



Meeting Notes

Executive Briefing Multi-agency Permit (MAP) Team Gateway Pacific Terminal (GPT) Project

December 6, 2010

Please send corrections, edits, or additions to jane.dewell@ora.wa.gov.

Location	Insurance Building, 4 th Floor Conference Room, Olympia, WA
Purpose	To brief Local, State and Federal Agency Leadership on GPT project and MAP Team Kick-off

Introduction

The meeting was requested by the Governor's Office of Regulatory Assistance (ORA) to brief local, state and federal agency executives on progress made by the Gateway Pacific Terminal (GPT) project applicant and the multi-agency permitting (MAP) team. This forum has been established to provide regular communication on policy issues and to initiate executive level decision making that may be required during project review. Meetings will be called periodically, and may be conducted via conference call or video conference formats. The meeting agenda is attached.

Key issues that were raised and discussed are summarized below. Detailed meeting notes follow the attendees table.

- ▶ A small number of settlement agreement (SA) issues need to be resolved. The proposed action and detailed project documents are affected by outcomes of the SA negotiations that are currently underway.
- ▶ The MAP team needs a clear proposed action and detailed documents to begin early project review. The team is worried about making efficient use of their time and does not have enough detail on the proposal to provide useful feedback to the applicant.
- ▶ The U.S. Army Corps of Engineers (Corps) expects that the project will need a National Environmental Policy Act (NEPA) environmental impact statement (EIS). Whatcom County intends to complete a supplemental State Environmental Policy Act (SEPA) EIS.
- ▶ Stakeholder engagement, including engagement by tribes, is important to the project.
- ▶ A two year schedule is very short for such a complex project. It may be possible to complete regulatory review in two years, but only after a detailed project proposal is submitted for agency/MAP team review.

Action Items

- ▶ Provide meeting notes to attendees – Jane Dewell
- ▶ Confirm that a Corps EIS is merited – Muffy Walker



- ▶ Provide detailed project description at least for the uplands as well as the upland studies to MAP team for review – Skip Sahlin (via company MAP team participants and consultants)

Attendees

Name, Organization	E-mail	Phone
▶ Faith Lumsden, Director, ORA	Faith.lumsden@gov.wa.gov	360/902-9823
▶ Jane Dewell, Regional Lead, ORA	Jane.dewell@ora.wa.gov	360/425-7124
▶ Greg Hueckel, Consultant, ORA	gregh@sbgh-partners.com	360/888-5667
▶ Roland Middleton, Whatcom County	rmiddlet@co.whatcom.wa.us	360/676-6876
▶ Muffy Walker, U.S. Army Corps of Engineers	Michelle.walker@usace.army.mil	206/764-6915
▶ Jay Manning, Governor's Office	Jay.manning@gov.wa.gov	360/902-4127
▶ Ted Sturdevant, Ecology	Ted.sturdevant@ecy.wa.gov	360/407-7001
▶ Jeannie Summerhays, Ecology	Jeannie.summerhays@ecy.wa.gov	425/649-7010
▶ Loree' Randall, Ecology	Loree.randall@ecy.wa.gov	360/407-6068
▶ Joe Stohr, Dept of Fish and Wildlife	Joe.stohr@dfw.wa.gov	360/902-2650
▶ Bridget Moran, Dept of Natural Resources	Bridget.moran@dnr.wa.gov	360/902-1034
▶ Skip Sahlin, SSA Marine (Pacific International Terminals, Inc.)	Skip.sahlin@ssamarine.com	206/654-3510
▶ Jim Waldo, Gordon Thomas Honeywell	jwaldo@gth-law.com	253/620-6541
▶ Cindy Zehnder, Gordon Thomas Honeywell	czehnder@gth-law.com	360/970-9661
▶ Rob Caldwell, Gordon Thomas Honeywell	RCaldwell@gth-law.com	253/620-6506
▶ David Seep, BNSF Railway	David.seep@bnsf.com	817/352-1907
▶ Jim Lynch, BNSF/ KL Gates	Jim.lynch@klgates.com	425/463-8396

MAP Team and Process

Faith spoke about the MAP team and cost reimbursement contract that Department of Ecology (Ecology), Department of Fish and Wildlife (DFW), and Department of Natural Resources (DNR) are participating in. The project work plan and schedule have been developed and the contract was signed on November 30, 2010.



GPT Project Overview

Skip Sahlin provided a project overview with slides. The GPT project was initiated over 17 years ago, and has been on hold for various reasons, including legal challenges that resulted in a settlement agreement (SA). The impetus for re-starting the project includes significant opportunities for profitable international trade, federal and state policies supporting the expansion of the export market, State and Whatcom County economic development needs, completion of the DNR Cherry Point Aquatic Reserve Management Plan, and interest by Burlington Northern Santa Fe (BNSF) Railway.

