

## John Cooper

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**From:** Lori Anderson on behalf of Planning & Development Services  
**Sent:** Wednesday, September 12, 2018 9:10 AM  
**To:** John Cooper  
**Subject:** FW: PDS Comments

From Dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Wednesday, September 5, 2018 10:15 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Jane Fish  
Address : 5043 Wildlife Acres Lane  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [jfish1994@gmail.com](mailto:jfish1994@gmail.com)  
Phone : 360-848-7711  
PermitProposal : #PL18-0200

Comments : This is a comment on the activity that we can see AND hear around the proposed gravel pit off of Grip Rd. by CNW-Miles Sand and Gravel. It is so disheartening to know of all the work that is being done to prepare for this pit, yet we are seeing NOTHING done that would ensure the safety of the MANY people that drive Grip and Prairie Rd.'s to and from their homes. The other thing that is so wrong is to keep the people that this affects the most in the dark about the negotiations going on after their permit was denied. What is being done to protect the citizens and the small country roads that are in no way prepared to handle this? What about the blind corner of Grip and Prairie Rd?

From what I understand this company said that the haul road did not need improvement so they would not have to do any environmental reviews. But yet, they are improving the road. What is being done to protect the environment? You as the county need to stop this work immediately and hold this company to the standards of conducting an EIS.

Please do the right AND honest thing as our county officials. DO NOT LET THIS development continue!!

From Host Address: 184.63.204.51

Date and time received: 9/5/2018 10:12:30 PM

## John Cooper

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**From:** Lori Anderson on behalf of Planning & Development Services  
**Sent:** Wednesday, September 12, 2018 12:55 PM  
**To:** John Cooper  
**Subject:** FW: PDS Comments

From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Sunday, September 2, 2018 6:00 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Josh Nipges  
Address : 20610 Prairie Rd  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [nipges@juno.com](mailto:nipges@juno.com)  
Phone : 2067553309  
PermitProposal : PL18-0200

Comments : I am concerned by the Planning Departments lack of involvement with the community around this project. Closing out the concerns of the community on a large and long lasting project such as this does not reflect well on the planning department. Making agreements behind closed doors, gives the community members the feeling that tax payers do not matter or have control over this issue. By having honest and open conversation by all parties will lead to the success of this project. At this time myself and my of my neighbors feel our voices are not being heard. We live in this area and have legitimate concerns about the amount of traffic this project will create. While the empirical data claims to show no need for road improvement, it does not show the many near miss vehicle accidents that can not be calculated by a simple road counter. It can not also take into consideration the lack of shoulders on Prairie rd and the number of bicyclists that travel these roads. I am also alarmed at the recent road improvements to the haul road off of Grip rd. These improvements go way beyond simple foresting road maintenance. Previously the road was a simple one lane road with large rock topping. The road now is two lanes with a smooth treated surface with compact crushed rock. Much like the roads in other Miles Sand and Gravel mine operations. A comparison to this improved haul road, look to the roads on Alger mountain. The Miles improved haul road is for more then industrial forestry.

From Host Address: 165.225.34.186

Date and time received: 9/2/2018 5:57:34 AM

13 September 2018

John Cooper, Skagit County Planning & Development Services  
Dave Klingbiel, Department of Natural Resources

Re: PFA/N 2816283; proposed Grip Road Gravel Mine, PL16-0097

Dear Mr.'s Cooper and Klingbiel,

We are aware of the recent work on the access road that has been constructed by Lisa Inc. (Miles Sand and Gravel) for their proposed Grip Road gravel mine. The work that has occurred has been "permitted" by the Washington State Department of Natural Resources (DNR) under FPA/N # 2816283, which was submitted by Miles on 9 March 2018 ostensibly to log the proposed mine site. Said road construction has widened an existing timber harvest road network that had earlier been deemed by Miles Project Manager Dan Cox to be "*sufficient and all that is necessary*" (see below) to extract more than four million cubic yards of gravel from its proposed mine over a 25-year period.

