

Brathovde public comments on Amended SEPA Environmental Checklist for Ravensdale, LLC Trench Filling Expansion proposal – GRDE18-0114, Amended Checklist dated July 2016 and stamped RECEIVED 7/26/18.

October 10, 2018

The “final” SEPA Checklist contains numerous errors and omissions, as described below. Some of these are minor, and some foundational to the consideration of this expansion application. This checklist should be updated/corrected before this application is evaluated.

Specific Comments relating to SEPA Checklist

Note: Several of the Checklist entries have the notation “[Help]”. But this checklist (signed by Brett M. Allen on 6/18/18, is what is on the DPER website as of 10/10/18, and listed as “SEPA Final”.

Checklist item A.10 – This indicates a DOE NPDES permit is required for this application. The engineering drawings for this project also note that an NPDES permit is required. However, DPER’s RECORD DETAILS summary for this project on their website indicates a NPDES is not required. When the original permit was approved, the landowner was instructed to check with DOE whether such a permit was required. Our understanding such a contact was never made. Other documents from DOE indicate that there is a Construction Stormwater General Permit (CSWGP) for this project, with numerous violations for failure to report against this permit. Have the DNR Forest Practices Act applications referenced already been submitted? I have not received any notification from DNR on these application numbers.

A.11 – Some of the new trenches proposed for filling with this expansion are NOT “existing mine trenches”, and thus not mine “reclamation-restoration” plans. Trench B should be removed from this list. Based on other documents, Trench B has been replaced with Trench K. Also, the Locator map appears to show only the proposed expansions of Trenches E and F. This is misleading, as part of this application is to reflect the “as-builts” for these two trenches (as well as D). As such, the Locator map should include the already filled portions of E and F Trenches also. The “215±” acreage for the project also does not visually appear to align with the trenches designated on the location map, nor trench acreages quoted in other documents. For example, in the Permit Application Worksheet, the Total Area Cleared/Graded is shown as 71.46 acres.

B.1.d – The mine trenches being filled were created in the late 1940’s/early 1950’s – not “in the early 1900’s”.

B.1.e – As referenced above, Trench B should be relabeled as Trench K. The volumes shown for Trenches E and F reflect the proposed expansions to these two trenches only, and do not include the as-builts for these two trenches. These as-built volumes (33,200 cy for E and 46,700 cy for F) should be added to the volumes shown. Finally, none of the volumes quoted in any of these documents seem to align with the 2,128,407 Volume of Fill (Imported) shown on the Permit Application Worksheet.

B.1.h – Based on extensive past experience with the project, we strongly object to the statement “The trenches will be most likely filled once at a time to minimize the potential of erosion.” The one-at-a-time should be absolutely mandated for this project. The County and Forterra fought with the owners for years on Trenches D, E and F to get the owners to cap and plant them. These filled trenches sat for well over a year, without any of the erosion control features called for in the approved plans, while other trenches were being filled, before being capped and planted.

B.1.h – “Erosion from the site” was a major issue with Trenches E and F. The “silt fencing” that was done on Trenches E and F were TOTALLY ineffective, and the “covering exposed soils” requirement, as specified in the approved plans for D, E and F was NEVER implemented. Is the “erosion control plan .. being developed” the same as the

Construction Stormwater Pollution and Prevention Plan on the DPER website? If not, it is absolutely necessary that the referenced “erosion control plan” be made available for public review before public comments can be completed for this application.

