OCTOBER 24, 2005
RE-ISSUANCE OF A FINAL MITIGATED DETERMINATION OF NONSIGNIFICANCE

Proponent: Allen & Company, LLC
2801 Alaskan Way Ste 300
Seattle, WA 98121

Representative: J.M. Allen, Managing Member
Allen & Company, LLC
2801 Alaskan Way Ste 300
Seattle, WA 98121

Summary of Project Modifications from the revoked May 4, 2004 MDNS:
1. The buffer from the delineated native outwash prairie boundary was increased from a 35-foot buffer to a minimum of 100 feet.
2. The project and mine boundaries were adjusted to exclude four oak groupings.
3. Continue groundwater and surface water monitoring to collect background data to monitor neighboring wells, hydrology of wetlands and Allen Creek and Beaver Creek.
4. Extend the sound attenuation berm on the north side of the entry road approximately 1,000 feet to the east.
5. Reduce the quantity of fill material imported to create hills by 50% from 5,000,000 cubic yards (cy) to 2,500,000 cy. The fill material would be used as part of the reclamation plan.
6. Relocate the imported clean construction fill proposed to be placed in the southwest portion of the project boundary between Fingers 1 and 2 of Wetland A to a western portion of the project site. The project and mine boundaries were adjusted accordingly.
7. Relocate the recycling stockpiles to the north central portion of the mine area.
8. Reduced the area requested for designation as Mineral Resource Lands of Long-Term Commercial Significance to be coextensive with the mine boundary rather than the larger project boundary.
9. The operator will be required to obtain certification from the sender of the construction fill that the material is "clean" as defined in Section 1.3 of the Settlement Agreement and is suitable for construction of hills on the property for reclamation and, if approved by Department of Natural Resources, placement in open water.
10. A Conservation Fund will be established and will be administered by the Conservation Organizations.

These Revisions have the Following Impact on the Mining Proposal:
1. Reduced mine boundary from 300 to 284.02 acres.
2. Reduced project boundary from 587 to 497.3 acres.
3. Reduced the proposed designation as Mineral Resource Lands of Long-Term Commercial Significance from 587 to 284.02 acres.
4. Reduced the quantity of aggregate to be mined from 22,000,000 to 20,600,000 cubic yards.

Description of Proposal:
Special Use Permit approval to mine 20.6 million cubic yards of sand and gravel from the site over a 20-year period. The material would be mined from eight separate area locations within the project site that comprise a total mine area of approximately 284.02 acres of the 497.3-acre project site. Mining is proposed to be conducted below the water table, leaving lakes in the eight excavation areas that would range in size from about 4.5 acres up to 48 acres. In addition to the proposed mining, approximately 2,500,000 cubic yards of clean fill soil is proposed to be imported to the site and placed into a fill site approximately 44 acres in size, located in the western portion of the site. As part of the mining and filling operation up to 100,000 tons of asphalt and concrete annually is proposed to be recycled at the site. At the end of the mining operation, the property will be reclaimed as commercial forestland with the eight lakes reclaimed as wildlife areas. The rate of production will vary depending on market demand with a low of about 250,000 tons per year during the first year of operation to about 2,000,000 tons per year when the rate of full production is achieved. Mobile equipment at the site may consist at any one time of a clamshell or dragline dredge, wheel track loader, backhoe excavator, bulldozer, water truck and dump trucks. Fixed equipment will consist of a wash plant, conveyors, jaw and cone crushers, radial stacker, and a train car loading facility. A modular scale house and truck scale will be placed near the western entrance to the property. Vehicle access to and from the site will occur from an existing 25-foot wide, paved private access driveway located on Tilley Road SW approximately 670 feet south of Maytown Road SW. The applicant is also requesting that the 284.02-acre mine boundary to be designated as mineral resource lands of long-term commercial significance. The property lies within two zoning designations: Rural Resource Industrial (RRI) and Rural Residential/Resource—One Dwelling Unit Per Five Acres (RRR 1/5) (approximately 70% of the site is zoned RRI and 30% is zoned RRR 1/5). A Special Use Permit is required for both the mining operation and the request to be designated as mineral resource lands of long-term commercial significance.
Location of Proposal: 13120 Tilley Road SW

Section/Township/Range: Portions of Sections 1, 2, 11, 12 Township 16 North, Range 2

Tax Parcel Number(s): 12601130000, 12601340100, 12601400000, 12602300000, 12602320500, 12602330100, 12602340000, 12602430000, 12602440000, 12603410100, 12611110100, 12611110200, 12611120000, 12611120100, 12611130100, 12611200000, 12612100000, 12612120100, 12612210100, 12612210200, 12612220300

Threshold Determination:
Thurston County Development Services has determined that it does not have a probable significant adverse impact upon the environment with mitigating conditions. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed Environmental Checklist and other information on file with Thurston County Development Services and are listed on page three of this determination. This information is available to the public on request.

