

Ruling: Maytown gravel mine needs more review

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The future of the controversial Maytown gravel mine remained uncertain today after the Thurston County commissioners ruled the project requires more environmental review.

The commissioners sent the case back to county hearing examiner Sharon Rice, who ruled in December 2010 that the special-use permit for the mine is valid.

On a 3-0 vote, the commissioners said it appears that some of the prairie habitat protected under the county critical-areas ordinance is included within the boundaries of the 287-acre mine.

County planning director Mike Kain said anywhere from 5 to 75 acres might need to be removed from the mine to comply with county environmental regulations that were in effect when the mine permit was issued in 2005.

The ruling was a partial victory for Friends of Rocky Prairie and Black Hills Audubon Society, the two groups that appealed the hearing examiner decision, and a setback for the Port of Tacoma and Maytown Sand and Gravel LLC, the two parties with an economic stake in the mine.

“What’s important is that we get a second look at the property to identify areas that weren’t protected the first time around,” said Friends of Rocky Prairie spokeswoman Sharon Coontz. Port of Tacoma officials at the county commission meeting today declined to comment on the case, saying they needed more time to review it.

However, the port and Maytown Sand and Gravel made it clear in appeal briefs that any decision that erodes the size of the mine significantly could kill the project.

Maytown Sand and Gravel bought the 745-acre mine property in South Thurston County near Tilley Road from the port in 2010 for \$17 million, including equal parts cash and gravel.

If the mine permit is rejected, the sale could unravel and the land could revert to the port for resale, port officials have said.

The Maytown mining project and property have a long and contentious history.

Before 1993, a 1,614-acre site near Tilley Road was home to an explosives manufacturing business, which left behind a legacy of pollution. Some 19,000 tons of contaminated soil and debris were removed from the property.

Citifor Inc., the property owner, secured a special-use permit from Thurston County in 2005 to mine 20 million cubic yards of sand and gravel from 284 acres of their larger ownership over 20 years.

In 2006, the company sold more than half of the property to the state Department of Fish and Wildlife to preserve as prairie, wetlands and habitat for rare plants and wildlife. The Port of Tacoma bought 745 acres of the property, including the mine site, for \$21 million with plans to develop a railroad logistics transport and industrial center.

The port scrapped those plans under the weight of stiff opposition from neighbors, environmental groups and state natural resource agencies who said the parcel was critical prairie habitat.

The environmental community and the state could not secure funds to buy the additional property for permanent protection, leading to the port sale to the company formed to mine part of the site.

Since, the validity of the original special-use permit for the gravel mine has been the topic of legal challenges and county review, with opponents arguing that the applicant had missed key deadlines for submitting data, including an off-site well survey due in December 2006 but completed in 2009.

County staff hydrogeologist Nadine Romero and the state Department of Ecology both have testified that the delay in well monitoring has not caused environmental harm.

The hearing examiner ruling rejected mining opponents' claims that the mine should be subject to a 2010 critical-areas ordinance that would reduce the size of the mine by roughly 100 acres.

Mine opponents also argued that the 2005 permit for the mine didn't include the latest company plan for railway facilities and a concrete batch plant, which boost the impervious surface on the property to 1.37 million square feet from 100,000 square feet.

The county commissioners only voiced disagreement with the hearing examiner on the one issue involving whether the mine site met the test of the critical-areas ordinance in place when the permit was granted in 2005. The hearing examiner said yes; the county commissioners said site visits by county and state Department of Ecology officials last summer suggest otherwise.

The case could be back before the county commissioners this summer, Kain said.

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