

BELFAIR HERALD

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Serving the communities of Belfair, Allyn, Grapeview, Tahuya, Mason Lake, South Shore and Victor

Sea dog



A pooch looks toward the sparkling water while his owners launch their boat into Fair Harbor in Grapeview. Temperatures are expected to peak in the 80s again this week. Herald photo by Isabella Breda

Grump to appeal county mine decision

By Isabella Breda
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Grump Ventures owner Russell Scott said he plans to appeal the Mason County hearing examiner's decision that revoked the company's nonconforming use rights to a gravel mine in a rural residential zone.

"I felt that (the hearing examiner, Phil Olbrechts) disregarded most of our evidence," Scott said.

The hearings for the appeal of the county's decision to rescind Grump Venture's SM-6 form — permitting nonconforming use rights to a 66.5-acre gravel mine in a rural residential zone — lasted over 20 hours.

The hearings, on Zoom, included witness testimony provided by the three interested parties including Grump,

the county and the intervenors — a coalition of nearby homeowners who feel their constitutional rights have been violated, according to a lawsuit they filed in U.S. District Court.

"Oh (the homeowners) feel great," said David Bricklin, attorney for the intervenors. "Hearing examiners have a tough job when determining the credibility of the witnesses in question and he did a great job of deciding what was more credible and what wasn't."

Mason County rescinded Grump Ventures' SM-6 form on Jan. 28 on the grounds that there was a cessation of nonconforming use — no legal or significant mining activity — for two years.

County code stipulates that after two years of inactivity, nonconforming use expires.

During his testimony, Jack John-

son, owner of Peninsula Topsoil and an interested party in the mine, said that the company had an active Department of Natural Resources reclamation permit — necessary to begin operation of a new surface mine — when the county issued its rescission.

In a July interview with the *Herald*, Joe Smillie, communications manager for DNR said Grump Ventures has not contacted DNR, "since they initially applied for a surface mining reclamation permit a few years ago."

According to Olbrechts' decision "there are findings made that suggest that testimony provided by one or more Grump (Ventures) witnesses was not credible."

Grump provided a photo exhibit showing that gravel extraction occurred on Feb. 14, 2017, but when

Johnson saw the photo he testified that it may have been from April 2019 when mining activity occurred on the property without a DNR reclamation permit.

Olbrechts' decision permits Grump Ventures to operate a "hobby mine" — or occasional mining of less than what requires a DNR reclamation permit — on the property, alluding to the fact that Grump provided compelling evidence that this use existed historically.

"In short, Grump (Ventures) may have a nonconforming hobby mine, but it does not have a nonconforming 66.5-acre commercial mine," Olbrechts' decision states.

The intervenors in the hearing also filed a lawsuit against the county and its officials David Windom and

see *MINE*, page A-28



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He who marvels at the beauty of the world in summer will find equal cause for wonder and admiration in winter.
 — John Burroughs

Timber sale faces opposition

By Isabella Breda
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Tahuya residents and young environmental activists are working to stop the Department of Natural Resources from auctioning off next week part of Tahuya State Forest for logging.

“(The timber sale) is in an area that lies in one of the most extremely endangered ecosystems,” 17-year-old environmental activist and Belfair resident Joshua Wright said. “I had objections to that and started the petition.”

DNR’s Tip Top timber sale, scheduled for Aug. 25, is roughly 176 acres of coniferous forest, including towering cedars, Douglas firs and western hemlocks. The forest is across Hood Canal from Alderbrook Resort & Spa.

The minimum bid amount is \$1,097,000 and the purchaser will be responsible for construction and maintenance of access roads, with access to rocky materials from the Sand Hill Pit at no cost.

Petitioners demand that DNR cancels the timber sale and instead allow Tahuya State Forest to “return to an old-growth state” so that the habitat may remain undisturbed.

“These forests aren’t actually old growth — they’re late successional forests (in a state of regrowth after disturbance events) developing into old growth and becoming more valuable to wildlife,” Wright said. “A lot of the big landowners (begin) logging operations every four years and the habitat never fully develops.”

According to Kenny Ocker, DNR communications manager for forest practices, timber sales include explicit guidelines for preservation of trees necessary to “retain the characteristics of the previous forest.”

He added, “In this sale there are legacy trees that likely predate statehood. Those are all being retained as the ‘leave’ trees ... It will regenerate into a forest much like it looks like now.”

In addition to leaving legacy trees untouched, when replanting the forest, the state will use trees that match the natural composition of the forest.

In Washington’s coniferous forests, ecological disturbances are a critical part of habitat management.

