

Comprehensive Plan Amendment Application



KITSAP COUNTY

Department of Community Development

The Board of County Commissioners have opened the annual Comprehensive Plan amendment process for 2018. This process is applicable only within the [unincorporated areas of Kitsap County](#) and not within incorporated cities. The 2018 process allows interested parties to submit certain types of site-specific amendment applications. No other type of Comprehensive Plan amendment application will be accepted in 2018.

Please note that an application to amend the Kitsap County Comprehensive Plan is different than other types of land use or building permit applications. By submitting an application to amend the Comprehensive Plan, you are requesting the Board of County Commissioners to make a legislative change to the County's 20-year plan. As a legislative action, the Board of County Commissioners have full discretion to consider or not consider your request as well as approve, approve with modifications, approve with conditions, or not approve your request.

Application fees for 2018 will be as follows:

- \$350 staff consult meeting for site-specific applications only (non-refundable, can be credited toward the application fee)
- \$90 base fee (non-refundable)
- \$15.60 technology surcharge (non-refundable)
- \$1,560 application fee deposit (based on estimate of average hours to process an application; actual hours incurred will be invoiced monthly; any remaining deposit is refundable)

Instructions

STEP 1: Request and attend a mandatory Comprehensive Plan amendment staff consultation meeting. (Help: [How do I do this?](#))

STEP 2: Complete this application form

- Review the submittal items below so that you understand all the materials required for complete submittal.
- Complete the application form below. You can save and return to your draft application form at any time.
- When you are done filling in this application form, click the "I'm finished, email me this application form" button at the bottom of this form.
- A PDF of this application form will be sent to the email address provided

STEP 3: Complete all of the submittal items listed below.

STEP 4: Submit the PDF of this application form and all the submittal items through the Kitsap County [Online Permit Center](#). (Help: [How do I do this?](#))

Have questions?

Contact

Peter Best, Planner

Liz Williams, Planner

Darren Gurnee, Planner

compplan@co.kitsap.wa.us

(360) 337-5777

Submittal Items

All of the following items are required for a complete submittal [KCC 21.08.060(C)]. Incomplete submittals will not be accepted.

1. Application Form
 2. [Review Criteria Narrative](#)
 3. [Maps](#)
 4. [Legal Descriptions](#)
 5. [Ownership Certification](#)
 6. [SEPA Checklist](#) - Sections A-D are required (document from Washington State Department of Ecology)
-

Application Form

Email address, where you want a PDF of this Project Application sent

mauren.wa@gmail.com

Comprehensive Plan Amendment Type

Site-specific amendment applications are for requesting an amendment to the Kitsap County Comprehensive Plan land use map that affects no more than five (5) contiguous parcels. A site-specific amendment only affects the Comprehensive Plan land use map (and the Kitsap County zoning map) - it does not affect the text of the Comprehensive Plan or Kitsap County development regulations.

In accordance with [Resolution 246-2017](#), applications for site-specific amendments are limited to the following areas of consideration in 2018.

Select the type of site-specific amendment you are requesting.

- Changing the land use designation to Mineral Resource Overlay (MRO) on property outside urban growth areas
 - Changing the land use designation to Forest Resource Lands (FRL) on property outside urban growth areas
 - Changing the land use designation on property within an Urban Growth Area for the purpose of infill and redevelopment
-

Staff Consultation Meeting Information

As required by Kitsap County Code 21.08.050(C), applicants must participate in a Comprehensive Plan amendment consultation meeting with staff prior to submitting an application for a site-specific amendment.

Have you completed a staff consultation meeting for this application?

- Yes
- No

Staff Consultation Meeting Identification Number	Staff Consultation Meeting Date
18-00334	1/26/2018

Applicant Information

The applicant is the primary contact for all questions and correspondence. The County will email requests and information about the application to the applicant and will “copy” (CC) the owner(s) noted below. The applicant is responsible for communicating information to all parties involved with the application. It is the responsibility of the applicant and owner(s) to ensure their mailbox accepts County email (i.e. County email is not blocked or sent to ‘junk mail’). There may be instances where regular USPS or courier mail is used.

Who will be the applicant for this amendment request?

- Property Owner #1 listed below

Authorized Agent

Property Owner Information

All property owners of record must be listed below. A completed ownership certification form must be completed for each owner of record.

How many property owners of record are party to this application?

- 1 property owner of record
- 2 property owners of record
- 3 property owners of record
- 4 property owners of record
- 5 property owners of record

Property Owners

Property Owner

Ueland Tree Farm, LLC

Name of representative, if owner of record is not an individual

Mark Mauren

First

Last

Mailing Address

6323 Pioneer Way east

Address Line 1

Address Line 2

Puyallup

City

Washington

State

98371

Zip Code

Phone

(253) 307-5900

{if (OwnerOfRecord.First = "1 property owners of record")}

Email

{Email}

{ end if }

Parcel Information

Enter information for up to 5 contiguous parcels subject to this amendment. Non-contiguous parcels must be submitted as separate applications. Legal descriptions for all subject parcels must be submitted with this application. To add parcels, click (+Add Item) to create another row.

Property Owner # (From above)	Tax Account #	All/Portion of property	Subject Acres	Site Address (if issued)
1	242401-4-005-1008	All of property	20	
1	242401-4-006-1007	All of property	20	
1	242401-4-007-1006	All of property	20	
1	242401-4-008-1005	All of property	20	
1	192401-3-005-2005	All of property	20	

You can find parcel information, including your Tax Account # and Site Address using the [Kitsap Parcel Map](#).

Total acres subject to this amendment request

100

Describe the current use of the property.

Forestry

Is the property in a special taxation program, land-use program, or subject to a conservation easement?

Yes

No

Environmental Features on or near the Subject Area

Indicate below all environmental features on or near the parcel(s). The questions below refer to maps that can be found on the [Kitsap County Planning and Regulatory maps webpage](#).

Bay, estuary, Puget Sound (see Critical Areas map)

- Yes
 - No
 - Don't know
-

Lake, pond, reservoir, gravel pit or quarry filled with water (see Critical Areas map)

- Yes
- No
- Don't know

Name of body of water

Beaver Dam Lake

River, stream, or creek (see Critical Areas map)

- Yes
- No
- Don't know

Name of body of water

not named

Select Type (if yes to River, Stream, creek)

- (S) Shoreline of the State
 - (F) Fish Habitat
 - (N) Non-fish Habitat
 - (U) Unknown, unmodeled hydrographic feature
-

Wetlands (see Critical Areas map)

- Yes
- No
- Don't know

Describe type if yes to wetlands

see DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051 for wetland reports

Describe any wetland reports, if available

see above

Endangered or threatened species

- Yes
 - No
 - Don't know
-

Frequently Flooded Areas (FEMA Flood Zone; see Critical Areas map)

- Yes
 - No
 - Don't know
-

Geologically Hazardous Areas (see Critical Areas Map)

- Yes
 - No
 - Don't know
-

Critical Aquifer Recharge Area (see Critical Aquifer Recharge Area map)

- Yes
- No
- Don't know

Select type of aquifer recharge area

- Category I
- Category II

Utilities

Indicate below all utilities currently servicing the parcel(s).

Water

- Yes
- No
- Don't know

Sewer

- Yes
- No
- Don't know

Power

- Yes
- No
- Don't know

Other

- Yes
 - No
 - Don't know
-

Land use & Zoning

Applicants should reference the linked maps to identify the current Comprehensive Plan land use map designation/zoning map classification and, if applicable, the shoreline environment designation, of the parcel(s) listed above.

Applicants should ensure they understand the intended purpose of the designation/zone being requested. Refer to this [matrix](#) to review the purpose of applicable designation/zones. Contact the Department of Community Development if you have questions regarding the purpose of a designation/zone, allowed uses, and applicable development regulations.

For this section, use the following maps: [Comprehensive Plan Land Use Map](#), [Zoning Map](#) and [Shoreline Environment Map](#).

Choose current Land Use Designation and Zoning Classification

- Land Use: Rural Residential; Zoning: Rural Residential
- Land Use: Rural Protection; Zoning: Rural Protection
- Land Use: Rural Wooded; Zoning: Rural Wooded
- Land Use: Forest Resource Lands; Zoning: Forest Resource Lands
- Land Use: Mineral Resource Overlay; Zoning: any underlying zoning map classification
- Land Use: Urban Low-Density Residential; Zoning: Urban Restricted
- Land Use: Urban Low-Density Residential; Zoning: Greenbelt
- Land Use: Urban Low-Density Residential; Zoning: Urban Low Residential
- Land Use: Urban Low-Density Residential; Zoning: Urban Cluster Residential
- Land Use: Urban Medium-Density Residential; Zoning: Urban Medium Residential
- Land Use: Urban High-Density Residential; Zoning: Urban High Residential
- Land Use: Urban High Intensity Commercial; Zoning: Commercial
- Land Use: Urban High Intensity Commercial; Zoning: Regional Center
- Land Use: Urban Low Intensity Commercial; Zoning: Urban Village Center
- Land Use: Urban Low Intensity Commercial; Zoning: Neighborhood Commercial
- Land Use: Urban Low Intensity Commercial; Zoning: Low Intensity Commercial
- Land Use: Urban Industrial; Zoning: Business Park
- Land Use: Urban Industrial; Zoning: Business Center
- Land Use: Urban Industrial; Zoning: Industrial

Calculate the residential density allowable under the current zoning classification. Minimum density is calculated based on net developable acres. Maximum density is calculated based on gross acres. [See example.](#)

Minimum dwelling units allowable:

1 Dwelling unit/parcel for a total of 5

Maximum dwelling units allowable:

1 Dwelling unit/parcel for a total of 5

Choose requested Comprehensive Plan land Use map designation and zoning map classification

- Land Use: Forest Resource Lands; Zoning: Forest Resource Lands
- Land Use: Mineral Resource Overlay; Zoning: no change to underlying zoning map classification
- Land Use: Urban Low-Density Residential; Zoning: Urban Restricted (UR)
- Land Use: Urban Low-Density Residential; Zoning: Greenbelt (GB)
- Land Use: Urban Low-Density Residential; Zoning: Urban Low Residential (UL)
- Land Use: Urban Low-Density Residential; Zoning: Urban Cluster Residential (UCR)
- Land Use: Urban Medium-Density Residential; Zoning: Urban Medium Residential (UM)
- Land Use: Urban High-Density Residential; Zoning: Urban High Residential (UH)
- Land Use: Urban High Intensity Commercial; Zoning: Commercial (C)
- Land Use: Urban High Intensity Commercial; Zoning: Regional Center (RC)
- Land Use: Urban Low Intensity Commercial; Zoning: Urban Village Center (UVC)
- Land Use: Urban Low Intensity Commercial; Zoning: Neighborhood Commercial (NC)
- Land Use: Urban Low Intensity Commercial; Zoning: Low Intensity Commercial (LIC)
- Land Use: Urban Industrial; Zoning: Business Park (BP)
- Land Use: Urban Industrial; Zoning: Business Center (BC)
- Land Use: Urban Industrial; Zoning: Industrial (IND)

Calculate the residential density allowable under the requested zoning classification. Minimum density is calculated based on net developable acres. Maximum density is calculated based on gross acres. [See example.](#)

Minimum dwelling units allowable:

1 Dwelling unit/parcel for a total of 5

Maximum dwelling units allowable:

1 Dwelling unit/parcel for a total of 5

Current shoreline environment designation, if applicable

- Not applicable
- High Intensity
- Shoreline Residential
- Urban Conservancy
- Rural Conservancy
- Natural
- Aquatic

Description

Describe why you are requesting this site-specific amendment.

We have an approved CUP for mineral extraction for the listed parcels, in order to mine those parcels zoned FRL we need to have have a mineral resource overlay placed over them.

Describe the anticipated impacts of the proposed amendment that are not already described in the SEPA checklist.

none

Optional: Describe any additional relevant information you want considered that is not otherwise captured in this application, review criteria narrative, or SEPA checklist.

This request falls within the scope of the Ueland Tree Farm Mineral Resource FEIS see DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051



Kitsap County
Annual Comprehensive Plan Amendment Process for 2018



Site-Specific Amendment Application
Review Criteria Narrative

Instructions: This document must be completed and submitted with your site-specific Comprehensive Plan amendment application form.

Introduction

Each proposed amendment to the Comprehensive Plan must demonstrate how the review criteria from Kitsap County Code (KCC 21.08.070) have been met. These criteria are used by the Department of Community Development in developing its recommendation, the Planning Commission in reaching its recommendation, and the Board of County Commissioners in making its decision. The following are the review criteria applicable to site-specific amendments rephrased in the form of questions.

Review Criteria: General

All applicants must answer the questions in this section.

1. How have the circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located substantially changed since the adoption of the Comprehensive Plan or applicable development regulations?

The proposed amendment was accidentally dropped at the last minute in the 2016 Comp Plan process. A subsequent change in County staff since the adoption of the plan changed the Counties approach to addressing the removal of minerals on FRL. The County encouraged Ueland Tree Farm to submit a request for a Mineral Resource Overlay over the 5 FRL parcels that are part of the approved Ueland Tree Farm Mineral Resource CUP. Fee DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051 for full overview of project

2. How are the assumptions upon which the Comprehensive Plan is based no longer valid, or is there new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan or development regulations?

The proposed amendment was accidentally dropped at the last minute in the 2016 Comp Plan process. A subsequent change in County staff since the adoption of the plan changed the Counties approach to addressing the removal of minerals on FRL. The County encouraged Ueland Tree Farm to submit a request for a Mineral Resource Overlay over the 5 FRL parcels that are part of the approved Ueland Tree Farm Mineral Resource CUP. Fee DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051 for full overview of project

3. How is the requested amendment in the public interest and the proposal consistent with the Kitsap County Comprehensive Plan?

Both state law and County goals recognizes that it is in the public interest to protect commercially viable mineral resources in order to ensure that mineral resources are available to the local community. The County has already approved the mineral extraction on these 5 parcels see DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051 for full overview of project.

Additional Review Criteria: All Site-specific Amendments

All applicants must answer the questions in this section.

4. How will the proposed amendment meet concurrency requirements for transportation, sewer and water, and not result in significant adverse impacts on adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services, and general government services? Explain or attach documentation.

This question was addressed in the approved Ueland Tree Farm Mineral Resource CUP See DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051.

5. How is the proposed amendment consistent with the balance of the goals, policies and objectives of the Kitsap County Comprehensive Plan and reflect the local circumstances of the county?

Both state law and County goals recognizes the needs to protect commercially viable mineral resources in order to ensure that mineral resources are available to the local community. The County has already approved the mineral extraction on these 5 parcels see DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051.

6. How is the subject parcel(s) suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood?

See approved Ueland Tree Farm Mineral Resource CUP See DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051

7. How does the proposed amendment not materially affect the land uses and growth projections which are the basis for the Comprehensive Plan, and reflect local circumstances in the county?

This question was addressed in the approved Ueland Tree Farm Mineral Resource CUP See DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051 and FIES.

8. How does the proposed amendment not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area?

This question was addressed in the approved Ueland Tree Farm Mineral Resource CUP See DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051 and FIES.

9. How is the proposed amendment consistent with the Growth Management Act ([RCW 36.70A](#)), [Kitsap County-wide Planning Policies](#), state and local laws and other applicable inter-jurisdictional policies or agreements?

Both state law and County goals recognizes the needs to protect commercially viable mineral resources in order to ensure that mineral resources are available to the local community. The County has already approved the mineral extraction on these 5 parcels see DCD File No. 07-44975 ("CUP") or Kitsap County Auditor's file No. 201401270051 or FIES.

Additional Review Criteria: Site-Specific Amendments within an Urban Growth Area (UGA)

Only applicants submitting proposals within [Urban Growth Areas](#) must answer the questions in this section.

Urban Growth Area (UGA)	Affiliated Jurisdiction
Poulsbo UGA	City of Poulsbo
East Bremerton UGA	City of Bremerton
West Bremerton UGA	City of Bremerton
Gorst UGA	City of Bremerton
Puget Sound Industrial Center UGA	City of Bremerton
ULID No. 6/McCormick UGA	City of Port Orchard
South Kitsap/Port Orchard UGA	City of Port Orchard
Silverdale UGA	Kitsap County (not currently associated with a city)
Kingston UGA	Kitsap County (not currently associated with a city)
Central Kitsap UGA	Kitsap County (not currently associated with a city)

10. Does the jurisdiction affiliated with the UGA have the capability and capacity to provide urban level services to the area subject to this proposal? Explain or attach documentation.

Urban services include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas [RCW 36.70A.030(20)].

Click here to enter text.

11. How is this proposal consistent with the Comprehensive Plan of the jurisdiction affiliated with the UGA?

Click here to enter text.

12. How does this proposal meet the transportation standards of the jurisdiction affiliated with the UGA? Explain or attach documentation.

Click here to enter text.



Kitsap County
Annual Comprehensive Plan Amendment Process for 2018

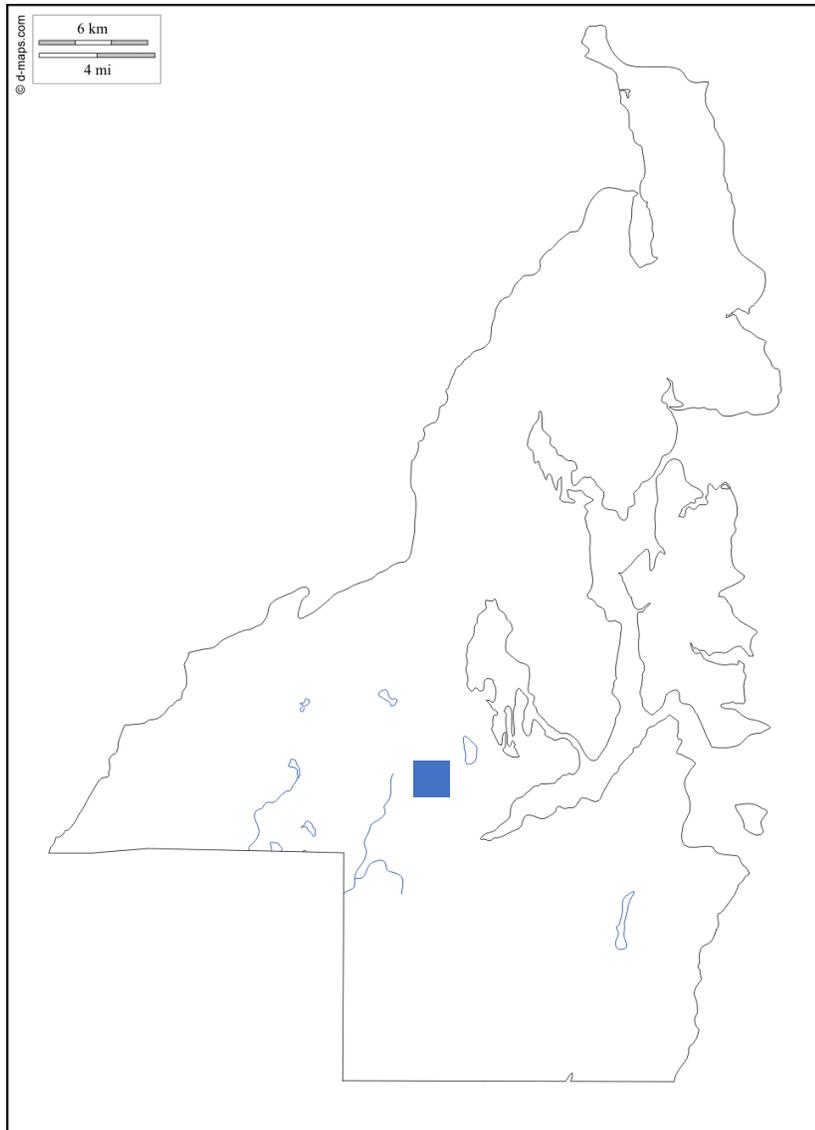


Site-Specific Amendment Application
Maps

Instructions: A vicinity map and site map must be submitted with your site-specific Comprehensive Plan amendment application form. You may complete and submit this document or prepare and submit comparable maps of your own making formatted for 8.5" x 11" paper. You may print, mark-up, and submit a scanned copy of this document. [See example maps.](#)

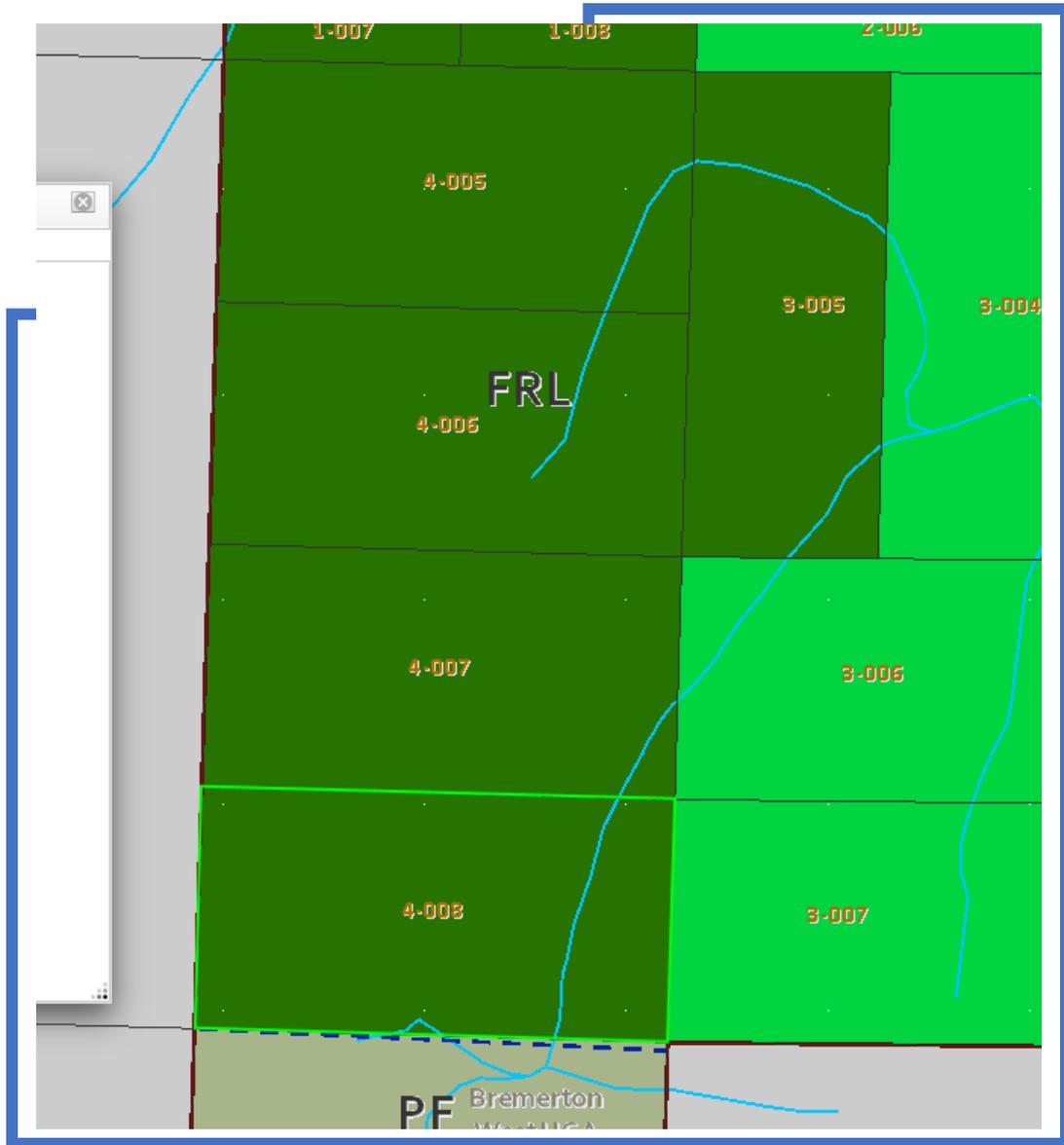
Vicinity Map

Move the blue square (in MS-Word: left-click and drag the blue square) to mark the general location of your site-specific amendment on the vicinity map provided below. You may also use your own method to mark the general location.



Site Map

Got to the [Kitsap Parcel Search Map](#) and zoom into the subject parcel(s). Insert a digital image (e.g. “screen snip”, “screenshot”, or “print screen”) of the subject parcel(s) and adjacent streets, fit the image to this page, and clearly outline the subject parcel(s). You can modify the shape of the existing blue polygon (in MS-Word: right click the blue box, select “edit points”, and edit the shape by right-clicking the points as needed) or you may use your own method to clearly outline the subject parcel(s).





Kitsap County Hearing Examiner

COUNTY COURTHOUSE, 614 DIVISION STREET MS-36
http://www.kitsapgov.com/dcd/lu_env/the/

PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925
kashcraf@co.kitsap.wa.us

NOTICE OF HEARING EXAMINER RECONSIDERATION DECISION

May 4, 2010

To: Interested Parties and Parties of Record

RE: Project Name: **Ueland Tree Farm Mineral Resource Development**
Applicant: **Craig Ueland**
16419 Maplewild Avenue SW
Seattle, WA 98166
Central Kitsap County, Commissioner District #3
Application: **Conditional Use Permit**
Case Number: **091008-021 (242401-4-008-1005; 007-1006;006-1007, etc.),**
LIS#07 44975

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS APPEALED, AS PROVIDED UNDER WASHINGTON LAW AND BY KCC 21.04.120 OF THE KITSAP COUNTY LAND USE AND DEVELOPMENT PROCEDURES.

The complete case file will be available for review at the Department of Community Development, Monday through Thursday, except holidays, 10:00 a.m. to 3:45 p.m. by calling me at (360) 337-4487 for an appointment.

If you have questions, please contact me at (360) 337-4487.

Sincerely,

A handwritten signature in cursive script that reads "Karen Ashcraft".

Karen Ashcraft
Clerk of the Examiner

C: Craig Ueland, 16419 Maplewild AVE SW, Seattle, WA 98166 craigueland@comcast.net
Craig Jones, 175 Parfitt WY SW Suite S140, Bainbridge Island, WA 98110
cjones@pinnacle-law.com

Interested Parties:

RECEIVED

APR 28 2010

KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT

BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY

In the Matter of the Appeal of)	NO. 091008-021
)	
Concerned Citizens of Chico Creek)	
Water Basin (CCCCWB))	
)	
Of a Final Environmental)	Ueland Tree Farm
Impact Statement (FEIS))	Mineral Resource Development
)	
)	
In the Matter of the Application of)	DECISION ON REQUEST FOR
)	RECONSIDERATION
Ueland Tree Farm, LLC)	
)	
<u>For Approval of a Conditional Use Permit</u>)	

DECISION

UPON REQUEST FOR RECONSIDERATION

Applicant's request for reconsideration of the Hearing Examiner's Findings, Conclusions and Decisions to correct errors of fact, typographical errors, formatting errors, redundancy and to reflect stipulated Mitigation Conditions was received by the Office of the Kitsap County Hearing Examiner on March 29, 2010. No opposition to that motion has been filed.

The Motion was properly filed pursuant to Rules of Procedure For Proceedings Before the Hearing Examiner of Kitsap County, Washington, Section 1.9-Request For Reconsideration. Applicant alleged no errors of law and does not contest the decisions of the Hearing Examiner.

In light of the voluminous record and the extensive and often finely nuanced testimony, especially as it related to the Mitigation Conditions that were evolving throughout the multi-day hearing, the Hearing Examiner finds that the clarifications and corrections requested by the applicant are well taken and ministerial in nature. Further, the Hearing Examiner specifically finds that the requested changes do not alter the substance of the original Findings, Conclusions and Decisions issued in this matter on March 15, 2010. Applicant's Request For Reconsideration is therefore **GRANTED** in its entirety. An Amended Findings, Conclusions and Decisions in the above entitled matter will issue concurrently with this order and shall replace the Findings, Conclusions and Decisions dated March 15, 2010.

Decided this 26 day of April 2010.



KIMBERLY A. ALLEN
Kitsap County Hearing Examiner

Concerned Citizens of Chico Creek Water Basin (CCCCWB) appealed the FEIS issued by the County for the proposed use.

Hearing Date:

The FEIS appeal was consolidated with a hearing on the CUP application in a single open record hearing on November 9, 2009.¹ The appeal portion of the hearing was held first to receive testimony from the Appellant, the Applicant, and the County, followed by a hearing on the CUP application. To allow for further testimony by the Appellant, County, and Applicant on the appeal portion of the hearing, the Hearing Examiner continued the hearing until December 10, 2009. To allow for testimony on the CUP application portion of the open record hearing, the Hearing Examiner continued the hearing until December 14, 2009. The Hearing Examiner left the written record open until December 21, 2009 to allow the Appellant and Applicant to submit written closing statements, and to allow interested parties to submit written statements if they had either been denied the opportunity to speak due to time constraints or gave testimony limited in time due to a County Board of County Commissioners meeting scheduled in the hearing chambers. The Hearing Examiner allowed the Appellant to file a written response to new information in a written closing statement submitted by the Applicant on December 21, 2009 by January 14, 2010.²

A list of pleadings submitted to the Hearing Examiner and orders of the Hearing Examiner is set forth within Attachment B.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

¹ Kitsap County Code (KCC) 21.04.105.B provides "SEPA and the review of project permit applications shall be combined and integrated in all project permits that are not categorically exempt from SEPA or for which environmental review has not already been completed [in accord with KCC 21.04.105.B]." *KCC 21.04.105.B*. Similarly, RCW 43.21C.075(2)(a) provides "Appeals [under SEPA, Chapter 43.21C RCW, shall be of the governmental action together with its accompanying environmental determinations." *RCW 43.21C.075(2)(a)*.

² On December 23, 2009, after the close of the record, the Appellant filed an objection with the Clerk of the Hearing Examiner to a letter submitted for the record by the Applicant as part of a written closing statement, dated December 21, 2009. The Hearing Examiner admitted the December 21, 2009 letter into evidence because information in the letter was relevant to the hearing, and submittal of the letter was subject to a confidentiality agreement in place until December 14, 2009, effectively unavailable at the time of hearing. To permit the community to respond to the new information, the Hearing Examiner reopened the record for the limited purpose of allowing the Appellant representative to submit an additional written response by January 14, 2010. The Appellant submitted a timely response. *Exhibit 159; Exhibit 160; Exhibit 166; Exhibit 167; Exhibit 168*.

Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Ueland Tree Farm Mineral Resource Development
SEPA FEIS Appeal and CUP, No. 091008-021

FEIS Appeal

Tim Botkin, Appellant Representative³

David Greetham, County SEPA Responsible Official/Environmental Planner

Bob Tucker, CCCCWB

Keith Folkerts, County Natural Resources

Holly Hunt, CCCCWB

Kim Adair, CCCCWB

Keith Stanfill, CCCCWB

Linda Laine, CCCCWB

Jim Tucker, CCCCWB

John Mikesell, CCCCWB

Jack Stanfill, CCCCWB

Shawn Alire, County Development Engineering

Molly Adolfson, ESA Adolfson

Phil Struck, Applicant Consultant

Jeffrey Coop, Applicant Consultant

John Perlic, Applicant Consultant

Mark Mauren, Applicant Representative

Attorney Craig Jones represented the Applicant at the appeal hearing.

Conditional Use Permit Application

Dennis Oost, County Planner

Craig Ueland, Applicant

Phil Struck, Applicant Consultant

Patrice Pennachi, CCCCWB

Bob Muhleman, CCCCWB

John Perlic, Applicant Consultant

Shawn Alire, County Development Engineering

Charles Ely

Ann Wilson

Susane Stayrook

Joel Adamson

Carol Harcharik, CCCCWB

Victoria Eyler, CCCCWB

Scott Sargent

Elaine Phelps

Sheila Guizzetti

John Mikesell, CCCCWB

³ Mr. Botkin served as CCCCWB representative in the open record consolidated appeal hearing, but is not a licensed attorney. Mr. Botkin testified under oath during the open record consolidated appeal hearing.

Linda Laine, CCCCWB
Larry Eyler
Holly Hunt, CCCCWB
Jim Tucker, CCCCWB
Kathy Stanfill, CCCCWB
Jim Tucker, CCCCWB
Jack Stanfill, CCCCWB
Lanny Davis, CCCCWB
Kim Adair, CCCCWB

Attorney Craig Jones represented the Applicant at the permit hearing.

Exhibits:

The following exhibits were admitted into the record:

See Attachment A, Exhibit List, attached to this decision.

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record consolidated hearing:

FINDINGS

Background

1. Ueland Tree Farm, LLC (Applicant) requests a conditional use permit (CUP) to construct and operate the Ueland Tree Farm Mineral Resource Development project, including sand and gravel mines, basalt quarries, topsoil facility, and a concrete batch plant, on the subject property, in the vicinity of Lebers Lane in Kitsap County, Washington.⁴ The use is proposed for an approximately 152.3-acre portion of the approximately 1,716 acre UTF working forest. The proposed use would operate for approximately 50 years, with phased development and reclamation of mine sites and associated road improvements, monitoring, critical areas preservation. Following development of the proposed use, land uses on the subject property would consist of commercial forestry, mineral extraction, and outdoor recreation and hiking trails. Commercial forestry would occur on the

⁴ The subject property is identified by Tax Parcel Nos. 182401-3-010-2009; 192401-2-002-2000; 192401-2-005-2007; 242401-4-005-1008; 192401-3-005-2005; 192401-3-004-2006; 192401-3-010-2008; 242401-4-008-1005; 242401-4-007-1006; 242401-4-006-1007; 242401-4-005-1008; 192401-2-004-2008; 192401-2-003-2009; 182401-1-014-2009; 072401-4-105-2006; 182401-2-002-2004; 182401-1-015-2008; 182401-2-001-2002; 072401-3-008-2006; 072401-3-007-2007; and 072401-4-123-2004. A legal description of the subject property is included with the CUP application. *Exhibit 12.*

majority of the property following development of the proposed use. *Exhibit 12; Exhibit 92.*

2. Kitsap County (County) determined the CUP application was complete on April 23, 2008. *Exhibit 30.* On August 24, 2009, the County mailed notice of the application to appropriate local and state agencies, the Applicant, and owners of property within 400 feet of the property subject to the application. *Exhibit 39.*⁵ The County published notice of the application in the *Port Orchard Independent* on August 28, 2009. *Exhibit 40.* The County published notice of the open record hearing associated with the application in the *Port Orchard Independent* on September 18, 2009. *Exhibit 70.* The County mailed notice of the hearing to appropriate local and state agencies, the Applicant, interested parties, and owners of property within 400 feet of the subject property on September 18, 2009. *Exhibit 52.* On September 23, 2009, the County posted notice of the hearing on the subject property.⁶ *Exhibit 52.*

Subject Property

3. The UTF Tree Farm ("Farm") currently consists of low, rolling topography, generally sloping from the west to east. Elevations range from 280 feet above sea level in the east portion of the Farm, near Kitsap Lake, to approximately 1,080 feet in the west portion of the site near Green Mountain. The Farm includes two, north-south trending ridge and valley formations that occur on the slopes of Green Mountain and that are associated with stream tributary channels within the Chico Creek drainage basin. Much of the Farm lies on the two ridges, approximately 500 to 700 feet in elevation, with valley bottoms up to 100 feet below ridge line. On the Farm, volcanic bedrock called basalt is covered with a layer of glacial outwash sand and gravel. The sand and gravel layer is thicker in the northeast portion of the Farm than in the south and west portions of the Farm. *Exhibit 34; Exhibit 92.*

⁵ Dennis Oost, County Planner, testified that the County mailed revised notice of the CUP application (Exhibit 49) to owners of property within 400 feet of the subject property on September 10, 2009. *Testimony of Mr. Oost.*

⁶ The County initially scheduled the consolidated open record hearing for the SEPA Final Environmental Impact Statement (FEIS) appeal and the conditional use permit (CUP) application for October 8, 2009. *Exhibit 53.* The County continued the open record hearing until October 22, 2009. *Exhibit 62.* On September 28, 2009, the County mailed notice of the continued hearing to appropriate agencies, departments, interested parties, and tribes, and to owners of property within 400 feet of the subject property. *Exhibit 63.* The County then continued the open record hearing until November 9, 2009. *Exhibit 83.* On October 15, 2009, the County mailed notice of the continued hearing to appropriate agencies, departments, interested parties, and tribes, and to owners of property within 400 feet of the subject property. *Exhibit 84.*

4. The subject property is currently managed for commercial forestry and a majority of the property supports third-growth conifer forest. Commercial forestry management includes tree harvest, tree planting, fertilizer and herbicide application, forest reclamation, and management activities. The subject property has been logged in stages, with some areas cleared as recently as 2003 and other forested areas not cleared since 1943. A network of unpaved roads on the property supports commercial forestry activities, and serves as a de facto trail system for the public, which has informally used the property for hiking, biking, horseback riding, camping, hunting, and wildlife viewing. No structures or residences currently exist on the subject property. There are several small borrow areas on the subject property where sand, gravel, and hard rock have been mined from the site to aid in construction of existing onsite access roads. *Exhibit 90; Exhibit 92.*

5. Dickerson Creek is one of four main tributaries to Chico Creek, covering approximately 15-percent of the overall Chico Creek watershed. Dickerson Creek's baseflow contribution to the Chico Creek drainage is similar in quantity to contributions from Wildcat Creek and Lost Creek. Dickerson Creek flows north through the central portion of the subject property, flowing off the property to the east at the property's northeast boundary. Four main tributaries of Dickerson Creek are also located on the subject property, including a tributary that extends from the main channel to the west portion of the subject property. *Exhibit 34; Exhibit 89.*

Surrounding Property

6. Property adjacent to the northwest of the Farm is part of Kitsap County, and is part of the County's RW and FRL zoning district. Property adjacent to the north of the Farm is located in the County's RW zoning district. Property adjacent to the north and west of the Farm within the County's RW and FRL zoning districts is owned by the Washington Department of Natural Resources (WDNR) and the Mountaineers.⁷ Property located in the County's Rural Residential zoning district is located adjacent to the northeast of the Farm. Property adjacent to the north and west of the Farm within the RW and FRL zoning district is currently

⁷ The County staff report states that the Mountaineers are a non-profit organization dedicated to outdoor recreation and conservation, and specifically preserving forested habitat along Chico Creek. The 21 acres owned by the Mountaineers in the vicinity of the subject property is home to the Mountaineers' Forest Theater. *Exhibit 78, Staff Report, page 6.*

undeveloped and managed for timber production or resource protection. *Exhibit 34; Exhibit 78, Staff Report, page 6; Exhibit 92.*

7. Property located adjacent to the northeast of the subject property is located within the County's Rural Residential (RR) zoning district. The County staff report states that a seven-acre area of property located adjacent to the northeast of the subject property is currently developed with a mix of residential development, with lot sizes ranging from 0.33 acre to over 2.5 acres in size. The area of residential development is separated from the subject property by an existing railroad track. Phil Struck, Parametrix Senior Scientist and Applicant consultant, testified the closest residence to proposed mining would be located at least 600 feet away. *Exhibit 78, Staff Report, page 6; Exhibit 92; Testimony of Mr. Struck.*

8. A road and rail system is located in the vicinity of the subject property. Lebers Lane extends east and north from the railroad track adjacent to the subject property to connect with Northlake Way. The Applicant owns seven residences located along Lebers Lane. NW Grover Lane, NW David Road and Orange Drive NW extend west from Northlake Way as it continues north from the Lebers Lane/Northlake Way intersection. Seabeck Highway NW continues west and north from Orange Drive NW. Kitsap Way extends east from the Northlake Way/Lebers Lane intersection. The existing railroad track adjacent to residential development extends north along Orange Drive NW, roughly parallel to Northlake Way, and south along the west side of Kitsap Lake Road, which extends south from Kitsap Way east of the Kitsap Way/ Northlake Way intersection. The railroad track continues southwest, along the southwest corner of the subject property, adjacent to the west of Heinz Lake and Alexander Lake. *Exhibit 34; Exhibit 78, Staff Report, page 6; Exhibit 92.*

9. The City of Bremerton is located adjacent to the east and south of the Farm. Property within the City of Bremerton (City) adjacent to the east of the Farm is currently undeveloped forest land located in the City's low-density residential zoning district, subject to City completion of a subarea plan. Property within the City adjacent to the south of the Farm is part of the City's City Utility Lands zoning district.⁸ Heinz Lake and Alexander Lake are adjacent to the southeast corner of the Farm. Property adjacent to the southwest of the Farm is also located

⁸ The City Utility Lands (CUL) zoning district is intended to preserve resource-related land functions; to protect watersheds and timberlands; to ensure healthy forest cover; and to provide wildlife habitat. *Exhibit 92.*

within the City of Bremerton, and is part of the City's Watershed zoning district.⁹ Property to the west and south within the City of Bremerton Watershed and City Utility Lands zoning districts is owned by the City of Bremerton. *Exhibit 34; Exhibit 78, Staff Report, page 6; Exhibit 92.*

10. Kitsap Lake and Dyes Inlet within Puget Sound are also located east of the subject property. Chico Creek, a fish-bearing stream, is located off the subject property to the north. According to the Ueland Tree Farm Key Map within the project's Revised Wetland Delineation and Stream Identification Report (Revised Wetland and Stream Report), Chico Creek intersects with Wildcat Creek and Lost Creek, both fish-bearing streams, approximately 800 feet north of the subject property. Lost Creek flows into the stream intersection from the southwest, cutting across the north boundary of the subject property. Wildcat Creek flows away from the intersection to the east, also cutting across the north boundary of the subject property. *Exhibit 89.*

11. The Chico Creek watershed totals approximately 10,445 acres. Approximately 1,316 acres of the Farm is located in the Chico Creek watershed, comprising 12.6 percent of the Chico Creek watershed. Approximately 400 acres of the Farm is located in the Gorst Creek watershed, which totals approximately 5,760 acres. The Farm comprises approximately seven-percent of the Gorst Creek watershed. *Exhibit 89.*

12. The Chico Creek watershed is divided into five smaller sub-basins: Chico, Wildcat, Lost, Dickerson, and Kitsap Creeks. The Farm is located within the Chico, Kitsap, Lost, and Dickerson sub-basins of the Chico Creek watershed and within the Heinz Creek sub-basin of the Gorst Creek watershed. The majority of the Farm lies in the Dickerson Creek sub-basin. The Dickerson Creek sub-basin begins at its confluence with Chico Creek and includes Dickerson Creek's four main tributaries. Water flowing from the Dickerson sub-basin ultimately drains into Chico Creek, then into Dyes Inlet in Puget Sound. The Heinz Creek sub-basin is composed of six tributaries that ultimately drain to Heinz Lake. Heinz Lake is connected by an intermittent tributary to Alexander Lake, and Alexander Lake discharges to Heinz Creek. Heinz Creek discharges to Gorst Creek, which

⁹ The Watershed (WS) zoning district is intended to protect the City of Bremerton water supply by controlling activities and maintaining high water quality at the source, consistent with state and federal regulations. *Exhibit 92.*

ultimately drains to Sinclair Inlet in Puget Sound. A minority of the Farm ultimately drains to Gorst Creek and Sinclair Inlet. *Exhibit 89.*

Comprehensive Plan

13. A portion of the subject property is designated Rural Wooded (RW) by the County Comprehensive Plan, and a portion of the property is designated Forest Resource Lands (FRL) by the Comprehensive Plan. *Kitsap County Comprehensive Plan, Figure 2-2 Land Use Map – South (December 2006).*
14. According to the Comprehensive Plan, the RW designation is applied to larger parcels of land in contiguous blocks that are forested in character, that have been actively managed for forestry and harvested, and that may be currently taxed as timber lands pursuant to state and County programs. It is applied to lands that were formerly zoned as “Interim Rural Forest.” The objective of the designation is to promote continued forestry practices, provide ongoing opportunities for large- and small-scale timber management, and maintain large contiguous blocks of forested lands to protect significant environmental features, while allowing limited residential development in keeping with rural character. Environmental features may include significant visual, historic, and natural features; wildlife corridors; steep slopes; wetlands; streams; and adjacent critical areas. The Rural Wooded designation is implemented by the Rural Wooded zone. *County Comprehensive Plan, Rural and Resource Lands Element, page 3-5 (December 2006).*
15. The FRL designation focuses on lands that have commercial forestry resources. This designation of resource lands and activities is intended to help keep these lands available for commercially significant resource production and to help maintain these sectors of the local economy. The Forest Resource designation is implemented by the Forest Resource zone. *County Comprehensive Plan, Rural and Resource Lands Element, page 3-12 (December 2006).*
16. Comprehensive Plan goals for the RW and FRL Comprehensive Plan designation are relevant to the proposed use.¹⁰ The County staff report identified the following Comprehensive Plan goals as applicable to the RW designation: provide ongoing opportunities for continued management of these lands for forestry, open space, or other compatible uses to promote a large-scale, connected

¹⁰ County staff identified Comprehensive Plan Rural and Resource Lands goals for the Rural Wooded (RW) designation and Rural and Resource Lands Element Goals 7, 8, and 9 as applicable to the proposed development. *Exhibit 78, Staff Report, page 5.*

landscape, as the lands are important for rural character, economic values, natural resource uses, ecological functions and values, and public benefits; preserve rural character, allow a variety of levels of rural residential densities, and encourage innovative rural planning techniques, while meeting Growth Management Act intentions and requirements; and provide a high standard of environmental protection, facilitate the creation of open space corridors, minimize shoreline impacts, and promote residential development that is sensitive to the physical characteristics of the land. The County staff report also identified the following Comprehensive Plan goals as applicable to the FRL designation: preserve and enhance natural resource-based activities, such as agriculture, forestry, mineral extraction through both regulatory and non-regulatory means; preserve land suitable for timber production; and encourage continued timber operations through both regulatory and non-regulatory means. *Comprehensive Plan, Rural and Resource Lands Element, pages 3-13 – 3-14 and 3-18.*

17. Comprehensive Plan sections, goals, and policies governing rural lands, resource lands, forest resources, mineral resource lands, natural systems, and transportation are also relevant to the proposed use.¹¹ Rural and Resource Lands Element sections, goals, and policies primarily track goals for the RW and FRL Comprehensive Plan designation of the subject property. Comprehensive Plan Rural and Resources Lands Element Section 3.2.5 Mineral Resource Lands goals and policies are applicable to mineral resource lands with the Mineral Resources Comprehensive Plan designation, implemented by a zoning mineral resource overlay adopted by the County.¹² Land Use Element goals and policies concern

¹¹ County staff identified the following Comprehensive Plan Rural and Resource Lands Element sections, goals, and policies as applicable to the proposed use: Section 3.2.1; Section 3.2.4; Section 3.2.5; Goals 7, 8, 11, and 12; and Policies RL-34 – RL-40, and RL-48 – RL58. County staff also identified Comprehensive Plan Land Use Element Goals 29 and 34 and Policies LU-131 – LU-140, LU-142, and LU-163; Comprehensive Plan Natural Systems Goals 1, 4, 5, 8 and Policies NS-1, NS-4, NS-5, NS-19 – NS-23, NS-27, NS-35, NS-36, NS-40, NS-42, and NS-43; and Comprehensive Plan Transportation Element Goals 14 – 18 and 20 and Policies T-63, T-66 – T-76, T-88 and T-90 as applicable to the proposed use. *Exhibit 78, Staff Report, pages 18 -27.*

¹² Dennis Oost, County Planner, testified that the County has not adopted a Mineral Resources (MR) Comprehensive Plan designation for the subject property or adopted a zoning mineral resource overlay governing the subject property. *Testimony of Mr. Oost.* Kitsap County Comprehensive Plan Section 3.2.5 states that mineral resource lands are designated with the MR designation, which is implemented by a zoning overlay. KCC 17.380.010 provides that the purpose of a MR overlay is to protect and enhance significant sand, gravel, and rock deposits as identified mineral resource lands, and to ensure the continued, or future, use of the mineral resource without disrupting or endangering adjacent land uses. *KCC 17.380.010.* According to the DEIS, if a CUP is approved and a WDNR reclamation permit issued for the proposed use, the project proponent would request a Comprehensive Plan and zoning map change to the MR designation and MR overlay, respectively. *Exhibit 34.*

stormwater and flooding management to avoid loss of life, property, and environment, and protection of quantity and quality of long-term groundwater supplies for people, fish and wildlife. Natural Systems Element goals and policies protect public safety and health and protect ecological integrity of water systems and biological diversity of Kitsap County and Puget Sound. Transportation Element goals and policies maximize non-motorized travel; encourage an interconnected network of non-motorized, on-road commuter trails and off-road recreational trails; encourage right-of-way (ROW) development for motorized and non-motorized travel; achieve minimum Level of Service (LOS) standards for transportation facilities in accord with the Growth Management Act (GMA); and encourage development of a system of non-motorized transportation facilities primarily within the ROW of existing and proposed public streets or roads for safe transportation between a variety of regional, inter-community, and local county destinations for bicyclists and pedestrians. *Comprehensive Plan, Rural and Resource Lands Element, pages 3-12 – 3-17; Land Use Element, pages 2-37 – 2-39 and 2-41; Natural Systems Element, pages 4-2 – 4-8; and Transportation Element, pages 8-8 – 8-12.*

Zoning

18. A portion of the subject property is located within the County's Rural Wooded (RW) zoning district, and the remainder of the property is located within the County's Forest Resource Lands (FRL) zoning district. Land within the RW zoning district is generally located in the east and central portions of the subject property; land within the FRL zoning district is generally located in the west portion of the subject property. *Exhibit 34; Exhibit 78, Staff Report, page 5.*
19. Aggregate extraction sites are an allowed use within the FRL zoning district, if no greater than two acres for the purpose of construction and maintenance of a timber management road system, if the total parcel to be developed with the use is at least 20 acres in size. *Kitsap County Code (KCC) Table 17.381.040(E); KCC 17.381.050.A.4.* Aggregate extraction sites are an allowed use within the RW zoning district with a CUP. *KCC Table 17.381.040(E).*
20. Dennis Oost, County Planner, testified that one seeking to construct and operate a aggregate extraction site on the subject property could either pursue a CUP from the County, or could request the County adopt a zoning Mineral Resource Overlay (MRO) governing the subject property, under which the proposed use would be allowed. Craig Jones, Attorney at law, stated for the Applicant that adoption of a zoning MRO would be initiated by a County Board of County

Commissioners (BOCC) County Comprehensive Plan amendment. *Testimony of Mr. Oost; Statement of Mr. Jones.*

Environmental Review & Appeal

Process

21. The County acted as lead agency and analyzed the environmental impact of the proposed use, as required by the State Environmental Policy Act (SEPA), Ch. 43.21C RCW. Upon review of the SEPA environmental checklist for the proposed use and other available information, the County determined that the proposed use would likely have a significant impact on the environment, and issued a Determination of Significance and Scoping Notice for the Draft Environmental Impact Statement (DEIS) analyzing impacts of the proposed development on June 23, 2008. *Exhibit 13; Exhibit 42; Exhibit 44; Exhibit 45; Exhibit 78, Staff Report, page 4.*
22. The County accepted written comments on the DS until July 25, 2008. The County held a DEIS scoping meeting on July 23, 2008. Those who attended the County's DEIS scoping meeting or submitted written comment expressed concern about potential traffic, noise and vibration, wildlife, water and wetlands, air quality/public health, visual impacts, and recreation impacts of the proposed use, and expressed concern about development of an action alternative for the proposed use. *Exhibit 42; Exhibit 44; Exhibit 45; Exhibit 78, Staff Report, page 4.*
23. The County issued the DEIS analyzing the impacts of the proposed development on February 27, 2009, and invited public comment on the DEIS until March 30, 2009. The County held a public meeting to gather comments on the DEIS on the proposed use at Kings West School, Bremerton, Washington on March 25, 2009. *Exhibit 34; Exhibit 36.*
24. The DEIS describes a No Action Alternative (NAA), a Proposed Development Alternative (PDA), and a Reduced Scale Alternative (RSA). According to the DEIS, the NAA represents actions that would be allowable on the subject property based on existing land use regulations. The PDA includes mineral resource development and operation over 152 acres of the UTF working forest, including successive development and reclamation of two sand and gravel mines and three basalt quarries; concrete batch plant; crushing and washing facility; railroad spur line; topsoil facility; office; shop; and truck scales. The RSA includes successive development and reclamation of two sand and gravel mines; two basalt quarries, Quarry A and Quarry C; reduced scale topsoil facility; office;

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shop; crushing and washing facility; and truck scales. According to the DEIS, the RSA provides an option that could feasibly attain or approximate the objectives for the project at a lower environmental cost, but does not fully meet the Applicant's objectives for the proposed use. *Exhibit 34.*

25. The DEIS analyzes the following impacts of the proposed project alternatives: geology and soils; air quality; surface water and wetlands; groundwater; vegetation and wildlife; noise and vibration; land use; transportation; aesthetic quality; cultural resources; recreation; public services and utilities; and cumulative impacts. The DEIS also lists proposed mitigation measures to mitigate impacts, and includes the following appendices: wetland figures, stormwater pollutant prevention plan, mineral resource development, groundwater and wetlands monitoring plan, project site photographs, and a distribution list. *Exhibit 34.*

26. Among other data collection efforts, maps, information sources, and assessments, the DEIS references and relies upon data within the following plans and studies: Addenda to Air Quality and Noise Studies, ENVIRON, 2008; Transit Noise and Vibration Impact Assessment, Federal Transit Administration, 2006; Ueland Tree Farm Mineral Resource Development Noise Study, Geometrix, 2007; Air Quality Assessment, Parametrix, 2007; Habitat Management Plan, Parametrix, 2007; Hydrogeologic Report, Parametrix, 2007; Land Use and Visual Impact Assessment, Parametrix, 2007; Traffic Study, Parametrix, 2007; Ueland Tree Farm Kitsap Lake Property Draft Sub-Basin Assessment, Parametrix, 2007; Wetland Delineation and Stream Identification Report, Parametrix, 2007; Ueland Tree Farm Mineral Resource Development Addendum to Technical Reports, Parametrix, 2007; and Washington Department of Ecology (DOE) Techniques for Dust Prevention and Suppressions, March 2003. *Exhibit 34.*

27. The County received 29 comment letters on the DEIS from individuals, organizations, tribes, and agencies,¹³ and received comments from more than 100 people that attended the March 30, 2009 public meeting. Comments focused on

¹³ The Final Environmental Impact Statement (FEIS) issued by the County on August 25, 2009, contains summaries of and detailed responses to comments received from the following parties: Washington Department of Ecology (DOE); the Suquamish Tribe; Kim Adair; an anonymous party; Michael Beck and Susan Stayrook; Central Kitsap School District; Charles Dick, Seventh Day Adventist Church; Erenn; Debbie Fetters; Bernie JMW Fleming; Shelia Guizzetti; Holly Ridge Center – Roxanne Bryson; Chris & Holly Hunt; Paul McCoy; Bonnie McIntosh; John & Roberta Mikesell; Helen Miller; Port Blakely Communities; Toni Shauers; Sharon Tucker; Richard Uhinck; Jeremy & Shonda Wahrmond; Robin Walster; and Kenneth & Patricia Widell. *Exhibit 26.*

traffic concerns, requests for a southern access route to the proposed development, wetland impacts, water quality and flooding impacts to Chico Creek, Dickerson Creek, and other surface water bodies in the area, and impacts to wildlife and wildlife habitat. Traffic concerns included traffic congestion along Lebers Lane and Northlake Way, noise and dust from truck traffic, safety for pedestrians and school children, and changes in the character of the area through additional truck traffic. The Suquamish Tribe expressed concern with proposed importing of material to reclaim former mine sites, if enough material would not be available within the subject property, and requested that the proposed concrete batch plant and topsoil facility be eliminated to avoid significant risk to surface and groundwater resources. Spencer Horning, U.S. Navy, and Dan Read, U.S. Navy, expressed concern that incorporation of a crossing over the U.S. Navy-owned railroad track at Lebers Lane as part of the proposed development would require crossing improvements.¹⁴ *Exhibit 36; Exhibit 47.*

28. The County prepared a detailed response to DEIS comments requesting a southern access route to the proposed development to reduce impacts along Lebers Lane and Northlake Way. In its response, the County cited a May 22, 2009 Ueland Tree Farm Mineral Resources Development Access Feasibility Analysis (UTF Access Feasibility Analysis), prepared for the Applicant by ESM Consulting Engineers, LLC. The UTF Access Feasibility Analysis evaluated two potential south access options: a) the most direct southerly route, across property not owned by the Applicant, for a total length of 1.5 miles; and b) a more indirect southerly route, also across property not owned by the Applicant, for a total length of 2.5 miles. According to the County, the first option would require the Applicant to purchase eight private properties; steep slopes on either side of a valley would require extensive cut and fill for a roadway; site conditions would

¹⁴ DEIS comments included an email message from Dan Read, U.S. Navy, dated March 24, 2009, and an email message from Spencer Horning, U.S. Navy, dated October 21, 2009, referencing Mr. Read's message, a letter from Phil Struck, UTF development project manager, dated July 30, 2007, and a letter from R.S. Tanaka, U.S. Navy, in response, dated October 12, 2007. The July 2007 Struck letter requested feedback from the U.S. Navy what railroad crossing improvements would be required to support truck traffic associated with the proposed project, and stated the proposed project may include a rail spur component for mineral resource transport, connecting to the U.S. Navy rail line. The October 2007 response required improvements to the crossing to conform to federal and state guidelines; to support anticipated truck traffic loads; to install warning signals and automatic gates; to consider clearing or grading to improvement sight distance; to provide funding for improvements; to make a separate request for utility easements; and to conform to County development requirements. The March 2009 email message stated the County DEIS should include: railroad crossing improvements and utility easement requests consistent with the October 2007 U.S. Navy letter, for the proposed development alternative (PDA) and reduced scale alternative (RSA); and crossing improvements even if the proposed rail spur is not constructed. *Exhibit 86.*

make stormwater management very difficult; and the access route would pass through a currently undeveloped area, with potential impacts to streams, wetlands, steep slopes, and a wildlife corridor connecting Kitsap, Heinz, and Alexander Lakes. The second option would require purchase of six properties and permission to pass through the City of Bremerton watershed. The County response stated that the City of Bremerton Public Works Director denied truck access through the Bremerton watershed.¹⁵ The second option would incorporate increased roadway length compared to the first option because the second option would need to avoid steep slopes in the valley near the south end of the UTF site and to avoid Heinz and Alexander Lakes. The second option would cross sensitive natural resource areas, with potential impacts to streams, lakes, and wetlands. *Exhibit 36.*

29. A September 23, 2009 letter from Phil Williams, City of Bremerton Public Works and Utilities Director, states that the City of Bremerton “does not believe it to be in its best interest to permit use of [City] Water Utility property proposed for the [UTF Mineral Resource Development], and would not consider granting easement across its ownership.” *Exhibit 52.*

30. The County response concluded that the north access alignment, as proposed in the DEIS and carried forward as the Proposed Development Alternative in the Final Environmental Impact Statement (FEIS) would be more feasible to implement than either southern access route because the northern route would be outside known sensitive areas, and all construction could be done either in the public right of way (ROW) or on property owned by the Applicant. The County concluded that southern access options would result in lower potential impacts to Northlake Way neighborhood residents and would have the benefit of more direct freeway access through Werner Road, adjacent to Industrial, Commercial, and Urban Residential zones, but that the southern access would result in more significant potential impacts to sensitive natural resources, including streams, wetlands, and wildlife. The County also concluded that the Applicant does not own properties potentially affected by a southern access route, and does not have the authority to condemn property if owners are unwilling to sell for development of a southern access route. The County stated that because a northern access route is reasonable and could meet all applicable design standards, as proposed by the Applicant, and because a southern access route is potentially infeasible, the

¹⁵ The County response referenced a personal communication from City of Bremerton Public Works Director Williams on June 24, 2009. *Exhibit 26.*

County did not carry forward any southern access route for additional evaluation in the FEIS. *Exhibit 36.*

31. The County issued a Final Environmental Impact Statement (FEIS) on August 25, 2009.¹⁶ The FEIS contains a proposed project description; a statement of purpose and need for the project; project alternatives; a summary of impacts and mitigation measures; comments on the draft EIS; summary of major conclusions; areas of controversy and uncertainty; and significant unavoidable adverse impacts. The FEIS also contains a vicinity map and site map with project elements. FEIS appendices include comments on the draft EIS; responses to comments; a Ueland Tree Farm mineral resource development access feasibility analysis; and FEIS distribution list. The FEIS states that “[t]his Final EIS, in combination with the Draft EIS, evaluates alternatives for potential mineral resource development at the [Ueland Tree Farm] and discusses the associated environmental issues... responds to citizen, Tribe, and agency comments received on the Draft EIS, and provides updated analysis where appropriate.” *Exhibit 36.*
32. The FEIS describes the proposed project as development of commercial sand, gravel, and basalt mineral surface mines on a portion of the existing Ueland Tree Farm site, located west and north of Bremerton, Washington and encompassing Beaver Dam Lake and Dickerson Creek.¹⁷ Three proposed quarries, a gravel mine, and a concrete batch plant would be located within the proposed project site. According to the FEIS, the proposed project would supply mineral resources to urban areas of Kitsap County. *Exhibit 36.*
33. To accomplish the proposed project, the FEIS describes two alternatives. The FEIS also describes a scenario under which no action would be taken, under which the proposed project would not be accomplished.¹⁸ Under the no action scenario, any development of the proposed project site would occur under the existing land use designation and zoning classification of the site. *Exhibit 36.*

¹⁶ The FEIS states that comments and detailed responses to comments on the DEIS are included in Appendix A, Response to Comments, within the FEIS. The FEIS states that the FEIS text has been largely unchanged from the DEIS text though Chapter 1 of the FEIS has been updated. *Exhibit 26.*

¹⁷ The Ueland Tree Farm (UTF) is owned by the Applicant and is approximately 1,716 acres in size. *Exhibit 26.*

¹⁸ WAC 197-11-440(5)(b)(ii) requires that the “no-action” alternative shall be evaluated and compared to other alternatives within the EIS. *WAC 197-11-440(5)(b).*

FEIS Proposed Development Alternative

34. The Applicant's Proposed Development Alternative (PDA) would include development of approximately 152 acres of the Ueland Tree Farm (UTF) site. The FEIS states that the proposed development alternative is the Applicant's preferred approach to development of the site. The PDA would include two sand and gravel mines, three basalt quarries, a concrete batch plant, a railroad spur line, a topsoil facility,¹⁹ a crushing and washing facility, an office, a shop, and truck scales. A proposed gravel mine, Gravel Mine A, and the proposed concrete batch plant would be located in the northeast portion of the proposed project site, and the other proposed gravel mine, Gravel Mine B, would be located in the north central portion of the site. A branch of Dickerson Creek would be located on the subject property north of proposed Gravel Mine A and Gravel Mine B. Proposed Gravel Mine A would be located approximately 850 feet east of Proposed Gravel Mine B, separated by another branch of Dickerson Creek within a valley. Dickerson Creek continues to flow south through the subject property. *Exhibit 27; Exhibit 34; Exhibit 36.*
35. Proposed quarries would be located in the central, south central and southwest portion of the site. Quarry A would be located in the central portion of the site; Quarry B would be located in the south central portion; and Quarry C would be located in the southwest portion. The FEIS states that approximately 11.7 million cubic yards of aggregate material would be removed from the mine and quarry sites over approximately 50 years of site operation, with approximately 400,000 tons of aggregate removed annually. *Exhibit 27; Exhibit 36.*
36. An access road through the subject property would link proposed Gravel Mine A and the proposed three basalt quarries. The northwest portion of the subject property would remain largely undeveloped. *Exhibit 27.*
37. Proposed Gravel Mine A would be approximately 32.5 acres in size, and would yield approximately 2,284,000 cubic yards of sand and gravel over the life of the proposed mine. The proposed crushing and washing facility, concrete batch plant, topsoil facility, office, truck scales, and maintenance shop would be located adjacent to the proposed gravel mine. Proposed Gravel Mine B would be approximately 34 acres in size, and would yield approximately 952,000 cubic yards of sand and gravel over the life of the proposed mine. Proposed Quarry A

¹⁹ The topsoil facility would consist of a topsoil production and wood debris processing operation within the Gravel Mine A area. Topsoil production would consist of screening and mixing soil materials from on-site and off-site sources. Topsoil would be produced at a rate of up to 20,000 tons per year. *Exhibit 26.*

would be 25.3 acres in size; proposed Quarry B would be 21.3 acres in size; and proposed Quarry C would be 39.2 acres in size. *Exhibit 36.*

38. Operation of proposed sand and gravel mines would consist of first clearing the topsoil; chipping and retaining vegetation for topsoil production or reclamation; open pit excavation of sand with power shovels, front end loaders, and bucket wheel elevators; and transporting mined materials to the processing plant by earth mover, truck, belt conveyors, or other means. Material mined from Gravel Mine B would be transported by conveyor or truck to the crushing and washing facility at Gravel Mine A. *Exhibit 36.*
39. Operation of proposed quarry sites would involve removing an overburden layer approximately five to 10 feet thick to exposed basalt bedrock located on the UTF site. A rock drill would be used to create a hole in the rock face for placement of explosives, which would be used to loosen desired rock and crushed stone products. Following detonation, excavators would sort the material then loaders would place the material on a conveyor system or into trucks for transport to the crushing and washing facility that would be located at Gravel Mine A. Generally, quarry blasting would be used to remove benches of material 50 feet wide or wider. Blasting may occur more frequently – two to three times per month- upon quarry start-up due to the small working face within the quarry site. Blasting frequency would decrease to one or two times per month as the working rock face grows in size. *Exhibit 36.*
40. Operation of the proposed crushing and washing facility would involve use of different combination of washers, screens, and classifiers to separate particle sizes; crushers to reduce oversize material; and storage and loading facilities. Material would be transferred from a hopper to screens by gravity, belt conveyors, hydraulic pump, or bucket elevators; screened material would be crushed, if needed; then material would be returned to screens for sizing. Water would be sprayed onto material throughout the screening process to minimize dust. After screening, crushing, and sizing, gravel would be transported to stockpiles, storage bins, or crushers by belt conveyors, bucket elevators, or screw conveyors. Sand is freed from the material through washers or rotary scrubbers, sized by water classification then dewatered through use of screws or separator cones. Sand would then be transported to storage bins or stockpiles by belt conveyors, bucket elevators, or screw conveyors. *Exhibit 36.*
41. Under the PDA, the proposed concrete batch plant would produce approximately 20,000 cubic yards of concrete annually. Some pre-cast products, such as bricks, paving stones, bridge girders, and structural components, may also be produced

on-site. Raw materials, including water, cement, sand, and coarse aggregate, would be delivered to the batch plant site by rail or truck. Cement would be transferred to elevated storage silos by bucket elevator or pneumatically, and sand and coarse aggregate would be transferred to elevated bins by front end loader, clam shell crane, belt conveyor, or bucket elevator. From elevation, the cement, sand, and coarse aggregate would be fed by gravity or screw conveyor to weigh hoppers to be combined, then gravity fed from the weight hopper into mixer trucks. Concrete would be mixed in the trucks on the way to sites where concrete would be poured, or manufactured in a central mix drum and transferred to a truck for transport. *Exhibit 36.*

