

**From:** [Turaski, Michael R NWP](#)  
**To:** [Gagnon, Steven K NWP](#); [Latcu, Misty M NWP](#); [Holm, Leanne NWP](#)  
**Cc:** [Zinszer, Shawn H NWP](#)  
**Subject:** FW: DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012.docx (UNCLASSIFIED)  
**Date:** Monday, September 10, 2012 5:06:41 PM  
**Attachments:** [DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012 Reg CoP 2.docx](#)

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Classification: UNCLASSIFIED  
Caveats: NONE

These HQ comments provide interesting insight. Misty and Leanne, will appreciate your continued advice and coordination as we work with the DE to evaluate options.

Mike

-----Original Message-----

From: DeRosa, Jason HQ @ NWD  
Sent: Monday, September 10, 2012 4:37 PM  
To: Turaski, Michael R NWP; Holm, Leanne NWP; Gesl, David W NWD; Lear, Gayle HQ @ NWD  
Subject: Fw: DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012.docx (UNCLASSIFIED)

HQs comments.

----- Original Message -----

From: Coffey, Michael A NWD  
Sent: Thursday, September 06, 2012 12:26 PM  
To: Gesl, David W NWD; DeRosa, Jason HQ @ NWD; Lear, Gayle HQ @ NWD  
Subject: FW: DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012.docx (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

-----Original Message-----

From: Garman, Doug M HQ02  
Sent: Thursday, September 06, 2012 11:30 AM  
To: Coffey, Michael A NWD  
Cc: Morningstar, Desiree L HQ02; Moyer, Jennifer A HQ02; James, William L LRN  
Subject: FW: DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012.docx (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Michael,

Attached are HQ Regulatory comments in track changes. Please note their concerns with having an announcement on Monday.

Doug

-----Original Message-----

From: Morningstar, Desiree L HQ02  
Sent: Thursday, September 06, 2012 2:20 PM  
To: Garman, Doug M HQ02; Moyer, Jennifer A HQ02; James, William L LRN  
Subject: RE: DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012.docx (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Doug,

Attached please find the Reg CoP's comments on this plan. We have extensive concerns with the content of the document, and believe moving forward with an announcement on Monday as described in this plan is premature.

Please let us know if you would like to discuss. Thank you,

Desiree

-----Original Message-----

From: Garman, Doug M HQ02

Sent: Wednesday, September 05, 2012 2:17 PM

To: Moyer, Jennifer A HQ02; Morningstar, Desiree L HQ02; James, William L LRN

Subject: FW: DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012.docx (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Guys,

Here is a draft communications plan for the Coyote Island Terminal. NWD PAO would like comments by COB tomorrow (Thursday). I've reviewed the draft plan and have saved my comments in track changes. Feel free to add your comments to mine. I've been told NWP Regulatory has reviewed this plan and is concurrently staffing it with the remainder of the vertical team because of the tight deadline. NWP is planning to make an announcement on Monday, 10 September.

Doug

-----Original Message-----

From: Coffey, Michael A NWD

Sent: Wednesday, September 05, 2012 1:17 PM

To: Garman, Doug M HQ02

Subject: DRAFT - Coyote Island Terminal phase II comm plan - 04 Sep 2012.docx (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Doug,

Please find attached the draft communications plan for Coyote Island Terminal. Would you please take a look at this and get comments back to me by COB tomorrow. Let me know if you have questions.

Thanks,  
Michael

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

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**Portland District Communications Plan**  
Coyote Island Terminal permit application review  
Phase II Plan: EIS announcement and NEPA process education  
DRAFT 2: 4 September 2012  
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**Background**

This document is the Phase II communication plan of ~~at least a~~ four-phased approach required during the life of our permit application review process:

PHASE I: ~~Pre-education of the p~~ublic outreach to provide information on about the Corps' Regulatory program, including with special emphasis on explaining the laws, regulations, policies and procedures that guide and inform our decision-making process. The goal of this phase ~~was-is~~ to provide the public enough background information to understand decisions regarding why we will make whatever decision we do as to the the Corps scope of analysis the federal action and the effects we will consider. This phase ~~started began~~ when the ASA (CW)'s letter to Oregon Gov. Kitzhaber hit his desk and continues ~~todayd to the present~~.

