



By Email

June 23, 2023

Skagit County Hearing Examiner  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273  
corir@co.skagit.wa.us

**Re: File No. PL16-0056 – Remand Requests Unaddressed**

Dear Skagit County Hearing Examiner,

Evergreen Islands (“Evergreen”) respectfully submits these comments to point out that the applicant in PL16-0556 has not conducted the evaluations that Skagit County required upon remand and to request that the Hearing Examiner continue to require the applicant to investigate whether his proposed mine would destabilize the shoreline bluffs on which the neighborhoods to the west and northwest of the site rely. Although Evergreen raised this issue in response to the applicant’s August 2022 letter by Wood Environment & Infrastructure Solutions (“Wood”) and The Watershed Company’s January 18, 2023 letter, it has been ignored to date.<sup>1</sup> The glaring flaw in all of the applicant and County activity that has occurred since the matter was remanded for more study is the lack of any new information about groundwater flows downgradient toward the west and northwest of the proposed mine. This information was central to the remand. In addition to directly disregarding the County’s request for information, the lack of inquiry into the groundwater question callously ignores the very real danger that the project poses to neighboring residents. The June 28 hearing is premature, and this omission must be corrected.

The following sections summarize the procedural history in this matter, the information that the County requested on remand, and the ongoing absence of that information from the record.

**A. Board of Commissioners Remand.**

While this matter has a somewhat lengthy history, the issue presently before the Hearing Examiner is whether the applicant has provided information to address a landslide risk as required by the Board of County Commissioners in resolving a successful appeal by

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<sup>1</sup> Evergreen Islands’ earlier response letters are attached as Exhibits F and G to this letter.

Evergreen in 2021.<sup>2</sup> In their February 23, 2021 decision, the Commissioners found that Evergreen had provided evidence of springs in the coastal bluffs northwest of the proposed mine at an elevation downgradient of the inferred groundwater level of the mine site, and that Mr. McShane had opined that the expanded mine would create an increased risk of landslide. Notwithstanding that the coastal bluff west and northwest of the site is a geologically hazardous area, County staff had not required a geologically hazardous site assessment based on an inference from an applicant report that groundwater flowed to the northeast of the mine site; the applicant report had not realized that the bluffs contained springs downgradient of the groundwater at the site. The Commissioners therefore remanded the application to the Skagit County Hearing Examiner to consider whether the steep area to the west/northwest warranted a geohazard assessment and to take additional evidence and impose additional conditions as needed to mitigate risks revealed by the geohazard assessment.

**B. Evaluation Required by Skagit Planning & Development Services.**

On March 23, 2021, in response to the Commissioners' decision, Skagit County Planning & Development Services ("PDS") directed Mr. Wooding to address three specific issues:

- Analyze the landslide risk arising from the potential for increased groundwater migration to the west/northwest of the mine due to the proposed expansion and attendant removal of soil and vegetation which could alter groundwater behavior in the vicinity of the mine;
- Analyze the presence of springs on the coastal bluff to the northwest of the mine that are at an elevation down gradient of the inferred groundwater level; and
- Respond to the testimony of the professional geologist who identified that the proposed mine expansion will create an increased landslide risk.<sup>3</sup>

It is particularly notable that all of this required information relates to the mine's potential to alter groundwater flow to the coastal bluffs west and northwest of the mine yet, as explained below, the applicant's new report fails to do so. On May 27, 2021, PDS transmitted a letter to Mr. Wooding to notify him that he needed to submit the additional information by July 21, 2021 to avoid having his application denied. Mr. Wooding failed to meet that deadline, but appealed PDS' subsequent denial due to inaction and convinced the Hearing Examiner to grant an extension to supply that information. The Hearing Examiner noted in reversing PDS that

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<sup>2</sup> Skagit County Resolution # R20210038 (attached hereto as Exhibit A).

<sup>3</sup> Letter from Michael Cerbone to Bill Wooding re: Hearings Examiner Referral of PL16-0556 to Skagit County Planning & Development Services (March 23, 2021) (attached hereto as Exhibit B).

Wooding was under contract with Canyon Environmental Services (“Canyon”) to explore groundwater flow toward the bluffs to the northwest.

**C. Applicant’s Failure to Conduct Required Evaluation.**

Between October 2021, when the Hearing Examiner reversed the denial, and August 2022, when Wooding submitted a report, he inexplicably switched consulting companies, abandoning Canyon. This resulted in a report that failed to address the remand issues related to potential changes in groundwater flow. Canyon had proposed to conduct a hydrogeological and groundwater characterization meant to help refine the understanding of groundwater and perched groundwater flow.<sup>4</sup> This investigation would have involved field visits to document existing surface conditions, extensive desktop review of existing geologic mapping and pre-existing studies and documents, topographical analysis, supervision of well installations, grainsize analysis, wet season groundwater monitoring, precipitation monitoring, wet season borehole and perched water evaluation, groundwater modeling/analysis, and report compilation. However, Canyon never conducted that study or prepared a report.

Instead, the applicant subsequently hired Wood, which did not address the issues remanded to the applicant and failed to provide any new information about groundwater. The Wood document expressly deferred to earlier reports that had not recognized the downgradient seeps to the northwest, and which had thus been deemed deficient by the Commissioners, stating that “[t]he previous hydrogeologic studies...provide detailed information regarding the groundwater elevation, groundwater flow direction, and concludes that the mining operation is unlikely to have any impact on the groundwater.”<sup>5</sup> Then, rather than studying the geologically hazardous unstable bluffs to the west and northwest, that document analyzed slope stability within the mine site itself, though that issue had not been raised by any party. With regard to the coastal bluffs, the Wood document acknowledged that groundwater seepage might affect the neighboring coastal bluffs, but then erroneously declared that the deficient groundwater documents had addressed that issue. The Wood document did not indicate any understanding of the previous appeal and remand request by PDS.

**D. Third-party Consultant Continues to Ignore Spring Elevation West/Northwest of Site.**

While PDS appears to have hired The Watershed Company to review the Wood

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<sup>4</sup> Canyon Environmental Group LLC, proposal for Skagit County Hearing Examiner Request for Additional Information (PL16-0556): Proposed Hydrogeology and Groundwater Characterization Timeline (Sept. 7, 2021) (attached hereto as Exhibit C).

<sup>5</sup> Wood, Geologic Hazard Site Assessment, Lake Erie Pit 1 Expansion, at 3.

document, they committed the same error by deferring to the groundwater reports that had already been deemed to be flawed. The Watershed document referred to bluffs with springs at an elevation of 200 feet, without recognizing that the seeps and springs investigated and mapped by McShane occur at an elevation between 165 and 175 feet, well below the 190 feet that the applicant's own studies had found for the groundwater level at the site. The Watershed document does not explain why it did not acknowledge the lower groundwater elevations to the west and northwest of the site, or why it assumed that groundwater flows to the north/northeast of the site without a study of the hydrogeological connectivity between the higher groundwater at the site and the lower groundwater discharge west and northwest of the site.

**E. McShane's Expert Opinion That Landslide Risk Still Has Not Been Evaluated.**

After reviewing the Wood document, Dan McShane, the licensed engineering geologist and the expert who diagnosed the flaws in the initial groundwater review for the proposed Lake Erie gravel pit, concluded that it did not assess the stability of the shoreline bluff.<sup>6</sup> Nor did the report address the potential for altering groundwater, or study the effects of that alteration on the stability of the shoreline bluff.

