



Date: 9/27/2024

From: Skagit Land Trust

To: State of Washington Energy Facility Site Evaluation Council (EFSEC)

RE: Goldeye BESS proposal.

We would like to comment on the Goldeneye BESS proposal to build and operate a lithium-ion BESS in unincorporated Skagit County, just outside of Sedro-Woolley. Skagit County's land use rules and regulations must be considered by EFSEC when determining whether to approve the proposed location. **Goldfinch Storage Energy did not evaluate how, or if, the project was consistent with Skagit County land use regulations. Industry, such as BESS, must be properly zoned for safety, natural resource considerations and environmental reasons. Undermining local zoning will lead to communities fighting a green energy transition, rather than supporting it.**

Skagit Land Trust (the Trust) conserves wildlife habitat, agricultural and forest lands, scenic open space, wetlands, and shorelines for the benefit of our community and as a legacy for future generations. Our organization has over 1,700 family and business supporters (members) and 500 active volunteers who work to protect the most important and beloved places in Skagit County. Today, the Trust protects more than 10,000 acres in Skagit County, including more than 48 miles of shoreline, including lands along the Skagit River.

Global warming has impacted and will continue to impact our conserved waterways, coastlines, wetlands, forests, lands, and wildlife habitat. We recognize that reducing the burning of fossil fuels for electricity, heat and transportation is considered the most effective way to halt global warming. We appreciate that energy storage is a necessary component of the transition away from the burning of fossil fuels to the use of greener energy sources. **However, we do not think the proposed site in Sedro Woolley is an appropriate location for a lithium-ion battery storage system facility. We urge you to deny the Goldeneye BESS proposal.**

Skagit Land Trust supports the Skagit County BOCC's decision to oppose the proposal to install the Goldeneye Battery Energy Storage System (BESS) at this site. The Board of County Commissioners' (BOCC) 8/28/24 statement opposing the Goldeneye BESS proposal points out that the Administrative Official Interpretation (AOI 2023-01) - subsequently used by **Goldfinch Storage Energy to show the suitability of the proposed location- was not intended for this purpose. The AOI 2023-01 clearly states "The Administrative Official recognizes, from comments received from this and other BESS projects, that there are concerns about safety, environment, siting, and other aspects of the proposed project. As this AOI is limited to the specific question of what type of utility development the proposed project would be, these concerns have not been considered.** These concerns would be addressed as part of a special use permit process." (pg. 6, Skagit County Administrative Decision AOI 2023-01)

The Goldeneye Battery Facility Does Not Meet Skagit County Zoning

Agricultural Natural Resource Land zoning considerations

Washington's Growth Management Act mandates counties "Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries; encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses." RCW 36.70A.020(8).

The proposed Goldeneye BESS site is on land zoned Agricultural-Natural Resources Land (Ag-NRL) by Skagit County. Skagit County strongly prioritizes agricultural use of this land. Not only have strict ordinances been developed to ensure the land remains available for agriculture, but a recent survey of Skagit County residents confirmed that maintaining agricultural lands is local residents' top priority.

Skagit County rules and regulations address what activities are allowed on agricultural lands. **Siting a BESS on agricultural land is clearly an incompatible use.**

- Skagit County's comprehensive plan (2016 to 2036) directs the County to take actions that "Preserve agricultural land for agricultural purposes".
- Skagit County's goal 4A-3 promotes preservation of agricultural land for agricultural uses, minimize nonfarming uses on agricultural lands; and develop incentive programs to promote farming.
- Skagit County's Goal 4A-4 states "Land uses allowed on designated land shall promote agriculture, agricultural support services, and promote diverse agricultural industries".
- Per Skagit County Code 14.16.400 the purpose of the Ag land designation is to "provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities, and operations as the primary use of the district. Non-agricultural uses are allowed only as accessory uses to the primary use of the land for agricultural purposes."

