

## MEMO

DATE: March 30, 2005

TO: Al, Scalf, Director of Community Development

FROM: Greg Ballard, Associate Planner

RE: Staff recommendation of a Threshold Determination of a MDNS for the Wahl Extraction Proposal (MLA 03-377)

The mineral extraction and processing activities known as the Shine Hub commenced around 1959 for the construction of the Hood Canal Bridge. At that time, this activity did not require a permit from Jefferson County or the Washington Department of Natural Resources (DNR). However, upon the adoption of the Surface Mining Act (RCW 78.44) all new mineral extraction commencing after January 1, 1971 became subject to a Reclamation Plan from DNR. The 1993 amendments to the Surface Mining Act required miners to specify the size and depth of the area to be mined. Prior to the adoption of the State Environmental Policy Act (SEPA) in 1971, environmental reviews of proposals were not required.

Jefferson County's Mineral Lands Ordinance 09-0525-95 effective June 5, 1995 designated the 121-acre Shine Hub mineral extraction and processing areas as Mineral Lands of Long Term Significance because it was a current mining operation with a DNR Reclamation Permit. This included a 5 acre pit that was purchased from Jefferson County. Mineral Extraction and primary processing (including washing, sorting crushing, and preparation for transport) was a permitted use in areas designated Mineral Lands of Long Term Significance.

The adoption of the Unified Development Code (UDC) that became effective January 16, 2001 changed the designation of the Shine Hub from Mineral Lands of Long Term Significance to a Mineral Resource Lands Overlay District (MRL). This change did not require a permit for the Shine Hub mineral extraction and processing activities, which are permitted uses in the Commercial Forest with or without a MRL.

Jefferson County began implementing the Washington State Department of Ecology (DOE) 2001 Stormwater Manual on July 1, 2003 through the adoption of Ordinance 02-0210-03 on February 10, 2003. The adoption of the DOE 2001 Stormwater Manual requires a stormwater permit for land disturbing activities that exceed 7,000 square feet or developments that create over 2,000

square feet of impervious surface. Jefferson County's authority to regulate new or amended mineral extraction and processing activities is authorized from the stormwater permit that is required when a development exceeds these thresholds in conjunction with SEPA review where more than 500 cubic yards of material are involved. The County's requirement for a stormwater permit for new or amended mineral extraction and processing areas does not invalidate existing permitted operations and SEPA threshold determination. However, through the processing of a stormwater permit, the County brings these operations into compliance with UDC requirements. The requirement of a stormwater permit often makes Jefferson County the first agency with a permit to issue and would result in Jefferson County usually being designated the lead agency for SEPA (WAC 197-11-932).

The Shine Hub processing center (crushing, screening, storage/stockpile areas, truck loading/hauling areas) is a facility established prior to the requirement of permits or environmental review. Since the inception of the Shine Hub, the facility has operated up to 24 hours a day and 7 days a week based on demand. Mineral processing areas are required to be addressed in the DNR Reclamation Permit to ensure that these areas will eventually be reclaimed. The subsequent DNR Reclamation Permits and environmental checklists completed throughout the years focused primarily on the new or existing mineral extraction areas and not the operation measures related to the established Shine Hub processing areas. The threshold determinations completed by DNR did not place specific limits related to hours of operation or the quantity of material exported from the Shine Hub. Permits required by cities or counties for these activities usually regulate operation measures associated with mineral extraction and processing.

A non-conforming operation is different than a non-conforming use. A non-conforming operation may be a permitted use that does not meet all current rules and regulations (i.e. UDC requirements). This is different non-conforming use, which is a use commenced prior to the adoption of the UDC, which is listed as a "NO" (prohibited use) by Table 3-1 – Allowed and Prohibited Uses of the UDC. Between "Yes" (permitted) and "No" (prohibited uses) are Conditional Use Permits. Conditional Use Permits are intended to provide flexibility in the use regulations where a use may be appropriate in a District under certain circumstance but inappropriate in the same district under other circumstances.

The Shine Hub has continually operated without significant modifications. Mineral processing is listed as a "YES" (permitted use) by Table 3-1 of the UDC (page 3-70) in an area designated Commercial Forest with a MRL. Although the designation of a 690-acre MRL through the adoption of Ordinance 08-0706-04 requires noise and lighting impacts from the Shine Hub to be addressed, this does not mean that Jefferson County has any permit to issue for the Shine Hub processing activity.

