

August 13, 2009

# Environmental Assessment of the Proposed East Jefferson County Trust Land Exchange



Benjamin King



Washington Forest Law Center  
615 Second Avenue, Suite 360  
Seattle, WA 98104  
(206) 223-4088

## Table of Contents

Purpose.....	3
Executive Summary .....	3
Elaboration of Environmental Impacts .....	5
I: Potential for Future Development .....	5
II: Private Logging Practices .....	8
III: Mining Related Activities.....	9
Conclusion .....	11
Appendices.....	13
Appendix A: Article by Eric Hidle .....	14
Appendix B: Letter from David Reid .....	17
Appendix C: Development Plan (Tala Point) .....	18
Appendix D: Letter from Jill Silver .....	19
Appendix E: Questions & Responses from Watershed Scientist.....	21
Appendix F: Tarboo Creek (Washington Wildlife & Recreation Coalition).....	24
Appendix G: Olympic Forest Coalition (Proposed DNR/Pope Resources Land Trade... ).....	25
Appendix H: State Trust Lands Habitat Conservation Plan .....	29
Appendix I: Forest Practices Rules.....	30
Appendix J: GIS Summary (Forest Age).....	31
Appendix K: Letter from Jennifer Portz .....	32
Appendix L: SEPA Exemptions .....	35
Maps.....	36
Map A: Proposed East Jefferson Land Exchange.....	36
Map B: Underlying Geology .....	37
Map C: .....	38

## **Purpose**

This purpose of this report is to provide a brief description of some of the environmental impacts that could occur if the proposed East Jefferson Trust Land Exchange were to be approved. It further advocates that Washington State Department of Natural Resources (DNR) land exchanges not be exempt from State Environmental Policy Act (SEPA). The report is intended to present a glimpse of the future land use activities that are likely to occur and the possible effects of those activities associated with the proposed East Jefferson County Land Exchange.

## **Executive Summary**

DNR and Pope Resources (Pope) have been in the process of negotiating a land exchange in eastern Jefferson County. DNR is proposing to trade 2,970 acres of forest land that are within close proximity to Puget Sound. In exchange, DNR would receive 4,420 acres of Pope land that is bordering, or is in close proximity to the Olympic National Forest. Currently, under SEPA Rules, Part Nine – Categorical Exemptions, land exchanges are exempt from Environmental Impact Statements (EIS) (Appendix L). However, it is possible to petition the Department of Ecology to change categorical exemptions.

A likely land use scenario to occur if Pope obtains the DNR parcels is the conversion of forestland into residential developments. Most of the “State to Pope Resources Proposed Exchange Parcels” are near Puget Sound and close to, or intersected by, highways (Map A). The scenic views and proximity to roads make the parcels at risk of development. The current

forestland could be rezoned for high density development and more roads, houses, people, etc... all would have a significant ecological impact on the land and surrounding aquatic regions. Erosion, stormwater runoff, loss of fishery habitat, and many other adverse environmental impacts could occur from conversion of the current DNR forest lands to into residential development.

Another significant environmental impact that will occur if the exchange is approved is an increase in logging. DNR currently harvests its timber under much stricter environmental regulations than those that Pope is currently subject to. Pope's increased logging activities would likely destroy more wildlife habitat, cause increased stormwater erosion and pollution due to smaller buffer zones, and deplete the area's natural resources at a faster rate.

Lastly one of the greatest environmental concerns, but the hardest to identify and link to the land exchange, involves the current mining operations on existing Pope land. Pope is on the verge of leasing land, next to DNR Parcel #6 and Port Ludlow, to a mining company that will operate a large basalt mine. The mining operation will have significant environmental impacts. If Pope were to obtain the DNR parcels in East Jefferson County, the timber company would then have contiguous land ownership to Puget Sound. Pope could potentially build roads all the way down to the Sound to transport the large quantities of basalt rock. There are serious environmental impacts associated with this activity including erosion and pollution.

## **Elaboration of Environmental Impacts**

### **I: Potential for Future Development**

Under the current DNR land exchange process, appraisers are prohibited from considering the speculative, future development value of DNR's forest lands. The lands are valued by an independent appraiser who must only value the lands as they are currently zoned. For this reason, land exchanges can be lucrative for companies involved in exchanges with DNR. David Nunes, President and CEO of Pope Resources, has stated that the proposed land exchange is "just a timber-for-timber deal" (Appendix A). Judging by the location of the DNR parcels considered for exchange, one can assume that if the parcels fell into private ownership the plots would likely become more than working commercial forests and more than a "timber-for-timber deal." If Pope were to acquire the DNR lands, the timber company, which has a development subsidiary, Olympic Property Group (OPG), would, at some point, attempt to convert/rezone the forest lands for residential development.

As evidence to the likelihood of future residential development on the DNR parcels, OPG has recently hired R.W. Thorpe & Associates, a planning firm, and D.R. STRONG Consulting Engineers, a civil engineering and land surveying firm, to draft development plans for the 251 acres owned by Pope surrounding DNR parcel #8. OPG will develop 54 home sites on this property and already has a road easement across DNR #8, connecting to the streets within the planned development. If Pope were to acquire DNR #8 and similarly rezone the parcel in the surrounding area, OPG could develop 16 additional home sites (Appendix B).

The proposed land exchange in eastern Jefferson County currently has many future development impacts that DNR may not be considering. Once Pope owns the DNR parcels it has the ability to rezone the land for residential development, sell the land to another developer, and/or pursue other methods of higher density zoning/development. Jill Silver, Executive Director of the 10,000 Years Institute, summarizes many of the environmental concerns associated with development around the Port Ludlow area:

These forest habitats and aquatic resources are especially vulnerable and critical in the lower elevations where DNR parcels are located – where species that can migrate come to breed or to move into during harsh summer and winter conditions when water or food resources are scarce. Development such as Port Ludlow which didn't take into consideration any of the sensitive seeps, springs, small streams, or forest wetlands, result in net loss of function and an irreplaceable loss for the public's fish and wildlife and water resources – and will only be repeated under current regulatory conditions. These type of developments clear native vegetation and remove native soils, generate polluted stormwater, and essentially result in a taking of the public commons by damaging the services provided by healthy intact forest ecosystems (Appendix D).

Silver's comments show that there are considerable environmental impacts associated with residential development in eastern Jefferson County, which DNR currently does not evaluate at the time land is exchanged.

In addition to Silver's concerns, there may be other environmental impacts that relate specifically to stormwater runoff and its effect on watershed restoration projects and local fish populations, which could be impacted if Pope were to obtain the DNR parcels and develop the land. DNR parcels #12 and #14 comprise 15% (600 acres) of the 4000 acre Tarboo Creek Watershed (See Appendix E). Tarboo Creek is home to many ongoing fishery restoration projects and many scientists in Jefferson County believe that it is a key area to restore and preserve. The Washington Wildlife and Recreation Coalition describe Tarboo Creek in this way:

Lower Tarboo Creek is a rare example of an undeveloped lower river floodplain in Washington. The lower river and adjoining tributaries, side channels, wetlands, Sitka Spruce groves, cedar, and fir forest and Dabob Bay shoreline provide excellent habitat for at-risk salmon stocks and priority wildlife species.

Appendix F.

DNR parcels #12 and #14 are intersected by Washington State Route 104, a state highway. Land close to existing roads are more accessible and therefore at a greater risk of land use conversion if obtained by Pope.

If Pope were to acquire these DNR parcels and were able to rezone the land for high density residential development there could be serious downstream water quality impacts including a significant increase in stormwater runoff. By trading DNR #12 and #14 to Pope, DNR could potentially be jeopardizing \$5 million dollars in salmon restoration work within the Tarboo Creek Watershed. DNR's strategy of trading their lowland Puget Sound property in eastern Jefferson County could lead to erosion, degradation of water quality, and the destruction of habitats in lowland Puget Sound, an area which is especially at risk of conversion and contains some of the most productive fish and wildlife habitats in Washington (Appendix E).

