

From: [Mark Personius](#)
To: [Matt Aamot](#); [Amy Keenan](#); [Nick Smith](#)
Cc: [Tyler Schroeder](#)
Subject: FW: Cherry Point Updates
Date: Wednesday, July 31, 2019 3:30:49 PM

FYI.

From: Alex Ramel [mailto:alex@stand.earth]
Sent: Wednesday, July 31, 2019 3:20 PM
To: Rud Browne; Tyler Byrd; Barry Buchanan; Satpal Sidhu; Barbara Brenner; Carol Frazey; Todd Donovan
Cc: Mark Personius
Subject: Cherry Point Updates

Council,

I'm impressed by the progress you have made over the past couple of weeks. If I could, I'd like to offer a bit of feedback on the changes made yesterday:

1. CUPs. I found the discussion of conditional use permits at the end of last Tuesday's meeting to be really valuable and informative. Both building permits and conditional use permits have the same maximum review time under state law. There is more evaluation and notice on CUPs, but staff indicated that the average time it takes for a CUP is 4 months.

On a number of occasions it has been suggested or implied that requiring a CUP for projects is the same as prohibiting projects. I urge you to be careful in making this implication, it is inaccurate.

I also note that there has been discussion about reducing the requirement for a CUP as a way to encourage some types of projects (e.g. biofuels and environmental projects). I'd urge you to consider CUPs as a way to ensure that community safety and health standards are met, rather than as a carrot or stick to encourage or discourage particular kinds of projects.

2. Environmental Project Exemptions. Adding environmental projects to the list of exemptions in section .802 "non-capacity improvements," would create an unfortunate loophole. I urge you to reverse this change. Large projects rarely do only one thing. Two examples:

- I am currently working to get better environmental review of a project in Anacortes where they would have better marine vapor capture and flaring (an improvement for local air quality) and which would simultaneously add significant vessel traffic through orca habitat and greenhouse gas emissions equivalent to adding 80,000 cars to the road. Without a clear definition of environmental improvement, a project like that could be considered an environmental improvement.
- Similarly, the recently green-lighted Phillips 66 tank expansion project looks like it may have an impact on orcas and might be used for oil transshipment in the future if not properly conditioned. The immediate cause for the project is segregating low sulfur heavy fuel oil, which will help some ships to meet low sulfur fuel standards, which is an environmental benefit. The project has both good and bad aspects. It's this

complexity that warrants a more rigorous review.

I would not support a change that would allow either of these projects through a section .802 environmental loophole. Given that the CUP barrier is really not that high, I'd urge you not to create this unnecessary and potentially problematic exemption.

3. GHG analysis under SEPA in section 16.08.160 (I think this was PDS's comment number 6).

The policy PDS is asking about says:

iii. Greenhouse Gas Emissions – Other Uses:

(a) Method of analysis: Determined by SEPA Responsible Official following consultation with federal and state agencies. with jurisdiction or expertise.

(b) Mitigation: Determined by SEPA Responsible Official. See 1.c.

My understanding is that right now the policy is that for any project, the SEPA official consults with state and federal experts and determines a method of analysis and mitigation. So section (i) specifies additional details on how fossil fuel facilities should be evaluated, section (ii) specifies how renewable fuel ghg analysis will be conducted. And then this section says any other SEPA, the policy is to do what is already done. Otherwise, one might infer from the code that other facilities are exempt entirely because they are not listed. I don't think the intent is to make a determination one way or another about, say, a housing development. The intent pretty clearly is to leave the option to the SEPA official, just like it is now. I don't think it is wise to just delete the section, it creates ambiguity.

Thanks for your consideration of these ideas.

warm regards,

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Alex Ramel

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