

## John Cooper

---

**From:** PDS comments  
**Sent:** Tuesday, April 3, 2018 10:02 AM  
**To:** Hal Hart  
**Cc:** Julie S. Nicoll; John Cooper  
**Subject:** FW:

FYI...this came into the PDS comments email.

Sincerely,

Kathy Jewell  
Administrative Coordinator  
Skagit County Planning and Development Services  
direct: 360-416-1338  
[www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)

**From:** David Miller <davidmiller8080@icloud.com>  
**Sent:** Saturday, March 24, 2018 5:43 AM  
**To:** PDS comments <pdscomments@co.skagit.wa.us>  
**Subject:**

March 17, 2018

Hal Hart  
Director of Skagit County Planning & Development Services  
[1800 Continental Place](#)  
[Mount Vernon, WA 98273](#)

RE: Permit #PL16-0097 Mining Special Use Permit, Concrete Nor<sup>l</sup>West Gravel Mine Community Letter

Dear Mr. Hart,

As proposed this mine poses unacceptable environmental damage and major risks to public safety due to large volumes of truck traffic on substandard County roads. The application was illegally extended by Skagit County Planning and Development Services and is still incomplete. It's past time for the County to deny CNW's application. CNW needs to start over again with a clear proposal, and the County needs to require a full Environmental Impact Statement, including a full Traffic Impact Analysis.

The applicant, Concrete Nor<sup>l</sup>West, aka Miles Sand and Gravel, has proposed an open pit Gravel Mine on 68 acres in our Community. It is only thousands of feet from Prairie Road, borders the Samish River on the eastern side-facing Prairie Lane and will be hauling material with 101,500 GVW truck and trailers approximately 2 miles north on a graveled forest road which crosses wetlands. According to paperwork their truck and trailers will then exit the forest road onto Grip Road and in about .7 miles they will enter Prairie Road at the blind corners, pass the left turn at F & S Grade and making a left hand turn onto Old Hwy 99.

CNW has not made it clear if they will be selling to private market and if so of course other routes could used and would also need evaluated. They still insist that 30 trucks per hour up to 720 in a day will not have any impact on our Community. CNW also insists they should be allowed to operate unlimited hours. They have stated this industrial activity will have No Impact on us and our environmentl CNW insist the noise and vibrations will have No Impact. We disagree.

We have talked to countless numbers of people in our community and they agree a project of this size and scope needs to have an Environment Impact Statement (EIS) which will include a complete Traffic Analysis. The impacts of this project are not reversible nor temporary and therefore thorough evaluations are needed to avoid unnecessary negative impacts. It is apparent that CNW, Miles Sand & Gravel, has no regard for our safety, well-being or our environment, since they continue to ignore all the facts about our legitimate issues which we have documented for over a year.

We the undersigned are very concerned about CNW's proposed gravel mine near Grip and Prairie Road. We have been given the opportunity to review documents from the County, CNW, Attorney and Community comments before signing this letter. (RE: Permit #PL16-0097 Mining Special Use Permit, Concrete Nor'West Gravel Mine Community Letter)

See attached signatures  
Sent from my iPhone

## John Cooper

---

**From:** Martha Bray <mbray1107@gmail.com>  
**Sent:** Wednesday, April 18, 2018 11:49 AM  
**To:** John Cooper  
**Cc:** Hal Hart  
**Subject:** Questions per appeal of decision to deny application PL16-0097

Hello John,

I hope you are well.

We have received the notice that CNW has appealed the County's decision to deny their application PL 16-0097.

I have a couple of questions regarding procedures. I have read the relevant section of County Code (14.06.110 and 14.06.160).

