

MLR comments 5.8.20

7600 Redstart Dr. SE
Olympia, WA 98513

May 7, 2020

Maya Teeple, Senior Planner
Thurston County Planning
2000 Lakeridge Dr. SE
Olympia, WA 98502

Re: Mineral Lands Review

Dear Ms. Teeple,

I was unable to make MLR public comments at the May 6th, 2020 Planning Commission meeting because I was commenting on the Shoreline Master Program Update. However, I do have comments I would like included in the MLR record for the Planning Commission and the Board of County Commissioners.

Thank you for the opportunity for the select Stakeholder Group meetings. I would like to commend Ryan Ransavage of Miles Sand & Gravel for initiating the idea and providing valuable information and leadership. Reducing the number of participants to designated representatives of the various group interests allowed for robust discussions and deeper understanding of perspectives. I thought the meetings were very productive. When people with good intentions get together to share ideas and perspectives, compromises and progress can be made.

The reduced Stakeholders Group was able to reach agreements on a number of subjects such as noise monitoring, roads & traffic requirements, mining on co-designated agriculture lands adjacent to current mining operations and allowing current operations to mine into the separation distances up to barriers. Thank you for your facilitation skills in this process!

We were not able to come to consensus about the 1000' separation distances around parks and including land trust properties with the protections afforded current parks, refuges, ESA habitat etc. **The environmental community strongly advocates preserving the 1000' separation in order to protect critical habitats, water quality and availability and the public interests.**

The rationale for excluding land trust properties because they are not government owned is a weak one. Governmental agencies (county, state and/or federal) hold land rights, on behalf of the public, to almost all land trust properties, through deed restrictions and easements that are required under the terms of the grant funding used to acquire the properties. These agencies typically require some form of public access to the properties which are held in trust on behalf of the public. **Nisqually Land Trust properties are to protect and restore habitat for recovery of ESA listed Chinook salmon and steelhead trout.**

May I also refer you and all the Commissioners to the Futurewise letter of March 28, 2018 to Allison Osterberg, page 3, containing comments on Thurston County's Comprehensive Plan Update.

RCW 36.70A.30 (5) defines **critical areas to include fish and wildlife habitat conservation areas**. Land trust properties have the primary purposes of conservation and habitat protection and therefore qualify as critical habitat. The Futurewise letter, p.3 (iv) refers to RCW 36.70.A.060 which requires protecting critical areas. The Futurewise letter, p.3 (v) **requires protecting critical areas against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.**

Therefore, it is not in the public interest to exclude land trust properties from the separation distance protections afforded to “parks” in the draft language.

We are opposed to determining separation distances at the permit process because it would place an undue burden on the public, especially neighbors of a project, to monitor permit applications and adequately prepare for hearings. Growth Management Boards have no jurisdiction over the permit process during appeals, so adequate separation distances need to be formalized in the language of the Comprehensive Plan in order to protect water quality and availability, critical habitats and public interests.

The mining interest believes the 1000' number is arbitrary and not based on science. It appears to be a compromise number that applies to most situations for environmental and public interest reasons. It seems to be better to have a generous, protective separation distance from an industrial activity. I was able to find a 2005 document from the Environmental Protection Authority (Australia) titled ***Guidance for the Assessment of Environmental Factors re Separation Distances between Industrial and Sensitive Land Uses*** that recommended 1000' separation between Extractive Industries. So, the 1000' number could be based on best practices.

Thank you again for your leadership in this project. I commend you for your ability to bring the representatives of the interest groups together and make progress in this important work. Thank you for your service!

Regards,

Phyllis Farrell



A Washington State Chapter of the National Audubon Society
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Black Hills Audubon Society is a volunteer, non-profit organization of more than 1,300 members in Thurston, Mason, and Lewis Counties whose goals are to promote environmental education and protect our ecosystems for future generations.

May 15, 2020

Thurston County Planning Commission
Via Email

RE: Public Comment for May 20, 2020 Virtual PC Meeting

**Black Hills Audubon Comments and Recommendations for Mineral
Resource Lands Designation and Policy**

I am Sue Denver, and I represented Black Hills Audubon Society (BHAS) on the recent small stakeholder group discussing the Mineral Lands chapter of the Thurston County Comprehensive Plan. I also attended the May 6, 2020 Planning Commission meeting. This letter is to highlight some concerns and to present information that responds to questions raised in the May 6 meeting.