Their access road from Grip Road to the proposed mine site has been widened this summer (2018) by Miles to greater than 30 feet in width, converting it to an all-weather compacted gravel double lane road.

We would like to bring to your attention information stated in a letter to John Cooper, Skagit County Planning from Dan Cox of Miles Sand & Gravel (Miles), in a letter to the county originally dated 11 August 11, 2016, and sent again on both 27 February 2017, and 15 May 2017. An excerpt is as follows:

*"We assert that the Forest Road standards and existing roadway are sufficient and all that is necessary to transport the mine materials to the County Road and provide for adequate emergency response. In your letter you mention additional Critical Areas review for improvements to the haul road to County Road standards. The County should reconsider this approach and discourage any unnecessary impacts to critical areas. It is environmentally irresponsible to develop these roads to a greater standard that is necessary for the safe removal of the natural resources.*

*We are submitting for your review our Timber Management Plan dated November 9, 2009. This contains our Forest Road plan for this property. We can agree to maintain the Forest Road at an average 20 foot with and graveled surface under the Forest Road standards per WAC 222-16-010 which has already been approved for this road system. Maintaining the road to this standard will provide the necessary ingress and egress for emergency vehicle access to the proposed mine site as well as supporting the dominate land use of*

*ongoing forest management on the remaining 650 acres of this approximate 730-acre ownership. Finally, as requested, we are submitting a memo from Jordan Janiki, PE certifying the bridge over Swede Creek at the required HS-25 rating."*

We are concerned, on many fronts, but the fact this road has increased the impervious surface with no engineered stormwater plan is, to quote from their statement above "*environmentally irresponsible to develop these roads to a greater standard than is necessary for the safe removal of the natural resources*". Portions of this runoff will flow into Swede Creek, a tributary to the Samish River. The Samish River and receiving body, Samish Bay, is the target for the Clean Samish Initiative and protecting its water quality. This new road will increase siltation and water quantity flow into Swede Creek and Samish River where there is a current flooding issue and water quality concerns. Second paragraph of Item B3-2 of the Section 3 Guidelines for Forest Road (Board Manual – 8/20/13) states: "*Forest landowners are responsible for maintaining all of their forest roads to the extent necessary to prevent potential or actual damage to public resources.*"

Because the FPA permit application is a classification IV-G, as indicated on their FPA page 1 and line item 30 page 7, this means the land, the proposed mine and access road, will be converted to a non-timber use.

Per WAC 222.16.101, WAC 222. 20.050, RCW 76.09. (3) (d) and RCW 76.09.460 a Construction Stormwater General Permit from Ecology is required for not just the proposed mine site which they have submitted but did not include the access road. However, the access road, because it is a part of the proposed project, i.e., the proposed gravel mine, the road and recent work are a part of the overall project. Therefore, both the mine and access road should be considered in the project scope and permitting requirements.

The condition of this new road will in fact cause *actual damage to public resources*. We respectfully request the county and the DNR immediately cause Miles to discontinue the road reconstruction, to use the proper permitting process through SEPA, have the road designed to current engineering requirements using Best Available Practices including stormwater quality and quantity with detention ponds, confirm the presence and location of receiving water bodies such as wetlands and streams, and either avoid critical area impacts, or, obtain the proper permits and mitigate for all impacts.

This new access road construction is greater than the 20 feet referenced by Miles, is specifically for ingress and egress for gravel truck traffic, is included in the FPA for the mine and is not timber related. That is, it is solely for the proposed mine and does not have the environmental review as it pertains to wetland/fish and wildlife habitat impacts and will affect receiving water bodies. Therefore, the access road and recent road construction is a part of the proposed mine.

