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The Honorable Anna Laurie
Kitsap County Superior Court

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JEFFERSON COU
RUTH GORDON, CL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF JEFFERSON

IRON MOUNTAIN QUARRY, LLC, a
Washington Limited Liability Company, and
POPE RESOURCES, a Delaware Limited
Partnership;

Petitioners/Plaintiffs,

vs.

JEFFERSON COUNTY, a Washington
Municipal Corporation, acting through its
Department of Community Development; and
STACIE L. HOSKINS, Planning Manager,
Jefferson County Department of Community
Development;

Respondents/Defendants.

No. 10-2-00181-5

DECLARATION OF DALE N.
JOHNSON

[TO BE HEARD BY JUDGE
ANNA LAURIE, KITSAP
COUNTY PRE-ASSIGNED
JUDGE]

**FAX
FILED**

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

1. I am an attorney in the law firm of GordonDerr, LLP ("GordonDerr"). GordonDerr represents Petitioners Iron Mountain Quarry, LLC (IMQ), and Pope Resources, a Delaware Limited Partnership ("Pope") (collectively, "Respondents"), in this matter. On February 25, 2010, GordonDerr, on behalf of Petitioner IMQ, submitted an application to Jefferson County for a Type I Stormwater Management Permit for the New Shine Quarry, a hard rock mining operation in southeast Jefferson County (MLA No. 10-

DECLARATION OF DALE N. JOHNSON - 1

GordonDerr.

2025 First Avenue, Suite 500
Seattle, WA 98121-3140
(206) 382-9540

1 00072) ("Application"). This Application is attached as Attachment A to Exhibit A to
2 Petitioners Petition for Constitutional Writ of Certiorari and Complaint for Damages
3 Pursuant to Ch. 64.40 RCW ("Petition") filed in Jefferson County Superior Court on or
4 about April 7, 2010.

5 2. On March 22, 2010, the Jefferson County Department of Community
6 Development ("DCD"), acting by and through Ms. Stacie Hoskins, issued a "Notice of
7 Determination of Significance and Request for Comments on Scope of EIS" (the
8 "Determination of Significance" or "DS") pertaining to operation of the New Shine
9 Quarry. *Id.* This DS is attached as Att. B to Exhibit A to Petitioners' Petition filed in
10 Jefferson County Superior Court on or about April 7, 2010.

11 3. At no time between the initial submission of the Application and issuance of the
12 Determination of Significance did any employee or official of Jefferson County
13 communicate with Petitioners or their counsel or consultants pertaining to review of the
14 Application.

15 4. On or about April 7, 2010, Petitioners filed the Petition in Jefferson County
16 Superior Court.

17 5. On or about April 22, 2010, Respondents filed a Motion and Affidavit of Prejudice
18 seeking disqualification of the Honorable Craddock Verser, Jefferson County Superior
19 Court Judge, from this case. Att. 1 hereto. The Parties subsequently sought pre-
20 assignment of a visiting Judge from the Kitsap County Superior Court. Att. 2 hereto.
21 This Court was assigned to hear this case on or about June 10, 2010. Att. 3 hereto.

22 6. On or about May 12, 2010, the Parties stipulated to review of the County's DS
23 decision by Constitutional Writ of Certiorari. The Jefferson County Superior Court
24 entered an Order granting the Writ of Certiorari on May 13, 2010. The Stipulation and
25 Order are attached as Exhibit A to the Declaration of Kenneth Harper.

DECLARATION OF DALE N. JOHNSON - 2

GordonDerr

2025 First Avenue, Suite 500
Seattle, WA 98121-3140
(206) 362-9549

1 7. Pursuant to the Stipulation of the Parties and Order of the Jefferson County
2 Superior Court, on May 28, 2010, Respondents Jefferson County ("County") and Stacie
3 Hoskins ("Hoskins"), certified and returned to the Court the record for review in this
4 matter and subsequently amended. Att. 4 hereto.