Conditions/Mitigating Measures: See Attachment

Jurisdiction: Thurston County
Lead Agency: Development Services
Responsible Official: Michael Kain, Planning Manager

Date of Issue: October 24, 2005
Comment Deadline: November 7, 2005

Tony Kantas, Associate Planner

This Re-Issuance of a Mitigated Determination of Non-Significance (MDNS) is issued under 197-11-340(2); the lead agency will not act on this proposal for 14-days from the date of issue. No permits may be issued, and the applicant shall not begin work until after the comment and any appeal periods have expired and any other necessary permits are issued. If conditions are added, deleted, or modified during the 14-day review period, a modified MDNS will be issued. Otherwise, this MDNS will become final after the expiration of the comment deadline and appeal period, if applicable.

APPEALS: Threshold determinations may be appealed pursuant to TCC 17.09.160 if: (1) a written notice of appeal, meeting the requirements of TCC 17.09.160(D), and the appropriate appeal fee is received by the Thurston County Development Services Department within seven calendar days of the last day of the comment period; and (2) the person filing the appeal meets the requirements of TCC 17.09.160(B). To appeal this determination the person must comment during the comment period as described above.

NOTE: The issuance of this Mitigated Determination of Nonsignificance does not constitute project approval. The applicant must comply with all applicable requirements of Thurston County Departments and the Hearing Examiner prior to receiving permits.

Thurston County Development Services, Tony Kantas
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cc: Department of Ecology (2)
Patrick Chappell, Water Conservation
Michael Welker, Development Services Director
Sandy Moody, DNR
Michael Kain, Planning Manager
Mathew Brookshire, DNR
Kelly McCallister, WDF&W
Environmental Health, John Ward
Mike Blum, DOE

Sub-Area # 6
Thurston Co Roads & Transportation
Jeff Fancher, Prosecuting Attorney
Thor Hoyte, Nisqually Indian Tribe
Mark Goodin, OAPCA
Debbie Carnevali, WDF&W
Rebecca Lawson, DOE
Pene Speaks, DNR
Larry Anderson, DOT
Background

This re-issuance of a mitigated determination of non-significance is issued after review and consideration of additional monitoring and analysis of mitigating measures contained in these documents and plans:

- Environmental Checklist dated 8/13/02
- Special Use Permit application dated 8/13/02
- Sound Analysis, Prepared by Bruck Richards Chaudiere Inc. dated 7/29/02
- Surface Water Management Report, Prepared by Sub Terra, Inc. dated July 2002
- Traffic Impact Analysis, Prepared by Heftron Transportation Inc. dated 7/26/02
- Mining & Reclamation Plan, Prepared by Sub Terra Inc. dated July 2002
- Habitat Management Plan, Prepared by Ecological Land Services, Inc dated 8/1/02
- Wetland Boundary Survey and Rating Report, Prepared by Ecological Land Services, Inc dated 8/1/02
- Spill Plan, Prepared by Sub Terra, Inc. dated July 2002
- Soil Quality Characterization Report, Prepared by Aspect Consulting, LLC
- Supplement Report to the Habitat Management Plan, Prepared by Ecological Land Services, dated 4/23/04
- Supplement Hydrogeologic Analysis, Prepared by Pacific Groundwater Group, dated 4/23/04
- Settlement Agreement between the Applicant and the Black Hills Audubon Society dated October 5, 2005
- Letter dated September 29, 2005 from Alison Moss, Attorney at Law
- Amended Site Plan dated September 27, 2005
- Letter dated September 30, 2005 from Jessica Jensen, Attorney at Law
- Letter dated September 27, 2005 from Joel Massmann, Ph.D., P.E., Letter represents third party review of the Hydrogeologic Report prepared by Pacific Groundwater Group
- Letter dated October 25, 2002 from Charles Ellingson, Pacific Groundwater Group
- Response to Comments on Thurston County MDNS for Maytown Aggregates, from Pacific Groundwater Group, dated April 23, 2004
- Letter dated September 26, 2005 from Charles Ellingson. Pacific Groundwater Group
- Letter dated September 13, 2004 from Environmental Simulations Inc.
- Maytown Aggregates Revised and Expanded Analysis of Hydrologic Effects from Mining, and Presentation of a Revised Groundwater Monitoring Plan Prepared by Pacific Ground Water Group, dated September 26, 2005
- Letter dated October 14, 2004 from Ecological Land Services, Inc.
- Letter dated December 3, 2002 from Bruck Richards Chaudiere.