Furthermore, because the road work is for the proposed mine, the road is defacto a part of the mine and needs to be included in said conversion FPA permit application. Per

the above referenced WAC's and RCW, a six-year moratorium for development (change of land use from forestry to gravel extraction) is required. Both Skagit County and Ecology are to be contacted, by law, informing them the project is a single and complete project, i.e., the proposed mine site and the access road.

Additionally, the FPA was issued by DNR at least partly on the basis of the county's SEPA determination, an MDNS. The MDNS is currently in limbo, and arguably void, due to the failure to provide the required legal notice. It is apparent the county's denial of the Mining Special Use Permit (even though it was appealed) should have resulted in at least the temporary withdrawal of the MDNS. This should have been communicated to DNR and should have caused DNR to put a stop work order on both the mine site logging and the road work until the MDNS is either validated by the county or a new threshold determination issued.

We request this letter be placed into the public record for this project. A response would be appreciated. Thank you for your consideration.

Respectfully

A handwritten signature in black ink, appearing to be 'Jim Wiggins', written in a cursive style.

Jim Wiggins  
Abbe Rolnick  
21993 Grip Road  
Sedro-Woolley, WA 98284

Cc: Hal Hart, Skagit County Planning & Development Services  
Doug Gresham, Washington State Department of Ecology  
Rick Haley, Skagit County Public Works  
Julie Nichol, Skagit County Civil Division – Planning & Development Services  
Kurt Perry, Washington Department of Fish and Wildlife

## John Cooper

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**From:** Martha Bray <mbray1107@gmail.com>  
**Sent:** Monday, September 17, 2018 7:45 PM  
**To:** Hal Hart; Betsy D. Stevenson  
**Cc:** John Cooper; Stevee Kivi - Hearing Examiner/Records  
**Subject:** RE: Concrete Nor'West Update

Hello Hal,

It was my understanding that a report regarding the settlement with Skagit County and Concrete Nor'west would be issued by today, September 17<sup>th</sup>. We have not received anything. Please let us know what is happening.

Thank you,  
Martha Bray

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**From:** Hal Hart [mailto:hhart@co.skagit.wa.us]  
**Sent:** Tuesday, August 28, 2018 6:16 PM  
**To:** 'Martha Bray'; Betsy D. Stevenson  
**Subject:** Concrete Nor'West Update

Hi Martha,

Thanks for your email. I have been on vacation.

Per the attached e-mail from the Hearing Examiner's Office, the County will provide an update on or before September 17th regarding the status of the settlement.

We anticipate the next steps will be Concrete Nor'West's submittal of updated application materials, which will be available for review and public comment upon receipt. To date, the County has not received any updated materials from Concrete Nor'West. We are happy to meet after updated application materials are received and reviewed by the Department.

Sincerely,

**Hal Hart, AICP**  
Director

**Skagit County Planning & Development Services**  
1800 Continental Place  
Mount Vernon, WA 98273  
360-416-1328 | [HHart@co.skagit.wa.us](mailto:HHart@co.skagit.wa.us)



Email.

To: Parties, and Interested Persons:

Re: Miles Sand and Gravel v. Skagit County, PL18-0200

The Hearing Examiner's office has been advised that progress is being made in efforts to resolve this dispute and that the parties hope to have an agreement within the next month. Accordingly the Examiner hereby extends the continuance herein and sets September 17, 2018 as the date for next report on the status of the case.

Wick Dufford, Hearing Examiner  
August 10, 2018

*Stevee Kivi  
Skagit County Public Disclosure/ Hearing Coordinator  
700 S. Second Street, Room 100  
Mount Vernon, WA 98273*

## John Cooper

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**From:** Martha Bray <mbray1107@gmail.com>  
**Sent:** Sunday, September 23, 2018 8:45 PM  
**To:** Stevee Kivi - Hearing Examiner/Records; Hal Hart  
**Cc:** Julie S. Nicoll; John Cooper  
**Subject:** RE: PL-0097 Grip/Prairie Gravel Mine

