December 17, 2021 Job No. 1960-002-020

King County Permitting Division
Department of Local Services
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266

RE: PREA20-0241, Palmer Coking Coal Rezone, Parcel 302107-9080
Comment Responses

Dear Mr. Fereshteh Dehkordi:

ESM Consulting Engineers, LLC, is submitting this letter with comments and responses to the King County pre-application review letters noted below. In an effort to provide concise and direct responses, we have copied the review comments below in *italics* and our responses are in **bold**.

Zoning Comments from Fereshteh Dehkordi - Project Manager, dated February 4, 2021

Lot Q contains the parcel previously approved for mining under King County Files L98G0056 and GRDE15-0179. The permit was approved for mining of 22-acre area out of a 43-acre site. This permit has been renewed periodically. The last renewal request was approved August 9, 2021. Parcels included in GRDE15-0179 were 302107-9023, -9056, and -9057, no longer exist and are now part of Lot Q. The grading permit must be updated to reflect the correct parcel number.

The grading permit has been updated to reflect the correct parcel number 302107-9089.

Parcel Q contains an area (15 acres) in its upper north portion that does not have a potential M zoning. Permitting is in consultation with Long Range Planning staff as whether the requested rezone can include this portion of the lot for reclassification.

This comment has been noted.

Almost all reports prepared for the proposed project were prepared before the BLA approval and are not site specific. The studies must be updated and focus on the project site. All maps and figures in the reports must corollate with the project's parcel boundary for tax parcel 302107-9080. The Critical Area report must also be updated to reflect the current Critical Area Code requirements.

Site specific reports addressing current code requirements have been prepared and are included with the proposed rezone application package.

The proposed site is 240 acres. It is estimated that site's mineral resources can have a 110-year life span. In the past King County has required preparation of an Environmental Impact Statement (EIS) for large scope proposals such as this. This determination will be made during the review of rezone file material and associated reports once the rezone application is filed.

This comment has been noted.

For Permitting Division to conduct the SEPA required review, an extended SEPA checklist must be prepared and include updated supporting studies. The reports must identify potential adverse impacts and proposed mitigations. If potential impacts cannot be address by the current codes, the checklist must propose mitigation measures. The extended environmental checklist must address all elements of the checklist comprehensively with supporting environmental studies/reports as directed by KCCP R-681, R-686 and R-689. The checklist must also address both short- and long-term impacts including reclamation and reforestation of each phase.

The checklist will be reviewed by members of the public and interested communities and public agencies. This document must be organized carefully with references and appendix for ease of use and clarity. It is important that this document be parcel specific and supported by the site's environmental assessment studies.

The SEPA Checklist and associated reports address these comments, as requested.

The rezone application worksheet must include a comprehensive narrative of the proposal and its permitting history including the boundary line adjustment. It also must provide a more substantive explanation of how the proposed rezone meets the King County Comp Plan policies and in particular Policy R-681. Due to the project's scope Permitting Division strongly recommends early engagement with the community groups and area residents through a community meeting before a rezone application is submitted. The meeting minutes should be documented and submitted with the rezone application.

The requested narrative has been included with the proposed rezone application package.

The following supplemental information must be submitted with the rezone application:

1. *A mining plan, showing phases, appropriate property setbacks in accordance with KCC21A.22 and KCC21A.16, Access driveways, and parking area, gates and landscaping.*
2. *A TIR prepared in accordance with the King County Surface Water Design Manual*
3. *A certificate of a water availability*
4. *An extended Environmental Checklist with supporting environmental reports prepared specifically for the site, addressing the project's potential impacts.*

These documents have been prepared and are included with the proposed rezone application package. For water availability, an alternative water source will be used, including the following elements:

1) **An onsite tank system to support wheel wash;**

2) The use of a water truck for any local dust concerns, in or around the crushing and haul roads. and working in-concert with a chemical dust suppression applicant to main haul roads;
3) Wheel wash and dust suppression water will be obtained from an adjacent parcel next door maintained by Franklin Ridge Sand & Gravel; and
4) Drinking and/or potable water will be obtained through bottled water sources.

