

JEFFERSON COUNTY
PUBLIC NOTICE OF TYPE I LAND USE APPLICATION AND PENDING SEPA
DETERMINATION
MLA03-00377

APPLICANT:

FRED HILL MATERIALS INC

ALEX J HILL

P O BOX 6

POULSBO WA 98370

Application Received Date: July 3, 2003

Application Complete Date: June 17, 2005

Application Notice Date: June 22, 2005

SITE ADDRESS AND PROJECT LOCATION:

Parcel numbers 701 011 001 and 721 062 001, in Section 01, Township 27,
Range 01 West, WM, located at Port Ludlow, WA 98365

PROJECT DESCRIPTION AND REQUIRED PERMITS/STUDIES:

LOCATION: Fred Hill Materials Inc. (FHM) has submitted a proposal on 165 acres referred as the Wahl Extraction Area. The 165 acres in portions of Section 1, Township 27 North, Range 1 West, lying approximately 1.25 miles west of the existing Shine Hub operated by FHM. The permit area includes a proposed 137-acre mining/excavation area, 19 acres identified as regulated critical areas and/or required mining setback areas, and a 60 foot easement from the extraction area to the Shine Hub that would total 9 acres.

COMPREHENSIVE PLAN: The 165 acre area is designated Commercial Forest by the Jefferson County Comprehensive Plan. This area is also designated as Mineral Resource Lands Overlay (MRL) by Jefferson County's adoption of Ordinance 08-0706-04 on July 6, 2004, and is subject to 15 conditions of approval governing any activities conducted within the MRL.

CASE HISTORY: This proposal was received on July 3, 2003. The case was placed on hold to wait for the issue related to the Comprehensive Plan Amendment (CPA) for a MRL (MLA 02-235) to be resolved. On October 14, 2004 the Western Washington Growth Management

Hearings Board determined that the CPA for a MRL was in compliance with SEPA and the Growth Management Act. The application was taken off hold after the Hearing's Board decision. The application was routed on December 23, 2004 to agencies with jurisdiction and interested parties. A Threshold Determination of a Mitigated Determination of Non-Significance (MDNS) was issued on March 30, 2005. Based on comments received regarding impacts to the hydrology to Thorndyke Creek, the SEPA Responsible Official withdrew the MDNS in a Memo dated May 12, 2005. When the threshold determination was withdrawn, this in effect put the proposal at the very first step of SEPA, which is having to issue a Threshold Determination. The May 12, 2005 Memo also indicated that the current proposal would result in probable significant adverse impacts to groundwater movement, quality, and quality, which would result in a Determination of Significance. WAC 197-11-350(2) & (6) indicates that an applicant should be informed that a Determination of Significance is likely and be provided an opportunity to change a proposal to address the issues that consider a Determination of Significance.

On June 1, 2005 an on-site meeting was held with DCD, The Port Gamble S'Klallam Tribe, WA State Department of Fish & Wildlife and the applicant to examine issues related to impacts that mining would have on the hydrology of Thorndyke Creek and a unnamed tributary to. Part of the concern expressed was that there was no site specific data that documented the relationship between surface and groundwater to in-stream flows. Also, there was not field documentation on how long it took water to pass through the material found within the Wahl Extraction area. In addition, although the MRL was 500 feet from Thorndyke Creek, mineral extraction was proposed approximately 200 feet within the riparian zone of unnamed tributary to Thorndyke creek.

The applicant has modified their proposal to re-sequence the areas to be mined by starting near center of the MRL at the eastern edge instead of the southeastern corner (See Reclamation Sequence Map dated June 17, 2005). This would move the initial mining areas from 200 to 500 feet from the riparian fringe of the unnamed tributary. In addition, and would change the timing of when the area closest to the unnamed tributary from the first to the last area to be mined, contingent on the results from the monitoring data. Group 2 is not be part of this stormwater permit and would not occur for at least five years and would allow the review groundwater monitoring data that had been developed per condition 15 Ordinance 08-0706-04 The final area to be mined (Group 3) would be the area closest to the unnamed tributary and would not occur until approximately 10 years of monitoring data was collected. The groundwater monitoring would include establishing rain gauges, groundwater monitoring wells, stream monitor stations on the unnamed and water elevation stations station in areas where flows are low (unnamed tributary) and flow meters near the confluence of the unnamed tributary with Thorndyke Creek and downstream Thorndyke Creek where the flows are perennial.