- B.3.a.1 – Besides Wetlands A through L, the SEPA should also reference the water bodies within Trench E (known locally as Green Pond), and the seasonal water body within Trench F. Both of these water bodies were previously determined to be legitimate wetlands by DOE-certified wetlands specialists working for Genesis Resource Consulting (Erickson’s prior environmental consultants); and by KC DDES, who also designated these wetlands as Critical Areas. This previous study is noted in SEPA Checklist item A.8. The discrepancy between these two studies has a major bearing on this proposal, as the current application proposes filling both these previously-identified wetlands. Relatedly, the WRS Habitat Rating scores for many of these wetlands, and hence the required buffer widths, also varies dramatically between the two studies. The discrepancy in mandatory buffer widths has a direct bearing on whether some of the trenches proposed for filling in this application can be filled at all without violating wetland buffers. This fundamental discrepancy between what would appear to be legitimate environmental assessments must be highlighted in this Checklist, rather than hidden.
- B.3.a.1 – With regards to the comment on streams, the classification of Ravensdale Creek (better known as 31-Man Creek; technically, Ravensdale Creek starts as the outflow from Ravensdale Lake) as non-fish (Type N) is attributed to WA DNR maps. This is incorrect. This creek is fish-bearing (as are Wetlands G, H, and I); and this has been recognized and accepted by both WA DNR and by WA F&WS. This stream does go sub-surface downstream of the trenches, but not “through a mine pit” as asserted. In addition, Rock Creek, another documented and designated F-Type stream, is within 100’ of “Trench I” (which is not a mine trench). While there is no known surface connectivity between this “trench” and Rock Creek, due to the BN mainline separating the two, the majority of Rock Creek flow has been determined to be sub-surface. Is possible this sub-surface flow could underlie Trench I.
- B.3.a.2&3 – The proposed expansion of both Trenches E and F reflect filling what was previously determined to be wetlands, by both County and environmental consultants hired by the landowners (and trained and certified by DOE). In addition, the designated clearing limits on both Trenches F and G encroach significantly on the adjacent wetlands buffers (Wetlands A, B and G). Based on past experience with Trenches E and F, we have grave concerns for potential damage to Buck Lake, Mine Pond and 31-Man Creek (all documented F-type waters) from reclamation work from A, C, G and H trenches. In addition, use of the main haul road along Buck Lake for accessing Trenches E, F and J during the wet season is not permitted under the Conservation Easement owned by Forterra on this property. Past use of this road during the wet season has resulted in substantial sediment flows into Buck Lake and 31-Man Creek, and numerous efforts to control this contamination have all been unsuccessful. The SEPA Checklist should address how they are proposing accessing these trenches during the wet season.
- B.3.a.4 – Surface water from Buck Lake has been illegally withdrawn on many occasions in the past by the landowners to water roads for dust control, and to fill their wheel wash for mud control.
- B.3.b.2 – There has been considerable dumping of Vactor trucks into Trench C already. This, and most of the other surface mine trenches, overlay underground mine tunnels from the early 1900’s. Our experience with Vactor trucks is that their contents oftentimes include material vacuumed from underground vaults that contain the run-off from parking lots, construction sites and the like. It would seem this material could be highly susceptible to including various contaminants, which, when dumped in these surface mine trenches, could find their way into the underlying mine tunnels, and hence to the groundwater aquifer.

- B.3.c.1 – Surface stormwater runoff has been a major problem from A, E and F Trenches in the past. As noted in the comment for B.1.h, we need to understand if the referenced “Temporary Erosion Control Plan”, being developed by Contour Engineering, LLC is the same as the Construction Stormwater Pollution Prevention Plan, or not.
- B.3.c.3 – We have major concerns that the proposed filling of the expanded F-Trench could significantly change existing surface and sub-surface drainage patterns. This area constitutes the headwaters for Lake 12/Crow Marsh and Rock Creek – both very sensitive F-Type waters. Prior studies have concluded Trench F and the Class II wetland to the north (SVC’s Wetland A) are hydrologically connected. Filling Trench F could easily impact surface and/or sub-surface drainage patterns from these headwaters.
- B.3.d – Again, is “Temporary Erosion Control Plan” same as Construction Stormwater Pollution Prevention Plan? The “temporary sediment traps” called for in prior trench fillings have mostly been ignored. These, and other stormwater control features, must be a mandated, monitored and enforced component of this permit to avoid the kind of damage to public resources that we have seen with the past filling on this project.
- B.4.b –A major concern is that the Clearing Limits for Trenches G and F encroach substantially on the wetlands buffers. Clearing within the buffers should NOT be allowed. Statement that “subject trenches are dominated by non-native invasive vegetation,” is not totally defensible. Blackberry, both Evergreen and Himalayan, are major invasives present in some of these sites, but considerable native vegetation is also present, and oftentimes dominant.
- B.4.c – Our understanding is that one of the last sightings of the endangered Western Pond Turtle was near Buck Lake, which is downgradient from Trenches C, H, G and H (and possibly K). Buck Lake, as previously mentioned, has also experienced considerable sediment flow from the use of the main access road along Buck Lake during the wet season, which is not permitted under the terms of the Conservation Easement on this property.
- B.4.d – DPER’s RECORD DETAILS summary for this project on their website indicates that no Forest Management Plan exists for this property. That is incorrect, as indicated in this Checklist item. However, the County-approved Forest Management Plan was not followed in the capping and regeneration of Trenches D, E and F; and to our knowledge, no representative of County DNRP has visited this site to assess compliance with this plan.
- B.4.e – Numerous other noxious and invasive species also exist on this site. Major ones include Evergreen Blackberry, Tansy Ragwort, and butterfly bush. Due to trench filling activity, we now have major infestations of Japanese knotweed in and near E, F and C trenches. DPER has identified this as a Corrective Action Notice item, and demanded the landowners develop a plan for effectively dealing with this introduced invasive. Forterra has offered to assist with this. But to date, to our knowledge, this has been totally ignored by the landowners, along with several other Corrective Action Notice items. These infestations are in/near the headwaters of both Lake 12/Rock Creek (WRIA 8), and also near the headwaters of Ravensdale Lake and Ravensdale Creek (WRIA 9). We have also encountered buffalo burr, introduced in C-Trench fill. We have eliminated all these plants we have been able to locate.
- B.5.a – Other birds known to be on/near site include Red Tail hawk, Turkey vulture, Osprey, Great Blue Heron. Audobon Society has also assembled an extensive list of birds known to frequent the Ravensdale area. Other mammals include cougar, coyote, beaver and river otter. Cutthroat trout are common in Buck Lake, Mine Pond and 31-Man Creek. Pacific Giant Salamander is also known to occupy this site.
- B.5.b – Note comment re: Western Pond Turtle in B.4.c comment.

