, and more frequent trains bearing highly  
3 volatile crude oil. The failure of the Applicant  
4 to address Chapter 11 is a basis to deny the  
5 application. The additional trains that will be  
6 enabled by the efficiency improvement proposed by  
7 the Applicant, no matter the train content, could have  
8 impacts on the National Scenic Area. The Rowena  
9 Plan describes the fire conditions to this stretch  
10 of track. Given the (inaudible) flashy fuel load,  
11 the predominant wind patterns and wild land urban  
12 interface, any fire within the planning area between  
13 late May and late October is potentially significant.

14           Light flashy fuel, such as (inaudible) grass, coupled  
15 with heat flow and strong west winds, combine to generate  
16 explosive fire behavior characterized by rapid rates  
17 of spread. Such fire behavior within the wildland  
18 urban interface generates significant public and  
19 firefighter safety concerns. The Rowena Plan  
20 also describes the incidence of wildfires in only  
21 this small part of National Scenic Area. Fire  
22 statistics from 1992 to 2004 indicates itself 34  
23 fires burned in the planning area within that  
24 time period. These fires were all human caused  
25 and range in source from fireworks and cigarettes to

1 railroad, farm equipment, and power lines. Of these 34  
2 fires, nine fires will be classified as significant  
3 based on size and complexity.

4 The new facilities proposed by the  
5 Union Pacific Railroad would allow five to seven  
6 longer trains to pass through this National Scenic  
7 Area per day. This would necessarily result in more  
8 fires started to this National Scenic Area. Fires  
9 often result in degradation of the scenic, natural,  
10 cultural, and recreation resources of the National  
11 Scenic Area and damage to property. A permit can't  
12 be lawfully issued without taking these adverse  
13 effects on protected resources of the Columbia River  
14 Gorge National Scenic Area into account.

15 Thank you.

16 MR. OLSEN: All right. Next we have Don  
17 Steinke, Alana Steinke, and Jane (inaudible).

18 DR. CRUMPACKER: My name is Dr. Nancy  
19 Crumpacker. I am a retired physician. I live in  
20 Portland.

21 I oppose Union Pacific Railroad's  
22 application (inaudible) the increasing number and speed  
23 of trains cause significant risk to the health of the  
24 residents of Mosier and other Gorge communities and  
25 also worsening air pollution.

1 Coal dust and the dangers of oil explosions has  
2 certainly already been mentioned. Coal dust inhalation  
3 can cause permanent lung disease as well as (inaudible).  
4 It contains brain-disrupting minerals like Mercury and  
5 lead and cancer-causing chemicals. These train engines  
6 burn diesel fuel. The exhaust contains cancer-causing  
7 particles and diesel exhaust is related to asthma in  
8 children and heart and lung diseases in adults.

9 The Columbia River Gorge National Scenic  
10 Area is currently impacted by air pollution. A  
11 2005 study by the U.S. Forest Service and National Park  
12 Service of 12 federally managed areas found the Columbia  
13 River Gorge, NSA, National Scenic Area, and our national  
14 park had the worst annual standard of visual ranges.

15 A year 2000 U.S. Forest Service study air quality  
16 in 39 federally -- federal visibility protected areas  
17 found the Gorge had the highest level of haze and  
18 the sixth worst visibility pollution. Residents  
19 and future visitors should hope for improved air  
20 quality to promote visual enjoyment and health.  
21 This is a National Scenic Area.

22 So I urge the Wasco County Planning Department  
23 to reject the application. Thank you for your time.

24 MR. STEINKE: Hello, I'm Don,  
25 S-T-E-I-N-K-E. 4833 Northeast 238th Avenue, Vancouver.

1 My City Council is officially opposed to  
2 oil trains; same way with Spokane, Hood River, Stevenson,  
3 Seattle, and Cascade Locks and Mosier. You may not  
4 think this is about oil and ethanol trains, but it  
5 very likely could be.

6 The staff recommends that the proposed  
7 rail expansion be improved only with certain  
8 conditions. But once the rail expansion is complete,  
9 how do you control it?

10 You have no control over the railroads.

11 One year ago the City of Los Angeles  
12 voted 15 to zero to oppose a project involving five  
13 oil trains per week. You already nearly have that  
14 many and White Salmon has 15 per week. If all the  
15 crude by rail projects such as in Vancouver and  
16 north are approved, that would be 40 more oil trains  
17 per week coming through the Gorge. The City of  
18 Los Angeles doesn't want five.

19 If the coal terminal in Longview is  
20 approved, there will be 56 more coal trains coming  
21 through the Gorge per week. If you think the city  
22 doesn't like a condition they will say, "Sorry,  
23 federal law preempts local authority."  
24 Declare your conditions, but don't give your approval.

25 By the time you are invited to dinner, you will

1 recognize you are on the menu.

2 For example, a month ago the Spokane City Council  
3 tried to ban oil trains and uncovered coal trains.  
4 BNSF took out a full-page ad to condemn the Spokane  
5 City Council for that. A couple days later the City  
6 Council reversed course. Even if no more oil trains  
7 ever come through Wasco County, a rail expansion seems  
8 inconsistent with the Gorge National Scenic Act.

9 According to the National Transportation Safety  
10 Board, ethanol trains are just as dangerous as crude  
11 oil trains. And ethanol is already being shipped through  
12 the Gorge and an ethanol terminal is being proposed in  
13 Vancouver.

14 There was an ethanol train fire in  
15 Portland in early May of 2011. A log fell off the  
16 train, causing the ethanol tank car to be ruptured.  
17 Papers were ignited. When the firefighters ran out  
18 of water, they had to run for cover. Rough terrain  
19 made radio communication difficult. There are places in the  
20 Gorge where firefighters can't even get to the train  
21 tracks.

22 MR. OLSEN: Sorry, sir, we need to have you wrap up,  
23 please.

24 MR. STEINKE: Don't approve this project unless the  
25 tribes approve and unless your neighboring cities

1 approve. Thank you.

2 MS. STEINKE: Good afternoon. My name is  
3 Alana Steinke. I'm from Vancouver, Washington. There are so  
4 many reasons to deny this rail expansion. One reason is  
5 that, according to rail traffic experts, there will be  
6 a tenfold increase in train traffic along the  
7 Columbia River.

8 As a retired RN and someone who has  
9 asthma, I'm concerned about the effects of this on  
10 our health. The World Health Organization reported  
11 that air pollution killed 7 million people in 2012.  
12 This study confirmed air pollution is now the world's  
13 greatest single environmental health risk. One in  
14 every eight deaths is linked to it.

15 Dr. Kirk Straif, head of the  
16 International Agency for Research on Cancer, said  
17 that we now know that outdoor air pollution is not  
18 only a risk to health in general, but it's also a  
19 a leading environmental cause to cancer and one of  
20 the greatest contributors to outdoor air pollution is  
21 diesel exhaust.

22 Diesel exhaust contains more than 40  
23 toxic air pollutants. And each coal and oil train  
24 has three to four diesel locomotives. I saw them  
25 this morning on my way here. Some of those

1 pollutants have been named before: nitrogen oxide,  
2 sulfur dioxide, aromatic hydrocarbons. The exhaust  
3 also contains cancer-causing agents, including  
4 formaldehyde, benzene, and nickel. One of the most  
5 dangerous pollutants is particulate matter,  
6 especially PM 2.5. These are microscopic particles  
7 that can get into the lungs and then into the  
8 bloodstream, resulting in heart attack, stroke,  
9 cancer.

10 Particulate matter can also enter the  
11 placenta, resulting in increased incidents of autism  
12 spectrum disorder, lower IQ, and increase behavioral  
13 symptoms of anxiety, depression, social problems, and  
14 aggression.

15 A Columbia River Gorge air quality report  
16 in 2008 indicated the Columbia River Gorge is home  
17 to the worst haze in the Western United States. The  
18 Washington State Department of Ecology says that air  
19 pollution in Vancouver is already so high that they  
20 fail to meet Federal Air Quality Standards, and that  
21 nearly happened last year. Clark County is already  
22 on a maintenance program for the past month compliance.  
23 Since you plan to put conditions on the project,  
24 here's one more you should include: Insist that the  
25 railroad use only Tier 4 locomotives. Better yet,

1 deny this project to protect the health of every person  
2 in each community along the railroad. Don't allow us  
3 to be sacrificed to the rail and fossil fuel  
4 corporations.

5 MS. ELKIN: Hello. My name is Jane Elkin and I  
6 live in Mosier, Oregon. I've worked in first Wasco  
7 County for over 25 years. So first I will object.  
8 Thank you very much. And I support -- I'm fortunate that  
9 most of the facts -- I'm a rehabilitation therapist, so  
10 I don't come armed with this many facts, like everyone  
11 else. What I do come in with is just to ask for you --  
12 for us to take a look at human nature and the nature  
13 of business. The best way that we can ensure, number  
14 one, safety; number two, Scenic Area noise, is to  
15 deny this proposal. There are rules at many levels.

16 I'm a mother of a teenager and the best way to ensure  
17 that, you know, my son does not take out a brand-new Jeep  
18 with a beer is not to give it to them. And so, we know who the  
19 Applicant -- I mean, I drive a car. I, actually, you know,  
20 sometimes hear trains go through my town in a very nice  
21 rumble. Most of the time I cannot open my window. So,  
22 I mean, we have trains, but where do we want to go?  
23 We've got one of the most beautiful areas in the entire  
24 country. There isn't the need for this. There's other  
25 areas. If we say no, with your help, expansion will happen

1 in other more appropriate areas. Everybody will get their  
2 goods and it could be a win-win plan. I would ask you to  
3 look at all the information as would a jury and that  
4 be sure that with -- without a shadow of a doubt that this  
5 is good for not only Wasco County, the entire Gorge, the  
6 entire country. Thank you very much.

7 MR. HARGRAVE: Okay. We're going to take a pause  
8 in the testimony. We're going to take a five-minute break  
9 and then we'll reconvene. Thank you.

10 MR. OLSEN: Just so the people know, the next  
11 people up are Gregory Monahan, Bonnie McKinlay, and  
12 Elizabeth Dietz.

13 (Recess.)

14 CHAIRMAN HARGRAVE: Okay. Thanks for your attention.  
15 At this time, we'll resume the public testimony.

16 MR. OLSEN: All right. Chairman, first of  
17 all, the next speakers that I called were Gregory  
18 Monahan, Bonnie McKinlay, and Elizabeth Dietz.

19 A lot of people have asked about how many  
20 people are left on the list. Some people have left,  
21 others have signed on, so I don't have a totally  
22 accurate count, but I'm guessing somewhere between  
23 65 and 70 more speakers, so just one more reason to  
24 keep your comments as short as possible so we can  
25 get through with this.

1           Sign-up sheets got a little confused. I'm doing  
2     the best we can. In terms of the order, I did have one  
3     person with young kids here. If they could raise their  
4     hands. (inaudible).

5           All right. If you want to line up next,  
6     we'll take you next. All right. I think we're  
7     ready to go.

8           DR. MONAHAN: My name is Dr. Gregory Monahan.  
9     I'm a resident of Portland, Oregon at 7225 South  
10    13th Avenue. I'm here speaking on behalf of the  
11    Oregon Chapter of the Sierra Club, where I am  
12    the chair of the (inaudible) gas and oil team.  
13    The area chapter of the Sierra Club is  
14    strongly opposed to granting of this permit for  
15    this project for all the reasons listed in our  
16    original submitted comments. Should the Planning  
17    Commission decide to allow this project to proceed,  
18    we fully support the project limitations and the  
19    staff recommendations (inaudible). We ask that a method of  
20    monitoring and enforcing the traffic volume be (inaudible)  
21    permit if you decide to grant one. Perhaps you  
22    requiring Union Pacific to furnish certified monthly  
23    reports of traffic through the permit area would be  
24    a solution for monitoring. I cannot imagine how you  
25    could enforce the limitations.

1           Lastly, if you determine that you cannot  
2 impose and enforce a limit on rail traffic as the  
3 railroad seems to suggest, we ask that you deny this  
4 permit. Thank you for your time.

5           MS. MCKINLAY: I am Bonnie McKinlay from Portland.  
6 Thank you for the opportunity to express my concerns  
7 about granting the Union Pacific rail extension. More  
8 oil by rail traffic is not beneficial to the Pacific  
9 Northwest treasures that is the Columbia River Gorge,  
10 its people, its wildlife.