FHM is running out of material from the mineral extraction areas near the Shine Hub for its existing truck-based operation and wants to move its mineral extraction to a verified gravel source (Wahl Extraction Area) that is out of view of neighbors and further away from residences, thereby lessening potential noise impacts. This should decrease the off-site impacts from the mineral extraction activity.

Mineral extraction within the Wahl Extraction Area (MLA 03-377) is listed as a “Yes” (permitted use) by Table 3-1 of the UDC (page 3-70) in an area designated Commercial Forest with a MRL. The proposal exceeds the categorical exemption from SEPA under Section 8.10(6)(2) of the UDC for excavating 500 cubic yards. Based on the Table 3-1, the reduced off-site impacts from the proposal, and the quantity of material to be excavated this proposal is being reviewed as a Type I Stormwater Permit with SEPA.

Because mineral extraction and processing activities are listed as “Yes” (permitted use), the non-conforming use requirements found in Section 4.26 of the UDC are not applicable for these activities. The passage of Ordinance 08-0706-04 in July 2004 requires all mineral extraction activities within the MRL and the Shine Hub processing to be in compliance with the UDC and all applicable codes and ordinances. By meeting all these requirements the mineral extraction and processing activities at the Shine Hub and Wahl Extraction Area would be conforming uses and conforming operations.

Prior to Jefferson County having a stormwater permit as of July 1, 2003, the DNR was responsible for the issuance of permits and environmental review for the mineral extraction adjacent to the Shine Hub processing area. This included a 23- acre mineral extraction proposal located south and east of the Shine Hub that DNR, as the lead for the environmental review, approved with a DNS on September 28, 2000. At this time, the County did not require a stand alone stormwater permit, but did require land disturbing activities to comply with Best Management Practices. This brought the total acreage of the Shine Hub to 144 acres with DNR reclamation permits.

A Conditional Use Permit (ZON 98-41) for an asphalt plant (Ace Paving) was approved by Jefferson County Department of Community Development (DCD) on June 29, 1999. This included a Mitigated Determination of Non-Significance (MDNS) issued by Jefferson County on June 1, 1999.

A 2004 mineral extraction proposal (MLA 04-549) with less than 10 acres disturbed at any one time was the first mineral extraction proposal by FHM that required a stormwater permit under the UDC. When reviewing this stormwater permit, DCD reviewed the proposed mineral extraction for compliance with all UDC requirements, specifically Environmentally Sensitive Areas (Section 3.6.4) and Mining Performance Standards (Section 4.24) of UDC. on the technical stormwater requirements of a mining because the General Sand and Gravel Permit required by DOE meets or exceeds the county stormwater requirements.

Jefferson County was the lead agency under SEPA because the County was the first agency to have a permit to issue. Jefferson County issued a Determination of Non-Significance (DNS) for this proposal. This permit was issued on November 19, 2004

This threshold determination for Wahl is based on the probable impacts from the extraction of material at the 165-acre site, which includes the impacts of the construction of a conveyor for the transport of material from the mining area to the Shine Hub processing area. Many of the

impacts associated with mineral extraction in the Wahl area have been already addressed through the non-project Environmental Impact Statement (EIS) completed for comprehensive plan amendment for a 690-acre MRL (MLA 02-235).

There was opportunity for public participation regarding the adoption of a MRL within and extraction within the Thorndyke Tree Farm related to MLA 02-235. The Planning Commission held a public hearing for MLA 02-235 on August 21, 2002, and this hearing was attended by approximately 350 individuals. Approximately 264 written and e-mailed comments were received regarding this proposal. The Jefferson County Board of County Commissioners (BOCC) held public hearing for MLA 02-235 on December 5, 2002 that was attended by over 300 individuals. On December 13, 2002, the BOCC approved the 690-acre MRL Comprehensive Plan Amendment (MLA 02-235) through Ordinance 14-1213-02.