1. Are the comments we (and other community members) have already submitted on this project automatically a part of the record for this appeal hearing, or do we need to resubmit them?
2. Is there a particular procedure for submitting new comments regarding the appeal?
3. I assume that we are parties of record, and as such will receive copies of the notice of hearing and other relevant documents in a timely fashion. Please confirm.
4. Please note that I have heard from some community members that they received in the mail, a copy of the County's 4/12/2018 Notice of Decision (to deny application). I received a copy of the 4/5/2018 letter from the County to CNW denying the application, directly from Julie Nicoll, and appreciate such. However, neither my husband nor I received the Notice of Decision, except through the attorney representing Central Samish Valley Neighbors.

Since the timing and notice regarding the appeal hearing is very short, I would like to understand who will receive these notices and who will not. Since we are presumably parties of record, it seems we should be receiving such notices directly. (Email transmittal of such documents would be adequate.)

5. We would very much appreciate as much lead time as possible regarding the scheduling of the appeal hearing. If possible please give me some idea of when it may be scheduled.

Thank you,  
Martha Bray

## John Cooper

---

**From:** Lori Anderson on behalf of Planning & Development Services  
**Sent:** Friday, April 20, 2018 11:41 AM  
**To:** John Cooper  
**Cc:** Hal Hart  
**Subject:** FW: PDS Comments

From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Thursday, April 19, 2018 10:10 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Terri Wilde  
Address : PO Box 5  
City : Rockport  
State : WA  
Zip : 98283  
email : [terriwilde@yahoo.com](mailto:terriwilde@yahoo.com)  
Phone : 360 654-3734

PermitProposal : CNW/Miles Sand and Gravel Mining Special Use Permit

Comments : Thank you for denying CNW/Miles Sand and Gravel Mining Special Use Permit. We were concerned with the inaccuracies in their application. And frankly, I believe the County would be much better served protecting the natural environment than opening up yet another gravel pit.

Thank you for your hard work.

Terri

From Host Address: 71.212.143.117

Date and time received: 4/19/2018 10:07:14 AM

## John Cooper


---

**From:** John Day <jday0730@gmail.com>  
**Sent:** Tuesday, May 1, 2018 3:36 PM  
**To:** Tawnee Clearbrook  
**Cc:** John Cooper  
**Subject:** CNW Grip Rd Gravel Mine PL16-0097 permit application notice of completeness

Hi Tawnee,

From reading SCC 14.06.100 and the September 12, 2016 Staff Report referring to the application being deemed complete on March 22, 2016, I assume PDS sent a letter/notice of completeness to CNW around that time. I can't seem to find this in the online permit documents. Would it be possible for you to locate this document and email me a copy? It would be great if it were included in the online docs as well.

Thanks,  
John Day

 Virus-free. [www.avast.com](http://www.avast.com)

## John Cooper

---

**From:** Lori Anderson on behalf of Planning & Development Services  
**Sent:** Wednesday, May 2, 2018 12:46 PM  
**To:** John Cooper  
**Subject:** FW: PDS Comments

From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Wednesday, April 25, 2018 10:55 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Holly Hunter  
Address : 22372 Nita Lane  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [hollyhunter1234@outlook.com](mailto:hollyhunter1234@outlook.com)  
Phone : (425) 387-1815  
PermitProposal : CNW Permit # 16-0097  
Comments : 04212018 Grip Road Land Slide

The road is a modest upgrade and a "S curve" approximately 1/2 mile from the entrance of the purposed gravel mine. An approximate 25ft section of road has been damaged by the movement of the land (should of road).

This kind of damage has occurred just from the normal traffic that travels on the road daily, yet CNW insists that the HEAVY double trailer truck's massive weight will not cause excess wear and that they should not have to pay for any road repair, maintenance of upgrades when the purposed 100 - 150 trucks travel on these already fragile road.

The impact of the weight of these trucks is going to be significant and over the 25 year period common sense says there will be excessive damage incurred.

Will the County continue to repair the damage at no cost to CNW? If yes, were is the money coming from?

Surely you don't expect the property owners and tax payers to carry the burden for the repairs needed due to the excessive weight of the gravel moving trucks.