BHAS thanks Thurston County Planner Maya Teeple for facilitating the recent small stakeholder meetings. Her leadership and succinct summaries of our discussions were valuable. We appreciate Ryan Ransavage of Miles Sand and Gravel, Loretta Seppanen, and Phyllis Farrell who proposed trying to find common ground through a small group process. Yes, we achieved some positive outcomes from our two meetings.

Thank you for considering this BHAS comment.

Concern for the Uncertainty of Potential Extent of Gravel Mining in Thurston County

Map N-2, the official mineral designation map, designates 144,000+ acres as mineral lands. Further options that are being considered in the Mineral Lands chapter update could grant Mineral Lands status to additional non-designated parcels as small as five acres. Large mines are preferred. But when employing the most generous non-designated parcel option, a total of around 210,000 acres of Thurston County, could be mined with many small mines as well as large mines.¹ Mining activity will concentrate in the southern portion of the County, which contains an abundance of high-quality gravel,

No planner, mine owner, or citizen knows how much of Thurston County will actually be devoted to mining or the location of new mines. This uncertainty is frustrating, if not frightening. Currently, limits on the amount of lands allowed to be mined with mineral designation are prohibited. BHAS hopes that in the future such limits can be included in the Comprehensive Plan.

Support for TC's Hydrologic Code Requirements for Mine Applications

The sand and gravel aquifers in Thurston County provide water to many streams, wetlands, springs, and seeps that are habitat for fish and wildlife in our region. These aquifers also supply high-quality potable water to drinking wells in rural communities, towns, and cities. Altering groundwater conditions through mining changes the amount, timing, and duration of water availability. Such changes can cause harm, in perpetuity.

Unlike most western Washington counties, Thurston County solely depends on its aquifers for its water. We have no runoff from high snow-covered mountains to enhance our water supply. Thus, it is critically important to protect the quality and quantity of Thurston County's aquifer water. Deep mining, a preferred option to ostensibly reduce the number of mines, usually penetrates the aquifer and can

¹ Obviously, 210,000 acres is an impossible extreme amount. Pre-existing development on lands with mineral designation will not be mined. Critical areas and their buffers cannot be mined. Whether LTA lands can be mined will undergo study in 2020-2021. Many existing rural open space areas greater than 5 acres could eventually become a mine.

interrupt, disturb the hydrogeologic functions. **Therefore, BHAS strongly recommends that the Planning Commission adopt the pre-permit, hydrogeologic analysis/report requirements in the current draft of the mineral code section of the Thurston County ordinances.**

Keep the 1,000 Foot Separation Distance to Protect Hydrologic Function.

There has been much discussion about the need and scientific basis for requiring a 1,000-foot Separation Distance between mines and the selected 36 public parks and preserves. Although there are a number of reasons to separate industrial mine developments from public parks and preserves, we believe the most important reason to have a 1,000-foot Separation Distance between mines and these parks is to maintain the hydrologic functioning of the adjacent park lands.

Areas with gravel substrates are very sensitive. Many of our public parks and preserves are unique habitats with uncommon and even threatened or endangered plants and animals. Unique prairies, often with a patchwork of rare types of wetlands reside on the best gravel in Thurston County. The habitats and the important wildlife species associated with these public parks and preserves, especially prairies, depend on specific seasonal fluctuations in groundwater levels and flows. Altering the timing or extent of seasonal water fluctuations can greatly harm the integrity of the parks and disrupt the narrow range of conditions that animals and plants depend on for their life stages.

It is clear that excavating gravel pit mines in Thurston County can substantially affect the underlying aquifers and groundwater levels, flow and quality in adjacent parcels. Analyses of existing and proposed gravel mine lakes in Western Washington show that groundwater levels decline or increase up- or down-gradient from a newly constructed lake whether, or not, a lake-bed clogging layer forms on the mine lake-bed. The magnitude and extent of the hydrologic changes caused by the excavated gravel mine lakes vary from site to site. In some very sensitive sites, especially down-gradient, impacts to groundwater could reasonably be anticipated to extend substantially farther than 1,000 feet down-gradient from the new gravel pit lake. In other areas, especially up-gradient, impacts to groundwater may also extend more than 1,000 feet from the mine.

