Stakeholder Group Meeting
Thurston County Mineral Lands Project

Wednesday, October 3, 2018
1:00pm – 4:00pm
Thurston County Public Works
Building B, First Floor, Chehalis Room
9605 Tilley Road S., Olympia, WA 98512

In Attendance:

Mary Castle	*Weyerhaeuser*	Dean Smith	*Lakeside Industries*
Eric Kittlsby	*Miles S&G*	Kyler Danielson	*Lakeside Industries*
Dave Lewis	*Miles S&G*	Ben Dennis	*Instream Conservation*
Katrina Van Every	*TRPC*	Martin McCallum	*Citizen*
Mark Hancock	*Segale Properties*	Howard Glastetter	*Nisqually Valley Citizen*
Greg Schoenbachler	*Citizen*	Maya Teeple	*Thurston County*
Sue Danver	*Black Hills Audubon*	Allison Osterberg	*Thurston County*
James Essig	Granite Construction		

Mineral Resource Lands Overview and Q&A

Maya gave an overview of the mineral lands process and where we are currently at.

- The mineral lands stakeholder meeting serves as a sounding board and to stimulate discussion and alternative areas of research. The group has met previously 7 times, discussing the inventory and classification update and designation of mineral resource lands. In this meeting, the stakeholder group is discussing policy for mineral resource lands.
- This meeting is shifting from our last two meetings where we talked about parks. Today's focus is on the current permit process for a new or expanding mine, and the hydrogeological recommendations report on 17.20 TCC.

The mineral lands update is one piece of the Comprehensive Plan Update. When updating the Comprehensive Plan, staff are guided by several goals under the Growth Management Act (GMA). In this group, we have primarily focused on the natural resource industries goal. However, as staff we are considering several goals that we are required to plan for under the GMA. Allison reviewed some of the goals that guide the County planning process:

- Urban Growth – Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner
- Open Space and Recreation – Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- Historic preservation –Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.
- Natural resource industries – Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- Environment – Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

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Mineral Resource Lands – Discussion on Permit Process

Staff reviewed the permit process flowchart, and then asked if there are areas where people feel requirements are either duplicated, or could be strengthened. We broke our conversation up into three primary sections: pre-operation/application, during operation, and post operation. We have control over the County process, but it is important to consider the processes of Ecology and DNR since these agencies are also heavily involved in the permit process for a new mine. The bullet points below represent points presented during the discussion.

Application Stage:

- ORCAA is responsible for air and dust control permits.
- (https://www.orcaa.org/public-records/registered-business-sources/)
    - Could be paired with Department of Ecology process, or its' own separate process.
    - Generally the ORCAA permit would occur towards the end of the DNR approval.

- There is one SEPA process for all agencies involved with a permit.
    - Typically in Thurston County, the County will be the lead agency for the SEPA process. Other agencies are notified and can comment in.
    - DNR or Ecology could serve as lead agency for SEPA, depending on circumstances of the permit.
    - SEPA is a good time to bring up additional considerations, because the operator is required to find answers.

- Water Rights
    - Ecology comes into water rights later in the process.
    - Sometimes, an operation can have a waiver, depends on activity/usage.

- Reclamation Plan
    - DNR does not have authority over land use and zoning when it comes to reclamation planning; this is the jurisdictions authority
        - Currently the County specifies that final rehabilitation shall conform to zoning regulations at the time of implementation.
        - Does the County need to specify additional conditions for areas of Long Term Agriculture?
    - Reclamation plans are site-specific and very detailed.
    - DNR has security measures to ensure reclamation, which can be a security bond or an alternative method.
    - In 1997, DNR released a BMP guide for reclamation in Oregon and Washington State: https://www.dnr.wa.gov/publications/ger_ofr96-2_best_management_practices.pdf.

- Spill Control & Site Plans
    - Spill control plans and site management plans are required on site by Ecology.
    - Thurston County also requires spill plans.

