

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
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Mark Personius, AICP
Director

SEPA Distribution List
SEP2021-00040
Date of Issuance: May 25, 2021

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

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Applicant

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Other and/or Parties of Record

British Petroleum

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Revised SEPA Determination of Nonsignificance (DNS)¹

File: SEP2021-00040

Project Description: Zoning code amendment and comprehensive plan text amendment requiring a site specific geotechnical analysis when mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline.

Proponent: Whatcom County

Address and Parcel #: Countywide within Mineral Resource Land Special District (MRL) zone

Lead Agency: Whatcom County Planning & Development Services

Zoning: MRL **Comp Plan:** MRL **Shoreline Jurisdiction:** N/A

The lead agency for this proposal has determined that no significant adverse environmental impacts are likely. This proposal will also be reviewed for compliance with all applicable Whatcom County Codes (WCC) which regulates development activities, including but not limited to: WCC 15 – Buildings and Construction, WCC 16.16 – Critical Areas, WCC 17 – Flood Damage Prevention, WCC 20 – Zoning, WCC 21 - Land Division Regulations, WCC 23 – Shoreline Management Program, the Whatcom County Development Standards and/or the Washington State Stormwater Manual. Mitigation may be a requirement of Whatcom County Code. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period on the DNS.

Responsible Official: Mark Personius, mpersoni@co.whatcom.wa.us

Title: Director

Telephone: 360-778-5937

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: May 25, 2021

Signature: _____

A handwritten signature in black ink, appearing to be "M Personius", is written over a horizontal line.

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding June 4, 2021.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.

¹Item #11 of the Environmental Checklist has been revised with a more detailed project description.



SEP2021-00040

REVISED

SEPA Environmental Checklist

Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal", "proponent" and "affected geographic area", respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements that do not contribute meaningfully to the analysis of the proposal.

A Background

- 1 Name of proposed project, if applicable:

Surface Mining Pipeline Buffer Zoning Code Amendments

- 2 Name of applicant: Whatcom County Planning and Development Services,
Applicant phone number: 360-778-5900

Applicant address: 5280 Northwest Drive

City, State, Zip or Postal Code: Bellingham, WA 98226

Applicant Email address:

- 3 Contact name: Joshua Fleischmann

Contact phone number: 360-778-5952

Contact address: 5280 Northwest Drive

City, State, Zip or Postal Code: Bellingham, WA 98226

Contact Email address: jfleisch@co.whatcom.wa.us

- 4 Date checklist prepared: 1/8/2021

- 5 Agency requesting checklist:

Whatcom County Planning and Development Services

- 6 Proposed timing or schedule (including phasing, if applicable):

Spring 2021

- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes No

If yes, explain:

- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

None

- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes No

If yes, explain.

- 10 List any government approvals or permits that will be needed for your proposal, if known.

Approval by Whatcom County Council

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. *There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.* (Lead agencies may modify this form to include additional specific information on project description.)

Amendments to the Whatcom County zoning code to require a site specific analysis when mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

REVISION: We are not familiar with current issues with mineral extraction near pipelines and potential or actual incidents resulting in damage to pipelines or their support structures due to mineral extraction, though the proposal will hopefully preclude issues. Whatcom County does not have existing standard restrictions on mineral extraction within the vicinity of pipelines and we are not familiar with standard restrictions in other counties in Washington. 500 feet was based off of existing Whatcom County code that uses 500 feet for exclusionary zones (high consequence land uses and essential public facilities, for example), notification to pipeline operators, or to be shown on site plans, among others.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Countywide, within 500 feet of gas or petroleum transmission pipelines.

B Environmental Elements

1 Earth

a. General description of the site:

- Flat
- Rolling
- Hilly
- Steep Slopes
- Mountainous
- Other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes No

If so, describe.

e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.

Indicate source of fill.

Indicate where excavation material is going.

- f. Could erosion occur as a result of clearing, construction, or use?
Yes No

If so, generally describe.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?

If any, generally describe and give approximate quantities if known.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes No

If so, generally describe.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water

a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes No

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes No

If yes, please describe and attach available plans.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of fill material.

- (4) Will the proposal require surface water withdrawals or diversions? Yes No

Give general description, purpose, and approximate quantities if known.

Does the proposal lie within a 100-year floodplain?

Yes No

If so, note location on the site plan.

- (5) Does the proposal involve any discharges of waste materials to surface waters?

Yes No

If so, describe the type of waste and anticipated volume of discharge

b. Ground Water:

- (1) Will ground water be withdrawn from a well for drinking water or other purposes? Yes No

If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

Where will this water flow?

Will this water flow into other waters? Yes No

If so, describe.

(2) Could waste materials enter ground or surface waters?

Yes No

If so, generally describe.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site: Yes No

If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4 Plants

a. Check types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Orchards, vineyards or other permanent crops
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

- c. List threatened or endangered species known to be on or near the site.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

- e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals

- a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

- | | |
|---------------------------------|-------------------------------------|
| <input type="checkbox"/> Hawk, | <input type="checkbox"/> Heron, |
| <input type="checkbox"/> Eagle, | <input type="checkbox"/> Songbirds; |
| <input type="checkbox"/> Other: | |

Mammals:

- | | |
|---------------------------------|----------------------------------|
| <input type="checkbox"/> Deer, | <input type="checkbox"/> Bear, |
| <input type="checkbox"/> Elk, | <input type="checkbox"/> Beaver; |
| <input type="checkbox"/> Other: | |

Fish:

- | | |
|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> Bass, | <input type="checkbox"/> Salmon, |
| <input type="checkbox"/> Trout, | <input type="checkbox"/> Herring, |
| <input type="checkbox"/> Shellfish; | <input type="checkbox"/> Other: |

- b. List any threatened or endangered species known to be on or near the site.

