MUTIGATED DETERMINATION OF NONSIGNIFICANCE

This Mitigated Determination of Nonsignificance (MDNS) is being issued under TCC 17.09.095 and WAC 197-11-355, the optional MDNS process. On December 21, 2010 a Notice of Application along with a Proposed MDNS were issued. Based on comments received and submittal of a new Groundwater and Surface Water Monitoring Plan for the proposed mining operation, the proposed MDNS was revised. It follows below.

SEPA and LAND USE MASTER PROJECT NUMBER
2010101170

Proponent: Maytown Sand & Gravel, LLC
c/o Steve Cortner
12890 Freemont Street
Yucaipa, CA 92399

Description of Proposal: On December 16, 2005, the Thurston County Hearing Examiner approved a Special Use Permit (SUP) for a 284-acre gravel mine with a 350-acre total disturbed area in the southeast quadrant of the Maytown Road/Tilley Road intersection. The SUP approval adopted the October 24, 2005 SEPA MDNS for the project. The current proposal seeks to amend the SUP as follows: 1) change the timing for field verification of off-site supply wells; 2) change the timing for commencement of background water quality monitoring; 3) clarify the process for water monitoring; and 4) set the number of water monitoring stations to 16 for the initial testing, with a 17th station to be established later. Each of the four items proposed for amendment were set as MDNS conditions that were incorporated into the SUP approval. To change these conditions requires both issuance of a new SEPA threshold determination on the proposed amendments and a Hearing Examiner amendment of the SUP.

Items 1 and 2 above had specific time deadlines set through the MDNS. The deadlines have passed. A new timeline is sought. Item 3 was not clearly set out in the MDNS. Clarification regarding the monitoring process and parameters is sought. Item 4 set the number of initial monitoring stations at 17. The applicant seeks to set the number at 16 stations with a 17th added later as a process water pond. All other conditions of the original MDNS and SUP approval will remain unchanged. In summary, the applicant requests to delete the subject time deadlines and water monitoring process language established in the original approval and replace them with new deadlines and language as established through review of the proposed amendment. The Resource Stewardship staff is the issuing authority for the SEPA threshold determination and the County Hearing Examiner will be the approval authority for the amendment request and any appeal of the SEPA threshold determination.

Location of Proposal: 13120 Tilley Road SW, Olympia, WA 98512
Section/Township/Range: Portions of Sections 1, 2, 11 and 12, Township 16N, Range 2W
Tax Parcel No.: 12602340100
Threshold Determination: The lead agency for this proposal has determined that the attached mitigating conditions, along with required compliance with applicable codes will mitigate all probable significant adverse impacts upon the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(C). This decision was made after review by the Lead Agency of a completed Environmental Checklist and other information on file with the Lead Agency. This information is available to the public on request.

Mitigating Conditions: See Attachment
Jurisdiction: Thurston County
Lead Agency: Resource Stewardship Department
Responsible Official: Mike Kain, Manager/Environmental Review Officer
Date of Issue: January 19, 2011
Comment Deadline: February 2, 2011
Appeal Deadline: February 9, 2011

A Site Plan depicting the previously approved mine areas is attached.

Appeals: Threshold determinations may be appealed pursuant to TCC 17.09.160 if a written notice of appeal, meeting the requirements of TCC 17.09.160(D), and the appropriate appeal fee are received by the Thurston County Resource Stewardship Department prior to 4:00 p.m. on the appeal deadline date shown above. Per TCC 17.09.160(B), only aggrieved parties who submit written comments during the comment period may appeal.

Note: The issuance of this Mitigated Determination of Nonsignificance does not constitute project approval. The applicant must comply with all applicable requirements of the Thurston County Critical Areas Ordinance, Shoreline Master Program for the Thurston Region, Thurston County Stormwater Drainage Design and Erosion Control Manual, Thurston County Sanitary Code, Thurston County Rural Zoning Code, and the International Building Code, as well as applicable State and Federal requirements prior to receiving permits.

Thurston County Resource Stewardship Department
Building #1, Administration
2000 Lakeridge Drive SW
Olympia, WA 98502
(360) 786-5475

cc: Department of Ecology, Alex Callender
Department of Fish & Wildlife, Jason Kunz
TC Environmental Health
Squaxin Island Tribe
Adjacent Property Owners within 500 Feet
Department of Natural Resources, Mine Division
Nisqually Tribe
TC Public Works, Development Review
Known Interested Parties
Chehalis Tribe
Sub Area # 3
MDNS Attachment
Project # 2010101170

Information Reviewed

The environmental threshold determination and conditions are substantially based on analysis of
information obtained from the following documents and site visits. Many of these documents are on the
County’s Maytown Sand and Gravel webpage, http://www.co.thurston.wa.us/permitting/landuse-
activities/maytown-supt-five-year-review.htm. All of these documents and other related documents are
also available for public review from 8:00 a.m. to 12:00 p.m. at the Permit Assistance Center on the
second floor of Building #1, Thurston County Courthouse, 2000 Lakeridge Drive SW, Olympia,
Washington.