- B.5.d – The implication that this trench filling will ‘provide future wildlife habitat’ is clearly misleading. This filling will basically transform some of the unique, scree-slope habitat in the deeper, steeper trenches (A and C) to gentle, Douglas-fir plantation habitat – which is already in GREAT supply throughout SE King County. So this trench filling project will actually diminish the diversity of habitat available for wildlife within SE King County.
- B.7.a.1 – “*No known*” contaminants is probably accurate. “*Or possible*” contaminants is incorrect. It was common practice in the Ravensdale area to utilize the abandoned mine trenches, pits and underground tunnels to dispose of various wastes, including hazardous wastes. Besides the identified mine trenches, this site is heavily underlain with underground mine tunnels. Trench I was also historically used for various railroad and coal tailings disposal purposes, and thus subject to past contamination which has never been tested for.
- B.7.a.2 – “*There are no known existing hazardous chemical or conditions.*” There is a ‘spring/stream’ flowing into the west side of Buck Lake that has a very strong, sulfur smell and has extensive feathery white growths growing in the stream. Erickson’s prior operator for this site was well aware of this stream. It appears to originate from the approximate location of the original mine portal to the extensive Ravensdale No. 2 (McKay seam) underground mine. To our knowledge, this stream has never been tested to determine what is causing the smell and unusual growths.
- B.7.b.2 – “*It is anticipated that operations could run 24 hours a day, 7 days a week*” Any operations outside of normal business hours must be on an as-needed basis, and should require community notification, a public meeting and solicitation of public comments, and approval by DPER Director – as was done when Reserve Silica’s permit was expanded to include the possibility of 24/7 operation. Operations outside normal business hours should NOT be at the discretion of the landowner/operator; and should not be an automatic part of this permit.
- B.7.b.3 – “*Trucking operations will avoid residential streets were [sic] possible.*” There is NO current means to access this property without using residential streets. The most critical issue is that trucking operations cease utilizing the Ravensdale Park access road (currently designated as 272nd Ave SE), which runs directly through the Park. This road is NOT a County DOT road, but a Parks access road. County DNRP will be closing this road to through truck traffic in the near future, to limit the risk of a tragic truck/pedestrian accident.
- B.7.b.3 – “The construction areas are located approximately 0.5 mile from the nearest residential property.” This statement is incorrect. Nine of the proposed trenches are significantly less than 0.5 miles distant from the Ravensdale residential area, with the two biggest being less than 1000’ distant.
- B.8.a – Mineral extraction is no longer a use on property adjacent on the west. Owners of that property are aggressively promoting the County to endorse a large housing development on this property, which will be directly adjacent to the Erickson/Wagner property. While property to north is “*railroad right-of-way*”, directly across the relatively narrow right-of-way is residential, County Park, and County Natural Area lands.
- B.8.h – As mentioned previously, the previously designated wetlands within Trenches E and F were classified as Critical Areas by the County. In addition to wetlands and streams, County also indicates much of this area contains Steep Slope, Erosion, Landslide and Coal Mine Hazards.
- B.12.a – Equestrian and hiking recreation opportunities “*at the approval of the landowner*” is not quite correct. There is a Trail Easement along the south and east sides of this property, which allow non-motorized trail usage without permission of the landowner. This is part of the “*Conservation easement requirements with Cascade Land Conservancy*” [now Forterra] referred to in B.12.c.