Environmental Comments from Laura Casey - Environmental Scientist / Ecologist, dated February 4, 2021

The Sewall Wetland Consulting report provided with this application was completed in 2016, using Ecology's 2004 Wetland Rating System. The Critical Areas Code was revised in December 2019 to require use of Ecology's 2014 Wetland Rating System. Wetland buffer widths were also revised at that time. The wetland report for the subsequent rezone application must be updated based on the 2014 Wetland Rating System and critical areas code in effect at the time of a complete application, to ensure that wetland buffers will not be directly impacted by the proposed mining.

Updated wetland reports have been included as part of the proposed rezone application package.

In addition, the site is part of mapped elk habitat by Washington Department of Fish and Wildlife. Elk are species of local importance in the County Comprehensive Plan. The Critical Areas Code requires that for wetlands containing documented habitat for species of local importance, the appropriate wetland buffer shall be determined based on a habitat assessment to ensure that the buffer provides adequate protection for the sensitive species.

A separate wildlife report has been prepared and included as part of the proposed rezone application package.

There are areas mapped as steep slopes on this parcel in King County iMAP. A geotechnical report or documentation from the BLAD review must be provided to show that these are either not regulated, or that they will be protected and with what size buffer during mining operations.

Steep slopes are addressed in the report provided by Bennett Consulting, PLLC that is included as part of the proposed rezone application package.

As part of the future rezone application, Permitting Division staff will confirm the findings in the revised Critical Areas Report with a site visit.

This comment has been noted.

Engineering Comments from Teddy Taddese - Review Engineer, dated February 4, 2021

Drainage standards for site development are outlined in the 2016 King County Surface Water Design Manual (KCSWDM). Full Drainage Review is required for any proposed project, including a redevelopment project, that is subject to drainage review as determined in Section 1.1.1 (p. 1-12), OR that meets one or more of the following criteria:

- *The project will result in 2,000 square feet or more of new impervious surface, replaced impervious surface, or new plus replaced impervious surface but is not subject to Simplified Drainage Review or Directed Drainage Review as determined in Sections 1.1.2.1 (p. 1-16) and 1.1.2.3 (p. 1-21), OR*
- *The project will result in 7,000 square feet or more of land disturbing activity but is not subject to Simplified Drainage Review or Directed Drainage Review as determined in Sections 1.1.2.1 and 1.1.2.3.*

Accordingly, as part of the Rezone Application, a full drainage review will be required for the subject project with a full Technical Information Report (TIR). The engineering plans and calculations must be stamped by a State of Washington licensed Civil Engineer.

The proposed development will require full drainage review and a TIR is provided with the proposed rezone application package.

Upon submittal of the full TIR, please review and comment on all the core requirements and special requirements. Please also address the following issues in your TIR:

The TIR addresses all core requirements and special requirements with additional reports included with this submittal that address the issues noted below. The issues are also addressed with responses below.

1. *Bennet Consulting, PLLC presented results of exploratory sonic core drilling for gravel resources on the subject property. The sonic core drilling was completed on 01/28/2016 and was advanced in 5 bore holes (FR-1 through FR-5). Groundwater monitoring from FR-4 on the southern portion of the property indicates presence of groundwater in the recessional outwash deposits (Qvr) at higher elevations (up to 746.2 feet) mainly in the months between November through August. A previous report (01/25/2008) on the coal mine subsidence hazards and surface and ground water conditions presented by Bennett Consulting, PLLC concludes that the existence of groundwater in the Qvr occurs as isolated pockets perched on bedrock. Given the higher elevations of groundwater table in the Qvr deposits monitored in the recent monitoring wells, please review and comment on the above conclusion if it still applies for the subject project.*

   The proposed 720-foot elevation of the final pit floor reflects the maximum depth to which mining will be conducted. Because the Qvr is filling in pre-existing, subsurface bedrock topography there will be areas where bedrock will be encountered above this elevation. This will limit the pit floor depth in certain areas to the top of the bedrock. Similarly, there will be areas where local seasonal high ground water conditions will be encountered above the desired pit floor elevation, and such occurrences will also limit the final pit depth. Monitor well FR-4 shows extremely high seasonal water level fluctuations that can range from a low of 710-feet above sea level in late fall, to a high of more than 740-feet above sea level in late spring. This high seasonal fluctuation and the fact that such high water levels are not seen elsewhere on the property suggests that this is a local phenomenon.