PROJECT SUMMARY: This Threshold Determination is being completed for the entire 165 acre Wahl Area. The proposed 137-acre extraction area would be mined sequentially, in segments ranging in size from 12 to 15 acres. The first group of segments (A, B, & C) total 37.9 acres and is being reviewed by this stormwater permit. Groups 2 and 3 would require new stormwater permits from Jefferson County, but would not require additional environmental review unless the proposal was changed or if it is determined from new information (such as

from monitoring data) that mining would have probable significant adverse impacts on the environment.

The mineral extracted would be transported from the excavation site to the Shine Hub via a conveyor located in the 9-acre conveyor and maintenance road route. Currently approximately 500,000 tons of material are transported annually by trucks from the Shine Hub on SR 104. It is anticipated that based on local market demand that the quantity of material will increase over time (approximately 10 to 15 years) to 750,000 tons annually of material by ground transport.

Topsoil and surface materials required for site reclamation would be stockpiled on site. Final reclamation of slopes created or disturbed by the mining would range between 2:1 and 3:1 (vertical to horizontal). All slopes and grounds would be prepared in a manner that would allow successful replanting and growing of trees and other vegetation. Reclamation of depleted segments would occur in a timely manner as prescribed under DNR mining reclamation permit requirements.

Maximum mining depth for this proposal is 90 feet. The seasonal high groundwater underneath the proposed mining extraction area ranges between 15 to 100 feet below the existing (pre-mining) ground surface. Mining is not permitted within 10 feet of the seasonal high water level (per condition #11 of Ordinance 08-0706-04). Only extraction activities are allowed in the MRLO (per condition #11 of Ordinance 08-0706-04).

This proposal is for mining sand and gravel that would be conveyed and processed at the applicant's existing Shine Pit and transported to local and regional markets solely by trucks and trailers. It is anticipated that the expected rate of extraction of sand and gravel would deplete the 137-acre mining area in approximately 20 years. If a substantial increase in the rate of extraction would occur this agency shall require that either a new or amended permit be applied for and potentially a new threshold determination under SEPA (per condition #14 of Ordinance 08-0706-04). Finally, the existing Shine Hub Processing area is also required to conform to these 15 conditions of approval along with all requirements of the Unified Development Code (UDC).

Independent of this proposal the applicant has applied to construct a pier on Hood Canal along with a conveyor system -- running north to south --that would transport sand and gravel from their existing Shine Pit to the proposed pier. That proposal (Type III permit), if approved and constructed, would allow the applicant to load sand and gravel onto barges and ships for marine transport to local, regional, intrastate and interstate markets.

Condition #14 of Ordinance 08-0706-04 requires that a full Environmental Impact Statement (EIS) be completed as part of the consideration and review of the Central Conveyor and Pier proposal. Periodic inspection of the mine and its operations by this agency to assure compliance of all conditions of approval would occur pursuant to condition #15 of Ordinance 08-0706-04.

RELATED ACTIONS/PERMITS: Jefferson County has a Type I Stormwater Permit to review for Segments A,B, & C totaling 37.9 acres and is the lead agency for the environmental review of the entire 165 acre proposal under the State Environmental Policy Act (SEPA). SEPA review will include and be based upon previously prepared environmental documents, including the

Supplemental Environmental Impact Statement (SEIS) prepared in the promulgation and adoption of Ordinance 08-0706-04.

The comment period on the Threshold Determination of a MDNS of the modified proposal ends on July 6, 2005. After the SEPA comment period end a decision of the Type 1 stormwater permit may be issued at anytime. There is no Administrative Appeal process under the UDC for Type I permit as specified by Section 8.10(12) of the UDC. Appeal of a Type I permit and the SEPA Threshold Determination requires a Judicial Appeal as specified by Section 8.5(2) of the UDC.

Based upon the nature and design of the modified proposal, the reports submitted, the use of existing processing areas and facilities, the requirements of other agencies with jurisdiction (DNR Reclamation Permit & DOE General Sand & Gravel Permit), the requirements for mining found in the Unified Development Code (existing development regulation), public comments and the findings stated in the Threshold Determination Document, the SEPA Responsible Official has issued a Mitigated Determination of Non-Significance (MDNS) for this proposal.