The above mentioned documents and plans were reviewed by Thurston County and Washington State review agencies for compliance with the Thurston County Critical Areas Ordinance (Title 17.15), Mineral Extraction Code (Title 17.20), State Environmental Policy Act (Title 17.09), Thurston County Drainage Design and Erosion Control Manual, Endangered Species Act, and the Model Toxics Control Act.

Modified Conditions

The conditions listed below are intended to avoid or mitigate the potential objectionable effects of traffic congestion, noise, glare, odor, air and water pollution, fire or safety hazards and all critical area habitat and species.

Traffic
1. The applicant shall provide illumination at the site driveway.
2. The applicant shall prepare and implement a plan that will be used to keep quarry materials out of the County right-of-way.
3. The applicant shall design and construct roadway widening to accommodate truck paths at the site access driveway/Tilley Road intersection.
4. The applicant shall design and construct roadway widening to accommodate truck paths at the Maytown Road/Tilley Road intersection.
5. The applicant shall design and construct a northbound right-turn pocket at the I-5 southbound ramps/Maytown Road intersection to WSDOT standards.

Aquifer (Although based on the above mentioned reports stating that no impairment to the groundwater is predicted, the following conditions will apply):
6. The applicant shall adopt the Maytown Aggregates Groundwater Monitoring Plan, (Appendix B and Revision 2 of the
Groundwater Monitoring Plan, dated September 26, 2005) with the following provisions:

A. Prior to any mining activity and within one-year of final issuance of the Special Use Permit (as used in this MDNS "final issuance" means the issuance of the permit and the resolution of any appeals) issuance the operator will field-verify off-site supply wells in the following areas:

1. West half of Section 6, T16N R1W R2W
2. Northwest quarter of Section 7, T16N R1W
3. Southwest quarter of Section 2, T16N R2W
4. Northeast quarter of Section 10, T16N

B. The operator shall collect the following information from the above-mentioned wells to which owners grant access and which require no modifications to the owner’s well and shall provide the County with a report documenting the following well inventory:

1. Owner
2. Location
3. Contact Information
4. Well log
5. Total depth
6. Depth of openings
7. Pump set depth
8. Depth to static water level
9. Depth to pumping water level
10. Pumping rate
11. Typical water use and well problems
12. Water treatment facilities
13. Specific conductance
14. pH
15. Turbidity
16. Odor
17. Iron-related bacteria activity measurement
18. Appearance of wellhouse, well and water
19. Photo of wellhouse and well head

The mine operator shall update the inventory every five years as long as the mining operation is active and provide the report to the Thurston County Development Services Department.

C. Pursuant to the Groundwater Monitoring Plan, to avoid repeated access to the private wells identified in the proceeding conditions, seventeen (17) monitoring wells shall be established within and surrounding the mine. The wells shall monitor water levels, temperature, and water quality, including measurement of background conditions, and by documenting the construction and performance of off-site water supply wells prior to mining. Four well stations are specific to NPDES monitoring of the process water. The other 13 stations serve the purposes of monitoring for protection of off-site wells and wetlands. The operator shall survey these monitoring wells: (a) six times yearly; or (b) four times yearly if data loggers are installed in the monitoring wells. The surveys shall begin within 60 days of the final issuance by the County of the Special Use Permit. The monitoring data shall be submitted to Thurston County Development Services Department, Washington State Department of Ecology, and the Washington State Department of Fish & Wildlife every two months or quarterly if data loggers are installed in the monitoring wells. The operator will summarize the mining and water monitoring data in a report to the County every two years. The groundwater monitoring reports shall be prepared by a Washington State Licensed Hydrogeologist.

