



THE NEW DOCK

Better protection for the environment, including eelgrass

“Substantial evidence supports the (Shoreline Hearings) Board’s conclusion that the barge-loading facility will not cause unreasonable adverse effects on the shoreline or surrounding areas and uses.” Washington Court of Appeals decision, Preserve Our Islands vs. Shoreline Hearings Board, June 19, 2006

“All the documents support the conclusion that the new structure results in less impacts of shading to eelgrass than caused by the existing dock.” Declaration of David Palazzi, Washington Department of Natural Resources planning unit supervisor for the Aquatic Lands Division, December 9, 2008. This declaration was filed in opposition to Preserve our Islands request, which was denied, for an injunction to stop construction. Palazzi was involved in the development and management of the Maury Island Aquatic Reserve and the review of Glacier’s lease application.

- King County regulators, as part of the protection features outlined in its environmental impact statement, requested that Glacier Northwest build a new extended dock at its Maury Island sand and gravel mine rather than rebuilding its existing dock.
- The new dock is designed specifically to protect eelgrass beds, other nearshore aquatic habitat and the species which rely on them.
- The old dock is being dismantled and removed, eliminating 228 creosote-treated timber pilings, which can leach harmful compounds into the water, and replacing them with 56 steel pilings.
 - ***“Water quality is likely to benefit from the proposed action..,”*** according to a January 19, 2007 letter from D. Robert Lohn, Regional Administrator of the National Marine Fisheries Service, to Michelle Walker, Corps of Engineers, Seattle District Regulatory Branch.
- The Washington Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service reviewed and approved the new dock’s design. The federal fisheries agencies are responsible for enforcing various aspects of the Endangered Species Act.
- The state Shorelines Hearings Board and Court of Appeals both ruled unanimously that shoreline permits be issued for the new dock, concluding that monitoring and mitigation plans provide sufficient environmental protection. The state Supreme Court declined to hear an appeal of these rulings, essentially upholding them.

- ***“As we have already ruled, substantial evidence supports the (Shoreline Hearings) Board’s conclusion that its conditions, combined with Glacier’s mitigation measures, minimize the adverse impact on the aquatic habitat and prevent substantial degradation of the area’s existing character.”*** Washington Court of Appeals decision, Preserve Our Islands vs. Shoreline Hearings Board, June 19, 2006
- The new dock is higher above the water and slimmer, reducing the shadow it casts. It extends farther into the water so that the majority of the structure and barges tied to the dock will be over deeper water rather than over the portion of the highly productive aquatic environment in shallower water closer to shore where eelgrass could grow. The conveyor will be totally enclosed in a tube to prevent sand and gravel from spilling or blowing into the water during barge loading.
- Barges will be moved along the dock during loading by a system of cables and pulleys powered by electric motors so that tug boats do not have to move them. In addition, there are protocols on how tugs will bring the barges to the dock and how they will leave once the barges are loaded.
- The hours which the dock can operate are limited to between 7 a.m. and 7 p.m., Monday through Friday, a restriction designed to preserve recreational use of the area on evenings and weekends. In addition, between Jan 15 and April 14 operations are further restricted to between 1 hour before sunrise and 1 hour after sunset by the Department of Natural Resources lease.



THE AQUIFER

Providing accurate information

“Because of the changes in the recharge dynamic in the mine area, small impacts to the Principal Aquifer and to springs will occur in parts of the study area.” Maury Island Gravel Mine Hydrogeologic Impact Assessment, May 2000. (*Emphasis added.*)

“Flows in the Dockton Park and the Ferguson Springs are expected to decrease slightly – by up to 0.5 gpm (gallons per minute) – by the end of reclamation. Seasonal flow variations are expected to increase by less than 2 percent of their current flow.” Maury Island Gravel Mine Hydrogeologic Impact Assessment, May 2000.

Despite continuing claims to the contrary, extensive studies indicate the groundwater aquifer beneath the site, and especially Maury Island’s water supply, is protected. Project opponents requested that the Legislature authorize and fund the Maury Island Hydrologic Impact Assessment. Taxpayers paid for the study. It was supervised by the state Department of Ecology and completed in 2000. Yet opponents continue to misstate the facts about the project’s affects on the island’s drinking water supply.