Skagit County's Countywide Planning Policies address activities allowed on agricultural lands:

- CPP 5.11: Skagit County shall conserve agriculture, aquaculture, forest, and mineral resources for productive use by designating natural resource lands and aquatic resource areas, where the principal and preferred land uses will be long term commercial resource management.
- CPP 8: Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands and discourage incompatible uses.
- CPP 8.9: Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long-term commercial resource management.

Skagit County's SCC 14.16.400(4)(h) was recently amended to exclude on Ag-NRL zoned land electrical generation and/or storage facilities from the major utility developments permitted with a hearing examiner special use permit. Though this amendment comes after the Goldeneye proposal, and will

therefore not impact that proposal, it clearly expresses Skagit County’s intent to not allow major utility developments on land zoned Ag-NRL. AOI 2023-01 identified the Goldeneye BESS a major utility development. EFSEC should honor Skagit County’s intent and deny the Goldeneye BESS siting proposal.

Native Fish and Endangered Species considerations

The GMA mandates counties adopt development regulations that protect critical areas, preserving the natural environment and maintaining fish and wildlife habitat. Critical areas include fish and wildlife habitat conservation areas (RCW 36.70A.030). As Salmonids are keystone species vital to ecosystems and important cultural and economic resources, the GMA further directs counties “to give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries.”

Skagit County identifies Hansen Creek, which runs through the Goldeneye BESS proposed site, a fish and wildlife habitat conservation area (HCA). Hansen Creek meets the following criteria (SCC14.24.500) for designation as a HCA, based on WAC 365-190-130 lists:

- Areas with which endangered, threatened, and sensitive species have a primary association.
- Waters of the State as defined by WAC 222-16-030.
- Areas with which anadromous fish species have a primary association.
- State priority habitats and areas associated with State priority species as defined in WAC365-190-080.
- Areas with which anadromous fish species have a primary association.

Hansen Creek supports chinook, coho, chum, pink salmon, steelhead, and other native trout species. Approximately 7 miles of Hansen Creek is accessible to anadromous fish with an additional 2.9 miles of accessible length in associated tributaries. (Hansen Creek Watershed Management Plan)

Hansen Creek is designated critical habitat for Puget Sound steelhead and Puget Sound chinook salmon, both identified as threatened by the Endangered Species Act. Washington Department of Fish and Wildlife identifies Puget Sound Steelhead as a candidate for listing in Washington as a State Endangered, Threatened, or Sensitive species. NOAA Fisheries has deemed the area, within which the proposed site is located, to be Essential Fish Habitat (EFH) for chinook, coho and pink salmon. Of note, chinook salmon are a key prey species for endangered Puget Sound Orcas.

As a designated shoreline of the state, the rules and regulations of the Washington State’s Shoreline Management Plan and Skagit County’s Shoreline Master Program (SMP) apply to Hansen Creek and 200 feet of shoreline on either side of the creek (RCW 90.58.030(2)(d)). The wetlands within the Hansen Creek watershed must be protected. They contribute to the health of Hansen Creek, improving water quality and providing erosion control. The SMP policies, goals, rules, and regulations apply to wetlands associated with Hansen Creek. EFSEC must consider SMP regulations pertinent to major utility development as it determines whether to approve the Goldeneye BESS proposal.

Hansen Creek empties into the Skagit River, 1.6 miles from the proposed site. The Skagit River has the largest remaining runs of threatened Puget Sound Chinook salmon. The Skagit River is designated a Wild and Scenic River starting from the pipeline crossing at Sedro Woolley upstream to Bacon Creek.

Washington State legislature designates the Skagit River—upstream from the Skagit Bay to the Skagit/Whatcom County line—a shoreline of statewide significance. Per the Shoreline Management Act, the natural resources and ecological systems of shorelines of statewide significance should be protected. As noted previously, Hansen Creek is a tributary of the Skagit River, emptying into the Skagit River 1.6 miles from the proposed Goldeneye BESS site. Any disaster occurring at the Goldeneye BESS site could contaminate the

shoreline and waters of Hansen Creek which in turn could contaminate the shoreline and waters of the Skagit River.