Finally, conversion of the current DNR land for residential development would increase the likelihood that adjacent DNR commercial trust land would also be converted. The working forest land that is essential to the timber industry in Eastern Jefferson County would significantly diminish or even disappear. Conversion of lowland DNR parcels would also increase the carbon output and reduce the chances of Washington State achieving its goals of carbon reduction (Appendix G).

## II: Private Logging Practices

The logging practices and resource management objectives of DNR and Pope are considerably different. The two organizations each have different purposes, goals, and are subject to different laws and regulations. Since 1997, when DNR harvests timber on its trust lands, it must comply with its Habitat Conservation Plan (HCP). The HCP protects endangered species and their habitat, especially aquatic areas, while also leaving large numbers of standing trees (Appendix H). Private forest lands are managed and logged under the State Forest Practices Act (FPA) and WAC 222 Forest Practices Rules, which have less stringent environmental standards than DNR's HCP (Appendix I). If the proposed East Jefferson County land exchange were approved, Pope would be able to log more extensively with smaller aquatic and road buffers than DNR. Jill Silver, again, sheds some important light on the possible environmental implications:

I am most concerned about the loopholes in WAC 222-16-060 which allow harvest under forest practices 10 years prior to conversion to residential. This does not provide a sufficient amount of buffering to protect streams, fish, habitat, forested wetlands, and control chemical pollution, stormwater runoff, and sedimentation that occur in rural residential developments. Nor does it provide enough time to grow back the forests that produce those services that protect public resources – ten year old trees aren't even considered hydrologically mature... (Appendix D).

Should this exchange be approved, all of the resources going into preserving forests under HCP standards will be lost and over a decade of responsible forest management could be in vain.

One additional concern from this proposed exchange is the loss of biologically diverse forests with multiple age level trees. Currently on DNR lands in Eastern Jefferson County, trees near riparian zones and old growth "legacy" trees are protected. DNR often thins its timber stands, instead of clear cutting, to encourage "multi-age" growth. All of these additional

methods of protection could be lost if Pope acquires the DNR property, and Pope would likely log as intensely and as profitably as possible (Appendix E & G).

In general it would appear that DNR is proposing to trade higher value timber for less productive forests currently owned by Pope. Although Pope is offering more total acres of forest (4,420 to DNR's 2,970) the DNR land contains older trees that are part of younger, second growth plantations, or even naturally generated second growth forests, some which are over 100 years old. The Pope parcels considered for this exchange contain more third growth plantations with much younger trees (Appendix E). As this trade is currently proposed, DNR plans to trade away about 1,100 acres of 60-80 year old trees while only receiving 300 acres of equivalent age trees (Appendix J). Besides the economic implications of this proposed exchange, DNR's choice to offer higher quality trees with greater biological diversity/value to a timber company points to additional environmental impacts that should be considered at the time of exchange.

### **III: Mining Related Activities**

The proposed exchange will not expand or create new mines on DNR parcels. Pope stands to gain an insignificant amount of basalt or any valuable ore/rock by acquiring DNR parcels. Therefore, the promises made by Pope not to expand mining operations onto the newly acquired parcels are irrelevant since there is nothing to mine there.

However, there is a relationship between the rock mines on Pope land and the proposed exchange. Pope currently leases its existing land to different mining companies to extract ore, mainly basalt, off of its land. The 40 acre Shine Quarry, located west of Port Ludlow, has been

operating since 1990. Most residents of Port Ludlow consider Shine Quarry to be a good neighbor since they operate under a Jefferson County Conditional Use Permit and have had no regulatory issues for over 20 years. Shine has an additional 10 years to mine on Pope Property (Appendix K).

Despite Shine's good community relationships, Pope believed that the Shine Quarry was not operating as efficiently as possible. According to Jennifer Portz, a local resident in Port Ludlow, "The message that several drew from this public meeting was that Pope regarded environmentally responsible mining as inefficient" (Appendix K). Therefore, Pope has decided to try and lease 145-acres of land, located in the pure basalt vein adjacent to Port Ludlow, to Iron Mountain Quarry (IMQ). Normally, mining operations are restricted to much smaller operations. However, IMQ was able to convince a court that they had always planned to mine the area (Doctrine of Diminishing Assets) and thus subject to 1880s mining rules. These rules are far less stringent than present day laws regarding mining and have the potential for massive ecological devastation. In addition, Portz remarks, "IMQ has a low reputation in their own community of Granite Falls, Washington and have accrued an extremely high number of violations from the National Mine Safety and Health Administration" (Appendix K). IMQ is still in the final stages of its permitting process before it starts extracting basalt, only a few hundred yards away from the Port Ludlow Gold Course. Jefferson County Commissioner John Austin seems to think the mining permits are close to being approved. From these actions and remarks it sounds like Pope is planning to remove more basalt from its property, in larger quantities, and with less environmental restrictions in order to make a greater profit.

The proposed East Jefferson County land exchange relates to IMQ in the following way. Pope would have a continuous block of land from IMQ to the Puget Sound if it were to acquire the proposed DNR land exchange parcels. Currently DNR #6 is blocking Pope's continuous, direct access to Puget Sound. DNR parcels #5, #7, and #8 would provide Pope with a more direct corridor to Puget Sound for basalt distribution. If Pope obtains the DNR parcels they could potentially build roads to transport mined basalt to Mat's Mat, or through Tala Point.

Transporting large quantities of basalt would have environmental impacts that DNR has not fully identified or evaluated. Building the roads and infrastructure necessary to transport the basalt rock could cause erosion. Also, once the rock reaches the water, huge tankers would be loaded with the rock and slowly shipped away causing potential pollution in Puget Sound. Finally, ore is taxed at the point of sale and not at the point of extraction (unlike timber), so Jefferson County would bear all of the environmental consequences with no financial gain.

## **Conclusion**

There are three probable scenarios listed in this report that Pope may pursue that would cause significant adverse environmental impacts. However, Pope could engage in some unforeseen activity or use the land for an unexpected use. For instance, Pope could sell the land to another timber/resource company that has even worse environmental standards than Pope. It is clear from talking with area residents, Jefferson County politicians, and environmental scientists, that the trust level is low for Pope and its true intentions for the DNR parcels. In addition, the environmental concerns mentioned in this report such as erosion, water pollution,

loss of habitat, etc... are all likely to occur with the proposed land exchange and future conversion, but the extent to which they would occur is unknown and has not been quantified. There may also be other important environmental implications that have yet to be identified and assessed. All of these *unknown* environmental impacts and consequences serve to justify the need for further study and review of Washington State land exchanges. By making land exchanges subject to SEPA, the State and DNR can better understand the future environmental implications from land exchanges.

# **APPENDICES**

## **Appendix A: Article by Eric Hidle**

\*see highlighted area

### **Pope Resources, state agree on changes to land swap near Port Ludlow**

March 13, 2009

By Erik Hidle  
Peninsula Daily News

PORT LUDLOW -- Pope Resources and the state Department of Natural Resources have come to an agreement on changes in a proposed land swap in East Jefferson County.

In an effort to make the swaps more equal, several DNR tracts of land have been dropped from consideration after a third-party appraisal.

As it stands now, Pope will trade 4,420 acres to DNR for 2,970 acres of state land.

While the difference in total acres favors DNR by 1,450 acres, the approximate value of timber on the land is more equal, Pope executives said.

Port Ludlow residents have objected to the swap. Several parcels in the package are near the community, and some residents have worried that Pope intends to build a quarry on that land.

Pope executives said that's not the case.

Both parties have said that the impetus for the swap is to trade out lands that are currently intermingled, allowing for more financially responsible management of lands.

The exchange would consolidate DNR land near the Olympic National Forest with Pope Resources land near Dabob Bay and Port Ludlow.

As it stands now, the ownership of the land is a patchwork throughout the south part of East Jefferson County.