5 8. On June 4, 2010, Respondents filed Ms. Hoskins's Declaration proposed for
6 inclusion in the record (the "Hoskins Declaration"). Att. 5 hereto.

7 9. I discussed with Kenneth Harper, counsel for Jefferson County, the requirement
8 contained in the Stipulation and Order that the parties submit an agreed case schedule to
9 the Court not later than June 6, 2010. The parties agreed to extend this deadline pending
10 assignment of a judge in Jefferson County and subsequently agreed to address the issue of
11 case schedule and deadlines at the status conference scheduled for June 18, 2010.

12 10. I have reviewed the record submitted by Jefferson County in this matter. It
13 consists of approximately 4,407 pages. Att. 4 hereto. With the exception of
14 approximately four pages of handwritten notes, the Record is devoid of documents
15 descriptive of Respondents' decision making process, which resulted in the DS
16 determination. The DS determination was undertaken without a public hearing and
17 without the benefit of any written analysis. With the exception of the conclusion
18 statements in the notice of DS, the record submitted by the County contains no minutes,
19 transcripts, findings, conclusions or other direct evidence of the County's SEPA review of
20 materials submitted by Petitioners.

21 DATED this 15TH day of JUNE, 2010.

22 GORDONDERR LLP

23 By: Dale N. Johnson 15 June 10
24 Dale N. Johnson, WSBA #26629
25 Keith Moxon, WSBA #15361
Attorneys for Petitioners

DECLARATION OF DALE N. JOHNSON - 3

GordonDerr.

2025 First Avenue, Suite 500
Seattle, WA 98121-3140
(206) 382-8540

ATTACHMENT 1

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STATE OF WASHINGTON)
) ss.
County of Yakima)

THE UNDERSIGNED, on oath, states:

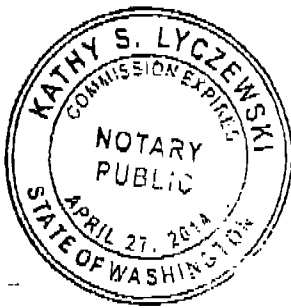
I am attorney of record for Respondents/Defendants herein, a resident of Yakima County, Washington, personally informed and competent to testify herein.

I believe Respondents/Defendants Jefferson County and Stacie Hoskins cannot have a fair and impartial trial if this case is conducted, heard or determined by the Honorable Craddock Verser, who I believe is prejudiced against Respondents/Defendants and their interests herein.



KENNETH W. HARPER

SUBSCRIBED AND SWORN to before me this 22nd day of April, 2010.



Kathy S. Lyczewski
Print Name KATHY S LYCZEWSKI
Notary Public in and for the State
of Washington, residing at SELA-1, WA
My commission Expires: 4/27/14

MOTION AND AFFIDAVIT
OF PREJUDICE - 2

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

ATTACHMENT 2

FILED

10 MAY 13 PM 1:47

JEFFERSON COUNTY
RUTH GORDON

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF JEFFERSON

IRON MOUNTAIN QUARRY, LLC, a
Washington Limited Liability Company, and
POPE RESOURCES, a Delaware Limited
Partnership;

Petitioners/Plaintiffs,

vs.

JEFFERSON COUNTY, a Washington
Municipal Corporation, acting through its
Department of Community Development; and
STACIE L. HOSKINS, Planning Manager,
Jefferson County Department of Community
Development;

Respondents/Defendants.

No. 10-2-00181-5

FAX
FILED

STIPULATED MOTION AND
~~PROPOSED~~ ORDER FOR PRE-
ASSIGNMENT OF JUDGE

SENT ON 05/12/10 VIA FAX FOR
FILING IN JEFFERSON
COUNTY SUPERIOR COURT

WHEREAS, on April 22, 2010, Respondents moved for disqualification of the
Honorable Craddock Verser in this matter.

