Kettle Range
CONSERVATION GROUP
Protecting the forests and wildlife of the Columbia Highlands since 1976

July 3, 2026

Washington State Department of
Ecology Eastern Region Office
Brook Beeler, Eastern Region Director
Karl Rains, Project Manager
4601 North Monroe Street, Suite 202
Spokane, WA 99205-1295

Submitted electronically: https://ecology.commentinput.com/?id=ZQNx27sGFA
Karl.Rains@ecy.wa.gov

RE: Comments to the proposed DSEIS for expansion of the Key Mill Tailings Storage Facility

Dear Director Beeler and Project Manager Rains,

On behalf of the members and Board of Directors of Kettle Range Conservation Group (KRCG), I submit the following comments, questions and concerns regarding the proposed expansion of the Key Mill Tailings Facility in Ferry County. Formed in 1976, our mission to protect wilderness, protect biodiversity and restore ecosystems of the Columbia Highlands. This proposed tailings pond expansion will impact our members, the environment and therefor KRCG opposes this expansion and as further defined in this letter.

The DSEIS and associated reports are inadequate in providing a complete understanding of the impacts and risks of this proposal to build a 75-foot tailings storage facility fully within and on top of conventional tailings. Dept of Ecology should opt for the No Action Alternative and not approve an increase in the tailings stack height beyond the currently authorized height.

This proposal if constructed as proposed could result in catastrophic ecological damaged to streams and aquifers in the upper San Poil River watershed. Vehicle traffic, dust, noise and other associated activities would impact water quality, air quality, biodiversity, cultural resources, and rural quality of life, among other cumulative impacts.

The change in the mill facility would not be necessary if there wasn't a source of ore – where is that source? DOE must disclose the source of ore that is driving proposed expansion of the Key Mill. The DSEIS mentions exploration at K2, but if the reclaimed K2 Mine were a viable prospect, it would have already reopened in the nearly 10 years since the Buckhorn Mine ceased producing ore. If new mine development is not the source of ore, what is?

The DSEIS for the TSF at the Key Mill ostensibly asks the public to engage in a phased review process (the current one for the Key Mill, and a future one for future mining activities). Such a process is not appropriate.

According to Chapter 197-11 WAC, SEPA Rules[1], "Phased review is not appropriate when: (i) The sequence is from a narrow project document to a broad policy document; (ii) It would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts; or (iii) It would segment and avoid present consideration of proposals and their impacts that are required to be evaluated in a single environmental document under WAC 197-11-060 (3)(b) or 197-11-305(1); however, the level of detail and type of environmental review may vary with the nature and timing of proposals and their component parts."

DOEs authority under RCW Chapter 78.56 concerning Metals Mining and Milling Operations is not disclosed

Ecology is the lead agency on Metal Mines and Milling.[2] While the tailings facility has undergone previous environmental reviews, new information not included in previous checklists and environmental reviews must be included in the DSEIS under 78.56.040,[3] including all penalties and violations of Kinross subsidiaries. While Ecology may, of course, bring in outside technical expertise, Ecology cannot delegate its responsibility to evaluate the impacts, including cumulative impacts, of the proposed action by hiring a consultant.

If Ecology is intending to maintain the highest possible standards to ensure the purity of all waters of the state in accordance with the public policy identified by RCW 90.48.10, it should use its discretion to require the proponents to incorporate the requirements of all known available and reasonable methods (AKART) in alignment with the spirit of RCW 78.56.090. This includes an AKART analysis of the placement of a tailings stack on top of conventional (liquefiable) tailings.

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[1] https://apps.leg.wa.gov/wac/default.aspx?cite=197-11&full=true&pdf=true

[2] https://app.leg.wa.gov/rcw/default.aspx?cite=78.56

[3] RCW 78.56.40 "The department of ecology shall require each applicant submi7ng a checklist pursuant to chapter 43.21C RCW for a metals mining and milling operaAon to disclose the ownership and each controlling interest in the proposed operaAon. The applicant shall also disclose all other mining operaAons within the United States which the applicant operates or in which the applicant has an ownership or controlling interest. In addiAon, the applicant shall disclose and may enumerate and describe the circumstances of: (1) Any past or present bankruptcies involving the ownerships and their subsidiaries, (2) any abandonment of sites regulated by the model toxics control act, chapter 70A.305 RCW, or other similar state remedial cleanup programs, or the federal comprehensive environmental response, compensaAon, and liability act, 42 U.S.C. Sec. 9601 et seq., as amended, (3) any penalAes in excess of ten thousand dollars assessed for violaAons of the provisions of 33 U.S.C. Sec. 1251 et seq. or 42 U.S.C. Sec. 7401 et seq., and (4) any previous forfeitures of financial assurance due to noncompliance with reclamaAon or remediaAon requirements. This informaAon shall be available for public inspecAon and copying at the department of ecology. Ownership or control of less than ten percent of the stock of a corporaAon shall not by itself consAtute ownership or a controlling interest under this secAon."