The roads are already telling you they can't handle the impact the purposed mine will have on them.

CNW should be required to conduct a comprehensive road and traffic study, to complete improvements and be responsible for at least some of the costs of maintenance and repair over the entire duration of the project.

Please consider limiting the routes the trucks are allowed to travel which might limit the damage to a smaller area.

I have pictures, but don't see a way to attach them.

## John Cooper

---

**From:** Martha Bray <mbray1107@gmail.com>  
**Sent:** Thursday, May 31, 2018 12:37 PM  
**To:** Hal Hart  
**Cc:** Betsy D. Stevenson; John Cooper  
**Subject:** PL-0097 Grip/Prairie Gravel Mine  
**Attachments:** Sitkin Ltr to J. Cooper\_3-2-17.PDF

Dear Mr. Hart,

Thank you for talking with us today regarding our concerns about the permitting process for the Grip Rd. gravel mine.

The letter we discussed that was sent by our attorney in March of 2017 is attached for your convenience. Please see page 2 that outlines the issues regarding “defective SEPA process” and “defective notice”.

We understand that you and your team are very busy. We do look forward to receiving an update soon regarding Miles Sand and Gravel’s appeal, and the apparent settlement that has been reached.

Thank you,  
Martha Bray

March 2, 2017

**VIA REGULAR U.S. MAIL AND E-MAIL**

*johnc@co.skagit.wa.us*

John Cooper  
Skagit County Planning and Development  
1800 Continental Place  
Mount Vernon, WA 98273

**RE: SPECIAL USE PERMIT APPLICATION NO. PL 16-0097  
PROPOSED PROJECT: CONCRETE NOR'WEST GRAVEL MINE  
APPLICANT: CONCRETE NOR'WEST**

Dear Mr. Cooper:

As I have mentioned in my previous correspondence to you, we represent a group of citizens who live near the above-referenced proposed project. Our clients have a number of concerns with both the project and the direct, indirect, and cumulative significant impacts of the project, the lack of consistency of the project with the comprehensive plan policy and goals, and the errors in the County processing of the application, which have effectively denied our clients' ability to meaningfully participate in the SEPA process which resulted in a lack of disclosure of the project impacts and potential mitigation contrary to SEPA and the County's SEPA rules. This letter is intended to be the first in a series of installments outlining our concerns and objections. One of the reasons for the installment responses is due to the County's installment responses to our public records request. We have just recently received the 2<sup>nd</sup> and 3<sup>rd</sup> installment responses, but we have not been advised if these are the final installments or if additional responses are anticipated.

I have attempted to reach you by telephone a few times over the past week or so to discuss the project and our clients' concerns. I understand that you were out of the office on vacation during part of this time. Previously, I sent a letter to your office asking for notice of any matters that arise with regard to the project. Earlier this week, I sent to your office and the Hearing Examiner's office a Notice of Unavailability to assure that any pre-hearing conferences, scheduling of matters such as pre-hearing discovery, briefing, and the hearing are coordinated with my schedule. At the conclusion of this letter, you will find an invitation for County staff and the applicant to attend a community meeting regarding the project. We will arrange a suitable location and a facilitator for the meeting to ensure there's a constructive dialogue so that you and the applicant can hear the community's concerns and address potential solutions.



We also request that you outline what anticipated actions by the County are forthcoming, such as the timing for deciding whether to withdraw the MDNS, when a new threshold determination would be made, when a hearing schedule will be proposed, and other key decision points. We request that you keep our firm advised in advance of all such actions.

We ask that you forward to my attention all communication from the applicant or any agency or tribe, as well as all documents received by the County provided by the applicant or their representatives in response to those other agencies or tribes.

