

**From:** [Alex Ramel](#)  
**To:** [Todd Donovan](#); [Tyler Byrd](#); [Timothy Ballew](#); [Barry Buchanan](#); [Barbara Brenner](#); [Satpal Sidhu](#); [Rud Browne](#)  
**Cc:** [Eddy Ury](#); [Matt Krogh](#); [Matt Aamot](#); [Becky Boxx](#); [Tyler Schroeder](#); [Mark Personius](#)  
**Subject:** Comments on Cherry Point Zoning Amendments  
**Date:** Monday, July 23, 2018 3:13:04 PM

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Council members,

I'd like to start off by letting you know how much I appreciate the thoughtful and deliberative process that has been unfolding as you discuss the Cherry Point zoning amendments. I think that this draft ordinance has made a lot of progress and will go a long way toward important measures to protect the health and safety of our community. There are few improvements that I would recommend and ask you to consider during the discussion tomorrow afternoon:

**1. Compliance with Federal Rules (pages 188-190 in your packet)**

The County Report offers two alternatives, both of which require the County to expend money and staff time reviewing projects that are clear violations of Federal law. We propose a third alternative Alternative # 3 - In cases where the project appears to be a violation of Federal laws, rules, treaties or protected rights, require the applicant to demonstrate that the proposed project can meet federal requirements either by acquiring permits, or by acquiring a certification from the appropriate federal agency that indicates that the project is potentially permissible.

**2. Bulk coal storage (page 195 and 197 of your packet):** I applaud the decision to make bulk coal storage facilities a prohibited use. I would just ask that you add bulk coal transfer facilities as well so that the prohibited use reads: "Bulk coal storage and transfer facilities."

**3. Changes to an approved permit (page 199 in your packet):** It looks to me like there is potential for an unintended loophole that should be closed. A project could be presented as a refined product project (which wouldn't require a CUP) and then a minor change could be proposed to the permitted project switching to an unrefined fuel. I suggest closing that loophole with the following language added to WCC20.88.215(a)ii: "Major changes are those amendments which, in the opinion of the zoning administrator, upon consultation with the technical committee, substantially change the basic land use, design, density, open space or other requirements of the major project permit, or in the case of projects involving the bulk transfer of fossil fuels, which alter the type of product that will be or could be handled."

**4. GHG Analysis (page 204 in your packet):** As one of the parties requesting this be included, I really appreciate that it is on the table. Thank you.

However, I believe an important point has been missed: it is nearly inconceivable that a bulk fossil fuel project would have an EIS and not include an analysis of GHGs. It's important to define the standard of quality, type of analysis, and whether there will be mitigation.

I would urge also that in this case, we include not only unrefined products, but refined products as well. In Skagit county, the Andover (formerly Tesoro) refinery is proposing to process 15,000 barrels a day of mixed xylenes, a refined product used in making plastics. The change in the process adds the equivalent emissions as adding 70,000 passenger vehicles to the road. The way that Skagit County conducted that GHG analysis has been a source of significant dispute and Stand.earth and other groups are currently appealing the decision to the State's Shoreline Hearings Board. The refinery and all parties involved in that case (and other disputed cases around the state) would benefit by having clearly articulated rules for how the analysis should be conducted.

I propose the following third option:

16.08.121 Preparation of EIS - Greenhouse Gas Analysis

If a draft EIS and final EIS or draft and final SEIS is required for new or expanded transportation, storage, or distribution facilities for any bulk fossil fuel, the EIS or SEIS shall include a greenhouse gas analysis that includes at a minimum the following:

- (a) all direct, on-site, emissions related to the project;
- (b) all emissions from electricity--to be generated off-site but used on-site--related to the project;
- (c) all indirect or "lifecycle" emissions associated with the extraction, transport and refining or processing of the bulk fossil fuel;
- (d) the emissions associated with combustion of the fuel;
- (e) if the project is a change in use, an analysis of the change in emissions compared to the existing use;
- (f) a plan to mitigate, through verified offsets, 100% of emissions in sections (a) through (d), with a preference for mitigation that will occur in, or near, Whatcom County;
- (g) Nothing in this section will be used to justify the use of emissions offsets to allow for increases in

local air pollution sources affecting human health.

Thanks for your hard work on this important issue. Thanks for considering these comments.

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