42. Of the proposed mine and quarry sites, each would be developed in a series of active mining segments over the next 50 years, and each active segment would be 10 acres in size. Proposed Gravel Mine B and Quarry B and C would be developed after completion of mining activity within Quarry A. Under the PDA, only one sand and gravel mine or quarry would be developed and operated at any given time. Quarry A would operate from 2010-2022; Gravel Mine A would operate from 2010-2032; Quarry B from 2022-2037; Gravel Mine B from 2032-2041; and Quarry C from 2037-2059. According to the PDA, mining operation would occur from 7:30 A.M. to 5:00 P.M. Monday through Friday for 52 weeks per year, with no operation on weekends or holidays. *Exhibit 36.*
43. Under the PDA, the Applicant would begin construction of the proposed project in 2009, with mining operations beginning in 2010. The first phase of construction would include access road improvements; operational facilities construction; construction of crushing and washing facilities; concrete batch plant construction; topsoil production facility construction; and Gravel Mine A and Quarry A excavation site preparation through vegetation and topsoil clearing. *Exhibit 36.*
44. Under the PDA, mine and quarry sites would be reclaimed following the operating period of each site. Mine and quarry sites would be cleared, mined, and reclaimed sequentially as segments to minimize the amount of disturbed area open at any time. Reclamation for the following areas of operation would be segmented per area of operation and completed by the following dates: Quarry A, 2023; Gravel Mine A, 2033; Quarry B, 2038; Gravel Mine B, 2042; and Quarry C, 2060. According to the FEIS, reclamation under the proposed development alternative would comply with all applicable reclamation and drainage standards included in a Washington Department of Natural Resources (WDNR) Reclamation Permit, and would also be consistent with Kitsap County reclamation standards. *Exhibit 36.*

45. The FEIS states mining development and reclamation would occur by the following process: soil in the first mine or quarry segment scheduled for development is stockpiled within the footprint of mine and quarry areas before mining to minimize handling and protect the resource; sand and gravel or basalt is extracted from the first segment; and first segment slopes is reshaped according to the reclamation plan. After the close of operations at the first mine or quarry segment, reclamation would occur in the following stages: back-fill mine or quarry pits with non-saleable mine material soil for the quarry and/or clean soil imported from an off-site location; grade the area to conform to proposed reclamation plan contours; re-grade stormwater ponds to a more natural shape, placing sub-soil and top soil within stormwater pond areas to create conditions allowing wetland hydrology and soils to develop and planting the pond area with wetland and wetland buffer plants; top-dress the floor and slope areas of the pits with soils supporting native plant communities, and planting the area with native grasses, shrubs, and trees. *Exhibit 36.*
46. According to the FEIS, only 10 acres at a time in one quarry and one mine on the subject property would be developed with mining operations, followed by incremental reclamation. Reclamation would be completed within two years of completion of operations at any mine or quarry site. After reclamation at the first mine or quarry segment is complete, soil would be stripped from the second mine or quarry segment scheduled for development, spread on the slopes of the first segment, and planted with native grasses, shrubs, and trees. *Exhibit 36.*
47. Reclaimed sites would be managed by the Applicant as tree farms and commercial forest. Topsoil would be salvaged and re-used for vegetation growth, and reclamation would result in wildlife habitat. *Exhibit 36.*
48. The FEIS states that development under the PDA would be accessed through Lebers Lane. Under the PDA, Lebers Lane would be improved to meet County road standards; the City of Bremerton would provide water service for the development site; and domestic wastewater from the on-site office would be managed through an on-site sewage disposal system. Stormwater facilities would be designed, constructed and operated to release water slowly from a man-made stormwater control system during mine and quarry operation and to support an on-site wetland system following reclamation. Stormwater facilities would comply with County standards and the Washington Department of Ecology (DOE) National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for sand and gravel facilities. *Exhibit 36.*

FEIS Reduced Scale Alternative

49. Under the Reduced Scale Alternative (RSA), two proposed sand and gravel mines and two basalt quarries, Quarry A and Quarry C, would be constructed and operated over approximately 93 acres of the UTF property over approximately 32 years. The concrete batch plant and railroad spur line that are part of the proposed development alternative would not be constructed, but other facilities for operation of the mines and quarries would be constructed, such as the proposed office, shop, crushing and washing facility, and truck scales. Topsoil facilities would be developed at a lesser scale than under the proposed development alternative. According to the FEIS, the reduced scale alternative provides an option that could feasibly attain or approximate the objectives for the proposed project at a lower environmental cost, but the alternative does not fully meet Applicant objectives for the proposed project. *Exhibit 36.*

FEIS No Action Alternative

50. As described in the FEIS, the No Action Alternative (NAA) does not describe a proposal currently anticipated or proposed by the Applicant, but describes actions that would be allowed under existing land use regulations, including uses allowed under zoning and comprehensive plan designations of the subject property at the time of proposed development. *Exhibit 36.*

FEIS Significant Impacts

51. The FEIS identified the following impacts as significant unavoidable adverse impacts: potential impacts to wildlife associated with blasting noise, and potential, permanent loss of wildlife, particularly wildlife sensitive to noise. The FEIS states that most impacts identified in the FEIS would not be significant following implementation of mitigation measures included in the FEIS. *Exhibit 36.*
52. The FEIS identified impacts of the PDA. Air quality impacts would consist of dust and exhaust emissions from heavy equipment and mineral extraction; toxic air pollutants from the concrete batch plant, under Puget Sound Clean Air Agency Acceptable Source Impact Level thresholds; and greenhouse gas emissions from equipment operation. Wetland/surface water impacts would consist of altering natural surface hydrologic pathways on the UTF site; reducing wetland contributing site areas; reducing wetland buffer widths; water quality impacts; and downstream surface water impacts. Altered hydrologic pathways would affect groundwater infiltration and drainage patterns, where the quality of infiltrated water could be lower than under existing conditions. Approximately 152 acres of trees and shrubs would be removed over a 50-year period. Blasting operations associated with proposed development would adversely affect wildlife, and

reclaimed sites may have reduced biological diversity. Noise and vibration would result from site development and site operations; blasting noise would occur approximately two to three times per month and decrease over time. Land use on the UTF site would be altered for at least 50 years with development of the proposed development alternative. *Exhibit 36.*

53. The FEIS also identified traffic impacts of the PDA. According to the FEIS, temporary traffic delays could occur with site development, including delays that could hamper emergency vehicle movement. Operation of the proposed development would increase traffic on local roadways by as much as 186 vehicle trips per day, with one trip in and one trip out per vehicle. The Lebers Lane/Grover Lane/ Northlake Way intersection would be reconstructed by the Applicant to meet County standards. The Northlake Way/Lebers Lane reconstruction would provide for intersection operation at Level of Service (LOS) "B", with the average delay per vehicle increased by two seconds over existing conditions at the intersection. Construction of a rail spur would require U.S. Department of Defense (DOD) approval, as construction would occur adjacent to a DOD-owned rail line. *Exhibit 36.*
54. According to the FEIS, PDA development would also alter the visual characteristics of the existing site, with changes to existing topography and land use. The FEIS states that forested areas would likely block views of the proposed mine and quarry sites from the east shore of Kitsap Lake, Seabeck Highway, State Route (SR)-3 at Chico Bay, West Bremerton, East Bremerton, Port Orchard, and Silverdale. The FEIS reported that proposed site development could temporarily limit or eliminate some informal recreational trail use at the site. *Exhibit 36.*
55. The FEIS identified the following impacts of the RSA: geology/soils, air quality, wetlands/surface water, groundwater, vegetation/habitat, noise/vibration, land use, traffic, recreation, and public services and utilities impacts. Public services would be similar to those described in the FEIS for the PDA. Aesthetic and vegetation/habitat impacts would be similar to those described for the PDA, but of a lesser magnitude. No rail spur or concrete batch plant would be constructed as part of the reduced scale alternative, eliminating some air quality, water quality, noise/vibration, land use, and transportation impacts of the proposed development alternative. Mining and quarry operations developed under the RSA would occupy a lesser portion of the UTF site than operations under the PDA, reducing erosion impacts, and excavation would take place during an approximately 32-year period, reducing the amount of time aggregate from a local source would be available for use in the County. Less dust and exhaust and less wetland impacts would occur in RSA development than in PDA development. *Exhibit 36.*

56. The FEIS states that the NAA would not impact public services or utilities, existing traffic conditions, existing use of the site as a tree farm, existing noise conditions, groundwater, wetland or wetland buffer, or existing air quality impacts from forest harvest activities on the site. Under the NAA, continued forest harvesting could result in erosion; vehicles would emit greenhouse gases; surface water quality and quantity impacts could occur associated with continued forest harvest; habitat would be reduced with forest harvest; and views of the site would be altered with continued forest harvest. Some minimal recreation impacts would also occur with continued forest harvest. *Exhibit 36.*
57. The County identified market demand for mineral resources as an element of uncertainty in the proposed development. The FEIS states that market demand for mineral resources would affect the overall mining schedule, and that the FEIS evaluated the impacts of the proposed development according to the most likely mining schedule. According to the FEIS, some mitigation measures would need to be adjusted if the mining schedule were significantly altered. *Exhibit 36.*

FEIS Mitigation of Significant Impacts

58. The FEIS identified measures to mitigate impacts of the PDA. Compliance with the WDNR Reclamation Permit, including conditions to limit landslide and erosion potential and surface water runoff, and reclamation consistent with Kitsap County and WDNR reclamation standards would mitigate geology/soils impacts. Air quality impacts would be mitigated through Puget Sound Clean Air Agency (PSCAA) and County dust control measures; best management practices (BMPs) to reduce vehicle emissions; site reclamation to reduce exposed areas; and water sprays, enclosures, hoods, curtains, shrouds, moveable and telescoping chutes, and central duct collection systems to control concrete batch plant emissions. Wetland/surface water impacts would be mitigated through compliance with Washington DOE, WDNR, and County regulations; use of DOE construction BMPs; buffer averaging; compliance with DOE and County stormwater management and pollution prevention measures, wetland water level monitoring, and surface water flow monitoring in downstream locations. Stormwater impacts would be mitigated in accord with DOE permit requirements, BMPs for water quality treatment prior to infiltration, groundwater level and groundwater quality monitoring, Dickerson Creek stream flow monitoring with negative changes in streamflow addressed through an adaptive management plan, and compliance with all Washington State Sand and Gravel Permit and Surface Mine Reclamation Permit requirements. *Exhibit 36.*

59. Monitoring included as part of PDA mitigation would include surface water quality, groundwater quality, groundwater levels, wetland hydroperiod, and air quality monitoring. Monitoring locations would include all stormwater discharges to surface and ground water; Gravel Mine A monitoring wells; gravel mine infiltration pond locations; Wetlands 1,2,3,5,7,9,12,17, and 19; and the rock crushing plant. Stormwater discharges to surface water would occur at basalt quarries and access road sediment ponds; stormwater discharges to groundwater would occur at Gravel Mines A and B. Four groundwater quality monitoring wells would be installed at Gravel Mine A. Monitoring frequency would range from daily to bi-annually, with reporting to state and local agencies ranging from quarterly to annually. The Applicant would be responsible for all monitoring and reporting. *Exhibit 36.*
60. To mitigate vegetation/habitat impacts, the FEIS states the project footprint has been limited to 152 acres, with development and subsequent reclamation segmented to reduce disturbed area at any given time and provide wildlife habitat. County noise regulations would govern site development and facility operation, with berms to be constructed around the north half of proposed Gravel Mine A and east of the proposed processing and wash plants to act as a sound barrier. Noisy facilities, such as the concrete batch plant, would be located at least 500 feet from the facility entrance to minimize noise impacts to nearby residences. The PDA would also incorporate existing topography and vegetation to limit noise and visual impacts. Compliance with all applicable County and state land use, noise, and air quality permit requirements would also mitigate land use impacts. *Exhibit 36.*
61. To mitigate for transportation impacts of the PDA, the FEIS states that the Applicant would widen Northlake Way, constructing a center turn lane and a center acceleration/merge lane for left turns. The Applicant would also provide pedestrian improvements according to County road standards for the appropriate road classification. The Applicant would complete the pedestrian connection on Lebers Lane to Northlake Way. In addition, the Applicant would provide a sidewalk along one side of Lebers Lane; improve sight distance; stopping distance; turning radii; and increase shoulder width. To mitigate transportation impacts of the PDA, the Applicant would also employ measures to reduce nuisance gravel, including paving the road, providing a wheel wash facility, and periodic street cleaning. *Exhibit 36.*

62. According to the FEIS, impacts to public services and utilities would be mitigated through Applicant coordination with all potentially affected public services and utility providers to reduce potential for conflict during site development and long term facility operations. Development of the PDA would also comply with all applicable local drinking water, stormwater, and solid waste utility permit requirements. *Exhibit 36.*
63. The FEIS concluded that mitigation measures set forth in the FEIS and compliance with applicable permits, policies, and regulations would reduce nearly all impacts to levels of non-significance, assuming mitigation measures are implemented as intended. The FEIS concluded that potential impacts to wildlife associated with blasting -- injury or death- could not be effectively mitigated. Concerning an access route to the proposed development, the FEIS concluded that construction of a southern access road would have fewer impacts to the built environment, but would result in greater impacts to the natural environment; and construction of a northern access route would have greater impacts on the built environment but no significant impacts to the natural environment. The FEIS states that proposed mitigation and roadway/intersection improvements would mitigate most of the northern access route impacts to levels of non-significance, and that mitigating impacts to the natural environment associated with a southern access route would be more difficult to successfully implement. FEIS mitigation measures 1 – 157 are set forth within Exhibit 73. *Exhibit 36; Exhibit 73.*
64. The County received written comment on the FEIS from John and Roberta Mikesell, Bernie JMW Fleming, T. McFarland, Lanny and Barbara Davis, and Kim Adair. Written comment expressed concern that the FEIS did not adequately analyze development of a south access route to the proposed use; that noise impacts of the proposed use would negatively impact surrounding residential development; that Northlake Way is not constructed to accommodate traffic impacts associated with the proposed use; that pedestrians and vehicle sight distance would be negatively impacted by the proposed use; that road dust and debris would be carried onto Northlake Way from the proposed use; and that runoff to area creeks would increase with clearing land associated with the proposed use. Written comment also expressed concern that public services and utilities impacts, traffic impacts, land use impacts, noise impacts, vehicle sight distance impacts, and impacts on property values of the proposed development are not adequately mitigated through conditions of mitigation included within the FEIS. *Exhibit 56; Exhibit 57; Exhibit 58; Exhibit 59; Exhibit 60.*

65. The County issued a FEIS Addendum (Addendum) on October 6, 2009, providing additional information about the proposed use and modifications to the proposal. The Addendum states that the modifications and impacts of the modifications are within the range of alternatives and significant adverse environmental impacts analyzed within the EIS, and the Addendum does not substantially change the analysis.²⁰ The Addendum contained information on Kitsap County bicycle routes; proposed modifications to reduce stormwater impacts; proposed mitigation concerning truck traffic hours of operation on school days; and a response to a March 19, 2009 WDNR letter inadvertently omitted from the FEIS.²¹ *Exhibit 71.*
66. The Addendum inserts the following language about County bicycle routes:

Northlake Way is identified as a portion of a regional bicycle route in the Kitsap County Bicycle Facilities Plan and the Mosquito Fleet Trail Plan. The Bicycle Facilities Plan guides future development of bicycle and pedestrian facilities over a 20 year period. The Plan provides recommendations for width, signage and striping in situations where bicycle facilities are added. As part of the Conditional Use Permit process, Kitsap County will review applicable policies in the Bicycle Facilities Plan to determine their applicability to the proposed Northlake Way improvements.

Exhibit 71.

²⁰ WAC 197-11-600(3)(b) provides that an agency shall prepare a supplemental EIS (SEIS) if there are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or there is new information indicating a proposal's probable significant adverse impacts. Under WAC 197-11-600(3)(b), a SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in the existing environmental documents. *WAC 197-11-600(3)(b).*

²¹ The March 18, 2009 WDNR letter states that a WDNR Surface Mine Reclamation Permit would be required for the proposed use. The WDNR letter requests more information whether mining would always occur above seasonal high water levels; whether backfill volumes as a part of the proposed mine reclamation plan would greatly exceed reclamation grade requirements; whether there is adequate reclamation soil stockpile storage space, protected from erosion; and provisions for re-vegetation test plots within the reclamation plan. The Addendum response to the WDNR letter states that mining would preserve a 10-foot separation from the bottom of the excavation to seasonal high water table elevation; groundwater monitoring would occur in accord with WDNR and 2005 Washington Department of Ecology (DOE) guidelines; and preliminary reclamation plans are consistent with WDNR reclamation standards and guidelines and local land use regulations. The Addendum response adds that reclamation plans for each mine site are balanced against overburden volumes, so that on-site overburden would make up the majority of backfill at the site of the proposed use, with sufficient stockpile storage area on site. *Exhibit 71.*

67. The Addendum added the following stormwater mitigation measures, based on Suquamish Tribe concerns: a) “the topsoil plant will not import any material other than organic debris such as woody debris which can be ground up and used as organic matter and mixed with on site sand and salt;” b) “any back fill material imported from off site will be tested to ensure that the soil does not contain any contaminants;” and c) “the on[]site settling ponds for the concrete batch plant will be designed to handle a 300 year storm event.” The Addendum also states that stream flow monitoring would be coordinated with the Kitsap Public Utility District No. 1, which currently maintains the stream flow gauge on Dickerson Creek. *Exhibit 71.*
68. The Addendum added the following roadway/pedestrian mitigation measure: “Ueland Tree Farm agrees to delay the start of truck traffic on school days until 8:00 AM.” *Exhibit 71.*

SEPA Appeal of FEIS

The Final Environmental Impact Statement (FEIS) appeal was consolidated with a hearing on permit applications in a single open record hearing on November 9, 2009, that was continued to provide opportunity for additional testimony on December 10, 2009 and December 14, 2009. KCC 21.04.105.B; RCW 43.21C.075(2)(a). The appeal portion of the hearing was held first to receive testimony from the Appellant, the Applicant and the City, followed by the hearing on the conditional use permit (CUP) application.

69. Concerned Citizens of Chico Creek Water Basin (CCCCWB) appealed the County’s FEIS in an appeal statement dated September 8, 2009. The County received the appeal application on September 8, 2009. The appeal application identified the following issue for appeal:

Whether the FEIS adequately analyzes the environmental impacts of the proposed Ueland Tree Farm Mineral Resource Development as required by SEPA, Ch. 43.21C RCW, including traffic operations impacts, vehicle trip distribution impacts, and land use impacts.

Exhibit 48.

Appellant Testimony and Argument

70. In its Memorandum and Authorities supporting its appeal, the Appellant argues that the FEIS relies on vague references or speculation and provides inadequate analysis of project impacts and sustainability, including a failure to mitigate traffic impacts by using rail service to access the proposed mining operation; failure to clarify whether a concrete batch plant was included in any alternative analyzed within the FEIS; failure to analyze impacts to local hydrology with

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adequate science; and failure to analyze impacts of development alternatives on Kitsap Lake. The Appellant also argues that the Reduced Scale Alternative analyzed in the FEIS does not meet SEPA requirements for meaningful choice among alternatives, and that the County failed to consider reasonable alternatives in not considering other routes and methods to access the proposed development. In addition, the Appellant argues that impacts of truck traffic on Northlake Way users are not adequately analyzed or mitigated under the FEIS. *Memorandum and Authorities of Appellant CCCCWB, dated November 2, 2009.*

71. Tim Botkin, Appellant witness, testified that the FEIS does not identify where stormwater stored in detention ponds associated with proposed quarry use would be released, and FEIS does not analyze how release and proposed use would impact flooding in the Chico Creek watershed. Mr. Botkin testified that the FEIS does not adequately analyze impacts of the proposed concrete batch plant, does not adequately address impacts of the proposed development on the built environment, and added that the FEIS did not address necessary mitigation to widen shoulders and add sidewalks along roads accessing the proposed use. *Testimony of Mr. Botkin.*

72. Bob Tucker, Appellant witness, and Holly Hunter, Appellant witness, testified that the FEIS failed to address detrimental impacts of mining on the entire Chico Creek water basin, on residents of surrounding communities, on critical areas, and on flooding that has occurred in the vicinity of the proposed development. Ms. Hunter added that the FEIS failed to consider very narrow shoulders on Northlake Way, and argued that logging in the north portion of the subject property caused extreme flooding in the vicinity since 2002. Ms. Hunter testified that Dickerson Creek submerged David Road at one point. Keith Folkerts, County Natural Resources, testified that there are two wildlife corridors in the vicinity of the proposed use, that the Chico Creek watershed contains high quality salmon habitat – the most important on the Kitsap Peninsula- including steelhead, coho, and chum. Mr. Folkerts testified that he had read FEIS, and if mitigation in the proposed FEIS is carried out, mitigation would address any potentially significant impacts on the Chico Creek watershed. Kathy Stanfill, Appellant witness, testified that FEIS scope of analysis should be expanded to homes on Northlake Way, Taylor, Grover Lane, and David, and that the project would have a negative impact on property values. *Testimony of Mr. Tucker; Testimony of Ms. Hunter; Testimony of Mr. Folkerts; Testimony of Ms. Stanfill.*

73. Linda Laine, Appellant witness, testified that the impact of truck travel associated with the proposed development on safety of students riding public school buses

on Northlake Way and Chico Way was not adequately analyzed in the FEIS. Ms. Laine testified that the FEIS should analyze the total number of times buses stop daily for all levels of education on Northlake Way between the Lebers Lane/Northlake Way intersection and the Chico Way/Northlake Way intersection, including stops for the Bremerton School District, Seventh Day Adventist school and church, and Holly Ridge Center. The letter stated that a school bus stops a total of 38 times daily along this route, and that Northlake Way creates safety concerns with inadequate shoulders, street lights, blind curves, and limited sight distance from approximately 97 driveways on Northlake Way between Lebers Lane and Chico Way. Ms. Laine submitted Exhibit 107 as a summary of her testimony. *Exhibit 107; Testimony of Ms. Laine.*

74. Jim Tucker, Appellant witness, testified that the FEIS does not adequately analyze the proposed development's impact on existing flooding in the Chico Creek watershed. Mr. Tucker testified that 2007 Chico Creek flooding was classified as a 100-year storm. Upon questioning by Mr. Jones, Applicant Attorney, Mr. Tucker did not testify to the existence of any scientific evidence supporting a connection between clear cuts on the subject property and flooding. *Testimony of Mr. Tucker.*
75. John Mikesell, Appellant witness, testified that the FEIS failed to consider use of a south access to the proposed development, as perhaps the City of Bremerton might allow access across its property at a later time or for a fee.²² Jack Stanfill, Appellant witness, testified that the FEIS does not adequately analyze traffic impacts because a more detailed traffic study should have been required, and the FEIS did not clearly identify the types of vehicles that would be associated with the proposed use. Mr. Stanfill testified to his concern that the project peak hour trips exceed the County Code threshold for producing a Traffic Impact Analysis. Kim Adair, Appellant witness, testified that the FEIS did not adequately mitigate

²² The Kitsap County Sub-Area Plan: Port Blakely Joint Planning Area Appendix – Volume II contains a Memorandum of Agreement (MOA) for Joint Planning and Interlocal Agreement between Kitsap County and the City of Bremerton for the “Port Blakely Property”, dated August 14, 1998. The Agreement referred to the approximately 495-acres of the Port Blakely Tree Farm property (the “Port Blakely site”) as an Industrial Urban Joint Planning Area on the County’s revised 1998 Comprehensive Plan Land Use Map, and stated that the City intended to annex the property in the future. The Agreement recognized the Port Blakely site as provisionally suitable for designation as an Urban Growth Area and for industrial/business park uses. According to land use maps within the Agreement and within the DEIS, the Agreement depicts the property subject to the Agreement as adjacent to the east of the property subject to the mineral resources development proposal, within the City of Bremerton, located within the City of Bremerton’s low-density residential (R-10) zoning district. At the time of the 1998 MOA, a conceptual, illustrative plan for development within the Port Blakely property existed, with goals, policies, and performance standards for development. *Exhibit A-1-2; Exhibit 34; Exhibit 114.*

impacts of the proposed development. *Testimony of Mr. Mikesell; Testimony of Mr. Stanfill; Testimony of Ms. Adair.*

County Testimony and Argument

76. The County responded to issues raised on appeal in its Staff Response to SEPA Appeal of FEIS Adequacy (Response). In its Response, the County stated that the FEIS analyzed sight distance along Northlake Way and included shoulder improvements at the Northlake Way/Seabeck Highway intersection. The County did not require a full Traffic Impact Analysis (TIA) because the proposed use would not exceed the threshold of P.M. peak hour vehicle trips required for a TIA at the time of vested CUP application. According to the Response, assumptions made in the Traffic Study analyzed in the FEIS were made by professional engineers with experience in transportation impacts, and no competing data were offered by the Appellant. The Response stated that the proposed development alternative within the DEIS and FEIS included discussion of a potential rail spur from the existing U.S. Navy-operated rail line, but the rail spur would no longer be part of a proposed development alternative, at the Applicant's request. According to the Response, the Applicant has not developed a specific facility design or detailed proposal at this time, and the County would undertake supplemental SEPA review and analysis upon a more specific and detailed rail spur proposal. *Exhibit 119.*
77. The County also argued in its Response that a south access route to the proposed use is not a reasonable alternative under SEPA rules because the City of Bremerton will not permit access through City property within the City's watershed zoning district; would require extensive grading in critical areas; would cross a large habitat corridor connecting Kitsap Lake with public watershed lands to the south; and would require construction of either 5,500 or 7,500 feet of roadway on undeveloped forest land not owned by the Applicant. The County Response also stated that the County Sub-Area Plan for the Port Blakely Joint Planning Area referenced by the Appellant does not contain a detailed environmental investigation of south access routes, and analyzed substantially higher traffic volumes than volumes under the proposed development alternatives analyzed in the FEIS. *Exhibit 119.*
78. The County Response also states that the FEIS included analysis of noise, wetlands and surface water, and wetlands hydrology impacts of the alternatives offered in the FEIS, and included mitigation for impacts consistent with Kitsap County Code. According to the Response, the Applicant's Wetland Delineation

and Stream Report was prepared by a qualified wetland specialist as required by the Kitsap County Code. The County's EIS consultant, ESA Adolfson, reviewed the Applicant's Wetland Delineation and Stream Report and found wetland description and rating to be generally consistent with site conditions, except for ratings for Wetlands 30, 31, and 32. The Response stated that changes were made in the FEIS to account for results of the ESA Adolfson review. Molly Adolfson, ESA Adolfson, testified that the Applicant made requested changes. *Exhibit 119; Testimony of Ms. Adolfson.*

79. A December 10, 2009 letter signed by the County and Applicant Representative states that the FEIS acknowledged potential impacts on property surrounding the proposed use, but did not provide a quantitative evaluation of any potential property devaluation impacts of the proposed use on properties located along Northlake Way. *Exhibit 127.*

80. David Greetham, County SEPA Responsible Official/Environmental Planner, testified that conditions are necessary to ensure adequate monitoring of Dickerson Creek. In a memorandum received December 10, 2009, David Greetham, County SEPA Responsible Official/Environmental Planner, submitted four proposed Dickerson Creek flow monitoring mitigation conditions. Proposed Dickerson Creek flow monitoring calls for coordination with the Kitsap County Public Utility District (KPUD) for continuous flow monitoring at the existing Dickerson Creek gauge; and Applicant construction of groundwater monitoring wells on the subject property. Flow monitoring would be used in conjunction with precipitation and groundwater level monitoring to determine if proposed mining operations have a discernable adverse impact on Dickerson Creek baseflows. Conditions would require annual reporting to the County; independent, scientific confirmation of any potential adverse impact indicated by monitoring data; and adaptive management by the Applicant upon confirmation of an adverse impact. *Exhibit 125; Testimony of Mr. Greetham.*

81. Mr. Greetham testified a condition is necessary to mitigate impacts of a proposal for a rail spur to access to the proposed development from the existing U.S. Navy-owned railroad track adjacent to the subject property. Mr. Greetham testified that the Applicant does not have specific enough plans to warrant analysis of the railroad spur at this time, and the Applicant has not made any agreement with the U.S. Navy or railroad operator for construction of a spur. In a memorandum received December 10, 2009, Mr. Greetham submitted a condition of proposed FRL mining mitigation. The proposed condition stated:

At such time that detailed plans are available for the optional railroad spur, Kitsap County shall conduct additional phased SEPA review pursuant to WAC 197-11-060(5). Supplemental information may be required to the existing EIS with regard to site-specific construction impacts, and long term noise and vibration impacts relative to the proposed level of activity.

Exhibit 126; Testimony of Mr. Greetham.

82. Mr. Greetham testified that the appendices to the FEIS indicate the proposed use will control stormwater to the extent necessary to prevent stormwater from the proposed development from contributing to existing flooding in the Chico Creek watershed. Mr. Greetham testified that stormwater information presented in the FEIS appendices was sufficient to analyze stormwater drainage patterns on the subject property and in the vicinity. *Testimony of Mr. Greetham.*
83. The DEIS references and relies on the Applicant's Preliminary Drainage Plan, dated February 2009, to analyze stormwater impacts of the proposed development. The Preliminary Drainage Plan relies on data collected from a stream gauge on Dickerson Creek located downstream of the subject property. The Kitsap County Public Utility District (KPUD) has collected stream flow data from the gauge since 1996.²³ According to the DEIS, the gauge measures drainage from an approximately 2.19 square mile area, which is mainly contained on the subject property. According to KPUD data, the DEIS reports that Dickerson Creek is a precipitation-driven system, with high flows occurring rapidly during storm events anytime between November and April that can also recede relatively quickly. The DEIS states that this pattern is likely a result of limited soil storage and relatively high topographic gradients in the basin, referencing the Ueland Tree Farm Kitsap Lake Property Draft Sub-Basin Assessment issued by Parametrix consultants in March 2007 (2007 Draft Sub-Basin Assessment). The data show that over time, the maximum annual discharge for 2001 through 2005 ranges from 83 to 150 cubic feet per second (cfs), typically subsiding to base flows less than 1 cfs by July. KPUD data also show that the amount of baseflow Wildcat Creek and Lost Creek contribute to Chico Creek is approximately equal to the amount of baseflow Dickerson Creek contributes to Chico Creek. *Exhibit 34.*
84. The 2007 Draft Sub-Basin Assessment reports that from 1991 to 1996, Chico Creek discharge has ranged from 1.9 cfs to 500 cfs, with an average discharge at the stream mouth of 35.9 cfs. Low flows exist in Chico Creek during the late

²³ According to the DEIS, Dickerson Creek data from flow years 2001-2005 are available at the KPUD website at www.kpud.org. *Exhibit 34.*

summer and early fall. The 2007 Draft Sub-Basin Assessment states that the culvert at the Taylor Road crossing of Dickerson Creek is likely a partial fish passage barrier, particularly at high and low flows, and that large woody debris in Dickerson Creek is minimal downstream of the existing railroad adjacent to the subject property. *Exhibit 112.*

85. The 2007 Draft Sub-Basin Assessment concludes:

The combined effects of land use change, road construction, and forest harvest have left their mark on the morphology of the Chico watershed stream network. Where development has occurred, the creek is usually disconnected from its floodplain. These reaches are entrenched, have unstable banks, have reached some level of cementation and usually are surrounded by an immature, narrow riparian corridor that includes a variety of exotic and invasive vegetation. Culverts and bridges have inhibited the natural movement of sediment and large woody debris, creating localized areas of material excess and starvation. However, where forested lands still remain, and riparian corridors are being managed, the creeks seem to be recovering from past disturbance. These reaches occur mainly in the upper parts of Wildcat, Lost, and Dickerson Creeks... most development impacts are currently in the downstream sections of Lost, Dickerson, and Wildcat Creeks. The lower mainstem of Chico Creek usually supports heavy spawning activity... even though this segment, more than any other in the stream system has been affected by residential development and road encroachment. Several road-crossing culverts (including the main SR-3 culvert) need to be upgraded... Land uses in the watershed can trigger excessive delivery of fine and coarse sediment to the stream channel.... Sedimentation is a serious threat to the quality of the habitat for the fish in the watershed... The increase in impervious surfaces, associated with conversion of forestland to residential and commercial development, decreases the infiltration of precipitation into the soils and wetlands, and increase the frequency and magnitude of peak stream flows. The result is less water being available to sustain flows during the dry months, and the increased peak flows result in increased streambed instability, channel scour and downcutting, and loss of instream habitat diversity, all of which adversely affect salmon population. The seasonal low flows are a serious limiting factor, but are extremely critical where extensive land clearing has occurred.

Exhibit 112.

86. Mr. Greetham testified the FEIS captured impacts from truck and pups that would be used to transport mined material to and from the subject property. Mr. Greetham testified that truck and pup impacts would be of greater magnitude than the equivalent number of personal vehicles, and that mitigation conditions within the FEIS addressed truck and pup impacts by requiring wider shoulders on Northlake Way, adding turn lanes to and from the subject property, and reconstruction the Lebers Lane/Grover Lane/Northlake Way intersection to provide added spacing for vehicles and decrease turn angles. Mr. Greetham testified that conditions of mitigation would reduce impacts of heavy vehicle use below the level of significance, but would not eliminate impacts. Mr. Greetham added that impacts below the level of significance are addressed by County staff-proposed conditions of CUP approval. Mr. Greetham testified that SEPA does not require cost-benefit analysis, but that property values in the vicinity of the proposed development may be affected by construction and operation of the development. *Testimony of Mr. Greetham.*
87. Shawn Aire, County Development Engineering (DE), testified that County DE staff wrote FEIS mitigation conditions to ensure the Applicant would fully mitigate for premature degradation of roads cause by trucks associated with the proposed use, as roads that would be used to access the proposed use are currently covered with minimal asphalt. *Testimony of Mr. Aire.*
88. The DEIS references a Kitsap Lake Light Industrial Park – Access Study (1999 Access Study) issued by Parametrix in 1999. The 1999 Access Study identified six alternatives for access to the north of the subject property and two alternatives for access to the south of the subject property. According to the DEIS, the study found other north access alternatives would have required acquisition of at least seven additional properties and construction of a new roadway through an established residential area, with related displacement, construction, noise, air, aesthetics, cost, and safety impacts. The study found that impacts associated with the south access options would be greater than impacts associated with north access options, including construction of over 7,000 feet of new road and acquisition of right-of-way (ROW) on up to 19 properties. The 1999 Access Study concluded that an access alternative that used Lebers Lane would be most cost-effective and have least impacts of the access options examined. *Exhibit 34.*
89. The DEIS states that planned roadway improvements along Lebers Lane, Grover Lane, and Northlake Way, including a sidewalk along Lebers Lane and striping

and shoulder improvements along Grover Lane and Northlake Way, would enhance pedestrian walk routes from local area residences to the existing bus stop on Northlake Way. The DEIS states that planned roadway improvements would also benefit bicycle facilities in the vicinity. *Exhibit 34.*

Applicant Testimony and Argument

90. In the Brief of Applicant – FEIS Appeal, the Applicant responded that the FEIS adequately analyzed traffic, street intersection, transit system, school bus service, bicycle and pedestrian, railroad system, nuisance gravel, and alternative access route impacts. According to the Brief, traffic generation estimates were developed with a more conservative 25-year mineral extraction timeline than the 50-year timeline proposed by the Applicant; impacts were determined in the FEIS according to proposed truck round trips per hour and a comparison to existing daily vehicle and truck traffic volume on Northlake Way; and conditions were included in the FEIS to mitigate traffic and safety impacts. The Brief argued that the Appellant presented no expert testimony to refute capacity of roadways to accommodate traffic generated by the proposed development, that south access routes to the proposed development are not feasible, and that consideration of the County Sub-Area Plan for the Port Blakely Joint Planning Area is irrelevant, since the Sub-Area Plan has been rescinded by the County and analyzes traffic volumes thousands of vehicle trips higher than trips proposed under the development alternatives analyzed in the FEIS. The Applicant’s Brief requests that a railroad spur be eliminated from the proposal because future cost of rail transport; market demand for aggregates; and suitable arrangements with the U.S. government and railroad operator for use of the railroad are uncertain at this time. *Exhibit 122.*
91. The Applicant would use Truck and Pup trailer combinations to haul mining aggregate associated with the proposed use. The truck contains a trailer bed to haul aggregate. A “pup” trailer with a separate bed to haul aggregate is attached to the rear of the truck. In its Brief, the Applicant argued that nuisance gravel that may arise from truck use would be adequately mitigated under the FEIS, through access road paving, mandatory truck load tarping, load inspections, truck wheel wash facilities, and periodic street sweeping on Lebers Lane. *Exhibit U-47; Exhibit 122.*
92. The Applicant’s Brief argued that the FEIS adequately analyzed wetland impacts and Dickerson Creek impacts through its Wetland Delineation and Stream Identification Report, wetland buffer averaging would be used in compliance with the County Critical Areas Ordinance, Ch. 19.100 KCC, and that any wetland or stream impacts would be adequately mitigated under the FEIS. The Brief also

argued that the FEIS adequately analyzed and mitigated wildlife and noise impacts of the proposed development alternatives. *Exhibit 122.*

93. Mr. Struck testified that technical reports on wetlands, water resources, and wildlife were prepared for the FEIS with comments of the Washington Department of Fish and Wildlife (WDFW), Washington Department of Ecology (DOE), County staff, City of Bremerton, and Suquamish Tribe. Mr. Struck testified that construction and operation of proposed Quarry A would change water level in Wetland 1 on the subject property by one-inch to one-and-one-quarter inch, where DOE standard is not to exceed an eight-inch change. Mr. Struck testified that the Applicant would conduct wetland monitoring at Quarry A during the life of the mining operation. Mr. Struck added that the Applicant would use adaptive management if monitoring detected impacts, including backfilling or adding water to the system. *Testimony of Mr. Struck.*

94. Mr. Struck testified that the majority of the Dickerson Creek basin is located on the Farm, and the majority of the Chico Creek basin is located off the Farm. Mr. Struck testified that most stormwater runoff from construction and operation of proposed Quarry A would drain away from Dickerson Creek, and stormwater would be infiltrated on-site according to 2005 DOE Stormwater Manual requirements. Mr. Struck added that compost may be added to infiltration soils to increase infiltration ability and ensure long-enough residence time in the soil for water quality benefits. Mr. Struck testified that overall design of proposed mine sites would maintain the current hydrological framework of the subject property. *Testimony of Mr. Struck.*

95. Jeffrey Coop, P.E., testified for the Applicant that infiltration is not proposed as mitigation for stormwater impacts of proposed basalt mines because basalt bedrock does not infiltrate stormwater well. Mr. Coop testified that detention ponds would instead capture stormwater, treat stormwater, and release it through existing locations for drainage on the subject property. Mr. Coop testified that stormwater infiltration and detention facilities on the subject property would be designed to handle storm events and mimic existing flows on the subject property over a 52-year period – the 50-year storm event for detention ponds associated with proposed quarries- though mine operations would stretch over a 50-year period. Mr. Coop also testified that stormwater management elements of the proposed project were designed to manage runoff from pasture-like conditions rather than full forest conditions to account for time required for revegetation and reclamation following mining. Mr. Coop added that low impact development

(LID) stormwater management techniques were proposed where reasonable.
Testimony of Mr. Coop.

96. John Perlic, civil engineer, testified for the Applicant that traffic analyses for the proposed development assumed vehicle trips associated with the proposed use over a 25-year period – rather than the proposed 50-year period of mine operation – for a more conservative analysis of impacts associated with the proposed development. Mr. Perlic testified that the FEIS analyzes probable significant adverse traffic impacts associated with development alternatives for the proposed use. Mr. Perlic testified that the preferred development alternative would result in an increase of approximately three-percent over the current number of vehicles on Northlake Way, and that the increase would be well within the rated vehicle capacity of Northlake Way.²⁴ Mr. Perlic added that the proposed project received a traffic concurrency certificate from the County. Mr. Perlic also testified that providing eight-foot wide paved shoulders on both sides of Northlake Way totaling 2,650 linear feet at Lebers Lane would mitigate impacts to pedestrians and bicyclists of the proposed project below the level of significance. Mr. Perlic testified that drivers of trucks associated with the proposed use must be specially-trained, receive a specific operating license, and have greater restrictions on operation under the license than drivers of personal vehicles. *Testimony of Mr. Perlic.*
97. Mark Mauren, Applicant project representative, testified that the Applicant has conducted public meetings on development proposals for the subject property since 2006. Mr. Mauren testified that Lebers Lane and Northlake Way have traditionally been used by logging trucks associated with forest management on the subject property. *Testimony of Mr. Mauren.*

Conditional Use Permit Application and Public Hearing

After the close of the SEPA appeal portion of the hearing, the open record hearing on the conditional use permit (CUP) application was held. Whereas only the parties to the appeal and their witnesses could testify at the SEPA appeal portion of the hearing, public testimony was allowed during the CUP application portion of the consolidated hearing.

Applicant Testimony

²⁴ The DEIS estimates that background traffic growth in the vicinity of the subject property without development of the proposed project would be approximately 2-percent in 2010 over 2007 traffic conditions. *Exhibit 34.*

98. In a letter dated December 21, 2009, the Applicant disclosed that the Applicant granted the Mountaineers Foundation a Conservation Easement over portions of approximately 230 acres of the UTF property, creating approximately 100 acres of conservation areas to be preserved in perpetuity from substantial development. According to the letter, the conservation easement has been recorded, and confidentiality provisions of the easement agreement prevented earlier disclosure. *Exhibit 159.*
99. The closing statement and testimony rebuttal submitted by the Applicant states that proposed Gravel Mine B would be included within the 100 acres of conservation areas to be preserved in perpetuity under the conservation easement, and thus mining within proposed Gravel Mine B would be prohibited. According to the closing statement, prohibiting mining within proposed Gravel Mine B would reduce the overall mining operations footprint within the UTF site and would reduce environmental and other impacts associated with the proposed development. The closing statement states that the proposed Gravel Mine B site includes the majority of the proposed development site within the Dickerson Creek sub-basin: 34 acres of the approximately 55 acres of the proposed development site within the sub-basin. *Exhibit 160.*
100. The closing statement and testimony rebuttal also identifies three modifications to the scope of the proposed development, as originally proposed. The Applicant has tabled any plans for an optional rail spur until detailed plans are available, at which time the County would conduct additional phased SEPA review under WAC 197-11-060(5)²⁵ for potential impacts and additional conditions if warranted. Second, proposed mining activities within Quarry C and approximately two acres of Quarry B, proposed for parcels 20-acres or larger in size, would be restricted to mining activities allowed within the County's Forest Resource Land (FRL) zoning district. Third, proposed Gravel Mine B is deleted from the CUP proposal, as the recorded Conservation Easement with the Mountaineers prohibits contemplated mining activities within proposed Gravel Mine B. *Exhibit 160.*
101. Craig Ueland, Applicant Representative, testified that the proposed use would not exceed 186 daily vehicle trips, and that the proposed use would only operate on

²⁵ WAC 197-11-060(5) provides that environmental review may be conducted in phases, and is appropriate when, among other circumstances, the sequence is from an environmental document on a specific proposal at an early stage to a subsequent environmental document at a later stage. *WAC 197-11-060(5).*

weekdays. Mr. Ueland testified that the Applicant agreed to improve shoulders along a section of Northlake Way approximately 30-percent of the length of Northlake Way. John Perlic testified for the Applicant that truck operation associated with the proposed use would be delayed until 8:00 A.M. on school days, and 7:30 A.M. on non-school days. *Testimony of Mr. Ueland; Testimony of Mr. Perlic.*

Citizen Testimony

102. Tim Botkin, CCCCWB Representative, submitted a letter dated January 14, 2010 in response to the Applicant's submittal of development proposal modifications at the open record hearing on December 21, 2009.²⁶ The letter requested proof of conveyance of the easement, and inquired whether the easement was recorded with the County. The letter requested proof of conveyance and recording to determine whether establishing the conservation easement and subsequent elimination of proposed Gravel Mine B from the development proposal would further mitigate impacts of the proposal, as compared to impacts with Gravel Mine B in the development. The letter questioned whether removing Gravel Mine B from the development proposal would mitigate proposed project impacts, as proposed Gravel Mine A would be located closer to existing residential development. The letter cited the request of the Kitsap Lake Neighborhood Association Board to move proposed Gravel Mine A to the proposed Gravel Mine B site, and construct only office buildings associated with the proposed use on the Gravel Mine A site. The letter emphasized negative impacts of the proposed development on Northlake Way and on area property values, and argued a south access route to the proposed development would be cheaper than a north access route, with the elimination of Gravel Mine B from the development proposal. *Exhibit 168.*
103. Several citizens submitted written comments on the proposed development. Comments asserted that the proposed development would negatively impact the

²⁶After the close of the open record hearing on December 21, 2009, the Appellant objected to the Applicant's proffered evidence within Exhibit 159 and Exhibit 160, as new evidence of a major change in the development proposal not offered earlier in the proceedings. The Applicant submitted Exhibit 159 and Exhibit 160 for the record at the open record hearing on December 21, 2009. The Appellant gave notice of his objection within an email message to the Clerk of the Hearing Examiner on December 23, 2009. *Exhibit 166.* On January 7, 2010, the Hearing Examiner responded in an email message to all parties of record and overruled the objection to the proffered evidence and allowed Exhibits 159 and 160 into the record. The Hearing Examiner stated that the proffered evidence was highly relevant to the proposed project's impact, and proffered evidence was effectively unavailable at the time of hearing due to a confidentiality agreement lifted December 14, 2009. The Hearing Examiner reopened the record to permit the community to submit a written response to the late exhibits, which was received on January 14, 2010. *Exhibit 167.*

Chico Creek watershed; cause undue burden on and be incompatible with neighboring development; negatively impact character of and views from neighboring development; cause dust, emission, odor, and noise in neighboring residential areas; negatively impact wildlife; and increase likelihood of fatal accidents along Northlake Way. Comments also asserted existing roads in the vicinity of the proposed development are not sufficient to accommodate traffic associated with the proposed development; that the access route to the proposed development should be moved to the south side of the proposed development; and that proposed Gravel Mine A should be moved further away from Kitsap Lake and surrounding residences. Comment generally recommended that the CUP request for the proposed use be denied or conditioned to lessen or remove impacts of the proposed use.²⁷ Citizens testified to similar concerns, and generally

²⁷ Written comment received from citizens on the proposed project is summarized below:

Bernie JMW Fleming and Susan Tolf submitted written comment expressing concern that the proposed use would adversely affect existing residential development in the vicinity.

A letter from Charles Ely states that approximately 150 to 200 residents live in the Northlake Way community, and additional residents travel to and from Seabeck and Holly areas.

Marv and Nancy Sand wrote to express concern that changes in topography associated with development of the proposed use would impact well water supply and impact water quality in Kitsap Lake, located to the east of the subject property in the City of Bremerton, and to express concern for wildlife impact of the proposed use.

Toni Shauers wrote to express concern that the Chico Creek salmon run would be negatively affected by the proposed use.

Holly Hunt wrote that the proposed use would negatively impact nearby residential homes with noise, dust, traffic; would negatively impact the Chico Creek watershed and available water supply, particularly through mining residue and chemical dust suppressant use.

Kim Adair wrote that the proposal would degrade the quality and natural state of the Chico Creek watershed and result in significant safety, health, noise, dust, and property value impacts.

Lanny Davis requested improvements on roads north of the Lebers Lane/Grover Lane intersection upon which vehicles associated with the proposed use would travel, including roads that would be used by City of Bremerton and Silverdale residents. Mr. Davis also asserted the proposed topsoil operation would cause odor in the surrounding community.

Jim Tucker, resident of Taylor Road with property on Wildcat Creek downstream of the Taylor Road bridge, expressed support for the existing residential and ecological community in the Chico Creek watershed, and submitted materials depicting areas of Chico Creek and Kitsap Creek north of the subject property as FEMA flood zones. Submitted materials also depicted areas of Kitsap Lake's west and south shorelines, located east of the proposed development, as FEMA flood zones. Submitted materials argued that clear cuts of forest areas on the subject property have contributed to flooding, road/bridge washouts, and damage to property in the vicinity of Taylor Road, Northlake Way, and Chico Way, all located northeast of the subject property, north of the Northlake Way/NW David Road intersection.

Bernie and Elaine Fleming wrote that the proposed use would result in unhealthy emissions and be incompatible with an established residential neighborhood.

Tamra Truemper, Chico Christian Child Care Center Director, expressed concern that the proposed development would result in longer traffic wait times along Chico Way, perhaps resulting in loss of revenue to the Child Care Center, and would negatively impact child safety.

Linda Laine wrote that the existing narrow shoulders, numerous driveways, three blind curves, and bus stops along Northlake Way would contribute to unsafe pedestrian and traffic conditions along the street, particularly when combined with foul weather, short daylight hours, and longer braking distance required for trucks.

John Mikesell, wrote that the existing state of Northlake Way is a rural road lined with single-family residences; that proposed road widening at the Lebers Lane/Northlake Road intersection would require removal of his existing landscaping and privacy screening; and that proposed road improvements would render residential driveway entrance and exit unsafe and decrease property values.

Metasha Carson wrote that Northlake Way's narrow shoulders, combined with dark mornings, limited sight distance, and longer braking distances required by trucks would create pedestrian and bicyclist hazards upon development of the proposed use.

Karen Boeve, Tom Engstrom, Steve Whybark, and Lori Whybark requested that the proposed Gravel Mine A site be moved further away from Kitsap Lake and existing homes part of the Kitsap Lake Homeowners Association.

Karl G. Baer wrote to request more independent study of proposed development impacts on pedestrian safety, traffic volume, noise, air pollution, and neighborhood impact.

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recommended that the CUP request for the proposed use be denied or conditioned to lessen or remove impacts of the proposed use. *Exhibit 38; Exhibit 66; Exhibit 72; Exhibit 77; Exhibit 128; Exhibit 133; Exhibit 134; Exhibit 135; Exhibit 136; Exhibit 138; Exhibit 139; Exhibit 140; Exhibit 141; Exhibit 142; Exhibit 144; Exhibit 145; Exhibit 147; Exhibit 152; Exhibit 153; Exhibit 154; Exhibit 155; Exhibit 156; Exhibit 157; Exhibit 161; Exhibit 162; Exhibit 163; Exhibit 164; Exhibit 165; Testimony of Ms. Pennachi; Testimony of Mr. Muhleman; Testimony of Mr. Ely; Testimony of Ms. Wilson; Testimony of Ms. Stayrook; Testimony of Mr. Adamson; Testimony of Ms. Harcharik; Testimony of Ms. Eyler; Testimony of Mr. Sargent; Testimony of Ms. Phelps; Testimony of Ms. Guizzetti; Testimony of Mr. Mikesell; Testimony of Ms. Laine; Testimony of Mr. Eyler; Testimony of Ms. Hunt; Testimony of Mr. Tucker; Testimony of Ms. Stanfill; Testimony of Mr. Davis; Testimony of Ms. Adair.*

County Testimony

104. Dennis Oost, County Planner, testified that the proposed gravel mine site is strategically located to affordably move material by truck. Mr. Oost testified that County staff recommends approval of the proposed use with proposed conditions of approval, including all mitigation recommended in the FEIS. Mr. Oost testified that proposed conditions incorporate and address comments of the Suquamish Tribe, and incorporate and address the greater intensity of truck impacts over car impacts. Mr. Oost added that proposed conditions extend to trucks' impacts on existing pavement and gravel base. *Testimony of Mr. Oost.*

Access and Traffic Impacts

Kathy Stanfill wrote that proposed Northlake Way road improvements would remove most frontage from homes. Ms. Stanfill also wrote that the proposed acceleration lane would be unsafe for vehicles turning left, and road improvements would not mitigate impacts of left-hand turns.

Jackie Stanfill wrote that the proposed development should have used a south route for access, and that the proposed development would be detrimental to safety, health, and welfare.

Patrice Pennachi and Cory Heuer wrote to express concern about the proposed development's impacts on traffic, air quality, noise, and property values.

Carol Harcharik expressed concern about the traffic, noise, and aesthetic impacts of the proposed development, and potential release of pollutants into Kitsap Lake.

Melborn and Nancy Luker expressed concern for pedestrian safety at the David Road/Northlake Way intersection.

Craig Kettel expressed concern about pedestrian safety on Northlake Way with the proposed development.

Trina Jury, a U.S. Mail rural letter carrier, wrote to express concern about safety while servicing mailboxes along Northlake Way. Larry Eyler wrote to express concern that trucks associated with the proposed use would increase the number of vehicles that currently wait to pass trucks from the County road maintenance department, exacerbating already unsafe driving conditions. Mr. Eyler wrote that patrons of bars in the vicinity of the proposed development also contribute to existing unsafe driving conditions.

Jack Stanfill wrote that uncertainty currently exists about the type and number of vehicles that would travel on Northlake Way associated with the proposed development, and requested further study of a south access route to the proposed development.

Bob Tucker wrote in support of the wildlife and ecology of the Chico Creek watershed, arguing that approval of the proposed use would damage fragile, non-renewable ecological resources.

Exhibit 38; Exhibit 66; Exhibit 72; Exhibit 77; Exhibit 128; Exhibit 133; Exhibit 134; Exhibit 135; Exhibit 136; Exhibit 138; Exhibit 139; Exhibit 141; Exhibit 142; Exhibit 144; Exhibit 145; Exhibit 147; Exhibit 152; Exhibit 153; Exhibit 154; Exhibit 155; Exhibit 156; Exhibit 157; Exhibit 161; Exhibit 163; Exhibit 164; Exhibit 165.

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105. Kimberly Adair wrote to the County expressing concern for the safety of student pedestrians along Northlake Way with the proposed development, and concern about vehicle accidents at the Seabeck Highway/ Northlake Way intersection. Debbie Fetters wrote to express concern about noise and traffic impacts of the proposed development. Marv and Nancy Sand and Toni Shauers wrote to express concern about traffic noise associated with the proposed development. Linda Laine wrote to express concern that her driveway at 4766 NW David Road and other driveways along Northlake Way have limited vehicle sight distance from the driveway. *Exhibit 29; Exhibit 31; Exhibit 38; Exhibit 41.*
106. A letter from Charles Ely, Kitsap Transit Operator, references National Safety Council data that trucks weighing up to 176,000 pounds require 133 yards to stop in perfect weather and adequate sight distance. The letter stated the Ely residence at 3254 Northlake Way is located on a curve with limited visibility and narrow shoulders. The letter expressed concern that the Applicant be required to construct a right-turn lane at Northlake Way and Chico Way to avoid congestion and a traffic light at Chico Way and Erlands Point Road to avoid accidents. *Exhibit 77.*
107. Lebers Lane would provide access to the proposed development at the northeast corner of the subject property. Lebers Lane extends east and north from the subject property to connect with Northlake Way. Grover Road extends to the west in the vicinity of the Lebers Lane/Northlake Way intersection. North of the Lebers Lane/Northlake Way intersection, Seabeck Highway extends west and north from Northlake Way. North of the Seabeck Highway/Northlake Way intersection, Northlake Way intersects with Chico Way. Chico Way runs north-south, roughly parallel and to the east of Northlake Way, before turning east on the north side of Kitsap Lake. *Exhibit 89.*
108. As proposed, the use would operate Monday through Friday, 7:30 A.M. to 5:00 P.M., 51 weeks per year. The Applicant's Traffic Study, dated December 2007, calculated vehicle trips that would be generated on the surrounding street system by the proposed use, using the projected operation plan provided by the Applicant. The Study added all trips that would occur, though some operations on site will take several years to develop. The Study found that the proposed use would generate a total of 93 trips entering the subject property daily during the work week and 93 trips exiting the subject property daily during the work week, for a total of 186 daily trips. Of the 186 daily trips, approximately 154 trips would be truck trips. Of the 154 truck trips, 96 would be aggregate trucks, 8 would be topsoil trucks, 30 would be concrete trucks, and two would be Portland cement trucks. During the P.M. peak hour, the proposed use would generate 15

vehicle trips entering the subject property, and 20 vehicle trips exiting the subject property, for a total of 35 P.M. peak hour trips. *Exhibit 19.*

109. According to the Applicant's Traffic Study, vehicle traffic generated by the proposed use would use State Route 3 (SR3) to bring products of the proposed use to market. Most vehicle trips generated would travel to SR3 though Chico Way,²⁸ as the route is more direct and has less passenger vehicle traffic than other routes in the vicinity. The Study determined that the majority of vehicle trips travelling to and from the proposed use on the subject property to SR3 through Chico Way during the P.M. peak hour would travel over Northlake Way. The Traffic Study determined that Northlake Way/Lebers Lane intersection would operate at Level of Service (LOS)²⁹ B or better in the year 2010 with or without development of the proposed use, with the exception of the eastbound approach to the intersection. Vehicle trips associated with the proposed project would increase the LOS at the intersection to a LOS C during the P.M. peak hour. *Exhibit 19.*
110. The Northlake Way/Lebers Lane intersection is controlled by a stop sign on the eastbound Lebers Lane approach. All approaches to the intersection are currently served by a single, shared vehicle lane. According to the Traffic Study, the Lebers Lane/Grover Lane/and Northlake Way intersection does not currently meet minimum access spacing requirements or sight distance requirements. Lebers Lane does not currently contain sidewalks. According to the Traffic Study, the proposed project would add curb, gutter, and sidewalks to Lebers Lane and increase roadway width for additional separation between pedestrians and vehicles. *Exhibit 19; Exhibit 78, Staff Report, page 14.*
111. The County staff report states that Lebers Lane historically served as the primary access road for harvesting timber from the subject property. To access the proposed use, Lebers Lane would be constructed as a private access road from proposed Gravel Mine A to the existing railroad track adjacent to the subject property. Lebers Lane from the proposed gravel mine to the railroad track would

²⁸ According to the County staff report, Chico Way is classified by the County as a Minor Arterial street, and exists as a two-lane road in the project vicinity. Chico Way is constructed with paved shoulders. *Exhibit 78, Staff Report, page 13.*

²⁹ Level of service (LOS) is a measure of operational quality that describes operational conditions within a traffic stream. Letters designate each level of quality, with LOS A representing the best operating conditions, and LOS F the worst. Each LOS represents a range of operating conditions and the driver's perception of those conditions. *Exhibit 11.*

be a 24-foot wide paved crowned road with ditches on both sides. The one, 600-foot radius curve on the private portion of Lebers Lane would exceed stopping sight distance requirements for a 25 mph roadway. The Applicant would remove necessary trees to enable use of the private portion of Lebers Lane as an access road to the proposed use. The Applicant has obtained authorization from the U.S. Navy to cross Lebers Lane over the railroad track adjacent to the subject property owned by the Navy. The Navy would coordinate and approve all railroad crossing improvements required of the Applicant to obtain access. Vertical grades within the private section of Lebers Lane would comply with County standards. *Exhibit 19; Exhibit 78, Staff Report, page 13.*

112. Lebers Lane from the railroad track to Northlake Way would be a County road, and would be paved with asphalt, with a minimum of 30-feet of paved surface on horizontal curves. The Applicant would redesign the Lebers Lane/Grover Lane/Northlake Way intersection to separate the Grover Lane intersection from Northlake Way, to increase available turning radii. Traffic lanes would be 15 feet wide, exceeding County standards. According to the Traffic Study, some improvements would take place on land owned by the Applicant, but other property would still encumber parts of the intersection. Vertical grades within the public section of Lebers Lane would comply with County standards. *Exhibit 19.*
113. A Transportation Capacity Reservation Certificate issued by the County, dated May 6, 2008, reserves 186 average daily trips (ADT) for the proposed use. According to an analysis performed by the Applicant's traffic engineer, truck traffic volumes for vehicles three axles and larger will be slightly below average truck traffic volume on a representative Kitsap County minor arterial. For comparison, the engineer chose nine minor arterial sites throughout Kitsap County with average traffic volumes comparable to those on Northlake Way, and used data for the nine sites from the County Public Works Department. Northlake Way data were collected during a 2007 study by the Applicant. The engineer also found that shoulder width on representative minor arterials is consistent with the Northlake Way shoulder width following construction of the proposed use. *Exhibit 97; Exhibit 98.*
114. The Traffic Study stated that a high percentage of vehicle trips generated by the proposed use would be heavy vehicles. According to the Study, minor residential roadways are not typically subject to the number and type of heavy vehicles that would be associated with the proposed use. The Study concludes that the pavement design for the access road to the proposed use would be designed in

accord with County standards by a geotechnical engineer, based on measured bearing capacity of the soil and expected axle loading. *Exhibit 19.*

115. According to the County staff report, Grover Lane is classified as a Very Low Volume Local Road by the County, and connects residences north of the subject property with Northlake Way. Northlake Way is classified as a two-lane Urban Minor Arterial by the County. Mr. Oost testified for the County that Northlake Way is different than other minor arterial streets in the County, as Northlake Way has only been maintained, not reconstructed. Mr. Oost added that one-inch of asphalt must be maintained on the road. Mr. Oost added that Northlake Way is not currently used as a truck route, though County employees sometimes drive a truck and pup down Northlake Way from the County facility on Seabeck Highway. The County staff report states that Northlake Way lacks sufficient shoulders to accommodate safe pedestrian and non-motorized travel. *Exhibit 78, Staff Report, page 13; Testimony of Mr. Oost.*
116. The Traffic Study states that the maximum load for each truck and pup would be 33 tons for aggregate;³⁰ 20 tons for topsoil; or five cubic yards (cu yd) of concrete. To calculate vehicle trips generated by the proposed use, the Traffic Study assumed, on average, six loads per hour, 33 tons per load, hauling eight hours per day. For work five days a week over 51 weeks per year, the proposed use would haul up to 400,000 tons of aggregate annually; or 20,000 tons of topsoil annually; or 20,000 cu yd concrete annually. *Exhibit 19.*
117. The County staff report estimates that truck traffic at the proposed development site would be composed of a mix of truck types, if aggregate from the proposed use is available for public purchase.³¹ According to County staff, traffic could also include four axel dump trucks and single axel pickups of various weights. Existing aggregate sales businesses contacted by County staff reported trucks with pups as approximately 20-percent of customers. By comparison, a single axel truck could carry approximately ½ - ton to one ton, depending on suspension load limits, and a four axel truck could carry approximately 10 cu yd. The Traffic

³⁰ The County staff report equates 33 tons of aggregate to approximately 26 cu yd of aggregate, and provides the following general yard weights for comparison: large, oversized rocks (1.6-2 tons per 1 cu yd); angular rip rap (1.5-2 tons per 1 cu yd); crushed product (1.4 tons per 1 cu yd); and pit run (1.6 tons per cu yd). *Exhibit 78, Staff Report, pages 15 - 16.*

³¹ A December 11, 2006 Kitsap Sun article states that as of 2006, existing gravel operations in Kitsap County were expected to play out in five to seven years, and that an operation by the Applicant could take over and supply local gravel needs. *Exhibit 143.*

Study estimated nine such supplemental trips to the proposed development, and nine trips from the proposed development on a daily basis.
Exhibit 19; Exhibit 78, Staff Report, page 16.