### **DEFECTIVE SEPA PROCESS**

For the initial reasons outlined herein, the County is requested to immediately withdraw the SEPA Threshold Determination of a Mitigated Non-Significance due to the lack of compliance with notice requirements, the effective violation of the fundamental disclosure and notice requirements of SEPA, and the resulting violation of our clients' procedural due process rights. When properly noticed, such a comment hearing assures that the County has provided the public with a reasonable and meaningful opportunity to provide comments regarding the project and the SEPA Checklist when conducting its threshold determination under SEPA. When proper notice is not provided, then the public is denied this opportunity.

### **DEFECTIVE NOTICE UNDER COUNTY CODE AND SEPA RULES**

As you know, the original Notice of Application was issued in error in March 2016, due to the failure to provide mail of the notice to the proper parties.<sup>1</sup> The Skagit County Code requires that the Notice of Application be sent to the property owners surrounding the boundaries of the adjacent properties owned by the applicant—but it was not. The failure to mail the Notice of Application to the correct parties was a material nondisclosure and a failure to comply with disclosure requirements. This resulted in the cancellation of the public hearing scheduled for last fall and the re-issuance of the Notice of Application in December of 2016. However, SEPA, the County Code, and procedural due process requirements require that the Notice of Application be properly issued in advance of the SEPA determination and SEPA comment period. Proper issuance of the Notice of Application is fundamental to the required SEPA notice process. SEPA is fundamentally a public notice and public disclosure statute.<sup>2</sup>

The defective Notice of Application in March of 2016 infected the SEPA threshold determination process and the SEPA MDNS itself. The defective Notice of Application resulted in a denial of an opportunity to timely comment on the SEPA Checklist, depriving our clients of their rights and

---

<sup>1</sup> SCC 14.06.150(2) requires that a Notice of Application be mailed to all physical addresses and all owners of real property within 300 feet of any portion of the boundaries of such adjacent properties owned by the applicant. See SCC 14.06.150(2)(d)(iii). The County's Notice of Application issued in March of 2016 did not comply with this requirement.

<sup>2</sup> "[T]he procedural provisions of SEPA constitute an environmental full disclosure law." *Norway Hill Pres. & Prot. Ass'n v. King City Council*, 87 Wn.2d 267, 272, 552 P.2d 674, 677 (1976). "The act's procedures promote the policy of fully informed decision making by government bodies when undertaking 'major actions significantly affecting the quality of the environment.'" *Id.* (quoting RCW 43.21C.010; RCW 43.21C.030).

prejudicing our clients. Because the notice was defective, our clients were denied their ability to participate in the SEPA process. This is significant, substantial, and sufficient prejudice and harm to our clients that if the County were not to withdraw the MDNS immediately, we would anticipate that the Hearing Examiner or Court would require that a permit and a MDNS be invalidated with a requirement that the County re-commence the SEPA process.

As the Court of Appeals noted, “[o]ne purpose of specific statutory requirements for public notice of an impending land use decision is to ensure that the decision makers receive enough information from those who may be affected by the action to make an intelligent decision” and “defective notice undermines the information-gathering process.” *Prosser Hill Coal. v. Cty. of Spokane*, 176 Wn. App. 280, 291, 309 P.3d 1202, 1208 (2013).

The lead agency is required to consider the timely comments from the general public regarding a threshold determination. WAC 197-11-340(2)(c) and (f).<sup>3</sup> Recognizing the importance of the Notice of Application and the ability of the public to meaningfully comment on the SEPA Checklist and threshold determination, Skagit County has integrated the SEPA review process with the Notice of Application.<sup>4</sup>

The SEPA Rules (WAC 197-11) contemplate a situation where DNS was issued as a result of a misrepresentation or a lack of material disclosure, as is the case here, due to the failure to properly issue the Notice of Application. In such instances, the lead agency has no choice but to withdraw the DNS. And, in this case, the County or its consultant must prepare the SEPA Checklist at the expense of the applicant. WAC 197-11-340(3)(a) provides, in part, (emphasis added):

The lead agency shall withdraw a DNS if:

...  
(iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

State agencies have also complained to the County regarding the lack of proper notice of the application and of the SEPA threshold determination. For example, the Department of Archaeology and Historic Preservation (“DAHP”) informed the County that “[w]e were not notified of the project in order to provide timely comments. One of our tribal partners notified us and we share his concerns that cultural resources may be damaged by this project.”

