



PORT LUDLOW VILLAGE COUNCIL
P.O. BOX 65012
PORT LUDLOW, WA 98365

December 22nd, 2011

Jefferson County Department of Community Development
Development Review Division
621 Sheridan Street
Port Townsend, WA 98368

Via USPS and Email

Subject: SEPA Mitigation Item 28 re Quarry Truck Traffic in Port Ludlow

Dear Sirs,

The following resolution was approved unanimously at a Special Meeting of the PLVC on December 20th, 2011 and the request is hereby submitted to the County:

WHEREAS, the possibility that trucks might transport New Shine Quarry product through Port Ludlow has always been the foremost concern of the residents due to its potentially serious but unaddressed SEPA environmental impacts—e.g., traffic, noise, vibration, dust, health, and safety; and

WHEREAS, the current wording of Mitigation Item 28 is ambiguous and unclear as shown by the attached analysis; and

WHEREAS, Iron Mountain Quarry voluntarily agreed that *“Quarry product from the New Shine Quarry shall not be transported on any Port Ludlow streets except to deliver product to a specific home or business. Quarry product from the New Shine Quarry shall not be transported using any dock in the Mats Mats Bay site.”* as a mandatory SEPA MDNS condition in the attached email Carson to Meade dated March 2nd, 2010; therefore it is,

RESOLVED THAT, The PLVC requests the County to incorporate IMQ’s words to clarify the meaning of the SEPA determination and the Stormwater Management Permit as follows:

This proposal is for truck transportation of materials only. Quarry product from the New Shine Quarry shall not be transported on any Port Ludlow streets except to deliver product to local markets serving local demand i.e., to a specific home or business. Quarry product from the New Shine Quarry shall not be transported using any dock in the Mats Mats Bay site and/or via a marine transportation system.

Until these words or their full equivalents are included unequivocally and flow with the permit, Port Ludlow residents cannot relax their environmental concerns about quarry traffic through Port Ludlow.

Yours sincerely
Port Ludlow Village Council

Anthony F. Durham
Vice President and Acting President

Victoria J. Tallerico
Secretary

Attachments: 1. Analysis of Current Wording and PLVC Requested Wording of Item 28
2. Email Carson to Meade dated March 2nd, 2011

ANALYSIS OF CURRENT WORDING AND PLVC REQUESTED WORDING OF ITEM 28 IN
DECEMBER 14, 2011 NOTICE OF CONDITIONS CONSIDERED TO MITIGATE
ENVIRONMENTAL IMPACTS

Current Notice Wording

“28. This proposal is for truck transportation of materials only. The operator may provide material to local markets serving local demand; however, no export material is to be transported via a marine transportation system.”

Meaning of Export

The normal definition of export is to ship the goods and services out of the port of a country:

- “This term export is derived from the conceptual meaning as to ship the goods and services out of the port of a country.” [\(Ref 1\)](#).
- “to send goods for sale or exchange to other countries” [\(Ref 2\)](#)
- Export [\(Ref 3\)](#)
 - to ship (commodities) to other countries or places for sale, exchange, etc.
 - to send or transmit (ideas, institutions, etc.) to another place, especially to another country.

Use of the word export, whose main definition defeats the SEPA protection of “no quarry trucks through Port Ludlow”, is unacceptable. If left unchanged, its normal meaning would allow unlimited domestic marine transportation. Some destination examples are:

- Port of Everett (a close port to IMQ’s product transshipment yard),
- Naval Base Kitsap—the third-largest Navy base in the U.S. [\(Ref 4\)](#), the only West Coast dry dock capable of handling a Nimitz-class aircraft carrier, and the only West Coast base for Trident submarines. E.g., the Navy plans to build a \$715 million wharf at the Bangor submarine base on Hood Canal starting in 2012 [\(Ref 5\)](#).
- Port of Los Angeles and the adjacent Port of Long Beach—to which the Pacific Northwest sends large quantities of aggregate [\(Ref 6\)](#), etc.

Meaning of Operator

IMQ is the operator. However, IMQ has frequently stated that it does not own or operate a quarry truck fleet. Consequently, limitations on the operators of the quarry trucks are currently unspecified and presumably they may take quarry product to marine transportation systems.

