3.10 LAND USE

This section discusses land use and the consistency of the proposal with adopted land use plans and policies for the project site and surrounding area. The analysis in this section is based on information provided by the Applicant in the ASC (BP 2002). Where additional information has been used to evaluate the potential impacts associated with the proposal, that information has been referenced.

3.10.1 Existing Conditions

The project site consists of approximately 195 acres of Applicant-owned property in the western portion of unincorporated Whatcom County, approximately 2 miles inland from Birch Bay along the Strait of Georgia. In addition, the portion of the Custer/Intalco Transmission Line No. 2 that would be affected by the project is located within approximately 70 acres of existing Bonneville transmission system right-of-way.

A number of U.S. and Canadian jurisdictions are located within 25 miles of the project site. A list of these, along with their distances from the project site and recent population estimates, is provided in Table 3.10-1.

Table 3.10-1: Population Estimates and Distance to Project Site

Location	Population (2000 estimate)	Distance (direct)
U.S. Jurisdictions		
British Columbia/Washington State Boundary	NA	8 miles
Lummi Indian Reservation	4,193	5 miles
Nooksack Indian Reservation	740 (1999 est.)	23 miles
Skagit County	102,979	19 miles
San Juan County	14,077	9 miles
Whatcom County	166,814	N/A
Bellingham, Wash.	67,171	15 miles
Blaine, Wash.	3,770	7 miles
Everson, Wash.	2,035	17 miles
Ferndale, Wash.	8,758	6 miles
Lynden, Wash.	9,020	12 miles
Nooksack, Wash.	851	18 miles
Sumas, Wash.	960	22 miles
Canadian Jurisdictions		
Abbotsford, BC	115,126	21 miles
Delta, BC	101,433	21 miles
Langley, BC	24,287	15 miles
Surrey, BC	340,094	21 miles
White Rock, BC	17,371	11 miles

Source: BP 2002

Existing Land Use

Whatcom County

The Whatcom County land base consists of 1,377,645 acres of land, the majority of which (874,045 acres) is managed as federal national forest or national park lands by the U.S. Forest Service and National Park Service, respectively. Of the 475,044 acres of non-federal lands in the unincorporated portion of the county, 79% (374,730 acres) is used for forestry and agriculture. An additional 9% (43,070 acres) is used for residential, and approximately 7% (32,915 acres) is vacant/undeveloped. The 3,060 acres of industrial uses in Whatcom County account for less than 1% of the land within the unincorporated county (Whatcom County 1997, as amended).

Project Site and Surrounding Area

Land uses in the project vicinity include a variety of recreational, industrial, commercial, residential, and agricultural uses. Low-density residential uses occur to the north and east of the site, and west of the BP Cherry Point Refinery at Point Whitehorn. These residential uses are primarily single-family houses on large lots. Northwest of the refinery, seasonal residential properties occur in the bayfront community of Birch Bay. Approximately 2 miles northwest of the refinery, the 194-acre Birch Bay State Park extends along the shoreline of the Strait of Georgia. The Birch Bay Wastewater Treatment Plant also is located in this area.

South of the proposed cogeneration facility site, the Praxair liquid carbon dioxide production plant is located on Applicant-owned land near the intersection of Blaine Road and Aldergrove Road. Farther south, other existing industrial uses include the Conoco-Phillips Refinery and the Alcoa Intalco Works primary aluminum smelter. Approximately 2 miles southeast of the project site is Lake Terrell and the publicly managed 1,500-acre Lake Terrell Wildlife Area, which provides for a variety of active and passive recreational uses including hunting, fishing, and wildlife viewing. An operating farm at the Lake Terrell Wildlife Area uses between 80 and 100 acres annually to produce winter food for waterfowl and upland game. Just over 4 miles to the south is the Lummi Reservation.

To the east, a Burlington Northern Santa Fe (BNSF) rail line runs north-south approximately 0.5 miles east of the cogeneration facility site. An existing 230-kV Bonneville transmission corridor is located approximately 0.8 mile east of the site and connects Bonneville's Custer substation with the substation at the Alcoa Intalco Works. The Chemco wood treatment plant is also located in this area. Applicant land ownership extends to the east across the BNSF railroad track to the edge of the Bonneville transmission corridor. The City of Ferndale is approximately 5 miles east of the project site. Land uses between the Bonneville transmission line and the City of Ferndale generally include rural residential, agriculture, and livestock farming.

West of the BP Cherry Point Refinery, Puget Sound Energy's Whitehorn power generation plant is located west of Jackson Road. Approximately 3 miles west of the cogeneration facility site is the Strait of Georgia, which supports multiple uses including recreation, navigation, and commercial fishing industries. The land between the refinery and Strait of Georgia is predominantly agricultural.

Cogeneration Facility

The proposed cogeneration facility site consists of approximately 33 acres of land previously used for agriculture but has not been cultivated for several decades. A stand of hybrid poplar trees, planted for production of pulp for paper manufacturing, separates the proposed cogeneration facility from Grandview Road. No active management of the hybrid poplar trees has occurred since planting was stopped in 1991 (BP 2002, Section 3.10).

