

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by Northwest )  
Aggregates (a.k.a. Glacier NW) for a ) FINAL ORDER NO. 40-2004  
New Surface Mining Operating Permit to Mine )  
the Fort James Property )

WHEREAS, on February 18, 2004, Glacier NW submitted an application for a new Surface Mining Operating Permit for the Fort James Site located northeast of the Honeyman Road/Meier Road intersection and adjacent to existing Pits A, B, C and D, outside the City of Scappoose; and

WHEREAS, on May 20, 2004, said application was deemed complete; and

WHEREAS, prior to submitting the Surface Mining Operating Permit application, the Applicant received land use approval to operate a surface mine at the Fort James property, through Ordinance No. 2003-7, "In the Matter of the Application of Northwest Aggregates Co. (a.k.a. Glacier NW) for a Comprehensive Plan Amendment from Agricultural Resource to Mineral and Aggregate Resource and a Zone Change from Primary Agriculture (PA-38) to Surface Mining (SM); and

WHEREAS, on February 18, 2004, Glacier NW also submitted an application for Design Review to mine the Fort James Site, which was approved by Final Order No. 39-2004 on June 16, 2004; and

WHEREAS, on June 9, 2004, the Board of County Commissioners opened the public hearing in the matter of the Application by Glacier NW for a new Surface Mining Operating Permit; and

WHEREAS, during the hearing, Todd Dugdale, Columbia County Land Development Services Director, presented the staff report and recommended approval of the Application; and

WHEREAS, during the hearing, Bob Short, and Steve Abel spoke in favor of the Application, and Robert Kessi, Fred Bernett and Netty Loos testified in opposition to the Application; and

WHEREAS, during the hearing, the following evidence was accepted into the record of the decision:

EXHIBIT 1- County Counsel's hearing file containing:

1. Notice of Public Hearing (Publication);
2. Notice of Public Hearing (Property Owner Notice);
3. Affidavit of Publication;
4. Affidavit of Mailing;
5. Board Communication from Todd Dugdale, with the following attachments:
  - A. List of interested parties to receive notice
6. Notice of cancelled planning commission hearing DR 04-08;
7. Permit Application for Site Design Review and County Operating Permit submitted by Glacier NW, Inc.;
8. Site Design Review Submittal Checklist;
9. Letter to Glen Higgins from Steve Abel dated October 7, 2003 with the following attachments:
  - A. Project Summary Work Sheet;
  - B. Legal Description;
  - C. Draft Design Review Plan Set;
  - D. Existing Site Plan;
  - E. Tax Lot Plan;
  - F. Circulation Plan;
  - G. Proposed Site and Grading Plan;
  - H. Stormwater Control Plan;
  - I. Landscape Plan;
10. Pre-application Conference Agenda;
11. Pre-application conference Agenda;
12. CPAC Notice;
13. List of Agencies to receive Notice;
14. Certificate of Mailing, referral contact list;
15. Referral and Acknowledgment from the Scappoose Drainage District dated March 13, 2004;
16. Referral and Acknowledgment from the Scappoose Drainage District dated March 8, 2004;
17. Letter to Scappoose Drainage Improvement Company from LDC design group;
18. Referral and Acknowledgment from the County Roadmaster;
19. Referral and Acknowledgment from the Surface Mining Administrator;
20. Referral and Acknowledgment from the Watermaster;
21. Referral and Acknowledgment from the Port of St. Helens;
22. Referral and Acknowledgment from the Scappoose Fire District with attached letter;
23. Surety Bond to Conduct Mining;
24. Letter to Bob Short from LDS dated February 26, 2004;
25. Photos of site;
26. Letter from Steve Abel to Glen Higgins dated February 19, 2004;
27. Letter from Steve Abel to Glen Higgins dated March 11, 2004;
28. Conditions of Ordinance No. 2003-7;
29. Letter to Board of Commissioners from Scappoose Drainage Improvement Company dated May 28, 2004;
30. E-mail from Glen Higgins from Dave Hill regarding tunnel in County Right of Way