D. If a well owner identifies impairment of his/her well that he/she believes is caused by the mining operation, the County and operator shall follow the procedures identified in the Groundwater Monitoring Plan and act immediately to determine whether there is probable cause that the impairment is caused by the mine. If the conclusion is a finding of probable cause, the mine operator shall immediately either repair the identified problem or replace the well with a well that yields a similar amount of water as the original and that has comparable water quality. If impairment is found to be caused by the mining activity the mining operator shall pay all remedy costs.

E. In the event that monitoring shows significant ground water contamination, turbidity, or other degradation the mining operator may be required to cease operations until such time as acceptable mitigation has been provided and implemented and further monitoring data demonstrates the issue has been satisfactorily resolved.

F. Pursuant to TCC 20.54.070(21)(e) a public hearing must be held every five years after receiving Special Use Permit approval for mineral extraction. Additional to the application material required by TCC 20.54.070(21)(e) to be submitted at the 5-year review period, the applicant shall submit a report prepared by a licensed professional hydrogeologist that analyzes the Groundwater Monitoring Plan and include an assessment of the current condition of the groundwater.

Critical Areas

7. The final site plan delineating all on-site critical areas, project boundary and mine boundary and all SEPA and Hearing Examiner conditions shall be recorded with the Thurston County Auditor on all parcels.


9. The total 1,613-acre ownership contains several critical areas and habitats that are regulated by the Thurston County Critical
Areas Ordinance (Title 17.15), including wetlands, streams, riparian areas, native outwash prairie, and oak woodland habitats, as well as a number of species using those habitats. In accordance with the Thurston County Critical Areas Ordinance 17.15.900, in order to define the edge of the critical area buffers and to protect the delineated buffers from encroachment, signs shall be constructed at the edge of all critical area buffers. The buffers shall be accurately identified and marked by a professional wetland biologist and habitat biologist. The signs shall be metal (or alternative permanent and durable material) and mounted on a minimum 4 by 4 inch treated wood post. The template for the sign must be presented to Thurston County Development Services Environmental/ Shoreline Section for approval. These signs shall be located at the point where the buffer makes a change of direction, and not less than every 300 feet so that each sign is viewable from another sign in each direction.

Critical Areas-Wetlands

10. The applicant shall be in full compliance with Thurston County’s Critical Areas Ordinance 17.15 for protection of all on-site wetlands. The Wetland Boundary Survey and Rating Report dated August 1, 2002 prepared by Ecological Land Services, Inc. identifies four wetland areas (A, B, C-2002, and D-2002) that lie nearest to the project boundary.

Wetland A – Is rated as a Class I wetland according to TCC 17.15.920 and is located to the south and west of the project site. Two species, the aquatic plant, howellia, a listed federal and state threatened plant, and the Oregon spotted frog, a state listed endangered species, are documented as occurring in Wetland A. A Class I wetland requires a 300-foot wide buffer for High Intensity Land Uses in accordance with Table 10 of Chapter 17.15 TCC, which is the minimum buffer width for Class I wetlands with important wildlife functions as required by the Thurston County Critical Areas Ordinance. The edge of the 300 -foot buffer associated with Wetland A shall be accurately identified and marked by a professional wetland biologist and signs shall be erected as stated in condition number nine.

Wetland B – Is rated as a Class II wetland according to TCC 17.15.920 and is located in the western portion of the applicant’s overall ownership, just east of Wetland A. A Class II wetland requires a 200-foot wide buffer for High Intensity Land Uses in accordance with Table 10 of Chapter 17.15 TCC, which is the minimum buffer width for Class II wetlands as required by the Thurston County Critical Areas Ordinance. The edge of the 200 -foot buffer associated with Wetland B shall be accurately identified and marked by a professional wetland biologist and signs shall be erected as stated in condition number nine.

Wetland C-2002 - Is rated as a Class III wetland according to TCC 17.15.920 and is within an isolated depression in the northwestern corner of the applicant’s overall ownership, just north of the main paved entrance to the property. A Class III wetland requires a 100-foot wide buffer for High Intensity Land Uses in accordance with Table 10 of Chapter 17.15 TCC, which is the minimum buffer width for Class III wetlands as required by the Thurston County Critical Areas Ordinance. The edge of the 100 -foot buffer associated with Wetland C shall be accurately identified and marked by a professional wetland biologist and signs shall be erected as stated in condition number nine.

