

1.0 Introduction

This chapter describes and documents public and agency coordination and interaction activities conducted as part of the PSS for the proposed BP Cherry Point Cogeneration Project. Section 2.0 describes the purpose and objectives of the EFSEC coordination and interaction activities. A summary of each of the coordination and interaction activities conducted for the proposed project is presented in Section 3.0. Section 4.0 summarizes the issues and concerns raised by members of the public, agencies, and non-governmental organizations. In addition, pertinent materials documenting the public and agency coordination and interaction activities are contained in the appendices.

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2.0 Purpose and Objectives of Coordination and Interaction

An EFSEC PSS documents a wide variety of coordination and interaction activities conducted during document preparation. Meetings are held with agencies, non-governmental organizations, Indian tribes, and members of the public. EFSEC holds one-on-one coordination meetings with state and local government agencies. EFSEC also consults with potentially affected Indian tribes and encourages agencies, non-governmental organizations, Indian tribes, and members of the public to submit written comments.

These coordination and interaction activities meet several EFSEC objectives. A primary objective is to educate potentially affected parties about the proposed project. Another objective is to educate agencies, non-governmental organizations, Indian tribes, and members of the public about EFSEC's unique regulatory role in the approval of energy facilities.

According to Washington State law, EFSEC has preemptive rights to the regulation and certification of the location, construction, and operational conditions of energy facilities within the jurisdiction of the Council (RCW 80.50.110[2]). This responsibility includes the regulatory jurisdiction that is normally held by local cities or counties, as well as state agencies. Federal agencies, however, maintain their jurisdictional responsibilities.

As a result, the EFSEC process preempts any public involvement and agency consultation normally conducted by local and state agencies as part of their regulatory process. The role of coordination and interaction activities conducted as part of the PSS provides a first opportunity for agencies, Indian tribes, non-governmental organizations, and members of the public to express their concerns about a proposed project.

Thus one of the purposes of a PSS is to document these public concerns for the proposed power generation project and identify the environmental regulatory issues of local and state agencies. Based on these issues, the PSS provides the project proponent with a recommended plan for environmental impact assessment to be included in the proponent's ASC.

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3.0 Coordination and Interaction Activities

3.1 Overview

As described above, coordination and interaction activities are key components of the EFSEC PSS process. Once a request for the study of a potential site is received, the Council is mandated to give notice to the legislative authority in each county, city, and port district within whose boundaries the site of the proposed energy facility is located (WAC 463-22-060). Furthermore, the Council is encouraged to work jointly with: (1) the county or counties in which a potential energy facility site is located; (2) any federal, state, or local government agency that might be requested to comment on the potential site; (3) Indian tribes that might be requested to comment on the potential site; and (4) any municipal or public corporation having an interest in the project (RCW 80.50.175[3]).

EFSEC procedures call for an agency meeting, an open house, and a public meeting as part of the PSS process. In addition, EFSEC instructs their independent consultant preparing the PSS to directly contact agencies on the project contact list to solicit comments and concerns about the proposed project. Agencies and Indian tribes are given the opportunity to submit comments at the agency meeting, at follow-up consultation meetings, by telephone, or through letters. Members of the public and non-governmental organizations have an opportunity to submit comments and concerns at the open house, the public meeting, or through letters.

The following sections describe the specific coordination and interaction activities conducted for the proposed BP Cherry Point Cogeneration Project Potential Site Study.

3.2 Formal EFSEC Meetings

EFSEC held two formal meetings and an open house during preparation of the PSS for the BP Cherry Point Cogeneration Project. A public agency meeting was held in the afternoon on May 2, 2001, at the BP Cherry Point Refinery. An open house and a public meeting were held that evening at the Blaine High School Center for Performing Arts in Blaine, Washington. The following sections describe these meetings in detail.

3.2.1 Agency Meeting

Individually mailed invitations were sent to local, state, and federal government agencies, Indian tribes, and Canadian agencies notifying them of the agency meeting. Appendix A lists all of the entities that received these invitations. All invitations were mailed first class, so EFSEC would be notified of any address changes and could update the project mailing list.

EFSEC staff mailed the invitations for the agency meeting on April 18, 2001, 14 days before the planned meeting date. Invitations were mailed to 22 local, state, and federal agencies and 10 Indian tribes. In addition, 16 invitations were mailed to Canadian agencies since potential air quality impacts from the project could extend north and northeast of the project site toward the Fraser River Valley in British Columbia, Canada. In total, 124 agency meeting invitations were mailed, including multiple invitations to some agencies and/or Indian tribes.

The agency meeting was held in a conference room at the BP Cherry Point Refinery on May 2, 2001. The meeting started at 1:00 p.m. and was completed at approximately 2:30 p.m. A total of 31 individuals representing U.S. and Canadian agencies and the Lummi Indian Nation attended the meeting. Table 1-1 lists the 15 agencies and Indian tribes represented at the meeting.