a. Environmental Checklist dated August 26, 2010
b. Expanded Environmental Checklist dated July, 2002, along with associated documents
c. Supplement to Expanded Environmental Checklist dated September 2005
d. Hearing Examiner Decision on SUP 02 0612 dated December 16, 2005
e. Mitigated Determination of Non-Significance issued October 24, 2005
f. Vicinity Map dated August 22, 2007
g. Mining Area Map dated November 3, 2009
h. Application Narrative dated April 22, 2010
i. Application Narrative dated July 1, 2010
j. Application Narrative dated August 24, 2010
k. Application Narrative dated October 29, 2010
l. Application Narrative dated December 13, 2010
m. Site Plan dated October 5, 2010
n. Groundwater Monitoring Plan dated September 26, 2005
p. Memos from Nadine Romero, County Hydrogeologist dated February 19, 2010, June 8, 2010
   and November 10, 2010
q. Letters from Washington Department of Ecology dated May 10, 2010, September 27, 2010, and
   October 7, 2010
r. Settlement Agreement dated October 5, 2005
s. Letter to John Hempelmann and Tayloe Washburn dated June 17, 2010
t. Numerous letters and emails submitted by the public as a result of the Notice of Application
   issued on September 8, 2010 and re-issued on September 17, 2010
u. WAC 197-11
w. Letters submitted from the following sources as a result of the Notice of Application and
   Proposed MDNS issued on December 21, 2010:

   Confederated Tribes of the Chehalis Reservation dated January 10, 2011
   Black Hills Audubon Society dated January 10, 2011
   The Law Offices of M. Patrick Williams, Representing Friends of Rocky Prairie dated January,
   10, 2011
   Cairncross & Hempelmann Attorneys at Law, Representing Maytown Sand & Gravel dated
   January 10, 2011
Mitigating Conditions

Below in *italics* are the original conditions from the October 24, 2005 MDNS for SUPT 02-0612 that are the subject of this proposed revision. Following the original language is the new language in **bold** for the same numbered condition. The new language does not add new conditions to the original MDNS. The new language provides changes and clarifications to the original language. Unless subsequently amended through an appropriate process, the unchanged conditions of the 2005 MDNS will remain in full force and effect.

1. *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:*

   6. The applicant shall adopt a revised Groundwater Monitoring Plan, to replace the 2005 Groundwater Monitoring Plan, that more clearly sets out the water monitoring requirements for the proposed mineral extraction project as interpreted by the Thurston County Hydrogeologist. That document, entitled Groundwater and Surface Water Monitoring Plan, dated January 18, 2011 has been drafted by the applicant and approved by the Thurston County Environmental Health Division pursuant to TCC 17.20.210. That Plan is incorporated as a part of this MDNS.

2. **6A. 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
   2. Northwest quarter of section 7, T16N R1W
   3. Southwest quarter of Section 2, T16N R2W
   4. Northeast quarter of Section 10, T16N R2W
   5. South one-half of Section 11, T16N R2W
   6. South one-half of Section 12, T16N R2W

**6A. Prior to the commencement of mining the operator will field-verify off-site supply wells in the following areas:**

1. West half of Section 6, T16N R1W
2. Northwest quarter of section 7, T16N R1W
3. Southwest quarter of Section 2, T16N R2W
4. Northeast quarter of Section 10, T16N R2W
5. South one-half of Section 11, T16N R2W
6. South one-half of Section 12, T16N R2W

3. **6C. 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 the 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.

6C. The Groundwater and Surface Water Monitoring Plan dated January 18, 2011 shall set out and control the water monitoring procedures for the life of the subject mine. The Plan resolves the discrepancies between the 2005 Groundwater Plan and the original language of condition 6C, and sets new deadlines for completion of background water quality monitoring. The original language of condition 6C is deleted.

Notes

A. Washington State Water Quality Laws, Chapter 90.48 RCW, Water Pollution Control and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, define quality of state waters. Any discharge of sediment-laden runoff or of other pollutants to waters of the state is in violation of these state laws and may be subject to enforcement action.

B. During all mining activities, all releases of oils, hydraulic fluids, fuels and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over all other work at the site.

C. Thurston County has determined that the SEPA review is limited to the proposed amendments and not to issues that were already reviewed in the earlier SEPA process unrelated to the proposed amendments. Only the requested changes and the effect of those changes are subject to this review. The unchanged conditions of the October 24, 2005 MDNS remain in full force and effect.

Summary

The Thurston County Resource Stewardship Department has determined that the requirements for environmental analysis, protection, and mitigation have been adequately addressed in the above conditions, as well as in development regulations and the Comprehensive Plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Other than the conditions listed above, and those unchanged conditions from the October 24, 2005 MDNS issued for SUPT 02-0612, this Department will not require additional mitigation measures under SEPA.
DIRECTIONS TO SITE:
The site is located approximately 10 miles south of Olympia. From Olympia, drive southbound on Interstate 5 towards Portland. Take the WA-121 (Exit 95) towards Maytown. Drive eastbound on WA-121 (Maytown Road SW). Turn right onto Tilly Road. Site is located on left (east) side of Tilly Road, just south of the intersection of Tilly Road and WA-121.

NOTE:
USGS topographic quadrangle map reproduced using MAPTECH, Inc. software Terrain Navigator.