- c. Is the site part of a migration route? Yes No

If so, explain.

- d. Proposed measures to preserve or enhance wildlife, if any:

- e. List any invasive species known to be on or near site.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes No

If so, generally describe.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes No

If so, describe.

- (1) Describe any known or possible contamination at the site from present or past uses.

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

- (3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the projects development or construction, or at any time during the operating life of the project.

- (4) Describe special emergency services that might be required.

- (5) Proposed measure to reduce or control environmental health hazards, if any:

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

- (3) Proposed measures to reduce or control noise impacts, if any:

8 Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

Will the proposal affect current land uses on nearby or adjacent properties? Yes No

If so, describe.

- b. Has the project site been used as working farmlands or working forest lands? Yes No

If so, describe.

How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?

If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

- (1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? Yes No

If so, how:

- c. Describe any structures on the site.

- d. Will any structures be demolished? Yes No
If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as a critical area by the city or county? Yes No
If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?

9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

- High
 Middle
 Low-income

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- High
 Middle
 Low-income

- c. Proposed measures to reduce or control housing impacts, if any:

10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

- b. What views in the immediate vicinity would be altered or obstructed?

- c. Proposed measures to reduce or control aesthetic impacts, if any:

11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

- c. What existing off-site sources of light or glare may affect your proposal?

- d. Proposed measures to reduce or control light and glare impacts, if any:

12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

- b. Would the proposed project displace any existing recreational uses? If so, describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13 Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes No
If so, specifically describe.

- b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries? Yes No
Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes No
Please list any professional studies conducted at the site to identify such resources.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14 Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

- b. Is site or geographic area currently served by public transit?
Yes No
If not, what is the approximate distance to the nearest transit stop?

- c. How many parking spaces would the completed project have? How many would the project eliminate?

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes No
If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of)

- Water,
 - Rail, or
 - Air transportation?
- If so, generally describe.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

g. Proposed measures to reduce or control transportation impacts, if any:

15 Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes No

If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16 Utilities

a. Check utilities currently available at the site:

- | | |
|---|--|
| <input type="checkbox"/> Electricity, | <input type="checkbox"/> Natural gas, |
| <input type="checkbox"/> Water, | <input type="checkbox"/> Refuse service, |
| <input type="checkbox"/> Telephone, | <input type="checkbox"/> Sanitary sewer, |
| <input type="checkbox"/> Septic system, | <input type="checkbox"/> Other |

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Date Submitted: _____

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Reviewed by Whatcom County Planning & Development Services Staff

Staff Signature

Date

C Supplemental Sheet for Non-project Actions

(It is not necessary to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1 How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposal is unlikely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Proposal only requires site specific analysis when mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

Proposed measures to avoid or reduce such increases are:

None

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposal is unlikely to affect plants, animals, fish, or marine life. Proposal only requires site specific analysis when mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

Proposal is unlikely to deplete energy or natural resources. Proposal only requires site specific analysis when mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

Proposed measures to protect or conserve energy and natural resources are:

None

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is unlikely to use or affect these areas. Proposal only requires site specific analysis when mineral extraction is proposed within 500 feet of gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposal is unlikely to affect land and shoreline use. Proposal only requires site specific analysis when mineral extraction is proposed within 500 feet of gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposal is unlikely to increase demands on transportation or public services and utilities. Proposal only requires site specific analysis when mineral extraction is proposed within 500 feet of gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

Proposed measures to reduce or respond to such demand(s) are:

None

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal is unlikely to conflict with local, state, or federal laws or requirements for the protection of the environment. Proposal only requires site specific analysis when mineral extraction is proposed within 500 feet of gas or petroleum transmission pipeline, to ensure pipeline integrity during large-magnitude, low-frequency seismic events.

Exhibit A

Whatcom County Code

Chapter 20.73 Mineral Resource Lands Special District (MRL)

20.73.150 Conditional uses.

. **153** Surface mining subject to Washington State's Surface Mining Act (Chapter [78.44](#) RCW); provided, that:

(9) When mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline, a site specific geotechnical analysis of potential impacts to the pipeline is required. The analysis shall show that mining will not result in an increased likelihood of the pipeline becoming exposed or rupturing during an earthquake, and shall consider various seismic scenarios with a 2 percent probability of exceedance in 50 years on both proximal crustal faults and at the Cascadia Subduction Zone.

Whatcom County Comprehensive Plan

Chapter 8 - Resource Lands

Goal 8L: Ensure mineral extraction industries do not adversely affect the people and other properties in the vicinity, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8L-9: Through a site specific geotechnical analysis of potential impacts, ensure mineral extraction within 500 feet of gas or petroleum transmission pipelines will not result in an increased likelihood of the pipeline becoming exposed or rupturing during an earthquake.