Wetland D-2002 – Is rated as a Class III wetland according to TCC 17.15.920 and is located north of the Tacoma Rail Mountain Division rail line. A Class III wetland requires a 100-foot wide buffer for High Intensity Land Uses in accordance with Table 10 of Chapter 17.15 TCC, which is the minimum buffer width for Class III wetlands as required by the Thurston County Critical Areas Ordinance. The edge of the 100 -foot buffer associated with Wetland D shall be accurately identified and marked by a professional wetland biologist and signs shall be erected as stated in condition number nine.

Critical Areas-Oak Woodlands

11. The Habitat Management Plan dated August 1, 2002, and the Supplement Report dated April 23, 2004 prepared by Ecological Land Services, Inc. identifies four areas of oak trees within the applicant’s overall ownership. All four oak tree areas described in the Supplement Report to the Habitat Management Plan dated April 23, 2004 shall be excluded from the project area as already shown on the site plan.

Critical Areas-Riparian Areas

12. The Beaver Creek and Allen Creek Wetlands occur in the southern and western portions of the property. Both systems are associated and are within Wetland A, which requires a minimum 300-foot buffer from the wetland edge. The applicant has provided a buffer of at least 300 feet. The Groundwater Monitoring Plan will monitor water levels in Finger 4 of Wetland A (station wetA-1).

The applicant has reached an agreement with Black Hills Audubon Society (BHAS). BHAS sought the input, technical assistance and expertise of Capitol Land Trust and The Nature Conservancy of Washington in evaluating the Maytown Aggregates proposal, as well as the technical assistance and expertise of the Departments of Fish & Wildlife and Natural Resources. The agreement explains that the Conservation Organizations wish to insure that aggregate operations are sited in appropriate locations with adequate provision for conservation of important habitats. After extensive work with the applicant and experts representing BHAS and the applicant to develop a monitoring plan, the Conservation Organizations and agencies concluded that, if they had adequate funds, they could provide for more targeted monitoring of species of concern, provide a better response time and more immediate corrective action if issues were identified, and provide enhancements that help species of concern and maintain a stable habitat regardless of whether or not changed environmental conditions are due to mining. The agreement provides funds to BHAS to carry out these activities in lieu of the applicant conducting hydrologic and biologic monitoring. The agreement provides:
The Conservation Fund shall be used for monitoring, enhancement and/or restoration, and acquisition of habitats on site or habitats within the Black River watershed which will benefit the species of concern. The Conservation Fund may also be used to perform control monitoring of species of concern within the South Puget Sound area. Monitoring shall be performed by WDFW and/or DNR or an independent consultant in consultation with WDFW and/or DNR at multiple intervals on an annual basis. The habitat areas shall be monitored for the duration of the SUP (Special Use Permit).”

Condition 8 requires the applicant to comply with this agreement.

Critical Areas—Native Outwash Prairie
13. The Habitat Management Plan delineates and describes a Native Outwash Prairie along the eastern most portion of the property. Table 8 of the Thurston County Critical Areas Ordinance lists Native Outwash Prairies as an important habitat within Thurston County. TCC 17.15.720 establishes buffers on a case-by-case basis as described in a required habitat management plan in compliance with TCC 17.15.735. The Supplement Report to the Habitat Management Plan concludes that the Native Outwash Prairie will be avoided, buffered by a minimum of 100 feet, and will not be impacted by the mining activity.

The edge of the minimum 100-foot buffer associated with Native Outwash Prairie shall be accurately identified and marked by a professional biologist and signs shall be erected as stated in condition number nine.

Critical Areas—Important Species of Thurston County
14. Table 9 of the Thurston County Critical Areas Ordinance lists important species for Thurston County. TCC 17.15.735 requires a Habitat Management Plan to be prepared by a certified wildlife biologist, habitat management consultant or botanist to identify all-important species that could be impacted by the proposed project. The intent of the Habitat Management Plan is to analyze the effect of the proposed development, activity, or land use change upon the wildlife habitat suitable for the important species identified by Thurston County and to avoid and mitigate any adverse impacts to the habitats. The Habitat Management Plans dated August 1, 2002 and April 23, 2004 prepared by Ecological Land Services, Inc identifies all the important habitats within the overall 1,613-acre ownership and all-important and endangered species that could inhabit within those habitats.

The plan reviewed the likelihood that the following species may be present within these habitats: Bald Eagle, Oregon Spotted Frog, Mardon Skipper, Whulge Checkerspot, Bull Trout, Coho Salmon, Coastal Cutthroat Trout, Oregon Branded Skipper, Oregon Silverspot, Puget Blue, Valley Silverspot, Golden Paintbrush, Howellia, White-Top Aster and the Olympic Mudminnow.

