



Final Meeting Notes

Gateway Pacific Terminal, Multi-Agency Permit (MAP) Team

Initial Team Meeting

November 16, 2010

Please send corrections, edits, or additions to Jane.Dewell@ora.wa.gov.

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| Location | Ecology NWRO, 3190 160 th Ave SE, Bellevue, WA 98008 |
| Purpose | To review and develop consensus on MAP Team work plan and agreement |

Introductions

Jane Dewell, Office of Regulatory Assistance (ORA), opened the meeting and welcomed participants. Staff from the following agencies attended: U.S. Army Corps of Engineers (Corps), Whatcom County, Northwest Clean Air Agency, WA Department of Ecology (Ecology), WA Department of Fish and Wildlife (DFW), and WA Department of Natural Resources (DNR).

Introductions included a roundtable with all participants stating their history with the project and expectations for the MAP team process (see list of attachments, below). The team then developed ground rules for future meetings. The list of Expectations and Ground Rules along with Action Items, Parking Lot Issues, and Meeting Organizational Issues are included in Attachment 3.

MAP Team Draft Work Plan

Faith Lumsden Comments

Prior to beginning the discussion on team goals and objectives, Faith Lumsden (Director, ORA) commented and led a discussion on the MAP Team process.

- ▶ Faith discussed how the MAP Team complements the Governor's priorities of Government Reform, the Environment (a Healthy Puget Sound), and Economic Recovery and, through cost reimbursement, can add resources to state agencies.
- ▶ The agencies will decide what the MAP team means and how it works and ORA wants to make it possible for the agencies to do their work. Faith will work directly with the applicant, if needed, to assist in that process.
- ▶ ORA (through Faith) will conduct leadership briefings for agency heads and the Governor's Chief of Staff regarding the project and the MAP team can send messages to leadership through her.

Questions to Faith included:

- ▶ Crucial studies by the applicant have not been done, yet. What role can ORA play in getting the studies done?
 - Faith – we can work with the applicant to complete studies and also make sure that the agencies are not blamed for time lost.



- ▶ How do we operate outside the team? For example, with tribes.
 - Faith – Agencies authorities are not affected by participation on the team.
- ▶ There were several questions and concerns expressed about the interactions between permitting processes and the Settlement Agreement (SA). These included the SA influencing permit decisions, proposed changes to the upland portion of the property, shoreline changes, impacts to wetlands, and whether modifications to the SA should be finished before the MAP team process starts so as to not waste time.
 - Faith – the applicant wants to run parallel processes and believes that they will be able to address outstanding SA issues at the same time they are working on studies for the environmental review process.
- ▶ Continued concerns were expressed regarding the contractual obligations of the signatories to the SA. Concerns included: everyone who signed the SA (state agencies, environmental groups, Pacific International Terminals) is bound as a group to the contractual obligation, and they can't make decisions without the group agreeing. None can legally act contrary to the SA without a completed/revised SA.

Goals and Objectives

Discussion centered on the difficulty of setting goals and objectives for the MAP Team because of lack of knowledge about the plans and project revisions of the applicant and the potential for changes to the SA affecting the project components. Comments focused on the proposed/potential changes to the wharf, uplands, wetlands, storm water, vessel navigation and safety, and potential shoreline conditions.

The general consensus of the group was to wait until after the November 30 project kickoff meeting when the applicant will provide project information.

Expectations for the November 30 meeting were that it could be a pre-application meeting if documentation is provided in advance. Required documents are listed in Attachment 3 (see 'Meetings'). The group agreed that if documents could not be provided the meeting should be scaled back and time at the end of the meeting could be used for MAP team to discuss next steps.

Roles and Responsibilities

ORA staff: Jane Dewell is the coordinator of the MAP Team and Scott Boettcher is providing technology support under contract to ORA. Scott will be setting up a "sharepoint" type site based on needs of the MAP Team using ORA's iPRMT program.