Many years of agricultural activities, periodic dredging, and timber harvesting of the headwater forest, along with straightening of the creek bed deteriorated Hansen Creek's fish habitat. In the late 1990s the Skagit Fisheries Enhancement Group (SFEG) began restoring Hansen Creek. Since that time millions of public dollars have been spent on restoration projects with the Swinomish Tribal Community, the Upper Skagit Tribe, the Sauk-Suiattle Indian Tribe, the Skagit River System Cooperative, Puget Sound Energy, Skagit County Parks and Recreation, and others working together to restore the Hansen Creek watershed. From 2009 to 2010 a restoration project on the lower Hansen Creek converted 140 acres of floodplain into 53 acres of alluvial fan and 87 acres of wetland. Creek and wetland restoration is ongoing with plans to further decrease flooding and improve rearing and spawning habitat for salmon.

Given the monies, time, energy and resources put into the restoration of Hansen Creek's salmon habitat by the federal government, Skagit County, Washington State, multiple conservation groups and Tribal entities for almost three decades, ongoing plans to continue restoration, and in recognition that salmon recovery is a top priority in Skagit County and in Washington State, EFSEC should deny the proposal to locate the Goldeneye BESS in the Hansen Creek watershed.

Risks to Community

Lithium-ion BESS facilities, like the proposed Goldeneye BESS, carry potentially high risks to human health and safety and to the environment. The Skagit County BOCC's 8/28/24 statement opposing the Goldeneye BESS proposal addresses some of the risks. SLT agrees with the BOCC that the risks provide too great a threat to the nearby community to allow the siting of the proposed BESS in this culturally and environmentally sensitive area.

Lithium-ion batteries, the most widely used battery type in BESS facilities and the type proposed for the Goldeneye Bess, have been associated with fires and explosions. The BESS Failure Incident Database was created in 2021 to inform energy storage industry stakeholders and the public about BESS failures. 63 incidents of fires at BESS sites have been found worldwide since 2011. Though the industry argues that lithium-ion battery fires occur infrequently, when they do occur, they are extremely difficult to extinguish and release deadly toxic fumes and combustible gases, hazardous to first responders, the public and the environment.

For example, a 2019 fire at a lithium-ion battery facility in Surprise, Arizona caused serious injury to eight firefighters and a police officer; four of the severely injured were career firefighters who had specialized hazardous material (HAZMAT) training. The 2024 fire at the Gateway Energy Storage Facility in Otay Mesa, California burned for nearly two weeks, releasing toxic fumes into the air.

Fumes from lithium-ion battery fires have been shown to contain hydrogen fluoride, hydrogen cyanide, hydrogen chloride, sulfur dioxide and fluorinated phosphorus, all deadly toxic chemicals posing immediate danger to life and health when inhaled, forcing evacuations of surrounding areas. Hydrogen fluoride, for example, has been found in lithium-ion battery fires at levels near 600 ppm; concentrations of 30 ppm of hydrogen fluoride are considered immediately dangerous to life and health. Additionally, runoff from water used to fight BESS fires can be contaminated by these chemicals and, in turn, can contaminate soil or groundwater absorbing the runoff.

Conclusion

EFSEC should deny the proposal to locate the Goldeneye BESS in the Hansen Creek watershed. The risk of fire and explosions with release of hazardous substances for nearby residents and the pollution of Hansen Creek posed by the proposed Goldeneye BESS is simply too great. Such an incident could easily reverse decades of effort to restore Hansen Creek to a salmon-friendly habitat and its associated wetlands to their former state. It could also reverse enormous efforts to help communities partner in adopting green infrastructure. EFSEC should deny the Goldeneye BESS proposal as it does not fit with Skagit County zoning or land use regulations.

Sincerely

A handwritten signature in cursive script, appearing to read "Molly D.", followed by a horizontal line.

Molly Doran
Executive Director
Skagit Land Trust

1020 S 3rd Street
Mount Vernon WA
98273

mollyd@skagitlandtrust.org