118. Joel Adamson, P.E., submitted comments dated December 14, 2009, expressing concern that the Applicant should have conducted a full traffic study for the proposed development. Comments expressed concern that P.M. peak hour trips associated with the proposed development would exceed the 50 peak hour trip threshold for Traffic Impact Analysis development, as Applicant calculation of peak hour trips did not convert truck vehicle trips to passenger-car-equivalent (PCE) trips.³² *Exhibit 132.*
119. The Applicant engineer submitted a response to Mr. Adamson's comments in a memorandum dated December 21, 2009. The memorandum states that at the time the proposed development vested with the County, the threshold for requiring a Traffic Impact Analysis was 50 vehicle trips, not trips adjusted by a PCE factor.³³ According to the response, KCC 20.04.020(4) defines "capacity" as calculated according to the most recent edition of the Highway Capacity Manual (HCM) or by alternative method approved by the County Public Works Director, but the relevant HCM methodology current at the time the traffic study for the proposed development was issued did not factor PCEs into the analysis. *Exhibit 158.*
120. Kitsap Transit Bus Route #12 travels along Chico Way, which runs north-south along Kitsap Lake's west shore. Route #12 travels between Kitsap Mall on the north and the West Bremerton Transfer Center on the south. According to the County staff report, Route #12 also operates along Northlake Way in the vicinity of the subject property. The nearest transit stop to the proposed development located at Taylor Road and Northlake Way, approximately 0.3 miles north of the Lebers Lane/Grovers Lane/Northlake Way intersection. The transit stop would be

³² According to comments, traffic engineers account for the impact of large trucks and other heavy duty vehicles on highway capacity by assigning each class of vehicle a passenger-car-equivalent (PCE) value, since trucks and other heavy duty vehicles are larger than cars, typically have less acceleration, and require more room for maneuvering. *Exhibit 132.*

³³ According to the County staff report, the threshold for requiring a Traffic Impact Analysis (TIA) is now 10 P.M. peak hour trips, though the threshold was 50 P.M. peak hour trips when the CUP application vested with the County. The County staff report states that the Applicant performed operational analysis at the Lebers Lane/Northlake Way intersection to ensure appropriate design for the proposed project. *Exhibit 78, Staff Report, page 15.*

located along the proposed route to haul product from the proposed use to market. *Exhibit 64; Exhibit 78, Staff Report, pages 13 -14.*

121. The Central Kitsap School District operates school bus service on Northlake Way, with a bus stop at the Northlake Way/Lebers Lane intersection. Pickup occurs at 6:44 A.M. and 8:01 A.M., and drop-off occurs at 2:34 P.M. and 3:10 P.M. The bus stop is located along the proposed route to haul product from the proposed use to market. According to the County staff report, approximately five to ten students use the stop. *Exhibit 78, Staff Report, page 14.*

122. A Kitsap County Bicycle Facilities Plan prepared by the County Public Works Department in December 2000 depicts bicycle lanes along Seabeck Highway NW, north of the NW Holly Road/Seabeck Highway NW intersection, and bicycle lanes along Seabeck Highway NW and Northlake Way east of the NW Holly Road/Seabeck Highway NW intersection. The bicycle lanes along Northlake Way run roughly parallel to bicycle lanes along Chico Way NW, located to the east of Northlake Way. Chico Way NW is posted as Bike Route 31, a continuous route from Bremerton to Poulsbo, located to the north of Bremerton. Chico Way NW will be added to the Mosquito Fleet Trail network in the County's next Bicycle Facilities Plan update. The County staff report states that the current cross sectional facilities available on Northlake Way do not meet the AASTHO or WSDOT minimum standards for safe bicycle routes. *Exhibit 51; Exhibit 65; Exhibit 78, Staff Report, page 14.*

123. The County staff report states vehicle wind wash is felt when large trucks pass at moderate to high speeds, and the wash can be potentially disruptive to passenger vehicles. The staff report argued that the wash effect would be more pronounced on pedestrians and cyclists. The Applicant submitted the abstract of a 1974 Transportation Research Board article titled *Driver-Vehicle Control and Performance in the Presence of Aerodynamic Disturbances from Large Vehicles*. The abstract stated that many factors can influence driver-vehicle performance-vehicle handling and aerodynamic properties, driver skill and alertness, ambient wind, configuration and shape of large vehicles, vehicle separation and clearance, and vehicle speeds and relative speeds - and that investigations showed no important effects on performance of nominal driver-vehicle systems due solely to increasing bus or truck width from 96 to 102 inches wide. *Exhibit 75; Exhibit 78, Staff Report, page 17.*

Streams and Surface Water Hydrology

124. The Applicant's Wetland Delineation and Stream Identification Report identified Dickerson Creek and streams S1-S13 on the subject property, and determined whether each stream is a fish-bearing stream (Type F), or a non-fish-bearing stream (Type N). The Ueland Tree Farm Key Map within the Applicant's Wetland Delineation and Stream Identification Report also depicts portions of Lost Creek and Wildcat Creek that cut across the extreme north boundary of the subject property. A natural waterfall at stream mile 1.2 on Dickerson Creek prohibits fish passage further upstream. Below the waterfall, Dickerson Creek is a fish-bearing stream and is designated Type F under the Kitsap County Code.³⁴ Chum and coho salmon, rainbow and cutthroat trout, and sculpin have been observed in Dickerson Creek below the waterfall. Above the waterfall, Dickerson Creek is designated a Type Np stream. Sculpin have been observed above the waterfall, but below another natural barrier on Dickerson Creek. Portions of Lost Creek and Wildcat Creek that cut across the extreme north boundary of the subject property are also designated Type F streams. Stream S7 is designated a Type Np stream; Streams S1 – S6 and S8 – S13 are designated Type Ns streams. *Exhibit 78, Staff Report, pages 10 - 11; Exhibit 89.*
125. Type F streams must be protected by a 150-foot wide buffer; Type Np and Type Ns streams are protected by a 50-foot wide buffer. A minimum 15-foot wide building setback must be maintained beyond the outer buffer boundary for all stream types. *KCC Table 19.300.315.* No stream or stream buffer would occur in any areas proposed for mine or quarry development. *Exhibit 91.*
126. The Kitsap County Health District (KCHD) collected surface water quality data for temperature, turbidity, dissolved oxygen, and fecal coliform bacteria at eight locations within the Chico Creek watershed. The Applicant's Preliminary Drainage Plan characterizes the data collected as not identifying any consistent water quality concerns throughout the Chico Creek watershed, but observing specific exceedances of temperature, turbidity, dissolved oxygen, and fecal

³⁴ KCC 19.300.310.B.1 references stream classification definitions set forth within Washington Administrative Code (WAC) 222-16-030. Under WAC 222-16-030, Type F streams are segments of natural waters that in any case contain fish habitat, but are not shorelines of the state, as defined by Ch. 90.58 RCW. Type Np streams are all segments of natural waters within the bankfull width of defined channels that are perennial non-fish habitat streams. Type Ns streams are all segments of natural waters within the bankfull width of defined channels that are not Type S, F, or Np waters. Type Ns streams are seasonal, non-fish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream that is a Type Np water. WAC 222-16-030.

coliform bacteria thresholds at various times and locations throughout the watershed. The Plan traces contaminants detected to non-point sources like highway runoff, failing onsite septic systems, livestock, illegal dumping, and trails. No waterways within the watershed are listed by the Washington Department of Ecology (DOE) 303(d) list except Kitsap Lake for violation of total phosphorous and fecal coliform standards.³⁵ *Exhibit 88.*

127. As part of a required application for a NPDES Permit for Sand and Gravel, the Applicant would develop and implement a Stormwater Pollution Prevention Plan (SWPPP). As proposed, the Applicant's SWPPP would monitor surface water for pH, turbidity, and temperature in stormwater discharges from the subject property. The Applicant's Preliminary Drainage Plan states the proposed use would not likely exacerbate temperature exceedances, with the proposed stormwater management plan's reliance on surface water infiltration; temporary sedimentation ponds; maintenance of sensitive area buffers; lack of dead storage in proposed quarry detention ponds; and depth of detention ponds within the quarries. Proposed infiltration and stormwater facilities designed for sediment removal would not exacerbate turbidity. The proposed use would not be a source of excess nutrients or fecal coliform to surface waters, with the on-site septic system operated and maintained in accord with KCHD criteria. Phosphorous can be found in basalt. To avoid phosphorous loading from the proposed use, the proposed use would limit the open area for any specific mine or quarry to approximately 10 acres; reclaim mines and quarries using native species and stockpiled top soil from the site; storage of stockpiled materials away from stormwater facilities and sensitive areas and buffers; infiltrating stormwater from proposed gravel mine sites; provide wet ponds for water quality treatment in stormwater facilities serving the interior access road to the proposed use; infiltrate stormwater on an area equal to additional impervious surface created by modifying Lebers Lane, Grover Lane, and Northlake Way; and elongating the proposed quarry stormwater facilities. *Exhibit 88.*
128. Joel Adamson, P.E. submitted comments dated December 14, 2009 that impacts to wetlands and Dickerson Creek had not been sufficiently evaluated. Comments express concern that faulty assumptions were made in using the HSPF hydrologic computer simulation model to conclude that there would not be any significant

³⁵ The 303(d) list refers to section 303(d) of the federal Clean Water Act. The list reports on category 5 waters, the impaired waters of the state. Waters placed on Category 5 require the preparation of a plan to improve water quality by limiting pollutant loads. See the Washington DOE 303(d) website, at <http://www.ecy.wa.gov/Programs/wq/303d/index.html>, last accessed February 12, 2010.

changes to wetland hydroperiod, specifically Wetland 1, as a result of reduction in contributing area through development of the proposed use. Comments also express concern that baseflows to Dickerson Creek will be permanently decreased by mining operations, even after reclamation. Comments argue that use of infiltration for drainage water from proposed Gravel Mine A and B would not help stream flows, as infiltrated flow would move to a deeper aquifer and not feed the Creek, and that any precipitation that would otherwise feed Dickerson Creek would instead be collected in gravel mining pits. *Exhibit 132.*

129. In a response to comments dated December 21, 2009, the Applicant engineer stated a computer model was used to calculate impacts of the proposed development on area wetlands in accord with the Washington Department of Ecology (DOE) 2005 Manual. According to the response, the engineer calculated the boundary for the contributing area to Wetland 1 based on site-specific topographic conditions of the existing ground surface on the subject property. The response states that the area of proposed Quarry A that discharges toward Wetland 1 is located along the upper portion of a contributing basin near a topographic drainage divide. The drainage divide is a ridgeline composed of basalt bedrock, which is near and in many cases at the ground surface. Groundwater flow direction through the upper soil layer is determined by the basalt layer, so that shallow groundwater flow follows the direction of surface topography. The comments conclude that because the contributing area to Wetland 1 is near a ridge line, it is unlikely that Quarry A would block any subsurface flow from areas west of Quarry A, as that would require surface or shallow groundwater to flow uphill over the basalt and ridge toward Wetland 1. *Exhibit 158.*

130. In a response to comments dated December 21, 2009, the Applicant engineer also stated that proposed stormwater infiltration in Gravel Mines A and B would maintain existing stream hydrology and recharge. The response stated that the engineer also stated that due to the relatively flat, permeable soil of proposed Gravel Mine sites A and B, and due to the position of the proposed sites set back from the top of the valley within which Dickerson Creek flows, surface flow from the proposed mine sites would only reach Dickerson Creek during heavy precipitation events, when high stream flow already exists. According to the engineer, Dickerson Creek flows during dry periods are sustained primarily by groundwater recharge, not overland flow. *Exhibit 158.*

131. Keith Folkerts analyzed land ownership within the Dickerson Creek Watershed in a memorandum to Dennis Oost, County Planner, dated October 20, 2009. The map of the watershed submitted with the memorandum depicts the watershed extending from the northeast corner of the Farm southwest through the center of the Farm. The watershed continues southwest off the Farm onto land owned by the City of Bremerton. The majority of the Dickerson Creek watershed is owned by the Applicant; other landowners within the watershed include the Bremerton Kitsap Lake LLC, the Mountaineers Foundation, and various other small landowners. Based on land ownership, the memorandum recommended that the Applicant monitor Dickerson Creek stream flow and account for any flow variations. *Exhibit 85.*

Wetlands

132. The Applicant's Wetland Delineation and Stream Identification Report identified 19 wetlands, including one wetland complex, on the subject property. Wetland 6 (complex) is a Category II wetland, as defined by KCC 19.200.210, and wetlands 1, 2, 3, 5, 7 – 15, 17, 19, 31, and 32 are Category III wetlands, as defined by KCC 19.200.210. Wetland 30 is a Category IV wetland.³⁶ *Exhibit 89.*
133. KCC Table 19.200.220(A) requires a minimum 100-foot wide buffer to protect Category II wetlands; 50-foot wide buffer to protect Category III wetlands; and 30-foot wide buffer to protect Category IV wetlands. *KCC Table 19.200.200(A).* KCC Table 19.200.220(C) requires that the width of the buffer required to protect the Category IV wetland be increased by 20 feet, to compensate for high-intensity land use. *KCC Table 19.200.220(D).* KCC Table 19.200.220(D) requires that those Category III wetlands with a moderate level of habitat function be protected by buffers increased by 100 feet, to compensate for high-intensity land use, and those with less habitat function be increased by 30 feet. *KCC Table 19.200.220(C).* A 15-foot wide building setback must be maintained from the edge of any wetland buffer. *KCC 19.200.220.F. Exhibit 25; Exhibit 63; Exhibit 103.*

³⁶ Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs, and similar areas. Kitsap County uses the Washington Department of Ecology Washington State Wetland Rating System for Western Washington, revised 2004, or as amended hereafter, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. *KCC 19.200.210.A.1-2.* Category II wetlands score between 51-69 of 100 points on the Wetland Rating System; Category III wetlands score between 30-50 points; and Category IV wetlands score less than 30 points. *KCC 19.200.210.B.2-4.*

134. Proposed development would occur outside of wetlands, streams, and buffers protected under the County Critical Areas Ordinance except for Wetland 1 and Wetland 3 buffers and contributing basins.³⁷ The existing access road through the subject property extends through wetland and stream buffers near the proposed quarry sites, but the access road would not change within buffer areas, following proposed development. A portion of the Wetland 1 and Wetland 3 buffer would occur within the area proposed for Quarry A development. The eastern limit of proposed Quarry A would occur less than 150 feet from the west boundary of Wetland 1 along approximately 45 feet of the wetland boundary, though all parts of Quarry A would be at least 100 feet from Wetland 1. The east edge of proposed Quarry A would be less than 80 feet from the east boundary of Wetland 3 along approximately 50-percent of the wetland boundary, though all parts of Quarry A would be at least 40 feet from Wetland 3. *Exhibit 89.*
135. The Applicant would mitigate impacts to required wetland buffers by averaging buffer widths throughout the subject property. KCC 19.200.220.C.1.a requires that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging, and that the buffer shall not be reduced by more than 50 percent of the standard buffer width at any point. *KCC 19.200.220.C.1.a.* One must first avoid, then minimize, and as a last resort, mitigate for unavoidable reductions or alterations to the required wetland buffers. *KCC 19.200.220.C.* Clearing is prohibited in buffers, which are native vegetation area to protect functions and values of critical areas. *KCC 19.150.170.*
136. According to the Applicant's Wetland Delineation and Stream Identification Report, the proposed Quarry A footprint was based on a combination of basin transfer, economics – the Quarry A area contains the best quality basalt on the subject property- and a need to maintain equipment access through the bottom of the quarry from north to south, to reclaim quarry side slopes. The Applicant attempted to avoid impacts by adjusting the east boundary of Quarry A, but drainage basin transfer issues related to Wetland 6 rendered the adjustment infeasible. The Applicant would use buffer averaging to expand the Wetland 1 buffer width east of the existing wetland, where an intact, undisturbed forest area exists. Similarly, impacts to the Wetland 3 buffer would be compensated by buffer averaging, extending the buffer width east of the wetland away from the proposed Quarry A mine site. Overall, proposed total Wetland 1 and Wetland 3

³⁷ KCC 19.200.225.F allows stormwater facilities to be constructed within buffer areas. Stormwater management ponds for the access road on the subject property would be located within a buffer to avoid basin transfer and maintain existing wetland hydrologic boundaries. *KCC 19.200.225.F; Exhibit 89.*

buffer area with averaging would meet or exceed total area with required buffers. *Exhibit 89.*

137. The proposed project would incorporate specific best management practices (BMPs) to avoid any potential impacts to on-site streams or wetlands. The Applicant would maintain undisturbed buffers in accord with the KCC Critical Areas Ordinance; place wetland and stream buffer areas in a conservation easement; connect wetland and stream buffers for habitat connectivity, wildlife corridors, and surface water quality protection; direct stormwater discharge to wetlands and streams, ensuring water quality and quantity treatment of all discharges; design mine sites to maintain existing hydrologic boundaries; maintain stream hydrology by avoiding basin transfers and providing stormwater infiltration; ensure any hydrologic boundary modifications within contributing basins of Wetland 1 do not have a significant impact on wetland hydrology; and provide wetland hydrology monitoring adjacent to Quarry A for no change in wetland conditions associated in potential changes in groundwater flow. *Exhibit 89.*

Critical Aquifer Recharge Area and Groundwater Hydrology

138. A majority of the subject property is categorized as a Category II Critical Aquifer Recharge Area (CARA)³⁸ under the County Critical Areas Code. Proposed sand and gravel mining operations within Category II CARAs may require submittal of a hydrogeologic report, which will establish controls, mitigation, and requirements as a prerequisite to development approval. *KCC 19.600.615.B.1; KCC Table 19.600.620; Exhibit 90.*
139. The Applicant's hydrogeologic report identifies one domestic well on the subject property along Lebers Lane, located approximately 250 feet east of the proposed Gravel Mine A site. The well was installed in August and September 2007 for a new residence just outside the entrance to the subject property from Lebers Lane. Another well is located off-site approximately 1,500 feet east of the domestic well, across Kitsap Way. Additional domestic wells are located to the east and north of the subject property, between Kitsap Lake and Dyes Inlet. The

³⁸ Category II critical aquifer recharge areas (CARAs) are areas that provide recharge effects to aquifers that are current or potentially will become potable water supplies and are vulnerable to contamination based on the type of land use activity. Category II CARAs include highly permeable soils, areas above shallow aquifers, areas above the Vashon aquifer, and areas with high concentration of potable water supply wells. *Kitsap County Code (KCC) 19.600.610.B.*

hydrogeologic report identifies a shallow aquifer under the proposed Gravel Mine A site, and states that groundwater flow within the aquifer may be estimated according to topography. The majority of the groundwater within the aquifer flows east, a minority flows west, toward Dickerson Creek. The report states that the aquifer down-gradient of the Gravel Mine A site would be separated from the Gravel Mine A site by an approximately 150-foot thick layer of till,³⁹ and thus there is a low risk of contamination to the domestic well and other down-gradient potable water supplies from gravel mining at proposed Gravel Mine A site. In addition, the report states that basalt bedrock on the subject property is not very porous or permeable, so that the rock has limited capacity to store or transport groundwater. The report also notes that surface soils in the Chico watershed, comprising the bulk of the subject property, have low to very low infiltration potential. *Exhibit 34; Exhibit 90.*

140. Groundwater resources on the subject property are driven by precipitation that infiltrates and accumulates in underground aquifers.⁴⁰ Water that accumulates on the subject property accumulates in the surface soil zone, located between approximately 50 and 200 feet above mean sea level, forming a shallow water bearing zone over the low permeability bedrock. Investigations on the subject property have identified a perched, shallow aquifer on the subject property, with aquifer depth and thickness dependent on depth to bedrock and type of surface deposits. Groundwater moves through the surface soil zone, following site topography, during the wet months of the year, adding to wetlands and streams on the subject property. Flow within the surface soil zone is highly seasonable and dependent on precipitation. Where bedrock dominates, the majority of water is assumed to run off either as surface flow or between the soil surface and bedrock. When running between the soil surface and bedrock, flow can be discharged as a spring or seep on the subject property. *Exhibit 34; Exhibit 90.*

141. The hydrogeologic report states that due to the subject property's limited ability to infiltrate groundwater and existing topography, there is currently a very limited

³⁹ The hydrogeologic report defines till encountered on the subject property as "very dense, moist, brown to gray silt with fine to coarse sand and gravel." The report characterizes till on the subject property as soil of low permeability. *Exhibit 90.*

⁴⁰ The Applicant's hydrogeologic report states that there is relatively little hydrogeologic information available describing the area in the vicinity of the subject property. To determine how the subject property fits within the regional hydrogeologic context, the Applicant's hydrogeologic consultant reviewed regional information at a County-wide level, then compared county-wide data to data obtained through site-specific investigations of the subject property. *Exhibit 34.*

amount of recharge water flowing west across the subject property to Dickerson Creek. Groundwater in the north portion of the subject property tends to flow north toward Chico Creek, but varies in flow toward stream tributary channel valleys and to Kitsap Creek. Groundwater in the south portion of the subject property tends to flow relatively rapidly toward an unnamed stream tributary channel. According to the hydrogeologic report, relatively low groundwater storage capacity and relatively high topographic gradients within the subject property has resulted in streams on the subject property receding rapidly following a storm event, and in streams with low groundwater baseflow levels. The DEIS for the proposed project concludes that the extent the shallow aquifer on-site contributes to stream flow is not fully understood. Site-specific studies suggest seeps concentrated in the northern portion of the subject property are seasonal, are dependent on precipitation, and contribute a small volume of water to Dickerson Creek. *Exhibit 34; Exhibit 90.*

142. Kitsap County Public Utility District collects regional groundwater quality data throughout Kitsap County over a network of 181 monitoring wells. None of the monitoring wells are located in the vicinity of the subject property. The DEIS for the proposed development reports that groundwater throughout the County is generally good quality and suitable for most purposes, with no evidence of nitrate contamination beneath the Chico watershed. Iron concentrations exceeding recommended aesthetic limits are common throughout the County. The DEIS reports that the proposed development would not likely cause saltwater intrusion into groundwater, as the proposed project site would be located over 1.5 miles from the Dyes Inlet/Puget Sound shoreline. *Exhibit 34.*

143. According to the Applicant's Preliminary Drainage Plan, the proposed use would incorporate the following measures to mitigate for any potential for groundwater quality contamination: amend soils under proposed infiltration facilities for Gravel Mines A and B if infiltration proceeds too quickly; verify infiltration potential, aquifer depth, and groundwater table height through subsurface investigations during final design; maintain a minimum five-foot vertical clearance between the bottom of infiltration facilities and seasonally high groundwater tables; develop and implement a SWPPP; use City of Bremerton water supply to avoid drilling on-site wells; and reuse process water in a recycling system to reduce water used at the wash plant facility. The proposed use would also incorporate baseline and long-term groundwater quality monitoring; minimizing fertilizer and chemical use; impoundment construction around the proposed concrete plant, if constructed, for pH treatment, with reused process

water; cover concrete manufacturing materials; cover maintenance shop and include a sump in the shop; use an on-site septic system for sewer treatment; maintain coalescing plate separators, sludge removal, and disposal through maintenance contracts; and maintain infiltration facilities in accord with Washington DOE Stormwater Management Manual for Western Washington (SMMWW). *Exhibit 88.*

Steep Slopes

144. The subject property includes steep slopes classified as “moderate geologic hazard” under KCC Title 19 (Critical Areas Ordinance), within the west portion and east portion of the subject property.⁴¹ Slopes on the subject property generally range from six- to 30-percent grade, though steep slopes exceeding 30-percent grade are located throughout the subject property. Proposed Gravel Mine B would be separated from proposed Gravel Mine A by a valley in the northeast portion of the subject property. Dickerson Creek travels through the valley and continues south through the subject property. Proposed Gravel Mine A and B would overlap slightly with existing slopes exceeding 30-percent grade. The majority of proposed Quarry A, Quarry B, and Quarry C would be located within areas of existing slopes exceeding 30-percent grade. The majority of Quarry C would also be located in an area of intermediate slope stability. *Exhibit 34; Exhibit 89; Exhibit 90.*
145. Proposed development within areas of moderate geologic concern must adhere to a minimum 40-foot wide building and impervious surface setback from the top of slope; and a minimum 25-foot wide area adjacent to the top of slope retained as a native vegetation buffer, with a minimum 15-foot wide building and impervious

⁴¹ “Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. *KCC 19.15.360.* Areas of moderate geologic hazard are defined as “(a) areas designated U, UOS, or URS in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, with slopes less than 30 percent; or areas found by a qualified geologist to meet the criteria for U, URS, and UOS with slopes less than 30 percent; or (b) slopes identified as “Intermediate” (I) in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, or areas found by qualified geologist to meet the criteria of I; or (c) slopes 15 percent or greater, not classified as I, U, UOS, or URS, with soils classified by the U.S. Department of Agriculture Natural Resources Conservation Service as “highly erodible” or “potentially highly erodible”; or (d) slopes of 15 percent or greater with springs or groundwater seepage not identified in subsections (a), (b) or (c) above; or (e) seismic Areas subject to liquefaction from earthquakes (Seismic Hazard Areas) such as hydric soils as identified by the Natural Resources Conservation Service, and areas that have been filled to make a site more suitable. Seismic areas may include former wetlands which have been covered with fill. *KCC 19.400.410.A.2.*

surface setback. *KCC 19.400.415.C.2.* KCC 19.400.415.B requires a native vegetation buffer from the toe of the slope to 25-feet beyond the top of slope, unless otherwise permitted through a geologic report or site-specific determination. *KCC 19.400.415.B.* The minimum native vegetation buffer or building setback requirement may be decreased if a geotechnical report demonstrates that a lesser distance, through design and engineering solutions, will adequately protect the proposed development and the hazard area. *KCC 19.400.415.D.1.*

Wildlife

146. Chico Creek has the highest natural production of chum and coho salmon in Kitsap County. Chico Creek also contains significant steelhead and cutthroat trout runs. *Exhibit 34; Exhibit 78, Staff Report, page 11.*
147. The Applicant's Habitat Management Plan (HMP) states that no threatened, endangered, or sensitive plant or animal species are known or are likely to occur on the subject property. Bald eagles, a state-listed threatened species, have been observed flying over the subject property. The HMP states the likelihood bald eagles use the subject property for nesting, roosting, or foraging is low, due to the lack of dense, multi-storied forest canopy or large expanses of open water. According to the HMP, it is unlikely osprey roost or nest on the subject property for similar reasons. *Exhibit 91.*
148. Direct mortality of less mobile wildlife, such as ground-nesting birds, small mammals, amphibians, and reptiles, would likely occur as a result of clearing and mining activities conducted over time. More mobile wildlife, such as birds and large mammals, would be displaced from the subject property through habitat removal and noise disturbance. In response to a Suquamish Tribe comment that noise and disturbance would discourage herons from flying over the subject property from roosting areas at Kitsap Lake en route to foraging areas west of the subject property, the Applicant's habitat management consultant cited the lack of scientific studies supporting the comment. Following proposed reclamation, mine sites would support a mix of grasses, forbs, shrubs, tree seedlings and saplings, cliffs, and talus. The reclaimed areas would provide wildlife habitat. *Exhibit 91.*
149. The Applicant's HMP states a stand of western white pine in a portion of the area proposed for development as Gravel Mine A would be otherwise be subject to timber harvest in the near future, as the stand is likely mature, is affected by root rot, and is affected by dwarf mistletoe. *Exhibit 91.*

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150. Keith Folkerts wrote of his concern that access road proposals for the development would result in roads crossing fish-bearing streams, and that the proposed development would negatively impact the Kitsap Lake/Gorst Wildlife Corridor in the vicinity of the subject property. According to Mr. Folkerts's letter, the corridor serves as a low elevation connection between Kitsap Lake, Heinz Lake, Alexander Lake, and Gorst Creek. The Applicant's HMP states that neither of the two critical wildlife corridors identified in the 2003 County Department of Community Development Chico Watershed Alternatives Analysis document would be affected by the proposed development. *Exhibit 91; Exhibit 106.*
151. Maps submitted by Bob Tucker, Taylor Road resident, depict a north wildlife corridor in addition to the Kitsap Lake/Gorst Wildlife Corridor, extending from the Seabeck area, through the Newbury Hill/Heritage Park/Rhododendron Heights areas, and onto the north end of the Farm. *Exhibit 165.*

Stormwater Management

152. Current conditions on the subject property indicate existence of approximately 25 drainage sub-basins on the property. The Applicant's Preliminary Drainage Plan states that existing sub-basins discharge to on-site streams or wetlands prior to discharge from the subject property. There are existing ditches along the existing access road within the subject property. *Exhibit 88.*
153. The Applicant's stormwater consultant performed a Level 1 Downstream Analysis in accord with Chapter 2 of the Kitsap County Stormwater Management Ordinance and Design Manual (KCSMODM). The consultant evaluated stormwater impacts of improvements within the subject property, extended one-quarter mile downstream of the property, and evaluated stormwater impacts of proposed Lebers Lane, Northlake Way and Grover Lane improvements, extended one-quarter mile downstream of the Grover Lane/Northlake Way intersection. *Exhibit 88.*
154. Stormwater runoff from Lebers Lane currently drains to two separate sub-basins. Stormwater in the south sub-basin is collected in ditches along the existing railroad. Ditches along the railroad convey stormwater north to discharge into Dickerson Creek. Dickerson Creek discharges into Chico Creek north of the Chico Creek/Kitsap Creek confluence. An existing storm drain system at the Lebers Lane/Northlake Way intersection drains the north sub-basin. Two culverts

are located under Lebers Lane along the north and south side of the existing railroad crossing. *Exhibit 88.*

155. Stormwater runoff from the west side of Northlake Way flows into a manhole with an oil/water separator through an existing system of catch basins and pipes. The manhole outlet flows into Kitsap Creek through an open structure with a beehive grate. Runoff from the east side of Northlake Way also discharges into Kitsap Creek through an existing storm system with catch basins and pipes, the structures of which are currently inaccessible. Runoff from the Lebers Lane/Northlake Way intersection storm drain system discharges into Kitsap Creek. Kitsap Creek discharges into Chico Creek. *Exhibit 88.*

156. A letter submitted by Jim Tucker argued that clear cutting on the Farm has contributed to flooding in the vicinity of the Taylor Road/Northlake Way intersection, located northeast of the Farm. The letter argues that logs and other woody debris clog culverts under Taylor Road on Wildcat Creek and Dickerson Creek, and that clogs combine with high precipitation events to cause flooding over Taylor Road or road washouts. The letter also argues that tree removal on the subject property releases additional runoff into the watershed that would otherwise be absorbed by trees. Photographs also depict washouts on Northlake Way and Chico Way over Chico Creek. The letter is accompanied by several photographs and newspaper clippings depicting flooding events. *Exhibit 163.*

157. The proposed use would be divided into approximately stormwater management facilities to manage stormwater runoff from the proposed use. Grading associated with the proposed development is designed to maintain the existing groundwater drainage divide between the Dickerson Creek basin to the west and Kitsap Creek basin to the northeast, and to maintain the existing groundwater drainage divide between the Dickerson Creek tributary to the south and Dickerson Creek mainstem to the north. *Exhibit 88.*

158. Stormwater runoff would be infiltrated on the subject property in areas adjacent to the east and west of proposed Gravel Mine A and north and south of proposed Gravel Mine B to provide for groundwater recharge on both sides of the existing groundwater drainage divide consistent with existing conditions, to provide stormwater treatment and flow control. Temporary detention ponds would be established to provide flow control and sedimentation during operations at proposed Quarry A, B, and C sites; permanent detention ponds would provide

flow control for revegetated, reclaimed quarry conditions. Other than proposed infiltration sites and detention ponds, existing natural discharge points and drainage basin boundaries would be maintained at all locations on the subject property. Excavation of proposed Quarry A would remove approximately 12.6 acres of contributing area from Wetland 1 on the subject property and 6.7 acres of contributing area from Wetland 6C. Excavation of proposed Quarry B would remove appropriate 4.0 acres of contributing area from Wetland 11. *Exhibit 88.*

159. Proposed infiltration facilities on the subject property would provide infiltration for up to the 100-year recurrence interval event. Detention ponds on the subject property for proposed quarries would provide flow control for 50-percent of the two-year through 50-year recurrence interval events. *Exhibit 88.*

160. The Applicant would implement erosion control measures to prevent sediment loading downstream from the roadway accessing the proposed use. Lebers Lane would be paved to provide structural strength and dust control from the Lebers Lane/Grover Lane intersection to the proposed Gravel Mine A site on the subject property. South of the proposed Gravel Mine A site, the access road would remain gravel. The Applicant would limit vehicle speed to 10 mph in the proposed gravel pits and 15 mph on the access road; apply gravel with low fines content along the gravel portion of the road; apply chemical suppressants to form a less erodible soil surface; establish check dams in access road ditches; apply additional gravel in potholes; revegetate areas disturbed by roadway construction; and include dead storage space for water quality treatment below live storage space in stormwater management facilities for flow control. Permanent detention ponds with water quality and detention storage for water quality treatment and flow control would be constructed for the interior access roadway. *Exhibit 88.*

161. The Applicant's stormwater consultant determined long-term erosion control measures were not needed for Lebers Lane, Grover Lane, and Northlake Way, since the roads will receive an asphalt cement overlap and areas disturbed by construction of improvements would be revegetated prior to construction completion. Permanent infiltration ponds with soils amended to promote water quality treatment and flow control would be constructed for an area equal to additional impervious surface area created through proposed modifications of Lebers Lane, Grover Lane, and Northlake Way. *Exhibit 88.*

162. According to the Applicant's Preliminary Drainage Plan, preliminary drainage and Temporary Erosion Sediment Control (TESC) design would be finalized and

approved through the County Site Development Activity Permit (SDAP) process. Applicant actions to support proposed final design would include subsurface investigations to verify proposed infiltration areas and rates; final sizing of stormwater facilities, ditches, pipes and culverts; and submittal of a Notice of Intent application form for the Sand and Gravel NPDES Stormwater General Permit. *Exhibit 88.*

Noise

163. The Applicant's sound engineer analyzed the existing noise level at locations near the proposed use on August 21 and 22, 2007. The engineer measured long-term, or 24-hour, sound levels at 4817 Grover Lane, as representative of existing residences north and northwest of the proposed use, and at 4847 Lebers Lane NW, as representative of existing residences north and northeast of the proposed use. The engineer also measured short-term, or 15-minute, sound levels at three locations: 4847 Lebers Lane NW; 4792 Lebers Lane NW; and 4823 Lebers Lane NW. The short-term locations were representative of a location near one of the potential access road alignments to the proposed use; a location at the proposed realignment of Lebers Lane for access to the proposed use; and a location along the primary truck access route to the proposed use, respectively. At all locations and over all time periods, the existing sound levels generally comply with County noise limits, except for occasional short-term events. County nighttime noise limits were exceeded in several locations. Existing noise sources were identified as dogs, a rooster, birds, activity at nearby residences, distant traffic, distant pile driving, and traffic on Northlake Way. *Exhibit 93.*
164. According to the FEIS analyzing the proposed use, noise would be generated by short-term construction activities associated with the proposed use and operation of the proposed use. *Exhibit 36.* KCC 10.28.040 establishes maximum permissible environmental noise levels for daytime and evening (between 10:00 P.M. and 7:00 A.M.) hours. Under KCC 10.28.040, the noise limit for the proposed use at its boundary with Class A EDNAs⁴² is 55 dBA⁴³ during daytime hours and 45 dBA during evening hours. KCC 10.28.040 allows the noise limit to be exceeded for any receiving property by no more than 5 dBA for 15-minutes in

⁴² Class A Environmental Designation for Noise Abatement (EDNA) includes all single- and multi-family residential zones, residential mobile home zones, agricultural zones, forestry zones, and undeveloped land zones. *KCC 10.28.010(c); KCC 10.28.030.*

⁴³ "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is twenty times the logarithm to the base ten of the pressure of twenty micropascals. *KCC 10.28.010(b).*

any one-hour period; 10 dBA for five-minutes in any one-hour period; or 15 dBA for 1.5-minutes in any one-hour period. *KCC 10.28.040.*

165. Between 7:00 A.M. and 10:00 P.M., sounds created by blasting are exempt from KCC 10.28.040 noise limits. *KCC 10.28.050(3).* Sounds originating from temporary construction sites as a result of construction activity and sounds originating from forest harvesting and silvicultural activity are also exempt from KCC 10.28.040 noise limits, except when affecting property within Class A EDNAs between the hours of 10:00 P.M. and 7:00 A.M. *KCC 10.28.070.* the following uses are always exempt from KCC 10.28.070 noise limits: sounds created by motor vehicles on public roads; sounds created by motor vehicles operated off public roads, except when sound is received at Class A EDNAs; sounds created by surface carriers engaged in interstate commerce by railroad; and sounds created by warning devices, such as back-up alarms on vehicles, when no operated continuously for more than five minutes at a time. *KCC 10.28.080.*
166. According to the Applicant's Noise Study, the proposed use would only be constructed and would only operate during daytime hours, as defined under Ch. 10.28 KCC. As part of the proposed use, a 20-foot tall berm would be constructed around the northern half of the proposed Gravel Mine A excavation boundary, and a 20-foot high semi-permanent stockpile and berm would be constructed on the east side of the proposed processing and wash plant area in the vicinity of Gravel Mine A. Operation of proposed Gravel Mine A would involve use of front-end loaders; a processing plant with screens, crushers, and conveyors; a wash plant; a concrete batch plant, with a material hopper, silo, and trucks; belly-dumping rail cars unloading material into an underground hopper; a conveyor system; and trucks, with an hourly volume of 12 trucks in and 12 trucks out per hour operating at no more than 25 mph. Using modeling and measurements from actual operating equipment, the Applicant's noise engineer calculated that if all proposed activities included in operation of the use occurred in a single hour, the sound levels that would be emitted from proposed Gravel Mine A would comply with County daytime noise limits for residential properties located adjacent to the north and east of the existing railroad. *Exhibit 93.*
167. The Applicant's sound engineer added peak hourly noise levels occurring continuously from 7:00 A.M. to 5:00 P.M. to existing, current noise levels present in the vicinity of Gravel Mine A. When added to existing, current sound levels present, noise produced by Gravel Mine A operation could create increase in sound of as much as 18 and 21 decibels over existing, current conditions between 7:00 A.M. and 5:00 P.M. for two properties owned by the Applicant along the access road extending from Lebers Lane to the proposed use. WSDOT considers

an increase of 10 dBA or more in a peak traffic hour sound level as a substantial increase, and an increase of 30 dBA or more as a severe increase. Increases of 10 or more dBA could also occur during at least several hours of a peak operating day at ten locations adjacent to the north and east of the existing railroad track from the proposed use. According to the Applicant's sound engineer, a 10 dBA increase would be perceived by most people as a doubling of loudness. According to the Applicant's sound engineer, calculated decibel increases should be viewed as "worst-case" because some noise sources associated with Gravel Mine A operation would only operate for short period, and it is unlikely 12 trucks in and 12 trucks out would continue each hour over the full work day. *Exhibit 93.*

168. Construction and operation of proposed quarry areas would also generate noise. Activities associated with quarry operations that would produce noise include use of a rock drill, explosives or blasting, three excavators to sort material, two loaders, a dozer for clearing and land preparation, and a conveyor belt system to transport material from the quarries for processing and export. According to the Applicant's sound engineer, off-site sound levels from quarry operations would be lower than those associated with proposed Gravel Mine A, since the quarries would be located significantly further away from the nearest residences than proposed Gravel Mine A. Blasting noise would still be audible to most residents in the vicinity of the proposed use. The nearest residences to the potential blast zone would be located approximately 4,000 feet away, and without considering any intervening terrain or vegetation, would experience sound levels of approximately 79 dBA associated with a blast. With terrain and forest, blasting noise is estimated to be in the low 70s dBA or less at the nearest residences. According to the Applicant's sound engineer, it is in the best interest of the blast operator to direct more energy into the ground and less into the air for a more efficient blast, resulting in lower blast sounds at distant locations. The Applicant's Noise Study states that there would be no potential for hearing loss or structural damage associated with blasting at proposed quarry sites. *Exhibit 93.*
169. To mitigate sound impacts of operation of the proposed use, the Applicant would only operate the pit areas during daytime hours; construct an earthen berm approximately 20-feet tall around the north half of the Gravel Mine A excavation boundary; construct a 20-foot high semi-permanent stockpile or berm adjacent to the east of the proposed processing and wash plants; locate the proposed concrete batch plant further from the entrance to Gravel Mine A than initially proposed; and only use the train loading/unloading facility during daytime hours. Residents leasing property from the Applicant would have leases allowing residents to move if overly affected by noise. *Exhibit 93.*

Dust and Emissions

170. The County staff report states that nuisance gravel is often dislodged from a carried load by bumps or potholes in the road, and becomes more pronounced at higher speeds and with mounded loads. The County staff report also states that implementation of best practices for fugitive dust control is more difficult when trucks are not owned by the proposed development or trucking leasee. *Exhibit 78, Staff Report, page 17.*
171. The Applicant would control fugitive dust emissions from proposed sand and gravel operations by paving portions of the on-site road and by using enclosed conveyors, wet dust suppression techniques, windbreaks, and reducing free fall distances for transferred materials. The Applicant must also obtain all necessary permits from the Puget Sound Clean Air Agency (PSCAA), the regional air pollution regulatory body. Additional fugitive dust controls may be required by PSCAA through the permitting process. *Exhibit 95.*
172. The Applicant's environmental engineer calculated the amount of pollutants from diesel engines associated with the proposed use that would impact ambient air quality. According to the engineer, diesel engines emit fine particulates (PM_{2.5} and PM₁₀). Assuming 15 truck trips in and 12 trips out for 10 hours per day, with 72 wind directions and truck idling at the Leber Lane/Grover Lane/Northlake Way intersection, the engineer calculated that these circumstances would increase 24-hour ambient PM_{2.5} and PM₁₀ concentrations in the vicinity by less than 0.5 µg/m³, when the 24-hour ambient air quality standards are 150 µg/m³ and 35 µg/m³, respectively. *Exhibit 95.*
173. Joel Adamson, P.E., submitted comments dated December 14, 2009 expressing concern about air quality analysis performed for the proposed development. Comments expressed concern that the DEIS for the proposed development did not analyze wind data from the Bremerton Municipal Airport Station. Comments stated the Airport Station was closest to the proposed development, and that station data reveal wind direction is from the south-southwest to the north-northeast approximately 10 of 12 months of the year. Comments recommended that proposed Gravel Mine B site should be developed rather than Gravel Mine A to avoid dust and contaminants blowing onto residential development in the vicinity; and that the County should incorporate Washington State Department of Ecology (DOE) permit conditions for concrete batch plants into CUP conditions of approval. *Exhibit 132.*

174. The Applicant engineer submitted a response to Mr. Adamson's comments in a memorandum dated December 21, 2009. The response stated that the Bremerton Airport Station is located approximately six miles from the proposed development site and separated from the site by several significant topographical features, so the Applicant's wind direction analysis used data collected at the Meadowdale and Silverdale stations, five and six miles from the proposed development site, respectively. The response stated that prevailing wind direction is helpful to understand general conditions in the proposed development vicinity but is not the determining factor for whether air quality impacts are likely to occur. According to the response, use of site-specific air quality modeling using conservation regulatory agency-approved models is appropriate to determine air quality impacts of the proposed development, and use of the models shows the proposed development will meet applicable air quality standards. The response states that the majority of residences along Kitsap Lake Road are more than 1,000 feet from the proposed Gravel A site, with the nearest residences approximately 800 to 1,000 feet from the site. All residences are separated from the proposed mine site by the existing railroad, a berm and excavated slope. The response also states that mitigation measures include the use of Best Available Control Technology (BACT) for concrete plant air emissions. *Exhibit 158.*

Public Utilities and Services

175. The proposed use would obtain water from the City of Bremerton,⁴⁴ obtain sewer from an on-site septic system, and obtain electricity from Puget Sound Energy. The proposed use would also obtain natural gas from Cascade Natural Gas, and fire protection services from the Central Kitsap Fire and Rescue District. *Exhibit 78, Staff Report, page 12.*

County Staff Recommendation and Response

176. County Development Engineering (DE) staff reviewed the proposed use and found the concept supportable in its approach to civil site development, based on review of the Preliminary Drainage Report and Preliminary Engineering Plans received April 23, 2008. County Development Engineering staff recommended 36 conditions of CUP approval concerning stormwater management, traffic and roads, site survey, solid waste, construction of rock or retaining walls, and any

⁴⁴ The Applicant's Preliminary Drainage Plan states that the Applicant has an existing water right to divert up to 0.35 cubic feet per second (cfs) from Dickerson Creek for forestry and related uses. However, the Applicant would use water from the City of Bremerton water system to serve the proposed use. *Exhibit 78, Staff Report, page 12; Exhibit 88.*

Hydraulic Permit Approval (HPA) required by the Washington Department of Fish and Wildlife (WDFW). *Exhibit 76.*

177. In a December 16, 2009 memorandum, Dennis Oost, County Planner, argues that the County may impose conditions of SEPA mitigation and CUP conditions intended to alleviate impacts of proposed development, and that traffic improvements can be required of the Applicant as well as payment of impact fees. The memorandum states that existing conditions on Northlake Way create safety concerns, but that the unique operating characteristics of heavy long trucks to be primarily used for the proposed use will create safety impacts unique to the vehicles and existing roadway safety conditions would worsen. The memorandum argues that proposed CUP conditions of approval are consistent with RCW 82.02.020.⁴⁵ The memorandum concludes by stating that County staff

⁴⁵ RCW 82.02.020 states "Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply." If the proposed condition requiring the Applicant to construct paved shoulders on both sides of Northlake Way NW is a tax, fee, or charge under RCW 82.02, then the condition is valid under RCW 82.02.020 if the condition addresses a direct impact of the proposed development, and if the record traces a rational relationship between the requirement and site-specific impact of the proposed development. The parties do not dispute that the proposed use would result in impact to the roadway: an increased number of vehicles and a different kind of vehicles over existing conditions. The trucks and pups that would be used to transport gravel and basalt over Northlake Way NW require greater sight distance and greater stopping distance than motor vehicles used by residents of the surrounding neighborhood, and take up a greater portion of the roadway than the motor vehicles. The trucks would also cause some wind shear for other passing motor vehicles and cyclists. Some trucks already use the road – logging trucks associated with the Applicant's existing commercial forest, and the occasional County truck – but not with the frequency or load sizes and weight proposed by the Applicant. Some pedestrians and bicyclists currently use Northlake Way NW from NW Grover Lane to Chico Way NW, though this portion of the road is not currently listed on Kitsap County's Bicycle Facilities Plan 2000 and does not contain sufficient space for bike lanes. But for the proposed use, the impacts – a need for greater sight and stopping distance and a need for additional space within the roadway in which to operate trucks and pups – would not occur.

The Applicant does not dispute that the proposed use would result in a direct impact that would require wider shoulders to mitigate the impact. The Applicant argues that the proposed use would only increase traffic on Northlake Way NW between three- and six-percent over existing roadway traffic, and thus the Applicant should only pay for a portion of the cost of

recommends CUP approval with conditions proposed as of December 16, 2009, and that Applicant and County staff reached agreement on all but one proposed condition, concerning construction of roadway shoulders to mitigate safety hazards of truck traffic associated with the proposed use. *Exhibit 151*.

Applicant Response

178. The Applicant submitted the abstract of a 1974 Transportation Research Board article titled *Driver-Vehicle Control and Performance in the Presence of Aerodynamic Disturbances from Large Vehicles*. The abstract stated that many factors can influence driver-vehicle performance- vehicle handling and aerodynamic properties, driver skill and alertness, ambient wind, configuration and shape of large vehicles, vehicle separation and clearance, and vehicle speeds and relative speeds - and that investigations showed no important effects on performance of nominal driver-vehicle systems due solely to increasing bus or truck width from 96 to 102 inches wide. *Exhibit 75*.
179. An agreement between County and staff received by the County on November 2, 2009 states the County and Applicant do not agree on proposed mitigation conditions Nos. 158 – 160. Upon review of Exhibit 109, County DE staff recommended proposed conditions Nos. 143 and 146 be modified for clarification and to address concerns raised upon review. In a memorandum dated December 10, 2009, County DE staff recommended the conditions be modified as follows:

143. Provide surveyed cross-sections at 50-foot intervals on portions of Northlake Way NW, Lebers Lane NW and NW Grover Lane that are within the limits of proposed improvements. The cross-sections should show existing and proposed pavement, shoulders, ditches, and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.

the paved shoulders. The increase in the number of vehicles due to applicant's proposal does not provide a sufficient basis to apportion costs. Were the vehicles associated with the proposed use identical to the vehicles travelling the road today, wider lanes would likely not be warranted. It is the particular characteristics of the trucks and pups that require wider shoulders. Applicant's addition of this specific type of truck to the traffic on this road does provide sufficient nexus between the required road improvements and a public problem which will be exacerbated by the project. *City of Battle Ground v. Benchmark Land Co.*, 103 Wn. App. 721, 727, 14 P.3d 172 (2000). Applicant's argument that it should not bear the full cost of the shoulder improvements is not persuasive.

146. Road frontage improvements consisting of curb, gutter, and sidewalk, shall be constructed on the north side [of] Lebers Lane NW and on the north side of NW Grover Lane between Lebers Lane NW and Northlake Way NW.

Exhibit 109; Exhibit 129.

180. In a December 10, 2009 memorandum, County DE staff also proposed the following condition of CUP approval:

161. Prior to or concurrent with the SDAP submittal, an addendum shall be prepared to the December 2007 traffic study evaluating the intersection of Northlake Way NW and Seabeck Highway NW. If deficiencies are identified pursuant to Kitsap County Code Title 11 or the Kitsap County Road Standards, any required correction measures shall be designed and incorporated in the SDAP plans prior to SDAP approval. Correction measures may include, but are not limited to, geometric changes to the intersection or the addition of lighting.

Exhibit 130.

181. The closing statement and testimony rebuttal submitted by the Applicant states that the Applicant does not agree with the condition proposed by County staff addressing shoulder improvements along Northlake Way that would require the Applicant to construct and pay for eight-foot wide shoulders on either side of Northlake Way from Lebers Lane to Chico Way. According to the closing statement and testimony rebuttal, the proposed construction would require use of most or all of the County right-of-way (ROW); would impact property owners currently encroaching onto the ROW; and a requirement that the Applicant pay 100-percent of the cost of shoulder improvements along Northlake Way is not proportionate to the impacts resulting from the proposed development. The closing statement and rebuttal argues that the proposed development's impact on traffic volume on Northlake Way would be approximately 6.7-percent over existing traffic volume.⁴⁶ The closing statement and testimony rebuttal states that the Applicant agrees with all other proposed conditions. *Exhibit 160.*

⁴⁶ Earlier testimony by Mr. Perlic estimated that the proposed development's impact on traffic volume on Northlake Way would be approximately three-percent over existing conditions. *Testimony of Mr. Perlic.*

CONCLUSIONS

Jurisdiction

The Kitsap County Hearing Examiner has authority to hear and decide an administrative appeal of a final environmental impact statement (FEIS). *Kitsap County Code (KCC) 18.04.210.A.1.*

In accord with KCC 18.04.210.A.2, an administrative appeal relating to a FEIS shall be combined with and heard by the reviewing body for the underlying action. *KCC 18.04.210.A.2.* Ueland Tree Farm, LLC (Applicant) submitted a conditional use permit (CUP) application for the Ueland Tree Farm Mineral Resource Development to Kitsap County (County) on December 7, 2007. The Kitsap County Hearing Examiner has authority to hear and decide CUP applications. *KCC 2.10.070; KCC 17.421.020.A; KCC Table 21.04.030; KCC 21.04.080.A; KCC 21.04.080.E.* Thus, the Hearing Examiner must hear and decide the FEIS administrative appeal together with the CUP application.

Criteria for Review

SEPA Appeal

The State Environmental Policy Act (Chapter 43.21C RCW or "SEPA") specifies the environmental review procedures the City must follow for proposals that may have an impact on the environment. The primary purpose of the act is to "insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations." Every proposal that may impact the environment must undergo some level of environmental review. *RCW 43.21C.030 (b).*

Kitsap County (County) acted as lead agency under the State Environmental Policy Act (SEPA), Ch. 43.21C RCW, and analyzed the environmental impact of the proposed Ueland Tree Farm Mineral Resource Development in a Final Environmental Impact Statement (FEIS) issued by the County on August 25, 2009. The Appellant challenges FEIS adequacy, including the adequacy of impacts and alternatives discussed within the FEIS, and adequacy of measures identified by the County within the FEIS to mitigate significant adverse impacts.

The Hearing Examiner determines FEIS adequacy under SEPA as a question of law subject to de novo review. *King County v. Central Puget Sound Growth Management Hearings Board*, 138 Wn.2d 161 (1999). FEIS adequacy is determined according to the rule of reason, which requires the FEIS to contain a "reasonably thorough discussion of the significant aspects of the probable environmental consequences." *King County*, at 182. SEPA rules call for a level of detail commensurate with the importance of impacts and plausibility of alternatives. See *Citizens v. Klickitat County*, 122 Wn.2d 619, 641 (1993), *op. revised*, 866 P.2d 1256 (1994). For example, in *Citizens Alliance To Protect*

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Our Wetlands (CAPOW) v. City of Auburn, the Washington Supreme Court held that asserted deficiencies in the traffic analysis for a proposed thoroughbred racetrack did not survive the rule of reason. 126 Wn.356 (1995) (FEIS devoted 42 pages to extensive description and discussion of traffic problems, conceding the racetrack's substantial impacts to traffic would make a bad situation worse). If information on significant adverse impacts essential to making a reasoned choice among alternatives is not known and costs of obtaining the information not exorbitant, the information must be obtained and included in the EIS. WAC 197-11-080(1). When information is incomplete or scientifically uncertain, such deficiencies must also be disclosed. WAC 197-11-080(2).

Thus, what is reasonable information about the proposal, its alternatives, and their environmental impacts depends upon what is known, knowable, and cost-effective to ascertain. Settle, THE WASHINGTON STATE ENVIRONMENTAL POLICY ACT: A LEGAL AND POLICY ANALYSIS, Section 14.01 [1] [c] (2008). Under SEPA, "alternatives to the proposed action" must be included in an EIS. RCW 43.21C.030(2)(c)(iii). SEPA implementing regulations require that the alternatives must be "reasonable", including "actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation." WAC 197-11-440(5)(b)⁴⁷.

According to SEPA regulations, "reasonable" is intended to "limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative," and reasonable alternatives "may be those over which an agency with jurisdiction has authority to control impacts either directly [] or indirectly through requirement of mitigation measures." WAC 197-11-440(5)(b). An alternative considered within an EIS need not be certain or uncontested, it must only be reasonable. King County, at 385; *see, e.g. CAPOW v. City of Auburn*, 126 Wn.2d 356 (1995) (even though alternatives determined unfeasible for the proposed project, FEIS sufficiently disclosed, discussed, and substantiated lack of alternative sites).

SEPA regulations require that an EIS describe the proposed action, the "no action" alternative, and other reasonable alternatives. WAC 197-11-440(5)(b); WAC 197-11-440(5)(c). The EIS must devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action, though the amount of space devoted to each alternative may vary. One alternative

⁴⁷ SEPA regulations define "reasonable alternative" as "an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly [] or indirectly through requirement of mitigation measures." WAC 197-11-786.

may be used as a benchmark for comparing alternatives, and the EIS may indicate the main reasons for eliminating alternatives from detailed study. *WAC 197-11-440(5)(c)(v)*.

The EIS must “present a comparison of the environmental impacts of the reasonable alternatives,” *WAC 197-11-440(5)(c)(vi)*, and must include analysis of the significant impacts on both the natural environment and the built environment. *WAC 197-11-440(6)(e)*. Not every remote and speculative consequence of an action must be included in an EIS, *Cheney, Jr. v. City of Mountlake Terrace*, 87 Wn.2d 338 (1976), but decision-makers must be provided with “sufficient information to make a reasoned decision.” *CAPOW v. City of Auburn*, at 362.

As the EIS is not an end in itself but a tangible vehicle for environmental analysis required to pervade agency decision-making, the EIS is not static and must change as the proposal, environmental impacts, and needs of different agencies change. Settle, *THE WASHINGTON STATE ENVIRONMENTAL POLICY ACT: A LEGAL AND POLICY ANALYSIS*, Section 14.01 (2008) (citing *WAC 197-11-600*). *WAC 197-11-600(b)* provides that a supplemental EIS (SEIS) is required if there are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of, if a Determination of Significance (DS) will be withdrawn), though a SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in existing environmental documents. *WAC 197-11-600(b)*; see also *Barrie v. Boundary Review Board*, 97 Wn.2d 232 (1982) (existing EIS adequate where lead agency determined that no significant changes to the project had taken place requiring a new EIS under *WAC 197-10-495*).

Washington court decisions have found an EIS to be inadequate. In *Weyerhaeuser v. Pierce County*, 124 Wn.2d 26 (1994), the Supreme Court held that a proposed project was public, not private, in nature and thus required consideration of off-site alternatives, consistent with prior court decisions interpreting administrative rules. In *Barrie v. Kitsap County*, 93 Wn.2d 843 (1980), the court held the EIS inadequate because it did not consider reasonable alternatives, namely, alternative shopping center sites, where the goal of the proposal was to establish a regional shopping center.

In *Kiewit Construction Group v. Clark County*, 83 Wn.App.133 (1996), the court also found the EIS to be inadequate. In *Kiewit*, the Applicant submitted a CUP application for a new asphalt manufacturing plant at its existing quarry. After review of the record, including the EIS issued by the County, the County Hearings Examiner approved the CUP with a number of conditions targeted to mitigate the effect of increased truck traffic in the area. The County Board of Commissioners passed a resolution that the EIS inadequately disclosed and discussed traffic concerns, particularly the safety hazards posed by increased truck traffic along a two-lane road designated a scenic route, adjacent

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to which a bicycle trail was planned. The EIS estimated trips generated by the proposed use and when trips would occur, but determined that trips generated would not be significant and would not adversely affect traffic conditions. Recommended mitigation included installation of warning signs and an additional traffic signal loop detector at the quarry entrance. The EIS also stated that the planned bicycle trail would greatly improve pedestrian and bicycle safety, as no traffic accidents with pedestrians or bicycles have occurred at the intersection of the quarry road and scenic route. The EIS stated that additional truck traffic could interfere with the trail, as trucks must cross railroad tracks running parallel to the planned trail, and that the impact could not be mitigated. The EIS did not discuss the specific impact of truck traffic on the trail or the feasibility of building direct access ramps from the quarry entrance, bypassing the scenic route and parallel bike trail.

The *Kiewit* court found the EIS inadequate because construction of the bicycle trail was not remote or speculative; the EIS failed to discuss the full effect of truck traffic on bicyclists and other trail users; and the EIS failed to discuss the alternative of direct access ramps. The court distinguished its decision in *Kiewit* from its decision in *Marantha Mining v. Pierce County*, 59 Wn.App. 795, 801 (Div. II, 1990) (County denial of permit to operate surface gravel mine and asphalt plant overturned where County disregarded record before it and based decision instead “on community displeasure and not on reasons backed by policies and standards as the law requires”).

Once the alternatives -including the proposed development alternative- and their impacts have been identified and comparatively described within an EIS, the EIS must also address the affected environment, significant impacts, and mitigation measures. WAC 197-11-440(6). RCW 43.21C.240(3) provides that a County must not impose additional mitigation under SEPA if a County’s comprehensive plans, subarea plans, or development regulations adequately address a project’s probable specific adverse environmental impacts if it adopts this approach to environmental review, as has Kitsap County.⁴⁸ RCW 43.21C.240(3); WAC 197-11-158. The County may attach conditions to

⁴⁸ The County adopted WAC 197-11-158 by reference, KCC 18.04.020. WAC 197-11-158 provides that when reviewing the environmental impacts of a project and making a threshold determination, a city adopting development regulations and a comprehensive plan under the Washington Growth Management Act (GMA), Ch. 36.70A RCW, may, at its option, determine that the requirements for environmental analysis, protection, and mitigation measures in the GMA City’s development regulations and comprehensive plan adopted under Ch. 36.70A RCW, and in other applicable local, state, or federal laws or rules, provide adequate analysis of and mitigation for some or all of the specific adverse environmental impacts of a project. WAC 197-11-158. The County has adopted development regulations and a comprehensive plan under the GMA. KCC 17.100.020. According to the Washington appellate courts, “[t]he integration of Growth Management and Environmental Review Act (Laws of 1995, ch. 347, codified at RCW 43.21C.240 and chapter 36.70B RCW) was enacted to avoid duplicative environmental analyses and substantive mitigation of development projects by assigning the State Environmental Policy Act

a permit or approval for a proposal under SEPA so long as: such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents issued under Ch. 18.04 KCC; such conditions are in writing; the mitigation measures included in such conditions are reasonable and capable of being accomplished; the County has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and such conditions are based on one or more policies set forth in KCC 18.04.200.D and cited in the County's decision document.⁴⁹ *KCC 18.04.200.B*. When the decision maker imposes mitigation measures as part of an EIS, this does not necessarily mean that unmitigated impacts no longer exist or will be totally eradicated by mitigation, but merely that as mitigated, the project as a whole is acceptable. *Victoria Tower Partnership v. City of Seattle*, 59 Wn.App. 592 (Div. I, 1990).

The Hearing Examiner does not stand in the shoes of the County Responsible Official to make a new, independent SEPA determination based upon the facts in the record; rather, the Hearing Examiner must give the County's SEPA determination substantial weight. *RCW 43.21C.090; KCC 18.04.210.A.6*. In considering the appeal, the Hearing Examiner may consider environmental information presented after issuance of the threshold determination, including information presented during the SEPA appeal hearing. The purposes of SEPA are accomplished if the environmental impacts of the proposed development are mitigated below the threshold of significance, even if the mitigation is not identified in the SEPA document. *Moss v. City of Bellingham*, 109 Wn. App. 21, 25 (2005) (citizens did not show any evidence of significant environmental impact as mitigated under the applied conditions).

(chapter 43.21C RCW) a secondary role to (1) more comprehensive environmental analysis in comprehensive plans enacted pursuant to the Growth Management Act (chapter 36.70A RCW) and their programmatic environmental impact statements and (2) systematic mitigation of adverse environmental impacts through local development regulations and other local, state, and federal development or environmental laws." *Moss v. City of Bellingham*, 109 Wn.App. 6 (Div. I, 2001).

⁴⁹ The policies set forth in KCC 18.04.200.D are: policies set forth in RCW 43.21C.020; the Kitsap County Water and Sewerage Plans; the Kitsap County Shoreline Management Master Program, KCC Title 22; the Kitsap County Comprehensive Plan; the Kitsap County View Blockage Resolution, Ch. 17.450 KCC; the Kitsap County Noise Ordinance, Ch. 10.28 KCC; the Kitsap County Zoning Ordinance, KCC Title 17; the Kitsap County Building Code, Ch. 14.04 KCC; Kitsap County Flood Damage Prevention Ordinance, KCC Title 15; the Kitsap County Parks, Recreation and Open Space Plan; the Kitsap County Bicycle Facilities Plan; the Kitsap County Health District regulations; the Kitsap County Subdivision Ordinance, Chs. 16.04 - 16.44 KCC; the Kitsap County Short Subdivision Ordinance, Ch.16.48 KCC; the Kitsap County Storm Water Management Ordinance, KCC Title 12; the Kitsap County Critical Areas Ordinance, KCC Title 19; and the Kitsap County-wide Planning Policy, adopted November 22, 2004, as may hereafter be amended. *KCC 18.04.200.D*.

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Conditional Use Permit

The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with the applicable requirements of this title;
3. The proposal will not be materially detrimental to uses or property in the immediate vicinity; and
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

As a condition of approval, the Hearing Examiner may:

1. Increase requirements in the standards, criteria, or policies established by this title;
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.382;
4. Include requirements to improve parity with other uses permitted in the same zone protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The Hearing Examiner may not in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and

8. Impose any requirement that will protect the public health, safety, and welfare.

If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the conditional use permit shall be denied.

KCC 17.421.030.

Conclusions Based on Findings

SEPA Appeal

1. **Kitsap County did not err in analyzing the environmental impacts of the proposed Ueland Tree Farm Mineral Resource Development, as required by the State Environmental Policy Act (SEPA), Ch. 43.21C RCW. The Ueland Tree Farm Mineral Resource Development Final Environmental Impact Statement (FEIS) adequately analyzed impacts of proposed development alternatives and mitigated otherwise probable significant adverse impacts of proposed development.**

SEPA requires government agencies to prepare a detailed statement on major actions that would have a probable, significant adverse environmental impact, to consider the impact of actions on the environment in a thoughtful, rational way. *RCW 43.21C.020(2); RCW 43.21C.031(1)*. Under this central, guiding principle, EPA does not compel environmentally wise choices or rule on the wisdom of a proposed development but provides decision-makers with sufficient information to make a reasoned decision. Settle, *THE WASHINGTON STATE ENVIRONMENTAL POLICY ACT: A LEGAL AND POLICY ANALYSIS*, Section 14.01 (2008) (citing *Citizens Alliance to Protect Our Wetlands v. City of Auburn*, 126 Wn.2d 356, 362 (1995)). Indeed, as the Washington Supreme Court determined, SEPA requires that presently unquantified environmental amenities and values are given appropriate consideration in decision making along with economic and technical considerations, so that it is an attempt by the people to shape their future environment by deliberation, not default. *Norway Hill v. King County Council*, 87 Wn.2d 267, 272 (1976). In the case of the Ueland Tree Farm Mineral Development proposal, the very extensive record, including numerous exhibits and substantial testimony given during many public hearings, reflects this steady, focused deliberation by the community characteristic of SEPA's central guiding principles.

However focused and deliberate the discussion may be, SEPA requires that the detailed statement, or Environmental Impact Statement (EIS), is adequate under the law. FEIS adequacy is considered a question of law, and is determined according to the rule of reason, which requires the FEIS to contain a reasonably

thorough discussion of the significant aspects of the probable environmental consequences. King County v. Central Puget Sound Growth Management Hearings Board, 138 Wn.2d 161 (1999). Under SEPA, a thorough discussion means enough detail to be commensurate with the importance of impacts and plausibility of alternatives, and enough detail to make a reasoned choice among alternatives. Reasonable alternatives are those that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation, and must include consideration of a "no action" alternative. Reasonable alternatives may be those over which an agency has authority to control impacts directly or through imposition of mitigation measures. Overall, the EIS must compare the probable impacts of reasonable alternatives for a rational process of choosing among alternatives. If a proposed action changes while an agency is engaged in the decision-making process, the agency is required to determine whether the change would result in significant adverse environmental impacts, and if so, ensure the rational decision-making process includes consideration of those impacts.

If an agency determines a proposal would have probable significant adverse environmental impacts, the agency must mitigate those impacts below the level of significance through conditioning the proposal. Imposing mitigation as part of an EIS does not necessarily mean impacts would be eliminated, but that otherwise probable significant adverse impacts have been mitigated across the project as a whole. As Washington courts have decided, the purposes of SEPA are accomplished if the environmental impacts of the proposed development are mitigated below the threshold of significance, even if the mitigation is not identified in the SEPA document. Moss v. City of Bellingham, 109 Wn. App. 21, 25 (2005).

In determining the adequacy of the EIS issued by Kitsap County (County) staff to evaluate the environmental impacts of alternatives for the Ueland Tree Farm (UTF) Mineral Resource Development proposal, the Hearing Examiner does not stand in the shoes of the County Responsible Official to make a new, independent SEPA determination based on the information in the record. Instead, Kitsap County Code and state law require the Hearing Examiner to give the County's determination substantial weight. *RCW 43.21C.090; KCC 18.04.210.A.6.*

Concerned Citizens of Chico Creek Water Basin (CCCCWB), the Appellant, argues that the County's EIS did not adequately analyze environmental impacts of the proposed UTF Mineral Resources Development, including traffic, land use, hydrology, stormwater, wildlife, critical areas, and pedestrian and bicyclist safety; and that the Reduced Scale Alternative analyzed within the EIS does not allow the

County to make a reasoned choice among alternatives. The Appellant also argue that the County has not adequately mitigated otherwise significant impacts of the proposed development alternative.

However, the Reduced Scale Alternative is a reasonable alternative under SEPA. The County's EIS analyzed the environmental impacts of three alternatives: the proposed development alternative (PDA), the reduced scale alternative (RSA), and the no action alternative. According to the EIS, the RSA would include sand, gravel, and basalt mining with reclamation and topsoil production activities on the property subject to the CUP application, but at a reduced scale and over a reduced area of the subject property in comparison to the PDA. The RSA would not include a concrete batch plant or railroad spur line, as initially proposed in the PDA. Exhibits and testimony in the record shows that development of reduced scale and reduced area mining and topsoil production operations and elimination of the initially proposed concrete batch plant and railroad spur line would result in lesser environmental impacts than PDA development at the same site. As the proposed project objective is to develop gravel and basalt mining and topsoil production operations for commercial sale, the RSA could feasibly attain or approximate the proposed project objectives at a lower environmental cost. The subject property is owned by the Applicant, with a proposed access route over Applicant-owned and County roads. Thus, the RSA is a reasonable alternative under SEPA, and aids the County in rational decision-making when RSA impacts are compared to impacts of other alternatives.

The Appellant also argues that the County EIS is inadequate under SEPA because it did not consider alternatives incorporating south access routes to the subject property. However, under the rule of reason, it is not reasonable to extensively explore south access route alternatives in the EIS. Property adjacent to the south of the subject property is owned by the City of Bremerton. A September 23, 2009 letter from the City Public Works and Utilities Director states that the City will not allow access across its property for access to and from the proposed development. There is no information in the record that indicates the City has changed its position and will allow access. Thus, property essential to creating a south access route to the subject property is not under Applicant or County authority, and neither the Applicant nor County could control impacts directly or indirectly through imposing mitigation measures. Moreover, the EIS states a south access route would result in more significant potential impacts to critical areas and wildlife than north access route alternatives, resulting in an alternative that would not accomplish project objectives at a lower environmental cost. The Kitsap County Code (KCC) requires that Hearing Examiner give the County's determination substantial weight. The County EIS complies with SEPA by

identifying potential south access alternatives and stating the main reasons for eliminating alternatives from detailed study. *See WAC 197-11-440(5)(c)(v)*.

The EIS does adequately analyze environmental impacts of the no action alternative (NAA), RSA, and PDA, including traffic, land use, hydrology, stormwater, wildlife, critical areas, and pedestrian and bicyclist safety impacts, and presents sufficient information to make a reasoned decision among alternatives. The EIS includes sections analyzing geology and soils; air quality; surface water and wetlands; groundwater; vegetation and wildlife; noise and vibration; land use; transportation; aesthetic quality; cultural resources; recreation; public services and utilities; and cumulative impacts of alternatives. The sections analyze impacts on both the natural environment and the built environment, including impacts on nearby residential homes and street systems. The EIS references and relies upon the DEIS, which in turn references and relies on an exhaustive list of studies, maps, assessments, information sources, and analyses of the subject property and vicinity that establish existing conditions, model future conditions with the PDA, RSA, and NAA, and evaluates impacts of the PDA, RSA, and NAA by comparing existing conditions to future conditions. Exhibits and testimony in the record show that the County considered and responded to public and agency comment throughout the EIS scoping and drafting process, drafting additional conditions to mitigate otherwise significant adverse environmental impacts and issued an Addendum providing additional information about impacts of the proposed alternatives. The Addendum contained information on Kitsap County bicycle routes; proposed modifications to reduce stormwater impacts; proposed mitigation concerning truck traffic hours of operation on school days; and a response to a March 19, 2009 WDNR letter inadvertently omitted from the FEIS.