This decision was appealed to the Western Washington Growth Management Hearings Board. The Hearings Board found deficiencies of the earlier environmental review of Comprehensive Plan Amendment (MLA 02-235). A Draft Supplemental Environmental Impact Statement (DSEIS) was widely distributed and was issued on March 3, 2004. Six comments were received by the April 2, 2004 comment deadline. The Final Supplemental EIS (FSEIS) addressed comments received and made clarifications to the DSEIS. The FSEIS was issued on May 12, 2004. The Supplemental EIS was completed that supplements previous SEPA documents prepared in conjunction with adoption of the Comprehensive Plan Amendment (MLA 02-235) in 2002. The BOCC accepted additional written and oral comments to re-examine their decision to adopt a 690-acre MRL based on the new environmental information. The county received 129 written comments regarding the proposal. The public hearing held by the BOCC on June 9, 2004 was attended by approximately 250 individuals. On July 6, 2004 the BOCC approved the 690-acre MRL with 15 conditions of approval through Ordinance 08-07-06-04.

There were three public hearings provided by Jefferson County in conjunction with the 2002 Comprehensive Plan Amendment for a MRL (MLA 02-235) in the Thorndyke Tree Farm. This provided the public with opportunities to express their views on the comprehensive plans amendment along with the anticipated mineral extraction associated with the proposal. The public's views were considered in the County's decision process.

The non-project EIS completed for Comprehensive Plan Amendment (MLA 02-235) addressed the natural and built environment (WAC 197-11-444) for three alternatives: Proposed Action, Approved Action, and No Action. The non-project EIS addressed the impacts that different mining regulations for mining would have on the three different alternatives.

Based on the EIS and the information in the record, the Jefferson County Board of County Commissioners approved MLA 02-235 (Approved Action Alternative) through Ordinance 08-0706-04 on July 6, 2004 with 15 conditions of approval for the 690-acre MRL.

FHM activities in the Wahl Extraction Area are governed by Ordinance 08-0706-04. All of the conditions included in Ordinance 08-0706-04 are applicable. Condition No. 1 of Ordinance 08-

0706-04 requires compliance of the Wahl Lake Extraction area with all requirements of the UDC. Condition No. 2 of Ordinance 08-0706-04 subjects the 144-acre Shine Hub to UDC operational requirements (as a matter of policy). Condition 9 requires third party inspection reports to Jefferson County "...to assure compliance with the conditions of approval and mitigation measures of applicable codes, statutes and ordinances." Condition 14 of Ordinance 08-0706-04 requires that any permit issued (for extraction in the MRLO) "...shall be based on the transportation methods and rate of extraction stated in the project application." This Stormwater Permit application is for ground based transport of excavated materials only.

Because the EIS completed for MLA 02-235 was for a non-project EIS, a project-specific environmental review is now required for the Wahl Extraction Area. In the context of SEPA, the term environmental review means a threshold determination, as defined by WAC 197-11-330, and is required for this project specific mining application. The SEPA Responsible Official has made the threshold determination after considering the previous environmental review for the MRL designation, MRL conditions, the requirements of other agencies with jurisdiction (DNR Reclamation Permit and DOE General Sand & Gravel Permit), the existing development regulations (including requirements for mining found in the UDC), environmental study data submitted as part of the application, and comments received on the Notice of Application (NOA).

The threshold determination is based on whether the proposal would have any probable significant adverse impact(s) after any required mitigation is imposed, incorporating the existing requirements in place for the proposal under Ordinance 08-0706-04.

The Wahl Extraction Proposal (MLA 03-377) is located within the approved comprehensive plan amendment for a 690-acre MRL processed through MLA 02-235, which includes 15 conditions of approval. A Draft Supplemental EIS was completed by Jefferson County DCD for MLA 02-235 on March 3, 2004. The Final Supplemental EIS was issued on May 12, 2004. The Final Supplemental EIS for MLA 02-235 is adopted by reference into this threshold determination. The natural and built environments for the Approved Alternative Section of the EIS specifically apply to this project-specific mining application.

### **Summary of Potential Impacts from the proposal:**

**EARTH:** The County's GIS mapping indicates that the Wahl Extraction Area is not located within areas with geologically hazardous areas as defined by Section 3.6.7 of the UDC. The County's GIS mapping is based on the percent slope of this area and the type of soil. The reclamation of the site will ensure that the final slopes are stable and appropriate for this type of material. No geotechnical report was required for this proposal.

The total disturbed area defined by RCW 78.44.031(5) for the proposed mineral extraction shall not exceed 40 acres at any one time as per Condition of Approval 12 from Ordinance 08-0706-04. Mineral extraction is regulated by the DNR through a Reclamation Permit. A reclamation narrative has been provided as part of this proposal. This includes stockpiling of topsoil that

ranges between 0 to 16 inches deep over the mining area. Annually reclaimed areas will be planted with Douglas fir trees except for north facing slopes where red alders will be planted. Random pockets of open space areas will be planted with grass for wildlife habitat. Fertilization of reclaimed areas may be necessary based on the thin layer of topsoil found in the area. The proposal includes final reclamation slopes not to exceed 2:1 (horizontal to vertical).

