

SCOPING SUMMARY REPORT

BP CHERRY POINT REFINERY MARINE TERMINAL NORTH WING EXTENSION ENVIRONMENTAL IMPACT STATEMENT

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Introduction and Background

What is included in this Scoping Report?

BP West Coast Products (BP) received a River and Harbor Act Section 10 permit on March 1, 1996 to construct a pier extension (North Wing) to the existing BP Cherry Point Refinery's marine terminal. North Wing was constructed in 2000 under a permit issued by the Department of the Army (DA) under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403). The U.S. Army Corps of Engineers (Corps) is the lead agency on an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) being prepared on this project. The U.S. Department of Homeland Security and the U.S. Coast Guard (Coast Guard) are participating in the preparation of the EIS as cooperating agencies. The Corps issued a Notice of Intent (NOI) to prepare an EIS, which was published in the Federal Register on August 16, 2006 (Appendix A). The scoping period extended from August 16, 2006 to September 15, 2006, and four public meetings were held: in Port Angeles on September 5th, in Anacortes on September 7th, Ferndale on September 12th and in Seattle on September 13th, 2006.

Public input provided during scoping for the EIS will be used to refine the scope of analysis included in the EIS and finalize the range of "reasonable and feasible" alternatives that will be evaluated, including the No Action alternative. The EIS will incorporate the results of a Vessel Traffic Risk Assessment (VTRA) and an oil spill fate and effects analysis. The EIS will also incorporate an evaluation of compliance with Magnuson Amendment of the Marine Mammal protection Act (MMPA).

This Scoping Report provides background on why an EIS is being prepared, describes the VTRA and summarizes the scoping comments received by the Corps during the comment period on scope of the VTRA, EIS and alternatives. The NOI and public meeting notices are included in Appendix A.

Why is an Environmental Impact Statement under the National Environmental Policy Act being prepared?

BP¹ applied to the Corps for a Department of Army (DA) permit in 1992 to construct the North Wing extension to the existing BP Cherry Point Refinery's dock for loading and unloading of refined petroleum products. BP received a River and Harbor Act Section 10 permit on March 1, 1996 to construct the North Wing extension. In 2000, BP requested a permit time extension and minor construction modifications to the permit. The permit time extension and modification was issued on June 29, 2000. In November 2000, Ocean Advocates and Fuel Safe Washington filed suit in U.S District Court for Western Washington stating that the Corps

¹ In 1992 the Cherry Point Refinery was under the ownership of Arco Petroleum Products. BP is the successor owner to ARCO.

violated the Magnuson Amendment of the Marine Mammals Protection Act, National Environmental Policy Act, and the Rivers and Harbors Act of 1899. The District Court dismissed the lawsuit on motions of summary judgment. In its amended decision of March 2005, the U.S. Court of Appeals for the Ninth Circuit reversed the District Court's decision and remanded the case back to the District Court with instructions to direct the Corps to prepare an EIS and to reevaluate whether the Section 10 permit violated the Magnuson Amendment of the MMPA.

Although the Department of Army permit has already been issued, the Corps retains the discretion to leave the permit unchanged, modify the permit, or revoke the permit as a result of the evaluation in the EIS. After completing the additional ESA consultation, Magnuson Amendment of the MMPA evaluation, and NEPA reviews, the Corps will make a new determination.

Proposed Federal Action

What is the proposed Federal action for the BP Cherry Point Refinery North Wing Extension EIS?

The proposed Federal Action covered under the EIS is: “issuance of a Department of Army permit with modifications (or “special conditions”) to maintain and operate the North Wing extension of the BP Cherry Point Refinery marine terminal.” The proposed Federal Action would allow continued operation of North Wing extension for loading/unloading of refined petroleum products at the marine terminal associated with the Cherry Point Refinery. Figure 1 shows the location and configuration of the project.

The EIS will evaluate the environmental effects from continued operation of the North Wing extension to the existing BP Cherry Point marine terminal, including the effects of all of the activities associated with vessel traffic unloading and loading at the marine terminal and vessels transits to and from the marine terminal. The EIS will also evaluate the fate and effects of crude oil or refined petroleum product spills from these vessels that could occur while in transit to and from the marine terminal.

