

## Surface Mining Advisory Forum – Meeting #2 – Yacolt Mountain – April 11, 2019

### Summary Notes

Call to order and announcement that the meeting is being recorded.

Welcome/Meeting Recap/Issues and Resolutions – Mitch Nickolds

Started with a round of introductions (see sign in sheet)

\*Reminder given by Mitch to speak up as we're using a digital recorder this evening.\*

Communications received from members of the community– reviewed by the group. These were included in the packets copied and handed out this evening. Group took a minute to review what was submitted and invitation given to speak for those that submitted commentary.

Lots of questions about scheduling the meetings. Meetings will be posted in the newspaper and on the website. If you've signed in with your email, you will receive email notification of the meetings. The email didn't get used this last time, but a list has now been created and going forward meeting notification will be sent via email.

Review of Comments/Information from Mitch Nickolds:

- Road conditions are a recurring issue of concern. There are questions about repairs and responsibility for the costs.
- There was a bridge survey recently completed; we are looking at how to best serve the needs and there have been some weight limits put on several of the bridges.
- There are articles in the CUP regarding trip counts and hourly trips specific to each mining operation location and the roads. CUPs are specific to each operation and differ quite a bit, depending on the location and operations and roads.
- There are some questions on which roads are being used for transport and if those are the best routes.

Comments from attendees:

- Concern of roads in front of Royal Ridge on Yacolt Mtn. Road to Gabriel Road are awful, even though they have been recently repaired. Counted decaying conditions from quarry entrance to Gabriel Road; reporting 46 instances in that approximately mile-long road.
- Kelly Road is of concern. Road conditions on Yacolt Mt. Rd. to Gabriel Rd. are awful and they were recently repaired in October.
- Down from Royal Ridges to 503: Westbound lane is where the potholes and patches are located. There are at least 12-15 spots. There is one pothole currently in the other lane. Definite damage that was repaired last year and is already bad again – opinion: the road needs to be re-engineered to handle the heavier loads.
- Lucia Falls up to the entrance of the quarry has less instances. Possibly the difference between loaded and unloaded trucks? This wasn't an issue 15 years ago, according to residents. Conditions have deteriorated in the last 2-3 years.

Storedahl fulfilled an obligation to pay money in 2014 for mitigation to the roads and to better reinforce them. Thinks that it was 3 cents a ton on the first 3-1/2 million tons sold has been paid. Agreement was to pay this on a one time basis. The county made the determinations on where the funds were spent.

Mitch Nickolds will follow up with Ahmad Qayoumi to find out what roads and repairs are on the upcoming capital projects plan and also to explore the intent of the CUP requirements – is it for repairs or for upgrade to the roads?

Storedahl pointed out that they pay gas tax and road taxes to operate and access the road system— this is adjusted annually. They pay at the pump, they also pay sales/roads tax at the quarry on rock that is sold. They are concerned that there would be additional fees imposed on a specific mile radius from the mine for all road repairs.

Mitch Nickolds stated that information from the forums will be used to inform staff and build a background from residents and the operator for meaningful changes in future CUPs and enforcement of CUPs. Recommendations will be made using all of the input from these forums on any upcoming policy discussions.

- Questions: What is the longevity of a CUP? Do they expire? How are they modified if changes are needed to be made?
- Hearing Examiner process to modify CUPs. Staff is limited to recommendations on specific conditions that are violations.

Question from Storedahl: What other businesses does the county impose ongoing road fees to access public road systems?

- There are special permits for special over load limit moves, or over size limit loads; but there are not any other additional fees that Mitch is aware of.
- Discussion on financial costs and better ways to work together to get information out to residents.

Offer from Storedahl to bring out a seismograph to residents' homes to measure any impacts from blasting.

County is working on the new website improvements to make it easier to access all of the information related to this review and the forum process.

The county doesn't own a lot of the right-of-way near Kelly Rd., so they can't extend the lanes and create wider lanes. Storedahl is willing and ready to comply with those requirements, but the county would have to obtain the right of way first to be able to do to this work.