31. Board Communication dated June 9, 2004 with the following attachments:
  - A. Surface Mining Administrator's Report dated May 27, 2004;
  - B. Staff Report to the Board of Commissioners dated June 9, 2004;
  - C. Letter to Carla Cudmore from Glacier Northwest dated May 5, 2004;
  - D. Permit Application for Site Design Review and County Operating Permit;
32. Letter to Steve Abel from Carla Cudmore dated March 18, 2004;
33. Letter from Scappoose Drainage Improvement Company dated March 29, 2004;

EXHIBIT 2- Letter from Robert Kessi dated June 8, 2004; and

WHEREAS, having heard testimony, and having received evidence into the record, the Board of County Commissioners closed the record for evidence and testimony, deliberated on the matter and voted to approve the Application for a new Surface Mining Permit;

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

- A. The Board of County Commissioners adopts the findings of fact and conclusions of law in the Surface Mining Administrator's Report dated May 27, 2004, which is attached hereto as Attachment 1, and is incorporated herein by this reference.
- B. Surface Mining Operating Permit #05-0079 and the proposed Reclamation Plan are APPROVED, subject to the following conditions of approval:
  1. The Applicant shall comply with the conditions of approval as set forth in Final Order No. 39-2004, which is attached hereto as Attachment 2, and is incorporated herein by this reference.
  2. The Applicant shall implement the groundwater monitoring plan for the mine site consistent with the conditions of approval set forth in Final Order No. 39-2004.
  3. The Applicant shall obtain wetland delineation and wetlands mitigation plan approval from the Oregon Department of State Lands.
  4. The Applicant shall construct a 6' cyclone fence around the mine site consistent with the conditions of approval as set forth in Final Order No. 39-2004.
  5. The Applicant shall store and designate topsoil to be used for reclamation purposes separately from the interburden that is to be removed and stockpiled as part of the site berms. The topsoil will then be used as topsoil for the final reclamation. Interburden shall not be used for the final reclamation unless soils testing indicates suitable fertility for plant growth in the interburden.

6. Prior to any mining related activities beginning on the site, the Applicant shall post a \$42,500 bond as financial security for reclamation of the first 10 acres of affected area of the site. The bond rate for additional affected areas beyond the initial 10 acres will be evaluated prior to mining of such areas, and additional financial security may be required by the County.

DATED this 16<sup>th</sup> day of June, 2004.

Approved as to form

By: Sarah Tison  
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard  
Rita Bernhard, Chair

By: Anthony Hyde  
Anthony Hyde, Commissioner

By: Joe Corsiglia  
Joe Corsiglia, Commissioner

**Columbia County  
Surface Mining Administrators Report**

Application for a New Operating Permit #05-0079

**Date:** May 27, 2004

**File Number:** #05-0079

**Site Name:** Fort James

**Applicant /Owner:** Glacier NW  
1050 North River Road  
Portland, OR 97227

**Contact:** Bob Short

**Site Location:** The site is located east side Glacier NW's Pits A & B on the east side of Honeyman Road and west of Santosh Slough.

<b>Tax Account Number</b>	<b>Acres Permitted</b>
4132-000-00300	52 of a 71.24 acre parcel

**Current Zoning:** Surface Mining

**Request:** To begin a new surface mining operation in a surface mining zone, using Article V, Section 5.1 of the Columbia County Surface Mining Ordinance

**Application Complete:** 5/10/04

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**Basic facts:**

Glacier Northwest submitted an application for a new operating permit for 52 acres located in T4N, R1W, Sec. 32 Tax Lot 300 which support a Goal 5 Post Acknowledgement Plan Amendment. The applicant has completed the County's Surface Application for Surface Mining Permit and submitted a Reclamation Plan per Article V of the Surface Mining Ordinance.

This site is a combination of several landuses including livestock grazing, tree plantation, forest and wetland. The mining permit boundary consists of approximately 52 acres which includes the actual mining area, berms, and required setbacks. No processing or blasting will occur on site. All the processing for this facility will take place at Glacier's existing Santosh processing plant at

Pit A. The material will all transported to Pit A via a conveyor system that will pass underneath Honeyman Road.