The VTRA will analyze the effects on oil spill risk for the incremental vessel traffic projected to call at the Cherry Point Refinery marine terminal over the next twenty years and evaluate mitigation measures applicable to BP to address such impacts. The study will evaluate the routes used by marine vessels carrying crude oil and refined petroleum products between the navigation Buoy J offshore of Cape Flattery and the Cherry Point Refinery marine terminal. The study will incorporate all types of vessel traffic (not just vessels carrying crude oil and refined petroleum products) and reasonably foreseeable increases or decreases in vessel traffic along the entire pathway followed by vessels between Buoy J and Cherry Point, including but not limited to vessels calling in British Columbia, and vessels calling at the Cherry Point Refinery marine terminal, ConocoPhillips Refinery, Intalco and other reasonably foreseeable future marine terminal facilities in the Cherry Point area. The study will include analysis of potential

oil outflows from potential marine vessel accidents involving vessels calling at the Cherry Point Refinery marine terminal. Figure 2 shows the proposed VTRA marine traffic study area.

What are the decision options available to the Corps when issuing a permit?

Corps regulations identify three decision options available when issuing a permit (33 CFR 325, Appendix B):

- Under the Corps decision option to “issue the permit” in accordance with the applicant’s proposal, an applicant’s proposal must be demonstrated to be in compliance with the Corps implementing regulations at 33 CFR 320-332.
- Under the Corps decision option to “issue the permit with modifications,” an applicant’s proposal may be modified during the permit review process to minimize and/or avoid adverse environmental impacts. These modifications can include changes to the design, changes to construction techniques and timing, and additional or alternative mitigation measures.
- Under the Corps decision option to “deny the permit,” an applicant’s proposal would be denied if it is found contrary to the public interest (after consideration of factors in 33 CFR 320.4) or would be denied without prejudice indicating that except for other federal, state, or local denial, the Department of Army permit could be issued.

Under Appendix B (33 CFR 325), the “no-action” alternative is defined as one which results in no construction requiring a Corps permit. It may be brought by (1) the applicant electing to modify the proposal to eliminate work under the jurisdiction of the Corps or (2) by the denial of the permit.

In making its decision, the Corps considers “the full public interest by balancing the favorable impacts against the detrimental impacts.” This is known as the “public interest review” (33 CFR 320.4). In this case, the DA permit has previously been issued, construction of the marine terminal extension has been completed and the extended facility is in operation. However, in accordance with the Court’s ruling, the Corps will prepare an EIS under NEPA to make a new determination regarding the status of the current permit. The Corps retains the discretion to maintain the current permit without change, modify the permit, or revoke the permit as a result of this review.

What is scoping for an EIS?

The purpose of scoping is to gather public input on what issues and alternatives should be considered and evaluated in an EIS. Scoping is required under NEPA and starts when a NOI is published in the Federal Register. The scoping process helps focus the alternatives and scope of analysis in the EIS and contributes to clarifying the significant issues that are analyzed in depth in the EIS. Scoping for the BP EIS occurred consistent with Corps regulations specified under 33 CFR, parts 320-325.

How were public and government entities informed about the scoping process for the BP North Wing Extension of existing dock EIS?

As described above, the Corps issued an NOI to prepare an EIS for BP's North Wing extension that was published in the Federal Register on August 16, 2006. A special public notice was also issued inviting interested parties to participate in the scoping process. The Corps issued a news release to area newspapers and posted the public notice on its website. Individual letters of invitation were sent to Federal agencies, State agencies, and Tribes with interest in the project and project area including:

- Lummi Indian Nation
- Makah Tribe
- Suquamish Tribe
- Upper Skagit Tribe
- Nooksack Indian Tribe
- Elwha Tribe
- Swinomish Tribe
- Skagit River System Cooperative
- Environmental Protection Agency
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service (NMFS)
- U.S. Coast Guard
- Washington State Department of Ecology (Ecology)
- Washington State Department of Fish and Wildlife (WDFW)

- Washington State Department of Natural Resources (WDNR)

Copies of the Federal Register Notice and the special public notice can be found in Appendix A.

When and where were the scoping meetings held?

Four public scoping meetings were held to inform the public about the planning process and to solicit input related to the scale, scope, and issues associated with the EIS for Cherry Point Refinery Marine Terminal North Wing extension. Meetings were conducted in Port Angeles on September 5th, Anacortes on September 7th, Ferndale on September 12th and in Seattle on September 13th 2006. The meetings afforded the public an opportunity to communicate issues and suggestions at the onset of the planning process. Written comments were accepted at the scoping meetings.