- B.12.c – What “*local horseman’s club*” are you working with? We have heard nothing about this discussion from local Backcountry Horsemen club.
- B.12.c – Coordination and agreement with Forterra (owner of three Conservation Easements on this property), regarding not only recreation (Trails Easement), but also Forestry-related activities (Forestry Easement) MUST occur before this permit application is approved. In past, DPER has approved filling practices on this property that are in direct violation of terms of the Conservation Easements.
- B.13.b&d – Most of the mining activity from 1899 – the mid-1950’s, and then entire business district of Ravensdale in the 1899-1916 time period, actually occurred on this property. Any “*remnants of historical coal mining facilities*” uncovered in the process of grading and filling this site should be brought to the attention of County archeologist/preservation officer.
- B.14.a – The western and northern haul routes shown on the maps are impractical. Specifically, the ~140 degree corner at the intersection of Kent-Kangley Rd and Ravensdale Way is not safely negotiable by truck/trailer combinations. Past hauling has instead utilized 272nd Ave SE as a viable connector between Kent-Kangley and Ravensdale Way, but this route is being closed by King County Parks due to high risk of truck-pedestrian accidents in the heavily-used Park (see B.7.b.3 comment). An alternative connector is 268th Ave SE, but DPER has previously determined that that route also has issues, and directed that truck traffic cease to use that route. Recent studies have recommended that to minimize disruptions to adjacent residential areas, the preferred access route to this site from the north or west, is to take Hwy 169 southbound to Black Diamond, then utilize the Black Diamond-Ravensdale Road to the site - as shown on the Southern Haul Route map.
- B.14.d – Not sure what “*Maintenance will maximize the width of the existing travel surface throughout the project site*” statement means. Owners constructed a 30+’ wide, paved road to gain access to C-Trench in the past. This road was not approved by County, nor by WA DNR. And both agencies have concluded that this kind of road construction on-site is inappropriate for on-going, long-term forestry purposes. Given this site is designated for long-term commercial forestry uses only, it is important that all new road construction and significant improvements be suitable for long-term forestry purposes, and be approved by WA DNR.
- B.14.f – “*It is estimated that approximately 25 to 30 trips per day will be made by dump trucks and other vehicles*” – recent hauling experience for this project has oftentimes exceeded this estimate substantially. What is the expected upper limit of daily truck traffic on this project – especially recognizing that the adjacent Reserve Sililca dump site, which can handle 200 trucks per day, will be closing in the near future? Given the volumes proposed in this expansion application, at an average of 25-30 trips per day, this implies 7+ years of hauling? It seems this kind of dimensioning of the traffic impact of this application should be explicitly noted in the Checklist.
- B.14.h – “*owner will reserve the right to dictate the haul route*” – NO; owner should work with County/State DOT, DPER, and local communities to determine the haul routes that minimize traffic and other disruptions from this truck traffic.

Comments relating to DPER “Record Details” information

The DPER Record Details indicate:

1. This property is within WRIA 9. While this project primarily impacts WRIA 9, portions also fall within WRIA 8, including past and proposed trench filling.
2. An NPDES permit is not required, but the SEPA checklist and Civil Engineering plans indicates it is required.

3. Property is not subject to other Property Specific Development Restrictions. This is incorrect. One of the Conservation Easements on this property held by Forterra prevents ANY permanent structure from being constructed on this property. This, and two other related Easements, are part of the legal title for this property.
4. Property is NOT enrolled as taxation for forestry. Not sure whether this is correct, as this property is being managed long-term for commercial forestry; is located within the Forest Production District; and Conservation Easements on the property basically dictate that this property will be managed for commercial forestry purposes into perpetuity.
5. Property has no Forest Management Plan. This is incorrect. A County-approved Forest Management Plan is in place for this property, in its entirety. This Forest Management Plan is referenced in the SEPA Checklist.
6. Property is NOT subject to "Other Encumbrances". As mentioned above, there are three separate Conservation Easements that apply to this property, and encumber the operation of this property.
7. There is NO evidence of unpermitted clearing or grading on the property. This is clearly wrong. One of the driving factors behind this application is the mandate from DPER that this application include the "as-builts" for the D, E and F Trenches, which were grossly overfilled (~1.9X permitted footprint; 2.5X permitted fill volumes).

Comment of Contour Engineering Technical Information Report

The table of volumes in Section 1.3 of the TIR appears to contain errors, and should be corrected. The Permitted volume for Trench A should be 126,500 cy. The 96,300 cy shown is for A-North (formerly called A-1) only. The A-South Trench was also permitted by DPER, at 30,200 cy. The 213,207 cy shown as permitted for Trench C should be deleted. The ONLY permits issued by DPER have been "limited" permits, contingent upon C-Trench being permitted through this expansion application. The 190,683 cy "Proposed Additional Import Quantity" for Trench A reflects the already permitted 126,500 cy. As such, the "additional" import quantity proposed in this application is 64,183 cy.

IF THIS UNDERSTANDING IS INCORRECT, PLEASE PROVIDE US WITH THE CORRECT INTERPRETATION, SO WE CAN APPROPRIATELY MODIFY OUR PUBLIC COMMENTS.