Mr. McShane also reviewed the third-party report that ignored the lack of analysis of impacts to the bluffs to the west/northwest, concluding that: "I remain very concerned about the potential impacts to groundwater levels and the stability of the bluffs to the northwest of the mine in the absence of an assessment of the mine's impacts on those areas."<sup>7</sup>

Mr. McShane reached this conclusion after identifying the following flaws in the Wood document and earlier groundwater reviews:

- The Wood document does not identify or discuss the springs on the bluffs to the northwest of the proposed mine in its review of the earlier reports. These springs, which have never been evaluated notwithstanding that they lie downgradient of the mine, were the primary reason that the Skagit Board of Commissioners reversed Hearing Examiner approval of the mine. Mr. McShane notes that if recharge to groundwater that feeds these springs is increased, the frequency and magnitude of groundwater-driven landslides will increase. Nonetheless, the Response makes no reference to them, instead

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<sup>6</sup> Stratum Group Memorandum re: Proposed Lake Erie Pit Expansion: Comments Regarding Geologic Hazard Site Assessment (November 15, 2022) (attached hereto as Exhibit D).

<sup>7</sup> Stratum Group Memorandum re: Response to: The Watershed Company Response to Evergreen Islands communication of 11/18/2022, 3 (March 2, 2023) (attached hereto as Exhibit E).

discussing unstable slopes to the west and southwest of the proposed mine.

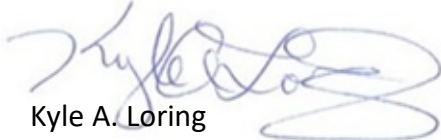
- There are significant discrepancies in the groundwater elevations identified by different applicant reports. While the Response asserts that no significant discrepancies or inaccuracies were found in the data, the water levels measured directly by Northwest Groundwater Consultants were 50 feet and 35 feet lower than those identified on the groundwater contour map produced by Maul Foster Alongi in 2016 and 2017. This large discrepancy casts doubt on the accuracy of the elevations the application presumed for the other wells that were not directly measured.
- The groundwater flow and potential changes to the groundwater flow toward the unstable bluffs has not been evaluated. Ultimately, there are no data regarding groundwater elevations between the proposed mine and the unstable bluffs to the northwest of the mine.

**F. Conclusion.**

The applicant continues to avoid investigating groundwater flows from the mine site to the downgradient seeps and springs in the coastal bluffs west and northwest. Neither The Watershed Group nor the County staff report acknowledge this omission, ignoring the issue altogether by failing to compare the information PDS has received with the information that they requested. Consequently, the project must be denied until Mr. Wooding provides this information.

If you have any questions, please do not hesitate to contact me at 360-622-8060 or [kyle@loringadvising.com](mailto:kyle@loringadvising.com).

Sincerely,



Kyle A. Loring

Cc: Tom Glade, Evergreen Islands  
Kevin Cricchio, Skagit PDS

# EXHIBIT A

**RESOLUTION # \_\_\_\_\_**

**A Resolution Pertaining to the Closed Record Appeal Before the Skagit County Board of Commissioners Of Special Use Permit PL16-0556**

**WHEREAS**, Evergreen Islands (“**Appellant**”) timely filed this closed record appeal to the Board of Skagit County Commissioners (hereinafter, the “**Board**”), pursuant to Skagit County Code (“**SCC**”) 14.06, challenging the Skagit County Hearing Examiner’s Decision approving Special Use Permit PL16-0556 (the “**Permit**”); and

**WHEREAS**, the Permit authorizes the expansion of an existing 17.78 acre gravel mine located on the west side of Fidalgo Island to an ultimate size of 53.5 acres (hereinafter, the “**Mine**”); and

**WHEREAS**, County Planning staff did not require a Geologically Hazardous Site Assessment associated with the steep coastal area located to the west/northwest of the Mine, based principally on an inference derived from reports furnished by a professional hydrogeologist on the Applicant’s behalf to the effect that groundwater at the Mine flows to the northeast, toward Lake Erie; and

**WHEREAS**, the Appellant timely raised concerns before the Hearing Examiner regarding potential landslide risk arising from the potential for increased groundwater migration to the west/northwest, due to the Mine’s expansion and attendant removal of soil and vegetation, which, the Appellant contends, will alter groundwater behavior in the vicinity of the Mine; and

**WHEREAS**, the Appellant furnished evidence to the Hearing Examiner regarding the presence of springs on the coastal bluff to the northwest of the Mine at an elevation downgradient of the inferred groundwater level, and the testimony of a geologist who opined that the expanded Mine will create an increased landslide risk; and

**WHEREAS**, the Appellant contends that the coastal bluff area to the west/northwest of the Mine is a geologically hazardous area pursuant to SCC 14.24.410; and

**WHEREAS**, in light of the foregoing, the Appellant contends on this appeal that the Hearing Examiner erred, in part, by failing to require a Geologically Hazardous Site Assessment pursuant to SCC 14.24.420; and

**WHEREAS**, pursuant to SCC 14.06.170(10), the Board may take one of the following actions:

- (1) Deny the appeal and affirm the decision of the Hearing Examiner;
- (2) Find the Hearing Examiner’s decision clearly erroneous, adopting its own findings, conclusions and decision based on the record before it; or
- (3) Remand the matter for further consideration by the Hearing Examiner.


**NOW, THEREFORE, BE IT RESOLVED:**


1. Pursuant to SCC 14.60.170(10)(3), this matter is hereby REMANDED to the Skagit County Hearing Examiner for further consideration of the following matters:
  - Whether the steep area to the west/northwest of the Mine requires the preparation of a Geologically Hazardous Area Site Assessment, consistent with SCC 14.24.400-.420.
  - If so required, directing the Applicant to prepare a Geologically Hazardous Area Site Assessment, all consistent with SCC 14.24.400-.420 and the Hearing Examiner's discretion; and
  - Any additional proceedings as may be necessary to take additional evidence related to the Geologically Hazardous Area Site Assessment, to be managed at the Hearing Examiner's discretion; and
  - The imposition of such additional conditions as may be necessary to mitigate risks identified by the supplemental proceedings hereby ordered, to the extent such risks can be reasonably mitigated.
  
2. All other issues raised by the Appellant on this appeal are hereby DENIED, and the Hearing Examiner in all other respects is AFFIRMED.

**WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this  
23<sup>rd</sup> day of February 2021.**

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**



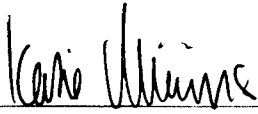
  
\_\_\_\_\_  
Lisa Janicki, Chair

  
\_\_\_\_\_  
Peter Browning, Commissioner

  
\_\_\_\_\_  
Ron Wesen, Commissioner



**ATTEST:**



\_\_\_\_\_  
Clerk of the Board

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Will Honea, Senior Civil Deputy  
Skagit County Prosecutor's Office

# EXHIBIT B



# SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

Bill Wooding  
Lake Erie Pit, LLC

March 23, 2021

RE: Hearings Examiner Referral of PL16-0556 to Skagit County Planning & Development Services

Mr. Wooding,

Please find attached a copy of the remand from the Board of County Commissioners as well as a copy of the Order that the Hearings Examiner sent deferring the next steps to Skagit County Planning and Development Services (PDS). Per the direction of the Hearings Examiner the applicant shall prepare a Geologically Hazardous Area Site Assessment associated with the steep coastal area located to the west/northwest of the mine pursuant to Skagit County Code (SCC) 14.24.420 and prepare a Geologically Hazardous Mitigation Area Plan pursuant to Skagit County Code 14.24.430.

SCC 14.24.420(2)(g) allows the Administrative Official to require additional site assessment elements as may be required. In addition to the elements required by SCC 14.24.420, PDS is requesting the assessment specifically address the concerns raised by the Board of County Commissioners' in their remand. Those specific site assessment elements to be addressed within the assessment are as follows:

- Analyze the landslide risk arising from the potential for increased groundwater migration to the west/northwest of the mine due to the proposed expansion and attendant removal of soil and vegetation which could alter groundwater behavior in the vicinity of the mine.
- Analyze the presence of springs on the coastal bluff to the northwest of the mine that are at an elevation down gradient of the inferred groundwater level.
- Respond to the testimony of the professional geologist who identified that the proposed mine expansion will create an increased landslide risk.