Monitor well FR-5 is dry down to an elevation of 710-feet, and the neighboring Franklin Ridge pit is dry down to its floor elevation of 720-feet. Most likely the ground water encountered in well FR-4 represents an isolated water table held up by subsurface bedrock highs. If this is the case, then bedrock would be encountered by the pit excavation before the high water table is reached. However, to ensure that a local high water table is not breached the following is proposed: as mining progresses from west to east it is recommended that a perimeter trench be dug around a given mine segment down to the desired floor elevation. This should be done during late spring seasonal high water conditions. If persistent ground water is encountered, the excavation depth for this portion of the mine should be raised to a level of 5-feet above where the ground water was encountered. If, as anticipated, the ground water high is localized, it may be possible to avoid this area and maintain the desired mine depth in other portions of a given mine segment.

2. *The Hyde Pit expansion excavation plan indicates mine floor elevation across the project site at 720 feet above sea level. Given the poorly corresponding water levels from one well to the other, please review and comment on the current proposed mine floor elevation. A report to be provided to the King County must discuss uncertainty in the groundwater model and describe in detail how the project will ensure that a minimum of 3 feet of vertical separation will be maintained between the mine floor and seasonal high water table especially in the southern portion of the property. It should also discuss impacts and the appropriate remedy if excavation does encounter groundwater.*

Please refer to the response above. The desired 720-foot pit floor elevation is a maximum depth that will not be achievable across the mine area due to the presence of bedrock highs and at least one area of high ground water, likely held up by a bedrock high. Until a given area is actually mined, it would be difficult to anticipate the location of such highs and resultant elevated ground water. As described above, as mining progresses from west to east it is recommended that a perimeter trench be dug around a given mine segment during late spring down to the desired elevation. If persistent ground water is encountered, the excavation depth for this portion of the mine should be raised to a level of 5-feet above where the ground water was encountered.

3. *The site contains a coal mine hazard area. Relatively very thick advance outwash (Qva) deposits (up to about 70 feet) were encountered in monitoring wells FR-1 through FR-3. Please review the previous report on the coal mine subsidence hazards and surface and ground water conditions mentioned above and comment on the potential impacts of the recent findings of the thick advance outwash deposits underlying the subject site on the coal mine hazard evaluation and mitigation.*

Please refer to my 2007 Coal Mine Hazards Report, prepared for the adjacent Franklin Ridge mine and the attached Figures 2 and 3 from that report. As indicated in the previous study there is a negligible risk of a coal mine subsidence hazard below the Franklin Ridge mine and this also applies to the adjacent proposed Hyde pit. Figure 2 does show abandoned mine workings underlying the northern portion of the Hyde property. However, the mined out coal seams were only a few feet thick with the highest recorded working up to an elevation of about 550 feet above sea level. The proposed mine floor will be at an elevation 620 feet which leaves at a minimum a 70-foot thickness of glacial sediments and bedrock between the shallowest working and mine floor. Thus, the chances of a collapse feature reaching all the way up to the 620

elevation is considered remote, as such a feature would likely "bridge" itself off within a few vertical feet of the collapse.

4. *Review and comment on the high yield of the wells on the southern portion of the property for the probable hydrological connection to the nearby Fish Lake.*