**Comment [DH1]:** Are there other parts of this phase in addition to the letters that are being provided by ASA(CW) Darcy and LTG Bostick?

PHASE II: Announcement of the Corps scope of analysis the federal action and the effects we will consider, and education about our NEPA process. The goal of this phase is to provide the public enough information to understand how our NEPA process works and their opportunities to provide input in decision-making ~~be involved in our analysis, maximizing the Corps' reputation for that is~~ participatory and transparent ~~decision-making~~.

PHASE III: NEPA public involvement. The goal of this phase is to ensure public visibility of and involvement in our analysis, maximizing the Corps' reputation for participatory, transparent decision-making.

PHASE IV: Permit decision announcement. The goal of this phase is to ensure maximum understanding of ~~why we will make the~~ the decision ~~we do as to~~ whether to or not ~~we to~~ grant a permit, and what conditions and mitigation measures ~~we might be imposed~~ required, maximizing the Corps' reputation as a fair, impartial, professional regulatory agency.

Each of these sub-plans will be tiered to the NWD and NWP base plans, which contain overall goals, audiences, messages, etc.

**Challenges**

The main external challenges the district faces in Phase II are:

- Overcoming loud and persistent arguments from municipalities and environmental advocacy groups that the Corps should consider the combined impacts of several projects in one area-wide EIS.

**Comment [DH2]:** Public controversy in association with activities that are regulated under the Corps authorities is not unusual, and the level of interest in these activities is also not unusual. Corps responses to these inquiries must be factual, and objective, with no indication that Corps decisions are based on what may appear to be majority public opinion. Rephrase.

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- Explaining ~~a complicated and somewhat ambiguous legal direction as to~~ what will be considered and to what extent, and what won't be considered in ~~our the~~ NEPA analysis.
- Ensuring consistency and/or explaining inconsistencies with Seattle District's ongoing Gateway and Millennium EIS processes, and with the Corps' national Regulatory program. (What areas of the national program are you referring to?)
- Managing public involvement expectations of communities and organizations outside ~~our the~~ proposed geographic scope of the federal action.

**Comment [DH3]:** What does this refer to? Suggest "explaining inconsistencies" be rephrased.

**Comment [JAM4]:** Need to acknowledge and plan for input from the mining/coal industry stakeholders. The first and last bullets in this section allude to a one-sided advocacy.

#### Short Term Goals

- Understanding acceptance of ~~our the~~ proposed scope of federal action and the effects ~~we the Corps~~ will consider.
- Understanding acceptance of ~~our the~~ rationale for developing an EIS.
- Understanding ~~of our the~~ general actions and timeline for developing the an EIS.
  - Particularly, opportunities for public information and involvement.

#### Long Term Goals

- Understanding acceptance of the role of the Corps' Regulatory Program.
- Understanding of the Corps' ~~competence~~ processes, authorities and decision-making procedures fairness and professionalism, as it relates to this permitting action.

**Comment [DH5]:** These should be goals in the short-term.

#### NWP Communication Team

- COL John Eisenhower, DE
- Kevin Brice, Congressional/gubernatorial liaison
- J.R. Inglis, Tribal liaison
- Shawn Zinszer, OD-G chief
- Mike Turaski, OD-G permit application review section chief
- Steve Gagnon, OD-G permit application review project manager
- Scott Clemans, PA specialist
- Eric Hamilton, PA Web content manager

#### Target Audiences

Phase II Communications Plan: Coyote Island Terminal permit application review

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- Applicant
- Congressional staffers
  - OR delegation: Wyden, Merkley, Walden, Bonamici, Blumenauer
  - WA delegation: Murray, Cantwell, Beutler, Hastings, McDermott, Smith
  - MT delegation: Baucus, Tester, Rehberg
- Federal agencies
  - NMFS
  - USFWS
  - EPA
- Tribal governments
  - Nez Perce
  - Yakama
  - Umatilla
  - Warm Springs
  - Cowlitz
  - Grand Ronde
  - Siletz
  - CRITFC
- State governors
  - Kitzhaber
- State agencies
  - OR: DEQ, DSL, DOE, DFW, SHPO
  - WA: DOE, DNR
- Municipal governments
  - Counties: Morrow, Columbia, Multnomah
  - Cities: Boardman, Mosier, Hood River, Portland, Clatskanie
- General public

