

Chapter 5. Consultation and Coordination

5.1 SCOPING

The U.S. Forest Service (USFS) published a Notice of Intent in the Federal Register to announce the proposal and the USFS intent to prepare a NEPA EIS on February 22, 1996. Comments were solicited and received from local, state, and federal agencies and the public.

A series of public scoping meetings was held at five locations on five different days in late March 1996. Meetings were held in Snohomish County, North Bend, Royal City, Othello, and Pasco. An agency scoping meeting was held April 3, 1996, at the USFS North Bend office.

Comment letters were accepted by EFSEC and the USFS until April 15, 1996. A newsletter was subsequently issued by EFSEC which summarized the key issues raised during scoping. A second newsletter was issued in late 1997 to update recipients on the status of the project and a potential schedule for the EIS, the permitting process, and future opportunities for public comment.

In response to requests to provide further input to the process, including issues associated with oil spills, ROW impacts, and alternatives, EFSEC sponsored an additional public meeting at the Seattle Army Corps of Engineers (ACOE) meeting room in summer 1997.

Comments and letters have been received by EFSEC, USFS, and Jones & Stokes Associates (consultant to the lead agencies) regarding spill risk, Purpose and Need, alternatives, and other issues throughout the Draft EIS preparation period.

5.2 CONSULTATION

The section titled **Agency Roles and Decisions to be Made** in Chapter 1 details permit, approval, and consultation requirements for the proposed pipeline project. Some of the necessary consultation has already begun as described below.

Consultation with the U.S. Fish and Wildlife Service (USFWS) occurred to identify any potential plant species listed, or potentially listed, as threatened, endangered, or candidate under the Endangered Species Act. No known federally listed threatened or endangered plant species occurs on the proposed route, and no permits are expected to be required from USFWS for botanical resources.

OPL initiated consultation with both federally and non-federally recognized tribal organizations and the State Historic Preservation Office (SHPO) to discuss traditional cultural properties and other concerns (Table 3.11-1). The purpose of the consultation is to request information and provide opportunities for the tribes to state their concerns about cultural resources and environmental topics. In addition to interest in historical and traditional cultural properties, tribes may have concerns about burials, certain minerals, and native plants and animals and their habitats. Most of the tribes listed in Table 3.11-1 had aboriginal territories that included the proposed pipeline corridor. Two of the groups, the Warm Springs and Nez Perce, were included in the consultation because of treaty rights for fishing in the Columbia River system. A number of tribal organizations have responded to letters regarding the project proposal, and consultation continues.

For effects on recreationists, OPL is in the process of developing temporary signage and notices in consultation with King County for the sections of the pipeline route that use the Cedar Falls Trail. The notices would be posted about 30 days before construction would start along the trail, and would inform trail users of the approximate dates of construction, areas of temporary trail closures, and detour routes if available. A similar system could be developed for the Iron Horse State Park/John Wayne Pioneer Trail.

The ASC map atlas prepared in February 1996 presented a proposed centerline based on known issues at that time. Since then, a number of route changes within the proposed corridor were made by OPL based upon findings from additional field studies and after consultations with federal, state, and local agencies and property owners. Micrositing refers to specific alignment changes made along the proposed centerline. Micrositing of the pipeline will continue to occur to avoid problems or minimize impacts, with further consultation with landowners and agencies.

The USFS, as the lead federal agency, is required under Section 7 of the Endangered Species Act to enter informal consultation with the USFWS by preparing a biological assessment. The assessment must determine if the project would affect any listed species or critical habitat units. A USFS finding of **Not likely to adversely affect** listed species and/or designated habitat must be confirmed through written USFWS concurrence. Should the biological assessment document that the project may affect a listed species and/or critical habitat unit, then the USFS should enter formal consultation with the USFWS. Under formal consultation, the USFWS would prepare a biological

opinion to determine if the project would jeopardize the continued existence of a listed species. This consultation has not yet occurred but will occur before the EIS process is complete.

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