Resident reported that Royal Ridges driveway has a huge pothole in front of it that is very deep and has more than one pothole that needs to be filled and repaired.

Question raised as to whether gravel trucks are harder on the roads than regular vehicles and is the fee structure appropriate to cover any damages. The perception is that the trucks do a lot more damage on the roads, and a request to have it be determined if there is more wear and tear caused by the large trucks. The trucks are legal weights on the road and they are distributed amongst 8 axels to distribute the pounds per square inch on the roadway. The concern is that the base rock and design of the road was not engineered with large truck use in mind, and the frequency and the volume of trucks going up and down the road.

James Naramore, CCSO - Under RCW 46.17.355 breaks down the truck tonnage, limits and fees attached. There are axels, tire factors, and multiple things to consider – Officer Naramore patrols the area and enforces the rules. Storedahl pays quite a bit of road tax.

Storedahl: If it's anything smaller than 5/8's minus it has to be covered, but other loads do not legally have to be covered. There is not a state mandate to cover the load depending on the load and if it meets certain requirements.

There is a lot of data and information out there, but there needs to be a mechanism to report them. Request to put the PW website link for reporting road conditions on the SMAC website. Marilee to follow up to add to CommDev's webpage for SMAC.

CUPs aren't laws, they are an agreement. Question as to how that gets enforced, specifically number of loads per hour/day.

Mitch agreed to take care of this. Talked of using a camera to reconcile the trip counts. There will be a code enforcement officer to monitor CUPs and Surface Mining activity. The job has been posted.

Storedahl stated Ben Joner was a code enforcement officer for about a year and they worked with him and there were no violations cited during that time.

CUP drives the conditions and sets the requirements. Voluntary compliance is expected. But a resource is needed to verify that conditions are being met.

Questions as to whether the streets are being swept. Storedahl stated that they have trucks available to come and pick up their spills.

Email addresses of [mountaintop@storedahl.com](mailto:mountaintop@storedahl.com) has been created as well as [Livingston@storedahl.com](mailto:Livingston@storedahl.com) for residents to report information to Storedahl.

Question regarding folks that don't have internet – there are a lot of people in the rural area that don't have hookup to the internet.

Two issues: Clear understanding of what is in the CUP for starting times and number of trips. What data are being collected for oversight?

Storedahl is hooked up to city water at the Yacolt Quarry, so that they can use up to 5,000 gallons a day to do dust control on their operations. This use of water does not impact the water table or surrounding wells, because it is coming from the municipal source.

Information presented regarding air quality concerns by the Ogiers. 400-040(5) SW WA Clean Air was cited. Questions directed to Storedahl regarding what explosives are used for blasting. Clean Air comes in to do opacity tests and the information has been submitted to Clark County in the past. A fee is paid to Clean Air per ton. Request to have Storedahl resubmit so that the information can be reposted on the SMAC website.

Talked about inviting state level people to this meeting. Request to have the SW WA Clean Air people to the next meeting. Request to have a Clean Water and also a Public Health person as well.

Ogier's comments:

- Two test results from a scientist that came out to Ogier's property were submitted along with their concerns regarding morganite, silica and wooly erionite. Dust tests were from residue on their kitchen counter. Concerns that the dust is contaminated and their household is two miles away from the quarry. They would like more testing done based on the results from the independent testing that they paid for.
- Stated that the operator must protect the employees. L&I has requirements for protection and they are following those requirements.
- Stated that dust must be collected from the exact plumes that go up and that is the biggest challenge. There would need to be a determination of exactly what measure/quantity is a problem to the public.
- Stated that people need to know what is in the particulate in fairness to the community.

- Extension of a mine in Cowlitz County is 900' from a house that is already there and they have lived there for 12 years. \*Note: They are bringing up a newly proposed pit in Cowlitz County and that quarry is not a Storedahl quarry operation.
- How can the conditional use permit process be more effective? Do we have the right Hearing Examiners? Annual reviews have not all been completed and have been replaced by Type I process.

Mitch Nickolds gave feedback on process for the CUP – need to review tape for those details-bathroom break at 7:20 PM and missed his input.