Table 1-1. Agencies and Indian Tribes that attended the EFSEC Agency Meeting

Federal Agencies	Bonneville Power Administration
State Agencies	Washington Council for the Environment
	Washington Department of Ecology
Local Agencies	City of Blaine, City of
	Ferndale PUD No. 1
	Port of Bellingham
	Whatcom County Council
	Whatcom County Fire District No. 7
Canadian Agencies	Abbotsford, City of
	British Columbia Environment
	Greater Vancouver Regional District
	South Fraser Health Region
	Surrey, City of
	White Rock/South Surrey Chamber of Commerce
Tribes	Lummi Indian Nation

The agenda for the meeting covered general topics related to the proposed cogeneration project, the EFSEC review process, and the next steps in the project review process. In addition, there was an opportunity for meeting participants to ask questions and express their comments and concerns.

Many of the questions and comments raised at the meeting concerned particular details of the facilities and operation of the existing BP Cherry Point Refinery and the proposed cogeneration project. There were questions about the EFSEC and BPA decision-making processes and questions about the potential sale of electric energy generated at the proposed cogeneration project. Specific questions related to potential environmental impacts of the proposed cogeneration project concerned the following topics:

- Air pollution impacts and proposed mitigation,
- Noise impacts,
- Water rights and the demand for water by the cogeneration plant,
- Economic and employment impacts,
- Local public services impacts, and
- Transportation impacts.

By far, the largest number of questions and comments expressed at the agency meeting highlighted concerns about potential air pollution impacts of the proposed cogeneration project. Two comment forms were submitted during the meeting and are reproduced in Appendix B. A list of verbal and written comments received at the agency meeting is included in Appendix C.

3.2.2 Open House and Public Meeting

Separate invitations also were sent to agencies, Indian tribes, non-governmental organizations, and members of the public to announce the open house and public meeting for the proposed BP Cherry Point Cogeneration Project. Again, invitations were mailed using first-class postage to ensure that EFSEC would be notified of address changes. Appendix A provides lists of specific agencies (U.S. and Canadian), non-governmental organizations, and Indian tribes that were sent invitations to the open house and public meeting. Both U.S. and Canadian media also were notified of the meetings. In addition, invitations were sent to residents in the Birch Bay Water and Sewer District and other interested members of the public. Together, these lists comprise more than 2,000 separate mailing addresses.

In addition to the invitations, a public notice for the open house and public meeting was published in several local newspapers. Table 1-2 shows which newspapers ran the notice and the dates of publication. A total of 16 radio stations and newspapers were sent copies of press releases announcing the open house and public meeting.

Table 1-2. Open House and Public Meeting Notices and Press Releases

Newspaper Notices	Publication Dates
Bellingham Herald	4/22/01, 4/29/01
Delta Optimist	4/21/01, 4/28/01
Peace Arch News	4/28/01
Surrey News Leader	4/27/01
Vancouver Sun	4/21/01, 4/28/01
Press Releases	Date Sent
CBC Radio	4/19/01
CFUN QMFM Radio	4/19/01
CKNW Radio	4/19/01
Clearing Up	4/19/01
KGMI Radio	4/19/01
KIRO KNWX Radio	4/19/01
KPLU Radio	4/19/01
KPUG	4/19/01
KSTW	4/19/01
Lower Mainland Publishing Ltd.	4/19/01
Northern Light	4/19/01
Radio Max News	4/19/01
Record Journal	4/19/01
Seattle Post-Intelligencer	4/19/01
The Seattle Times	4/19/01
The Olympian	4/19/01

EFSEC held the open house and public meeting consecutively on May 2, 2001. The two meetings were held at the Blaine High School Center for Performing Arts in Blaine, Washington. The open house was in a meeting room from 5:00 p.m. to 7:00 p.m., and the public meeting was held in the adjacent auditorium from 7:00 p.m. to 9:00 p.m.

The format of the open house was casual. Invitees were asked to sign the meeting roster list and encouraged to view the many display boards in the meeting room. Copies of the open house and public meeting agenda, a four-page project description handout, and a comment form were available to participants. Display boards addressed the EFSEC process and a wide

variety of project-specific issues. Members of the EFSEC staff and the BP project team were available near the display boards to discuss the proposed energy facility project and to answer questions. One table was set aside in the room for participants to write down questions and comments. A comment form drop box was placed on this table.

The public meeting started at 7:00 p.m. and was held in an adjacent auditorium. This meeting was organized as follows:

- Welcome and Introductions – Allen Fiksdal, EFSEC
- Overview of the EFSEC Review Process and PSS Objectives, Opportunities for Public Involvement – Allen Fiksdal, EFSEC
- Description of the Proposed BP Cherry Point Cogeneration Project – Mike Torpey, BP
- Public Comments on Issues and Impacts to be Considered in the Potential Site Study – Pat Serie, EnviroIssues

Together, approximately 192 people attended the open house and public meeting. Some of these people represented the project proponent, their consulting team, the EFSEC staff, or their consultants. Most attendees were members of the public, though representatives from government, non-governmental organizations, and members of the press also attended.

