



June 18, 2010

Mike Kain
Planning Manager
Thurston County
2000 Lakeridge Drive SW, Bldg 1
Olympia, WA 98502

Certified Mail # 7009 0001 9027 4868

RE: SEPA Comments Regarding Mineral Extraction and Accessory Uses

Dear Mr. Kain,

Thank you for the opportunity to review and comment on the Determination of Non-Significance for the proposed county-wide amendments to the Thurston County Comprehensive Plan Chapter 3 - Natural Resource Lands and Thurston County Development Code – TCC20.30B and 20.54; for Mineral Lands of Long-Term Commercial Significance and regarding mineral extraction and accessory uses. Comprehensive Plan docket item 2-A.

Regarding the amendments, the Department of Natural Resources (DNR) has the following comments:

1. Comprehensive Plan, Chapter 3, IV. Mineral Resources, Minimum Designation Criteria, paragraph 1:

1. Mineral Deposits. Designated mineral resource lands should contain Existing deposits consisting of sand and gravel, coal, sandstone, basalt, or other igneous rock, based on U.S. Geological Survey maps or site-specific information prepared by a geologist, or as indicated by State Department of Natural Resources (DNR) mining permit data.

DNR would prefer a more accurate reference to DNR data and DNR suggests that this sentence be changed to "...based on U.S. Geological Survey maps, information available from the Department of Natural Resources (DNR), or site-specific information prepared by a licensed geologist."

2. Chapter 20.30B Designated Mineral Lands, 20.30B.020 Designation of Existing Mineral Lands:

20.30B.020 Designation of existing mineral lands.

Mineral extraction operations existing on the effective date of this chapter which meet the criteria established in Section 20.30B.030(1), and as shown on the map entitled, "Official Designated Mineral Resource Lands," on file with the ~~development services department~~ County, are recognized ~~designated~~ as mineral resource lands of long-term commercial significance, and are hereafter referred to as designated mineral resource lands. The ~~precise~~ boundaries of these designated lands are as indicated in the DNR permit associated with the land as shown on the table on this map.

Strike "precise" from the last sentence.

3. Chapter 20.30B Designated Mineral Lands, 20.30B.030 (1) (d): DNR would like to avoid potential "catch-22" situations. DNR will not issue a Surface Mining Reclamation Permit without county approval that (1) the proposed subsequent use of the site is consistent with the local land use designation [78.44.091(1)(a) RCW]; and (2) the proposed mine is approved under local zoning and land use regulations [78.44.091 (4) RCW]. There may be a problem, then, if Thurston County will not issue an SUP without a DNR Surface Mining Reclamation Permit.
4. Chapter 20.54 Special Use, 20.54.070 (c) the double negative makes the intent of this paragraph unclear.
5. Chapter 20.54 Special Use, 20.54.070 (i), Accessory Uses: Is stockpiling an Accessory Use?
6. Chapter 20.54 Special Use, 20.54.070 (k)(ii):
 - a. Is this section requiring a Thurston County rehabilitation and conservation plan only if DNR does not require one? Section 17.20.140, Thurston County Code, states "If a reclamation plan is not required by the ...DNR, the applicant shall submit a rehabilitation plan...". Or is this section requiring the plan regardless of DNR's requirement?
 - b. RCW 78.44.050 gives DNR "exclusive authority to regulate surface mine reclamation. No county, city, or town may require for its review or approval a separate reclamation plan or application...."
7. Chapter 20.54 Special Use, 20.54.070 (k)(v):
 - v. A copy of the applicant's DNR reclamation permit application, as required by RCW 78.44.080.

The reference should be to RCW 78.44.081.

6/18/2010
Mr. Mike Kain
Page 3

8. Chapter 20.54 Special Use, 20.54.070 (l), Bonds: DNR is concerned that the requirement to post a bond in addition to the DNR Surface Mining Reclamation Permit Performance Security [78.44.087 RCW] may prove onerous. DNR updates the required performance security amount as an area disturbed by mining increases or as the disturbed area is reduced on approval of reclamation. The county's requirement may lead to excessive bonding and/or may burden the miner with frequently updating their bonding.

If you have any questions, or if I may be of assistance, please call me at (360) 902-1453.

Sincerely,



Mac McKay
Surface Mine Reclamation Specialist

c: File: \letters\sepa\thurston_county