Please let me know if you have any questions.

Respectfully,

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services

Cc: Parties of record, Skagit County Hearings Examiner, Skagit County Board of County Commissioners

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

In the Matter of a Special Use Permit ) PL16-0556  
To Expand an Existing Gravel Mine )  
)  
**BILL WOODING** ) **REFERRAL TO PLANNING**  
**LAKE ERIE PIT, LLC** ) **AND DEVELOPMENT SERVICES**  
Applicant. )  
\_\_\_\_\_)

On the appeal of Evergreen Islands, the Skagit County Commissioners remanded this matter to the Skagit County Hearing Examiner for further consideration of the following:

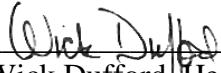
- Whether the steep area to the west northwest of the Mine requires the preparation of a Geologically Hazardous Area Site Assessment, consistent with SCC 14.24.400-.420.
- If so required, directing the Applicant to prepare a Geologically Hazardous Area Site Assessment, all consistent with SCC 14.24.200-.420 and the Hearing Examiner’s discretion; and
- Any additional proceedings as may be necessary to take additional evidence related to the Geologically Hazardous Area Site Assessment, to be managed at the Hearing Examiner’s discretion; and
- The imposition of such additional conditions as may be necessary to mitigate risks identified by the supplemental proceedings hereby ordered, to the extent such risks can be reasonably mitigated.

After consideration of the above directions, the Examiner has determined that the appropriate course now is to refer this matter to Planning and Development Services (PDS) with instructions to direct the Applicant to cause a Geologically Hazardous Site Assessment to be prepared and submitted to PDS.

On receipt of such assessment, PDS shall review it and provide an Amended Staff Report to the Hearing Examiner containing the department’s analysis and recommendations in light of the report.

Thereafter, the Examiner shall schedule and hold a supplementary public hearing in this matter, limited to comment on the Geologically Hazardous Site Assessment. Following this hearing, based on the record made, the Examiner shall issue a decision imposing such additional conditions, if any, as may be necessary to mitigate risks that have been identified.

**SO ORDERED**, this 9<sup>th</sup> day of March, 2021.

  
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Wick Dufford, Hearing Examiner

Transmitted to: County Commissioners, Applicant, Planning and Development Services,  
Evergreen Islands on March 9, 2021.

**RESOLUTION # \_\_\_\_\_**

**A Resolution Pertaining to the Closed Record Appeal Before the Skagit County Board of Commissioners Of Special Use Permit PL16-0556**

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**WHEREAS**, the Permit authorizes the expansion of an existing 17.78 acre gravel mine located on the west side of Fidalgo Island to an ultimate size of 53.5 acres (hereinafter, the “**Mine**”); and

**WHEREAS**, County Planning staff did not require a Geologically Hazardous Site Assessment associated with the steep coastal area located to the west/northwest of the Mine, based principally on an inference derived from reports furnished by a professional hydrogeologist on the Applicant’s behalf to the effect that groundwater at the Mine flows to the northeast, toward Lake Erie; and

**WHEREAS**, the Appellant timely raised concerns before the Hearing Examiner regarding potential landslide risk arising from the potential for increased groundwater migration to the west/northwest, due to the Mine’s expansion and attendant removal of soil and vegetation, which, the Appellant contends, will alter groundwater behavior in the vicinity of the Mine; and

**WHEREAS**, the Appellant furnished evidence to the Hearing Examiner regarding the presence of springs on the coastal bluff to the northwest of the Mine at an elevation downgradient of the inferred groundwater level, and the testimony of a geologist who opined that the expanded Mine will create an increased landslide risk; and

**WHEREAS**, the Appellant contends that the coastal bluff area to the west/northwest of the Mine is a geologically hazardous area pursuant to SCC 14.24.410; and

**WHEREAS**, in light of the foregoing, the Appellant contends on this appeal that the Hearing Examiner erred, in part, by failing to require a Geologically Hazardous Site Assessment pursuant to SCC 14.24.420; and

**WHEREAS**, pursuant to SCC 14.06.170(10), the Board may take one of the following actions:

- (1) Deny the appeal and affirm the decision of the Hearing Examiner;
- (2) Find the Hearing Examiner’s decision clearly erroneous, adopting its own findings, conclusions and decision based on the record before it; or
- (3) Remand the matter for further consideration by the Hearing Examiner.


**NOW, THEREFORE, BE IT RESOLVED:**

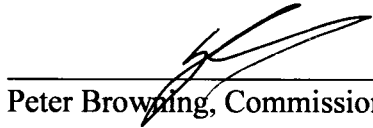
1. Pursuant to SCC 14.60.170(10)(3), this matter is hereby REMANDED to the Skagit County Hearing Examiner for further consideration of the following matters:
  - Whether the steep area to the west/northwest of the Mine requires the preparation of a Geologically Hazardous Area Site Assessment, consistent with SCC 14.24.400-.420.
  - If so required, directing the Applicant to prepare a Geologically Hazardous Area Site Assessment, all consistent with SCC 14.24.400-.420 and the Hearing Examiner's discretion; and
  - Any additional proceedings as may be necessary to take additional evidence related to the Geologically Hazardous Area Site Assessment, to be managed at the Hearing Examiner's discretion; and
  - The imposition of such additional conditions as may be necessary to mitigate risks identified by the supplemental proceedings hereby ordered, to the extent such risks can be reasonably mitigated.
  
2. All other issues raised by the Appellant on this appeal are hereby DENIED, and the Hearing Examiner in all other respects is AFFIRMED.

**WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this  
23<sup>rd</sup> day of February 2021.**

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

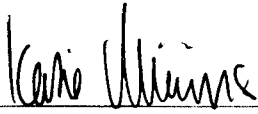


  
\_\_\_\_\_  
Lisa Janicki, Chair

  
\_\_\_\_\_  
Peter Browning, Commissioner

  
\_\_\_\_\_  
Ron Wesen, Commissioner

**ATTEST:**



\_\_\_\_\_  
Clerk of the Board

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Will Honea, Senior Civil Deputy  
Skagit County Prosecutor's Office



# EXHIBIT C

Canyon Environmental Group LLC  
112 Ohio Street, Suite 115  
Bellingham, WA 98225

September 7, 2021

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Prepared For: McLucas & Associates Inc.  
c/o Steve Taylor  
P.O. Box 5352  
Lacey, Wash509  
[s.l.taylor7117@gmail.com](mailto:s.l.taylor7117@gmail.com)

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Subject: Skagit County Hearing Examiner Request for Additional Information (PL16-0556):  
Proposed Hydrogeology and Groundwater Characterization Timeline

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Project Locations: Skagit County Tax Parcels P19108, P19162, P19161, P19155, P90028, P19158,  
P19165, and P19164.

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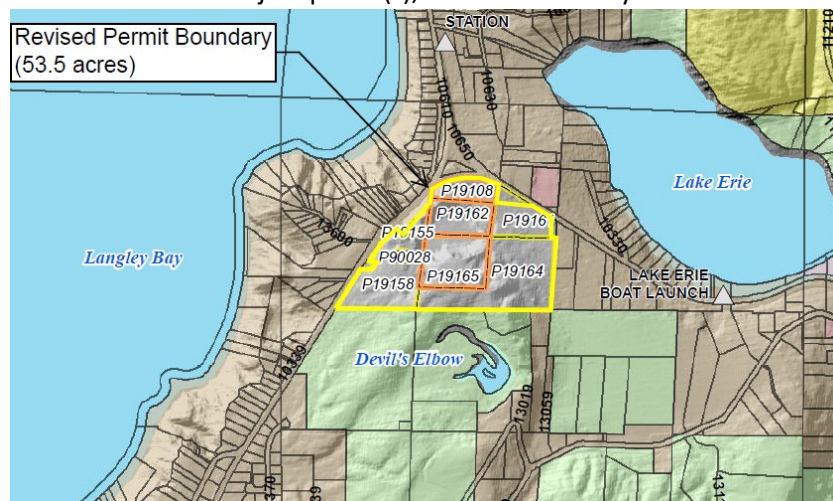
Dear Steve Taylor,

This scope of work and time estimate have been prepared by Canyon Environmental Group LLC (Canyon) at the request of Steve Taylor and McLucas & Associates Inc. This document covers the proposed hydrogeological and groundwater characterization services the Lake Erie Gravel Mine and is meant to help inform the permit and regulatory review associated with the proposed mine expansion. Specifically, this scope is meant to help refine the understanding of groundwater and perched groundwater flow within the subject parcels and help address if changes to groundwater flow will affect the geohazard conditions in the close vicinity. This scope does not include a geohazard study, but the report generated by this scope of work will help inform the geologist that works on the geohazard study.