The meetings were structured as an open-house-style workshop, with presentations by the Corps and to provide the public with an overview of NEPA process and a summary of the VTRA. Following the presentations, the audience was encouraged to ask questions and provide input on specific issues of concern to be considered in the EIS (see Scoping Comment Summary).

The public meetings were held at the following locations:

Port Angeles, September 5, 2006

Port Angeles Public Library
22108 Peabody Street
Port Angeles, WA

Anacortes, September 7, 2006

Seafarer's Memorial Park Building
601 14th Street
Anacortes, WA

Ferndale, September 12, 2006

America Legion Hall
5537 2nd Avenue
Ferndale, WA

Seattle, September 13, 2006

Federal Center South
4735 East Marginal Way South
Seattle, WA

An agency and Tribal scoping meeting was held on August 23, 2006, in Seattle at the Federal Center South building.

The scoping comment period ended on September 15, 2006. The Corps received **61** scoping comments from interested parties.

Scoping Comment Summary

Summarized below are the verbal and written comments received during the August 16th, 2006 – September 15, 2006, scoping period. The comments summarized below include those substantive comments that pertain to the VTRA, the scope of the EIS analysis and the EIS process.

Comments and concerns identified during Scoping

- Provide a list of assumptions for the VTRA.
- VTRA should include extensive coordination with the Canadian Vessel Traffic System personnel.
- The VTRA should document sources of information for commercial and tribal fisheries.
- The VTRA should address the risk factor of the language barrier that exists on some commercial vessels.
- The VTRA should address the issue of how many vessels will be in a queue waiting for berthing space at the dock.
- The VTRA should address the “Saddlebag” route as a special area and how the Coast Guard applies regulations to the area.
- Consider the large numbers of vessels that are on the water at different seasons, such as whale watchers, the spring fishing fleets headed north, and the gill netters in Rosario Strait.
- Identify the location and status of the proposed Washington State Department of Natural Resources (DNR) reserve near Cherry Point in relation to the routes of the vessels to/from the refinery, particularly where the routes pass through the reserve.
- The cumulative impacts analysis should include all previous impacts and a list of all spills that have occurred in the marine waters.
- The cumulative impacts analysis should address the issue of the dock at the proposed DNR reserve location due to the presence of bull trout, eel grass, marbled murrelet, and other sensitive species.
- The cumulative impacts analysis should include all previous impacts and a list of all spills that have occurred in the marine waters of the state, including the cumulative impacts of all previous Corps actions in the Cherry Point area.
- Address all flora and fauna changes that have occurred from 1970 through 2006.
- Discuss alternative routes with DNR to minimize impacts to the reserve.
- Address the impacts on herring, particularly in the vicinity of Cherry Point, and other species of concern. This should include development of mitigation measures regarding herring areas, particularly areas near vessel routes.

- Address compliance of operations with the Whatcom County Critical Areas Ordinance.
- Public issues that may need to be addressed include the demand for less vessel traffic to/from the refinery and a request for more tugs.
- The Corps should make and document contacts with Native American Tribes.
- There could be significant cultural and tribal issues and these should be addressed in the EIS.
- Mitigation of use of the dock should be addressed.
- Address impacts associated with the presence of the dock.
- Mitigation measures included in the EIS could provide compensation for the impacts of construction of the dock.
- Address impacts associated with ballast water discharge and intake.
- The EIS should address the effects of noise and other disturbances on Orcas and their critical habitats.
- Address how an increase in spill risk increases the risk to the lower end of the food chain.
- Include a description of all regulatory compliance requirements that apply to operation of the facility.
- Address the issue of construction of new offshore facilities related to sewage discharge by Victoria.
- Since the Georgia Pacific terminal study included a Vessel Transit System and ballast study, this EIS should as well.
- The requirements of the Gateway settlement agreement of 1999 should be addressed in the EIS.
- Since an EIS was not required or prepared for the refinery when it was constructed (prior to NEPA and the State Environmental Policy Act), the EIS for operation of the BP dock could include the refinery and have a much broader scope than just for the change in vessel traffic associated with the dock expansion.
- The EIS should address the Magnuson Act and all refinery dock expansions and new refinery docks constructed since the 1977 amendment. In addition, the EIS should consider mitigation for violations of the Magnuson Act.
- Address what influence the enhanced dock capacity has had on refinery output and what the influence will likely be in the future.
- The EIS should consider all shipments of product from the refinery to Washington, Oregon, and California.
- Address the risks and impacts of articulated tug and barges passing near the Olympic Coast National Marine Sanctuary.
- The scope of the EIS should include the entire coastal zone (200 feet inland).
- Address OPA 90 and the Waterway Safety Act, including what aspects that have not been put in place as required by the act.
- The EIS should consider the implications of using the barrel tax refund to address spill risk and cleanup.