Refinery Interface

Immediately west of the cogeneration facility site is the BP Cherry Point Refinery. The refinery, which began operation in 1971, covers an area of approximately 450 acres and is bounded by Grandview Road and Aldergrove Road to the north and south, respectively, and Blaine Road and Jackson Road to the east and west, respectively.

Access Road 2 would be located on undeveloped Applicant-owned property adjacent to the BP Cherry Point Refinery, and would intersect with Blaine Road.

Transmission System

The proposed cogeneration facility/Bonneville transmission system corridor would be 150 feet wide and extend for approximately 0.8 mile, connecting the 230-kV switchyard at the southeast corner of the cogeneration facility with Bonneville's 230-kV Custer/Intalco Transmission Line No. 2. This corridor consists primarily of undeveloped lands used historically for agriculture. The north-south running BNSF railroad tracks would be crossed by the proposed transmission line at the east end of the corridor.

Custer/Intalco Transmission Line No. 2

Custer/Intalco Transmission Line No. 2 is located within an existing Bonneville utility easement from the transmission facility interconnection to the Custer substation. Existing land uses along the approximately 5-mile corridor are predominantly agricultural, agricultural/open space, and rural residential. The transmission line crosses the following rural roads: Grandview Road, Kickerville Road, Ham Road, Valley View Road, Elk Road, Olson Road, Fox Road, and Vista Drive.

Other Project Components

North of Grandview Road, the area proposed for compensatory wetland mitigation sites CMA 1 and CMA 2 encompasses approximately 110 acres and consists predominantly of undeveloped grasslands once cultivated for hay. A portion of this area is now leased to local farmers for grazing cattle.

Immediately northeast and south of the cogeneration facility site, the approximately 5-acre Laydown Area 4 and the site for extension of Access Road 3 consist of vacant land previously used for agriculture.

Freshwater supply piping modifications to allow for the use of recycled industrial water when the Alcoa Intalco Works facility is operating would be located within the existing industrial environment of the Alcoa Intalco Works facility.

Tribal Lands

Other land uses near the project site include the Lummi Reservation located in the northwest corner of Washington State approximately 12 miles south of the U.S.-Canada border and 5 miles from the project site. The Lummi Reservation occupies land on two peninsulas and consists of approximately 12,000 acres of mixed-use lands used for commercial, residential, farming, and marine activities. The reservation also includes approximately 8,000 acres of tidelands. Associated resources include forestry and agricultural land, salmon and shellfish hatcheries, a seafood processing plant, a convenience store, a casino, and a marina.

Existing Zoning

Existing zoning for the project site and surrounding area is shown in Figure 3.10-1.

Cogeneration Facility

The cogeneration facility site is zoned Heavy Impact Industrial (HII) and is entirely contained within the Cherry Point Major Industrial UGA/Port Industrial as defined within the Whatcom County Comprehensive Plan (Whatcom County 1997). This designated area comprises approximately 6,500 acres, of which approximately 2,500 acres are currently used for heavy impact industry. Land to the east of the proposed site is zoned HII for approximately 0.25 mile, and Rural (R5A) for an additional 2 miles east of Kickerville Road. Land south of the cogeneration facility site is zoned HII for approximately 4 miles extending to the Strait of Georgia. To the west, HII zoning extends for approximately 1 mile to the Birch Bay unincorporated residential/recreational UGA and the residential area at Point Whitehorn, both of which are zoned Urban Residential 4 (UR4). North of the proposed site, zoning is Rural and Rural Residential for approximately 0.25 mile (EFSEC 2001; BP 2002, Section 3.10).

Refinery Interface

All project components that interface with the refinery would be constructed within the refinery. Land within the refinery is zoned HII and is entirely contained within the Cherry Point Major Industrial UGA/Port Industrial area.

Figure 3.10-1

Transmission System

The corridor for the proposed new transmission line between the cogeneration facility and Bonneville's Custer/Intalco Transmission Line No. 2 is zoned HII and is entirely contained within the Cherry Point Major Industrial UGA/Port Industrial area.

Custer/Intalco Transmission Line No. 2

The existing Custer/Intalco Transmission Line No. 2 corridor between the interconnection with the proposed new transmission line and Bonneville's Custer substation traverses three different zoning districts. The segment of the corridor that runs north-south between the interconnection with the new transmission line and Grandview Road is zoned HII. The short segment of the corridor that extends north of Grandview Road is zoned Light Impact Industrial (LII). These two segments of the existing transmission line corridor are located within the Cherry Point Major Industrial UGA/Port Industrial area. The remaining portion of this corridor that extends east of Kickerville Road and north of and parallel to Grandview Road before connecting into the Custer substation is zoned R5A. The portion of this segment between Kickerville Road and Vista Road is designated Rural in the Whatcom County Comprehensive Plan. The portion of this segment between Vista Road and the Custer substation is located within the Ferndale UGA.

Other Project Components

The proposed site of wetland mitigation areas CMA 1 and CMA 2 is zoned LII and is entirely contained within the Cherry Point Major Industrial UGA/Port Industrial area.

The proposed sites of Laydown Area 4 and Access Road 3 are zoned Heavy Impact Industrial, and are entirely contained within the Cherry Point Major Industrial UGA/Port Industrial area.