Glacier Northwest has estimated that approximately 6 million tons of sand and gravel are on site. The entire excavation portion of the site will be mined below the water table and is projected to be at a maximum of 135 feet below the current land surface. Setbacks from adjacent properties, on site wetlands and the Santosh Slough are all required on this site. The final post-mining use of the land is proposed as wildlife habitat which includes sloping of both the in-water and above water slopes, topsoiling, and revegetation.

**Inspection Summary:**

An inspection of the area was conducted on March 17, 2004 with Bob Short. The aggregate site is located on the east side Glacier NW's Pits A & B on the east side of Honeyman Road and west of Santosh Slough. The site is in a rural area with mostly local traffic and is in very close proximity to Glacier Northwest's other operations.

The site occupies a sloping terrace adjacent to Santosh Slough. The site consists of a smaller flatter upper bench, westerly slope area toward the lower bench which is in part occupied by an existing wetland. The site is composed of pasture land, some forest, and poplar plantation. On the southeast side of the permit area an existing wetland and pond exist adjacent to Santosh Slough. It is unsure if the a formal wetland delineation has been conducted or concurred with by the Department of State Lands. The wetlands as outlined by Glaciers submittal indicate that the wetland will not be impacted by the operation. Santosh Sough is the eastern boundary of the site. A 50 foot undisturbed setback will be maintained from the slough.

The mine plan for the site is straight forward. Soil and overburden ranges in depth but averages six feet. As it is removed it will be used for the site's berms. Mining will begin on the north side of the site and progress south southwest to a maximum depth of 135' below ground surface (-115 msl). No blasting will occur on site.

The final reclamation of the site will be for wildlife habitat with the the excavations left as a water impoundment. Wildlife plantings will be done with both herbaceous and shrub/scrub species. This post mining landuse is in agreement with the post mining lands uses for the site agreed upon during the zone change process.

Mining will be done with an using front-end loaders (above water) and a dragline (below water). Once excavated the materials will be allowed to dewater and the loaders will load the pit run onto the conveyor that will transport it to the Santosh processing facility located at Pit A. The conveyor will travel beneath Honeyman Road to get from the Fort James Site to the processing area. No aggregate will be moved from this site by truck.

**Review Criteria/Findings:**

The following sections of Articles V, VI, VII and VIII of the Surface Mining Ordinance are

pertinent to this application:

**Article V, Sections 5.1 and 5.2 - A permit for each surface mining site must be received by the County. Each application for a new operating permit for surface mining shall be accompanied by an application fee of \$900.**

**Finding 1:** An application for a surface mining was submitted along with the \$900 application fee.

**Article V, Sections 5.3 and 5.4 - Each application for a new operating permit for surface mining shall include the information listed in Section 5.3 and whatever additional information the Administrator requires or the applicant deems relevant and by evaluated by the Administrator.**

**Finding 2:** The applicant has supplied the information requested in Section 5.3 and the administrator has evaluated the information including but not limited to landowner information; parcel size and legal description; aerial photo and maps; access road location; processing, excavation and stockpile locations; estimated quantity of mineral extraction; mining methods; contaminate and erosion control methods; and site screening.

**Article VI, Section 6.1 - Each application for a new operating permit for surface mining shall include a reclamation plan for the operating permit. Each plan must include the items listed in Section 6.1 (1 -19) of the surface mining ordinance.**

**Finding 3:** The applicant has supplied a reclamation plan with the information requested in Section 6.1 including but not limited to the present and proposed uses of the property; details of the reclamation activities; protection of the public from steep banks, and other mining hazards; protection of natural drainages, water management plan, reclamation time schedule; slope stabilization; revegetation techniques; visual screening; and the removal of all refuse.

**Article VII, Section 7.1, 7.2 and 7.3 - Financial Security Requirements**

**Finding 4:** The applicant has agreed to posting \$42,500 of financial security for the first 10 acres of affect for reclamation of the site prior to an mining related activities beginning on site. The bond rate for additional affected areas beyond the initial 10 acres will be evaluated at that time, with additional bond possible if warranted. This bond rate was determined by considering the factors in Section 7.2. This bond will be maintained until the surface mining site is reclaimed.

