



Nov. 19, 2014

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TO THE RECORD

FOR: Clark County Board of Commissioners

1300 Franklin St., 6th Floor, Vancouver, WA 98666-5000

Also For: Gordy Euler, Program Manager II, Clark County Community Planning Staff.

Also For: Ron Barca, Clark County Volunteer Planning Group

SUBJECT: Surface Mining Overlay Planning Commission Recommendations with Staff Recommended Changes---Oct. 21, 2014

The following comments are made with the intent to improve on the good work already done by various staffs and individuals who have contributed to the update process of overlays, policies, and regulations.

Before discussing specific items in the Oct. 21, Planning Commission Draft, we state that we support and "Incorporate by Reference" the content of the following documents submitted to the Clark County Board of Commissioners and Planning Staff by:

1. Attorney David S. Mann of Gendler & Mann, LLP. Dated Nov. 3, 2014. Re: Surface Mining Overlay –Comprehensive Plan and Development Regulation Amendments.
2. Mark H. Martin, Citizen-in-Chief. Dated Oct 25, 2014. Re: Proposed Changes to Policy and Code—Comprehensive Plan and Surface Mining Overlay Code.

FRIENDS OF THE EAST FORK COMMENTS ON PLANNING COMMISSION RECOMMENDATIONS 10-21-14

Comments are submitted by Richard Dyrland, President- Friends of the East Fork and former Federal Regional Hydrologist (Retired).

COMMENTS BY Numeric Reference on left side of document pages.

Page-1 # 15-17 "GOAL" Recommend adding: Change "while minimizing" to " while avoiding or minimizing" conflicts. Applies to marginal sites or sites where substantial conflicts or tradeoffs with or on landowners or other natural resources assets would occur. Which would likely result in long-term loss of benefits from the other resources subject to be impacted. Those kinds of situations cannot be minimized or mitigated from substantial impact. Habitat Conservation Plans (HCPs) in many cases cannot and do not fix these issues.

Page-2 # 37-39 Policies 3.5 Item-C. Again the term “avoiding” should be added in similar context as the previous comment regarding the insertion of the word “avoiding”.

Page-2 # 48-49 Policies 3.5.4 Insert the term “avoid or” between the words “operations minimize” for the same reasons stated.

Page-2 # 58-60 Policies 3.5.2(d) MINING IN THE 100-YEAR FLOODPLAIN. As written in this draft, the proposed revision has serious flaws. The phrase “except for projects (1) with an approved Habitat Conservation Plan and (2) that are consistent with the shoreline master program ---if implemented as now written would allow mining in areas where the impacts on other floodplain and river resources would be severely and irreversibly impacted.

Allowing no mining in the 100-year floodplain should remain unchanged as it is in current policy. Having a Habitat Conservation Plan (HCP) is no guarantee that major impacts to other values, particularly property values, groundwater/wells, stream temperatures, stream ground & hyporheic water to summer stream flow, and impact to federally listed “Threatened & Endangered” fish species will not occur.

Requiring a HCP to be done is helpful and should be required on any proposed mining operation ---BUT IT SHOULD NOT BE A REASON OR MEANS TO ALLOW MINING & ATTENDANT IRREVERSABLE IMPACTS WITHIN THE 100-YEAR FLOODPLAIN. NO MINING SHOULD BE ALLOWED IN THE 100-YEAR FLOODPLAIN.

Clark County already has an extensive history right up to present time, of serious mining related impacts in the 100-year floodplain and Channel Migration Zone (CMZ). Certainly consistency with the Shoreline Management Program is also essential, but again, it is not a sound rationale for allowing mining in the 100-year floodplain. The WA Dept. of Ecology in its recent document “A Framework for Delineating Channel Migration Zones” Ecology Publication # 30-06-027 is a process that can identify risks and is related to WAC 173-26. Other research studies by the University of Washington (Cynthia Rapp) go into considerable more supporting detail. In addition, US Environmental Protection Agency Study “Pathways of Human Influence on Water Temperature Dynamics in Stream Channels (Geoffrey C. Poole & Cara H. Berman) present data that show in great detail the potential substantial negative effects of disturbing the floodplain and related channel migration zone. Other sources supporting this concern with impacts in the 100-Year floodplain is the State of Montana University System Water Center, which has extensive scientific research on impacts related to floodplain disturbances.

Requiring an HCP and consistency with the Shoreline Management Program is important, but should not be used as an excuse to allow surface mining in the 100-Year floodplain. And, keep in mind, Habitat Conservation Plans in themselves can be highly flawed and inadequate ---as recent examples have shown.

From both local and regional observations, it is clear that surface mining belongs up on the high terraces (Missoula Flood Deposits) and higher, and not in the floodplain or channel migration zone (CMZ).

Page-6 # 165-167 Standards 5b. Hours and days of operation. THE RESTRICTION OF STARTUP HOURS OF OPERATION SHOULD BE 7:00 a.m. ---NOT 6:00 a.m.

The sound from large trucks and crushing is well documented to reverberate to over a mile away, especially where the mine is located in a valley.

Many household members (besides retirees) remain at home during the day and do not rise before 7:00 a.m. It is in early morning when the most heathy, restful sleep occurs.

Also of great concern is the term “responsible official” and who or what that really means. Currently Clark County does not have “a person or staff individual” specifically knowledgeable and trained in mining activities and effects. It has led to a number of seemingly arbitrary waivers of requirements and enforcement/accountability as well as road regulations that has resulted in unacceptable economic, safety, and social impacts on the citizens of Clark County and particularly on those living near some of the ongoing surface mining operations.

Thank you for this opportunity to respond to the Oct. 21, 2014 and other Draft Documents.

Respectfully,

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