The range of issues raised by attendees of the public meeting was narrower than those discussed earlier in the day at the agency meeting. Many simply commented that they supported or opposed the energy facility project. A number of commentors recognized the need for additional energy generation facilities in Washington and the compatible land uses surrounding the proposed BP Cherry Point Cogeneration Project. Others were concerned about potential impacts on local industrial employers if new generation resources were not built and even asked BP to consider selling excess power at subsidized rates or at cost. Some people were concerned about the large proportion of power that would be generated, exceeding refinery needs. Several also asked about plans to construct or expand gas pipelines in the region to serve the proposed energy facility.

Potential environmental impacts mentioned by members of the public included:

- Air impacts, including cumulative impacts, and effects on Canada and public health,
- Noise impacts, and
- Light impacts (at night).

A total of 18 completed comment forms were received from attendees in addition to the oral comments presented during the public meeting. These comments are incorporated in the summary above. Copies of the comment forms are reproduced in Appendix B, and a list of comments by topic is included in Appendix C.

3.3 Coordination Meetings

In developing the PSS for the proposed BP Cherry Point Cogeneration Project, EFSEC staff and the independent consultant, SHAPIRO, met with a number of local, state, and Canadian agencies to solicit questions, comments, and concerns about the proposed project. A summary of each of these meetings is provided below, organized by agency. Table 1-3 shows the dates of each of these meetings. In addition, Appendix C contains a detailed list of each of the comments received during these meetings (based on meeting notes). Consultation with Indian tribes is described in Section 3.4 below.

Table 1-3. Coordination Meetings Held by EFSEC

April 20, 2001	Lower Fraser Valley Air Quality Coordinating Committee
May 16, 2001	Greater Vancouver Regional District
May 16, 2001	Northwest Air Pollution Authority
May 24, 2001	Bonneville Power Administration
June 7, 2001	Northwest Air Pollution Authority
June 13, 2001	Washington Department of Ecology
June 14, 2001	Whatcom County
June 21, 2001	Lower Fraser Valley Air Quality Coordinating Committee
July 12, 2001	Washington Department of Ecology
July 24, 2001	Washington Department of Ecology

3.3.1 Lower Fraser Valley Air Quality Coordinating Committee

3.3.1.1 April 20, 2001 Meeting

On April 20, 2001, EFSEC and SHAPIRO staff attended a meeting of the Lower Fraser Valley Air Quality Coordinating Committee. This committee is composed of four Canadian agencies including: the Greater Vancouver Regional District, the Fraser Valley Regional District, Environment Canada, and the B.C. Ministry of Environment, Land and Parks. This meeting was held at the Abbotsford City Hall.

The proponent's project lead, Mike Torpey of BP, briefed the committee on the proposed BP Cherry Point Cogeneration Project, as it was envisioned at that time. He described the project and then answered specific project-related questions. In addition, an EFSEC staff member distributed invitations to the planned agency meeting, open house, and public meeting on May 2, 2001.

Because the group assembled at the meeting included air quality specialists, the questions and discussion during the meeting focused on potential air quality impacts of the proposed energy facility.

Issues raised by this group included:

- Ambient air monitoring,
- Anticipated air emissions from the plant,
- Offsetting features for air emissions,
- Planned fuels to be used, and
- The need for natural gas pipeline compressor station(s).

3.3.1.2 June 21, 2001 Meeting

SHAPIRO met with the Lower Fraser Valley Air Quality Coordinating Committee on June 21, 2001. Mike Torpey of BP made an updated presentation on the proposed BP Cherry Point Cogeneration Project to the large group assembled. Based on earlier concerns expressed by this group, Mr. Torpey provided more detailed responses to air quality issues than in previous presentations. Following the presentation, members of the audience asked questions about the proposed project.

As in the previous meeting, most concerns focused on air quality issues of the proposed Cherry Point Cogeneration Project. Questions and comments related to the following topics:

- Potential sulfur content of fuels,
- Sulfate particulate emissions,
- Net reduction of emissions,
- Potential volatile organic compound emissions,
- Fugitive or flared emissions,
- Air pollution effects in Canada,
- Assumed wind directions for impact analysis,
- Effects on the BP Cherry Point Refinery operations,
- Operation changes at the refinery that might affect emissions, and
- Worst-case scenarios for air emissions.

3.3.2 Greater Vancouver Regional District Planning and Environment Committee

On May 16, 2001, SHAPIRO attended the monthly meeting of the Greater Vancouver Regional District Planning and Environment Committee to participate in a discussion of the proposed BP Cherry Point Cogeneration Project, which was the only item on the agenda. A number of the attendees were mayors of Vancouver-area city and township governments.

Mike Torpey of BP began discussions with a presentation of the proposed cogeneration project. Following this presentation, members asked questions and expressed their concerns about the project. Comments included:

- Air pollution impacts on Canadians,
- Carbon dioxide and greenhouse gas emissions,
- Low-frequency noise,
- Prevailing winds in the project vicinity,
- Proposed energy-generation technology,
- Sources and amounts of natural gas fuels,
- Use of emergency fuels for the cogeneration plant and refinery,
- Gas prices used in calculating plant economics,
- Plant-flow diagram, and
- Aggregate effects of potentially 14 new power plants proposed in the area.

