



Skagit County Planning & Development Services

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June 3, 2014

Jeff Walker
URS Corporation
1501 4th Avenue, Suite 1400
Seattle, WA 98101

Re: Response to MDNS comments, PL13-0468 & PL14-0079

Dear Mr. Walker,

The comment period for the Mitigated Determination of Nonsignificance (MDNS) ended on May 9, 2014. All comments received have been forwarded to you. After reading the comments, there is additional information the Responsible Official would like to review and consider.

Please provide information related to the issues listed below, as well as any other information responsive to the public and agency comments Shell would like to provide. If the information is available in documents already submitted, please note where the material can be found. Otherwise, please submit additional supporting materials to respond to the following concerns.

- **On-site spill response.**
 - Describe how spill prevention is incorporated into the project design.
 - Provide a copy of relevant portions of the oil spill contingency plan per WAC 173-182. Confirm that the oil spill contingency plan accounts for the different types of crude that may arrive via rail.
- **Off-site spill response.**
 - Describe how Shell is coordinating with BNSF and local emergency service providers in the event of a spill off-site.
 - Provide a copy, if available, of relevant BNSF spill response plans in the event of a spill on rail.
- **Emergency response.** Describe how Shell is coordinating with BNSF and local emergency service providers in Skagit County in the event of a fire or accident off-site.
- **Tank car safety.** Confirm that the tank cars meet federal safety standards for the type of product being transported.
- **Rail safety.** Confirm BNSF compliance with applicable state and federal regulations for rail safety. Provide verification that the tracks and rail bridges located within Skagit County have been and will continue to be inspected as required by FRA standards and that these inspections show that the tracks are adequately maintained to support the proposed increase of one unit train in and out of the Shell refinery per day.

- **Traffic impacts.**
 - Provide a traffic analysis for the length of the Anacortes Subdivision (Burlington to Anacortes) to show potential wait times and delays at rail crossings, including the cumulative impacts associated with the additional refinery and other rail traffic.
 - Provide an analysis of impacts on emergency service provider response times.
- **March Point Heronry.** Provide a narrative describing how the proposal has been designed, will be constructed, and will be used to avoid and minimize impacts to the March Point heronry.
- **Type of crude.** Please respond to both safety and spill-response concerns regarding the type of crude that will be transported to the proposed facility.
- **Wetland, salt marsh, and wildlife impacts.** Describe the existing wetlands and salt marsh, and summarize how the mitigation proposed will adequately offset any impacts to these wetlands and the salt marsh. Address concerns that the project could impair wildlife habitat both on land and in nearby Padilla Bay.
- **EFSEC jurisdiction.**
- **General description of rail transportation system.** There is some confusion about how rail traffic is regulated and how the common carrier system works. Please provide a brief description.
- **Cumulative Impacts.**

Once the additional information has been received, the County will consider it along with the existing application materials and public and agency comments to determine whether a revised threshold determination is appropriate. If you have any questions, please feel free to contact our office.

Sincerely,



Leah Forbes, AICP
Senior Planner