

**BEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD**

HOOD CANAL, OLYMPIC ENVIRONMENTAL
COUNCIL, JEFFERSON COUNTY GREEN PARTY,
PEOPLE FOR A LIVEABLE COMMUNITY, KITSAP
AUDUBON SOCIETY, HOOD CANAL
ENVIRONMENTAL COUNCIL and PEOPLE FOR
PUGET SOUND

Petitioners,

v.

JEFFERSON COUNTY

Respondent.

Case No. 03-2-0006

**ORDER ON
MOTION FOR
RECONSIDERATION**

The Final Decision and Order in this case was issued on August 15, 2003. On August 22, 2003, Jefferson County submitted a Motion for Reconsideration, requesting clarification and/or modification of two of the Board's findings of fact. On August 25, 2003, the Intervenor also filed a Motion for Reconsideration, joining in the County's motion. On September 2, 2003, the Petitioners filed their Opposition to the Motion for Reconsideration.

This Board has reviewed the motions filed by the County and Intervenor, and the opposition submitted by Petitioners. After due consideration, the Board denies the Motion for Reconsideration with the following explanation:

I. Motion To Clarify Or Alter Finding Of Fact "P"

Finding of Fact "P" states:

The proposed mineral resource overlay is located in a forested region where there are many significant critical areas, including lakes and streams. The FSEIS fails to describe the existing wildlife habitat and to evaluate possible environmental impacts on that habitat, reserving SEPA

review of those impacts until the permitting stage for any future mining projects.

The County and the Intervenor argue that this finding is inaccurate, or at least misleading, because it suggests that the adopted 690-acre mineral resource overlay has many significant critical areas. They claim that the critical areas were removed from the approved overlay and that the finding should be restated to establish the absence of critical areas in the adopted mineral resource overlay.

The finding refers to the adequacy of the evaluation of environmental impacts addressed in the FSEIS. We do not agree that the record supports more specific findings about the existence and/or location of critical areas in the ultimately adopted mineral resource overlay.

II. Motion Regarding The Term “Conveyor” In Finding Of Fact “O”

The County and the Intervenor argue that the use of the term “conveyor” in Finding of Fact “O” is confusing. Finding of Fact “O” reads:

The Final Supplemental Environmental Impact Statement pointed to a capacity problem with respect to truck transport of minerals from the new overlay site. However, the FSEIS failed to describe the current traffic or predict a range of future truck traffic that would be needed for increased mining activity. The FSEIS also failed to consider whether alternative forms of transport, such as the conveyor suggested by Fred Hill Materials, might be used and with what possible environmental impacts.

The County requests that the finding be modified to insert the term “north-south” before “conveyor”.

The County and the Intervenor mistake the nature of this finding. The SEPA analysis is inadequate in its failure to consider how the alternatives would affect the need for transport of material from the new overlay district. The use of a conveyor is one possible means of transporting material that may be needed in the event the truck traffic would over-tax the roads. The Board’s finding does not direct the analysis of any particular conveyor.

III. ORDER

The Motion for Reconsideration is hereby **DENIED**.

Pursuant to WAC 242-02-832(4), this decision constitutes a final decision and order for purposes of judicial review.

So ORDERED this 11th day of September, 2003.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Margery Hite, Board Member

Nan Henriksen, Board Member

Holly Gadbow, Board Member