At Monday's meeting of the three Jefferson County commissioners, three Pope representatives spoke about the swap.

David Nunes, president and CEO of Pope Resources, said the company is making an effort to inform the public.

"We are trying to set the record straight," Nunes said. "[The reason for the swap is] Pope's lands and DNR's lands are quite intermingled. We want to consolidate ownership in order to reduce operating costs.

"There is actually more timber on DNR lands than on the Pope lands and DNR will retain some timber harvest rights to balance out the value [of the swap]."

No mining

Pope executives also addressed the concerns of citizens in Port Ludlow -- where the community is near a handful of lands that would go to Pope -- that the lands might be used for mining or development.

"As for the areas of most concern for Port Ludlow, there is no underlying basalt in those areas," said John Shea, director of business development for Pope.

"The potential for any mining progressing in those areas is nonexistent."

A proposed basalt quarry on Pope-owned land is not a part of this land swap.

"Zoning [in the areas near Port Ludlow] is predominantly for commercial forest land."

Timber deal only

Nunes said Pope views the swap as "just a timber-for-timber deal."

In response, the county commissioners said they would set up a time in March to meet with Pope and thoroughly discuss the swap.

Representatives from Pope said they would be happy to come back for the meeting.

County Administrator Philip Morley said the meeting has yet to be scheduled, but would be before DNR's scheduled public hearing.

The hearing will take place at 6 p.m. on March 31 at Chimacum Middle School, 91 West Valley Rd., Chimacum.

## November meeting

A public meeting about the swap in November brought a few complaints from residents.

John Viada, manager of DNR's Olympic region, said at the meeting that the goal of the swap was to consolidate the lands into one, large contiguous block that would be easier to manage.

"This is one place we know we can do some long-term forest management," Viada said. "This is a beneficial exchange for the trust lands."

DNR officials were asked by a community member at the meeting if the agency would consider putting restrictions on what Pope could do with the land after it was swapped.

That question was answered with a definitive "no."

"State trust lands are held for the beneficiary of the public," Viada said. "By law, we cannot put restrictions on them which would reduce the value of the land."

Along with improving state management efficiency, the deal would provide long-term trust revenue for county services and for building public schools and universities, said Cathy Baker, DNR spokeswoman.

"It would increase commercial forestry opportunities and increase our ability to maintain a viable habitat in the area," Baker said.

"It will also help maintain the public forest land base and will serve as an increased benefit to the trust."

The exchange involves three state trusts: Common School for building public schools statewide, University Original, benefiting University of Washington, and State Forest Transfer lands, revenues of which support county services such as fire districts.

Pope Resources has been a land and timber owner in the Pacific Northwest for more than 150 years.

The company owns 115,000 acres of productive timberland and nearly 3,000 acres of development property, most of which is within a 50-mile radius of Seattle.

## Appendix B: Letter from David Reid

YLS

March 29, 2009

Department of Natural Resources  
Asset Management & Recreation Division  
ATTN: Land Exchange Number 86-083323  
P.O. Box 47014  
Olympia, WA 98504-7014

RE: DNR #8

Dear Julie Armbruster,

This letter is not to voice opposition to the land swap; but rather, to question whether DNR is receiving full and appropriate value for parcel #8.

The March 13<sup>th</sup> issue of the Peninsula Daily News reports that the swap is a "timber for timber deal" and that values were determined by a third party appraisal. Did this appraisal account for potential development value or timber value only?

Concerning DNR#8:

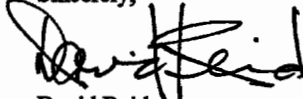
- Olympic Property Group (OPG), the development subsidiary of Pope Resources, has completed development plans for the 251 acres surrounding DNR#8 (a site plan is attached to this letter).
- OPG will develop 54 home sites on this property.
- OPG currently has a road easement across DNR#8, connecting to the streets within the planned development.
- 16 additional home sites could be developed within DNR#8 following the same zoning approved for the OPG site.
- This OPG project is currently in the permit approval process with Jefferson County.

So the question is simple. Does the DNR#8 appraisal account for the added value of this future development potential?

If the answer is yes, can this appraisal be made public?

If the answer is no, what can we do to ensure that DNR manages this parcel in the best interest of the public beneficiaries?

Sincerely,



David Reid  
1331 E Ludlow Ridge Rd  
Port Ludlow, WA 98365

Reid



## Appendix D: Letter from Jill Silver

NEFF, CINDY (DNR)

**From:** NEFF, CINDY (DNR)  
**Sent:** Friday, April 17, 2009 2:46 PM  
**To:** 'jsilver@waypt.com'  
**Cc:** ARMBRUSTER, JULIE (DNR)  
**Subject:** Thank you for your comments. Comments on the East Jefferson Land Exchange

We have received your comments and will consider them along with other comments we receive. Thank you very much!

**From:** Jill Silver [mailto:jsilver@waypt.com]  
**Sent:** Monday, April 13, 2009 7:40 PM  
**To:** 'Jill Silver'; DNR RE Exchanges  
**Cc:** BAKER, CATHY (DNR)  
**Subject:** RE: Comments on the East Jefferson Land Exchange

Whoops - I misspelled it, didn't I! Sorry!

—Original Message—

**From:** Jill Silver [mailto:jsilver@10000yearsinstitute.org]  
**Sent:** Monday, April 13, 2009 5:05 PM  
**To:** exchanges@dnr.wa.gov  
**Subject:** FW: Comments on the East Jefferson Land Exchange

Resending as [cathryn.baker@dnr.wa.gov](mailto:cathryn.baker@dnr.wa.gov) failed....

—Original Message—

**From:** Jill Silver [mailto:jsilver@10000yearsinstitute.org]  
**Sent:** Monday, April 13, 2009 4:21 PM  
**To:** CATHY BAKER; Cathy Baker ([cathryn.baker@dnr.wa.gov](mailto:cathryn.baker@dnr.wa.gov))  
**Cc:** 'jeffboc@co.jefferson.wa.us'; 'Al Scalf'; JOHN.VIADA@dnr.wa.gov; AL VAUGHAN  
**Subject:** Comments on the East Jefferson Land Exchange

Greetings -

Thank you for the opportunity to communicate comments and concerns regarding the Pope/DNR land exchange in East Jefferson County.

I recognize and appreciate the challenges faced by DNR in managing forestlands near rural or city residential areas - people tend to want these unharvested public lands to remain as unofficial parks or recreational areas, and are often opposed to timber harvest or mining that would produce revenue for trust beneficiaries; plus DNR has the additional costs of travel and enforcement. (Personal note - I support finding new revenue sources for supporting schools, counties, and DNR - we are continuing to pit one important resource against others. An income tax sounds like the ticket! ☺)

That said, these low elevation DNR blocks proposed for exchange with higher elevation third growth are of particular importance to fish, wildlife, and protection of water quality, both in freshwater and the receiving marine waters of Puget Sound and the Hood Canal. The blocks proposed for exchange are well-managed forests - with harvest history guided by the Habitat Conservation Plan, which protects aquatic resources and leaves more standing trees than does the Forest Practices Act and WAC 222 Forest Practices Rules.

I am most concerned about loopholes in WAC 222-16-060 which allow harvest under forest practices 10 years prior to conversion to residential. This does not provide a sufficient amount of buffering to protect streams, fish habitat, forested wetlands, and control chemical pollution, stormwater runoff, and sedimentation that occur in rural residential developments. Nor does it provide enough time to grow back the forests that produce those services

1

Silver

that protect public resources – ten year old trees aren't even considered hydrologically mature, and people who purchase home sites in these developments do so for the views which become obscured as the forests recover, setting up a conflict situation.

WAC 222-30 rules apply complicated calculations for basal area targets and stream width that are under study and revision in the CMER adaptive management program, and are based on inaccurate site class mapping and a 100 year site potential tree height – parameters which have ZERO ecological significance on the size of wood needed in a receiving stream channel or the capacity of trees to grow to their full height over their life span. Forested wetlands are not typed waters under WAC 222-16 or 222-24, which results in road sediment being diverted into them, causing net loss of function. The width of buffers has not been proven to be sufficient for the protection of water quality or fish habitat for FORESTRY, much less for higher intensity uses such as rural residential development.

