

**From:** Council  
**To:** Carol Frazey  
**Cc:** Mark Personius; Matt Aamot; Ashley Ubil; Becky Boxx; Cathy Halka; Dana Brown-Davis; Jill Nixon; Kristi Felbinger; NaDean Hanson  
**Subject:** FW: Regarding strong protections at Cherry Point - amendments  
**Date:** Monday, July 08, 2019 8:33:01 AM

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**From:** Sandy Robson [mailto:sjr2@yahoo.com]  
**Sent:** Sunday, July 07, 2019 7:58 PM  
**To:** Council; Barry Buchanan; Todd Donovan; Satpal Sidhu; Rud Browne; Barbara Brenner; Tyler Byrd  
**Cc:** Jack Louws  
**Subject:** Regarding strong protections at Cherry Point - amendments

Dear Whatcom County Council members:

I am writing you to voice my full support of Dena Jensen's July 6, 2019 email letter (forwarded below) calling for revisions in proposed codes for Cherry Point, sent to you Council members.

I actually was fully supportive of Council member Donovan's January 15, 2019 draft Amendments which can be viewed by using the link below. The January 15, 2019 preliminary draft can be found on page 19 of the PDF. I've included a screenshot photo of page 19 of the PDF so you can see where that section starts in the PDF. Here is the link which takes you to the PDF containing the January 15, 2019 preliminary draft:

<https://whatcom.legistar.com/View.ashx?M=F&ID=7188477&GUID=E0678A5D-E2FD-4151-B5BE-EEDAB035A792>

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Preliminary Draft – January 15, 2019

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## Exhibit A Whatcom County Comprehensive Plan Amendments

***Amend the Whatcom County Comprehensive Plan (Chapter 2 – Land Use) as follows:***

### **Major Industrial Urban Growth Area / Port Industrial**

#### Cherry Point

The Cherry Point Urban Growth Area (UGA) contains approximately 7,000 acres of industrial land. The land has long been planned and designated by Whatcom County for industrial development and is currently the site of three major industrial facilities including two oil refineries and an aluminum smelter. Together, these three existing industries own about 4,400 acres of the total Cherry Point industrial lands. A fourth large tract of undeveloped land constituting approximately 1,500 acres is designated for industrial development.

Because of the special characteristics of Cherry Point, including deep water port access, rail access, and proximity to Canada, this area has regional significance for the siting of large industrial or related facilities. General Petroleum constructed the Ferndale Refinery in 1954, Alumax/Pechiney/Howmet constructed the Aluminum Smelter in 1966, and the Atlantic Richfield Company constructed the Cherry Point Refinery in 1971. The existing industries in the Cherry Point UGA, which provide significant employment, have produced and shipped refined fossil fuels and other products for decades.

Cherry Point is also important historically and culturally to the Coast Salish people, and part of the usual and accustomed fishing area for five treaty tribes, reserved under the Treaty of Point Elliot of 1855. The Lummi Nation and Western Washington University have identified an ancestral village dating back over 3,000 years ago in this area. The Cherry Point UGA contains sites of primary archeological and cultural significance.

Since the designation of this area for industrial development years ago, newer scientific study of the shoreline ecology has identified Cherry Point's unique function

scientific study of the shoreline ecology has identified Cherry Point's unique function as part of the Fraser River/Georgia Strait and greater Salish Sea ecosystem and the associated Cherry Point Aquatic Reserve has been designated by the state Department of Natural Resources to recognize the ecological importance of the aquatic lands in this area.

Since adoption of earlier versions of this Comprehensive Plan, governments have increased their recognition of the observed and projected effects that fossil fuel extraction, transportation and use have on human health and the environment.

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Preliminary Draft – January 15, 2019

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Policy 2CC-11: It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three piers, taking into account the need to:

- ~~Honor any existing vested rights or other legally enforceable agreements for an additional dock/ pier;~~
- ~~Act conservatively in land use matters at Cherry Point to prevent further harm to habitat important to the Cherry Point Herring stock and Southern Resident Killer Whales;~~
- Update the Whatcom County Shoreline Master Program to conform with this policy;
- Encourage the continued agency use of best available science;
- Support and remain consistent with the state Department of Natural Resources' withdrawal of Cherry Point tidelands and bedlands from the general leasing program and the species recovery goals of the Cherry Point Aquatic Reserve designation and Management Plan;
- Recognize federal actions upholding treaty rights;
- Protect traditional commercial and tribal fishing; and
- Prevent conflicts with vessel shipment operations of existing refineries that could lead to catastrophic oil or fuel spills.

My wish would be that the amendment language being considered by Council would be as protective as the language which was contained in that January 15, 2019 preliminary draft Amendments from Council member Donovan.