11           Every June for 30 years as an elementary teacher I  
12 joined my students in the giggling joy of the last few  
13 days of school. Students and teachers share memories  
14 of the past school year and eagerly look forward to  
15 the summer ahead. Summer, that vast magical unknown  
16 adventures land, free of (inaudible) free of due  
17 dates, of grades, of school complete. We did this together;  
18 we celebrate together.

19           Six days after the oil train derailment  
20 on June 9th I came to the Mosier Community School  
21 not to see the delight of children wiggle with  
22 the thrill of imminent vacation, but to join a  
23 solemn assembly of the Northwest Tribal Leader  
24 officials and understandably exhausted community  
25 members speak of oil trains and their fierce

1 conviction to oppose them. On that day the school  
2 building was not a happy, youth-supporting center,  
3 but an efficient disaster operations site with  
4 hardworking members of state and federal agencies  
5 addressing the derailment clean-up.

6 Because of the oil train derailment, the  
7 students of the Mosier Community School were denied  
8 those last auspicious days of school. Of course, the  
9 unfortunate outcome is nothing compared to the  
10 unthinkable tragedy that could have unfolded in this  
11 community without the grace of that unusual windless  
12 Gorge day of June 3, 2016. I say "unthinkable"  
13 because I don't want to think of it; none of us do.

14 To stop these terrifying thoughts we have  
15 stopped the free rein of oil industry to put school  
16 children and their loving parents at perpetual risk.  
17 In Oregon alone, 284 schools containing over 101,000  
18 students are within the mile-wide radius of an oil  
19 by rail blast zone. To the long list of reasons to  
20 deny Union Pacifics application, which includes  
21 maintaining air quality, honoring tribal fishing rights,  
22 preservation of the Columbia River Gorge National  
23 Scenic Area, please add the protection of our  
24 school children.

25 MS. DEED: Elizabeth Deed, (inaudible),

1 Washington. I live in the Gorge and I agree with  
2 everybody who has spoken before me. All the reasons  
3 that have been brought up are all good reasons, but  
4 if you look out and you see hundreds of people have  
5 spoken against this. Nobody has spoken in favor of  
6 it. So if you go ahead and accept this proposal,  
7 then you are not representing the people who elected  
8 you. You're not representing the people of the Gorge.  
9 I don't know who you're representing. You have to  
10 decide that who you're representing.

11 JENNIFER: Hello, my name is  
12 Jennifer (inaudible) and I am here on  
13 behalf of all the children in the Columbia River Gorge.

14 On June 3rd in Mosier an oil train derailed, 250  
15 (inaudible). It was full of oil. We were evacuated and  
16 not allowed back in for a full week because that (inaudible)  
17 was filled with some toxic in there. Oddly, enough no  
18 one was injured. The children, no one wanted to know  
19 what they thought. So, I set up interviews with the kids  
20 and families and asked them to talk about how they felt.  
21 Now the families, many of them are here. However, even  
22 more strongly than that, it was really apparent that they  
23 trusted the adults in charge to make the right decision for  
24 them. They honestly believed the teachers, the principals,  
25 their parents, you, would do the best for them no matter what.

1 Transporting oil by rail is not safe. Expanding the ability  
2 for Union Pacific to transport such a volatile commodity is  
3 reckless. Kids are not collateral damage for greed.  
4 It is not okay to save money for my well-being. Kids of the  
5 Columbia Gorge are trusting you with our safety. We are  
6 trusting you to be responsible with our future, with my future.  
7 Please say no to the Union Pacific Expansion request. Please  
8 do not let us down.

9 CHAIRMAN HARGRAVE: I have a few questions for you.  
10 How old are you?

11 JENNIFER: I am 11.

12 CHAIRMAN HARGRAVE: And where do you live?

13 JENNIFER: I live, technically, I live out in Hooddle  
14 of nowhere. The closest town to me is White Salmon.

15 CHAIRMAN HARGRAVE: Okay. Where do you go to school?

16 JENNIFER: I am home schooled.

17 CHAIRMAN HARGRAVE: Thank you very much.

18 JENNIFER: You are welcome.

19 MR. OLSEN: Anyone else --

20 KELSEY: My name is Kelsey.(inaudible)

21 MS. DEMALIES: I'm Kelsey's mom, Marty.

22 MR. OLSEN: Last name?

23 MS. DEMALIES: (Inaudible).

24 I live at 204 Wilson Street, Mosier, Oregon.  
25 You guys have an awesome responsibility right now.

1 You don't get to make the decisions because of how we  
2 feel or what we say, you have to look at the law.  
3 And I get it, but a lot of brilliant people have brought  
4 a lot of great law to you to allow you to say no.

5 My daughter was at Mosier school on  
6 June 3rd. I work in town. I saw that train  
7 explode. I wasn't going to bring that up tonight.  
8 More tracks are going to mean more trouble. You  
9 guys are doing your job. I get it. You don't live  
10 in Mosier near the trains every day. Do you realize  
11 how much more traffic is going through town? Do you  
12 realize the disruption it causes in the school?  
13 We are a town of 430 people. We're not just an easy place  
14 to run tracks through because you thought we would ignore  
15 it. (Inaudible).

16 You made a statement in June that brought a  
17 lot of attention to your lack of standards in maintaining  
18 your tracks. You weren't maintaining them. You admitted  
19 on your own you were not maintaining them. So why in the  
20 world would we allow you to put a second track through  
21 our town, our county, our community, our Gorge?

22 I thank you all for your time and the very difficult  
23 position you're put in, in finding the rule of law that allows  
24 you to say no. And I thank you for the time of speaking  
25 and allowing my daughter to speak.

1 MR. OLSEN: Please use the silent clapping.  
2 After this young lady we have Cedar Croppingham, Chris  
3 Turner, and Dave Berger.

4 MR. BOONSTRAY: Hello. My name is Charlie Boonstray.  
5 18 years old. I am from Hood River, Oregon. Cascade Avenue.  
6 I'm here today to make it very clear that I stand in  
7 utmost opposition to Union Pacific Rail traffic expansion.  
8 I am so blessed, like many others, to call this place my  
9 home, but the Gorge is changing. In fact, the world is  
10 changing. Climate change has altered the Earth in ways  
11 we cannot even fathom. It is because of us. We are  
12 burning so much fossil fuel that is fundamentally  
13 changing our world. Out of the four and a half billion  
14 years as the Earth has existed we have managed to force  
15 the extinction of one-quarter of the Earth's animals  
16 due to climate change in just a few thousand years. We  
17 have managed to create more intense storms and drought  
18 in just a few thousand years.

19 Do you enjoy being outside? Do you enjoy taking  
20 your children to the park on weekends, looking at the  
21 grand trees and the flowing rivers? Imagine it gone.  
22 That's the exact trajectory we are headed in. This expansion  
23 of the railroad track to get more oil and coal that is  
24 killing my future. It's wrong. It's immoral.

25 Unlike many who are older than me, I have

1 grown up with fear that the planet might not be  
2 habitable for my children or my grandchildren or my  
3 favorite animals. I cannot urge you any more  
4 strongly to reject this project with pride. Please  
5 take steps to help your grandchildren not have to fight  
6 quite as hard to save our planet when they get older.  
7 Thank you.

8 MR. OLSEN: Peter Brogensten, Chris Turner, and Dave  
9 Berger.

10 MR. TURNER: Okay. Well, thank you for your time.  
11 I'm against this project because of safety issues. I  
12 live in the flat area. And I want to talk real quickly  
13 about (inaudible). I oppose this train for safety reasons.  
14 Trains are statistically more likely to have accidents  
15 if there's more tracks, and we've already had accidents.  
16 Earthquakes should be added into the site, because  
17 remember from Hiroshima there's also an addition of  
18 another possible accidents occurring. Train speeds need  
19 to be reduced. Trains now are ripping through Lyle at  
20 speeds like I've never seen with 100 cars or more and oil  
21 attached to them. We need to look at the communal impact  
22 of the trains regarding air emissions and impacts on water. We  
23 have to look at toxic loadings of all these things in the  
24 air and the water as well. And as far as -- we also  
25 need to get background data on what's in the air

1 and water right now so you can compare things to the future.

2 As far as efficiency is concerned, which is what that  
3 is all about, why don't we have the two corporations on  
4 each side of the river talk about running the trains  
5 in one direction one way and the other direction in  
6 another; then we don't need to keep expanding tracks.

7 You're looking at blowing up a wall to  
8 create, you know, more space for tracks. And if you blow up  
9 that wall, you got to look at noise and because, in fact,  
10 walls reflect noise, and that's going to cause a greater  
11 impact everywhere.

12 So you need to have accoustical consultants to look  
13 at the impact. You need to treat the trains like you  
14 treated me when I put up my solar panels; they made me  
15 look at three options for mitigation, just for my solar  
16 panels. And then they asked me to put up trees in front of  
17 my solar panels. So I want the trains to be treated like me.  
18 You guys are surrogates of the Gorge Commission.  
19 You need to do the Gorge Commission best.

20 And the insanity of it relates to the burning of  
21 fossil fuel. So if we are going to look at the burning of  
22 the fossil fuel and we are going to ship stuff overseas,  
23 we need to think about well, the coal in the ground could  
24 be beneficial to the American people. The oil could be  
25 beneficial to the American people. We need a national

1 energy standard. The Gorge Commission which you, again,  
2 are a surrogate of, should be pressing for priorities  
3 and how we extract energy, what we do with energy, how  
4 we create jobs of energy, and whether we're sending any of  
5 this stuff, including coal, overseas.

6 So I really appreciate your efforts up to now.  
7 The covering of the trains is a huge difference, but  
8 we can't stop these things from exploding. If you want  
9 to add another thing, add a standard about how fast the  
10 trains can go through towns and add a standard of about  
11 how protective these trains should be based on speed,  
12 and it can't be 15 miles an hour. They don't go 15 miles an  
13 hour. We need a kind of train -- a train with brakes  
14 would be very nice.

15 MR. OLSEN: I call Peter Brodgenton and Chris Turner.

16 MR. TURNER: All right. My name is Chris Turner.  
17 I live in Cowlitz County. I have never seen a region in  
18 this country that is so hell-bent on destroying the  
19 beautiful land and scenery that matches the Pacific  
20 Northwest, especially in the Columbia Gorge and Columbia  
21 River.

22 In going to all of these hearings, one of the things  
23 the railroad companies have always stressed to us is that  
24 they  
25 have plenty of infrastructure to be able to deal with any

1 of the proposals that are being put in application for  
2 the Columbia Gorge. They say they don't need any more  
3 infrastructure improvement.

4 This project should be considered new construction.  
5 And the reason I'm saying that is because of all the  
6 things that it's going to do. You try to (inaudible) 50  
7 percent variances in your rules. You're messing with plant  
8 and wildlife habitat. Destruction is going to increase,  
9 increased train traffic, of above 20 or 30 trains a day  
10 that you have, maybe by two times that amount.

11 You're going to be encroaching on buffer zones  
12 in the Columbia River. You're going to be encroaching on  
13 setbacks that are set. You're going to be blasting  
14 hillsides down. You are going to be stressing the  
15 fireability of the Gorge. You're going to be clearing  
16 hillsides. (Inaudible). This sounds like what the Wasco  
17 County residents felt was a minor repair, maintenance,  
18 or even slight expansion of the railroad system.

19 his should be considered new construction. The proposed  
20 project is being created to make a parking  
21 lot, a train yard switching area right next to the  
22 Columbia River. Who wants to see trains that are sitting  
23 right next to the Columbia River? And we -- on both  
24 sides of the Gorge, either before or after the Gorge,  
25 not be parking them in the middle of it.

1 I would suggest that to the Planning  
2 Commission that you deny this for concerns of public  
3 health and safety. And all the ordinances, rules, and  
4 codes you have in place that this is going to violate.

5 And as far as Union Pacific, please spend more time  
6 and money in maintaining your own tracks that you already  
7 have that apparently you have not been maintaining.  
8 Thank you.

9 MR. OLSEN: Next we have Deborah Porschersky,  
10 Georgia Opherin, and Craig Cumberland. Any of those  
11 people, Deborah Porschersky, Georgia Opherin and  
12 Craig Cumberland. Thank you.

13 MS. POSCHERSKY: Hi my name is Deborah  
14 Poschersky. It's a tough one. Don't worry about it.  
15 I won't ask you to spell it.