3.3.3 Northwest Air Pollution Authority

EFSEC and SHAPIRO staff met with the Northwest Air Pollution Authority on May 16 and June 7, 2001. The purpose of the first meeting was to identify materials that the Authority felt should be submitted as part of BP's ASC and to coordinate a later meeting. The purpose of the second meeting was to confirm with the agency the extent of coordination that had occurred between the agency and BP concerning the proposed BP Cherry Point Cogeneration Project. Another purpose of the meeting was to discuss air pollution issues that could be associated with the proposed energy facility project. Existing air pollution issues related to the March Point Cogeneration Project, another cogeneration plant operating at a western Washington petroleum refinery, were also discussed.

3.3.3.1 May 16, 2001 Meeting

At the May 16, 2001 meeting, Mr. Jamie Randles of the Northwest Air Pollution Authority identified a number of items that should be submitted by BP including:

- Provisions for an adequate continuous-emission monitoring system,
- Source testing following 40 Code of Federal Regulations (CFR) Part 60 requirements,
- Best Available Control Technology (BACT) analysis,
- Toxic air pollutant analysis,
- Description of offsetting factors for emissions, and
- Discussion of the cogeneration plant reliability.

Mr. Randles made a number of other observations on the proposed BP Cherry Point Cogeneration Project based on his experience with the 10-year-old March Point Cogeneration Plant located near Anacortes. He said the nitrogen oxides (NO_x) permit limits for the proposed BP project should not be set so low (i.e., 2.0 to 2.5 parts per million [ppm] range) that the continuous emission monitors do not pass the Relative Accuracy Test Audits (RATAs). He also said that the steam turbine seems to go down more than the gas turbines, which causes the selective catalytic reduction unit to lose its steam source and increase NO_x emissions for a period of time.

3.3.3.2 June 7, 2001 Meeting

At the June 7, 2001 meeting, Mr. Randles commented that continuous emission monitors are the primary means of determining air emissions compliance for cogeneration projects. The RATA and cylinder audits are the primary measures for determining the accuracy of the continuous emission monitors.

Regarding the March Point Cogeneration Project, Mr. Randles reported that the plant has different NO_x emission limits for different fuels and mixtures of fuels. Rather than having different limits for different fuels, the agency would look to set pro-rated levels for the proposed BP Cherry Point Cogeneration Project. Such a system would be simpler to monitor for compliance.

Mr. Randles also stated that the agency would like to review the operations and maintenance plan for the proposed BP plant and that such a plan should be kept onsite during operations. This document should focus on equipment and procedures for the air quality protection program.

3.3.4 Bonneville Power Administration

On May 24, 2001, EFSEC and SHAPIRO staff met with two representatives from BPA. The purpose of this meeting was to generally discuss the BPA System Impact Study (SIS) process and the status of BP's application for transmission capacity and generation interconnection.

During this meeting, Tom McKinney of BPA confirmed that BP planned to sign an agreement with BPA by the middle of June 2001 to initiate a SIS for the proposed BP Cherry Point Cogeneration Project. Mr. McKinney stated that this study likely would be completed by mid-December 2001. He stated that BP had requested service for the transmission of 200 megawatts (mW) of power from the BP cogeneration plant to the John Day Dam Substation, which would allow BP to sell electricity throughout the western U.S. transmission grid, including California.

3.3.5 Washington Department of Ecology

3.3.5.1 June 13, 2001 Meeting

On June 13, 2001, members of EFSEC, SHAPIRO, and the BP project team met with representatives from the Washington Department of Ecology (Ecology) at the agency's Northwest Regional Office in Bellevue, Washington. Representatives from both state and regional offices of Ecology were present at the meeting, with some participating by telephone conference call. The purpose of this meeting was to provide Ecology with an initial opportunity to express concerns for potential environmental impacts of the proposed BP Cherry Point Cogeneration Project. The meeting started with an updated description of the project by a BP representative.

The following topics were discussed: potential environmental impacts on air quality, wetlands, water resources, and other environmental issues normally under Ecology's jurisdiction. The discussion for each topic began with a brief overview of the preliminary environmental analysis that has been conducted by the BP project team. Following the brief presentation, Ecology specialists presented their questions and concerns about the proposed energy facility project.

Air impact concerns focused on:

- The need to prepare Class I and Class II studies,
- "Airshed" models including Canada,
- Comparisons of the proposed project and the Sumas Energy 2 project,
- Ammonia slip (e.g., selective catalytic reduction issues), and
- Use of emergency fuels.

Wetland impact concerns focused on:

- The desirability of future close coordination with Ecology,
- Goals to avoid impacts on wetlands,
- Alternative sites and layout designs,
- Mitigation,
- Permitting by the U.S. Army Corps of Engineers, and
- Compliance with Whatcom County ordinances.

Water resource issues included:

- The reuse of water from the Birch Bay Water and Sewer District,
- Potential discharge impacts on fisheries, and
- NPDES permitting.

In concluding, Ecology representatives expressed concern for natural gas pipeline safety and modification of the BPA electric transmission grid.

