

# ENVIRONMENTAL REVIEW PROCESS

Gateway Pacific Terminal and  
Burlington Northern Santa Fe Custer Spur  
Proposal

March 20, 2012



*Presentation by:*

- Whatcom County Planning and Development Services
- Washington State Department of Ecology

*With support from:*

- U.S. Army Corps of Engineers
- Governor's Office of Regulatory Assistance

# Introduction

## **Jane Dewell**

Facilitator, Governor's Office of Regulatory Assistance

## **Tyler Schroeder**

Planning Manager, Whatcom County Planning & Development Services

## **Jeannie Summerhays**

Regional Director, Washington State Department of Ecology

# Meeting Purpose

- Describe the environmental review process for the proposal under the state and federal Environmental Policy Acts
- Answer questions about the environmental review process
- Help you understand how to be effective in providing public comments

# What we will cover

- NEPA/SEPA “101”
- Process for proposed project:
  - Agency roles and responsibilities
  - Public participation plan
  - Scoping
  - Draft environmental impact statement
- Permit decisions

# Why are we having this meeting?

- Review of this project is critically important to the public
- We're listening – we've received many requests to hold an educational meeting before scoping begins

# NEPA/SEPA 101

## Overview

- NEPA: National Environmental Policy Act (1969)
- SEPA: State Environmental Policy Act (1971)
  - Modeled after NEPA
- Both set environmental policy and agency responsibilities to protect the environment

# NEPA/SEPA 101

## Purpose

*Ensures environment is considered before decisions are made*

- Provides an impartial discussion of:
  - Probable significant environmental impacts
  - Reasonable project alternatives, including “no action”
  - Measures to avoid or minimize impacts

# NEPA/SEPA 101

## SEPA Overview

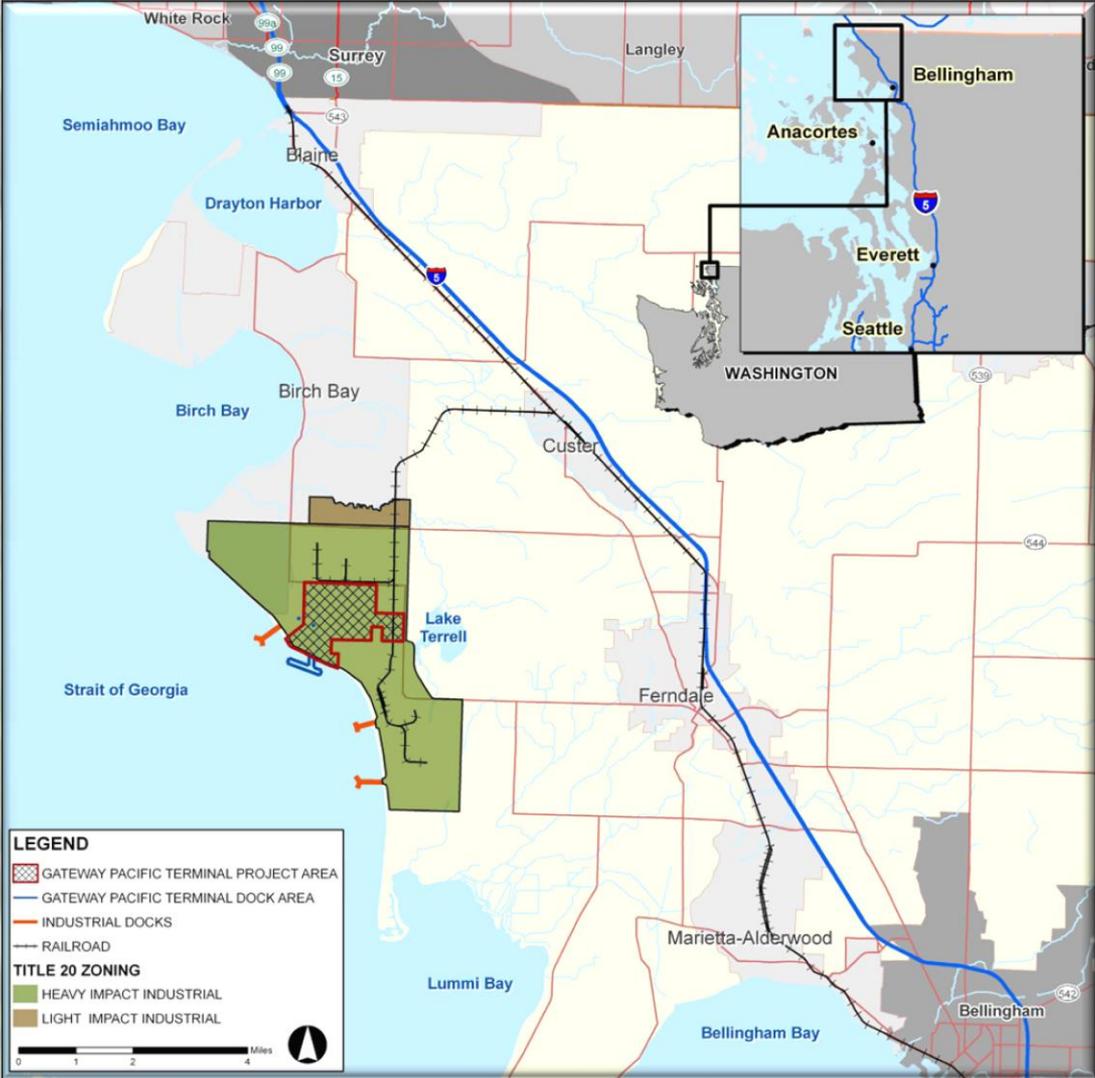
- Key aspects:
  - Informs agencies and decision makers of significant impacts
  - Addresses regulatory gaps
  - Reviews impacts early in process