- These studies include King County’s Environmental Impact Statement; the Maury Island Mine Hydrologic Impact Assessment approved by the state legislature, paid for by taxpayers and prepared under the supervision of the Washington State Department of Ecology; and groundwater information that has been collected monthly and reported to regulatory officials since 1999.
- These studies indicate that, much like the way the Cascade or Olympic Mountains determine the flow of surface waters in our state, there is a divide that runs north and south on Maury Island that determines in which direction the groundwater flows beneath the island’s surface.
- The entire Glacier Northwest site lies to the east of this groundwater divide, so all the water beneath the site flows toward the island’s eastern shore. Maury Island’s water supply at Dockton Springs is fed by water that flows to the west from the top of this divide.
- In addition, a buffer that will be a minimum of 15 feet will be maintained at all times between the mining area and the groundwater beneath the site.
 - ***“This is more than currently exists naturally in most King County valley areas and along the Maury Island coast, is greater than is required for mine sites in King County and is greater than is currently provided at most mine sites.”*** Legislative testimony of Lori Herman, state licensed hydrogeologist and engineering geologist and nationally certified groundwater professional, March 21, 2007



THE AQUATIC LANDS LEASE

More than eight years of study and review before decision

“...preparation of the Maury Island Environmental Aquatic Reserve Management Plan... included evaluating the proposed Maury Island Area for aquatic reserve status, conducting a technical review by ad-hoc review committee, providing recommendations to the Commissioner of Public Lands, developing the elements of the management plan, integrating public comments, conducting numerous public individual meetings regarding the plan development and conducting SEPA (State Environmental Policy Act) review of the management plan.” Declaration of David Palazzi, Washington Department of Natural Resources planning unit supervisor for the Aquatic Lands Division, December 9, 2008. This declaration was filed in opposition to Preserve our Islands request, which was denied, for an injunction to stop construction. Palazzi was involved in the development and management of the Maury Island Aquatic Reserve and the review of Glacier’s lease application.

- The issue of the renewal of Glacier’s aquatic lands lease was raised more than eight years ago within the Department of Natural Resources (DNR). On November 17, 2000, the outgoing Commissioner of Public Lands informed Glacier that its aquatic lands lease was not being renewed and that a marine reserve was being created around Maury Island. There was no public, scientific or environmental review and no consultation with Glacier. Because a reserve was going to be established, the letter indicated that shoreline habitat issues, the goals of the marine reserve, plans for any improvements that would be made and operating conditions would likely have to be considered before a lease could be granted.
- Glacier had applied for a new lease a year earlier. It had leased the state-owned bedlands for the prior 32 years. The marine reserve idea was created after discussions with opponents of Glacier’s project.
- Glacier Northwest owns the tidelands – the area between the ordinary high water mark and extreme low tide mark – adjacent to its Maury Island site. Its lease was on the state-owned bedlands – the area waterward of the extreme low tide mark.
- Between 2001 and 2004, DNR completed an environmental review of the aquatic reserve proposal with full public input, before issuing a management plan in 2004. This plan allowed existing uses such as the Quartermaster Yacht Club, Quartermaster Harbor Marina, Dockton County Marina and the Glacier facility to continue if stringent management criteria were met.
- After the management plan was completed, DNR still could not issue a lease until all other needed permits were obtained. After an extraordinarily long permitting process, with multiple public comment and appeal periods, Glacier received the last of these permits from the Corps of Engineers in July 2008.