16 Hello, members of the council, the Commission,  
17 whatever. I'm sorry, I do not hear so well, but I  
18 live in Portland, Oregon. My address is 16005 East  
19 Burnside. I am in the edge of what you call the last  
20 evacuation zone of the railroad tracks on the  
21 Columbia River. I border Northeast, East Portland,  
22 and Gresham. The Portland Metro contains right  
23 now 700,000 people, so if you're looking at who  
24 might all be affected in the blast zone, you're  
25 talking about several hundred thousand people, not

1 only in Portland, but there are all communities  
2 that go up and down the beautiful Columbia River  
3 and the Columbia River Gorge.

4 I watched your graphics and saw how you said  
5 out of the northwest corner of Oregon we import  
6 and export 12 to 20 percent of the chemicals on  
7 the rails. I couldn't see oil, so I am assuming  
8 you put oil as chemicals. I'm only assuming that.  
9 I have a big, big issue with chemicals, as many  
10 of the people who talked about air pollution,  
11 water pollution, soil pollution, and, of course,  
12 our beautiful scenic and river pollution.

13 I was disabled at a very early age. My  
14 body was poisoned by five chemicals. I am what  
15 they call the canary in the coal mine. People  
16 who respond very sensitively and terribly to  
17 chemicals, to poisonous chemicals. Mercury,  
18 arsenic, and hexavalent, chromium, hexium chromate  
19 are just some of them.

20 Our locomotives in the United States are  
21 outdated. They're not even (inaudible)-- compared  
22 to some of the rest of the world. They deposit  
23 and emit into our air, our soil, and our water.

24 Union Pacific will be greatly served to update  
25 and enhance their safety protocols, their locomotives

1 be a model for the United States. Be a model for  
2 Oregon. Be a model for the world.

3 We talked about renewable energy for the  
4 country, but yet we keep and keep and keep putting  
5 into fossil fuels.

6 If one life is of no value, then no lives  
7 are of value. Whose lives is it okay to -- whose  
8 life is it okay to incinerate?

9 I can't work one to three jobs anymore to support  
10 my family and I have very low-wage job due to my  
11 disability due to chemicals in our environment. I  
12 moved to the Northwest because I love it, because  
13 there's some trees left. Trees clean the air, as do  
14 rivers and oceans.

15 I heard of Mosier, Oregon back in the  
16 Eastern United States. I read about the cherry  
17 trees. I read about Fruit Loop -- I read about the gateway to  
18 the Willamette Valley. The Willamette Valley is one of the only  
19 places in the world that grows almost every kind of  
20 berry. They're the best in the world. This is a special  
21 place. Rivers are a special place. People are special.

22 MR. OLSEN: Thank you, ma'am.

23 MS. POSCHERSKY: My time I... thank you for all  
24 your considerations for all the wonderful people who  
25 showed up.

1 MR. OLSEN: Next up after this speaker are  
2 Lauren Picard, Kathy Samson Cruise, and Charlenev Amoda.

3 MR. HEVERLY: My name is Craig Heverly. I  
4 live in Portland, down river. I am a retired priest.  
5 I am grandfather of three. It is in their name I am  
6 coming here tonight to talk to you.

7 I grew up in Western New York and the native  
8 folks in that part of the world have this  
9 wonderful tradition, or wise practice of when they  
10 were having to decide something important, as you  
11 are about to decide something important, they said  
12 what effect is this going to have on seven  
13 generations down the road? And it served them  
14 wonderfully well for centuries. It seems to me that  
15 if you look at seven generations down the road,  
16 fossil fuels are going to be dead, either because in  
17 our wisdom we were able to stop this rush and  
18 keep them in the ground and develop the  
19 sustainable energy sources or because you kept on  
20 doing what you are doing and you became totally  
21 devoid of any more fossil fuels. They are all gone.

22 So I am asking you to play the (inaudible).  
23 I am asking you to turn this down. I don't know if  
24 it's possible for us to think in terms of seven  
25 generations, but I am asking you to think at least

1 in terms of three generations for my grandchildren.  
2 So in the name of Viola and Dixon and Fula, I am asking  
3 you to turn this down. Thank you.

4 MR. PICARD: Good evening. My name is  
5 Mark Picard. I served on Hood River City Council for  
6 ten years and I've been a firefighter professionally  
7 for 20 years. I live at 701 Hazel Avenue, Hood River.  
8 Thanks for listening to us tonight.

9 In the last five years, we've seen numerous train  
10 derailments, spills, and fires nationwide. Most recently,  
11 despite Union Pacific's assurances that they operate  
12 safely, then we see a derailment in Mosier on June 3rd,  
13 which could have blown up that town and killed many  
14 people.

15 And the Federal Railroad Administration  
16 determined this derailment was caused by Union Pacific's  
17 negligence. So, I must admit on a state of disbelief  
18 that Union Pacific would have the audacity to ask  
19 you approval for more track when we know for a fact  
20 that their existing track is unsafe.

21 I agree with the former National Transportation  
22 Safety Board Chair Jim Hall, who wrote in the  
23 Oregonian a few days after derailment. And I quote,  
24 "We need to phase out rail shipments of crude oil  
25 and we need to begin in our nation's most sensitive

1 regions like the Columbia River Gorge before the  
2 next accident devastates this America treasure".

3 Section 1.030 the NSA Land Use, Development  
4 Ordinances states as one of the purpose is to promote  
5 safety from fire and national disaster. If you allow  
6 this additional track, which will facilitate more  
7 oil train traffic through our region, you'll be  
8 doing exactly the opposite of this purpose.

9 In 2014 the City of Hood River surveyed  
10 all four area fire departments on their readiness  
11 for derailment and all said they were unprepared  
12 for such an event. Our regional fire departments  
13 have minimal foam and they have no significant moving  
14 materials. Although the railroad seems to have  
15 millions of dollars available to lobby federal  
16 officials to delay things like safer tank cars,  
17 and advance braking system and to preserve their  
18 common carrier status, they refuse to provide  
19 adequate training and equipment, equipment necessary  
20 for our local responders to safely and effectively  
21 deal with oil train derailments. There is no teeth in  
22 the staff recommendation to ensure they do so.

23 You rely solely on the good faith of the Union  
24 Pacific, who have already demonstrated their  
25 negligence and incompetence. To let it burn, is

1 the railroad's strategy with oil train fires. With  
2 the high winds, you all know what would happen if  
3 they let it burn. The fire would spread to  
4 surrounding hills and we would have a wildland  
5 conflagration of cataclysmic portions.

6 We were lucky Mosier happened on a windless day.

7 Two of the criteria for this conditional  
8 use review requires a determination of proposed use  
9 will not burden fire facilities and available services,  
10 nor significantly increase fire hazard, fire  
11 suppression cost, or risks to fire suppression  
12 personnel. In my professional opinion and after  
13 years of studying this issue, there is no way the  
14 safety requirements can be met.

15 I ask you to please deny this project on  
16 these ground and help protect Gorge residents and  
17 first responders from dangerous increasing oil  
18 train traffic that this additional track will  
19 bring to our communities. Thank you.

20 CHAIRMAN HARGRAVE: Laurent, one question:  
21 You said in your professional opinion? What is your  
22 profession?

23 MR. PICARD: I have been a special firefighter for  
24 20 years. Currently fire lieutenant.

25 CHAIRMAN HARGRAVE: Thank you.

1 MR. OLSEN: Kathy Samson-Kruse and Charlene  
2 Immoda.

3 CHAIRMAN HARGRAVE: What were those three names,  
4 please.

5 MR. OLSEN: Kathy Samson-Kruse and Charlene  
6 Immoda. That's it.

7 MS. KRUSE: Kathy Samson-Kruse. I come  
8 from a long line of keepers, since, 1855. For those  
9 of you that don't know, my father is (inaudible )  
10 chief of the (inaudible). He can't be here today.  
11 He is (inaudible) with (inaudible) of the treaty.  
12 They promised us many things in that treaty  
13 of 1855. I am going to leave you a copy of that  
14 treaty so that you may know that is what  
15 we live by. In that treaty by the President  
16 (inaudible) it says the railroad and the highway  
17 and those roads will have right way or you will  
18 not have this treaty.

19 In fact, they said up at the (inaudible) Treaty  
20 Council, "Your people will be knee high in blood  
21 if you do not sign." And that treaty council  
22 stood days and days and days trying to make  
23 negotiation happen. Chief (inaudible) finally  
24 signed and was killed a few days later.

25 They promised many things in that treaty,

1 as you will read: A house, furnishings, oxens,  
2 land clear from Sumpter Point clear up to the Hood River.  
3 None of that came true.

4 1855 is a long time ago, but we will  
5 still stand here. We will still survive. I take  
6 this picture of my little Juniper. She's the youngest  
7 granddaughter I have. She's Wasco and (inaudible).  
8 When you carry that Wasco name, there's a lot of  
9 people that stand behind it. Honor it. I speak  
10 for them. We know they cannot speak for themselves.  
11 Right here in your mountains those (inaudible) live.  
12 When we leave this land, they will stand up  
13 and they will say how did the people treat you?  
14 That salmon will stand up on the other side  
15 and he will say, "How did the people treat you?"  
16 The roots, the (inaudible), the house, they will  
17 stand up. The deer and the elk, they will stand up.  
18 How did the people treat you? That is the command  
19 witch, that is not written in your paper. It is  
20 not even in your book sometimes, but it's in our  
21 hearts. That's why I come here today.

22 I am not an elected leader. I'm only a  
23 grandma. They call me Ella. But we when we come  
24 with the truth from our hearts, you have to listen.  
25 So, I'm the only Native in the room. I'm here.

1 I'm witness to this today. And I thank all of you  
2 for standing for those who cannot speak.

3 Thank you. Good day.

4 (Applause)

5 MS. IMMODA: Wasco County Planning Commission, my  
6 name is Charlene Immoda. I live in Hood River and  
7 I  
8 live at -- (inaudible) is the street. 132 (inaudible) Drive,  
9 number 28. And thank you, the last two speakers.  
10 The fire speaker and the Native American speaker,  
11 they are perfect because it set perfect for what I  
12 am going to speak to.

13 So the title. I am speaking today as a mother.  
14 Thank you, panel, for this long afternoon, all this  
15 patience listening. Thank you for this important  
16 decision, a very crucial decision for not only us,  
17 as we are saying, but for the children. In my  
18 (inaudible) accountability, but a different kind  
19 of accountability. Kind of tough mother kind of  
20 accountability. Really good mothers are tough and  
21 strong. They are a good bunch.

22 So I want to say something strong. What we  
23 are talking about today is having more rail, extra  
24 rail, extra track, extra trains. I propose we go the  
25 opposite direction, which is that, we need to have

1 more accountability from Union Pacific about what is  
2 on those trains, at what time when they hit the  
3 Dalles and Mosier, and Hood River because of the  
4 first responders, firemen, how will they know how best  
5 to respond. Secondly, what if you're a mother or a  
6 father on the tracks and there is a derailment.  
7 You're going to want to know, what accountability  
8 there is. What gases are coming out, and what  
9 (inaudible) is going to happen.

10 So, as parents, please, we are parents  
11 for our children, for our grandchildren. We have to  
12 think about this. This is real science, affecting  
13 real lungs and real bodies. So, please, everyone, think  
14 about accountability. And the eyes, the eyes that are  
15 looking at us, the little children, the little Anglo  
16 children, the Hispanic children who don't have a voice  
17 because they don't have documentation, and Native American  
18 children. Please, let's not be accountable to  
19 paychecks from bosses.

20 Let's be accountable to the people who  
21 do not have a voice. Thank you.

22 MR. OLSEN: All right. Next we have Jack  
23 Herbert, Patricia Morgan, and Daniel Rasmusson.

24 MR. HERBERT: Members of the Wasco County  
25 Planning Commission, I want to thank you for inviting

1 us here to listen to us. My name is Jack Herbert. I'm  
2 from Cedar Hills, Oregon. I was a VISTA volunteer in  
3 Hood River in 1980/1981.