STIPULATION & MOTION

COMES NOW Petitioners Iron Mountain Quarry, LLC and Pope Resources, by
and through their attorneys Dale N. Johnson and Keith E. Moxon, GordonDerr LLP, and
Jefferson County, by and through its attorneys Menke Jackson Beyer Ehlers & Harper, LLP
and Kenneth W. Harper, to stipulate and move this Court for referral of this matter to the

STIPULATION AND PROPOSED ORDER AND WRIT
OF CERTIORARI - 1

GordonDerr

2023 First Avenue, Suite 500
Seattle, WA 98121-3160
(206) 382-9340

14

1 Superior Court for the State of Washington in and for Kitsap County for assignment to
 2 one of the judges of that Court, in his or her capacity as visiting judge for the Superior
 3 Court for the State of Washington in and for Jefferson County, to conduct all proceedings
 4 herein.

5 The parties further stipulate to entry of the annexed order and transmittal of the
 6 same to the Kitsap County Superior Court for assignment of a judge in this case.

7 DATED this 12th day of May, 2010.

8 GORDONDERR LLP

9
 10 By: [Signature]
 11 Dale N. Johnson, WSBA #26629
 12 Keith Maxon, WSBA #15361
 13 Attorneys for Petitioners

14
 15 MENKE JACKSON BEYER EHLIS & HARPER, LLP

16
 17 By: [Signature]
 18 Kenneth W. Harper, WSBA #25578
 19 Quinn N. Plant, WSBA #31339
 20 Attorneys for Respondents

21
 22
 23
 24
 25 STIPULATION AND PROPOSED ORDER AND WRIT
 OF CERTIORARI - 2

GordonDerr

2025 Pike Avenue, Suite 500
 Seattle, WA 98101-3140
 (206) 382-9300

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ORDER

THIS MATTER having come on regularly for hearing before the undersigned Judge of the above entitled Court, upon the stipulated motion of the parties for pre-assignment of this cause, and the Court having considered such motion and file in this cause, and being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED that the above captioned matter be referred to the Superior Court for the State of Washington in and for Kitsap County for assignment to one of the Judges of that Court, in his or her capacity as visiting judge for the Superior Court for the State of Washington in and for Jefferson County.


DATED this 13 day of May, 2010.



JUSTICE COMMISSIONER


Presented by:

GORDONDERR LLP

By: 
Dale N. Johnson, WSBA #26629
Keith Moxon, WSBA #15361
Attorneys for Petitioners

Approved as to form; Notice of Presentation waived:

MENKE JACKSON BEYER EHLIS & HARPER, LLP

By: 
Kenneth W. Harper, WSBA #25578
Quinn N. Plant, WSBA #31339
Attorneys for Respondents

STIPULATION AND PROPOSED ORDER AND WRIT
OF CERTIORARI - 3

GordonDerr
2025 Elliott Avenue, Suite 500
Seattle, WA 98122-3110
(206) 467-0515

ATTACHMENT 3



Superior Court of Washington
County of Kitsap

[Signature]
(Plaintiff/Petitioner,)

No. 10-2-00181-5

ASSIGNMENT OF TRIAL DATE
AND STATEMENT OF ARBITRABILITY
(ASTD)

vs.

[Signature]
(Defendant/Respondent,)

This case shall be heard on the following date(s):

TRIAL

- Date _____

- Time _____

- Trial Length _____

- Jury 12 6 Nonjury

OTHER

- Date July 15, 2010

- Time 1:00 p.m.

- Length 20 minutes

Nature of Case: Child custody - M. Lewis

NOTE: IF YOUR CASE IS PUT ON STANDBY, YOU WILL BE REQUIRED TO BE IN COURT ON TWO HOURS NOTICE. COUNSEL ARE REQUIRED TO BE PRESENT IN THE TRIAL COURTROOM AT 8:45 A.M. ON THE FIRST DAY OF TRIAL.