3.3.5.2 July 12, 2001 Meeting

On July 12, 2001, EFSEC and SHAPIRO staff met with representatives of the proponent's project team, members of Ecology, and several federal land managers to specifically discuss air quality issues related to the proposed BP Cherry Point Cogeneration Project. At the start of the meeting, BP summarized the proposed equipment and air emissions control technology planned for the cogeneration plant. There would be three combined-cycle generation units or "trains." Each would include a natural gas-fired turbine, most likely a General Electric (GE)

frame 7FA type unit, and each turbine train would include a heat recovery steam generator equipped with duct burners. The proposed emission controls would include carbon monoxide catalyst and Selective Catalytic Reduction (SCR) that would use ammonia for a reducing agent. The proposed emission rate for NO_x would be about 2.5 ppm.

BP responded to questions about offsetting factors for emissions as BP is proposing to permanently shutdown three existing steam boilers at the refinery and 14 simple-cycle gas turbines now producing power for the refinery. Bob Burmark of Ecology commented that the regulatory concern for the emissions from this proposed power plant is generally less than other proposed power plants that do not offer any emission tradeoffs.

Airpermits.com will be preparing the air quality analyses for the BP Cherry Point Cogeneration Project and its representatives expressed a desire to prepare a PSD analysis separate from the air quality modeling that will be required to evaluate Canadian receptors. The company plans to use Class II protocols using five years of data and the EPA ISCST3 air model, but would like to use the CALPUFF model for the analysis of potential impacts on Canadian receptors. Clint Bowman of Ecology indicated there are cross-border agreements for extending PSD modeling into Canada. He agreed that the CALPUFF model would be appropriate to assess impacts on Canadian receptors since he does not expect air emissions to exceed the significant impact levels at the border.

The representative from the U.S. Forest Service, however, commented that an assumption of 0.5 ppm of ammonia would not be appropriate for National Forest Lands and suggested 17 parts per billion (ppb) should be used to be consistent with modeling for the proposed Sumas Energy 2 Project. He also asked for two model runs, calculation of the offsets, and a coherent plume analysis.

The discussion also addressed BP's proposed use of emergency fuels. BP explained the emergency fuels would be used no more than 10 days in 10 years and only two of the turbines would be operated during such times to ensure reliability to the refinery. To do so, BP explained that the majority of power sales contracts would be baseload or firm-power contracts with force majeure provisions, rather than spot market sales.

The remainder of the meeting concentrated on particular details of the proposed air modeling for the proposed BP project. A comment was made that the air analysis needs to include estimates of sulfuric acid emissions and a nitrogen or ammonium sulfate analysis. Ozone levels should be assumed to be a minimum of 24 ppb. A deposition rate of 10 grams per hectare per year was viewed as the appropriate level of concern. In addition, startup and shutdown emissions should be included in annual NO_x emission inventories and should be evaluated as a PSD issue.

Another issue of concern was the increasing trend that Canadian gas supplies are including higher levels of sulfur. A representative of Ecology indicated that over 3.0 ppm NO_x would not be considered acceptable for BACT analysis. As such, the cogeneration plant may need to incorporate new NO_x control technologies, such as SCONOX or XONON. Neither of these technologies, however, has been demonstrated as a proven technology at the scale required for the proposed BP cogeneration plant.

In closing, Clint Bowman of Ecology provided BP's consultant with the MM5 data, a database for air quality modeling, and asked that Ecology be given three copies of air quality analysis documents prepared on the proposed BP project.

3.3.5.3 July 24, 2001 Meeting

On July 24, 2001, EFSEC, SHAPIRO, representatives of BP, and their consultants (Golder Associates and URS Corporation) met again with the Washington Department of Ecology to discuss potential wetland impacts and mitigation measures for the proposed BP Cherry Point Cogeneration Project. At this meeting, BP explained that preliminary wetland delineation work had recently prompted the company to slightly shift the proposed site for the facility to minimize wetland impacts. The 25-acre site has been moved to the north and closer to Grandview Road. Golder's preliminary wetland assessment indicates that 13 to 15 acres of wetland habitat could be affected.

Golder staff also presented maps showing the distribution of wetlands on the 100-acre area east of the BP Cherry Point Refinery. The maps showed most of the southern portion of the site is wetlands. Most of the wetland areas are emergent marsh dominated by reed canarygrass or a mixture of soft rushes and grasses. A 1.7-acre forested wetland dominated by hybrid poplars is located within the site boundaries. In addition, URS staff summarized their work in evaluating the potential to enhance wetland areas on BP-owned lands north of Grandview Road and their expectation that there would be adequate land available to provide appropriate mitigation for a loss of approximately 15 acres of wetland habitat.

Wetland mitigation measures and appropriate ratios were discussed. The Ecology representative expressed her concern about the need to reduce impacts. She also indicated that the likely mitigation ratios for the BP site would be 2:1 for restoration or creation and 4:1 for enhancement. A current study of wetland mitigation around the state will probably lead Ecology to encourage creation and restoration over enhancement due to difficulties controlling reed canarygrass.