The DSEIS should be completely revised, incorporating actual independent, third-party analyses including that submitted by Okanogan Highlands Alliance produced by Dr. Steven Emerman, an independent consultant who reviewed the DSEIS and associated reports.

Environmental consequences of the proposed action are not adequately analyzed

The DSEIS does not include or reference documents that are important to the safety, emergency response, or function of the existing or proposed facilities. Ecology should provide an independent review of the content of the existing documents and explain why the information and analysis used in the DSEIS is relevant and adequate. Ecology should require additional documentation, including, for example, an emergency response plan for a catastrophic tailings dam failure to ensure that all environmental impacts have been adequately addressed in accordance with RCW 43.21C.034.

What data has been collected from surface and ground water adjacent and downstream from the Key Mill facility has been in "care and maintenance" for nearly a decade and measured against pre-milling baseline data?

The existing tailings storage structure is saturated with conventional slurry tailings. The DSEIS proposes placing a dry stack on top of this, relying on wick drains along the south embankment where an upstream dam expansion was built. If this underlying structural integrity is weak the stability under a new 75-foot vertical load is also weak.

The DSEIS should evaluate the impact of extreme weather events on both dam and stack stability, including inundation of the stack and the surrounding area, as well as dam saturation during a severe rainfall event such as occurred in Ferry County in 1997 that washed out and closed sections of SR 20 east of Republic for an entire summer. Climate change is going to increase the potential for severe storms, wildfire followed by extreme rainfall leading to surface mass wasting that could impact the upper San Poil watershed.

Water quality assessment at the Key Mill should be incorporated into the analysis of the proposed expansion. These impacts are described in the Buckhorn Mountain Mine Adaptive Management Plans Water Year 2025, dated March 2026 (WY 2025 AMP Report). It should be noted that in this document, the information is in Chapter 9.0 Kettle River Tailings Impoundment, but refers to the Key Mill Facility. In evaluating the facility's water quality, the DSEIS should include searches for both Key Mill and Kettle River Mill, as the facility names are interchangeable. The analysis should include all years of operations and the mitigation measures applied to remediate the water quality problems.

There are groundwater monitoring wells downgradient from the existing tailings impoundment at the Key Mill known as TP-1, TP-2, and TP-3. The WY 2025 AMP Report states, "Sulfate concentrations in TP-3 began to increase in 2007, reaching a peak concentration of 98.3 mg/L in August 2020 (less than the Permit Limit of 123 mg/L) before decreasing steadily through WY 2025. TDS concentrations in TP-3 have been relatively stable from WY 2014 to WY 2025, with concentrations ranging between 328 and 466 mg/L (Permit Limit 391 mg/L). In WY 2025, TDS concentrations remained below the Permit Limit except for one measurement in June 2025, reaching a peak concentration of 398 mg/L, before decreasing to 366 mg/L by the end of WY 2025." It should be noted that the increase in sulfate concentrations described coincided with the bringing of material to the mill from

the Buckhorn Mine site. This is part of why it is essential that Ecology know what material is coming to the facility (again, why is it being expanded?) and its characteristics.

The permit exceedances in TP-3 appear to have decreased but not ceased during the time that the facility has been in "care and maintenance". Chapter 3, section on Water Quality, notes exceedances for TDS at TP-3; it should include a geochemical explanation of why the TDS levels spike. If the fate and transport of pollutants at the site is not accurately reflected in the baseline information, it will not be possible to differentiate between legacy seepage and new seepage in the future if the facility adds 5.5 million tons of stacked tailings, exerting a massive new load on the facility.

There are also surface water monitoring locations in the North Fork Sanpoil River known as SW- 3, SW-4, and SW-7. SW-3 is upstream from the TSF and SW-4 and SW-7 are downstream from the TSF. Hydrographs shown in figures F-13, F-14, and F-15 in the WY 2025 AMP Report show that nitrate, sulfate, and TDS are higher at the monitoring stations downstream from the TSF (SW-4 and SW-7). These data demonstrate that water from the TSF leaches into the North Fork Sanpoil River. A revised document should evaluate the impacts of increased leachate from the TSF under the proposed action; this information is not included in the DSEIS.

It is entirely plausible that the increased pressure from a 75-foot dry stack on top of the existing liquefiable tailings could worsen water quality problems downgradient.

Resuming activity at a facility that has been in "care and maintenance" will have cumulative impacts on downgradient water quality, as impacts from the facility are already evident (see WY 2025 AMP Report). While the DSEIS argues that the proposed action would increase the stability of the TSF this is speculative at this juncture and it is equally possible instability would affect downgradient water quality potentially including the North Fork San Poil River. It could also have cumulative impacts on cultural resources and protected tribal interests.

Conclusion

The DSEIS for expanding the Key Mill Tailings Storage Facility is biased and inadequate to the task of evaluating the impacts for this ill-conceived plan. Before considering the question of whether the idea of allowing the proponents to add 5.5 million tons of filtered tailings to the facility, the DSEIS and its supporting documents should be entirely revised. However, the potential risks of significant environmental impacts from the proposed action urge selection of a No Action alternative for this proposal.

Sincerely,

Timothy Coleman
Executive Director