



# Final Meeting Notes

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

### Kickoff Meeting

November 30, 2010

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<b>Location</b>	Ecology NWRO, 3190 160 <sup>th</sup> Ave SE, Bellevue, WA 98008
<b>Purpose</b>	To hear about and discuss current plans for Gateway Pacific Terminal project

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### Introductions

Jane Dewell, Office of Regulatory Assistance (ORA), opened the meeting and welcomed participants. Staff from the following businesses and agencies attended: Pacific International Terminals, Inc. (a sister company to SSA Marine); AMEC Earth & Environmental; Gordon Thomas Honeywell; U.S. Army Corps of Engineers (Corps); National Marine Fisheries Service; U.S. Environmental Protection Agency; Whatcom County; Northwest Clean Air Agency; WA Department of Ecology (Ecology); WA Department of Fish and Wildlife (WDFW); WA Department of Natural Resources (DNR); and WA Department of Commerce.

Introductions included a roundtable with participants stating their organization and positions relative to the MAP team. Jane reviewed MAP team purposes and ground rules developed at the November 16, 2010 initial team meeting. Meeting agenda is included in Attachment 1, and sign-in sheet is Attachment 2.

### Action Items

During the meeting, the following action items were identified:

- Draft notes will be distributed to the group (within a week) – Jane Dewell (draft was e-mailed on 12/2/2010)
- Website for information sharing will be developed – Scott Boettcher
- January 11 meeting: define agenda ASAP (agencies need to know who to bring), determine whether draft JARPA will be ready, determine what studies/content will be ready for review by 12/20 – Jane Dewell
- Provide applicant with examples of draft JARPA and checklist – Randel Perry
- Provide applicant with list of Tribal Governments and contacts – Randel Perry
- Provide PowerPoint of presentation to MAP team – Pacific International Terminals



## GPT Project MAP Team

Faith Lumsden welcomed the attendees and expressed appreciation for an applicant who was willing to participate in the cost reimbursement process and discussed how the project fit many of the Governor's priorities. She reiterated ORA's goal and role of making it possible for the MAP Team to work in an efficient and smooth process.

## Gateway Pacific Terminal (GPT) Project

Skip Sahlin, Pacific International Terminals, Inc. presented information on history and current project scope. Skip stressed the need for this project and that the proposed port can accommodate deep draft vessels with bulk cargo, and it won't require dredging. Most other shipping involves container cargo. Shipping bulk cargo is more economical.

Questions and discussion transpired throughout the presentation, and information is recorded in the 'Questions and Comments' section below.

## Proposed NEPA/SEPA & Permitting Processes

Kristie Dunkin, AMEC, presented information on regulatory review and permits, including National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) processes. See below for questions and discussion.

## Overview of Environmental Impacts & Mitigation

Kristie Dunkin, AMEC, presented information on project impacts and proposed mitigation. See below for questions and discussion.

## Questions and Comments Made During Presentations

1. Reports posted to website – need to make sure the latest versions are easy to find.
2. Request was made to provide the PowerPoint presentation to the group.
3. Are Settlement Agreement (SA) documents open to the public? *Yes. We will need to decide what public information to post to website.*
4. The project currently has only shoreline and major development permits (Whatcom County). Other permits needed include hydraulic project approval, Section 401, Corps, etc.
5. How much farther to the southeast will the wharf be moved? *It can be moved a maximum of 1,000 feet south. Further south the depth is 65 feet; need minimum draft of 70 feet (preference is 80 feet).*
6. What permits does the project have? *County permits (Shoreline and Major Development) were issued for earlier layout, but there is no Corps permit.*
7. Various commodities are listed in the county permit; will more be added? *Other commodities will be added to the list, which will also include added best management practices.*
8. Where is the Corps application? *There is no active application with the Corps. They will look for least impact alternative. They will consider full range of alternatives.*
9. The Corps 404 (b)(1) analysis for land-based activity is more rigid than NEPA since water dependency is not considered. The rigorous evaluation is because the upland