# NEPA/SEPA 101

## Overview

- SEPA applies to all Washington State and local public agencies
- NEPA applies to federal agencies and tribes
- Informs agencies about the likely environmental consequences before they make decisions (such as issuing permits or adopting plans)

# Project Location



# Proposed Project

## *Gateway Pacific Terminal* – Dry-bulk Terminal Project



# Agency Roles and Responsibilities

- **Co-leads:** Whatcom County, Ecology, Corps
  - Integrate the review process, avoiding duplication of effort and providing comprehensive review
  - Collaborate and issue combined NEPA/SEPA documents

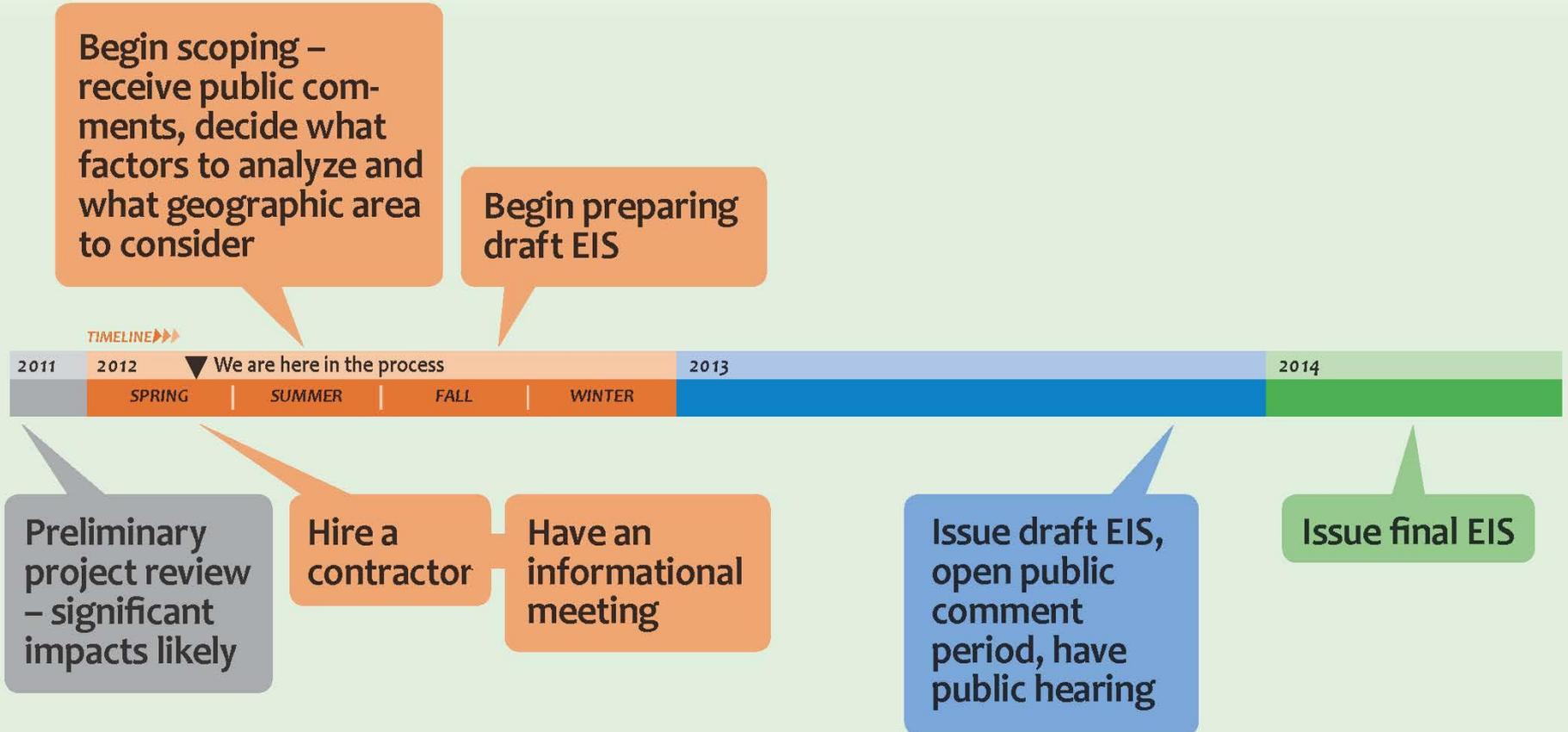
# Agency Roles and Responsibilities

- **Whatcom County**
  - Reviews project for compliance with SEPA
  - Administrative lead for SEPA review
- **Ecology**
  - Ensures regional and statewide effects are addressed
- **Corps**
  - Reviews project for compliance with NEPA
  - Administrative lead for NEPA review

# Gateway Pacific Terminal Project

Environmental review: Key steps toward environmental impact statement

Dates are approximate



# Where We Are In The Process

- Application submitted to Corps – Corps made determination of significance
- Co-lead agreement
- Selecting contractor
- Application submitted to county – will be reviewed

# Next Steps

- County determines if application is complete
- Co-leads issue notices to start scoping and the environmental impact statement process
- Scoping process and public meetings begin

# Gateway Pacific Terminal Project

Environmental review: Key steps toward environmental impact statement

Dates are approximate

Begin scoping – receive public comments, decide what factors to analyze and what geographic area to consider

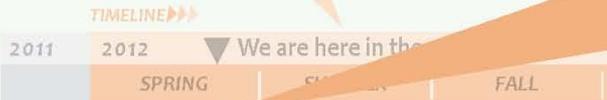
Begin draft

## Hire a contractor

Whatcom County, with input from the co-lead agencies, hires a contractor to help prepare a public participation plan and EIS. Funding must be provided by the applicant.

2014

Issue final EIS



Preliminary project review – significant impacts likely

Have an informational meeting



# Public Participation Plan

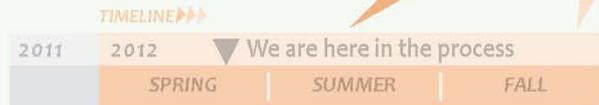
- The public participation plan:
  - Provides information on public involvement
  - Clearly outlines public process
  - Guides implementation of scoping process
- Public participation tools include project website

# Gateway Pacific Terminal Project

Environmental review: Key steps toward environmental impact statement

**Begin scoping – receive public comments, decide what factors to analyze and what geographic area to consider**

The co-lead agencies ask other agencies, tribes and the public to comment on what the EIS should analyze. Examples of possible factors to consider include stormwater, wetlands, air emissions, noise, and traffic. After considering comments, the lead agencies decide what should be included in the EIS.