The site of industrial water supply piping modifications at the Alcoa Intalco Works facility is zoned HII and is entirely contained within the Cherry Point Major Industrial UGA/Port Industrial area.

Applicable Land Use Plans and Regulations

The proposed project lies entirely within Whatcom County. The following land use plans and regulations would be applicable to the project. Each is discussed further in Table 3.10-2 at the end of this section.

- Whatcom County Comprehensive Plan (1997);
- Whatcom County Zoning Regulations (Title 20);
- Whatcom County Critical Areas Regulations (Title 16);
- Whatcom County Shoreline Management Program (1998);
- Whatcom County Park and Open Space Plan (1991); and
- Energy Facility Site Locations (Chapter 80.50 RCW and Title 463 WAC).

3.10.2 Impacts of the Proposed Action

Construction

Cogeneration Facility

The cogeneration facility would be constructed on land that Whatcom County has zoned for Heavy Impact Industrial use. Construction of the proposed facility would result in the permanent conversion of approximately 33 acres of predominantly undeveloped, vacant land to developed industrial uses. Project development would generally be compatible with existing industrial uses in the area, including the BP Cherry Point Refinery, the Chemco wood treatment facility, and the Praxair carbon dioxide facility.

Refinery Interface

Construction of the natural gas connections and piping, raw water supply line, steam and condensate system piping, elevated piperack, and other cogeneration facilities that interface with the refinery would occur on Applicant-owned property within the BP Cherry Point Refinery. The refinery is located within the Cherry Point UGA, and would result in the conversion of approximately 31 acres of predominantly undeveloped, vacant land for use as construction Laydown Areas 1, 2, and 3. Approximately 4.7 acres within Laydown Area 2 would be restored as wetland mitigation area after the project is constructed.

Transmission System

A 150-foot-wide utility right-of-way would be required for construction and operation of the cogeneration facility/Bonneville 230 kV transmission system. The right-of-way would extend for approximately 0.8 mile between the cogeneration facility and Bonneville's Custer/Intalco Transmission Line No. 2, and would result in the permanent conversion of approximately 15 acres of predominantly undeveloped, vacant land. At this time, it is not known if additional temporary construction laydown areas would be required for construction of this element of the project. If additional temporary laydown and staging areas were required outside of the existing right-of-way, these would not be located within wetlands, required buffers, or other sensitive areas.

Custer/Intalco Transmission Line No. 2

Option 1 – Remedial Action Scheme

Under Option 1, a new transmission line between the Custer substation and the cogeneration facility interconnect would not be installed, and existing towers for Custer/Intalco Transmission Line No. 2 would not be replaced. This option would not result in any work within the existing Custer/Intalco transmission corridor, and would therefor not result in any land use impacts.

Option 2a – New Transmission Line with Lattice Towers

Under Option 2a, a second transmission line would be constructed and existing transmission towers would be replaced within the existing 125-foot right-of-way of Custer/Intalco Transmission Line No. 2. At this time, it is not known if additional temporary construction laydown areas would be required for construction of this element of the project. If additional temporary laydown and staging areas were required outside of the existing right-of-way, these would not be located within wetlands, required buffers, or other sensitive areas.

Option 2b – New Transmission Line with Monopole Towers

Under Option 2b, double circuit steel monopole towers would be used to replace the existing single circuit steel lattice towers for Custer/Intalco Transmission Line No. 2. As with Option 2a, it is anticipated that all work would be performed within the existing Bonneville right-of-way. Potential construction-related land use impacts under Option 2b would be the same as those discussed under Option 2a.

Other Project Components

North of Grandview Road, approximately 110 acres of undeveloped and agricultural land would be permanently altered to provide wetland mitigation for the proposed project.

Immediately northeast of and adjacent to the cogeneration facility site, approximately 0.2 acre of Laydown Area 4 would be restored as wetland mitigation upon completion of construction.

Widening and extending Access Road 3 south of the cogeneration facility would convert approximately 0.6 acre of vacant, undeveloped land to industrial transportation uses.

Construction of the freshwater supply piping modifications proposed for the Alcoa Intalco Works facility would be consistent with current industrial use of the Alcoa Intalco site and would not result in any impacts on land use.

Operation

The cogeneration facility, refinery interface, and cogeneration facility/Bonneville transmission system would be located within the Cherry Point Major Industrial Urban Growth Area/Port Industrial Zone as defined in the Whatcom County Comprehensive Plan. The project, including all ancillary facilities, would be consistent and compatible with existing zoning, land uses, and land use plans and regulations. Although the project site and surrounding lands were historically used for agricultural purposes, much of the area has been used for industrial purposes for the past 30 years.

Cogeneration Facility

The cogeneration facility and Access Road 1 would occupy approximately 33 acres of vacant and undeveloped agricultural lands, and would represent the permanent conversion of this land to industrial uses.

Refinery Interface

The natural gas connections, compressor station and piping, water supply piping, steam and condensate system piping, elevated piperack, and other elements of the project that interface with the refinery would be installed in the existing industrial setting within the refinery. Operation of these facilities would not result in any impacts on land use.

