

A close-up photograph of vibrant green leaves, showing their texture and veins, positioned on the left side of the slide.

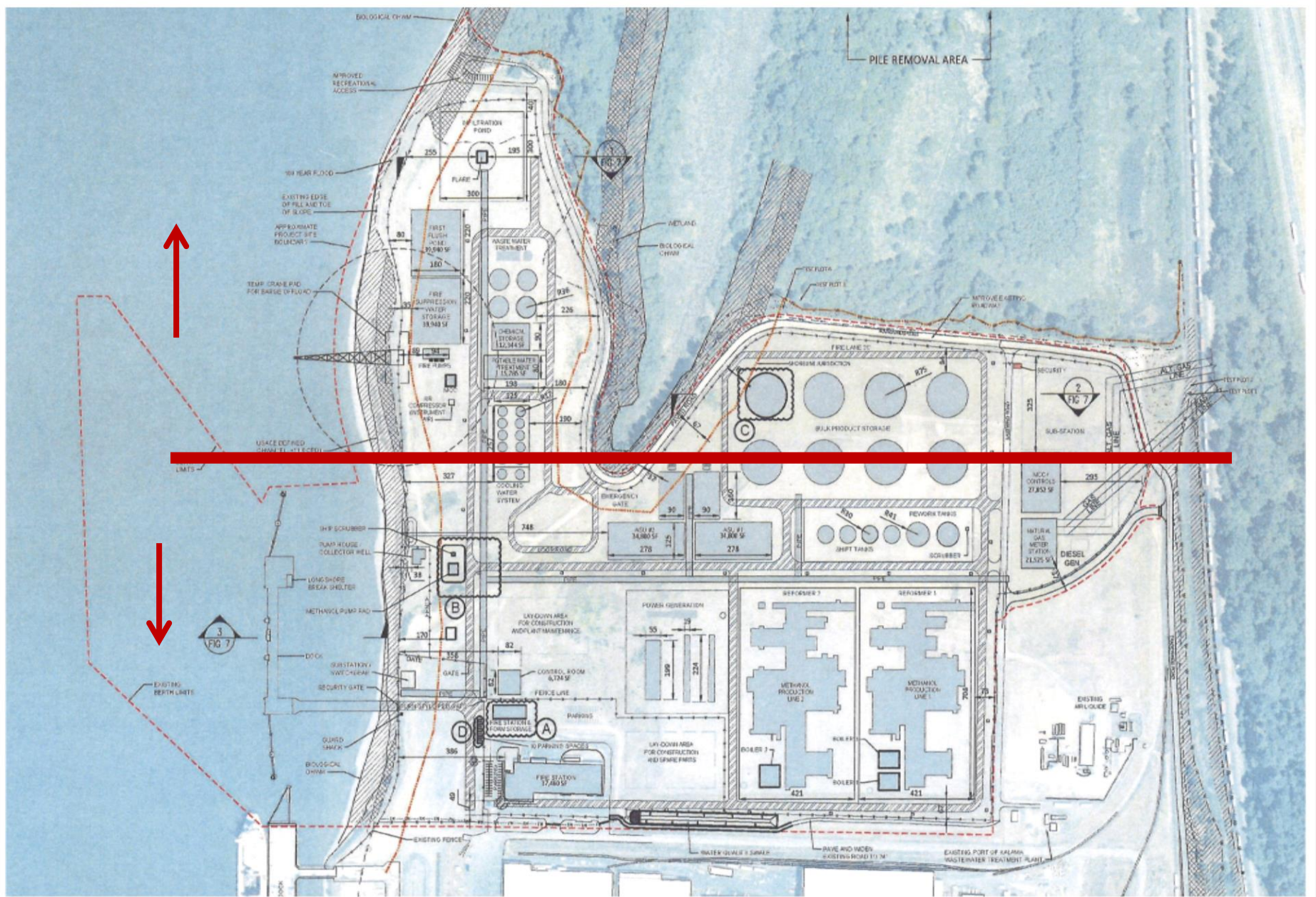
# Emerging Environmental Issues Kalama Methanol Manufacturing & Export Facility (KMMEF)