One of the reasons why the County completed an EIS for the comprehensive plan amendment for a MRL was to address the impacts to the earth environment, which is part of the very nature of a mining proposal. The non-project EIS for MLA 02-235 indicated that mining under all three alternatives would result in unavoidable adverse impacts to earth elements. One of the impacts is that mining activities would result in the removal of the identified non-renewable mineral resources. Another impact from mining is that the removal of trees and topographic alteration that would occur during the life of any mining activity would impact the subsequent productivity of the forest areas for several years. The Wahl application has included specific information such as the reclamation information that will reduce impacts to the earth.

**AIR:** Dust and air emissions from the Shine Hub processing center (asphalt plant, crushing, screening, storage/stockpile areas, and truck loading/hauling areas) have already been reviewed through the permits and threshold determinations issued by DNR. Dust and air emissions from the Wahl Extraction Area would be controlled by an air permit required from the Olympic Region Clean Air Authority (ORCAA). FHM currently has a permit from the ORCAA for its Shine Hub operation.

The ORCAA has three general requirements:

1. Procedural (i.e. obtaining permits for crusher, sorters, asphalt plant, etc.);
2. Prohibitions (i.e. not having dust leave the land owners properties and impacting adjacent land owners);
3. Performance standards (i.e. watering down haul roads).

Generally, dust from the mineral extraction without processing (like scooping up sand or gravel and putting into a truck) is Jefferson County's responsibility to control.

The 690-acre Wahl Extraction Area is located within the 21,000-acre Thorndyke Block of Pope Resources 72,000-acre Hood Canal Tree Farm. The conveyor belt system will be covered over its entire length to keep water from diluting the sand and gravel. Potential dust impacts to adjoining property owners would be less from the Wahl Extraction Area since it is over a mile from the existing mineral extraction areas close to the Shine Hub and even further away from the closest residences. In addition, there is a forested area between the Wahl Extraction Area and the closest residents located near SR 104 and Shine Road. The forested areas help catch potential fugitive dust and help ensure that dust does not leave Popes Resources properties and impact adjacent residences. In sum, the additional distance of Wahl would reduce any dust impacts.

If dust from the Wahl Extraction Area becomes a problem, ORCAA has the ability to issue fines for any nuisance through its general requirements. The proposal, which has been required to have

a water truck on-site to control dust from the mineral extraction areas, is not likely to result in a probable significant adverse impact to air.

**WATER:**

**WETLANDS:** A Wetland Delineation and Biological Inventory (March 30, 2003; Appendix C) prepared by Krazan and Associates was submitted for this proposal. This report addresses impacts to wetlands from the Wahl Extraction Area and 1.25-mile conveyor.

Concerns related to the impacts on wetlands from mineral extraction were raised during the informal public review and routing of the Wahl application. No mineral extraction within the Wahl Extraction Area would occur within wetlands or their required buffers. Wetland buffers range between 200 to 300 feet and represent 19 acres of the 165-acre Wahl area. Information submitted indicates wetlands in the area are comprised of perched aquifers fed by surface run-off and not from groundwater. Information from test wells and test pits indicate that the underlying silty and organic rich material that creates the wetlands do not extend more than 40 feet from the wetlands boundaries. In addition, the wetland buffers zone would protect the water regime of these wetlands. Additional information prepared by GeoResources (March 3, 2005; Appendix B), submitted by the applicant in the form of a cross section utilizing well and test pit samples, show that there is no till layer in the northeastern corner of the mining area that is up gradient from the wetland that would interrupt water supplied to the wetland. Information also shows that the mining would not impact the hydrology of the wetlands.

**STREAMS:** Groundwater is located 15 to 100 feet below the existing ground surface. Mineral extraction is not permitted within 10 feet of the season high groundwater level (per Condition 11 of Ordinance 08-0706-04). The typical depth of mining will be 20 to 60 feet in depth with a maximum vertical depth of extraction of 90 feet. Concerns regarding potential impacts to Thorndyke Creek were addressed through the comprehensive plan amendment process (MLA 02-235), which included having a 500-foot setback from the main stem of Thorndyke Creek and keeping mining 10 feet above the season high water table level. A letter dated November 20, 2002 from Tom Culhane, hydrologist with the DOE, confirmed this conclusion.

