

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES  
MODIFIED MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

Shoreline Substantial Development/Variance Permit PL13-0468  
& Forest Practice Conversion Permit PL14-0079  
For Shell Puget Sound Refinery

**PROJECT DESCRIPTION:** Shell Puget Sound Refinery proposes to build a rail spur from the existing adjacent Burlington Northern Santa Fe mainline onto Shell PSR property with equipment to pump oil from rail cars into the refinery. The crude brought in by rail would replace some supply currently brought in by ship and would serve to maintain current production, not increase capacity. The project is located within Anacortes Urban Development zoning/comprehensive plan designated areas as indicated in the Skagit County Comprehensive Plan.

**PROPONENT:** Shell Puget Sound Refinery, c/o Tom Rizzo, PO Box 622, Anacortes, WA 98221. Project Contact: URS Corporation, c/o Jeff Walker, 1501 4<sup>th</sup> Avenue, Suite 1400, Seattle, WA 98101.

**PROJECT LOCATION:** The project is located at 8505 South Texas Road, within a portion of Sections 33 & 34, Township 35 N, Range 2 E, W.M. and a portion of Section 4, Township 34 N, Range 2 E W.M., situated within Skagit County, Washington.

**LEAD AGENCY:** Skagit County Planning and Development Services

**DETERMINATION and CONDITIONS:** The original MDNS for this proposal was published on April 24, 2014. The County received a significant numbers of comments on that determination. Based on those comments, additional information was requested on June 3, 2014. The applicant submitted the requested information on July 17, 2014. The Responsible Official reviewed that information and determined that additional conditions are appropriate. The modifications to the conditions do not significantly alter the County's earlier SEPA review. The modified and added conditions continue to address the project's environmental impacts. Consequently, the lead agency for this proposal has determined that it does not have a probable significant adverse impact to the environment provided that the applicable development regulations outlined in Skagit County Code and other adopted plans and standards and the conditions set out below are satisfied. Accordingly, an environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental information and analysis on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigation measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 14.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. The applicant shall receive and comply with all permits and approvals from Northwest Clean Air Agency requirements.
2. The applicant shall receive and comply with the Eagle Non-purposeful Take Permit and Eagle Nest Take Permit from U. S. Fish and Wildlife prior to disturbance of any bald eagle nest tree.
3. The applicant shall receive and comply with all permits and approvals from the Washington State Department of Fish and Wildlife including but not necessarily limited to the Hydraulic Project Approval.
4. The applicant shall receive and comply with all permits and approvals from the Washington State Department of Ecology, including but not limited to the 401 Water Quality Certification and Coastal Zone Management Consistency.
5. The applicant shall receive and comply with all permits and approvals from the U. S. Army Corps of Engineers including but not necessarily limited to the Section 404 Individual Permit.

6. The applicant shall comply with applicable provisions and regulations of the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration.
7. The applicant shall comply with all applicable provisions of Skagit County Code (SCC) 14.24, the Critical Areas Ordinance.
8. The applicant shall comply with all applicable provisions of SCC 14.32, the Drainage Ordinance.
9. The applicant shall comply with the International Building Code.
10. The applicant shall comply with the International Fire Code.
11. The applicant shall work in good faith with BNSF and other local oil refiners to develop a mutual aid agreement associated with responding to crude railcar incidents off-site of refinery property.
12. The applicant shall comply with United State Department of Transportation safety advisory 2014-01.
13. The applicant must fully transition out of using "legacy" DOT 111 cars in its fleet for transporting crude as soon as practicable. All new rail cars added to the applicant's fleet will be "good faith CPC 1232" type cars unless the federal standards change.
14. The applicant must not knowingly accept at its facility any rail cars that do not meet all applicable United States Department of Transportation regulations.
15. The applicant shall ensure that all lighting installed for this proposal will be International Dark Sky Association Dark Sky compliant.
16. The applicant shall comply with the Washington State Department of Fish & Wildlife noise buffer guidelines and distances for great blue heron colonies.
17. The project will not involve any change in refining capacity, nor involve an increase in the amount of crude transported over marine waters.
18. The applicant shall make a request to BNSF that trains arrive and depart during non-peak traffic hours.
19. The avoidance and minimization measures listed on pages 20 & 21 of the July 17, 2014 response from Shell must be completed as proposed.

This MDNS is issued under 197-11-340(2). The lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **August 28, 2014**.

You may appeal this threshold determination by addressing those criteria as set forth in SCC 14.12.210 and then by filing per Section 14.06.110 such with Skagit County Planning and Development Services for service to the SEPA responsible official(s).

Appeals must be submitted no later than: **September 11, 2014**.

**RESPONSIBLE OFFICIAL:** Director of Planning and Development Services

**CONTACT PERSON:** Leah Forbes, Senior Planner

**MAILING ADDRESS:** 1800 Continental Place, Mount Vernon, WA 98273

**PHONE:** (360) 336-9410

**Date:** 8-14-14 **Signature:** Leah Forbes, AICP

On behalf of Dale Pernula AICP, Planning and Development Services Director

cc: WDOE, WSDOT, Public Works, NW Clean Air Agency, Fire Marshal, Skagit County Fire Protection Districts 1, 2, 3,6, 12 and 13, WDFW, US Army Corps of Engineers, USFWS, City of Mount Vernon, City of Burlington, City of Anacortes, WDAHP, Skagit River System Cooperative, Samish Indian Nation, Upper Skagit Tribe, Swinomish Tribe, Applicant, parties of record

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