

CAC Minutes
November 13, 2018
Nisqually Tribe Natural Resources Office

Present: Fred Michelson, Robert Smith, Marjorie Smith, Phyllis Farrell, Glen Thomas, Jeaniel Thomas, Lois Ward, Ed Kenney, Mary Jo Kenney, Ben Dennis.
Maya Teeple (Thurston County), Emily McCartan (NRC staff)

Phyllis called the meeting to order at 6:09 PM.

Thurston County Mineral Lands Review – *Maya Teeple, Thurston County*

Previously, mineral lands were designated on a site-by-site basis. When a site applied for a permit, it would be designated as mineral lands at that time. Now the process will designate mineral lands county-wide. First step was to create an inventory via consultant hired in 2017. Mineral resources were mapped based on geologic data. From there, created designation criteria. Planning Commission recommended we stay with the current designation criteria. Co-designating mineral and agricultural lands is the biggest change. Now in the conservation phase, exploring policy language for Thurston Comp Plan and Code. There will be a public hearing on the full Comp Plan, likely in spring of 2019. Will then go to the Board of County Commissioners for a second public hearing.

Current designation criteria state that mineral lands cannot overlap areas of long-term agriculture. Planning Commission recommended changing this so that they can overlap. Agriculture is a zone, but mineral lands is an overlay, not a zone. It doesn't mean mining will occur somewhere, it means it is designated and someone could apply for a permit. Co-existing means that there could be a mineral-designated area in long-term agriculture that could apply for a permit. Two options are currently up for decision: status quo (mining and agriculture can't coexist) and co-designation. There have been many comments pro and con. There are some acreage arguments – not a lot of agricultural lands left in the county. Mining would be primarily sand and gravel, some quarry rock in Weyerhaeuser/Capital State Forest lands.

County was previously challenged on the exclusion of long-term forestry from mineral lands. Growth Management Board said the areas must overlap, because once a mining operation is complete, it can be reclaimed to forestry. Same argument can theoretically be made for agriculture. DNR has full authority over reclamation of the land. County determines the land use it would go to when being reclaimed.

CAC members expressed concerns about the depth of mining digging and the possibility of reclaiming those lands. Fred stated that from his perspective, the lifespan of a mine is often extended and goes to greater depths, and DNR does not fully enforce reclamation. Ed noted that Millersylvania Park was a mine. Maya stated that Thurston County does have a lot of empty pits, which existed before we were really regulating them. Some citizens have noted that they would conduct both farming and mining on their properties. Concerns for small Nisqually tributaries. Phyllis has been advocating that Land Trusts be considered along with parks for a wider buffer for critical habitat conservation. Neither of the two maps

before the Commissioners now include land trust properties as protected by the 1000 foot setback. Phyllis believes this could be a big problem for Capitol and Nisqually Land Trusts. Our county is rich in sand and gravel, which is vital for roads and construction and an economic driver, so we need to find a sensible solution. But it is a huge expansion of mining opportunities, and want our Land Trust properties protected. Currently, government-owned parks over 5 acres are protected with a 1000-foot separation distance. Land Trusts are not currently included (neither are dog parks, ORV parks, rail trails, trailheads, Evergreen State College, boat launches); comments from Phyllis, Joe Kane, and others have asked that they be included. Joe Kane's letter noted that the Land Trust properties are made with government grants and held for public trust, critical habitat for fish and wildlife. Maya noted there are other areas in the county that would also fit that category (conservation easements for wildlife habitat mitigation), which the Commissioners are considering. Just because something gets designated as mineral lands doesn't mean it will be mineable: it means they're eligible to apply for a permit and must meet all additional requirements (wetlands, zoning, etc). Phyllis stated that the county hearings board doesn't have jurisdiction over site-by-site permits, which is what operators want. Could be more about expanding existing operations than opening new mines. Water concerns are also been a hot topic, and the County is working extensively with a hydrogeologist to add additional language in code addressing water requirements. Mining proponents will need to do a hydrogeological report when applying for a permit. Code language addresses monitoring and groundwater protection. Was more open-ended before. Fred noted that ponds can be a flood hazard, and he feels county has a tendency to not study it enough. Maya has noted that they're looking at stormwater as part of this work, which is good. The County has a Stormwater Manual, which is where this would be addressed – questions about who is monitoring and how thorough the planning is. Also concerns with landslides and earth movements in floods. Howard wanted to consider addressing permitted industrial uses within mines, including asphalt plants, which can be much more significant in terms of environmental impacts. The code says mineral extraction and asphalt plants. Runoff and groundwater are concerns.

Maya doesn't know when they will make a decision on defining parks in these maps. Agenda-setting meeting will be discussed next Tuesday. Phyllis advised commenting to all three county commissioners soon: <https://www.thurstoncountywa.gov/bocc>

WRIA 11 Update – *Emily and Lois*

The Nisqually Land Trust submitted three grant applications to Ecology. The Planning Unit is likely to ask Ecology for a deadline extension on the Plan Addendum to allow us to do more study and data collection that will strengthen the project proposals. Next meeting is tomorrow, and the focus will be on how we can meet the deadline.

Alder Dam – *Howard*

Howard shared photos of the mudflats and low levels in Alder Lake a few weeks ago. TPU is proposing a reduction of flow, so that the reservoir can fill up to provide adequate streamflow when coho returns begin. 2015 was the last drought year and the last flood year. Compared to this year, reservoir was 45 feet below capacity on Nov. 1, 2015, and this year it is 66 feet below capacity. FERC also mentioned that outflows have varied between

800 and 900 cfs for most of September – had to do this to keep flows up in lower Nisqually. A small landside upstream from the LaGrande powerhouse sent is also being evaluated.

Howard expressed frustration that questions about flood management practices have not been fully answered. This would be on the River Council to move forward with pressing Tacoma Power on their practices. Next FERC review would be the next opportunity – 2028. Tribe had significant comment on the 1998 review, but addressing fish, not flood control. River meandering is good for the river, according to the Tribe, but problematic for houses in the valley. Howard included his concerns about Tacoma Power in his comments to Mount Rainier National Park on the Upper Nisqually Levee proposal.

I-5 Study

Emily will send out comment link for WSDOT survey on the I-5 study of the Mounts Road stretch. It was suggested that the Holroyd facility could be made into a park and ride once it's mined out.

Global Warming

Ben distributed a report on global warming and increasing atmospheric carbon dioxide concentrations. Global climate change indicators are of great concern.

For the Good of Order

Sierra Club meeting in December will have a presentation from Dam Sense, advocating for removal of the Snake River dams for salmon recovery. It's controversial. November meeting (tomorrow night) will focus on clean energy issues.