The company entered into the MAP team process with the expectation of being able to develop a predictable agreed-upon schedule. They would like to complete the permit process by December 2012, and mobilize for construction in time for the June 2013 fish window. The company plans to complete a document that compiles and organizes environmental information before March 2011. This will provide much of the detailed information needed for project review.

MAP Team Kickoff and Key Issues

Jane provided a summary of key issues that have been raised during discussions with agencies and during MAP team meetings (November 16 and November 30). Issues are as follows:

- ▶ The SA and regulatory process overlap, which adds to confusion about project issues and how the MAP team should move ahead with review.
- ▶ The project proponent needs to provide clarity on the proposed action and detailed documents for the MAP team to review.
- ▶ The NEPA and SEPA processes need to be coordinated without affecting decision-making at either the Corps (NEPA) or Whatcom County (SEPA). A decision by the Corps that a NEPA EIS is required will help move project review forward.

Questions and Discussion

Questions and discussion involved the following:

1. Tribal issues of the Lummi and Nooksack are very important in the Corps evaluation of the project, and need to be resolved. Tribal issues include usual and accustomed (U&A) rights. *The company has been talking with the Lummi.*
2. The Lummi provided a letter to the Corps with strong language against moving ahead with project review. The Corps needs to evaluate how much staff time they can put toward this project when there may be significant tribal issues that need to be resolved.
3. The DNR aquatic reserve management plan is flexible to allow a change in wharf location, if needed.
4. DNR staff need clear project proposal and materials to begin project review. The need for a clear proposed action and detailed documents to review was brought up by the other agencies in attendance as well.
5. The Corps would consider the project as needing an EIS evaluation and doesn't see need to go through environmental assessment review prior to determination.
6. Some form of document is needed for review by the Corps/MAP team; it doesn't need to be a complete JARPA but needs to have specific project details so that project review can begin.



7. SA issues need to be firmed up so that the proposed action is clear. Agencies need to know the realistic proposed alternatives.
8. Ongoing stakeholder involvement with environmental and other groups is important. The NEPA EIS provides transparency with public review, but the company should think of additional ways to keep the public engaged. *The company will develop an ongoing stakeholder plan.*
9. The company stated that details of the upland portion of the project are complete and documents could be provided to the MAP team for review. However, details of the wharf are still being developed. It was agreed that the MAP team could begin review for the upland portion of the project, but that the whole project would need to be provided shortly after for full review.
10. Whatcom County thinks the MAP team can be helpful to agencies in working together, and may help get away from adversarial relationships.
11. A two-year review process, even with a MAP team, is very short. Other equally complex projects have taken much longer. Two years may be possible once a defined project is submitted for review.
12. If coal is included in the commodities for export, SEPA/NEPA analysis will need to address this. There is dedicated opposition to coal exports.



Agenda

Executive Briefing: Gateway Pacific Terminal December 6, 2010

Meeting Location	Insurance Building, Olympia - 4 th floor conference room (turn left from elevator)
Meeting Purpose	Brief Agency Leadership on Gateway Pacific Terminal (GPT) project and MAP Team Kick-off
Attendance	Local, State & Federal Agency Senior Executives and Project Proponent

Time	Topic	Presenter
3:00 – 3:15	Introductions and Meeting Purpose	Faith Lumsden, Director, Office of Regulatory Assistance (ORA)
3:15 – 3:30	Multi-agency Permit (MAP) Team and Process <ul style="list-style-type: none"> • Agencies • Cost Reimbursement Work Plan • Initial Schedule and Reasonable Costs 	Faith Lumsden
3:30 – 3:45	GPT Project <ul style="list-style-type: none"> • Overview of Project (bulk materials seaport terminal) • Description: location, rough layout of trestle/wharf options, upland development • Proponent's Goals for Project (why here, why now) 	Skip Sahlin, Vice President, Pacific International Terminals, Inc.
3:45 – 3:55	MAP Team Kick-off and Key Issues <ul style="list-style-type: none"> • Interplay between project/permit review and settlement agreement negotiations • Team need for a well defined project - permit application • Desire for certainty on NEPA/SEPA process and EIS 	Jane Dewell, ORA Lead Staff
3:55 – 4:20	Questions and Discussion	Leadership group - all Faith to facilitate
4:20 – 4:30	Wrap-Up, Comments, Action Items	All
4:30	Adjourn	