**Jay P. Derr**

**Washington Public Port  
Association**

**Environmental Meeting  
Vancouver, WA**

September 21-22, 2017



# KMMEF Emerging Issues

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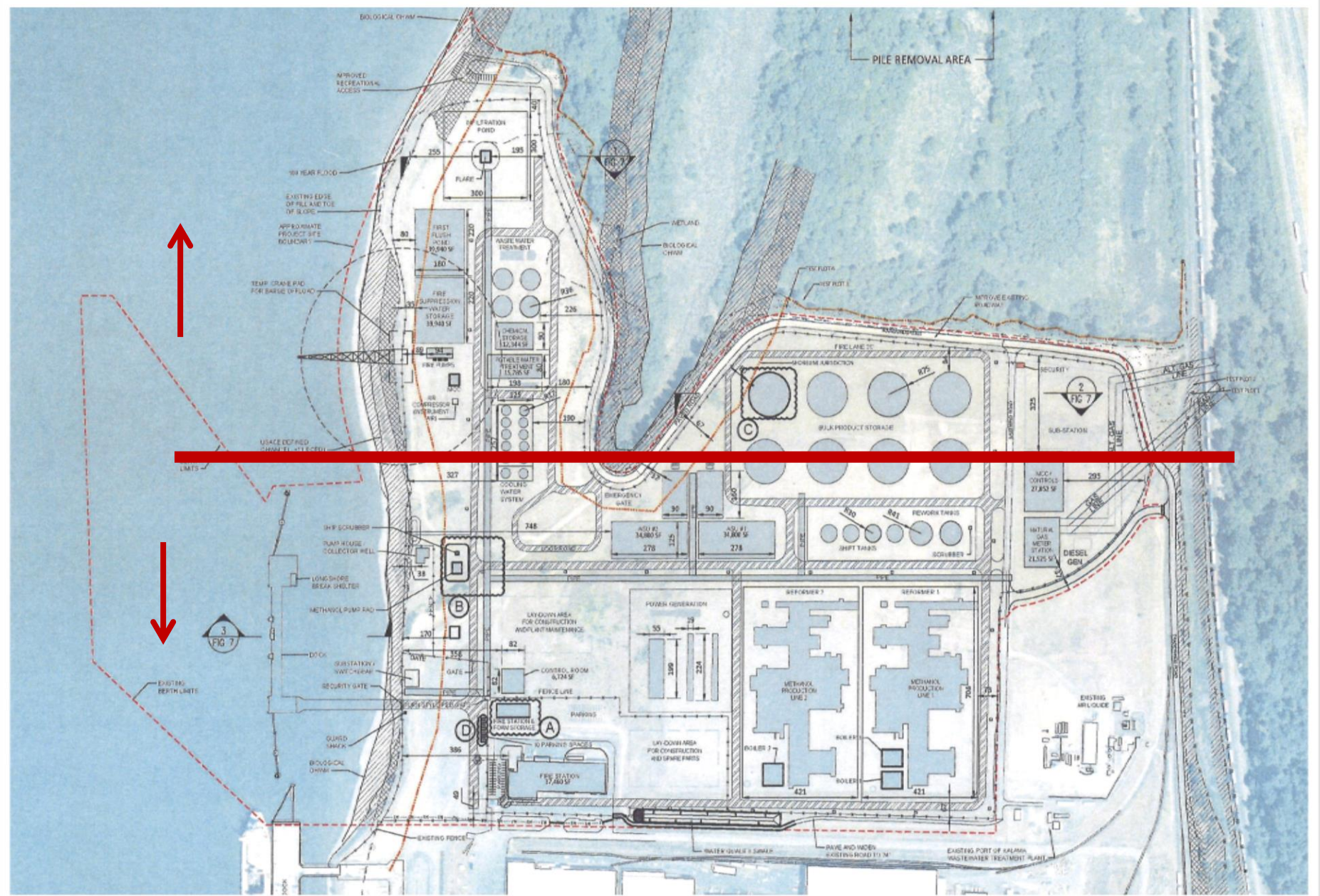
- ❑ Water-Dependent / Water-Related Uses
- ❑ Shoreline Management Act authority to regulate upland (i.e., GHG) emissions beyond scope of other existing regulations
- ❑ Adequacy of SEPA GHG evaluation

# Water-Dependent | Water-Related Uses

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“4. Did Cowlitz County and Ecology issue the Permits in violation of the Shoreline Management Act (SMA), RCW 90.58, implementing regulations, and the Cowlitz County Shoreline Management Master Program (CCSMP) by authorizing portions of the Project that are not ‘water-related’ or ‘water-dependent’ to be considered within the shoreline?”

*Columbia Riverkeeper, et al. v. Cowlitz County, et al.*, SHB No. 17-010c, Consolidation and Prehearing Order, July 18, 2017.



# SMA Authority to Regulate GHGs in Shoreline CUP

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Washington Dept. of Ecology SCUP Approval (June 8, 2017)  
Condition 4 :

“Northwest Innovation Works (NWIW) is required to mitigate for greenhouse gas emissions covered under Chapter 173-441 WAC originating from its facility. This mitigation requirement is to be met by demonstrating achievement or acquisition of greenhouse gas emission reductions on an annual basis as follows:”

- [Follow the Clean Air Rule (WAC 173-442)]
- [or, if Clean Air Rule not in effect, follow it anyway]

# Adequacy of SEPA Evaluation of GHGs

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“Guidance for Ecology including Greenhouse Gas Emissions in SEPA Reviews.” June 3, 2011

- 1) “. . . this document is to be used when Ecology is either the Lead Agency or an agency with jurisdiction”
- 2) Should consider new GHGs caused by the proposal
- 3) Should consider the effects of changing climate on the proposal’s new infrastructure

# SHB No. 17-010c Order on Summary Judgment, FEIS GHG Inadequacies:

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- ❑ Omitted several offsite emission sources associated with the Project, such as
  - Emissions from production & transportation of natural gas
  - Offsite production of electricity
  - Vessel traffic beyond 3 miles
- ❑ Denied the public an opportunity to review and comment on these additional emission sources & the analysis of impacts



# Emerging Issues for Corps Permitting on Columbia River: KMMEF & Vancouver Energy

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- ❑ Wake-stranding
- ❑ Commodity or Use-specific Corps Permit Evaluation
- ❑ Tribal Resources & Tribal Consultation
  - New Nationwide Permit Corps Standard

# So Now What ?

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- ❑ Scope of SEPA GHG Impact Analysis
- ❑ Are Corps Permits becoming use/commodity specific?
- ❑ Wake-stranding on the Columbia River—implications for Maritime Commerce Generally, for Corps Maintenance Dredging.

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For more information

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