INITIAL STATEMENT OF ARBITRABILITY (LMAR 2.1)

This case is subject to arbitration because the sole relief sought is a money judgment and involves no claim in excess of \$35,000 exclusive of attorney fees, interest and costs. (MAR 1.2)

This case is not subject to mandatory arbitration because:

- Plaintiff's claim exceeds \$35,000.
- Plaintiff seeks relief other than a money judgment.
- Defendant's counter or cross claim exceeds \$35,000.
- Defendant's counter or cross claim seeks relief other than a money judgment.

Counsel agree that the claim exceeds \$35,000 but hereby waive any claim in excess of \$35,000 for purpose of arbitration. (MAR 1.2)

IF A SETTLEMENT CONFERENCE IS HELD, ALL PARTIES MUST BE PREPARED TO SERIOUSLY NEGOTIATE SETTLEMENT.

Dated: 6/16/10

[Signature]
JUDGE/COMMISSIONER/SCHEDULER

Court File: (White) _____
 cc: Pl./Pet. Atty. (Yellow) _____
 Def./Res. Atty (Pink) _____
 (Goldenrod) _____
 Court Scheduler (Green) _____

CUSTODY CASES: Has GAL, attorney for child, or Investigative Officer been appointed pursuant to LCR 20(1)?
 Yes No

 (Name of Guardian ad Litem)

ATTACHMENT 4

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and Request for Comments on Scope of EIS,
dated March 22, 2010

SECTION III

Miscellaneous working papers of Jefferson County
Department of Community Development

SECTION IV

Jefferson County Comprehensive Plan, adopted August 28,
1998, and updated December 13, 2004

SECTION V

Draft Environmental Impact Statement for Jefferson County,
Washington, dated February 24, 1997, and Final Environmental
Impact Statement for Jefferson County, Washington, dated
May 27, 1998

SECTION VI

Jefferson County Department of Community Development
Final Supplemental Environmental Impact Statement dated
November 25, 2002; Jefferson County Ordinance No. 08-0706-04,
dated July 6, 2004; Jefferson County Comprehensive Plan Amended
Environmental Analysis for Adoption of Mineral Resource Land
Overlay (MLA 02-235: Fred Hill Materials), dated May 12,
2004; Jefferson County Department of Community Development
Unified Development Code Type I Stormwater Permit with
SEPA (MLA 03-00377), dated July 18, 2005; Jefferson
County Department of Community Development Unified
Development Code Type I Land Use Permit (MLA 08-00154),
dated October 21, 2008; Cases, Findings, Conclusions for
Parcel 721062001, dated March 28, 2008

SECTION VII

Jefferson County Department of Community Development
file MLA 04-00314 (Shine Quarry expansion)

SECTION VIII

Mats Mats Quarry Operation, Draft Environmental Impact

INDEX OF THE RECORD - 2

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0331

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Statement, dated January 29, 2002; Mats Mats Quarry Operation, Final Environmental Impact Statement (Vols. 1 and 2), dated July 17, 2003

SECTION IX

Jefferson County Department of Community Development file 2545-8 CPA 2008, MLA 08-93 (Iron Mountain Quarry/Pope Resources)

SECTION X

Land Use Petition and Memorandum Opinion, Jefferson County Superior Court Cause No. 08-2-00142-2; Land Use Petition and Opinion on Land Use Petition, Jefferson County Superior Court Cause No. 08-2-00350-6

SECTION XI

Port Ludlow Resort Plan Revision, Draft Environmental Impact Statement, April 23, 2004

SECTION XII

Certification of Record

DATED this 20th day of May, 2010.