- The Corps should consider having BP renegotiate the DNR lease and to make the process more transparent than it was previously.
- The Corps should obtain input from other federal agencies, such as the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.
- The Corps should coordinate the NEPA process with the SEPA process.
- The Corps should complete a Fish and Wildlife planning aid letter after scoping is completed.
- The Corps should set up an advisory group to address the potential alternatives, including more public input during the process than has occurred to date.
- The Corps was requested to provide a copy of the PowerPoint presentations used at the scoping meetings on its web site. The Corps was asked if the scoping comments will be entered into the docket for the project and whether or not there will be a docket that will be subject to the Freedom of Information Act.
- The Corps public notification of the scoping process was not adequate and there should be more notification and more meetings when the draft EIS is issued.
- The EIS needs to assess impacts to other federal laws.
- The EIS needs to assess impact of the “Free Trade Zone” (i.e. tax free status of oil shipped north through Canadian Waters) on the Cherry Point Aquatic Reserve.
- The Corps needs to consider revocation of the permit as an alternative.
- The EIS needs to consider the impact to Birch Bay Resort Community when a major oil spill occurs.
- Homeland Security needs to be considered in the EIS to include adequate measures to address the potential for terrorists taking command of one of these vessels and turning it into a weapon.
- The EIS needs to consider the use of Dispersants to clean up oil spills and the impact these chemicals may have on natural resources.
- The EIS needs to consider the temperature inputs related to the Refinery’s NPDES permit and how this affects herring.
- The pier extension and operation should include an effectiveness monitoring plan.
- Alternatives should include a “climate change” alternative that examines the impacts of zero crude oil imports to BP refinery.
- The EIS should include a list of all refinery dock Section 10/404 permits granted by the Corps in Whatcom and Skagit Counties since 1970.
- The VTRA should include all traffic and petroleum product shipments in Washington waters.
- The VTRA should evaluate risks of all vessel traffic in Puget Sound and on the outer west coast from buoy “J” to the mouth of the Columbia River.
- The EIS should analyze impacts from non-compliance of increased marine vessel traffic with the designated area-to-be-avoided (ATBA) located near Cape Flattery.
- The VTRA and the EIS should include current and future projections of vessel traffic from the ports of Vancouver, B.C., Seattle and Tacoma, Washington.

- The EIS should analyze the potential introduction of invasive species from ballast water discharges from increased oil tanker and barge traffic.
- The EIS should analyze potential impacts from air emissions (air pollution) related to increased oil tanker and barge traffic.
- An air quality monitoring station at Cape Flattery should be required.
- Evaluation of the Neah Bay emergency response tug capability should include incident and other relevant data from throughout the tugs potential response area including the Strait of Juan de Fuca and from Cape Flattery south to the Columbia River.
- VTRA should include the effects of future anticipated climate changes (changes in severe weather patterns, increased precipitation and sea level changes) on navigation.

What are the next steps in the EIS process?

Based on comments from U.S. Coast Guard and others, the VTRA analysis area was expanded 8 nautical miles westerly of Buoy J to the start of the Traffic Separation Scheme, and extended to include the portion of Puget Sound south of Admiralty Inlet. Figure 3 shows the revised VTRA study area. It is anticipated that the VTRA will require a minimum of 22 months to complete.

Comments received during the scoping period will be used to inform and refine the scope of analysis contained in the Draft EIS. The VTRA report will be included as part of the Draft EIS. Issuance of the Draft EIS is anticipated to occur in early spring of 2011. Following publication of the Draft EIS, a minimum 45-day comment period will begin. Comments on the Draft EIS will be solicited from interested parties, including agencies, tribes, and the public. Public meetings will be held to obtain verbal and written testimony during the comment period. The Final EIS will respond to comments received during the comment period on the Draft EIS. Thirty days following publication of the Final EIS, the Corps will prepare a Record of Decision.

