

From: [Council](#)
To: [Mark Personius](#); [Matt Aamot](#); [Becky Boxx](#); [Ashley Ubil](#)
Subject: FW: Please approve AB 2019-064 imposing an interim moratorium at Cherry Point
Date: Tuesday, January 29, 2019 8:28:42 AM

From: Sandy Robson [mailto:sjrer2@yahoo.com]
Sent: Monday, January 28, 2019 4:47 PM
To: Barry Buchanan; Todd Donovan; Satpal Sidhu; Carol Frazey; Rud Browne; Barbara Brenner; Tyler Byrd; Council
Subject: Please approve AB 2019-064 imposing an interim moratorium at Cherry Point

Dear Whatcom County Council members,

I am writing to voice my strong support for AB 2019-064, an “Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point.”

Stronger and permanent protections at Cherry Point, known to Lummi Nation as Xwe’chi’eXen, are desperately needed. According to a January 2019 [KUOW.org](#) article (link to article is at the bottom of this email), our county is home to 3 of the top 10 climate polluters in Washington state in 2017. Those same polluting companies BP, Phillips 66, and Alcoa Intalco Works, have been listed in the top 10 polluters in Washington state for numerous years.

Because of that statistical reality, it is imperative that we protect public safety, treaty rights, and our environment, such that we put stronger and permanent protections in place. Extending the interim moratorium allows our Council to properly finish the job it started in 2016. We must not give up until those needed permanent protections are in place in our statutes and code.

In 2012, Whatcom County decided to permit two very dangerous crude by rail logistics facilities at Xwe’chi’eXen (so-called Cherry Point), without requiring an environmental review (EIS). The only small protections the public has had is that there are stipulations in the permits regarding the number of crude oil trains allowed to call on BP and Phillips 66.

In the permit granted to BP, there is a stipulated limit to add one train unit per day, on an annual basis to existing rail traffic on the BNSF Custer Spur — and, in the permit granted to Phillips 66, there is a stipulated limit to add one unit train every other day, on an annual basis to existing rail traffic on the BNSF Custer Spur.

It’s worth noting that our County never set up an accounting method/vehicle to ensure that the stipulated number of crude oil trains comply with that stipulation, other than we are

supposed to just take BP's and Phillips 66's word as to those crude oil train numbers.

Not long after those BP and Phillips 66 crude by rail facilities were permitted without an EIS, there was a crude oil train that derailed, which caught fire and exploded in Lac-Mégantic, Quebec, in July 2013, reportedly killing 47 people. Additionally, according to news reports, 40 buildings were razed and millions of litres of oil seeped into the soil and the nearby Chaudière river. That terrible incident in Quebec was then followed by a series of numerous other crude oil train derailments resulting in fires and/or explosions over the years since.

Besides crude by rail threats, there are also dangers presented to Whatcom County by pipelines either in existence, or those which companies want to propose. Pipelines present serious potential dangers to our County. Here is a short list of some of the dangerous pipeline incidents that have occurred in the U.S. just over the last year or so:

On January 21, 2019, Enbridge's natural gas pipeline in Ohio exploded, shooting flames from 80 feet to 200 feet into the air. In October 2018, a natural gas pipeline in Prince George, British Columbia, ruptured. That particular pipeline imports natural gas into the Pacific Northwest at Sumas.

In September 2018, a section of Energy Transfer Partners' Revolution Pipeline exploded in a Beaver County, Pennsylvania, residential neighborhood. In June of 2018, a TransCanada natural gas pipeline exploded with huge flames and smoke in West Virginia.

Here in Whatcom, it's a frightening reality that there continue to be additional efforts by companies to transport fracked oil, gas, and tar sands fuels across our county's lands and over our shorelines, and through our waterways.

As Council member Donovan wrote in his January 16, 2019, opinion piece in Cascadia Weekly, "Whatcom County Council has been working to develop new zoning amendments for Cherry Point that recognize the local risks presented by new and expanded fossil fuel facilities, and that recognizes the need to mitigate risks if projects are permitted."

His proposal offers stronger protections than the original proposal. Council member Donovan discussed some of those needed protections in his Jan. 16 opinion piece. Below, is an excerpt from that:

"The new draft proposal focuses on local and global environmental impacts of new and expanded fossil fuel facilities in Whatcom County.

- It defines a more rigorous process for permitting new and expanded fossil fuel facilities in Whatcom County.
- It provides greater public participation in the process of permitting these facilities.
- It provides for increased transparency about the sources, types, and volumes of fuels

coming into and leaving Whatcom County.

- It expects that local fossil fuel facilities are insured to cover the costs of catastrophic, worst case scenario disasters like the event in Quebec.
- It protects local public health by prohibiting bulk coal storage and coal shipping facilities.
- It protects the local environment by prohibiting new piers, docks or wharves in the Cherry Point UGA and Cherry Point Aquatic Reserve.
- It recognizes the need to protect local herring stock, local salmon, and local Southern Resident Killer Whales.
- It requires conditional use permit for new or modified fossil fuel facilities; permits that build in a stronger public process and analysis that requires mitigation of increased greenhouse gas emissions, and recognition of treaty rights.”

I urge Council members to approve AB 2019-064, so that the Council has time to finish the hard and diligent work it started in 2016 to put in place stronger and permanent protections at Xwe'chi'eXen, thus better and more fully protecting public safety, treaty rights, and our environment.

Thank you for considering my comment.

Here is a link to the January 2019 [KUOW.org](https://www.kuow.org) article referenced above:

<https://www.kuow.org/stories/washington-s-carbon-emissions-keep-getting-worse>

Regards,

Sandy Robson