Near the close of the open record hearing on the SEPA appeal, the Applicant reported a change in the proposed development that proposed Gravel Mine B would be eliminated from proposed mining operations and replaced by property constrained by a conservation easement. According to exhibits and testimony in the record, the conservation easement would create approximately 100 acres of conservation areas within the subject property to be protected from substantial development. When a proposal changes, SEPA requires that the lead SEPA agency issue a supplemental EIS (SEIS) if there are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of, if a Determination of Significance (DS) will be withdrawn), though a SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in existing environmental documents. *WAC 197-11-600(b)*. In the case of the SEPA

Addendum, the County decided that impacts of the modified development alternatives were within the range of alternatives and significant adverse impacts already analyzed within the EIS. In the case of the conservation easement, there are no exhibits or testimony in the record to indicate the County decided to issue a SEIS after notification of the easement. The Kitsap County Code (KCC) requires that the Hearing Examiner must not stand in the shoes of the County SEPA Responsible Official and make a new determination whether the County should issue a SEIS; instead, the KCC requires that the Hearing Examiner must give the County's decision substantial weight. Giving the County's decision substantial weight, it was reasonable for the County to determine that the impact of eliminating a proposed mining site and preserving the site for conservation purposes were within the range of alternatives and significant adverse impacts already analyzed within the EIS.

The County imposed approximately 160 conditions on the development proposal to mitigate otherwise significant adverse environmental impacts of the proposed development alternatives, including traffic, land use, hydrology, stormwater, wildlife, critical areas, pedestrian and bicyclist safety, air emissions, noise, and dust impacts. Unlike the EIS presented to the courts for analysis in *Kiewit Construction Group v. Clark County*, 83 Wn.App. 133 (1996), the EIS prepared by the County for the proposed UTF Mineral Resource Development did state that truck traffic associated with the proposed use could adversely affect pedestrians and bicyclists along Lebers Lane and Northlake Way, and imposed several conditions to mitigate safety impacts, including sidewalk construction, construction of wider shoulders, road maintenance, intersection reconstruction, and construction of center turn lanes. In addition, the EIS discussed alternative access routes to the proposed development, discussed impacts of alternative access routes, and identified why alternative access routes are not feasible.

While mitigation conditions imposed by the County under SEPA may not eliminate all impacts of proposed development, SEPA does not require that result. Instead, SEPA merely requires that as mitigated, the project as a whole is acceptable and otherwise significant impacts no longer rise to a level of significance. *Victoria Tower Partnership v. City of Seattle*, 59 Wn.App. 592 (Div. I, 1990). When imposing conditions to mitigate otherwise significant impacts, the County must consider whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts. *KCC 18.04.200.B*. In this case, the County determined that development proposal compliance with County Code provisions would help to mitigate otherwise significant impacts. Exhibits and testimony in the record do not show that

impacts would be significant, as mitigated, under the conditions imposed. Consistent with KCC, SEPA mitigation conditions are adopted as conditions of the underlying CUP proposal. Impacts of the proposed development alternative are further mitigated through additional conditions on the CUP. *Findings 1, 3 - 97.*

Conditional Use Permit

- 1. With conditions, the proposed use would be consistent with the Comprehensive Plan.** A portion of the subject property is designated Rural Wooded (RW) by the County Comprehensive Plan, and the remainder designated Forest Resource Lands (FRL) by the Comprehensive Plan. Consistent with the RW designation, the subject property has been historically managed for forestry. Under the development proposal, mining development on the subject property would be segmented and incremental. Only approximately 10 acres at one quarry and 10 acres at one mine within the subject property would contain active mining at any given time. Quarry A would operate from 2010-2022; Gravel Mine A would operate from 2010-2032; Quarry B from 2022-2037; and Quarry C from 2037-2059. The approximately 10 acre sites would be reclaimed and replanted to promote reforestation following the end of mining operations. Reclaimed sites would continue operate as commercial forest lands, consistent with the FRL designation. A new active site would not be opened until reclamation on the former mine site is completed. Thus, the subject property would remain in large, contiguous blocks of forest lands, consistent with the RW designation. Consistent with Comprehensive Plan goals for the FRL designation, mineral extraction operations would be located on the subject property. Conditions of approval addressing stormwater, wildlife, water systems, non-motorized travel, and LOS standards are necessary to ensure consistency with Comprehensive Plan Land Use Element, Natural Systems Element, and Transportation Element goals and policies. *Findings 1, 3, 4, 13 – 17, 37, 42, 44 – 47, 104.*
- 2. With conditions, the proposed use would comply with the applicable requirements of KCC Title 17.** The County gave adequate notice and opportunity to comment on the CUP application. The County analyzed the environmental impacts of the proposed use, as required under SEPA, and determined that the proposed use would have probable significant adverse environmental impacts. The County issued an EIS analyzing and comparing the impacts of alternatives that would accomplish proposed project objectives, and imposing conditions to mitigate otherwise significant adverse impacts under SEPA. The proposed use is an allowed use within the County's RW zoning

district with a CUP. Aggregate extraction sites are an allowed use within the FRL zoning district, if no greater than two acres for the purpose of construction and maintenance of a timber management road system, if the total parcel to be developed with the use is at least 20 acres in size. Conditions of approval are necessary to ensure that operation of the proposed use does not exceed limitations for aggregate extraction site operation within the County's FRL zoning district.

As required by the Kitsap County Code in effect when the CUP application vested with the County, the Applicant prepared a Traffic Study evaluating the existing street system in the vicinity of the subject property and predicting the impact of the proposed use on the street system and system users. The Applicant received a Transportation Capacity Reservation Certificate for the proposed project from the County. Conditions of approval are necessary to ensure that the Applicant pays impact fees, as required under the KCC, that proposed road improvement designs comply with County road standards, and that the Applicant's share of the cost of Northlake Way shoulder improvements complies with RCW 82.02.020.

Temporary construction noise and blasting noise is exempt from regulation under the KCC. Operation of the proposed use would not produce sound at residential receiving properties exceeding noise limits for residential receiving properties set forth within the KCC. Conditions of approval are necessary to ensure construction of earthen berms that would further lessen noise impact of the proposed use. Conditions of approval are also necessary to ensure nuisance gravel from trucks associated with the proposed use is minimized in accord with PSCAA regulations.

Conditions of approval requiring intersection improvements are necessary to ensure that operation of the proposed use does not decrease the existing LOS at the Lebers Lane/Grover Lane/Northlake Way intersection. The proposed use would not encroach onto existing streams or stream buffers. A small portion of the proposed use would encroach onto existing wetland buffer on the subject property, but encroachment would be mitigated through use of buffer averaging, as allowed by the KCC. Conditions of approval are necessary to ensure that the proposed use does not have an impact over existing conditions on groundwater quantity or quality in the vicinity or over surface water quantity or quality. Conditions are also necessary to ensure that the proposed use maintains required setbacks from steep slopes; retains adequate native vegetation buffers; and manages stormwater runoff from the subject property in compliance with the KCC. *Findings 1 – 97, 105 – 113, 118 - 119, 124 – 129, 132 – 145, 152 – 171, 176, 177, 179 – 181.*

3. **With conditions, the proposed use would not be materially detrimental to uses or property in the immediate vicinity.** To establish whether a material detriment will occur to uses or property in the immediate vicinity as a result of the proposed use, one must first take stock of the current uses and condition of property in the immediate vicinity of the proposed use. A 2007 Ueland Tree Farm Kitsap Lake Property Draft Sub-Basin Assessment (2007 Draft Sub-Basin Assessment) reports that culverts located in the vicinity of the subject property to redirect surface water flow away from roads and homes need to be upgraded. Existing development, including land use change, road construction, and forest harvest, has already disconnected Chico Creek from its floodplain. Creek banks are unstable. Existing culverts and bridges have inhibited natural sediment and large woody debris movement through the watershed to outlets in Kitsap Lake and the Puget Sound, creating areas of sediment loading and wasting, which can impact the quality of fish habitat in the watershed. Increase in impervious surface associated with residential, road, and forest harvest development has caused peak storm flows to increase in magnitude and frequency over time. Thus, less water is available throughout the watershed to sustain stream flow during dry months.

Exhibits and testimony in the record echo the circumstances reported in the 2007 Draft Sub-Basin Assessment. Exhibits and testimony in the record also describe the condition of streets and residences in the vicinity of the subject property. According to the record, residential uses have encroached onto County right-of-way (ROW) along Northlake Way. Northlake Way has not been reconstructed, only maintained over time, and thus is different from other minor arterial streets within the County. Lebers Lane and Northlake Way have historically been used by trucks hauling forest product from the subject property to market. County employees have occasionally driven a truck and pup down Northlake Way. County nighttime noise limits have been exceeded in several locations over time.

Northlake Way currently does not have wide enough shoulders to ensure pedestrian and bicycle safety. The nearest transit stop to the proposed development is located at Taylor Road and Northlake Way; a school bus stop operates at the Northlake Way/Lebers Lane intersection. Current cross sectional facilities available on Northlake Way do not meet the AASTHO or WSDOT minimum standards for safe bicycle routes. Chico Way has not yet been added to the Mosquito Fleet bike trail network, but is depicted within the County Bicycle Facilities Plan. Approximately 97 residential driveways are located along Northlake Way. The Northlake Way/Lebers Lane intersection currently operates at LOS B or better. According to the Applicant's Traffic Study, the Lebers Lane/Grover Lane/and Northlake Way intersection does not currently meet minimum access spacing requirements or sight distance requirements. Lebers

Lane does not currently contain sidewalks. Lebers Lane and Northlake Way currently contain curves in the roadway that do not provide unimpeded sight distance.

After evaluating current conditions, one must identify the impacts of the proposed use based on exhibits and testimony in the record, and then determine whether impacts would have a detrimental effect, when compared to existing conditions. An area of residential development exists adjacent to the northeast of the proposed development, across a U.S. Navy-owned railroad track. The closest residences to the proposed development, and thus, those most likely to experience the full, immediate magnitude of impacts of the proposed use, are owned by the Applicant. Proposed mining would be located at least 600 feet away from the nearest existing residence; proposed blast zones would be located approximately 4,000 feet (over a half mile) from the nearest residence. Adjacent property would be separated from the proposed use by a forested buffer. Conditions of approval are necessary to ensure that the buffer is at least 50-feet thick. Only 10 acres at one quarry and 10 acres at one mine would be actively mined at any given time within the subject property. Active mine sites would be reclaimed and re-vegetated prior to opening of a new active mine site. After reclamation and re-vegetation, the property would continue to operate as a working, commercial forest.

A variety of trucks, including trucks and pups, would be used to haul mining product from the subject property. Vehicles would travel over existing roads within the residential neighborhood, with associated noise, dust, emissions, and traffic impacts. Conditions of approval are necessary to ensure streets in the vicinity of the proposed development are improved to absorb impacts of development and provide safe driving, walking, and biking conditions over existing conditions by requiring applicant to make intersection and shoulder improvements. While some of the neighbors may be temporarily impacted by the necessity to reclaim County right of way to accommodate the planned shoulder improvements, the mitigation proposed by the County will address the wider and heavier trucks applicant's project will be adding to the road. The fact that some neighbors have encroached into the right of way over the years should not act to prevent the needed shoulder widening. The project's planned addition of specific truck and pup combinations to this road, which are much heavier and wider than trucks presently using the road, creates the nexus required by RCW 82.02.020. Noise and emissions would not exceed existing regulatory limits. Conditions of approval are necessary to control fugitive dust.

Proposed development would occur outside of existing wetlands, streams, steep slopes, and associated buffers, with the exception of an encroachment onto a portion of the Wetland 1 and Wetland 3 buffer on the subject property. Buffer encroachment would be mitigated through buffer averaging as allowed under the KCC. Testimony and exhibits in the record support the conclusion that buffer encroachment would not occur over 30-percent of the contributing area for either wetland. The proposed use would obtain water from the City of Bremerton, and thus would not draw water from groundwater in the vicinity. Air emissions impacts of the proposed use would not exceed PSCAA limits. The proposed use would operate an on-site septic system. Conditions of CUP approval are necessary to ensure that the system is operated in compliance with the KCC.

Exhibits and testimony in the record also support the conclusion that stormwater management and control mechanisms associated with construction and operation of the proposed use are designed to mimic existing drainage from the subject property. Stormwater management and control mechanisms design to mimic existing drainage from the subject property would not exacerbate existing drainage conditions on the property or in the vicinity. Conditions of approval are necessary to ensure adequate monitoring and reporting of any unforeseen impacts on existing drainage patterns, groundwater, and surface water in the vicinity of the proposed use, and to ensure use of adaptive management if impacts are detected.

Mitigation conditions imposed under SEPA have mitigated otherwise significant probable adverse environmental impacts below the level of significance. Additional conditions of CUP approval are necessary to ensure that the proposed development complies with the protections for communities and the environment against material detriment established within policies and standards set forth in state law and the KCC. Thus, the proposed use would not be materially detrimental to uses or property in the immediate vicinity. *Findings 1, 3 – 97, 85, 105 – 112, 115, 120 – 122, 124 – 137, 152 – 181.*

DECISION

Based upon the preceding Findings and Conclusions, the Appellant's State Environmental Policy Act (SEPA) appeal of Kitsap County's Final Environmental Impact Statement (FEIS) is **DENIED**. The denial of an appeal does not mean that there are no impacts from the proposed project. It does mean that impacts of the proposed use, including traffic operations impacts, vehicle trip distribution impacts, and land use impacts, were adequately analyzed by the County under SEPA, Ch. 43.21C RCW, and

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that mitigation measures identified in the FEIS will mitigate otherwise significant probable adverse impacts of the proposed use.

Based upon the preceding Findings and Conclusions, the request for a conditional use permit to construct and operate the Ueland Tree Farm Mineral Resource Development project, including sand and gravel mines, basalt quarries, concrete batch plant, and topsoil facility at the Ueland Tree Farm in the vicinity of Lebers Lane in Kitsap County, Washington, is **APPROVED**, with the following conditions of approval:

1. Adoption and compliance with all proposed project mitigations and best management practices outlined in the Draft EIS (DEIS), dated February 2009, (Exhibit 73) for the proposed Development Alternative. These mitigations are set forth in the following DEIS chapters:
 - i. 2.5 Geology and Soils
 - ii. 3.4 Air Quality
 - iii. 4.5 Surface Water and Wetlands
 - iv. 5.5 Groundwater
 - v. 6.5 Vegetation and Wildlife
 - vi. 7.5 Noise and Vibration
 - vii. 8.5 Land Use
 - viii. 9.5 Transportation
 - ix. 10.4 Aesthetic Quality
 - x. 11.5 Cultural Resources
 - xi. 12.4 Recreation
 - xii. 13.4 Public Services and Utilities
2. The above mitigations are henceforth adopted as conditions of the CUP.
3. No surface water features will be constructed above the bedrock slopes around the perimeter of the mine limits during mining or reclamation activities to avoid recharging potential planes of weakness in the rock slopes.
4. During reclamation, the final bedrock slopes will be buttressed with imported fill material. The fill would be compacted following the earth embankment standards

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outlined in WSDOT's Standard Specifications (2000). Wet or saturated soils will be dried prior to placement in structural fills. No oversize, organic material or concrete debris will be used in the backfill material.

5. Movement of rock will occur during blasting. Any debris from block failures in the interior portion of the highwall during mining would be contained onsite and collected for processing.
6. The reclamation fill soils will be placed at relatively low gradients, and the risk of erosion is considered low. Stormwater runoff from the reclaimed pit would be directed to the proposed sediment ponds.
7. Stormwater runoff from the bedrock mine area should not be directed to sloping areas or allowed to randomly discharge on the site. Stormwater or intercepted groundwater seepages within the bedrock should discharge into riprapped drainage ditches that empty into the approved sedimentation ponds.
8. To reduce the risk of surface water runoff on the fill slopes triggering erosion and sediment transport, fill slopes shall be constructed with a minimum 5-foot wide bench every 25 vertical feet. The bench will reduce surface water runoff velocities and the risk of rill and channel erosion. The benches shall be backpacked into the hillside. Runoff from the benches shall be directed to the proposed sediment pond or the proposed surface water depressions.
9. Source control mitigation measures for reclaimed fill slopes shall include the proper placement of hydroseeding and straw mulch (tacked down). In addition, prior to revegetation of the fill soil, the slopes shall be trackwalked (up and down) in order to roughen the ground surface and reduce runoff velocities.
10. If unfavorable slope conditions are identified during mining, appropriate mitigation measures shall be implemented to reduce the risk of potential block failures in the mine buffer areas. The mitigation measures may include, but are not limited to, decreasing bedrock slope gradients, increasing buffer, backfilling slopes, changing the quarry face orientation, modifying blasting techniques, or using artificial reinforcements, such as rock bolts and/or mesh. The mitigation measure(s) chosen would be dependent on site-specific conditions, such as bedding, fault, and/or joint pattern orientation, and would be determined during mining, as necessary.

11. Berms shall be constructed atop the rock faces to reduce the risk of surface water flowing over the face and transporting sediment; and
12. During mining, stormwater shall be directed into a multi-cell pond system. All of the stormwater shall be treated and discharged in accordance with the NPDES/Stormwater Discharge Permit issued for the site. Sediment from the quarry area shall be intercepted by the ponds, and the risk of offsite sediment transport hazards is considered low. As part of reclamation, stormwater ponds shall be regarded, planted and converted into wetland type features that provide habitat and flow attenuation benefits.
13. Overburden soils shall be placed during the reclamation phase and will cover a portion of the bedrock faces created during mining. Slope gradient and vegetation shall control the amount of erosion on the soil surface. In general, steep slopes on non-bedrock material can have a high susceptibility to erosion and surface water on steep slopes has the capability of achieving higher velocities than on shallow slopes, and hence, more energy is available to erode and transport sediments. Vegetation would reduce the potential development of concentrated flows by dispersing rainfall, impeding surface water flow, and reducing surface water velocities. The proposed fill soils are considered to have moderate erosion hazard risk since the proposed reclaimed slope gradients will be relatively gentle (2H: 1V). In order to reduce the risk of onsite erosion, mitigation measures shall be implemented during and after fill placement in accordance with the Stormwater Pollution Prevention Plan (SWPPP).
14. In addition to those measures listed for specific aspects of the operation, the following best management practices (BMPs) shall be used to control air quality impacts from site development: maintaining construction vehicles and equipment in good mechanical condition to minimize exhaust fumes; requiring appropriate emission control devices (e.g. catalytic converters or particulate traps) on all construction equipment powered by gasoline or diesel fuel to reduce the emissions in vehicle exhaust; shutting off engines and equipment when not in use; routing and scheduling construction trucks to reduce delays to traffic during peak travel times to reduce secondary air quality effects caused by a reduction in traffic speeds while waiting for construction trucks; and providing wheel washers near the site exit to reduce particulate matter that vehicles would otherwise carry off-site to decrease deposition of particulate matter on surrounding roadways.
15. Emissions from the sand and gravel operation are primarily in the form of fugitive dust, and control techniques applicable to fugitive dust sources shall be used as appropriate. Successful control techniques used for conveyors include covering and wet suppression; for storage piles, wet suppression, windbreaks, enclosure, and soil stabilizers; for conveyor and batch transfer points, wet suppression and various methods to reduce freefall distances (e.g. telescopic chutes, stone ladders, and hinged boom stacker

conveyors); and for screening and all other size classification, covering and wet suppression.

16. Wet suppression techniques shall include application of water, chemicals, and/or foam at crusher or conveyor feed and discharge points. Such spray systems at transfer points and on material handling operations have been estimated to reduce emissions from 70 to 95 percent (EPA, 1995). Spray systems can also reduce loading and wind erosion emissions from storage piles of various materials from 80 to 90 percent.
17. All dust suppression techniques, including use of chemical suppressants, shall be implemented in accordance with BMPs described in the Stormwater Management Manual for Western Washington (Ecology, 2005). Dust suppressants change the physical properties of the soil surface by coating and bounding soil particles together, making them heavier and less likely to be released to the atmosphere. Some of the most commonly used dust suppressants that may be used at the UTF site include: water (fresh or seawater); salts and brines (calcium chloride and magnesium chloride); petroleum based organics (asphalt emulsion); non-petroleum based organics (vegetable oil, molasses, and ligninsulfonate); synthetic polymers (polyvinyl acetate and vinyl acrylic); and clay additives (bentonite).
18. In addition to fugitive dust control techniques, the facility may also use add-on control devices to reduce emissions of PM and PM₁₀ from sand and gravel processing operations if necessary. Controls may include cyclones, wet scrubbers, venturi scrubbers, and fabric filters. These controls will be implemented if emissions result in significant offsite impacts (see Monitoring Plan).
19. The project shall obtain all necessary air quality permits from PSCAA, for which they must first demonstrate that the proposed project will comply with all local, state, and federal regulations, including the NAAQS for PM₁₀ and PM_{2.5}. These standards have been established with a margin of safety to protect even sensitive public areas, such as nearby residences and school bus stops. Additional fugitive dust controls will be evaluated during any air quality permitting process with PSCAA. These controls, in conjunction with regulatory oversight by PSCAA, will ensure that harmful levels of fugitive dust will not leave the project site.
20. The moisture content of the material processed can have a substantial effect on emissions. This effect is evident throughout the processing operations. The plants at the site shall be designed to use wet suppression systems (spray nozzles) to maintain relatively high material moisture contents to effectively control PM emissions throughout the process.

21. Types of controls used shall include water sprays, enclosures, hoods, curtains, shrouds, movable and telescoping chutes, and central duct collection systems. A major source of potential emissions, re-suspension of potential pollutants that have settled to the ground by the movement of heavy trucks in and around the plant, shall be controlled by road maintenance and wetting of the road surface. In addition to the BMPs used for dust suppression throughout the project site, additional measures may be required as conditions of the air quality permitting process.
22. Because of the importance of silt loading, control techniques for paved roads either prevent material from being deposited onto the surface (preventative controls) or remove any material that has been deposited (mitigative controls). The project shall be designed to use preventative controls such as covering of loads in trucks and preventing trucks from tracking materials onto paved roads. Mitigation shall include using vacuum and wet broom sweeping.
23. Options for controlling emissions from unpaved roads fall into the following three groupings: vehicle restrictions that limit the speed of vehicles on the road; surface improvement by adding gravel to a dirt road; and surface treatment, such as wet suppression techniques and chemical dust suppressants.
24. Vehicle restrictions limit the amount and type of traffic present on the road or to lower the mean vehicle speed. Surface improvements alter the road surface. As opposed to the "surface treatments" discussed below, improvements are relatively "permanent" and do not require periodic re-treatment. Control plans shall include regular maintenance practices, such as grading, to retain larger aggregate on the traveled portion of the road.
25. Surface treatments refer to control options which require periodic reapplication. Treatments will fall into the two main categories of (a) "wet suppression" (i.e., watering, possibly with surfactants or other additives), which keeps the road surface wet to control emissions and (b) "chemical stabilization/treatment," which attempts to change the physical characteristics of the surface. The necessary reapplication frequency varies from several minutes for plain water under summertime conditions to several weeks or months for chemical dust suppressants. All dust suppression techniques, including the use of chemical suppressants, shall be implemented in accordance with BMPs described in the Stormwater Management Manual for Western Washington (SMMWW) (Ecology, 2005).
26. The project shall be designed to use the following BMPs to mitigate emissions associated with facility roads (Ecology, 2003): paving the entrance road from Lebers Lane to sand

and gravel Mine A; limiting the speed to ten miles per hour (MPH) in the pits and 15 MPH on access roads; covering the loads of trucks transporting fine grained materials (e.g. dust and fine particles on mined material); applying gravel with low fines content to all unpaved roadways; constructing natural and artificial wind breaks or wind screens along roadways; surface-applying chemical suppressants to form a less erodible soil surface; blending chemical dust suppressants with the top few inches of surface material on trafficked roads; minimizing vehicle "track-out" material by: filling in muddy areas with gravel or other surface material; installing rough-surfaced areas, such as lengths of gravel or cattle guards, to help remove soil and mud from vehicle tires; building vehicle tire/underbody wash stations near unpaved road junctions; and paving or stabilizing shoulders of paved roads with gravel and vegetation.

27. Chemical dust suppressants shall be applied in compliance with Ecology's BMP guidance and the SWPPP developed for the site.
28. Wet suppression techniques shall be the principal means for control of aggregate storage pile emissions. Enclosure or covering of inactive piles to reduce wind erosion may also be done to reduce emissions during extended dry periods, if necessary. Watering shall be done to reduce emissions from vehicle traffic in the storage pile area. Watering of the storage piles themselves may have only a temporary effect on total emissions. If necessary, a more effective technique will be to apply chemical agents (such as surfactants) that permit more extensive wetting. Continuous chemical treating of material loaded onto piles, coupled with watering or treatment of roadways, can reduce total particulate emissions from aggregate storage operations by up to 90 percent (EPA, 1995). All dust suppression techniques, including use of chemical suppressants, will be implemented in accordance with BMPs described in the Stormwater Management Manual for Western Washington (Ecology, 2005).
29. The mine shall provide a local source of gravel/building materials, which will help to reduce material transport times and distances;
30. The gravel mine shall properly maintain vehicles to improve efficient operation;
31. The gravel mine operator shall strive to use fuel efficient vehicles and equipment;
32. The gravel mine operator shall institute a no-idling policy for equipment that would be dormant for greater than five minutes;

33. Paved areas shall be minimized in the pit; paving is a large source of greenhouse gas emissions. However, the need to reduce paving shall be balanced with the need to reduce dust.
34. The mined areas shall be reclaimed and replanted.
35. The EPA provides guidance, technical support, and training for monitoring emissions of potentially toxic air pollutants. The method used by trained observers, EPA Method 9, involves the determination and measurement of plume opacity. Air monitoring at the UTF project site shall consist of an individual trained and certified in EPA Method 9 visually observing each emission source daily. The individual shall verify that the emission of an air contaminant does not exceed 20 percent opacity for more than three minutes, in any one hour at the emission point, or within a reasonable distance of the emission point. All other emission standards shall be met through the use of best available control technologies and general BMPs for operation and maintenance procedures. Operation of the mining facilities shall comply with all applicable new source performance standards, emission standards of the PSCAA and potential permit conditions. If an operation is found to be in violation of any of the applicable regulatory standards or permit conditions, the operation causing the emission will cease until appropriate action can be taken to bring the emission into compliance. Monitoring shall be conducted by either a technically qualified employee of the mine operation or a consultant.
36. Stormwater management on the site shall occur to address runoff from the active mining areas and improved roadways consistent with current Kitsap County drainage regulations that rely on the current (2005) Ecology Stormwater Management Manual. Stormwater shall be infiltrated or dispersed where possible. Wetponds shall be used to provide flow control and water quality treatment for the basalt quarries and improved roadways throughout the site. Drainage shall be directed to natural drainage points if infiltration is not feasible. Ponds proposed as part of the permanent flow control and treatment system are summarized below in Table 4-9 (Parametrix, 2007h).
37. The proposed SWPPP for the site (Appendix E in Parametrix, 2007h) provides for source control and treatment BMPs to be applied throughout the site to avoid and minimize contact and transport of pollutants in stormwater. This SWPPP includes management actions for material delivery, storage, and containment which are intended to address the potential for spills or uncontrolled stockpiles result in discharges to surface water throughout the life of the project. Typical treatment BMPs and their likely use on the UTF site are listed in Table 4-10 (Parametrix, 2007h), Exhibit 73 (Mitigation Measures).

38. Impacts to wetland hydrology, if they occur, would likely be very gradual because mine development and reclamation will occur over an extended period. Wetland hydroperiod monitoring proposed for the project was designed to assess trends in wetland hydrology that result from quarry excavation and are significantly different from naturally occurring conditions as measured at the control station. Wetland hydrology monitoring and data interpretation shall be conducted by a qualified wetland ecologist.
39. The wetland monitoring program is designed to ensure protection of wetlands that may be hydraulically connected to the perched aquifer in the basalt quarry areas. Wetland monitoring is intended to characterize wetland hydroperiod including determination of average and crest (maximum) water level fluctuations.
40. Wetland impacts could occur near quarry areas if there are significant changes in wetland hydrology compared to existing conditions. Although this is not expected, monitoring shall be conducted to document wetland hydrologic conditions adjacent to Quarry A by installing staff gauges recording water levels at different times of year. Wetland hydroperiod monitoring shall take place at wetlands 1, 2, 3, 5, 7, 11, 12, and the unnamed wetland between Gravel Mine B and Dickerson Creek and shall consist of measuring instantaneous and maximum average water level fluctuation. A control station shall be established at Wetland 19.
41. Wetland monitoring shall be conducted on a monthly basis during the first year of operation, and then on a quarterly (seasonal) basis until mine reclamation is complete. Monthly staff gage monitoring during year one is needed to be consistent with the Stormwater Management Manual for Western Washington (SMMWW; Ecology, 2005).
42. Wetland hydrologic monitoring shall include analyzing water level fluctuations that are calculated as the difference between maximum level and the average of the current and previous instantaneous water level for each monitoring period. After the first year, wetland monitoring shall coincide with each of four seasons: March 1 through May 15 (early growing season); May 16 through August 31 (intermediate growing season); senescence lasting from September 1 to November 15; and dormancy, November 16 through February 28.
43. Adaptive management activities shall be triggered if monitoring results show that a site is not meeting performance criteria or permit requirements. The decision process for deciding what management activities should be employed will consider site conditions, monitoring results, and regulatory requirements. If significant impacts are identified and are attributed to the project, then a variety of adaptive management measures will be considered, including: modifying mining operations to prevent impacts including

cessation of mining activities, modifying the reclamation plan, backfilling or other action; adding water to the wetland system via the stormwater system, water diversion or an exempt well that would be installed on the UTF site; physical modifications to the wetland system to enhance hydrology, soil conditions, or vegetation; and/or on-site wetland creation at an appropriate replacement ratio.

44. Adaptive management measures such as those listed above shall be implemented in coordination with resource agencies pursuant to the provisions of a Mitigation Plan that shall be prepared following confirmation of project related impacts. The type of action and timing of each action would be documented and measures shall be identified for evaluating effectiveness (Parametrix, 2008).
45. Stormwater management on the site shall occur to address runoff from the active mining areas and improved roadways. Stormwater shall be infiltrated or dispersed where possible, or shall be directed to natural drainage points if infiltration is not feasible. Stormwater measures are discussed more fully in the Surface Water chapter. All stormwater management shall be designed and operated in accordance with Kitsap County drainage requirements, which use the 2005 Ecology Stormwater Manual.
46. The proposed Stormwater Pollution Prevention Plan (SWPPP) for the site (Appendix B) provides for BMPs to be applied throughout the site to avoid and minimize contact and transport of pollutants in stormwater. This SWPPP includes management actions for material delivery, storage, and containment which are intended to address the potential for spills or uncontrolled stockpiles resulting in contamination of groundwater throughout the life of the project.
47. Groundwater quality monitoring shall be implemented as proposed in the Groundwater and Wetlands Monitoring Plan developed by Parametrix in December 2007 (Appendix C).
48. In general, this plan includes in the continued monitoring of two piezometers, and at two additional piezometers that shall be installed prior to initiation of mining at the Gravel Mine A site. Four monitoring wells shall also be installed prior to initiation of mining at Gravel Mine B. Each well shall be monitored for water level and for water quality. Water quality parameters shall include total petroleum hydrocarbons, turbidity, total dissolved solids, pH, temperature, and conductivity. Measurements of water levels shall be collected quarterly for five years. Water quality samples shall be collected quarterly for the first five years of operation. Biannual samples (wet and dry season) shall be collected from the wells at Sand Gravel Mine A for the life of the project, if the concrete batch plant is constructed.

49. Maintain a minimum of five feet of vertical clearance between the bottom of infiltrations and seasonally high water table.
50. Limit active extraction area to approximately 10 acres in one sand and gravel mine and approximately 10 acres in one basalt quarry at any given time.
51. Avoid or minimize the use of fertilizers and other chemicals in landscaping maintenance and revegetation of mine sites. Any use would be optimized for the area and consistent with applicable CARA regulations.
52. Cover the maintenance shop and include a sump inside the shop.
53. Maintain infiltration facilities consistent with 2005 Ecology manual.
54. Install silt fence at toe of disturbed slopes, except in active mining areas, and along roadway embankments.
55. Construct stabilized construction entrances at exit points from mines or quarries to limit tracking of sediment from vehicles.
56. Install temporary sediment traps for disturbed areas less than three acres.
57. Design stormwater filtration for active quarries to provide additional treatment capacity if needed.
58. Develop plans for stormwater chemical treatment for turbidity reduction to be implemented contingent upon field conditions at active quarries.
59. Conduct ongoing visual monitoring of bedrock features and seepage into the mine as each quarry is expanded.

60. Batch plant facility shall be covered with a roof to the maximum extent feasible to prevent contact with precipitation.
61. The facility shall reuse process water after treating it to settle or separate out solids. The gravel and fines from the settled solids shall also be reused.
62. The SWPPP provides for site specific pollution prevention, spill control, operation and maintenance, erosion control, and record keeping.
63. Water supply shall be provided by the City of Bremerton, avoiding the need for on-site production wells.
64. Mitigation measures at the UTF project site are directed at avoiding impacts by protecting the vegetation communities and wildlife habitat associated with all wetlands and streams near the proposed mineral development sites. This includes establishing appropriate buffers around all wetlands and streams that may be affected by the proposed mineral resource development project. Wetland buffers are discussed in Chapter 4 Surface Water. One example of impact avoidance for this project occurred during the preliminary design process, when the boundary of Quarry C was redrawn to exclude approximately 1,100 feet of stream channel and associated regulatory buffer in the northern portion of the quarry footprint. Additionally, the proposed mineral development plan shall avoid potential impacts to wildlife in the Wetland 6 complex by establishing a buffer of 200 feet or more between the wetland edge and any mine or quarry sites. Figure 4-2, in Chapter 4 Surface Water, includes a map of delineated wetlands. For more detailed information on the size and location of wetland and stream buffers, refer to the Ueland Tree Farm Wetland Delineation and Stream Identification Report (Parametrix, 2007g).
65. Potential impacts to fish, wildlife, and vegetation shall be minimized by (1) limiting the project footprint to 152 acres over the life of the project; (2) implementing segmental development and reclamation to minimize the amount of disturbed area at any given mine or quarry, and (3) incorporating the following measures into the site restoration plan:
 - a. enriching stabilizing seed mixes with native species than can tolerate the climatic and hydrologic conditions on the site. This measure will promote the development of native plan species into the reclamation communities;
 - b. placing clean large woody debris and large rocks to provide habitat elements that otherwise would be absent for decades;

- c. dressing cleared areas with topsoil and replanting them with Douglas-fir as soon as possible in order to initiate regrowth of the forest cover; and
 - d. maintaining mature vegetation, including conifers where possible, near streams and wetlands to reduce potential temperature impacts.
66. Additional measures shall be incorporated into the project design to maintain and enhance the restoration of functioning ecosystems in the project area, including the following: reduce noise and visual impacts to animals using areas adjacent to mineral development sites by:
- a. Storing overburden in berms along the site perimeter and planting on them immediately to reduce noise;
 - b. Planting trees and other visual screens well ahead of the mining to give them time to establish before they are needed;
 - c. Planting tree barriers as close to the noise source as possible;
 - d. Reducing noise by placing loud stationary equipment, such as crushers, in an excavated area below the surrounding terrain; and
 - e. Surrounding crushers with product stockpiles to reduce noise.
67. Reclamation design shall create sinuous slopes that are curved in plan and section and irregular in profile.
68. Avoid using chemical fertilizers. Fertilization tends to depress plant community diversity by giving a competitive advantage to opportunistic species such as annual grasses and herbaceous plants, many of which may be invasive species.
69. Design wetlands and ponds that shall exist after reclamation with irregular outlines and bottom contours.
70. To create habitat for aquatic invertebrates, anchor submerged tree crowns along steep banks and create reefs out of logs and stumps.
71. Create rock faces for cliff-nesting species such as ravens, swifts, cliff swallows, and peregrine falcons.
72. Employ blasting to break steep rock faces into chutes and talus slopes.

73. Prepare specific restoration plans for each mining phase.
74. Use native species from local sources for revegetation.
75. Identify populations of invasive, non-native plant species before revegetation begins. Monitor reclamation sites regularly to document the presence of any new populations of invasive plant species. Eradicate any new populations of invasive species that were not already established in the project area before mineral resource development began. To the maximum extent practicable, employ mechanical control methods.
76. Maintain most of the UTF project location, as defined by parcel numbers in the CUP, as commercial forest to ensure the continued availability of diverse wildlife habitat.
77. A final Habitat Management Plan (HMP), including maps showing the specific wetlands, streams, and buffers to be included, shall be developed in cooperation with Kitsap County to fulfill KCC requirements.
78. Final calculations of buffer areas reduced and added to fulfill averaging requirements in the KCC shall be made following a final determination of required buffer widths by Kitsap County staff.
79. The area of buffer reduced on the west side of Wetlands 1 and 3 shall be added to the buffer along the east side of Wetland 1. Assuming there is no net loss in buffer area, the buffer averaging plan shall result in no net loss of wetland function. This is in large part due to the higher quality buffer along the east side of Wetland 1. The vegetation community on the east side of Wetland 1 is relatively mature coniferous forest with a moderately dense understory of shrubs and ferns. The vegetation in the buffer along the west side of Wetlands 1 and 3 is primarily young mixed forest, which is characterized by small trees (less-than 10-ft tall), shrubs, and ferns. The vegetation community along the east side of the wetlands is several decades more advanced than the community along the west side, which results in the buffer providing more functions to the wetland. The wetlands and the final buffer boundaries shall be included on maps and given long term protection following KCC 19.100.150.
80. Construction activities shall be restricted to hours and levels designated by KCC 10.28. If construction activities exceed permitted noise levels, the County would instruct the

contractor to implement measures to reduce noise impacts that shall comply with the County Code, which may include additional muffling of equipment. No other mitigation would be required.

81. An earthen berm, approximately 20 feet tall, shall be constructed around the north half of the Gravel Mine A excavation boundary to act as a sound barrier.
82. A 20-foot high semi-permanent stockpile or berm shall be constructed east of the processing and wash plants to act as a sound barrier.
83. The concrete batch plant shall not be located near the entrance to Gravel Mine A, but shall be located approximately 500 feet from the entrance.
84. If their use is necessary, engine brake noise is best controlled through the use of properly muffled engine exhaust pipes. Ensuring that trucks accessing the facility have adequate exhaust mufflers shall minimize potential noise impacts from the use of engine brakes.
85. Backup alarms, although necessary for safety, may be considered nuisance noise. This is because the traditional style of backup alarm uses a pure tone sound, which can be easily discerned at large distances. To reduce the potential for annoyance, trucks entering and exiting the UTF site shall use one of two alternative types of backup alarms to ensure noise impacts are minimized:
 - a. Ambient-sensing alarms that broadcast a warning sound loud enough to be heard over background noise without having to use a preset, maximum volume; or
 - b. Broadband backup alarms (instead of the typical pure tone alarms).
86. The project proponent shall continue to implement a forest management plan.
87. The project proponent shall limit the size of final timber harvest units (e.g., clear-cut or shelterwood logging) to approximately 30 acres within the UTF project location, as defined by parcel numbers in the CUP.
88. The Applicant shall provide for advanced notification to surrounding properties of planned management activities that may create periodic disturbances.

89. To minimize potential conflicts with future development on adjacent properties, the project shall comply with GMA and Kitsap County Code requirements that all plats, short plats, development permits, and building permits issued for land development activities on or within 500 feet of designated FRL and undeveloped RW lands contain a notice identifying allowable resource development uses.
90. The project shall use existing topography as a noise and visual screen.
91. The project proponent shall fence the periphery of all sites within the project site area being actively mined or reclaimed.
92. Topsoil shall be applied to cleared areas and cleared areas shall be replanted with Douglas-fir as soon as possible to initiate re-growth of the forest cover.
93. A 10-acre segmental development and reclamation shall be implemented to minimize the amount of disturbed area at any given mine or quarry.
94. The concrete batch plant shall use existing topography as a noise and visual screen; the perimeter of all active project sites shall be fenced; berms shall be created along the site perimeter to reduce noise; tree barriers shall be planted as close to the noise source as possible; and a minimum 50-foot wide vegetative buffer along property boundaries shall be maintained.
95. At the Northlake Way/Lebers Lane intersection, the project proponent shall construct roadway widening sufficient to allow for a center lane, which will be used by traffic entering and exiting North Lake Way. The center left turn lane shall be provided for left turns from the south, and a center acceleration/merge lane shall be provided for left turns from the west onto northbound Northlake Way.
96. The length of the acceleration and deceleration lanes shall be based on vehicle characteristics consistent with the heavy vehicles anticipated to use the project site. Proposed geometry for the turn and acceleration lanes is shown in Parametrix, 2007e.
97. The project proponent shall provide sidewalk on one side of Lebers Lane, which shall help separate pedestrians from motor vehicles.

98. The project proponent shall improve the geometry of the Lebers Lane roadway to provide increased sight distance, stopping sight distance, turning radii, improved pavement design, sidewalks for pedestrians, and increased shoulder width.
99. The project proponent shall reconstruct portions of Lebers Lane and Grover Lane to move the intersection of these two streets westward away from Northlake Way. The preliminary access plan is shown in Parametrix, 2007e.
100. Project proponent shall complete the pedestrian connection from the sidewalk on Lebers Lane to the bus stop on Northlake Way, including a walkway or widened shoulder on Grover Lane. This shall reduce the potential for conflicts with school children walking to and from the school bus stop.
101. Provisions for a wheel wash shall be made during operation of the site to help minimize transport of off-site gravel, if needed.
102. Drivers shall be required to inspect their loads before leaving the site to remove loose gravel.
103. Periodic cleaning of Lebers Lane shall also be conducted by the operator if needed to remove any track-out from the site.
104. Trucks using the site shall be identified with operator name and address, consistent with industry standards so that nuisance gravel sources can be effectively identified. Typical practice within the industry is for the site operator to compensate vehicle owners for damage when the vehicle owner can demonstrate to reasonable degree that the source of the gravel is the operator's vehicle.
105. The existing tree buffer along the edge of mining operations, especially on the east and north sides of development, shall be retained to provide screening from surrounding areas.
106. Disturbance shall be limited as much as possible on highest elevations of the UTF property to assist in blocking views of the development from surrounding areas.

107. Topographic contours shall be followed or curvilinear boundaries used when harvesting timber or clearing mining sites for development to make them less obvious by appearing more natural.
108. Cleared areas shall be dressed with topsoil and replanted with Douglas-fir as soon as possible to initiate re-growth of the forest cover.
109. In the event that any ground-disturbing or other construction activities result in the inadvertent discovery of archaeological resources, work shall be halted in the immediate area, and contact made with County officials, DAHP, and tribal representatives. Work shall be stopped until further investigation and appropriate consultation have concluded. In the unlikely event of the inadvertent discovery of human remains, work shall immediately be halted in the discovery area, the remains covered and secured against further disturbance, and communication established with County administrative and law enforcement personnel, DAHP, and authorized tribal representatives.
110. Mandatory tarping of loads will be required in any lease arrangement for trucking services.
111. Hours of operation will be limited to those proposed in the EIS. Operational hours shall be limited to 7:30am to 5pm Monday through Friday, 51 weeks per year. Operations will be closed on weekends and holidays. Trucks associated with operation shall not travel on public roads in the vicinity of the operation until 8:00 A.M. on school days, Monday through Friday, and until 7:30 A.M. on non-school days, Monday through Friday.
112. Total daily trips shall not exceed 186. Mining operation shall keep monthly operator records, averaged over a month, for County review upon request.
113. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to plan acceptance.
114. The information provided demonstrates this proposal is a *Major Development* as defined in **Kitsap County Code Title 12**, and as such will require a Site Development Activity Permit (SDAP) from Development Engineering.
115. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with **Kitsap County Code Title 12** effective at the time the Conditional Use Permit application was deemed complete (December 14, 2007). The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap

County Ordinances in effect at the time of SDAP application.

116. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Engineering for review and approval. The phasing plan shall, as a minimum, address the following items:
 - i. Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase; and the extent of drainage improvements to be installed during the various phases.
117. The water quality BMP shall be sized to provide treatment of the post-developed peak flow rate from the 6-month, 24-hour storm event per the KCSDM Section 6.2.
118. Any project that includes off site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with **Kitsap County Code Title 12** effective at the time the Conditional Use Permit application was deemed complete (December 14, 2007):
119. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email jok1461@ecy.wa.gov. This permit is required prior to issuance of the SDAP.
120. The design of the infiltration facilities will be according to Section 5.3.5 of the Kitsap County Stormwater Design Manual. Soils exploration shall be performed at the proposed location of the facilities before final design to determine the infiltration rate and depth to seasonal high ground water table and/or impermeable layer. The soil report shall include Particle-Size Analysis performed by ASTM Test Method D-422-63, soil log elevation, and location. The storage volume of the facility shall be adjusted to reflect the true infiltration rates with a safety factor of two applied. A Soils Engineer shall prepare the above information.
121. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
122. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Engineering.

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123. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30%. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
124. The project proponent shall coordinate with the Kitsap County Public Utility District (KPUD) to provide continuous flow monitoring at the existing Dickerson Creek gauge location. The project proponent shall undertake continuous flow monitoring at this station if the KPUD discontinues. This stream flow data shall be used in conjunction with precipitation and groundwater level monitoring to evaluate stream flows and help determine if project operations are having a discernable impact on baseflows within Dickerson Creek. Post project stream data and all available pre-project flow records shall be analyzed for standard low flow statistics and confidence intervals (e.g., seven day minimum average flow, seven day, ten year flow (7Q10), etc.) as appropriate given data quality and record length. Precipitation records shall be used to establish the historic and current correlation between precipitation and base flow.
125. At least one year prior to initiation of mining operations at the applicable mines or quarries, the project proponent shall establish groundwater monitoring wells in the upper most water table at each of Gravel Mine A, Gravel Mine B and Quarry A at locations that allow determination of approximate groundwater flow direction and velocity. The project proponent shall monitor groundwater levels quarterly for one year prior to start-up of operations, and in each of the first five years of operation, then bi-annually thereafter (once in the February-March wet season, and once in the August-September dry season). Water level monitoring data shall be evaluated with respect to pre-operation and previous years' water level data and precipitation trends, and shall include appropriate statistical analysis and technical evaluation. Water level monitoring results including maps showing most recent estimates of groundwater flow direction and velocity shall be reported annually and shall be included in the same report that includes stream flow, precipitation, water quality, and wetland monitoring results.
126. An evaluation of precipitation, groundwater, and stream flow monitoring results shall be submitted to the DCD within 90 days of the end of each calendar year as part of the same report that includes water quality and wetland monitoring results. The report shall include the raw data in electronic format along with hydrographs and an analysis of correlation between precipitation, groundwater levels, and stream flows, and standard low flow statistics and confidence intervals (e.g., seven day minimum average flow, seven day, ten year flow (7Q10), etc.). Monitoring requirements shall terminate when reclamation of the mine site is complete.
127. If baseflows are determined to be discernibly impacted beyond what is attributable to changes in precipitation in the period after project operations have starts compared to the period of record, the project proponent shall hire the KPUD or other independent licensed hydrogeologist to evaluate stream flow and groundwater level

monitoring data and determine whether there is, in the hydrologist's professional opinion, a discernible causal relationship between project operations and low stream flows. The standard for determining a causal relationship shall be "a preponderance of the evidence." If a discernible relationship between project operations and seasonal low flows is determined, then the project proponent shall submit an adaptive management plan that outlines steps the project proponent shall take to alleviate stream flow impacts. Such steps may include operational changes, stormwater management modifications, and/or augmentation of stream flow. The adaptive management plan shall be approved by the County and implemented by the project proponent after Kitsap County approval.

128. Before SDAP acceptance, the applicant shall submit a set of drawings to the City of Bremerton for review. The applicant shall notify Development Engineering in writing when the plans have been submitted to the City. Development Engineering shall coordinate with the City to determine if the City has any comments to the submittal.
129. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
130. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
131. Upon CUP approval, Kitsap County shall issue a Concurrency Certificate in accordance with KCC 20.040.050(2).
132. Public roads shall not exceed 12% grade.
133. Horizontal curves for public roads shall have minimum centerline radii as outlined in the Kitsap County Road Standards unless a technical deviation is granted.
134. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP.
135. Wheelchair sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
136. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but

not be limited to, mowing of lawn areas. A note to this effect shall appear on the accepted construction plans. In addition, Development Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

137. Applicant shall provide surveyed cross-sections at 50-foot intervals on portions of Northlake Way NW, Lebers Lane NW and NW Grover Lane that are within the limits of proposed improvements. The cross-sections should show existing and proposed pavement, shoulders, ditches, and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
138. Prior to or concurrent with the SDAP submittal, an addendum shall be prepared to the December 2007 traffic study evaluating the intersection of Northlake Way NW and Seabeck Highway NW. If deficiencies are identified pursuant to Kitsap County Code Title 11 or the Kitsap County Road Standards, any required correction measures shall be designed and incorporated in the SDAP plans prior to SDAP approval. Correction measures may include, but are not limited to, geometric changes to the intersection or the addition of lighting.
139. Submit plans for construction of the road approaches between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Please denote the design vehicle on the plan set if different than the Kitsap County design vehicle. Existing approaches may need to be improved to meet current standards.
140. Due to the heavy tare weight per axle for the project trucks this land use will generate on county roads, the developer shall evaluate the existing pavement structures on Northlake Way NW and Chico Way NW to State Highway 3 to determine what impacts (i.e., premature failure) these loads could cause. This evaluation shall be submitted with the SDAP. If it is determined that premature road failure will occur due to the heavy truck traffic then the applicant shall contribute a proportional share toward road reconstruction to be determined by the Equivalent Single Axle Load (ESAL) equation.
$$[\text{ESAL (w/ development)} - \text{ESAL (w/out development)}] / \text{ESAL (w/out development)} = \text{proportional share (\%)}.$$
141. If it is determined that impacts will occur [i.e., premature failure- defined as reaching a TSI (terminal serviceability index) of less than 2.5 prior to the end of the 20-year service life], the owner/applicant will sign a covenant with this proportional share condition prior to issuance of the SDAP.
142. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
143. Road frontage improvements consisting of curb, gutter, and sidewalk, shall be constructed on the north side [of] Lebers Lane NW and on the north side of NW Grover Lane between Lebers Lane NW and Northlake Way NW.

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144. Paved shoulders shall be constructed on both sides of Northlake Way NW from NW Grover Lane to Chico Way NW in order to maintain community health, safety and welfare (pedestrians, bicyclists, disabled vehicles, emergency vehicles, and maintenance vehicles and crews). The shoulders shall be constructed per Kitsap County Road Standards, Table 3-6 Design Values for Arterial Roadway Features.
145. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of NW Grover Lane and Northlake Way NW. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
146. Any work within the County right-of-way shall require a permit to perform work on County right-of-way and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.
147. It appears from the project site plans that the North Quarter Corner and West Quarter Corner of Section 19, Township 24 North, Range 1 East of the Willamette Meridian are in the path of construction. Prior to approval of a Site Development Activity Permit, provide proof that an application for permit to remove or destroy a survey monument has been secured with the Department of Natural Resources. This compliance is pursuant to RCW 58.24.040(8).
148. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.
149. The SDAP submittal shall show that at least 150 square feet of exterior recyclable materials storage space for the project. Describe collection containers and show their locations, method for securing the enclosure gates in an open position and pad dimensions on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans.
150. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a.
151. Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit.

152. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.
153. A Hydraulic Project Approval (HPA) may be required for work near or in any wetlands or streams. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.
154. At such time that detailed plans are available for the optional railroad spur, Kitsap County shall conduct additional phased SEPA review pursuant to WAC 197-11-060(5). Supplemental information may be required to the existing EIS with regard to site-specific construction impacts, and long term noise and vibration impacts relative to the proposed level of activity.
155. Within 30 business days, the developer shall provide the County with a copy of the recorded Conservation Easement granted to The Mountaineers within the UTF. Land use activity within the Conservation Easement area shall adhere to the terms of the recorded easement, subject to enforcement by the grantor and/or grantee.
156. Land use activity within areas of the UTF property located within the County's FRL zoning district shall be restricted to uses allowed within the FRL zoning district. Upon a proposal to conduct land uses not allowed within the FRL zoning district, the developer shall apply for necessary permits, where applicable.
157. The topsoil plant will not import any material other than organic debris such as woody debris which can be ground up and used as organic matter and mixed with on site sand and silt.
158. Any back fill material imported from off site will be tested to ensure that the soil does not contain any contaminants.
159. The on-site settling ponds for the concrete batch plant will be designed to handle a 300 year storm event.

Decided this 20th day of April 2010.



KIMBERLY A. ALLEN
Hearing Examiner
Sound Law Center

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KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT

ATTACHMENT A

Appellant Exhibits

- A-1-1. Ueland Tree Farm Mineral Resource Development Final Environmental Impact Statement, dated 9/8/09
- A-1-2. Kitsap County Sub-Area Plan Port Blakely Joint Planning Area, Volume 1, dated 9/8/09
- A-1-3. Kitsap County Sub-Area Plan Port Blakely Joint Planning Area, Volume II, dated 9/8/09
- A-1-4. Kitsap County Sub-Area Plan Port Blakely Joint Planning Area Volume II, dated 9/8/09
- A-1-5. Ueland Tree Farm Mineral Resource Development Project Draft Environmental Impact Statement, dated 9/8/09
- A-1-6. Kitsap County Sub-Area Plan Port Blakely Joint Planning Area, Volume 1 Draft Plan, dated 9/8/09
- A-1-7. UTFMD FEIS Appendix A, Comments of the Draft EIS & Responses to Comments, Letter #2, dated April 6, 2009, from Suquamish Tribe to Dave Greetham, SEPA Coordinator, Kitsap County Department of Community Development, dated 9/8/09
- A-1-8. Versa Trans e-Link – School/Transportation Searches & Supporting documents, dated 9/8/09
- A-1-9. Ueland Tree Farm Mineral Resource Technical Reports, Parametrix Compact Disk 2-2009, dated 9/8/09
- A-1-10. Ueland Tree Farm Mineral Resource Development Project, Draft Environmental Impact Statement Compact Disk, ESA Adolfson, prepared for Kitsap County, dated 2-2009
- A-1-11. Ueland Tree Farm Mineral Resource Development Project, Final Environmental Impact Statement, ESA Adolfson, Prepared for Kitsap County, dated August 2009

Applicant (Ueland Tree Farms, LLC) Exhibits

- U-1. Preliminary Site Plan, dated January 2007
- U-2. Conditional Water Availability Letter, City of Bremerton, dated 11/28/07
- U-3. Project Narrative, dated 12/2007
- U-4. Conditional Use Permit Application, dated 12/7/07
- U-5. Environmental (SEPA) Checklist, dated 12/8/07
- U-6. Kitsap County PW Application for Concurrency Test, dated 12/12/07
- U-7. Wetland Delineation & Stream ID Report, Parametrix, dated 12/2007
- U-8. Hydrogeologic Report, Parametrix, dated 12/2007
- U-9. Preliminary Drainage Plan, Parametrix, dated 12/2007
- U-10. Mineral Resource Development, Parametrix, dated 12/2007
- U-11. Traffic Study, Parametrix, dated 12/2007

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- U-12. Revised Cultural Resources Assessment Report, dated 12/5/07
- U-13. Noise Study Geometrix Consultants, Inc., dated 12/12/07
- U-14. Land Use & Visual Impact Assessment, Parametrix, dated 12/2007
- U-15. Air Quality Assessment, Parametrix, dated 12/2007
- U-16. Site Plan with Attachments, dated 11/2007
- U-17. Site Plan – See Revised, dated 11/2007
- U-18. Revised Site Plan, dated 1/10/08
- U-19. Notice of Complete Application, dated 4/23/08
- U-20. Draft Environmental Impact Statement, dated 2/2009
- U-21. Notice of Availability of Environmental Impact Statement & Notice of Public Meeting, dated 3/2009
- U-22. Final Environmental Impact Statement, dated 8/2009
- U-23. Notice of Availability of Final Environmental Impact Statement, dated 8/24/09
- U-24. Notice of Application (NOA), dated 8/24/09
- U-25. Affidavit of Publication – NOA, dated 8/28/09
- U-26. Determination of Significance & Request for Comments on Scope of EIS, dated 6/23/08
- U-27. E-mail Publication Confirmation of SEPA Legal, dated 6/23/08
- U-28. EIS Scoping Meeting, dated 7/23/08
- U-29. Notice of Public Meeting & Extension of Public Scoping Period for EIS, dated 7/9/08
- U-30. E-mail Publication Confirmation of SEPA Legal, dated 8/21/09
- U-31. E-mail from Alison O’Sullivan Suquamish Tribe, dated 9/14/09
- U-32. Appeal of Final Environmental Impact Statement (FEIS), dated 9/8/09
- U-33. Revised Notice of Application, dated 9/10/09
- U-34. Notice of Public Hearing, dated 9/21/09
- U-35. Kitsap County Bike Map, dated 2007
- U-36. Certification of Public Notice, dated 9/18/09
- U-37. Notice of Public Hearing, dated 9/21/09
- U-38. Letter from Phil Williams, Director of Public Works, City of Bremerton, dated 9/23/09
- U-39. Affidavit of Posting, dated 9/23/09
- U-40. Notice of Continuation (NOC), dated 9/29/09
- U-41. Affidavit of Mailing – NOC, dated 9/29/09
- U-42. Hearing Examiner’s Pre-Hearing Order, dated 10/5/09
- U-43. Aggregates, Sand, Gravel, Land Rock by the Ton, dated 10/6/09
- U-44. Affidavit of Publication – Notice of Public Hearing, dated 9/18/09

County Exhibits

- C-1. Traffic Study, Parametrix, dated 12/2007
- C-2. Draft Environmental Impact Statement, dated 2/2009
- C-3. Final Environmental Impact Statement, dated 8/2009
- C-4. Determination of Significance & Request for Comments on Scope of EIS, dated 6/23/08
- C-5. Letter from Phil Williams, Director of Public Works, City of Bremerton, dated 9/23/09

Conditional Use Permit Application

- 1. Preliminary Site Plan, dated January 2007
- 2. Pre-Application Meeting Request, received February 13, 2007
- 3. Pre-Application Conference Confirmation Letter, dated 3/17/07
- 4. KC Assessor's Property Report, dated 4/10/07
- 5. E-mail from Rick Fackler, dated 4/11/07
- 6. Memo from Roger Nordlander CK Fire & Rescue, dated 4/12/07
- 7. Pre-Application Summary Letter, dated 5/22/07
- 8. Conditional Water Availability Letter, City of Bremerton, dated 11/28/07
- 9. Inactive Letter, dated 11/20/07
- 10. Letter from John Burk, Parametrix, dated 11/28/07
- 11. Project Narrative, dated 12/2007
- 12. Conditional Use Permit Application, dated 12/7/07
- 13. Environmental (SEPA) Checklist, dated 12/8/07
- 14. KC PW Application for Concurrency Test, dated 12/12/07
- 15. Wetland Delineation & Stream ID Report, Parametrix, dated 12/2007
- 16. Hydrogeologic Report – Parametrix, dated 12/2007
- 17. Preliminary Drainage Plan – Parametrix, dated 12/2007
- 18. Mineral Resource Development, Parametrix, dated 12/2007
- 19. Traffic Study, Parametrix, dated 12/2007
- 20. Revised Cultural Resources Assessment Report, dated 12/5/07
- 21. Noise Study Geometrix Consultants, Inc., dated 12/12/07
- 22. Land Use & Visual Impact Assessment, Parametrix, dated 12/2007
- 23. Air Quality Assessment, Parametrix, dated 12/2007
- 24. Site Plan with Attachments, dated 11/2007
- 25. Site Plan – See Revised, dated 11/2007
- 26. E-mail message from Mark Kuhlman, dated 1/7/08
- 27. Revised Site Plan, dated 1/10/08
- 28. E-mail message from Diana Purdy, dated 1/10/08
- 29. E-mail message from Kimberly Adair, dated 4/16/08
- 30. Notice of Complete Application, dated 4/23/08

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31. E-mail message from Deborah L Fetters, dated 5/5/08
32. Dump Truck, dated 5/6/08
33. E-mail message from Diana Purdy, dated 6/2/08
34. Draft Environmental Impact Statement, dated 2/2009
35. Notice of Availability of Environmental Impact Statement & Notice of Public Meeting, dated 3/2009
36. Final Environmental Impact Statement, dated 8/2009
37. Notice of Availability of Final Environmental Impact Statement, dated 8/24/09
38. Letter from Marv & Nancy Sand – Concerns, dated 3/15/09
39. Notice of Application (NOA), dated 8/24/09
40. Affidavit of Publication – NOA, dated 8/28/09
41. Letter from Linda Laine, dated 9/2/09
42. Determination of Significance & Request for Comments on Scope of EIS, dated 6/23/08
43. E-mail Publication Confirmation of SEPA Legal, dated 6/23/08
44. EIS Scoping Meeting, dated 7/23/08
45. Notice of Public Meeting & Extension of Public Scoping Period for EIS, dated 7/9/08
46. E-mail Publication Confirmation of SEPA Legal, dated 8/21/09
47. E-mail from Alison O’Sullivan Suquamish Tribe, dated 9/14/09
48. Appeal of Final Environmental Impact Statement (FEIS), dated 9/8/09
 - a. Ueland Tree Farm Mineral Resource Development Final Environmental Impact Statement, dated 9/8/09
 - b. Kitsap County Sub-Area Plan Port Blakely Joint Planning Area, Volume 1, dated 9/8/09
 - c. Kitsap County Sub-Area Plan Port Blakely Joint Planning Area, Volume II, dated 9/8/09
 - d. Kitsap County Sub-Area Plan Port Blakely Joint Planning Area Volume II, dated 9/8/09
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 - h. Versa Trans e-Link – School/Transportation Searches & Supporting documents, dated 9/8/09
 - i. Ueland Tree Farm Mineral Resource Technical Reports, Parametrix Compact Disk 2-2009, dated 9/8/09

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- j. Ueland Tree Farm Mineral Resource Development Project, Draft Environmental Impact Statement Compact Disk, ESA Adolfson, prepared for Kitsap County, dated 2-2009
- k. Ueland Tree Farm Mineral Resource Development Project, Final Environmental Impact Statement, ESA Adolfson, Prepared for Kitsap County, dated August 2009
- 49. Revised Notice of Application, dated 9/10/09
- 50. Notice of Public Hearing, dated 9/21/09
- 51. Kitsap County Bike Map, dated 2007
- 52. Certification of Public Notice, dated 9/18/09
- 53. Notice of Public Hearing, dated 9/21/09
- 54. Letter from Phil Williams, Director of Public Works, City of Bremerton, dated 9/23/09
- 55. Affidavit of Posting, dated 9/23/09
- 56. Letter from John & Roberta Mikesell, dated 9/24/09
- 57. E-mail message from Bernie JMW Fleming, dated 9/24/09
- 58. Comment form from T McFarland, dated 9/24/09
- 59. E-mail message from Barbara Davis, dated 9/24/09
- 60. E-mail message from Kim Adair, dated 9/24/09
- 61. E-mail message from Sharon Tucker, dated 9/28/09
- 62. Notice of Continuation (NOC), dated 9/29/09
- 63. Affidavit of Mailing – NOC, dated 9/29/09
- 64. Kitsap Transit Bus Route #12, dated 7/6/09
- 65. E-mail message from Bill Zupancic – Northlake Way Bike Trail, dated 9/30/09
- 66. E-mail message from Bernie JMW Fleming, dated 10/1/09
- 67. E-mail message from Toni J Shauers, dated 10/5/09
- 68. Hearing Examiner's Pre-Hearing Order, dated 10/5/09
- 69. Aggregates, Sand, Gravel, Land Rock by the Ton, dated 10/6/09
- 70. Affidavit of Publication – Notice of Public Hearing, dated 9/18/09
- 71. U45/C6/Addendum to Ueland Mineral Resource Project Draft & Final EIS – David Greetham, dated 10/6/09
- 72. Fax from Susan Tolf, dated 10/7/09
- 73. U46/Conditions 1-157 to Ueland – Mitigation Measures, dated 2/2009
- 74. U47/Reliance Heavy Duty Trucks & Trailers & Vehicle Dimensions, dated 10/8/09
- 75. U48/Transportation Research Board Publications Index, dated 10/11/09
- 76. U49/Memo from Shawn Alire, County Development Engineering, dated 10/6/09
- 77. E-mail messages from Interested Parties – Comments/Concerns, dated 3/28/09 to 1/14/10
- 78. U50/C7/Staff Report, dated 10/12/09

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79. U51/E-mail message from Craig Jones – Request to Continue Hearing, dated 10/14/09
80. U52/E-mail message from Craig Ueland, dated 10/15/09
81. U53/E-mail message from Craig Jones, dated 10/15/09
82. E-mail message from Karen Ashcraft, dated 10/8/09
83. U54/Second Notice of Continuation – November 9, 2009, dated 10/15/09
84. [exhibit left intentionally blank]
85. U56/Memorandum from Keith Folkerts, dated 10/20/09
86. E-mail message from Spencer Horning, US Navy – Attachments, dated 10/21/09
87. U57/Pre-Hearing Order, dated 10/22/09
88. U58/C8/Revised Preliminary Drainage Plan, dated 2/2009
89. U59/C9/Revised Wetland Delineation & Stream ID Report, dated 2/2009
90. U60/Revised Hydrogeologic Report, dated 2/2009
91. U61/Revised Habitat Management Plan, dated 2/2009
92. U62/Revised Land Use & Visual Impact Assessment, dated 2/2009
93. U63/C10/Revised Noise Study, dated 2/23/09
94. U64/CDs (2) of Revised Parametrix Reports, dated 2/2009
95. U65/Memorandum from Kristen Wallace – Environ, dated 5/18/09
96. U66/Transmittal Sheet – Craig Jones, dated 10/28/09
97. U67/KC Transportation Capacity Reservation Certificate, dated 5/6/08
98. U68/Letter from Phil Struck, Parametrix, with Traffic Count Locations Map, dated 10/28/09
99. U69/Distribution List Name: UTF Kitsap Lake e-mail list, received 10/29/09
100. U70/UTF Press Release Open House, dated 6/17/07
101. U71/UTF Press Release Open House, dated 3/21/07
102. U72/UTF Press Release Open House, dated 11/27/06
103. U73/UTF Letter to Neighbors, dated 9/22/06
104. U74/UTF Letter to Neighbors, dated 12/5/04
105. U75/UTF Introduction Letter to Community, dated 9/7/04
106. U76/UTF Wildlife Corridor Elevation Map with attachments (2), received 10/29/09
107. Comments with attachments for Hearing – Linda Laine, dated 10/29/09
108. U77/Development Engineering Pre-Application Checklist, dated 4/10/07
109. U78/Ueland Tree Farm Conditional Use Permit Mitigation Conditions, dated 11/2/09
110. U79/Truck Traffic Data for Typical Kitsap County Minor Arterials – Phil Struck, Parametrix, dated 10/28/09
111. U80/Ueland Tree Farm Base Map, dated 9/2009
112. U81/Draft Sub-Basin Assessment, dated 3/2007
113. U82/Kitsap County Sub-Area Plan Port Blakely Joint Planning Area Volume 1 – Duplicate of Exhibit 48 – EIS Appeal, dated 7/26/00

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114. U83/KC Sub-Area Plan Port Blakely Joint Planning Area Volume II, dated 9/11/00
115. U84/Briefs (Applicant for CUP & FEIS Appeal & Witness List) Craig Jones, Attorney – FEIS Appeal Replace with Exhibit #122, dated 11/1/09
116. U85/UTF Motion & Memorandum for Permission to File Oversize Brief Craig Jones, dated 11/1/09
117. U86/Order Granting Permission to File Oversize FEIS Appeal Brief – Craig Jones, dated 11/1/09
118. A2/Memorandum & Authorities of Appellant CCCWB – Attachments – Tim Botkin 1-8, dated 11/2/09
 - a. A2-1 Map of Chico Watershed – Not Available, dated 11/2/09
 - b. A2-2 Map of Northlake Way Area, dated 11/2/09
 - c. A2-3 Northlake Way Traffic/Bus Stop Map, dated 11/2/09
 - d. A2-4 Satellite Aerial of Project Area, dated 11/2/09
 - e. A2-5 Letter from Puget Sound Railroad, dated 11/2/09
 - f. A2-6 Chart of Bus Stops on Northlake Way, dated 11/2/09
 - g. A2-7 Chart of Properties & Values Northlake Way Area – Not Available, dated 11/2/09
 - h. A2-8 Letter from Associate Real Estate Broke Irene Wurden, dated 11/2/09
 - i. A2-9 a Photos a. North from David Road, dated 11/2/09
 - ii. A2-9 b Northlake Way North of Seabeck, dated 11/2/09
 - iii. A2-9 c Northlake Way near Taylor Road, dated 11/2/09
 - iv. A2-9 d Northlake Way South to Leber Road, dated 11/2/09
 - v. A2-9 e Northlake Way to Seabeck Road “Y”, dated 11/2/09
 - vi. A2-9 f Northlake Way near Chico North, dated 11/2/09
 - vii. A2-9 g Northlake Way South of David Road, dated 11/2/09
 - viii. A2-9 h Belfair Valley Road East of Sam Christopherson Road, dated 11/2/09
 - ix. A2-9 i Chico Way Mid North, dated 11/2/09
 - x. A2-9 j Chico Way near Northlake Way North, dated 11/2/09
 - xi. A2-9 k Clear Creek North of Sherman Hill, dated 11/2/09
 - xii. A2-9 l Central Valley North of McWilliams, dated 11/2/09
 - xiii. A2-9m Hansville Road North of SR104, dated 11/2/09
 - xiv. A2-9n Mile Hill East of California Street, dated 11/2/09
 - xv. A2-9o Newberry Hill East of Dickey Road, dated 11/2/09
 - xvi. A2-9p Sidney Road South of Lider Road, dated 11/2/09
 - i. A2-10 Kitsap County Traffic Report 9/15/09, dated 11/2/09
119. U87/Staff Response to SEPA Appeal of Final Environmental Impact Statement (EIS) Adequacy, dated 11/2/09
120. U88/Memorandum from David Greetham – Witness List, dated 11/2/09

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121. U89/Order on Motion to Submit Oversize Brief – Kimberly Allen, Hearing Examiner, dated 11/3/09
122. U90/Revised FEIS Brief – Craig Jones, dated 11/5/09
123. A3/Notebook from Jack Stanfill, dated 11/9/09
124. Witnesses' List for FEIS Appeal, dated 11/9/09
125. Proposed Dickerson Creek Flow Monitoring Mitigation Condition – David Greetham, dated 12/10/09
126. Proposed FRL Mining Mitigation Condition, dated 12/10/09
127. Agreement of EIS Property Devaluation, dated 12/10/09
128. Letter from Patrice Pennachi with attachment, dated 12/10/09
129. Memorandum from Shawn Alire – Modify Exhibit 109, dated 12/14/09
130. Memorandum from Shawn Alire – New County Development Engineering Condition, dated 12/14/09
131. Letter from Susanne Stayrook, dated 12/14/09
132. Comments from Joel Adamson PE – Attachments, dated 12/14/09
133. Letter from Carol Harcharik with Attachments, dated 12/10/09
134. Letter from Melborn & Nancy Luker, dated 12/11/09
135. Letter from Craig Kettel, dated 12/9/09
136. Letter from Trina Jury, dated 12/13/09
137. Letter from Sheila K. Guizzetti – Attachments, dated 11/8/09
138. Letter from Bernie & Elaine Fleming – Attachments, dated 12/14/09
139. Letter from Tamra Truemper, Chico Christian Child Care Center, dated 12/11/09
140. Letter from Linda Laine – Attachments, dated 12/9/09
141. Letter from John Miksell – Attachments, dated 12/14/09
142. Letter from Metasha Carson, dated 12/7/09
143. Folder from Holly Hunt – Attachments, dated 12/14/09
144. Letters from Victoria & Larry Eyler, dated 12/14/09
145. Letter from Kathy Stanfill – Attachments, dated 12/14/09
146. Letter from J. & Tony Lee, dated 12/14/09
147. Letter from Jack Stanfill – Attachments, dated 12/14/09
148. Letter from Erenn Kiriaell, dated 12/14/09
149. Letter from Irene Wurden (Tim Botkin), dated 10/28/09
150. Testimony from Tim Botkin, dated 12/14/09
151. Memorandum from Dennis Oost, dated 12/16/09
152. E-mail message from Karen Boeve, dated 12/18/09
153. E-mail message from Karl G Baer, dated 12/19/09
154. Letter from Kathy Stanfill, dated 12/20/09
155. Letter from Jackie Stanfill, dated 12/20/09
156. Letter from Tom Engstrom, Steve Whybark & Lori Whybark – Kitsap Lake Neighborhood Association, dated 12/21/09
157. Letter from Tom & Jenn Engstrom, dated 12/21/09

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158. Fax from Phil Struck, Parametrix, dated 12/21/09
159. Letter from Craig Jones, Attorney Pinnacle Real Estate Law Group, dated 12/21/09
160. Closing Statement & Testimony Rebuttal – Craig Jones, dated 12/21/09
161. Letter from Kim Adair, dated 12/21/09
162. Letter from Lanny Davis, dated 12/21/09
163. CUP Testimony – Jim Tucker, dated 12/21/09
164. Letter from Holly Hunt, dated 12/21/09
165. Testimony from Bob Tucker, dated 12/21/09
166. E-mail message from Tim Botkin with Attachments, dated 12/23/09
167. E-mail message from Kimberly Allen, Hearing Examiner, dated 1/7/10
168. Letter from Tim Botkin with Attachments, dated 1/14/10

ATTACHMENT B

Pleadings and Orders

	Dated	Received
Pre-Hearing Order	10/22/09	10/22/09
Briefs (Applicant for CUP & FEIS Appeal & Witness List) Craig Jones, Attorney – FEIS Appeal Replace with Exhibit #122	11/1/09	11/2/09
UTF Motion & Memorandum for Permission to File Oversize Brief Craig Jones	11/1/09	11/2/09
Memorandum & Authorities of Appellant CCCWB – Attachments – Tim Botkin 1-8	11/2/09	11/2/09
Staff Response to SEPA Appeal of Final Environmental Impact Statement (EIS) Adequacy	11/2/09	11/2/09
Order on Motion to Submit Oversize Brief – Kimberly Allen, Hearing Examiner	11/3/09	11/3/09
Revised FEIS Brief – Craig Jones	11/5/09	11/5/09
Closing Statement & Testimony Rebuttal – Craig Jones	12/21/09	12/21/09
E-mail from Tim Botkin with Attachments	12/23/09	12/23/09
E-mail from Kimberly Allen, Hearing Examiner	1/7/10	1/7/10
Letter from Tim Botkin with Attachments	1/14/10	1/14/10

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UELAND TREE FARM MINERAL RESOURCE DEVELOPMENT

Final EIS

Prepared for:
Kitsap County

August 2009

SEPA Fact Sheet

PROJECT TITLE

Ueland Tree Farm Mineral Resource Development Project

PROJECT DESCRIPTION

Ueland Tree Farm, LLC (UTF) is proposing development of commercial sand, gravel, and basalt mineral surface mines on a portion of a 1,716-acre commercial forest land site owned by UTF. The UTF proposed mineral resource development site is located west of the City of Bremerton and Kitsap Lake in unincorporated Kitsap County. The proposal includes development of up to two sand and gravel mines and three basalt quarry areas. Optional development may also include a concrete batch plant, a railroad spur line, and a topsoil facility. Under the proposal, approximately 152 acres of the 1,716 acre site would be developed for surface mining and associated activities, not including connecting access roads.