MENKE JACKSON BEYER
EHLIS & HARPER LLP



KENNETH W. HARPER
WSBA #25578
Attorneys for Respondents/Defendants

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MAY 27 2010

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR JEFFERSON COUNTY

IRON MOUNTAIN QUARRY, LLC, a)	
Washington Limited Liability Company,)	NO. 10-2-00181-5
and POPE RESOURCES, a Delaware)	
Limited Partnership;)	
)	AMENDED
Petitioner/Plaintiffs,)	INDEX OF THE RECORD
vs.)	
)	
JEFFERSON COUNTY, a Washington)	
Municipal Corporation, acting through its)	
Department of Community Development;)	
and STACIE L. HOSKINS, Planning Mana-)	
ger, Jefferson County Department of Com-)	
munity Development;)	
)	
Respondents/Defendants.)	

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Stormwater Management Permit Application for Iron Mountain Quarry's New Shine Quarry, dated February 25, 2010 (Vols. 1 - 3)	
AMENDED INDEX OF THE RECORD - 1	

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

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SECTION II

569-570

Jefferson County Notice of Determination of Significance and Request for Comments on Scope of EIS, dated March 22, 2010

SECTION III

571-595

Miscellaneous working papers of Jefferson County Department of Community Development

SECTION IV

596-1210

Jefferson County Comprehensive Plan, adopted August 28, 1998, and updated December 13, 2004

SECTION V

1211-1601

Draft Environmental Impact Statement for Jefferson County, Washington, dated February 24, 1997, and Final Environmental Impact Statement for Jefferson County, Washington, dated May 27, 1998

SECTION VI

1602-2129

Jefferson County Department of Community Development Final Supplemental Environmental Impact Statement dated November 25, 2002; Jefferson County Ordinance No. 08-0706-04, dated July 6, 2004; Jefferson County Comprehensive Plan Amended Environmental Analysis for Adoption of Mineral Resource Land Overlay (MLA 02-235: Fred Hill Materials), dated May 12, 2004; Jefferson County Department of Community Development Unified Development Code Type I Stormwater Permit with SEPA (MLA 03-00377), dated July 18, 2005; Jefferson County Department of Community Development Unified Development Code Type I Land Use Permit (MLA 08-00154), dated October 21, 2008; Cases, Findings, Conclusions for Parcel 721062001, dated March 28, 2008

SECTION VII

2130-2202

Jefferson County Department of Community Development file MLA 04-00314 (Shine Quarry expansion)

AMENDED INDEX OF THE RECORD - 2

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

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SECTION VIII

2203-3755

Mats Mats Quarry Operation, Draft Environmental Impact Statement, dated January 29, 2002; Mats Mats Quarry Operation, Final Environmental Impact Statement (Vols. 1 and 2), dated July 17, 2003

SECTION IX

3756-4070

Jefferson County Department of Community Development file 2545-8 CPA 2008, MLA 08-93 (Iron Mountain Quarry/Pope Resources)

SECTION X

4071-4167

Land Use Petition and Memorandum Opinion, Jefferson County Superior Court Cause No. 08-2-00142-2; Land Use Petition and Opinion on Land Use Petition, Jefferson County Superior Court Cause No. 08-2-00350-6

SECTION XI

4168-4405

Port Ludlow Resort Plan Revision, Draft Environmental Impact Statement, April 23, 2004

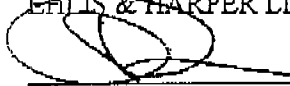
SECTION XII

4406-4407

Certification of Record

DATED this 25th day of May, 2010.

MENKE JACKSON BEYER
~~ETLIS & HARPER LLP~~



KENNETH W. HARPER
WSBA #25578

Attorneys for Respondents/Defendants

AMENDED INDEX OF THE RECORD - 3

MENKE JACKSON BEYER
ETLIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0312
Fax (509)575-0351

ATTACHMENT 5

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR JEFFERSON COUNTY

IRON MOUNTAIN QUARRY, LLC, a)	
Washington Limited Liability Company,)	NO. 10-2-00181-5
and POPE RESOURCES, a Delaware)	
Limited Partnership;)	
)	
Petitioner/Plaintiffs,)	
vs.)	DECLARATION OF STACIE L.
)	HOSKINS, JEFFERSON COUNTY
JEFFERSON COUNTY, a Washington)	SEPA RESPONSIBLE OFFICIAL
Municipal Corporation, acting through its)	
Department of Community Development;)	
and STACIE L. HOSKINS, Planning Mana-)	
ger, Jefferson County Department of Com-)	
munity Development;)	
)	
Respondents/Defendants.)	