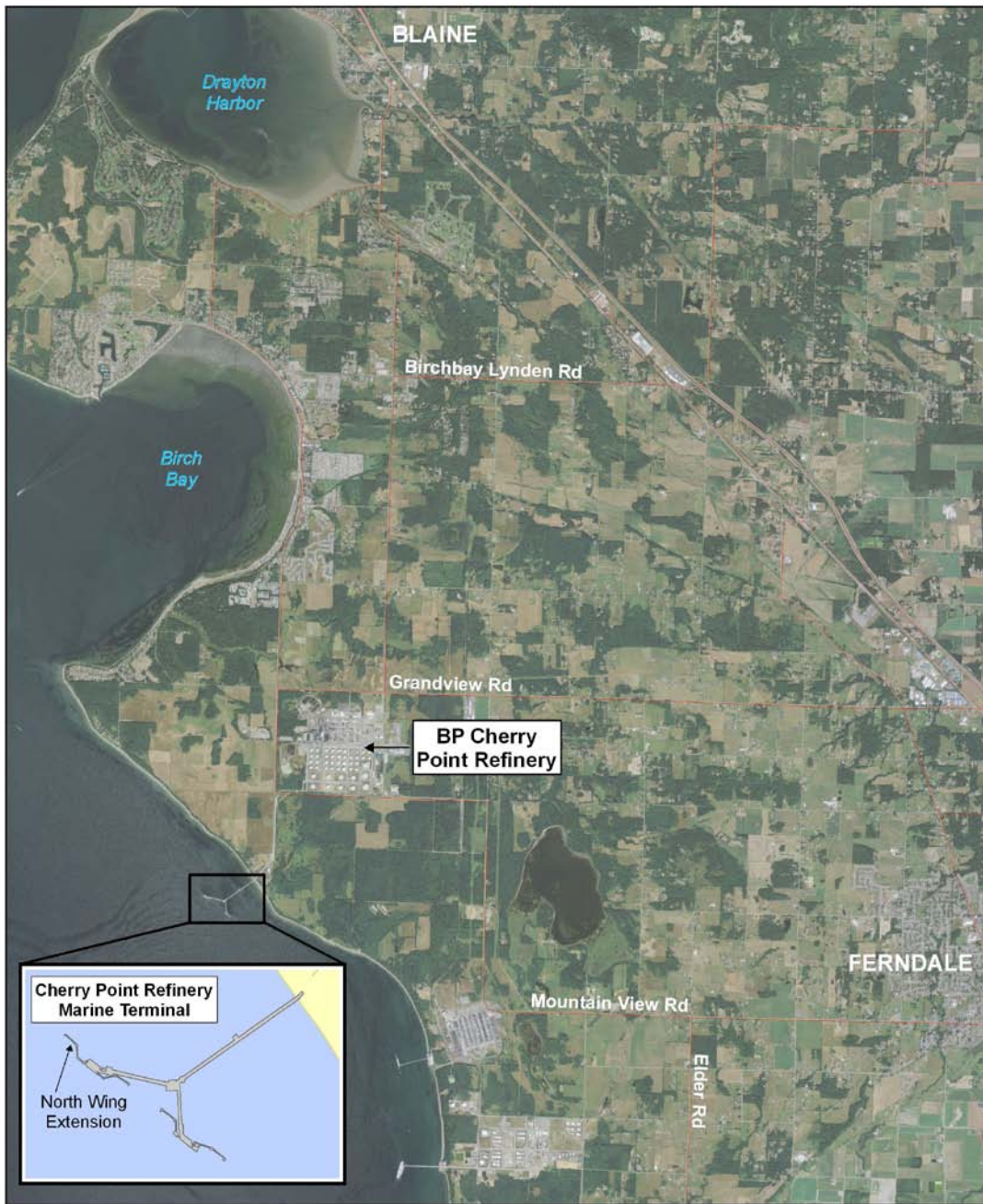


FIGURE 1
Location and Configuration of the Project





FIGURE 2
Proposed VTRA Marine Traffic Study Area

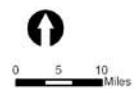




FIGURE 3
Revised VTRA Marine Traffic Study Area



Appendix A – Notice of Intent and Public Meeting Notices

POLICY JUSTIFICATION

Netherlands – F-16 Pilot Training and Logistics Support

The Government of the Netherlands has requested a possible sale to establish a Continental United States (CONUS)-based Royal Netherlands Air Force F-16 Formal Training Unit (FTU) to include: 130 Laser Guided Training rounds, 150,000 20mm Target Practice training bullets, 3,750 BDU-33 low-drag training bombs, 875 MK-106 high-drag training bombs, pilot training, JP-8 fuel, air refueling support, CONUS base start up, base operating support, facilities, and other related operational/logistics services and support. The estimated cost is \$200 million.