---

<sup>3</sup> SCC 16.12.070 adopts WAC 197-11-340.

<sup>4</sup> See SCC 14.06.070(2)(c). The Skagit County Code allows a SEPA threshold determination notice to be issued with the Notice of Application, provided that a determination of non-significance may not be issued until after the expiration of the comment period. The County’s SEPA ordinance requires that if a SEPA document is issued with the Notice of Application, the public notice requirements for the Notice of Application suffice to meet the SEPA notice requirements. SCC 16.12.160 (2)(c). See, also, SCC 16.12.160(3).

Due to the lack of proper disclosure of the adjacent property owners and state agencies, and potentially others, as required by Skagit County Code, Skagit County is obligated to withdraw the MDNS.

### MATERIAL DISCREPANCIES IN THE APPLICATION

In addition to the above procedural defects in the SEPA process, there are material discrepancies regarding the project description and its impact between the special use permit application, the SEPA Checklist prepared by the applicant, and other material submitted regarding the application. These discrepancies are so significant that one cannot discern what is proposed, other than it is a gravel mine at a particular location. The following is a summary of these discrepancies:

- Traffic Figures: A May 2015 traffic study presumed 25,000 tons of gravel would be removed from the mine each year, and used this figure to calculate that there would be an average of 6 truck trips per day. The same traffic study was apparently reissued in February 2016 with new figures—200,000 tons of gravel to be removed annually, and 46 truck trips per day—but no new conclusions. Both traffic studies were identified by the author as “preliminary” and stated that “additional traffic analysis will be required,” which was never undertaken. The applicant’s Special Use Permit Application, which was filed with the County on March 7, 2016, refers only to the earlier May 2015 study. However, the applicant’s SEPA Checklist refers to the later February 2016 study. The Staff Report issued by Skagit County Planning & Development doesn’t specify which study it relies upon but uses the later February 2016 figures (and contemplates a theoretical maximum of 720 truck trips per day).
- Hours of Operation: The Special Use Permit Application proposes that the mine’s hours of operation will be “unlimited.” The applicant then suggests that “normal” hours of operation would be 7:00 a.m. to 5:00 p.m., Monday through Friday. Elsewhere in the application, the applicant suggests these “normal” hours would actually be Monday through Saturday. An email from the applicant to the County explains that the mine would operate “in general” from 6:00 a.m. to 6:00 p.m., Monday through Saturday, but the applicant reserved the right to work through the night “without restriction.” The Staff Report lists the hours of operation as “Monday through Saturday, dawn to dusk,” with expanded hours depending on “market conditions” and “seasonal demands.”
- Hazardous Substances: The Special Use Permit Application states that hazardous substances will be stored on site, including a 2,000-gallon diesel fuel tank. The Staff Report contradicts the application, stating that “no hazardous materials or fuels are proposed to be stored on site.” The Staff Report, then, contradicts *itself*, stating that “relatively minor” amounts of fuel will be stored on site.
- Depth of the Mine: The SEPA Checklist and Staff Report both state a proposed depth of 154 to 163 feet above mean sea level (“msl”), which is purportedly “ten feet above the water table.” However, the hydrogeological site assessment performed by Associated

Earth Sciences states that the water table ranges from 145 to 155 feet above msl. If the applicant mines to a depth of 154 feet msl, as proposed, the mine could be below the water table, not ten feet above it.

