

**Surface Mining Advisory Committee (SMAC)
Meeting Summary
June 26, 2019**

Start Time:	3:03 p.m.
Location:	Northwest Annex Conference Room

Meeting Highlights
<ul style="list-style-type: none"> There were 10 people in attendance (8 voting members, 1 staff member, 1 citizen).
<ul style="list-style-type: none"> Next meeting Date/Time/Location: July 24 at 3:00 p.m. NW Annex

Attendees – Members	Affiliation	Present
Tony Freeland	Civil/Geo-tech engineer	X
Brad Davis	Surface mining material user	X
Christopher Secrist	Geologist	
Leslie Dempsey	Citizen in close proximity to mine	X
Ryan Devries	Member of surface mining industry	X
Brent Cowden	Member of surface mining industry	X
Aubrey Stargell	Forestry	X
Leaf Schumann	Potable domestic groundwater supply	X
Dustin Gleaves	Ecologist	
Shannon Logan	Environmental consultant	X
Vacant	Conservation District representative	

Quorum Present	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
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Attendees - Staff	Present
Fleischmann, Josh	X

Others Present
James Essig

Meeting Notes

Open Session

There were no members of the public wishing to speak.

Open Government training

The Open Government Training was postponed due to technical difficulties.

Docketed Item PLN2019-00010 - Surface Mining Pipeline Buffers

The committee reviewed and discussed the staff memo that was included as part of the agenda packet in response to the docketed item PLN2019-00010. The proposed docket item stated:

Amend the Whatcom County Comprehensive Plan and Whatcom County to determine the minimum safe distance to allow surface mining to be conducted from

a petroleum pipeline to ensure a pipeline will not become exposed or rupture during an earthquake event and contaminate an aquifer. Determination should be based on independent sources where possible and assume a magnitude 9.0 or greater earthquake could occur.

In response, PDS drafted the following code language:

WCC20.73.153(9)

When mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline, a site specific geotechnical analysis of potential impacts to the pipeline is required. The analysis shall show that mining will not result in an increased likelihood of the pipeline becoming exposed or rupturing during an earthquake, and shall consider various seismic scenarios with a 2 percent probability of exceedance in 50 years on both proximal crustal faults and at the Cascadia Subduction Zone.

The committee voted unanimously in support of forwarding this language onto the Planning Commission for their review and recommendation to the County Council.

Docketed Item PLN2019-00011 - Surface Mining of Dry Meander Zones

The committee reviewed and discussed the staff memo that was included as part of the agenda packet in response to the docketed item PLN2019-00011. The proposed docket item stated:

Amend the Whatcom County Comprehensive Plan and Whatcom County Code to allow the seasonal extraction of sand and gravel from dry upland areas located within the 1,000 year meander zone of the Nooksack River, provided that such extraction has no negative impact on salmon spawning habitat. The intent is to (a) reduce the conversion of land currently used for farming, forestry and wildlife habitat into gravel pits, and (b) safely remove some of the significant sediment load that enters the Nooksack River every year in an effort to reduce flooding and the need to build higher flood prevention berms along the river as the climate continues to change.

Staff noted that the "1,000 year meander zone" appears to be undefined term. Similar regulatory terms used through the country include, but are not limited to: floodplain, floodway, shoreline jurisdiction, channel migration zone, historic migration zone, erosion hazard area, avulsion hazard area, etc. As there are no known definitions of "1,000 year meander zone", staff infers that the intent of the amendment, as stated in the amendment, is to allow for selective mineral resource extraction within the regulatory shoreline jurisdiction and/or the FEMA 100yr floodplain. Staff asked the surface mining industry representatives if it is their understanding that sand and gravel extraction from dry upland areas, as inferred by staff, is presently allowed by Whatcom County. They stated it is their understanding that it is allowed by Whatcom County. It was noted by staff, and confirmed by committee representatives, that the lack of recent sand and gravel extraction within the Nooksack River shoreline jurisdiction/FEMA floodplain/floodway is primarily a function of the time and costs for studies associated with permitting and review at the state and federal level, compared to the economic return on investment.

Staff noted that this docketed item has been added to the Shoreline Management Plan (SMP) 2020 Periodic Update work plan for review for consistency with the Revised Code of Washington (RCW) and Washington Administrative Code (WAC). Staff suggested that the PDS staff and management working on the SMP update may be available to come to the next meeting to discuss how this amendment may be addressed through the update.

Docketed Item PLN2017-00004 - MRL Countywide Designation

The committee reviewed and discussed the draft designation criteria recommendations from the previous surface mining advisory committee that was included as part of the agenda packet. The purpose was to identify what designation criteria would be applicable to be easily mapped at the countywide review level. The committee agreed that the following designation criteria were not applicable for mapping at the countywide review level, as they would require a more site specific analysis to determine consistency with the criteria: 1-6, 8-12, 14. The committee agreed that criteria 7 and 13 would be applicable for mapping at the countywide review level. Determinations of applicability were not decided for criteria 15-20 due to time constraints and will be discussed at the next meeting.

The committee also had brief discussions on how designation criteria may be amended, but those discussions will occur in the future.

New Business

There was no new business.

Dismissal

Closing: 5:08 p.m.	
Next Meeting Date/Time/Location	July 24, 2019 at 3:00 p.m. NW Annex