It determined that the following species are present or probably present in the site but outside of the Mine and Project Boundaries: Oregon Spotted Frog (a federal candidate species, state endangered species, County important species), Coho Salmon, Howellia (federally and state listed threatened species), and the Olympic Mudminnow (state sensitive species and County important species).

It identified the native outwash prairie as potentially providing suitable habitat for the Mardon Skipper, Whulge Checkerspot, Oregon Branded Skipper, Puget Blue, Valley Silverspot, Golden Paintbrush, and White-Top Aster, although no individuals were observed in the many site visits. Beaver and Allen Creeks provide suitable habitat for Coastal Cutthroat Trout.

The Habitat Management Plans conclude that the required buffers and monitoring of the Important Habitats will adequately protect all probable important and listed species identified on the entire 1,613 acres. As explained in Condition 12, the applicant has reached an agreement with BHAS with technical assistance and expertise from Capitol Land Trust, The Nature Conservancy of Washington and the Departments of Fish & Wildlife and Natural Resources in evaluating the Maytown Aggregates proposal. The agreement provides BHAS funds to be used for targeted monitoring of species of concern, provide a better response time and more immediate corrective action if issues were identified, and provide enhancements that help species of concern and maintain a stable habitat regardless of whether or not changed environmental conditions are due to mining. The agreement provides funds to BHAS to carry out these activities in lieu of the applicant conducting hydrologic and biologic monitoring. The agreement provides:

The Conservation Fund shall be used for monitoring, enhancement and/or restoration, and acquisition of habitats on site or habitats within the Black River watershed which will benefit the species of concern. The Conservation Fund may also be used to perform control monitoring of species of concern within the South Puget Sound area. Monitoring shall be performed by WDFW and/or DNR or an independent consultant in consultation with WDFW and/or DNR at multiple intervals on an annual basis. The habitat areas shall be monitored for the duration of the SUP (Special Use Permit).”

Condition 8 requires the applicant to comply with this agreement.

Noise
15. Noise levels shall comply with WAC 173-60. The operator shall ensure that noise levels are monitored at least quarterly following the start of mining operations. All monitoring must be done using qualified personnel and equipment as specified in WAC 173-58 or as otherwise approved by the Thurston County Health Department. Monitoring results and data must be
submitted to Thurston County Development Services and the Health Department for review. All monitoring must be done during normal operating conditions and hours and must continue on a quarterly basis until or unless the Health Department determines a lesser or greater frequency is warranted. If the applicants propose a method of noise monitoring for this facility other than specified in WAC 173-60, then a detailed monitoring plan must be prepared and submitted for review and approval prior to the start of mining operations. In the event that monitoring shows noise levels at the property lines exceeding the daytime or nighttime standards in WAC 173-60, the applicants may be required to cease operations until such time as acceptable mitigation has been provided and implemented and further monitoring data demonstrates the noise levels have been reduced to levels meeting WAC 173-60. The use of back-up strobe lights may be required as an alternative to back up beepers if the beepers are found to be a significant noise impact to near-by residences. The applicant shall construct a 15-foot high landscape berm along the entry road and 1,000 feet east of the entry road to mitigate any probable noise impacts. All equipment used on the site shall be equipped with mufflers and be properly maintained to limit noise.

Environmental Health

16. This project must be phased in such a manner as to comply with the ongoing Remedial Investigation and Feasibility Study being evaluated by the Washington State Department of Ecology (WSDOE). The SEPA determination and conditions must include the proposed permit language and conditions submitted by the WSDOE (please refer to the February 6, 2004 and February 20, 2004 letters from WSDOE). Gravel mining operations may begin in the northeast portion of the property (areas 1 & 2 located north of the railroad tracks). Mining operations may NOT proceed into any areas south of the railroad tracks until formal written approval to do so has been received from the Washington State Department of Ecology. Mining may proceed only into the portions of the property specifically identified by the WSDOE as needing no further action with respect to soil and/or groundwater contamination and clean up activities.

17. All aggregate wash water must be disposed of per the method previously agreed upon between the applicants, the Health Department, and WSDOE. This agreement states that wash water will not be directly discharged into excavation pits. In addition, the disposal pond(s) for wash water must be sand lined to mitigate possible turbidity increase in underlying aquifers.

18. Formal sewage system permit applications and designs must be submitted and receive approval from the Health Department prior to the release of any building permits on this property.