**Article VIII - Operating Requirements**

**Finding 5:** The applicant has submitted a permit and reclamation plan that follow the operating requirements set forth in Article VIII. In addition there is an implied

consent to any requirement not specifically detailed in the permit and application as part of the issuance of the operating permit unless the permit approval specifically excludes a requirement.

**Results of the public comment period:**

No public or governmental body comments were received.

**Conclusion and recommended permit conditions:**

This application for an 52 acre operating permit should be approved with the following permit conditions and submittal of a financial security in the amount of \$42,500 for the first 10 acres of affect.

**Proposed Conditions to the Operating Permit**

1. Inclusion of the PAPA and SITE Design Conditions unless overruled by the surface mining permit (*ex: 200' setback to 50'*)
2. Implementation of the groundwater monitoring plans around tax lot 700 as was stated in the surface mining operating permit application.
3. Department of State Lands approved wetland delineation and mitigation plan
4. Construction of a 6' cyclone fence per the PAPA conditions (*in their mine maps it says either a 6' chain link or 2 strand wire - the PAPA required cyclone*).
5. Topsoil to be used for reclamation purposes must be stored and designated as topsoil, separately from the interburden that is to be removed and stockpiled as part of the site berms. The topsoil will then be used as topsoil for the final reclamation and not the interburden, unless soils testing indicates suitable fertility for plant growth.
6. The applicant has agreed to posting \$42,500 of financial security for the first ten acres of affected area for reclamation of the site prior to an mining related activities beginning on site. The bond rate for additional affected areas beyond the initial ten acres will be evaluated at that time, with additional bond possible if warranted.



## Attachment 2

### Conditions of Approval for Final Order No. 39-2004

For purposes of these conditions of approval, "the Applicant" shall include the current or future record owner(s) of the Fort James Site.

- 1) The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat, with ponds.
- 2) Prior to mining, the Applicant shall obtain an operating permit for the site, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
- 3) The Applicant shall provide berms on the north, east and west sides of the site as depicted on the mining and Reclamation Plan and shall plant the berms using Tall Fescue and Subclover, Amur Honeysuckle, Autumn Olive, Douglas Spirea, and 10 foot red maples at least every 30 feet. Six feet cyclone fences shall be installed, protecting current mining areas.
- 4) The Applicant shall surface the access road with gravel.
- 5) The Applicant shall water the access road to control dust as needed.
- 6) The Applicant shall post a 10 mph speed limit for all on-site vehicles.
- 7) The Applicant shall water all disturbed areas during dry weather operations when bulldozers and/or front-end loaders are operating.
- 8) The Applicant shall spray water on the conveyors at all transfer points, as needed.
- 9) The Applicant shall store overburden as vegetated berms.
- 10) The Applicant shall wash away any dust or mud tracked onto Honeyman Road, as needed.
- 11) The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
- 12) The Applicant shall observe minimum extraction setbacks of 50 feet from public rights-of-way (Honeyman Road), and from the riparian corridor along the Santosh Slough on the east side of the site. Extraction setbacks shall be 200 feet from the property line where residences are permitted, unless consent to reduce the setback is received from adjoining property owners.