Transmission System

The cogeneration facility/Bonneville transmission system corridor would occupy approximately 15 acres of vacant and undeveloped agricultural lands, and would represent the permanent conversion of this land to utility right-of-way uses.

Custer/Intalco Transmission Line No. 2

Option 1 – Remedial Action Scheme

Under this option, modifications to the existing Bonneville transmission lines would not be required. New electrical equipment and cabling to support operation of the RAS would be installed within the existing Custer and Intalco substations. Operation of the transmission line would not result in any impacts on land use.

Option 2a – New Transmission Line with Lattice Towers

Under this option, all new equipment and cabling to upgrade the Custer/Intalco Transmission Line No. 2 would be installed within the existing Bonneville right-of-way. Operation of the transmission line would not result in any impacts on land use.

Option 2b – New Transmission Line with Monopole Towers

Land use impacts under Option 2b would be the same as those described under Option 2a.

Other Project Components

Wetland mitigation areas CMA 1 and CMA 2 would occupy approximately 110 acres of vacant and undeveloped agricultural lands. This would preclude the future use of this land for agricultural or other uses.

Upon completion of construction, Laydown Area 4 would be restored as a wetland mitigation area. This would preclude the future use of this land for agricultural or other uses.

Access Road 3 would permanently occupy approximately 0.6 acre of previously undeveloped vacant land.

Operation of the freshwater supply piping modifications proposed for the Alcoa Intalco Works facility would be consistent with current industrial use of the Alcoa Intalco site and would not result in any impacts on land use.

3.10.3 Impacts of No Action

Under the No Action Alternative, the proposed project, including the proposed wetland mitigation sites, would not be constructed. Therefore, there would be no impacts on land use.

3.10.4 Secondary and Cumulative Impacts

Secondary Impacts

During preparation of the Potential Site Study (PSS) in 2001 (EFSEC 2001), two concerns related to potential secondary land use effects were identified by agencies and the public. The first related to the potential for growth-inducing impacts to occur from the additional work force that would be required to operate the cogeneration facility. The Applicant estimates that approximately 30 additional jobs would be created to operate the facility. The number of these new employees from outside of the region would most likely be extremely small in comparison to the existing housing stock available in the region; therefore, significant growth-inducing impacts associated with operation of the project are unlikely. Section 3.12 provides additional discussion of the project's work force requirements and associated impacts.

A second issue that was raised during the PSS public involvement process related to concerns about the existing and future proximity of residences to the existing alignment of natural gas pipeline connections, particularly in portions of the pipeline where increases in pipeline operating pressure would be required to meet the needs of the proposed project. The natural gas compression station proposed as part of the project would be located west of Blaine Road within the BP Cherry Point Refinery. All natural gas pipes and components between the new compression station, the existing metering station, and the cogeneration facility would be new, and would be located within the refinery and the cogeneration facility. Because the nearest residence is approximately 0.75 mile from the project site, land use impacts on residential uses associated with the construction and operation of the project's natural gas components are not anticipated.

Cumulative Impacts

The Council on Environmental Quality (CEQ) regulations implementing NEPA define cumulative effects as "the impact on the environment which results from the incremental impact of the action (the proposal) when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions" (40 CFR 1508.7).

Whatcom County's planning processes, comprehensive plan, and zoning all contemplate that the area surrounding the proposed project site would be developed for heavy industrial uses. The fundamental purpose of the Cherry Point UGA is to recognize the unique characteristics that make the area locally and regionally important for the siting of industrial development. In designating the project site for industrial uses, the planning process has taken cumulative impacts into consideration.

Other major industrial development that is proposed or planned to occur within the Cherry Point UGA includes the following:

"Clean Fuels" Project

A major planned project within the BP Cherry Point Refinery is the Isomerization Project, also known as the Clean Fuels project. The Clean Fuels project, which consists of a new isomerization unit and a new boiler within the refinery, is currently under construction. The purpose of the project is to process light naptha feedstocks to produce a gasoline blend component that will allow the Applicant to meet the 2005 federal standard for sulfur in gasoline and to decrease benzene in all gasoline produced at the refinery. Construction of the project is planned to take 14 to 18 months, and require approximately 250 construction workers at the peak construction phase. Operation of the new facility is expected to result in 8 permanent employment positions (MFG 2002).

Georgia Strait Crossing Natural Gas Transmission Pipeline

GSX-US, a subsidiary of the Williams Pipeline Company, is currently proposing to construct and operate a natural gas transmission pipeline that would transport natural gas from an existing pipeline system at the U.S./Canada border near Sumas, Washington, to an interconnect with a pipeline proposed by GSX-Canada at Boundary Pass in the Strait of Georgia. The proposed facilities would include new interconnect piping between the proposed system and the west coast and northwest pipeline systems in Sumas, approximately 47 miles of 16- and 20-inch mainline pipeline in Whatcom County and the Strait of Georgia, a new compressor station near Cherry Point, and six mainline valves.