Preliminary project review – significant impacts likely

Hire a contractor

the final EIS



# Scoping

- What is scoping?
  - Determines the focus or “scope” of the subsequent review
  - Invites public, agency and tribal comments
  - Identifies impacts to consider
  - Identifies alternatives and reasonable mitigation measures
  - Identifies specific studies, surveys and methodologies for analysis

# Scoping

## SEPA Pathway

- SEPA determination of significance (DS) and scoping notice:
  - Issued by co-leads and initiates scoping
  - Indicates dates, times and locations for public scoping meetings
- The DS normally includes:
  - Description of project
  - List of alternatives to be reviewed
  - List of elements of environment to be researched

# Scoping

## NEPA Pathway

- NEPA Notification of Intent for EIS and Special Public Notice:
  - Indicates dates, times, and locations for public scoping meetings
- Normally includes:
  - Description of project
  - Identifies federal cooperating agencies

# Scoping Comments

- What comments are useful to agencies during scoping?
  - Identify **probable impacts** that should be considered in the EIS
  - Identify **mitigation measures** that may reduce or eliminate the adverse impacts
  - Suggest **alternatives** to the proposal that should be considered
  - Suggest **methods of analysis** that should be used

# Scoping Comments

- Commenting allows you to:
  - Identify, clarify and resolve concerns early
  - Influence design changes
  - Achieve more environmentally sound proposals
  - Improve environmental information in SEPA and NEPA documents
  - Create a written record

# Scoping Comments

- Public comment period: 30 – 60 days
- Public scoping meetings in a variety of locations
- Comments can be provided at meetings
- Written comments can be sent by hard copy, email and online to agencies

