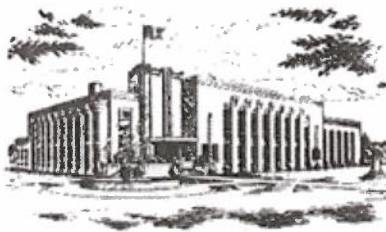


Wes McCart
District No. 1

Mark Burrows
District No. 2

Greg Young
District No. 3



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June 13, 2023

To: Department of Ecology
Attn: Brendan Dowling, Site Manager
4601 N. Monroe St.
Spokane, WA 99205

Re: Van Stone Mine - Cleanup Action Plan April 2023

The following comments are for the record by the Stevens County Board of County Commissioners on behalf of the over 46,000 citizen we represent.

Page 10, Section 2.1, Paragraph 6: You list Stevens County as one of the owners in your first sentence. You list what portions of the site Stevens County owns in the fourth sentence. This is incorrect. You note later in the paragraph that Stevens County acquired this property through default on taxes. This is true. Stevens County acquired this property through default in tax payment and as such holds this property in "Trust" or "In Tax Title Lands" for the State of Washington and all taxing districts per RCW 36.35.020. As a legal subdivision of the State of Washington, Stevens County is delegated this authority. However, Stevens County is not financially responsible for this property and does not "own" it. "The title acquired by the county in property at a general tax foreclosure sale becomes vested in the county, not in its proprietary capacity, but in trust for the state and for the other taxing municipalities within which the land is situated, with power and obligation on the part of the county to sell the land and fairly apportion the proceeds to the state, municipal and other funds entitled thereto." State ex rel. City of Seattle v. King County, 4 Wash 2d 589, 597 (1940). Please correct this.

Page 33, Section 6.2, Subsection 1: This section states that "Stevens County shall maintain the cover system of the Lower Tailings Pile." Stevens County shall do no such thing! As stated above, Stevens County has no ownership of this property and is not liable for maintaining actions the Department of Ecology would wish to impose. As we are acting in our authority as a legal subdivision of the State in taking this property due to lack of tax payments on behalf of the State of Washington, any maintenance to this property and the cost thereof must be borne by the State. Further, Stevens County will not limit access to the Lower Tailings Pile by fence or any other means. If Ecology wishes to develop an O&M plan, it may do so. Ecology shall be responsible for the plan, its implementation and for limiting access. In summary, Stevens County will NOT institute any part of this section or incur cost of cleanup and asks that it be eliminated.

General: Stevens County prefers Alternative #6 as your clean up action. This option provides the best option for protecting human and environmental health and on-going protection of both surface and ground water. It also requires no on-going costs. However, we also understand that this may be cost prohibitive. As a backup to our preference, Stevens County would accept Alternative #5 provided that the engineering, implementation, and monitoring of the site be done with the involvement and consent of Stevens County officials.

Thank you for the opportunity to comment and we look forward to collaborating with you as this project moves forward. Please feel free to reach out to us if you have questions.

Thank you,

BOARD OF COUNTY COMMISSIONERS
STEVENS COUNTY, WASHINGTON



Mark Burrows, Chairman



Wes McCart, Vice-Chair



Greg Young, Commissioner