The proposed corridor for the GSX project would route the new pipeline through the cogeneration project site through a new utility ROW along the north side of Grandview Road. During construction, the GSX project would require a 100-foot construction ROW. After construction of the project is completed, the project would require a 50-foot operation ROW along the pipeline. The project, currently undergoing SEPA environmental review, is tentatively scheduled to begin construction in summer 2004 and operation in 2006. See Section 3.8, Energy and Natural Resources, for additional discussion of this proposed project.

Gateway Pacific Marine Terminal

Gateway Pacific Partners has proposed the construction and operation of the Gateway Pacific Terminal (GPT), a new multi-user import/export facility that would be located on the Strait of Georgia shoreline between the existing BP Cherry Point Refinery and the Alcoa Intalco Works

aluminum plant approximately 0.5 mile south of the refinery's marine terminal. When completed, the GPT would be the only site north of California capable of accepting vessels with a draft weight of up to 250,000 tons.

The GPT is being designed to handle bulk commodities, principally feed grains (Midwestern corn), coke, ores, petroleum, potash, sulfur, and alumina for multiple users. The GPT would be a three-berth facility with a total berth length of 2,820 feet accessible by a 1,100-foot trestle that would accommodate trucks, conveyor systems, and piping. In addition to the pier itself, a 100-acre onshore industrial complex would be developed to provide support facilities for terminal operations and provide the opportunity to integrate heavy industrial developments directly with the port. Infrastructure within the terminal complex would include a 24-inch water main, a high-pressure natural gas mainline, and a 115-kV transmission line. A BNSF rail line would provide rail shipping and switching services on the site.

Considered together, the proposed project and the other projects described above (if they go forward) would result in the conversion of lands to industrial uses in this area of Whatcom County. However, because the projects would be consistent with established zoning regulations and comprehensive plan goals, no significant cumulative impacts are anticipated.

3.10.5 Mitigation Measures

There are no additional mitigation measures required for potential impacts on land use for the project beyond those committed to in the project design and project description.

3.10.6 Significant Unavoidable Adverse Impacts

The project's conversion of Applicant-owned undeveloped vacant and agricultural land on the project site to industrial and utility right-of-way uses would be an unavoidable impact that cannot be mitigated. Because the required conversion would be consistent with the Whatcom County Comprehensive Plan and the Cherry Point Major Industrial Area UGA designation and existing industrial zoning of the site, these impacts are not considered significant.

Conversion of vacant and agricultural land within the project site to industrial and utility right-of-way uses would permanently change the use of those lands. However, the proposed uses of the project site would be consistent with adopted land use plans and zoning regulations. Therefore, no significant unavoidable adverse impacts are expected for land use as a result of the proposed project.

Table 3.10-2: Summary of Plans, Policies, and Regulations and their Relationship to the Proposed Project

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
Cogeneration Facility, Refinery Interface, and Other Project Components		
Whatcom County Comprehensive Plan (1997)	<u>Cherry Point Urban Growth Area</u> The Whatcom County Comprehensive Plan (Whatcom County 1997, as amended) designates the cogeneration facility site and surrounding area as a Major Industrial Urban Growth Area/Port Industrial area referred to as the Cherry Point UGA. The Cherry Point UGA contains nearly 6,500 acres of industrial land, including the BP Cherry Point Refinery, the Conoco-Phillips Refinery, and the Alcoa Intalco Works aluminum smelter. A peaking electrical generation plant owned by Puget Sound Energy also is located in the UGA. BP's Cherry Point Refinery has nearly 2,500 acres within its ownership. The County's comprehensive plan states that the remaining undeveloped acreage at Cherry Point will likely become fully developed during the 20-year planning period. The stated goal in the comprehensive plan for the Cherry Point UGA is as follows: "Goal 2AA: Maintain Cherry Point as an unincorporated urban growth area based on its unique location and characteristics and its significant contribution to the overall industrial land supply and Whatcom County's tax base." Specific policies to achieve the stated goal include the following: • Policy 2AA-1: Designating Cherry Point as a major industrial UGA to accommodate major users that need to be located away from concentrated urban residential areas. • Policy 2AA-2: Ensuring that Cherry Point's unique features of large parcels, port access, and transportation availability are maintained and protected from incompatible development. • Policy 2AA-3: Requiring the master planning of each large parcel in advance of any development or subdivision at Cherry Point. • Policy 2AA-4: Requiring the designation and site plan for a major user (generally 40 acres or more) before the development of accessory or supporting uses to ensure that accessory or supporting uses are compatible with the major industrial user.	The proposed project would be consistent with the Whatcom County Comprehensive Plan. The project site is located within the Cherry Point Major Industrial Urban Growth Area/Port Industrial Zone as defined in the Whatcom County Comprehensive Plan. The comprehensive plan designates this area for industrial uses, finds that such industries are economically significant to Whatcom County, and states that these uses therefore constitute a beneficial use of the designated area.

