

**City of Black Diamond**  
**State Environmental Policy Act (SEPA)**  
**Determination of Nonsignificance-Mitigated (MDNS) and**  
**Adoption of Existing Environmental Documents**

**NOTICE RELEASED:** June 9, 2020

**PROJECT NAME:** John Henry No. 1 Mine spoil piles 3N and 3S reclamation

**FILE NUMBERS:** PLN20-0025 SEPA Checklist  
PUB19-0289 Clear and Grade

**APPLICANT:** David Morris, Pacific Coast Coal Co.

**PROPERTY LOCATION:**

**DESCRIPTION OF PROPOSAL:** Reclamation of 2 spoil piles located within the City of Black Diamond. Specifically, removal of two piles (referred to as spoil piles 3N and 3S) of stored overburdened material from previous mining activity and reclaiming areas to their original state by replacing original site contours, replacing topsoil and replanting grass and Douglas fir trees.

**ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS:**

*Environmental Assessment- Proposed Revision and Renewal of Permit WA-0007D, Prepared September 2017*

*Pacific Coast Coal Company John Henry No. 1 Mine Revision Application and Renewal of Permit WA-0007, Finding of No Significant Impact, Prepared April 2018*

**Agency that prepared the documents being adopted:** Office of Surface Mining Reclamation and Enforcement (OSMRE)

**Description of document being adopted:** Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) from the John Henry Mine No. 1 request to renew their mining permit. Includes information about reclamation requirements.

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**MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

After review of the OSMRE EA and FONSI, the completed environmental checklist, the clear and grade application, and related materials, the lead agency has determined this proposal will not have a probable significant adverse impact on the environment if the mitigation measures set forth below are implemented. Therefore, an environmental impact statement (EIS) is not required under RCW 32.21C.030 or WAC 197-11-600.

1. Maintain approved NPDES permit from the Washington Department of Ecology (DOE).
2. Submit a TESC plan for City of Black Diamond Public Works approval prior to beginning any work on site.
3. Meet all standards set by OSMRE, DOE and Black Diamond for potential runoff and erosion from disturbed

piles into sediment ponds H1, He and Mud Lake Creek.

4. To the extent practical work during dry months and cover disturbed soils to minimize erosion and runoff.
5. Comply with Black Diamond Engineering Design and Construction Standards Section 2.2.05, earth moving, grading, and other construction activities (including exposed soil) conducted during winter work period (October 1 to March 31) to require an approved Winterization Plan from the City.
6. Employ Best Management Practices (BMPs) such as properly size and maintained mufflers, engine intake silencers, engine enclosures and turning off equipment when not in use to reduce emissions, short term construction noise and minimize wildlife impacts.
7. Work only during daylight hours to minimize disturbance to wildlife.
8. Follow OMSRE approved reclamation plan for revegetation; any disturbed areas on the active site must be seeded with temporary cover crops if left open for more than 12 months.
9. Control the spread of noxious weeds by removing reed canary grass and tansy ragwort from the project site using King County Noxious Weed Control BMPs.
10. As feasible, leave a fringe of trees around neighboring residential areas to buffer noise and maintain neighborhood aesthetics.

**Responsible Official:** Barb Kincaid, AICP

**Position/title:** Community Development Director      **Email:** [bkincaid@blackdiamondwa.gov](mailto:bkincaid@blackdiamondwa.gov)

**Address:** 24301 Roberts Drive, Black Diamond, WA 98010

This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date. Written comments must be submitted by 4:30pm on June 25, 2020 to the City of Black Diamond Community Development Department c/o Barbara Kincaid PO Box 599, 24301 Roberts Drive, Black Diamond, WA 98010 or to [bkincaid@blackdiamondwa.gov](mailto:bkincaid@blackdiamondwa.gov). Due to the City's closure for COVID 19, emailed comments are preferred. Digital materials may be viewed by requesting a link from [bkincaid@blackdiamondwa.gov](mailto:bkincaid@blackdiamondwa.gov).

You may appeal this determination, no later than 4:30pm on July 10, 2020 by completing the proper form and paying an appeal fee of \$487.00. You should be prepared to make specific factual objections. Contact the Community Development Department at [bkincaid@blackdiamondwa.gov](mailto:bkincaid@blackdiamondwa.gov) to ask about procedures for SEPA appeals, including how to find the proper form and payment options.

**Date:** June 5, 2020

**Signature:** /s/