According to a 2015 study published in Biological Reviews of the Cambridge Philosophical Society, “species richness, habitat quality, and diversity indices were equally positively affected by disturbances.”

Logging can also act as a natural disturbance.

“Disturbance is a part of the natural routine of land in Washington state,” Ocker said. “You can go from Eastern Washington



Joshua Wright, a 17 year old activist, documentary director and high school dropout looks up at the old growth cedars towering over his head within the Tip Top timber sale. Wright and a group of local landowners are encouraging DNR to cancel the auction of these forest lands for their ecological value. Herald photo by Isabella Breda

where there’s fires, to rainforests where there’s wind events but not ever wildfires. There are always some level of disturbance regime on the landscape here.”

Wright said he and the petitioners are concerned not only about protecting the existing wooded habitats but also the watershed, as Rendsland Creek runs through the timber sale.

“We now have about 1,100 signatures and uproar from the community that lives around the creek,” Wright said. “This is one of a handful of watersheds in the Puget Sound region that is not fully developed (by humans) and we’d like to keep it that way.”

Wright said he feels a responsibility to protect one of the last untouched watersheds in the region.

When petitioners met with DNR Aug. 10, Wright said they were shown the proposed environmental safeguards including stream buffers and “leave” trees but that did not meet their demands.

“We leave eight trees per acre of the gross acres and we also have to meet a certain space — about 400 feet between trunks,” DNR Hood Canal District Manager Andy Aschenbrenner said.

Ocker said DNR has many environmental safeguards in place, including “regular” environmental stewardship audits, performed by the Sustainable Forestry Initiative and the Forest Stewardship Council.

“Any stream wide and gentle enough that fish can use is protected to a width equal to the height a coniferous tree could grow in 100 years,” Ocker said.

The Tip Top timber sale packet maps demonstrate buffers surrounding streams, wetlands and riparian habitats.

According to Nathan McReynolds, Belfair unit manager at DNR, a biologist takes a look at all timber sales, and a geologist spent almost a month evaluating the Tip Top timber sale site. “Foresters are trained to realize when we don’t

know what we’re looking at and that’s when we get the specialists to come take a look,” he added.

Wright said he doesn’t think the site is fit for any logging, with steep hillsides and a creekbed that already appears starved of nutrients.

“All of the lands west of Cascades are managed under a habitat conservation plan reached with U.S. Fish and Wildlife and NOAA fisheries division,” Ocker said. “Ours protects multiple species so it protects water for water quality for salmon and steelhead, brown trout and also habitat for the northern spotted owl.”

Linda Sollars lives across from the timber sale and said she was unaware that the forest was going to auction.

“I don’t subscribe to the DNR site so I didn’t see it — nobody around here knew about it,” she said.

Jill Brothers, another nearby resident, sent an email to DNR that outlined her concerns with the proposed logging operation Aug. 18.

“We are absolutely terrified at the prospect of the likely damage logging and road building will cause Rendsland Creek, shellfish populations of our adjacent public and private beaches and ultimately affect our highly stressed southern orca populations,” she wrote in an email.

According to McReynolds, there was no community opposition during the open public comment period on the State Environmental Policy Act review earlier this year.

Ocker said there were two comments, from the Squaxin Island Tribe asking DNR to touch base with the Skokomish Tribe about cultural resources and one question from a nearby landowner that was addressed by DNR.

The timber sale packet can be viewed at dnr.wa.gov/publications/psl_ts_aug20_tiptop_packet.pdf. Those interested in learning more about the petition should contact Wright at 360-989-8067.

Mine: ‘Agencies in place to manage’

continued from page A-27

Randy Neatherlin, Grump Ventures and owner Scott on June 29.

Pat McCullough, one of the intervenors told the *Herald* in a July interview that the homeowners who filed suit are concerned about the potential environmental hazards of a 66.5-acre gravel mine that is adjacent to Stimson Creek and Hood Canal, as well as the noise pollution and traffic in a

residential zone.

Scott lives near his proposed mine.

“There’s agencies in place to manage all of that and mitigate any environmental issues,” Scott said.

After receiving the county’s SM-6, state law requires prospective mining operations to undergo a State Environmental Policy Act review process and receive a DNR Reclamation Permit in order to

engage in any mining activities.

Following the SEPA 30-day written comment period, on July 23, 2018, Scott submitted a written request to withdraw his applications, according to a letter from Mason County Planner Michael MacSems to the Hood Canal Gravel Mining Opposition Association.

Bricklin said the homeowners do not plan on withdrawing their suit from federal court.