Jefferson County is in the process of complying with updates to regulations that apply to rural residential development including a recent update to the Critical Areas Ordinance (CAO) and a proposed update to the Shoreline Master Program (SMP). The CAO requires the application of CAO buffers on lands applying to be converted. These buffers are as follows:

Type S waters: 150 feet from Ordinary High Water Mark (OHWM) – not bankfull width as in WAC 222.  
Type F waters: 150 feet from OHWM  
Type NP waters: 75 feet from OHWM  
Type NS waters: 50 feet from OHWM

In addition, mature forested wetlands receive up to a 300 foot buffer – in contrast to WAC 222 rules which allow complete harvest and filling up to 0.5 acres (20,000 ft<sup>2</sup>) without replacement.

These forest habitat and aquatic resources are especially vulnerable and critical in the lower elevations where the DNR parcels are located – where species that can migrate come to breed or move into during harsh summer and winter conditions when water or food resources are scarce. Development such as Port Ludlow which didn't take into consideration any of the sensitive seeps, springs, small streams, or forested wetlands, result in net loss of function and an irreplaceable loss for the public's fish and wildlife and water resources – and will only be repeated under current regulatory conditions. These type of developments clear native vegetation and remove native soils, generate polluted stormwater, and essentially result in a taking of the public commons by damaging the services provided by healthy intact forest ecosystems.

Here are suggestions for improving the outcome of such a land trade, should some of the parcels be considered in spite of public opposition:

1. DNR convenes a public process under WAC 222-16-060 **Lands with a likelihood of future conversion** to identify and tag all lands currently and at risk of conversion
2. These lands be surveyed by an expert to map and type the streams and wetlands
3. CAO buffers be placed on all live water including seeps and springs
4. Culvert barriers and problem roads be identified for repair and replacement
5. Public trails are planned for and maintained in the development
6. The development will not protect views as trees grow back
7. Greenbelts and open space be identified as fish and wildlife conservation corridors, connecting other adjacent open space and habitat as per the GMA requirement, and are managed for mature forest characteristics
8. DNR and the local community agree to work with the legislature and the FPB to change WAC 222-16-030 to close the loophole.

Thank you for considering these comments.

Sincerely,

Jill Silver

Jill Silver  
Executive Director  
10,000 Years Institute  
211 Taylor Street, Suite 35A

## Appendix E: Questions & Responses from Watershed Scientist

### Proposed East Jefferson Land Exchange

1. What *likely* environmental impacts do you see occurring if the land exchange passes (short term & long term)?
  - Clearcutting of riparian, wetland and steep slope buffers, and old growth “legacy” trees previously protected under the HCP on DNR lands transferred to Pope and to be managed under less protective Forests and Fish rules for private lands. The trade removes 10 years of HCP prescriptions for forestland in E. Jefferson County. This loss of habitat protection will impact the recovery of ESA listed species and other fish and wildlife.
  - Immediate loss of forest land on some parcels traded to Pope and then sold for both large lot and small lot development. Pope is currently doing this on land they already own in the area.
  - Long term increase in loss of forestland to conversion due to increased development, rezones to higher density.
  - Loss of diverse, older low-elevation forest habitats in E. Jefferson County. DNR has most of the standing timber on their lands, some of which is biologically important, very old stands. DNR would continue to manage these for diverse stand structure, retaining old growth trees and multi-age stands. In the trade, they will be clearcut by Pope and DNR. (DNR can retain and cut 8 mbf of the 16 mbf that are on DNR lands).
2. What are some of the other *unknown* environmental impacts that could result from the land exchange (short term & long term)?

I have not conducted the detailed analysis needed to get a better idea of site specific impacts on the various parcels, although that would be easy to do by overlaying existing DNR management with potential Pope management, or residential development rules.

3. What parcels of DNR land proposed in the exchange are the most concerning to you? And why (is it development, mining, etc.)?

The parcels near Port Ludlow (5-8) and along Hwy 104 (12 and 14) and Hwy 19 (9) are all large parcels (500-1000) acres that should stay in DNR forest management. Parcel 9 has a 1/3 coverage of large, older second growth that is biologically important. Parcels 5-8 are at high risk of development if traded to Pope. Parcels 12 and 14 are at highway

crossroads at higher risk of development and most of it is also in the headwaters of both Chimacum and Tarboo Creek.

DNR 2 is where two forks of Thorndyke Creek come together in a big forested wetlands and is extremely important habitat that would be impacted by logging if traded to Pope. I don't know the other pieces very well, but even though small, they may hold important habitat values.

4. Are there any current restoration projects that will be lost or compromised if this exchange goes through? i.e. a watershed restoration project will be destroyed...
  - DNR 12 and 14 represent about 600 acres of a 4000 acre Tarboo Creek watershed (15%). If this land were rezoned for higher density and developed, it would probably have serious impacts on downstream water quality and stormwater runoff, compromising \$5 M in salmon restoration work in the watershed.
  - DNR 2, 160 acres, in the heart of the Thorndyke Creek watershed, is another high priority fisheries area. DNR-9 may be on Ludlow Ck, but I don't know that area well.
5. What would be the major impacts on fish population located in streams, rivers, lakes, and the Puget Sound if the exchange were to happen and the DNR parcels were developed?

The overall DNR "strategy" of pulling out of lowland Puget Sound, as exemplified by the proposed trade, is exactly opposite of what is needed to protect Puget Sound. The result of such a trade is to further erode water quality and habitats in lowland Puget Sound, which is the most at risk of conversion and also contains the potentially most productive fish and wildlife habitats.

6. Do you know any of the specifics of how the DNR land and Pope Resources land were appraised? And, if any details of the appraisal can be obtained by the public?
  - Appraisers are forbidden from appraising the "speculative" development value – so unless the parcel is surrounded by housing developments, which the DNR pieces are not, the value of the parcel after a rezone (which could be more than 10x its current value) was not considered. This is why it is such a sweet deal for Pope.
  - I think I remember hearing from DNR that the appraiser appraised both Pope and DNR lands under Forests and Fish (private land) forestry rules. It would be worth looking at an unstable slopes map of DNR's to figure out how much of the land Pope is giving to DNR that will not be loggable by DNR. I doubt the appraiser looked at this. In general, the Pope lands to be traded are much steeper and have potentially more slope issues than the current DNR lands in the exchange.

- You cannot get the appraisal until after the trade is completed, according to state laws.

7. If I were to compare a second growth DNR plantation with a third growth Pope Resource plantation what two accessible parcels would you recommend?

Lots of opportunities for that. Again, I would first recommend a fly over to get to know the parcels, then some ground exploration. The DNR lands are not all “2<sup>nd</sup> growth plantations” – they are naturally generated (not planted) second growth forests, some over 100 years old. You would also want to compare a Pope clearcut with a DNR clearcut so you can see the wider buffers, old growth trees, that DNR leaves.

8. In your opinion, what is more likely to protect Puget Sound and local fish populations: (1) forestry under the DNR HCP or (2) county sensitive area rules applied by Pope for development to the DNR parcels? Why?

- Or 3) Pope management under Forests and Fish rules, including broadcast aerial spray of herbicides, clearcutting on short rotations with minimal forest and fish rules, THEN development.
- By this point, they have already cut down the county required buffers, which are generally equivalent to DNR’s HCP buffers. The big additional problem is the development itself, with greater impervious surfaces and nonpoint pollution from roads and residences impacting water quality and increasing frequency and magnitude of flood events and impacts to stream channels and estuaries.