## Study Area

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The “Study Area” is defined as the subject parcel(s), shown below in yellow.



## Outline of Scope of Work

### Overview

The scope of services for this task are to perform hydrogeological services per the best available science and Skagit County Code to help characterize groundwater and groundwater flow directions related to existing conditions and the proposed mine expansion.

This study will include but not be limited to field visits to document existing surface conditions, extensive desktop review of existing geologic mapping and pre-existing studies and documents, topographical analysis, supervision of well installations, grainsize analysis, wet season groundwater monitoring, precipitation monitoring, wet season borehole and perched water evaluation, groundwater modeling/analysis, and report compilation. A report meeting professional standards will be provided with the study's findings and recommendations.

### TASK 1: Desktop and Existing Study Evaluation

The currently available public information and previous studies conducted on and near the study area related to geologic conditions, mining operations and planning documents, groundwater movement and/well installations will be reviewed for relevant information. Information gleaned from the databases and studies will be written up in a summary memo.

#### Estimated:

- Desktop Review (2-3 weeks)

### TASK 2: Field Investigations, Well Installations, Limited Soil Characterization, and Grain Size Analysis

This scope of work will be performed by qualified Canyon personnel, who will conduct site visits to document, describe, and characterize the conditions on-site with the intent to gather information that can be used to inform this hydrogeology study, groundwater well placement locations, and eventual geohazard study. During this task, three to four permanent groundwater monitoring wells will be installed. Canyon employees will evaluate the well boring for subsurface geology and groundwater conditions to determine groundwater and subsurface hydrological properties, including grain-size and redoximorphic features, evaluate depth to groundwater, and identify any potentially restrictive layers. Well installation should occur at the earliest possible time to gather as much of the rainy season as possible, preferably before the end of October.

Soil infiltration characteristics and site uniformity will be assessed using the Grain Size Analysis method (D422/D1140 sieve analysis to determine grain size distribution of the sample and C136/C117 method sieve analysis to correlate soil types).

Information gained from Task 2 will be used in the final Hydrogeological Report.

#### Estimated:

- Field investigation (3-days)

- Well installation
  - Possibly access clearing for wells (2-3 weeks)
  - Coordination with well drillers (8-weeks)
    - Clients will have to hire well drillers independently of Canyon
  - Supervision of well installation (3-4 days)
  - Survey of well location (1 day)
    - Client will have to hire professional surveyors independently of Canyon
- Grainsize Analysis (7-10 days)

### **TASK 3: Wet Season Water Table Monitoring**

Once the monitoring wells have been installed, the depth to groundwater will be monitored both digitally and manually throughout the wet season (October to May/June). The digital monitoring will be conducted using direct read Solisnt™ pressure transducers which will collect measurements every 1-3 hours. Additionally onsite rain gauges will be installed and monitored to aid in the groundwater characterization and modeling. The digital DTW and precipitation data will be collected monthly along with manual depth to water (DTW) measurements.

#### **Estimated:**

- Wet season DTW measurements (8-9 months)

### **TASK 4: Wet Season Field Observation and Borehole Evaluation**

During the height of the wet season (March or April), two additional temporary bore holes will be drilled along the western boundary of the Study Area. In addition to manual observation of the drilling operation, downhole geophysics well profiling probes will be used to analyze for the presence and quantity of groundwater. This data collection will be used to evaluate if perched water tables are potentially present onsite and if they are potentially a source for the seeps known to exist west of the Study Area.

Wet season field assessments and characterization will be conducted within the Study Area. Additionally field assessment will be conducted on the slopes west of the Study Area but will be limited to areas where access is granted to Canyon field staff.

#### **Estimated:**

- Borehole drilling
  - Coordination with well drillers (8-weeks)
    - Will occur in March or April
    - Clients will have to hire well drillers independent of Canyon
  - Supervision of well installation (1-2 days)
- Survey of well location (1 day)
  - Client will have to hire professional surveyors independently of Canyon
- Borehole Geophysics Well Profiling (1-2 days)
  - Client will have to hire the well profiling company independently of Canyon

**TASK 5: Groundwater Modeling and Report**

Once the field data has been gathered, groundwater modeling of the Study Area will be conducted to evaluate the groundwater flow direction and potential groundwater impacts and implications of the proposed gravel mine expansion. The results of the field data and groundwater evaluation will be written in a Hydrogeologic Assessment Report which will discuss our findings, results, and recommendations. This report and field data will be given to the geologist conducting the geohazard assessment to inform their study.

**Estimated:**

- Groundwater Modeling (2-3 months)
- Hydrogeologic Assessment Report (2 months)

**Summary of Estimated Schedule and Timeline**

In summary if the above proposed scope of work were started on October 1<sup>st</sup> it is estimated that the whole project would take approximately 1 year. The table below shows the timeline and schedule for each of the tasks and subtasks discussed above.

TASK	2021			2022										
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
Task 1: Desktop Evaluation	■													
Task 2: Field Studies														
Site Visit	■													
Well Drilling		■	■											
Surveying		■												
Grainsize Analysis		■												
Task 3: Water Table Monitoring	■	■	■	■	■	■	■	■	■	■				
Task 4: Wet Season Evaluation														
Site Visits						■								
Borehole Evaluation						■								
Task 5: Modeling and Reports														
Groundwater Modeling										■	■	■	■	
Report Compliation											■	■	■	■

For questions, scheduling arrangements, or inquiries about additional services we may be able to provide for your or your project, please contact us at (360) 389-1693. Thank you in advance for the opportunity to work with you.

Sincerely,



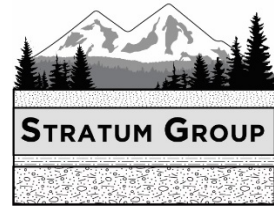
Jeff Ninnemann, LHG, PWS.

Hydrogeologist/Wetland Ecologist/Environmental Geologist - Principal

[jeff@canyonenv.org](mailto:jeff@canyonenv.org)

[www.canyonenv.org](http://www.canyonenv.org)

# EXHIBIT D



PO Box 2546, Bellingham, Washington 98227

November 15, 2022

Re: **Proposed Lake Erie Pit Expansion**  
Comments Regarding Geologic Hazard Site Assessment

I reviewed the Wood Geologic Hazard Site Assessment for the proposed Lake Erie Pit expansion (dated August 11, 2022). The assessment does not address any of the areas outlined in the Skagit County Planning and Development Services (PDS) letter to Lake Erie LLC (dated March 21, 2021).

PDS requested that the assessment include three specific items:

1) “Analyze the landslide risk arising from the potential for increased groundwater migration to the west/northwest of the mine due to the proposed expansion and attendant removal of soil and vegetation which could alter groundwater behavior in the vicinity of the mine.”

The potential groundwater flow direction was not analyzed in the report. The report only references the previous reports that also did not analyze the groundwater flow direction towards the shoreline bluff.

2) “Analyze the presence of springs on the coastal bluff to the northwest of the mine that are at an elevation down gradient of the inferred groundwater level.”