- Hydrogeological Report
    - County should consider a feasibility study of hydrogeological report. Cost, time and expertise may be a barrier to small operators. Consider how much additional cost new requirements would add.
    - DNR has a recommendations report for hydrogeological reports. The County and DNR should ensure consistency in what they ask for in reports.
        - https://www.dnr.wa.gov/publications/ger_smr_form_sm-8a_inst.pdf?cdgucpiudi

- A robust hydrogeological report will be the basis for the rest of the process and conditions that come out of it.
    - Conditions for an operation should be based off of the hydrogeological report and site-specific conditions, as opposed to outright blanket conditions set for all mines.
- Breaching of confining layer is a listed consideration in the hydrogeological memorandum.
    - Is it the County's responsibility to take additional action in events where confining layer is breached?
    - Ecology addresses breaching of confining layer. In the event an operation breaches confining layer, they are not covered by the general permit; there are additional requirements.
- Baseline Conditions:
    - Currently most operating mines do not have a good set of baseline conditions for water levels and qualities. Regulations have changed over the last several years for mining operations.
    - Baseline levels could serve as a point of reference to prove when water quality or quantity is impaired.
    - It may not make sense for a mining operation to install groundwater monitoring wells prior to receiving a permit if they are not sure that the project will be approved. It is more expensive than an exploratory boring.
        - Some support the idea of asking for baseline conditions, with the exception that it be done after a permit is received, rather than part of the precursory hydrogeological report.
        - Could use exploratory boring drills to establish locations where groundwater monitoring could be set.
        - Requiring it before a permit is issued – cost barrier.
    - What would the distance, timing and frequency of baseline monitoring be?
        - Generally, at least one point-in-time for both wet and dry season.
        - Dependent on the operation and site conditions. The hydrogeological report should inform what baseline and continued monitoring looks like.
- Groundwater monitoring and well information for the hydrogeological report:
    - County could support operations by making data and modeling available.
    - Groundwater modeling may be good for the County to use, but caution in releasing to public. Modeling often makes assumptions and could be abused.

- Cumulative Effects Analysis
    - An effort to balance our current GMA goals, recommendations report is one suggestion for an approach.
    - Some suggested this should be addressed during SEPA.

- How often are the agency permits reviewed:
    - Ecology reviews the General Permit every 5 years. Was modified last in early 2018.
    - DNR reviews every 10 years.

<u>During Operation Stage:</u>

- Handling complaints/violations and overall operation monitoring

- DNR often receives complaints regarding noise, traffic, light, hours of operation. Forwards these to the local jurisdiction.
- County currently does annual reviews on fuel/hazards, but not other permit conditions. Other conditions generally reviewed at the 5-year review stage.
- What capacity does the county have for monitoring additional requirements of a permit?
- Additional monitoring requirements (groundwater, well, surface water, noise) mean nothing if they are not enforced. County's responsibility to ensure enforcement for what's required under their special use permit.
- ORCAA responsible to enforce dust/air.

- Monitoring Stage
  - Information sharing should be encouraged (Ecology, DNR, local jurisdiction) so requirements aren't duplicated.
    - What does the County do with information from another agency?
    - DNR Geologic information portal will be updated with permitting documents in the future. You can currently view locations of active surface mine permits: https://geologyportal.dnr.wa.gov/
  - Ecology regularly monitors for water quality. There are daily water monitoring requirements, and monthly monitoring requirements for TSS and TDS. These are reported quarterly.
  - The County determines monitoring requirements as a condition of the Special Use Permit.
    - Many stakeholders suggest that monitoring should be determined based on the site-level conditions and operation size; should not be a blanket requirement for all mines.
    - Water quantity and well monitoring mainly County, not currently done by Ecology (under General Permit) but may be in future.
    - Water quality – County has some requirements determined by SUP.
      - Could ask that when an operator submits monitoring reports to Ecology that they are submitted to the County, reduce redundancy.
      - County should determine requirements based on the type of operation at the individual permit scale.
      - If there is a base monitoring requirement, what does it look like? How often and within what radius?
      - Quarterly monitoring can be repetitive (same results) in some cases. Timing is dependent on the site.
    - 6,000 feet downgradient – Group expressed concern with monitoring on private property. Private landowners may not allow well access, may withdraw access even after allowing.
      - Does this mean using only public water bodies, right of ways, and county wells to complete offsite monitoring in that area?
      - Some believe 6,000 feet is excessive. Distance of monitoring should be based on site-specific information.
        - County could list considerations that may allow for a lesser monitoring requirement than 6,000 feet.
  - Ecology has databases that share water quality information:
    - Paris - https://fortress.wa.gov/ecy/paris/PermitLookup.aspx
      - This the water quality data portal which includes NPDES data
    - EIM - https://fortress.wa.gov/ecy/eimreporting/default.aspx

        - This is the Environmental Information Management System, this has water quality along with a plethora of other data
    - Noise monitoring:
        - How does the County currently enforce noise violations?