Seasonal water data has been provided from June 1998 to April 2003. Some concerns were raised during the informal public review and routing of the Wahl application that the seasonal high water mark depicted in the Hydrogeology Report may be inaccurate due to the region's relatively dry period. Additional precipitation data will be submitted for the period prior to 1999 to help establish the seasonal high water table, which the operation is to remain 10 feet above.

Additional information submitted by the applicant indicates that the 137 acres of mineral extraction of the Wahl Extraction Area comprises two percent of the Thorndyke Creek watershed area and that a maximum of 40 acres of the extraction area (in various stages of reclamation) would be disturbed at anyone time. In addition, information from the applicant indicates that precipitation from the area to be mined currently travels rapidly (a matter of days)

through the unconsolidated sand and gravel. The sand layer below would remain intact and leave approximately 800 feet of horizontal area for water to travel to slow or meter flows to Thorndyke Creek. The area of the proposed mineral extraction does not contain any surface water bodies. Berms, infiltration swales, and low areas in the reclaimed areas will ensure that even during a 100-year storm event no stormwater would leave the mineral extraction areas or conveyor route. This exceeds DNR reclamation permit requirements that stipulate stormwater facilities to accommodate a 25-year storm event.

**GROUNDWATER:** The existing operation would not change except for where the excavated material is being obtained. The groundwater usage of the facility is dependent upon how much water is needed for employees, how much is needed to process the material, and how much water is needed to keep fugitive dust under control.

Based on 3-5 additional employees from this proposal, this would result in only a minor increase in water usage at the facility. The water needed to process material is primarily through the wash plant, which largely utilizes recycled water.

Based on the quality and depth of sand and gravel found in the Wahl area, it is not anticipated that more area will be needed to be disturbed to obtain the desired quantity of material than the current extraction area located near the Shine Hub. Moving to a known area for gravel could improve the existing situation, which hinges on finding usable pockets of sand and gravel adjacent to the Shine Hub. Also, moving from the open face extraction area near the Shine Hub to an area further away from the residents and into a relatively flat forested area may reduce the water needs to control fugitive dust. The total water usage for Fred Hill Material mineral extraction and processing activities shall not exceed the 5,000 gallons a day for the exempt well at the Shine Hub. DOE reviews the metering of the well to ensure that this limit is not being exceeded. If the need for water from the exempt well exceeds the 5,000 gallons a day, FHM has the option of obtaining additional water rights from DOE or water from an approved source (such a municipal water system) delivered by water trucks. It is not anticipated that water usage for FHM's mineral extraction and processing activities will change by moving the mineral extraction to the Wahl Extraction Area.

A Geologic and Hydrogeologic (CARA) Report completed by GeoResources, LLC (May 19, 2003; Appendix B) addressed the nature and quality of the sand and gravel deposit found in the Wahl Extraction Area. This report also addressed the hydrogeologic conditions of the area from the 100 test pits and 19 well borings conducted. The report also examines potential impacts to surface water, including the wetlands and Thorndyke Creek located adjacent to the Wahl Extraction Area. Additional information in the form of cross sections based on soils found in test pits and well boring, prepared by GeoResources (March 3, 2005), showed that extraction would not alter the hydrology of the wetlands located adjacent to the Wahl Extraction Area. The report also indicates that by keeping mining 10 feet above the underlying water table and by using monitoring wells to monitor groundwater, and stormwater controls, that the proposal will not create any significant adverse impacts to aquifers, aquifer recharges or the hydrology of Thorndyke Creek.

A DRASTIC Evaluation (August 19, 1998; Appendix B) was conducted by Robinson and Noble, Inc. for a 100-acre study area centered around the then-proposed Ace Asphalt plant near the Shine Hub. The DRASTIC Evaluation resulted in a DRASTIC index of 149, well below the index of 180 that defines a Susceptible Critical Aquifer Recharge Area per Section 11.50 of the Jefferson County Critical Area Ordinance (CAO), now incorporated into the UDC.