The springs on the shoreline bluffs to the west and northwest of the pit were not analyzed. There is no discussion that the elevation of the springs are estimated to be at elevations that are lower than the groundwater measured near the pit and thus are likely down gradient to the pit such that groundwater from the pit area will flow towards the springs.

3) “Respond to the testimony of the professional geologist who identified that the proposed mine expansion will create an increased landslide risk.”

My testimony was never referenced and the report is not responsive to the issue of increased groundwater flow towards the shoreline bluff.

No where in the report is the stability of the shoreline bluff assessed and no bluff observations were made. The potential for altering groundwater, and the stability of the shoreline bluff from that alteration, have not been addressed.

Stratum Group appreciates the opportunity to comment on the adequacy of the geology hazard assessment. Regrettably, the geology hazard assessment does not address the groundwater flow and slope stability of the nearby shoreline bluff as requested by Skagit County.

Sincerely yours,  
**Stratum Group**



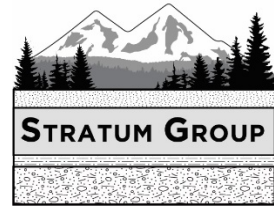
Dan McShane, L.E.G., M.Sc.  
Licensed Engineering Geologist



DANIEL McSHANE



# EXHIBIT E



PO Box 2546, Bellingham, Washington 98227

March 2, 2023

Re: **Response to:**

The Watershed Company Response to Evergreen Islands communication of 11/18/2022

As a licensed engineering geologist who has been part of the Lake Erie gravel pit review for three years, I am offering feedback on The Watershed Company's review of the original groundwater flow assessment that the Board of Commissioners deemed inadequate. Regrettably, The Watershed Company response letter listed as a 'Geologic-Hazard Site Assessment Third Party Review' on the County website does not support moving forward with project review. The Watershed Company did not identify or discuss the springs on the bluffs to the northwest of the proposed mine in the review of the reports. Furthermore, in the review of the groundwater elevations, The Watershed Company did not identify a very large discrepancy in the groundwater elevations between the groundwater reports prepared by Maul Foster Alongi (2016 and 2017) and Northwest Groundwater Consultants (2019). The review also failed to discuss that the Wood (2022) geology hazard site assessment was not responsive to the County's specific requests to "Analyze the landslide risk arising from the potential for increased groundwater migration to the west/northwest of the mine due to the proposed expansion." These notable omissions prevent the response from being relevant to the necessary review.

### ***Springs northwest of mine***

The Commissioners determined that the groundwater flow to the springs located to the northwest of the mine was essential for evaluating project impacts, but it has not been addressed. Maul Foster Alongi provided a Hydrogeologic Site Assessment Report (September 28, 2016). The purpose of that report was to meet the requirements of Skagit County Code 14.16.440(8)(b):

- (b) A report by a qualified geologist, hydrogeologist or licensed engineer characterizing the area's ground water including, but not limited to, the following information:*
  - (i) A description of the geology and hydro-geology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates;*
  - (ii) Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers), if applicable; and*
  - (iii) A map containing the limits of the mine, buffer zones, location of all ground water wells within 1 mile distance down gradient from the property boundaries,*

***location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.***

But the Maul Foster Alongi report (2016) did not identify the springs or streams located to the northwest of the property. Subsequent reports by Maul Foster Alongi (2017) and Northwest Groundwater Consultants (2019) also did not identify these springs.

In my comments on the project dated October 12, 2020, I pointed out that groundwater fed springs are located on the slopes to the northwest that were not identified in the Maul Foster Alongi (2016 and 2017) and Northwest Groundwater Consultants (2019) reports. Based on previous work I had done on these slopes, I noted that elevated groundwater levels were a factor in the landslides on these slopes.

***Role of groundwater on the stability of the slopes to the northwest***

The Wood Geology Hazard Site Assessment (2022) did not identify the springs and made no attempt to assess the groundwater flow to the springs even though this was a specific item requested by Skagit County Planning and Development Services. Wood appears to have been unaware of the groundwater springs. The Wood report used the same groundwater contour map as the Maul Foster Alongi (2017) report. The Wood assessment provided no assessment of the steep bluff areas to the northwest of the mine. The rationale for not assessing the slope was based on the assumption that groundwater does not flow to the bluff. The role of groundwater flow to the bluff remains unevaluated.

I submitted my original comments (October 12, 2020) because I have been on the slopes to the northwest and recognized that groundwater levels from a mid slope area of springs have been and are a major driver of slope instability along the slope area to the northwest of the mine (pictures attached). Groundwater impacts to the stability of the slope to the northwest of the mine is why the headwall of the landslide scarp along the bluff northwest of the mine has recessed approximately 300 feet into the upland area (attached lidar image). The potential change to groundwater flow towards these springs by the removal of the glacial till cover within the proposed mine expansion has still not been evaluated. These springs were not identified in the groundwater assessment, the geology hazard site assessment or the response document.

If recharge to groundwater that feeds these springs is increased, the frequency and magnitude of groundwater driven landslides will increase on these slopes.

***Discrepancy in water elevations***

While the letter by The Watershed Company stated that they found “no significant discrepancies or inaccuracies in the data”, the letter did not discuss the very large groundwater elevation discrepancy reported between the Maul Foster Alongi (2016 and 2017) reports and the water directly measured at two wells by Northwest Groundwater Consultants (2019). The water levels

measured directly by Northwest Groundwater Consultants were 50 feet and 35 feet lower than the groundwater contour map produced in 2016 and 2017. This large discrepancy strongly suggests that the groundwater elevations of the all of the other wells that were not directly measured are inaccurate and therefore the groundwater contour map is not an accurate portrayal of the groundwater elevations.

The significant difference in groundwater elevations between the 2016/2017 report and the measured elevations in the 2019 report, as well as the lack of recognition of the groundwater discharge locations on the slopes to the northwest, should have been noted in The Watershed Company review, particularly given that the County may be considering the review as a third party review.

***Groundwater flow and potential changes of groundwater flow towards the bluffs has not been evaluated***

There are no data regarding the groundwater elevations between the proposed mine expansion and the bluffs to the northwest of the mine.

The areas of springs on the slopes to the northwest of the mine have still not been analyzed despite the specific request by Skagit County Planning and Development Services. The proposed scope of work prepared by Canyon Environmental Group and submitted to the County as part of the application process by the applicant has not been completed.

I remained very concerned about the potential impacts to groundwater levels and the stability of the bluffs to the northwest of the mine in the absence of an assessment of the mine's impacts on those areas.

Sincerely yours,  
**Stratum Group**



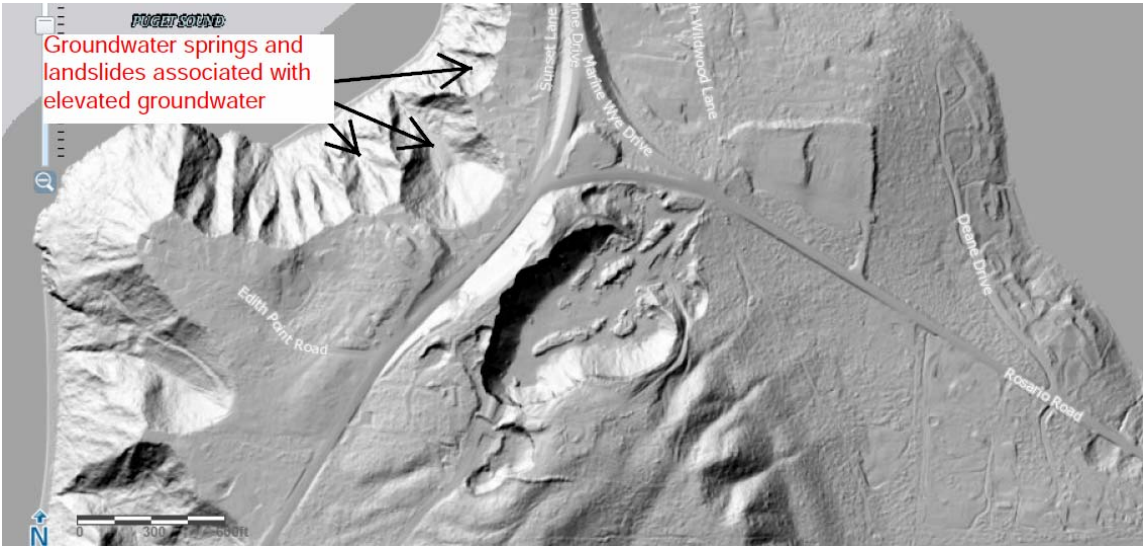
Dan McShane, L.E.G., M.Sc.  
Licensed Engineering Geologist



DANIEL McSHANE



Site of recent sand blowout from perched groundwater just above the silt clay layer at bluff northwest of the mine.