Comments on roles and responsibilities from meeting participants included:

- Sitting at the table doesn't change jurisdictional responsibilities
- Primary staff (as opposed to secondary and resource personnel) will be attending regular meetings and providing project review and evaluation
- If the Corps determined impacts were "significant" under NEPA, they would hire the third party contractor for environmental impact statement (EIS) work under the National Environmental Policy Act (NEPA); the applicant pays for this
- The county will likely hire a third party contractor for supplemental environmental impact statement work under the State Environmental Policy Act (SEPA); the applicant would also pay for this



Meetings and Schedule

Schedule/Timeline

Obtaining documents to review is necessary for early project review. The timeline and schedule will depend on getting the necessary documents from the applicant, otherwise the timeline will slip. Public notices will have to be added.

Future Meetings

November 30 Meeting: If the applicant is not able to present everything they planned at this meeting, it will be shortened from 4 hours to 3 hours with 2 hours for applicant presentations and a 1 hour immediately following for agency staff only.

A leadership briefing will be conducted by Faith on December 6 in Olympia. It will include agency directors and Jay Manning.

Following the November 30 meeting, future MAP team meetings will be conducted via video conferences with Jane rotating between Olympia, Bellevue and Bellingham. It is likely the involvement of the Northwest Clean Air Agency will decrease. (Faith will look into adding the air agency to the cost reimbursement agreement.)

Attendance at future meetings will depend on content and topics, and who is the needed decision maker from each agency, whether technical staff or management. Clearly stated agendas and documents received at least 2 weeks ahead of scheduled meetings are necessary to determine who should attend.

Once it is determined what the project is, future meetings will be scheduled well ahead of time and can perhaps be held more frequently, if they are held by video conference.

There was agreement that side discussions between agencies to make decisions, outside of MAP meetings, are acceptable, but decisions should be shared with everyone on the team. Side discussions with the applicant are also acceptable, but again, content of discussions should be shared with the MAP team. If outside meetings are organized, notice to the MAP team should be provided in advance.

Draft Agreement

The meeting ended before the draft agreement could be talked about in depth. The goals and objectives and roles and responsibilities contained in the work plan will become part of the agreement. Jane said she will take meeting notes and input from flip charts and develop a draft for the team to consider.

Action Items

See Attachment 3 for action items.

Attachments

Attachment 1, Agenda

Attachment 2, Sign-in Sheet

Attachment 3, Flip Chart Notes



Additional Notes

A few MAP team members were not able to attend the meeting on November 16. To gather input from them, Jane arranged for conference call meetings with Randel Perry, Corps, and Kristin Swenddal, DNR. A brief summary of issues discussed is provided below.

Follow-up Conference Call, November 19

On November 19, Jane spoke with Randel Perry and Matt Bennett of the Corps. Input collected follows:

- The Corps needs to determine whether a NEPA EIS will be required and they will follow their internal process to determine this. They've not done a joint NEPA/SEPA process before but are willing to explore this option; Whatcom County asked about this.
- Tribal nations should be invited to join the MAP team. (This was discussed on Nov. 16; action was taken via e-mail on Nov. 19.)
- NMFS and USFWS should be invited to join the MAP team. (Action was taken via e-mail on Nov. 19.)

Follow-up Conference Call, November 23

On November 23, Jane spoke with Kristin Swenddal, Cyrilla Cook and David Roberts, DNR. Input collected follows:

- Kristin was pleased with ground rules about coming prepared to meetings and making sure that materials are distributed to team ahead of time.
- DNR is concerned about allocating staff time to the MAP process. The project will be a significant effort and staff is very busy. It will be important to ensure the project proponent provides required information before meetings are conducted.
- DNR will have interest in the marine geotechnical issues but not necessarily wetlands. If both topics will be covered at a MAP meeting they will provide staff, but if only wetlands (areas landward of the Ordinary High Water line) are covered, they may not provide staff.