

From: [Jacob Pederson](#)
To: [PDS Planning Commission](#)
Subject: Cherry Point Thank You Letter and Recommendations for Further Actions
Date: Tuesday, October 08, 2019 11:04:57 PM

Dear Whatcom County Planning Commission,

My name is Jacob Pederson, an Environmental Journalism student at Western Washington University. I am reaching out as a resident and voter of Whatcom County to thank the Planning Commission for keeping the October 10th Work Session despite Gary Hancock's resolution to postpone. This motion was clearly intended to stall the Cherry Point amendments until the County Council election. While I am grateful, I also intend to address some key points discussed in the 9/26 Work Session. First, I will stress that these amendments must be completed before a new County Council takes office. This should *not* be viewed as rushing the process. I also highly recommend that stakeholders other than the industry representatives should be given an equal voice in the process. Lastly, I will offer my insight on gray areas within the language of the code and how these areas can be clarified.

First, the amendments should be finalized and passed by the current County Council since newly elected members will lack adequate knowledge in the following;

- The many perspectives from industry, environmental groups and concerned citizens brought to the county's attention through hearings and public comment periods stretching back to 2016 on this issue.
- Vital knowledge about how to legally write the code through working with the *Cascadia Law Group*.

I stress that this does **not** rush the process;

- According to Satpal Sidhu in the last moratorium hearing, "going through this process has taken a lot longer than we thought it should take, but we are so close now. We are at this point where a lot of the work has already been done." This was three months ago.
- Much of the background research is in the report "*Reducing Impacts from Fossil Fuel Projects Report to the Whatcom County Council*" by the Cascadia Law Group.
- The refineries and multiple other agencies have sent the Planning Commission expertly written, thorough recommendations for the code.

Knowledge and competence is vital to the success of complex legislative measures like the Comp. Plan. Thus, county leaders that have worked on this for over three years are imperative to adequately combine safety for our community, a healthy economy created by the refineries, and environmental protection in the final version of this ordinance.

Second, representatives of Stand and REsources should be called to answer the Planning Commission's questions at the Work Session this Thursday in addition to representatives

from the refineries because;

- The goal of the County Council and Planning Commission is to make sure the voices of all stakeholders are heard.
- These organizations have worked with the County Government for years on the amendments.
- The lack of input from environmental experts could result in recommendations from the Planning Commission that do not adequately fulfill the goal of protecting the ecology of Cherry Point, with negative implications for treaty-protected tribal fisheries, and the salmon runs the endangered Southern Resident Orca Whales depend on.

In summary, the continued say in the amendments of these highly respected organizations coupled with operational expertise from the refineries will result in excellent and well-balanced recommendations to the Council.

Next I will address several key areas that need to be improved in the code.

I agree that the language about the new Conditional Use requirement for projects that expand the refineries capacity should be clarified so their intended purpose is clear in the code;

- CP rules should be written in a way that lets applicants for a permit and the county staff know that tanks, or other storage, processing, or transportation facilities can be completed within a reasonable time frame, along with upgrades to existing infrastructure, such as the piers.
- **However**, the upgraded/new equipment must remain in use for the purpose that it was originally permitted for. The code should make it clear that the CP's are a mechanism to prohibit the conversion of previously permitted infrastructure to the purpose of unrefined fossil fuel export, or storage for its transshipment.
- **In addition**, the code should state that new facilities which will produce or store renewable fuels cannot be converted into fossil fuel refineries or for the purpose of handling non-renewable fuels.

This clarification language will make it so that CP's are used as a way to make sure a new refinery project is used for the purpose it was originally permitted for, and not as a means to stop refinery projects.

There is a gray area in the current draft code that makes exemptions under section 20.68.802 unclear about whether mitigation would be needed for potential increases in output through enhanced efficiency. There are avenues to mend this problem as well:

- Matt Aamot's Memorandum sent to the Planning Commission on October 3rd offers

a solution to this problem. On page 4 it says “an option would be to simply exempt all permitted uses from GHG analysis and mitigation under the proposed zoning provisions.”

- If the above recommendation is followed, it would be indisputable that permitted uses under 802 would **not** require mitigation for any additional GHG emissions.
- **However**, the Planning Commission should strongly consider requiring GHG analysis as part of the new requirement to track lifecycle emissions, but it should be clear that this data will not be used for the purpose of mitigation by the county.

This way, the refineries will be able to do projects that classify as “regular equipment maintenance, replacement, safety upgrades, and environmental improvements” without going through the extra permitting steps in the new rules for projects that lie outside of these categories.

Lastly, there is additional work that should be done to improve the GHG mitigation language such as;

- The expressed concern is that shutdowns and turnarounds, in which GHG emissions are null, will reduce the average GHG emission baseline to the point that refineries will have to mitigate excess emissions that are not reflective of levels during typical production activities.
- This can be fixed by simply excluding data from the periods of time that the shutdowns or turnarounds are occurring. This way the average is not skewed by anomalies.

If the Planning Commission can refine the GHG mitigation language into something workable, localities with refineries all over the country can use it as a model to facilitate carbon mitigation without retarding the profitability and competitiveness of these important facilities.

I hope that you take this all under consideration as this opportunity to ensure the safety of this community, and the health of our environment alongside the protection of the refinery jobs relies on your best judgements and timeliness that will allow time to make some final adjustments and pass the Comp. Plan before the County Council gets new members in the upcoming election. Thank you.

Sincerely,

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