**Key Messages/Talking Points**

*Note: Many key messages and talking points from the NWD and NWP base communication plans will still be valid during this phase. PAO will go through those plans and develop a consolidated talking points document for media interviews, public inquiries, and etc.*

- We have completed an initial evaluation of Ambre Energy's proposed Morrow Pacific Project, comments received from the public, and other sources of information. We have determined that an Environmental Impact Statement will be necessary to analyze and document the proposal's potential effects.
  - Based on the description and potential impacts of the project, we think our authorization of the project is a major federal action that may significantly affect the

**Comment [DH6]:** Is this a new name that hasn't been used before? Coyote Island, Port of Morrow and Ambre Energy are the names that have been used before.

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quality of the human environment, and therefore requires preparation of an Environmental Impact Statement to comply with the National Environmental Policy Act.

- o Our current scope of analysis (i.e., control and responsibility) over this project includes construction of the in-water and upland facilities at the Port of Morrow.
- o Our initial review also identified certain activities that we believe may be indirect effects of the proposed in-water and upland facilities. These include barge and ship traffic on the Columbia River, and rail traffic to the appropriate degree and geographic extent.
- o We have identified potential effects of the project to air quality, cultural resources, endangered species, navigation, and tribal treaty rights (among others) that require analysis and documentation in our NEPA document.
- o As we proceed with public scoping of the EIS, we will refine the extent to which we consider various direct, indirect, and cumulative effects in our environmental analysis.
- The EIS process will take a while to get started; therefore, the public may not see much activity ~~through~~ until later this fall. (Why is the format of this bullet different than the others?)
  - o We will develop a scope of work and hire a contractor this fall to develop the EIS.
  - o We will publish a notice of intent to prepare an EIS and conduct scoping in the Federal Register as soon as possible.
  - o We will develop and carry out a scoping process to allow public input into the breadth of issues to be covered in the EIS this winter and spring.
    - Scoping helps us decide what potential effects to analyze and what geographic area to consider. We will ask other agencies, tribes and the public to comment on what the EIS should address.
    - We look forward to ~~getting your~~ gathering the public's ideas during the scoping period on the reports and data we need to consider to conduct a thorough review.
  - o We will invite other federal agencies with regulatory authority or specific expertise to join us as cooperators in preparing the EIS.
    - As an example, the U.S. Coast Guard has specific river navigation expertise that ~~may~~ would be relevant to our analysis.
  - o Details about the EIS process are available in the Council on Environmental Quality's "A Citizen's Guide to the NEPA" at [http://ceq.hss.doe.gov/nepa/Citizens\\_Guide\\_Dec07.pdf](http://ceq.hss.doe.gov/nepa/Citizens_Guide_Dec07.pdf).

**Comment [DH7]:** If you think an EIS may be warranted, but you are not sure, an EA should be completed. What "potential impacts of the project" are so substantial that they are likely to be significant and warrant an EIS? Impacts to tribal treaty rights can be addressed through government-to-government consultation, impacts to historic properties can be addressed through consultation with SHPO/THPO/other appropriate parties and impacts to ESA can be addressed through consultation with FWS. If the impacts that may be significant are in any of these categories, an EIS does not need to be completed to ensure they are appropriately addressed.

**Comment [JAM8]:** See DH7 comment. Within the scope of analysis defined, what potential impacts rise to the level of significance to warrant an EIS?

**Comment [DH9]:** Barge traffic and rail traffic are NOT indirect effects of the Section 10 structure. These are effects that are related to, but not physically caused by the activities subject to Corps jurisdiction. As slide 8 of the briefing for MG Walsh stated, barge and rail effects may be "disclosed with appropriate geographic extent and level of detail" but they are not indirect effects within the Corps control and responsibility

**Comment [JAM10]:** What sort of "potential effects"? Ambiguous, needs clarification.

**Comment [DH11]:** Scoping does not define geographic area to consider – geographic area to consider is based on regulations, guidance, policy and relevant court decisions.