I, STACIE L. HOSKINS, declare as follows:

1. I am over the age of 18 years and have personal knowledge of all matters set forth herein.
2. Among my qualifications I have a Bachelor of Science degree from the University of Colorado at Boulder.
3. I am the SEPA Responsible Official for Jefferson County, a position I have held since 2005. In this capacity, I have directed the preparation of programmatic and project-specific environmental impact statements. I have also had responsibility

DECLARATION OF STACIE L. HOSKINS - 1

MENNE JACKSON BEYER
 EHLIS & HARPER, LLP
 207 North 39th Avenue
 Yakima, WA 98902
 Telephone (509)575-0313
 Fax (509)575-0551

1
2
3 would or may establish a precedent for future actions with significant effects; and
4 whether the proposal involves or affects the public health or safety.

5 11. I assessed the significance of the IMQ proposal on both its context and intensity.

6 I considered the duration of the proposal and the duration of its likely impacts. I
7 used my general background, training, and professional experience.

8
9 12. I did not rely upon any specific formula or quantifiable test to decide that the
10 IMQ proposal has a reasonable likelihood of more than a moderate adverse
11 impact on environmental quality.

12 13. I had good cause to determine that the IMQ proposal is likely to have a probable
13 significant adverse environmental impact.

14 14. The basis for my determination relates, in part, to certain categories of
15 information that are represented in the certified record for review in this matter.

16 15. First and foremost, I possessed the IMQ application materials, including the
17 stormwater management permit application, the expanded SEPA environmental
18 checklist, and the wetland delineation and mitigation plan.

19
20 16. Second, I considered information known to me regarding various other mining
21 proposals in nearby portions of Jefferson and Kitsap counties. These included
22 the Mats Mats quarry operation, the Mason/Shine Quarry expansion, and various
23 proposals of Fred Hill Materials. These materials also included information
24 related to a proposal of IMQ to amend the Jefferson County Comprehensive Plan
25 to adopt a mineral resource land overlay for the site that is now the subject of the
26 DS.
27
28
29

30 DECLARATION OF STACIE L. HOSKINS - 3

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509) 75-0215
Fax (509) 75-0251

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17. I also relied on my knowledge regarding the Jefferson County Comprehensive Plan, the environmental review documents associated with the comprehensive plan, and the existence of general land uses and planning designations for nearby lands, including the Port Ludlow Master Planned Resort.

18. I took great care to carefully review, in detail, the IMQ application materials. Those materials were voluminous and I fully appreciated the amount of specialized scientific and technical knowledge they contained.

19. When reviewing the IMQ application materials, I questioned whether the assumptions made by the technical experts were accurate and whether they made sense. I questioned whether reasonably likely impacts of the proposal were addressed at all. I questioned whether the technical reports established the absence of likely environmental impacts exceeding the level of SEPA significance.

20. In addition, I considered whether mitigation standards, if proposed, were adequately defined or were intended to be determined at a later date.

21. The IMQ materials did not include any report or assessment explaining how the various technical reports tied together.

22. There was no overview-level analysis or narrative discussion to explain the interrelationship of the specific technical reports; there was no discussion of how the proposal would relate to other large mining operations in the vicinity of the IMQ proposal.