4 There are two kinds of harm we are all  
5 responsible for, global harm from worldwide sources  
6 and local harm from local substances. You know, I  
7 hope that peer review science said years ago that  
8 we need to leave 80 percent of the fossil fuels in  
9 the ground unburned. I have heard if we have any  
10 hope of meeting the two degree safe, worldwide  
11 temperature wise target. That target would be a  
12 disaster. So we are hoping to hold it down to  
13 merely disaster. And we are all almost to the point  
14 where we're going to blow right past it based on  
15 we have already emitted. And the warming is going  
16 to keep coming. We know that the rest of the  
17 world, except for the United States, signed the  
18 Kyoto agreement. Our federal government is so  
19 corrupt it didn't sign that and hasn't done very  
20 much since then (inaudible).

21 So our federal government is not going to  
22 save us.

23 When Pearl Harbor happened, our federal  
24 government was working for us and we all got  
25 together and they did the organizing and we pulled

1 it off.

2 Now we've got a bigger threat than Pearl  
3 Harbor and our federal government is the problem  
4 more than just about anybody else. They are owned  
5 by people who are driving all this stuff. So it  
6 comes back to us here.

7 We're the ones that have got to stop this.  
8 We're the ones that have to do the leadership.  
9 We've got (inaudible) you've got the global warming.  
10 You've got utter insanity of running oil tank --  
11 oil tanks -- moving oil tanks by rivers. Anybody  
12 with any sense knows better than that, but the  
13 federal government is so corrupt that they claim they  
14 have most of the authority. You've got to use  
15 everything, you've got to do the leadership we need  
16 here.

17 In an industrial air quality regulation for DEQ,  
18 DEQ found that out of almost 190 air toxins in 1990  
19 Clean Air Act Amendments, one of them accounted for  
20 most of the cancer deaths: diesel exhaust. You heard  
21 about that. So we tried to get (inaudible) we're  
22 working on how can we get (inaudible) in the last 30  
23 years and the newest regulations only apply to new  
24 ones. So, you know, we're stuck. We weren't able to  
25 get complete conversion.

1 MR. OLSEN: Time's up.

2 MR. HERBERT: Okay. So you guys just need to  
3 stop more trains coming through and you got to stop  
4 shipping fossil fuels. You all know about all this.

5 Thank you.

6 MS. MORGAN: Before you start the clock, I  
7 have a question. I don't want to take my time  
8 asking something I haven't heard: How much money  
9 are we paying to do this? Kind of like a Monopoly  
10 game. Is there money being exchanged here for you  
11 putting those rails? That's a question I had. I don't  
12 know if you have that discussion.

13 My name is Patricia Morgan. I live at 2550 Hollow  
14 Road sometimes, but right now living in Lyle,  
15 Washington, right in the front of the railroad  
16 tracks which rumbles, and I put closed captioning  
17 on the television so I can listen to TV, because  
18 it's so loud.

19 We have come to speak. I'm coming from  
20 my heart and you come from -- you're speaking money.  
21 We speak two different languages. Ours is love;  
22 Yours is oil and money. Ours is the environment and  
23 all that supports life on this Earth. And yours is  
24 power and all that destroys the Earth. They are two  
25 different languages for which there is no

1 translation available for us to understand each  
2 other. I hear the words the big money  
3 corporations speak, jobs, international trade deals,  
4 that supposedly strengthen the economy, tax revenue  
5 supports communities, money as well. Do you hear my  
6 words and all -- everybody who's spoken in here  
7 today? We're speaking fresh water, fresh air,  
8 green, healthy forests, fertile soil, (inaudible).  
9 Not taking our river bottoms and putting in rails.

10 I looked up on the internet to see how many  
11 rail disasters there have been just in the United  
12 States. In 2010 there were five. In the United  
13 States. In 2011 there was seven. In 2012 there were  
14 14 train accidents. Listen carefully. In 2013 there  
15 were 18 train disasters. One outside of the U.S. was  
16 a big one in Canada that destroyed half the town,  
17 and killed 47 people. Then we get to 2014 where there  
18 are 24 disasters, 24 disasters. One on January 7th,  
19 13th, 17th, January 17th, again, the 19th, the 20th.

20 Earthquakes, everybody's talking about  
21 preparing for earthquakes. What is the difference  
22 between an earthquake and oil tank? Earthquake,  
23 you just simply shake and roll. What if we dump  
24 a whole hundred cars of oils into our rivers?  
25 You know, there won't be any help.

1 I ask you to deny this application. I have  
2 lots to say, you know. But if you're going to approve  
3 it in any way, make them pay for every 10 miles.  
4 Having (inaudible), having full hazmat setup  
5 because we don't know where this big next  
6 accident is going to happen. We need to protect.  
7 This is the most incredible place in the world.

8 Why do you even consider letting them do  
9 what they're doing? And I'm going to point out  
10 how my friend here had to work so hard to get  
11 his solar panels in so he could be free of oil, free  
12 of fossil fuels.

13 MR. OLSEN: Ma'am.

14 MS. MORGAN: Okay. Thank you. Please,  
15 deny this application.

16 And there's investors, insurance  
17 policies where Canada is suing.

18 MR. OLSEN: Wrap it up.

19 MS. MORGAN: Fifteen million dollars,  
20 because they didn't need investor quota.

21 MR. RASMUSSEN: I am Dan Rasmusson. 602 Canyon Road  
22 in Lyle, Washington. I am a semi-retired science and  
23 music teacher at Mosier School, where I did about  
24 ten years.

25 As a middle school teacher, (inaudible)

1 project involving kids building their own  
2 science museum. I have expertise and experience  
3 in science museum and I am also a music teacher  
4 at the (inaudible) music and (inaudible).

5 I'm fond of telling my classes that Teddy Roosevelt  
6 and John York and Cindy Vallick from the National  
7 Park System. That people of goodwill and rationality  
8 can get together and solve their problems and all  
9 those problems may not be solved today but they  
10 can be solved in the future.

11 I'm going to take a little different approach  
12 here. A lot of things have been true. We all  
13 understand the safety and safety concerns. We  
14 also should understand that the railroad is an  
15 essential infrastructure. I was impressed by your  
16 comment that (inaudible). We're only thinking of  
17 the end cost of that product (inaudible).

18 Our trains are (inaudible) infrastructures.  
19 Someday it will be (inaudible) rail and you can  
20 play music of some sort. It creates structured  
21 interference with the sound waves. Acoustically  
22 (inaudible).

23 When I came into Mosier, I came into  
24 an environment, in which for 20 years people  
25 had been envisioning and thinking about what

1 Mosier might become. It already has a certain  
2 centrality. Psychologically, geographically,  
3 topologically and in many ways represent the  
4 center of our community of the Gorge, an asset  
5 that tens of thousands of people are going  
6 through. They have a role to play in the future.

7 We've envisaged what's called Motion  
8 Institute, for lack of a better word, an  
9 educational theme park. A place to highlight  
10 promising technology to the future in which we  
11 can show how we can have a bright future, a  
12 democratic institution with respect for the  
13 environment. And it's just a really an exciting  
14 thing to have done even talking about the  
15 future children, talking about clean air,  
16 clean water. So that is one of visions sort  
17 of for Mosier with the town benefitting from  
18 some of the spillover from this institute,  
19 working in concert with the school there with  
20 laboratories, people coming (inaudible) getting  
21 excited about the future, about how Intel,  
22 about Boeing, how Google are going to build a  
23 brighter future for us all.

24 So, I suggest that with the smoke signals  
25 that happened in Mosier that maybe we could have

1 a cooperative effort with Union Pacific and learn  
2 how to make this a safer way to do things for all  
3 of us.

4 I just got back from Europe early last year  
5 and (inaudible) panels and screens for (inaudible)  
6 that kind of thing --

7 MR. OLSEN: Time is up here.

8 MR. RASMUSSEN: Okay. Anyway, that's the point.  
9 I want to quote from William James.  
10 Everything we do makes a difference because it does.

11 MR. OLSEN: Thank you. Now we have Roberta Lapp,  
12 Rose Christianson, and Vicki Stifter.

13 MS. LATH: I appreciate your service and the  
14 talent that you have. I come from a rural family. My  
15 husband (inaudible). I ask the railroad people here  
16 if they have any operating experience.

17 MR. OLSEN: Give us your name, please.

18 MS. LAPP: I'm sorry. My name is Roberta Lapp. I  
19 live in Hood River. My street address is 1110  
20 (inaudible).

21 My husband started (inaudible). He worked ten  
22 years in the Burlington Northern Railroad and put in  
23 the computerized freight yard and then he got out of  
24 Washington to work on what to do about the southern  
25 bankrupt railroad. And so we took over a short line

1 and had coal-fired electrical plant on that.

2 And I was asked to find out, it took me two seconds  
3 to know that your name is (inaudible). Your number one  
4 is to cover the coal. It is my understanding that coal  
5 in a car is like logs at the lumber mill before they get  
6 milled. They have to put water on those logs or they will  
7 combust automatically inside the other logs. I don't know  
8 if you've driven by logging places, but that's what  
9 they do to keep the fire from happening.

10 If you cover a coal car, this has been true for  
11 the last 33 years I was on the railroad, The coal can  
12 combust. That means it automatically starts to combust.  
13 So you can't cover coal cars.

14 So I would ask you to not accept this proposal,  
15 because you can't cover coal cars.

16 The second thing I say is this siding track is  
17 like Highway 30 in 1930. It will take the train and  
18 safely put it to rest for a while and then put it back  
19 on the line. What they're asking for is not an  
20 improvement, but it's like a whole new technology.  
21 It's like they're asking for interstate highway to  
22 be built. And I don't think that it's legal. I mean,  
23 I don't know even, but it's immoral to say that this  
24 is just replacement of a siding when they're going  
25 to have it be mainline standard. And I don't know

1 if you know the difference, but Class 1 railroad  
2 standards for mainline are different than a siding  
3 passing.

4 MS. OLSEN: Ma'am you need to finish up, please.

5 MS. LATH: Keep the trains on the track. That's  
6 your job. And our job is to keep the oil and coal  
7 from coming. And I appreciate your help in having all  
8 of us do that.

9 DR. CHRISTOPHERSON: Hi. I am Rose  
10 Christopherson. I am a retired VA physician in  
11 Portland, Oregon. And I am the head of the  
12 Care Creation Ministry Church in Portland.

13 And I want to say that we all need to take care  
14 of this beautiful Earth we live on, whether we call  
15 it creation or the planet or whatever. And I thank  
16 and congratulate all of you, because in doing your  
17 work, you are taking care of this Earth. You're taking  
18 care of this small piece of Earth around Mosier and  
19 you're taking care of the whole Earth. And you're  
20 taking it seriously.

21 I've been sitting in the front row. I've been  
22 watching your faces. I've been seeing you, sometimes  
23 tired, sometimes a little bit bored, I will admit,  
24 and -- but always very serious and so I just want to  
25 thank you for the hard work you're doing for all of

1 creation.

2 MS. STIFTER: Good evening. My name is  
3 Vicki Stifter. And I'm a United Church of Christ Pastor,  
4 a community Church in Hood River, Oregon, also mother  
5 and a lover of Earth. And I live very near the cap. I  
6 wanted to just with the crowd with me -- I know everybody  
7 is getting tired, and I thank you so much for being here  
8 and for listening to all of us. How many of you live  
9 within a blast zone? That's one mile of the track. Those of you  
10 who are here? And how many of you -- how many of you who  
11 are working for Union Pacific live in the blast zone?

12 MR. OLSEN: We need to have you just provide your  
13 testimony.

14 MS. STIFTER: That was just part of it.

15 So, basically, what I want to say is I am a here  
16 as mother, pastor, lover of Earth. I come here today  
17 because I breathe the air here. I drink the water  
18 here. And I live within blocks and raise my family  
19 within blocks of the track. In my Christian tradition,  
20 the creation is gift and we treat it as gifts, for  
21 ourselves, for our children, and for our grandchildren,  
22 pure gift. And so I come here today speaking from that  
23 place where I'm concerned about lots of facts. What I  
24 am most concerned about is we talk again, again, again,  
25 about privatized profit and collective risk. The risk

1 for there is no benefit to us, none, zero.

2 The CEO of Union Pacific is now making \$9,105,000,  
3 about \$4,375 an hour. I don't know how well you  
4 gentlemen are paid -- I hope it's really -- you deserve  
5 a lot of money for being here tonight, but it all comes  
6 down to the fact that we're trying to push more and more  
7 stuff through. We're trying to push more and more oil  
8 through more and more coal, more and more dangerous  
9 things through so that somebody else, someplace else  
10 who doesn't live here, who doesn't breathe this air  
11 and drink this water is making an immense profit.

