



Date: April 30, 2023

To: Mark Rowe  
Thomas Campbell

Subject: **Reserve Silica—Questions From Thorough Review of All Public Records Request (PRR) Materials**

The final tranche of 48 recent e-mail threads relating to Reserve Silica's (Reserve's) clearing and grading permit, GRDE15-0011, received under our PRR has raised even more questions (beyond those included in our April 17, 2023, "Reserve Silica ~40-ac Clearcut" letter ) regarding Reserve's recent clearcut of ~40-acres and the claimed conversion of this land to a Land Use other than Forestry. We have serious concerns and seek answers to the following questions (noted in **bold red** font):

1. **CONVERSION OF LAND USE**

- a. **Does GRDE15-0011 authorize conversion of the designated Land Use on portions or all of Reserve's Ravensdale site to something other than Forestry?**
- b. **If a. is negative, what does Permitting intend to do to investigate and address Reserve's General Manager (and former Permitting Inspector for these lands), Fred White's claim of such authorization to WA DNR?**
- c. **If a. is affirmative, could Permitting provide us with a copy of the Permit and related documents (e.g., permit conditions, SEPA threshold determination), pointing out where this authorization is granted?**

2. **CLEARCUT APPROVAL** The recent clearcut appears to have occurred either late 2021 or early 2022. Presumably, such clearcut would have been approved by Permitting.

- a. **Can Permitting confirm that Permitting approved this clearcut and, if so, under what authority or Code?**
- b. **Can Permitting supply specific approval date, and dates over which clearcutting activity occurred?**

3. **PERMIT EXPIRATION / RENEWAL** The information we have access to shows GRDE15-0011 expired on Apr 26, 2021. And we have found nothing that documents this expired permit being renewed until the current update, dated Aug 19, 2022. If correct, this would imply an almost 16-month "gap" in permit coverage.

- a. **Can Permitting confirm this "gap," or alternatively, that a valid permit was in place during the course of the recent clearcut, and all the related permit fees paid in a timely manner?**

4. **PERMIT REVISION** GRDE15-0011 was updated on Aug 19, 2022, and delivered to Reserve on Sep 8, 2022, after receiving payment of permit fees. But the permit was obviously *revised* in the couple of days prior to WA DNR again meeting with Fred White on Dec 9, 2022, to understand why a WA Forest Practices Act permit was *not* obtained for the clearcut. From the day of the original confrontation by WA DNR (Aug 5, 2022) until two days prior to the second confrontation by DNR (Dec 9, 2022), Fred White was aggressively pushing Permitting to include all seven of Reserve's Ravensdale ownership parcels (~403 acres) in the new GRDE15-0011, even though the prior update only covered two parcels. Fred's emails to Permitting stated: Aug 5, 2022, (same day DNR first confronted White; in asking Permitting for a two-year extension to the permit) - *"Also I want to make sure the system reflects all of the parcels included in the reclamation. [Fred lists all 7 parcels of Reserve Ravensdale ownership.] As I recall the last extension was missing a couple."* Aug 19, 2022, - *"Please make sure all of the parcel numbers listed below [lists all 7 parcels] are reflected in the online permit. It should prevent confusion going forward."* Dec 7, 2022, (on requesting a revision to the Aug 8, 2022, permit delivered Sep 8, 2022) - *"I'm dealing with state DNR and I need to make sure our permit was issued/renewed. Also I had requested that it accurately reflect all parcels, including those I had sent you previously. I'll forward that email back to you. Could you then once again send me the permit? Im [sic, I'm] meeting with them this Friday"* [Dec 9, 2022]. Then Fred *re-sent* the full list of 7 parcels. Dec 7, 2022, (later on the same day, in response to Permitting asking Fred to confirm the parcels to be included in the revision to GRDE15-0011) - *"The list provided below [lists all 7 parcels] is correct and the permit doc should include them to reflect the actual permit. I had*

noticed the last doc didn't include everything it should have and that did concern me." The clear implication was that the Dec 2022 revision to the Aug, 19, 2022, permit originally delivered Sep 8, 2022, would include all seven parcels of Reserve's ownership. But we have no access to that Dec 2022 revision.

