



HILARY S. FRANZ  
COMMENTS  
October 17, 2017

**DEPARTMENT OF  
NATURAL RESOURCES**

**AQUATIC RESOURCES DIVISION**

1111 WASHINGTON ST SE  
MAIL STOP 47027  
OLYMPIA, WA 98504-7027

**360-902-1100**

FAX 360-902-1786

TRS 711

ARD@DNR.WA.GOV

WWW.DNR.WA.GOV

ATTN: OSMRE, John Henry EA, OSMRE WR  
C/O: Gretchen Pinkham  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050

Subject: ATTN: OSMRE, John Henry EA

Dear Ms. Pinkham:

Please accept these comments from the Washington State Department of Natural Resources (DNR) regarding the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the John Henry Mine No. 1 Federal Permit WA0007D. This coalmine near Black Diamond, Washington is adjacent to two bodies of water managed by DNR. As the manager of over three million acres of state trust lands comprised of forest, range, commercial and agricultural lands and 2.6 million acres of state-owned aquatic lands, DNR recommends that the Office of Surface Mining Reclamation and Enforcement deny the permit revision and require a full environmental impact statement (EIS).

The DNR Aquatic Resources Program is committed to encouraging public use and access, fostering water dependent uses, ensuring environmental protection, and allowing opportunities for use of renewable resources. The proposed resumption of mining will likely result in significant, adverse impacts to the state-owned aquatic lands in Lake Sawyer as well as Lake Number 12 and beyond state-managed lands. DNR is concerned about the short and long-term impacts that mining the John Henry No. 1 Mine will have on phosphorous loading, sedimentation, aquatic vegetation, sediment quality, species of concern, and general water quality in these two lakes.

The general health of Lake Sawyer and its watershed has been of concern for several decades. The lake is overly rich in phosphorous, which can lead to frequent algal scums, excessive aquatic weeds, and occasional fish kills. Lake Sawyer provides an important migration corridor for late season coho. Resident rainbow trout, cutthroat trout, kokanee, and various warm water fish species are present in the lake as well. Ginder and Mud Creeks flow from the mine into Rock Creek, which is designated by the Washington Department of Fish and Wildlife as a salmon spawning area, before they enter Lake Sawyer. Rock Creek also provides essential habitat for coho, which is a species of special concern.

As the fourth largest lake in King County, Lake Sawyer is a primary recreation area for swimming, boating, fishing, and aesthetic enjoyment. The Department of Ecology (Ecology) developed a total maximum daily load (TMDL) and Implementation Plan for phosphorus in Lake Sawyer. The TMDL and associated plan prevent aquatic vegetation from taking over the lake, thereby allowing for public access and environmental protection. Because the EA did not quantify how the coalmine discharge will affect the TMDL, DNR requests further environmental analysis.

Lake Twelve also suffers from increasing algal blooms and invasive plants, which has led to a number of herbicide treatments. A small creek flows from the wetlands at the east end of Lake Twelve into the Middle Green River, which provides the best salmon habitat in the watershed for ESA threatened Puget Sound Chinook salmon, as well as steelhead, coastal cutthroat, coho, and chum. The EA did not provide substantial evidence that Lake Twelve will not be impacted by resumption of mining activities.

DNR finds it difficult to analyze the potential surface water and other environmental impacts of resuming coal mining at the John Henry Mine due to insufficient information about the affected environment and environmental consequences in the EA. The impact assessment summary in Table 28 describes the impacts to fish and wildlife as short and long term and minor and negligible. These terms define effects as limited to local change in the population. These types of impacts are not acceptable for the species of concern in Lake Sawyer and its creeks and DNR believes they warrant the completion of an EIS.

DNR also requests that additional environmental analysis be completed to identify potential, adverse impacts of industrial runoff on phosphorus loading, including potential need for increased monitoring, treatment, or aeration actions, and other potential mitigation measures to maintain lake water quality and health. Additionally, the EA included no discussion of potential mitigation measures to minimize local impacts to coho salmon. DNR requests further analysis to quantify impacts and identify mitigation measures.

DNR appreciates the opportunity to submit comments on the John Henry Mine Environmental Assessment. Should you have any questions regarding this letter, please do not hesitate to contact Katrina Lassiter in the Aquatic Resources Policy Unit at (360) 902-1013 or [katrina.lassiter@dnr.wa.gov](mailto:katrina.lassiter@dnr.wa.gov).

Sincerely,



Michal Rechner, Division Manager  
Aquatic Resources Division

C: Katrina Lassiter, Policy Unit Supervisor