## **Appendix F: Tarboo Creek (Washington Wildlife & Recreation Coalition)**

[http://www.wildliferecreation.org/wwrp-projects/projects/Tarboo\\_Creek](http://www.wildliferecreation.org/wwrp-projects/projects/Tarboo_Creek)

## Appendix G: Olympic Forest Coalition (Proposed DNR/Pope Resources Land Trade)



**Olympic  
Forest  
Coalition**

Protecting and restoring our Olympic forest  
and aquatic ecosystems

### **PROPOSED DNR / POPE RESOURCES LAND TRADE WILL HURT EAST JEFFERSON COUNTY'S FORESTRY, HABITAT, and TAX REVENUE**

DNR is proposing to trade 4,186 acres of forest land spread throughout eastern Jefferson County to Pope Resources in exchange for 4,454 acres from Pope Resources that is located west of Hwy 101 and near Quilcene. In essence, DNR has decided to retreat from forestry management in most of eastern Jefferson County and consolidate their holdings near the Olympic National Forest boundary. In many cases, these types of exchanges can be a good thing - increasing the forestry management efficiency and potential for sustainable forestry by consolidating ownership in larger blocks. However, in this case, this is not an exchange of similar types of property. DNR proposes to give away land with much more timber on it, higher quality habitats, higher recreational values, and with a higher risk of development than the lands they would receive from Pope Resources. If approved, this trade would have severe economic and environmental impacts, as well as unravel the sustainability of forestry in eastern Jefferson County.

After a public "informational" meeting was held in 2008, DNR is now tentatively planning a public hearing in February or March. Rather than waste more public resources on an ill-fated proposal, we urge you to contact Peter Goldmark, the newly elected Public Land Commissioner, and request that he cancel this proposed trade and cancel DNR's "asset management strategy" for eastern Jefferson County. This asset management plan, put into effect last year with no opportunity for public comment, restricts DNR's commitment to long-term forestry to an area west of Hwy 101 and the south end of the Coyle Peninsula. Contact Mr. Goldmark at [cpl@dnr.wa.gov](mailto:cpl@dnr.wa.gov)

You can also contact Jacqué Encarnacion at DNR [jacque.encarnacion@dnr.wa.gov](mailto:jacque.encarnacion@dnr.wa.gov) and request to be placed on the email list for the public hearing announcement for the proposed East Jefferson Land Exchange.

February 24, 2009

606 Lilly Road NE #115, Olympia, WA 98506 / PO Box 490, Quilcene, WA 98376  
[connie@olympicforest.org](mailto:connie@olympicforest.org) / website: [olympicforest.org](http://olympicforest.org)

## **1. Reducing Jefferson County's tax revenues for decades**

This proposed trade will severely reduce the tax revenue to Jefferson County generated by DNR timber sales. DNR is giving away lands that still have substantial standing timber volumes (second growth) in exchange for Pope owned lands with little timber value (third growth plantations). It will be decades before most of these third growth plantations are ready to harvest and provide tax revenue for junior taxing districts. In addition, very little DNR land will remain at all in the Port Ludlow area, eliminating an important source of funding for this fire district.

## **2. Fiscally irresponsible use of public funds**

DNR staff have already initiated an expensive appraisal process for the 8,640 acres under consideration in the land exchange, without a public hearing or receiving approval for the trade.

## **3. A financial boon for Pope Resources and loss to the public**

DNR is proposing to trade away land with extensive standing timber (second growth) in exchange for lands with little timber value (third growth plantations) at a time when timber values are extremely low. There is no compelling reason for DNR to trade away trees when their value is low so that Pope Resources can cut and sell them when the value is high and then convert them.

DNR is also planning to trade away land with much higher development values that may not be adequately valued in the appraisal. Most of the DNR properties are located in areas zoned for Forestry, but are located in areas at risk of development, especially if they can be rezoned, including Port Ludlow and along Hwy 104. In exchange DNR would receive land west of Hwy 101 near the Olympic National Forest Boundary that has low development potential. Some of the land traded to Pope Resources near Port Ludlow could possibly be re-zoned for mining purposes, exponentially increasing its value. This may be a major driver of the effort. Although DNR states that the appraisal they are having done by a contractor will take into account the higher development potential of the DNR land, this is only partially true. By law, the appraiser estimates only the current value under current zoning; the appraiser cannot consider the likelihood that the property could be rezoned to a higher density or for mining sometime in the future.

## **4. Retreating from DNR's commitment under their Habitat Conservation Plan**

DNR has been managing its lands in East Jefferson County for over a decade under a state Habitat Conservation Plan that requires much larger buffers and protected areas for streams and wetlands and unstable slopes than required of private timber companies. In addition, on DNR timber lands in East Jefferson County, almost all of the remnant old growth "legacy"

606 Lilly Road NE #115, Olympia, WA 98506 / PO Box 490, Quilcene, WA 98376  
[connie@olympicforest.org](mailto:connie@olympicforest.org) / [website: olympicforest.org](http://www.olympicforest.org)

trees, some as much as 500 years old, are protected even if the rest of the area has been cut. Some DNR lands are not clearcut, but thinned to encourage the forest to retain multi-age older forest habitats. When this DNR land is given to Pope Resources, the enhanced protection of the HCP rules will no longer apply. One can expect that all of the remaining old growth legacy trees, thinned forests, and other HCP protected areas and wider buffers will be clearcut in accordance with the forest practice rules for private lands.

In exchange for trading away lands with relatively well protected habitats, DNR will receive mostly third growth plantations, with few old growth legacy trees and minimal stream and wetland protection typical of private industrial timber lands. Arguably, this exchange allows DNR to consolidate its ownership - and big blocks of protected habitat are good for wildlife. However, there is no guarantee that after several decades of managing these newly exchanged lands, that DNR will not trade out of East Jefferson County all together, once again erasing a long-term habitat protection commitment.

DNR has no obligation to maintain the protections of the HCP with a sale, but they may do so. The federal agencies that administer the Endangered Species Act requirements cannot veto a sale. "DNR, at its sole discretion, may require that the recipient of the disposed land commit to managing the disposed land in accordance with the HCP and this Agreement." (HCP, ITP 17.4).

## **5. Increasing the risk of conversion of East Jefferson County's forest lands**

The DNR properties being proposed for exchange include many large blocks of several hundred acres or more in size spread throughout the lowlands of East Jefferson County. In exchange, DNR wants to consolidate its ownership in remote areas west of Hwy 101 near the Forest Service Boundary and at the south end of the Coyle Peninsula. The DNR lands proposed for exchange are mostly adjacent to private timber lands and represent the pillars holding up a viable forest land base in East Jefferson County. Although most of these and surrounding lands are zoned Forestry (1 house per 80, 1 house per 40), they are located in areas, such as near Port Ludlow and along Hwy 104, that are at risk of conversion. Once Pope Resources owns these properties, they can sell them outright for large lot development. Also, Pope Resources, or future owners, can apply for increased zoning density under the county's comprehensive plan. Conversion of these properties for development increases the risk of more conversions on adjacent properties, eroding the forest land base that is necessary for a timber industry in Eastern Jefferson County. DNR and Jefferson County should be trying to bolster forestry in the lowland Puget Sound region, not be the first to retreat. The probable conversion of this land will increase the carbon footprint and make achieving the State goals of carbon reduction more difficult to achieve. DNR has some obligation, at least as a State Agency, to further the State goals of carbon reduction.

606 Lilly Road NE #115, Olympia, WA 98506 / PO Box 490, Quilcene, WA 98376  
[connie@olympicforest.org](mailto:connie@olympicforest.org) / website: [olympicforest.org](http://olympicforest.org)

## 6. Reducing the opportunities for public use and recreation

Because the DNR properties are distributed throughout the county, closer to where people live, they are accessible to the public for recreational activities such as walking, biking, fishing, and hunting. The DNR land near Port Ludlow is heavily used. Silent Lake includes public access from DNR land for fishing. If these properties are traded away and DNR lands consolidated west of Hwy 101 near Quilcene, it will greatly reduce the amount of easily accessible public land in Eastern Jefferson County.