- a. **Can Permitting confirm that the Dec 2022 revision to the Aug 19, 2022, permit included all seven Reserve parcels, as requested and re-confirmed by Fred White?**
  - b. **Did Permitting investigate through historical permits and maps Fred White's claim that not including all Reserve's parcels in prior versions of GRDE15-0011 was just an oversight on Permitting's part?**
  - c. Four of these seven parcels, including the two parcels containing the recent clearcut, have never been a part of the mining/reclamation Project Area, based on other communications and maps.  
**Does Permitting recognize that revising GRDE15-0011 to include all seven parcels, as Fred was pushing, would GREATLY expand the "reclamation project area"?**
  - d. **Does Permitting agree that such a drastic expansion of this clearing and grading permit should warrant an updated SEPA threshold determination, and public notification with opportunity for public comment?**
5. **RECLAMATION PLAN** The Reclamation Narrative for the Ravensdale Quarry (date unknown) states: "Once backfilling has been completed, reclaimed pits will be covered with topsoil and subsequently re-forested for timber production and wildlife habitat." "Native upland forested communities consisting of conifers and hardwoods with small open space areas will be established to provide a diverse and successful revegetation scheme for the site." "Preserving mature, existing vegetation in the undisturbed areas surrounding the permit boundary [e.g., the two parcels recently clearcut] will maintain existing wildlife habitat and allow for natural vegetation propagation to occur." "The subsequent land use for this site is forestry." And an Oct 9, 2017, email from Randy Sandin (Permitting's Product Line Manager—Resource, at the time) clarifies that the May 2014 Interim Reclamation Plan is "interim" because "the final revegetation may have been contingent upon the demonstration ordinance that would have influenced the final land use designation of the property." Randy also pointed out: "the regulations governing reclamation at this site [Reserve Silica] are found, in part, in KCC 21A.22.081. Pay particular attention to 081.C.2.a. With the repeal of the demonstration ordinance, the prevailing, adjoining land use in the area is forestry so DPERs expectation is that the property will be reclaimed in a manner to allow/support that use [Forestry]." As you are aware, the King County Council did not approve Reserve's requested change in 2016 to King County Comprehensive Plan (KCCP) Policy I-203 to allow its proposed "Demonstration Project." To re-confirm this, the undersigned (who also serves as the Coordinator for ten King County Rural Area Unincorporated Area Councils, Associations, and Organizations' review and comment on all KCCP Updates) spoke with KCCP Manager, Chris Jensen on April 27, 2023. Chris made it crystal clear that King County has no intention of allowing such a "Demonstration Project" on Reserve's lands.
- a. **Has Permitting abandoned this fundamental element of the Reserve reclamation plan and the target post-reclamation Land Use of the recently-clearcut lands?**
6. **LAND-USE CHANGE** Field Notes by Permitting's Engineer, Ted Tadesse, would imply Reserve may be pursuing a Land Use change for some of their lands. Jan 20, 2022 field notes: "... applicant seeks to extract additional area to the east towards the Ravensdale property." "The applicant also indicated that in the future they will be seeking to apply for asphalt/concrete processing facility permit from Ecology and the County." Aug 18, 2022, notes - applicant reports "For the purpose of commencing a new reclamation activity (according to Fred and Shon, within 6 months), the applicant has cleared the site (Figure 6) and roads are being currently built (Figure 7)." [Tadesse photos appear to likely be the recent 40-acre clearcut area.] After talking with Fred White on Dec 5, 2022, WA DNR reported that: "The type of activity they [Reserve] are performing is considered a conversion to non-forestry use, a Class IV General activity. King County has assumed jurisdiction over Class IV General activities, and therefore it is not regulated under DNR Forest Practices." The recent activity observed on the clearcut site (see photos sent in our April 17, 2023, letter) do not appear to be forestry or mining related. Harvesting of this site, and conversion of this particular site to any Land Use other than Forestry, would be a violation of previously-approved reclamation plans (see #5).
- a. **What is the plan for this clearcut site, and how does the current activity relate to that plan?**
  - b. **Has a conversion of this site to a Land Use other than Forestry already been approved by Permitting?**
  - c. **If b. is affirmative, shouldn't a SEPA threshold determination, public notification and a public comment period have been performed prior to approval of such a Land Use change; particularly one that violates previously-endorsed reclamation plans?**
  - d. **If b. is negative, what punitive actions will be taken against Reserve for its unpermitted actions?**
7. **PUBLIC ACCESS AND VISIBILITY** The public is no longer allowed to visit Permitting's office to review Permitting records on Reserve Silica in person. Other than past permit fee payments, there virtually are no records available to the public on-line. Our comprehensive PRR for records in Permitting's files relating to GRDE15-0011 turned up almost 2,000 pages of records, and 48 recent email threads, thanks to the helpful work of Greg Felton, Permitting Public Records Officer. Greg reported that this was everything in the files relating to GRDE15-0011. And yet this only turned up one single copy of GRDE15-0011 (the Sept 8, 2022 version), as an attachment to a recent email - in spite of this permit being in place for 8+ years, and having been renewed on six separate occasions and being revised on at least one additional occasion (likely Dec 8, 2022). And when we finally did get a copy of the actual "permit" (Sep 8

version), other than the permit issue date (left blank), the permit expiration date, and the parcels involved in the permit – the “permit” tells us basically nothing. Absolutely nothing regarding what’s permitted, and what’s not. No Permit Conditions. No engineering in terms of what’s allowed to be filled, or how much volume, or post-fill topographic profile, or revegetation requirements. No SEPA checklist or threshold analysis. And certainly nothing that would indicate whether there is anything in the permit that would allow Reserve to change the Land Use or Zoning designation of any part of their ownership – which was the key driver for our PRR and subsequent research.