Dear Ms. Kivi and Mr. Hart:

We are community members who will be affected by the gravel mine proposed by Miles Sand and Gravel (Miles) near Grip and Prairie Roads. As you may recall, a number of us sought to intervene in this appeal back in May of this year. This request was denied. Since then we have been awaiting the announcement of the settlement of said appeal, and an "appropriate further Order" from the Hearing Examiner. This was first expected on or before August 14, 2018 as stated in the Hearing Examiner's Order dated May 17, 2018 (excerpted below). The appeal was then continued another 30 day, to September 17, 2018, in an emailed communication from the Hearing Examiner's office dated August 10, 2018 (excerpted below).

Since this latter date has passed, we have contacted both the offices of Planning and Development Services and the Hearing Examiner requesting an update regarding this matter. The only thing that we have been told is that Miles has submitted "additional information" which County staff are reviewing; we were then provided with these files. However, we have not received documentation regarding the terms of any settlement.

We are confused about the status of this application, as it is our understanding, based on the Hearing Examiner's May 17, 2018 Order, that the denial of the application still stands until the appeal is settled; and that a report and Hearing Examiner Order was forthcoming, and that we would have an opportunity to appeal any settlement that is reached.

I would like to add that over the course of the last 127 days we have respectfully sought clarification from the Planning and Development Services regarding the status of this matter, and asked what seemed a reasonable question: what the public process would be after these deadlines passed, but were told only this by Mr. Hart: *"The attorneys are handling settlement negotiations directly, so I am not at liberty to discuss it. Per the Hearing Examiner order, the County will provide an update on or before August 14<sup>th</sup> regarding the status of the settlement."*

We have not received the promised report, nor any update, nor "appropriate further Order" from the Hearing Examiner. Please let us know when we can expect to receive copies of these documents, and explain what the public process will be from this point forward.

Respectfully,

Martha Bray and John Day

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The relevant language from the Hearing Examiner's order on May 17, 2018 and continuance on August 10, 2018 are pasted below.

The Examiner denied the motion, opining that any settlement resulting in reversal of the permit decision would be appealable. This means that those requesting intervention would then have an opportunity to appeal the decision on its merits.



The Examiner enters the following order:

**ORDER**

The Motion to Intervene is denied, without prejudice to being renewed should settlement fail to be achieved within a reasonable time. The appeal is continued for 90 days from the date of this Order – to August 14, 2018. Prior to or on that date, the County shall advise the Hearing Examiner of the status of settlement discussions. An appropriate further Order will be entered by the Examiner on receipt of the County's report.

**SO ORDERED**, this 17<sup>th</sup> day of May, 2018.

  
\_\_\_\_\_  
Wick Dufford Hearing Examiner

Re: Miles Sand and Gravel v. Skagit County, PL18-0200

*The Hearing Examiner's office has been advised that progress is being made in efforts to resolve this dispute and that the parties hope to have an agreement within the next month. Accordingly the Examiner hereby extends the continuance herein and sets September 17, 2018 as the date for next report on the status of the case.*

Wick Dufford, Hearing Examiner  
August 10, 2018

## John Cooper

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**From:** Jim Wiggins <jimwiggins@fidalgo.net>  
**Sent:** Wednesday, September 26, 2018 8:55 AM  
**To:** John Cooper  
**Cc:** abbe@abberolnick.com; Hal Hart  
**Subject:** Re: PFA/N 2816283; proposed Grip Road Gravel Mine, PL16-0097

Good morning John

The new and recent access haul road construction is greater than the 20 feet referenced by Miles, is specifically for ingress and egress for gravel truck traffic, is included in the FPA for the mine and is not timber related. That is, it is solely for the proposed mine and does not have the environmental review as it pertains to wetland/fish and wildlife habitat impacts and will affect receiving water bodies. Therefore, the access road and recent road construction is a part of the proposed mine.