Lidar image of groundwater induced slide areas and mine area

# EXHIBIT F



By Email

November 18, 2022

Kevin Cricchio, Senior Planner  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273  
kcricchio@co.skagit.wa.us

**Re: File No. PL16-0056 -- Lake Erie Pit LLC Gravel Mine Expansion Special Use Permit**

Dear Mr. Cricchio,

I'm writing on behalf of Evergreen Islands ("Evergreen") to address the inapposite Geologic Hazard Site Assessment ("Assessment") that Wood Environment & Infrastructure Solutions, Inc. submitted on behalf of the Lake Erie Pit 1 Expansion in August 2022. As explained in the attached letter from Dan McShane, a licensed engineering geologist, the Assessment did not provide the analyses requested by Skagit County Planning and Development Services ("PDS") in its March 21, 2021 letter to Lake Erie LLC. It is frustrating that a year after the Hearing Examiner granted an extension on the permit application, these analyses have not yet been conducted. But given the lack of new, applicable information, Evergreen requests that PDS set aside the Assessment and reiterate its requests to Lake Erie.

As you will see in the comments from Mr. McShane, he determined that the Assessment did not address the central question posed to Lake Erie after the Board of Commissioners remanded the application decision – would it impact groundwater that decreased bluff stability for the residential neighborhoods to the west and northwest of the mine site? Mr. McShane's review found that "[t]he potential groundwater flow direction was not analyzed in the report" and that "[t]he springs on the shoreline bluffs to the west and northwest of the pit were not analyzed." He concludes that, "[r]egrettably, the geology hazard assessment does not address the groundwater flow and slope stability of the nearby shoreline bluff as requested by Skagit County."

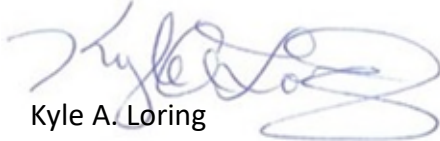
It is possible that Lake Erie would have been able to supply PDS with the requested analysis if it had continued to engage Canyon Environmental Group ("Canyon") for the work they proposed in September 2021. At that time, Lake Erie supplied the Hearing Examiner with a Proposed Hydrogeology and Groundwater Characterization Timeline from Canyon that expressly stated that the scope of the services was to "help characterize the groundwater and groundwater flow directions related to existing conditions and the proposed mine expansion."

That proposal was signed by a hydrogeologist/wetland ecologist/environmental geologist. Yet the Assessment was authored by a different consultant--geotechnical engineers who conducted a more generic geologic hazard site assessment that did not acknowledge the documented shortcomings of the prior reports, and instead relied on them for the same unsupported assertion that groundwater at the site does not flow toward the nearby marine bluffs.

Because the Assessment does not offer information responsive to PDS' requests, it thus does not provide information necessary to determine the mine's risks on the residential neighborhood to the west and northwest of the proposed mine. Consequently, Evergreen is forced to request that PDS reiterate its request to Lake Erie to investigate groundwater flow at the site and its potential impact on the bluffs' slope stability.

If you have any questions, please do not hesitate to contact me at 360-622-8060 or [kyle@loringadvising.com](mailto:kyle@loringadvising.com).

Sincerely,

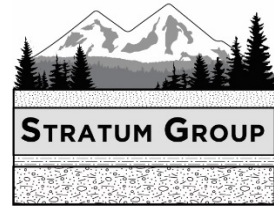
A handwritten signature in blue ink, appearing to read "Kyle A. Loring", with a large, stylized flourish at the end.

Kyle A. Loring

Cc: Marlene Finley

Attachment: Stratum Group Comments Regarding Geologic Hazard Site Assessment





PO Box 2546, Bellingham, Washington 98227

November 15, 2022

Re: **Proposed Lake Erie Pit Expansion**  
Comments Regarding Geologic Hazard Site Assessment

I reviewed the Wood Geologic Hazard Site Assessment for the proposed Lake Erie Pit expansion (dated August 11, 2022). The assessment does not address any of the areas outlined in the Skagit County Planning and Development Services (PDS) letter to Lake Erie LLC (dated March 21, 2021).

PDS requested that the assessment include three specific items:

1) “Analyze the landslide risk arising from the potential for increased groundwater migration to the west/northwest of the mine due to the proposed expansion and attendant removal of soil and vegetation which could alter groundwater behavior in the vicinity of the mine.”

The potential groundwater flow direction was not analyzed in the report. The report only references the previous reports that also did not analyze the groundwater flow direction towards the shoreline bluff.

2) “Analyze the presence of springs on the coastal bluff to the northwest of the mine that are at an elevation down gradient of the inferred groundwater level.”

The springs on the shoreline bluffs to the west and northwest of the pit were not analyzed. There is no discussion that the elevation of the springs are estimated to be at elevations that are lower than the groundwater measured near the pit and thus are likely down gradient to the pit such that groundwater from the pit area will flow towards the springs.

3) “Respond to the testimony of the professional geologist who identified that the proposed mine expansion will create an increased landslide risk.”

My testimony was never referenced and the report is not responsive to the issue of increased groundwater flow towards the shoreline bluff.

No where in the report is the stability of the shoreline bluff assessed and no bluff observations were made. The potential for altering groundwater, and the stability of the shoreline bluff from that alteration, have not been addressed.

Stratum Group appreciates the opportunity to comment on the adequacy of the geology hazard assessment. Regrettably, the geology hazard assessment does not address the groundwater flow and slope stability of the nearby shoreline bluff as requested by Skagit County.

Sincerely yours,  
**Stratum Group**



Dan McShane, L.E.G., M.Sc.  
Licensed Engineering Geologist



DANIEL McSHANE

# EXHIBIT G

By Email

March 3, 2023

Kevin Cricchio, Senior Planner  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273  
kcricchio@co.skagit.wa.us

**Re: File No. PL16-0056 – The Watershed Company Response to Evergreen Islands communication of 11/18/2022 re: Lake Erie Pit**

Dear Mr. Cricchio,

I'm submitting this letter and attached analysis from Dan McShane on behalf of Evergreen Islands ("Evergreen") to respond to a memorandum that you received from The Watershed Company ("Response") in response to Evergreen's November 2022 missive. Before addressing the Response, I should mention that Evergreen was disappointed to have to learn about it through the Skagit County Planning & Development Services ("PDS") website. As the party that successfully appealed the inadequate original groundwater reports for the site, Evergreen has a reasonable expectation that it would be informed when the applicant and the County prepare or receive new reports regarding the site's groundwater characteristics. This is particularly true of documents expressly titled "Response to Evergreen Island [sic] communication." We ask that PDS ensure that it communicates such materials to Evergreen in the future.

With regard to the substance of the Response, we have attached a letter from Dan McShane, a licensed engineering geologist and the expert who diagnosed the flaws in the initial groundwater review for the proposed Lake Erie gravel pit, that explains that the Response also ignores the potential for the mine to increase the risk of landslides for the neighborhood to the northwest. Mr. McShane concludes that "I remain very concerned about the potential impacts to groundwater levels and the stability of the bluffs to the northwest of the mine in the absence of an assessment of the mine's impacts on those areas."