Suggestion that there is a need to explain how CUPs work and what is enforceable and what is actually enforced. The road law is different from the CUP requirements, and there are different agencies enforcing each of those conditions. The Sheriff cannot enforce the CUPs; they are limited to enforcing the rules of the road.

Mitch Nickolds: Reader's digest condensed version of the CUP to be put up on the website. Also discussed having one of our land use attorneys come to a future meeting to describe the process of getting a CUP and what they cover and what the enforcement process is. What can we put in place to make it more equitable for everyone? Should we have periodic reviews written into the CUP process, so that it's reviewed on a regular basis? The efficacy of the enforcement is based on how clear the CUP conditions are written up.

Storedahl has been operating for 50 years – 9 years operating in Yacolt.

Mitch Nickolds: What can we do to support early education of new residents in the area and to get more information out to people moving into the area?

Request from attendees to add Oliver and Community Planning to these meetings as the new Comp Plan is developed is an important part of the process. Need to look at where new residential areas are being designated and what their proximity is to these operations.

**Check in at 7:30 PM to extend meeting; agreement to continue the meeting past the deadline time.**

Testing information on morganite discussion and if it was part of the Friends of the East Fork litigation. Request for further testing to find out what's in the rock due to multiple test results. Some talk on overburden and where it's deposited? Landslide danger is mentioned. Picture presented from about two weeks ago of overburden. Storedahl to check in on when it's to be re-seeded. Bo will go up tomorrow to take some current pictures and to verify that it has been seeded. Concern is wind blowing the overburden dust into the air. Question as to if reclamation is an ongoing practice.

Storedahl: This pit is much different than that, the inside mining must be completed before completing the reclamation. That was the permit that was accepted by the DNR.

Question to find out if DNR to attend. Storedahl provided names of Ryan Skov head of DNR mining operations. Brian Massey also another DNR resource. Discussion on how many speakers to have at each meeting, that we may need to group them together and more meetings, so that we can keep to hour-and-a-half meetings.

CUP now requires certified mail notification of blasting. Request from Storedahl to have people sign up with an email list instead. Many of the notices are returned, and the notices are costly. It would be much more efficient and timely to send out an email. Discussion on the mailed blasting notice not doing what it's supposed to do. With the certified notice, since it has to be sent out so far in advance, the notice says "in the next week..." and it isn't specific. In Cowlitz County they have a phone system where they call the nearby residents before blasting. If there's a name and number given to Storedahl, they can call

the night before and notice the residents directly of date and specific time. Emails or phone calls the day before are agreed on by the residents that would be much more helpful. Mitch Nickolds to check in to find out if this meets requirements and if he can still be in compliance; and said he would have an answer tomorrow after checking in with the attorney's office. Questions also asked about the radiuses of where the notifications will go to; circumstances have changed over the years since the CUP was initiated; resident would like a reconsideration of the area so that all of the people that are impacted are notified.

Reminder for those that use the Nextdoor app that Nextdoor was created for neighbors to talk to neighbors. Some people believe that because they've posted there, that they have commented and/or registered their problem or complaint with the county. Please be aware that no one but your neighbors (and surrounding neighborhoods, if you've set it that way) can see your comments. The county cannot see or view your comments, unless you are commenting on a county-generated informational post.

Webpage Update – Marilee McCall: Displayed the Surface Mining Advisory Committee forum webpage on the screen and reviewed by the group. Also brought up the surface mining overlay pages and community planning web pages. Links are below:

<https://www.clark.wa.gov/community-development/surface-mining-advisory-committee> - Surface Mining Advisory Committee forum webpage with resources and current events on this 2019 project.

<https://www.clark.wa.gov/community-planning/surface-mining-overlay-update> - Community Planning project web page for the Surface Mining Overlay update.

<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes?page=7> - 11/06/2014 and 11/20/2014 Planning Commission Hearing documents as well as the initial 04/17/2014 Joint Worksession with BOCC are all on this web page.

**Meeting Closed/Adjourned at 8:08 PM**