Decreasing the 1,000-foot separation distance also does not make sense for water quality reasons. Because gravel mines store and use fuels or other chemicals for operating heavy equipment, there is potential for spills to contaminate soils and groundwater. The ability to contain or capture spilled chemicals before moving down-gradient and contaminating off-site water resources is compromised as the separation distance is made smaller.

Since around 2000, Thurston County code has required a 1,000-foot separation distance. We see no scientific rationale to alter the distance. With the likely increase in droughts and floods due to climate change, it is even more important to keep the hydrologic integrity around our community's parks.

Additionally, the separation distance should be stated in policy and not left to the permitting process (Special Use Permit). The Hearing Examiner does not have the authority to utilize scientific information provided in a hearing to set a site-specific separation distance for a new mine project. The Hearing Examiner cannot decide on the best scientific argument presented in a hearing. She/he is not a judge and can only abide by the direction of policy or code.

Special Use Permit Public Hearing Strongly Favors the Mine Applicant

Past experience indicates that a person, neighborhood or organization is usually at a disadvantage in hearings. Typically, they lack the financial resources and have inadequate time to prepare an argument. In the hearing, a citizen can speak for only three minutes and cannot cross-examine the applicant unless/until there is a second appeal hearing (the fee alone over \$1,000). Additionally, the Comprehensive Plan grants priority to mineral designated lands.

In Conclusion

The Comprehensive Plan and the accompanying code language and direction are critical for maintaining our county's healthy ecosystems and water resources. This current update of the Mineral Lands Policy demonstrates how difficult it is to agree on even a modest modification of policy and code. Yes, we need to allow

gravel mines because we all use gravel. But we also need to protect our agricultural and recreational lands. We need to secure clean and abundant water for our citizens, farms, and wildlife. The final language of the Comprehensive Plan update will provide our direction for the next eight years and probably longer. Let's be careful in the policy we choose.

BHAS strongly supports the inclusion of the updated Thurston County's hydrogeologic code requirements in the mineral lands ordinances and a 1,000-foot separation distance between mines and public parks and preserves in the policy section of the Comprehensive Plan Update.

Sincerely,

Sue Danver,

Black Hills Audubon Conservation Committee Member

From: [Thurston County | Send Email](#)
To: [PlanningCommission](#)
Subject: Consideration of Mineral Lands Options 5/20/20
Date: Tuesday, May 19, 2020 10:42:23 PM

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Planning Commission**

Subject:

From: **Christy White**

Email (if provided): **wc6517@scattercreek.com**

Phone: (if provided):

Message:

Commissioners,

The Mineral Lands Designation map is an inexcusable over reach creating thousands of acres of designated mineral lands open to possible mining. This increase of thousands of acres will potentially create irreparable harm to the quality of life, rural nature, and environment for the citizens in Thurston County. The harm created by the designated mineral lands map must be mitigated. Do not allow further destruction by allowing for loose and irresponsible decisions to be implemented into the Comprehensive Plan. I ask the Commission to adopt the most protective of mineral land options of A-1, C-1, D-1, and E-3. Thank you.

Energy and Natural Resources • 220 Occidental Ave • Seattle, WA

May 5, 2020

Thurston County
Planning Commission
2000 Lakeridge Dr. SW
Olympia WA, 98502

Dear Commissioners,

Subject: Thurston County Mineral Resource Lands Designation

Weyerhaeuser appreciates the work by the county planning commission and staff in compiling a wide variety of data and multiple stakeholder input on designating mineral lands of long term significance. Weyerhaeuser has some preference for options A-2, C-2, D-3, and E-2 as presented by staff on May 20, 2020 for the following:

1. Although option D-3 does not remove the 1000' requirement, it was a fair compromise negotiated in the stakeholder meetings.
2. Large portions of the designated acres are uneconomic due simply to low quality aggregates and transportation issues to market. Some proposed resources areas located in mountainous areas are challenging topographically and inaccessible during winter months.
3. Since a mineral lands designation does not mean a permit to operate has been issued, we support the concept that any mineral designation in a parcel should allow that whole parcel to be designated (E-2), including the 1000' separation areas. The permit process will limit the acres available to mine if it is deemed a conflict with other land uses or critical areas.
4. The least impact to surrounding communities and the environment is to create a streamlined process for expansion of existing operations. These operations have already established a presence in their communities, the transportation systems, and land impacts.

Regards,



Mary Castle
Manager, Minerals West