This proposed sale contributes to the foreign policy and national security objectives of the U.S. by improving the military capabilities of the Netherlands and enhancing standardization and interoperability with U.S. forces.

Springfield-Beckley Air National Guard Base, Ohio is the location where the Netherlands Air Force will train aircrews in aircraft operations and tactics. This training will enhance the Royal Netherlands Air Force's ability to continue contributions to the Global War on Terrorism, to North Atlantic Treaty Organization air policing operations in Afghanistan, as well as, to possible future coalition operations.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The U.S. Air Force will provide program management for the FTU. The Ohio Air National Guard will provide instruction, flight operations, and maintenance support and facilities. There is no prime contractor involved in this program. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any U.S. Government or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Editorial Note: FR Doc. 06-6728 was originally published at page 44637 in the issue of Monday, August 7, 2006. In that publication a graphic was improperly substituted. The corrected document is republished in its entirety.

[FR Doc. R6-6728 Filed 8-15-06; 8:45 am]

BILLING CODE 1505-01-C

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement To Evaluate the Impacts Associated With a Previously Authorized Pier Extension in Strait of Georgia at Cherry Point, Near Ferndale, Whatcom County, WA

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) Seattle District is the permitting agency and lead Federal agency for this action. The U.S. Coast Guard (USCG) is cooperating agency. The Corps is announcing its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The EIS will support the Corps' permit evaluation process under Section 10 of the Rivers and Harbors Act for the BP Cherry Point marine pier extension.

DATES: Submit comments by September 15, 2006.

Scoping meetings for this project will be held on:

1. September 5, 2005 from 7 p.m. to 9 p.m., Port Angeles, WA. An open house will be held from 6:30 p.m. to 7 p.m. prior to the meeting.
2. September 7, 2006 from 7 p.m. to 9:30 p.m., Anacortes, WA. An open house will be held from 6:30 p.m. to 7 p.m. prior to the meeting.
3. September 12, 2006 from 7 p.m. to 9 p.m., Ferndale, WA. An open house will be held from 6:30 p.m. to 7 p.m. prior to the meeting.
4. September 13, 2006 from 7 p.m. to 9 p.m., Seattle, WA. An open house will be held from 6:30 p.m. to 7 p.m. prior to the meeting.

ADDRESSES: Written comments on the scope of the EIS or requests for information should be sent to Mrs. Olivia Romano at the U.S. Army Corps of Engineers, Seattle Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755, or sent via e-mail to Olivia.h.romano@usace.army.mil.

The scoping meetings will be held at:

1. *Port Angeles:* The Port Angeles Public Library on 22108 Peabody Street, in Port Angeles, Washington.
2. *Anacortes:* The Seafarer's Memorial Park Building on 601 14th Street, in Anacortes, Washington.
3. *Ferndale:* The American Legion Hall on 5537 2nd Avenue, in Ferndale, Washington.
4. *Seattle:* The Federal Center South, 4735 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mrs. Olivia Romano at the U.S. Army Corps of Engineers, Seattle Regulatory Branch, 4735 E. Marginal Way South, Seattle, Washington 98134, (206) 764-6960, or e-mail to Olivia.h.romano@usace.army.mil.

SUPPLEMENTARY INFORMATION: The Corps has been directed by Ninth Circuit Court of Appeals to complete an EIS on the impacts of the permitted pier extension, including vessel traffic study and risk of oil spills from potential increase in oil tanker traffic in Puget Sound and reevaluate the pier extension's potential violation of the Magnuson Amendment of the Marine Mammals Protection Act.

Proposed Action

To evaluate the potential environmental impacts for the continued operation of the pier extension (north wing) to the existing BP Cherry Point dock. The evaluation will include a vessel traffic study and oil spill risk analyses for the all vessels unloading and loading at the dock.

Preliminary Alternatives to the Proposed Action

The EIS will evaluate a range of alternatives including a No Action Alternative. The EIS will consider alternatives that may result from comments received during the agency and public scoping period. The EIS will also discuss alternatives considered and eliminated from further detailed study. The Corps will use this evaluation to determine compliance with Section 10 of Rivers and Harbors Act and compliance with Magnuson Amendment of Marine Mammals Protection Act.