Because the road work is for the proposed mine, the road is defacto a part of the mine and needs to be included in said conversion FPA permit application. Per WAC 222-16-010 a six-year moratorium for development (change of land use from forestry to gravel extraction) is required.

Please provide your opinion.

Jim Wiggins

October 2, 2018

Hal Hart, Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

**Re: Proposed gravel mine / Miles Sand and Gravel 9/20/17 response to County (PL16-0097)**

Dear Mr. Hart,

We are writing regarding the current status of the application from Miles Sand and Gravel (Miles) for a Mining Special Use Permit (MSUP) (PL16-0097). As you are aware, Planning and Development Services (PDS) denied this application on April 5, 2018, and Miles subsequently appealed the denial on April 16, 2018. Since then, it is our understanding that settlement discussions were held between the PDS and Miles. Initially those discussions were supposed to be completed by August 14, 2018, but on that date the deadline was extended to September 17, 2018. We were not privy to the settlement discussions between the parties, and there has been no written documentation provided to the public regarding these discussions. We have simply been provided with the "revised application materials" that Miles submitted on September 17, 2018, and were told that the PDS is reviewing these materials to "determine what course of action to take". At this juncture, we wish to raise a number of concerns regarding both the course this application has taken and substance of the recent submittal from Miles.

**Has the settlement period just been one more improper application extension?** We do not see how the submittal of these revised application materials resolves the many issues that resulted in the denial of the application back in April. The application was denied, among other reasons, because Miles failed to submit information that had been requested by PDS over a year ago. The denial came after several hard deadlines had passed without Miles responding appropriately, including a deadline set by the former planning director that constituted a verbal application extension in violation of County Code. All of this is documented in our previous comment letters. Now it appears that this latest four-month settlement period may have been just one more way for Miles to get even more time, while simultaneously (and conveniently for them) shutting the public completely out of the process. Even if the additional materials comprised a substantively complete application, which they do not, this does not seem like a fair way to conduct the application process.

**Absence of transparency and documentation.** We are disappointed with the lack of transparency and documentation that has accompanied this settlement process. There has been effectively a four month black-out period during which the public has been told nothing. Throughout this period, we repeatedly asked for clarification about what was happening with the public process. We were told that a report on the settlement would be forthcoming, but two weeks after the settlement deadline, we still have not received either a report or an explanation. Despite repeated polite inquiries, we have no idea what is going to transpire from this point forward. We feel we have been respectful and patient -- the result, we now fear, is that our concerns have once again been ignored.

In addition, these revised application materials have been given to us without any documentation from PDS as to what was requested of Miles during the settlement discussions. Therefore, there is no way for us to determine if Miles provided what was requested of them, and we have no way of knowing if PDS took into consideration the community's concerns during the settlement discussions. Certainly many of the things that we have been asking for are not included in these materials, but we have been unsuccessful in our attempts to intervene, or even to get an audience with PDS staff. If all the "settlement" consisted of was PDS requesting additional information, why was it necessary to keep the public in the dark for four months under the cover of attorney/client privilege? This is just further eroding any confidence the community might have had in PDS. Finally, if there is, in fact, no written record of the items requested from Miles by PDS, then it shows once again a disturbing pattern evident throughout this drawn out application process. This is a pattern of little or no documentation and vague statements from PDS instead of clear requirements. We feel this has allowed Miles to define their own terms.

**The applicant is still referring to the original invalid MDNS as if it has merit.** This lack of clarity is most obvious is in the fact that Miles is still referring to the flawed Mitigated Determination of Non-Significance (MDNS) that was issued in 2016, even in their recently submitted updated narrative ("Concrete Nor'West Grip Road Special Use Narrative" dated August 2, 2018). The MDNS was invalidated by procedural and substantive errors long ago. We have repeatedly pointed this out, yet somehow the MDNS has never been formally withdrawn. Instead, after acknowledging the serious error that infected both the SEPA and MSUP process from the very beginning, PDS then provided vague language about issuing a "revised MDNS" at a future date; this has enabled the applicant to repeatedly argue that the original staff report/findings and MDNS conditions still somehow apply.