- 13) The Applicant shall not allow stormwater to be discharged offsite. For purposes of this condition, "stormwater" shall include "upwelling groundwater."
- 14) The Applicant shall install a silt fence for protection of stormwater/erosion considerations along the western side of Santosh Slough in accordance with Exhibit H in the application.
- 15) The Applicant shall not store fuels or other contaminants onsite.
- 16) Before mining commences, the Applicant shall seek a formal determination of SHPO concurrence on the eligibility for the sites known as 35C022 (Oak Knoll) and 35C046. The Applicant shall stop all excavation if cultural resources are discovered on the site and shall avoid the Oak Knoll Archeological site by a distance of 50 meters (approximately 150 feet).
- 17) Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
- 18) The Applicant shall be required to construct noise berms along the north and east sides of the site boundaries in accordance with Exhibits B and H in the application.
- 19) The Applicant shall be required to construct an eight-foot-high visual berm along the west boundary of the site.
- 20) Gradients shall be constructed to provide slope stability and safe egress from excavated ponds. The slopes of the ponds will be contoured (cut) during the excavation process rather than disposition of fill material. Slopes will be 3:1 (horizontal to vertical) above water, 3:1 to 6:1 in shallow water 1.5:1 (horizontal to vertical) below water depth of six (6) feet. From water surface to six (6) feet below water surface a safety bench will be excavated to allow safe egress from the ponds.
- 21) The Applicant shall follow the recommendations of the traffic consultant to provide safe visual distance at the point of access between Honeyman Road and the site and the Santosh operation (Exhibit F).
- 22) If mining at the Fort James site commences prior to mining at the Pit F site, the Applicant shall pay to the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Meier pits (A-F) and the Fort James pit that will be useful in the planned

improvements to West Lane Road. Prior to mining the Fort James Site, the Applicant shall provide to the County, the amount of rock as the Director determined, which shall be valued at the then current market rate. The value of the usable rock supplied by the Applicant shall be deducted from the \$60,000.00 road improvement fee. Any remaining fee shall be paid to the County prior to the commencement of mining of the Fort James site. If mining commences at the Pit F site prior to the Fort James Site, and the Applicant shall pay the road improvement fee as required in Ordinance No. 2002-09. The Applicant may continue to allow truck traffic to use the North bound access to Hwy 30 from West Lane Road and Southbound access to Hwy 30 from Columbia Blvd. until access to Hwy 30 from Crown-Zellerbach Road is completed, at which point Applicant shall ensure that truck ingress and egress shall be made at the intersection of Hwy 30 and Crown-Zellerbach Road, unless the intersection or road are impassible due to emergency or other conditions.

- 23) Any berms required pursuant to this plan amendment shall be located outside any riparian or wetland setback areas.
- 24) The Applicant shall comply with all requirements of the U.S. Army Corp of Engineers and Oregon Division of State Lands, and shall obtain any permits required by such agencies.
- 25) Prior to beginning mining operations on the site, the Applicant shall provide and implement a ground water monitoring program approved by the Oregon Water Resources Department and/or the State Department of Environmental Quality, and/or any other state or federal agency that asserts jurisdiction over the monitoring plan. The monitoring program shall measure ground water and/or surface water in and around the mine site, and shall document comparable water levels during flooding events. The monitoring program shall also monitor water quality in and around the mine site. Area wells within the 1500 ft. conflict area shall be monitored, subject to property owner consent to such monitoring. The monitoring program shall provide for regular reporting to the Scappoose Drainage Improvement Company ("SDIC"), or its successor drainage district, the County, and to the applicable state and/or federal agencies. The Applicant shall establish a base line of average pumping costs and rainfall in the area surrounding the mining operation during the pre-mining period. When mining commences, the Applicant shall compensate the SDIC for any demonstrated increase in costs for pumping caused by mining of the site. Prior to mining, the Applicant shall attempt to come to an agreement with the SDIC to establish a clear and objective program to determine what compensation, if any, is due the SDIC. If, after good faith negotiations between the Applicant and SDIC, no agreement has been reached, Applicant shall offer to submit the matter to binding arbitration. The sole issue in arbitration shall be what constitutes an equitable program to compensate the SDIC

for any demonstrated increase in costs to the SDIC from pumping caused by mining of the site. Arbitration shall be subject to the rules of the American Arbitration Association, with costs equally shared by the Applicant and SDIC. The Applicant shall not be required to arbitrate the issue if the SDIC fails to agree to arbitration. If the SDIC fails to agree to arbitration, the Applicant's final proposal for a compensation program shall be the effective compensation program.

- 26) The Applicant shall not allow lights to directly illuminate adjacent properties.
- 27) The Applicant shall obtain a construction permit from the County Road Department prior to beginning work within the Honeyman Road right-of-way