Table 3.10-2: Continued

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
	• Policy 2AA-5: Specifying 160 acres as a minimum area for planning before a parcel can be committed by a major user (40 acres or more, singularly or as a cluster or group). • Policy 2AA-6: Permitting support activities, warehousing, shipping, machine repair and service, educational services, food service, and conveniences to locate on a parcel only after the completion of a master plan and the identification and site plan approval for the major user. • Policy 2AA-7: Working with other agencies and industrial owners at Cherry Point to add additional docks, as necessary, that also can serve upland users, provided that the use is consistent with sound environmental practices. • Policy 2AA-8: Resisting inclusion of Cherry Point as part of any future incorporation of Birch Bay to protect interests of the property owner in terms of taxation and urban regulations, to preclude urbanism near "smokestack" industries, and to preserve the county's tax base. • Policy 2AA-9: Continuing to work with service providers that serve Cherry Point to ensure the delivery of services and to allow it to develop to its fullest potential. <u>Birch Bay Urban Growth Area</u> The Birch Bay UGA borders the Cherry Point UGA at its northwest corner along Koehn and Grandview roads (see Figure 3.10-1). There are about 3,000 acres of undeveloped land in Birch Bay with urban zoning, more than 1,000 acres of which are used for parks and other public uses or are undeveloped because of wetlands and other environmentally sensitive areas. A Draft Birch Bay Subarea Plan has been developed for the Birch Bay UGA and surrounding area (Whatcom County 2003a). When adopted by Whatcom County, the plan will be incorporated as part of the County's comprehensive plan. The draft plan proposes to designate the portion of the project site north of Grandview Road for private recreational/open space uses. North of Terrell Creek, the plan proposes a mix of residential uses with a minimum density of four dwelling units (du) per acre, including an area centered on Blaine and Alderson roads that is proposed for multifamily residential (minimum of 16 du per acre) surrounding a designated commercial center. West of Jackson Road, the draft plan proposes a mix of light industrial, open space (parks and recreation), open space buffer (bike and pedestrian trails), residential,	

Table 3.10-2: Continued

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
	neighborhood commercial, and government. The plan states that the exact boundaries of each land use and land area would be determined at some future date. Other designated zoning in the vicinity of the Cherry Point UGA is Rural to the north and east, and Public Recreation (Lake Terrell) and Suburban Enclave to the south.	
Whatcom County Zoning Regulations (Title 20, Whatcom County Code)	According to Whatcom County Zoning Regulations, the site of the cogeneration facility and the 230 kV transmission facility is zoned HII. Land north of Grandview Road, both east and west of Blaine Road, is zoned LII. The land farther to the east and north is designated as Rural, and the area to the west and northwest along the shores of Birch Bay, historically a resort community, is a UGA. Other nearby zoning includes Urban Reserve land near the City of Ferndale, Parks/Recreation land to the southeast, and both Rural and Residential-Rural property to the north (see Figure 3.10-1)	The proposed project would be consistent with the Whatcom County Zoning Regulations. The cogeneration facility site is zoned for industrial uses. The Whatcom County Code identifies power generating facilities below the EFSEC jurisdictional threshold as permitted uses within the Heavy Impact Industrial zone (see Whatcom County Code, section 20.68.060). The zoning code currently references the previous 250-MW EFSEC jurisdictional threshold, but this is expected to be revised to reflect the current 350-MW threshold (Middleton, pers. comm., 2001). Facilities with a greater power output require EFSEC approval. The Whatcom County Planning Department indicates that larger facilities are consistent with the County zoning code provided that EFSEC approval is obtained (BP 2002, Section 3.10).
Whatcom County Critical Area Regulations (Title 16, Whatcom County Code)	The Whatcom County Critical Areas Regulations include within their objectives the identification and management of environmentally critical areas and ecosystems to balance human activity and the natural environment. The regulations require that an applicant must: (1) demonstrate that the proposal submitted is generally consistent with the purposes and standards of this ordinance, (2) assess impacts on the critical area from activities and uses proposed, and (3) identify protective mechanisms adequate to meet the requirements of this ordinance. Specific goals of the Critical Areas Ordinance include the following: • Reduce potential losses to property and human life. • Protect the public from harm from landslide, subsidence, erosion, seismic, flooding, and other natural hazards. • Minimize adverse impacts on the quality and quantity of water resources.	The proposed project, with mitigation measures in place, would comply with the Whatcom County Critical Areas Regulations. The regulation requirements applicable to disturbed wetland areas would be addressed through required wetland mitigation, which is proposed as part of the project. (See Sections 2 and 3.5 for further discussion and analysis of proposed wetland mitigation.)