12 And I thank you for being here, for listening,  
13 for speaking, for asking on behalf of this people  
14 in the community who breathe this air, who love  
15 these children and who go to school near the tracks.  
16 Thank you from the bottom of my heart.

17 I have heard the definition of insanity  
18 was doing the same thing over and over and over  
19 again and expecting different results. We know now  
20 what happens when we have trains coming through here  
21 loaded with oil and coal. You don't need more. We  
22 know the result. So, let's be wise and let's act on  
23 behalf of our children and grandchildren and do the  
24 right thing. Thank you.

25 MR. OLSEN: All right. We have Debra Romerein,

1 David Stolic, Beth Lolick.

2 DEBRA ROMEREIN: My name is Debra. I am from  
3 Portland; business owner. You can't get to four by  
4 adding one to two. You can't get up north by  
5 heading due south. And you can't fight climate  
6 change by building more fossil fuel terminals,  
7 pipelines, and more rail tracks that will accommodate  
8 more and more oil transport.

9 So a guy named James Black, he was ExxonMobil's  
10 senior scientist. He delivered this sobering message  
11 back in 1977, he said: There is general scientific  
12 agreement that the most likely manner in which mankind  
13 is influencing the global climate is through carbon  
14 dioxide release from the burning of fossil fuel. He urged  
15 ExxonMobil to act. Exxon's response: They launched a  
16 colossal 30 million campaign to spread  
17 disinformation and to sow confusion about climate  
18 change.

19 One Exxon exec was quoted as saying victory  
20 will be achieved when the average person is  
21 uncertain about climate change. Christine  
22 Lagarde, the Head of IMF, not exactly a basket of  
23 liberalism. She admonished in 2014. She said the  
24 planet is perilously close to a climate change  
25 tipping point.

1           And let us not forget that nine short  
2 months ago in Paris 195 nations came together and  
3 agreed that global warming is an urgent threat and  
4 that all nations must take extreme steps to reduce  
5 CO2 emissions.

6           Did anyone see last Sunday's New York  
7 Times? Main headline it said the flooding of  
8 America's coasts a consequence of global warming is  
9 not 100 years away. It's now. Last Sunday.

10           Our oceans are rising. Our ice sheets are  
11 melting. We have the set record highs for global  
12 temperatures for each of last 14 months. Holy cow!  
13 And our concentration of C-02 in the atmosphere  
14 last year hit an alarming 400 parts per million.  
15 The last time we hit that, there were no  
16 humans. It was that long ago.

17           But as the chief scientists for ExxonMobil  
18 found out 40 years ago, we can't depend on fossil  
19 fuel companies to make a change. We can't expect  
20 rail companies that transport thier payloads to  
21 change. We have to do it, us.

22           Now for the good news: Scientists have  
23 estimated that Americans can generate 80 to 85  
24 percent of the power from sun, wind, and water by  
25 2030, a mere 14 years.

1 MR. OLSEN: Ma'am, time.

2 MS. ROMERAN: If we all put our full effort in to  
3 making that happen and reject more fossil fuel  
4 projects like this Union Pacific rail expansion.  
5 Thank you.

6 MR. OLSEN: We've got Pat Freberg and Lenore Boyer  
7 and John Boonstra.

8 MS. FREBERG: Hello. I'm Pat Freberg. I  
9 reside at 8327 Northeast 54th Street in Vancouver.  
10 For 40 years, I have traipsed over Gorge mountain and  
11 trails while enjoying the amenities offered by the  
12 Dalles station, Hood River and little towns, like  
13 Mosier.

14 While I'm not a Wasco County resident, I'm  
15 invested in this nation's environmental and economic  
16 health. Many people here today, probably some of you,  
17 remember the Gorge before it was a designated a  
18 National Scenic Area and the bloody fight it took to  
19 get us to the protections we have today. I am here  
20 right now because I am angry; not at you but of the  
21 mess you are in.

22 This mess is like three concentric circles.  
23 The inner smaller circle is around Mosier and the  
24 Gorge. Today we're focused on the Union Pacific's  
25 Application to lay four miles of additional railroad

1 track so the company can haul ever more fossil fuel  
2 products from inland America to the Pacific Coast.  
3 Our concerns involves protecting residents and  
4 sparing the area future environmental degradation.

5 The second larger concentric circle involves  
6 the corporate world, its power and intent. Union  
7 Pacific's interest in Mosier is strictly that as  
8 a corporate person. It wants to reap the massive  
9 profits by increasing revenues and cutting expenses  
10 with intention of returning -- with the intention  
11 of rewarding stockholders and corporate officers.  
12 This same corporate entity is heavily subsidized  
13 by taxpayers. The outrageousness of this system  
14 in balance makes me angry. It's corporate tyranny  
15 over the environment, over U.S. government, and  
16 over U.S. citizens.

17 The third and largest concentric circle  
18 involves the planet, the possible climate change,  
19 possible extinction of our species. At the very  
20 least, there will be serious and definite suffering  
21 for our children, our grandchildren, great-grandchildren  
22 and beyond. And they will have to deal with heat,  
23 desertification and storms that are caused by a  
24 tumultuous planet that has no polar ice caps.

25 This really makes me angry. So what can we

1 do? You, who make decisions that affect the smallest  
2 circle, the Gorge, have plenty of ammunition in  
3 Chapter 5, the Conditional Use section, to deny this  
4 application. I urge you to make your decision based  
5 on the best interests of the local (inaudible),  
6 -- your local environment and the Columbia River,  
7 not on the need of the Union Pacific.

8 If you do that, your decision will ultimately have an  
9 impact on the outer concentric ring. It will both  
10 affect the corporate world and may eventually  
11 affect our planet's future. Deny this application.  
12 Thank you.

13 MS. BOYER: Good evening. My name is Lenore Boyer.  
14 I live in White Sands, Washington. And I can attest  
15 firsthand to the terror of evacuating from a  
16 railroad-related accident. I don't know if perhaps you recall,  
17 but on a windy September day several years ago there was  
18 a grinder -- a spark caused by a grinder on a rail line  
19 that ignited the hillsides around (inaudible) Hill and  
20 obliterated the hill and surrounding neighbors' homes.  
21 It's as terrifying as it was profoundly preventable.  
22 It wasn't intentionally set, but it happened.

23 In my hand is a 73-page list of rail accidents  
24 that have occurred within the past six years, actually  
25 just little over five-and-a half. In them scores of

1 innocent people were killed, countless more being  
2 injured, not to mention the destruction of property  
3 and natural environment. None of the accidents had  
4 been planned. That you insist optimal measures will  
5 are and continue to be taken to ensure accidents won't  
6 happen is as unrealistic as it is irresponsible.  
7 Accidents have happened and accidents, many of them  
8 fatal, will continue to happen in spite of your best  
9 intentions or policy/procedures.

10 The accident in Mosier underscored the point  
11 that the Columbia River Gorge is no place for  
12 additional coal or oil trains, let alone rail  
13 expansion. I am in envy as perhaps many of you are  
14 as well. And the Columbia River Gorge is our backyard  
15 and is something that we would like to see it  
16 preserved and protected for future generations.

17 So with that in mind, I'm just hoping that -- not  
18 even hoping, just imploring you that you will reject  
19 this ill-begotten project and keep it out of our  
20 backyard. Thank you.

21 MR. BOONSTRA: Good evening. My name is John  
22 Boonstra. I live in Hood River. I am a creation  
23 justice minister for the Central Pacific Conference  
24 of United Church of Christ, former executive minister  
25 Washington State Association of Churches and now an

1 organizer with the Columbia River Gorge Private  
2 Climate Action Network.

3           It is my conviction that the proposal before  
4 you diminishes and disregards the collateral damage  
5 to our communities and dares us, dares us to grant  
6 socializing to business practices that will cause  
7 certain dangers and risks to everyone. I urge you to not  
8 put your stamp of approval on this project. The  
9 motives behind this project are cast in terms of  
10 economic profits and efficiency. We've heard a lot  
11 today that they are environmentally unsustainable,  
12 socially irresponsible, economically unacceptable,  
13 medically indefensible, and morally unconscionable.

14           We need to try to be very honest about the big  
15 picture at stake in today's hearing. It is  
16 profoundly relevant. I urge the Planning Commission  
17 to play your role in unveiling the truth about this  
18 bold, in-your-face railroad corporate denial of  
19 what's giving rise to climate change.

20           This project aims to strengthen lethal fossil fuel  
21 infrastructure. The project aims to accelerate a  
22 short-sighted private business plan whose goal is to  
23 empower and build what some systems analysts have said  
24 is a carbon combustion complex. It's not a legacy that  
25 you want to leave as your footprint on a dangerously

1 warm planet. Business as usual in the face of global  
2 warming can never be exchanged for the health of our  
3 families, our neighborhoods, and our environment.  
4 I urge you to play your role in the ultimate defeat  
5 of this double expansion track. Thank you.

6 MR. OLSEN: All right. Next we have Todd  
7 Verdi, Judy Todd, and Gina Fuller.

8 MR. VERDI: My name is Todd Verdi  
9 from Washington, Washougal; on the Washougal River.  
10 I live right on the Gorge. I think I am the only person  
11 from Washougal. I have lived in Washougal for about  
12 50 years. I urge you to reject this application. And  
13 we know the railroad really isn't telling the truth  
14 about the purported safety that they're going to do.  
15 It's not going to be any safer than it was, because  
16 there won't be any controls. And they are working  
17 for their shareholders, and their top two guys that  
18 are making 25 million a year. They don't care about  
19 folks within the Gorge that are living in the  
20 hinterlands and they are not going to care until when  
21 it happens, they incinerate some people. Fifty  
22 people were killed in Quebec. Fifty homes were  
23 destroyed, and it's very likely that, given the  
24 numbers, it will, in fact, happen again with the  
25 flammability of the oils.

1           So, since we -- I don't think that we can trust  
2           them. I think that we need to plan for two to three  
3           times the accident that happened in Quebec. And that  
4           means that we need to have those folks put up a  
5           performance bond of somewhere between 2 and 5 million  
6           and if their safety accidents or incidents go down, the  
7           bond will become cheaper if they go out in the marketplace  
8           to buy it. If, like we have heard, they're sloppy  
9           compared to most people, or operators, that performance  
10          bond will become more expensive. You guys have the  
11          power to do this and I don't think it affects interstate  
12          commerce, because you can -- you can plan for your own  
13          local safety.

14          So, again, we need a performance bond up around  
15          3 to 5 million so the taxpayers, when they're injured,  
16          they don't have to pay, because, as we know, in  
17          America, it seems like the little people always pay  
18          and the big guys get away with it. So, I say be the  
19          little people's hero and you protect us, even if we're  
20          from Washougal.

21          So, don't poison the children for cheap oil going to  
22          China. I urge you to reject it and I urge you to make  
23          these guys pay. Thanks.

24                 MR. OLSEN: Todd, what was the amount of that fund?

25                 MR. FLAHERTY: Well, I was just thinking that my

1 calculation would be 3 to 5 million, because if you --  
2 if you burn -- let's say you burn 50 kids and they're  
3 alive, but they are alive and they need nursing care for  
4 the rest of their lives, you're talking probably seven to  
5 \$15 million each. That right there is a billion bucks.

6 CHAIRMAN HARGRAVE: Okay, thanks.

7 MR. FLAHERTY: That doesn't include the property  
8 damage. You have to deal with it. It is going to go  
9 wrong. It's just a fact.

10 MR. OLSEN: Thank you.

11 MS. JENNY: Good evening. My name is Jenny. I live  
12 in Portland, Oregon. I started out in one place today  
13 listening as you began your process and I find myself  
14 in a very different place now. I am here to ask you to  
15 deny this permitting. I think you have the facts. I  
16 think some of what's being shared as the day has gone  
17 on has been heard perhaps more than once, maybe more than  
18 twice. I don't think it's going to be useful to malign  
19 anyone or to point a finger. I have noticed I've been  
20 learning while I've been sitting here. I've been  
21 learning a little bit about each of you since I've  
22 observed you in your process. And I appreciate that it  
23 requires a lot of due diligence to do what you're doing.  
24 And I'm glad that you have signed on for that, to do  
25 your due diligence, to do it to the best of your clients

1 and good people working with you to provide you  
2 information. I trust that if you follow that, you'll  
3 make the right decision for the community.