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- o We will keep you updated on our process and progress at our Coyote Island Terminal website at <http://www.nwp.usace.army.mil/About/Currentprojects/CoyoteIslandTerminal.aspx>.

**Questions and Answers**

**Q: Seattle District made EIS determinations very quickly for their two permit applications. What took you so long?**

A: Because this project is quite different than the two under review by Seattle District, the applicant requested that we first prepare an EA to see if an EIS was warranted. We agreed, with the understanding that we would proceed with an EIS if our early review indicated it was warranted. After reviewing the applicant's ERD, public comments and other information, we decided that the project may have significant impacts and an EIS was warranted.

**Comment [JAM12]:** Spell this out, it is not a common abbreviation.

**Q: What effect did all the letters, rallies, etc., have in your decision to pursue an EIS?**

A: Information we received in the applicant's ERD, public comments and information from other sources all contributed to our decision to prepare an EIS.

**Q: Does the Corps prepare EISes for other regulatory actions?**

A: Yes, it's not uncommon nationally. A few examples:

<http://www.gladesreservoir.com/>  
<http://www.asapeis.com/>  
<http://www.pointthomsonprojecteis.com/>  
<http://www.lakebeltseis.com/>  
<http://www.porteis.com/>

**Comment [DH13]:** I don't believe any of the projects identified in the list are similar in nature to the Section 10 application that is being considered in this case. The South Carolina Port project included dredge/fill impacts in 70 acres of tidal marsh and open water habitat in association with the facility, in addition to structures regulated under Section 10. Suggest using examples that closely resemble the Coyote Island project, if any are available.

NWP specifically has not done many. We more typically cooperate with other agencies leading development of EISes. NWP led the development of the EIS for the Port of Vancouver Gateway (NWP-2005-016).

**Q: What made you choose the scope of control and responsibility you did?**

A: The Corps' Regulatory regulations (specifically 33 CFR 325, Appendix B) contain example cases very similar to the Coyote Island Terminal proposal. We based our scope of control and responsibility on our regulations upon these examples.

**Q: How do you set boundaries on what sort of impacts will be considered? Will pollution from coal burning in Asia be considered? What about mining?**

A: We initially will consider the impacts of activities that we think are directly or indirectly caused by related to the activity our permit would allow – the construction of the proposed dock and upland facilities. The scoping phase of the EIS development process may expand or contract the range of

**Comment [DH14]:** The answers to these questions is "No." The answers to these questions should not be left open-ended.

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impacts of related actions we ultimately analyze and disclose. For example, the construction of a dock does not physically cause coal to be burned in Asia, nor does it physically cause coal to be mined.

**Q: What is the purpose of scoping?**

A: Scoping is the means by which we determine what sorts of issues need to be addressed that are related to our Federal action. ~~impacts to consider~~. It's also meant to explore actions and alternatives. A key part of scoping is public involvement.

**Q: How broad will your public involvement effort be? For example, will you hold meetings in Montana, as many communities there have requested?**

A: We are obviously very early in the EIS development process, and have not yet developed a public involvement plan for the scoping and other phases of that process. The scope of analysis for the Corps action in this instance is limited to the in-water and upland construction associated with the dock facility. It is likely our public involvement efforts will be focused in the areas most likely to be directly affected by the Federal action that is the subject of the analysis.

Comment [DH15]: The answer to this should be "no." There is no reason the Corps should hold a public meeting in Montana to evaluate effects of a 1/3 acre dock on the Columbia River in Oregon. The answer to this question, if asked, should not be left open-ended.

**Q: When will I have a chance to make my opinions and data on this project known?**

A: We are ~~obviously~~ very early in the EIS development process, and have not yet developed a public involvement plan for the scoping and other phases of that process.