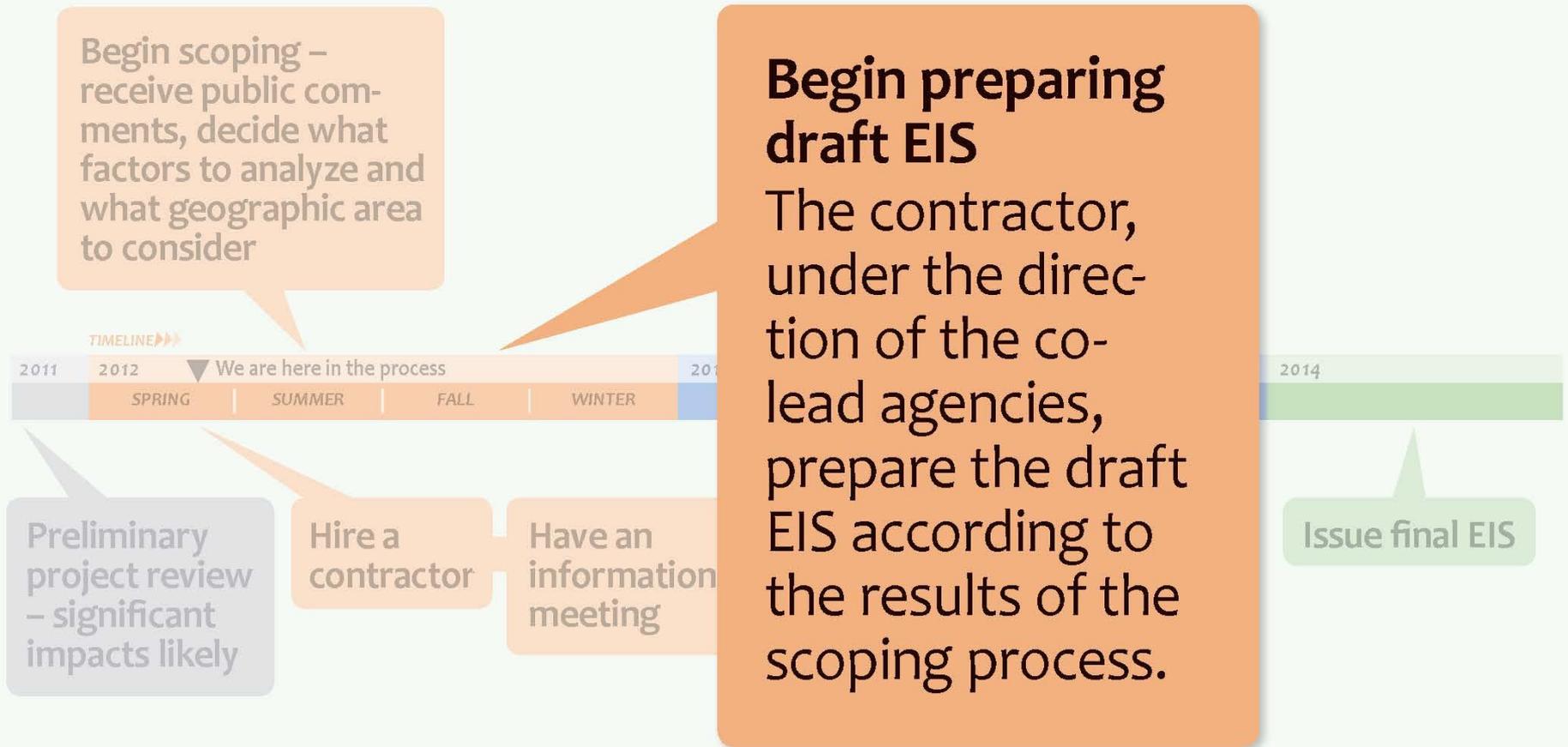
# After Scoping

- After comment period, co-lead agencies review comments
- Co-leads prepare a scoping report
- Agencies then decide scope for the draft EIS

# Gateway Pacific Terminal Project

Environmental review: Key steps toward environmental impact statement

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# Draft Environmental Impact Statement – Development

- Agencies provide direction to consultant on research and writing draft EIS
- Includes assembling, reviewing and evaluating information (technical reports and studies) on the project
- Perform additional studies and analysis if needed

# Draft Environmental Impact Statement – Development

- Draft includes:
  - Description of project action and alternatives
  - Existing conditions and impacts to affected environment
  - Mitigation – measures to avoid or reduce impacts

# Gateway Pacific Terminal Project

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Environmental impact statement