Fish Lake and other nearby enclosed topographic depressions are referred to as glacial kettles. Kettles form when isolated blocks of glacial ice get surrounded and covered by outwash gravels as a stagnant ice sheet melts away. When the encapsulated ice melts the overlying gravel collapses onto itself creating the enclosed depression. The surrounding outwash gravels in this area are coarse grained and rather clean which leads to high permeability and high yield water wells. This is evidenced in monitor well FR-4 with its unusually high annual variance in static water levels, as well as relatively fast response to seasonal precipitation. A high yield domestic water well near Fish Lake could easily be in hydraulic connection if its static water level is at or near the elevation of the lake. As discussed previously, the underlying subsurface bedrock topography undoubtedly controls the local water table in this area as a kettle only a few hundred feet north of Fish Lake is dry down to an elevation of about 710 feet above sea level, which is 20 feet lower than the elevation of Fish Lake. Further north a similar kettle has a wetland at an elevation about 660-feet above sea level, or more than 70-feet below the elevation of Fish Lake. These examples demonstrate that despite the highly permeable surrounding gravels these kettles are not hydraulically connected to Fish Lake.

5. *According to the King County iMap, the project area is susceptible to groundwater contamination. Please describe potential surface or groundwater quality problems associated with clearing and mining activities (such as wheel wash system and track-out control as noted in Section 1.3.4 and oil control noted in Section1.3.5 of the KCSWDM) and provide appropriate mitigation to address impacts.*

The underlying permeable gravels do make the site susceptible to ground water contamination. The project will require a Washington State Department of Ecology (DOE) National Pollution Discharge Elimination System (NPDES) permit and will be subject to regular inspections by DOE personnel. The Best Management Practices (BMPs) required by DOE will overlap many requirements in KCSWDM and include the following:

- Any fueling done onsite will be conducted over a concrete pad with proper containment.
- All equipment will be maintained in good working order and will be inspected daily for leaks.
- Each piece of equipment will contain a spill kit with operators properly trained on how to use them.
- Equipment maintenance will be conducted within an appropriate enclosure or done offsite.
- To minimize offsite tracking the entryway will either be paved or armored with coarse crushed rock.
- A wheel wash or wheel bath with proper containment will be installed for trucks exiting the site, as needed.

- All containment facilities will be cleaned out on a regular basis.
- All lubricants, hydraulic oil, antifreeze, etc., if stored onsite will be contained inside an appropriate enclosure.

6. *According to the King County iMap, the project area has a Landslide hazard drainage on site on the NW portion of the Parcel. The King County iMap also indicates potential steep slope hazard areas on the North and Southwestern portion of the subject property. For projects adjacent to or containing a landslide, steep slope, or erosion hazard area as defined in KCC 21A.06, the applicant must demonstrate that onsite drainage facilities and/or flow control BMPs will not create a significant adverse impact to downhill properties (such as Enumclaw-Franklin Rd SE) or drainage systems.*

   The slopes on the northwest portion of the property do fit the King County definition of steep as they have a slope gradient of about 50 percent of a vertical height of about 100-feet. However, these slopes are underlain by coarse grained gravel outwash which have been at their natural angle of repose from the time they were deposited. The slopes are well drained, have been logged multiple times in the past and have not shown signs of instability. In addition, these slopes contain the gravel resources which will be mined by the proposed project and are thus considered an asset. Under reclamation, backfilling will be done at a lower slope gradient than what is presently present.

7. *A Level 1 downstream Analysis as described in Section 1.2.2.1 of the KCSWDM is required. The Offsite Analysis must be consistent with the specific guidelines in the KCSWDM Core Requirement #2. Please include an analysis of the relevant drainage complaints within 1 mile of downstream. Actual copies of the "relevant complaints" should be provided in the TIR. Copies of the complaints can be obtained from King County Water & Land Resources Division at 206-296-1900. The TIR must include an analysis of each relevant complaint, including determination of the type of problem and mitigations proposed.*

   The Level 1 Downstream Analysis is included in the TIR.

KCDLS Road and Traffic Engineering Comments, dated February 4, 2021

King County Department of Local Services (KCDLS), Roads Services Division, Road and Traffic Engineering Section Development Review staff has reviewed the October 2017 revised traffic impact analysis (TIA) completed by Heath and Associates, the rezone application, the project narrative, the topographic site map, the SEPA checklist, the King County assessor maps, King County iMap, Google and Bing maps and the additional information provided, and we have the following comments:

1. *The proposed rezone is located within the Black Diamond/Enumclaw travel shed which currently passes the King County concurrency standard. The mitigation payment system (MPS) has been discontinued so MPS fees are no longer collected.*

   This comment has been noted.