The plan for mineral development at the UTF includes an estimated 50-year implementation period, with no more than one gravel mine and one quarry developed and operating at any given time. Anticipated annual production for the UTF Mineral Resource Project is estimated at a maximum of 400,000 tons of aggregate. Following mineral removal, each mine or quarry site would be reclaimed consistent with Kitsap County and Washington Department of Natural Resources reclamation standards and managed as working forest.

This EIS documents the analysis of three alternatives: the No Action Alternative, a Proposed Development Alternative, and a Reduced Scale Alternative. These alternatives are described below. A preferred alternative has not been identified at this time.

Alternative 1. The No Action Alternative was developed, as required by SEPA, to comparatively describe the project site and environmental impacts if the UTF Mineral Resource Project were not to take place. Potential future development of the project site would be limited to uses allowed under the current zoning and comprehensive plan designations.

Alternative 2. The Proposed Development Alternative proposes development of a 152 acre portion of the 1,716 acre site, as described above. This alternative assumes successive development of two sand and gravel mines, successive development of three basalt quarries, and construction of a concrete batch plant, a railroad spur line, a topsoil facility, an office, a shop, and truck scales. Development of this alternative would occur over the projected 50-year period.

Alternative 3. The Reduced Scale Alternative proposes a reduced level of development of the project components described in the Full Development Alternative. This alternative assumes successive development of two sand and gravel mines and two basalt quarries (Quarry A and C). The concrete batch plant and railroad spur line would not be constructed, and the top soil facility would be developed but at a lesser scale. A total area of 93 acres would be developed. The Reduced Scale Alternative would include the construction of other facilities necessary for operation, such as the office, shop, and truck scales. Development of this alternative would occur over an approximate 32-year period.

PROJECT LOCATION

The project site is a 152 acre portion of a 1,716 acre property owned by UTF in unincorporated Kitsap County, west of the city of Bremerton (see Figure 1-1). The site is located in Sections 12, 13, 24, and 25, Township 24N, Range 1W and Sections 7, 18, and 19, Township 24N, Range 1E.

SEPA LEAD AGENCY AND PROJECT PROPONENT

Lead Agency

Kitsap County Department of Community development

614 Division Street MS-36

Port Orchard, WA 98366-4682

(360)337-7181

Contact: David Greetham

Project Proponent

Ueland Tree Farm, LLC

16419 Maplewild Avenue SW

Seattle, WA 98166

Contact: Craig Ueland

PERMITS, LICENSES, AND APPROVALS REQUIRED OR POTENTIALLY REQUIRED

State and Regional Permits, Licenses, and Approvals

Puget Sound Clean Air Agency (PSCAA)

Notice of Construction

Washington Department of Ecology

Sand and Gravel General Permit

National Pollutant Discharge Elimination System (NPDES) Stormwater Permit

Section 401 Water Quality Certification

Washington Department of Fish and Wildlife

Hydraulic Project Approval

Washington Department of Natural Resources

Surface Mine Reclamation Permit

Local Permits, Licenses, and Approvals

Department of Community Development, Kitsap County

Conditional Use Permit

Site Development Activity Permit

Department of Public Works, Kitsap County

Right-of-Way Use Permit

AUTHORS AND CONTRIBUTORS

This EIS has been prepared under the direction of the Kitsap County Department of Community Development. EIS preparation was conducted by:

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3500188th Street SW, Suite 600

Lynnwood, WA 98037-4763

(425) 921-4000

DATE OF ISSUE OF DRAFT EIS

February 27, 2009

END OF DRAFT EIS COMMENT PERIOD

4:30pm Monday, March 30, 2009

PUBLIC MEETINGS

A public meeting for the Draft EIS was held on March 25, 2009 from 6:30 PM to 8:30 PM at the Kings West School, located at 4012 Chico Way NW, in the City of Bremerton. Information about the public meeting was also posted on the county's web page, www.kitsapgov.com/dcd.

COMMENTS ON THE DRAFT EIS

Twenty-nine written comment letters were submitted from individuals, organizations, tribes and agencies on the Draft EIS. Comments and detailed responses are included in Appendix A, Response to Comments. The FEIS text has been largely unchanged from the DEIS text, however, Chapter 1 has been updated. All additional information in response to the comments is included in the Appendix, including discussion of proposed measures to mitigate adverse impacts.

DATE OF ISSUE OF FINAL EIS

August 12, 2009

DISTRIBUTION

The Distribution List for the Final EIS can be found in Appendix C of this document.

DOCUMENT AVAILABILITY

A limited number of hard copies of the document are available from the Kitsap County Department of Community Development, and at the Kitsap Regional Library in Port Orchard, free of charge. Compact discs are also available from Kitsap County DCD free of charge. The document is also available on the county's web page, www.kitsapgov.com/dcd.

Chapter 1 Project Description and EIS Summary

1.1 INTRODUCTION

Ueland Tree Farm, LLC (UTF) is proposing development of commercial sand, gravel, and basalt mineral surface mines on a portion of a 1,716-acre commercial forest land site owned by UTF. The proposed UTF mineral resource development site is located west of the City of Bremerton and Kitsap Lake in unincorporated Kitsap County (Figure 1-1). Development plans include up to two sand and gravel mines and three basalt quarry areas. Associated development may also include a concrete batch plant, a railroad spur line, and a topsoil production facility. Under the proposal, areas totaling approximately 152 acres would be developed for surface mining and associated activities, not including connecting access roads.

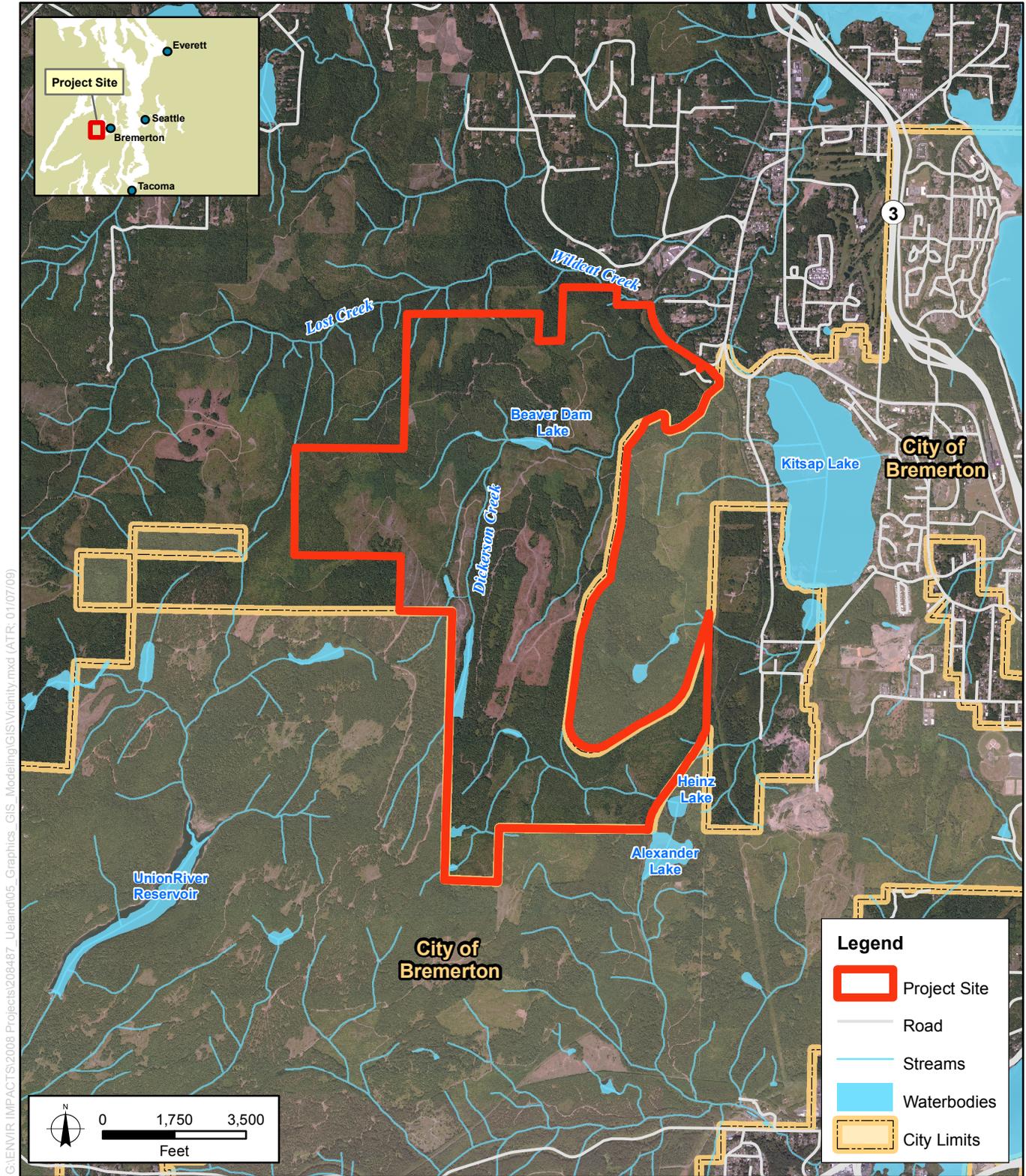
Under the Proposed Development Alternative, the mineral development plan at the UTF site would be implemented over an estimated 50-year period, with no more than one gravel mine and one quarry developed and operating at any given time. Anticipated annual production for the UTF mineral resource project is estimated at a maximum of 400,000 tons of aggregate. Following mineral removal, each mine or quarry site would be reclaimed consistent with Kitsap County and Washington Department of Natural Resources reclamation standards and managed as working forest.

This Final EIS, in combination with the Draft EIS, evaluates alternatives for potential mineral resource development at the UTF and discusses the associated environmental issues, such as air and water quality, noise, traffic, and land use compatibility, responds to citizen, Tribe, and agency comments received on the DEIS, and provides updated analysis where appropriate.

1.2 PROPOSED ACTION

1.2.1 PROJECT DESCRIPTION

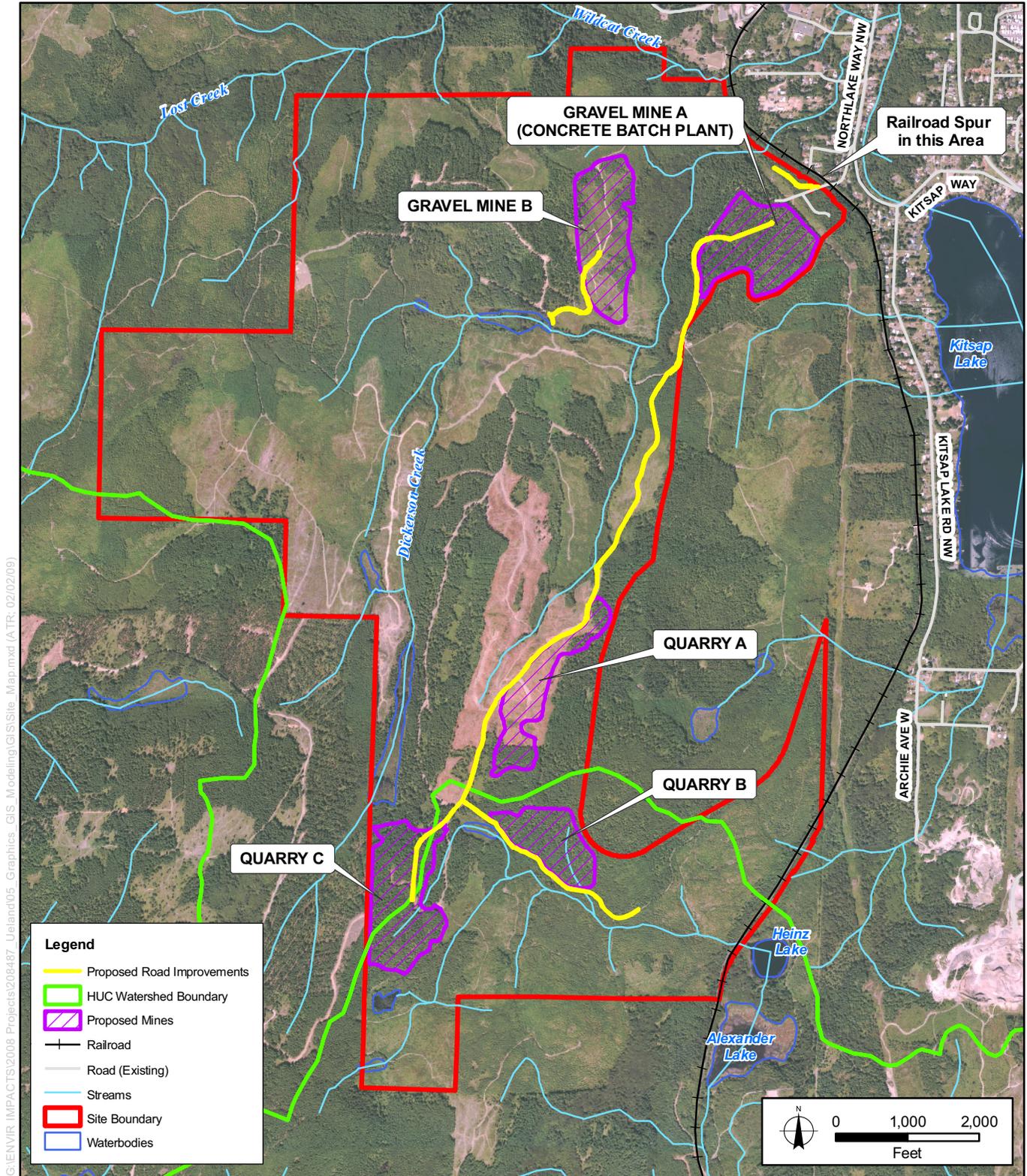
The mineral resource development project proposes development of commercial sand, gravel, and basalt mineral surface mines on a portion of the UTF site. Two action alternatives and a no action alternative have been developed, as described in detail in Section 1.5 below. Development plans consist of up to two gravel mines, three basalt quarry areas, and associated facilities (Figure 1-2).



G:\ENVR IMPACTS\2008 Projects\208487_Ueland\05_Graphics_GIS_Modeling\GIS\Vicinity.mxd (ATR: 01/07/09)

SOURCE: DAIS, 2001; Kitsap Co, 2008; WDNR, 2008; WSDOT, 2007

Ueland . 208407
Figure 1-1
 Vicinity Map



G:\ENVIR IMPACTS\2008 Projects\208487_Ueland\05_Graphics_GIS_Modeling\GIS\Site_Map.mxd (ATR: 02/02/09)

SOURCE: DAIS, 2001 (Aerial); Kitsap Co, 2008; Parametrix, 2008; WDNr, 2008; WSDOT, 1997.

Ueland . 208407
Figure 1-2
 Site Map with Project Elements
 Kitsap County, WA

1.2.2 SITE LOCATION

The UTF property is located in Sections 12, 13, 24, and 25, Township 24N, Range 1W, and Sections 7, 18, and 19, Township 24N, Range 1E. The UTF property (the entire area owned by Ueland Tree Farm LLC) is approximately 1,716 acres in area. The proposed project site (the area of proposed mineral resource activity) encompasses approximately 152 acres, roughly 9% of the UTF property. Figure 1-1 illustrates the location of the site. The UTF property is located within the Chico and Gorst Creek watersheds with the majority of the property in the Dickerson Creek sub-basin. The property is located between large tracts of open space and timber lands to the west and planned urban development (Bremerton urban growth area) to the east. The property is bordered by land owned by the Mountaineers Foundation to the north, the Department of Natural Resources (DNR) to the northwest and west, the City of Bremerton to the southwest, the Bremerton Watershed to the south, and Port Blakely Communities to the east.

1.3 PURPOSE AND NEED FOR THE PROJECT

The proposed mineral resource development project is intended to fill a need for mineral resources in Kitsap County and the surrounding region. At the present time, there are relatively few long-term mineral resource sites in Kitsap County that are located in areas that are feasible for development. This is particularly true for basalt quarries, which are relatively uncommon geologic features in the Kitsap Peninsula region. Currently, there are two primary basalt quarries in Kitsap County, both of which have finite resources.

The UTF project site contains more than 11 million cubic yards of commercial quality mineral deposits, including significant quantities of aggregate resources, and is located on rural property zoned for forest resource development. The location of the site adjacent to the Bremerton Urban Growth Area provides a resource location near urban areas in need of mineral resources. The close-in location could significantly reduce transport distances for mineral resources used in the area, including the potential to reduce long-haul trips from outside the county. This potential reduction of long-haul trips could lower the use of petroleum products and the accompanying emissions associated with truck trips. Development of mineral resources at the site in a manner that is compatible with adjacent land use would help to ensure that Kitsap County has adequate quantities of building materials available locally at competitive prices.

1.4 SUMMARY OF THE SEPA PROCESS

A Determination of Significance and Scoping Notice for the Project was issued by Kitsap County on June 23, 2008. A Scoping meeting was held on July 23, 2008, with approximately 10 people in attendance. The County received 13 comment letters regarding the proposal. The areas of concern and areas in need of additional clarification raised during the scoping process are summarized below.

Traffic

- Pedestrian/Bicycle Safety: Sidewalks are proposed along Lebers Lane; are there any other methods to protect pedestrians and bicyclists? **The EIS needs to discuss pedestrian/bicycle safety.**
- The proposal will generate too much truck traffic for residential roads. **Potential impacts from increased trucks on residential roads need to be evaluated fully in the EIS.**

- Railroad: If rail transport is to be included in the proposal, the EIS needs to bracket expected use (e.g. frequency of rail trips, number of railcars, times of rail movement) in order to be sure to cover future activities and avoid the need for subsequent SEPA documentation (e.g. addendum, supplement). A new rail spur and loading facility will need to be described. What approvals will be needed for use of the railroad? **The EIS needs to describe the full range of impacts associated with rail use.**
- School Bus Stops: Are school bus stops located in the vicinity of the site? If so, are there any safety issues related to truck traffic? **The EIS needs to describe safety measures to protect children at bus stops.**
- Will there be sales of aggregate to the public and/or contractors not associated with the operator? **Truck trips from aggregate sales need to be evaluated in the EIS.**
- Nuisance gravel: Cracked windshields from nuisance gravel along public roadways can be a problem? Will gravel truck loads be covered? **The EIS needs to describe measures to control nuisance gravel.**
- **The EIS needs to consider alternate access routes with reduced impacts.**

Noise and Vibration

- Blasting: It would be good to cite the experience of blasting at other locations (e.g. Mats Mats Quarry in Jefferson County). **The EIS should provide additional information on the expected frequency and duration of blasting operations.**
- Jake-brakes and Backup Alarms: **The EIS needs to address potential impacts of these noise sources, if they will be present.**
- Rock crushing and conveyor belt operation: **The EIS needs to describe noise impacts from these sources.**
- Vibration: Are there any risks to nearby residences (e.g. foundations)? The railroad tracks could be destabilized. **The EIS needs to describe potential impacts from vibration. The EIS needs to describe potential impacts to the railroad tracks from vibration.**

Wildlife

- Blasting: **The EIS needs to address potential impacts of noise, especially blasting on wildlife species.**
- **The EIS needs to describe the potential impacts of noise and dust on fish in Chico Creek.**
- **The EIS needs to describe the potential impacts to fish and wildlife from vibrations.**

Water and Wetlands

- What will be the expected volume of water purchased from the City of Bremerton? Does the city have adequate resources to provide this volume? **Impacts to public water supplies need to be described.**
- Asphalt: will there be an asphalt plant on the site? **The EIS needs to confirm the types of operations anticipated, including asphalt operations, and the potential impact on water supplies.**
- Is there any potential for mining operations (not including settling ponds) to create a new water feature on the site (e.g. pond or small lake)? **The EIS needs to consider potential to create new surface water features and the potential impact associated with that.**
- **The potential impacts to Kitsap Lake need to be fully described**
- **The full range of chemicals associated with rock extraction at the site (including arsenic and asbestos) need to be discussed, and their potential to enter surface and ground water.**
- **Need to describe the impacts to the 13 streams in the project area. Describe potential water diversions and their impact on streams and wetlands.**

- **The EIS needs to fully describe the potential impacts to residents around Kitsap Lake who rely on wells for their water supply.**

Air Quality/Public Health

- Public Health: Dust and silica sand are carcinogens. The threat to individuals with compromised immune systems needs to be fully described. **Public health issues associated with fugitive dust and associated metals need to be fully described.**
- **The EIS needs to evaluate the air quality impacts from the batch plant.**

Visual Impacts

- Simulations: The visual impact analysis shows locations from which the site operations will be visible. Can simulations be developed to show what the site will look like from these locations? **Visual impacts need to be fully characterized.**

Recreation

- **The trail system on the site needs to be maintained. Public access needs to be maintained.**

Action Alternative

- **An action alternative needs to be developed for evaluation in the EIS.**

The issues identified have been incorporated into the Draft EIS evaluations in the relevant sections. The Draft EIS was issued on February 27, 2009. A 30-plus day comment period included a public meeting, which was held on March 25, 2009. Twenty-nine written comment letters were submitted from individuals, organizations, tribes and agencies on the Draft EIS. The comment letters received included both support for and opposition to the project, with most of the comments requesting clarifying information about project details. These comments are included in Appendix A of the Final EIS, along with the response to each of the comments. The Draft EIS text has not been revised to address the comments; additional clarifying information is included in the responses to comments.

1.5 PROJECT ALTERNATIVES

The proposed project includes two development alternatives and a No Action alternative. The major features of the alternatives are described below.

1.5.1 No ACTION ALTERNATIVE

The **No Action Alternative** was developed as a means to describe the project site and environmental conditions if the UTF Mineral Resource Project were not to take place. This alternative does not describe a proposal currently anticipated or proposed by the project proponent, but describes the actions that would be allowable based on existing land use regulations. Potential future development of the project site is anticipated to consist of uses allowed under zoning and comprehensive plan designations at the time of development. Currently, these designations are Rural Wooded (RW) and Forest Resource Lands (FRL). The RW and FRL zones allow for residential development of one unit per 20 acres and one unit per 40 acres, respectively, however, the project was previously subdivided at a density of one unit per 20 acres. The No Action Alternative provides a baseline against which to compare the effects of the two project alternatives.

1.5.2 PROPOSED DEVELOPMENT ALTERNATIVE

The **Proposed Development Alternative** calls for mineral resource development of 152 acres of the 1,716-acre property. This alternative is the proponent's preferred development approach. Potential mine areas were selected based on the resource investigations as well as other site-specific information, including the location of environmentally critical areas. This alternative assumes successive development of two sand and gravel mines, successive development of three basalt quarries, and construction of a concrete batch plant, a railroad spur line, a topsoil facility, an office, a shop, and truck scales. Anticipated annual production for the mineral resource project is estimated a maximum of 400,000 tons of aggregate. Approximately 11,700,000 cubic yards of aggregate material is proposed to be removed from the site over an estimated 50 year period.

The following sections outline the activities that would occur associated with the proposed facilities and operations. All operations are based on market demand for the product, so estimates are approximate based on a current understanding of market conditions. No residential development is proposed as part of this project alternative.

SAND AND GRAVEL MINES

Two sand and gravel mines, Gravel Mines A and B, are planned as part of the Proposed Development Alternative, which will be located on the north end of the UTF property (Figure 1-2). This portion of the site contains sand and gravel deposits suitable for commercial mining that can exceed 100 feet thick in some areas (Parametrix, 2007c).

Gravel Mine A, located nearest to the main entrance to the property, is 32.5 acres in area. An estimated 2,284,000 cubic yards (CY) of sand and gravel will be mined at this location. In addition to sand and gravel pits, the Gravel Mine A site will also house the crushing and washing facility, concrete batch plant, topsoil production facility, office, truck scales, and maintenance shop. Gravel Mine B is a 34-acre site located west of Gravel Mine A. This secondary site contains an estimated 952,000 CY of minable sand and gravel. Table 1-1 is a summary of the estimated mineral resource volumes within each of the planned mining sites.

Table 1-1 Summary of Mineral Resource Volumes

Site	Surface Area (acres)	Rock Volume (CY)	Topsoil Volume (CY)/Depth (in)	Overburden Volume (CY)/Depth (in)	Total Volume (CY)
Gravel Mine A	32.5	2,284,000	31,850 / 6	0*	2,315,500
Gravel Mine B	34	952,000	18,230 / 4	0*	970,000
Quarry A	25.3	1,870,000	20,430 / 6	183,800 / 54	2,074,000
Quarry B	21.3	2,300,000	17,210 / 6	137,700 / 48	2,455,000
Quarry C	39.2	3,386,000	31,600 / 6	442,300 / 84	3,860,000
Totals	152.3	10,792,000	119,320	763,800	11,674,500

Source: Parametrix, 2008.

* Overburden is the material being mined within Gravel Mines A and B, thus "Overburden Volume" is equal to the "Total Volume" for these sites.

The sand and gravel mining operation at each of the mine sites will involve first clearing the topsoil with a dozer. Vegetation removed during clearing will be chipped and retained for topsoil production or for reclamation. The sand and gravel will be mined in a dry or moist condition by open pit excavation with power shovels, front end loaders, and bucket wheel excavators. After mining, the materials will be transported to the processing plant by earth mover, truck, belt conveyors, or other means. Material mined from Gravel Mine B will be transported by conveyor or truck to the crushing and washing facility at Gravel Mine A.

BASALT QUARRIES

The Proposed Development Alternative plans for three basalt quarries in the southern portion of the UTF property (see Figure 1-2). As shown in Table 1-1, Quarry A covers 25.3 acres, Quarry B covers 21.3 acres, and Quarry C covers 39.2 acres. In these areas, the overburden layer is approximately 5 to 10 feet thick. Overburden is the top layer of soil that consists of a mixture of sand, gravel, and silt. Beneath the overburden layer, this area of the UTF property has basalt bedrock more than 80 feet deep, based on initial geotechnical investigations. The total volumes of basalt expected to be mined at each of the Quarries is shown in Table 1-1.

Rock and crushed stone products generally will be loosened by drilling and blasting. A rock drill is used to create a hole in the rock face for the explosives. After detonation, excavators will be used to sort the material. Loaders are then used to place the material onto a conveyor system or into trucks for transport to the crushing and washing facility located at Gravel Mine A.

In general, quarry blasting is designed to remove benches of material that range in width up to 50 feet or more. The depth of the bench is typically defined by depth of the blast hole and the length of the bench by the linear size of the working face. The frequency of blasting is likely to decrease over time as a larger (longer and deeper) working face is developed in the quarry. During quarry start-up, blasting may occur

at a more frequent interval (two to three times per month) due to the small working face. After several months when the working face has grown to a more efficient size, blasting frequency is expected to decrease to once or twice per month.

CONCRETE BATCH PLANT

A concrete batch plant would be constructed within the Gravel Mine A area (Figure1-2), depending on economic feasibility and market demand. Approximately 20,000 cubic yards per year of concrete is planned to be produced. Precast products may also be made on the site, and range from concrete bricks and paving stones to bridge girders and structural components.

Concrete is composed essentially of water, cement, sand (fine aggregate), and coarse aggregate. Raw materials for concrete production will be delivered to the site by rail or truck. The cement component is transferred to elevated storage silos pneumatically or by bucket elevator. The sand and coarse aggregate components are transferred to elevated bins by a front end loader, clam shell crane, belt conveyor, or a bucket elevator. From these elevated bins, the constituents are then fed by gravity or screw conveyor to weigh hoppers, which combine the proper amounts of each material. The components are gravity fed from the weight hopper into the mixer trucks. The concrete is mixed on the way to the site where the concrete is to be poured. The concrete may also be manufactured in a central mix drum and transferred to a transport truck.

CRUSHING AND WASHING FACILITY

Sand and gravel will be processed at the crushing and washing facility prior to use or sale at. The processing of sand and gravel will involve the use of different combinations of washers, screens, and classifiers to segregate particle sizes; crushers to reduce oversized material; and storage and loading facilities.

After being excavated and transported to the crushing and washing facility at Gravel Mine A, the wet sand and gravel raw material will be stockpiled or emptied directly into a hopper, which is covered with a “grizzly” of parallel bars to screen out large cobbles and boulders. From the hopper, the material is transported to fixed or vibrating scalping screens by gravity, belt conveyors, hydraulic pump, or bucket elevators. The scalping screens separate the oversize material from the smaller, marketable sizes. Oversize material may be used for erosion control, reclamation, or other uses, or it may be directed to a crusher for size reduction, to produce crushed aggregate, or to produce manufactured sands. Crushing will be carried out in one- to three-stage processes. Following crushing, the material is returned to the screening operation for sizing.

The material that passes through the scalping screen is fed into a battery of vibrating sizing screens. Rotating trommel screens with water sprays will also be used to process and wash sand and gravel. Screening separates the sand and gravel into different size ranges. Water is sprayed onto the material throughout the screening process to minimize dust. The sized gravel is then transported to stockpiles, storage bins, or crushers by belt conveyors, bucket elevators, or screw conveyors. The sand is freed from clay and organic impurities by log washers or rotary scrubbers. After scrubbing, sand is sized by water classification, and then dewatered using screws or separator cones. Finally, the sand is transported to storage bins or stockpiles by belt conveyors, bucket elevators, or screw conveyors.

TOPSOIL PRODUCTION FACILITY

A topsoil production and wood debris processing operation would be constructed within the Gravel Mine A area (see Figure1-2), depending on economic feasibility and market demand. Topsoil production

would consist of screening and mixing of soil materials from both on-site and off-site sources. The estimated amounts of topsoil that would be reclaimed by the mining operations are shown in Table 1-1. An estimated 20,000 tons per year of topsoil could be produced at the proposed facility.

SITE ACCESS AND INFRASTRUCTURE

Site access would be via Lebers Lane, which would be improved to meet Kitsap County road standards. Utilities would include water from the City of Bremerton, as well as power and natural gas. The small volume of domestic wastewater generated from the on-site office would be managed in an on-site sewage disposal system. Stormwater facilities would be designed, constructed and operated in accordance with Kitsap County standards and the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for sand and gravel facilities issued by the Washington Department of Ecology (Ecology). Stormwater facilities would be designed to slowly release water from the temporary man-made system and to support a wetland system following reclamation.

SITE RECLAMATION

Following mineral removal, each mine or quarry site would be reclaimed consistent with Kitsap County and Washington Department of Natural Resources (DNR) reclamation standards, using segmental reclamation methods. Reclaimed sites will be managed as tree farms and commercial forest. Segments would typically consist of approximately 10-acre areas that are cleared, mined, and reclaimed sequentially to minimize the amount of disturbed area open at any one time.

In a typical segmental reclamation process, soil in the first segment is stockpiled before mining to minimize handling and protect the resource. After the sand and gravel or basalt has been extracted from the first segment, its slopes would be reshaped according to the reclamation plan. Soil would then be stripped from the second segment, spread on the slopes of the first segment and planted with native grasses, shrubs, and trees. This process would continue until operations are complete in all segments of the mine. Reclamation is expected to be completed within two years of the completion of operations at any particular mine or quarry on the UTF project site. Topsoil would be salvaged and reused to ensure adequate vegetation for the reclaimed sites. Topsoil storage and stockpiles would be within the footprints of mine and quarry areas.

Reclamation would occur in the following stages:

- Back-filling the pits with non-saleable mine material soil from the quarry and/or clean soil imported from an off-site location;
- Grading the areas to conform to the proposed reclamation plan contours;
- Regrading the stormwater ponds to a more natural shape, placing sub-soil and top soil within stormwater pond areas to create conditions that would allow wetland hydrology and soils to develop, and revegetating the pond area with wetland and wetland buffer plants;
- Top-dressing the floor and slope areas with soils that would support native plant communities; and,
- Planting the area with native grasses, shrubs, and trees.

PROJECT SCHEDULE AND PHASING

Construction of the proposed UTF Mineral Resource Development Project is tentatively scheduled to begin in 2009, with mining operations beginning in 2010, depending upon issuance of the Kitsap County

Conditional Use Permit. The first construction phase would occur over approximately 12 months and will include the following project components:

- Improvements to some access roads (including Lebers Lane);
- Construction of the operational facilities (i.e., office, shop, utilities);
- Construction of the Crushing and Washing facilities, the Concrete Batch Plant, and the Topsoil Production facility;
- Preparation of the Gravel Mine A and Quarry A excavation sites (vegetation and topsoil clearing);

Subsequent construction phases will include periodic excavation and grading necessary for the preparation of individual mine sites. This would take place incrementally as the individual mines and quarries (approximately 10 acres each) are developed over the course of approximately 50 years. Gravel Mine B and Quarry Areas B and C would be developed successively following completion of mining activity on Quarry Area A. No more than one sand and gravel mine or quarry would be developed and operated at any given time. An estimated schedule for operation and reclamation of each mine site is shown in Table 1-2.

Table 1-2 Estimated Mining and Reclamation Schedule

Site	Operating Period	Reclamation Complete
Gravel Mine A	2010 – 2032	2033
Gravel Mine B	2032-2041	2042
Quarry A	2010 – 2022	2023
Quarry B	2022 – 2037	2038
Quarry C	2037 - 2059	2060

Source: Parametrix, 2008.

The normal working hours of the mining operation would be from 7:30 AM to 5:00 PM Monday through Friday, 52 weeks per year with no operations on holidays or weekends.

1.5.3 REDUCED SCALE ALTERNATIVE

The **Reduced Scale Alternative** proposes development of a portion of the project components described in the Proposed Development Alternative. In this alternative, the two sand and gravel mines and two of the basalt quarries (Quarry A and Quarry C) would be developed. The concrete batch plant and railroad spur line would not be constructed. The topsoil facilities would still be developed, but at a lesser scale. The Reduced Scale Alternative would include the construction of other facilities necessary for operation, such as the office, shop, crushing and washing facility, and truck scales. Reclamation features would be the same as described for the Proposed Development Alternative. This alternative proposes to develop approximately 93 acres of the UTF property for mining mineral resources over an approximate 32-year period. No residential development is proposed as part of the Reduced Scale Alternative. This alternative

was developed to provide an option that could feasibly attain or approximate the objectives for the project at a lower environmental cost. This alternative does not fully meet the proponent's objectives for the project.

1.6 SUMMARY OF IMPACTS AND MITIGATION MEASURES

This document discusses the potential impacts of the proposed UTF Mineral Resource Development Project in terms of construction impacts (short-term) and operational impacts (long-term). For the purposes of this analysis, "construction impacts" are described as "site development impacts" and include the periodic excavation and grading necessary for preparation of individual mine sites. Site development impacts also include construction of permanent facilities, such as the buildings and utilities. Operational impacts are defined as those impacts resulting from the normal day-to-day operation of the mining facilities. All of the Site Development and Operational Impacts identified in this EIS are summarized below.

Table 1-3 Summary of Impacts and Mitigation Measures

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
Geology/Soils Impacts	<ul style="list-style-type: none"> • Existing topography will be significantly altered. • Approximately 152 acres of the 1,716 acre site would be disturbed. • Erosion and sedimentation potential will occur during site development and during long term facility operation. • Mineral extraction will result in excavations from 30 to more than 150 feet below the surface; excavations will occur in 10-acre increments over a period of 50 years. • Approximately 400,000 tons of aggregate will be removed from the site. • There will be a potential for landslides within the active mining area until reclamation is completed 	<ul style="list-style-type: none"> • Impacts to earth and soils are generally similar to the Proposed Development Alternative; however, the affected area would be 97 acres. • Excavation will occur in 10-acre increments over a period of approximately 32 years. • Erosion and landslide potential would be lower than that described for the Proposed Development Alternative, because the disturbed area is approximately 36% less. • Locally available aggregate will be available for approximately 32 years, instead of 50 years under the Proposed Development Alternative. 	<ul style="list-style-type: none"> • Continued forest harvest activities could result in erosion associated with road construction and following harvest.
Geology/Soils Mitigation	<ul style="list-style-type: none"> • Project design will comply with all applicable reclamation and drainage standards included in Washington DNR Reclamation Permit. • Permit conditions include provisions to limit landslide and erosion potential, including requirements for maximum slopes during construction and reclamation, and surface water runoff requirements. • Following mineral removal, the site will be reclaimed, consistent with Kitsap County and DNR reclamation standards. Segmental reclamation will occur throughout the entire operation of the mine, minimizing the areas of exposed earth. Topsoil will be salvaged and re-used to ensure vegetation regrowth. 	<ul style="list-style-type: none"> • Mitigation measures are the same as those for the Proposed Development Alternative. 	<ul style="list-style-type: none"> • Forest harvest activities would continue in accordance with requirements of the Forest Practices Act, and Kitsap County requirements.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
<p>Air Quality Impacts</p>	<ul style="list-style-type: none"> • Heavy equipment would create dust and exhaust emissions during site development activities. • Dust, emission impacts associated with mineral extraction will continue for up to 50 years. • Phased implementation of mineral extraction will help to localize impacts to the vicinity of the 10-acre parcel being actively mined. • The concrete batch plant will emit concentrations of toxic air pollutants, including arsenic, beryllium, cadmium and chromium. Modeling results indicate that all toxic air pollutants would be below the thresholds for Acceptable Source Impact Level (ASIL) established by the Puget Sound Clean Air Agency, and therefore considered to be safe. • Equipment used to operate the facility will contribute greenhouse gases to the atmosphere. • Reduction of long-haul trips required to bring aggregate resources into the County could potentially reduce greenhouse gas emissions. 	<ul style="list-style-type: none"> • Impacts to air quality from the concrete batch plant would not occur under this alternative. • Dust and exhaust emissions would occur similar to the Proposed Development Alternative, but at a lower level due to a shorter project timeframe and reduced area of implementation. 	<ul style="list-style-type: none"> • Air quality impacts associated with forest harvest activities would continue; dust from active harvest areas and vehicle emissions would continue. • Vehicle emissions would contribute greenhouse gases to the atmosphere.
<p>Air Quality Mitigation</p>	<ul style="list-style-type: none"> • Dust control measures will be employed in accordance with Puget Sound Clean Air Agency and Kitsap County requirements. • BMPs will be employed to reduce emissions from vehicles during site development and long term facility operation. These measures will help to reduce greenhouse gas emissions • Emissions from the concrete batch plant will be controlled using water sprays, enclosures, hoods, curtains, shrouds, movable and telescoping chutes, and central duct collection systems. • Incremental site reclamation following completion of mining activities will reduce the amount of exposed areas, thus reducing the potential for dust generation. 	<ul style="list-style-type: none"> • Mitigation measures are the same as those described for the Proposed Development Alternative 	<ul style="list-style-type: none"> • No specific mitigation measures are proposed. Continued forest harvest practices at the site would likely continue subject to existing permit conditions. Other proposed development would be subject to applicable regulations.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
Wetlands/Surface Water Impacts	<ul style="list-style-type: none"> Active mining will alter natural surface hydrologic pathways on the site. Wetland contributing areas will be reduced in some cases by as much as 30%, but modeling indicates that wetland areas will not be negatively affected. Wetland buffers for Wetlands 1 and 3 will be affected by site development, resulting in reductions in buffer width; however buffers will be added in other areas for the buffer averaging plan. Basalt quarries could affect water quality entering on-site wetlands and streams, however, water quality BMPs will help to minimize impacts. Runoff from the concrete batch plant could negatively impact downstream surface waters if discharged untreated; process water is proposed to be treated and reused rather than discharged to surface water bodies. 	<ul style="list-style-type: none"> Active mining will alter natural surface hydrologic pathways on the site; the effects will be less than those that would occur under the Proposed Development Alternative. Elimination of the concrete batch plant will eliminate the potential for water quality impacts from this facility. Effects to wetlands would be similar to, but to a lesser extent than those described for the Proposed Development Alternative. 	<ul style="list-style-type: none"> No wetland fill or buffer impacts would occur. Impacts to surface water quality and quantity could occur associated with forest harvest practices.
Wetland/Surface Water Mitigation	<ul style="list-style-type: none"> The proposed development will comply with all applicable regulatory requirements from the Washington Department of Ecology, Washington DNR, and Kitsap County. Construction BMPs will be implemented consistent with Ecology requirements. Buffer averaging will be done to maintain overall buffer areas for the regulated wetlands. The project includes stormwater management and stormwater pollution prevention measures consistent with Department of Ecology and Kitsap County requirements. The project proponent will analyze wetland water levels to ensure that water levels are not affected. If monitoring indicates significant reductions in water levels, operational practices will be modified to reduce the impacts. The project proponent would monitor surface water flows in downstream locations to ensure that surface water hydrology is preserved. 	<ul style="list-style-type: none"> Proposed mitigation is the same as described for the Proposed Development Alternative 	<ul style="list-style-type: none"> Continued forest harvesting at the site would be subject to permit requirements associated with the Forest Practices Act.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
Ground water Impacts	<ul style="list-style-type: none"> Excavation will result in altered hydrologic pathways on the site, affecting infiltration patterns. Disruptions to drainage patterns would occur as 10-acre incremental areas are mined, prior to completion of reclamation. The proposed drainage plan for the project promotes infiltration and intended to preserve existing hydrologic functions. Domestic wells in the area are not expected to be affected by the facility operations The quality of infiltrated water could be lower than under existing conditions. 	<ul style="list-style-type: none"> Impacts are similar to those described for the Proposed Development Alternative. Elimination of the concrete batch plant will eliminate the potential for water quality impacts from this facility. 	<ul style="list-style-type: none"> There is minimal potential for impacts to ground water
Ground water Mitigation	<ul style="list-style-type: none"> Stormwater will be managed in accordance with permit requirements from the Department of Ecology and will be routed through treatment BMPs prior to infiltration. Groundwater levels and quality will be monitored by the project proponent, and reported to Kitsap County. Any negative changes in water quality or water levels will be addressed by modifying operational practices or making other adjustments to address the impact. Stream flows will be monitored in Dickerson Creek to ensure that baseflows remain unaffected. Negative changes will be addressed through the proponent's adaptive management plan. The project will comply with all applicable permit requirements for the Washington State Sand and Gravel Permit, and the Surface Mine Reclamation Permit. 	<ul style="list-style-type: none"> Mitigation is similar to that described for the Proposed Development Alternative. 	<ul style="list-style-type: none"> No specific mitigation is proposed.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
Vegetation/ Habitat Impacts	<ul style="list-style-type: none"> • Trees and shrubs will be removed for development of the facilities, roads and mines. A total of 152 acres would ultimately be removed over a 50 year period. • Blasting operations at the site will adversely affect wildlife, particularly wildlife in the immediate vicinity of the blasting area. Some individual animals could lose hearing, and impacts could occur during the breeding and nesting season for birds. • Adverse impacts are not expected to occur to endangered, threatened or sensitive species. • Reclaimed sites may have reduced biological diversity as the sites revegetate. Invasive species could begin to grow if the site is not maintained. • 	<ul style="list-style-type: none"> • A total of 97 acres will be affected over the course of 32 years. Total impacts to vegetation, wildlife and habitat will be reduced from the Proposed Development Alternative. • Impacts from blasting would be similar to those described for the Proposed Development Alternative, but would be of lesser duration. 	<ul style="list-style-type: none"> • Habitat would continue to be removed as part of forest harvest activities.
Vegetation/Habitat Mitigation	<ul style="list-style-type: none"> • The project footprint has been limited to 152 acres to minimize impacts to vegetation and habitat. • Segmental development of the site followed by reclamation will help to reduce the amount of disturbed area at any given time. • Site reclamation will provide habitat for species adapted to open areas, cliffs and talus, and waterfowl and pond-breeding amphibians. • Compensatory mitigation will be done in accordance with Kitsap County requirements. 	<ul style="list-style-type: none"> • Mitigation measures are similar to those described for the Proposed Development Alternative. 	<ul style="list-style-type: none"> • Revegetation would be conducted in accordance with Forest Practice Act requirements.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
<p>Noise/Vibration Impacts</p>	<ul style="list-style-type: none"> • Site development noise levels could exceed recommended levels for residential areas; however, construction-related noise is exempt from Kitsap County noise limits. Site development activity would occur only during the daytime. • Long term noise will be generated by mining operations. This noise will likely be noticeable to surrounding residents; however, all predicted sound levels from the facility operations are within the Kitsap County daytime noise limit. • Blasting noise will be clearly audible to surrounding residents approximately 2-3 times per month. This frequency will decrease over time. Daytime blasting is exempt from Kitsap County noise limits; all blasting will occur during the day. • Vibration from blasting is projected to be well below levels that would result in structural damage. • Blasting impacts to wildlife will occur as described under Vegetation and Habitat. 	<ul style="list-style-type: none"> • Impacts would be similar to the Proposed Development Alternative but at a lower magnitude and duration. • Noise from the Concrete Batch Plant and the rail spur would not occur. 	<ul style="list-style-type: none"> • Noise impacts would continue in a manner very similar to current conditions.
<p>Noise/Vibration Mitigation</p>	<ul style="list-style-type: none"> • Site development activities and facility operation will operate in accordance with Kitsap County noise regulations. • Berms will be constructed around the northern half of Gravel Mine A and east of the processing and wash plants to act as a sound barrier. • Noisy facilities, such as the concrete batch plant, would be located at least 500 feet from the facility entrance to minimize noise impacts to nearby residences. 	<ul style="list-style-type: none"> • Mitigation is similar to that described for the Proposed Development Alternative for site development and operational impacts. 	<ul style="list-style-type: none"> • No mitigation is proposed.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
Land Use Impacts	<ul style="list-style-type: none"> • Site development will create dust, noise and traffic impacts for surrounding residents, but the impacts are not expected to be significant. • The UTF Mineral Resource Development Project will alter land use at the site for a period of at least 50 years. Review of Kitsap County Planning Policies indicates that the project is generally consistent with the goals and policies of the county, and will be mitigated by BMPs and hours of operation. • A Conditional Use Permit is required for approval of the project. • Continued commercial forestry on the site would be consistent with existing zoning. • Mineral extraction is a permitted use within the existing FRL zone, and is generally compatible with WS and CUL-zoned properties west and south of the site. • Concrete batch plant operations may create nuisance noise and dust for surrounding residences. 	<ul style="list-style-type: none"> • Impacts are similar, but reduced from those described for the Proposed Development Alternative. • Impacts associated with the concrete batch plant would not occur. 	<ul style="list-style-type: none"> • The UTF property would continue to operate as a working tree farm. Any proposed development would need to comply with existing zoning designations. • Existing zoning would allow residential development to occur at one unit per 20 acres, should the project not be implemented.
Land Use Mitigation	<ul style="list-style-type: none"> • The proposed project will comply with all applicable Kitsap County and Washington state land use, noise, and air quality permit requirements. • The project will use existing topography and vegetation to the extent possible to limit noise and visual impacts. • The proposed segmental development of the property and incremental reclamation will limit the amount of disturbed area at any given time, which will help to reduce impacts to surrounding residences. 	<ul style="list-style-type: none"> • Mitigation is similar to that described for the Proposed Development. 	<ul style="list-style-type: none"> • Any development would occur in accordance with existing zoning, plans and policies.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
<p>Transportation Impacts</p>	<ul style="list-style-type: none"> • Site development will create construction-related traffic on local roadways. Temporary traffic delays could occur. • Operation of the facility will increase traffic on local roadways by as much as 186 vehicle trips per day (based on one trip in and one trip out per vehicle). • The intersection of Lebers Lane, Grover Lane, and North Lake Way does not meet County standards and will be reconstructed by the project applicant to meet County standards. • The North Lake Way and Lebers Lane Intersection reconstruction will maintain the Level of Service at existing levels (B) but will increase the average delay per vehicle by two seconds. • Proposed construction of a rail spur would require approval by the U.S. Department of Defense, owner of the adjacent rail line. 	<ul style="list-style-type: none"> • Impacts to traffic will be reduced by overall reduction of vehicle trips from the site. • There will be no rail spur, so approval by the DoD will not be required. 	<ul style="list-style-type: none"> • Traffic conditions in the project area will be largely the same as current conditions.
<p>Transportation Mitigation</p>	<ul style="list-style-type: none"> • The project proponent will widen North Lake Way, and provide a center turn lane and a center acceleration/merge lane for left turns. • The project proponent will provide pedestrian improvements subject to County road standards for the appropriate road classification. • The project proponent will provide a sidewalk along one side of Lebers Lane, and will improve sight distance, stopping distance, turning radii, and increased shoulder width. • The project proponent will complete the pedestrian connection on Lebers Lane to North Lake Way. • The project will employ measures to reduce nuisance gravel, including paving the road, providing a wheel wash facility, and periodic street cleaning. 	<ul style="list-style-type: none"> • Mitigation is the same as described for the Proposed Development Alternative. 	<ul style="list-style-type: none"> • Roadway improvements proposed as part of the project would not be conducted.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
Aesthetic Impacts	<ul style="list-style-type: none"> The proposed project will alter the visual characteristic of the site. The existing topography will be altered and mine sites could appear as pockets of industrial character surrounded by forest. These pockets of mining will vary over the years as sites are incrementally mined then reclaimed. The site could be visible from the eastern shore of Kitsap Lake, from Seabeck Highway, from SR3 at Chico Bay, and from viewpoints in West Bremerton, East Bremerton Port Orchard, and Silverdale; however, forested areas in between would likely block views of the project site from these viewpoints. Some individuals will perceive the changed viewscape negatively. 	<ul style="list-style-type: none"> Impacts will be similar in nature but reduced in scale from the Proposed Development Alternative. 	<ul style="list-style-type: none"> The existing views of the site would be altered as forested areas are harvested.
Cultural Resources Impacts	<ul style="list-style-type: none"> Based on cultural resource surveys conducted in the area, the site has a low probability of archeological or cultural resources, and the site development and operation is not expected to affect cultural resources. 	<ul style="list-style-type: none"> Impacts are the same as described for the Proposed Development Alternative 	<ul style="list-style-type: none"> Potential impacts would be the same as under the current operations.
Cultural Resources Mitigation	<ul style="list-style-type: none"> Should potential cultural resources be discovered during site development or mining activities, earth disturbing activities would be stopped until a professional archeologist could assess the situation. 	<ul style="list-style-type: none"> Mitigation is the same as described for the Proposed Development Alternative 	<ul style="list-style-type: none"> No mitigation is proposed.
Recreation Impacts	<ul style="list-style-type: none"> Site development activities could temporarily limit or eliminate some informal trail use at the site. No formal recreational areas would be affected. Informal recreational areas adjacent to mining areas would likely be unavailable during operation. Large portions of the site would continue to be available for informal recreational use, subject to the approval of the property owner. Overall, impacts to recreation are not expected to be significant. 	<ul style="list-style-type: none"> Impacts are similar to those described for the Proposed Development Alternative., 	<ul style="list-style-type: none"> Impacts would occur associated with continued forest harvest; these are expected to be minimal.
Recreation Mitigation	<ul style="list-style-type: none"> Incremental mining in 10-acre segments, followed by reclamation, would preserve much of the informal recreation opportunity at the site should the owner choose to continue to allow public access. 	<ul style="list-style-type: none"> Measures would be the same as those described for the Proposed Development Alternative 	<ul style="list-style-type: none"> No mitigation is proposed.

ENVIRONMENTAL ELEMENT	PROPOSED DEVELOPMENT ALTERNATIVE	REDUCED SCALE ALTERNATIVE	NO ACTION
Public Services and Utilities Impacts	<ul style="list-style-type: none"> • Vehicles associated with site development could create delays on local roadways, potentially affecting the movement of emergency vehicles. • Reduced infiltration of water could affect the shallow aquifer at the site; however, the shallow aquifer is not used for drinking water supply. • No other utilities are anticipated to be affected by the proposed project. 	<ul style="list-style-type: none"> • Impacts are similar to those described for the Proposed Alternative. 	<ul style="list-style-type: none"> • No impacts to public services or utilities are anticipated.
Public Services and Utilities Mitigation	<ul style="list-style-type: none"> • The project proponent will coordinate with all potentially affected public services and utility providers to reduce the potential for conflict during site development and long term facility operations. • The project will comply with all applicable permit requirements, including local drinking water, stormwater and solid waste utilities. 	<ul style="list-style-type: none"> • Mitigation would be the same as described for the Proposed Alternative. 	<ul style="list-style-type: none"> • No mitigation is proposed.

1.7 COMMENTS ON DRAFT EIS

Twenty-nine written comment letters were submitted from individuals, organizations, tribes and agencies on the Draft EIS, and more than 100 people attended the public meeting held on March 30, 2009 at the Kings West School in Bremerton. The largest number of comments received was related to concerns about traffic: traffic congestion along Lebers Lane and Northlake Way, noise and dust from truck traffic, safety issues for pedestrians and school children, and concerns about how the additional truck traffic will change the character of the area. Commenters requested that a southern access option be explored, which would reduce impacts to residents along Lebers Lane and Northlake Way. Numerous comments were received relating to concerns about impacts to the wetlands on site, potential water quality and flooding impacts to Chico Creek, Dickerson Creek, and other surface water bodies in the area, and impacts to wildlife and habitat from the development on the site. A number of comments were received requesting additional clarification about monitoring; this information is included in Table 1-4, below.

Comments and detailed responses are included in Appendix A, Response to Comments. The FEIS text has been largely unchanged from the DEIS text, however, Chapter 1 has been updated. All additional information in response to the comments is included in the Appendix, including discussion of proposed measures to mitigate adverse impacts.

Southern Access

A number of comments were received requesting an evaluation of an additional southern access route to the site, thus avoiding impacts to homes along Lebers Lane and the surrounding neighborhood. This option, which was initially evaluated and determined to be infeasible by UTF, was revisited following release of the DEIS. UTF contracted with a consultant, ESM, to evaluate two potential south access options. This evaluation, *Ueland Tree Farm Mineral Resources Development Access Feasibility Analysis (ESM, May 2009)*, is included in Appendix B.

The first option, which is the most direct route to the southern portion of the site, would require purchase of eight private properties, because the access route is on property not currently owned by UTF. Steep slopes on either side of a valley would require extensive cut and fill for the roadway, and site conditions would make stormwater management very difficult, resulting in potential impacts to adjacent surface waters. The alignment passes through currently undeveloped area, resulting in potential impacts to streams, wetlands, steep slopes, and a wildlife corridor which connects Kitsap, Heinz, and Alexander Lakes.

The second option also requires crossing property not currently owned by Ueland, with a resultant need to purchase six properties and permission to pass through the City of Bremerton watershed. The City of Bremerton Public Works Director has stated that the City will not allow truck access through the Bremerton watershed (Williams, personal communication, June 24, 2009). This option has a total length of 2.5 miles, compared with 1.5 mile for Option 1. The roadway length is increased to avoid the valley's steep slopes near the south end of the site and to avoid two small lakes in the area, Heinz Lake and Alexander Lake. However, by avoiding the steep slopes, the alignment crosses a number of sensitive natural resource areas, resulting in potential impacts to streams, lakes, and wetlands. Figure 2 in Appendix B illustrates the roadway alignments.

The ESM report concluded that the southern access routes are not feasible, and that the north access alignment (carried forward in the Draft EIS as the Proposed Development Alternative) is more feasible to implement because it is outside known sensitive areas, and all construction could be done either in the public right of way or on property owned by UTF.

Kitsap County has reviewed the evaluation and concluded that the southern access options are not feasible. While the southern access options would result in lower potential impacts to the residents along access road and have the benefit of more direct freeway access via Werner Road, which is abutted by Industrial, Commercial, and Urban Residential zones,, they would result in more significant potential impacts to sensitive natural resources, including streams, wetlands, and wildlife. In addition, UTF does not own the potentially affected properties, and does not have the ability to condemn the properties if the owners were unwilling to sell. Because a reasonable access route currently exists that can meet all applicable design standards, as proposed by UTF, the County will not require evaluation of an additional, potentially infeasible alternative, thus evaluation of the southerly access routes were not carried forward for additional evaluation in the FEIS.

1.8 SUMMARY OF MAJOR CONCLUSIONS

The Proposed Development Alternative will result in impacts to surface and ground water, vegetation and habitat, air quality, noise, land use, recreation and aesthetics. Mitigation measures have been developed by the proponent and through compliance with applicable permits, policies and regulations that will reduce nearly all of these impacts to levels of non-significance, assuming that the mitigation measures are implemented as intended. One exception is potential impacts to wildlife associated with blasting. Wildlife species in the immediate vicinity of on-site blasting could be injured or killed by intermittent blasting noise, and there is no effective way to completely mitigate this impact. It is not possible to project the number of individuals affected by blasting, because the blasting will occur up to three times per month throughout the year.

As noted above, it was determined that a southerly access is not feasible. Construction of a southerly access road would have fewer impacts to the built environment, but would result in greater impacts to the natural environment. Comparatively, the proposed northerly access would have greater impacts on the built environment (e.g., additional truck and car traffic near residences), but would not result in significant impacts to the natural environment. In addition, proposed mitigation and roadway/intersection improvements would mitigate most of the northern access route impacts to levels of non-significance. Mitigation of impacts to the natural environment associated with the southerly access options would be more difficult to successfully implement.

The proponent has developed a monitoring program for surface and groundwater, and wetlands, and will implement an adaptive management plan. This will help to ensure that unintended impacts do not occur, and that if they do, measures would be taken to reduce those impacts. The proposed monitoring programs are summarized in Table 1-4 below.

Table 1-4 Summary of Monitoring Programs

Monitoring Element	Applicable Regulation	Responsible Agency	Locations	Parameters	Monitoring Frequency	Reporting Frequency	Responsible Party
Surface Water Quality	NPDES Stormwater Permit	Department of Ecology	All stormwater discharges to surface water ¹	Turbidity Oil Sheen Temperature pH	Twice/month Daily Weekly Monthly	Quarterly	UTF
Groundwater Quality	NPDES Stormwater Permit	Department of Ecology	All stormwater discharges to ground water ²	pH Visible Oil Sheen	Quarterly Daily	Quarterly	UTF
Groundwater Quality	Kitsap County CUP	Kitsap County ³	Gravel Mine A Monitoring Wells ⁴	Total Petroleum Hydrocarbons Turbidity Total Dissolved Solids pH	Quarterly for first 5-yrs, then bi-annually	Annual ⁵	UTF
Groundwater Levels	Ecology 2005 Stormwater Manual	Kitsap County	Gravel mine infiltration pond locations	Groundwater Elevation	Monthly for 1 year/wet season prior to operation	Annual	UTF
Wetland Hydroperiod Monitoring	Kitsap County CUP	Kitsap County	Wetlands 1,2,3,5,7,9,12,17, 19	Water Levels, Vegetation	Monthly for first year, then quarterly	Annual	UTF
Air Quality	Notice of Construction	PSCAA	Rock Crushing Plant	Opacity	Daily	NA ⁶	UTF

Notes:

- ¹ Stormwater discharges to surface water will occur at basalt quarries and access road sediment ponds.
- ² Stormwater discharges to groundwater will occur at Gravel Mine A and B.
- ³ Department of Ecology would be responsible agency if State water quality standards are exceeded.
- ⁴ Four groundwater quality monitoring wells are proposed at Gravel Mine A.
- ⁵ Monitoring results that exceed State water quality standards will be reported within 10 working days.
- ⁶ Puget Sound Clean Air Authority (PSCAA) does not typically require opacity testing to be reported.