We repeat, yet again, that proper notice was not issued in 2016, and many affected landowners, who were legally entitled to notice, did not have an opportunity to comment, let alone appeal that MDNS. Hundreds of comments poured in from the community after notice was issued to all required neighboring landowners. These comments contained significant new information that PDS had not taken into consideration, information that should have been considered prior to a SEPA threshold determination. Yet somehow the applicant feels justified in ignoring all of these very legitimate concerns and PDS seems to continue to side-step these issues.

There have been other serious and unacknowledged consequences of this. We believe that PDS' failure to withdraw the MDNS allowed Miles to apply for and receive a Class IV-General Forest Practices Activity (FPA) permit from the DNR in order to log its proposed mine site as part of converting it from forestry to mining use. This then led to the justification for the major road work Miles conducted this summer on their private haul road, as discussed below.

**Private haul road improvements under pretext of forest practices.** During this last four-month period while the application was technically denied and the denial under appeal, Miles was busy building their two-mile long haul road to the mine site without any County regulatory oversight. Miles claimed repeatedly that no improvements to the existing forest roads were necessary for their mining project. In May of 2017 in correspondence with the PDS, they stated "the Forest Road standards and existing roadway

are sufficient and all that is necessary to transport the mine materials to the County Road and provide for adequate emergency response." This was their justification for not including the internal road work as part of the MSUP application. Yet the road received a major rebuild this summer -- it has been widened, graded and many tons of new fine, crushed gravel spread and compacted. When we inquired to PDS about this last summer, we were provided with an email forwarded from Miles' attorney stating that they were conducting "routine maintenance" of their forest roads. This is patently absurd. The only road on their 700 acre property that has received said "maintenance" is the one from the Grip Road entrance to the mine site. This is not a road designed for forest management. When we contacted WA State Department of Natural Resources, we were told that that no permits for forest road maintenance are required under State Forest Practice Rules, and that the County has jurisdiction over conversions, so if we have concerns we should talk with the County about it. PDS completely ignored our letter of complaint about the road work. This work should not have been done until Miles had an approved MSUP, and should have been subject to Critical Areas review. Instead the applicant has used loopholes in the Forest Practice Rules, along with a FPA permit enabled by an invalid MDNS, to build the road without answering to concerns about environmental impacts associated with conversion of the road to heavy industrial use. The County should have asserted its authority to regulate the conversion, stopped the work, and required Miles to follow County regulations. Now, in a fait accompli, Miles has submitted a "Private Internal Road As Built" survey in their updated application materials. This drawing shows a new widened, compacted graded road that is ready to handle hundreds of gravel trucks a day, all accomplished during the period of the "settlement talks". To say the least, this too has further eroded the public's confidence in the fairness of this process.

**Revised application materials are inadequate.** We have reviewed the revised application materials submitted on September 17<sup>th</sup>. We will refrain from a point by point critique at this time, but we find the package astonishingly inadequate. Simply put, there is nothing very new about these materials. In the "Revised Grip Road Special Use Narrative" very little of consequence has changed from CNW's original application from 2016. CNW has not even bothered to submit a new MSUP application form, despite the inaccuracies and misstatements included in the original submitted on March, 2016. The revised Narrative still contains most of the wording from the original submission. The applicant once again refers to the County's determination, issued March 22, 2016, that the application is "complete". Subsequent events, submissions, and lack thereof have clearly made that determination legally void, so this statement is, at best, misleading.