Post-Operation Phase:

- No additional comments on this part of the process.

Mineral Resource Lands – Discussion on Hydrogeological Recommendations Memo

The group moved into a discussion on the recommendations report for 17.20 TCC. The recommendations report is a review of the current Mineral Extraction Code (17.20 TCC). The recommendations report is available online in stakeholder meeting materials: https://www.thurstoncountywa.gov/planning/Pages/mineral-meetings.aspx

- Additional hydrogeological report requirements, including identification of physically and legally available water, aquifer properties, nearby wells and cumulative impacts.
    - What is physically vs. legally available water?
        - Physically available water is physical sources of water, i.e., a stream.
            - Recycling gray water for truck washing or other uses could be a BMP for conserving water in drought conditions.
        - Legally available water are senior rights of water, i.e., tribal rights or senior water rights holders.
    - Hydrogeological report should support the rest of the permit conditions, as opposed to having outright blanket conditions for all mines.
- The report recommends that baseline and on-going groundwater monitoring conditions be listed in the code.
    - Members of the group state that monitoring should be site-specific and depend on the operation type, size, and site conditions.
    - Requirements may vary by operation.
    - Some members felt that monitoring should be a recommendation to have baseline monitoring, but not a requirement.
    - County should plan for how to enforce monitoring and how often it is reviewed (5-year, annually).
- Fencing is recommended in the report – currently the County already addresses this in 17.20. Illegal dumping remains a concern with mineral extraction operations, but in recent year's cases of hazardous waste and illegal dumping has slowed down.
    - Staff should verify that the code allows for equivalent of chain-link fencing around the perimeter of the property. Example was given of mines out in forest lands that use tree stumps and logs as the barrier and it often works as well as fencing.
    - Suggestion was made for "No Trespassing" signage to discourage trespassing. Not only an issue after a closed mine; trespassing often occurs on active mines.
    - Animal-friendly fencing.
- Contingency Plans – Currently the County has these for hazards, but what about for water-related impacts?
    - If there are impacts to water, what is the result? Lowering production, stopping production?
    - Could be as simple as who to notify if there are impacts to water.
- Other considerations
    - Dewatering is not done in most of Washington; process is expensive.

- Oil, fracking not done in Thurston County. Could include an exemptions list of activities that are not covered by the Special Use Permit, 17.20 if concern over these activities.

Mineral Resource Lands – Review of the 1,000 separation distance 'exceptions'

Maya and Allison reviewed the 1,000-foot separation distance exceptions for mineral lands. These were discussed by the group previously, in May. The BoCC directed staff to maintain the 1,000 foot separation distance, but look into policy language where exceptions for mining within that 1,000 foot separation distance could occur. The two areas protected by a 1,000-foot separation distance are Urban Growth Areas, and public parks and preserves.

The following exceptions are being considered and will be included as options before the Planning Commission:

1. If an existing mine is on designated mineral lands, it may expand onto a parcel that is undesignated, including an adjacent parcel that exists within the 1,000-foot separation distance.
2. Designation threshold. If a parcel is partially designated and meets two minimum criteria, then the whole parcel is eligible to apply for a permit, including any area that exists within a 1,000 foot separation distance. The minimum criteria to be considered designated are: at least 0.25 acres, and 5% mapped as designated. If 5 acres or more is designated, the whole parcel is eligible for permitting, regardless of size.

The following comments were made by the group.

- Is this a vehicle to enter the 1,000-foot protection distance for parks?
    - In specific cases, it would allow an operation to mine within the 1,000 foot separation distance.
- If physical barriers, such as roads, railroads, rivers, or mining operations already exist in the 1,000 foot separation distance, then the separation distance should stop at that physical barrier.

Next Steps

A doodle poll will be sent out to schedule an additional stakeholder meeting towards the end of October.