3.3.6 Whatcom County

On June 14, 2001, representatives of SHAPIRO and the BP project team met with several members of the Whatcom County Planning Department and other county staff. The meeting started with a presentation from BP on the proposed Cherry Point Cogeneration Project and followed with a question and answer session.

Based on issues raised during the discussion period, the Whatcom County staff has a broad interest in the proposed energy facility project. Questions were raised about the proposed operation of the plant, fuel sources, air emissions, and the potential need to construct pipelines.

Regarding specific permitting and environmental issues, the County is concerned about the following issues:

- Jurisdiction over the pipeline facilities,
- Land use permitting,
- Required upgrade to the BPA transmission grid,
- Cultural resource impacts,
- Public benefit issues,
- Potential risks from geologic and seismic conditions, and
- Air quality impacts.

In closing, the County requested that any calculations of potential offsetting factors for air emissions be clearly stated so members of the public will be able to understand the project proposal.

3.4 Consultation with Indian Tribes

EFSEC consultation with Indian tribes with potential interests in the proposed BP Cherry Point Cogeneration Project consisted of three phases. During the first phase, each of the tribes was sent a notice and invitation to attend the agency meeting on May 2, 2001. Tribes that did not send representatives to the agency meeting were sent copies of the project description provided at the agency meeting. Secondly, the Indian tribes were contacted by telephone to follow up that they had received the meeting notice and project information. At that time, the representatives of the Indian tribes were asked if they had concerns about the proposed energy facility project. During the third phase, EFSEC and SHAPIRO staff met with interested tribal representatives to discuss their concerns about the proposed energy facility project.

The list of Indian tribes potentially affected by the proposed BP Cherry Point Cogeneration Project was developed from maps of traditional boundaries of influence and usual and accustomed territories for western Washington Indian tribes. In all, EFSEC identified 10 Indian tribes that could have an interest in the proposed site of the BP Cherry Point Cogeneration Project. These Indian tribes are listed in Table 1-4.

Table 1-4. Consulted Indian Tribes

Jamestown S'Klallam Tribe	Stillaguamish Tribe
Lummi Indian Nation	Suquamish Tribe
Nooksack Indian Tribe	Swinomish Indian Tribal Community
Port Gamble S'Klallam Tribe	Tulalip Tribes
Sauk-Suiattle Tribe	Upper Skagit Tribe

EFSEC sent notices of the May 2, 2001 agency meeting to these 10 Indian tribes at the same time notices were sent to U.S. and Canadian government agencies and non-governmental organizations. The mailed packet was sent on April 24, 2001 and included the notice for the meeting as well as a comment form. Only one of the tribes, the Lummi Indian Nation, sent a representative to the agency meeting (see the above discussion of the EFSEC agency meeting). A project description and comment form were sent to tribes that did not attend.

Following the agency meeting, EFSEC staff directed SHAPIRO to contact each of the 10 Indian tribes by telephone. The primary purpose of these contacts was to confirm that the tribe had received the BP project information packet. If an Indian tribe had not received this information, then the correct mailing address was recorded in the project mailing list and another copy of the project description and comment form was mailed to the Indian tribe.

During the telephone contacts, tribal representatives also were asked if the Indian tribe had any concerns about the proposed BP Cherry Point Cogeneration Project. Indian tribal representatives were given an opportunity to express their potential concerns during the telephone conversation or asked if Indian tribal representatives would like to meet and discuss their concerns in more detail. In either case, the Indian tribal representatives were encouraged to send written comments about the proposed energy facility project to EFSEC.

Of the 10 Indian tribes contacted by telephone in late May and early June 2001, six indicated that the tribe either had no comments regarding the proposed energy facility project, or the representative would consult further with other Indian tribal representatives and would contact EFSEC if they had comments or concerns. These Indian tribes included the

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following: Jamestown S’Klallam Tribe, Port Gamble S’Klallam Tribe, Stillaguamish Tribe, Suquamish Tribe, and Swinomish Indian Tribal Community.

EFSEC and SHAPIRO staff met with representatives of the four other Indian tribes. Separate meetings were held with each as follows:

- May 30, 2001 Nooksack Indian Tribe
- June 15, 2001 Lummi Indian Nation
- June 15, 2001 Sauk-Suiattle Tribe
- June 20, 2001 Tulalip Tribes

The focus of the tribal comments concerned potential impacts on the following:

- Water quality,
- Local fisheries,
- Water rights,
- The electric transmission grid,
- Wetlands habitat along Terrell Creek,
- Temperature effects on water resources, and
- The management of wastewater.

These comments are shown in Table 1-5 and are also included in Appendix C.