**There is still no Traffic Impact Analysis.** Most notably, we have repeatedly asked for a full Level 2 Traffic Impact Analysis as is required by County Code. The road and traffic safety concerns have been very well documented in previous comment letters. Not only has this traffic study not been provided, but Miles is still referencing the same completely outdated and inadequate DN Traffic Consultants "Traffic Report", which is actually a memo with the subject "Preliminary Traffic Information" (emphasis ours), dated November 30, 2016, and an update to the same dated April 24, 2017. After more than two years into this process, how can it be that this basic element of the application has still not been addressed? There is no new information in the revised Narrative about the volume of truck traffic expected. The applicant states that the number of truck trips per day will be based on market demand and that it is described in the DN Traffic Consultants "Traffic Report". By way of reminder, this memo identifies no clear maximum number of truck trips per hour or per day. The consultant says in his update that a "suggested" limit would be 60

trips per hour, but that there could be up to 110 trips per hour without violating county Level of Service (LOS) requirements. As we have been saying for two years, the notion that this volume of gravel truck traffic on these roads would not pose a serious safety hazard is ludicrous.

The new narrative proposes only one traffic safety mitigation measure: the installation of a flashing yellow warning light at the Grip/Prairie Road intersection. This is not new and it is entirely inadequate. This intersection was identified by the consultant (and this is obvious to anyone who has ever driven through it) as having a major issue with limited sight distance. The consultant describes the flashing light measure only as a possible "interim solution". None of the other serious inadequacies of the roads and intersections on the proposed mine haul route are mentioned.

We have not even touched on the existing condition of Grip and Prairie Roads, which are substandard now and patched together every year with more little fixes by Public Works. The impact of this volume of truck traffic on these roads has never been addressed despite dozens of individuals asking for an explanation. Interestingly, the applicant includes lengthy excerpts from the *Skagit County's Comprehensive Plan* in an apparent attempt to bolster the legitimacy of the project as it is currently proposed. The most critical of these policies is under *Goal 4D-5: Safe Operations*. As cited in the Miles' Narrative, *Policy 4D-5.3* states "Existing roads and bridges shall be improved as needed as each new extraction operation is developed. Cost sharing for the improvement of roads and bridges shall be negotiated between the permitting authorities and the Applicant" (emphasis ours). The applicant makes no attempt to address or explain how their project complies with this policy. Presumably they were asked to address compliance with the Comprehensive Plan; instead they have made glaringly obvious to us that this proposal is seriously lacking in substance.

**In summary.** We see no possible justification for the County to accept this recent submittal of revised application materials as somehow completing Miles application or satisfying the settlement of the appeal. If there is no more than this to the "settlement", then the settlement is seriously flawed, and the Denial issued in April needs to stand. The applicant has manipulated and distorted the County's rules long enough in a blatant attempt to resurrect an invalid SEPA determination. Please do what should have been done over a year ago and require Miles to start the process over again with a new application, so that a proper SEPA process can be followed and the public can truly participate.

**Finally, we feel it is past time for the community to get an explanation and update about what is happening with this process. And, we respectfully request a meeting with you and PDS staff to discuss our concerns prior to the department issuing a decision regarding further actions.**

Thank you for your time and consideration.

Sincerely,

Martha Bray and John Day

cc. Lisa Janicki  
Julie Nicoll  
John Cooper

September 17, 2018

Jim Wiggins  
Abbe Rolnick  
21993 Grip Road  
Sedro-Woolley, WA 98284

Dear Mr.'s Wiggins and Rolnick,

Thank you for your comment letter in regards to class IV General FPA 2816283. I'll try to address your comments and concerns related to DNR, Forest Practices' jurisdiction on these activities.

As you are likely aware, Skagit County was the SEPA lead for this project and issued a MDNS on June 24, 2016. The applicant then submitted FPA 2816283 for the removal of timber associated with the conversion of approximately 51 acres of forest land. I field-reviewed the FPA and approved it on April 4, 2018 with conditions and no appeal was filed during the 30-day appeal period. The FPA's two conditions were related to two specific areas of road maintenance requirements on the access road that I observed on my field visit. The first was a need for sediment traps on the bridge approaches over Swede Creek and the second was the addition of a ditch relief culvert further in on the forest road. Both of these were to minimize the potential of sediment from entering typed waters. These two areas were the only required maintenance activities that were associated with the class IV General FPA.