4 I think there's an underlying more difficult  
5 decision to talk about or to be presented here. It's  
6 one thing to look at a corporate enterprise and to  
7 figure out how to fit it into the communities in which  
8 we live, whether it's oil, gas, railroads, it's kind  
9 of -- it's corporate America. So, how do we live in a  
10 context of corporate America who, by law, is acting  
11 legally but by a fact it's a different reality for the  
12 citizens who are living on the ground in the places  
13 that are the sacrifice zones.

14 I had the good fortune in 2014 to spend three  
15 months walking and I walked across most of the Southwest  
16 and through five states of the East. And I started in  
17 Arizona and I ended in Washington, D.C. What I saw on  
18 that walk sleeping on the ground night after night,  
19 talking to people in community after community, what  
20 I saw was that we are creating the sacrifice zone  
21 called the United States of America. And those who are  
22 sacrificing are the people, the animals, the creatures,  
23 the waters, the air. It's one place after another that  
24 is being overcome or overburdened by its inability to  
25 do what we're asking. Thank you.

1 Thanks for tonight.

2 MS. FULLER: My name is Gina Fuller. I live in  
3 (inaudible). Over the past couple of years the  
4 number of trains and the size of trains through the  
5 Gorge has increased drastically. It's really impacted  
6 people's quality of life. It's impacted the beauty of  
7 the Gorge. When you're driving on Highway 14 now, the  
8 normal view of the river is a train. It's very rare  
9 that you see the river these days because the trains  
10 are so many and so long. And if you approve this  
11 project, it will increase that negative impact not  
12 only on the Gorge, but, of course, on the world  
13 nature of the oil trade and if that impact includes  
14 so that trains can be bigger, that increases the  
15 scope of the disasters that can happen. I think  
16 you've been presented plenty of justification to  
17 disapprove this and I hope that's what you will do.

18 MR. OLSEN: All right. Next we have Ken  
19 Ferguson, Catherine Cozwell, and John Corbin -- excuse  
20 me, Stan Corbin.

21 MS. COZWELL: I'm not speaking. I am writing  
22 (inaudible).

23 MR. OLSEN: All right. Thank you.

24 MR. FERGUSON: Hello My name is Ken Ferguson.  
25 Legal resident of the state of Oregon. I attended

1 earlier this year the hearing at the Oregon State  
2 Parks Commission (inaudible) state park area. That  
3 was prior to the Mosier derailment. And of course,  
4 that permit was denied.

5 I oppose any extension of rail in this area.  
6 (Inaudible). First responders can't deal with this.  
7 We got lucky in Mosier. So, you know, I'd like to  
8 see less rail traffic in the Gorge Scenic Area.  
9 Just a couple months ago I was up in North Lake,  
10 which is about seven miles from a train. I couldn't  
11 sleep at night because the trains are so loud. I was  
12 seven miles through the (inaudible). There is a lot  
13 of noise coming down the Gorge (inaudible). This is  
14 a National Scenic Area. This is not fossil fuel  
15 transport (inaudible).

16 We do share a water supply. We're seeing a  
17 connection between this pipeline (inaudible) on  
18 rails coming through the Gorge and the opposition  
19 to that pipeline. We need to keep it in the ground  
20 and stop any of those routes to get this dangerous  
21 cargo to -- (inaudible). Threatening water  
22 supplies of the Missouri River or the Columbia River.  
23 None of us can survive without clean water and we're  
24 rapidly running out of it on Planet Earth. This river  
25 needs to be protected. Honor the trees. (Inaudible).

1 We need informed consent of tribal nations. A lot  
2 of the people that were representing Yakima Nation  
3 -- Joe (inaudible), they were in the Mosier press  
4 conference, they said zero tolerance. They  
5 certainly don't want you expanding this railway.  
6 (Inaudible). You know, they have been on the road to  
7 try to stop this pipeline. I wasn't sure they  
8 would be here.

9 I mean, this is the thing, this hearing was  
10 delayed. It was supposed to be closer to the  
11 derailment date of June 3rd. Of course, wait a  
12 couple months, then we'll try to get it through.

13 MR. OLSEN: Sir.

14 MR. FERGUSON: Closer to that date. Now there's  
15 larger issues on these the same.

16 MR. OLSEN: Sir, we need to have you wrap  
17 it up.

18 MR. FERGUSON: Please deny the permit. Thanks.

19 MR. OLSEN: All right. We have Stan Foreman,  
20 Lois Bancrot, John (inaudible). Kirwind from Hood River.  
21 All right. Katherine Hill, Michele Bryant, John Halls,  
22 Margaret Sulla, Jeanette Conn.

23 MR. HARGRAVE: If you have already signed up,  
24 come up one at a time and state your name.

25 (Pause in proceedings)

1 MS. CROWLEY: I'll make this quick. My name is  
2 Susan Crowley. I am a business owner, and a resident of  
3 Mosier.

4 First of all, thank you all so much for being  
5 here and sitting through and listening to all of our  
6 testimony. It's a challenge to have gone through such a  
7 complicated application procedure. And also thank you  
8 for holding public hearing, finally. It was a little bit  
9 frustrating always having the rescheduling, but I am  
10 glad we are here now.

11 First of all, you know, I am not going to repeat  
12 a lot of points already made. There were many points  
13 to deny this application. And I really hope you have  
14 the strength and courage to deny this application. It  
15 will take some strength and courage to do so.

16 I -- there is a plaque atop the Mosier twin tunnels  
17 that the Columbia River Gorge is a ational treasure that  
18 deserves the protection of a lifetime. And that is really  
19 something we need to keep reminding ourselves; that in  
20 all the changes that are coming, we still need to protect  
21 that area that can't speak for itself, not just wildlife,  
22 that's the Scenic Area, that's the trees and the  
23 land.

24 One thing that we keep talking about that I haven't  
25 seen in a study is the noise. Of course, living in Mosier,

1 we hear the trains. We hear a lot of trains. It's not  
2 just the whistle that they have been blowing recently to  
3 let us know that they're there, but it is the wheels and  
4 the -- you know. Depending on if it's a double track, or  
5 double container load, we hear the squeaking, the  
6 squealing a lot more loudly than if it's a single car.  
7 So, I think that if there's any way to do some studies  
8 on noise, that would be great because that does  
9 adversely affect fish, wildlife, plants, what have you.

10 And one of the things you talked about is  
11 that this application or this thing must not  
12 adversely affect air, water, or land.

13 I'm going to hurry through this. So, it is a  
14 National Scenic Area. It has its own rules and regs. You,  
15 as the Planning Commission, adhere to those, know the  
16 rules and regs and deny this application.

17 One of the things terms like "being railroaded"  
18 definitely came from high-powered manipulation at the  
19 national level when railroads and tracks were being laid,  
20 so that's a term we all know. What I would like to  
21 suggest is don't let that happen to us. Show your  
22 strength to the people here in the Gorge and deny this  
23 permit and develop a better thing that says we stopped  
24 them in their tracks. Thank you very much.

25 MS. ELLEN: My name is Ellen. I am a 50-year

1 resident of Oregon. I am grandmother. I am a retired  
2 teacher. For fun, I have done research for people who  
3 are members of a group called Oregonians for Tax Fairness  
4 which (inaudible) project.

5 First of all, I want to say how much I admire  
6 your attention and your intelligent (inaudible). Thank you.  
7 Thank you very much and thank you for the chance to speak.  
8 I want to quote I think the first person who spoke, but  
9 it might have been the second. Every employee at Union  
10 Pacific works constantly to prevent incidents like that.  
11 We have to work together to prevent these accidents. And  
12 then somebody said that it's intermodal transport, which  
13 is what I do research on for Oregonians for Tax Fairness.  
14 Every employee of Union Pacific works constantly to  
15 prevent incidents like what happened to Mosier.

16 One of the research projects that I did for  
17 Oregonians for Tax Fairness involved reporting reports  
18 to OSHA on the retaliation or complaints filed for unsafe  
19 practices. Union Pacific, in fact, seven of the top ten  
20 offenders for retaliation from employee complaints about  
21 unsafe practices, Union Pacific, is number two on the  
22 list of ten. The top seven are all railroads. So,  
23 remember that when you're considering Union Pacific's  
24 plans; they retaliate against whistleblowers. Thanks for  
25 your time.

1 UNIDENTIFIED SPEAKER: There are three left, because-  
2 we're here representing the (inaudible) international  
3 group. And we do testimony, but usually we do it with  
4 song. Sometimes we do a little theatre, but today --

5 MR. OLSEN: Did each of you sign up?

6 UNIDENTIFIED SPEAKER: Yes, we signed up as (inaudible).

7 MR. OLSEN: Definitely don't want to interrupt the  
8 song.

9 UNIDENTIFIED SPEAKER: Okay. It's just one testimony.  
10 It's less than three minutes. And we've done it before  
11 for other groups.

12 MR. OLSEN: We just to make sure we have names for  
13 each one.

14 UNIDENTIFIED SPEAKER: Jean (inaudible), Portland,  
15 Oregon. I will give testimony later.

16 UNIDENTIFIED SPEAKER: Ellen, you have me. So this  
17 is our testimony usually in song. And music goes to a  
18 different part of your brain and different emotional space.  
19 (Inaudible). Ready.

20 THREE WOMEN SINGING: Oil train, oil train going  
21 through, carrying more oil or coal, all you do. Please  
22 don't blow up any town. Keep that crude right in the  
23 ground. Mosier, Oregon, may be small but what happens  
24 there says keep them all. Stop destructive coal and oil,  
25 don't let our Gorge be soiled. Oregon is big enough to

1 make a huge difference if we are tough. Demand to keep  
2 it in the ground so our Gorge is safe and sound.

3 No oil trains in the Gorge.

4 Please deny this. Okay.

5 MS. ROBINSON: My name is Barbara Robinson. I am  
6 at P.O. Box 682, Mosier, my address. I actually live in  
7 The Dalles now, but I have lived around Mosier for years.  
8 I have been involved in conservation of the oak  
9 woodlands and the Gorge since 1970. (Inaudible). My  
10 daughter went to Mosier School, and I lived in Rowena  
11 for quite a while. I was evacuated in the last Rowena  
12 fire, the one before that, 1998.

13 When this happened, you know, a lot of people  
14 have said how Mosier the best-case scenario happened,  
15 and that's true but nobody has really talked about  
16 what the worst-case scenario could have been. I have  
17 been visualizing a lot. If this proposal would put more  
18 trains in the Gorge and the more trains the more  
19 chances are of accidents and more safety hazards  
20 there.

21 Now, I talked to Jim Appleton, the fire chief  
22 of Mosier, right after this happened and he said that  
23 he -- they fought it for nine hours before they could  
24 even start to use the foam. These fires, the foam  
25 would have just evaporated. That's what he said you

1 let an oil fire burn. And he said to me that if it had  
2 been the day before, 24 hours earlier with the 35-mile-an-hour  
3 winds we had, that car would have ignited the  
4 next car, the next car, pretty certain.

5 Now, also I talked to the people who own the  
6 ice cream and Porsche repair shop in Mosier, they were  
7 sitting outside. They heard it. The smoke started  
8 rising. (inaudible) got up to go toward it and her  
9 husband said, "No that is toxic smoke."

10 Now, this smoke is different from a forest  
11 fire. It is oil smoke. It is toxic. Visualize--  
12 all those oil cars go pretty quickly. You get all that  
13 smoke going up. Smoke inhalation kills people; even  
14 regular smoke is enough. Toxic oil smoke. Imagine  
15 all the little valley of Mosier covered in smoke.  
16 I-84 closed because nobody could see to drive. I-30  
17 closed because nobody could see to drive. The west  
18 winds carrying it westward in the Gorge.

19 The Dalles, everywhere else. (Inaudible),  
20 but just smoke. The smoke would go up the valleys.  
21 Maybe people could get out of town by going up  
22 (inaudible) Road, maybe up (inaudible) Road. Imagine  
23 you are in Mosier and with all the smoke coming at  
24 you. Where do you go? What do you do? You can't  
25 even think. The whole town could have been killed,

1 I think.

2 What you need is to have some expert, not me,  
3 but some expert do a study on the worst-case  
4 scenario. What would have happened if Mosier--  
5 24 hours before, if this had happened? What if it  
6 had happened a month later when things are even  
7 dryer in the Gorge? It was pretty dry right then.  
8 We would have had forest fires. You couldn't stop  
9 the fire on the train.