## 7. Expanding the mining near Port Ludlow

DNR lands form the bulwark against an expansion of mining near Port Ludlow. Once Pope Resources owns these properties, there is no guarantee that they will keep them in forestry. Given the recent proposed mining expansions in this area, this is of great concern to the residents of Port Ludlow in particular.

## 8. Eliminating opportunities for maintaining and growing sustainable forestry in Eastern Jefferson County.

In 2008, DNR Asset Management staff decided that the only viable area for DNR to invest in long-term forestry is west of Hwy 101 and at the south end of the Coyle Peninsula. This was the only area identified as an asset management priority area that would merit additional land acquisitions and long term management. The plan was decided by DNR with no public input or consultation with Jefferson County. In effect, DNR decided to retreat from the lowland forests of eastern Jefferson County deeming it too risky for long term forestry, even though most of this area is zoned forestry. Because of the proposed land exchange tying up most of this "priority area", there is a shortage of land that DNR can purchase for forestry in East Jefferson County. Thus, DNR is having trouble using Trust Land Transfer funds to buy replacement lands for conservation projects in Eastern Jefferson County since they have severely limited their eligible land area. Unless the asset management plan is overturned, eastern Jefferson County will lose opportunities to maintain the forest land base by purchase of new and replacement properties in many excellent locations throughout the county.

Submitted by:



Connie Gallant  
Vice Chair  
Olympic Forest Coalition



John Fabian  
Hood Canal Coalition



Julie Jaman  
Olympic Environmental Council

Andrea Mitchell  
HOOD CANAL ENVIRONMENTAL COUNCIL

## Appendix H: State Trust Lands Habitat Conservation Plan

[http://www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/trust\\_land\\_hcp.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/trust_land_hcp.aspx)

### Trust Lands Habitat Conservation Plan Program Overview

#### State Trust Lands Habitat Conservation Plan

The trust lands Habitat Conservation Plan (HCP) is a management plan to protect endangered species and their habitat. It guides management on approximately 1.8 million acres of agency-managed forested lands within the range of the northern spotted owl. This HCP is a partnership between the National Marine Fisheries Service—now known as NOAA Fisheries Service, United States Fish and Wildlife Service, and DNR.

To manage HCP lands more efficiently and effectively, they have been broken into nine planning units based primarily on large watersheds. The HCP enables us to comply with Endangered Species Act requirements by providing conservation objectives and strategies that provide habitat for listed and unlisted species while providing greater certainty, flexibility, and stability in meeting our trust responsibilities—generating revenue for trust beneficiaries through activities such as harvesting timber and other forest products.

#### What does the Habitat Conservation Plan protect?

The plan contains conservation strategies to protect several threatened and endangered species and their habitat as well as cultural resources. Major areas protected include:

- Northern spotted owl (*Strix occidentalis caurina*)
- Marbled murrelet (*Brachyramphus marmoratus*)
- Riparian areas, including wetlands and headwater (Type 5) streams
- Cultural resources and historically significant sites
- Uncommon species and habitats

#### How do you track and report on progress?

- Annual reports of activities
- Monitoring
- Research and adaptive management
- Other reports and publications

## **Appendix I: Forest Practices Rules**

[http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/fp\\_rules.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/fp_rules.aspx)

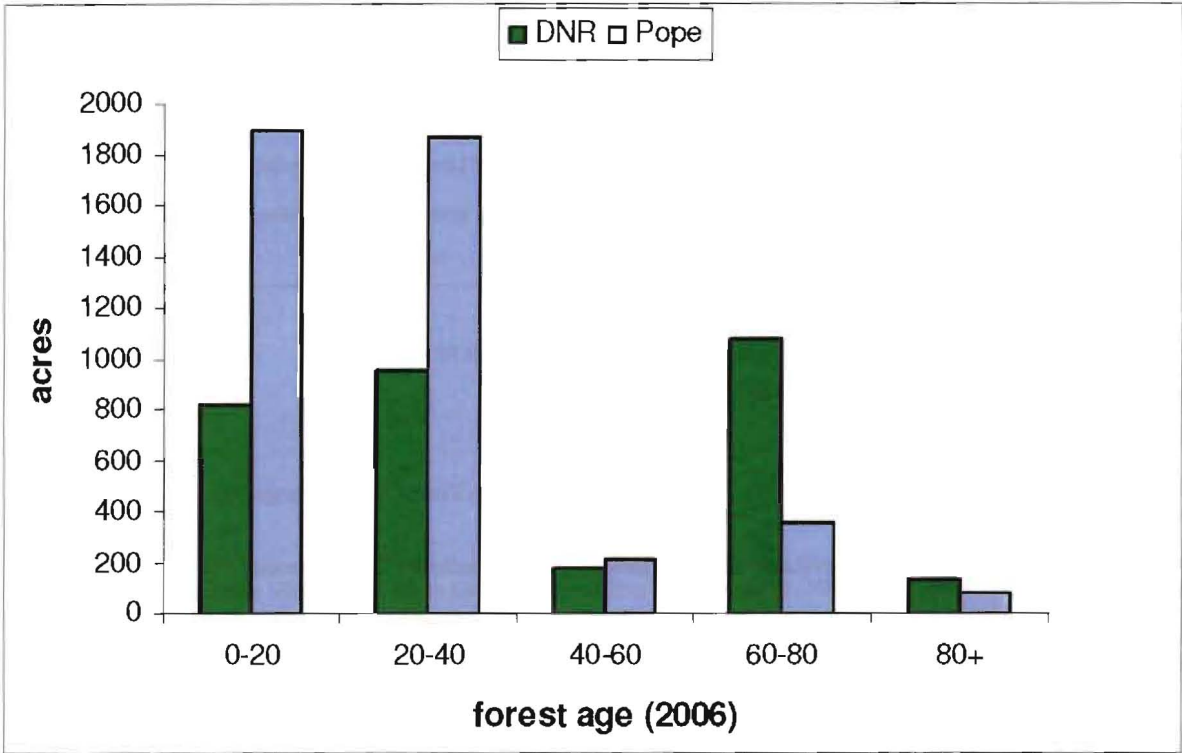
### **RULES OVERVIEW**

The Forest Practices Rules establish standards for forest practices such as timber harvest, pre-commercial thinning, road construction, fertilization, and forest chemical application (Title 222 WAC). They give direction on how to implement the Forest Practices Act (chapter 76.09 RCW) and Stewardship of Non-industrial Forests and Woodlands (chapter 76.13 RCW). The rules are designed to protect public resources such as water quality and fish habitat while maintaining a viable timber industry. They are under constant review through the adaptive management program.

The Forest Practices Board, an independent state agency, adopts forest practices rules.

Rules involving water quality protection must be approved by the Department of Ecology prior to Forest Practices Board adoption.

**Appendix J: GIS Summary (Forest Age)**



Distribution of forest age (as of 2006) on all DNR and Pope parcels proposed for exchange.

## Appendix K: Letter from Jennifer Portz

Page 1 of 3

**From:** NEFF, CINDY (DNR)  
**Sent:** Friday, April 17, 2009 3:24 PM  
**To:** 'jenportz@yahoo.com'  
**Cc:** ARMBRUSTER, JULIE (DNR); BAKER, CATHY (DNR)  
**Subject:** Thank you for your testimony. East Jefferson Trust Land Exchange Testimony

We have received your comments and will consider them along with other comments we receive. Thank you very much!

---

**From:** jenportz@yahoo.com [mailto:jenportz@yahoo.com]  
**Sent:** Saturday, April 11, 2009 10:00 PM  
**To:** DNR RE Exchanges; ARMBRUSTER, JULIE (DNR); BAKER, CATHY (DNR); DNR RE CPL  
**Cc:** John Austin; David Johnson  
**Subject:** East Jefferson Trust Land Exchange Testimony

To Whom It May Concern:

We are writing to voice our concerns regarding the proposed East Jefferson Trust Land Exchange between Pope Resources Inc. (Pope) and the Department of Natural Resources (DNR).