Begin scoping, receive public comments, determine factors to consider, what geographic areas to consider

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Preliminary project review – significant impacts likely

## Issue draft EIS, open public comment period, have public hearing

The draft EIS is circulated so that the public and other agencies are given an opportunity to comment on its accuracy and content before it is finalized. The public is invited to a public hearing(s) about the draft EIS. The co-lead agencies consider and respond to public comments in the final EIS.

2014

Issue final EIS



# Draft Environmental Impact Statement – Public Comment

- Citizens and agencies provide input on completeness and accuracy of:
  - Environmental impact analysis of a reasonable range of alternatives and the no action alternative
  - Mitigation and its effectiveness

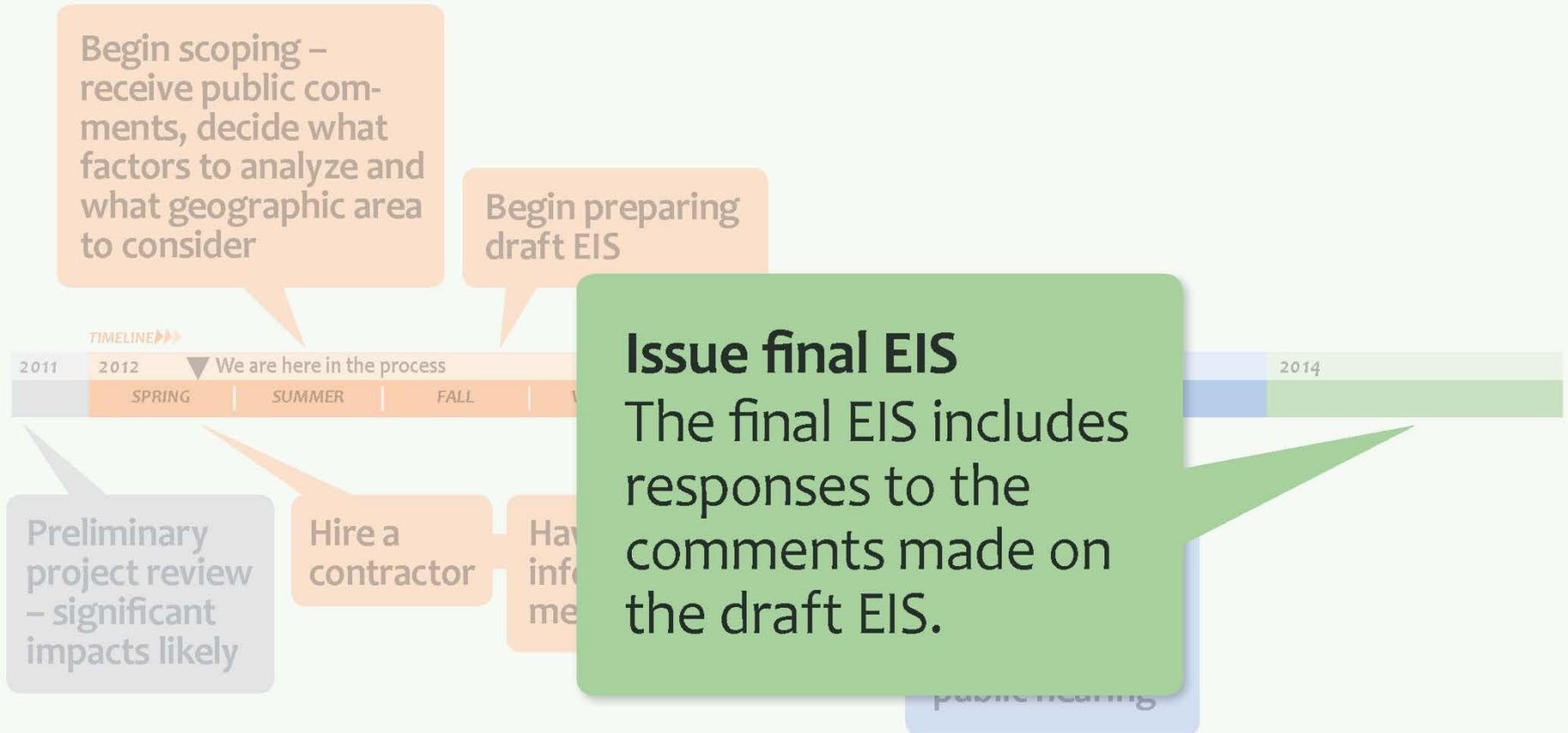
# Draft Environmental Impact Statement – Public Comment