The access road is defined by the Forest Practices rules as a "forest road" and crosses "forest land" (WAC 222-16-010). Though this road accesses FPA 2816283 and the future commercial mining operation, it also accesses several hundred acres of forest land and will presumably be used for future timber harvest, rock and log haul, all activities under the jurisdiction of DNR, Forest Practices on forest land. Therefore, unless the surrounding forest land is converted, the road will be considered a forest road that is regulated by DNR under the Forest Practices Rules (WAC 222). Skagit County may have additional requirements on non-forest lands associated with the commercial mining operations and County roads.

The applicant elected to perform additional road maintenance activities which began in late spring 2018. I visited the road maintenance operations on three separate occasions to confirm all activities fell under the thresholds of a class I Forest Practice as defined in WAC 222-16-050(3), which do not require an approved FPA/N. I observed that ditches had been cleaned out, cross-drain culverts replaced and added, rock check-dams constructed in the ditch lines, and crushed-rock road surfacing had been spread and compacted with a roller. I did not observe that the road subgrade had been widened or that any sediment delivery to typed waters had occurred. Limited brush and non-merchantable trees had been cut in places where ditches were overgrown or for ditch relief culvert- associated work. All activities observed were in compliance with the Forest Practices Rules and confirmed to be class I activities. The road maintenance required by the conditions of FPA 2816283 were also completed concurrently with the class I road maintenance.

Thank you for your comments. Please let me know if I can answer any further questions.

Sincerely,

David Klingbiel  
Chuckanut Forest Practices Forester  
Washington Department of Natural Resources  
Northwest Region  
(360)856-3500  
[David.klingbiel@dnr.wa.gov](mailto:David.klingbiel@dnr.wa.gov)



## John Cooper

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**From:** Jim Wiggins <jimwiggins@fidalgo.net>  
**Sent:** Wednesday, October 17, 2018 8:48 AM  
**To:** John Cooper  
**Cc:** abbe@abberolnick.com  
**Subject:** Grip Mine access road

Good morning John. I sent you an email when you were on vacation a while back and want to follow up on it. I expressed concern about the FPA that was issued for the Mine site that is a conversion. Because the access road and recent work are a part of that FPA, the access road, by default, is a part of said FPA. Therefore a critical areas review should have been completed for the road work, especially since there are adjacent wetlands and a crossing of Swede Creek. Consequently a moratorium should be placed on the project until a Critical Areas review is completed for the recent road work to determine impacts to CA's and CA buffers.

I would like to call you sometime this week. Is there a good time for me to call?

Jim Wiggins  
360-856-2139

## John Cooper

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**From:** Lori Anderson on behalf of Planning & Development Services  
**Sent:** Monday, October 22, 2018 3:16 PM  
**To:** John Cooper  
**Subject:** FW: PDS Comments

From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Saturday, October 20, 2018 1:05 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Ellen Martin  
Address : 4929 Ida Drive  
City : Sedro-Woolley  
State : WA  
Zip : 98284  
email : [ellenkmartin39@gmail.com](mailto:ellenkmartin39@gmail.com)  
Phone : 360-840-4390

PermitProposal : Special Use Permit Application PL16-0097

Comments : I am completely opposed to the Concrete Nor'west Gravel Operation Near Grip Road. I am also very disappointed the the County's lack of transparency with the public in the permit process. I have been awaiting a public hearing and have recently learned that it is Tuesday's at 11:30. As you can guess this is difficult to attend for working individuals. Please consider the affect going forward with this plan will have on the people who live in this area.

From Host Address: 73.11.12.126

Date and time received: 10/20/2018 1:02:55 PM