Based on the nature of the Ace Paving proposed asphalt plant (CUP processed through ZON 98-41) and potential impacts to drainage surface water bodies, a detailed Critical Aquifer Recharge Report was conducted by Robinson and Noble, Inc., on February 25, 1999 (Log item 12). This Critical Aquifer Recharge Report contained seven elements required by Section 11.502 of the CAO and concluded that the study area overlies an isolated water table that only has one well utilizing the aquifer that supplies water to the FHM Shine Hub operation. The study also concluded that mining and processing activities would not impact aquifer recharge. Finally, proposed activities would not impact ground or surface water given the required Best Management Practices (BMP).

A supplemental report was prepared by Robinson and Noble (June 3, 1999; Log item 13) addressing concerns raised by the Bridgehaven Community Club Association Water Utility Commission. This report concluded that the asphalt plant would not impact Bridgehaven's well located approximately 11,000 feet southeast of the proposed asphalt plant.

**WATER RUN-OFF (INCLUDING STORMWATER):** An engineered Stormwater Pollution Prevention Plan (April 18, 2003; Appendix G) was prepared by Team 4 Engineering for the Wahl Mineral Extraction Area and the 9-acre southeast/southwest conveyor route. This report included location; description of proposed development; pre-development site conditions; upstream analysis; downstream analysis; overview of proposed stormwater management strategies; technical requirements; hydrological analysis; and erosion and sediment control.

The existing mineral extraction and processing activity (including the crushers, sorters, wash plants and asphalt plant) are covered under a DOE Sand and Gravel General Permit (WAG 50-1120; Log item 10). This permit will be revised to include the Wahl Extraction Area and the conveyor to transport the material to the Shine Hub for processing. This permit addresses three different types of stormwater: Type 1 stormwater that never comes in contact with the mining or processing areas; Type 2 stormwater that comes in contact with mined and stockpile areas; and Type 3 stormwater that comes from impervious surfaces around the operation facilities. Type 1 and 2 stormwater are infiltrated on-site with no surface discharge. Type 3 stormwater includes oil/water separators, sedimentation ponds (that also provide for emergency containment), bio-swales, and the eventual recycle of water for processing activities.

Another component of the DOE Sand and Gravel General Permit are Best Management Practices (BMPs). The base level of operational BMPs includes good housekeeping procedures, preventative maintenance, spill prevention, emergency clean up, inspections, and employee training. The BMPs selected for this site are found in the Stormwater Pollution Prevention Plan (revised in October 1999). BMPs meet the requirements found in Section 6.17 of the UDC.

The DOE Sand and Gravel Permit would be updated as a result of this proposal. Condition #10 of Ordinance 08-0706-04 limits the activity in the 690-MRL to mineral extraction and transport only. This would adequately address stormwater impacts from the Wahl Extraction Area since the processing of the material will occur at the Shine Hub processing area, which already has needed stormwater improvements. This is based on no run-off leaving the site, more intensive processing activities already being regulated, and mineral extraction having minimal impact on stormwater. Finally, reclamation of the mined areas will also minimize stormwater impacts. The proposal is not likely to result in a probable significant adverse impact to water.

**PLANTS/ANIMALS:** The area for the proposed mineral extraction is located in an active, privately owned, commercial tree farm. The Wahl Extraction Area, located in an area of second- and third-growth that has been logged in the past 10 years, is outside of known territories of priority species. A Mammal Movement Study (Appendix D; March 14, 2003) has been prepared for this proposal. This study examined the impacts that a 1.25-mile conveyor could have on large animal movement and outlines conveyor crossings to allow for large mammal movement through the area. Four-foot high conveyor crossings are proposed every 300 feet ( $\pm 100$  feet); six-foot high conveyor crossings every 900 feet ( $\pm 100$  feet).

A Habitat Management Plan (Appendix F; March 17, 2003) was prepared by Robbyn Myers and submitted as part of this proposal. The Habitat Management Plan (HMP) examines potential adverse effects on fish and wildlife from the proposal and identifies two mitigation measures. In preparation for mining, trees will be removed just before areas are needed for mining. Issues related to wildlife will be addressed through Forest Practice Applications required for the removal of trees. The applicant is planning on having 11 segments of 12 to 15 acres in size, with a maximum of 40 acres disturbed at any one time. Progressive reclamation would entail approximately the same amount of mined areas as those areas being prepared for mining. Rather than holding off reclamation until an entire area has been mined, mined/expired areas will be recontoured and replanted for future commercial timber production conducted by Pope Resources, the landowner, which requires viable tree growth and production in reclaimed areas. Slower or less vigorous tree growth in previously mined areas may require the application of fertilizer to obtain pre-mining forest conditions. This proposal was routed to Jeff Davis of Washington State Department of Fish & Wildlife and there were no concerns raised regarding impacts to wildlife from this proposal. There is no evidence that the re-establishment of trees in the area would result in a probable significant adverse impact to plants or animals in the tree farm area.