- Public comment period is 60-90 days
- Public hearings scheduled after the DEIS is issued
- Comment in person at public hearings
- Send written comments to agencies

# Gateway Pacific Terminal Project

Environmental review: Key steps toward environmental impact statement

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# Final Environmental Impact Statement

- Summarize and respond to comments
- Explain how the alternatives, including the proposed action, were modified
- Identify new alternatives that were created
- Explain how the analysis was supplemented, improved, or modified
- Make factual corrections

***It is the lead agencies' record of environmental analysis***

# Permit Decisions

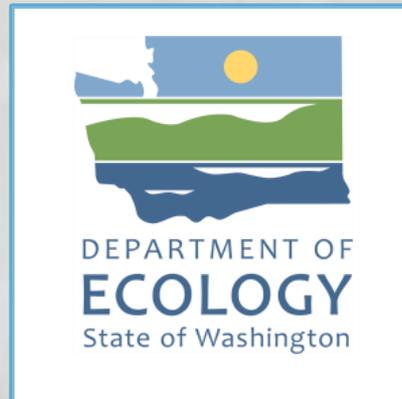
- After final environmental impact statement
- EIS informs decision-makers
- Decisions:
  - Approvals
  - Approvals with conditions
  - Denials are made on the applications for permits

# Permit Decisions

- Partial list of permits:
  - Major Project Permit (County)
  - Shoreline Substantial Development Permit (County)
  - Hydraulic Project Approval (Fish & Wildlife)
  - Stormwater Permit (Ecology)
  - Air Quality Permit (Northwest Clean Air Agency)
  - Section 401 Water Quality Certification (Ecology)
  - Department of the Army (Corps) Permit
  - Aquatic Lease (Dept. of Natural Resources)

# Commitment

***The co-lead agencies are committed to a thorough and rigorous environmental review process and full compliance with all regulatory requirements***



# Panel Members

- **Whatcom County**
  - Sam Ryan, Planning Director
  - Tyler Schroeder, Planning Manager
- **U.S. Army Corps of Engineers**
  - Randel Perry, Project Manager
- **Department of Ecology**
  - Alice Kelly, Senior Planner
  - Brenden McFarland, Section Manager
- **Attorney General's Office**
  - Laura Watson, Assistant Attorney General

# More Information

- Whatcom County's web page

<http://www.co.whatcom.wa.us/pds/plan/current/gpt-ssa/index.jsp>

- Ecology's web page

<http://www.ecy.wa.gov/geographic/gatewaypacific/>