Table 1-5. Indian Tribe Comments

Jamestown S’Klallam Tribe	The Jamestown S’Klallam Tribe has been contacted, and tribal representatives are conferring on whether or not they have any comments (6/5/01).
Lummi Indian Nation	The Lummi Indian Nation sent a representative to the agency meeting and also asked for a separate meeting, which was held on June 15, 2001.
	The Lummi Indian Nation has concerns over water quality and fisheries issues, and provided a detailed list of concerns.
	The Lummi Indian Nation asked whether the electric grid between Everett and Seattle was adequate to handle new power sources in its current condition or if facilities would need to be upgraded, including the construction of a new transmission line.
	The Lummi Indian Nation would like to know if the EFSEC review process considers offsite impacts of the project?
	The Lummi Indian Nation would like to know about the high voltage transmission lines needed between Everett and Seattle and the associated environmental impacts of the construction, operation, and maintenance of these transmission lines.
	The Lummi Indian Nation would like to know if the wastewater treatment facility at the refinery needs to be modified in order to treat additional and different wastewater generated by the proposed cogeneration plant.
	The Lummi Indian Nation would like to know if the existing NPDES permit associated with the wastewater treatment facility at the refinery would need to be modified.
	The Lummi Indian Nation would like to know if there are plans to use the water treatment facility associated with the cogeneration plant to provide treated water to nearby communities for a potable water supply source (i.e., Birch Bay).
	The Lummi Indian Nation would like to know how much more water would be withdrawn from the Nooksack River and transferred out-of-basin to supply water to the proposed cogeneration plant.
	The Lummi Indian Nation would like to have confirmation that existing boilers would be taken off-line at the refinery.
	The Lummi Indian Nation would like to know how the project would affect overall air quality.
	The Lummi Indian Nation would like to know if an air quality model would be developed to assess potential impacts on air quality.

Table 1-5. Continued

	<p>The Lummi Indian Nation would like to know if construction and operation of the proposed cogeneration plant, including transmission lines, would affect wetlands at or near the project site and what mitigation is proposed for these impacts.</p> <p>The Lummi Indian Nation would like to know if a biological assessment would be conducted to evaluate potential impacts from the proposed project on threatened and endangered plant and animal species, including construction associated with the wastewater discharge system and transmission lines.</p> <p>The Lummi Indian Nation would like to know how BP proposes to evaluate and protect cultural resources at the proposed cogeneration site and along the transmission line route(s).</p>
Nooksack Indian Tribe	<p>The Nooksack Indian Tribe is concerned that the proposed project could contaminate groundwater resources.</p>
	<p>The Nooksack Indian Tribe is concerned about potential impacts on air quality.</p>
	<p>The Nooksack Indian Tribe is concerned about potential impacts on water quality.</p>
	<p>The Nooksack Indian Tribe is concerned about potential impacts on local fisheries considering fish migrate past Cherry Point on the way to the Nooksack River (already temperature impaired and on the Section 303(d) list). Also, Terrell Creek contains coho and has existing water quality problems.</p>
	<p>The Nooksack Indian Tribe is concerned about required water supplies, water rights, and discharges.</p>
Port Gamble S'Klallam Tribe	<p>The Port Gamble S'Klallam Tribe has no comments at this time (6/25/01).</p>
Sauk-Suiattle Tribe	<p>The Sauk-Suiattle Tribe has watershed rights in the Upper Skagit River Basin and is concerned about fish that migrate along the Strait of Georgia (near the proposed plant site).</p>
	<p>The Sauk River is a tributary of the Skagit River. As such, the Sauk-Suiattle Tribe is concerned about potential impacts on anadromous fish migrating from the Strait of Georgia (near the project wastewater outfall) to the Skagit River.</p>
Stillaguamish Tribe	<p>The Stillaguamish Tribe is concerned about potential impacts on the Stillaguamish Watershed and Port Susan.</p>
Suquamish Tribe	<p>The Suquamish Tribe has no concerns at this time (5/29/01).</p>
Swinomish Indian Tribal Community	<p>The Swinomish Indian Tribal Community has no concerns at this time (5/2/01).</p>
Tulalip Tribes	<p>The Tulalip Tribes would like to know how different streams of wastewaters from the refinery and the proposed cogeneration plant would be managed.</p>
	<p>The Tulalip Tribes would like to know what impacts on wetlands would occur, particularly along Terrell Creek (a salmon-bearing creek).</p>
	<p>The Tulalip Tribes are not particularly concerned about potential air pollution impacts.</p>
	<p>The Tulalip Tribes would like to know about possible impacts from the discharge of wastewater from the cogeneration plant using the existing BP Cherry Point Refinery discharge pipeline.</p>
	<p>The Tulalip Tribes would like to know if potential discharge waters would affect salmon habitat in the Puget Sound.</p>
	<p>The Tulalip Tribes would like to know what diffuser is currently used at the refinery point of discharge.</p>
	<p>The Tulalip Tribes would like to know what pollutant loading is allowed to be emitted from the BP Cherry Point Refinery under the existing NPDES permit.</p>
	<p>The Upper Skagit Tribe has no comments. The Cherry Point site is "outside the Tribe's boundary of influence." All of the Tribe's "usual and accustomed territory" lies in Skagit County.</p>

3.5 Agency Contacts and Telephone Interviews

In addition to the agency coordination meetings, EFSEC staff directed SHAPIRO to contact government agencies on two other occasions. Agencies were mailed information about the proposed energy facility and were contacted by telephone. The purpose of both efforts was to solicit agency questions and concerns about the proposed project.