**ENVIRONMENTAL HEALTH:** Noise is addressed in the performance standard for mining found in Section 4.24(6) of the UDC stating that, "All extraction and reclamation activities that create a noise disturbance must take place between 7 a.m. and 7 p.m. on weekdays, unless extended hours of operation are authorized for emergency purposes by the Administrator. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property or the persons having the quiet use and enjoyment of that adjoining property."

A Noise Study prepared by Environalysis (October 2002; Appendix H) during the processing of Comprehensive Plan Amendment for a 690-acre MRL (MLA 02-235) indicates that the

operation does not exceed the maximum permissible environmental noise levels. The possible exceptions would be those rare instances when a weather inversion has occurred and winds shift from predominantly north/south orientation to an east/west orientation, which the study shows occurs very few hours of the year (see pages 18-21). Also submitted as part of the Wahl Extraction proposal (MLA 03-377) is a supplemental Noise Study by Environmental Analysis (February 2003; Appendix H), indicating that noise levels will be reduced by 2 to 10 dBA by having the front-end loader and conveyors associated with mineral extraction operating at the Wahl Extraction Area over a mile further away from residences.

With maximum environmental noise levels below 50 dBA, there would be no restrictions on hours of operations under the Section 4.24(6) of the UDC. If new equipment or changes to the configuration of the operation (i.e. moved stockpiles, re-located equipment/loading areas, removed berms, etc) occur and results in increased noise levels over what was analyzed through existing noise studies, then additional noise studies may be required to ensure that noise standards are not violated. In addition, Condition of Approval 2(a) from Ordinance 08-0706-04 holds that mineral extraction and processing activities to the higher King County noise standard. This includes a standard of 57 dBA from 7 a.m. to 7 p.m. on weekdays and 47 dBA all other times. As designed and conditioned, the proposal is not likely to result in a probable significant adverse impact to noise/environmental health.

**LAND/ShORELINE USE:** Mineral extraction is a use that is consistent with forestry use as outlined in the Jefferson County Comprehensive Plan. The UDC is the implementing development regulations for the Comprehensive Plan. The UDC lists mining as a permitted use in areas designated Rural/Commercial Forest. The subsequent use of the area to be mined is timber production. The site is not located within a shoreline jurisdiction.

The current extraction area at the eastern edge of the Shine Hub is within three-quarters of a mile from the closest residence and in a highly visible location. The Wahl Extraction Area is located over a mile southwest of the Shine Hub in a forested area further away from residences and not in a visible location. Based on the noise study, it is anticipated that noise levels will be reduced by 2-10 dBA by moving the excavators and conveyors to the Wahl Extraction Area and further away (in generally the opposite direction) from residences located three-quarters of a mile to the north and east of the Shine Hub. Changing where the material will be extracted will not increase the level of activity or the amount of material being processed and transported from the Shine Hub, an existing permitted facility that has been reviewed under SEPA. This quantity is based upon normal increases in market demand. Moving the excavation material to the Wahl Area should not result in an increase in off-site impacts. In addition, no probable significant adverse impacts that cannot be mitigated have been identified with this proposal. The proposal is not likely to result in a probable significant adverse impact to land use or shorelines.

**AESTHETICS:** A Visual Impact Analysis (June 2003; Appendix E) prepared by Reid Middleton was submitted with this proposal. Based on the existing topography, vegetation, and distance from public roads and surrounding properties, the report indicated that the Wahl Extraction Area is not visible outside of the Pope Resources property. The Visual Analysis also

provided a simulation of how the reclaimed mineral extraction areas adjacent to Shine Hub would reduce visual impacts of Shine Hub processing activities.

A Light and Glare Analysis was prepared by Sparling, Inc. (June 2003; Appendix I) to study lighting impacts associated with mineral extraction from the Wahl area, conveyor and existing processing activities at the Shine Hub. The report indicates that the primary lighting impact would be from vehicles traveling from the Wahl Extraction Area to the Shine Hub. Based on an additional 3-5 employees anticipated with this proposal, there are not many trips anticipated on this road. Lighting is recommended to be located underneath the top of the conveyor to reduce visibility above the plane of the conveyor.

