

December 24, 2011

Jefferson County Department of Community Development
Development Review Division
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**Subject: Land Use Application and Pending SEPA Determination
MLA 10-00072-Iron Mountain Quarry**

This letter is in response to the subject Land Use Application and pending SEPA determination by Jefferson County on MLA 10-00072. This letter addresses the noise impact determination that was made as a part of the application. Iron Mountain Quarry (IMQ) submitted a noise impact study as a part of its application for mining operations. This noise impact study was conducted by AMEC Geomatrix, Inc. in a study titled "*Community Noise Impact Assessment for the Proposed Iron Mountain Quarry at Shine*" with the latest version being dated August 31, 2011.

Summary:

In the notice dated December 14, 2011 the County has implied that it intends to issue a mining permit conditioned on the mitigation noted in the notice. There is no mitigation noted for noise. Line item #33 makes a stipulation that the "*applicant shall not use any equipment that exceeds Washington Administrative Code (WAC) Chapter 173-60*". As written, that requires that an individual piece of equipment must meet the sound requirement and not the totality of the operation. The condition as written subverts the intent of the law and WAC 173.60. Further there is no method identified to monitor compliance with the code, nor actions conditioned on noncompliance with the code, nor establishment of the responsible agency or who pays for the monitoring of the compliance.

Details:

The AMEC study while an improvement on earlier versions still does not consider all the equipment that will be in the quarry, i.e. there are no trucks in the analysis. This appears to be a result of confounding of the noise regulations governing vehicles and the intent of WAC 173.60. There will be both haul trucks within the quarry proper as well as customer trucks that enter and exit the quarry at random times. In addition, the study fails to account for the accumulative noise from the Shine/Mason Quarry. WAC 173.60 establishes limits on the amount of sound emitted from a noise source to a receiving source. In this case WAC 173.60.030(1)(a)(iii) establishes the Port Ludlow Master Plan (MPR) community as a Class A EDNA. This designation constrains the noise at the boundary of the MPR to be less than or equal to 60 dBA. Both the Shine/Mason Quarry and the proposed Iron Mountain Quarry (IMQ) are both Pope Resource lessors and as such can be assumed to be the nominees for Pope Resources. The statues deals with cumulative noise that is generated by the mining operation(s), i.e. Pope. The regulation is not constrained to individual pieces of equipment but deals with the operation(s) in their entirety.

An area of the AMEC study which is questionable is the use of a ground absorption coefficient of 100 percent. When the top soil is removed in the quarry, the floor of the quarry as well as its high walls become highly reflective. This is especially true when the mining is in line of sight of the MPR. Mining is slated to start in the section designated 1B. This section is anticipated not to be a problem, but the high walls at the face of the mine will be reflecting not only the sounds of the work on or at the face of the high wall, but also noise from the main plant, jaw crushers and the screening operations as well as any trucks in the quarry. These reflections will be directed up the valley connecting the MPR to the quarry. The net effect is that the AMEC studies are understating the level of sound that can be anticipated at the MPR boundary.

Next spring it is anticipated that the Shine/Mason Quarry will start the removal of its east high wall. This will contribute to the noise level that can be expected at the MPR boundary. The AMEC study does not consider the additive component of the two quarries.

The AMEC study indicates in Figure 5, that the mining operations will exceed the noise limit at the boundary of the MPR, a violation of WAC 173.60. In addition, our 1st order analysis indicates that at times the mining operations will be in line of sight of the MPR, where the only reduction of noise is due to actual distance between sender and receiver, resulting in sound levels of 65 dBA ± at the boundary of the MPR. In either case the mining operation(s) will be out of compliance with the WAC 173.60 and require mitigation.

Mitigation:

In order to assure that the noise level constraints of WAC 173.60 are not exceeded at the MPR Boundary, Jefferson County is requested to take the following actions and specific mitigation steps:

- 1. Require AMEC to redo their noise study to incorporate the comments contained herein and to recommend specific mitigation steps that must be taken to prevent the noise during mining operations from exceeding the requirements of WAC 173.60.030(1)(a)(iii) or declare that noise is of significance and will require the conduct of an Environmental Impact Statement.**
- 2. The County must require the establishment of two listening posts that continuously monitor the noise level at the boundaries of the Port Ludlow Master Plan Resort (MPR).**
- 3. The listening posts should be located at the approximate locations longitude 122.70122W - latitude 47.8943N and longitude 122.69447W - latitude 47.89291N.**
- 4. In keeping with the AMEC study the listening devices should be located 15 feet above the ground.**
- 5. The devices should be capable of storing sufficient data so that it can be reviewed at reasonable periods of time as established by the County or its consultants.**

6. The County shall be responsible for assuring compliance with WAC 173.60. The County may contract with consultants that analysis the data.
7. The County will establish a schedule of fines that will be imposed upon the applicant for failure to meet compliance. The fines should be of a magnitude to insure compliance with the code, in the order of \$100.00 per minute for every minute the applicant's operates are out of compliance.
8. If the applicant fails to pay the fine within 30 days of invoicing the County shall be required to take whatever legal actions are necessary to terminate the mining operations until all fines are paid and corrective actions are in place to assure compliance with the code.
9. The County will periodically (quarterly) report to the Port Ludlow Community on the current status of the mining compliance.
10. The cost of the mitigation is to be the sole responsibility of the applicant.

We request a detailed response to this letter and an indication of actions to be taken by Jefferson County prior to the issuance of a SEPA determination on the subjects application.



**P.A. Traci, President
SBCA Homeowners Association**



**G. David Armitage & Bruce Schmitz
SBCA SEPA Committee**

Cc:

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