We want to begin our testimony by explaining what precipitated the Port Ludlow Village Council (PLVC) and South Bay Community Association (SBCA) boards' oral testimony submitted at the DNR public meeting held in Chemicum on 31 March 2009 which stated "unanimous support" for the proposed Land Exchange. There is NO unanimous support for the proposed Land Exchange in this community, there is instead great concern regarding it. The testimony given by the PLVC and the SBCA emanated from a vote during a closed, joint meeting these two groups held which was in direct violation of RCW 64.38.035(2) (see Attachment A below).

I say this because the public was never informed that there was to be a meeting in the first place. Once convened it was closed to the public from start to finish, issues were discussed by the boards alone with neither opportunity for written nor verbal comment from the community, and finally the vote to support the Land Exchange was taken still within the same closed meeting. Days later scanty information was sent out via e-mail, but - gratefully - the minutes (see Attachment B below) have also come to light.

These minutes reflect the flimsy reasoning which drove the PLVC and SBCA to defy the law and deny the concerns of many if not most of this community, the Jefferson County Board of County Commissioners and others. For background, two people from each of the boards had been having meetings - also closed - with Pope regarding possible concessions Pope said it would try to extract from a mining company, Iron Mountain Quarry (IMQ). Pope has leased land to IMQ to mine the huge, quite pure basalt vein which lies just below the surface on land which borders Port Ludlow. Then on the 24th or 25th of March Pope sent a letter to the PLVC and SBCA boards setting a deadline of the 31st of March for the groups to show their support for the Land Exchange or negotiations would cease and any concessions would be withdrawn. In exchange for this unanimous support Pope promised to continue discussions with the boards regarding possible concessions from IMQ.

Pope's actions with the PLVC and SBCA boards demonstrates how closely entwined this Land Exchange is with the IMQ mine. And when a larger picture is viewed, it is even more evident. It is not a coincidence that in the summer of 2007 Pope began discussions with IMQ regarding the mine, approached the DNR regarding the Land Exchange, filed documents with Kitsap County to upgrade the docks at Port Gamble and a King County Assemblyman introduced a bill into the state legislature that would transfer control of mine approvals in counties - such as Jefferson - with less than 35,000 inhabitants from the county to state agencies.

This proposed IMQ mine is of great concern to the community and the county as IMQ is refusing to comply with current laws regarding environmental protections, or agree to any conditional uses Jefferson County has

file://\dnrfsoly01\san09\_div\AM\_P\TRANSACTIONS\Exchange\East Jefferson\Outreach\Public ... 4/17/2009

sought to place on their activities. Instead IMQ has demanded, via several lawsuits, to be bound only by 1880 mining law. IMQ has a low reputation in their own community of Granite Falls, WA and have accrued an extremely high number of violations from the National Mine Safety and Health Administration.

Belying their concern for Port Ludlow, in a March public meeting here Pope said they had chosen IMQ rather than the Shine Quarry (a mining operation also on Pope land that has been operating under Jefferson County's Conditional Use Permits with no issues for over 20 years) because "There was the view (within Pope) that the Shine operation wasn't the most efficient operation." The message that several drew from this public meeting was that Pope regarded environmentally responsible mining as inefficient. Further, Pope has touted their "20 acre buffers" adjacent to Port Ludlow, yet they also stated at that same meeting that they maintained the right to log and mine on those "buffers." The only concession Pope has agreed to - within the buffers - is to not subdivide those parcels into less than 20 acre units.

What is of greatest concern is that should this Land Exchange come to fruition, Pope would have contiguous ownership of land from the proposed IMQ mine site to the Sound. The basalt vein IMQ hopes to mine may be very lucrative, but it would be far less so if the only form of transportation was via truck as the economic radius would be far smaller than if the rock could be shipped via barge. Unlike timber extraction, current Washington State law dictates that ore be taxed at the point of sale rather than the point of extraction. Therefore our county would bear the tremendous environmental consequences and reap no benefits from this mine. Further, Pope's timber harvesting techniques would not be held to the same rigorous environmental controls as is the DNR, further diminishing our area's ability to recover after harvesting.

While the need for the DNR to consolidate their holdings is compelling, it does not begin to balance the devastation Jefferson County's environment, both natural and human, would incur. Therefore we ask that the PLVC and SBCA oral (and written, if such has been received) testimony supporting the proposed Land Exchange be stricken from the record and the East Jefferson Trust Land Exchange **not be approved**.

Sincerely,  
Jennifer and Harvey Portz  
64 Timber Ridge Dr.  
46 Village Way PMB 132  
Port Ludlow, WA 98365  
360-531-0739

**Attachment A:**  
RCW 64.38.035

(2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

**Attachment B:**

file://\dnrfsoly01\san09\_div\AM\_P\TRANSACTIONS\Exchange\East Jefferson\Outreach\Public ... 4/17/2009

Joint meeting of the SBCA and PLVC

Friday, March 27, 2009,

The Bay Club

PLVC members present: Laury Hunt, Tony Simpson, Jim Boyer, Helen Cotta, Doug Henderson, Gene Carmody, Art Zoloth, and Jack McKay

SBCA members present: Ken Snyder, Tom McCay, Joe Kelly, Dan Meade, Chris Whitehurst,

Dan Meade was selected as chair of the joint meeting.

Purpose of meeting: Make a decision on whether or not to make a statement (for, against, or no statement) regarding the proposed Pope/DNR land swap at the Jefferson Co. /DNR with Pope Resources on Monday, March 31, 2009, Chimacum Middle School, at 6:00 p.m.

Points for the Pope/DNR Land Swap    Points against the Pope/DNR Land Swap

1. Better opportunity to work with Pope Resources than DNR. Implications to do things or not do things, but no specific statements in agreement, as yet by Pope.
2. Protecting Port Ludlow MPR by a stronger buffer statement    Limited amount of leverage by PLVC and SBCA to make much of a change in the Pope "letter of intent."
3. PLVC and SBCA wanting to establish "good faith" with Pope Resources.
4. Pope Resources willing to work with IMR on PLVC and SBCA issues, e.g., trails and future mining activity.
5. Fairly good "letter of intent" from Pope Resources, e.g., no mining, no development, and harvest timber for 20 years
6. Pope Resources more concerned about public opinion in Port Ludlow than DNR.
7. Could help influence the future decisions regarding IMQ operations.

Three choices before the group:

Support the DNR/Pope land exchange.

Oppose the DNR/Pope land exchange.

Do nothing at the hearing.

Motion by McKay, that the Port Ludlow Village Council representative speak in support of the proposed DNR – Pope Resources land swap. Seconded by Hunt.

Motion by Kelly, that the SBCA representative speak in support of the proposed the DNR – Pope Resources land swap. Seconded by Whitehurst.

Agreement that the two organizations announce their position on the land swap independent of each other.

Dan Meade will contact John Austin, Commissioner.

Laury Hunt will speak at the hearing on Tuesday on behalf of the PLVC.

Dan Meade will speak at the hearing on Tuesday on behalf of the SBCA.

