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June 29, 2006

Scott Turnball / SEPA Lead
Kittitas County Community Development
411 N. Ruby Suite 2
Ellensburg, WA 98926

JUL 5 2006
KITTITAS COUNTY
CDS

RE: SEPA # C-06-011 & C-06-012, & C-06-013 (McIntosh Conditional Use Permit)

Dear Turnball ,

Thank you for the opportunity to comment on the proposed McIntosh Conditional Use Permit (C-06-011 & C-06-012, & C-06-013 in the ¼ of Section 8, Twn 18 N, Rge 18 E WM. It appears from the description of the proposal in the Environmental Checklist that a Department of Natural Resources (DNR) Surface Mine Reclamation Permit will be required, as per RCW 78.44, "No miner may engage in surface mining without having first obtained a reclamation permit from the department."

A Surface Mine as defined in 78.44 as any area or areas in close proximity to each other, as determined by the department, where extraction of minerals results in:

- (a) (i) More than three acres of disturbed area;
- (ii) Surface mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or
- (iii) More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.
- (b) Surface mines include areas where mineral extraction from the surface or subsurface occurs by the auger method or by reworking mine refuse or tailings, when the disturbed area exceeds the size or height thresholds listed in (a) of this subsection.
- (c) Surface mining occurs when operations have created or are intended to create a surface mine as defined by this subsection.

Minerals are defined in 78.44 as: Clay, coal, gravel, industrial minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

Disturbed area is defined in RCW 78.44 as: Any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas. Disturbed areas shall also include waste rock sites and tailing facilities, and surface manifestations of underground mines.

The disturbed area is a cumulative total of all disturbed areas associated with the surface mine. If you have any questions, please contact Chris Johnson at (360) 902 - 1471.

Sincerely,