**Q: If the Corps has now determined that all three current proposals are likely to produce significant effects, how can you still say that they shouldn't be analyzed together in an area-wide EIS?**

A: The Corps has not yet determined whether an area-wide EIS is necessary to fully consider the cumulative impacts of the three proposed facilities. Until such a determination is made, we will continue to analyze the Coyote Island Terminal permit application in close coordination with Seattle District, Northwestern Division and our national headquarters to ensure ~~accurate~~ consideration of all the proposals' cumulative impacts.

**Q: How long does it take to prepare an EIS?**

A: The time required varies widely depending on project-specific factors. Two or more years ~~is~~are not uncommon.

**Q: Who's doing/paying for this work?**

A: The applicant pays for the cost of the contractor. The selected contractor must submit a financial disclosure statement to avoid any conflict of interest and ensure that they have no interest in the outcome of the project. The Corps directs the contractor's work, and is ultimately responsible for the products produced.

**Q: When will we see your evaluation and science?**

A: After we complete scoping, we will develop a draft EIS for public review and comment.

**Q: How will the EIS inform the ultimate agency decision?**



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A: Our permit decisions are based on a weighing and balancing of a wide variety of public interest factors. Obviously, the effects of the proposal on the human environment documented in the EIS are important factors, but not the only ones.

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**Implementation**

<b>What</b>	<b>Who</b>	<b>When</b>
<i>Key messages, talking points, Q&amp;A</i> <ul style="list-style-type: none"> <li>• Revise</li> <li>• NWP vetting</li> <li>• NWD and USACE vetting</li> </ul>	<ul style="list-style-type: none"> <li>• Turaski, Clemans</li> <li>• Zinszer, Latcu</li> <li>• Zinszer, Latcu, Clemans</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Complete 29 Aug</b></li> <li>• <b>Complete 04 Sep</b></li> <li>• By 5 Sept</li> </ul>
<i>Website</i> <ul style="list-style-type: none"> <li>• Revise content</li> <li>• Review</li> <li>• Post</li> </ul>	<ul style="list-style-type: none"> <li>• Clemans</li> <li>• Turaski, Latcu</li> <li>• Hamilton</li> </ul>	<ul style="list-style-type: none"> <li>• By 6 Sept</li> <li>• By 7 Sept</li> <li>• On 10 Sept</li> </ul>
<i>Social media plan</i> <ul style="list-style-type: none"> <li>• Develop messages</li> <li>• Review</li> <li>• Implement</li> </ul>	<ul style="list-style-type: none"> <li>• Clemans</li> <li>• Turaski, Latcu</li> <li>• Hamilton</li> </ul>	<ul style="list-style-type: none"> <li>• By 6 Sept</li> <li>• By 7 Sept</li> <li>• On/after 10 Sept</li> </ul>
<i>Stakeholder message</i> <ul style="list-style-type: none"> <li>• Develop</li> <li>• Review</li> <li>• Send to applicant</li> <li>• Send to Congressional staffs and governors offices</li> <li>• Send to tribal governments</li> <li>• Send to other identified stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Clemans</li> <li>• Turaski, Latcu</li> <li>• Gagnon</li> <li>• Brice</li>   <li>• Gagnon, Inglis</li> <li>• Zinszer, Turaski</li> </ul>	<ul style="list-style-type: none"> <li>• By 6 Sept</li> <li>• By 7 Sept</li> <li>• On 10 Sept, H-Hour</li> <li>• On 10 Sept, H+1</li>   <li>• On 10 Sept, H+2</li> <li>• On 10 Sept, H+3</li> </ul>
<i>News release</i> <ul style="list-style-type: none"> <li>• Develop</li> <li>• Review</li> <li>• Distribute</li> <li>• Respond to interview requests</li> </ul>	<ul style="list-style-type: none"> <li>• Clemans</li> <li>• Turaski, Latcu</li> <li>• Clemans</li> <li>• Clemans, Zinszer, Turaski</li> </ul>	<ul style="list-style-type: none"> <li>• By 6 Sept</li> <li>• By 7 Sept</li> <li>• On 10 Sept, H+2</li> <li>• On/after 10 Sept.</li> </ul>

**Assessment**

- Accuracy, content and tone of media accounts
- Content and tone of stakeholder responses
- Ultimately, level of opposition to whatever decision we make as to scope of federal action and impacts