- Amount of Gravel to be Removed: The SEPA Checklist, Special Use Permit Application, and Staff Report all say 4.28 million cubic yards of gravel are proposed to be excavated over the life of the mine. But, the traffic studies relied upon figures of 25,000 tons (earlier May 2015 study) and 200,000 tons (later February 2016 study) to be removed annually. There is no explanation of how those figures were calculated in reference to the cubic yards of excavation, or why the figure was apparently off by a factor of ten in the earlier study.
- On Site Processing: The fish and wildlife site assessment conducted by Graham-Bunting Associates states that “[n]o processing or industrial activity will occur on site.” However, the hydrogeological report states that certain processing—including stockpiling and dry screening—will be performed on site. The MDNS and the Staff Report both state that no on site processing is proposed “at this time,” suggesting that on site processing is contemplated in the future.
- Noise: In the Special Use Permit Application, the applicant cites unspecified personal experience for the assertion that there will be no effect from noise, vibration, or dust. The Staff Report gives three contradictory assessments of noise. First, it states that “[t]he applicant has indicated that the proposal would not result in noise or vibration impact beyond the site boundaries.” The Staff Report then states that “[t]he applicant has indicated the noise at receiving properties is expected to be relatively low” and identifies certain noise mitigation measures. Elsewhere, the Staff Report states that “[p]otential impacts from noise, dust and traffic to surrounding, existing or potential dwelling units from the proposed operation are possible and exceed those currently experienced in the area.”

The inconsistent project descriptions and analysis identified above is effectively material nondisclosure and misrepresentation requiring withdrawal of the MDNS. See WAC 197-11-340(3)(a)(iii), discussed above. The applicant has not disclosed an accurate, consistent project description capable of environmental review. The inconsistencies are significant and functionally a material misrepresentation of the project because the actual project and its potential impacts cannot be readily discerned. This misrepresentation undermines and defeats the public's ability to review and comment upon the SEPA environmental review process. Because the MDNS was procured due to such misrepresentation resulting from inconsistent project information, Skagit County is obligated to withdraw the MDNS and require the applicant to provide a specific and detailed project description in one definitive document.

WAC 197-11-340, cited in part above, also requires that the lead agency shall withdraw an MDNS where there are substantial changes to the proposal, or significant new information indicating probable significant adverse impact. See WAC 197-11-340 (3)(a)(ii). The application itself is sufficiently unclear and inconsistent with other submissions by the applicant that there are either substantial changes to the proposal since the SEPA Checklist was submitted or the

more recent submissions that expand the scope and potential impact of the project requiring withdrawal of the MDNS by Skagit County.

### **AGENCY COMMENTS**

We also note from our initial cursory review of the County's installments provided in response to our records request, that an archeological review has been required since the SEPA MDNS was issued, and the Department of Ecology has questioned the moderate use intensity evaluation of the wetland by the applicant's consultant. These two comments alone warrant and require withdrawal of the MDNS by the County under WAC 197-11-340(3)(a). Indeed, the Skagit County Code encourages withdrawal when a mitigation measure is not included in an MDNS, such as the requirement to conduct an archeological study. See *SCC 16.12.110(8)*. In addition, as to the wetland report, initially it does not appear that a wetland delineation and assessment occurred. Rather, the applicant sought the bare minimum reconnaissance review which, not surprisingly, limits the scope and detail review that the consultant could perform, and results in material questions as to whether the assessment was accurate as noted by the Department of Ecology. The County should require a full wetland delineation and assessment as part of the full disclosure associated with a SEPA review.

### **WAC 197-11-350(2)**

It is noted that the MDNS indicates that it was issued pursuant to WAC 197-11-350(2). This provision of the SEPA Rules allows an applicant to seek early notice of whether a Determination of Significance is likely, and that the applicant may change the project and submit a revised SEPA Checklist to bring the project below the level of significance. There is no indication in the MDNS that a revised SEPA Checklist was submitted. Perhaps when we have a complete record from Skagit County we will receive a copy of the revised SEPA Checklist. If not, then this is a procedural error in the environmental review process and/or the issuance of the MDNS itself necessitating withdrawal of the MDNS and requiring a revised SEPA Checklist to be submitted, or re-issuing the MDNS under a correct provision of the SEPA Rules.