Table 3.10-2: Continued

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
	• Prevent destruction to the natural resources necessary to maintain the viability of natural ecosystems. • Protect unique, fragile, and valuable elements of the environment, including fish, shellfish, and wildlife habitat. • Protect the beneficial functions of wetlands, rivers, and streams and avoid, minimize, or mitigate for damage to wetlands, rivers, or streams whenever practicable. Designated critical area categories are geologic hazard areas including landslide, seismic, mine, and alluvial fan hazard areas; frequently flooded areas; critical aquifer recharge areas; wetlands; and fish and wildlife habitat conservation areas. A limited range of activities is authorized within critical areas and their associated buffers. These activities cannot result in increased risk or hazard, and adverse impacts must be minimized and the disturbed area restored immediately after construction. Mitigation may be determined necessary to restore or enhance disturbed sensitive resources.	
Whatcom County Shoreline Management Program (1998)	The Whatcom County Shoreline Management Program (SMP) implements the Washington Shoreline Management Act (SMA) in Whatcom County. The SMP establishes a policy framework for regulating shoreline development and protecting coastal resources in Whatcom County. The SMP has jurisdiction over all designated shorelines of the state and associated upland areas within 200 feet the shoreline, which may include the entirety of an associated wetland and/or floodplain. The project is not within a shoreline zone.	Because the project is not located within a designated shoreline zone, the requirements of Whatcom County Shoreline Management Program are not applicable.
Whatcom County Park and Open Space Plan and the Natural Heritage Plan (1991)	When it was published in 1991, the Whatcom County Park and Open Space Plan and the Natural Heritage Plan for Whatcom County recommended that identified priority lands be addressed in, or recognized by, existing policies and plans. The recreation element of the Whatcom County Comprehensive Plan includes policies that reflect these recommendations. See the preceding paragraphs for additional discussion of the comprehensive plan. Open space includes lands designated under the provisions of the Open Space Taxation Act (RCW 84.34). The Applicant has enrolled approximately 1,000 acres of lands within the project vicinity as open space timberland.	The proposed project would generally be consistent with the Whatcom County Park and Open Space Plan. Any portion of the proposed cogeneration facility site that is currently enrolled as open space timberland would be redesignated for industrial uses; however, this amount would be minor compared to the 1,000 acres of Applicant-owned land currently enrolled as open space timberland. See Section 3.13 for a discussion of existing park and recreation facilities and potential impacts associated with the project.
Washington State Energy Facility Site Evaluation Council	The siting of energy facilities, such as the BP Cherry Point Cogeneration Project, is regulated by EFSEC under Chapter 80.50 RCW (Energy Facilities—Site Locations) and Chapter 463-42 WAC. The Applicant requesting certification from EFSEC is required to submit detailed information on the proposed project and impacts the project may have on the	The proposed project is under EFSEC jurisdiction, and the Applicant has submitted an ASC in June 2002 and an amended ASC in April 2003.

Table 3.10-2: Continued

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
	natural and built environments. The Applicant is also required to describe the means to be used to minimize or mitigate possible adverse impacts on the physical or human environment (Chapter 463-42-085 WAC). Further, the Applicant is required to set forth insurance, bonding, or other arrangements proposed to mitigate damage or loss to the environment (Chapter 463-42-075 WAC). Chapter 80.50 RCW preempts state and local jurisdiction relating to energy facility sites that are under the purview of EFSEC. Certification pursuant to Chapter 80.50 RCW is given in lieu of any permit, certificate, or similar document that might otherwise be required. Chapter 463-28 WAC Procedure – Initial Public Hearings and Informational Meeting, requires EFSEC to make a determination as to whether the proposed facility is consistent and in compliance with County or Regional land use plans or zoning ordinances. Should EFSEC find that land use is not consistent, Chapter 463-28 WAC EFSEC Procedure—State Preemption provides procedures to be followed by EFSEC in determining whether to recommend that the state preempt local land use plans or zoning ordinances for a site or portions of a site for an energy facility. An Applicant unable to resolve specific noncompliance issues may file a written request for state preemption as authorized in Chapter 463-28-020 WAC.	At the time of preparation of this Draft EIS, EFSEC has not yet made a determination of compliance with regards to the Whatcom County Comprehensive Plan and Whatcom County Zoning Code.
Transmission Facility and Custer/Intalco Transmission Line No. 2		
Whatcom County Comprehensive Plan (1997)	The proposed transmission facility and the north-south segment of the existing transmission corridor that crosses Grandview Road are located within the Cherry Point UGA. Details on the Cherry Point UGA are summarized in this table under the Cogeneration Facility, Refinery Interface, and Other Project Components section above. The segment of the existing transmission line corridor for Custer/Intalco Transmission Line No. 2 between Vista Road and the Custer substation is located in the northern portion of an area designated as the Ferndale UGA. The stated goal in the comprehensive plan for the Ferndale UGA (Goal 2V) is to "Provide a sufficient Urban Growth Area for Ferndale to retain existing character and attain Growth Management Act and county land use goals." The portion of Custer/Intalco Transmission Line No. 2 between Kickerville Road and Vista Road is designated Rural in the Whatcom County Comprehensive Plan. An applicable County goal as it relates to rural lands is	The transmission line elements of the proposed project would be consistent with the Whatcom County Comprehensive Plan. The proposed transmission facility and a portion of Custer/Intalco Transmission Line No. 2 would be located within the Cherry Point UGA. The comprehensive plan designates the Cherry Point UGA for industrial uses, finds that such industries are economically significant to Whatcom County, and states that these uses therefore constitute a beneficial use of the designated area. Reconstructing the portion of Custer/Intalco Transmission Line No. 2 located within the Ferndale UGA would also be consistent with the Comprehensive Plan because it would not change the existing character of this portion of the County.

