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## Environmental Coalition Appeals Whatcom County Decision for Expansions at Ferndale Terminal

*County promised full review of company's illegal expansion, but then backtracked*

WHATCOM COUNTY, WA — Less than two weeks after rallying more than 662 public comments in opposition to the expansion of a major fossil fuel terminal in Ferndale (Cherry Point), a coalition of six environmental organizations has taken the next step to ensure those voices are heard. The coalition filed a [formal legal appeal](#) of Whatcom County's decision for permitting 33 major terminal expansion projects, 31 of which were completed several years ago without permits and without a thorough environmental review.

According to the appeal, which includes Friends of the San Juans, Evergreen Islands, Whatcom Environmental Council, Washington Conservation Action, RE Sources, and the Sierra Club, the County's decision fails to account for the significant and harmful consequences of propane and butane expansion at the terminal. The appeal, filed September 29, challenges Whatcom County's September 3, 2025 decision to issue a Mitigated Determination of Nonsignificance (MDNS) for 33 projects at the Canadian-based company, AltaGas', ALA Energy Ferndale Terminal. Under the State Environmental Policy Act (SEPA), an MDNS means the County determined the projects would not have significant environmental impacts.

The coalition contends that instead of an MDNS, a thorough Environmental Impact Statement (EIS) should be required. An EIS would allow full scrutiny of the safety and environmental impacts of expanding fossil fuel transportation at Cherry Point. Of the 33 projects, there are two new project proposals that aim to reduce emissions, enabling the company to increase imports and exports at the terminal without violating emission regulations. While the coalition supports emissions reduction, they do not support the implementation of projects that expand imports and exports at the terminal.

"AltaGas wants to become a top exporter of dangerous propane from Cherry Point," said Lovel Pratt, Marine Protection and Policy Director at Friends of the San Juans, which is coordinating the coalition effort. "The public deserves a full accounting of the risks and impacts of the proposed expansion before greenlighting it. An EIS is the only tool that can fully evaluate cumulative environmental impacts and identify safeguards for people and the Salish Sea."

In July 2021, Whatcom County became the first county in the United States with oil refineries to permanently ban new refineries, piers, and transshipment facilities, and put limits on existing ones, citing public health, safety, and ecological sustainability. These new County ordinances became known as the "Cherry Point Amendments." Against this backdrop, the coalition argues that the County's decision not to

require an Environmental Impact Statement for the Cherry Point projects is inconsistent with those protections.

### **Key Concerns Raised in the Appeal:**

- **Increased Imports and Exports of Propane and Butane Without Review:** Propane and butane pose significant safety risks as they are highly flammable and explosive liquid petroleum gases. The projects collectively enable greater volumes of propane and butane to be transported, stored, and exported without any formal environmental review under SEPA.
- **Safety and Environmental Risks:** Propane is more explosive than butane. The appeal cites a shift to move more propane through the terminal, increasing safety and environmental risks, including potential accidents, increased vessel traffic throughout the Salish Sea, and threats to endangered species like the Southern Resident killer whale.
- **Legal Decision Ignored:** The appeal references a 2022 Washington Court of Appeals decision (Phillips 66 Co. v. Whatcom County) affirming that increased fossil fuel vessel traffic requires a full EIS.
- **Flawed Capacity Assumptions:** The appeal calls into question the County's reliance on a redacted technical document to assess the terminal's "maximum transshipment capacity", with appellants alleging that actual import and export rates of propane and butane have already increased due to the projects.

### **What Happens Next:**

The appellants are asking the Whatcom County Hearing Examiner, who will hear the appeal, to overturn the MDNS and require a full EIS that evaluates all direct, indirect, and cumulative environmental and community impacts of the terminal's expansion. The hearing examiner will hold a public hearing on the permit, and hear the evidence in the appeal, in around two months.

### **Impact on Local Communities**

The coalition of community organizations represents thousands of members and supporters in Whatcom, Skagit, and San Juan Counties, and adjacent communities to the Salish Sea. In the weeks leading up to the appeal, members of the public submitted nearly 700 comment letters to Whatcom County in alignment with the coalition's position, urging the County to conduct an EIS for the Ferndale Terminal. The coalition argues that the County's decision exposes communities to increased safety risks and environmental harm while undermining efforts to transition away from fossil fuels.

### **Resources:**

- [Coalition's Appeal to Whatcom County](#) to Require an EIS for the Ferndale Terminal
- Whatcom County's [MDNS](#)
- [Comment Letter](#) submitted by the Coalition to Whatcom County
- ALA Energy Ferndale Terminal's [Permit Applications](#) to Whatcom County

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*Images: A vessel docks at the Ferndale Terminal, where 33 fossil fuel expansion projects—including 31 that were completed without permits—are now the subject of a legal appeal led by a regional environmental coalition. Image credit: David Stalheim*

**Photos for Download:**

<https://sanjuans.org/wp-content/uploads/2025/09/Friends-of-the-San-Juans-Ferndale-Environmental-Review-Image-By-David-Stalheim.jpeg>

<https://sanjuans.org/wp-content/uploads/2025/09/Friends-of-the-San-Juans-Ferndale-Environmental-Review-Image-By-David-Stalheim-2.jpeg>