Most importantly, I urge Council to act quickly as possible so that the new amendments would be voted on prior to the end of this year. It has been frustrating to have to wait 3+ years since first starting the Cherry Point Amendments process, and yet still have nothing final in place. Please do whatever is necessary to get this done and get these needed protections in place. It is extremely important to get those in place so that all the hard work done by you Council members and those who served before you who worked on this issue, will not be in vain.

I strongly believe that Whatcom County needs to demonstrate that it is willing to take measures to rapidly decrease the extraction, transport, and production of fossil fuels. Such action will help other communities to also take such needed actions.

I am counting on you Council members, our environment is counting on you Council members, and our planet is calling on you Council members to do what we all know is needed...putting policies, codes, and statutes in place that will better protect the public's safety and health as well as the health of the environment.

Thank you for considering my comment.  
Regards,

Sandy Robson

----- Forwarded Message -----

**From:** [dbobena@yahoo.com](mailto:dbobena@yahoo.com) <[dbobena@yahoo.com](mailto:dbobena@yahoo.com)>

**To:** Council <[council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)>; Barry Buchanan <[bbuchana@co.whatcom.wa.us](mailto:bbuchana@co.whatcom.wa.us)>; Todd Donovan <[tdonovan@co.whatcom.wa.us](mailto:tdonovan@co.whatcom.wa.us)>; Carol Frazey <[cfrazey@co.whatcom.wa.us](mailto:cfrazey@co.whatcom.wa.us)>; Satpal Sidhu <[ssidhu@co.whatcom.wa.us](mailto:ssidhu@co.whatcom.wa.us)>; Rud Browne <[rbrowne@co.whatcom.wa.us](mailto:rbrowne@co.whatcom.wa.us)>; Barbara Brenner — <[bbrenner@co.whatcom.wa.us](mailto:bbrenner@co.whatcom.wa.us)>; Tyler Byrd <[tbyrd@co.whatcom.wa.us](mailto:tbyrd@co.whatcom.wa.us)>

**Cc:** Jack Louws <[jlouws@co.whatcom.wa.us](mailto:jlouws@co.whatcom.wa.us)>

**Sent:** Saturday, July 6, 2019, 12:22:21 PM PDT

**Subject:** Calling for revisions in proposed codes for Cherry Point

Dear Whatcom County Council:

It is my understanding that you all received a draft copy of the proposed code related to Cherry Point which the Cascadia Law Group and the Whatcom County Planning Department have been reviewing over the last few months.

I had noticed in the January 29, 2018 resolution, [2019-004](#), that there was a section in the resolved clauses in which Council was directing the Cascadia Law Group and the Planning Department to work together to provide code language, which among other things, according to section d., "Allows expansion of existing refining capacity in proportion to certain criteria, such as a rolling five year projection of the combined regional population growth of Washington State and British Columbia as determined by their respective publishers government forecasts;"

I do not support **any** expansion of the refining capacity of fossil fuels at Cherry Point. I would only support energy projects that have undergone thorough review that would be of a nature so as to contribute to the safe and rapid transition away from the transportation into and refining of fossil fuels at Cherry Point.

Fossil fuel industry advocates frequently point out how heavily reliant our local economy is on corporations like BP and Phillips 66. Since the bulk of these corporations' operations revolves around fossil fuel production, we cannot afford to become more financially reliant on such projects. In other words, expanding their refining capacity would not only be damaging and threaten disaster to our local the environment, the environment that those fossil fuels travel through, and the environment where those fuels are extracted, but also to the stability of our local economy.

Therefore, I call for Council Members to modify the code section, 20.68.800 provided in policy evaluation prepared by Cascadia Law Group and BERK Consulting, Inc., to prohibit expansion of fossil fuel refining at Cherry Point. If this cannot be done, then I call on the Council to come up with code that will offer an effective review process which requires proof that these projects do not contribute to any increase in the extraction or fossil fuels elsewhere, and do not contribute to an increase in the transportation of fossil fuels through communities en route to Cherry Point.

I also call on Council Members to make sure amendments that are passed on to the Planning Commission for review include the strongest SEPA protections that can be provided. Guidelines for review should be clear and leave nothing to interpretation as to which kinds of impacts will require a full EIS, how staff should document such decisions, and any details regarding what analysis should be included when an EIS is required.

I also do not support any exemption from stringent project review for biofuels. Any type of energy project needs strict review with adequate provisions for public input to make sure it does not pose an unacceptable level of threat and damage to our community and the environment.

We must set an example, here in Whatcom County, that will help other communities also take measures to promptly decrease the extraction, transport, and production of fossil fuels. Our existence, that of all other creatures, and that of our planet is depending on our greed for energy to cease, especially that which poses the severe level of threats and damage that fossil fuels do.

Sincerely,

Dena Jensen  
Birch Bay, WA

[dbobena@yahoo.com](mailto:dbobena@yahoo.com)