Mr. McShane reached this conclusion after identifying the following flaws in the Response and earlier groundwater reviews:

- The Response does not identify or discuss the springs on the bluffs to the northwest of the proposed mine in its review of the earlier reports. These springs, which have never

been evaluated notwithstanding that they lie downgradient of the mine, were the primary reason that the Skagit Board of Commissioners reversed Hearing Examiner approval of the mine. Mr. McShane notes that if recharge to groundwater that feeds these springs is increased, the frequency and magnitude of groundwater-driven landslides will increase. Nonetheless, the Response makes no reference to them, instead discussing unstable slopes to the west and southwest of the proposed mine.

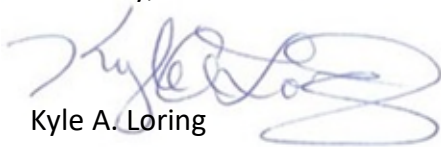
- There are significant discrepancies in the groundwater elevations identified by different applicant reports. While the Response asserts that no significant discrepancies or inaccuracies were found in the data, the water levels measured directly by Northwest Groundwater Consultants were 50 feet and 35 feet lower than those identified on the groundwater contour map produced by Maul Foster Alongi in 2016 and 2017. This large discrepancy casts doubt on the accuracy of the elevations the application presumed for the other wells that were not directly measured.
- The groundwater flow and potential changes to the groundwater flow toward the unstable bluffs has not been evaluated. Ultimately, there are no data regarding groundwater elevations between the proposed mine and the unstable bluffs to the northwest of the mine. The County requested this information nearly two years ago in its March 23, 2021 letter to Bill Wooding, which required an assessment of the following specific site elements:
  - Analysis of the landslide risk arising from the potential for increased groundwater migration to the west/northwest of the mine due to the proposed expansion and attendant removal of soil and vegetation which could alter groundwater behavior in the vicinity of the mine.
  - Analysis of the presence of springs on the coastal bluff to the northwest of the mine that are at an elevation down gradient of the inferred groundwater level.
  - Respond to the testimony of the professional geologist [Dan McShane] who identified that the proposed mine expansion will create an increased landslide risk.

The Canyon Environmental Group (“Canyon”) proposal that the applicant had obtained to answer these questions could have done so. The applicant inexplicably chose a different consultant who did not carry out the scope Canyon had proposed, and who declined to conduct the analyses that PDS had requested. The Response likewise omits any analysis of groundwater impacts on the bluffs to the northwest.

Absent this requested information, which is essential for answering whether the mine will increase the likelihood that residents to the northwest will suffer from increased landslides, the project cannot move forward. Evergreen therefore requests that PDS reiterate its request to Lake Erie to investigate groundwater flow between the site and the downgradient springs in the bluffs to the northwest, and, if studies conclude that the mine will increase the groundwater flow to those bluffs, whether the increased flow will increase the instability of those bluffs.

If you have any questions, please do not hesitate to contact me at 360-622-8060 or [kyle@loringadvising.com](mailto:kyle@loringadvising.com).

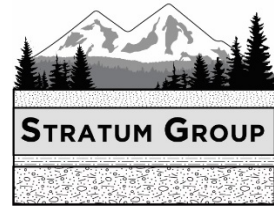
Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle A. Loring". The signature is stylized and cursive.

Kyle A. Loring

Cc: Marlene Finley, Evergreen Islands

Attachment: Stratum Group Response to The Watershed Company Response



PO Box 2546, Bellingham, Washington 98227

March 2, 2023

Re: **Response to:**

The Watershed Company Response to Evergreen Islands communication of 11/18/2022

As a licensed engineering geologist who has been part of the Lake Erie gravel pit review for three years, I am offering feedback on The Watershed Company's review of the original groundwater flow assessment that the Board of Commissioners deemed inadequate. Regrettably, The Watershed Company response letter listed as a 'Geologic-Hazard Site Assessment Third Party Review' on the County website does not support moving forward with project review. The Watershed Company did not identify or discuss the springs on the bluffs to the northwest of the proposed mine in the review of the reports. Furthermore, in the review of the groundwater elevations, The Watershed Company did not identify a very large discrepancy in the groundwater elevations between the groundwater reports prepared by Maul Foster Alongi (2016 and 2017) and Northwest Groundwater Consultants (2019). The review also failed to discuss that the Wood (2022) geology hazard site assessment was not responsive to the County's specific requests to "Analyze the landslide risk arising from the potential for increased groundwater migration to the west/northwest of the mine due to the proposed expansion." These notable omissions prevent the response from being relevant to the necessary review.

### ***Springs northwest of mine***

The Commissioners determined that the groundwater flow to the springs located to the northwest of the mine was essential for evaluating project impacts, but it has not been addressed. Maul Foster Alongi provided a Hydrogeologic Site Assessment Report (September 28, 2016). The purpose of that report was to meet the requirements of Skagit County Code 14.16.440(8)(b):

- (b) A report by a qualified geologist, hydrogeologist or licensed engineer characterizing the area's ground water including, but not limited to, the following information:*
  - (i) A description of the geology and hydro-geology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates;*
  - (ii) Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers), if applicable; and*
  - (iii) A map containing the limits of the mine, buffer zones, location of all ground water wells within 1 mile distance down gradient from the property boundaries,*

***location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.***

But the Maul Foster Alongi report (2016) did not identify the springs or streams located to the northwest of the property. Subsequent reports by Maul Foster Alongi (2017) and Northwest Groundwater Consultants (2019) also did not identify these springs.

In my comments on the project dated October 12, 2020, I pointed out that groundwater fed springs are located on the slopes to the northwest that were not identified in the Maul Foster Alongi (2016 and 2017) and Northwest Groundwater Consultants (2019) reports. Based on previous work I had done on these slopes, I noted that elevated groundwater levels were a factor in the landslides on these slopes.

***Role of groundwater on the stability of the slopes to the northwest***

The Wood Geology Hazard Site Assessment (2022) did not identify the springs and made no attempt to assess the groundwater flow to the springs even though this was a specific item requested by Skagit County Planning and Development Services. Wood appears to have been unaware of the groundwater springs. The Wood report used the same groundwater contour map as the Maul Foster Alongi (2017) report. The Wood assessment provided no assessment of the steep bluff areas to the northwest of the mine. The rationale for not assessing the slope was based on the assumption that groundwater does not flow to the bluff. The role of groundwater flow to the bluff remains unevaluated.

I submitted my original comments (October 12, 2020) because I have been on the slopes to the northwest and recognized that groundwater levels from a mid slope area of springs have been and are a major driver of slope instability along the slope area to the northwest of the mine (pictures attached). Groundwater impacts to the stability of the slope to the northwest of the mine is why the headwall of the landslide scarp along the bluff northwest of the mine has recessed approximately 300 feet into the upland area (attached lidar image). The potential change to groundwater flow towards these springs by the removal of the glacial till cover within the proposed mine expansion has still not been evaluated. These springs were not identified in the groundwater assessment, the geology hazard site assessment or the response document.

If recharge to groundwater that feeds these springs is increased, the frequency and magnitude of groundwater driven landslides will increase on these slopes.

***Discrepancy in water elevations***

While the letter by The Watershed Company stated that they found “no significant discrepancies or inaccuracies in the data”, the letter did not discuss the very large groundwater elevation discrepancy reported between the Maul Foster Alongi (2016 and 2017) reports and the water directly measured at two wells by Northwest Groundwater Consultants (2019). The water levels



measured directly by Northwest Groundwater Consultants were 50 feet and 35 feet lower than the groundwater contour map produced in 2016 and 2017. This large discrepancy strongly suggests that the groundwater elevations of the all of the other wells that were not directly measured are inaccurate and therefore the groundwater contour map is not an accurate portrayal of the groundwater elevations.