- a. **Essentially, the public no longer has any real visibility on these large-scale, commercial permits like Reserve Silica—does Permitting agree with this conclusion?**
- b. **If Permitting does not agree with a., then how does the public obtain access to the specific documents backing up permits such as Reserve’s?**
- c. **If Permitting agrees with a., what can be done to provide more public visibility on these kinds of permits?**

8. **FINAL SITE RECLAMATION** A long-time public concern has been the amount of fill that has been dumped on-site since 2007 as part of the reclamation of Reserve’s silica sand mining pits. On Feb 14, 2012, Reserve estimated that to complete reclamation of the last two pits (Upper and Lower pits, 17-ac) would require ~ 2 million cubic yards of fill, and would be completed by 2020. By May 1, 2016, Reserve stated: “... *at current rates of soil placement, reclamation is expected to be completed by the end of 2016*” [eight months later]. Fred White, as KC Permitting Inspector, stated on Sept 1, 2016: “*This site really does look like it will be full and completed in 2017.*” On Jan 26, 2017, Greg Wingard (cc’ed) emailed Randy Sandin: “*Reserve Silica’s website announcing it was essentially out of ‘below grade’ space for disposal and was moving to ‘more expensive above grade’ disposal*”; and stated Randy’s reply that “*they [Reserve] were getting close*”, and that DPER “*would not allow disposal beyond the minimum necessary to reach the mine reclamation contours and grade.*” With Fred White leaving Permitting, his replacement, Joe Barto, reported that on Jun 6, 2018 he discussed with Reserve “*plans to shape final slopes*”. Barto wrote on Mar 28, 2019 that he needed to talk with Fred White *re: final grade of the reclamation*. And on May 9, 2019, Barto expressed concerns *re: height of fill vs the level permitted*. Yet in spite of eight more years of very active filling since Reserve estimated they would be done filling by the end of 2016, the current Permitting Engineer, Ted Tadesse, reported on Dec 6, 2021 that Fred White was claiming reclamation was ~80% complete. We fear Reserve may be a repeat of the Erickson/Wagner/Ravensdale LLC situation of which you are well aware, where, Permitting relied on the applicants to monitor dumped volumes, Erickson dumped over double the permitted volume before Permitting finally required them get an independent survey of filled topography, which confirmed the unpermitted overfilling.

- a. **Does Permitting have a credible view as to how much additional fill will be required, beyond what is already stockpiled on-site, for Reserve to return the Upper and Lower Pits to their pre-mining topography?**

We have included three photos taken by Ravensdale residents, Michael and Donna Brathovde, on Friday, April 28, as they were conducting a monitoring visit the adjacent Erickson property. As Forterra’s volunteer Land Stewards—responsible for monitoring Forterra’s conservation easements on Erickson’s property, they have express permission to be on Erickson’s property (otherwise, this Reserve activity is not visible from any public roadway). They noted EXTENSIVE activity on the adjacent Reserve Silica clearcut area. The photos all were taken at about 2:00PM. They could hear dumping, dozers, and back-up alarms going pretty much continuously for the ~3 hours they were there. The first two photos show the activity on Reserve site, while the third photo shows recent fill dumped and graded to the south (left of prior two photos). As previously mentioned, we are not sure what is being done, but it appears clear they are expanding a lot of resources and working quickly. We would expect that someone must have authorized such a major project!

We give express thanks to long-time Ravensdale residents, Michael and Donna Brathovde (both cc’ed), who conducted very thorough reviews of all PRR-received materials from Permitting. We also express our appreciation for Permitting’s , Public Records Officer, Greg Felton, who conscientiously found and sent related PRR materials in three major data dumps.

Again, thank you for any and all assistance you can provide on this issue of import to the greater southeast King County community. We, and the greater community, await your response.

Peter Rimbo  
Chair, Growth Management Committee  
Greater Maple Valley Unincorporated Area Council (GMVUAC)

cc: Michael Brathovde, Ravensdale Resident  
Donna Brathovde, Ravensdale Resident  
Susan Harvey, GMVUAC Environment Committee, Ravensdale Community Representative  
Greg Wingard, President, Green River Coalition  
Tim O’Brien, President, Enumclaw Plateau Community Association