Iron Mountain Quarry Voluntary Agreement

Iron Mountain Quarry’s Voluntary Agreement to minimize Port Ludlow’s traffic concerns was prepared by GordonDerr, IMQ’s attorneys, on Mar 1st, 2010 [\(Ref 7\)](#):

“To address concerns of the Port Ludlow community, Iron Mountain Quarry voluntarily agrees that the following shall be imposed as a condition of the Jefferson County SEPA Determination of Non-Significance or Mitigated Determination of Non-Significance for the New Shine Quarry proposal:

Quarry product from the New Shine Quarry shall not be transported on any Port Ludlow streets except to deliver product to a specific home or business. Quarry product from the New Shine Quarry shall not be transported using any dock in the Mats Mats Bay site.”

Since this wording is acceptable to IMQ, its use can help clarify the ambiguities and unintended meanings discussed above.

PLVC Requested Wording of Item 28

The original is merged with the IMQ Voluntary Agreement to remove the words export and operator and clarify the meaning without creating new “unapproved” text other than the connective words “and/or” and “i.e.”.

Legend:

Original text

IMQ Voluntary Agreement text

New connective words

28. This proposal is for truck transportation of materials only. Quarry product from the New Shine Quarry shall not be transported on any Port Ludlow streets except to deliver product to local markets serving local demand i.e., to a specific home or business. Quarry product from the New Shine Quarry shall not be transported using any dock in the Mats Mats Bay site and/or via a marine transportation system.

Until these words or their full equivalents are included unequivocally in the permit, Port Ludlow residents cannot relax their environmental concerns about quarry traffic through Port Ludlow.

References

1. <http://en.wikipedia.org/wiki/Export>
2. Encarta (Microsoft product usually available when using Word lookup)
3. <http://dictionary.reference.com/browse/export>
4. http://en.wikipedia.org/wiki/Naval_Base_Kitsap
5. <http://kitsapnavynews.com/blog/bangor-wharf-expansion-not-local-favorite/430/>
6. http://www.em.gov.bc.ca/Mining/MineralStatistics/MineralSectors/ConstructionAggregates/ReportsandPublications/Documents/FINAL_REPORT_Coastal_Markets.pdf
7. http://pl-wa.org/sites/default/files/documents/archives/IMQ_Agrees_no_Quarry_Product_Transported_on_Port_Ludlow_Streets_if_no_EIS_20-Mar-2010.pdf

From: Brent Carson [mailto:bcarson@GordonDerr.com]
Sent: Tuesday, March 02, 2010 7:52 AM
To: Dan Meade
Cc: Tony Simpson; Burnett, James E.
Subject: RE: Proposed SEPA Condition

That is fine to make this public. I will be submitting this today to David Wayne Johnson.

From: Dan Meade [mailto:dmeade1@gmail.com]
Sent: Tuesday, March 02, 2010 7:17 AM
To: Brent Carson
Cc: Tony Simpson
Subject: Re: Proposed SEPA Condition

OUTSTANDING. THANKS TO YOU AND JIM. DO YOU WANT THIS MADE PUBLIC AT THE PLVC AND SBCA BOARD MEETINGS THIS THURSDAY AND FRIDAY?DAN

On Mon, Mar 1, 2010 at 5:54 PM, Brent Carson <bcarson@gordonderr.com> wrote:

Dan,

As Jim agreed when we met last week, Iron Mountain Quarry would voluntarily agree to a condition regarding use of Port Ludlow streets. Here is a draft of that condition, which we would propose be included as a mandatory condition of the County's SEPA determination. Jim wanted me to send you this in draft first. If you have any questions or proposed revisions, please let me know.

To address concerns of the Port Ludlow community, Iron Mountain Quarry voluntarily agrees that the following shall be imposed as a condition of the Jefferson County SEPA Determination of Non-Significance or Mitigated Determination of Non-Significance for the New Shine Quarry proposal:

Quarry product from the New Shine Quarry shall not be transported on any Port Ludlow streets except to deliver product to a specific home or business. Quarry product from the New Shine Quarry shall not be transported using any dock in the Mats Mats Bay site.

Brent Carson

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