The forgoing are our initial comments on the SEPA procedural errors and defects. We anticipate further substantive comments on the application and the SEPA process once we have received the complete record and any additional reports submitted by the applicant.

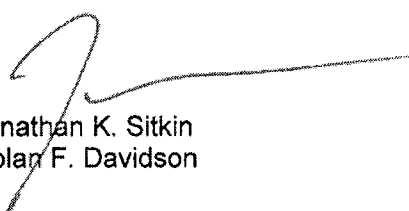
### **INVITATION**

To date, neither the applicant nor the County has directly and meaningfully engaged the adjacent property owners regarding the proposed project. We are arranging for a community/neighborhood meeting where the County Planning Staff, Public Works staff, and the applicant will be invited to discuss the neighborhood's concern with the project. We are working to retain an independent facilitator for such a meeting. The time and place for such a meeting is forthcoming. I am happy to speak with Tim Holloran, Dale Pernula, or others, as necessary to ensure the County's involvement.

I look forward to an opportunity to discuss these concerns with you.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.



Jonathan K. Sitkin  
Nolan F. Davidson

JKS/NFD/rsv  
cc: Clients

## John Cooper

---

**From:** Martha Bray <mbray1107@gmail.com>  
**Sent:** Thursday, May 31, 2018 1:09 PM  
**To:** Hal Hart  
**Cc:** Betsy D. Stevenson; John Cooper  
**Subject:** PS: PL-0097 Grip/Prairie Gravel Mine  
**Attachments:** Sitkin Ltr to J. Cooper\_3-2-17.PDF

Hello again,

I apologize for the additional email. But I meant to summarize our phone conversation: the issue of faulty notice is not just a technical concern. I believe that less than 20% of the landowners who legally were entitled to notification were actually notified in March of 2016 when the original Notice of Application was issued.

We sincerely believe that if proper notice had been issued to all the landowners directly affected, that the feedback from the community would have revealed, much earlier in the application process the significant safety concerns related to roads and traffic. This would at the least have triggered a much more rigorous review of these issues by the County, and possibly resulted in either an MDNS not being issued, or being much more heavily conditioned, or a real traffic impact analysis being required, or even an appeal of the MDNS by community members.

**This is why we were so concerned by the Hearing Examiner's comment at the May 9, 2018 Pre-Hearing Conference on Miles Sand and Gravel's appeal, when he said something like: "well the original MDNS wasn't appealed, and since it wasn't appealed, we just need to get this project to a hearing".**

In our view the applicant is doing everything they can to hold on to the old faulty MDNS that should have been withdrawn long ago.

In addition, if you go back and read the project description presented in the Pre-Application materials, it describes a much smaller gravel extraction project. This smaller scale project was the basis for the information and reports that the County required of the applicant. There was an incredible amount of project creep as they crossed the SEPA threshold.

I appreciate you taking the time to understand what got us to this point.

Thank you,  
Martha Bray

---

**From:** Martha Bray [mailto:mbray1107@gmail.com]  
**Sent:** Thursday, May 31, 2018 12:37 PM  
**To:** hhart@co.skagit.wa.us  
**Cc:** betsyds@co.skagit.wa.us; johnc@co.skagit.wa.us  
**Subject:** PL-0097 Grip/Prairie Gravel Mine

Dear Mr. Hart,

Thank you for talking with us today regarding our concerns about the permitting process for the Grip Rd. gravel mine.

The letter we discussed that was sent by our attorney in March of 2017 is attached for your convenience. Please see page 2 that outlines the issues regarding "defective SEPA process" and "defective notice".

We understand that you and your team are very busy. We do look forward to receiving an update soon regarding Miles Sand and Gravel's appeal, and the apparent settlement that has been reached.

Thank you,  
Martha Bray