The significant difference in groundwater elevations between the 2016/2017 report and the measured elevations in the 2019 report, as well as the lack of recognition of the groundwater discharge locations on the slopes to the northwest, should have been noted in The Watershed Company review, particularly given that the County may be considering the review as a third party review.

***Groundwater flow and potential changes of groundwater flow towards the bluffs has not been evaluated***

There are no data regarding the groundwater elevations between the proposed mine expansion and the bluffs to the northwest of the mine.

The areas of springs on the slopes to the northwest of the mine have still not been analyzed despite the specific request by Skagit County Planning and Development Services. The proposed scope of work prepared by Canyon Environmental Group and submitted to the County as part of the application process by the applicant has not been completed.

I remained very concerned about the potential impacts to groundwater levels and the stability of the bluffs to the northwest of the mine in the absence of an assessment of the mine's impacts on those areas.

Sincerely yours,  
**Stratum Group**



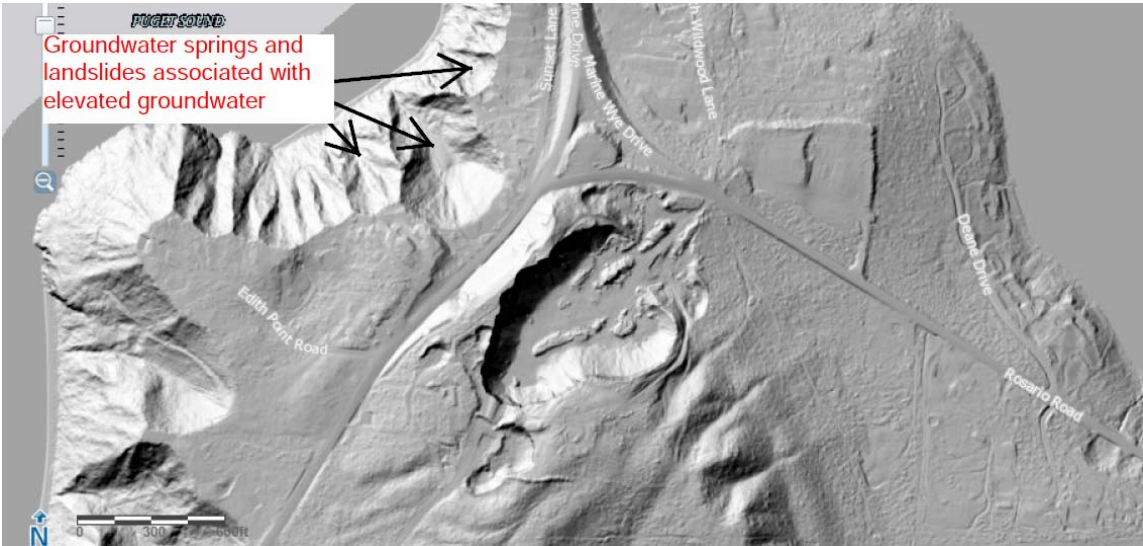
Dan McShane, L.E.G., M.Sc.  
Licensed Engineering Geologist



DANIEL McSHANE



Site of recent sand blowout from perched groundwater just above the silt clay layer at bluff northwest of the mine.



Lidar image of groundwater induced slide areas and mine area

# NOTICE OF PUBLIC HEARING:

Hearings are now being held hybrid, meaning in-person and virtual (via Zoom). To participate in the public hearing virtually you can call +1(253)215-8782, US (Tacoma), or +1(719)359-4580 US, **Meeting ID: 812 7077 5954# US (Passcode: 728120)**, or to join via video please visit:

<https://us06web.zoom.us/j/81270775954?pwd=YzdWSmxLeXp6cDdCbmlFbXk0ZSVWNRdz09>

Log in information is also available on the Hearing Examiner website located at [www.skagitcounty.net](http://www.skagitcounty.net) under the "Department Directory," "Hearing Examiner."

If you are having issues connecting to the hearing, please call the numbers listed below.

Notice is hereby given that the Skagit County Hearing Examiner will hold a public hearing on **Wednesday June 28, 2023, in the Board of County Commissioners Hearing Room, 1800 Continental Place, Mount Vernon, Washington, at 1:00 PM or soon thereafter**, for the purpose of determining the following:

- a. **Current Use Open Space #1-2023:** Paul Blake. Located N of Rawlins Road and S of Skagit River. Portion of P15556 containing 17.00 acres. Legal Description is Portion of S1/2 Section 9, Township 33 North, Range 3 East, W.M. **Staff Contact;** Kiffin Saben
- b. **Hearing to review the remanded items required by the Hearing Examiner on March 9, 2021 for Special Use Permit Application PL16-0556 submitted by** Lake Erie Pit 1, LLC requesting the expansion of an existing gravel/sand mining operation from 17.78 acres to approximately 53.5 acres. Per the direction of the Hearing Examiner, the applicant was required to prepare a Geologically Hazardous Area Site Assessment associated with the steep coastal area located to the west/northwest of the mine and prepare a Geologically Hazardous Mitigation Area Plan. The requested items were submitted on August 12, 2022 and determined complete on January 18, 2023 following a third-party review by The Watershed Company. The subject site is located within the Rural Resource-Natural Resource Lands (RRc-NRL) Zoning/Comprehensive Plan Designated Area and designated within the Mineral Resource Overlay. The proposed mining expansion is located south of the intersection of Rosario Road and Marine Drive, Fidalgo Island, within a portion of Section 11, Township 34 North, Range 01 East, Willamette Meridian situated within unincorporated Skagit County, Washington. Subject Parcels: Existing Mine: P19108, P19162, & P19165; Expansion to Mine: P19158, P90028, P19164, P19165, P19155, P19161; Contiguous Parcels (Same Ownership): P19168, & P19163. **Staff Contact:** Kevin Cricchio, Senior Planner
- c. **Special Use Permit application #PL22-0603 submitted by** Skagit County Public Works, c/o Devin Willard, for the Young's Park Access and Material Stockpiling Project. The project proposal includes three (3) primary components: First, the project intends to recognize the site as a "Public use" and clearly define a public overflow parking area with the capacity for approximately 7 vehicles to allow for improved access to the Skagit County owned (Parks) property for recreational use by the public. Second, the site will be used by the public as a trailhead access (primary and secondary Trailhead) to the public property along the Padilla Bay shoreline. And third, the proposal involves setting aside a portion of the graded parking lot area to allow for the stockpiling of material intended to be used for road improvement and maintenance projects, such as re-surfacing/chip sealing, to prevent excessive ferry trips and to

reduce traffic disruptions during the scheduled project activities. Located within the Rural Reserve (RRv) zoning/comprehensive plan designated area at 4243 Guemes Island Rd, Anacortes, within a portion of Section 26, Township 36N, Range 1E W.M., situated within Skagit County, Washington. (P46558). **Staff Contact:** Brandon Black, Current Planning Manager.

Your views for or against the requests are invited either by attendance, representation, or letter. Comments and/or facsimiles must be received by Planning and Development Services no later than 4:30 P.M. June 27, 2023, or be presented at the public hearing. Email comments may be submitted with the PDS website under the current legal notices tab or to the Office of the Hearing Examiner.

If you would like to speak at the hearing, please contact either Maria Reyna at (360) 416-1150, email [mariar@co.skagit.wa.us](mailto:mariar@co.skagit.wa.us); Keith Luna at (360) 416-1152, email [kluna@co.skagit.wa.us](mailto:kluna@co.skagit.wa.us); or Russell Walker at (360) 416-1154, email [russow@co.skagit.wa.us](mailto:russow@co.skagit.wa.us) to sign up.

TO BE PUBLISHED ONE TIME ONLY IN THE June 8, 2023, Edition.  
Transmitted to Skagit Valley Herald June 6, 2023

HEAgenda.ks.kc.bb.06.09.23