Those agencies that were invited to the agency meeting but did not attend were contacted soon after the May 2, 2001 meeting. Copies of the project information sheet and a comment form, similar to those distributed at the agency meeting, were sent to these agencies by U.S. mail, e-mail, or fax. Agency representatives were encouraged to submit comments using the comment form or to prepare their own comment letter on agency letterhead.

In addition, EFSEC directed SHAPIRO to make telephone contact with many state and local agencies. EFSEC determined the list of agencies to be contacted. The purpose for this effort was again to encourage agencies to submit comments on the proposed project. In some cases, the attempt to contact the agency by telephone also led to additional meetings to discuss the proposed project and potential environmental impact issues. The telephone contacts also spurred agencies to submit written comments.

Substantive comments were received during the telephone interviews with several of the agencies contacted, including: the Whatcom County Public Utility District (PUD) No. 1, the Washington Utilities and Transportation Commission (which submitted written comments as well), the Washington State Parks and Recreation Commission, Greater Vancouver Regional District, the City of Nooksack, and the BPA. Table 1-6 summarizes the dates for these telephone interviews. Specific comments are listed in Appendix C.

Table 1-6. Agencies Interviewed by Telephone

May 17, 2001	Greater Vancouver Regional District
June 1, 2001	Washington Utilities and Transportation Commission
June 8, 2001	Washington State Parks and Recreation Commission
June 11, 2001	Nooksack, City of
June 12, 2001	Bonneville Power Administration
June 12, 2001	Whatcom County Public Utility District No. 1

In addition to comments received from agency comment forms, telephone interviews, and agency meetings, agencies also sent formal comment letters and e-mails to EFSEC regarding the proposed BP Cherry Point Cogeneration Project. EFSEC received a total of 13 letters or emails from federal, state, local, and Canadian government agencies. Agencies that submitted written comments are listed in Table 1-7.

Each of these letters is reproduced in Appendix B. A list of comments by topic is included in Appendix C, and comments are summarized below.

Table 1-7. Agency Comment Letters Received by EFSEC

Federal	National Park Service (comment letter)
	National Park Service (e-mail follow-up)
State	Washington Department of Ecology
	Washington Department of Fish and Wildlife
	Washington Department of Natural Resources
	Washington State Parks and Recreation Commission
	Washington Utilities and Transportation Commission
Local	Blaine, City of
	Whatcom County Fire District No. 7
	Whatcom County Health Department
Canadian	British Columbia Ministry of Water, Land and Air Protection
	City of Surrey, City of
	Environment Canada, Pacific and Yukon Region
	Greater Vancouver Regional District
	South Fraser Health Region

4.0 Preliminary Issues and Concerns

In summary, coordination and interaction activities conducted as part of the PSS for the proposed BP Cherry Point Cogeneration Project elicited a large number of comments. More than 500 comments are documented. Comments received by EFSEC included written comments and oral comments from the agency meeting, public meeting, agency coordination meetings, as well as telephone interviews. More than one comment may have been recorded for one individual, but each is listed separately in Appendix C. The list cites the source of the comment and is organized by topic.

A review of this list of comments shows that comments were received on a comprehensive range of topics and are organized in Appendix C as they would be in an environmental impact statement. These topics include the following: earth, air, water, plants, animals, noise, environmental health, land use, visual resources, transportation, and public services and utilities. As shown in Appendix C, comments on the proposed BP Cherry Point Cogeneration Project address each of these topics. Comments also were received regarding the EFSEC process and the project proposal. In addition, a large number of comments reflect individual opinions regarding support or opposition to the proposed project, not necessarily a potential environmental impact.

Analysis of the individual comments indicates more than 64 percent address only three issues: air quality, public services and utilities, and energy use.

- Comments regarding air emission issues comprised more than 32 percent of the comments. These comments addressed existing conditions, methods of air emission modeling, potential environmental impacts, and potential mitigation measures.
- An additional 23 percent of the comments concerned issues related to public services and utilities. Potential impacts on fire, police, emergency medical, and public school services were mentioned. In addition, there was concern that the proposed project would affect local water, natural gas, and electric utilities.
- The third most common comment concerned the availability and efficiency of energy use for the proposed BP Cherry Point Cogeneration Project.

Other topics mentioned pertained to potential impacts on water supplies, wetlands and vegetation, land use, wildlife, and noise.

The purpose of providing the comprehensive list of comments in Appendix C is to provide the reader with an understanding of the breadth and depth of both agency and public concerns for the proposed BP Cherry Point Cogeneration Project. The list of comments is not meant to represent a comprehensive list of issues that the project proponent, BP, must address in its ASC. Rather, the specific issues EFSEC feels BP should address in its ASC are described in general in Chapter II and more specifically in Chapter III. The list, however, may help BP develop plans for field investigation and data analysis to support the preparation of its ASC. Furthermore, addressing these issues and concerns in the BP ASC may facilitate the EFSEC application review process and the preparation of the joint SEPA/NEPA required environmental impact statement.