EIS Scoping Process

The EIS process begins with the publication of this Notice of Intent. The scoping period will continue for 30 days after publication of this Notice of Intent and will close on September 15, 2006. During the scoping period the Corps invite Federal agencies, State and local governments, Native American Tribes, and the public to participate in the scoping process either by providing written comments or by attending the public scoping meetings scheduled for September 5, 6, 7, and 13, 2006 at the time and location indicated above. We have identified the following as probable major topics to be analyzed in depth in the Draft EIS: Oil spill impacts on aquatic resources, fish and wildlife habitat functions, threatened and endangered species impacts, surface water quality, and cumulative impacts. Both written and oral scoping comments will be considered in the preparation of the Draft EIS. Comments postmarked or received by e-mail after the specified date will be considered to the extent feasible.

The purpose of the scoping meeting is to assist the Corps and U.S. Coast Guard in defining issues, public concerns, alternatives, and the depth to which they will be evaluated in the EIS. The public scoping meeting will begin with a briefing on the existing BP dock and the vessel traffic study. Copies of the meeting handouts will be available to anyone unable to attend by contacting the Corps Seattle District as described in the **FOR FURTHER INFORMATION CONTACT** section. Following the initial presentation, Corps representatives will answer scope-related questions and accept comments.

EIS Preparation

Development of the Draft EIS will begin after the close of the public scoping period. The Draft EIS is expected to be available for public review in the fall of 2008.

Other Environmental Review and Consultations

To the fullest extent possible, the EIS will be integrated with analysis and consultation required by the Endangered Species Act of 1973, as amended (Pub. L. 93-205; 16 U.S.C. 1531 et seq.); the Magnuson-Stevens Fishery Conservation and Management Act, as amended (Pub. L. 94-265; 16 U.S.C. 1801, et seq.), the National Historic Preservation Act of 1966, as amended (Pub. L. 89-655; 16 U.S.C. 470, et seq.); the Fish and Wildlife Coordination Act of 1958, as amended (Pub. L. 85-624; 16 U.S.C. 742a, et seq. and 661-666c); and the Clean Water Act of 1977, as amended (Pub. L. 92-500; 33 U.S.C. 1251, et seq.); and all applicable and appropriate Executive Orders.

Dated: August 10, 2006.

Michelle Walker,

Chief, Regulatory Branch, Seattle District.

[FR Doc. E6-13473 Filed 8-15-06; 8:45 am]

BILLING CODE 3710-ER-P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Chief of Naval Operations (CNO) Executive Panel

AGENCY: Department of the Navy, DoD.
ACTION: Notice of closed meeting.

SUMMARY: The CNO Executive Panel will form consensus advice for the final report on the findings and recommendations of the Innovation and Technology Transition Subcommittee to the CNO. The meeting will consist of discussions of Navy research and development strategies and processes.
DATES: The meeting will be held on August 28, 2006, from 10 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held in the Center for Naval Analysis Corporation Boardroom, 4825 Mark Center Drive, Alexandria, VA 22311-1846.

FOR FURTHER INFORMATION CONTACT: Ms. Gia Harrigan, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311, 703-681-4907.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), these matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the



US Army Corps
of Engineers
Seattle District

NOTICE OF SCOPING FOR ENVIRONMENTAL IMPACT STATEMENT

Intent to Prepare an Environmental Impact Statement (EIS) to evaluate the impacts associated with a previously authorized pier extension in Strait of Georgia at Cherry Point, near Ferndale, Whatcom County, Washington.

ISSUE DATE: August 16, 2006

SUMMARY OF INTENT: The U.S. Army Corps of Engineers (Corps) Seattle District is the permitting agency and lead Federal agency for this action. The U.S Coast Guard (USCG) is cooperating agency. The Corps is announcing its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The EIS will support the Corps' permit evaluation process under Section 10 of the Rivers and Harbors Act for the BP Cherry Point marine pier extension.

DATES: Submit comments by September 15, 2006

Scoping meetings for this project will be held on:

1. **September 5, 2005 from 7:00 PM to 9:00 PM, Port Angeles, WA.** An open house will be held from 6:30 PM to 7:00 PM prior to the meeting.
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ADDRESSES: Written comments on the scope of the EIS or requests for information should be sent to Mrs. Olivia Romano at the U.S. Army Corps of Engineers, Seattle Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755, or sent via e-mail to Olivia.h.romano@usace.army.mil.