DECLARATION OF STACIE L. HOSKINS - 4

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
307 North 39th Avenue
Yakima, WA 98902
Telephone (509) 275-0315
Fax (509) 275-0321

- 1
2
3 23. Also missing was any discussion of compatibility between the likely range of
4 impacts and other existing and planned land uses in the vicinity.
5
6 24. The lack of any overview-level analysis of the IMQ proposal also meant that
7 there was an absence of detailed analysis of IMQ's operational plan, particularly
8 with respect to sequence of mining, segmental reclamation, performance
9 standards for mitigation, or how any of these topics could be integrated in an
10 appropriate manner with the several specialized technical reports.
11
12 25. The mining operations and reclamation narrative was prepared by an undisclosed
13 author of unknown technical qualification.
14
15 26. The operations and reclamation narrative itself does not reference the analysis of
16 the various separate technical reports.
17
18 27. Notwithstanding the lack of an integrated discussion of the technical reports, I
19 reviewed each of them carefully to understand their content and the extent to
20 which they describe the environmental significance of IMQ's proposal.
21
22 28. After my review, I determined that the materials, while lacking in organization
23 and overview analysis, were nonetheless reasonably sufficient for me to make a
24 threshold determination as required by WAC 197-11-310.
25
26 29. I also intended to comply with the SEPA obligation to issue a threshold
27 determination at the earliest possible point in the decision-making process, as
28 required by WAC 197-11-055. The principal features of the IMQ proposal and
29 its environmental impacts were clear to me.
30

DECLARATION OF STACIE L. HOSKINS - 5

MENKE JACKSON BEYER
EWIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98908
Telephone (509)575-0313
Fax (509)575-0351

1
2
3 30. The SEPA level of significance is likely to be exceeded for at least the following
4 elements of the environment (a complete statement of issues that require analysis
5 in an environmental impact statement is set forth in the DS itself):

6 • Transportation. The traffic impact analysis ("TIA") for the IMQ proposal
7 assumes that quarry truck traffic will make no use of the public road system
8 beyond the point of ingress and egress between the site and SR 104. The likely
9 area for quarry truck traffic is obviously much broader than just the point of
10 ingress and egress. The TIA assumes that there will be no background traffic
11 growth over the life of the 40-year proposal, which is not credible. The TIA does
12 not contain any discussion of how the traffic study area was determined, and
13 does not explain assumptions regarding background traffic growth. It is apparent
14 that the site also has a point of ingress and egress to SR 19, which has different
15 features and connectivity with other roads in comparison to SR 104, but this
16 potential access is nowhere discussed or analyzed by IMQ.

17 • Air quality. The IMQ proposal materials state that dust and vehicle emissions
18 will occur as a result of mining activities. The release of PM₁₀ particulates
19 (particles that are smaller than 10 micrometers in size) has special significance
20 for health impacts because this size particle can be deeply inhaled into the human
21 lung. Hard rock mining generates PM₁₀ particulate matter, which is emitted in
22 the form of fugitive dust. The IMQ materials contain no stated assumptions or
23 discussion with respect to type or quantities of particulate emissions, vehicle and
24 equipment exhaust, or other forms of pollution. There is no analysis of the extent
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DECLARATION OF STACIE L. HOSKINS - 6

MIENKE JACKSON BEYER
EHLIS & HARPER, LLP
405 North 29th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0551

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3 to which fugitive airborne dust may escape the site even though it is virtually
4 certain that the proposal will increase ambient particulate levels in the area.

- 5 • Noise. The IMQ proposal materials state that blasting noise is exempt from
6 regulation and assume that, as a result, such noise has no environmental
7 significance and requires no further review. These are invalid assumptions. The
8 IMQ proposal materials indicate that noise attenuation is significantly related to
9 topographic features of the site, but do not integrate this discussion with expected
10 removal of topographic features as an expected direct consequence of mining
11 activity.