10 MR. OLSEN: Wrap it up.

11 MS. ELLEN: Okay. Anyway, so say no to this,  
12 but also do studies on what would happen in the  
13 worse-case scenario.

14 MR. OLSEN: I don't have your name on the  
15 list. Could you come by and put your name and  
16 address down?

17 MS. ROBERTSON: I'm on one of your lists  
18 there, but I'll be happy to do that.

19 MR. OLSEN: Okay.

20 MR. KERR: My name is Matthew Kerr. I'm a  
21 relative newcomer to Mosier. I moved there in 1988.  
22 Here and that time I served as town water operator.  
23 I can't stress sort (inaudible) how fragile a  
24 community like Mosier is. The morning of the train  
25 derailment just proved nothing simpler than a tiny

1 little telephone connection and we had a reservoir  
2 that was at six feet of water. It should have  
3 been at 30 feet of water.

4 We'll go through those sort of numbers, when  
5 I am then scrambling that afternoon in incident  
6 command that evening, when they're asking me, you  
7 know, how much water do we have because we want  
8 to put 1500 gallons a minute of water at this  
9 fire, I said, "I'll give you a thousand minutes."  
10 And that's still 8,000 gallons in reserve in case  
11 there was a structure fire. A couple of the people  
12 on the crew said -- they looked at me and they  
13 snickered and said, Thank you very much. And they  
14 were fortunate enough to go and find a source of  
15 water somewhere else.

16 So, I guess in closing, in all this, is I'm  
17 not going to be a water operator on this next  
18 event, because there will be another event, just  
19 because it's a case of railroad roulette. I mean,  
20 it's fragile and in the same -- I'm sorry to say it,  
21 but in the same way that someone can go out and  
22 buy a lottery ticket and win and go out and buy  
23 another lottery ticket and win again. I mean,  
24 disaster isn't going to just visit us once. This  
25 will happen again and it's more likely to happen

1 because there's increased capacity this project  
2 will put forth.

3 So, I appreciate it. I want to first thank  
4 all of the responders that couldn't be in  
5 attendance tonight, because there were so many  
6 of them that I've worked with first on the initial  
7 charge in. And they left their families, their  
8 jobs, they left it all to jump in. And I want to  
9 thank them who aren't in attendance, as well as  
10 thanking you for listening. Thank you.

11 MS. GILLOIL: Again, my name is Leda Gilloil.  
12 I live in 4626 SE Clinton, Apartment 53, in  
13 Portland, Oregon. And one of the things that I'm  
14 not hearing anyone mention is the signs and  
15 evidence that we have that the risk is going to  
16 increase much more than exponentially and much  
17 more and worse in many areas the more variables  
18 they have been mentioning.

19 And, therefore, we need to have a fund set  
20 aside by UP to cover the costs of all those, far  
21 greater than any of the costs the people have been  
22 talking about. For example, the steel of the rails,  
23 the fasteners, the switches is being degraded. The  
24 vibration, because we're having more trains pass  
25 with higher weight. We are having fluid in the

1 cars that's not being stopped of the vibration  
2 because of (inaudible). The steel is worse, being  
3 replaced from China, where they don't have the  
4 quality control. We don't have the big trees for  
5 the -- for the type of steel that we used to have.

6 The fasteners and the switches are degraded,  
7 because we have the coal dust which has a lot of  
8 toxic chemicals we didn't have before, gumming  
9 up with lethal fill, the pollen and tree sap.  
10 We are having more gumming up. We don't control  
11 them. We are having more problems (inaudible)  
12 switching because when we have increased  
13 temperature changes from global climate change,  
14 when we have shifting from the rail beds from the  
15 train at higher speed and variety of different  
16 types of vibration. We're also having harder rain,  
17 less snow melt, and so we're having more water  
18 erosion so we're having the rail bed underneath  
19 erode out. We're having more vibration from the  
20 train tracks, from the tracking, from the drilling,  
21 from the sonar depth, from the sonar testing,  
22 military testing, and from the fracking, and that  
23 causes us to have less of the oil and the coal  
24 lubricants and shock absorbers. We have less of  
25 that, more frequent earthquakes. There is going

1 to be worse earthquakes, and they are going to  
2 spread farther, do more damage. We have that,  
3 plus the extra heating methane into the air.

4 We're going to have more global change,  
5 which means we're going to have more death of the  
6 different microorganisms in the soil, which are  
7 holding the water in place, so we're going to  
8 have more shifting. We're having more shifting,  
9 plus we're having more heat expansion of the  
10 steel, we're going to have more steel fatigue.  
11 And so we're not going to have the tracks to be  
12 able to maintain it. Plus, the train cars themselves  
13 are being eroded. They're having constant decay. And  
14 they are having heat expansion so they are becoming  
15 weaker and more volatile. And we're going to have  
16 more explosions and fire.

17 They've been talking about the earthquakes  
18 (inaudible) and then having the methane fire  
19 spreading.

20 So please look at the extra cost, the extra  
21 risk that I am talking about. We need to have  
22 the wetlands to protect our rail bed. We can't  
23 destroy our wetlands.

24 MR. OLSEN: Thank you. Can you give me your  
25 last name one more time.

1 MS. GILLOIL: Gilloil. Gill like the fish.  
2 Oil like spilled oil.

3 MR. OLSEN: All right. Is there anyone else  
4 later on the list or not on the list who wishes to  
5 testify in opposition or just to raise a question?

6 Thank you. I think that's everybody.

7 CHAIR HARGRAVE: Thank you. I know many  
8 of you actually put in more time in this speaking  
9 than us. We came locally. Some of you came from  
10 some distance. We really appreciate the testimony.  
11 It is an absolute critical part of our process and  
12 we really appreciate not only the richness of the  
13 comments and the input, but also the cordiality of  
14 the way you -- the way everyone handled themselves;  
15 Some clapping. It's really been a good experience,  
16 as well as a learning experience.

17 So at the conclusion of this testimony,  
18 the staff --

19 (Multiple voices)

20 UNIDENTIFIED SPEAKER: Does the Applicant get a  
21 chance for rebuttal first?

22 CHAIRMAN HARGRAVE: Okay. Well, I think 15  
23 minutes, is that right, for rebuttal? But no new  
24 evidence.

25 UNIDENTIFIED SPEAKER: I agree with Chair

1 Hargrave. Wow. And the "wow" really goes to you.  
2 We admire your stamina, and you will be pleased to  
3 know that we do not intend to test that stamina and  
4 (unaudible) will not take 15 minutes. There has  
5 been lots of testimony. There is not way  
6 (inaudible).

7 I actually would like to start with a  
8 procedural matter, and it may be addressed by  
9 Mr. Olsen, but Mr. Baker in particular, I believe,  
10 when I took his comments about the request to hold  
11 the record open (inaudible).

12 In Oregon, in Oregon land use cases, it is very,  
13 very common, but do you agree that the question is  
14 off the table besides? (Inaudible).

15 CHAIRMAN HARGRAVE: For the record, that was my  
16 intention.

17 UNIDENTIFIED SPEAKER: Mr. Chairman, the Wasco  
18 County code provides for a seven-day comment  
19 period. And chairman indicated at the beginning of  
20 the meeting that it was the intent of the Planning  
21 Commission to take written comments for seven days  
22 and then provide a short period of time for  
23 responses to those written comments, but no new  
24 evidence.

25 The seven, seven, and seven rule that's typical

1 in Oregon does not apply to this proceeding because  
2 of the National Scenic Ordinance statute.

3 CHAIRMAN HARGRAVE: Okay.

4 UNIDENTIFIED SPEAKER: (Inaudible). As I said, I  
5 think the plan is to have seven days and then a  
6 short period of time for rebuttal for the evidence  
7 procedure, for the seven-day procedure.

8 UNIDENTIFIED SPEAKER: Okay. So our thought is  
9 to -- is to respond to what we all heard in the  
10 last several hours during that time.

11 One of the issues that we have been hearing  
12 about frequently, and Mr. Olsen described it as the  
13 elephant in the room, is that it is straight off of  
14 -- I don't know if you can hear me, but it  
15 certainly struck a cord is the safety one.

16 (Inaudible) direct response to one of the questions  
17 that was asked and Mr. Olsen enjoined us from  
18 answering it.

19 I have raised two children and lived within a  
20 mile of the railroad tracks. I can tell you when I  
21 started as outside counsel for this company in  
22 about 2007, 2008, I was immediately amazed at the  
23 priority they put on safety. They start every  
24 meeting when you get into a room with a safety  
25 check. Who has -- what is it -- the CPR?

1 UNIDENTIFIED SPEAKER: CPR?

2 The CPR. Who has CPR training? Who is going  
3 to call 911? Et cetera, et cetera. They simply  
4 take it absolutely seriously for the simple reason,  
5 we all have -- we all have children. We are all  
6 working with our friends and colleagues. We all  
7 want everybody to get home at the end of the day.

8 But I really want to bring Wes Lujan on, if I  
9 can, just for a moment just to emphasize a  
10 hypothetical. He can provide a broader survey of  
11 what this company does about safety.

12 MR. LUJAN: You know, I'm just going to speak  
13 to what we have been doing in the Gorge in response  
14 to the June 3rd incident. You know, a number of  
15 folks in the audience and other public persons  
16 around the area have heard this, but I thought it  
17 would be good for the Commission to hear it  
18 directly from me, just reinforcing.

19 It doesn't matter if you're Lance Fritz or any  
20 other of our companies. We're all committed to  
21 having every one of our employees go home safe  
22 every day. We operate (inaudible) every day with  
23 the safest communities. So it's very disheartening  
24 to hear some comments this evening, but I assure  
25 you of the 45,000 employees that we have working on

1 our railroad every day, 365 days a week, 24 hours a  
2 day, seven days a week, they are all committed to  
3 safety every day. So I just want to reiterate  
4 that. 1600 of them are here in Oregon, working out  
5 of Oregon proper.

6 Safety recap. You know, we have heard -- we  
7 have spoken to the Governor on the communities here  
8 in the Gorge. I just want to recap what we did in  
9 response to the incident on June 3rd.

10 So what we have done, we've amended -- we've  
11 augmented our discussion practices, so now what  
12 we're doing, we are doing a high rail, enhanced  
13 high rail inspection three times a week in the  
14 Gorge. It used be two times a week and now it's  
15 three times a week. So it is a random sampling of  
16 lag screws that are in the curves in the Gorge.

17 We've modified our -- we have (inaudible) a  
18 gate (inaudible) so it's a big -- it's a big truck  
19 basically with 7,000 pounds of lateral pressure on  
20 the tracks. Basically it pushes out, they can test  
21 for (inaudible) the lag screw came out (inaudible).

22 That truck operated after the inspection after  
23 we refaced the track in Mosier. We did a testing  
24 in the Gorge in Mosier, in that area, to make sure  
25 the track was safe in those curves. 7000 pounds of

1 lateral pressure, a single-engine locomotive  
2 pushing out against the tracks.

3 We are going to do that. Now -- we used to do  
4 it every 18 months. Now we're going to do it every  
5 four. Okay? And it's operating actually today. I  
6 noticed it coming out here. It's in the Gorge. We  
7 are replacing 80 miles of lag screws in the curves.

8 So I just wanted to underscore, we started  
9 using lag screws in 2000. As a result of this  
10 incident, we're changing that. We're starting here  
11 in the Gorge. We will be done by October 15  
12 replacing the eight miles of lag screws in the  
13 Gorge with an equally safe fastener -- I want to  
14 underscore that -- with the rail strike fastener.

15 We are replacing those rail strikes with  
16 fasteners. Okay. (Inaudible) That's what we're  
17 looking at is a hard fastener in the curves. So it  
18 will be done by October 15.

19 Obviously you guys have a -- there is a lot of  
20 grain coming in from the East, Eastern Oregon and  
21 other places, and also bringing to the ports other  
22 commodities (inaudible) buckets are while driving  
23 along the track on I-84. (Inaudible)

24 Another thing we did, we added an inspector.  
25 We have intensified our discussion process on the

1 ground. Once a month an inspector is walking the  
2 Gorge corner, the curves in the Gorge, and doing a  
3 physical walking inspection of the curves. Okay?