The proposed development plan includes an incremental mining program, resulting in development of approximately 10 acres at a time, followed by incremental reclamation. This will reduce the amount of earth disruption at any given time, and provide staged revegetation in disturbed areas. This approach will help to reduce the impact to surface and ground water, wetlands, and wildlife habitat.

With implementation of mitigation measures as outlined within the document, significant impacts from the proposed project will be minimal for either the Proposed Development Alternative or the Reduced Scale Alternative.

1.9 AREAS OF CONTROVERSY AND UNCERTAINTY

Controversy relating to the project has centered on issues identified during Scoping and in comments on the Draft EIS, including impacts to local area roads and adjacent residents, potential concerns relating to airborne particulates and associated contaminants, noise during operation, potential impacts to fish and wildlife in the area, and impacts to surface and ground water quality. These issues have been addressed in the document, with mitigation measures identified. Additional discussion of these issues to directly address comments is included in Appendix A, Response to Comments. Many neighbors of the UTF site have expressed opposition to the development, because of concern about impacts to traffic, noise, and dust which they feel will significantly affect the rural character of the area.

Uncertainty regarding the proposal relates to market demand for mineral resources, which will affect the overall mining schedule. Impacts were evaluated considering the most likely schedule of mining; a significantly accelerated schedule would require an adjustment in some mitigation measures.

1.10 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

Most impacts identified in this evaluation would not be significant following implementation of identified mitigation measures, which will receive consideration through the Conditional Use Permit process. Potential impacts to wildlife associated with blasting noise, however, may not be avoided or mitigated to a level of non-significance. There may be some permanent loss of wildlife, particularly those sensitive to noise.

1.11 EXPLANATION OF TERMINOLOGY

In this EIS, a number of terms are used throughout the document to describe the project proponent and the UTF. Definitions as used in the document are included below:

UTF Mineral Resource Development Project: the proposed project.

UTF property: the entire 1,716 acre property owned by Ueland Tree Farm, LLC.

UTF project site: the 152 acre area proposed for active mining.

UTF study area: an expanded project site area to include potential offsite areas affected by the proposal. In most cases, this includes an approximately 300-foot wide strip around the area being evaluated.

Appendix A
Comments on the Draft EIS
and
Responses to Comments



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
March 30, 2009

Mr. David Greetham, SEPA Coordinator
Kitsap County Department of Community Development
614 Division St
Port Orchard, WA 98366

RE: Ueland Tree Farm Mineral Resource Development Project Draft Environmental Impact Statement (Ecology #EIS 091147)

Dear Mr. Greetham:

Thank you for the opportunity to comment on the Environmental Impact Statement for the Ueland Tree Farm Mineral Resource Development Project. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

Comments from Water Quality Program, Jerry Shervey (425) 649-7293.

1-1 All concrete products manufacturers and property owners (or operators) of sand and gravel pits, rock quarries, asphalt and concrete batch plants are required to apply for permit coverage under Ecology's Sand & Gravel General Permit. Permit coverage is required for discharges of rain water runoff and water used in processes into the ground or surface water. You may download the application form and instructions from the Internet at <http://www.ecy.wa.gov/programs/wq/sand/index.html>. If you do not have Internet access call Tricia Miller at (425) 649-7201 for application materials. Ecology must receive your application at least 180 days before the start of operations. Mail your completed application to:

Tricia Miller, Water Quality Permit Coordinator
Washington Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452

1-2 You will also need to submit an engineering report with the permit application for any treatment systems planned on the site. Treatment systems include flows from any waste water created by making concrete, washing rock or aggregate, or treating rain water runoff prior to discharging it off site. The engineering report should describe how the treatment system assures discharges will meet surface and ground water quality standards in state regulation. Include a schematic

1-2 diagram, engineering drawings, and calculations for sizing treatment components. Designs involving stormwater must be based on meeting permit conditions for the 10-year, 24 hour precipitation event.

Comments from Shorelands Environmental Assistance Program, Richard Robohm (425) 649-4447.

Wetlands

1-3 The DEIS proposes impacts on the buffer of Wetland 1, a Category III wetland with a habitat score of 27. The relatively high value of this wetlands habitat function (second highest of all wetlands on site that were rated) may not be adequately protected after the proposed reduction of buffer widths on the wetland's west side to accommodate the proposed mine footprint. This is true even with proposed widening of the buffer on the east side for the purpose of buffer averaging. Quarrying and gravel mining would introduce a level of disturbance into the area high enough to drive many species out of the habitats in and around this wetland. The narrower the buffer on the side of this disturbance, the more likely this is. The DEIS notes that the buffer along the east side of Wetland 1 is mature coniferous forest and therefore of a higher quality than the buffer on the west, a young mixed forest of [very] small trees (<10 ft. tall) and shrubs. While it is good that the expanded buffer on the east side would be of a high quality, the lower quality of the buffer on the west side means that it is even less likely to protect the wetlands habitat functions when it is reduced. Expanding and enhancing the buffer on the side of the mining and quarrying operations would be the best way to mitigate their impacts on wetland functions.

1-4 Although direct wetland impacts appear to be avoided, indirect impacts from changes to surface and groundwater may very well occur. The *Mineral Resource Development Groundwater and Wetlands Monitoring Plan* (Appendix C) proposes to monitor potentially affected wetland areas. In addition to recording data from staff gauges after operations begin, baseline wetland hydroperiods should be documented by recording data from staff gauges and shallow groundwater monitoring wells. These wells and gauges should be located in areas considered most vulnerable to changes in hydroperiod, both near wetland boundaries and in areas of seasonal or periodic inundation. Any loss in wetland area or function should be made up by appropriate compensatory mitigation. Mitigation opportunities and contingency plans should be discussed as part of this proposal.

Streams

1-5 The DEIS states on page 6-10 that "No streams or stream buffers occur in any areas proposed for mine or quarry development. Based on field observations documented in the Wetland Delineation and Stream Identification Report (Parametrix, 2007g), approximately the uppermost 750 feet of a watercourse that was mapped in the Kitsap County GIS as passing through proposed Basalt Quarry C were determined not to meet the definition of a stream per KCC 19.150.635." The validity of this assertion is not obvious from looking at the features labeled "streams" that run through portions of Quarry B and Quarry C in Figures 1-2 and 4-2 of the DEIS. This apparent inconsistency needs to be explained more fully. Even if a feature does not meet the definition of a stream in the Kitsap County Code, it may still be considered a stream by the state Department of Fish and Wildlife or waters of the U.S. by the U.S. Army Corps of Engineers.

CZM

1-6 [The DEIS does not mention the federal Coastal Zone Management Act. Any project in a coastal county, including Kitsap County, that needs a federal permit must submit certification to the Department of Ecology that the proposed actions are consistent with Washington's Coastal Zone Management Program. Ecology then makes a decision to concur, object, or condition.

Ecology's comments are based upon information provided by the lead agency. As such, they do not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments please contact the appropriate reviewing staff listed above.



Tamara L. Sacayanan
SEPA Coordinator
Department of Ecology
Northwest Regional Office
(425) 649-7131

(S#: EIS 091147)

cc: Jerry Shervey
Richard Robohm
Alice Kelly
Lynette Loyden

COMMENT LETTER NO. 1 – WASHINGTON STATE DEPARTMENT OF ECOLOGY

1-1.	Comment acknowledged. A Sand & Gravel General Permit Application for Coverage will be submitted a minimum of 180 days prior to commencing operations. A public Notice of Application will be published as directed by Ecology, including circulation in a County-wide newspaper.
1-2.	Comment acknowledged. An Engineering Report for stormwater and process water (as applicable) control will be submitted with the Sand & Gravel General Permit Application for Coverage.
1-3.	<p>The Wetland Delineation Report (available at uelandreefarm.com) describes the primary functions contributed by Wetlands 1 and 3 as habitat-related. Based on the standards presented in KCC 19.200.220(C), buffer averaging for Wetlands 1 and 3 can provide habitat functions and values equal to or greater than would be provided under the standard buffer requirement for the following reasons:</p> <ol style="list-style-type: none"> 1. As part of Quarry A design process, UTF reduced the size and located the eastern boundary of Quarry A to minimize the decrease in Wetland 1 buffer while also maintaining the feasibility of the quarry site. As shown in the buffer averaging analysis presented in the Wetland Delineation Report, and the additional information provided below, the buffer averaging design of Quarry A avoids significant impacts to Wetlands 1 and 3 and also maintains wetland functions and values. 2. No documented habitat for endangered, threatened, or sensitive fish or wildlife species occurs in Wetland 1 or 3, or their associated buffers. 3. Buffer averaging would not adversely impact the habitat value of the wetlands because the habitat value west of the wetland, where a maximum 50-ft buffer reduction would occur, is not as great as the habitat value east of the wetlands, where a 50-ft buffer expansion is proposed. The area west of Wetlands 1 and 3 consists of clear-cut forest less than 10 years old. No snags are present and large woody debris is scarce. The lack of mature vegetation and large woody debris in the west buffer area (where buffer width is proposed to be reduced by 50-ft) limits its current value as wildlife habitat due to lack of structural diversity. 4. To compensate for buffer reduction to the west, the Wetland 1 buffer would be expanded by 50-ft into the forest stand east of the wetland. This forest stand is approximately 60 years old, dominated by Douglas-fir with an average tree height of approximately 100 feet, with a well-developed sub-canopy layer of shrubs and western hemlock seedlings. The vegetation community along the east side of the wetlands is several decades more advanced than the community along the west side, which results in the buffer providing more functions to the wetland. This east buffer area has significantly higher wildlife including ample evidence of use by wildlife species such as deer, black bear, and woodpeckers.

5. When mining and reclamation of Quarry A is completed in approximately 10 years, the land use at the mine site would revert to commercial forestry, which has an impact rating of "low," due to the temporary nature of the impact, per KCC 19.200.220(B). The corresponding buffer width requirement for Wetland 1 would then be 75 feet (50-foot base plus a 25-foot increase), and 60-ft (50-foot base plus a 10-foot increase) for Wetland 3. In its final reclaimed form, therefore, Quarry "A" would not impinge on any of the buffer for Wetland 1, and only about 10 percent of the Wetland 3 buffer. A slope transition (from 4:1 to about 10:1) that coincides with the buffer averaging area ensures that the slope area between the proposed quarry and Wetland 1 is maintained during quarry operations to provide an effective noise and visual screen, as well as vegetative corridor that connects to other wetland areas on the UTF site.
6. The Wetland 1 and 3 buffers associated with the mine operation will be protected in perpetuity and would not be harvested as could be allowed under Forest Practices regulations. Under Forest Practices regulations, the undisturbed buffer on the east side of Wetland 1 could potentially be harvested up to 25-ft from the wetland boundary. The permanent protection of the 200-ft expanded buffer east of Wetland 1 would result in greater net habitat benefit because of the higher quality habitat that exists in this area. The wetlands and the final buffer boundaries will be included on maps and given long term protection following 19.100.150 of the KCC.
7. The total buffer area after averaging is larger than the buffer area prior to averaging (see Table 4.1 in Wetland Delineation Report). The buffer averaging proposal therefore provides a larger net area of mixed wetland and upland habitat. Because there is no net loss in buffer area, the buffer averaging plan would result in no net loss of wetland function.
8. For clarification, the minimum buffer around Wetland 3 would be 50-ft as shown in the reclamation plan drawings. The Buffer Averaging Plan shown in Figure 6-1 has been revised to reflect this change. The 50-ft buffer averaging area extends around approximately 20 percent of Wetland 3. The remaining buffer area width meets or exceeds the 80-ft buffer required by KCC.
9. Buffers of at least 50 feet are generally necessary to protect wetlands from sediment and nutrients, direct human disturbance, and the adverse effects of changes in quantity of water entering the wetland. The buffer averaging proposal provides at least a 50-ft buffer, maintains the size and location of hydrologic boundaries of both Wetlands 1 and 3, and preserves existing wetland hydrology. The proposed buffer averaging does not, therefore, change hydrology or water quality functions. The combination of topography and controlled access will prevent direct human disturbance of the buffer area. Sensitive area signs will also be placed along the wetland buffer boundary pursuant to KCC requirements.
10. Quarrying and mine activities may result in some wildlife species avoiding the wetland and buffer area during active operations, and will result in the direct loss of habitat in the active mine areas. This avoidance would be likely whether the buffer is 100-ft (as proposed in some averaging areas) or the standard 150-ft under the Kitsap

	<p>County CAO. The impact of wildlife avoiding the buffer and wetland area is mitigated by several factors, including: 1) The additional 50-ft of mature forested buffer on the east side of Wetland 1 would provide refuge for wildlife disturbed by mine operations. The impact of timber harvest of this added 50-ft east buffer area (which may occur if it is not part of the Wetland 1 buffer averaging area) is greater than residual noise and disturbance associated with the mine operation. 2) The quarry will be in operation for about 10 years, after which site operations will cease and the site will be reclaimed, which will eliminate the noise and human presence that may contribute to wildlife avoidance of the site. 3) The UTF site provides extensive, suitable refuge habitat in other areas.</p> <p>In summary, the buffer averaging proposal reflects avoidance measures, does not adversely effect habitat, meets buffer widths necessary to protect water quality and hydrologic functions, provides more net total buffer area, and preserves a greater amount of the highest quality buffer area that otherwise would not be protected. Based on these factors, the buffer averaging proposal is consistent with both the specific requirements and the intent of KCC provisions that require habitat functions and values equal to or greater than would be provided under the standard buffer requirement requirements.</p>
1-4.	<p>Wetland hydrology monitoring would occur in locations considered most vulnerable to changes in hydroperiod. These would include gently sloped vegetated areas along the wetland fringe, vegetated areas with a shallow soil interflow zone above bedrock, as well as potential seasonal amphibian breeding pools. Actual monitoring locations and performance criteria would be developed in consultation with applicable regulatory stakeholders, including Ecology.</p> <p>Baseline wetland hydrology monitoring will occur for one year prior to quarry start-up, and will be done concurrent with the hydrologic baseline monitoring that will be conducted as part of the geotechnical investigation associated with stormwater facility design (see also response to Comment 2-13).</p> <p>The 1,700-acre UTF site provides ample opportunities for mitigation, should monitoring results indicate mitigation is appropriate. This includes restoration of wetland and buffer areas disturbed by historical road building, enhancement of existing wetlands disturbed by historical timber harvest activities, as well as construction of new wetland areas. As stated in section 6.5.3 of the EIS, mitigation may also include designation of conservation areas in the vicinity of the mines which would include wetlands, streams, and designated buffer areas.</p> <p>Contingency plans will be included in the final Monitoring Plan and will reflect an adaptive management approach that recognizes that the dynamics of ecological systems change over time in response to natural changes (i.e., changes not related to mine impacts) and are not expected to remain in a steady state. These considerations would be incorporated into the evaluation of any threshold level indicators (i.e., contingency action triggers). The intent of the adaptive monitoring design would be to establish a monitoring assessment that assists in differentiating between naturally occurring variations and those that are attributable to operational activities. This may include measurement and evaluation of a variety of ecological indicators, including:</p>

	<ul style="list-style-type: none"> • Surface flow contribution to wetlands and reduction in extent of wetland, • Wetland hydroperiod including wetland inundation duration and depths, • Specified percentage change in overland runoff contributions, • Continuous shift in length of established hydroperiod beyond predicted shifts, • Loss of specified percent of obligate wetland species, • Water quality indices including inorganic and organic water quality analysis in tributaries and at discharge locations (wetlands); and • Species composition, occurrence and health at wetland areas and benthic stations. <p>As described in the EIS, consideration of a variety of contingency actions would be triggered if monitoring results show that a site is not meeting performance criteria or permit requirements. The decision process for deciding what contingency actions should be implemented would consider monitoring results, permit requirements, and best available science. Any contingency measure, such as those listed in section 4.5.3 of the EIS, would be implemented in coordination with resource agencies pursuant to the provisions of a Mitigation Plan that would be prepared following confirmation of project related impacts. All monitoring programs proposed for the project are described in Chapter 1, Table 1-4, of the Final EIS.</p>
1-5.	<p>The stream delineation was based on field assessment using Kitsap County Critical Areas Ordinance criteria. The Kitsap County CAO definition is consistent with the State of Washington Hydraulic code rules, Chapter 220-110 WAC, which regulate waters based on "Ordinary high water line" (OHWL). The field assessments conducted for the Wetland and Stream Report reflect these definitions. Figure 2-2 of the Preliminary Drainage Report also shows stream basin locations based on detailed topographic analysis. As shown in that figure, both intermittent streams in question have relatively small contributing areas which further supports conditions observed in the field. Intermittent streams on the site have been reviewed on two occasions by both the WDNR and WDFW. UTF will continue to provide information as requested by regulatory agencies to confirm the extent of intermittent streams on the site.</p>
1-6.	<p>At this time, the project is not expected to trigger the requirement for any federal permits, and therefore, would not be required to submit CZMA certification. If, at some point in the future, it is determined that a federal permit is necessary, a certification of consistency with the Washington State Coastal Zone Management Program would be submitted with the permit application.</p>



FISHERIES DEPARTMENT
360/598-3311
Fax 360/598-4666

Comment Letter No. 2

THE SUQUAMISH TRIBE
P.O. Box 498 Suquamish, Washington 98392

April 6, 2009

Dave Greetham, SEPA Coordinator
Kitsap County Department of Community Development
614 Division Street, MS-36
Port Orchard, WA 98366

Re: Ueland Tree Farm Mineral Resource Development Project
Draft Environmental Impact Statement

Dear Mr. Greetham,

This letter transmits the Suquamish Tribe's (Tribe) comments pertaining to the Ueland Tree Farm Mineral Resource Development Project which is located within the Tribe's Usual and Accustomed (U & A) fishing grounds and stations. The Tribe seeks protection of all treaty-reserved natural resources and cultural resources. The applicant proposes to develop 152 acres for surface mining and associated activities, not including connecting access roads. Development plans also include a concrete batch plant, a railroad spur line, and a topsoil production facility.

2-1 The Tribe has reviewed the information provided and has the following comments. These comments supplement those provided during SEPA scoping effort (letter dated July 25, 2008). Some of the comments below may be similar to those previously provided. In general, the document was difficult to follow and review. It was fragmented and the reader had to skip back and forth throughout trying to piece the information together. Impacts were not clearly stated. The EIS needs to be a stand alone document and have all the required information for review. Referencing the other documents for additional detail is ok.

2-2 This property does not currently have a mineral resource land designation. Has the county done a comprehensive assessment of mineral resources throughout the county (if so please provide copies of these materials to the Tribe)? If an assessment has been completed is it consistent with both county and city planning goals? Is the proposed property an ideal location for mineral extraction (adjacent to the City of Bremerton's UGA)?

2-3 It should be noted that this project will result in significant and permanent impacts to the subject property, associated fish and wildlife habitat, the Dickerson Creek subwatershed

Comment Letter No. 2

2-3 and the character of the surrounding forested area. The property cannot be "restored" or "replaced" after mining activities (despite the many statements in the DEIS contrary to this). The best that can happen is the site will return to a "beneficial use". This is of concern to the Tribe as the Port Blakely UGA property boundary was located so as to avoid, to the extent possible, impacts to Dickerson Creek drainage basin and to protect its significant salmonid populations. Ultimately, the UGA's intrusion into the Dickerson Creek basin was reduced in size from 110 acres to 13 acres, maximizing forest retention and minimizing impervious surfaces. The County, City and Port Blakely were all parties to this agreement. Now, several years later the county is contemplating the permitting of mining and industrial activities in these same areas of concern.

2-4 Despite the applicant's attempt to avoid direct impacts to wetlands and streams, changes to surface and groundwater flows are likely. The Suquamish Tribe is very concerned about stormwater impacts, increases in impervious surfaces, changes in hydrogeology and reduction and degradation of habitat within the Chico Creek drainage.

As we mentioned in our previous scoping comment letter aquatic resources such as wetlands and streams are subject to disturbances that originate in adjacent upland areas. These disturbances result in changes in the biological, chemical and physical properties of wetlands and streams. Aquatic resources may then be exposed to higher levels of noise, light, temperature, pollutant loading, stormwater runoff, invasive species establishment and human activity. A common method for reducing or eliminating impacts to aquatic resources from adjacent land uses is to maintain adequate buffers (*Wetland and Stream Buffer Size Requirements - A Review*, A. J. Castelle, 1994). Buffers to protect streams from mining activities are generally 200' wide (Application for Reclamation Permit, 23D).

2-5 The DEIS states that wetland buffers for Wetlands 1 and 3 will be impacted by the proposed development. The EIS text does not clearly state the impacts (buffer reductions) or provide sufficient discussion. Figure 6-1 indicates that the buffer for Wetland 3 at some points will be 40'. Literature supports the Tribes belief that buffers less than 50 feet in width are generally ineffective in protecting wetland functions (Wetland Buffers Use and Effectiveness, EPA, February 1992). Wetland 1 has one of the highest ratings for wildlife habitat among the onsite wetlands. The remaining buffer, as proposed, will be inadequate to maintain no net loss of wetland functions.

Wetland buffers reduce adverse impacts to wetland functions from adjacent development. The literature indicates that buffers reduce wetland impacts by moderating the effects of stormwater runoff including stabilizing soil to prevent erosion; filtering suspended solids, nutrients and harmful or toxic substances, and moderating water level fluctuations. Buffers also provide essential habitat for wetland-associated species for use in feeding, roosting, breeding and rearing of young, and cover for safety, mobility, and thermal protection. Buffers reduce the adverse impacts of human disturbance on wetland habitats, including but not limited to, blocking noise and glare. Wetland buffers are essential for wetland protection (Wetland Buffers Use and Effectiveness, EPA, February 1992). All buffer areas should be clearly marked prior to construction/disturbance.

2-6 Whether or not the wetlands onsite contain and support fish, they are hydrologically connected to Chico Creek via tributary stream systems and groundwater (headwater wetlands). Dickerson Creek (upstream of the falls) is designated by the County as a critical contributing area (CCA) for water quality and quantity purposes, as well as for resident cutthroat trout habitat. Chico Creek is one of the largest most productive salmon streams in Kitsap County. Suquamish tribal elders identify Chico Creek as their primary historic source of coho, and chum salmon (C.W. May et al, 2002. Kitsap Peninsula Ruffia Study, Kitsap County). The DEIS states that the wetlands are “separated from other stream systems”. Conversely, the DEIS also states that most all (if not all) of the wetlands onsite are associated with stream systems. However, Figure 1-2 appears to show that many of the small tributaries are associated with larger, fish bearing streams (including but not limited to Wildcat Creek, Lost Creek, and Dickerson Creek). The authors of the DEIS minimize the quality and value of the onsite wetlands and their contribution to downstream areas.

2-7 There appears to be a large amount of incidental information and speculation provided in the document. For example, “Wetland and stream buffers are generally narrower under Forest Practices than KCC and logging though some classes of wetlands and smaller streams is allowed. Therefore, it is expected that there could be greater effects on wetlands and streams under the No Action Alternative. Therefore, it is expected that there could be greater effects on wetlands and streams under the No Action Alternative.” This statement is erroneous as the applicant plans to return the mined areas to forestry so not only will the area have mining impacts but also forestry impacts. The preferred alternative WILL have additional impacts and to imply otherwise is ridiculous.

2-8 The DEIS states that no candidate species have been documented onsite. Great blue herons and pileated woodpeckers have both been observed onsite.

2-9 Any watercourses onsite that are determined to not be streams need to be verified by WDFW.

2-10 Chico Creek has been historically impacted by development. The stream receives significant stormwater input from existing development in the vicinity. Stormwater runoff is known to increase the frequency and magnitude of peak flows, reduce base flows, as well as increasing erosion, fine sedimentation and bank instability. Any additional surface water generated will exacerbate flooding problems, scouring and stream channel incision. You are already probably aware that increased high-intensity activities within the basin will significantly reduce any potential restoration opportunities in the future.

2-11 The Tribe recommends that the latest approved Ecology stormwater manual be used. The updated manual includes new information and standards that are more protective of the waters in Washington State. Runoff flow control requirements in the updated manual address the problems of both increased peak flow and the duration of high flows which are significant problems in urban streams throughout Washington. Higher levels of

2-11 treatment are required to remove and reduce pollution from runoff to lakes and smaller streams to provide assurance that the treated stormwater runoff is not harmful to fish and other aquatic life and is protective of the environment.

2-12 This area is hydrologically sensitive and complex. There are concerns that the elevation of the quarry floor in mining areas adjacent to wetlands have a lower topographic elevation. What is the depth to seasonally high groundwater vs. quarry floor elevations? What is the annual fluctuation of groundwater? The Tribe is concerned that water may flow laterally above a hardpan layer and potentially drain the wetland. There is also the concern that there is likely a glacial till layer between the advance and recessional outwash layers, resulting in two different aquifers. The recessional outwash typically has higher infiltration rate and potential water yield, but is also more subject to contamination.

2-13 The hydrologic information for this site is going to be largely speculation without the use of both surface and groundwater monitoring wells. Monitoring should occur for at least one year prior to permit approval so that the county has an accurate assessment of existing conditions not just during the period of active mining activity. This baseline monitoring should include information in which to measure potential changes that might occur from the proposed project. This includes, but is not limited to, characterization of both surface and subsurface flow regimes on a monthly basis (avg monthly flow, seasonal low flow, flood frequency, precipitation/infiltration/runoff interrelations, water table elevation and variability, confining layers, seeps, springs, relationship of surface water and groundwater flow, etc.). The EIS states that water quality will be monitored for chemicals of concern. What are they? Monitoring parameters need to be identified and contingency actions should be developed before activity onsite occurs.

2-14 There is conflicting information regarding the fractured basalt. Fractures were identified in all cores. The EIS states that infiltration into fractured basalt is “infeasible” due to the small discontinuous nature of fracturing – and in another area of the report it states that water may transport through “limited” fractures

2-15 Steep slopes above Dickerson, Wildcat and Lost Creeks are a concern. Past logging activities (primarily road construction) have caused mass wasting problems and fine sediment input. Fine sediment has impacted the quality of gravels throughout the headwaters. These demonstrated impacts, current instability and mining activities on these same steep slopes is a concern. Infiltration can also oversaturate hillslopes and cause mass wasting.

2-16 The Tribe is concerned with bringing city water supply onto the subject property. An interest has been expressed by the applicant for a future residential component. Since the area is closed to additional consumptive uses we are concerned that this will promote the use of urban services in a rural area.

2-17 | It is recommended that an evaluation be completed prior to permitting each phase of mining activity to ensure that impacts are not occurring and to guide future decisions on subsequent phases of mining activity. The Tribe would like an opportunity to review and comment prior to the permitting of each subsequent phase.

2-18 | The Tribe requests the opportunity to review and comment on the reclamation plan. It is difficult to review potential impacts resulting from the project without the reclamation plan information. Backfill is not recommended due to potential contaminants from imported soil. Every load will not be tested for potential contamination. If backfill is necessary the applicant will need specific information regarding source of backfill material, quantity needed (as per the soil budget), stockpile location, grading and compaction scheme, erosion control plan and immediate vegetation plan. In addition, there is concern that the replanting success may be compromised due to very limited amounts of topsoil over glacial till (low nutrient). High nutrient demand trees such as Douglas fir would likely have limited survival.

2-19 | The Tribe prefers a modified Reduced Scale alternative. In addition to reducing stormwater impacts and minimizing the amount of impervious surfaces in Dickerson Creek, elimination of the batch plant reduces the potential for contaminant entering fish bearing waters. The Tribe also, prefers elimination of the topsoil facility. Bringing in material from unknown sources is a significant risk to important surface and groundwater resources.

Thank you for the opportunity to comment on the above referenced proposal. We would like the opportunity to provide comment throughout the remainder of the process as new information becomes available. Please keep us informed of project status and any relevant project related actions. If you would like to discuss comments above in further detail please call 360-394-8447. Chico Creek is an important salmon stream to the Suquamish Tribe and we appreciate future efforts to avoid and/or minimize the impacts to the extent possible.

Sincerely,



Alison O'Sullivan
Biologist, Environmental Program

Cc: Richard Robohm, WDOE
Gina Piazza, WDFW
Chris Johnson, DNR

COMMENT LETTER NO. 2 – THE SUQUAMISH TRIBE

2-1.	Comment acknowledged. The intent of the EIS was to incorporate, as much as possible, summaries of the extensive background documentation that has been completed for the project. The objective was to create an overview of the pertinent issues and potential impacts, while still making the technical reports and studies available in the appendices and on the County and UTF websites.
2-2.	The County has not, at this time, conducted a comprehensive assessment of mineral resources throughout the County. Mineral resources are currently mapped where they have been identified through existing extraction sites. The proposed property is being considered by UTF for mineral extraction because of the extent of mineral resources present at the site. The determination of suitability of the site for mineral extraction will be considered by the County as part of the Conditional Use Permit (CUP) process for the proposed site activity.
2-3.	<p>The UTF proposal has been designed to prevent significant unavoidable adverse impacts to the environment wherever possible through application of best available science, best management practices, performance monitoring, and reclamation measures that exceed minimum statutory requirements. This includes avoiding streams and wetlands; designing stormwater facilities pursuant to the Department of Ecology 2005 Stormwater Manual (instead of the 1997 Kitsap County Manual); providing surface water, groundwater and wetland monitoring; and reclaiming the mine sites with habitat features such as forested slopes and wetlands. These project elements are designed to ensure UTF's continued resource-based use of the property consistent with historical usage, while also maintaining habitat value and the forested character of the 1,700 acre site.</p> <p>The UTF proposal is for temporary, natural, resource-based activities on about 90-acres within the Dickerson Creek/Chico Creek basin. This area will be reclaimed to conditions that are similar to, and consistent with, surrounding commercial forests following the completion of mining activities. The UTF proposal is therefore, significantly different in terms of land use and potential impacts than the permanent, high density, urban land uses (mixed commercial, industrial, and residential) that were associated with the Port Blakely property.</p>
2-4.	Comment acknowledged. Refer to response to Comment 2-3
2-5.	The Wetland Delineation Report (available at uelandtreefarm.com) describes in greater detail the analysis and justification for proposed buffer averaging. Also refer to Response to Comment 1-3 above. Although the EIS states that a 40-ft buffer averaging area on Wetland 3 is proposed, the reclamation plan for Quarry A provides for a 50-ft minimum buffer to Wetland 3. This 50-ft minimum buffer represents the actual buffer from Wetland 3 to proposed Quarry A. Figure 6-1 has been revised to more clearly show this.
2-6.	Section 4.2.2 of the EIS (Wetlands) describes wetland hydrology including both depressional wetlands and wetlands that are associated with streams. Wetland function and value is described in the EIS and Wetland Delineation Report consistent with federal, state and County technical guidelines and standards. As previously noted, a number of

	measures have been incorporated to ensure that there are no, or minimal, impacts to wetlands hydrology, and ongoing monitoring will be implemented following construction to allow adaptive management to take place to address impacts, if they occur. Refer to the response to comment 1-4.
2-7.	Comparative information presented in the EIS is provided in order to evaluate potential impacts of alternatives and their severity consistent with SEPA guidelines and regulations. This comparison involves judgments about both the context and intensity of impacts. UTF intends to return the mine area to forestry following site reclamation; however, wetland and stream buffers associated with the mine operation are proposed to be protected in perpetuity and could be included as a project condition should the CUP request be approved. When protected, the buffers would not be harvested as is potentially allowed under Forest Practices regulations. Impacts to wetland buffers under the No Action alternative may therefore be greater than the proposed action in some cases. The EIS also acknowledges that buffer impacts under both the No Action and Proposed Development alternative are expected to be temporary because wetland functions should return to normal over time as the vegetation re-establishes.
2-8.	The text has been revised to reflect this information.
2-9.	Refer to response to Comment 1-5.
2-10.	Comment acknowledged. Chico Creek has, as noted in the comment, been affected by upstream development. The proposed surface water management system on-site is intended to minimize potential impacts associated with the UTF project, and to avoid cumulative impacts associated with other activities in the area. Design of surface water management facilities will reflect current design standards that are consistent with the requirements of Kitsap County and the 2005 Stormwater Manual.
2-11.	The Preliminary Drainage Plan utilized the technical criteria in the 2005 Stormwater Manual for design of stormwater facilities. The final design of the entire mine operation will be prepared to meet requirements and standards under the 2005 Stormwater Manual.
2-12.	<p><u>Annual Fluctuation of Groundwater</u></p> <p>The Hydrogeologic Report describes groundwater at the quarry sites as a very shallow “perched” water bearing zone that occurs in the relatively thin layer of topsoil that overlies the very low permeability bedrock. Water that infiltrates through this thin soil layer can only minimally penetrate through the small in-filled cracks and fissures in the bedrock. Based on test pit and boring logs, this perched water would typically exist at depths of between 2 feet to 12 feet below ground surface (bgs) at the quarry sites. Fluctuation in the depth to the seasonally high perched water and annual perched water tables is strongly influenced by topography, but in general would be expected to fluctuate in the range of 6 inches to 18 inches during wet periods, with saturation to the soil surface during periods of intense precipitation. Depth to perched water at the quarry sites is therefore estimated to be in the range of 1 foot to 12 feet bgs, with fluctuations ranging from the soil surface to 10.5 feet bgs, depending on location.</p>

Depth to Seasonally High Water Table vs. Quarry Floor Elevations

The depth to seasonally high groundwater table in relation to the bottom of the quarry sites is shown in Table 1 below.

Table 1 – Summary of Perched Water, Quarry Elevations, and Adjacent Wetlands

Quarry	Soil Depth (ft)	Annual Perched Water Table Fluctuation (ft)	Seasonal High Perched Water Depth (ft)	Finished floor elevation of quarry (ft)	Wetland Hydrogeomorphic Class	Elevation of wetland (ft)	Distance between quarry and wetland (ft)	Hydrologic divide between quarry and wetland?
A	2' to 5'	0.5' to 1.5'	1' to 3.5'	550'				
Wetland 1					Depressional/Riverine	625'	100'	yes
Wetland 2					Depressional	645'	80'	yes
Wetland 3					Depressional	640'	50'	yes
Wetland 5					Depressional	645'	80'	yes
Wetland 7					Depressional	645'		
Wetland 9					Depressional	645'	80'	yes
Wetland 12					Depressional	645'	80'	yes
Wetland 17					Depressional	645'	80'	yes
Wetland 19					Depressional	645'	80'	yes
B	2' to 10'	0.5' to 1.5'	1' to 8.5'	550'				
Wetland 1					Depressional/Riverine	625'	300'	yes
Wetland 8					Depressional	645'	80'	yes
Wetland 11					Depressional	650'	80'	yes
C	2' to 12'	0.5' to 1.5'	1' to 10.5'	700'				
Wetland 6B					Depressional	630'	200'	yes
Wetland 11					Depressional	650'	80'	yes

Lateral Water Flow

The potential for water to flow laterally above hardpan and potentially drain the wetland is a function of wetland location relative to the quarry, wetland hydrogeomorphology, and flow characteristics of the shallow interflow zone. As shown in Table 1, all wetlands adjacent to quarry sites, except Wetland 1, are in the Depressional hydrogeomorphic (HGM) class. These depressional wetlands are located in the shallow soil layer above the basalt bedrock. The hydrogeomorphic classification reflects that interflow above the basalt layer is the primary component of the wetland's hydrology, i.e., they are located in the bottom of a closed depression.

The Hydrogeologic Report states that the shallow interflow zone is the primary component of groundwater flow in the quarry areas, and flow direction in this interflow zone is typically a reflection of surface topography, which also typically reflects the

surface of the basalt formation. The design of the quarry sites reflects the function of this hydrologic system by ensuring that all buffers from the quarries to depressional wetland encompass the entire hydrologic catchment area for the wetland. Because the quarries are located outside of the topographic catchment area of these wetlands, there is virtually no potential for interflow to move laterally above the basalt bedrock to the quarry and thereby potentially drain the wetland.

Wetland 1 hydrology is a function of both interflow (depressional HGM component) and surface run-off (riverine) component. As described in the wetland hydrologic analysis prepared as part of the Wetland Delineation Report, there will be no significant change in the surface hydrology of Wetland 1 due to the proposal. The interflow component will also remain unchanged because the Wetland 1 buffer provides 25-ft or greater vertical separation between the quarry and the wetland. In other words, the quarry is at least 25-ft upgradient from the interflow component of Wetland 1. Therefore, there is no possibility for Wetland 1 interflow to move laterally above the basalt bedrock to the quarry and thereby potentially drain the wetland. Monitoring following site implementation will be used to confirm that no impacts are occurring, and if impacts are detected, adaptive management techniques will be implemented to minimize effects on the wetlands.

Quarry B interflow is in a general southerly direction toward an intermittent stream that is a tributary to Heinz Lake. Quarry B is in a different drainage basin than adjacent Wetlands 1, 8, and 11; so, similar to the wetlands at Quarry A, there is very little possibility for interflow to move laterally above the basalt bedrock to the quarry and thereby potentially drain the wetland. The bottom of Quarry C is located hydrologically upgradient of wetlands so there is no potential for so wetland hydrologic impacts due to quarry excavation. The Hydrogeologic Report provides additional discussion of site hydrogeology, as well as evaluation of potential impacts and mitigation measures. Also refer to the Wetland Delineation and Stream Identification Report and Preliminary Drainage Plan for additional detail on the location of drainage basins, wetlands, and streams on the site.

Potential for Glacial Till Layer Between the Advance and Recessional Outwash

The Hydrogeology Report provides information on subsurface conditions and the relationship between recessional and advance outwash units, and glacial till units observed at the site. As stated in this report, the top of the till unit at Gravel Mine A was encountered at an elevation of approximately 298 feet above mean sea level (msl) in monitoring well EB-1 on the northwest side of Gravel Mine A, but was not encountered in monitoring well EB-2 on the east side of the site which was completed at a lower elevation of 242 feet msl. The till unit was found in exploration pit EP-34, located in the far northeastern portion of the site, at an elevation of approximately 275 feet msl. Borings B-1 and B-2 encountered the till unit at depths of approximately 290-ft msl, respectively.

Water level monitoring showed seasonal high groundwater elevations of approximately 65-foot bgs in EB-1. No groundwater was encountered in piezometers EB-1 and EB-2 or borings B-1 and B-2 during monitoring events. Based on this data, a thin shallow water table develops seasonally in the outwash deposit in areas where it is relatively thick and

	<p>directly overlies the low permeability till unit. The water table associated with the till unit is discontinuous and dips primarily towards the east away from Dickerson Creek. This interpretation is supported by Dickerson Creek seepage surveys in August 2007 and November 2008. Two small groundwater seeps were identified adjacent to Dickerson Creek that are near the proposed Gravel Mine “A” site. These seeps were at the base of the slope and appeared to be associated with basalt rather than till outcroppings.</p> <p>The subsurface investigation of Gravel Mine “B” showed outwash sand and gravel overlaying a silt and till layer that was encountered at depths of between 6-ft to greater than 20-ft below the ground surface. Although groundwater was not observed at any location during the subsurface investigation at Gravel Mine B, it is possible that a thin shallow water table may develop seasonally in the permeable sand and gravel outwash in areas where this unit directly overlies the low permeability till unit. This groundwater, where present, would remain thin even during the rainy season, since it would easily transmit water downslope. The absence of significant groundwater in a shallow water table beneath Gravel Mine B is supported by the results of the 2007 and 2008 Dickerson Creek seepage surveys, which showed no significant seeps from a shallow till layer along the west side of Dickerson Creek adjacent to the proposed Gravel Mine B area.</p> <p>The presence of the till unit at Gravel Mine A does not create concern because the grading plan for the Gravel Mine A site is designed to ensure that the bottom of the mine maintains a minimum 5-ft vertical separation to the observed seasonal high water table elevation. The presence of a till unit at the Gravel Mine B site also does not create concern due to the absence of observed groundwater at this location, the apparent discontinuous nature of the till unit, and the relatively shallow depth of proposed excavation.</p> <p><u>Potential Contamination of Recessional Outwash.</u></p> <p>Best management practices for prevention of contamination of the recessional outwash are described in the EIS, Hydrogeologic Report, and Preliminary Drainage Plan. As described in the Monitoring Plan, surface and groundwater monitoring is also proposed to ensure groundwater quality is maintained and protected.</p>
2-13.	<p>Site characterization included over 50 borings and excavation of over 100 test pits. Monitoring has included collection of water level measurements, once in 2000 and twice in 2007, and seepage surveys along Dickerson Creek in 2000, 2007, and 2008. This site characterization and monitoring data provides sufficient information to support evaluation of potential impacts that may be associated with the mine proposal. Refer to the Hydrogeologic Report (available at uelandtreefarm.com) for additional detail on site characterization and monitoring activities.</p> <p>Additional characterization and monitoring will occur as part of the final design process, and would be shared with the Tribe upon request. This characterization and monitoring will follow guidelines of the 2005 Ecology Manual which states that a geotechnical investigation must be conducted to verify infiltration rates, confirm slope stability, and address other geotechnical design information needed to support design of stormwater</p>

	<p>facilities. The geotechnical investigation would include the following elements:</p> <p>Subsurface explorations (test holes or test pits) at each infiltration and detention facility, including representative soil sampling and detailed logs for each test pit or test hole;</p> <p>Soil characterization, including grain-size distribution, textural class, infiltration rate, cation exchange capacity (CEC), and organic matter content for each soil type and strata;</p> <p>Installation of at least three groundwater monitoring wells that are hydraulically connected to surface and ground water features that will establish a three-dimensional relationship for the ground water table;</p> <p>Monitor the seasonal ground water levels at each of the gravel mine sites during at least one wet season prior to final design of stormwater facilities and start up of operations. These baseline monitoring results would be used to determine depth to ground water table and to bedrock/impermeable layers, seasonal variation of ground water table based on well water levels, groundwater flow direction and gradient, and horizontal hydraulic conductivity of the saturated zone;</p> <p>Evaluation of the potential for both unconfined and confined aquifers, or confining units, at the site that may influence the proposed infiltration facility as well as the groundwater gradient;</p> <p>Determine the pre-project ambient ground water quality, as described in the Monitoring Plan; and</p> <p>Post-start up monitoring will also be done for verification of performance as recommended by the 2005 Ecology Manual.</p> <p>All hydrologic monitoring would be addressed in the geotechnical evaluation and Drainage Report that would be prepared as part of final design.</p> <p>Specific chemicals of potential concern are described in the Monitoring Plan provided as Appendix C to the EIS. The Monitoring Plan (section 4) also includes a description of the contingency plan that would be implemented in the event monitoring results are found to exceed applicable standards and/or permit limits. This includes time lines and procedure for coordinating with regulatory agencies and developing action plans that reflect the specific details and circumstances associated with the exceedance event.</p> <p>All monitoring programs proposed for the project are described in Chapter 1, Table 1-4, of the Final EIS.</p>
2-14.	<p>The Hydrogeologic Report (available at uelandtreefarm.com) provides additional information and documentation on basalt characteristics at the site. This report states that the basalt bedrock is massive, and likely extends to several hundred feet below the ground surface in areas identified as potential quarry sites. The bedrock has very low porosity and permeability, limiting the storage and transport of groundwater. Fractures observed in core samples were in-filled with mineralization and/or clay materials. The basalt may therefore transport very small quantities of groundwater through these limited fractures, but the massive basalt formation acts primarily as an aquitard for the more permeable shallow soil materials above. Refer also to Response to Comment 2-12.</p>

2-15.	<p>As shown in the Preliminary Drainage Report, Gravel Mine A has one infiltration pond in the Dickerson Creek basin, which is located more than 200-ft from the top of the Dickerson Creek slope. Gravel Mine B has one infiltration pond in the Dickerson Creek basin, and one infiltration pond is the basin of an intermittent tributary to Dickerson Creek. The Gravel Mine B infiltration pond located in the Dickerson Creek basin is over 400-ft from the top of the Dickerson Creek slope. The Gravel Mine B infiltration pond located in the basin of the tributary to Dickerson Creek basin is separated by over 300-ft of gradual slope (approximately 10 percent) from the intermittent stream.</p> <p>The location of these proposed infiltration ponds meets the requirements of the Kitsap County Stormwater Manual and the 2005 Ecology Stormwater Manual which require setbacks of 200-ft or greater from slopes 30 percent or greater (Kitsap County requirement), and greater than 50-ft from slopes greater than 15 percent (Ecology). Additionally, as part of final design, a geotechnical investigation would be conducted to verify infiltration rates and slope stability. This would include borings/monitoring wells at pond locations to verify depth to water table or impermeable layer; and seepage analysis to confirm there would not be any adverse effects caused by seepage on nearby slopes.</p> <p>Stormwater facilities for proposed quarries would not have mass wasting risks due to lack of significant infiltration and distance to streams. The Quarry A detention facility is separated by 250-ft of gradual slope (approximately 10 percent) from perennial portions of Dickerson Creek. The Quarry C stormwater detention facility that discharges to the Dickerson Creek basin is located over 3,000 ft from perennial portions of Dickerson Creek. Quarry C does not discharge to the Dickerson Creek basin.</p>
2-16.	<p>The current proposal does not include a future residential component. The reclaimed areas will continue forest resource management practices following completion of mining activities. Future residential development, if proposed, would need to conform to existing rural density allowances. Any changes to adopted land use plans and policies, including higher density residential proposals, would require amendment of the County's Comprehensive Plan.</p>
2-17.	<p>Surface water, groundwater, and wetland hydrologic monitoring will be conducted to document project compliance with performance standards and permit conditions. Regulatory agencies also have the authority and ability to inspect the mine operation for compliance with applicable standards. Kitsap County has the authority to require corrective action at any time in the event of noncompliance with permit conditions. The Tribe will have the opportunity to review all permit documentation from the County. The County is open to suggested conditions for information sharing.</p>
2-18.	<p>Preliminary reclamation plans have been submitted as part of the CUP application and are available for viewing at www.uelandtreefarm.com.</p> <p>Backfill would come from a combination of on-site and off-site sources. As shown in Table 1-1 of the EIS, approximately 764,000 cubic yards of overburden is associated with the quarry areas. As overburden is removed from one area of the quarry, it will be used as reclamation backfill in another. As such, this on-site overburden will constitute the majority of backfill at the site. Generators of imported soil that are used for backfill at</p>

	<p>the site would be required to provide evidence the imported fill is clean fill material. This would consist of completing a Clean Soil Contract (or similar) that certifies the material contains no contamination as defined in applicable federal, state and local code; no construction, demolition, wood waste, concrete, asphalt, rubbish or similar; and/or no soil from a cleanup action (i.e., problem waste).</p> <p>Reclamation measures used to ensure acceptable plant success will be provided in the final reclamation plans and will include top soil and sub-soil placement, fertilization, and invasive plant control.</p>
2-19.	Comment acknowledged.

To David Greetham,

Environment Planner, Dept of Community Development
619 Division Street MS-36
Port Orchard, WA 98366-4682

Dgreetha@co.kitsap.wa.us

David, and any and all interested parties to the Ueland Tree Farm proposed Gravel Pit, Basalt Mine, and Concrete Batch Plant;

I would like to submit the following concerns as issues for consideration, regarding the proposed Ueland Tree Farm LLC gravel pit and basalt mine.

My concerns are outlined as follows:

1)Traffic:

Note- The impact is on more intersections than mentioned in EIS-

3-1 ["9.2.3 TRAFFIC OPERATIONS
Traffic analyses were conducted to identify deficiencies in existing operating conditions for the unsignalized Lebers Lane/Grover Lane/Northlake Way intersection. Levels of service are quantitative measures that grade the operating conditions a driver will experience while traveling through a particular intersection during a specific time interval."

*The EIS only mentions Lebers and Northlake Way intersections as the only impacted. However, there are two others, one I see to be EXTREMELY HAZARDOUS. They are the Chico Way and Northlake Way intersection, and the Northlake Seabeck triangle.
The triangle is currently a hazardous intersection to to limited site distance. My concern, (which I mentioned in a letter dated June 23, 2008,) is that double trailers will be coming back towards the Ueland site, and cars coming around that corner will face a hazard. In addition the local truck driving school is current utilizing this route as well.

Q- 1
What will be done to improve this situation/intersestion for safety?

*The first news reports said an additional 4 trucks per hour, then 156, then 186.

Q-2
Why does it change each time?

Q-3
How do we know the number of traffic trips will not be changing in the future?

3-2 [Q-4
Can the southern route be studied further and addressed in writing?

Q-5
Can the speed limit be reduced to 25MPH on Northlake and the lower Seabeck Highway?

Q-6
Is it time for a stop light at the Triangle?

* The project proponent will widen Northlake Way, and provide a center turn lane and a center acceleration/merge lane for left turns.

Q-7
How far down with this lane extend?

3-3 [Q-8
How wide is the proposed lane?

Q- 9
How will Ueland Tree Farm acquire the property to do the projected improvements? There is limited space (as mentioned in the Kitsap Lake Neighborhood Association comments dated July 23, 1008)?

*The Kitsap Lake Neighborhood Association also commented on July 23 about the narrow roads for Northlake Way, Chico Way, and Kitsap Way.

3-4 [Q-10
I did not see the narrowness of these roads addressed in the EIS except for Lebers Lane/Northlake intersection. Why?

*Port Blakely was studying 6 routes to and from the property to include an impact study with the routes.

Q-11
What was the result? Where can those studies be seen?

3-5 [* Bremerton city reportedly was said to say “no” as to an exit out of the Gorst area, as mentioned at a public meeting.

Q-12
Because Bremerton gets its water supply from the Union Watershed, is it possible to revisit this?

3-6 [* The EIS stated that for the direction of traffic, the preferred route has less passenger vehicle traffic.

Q-13
With this in mind, why would it be permissible to allow increased industrial traffic in an admittedly less traffic area?

Q-14
Why allow this kind of traffic in a residential Zoned area?

Q15-
Does this change the traffic Zoning in this area? Or property zoning?

3-7 * **The turn lane proposed begins in a sight limited corner of Northlake Way. Traffic coming from the North end/Kitsap Way area would be impacted.**

Q-16
How does the county and Ueland Tree Farm propose to ensure this is not a hazard

EIS- "9.4 IMPACTS OF ALTERNATIVES
The volume of traffic expected to be generated by this project is below the number of trips for which Kitsap County requires off-site analysis. Because of this, off-site intersections were not analyzed. The Lebers Lane/Grover Lane/North Lake Way intersection is the only intersection expected to be directly impacted by the proposed project."

3-8 Q-16
I need to see a further definition of "directly impacted".

Q-17
Where can I find this definition?

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Q18
What is the requirement for off site analysis?

EIS-"For this analysis, the directional distribution of traffic to and from the proposed project was estimated based on the routes to market for the items that would be produced by the proposed facility. Much of the traffic generated by the site will use SR-3 to bring the products to their ultimate destination. "

3-9 Q-19
Why would an industrial project prefer a residential thoroughfare?

Q-20
How can this conflict between residential zoning and industrial use be avoided?

3-10 "EIS-The amount of traffic expected on the roadway, even with the conservative trip generation assumptions, is well below the capacity of the roadway, and much lower than the County plans for on typical residential roadways. The expected volumes are such that an access road will qualify as a "Very Low Volume" roadway under County standards. However, in recognition that the percentage of trucks will be higher than typically expected on a residential street, UTF will improve the geometry of the roadway to provide increased sight distance, stopping sight distance, turning radii, improved pavement design, sidewalks for pedestrians, and increased shoulder width."

Q-21
This improvement appears to be primarily within their property. What about the surrounding, and equally impacted area?

3-11 EIS-
"Alternate Access Evaluations
The document, *Kitsap Lake Light Industrial Park – Access Study (Access Study)*(Parametrix, 1999), provided analysis of potential access options for a 440-acre mixed-use development adjacent to the UTF property. The Access Study identified six alternatives for access to the northern portion of the property, and two access options were considered for the south end of the property. The evaluation concluded that the access alternative that used Lebers Lane was the most cost-effective. The analysis did, however, note that the feasibility of this option was constrained by the sharp corner connection to North Lake Way. This conclusion was influenced by the high traffic volumes and road capacity associated with the proposed mixed-use development. The most conservative PM peak hour and average daily project traffic from the 440-acre proposal was 1,800 and 12,950, respectively. This was substantially higher than the 35 PM peak hour and 186 average daily trips forecast for the current UTF proposal.

Other north access alternatives considered in the *Access Study* would have required acquisition of at least seven additional properties, and construction of a new roadway through an established residential area. "This would have had greater impact than the proposed Lebers Lane access due to direct displacement, construction impacts, and operations (noise, air, aesthetics and safety). Costs to construct these other access options were prohibitive to the UTF project. Impacts associated with south access options are even higher; including construction of over 7,000 feet of new road and acquiring right-of-way on up to 19 Properties."

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3-11 "The UTF proposal has significantly lower traffic volumes (less than 2%) compared to those used for the *Access Study*. The UTF proposal also has feasible road improvements that address access to Northlake Way, and UTF owns 100 percent of the property adjacent to Lebers Lane. These factors would effectively mitigate potential impacts associated with the proposed access road. Further consideration of other access options, which have both higher impact and higher cost, are therefore not warranted."

Q-22
Property to be purchased should not be a consideration to the county because, Lebers property was purchased prior to the final approval of the project. As a result, shouldn't the project do further study to include a comprehensive study of using their own existing property to connect with an industrial ingress/egress route?

2)There are more districts than mentioned the EIS- Schools, pedestrian and bicycle traffic:

EIS "9.2.5 SCHOOL BUS SERVICE

The Central Kitsap School District operates school bus service on Northlake Way, and provides a school bus stop at the intersection of Northlake Way and Lebers Lane NW with the following service times: *not listed

3-12 The following should be included school bus stops impacted by the projected project: *not mentioned

The Central Kitsap School District estimates that approximately 5 to10 students use this stop. "

The EIS mentions one school district impacted by the increased traffic on Northlake Way. However, in my letter on June 23, 2008, I mentioned and brought to attention, that TWO districts are served on Northlake Way.

Q-23
Why was this ignored?

The combined School Districts serve 59 children on the ingress /egress route of the projected project. (as per the Bremerton and CK District Transportation offices)

There are 92 bus stops per day on the Northlake Way and Chico Way route. Children will be on the narrow roadside, in the dark, next to dump trucks.

3-13 Q-24
How will these children be safe next to dump trucks passing them?

5 of 13

EIS "School Bus Service
The planned roadway improvements along Lebers Lane, Grover Lane, and on North Lake Way would enhance the pedestrian walk routes from local area residences to the existing school bus stop on North Lake Way. A sidewalk is proposed to be constructed along Lebers Lane. Grover Lane and North
•*The project proponent will provide pedestrian facilities, including sidewalks and curb ramps along

Northlake Way.”

”The project proponent will complete the pedestrian connection on Lebers Lane to Northlake Way.”

• The project proponent will provide a sidewalk along one side of Lebers Lane, and will improve sight distance, stopping distance, turning radii, and increased shoulder width.”

* Proponent offers to do improvements, yet they benefit the proponent primarily, in that it does not extend further down the route of ingress /egress.

Q-25

What will be done to ensure the safety of the current foot/bike traffic on the rest of the southern route on Northlake Way? Chico Way?

3-13

*I contacted both the Central Kitsap School District and the Bremerton School District. They both gave me the amount of children served on Northlake Way.

The amount of children standing on the side of the road is: 59

The amount of total bus stops on the path of the proposed trucks are: 92

Whether this amount is “considered” to be substantial or not, it is clearly a situation that should require attention.

We, the citizens of Kitsap and Bremerton should not put any child in a harmful situation knowingly.

In addition, a LARGE commercial Daycare is on Chico Way, as well as a private school.

3-14

Q-26

How will traffic impact them? Has there been a study on this specific area?

Note- I have sent an attachment, to be attached to this letter, with the bus stops for both districts that will have children on the roadside ,with truck increased traffic proposed by Ueland Tree Farm.

Q- 27

How does the city, county, and Ueland propose to increase and ensure their safety?

Q- 28

Can there better lighting throughout the route for school children, and pedestrian safety?

6 of 13

3-13

(Continued from above)

Q-29

Should a Wider walking path/shoulder width down the entire route, and not just Lebers lane be a better safety improvement solution?

Q- 30

Should lighted crosswalks be put in ?

Q- 31

Should Bus shelters be put in along Northlake Way and Chico Way?

Q-32

Should Curbs be down Northlake Way and Chico Way?

3-13

Q-33

Would the avoidance of the large dump trucks during the school bus routing be a possible alternative?

EIS “9.2.6 BICYCLE AND PEDESTRIAN FACILITIES

There are currently no designated bicycle or pedestrian facilities within the project area.”

This would mean that the increased traffic would potentially be more hazardous, as a result of there being no adequate facilities for the current usage of bicycle and pedestrians. Dump truck traffic in a residential area should not be taken lightly.

3-15

Q-34

What study has been done about the width of the road in proximity to pedestrian and Large vehicle traffic?

EIS “Bicycle and Pedestrian Facilities

The planned roadway improvements along Lebers Lane, Grover Lane, and on Northlake Way would enhance the pedestrian and bicycle facilities in the local area, as described above for School Bus Service.”

3-16

Q-35

How specifically does their plan benefit Northlake Way as a whole, and not in part with Lebers Lane?

Also note that Kitsap Transit has 4 bus stops on this route.

7 of 13

5)Gravel not fully addressed on Northlake Way and Chico Way:

EIS-“Nuisance Gravel

Mining operations can result in dirt and gravel being tracked out of the facilities by trucks carrying materials away from the site. Some of this material can include loose gravel that can be kicked up by tires or can fall from a moving truck and cause vehicle damage.

The UTF operation will include a paved road from the Gravel Mine A site to Lebers Lane, which would reduce track-out. The facility will also include provisions for a wheel wash (if needed) and drivers will be required to inspect their loads before leaving the site. Periodic cleaning of Lebers Lane will also be conducted, if needed to remove any track-out from the site. Other measures to reduce nuisance gravel are outlined in the Mitigation Measures section.”

3-17

Q-36

Ueland mentions in their study, and the EIS states, that Ueland Tree Farm intends to do a truck wash, and do cleaning of Leber’s lane. This area of residences is owned by Ueland Tree Farm.

I would like to see periodic cleaning responsibility of Northlake and Chico Way route as well, due to the fact that they would also potentially be affected. This could affect the safety of vehicles, pedestrians, bicyclists, and motorcyclists. In addition, complaints to the county could impact the county financially, due to increased cleaning of these areas.

Q-37

How would Ueland be able to implement periodic cleaning on Northlake Way and Chico Way?

3-17 Q-38
Could concerned citizens call the Gravel Business, and action be taken? Would there be a time frame for a cleaning action due to a spill or debris?

Q-39
Can a cleaning program be implemented to ensure that gravel debris is dealt with on these above mentioned roads?

8 of 13

6) Wetland monitoring done by proponent and not an outside, non -interested party:

3-18 I read with great interest how the wetlands and watershed monitoring would be contracted out, or monitored by Ueland themselves.

Q-40
Would the tribes or DNRS, or environmental agencies, be better suited to be impartial?

Q-41
How can we be assured that there is no conflict of interest ?

7

7) The EIS states “Concrete batch plant operations may create nuisance noise and dust for surrounding residences, and Salmon habitat. Damage to streams may be negligible,” yet, Chico Creek is “one of the states most pristine water sheds.” and of the states most sustainable salmon runs.

3-19 In addition the EIS states: “The Site development will create dust, noise and traffic impacts for surrounding residents, but the impacts are not expected to be significant.”

In my opinion The EIS does not state specifically, what constitutes significant vs. non significant on dust, and traffic.

Q-41
Can something more specific, in writing, be printed, in answer to this question, to give a better baseline understanding? (For example 50 cars per day would not be significant in traffic studies, however any increase after 499 would be considered significant?)

Q-42
Should we to gamble with the chemicals and dust settlements that the EIS states will be present and used in the greater Chico Creek vicinity?

9 of 13

8) Air quality:

3-20 The application of fertilizers and herbicides is mentioned at several points in the EIS

Q-43
What specifically would or could potentially be used?

3-20 Q-44
How do the above chemicals affect animal habitat, water quality, erosion, and environment?

Q-45
Is there a natural alternative to any and all proposed chemicals to be utilized on the site?

Q-46
How far do dust particulates travel?

3-21 Q-47
Could dust travel into and around the protected areas of the Chico Creek?

Q-48
How could this dust from the proposed site construction and operation, potentially affect the salmon habitat safety?

Q-49
Could any of the dust or chemicals used be harmful to human or animal populations in any extent?

3-22 The EIS did not clarify what would constitute significant vs. non significant impact with regard to dust issues.

EIS- “The Proposed Development Alternative will result in impacts to surface and ground water, vegetation and habitat, air quality, noise, land use, recreation and aesthetics.”

9) Community notification process:

I have serious concerns about the lack of community notification for the residents in the surrounding vicinity of Ueland Tree Farms Mining Project, Gravel Pit, and Concrete Batch Plant. (10 of 13)

Community Newspapers have not seemed to be entirely effective in letting the homeowners and residents in on what is potentially going to affect their neighborhoods.

3-23 Recently, a grassroots campaign has been launched to increase awareness. As a result, many more community members were present at the last meeting.

Q-51
How does Ueland plan to increase additional awareness to their proposed project within the residents of the surrounding areas?

Q- 52
What can the county do to ensure that the potentially citizens are properly notified regarding this large commercial project?

Some residents may be elderly, disabled, or homebound, and may not have internet access, or newspaper delivery.

3-23 Q-53 How can those people be made aware of the upcoming project and the impact it may have on them?

3-23 Q-54 Can mass mailings be done in the Kitsap Lake, Northlake Way, Chico Way to hwy 3, and lower Seabeck highway areas?

12) Community Access:

I have heard mixed discussion about what kind of trail access the community can continue to expect. This property had previously been owned by the same company since the 1880's.

3-24 Q-56 How does Ueland Tree Farm propose to ensure continued community enjoyment of the forest, trails, and area, if any?

Q-57 What guarantees are there that the property will be accessible to the community for lawful usage and enjoyment?
11 of 13

11) EIS Study:

3-25 **The Environmental Impact Study almost mimics the Ueland Tree Farms independent study.**

Q-58 What specific process was utilized by the county to do their own study of this project?

In closing:

It appears that the owner of Ueland Tree Farm, Craig Ueland, and his project manager, Mark Mauren are interested in maintaining good community relations. In addition, they are trying to account for the potential impacts to the surrounding areas.

However, as many realize, this is an environmentally sensitive area, that neighbors a rural residential road and zoning designation. In the EIS, and Ueland's own studies, they acknowledge that this project will result in impacts to surface and ground water, vegetation and habitat, air quality noise, land use, recreation, traffic and aesthetics.

It is crucial that ALL potential impacts be discussed and lessened, when and if avoidable.

I look forward to hearing the answers to these, and many more questions.

Respectfully,

Kim Adair

Homeowner- Northlake Way

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CENTRAL KITSAP SCHOOL DISTRICT

CENTRAL KITSAP HIGH BUS

Bus

83

CHICO WAY/DILLON RD	7:10 2:57
3281 NORTHLAKE WAY	2:58
3351 NORTHLAKE WAY	7:11
NRTHLAKE WY/TAYLOR	7:11 2:59
NRTHLAKE WAY/DAVID	7:12 3:00
NRTHLAKE WY/LEBERS	7:12 3:01

Bus

60

ERLANDS PT/FRWY APT	7:31 2:54
4012 CHICO WAY	7:32 2:53

Bus

83

CHICO WAY/DILLON RD	7:10 2:57
3281 NORTHLAKE WAY	2:58
3351 NORTHLAKE WAY	7:11
NRTHLAKE WY/TAYLOR	7:11 2:59
NRTHLAKE WAY/DAVID	7:12 3:00
NRTHLAKE WY/LEBERS	7:12 3:01

CK JUNIOR HIGH SCHOOL BUS

Bus

60

4012 CHICO WAY	6:23 2:19
ERLANDS/FAIRWY APTS	6:24 2:20
CHICO WY/SUB PROPNE	6:40 2:32
3351 NORTHLAKE WAY	2:33
3230 NORTHLAKE WAY	6:41
2950 NORTHLAKE WAY	6:42 2:33

NORTHLAKE/TAYLOR	6:42 2:34
NORTHLAKE/DAVID	6:43 2:34
NORTHLAKE/LEBERS	6:44 2:34

Bus

83 Pass thru from Country Lane to CK Jr. no stops on Chico?

Klahowya BUS

Bus passes through to Sawmill

54

OLD SWMILL/SEBCK HY	6:36 2:27
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Jackson Park Elementary School

Bus

62

3670 CHICO WAY	7:38 3:07
NORTHLAKE/TAYLOR	8:00 3:09
NORTHLAKE/DAVID	8:01 3:09
NORTHLAKE/LEBERS	8:01 3:10

Bus

54

3057 NORTHLAKE WAY	7:59 2:50
3230 NORTHLAKE WAY	8:02 2:50
3357 NORTHLAKE WAY	8:04 2:49

(this bus travels up to Sawmill and back to Jackson Park)

Silverdale Elementary School

Bus passes through

50

4024 COUNTRY LN 8:29 4:01
3953 COUNTRY LN 8:32 4:03
4964 CHICO WAY 8:41 3:52

Bus Arrival

60

4205 CHICO WAY 8:30 3:48
3523 CHICO WAY 8:32 3:49
CHICO WY/GOLF CLUB 8:34 3:50
CHICO WAY/GULBERG 3:55
3670 CHICO WAY 8:40 3:54

BREMERTON SCHOOL DISTRICT

Kitsap Lake Elementary-

ROUTE J

AM PM WED
8:35 4:15 2:10 Chico Day Care
8:37 4:18 2:12 Chico Way & Wedgewood
8:38 4:19 2:13 Northlake Way & Taylor Rd
8:39 4:20 2:15 Northlake Way & David Dr
8:40 4:21 2:16 Northlake Way & Lebers Ln

Mountain View Middle School

ROUTE Q

AM PM Wed
7:18 3:08 1:01 2216 Northlake Way
7:19 3:09 1:02 Northlake Way & David Dr
7:20 3:10 1:03 Northlake Way & Taylor Rd

Bremerton High School

ROUTE X

6:44 2:40 12:40 2216 Northlake Way
6:45 2:41 12:41 Northlake Way & David Dr.
6:46 2:42 12:42 Northlake Way & Taylor Rd.