- 12
13 • Environmental health (blasting/vibration). The IMQ proposal materials contain
14 no analysis generally of the effects of blasting, although blasting is an operational
15 element of the proposal. Vibration and flyrock risk (i.e., rock displaced by
16 blasting and propelled beyond recoverable limits), are natural consequences of
17 mining rock with the use of explosives.

- 18
19 • Land use. The IMQ proposal represents a long-duration intensification of
20 mineral resource extraction in close proximity to the Port Ludlow Mater Planned
21 Resort ("MPR"). Implicit in the IMQ proposal is the expectation that mining
22 will continue for an additional forty (40) years in the vicinity of the MPR. The
23 long-term extended mining use of the IMQ site is likely to affect land use
24 patterns in the area, particularly in relation to the MPR. The MPR's recreational
25 uses and overall potential for expansion are likely to be affected.
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DECLARATION OF STACIE L. HOSKINS - 7

MENKE JACKSON BEYER
ENLIS & HARPER LLP
807 North 29th Avenue
Yakima, WA 98901
Telephone (509)875-0313
Fax (509)875-0311

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3 Water/plants and animals. The IMQ materials discuss only a conceptual
4 approach to wetland mitigation. Actual wetland mitigation design has not yet
5 been addressed, even though wetlands and wetland buffers are likely to be
6 affected by the proposal. Despite expected impacts, IMQ proposes to defer
7 identification of actual wetland mitigation until after project approval has been
8 granted and irrevocable resource commitments have been made.

9
10 31. I conducted an independent review to assess these and other issues of concern
11 related to the IMQ proposal, with particular emphasis on analytical gaps
12 contained in the IMQ application materials.

13
14 32. I also considered all mitigation measures that IMQ identified in its application
15 materials. Based on these efforts, and with sufficient information in the record, I
16 concluded that the IMQ proposal is likely to have a probable significant adverse
17 environmental impact.

18
19 33. Because the IMQ proposal is likely to have a probable significant adverse
20 environmental impact I chose to issue, in my role as SEPA Responsible Official
21 for Jefferson County, a Determination of Significance.

22
23 34. The foregoing statement is made under penalty of perjury under the laws of the
24 State of Washington and is true and correct.

25 Signed at PORT TOWNSEND, Washington, this 28th day of May, 2010.

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27 
28 STACIE L. HOSKINS

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30 DECLARATION OF STACIE L. HOSKINS - 8

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 35th Avenue
Yakima, WA 99022
Telephone (509) 423-0211
Fax (509) 423-0211

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR JEFFERSON COUNTY

IRON MOUNTAIN QUARRY, LLC, a)
Washington Limited Liability Company,) NO. 10-2-00181-5
and POPE RESOURCES, a Delaware)
Limited Partnership;)

Petitioner/Plaintiffs,)

vs.) GR 17 DECLARATION
) OF KATHY S. LYCZEWSKI

JEFFERSON COUNTY, a Washington)
Municipal Corporation, acting through its)
Department of Community Development;)
and STACIE L. HOSKINS, Planning Mana-)
ger, Jefferson County Department of Com-)
munity Development;)

Respondents/Defendants.)

I, Kathy S. Lyczewski, am over the age of 18, have personal knowledge of all the facts stated herein and declare that I have examined the signature of Stacie L. Hoskins on *Declaration of Stacie L. Hoskins, Jefferson County SEPA Responsible Official*, consisting of eight (8) pages of text with her signature appearing on page 8. The signature is complete and legible.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

GR 17 DECLARATION OF KATHY
S. LYCZEWSKI - 1

MENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone: (509)575-6512
Fax: (509)575-6551

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Dated in Yakima, Washington, this 28th day of May, 2010.

Kathy S. Lyczewski
Kathy S. Lyczewski

GR 17 DECLARATION OF KATHY
S. LYCZEWSKI - 2

WENKE JACKSON BEYER
EHLIS & HARPER, LLP
807 North 59th Avenue
Yakima, WA 98902
Telephone (509)575-0513
Fax (509)575-0551