

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**Mark Personius, AICP**  
Director

## Withdrawal Notice SEPA Determination of Nonsignificance (DNS)

**Withdrawal:** This notice serves as a withdrawal of the DNS issued on September 6, 2019 for the proposed non-project action to amend the County's development regulations, permit review procedures and Comprehensive Plan relating to fossil fuel facilities, renewable fuel facilities, and other associated land use activities. The DNS is withdrawn to allow for additional time to review public comments and to allow for further consideration of potential impacts. When a new threshold determination is issued, then a new public notice and comment period will be provided.

**File:** SEP2019-00083

**Project Description:** A proposed non-project action to amend the County's development regulations, permit review procedures and Comprehensive Plan relating to fossil fuel facilities, renewable fuel facilities, and other land use activities. Specifically, the proposal would amend the following Whatcom County Codes (WCC):

- State Environmental Policy Act (WCC 16.08). The proposal would include the development of a new "Worksheet for Fossil and Renewable Fuel Facilities" to assess potential project impacts relating to greenhouse gas (GHG) and other emissions, risk of spill or explosion, interference with fishing areas, stormwater, and wastewater from new or expanded fossil fuel or renewable fuel industries. Other amendments include requiring the County to consult with other agencies, require a calculation and assessment of GHG emissions for uses, and authorizing mitigation for GHG emissions.
- Zoning Ordinance (WCC 20). The proposal would include amendments that would prohibit new fossil fuel refineries, fossil fuel transshipment facilities, piers and coal fired power plants in the Cherry Point Industrial District. The proposal would classify existing, legally established fossil fuel refineries and transshipment facilities as permitted uses at current levels. Expansions to those existing fossil fuel facilities would be allowed subject to either a Zoning Conditional Use permit or Major Project Permit. New renewable energy facilities would be allowed subject to a Zoning Conditional Use Permit or Major Project Permit. The proposed zoning code amendments would also include new definitions, change of use standards, amendments to the approval criteria for Conditional Use Permits (WCC 20.68) and Major Project Permits (WCC 20.88), as well as require mitigation for additional greenhouse gas emissions above baseline emissions.
- Project Permit Procedures (WCC 22.05). The proposal would add a "Change of Use, Cherry Point Industrial District" permit in the County's permit processing table, require proof of insurance or other financial security for increases in fossil fuel and renewable fuel facilities production and clarify the record for which final County Council decisions are based upon.
- Shoreline Management Program (WCC 23). The proposal would amend a number of sections in the Shoreline Management Program to be consistent with the proposed development regulations stated above.

This proposal is intended to address the risks to public health, safety, and the environment associated with the expansion of fossil fuel facilities. The proposal is also intended to address the negative impacts on public safety, transportation, the economy, and environment from crude oil, coal, liquefied petroleum gases, and natural gas transshipment from the Cherry Point Industrial District. A copy of the proposed code amendments and

Whatcom County Resolution #: 2019-037 can be found on the Whatcom County website at [www.whatcomcounty.us/2914/Public-Notice](http://www.whatcomcounty.us/2914/Public-Notice).

**Proponent:** Whatcom County Council

**Address and Parcel #:** Cherry Point Urban Growth Area

**Lead Agency:** Whatcom County Planning & Development Services

**Zoning:** HII/LII **Comp Plan:** Major/Port Industrial UGA

**Shoreline Jurisdiction:** Cherry Point Management Area

**Responsible Official:** Mark Personius, [mpersoni@whatcomcounty.us](mailto:mpersoni@whatcomcounty.us)

**Title:** Director

**Telephone:** 360-778-5900

**Address:** 5280 Northwest Drive  
Bellingham, WA 98226

**Date of Withdrawal:** September 26, 2019 **Signature:** \_\_\_\_\_



**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**Mark Personius, AICP**  
Director

SEPA Distribution List  
SEP2019-00083

Notice of Withdrawal Date: September 26, 2019

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

WA State Department of Archaeology and Historic Preservation via email -  
Gretchen Kaehler, gretchen.kaehler@dahp.wa.gov

SEPA Unit, WA State Department of Ecology, Olympia via email -  
sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife via email -  
Joel Ingram, joel.ingram@dfw.wa.gov

WA State Department of Natural Resources via email -  
Rochelle Goss, sepacenter@dnr.wa.gov  
Brenda Werden, Brenda.werden@dnr.wa.gov

SEPA Unit, WA State Department of Transportation, Burlington via email -  
Roland Storme, stormer@wsdot.wa.gov  
Ray McEwan, mcewanr@wsdot.wa.gov

Randel Perry, US Army Corps of Engineers via email -  
Randel.J.Perry@usace.army.mil

City of Blaine  
Michael Jones, AICP via email - mjones@cityofblaine.com

City of Bellingham  
Kurt Nabbeveld via email - knabbefeld@cob.org  
Brent Baldwin via email - bbaldwin@cob.org  
Clare Fogelsong via email - cfogelsong@cob.org

City of Ferndale  
Jori Burnett via email - joriburnett@cityofferndale.org

Lummi Nation Natural Resources  
Merle Jefferson, Sr. via email - merlej@lummi-nsn.gov  
Tamela Smart via email - tamelas@lummi-nsn.gov

Nooksack Indian Tribe

George Swanaset, JR via email - [george.swanasetjr@nooksack-nsn.gov](mailto:george.swanasetjr@nooksack-nsn.gov)

Trevor Delgado via email - [tdelgado@nooksack-nsn.gov](mailto:tdelgado@nooksack-nsn.gov)

Suquamish Indian Tribe via email -

[aleigh@suquamish.nsn.us](mailto:aleigh@suquamish.nsn.us)

Swinomish Indian Tribal Community via email -

[bcladoosby@swinomish.nsn.us](mailto:bcladoosby@swinomish.nsn.us)

Tulalip Tribe via email -

[tbrewer@tulaliptribes-nsn.gov](mailto:tbrewer@tulaliptribes-nsn.gov)

Whatcom County PUD No. 1 via email -

[stevej@pudwhatcom.org](mailto:stevej@pudwhatcom.org)

Birch Bay Water & Sewer District via email -

[dan@bbwsd.com](mailto:dan@bbwsd.com)

Point Roberts via email – All Points Bulletin [editor@allpointbulletin.com](mailto:editor@allpointbulletin.com)

Whatcom County Council via email - [council@whatcomcounty.us](mailto:council@whatcomcounty.us)

Public Commenters:

Foster Pepper

Richard Settle via email - [Richard.settle@foster.com](mailto:Richard.settle@foster.com)

Stoel Rives LLP

Contact: Brian D. Israel

600 University Street, Suite 3600

Seattle, WA 98101

Arnold & Porter

Peggy Otum via email – [Peggy.Otum@arnoldporter.com](mailto:Peggy.Otum@arnoldporter.com)

Petrogas West, LLC

Amanda Lund via email – [LundA@LanePowell.com](mailto:LundA@LanePowell.com)

Phillips 66

Tim Johnson via email – [Tim.d.johnson@p66.com](mailto:Tim.d.johnson@p66.com)

WSPA

Holli Johnson via email - [hjohnson@wspace.org](mailto:hjohnson@wspace.org)