COMMENT LETTER NO. 3 – KIM ADAIR

3-1.	<p>Site distance at the Northlake Way and Seabeck Highway intersection is most limited for the south bound stop controlled leg of Northlake Way; other legs of the intersection that will be used by the project clearly exceed site distance requirements. Kitsap County Road Standards provide guidance on site distance for County roads. Seabeck Highway east of the railroad crossing has a posted speed limit of 35 mph. For a design speed of 45 mph (10 mph over the posted speed limit), a crossing of a major arterial from a minor approach needs a minimum 360-ft of site distance, with adjustment up or down depending on road grades. This distance decreases to 335-ft for a 35 mph design speed (25 mph posted speed). Based on available mapping information, there is currently between 350 and 400-ft of site distance for the north bound stop controlled leg of the Northlake Way-Seabeck Highway intersection, which is within the acceptable range of Kitsap County Road Standards. Potential visibility obstructions at this location consist of shrub and small trees within the right-of-way.</p>
3-2.	<p>The number of vehicle trips described in Table 9-2 of the EIS represents the high end of the range of estimated total trips (in and out) at full build out, including both employee and truck traffic. Previous truck trip estimates discussed during the early stages of project development referred to combined trips during “typical” conditions (4 trucks per hour), and/or total number of truck trips at full build out, not including employee vehicles (156 trips). The number of trips shown in Table 9-2 represents the worst-case scenario for the environmental evaluation, and as such, is not expected to be exceeded.</p> <p>In response to comments received on the EIS, an access feasibility study was performed to evaluate the advantages and disadvantages of a south access route to the UTF site. The analysis looked at two possible options for south access road alignments and evaluated the length and grade (steepness) of roadway required, total number of properties that would have to be purchased, what stormdrain facilities would be required, other environmental concerns, and total cost. While the approach to the south access road options along Werner Road has certain advantages over the north access, such as freeway proximity and areas of existing industrial zoned land, both of the south access road options would adversely impact the overall environment to a larger extent than the north access road due to the steep slopes in the area, stream and wetland crossings, and drainage constraints. The study therefore concluded that the overall environmental impact and cost of a south access road would be far greater than that of a north access road and as such was not carried forward as an alternative in the DEIS or FEIS. The <i>Ueland Tree Farm Mineral Resources Development Access Feasibility Analysis</i> (May 2009) is available at www.uelandtreefarm.com for further evaluation of this issue.</p> <p>Speed limit reductions are typically initiated by the agency responsible for managing the road (Kitsap County Public Works in this case) in response to geometric concerns, capacity and/or safety issues. The County may elect to reduce the speed limit on Northlake Way if capacity or safety issues are identified in the future. Signals are typically considered when traffic volumes result in unacceptable delays, there are a high</p>

	<p>number of accidents, or there is high pedestrian volume (such as a school crossing). Traffic delays at the Seabeck Highway-Northlake Way intersection are relatively low and do not warrant signal installation.</p>
3-3.	<p>Road width is discussed in the Traffic Report with respect to improvements near Lebers Lane. The existing Northlake Way road between Lebers Lane and Chico Way typically varies in width from approximately 30-ft to 41-ft with two 11 to 12-ft travel lanes, with shoulders that range from less than 3-ft to over 6-ft wide. Kitsap County Road Standards for new minor arterials are based on Design Hourly Values (DHV), which can generally be considered to be in the range of 10 percent of Average Daily Traffic (ADT). The Northlake Way ADT, in October 2007, was measured at an average of 6,187 vehicles, which corresponds to an approximate DHV of 600. For arterials that have a DHV greater than 201, Kitsap County Road Standards require 12-ft lanes and 8-ft shoulders for total width of 40-ft. As shown in the Traffic Report, Northlake Way will be widened to a 40-ft width for a 600-ft segment on each side of Lebers Lane (total of 1,200-ft). The remaining portions of Northlake Way are designated a Minor Arterial; the proposed use is consistent with this designation. All roadway modifications will occur within the existing County road right-of-way, or on property owned by UTF. The Traffic Report can be viewed at www.uelandtreefarm.com.</p>
3-4.	<p>See also response to Comment 3-2.</p> <p>The Port Blakely access study was a preliminary assessment of potential routes to their proposed commercial/mixed-use development. This report can be obtained from Kitsap County. The report, entitled <i>Kitsap Lake Light Industrial Park – Access Study</i> (Parametrix 2000), provided preliminary analysis of potential access options for a 440-acre mixed-use development adjacent to the UTF property. The Access Study identified six alternatives for access to the northern portion of the property, and two access options were considered for the south end of the property. The evaluation concluded that the access alternative that used Lebers Lane was the most cost-effective.</p>
3-5.	<p>The City of Bremerton has reiterated that access will not be allowed through the City watershed land near Gorst (Phil Williams, personal communication, June 24, 2009). Such areas are to remain restricted access for watershed protection purposes.</p>
3-6.	<p>Low traffic volumes typically indicate that a road has capacity available for additional traffic. As described in Section 9.4.2 of the EIS, the amount of traffic expected on Lebers Lane, even with the worst-case trip generation assumptions made in the report, is well below the capacity of the roadway, and much lower than the County plans for on typical residential roadways. However, in recognition that the project would increase truck traffic on a residential street, UTF will improve the geometry of the roadway to provide increased sight distance, stopping sight distance, turning radii, improved pavement design, sidewalks for pedestrians, and increased shoulder width. All of these proposed improvements would improve safety on the roadway.</p> <p>Allowing truck traffic on Northlake Way is consistent with the road’s designation by Kitsap County as a Minor Arterial, which is defined in the Kitsap County Comprehensive Plan (2006) as follows: “Minor Arterials provide access to the principal arterials and the freeway systems. They provide primary access to or through communities of high density</p>

	<p>residential, commercial/retail, or industrial land areas. Trip length generally exceeds five miles. Minor arterials provide routes for public transit systems between major communities within the county.” Existing truck traffic (three axles and greater) in mid-October 2007 on Northlake Way at Seabeck Highway averaged 106 vehicles per day between the hours of 6 AM and 6 PM, with the majority of truck traffic occurring between 7 AM and 4 PM. The proposed use of Northlake Way is consistent with the road’s designation and existing use.</p> <p>As described in Section 8.2.1 of the EIS, the UTF property has Kitsap County land use and zoning designations of Rural Wooded (RW) and Forest Resource Lands (FRL). The area in the vicinity of the access road is zoned Rural Resource (RR). Mineral extraction is an allowed use in all of these zones with a CUP. The UTF site has been used for resource purposes for over 100 years. Mineral resource development is consistent and compatible with past and continued natural resource based practices. Traffic and property zoning in the area would be unchanged by the proposal.</p>
3-7.	<p>Sight distance at the intersection of Northlake Way and Lebers Lane will be mitigated by construction of a left turn lane off of Northlake Way, as well as a center acceleration/merge lane for left turns entering Northlake Way (refer to Figure 9-3 of the DEIS). The proposed improvements would result in a wider roadway near the intersection, with holding areas for turning traffic. Design details are provided in the Traffic Report. See also response to response to Comment 3-3.</p>
3-8.	<p>The term “directly impacted” as used in the Traffic Report, refers to impacts that exceed regulatory standards that result primarily from the proposal. This definition is commonly used in engineering analyses and reports. The Kitsap County threshold for off-site traffic analysis is 50 peak hour trips. Due to the relatively low volume of traffic expected to be generated by the project (35 total peak hour trips), and because the trip generation from the project is below the number of trips for which the County required off-site analysis (50 total peak hour trips), off site intersections were not analyzed.</p>
3-9.	<p>Industrial traffic is consistent with the Northlake Way Minor Arterial designation. See also response to Comment 3-6.</p>
3-10.	<p>Road modifications on Lebers Lane and at the intersection with Northlake Way are needed because these areas do not currently meet road standards for proposed truck use, and truck use on Lebers Lane would occur as a result of the proposal. Other portions of the local road system that would be used by the project are currently being used by trucks (see response to Comment 3-6) and provide adequate lane width, grade, and site distance. Traffic from the proposal will be a relatively large portion of the daily traffic on Lebers Lane, and only a small portion (about 3 percent) of the total traffic on Northlake Way.</p>
3-11.	<p>While the applicant voluntarily purchased land in the vicinity of Lebers Lane, Kitsap County can not require the applicant to purchase the land that would be required for a south access road. UTF has comprehensively evaluated all feasible options for site access. Refer to the responses to Comments 3-2 and 3-4.</p>
3-12.	<p>The Bremerton School District (BSD) was unintentionally omitted from the discussion in Section 9.2.5 of the EIS. In addition to the Central Kitsap School District bus routes</p>

	<p>mentioned in the EIS, BSD school bus Route J, for Kitsap Lake Elementary, operates a bus stop at the intersection of Lebers Lane and Northlake Way (refer to Figure 9-3 of the DEIS). Pickup and drop-off times for this bus stop are 8:40 AM and 4:21 PM, respectively. There are three stops on Northlake Way in the vicinity of the project for Bremerton High School, at Taylor Road, David Road, and at a private residence approximately 350 feet north of the intersection of Lebers Lane and Northlake Way. The EIS text has been revised to reflect this information.</p>
3-13.	<p>Based on bus route information from the Central Kitsap and Bremerton School Districts, there are nine school bus stops on Northlake Way between Lebers Lane and Chico Way. The National School Transportation Specifications and Procedures Manual, 2005 Revised Edition (adopted by the 14th National Congress on School Transportation) provides guidance on evaluation of school bus route potential fixed driving hazards. These hazards include visibility obstructions, inadequate shoulder width, proximity to intersections and presence of warning signs. A preliminary review of the school bus stops along Northlake Way shows that sight distance appears adequate and shoulder waiting areas are present. To provide additional safety, UTF would construct a designated school bus waiting area and shelter at the intersection of Lebers Lane and Northlake Way, which will be paved and covered, and will provide a minimum 8-ft separation from the travel lane (assuming adequate right-of-way is available and there are no critical area conflicts). Pedestrian warning signs will also be placed on each side of Northlake Way at this location. Bus stop details and design would be provided as part of the Site Development Activity Permit application.</p> <p>Avoiding truck traffic during bus routing would not be feasible due to the need to maintain truck traffic during working hours. Truck traffic is required to adhere to traffic regulations similar to other vehicles. This includes obeying speed limits, and yielding to school buses and pedestrians. A Truck Driver Notice sign will also be posted on Lebers Lane prior to the railroad crossing to notify truck drivers of the need for safety and attention as they pass through areas where pedestrians and bicyclists may be present.</p>
3-14.	<p>The Day Care and private school are located in an area with designated cross walks and a 20 mph reduced speed limit. Chico Way has adequate width and visibility at this location and currently supports significant vehicle and truck traffic. The project is therefore not expected to result in additional impacts, due primarily to the minimal increase in background (existing) traffic levels.</p>
3-15.	<p>Refer to response to Comment 3-3</p>
3-16.	<p>The existing roadway conditions and facilities and volumes of truck traffic pose dangers to pedestrians and bicyclists using Lebers Lane, Grover Lane, and Northlake Way. The roadway and facility improvements proposed as part of the Mineral Resource Development Project would represent an improvement over the current safety conditions in the area.</p>
3-17.	<p>Track out of dirt and debris onto Northlake Way is expected to be minimal due to the proposed wheel wash and periodic road cleaning of Lebers Lane. Track out of dirt onto Chico Way is even less likely due to the distance between the site and Chico Way. Track out control will be accomplished by prevention (wheel wash and paved access road), as</p>

	<p>well as road cleaning on an “as needed” basis using a mechanical street sweeper, which is a common best management practice in the sand and gravel industry. Gravel debris will be controlled by careful loading of trucks, paving the access road (which tends to reduce gravel entrainment in tire treads) and requiring truck drivers to inspect their vehicles for loose gravel prior to leaving the site. Trucks using the site will be identified with operator name and address, consistent with industry standards so that nuisance gravel sources can be effectively identified. Typical practice within the industry is for the site operator to compensate vehicle owners for damage when the vehicle owner can demonstrate to a reasonable degree that the source of the gravel is the operator’s vehicle.</p>
3-18.	<p>Monitoring is typically performed by a qualified third party that is mutually agreeable to both the property owner and regulatory agencies. Monitoring and reporting is conducted in accordance with approved monitoring plans that include specific performance criteria and standards and reporting requirement. These specific performance criteria and standards, and use of a qualified third party for monitoring, assure no conflict of interest in gathering data and presenting monitoring results. The Kitsap County Critical Areas Ordinance clearly defines the necessary qualifications for a wetlands specialist (KCC 19.150.715). All monitoring programs proposed for the project are described in Chapter 1, Table 1-4, of the Final EIS.</p>
3-19.	<p>"Significant," as used in the EIS, means a reasonable likelihood of more than a moderate adverse impact on environmental quality. Significance involves context and intensity (WAC 197-11-330), and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact. The purpose of the EIS is to evaluate potential impacts and their severity, which is weighed along with the likelihood of its occurrence. The DEIS and FEIS provide the context and process for determining whether a proposal is likely to have a significant adverse environmental impact. As long as the project complies with all local and federal air quality standards and requirements, no significant air quality impact would be expected. The Puget Sound Clean Air Agency (PSCAA) is the air quality regulatory agency in this area and will review and approve all air quality permits for the proposal to ensure that all air quality standards would be met.</p> <p>Significant traffic impacts are typically described in terms of level of service deficiencies (i.e., delays) and/or roadway geometric deficiencies (i.e., turning radius, width, site distance, etc.). Also refer to Response to Comments 3-1, 3-2, 3-3 and 3-6.</p>
3-20.	<p>Ueland Tree Farm has made it a practice of treating competing vegetation in plantations by hand as well as mechanically brushing the roads instead of using chemicals. In the future it is the intent of UTF to continue that practice. Given the limited size of harvest units (less than 30 acres) and year round logging capability, UTF does not see the need to water roads in order to keep dust down during harvest operations. The use of fertilizers is not economical due to the small size of the tree farm and the productivity of the ground. Any chemical use will be confined to the mining operation.</p>
3-21.	<p>The vast majority of fugitive dust caused by mining activities is made up of relatively large particles that cannot be held for long periods in atmospheric suspension. These large particles fall out of suspension quickly and return to the ground surface. However, a</p>

	<p>small percentage of the dust is comprised of smaller particles that have the potential to remain suspended in the atmosphere for longer periods of time and could be carried offsite by the wind, potentially impacting the air quality of the surrounding area. Specific distances vary greatly depending on topography, meteorology, and intervening vegetation.</p> <p>UTF is proposing to control fugitive dust emissions from the sand and gravel operations by paving portions of the onsite road and by using enclosed conveyors, wet suppression techniques, windbreaks, and reducing the freefall distances for transferring materials. Additional fugitive dust controls (e.g., wheel washers, sweeping/cleaning of Lebers Lane) will be evaluated during any air quality permitting process with PSCAA. These controls, in conjunction with regulatory oversight by PSCAA, will ensure that fugitive dust from facility operation will be controlled to the extent that significant air quality impacts are unlikely. With these controls, and due to the large distances and intervening vegetation, virtually no dust would be expected to travel as far as Chico Creek. Some dust could travel to nearby Dickerson Creek, however, the proposed dust controls would ensure that the levels of dust would be minimized and would not substantially affect the creek.</p> <p>The PSCAA requires air quality permits for sources with the potential to emit harmful levels of pollutants. The criterion the PSCAA uses to determine the adequacy of air pollution controls for a fugitive dust source is the prevention of visible dust leaving the site. UTF will obtain all necessary air quality permits from PSCAA, for which they must first demonstrate that the proposed project will comply with all local, state, and federal regulations, including the National Ambient Air Quality Standards (NAAQS) for PM₁₀ and PM_{2.5} (particulate matter).</p> <p>See also Response to Comment 3-19 above. See Section 3.2.4 of the EIS for a discussion of the potential health risks and standard allowable levels of all criteria pollutants.</p>
3-22.	Refer to responses to Comments 3-19 and 3-21.
3-23.	<p>Since December 2006, UTF has provided periodic press releases, open houses and project information via the UTF web site www.uelandtreefarm.com. Mailings were also sent out to 50 residents in the immediate vicinity of the property. UTF will continue to provide periodic public information to the surrounding community via press releases and this web site. Kitsap County will also continue to notify area residents of the development proposal and permit applications as applicable under Kitsap County Code Title 21. Kitsap County has also supplemented the standard notice process with press releases and postings on the County web site. A Notice of Public Hearing sign will be posted near Lebers Lane to advertise the public hearing for the CUP.</p>
3-24.	<p>Ueland Tree Farm recognizes how important non-motorized access to the 1,700 acre tree farm is to the citizens of Kitsap County. It is the intent of UTF to keep this privately-owned property open to the public as long as they are able to operate the tree farm and mineral operations without risking public safety, and as long as the public treats the property with respect.</p>
3-25.	<p>Kitsap County hired a third-party consultant, ESA Adolfson, to peer-review the studies provided by UTF. Kitsap County and ESA Adolfson (and their technical subconsultants) reviewed the studies, and provided comments to Parametrix and their subconsultants identifying areas where they felt additional evaluation, clarification, or analyses were</p>

	<p>needed. The evaluations were revised to address Kitsap County/ESA Adolfson comments, and these studies were then used as the basis for the EIS sections. The County and ESA Adolfson supplied additional information to fulfill the requirements for a SEPA analysis where necessary.</p>
--	--

From: Concerned Citizen [uelandminingdevastation@live.com]
Sent: Saturday, March 28, 2009 5:32 AM
To: jwbrown@co.kitsap.wa.us; cgariido@co.kitsap.wa.us; sbauer@co.kitsap.wa.us;
dgreetham@co.kitsap.wa.us
Cc: collective@earthfirstjournal.org; info@greenpeace.org; audobonation@audubon.org;
information@sierraclub.org; portland.office@defenders.org; info@earthwatch.org
Subject: UELAND TREEFARM MINING DEVASTATION

Council Members,

4-1 I am writing to voice my concerns for the proposed large scale mining operation in KITSAP
4-2 county. Not only will this project destroy over 30% of the wetlands, but there is little
4-3 concern for Chico Creek, Washington's major Chum Salmon stream. This does not even
include noise impact to the peaceful residential area from blasting and increased heavy
truck traffic along homes and schools. It is a shame to see that we would allow such
destruction to a natural area with little concern but a token draft environmental impact study
that plays lip service to appease the permitting process. Keep the area clean, quiet and
safe for future generations.

Thank you.

COMMENT LETTER NO. 4 – ANONYMOUS

4-1.	The EIS acknowledges potential impacts to wetland buffers and contributing areas, and potential indirect impacts to wetlands. The project has been designed so as not to directly impact any wetlands on the site. The EIS states, in Section 4.4.2, that there could be a 30 percent reduction in the <i>contributing area</i> to Wetland 1, but not to the wetland itself. See also responses to Comments 2-6 and 2-7.
4-2.	See response to Comment 5-4.
4-3.	Comment acknowledged.

March 25, 2009

Statement for the record from Michael S. Beck and Susane Stayrook regarding:

Draft Environmental Impact Statement (DEIS) for the Ueland Tree Farm Mineral Resource Development Project.

We oppose any action as outlined in the EIS for this project for the reasons stated below.

Background: Our residence is local at the intersection of Lebers Lane, Grover Lane and Northlake Way. We have a two-year-old daughter living in this residence, who was born with serious health conditions affecting her heart and lungs. The air quality and noise associated with this development will have a direct physical effect on her health.

Air Quality

The air quality may meet EPA standards, if the mitigation is implemented as proposed in the EIS. The actions will reduce but not eliminate the health risk for our daughter.

- 1. The dust created from large trucks with trailers on gravel roads, earthmoving equipment. Concrete batch plant and rock crushers will reduce air quality.
2. The exhaust fumes generated from diesel engine powered equipment will be considerably more than presently exist in this area. The number of trucks with trailers passing within feet of the house could exceed more than 10 vehicles per hour. Presently there are less than two vehicles of this type passing per day.
3. If environment controls were installed to protect the environment inside of the house, this would not address the concerns we would have if our daughter were to go outside to play.

Transportation Impacts

The intersection of Lebers Lane, Grover Lane and Northlake Way has been proposed for reconstruction to meet county standards. Additionally, the EIS states the increase traffic will increase by 186 vehicles per day.

- 1. Most or all the traffic increase will be large trucks with trailers hauling heavy loads to and from the area. Based on the vehicles estimated, it is reasonable to expect that more than twenty large tractor-trailer trucks will be starting and stopping at this intersection per hour. These vehicles are slow to stop and start and this will slow traffic through this area. Resulting in more traffic delays and congestion on a residential thoroughfare. There are no plans to improve Northlake Way. This will result in a serious traffic safety concern. If there were a deceleration lane added to the west side of Northlake Way, this would only make conditions worst because heavy truck would be operating that much closer to the house.
2. Lebers Lane is an uphill street that approaches our residence from the South. If a truck proceeding down this grade had a mechanical failure and could not stop at the bottom of the hill it will likely windup in the residence. There is no truck run-off and no place to locate one. The safety of the occupants would be in serious jeopardy for their life.

Noise/Vibration Impacts

The noise and vibration from larger tractor-trailer starting and stopping at the intersection will increase the noise levels. Additionally, the trucks with trailer traveling up and down the hill (Lebers Lane) will increase noise levels.

- 1. This noise/vibration is not addressed in the EIS; therefore one can only assume that there is no intent to address the impact.
2. This is a residential neighborhood that at present has low noise/vibration levels from traffic. That will change for sure. Trucks with Jake Brakes will create even more noise, which is not addressed in EIS. Given the number of older trucks in the area, the use of the Jake brakes is unavoidable.
3. Unusual hours of operation can/will occur depending on the contractors and the requirements for material. The state, for example, prefers to operate their construction sights in the evening for lower impact on traffic, which will impact the quarry operations if the material is to be purchased from this location.

Property

We will experience the highest level of impact to our property.

- 1. Two sides of our property will be directly affected by the changes to the roads.
2. The value of our property will decline significantly.
3. The level of noise/traffic directly in front of our house is/will be at the highest level of all involved, due to the trucks entering/exiting the access road.
4. Residences and guest entering and leaving private driveways on Northlake Way will experience a significant traffic safety hazard increase.

We see this change as converting a residential road into an industrial road and leaving all of the residences holding the bag of unwanted changes. No one in their right mine would want this to happen in their neighborhood.

Figure out a way to access the area from Werner Road. This road is better suited for this kind of use.

Michael S Beck 3-24-09
Michael S. Beck Date

Susane Stayrook
Susane Stayrook Date

COMMENT LETTER NO. 5 – MICHAEL BECK & SUSAN STAYROOK

5-1.	<p>See response to Comment 3-21 above. The health-based air quality standards are designed to protect people, including "sensitive receptors" most susceptible to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by disease or illness, and persons engaged in strenuous work or exercise.</p> <p>Because of the relatively small volume of hourly and daily trucks expected with the proposal and the measures incorporated into the design of the project to reduce dust and emissions, no significant air quality impacts are expected. In response to the commenter's concerns, a simple, worst-case scenario of air emissions associated with truck traffic on Lebers Lane was evaluated using the EPA-recommended MOBILE 6.2 emissions model and the CAL3QHC dispersion model. The model run considered 15 trucks traveling to the site and 12 trucks leaving the site during every hour of operation (i.e., from 7 a.m. to 5 p.m.). This is a very conservative estimate of daily truck volumes, since peak volumes do not occur consistently throughout an operational day. Additionally, the trucks were assumed to idle for two minutes on Lebers/Grover Lane while waiting to turn onto Northlake Way. The model results indicated that even using these worst-case assumptions, the fine particulate matter (PM_{2.5}) levels from diesel exhaust would be minimal (i.e., less than 0.5 µg/m³) at locations approximately 10-13 feet from the side of the road (i.e., 25 feet from the centerline). Such levels would be well below the 24-hour health-based limit for PM_{2.5} of 35 µg/m³. Although this level will represent an incremental increase in diesel emissions, it is well below the level of the short-term standard for fine particles considered protective for even the most sensitive populations.</p> <p>The proposed controls and regulations regarding pollutants in exterior spaces (and, therefore, in interior spaces) are designed to protect sensitive populations from significant health effects related to this proposal.</p>
5-2.	<p>Project plans include improvements to Northlake Way, including 1,200-ft of roadway widening, a left turn lane off of North Lake Way, and a center acceleration/merge lane for left turns entering Northlake Way from Lebers Lane. Refer to the engineering drawings provided in the Appendix to the 2007 Traffic Report (available at www.uelandtreefarm.com) for details.</p> <p>Traffic congestion from the project is not expected to occur due to the relatively low traffic volumes generated by mine operations. The intersection of Lebers Lane and Northlake Way currently operates at a level of service (LOS) B (delay of 10 to 15 seconds). With the addition of a deceleration left-turn lane on the northbound approach and acceleration lane for vehicles turning southbound the intersection will continue to operate with a LOS B. LOS A through C implies that traffic flows with minimal delay. Kitsap County currently has LOS standards adopted only at the roadway segment level and not at the intersection level. In general, intersection LOS D and E imply conditions that approach capacity, and LOS F implies unstable flow with potential for substantial delays (Transportation Research Board, 2000). The operation of the Lebers Lane/Northlake Way intersection will meet the recommended minimum LOS standards.</p>

	<p>Additional traffic analysis details are provided in the Traffic Report.</p> <p>All roadway improvements are proposed within the right-of-way or on property owned by UTF (refer to engineering drawings in Traffic Report). See also responses to Comment 3-6 and 21-7.</p>
5-3.	<p>Lebers Lane and the intersection with Northlake Way will be designed in accordance with Kitsap County Road Standards. For added safety, a guard rail could be placed at edge of the new east bound lane shoulder immediately across from Lebers Lane, and would be considered as a possible condition of approval should the CUP request be approved.</p>
5-4.	<p>The noise technical report includes a discussion of off-site truck noise and its potential to impact residences near the access roads to the site (available at www.uelandreefarm.com). Section 14.3.2 of the EIS summarized these results in the discussion of cumulative noise impacts and concluded that, although the increase in off-site truck noise will be substantial and noticeable at some locations, the impacts would not be considered significant. For residences relatively near Northlake Way, such as the commenter's residence, the increase due to the trucks would not be considered substantial (i.e., would not exceed 10 dBA), although it could still be noticeable.</p> <p>As specified in the EIS (Section 7.4.2), keeping truck speeds low on the project site and on Lebers Lane will minimize the need for such brakes and any resulting noise impacts. If their use is necessary, engine brake noise is best controlled through the use of properly muffled engine exhaust pipes. Ensuring that trucks accessing the UTF facility have adequate exhaust mufflers will minimize potential noise impacts from the use of engine brakes.</p> <p>The Federal Transit Administration (FTA) "Transit Noise and Vibration Impact Assessment" dated May 2006 provides guidance on evaluating potential noise and vibration impacts from rubber tired heavy vehicles. Per FTA guidance, there is very little potential for vibration impacts from rubber-tired vehicles that will use the site. The relevant sections of the FTA guidance are summarized below.</p> <p>Because the rubber tires and suspension systems of heavy vehicles provide vibration isolation, it is unusual for large vehicles to cause ground-borne noise or vibration problems. When large vehicles cause effects such as rattling of windows, the source is almost always airborne noise. Most vibration problems with large vehicle-related vibration can be directly related to a pothole, bump, expansion joint, or other discontinuity in the road surface. Smoothing the bump or filling the pothole will usually solve the problem.</p> <p>It is unusual for vibration from trucks to be perceptible, even in locations close to major roads. Some common sources of ground-borne vibration are trains, buses on rough roads, and construction activities such as blasting, pile-driving and operating heavy earth-moving equipment. Vibration due to heavy vehicles associated with UTF project is unlikely because the roadway serving the UTF site is smooth and will be well maintained. Construction related vibration impacts will also be unlikely because mine related activities are over 500-ft from the nearest residence. Similarly, blasting related vibration impacts will not occur because quarry activities are over 3,000-ft from the nearest</p>

	<p>residence.</p> <p>In summary, FTA guidance indicates that vibration impact from the UTF project are very unlikely because the project is not using a road with expansion joints, speed bumps, or other design features that result in unevenness in the road; and, heavy vehicles are not operating close to a sensitive building (research using electron microscopes and manufacturing of computer chips are examples of vibration-sensitive activities).</p>
5-5.	<p>The mine operation will adhere to the hours of operation as stated in the EIS (7:30 AM to 5:00 PM Monday through Friday with no operations on weekends and holidays). The CUP will require specific conditions for hours of operation, if approved.</p>
5-6.	<p>Comment acknowledged. Residences along Lebers Lane and those closest to the Lebers Lane/Grover Lane/Northlake Way intersection are anticipated to be impacted at a higher level than those further from the project site due to increased truck traffic. Proposed mitigation to minimize impacts includes, but is not limited to, road widening with construction of a left turn lane off of Northlake Way as well as a center acceleration/merge lane, the installation of sidewalks, periodic roadway cleaning, and monitoring (see Chapter 1, Table 1-4 of the Final EIS for a description of all proposed monitoring). The CUP process will include a process to consider various conditions to increase compatibility.</p> <p>The design of the project and proposed mitigation measures are expected to reduce adverse land use impacts. It is very difficult to estimate impacts to property values, because there are numerous, interconnected factors that have an effect, including the state of the overall market, property amenities and improvements, lot size, house size, etc. The principal purpose of the SEPA process is to identify and mitigate impacts to the environment. SEPA does not require cost-benefit analysis for weighing the relative merits and/or drawbacks of alternatives (WAC 197-11-450). Cost-benefit analysis as defined under SEPA means a quantified comparison of costs and benefits in monetary or numerical terms.</p>

- Board of Directors -

CHRISTY B. CATHCART ERIC K. GREENE
CARL R. JOHNSON CHRISTOPHER A. STORKE
BRUCE J. RICHARDS

GREGORY J. LYNCH
SUPERINTENDENT



Central Kitsap School District

Comment Letter No. 6

March 30, 2009

**UELAND TREE FARM MINERAL RESOURCES
DEVELOPMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

c/o David Greetham
KITSAP COUNTY - DEPARTMENT OF COMMUNITY DEVELOPMENT
614 Division Street, MS-36
Port Orchard, WA 98366-4682

ATTN: Dave Greetham

Dear Mr. Greetham,

6-1 [The Central Kitsap School District has perused the Ueland Tree Farm Mineral Resources Development
Project - Draft Environmental Impact Statement and has concerns regarding the potential detrimental
6-2 [impact to traffic utilizing Leber Lane and concerns regarding the noise and dust having a detrimental
impact to the student population of Jackson Park Elementary School.

If you have any questions, please contact me at 360-662-8275.

Sincerely,

CENTRAL KITSAP SCHOOL DISTRICT NO. 401

Richard Best,
Director of Construction, Facilities & Maintenance

cc: Patti Woölf
David McVicker

9210 SILVERDALE WAY N.W.
MAILING ADDRESS: P.O. BOX 8
SILVERDALE, WASHINGTON 98383-0008
360 / 662-1610 • FAX 360 / 662-1611
<http://www.cksd.wednet.edu>



COMMENT LETTER NO. 6 – CENTRAL KITSAP SCHOOL DISTRICT

6-1.	See response to Comment 3-6.
6-2.	Jackson Park Elementary School is over a mile away from the proposed mine and is directly adjacent to SR-3. The school would not be affected by noise or dust from the mine, particularly when considered relative to the impact of noise and exhaust from vehicles traveling on SR-3. See also responses to Comments 3-10, 3-13, 3-21 and 5-4 for discussion of proposed safety measures to protect pedestrians in the vicinity, including school children.

From: Charles Dick [cdick6714@yahoo.com]
Sent: Monday, March 30, 2009 12:01 PM
To: dgreetham@co.kitsap.wa.us
Subject: Uland Tree Farm Mining Project

Hi Dave,

I represent the Bremerton Seventh-day Adventist Church on Taylor Rd off Northlake Way. The church is located on Chico Creek, and was impacted by the last flood.

I am concerned by the project on two points: the added traffic on Northlake Way, and the impact on Chico Creek watershed and related aquifers.

7-1 [I cannot see how any mining of gravel in the watershed will not affect the creek and adjacent aquifers. I question that the runoff from mining will affect the creek, no matter how much protection is provided. Any trees removed will increase runoff and potential for flooding, as well as reduce watershed storage capabilities.

7-2 [The added traffic on Northlake Way, even though not on weekends I hope, will impact an already overloaded roadway.

Unless there are some major changes in the project, we would oppose approval.

Charles Dick
Bremerton Seventh-day Adventist Church

**COMMENT LETTER NO. 7 – CHARLES DICK, SEVENTH DAY
ADVENTIST CHURCH**

7-1.	See responses to Comments 2-12, 2-13, and 2-15.
7-2.	See response to Comment 3-6.

From: Erenn [ekiriaell@wavecable.com]
Sent: Monday, March 30, 2009 2:52 PM
To: 'David Greetham'
Subject: Kitsap Lake Gravel Environmental Review-resident concerns

Dear Mr. Greetham,

Thank you for this opportunity to provide feedback about the Ueland Tree Farm primary proposal. I was not able to attend the 25 March meeting due to the death of a family member.

I respect Mr. Ueland's right to use his property balanced within the county's laws, regulations, environment and respect for his neighbors in the Kitsap Lake area.

8-1 I am very concerned about Ueland's use of the railroad tracks-and potential degradation of the tracks and rocks-earth that supports the tracks. There is noticeable vibration whenever the Navy trains transit behind our homes. I do not know what environmental impact the vibration has, but I am concerned that the increased commercial travel will significantly increase any impact. I believe this would have to be studied thoroughly. Some of the current railroad ties are cracked and need repair. Has Ueland, the county or an independent evaluator studied what the environmental impact will be on the increased use of the railroad Ueland proposes? How frequently will Ueland trains transit from the spur? What is the tonnage to be carried in each car? What about spills? Erosion? What would the effect be of vibration from the increased railroad use over 32 yrs or 50 yrs? Would the cars be covered so air contaminants would not pervade the environment of our backyards and homes? Has the Navy approved of Ueland's plans to use the tracks? Has the effect of Ueland's increased railroad use been studied? And verified? Who pays for erosion/spills/vibration effects/derailments?

8-2 I am very concerned about the number of heavy trucks using Northlake Way without adequate space for pedestrians to walk and bicyclists to ride safely on the shoulder or edge of the road and not be at risk of being hit by other vehicles. Rain, ice and snow can increase the hazards for peds/bicyclists and vehicle accidents. Has a valid study been completed validating what the impact will be of heavy large trucks (186 a day) using Northlake Way? How often will the road need repair? Who pays for it?

8-3 I would appreciate Ueland doing all they can to reduce noise pollution, as well as not polluting the ground water or Kitsap Lake, Chico creek with contaminants. What county office inspects the safety of salmon streams to be free of ground water contaminants? Has an independent valid study insured there would be no contamination of water for wells, streams, and lakes?

8-5 I am concerned about the blasting and vibration effects on fish and wildlife?

8-6 If additional environmental impact studies support some mining, I would support Alternative 3- Reduced Scale Alternative of 93 acres for 32 yrs-without the railroad spur. This would allow Ueland to use the property in accordance with his desires but provide an opportunity to for the community and the county to determine the impact of unintended consequences.

I am concerned about safety and environmental issues hopefully Ueland will continue to be a constructive neighbor for all of us.

8-7 Does Mr. Ueland plan to continue to allow area residents to walk/bike/hike the Tree Farm trails?

Thanks again. Kind regards, Erenn

COMMENT LETTER NO. 8 – ERENN

8-1.	At this time, UTF and the County do not have access to the railroad track to perform an analysis of existing conditions as the tracks are owned and operated by the U.S. Department of Defense (DoD). As described in Section 9.4.2 of the EIS, any future use of the railway for commercial purposes would first have to be approved by the DoD, including review of engineering plans and preparation of an Operating Agreement. The Operating Agreement would cover responsibility and methods of control for accidents and spills. This section of the EIS also describes the types of rail cars likely to be used, the volume of loads, and frequency of trips.
8-2.	See responses to Comments 3-3 and 3-6.
8-3.	UTF will comply with all conditions of the permitting for the proposed project, including those measures intended to reduce potential on- and off-site noise impacts. See also response to Comment 5-4.
8-4.	See responses to Comments in Comment Letters 1 and 2.
8-5.	The EIS acknowledges the fact that there could be significant unavoidable impacts to wildlife in the immediate vicinity of mining operations, including direct loss of habitat during mining operations. Wildlife using the area would likely be disturbed by noise generated during excavation and crushing operations. Individuals would likely move to other suitable habitat on the UTF site or in the vicinity. Wildlife present will also likely be disturbed or frightened by blasting operations, depending on the distance from blasting area, and may be harmed. Implementation of the mitigation measures listed in Section 6.5.2 of the EIS will ensure those potential impacts are minimized to the greatest extent possible. In addition, species that are precluded from the site during operation of the mine would likely return to the site after reclamation is complete.
8-6.	Comment acknowledged.
8-7.	See response to Comment 3-24.

From: Fetters, Deborah L CIV IMF FISC [deborah.fetters@navy.mil]
Sent: Monday, March 30, 2009 8:34 AM
To: dgreetha@co.kitsap.wa.us
Subject: Uuland Tree Farm Development

Mr. Greetham,

9-1 I'd like to voice my opinion about the development of the Uuland Tree Farm, and state that I strongly disagree about allowing that type of development and the damage it will do to our quiet neighborhood on David Road, not to mention add to traffic on the already congested North Lake Way.

I agree that people have the right to develop their own property and make a profit, but at what cost to the existing neighborhood?

9-2 Also, I find it ironic that my husband wanted to add on a few feet on to his existing shop, but it was "too close to the creek", and the country denied his request.

9-3 If they feel the ugly, dirty, gravel pit is so imperative to this County, please find them a way to go out Werner Road instead.

v/r,

Debbie Fetters

4914 NW David Road
Bremerton, WA 98312
360-792-2254

COMMENT LETTER NO. 9 – DEBBIE FETTERS

9-1.	Comment acknowledged. See also response to Comment 3-3.
9-2.	Comment acknowledged. See also response to Comment 2-3.
9-3.	Comment acknowledged. See also response to Comment 3-2.

From: Bernie JMW Fleming [bfleming@wavecable.com]
Sent: Thursday, March 26, 2009 12:28 PM
To: dgreetha@co.kitsap.wa.us
Cc: Paul Dorn; rich bennett; Dave Epperson
Subject: Draft DEIS, UTF
Exhaustive study, but still a project under discussion.

My wife, Elaine, and I own parcels 041 and 115. Dickerson Creek runs through our properties.

10-1 I prefer the current alternative, but may accept the Reduced Scale Alternative. I feel the full alternative development, including the concrete batch plant, may irrevocably alter this community.

10-2 I see under 9.2.1, our private driveway serving four families is not even addressed! Considering the truck traffic proposed, I feel some mitigation must be made for our historical entrance to Northlake, or does Ueland propose to simply turn us into truck dodgers (one hit, and we'll make the news---splat!). Several children and elderly live in this ignored area.

10-3 Sect. 4.5.4 is also very important. Dickerson is the main creek affected by all this. Yes, it is year around and I have been working with the Suquamish to see what can be done to improve fish habitat. ANY reduction in water flow is not acceptable to me. I know the fish need this constant flow. I have observed this stream crowded with salmon, at approximately Thanksgiving. They don't turn up for the meal, but to leave their young for the future. I would go so far as to say that many of the Chico fish end up here (where the Washington State fish ladder is broken, but that is another irritation).

10-4 I still consider the 1990 GMA as relevant (8.3.2). The current zoning of 8.2.1, could be amended to allow a greater density residential with little harm. This neighborhood is a residential area, and NOT industrial. This has never been a factory area.

10-5 I grew up in a houseboat on the Duwamish River in Seattle. I watched the first avenue south bridge being built (span number 1, after the little green bridge was torn down). I lived across from the cement plant you NOW see from the first south bridge. My asthma suffered terribly. I don't relish having that dust that I have avoided for 50 years in my lungs again. People don't realize how cement dust permeates your house and clothing. It is like talcum powder and is impossible to keep dusted up. Oh yeah, the cement trucks washed out their beds in the only inlet stream to the bay-----no more salmon as that became the perfect landfill. I watched it happen, and South Seattle Community College is now documenting my experiences as living history. Is Dickerson Creek next?

10-6 Pileated Woodpeckers-----A rarely sighted species as it is very private. Yep, we have a mated pair that lives nearby in the forest. I have personally seen them, along with witnesses. We can date/record our sightings if needed.

Needless to say, I have only glanced through the DEIS. I expect to find more commentary later.

Bernie JMW Fleming PO Box 5205 Bremerton, Wa 98312-0492 bfleming@wavecable.com

COMMENT LETTER NO. 10 – BERNIE JMW FLEMING

10-1.	Comment acknowledged.
10-2.	See response to Comments 3-3 and 3-6.
10-3.	See response to Comment 2-12.
10-4.	The proposed uses are consistent with the current zoning designation of Rural Wooded (RW) and Forest Resource Lands (FRL). See also response to Comment 3-6.
10-5.	<p>The cement brought in to the project site for use in the proposed concrete batch plant is recognized as a potential air pollutant, as discussed in Section 3.3.2 of the EIS. Transport and handling of this material would be controlled through the use of standard best management practices for this type of facility. In addition, the level of contaminants suspended in the air would be regulated by the required PSCAA permit and monitored per EPA standards, as described in Section 3.4.3 of the EIS.</p> <p>The project would be designed to avoid discharges from all operations, including the concrete batch plant and truck wash-out areas, to groundwater, streams, or wetlands. See also responses to Comments 2-12 and 2-15.</p>
10-6.	The EIS acknowledges the use of the UTF site by pileated woodpecker and that additional documentation of this species is desirable for project planning and permitting. See response to Comment 8-5.

From: Bernie JMW Fleming [bfleming@wavecable.com]

Sent: Thursday, March 26, 2009 1:23 PM

To: dgreetha@co.kitsap.wa.us

Subject: UTF DEIS

An additional comment or two:

I was at the meeting last night.

11-1 I don't think the project would have too many protests if it changed the egress and ingress point. They are intending to go right through the middle of an established residential community. This disruptive action will cause nothing but anger and determined resistance to this project. If a new road could be placed elsewhere, I think most of the community activism would disappear. Otherwise, I believe this project faces an "uphill" battle.

Bernie JMW Fleming bfleming@wavecable.com

COMMENT LETTER NO. 11 – BERNIE JMW FLEMING

11-1.	See response to Comment 3-2.
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From: Bernie JMW Fleming [bfleming@wavecable.com]
Sent: Friday, March 27, 2009 11:15 AM
To: dgreetha@co.kitsap.wa.us
Cc: Dave Epperson; rich bennett; pdorn@silverlink.net
Subject: Fw: Emailing: lime, Pertinent to Draft EIS UTF

Attachments: lime.pdf

12-1 [This is the EPA result of a cement plant in Oregon. I used to go through this place when it was still in operation. It is a mess now and the state can't unload it.

Bernie JMW Fleming bfleming@wavecable.com

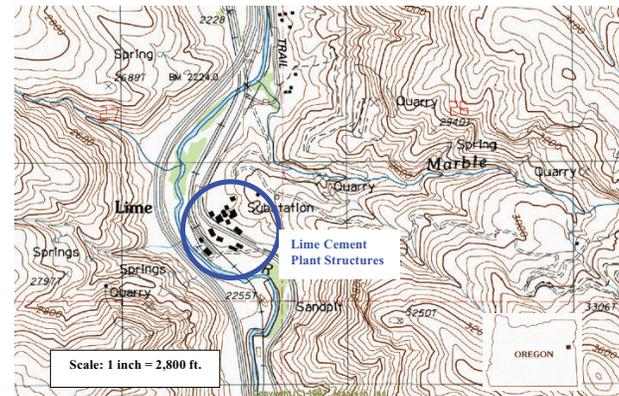
Targeted Brownfield Assessment Former Lime Cement Plant, Baker County, Oregon

Project Overview

The Oregon Department of Environmental Quality (DEQ) completed a Targeted Brownfield Assessment (TBA) at the 1,034-acre Former Lime Cement Plant near Huntington, Oregon in May 2001, under a Cooperative Agreement with EPA Region 10. The purpose of the TBA was to determine whether past operations had caused contamination that might prevent Baker County (the property owner) from making the land available for industrial redevelopment or from razing site buildings and developing the property as public greenspace. The map below shows the site's location in eastern Baker County.

Site Background

Sun Portland Cement Co. built the plant in the early 1920s to supply cement for the construction of Owyhee Dam, located in adjacent Malheur County. After the dam's completion in 1928, Sun sold the operation to Oregon Portland Cement Co., which was eventually absorbed by Ash Grove Cement. Plant activities included on-site and off-site mining; cement manufacturing; electrical and maintenance support (using on-site transformers); vehicle maintenance, fuel storage, and dispensing; process water collection/discharge; and on-site disposal of waste kiln dust, refractory solids, and other materials. The plant closed in 1980, and Baker County foreclosed on most of the property in 1999. (Ash Grove retained ownership of a 14-acre area comprising the waste piles of kiln dust, and has completed its own study there; the TBA excluded this portion of the property.)



In May 2000, the Baker Co. Board of Commissioners requested a TBA to investigate the possibility of site contamination from polychlorinated biphenyls (PCBs), petroleum, metals, and related compounds. The county had no funds to complete an investigation on its own, but wished to clean up and level the site to make the

property more amenable to redevelopment. Recently, the county had used a DEQ grant to remove large quantities of discarded tires from the site, and this positive interaction with DEQ encouraged county commissioners to request further assistance from DEQ and its TBA funding partner, Region 10 of the U. S. Environmental Protection Agency (EPA).

What We Did

EPA approved the TBA in June 2000, and DEQ developed a scope of work, based on concerns that the agency's staff had noted during site visits in February 2000. For example, oil from a pole-mounted transformer, thought likely to contain PCBs, had been dumped onto the ground. There also was stained soil, possibly from waste oil, in a small building adjacent to what may have been a vehicle repair shop. Several chemical drums were present in this area. In October 2000, DEQ collected 11 soil samples, 10 from the areas of concern noted above, and one from a background location. EPA laboratories analyzed all samples for volatile and semi-volatile organic compounds (VOCs/SVOCs), PCBs, and pesticides. Selected samples were also analyzed for metals.

What We Found

Low levels of VOCs were present in some samples, but at concentrations below EPA Region 9 Preliminary Remediation Goals (PRGs) for residential use. (*Residential* PRGs are considered the most conservative screening levels for evaluating specific contaminants in soil, while *industrial* PRGs are somewhat higher and therefore less conservative).

All samples contained SVOCs; several contained polynuclear aromatic hydrocarbons (PAHs) above residential or industrial PRGs. Petroleum levels ranged up to 5,955 mg/kg.

Four samples contained PCBs, at levels up to 3.7 mg/kg. Three of these samples exceeded residential PRGs, and two exceeded industrial PRGs. While pesticides were detected in two samples, their low levels did not appear to pose any risks to human health or the environment.

The only metal of initial concern was arsenic, since all six samples analyzed for metals contained this compound above the industrial PRG of 2.4 mg/kg. However, based on data from Ash Grove's separate investigation of the on-site kiln dust disposal area, DEQ concluded that the arsenic in the TBA samples represented naturally occurring levels of this metal, rather than contamination from past industrial activities.

Based on these results, DEQ determined that direct-contact and airborne exposures to soil at several locations on-site could threaten human health, but that there was negligible risk to groundwater or surface water. DEQ recommended that Baker County remove and properly dispose of impacted soil in the vicinity of four TBA sample locations, and work with Ash Grove to remove the small, residual piles of kiln dust and refractory brick that extend beyond Ash Grove's property boundaries.

The Next Steps

In pursuing possible industrial re-use (or greenspace development) of the site, Baker County has discussed applying for a Community Development Block Grant that would fund building demolition/removal and the remedial steps recommended in the TBA. The county may also negotiate with Ash Grove over some or all of these site cleanup issues, but in any event is motivated to remove the "eyesore" visible from the highway and continue pushing for site redevelopment.

For more information, please contact:

Brian D. Cole, Chair, Baker County Board of Commissioners (Baker City): 541-523-8200.

Katie Robertson, Project Manager, Oregon DEQ (Pendleton): 541-278-4620.

COMMENT LETTER NO. 12 – BERNIE JMW FLEMING

12-1.	Comment acknowledged. The proposed project does not include the construction or operation of a cement plant. The concrete batch plant, described in Section 1.5.2 of the EIS, would use a limited volume of cement brought into the site under controlled conditions. See also response to Comment 10-5.
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From: Bernie JMW Fleming [bfleming@wavecable.com]
Sent: Friday, March 27, 2009 12:58 PM
To: dgreetha@co.kitsap.wa.us
Cc: rich bennett; Dave Epperson; Paul Dorn

Subject: Fw: seattletimes.com: Seattle cement plants puff out toxic mercury

13-1 | Some more about cement plants:
| >
| > Seattle cement plants puff out toxic mercury
| >
| > Two Seattle cement plants puff out as much as 100 pounds of mercury each year, according to
| the Puget Sound Clean Air Agency and the companies.
| >
| >
| > http://seattletimes.nwsourc.com/html/localnews/2008069635_cement24m0.html

COMMENT LETTER NO. 13 – BERNIE JMW FLEMING

13-1.	Comment acknowledged.
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From: Bernie JMW Fleming [bfleming@wavecable.com]
Sent: Monday, March 30, 2009 9:54 AM
To: dgreetha@co.kitsap.wa.us
Cc: Paul Dorn; rich bennett; Dave Epperson
Subject: Cement Kiln Dust Wastes | Special Wastes | Wastes | US EPA

<http://www.epa.gov/osw/nonhaz/industrial/special/ckd/index.htm>

14-1

My last comment includes the above web page from the EPA, US. I am concerned about the arsenic level increase and the other impacts upon our otherwise northwestern habitat.

14-2

Please remember, the FOOTHOLD we allow now is as small as it would get. The facility will only grow larger with time and impact the neighborhood more. Cement dust is dangerous in a residential community and I certainly don't want to see Northlake Way turned into our version of Rustin (Sic?) Way (Tacoma).

14-3

The Chico community is residential, and not industrial. Putting in cement plants condemns the area to industrial usage and a gradual removal of the residential community. Our decisions now will last for generations of Bremertonians.....

Thank you, Bernie JMW Fleming bfleming@wavecable.com A watershed conservator.

COMMENT LETTER NO. 14 – BERNIE JMW FLEMING

14-1.	Section 3.3.2 of the EIS describes in detail the likelihood of potential impacts of arsenic on air quality and the environment. The EPA’s SCREEN3 dispersion model was used to simulate a worst-case scenario of the potential release of toxic air pollutants, including arsenic, from operation of the proposed project. The model showed that maximum model-predicted concentrations of all pollutants were well below the Acceptable Source Impact Levels, as determined by the EPA.
14-2.	The EIS evaluated the proposed project at full build-out, or the maximum amount of development allowed by the proposed permits. See also response to Comment 12-1.
14-3.	See responses to Comments 3-6 and 10-4.

From: Bernie JMW Fleming [bfleming@wavecable.com]

Sent: Monday, March 30, 2009 11:16 AM

To: dgreetha@co.kitsap.wa.us

Cc: Paul Dorn; rich bennett; Dave Epperson

Subject: Emailing: below tracks 1, below tracks 2, below tracks 3, below tracks 4, above tracks 1, above tracks 2, above tracks 3

Attachments: below tracks 1.jpg; below tracks 2.jpg; below tracks 3.jpg; below tracks 4.jpg; above tracks 1.jpg; above tracks 2.jpg; above tracks 3.jpg

15-1 | Okay, I did think of one other thing: By attachment are photos taken of Dickerson Creek BEHIND the railroad dike. Note that the water is at the top. These were taken 12-3-07. I don't believe this Navy culvert (inadequate at best) has been addressed anywhere in the DEIS. Were this to give way under additional stress or too much water, the resultant tsunami would inundate everything below on Northlake. Dickerson is a year round stream, increased run-off would make this "earth dam" untenable, like what just happened in Indonesia. Who'd be responsible for the resulting mess; UTF, the Navy, or county Kitsap (now that it has been alerted)?

Bernie JMW Fleming bfleming@wavecable.com

(see attached photo images)



Above Tracks 1



Above Tracks 2

Comment Letter No. 15



Above Tracks 3



Below Tracks 1

Comment Letter No. 15



Below Tracks 2



Below Tracks 3

Comment Letter No. 15



Below Tracks 4

COMMENT LETTER NO. 15 – BERNIE JMW FLEMING

15-1.	See response to Comment 2-12.
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From: Sheila Guizzetti [sheilaguizzetti@mac.com]
Sent: Monday, March 30, 2009 3:04 PM
To: openline@co.kitsap.wa.us
Subject: Fwd: press release

Please forward to David Greetham, environmental planner for Kitsap County
Letter Re: Ueland Farm mining project

David Greetham,

16-1 I sent this email earlier but was uncertain if it was emailed to the appropriate department or so I am emailing it again in hopes that it will find a way to your desk. I add my voice to the concerns of others about this project which seems an ill conceived fit for a residential neighborhood. I applaud the efforts of the Ueland Tree Farm to be environmentally aware, but my instincts tell me that the outcome will be largely negative for the community, for people and for the natural wildlife whose corridors are shrinking, as well as to the finite and priceless natural resources of water and air contained within. I think the EIS basically identifies that those things are an acceptable risk for the good of the project. I disagree. Although no investment comes without risk, as we all have discovered, this investment places great risk on our homes and community. I find that unacceptable.

Respectfully,
Sheila Guizzetti
2825 Northlake Way
Bremerton

Begin forwarded message:

From: Sheila Guizzetti <sheilaguizzetti@mac.com>
Date: March 30, 2009 2:08:40 PM PDT
To: dbear@co.kitsap.wa.us
Subject: press release

To whom this concerns:

16-2 I am writing to submit my concern over the reality of living next door to the Ueland Tree Farm gravel mining project. Although the environmental impact statement is comprehensive and appears environmentally sensitive in tone, I think it glosses over the profound, long-term impacts to the community and neighborhood, to people and wildlife, to our general quality of life. The EIS identifies that there will be significant, measurable increases in noise, traffic, as well as diminished air quality, negative impacts on wildlife, potential risks water quality (including risks to Chico Creek, which is considered the Kitsap Peninsula's most productive salmon stream, Kitsap Lake and the water shed areas), increased risk of storm water runoff with related flooding risks, impacts on view corridors, increased impacts on the transportation systems, and few jobs will be directly added. The plan, as I understand it, is to blast and mine out ten acre strips at a time, fill them up and reseed. Not exactly what anyone would welcome in their neighborhood.
16-3 When the bedrock is removed and replaced (with fill ?), even if it is seeded, it stands to reason that land stability, flooding, and the potential for landslides with the risk of diminished water quality may be impacted. This is a 50 year plan, so that is a long time to see if we come out

16-4 better or worse for this experiment. Families live here and school buses stop here. We are not talking about homes being built around a mining project, we are talking about plunking down a mining project replete with blasting, noise, dust and pollution, in a rural neighborhood. Traffic has long been an existing problem on Northlake Way. Many drivers love to use the straight-of-way section of Northlake Way as a raceway and there lots of accidents on the road with blind curves and intersections at both ends. It will get much worse with 180 additional commercial dump-trucks rumbling down Northlake Way on a daily basis, dropping gravel, creating dust and adding to the traffic noise and hazzards. It means that we are going to live in a construction zone for the next 50 years. Consider that toll on the value of the homes and the neighborhood. On a regular basis, with sustained rainfall, the bank below Leber Lane slides onto Northlake Way. There is a concrete barrier that serves as testimony, because it placed there to hold back the mud that frequently ends up on Northlake Way. The planned ingress and egress for the project is planned from Leber Lane which will create a highly dangerous intersection onto Northlake Way.
16-5
16-6 With the recent big storms that we have had, multiple bridges have been washed out on or around Northlake Way. Northlake serves as a main Seabeck/Central Kitsap to Bremerton transportation corridor and the added wear and tear on the county highway will add greatly to the cost of maintaining it. During the last "100 year storms," the impacts of poor land management, has cost the state, county and individuals greatly. The state of Washington is \$9 billion in the red. Local gravel is a benefit but it is hard to put a price on what it is going to cost Kitsap County. One thing is clear. It all flows downhill.

Sheila Guizzetti
Bremerton

Sheila Guizzetti
sheilaguizzetti@mac.com

COMMENT LETTER NO. 16 – SHEILA GUIZZETTI

16-1.	Comment acknowledged.
16-2.	Comment acknowledged.
16-3.	The reclamation plan, as described in Section 1.5.2 of the EIS, would be segmented in coordination with the mining sites. As each new 10-acre mine site is opened, the previous site would be reclaimed. Reclaimed sites would be back-filled with non-saleable mine material (i.e., “overburden”) and/or clean imported soil. All fill placement, as well as other operations, would follow design guidelines and methods outlined in the Department of Natural Resources Reclamation Permit required for the project, described in Section 2.5 of the EIS.
16-4.	See responses to Comments 3-6 and 3-13.
16-5.	See responses to Comments 3-2, 3-3, 3-13, and 3-17.
16-6.	All road improvements proposed as part of the project would be designed and built to Kitsap County standards, including roadside drainage. See also response to comment 3-3.

From: Roxanne Bryson [rbryson@hollyridge.org]
Sent: Friday, March 27, 2009 12:44 PM
To: dgreetha@co.kitsap.wa.us
Subject: uelantreefarm

17-1

The Holly Ridge Center located on Taylor Road, provides services to fragile families with infants and toddlers with special needs and adults with disabilities. Last year we treated 695 children and 130 adults. Families use the bus stop on Northlake Way & Access buses, unloading small children to and from, the impact that this plan has on our road seems unsafe for the traffic coming and going with disabled transit vans, and families we serve.

*Roxanne Bryson
Executive Director*

*Holly Ridge Center
5112 NW Taylor Road
Bremerton, WA 98312
360-373-2536
www.hollyridge.org*

COMMENT LETTER NO. 17 – HOLLY RIDGE CENTER – ROXANNE BRYSON

17-1.	See responses to Comments 3-3, 3-13 and 5-1 for a discussion of proposed measures to address pedestrian safety and air quality concerns.
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From: Chris and Holly Hunt [chris1648@hotmail.com]
Sent: Monday, March 30, 2009 12:15 PM
To: dgreetham@co.kitsap.wa.us
Subject: POSSIBLE SPAM! SCORE = 5.1 Ueland Plan

Dear Mr. Greetham,

We are writing with our concerns regarding the Ueland Tree farm/Rock Quarry. We live on Wildcat/Chico creek, across the stream from the SDA church. You have been to our property in the past. Our concerns regarding the Ueland plan are many, the greatest being stream discharge levels as they pertain to homeowners, noise levels, increased traffic and how these all relate to property values and wildlife.

18-1 We believe that our little area is unique. We purchased in this area for the access to nature and wildlife, and the chance to help take care of a little piece of it. We could not let this opportunity to voice our opinions pass in good conscience, therefore. We understand the struggle between private property and protecting our wildlife. We feel that the risks for damaging the local wildlife associated with the Ueland Plan are too great. When coupled with the almost certain risk of decreased property values, and increased risks for flooding, noise pollution and environmental pollution, we must strongly disagree with the plan in its entirety. We hope and would assume that the environmental impact findings support our position.

18-2 We have read the Ueland Plan, as it pertains to our area. We are aware of the measures Ueland is prepared to take in regards to the Chico Creek Watershed. We also are all too aware of how long it takes for roots to dig deep, of how often the best human plans falter and how a stream that is being protected or protected against can change direction substantially in one storm. The massive bank reconstructions done across the stream from us in 2008, at great expense to federal, county and private groups, are likely to be bi-passed completely by the stream in the next 5-10 years, or possibly with the next big flood. I believe it was you, Mr. Greetham, that predicted this path by the stream when you were on our property some 3-4 years ago. It now seems inevitable. We know how quickly large changes can happen with this stream.

So our questions are these:

- 18-3 • What backup plans are there for the Ueland Environmental Plans?
- 18-4 • What is Ueland responsible for when they've completed their environmental plans and the stream diverts another direction away from the area they've "protected", or perhaps toward its operations?
- 18-5 • What monitoring of Ueland will be put in place to protect our local wildlife, and private homeowners downstream?
- 18-6 • What enforcement is there for the permit stipulations and are any fines much greater than the profits Ueland stands to gain from their quarries? (They are already obviously willing to go through the great expense of the permit process against future profits – what else will they be willing to pay? Perhaps the cost of fines?)
- 18-7 • Who will pay for the damage to property and home that occurs while their plans are in-process or when the plans fail, or when Ueland just

18-7 doesn't adhere to the permits? More specifically, who will pay for our new septic when our current one falls into the stream from flooding due to watershed tinkering, or the cleanup of the stream from situations like this?

18-8 As we see it, private property owners have no recourse and are at the mercy of The Kitsap County DCD and The State of Washington Dept of F&W for protection.

18-9 As you may recall/be aware of, we were one of the unlucky private homeowners who received no funding for stream measures that were necessary (according to Bob Barnard, when on our property) from the floods in Dec. of 2007. (See HPA 111928-1.) We took a 2nd mortgage on our home to fund the clearing of the log jam present. We know we are not the only ones who incurred great personal expense for bank stabilization/stream reconstruction that threatened their homes or others. (Those homes that had immediate threat received assistance; our threat was in the next storm or the next years' storm and to our property as well as all those upstream of the log jam.) Perhaps our greatest concern is the private and county financial risk of more flooding. After living on this stream for 6 years and knowing the current fluctuations in discharge rates for this stream, it seems ludicrous that any private owner would be given access to do anything in the watershed that would even temporarily alter the outflow of Chico Creek or have a potential for it in the future. The only plan that seems responsible, in our view, is to allow such access **only with** a total financial responsibility for the entire length of the stream downstream from their actions.

18-10 And then there are the fish. You and your department, of course, have more expertise in this area, and we cannot speak with any expertise at all other than to say that we know the extreme measures to which we have been held to protect the salmon path by both the DCD and F&W. We are happy to do it in the interest of the environment and salmon. We would hope that the same strictness of measures would be applied to Ueland that has been applied to ourselves and our neighbors, in the interest of wildlife. We trust your department in this area, knowing that if at all possible, every measure will be taken to protect the wildlife around us.

18-11 We know that Ueland has had appropriate studies done for the noise levels of its operations. We also know studies show that the affects of increased noise levels on humans relates negatively to continued health and well-being. We are a stay-at-home, homeschooling family. To be subjected to the increased noise of the trucks, the BEEPing of the reverse vehicles (which loudly resonates in our valley) and other loud noises on a daily/hourly basis will undoubtedly have its toll on our family and our schooling. We can only assume similar negative effects on the school across the stream (SDA) and the wildlife in the area.

18-12 In addition, the traffic in our area already seems overburdened with Seabeck commuters. Our stretch of Northlake Way at the end of David Road is a common crossing place for raccoons, squirrels, opossums and other wildlife sharing our area, as well as pedestrians. Massively increased traffic, and the noise and dust from this traffic are all strong considerations for us, and we hope for your department as well.

18-13 All of the things we've mentioned will also have the added impact of property devaluation. In these economic times, our property has already been devalued significantly. The noise, increased traffic, decreased wildlife, increased stream-flooding risk will also have a large impact

18-13 | on the value of our home. We have always been a “will we have to move?” kind of family,
knowing that while we own our home and property, it doesn’t mean we have the rights to
whatever happens around us. These changes, however, along with the already depressed home
values, would make it impossible to afford a move, however tragic that might be for us to even
consider. If we thought we were the only ones in this circumstance, we would not mention it.

18-14 | Our little area of “nature littered with homes” seems to hold its own peaceful coexistence with
wildlife. We strongly feel that allowing Ueland to proceed with its plans would end this forever.

Thank you for the opportunity to share our views on this plan.

Holly and Chris Hunt

COMMENT LETTER NO. 18 – CHRIS & HOLLY HUNT

18-1.	Comment acknowledged.
18-2.	Comment acknowledged.
18-3.	The development proposed by UTF is subject to the conditions and reporting requirements outlined in the various permits required by local and state agencies for the project, including Kitsap County, the Department of Ecology, and the Department of Natural Resources. These conditions will be imposed throughout the life of the project. If at some point the project, as designed, and permit conditions are found to not adequately mitigate the potential impacts from development and operation, UTF will work with the authorizing agencies to supply new procedures and/or compensation for losses.
18-4.	UTF will be responsible for potential impacts caused by construction and operation of the proposed project under the terms of the various permits, including those monitoring and reporting plans described in the EIS. All monitoring plans for the project include provisions to adaptively manage operations and mitigation if impacts start to occur.
18-5.	The EIS describes the various monitoring plans that would be required for the proposed project for air quality (Section 3.4.3), wetlands (Section 4.5.3), streams (Section 4.5.4 and 5.5.4), groundwater (Section 5.5.3), and habitat management (Section 6.5.3). All monitoring programs proposed for the project are described in Chapter 1, Table 1-4, of the Final EIS.
18-6.	Enforcement of permit conditions lies with the regulatory agencies (i.e., Kitsap County, Ecology, DNR, etc.). Several of the regulatory agencies, including the Department of Ecology, impose fines for permit violations; these fines are determined on a case by case basis, depending upon the type and magnitude of infringement.
18-7.	See response to Comment 5-6.
18-8.	Comment acknowledged. The EIS process is intended to allow private property owners to voice their concerns, to ensure that the process is open and fair.
18-9.	See response to Comment 2-12. The project will be designed in accordance with all applicable surface water requirements, including those by Kitsap County and the State Department of Ecology, to ensure that downstream residents are adequately protected.
18-10.	See responses to Comments 2-3, 2-12, and 2-15.
18-11.	See response to Comment 5-4.
18-12.	See responses to Comments 3-1, 3-2, 3-3, 3-6, and 5-2.
18-13.	See response to Comment 21-5.
18-14.	Comment acknowledged.

Comment Letter No. 19

From: Paul McCoy
To: Greetham, David
Subject: Ueland Tree Farm, March 26, 2009

19-1 I attended the DEIS meeting at King's West School with my Wife Ann. We are in agreement our County needs new Businesses and we are in agreement the materials available to mine are needed for County Growth, as well as job creating.

19-2 We own three residences on the 3100 block of Northlake Way and cannot imagine dump trucks pounding their way up and down the arterial daily. We have experienced the influx of traffic from the Chico Bridge being wash out for over a year and have wondered why it is taking so long to repair. It has turned Northlake Way into a traffic nightmare. Our suggestion is to find another way to access the proposed mining area and Not turn Northlake Way into another industrial park.

Ann has delivered mail for USPS for many years. She delivered mail at the Fred Hills Batch plant for several years. Her advise to all is go to South Kitsap Industrial Park by the Airport and park and watch the trucks coming and going at Fred Hill's for a preview of what Northlake Way could turn into.

Paul McCoy
3156 Northlake Way NW
Bremerton Washington 98312
360-378-6184



COMMENT LETTER NO. 19 – PAUL MCCOY

19-1.	Comment acknowledged.
19-2.	Kitsap County has recently replaced the bridge at Chico Way, which will likely reduce the amount of traffic on Northlake Way, including large truck traffic. See also responses to Comments 3-6 and 3-10.