The main suggestion relating to lighting impacts has to do with the existing Shine Hub processing area. Approval of Condition 2 (b) from Ordinance 08-0706-04 requires lighting from the existing Shine Hub to meet high lighting standards in accordance with the International Dark Sky Association, the recognized authority for outdoor lighting standards. The Light and Glare Analysis recommends that existing lighting be modified to reduce lighting impacts from the processing area. The existing luminaries do not utilize any shielding, lenses or reflectors that reduce the amount of off-site glare or direct light emitted into the atmosphere. The report recommends that 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 operation s area should be replaced with a shielded floodlight. The area light at the on-site residence should be replaced with a full cut-off luminaire. As such, the impacts to off site glare and direct light emitted into the atmosphere will be minimized as specified by Condition 2(b) of Ordinance 08-0706-04.

By requiring the recommendations from the Light and Glare Analysis be met, the proposal is not likely to result in a probable significant adverse impact to aesthetics.

**HISTORICAL & CULTURAL PRESERVATION:** No historic or cultural impacts have been identified within the proposed mineral extraction areas. The proposal is not likely to result in a probable significant adverse impact to Historical and Cultural Preservation.

**TRANSPORTATION:** The application indicates that the amount of truck-based material is currently 500,000 tons annually. Over the next 10 to 15 years, the quantity of material is expected to increase to 750,000 tons a year, subject to market demand. The environmental checklist indicates that 3-5 additional employees would be required as part of this proposal. Material from the Wahl Extraction Area will be transported by conveyor belt to the existing Shine Hub processing area. The operation currently has access to Highway 104 from Rock-to-Go Road (a private forestry service road). Changing the mineral extraction site to the Wahl Extraction Area will not result in an increase in the quantity of material transported from the Shine Hub processing facility.

A Transportation Report (June 2003; Appendix J) prepared by Reid Middleton was submitted with the proposal. The Transportation Element of the Jefferson County Comprehensive Plan

addresses the impacts to state highways and the relationship between Jefferson County and the Washington State Department of Transportation (WDOT). Concurrency occurs when transportation facilities needed to accommodate growth/change are provided as development occurs. The county only requires concurrency with county owned facilities. The coordination between Jefferson County and WDOT regarding state highway capacity is addressed primarily through the Peninsula Regional Transportation Plan and the SEPA process. This proposal along with the Transportation Report was routed to WDOT, which provided two letters dated January 28, 2005 and February 8, 2005. These letters indicated that 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. 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 required by WDOT. This condition is required to mitigate the traffic impact of the proposal on SR 104 below a probable significant adverse impact to transportation. By requiring the WDOT recommended improvements to SR 104 as a mitigation measure required under SEPA, the proposal as conditioned will not result in probable significant adverse impacts to the transportation system.

**PUBLIC SERVICES:** The proposal will not require any additional public services. The proposal is not likely to result in a probable significant adverse impact to public services.

**UTILITIES:** All utilities are existing from the Shine Hub area. Underground utilities would be extended from the Shine Hub to the Wahl Extraction Area within the 60-foot easement for the access road/conveyor. The proposal is not likely to result in a probable significant adverse impact to utilities.

The following studies were submitted as part of the 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 along with the SEIS for the MLA 02-235 are available for review at the Jefferson County DCD office or at the following web address <http://www.co.jefferson.wa.us/commdevelopment/FHMhome.htm> website

Based upon the nature and design of the 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), informal public comments and the findings stated above, the SEPA Responsible Official has issued a Mitigated Determination of Non-Significance for this proposal.

The Threshold Determination for this proposal is based on the information in the record and comments received. The rationale for the threshold determination is provided in this memo, which 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 permit 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 a full cut-off luminaires.

#### Water

3. Prior to the extraction of material from the Wahl Extraction Area, a groundwater monitoring program prepared to DCD specifications and shall be submitted to DCD for review and approval. The monitoring program prepared by an independent consultant selected by DCD, but prepared at FHM expense. The monitoring program may include additional test/monitoring well. 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).

Any questions should be directed to Greg Ballard, Associate Planner with the Jefferson County Department of Community Development at (360) 379-4492 or [gballard@co.jefferson.wa.us](mailto:gballard@co.jefferson.wa.us)