- DNR reviewed the King County Environmental Impact Statement at the time it was issued in June 2000 and again in conjunction with the new lease. It also reviewed a supplemental EIS at the time it was issued in March 2004 and again prior to the lease
- DNR reviewed the additional permits, further evaluated the project under the criteria in its Aquatic Land Management Regulations and the Maury Island Aquatic Reserve Final Management Plan. Permits reviewed, which contained numerous mitigation requirements and conditions included the Hydraulic Project Approval from the Washington Department of Fish and Wildlife; the King County Shoreline Substantial Development and Conditional Use permits; Corps of Engineers Section 10 and Section 404 Permit issued following an Environmental Assessment under the National Environmental Policy Act; and the Joint Water Quality Certification Order issued by the state Department of Ecology and the Corps of Engineers.
- Also reviewed were the state Shoreline Hearings Board Findings of Fact, Conclusions of Law and Order; King County's Revised Report and Decision for Shoreline Conditional Use Permit and Shoreline Management Substantial Development Permit; the Biological Evaluation and the National Marine Fisheries Service and U.S. Fish and Wildlife Service Endangered Species Act consultation documents; September 2008 Annual Eelgrass Survey Report; the Mitigation Plan: Maury Island Barge-Loading Operations (Extended Dock); the Barge Approach and Departure Protocol; the Draft Conveyor Replacement (Eelgrass) Mitigation Planting Plan; Maury Island Gravel Mine Impact Study: Nearshore Impact Assessment by the Washington Department of Ecology; documents provided by Preserve Our Islands discussing the importance of the Maury Island environment, Glacier Northwest and regulatory issues; and the Department of the Army Permit Evaluation and Decision Document and Final Environmental Assessment. After several months of additional review, DNR then issued a lease on December 2, 2008.
- The lease also included among its terms a number of additional monitoring requirements and other conditions. Among those were the permanent granting of a 400-foot conservation easement for the bluff overlooking Puget Sound; another permanent conservation easement for the tidelands Glacier owns between the bluffs and the leased bedlands; monitoring all eelgrass, including individual shoots, out to minus 30 feet mean lower low water; conducting additional studies on macroalgae, prop wash and drift cells and implementing corrective actions if needed; limiting all exterior lighting other than required for navigation to protect herring during spawning
- To suggest that the recommendation of the experienced, professional DNR staff – who over several years analyzed the Aquatic Reserve and lease issues, the criteria established for the reserve management plan and the numerous mitigation measures in place to protect Puget Sound – were influenced by political considerations or favoritism is demeaning and totally without merit.



ARSENIC

Glacier's land will be the cleanest area on Maury Island after its cleanup of arsenic tainted soil

“Based on the results of leachability tests and other water quality analyses, metals (such as arsenic) are not expected to present a risk to groundwater when contaminated soils are disturbed during mine expansion.” Washington Department of Ecology (DOE) Maury Island Gravel Mining Impact Studies Final Fact Sheet, June 2000

“The arsenic in surface soils from the Asarco plume does not leach to deeper soils or to groundwater. Much data has been collected that illustrates this and Ecology (DOE) has published these data as part of the state's area-wide contamination studies.” Legislative testimony of Lori Herman, state licensed hydrogeologist and engineering geologist and nationally certified groundwater professional, March 21, 2007

- Despite nearly 100 years of operation, contamination from the now closed Asarco smelter has not impacted Maury Island's water supply at Dockton. Contaminant levels there remain similar to those found in wells in other areas of Puget Sound not subjected to smelter fallout.
- Glacier and the Department of Ecology (DOE) first agreed to a voluntary cleanup program to isolate the contaminated topsoil at the mine site in a containment cell.
- On June 25, 2008 the Department of Ecology announced that it was going to commence a more formal Model Toxics Control Act clean-up process for the arsenic tainted topsoil. This cleanup will be overseen by DOE and includes extensive public involvement and regulatory oversight.
- Glacier supported the decision by Ecology to a more formal cleanup process.
- DOE will first require Glacier to study contamination at the site. Glacier will then prepare a feasibility study under DOE's direction, standards and criteria to evaluate alternative remedies. Glacier's proposal to build a containment cell on its property will likely be one of the remedies considered.
- DOE will choose the remedy it considers best based on the site investigation and evaluation of remedies and Glacier will implement selected remedy.
- Ecology requires detailed studies and plans for any selected remedy to ensure that it properly, securely and permanently contains contaminated soils.