From: Bonnie McIntosh [bonnie.mcintosh@gmail.com]
Sent: Wednesday, April 01, 2009 4:58 PM
To: dgreetha@co.kitsap.wa.us
Subject: Ueland Tree Farm Comments

20-1 I am happy that most of the woodland behind my house will be preserved with its wildlife, but I am still concerned. Ueland has generously begun buying the properties along Leber Lane supposedly because of the trucks that will be driving through and the extra noise levels (Leber Lane totals of 44 - 47). Unfortunately, those of us on Grover Lane have noise levels of the same or higher than those on Lebers (Grover Lane totals of 44 - 50). We are left to put up with the additional dust and noise levels with no consideration.

20-2 While they currently don't use North Lake Way frequently, I know that I can feel every large tractor-trailer that comes down North Lake Way since Chico way closed. I consider how many more trucks will be using that street/Lebers Lane and just shudder.

20-3 In addition, I don't believe there aren't any bald eagles in that forest area. Parametrix states that "Although bald eagles were seen flying over the property during Parametrix's field surveys, it is unlikely that they use the area for nesting, roosting, or foraging due to lack of dense, multi-storied forest canopy or large expanses of open water." (Page 118) So I'm wondering what the pair that like to sit in the tree in back of my property are doing. (Maybe just out for a spin?) These two are frequently seen in the trees behind my property. While they are not endangered, they are still classified as a sensitive species.

Bonnie McIntosh

COMMENT LETTER NO. 20 – BONNIE MCINTOSH

20-1.	See responses to Comments 3-21 and 5-4.
20-2.	Kitsap County has recently replaced the bridge at Chico Way, which will likely reduce the amount of traffic on Northlake Way, including large truck traffic. See also responses to Comments 3-6 and 3-10.
20-3.	The WDFW PHS program maintains a database of known bald eagle (and other priority species) nests and communal roosting areas. Not all bald eagle nests are contained within the database because there are no comprehensive surveys for this species due to a lack of state funding. Anecdotal records of bald eagle use and potential nesting will be taken into account by the Kitsap County staff and considered as part of their final determination of wildlife habitat area classification. The text has been modified to acknowledge anecdotal sightings of bald eagles in the area. See response to Comment 8-5.

March 28, 2009

Comments on DEIS for Ueland Tree Farm Mineral Resource Development Project February 2009

**From: John and Roberta Mikesell
1914 Northlake Way, N.W.
Bremerton, WA 98312-8817**

(360) 373-5470

mikesell@wavecable.com

Our primary areas of concern are site access, noise, pollution, traffic impacts and the general disruption of community cohesiveness. Realizing that EIS's by their very nature tend to be justification documents, not disclosure documents, with vital information often (usually) hidden in appendices and addenda which are not readily available to the uninitiated, our comments are as follows:

General Comments:

21-1

The proposed Lebers Lane access to the project site with the resultant increase in heavy truck traffic will cause the disruption of an existing, long established, residential community. Many voting, tax-paying, homeowners have been in residence for 40+ years. The increased heavy truck traffic volume will pose a danger to the ingress and egress of residences on Northlake Way and hinder daily activities of residents, such as merely attempting to enter or leave a driveway. Truck traffic will also increase noise and air pollution well beyond acceptable limits for a residential community and decrease property values in the immediate area.

A Concrete Batch Plant at Gravel Mine Site A should not be sited in such close proximity to an existing, long established, residential community. Such siting is unacceptable because of the noise and air pollution it would impose on the adjacent residential community. If a Concrete Batch Plant is necessary for the project, Gravel Mine Site B would be a better location as it is further removed from close proximity to human habitation, i.e., the adjacent residential community.

Specific Comments:

Project Description:

21-2

Alternative 2. The proposed Development Alternative

"Development of this alternative would occur over the projected 50-year period."

Alternative 3. The Reduced Scale Alternative

"Development of this alternative would occur over an approximate 32-year period."

Question: What does this imply? How much of the project would be completed in any given timeframe within the stated period? What level of community disruption could be expected and when?

RECEIVED

MAR 30 2009

KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT

Comment: The 50-year and 32-year periods might be construed to imply that the proposed development really is no "big deal" and would have negligible impacts on the community as it would occur over time and everything changes over time. However, to be economically viable, profits have to be forthcoming and the sooner the better. Therefore, it is reasonable to expect that severe adverse impacts on the existing community would occur at the start of the project and are indeed a "big deal" to those affected. These impacts would continue to a lesser extent throughout the life of the project, but by then the character of the community would have changed in response to those impacts and they would be less noticed.

21-2

Chapter 9 Alternate Access Evaluations

Pg. 9-13 "The evaluation concluded that the access alternative that used Lebers Lane was most cost effective."

Comment: Well, duh! This is not rocket science. It's an existing access to the property that has been used for years. What could be simpler and cheaper. Does the term "quick and dirty" come to mind?

Question: What about a southern access via right-of-way through the City of Bremerton's Gorst Creek watershed?

21-3

Comment: Because of water quality issues, the Gorst Creek Watershed is not used for municipal water supply. However, it does have connecting roads to the Ueland Tree Farm property. The road gradients are not excessive and would provide access through a less densely populated area through Gorst to SR's 3 and 16. This may require the grading of some existing forest roads, but after all, it is a gravel mining operation so the expense would be minimal. Also, this would eliminate the need for "construction of over 7,000 feet of new road and acquiring right-of-way on up to 19 properties."

At the public meeting on March 25, 2009, a Ueland representative indicated that a south access via Warner Road was not viable because of road grade concerns. He then dismissed access through the Bremerton Watershed as not possible because of some not well articulated, nebulous, concerns about the uncertainty of approval by the City of Bremerton and the City's concerns regarding unauthorized public access to the property.

I humbly suggest that the City of Bremerton, as an advocate of tax-based commercial enterprise, and as a good neighbor and a supporter of more industrial diversification, would be a willing partner in this endeavor and grant access through their "watershed" property. Public access should not be a problem as it is presently restricted and could continue to be.

21-4

Question: Does "most cost effective" include re-routing Lebers Lane and Grover Lane to provide a tee intersection on to Northlake Way and the widening of Northlake Way to accommodate the left turn pocket and acceleration and deceleration lanes as described on page 9-9, under Roadway System?

21-5

Question: How many homes on Lebers Lane will be taken to accommodate the proposed road re-configuration? How many families displaced? It has been reported that seven home owners on Leber Lane have been offered buy-outs by Ueland. Is this included in the cost effectiveness analysis? What are the impacts on affected Northlake Way properties? Will buy-outs be offered to offset property damages and subsequent devaluation? If so, how does this factor into cost effectiveness of the Leber Lane preferred access?

School Bus Service

Pg. 9-14 "The planned roadway improvements along Lebers Lane, Grover Lane, and on Northlake Way would enhance the pedestrian walk routes from the local residences to the existing school bus stop on Northlake Way"

21-6 **Comment:** Let's be honest and call them roadway modifications, not "improvements" The "school bus stop" is unmarked and could just as easily be identified as at Lebers Lane or Grover Lane. There is nothing to distinguish it from the other "school bus stops" at David Road and Taylor Road, other than the fact that a southbound bus can pull off Northlake Way and be out of the traffic flow.

Question: What residents will be left on Lebers Lane to use the sidewalk to the "bus stop"?

9.2.3 Traffic Operations

Comment: Let's cut out the gobbley gook about LOS, how it is figured, and how it relates to the project. Why not state it all in plain language (preferably English) that the average person can understand.

21-7 **Question:** What does the statement : "Existing PM peak hour traffic volumes for the Lebers Lane/Grover Lane/Northlake Way intersection are well below the Kitsap County Roadway Standards for the area roadway classification." mean? What are the peak traffic hours? How does this relate to the data displayed in Figure 9-2? And, why are only PM peak hour traffic volumes shown when AM peak hour traffic volumes are just as significant, if not more so?

Figure 9-2, 2010 Baseline with Project

21-8 **Question:** What do PM peak traffic volumes have to do with anything important? Only 23 vehicles leaving the intersection to the north and 4 to the south? Why should we care only about PM traffic in 2010, unless it is to reinforce the idea that the project is really no "big deal" and would have no significant traffic impacts? Come on! What about the stated 186 vehicle trips per day once the project is up and running? Is the projected 2010 data just more smoke and mirrors to mislead the reader? How about some incremental traffic volumes projected over time to provide the reader a more realistic expectation of the consequences of project approval?

21-9 **Comment:** Daily trip data in Table 9-2 seems to overlook the possibility of logging truck transits. This seems rather at odds for a tree farm operation with stated annual harvest projections.

Northlake Way and Lebers Lane Intersection Analysis Results

21-10 **Question:** How about an explanation, in plain language (preferably English) explaining Level-of Service (LOS) and how it applies to what, if anything, the reader would be concerned with.

21-11 Pg. 9-11 "The amount of traffic expected on the roadway, even with the conservative trip generation assumptions, is well below the capacity of the roadway, and much lower than the County plans for on typical residential roadways."

Question: What roadway? Northlake Way? Lebers Lane? One familiar with the area would have to assume

21-11 **Lebers Lane**, because Northlake Way, also a residential roadway and "Minor Arterial", is presently stressed to the limit with peak AM and PM traffic.

Comment: We need some clarification on this issue.

Comment: The Leber Bros. Logging Company and Port Blakely Mills, both previous owners/managers of the Ueland Tree Farm property, used the Lebers Lane/Northlake Way intersection for years without a problem, with loaded logging trucks exiting to the north down Northlake Way.

Pg. 9-1 Lebers Lane "is a County road classified as a Very Low Volume Local Road". Grover Lane "is also classified as a Very Low Volume Local Road". "Northlake Way is a two-lane Minor Arterial".

21-12 **Question:** Given the above, what is the driver for the modification (improvement) of the Lebers Lane/Grover Lane/Northlake Way Intersection? Is it the Ueland Tree Farm? Or, is it Kitsap County looking for a "free ride" on so-called road improvements?

Comment: If it is the latter, this places Kitsap County in an advocacy position for the intersection project and the County can no longer be trusted as a fair and impartial judge of the overall Ueland Tree Farm Mineral Resource Development Project.

Question: Considering the current state of the economy, would Kitsap County initiate reconstruction of this relatively minor intersection if it was to be financed by the citizens (tax-payers) of Kitsap County?

Closing Comments:

21-13 The Ueland Tree Farm Mineral Resource Development Project, as proposed, should not be approved unless it can be positively determined to be compatible with the existing, long established, residential community. We feel that this would not be possible with the proposed site access via Lebers Lane and with the operation of a Concrete Batch Plant at Gravel Mine Site A. Both of these objections could be negated if the proponent moved the access to the southern end of the property and moved the Concrete Batch Plant to Gravel Mine Site B, as suggested in our General Comments and Comments on Alternate Access Evaluations.

COMMENT LETTER NO. 21 – JOHN & ROBERTA MIKESELL

21-1.	Comment acknowledged.
21-2.	As stated in the EIS, the greatest concentration of site development would occur at the onset of the project, when the operational facilities are built. Each of the EIS sections discusses potential impacts as they relate to site development and operation. The 50-year and 32-year periods for development refer to the operational lifespans of each of the alternatives. It was not the intention of the EIS to imply that the impacts of construction of the facilities would be evenly spread out over those time frames.
21-3.	See response to Comment 3-2.
21-4.	The project proposal includes intersection improvements at Lebers Lane/Grover Lane and Northlake Way, as well as channelization and road widening. See also responses to Comments 3-2 and 6-2, and the Traffic Report for additional detail on proposed roadway modifications.
21-5.	The proposal would not require or result in any homes or property being “taken.” All property purchased by UTF along Lebers Lane has been, and would continue to be, voluntary. There will be no displacement impacts. The design of the project and proposed mitigation measures, in combination with the County CUP process, are expected to protect area properties from adverse impacts; thus, property value impacts should be minimized. The principal purpose of the SEPA process is to identify and mitigate impacts to the environment. SEPA does not require cost-benefit analysis for weighing the relative merits and/or drawbacks of alternatives (WAC 197-11-450).
21-6.	Residents that live along Lebers Lane will utilize the proposed sidewalk. See responses to Comments 3-13 and 21-5.
21-7.	<p>Level of Service (LOS) is a qualitative measurement of delay represented by letter grades A through F; the lower the letter, the more delay. A LOS of E or F is typically considered “congested” and corresponds to delays that are about one minute or greater.</p> <p>The basis for calculating peak hour volumes is described in the Traffic Report and is based on estimates for highest average project traffic during the early part of the morning when employees arrive at the site and depart with the first loads of the day (AM peak hour), as well as in the evening when trucks return to the site and employees depart (PM peak hour). These peak hour traffic volumes for the project are then used in the traffic analysis to evaluate the potential level of delays at intersections and areas roads. This is done to ensure that the intersection and road segments have sufficient configuration and capacity to move all vehicles in a safe and timely manner.</p> <p>The statement referenced in this comment means that there is relatively low volume of traffic given the capacity of the road, and that there are correspondingly low levels of congestion and delay. See also responses to Comment 3-6 and 5-2.</p> <p>As shown in the Traffic Report, AM and PM peak hours for the project are the same (35</p>

	trips). Traffic counts conducted on Northlake Way show that PM peak hour volumes are typically 25 percent higher than the AM peak hour. Traffic analysis was therefore conducted using the PM peak hour volumes to ensure that the LOS (congestion/delay) analysis was done using the highest potential peak hour traffic volumes.
21-8.	<p>The traffic analysis followed standard engineering procedures for analysis of potential project impacts. These procedures are described in Kitsap County regulations and are based on the current edition of the Highway Capacity Manual (HCM) published by the Transportation Research Board. The HCM is the acknowledged source for determining capacity of road segments and intersections. Also refer to response Comment 3-6, 3-8 and 20-7.</p> <p>The projected 2010 traffic volumes represent expected conditions at full build out, and therefore the maximum number of truck trips from the project. This maximum traffic volume was then used for analysis of potential impacts. It is possible that truck traffic may require several years to reach full build out conditions. An analysis based on incremental increase in traffic volumes would be less conservative from a traffic standpoint, and was not included. Full build out traffic volumes were used for analysis in order to provide a worst-case basis for evaluation of potential traffic impacts.</p>
21-9.	Due to the relatively small harvest unit size (less than 30-acres) logging truck traffic will be sporadic in nature and limited in volume and will not result in significant changes to average or peak project traffic volumes. Logging truck traffic, when it occurs, will be coordinated with mine traffic to ensure that combined truck trips do not exceed allowed levels.
21-10.	Refer to the response to Comment 21-7.
21-11.	“Roadway” as referenced in this comment, refers to Lebers Lane.
21-12.	The proposed improvements to the Lebers Lane/Grover Lane/Northlake Way intersection are not listed in Kitsap County’s Transportation Plan. Rather, the UTF traffic analysis has identified the proposed improvements as mitigation measures to help reduce traffic safety impacts from the proposal, as required by the SEPA EIS process pursuant to WAC 197-11-400.
21-13.	Comment acknowledged.

Helen Miller PO Box 788 Bremerton, WA 98337 Saturday, March 28, 2009

Kitsap County
Department of Community Development
 619 Division Street
 Port Orchard, WA 98366-4682

Attn: Dave Greetham:

Subject: Comments on Ueland Mineral Resource Development - DRAFT EIS

I am in favor of the Proposed Development of Sand, Gravel & Basalt Mineral Surface mines on a portion of the 1716 Acre property Proposal as presented by Ueland Tree Farm, as well as the other proposed developments.

Having attended over 95% of the briefings, study session, workshops, hearings, , and informal gatherings and associated field trips related to the development of the Ueland Tree Farm property. I am very familiar with the property after years of hiking the property during all seasons. (With permission)

During the development of the Ueland Tree Farm Kitsap Lake Property Draft Sub Basin Assessment document, many of us met with the Manager of the property on site together with various interested parties and Conservation and Preservation experts, including the Cascade Land Conservancy, and Forestry Management personnel, the Mountaineers, and neighbors and other interested citizens - and walked the property yet again to illuminate the study of the various proposals put forth.

The UTF development proposal is very impressive and business like; reflecting the amount of effort that went into its preparation. The principles made extraordinary effort of outreach to educate the public in advance of the proposed use of this forested area; and addressing all and any concerns brought to their attention. Those of us in attendance at the numerous meetings during the Proposal development had our questions and concerns addressed by the presenters and project management .

I have studied the UTF Kitsap Lake Proposal Sub Basin Assessment and related documents in detail and have found them to be very comprehensive and self explanatory. In fifteen years of intense personal involvement in Kitsap, Mason and Jefferson counties, in state and local land use issues, - I have not witnessed such sincere dedication, thoughtful land use planning; and voluntary expenditures of vast sums of personal money by the principles.

Much personal time was donated by the project manager and others to make this a landmark development in Kitsap County, preserving wildlife habitat whilst skillfully integrating some carefully selected compatible business practices and development - and at the same time setting aside large portions of the property as managed Land Trusts and Greenbelts for public use.

In the final analysis it must be recognized, that UTF is a business which will enhance County employment and Tax Rolls.

This type of responsible Land Stewardship is indeed rare in Kitsap County - and is a major reason for endorsing this project. ---- **Good for the Land and Good for Kitsap.**

Sincerely,

Helen Miller

Helen Miller

RECEIVED

MAR 30 2009

KITSAP COUNTY DEPT. OF
 COMMUNITY DEVELOPMENT

COMMENT LETTER NO. 22 – HELEN MILLER

22-1.	Comment acknowledged.
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March 30, 2009

Ueland Tree Farm Mineral Resource Development Project
Draft Environmental Impact Statement
c/o David Greetham, SEPA Coordinator
Kitsap County Department of Community Development
614 Division Street, MS-36
Port Orchard, WA 98366

RE: Comments on Draft Environmental Impact Statement (DEIS)

Dear Mr. Greetham:

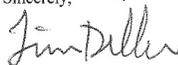
Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the *Ueland Tree Farm Mineral Resource Development Project*. Port Blakely owns approximately 440 acres of property within the City of Bremerton adjacent to the Ueland property. As a neighboring landowner, Port Blakely will be affected by the mining activities that Ueland will undertake, and for that reason we have an interest in the scope and manner of operations and appropriate mitigation measures. We have reviewed the Draft EIS and would like to provide the following comments.

During the fifty year life of this project the urgency of the mitigation measures could be diluted as the project matures. Therefore, Kitsap County must ensure these mitigations standards are maintained over the life of the project. The mitigation elements important to our property are:

1. Gravel and Quarry mining limited to 10 acres that are cleared, mined and reclaimed sequentially.
2. Air quality mitigation and monitoring so toxic air pollutants would be below the thresholds for Acceptable Source Impact Level (ASIL) established by the Puget Sound Clean Air Agency.
3. Establishing buffers, berms and planting vegetation to mitigate noise and visual impacts.
4. Hours of operation limited to 7am to 6pm. (This was unclear in sections of the DEIS. References were also made that operations will be limited to 7:30am to 5pm—which would be our preferred time to operate.)
5. Site reclamation complete within two years of the completion of operations at any particular gravel mine or quarry.
6. Roadway/pedestrian safety by limiting speed in the gravel and quarry pits and access roads along with wider shoulders and sidewalks.

The mitigation measures Ueland Tree Farms is proposing appears to be adequate and continuing their good neighbor policy and cooperation should help mitigate the projects impacts on adjoining properties.

Sincerely,



Tim Diller
Vice President, Finance
Port Blakely Communities

COMMENT LETTER NO. 23 – PORT BLAKELY COMMUNITIES

23-1.	Comment acknowledged. Kitsap County intends to ensure that mitigation measures identified in the EIS are incorporated into binding permit conditions as appropriate.
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From: Toni Shauers [shauers@wavecable.com]
Sent: Thursday, March 26, 2009 10:30 PM
To: dgreetha@co.kitsap.wa.us
Subject: Ueland Project/Northlake Way
Dave Greetham:

I was at the meeting the other night and would like to express my opinion.

24-1 I think the Ueland project is completely inappropriate for the Northlake Way area. This is a residential
area with many private driveways, school busses, bus stops, and children. 186 dump trucks per day
would definitely impact the quality of life in this neighborhood and not in a good way. Why would a project
24-2 of this magnitude even be considered when it's so close to Chico Creek? The flooding of this creek in
December 2007 was devastating to those affected. The Ueland study was completed before this date
and that concerns me.

24-3 I doubt that all of the Northlake Way homeowners know about this project. Looking at a web site that has
page upon page of technical documents with reports of traffic counts, etc., is not informative for the
average (non-engineering background) person. I would suggest that some type of a direct mailing (in
plain English) needs to be done to EVERYONE that lives on Northlake Way and it's side roads, so that
they will all be informed before the Public Hearing date.

24-4 If the Ueland property has to be developed in this manner and we have to have all of this commercial
activity in a residential neighborhood then it would be far more tolerable if they used a different access
road, perhaps to the South of the property, off Werner Road, where commercial activity already exists.
Use the Leber Lane road for the public access to the trails, and also perhaps for some small
Ueland vehicle traffic (but not the big trucks).

v/r
Toni Shauers
2756 Northlake Way NW
Bremerton, WA 98312
(360) 373-1205

COMMENT LETTER NO. 24 – TONI SHAUERS

24-1.	See responses to Comments 3-3, 3-6, 3-13, and 5-2.
24-2.	See response to Comment 2-10. The Hydrologic Study for UTF was revisited as part of the third-party review for this EIS. All applicable permit requirements will be met prior to project approval.
24-3.	See response to Comment 3-23. A Notice of Public Hearing sign will be posted prior to the CUP hearing.
24-4.	See response to Comment 3-2.

From: Sharon Tucker [serktucker@gmail.com]
Sent: Tuesday, March 31, 2009 12:04 AM
To: dgreetha@co.kitsap.wa.us
Subject: Ueland Tree Farm

25-1 [On behalf of the Tucker Family please reconsider the proposed development of this property. The valley below, on Taylor Road has seen enough change to last a lifetime from over development. This last flood left us stranded for weeks, primarily due to land development. Nature needs to be left alone. Many of us who live on Taylor Road lost real estate as well as our access to our homes for weeks. If single family dwellings are considered for this property we would not object. This type of development is wrong for the community and survival of Chico Creek.

25-2 [We find it incredulous that the development of this type would even be considered when looking at what has already happened to the creek. This project would only lead to more sediment running down hill into the creek. Chico Creek is one of the highest producing chums salmon creeks in the county and needs to be protected.

25-2 [The amount of run off from gravel and quarry mining would increase the drainage/sluffing into creek exponentially and unnecessarily disrupting the already struggling survival of Chum in Chico creek. The land owners cannot afford to lose more real estate by the disruption of this over worked creek.

25-3 [NOISE The noise produced by gravel processing and rock quarrying has, in the past disrupted the environment through out the valley.

25-4 [STREAM QUALITY the flow levels in the two streams has increased from the logging, clear cutting and site development. The increased sediment in the stream has increased the delta at the mouth of the stream, in Chico Bay has increased in relation to the up stream development and has filled in nearly half of the bay. I would like to see some numbers on the yearly increase in flow and silt levels in the stream by year and amount of rain.

25-5 [BREMERTON WATERSHED The water supply for the city of Bremerton will be impacted at the Union river dam and the wells the city uses.

COMMENT LETTER NO. 25 – SHARON TUCKER

25-1.	Comment acknowledged.
25-2.	See responses to Comments 2-3 and 2-15.
25-3.	Comment acknowledged.
25-4.	See responses to Comments 2-3 and 2-15.
25-5.	Evaluations conducted as part of this project indicate that there will be no impact to City-owned wells.

From: Richard Uhinck [ricku260@gmail.com]
Sent: Sunday, March 29, 2009 9:16 PM
To: dgreetha@co.kitsap.wa.us
Subject: Ueland Tree Farm

David

26-1 | Just a few lines with my concerns about development of ueland tree farms, first i have concerns
26-2 | about children waiting for school buses on north lake way with the increase of 186 trucks per day
26-3 | and the safety of just trying to get out on to north lake way.Second the pollution, noise and
| hazards of operations of a gravel pit and other mining activities in the water shed.At least look
| for a new exit like warner road where there are commercial trucks all ready! I really believe this
| is the wrong project for this area as the impact is so great.

Thanks

Rick Uhinck

COMMENT LETTER NO. 26 – RICHARD UHINCK

26-1.	See response to Comment 3-13.
26-2.	See responses to Comment Letter 2.
26-3.	See response to Comment 3-2.

Comment Letter No. 27

Jeremy and Shonda Wahrmond
2520 Northlake Way
Bremerton, WA
38362

SUBJECT: ULLAND TREE FARM MINERAL RESOURCE DEVELOPMENT PROJECT DRAFT EIS

David Gretham, SFPA COORDINATOR
KITSAP COUNTY DCD
614 Division Street, MS-36
Port Orchard, WA 98366

Mr. Gretham,

Although I am concerned that this letter will fall on deaf ears, I do want to address some of the concerns I have regarding the proposed development project. I am sure each issue has been addressed, but feel I need to stress these concerns. Please review the following listed below:

27-1 1. Increased traffic in the area. Leber Lane is hardly a road that was planned or developed for major industrial traffic. As a result, people moved here with the expectation of some degree of relative peace and quiet. This project would basically put a bullet in each property owner's head in regards to property value, potential resale, and community cohesion. Granted, not all the folks along the planned commecce route are six figure income families but should still be afforded the protection to ensure their way of life is not overly disturbed. In addition, there are the two schools, one public and one private, along the proposed route that will be greatly affected by the increased traffic and potential danger to small children.

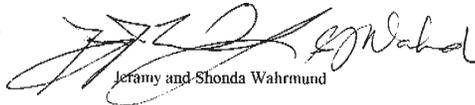
27-3 2. Impact regarding noise. I cannot agree with the wording regarding noise from this project. It will create a major and devastating impact to the area's peaceful nature. You can't tell me that trucks, heavy equipment and blasting will not affect the entire area along the lake and out to the highway. Although there are not a lot of people in that area, it is fair to say that many families will be impacted. As mentioned above, people live here in a semi-rural area to be removed from the noise and distractions of heavy industry. This, again, will devastate the area and the people who live here.

27-4 3. Environmental Impact for Chico Creek. This concerns me the most and the potential it can have on the county's tax payers. We know that salmon in the region are not recovering. Granted, Chum Salmon do not have the value as other species, but I am concerned as to what this will do to the watershed. More importantly, I am worried about the litigation that will be opened by environmental groups if this project goes forward and the taxes I will have to pay in order to defend a project I didn't support in the first place.

27-5 Not to mention the litigation for protecting the wetlands and other issues which may come up. Heck, I may even find myself calling up some of the groups to look at this project in order to have a less biased outside opinion look at the issues.

27-6 Those are the major concerns. As you know, this is not a minor project and will impact the citizens of the area greatly. After review, I still see a lot of holes in the draft and the potential for UELAND to over develop the area and kill a peaceful community within the county. 60 years ago, when the area was not residentially developed like it is today, I would have said yes. But now, I have to say no.

Very Respectfully,



Jeremy and Shonda Wahrmond

COMMENT LETTER NO. 27 – JERAMY & SHONDA WAHRMUND

27-1.	See responses to Comments 3-3, 3-6, and 21-5.
27-2.	See response to Comment 3-13.
27-3.	<p>The noise from blasting and impacts to humans is discussed in Section 7.4.2 of the EIS. It is acknowledged that blasting noise will have a significant impact on animals in Section 6.4.2. UTF mining operations will be consistent with all applicable regulatory and permit requirements, to reduce impacts as much as possible.</p> <p>See also response to Comment 5-4.</p>
27-4.	See responses to Comments 2-3, 2-12, and 2-15.
27-5.	Comment acknowledged.
27-6.	Comment acknowledged.

Please Deny the Uleland Company Access Plan

Rural and bucolic ...

Out of town Tourists and Visitors should be welcomed by scenery not gravel trucks!

Please don't let Northlake Way become the Navy Yard Highway of old!

28-1 "Limiting management activities to 7:30am to 5:00pm, with no **regular** hauling on weekends or holidays. This will continue to allow the public access to the forest roads at night and on weekends." This statement was lifted directly from the Traffic Safety Impact Report paid for and published by Uleland Tree Farm. The information reported in this document is **Outdated and Dubiously Timed** to give an inaccurate view of the traffic patterns and use of Northlake Way on an aggregate basis. (Parametrix. 2007. Traffic Study - Ueland Tree Farm Mineral Resource Development. Prepared by Parametrix, Bremerton, Washington. December 2007).

28-2 Werner Road may not be the most fiscally attractive approach for Uleland's enterprises but it would be the safest. If all else fails limit the trucks to southbound ingress and egress.

Focus should be on:

- **Bicycle Plan Route Summary by Project Segments-**
http://www.kitsapgov.com/PW/maps/Bike_Route_2004.pdf
- **Bremerton Seventh-day Adventist Christian Church-Taylor Road**
- **Kitsap Adventist Christian School -Taylor Road**
- **Camp McKean**
- **Camp Union Pizzeria**
- **Camp Wesley Harris Naval Reservation**
- **Country Nursery & Gardens (and Gift Shop)** COUNTRY WISHES GIFT SHOP (360) 478-0288 2075 Seabeck Hwy Bremerton WA 98312
- **CROSBY:** The hamlet on Seabeck Highway between Hood Canal and Chico will gather for its annual Independence Day picnic. It will take place this Sunday between 2 and 7 p.m. at the Crosby Community Club. The lineup includes food, entertainment, sports, contests and horseshoes.
- **Farrell Gas Company** 1405 Lumsden Road 360/373-2515 or 800/441-3444
- **Green Mountain Mountain Bike Trails Bremerton Washington**
- **Holly Ridge Center** 5112 NW Taylor Road, Bremerton, WA 98312-8837
- **Holly Ridge Center Adult Employment Services**
- **Horse and Cow Tavern**
- **Hubert's Christmas Tree Farm**
- **Kitsap County Central Road Shed Dist.#3**
- **King's West Christian School**
- **King's West Day Care and Preschool**

- **Kitsap Forest Theatre-** May 24, 25, 30, 31 June 6, 7, 13, 14 August 1, 2, 8, 9, 15, 16, 22, 23
- **Kitsap Golf and Country Club**
- **KITSAP LAKE PARK-** Hydro Racing Keeps Its Fans Roaring at Kitsap Lake
- **KITSAP RIFLE and REVOLVER CLUB**
- **Lake Symington**
- **Lake Tahuya**
- **LUTHERHAVEN- 09 Schedule of Events**

Cut, Crop & Quilt Retreat AT LUTHERHAVEN March 6-8, 2009

Lutherhaven Ministries Annual Corporation Meeting AT LUTHERHAVEN, 1 PM March 14, 2009

Women's Retreat AT LUTHERHAVEN March 27-29, 2009

Creation Day! AT LUTHERHAVEN April 24, 2009

AT LUTHERHAVEN May 8-10, 2009

Golden Agers' Day Out AT LUTHERHAVEN May 13, 2009

Summer Worship Services BEGIN JUNE 9, 10:30 AM, THRU AUGUST 16 Zoerb Chapel, Lutherhaven Join your Lutherhaven family for Sunday worship this summer! Bring a few friends, or come and meet some new ones!

Join us for Dedication Day, Sunday, June 9 at Lutherhaven *Re-Dedicate the Zoerb Chapel to the Glory of God!*

Annual 4th of July Festival Weekend AT LUTHERHAVEN July 3-5, 2009

28-3 Mother/Daughter Weekend AT LUTHERHAVEN July 31-August 2, 2009

July Summer Worship Services 10:30 AM, THRU AUGUST 16 Zoerb Chapel, Lutherhaven August 7-9, 2009

Golden Agers' Day Out AT LUTHERHAVEN October 14, 2009 For empty nesters, older adults, retirees, and adult ministry groups from your church...a great day out at one of the most beautiful times of year at camp!

Cut, Crop & Quilt Weekends AT LUTHERHAVEN :October 16-18, 2009 ,October 30 - November 1, 2009 Amazingly popular get-togethers for the "crafty" in all of us!

The Great Escape! AT LUTHERHAVEN 3rd - 8th Grade Weekend November 20-22, 2009

Deck the Halls! AT LUTHERHAVEN December 4-6 & 11-13, 2009 December 3-5 & 10-12, 2010

- **Misery Point Launch -Planning**
- **19th Hole Tavern**
- **Romeo's Bar and Grill**
- **Scenic Beach State Park Kitsap County**
- **Seabeck Conference Center**
- **Seabeck Marina** The project approved by Kitsap County's hearing examiner includes a 16-foot-wide floating concrete breakwater, which could support transient moorage, plus 1.66 acres of docks and floats to moor up to 200 boats.
http://seattletimes.nwsource.com/html/realstate/2004252421_realneighborhood02.html"
The 2000 census found the population of Seabeck was 3,412, and recent estimates (3/08) put it at about 5,000. While housing here is far from dense, for longer-term residents the growth has been startling."

28-3

- **Barbie's Seabeck Bay Cafe**-When I have out-of-state visitors who want to see the "real" Northwest outside of Seattle, I bring them to Seabeck to eat at Barbies and then to Scenic Beach State Park to see the awesome sight of the Hood Canal and Olympic Mountains while walking on oyster beds from a reviewer who drives over from Tacoma. - 15384 Seabeck Hwy NW-<http://local.yahoo.com/info-22235037-seabeck-bay-cafe-seabeck>
- **Seabeck Pizza Market**
- **Star Valley Grocery**
- **WILDCAT LAKE COUNTY PARK** Next to Kitsap Lake, perhaps the best fishing in the county can be found at Wildcat Lake, where in addition to the annual plants, anglers might find some larger holdovers and perhaps even one of those big landlocked coho salmon the state dropped in there a few years back. Wildcat has a boat launch.
- **WILDCAT TRAIL**-Kitsap Peninsula Mountain Biking
- **WILDCAT BEAVER POND TRAIL**-Kitsap Peninsula Mountain Biking

COMMENT LETTER NO. 28 – ROBIN WALSTER

28-1.	See responses to Comments 3-3, 3-6, and 3-8. The Traffic Analysis was revisited following release of the DEIS, to ensure that assumptions, methodologies, and conclusions remain accurate and up to date.
28-2.	See response to Comment 3-2.
28-3.	Comment acknowledged.

Comment Letter No. 29

RECEIVED
MAR 20 2009
KITSAP COUNTY DEPT OF
COMMUNITY DEVELOPMENT

Kitsap County Board Of Commissioners
Department Of Community Development MS-36
Dave Greetham, SEPA Coordinator
Environmental Programs Division
614 Division Street, Port Orchard, WA 98366

Dear Commissioners,

This letter is in regards to the proposed development of sand, gravel and basalt mines on a portion of a 1,716 acre commercial forest land property owned by Ueland Tree Farm LLC.

We would like to first note that Dave Greetham has been a valuable resource to us since this process was first proposed. He has responded to all our requests for information and answered any questions we have had about this proposed development.

29-1 Also, we would like to note that Mark Mauren of Ueland Tree Farm LLC has also been extraordinarily helpful to us over the last two years as we have watched first the SEPA process, and then the draft EIS process unfold. Mark has been very forthcoming with information not only on the project, but with hard data on the geologic, hydro geologic, and traffic effects of this undertaking.

29-2 Again, the Ueland family has been very open and forthcoming to us with information over the last two years. In our opinion, keeping this site in one piece while developing only 152 acres and protecting Dickerson, Kitsap, and other tributaries of Chico creek is the best route to go. Traffic-wise, this project *must be as unobtrusive to the neighborhood as possible*. We understand the need for approximately 183 trips to and from this site daily at full build out, but better long range planning is needed for our neighborhood to accommodate this. Traffic problems on Northlake Way cannot be solved by Kitsap County alone. When the city of Bremerton absorbed the Port Blakley lands above Kitsap Lake, they became a partner in this process. Those lands cannot be developed without a north and a south access, or at least that was what the county claimed ten years ago. That north access, as we understand it, is intended to be Lebers Lane.

Comment Letter No. 29

29-3 We would like to make one suggestion. Before the final EIS is issued, the neighborhood should be able to see on paper, down to the parcel number, where all the road improvements are going and what lots will be affected. We, for instance, do not know if our lot will be affected by the widening of Northlake Way to accommodate a turn lane.

29-4 This being said, let us make it clear that we whole-heartedly support this project. We believe that Ueland Tree Farm LLC will be responsible stewards of its lands. It is also our sincere hope that this will lead to the revitalization of the affected areas of the Chico Creek Watershed, one of the "Crown Jewels" of Kitsap County. All in all, this is a great opportunity for showing that development and proper resource management need not be mutually exclusive.

We trust the Ueland family. We welcome them to our neighborhood.

Kenneth & Patricia Widell
2341 Northlake Way NW,
Bremerton, Wa. 98312
(360)405-0642 kenpat@wavecable.com

COMMENT LETTER NO. 29 – KENNETH & PATRICIA WIDELL

29-1.	Comment acknowledged.
29-2.	See responses to Comments 3-2 and 3-6.
29-3.	<p>Typically, an EIS does not include information on a parcel by parcel basis. The EIS is intended to provide decision makers with a comprehensive understanding of impacts and mitigation measures associated with the entire project on a short and long term basis, in addition to disclosing potential impacts to all potentially affected individuals. Parcel-specific information is typically reviewed during the permit application process, when proposed designs have been finalized. The information shown in the EIS reflects the current understanding of the proposed roadway improvements. Additional information will be made available as it is finalized by the project proponent.</p> <p>See also response to Comment 3-10.</p>
29-4.	Comment acknowledged.

Appendix B

**Ueland Tree Farm Mineral Resources
Development**

Access Feasibility Analysis

Ueland Tree Farm Mineral Resources Development Access Feasibility Analysis

May 22, 2009

Prepared for

Ueland Tree Farm, LLC

Prepared by

ESM Consulting Engineers, LLC
33915 1st Way South, Suite 200
Federal Way, WA 98003

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253.838.7104 fax



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UELAND TREE FARM
MINERAL RESOURCES DEVELOPMENT
ACCESS FEASIBILITY ANALYSIS

Prepared for:
UELAND TREE FARM, LLC
16419 Maplewild Avenue SW
Seattle, WA 98166

Prepared by:
ESM Consulting Engineers, LLC
33915 1st Way South, Suite 200
Federal Way, WA 98003

May 22, 2009

Job No. 1621-001-009

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1	Vicinity Map
2	South Access Road Alternatives
3	North Access Road Alternative

I. INTRODUCTION

The primary purpose of this report is to evaluate the feasibility of a single access point for the Ueland Tree Farm (UTF) Mineral Resources Development. In the Environmental Impact Statement (EIS) submitted to Kitsap County for this project, the Northlake Way/Lebers Lane NW intersection was analyzed by Parametrix in their report, "Traffic Study – Ueland Tree Farm Mineral Resource Development" dated December, 2007. This intersection and the Lebers Lane roadway were deemed to be a viable option as a single access location for the project. Through the EIS public comment period, Kitsap County received comments from the public about the access location. As a result, the County requested that a south roadway option be analyzed for viability. This report is in response to the County's request and analyzes two south access roadway alignments (Options 1 and 2) and compares them to the north access road alternative described in the project's EIS.

II. PROJECT DESCRIPTION

Ueland Tree Farm is a 1,716-acre property situated west of Kitsap Lake, approximately 5 miles south of Silverdale, and 5 miles northwest of Port Orchard. Specifically, it is located in Sections 12, 13, 24, and 25, Township 24N, Range 1W, and Sections 7, 18, 19, Township 24N, Range 1E (see Vicinity Map, Figure 1). The project proposes to develop two gravel mines and three basalt quarry areas located mainly on the northeast and southeast portions of the property.

III. SOUTH ACCESS ROAD FEASIBILITY ANALYSIS

Similar to the north access road, two south access road alternatives were analyzed using the American Association of State Highway and Transportation Officials (AASHTO) Green Book criteria in accordance with the Kitsap County Code. The potential south access road is classified as a recreational and resource recovery roadway with a design speed of 20 MPH for mountainous terrain. The at-grade railroad crossings are regulated by the Federal Railroad Administration standards which require the roadway to have less than 3 inches of grade change within 30 feet on either side of the railroad tracks.

The basis for selecting the two south roadway alternatives for analysis was as follows:

1. To provide the most direct route from existing roads on the south side of the project to UTF and the adjacent 440-acre property.
2. To avoid impacts to existing water bodies (i.e. lakes, streams, and wetlands).
3. To work with the existing topography in order to minimize grading impacts, especially within steep slope sensitive areas.
4. To make use of existing access roads where possible in order to minimize impacts to the environment.

Based on these criteria, two south road alternatives were analyzed. Other possible alignments were rejected on the basis of not meeting the above criteria. In both options, Werner Road was chosen to provide the connection from the existing roadway system to UTF and the adjacent 440-acre property. Werner Road provides the most direct connection to State Route 3 and keeps truck traffic away from large residential areas as much as possible.

The South Access Road (Option 1) alignment provides the most direct route from Werner Road to UTF and the adjacent 440-acre property while avoiding sensitive areas directly

south of Kitsap Lake. The alignment west of the railroad makes use of the existing access road which serves the BPA easement.

The South Access Road (Option 2) alignment attempts to avoid extensive grading within steep slope sensitive areas and work more with the existing topography especially along the west side of the railroad tracks. In order to accomplish this, the alignment has to cross the railroad approximately one mile south of the Option 1 crossing. When possible, the alignment utilizes existing roadways and avoids major sensitive areas such as Heinz Lake and Alexander Lake.

The following sections analyze the two south alternatives for construction feasibility as they relate to the grading of the roadways, the railroad crossing, storm drainage, sensitive area disturbance, and construction costs.

Roadway and Storm Drainage

Option 1

The South Access Road (Option 1) alignment would require purchasing eight (8) properties totaling approximately 236 acres in order to provide right-of-way access to UTF via the 440-acre adjacent site. The length of this roadway alignment from Werner Road to the south side of the adjacent 440-acre site is approximately 7,700 lineal feet (1.5 miles, see Figure 2). Within the adjacent 440-acre property, there are existing logging roads in easements that would allow trucks to access the UTF Mineral Resources Development project. The widths and grades of the logging roads would have to be adjusted to accommodate the truck traffic from the UTF project.

The roadway would require a maximum road grade of approximately 15% within steep slope areas. This would require approximately 50 to 60 feet of cut in areas near the railroad tracks. At the railroad crossing a design speed of 20 MPH would be required in order to meet the Federal Railroad Administration standards for an at grade railroad crossing and Kitsap County's standard for roadway grades and speed.

Storm drainage management for this access road would be difficult and expensive because of the steep slopes surrounding the roadway. Additional land would have to be purchased in order to accommodate the required detention and water quality facilities, disturbing more undeveloped land.

The cost of this roadway is based on three main factors: actual construction of roadway including materials and labor, property acquisition, and haul costs. Roadway construction is estimated to be \$450 per lineal foot for a total cost of \$3,500,000. The cost to purchase the eight (8) properties is estimated at \$2,774,390 based on their assessed value. The actual value is dependent upon the market conditions and the willingness of the property owners to sell. The haul costs are directly affected by the type of road being traveled and the time that it takes to get from the work site to State Route Highway 3. The mineral resources development project would contribute 154 daily truck trips over 51 weeks per year for 50 years for a total of approximately 2.75 million truck trips over the life of the project. The cost to operate a truck including taxes and labor is approximately \$2 per mile. This equates to approximately \$22,550,000 hauling costs for a total haul distance from Gravel Mine A to State Route Highway 3 of 4.1 miles (2.7 miles on gravel; 1.4 miles on pavement). The overall cost of the South Access Road (Option 1) is estimated at \$28,824,390.

Option 2

The South Access Road (Option 2) alignment would require purchasing six (6) properties totaling approximately 175 acres and permission to pass through the Bremerton Watershed in order to provide right-of-way access to UTF via the 440-acre adjacent site. The length of this roadway alternative from Werner Road to the south side of the 440-acre site totals approximately 13,200 lineal feet (2.5 miles, see Figure 2). As mentioned in Option 1, within the adjacent 440-acre property, there are existing logging roads in easements that would allow trucks to pass to the UTF Mineral Resources Development project. The widths and grades of the logging roads would have to be adjusted to accommodate the truck traffic from the UTF project.

The roadway would require a maximum road grade of approximately 15% within the steep slope areas. This would require approximately five to ten feet of cut in some areas of the roadway. At the railroad crossing a design speed of 20 MPH would be required in order to meet the Federal Railroad Administration standards for an at grade railroad crossing and Kitsap County's standard for roadway grades and speed.

Similar to Option 1, storm drainage management for this access road would be difficult and expensive due to the steep slopes surrounding the roadway. Additional land would have to be purchased in order to accommodate the required detention and water quality facilities, disturbing more undeveloped land.

The cost of this roadway is based on three main factors: actual construction of the roadway (including materials and labor), property acquisition, and Washington State regulated haul costs. Roadway construction is estimated to be \$450 per lineal foot for a total cost of \$5,900,000. The cost to purchase the six (6) properties is estimated at \$2,367,780 based on their assessed value. The actual value is dependent upon market conditions and the willingness of the property owners to sell. The haul costs are directly affected by the type of road being traveled and the time that it takes to get from the work site to State Route Highway 3. The mineral resources development project would contribute 154 daily truck trips over 51 weeks per year for 50 years for a total of approximately 2.75 million truck trips over the life of the project. The cost to operate a truck including taxes and labor is approximately \$2 per mile. This equates to approximately \$30,800,000 hauling costs for a total haul distance from Gravel Mine A to State Route Highway 3 of 5.6 miles (4.2 miles on gravel; 1.4 miles on pavement). The overall cost of the South Access Road (Option 2) is estimated at \$39,067,780.

Sensitive Areas

The south portions of the UTF property and the properties east of the railroad have extensive sensitive areas such as streams, wetlands, watershed corridors, and steep slopes. The roadway alternatives for access from the south have no option but to disturb these sensitive areas. Also, the majority of the land proposed for these alternatives is currently undeveloped, so impacts on wildlife would have to be considered. This is especially true for Option 2 due to the alignment which would need to avoid disturbing Heinz Lake, Alexander Lake, and various steep slopes. Figure 2 shows the locations of the sensitive areas in relation to the proposed roadway alignments.

The Option 1 road access alternative takes the most direct route from Werner Road to the 440-acre property while avoiding potential wetland sensitive areas. It does, however,

require considerable grading measures in order to provide an access road at the railroad crossing and across the steep slope area to the 440-acre property. In addition to the difficult grading required for this road, this alignment also disturbs a large amount of undeveloped area.

The Option 2 road access alignment attempts to avoid the steep slopes located near the railroad tracks. Unfortunately the closest location where the steep slopes veer away from the railroad tracks occurs approximately a mile south of the Option 1 railroad crossing. This would require the roadway to pass through the Bremerton Watershed, cross multiple steep slope areas, and a stream located on the project site. Similar to Option 1, this alignment also disturbs a large amount of undeveloped area.

Summary

Of the two south access road alternatives, the most feasible is Option 1. It has less lineal footage of roadway, less impact to sensitive areas, less impact to undeveloped land, and a lower cost to develop.

IV. NORTH ACCESS ROAD FEASIBILITY REVIEW

The north access road, as analyzed by Parametrix and shown in Figure 3, can utilize the existing Lebers Lane roadway for access to the project. The intersection of Lebers Lane and Northlake Way would require some improvements to bring the current configuration up to County standards for sight distance. As noted by Parametrix, the north access roadway alignment adjacent and east of the railroad would require 20 MPH design speed (a deviation from the County standards), in order to accommodate the existing grading constraints, existing properties and driveways, and an existing railroad grade. In order to increase public safety, Lebers Lane appears to warrant slower speeds due to its proximity to the railroad and Northlake Way intersection in order to increase public safety. For both the north and south access alternatives, the additional traffic that is anticipated to leave the project is approximately 186 daily trips and 35 PM Peak hour trips. According to Kitsap County standards, these volumes do not warrant additional offsite roadway improvements because of the minimal effect the project would have on the overall traffic corridor.

All improvements for the north access road would occur either in public right-of-way or within property owned by UTF. In addition, there are no reported sensitive areas other than the steep slopes located within the north gravel mine area. These slopes would presumably be reduced once the gravel mine operation begins.

The cost of the north roadway is based on three main factors, actual construction of roadway including materials and labor, property acquisition, and Washington State regulated haul costs. Roadway construction is estimated to be approximately \$1,600,000. The cost to purchase property is zero because all work would be performed on property owned by UTF. The haul costs are directly affected by the type of road being traveled and the time that it takes to get from the work site to State Route Highway 3. The mineral resources development project would contribute 154 daily truck trips over 51 weeks per year for 50 years for a total of approximately 2.75 million truck trips over the life of the project. The cost to operate a truck including taxes and labor is approximately \$2 per mile. This equates to approximately \$18,700,000 hauling costs for a total haul distance from Basalt Quarry C to State Route Highway 3 of 3.40 miles (1.65 miles on gravel; 1.75 miles on pavement). The cost of the overall roadway is estimated at \$20,300,000.

V. NORTH ACCESS VERSUS SOUTH ACCESS

The north access road alignment, as noted above, is located outside of any known sensitive areas and all construction would be located in either public right-of-way or property owned by UTF.

The south access road alternatives, on the other hand, would have a considerable effect on the surrounding properties and environment. The South Access Road Alternatives, Option 1 and Option 2, require the construction of 5,500 feet and 7,500 feet of roadway on properties that are not owned by the UTF and are undeveloped forested land. In addition, the roadway construction within these properties and UTF would require extensive grading in sensitive areas and on steep slopes. Construction would also require logging roads within the adjacent 440-acre property to be widened and graded in order to accommodate the truck traffic for the project.

The following tables summarize the north and south roadway alternatives based on impacts to sensitive areas and associated costs.

Table 1: Sensitive Area Impact of Each Access Alternative:

Roadway Alternative	Sensitive Area Impact			
	Wetland or Lakes	Steep Slopes	Undeveloped Land	Bremerton Watershed
North Access Road	-	-	-	-
South Access Road (Option 1)	X	X	X	-
South Access Road (Option 2)	X	X	X	X

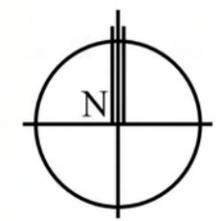
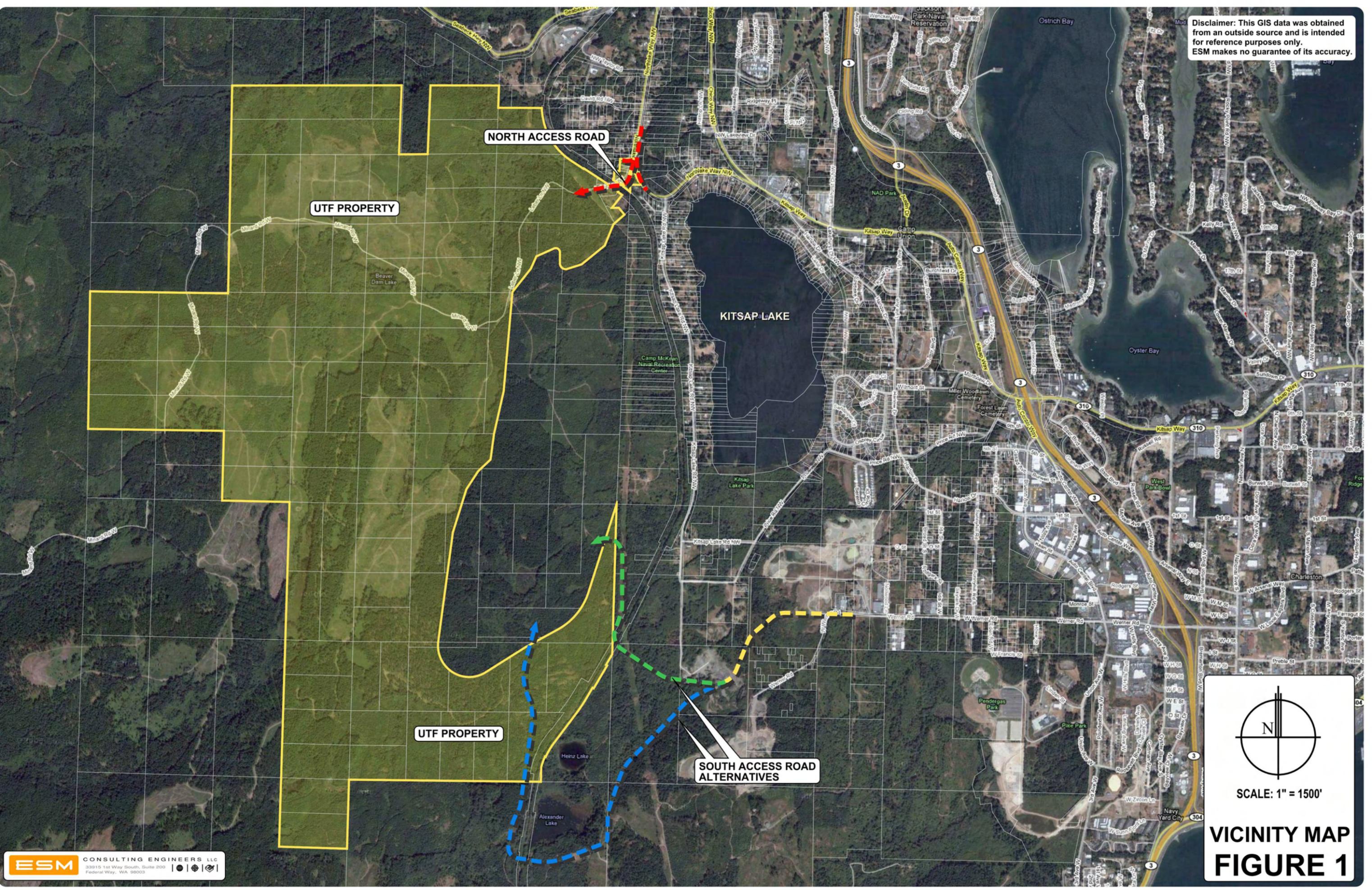
Table 2: Estimated Cost Impact of Each Access Alternative:

Roadway Alternative	Travel Miles*	Related Costs			
		Construction	Property Acquisition	Hauling	Overall
North Access Road	3.4	\$1,600,000	\$ -	\$18,700,000	\$ 20,300,000
South Access Road (Option 1)	4.1	\$3,500,000	\$ 2,774,390	\$22,550,000	\$ 28,824,390
South Access Road (Option 2)	5.6	\$5,900,000	\$ 2,367,780	\$30,800,000	\$ 39,067,780

*Travel Miles are based on the farthest distance within the UTF Mineral Resources Development Project to State Route 3.

It is ESM's opinion that the overall environmental impacts and cost of the south access road alternatives are far greater than that of the north access road. In addition, the north access road appears to benefit the adjacent properties, increasing the sight distance up to current Kitsap County Standards. The south access road would also adversely impact the overall environment to a larger extent than the north access road.

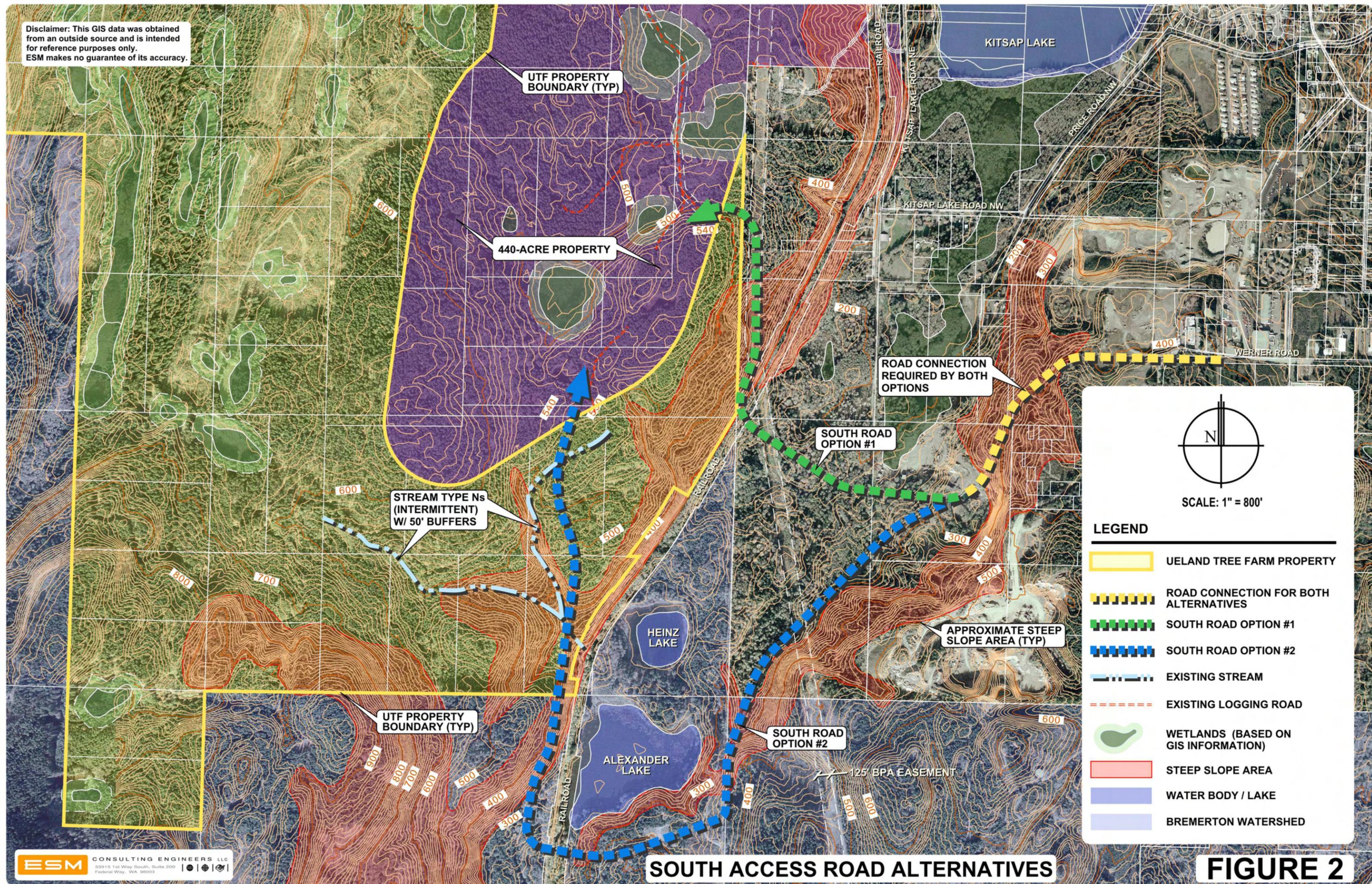
Disclaimer: This GIS data was obtained from an outside source and is intended for reference purposes only. ESM makes no guarantee of its accuracy.



SCALE: 1" = 1500'

VICINITY MAP
FIGURE 1

Disclaimer: This GIS data was obtained from an outside source and is intended for reference purposes only. ESM makes no guarantee of its accuracy.



N

SCALE: 1" = 800'

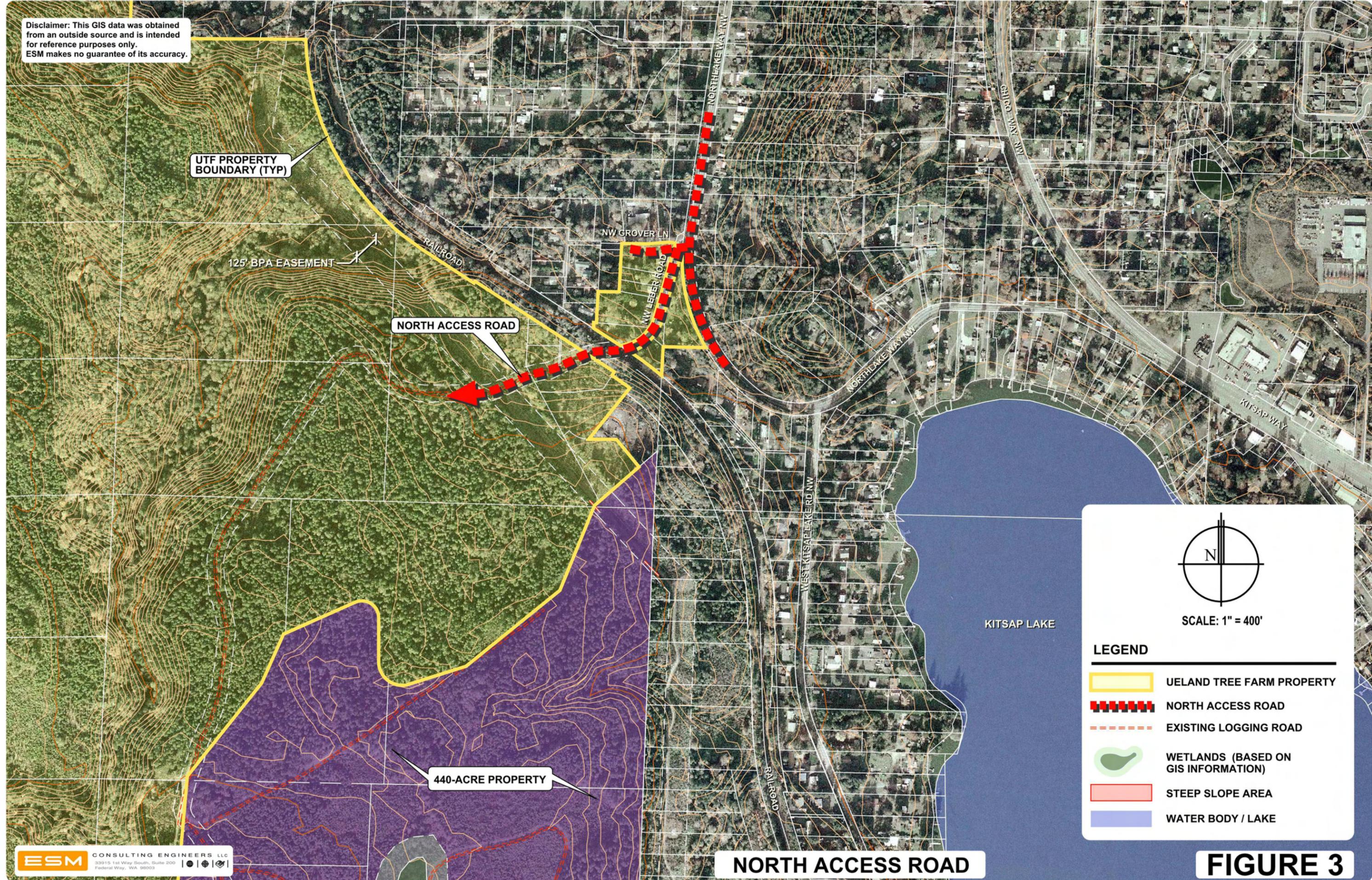
LEGEND

- UELAND TREE FARM PROPERTY
- ROAD CONNECTION FOR BOTH ALTERNATIVES
- SOUTH ROAD OPTION #1
- SOUTH ROAD OPTION #2
- EXISTING STREAM
- EXISTING LOGGING ROAD
- WETLANDS (BASED ON GIS INFORMATION)
- STEEP SLOPE AREA
- WATER BODY / LAKE
- BREMERTON WATERSHED

SOUTH ACCESS ROAD ALTERNATIVES

FIGURE 2

Disclaimer: This GIS data was obtained from an outside source and is intended for reference purposes only. ESM makes no guarantee of its accuracy.

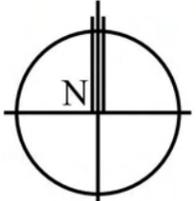


UTF PROPERTY BOUNDARY (TYP)

125' BPA EASEMENT

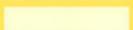
NORTH ACCESS ROAD

440-ACRE PROPERTY



SCALE: 1" = 400'

LEGEND

-  UELAND TREE FARM PROPERTY
-  NORTH ACCESS ROAD
-  EXISTING LOGGING ROAD
-  WETLANDS (BASED ON GIS INFORMATION)
-  STEEP SLOPE AREA
-  WATER BODY / LAKE

Appendix C

Distribution List

FEIS Distribution List

Federal Agencies

U.S. Navy, Naval Base Kitsap

Tribes

Suquamish Tribe

State Agencies

Washington State Department of Archaeology and Historic Preservation

Washington State Department of Ecology

SEPA Unit

Northwest Regional Office

Washington State Department of Fish and Wildlife

Gina Piazza, Area Habitat Biologist

Lisa Wood, Fish Program Biologist

Washington State Department of Natural Resources

SEPA Unit

Geology and Earth Resources Division

Washington State Department of Transportation, Olympic Region

Regional and Local Governments

Central Kitsap Fire and Rescue

City of Bremerton, Planning Department

Kitsap County

Department of Community Development

Department of Parks and Recreation

Department of Public Works

Kitsap Regional Library

Puget Sound Clean Air Agency

Puget Sound Partnership

Citizens and Local Organizations

Adair, Kim

Beck, Michael & Susane Stayrook

Central Kitsap School District, Richard Best

Dick, Charles - Seventh Day Adventist Church

Erenn

Fetters, Debbie

Fleming, Bernie JMW
Guizzetti, Sheila
Holly Ridge Center - Roxanne Bryson
Hunt, Chris & Holly
Kitsap Lake Neighborhood Association
McCoy, Paul
McIntosh, Bonnie
Mikesell, John & Roberta
Miller, Helen
Port Blakely Communities
Shauers, Toni
Tucker, Sharon
Uhinck, Richard
Wahrmund, Jeramy & Shonda
Walster, Robin
Widell, Kenneth & Patricia



Kitsap County
Annual Comprehensive Plan Amendment Process for 2018



Site-Specific Amendment Application
Legal Descriptions

Instructions: This document must be completed and submitted with your site-specific Comprehensive Plan amendment application form.

1. Legal Description for parcel #1 listed in the application form.

LOT 8, PAGE 6 OF SEGREGATION REQUEST RECORDED UNDER AUDITOR'S FILE NO. 9605240200; THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., KITSAP COUNTY, WASHINGTON.

2. Legal Description for parcel #2 listed in the application form.

LOT 7, PAGE 6 OF SEGREGATION REQUEST RECORDED UNDER AUDITOR'S FILE NO. 9605240200; THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., KITSAP COUNTY, WASHINGTON.

3. Legal Description for parcel #3 listed in the application form.

LOT 6, PAGE 6 OF SEGREGATION REQUEST RECORDED UNDER AUDITOR'S FILE NO. 9605240200; THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., KITSAP COUNTY, WASHINGTON.

4. Legal Description for parcel #4 listed in the application form.

LOT 5, PAGE 6 OF SEGREGATION REQUEST RECORDED UNDER AUDITOR'S FILE NO. 9605240200; THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., KITSAP COUNTY, WASHINGTON.

5. Legal Description for parcel #5 listed in the application form.

LOT 23, PAGE 3 OF SEGREGATION REQUEST RECORDED UNDER AUDITOR'S FILE NO. 9605240200; THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON.