4 So they are getting out, tapping it with a  
5 hammer, like a long hammer, basically tapping it so  
6 if they moved, then we know, right? So that's what  
7 we couldn't see when a derailment happened. We  
8 could not see that it was broken underneath the  
9 tie. So that is what we're testing for now.

10 The number of individuals have gone from two to  
11 three. Another thing that I think sort of gets  
12 overlooked a lot because it happened in the context  
13 of around the same time this was all happening the  
14 derailment, unfortunately, is we have purchased six  
15 foam trailers for use by the state fire marshall.  
16 The state fire marshall is going to decide where  
17 they are going. It's up to local governments to  
18 work with the state fire marshall to determine  
19 their locations, but they are working with them to  
20 stage those processes.

21 UNIDENTIFIED SPEAKER: You mean across the  
22 state or in the Gorge?

23 MR. LUJAN: Across the state, but the Gorge  
24 could be a location. That is between, you know,  
25 the state fire marshal and the first responders.

1 I also want to state that we have scholarships.  
2 We send people out to Pueblo, Colorado. We do  
3 trainings locally. There has just been a drill in  
4 The Dalles prior to the incident with the local  
5 first responder partners. We are doing  
6 scholarships. We are committed to this as part of  
7 the coverage in Oregon. We are going to keep  
8 moving forward on implementing that.

9 Our Chairman has doubled our efforts. He  
10 committed verbally at our meeting on the 26th. I  
11 think Ms. Brewer was there, as well the Chairman of  
12 Wasco County, as well as other folks in the room.  
13 And he basically said, hey, we are going to do  
14 everything we can on safety. We're going to double  
15 down on these communities. We're going to do more  
16 trainings, more drills locally, so we're going to  
17 get that done.

18 So I just want to reassure you that's  
19 happening. That's drills, and that's training at  
20 fire stations with volunteers. That's sending  
21 people to Pueblo, Colorado, at our expense through  
22 the scholarship program we have. And we're going  
23 to keep doing that.

24 Mosier proper. You know, there's a lot of  
25 discussion about, you know, how do we move forward

1 with Mosier? We're going to be doing our  
2 presentation at the Mosier City Council tomorrow  
3 night. We are working with Team Mosier, which has  
4 a Chairman, Mr. Terri Moore. We are having  
5 conversations with them. We are going to see how  
6 we can move forward together. It doesn't just stop  
7 after the initial response. We are going to keep  
8 working with them in collaboration to build a  
9 dialogue and find solutions that are amicable and  
10 reasonable for all parties involved.

11 There was a shot taken about, you know, our  
12 investment, our lack of interest in investing in  
13 rail infrastructure, the tracks are falling apart.  
14 We spent \$572 million since 2011 to 2013 in Oregon.  
15 That's just in Oregon. \$572 million we have spent  
16 as a corporation rebuilding our infrastructure,  
17 maintaining our infrastructure, and improving the  
18 safety for the residents of Oregon. I just wanted  
19 to inform you of that.

20 Another thing to kind of bring in closing, a  
21 lot of folks have talked about access. Access is a  
22 big deal. And that was something that came across  
23 for in our meeting with the Chairman on the 26th  
24 that really was well-articulated by a member of the  
25 elected officials and others in the room.

1           And my chairman is committed to working with  
2           the communities on safe and reasonable access. So  
3           we're going to see what we can do there. That's  
4           noted and that is a condition that you referenced  
5           in your report here, but we are committed to  
6           working with the Gorge communities on seeing how we  
7           can work on access. So that's going to keep coming  
8           back and we're going to be here every time.

9           So Mr. Tyler Stodd, I believe, is going to call  
10          and follow up on that and he is coordinating with  
11          all of the communities in the Gorge on everything.

12          So those were just a couple of closing  
13          comments. Please let me know if you have any  
14          questions. We are going to follow up with a PDF  
15          that has the details of our inspection practices  
16          that have been enhanced in the Gorge and we'll keep  
17          working with you guys.

18          Thank you for your time.

19          UNIDENTIFIED SPEAKER: So, yeah, I'm going to  
20          close now where I was several hours ago. We are  
21          all -- your record has got to be this tall at this  
22          point. Every person here, on either side, is here  
23          to address your questions.

24          And I know it's late, but I ask you to take  
25          another deep breath and if you have any questions,

1 we've still got some brain cells left over there.

2 We would be happy to answer them.

3 Yes?

4 UNIDENTIFIED COMMISSIONER: One question that  
5 came up many times tonight was will or will not the  
6 train traffic increase?

7 UNIDENTIFIED SPEAKER: Clint, why don't you  
8 come up. Clint Schelbitzki.

9 MR. SCHELBITZKI: Clint Schelbitzki at the  
10 Union Pacific.

11 So train traffic as a result of this project  
12 will not change.

13 UNIDENTIFIED SPEAKER: Oh, please.

14 MR. SCHELBITZKI: It won't increase. Our  
15 traffic is really dictated by the global market, by  
16 the U.S. economy. When our customers give us more  
17 goods to ship, that's when our train volumes will  
18 either increase; or if the economy goes down, like  
19 it has in the past several years, train volumes  
20 could decrease the same, but it has nothing to do  
21 with the amount of track that we install in any  
22 given area.

23 UNIDENTIFIED SPEAKER: So how about capacity?

24 One of the other lawyers, I think from the  
25 Friends of the Gorge, gave us some numbers and I

1 wanted to ask you about those numbers.

2 I think that they said that right now your  
3 capacity was in the neighborhood of 30 to 48 trains  
4 and after this project it would be in the  
5 neighborhood of 75 to 100 trains a day.

6 So understanding that's not what you're saying  
7 the intent is, but what is your capacity now and  
8 what would your capacity be after this project?

9 MR. SCHELBITZKI: I think the question turns  
10 into what is the capacity. We can move a good  
11 number of trains, but is it fluid? Is it -- you  
12 know, can you do it without the -- without a level  
13 of congestion that we're trying to relieve right  
14 now?

15 So I don't have the specific capacity number  
16 with me. I can tell you that 75 to 100 is false.  
17 There's no way we could move 75 to 100 trains with  
18 the track we have there today.

19 UNIDENTIFIED SPEAKER: With what it is here  
20 today, correct, but what -- what will it be with  
21 the proposed decision?

22 UNIDENTIFIED SPEAKER: Just to follow up, I  
23 appreciate that you're saying what you actually  
24 move is going to be driven by the global economy,  
25 pricing, and other macroeconomic factors, but it is

1 true that you could move -- the train volume could  
2 be higher after this project than it could be prior  
3 to the project. Is that true?

4 MR. SCHELBITZKI: That's correct, yes. That's  
5 where we have a common carrier obligation to our  
6 customers. If they provide us a shipment to move  
7 across the country, we don't have a choice in that.  
8 We have to move that. And if the economy improves  
9 such that it increases our volume as a result, we  
10 have to do this at that train crossing.

11 UNIDENTIFIED SPEAKER: So we have some  
12 information for you out of our planning department,  
13 like Clint said, but, you know, one of the things  
14 our chairman talked about in our meetings is that  
15 there will be some incremental -- that trains will  
16 get longer. That's something you will see. We'll  
17 be able to fit longer trains passing each other.  
18 They will be -- they'll be incrementally longer.  
19 So that doesn't mean there will be more trains,  
20 more trains trying to get out of the way. That's  
21 one of the factors you have to think about in this  
22 equation.

23 One other thing is that the experts -- the  
24 contention of the experts is that constructing 4.04  
25 miles of double track and having the capacity to go

1 up to 75 to 100 trains per day, levels blatantly  
2 false and misleading.

3 The Portland subdivision on UPRR is 169 miles  
4 on an equal ordinance to cross in Oregon. That's  
5 24.8 miles of double track. With the addition of  
6 the Mosier double track project, the 4.024 miles of  
7 double track, the route will have 28.84 miles of  
8 double track on the route. That is 17 percent of  
9 double track.

10 Okay? So just to repeat that. 169 miles, 17  
11 percent is in the double track. We have a lot of  
12 single track railroad, right, Clint, wouldn't you  
13 say?

14 Since the majority of the route is single  
15 track, the capacity calculation has to take this  
16 fact into account. So, you know, basically we're  
17 guessing between 25 to 32 trains per day in order  
18 to run a consistent railroad. Okay? That's  
19 shrinking the largest single gap (inaudible) gap in  
20 usable siding, the double track that we are talking  
21 about at this hearing, we will gain capacity to run  
22 five to seven more trains per day. So what's where  
23 we are, five to seven more trains per day.

24 UNIDENTIFIED SPEAKER: Of the 25 you run today,  
25 give or take?

1 MR. SCHELBITZKI: Yes.

2 UNIDENTIFIED SPEAKER: Is Mosier your shortest  
3 siding?

4 MR. SCHELBITZKI: Yes.

5 No, no. It's Bridal Veil.

6 Thank you, Luke.

7 UNIDENTIFIED SPEAKER: So what is your shortest  
8 siding?

9 MR. SCHELBITZKI: Bridal Vail.

10 UNIDENTIFIED SPEAKER: Where is that?

11 MR. SCHELBITZKI: It's west of -- it's  
12 comparative, but it's Bridal Vail. So Mosier has  
13 6,388 feet siding feet and Bridal Vale is  
14 comparative with 6,360.

15 UNIDENTIFIED SPEAKER: So how many foam trucks  
16 are you going to need along the Columbia River  
17 Gorge if you have two --

18 UNIDENTIFIED SPEAKER: I'm sorry. We have  
19 finished that input section.

20 Okay. Are there more questions?

21 UNIDENTIFIED SPEAKER: So if you're looking at  
22 25 to 32 trains per day, right now is that your  
23 current average or is that your maximum right now?

24 MR. SCHELBITZKI: We provide -- 25 trains per  
25 day, give or take, is our operating average with a

1 maximum velocity of five to seven increase.

2 UNIDENTIFIED SPEAKER: And that's it for the  
3 velocity, picked up by increasing the double track,  
4 you're still going to run into bottleneck because  
5 you only have 17 percent double track. Is that  
6 what you guys are getting at when you say there is  
7 only 17 percent in terms of overall double track?

8 MR. SCHELBITZKI: Yes.

9 UNIDENTIFIED SPEAKER: Yes.

10 MR. SCHELBITZKI: This all comes from our  
11 engineer and the network planning guys, but the  
12 goal is by, you know, getting this build-out that  
13 we're going to have, it's going to allow that much  
14 more fluidity moving forward. Right now, the  
15 trains stop.

16 Talk about environmental impact. I mean, you  
17 know, having a train idle in the community is not  
18 ideal. You know, trains moving, in our opinion,  
19 are safer trains, because if they are stopped on  
20 the siding, you're going to have people crawling  
21 through them to get to the river. You are going to  
22 have issues with people crawling on locomotives. I  
23 mean, it's a number of issues that creates a very  
24 bad problem.

25 CHAIRMAN HARGRAVE: Do any of the commissioners

1 have more questions?

2 Okay. I thank you very much for your rebuttal.

3 And, Angie, does the staff want to say anything  
4 further?

5 MS. BREWER: Just that I appreciate how many  
6 people came out tonight. I feel like we learned a  
7 lot. Nothing to amend in the staff report.

8 CHAIRMAN HARGRAVE: Okay. Great. So,  
9 Commissioners, is there a motion to keep the  
10 written record open until five o'clock on September  
11 13th for submittal of new evidence and argument,  
12 and until five o'clock September 21st for written  
13 comments, but no new evidence and to continue this  
14 meeting to three o'clock on September 26th for the  
15 Planning Commission deliberations?

16 UNIDENTIFIED SPEAKER: Commissioner, we need to  
17 have a location for that meeting as well. I wasn't  
18 sure where that would be.

19 CHAIRMAN HARGRAVE: I'm guessing that would be  
20 Grant's Point at the Discovery Center.

21 Angie?

22 MS. BREWER: Staff has confirmed that the space  
23 is available.

24 CHAIRMAN HARGRAVE: That was fast.

25 Is there a such a motion?

1 UNIDENTIFIED SPEAKER: Yes.

2 CHAIRMAN HARGRAVE: Okay.

3 Is there a second? Perfect.

4 All in favor?

5 GROUP: Aye.

6 CHAIRMAN HARGRAVE: And any opposed?

7 Okay. That motion is carried.

8 So thank you all for coming. The hearing is  
9 over.

10 (Proceedings adjourned)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25