Table 3.10-2: Continued

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
	"Retain the rural character and lifestyle of Whatcom County" (Goal 2CC). In support of this goal, Policy 2CC-1 states "Concentrate growth in urban areas. In areas where existing development patterns do not already prohibit it, draw a distinction between urban/rural uses to prevent urban sprawl." The stated goals and corresponding policies in the comprehensive plan that would be applicable to the transmission line elements of the proposed project are as follows: “Goal 5C: Facilitate accessibility of utilities." Specific policies to achieve the stated goal include the following: • Policy 5C-7: Public facilities and utilities will be designed and located in a manner which protects the integrity of planned land uses, existing land forms, drainage ways, natural systems, critical areas, and resource lands. • Policy 5C-8: Extension of urban utility services will be carefully staged to discourage new development in areas that are premature in terms of planning, timing, and funding. • Policy 5C-9: Extension of urban governmental services and utilities will be confined to areas planned for urban development and be consistent with the optimal land use and urban growth area plan. • "Goal 5H: Facilitate maintenance and rehabilitation of existing utility systems and facilities and encourage use of existing transmission/distribution corridors." Specific policies to achieve the stated goal include the following: • Policy 5H-1: Encourage utility providers to explore expanded and/or joint use of existing utility corridors before seeking sites for new rights-of-way. • Policy 5H-2: Promote, when reasonable and feasible, the co-location of new public and private utility distribution facilities in shared trenches/corridors, as well as coordination of construction timing.	Reconstructing Custer/Intalco Transmission Line No. 2 would involve replacing existing towers within this transmission line corridor; therefore this project element would not result in a change in land use or development patterns and would ensure that this portion of the County retains its existing rural character. The proposed transmission line elements would be consistent with Whatcom County Comprehensive Plan goals and policies concerning public utilities. The new transmission facility would be located in, and consistent with, the Cherry Point UGA. The proposed replacement of Custer/Intalco Transmission Line No. 2 would be consistent with the County's goal to encourage use of existing transmission/distribution corridors because construction would occur within Bonneville's existing right-of-way.

Table 3.10-2: Continued

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
Whatcom County Zoning Regulations (Title 20, Whatcom County Code)	According to Whatcom County Zoning Regulations, the corridor for the proposed new transmission line between the cogeneration facility and Bonneville's Custer/Intalco Transmission Line No. 2 is zoned HII. The existing transmission line corridor for the Custer/Intalco Transmission Line No. 2 between the interconnection with the proposed new transmission line and Bonneville's Custer substation traverses three different zoning districts: HII, LII, and R5A. Public utilities, including electrical transmission lines, are regulated under Chapter 20.82, Public Utilities, of the Whatcom County Code. Uses that require a conditional use permit or major project permit and shall be subject to a threshold determination in accordance with the Whatcom County SEPA Ordinance include: (8) Electrical substations and electrical power lines carrying voltages in excess of 55 kV (55,000 volts); provided that no conditional use permit shall be granted for electrical transmission lines carrying more than 115 kV (115,000 volts) except on land where such permits have already been granted or in industrial districts.	The transmission line elements of the proposed project would be consistent with the Whatcom County Zoning Regulations, but would be subject to a conditional use and major development permit. Both the new proposed transmission facility and proposed replacement line inside the existing Custer/Intalco Transmission Line No. 2 right-of-way are planned as 230 kV lines, above the County's 115 kV threshold for granting a conditional use permit (Whatcom County Code Section 20.82.030(8)). However, the proposed transmission facility would be located in an industrial zoning district (HII) and the replacement transmission line would be located within the right-of-way of an existing transmission line that had been previously approved by the County for construction. Therefore, these two proposed project elements would be consistent with local zoning regulations subject to County approval of conditional use and major development permits.
Whatcom County Critical Area Regulations (Title 16, Whatcom County Code)	See details under Cogeneration Facility, Refinery Interface, and Other Project Components above.	Construction activity associated with the new transmission facility would result in the permanent fill or disturbance of approximately 0.15 acre of PEM Category III wetlands, and a Section 404(b) (wetland) permit has already been issued by the U. S. Army Corps of Engineers for work in this corridor. Wetland delineations would need to be performed in areas to be disturbed for reconstructing the Custer/Intalco Transmission Line No. 2 before wetland impacts can be quantified and wetland permits can be issued. However, the regulation requirements applicable to disturbed wetland areas would be addressed through required wetland mitigation, which is proposed as part of the project (see Sections 2 and 3.5 for further discussion and analysis of proposed wetland mitigation.)
Whatcom County Shoreline Management Program (1998)	See details under Cogeneration Facility, Refinery Interface, and Other Project Components above.	Because the transmission line elements of the project are not located within a designated shoreline zone, the requirements of Whatcom County Shoreline Master Program are not applicable.

Table 3.10-2: Continued

Plan, Policy, or Regulation	Description	Relationship to Proposed Project
Whatcom County Park and Open Space Plan and the Natural Heritage Plan (1991)	See details under Cogeneration Facility, Refinery Interface, and Other Project Components above.	The transmission line elements of the project would be consistent with the Whatcom County Park and Open Space Plan. The Transmission facility would be constructed on Applicant-owned, industrial-zoned land within the Cherry Point Major Industrial UGA. Work associated with the reconstruction of Custer/Intalco Transmission Line No. 2 would occur within Bonneville's existing utility right-of-way for the corridor. See Section 3.13 for a discussion of existing park and recreation facilities and potential impacts associated with the project.