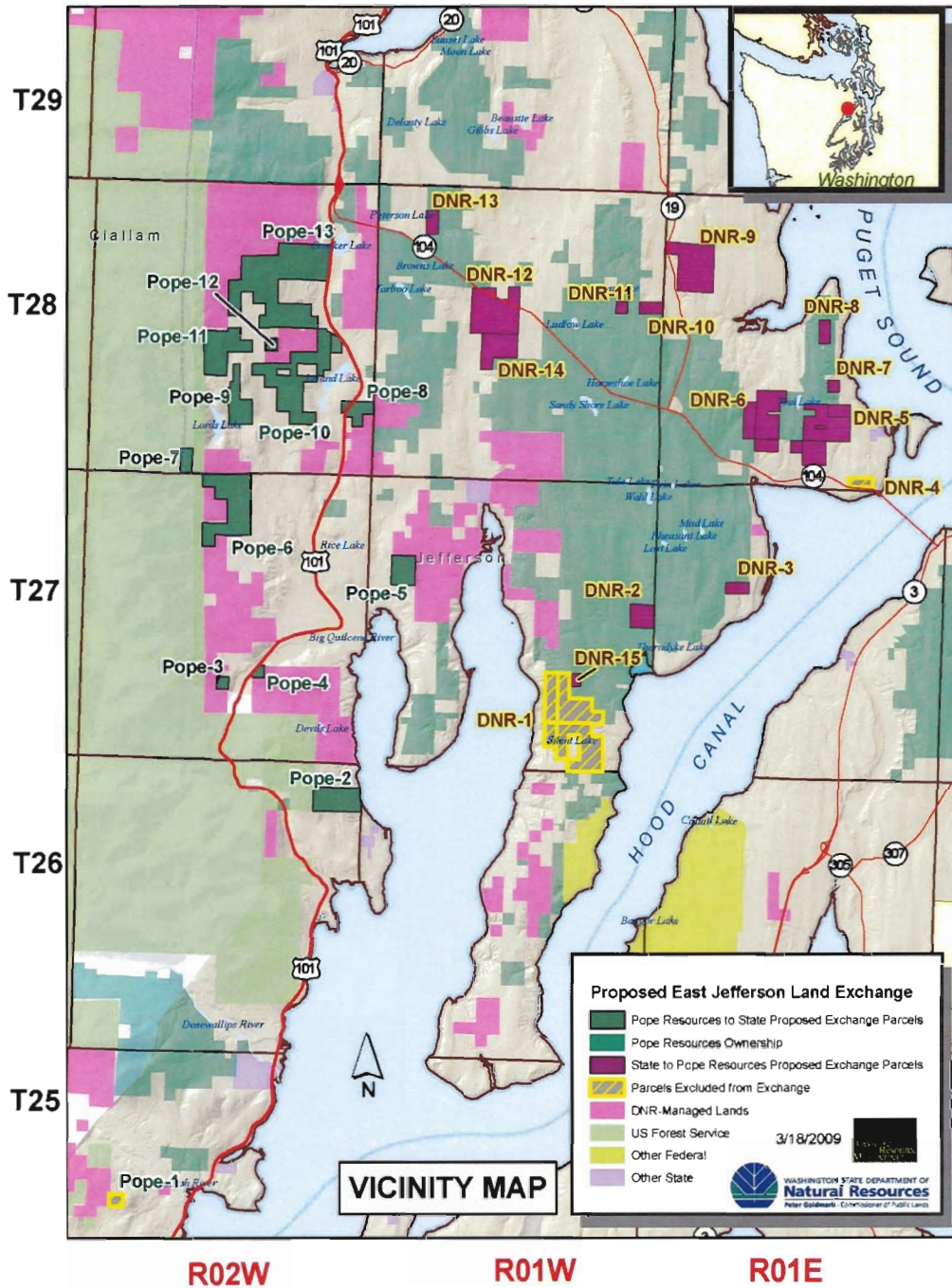
Meeting adjourned at 3:45 p.m.

## **Appendix L: SEPA Exemptions**

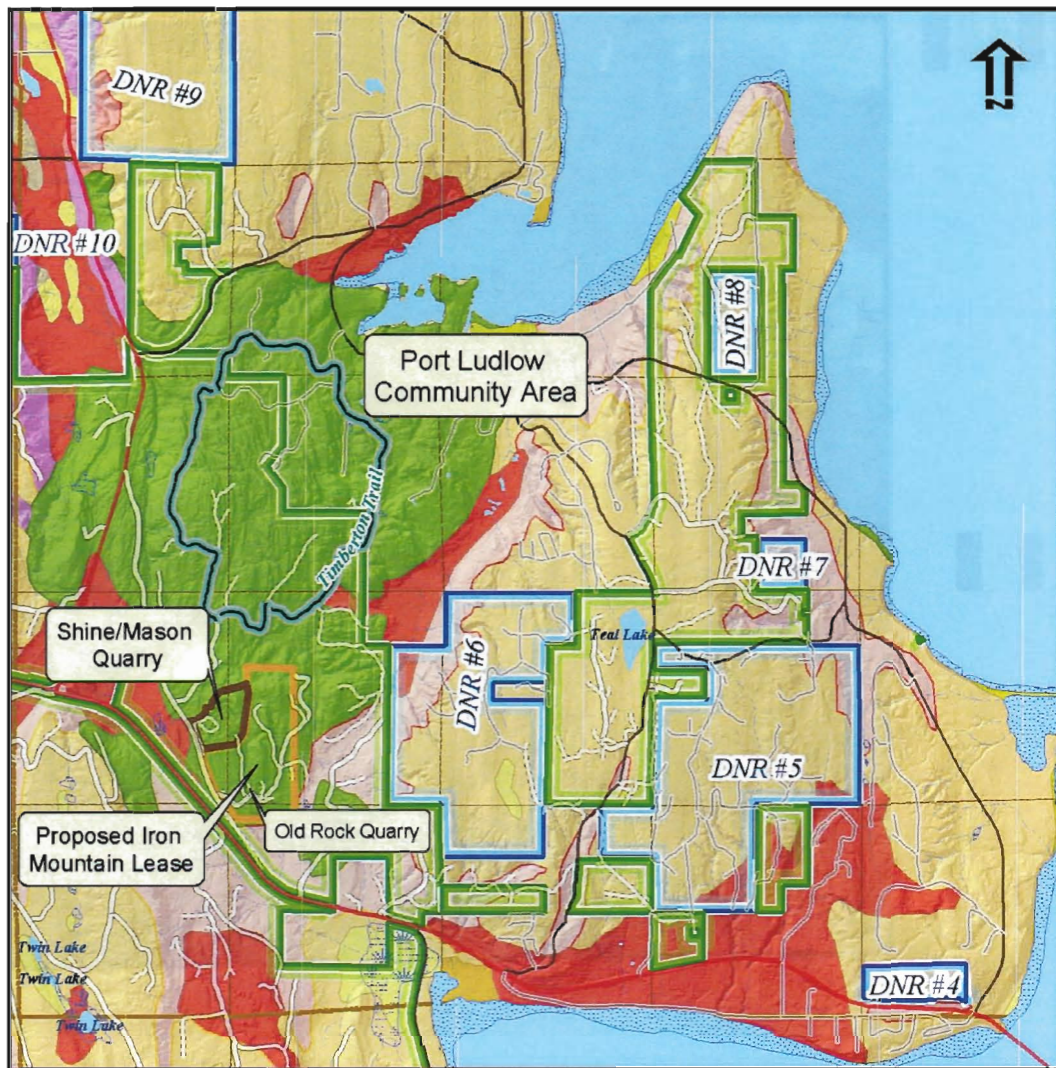
<http://www.ecy.wa.gov/programs/sea/sepa/wac/197-11/197-11pt09.html#865>

# Maps

## Map A: Proposed East Jefferson Land Exchange



## Map B: Underlying Geology



\\FS22-TECHSBRV\OFA\PROJECTS\Pope Resources\DNR Exchange\GIS\Maps\Ludlow\_Geology\_Ltr.mxd 3/3/2009

### Exhibit 2 - Underlying Geology



<b>Geologic Unit</b>	Artificial fill	Continental glacial till	Pope Resources
Basalt flows	Advance cont. glacial outwash	Glacial drift, undivided	WA DNR
Alluvium	Continental glacial outwash	Timberton Trail	
Beach deposits	Continental glacial drift		

Data Sources: Geology from WA DNR Open File Report 2005-3 Digital 1:100,000-scale  
 Geology of Washington State, Hillshaded Topographic Image created from  
 Puget Sound Lidar Consortium Data by Pope Resources, DNR Ownership  
 from DNR GIS, Pope Resources Ownership from Jefferson County and Pope Resources GIS.



Map C:

