

Public Comment—DS & EIS Scope—GRDE23-0083

August 7, 2026

To: Ty Peterson: ty.peterson@kingcounty.gov
SEPA Responsible Official
Permitting Division
King County Department of Local Services (KC DLS)

Re: **Public Comment—Determination of Significance (DS) and Request for Comments on Scope of Environmental Impact Statement (EIS) for Grading Permit GRDE23-0083**

Please accept detailed *Comments* herein on the subject permit application from Defend Cumberland, Enumclaw Plateau Community Association (EPCA), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), Green Valley/Lake Holm Association (GV/LHA), and Soos Creek Area Response (SCAR)—all of which are members of the Joint Team of King County Rural and Urban Unincorporated Area Organizations, and cover a large portion of southeast King County.

Our team has conducted in-depth reviews of all the available State Environmental Policy Act (SEPA)-related documents provided by the applicant to the King County Department of Local Services, Permitting Division (KC DLS-P).

Our detailed *Comments* address every item listed in the subject **DS and Request for Comments on Scope of the EIS**, as well as some additional ones. We believe we have organized our *Comments* in such a way as to make it relatively easy for KC DLS-P and others to review and assess their thoroughness, technical merit, conclusions, and recommendations.

Coordinated by:

Peter Rimbos: primbos@comcast.net
Coordinator, Joint Team (King County Rural & Urban Unincorporated Area Organizations)
Regional Coordinator, GMVUAC

Approved by:

Pat Traub: mountainride@comcast.net
President, Enumclaw Plateau Community Association (EPCA)

Steve Hiester: hies_skel@hotmail.com
Chair, Greater Maple Valley Unincorporated Area Council (GMVUAC)

Public Comment—DS & EIS Scope—GRDE23-0083

Greg Wingard: greg@greenrivercoalition.org
President, Green River Coalition (GRC)

Susan Una: defendcumberland@gmail.com
President, Defend Cumberland

Jeff Guddat: jeffguddat@yahoo.com
President, Soos Creek Area Response (SCAR)

Karen Meador: karmeador@comcast.net
President, Green Valley/Lake Holm Association (GV/LHA)

cc:

Girmay Zahilay, KC Executive: girmay.Zahilay@kingcounty.gov
Reagan Dunn, KC Councilman, District 9: reagan.dunn@kingcounty.gov
Dave Upthegrove, Director, WA DNR: cpl@dnr.wa.gov
Diana Dupuis, Director, WA Parks & Recreation Commission: diana.Dupuis@parks.wa.gov
Frank Winslow, Toxics Cleanup Program, WA DOE: fwin461@ECY.WA.GOV
Leon Richardson, Director, KC DLS: LRichardson@kingcounty.gov
Mark Rowe, Acting Director, KC DLS, Permitting Division: mrowe@kingcounty.gov
Lara Thomas, Sr. Mgr. of Long-Range Planning, KC DLS: larthomas@kingcounty.gov
Erin Auzins, Regional Planning Lead: eauzins@kingcounty.gov
Maurin (Mo) McBroom, Director, KC DNRP: mmcbroom@kingcounty.gov
Josh Kahan, KC DNRP, Green River Basin Steward: josh.Kahan@kingcounty.gov

Public Comment—DS & EIS Scope—GRDE23-0083

State Environmental Policy Act (SEPA)

**Determination of Significance (DS) and Request for Comments on Scope of Environmental
Impact Statement (EIS)**

Grading Permit GRDE23-0083

**Permitting Division
King County Department of Local Services**

Public Comment

Submitted by

***Defend Cumberland, Enumclaw Plateau Community Association (EPCA), Greater Maple Valley
Unincorporated Area Council (GMVUAC), and Green River Coalition (GRC)***

August 7, 2026

Table of Contents

Executive Summary	3
1. Introduction	6
2. Site and Site History	7
3. Applicable Law	9
4. Responsible Agencies	22
5. Discussion	27
5.1 Proposed Project and Scope	27
5.2 Hydrology and Water Quality Demands	33
5.3 Critical Areas	37
5.4 Fish and Wildlife	51
5.5 Recreation	56
5.6 Land Use and Relevant Comprehensive Plan Policies	61
5.7 Aesthetics	75
5.8 Noise and Vibration	80
5.9 Air Quality	91
5.10 Traffic	97
5.11 Fire Safety and Available Water Source During Emergency	110
5.12 Public Services and Water Supply	113
6. Impacts and Feasibility of Mitigation	124
7. Conclusions	129
8. Recommendations	131
9. References	132
Appendices	137
Appendix A — Green River Gorge Conservation Area	138
Appendix B — Comment Letters	139

Executive Summary

We thank the King County Department of Local Services, Permitting Division (KC DLS-P) for issuing a Determination of Significant (DS) on the Applicant's proposed Cumberland Aggregate Mine and Asphalt Plant near Cumberland above the Green River Gorge (Permit Application GRDE23-0083). Due to the unprecedented scale of the operation (nearly 1,000 ac) and the intensity of anticipated public and environmental impacts, the DS is warranted under the State Environmental Policy Act (SEPA), mandating the preparation of an Environmental Impact Statement (EIS). Under Washington Administrative Code (WAC) **197-11-440**, an EIS must rigorously evaluate the affected environment, model significant adverse impacts, and mandate executable mitigation measures. **WAC 197-11-792 (2)(c)** *"Impacts may be: (i) Direct; (ii) Indirect; or (iii) Cumulative."* The proposed project has all three!

Clearly, there are many issues associated with the proposed project. It represents one of the most expansive and ecologically consequential industrial development proposals in the recent history of southeast King County. Managed by Segale Properties LLC, the project envisions a 990-ac footprint consolidating 15 parcels into a massive extraction and processing zone. Scheduled to operate over a 35-yr lifespan in four sequential phases, the mine is engineered to extract and process up to 55 million cu yds of aggregate material—over 1.5 million cu yds per year. The site borders the Kanaskat-Palmer State Park and the deeply incised Green River Gorge, introducing profound spatial conflicts between heavy industrial activity, pristine recreational areas, and critical aquatic habitats.

The site is the most important part of a unique uplands-connected habitat corridor and is an important migration corridor, as well recognized by the Muckleshoot Indian Tribe. It is the last wild place with access to and the last Chinook habitat on the Green River, as down river has been channelized. A massive mine complex would highly degrade the habitat corridor of the Middle Green River, change the river's hydrology, and forever change the last wild place in rural King County. It would negatively impact one of the state's most prestigious campground and fishing areas, place commuting residents in danger with large trucks carrying water to the site 24/7 and up to nearly 700 daily truck trips; severely damage our already delicate Rural Area road infrastructure and bridges; and do irreparable harm to the biodiversity and ecosystem that is the Green River corridor.

Proposed mining and an asphalt facility in the close proximity of Green Gorge clearly runs contrary to the principles set down by the creation of a *"Ribbon of Wilderness in our Midst"* or the Green River Gorge Conservation Area, established in 1969 (**RCW 79A.05.705**), which has since become the standard that the Washington State Parks and Recreation Commission (WA SPRC) use to administer this legislative mandate (see **Appendix A**). Since then, King County and the WA SPRC have partnered to ensure the Green River Gorge benefits are improved and remain intact. The current vision is *to enhance even further* the outstanding benefits of scenery, recreation, and fish and wildlife. The proposed project not only threatens to grossly degrade these and other benefits, it is in direct contradiction to a plan in place for a much longer period. Consequently, the EIS must explicitly include rigorous evaluation of any and all conflicts between a 990-ac, 35-yr industrial-extraction operation and asphalt facility with the above-mentioned state-mandated conservation plan. The EIS must include an analysis of the destruction of the upland buffer zones, the disruption of the springs that feed the gorge, and the visual/acoustic degradation of state-recognized lands that the Public has spent over 50 years and millions of tax dollars trying to protect. The EIS must provide enough detailed analyses over a wide variety of disciplines so that King County can determine if it has the legal authority to approve industrial operations and the accompanying environmental degradations that directly sabotages a 50-yr state-mandated conservation effort.

Public Comment—DS & EIS Scope—GRDE23-0083

In 1995 a 50-yr “*Agreement Pertaining to Forest Land Acquisition and Biosolids Application*” was consummated by which King County transferred its two sections of land (16 and 20) at Cumberland, and other properties, to Washington State Department of Natural Resources (WA DNR) for long-term forest management and “*become a permanent part of the state forest system.*” The agreement stipulated that the land could only be used for forestry or park/open space purposes. The actual transfer was completed in the mid 90’s and WA DNR completed several timber sales that produced income for King County Wastewater Treatment Division and the local taxing districts. The community was assured by the agreement and conservation easement that the transferred lands would remain in a forestry use and could only be dedicated to parks or open space as an alternative use: “*no...lands may be transferred for residential or commercial development purposes.*”

The applicant is attempting to consolidate the extraction of five distinct pits, multiple processing facilities, and an asphalt facility under a single grading permit (GRDE23-0083) to be executed over a 35-year timeline. **WAC 197-11-440** explicitly requires that an EIS analyze the *cumulative impacts* of a proposed action when viewed in conjunction with past, present, and reasonably foreseeable future actions. Evaluating the proposed project in a vacuum, or allowing the applicant to artificially segment the environmental review phase-by-phase to dilute the perception of impact, is a direct violation of SEPA rules. The EIS must include a macro-level cumulative-impact analysis that layers the anticipated impacts of the proposed project on top of existing regional stressors. This must include the ongoing impacts of commercial logging; the legacy chemical contamination on the site itself (WA Department of Ecology [WA DOE] Model Toxic Cleanup Act [MTCA] actions on the Royal Reward mine), as well as emanating from the nearby Reserve Silica site; and the overarching and ever-increasing human-accelerated climate change. Furthermore, to provide a true comparative baseline for decision-makers, a robust “*No-Action Alternative*” must be extensively modeled, quantifying the immense ecological and social value of preserving this irreplaceable environmental asset in its current forested state.

To satisfy the rigorous demands of the SEPA scoping process, the detailed Comments herein serve to show just a minor amount of the required exhaustive scoping assessment across several core scientific and legal disciplines. These parameters provide the foundational architecture required to draft comprehensive SEPA scoping mandates, ensuring that the environmental review process captures the full spectrum of *second- and third-order* systemic disruptions threatened by the proposed project.

WAC 197-11-660 Substantive authority and mitigation provides how proposed projects and potential mitigation are to be assessed under SEPA. Accordingly, herein we have assembled and assessed potential risks and feasibility of mitigation and find there are many potential impacts to the Public and our shared environment that, due to their nature and/or irreversibility, simply cannot be mitigated at any cost.

Based on our research, which formed the basis for our detailed comments herein, we conclude the proposed project will cause adverse local, regional, and downstream impacts on the Green River and its environs that will have wider impacts on cultural resources and threatened and endangered runs of salmon, as well as degrading overall water and air quality in the region and deleteriously impacting the pristine and scenic Green River Gorge corridor. We also conclude the proposed project will lead to some long-term changes that most likely are irreversible from both ecological and environmental health standpoints.

Given the myriad issues raised herein and critical items that cannot be feasibly mitigated or mitigated to sufficient extent to ensure Public and environmental health, we recommend the

“No Action Alternative.” The Comments herein provide the applicable law, policies, and technical rationale and references to lay the grounds for such a decision.

As required, we expect KC DLS-P will hire consultants and coordinate the EIS preparation with the applicant funding, thus providing the Public assurance by removing any potential for the applicant to influence findings and recommendations. Further, the EIS and all supporting analyses and studies must be rigorously scientifically fact-based and data driven to provide assurance to all interested parties.

1. Introduction

What ?

In response to the July 8, 2026, King County Department of Local Services, Permitting Division (KC DLS-P) issuance of a *Determination of Significant (DS) and Request for Comments on Scope of Environmental Impact Statement (EIS)* regarding the proposed Cumberland Aggregate Mine and Asphalt Facility by the applicant, Segale Properties LLC, we provide herein detailed comments on its critical plan elements, impacts, potential mitigation, and scoping of an EIS and its needed components.

Who ?

To review all the documentation posted on the KC DLS-P “*Special Projects*” webpage and to develop a detailed set of comments, we enlisted many southeast King County community organizations—a veritable *sub-team* of the well-known Joint Team of King County Unincorporated Urban and Rural Area Organizations.

How ?

While we have generally followed the KC DLS-P DS letter’s identified areas of impacts for discussion in an EIS, we have gone further and identified and discussed *additional* areas of concern that must be addressed in an EIS.

Why ?

WAC 197-11-660 grants SEPA lead agencies the “*substantive authority*” to explicitly condition or outright deny development proposals based on identified, significant adverse environmental impacts. A foundational requirement of this statute is that all proposed mitigation measures must be “*reasonable and capable of being accomplished.*” Throughout the pre-application phase, the applicant has made sweeping, absolute promises, including zero off site stormwater runoff, zero regional groundwater drawdown, and complete acoustic isolation at the property line, that contradict standard industrial realities. The EIS must conduct an independent engineering and legal audit of all potential impacts and the feasibility of every proposed mitigation measure for same. If the mitigation measures rely on unproven technologies and lack guaranteed long-term funding, or worse still, present a high probability of failure, KC DLS-P must deny the permit.

2. Site and Site History

2.1 Applicant's Parcels

The applicant purchased all its parcels that are part of the proposed project from Plum Creek Timber Company, Inc. Those parcels are: 1521079007, 1521079008, 1521079009, 1521079020, 1721079001, 2121079001, 2121079005, 2121079006, 2121079008, 2121079009, 2121079015, 2121079016, 2121079029, and 2121079030. Please see further discussion in subsection **5.6 Land Use and Relevant Comprehensive Plan Policies**.

2.2 WA Department of Natural Resources (WA DNR) Parcel

WA DNR owns Section 16 (Parcel 1621079001) around which the applicant's parcels are located. The applicant recently purchased an inholding of Section 16, Parcel 1621079014. Please see further discussion in subsection **5.6 Land Use and Relevant Comprehensive Plan Policies**.

2.3 Site History

The project site is located within the Puget Lowland and has been shaped by glacial activity dating back to the Pleistocene epoch. Following the glacial retreat, human occupation of the Puget Lowland began. The Green River became a hub of indigenous society, with a diverse group of peoples living in around the Gorge, of which the Skopamish historically covering much of the area. In addition, neighboring peoples from east and west of the Cascade Mountains frequently visited the area. Culturally significant sites exist throughout the greater Green River Gorge area, marking a rich indigenous history with documented settlements, including historical longhouses and a fish camp near what is now Kanaskat-Palmer State Park, Lake Sawyer, and Jones Lake, along with additional culturally significant sites, travel corridors, and resource-gathering areas. The tribes presently known as the Muckleshoot and Snoqualmie Indian Tribes cite the Green River Watershed and the project site as their ancestral homeland.

In the 1850s, when Native peoples were removed from their traditional lands and confined to reservations, Euroamerican settlement began to spread inland from the Puget Sound shorelines. In 1881, a Northern Pacific Railroad crew surveyed the Green River Valley area and Cascade Mountains to connect the western and eastern sides of the state, creating the Cascade Line and completing the Northern Pacific Railroad's mainline, which today is operated by the Burlington Northern Santa Fe Railway. According to historical journals, this survey crew crossed the proposed project site, with the assistance of native guides, and likely climbed nearby Lizard Mountain to survey the surrounding area.

At the same time as the railroad surveys, the area's well-known coal mining industry rapidly expanded. According to mapping from the Washington Department of Natural Resources, 57 known coal mines have been identified in the Green River Coal Fields, with 18 known sites located within 1.5 miles of the property's five main pits. In addition, the Royal Reward and Cardinal Reward Mines, which were unique, short-lived mercury mining operations, were also located nearby; with the processing facility operating on the applicant's western parcel. The Bonneville Power Administration (BPA) built the Raver-Paul Transmission Line to serve electrical demand in the region. This

transmission line currently crosses the project site in the M-3 area and serves over 1.1 million people in the Puget Sound area with renewable hydropower from Eastern Washington's Grand Coulee Dam.

While the story of rails and mining may be in the past, the character of the Gorge has shifted to a well-loved recreation destination. The Green River Gorge Resort (<https://wrylyriley3.wordpress.com/2026/02/14/the-green-river-gorge-resort/>), built in the 1920s, is a rare heritage site. The Lodge is one of the few remaining architectural examples of its kind, and the resort is one of the few existing Auto Camps, showcasing an integral example of Pacific Northwest cultural history.

In 1969, the state established the Green River Gorge Conservation Area (see **Appendix A**). State Parks such as Kanaskat Palmer, Nolte, and Flaming Geyser, in conjunction with County Parks such as the Green River Natural Area, Black Diamond Open Space, Bass Lake Complex, Ravensdale Retreat, and Henry's Ridge all serve the areas recreation interest. Today, the area in and around the Gorge is a mecca for kayaking, fishing, swimming, camping, horseback riding, bike races, motorcycle events, scenic flyovers, photography, and countless other recreational opportunities.

3. Applicable Law

This section is a sampling of what must be considered as KC moves through the SEPA process and we **highlight** key passages that especially relate to the proposed project. It is not meant to be an exhaustive listing and discussion of all the law, codes, etc. that cover actions that must be or could be imposed on the proposed project.

3.1 GMA

The Growth Management Act (GMA) is a series of state statutes, first adopted in 1990, that requires certain jurisdictions to develop a comprehensive plan to manage their population growth. It is primarily codified under the Revised Code of Washington (RCW) **36.70A**. Among its fifteen goals, we emphasize subparagraph **(10) Environment**: *"Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water."* This is the paramount duty KC has when it considers the proposed project.

3.2 Washington Administrative Code (WAC)

WAC 173-200 WATER QUALITY STANDARDS FOR GROUNDWATERS OF THE STATE OF WASHINGTON

The intent is provided in **173-200-010 (4)** *"...to maintain the highest quality of the state's groundwaters and protect existing and future beneficial uses of the groundwater through the reduction or elimination of the discharge of contaminants to the state's groundwaters."* Its implementation is governed by **173-200-010 (5)** *"...establish(ing) groundwater quality standards which, together with the state's technology-based treatment requirements, provid(ing) for the protection of the environment and human health and protection of existing and future beneficial uses of groundwaters."*

WAC 197-11 SEPA Rules

WAC 197-11-060 Content of environmental review.

(4) Impacts.

...

(c) Agencies shall carefully consider the range of probable impacts, including **short-term and long-term effects**. Impacts shall include those that are **likely to arise or exist over the lifetime of a proposal** or, depending on the particular proposal, longer.

We cannot emphasize enough the need to consider both the short- and long-term impacts that the proposed project will have on people, plants, animals, and our shared general environment.

(e) The range of impacts to be analyzed in an EIS (direct, indirect, and cumulative impacts, WAC 197-11-792) may be wider than the impacts for which mitigation measures are required of applicants (WAC 197-11-660). This will depend upon the specific impacts, the extent to which the adverse impacts are attributable to the applicant's proposal, and the capability of applicants or agencies to control the impacts in each situation.

Although both direct and indirect impacts are very important and must be carefully considered, cumulative impacts could do the most long-lasting damage,

...

WAC 197-11-360 Determination of significance (DS)/initiation of scoping.

To date this has been followed to the letter.

WAC 197-11-400 Purpose of EIS.

(1) The primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.

(2) An EIS shall provide impartial discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

We expect KC DLS-P will hire reputable and technically sound consulting companies to prepare the EIS with the applicant paying for such work. We further expect KC DLS-P will consult with KC departments on key issues to take advantage of KC's considerable expertise in many technical areas.

(3) Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision making process.

We expect the Scoping Comments herein and others received by KC will help serve as a basis for the EIS and that the critical points made help the EIS meet the above requirements.

...

WAC 197-11-408 Scoping.

...

Public Comment—DS & EIS Scope—GRDE23-0083

(2) To ensure that every EIS is concise and addresses the significant environmental issues, the lead agency shall:

...

(d) Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

We expect KC DLS-P to consult with the appropriate Agencies we have listed in section 4.
Responsible Agencies.

...

(5) The lead agency shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

We expect KC DLS-P to thoroughly review all Agency, Jurisdiction, District, Tribal, and General Public comments on the DS and EIS Scoping as called for in its July 8, 2026, DS and Request for Comments on Scope of EIS letter. As such, assuming that KC DLS-P *already* has procured the services of an outside consultant to draft an EIS Scoping document, we want to ensure that KC DLS-P has that document revised, modified, and updated based on the Comments it has received so far and will receive by the August 7, 2026, deadline of this required public exercise.

...

(7) EIS preparation may begin during scoping.

For the proposed project, given its size, complexity, and far-ranging deleterious impacts, we consider the above “guidance” unwise to use. Herein we are providing a vast amount of technical concerns with supporting rationale that need to be read, understood, and digested before an EIS is even contemplated.

WAC 197-11-440 EIS Contents.

...

(5) Alternatives including the proposed action.

...

(c) This section of the EIS shall:

...

(v) Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action. . .

(vi) Present a comparison of the environmental impacts of the reasonable alternatives, and include the no action alternative. . .

(vii) Discuss the benefits and disadvantages of reserving for some future time the implementation of the proposal, as compared with possible approval at this time. The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.

For the proposed project this should be given great consideration, as we do not see it will be environmentally viable at any time in the near future.

(d) When a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. This subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan that was adopted after review under SEPA. Further, alternative sites may be evaluated if other locations for the type of proposed use have not been included or considered in existing planning or zoning documents.

The applicant requires a “backdoor” rezone from Forestry to Mining, which we believe should be denied.

(6) Affected environment, significant impacts, and mitigation measures.

(a) This section of the EIS shall describe the existing environment that will be affected by the proposal, analyze significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts. Elements of the environment that are not significantly affected need not be discussed. Separate sections are not required for each subject (see WAC 197-11-430(3)).

. . .

(c) This section of the EIS shall:

(i) Succinctly describe the principal features of the environment that would be affected, or created, by the alternatives including the proposal under consideration. Inventories of species should be avoided, although rare, threatened, or endangered species should be indicated.

(ii) Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment, such as storage, handling, or disposal of toxic or hazardous material.

(iii) Clearly indicate those mitigation measures (not described in the previous section as part of the proposal or alternatives), if any, that could be implemented or might be required, as well as those, if any, that agencies or applicants are committed to implement.

...

(v) Summarize significant adverse impacts that cannot or will not be mitigated.

Our biggest concern as detailed throughout these detailed comments is that the proposed project has many significant impacts that cannot be feasibly or practically mitigated.

...

(e) Significant impacts on both the natural environment and the built environment must be analyzed, if relevant (WAC 197-11-444). This involves impacts upon and the quality of the physical surroundings, whether they are in wild, rural, or urban areas. Discussion of significant impacts shall include the cost of and effects on public services, such as utilities, roads, fire, and police protection, that may result from a proposal. EISs shall also discuss significant environmental impacts upon land and shoreline use, which includes housing, physical blight, and significant impacts of projected population on environmental resources, as specified by RCW 43.21C.110 (1)(d) and (f), as listed in WAC 197-11-444.

The proposed project presents all of the impacts listed above and more.

...

WAC 197-11-444 Elements of the environment.

(1) Natural environment:

(a) Earth:

(i) Geology;

(ii) Soils;

(iii) Topography;

(iv) Unique physical features;

(v) Erosion/enlargement of land area (accretion);

(b) Air:

(i) Air quality;

(ii) Odor;

(iii) Climate;

(c) Water:

(i) Surface water movement/quantity/quality;

- (ii) Runoff/absorption;
- (iii) Floods;
- (iv) Groundwater movement/quantity/quality;
- (v) Public water supplies;
- (d) Plants and animals:
 - (i) Habitat for and numbers or diversity of species of plants, fish, or other wildlife;
 - (ii) Unique species;
 - (iii) Fish or wildlife migration routes;
- (e) Energy and natural resources:
 - (i) Amount required/rate of use/efficiency;
 - (ii) Source/availability;
 - (iii) Nonrenewable resources;
 - (iv) Conservation and renewable resources;
 - (v) Scenic resources;

(2) Built environment:

- (a) Environmental health:
 - (i) Noise;
 - (ii) Risk of explosion;
 - (iii) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials;
- (b) Land and shoreline use:
 - (i) Relationship to existing land use plans and to estimated population;
 - (ii) Housing;
 - (iii) Light and glare;
 - (iv) Aesthetics;
 - (v) Recreation;
 - (vi) Historic and cultural preservation;
 - (vii) Agricultural crops;
- (c) Transportation:
 - (i) Transportation systems;
 - (ii) Vehicular traffic;
 - (iii) Waterborne, rail, and air traffic;
 - (iv) Movement/circulation of people or goods;
 - (v) Traffic hazards;
- (d) Public services and utilities:
 - (i) Fire;
 - (ii) Police;
 - (iii) Schools;
 - (iv) Parks or other recreational facilities;
 - (v) Maintenance;
 - (vi) Communications;
 - (vii) Water/stormwater;
 - (viii) Sewer/solid waste;
 - (ix) Other governmental services or utilities;

...

The proposed project will have an impact on every single element listed above with the exception on (d)(iii) Schools.

WAC 197-11-660 Substantive authority and mitigation.

(1) Any governmental action on public or private proposals that are not exempt **may be conditioned or denied under SEPA to mitigate the environmental impact** subject to the following limitations:

(a) Mitigation measures or **denials shall be based on policies, plans, rules, or regulations** formally designated by the agency (or appropriate legislative body, in the case of local government) as a basis for the exercise of substantive authority and in effect when the DNS or DEIS is issued.

We believe our detailed comments herein regarding “*policies, plans, rules, ~~or~~ and regulations*” provide KC DLS-P enough technical information and references to choose the No-Action Alternative and deny the permit application.

...

(c) **Mitigation measures shall be reasonable and capable of being accomplished.**

Again, we believe there are many impacts that cannot be mitigated.

...

(f) **To deny a proposal under SEPA, an agency must find that:**
(i) **The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and**
(ii) **Reasonable mitigation measures are insufficient to mitigate the identified impact.**

We believe this is the case with the proposed project.

...

(2) Decision makers should judge whether possible mitigation measures are likely to protect or enhance environmental quality. EISs should briefly indicate the intended environmental benefits of mitigation measures for significant impacts (WAC 197-11-440(6)). **EISs are not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:**

(a) Represent substantial changes in the proposal so that the proposal is likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and

(b) Will not be analyzed in a subsequent environmental document prior to their implementation.

This indeed could be the case with the proposed project in that trying to mitigate “A” causes “B, etc.,” thus creating a cascading effect that make matters even worse, showing that some mitigation simply is not feasible or cannot head off *irreversible* changes in the environment.

(3) Agencies shall prepare a document that contains agency SEPA policies (WAC 197-11-902), so that applicants and members of the public know what these policies are. This document shall include, or reference by citation, the regulations, plans, or codes formally designated under this section and RCW 43.21C.060 as possible bases for conditioning or denying proposals. If only a portion of a regulation, plan, or code is designated, the document shall identify that portion. This document (and any documents referenced in it) shall be readily available to the public and shall be available to applicants prior to preparing a draft EIS.

WAC 197-11-792 Scope.

...

(2) To determine the scope of environmental impact statements, agencies consider three types of actions, three types of impacts, and three types of alternatives.

...

(c) Impacts may be: (i) Direct; (ii) Indirect; or (iii) Cumulative.

The proposed project contains many of all three types of impacts !

...

3.3 Revised Code of Washington (RCW)

RCW 43.20 STATE BOARD OF HEALTH

RCW 43.20.260 Review of water system plan, requirements—Municipal water suppliers, retail service.

In approving the water system plan of a public water system, the department shall ensure that water service to be provided by the system under the plan for any new industrial, commercial, or residential use is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area. A municipal water supplier, as defined in RCW 90.03.015, has a duty to provide retail water service

within its retail service area if: (1) Its service can be available in a timely and reasonable manner; (2) the municipal water supplier has sufficient water rights to provide the service; (3) the municipal water supplier has sufficient capacity to serve the water in a safe and reliable manner as determined by the department of health; and (4) it is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town.

The proposed project has no access to a steady and reliable water supply for its operations over a 35-yr period.

RCW 43.21C STATE ENVIRONMENTAL POLICY

RCW 43.21C.030 Guidelines for state agencies, local governments—Statements—Reports—Advice—Information.

The legislature authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and laws of the state of Washington shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:

- (a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment;
- (b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations;
- (c) Include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:
 - (i) the environmental impact of the proposed action;
 - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
 - (iii) alternatives to the proposed action;
 - (iv) the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and
 - (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;
- (d) Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with

respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes;

(e) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(f) Recognize the worldwide and long-range character of environmental problems and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment;

(g) Make available to the federal government, other states, provinces of Canada, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(h) Initiate and utilize ecological information in the planning and development of natural resource-oriented projects.

The above Guidelines make it very clear KC DLS-P is required to conduct very thorough and technically rigorous reviews, using a systematic, interdisciplinary approach, of proposed projects and any alternatives before any decisions are made.

RCW 78.44 Surface Mining

RCW 78.44.141 Reclamation—Minimum standards—Waiver.

(4) All surface-mined slopes shall be reclaimed to the following minimum standards:

(a) In surface mines in soil, sand, gravel, and other unconsolidated materials, all reclaimed slopes shall:

(i) Have varied steepness;

(ii) Have a sinuous appearance in both profile and plan view;

(iii) Have no large rectilinear topographic elements;

(iv) Generally have slopes of between 2.0 and 3.0 feet horizontal to 1.0 foot vertical or flatter except in limited areas where steeper slopes are necessary in order to create sinuous topography and to control drainage;

(v) Not exceed 1.5 feet horizontal to 1.0 foot vertical except as necessary to blend with adjacent natural slopes;

(vi) Be compacted if significant backfilling is required to produce the final reclaimed slopes and if the department determines that compaction is necessary.

(b) Slopes in consolidated materials shall have no prescribed slope angle or height, but where a severely hazardous condition is created by mining and that is not indigenous to the

immediate area, the slopes shall not exceed 2.0 feet horizontal to 1.0 foot vertical. Steeper slopes shall be acceptable in areas where evidence is submitted that demonstrates that the geologic or topographic characteristics of the site preclude reclamation of slopes to such angle or height or that such slopes constitute an acceptable subsequent use under local land use regulations.

(c) Surface mines in which the seasonal or permanent water tables have been penetrated, thereby creating swamps, ponds, or lakes useful for recreational, wildlife habitat, water quality control, or other beneficial wetland purposes shall be reclaimed in the following manner:

(i) For slopes that are below the permanent water table in soil, sand, gravel, and other unconsolidated materials, the slope angle shall be no steeper than 1.5 feet horizontal to 1.0 foot vertical;

(ii) Generally, solid rock banks shall be shaped so that a person can escape from the water, however steeper slopes and lack of water egress shall be acceptable in rural, forest, or mountainous areas or where evidence is provided that such slopes would constitute an acceptable subsequent use under local land use regulations;

(iii) Both standpipes and armored spillways or other measures to prevent undesirable overflow or seepage shall be provided to stabilize all such water bodies within the disturbed area; and

(iv) Where lakes, ponds, or swamps are created, the permit holder shall provide measures to establish a beneficial wetland by developing natural wildlife habitat and incorporating such measures as irregular shoreline configurations, sinuous bathymetry and shorelines, varied water depths, peninsulas, islands, and subaqueous areas less than 1.5 foot deep during summer low-water levels. Clay-bearing material placed below water level may be required to avoid creating sterile wetlands.

(d) Final topography shall generally comprise sinuous contours, chutes and buttresses, spurs, and rolling mounds and hills, all of which shall blend with adjacent topography to a reasonable extent.

RCW 90.03.380 Right to water attaches to land—Transfer or change in point of diversion—Transfer of rights from one district to another—Priority of water rights applications—Exemption for small irrigation impoundments—Electronic notice of an application for an inter-basin water rights transfer.

...

This governs inter-basin transfer of water. We discuss needs in section **5.12 Public Services and Water Supply**.

3.4 King County Code

12 PUBLIC PEACE, SAFETY AND MORALS

12.86 NOISE

Contains a vast variety not noise requirements that directly affect the proposed project's operations.

13 WATER AND SEWER SYSTEMS

13.24 WATER AND SEWER COMPREHENSIVE PLANS

Requires KC Council approval of water and sewer comprehensive plans before utilities may operate in unincorporated King County or construct facilities in County Road rights-of-way.

20 PLANNING

20.44 COUNTY ENVIRONMENTAL PROCEDURES

20.44.050 Environmental impact statements and other environmental documents.

Contains all requirements for EISs.

21A ZONING

21A.22 DEVELOPMENT STANDARDS - MINERAL EXTRACTION

21A.22.070 Operating conditions and performance standards for clearing and grading activity.

This addresses Haul-Route Agreements (HRAs). [King County Road Standards Section 9.08D](#) and the SEPA review process allow for the King County Road Engineer to require a HRA to address impacts to public health, safety, and welfare directly attributable to a permit applicant's proposed activities. Clearly, the proposed project's very large number of heavy truck trips per day will require HRAs.

21A.24 CRITICAL AREAS

This encompasses the Critical Areas Ordinance. The KC Council passed the Critical Areas Ordinance (CAO) to protect public health and safety by limiting development in hazard areas, such as on steep slopes or flood zones, and protect environmentally sensitive areas, such as wetlands and streams. The CAO is intended to protect critical areas from being adversely affected by clearing and development of land for residences, commercial use and livestock. The regulations are also intended to protect the public as well as public and private resources from natural hazards, such as flooding and erosion. The CAO has been continually updated with the latest science and information to keep it current. The most recent update was in 2025 as part of the KCCP 10-Yr Major Update. The CAO is coupled with the Surface Water Management Ordinance, which regulates activities that increase storm water runoff and the Clearing and Grading Ordinance, which regulates activities involving the clearing or removal of vegetation, excavation, grading, earthwork, gravel pits, dumping quarrying and mining and is intended to minimize the adverse impacts associated with these activities' stormwater impacts; reduce habitat loss; protect water quality and critical areas; facilitate long-term forestry and establish administrative procedures for the issuance of permits, approval of plans and inspections; and provide penalties for violations of the ordinance.

21A.24.316 Critical aquifer recharge areas - development standards (in effect everywhere...)

The proposed project's surface mining and excavation are prohibited from penetrating or coming within 10 ft of the seasonal high groundwater level. Such a buffer is intended to prevent toxic runoff, heavy machinery fluids, and industrial contaminants from directly breaching an aquifer.

Please note that we cover KC Code specifically related to *land-use and zoning* in section **5.6 Land Use and Relevant Comprehensive Plan Policies**.

4. Responsible Agencies

There are many agencies responsible for permitting, approving, reviewing and/or overseeing the proposed project from planning through design, construction, operations and reclamation. Some of which have clear jurisdiction on this proposed project. Some agencies potentially might be involved depending on the impacts that are identified during the EIS. For example, if impacts to orcas that travel through or reside in Puget Sound occur due to impacts to the salmon in the Green River adjacent and downstream from the proposed mine and asphalt facility, then the U.S. Environmental Protection Agency (EPA) may need to be involved, because it is the primary Federal agency responsible for addressing and regulating impacts to orcas (killer whales) in U.S. waters.

Below we provide a list of these agencies recognizing there may be more we have not included.

List of Responsible and Potentially Responsible Agencies

Agency	Responsibility/Jurisdiction	Law/Regulation/Context
Federal		
U.S. Environmental Protection Agency (EPA)	Addressing and regulating impacts to orcas (killer whales) in U.S. waters including violations, penalties, and compliance with environmental laws. Monitors and regulate pollutants in the marine environment, including contaminants that can affect orca health. Responsible for implementing the Clean Water Act and Clean Air Act	Federal Marine Mammal Protection Act (MMPA); Federal Clean Water Act; Federal Clean Air Act
Bonneville Power Administration (BPA)	Responsible for the operation of the Raver-Paul No.1 High Voltage Transmission line that transects the proposed site. Requires approvals for any construction or impacts to the high voltage electric line.	Bonneville Project Act of 1937 (16 U.S.C. § 832); Pacific Northwest Consumer Power Preference Act of 1964 (16 U.S.C. § 837)
National Marine Fisheries Service (NMFS)	Addressing impacts to listed salmon (threatened listed Chinook, Chum and Coho).	Federal Endangered Species Act (ESA)
National Oceanic and Atmospheric Administration (NOAA)	Evaluate ESA listed salmon as well as total fisheries habitat and resulting impacts. May need to be consulted if proposed mine affects Green River Salmon habitat.	Federal Inflation Reduction Act (IRA), the Infrastructure Investment and Jobs Act (IIJA), and appropriations acts, which provide billions in support for Pacific salmon conservation, habitat restoration, and climate resilience.
U.S. Fish and Wildlife (USFWS)	Charged with implementing the ESA with regard to listed species that are not marine fisheries .	Federal Endangered Species Act (ESA)

Public Comment—DS & EIS Scope—GRDE23-0083

U.S. Army Corps of Engineers	Responsible to protect waters if altered as per section 404 of the Clean Water Act.	Federal Clean Water Act
Office of Surface Mining Reclamation and Enforcement (OSMRE)	Responsible for reclaiming abandoned mines such as those found on the proposed site	Federal Surface Mining Control and Reclamation Act (SMCRA)
Mine Safety and Health Administration (MSHA)	Sets and enforces safety and health standards for all mines under U.S. jurisdiction. MSHA is required to inspect each surface mine at least twice a year.	Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act (MINER Act) of 2006
Tribal		
Northwest Indian Fisheries Commission (NWIFC)	Assist member tribes in their role as natural resources co-managers with state and federal agencies	Boldt Decision (1974); Treaty of Point Elliott (1855)
Muckleshoot Indian Tribe	Ensures Treaty compliance, protection of traditional archeological sites, water rights, salmon protection/habitat	Treaty Rights, RCW 43.376 , Tribal Heritage Preservation Act and the Growth Management Act
Snoqualmie Indian Tribes	Ensures Treaty compliance, protection of traditional archeological sites	RCW 27.53 – Archaeological Sites and Resources – RCW 43.376 – Government-to-Government Relationships with Indian Tribes -WAC 25.48 – Archaeological Excavation and Removal Permit
State		
Washington Department of Fish and Wildlife (WDFW)	Responsible for water quality and habitat protection and managing and conserving the state endangered listed gray wolf (<i>Canis lupus</i>) in Washington seen on the proposed site. Works with the Washington Geological Survey (Surface Mine Reclamation Program) to ensure reclamation after mining ends, and with local governments to verify land use and compliance with the Surface Mining Act	Surface Mining Act; RCW Title 77 – Fish and Wildlife
State Historic Preservation Office (SHPO)	Determination of eligibility for Raven-Paul No 1 High Voltage line as a historic site.	WAC 365-196-450; RCW 43.334; RCW 36.70A.020; RCW 27.53

Public Comment—DS & EIS Scope—GRDE23-0083

Washington State Department of Natural Resources (WA DNR)	Responsible for Surface Mining Reclamation permit and planning, slope stability, financial assurances and ensuring the mine is safe. Forest Management on state owned lands (Section 16) Potential easements for Section 16 and 20 as land owner/manager Forest practices application	Surface Mining Act (RCW 78.44)
Washington State Parks and Recreation Commission	The commission sets the strategic direction and policies that steer the agency, ensuring the parks system aligns with state priorities for conservation, recreation, and public access. Kanaskat-Palmer State Park abuts the proposed site for mining and an asphalt facility and could significantly impact the park and its visitors. Long term acquisition of the site would involve this agency.	Commission's statutory authority under RCW 79A.05.
Washington State Department of Transportation (WA DOT)	Responsible for ensuring safe, efficient, and accessible transportation systems, and coordinating with local agencies.	RCW 46.04.070–46.04.090
Washington State Department of Ecology (WA DOE)	Responsible for Water Quality Permits, stormwater and ground water protection, water rights, industrial wastewater, air quality coordination, SEPA review and toxic waste cleanups. Discharges of process water, stormwater, or mine dewatering water into state waters requires and NPDES Sand and Gravel General Permit from the Washington State Department of Ecology (Ecology)	Clean Water Act, Clean Air Act and more. Required Permits: Discharge of process water, stormwater, or mine dewatering water into state waters requires a NPDES Sand and Gravel General Permit; Notice of construction for Asphalt plant and Air Quality permit; Sand & Gravel General Permit for Portable Facilities (NPDES)to ensure that portable concrete batch plants, asphalt batch plants, and rock crusher operations prevent pollution within their process water, stormwater and mine dewatering water discharges to groundwater or surface water; Air Operating Permit (AOP) for operations that emit or have the potential to emit 10 tons or more of hazardous air pollutants per year.

Public Comment—DS & EIS Scope—GRDE23-0083

Puget Sound Clean Air Agency (PSCAA)	Responsible for monitoring, regulating, and reducing air pollution, enforcing federal and state air quality laws, and promoting public health and environmental equity. Will require a Notice of Construction (NOC) / Order of Approval before starting work for changes in air emissions from gravel mine and asphalt facility and an Asphalt Batch Facility form or General permit	Washington Clean Air Act and US Clean Air Act; RCW 70A.15
Washington Department of Health (WA DOH)	Responsible for inspection of wells, sanitary surveys and water quality or public water system.	WAC 246-272A; WAC 246290; WAC 246291
Regional		
Puget Sound Regional Council (PRSC)	Ensure a thriving central Puget Sound through planning for regional transportation, growth management and economic development	<i>[Very broad covering a wide variety of multi-county reach and authority.]</i>
Local		
King County Department of Local Services (KC DLS)	Lead agency with responsibility for: SEPA, grading and land use permits, building permits, Conditional Use Permit, Right of Way use permit, Road Standards Variance (if applicable), Critical Area permit as well as enforcement of these land use issues. Fire regulatory and operating permits including storage or use of hazardous materials (asphalt and related fuels). King County utility franchise agreement (may be needed if water pipes from Cumberland or Tacoma Water are installed)	Clearing and Grading Ordinance (KC Code 16.82); King County Stormwater Ordinance (KC Code 9.04), King County Water Quality BMPs (KC Code 9.12)
Seattle-King County Public Health	Responsible for septic approvals	Title 13 – OnSite Sewage Systems rules to align with recent Washington state law changes (WAC 246272A)
King County Council		Under K.C.C. Chapter 6.27 and RCW 36.55.010, any utility — public or private — must have a franchise approved by the King County Council before using the county's road rights of way for waterworks, gas pipes, telephone, telegraph, electric lines, sewers, cable TV, petroleum pipelines, etc.

Public Comment—DS & EIS Scope—GRDE23-0083

King County DLS Roads Division	Responsible for all maintenance, traffic management and regulatory compliance of county-owned roads, bridges, and related infrastructure in the unincorporated areas of King County. Responsible for the King County Haul Road Agreements (HRAs)	RCW 36.75
Public Health – Seattle & King County	Regulating and overseeing drinking water wells, including both private individual wells and public water systems and proper application, inspections, and compliance of septic systems	RCW 70.05.060; County ordinances for local rules, resolutions, and emergency declarations; Seattle Municipal Code Chapter 3.30
Tacoma Public Utilities		
Cumberland Water Coop		
King County Fire Prevention Bureau	A fire safety permit for an asphalt facility would likely include: • Compliance with fire protection water supply requirements (Title 17.04.450) • Fire apparatus access roads and clearances (Title 17.04.370–420) • Emergency responder radio coverage (Title 17.04.466–468) • Premises identification and fire protection system (if applicable) • Hazardous operations and material storage compliance	Title 17 – Fire Code governs fire protection, safety, and compliance for operations that could create fire or life hazards from an asphalt facility
King County Noxious Weed program	Regulated Weed Control for noxious weeds on the proposed site	RCW 17.10
King County Fire Districts 47, Puget Sound Fire, Enumclaw Fire (KCFD28) , and Mountain View Fire.	Provide fire protection and emergency services within specific geographic areas	King County fire districts are governed by a combination of Washington State statutes, the King County Fire Code, and local ordinances adopted by each district's governing body. KC Title 17

5. Discussion

5.1 Proposed Project and Scope

5.1.1 Proposed Project Description

5.1.1.1 Project Details

Segale Properties LLC, proposes a mining operation and asphalt facility to be developed in four phases over a 35-year span.

The proposed project consists of a 990-ac forested site to be developed into four open-pit aggregate mines, an asphalt facility, asphalt recycling stockpiles, office, truck scale(s), wheel wash, maintenance shop, crushing/washing plant for aggregate processing, process water treatment/recycling facility, parking, and stormwater ponds.

The proposed project will be developed in stages starting with logging and land clearing and transition to open-pit mining. The applicant estimates that 50-55 million cu yds of material will be removed.

Hours of operation are proposed to be: 7:00 AM - 5:30 PM for mining activities and crusher operations, 7:00 AM - 4:00 PM and 7:00 PM - 4:00 AM for asphalt facility operations and truck traffic, and 24 hr a day for site and infrastructure maintenance. It is estimated that this operation will need 175,000 to 250,000 gallons of water per day.

The conceptual plan includes:

- Portable & permanent crushing operations.
- Office area/scale near entrance.
- Maintenance shop/yard, truck and equipment parking area on-site.
- Maintenance shop/yard, washed stockpiles, and asphalt operations will be located on impervious surfaces for capture, treatment, and recycling of all stormwater/process water into the closed loop system.
- Asphalt facility/recycled asphalt facility designed with latest environmental protection measures to protect air and water quality.

5.1.1.2 Project Location

The proposed project site is located on Sections 9, 15, 17, and 21 of Township 21 North, Range 7 East. The proposed aggregate mining operation and asphalt facility is located on Forest-zoned property located north of Cumberland, WA.

The proposed site is comprised of 15 separate legal parcels totaling ~990 ac that surround WA DNR Section 16.

Access is proposed to be from the frontage on the west side of Cumberland-Kanaskat Road SE.

5.1.2 Project Scope

Public Comment—DS & EIS Scope—GRDE23-0083

The proposed project is limited strictly to the specific parcels listed in the application, and the EIS must evaluate only the activities the applicant has explicitly proposed on those parcels. The project does not include Section 16 (WA DNR parcel 1621079001), the private inholding parcel 1621079014, or any other parcels outside the applicant's list, and the EIS must treat those parcels as out of scope except for indirect or cumulative impacts such as noise, traffic, hydrology, habitat disruption, and visual impacts.

The proposed projects and accompanying environmental documents contain numerous omissions, including the absence of public access provisions, trail accommodations, water supply infrastructure, rail or conveyor systems, reclamation to original contours, wildlife protections, groundwater safeguards, and mitigation for noise, dust, lighting, wildfire, recreation impacts, and habitat fragmentation. The EIS must therefore evaluate the full extent of environmental impacts arising from these omissions, including impacts to nearby residents, recreation sites, sensitive aquifers, wildlife corridors, and the Green River Gorge.

The applicant also fails to explicitly rule out several significant future activities—such as mining on Section 16, expanded mining of Lizard Mountain, development of additional mine pits west of 309th Ave SE, use of the private inholding parcel 1621079014, and siting a Battery Energy Storage System (BESS) on parcel 2121079009 if zoning changes. Because these activities remain unexcluded, the EIS must evaluate the potential for future expansion, cumulative impacts, and longterm industrialization pressure across the entire project vicinity.

The EIS must clearly define the actual project scope, identify the parcels included and excluded, evaluate the full environmental consequences of the applicant's proposed activities and omissions, and address the reasonable likelihood of future expansions that the applicant has not ruled out. This clarity is essential to prevent improper expansion of the project footprint, ensure accurate environmental review, and protect the Rural/Forest landscape, nearby communities, and the Green River Gorge.

5.1.2.1 Parcels in Scope

The GRDE230083 proposal applies to the following fourteen privately owned parcels: 1521079007, 1521079008, 1521079009, 1521079020, 1721079001, 2121079001, 2121079005, 2121079006, 2121079008, 2121079009, 2121079015, 2121079016, 2121079029, and 2121079030. These parcels collectively form the **Cumberland Aggregate Mine and Asphalt Plant** project area as submitted by the applicant.

5.1.2.2 Parcels Not In Scope

Section 16 WA DNR parcel 1621079001:

This parcel is not included in the GRDE230083 application. No mining, asphalt production, clearing, grading, or infrastructure construction is proposed on Section 16. No project elements extend into Section 16. Haul roads onto parcel 1621079001 must be considered out of scope, as applicant has not secured easements from landowner, Washington DNR. Section 16 must be treated as out of scope for the EIS except for indirect or cumulative impacts (e.g., noise, traffic, hydrology).

Parcel 1621079014, a 40-ac inholding to WA DNR Parcel 1621079001, Section 16.

The applicant recently purchased Parcel 1621079014, but it is still out of scope of the proposed project. Most of this parcel is considered critical areas. With this purchase the applicant now has an access easement for a road through WA DNR parcel 1621079001.

5.1.2.3 Activities the Applicant States It Will Do (i.e., In Scope)

The EIS must evaluate:

Mineral Extraction

- Surface mining of aggregate materials within the defined project parcels.
- Clearing, grading, and excavation of the mine footprint.
- Development of internal haul roads and operational pads.

On-site Aggregate Processing

- Crushing, screening, and stockpiling of mined materials.
- Use of heavy equipment and on-site machinery.
- Construction and operation of washwater systems for aggregate washing.

Asphalt Plant Construction and Operation

- Installation of an asphalt batch plant within the project area.
- Storage of asphalt oil, additives, and fuels.
- Production of hotmix asphalt for off-site distribution.

Stormwater and Water Management Infrastructure

- Construction of stormwater ponds, conveyance channels, and sediment control systems.
- Use of washwater treatment systems (including flocculants or coagulants typical to aggregate operations).
- On-site water recycling systems.

Truck Traffic and Transportation

- Heavy truck ingress/egress using mainly Cumberland-Kanaskat Rd SE, but early noting use of SE 352nd Street, along with designated haul routes.
- On-site circulation of loaders, dozers, and haul trucks.
- Water-tanker trucks on a continual basis (e.g., at least hourly) hauling process water from off site.

Site Development and Support Facilities

- Construction of maintenance areas, fuel storage, employee parking, offices, and operational staging areas.
- Installation of lighting, security fencing, and signage.
- Installation of domestic well and septic system.

Reclamation Activities

- Longterm reclamation plan for mined areas, as required by King County and WA DNR Surface Mine Reclamation Program (SMRP), but these reclamation plans are merely putting 1-2 feet of topsoil at bottom of excavated pits to prepare site for an attempt at reforestation. **RCW 78.44.141 Reclamation—Minimum standards—Waiver.** provides specific guidelines that clearly preclude simply placing a few feet of topsoil on gaping

mining pits (with depths up to 60 ft) to secure reclamation. Nor does placing a few feet of topsoil restore a site to a condition that is compatible with the surrounding land use. This would change the topography of the area forever. Not only a change to the aesthetics, but potential impacts to future drainage, and unknown impacts to underground aquifers, and aquifer recharge zones. Finally, reclamation can take decades to complete (see Reserve Silica's never-ending multi-decade "*reclamation*"). Until these mined pockets are completely recovered back to forest (taking additional decades), the bare areas will have an impact on surrounding forest areas, especially during the more frequent heat domes and 100-degree days, due to climate change. The EIS must evaluate the potential impact of the proposed deforestation in this area.

5.1.2.4 Activities the Applicant States It Will Not Do (i.e., Out of Scope)

The following activities are not proposed by the applicant and, therefore, must be treated as outside of the project scope:

No Use of Section 16 (WA DNR Parcel)

- No mining, asphalt production, clearing, grading, or infrastructure construction—including easements.

No Expansion Beyond Listed Parcels

- No mining or industrial activity on parcels outside the GRDE230083 list.
- No request for future phases beyond the defined project footprint.

No Off-Site Asphalt or Aggregate Processing

- All processing is proposed **only** within the project parcels.
- No satellite plants or secondary processing sites.

No Public Infrastructure Extensions or Provisions.

- No extension of **urban sewer, urban water, or urban wastewater systems** into the Rural/Forest area.
- No request for public wastewater treatment infrastructure.
- The project does ask for large amounts of water to be supplied by Tacoma Water, but does not directly propose infrastructure for deliver of that water to the site.
- No use of the adjacent railroad line or any kind of conveyance system over Cumberland-Kanaskat Road SE to that rail corridor.

No Activities Associated with Other Projects

- No activities from **LUT4210001 (Hyde Mine expansion)** are included in this project.
- No activities from **GRDE15-0051 (Palmer Junction Pit that was recently expanded)** are included in this project.
- No combined mining plan or shared asphalt production.

No Residential, Commercial, or Recreational Development

- No housing, commercial buildings, or recreational facilities.

Public Comment—DS & EIS Scope—GRDE23-0083

- No public access or public use amenities, such as public access to the land along the Gorge owned by Washington State Parks, including the Jellum Site and the Palmer – Jellum Connection Site. This project would make these sites physically inaccessible.
- No provisions to accommodate Green River Gorge Rim Trail, planned to pass along or near boundaries of mine's rim parcels 0921079001 and 1721079001 and next to the location proposed for the asphalt facility.

No reclamation back to original contours of the site

- The Applicant's plans to reclaim the site do not include restoring topography to original contours, only replacing a 1-2 feet of topsoil on bottom of mine pits to try to reforest those large areas.
- The Applicant's reclamation plan does not offer to reshape or stabilize the steep sides of the pits, leaving what will be high fins of material above the rim of the gorge walls.
- The south slopes of the Green River Gorge have already experienced much landslides, and it is likely these mass-wasting events will continue, with or without this project. However, these new landforms could make these landslides larger and more prevalent, thus increasing the risk that the river will be blocked by one of these landslides.

5.1.2.5 Activities the Applicant Does Not Explicitly Rule Out of Scope

The public has to assume that applicant *may* consider adding these and others to the project at a later time:

Mining or use of Section 16 (WA DNR Parcel 1621079001)

- Use of Section 16 (WA DNR Parcel) for haul roads.
- Request for surface mining rights or lease on Section 16.

Private Inholding Parcel 1621079014 (recently purchased by applicant)

- Applicant made efforts to secure the mineral rights to this parcel and did core drilling even before they owned this parcel or had started this project.

Mining of Parcels 2121079006 and 2121079009 West of 309th Ave SE

- Applicant included a 5th mine pit west of 309th on the initial application, but this is not part of the current mine plan, or at least of the first phase of this project.

Mining on Parcel 2121079001 (Lizard Mountain)

- Applicant *does include* Parcel 2121079001 in the project scope, but the mine plan or initial phase of the project *does not include* mining on that parcel.
- Lizard Mountain is a foothill with about 900 feet of prominence above the site that contains a significantly larger amount of rock (~10 - 20x) more than the initial phase of the project proposes with the mine plan with 4 separate mine pits.
- During the life of most past and existing gravel mines in King County, they have expanded well beyond, even doubled the size of their original proposals. This could happen here as well.

Site a Battery Energy Storage System on Parcel 2121079009 Near Substation

Public Comment—DS & EIS Scope—GRDE23-0083

- Applicant has apparently earlier considered a site for a BESS on parcel 2121079009, near the PSE substation.
- If the grading permit is granted and the zoning of the site changes from F to M, then no permit at all would be needed to site a BESS at this location. This makes it even more likely that such a facility could be sited there, outside the footprint of the mine pits, and along a section of the transmission corridor that PSE has recently upgraded, likely for that purpose.

5.2 Hydrology and Water Quality Demands

5.2.1 Critical Aquifer Recharge Areas (CARAs)

The Vashon recessional outwash gravels that blanket portions of the Cumberland site render the local geology highly permeable, facilitating rapid and voluminous groundwater recharge ⁽¹⁾. King County Code (KCC) 21A.24.311 and related provisions formally designate Critical Aquifer Recharge Areas (CARAs) as environmentally sensitive critical areas, prioritizing the absolute protection of public drinking water aquifers ⁽²⁾. Under Department of Ecology guidelines (Publication 05-10-028), the vulnerability of an aquifer is quantified by evaluating its intrinsic susceptibility to infiltration combined with the potential for contaminant loading ⁽³⁾. The EIS must thoroughly evaluate and document onsite CARAs and perform a detailed vulnerability assessment demonstrating how the removal of deep, naturally protective soil horizons will impact the Category I and II CARAs that sustain local domestic wells and the numerous cold-water springs feeding the Green River Gorge ⁽⁴⁾. The stripping of topsoil and the creation of highly compacted pit floors fundamentally alter the percolation rates and filtration capacity of the earth, necessitating detailed hydrological flow modeling in the EIS.

To summarize, the EIS must:

- **Characterize the size, location, function and hydrology of onsite CARAs.**
- **Conduct a detailed vulnerability assessment to evaluate the impact disturbing, altering, and/or removing Category I and II CARAs present on the site will have on local domestic wells and cold-water springs feeding the Green River Gorge.**
- **Assess the hydrological impact of disturbing, altering, and/or removing Category I and II CARAs present on the site during extreme wet and dry events and with predicted climate change conditions.**

5.2.2 Regional Groundwater Drawdown and Hydrogeologic Alteration

On page 13 of the SEPA Checklist the applicant states that *“a minimum of 10-feet of material will be maintained over the top of the regional groundwater elevation,”* theorizing that this layer will prevent any contamination to adjacent well levels or regional aquifers ⁽¹⁾. However, large-scale aggregate extraction inherently and unavoidably disrupts the hydrogeologic gradient. If the excavation intercepts localized perched aquifers, alters the transmissivity of unconfined units, or removes the geologic confining layers over deeper aquifers, the resulting *“bathtub effect”* can permanently alter subterranean flow vectors ⁽⁵⁾.

The EIS must mandate rigorous, empirical multi-seasonal hydrogeologic testing to accurately prove the depth of the regional groundwater level and determine the minimum depth of material needed to adequately filter stormwater and other runoff before it percolates into the regional groundwater. This must include prolonged aquifer pump tests and the deployment of a network of multi-level piezometers to establish baseline seasonal piezometric surfaces. Subsequently, numerical groundwater flow modeling (e.g., MODFLOW) must be executed to simulate the 35-yr drawdown cone of depression, quantifying the exact risk to the water quantity available in neighboring residential wells ⁽⁶⁾. Hydrological data collection should occur during wet and dry seasons and over a minimum

of 3-5 years to capture precipitation and climate variability as extreme wet and dry events need to be analyzed.

Additionally, a fate-and-transport analysis must be performed for potential spills from fuels, asphalt-related compounds, process fines, and other operational contaminants from the pit floors and pond bottoms to the springs, wells, and the Green River — explicitly accounting for the permanent loss of up to 100 feet of vadose-zone filtration-including the Black Diamond municipal springs. This must include a worst-case spill analysis for contamination of the aquifer from the asphalt plant, tank farm, and fueling areas sited on the excavated pit floor, including remediation strategies and impacts to downgradient water users. Characterization of the 10-ft vertical separation required on all pits of seasonal high groundwater at every pit — including the pond excavations below the mine floors with documentation on how the 10-ft separation will be evaluated during mine operations must be performed and mitigation strategies if the 10-ft buffer is penetrated, releasing contaminants into the groundwater must be developed, as well as a full water balance for the project including trucked in water, water recycling, discharges to ponds and groundwater.

To summarize, the EIS must:

- **Monitor and evaluate current regional groundwater levels during multiple wet and dry seasons (3-5 years) to account for climate variability and extreme wet and dry events when determining groundwater levels. This must include: (1) prolonged aquifer pump tests and the deployment of a network of multi-level piezometers to establish baseline seasonal piezometric surfaces and (2) groundwater flow modeling (e.g., MODFLOW) assessing the 35-yr drawdown cone of depression to quantify the risk to the water quantity available in neighboring residential wells and springs**
- **Model future regional groundwater levels during wet and dry season over the life of the project to assess climate change related water level changes.**
- **Determine the depth of material needed to adequately filter and treat stormwater and other onsite runoff before it percolates into the regional groundwater table.**
- **Characterize the 10-ft vertical separation required on all pits of seasonal high groundwater at every pit — including the pond excavations below the mine floors with documentation on how the 10-ft separation will be evaluated during mine operations. Mitigation strategies if the 10-ft buffer is penetrated, releasing contaminants into the groundwater.**

5.2.3 Surface Water Management and Process Water Confinement

The applicant proposes implementing a closed-loop system for managing aggregate wash water, which involves storing process water in lined ponds and infiltrating stormwater on-site to ostensibly prevent any turbid runoff from reaching the Green River or Deep Creek ⁽¹⁾. While zero surface runoff is promised, the extreme permeability of the local outwash soils exponentially increases the risk of rapid subsurface contaminant transport if containment systems fail ⁽⁷⁾.

The EIS must critically scrutinize the engineering specifications of the proposed hydrological infrastructure described in the SEPA Checklist and appendices ⁽⁵⁾. The EIS must require the system to be modeled against catastrophic climatic events, specifically multiple consecutive 100-yr storm events ⁽⁸⁾. The analysis must quantify the structural failure risk of the lined ponds, ensuring that turbid, silt-laden process water cannot undergo subterranean migration into pristine aquatic

environments. The size of the water containment infrastructure must take into account the added water from extreme precipitation events, such as consecutive atmospheric rivers ⁽⁹⁷⁾.

To summarize, the EIS must:

- **Evaluate the technology, design, and size of the closed-loop process water treatment/recycling facility and stormwater ponds to adequately treat and contain all water during consecutive extreme wet weather events, such as consecutive atmospheric rivers.**
- **Evaluate and recommend backup protection as a failsafe for the closed-loop process water treatment/recycling facility and stormwater ponds to ensure that failure of this infrastructure adequately contains the silt-laden water.**

5.2.4 Thermal Pollution and Green River TMDL Compliance

The Green River is legally constrained by a strict Total Maximum Daily Load (TMDL) for temperature and dissolved oxygen, established by the Department of Ecology to protect vulnerable aquatic life ⁽¹⁰⁾. Under WAC 173-201A, the highest 7-day average daily maximum (7-DADMax) temperature for Core Summer Salmonid Habitat must not exceed 16°C (60.8°F), while downstream migration corridors are limited to 17.5°C ⁽¹¹⁾.

The EIS must thoroughly investigate the hydrogeological connection between the mine's groundwater impacts and the Green River's thermal regime ⁽¹²⁾. Hyporheic exchange and the continuous input of cold-water springs around the Green River Gorge (e.g., Palmer Springs, Icy Creek) are absolutely critical for maintaining thermal refugia, which are defined as areas at least 2°C colder than adjacent waters ⁽¹²⁾. Any reduction in groundwater recharge caused by site compaction, deforestation, or surface water diversion will directly exacerbate lethal temperature thresholds for Chinook salmon, resulting in a fundamental violation of the TMDL mandates ⁽¹⁴⁾.

To summarize, the EIS must:

- **Thoroughly investigate and characterize the hydrogeological connection between the project's groundwater impacts and the Green River's thermal regime including any potential changes to the temperature and dissolved oxygen.**
- **Evaluate the impact deforestation, surface water diversion, groundwater disruption, ground compaction, and other ground disturbing activities will have on water entering the Green River and the temperature of the Green River during average predicted conditions and extreme hot weather events over the life of the project with predicted climate change conditions.**

5.2.5 Asphalt Plant Leachate and Polycyclic Aromatic Hydrocarbons (PAHs)

The integration of a hot-mix asphalt facility and recycled asphalt stockpiles introduce a severe risk of petrochemical contamination to the local watershed ⁽¹⁴⁾. Runoff from asphalt production sites is known to contain highly toxic Polycyclic Aromatic Hydrocarbons (PAHs), benzene, arsenic, lead, and mercury ⁽¹⁵⁾. As evidenced by the controversial Lakeside Industries SEPA determination (COMM18-0014) along the Cedar River, enhanced basic filtration systems frequently fail to capture dissolved toxins, allowing dangerous percentages of pollutants to infiltrate sole-source aquifers ⁽¹⁶⁾.

PAHs are particularly insidious as they bioaccumulate in aquatic food webs and can cause severe autoimmune and developmental defects in salmonids.

The EIS must demand advanced, multi-stage bio-filtration for treatment and chemical containment protocols, analyzing the precise chemical signature of the expected leachate and its potential to rapidly infiltrate the highly permeable glacial outwash soils of the Cumberland site ⁽⁷⁾.

The EIS must propose mitigation strategies if the containment or treatment fails, as well as analyze the fate and transport of any contaminants entering the groundwater from the site and moving toward the Green River, local springs, Black Diamond's municipal water supply and residential wells. Modeling should address the worst-case spill analysis for contamination of the aquifer from the asphalt facility, tank farm, and fueling areas sited on the excavated pit floor. The EIS also needs to evaluate the groundwater remediation strategies and impacts on downgradient water users.

To summarize, the EIS must:

- **Evaluate adequate methods, technologies, and protocols to contain and treat runoff contaminated with polycyclic aromatic hydrocarbons (PAHs), benzene, arsenic, lead, and mercury from asphalt production. Propose mitigation strategies if best management practices fail.**
- **Determine the ability and capacity of the native soil to retain asphalt plant leachate runoff contaminants like polycyclic aromatic hydrocarbons (PAHs), benzene, arsenic, lead, and mercury for all the variations of soil horizons that will be intact on the site throughout the life of the project.**
- **Determine the concentration, fate and transport of asphalt plant leachate runoff contaminants that would enter the regional groundwater and Green River over the life of the project under optimal containment conditions, average containment conditions, and during a catastrophic failure of the containment system.**
- **Analyze a worst-case spill for contamination of the aquifer from facilities and materials sited on the excavated pit floor, including remediation strategies and impacts to downgradient water users.**

5.3 Critical Areas

In this section we discuss the wide variety of critical areas that must be mapped and addressed in an EIS.

5.3.1 Wetlands and Aquatic Areas

The Applicant's contracted consultants stated the following regarding wetlands within the potential area of mining disturbance:

"An on-site Critical Areas Investigation Report (Appendix H) has been completed by Raedeke. Raedeke's investigation included field reconnaissance and identification/mapping of any critical areas as described by King County (e.g., wetlands, streams, springs, etc.). Raedeke performed field visits in December 2019 and again in April-May 2021 and June 2022 to examine the site for wetlands and streams. The results of their field investigation are included in Appendix H. No wetlands and one (1) stream were identified during Raedeke's work on-site. The stream, located in Section 21 (Appendix H) was described by Raedeke as seasonal in nature as it was dry at the time of the visit in May 2021. According to the Raedeke report, the stream would be considered by King County as a Type "O" stream and subject to a 25-foot buffer. The Applicant will maintain this buffer around the identified stream and not disturb this stream segment as it is not proposed to be included in the mined area." [p. 4 of 31 SEPA Checklist]

"According to the Raedeke's findings, no wetlands were found in the area to be disturbed by proposed mining and/or associated facilities developed to operate the mine. There is one (1) wetland located south of the proposed entrance road. However, the wetland buffer of 75-feet around this wetland is not disturbed by the proposed location of the entrance road.

One (1) ephemeral stream was identified by Raedeke on the northwest side of Lizard Mountain in Section 21, approximately 400-feet northwest of boring 21C as seen on the reconnaissance map contained within their report. This stream is identified as seasonal in nature and was dry at the time of the site visit in May 2021. No mining activity or other mining disturbance is proposed around this stream.

Several small ephemeral streams were also identified by AESI, the Applicant's hydrogeological consultant. AESI identified and mapped (Appendix E) several small seasonal streams on the south face of Lizard Mountain, located out of the proposed mining areas but on the Applicant's property. All these Lizard Mountain streams are seasonal in nature and quickly sink into the gravely soils and disappear once off the face of the Lizard Mountain slope. None of these Lizard Mountain streams are connected via surface flow to any other waterbody.

AESI did identify one (1) small stream at the extreme north end of the project site, closer to the Green River Gorge, which emanates from a spring near the north property line. This small spring and associated downstream flow do seasonally go over the gorge drop off and into the Green River. This is not a surface connection to the Green River and the segment is not navigable by fish. The map identifying this stream is contained in both the Raedeke and AESI reports (Appendix H and Appendix E).

Public Comment—DS & EIS Scope—GRDE23-0083

AESI also identified and mapped numerous springs (approximately 12) located off the Applicant's property on surrounding properties. These springs are perched high above the Green River Gorge area and are identified on a map in the AESI report contained in Appendix E. These springs are predominantly located west of and down topographic grade from Applicant's western and northern parcels. Seasonally, these small springs flow over the gorge edge and contribute to the Green River flow. However, none of these springs has a navigable surface connection to the Green River and they do dry up by late spring or early summer." [p. 10 of 31 SEPA Checklist]

We categorically disagree with the applicant's chosen consultant's conclusions above. As provided in great detail by Dr. Monica Paulson Priebe in her July 27, 2026, letter to KC DLS-P, there are several discrepancies and inaccurate statements that call for *"an independent contractor of King County's choosing should be hired to identify/verify and map existing wetland areas within this site during the Type 2 wetland months of April or October as the ground water recharge in this area is crucial to clean drinking water available for public consumption at the Green River Gorge, near the resort."* We agree with Dr. Priebe's concerns and fully support her EIS recommendations for independent studies and mapping of subsurface hydrology, groundwater infiltration, Critical Aquifer Recharge Areas (CARAs), potential travel of volatile organic compounds (VOCs) into the surface water of the Green River, and potential contamination of local drinking water and wells.

Further, the Applicant's contracted consultants stated the following regarding wetlands offsite:

"Offsite to the north and west of the stream, we identified seven offsite wetlands on the KCDNR parcel. These wetlands are generally forested, with patches of scrub-shrub and emergent vegetation. Using the WDOE Wetland Rating form (Hruby, 2014), it was determined that all offsite wetlands meet the criteria of Category III wetlands because they scored between 17 to 19 points overall (7 to 8 points for habitat)." [p. 6, Appendix H, Critical Areas Investigation, Raedeke Assc., Inc., February 23, 2023]

The 990-ac project footprint encompasses highly varied and undulating topography that inevitably hosts a complex network of wetlands, seasonal streams, and groundwater. To ensure compliance with state and county critical areas regulations, the EIS must mandate the use of the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029) to properly delineate and score all aquatic resources⁽¹⁷⁾. Category I and II wetlands demand substantial protective buffers, often exceeding 100 feet based on habitat scores, to shield them from the high-intensity impacts of adjacent mining operations. The applicant's preliminary documents indicate a goal of using *"Wetland Buffer Averaging"*⁽¹⁸⁾. However, any proposed buffer averaging plans must ensure that narrowing the buffer in one specific area does not sever overall ecological function. The principles of mitigation sequencing must be applied before assessing any buffer modifications⁽¹⁸⁾.

To summarize, the EIS must:

- **Delineate, characterize, and score all onsite and adjacent affected aquatic resources using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029). Aquatic resources includes a complex network of wetlands, seasonal streams, and groundwater. This evaluation needs to include identifying/verifying and mapping existing wetland areas within this site during**

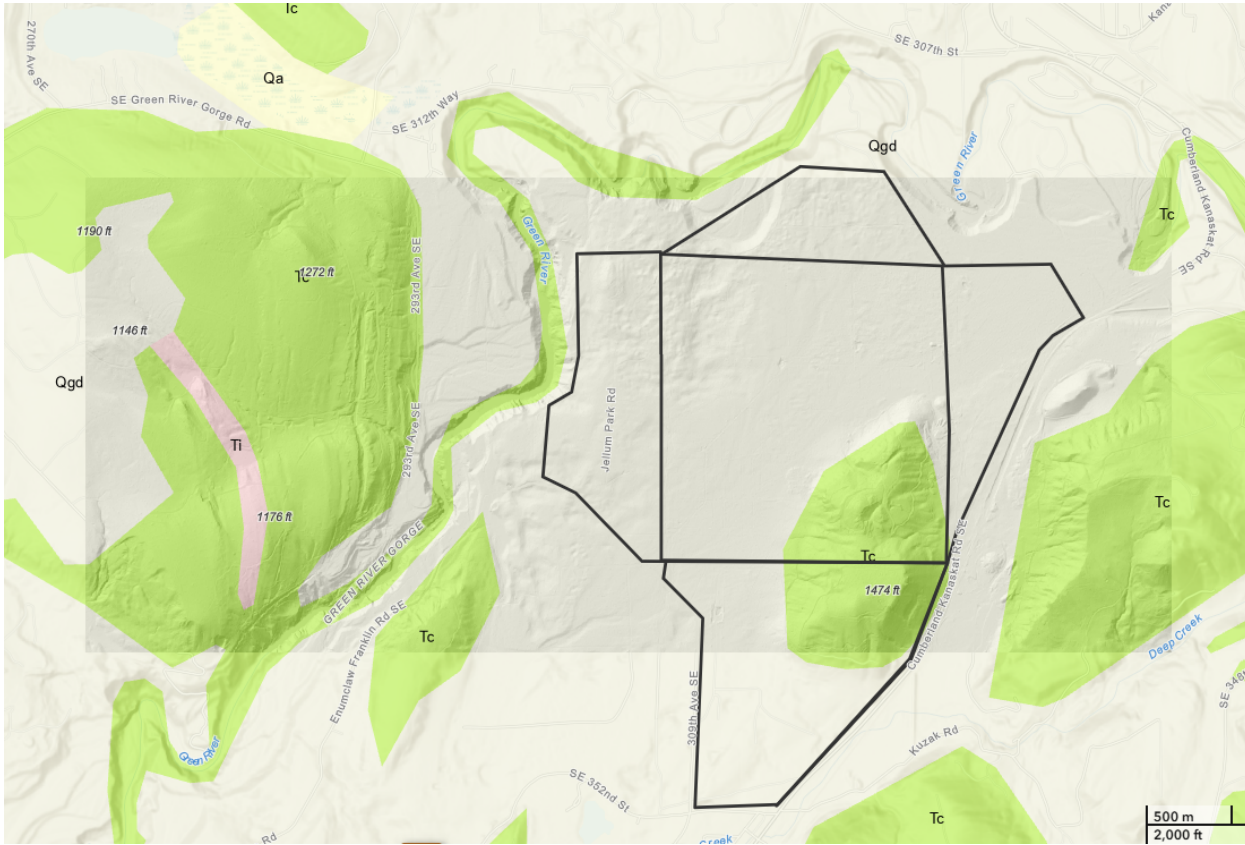
the Type 2 wetland months of April or October as the ground water recharge in this area is crucial to clean drinking water available for public consumption at the Green River Gorge, near the resort.

- Evaluate the impacts of implementing “*Wetland Buffer Averaging*” on overall ecological and hydrological function of the site, Green River, and regional groundwater.
- Characterize any proposed buffer averaging plans to ensure that narrowing the buffer in one specific area does not sever overall ecological function.
- Propose mitigation sequencing of wetland protection, restoration and creation before permitting any buffer modifications.

5.3.2 Subsurface Stratigraphy and Geo-Structural Integrity

The bedrock geology underlying the proposed Cumberland site is predominantly defined by the Puget Group Formation, a late Eocene stratigraphic unit of the broader Puget Group ⁽⁷⁾. This nonmarine fluvial deposit is highly complex, characterized by alternating layers of arkosic sandstone, siltstone, shale, mudstone, and intercalated bituminous coal seams ⁽⁷⁾. Overlying this bedrock foundation are Pleistocene glacial deposits, specifically Vashon-age lodgment till (composed of a silty sand and gravel matrix) and recessional outwash gravels ⁽⁷⁾. Because the site is situated on the flank of the Cascade upwarp and is proximate to active regional fault lines such as the Rattlesnake Mountain, White River Fault, and the various local faults as found through the storied coal mining history, the large-scale removal of 55 million cu yds of this unconsolidated glacial overburden threatens to fundamentally alter regional tectonic stress-relief mechanisms. In addition, the true distribution of groundwater needs to be explored. Miners throughout the Black Diamond, Franklin, Cumberland, etc. areas have all encountered issues with groundwater seepage. In George Watkins Evans’ 1912 report, regarding the Occidental Mine (Washington Department of Natural Resource Coal Mine ID K101) on the north end of Lizard Mountain, it states, “*It appears that water from a pre-glacial channel had been stuck in some of the upper chutes. Unsuccessful attempts have been made to pump out the water from the slope but the mine is still flooded*” ⁽¹⁹⁾. In the applicant’s Appendix J titled “*Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report*,” on p. 29, it shows an open mine shaft labeled as Carbon Fuel Company No. 4 Mine (WA DNR Coal Mine ID K97), shows the presence of groundwater right up to the entrance of the mine. In both cases, the true extent of water coming from Lizard Mountain, as well as the surrounding area must be investigated with respect to the dynamics underground and the relation at the surface.

The EIS must include three-dimensional stratigraphic modeling. The scoping directive must demand continuous core sampling across the 990-ac footprint and adjacent properties to evaluate the potential *cumulative* impact of aggregate removal and to evaluate how the removal of lithostatic pressure might induce localized seismic adjustments or reactivate dormant fault splays within the Puget Group, as well as bedrock settlement and hill side stability.



The WA DNR shows many surface units in the area, such as green areas (Tc) which are exposures of Eocene continental sedimentary rocks, which is considered bed rock in the area. Pink areas (Ti) are tertiary, intrusive volcanics. Light yellow (Qa) indicates Quaternary alluvium. Tan areas (Qgd) indicate Pleistocene glacial drift.

To summarize, the EIS must:

- **Use three-dimensional stratigraphic modeling based on continuous core sampling across the 990-ac footprint and adjacent properties.**
- **Evaluate the potential *cumulative* impact of aggregate removal across the entire site and evaluate how the removal of lithostatic pressure might induce localized seismic adjustments or reactivate dormant fault splays within the Puget Group, as well as bedrock settlement and hill side stability.**
- **Characterize the true extent of water coming from Lizard Mountain, as well as the surrounding area with respect to the subsurface stratigraphy, dynamics underground and the relation at the surface topography.**

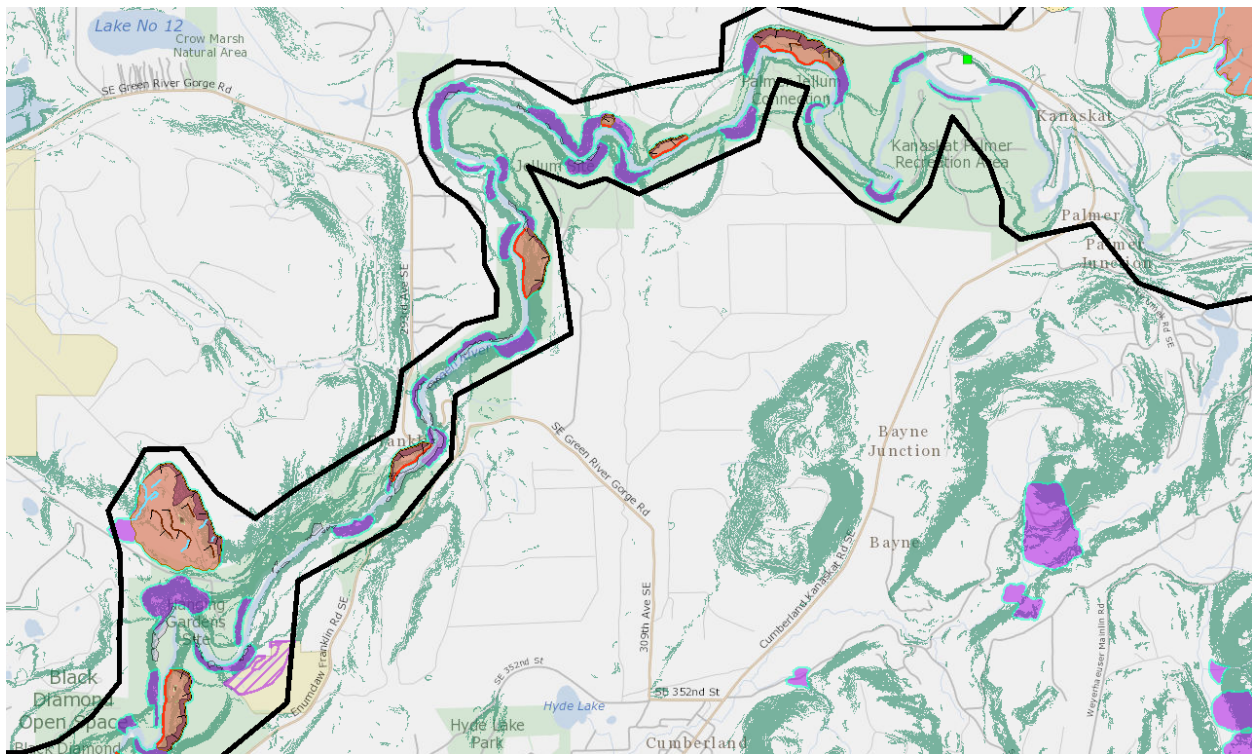
5.3.3 Slope Stability and Landslide Hazards

The proposed development is situated immediately south and east of the Green River Gorge, an area in which the river has incised deeply into the underlying bedrock to create near-vertical bluffs rising between 50 and 400 feet above the riverbed ⁽⁶⁾. The sedimentary rocks comprising these gorge

walls are notoriously susceptible to mass wasting, as evidenced by major historical landslides, such as the massive scarp complex underlying the southern approach of the Kummer Bridge on State Route 169 ⁽²⁰⁾. King County iMap and the WA DNR maps show multiple historical landslide scarps, clearly indicating an historical precedence for landslides in this region.

Ground stability is especially of concern, given causes outside of mining practices, such as local earthquakes from faults like Seattle, Tacoma, White River, and other regional ones, as well as large scale events like a Cascadia Subduction Zone can damage slope stability on their own, with a potential increase of hazard in the event of native materials being removed at scale, thus compounding potential hazards. Even small scale, localized faults can cause damage in areas near the site, such as an unnamed fault that bisects Lizard Mountain ⁽²¹⁾.

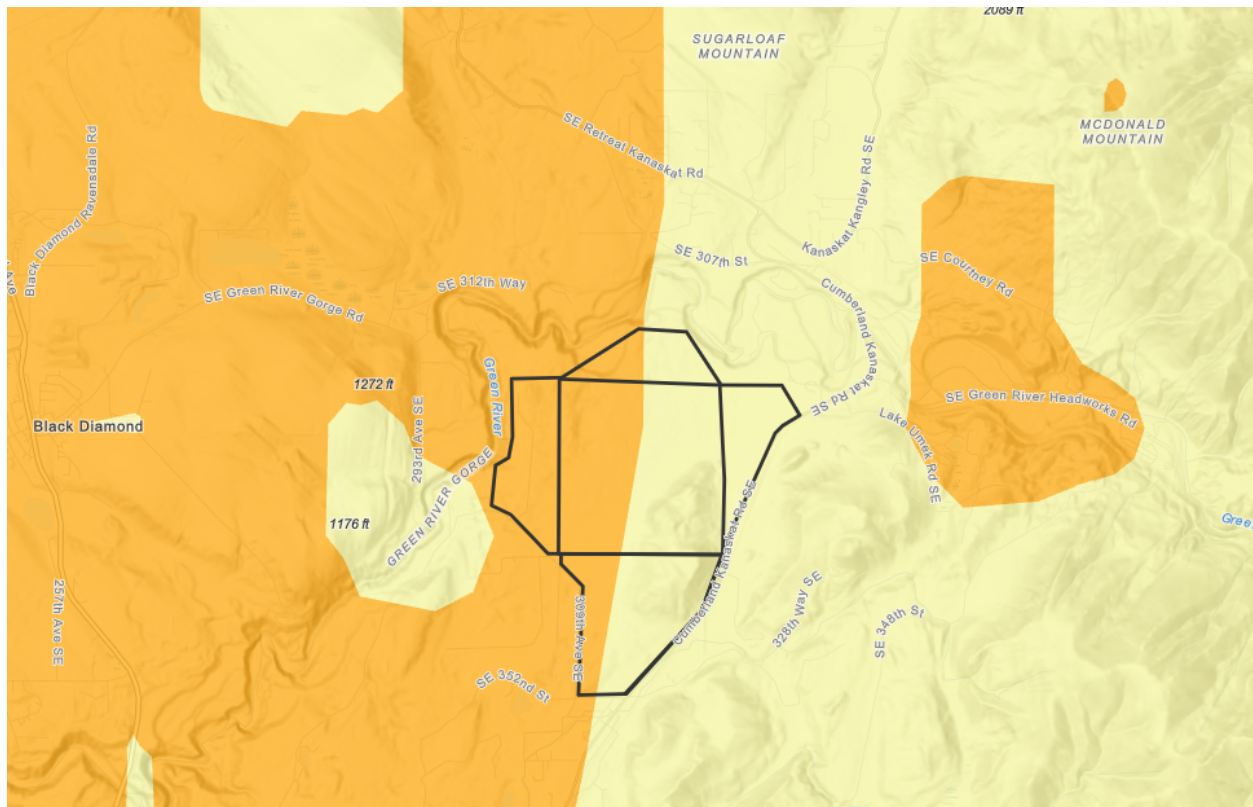
The EIS must include comprehensive geotechnical slope stability analyses, specifically evaluating how the dynamic, cyclic loading from heavy extraction machinery and the alteration of surface water infiltration will impact the internal friction and cohesive forces of the local soils ⁽²²⁾. This should include Lizard Mountain, as well as the Green River Gorge walls on both the East and West side, from Kanaskat through the entire length to Flaming Geyser State Park. Scoping must require finite element modeling to ensure that aggregate extraction will not trigger slumps or catastrophic translational slides along the Green River Gorge rim. In addition, the EIS must evaluate the landslide risks along the Green River Gorge walls created by the use of underground sonar or sound wave technology used during the mining operations to determine underground conditions. Vibrations from the sonar or sound technology causes vibrations that potentially may disrupt the integrity of the gorge walls, potentially causing landslides ⁽²²⁾.



King County iMap shows many features associated with landslide hazards. The Green River Corridor is shown between the redlines. Purple shaded areas show potential landslide and steep slope area, areas where past slides may have occurred. The green shaded areas show potential step slope

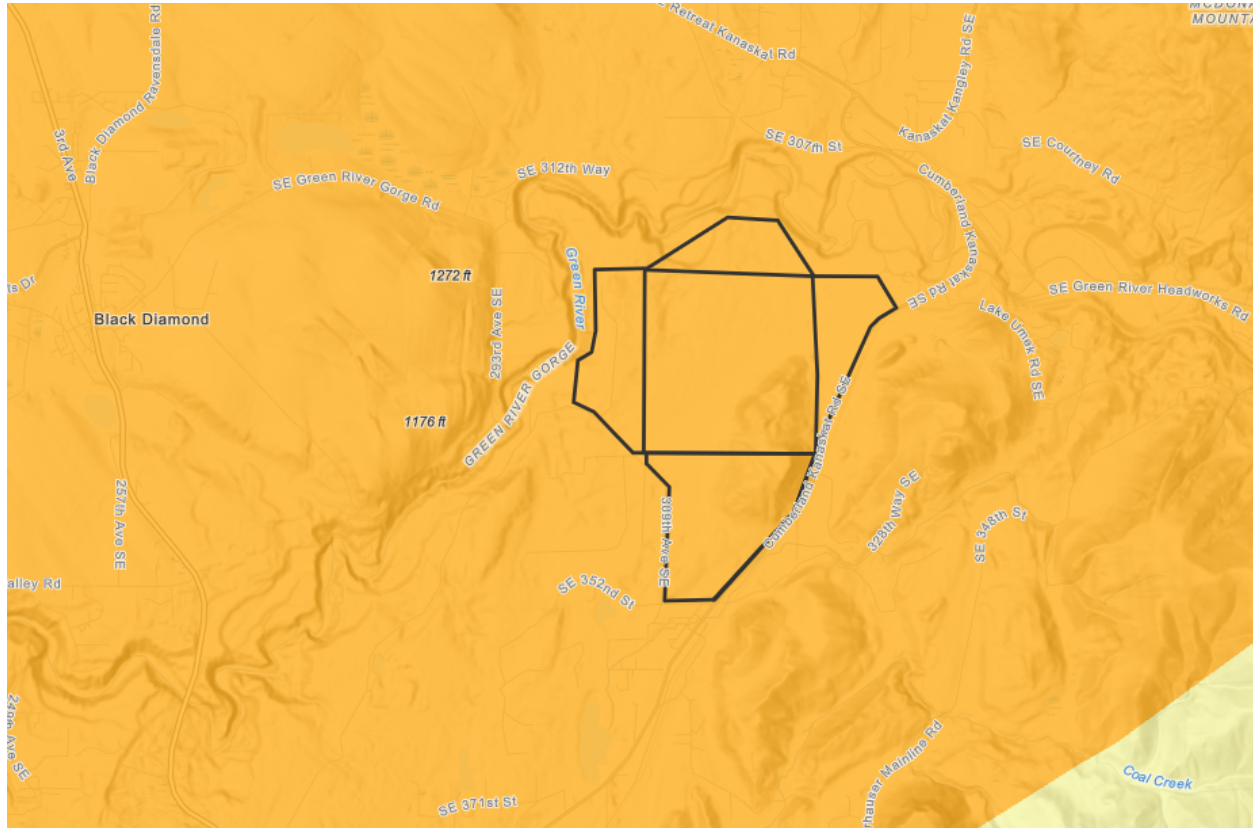
Public Comment—DS & EIS Scope—GRDE23-0083

hazard areas, areas where landslides have the potential to occur. It's noted that a large portion of Lizard Mountain, on the South, East and Northeast side, reside on the applicant's properties proposed for mining.

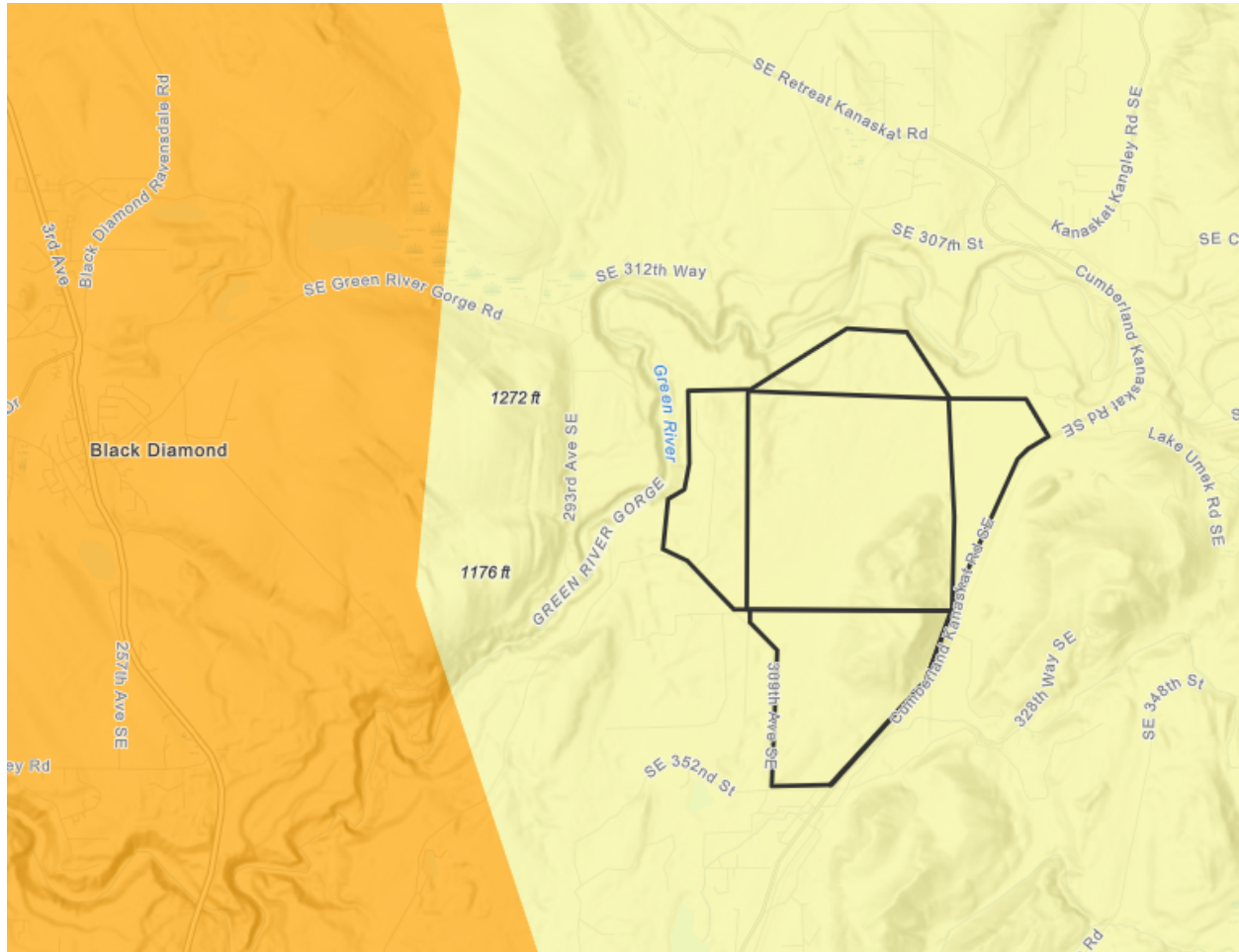


A seismic scenario map from the WA DNR regarding a rupture of the Tacoma Fault. Orange indicates a shake intensity of VII 7 or very strong shaking. Yellow indicates VI 6 Strong shaking. This is for an estimated 6.9 – 7.1 quake.

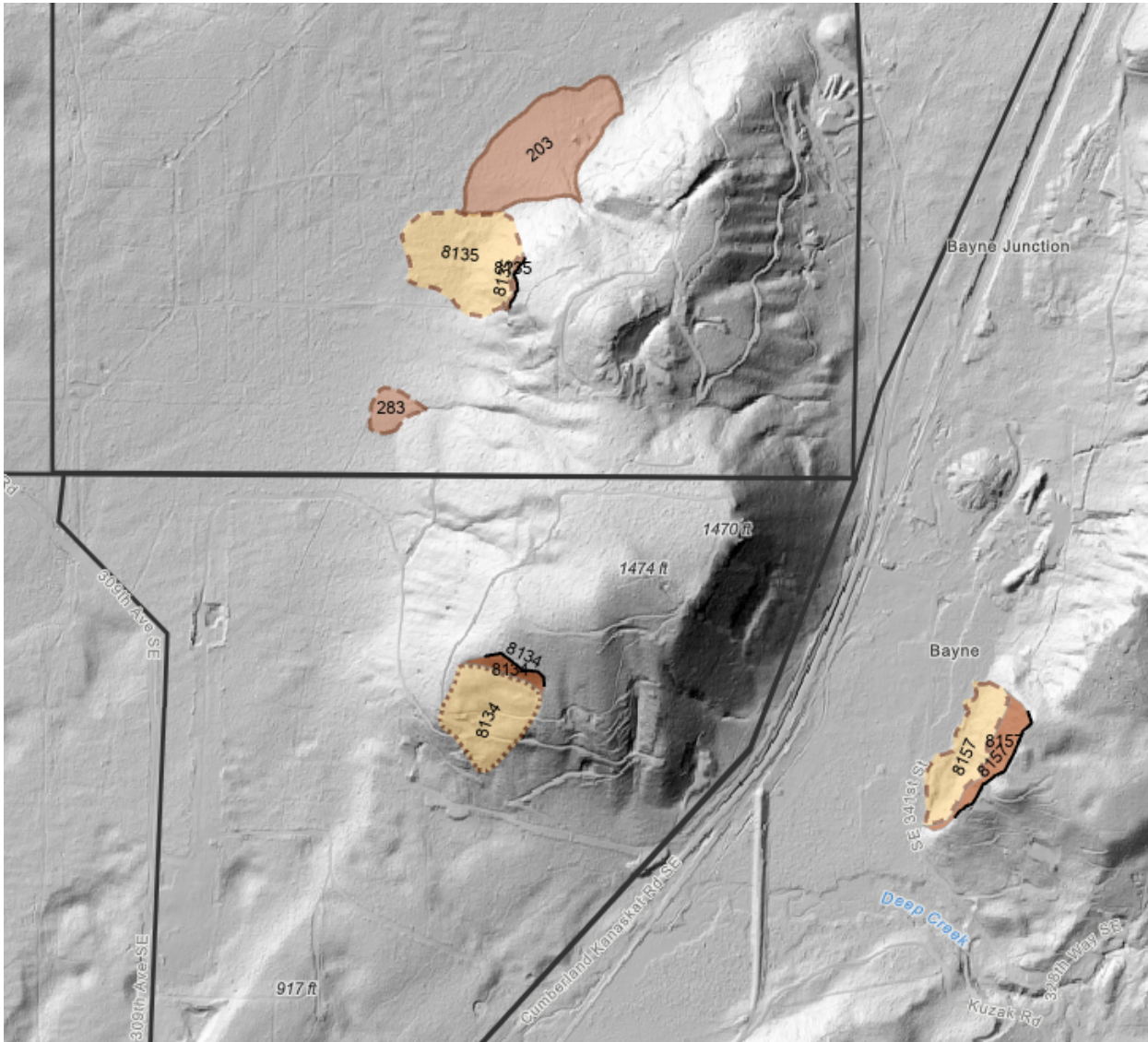
Public Comment—DS & EIS Scope—GRDE23-0083



A seismic scenario map from the Washington Department of Natural Resources regarding a rupture of the Tacoma Fault. Orange indicates a shake intensity of VII 7 or very strong shaking. Yellow indicates VI 6 Strong shaking. This is for an estimated 6.7 – 7.2 quake.



A seismic scenario map from the WA DNR regarding a rupture of the Cascadia Subduction Zone. Orange indicates a shake intensity of VII 7 or very strong shaking. Yellow indicates VI 6 Strong shaking. This is for an estimated 9.0 quake.



Additionally,

Using bare earth lidar mapping from WA DNR, Lizard rock has experience two slides, with shown scarps at 8134 and 8135. While 8135 is on WA DNR land, impacts from one site can cause issues in another. The areas marked of sites of 283 and 203 are defined as fans from creeks that come from the mountain itself.



This image was taken in May of 2025 along the stream for fan 283, which is contained in Section 16 of the land owned by the WA DNR, showing a clear and active path for water movement.



This image was taken in May of 2025 and shows the exposed estimated scarp, just past the tree line in the center of the photo for slide 8135 which is contained in Section 16 of the land owned by the WA DNR.

To summarize, the EIS must:

- **Conduct comprehensive geotechnical slope stability analyses, specifically evaluating how the dynamic, cyclic loading from heavy extraction machinery and the alteration of surface water infiltration will impact the internal friction and cohesive forces of the local soils. This should include Lizard Mountain, as well as the Green River Gorge walls on both the East and West side, from Kanaskat through the entire length to Flaming Geyser State Park.**
- **Characterize historic landslides from existing data as a baseline for changes from the mining activities.**
- **Use finite-element modeling to evaluate the potential of aggregate extraction to trigger slumps or catastrophic translational slides along the Green River Gorge rim.**
- **Evaluate the landslide risks along the Green River Gorge walls created by the use of underground sonar or sound wave technology used during the mining operations to determine underground conditions.**

5.3.4 Acid Mine Drainage (AMD) and Geochemical Contamination

The sedimentary bedrock of the Puget Group, which underlies and intersects the targeted aggregate deposits in this area, is known to contain significant concentrations of sulfide minerals within its interbedded coal and shale layers ⁽²³⁾. While the applicant's objective is the extraction of aggregate, this massive excavation will inevitably exhume these sulfide-bearing strata as overburden

and waste rock. When these minerals are exposed to atmospheric oxygen and precipitation on the pit walls and in waste piles, they will oxidize to produce Acid Mine Drainage (AMD) ⁽²³⁾. AMD creates a highly acidic runoff that, in the proposed scenario, will rapidly mobilize and leach heavy metals directly into the open pit sumps, the underlying Critical Aquifer Recharge Area (CARA), and surficial drainages feeding the Green River. An example of one catastrophic local precedent for hydrogeochemical contamination in these specific geologic units exists at the Reserve Silica site in Ravensdale. While the Reserve Silica groundwater contamination was driven by the introduction of highly alkaline cement kiln dust (pH > 12), the underlying geologic lesson is identical: the porous sandstones and fractured shales of the Puget Group aquifer lack the buffering capacity to contain extreme pH shifts ⁽⁵⁾. Predictive geochemical modeling (e.g., acid-base accounting and kinetic leaching tests) is required.

The applicant does not need to import toxic waste to trigger a similar disaster; simply excavating the 990-ac aggregate pit sites can expose the reactive, sulfide-bearing strata of the Puget Group to air and water, transforming the exposed pit walls and waste rock piles into a self-sustaining chemical reactor. Whether mobilized by artificial alkalinity (as in Ravensdale) or naturally induced acidity (as proposed in Cumberland), the result is the same—the potential for unmanageable pollutants migrating into the regional watershed.

The EIS must conduct predictive geochemical modeling, specifically, static acid-base accounting (ABA) and kinetic leaching tests of all excavated overburden, waste rock, and exposed pit walls. This modeling must definitively prove that the oxidation of these incidental sulfide minerals will not alter the pH or heavy metal concentrations of the Green River watershed or local wells.

To summarize, the EIS must:

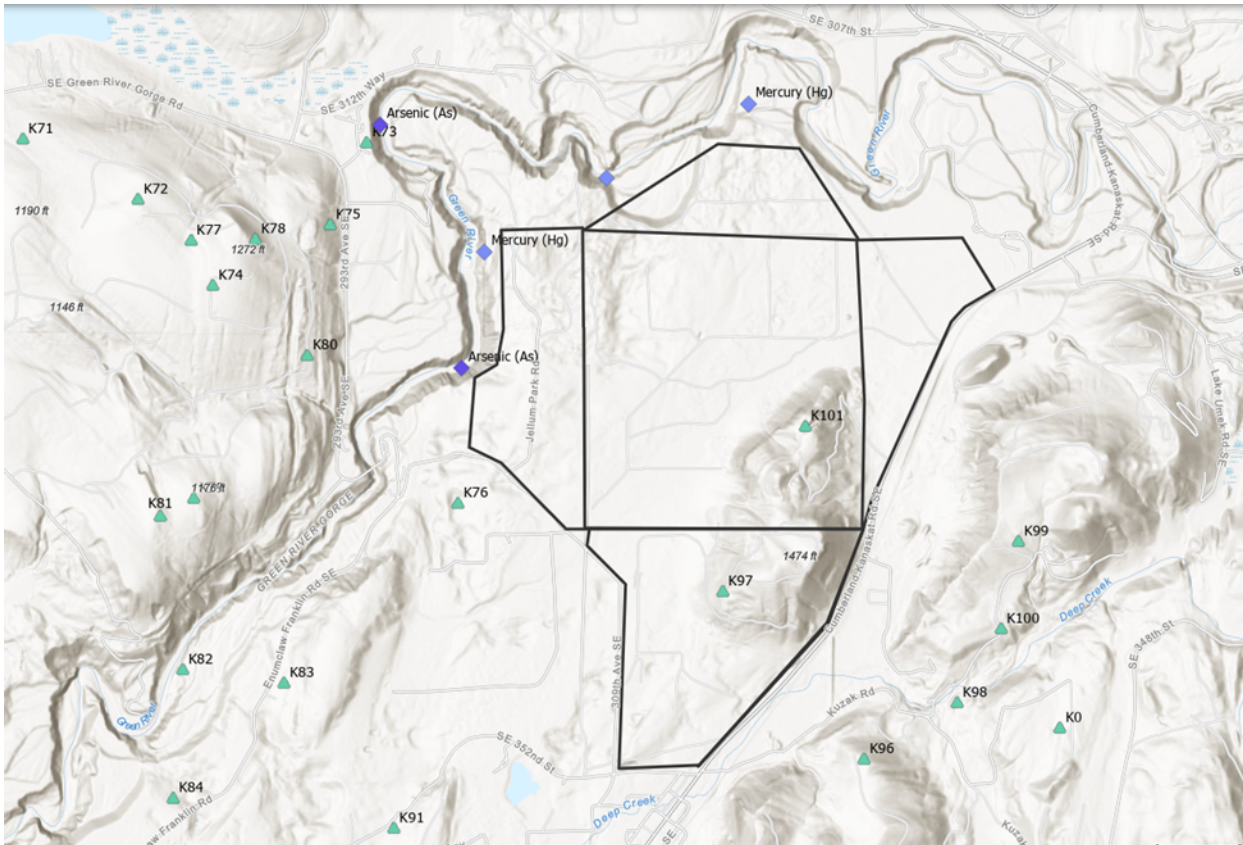
- **Conduct predictive geochemical modeling, specifically, static acid-base accounting (ABA) and kinetic leaching tests of all excavated overburden, waste rock, and exposed pit walls.**
- **Prove using the above-mentioned modeling that the oxidation of these incidental sulfide minerals will not alter the pH or heavy metal concentrations of the Green River watershed or local wells.**
- **Identify and evaluate pollutants mobilized by acid-mine drainage into groundwater.**

5.3.5 Intersections with Historic Coal Mine Workings

Southeast King County possesses an extensive and frequently undocumented history of subsurface coal extraction, with numerous legacy operations—including the Hyde Mine, Navy Mine, Durham Colliery, Elk Coal, and Royal Reward Mercury Mine, which are intersecting or running adjacent to the GRDE23-0083 project area and described in the project's SEPA Checklist appendices ⁽⁵⁾. Historical accounts from the early 20th century reveal that the Hyde Mine, which commenced operations in 1912, ran directly beneath local water bodies such as Fish Lake, creating intense hydraulic pressures and devastating subsidence events that frequently led to fatal cave-ins ⁽²⁴⁾. The Occidental Mine had a major blow out after hitting an underground spring during operations in the **1900's** ⁽²⁴⁾. Excavating into a landscape honeycombed with these abandoned, flooded audits and shafts poses catastrophic risks. While many mines are mapped with the WA DNR, there is historical precedence for *wild-cat* mines and airshafts to not be properly sealed, or still be in a state of being open.

Public Comment—DS & EIS Scope—GRDE23-0083

The EIS must require high-resolution geophysical surveys, encompassing ground-penetrating radar, micro-seismic monitoring, and electrical resistivity tomography, to map all subterranean voids prior to any surface disturbance ⁽⁶⁾. Disturbing these legacy workings carries the dual risk of sudden mechanical subsidence and the uncontrolled atmospheric release of trapped, highly combustible or toxic coal mine gases. This type of subsidence isn't limited to just the proposed site, but can occur in areas surrounding the mine site due to disturbance of the present unit. The EIS should factor in the surrounding areas extensive history in these study's and include their findings.



Green triangles with labeled as K## indicate identified sites where active coal mining occurred in the 19th and 20th century. The Purple diamonds indicate metallic mineral prospects and mines, which include the Cardinal Reward, located at the site labeled Mercury (Hg) on the left side of the image, as well as the Royal Reward Mine, located at the unlabeled purple diamond at the top of the image. These locations are not placed in exact locations and indicate data points for collective information. This map includes data from the Washington Geologic Information Portal, Mines and Minerals, Coal Mine Location and Metallic Mineral Locations ⁽⁹⁴⁾

To summarize, the EIS must:

- **Identify, characterize and map historic mines on and near the site and report the condition of the airshaft seal.**

Public Comment—DS & EIS Scope—GRDE23-0083

- **Use high-resolution geophysical surveys, encompassing ground-penetrating radar, micro-seismic monitoring, and electrical resistivity tomography, to map all subterranean voids prior to any surface disturbance.**
- **Evaluate the potential for and impact of sudden mechanical subsidence and uncontrolled atmospheric release of trapped, highly combustible or toxic coal mine gases if historic coal mine workings were disturbed.**

5.4 Fish and Wildlife

5.4.1 General

King County and State Parks in collaboration with the Muckleshoot Indian Tribe are currently spending and plan to spend tens of millions of dollars in restoration work, to enhance and protect the spawning area in which ~ 40% of salmon spawning occurs, that includes the Critical Area referenced in the applicant's proposal. Additionally, State Parks, as part of the State Legislature approved mission and plan for the Green River Gorge Parks, calls for establishing a hiking trail to connect Kanaskat/Palmer State Park to Flaming Geyser State Park on the south side of the river. That plan includes the same area as the proposed project.

To say that the applicant's proposal is entirely incompatible with the primary uses of the Kanaskat/Palmer State Park, including fishing, camping, hiking, tourism, kayaking, rafting and swimming is a gross understatement. There are migratory fish that will soon be struggling to get upstream of the Tacoma Water and Army Corps dams, an area they haven't had access to for over 100 years. Additionally, the smolt and fry from this new area of spawning (equal to ~1/3 of the entire Green-Duwamish watershed), will need to out-migrate during the most sensitive stage of their life cycle, through the proposed project area, which in addition to anything released directly from the mine and asphalt facility, would include the additional road runoff from all the additional industrial heavy truck traffic, and diesel emissions. The same is true for terrestrial species that use the gorge and related uplands as a primary wildlife corridor, including elk, deer, bear and cougars, to name a few of the larger species.

In the SEPA Checklist under Environmental Elements #4 Plants (b) the applicant states that “15 *priority habitats and species exist within 1000 feet of this site.*” And Environmental Elements #5 Animals (b) also states that 7 species potentially occur in the proposed project area. This alone should be evidence that this site is not a realistic site for the location of either a gravel mine of this size nor, most definitely not, for an asphalt facility ! Among the notable priority habitats and species are the freshwater forested/shrub wetlands and 14 animal and fish species. The applicant has not addressed the protection of any of these 14 species to the level of protections they warrant under the priority species list. The EIS needs to address all 15 priority habitats and species and identify where similar habitats can be purchased by the landowner to put into conservation in order to mitigate their impacts. The EIS also needs to address the 7 species in the area, as well as address the salmon runs in the river below the site, with specific focus on the salmon that are listed as Threatened or Endangered under the State of Washington as well as the National Endangered Species Act. Even if species are not found at the time of the assessment, habitat for endangered species legally must be protected. An extensive wildlife survey that also includes the site's State-listed 14 Priority species adjacent to the proposed site, as well as threatened and endangered salmon, must be performed. The potential impacts on those populations also needs to be conducted by an independent team for the EIS. Additionally, the proposed mining operation and asphalt facility will *irreversibly* damage this habitat, negatively altering it *permanently*, because even if it is *reforested* many, many decades from now, the quality of forest—with its microclimates and ecosystem services necessary to provide habitat to these species—will not be restored.

To summarize, the EIS must:

- **Address the protection of the 14 priority animal and fish species found within 1000 feet of the site.**

- **Address the protection of all 15 priority habitats and species found within 1000 feet of the site, and identify where similar habitats can be purchased by the landowner to put into conservation in order to mitigate their impacts.**
- **Address the protection of the 7 species in the area, as well as address the salmon runs in the river below the site, with specific focus on the salmon and grey wolf that are listed as Threatened or Endangered under the State of Washington endangered species regulations as well as the National Endangered Species Act.**
- **Conduct an extensive wildlife survey that includes the site's State-listed 14 Priority species adjacent to the proposed site, as well as threatened and endangered salmon.**
- **Evaluate the impacts of the proposed site development on wildlife and fish populations over the life of the project. Impacts need to include onsite and off site impacts as wildlife are migratory**

5.4.2 Riparian Habitat and Anadromous Fisheries

The Green River represents one of the last wild, unchanneled sanctuaries for Chinook salmon in rural King County, and the 4.5-mile river segment adjacent to the proposed project's property is absolutely vital habitat for all salmon species ⁽²⁶⁾. Regional conservation frameworks, including the King County Flood Management Plan and WRIA 9 strategies, and the work of Green River Coalition have emphasized the existential necessity of robust riparian restoration, canopy cover, and floodplain connectivity to support salmon recovery ⁽²⁷⁾.

The EIS must assess how secondary mining impacts, specifically fugitive dust deposition on surface waters, continuous acoustic and vibratory disturbance, and groundwater interception, will degrade this critical riparian corridor. Under the Growth Management Act, the EIS must give "*special consideration*" to measures preserving anadromous fisheries, analyzing how sub-lethal stressors induced by the mine could trigger long-term population declines in threatened salmonid species ⁽⁴⁾. The Howard A. Hansen Dam, upstream from the project site has received over one billion dollars in federal funding for fish habit restoration and fish passage building into the upper Green River Watershed, that has been blocked since construction.

All potential adverse effects of the proposed project on salmon and salmon habitat conditions must be identified and addressed in the EIS – including temporary and permanent adverse effects as well as opportunities to avoid and/or mitigate all identified impacts.

The Middle Green Sub-watershed – where this proposed project would be located, including the mainstream river and tributaries, currently provides the largest habitat for spawning, rearing, and refuge for Chinook salmon in the entire watershed. The health of the river and its tributary streams is essential to recovery of the Green River Chinook population, as well as supporting other salmon species. Cool, clean water, and adequate instream flows to create and sustain channel complexity and floodplain connectivity, and healthy riparian vegetation are all important components of salmon habitat.

Since 2005, Water Resource Inventory Area (WRIA) 9 (Duwammish-Green River Watershed) has worked with partners in the watershed to restore salmon habitat, directing over \$56 million in grant funds to projects that protect and restore aquatic, riparian, and floodplain habitat. In addition to these investments, projects to restore fish passage above Howard Hanson Dam and to clean up the Lower Duwammish and East Waterway represent approximately \$1.6 billion dollars of investment in the watershed within the next decade.

Public Comment—DS & EIS Scope—GRDE23-0083

Additional technical information related to the potential impacts to salmon is needed. Specifically, there must be further technical evaluation of potential impacts to the following attributes:

- **Water temperature:** Cold water springs and groundwater inputs within the vicinity of the proposed mining and asphalt facility site help maintain cool instream temperatures. Any potential adverse impacts to cold water inputs could lead to more frequent and severe exceedances of instream water quality standards. How vegetation and topsoil removal will impact stream temperature, groundwater infiltration, and groundwater temperature in the project area must be evaluated.
- **Instream flows:** Although minimum instream flows are regulated by the Tacoma Water Habitat Conservation Plan (HCP) ⁽²⁸⁾, additional demands on local sources of water could further stress available water supplies and further strain the ability to satisfy ecological needs, especially during dry years. At this point it is unclear how much water the proposed project would utilize and from where it would source water.
- **Water quality:** What are the potential impacts to instream water quality from the proposed activities? Removal of vegetation and topsoil creates higher risks of groundwater pollution via infiltration. Statewide recommendations suggest a minimum 100ft vegetated buffer for water quality ⁽²⁹⁾. In addition to surface and stormwater runoff from the site and groundwater infiltration impacts, how might air emissions and increased local vehicular traffic lead to degradation of water quality (atmospheric deposition and/or road runoff of 6PPD-Q and other contaminants)?
- **Stream type:** The project area contains a number of streams. Based on physical characteristics, what classification are these streams under King County code? At this point, stream size and potential fish populations use are unclear and likely require field verification. It is critically important that the DLS-P's permit review of the proposed aggregate mine and asphalt facility carefully analyze all potential impacts to salmon and salmon habitat to fully understand how it relates to the significant local, state, and federal investments being made to recover ESA-listed salmon in the larger context of the Green/Duwammish watershed.

The 2018 Washington Department of Fish and Wildlife *Hatchery Improvement Master Plan* ⁽³⁰⁾ called for improvement efforts and led to funds to preserve and improve our rivers, and more recently the Green River Rearing Ponds into a full hatchery just two miles downstream from this proposed site. One of the purposes is to support the southern resident killer whale by increasing the salmon population that inhabits the Green River.

To summarize, the EIS must:

- **Assess how secondary mining impacts, specifically fugitive dust deposition on surface waters, continuous acoustic and vibratory disturbance, and groundwater interception, will degrade this critical riparian corridor.**
- **Analyze—and give "*special consideration*" to measures preserving anadromous fisheries—how sub-lethal stressors induced by the mine could trigger long-term population declines in threatened salmonid species as per the Growth Management Act.**

- **Identify and address all potential adverse effects of the proposed project on salmon and salmon habitat conditions including temporary and permanent adverse effects as well as opportunities to avoid and/or mitigate all identified impacts.**
- **Evaluate potential adverse impacts from vegetation and topsoil removal on stream temperature, groundwater infiltration, and groundwater temperature in the project area.**
- **Evaluate the impact that project's water use would have on instream flows particularly during dry years over the life of the project.**
- **Evaluate potential impacts to instream water quality from the proposed activities.**
- **Evaluate the impact surface and stormwater runoff from the site, groundwater infiltration impacts, air emissions, and increased local vehicular traffic (atmospheric deposition and/or road runoff of 6PPD-Q and other contaminants) on water quality.**
- **Use field verification to map and classify the stream type of all streams on the site according to King County Critical Area Ordinance.**
- **Analyze all potential impacts to salmon and salmon habitat to fully understand how it relates to the significant local, state, and federal investments being made to recover ESA-listed salmon in the larger context of the Green/Duwammish watershed.**

5.4.3 Biodiversity and Ecosystem Fragmentation

Currently, the proposed site functions as a massive, 990-acre contiguous forested upland, serving as a highly valuable migration and habitat corridor for regional wildlife, including elk, deer, black bear, and a diverse array of avian species, which is stated in the SEPA Checklist ⁽⁶⁾. While the applicant attempts to minimize the impact by stating that mining will occur in phased, 50-acre segments followed by reclamation ⁽⁶⁾, this logic ignores the reality of ecosystem fragmentation.

The permanent construction of wide haul roads, active processing facilities, and the pervasive radius of operational noise will functionally sever the macro-corridor, preventing wildlife movement.

The EIS must require comprehensive, multi-season biological surveys mapping Priority Habitats and Species across all parcels. Scoping must reject piecemeal, phase-by-phase biological evaluations and instead mandate a holistic assessment of landscape scale ecosystem fragmentation, measuring the loss of biodiversity carrying capacity ⁽²⁶⁾.

To summarize, the EIS must:

- **Require comprehensive, multi-season biological surveys mapping Priority Habitats and Species across all parcels.**
- **Use a holistic assessment with impacts and mitigation of landscape scale ecosystem fragmentation, measuring the loss of biodiversity carrying capacity instead of piecemeal, phase-by-phase biological evaluations.**
- **Characterize how a pervasive radius of operational noise will functionally sever the macro-corridor, preventing wildlife movement.**

5.4.4 Muckleshoot Indian Tribe Treaty Rights

The Green River watershed is the ancestral and contemporary homeland of the Muckleshoot Indian Tribe ⁽³¹⁾. Under the supreme law of the Treaty of Point Elliott (1855) and the Treaty of

Medicine Creek (1854), the Muckleshoot possess federally protected, reserved treaty rights to fish, hunt, and gather at their *"usual and accustomed"* grounds and stations ⁽³²⁾. The landmark Boldt Decision legally reaffirmed these rights, establishing the Tribe as co-managers of the regional fisheries alongside the state ⁽³³⁾. Any degradation of the Green River's water quality, thermal regime, or physical access that negatively impacts the biological viability of the salmon runs constitutes a direct and actionable infringement on tribal sovereignty and treaty rights ⁽³⁴⁾.

The tribes of the area have several examples of pre-contact existence since time immemorial in the local area that have been highlighted in several studies, that include settlements, hunting and gathering spots, and general living practices of these communities ⁽³⁵⁾⁽³⁶⁾⁽³⁷⁾.

The EIS process must include initiation and sustained formal government-to-government consultation with the Muckleshoot, Snoqualmie, and other Tribes with historical identity of the area. Furthermore, the EIS must require extensive cultural resource surveys to protect archaeological assets and mandate operational conditions that guarantee the preservation of tribal access and the ecological health of the fishery ⁽³⁴⁾.

To summarize, the EIS must:

- **Initiate and sustain formal government-to-government consultation with the Muckleshoot, Snoqualmie, and other Tribes with historical identity of the area.**
- **Conduct extensive cultural resource surveys to protect archaeological assets and describe operational conditions that guarantee the preservation of tribal access and the ecological health of the fishery.**

5.5 Recreation

Given the requirements for King County to establish *new* mining lands (which we detail elsewhere that King County states it does not need), a significant portion, if not all, of the applicant's proposed 990 acres does not qualify due to the extent to which they will impact, and are totally incompatible with, *existing* uses in the area. In particular this applies to the Kanaskat-Palmer State Park, which is upstream, adjacent to and downstream of the proposal, as well as the already extensive, mostly contiguous, properties that are part of the Green River Gorge Park system owned by State Parks and King County Parks along the entire reach (~12 mi) of the Green River Gorge, anchored by Flaming Geyser State Park on the downstream end.

A gravel mine and asphalt facility placed directly against Kanaskat-Palmer State Park, the Green River, and future trail corridors would destroy this economic potential. Gravel mining is inherently noisy, dusty, and visually intrusive. No mitigation can make a gravel mine compatible with a state park campground, a fly-fishing site, a river recreation hub, or a future regional trail system. The impacts to recreation and the rural recreation-based economy are unavoidable, not mitigable, and unacceptable.

Lastly, as described in **Appendix A**, the applicant must evaluate the impact of this project on the implementation of the state-mandated *Green River Gorge Conservation Area* including a continuous 12-mi trail.

To summarize, the EIS must:

- **Evaluate the impacts of the project on existing terrestrial and water recreation uses between Kanaskat Palmer State Park to Flaming Geyser state Park with impacts to the existing recreation in the river and in the gorge.**
- **Evaluate the impact of the project on the loss of recreational opportunities including implementing State-mandated Green River Gorge Conservation Area including a continuous 12-mile trail.**

5.5.1 Green River Gorge

The Green River Gorge corridor is one of the most important and fastest emerging recreation destinations in King County. Its rural economy is already strongly tied to recreation, and future economic growth in the area will depend even more on outdoor recreation, tourism, and the expansion of regional and state park facilities. The proposed GRDE230083 Cumberland Aggregate Mine and Asphalt Plant would directly undermine this economic foundation and severely degrade the recreational value of the entire Gorge system.

The Green River itself is a premier regional resource for fishing, kayaking, rafting, swimming, and scenic enjoyment. The proposed mine and asphalt facility would introduce continuous noise, dust, diesel exhaust, VOC emissions, and visual blight directly adjacent to the river corridor. These impacts cannot be mitigated. The Gorge's steep topography amplifies noise and funnels air pollutants downwind toward Kanaskat-Palmer State Park, the primary public access point for river recreation. This park is one of only two state parks in King County offering camping, with capacity for roughly 300 visitors per night. The campground, fly-fishing area, and day-use sites are directly downwind of the proposed asphalt facility. The experience of camping, fishing, hiking, or simply enjoying the river

would be irreparably harmed by industrial noise, dust, and fumes. No feasible mitigation can preserve the quiet, clean, natural setting that makes this park valuable.

The impacts extend beyond Kanaskat-Palmer. Washington State Parks owns multiple undeveloped or lightly developed properties along the Gorge—Jellum Site, the Jellum Palmer Connection, Hanging Gardens, and WA DNR owns Section 16 which could also become part of this river-corridor corridor park. These lands are intended for future recreation access, ecological protection, and trail development. The proposed mine would physically block access to several of these sites and degrade the natural qualities that make them suitable for future recreation. The Gorge is also the centerpiece of the planned Green River Gorge State Park, a longterm vision linking Kanaskat-Palmer, Flaming Geyser, Nolte State Park, Icy Creek Ridge, and future acquisitions into a unified recreation system. Industrializing the center of this corridor with a large gravel mine and asphalt facility would compromise the viability of this vision.

The corridor is also the focus of major trail planning efforts. State Parks is preparing the Green River Gorge Rim Trail, a long-awaited 25-mi route along the Gorge's south rim. Portions of this trail would need to pass near or across parcels now proposed for mining. King County Parks is planning extensions of the Foothills Regional Trail, likely using the rail or pipeline right-of-way east of the site, and a new trail linking Nolte State Park to the Gorge and Rim Trail, potentially requiring access across State Parks parcel 1721079037 or the proposed project's parcel 1721079001. These trails would create a continuous recreation network connecting Black Diamond, the Gorge Resort area, Nolte, and the Rim Trail. The mine would sever these connections, degrade trail experiences, and make several alignments infeasible.

The rural economy of the Gorge area—including the Green River Gorge Resort, the Franklin Ghost Town site, and local small businesses—depends on visitors seeking quiet, scenic, natural experiences. The nearby towns of Black Diamond, Enumclaw and Maple Valley also depend partly on visitors seeking recreation. As recreation grows, this economy is poised to expand significantly. The Gorge is already becoming a logical alternative to Mount Rainier National Park for residents and tourists seeking a closer, more accessible outdoor destination. The Gorge is less than half the distance and travel time from Seattle, Tacoma, and SEATAC Airport. With new trails, expanded state park facilities, and improved access, the area is positioned to become a regional or national recreation hub.

To summarize, the EIS must:

- **Evaluate the impact of this project on experience, quality, safety, and access to current and future Green River Gorge area recreation lands including Green River Gorge State Park, Kanaskat-Palmer, Flaming Geyser, Nolte State Park, Icy Creek Ridge, Jellum Site, the Jellum Palmer Connection, Hanging Gardens, Section 16, Green River Gorge Rim Trail, Foothills Regional Trail, and Nolte State Park.**
- **Evaluate the economic impact of this project on the local rural economy that is dependent on visitors seeking nearby recreation.**

5.5.2 State Parks

In the SEPA Checklist under Recreation #12 (a) the applicant only states Kanaskat Palmer State Park as potentially having an impact. Under Recreation #12 (b) the applicant states *“the proposed project will not interfere with the use of Kanaskat- Palmer State Park.”* These answers leave out the

Jellum State Recreation Area, Palmer Jellum Connection, Kanaskat Palmer Recreation Area Deep Creek, and Nolte State Park. Additionally this will impact the recreation at and between these sites. This report does not cover the bike routes along this road connecting these state parks, nor does it account for 24/7 noise impacts on camping and fishing in the area. Additionally it leaves out how the extensive increase in truck traffic will impact people going in and out of the state parks.

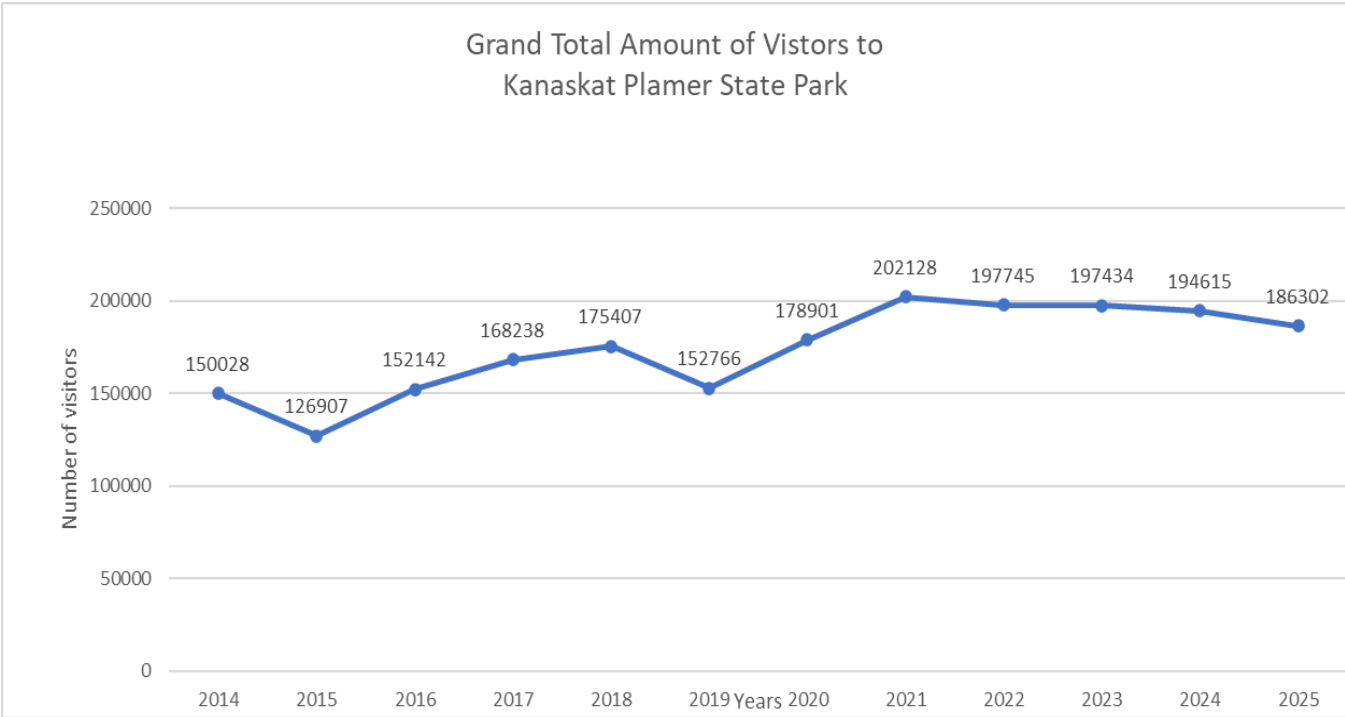
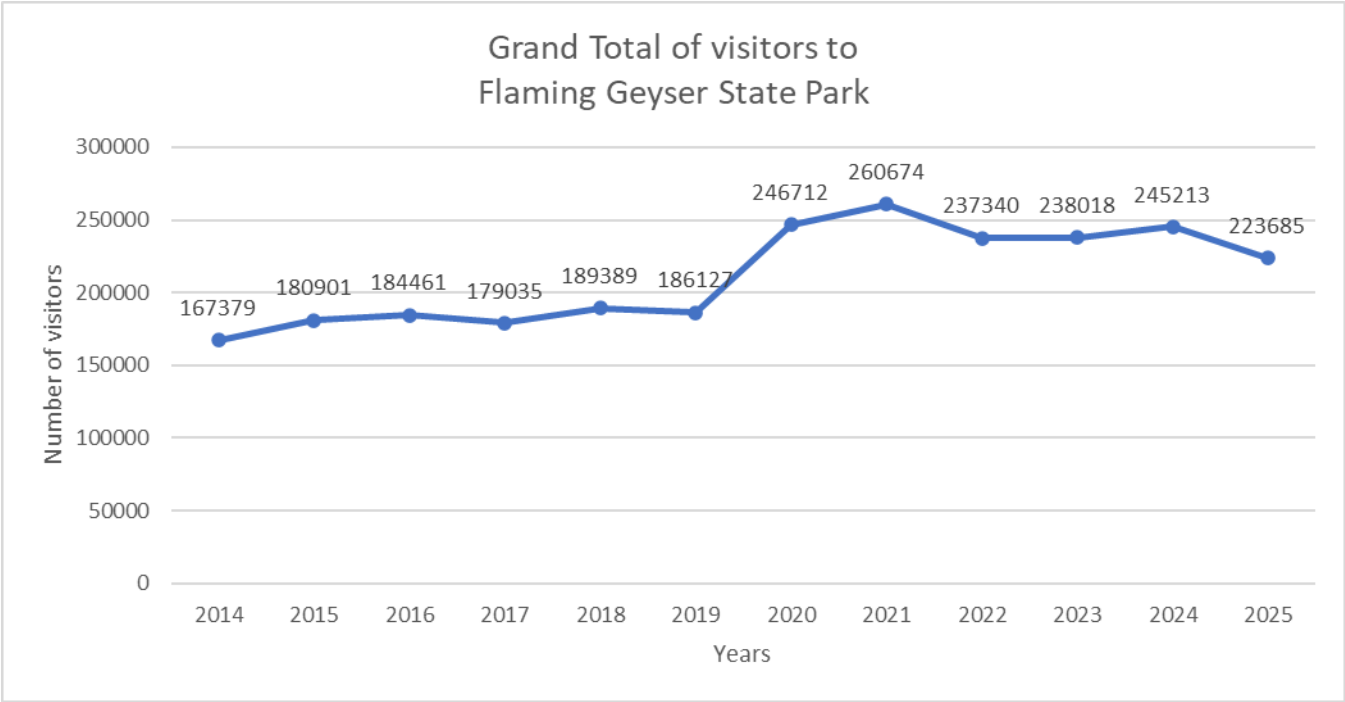
This is about the worst area to site an asphalt facility and 990-ac gravel mine. Millions of tax dollars have gone into protecting the surrounding areas and placing a huge gravel pit and asphalt mine in the middle of this area with all the protected areas around it will negatively impact the protections that have been put in place as well as access to the lands open to the public. Under Recreation #12 c the applicant states there is no proposed measure to reduce or control impacts to these areas. That is completely unacceptable—clearly, the Applicant needs to provide a plan.

The property shares a direct boundary with the Kanaskat-Palmer State Park, a park that welcomes visitors for kayaking, fishing, and camping and more ⁽³⁸⁾. Since 2014, Flaming Geyser State Park has seen an average of 211,577 visitors per year, Kanaskat Palmer State Park has seen an average 173,351 visitors per year, and Nolte State Park 191,189 visitors per year. The transformation of the adjacent forested ridge into a highly industrialized zone featuring rock crushers, hot-mix asphalt facilities, and bright nighttime security illumination is fundamentally incompatible with the preservation of the park's scenic, acoustic, and recreational values.

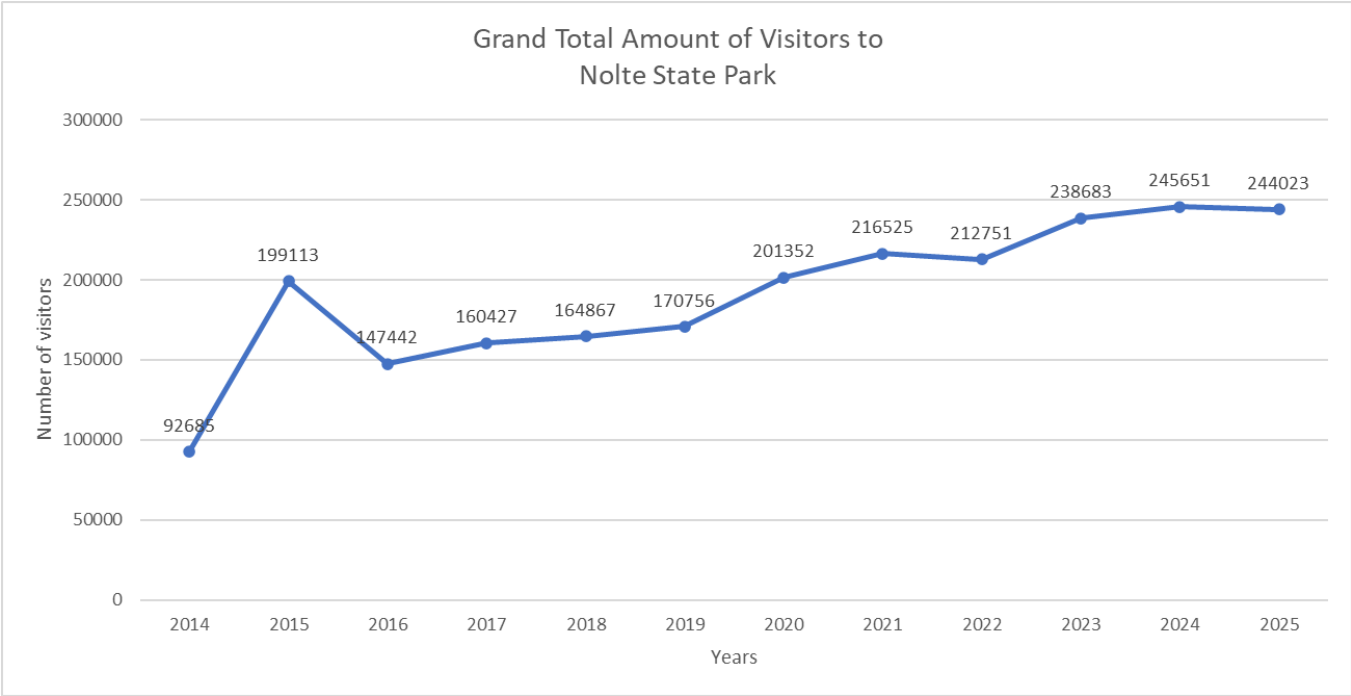
The EIS must conduct a compatibility assessment to quantify the impacts of visual blight, industrial noise pollution, and degraded air quality on the State Park's visitation rates and the broader ecotourism economy of Southeast King County ⁽³⁸⁾.

To summarize, the EIS must:

- **Evaluate the impact of this project on experience, quality, safety, and access to State Park owned lands including Kanaskat-Palmer, Flaming Geyser, Nolte State Park, Icy Creek Ridge, Jellum Site, the Jellum Palmer Connection and Hanging Gardens.**
- **Conduct a compatibility assessment to quantify the impacts of visual blight, industrial noise pollution, truck traffic, and degraded air quality on the State Park's visitation rates and the broader ecotourism economy of Southeast King County.**



Public Comment—DS & EIS Scope—GRDE23-0083



Xxxx.

5.6 Land Use and Relevant Comprehensive Plan Policies

King County, as required by law, has mapped out historic, current, and potential future mineral resources, specifically including gravel. There is no current shortage of gravel resources in SE King County, or King County as a whole. Numerous additional mining-designated areas for future gravel mining already exist. The applicant's property is not within a designated mining area, nor has it been identified and mapped as a potential mining area.

Consequently, there is no immediate or future need to create new mining-zoned land use here to allow for extraction of gravel as we already have enough existing mines, designated mineral areas where gravel can be mined if needed, and existing mines that can or are planning to expand to cover any potential gravel needs for decades to come. In fact, it is not consistent with the King County Comprehensive Plan or King County Code related to creating new mining lands, as discussed in this subsection.

5.6.1 King County Land-Use

One major land-use and zoning issue related to the proposed project is *Forestry vs. Mining*. Looking at the **Mineral Resources Map 2024** on the last page (would be p. 3-50, if it were labeled) of Chapter 3 in the currently adopted KCCP:

<https://cdn.kingcounty.gov/-/media/king-county/depts/local-services/permits/regional-planning/2024-kccp-update/2024-comprehensive-plan-updated-20251202.pdf?rev=85af6c567e5f4073b96874bc799aa003&hash=63CC078FA790FBA1A60D41B54442DC16>

one finds that none of the parcels identified in the proposed project fall within any of the following categories:

Designated Mineral Resource Sites (i.e., sites zoned M for mining)

Potential Surface Resource Mineral Sites

Nonconforming Mineral Resource Sites and Existing Mineral Resource Sites in the Forest Production District (FPD)

So, all the proposed parcels are both designated as a land use of Forestry, not Mining, and are zoned for Forestry, not Mining.

Looking at **Table 3-1. Mineral Resources Property Information for the Mineral Resources Map** on pp. 3-45 thru 3-48, none of the proposed project's parcels are listed under any of the categories.

The KCCP clearly states King County already has sufficient lands designated for mining. Consequently, there is no valid reason for it to create *new* gravel mining-designated areas, and is not consistent with King County Code related to creating new mining lands.

In 1995 a 50-yr "*Agreement Pertaining to Forest Land Acquisition and Biosolids Application*" (*Agreement Pertaining to Forest Land Acquisition and Application, WA DNR, KC, and Mountains to Sound Greenway, June 26, 1995, KC Record No. 950629-8014*) was consummated by which King County transferred its two sections of land (16 and 20) at Cumberland, and other properties, to WA

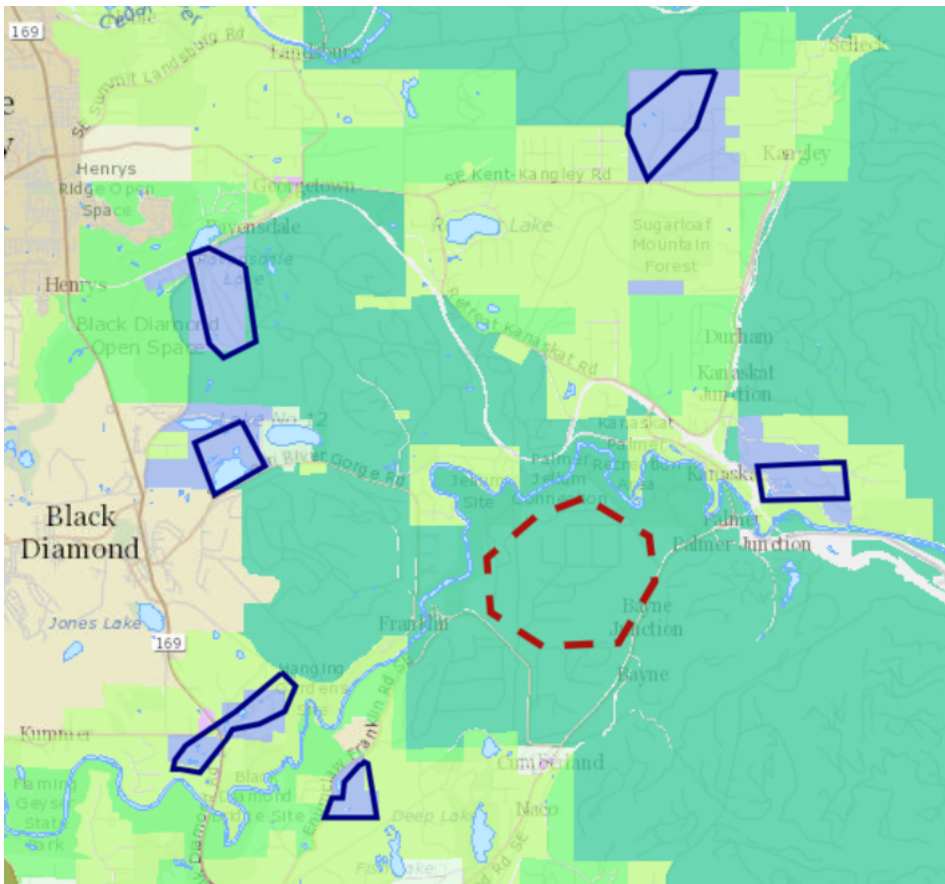
DNR for long-term forest management and “*become a permanent part of the state forest system.*” The agreement stipulated that the land could only be used for forestry or park/open space purposes. The actual transfer was completed in the mid 90’s and WA DNR completed several timber sales that produced income for King County Wastewater Treatment Division and the local taxing districts.

As of today, no biosolids applications have occurred (or were anticipated to occur on the Cumberland transfer lands). The community was assured by the agreement and conservation easement that the transferred lands would remain in a forestry use and could only be dedicated to parks or open space as an alternative use: *“no...lands may be transferred for residential or commercial development purposes.”*

The Agreement, which included three sections in the Green River Gorge area: 16, 17, and 20 totaling 1,187 ac, was approved by the KC Council through Ordinance 11829.

5.6.2 King County Zoning

The map below shows nearby mining operations (blue polygons)—all within the **Mineral** zone. But the proposed project's parcels and Section 16 (red dashed lines) are within the **Forest** zone and are held as working forest land.



We have held discussions with WA DNR regarding the applicant's need for easements for access. We stated that it would be a violation of the 1995 Agreement that requires this land to stay in either forestry production or passive recreation (as discussed above in subsection **5.6.1**).

5.6.3 King County Code

This is not an exhaustive list of all King County Code Titles that could apply to the proposed project. Also, please note that KC Code that's not related to land-use and/or zoning is covered in section **3. Applicable Law**.

The major KC Code Titles that apply are (our **highlighting** below):

Title 20: PLANNING

20.10 COUNTYWIDE PLANNING POLICIES (CPPs) As **highlighted** below, provisions of the following CPPs directly apply to the proposed project and must be employed in the development of the EIS.

ENVIRONMENT

Environmental Sustainability

EN-3 Ensure public and private projects incorporate **locally appropriate, low-impact development approaches developed using a watershed planning framework for managing stormwater, protecting water quality, minimizing flooding and erosion, protecting habitat, and reducing greenhouse gas emissions.**

Earth and Habitat

EN-6 Locate development and supportive infrastructure in a manner that **minimizes impacts to natural features**. Promote the use of traditional and innovative environmentally sensitive development practices, including design, materials, construction, and ongoing maintenance.

EN-7 Coordinate approaches and standards for defining and protecting critical areas, especially where such areas and impacts to them cross jurisdictional boundaries.

EN-8 **Use the best available science when establishing and implementing environmental standards.**

EN-9 Develop and implement **an integrated and comprehensive approach to managing fish and wildlife habitat to accelerate ecosystem recovery, focusing on enhancing the habitat of salmonids, orca, and other threatened and endangered species and species of local importance.**

EN-10 Ensure that new development, open space protection efforts, and mitigation projects support the State's streamflow restoration law. **Promote robust, healthy, and sustainable salmon populations and other ecosystem functions working closely within Water Resource Inventory Areas and utilizing adopted watershed plans.**

Water Resources

EN-15 Encourage basin-wide approaches to wetland protection, emphasizing preservation and enhancement of the highest quality wetlands and wetland systems.

EN-16 Collaborate with the Puget Sound Partnership to implement the Puget Sound Action Agenda and to coordinate land use and transportation plans and actions for the benefit of Puget Sound and its watersheds.

EN-17 Manage natural drainage systems to improve water quality and habitat functions, minimize erosion and sedimentation, protect public health, reduce flood risks, and moderate peak stormwater runoff rates. Work cooperatively among local, regional, state, national, and tribal jurisdictions to establish, monitor, and enforce consistent standards for managing streams and wetlands throughout drainage basins.

EN-18 Support and incentivize environmental stewardship on private and public lands to protect and enhance habitat, water quality, and other ecosystem services, including the protection of watersheds and wellhead areas that are sources of the region's drinking water supplies.

Restoration and Pollution

EN-23 Reduce the use of toxic pesticides, chemical fertilizers, and other products and promote alternatives that minimize risks to human health and the environment.

DEVELOPMENT PATTERNS

Rural Area and Natural Resource Lands

DP-51 Mitigate negative impacts of industrial-scale development that occurs within the Rural Area.

Although the proposed project is in the Forest (F) zone, it is directly adjacent to the Rural Area (RA) zone, so **DP-51** should be considered.

DP-55 Conserve commercial agricultural and forestry resource lands primarily for their long-term productive resource value and for the open space, scenic views, wildlife habitat, and critical area protection they provide. Limit the subdivision of land so that parcels remain large enough for commercial resource production.

The proposed project is located in the Forest (F) zone and **DP-55** calls for such resource lands to be “conserved” for “long-term productive” values.

DP-62 Ensure that extractive industries and industrial-scale operations on resource lands maintain environmental quality, minimize negative impacts on adjacent lands, and that an appropriate level of reclamation occurs prior to redesignation.

This probably is most *applicable* CPP to the proposed project and where the largest and most far-reaching concerns lie.

PUBLIC FACILITIES AND SERVICES

Utilities

PF-6 Ensure that all residents have access to a safe, reliably maintained, and sustainable drinking water source that meets present and future needs.

PF-7 Coordinate water supply among local jurisdictions, tribal governments, and water purveyors to ensure reliable, sustainable, and cost-effective sources of water for all users and needs, including residents, businesses, fire districts, and aquatic species.

The proposed project has a water resources problem that might have no practical solutions to meet **PF-6** and **PF-7**.

Public Facility and Disaster Preparedness

PF-26 Support coordinated planning for public safety services and programs, including emergency management, in partnership with frontline communities.

PF-27 Establish new or expanded sites for public facilities, utilities, and infrastructure in a manner that ensures disaster resiliency and public service recovery.

Because of its remote location and its lack of Public resources, the proposed project requires a *Disaster Preparedness Plan* to meet the provisions of **PF-26** and **PF-27**.

20.12 COMPREHENSIVE PLAN (covered in subsection 5.6.4 below)

20.44 COUNTY ENVIRONMENTAL PROCEDURES

20.44.050 Environmental impact statements and other environmental documents.

It states under paragraph **G.**:

The department shall only publish an EIS when it believes that the EIS adequately disclose: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within two hundred seventy days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; the additional time shall not exceed ninety days unless agreed to by the applicant.

Many of the provisions cited in paragraph **G.** above must be considered during the preparation of the EIS for the proposed project.

Title 21A: ZONING

21A.08 PERMITTED USES

21A.08.090 Resource land uses.

Under **MINERAL** in the **SPECIFIC LAND USE** column in **A. Resource land uses** both “*Mineral Extraction and Processing*” and “*Asphalt/Concrete Mixtures and Block*” are covered. The parcels proposed for this project are zoned Forestry (F). While mineral extraction is allowed on F-zoned property per **KCC 21A.08.090**, it requires a Conditional-Use Permit (CUP), if the project meets **any** of three conditions listed under **B. Development Conditions**, condition **9.**:

Limited to mineral extraction and processing:

- a. on a lot or group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease, or an easement;*
- b. that are located greater than one-quarter mile from an established residence; and*
- c. that do not use local access streets that abut lots developed for residential use.*

According to KCC **21A.08.090** a CUP should be required if *Development Condition 9* is not met. The **Resource land uses** table shows: **P9 C.**, so mining is permitted outright, if sub-footnotes *a*, *b*, and *c* all are met and a CUP is required if any are not met. Sub-footnote *a*. strictly talks about “*lots*,” which implies the lot boundary, not where mining is located on the lot and sub-footnote *b*. states “*residence*,” which could imply a building itself. With respect to sub-footnote *b* (mineral extraction and processing that are located greater than one-quarter mile from an established residence), we have reviewed the applicant’s *Appendix E Environmental Report, Part 3, Appendix A*’s conceptual development plans and found a total of 11 residences within the one-quarter mile radius of the applicant’s property boundaries, thus requiring issuing a CUP at any possible permitting stage.

21A.24 CRITICAL AREAS

21A.24.316 Critical aquifer recharge areas - development standards (in effect everywhere...)

The proposed project’s surface mining and excavation are prohibited from penetrating or coming within 10 ft of the seasonal high groundwater level. Such a buffer is intended to prevent toxic runoff, heavy machinery fluids, and industrial contaminants from directly breaching an aquifer. This also is codified in State law: **173-200 WAC WATER QUALITY STANDARDS FOR GROUNDWATERS OF THE STATE OF WASHINGTON**. Maintaining such a buffer is a moving target throughout the year and will prove to be difficult not only to do, but to adequately monitor.

5.6.4 King County Comprehensive Plan Policies

Again, this is not an exhaustive list of all King County Comprehensive Plan (KCCP) policies that could be employed with the proposed project.

Many relevant policies can be found in the currently adopted KCCP in **Chapter 3 — Rural Area & Natural Resource Lands**.

III. Rural Area Geography

A. Designation of the Rural Area Geography (starting on p. 3-3)

R-201 King County's land use regulations and development standards shall protect and enhance the following attributes associated with rural character and the Rural Area:

- a. The natural environment, particularly as evidenced by the health of wildlife and fisheries (especially salmon and trout), aquifers used for potable water, surface water bodies including Puget Sound and natural drainage systems and their riparian areas;**
- b. Commercial and noncommercial farming, forestry, fisheries, mining, home occupations, and home industries;**
- c. Historic resources, historical character, and continuity important to local communities, as well as archaeological and cultural sites important to Indian tribes;**
- d. Community small-town atmosphere, safety, and locally owned small businesses;**
- e. Economically and fiscally healthy Rural Towns and Rural Neighborhood Commercial Centers with clearly defined identities compatible with adjacent rural, agricultural, forestry, and mining uses;**
- f. Regionally significant parks, trails, and open space for all King County residents;**
- ...**

While the proposed project lies in the Forest zone (F), much of the surrounding and/or adjacent parcels are in the Rural Area (RA) and Parks, which are subject to and protected by the policy statements above.

R-202 The Rural Area geography shown on the Land Use Map shall include areas that are rural in character and that:

- ...**
- b. Are contiguous to other lands in the Rural Area, Natural Resource Lands, or areas largely comprised of critical areas;**
- ...**
- f. Have outstanding scenic, historic, environmental, resource, or aesthetic values that can best be protected by a rural designation; or**
- g. Have significant critical areas that make the area generally unsuitable for intensive urban development.**

Again, we stress the proposed project is adjacent to RA-zoned and Park lands that possess significant critical areas that clearly are unsuitable for intense mining and Asphalt production activities.

R-338 Development regulations for new industrial development in the Rural Area shall require the following:

- a. Greater setbacks, and reduced building height, floor/lot ratios, and maximum impervious surface percentage standards in comparison to standards for urban industrial development;**
- b. Maximum protection of critical areas, especially with regards to salmonid habitat and water quality;**
- c. Building and landscape design that respects the aesthetic qualities and character of the Rural Area, and provides substantial buffering from the adjoining uses and scenic vistas;**
- d. Building design that is compatible with a rural setting, signs that are not internally illuminated, and site and building lighting that is held to the minimum necessary for safety;**
- e. Prohibition of heavier industrial uses, new industrial uses producing substantial waste byproducts or wastewater discharge, or new paper, chemical and allied products manufacturing uses allowed in the urban industrial zone; and**
- f. Industrial uses requiring substantial investments in infrastructure (such as water, sewers or transportation facilities), or facilities that generate substantial volumes of heavy gross weight truck trips, shall be sized to avoid the need for public funding of infrastructure needed to support the use.**

Again, as we stated regarding **R-202** above, we stress the proposed project is adjacent to RA-zoned and Park lands that possess significant critical areas that clearly are unsuitable for intense mining and Asphalt production activities. Further, as stipulated in subparagraph **f.** above *“Industrial uses requiring substantial investments in infrastructure ..., or facilities that generate substantial volumes of heavy gross weight truck trips, shall be sized to avoid the need for public funding of infrastructure needed to support the use.”* The proposed project fits this description. Further, serving a forest zone with public water is not consistent with the State’s Growth Management Act (GMA).

VIII. Natural Resource Lands

A. Resource Conservation (pp. 3-23 thru 3-26)

R-703 Farm lands, forest lands, and mineral resources shall be conserved for productive use through the use of designated Agricultural and Forest Production Districts and designated Mineral Resource Sites where the principal land uses shall be commercial resource management activities.

None of the parcels proposed for this project are *“designated Mineral Resource Sites”* (see discussion further below).

R-705 King County shall support mineral resource lands of long-term commercial significance and promote policies, environmental reviews, and management practices that minimize conflicts with neighboring land uses and mitigate environmental impacts.

None of the parcels proposed for this project are “*mineral resource lands of long-term commercial significance.*”

B. Forestry (pp. 3-26 thru 3-30)

1. Protecting Forest Lands (pp. 3-26 thru 3-27)

R-718 The Forest Production District shall remain in large blocks of contiguous forest lands where the primary land use is commercial forestry. Other resource uses, such as mineral extraction and agriculture, should be allowed within the Forest Production District when managed to be compatible with forestry.

Mining on any of the parcels proposed for this project is “*compatible with forestry,*” and is not compatible with adjacent lands, especially conservation efforts contained within the **KC Strategic Climate Action Plan**.

R-720 King County recognizes the many values provided by the public forestland in the county, and encourages continued responsible forest management on these lands. King County should collaborate with other public land managers in planning for the restoration, conservation, use, and management of forest resources on public lands for multiple public values such as sustainable supply of timber, carbon storage and sequestration, and other ecosystem benefits.

Mining on any of the parcels proposed for this project will eliminate any “*carbon sequestration*” benefits, nor provides any “*ecosystem benefits.*”

R-723 Structures within the Forest Production District should be sited to maintain the productivity of the district. Site plan requirements should limit impervious surface, provide for fire control, protect domestic water supply, and prevent conflicts with forest management.

Mining on any of the parcels proposed for this project will impact nearby “*domestic water supplies.*”

R-724 King County should conserve working forests and should encourage continued private forestry through the acquisition or transfer of development rights in the Forest Production District. Land acquisition proposals that would remove lands from forest management should be evaluated to ensure that the long-term commercial significance of the Forest Production District is not compromised.

Mining on any of the parcels proposed for this project will not “*conserve working forests.*”

D. Mineral Resources (pp. 3-41 thru 3-50 [if the two map pages were numbered]):

R-789 King County shall identify existing and potential mineral extraction sites on the Mineral Resources Map to conserve mineral resources, promote compatibility with nearby land uses, protect environmental quality, maintain and enhance mineral resource industries, and serve to notify property owners of the potential for mineral extraction activities. The County shall identify sites consistent with Washington State Department of Natural Resources mineral resource mapping and in accordance with the mineral resource lands evaluation and designation criteria established in Chapter 36.70A Revised Code of Washington and applicable sections in Washington Administrative Code.

None of the parcels proposed for this project are identified as “*existing and potential mineral extraction sites on the Mineral Resources Map*” (see discussion further below).

R-790 King County shall designate as Mining on the Land Use Map those sites that had Potential Mineral (M) zoning prior to the date of adoption of the 1994 Comprehensive Plan and those sites that had Mineral zoning as of the date of the adoption of the 2000 King County Comprehensive Plan update. A Mining designation on the Land Use Map shall not create a presumption that Mineral zoning will be approved for sites with Potential Mineral zoning. Potential Mineral zoning shall not be applied to additional sites.

None of the parcels proposed for this project are “*designate(d) as Mining on the Land Use Map.*” This Policy also clearly states that: “*Potential Mineral zoning shall not be applied to additional sites.*”

R-791 King County may designate additional sites on the Land Use Map as Mining only following a site-specific rezone to Mineral zoning. Upon approval of a rezone to Mineral zoning, the Land Use Map shall be amended to designate the site as Mining during the next Comprehensive Plan update. King County should approve applications for site-specific rezones to Mineral zoning and applications for permits that would authorize mineral extraction and processing only following site-specific environmental study and early and continuous public notice and comment opportunities, when:

**The proposed site contains rock, sand, gravel, or other mineral resources;
The proposed site is large enough to confine or mitigate all operational impacts;**

The proposal will allow operation with limited conflicts with adjacent land uses when mitigating measures are applied;

The proposal has been evaluated under the State Environmental Policy Act so that the County may approve, condition, or deny applications consistent with the County’s substantive State Environmental Policy Act authority, and to mitigate significant adverse environmental impacts; and

Roads or rail facilities serving or proposed to serve the site can safely and adequately handle transport of products and are in close proximity to the site.

None of the parcels proposed for this project meet any of the above requirements, as detailed in our Comments herein.

R-795 Mineral extraction activities are allowed within the Forest Production District, consistent with Policy R-718. However, a conditional use permit shall be required for mineral extraction activities in the Forest zone located within one-quarter mile of established residences or for proposals seeking to use local access streets where abutting lots are developed for residential use.

We have mapped all residences within 1/4 mile of the proposed project's property boundaries. Over 20 residences are in the 1/4 mile zone, that would trigger the need for a Conditional-Use Permit (CUP).

R-796 To comprehensively assess the environmental impacts associated with a zoning change, conditional use, or operating approval for a mineral extraction proposal, the range of environmental impacts, including short-term and long-term effects arising or existing over the lifetime of the proposal, shall be assessed at the earliest possible stage. This should include the potential for phasing of future proposals for structures and operations related to mineral extraction, such as asphalt and concrete batch plants.

We address these points in our Comments herein.

R-797 King County should prevent or minimize conflicts with mineral extraction when planning land uses adjacent to designated Mineral Resource Sites and Potential Surface Mineral Resource Sites. Subarea plans or area zoning and land use studies may indicate areas where Mining is an inappropriate land use designation. Designated Mineral Resource Sites and Potential Surface Mineral Resource Sites and Nonconforming Mineral Resource Sites should be shown on the Mineral Resources Map to notify nearby property owners and residents of existing and prospective mineral extraction activities.

Currently, there is no Community Service Area (CSA) Subarea Plan for this entire southeast KC region.

R-799 Conditions and mitigations for significant adverse environmental impacts associated with mineral extraction or mining operations and their associated structures or facilities should be required, especially in the following areas:

Air quality, including greenhouse gas and other emissions from minerals extracted for energy production and from transportation of materials to and from the site during operation and reclamation;

Critical areas, such as surface and groundwater quality and quantity, wetlands, fisheries and wildlife habitats, and aquatic habitats;

Noise levels;
Vibration;
Light and glare;
Vehicular access and safety;
Land and shoreline uses;
Transportation impacts, including traffic and safety;
Visual impacts;
Cultural and historic features and resources;
Site security; and
Others unique to specific sites and proposals.

We address these points in our Comments herein.

R-800 Where mineral extraction or mining are subject to state or federal regulations, King County should work with the state and federal governments to ensure that proposals are reviewed with consideration of local land use and environmental requirements, regional impacts from transport, and assessment of climate change impacts from end use of minerals and mined materials.

This KCCP Policy is relevant due to the immediate proximity (along with needed easements through) of the large WA DNR Section 16 parcel.

5.6.5 Rural Protection Addressed at Every Level of Planning

As mentioned earlier, the proposed project's parcels are adjacent to many residences in the Rural Area. As such, it is important to note that the Rural Area is protected in unique ways at every level of planning from the State-level GMA down to local Community Service Area (CSA) Subarea Plans, as shown in the following chart:

The Rural Area is Protected at Every Level of Planning

GMA, VISION 2050, CPPs, KCCP, & KC Code

At every level of planning protection of rural lands from sprawl, environmental degradation, and extension of urban infrastructure is paramount.

WA State Growth Management Act (GMA)

RCW 36.70A.11	Defines rural lands.
RCW 36.70A.020	Includes planning goals for rural lands.
RCW 36.70A.070	Defines the Rural Element for Comprehensive Plans.

VISION 2050 Multi-County Planning Policies (MPPs)

RGS 13	"... <u>avoid ... conversion of rural land into commercial uses;</u> "
RGS 14	" <u>Manage and reduce rural growth rates over time ...;</u> "
DP-37	" <u>Ensure ... development ... is rural in character;</u> "
PS-5	" <u>Do not provide urban services in rural areas.</u> "

KC Countywide Planning Policies (CPPs)

DP-46	"... Growth levels should <u>not create pressure for conversion of nearby Rural or Natural Resource lands;</u> "
DP-47	" <u>Limit growth in the Rural Area to prevent sprawl and the overburdening of rural services...;</u> "
DP-52	"... <u>limit new nonresidential uses located in the Rural Area to those ... demonstrated to serve the Rural Area.</u> "

KCCP Chapter 3 — Existing Policies (along with accompanying KC Code)

Introd.	"... designating Rural Area lands to <u>limit development and prevent sprawl,</u> ... <u>permitting land uses that are supportive of and compatible with ... rural character ... ,</u> ... <u>indicating the population densities that are appropriate for the Rural Area.</u> " ... <u>recogniz(ing) a profound difference between the nature and character of ... (the) rural (area)</u> ... <u>as compared to ... urban areas....</u> "
R-201	"... <u>maintain ... character of (the) Rural Area. ... development patterns that are considered rural,</u> ... <u>historical or traditional and do not encourage urban growth or create pressure for urban facilities</u> ... <u>and service. ... Traditional rural land uses of a size and scale that blend with historic rural</u> ... <u>development; and Rural uses that do not include primarily urban-serving facilities;</u> "
R-202	"The Rural Area geography ... <u>shall include areas that are rural in character and that...have</u> ... <u>significant environmental constraints that make the area generally unsuitable for ... urban</u> ... <u>development;</u> "
R-203	"The Rural Area geography is considered to be <u>permanent ...;</u> "
R-324	" <u>Nonresidential uses in the Rural Area shall be limited to those that: ... Require location in a</u> ... <u>Rural Area.</u> "

Local CSA Subarea Plans

5.6.6 Reclamation Feasibility and Financial Surety

Under the Washington Surface Mining Act (**RCW 78.44**), mine operators are strictly mandated to execute reclamation plans that return surface-mined lands to a stable, beneficial end-use, thereby mitigating long-term environmental degradation ⁽³⁹⁾. Given the unprecedented 35-yr timeline and the massive 990-ac scale of the proposed project, the promise of *phased reclamation* is a critical point of regulatory scrutiny ⁽²⁶⁾. **RCW 78.44.087** stipulates that the operator must deposit a performance security or corporate surety bond with the WA DNR adequate to cover the estimated cost of reclamation for the upcoming 36-mo period ⁽³⁹⁾.

The EIS must legally bind the applicant to rigorous, inflation-adjusted bonding mechanisms. Furthermore, the EIS must mandate explicit agronomic and engineering standards for the reclamation phase, including the continuous salvaging and stockpiling of topsoil, final site contouring restricted to a 2:1 horizontal-to-vertical slope to prevent erosion, and the mandatory distribution of natural woody debris (minimum 8 tons per ac) to ensure the successful reforestation of the Douglas Fir and western Red Cedar ecosystems ⁽⁴⁰⁾.

5.7 Aesthetics

In the 2024 SEPA Checklist for the proposed Cumberland Aggregate Mine and Asphalt Facility, the aesthetic impacts are underestimated and the proposed mitigation is inadequate to address the potential impacts. The project as proposed is not compatible with the character of surrounding locations like Cumberland, Kanaskat-Palmer State Park, the Green River Gorge, other surrounding recreation lands, and roads that connect these locations. This project also is not compatible with Chapter 3 from the currently adopted the *King County Comprehensive Plan* regarding protecting and enhancing rural character. The SEPA Checklist only addresses the *visual* aesthetics of the project site itself, but not the project site in the context of the surrounding landscape and land uses.

5.7.1 Efficacy of Forested Buffers

The applicant states that “[a] forested buffer of a minimum width of 50-feet will be maintained around the site to screen views into [the site]” (p. 23). As described in Appendix I, the forest is primarily second growth of western hemlock and Douglas fir. Much of this site was logged a few decades ago by the previous owner and likely replanted on a grid system. This means the replanted trees are roughly 10-12 feet apart with staggered rows so that trees have more room for their canopy. Following this logic, there would only be 3 trees across the 50-ft buffer that would be blocking the view of the mine at any particular location. Appendix I notes that blowdown trees are present on site, which would decrease the efficacy of the buffer screening with fewer trees upright.

As western hemlock and Douglas fir trees grow, the canopy rises and leaves a branchless trunk on the lower part of the tree. The branches do most of the visual blocking required to shield the project from outside viewers. This leaves only the tree trunks and whatever understory is present to block the view. Since this forest is currently unmanaged and likely to continue to be unmanaged if the proposed project were to be permitted, the understory is and will likely remain predominantly Himalayan blackberry and scotch broom. These shrubs will likely top out at about 5-6 feet with a closed upper canopy of trees. Himalayan blackberry can be an effective buffer, but with this short height and the undulating roads and terrain around the site, likely it will be easy for people to see over the top of the blackberry bushes. Additionally, scotch broom is deciduous and has little to no screening ability in the winter.

The trees that would be part of the buffer have been surrounded by contiguous and not wind tested. Therefore, lots of windthrows are likely as these maturing trees get slammed by the high winds in the area, upwards of 80 mph. This poses hazards not only to other trees in the buffer zone, but also to the roadways as trees undoubtedly, over time, would fall on the road. Windblown tree falls will continuously decrease the number of trees in the buffer zone and decrease the efficacy of the buffer zone’s ability to block the view of the project.

Root rot is common in this part of King County and given the age of the trees on site, they are becoming susceptible to root rot, especially over the life of the proposed project. Root rot weakens the root system and leads to tree fall. Root rot combined with the wind-fallen prone trees is likely to result in much of the forested buffer zone being eliminated over the life of the proposed project.

In areas where “*the perimeter will retain a much wider forested buffer*” like “*a minimum of one-quarter mile from any residence*,” the same logic applies as with the 50-ft buffer zone. Yes, there will be more trees and understory present than in the 50-ft buffer. However, the tree canopy will still be

way above anyone's line of sight and the blackberry/scotch broom understory will have minimal efficacy in blocking the view. Additionally, the trees will still be susceptible to root rot and will experience different wind dynamics than before, which will lead to more tree falls. Yes, the quarter-mile forested buffer zone will do a better job than the 50-ft buffer zone, but it still will not be adequate to block all aesthetic impacts from the proposed project.

5.7.2 Cumberland History and Community Character

The history of Cumberland is documented in the Fall 2011 Vol. 35, No.4 newsletter from the Black Diamond Historical Society ⁽⁴¹⁾. The following is a brief summary of the history from the newsletter:

Cumberland started as a mining camp after the Northern Pacific Railway “literally carved the town out of the wilderness around 1886-1887”. The camp transitioned to a bustling coal mining and logging town with a school, hotel, store, and post office. With about 800 residents during its peak in 1919, Cumberland grew to be unique from the other mining towns in the area because it “was not a company town dominated by one primary employer”. Rather, Cumberland residents worked at several mines in the area, including some in the vicinity of proposed project's mine. When the local mining industry faded after World War 1, followed by the declining logging industry a few decades later, residents continued to live in Cumberland because of its historic and rural charm.

Current popular Cumberland attractions echo back to over a century ago to establishments that were essential to the early Cumberland community. The Cumberland Hotel (built in 1893) is now a popular biker bar known as the City Hall Saloon & Eatery. The Cumberland Store (built in 1916) is a thriving business serving local residents and people passing through town on their way to use local recreational areas. The Cumberland School Gymnasium is now the King County Fire District 28 building (locally referred to as the Cumberland Fire Hall). The large grass field and baseball diamond beside the Cumberland Fire Hall serve as the community park for the current kids in Cumberland. Many of the houses that line the streets of Cumberland were built in the early 1900's and are small houses on small lots that are close together, common construction in early 1900's mining towns. Though time has passed, much about Cumberland has stayed the same over the last century.

Currently, Cumberland is a quiet, rural community surrounded by forest. The dense housing allows for walking and bicycling around the community and to the Cumberland Store. Kids ride bikes between houses and to the Fire Hall field. Veazie-Cumberland Road is the main street through Cumberland and has more pedestrians crossing than would be expected in a rural community as people walk across the street to the Cumberland Store. Although this is a major road, the current level of traffic does not inhibit people from crossing it.

5.7.3 Kanaskat-Palmer State Park, Green River Gorge, & Other Recreation Lands

As described in section **5.5 Recreation**, the proposed project would have significant impacts on the quality of and access to recreational lands near the site. The quiet and picturesque undulating trails on the public lands would be a sharp contrast to the industrial views of the adjacent gravel mine and asphalt facility. The buffer zones along the project perimeter parallel to Section 16 and portions of Kanaskat-Palmer State Park will be the smallest, presumably 50 ft. As described above, 50-ft buffers are not adequate for blocking the view of the mine and, therefore, are not protecting the tranquil aesthetic experienced by visitors currently using these recreational lands. Portions of the

public land are at a higher elevation than the mine, like a portion of Lizard Mountain on Section 16. No forested buffer zone will be tall enough to shield the view of the proposed project from several hundred feet above. This also means that noise, smell, and haze from the proposed project will be noticeable to hikers.

5.7.4 Character of Rural Roads

As described in section **5.11 Traffic**, the roads surrounding the proposed site are 2-lane county roads that weave between hills, cross little bridges, and are shaded by trees that overhang the road. This scenic corridor is popular among motorcyclists, bicyclists, and Sunday drivers. A popular route is to ride from Kent-Kangley Rd to Retreat-Kanaskat Rd to Cumberland-Kanaskat Rd to 309th Ave SE and then to Green River Gorge Rd or in the opposite direction. The proposed project would cause this scenic route to be shared with gravel/asphalt trucks passing the ingress/egress points, and following for several miles along the perimeter of the site. People choose to ride on this route because the road is surrounded by the lush green forest with a few homes sprinkled in. According to Appendix A, portions of the buffer zones along the proposed project perimeter parallel to Cumberland-Kanaskat Rd, 309th Ave SE and Green River Gorge Rd will be small, presumably ~50-ft. As described above, 50-ft buffer zones detailed in the SEPA Checklist are not adequate mitigation to prevent the scenic views from being tainted with views of the proposed project. Sharing the road with the massive amount of dump trucks planned would be an additional burden for the visuals, which would not be mitigated by buffers of any practical size.

5.7.5 Light Impacts

Since the proposed mine hours are from 7:00 am to 5:30 pm, exterior lighting will be needed to operate the mine during certain times. During the winter, sunrise does not occur until ~7:55 AM in January and earliest sunset is ~4:15 PM in December which means, lighting will be needed for mine operations. Similarly, night time operations related the asphalt facility, maintenance, and other operations, will require exterior lighting. Consequently, winter is the time of year when the most exterior lighting will be needed and it is also when the least amount of vegetation is present to block the artificial light from leaving the site.

It is impossible that *“no light or glare will emanate from the proposed use”* (p. 24) as outside lighting will be necessary to operate the mine and asphalt facility safely during the proposed hours. The applicant states that *“no”* light or glare would be a safety hazard or interfere with view (p. 24). This is also impossible because as the site currently exists, no light emanates from the site, so the addition of any light is changing the view. As described above, it is extremely unlikely that the proposed buffers will block the views of the proposed project and, especially, will not block light at night as light.

One of the most valued aesthetic qualities of living in this area is the nighttime darkness, night sky, and Northern Lights. People drive out to this area to escape the light pollution in neighboring towns and residential areas to look at constellations and photograph the northern lights. Any additional artificial light will reduce night sky visibility for neighboring residents and Kanaskat-Palmer State Park campground users.

5.7.6 King County's Responsibility to Preserve Rural Character

In the 2024 King County Comprehensive Plan Major Ten-Year Update the County acknowledged that “[t]here are small communities throughout rural King County, such as Hobart and Cumberland, each with its own unique history and lifestyle” (p. 3-3). The Comprehensive Plan also states that “King County is committed to protecting rural character and recognizes that each of its rural communities has distinct and unique characteristics” (p.3-3). As described above and in the lengthy historical documentation of Cumberland, the history, lifestyle, and characteristics of the town have been preserved for over a century. The Comprehensive Plan specifically states ways the County needs to protect rural character in **R-201**:

“King County’s land use regulations and development standards shall protect and enhance the following attributes associated with rural character and the Rural Area:

- a. The natural environment, particularly as evidenced by the health of wildlife and fisheries (especially salmon and trout), aquifers used for potable water, surface water bodies including Puget Sound and natural drainage systems and their riparian areas;*
- b. Commercial and noncommercial farming, forestry, fisheries, mining, home occupations, and home industries;*
- c. Historic resources, historical character, and continuity important to local communities, as well as archaeological and cultural sites important to Indian tribes;*
- d. Community small-town atmosphere, safety, and locally owned small businesses;*
- e. Economically and fiscally healthy Rural Towns and Rural Neighborhood Commercial Centers with clearly defined identities compatible with adjacent rural, agricultural, forestry, and mining uses;*
- f. Regionally significant parks, trails, and open space for all King County residents;*
- g. A variety of low-density housing choices compatible with adjacent farming, forestry, and mining, and not needing urban facilities and services;*
- h. Traditional rural land uses of a size and scale that blend with historical rural development; and*
- i. Rural uses that do not primarily serve the urban area”*

The development of the proposed project is incompatible with sections a, c, d, e, f, and h of **R-201**. Sections a and f refer to the natural environment and recreational lands. The surrounding forest, wildlife, recreation lands, and Deep Creek are fundamental to Cumberland’s character. These aspects of Cumberland will not be protected (or enhanced) by a neighboring 990-ac proposed aggregate mine and asphalt facility. The inadequate buffers and not mitigable aesthetic impacts caused by gravel trucks and artificial light, diminish the quality and experience of residents and visitors enjoying the natural environment. The historical character mentioned in section c, is an ingrained part of Cumberland’s identity and deeply valued by both residents and visitors. The walkability and historic infrastructure like the Cumberland Store and City Hall Saloon & Eatery (formerly The Cumberland Hotel) are utilized by residents and visitors. These businesses are dependent on visitors traveling to and from the recreational lands, utilizing the scenic roads for enjoyment, and motorcyclists stopping by City Hall Saloon & Eatery. This historic charm is dependent on Veazie-Cumberland Rd remaining safe to ride a bicycle or motorcycle on and cross as a

pedestrian (section d). The economic viability of Cumberland Store and City Hall Saloon & Eatery (section e) are reliant on the patronage of non-Cumberland residents. If the impacts of the proposed project decrease the desire for people to come through Cumberland for any reason, the business that make up the Rural Neighborhood Commercial Center (p. 3-17 of the KCCP) could be in financial jeopardy.

The proposed project is significantly larger than other mines that have operated or currently operate in this area. The currently operating Franklin Ridge Mine and Palmer Junction Mine are only a few hundred acres combined. Historic metal and coal mines in the area were generally much smaller with the largest historical mines still significantly smaller than the proposed project. The proposed project's mine is an unprecedented size of 990 acres, which is not compatible with KCCP Policy **R-201 h** listed above. The size and scale of the proposed project far exceeds the traditional mine size and scale of this area and would not protect or enhance the rural character in this community. Similarly, the proposed project is incompatible with section b because despite being a commercial mine, the size would not enhance or protect the rural character of previous historic commercial mines in the area. Furthermore, R-324 states that “[n]onresidential uses in the Rural Area shall be sited, sized, and landscaped to complement rural character...” (3-13). The unprecedented size of the proposed project's mine combined with the inadequately sized buffers, does not “complement rural character”. As described above, the proposed buffers are unlikely to block the view into the project and will have no impact on the visuals, sounds, and smells of the detrimental truck traffic. Therefore, permitting this mine contradicts both R-201 sections h and b and R-324.

In summary the EIS must:

- **Evaluate the ability of the current trees to be a suitable buffer zone over the duration of the mine by evaluating the ability of the trees to withstand high wind events without previously experiencing wind as a buffer vs a whole forest.**
- **Evaluate the appropriate buffer zone size based on current species present, buffer management plans, seasonality, compatibility with adjacent land uses around the entire site, and all locations within the viewshed to adequately shield the view of the proposed project and prevent artificial light from emanating from the site year-round and over its expected life.**
- **Specify a vegetation management plan with specifications for replanting and understory management to maintain an adequate buffer zone during all seasons and over the life of the proposed project.**
- **Evaluate the aesthetic impact of the proposed project on users of Kanaskat-Palmer State Park, Green River Gorge Conservation Area, and WA DNR Section 16 during day and night time hours.**
- **Evaluate the aesthetic impact of the proposed project on local residents within the viewshed.**
- **Evaluate the impact of economic, socio-cultural, and potential downstream loss of historic businesses in Cumberland with the presence of major aesthetic impacts.**

5.8 Noise and Vibration

5.8.1 Low-Frequency Noise (LFN) and Infrasound

Standard decibel measurements, which approximate human hearing sensitivity, routinely fail to capture the physiological and structural impacts of LFN and infrasound ⁽⁴²⁾. These long-wave acoustic emissions are the hallmark of heavy industrial operations, including diesel excavation equipment, rock crushers, and asphalt drum mixers ⁽⁴³⁾. Under WAC 173-60, maximum environmental noise levels are regulated; however, LFN presents unique propagation challenges because long sound waves (for example, a 66 Hz tone has a wavelength of approximately 17 ft in air) penetrate standard residential structural barriers effortlessly ⁽⁴⁴⁾.

The EIS must abandon reliance solely on dBA metrics and require C-weighted or unweighted one-third octave frequency-band analyses. This modeling must demonstrate exactly how low-frequency rumble will travel across the acoustic basin of the river gorge, penetrate Cumberland homes, and disrupt the sleep patterns and physiological well-being of residents ⁽⁴⁴⁾.

Truck traffic on public roads, though exempt under KCC 12.86, is a major contributor to low-frequency rumble and brake noise, plus compression braking events; these impacts must be included in the EIS. The way the site is broken into three separate site blocks requires the EIS to model that there will be trucks entering and exiting each site onto public county roads, and the applicant says all of these sites will be operating at the same time. This requires noise modeling of these 3 separate sites, plus reasonable predictions for noise from expansions that can be expected in future years: an additional M-5 pit, the mining of Lizard Mountain, a conveyor system potentially over/under Cumberland Kanaskat Road SE, and a water truck depot. This, along with deliveries to each of these separate sites throughout each day. All of this must be included in the EIS to understand the full extent of the impacts to be expected.

To summarize, the EIS must:

- **Include C-weighted or unweighted one-third octave frequency-band analyses in addition to dBA metrics to demonstrate how low-frequency rumble will travel across the acoustic basin of the river gorge, penetrate Cumberland homes, and disrupt the sleep patterns and physiological well-being of residents.**
- **Evaluate the impact of low-frequency rumble and brake noise, plus compression braking events.**
- **Conduct noise modeling that includes trucks entering and exiting onto public county roads from all possible site access points.**
- **Conduct future noise modeling that includes an additional M-5 pit, the mining of Lizard Mountain, a conveyor system potentially over/under Cumberland Kanaskat Road SE, and a water truck depot.**

5.8.2 Blasting, Compaction, and Structural Vibration

Aggregate mining involves a wide range of ground disturbing actions, all of which generate ground-borne vibrations ⁽⁴⁵⁾. The federal standard for evaluating structural safety against such vibrations is the U.S. Bureau of Mines Report of Investigations 8507 (USBM RI 8507) ⁽⁴⁵⁾. Typical

residential structures exhibit a natural resonant frequency between 4 and 12 Hertz (Hz) ⁽⁴⁶⁾. When mining-induced ground vibrations match this frequency, structural resonance amplifies the response, leading to cosmetic or severe structural cracking—a risk highly elevated in the historic plaster-on-lath construction prevalent in rural Cumberland ⁽⁴⁷⁾.

The EIS must establish a maximum PPV limit for low-frequency vibration measured at the nearest residential foundation, and mandate continuous, real-time monitoring to ensure strict compliance ⁽⁴⁸⁾. Additionally, the EIS should include and model the implications of removing 50-55 millions tons of material and the variety of ground response implications this may have on the surrounding areas.

To summarize, the EIS must:

- **Establish a maximum PPV limit for low-frequency vibration measured at the nearest residential foundation, and mandate continuous, real-time monitoring to ensure strict compliance.**
- **Model the implications of removing 50-55 millions tons of material and the variety of ground response implications this may have on the surrounding areas.**

5.8.3 General Noise Impacts

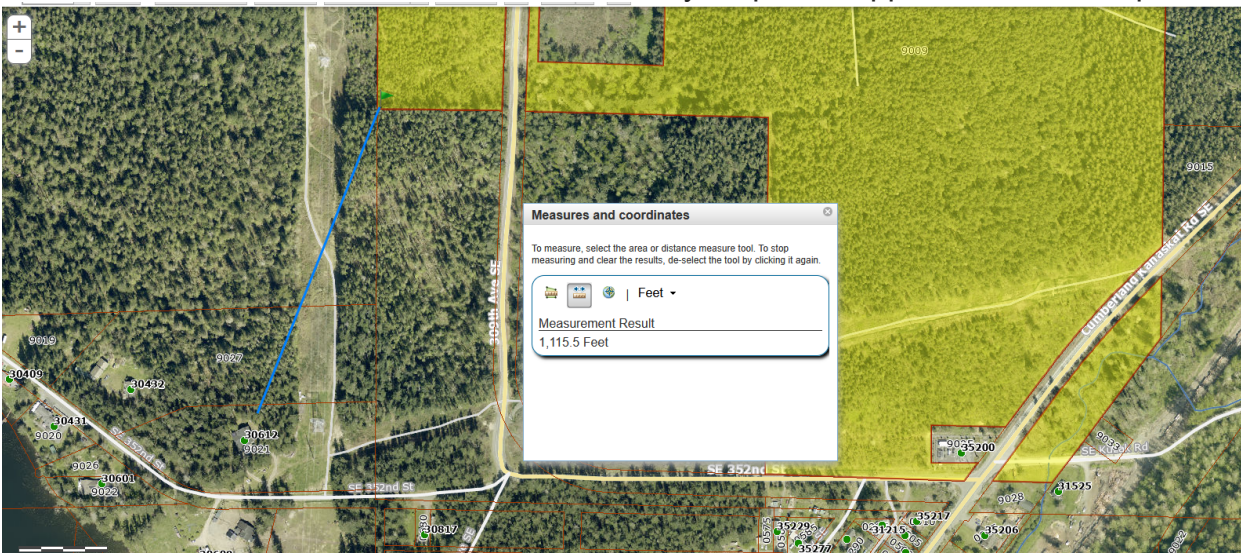
The proposed project will have negative impacts to the area regarding noise. For example, proposed operations will occur across multiple pits with different elevations and canyon rims, where sound can travel and reflect through the Green River Gorge area, Lizard Mountain, and Cumberland Hill — a natural amphitheater that amplifies noise far beyond typical propagation distances. While the applicant states that the crushing equipment and asphalt facility will be located in pits or lower elevation areas, the loud dumping noise from trucks (tailgate slamming can be the loudest of all noise) and heavy machinery will be operating at ground level and often above. Later, during reclamation of each pit, it is more likely that crushers, screens with grizzlies, tracked-dozers and compactors will be operating at much higher elevations. In fact, local aggregate sites of GRDE15-0179 and GRDE25-0052 have elevations that are much higher than original contours. Consequently, further, sound study should include impacts of activities that are typically complementary to aggregate mines. These include recycling of concrete and asphalt, as well as intake and recycling of woody debris such as stumps and slash from land clearing. As is well known, these have their own noise signatures.

The noise from this heavy equipment, especially crushers, screens, and rock-dumping impacts that routinely exceed 85–95 dBA at 50 ft. Noises of concern also include: dumping rock, hydraulic hammering of oversize rocks, and the noise from blasting, that could be needed to mine bedrock at excavation levels in several of the pits. Blasting is likely to be expected with the future expansion to Lizard mountain. All of these noises will be especially annoying to residents and adjacent state park visitors. All four sides of the project will likely have significant noise impacts.

- To the North, and adjacent is Kanaskat Palmer State Park with 300 daily campers and 200,000 visitor per year. It should be noted that the ranger's family residence is 70 feet from the border of the applicants' site. Will the applicant pay to have this residence moved?
- To the Northwest and West is the Green River and Green River Gorge Resort area, only 846 feet from the extensive mobile home village community there.



- To the South are neighborhoods and the now unincorporated town of Cumberland. Cumberland will receive even greater noise impact from a future site expansion to Lizard Mountain, where blasting will be needed.
- To the east are a few homes and green space, but mostly the Cumberland Kanaskat Road SE where truck traffic noise (including compression braking) will dominate the noise impact. The area, especially those living at higher elevations along 328th Way SE, SE 339 PI and even the Lake Umek area.
- To the west are the neighborhoods of Hyde Lake, Serenity and SE355 St/SE358 St – with homes as close as 1115 feet from mining operations, in particular, to the proposed M-5 pit noted on PREA22-0290 which would likely be part of applicants' future expansion plan.



Local residents have experienced mining noise impact near the Franklin Gravel Quarry (Green Section 30/GRDE15-0179). From early in the morning to early nine the afternoon there is a consistent hum of heavy equipment and truck back-up alarms as they go through endless load/unload

dump cycles. This sound carries for miles. Because the back-up truck alarms are supposed to alert nearby individuals of potential safety hazards, the sound is supposed to get your attention and it is indeed loud. But the sound carries further and remains at higher decibels than some other noises. The EIS must measure not only Equivalent Sound Level, *Leq*, averages but also Maximum Sound Level, *Lmax*, spikes that will cause sleep disturbance and wildlife habitat disruption.

The applicant states its operations will be active 7:00 AM to 4:00 AM, seven days a week, with those night times associated with activities with the proposed Asphalt Facility. Such noise must be modeled and measured at residential receptors and park campsites. The recent Sound Analysis Study already admitted that nighttime noise will likely be 56 db, exceeding the 47 db regulations. This means that loud truck noise may be heard throughout the night and early AM, affecting residents all around the area for miles—that clearly is not acceptable. And while the applicant may have studies showing the sound at certain receiving stations during testing meet the acceptable decibel levels (usually the equivalent of human speech at 4-6 ft), this noise will impact the quality of life for many in the area. Further, an 7:00 AM start time for operations is not typical in the gravel mining industry, so more extensive research should be given to actual operating hours, and those should be figured into the EIS.

The Cumberland area is very quiet, as a forested community in the foothills of the cascades. The proposed mine site sits in a geological valley where sound travels for miles. This especially quiet ambient level is what makes any increased noise more impactful. Noise studies must be evaluated against regulated accepted times, noise levels and surrounding impact sites, especially considering the variance from normal ambient sound levels. Seasonal evaluations are highly recommended due to the lack of vegetation during some seasons, along with variations in wind direction and wide variations in humidity levels that can contribute to noise impacts.

To summarize, the EIS must:

- **Include noise modeling with site specific parameters that accurately model site conditions over the life of the project and surrounding topography. Specifically, proposed operations will occur across multiple pits with different elevations and canyon rims, where sound can travel and reflect through the Green River Gorge area, Lizard Mountain, and Cumberland Hill — a natural amphitheater that amplifies noise far beyond typical propagation distances.**
- **Model and evaluate noise levels of crushing equipment, asphalt facility, dumping noise from trucks (including tailgate slamming), heavy machinery, backup alarms, dumping rock, hydraulic hammering of oversize rocks, blasting, screens with grizzlies, tracked-dozers, compactors, and reclamation of each pit at various elevations on the site over the life of the project.**
- **Evaluate the impact of noise from all operational activities and trucking on nearby residences and camping at Kanaskat Palmer State Park.**
- **Measure not only Equivalent Sound Level, *Leq*, averages but also Maximum Sound Level, *Lmax*, spikes that will cause sleep disturbance and wildlife habitat disruption.**
- **Model and measure nighttime noise from the asphalt plant operations at residential receptors and park campsites.**
- **Include seasonal vegetation and humidity variation in all noise modeling.**
- **Evaluate the noise studies against regulated accepted times, noise levels and surrounding impact sites, especially considering the variance from normal ambient sound levels.**

- **Provide mitigation strategies to minimize or eliminate any noise impact on site, along roadways and on adjacent properties.**

5.8.4 Deficiencies with the Applicant's Noise Assessment

The Sound Analysis report published on October 10, 2022, by BRC Acoustics & Audiovisual Design, and submitted by the applicant, has some concerning assumptions. These are discussed below along with suggested actions or follow-up.

This report deals with predictions of potential noise impacts on the surrounding area from equipment and operations as if they were set up in the new site. The *Leq* rating (again, an average sound rating over a period of time) is listed, but due to the proposed hours of operation (after 10 PM), the *Lmax* (again, maximum spikes in noise) should be considered as *more* impactful. This measurement identifies brief higher-level sounds that would have impacts, such as nearby residents sleep disturbance, state park campers. And while the noise from passing trucks on public roads (~550 trips per day) are *not* considered in the report, the impacts should be considered by KC. Below are omissions in the applicant's Sound Analysis report, along with potential next actions and mitigations that should be considered in an EIS.

Summary of deficiencies in the 2022 Sound Study:

- No nighttime measurements despite proposed 4 AM operations.
- Use of Auburn urban baseline instead of rural forest baseline.
- No modeling of canyon-wall reflections or slope amplification.
- No cumulative-impact analysis with nearby mines (Hyde Mine—GRDE15-0179, Palmer Junction—GRDE15-0051).
- No impact evaluation of future expansions (M-5, Lizard Mountain, parcel 2121079028 truck depot).
- No differentiation among the three non-contiguous site blocks.
- No measurement of reclamation dumping noise at elevated benches.
- No assessment of low-frequency truck and conveyor noise.
- No evaluation of wildlife acoustic disturbance in Section 16 corridor.

The CadnaA model used by BRC Acoustics assumes flat terrain and uniform ground absorption. The EIS must instead employ a hybrid model combining ISO 9613 with empirical field calibration using microphones placed along canyon walls and ridgelines to capture echo and reverberation effects.

Key omissions or inconsistencies in the report

- A. **Nighttime:** In the Sound Analysis report, many of the noise test locations (receiving locations) **were not tested during nighttime** when the proposed project will still be operating. The project admitted that they would operate 7 days a week, with extended hours through late evening and **until 4am**. Noise from truck back-up alarms is the most annoying – however they report that according to the King County noise regulation (KCC 12.86.500.G), warning devices such as back-up alarms are exempt from the noise limits. I would like King County to take into consideration that these back-up alarms ARE one of the most disturbing of the noises produced by the project

and should be considered in their impacts to surrounding areas. Should surrounding forested green areas, state parks, and communities sound like construction zones?

We suggest the sound modeling be performed again, and a revised report produced that shows reported sound levels during the night, and show the variance from normal ambient sound levels. This will clearly show the impact to additional industrial noise. Every 10-decibel increase is perceived as doubling in noise.

- B. **Predictive Model Variables:** In the Sound Analysis report, it states that the model considers the following attributes: “*sound power level, directivity, location, and height of the noise source, distance, ground cover and topography between the noise source and receiver, atmospheric conditions, and location and height of the receiver.*” There is no mention of which ground cover or foliage attribute used, or what the value was of any of the other attributes in the model other than elevation, only that the result was that “*Calculated sound levels from proposed operations at the Segale Cumberland mine without additional noise mitigation meet King County daytime and nighttime noise limits*”.

There is very limited and biased proof to support this claim. We recommend far more information be disclosed as to what went into the modeling so as to investigate whether these were appropriate. For example, did the model include year-round coniferous vegetation with heights ranging from 30 to 40 ft, or trees that are much taller - typically 70-90 ft, where sound will carry straight through in between the tree trunks, with very little absorbed by foliage, especially in winter? This one variable could skew the reported decibel levels projected at receiving locations, and put the study results in question. The model may be *inaccurate*. Noise would pass through these ‘*forested areas*’ nearly unaffected into adjacent residential parcels and the State Park.

We further recommend that the modeling attributes be shared, instead of hidden, and ask that the modeling be re-run with more appropriate attributes, and produce a revised report, which can be reviewed by KC and the Public.

The study also omitted disclosure of ground-cover coefficients, foliage density, and canyon-wall reflection parameters. These omissions invalidate the predictive model for a forested valley environment. The EIS must require transparent disclosure of all model variables and rerun simulations using site-specific acoustic absorption and reflection data.

Finally, measurements should include both Leq and Lmax at one-second intervals to capture transient high-energy events such as rock dumping, crusher engagement, and truck tailgate impacts.

- C. **Predicted Noise-Producing Equipment Location:** In the Sound Analysis report, it does not show specific locations for much of the mining equipment, only a general area. Some if not all of the equipment described is ‘*mobile*’. Consideration should be given (or restrictions) to keep the equipment and their operation away from the boundaries and residential or State Park areas. What prevents the mining operations from putting any noise producing equipment right next to the project borders?

We suggest the forecast model be repeated for any other locations where the noise-producing equipment might be located and show the worst-case impact on surrounding parcels. We also suggest that any project approval specify restrictions on where quarry/mining equipment can be operated. Finally, we strongly suggest monitoring compliance of these locations on a regular basis, with penalties for unauthorized movement / operations, and excessive noise.

Each pit (M-1 through M-5) and future parcels including 2121079001 to simulate mining of Lizard Mountain must be modeled *separately*. Because the project comprises three distinct blocks of sites — potentially eight separate permits — the EIS must ring each pit with independent receptor arrays and treat them as separate operations with unique noise signatures to identify localized noise hotspots.

- D. **Predicted Noise-Producing Equipment Operating Levels:** In the Sound Analysis report, it documents: *“Reference sound levels of equipment proposed for the Segale Cumberland project were measured at the Icon Inc. mining operation located on Segale Properties land in Auburn, WA. According to the Applicant, the equipment operating at the Auburn facility are representative of proposed Cumberland operation. Proposed equipment will in no event be noisier. Sound measurements took place on Thursday, December 9, 2021.”*

This was performed on only one day in the seasonally-low winter during arguably the lowest point of a major construction slowdown associated with the COVID-19 pandemic. The operation then was working at a very low output level, if it was really working at all. While this shows some heavy equipment operating noise levels, operation levels were completely under the control of the applicant. We would question if the noise levels included only the running engine noise of the machinery, not the maximum noise levels when machinery is engaged in crushing and other normal or **peak gravel mining operations**. The report is unclear. At peak operations, I expect the noise levels will spike and the levels of noise received at neighboring parcels will exceed the modeling levels in the report. The EIS must focus on the loudest sources typically measured at gravel mines — crushers, screens, and rock-dumping impacts — which produce sustained 85–95 dBA at 50 ft and impulsive peaks exceeding 100 dBA. Then, blasting of rock introduces noise at even higher levels.

For example, when equipment used to grind large rocks is actually performing this function on large rocks, the noise levels are much different than the equipment operating with no activity. The real noise level is much louder. This will exceed regulatory sound levels at receiving residential locations. More and better forecasting is needed, and KC must re-analyze the resulting forecasting reports to ensure there is no bias.

Noise created from reclamation activities must be added to the study. There have been little or no reclamation activities at the site used in the existing study in Auburn, which is controlled by applicant. This site is very different, as it is in the City of Auburn, inside the UGA and is in the process of being upzoned to develop a new MPD. Thus, there is no requirement to do filling of the pits for reclamation, and leaving these wide, flat areas that have not been land-filled are often better for redevelopment for industrial, commercial and residential land uses.

However, since the proposed project is outside of the UGA and in Forest-zoned land, it will need to be reclaimed to original contours to reestablish proper drainage for the land to revert to forest use post-mining. The activities of reclamation dumping, grading with tracked-dozers and then compacting, especially at elevated benches such as those now occurring at GRDE15-0179, can exceed crusher noise and must be included in the study. The study should add the noises of crushing, screening/grizzly and rock dumping for the complementary activities of material recycling of concrete and asphalt that typically go along with reclamation land-filling.

We suggest that the forecast model be explicit in their ‘existing operations’ noise levels, and compare this to other similar site maximum noise operations to ensure results are unbiased. It needs to be repeated with an accurate and expected noise level *“while machinery is engaged in*

peak operations.” Without this, any impact on the noise levels at receiving parcels cannot be predicted accurately.

To summarize, the EIS must:

- **Employ a hybrid model combining ISO 9613 with empirical field calibration using microphones placed along canyon walls and ridgelines to capture echo and reverberation effects.**
- **Require transparent disclosure of all model variables and rerun simulations using site-specific acoustic absorption and reflection data.**
- **Include measurements for both Leq and Lmax at one-second intervals to capture transient high-energy events such as rock dumping, crusher engagement, and truck tailgate impacts.**
- **Include noise modeling with consideration for mobile mining equipment and the equipment’s proximity to the site boundary.**
- **Require monitoring compliance of these locations on a regular basis, with penalties for unauthorized movement / operations, and excessive noise.**
- **Model and evaluate noise from each pit separately by ringing each pit with independent receptor arrays and treat them as separate operations with unique noise signatures to identify localized noise hotspots.**

5.8.5 Need for a New Sound Analysis Study

For the reasons given in the earlier subsection, a new Sound Analysis Study is needed. We strongly urge KC to monitor the variables and conditions around this. Specifically, make this study *independent* and not use a controlled environment to profile the mining operations by the applicant; don’t use the ICON operation site in Auburn, still owned by Segale, as the operations noise level reference. For the following reasons this approach will be biased in favor of lower noise impacts:

1. Since the site is owned by the applicant, they can control the operations and the noise levels produced during studies.
2. This site is not working at full capacity anymore, and probably is not representative of heavy excavation, screening and crushing that the proposed new site will be doing.
3. This site in Auburn is inside the city limits, so ambient noise levels will already be much higher than those found in Cumberland at the proposed new site. I am concerned that true ambient sound measurements may be skewed.

The elements of a new sound study should be:

- Conduct in the Forest-zoned Cumberland area, not at the Auburn industrial site.
- Take measurements at multiple rural receptors — homes, parks, and wildlife corridors — using Class 1 meters for at least one full year to capture seasonal variation.
- Include *cumulative* impacts from existing mines and model future expansions.
- Baseline the *existing* ambient sound levels (typically below 30 dba), in and around each of the new separate sites, and show how significant the change is from normal (delta), not just that receptor residential location noise is predicted to be within the accepted level.

- Conduct during zero wind conditions to accurately represent how quiet the area is under normal conditions, as the applicant's Sound Analysis report recorded existing sound levels with up to 10 mph wind speeds.

KCC 12.86 NOISE establishes "*maximum permissible*" sound levels from the noise source, and the levels at surrounding receiving properties. As such, the EIS must evaluate predicted "*maximum noise levels*." Per the code, maximum permissible sound levels originating from a zoned Industrial District entering a surrounding Rural District cannot exceed 60 db(A) (Leq) on average and have a 72db(A) maximum sound level for short bursts. The EIS will need to evaluate projections of how often short noise bursts could occur.

To summarize, the EIS must:

- **Conduct a new noise study in the Forest-zoned Cumberland area, not at the Auburn industrial site:**
 - Take measurements at multiple rural receptors — homes, parks, and wildlife corridors — using Class 1 meters for at least one full year to capture seasonal variation.
 - Address *cumulative* impacts from existing mines and model future expansions.
 - Baseline the *existing* ambient sound levels (typically below 30 dba), in and around each of the new separate sites, and show how significant the change is from normal (delta), not just that receptor residential location noise is predicted to be within the accepted level.
 - Conduct during zero wind conditions to accurately represent how quiet the area is under normal conditions, as the applicant's Sound Analysis report recorded existing sound levels with up to 10 mph wind speeds.
 - Evaluate projections of how often short noise bursts could occur and the impact of those short noise bursts.

5.8.6 Noise Sources That Must Be Addressed in an EIS

Below we list the typical noise sources related to such operations as the proposed project—all must be addressed in the EIS:

Jaw Crusher

- The placement of feedstock (3-man boulders down to sand) into the feeder of the Jaw Crusher.
- In the jaw crushing chamber, as feed material is reduced in size to 8" minus.

Screening Plant

- Discharge from conveyor onto top deck of screening plant
- Screen decks as material travels across the decks and is separated by size
- Discharge chutes, where presorted material is sent to product piles or to the Cone Crusher

Cone Crusher

- Discharge from feed conveyor onto cone crusher cross conveyor
- Screen decks as material travels across the decks and is separated by size

- Cone crushing chamber

Transfer Points, Conveyors and Discharges

- Discharge from product conveyors into product piles
- Transfer points between conveyors

Drilling

- Drill bit boring into rock
- Drill exhaust and engine

Blasting

- Detonation of blasting explosives

Stripping of Overburden

- Excavator digging
- Piling overburden

Digging, Bailing, Noise Sources

- Excavator digging
- Bailing material
- Sorting material

Rock Breaking with Hydraulic Hammer Attachment

- Excavator with Hydraulic Hammer Attachment Breaking large boulders

Truck Loading

- The placement of sales products (particularly quarry spalls) into the beds of customer trucks

Haul Traffic

- Incoming traffic on Cumberland Kanaskat Road SE
- Outgoing traffic on Cumberland Kanaskat Road SE

Truck Road Noise (see further below)

- Up to 550 truck trips per day along Haul Routes
- Increased nighttime traffic after 9pm, until 4 AM.

Truck Road Noise Impacts

We have a particular concern the proposed project will bring a negative impact to the local and larger surrounding area due to nearly *round-the-clock* road noise. There are many residential and neighborhoods adjacent to the haul routes that bare proposed. Heavy truck traffic and its noise impacts will severely impact these areas—especially at night. The Sound Study report only deals with industrial operations. We do not see any evaluation of truck noise impacts on the surrounding roads and adjacent properties along haul routes, especially through the town of Cumberland. The EIS must address these concerns.

Of particular concern is the Sound Study report's complete lack of a noise assessment for trucking operations running all night long during peak operations. The TIA shows a profile of hourly truck movements on the order of 10-20 trucks per hour, all night long until 4 AM. The residential community of Cumberland (and all communities and residents along proposed haul routes) will thus be exposed to truck noise events every few minutes until 4 AM. The FAA has regulations in place to minimize nighttime air travel noise from airline take-off and landings during nighttime hours. The EIS must address all the impacts associated with nighttime operations.

Some key facts about such truck operation noise sources include:

- The noise generated by a heavy truck typically ranges of 80 to 87 decibels – this is right next to passing trucks on the road – receiving levels of noise is within 10-15 feet of passing trucks.
- One truck's noise level can exceed the noise level of as many as 28 cars.
- The ambient sound levels in rural and residential areas alongside these roads is around 35 decibels during the day, and as low as 25 decibels at night.
- As mentioned earlier, a sound increase of 10 decibels is perceived by humans as a doubling of loudness.

Again, **KCC 12.86 NOISE** governs here and it specifies industrial noise impacts on residential areas should not exceed 57-60 db (and 50 db at night). The EIS must address the likely impact of truck noise on residences exceeding these limits, especially at night, especially the sound of “*jake brakes*.” The proposed project will generate an average of 550 truck trips per day, and some of these will operate during a night shift that lasts until 4 AM in the morning, with 60% going northward and 40% southward. This predicts that a truck will pass road-adjacent properties once every 2-3 minutes during the day, and once every 5-7 minutes at night. The average conditions will vary (and likely increase) over the 35-year life of the proposed project. This must be addressed in the EIS.

To summarize, the EIS must:

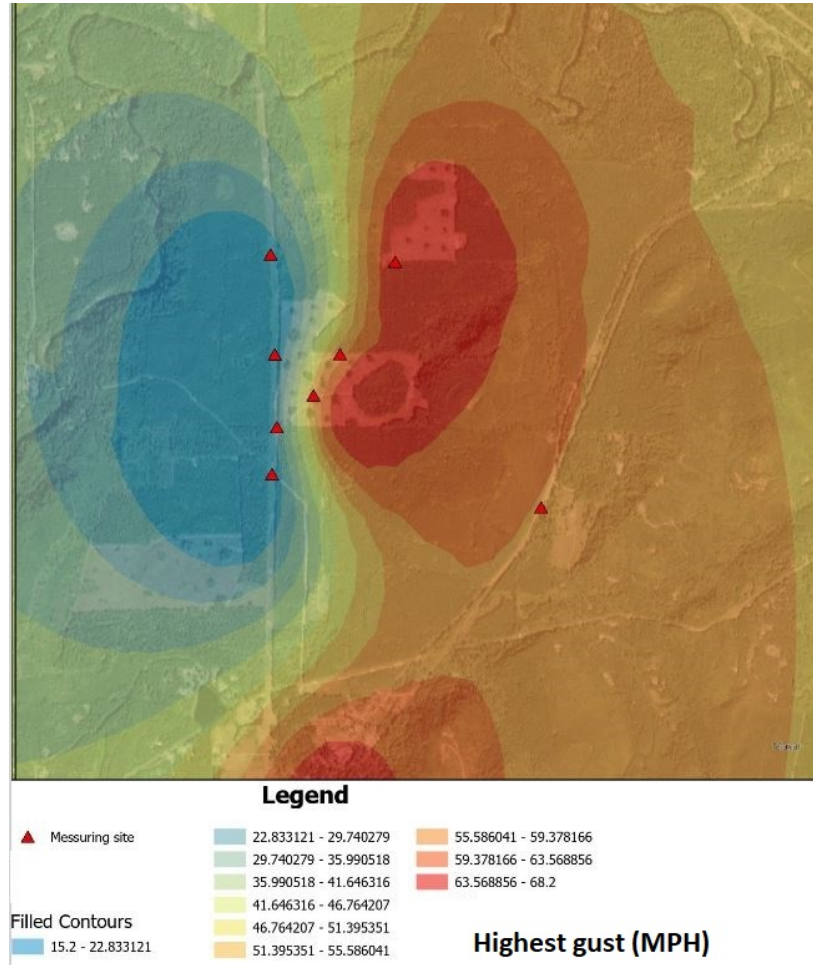
- **Address jaw crusher, screening plant, cone crusher, transfer points, conveyors and discharges, drilling, blasting, stripping the overburden, digging, bailing, rock breaking with hydraulic hammer attachment, trucking loading, hauling traffic, and truck road noise in noise analyses.**
- **Evaluate truck noise impacts on the surrounding roads and adjacent properties along haul routes, especially through the town of Cumberland with predicted amount and direction of truck traffic in the day and night.**

5.9 Air Quality

5.9.1 Meteorological Data

The applicant's preliminary data relies on wind metrics gathered from Mud Mountain Dam, a topographically distinct site located 13.6 mi away, and thus is *scientifically invalid* for modeling air dispersion at the Cumberland parcels. Due to historic clear-cutting on the adjacent WA DNR lands, the site lacks a mature timber friction layer, resulting in extreme wind-tunneling effects (field observations recorded localized gusts exceeding 60 mph during the 2024 cyclonic events).

Mud Mountain exists at 47.141, -121.931 at 1,300 ft in elevation, at the edge of the Cascade Foothills, where SR-410 begins to climb outside of Enumclaw. Wind direction is going to change based on the gaps in the Cascades, either east or west. At the purposed mine site, with the location of 47.306, -121.932 for example, the site is exposed to the effect of wind coming down Eagle Gorge from Stampede Pass, West from general incoming storms, as well as north and south from the effect of topography along the slopes of Tiger Mountain and McDonald Mountain, as well as the unique, mostly unnamed Terran and peaks to the immediate south. Due to historic clear-cutting on the WA DNR lands adjacent to the Cumberland mine site, the site lacks a mature timber friction layer, resulting in wind-tunneling effects (field observations recorded localized gusts exceeding 60 mph during the 2024 cyclonic events). Since this site has and is surrounded by many "*peaks and valleys*" that contribute to a distinct microclimate, continuous on-site meteorological monitoring is needed in the EIS throughout the entire site to accurately capture wind speed and directional data before any dispersion modeling for Respirable Crystalline Silica (RCS) or asphalt VOCs is conducted. All modeling needs to include the current topography of the site and the changes in topography as proposed over its 35-yr life.



Wind data recorded during the bomb cyclone of 2024. Wind data was taken with a hand held anemometer held 8 feet above the ground during gusts. The triangles represent locations where the measurements were taken, which included the BPA easement access road, as well as section 16 of WA DNR land. Prior to 2025, there was a section of unlogged trees that separated section 16 from the BPA lines that has been cut down since, likely in response to potential for downed lines. This difference in measured gusts was clearly correlated to the protection the tree line provided vs the logged section on WA DNR land. The measurements were taken by Zachary Pratt on November 19th, 2024, from 07:30 PM to 09:00 PM.

To summarize, the EIS must:

- **Collect and use meteorological data from various locations around the site to accurately assess microclimate conditions for at least two years to take into account seasonal and annual variability.**
- **Include the many “peaks and valleys” on and around the site in data collection, modeling, and assessments.**
- **Include continuous on-site meteorological monitoring throughout the entire site to accurately capture wind speed and directional data before any dispersion modeling for Respirable Crystalline Silica (RCS) or asphalt VOCs is conducted.**

- **Require all meteorological modeling to include the current topography of the site and the changes in topography and vegetation over the life of the proposed project.**

5.9.2 Respirable Crystalline Silica Exposure Limits

The target glacial outwash and underlying sandstones proposed for excavation are predominantly composed of quartz. The mechanical processes of excavating, crushing, and transporting this specific aggregate generate massive volumes of Respirable Crystalline Silica (RCS), microscopic particles that bypass human respiratory defenses ⁽⁴⁹⁾. The WA Department of Labor and Industries (**WAC 296-840**) standardizes strict occupational Permissible Exposure Limits for RCS at a maximum of 50 µg/m³ as an 8-hour time-weighted average, with an action level trigger of 25 µg/m³ ⁽⁵⁰⁾. However, while these WAC limits govern 8-hr shift exposure for site workers, the EIS must address the continuous atmospheric dispersion of RCS beyond the property line. Inhalation of silica particles is cumulative; while occupational rules account for workers leaving the site, neighboring residents face chronic exposure. Accumulating over months and years of living adjacent to the operation, this chronic exposure induces severe, irreversible respiratory conditions, including silicosis, chronic obstructive pulmonary disease (COPD), and lung cancer ⁽⁴⁹⁾. Furthermore, the current densely forested site acts as a natural windbreak and soil anchor. Clear-cutting and excavating 990 ac will strip this protective canopy, transforming the landscape into a vast, unvegetated expanse. Unimpeded wind vectors, particularly the severe local windstorm events unique to the Enumclaw and Cumberland topography, sweeping across a mile of exposed extraction pits and towering aggregate stockpiles will aerosolize fine silica dust at a rate impossible under current baseline conditions. As shown in the previous concern, wind data provided by the applicant is insufficient for determining if these metrics can operate in a safe manner.

The EIS must address stringent, continuous fence-line air monitoring and atmospheric dispersion modeling. This modeling must definitively quantify the volume of RCS that will migrate over the wider area.

To summarize, the EIS must:

- **Evaluate the impact and distance of continuous atmospheric dispersion of Respirable Crystalline Silica beyond the project boundary under normal and high wind conditions.**
- **Evaluate the effectiveness stringent continuous fence-line air monitoring and atmospheric dispersion modeling.**

5.9.3 Asphalt Production Air Toxics

Hot-mix asphalt batching and mixing facilities are prolific emitters of a hazardous mixture of airborne pollutants, including volatile organic compounds, sulfur oxides, nitrogen oxides and more hazardous air pollutants ⁽⁵¹⁾. The particles that make up asphalt are held together by bitumen, a sticky, black, petroleum-derived substance that acts as a glue and becomes fluid during hot-mix asphalt operations. Hot-mix (150-180 degrees C) asphalt operations release PAH (polycyclic aromatic hydrocarbons) from the bitumen, some of which are known to cause cancer. The EPA in particular classifies one PAH, benzo(a)pyrene, as a Group 1 carcinogen. Agencies like Caltrans

mandate asphalt facilities to monitor airborne PAH levels using gas chromatography/mass spectrometry (GC/MS) due to the especially high emissions for hot-mix asphalt operations ⁽⁵²⁾.

While atmospheric PAH are the organic compounds mainly found sorbed onto particles such as the PM_{2.5} particles discussed below (Section 5.9.5), the proposed asphalt facility will emit both particulate matter and gaseous volatile organic compounds (VOC). Two of the three largest sources of VOC are industrial processing and on-road and non-road vehicles. VOC and NO_x are key ingredients in the formation of ground-level ozone. While anthropogenic emissions are destroying the ozone in the stratosphere, which protects us from the harmful effects of UV rays, VOC's and NO_x are helping to create ground-level ozone, which is quite harmful, producing cracks in rubber, destroying vegetation, and causing respiratory distress and eye irritation in humans ⁽⁵³⁾. People at greatest risk include people with asthma, children, older adults and people who are active outdoors, especially outdoor workers ⁽⁵⁴⁾. In the area surrounding that in which the proposed asphalt facility is proposed, are ranches, farms, and active forestry obviously including people who work outdoors every day, exposing them to VOC and harmful ground-level ozone will increase their health risks. Additionally, the proposed construction of the asphalt facility on the northern parcel would mean that when easterly winds are not blowing these harmful chemicals directly over the neighboring population, they will be moved through air inversion common in river gorges up and down the Green River, impacting people in distant locations as well as wildlife and vegetation. Also, one must consider the State Park near this location with a high number of outdoor enthusiasts who also will be negatively impacted when visiting these public lands.

The EIS must include an exhaustive Air Quality Impact Analysis conducted in strict accordance with the Puget Sound Clean Air Agency regulations and permitting requirements ⁽⁴⁷⁾. The analysis must utilize advanced AERMOD dispersion modeling to predict the downwind deposition patterns of these pollutants. Furthermore, the EIS must critically evaluate the potential for meteorological temperature inversions, a common occurrence in the deep topography of the Green River valley, which can trap concentrated asphalt emissions close to the ground, elevating the cumulative respiratory health risks for the local community ⁽⁵⁶⁾. One must also consider the effect of the topography on the health risks involved in this proposed project. VOC's are common groundwater contaminants as well as air pollutants and the removal of vegetation and clearing of substrate to within 10 feet of groundwater in areas with high winter precipitation levels and in an area of glacial outwash till can lead to groundwater contamination with huge negative ramifications.

To summarize, the EIS must:

- **Include an Air Quality Impact Analysis conducted in strict accordance with the Puget Sound Clean Air Agency regulations and permitting requirements and utilize advanced AERMOD dispersion modeling to predict the downwind deposition patterns of these pollutants**
- **Evaluate the potential for and impact of meteorological temperature inversions on air quality and subsequent respiratory health risks for the local community.**
- **Include site topography (current and over the life of the project), vegetation clearing, and substrate removal in air quality modeling.**
- **Evaluate impacts air quality could have on animals, fish, surface water and groundwater quality.**

5.9.4 Greenhouse Gas Emissions and Climate Alignment

KC's Strategic Climate Action Plan legally commits the county to greenhouse gas (GHG) reductions. A commitment to a 50% reduction by 2030, 75% by 2040, and 95-100% (net-zero) by 2050, all measured against a 2007 baseline ⁽⁵⁷⁾. The proposed extraction and processing will rely on fossil fuel consumption, powering heavy excavation machinery, high-temperature asphalt drum mixers, and an estimated 298 - 668 daily heavy-duty truck trips. In addition, removal of 990 acres of forested environment will significantly harm the county's forests overall ability to help process greenhouse emissions.

The EIS must provide a comprehensive, transparent carbon lifecycle analysis of the project, accounting for all emissions. If the project's emissions trajectory contradicts the SCAP targets, which is highly probable given the nature of the industry, the applicant must be required to provide legally binding mitigation strategies, such as mandatory fleet electrification, on-site renewable energy generation, and the purchase of verified carbon offsets, to achieve alignment with KC climate law ⁽⁵⁸⁾.

To summarize, the EIS must:

- **Provide a comprehensive, transparent carbon lifecycle analysis of the project, accounting for all emissions associated with the mine, asphalt plant and trucks.**

5.9.5 Fugitive Dust (PM2.5 and PM10) Mitigation

Particulate matter generated by the mechanical fracturing of rock and the continuous traffic of multi-axle trucks on unpaved haul roads poses a significant ambient air quality hazard. The applicant suggests that wet scrubbers on processing equipment and the retention of forested perimeter buffers will be sufficient to mitigate fugitive dust (PM2.5 and PM10) impacts. However, during the dry summer months, the application of millions of gallons of water for dust suppression directly competes with the ecological necessity to conserve regional water resources ⁽⁵⁹⁾.

PM2.5 particles (2.5 microns or less) are small enough to enter alveoli in the lungs. Alveoli are tiny, sac-like structures within the lungs that serve as the primary site for gas exchange between the air and the bloodstream. Each lung contains millions of alveoli, providing a vast surface area for efficient oxygen and carbon dioxide exchange. These microscopic air sacs are surrounded by a dense network of capillaries, allowing close contact between air and blood. The alveoli have thin walls which facilitates rapid diffusion of gases. The alveoli are the primary site for the exchange of gases in the lungs, enabling oxygen to enter the bloodstream and carbon dioxide to be expelled ⁽⁶⁰⁾. Thus PM2.5 particles can enter the blood system or lymph system through the lungs, to be transported to organs some distance from the lungs and have a detrimental effect on these organs ⁽⁶¹⁾. Exposure to these particles has been linked to a variety of health problems including premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, increased respiratory symptoms such as irritation of the airways, coughing and difficulty breathing. People with heart disease, children and older adults are most likely to be affected by this particle exposure ⁽⁶²⁾.

The EIS must explicitly quantify the expected volume of PM2.5 and PM10 emissions under worst-case arid conditions. The EIS must include a calculation of the exact gallon-per-day water requirement for effective dust suppression and mandate a contingency operational plan if water resources become constrained due to drought conditions or municipal aquifer drawdowns.

To summarize, the EIS must:

- **Quantify, explicitly, the expected volume of PM_{2.5} and PM₁₀ emissions under worst-case arid conditions, evaluate human health and animal impacts and propose best management practices to address these impacts.**
- **Include a calculation of the exact gallon-per-day water requirement for effective dust suppression and mandate a contingency operational plan if water resources become constrained due to drought conditions or municipal aquifer drawdowns.**

5.10 Traffic

The impacts of the proposed project greatly exceed what was identified and discussed in the applicant's SEPA checklist and related 2022 traffic study by TENW. The EIS should account for additional impacts, utilize alternative analytical methods, and consider a range of mitigation actions, as discussed next. Factual errors in the applicant's traffic study must also be corrected.

This discussion is based largely on a report submitted to King County by Michael Birdsall in 2024, Traffic Impacts of the Cumberland Aggregate Mine and Asphalt Plant Project, dated March 11, 2024. A copy of that report is also included as an attachment to this comment letter. Additional comments are included herein based on matters that have emerged since that report was submitted.

The DS describes several alternative actions ranging including a No Action Alternative and several alternative levels of site development, which have different amounts and kinds of traffic impacts. The EIS should address each alternative at the same level of detail for all alternatives, so as to identify and compare differences of impact and mitigation between alternatives. Following discussion does not distinguish between alternatives except where necessary to call out unusual differences.

Traffic analysis is focused on impacts external to the site rather than internal. On-site activity also has impacts of an environmental nature such as air and noise impacts which are discussed in other sections of this Comment Letter.

In the following sections, "traffic impacts" and related terms stand for a wide range of impacts on the affected community including not only the traffic operations and capacity issues normally considered in traffic studies, but also a wide range of community impacts that arise due to the large volume of heavy truck traffic added to the community's own neighborhood circulation system, and the severe physical damage that truck traffic adds to roads and bridges which are not designed to physically support such heavy loads. Whether specifically stated or not in each section hereafter, the range of impacts that is represented by "traffic impacts" and related terms includes at least the following:

- traffic operations with reference to King County's rural level of service standard (LOS "C") applied to each intersection and turning movement
- conflict with substantial pedestrian movements at road crossings and alongside roads lacking shoulders, in the Cumberland village area and entrances to two State Parks
- conflict with school bus operations on truck routes
- conflict with recreational activities at/near two State Parks and the Green River Gorge Recreational Area
- conflict with bicycle activity on truck routes
- hazards of rock, mud, and dust debris disbursed on routes used by trucks, including vehicle damage and crash hazards for bicycles and motorcycles, and increased road maintenance costs
- noise impacts on the rural residential environment
- safety risks from heavy truck use of narrow, shoulder less rural roads with blind corners, steep grades, as well as high pedestrian/cyclist use
- bridge loading impacts on several antiquated timber bridges and undersized culverts
- freeze-thaw damage to thin pavement sections due to truck loads in winter months
- structural damage to pavements due to heavy truck loads, leading to rutting, cracking, potholes, and total road reconstruction
- culvert failure due to heavy truck vibration
- road shoulder collapse from heavy truck loads operating off the pavement edge

Physical road damage caused by trucks can be accounted for in a Haul Road Agreement - if administered more effectively than King County's recent track record. The EIS should identify a comprehensive list of mitigation requirements and develop an effective mechanism to impose such an agreement including penalties sufficient to assure compliance.

Considering the 30-yr time frame for operating the proposed mines, the mitigation requirements identified for the proposed action and alternatives must be compatible with the cumulative background traffic conditions of known and foreseeable growth plans in the surrounding area, including at least:

- other known proposals for mining operations such as the Hyde Mine (LUT4210001)
- City of Black Diamond 20-year growth plans including over 6,000 new homes
- 20-year growth plans of Enumclaw and East Pierce County
- increased regional traffic use of Veazie-Cumberland Road, Cumberland Kanaskat Road, and Retreat Kanaskat Road due to capacity limits of SR 169, which are already being experienced
- reconstruction to current county road design standards of the road network affected by large volumes of heavy truck traffic, with responsibility apportioned to various traffic generators based on Equivalent Single Axle Loads (ESAL) and miles of travel.

KC Code Title **21A.22.070 Operating conditions and performance standards for clearing and grading activity** addresses Haul-Route Agreements (HRAs). As provided for in the [King County Road Standards Section 9.08D](#) the King County Road Engineer is required to require a HRA to address impacts to public health, safety, and welfare directly attributable to a permit applicant's proposed activities. Clearly, the proposed project's very large number of heavy truck trips per day, as detailed herein, will require such HRAs.

Further, due to the proposed project's large number of heavy truck trips, weight restrictions might be required on some bridges based on their expected life, KC inspection cycles, and potential structural failure mechanisms. Such weight restrictions could directly impact logging operations throughout the area to such an extent that the operations might need to be curtailed, of which we expect WA DNR, King County, Weyerhaeuser, Plum Creek, etc. would not approve.

5.10.1 Site Access

The proposed primary access point to the project site is located on Cumberland Kanaskat Road in the northeast corner of the entire site. Applicant's SEPA Checklist asserts that all normal operations will use that access and not rely on other connections to the south side of the project area: 309th Avenue SE, Green River Gorge Road, and SE 352nd Street, except in case of emergency. Applicant has requested easements from WA DNR-owned property between the various parcels making up the applicant's site, but such easements have not been granted to date.

This access plan appears to be unworkable for most of the parcels and mining sites involved given the absence of legal connections between the applicant's various parcels. At present, most of the applicant-owned parcels have direct access only to the south-side roads. They do not have a direct connection within the site boundaries to the proposed main entrance on Cumberland Kanaskat Road, in the absence of a road easement across the adjacent WA DNR parcel.

In the applicant's site map, easterly parcels numbered 4 and 5 are connected to Cumberland Kanaskat Road, where the proposed site entrance is located. Parcel #2 abuts those parcels as well; however, parcel #2 touches northern parcel #1 only where their corners touch; i.e., a point of zero width. Vehicles cannot legally pass from parcel #2 to parcel #1 without an easement or other form of

right-of-way across the WA DNR parcel. The same problem exists between northern parcel #1 and western parcel #3. In the absence of right-of-way connecting parcel #1 to parcels 2 and 3, there is no way for on-site traffic generated on parcels 1, 3, 7, 8, 11, 12, 13, 14, 15, and 16 to reach the proposed site entrance within the site. External county roads would have to be used instead, increasing the external impacts of the proposed action. Granting an easement to mitigate impacts of the proposed action may constitute “lending the state’s credit” - a constitutional issue.

As the site is described in the SEPA Checklist, all site traffic generated on the southerly, westerly, and northerly parcels must reach the county road system via one or more of the three south-side roads named above, rather than the proposed primary access point on the northeast side of the project site plan. Impacts on the residential community served by SE 352nd Street will be significant.

To summarize, the EIS must:

- **Evaluate the impact and As the baseline alternative, assume that site traffic will access the county road system without physical connection via proposed easements between the northeasterly parcels where the proposed site access is located, and all other parcels.**
- **Evaluate off-site traffic impacts based on a majority of the site’s traffic accessing the county road system to the south via 309th Ave SE rather than at the proposed access to the northeast on Cumberland Kanaskat Road.**
- **As a separate alternative, include the proposed easements across WA DNR property, with all traffic accessing the site off Cumberland Kanaskat Road.**
- **Compare the traffic operations, safety, noise and other impacts on the Cumberland community and the affected county road system for each site access alternative.**

5.10.2 On-Site Circulation

As discussed above, the five separate areas to be mined are not contiguous and there is no explanation in the SEPA Checklist nor the applicant’s traffic study of how they can be linked across other properties not owned by the applicant to create the on-site circulation plan shown to the public, resulting in no use of adjacent public roads for on-site operations. A reasonable plan of on-site circulation must be provided, to assure same. Proof of easements to cross other properties must be confirmed, or treated as an alternative assumption as discussed above

Absent such easements, site traffic between parcels to the south, west, and north and the northeasterly parcels abutting Cumberland Kanaskat Road would be forced to use the southerly roads, especially SE 352nd Street, to reach Cumberland Kanaskat Road, and travel north on Cumberland Kanaskat Road to the proposed main site entrance. That supposedly internal on-site travel would thus become additional external traffic, using the county road system in a way that was not considered in the applicant’s traffic study. These movements would directly impact the residential neighborhood near Hyde Lake, mixing truck traffic with residential traffic, and would heavily impact the intersection of SE 352nd Street with Cumberland Kanaskat Road in the heart of the Cumberland village area. These “internal” movements, using public roads in lieu of on-site road connections, constitute a significant additional traffic impact that has not been evaluated to date.

To summarize, the EIS must:

- **Evaluate in detail how site operations will be accomplished for two alternatives - with and without the proposed easements for connection through WA DNR Section 16 between the applicant's separate parcels.**
- **Evaluate the extent of necessary usage of SE 352nd St and other roads on the south side of the project area.**
- **Identify methods of assuring that there will be no use of SE 352nd St and related roads except for emergencies as the applicant has proposed.**
- **Include a thorough analysis of traffic operations, noise, and safety impacts on the Cumberland community for such alternatives.**

5.10.3 Cumberland-Kanaskat Road and Veazie Cumberland Road

Applicant proposes to route all site traffic to/from external locations via Cumberland Kanaskat Road. This north-south arterial is the main road through the heart of the Cumberland community, as well as being the primary route used by all area residents to reach all destinations north or south. The addition of 550 daily truck trips through the Cumberland area on this road represents a major increase in traffic operations, noise, and safety concerns for this community. The impact is akin to routing trucks through a residential neighborhood, or through the main street of a village. It is far more serious as an impact on the viability of the community than it is a numeric impact on the usage of that road.

Nearby Enumclaw Franklin Road provides a realistic example of adverse road conditions that have resulted from other actual quarry operations. Severe road damage is evident that neither King County nor the Franklin gravel quarry operators have repaired. Most residential and recreational traffic (and delivery services such as Amazon, UPS, and Fed-ex) avoid this route at all costs. The local community cannot withstand similar degradation of its main road (Cumberland Kanaskat Road).

The community has no alternative north-south route to use instead of Cumberland Kanaskat Road. There are no routes further east, due to forests and mountains. To the west, there is only the little-used Green River Gorge Road (westward continuation of 309th Avenue SE). This local road leads southwest to Enumclaw Franklin Road and northwest to the Green River Gorge Bridge. As discussed in following sections, these roads are not suitable for use as a main route of access to/from Cumberland, nor for use by the truck traffic generated by proposed mining operations. This leaves the community with just the Cumberland Kanaskat Road, which must therefore be maintained in good operating condition for the community throughout the life cycle of the proposed mining operations.

To the north of the village of Cumberland, Cumberland Kanaskat Road passes by the main entrance to the Kanaskat Palmer State Park, crosses the Green River near the village of Palmer, and crosses the BNR railroad track just before its junction with Retreat - Kanaskat Road. The state park entrance has significant vehicular turning activity in summer months that will be impacted by heavy truck volumes, as well as many pedestrians crossing the road. The additional damage to both bridges due to heavy truck traffic will significantly shorten their useful life. If either bridge is subject to load restrictions near the end of their useful life, or taken out of service for reconstruction, all the north-oriented community traffic as well as the site-generated truck traffic would have to re-route southward toward Enumclaw to reach the state highway system and then return northward on SR 169.

Within the village of Cumberland, existing traffic includes significant turning volumes at cross streets and private driveways, as well as pedestrian activity along Cumberland Kanaskat Road as

well as across it. There is a marked crosswalk at SE 352nd Street which connects the retail establishments (“downtown Cumberland”) east of the road to the residential neighborhood west of the road. Pedestrian, bicycle, and motorcycle activity in Cumberland is highest in summer months which are also the months of highest truck activity for the proposed mine. Analysis of these conflicts must take into account this seasonal peak.

If the traffic distribution pattern for the site is as described in the applicant’s traffic study, roughly 40% of the site’s truck traffic will pass through this area headed to/from the south. But the site operations depend on an internal circulation plan that depends on obtaining future easements to travel through WA DNR Section 16. If the applicant fails to acquire such easements, then a large and thus-far unquantified amount of additional industrial operations traffic between the site’s southern parcels and its northern parcels would be forced to use SE 352nd Street and Cumberland Kanaskat Road back and forth, presenting extremely adverse impacts to the Cumberland community.

To the south of Cumberland, this route becomes Veazie-Cumberland Road, and continues southward from Veazie as 284th Avenue SE as far as SR410 near the Washington State Fairgrounds in Enumclaw. Truck traffic from mines east of Enumclaw along SR410 are increasingly using this route to go from SR410 northward through Cumberland to Maple Valley and beyond, in order to bypass congestion through Enumclaw and through Black Diamond along SR 169.

Just south of Cumberland, Veazie Cumberland Road passes by Nolte State Park, which has significant turning movements and pedestrian activity in summer months at the park entrance. Further south the route crosses Coal Creek and Newaukum Creek on narrow

s that would be endangered by large volumes of additional truck traffic, the same as the bridges to the north. In addition, other un-named culverts must be identified and accounted for in the enumeration of impacts and mitigation. This route has numerous private driveways, as is typical of roads developed originally as rural residential access roads, not for industrial truck use.

The applicant’s traffic study estimates a directional split 60% northward and 40% southward, all based on current conditions at another quarry site in Auburn. This is an arbitrary and uncertain reference point. The actual directional allocation depends on construction industry demand for quarry products, which will certainly vary from year to year through the 35 year life of the project. Therefore, the potential future impacts of the proposed mining operations should also consider a greater proportion of traffic to/from the south as a worst case possibility, such as (for example) reversing the majority direction from 60% north to 60% south, and identify conditional mitigation should such an alternative directional pattern come to pass.

To summarize, the EIS must:

- **Consider the full range of alternative site operations that could arise depending on factors discussed above, and account for impacts on the Cumberland and Palmer communities in terms of noise and safety as well as traffic operations, and account for lifecycle impacts on road payments and bridges used by the site’s trucks.**
- **Analyze peak summer conditions rather than annual averages.**
- **Identify impacts on the viability of the Cumberland and Palmer communities throughout the lifecycle of the proposed mining operations, with particular attention to impacts of truck volume and speed on pedestrians, bicycles, and motorcycles, in addition to impacts on traffic operations and safety through intersections and along affected roads and shoulders.**

5.10.4 Green River Gorge Road

This antiquated country road is little used by local traffic near Cumberland, but is heavily used by recreational travel between the Green River Gorge and SR169 in Black Diamond (a/k/a Lawson Road). This route includes the historic Green River Gorge Bridge - a very old one-lane one-way bridge with weight restrictions and a history of structural problems. The roadway itself is also far below county road design standards for width and shoulders, and for pavement strength considering trucks. The route has steep slopes and tight curves, all of which are difficult for trucks to use while remaining within their travel lane. Rocks are known to fall onto this road and there is a general risk of landslides in this area due to the steep canyon walls. There is substantial recreational activity at the gorge, and a state park is planned for future development when the state finishes acquiring the desired land parcels on both sides of the gorge. Wildlife activity is substantial including crossings by elk, deer, and bear. The prospect of trucks using this road, at considerable speed, is very troubling.

This route through the gorge would be the most direct route available from the south side of the proposed site directly to SR 169 in Black Diamond, and from there to most regional destinations. However, truck operations on this route are incompatible with the extensive recreational activity in the Green River Gorge on both sides of the road, in an area slated to become a state park. Truck traffic via this route would also damage the existing weak pavement, overload the weight-restricted bridge, and have trouble navigating several tight turns with poor sight distances. This route is not evaluated in the applicant's traffic study, nor discussed in the SEPA Checklist, but truck drivers will nevertheless be tempted to use the route despite applicant's good intentions in the Checklist. It cannot be ignored.

To summarize, the EIS must:

- **Identify the potential amount of site-related traffic that would use this road without the assumption of proposed easements through WA DNR parcel 16. In that case, most of the site's land area has access only to the southerly road system, contrary to the site conditions assessed in the applicant's traffic study, and Green River Gorge Road represents the shortest route from the site to SR169.**
- **In addition to impacts on the lifecycle of the affected roads and bridges, evaluate impacts on recreational pedestrian and bicycle activity in the gorge.**
- **Evaluate impacts on the portion of this route located within the City of Black Diamond.**

5.10.5 Enumclaw Franklin Road

Potential use of Enumclaw Franklin Road is not discussed in the applicant's traffic study. Applicant has stated in public that it will not be used but such statements are not binding commitments. However, as described above, the majority of site traffic cannot reach the proposed main site entrance on Cumberland Kanaskat Road in the absence of confirmed road easements through adjacent properties. If the majority of site traffic leaves the site to the south instead, then Enumclaw Franklin Road is the most direct access route to SR 169, assuming Green River Gorge Road is prohibited as described above. This situation has not been addressed in the applicant's traffic study. There is an existing quarry operation on Enumclaw Franklin Road, with considerable pavement damage visible along Enumclaw Franklin Road such that most local area residents avoid

the road at all costs. Truck turns at the unsignalized intersection of this road with SR169 pose additional accident hazards.

To summarize, the EIS must:

- **Evaluate the impact on this road without the assumption of proposed easements through WA DNR parcel 16, of trucks using the road as a direct route to the south and west of the project site.**
- **Evaluate the expected pavement damage over the 4+ miles of road between the site and SR169.**
- **Evaluate conflicts with recreational access from the south to the future Green River Gorge State Park.**

5.10.6 Scope of Operations

The addition of 550 heavy trucks per day, operating all day long and through the night until 4AM, will have a large impact on the adjacent communities of Cumberland, Palmer, and Kanaskat in several ways described hereafter. The applicant's traffic analysis is based on replicating the size of operations at the applicant's Auburn plant, including the directional distribution of trips at that plant, but that plant ceased operations about 3 years ago shortly after the traffic study was written. Future operations over 35 years may be different, with different impacts, including the volume of operations and the directional orientation of trips to other destinations. The mitigation plan should account for that uncertainty with monitoring of daily activities, and conditional mitigation triggered by various levels of activity.

Of particular concern is the applicant's intention to operate throughout the night during peak activity seasons. This violates KC Code **Title 12 - PUBLIC PEACE, SAFETY AND MORALS**, which prohibit such activities through the night.

To summarize, the EIS must:

- **Identify and evaluate the full range of alternative traffic conditions that may arise considering the uncertainties of future plant operations over a 35 yr time period.**
- **Compare proposed night time operations to applicable requirements of King County code.**

5.10.7 Pavement Damage

Each heavily loaded truck added to the road system contributes as much wear and tear on pavements as from 1,000 to 10,000 automobiles (commonly used average = 4,500) , according to various engineering sources ⁽⁶³⁾. However, the issue of pavement damage from heavy trucks is not discussed in the applicant's traffic study. Adjacent communities of Cumberland, Palmer and Kanaskat will be adversely affected if the pavement on the only county road through those communities is not maintained in good condition (Cumberland Kanaskat Road northward and Veazie Cumberland Road southward). The deteriorated condition of Enumclaw Franklin Road, brought about by an existing

quarry operation on that road, is ample proof that existing procedures for mitigating truck impacts are not achieving the expected benefits.

King County's typical haul road agreement severely understates the disproportionate impact of truck weight and so shifts the cost of pavement reconstruction onto the public. The public sector is unable to absorb that cost because the County's roads program is known to be underfunded by as much as 88% over the next 20 years.

To summarize, the EIS must:

- **Quantify the cumulative impact over 35 years of this site's heavily loaded trucks using several miles of county road to connect with SR 169 both north and south in terms of vehicle-miles for trucks, times the effective single axle load (ESAL) factor for such trucks, and compare that to the lifetime ESAL capacity of the arterial pavement involved. The necessary factors and data are available in KC's Pavement Management System. Based on that analysis, the average cost to reconstruct damaged roads can be reduced to an average cost per truckload for use in an eventual haul road agreement.**
- **Include a detailed pavement degradation model and a structural integrity assessment for all local bridges along the haul route.**

5.10.8 Bridges and Culverts

Bridge structures and culverts are even more sensitive to load weights than road pavement. KC DLS Roads Division has a detailed methodology for monitoring all bridges and culverts in its system to set load limits for safe operation. This system can identify how much of the remaining life of each bridge and culvert on affected roads would be consumed by the operation of the proposed mine and asphalt facility over the claimed 35-yr life of the proposed project.

KC has several bridges near or past their original expected design lives. Although they are routinely inspected through a systematic process, surprises still can arise. For example, for the steel truss bridges, not every fatigue (i.e., visible crack growth over time) or brittle fracture (i.e., low visible deformation evident) event can be predicted accurately, even when applying large Factors of Safety. Thus, the rigorous KC inspection program is paramount.

The affected county road system for this purpose consists of at least Cumberland Kanaskat Road, Retreat Kanaskat Road, and Kent Kangley Road from the site northward to SR 169 in Maple Valley, and Veazie Cumberland Road, and 284th Avenue SE from the site southward to SR 410 in Enumclaw, and SE 392nd Street / SE 400th Street between 284th Avenue SE and SR 164 near Auburn. In some alternatives the use of Green River Gorge Road and Enumclaw Franklin Road to the west of the site would be considered.

To summarize, the EIS must:

- **Apply the KC Road Division's bridge structure analysis tools and inspection program to systematically account for the proportion of the design life of each affected bridge and culvert that would be consumed by heavy truck traffic based on the proposed 35-yr life of this site.**
- **Account for, in addition to the county road system, further impacts to bridges on state highways 410, 164, and 169 consistent with WSDOT requirements.**

5.10.9 Truck Noise

The noise generated by heavy trucks is significant and harmful to persons nearby, and must be mitigated. This issue was not discussed in the applicant's traffic study nor in the applicant's noise report (which considered on-site mining operations only).

Key facts about noise include:

- The noise generated by a heavy truck typically ranges of 80 to 87 decibels
- One truck sounds as loud as 28 cars
- The noise level associated with residential areas ranges from 25 to 35 decibels.
- A noise increase of 10 decibels is perceived by humans as a doubling of loudness ⁽⁶⁴⁾.

King County's noise standards are given in **KC Code 12.86**. That code specifies that industrial noise impacts on residential areas should not exceed 60 db (50 db at night). It is possible, even probable, that the impact of truck noise on residences will exceed these limits especially at night. Of particular concern for truck noise is the sound of "*jake brakes*."

The proposed project will generate an average of 550 truck trips per day, and some of these will operate during a night shift that lasts until 4 am in the morning, with 60% going northward and 40% southward. These average conditions will vary over the 35 year life of the proposed project, so mitigation requirements should be correspondingly flexible.

The applicant's traffic study describes the proposed hourly generation of all vehicle trips. For most daytime hours the total traffic volume is about 50 vehicles per hour (25 in and 25 out). These are presumably all trucks. Of these, 30 trucks per hour are routed northward and 20 trucks per hour are routed southward - again on average.

The night-shift activity of 15 to 20 trucks per hour will route about 12 trucks per hour northward and 8 trucks per hour southward. These truck movements will significantly affect sleeping conditions of homes near the county roads used in those three communities.

Immediately south of the project site lies the village of Cumberland, once a city but no longer incorporated. By simple inspection of aerial photography of the area on the internet, it is clear that about 80 homes either front directly on Veazie-Cumberland Rd or are within 200 ft of that road, from SE 352nd Street southward to about SE 375nd Street. The daytime operations will route a truck past these 80 homes once every 3 minutes. The proposed night shift operations will route trucks past those homes at an average rate of one truck every 7.5 minutes.

North of the project site are the smaller communities of Palmer and Kanaskat, along Cumberland Kanaskat Road. From aerial photography on the internet, it appears about 40 homes in those two communities combined are within about 200 feet of the arterial, from the entrance to Kanaskat-Palmer State Park to end of Cumberland Kanaskat Road as it meets Retreat Kanaskat Road. In the average day shift hour, the truck movements past these homes will be one every 2 minutes. In the night shift, there will be one every 5 minutes.

It is difficult to imagine sleeping through the impact of 80+ db noise in bedrooms close by the roads used, every 5 to 7.5 minutes all night long. Consideration must also be given to future patterns of truck trip distribution in the next 35 years that differ from the assumptions in the applicant's traffic study.

Applicant's noise report conducted limited noise measurements at three locations and modeled industrial noise impacts at those plus four other locations. Truck noise impacts were not effectively addressed. The focus was on industrial noise rather than truck noise, and most of those locations

were not within the residential areas of concern for truck noise. See related comments about site-generated industrial noise, provided in Stephen Lang's July 28, 2026, letter to KC DLS-P.

Noise impacts can be reduced or eliminated by the following or other actions ⁽⁶⁴⁾:

- Outright prohibition of night time operations
- Adding sound proof windows to homes facing the roads used.
- Limiting truck speeds at night through the populated areas
- Additional muffling on trucks
- Prohibition of jake brakes
- Construction of noise barrier walls to protect a residential neighborhood

To summarize, the EIS must:

- **Analyze a comprehensive set of ambient road noise and truck noise impacts for a broader selection of homes in the three affected communities, and considering a range of alternative operating conditions as articulated in preceding sections.**

5.10.10 Traffic Safety

Traffic safety through the adjacent rural communities will be adversely affected when trucks are added to the existing traffic on the only county road through these communities. 550 heavy trucks per day will be in conflict with:

- driveway turn movements at homes fronting on the road,
- turn movements at minor side streets in the corridor
- pedestrian, bicycle, and motorcycle activity along the road and crossing the road,
- school bus operations, and
- roadside parking at the state park entrances.

Speeding trucks are already a common complaint of community residents. The applicant's traffic study only discusses historical accident data before 2022 without much truck activity. That discussion fails to consider future conflict conditions with 550 trucks/day added to the traffic flow, nor the community expectation to minimize future accidents and injuries by appropriate preventative measures. Designing roads for safety rather than for speed is a high priority with the Federal Highway Administration ⁽⁶⁵⁾ and the Washington State Traffic Safety Commission ⁽⁶⁶⁾.

The rural residential area of Cumberland and vicinity has additional unique safety challenges to be accounted for. Children (under age 12) operate mini motos, ATVs, and small dirt bikes on or alongside the county roads. Teen drivers use rural roads for practice and for recreation. Motorcycle groups visit the City Hall Saloon in Cumberland, some at high speeds. Cyclists and hikers use the roads to access the state parks and Green River Gorge recreational areas. Additional truck traffic on the area's roads will significantly impact safety for these road users.

To summarize, the EIS must:

- **Use the traffic calming and design-for-safety methodologies of FHWA and WSTSC to evaluate conditions with and without the proposed action, over the 35-yr lifetime of the proposed action.**

5.10.11 Active Transportation Conflicts

Adding 550 trucks/day to a county road is a substantial impact on a corridor that is heavily used by bicyclists but lacks adequate paved shoulders and which also has substantial pedestrian activity. King County policies support and encourage pedestrian and bicycle activities known collectively as “*active transportation*,” as well as promoting “*complete streets*,” where all road users are adequately served whether motorized or non-motorized. These are new terms used in current state laws and county policies, but the issues are old and familiar.

To summarize, the EIS must:

- **Identify ways that the addition of large numbers of heavy trucks conflicts with active transportation in terms of conflicts by type, location and severity, and in relation to county policies for support of “*complete streets*” and “*active transportation*.” Areas of particular conflict should include crosswalks, intersections, and adequacy of shoulders for pedestrians and bicycles.**

5.10.12 Capacity Impacts on County Roads

The applicant’s traffic study ignores the substantial impact of adding 550 trucks per day over several miles of county roads, and instead focuses on the narrow topic of turning movements at just five intersections. This intersection Level of Service (LOS) methodology is customarily used in urban road systems to identify and mitigate congestion problems since most congestion is generated at intersections. This methodology is less relevant to rural road conditions.

In rural areas with much different problems, a better approach is to use Vehicle-Miles of Travel (VMT) added by the proposed project to account in the aggregate for all impacts on affected roads. The VMT method has been required for impact analysis by the State of California since at least 2020.

Using the VMT method the proposed project would have an aggregate impact on county roads equivalent to 100% utilization of almost one mile of two-lane road.

To summarize, the EIS must:

- **Apply VMT methodology to aggregate the sum of all off-site road impacts for the heavy truck traffic generated by this proposed action. This analysis of capacity impacts could be combined with the pavement impact mitigation described previously.**

5.10.13 Capacity Impacts on Other Road Systems

The applicant’s traffic study shows that congestion will increase at two signalized intersections on SR 169, and that WSDOT standards for level of service will be violated; however, no mitigation is

offered. No other analysis of impacts on the roads of adjacent cities, nor overall impact on state highways, is provided.

To summarize, the EIS must:

- **Obtain input from WSDOT, City of Maple Valley, City of Black Diamond, and City of Enumclaw regarding the scope of analysis on their road systems.**
- **Expand the traffic analysis to consider changing assumptions for the variation of truck volumes by day and direction over the 35 yr life of the project, as described previously.**

5.10.14 Error Correction

A numerical mistake in the applicant's traffic analysis of the intersection of SR169 with Kent Kangley Road results in almost none of the project's truck traffic being accounted for. Future congestion will be measurably worse than was presented.

To summarize, the EIS must:

- **Correct his simple math error first.**

5.10.15 Obsolete Traffic Counts

The applicant's traffic study was published in early 2022 using 2021 traffic counts. Customarily traffic counts in a traffic study are less than two years old, suggesting that fresh counts should be taken to support the EIS with current information. As well, those 2021 counts include the effects of the COVID pandemic. Fresh peak hour turning movement counts are needed for LOS calculations at the five intersections studied in the applicant's traffic study, plus additional locations that may be of interest based on the expanded scope of studies. At a minimum, that would include SR169/Enumclaw Franklin Road, and major intersections along the entire route through Cumberland from SR410 in Enumclaw to SR516/SR169 in Maple Valley. The desired level of detail would be directional counts on the affected arterials and intersections by hour of the day, in the peak summer months.

To summarize, the EIS must:

- **Require current turning movement peak hour counts at key intersections and directional hourly volume counts on affected arterials. Counts should represent peak summer conditions applicable to both recreational activity in the area and truck trip generation at the site.**

5.10.16 Subarea Mini-Plan

The Cumberland-Palmer-Kanaskat area is home to other mining and logging operations past, present, and future, including the Hyde Mine. Cumberland Kanaskat Road is also affected by congestion on SR 169, as evidenced by recent increases in trucking activity through Cumberland originating along SR 410 east of Enumclaw and rejoining SR 169 in Maple Valley. The future

conditions to be evaluated should consider the cumulative impacts of the proposed action in combination with foreseeable impacts of other economic activity in the area.

To summarize, the EIS must:

- **To properly identify future conditions in the area, traffic analysis should consider the cumulative impacts of the proposed action in combination with other known mining and logging activities in the area, as well as the adopted growth plans for the region (PSRC's *VISION 2050*) and the additional growth planned by the City of Black Diamond. This cumulative analysis would help establish the relationship of the proposed action's impacts to the total long range needs of the area.**

5.11 Fire Safety and Available Water Source During Emergency

5.11.1 Fire Safety

The local community and nearby communities already are very concerned about forest fire risks. The proposed mine and asphalt facility present unique issues related to the risks of uncontrolled fires. Much of the area is Forest (F) zones and contains deep, dense forests. That coupled with very high winds in this areas, makes nearby residence, towns and the surrounding forest at extreme fire risk.

Most homes in the area are on forested parcels and are surrounded by forests. The area is the boundary to protected forests to the east, north and south, in the cascades. This timber, and the wilderness area it supports, is valuable. And residential areas are more forested than similar residential areas of King County. If this project, with the heat of furnaces in the asphalt facility, sparked a wildfire, we doubt it could be contained

The existing fire-fighting infrastructure in Cumberland and the surrounding area is not sufficient to stop devastation, should a wildfire happen. The applicant already has admitted during Public Meetings that the town of Cumberland could not adequately fight a fire in its community, due to insufficient hydrants and water pressure. Most others in the surrounding community depend on wells, and personal fire suppression systems for their homes. A wildfire – an external threat – is not something for which most residents in the area are prepared. The proposed project increases the threat of potential wildfire *dramatically*, with industrial operations in a deeply forested area.

5.11.1.1 Fire Sources

An incomplete list of fire ignition sources is described in the SEPA Checklist. The applicant fails to address fuel sources that include vast acreage of unmanaged forest on and adjacent to the site; utility towers; fire from logging and burning debris and stumps; the area's high winds blowing embers; etc. Further, there is a dearth of information related to the proposed asphalt facility and it impacts in terms of ignition sources.

5.11.1.2 Fire Protection Control Systems

The applicant states the proposed project will have its “*own fire protection control system*” and, if necessary, private security services to combat potential trespass and vandalism. Such a “system” needs to be fully disclosed, designed, and evaluated. Such disclosure must describe:

1. Where will it be located.
2. Which parts of the project it will protect and for what durations.
3. Which types of fire will it be able to combat.
4. How it will cover fires in the undeveloped areas, during the land clearing and sparks from machinery

All of these details must to be addressed in a Fire Plan, which has been approved by King County Fire Districts No. 28 and 47, and presented in the EIS.

5.11.1.3 Fire Services

The proposed project location falls under the jurisdiction of King County Fire District 47 in the north and Enumclaw Fire District/King County Fire District 28 in the south. In the attached letter, King County Fire District 47 Chief Chris Doleshel stated that in 2024 *“King County Fire Protection District 47 is an all volunteer fire department consisting of two unmanned fire stations and approximately 12 firefighters who respond from home”* and that *“[he does] not believe that KCFPD47 has the necessary resources, equipment, or training required to effectively and safely fight a fire at an asphalt plant.”*

The Enumclaw Fire Department has an *unmanned* fire station in Cumberland, so it would have to respond from its main station many miles away.

5.11.1.4 Spill Response for Flammable Liquids

The applicant already has disclosed in the SEPA Checklist (7a, p. 17) there will be many toxic chemicals, fuels, etc. used during operation of the proposed mine and asphalt facility:

“Diesel fuel is used in mining equipment and associated trucking activity. A propane or LNG tank will also be located on-site to provide fuel for heating asphalt. No other toxic or explosive substances are expected to be used on the site. All hazardous chemicals will be stored and handled subject to BMPs and regulated by the NPDES Sand and Gravel General Permit issued by DOE.”

Many environmental health hazards will be present during operation, including exposure to and risk of fire due to explosion, spill, or hazardous waste. All must be addressed in the EIS.

5.11.2 Available Water Source During Emergency

In the 2024 SEPA Checklist for the proposed project access to emergency water in case of a fire event is completely unaddressed. There are no available water sources to be employed during emergencies.

Currently, there is no water available onsite. *“The Applicant plans on providing water service to the site through existing Group A or B purveyors using existing water rights”* (p. 11), but no proof of access to water has been provided by the applicant.

The applicant has stated that if water cannot to be piped directly to the site, water will be trucked in to the site. That does not constitute an Emergency Safety Plan!

Assuming the operations water is trucked in and accessible for firefighting, then it will be limited as there is only a fixed amount of water onsite at a time. Depending on the water system onsite, this water may be inaccessible for fighting a fire. If the water is accessible onsite by a pipe, then water from a fire hydrant must be part of the water system and accessible for firefighting. The applicant states there is *“... a potential exempt well to provide domestic water supply to the office and bathroom areas if “potable” water is not available from a Group A or B purveyor”* (p. 12). This well is completely inadequate to provide water for a major fire.

Regardless of which scenario is used to get operational water to the site, additional water will be needed in a fire emergency. When fighting fires of such magnitude and severity, timing is everything. In the attached letter, King County Fire District 47 Chief Chris Doleshel stated *“Lack of water supply in the area will also hinder firefighting efforts with the nearest fire hydrants capable of a large scale operation being located at Tacoma Water Headworks which is approximately a six mile round trip.”* Additionally, local resident and firefighter Marcus Noble states in his letter attached, that *“We have 1 fire hydrant off the main Cumberland-Kanaskat Rd where water trucks fill up to fight fires.”* This means that there are 2 hydrant water sources currently available to tender water into the site in case of emergency. Depending on where the fire is located and how it can be accessed, the hydrants are several miles away and tendering water will take time away from extinguishing the fire when, again, every second counts.

Clearly, the proposed project poses significant fire risk to the forested community around it and strain on local fire departments far beyond their capabilities, equipment, and training.

To summarize, the EIS must:

Evaluate the sources of fire risk, ability of local fire departments to respond to all possible types of fire events, adequate sources of water for emergencies, practicality of accessing and transporting the water in all possible fire emergencies, risk to neighboring homes and forest lands, potential for a wildlife to ignite and spread, and mitigation for fire risk and extinguishing.

Evaluate and assess the number of tenders, fire staff, and other equipment need to respond and extinguish any and all fires associated with the proposed project; describe the impacts; and detail the proposed mitigations.

5.12 Public Services and Water Supply

5.12.1 Public Services

The 2024 SEPA Checklist (which we quote from several times in this subsection) underestimates the impacts this project would have on public services. The applicant states that *“generally, no additional public services would be necessary, although it is possible that increased sheriff’s patrols and fire protection would be necessary once the site is built”* (p. 30). The applicant only focuses on public services that the project would need on site and does not address the impact on and increased need for public services in the surrounding community because of the project. The EIS must evaluate the impact and need for additional public services both on the project site and in the surrounding community caused by this project.

5.12.1.1 Fire and Emergency Medical Services

King County Fire District 47 and Enumclaw Fire Department serve the project area and the roads in the immediate vicinity of the project site. Chapter 11 of this document describes the project’s impacts and needs for firefighting services. Since fire and emergency medical services (EMS) are provided by the same departments, the concerns regarding limited staffing, equipment, and long response time as described for fire in Chapter 11 are the same from EMS. In the attached comment letter from King County Fire District 47 about this project, Chief Chris Doleshel stated “concerns include the drastic increase in heavy truck traffic which has the potential to increase the rates of serious injury or death due to motor vehicle collisions”. This concern is validated by the results of the “Large Truck Crash Causation Study (LTCCS)” conducted by the US National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration.

The dump trucks would share the rural two-lane roads with other dump trucks from the neighboring mines, other commercial vehicles, passenger vehicles, recreational vehicles, school buses, motorcyclists, bicyclists, pedestrians, horse riders, and wildlife. The two-lane rural roads have little to no shoulders which leaves little to no space for non-vehicle traffic to safely be out of the way of passing vehicle traffic, so non-vehicle traffic will likely be in the road with the trucks. Additionally, many locations on these rural roads have a limited line of sight and blind curves. The combination of non-vehicle traffic using the same road lanes as the trucks and truck drivers not easily being able to see others on the road, makes for a potential increase in amount and severity of road accidents. Furthermore, Chief Doleshel stated in his attached letter that *“the roadways consist of 2 lane rural roadways with no shoulders which could hamper emergency response.”* Not only does the lack of road shoulders impact the safety of the road users, it also impacts the ability of EMS to respond quickly to an emergency.

The applicant states that *“peak [truck] trip generation is associated with construction season”* (p. 30), which coincides with peak non-vehicle traffic on the roads (summer). The haul roads are popular routes for bicyclist for solo riders, groups, and races. All the roads have stretches with limited sight distance from hills and turns where dump trucks could come up behind an unsuspecting bicyclist. This would be alarming to the dump truck driver and the bicyclist because the bicyclist has no protection from the truck and could lead to severe injury if an collision happened. Additionally, Kanaskat Palmer and Nolte State Parks see the most visitors during this same part of the year (graph available in Chapter 5) so a substantial amount of recreational and passenger vehicles will be

accessing the park and parking on the side of the road outside the park. In the summer, Cumberland's City Hall Saloon hosts "Thunder Thursday", which is a very popular weekly event for motorcyclists and draws 100s of attendees every year. These motorcyclists would be sharing the road with dump trucks in the evening and late at night when the dump trucks are hauling asphalt for night paving because the Saloon closes at 2:00am. All of these additional road users will be competing for space on the road with the dump trucks. Furthermore, local EMS is already busy with summer related medical emergencies like drowning and collisions, so they would be even more strained with additional collisions because of dump trucks from this project. Mutual aid jurisdictions would likely need to support Enumclaw and District 47 Fire Departments to ensure that emergency services are available when local resources are limited. Chief Doleshel stated in his attached letter that *"neighboring mutual aid jurisdictions would likely see response times of 15-20 minutes,"* which *"is way outside the NFPA recommended response time of 3 to 4 minutes from time of call"* (Ted Fehr's letter attached in Appendix B).

5.12.1.2 Locations of Concern for Road Accidents

Locations on the haul route that are especially concerning for collision potential are:

- Cumberland Kanaskat Road SE at Kanaskat Palmer State Park
 - The entrance to the park and the entrance to the proposed site are very close to each other. According to the Visitation Report from Washington State Parks, Kanaskat Palmer State Park had 186,302 visitors in 2025. It can be assumed that the number of park visitors will increase over the duration of the project because neighboring cities are projected to have substantial population increases in coming years (Black Diamond). The risk of accidents is high at this location because the traffic from the park and the project site will be converging with dump trucks, vehicles, RVs, camper trailers and bicyclists trying to make left and right turns into both the park and the site entrances. Most people visit the park during the summer, which is also when the most amount of dump trucks will be accessing the site, so the potential for collisions will be higher.
- Cumberland Kanaskat Road SE at SE 339th St
 - This intersection is on the straightaway between Cumberland and the proposed site entrance. Because vehicles speed and/or are distracted (by cell phone, etc.) while on this straight stretch of Cumberland Kanaskat Road SE, collisions occur when other drivers are turning on to SE 339th St. People headed north on Cumberland Kanaskat Road SE often speed through this straightaway as they leave the 35-mph speed limit zone in Cumberland. Since SE 339th St is not a heavily used road, people are not expecting someone to be turning and exceed the posted speed limit of 45 mph. Dirt bikes and ATV riders on the railroad right-of-way, oncoming traffic, trains at the railroad crossing on SE 339th St, and wildlife often causes cars to wait on Cumberland Kanaskat Road SE before they are able to turn on to SE 339th St. When cars have to wait before turning, the speeding vehicles on Cumberland Kanaskat Road SE have to slam on their brakes because they are not expecting a vehicle to be turning.
- Cumberland Kanaskat Road SE at Lake Umek Road SE
 - This intersection is near the entrance to the Kanaskat Palmer State Park and the project site. More than 20 residences and dozens of forested lots used for camping access Cumberland Kanaskat Road SE from Lake Umek Road SE. The traffic from these parcel will add to the congestion and potential for collisions.

Public Comment—DS & EIS Scope—GRDE23-0083

- Cumberland Kanaskat Road SE at Kanaskat Arch Bridge
 - In the summer people often park on the south side of the bridge to access the Green River. It is not uncommon for cars to be lined up on both sides of the road on a hot summer day and for people to be standing on the bridge looking at the river. People will be at the bridge in the summer when peak dump truck traffic will be occurring. The bridge and the shoulder of the road are narrow so it will be very dangerous for the dump trucks to be on the bridge at the same time as the people.
 - Additionally, the posted speed limit is 35 mph but most vehicles drive faster through Palmer. North of the bridge is a straightaway followed by a downhill turn to the bridge. This turn is steep and a blind corner. Most people do not break when they go around the corner and hit bridge going fairly fast. If a dump truck were to not break around the corner and hit the bridge when people are present, it could be a horrific accident.
- Cumberland Kanaskat Road SE at Retreat Kanaskat Road SE
 - Dump trucks will be turning left from Cumberland Kanaskat Road SE on to Retreat Kanaskat Road SE when leaving the mine. And turning right from Retreat Kanaskat Road SE on to Cumberland Kanaskat Road SE. Cars will be coming from the SE on Retreat Kanaskat Road SE from Kangley and Selleck. There is limited sight distance to see these cars coming when turning left on to Retreat Kanaskat Road SE from Cumberland Kanaskat Road SE.
 - The Kanaskat OX Bridge is right before this intersection on Cumberland Kanaskat Road SE. The bridge is elevated so drivers cannot see who is on the bridge until they are almost on the bridge themselves. Many bicyclists ride on this bridge most of the year. The bridge is narrow so the bicyclists have to ride in the lane leaving nowhere for them to go if a dump truck was coming up behind them. Another potential devastating accident waiting to happen that should be addressed in an EIS.
 - Due to the microclimate in the area, the Kanaskat OX Bridge experience freezing road temperature causing vehicle accidents. It's imperative that the dump trucks go slow over the bridge.
- SE Kent Kangley Road at Ravensdale Park sports fields
 - Ravensdale Park has busy sports fields for baseball/softball and soccer most of the year. Lots of traffic occurs at this location as cars turn off Kent Kangley Rd into the parking lot.
- Cumberland Kanaskat Road SE through Cumberland
 - This is a 35 mph zone but most of the current traffic goes over the speed limit. Dump trucks currently going through Cumberland regularly speed so it can be assumed that future dump trucks will as well, expect there will be way more trucks if this project happens. Due to limited King County Sheriff resources available in SE King County, speed enforcement rarely happens in Cumberland. With no speed enforcement there is no incentive for dump trucks to drive the posted speed limit. Pedestrians cross Cumberland Kanaskat Road SE at SE 354th St to shop at the Cumberland Grocery Store and speeding dump trucks poses a substantial risk of bodily harm to these pedestrians. Children walk, ride bikes and wait for the school bus on the Cumberland Kanaskat Road SE and the proposed amount of dump trucks increase the risk of accidents involving these children regardless of the speed of the dump trucks. Children should be safe in their community and not have to worry about being hit by dump trucks.

Public Comment—DS & EIS Scope—GRDE23-0083

- People park their cars on Cumberland Kanaskat Road SE. Speeding trucks make it dangerous for people to access their cars and pull on/off the road to park on the shoulder.
- City Hall Saloon in Cumberland has “Thunder Thursday” where motorcycles come from all over the region to have drinks at the Saloon from 5pm to 2am. Over 100 motorcyclists show up to this event and many other events hosted at the Saloon. Motorcyclists’ safety is at risk with so many dump trucks on the road at the same time. The picture below is from the Saloon’s website cityhallsaloon.com.



- Veazie Cumberland Road SE at Nolte State Park
 - In 2025, Nolte State Park (called Deep Lake by locals) had 244,023 visitors according to the 2022 Visitation Report from Washington State Parks. Most visits occur May–September, but the park is actively used all year round. People park their cars on the shoulders of Veazie Cumberland Road SE when they don’t have a Discovery Pass or the parking lot is full. In the summer when the park is most crowded, lots of cars are parked on Veazie Cumberland Road SE. Most cars are parked on the east side of Veazie Cumberland Road SE so people have to cross the street to enter the park. Lots of adults with children, dogs and colorful floatation devices walk along the side of road in the summer on their way to enjoy the park. There is not a cross walk so people cross the street at random places along the road. Peak dump truck traffic will be happening at the same time as the summer crowds so lots of pedestrian will be present on the sides of the road. The speed limit through the area is 45 mph so a driver doesn’t have much time to slow down before a person pops out of their car and walks across the street. Dump trucks need more distance to slow down than passenger vehicles so this compounds how dangerous this situation would be.

The haul roads are popular routes for bicyclist as solo riders, groups and races. All the roads have stretches with limited sight distance from hills and turns where dump trucks could come up behind an unsuspecting bicyclist. This would be alarming to the dump truck driver and the bicyclist because the bicyclist has no protection from the truck and could lead to severe injury if an accident happened.

All of these accident-prone areas list above would require fire and EMS (possible police) resources to respond to. There are very limited police, fire and EMS services in unincorporated King

County that struggle to keep up with emergency calls currently happening and would be stretched even thinner if they had to respond to accidents related to this proposed project.

5.12.1.3 Chemical Spills

Since the applicant will be trucking in fuel and other chemicals to the site, spill response plans and protocols must be in place for the applicant, contractors hired by the applicant, and all agencies that would need to respond to a chemical spill on site or off site from a truck hauling chemicals to the site. Enumclaw Fire Department and King County Fire District 47 must be made aware of the chemicals being delivered to the site and approve storage methods and spill response plans.

5.12.1.4 Sheriff and Police

The Applicant only addresses police needs as it relates to its own property. The Applicant does not address the police needs of the surrounding community that rely on the King County Sheriff. Increased King County Sheriff presence will be necessary in this area to address speeding gravel trucks and inevitable vehicle, pedestrian, bicycle and other accidents that will happen as a result of the truck traffic.

In 2024, *“there [was] only one sheriff assigned to this area between I-90 and Enumclaw”* (Ted Fehr’s letter attached in Appendix B). This staffing may change with understaffing issues in the Sheriff’s Department, but regardless of how many Sheriffs are assigned to patrol this area, they will not be in the vicinity of the project very often. The applicant does not explicitly explain why *“...increased sheriff’s patrols... could be necessary once the site is built”* (p. 30), but it can be assumed it is to *“...combat potential trespass and vandalism”* (p. 31). The applicant proposes hiring *“...private security services to combat potential trespass and vandalism”* (p. 31), but the private security would only mitigate the need for the Sheriff for certain matters on the project site and not on the roadway or in the community. This does not account for the Sheriff patrols and responses needed to manage accidents and speeding while the site is being built, like during the logging and land clearing phase. Road accidents with logging trucks can be just as serious as dump trucks. Ted Fehr states in his attached letter that *“incidents requiring priority such as threats to human life, theft, dangerous criminal activity, obvious drunk driver arrests take priority over traffic enforcement”*. Traffic enforcement is critical to the safety of all road users, especially when speeding on the rural roads is enticing.

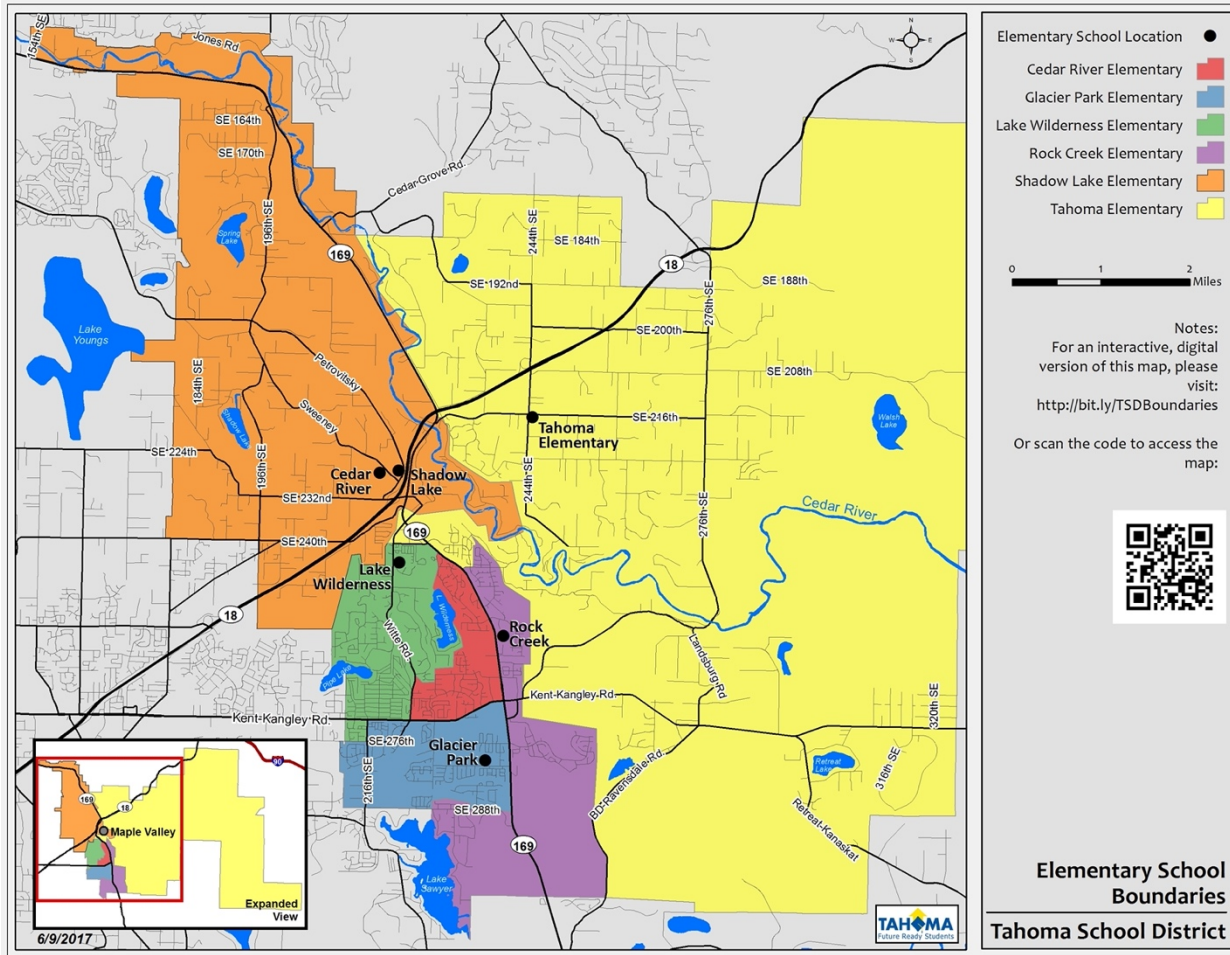
Even though the project site is within the King County Sheriff’s jurisdiction, many of the trucks will be driving through city police jurisdictions. These jurisdictions may include but are not limited to Enumclaw, Buckley, Maple Valley, Black Diamond, Covington, and Auburn. The cities experiencing truck traffic from this project must have adequate commercial traffic enforcement to ensure that truck driving through their cities is compliant with traffic laws. Commercial traffic enforcement must be provided during all hours of truck traffic, which is 7:00am-4:00pm and 7:00pm-4:00am 7 days a week (p. 19).

5.12.1.5 Impact on School Districts

Although the proposed project will impact the surrounding school districts. The first map below shows the approximate project location (marked by a red star) inside the Enumclaw School District boundary. Enumclaw School District has bus routes on the haul roads of Cumberland Kanaskat Road SE and Retreat Kanaskat Road SE. The busses make frequent stops along these roads at

least 6-8 times a day during the elementary, middle/high school and special education routes. All trucks entering and leaving the site will be using the same roads the school buses use. The second map is of the Tahoma School District. The site entrance is not marked because it is outside the view of the map. Trucks will be entering from school district boundary in the bottom right corner of this map on Retreat Kanaskat Road. This map is showing that all truck leaving the site north bound will be interfering with Tahoma School District bus routes.

The traffic report in Appendix D only mentions the Tahoma School District's bus stops and does not describe the impact the truck traffic would have on these bus route nor the safety of the children at these stops. Appendix D does not mention the bus routes of the Enumclaw School District, which would be greatly impacted by the truck traffic. In the attached comment from former Enumclaw School District Superintendent, Dr. Shaun Carey stated concerns regarding *"potential delays to student transportation to and from school resulting from the increased amount and type of traffic generated by this project."* In addition to impacts on student transportation timing, the EIS must evaluate the impacts on student safety while they wait near the road for the bus while trucks are passing by.



To summarize, the EIS must:

- Evaluate the staffing, equipment, and capacity of the existing emergency services with jurisdictions along the haul routes during all seasons with particular attention to King County Fire Protection District 47 and Enumclaw Fire Department.
- Evaluate the risk and severity of road accidents during seasonal and annual events, such as Thunder Thursday at City Hall Saloon, bike races near the project site, triathlons at Nolte State Park, events at the Enumclaw Expo Center, and other community events.
- Determine the protocols, resources, equipment, and training required to manage and cleanup a chemical spill on the project site or on the road from a truck delivering chemicals.
- Evaluate necessary mitigation for increased need for emergency services and spill response in the community and onsite because of this project.
- Evaluate proper mitigation to ensure pedestrians in Cumberland and Palmer are safe while project truck traffic is occurring.
- Evaluate the accident potential and adequate mitigation for traffic safety at Cumberland Kanaskat Road SE at Kanaskat Palmer State Park, Cumberland Kanaskat Road SE at SE 339th St, Cumberland Kanaskat Road SE at Lake Umek Road SE, Cumberland Kanaskat Road SE at Kanaskat Arch Bridge, Cumberland Kanaskat Road SE at Retreat Kanaskat

Road SE, SE Kent Kangley Road at Ravensdale Park sports fields, Cumberland Kanaskat Road SE through Cumberland, and Veazie Cumberland Road SE at Nolte State Park.

- **Evaluate mechanisms and King County Sheriff staffing and resources to adequately do traffic enforcement on the haul routes for this project with particular attention to speed enforcement in the 35 MPH zones in Cumberland and Palmer.**
- **Evaluate the staffing and capacity of city police departments with jurisdictions that will be impacted by truck traffic to do commercial traffic enforcement during all hours of site operations.**
- **Evaluate impacts on Enumclaw and Tahoma School District student transportation and safety.**

5.12.2 Water Supply

Herein we summarize regulatory constraints, likely impacts, and required Environmental Impact Statement (EIS) scoping elements related to the proposed proposed project's water supply needs.

5.12.2.1 Project Water Demand

The applicant anticipates a daily operational water demand of approximately 250,000 gallons. Water is needed for washing aggregate, dust suppression, system replenishment, and asphalt facility operations as well as some domestic water for offices and bathrooms. The stated volume represents only an average replenishment of evaporative and infiltration losses. Total water use must be quantified in the EIS, including wastewater generation, emergency needs and infiltration volumes. This volume is urban scale industrial water use, not a rural or forestry compatible use.

Below are the potential water sources as proposed by the applicant:

1. **Cumberland Water Cooperative**
 - Existing Group A system with 169,000 gallons/day distribution capacity for 53 connections.
 - Supplying the mine requires system expansion of up to 10 times.
 - Requires amendments to its Water System Comprehensive Plan and approval by King County.
 - Requires updating supply agreements with Tacoma Water.
 - Expansion reduces emergency storage (from 3–4 days to roughly 3 hours), affecting firefighting and community resilience.
 - Requires approval by the Cumberland Water Cooperative.
2. **Tacoma Water- Direct Pipe or Trucking from Howard Hanson Dam**
 - Would require expansion of Tacoma's service boundary.
 - Requires Tacoma to update its Water System Comprehensive Plan.
 - Water System Plan changes must be reviewed by the King County Utility Technical Review Committee (UTRC) and approved by the King County Council under King County Code 13.24.
 - Tacoma must show consistency with King County Comprehensive Plan and CPPs DP 44, DP 43, DP 45.

Public Comment—DS & EIS Scope—GRDE23-0083

- No direct service mechanism currently exists for supplying water to this Forest-zoned property.
- 3. On-site groundwater
 - Ecology prohibits new groundwater withdrawals over 5,000 gallons/day in the Green River Basin.
 - Only an exempt domestic-use well is possible.
- 4. Water trucking
 - Applicant suggests hauling 250,000 gallons/day in 25 tanker trucks (10,000 gallons each).
 - Requires identification of source of trucked water including what basin and sub-basin water will be sourced from.
 - Requires detailed traffic analysis per SEPA transportation guidance.
 - Raises questions of sustainability and impact on source water locations.

5.12.2.2 Regulatory Framework and Constraints

KC Code **13.24** requires County Council approval of water and sewer comprehensive plans before utilities may operate in unincorporated King County or construct facilities in County Road rights-of-way.

RCW 43.20.260: Water system plans must be consistent with comprehensive plans under **RCW 36.70A**. Municipal water suppliers must show sufficient water rights, capacity, and compliance with local development regulations before providing retail service.

KCCP Policy R-338: Prohibits industrial uses in Rural or Forest zones that require substantial infrastructure investments such as major water supply pipelines.

CPPs DP 44, DP 43, DP 45: Restrict extension of urban utilities, including large-scale water service, into Rural and Forest areas. Emphasize preservation of rural character, avoidance of urban development patterns outside UGAs, and protection of ecological hydrology.

WAC 173-150: Ecology rules on groundwater withdrawals prevent interference with existing rights and restrict new withdrawals in sensitive basins such as Green River.

Utility Franchise Requirements: A utility franchise approved by the King County Council is required for any installation of pipelines within County rights-of-way.

Growth Management Act (GMA): Providing urban scale water service to a Forest Production Zone outside the Urban Growth Area (UGA) violates the GMA's prohibition on extending urban services outside the UGA.

5.12.2.3 Key Regulatory Challenges

1. Consistency with the KCCP—Extension of public water to a Forest-zoned parcel outside the urban growth area is not allowed under current policies and is unlikely to meet King County's Utility Technical Review Committee or Council approval requirements.

Public Comment—DS & EIS Scope—GRDE23-0083

2. Precedent-setting risk—Allowing public water service could enable future urban-scale development such as resort master planned developments, inconsistent with Rural/Forest land use policy and CPPs.
3. Multi-agency approvals—Both Tacoma Water and Cumberland Coop would require approvals from King County UTRC, King County Council, DOH, and Ecology. Tacoma Water additionally requires approvals from the City of Tacoma and Pierce County Boundary Review Board.
4. Water rights and capacity—Tacoma Water derives approximately 85% of its supply from the Green River, where future constraints (fish passage, instream flow requirements, climate impacts) may reduce available withdrawals.
5. Groundwater prohibition—Ecology prohibits new groundwater withdrawals >5,000 gallons/day in the Green River Basin.
6. System reliability impacts—Cumberland Coop’s proposed expansion would reduce emergency storage reserves, affecting firefighting capacity.
7. Tacoma Water is a public utility and cannot invest rate payer funds to build infrastructure that is outside of the King County Urban Growth Boundary, is inconsistent with KCCP Policies and the GMA.

To summarize, the EIS must:

- **Evaluate alternative water sources including Tacoma Water, Cumberland Coop expansion, exempt well use, and water available for daily trucking of 250,000 gallons. Include analysis of regulatory feasibility, approvals needed by King County, Pierce County and Tacoma Utility Board for water rights, infrastructure upgrades, pipeline siting, franchise requirements, and consistency with KC Comprehensive Plan, Tacoma Water Plan and CPPs.**
- **Evaluate if an inter-basin transfer of water is allowed under water code (RCW 90.03.380) provided the change can be made without detriment or injury to existing rights. Demonstrate that the transfer will not harm other water rights holders or existing beneficial uses. Document that the annual consumptive quantity of water used under the right is not increased.**
- **Evaluate sources of water for trucking and the environmental and community impacts upon those sources including if the water source is in the same basin as the mine or using that sources is an inter-basin transfer which may not be allowed.**
- **Since Tacoma Water mixes water from North Fork Spring to maintain quantity and quality, analyze if this mixing affects the approvals for supplying water to this project?**
- **Evaluate consistency with Rural and Forest zoning and GMA objectives. Determine whether approving service sets a precedent for urban-level utility expansion into non-urban zones.**
- **Identify what basin and sub-basin water purchased for the mine will be sourced from and did applicant secure change of place and use.**

6. Impacts and Feasibility of Mitigation

After reviewing all the applicants environmental documents provided on the Special Projects site, as well as our own research, we have developed an *Impacts and Feasibility of Mitigation* table (see below) for the proposed project. In that table we summarize potential risks and impacts by major categories associated with an EIS.

Each potential impact is evaluated by whether or not mitigation is:

- *Feasible* — Mitigation clearly is achievable to design and implement successfully with adequate time and money.
- *Potentially Feasible* — This is a very large category—being between *Feasible* and *Not Feasible*. Mitigation likely can be identified and implemented, but uncertainty exists about feasibility of mitigation techniques and/or success of implementation. It also requires government agencies to conduct careful monitoring to show implemented mitigation will work in both the short- and long-term. Also in this category are mitigations that could prove to be cost prohibitive for the applicant to adequately mitigate or eliminate the impact, as well as the amount of time it will entail to do so successfully.
- *Not Feasible* — There are no known practical methods that exist to successfully mitigate the impact or for those actions that cause impacts determined to be irreversible based on permanent harms to ecosystems, environmental sustainability, and/or Public health.

It should be emphasized that the table does not represent a complete list of all the potential risks and impacts associated with the proposed project. Rather, we have concentrated our efforts on those that pose significant adverse impacts. As a result, very few of those listed are marked as being feasible to mitigate.

The EIS must identify all potential impacts and risks and associated mitigation. It also must include an identification and assessment of those that are deemed very difficult to mitigate and monitor.

Impacts and Feasibility of Mitigation

Category	Description of Impacts	Feasible	Potentially Feasible	Not Feasible
	Prevention of degradation of Critical Aquifer Recharge Areas (CARAs)			X
	Prevention of a reduction of regional groundwater to critical levels			X
	Prevention of disruption of groundwater & surface water flow patterns, timing, & volume into Green River, esp. Gorge springs			X
	Prevention of contamination of the Black Diamond Springs municipal water supply		X	
	Maintenance of cool groundwater to recharge to Green River			
	Management of surface water runoff to protect the area's ecological attributes		X	
Hydrology	Compliance with Green River Total Maximum Daily Load (TMDL)		X	
	Prevention of aquifer contamination & remediation of spills from asphalt facility, tank farm, & fueling areas sited in excavated pits			X
	Prevention of water infiltration losses over 990 ac that feed the Green River			X
	Prevention of leakage from wetponds causing contamination to the groundwater and river		X	
	Accurate estimation and maintenance of 10-ft separation against measured seasonal high groundwater in each excavated pit		X	
	Prevention of contamination of Green River Gorge wall springs		X	
	Prevention of catastrophic Asphalt Facility leachate runoff			X
	Prevention of catastrophic Polycyclic Aromatic Hydrocarbons (PAH) runoff			X
	Prevention of loss of integrity & health of onsite wetlands			X
Wetlands	Prevention of loss of integrity & health of adjacent & downstream wetlands			X
	Replacement of new ecologically equivalent mitigation wetlands for those destroyed on site		X	
	Prevention of detrimental modification of Green River flow levels & quantity due to changes in groundwater & runoff from mining			X
Aquatic Areas	Prevention of reduction in tributary flow & springs along Gorge walls to Green River			X

Public Comment—DS & EIS Scope—GRDE23-0083

Category	Description of Impacts	Feasible	Potentially Feasible	Not Feasible
Aquatic Areas	Maintenance of water quality in Green River from contaminated groundwater, runoff and mine /asphalt facility operations		X	
	Contamination of groundwater from inadequate containment of chemical and fuels onsite		X	
	Prevention of mining operation silt filling gravel beds where salmon & trout spawn & killing food-chain dependent aquatic life		X	
Geology	Prevention of accelerated soil erosion & destabilization of the Gorge walls			X
	Reduction in geo-structural integrity of subsurface structures, faults & former coal mines susceptible to collapse across area			X
	Prevention of decreased slope stability/landslide hazards along Gorge walls			X
	Increased Acid Mine Drainage from onsite coal mines from disturbed areas			X
	Increased mercury and arsenic contamination from Royal Reward Mine from mining		X	
Fish & Wildlife	Prevention of habitat degradation including temperature and water quality of ESA-listed Salmon & other fish			X
	Prevention of interrupted flows from all springs combined into Green River impacting fish populations already endangered			X
	Prevention of disruption of existing groundwater and surface water flow into Green River affecting fish & wildlife			X
	Prevention of biodiversity & ecosystem fragmentation including migration corridors			X
	Prevention of habitat loss and impact of wildlife migratory routes by a fragmented ecosystem			X
Tribal	Prevention of major impacts to Snoqualmie and Muckleshoot Indian Tribes culturally sensitive sites		X	
Interests	Prevention of violation of Federally granted & reserved treaty rights			X
Recreation	Prevention of impacts to implementing State mandated Green River Gorge Conservation Area including a continuous 12-mi trail			X
	Prevention of impacts to recreation from mining & asphalt production to Kanaskat Palmer & Nolte State Parks incl'g camping			X
Land-Use &	Prevention of impacts to adjacent rural land uses & residential properties		X	
KCCP Policies	Prevention of impacts related to changing the zoning from Forest to Mining		X	
	Prevention of degradation of scenic corridor along major roadways causing visual impacts (a scar that will be visible for decades)		X	

Public Comment—DS & EIS Scope—GRDE23-0083

Category	Description of Impacts	Feasible	Potentially Feasible	Not Feasible
Aesthetics	Prevention of impairment of night darkness from all-night lighting from asphalt facility		X	
	Prevention of deleterious health impacts of chronic nighttime noise & light on nearby residences and animals		X	
Noise & Vibration	Prevention of deleterious noise impacts of mining-related activities on adjacent parcels & residents		X	
	Prevention of night-time noise impacts of mining-related activities on adjacent residential parcels & Kanaskat-Palmer State Park		X	
	Installation of adequate noise reduction methodologies & optimization of equipment layout in and around the site		X	
Air Quality	Prevention of changes in temperature & air quality by deforesting 990 acres			X
	Control of air toxics & odor from asphalt production		X	
	Prevention of impacts to human & animal respiratory health from asphalt facility toxics, fire, & explosion contamin. esp. w/high wind			X
	Containment of dust & contaminants during periods of sustained high winds			X
Traffic	Reduction of increased traffic volumes & possibility of increased accidents near site access point		X	
	Obtaining on-site circulation easements from WA DNR on Section 16 (requires a 3-way amendment of Recording #950629, 1995)			X
	Reduction of increased risk of accidents to pedestrians, vehicles, bicycle races, marathon runners, & students waiting for buses		X	
	Reduction of increased traffic volumes & possibility of increased accidents along multipole truck routes		X	
	Prevention of deterioration of road surface integrity		X	
	Prevention of deterioration of bridges and culverts along haul routes & payments for repairs/replacement		X	
	Management of truck noise		X	
Fire Safety	Management of human health risks from wildfire fire, asphalt facility explosions & slash pile burning			X
	Acquisition of adequate water for emergencies		X	
	Management of increased risk of fire hazard from dry summers and high winds			X
	Management of increased risk of forest fires including forest fire at a state park with overnight camping		X	
	Provision of funding to control fire, explosions, roadway chemical spills and emergency aid from operations & increased truck traffic		X	

Public Comment—DS & EIS Scope—GRDE23-0083

Category	Description of Impacts	Feasible	Potentially Feasible	Not Feasible
Public	Provision of funding to manage emergencies, traffic monitoring, etc. from operations & increased truck traffic		X	
Services	Acquisition of adequate water for operations		X	

7. Conclusions

7.1 Determination of Significance

Based on our research, which formed the basis for our detailed comments herein, we conclude the proposed project will cause adverse local, regional, and downstream impacts on the Green River and its environs that will have wider impacts on cultural resources and threatened and endangered runs of salmon, as well as degrading overall water and air quality in the region and deleteriously impacting the pristine and scenic Green River Gorge corridor. We also conclude the proposed project will lead to some long-term changes that most likely are irreversible from both ecological and environmental health standpoints.

7.2 Scope of Environmental Impact Statement

We have provided herein a very comprehensive identification and assessment of key potential impacts of the proposed project. The scope and preparation of the EIS must avoid political or ideological influence and ensure to all interested parties that:

- Data sources are clearly identified and traceable to credible scientific literature, monitoring programs, or independent studies.
- Analytical methods are standardized and replicable, with uncertainty ranges reported.
- Alternatives are evaluated objectively, including the “*no action*” option, and compared on environmental, economic, and social criteria. Alternatives should be reasonable and feasible.
- Impacts are assessed for direct, indirect, and cumulative effects, with mitigation measures based on proven solutions.
- Public and stakeholder input is integrated systematically, with responses to comments addressed in the final document.
- Conclusions are fact based and derived from verifiable evidence, not assumptions or political preferences.
- All stages, data, and analyses are made available to the public and decision-makers for full transparency.

7.3 Possible Alternatives

KC DLS-P has identified four “*possible alternatives*” to be evaluated in an EIS:

1. “*No Action Alternative.*”

Based on our detailed comments herein we conclude this is the only alternative that should be considered.

2. “*The Applicants proposal as submitted in project application GRDE23-0083.*”

We conclude this alternative is completely unacceptable. Our detailed comments herein provide our rationale and discuss the associated risks to successfully mitigate a wide variety of potential impacts. In some case impacts we have

identified and discussed cannot be mitigated as no known practical methods exist to prevent irreversible harm to the Public and our shared environment.

3. *“The Applicant’s proposal that contemplates a land exchange with Washington Department of Natural Resources.”*

We conclude this would be unacceptable to both WA DNR and KC, as neither has much to gain, but much to lose. In 1995 a 50-yr *“Agreement Pertaining to Forest Land Acquisition and Biosolids Application”* (*Agreement Pertaining to Forest Land Acquisition and Application, WA DNR, KC, and Mountains to Sound Greenway, June 26, 1995, KC Record No. 950629-8014*) was consummated by which King County transferred both Sections 6 and 20, and other properties, to WA DNR for long-term forest management and to *“become a permanent part of the state forest system.”* The agreement stipulated the land could only be used for forestry or park/open space purposes: *“no...lands may be transferred for residential or commercial development purposes.”* It is our understanding WA DNR has not agreed to this option.

4. *“A scaled down version of the Applicants proposal that includes a reduced scope (area, volume of materials, duration, frequency, phasing, extraction elevations, accessory uses etc.).”*

We conclude that for the vast majority of the impacts we have identified herein uncertainty exists about feasibility of potential mitigation techniques and/or success of their implementation or are unfeasible to mitigate even with a scaled-down version due to the location within the greater Green River Gorge area. Even more importantly, due to some impacts simply being irreversible, no matter the mitigation attempted, a scaled-down version is unacceptable.

8. Recommendations

We call for an unbiased, science-based, fact-based Environmental Impact Statement (EIS) scope in which all environmental assessments, alternatives, and impacts are grounded in verifiable scientific facts and data, peer-reviewed research, and transparent methodologies.

We recommend KC DLS-P apply the following core principles in development of the EIS process, as well as making these principles an expectation for any consultants used:

- **Scientific rigor:** Data and analysis are drawn from peer-reviewed research, field studies, modeling, and monitoring to assess impacts objectively
- **Issue Identification and Significance Determination:** Use scientific criteria to determine which impacts are significant (direct, indirect, cumulative). This is not based on opinion but criteria.
- **Data Collection and Analysis:** Gather environmental data (air, water, soil, biodiversity, noise, etc.) and analyze it using standardized methods. Include modeling, baseline conditions, and projected changes.
- **Impact Assessment:** Analyze probable adverse and beneficial impacts, and possible mitigation measures. Present findings proportionally to significance, avoiding unnecessary detail on insignificant issues.
- **Draft EIS Preparation:** Compile findings, alternatives, and mitigation strategies into a draft EIS with citations for public review.

Given the vast variety and severity of the issues discussed herein, including many critical items that cannot be feasibly mitigated or mitigated to sufficient extent to assure Public and environmental health, we recommend the *“No Action Alternative.”*

9. References

1. Mullineaux, D.R., 1961, Geology of the Renton, Auburn and Black Diamond quadrangles, Washington: U.S. Geological Survey Open-File Report 61-110, vii, 202 p. :ill., maps. ;28 cm., <https://doi.org/10.3133/ofr61110>.
2. Title 21A - ZONING (21A.01 Through 21A.06) - King County, https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm
3. Critical Aquifer Recharge Areas Guidance - Washington State Department of Ecology, <https://apps.ecology.wa.gov/publications/documents/0510028.pdf>
4. City of Enumclaw Comprehensive Plan Update Critical Areas Best Available Science September 2023 Date: May 8, 2024 To, https://www.cityofenumclaw.net/DocumentCenter/View/9337/City-of-Enumclaw_Comp-Plan_BAS_Tech-Memo_March23-Update_CLEAN
5. Castendyk, D. N., & Eary, L. E. (Eds.). (2009). Mine Pit Lakes: Characteristics, Predictive Modeling, and Sustainability. Society for Mining, Metallurgy, and Exploration (SME).
6. Affected Environment Technical Report - King County, <https://cdn.kingcounty.gov/-/media/king-county/depts/local-services/permits/special-interest-projects/grde23-0083-appendix-e-environment-technical-report-20230613-part-01.pdf?rev=0355fb1e1e28482c80c96d9debd378f9&hash=7449DBC21A3BE0C7EE0950E0C212FD37>
7. Vine, J.D., 1969, Geology and coal resources of the Cumberland, Hobart, and Maple Valley quadrangles, King County, Washington: U.S. Geological Survey Professional Paper 624, 67 p., <https://doi.org/10.3133/pp624>.
8. First Street Foundation, https://assets.firststreet.org/uploads/2023/06/PR_The-Precipitation-Problem.pdf
9. U.S Department of Agriculture, <https://www.climatehubs.usda.gov/hubs/northwest/topic/atmospheric-rivers-northwest>
10. Green River Temperature TMDL Water Quality Improvement Report - Washington State Department of Ecology, <https://apps.ecology.wa.gov/publications/publications/1110046.pdf>
11. Chapter 173-201A WAC: - | WA.gov, <https://app.leg.wa.gov/wac/default.aspx?cite=173-201A&full=true>
12. Green River Temperature and Salmon - Govlink.org, https://www.govlink.org/watersheds/9/pdf/technical-white-papers/Green_River_Temperature_%20and_%20Salmon_Technical_Briefing_2_28_17_final.pdf

Public Comment—DS & EIS Scope—GRDE23-0083

13. GMVUAC: Growth Targets; Proposed Mine - VOICE of the Valley, <https://voiceofthevalley.com/2025/04/15/gmvuac-growth-targets-proposed-mine/>
14. U.S. Environmental Protection Agency (EPA). (2021). Multi-Sector General Permit (MSGP) for Industrial Stormwater Discharges; Sector D: Asphalt Paving and Roofing Materials and Lubricant Manufacturing.
15. Asphalt Facility, Greater Maple Valley Unincorporated Area Council, <http://gmvuac.org/asphalt-facility/>
16. Asphalt plant will only remove 30%-60% of deadly contaminants before injecting runoff into our aquifer - Renton Community Update, <https://www.randycorman.com/?p=21408>
17. SECTION 200: WETLANDS - City of Poulsbo, <https://poulsbo.gov/wp-content/uploads/2017/05/Section200.pdf>
18. Chapter 23.20 WETLANDS - General Code, <https://www.codepublishing.com/WA/Pacific/html/Pacific23/Pacific2320.html>
19. George Watkins Evans, The Coal Fields of King County https://dnr.wa.gov/sites/default/files/2025-04/ger_b3_coal_fields_kingcounty.pdf
20. Green River Gorge - WA100: A Washington Geotourism Website, <https://wa100.dnr.wa.gov/puget-lowland/green-river-gorge>
21. Landslide Hazards - Find People, https://people.wou.edu/~taylors/g473/landslides_ex8.pdf
22. Wang, Jiyao, Wang, Xufeng, Chen, Xuyang, Chen, Liang, Yang, Zhanbiao, Chang, Zechao, Zhang, Lei, Niu, Zhijun, Experimental Study on Failure Law and Mechanism of Red Sandstone under Ultrasonic Vibration Excitation, Geofluids, 2022, 3078599, 13 pages, 2022. <https://doi.org/10.1155/2022/3078599>
23. Contaminated mine sites - Washington State Department of Ecology - | WA.gov, <https://ecology.wa.gov/spills-cleanup/contamination-cleanup/cleanup-sites/contaminated-mine-sites>
24. <https://blackdiamondhistory.wordpress.com/2013/10/13/cumberland-once-the-promised-land-for-mine-owners-it-may-still-be-but-for-others/>
25. Washington Geologic Portal, https://geologyportal.dnr.wa.gov/#wigm?-14274360,695067,1962226,10024192?Mines_and_Minerals!2!13!
26. <http://gmvuac.org/wp/wp-content/uploads/2024/03/Comment-Ltr-GRDE23-0083-Segale.pdf>
27. <https://kingcountyfloodcontrol.org/wp-content/uploads/2020/12/SWIF.Appendices.pgs76-100.pdf>

Public Comment—DS & EIS Scope—GRDE23-0083

28. <https://www.mytpu.org/about-tpu/services/water/water-source/green-river-watershed/protecting-the-environment/>
29. <https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>
30. <https://wdfw.wa.gov/sites/default/files/publications/02213/wdfw02213.pdf>
31. <https://www.outdoorsy.com/guide/kanaskat-palmer-state-park-wa>
32. State v. Moses : 1967 : Washington Supreme Court Decisions - Justia Law, <https://law.justia.com/cases/washington/supreme-court/1967/38497-1.html>
33. Muckleshoot - Wikipedia, <https://en.wikipedia.org/wiki/Muckleshoot>
34. Treaty of Medicine Creek, 1854
<https://goia.wa.gov/resources/treaties/treaty-medicine-creek-1854>
35. James C. Chapters and Jason B. Cooper, EAGLE GORGE TERRACE (45-KI-1083): AN UPLAND HUNTING CAMP AND ITS PLACE IN THE ECONOMIC LIVES OF THE PRECONTACT PUGET SALISH.
<https://static1.squarespace.com/static/5a3be988017db211a8409aea/t/5a56c29fc8302558efe9e178/1515635377313/JONA+50%282%29.pdf>
36. Jan. L Hollenbeck and Madonna Moss, A Cultural Resource Overview: Prehistory, Ethnography and History Mount Baker-Snoqualmie National Forest
https://upload.wikimedia.org/wikipedia/commons/3/35/Cultural_resource_overview_-_prehistory%2C_ethnography_and_history_-_Mt._Baker-Snoqualmie_National_Forest_%28IA_CAT89900852%29.pdf
37. Virgil Bouge, Naming Stampede Pass, <https://www.jstor.org/stable/40473701>
38. Washington State Parks Visitation Reports 2014-2025,
<https://parks.wa.gov/about/strategic-planning-projects-public-input/reports-studies/visitation-reports>
39. Chapter 78.44 RCW: - WA.gov,
<https://app.leg.wa.gov/rcw/default.aspx?cite=78.44&full=true>
40. Reclamation - Snohomish County, <https://www.snohomishcountywa.gov/DocumentCenter/View/75662/Sold-Sand-Hill-Pit-Reclamation-Permit-Application?bidId=>
41. https://www.blackdiamondmuseum.org/wp-content/uploads/2023/09/2011_Fall.pdf
42. DuPont 243 Noise Study, <https://www.dupontwa.gov/DocumentCenter/View/6622/Noise-Study-2023-01-27-PDF>
43. Noise! Noise! Everywhere! In the Water! In the Air!, <https://www.washingtonports.org/wp->

Public Comment—DS & EIS Scope—GRDE23-0083

content/uploads/2025/02/ES2024_9.19_AirNoise_LandauWilsonIhrig.pdf

44. Responses to Public Comments on the Palouse Wind Draft Environmental Impact Statement (DEIS) (November 2010) and the Addendum t - Whitman County, <https://www.whitmancounty.gov/DocumentCenter/View/10581/Palouse-Wind---Final-Environmental-Impact-Statement-Responses-to-Public-Comments---2011-03-25-PDF?bidId=>

45. Construction Vibration Monitoring: Protecting Structures During Compaction, <https://densification.com/educational/construction-vibration-monitoring-protecting-structures-during-compaction/>

46. Dispute Resolution in the Mining Industry: Lessons Learned from the Effects of Blasting on Nearby Structures - ASCE Library, <https://ascelibrary.org/doi/10.1061/%28ASCE%29LA.1943-4170.0000487>

47. CONSTRUCTION MATERIALS MINING ACTIVITIES CONSULTATION AND STUDY PREPARATION SERVICES, https://files.dep.state.pa.us/Mining/BureauOfMiningPrograms/BMPPortalFiles/Blasting_Research_Papers/State%20Reports/2018%20RESPEC%20State%20of%20Florida%201au18.pdf

48. The GCs Guide to Construction Vibration Monitoring Equipment - Eyrus, <https://www.eyrus.com/guide-to-construction-vibration-monitoring-equipment>

49. Robert Vannice | Environmental & Occupational Health Sciences - DEOHS, <https://deohs.washington.edu/student-research/robert-vannice>

50. Washington Legislature, WAC 296-840. <https://app.leg.wa.gov/wac/default.aspx?cite=296-840>

51. Heidelberg Materials, Hot Mix Asphalt Safety Data Sheet, <https://www.heidelbergmaterials.us/docs/default-source/safety-data-sheets/sds-hot-mix-asphalt.pdf>

52. Manahan, S. E, Environmental Chemistry, 10th edition, CRC Press, 2017

53. Spiro, T.G. and Stigliani, W.M., Chemistry of the Environment, 2nd ed., Prentice Hall, 2003

54. US EPA Ground Level Ozone from VOC's, May 24, 2023

55. King County - Washington State Department of Ecology, <https://apps.ecology.wa.gov/cleanupsearch/document/113925>

56. Noise - Seattle.gov, https://www.seattle.gov/documents/Departments/OPCD/OngoingInitiatives/IndustrialMaritimeStrategy/Seattle%20Industrial%20DEIS%20Ch%203.6%202021_12.pdf

Public Comment—DS & EIS Scope—GRDE23-0083

57. King County Community Greenhouse Gas (GHG) Emissions Inventory and Wedge Analysis, <https://iclei.usa.org/project/king-county-community-greenhouse-gas-ghg-emissions-inventory-and-wedge-analysis/>
58. King County commits to climate neutrality by 2050 - The Daily UW, <https://www.dailyuw.com/article/king-county-commits-to-climate-neutrality-by-2050-20251118>
59. Department of Ecology Declares Statewide Drought, DOH, <https://doh.wa.gov/community-and-environment/drinking-water/drinking-water-emergencies/drought>
60. <https://anatomy.co.uk/alveoli>
61. Manahan, S.E., Environmental Chemistry, 10th ed. CRC Press 2017
62. US EPA Health and Environmental Effects of Particulate Matter, Aug. 23, 2023
63. <https://www.traffictechnologytoday.com/features/feature-overloaded-vehicles-are-causing-potholes.html>
64. <https://environment.transportation.org/education/environmental-topics/traffic-noise/traffic-noise-overview/>
65. <https://highways.dot.gov/safety/zero-deaths/safe-system-approach-toward-zero-traffic-deaths>
66. <https://targetzero.com/>

Appendices

Appendix A — Green River Gorge Conservation Area

Appendix B — Comment Letters

Appendix A — Green River Gorge Conservation Area

The Green River Gorge Conservation Area is a rare and irreplaceable natural treasure that deserves protection for many reasons, among them being its geological, ecological, cultural, historic and recreational value.

Unique Geological Significance

The gorge contains some of the most extensive and undisturbed pre-Ice Age sedimentary rocks in the Greater Puget Sound, with nearly two miles of sedimentary layers and fossils exposed in one of the most complete stratigraphic sections in the region. These cliffs reveal the area's geologic history, from ancient ocean deposits to glacial carving, offering a rare view into the region's past.

Ecological and Recreational Value

The gorge supports a number of diverse habitats and is used by hikers, kayakers, canoeists, fishermen and nature seekers. Its steep, vegetated walls and river corridors provide important wildlife habitat and clean water, which are essential for both biodiversity and human recreation. The area's scenic beauty and solitude make it a vital respite for people living within an hour's drive.

Conservation History and Threats

Since the 1960s, advocates like mountaineer and environmentalist Wolf Bauer have fought to protect the gorge from development, recognizing it as "*a ribbon of wilderness in our midst.*" Urbanization pressures, deforestation, and water diversion threaten its many unique features and integrity. Without active conservation and preservation measures, these pressures would likely degrade water quality, habitat, and scenic value.

Legal and Cultural Recognition

The area is designated under *RCW 79A.05.700* as a conservation area, acknowledging its importance for recreation, education, and need for environmental protection. It is also part of the Green River Gorge Greenway, a network of protected lands that sustain the region's outdoor heritage.

Preserving the Green River Gorge ensures that future generations can enjoy its geological features, ecological diversity, and recreational opportunities. It safeguards a unique natural landmark in the Greater Puget Sound, protects water resources, and maintains a cultural and historical legacy of conservation activism. Without protection, the gorge risks being lost to development, leaving behind only fragmented remnants of its great scenic beauty and natural heritage.

Appendix B — Comment Letters

In this Appendix we have included Comment letters on the proposed project from: *Government Agencies, Municipal Jurisdictions, Native American Tribes, Public Service Districts, Organizations, and the General Public*. Because there have such a multitude of letters of comments provided to KC, we first provide an *Alphabetical List* followed by the letters themselves.

Public Comment—DS & EIS Scope—GRDE23-0083

List of Commenters

Government Agencies, Municipal Jurisdictions, Native American Tribes, Public Service Districts, Organizations

Agency/Jurisdiction	Signee and Title	Date	Topics of Concern
Black Diamond, City of	Tamie Deady, Council Member Brad Douglass, Council Member Therron Smith, Council Member Leih Mulvihill, Council Member Kristiana DeLeon, Council Member Nathan Jones, Council Member Debbie Page, Council Member	3/7/2024	Opposition
Black Diamond, City of	Scott Hanis, Public Works Director	3/11/2024	Concerned about impacts
Bonneville Power Administration	Chris Pearson, Realty Specialist	3/11/2024	Outline of Land Use Agreement for activity in BPA Right of Way
Enumclaw, City of	Jan Molinaro, Mayor	3/8/2024	Concerned about impacts
Enumclaw School District	Shaun Carey, Superintendent	3/12/2024	Concerned about impacts
Greater Maple Valley Unincorporated Area Council	Steve Hiestler, Chair	3/12/2024	Concerned about impacts
King County Fire Protection District 47	Chris Doleshel, Chief	3/12/2024	Concerned about impacts
King County Rural Forest Commission	Wendy Davis, Vice Chair Steve Horton, Executive Committee	5/7/2024	Concerned about impacts
Maple Valley, City of	Tawni Dalziel, Public Works and Community Development Director	3/12/24	Concerned about impacts
Muckleshoot Indian Tribe	Patrick Reynolds, Fisheries Division Habitat Program	2/12/2024	Concerned about impacts
Muckleshoot Indian Tribe	Donny Stevenson, Vice Chairman of Muckleshoot Indian Tribe, Chairman of Muckleshoot Planning Commission	3/12/2024	Opposition
Puget Sound Clean Air Agency	John Dawson, Engineering Manager	5/28/2024	Permitting requirements and mitigation suggestions
Snoqualmie Indian Tribe	Adam Osbekoff, Cultural Resource Compliance Manager	2/14/2024	Concerned about impacts
Washington Department of Ecology	Delaney Anderson, ERTS and SEPA Coordinator	3/12/2024	Notification of Model Toxics Control Act (MTCA) site cleanup
Washington Department of Fish and Wildlife	Ryan Shaw, Habitat Biologist	3/4/2024	Concerned about impacts
Washington State Parks and Recreation Commission	Joelene Boyd, Parks Planner	3/7/2024	Concerned about impacts

Public Comment—DS & EIS Scope—GRDE23-0083

Water Resource Inventory Area (WRIA) 9	Iris Kemp, Chair	2/22/2024	Concerned about impacts
--	------------------	-----------	-------------------------

Private Citizens and Technical Experts

Private Citizens	Background	Date	Topics of Concern
Christopher Johnson	Civil Engineer, PE	3/10/2024	Traffic
David Marchione	Field Engineer/Civil and Structures Superintendent, retired	3/5/2024	Multiple, particularly fault line and geologic hazards
Deborah Mystakidis	Local resident	3/13/2024	Multiple
Emma Erikson	Local resident	2/29/2024	Multiple
Eric Carter	Local resident	3/10/2024	Multiple, particularly Green River Gorge Conserv. Plan
Kristen Taylor	Local resident	3/8/2024	Multiple, particularly Grey Wolf
Marcus Noble	Firefighter	3/1/2024	Fire
Mary Embleton	Natural Resource Economist	3/11/2024	Economics
Michael Birdsall	Transportation Planning Engr, retired	3/11/2024	Traffic
Monica Priebe	PhD Environmental Science	3/10/2024	Multiple
Monica Priebe	PhD Environmental Science	7/27/2026	Multiple
Rachel Buckley	Local resident	3/12/2024	Multiple
Rosie Una	PhD Candidate; Climate Scientist	8/7/2026	Climate; Stream Flow
Shane Day	Mechanical Engineer	3/11/2024	Air quality
Stephen Lang	Local resident	3/9/2024	Multiple, particularly noise
Susan Kaufman-Una	Environmental Scientist	3/28/2024	Multiple
Ted Fehr	Battalion Fire Chief, retired	3/1/2024	Fire, safety, and emergency services
Tim O'Brien	Career in heavy equipment and mining industry	3/10/2024	Multiple
Tim O'Brien	Career in heavy equipment and mining industry	5/5/2024	Air quality
Toby Una	Environmental/Soil Scientist	3/19/2024	Multiple
Zachary Pratt	Local Resident	3/11/2024	Historic Mine Hazards

Letters

Do to the vast number of letters (and file sizes they take up), we have *separately* e-mailed a *pdf* consisting of letters from Agencies, et al and another e-mail including a *pdf* consisting of letters from Public Citizens that comprise all comment letters, of which we are aware, that have been submitted to KC DLS-P regarding the proposed project.