The scoping meetings will be held at:

1. Port Angeles: the Port Angeles Public Library on 22108 Peabody Street, in Port Angeles, Washington.
2. Anacortes: The Seafarer's Memorial Park Building on 601 14th Street, in Anacortes, Washington.
3. Ferndale: The American Legion Hall on 5537 2nd Avenue, in Ferndale, Washington.
4. Seattle: The Federal Center South, 4735 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mrs. Olivia Romano at the U.S. Army Corps of Engineers, Seattle Regulatory Branch, 4735 East Marginal Way South, Seattle, Washington 98134, (206) 764-6960, or e-mail to Olivia.h.romano@usace.army.mil

SUPPLEMENTARY INFORMATION: The U.S. Army Corps of Engineers has been directed by Ninth Circuit Court of Appeals to complete an EIS on the impacts of the permitted pier extension, including vessel traffic study and risk of oil spills from potential increase in oil tanker traffic in Puget Sound and reevaluate the pier extension's potential violation of the Magnuson Amendment of the Marine Mammals Protection Act.

PROPOSED ACTION

To evaluate the potential environmental impacts for the continued operation of the pier extension (north wing) to the existing BP Cherry Point dock. The evaluation will include a vessel traffic study and oil spill risk analyses for the all vessels unloading and loading at the dock.

PRELIMINARY ALTERNATIVES TO THE PROPOSED ACTION

The EIS will evaluate a range of alternatives including a No Action Alternative. The EIS will consider alternatives that may result from comments received during the agency and public scoping period. The EIS will also discuss alternatives considered and eliminated from further detailed study. The U.S. Army Corps of Engineers will use this evaluation to determine compliance with Section 10 of Rivers and Harbors Act and compliance with Magnuson Amendment of Marine Mammals Protection Act.

EIS SCOPING PROCESS

The EIS process begins with the publication of this Notice of Intent. The scoping period will continue for 30 days after publication of this Notice of Intent and will close on September 15, 2006. During the scoping period the U.S. Army Corps of Engineers (Corps) invites Federal agencies, State and local governments, Native American Tribes, and the public to participate in the scoping process either by providing written comments or by attending the public scoping meetings scheduled for September 5, 7, 12, and 13, 2006 at the time and location indicated above. We have identified the following as probable major topics to be analyzed in depth in the Draft EIS: oil spill impacts on aquatic resources, fish and wildlife habitat functions, threatened and endangered species impacts, surface water quality, and cumulative impacts. Both written and oral scoping comments will be considered in the preparation of the Draft EIS. Comments postmarked or received by e-mail after the specified date will be considered to the extent feasible.

The purpose of the scoping meeting is to assist the Corps and U.S. Coast Guard in defining issues, public concerns, alternatives, and the depth to which they will be evaluated in the EIS. The public scoping meeting will begin with a briefing on the existing BP dock and the vessel traffic study. Copies of the meeting handouts will be available to anyone unable to attend by contacting the Corps Seattle District as described in the "For Further Information Contact" section. Following the initial presentation, Corps representatives will answer scope-related questions and accept comments.

EIS PREPARATION

Development of the Draft EIS will begin after the close of the public scoping period. The Draft EIS is expected to be available for public review in the fall of 2008.

OTHER ENVIRONMENTAL REVIEW AND CONSULTATIONS

To the fullest extent possible, the EIS will be integrated with analysis and consultation required by the Endangered Species Act of 1973, as amended (Pub. L. 93-205; 16 U.S.C. 1531 et seq.); the Magnuson-Stevens Fishery Conservation and Management Act, as amended (Pub. L. 94-265; 16 U.S.C. 1801, et seq.), the National Historic Preservation Act of 1966, as amended (Pub. L. 89-655; 16 U.S.C. 470, et seq.); the Fish and Wildlife Coordination Act of 1958, as amended (Pub. L. 85-624; 16 U.S.C. 742a, et seq. and 661-666c); and the Clean Water Act of 1977, as amended (Pub. L. 92-500; 33 U.S.C. 1251, et seq.); and all applicable and appropriate Executive Orders.

Responsible Official:

Michelle Walker
Chief, Regulatory Branch
Seattle District, U.S. Army Corps of Engineers