- portion of the project is non-water dependent and therefore an alternative that does not affect waters of the U.S. (i.e., wetlands) is presumed as a starting point of the analysis.
10. Are most commodities from the terminal for export? *Yes, as much as 80 percent.*
  11. Are there any commodities expected that are currently not shipped from regional ports? *No, none of commodities are new to the west coast. This project focuses on bulk shipping rather than container shipping.*
  12. Will there be redistribution or increase in commodities? *The bulk shipping port will be new.*
  13. Feed grains were main commodities in last proposal, but now coal has been added. Where else is coal shipped from? *Some is shipped out of northern CA and Los Angeles.*
  14. When will trestle and pier construction details be available? How do we move forward with discussions in the meantime, given that we don't have project plans or other details? *Specifications will be included in the Environmental Information Document (EID). That's due to be completed on February 28, 2010.*
  15. Are there topographic maps for the site? *There are many topo maps and they'll be provided. We can load onto website.*
  16. Have intertidal and sub-tidal areas been evaluated for historic and tribal cultural resources? *Looked for reef anchors and did not locate. Located some big boulders with cusps. Did not find any additional fish traps.*
  17. Why isn't herring included on the list of species that are using the intertidal and near shore habitat at the site? Why aren't herring and bird species included in the endangered species list? *The list of species is not inclusive. The endangered species list is of federal species; state species will be added. The Pacific herring are not Endangered Species Act (ESA) listed, but are food for listed species.*
  18. Is facility export only? *It will include import and export. It is being developed to be flexible. Intalco, to the south, involves bulk import of alumina that is smelted on-site.*
  19. Will roads be used as well as rail? *There will be no truck traffic for commodities. Trucks and cars will be used by employees and for site supplies. A transportation modeling study is being completed right now.*
  20. Has the company been looking at long-term impacts and needs (operations and maintenance) – for example 50 years from now? *That is not being discussed today, but the company is looking at it.*
  21. Where will ballast water be addressed? *This will be dealt with under operation and marine impacts.*
  22. Since site will be primarily for export, this makes ballast water a more important issue with most ships coming in to port with large amounts of ballast water.
  23. How will storm water be addressed? *This is a big issue for the site. The past plan for one outfall from the site is not sufficient and will be changed.*
  24. How will socio-economic and recreational issues be addressed? *These will be included in the evaluation. Recreational uses nearby include a state park, Lake Terrell, and off-shore uses.*



25. Cumulative impacts are NEPA and SEPA issues, and are also considered under the 404(b)(1) analysis. An ESA evaluation will also be needed.
26. The environmental impact statement (EIS) process is a presumption by project proponent/AMEC. The Corps will need to go through their process. The EID, or compendium of documents, will be a good starting point. The Corps needs 'just the facts' for doing their analysis. They will give their input during the review process.
27. Why would agency staff look at a 1996 SEPA report since it seems too old? *New analysis will need to be done.*
28. Why are the tribes missing from list (and meeting)? *They were invited and opted not to attend.*
29. The SA process negotiations could impact the studies and permitting.
30. Need to be clear that the EID is not an EIS. The EIS is prepared by consultants hired by the Corps. The EID structure seems to imply it's an EIS analysis – this is problematic.
31. 'EID' type document should integrate and summarize information with cross-references to studies. Include a complete bibliography.
32. Alternatives analysis is something that the Corps will perform. The proponent needs to define the components of the project, provide purpose and need, outline workable alternatives, and indicate which one they prefer and why. The Corps will then conduct their analysis of the information/alternatives presented and ask for more information as needed. A required alternative is 'other sites' with explanation of why they wouldn't work.
33. The level of environmental analysis is determined by the Corps and agencies. The Corps defines level of impact, cumulative issues, and significance under NEPA. Agencies may also identify impacts, cumulative issues, and significance under their review authorities and SEPA documentation.
34. The WDFW stated that the client should understand resource risks to: 1. avoid, 2. reduce, and finally 3. minimize impacts.
35. Discussion about Memorandum of Understanding with Corps. This is a formal, legal document that is usually done for cooperating agencies, not private clients. The project proponent needs to discuss this with Corps and County. The Corps would like the County to be a cooperating agency.
36. The schedule presented is aggressive. The agencies need better information before they know how to proceed. Agencies need greater specificity about the project. (We talked more about details in last part of meeting under 'Next Steps.')
37. A biological assessment for ESA needs to be drafted. This does not evaluate alternatives.
38. The agencies need a solid pre-application package, and the client should come prepared with a 60 to 70 percent design because agencies need something to respond to. This should include drawings, pilings, overwater coverage, wetland fill, etc. However, the pre-application meeting does not lock down the project to limited options.
39. The legal SA cannot be separated from the regulatory process. Issues related to the SA will need to be addressed.



40. Ecology feels a shoreline permit revision is needed to move the wharf. The revision would be appealable, but the original shoreline permit would be in effect. Ecology and Whatcom County will need to resolve this issue.
41. The state agencies (WDFW, Ecology, and DNR) need SEPA, but the County would prefer that SEPA requirements be folded into the EIS for NEPA. The County would like to start SEPA at the NEPA scoping and align the SEPA comment period with NEPA.

## **MAP Team Reconvene**

The last portion of the meeting, from 2:45 to 3:30, involved a discussion with agencies and project proponent to define next steps. Scott Boettcher helped develop a process diagram (Attachment 3) and Jane took notes on flip charts (Attachment 4).

Discussion included informal (pre-application meeting) and formal (JARPA submittal) processes, information needed by agencies to begin project review, and SA issues.

The discussion of SA and how it interacts with the regulatory review was reserved for the last 15 minutes, but we did not get back to that in favor of completing the process diagram and discussing needs for next meeting planned for January 11, 2011.

## **Attachments**

- Attachment 1, Agenda
- Attachment 2, Sign-in Sheet
- Attachment 3, Process Diagram
- Attachment 4, Flip Chart Notes