19. Prior to release of any building permits on this site a public water system for this facility must be developed and receive final construction approval from either the Drinking Water Section of this department (Group B systems) or the Washington State Department of Health (Group A systems).

20. The applicants have submitted an acceptable hazardous materials handling & spill response plan for vehicle and equipment maintenance and fueling activities. Copies of the approved spill plan must be made available to all employees on the site during mining operations.

21. If the total ground water withdrawal on this site will be equal to or greater than 3,000 gallons per day, a water right permit from the Washington State Department of Ecology would be required.

Lighting

22. Any lighting on the site must be directed away from adjoining properties and must be shielded to prevent any glare from being directed onto adjoining properties.

Drainage and Stormwater

23. The proposed development must comply with all requirements and best management practices for the treatment of stormwater including but not limited to high quality oil/water separators, grass-lined swales, extended detention dry ponds, wet ponds or created wetlands in compliance with the Drainage Design and Erosion Control Manual for the Thurston Region, as implemented by the Thurston County Development Review division. To avoid critical area buffer impacts resulting from the erosion of stockpiled or permanently-placed soils or from overburden and other materials, erosion control measures outlined in the Surface Water Management Plan dated July 2002 prepared by Sub Terra, Inc. shall be implemented.

24. Erosion must be controlled throughout the mining and construction period. Should soil migration occur, approved methods of erosion control must be implemented. These methods may include, but are not limited to, replanting exposed soils, and covering of exposed soils with plastic or two inches of loose straw.

25. Storm water runoff from the fill slopes shall be directed toward a perimeter trench that will serve both as an infiltration swale and conveyance ditch. The conveyance ditch shall lead to a series of sedimentation ponds that flow into an infiltration pond. The fill material shall be revegetated as soon as possible after placement.

Air quality

26. Three agencies have air quality jurisdiction in the project area: the United States Environmental Protection Agency (EPA), the Washington State Department of Ecology (DOE) and the Olympic Air Pollution Control Authority (GAPCA). All operations on site must meet the standards and requirements of each agency.
Utilities
27. All utilities must be extended to the site in accordance with the provisions and requirements of the service providers.

Fire Safety
28. If underground storage tanks (USTs) are used on site for storage of petroleum products or waste oil, the tanks must be registered and licensed with the Washington State Department of Licensing. The operation and maintenance of the USTs must comply with Chapter 90-76 RCW and Chapter 173-360 WAC—Underground Storage Tank Statute and Regulations.

Other
29. Applicant shall hire, employ, or otherwise contract for archaeological services within the Mine Boundary. The archaeological services shall be for an archaeological survey of the property that comports with the standards and practices of the industry and shall be conducted prior to any gravel removal activities, up to and including moving of equipment onto the site. The survey shall, at a minimum, include a record search and reconnaissance of the property within the Mine Boundary. If during the reconnaissance, the archaeologist determines that shovel test holes are warranted in specified areas, the reconnaissance shall also include shovel test holes of those specified areas performed on a grid that comports with the industry standard in the areas reasonably calculated to contain potential artifacts.

If the archaeological survey determines artifacts are present, or there is a high probability of the presence of artifacts in the opinion of the archaeologists, then a Tribal Monitor shall be present for the removal of the dirt layers in the high probability area.

The Tribal Monitor shall be paid at the expense of Applicant or its successor in interest. The Tribal Monitor shall undergo any necessary safety training at the expense of Applicant or its successor in interest.

All work in the vicinity of found artifacts or remains must immediately stop until the State Historic Preservation Officer (SHPO), Thurston County Historic Commission, and if human remains, the Thurston County Medical Examiner consult with the Nisqually Tribe and each other to form a plan of action based on the archaeological findings.

Continued work in the area of the artifact will then be dependent on that plan of action.

30. The operator shall obtain certification from the sender of the construction fill that the material is “clean” as defined in Section 1.3 of the Settlement Agreement and is suitable for construction of hills on the property for reclamation and, if approved by Department of Natural Resources, placement in open water.

31. No work shall occur on-site during the SEPA and Special Use Permit Review process and the resolution of any appeals, with exception to the ongoing Remedial Investigation and Feasibility Study being evaluated by the Washington State Department of Ecology as described in the above Condition No. 16.

32. Additional conditions may be placed upon this project if a Special Use Permit is approved by the Thurston County Hearing Examiner.