2. *A level two traffic impact analysis (TIA) was completed for this project in October of 2017. From a Road Services Division, Road and Traffic Engineering Development Review standpoint, the TIA provides all necessary information regarding trip generation, trip distribution, traffic volumes, and level of service. However, the TIA will need to be updated to reflect the current calendar year and the future beginning date for the pit operation.*

   An updated TIA has been included with the proposed rezone application package.

3. *The TIA will need to re-evaluate if any King County or Washington State Department of Transportation (WSDOT) intersections meet the K.C.C. 14.80, "Intersection Standards" thresholds of 30-peak hour and 20% of the peak hour trips and operating at a level of service worse than "E".*

   The updated TIA included with the proposed rezone application package includes this required information.

4. *A copy of the level two TIA will need to be sent to Mr. Duffy McColloch, WSDOT Development Review Engineer for review and comment. Mr. McColloch can be reached at (206) 440-4713. Final traffic impact determination cannot be made until KCDOT Traffic Engineering has received WSDOT's TIA and project comments.*

   The updated TIA was sent to Mr. Duffy McColloch via email on December 8, 2021. Mr. Duffy McColloch reviewed the TIA and provided the following comment: "Per WSDOT Design Manual Chapter 1130.09, your proposed project does not meet the threshold criteria for increased AM or PM peak-hour vehicle trips onto SR 169, therefore it does not propose probable significant adverse impact to the state route."

5. *Documentation will need to be provided that entering sight distance (ESD) and stopping sight distance (SSD) exists for the two proposed access points and their intersections with Enumclaw Franklin Road per the 2016 King County Road Design and Construction Standards (KCRDCS).*

   Documentation is attached showing that ESD and SSD are met for the two proposed access points as completed by Barghausen Consulting Engineers, Inc. on March 7, 2013.

6. *Documentation has been previously provided that ESD and SSD for the existing Franklin Sand and Gravel Pit access road and the Enumclaw Franklin Road SE intersection meet the requirements per the KCRDCS.*

   This comment has been noted.

7. *Per Section 14.f. of the SEPA checklist, reference the updated TIA completed by Heath and Associates. Per the current TIA, the project will generate approximately 123 new daily trips with approximately 68 trips designated as truck trips. The updated TIA may result in a larger number of new daily trips.*

   The updated TIA included with this submittal shows a reduced trip count of 98 total vehicle trips per day with 68 trips designated as truck trips.

8. *Section 14.h. of the SEPA checklist is a subjective statement that is not backed-up with any type of data. Again, reference the updated TIA completed by Heath and Associates.*

   The updated TIA has been included with this submittal and is referenced in the SEPA checklist.

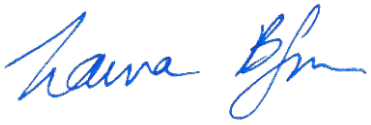
9. *King County Department of Local Services (KCDLS), Roads Services Division, Road and Traffic Engineering Development Review staff recommends that Palmer Coking Coal Company, LLP (applicant) be required to enter into a Haul Route Agreement (HRA) with King County Department of Local Services, Road Services Division (County). The HRA would identify responsibilities for the applicant and the County to address any damage to and maintenance of Enumclaw Franklin Road SE due to a high volume of heavy truck traffic entering and exiting the proposed Hyde pit facility. The length of Enumclaw Franklin Road SE that the applicant would be responsible for repairing and maintaining would be negotiated as part of the HRA. We recommend that the HRA be executed prior to final permits being issued for commencement of the mining operations.*

   This comment has been noted. Under the current grading permit, the applicant anticipates to enter into an HRA and supply a bond for repairs as described in the current conditions of the grading permit, once mining work commences.

Should you have any further questions or would like clarification on any information, feel free to contact me at any time at (253) 838-6113. Thank you for your help and consideration.

Sincerely,

ESM CONSULTING ENGINEERS, LLC



LAURA BARTENHAGEN, P.E.
Principal

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