The Threshold Determination for this modified proposal includes a written document (Memo date March 30, 2005) that analyzes the potential impacts to the natural and built environment for this proposal. To mitigate potential adverse impacts, the following mitigation measures shall be required conditions of approval for subsequent permits issued by Jefferson County. The final decision for the stormwater permit may include other non-SEPA related conditions of approval. All referenced documents are available for review at the Jefferson County Department of Community Development or at the following website:

<http://www.co.jefferson.wa.us/commdevelopment/FHMhome.htm>

Transportation

1. This proposal is for truck transport only. To mitigate the traffic impacts from large vehicles entering onto SR 104 from Rock-to-Go Road, and to maintain the safety and operation of SR 104, transportation improvements will be required. These improvements include a 500-foot center refuge lane and a 12-foot acceleration lane for eastbound SR 104 as specified in WDOT letter dated January 28, 2005. These improvements would be required by 2009 or when level of service falls to LOS (E) on Rock-to-Go Road (a private forestry service road), whichever comes first. The LOS levels would be based on specific annual traffic analysis data that will be performed to the specifications stated in the WDOT letter dated February 8, 2005.

Land Use (Lighting/Aesthetics)

2. Prior to the removal of material from the Wahl Extraction Area, FHM shall implement recommendations from the Lighting and Glare Analysis prepared by Sparling, Inc. (June 2003; Appendix I). This shall include replacing the existing high wattage floodlights located at the vehicle scales, maintenance building and portable trailers be replaced with cutoff floodlights that have extended visors attached to the front of the floodlight. The individual pole mounted floodlight at the operations area shall be replaced with a shielded floodlight. The area light at the on-site residence should be replaced with full cut-off luminaries.

Water

3. Prior to the extraction of material from the Wahl Extraction Area, a groundwater monitoring program prepared to DCD specifications shall be submitted to DCD for review and approval. The monitoring program will be prepared by an independent consultant selected by DCD, but at FHM expense. The monitoring program may include additional test/monitoring well, rain gauges, and stream monitoring stations for Thorndyke creek and the unnamed tributary. Groundwater levels shall be monitored weekly for a year once mining commences in the Wahl Extraction Area, and then monthly thereafter to ensure that mineral extraction does not occur within 10 feet of the actual seasonal high water table level (per Condition 11 of Ordinance 08-0706-04).

Groundwater monitoring data and in-stream flow data will be provided to the Washington State Department of Fish & Wildlife, the WA State Department of Ecology, the S'Klallam Tribe, and interested parties. This data will be analyzed and input will be sought prior to the issuance of any additional stormwater permits in Group 2 and 3, which may include adaptive management measures (such as raising the separation between mining and the seasonal groundwater level if impacts to in-stream flows are identified). In addition, prior to issuance of stormwater permits for mining in Group 2 or 3, DCD will determine whether this Threshold Determination is still adequate.

The applicant will be required to obtain a new WA State DNR Reclamation Permit for the new mineral extraction areas, and an amended NPDES General Sand and Gravel permit from the WA State Department of Ecology.

The following studies were submitted as part of this application: Geologic Report, Wetland Report, Mammal Movement, Visual Analysis, Habitat Management Plan, Stormwater Plan, Noise Study, Lighting Analysis, Transportation Study and site maps. These documents, the complete application for this proposal, the SEIS for Ordinance 08-0706-04, Ordinances 14-1312-02, 08-0706-04, and the complete application for the Central Conveyor and Pier are available for review at the Jefferson County DCD office. Some of the above listed and other information is available at: <http://www.co.jefferson.wa.us/commdevelopment/FHMhome.htm> website.

COMMENT PERIOD AND WHERE TO VIEW DOCUMENTS:

The application and any studies may be reviewed at the Jefferson County Department of Community Development. All interested persons are invited to (a) comment on the application; (b) receive a copy of the decision by submitting such written comment(s)/request(s) to the Jefferson County Department of Community Development, Development Review Division, 621 Sheridan St, Port Townsend, WA 98368, (360) 379-4450.

Comments concerning this application should be submitted to the Department by 4:30 p.m. on July 6, 2005. Comments submitted after this date may not be considered in the staff report.

SEPA INFORMATION:

The optional DNS process of WAC 197-11-355 is being used. This may be the only opportunity to comment on the environmental impacts of the proposal.

Project Planner: G BALLARD, 360-379-4450

For further information, please visit the Jefferson County Department of
Community Development web page at www.co.jefferson.wa.us/commdevelopment/

Date: _____

Al Scalf
SEPA Responsible Official/Director of Community Development
Jefferson County Department of Community Development
621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450- phone
(360) 379-4473 –fax
www.co.jefferson.wa.us/commdevelopment