

Exhibit A-08: Grip Road gravel mine permitting timeline

GRIP ROAD GRAVEL MINE SPECIAL USE PERMIT APPLICATION (PL16-0097 & PL16-0098)

Central Samish Valley Neighbors (CSVN)

TIMELINE: March 2016 – May 2022

2016

- **March:** Skagit County Department of Planning and Development Services ('County') publishes *Notice of Development Application for Mining Special Use Permit* (3/31/2016) from Miles Sand and Gravel/Concrete Nor'West ('Miles').
- **May:** County issues State Environmental Policy Act (SEPA) Threshold Determination -- *Mitigated Determination of Non-Significance* (MDNS) (5/24/2016), and issues staff report and *Notice of Special Use Permit Public Hearing* (11/18/2016).
- **December:** On the day of the Special Use Permit hearing (12/7/2016), County discloses that notice was issued to only 8 of the 34 landowners legally entitled to receive it. These notification issues cause the Hearing Examiner to convene the hearing and to continue it to a date to be determined.

2017

- **Jan – June:** Community members submit more than one hundred comments about traffic safety and environmental concerns. Based on public input, County requests additional information from Miles.
- More than 175 people attend an informational meeting at the Samish School organized by CSVN (3/29/2017).
- CSVN members meet with County Commissioners and County staff to raise awareness about the community's concerns, including procedural errors in the permit process and lack of transparency. County staff acknowledges that "mistakes were made."
- **July – December:** Miles and the County dispute whether the application is complete. County refuses to process application, setting various deadlines for submission of materials, and then extending the deadlines informally, contrary to requirements set forth in SCC 14.06.105(1).

2018

- **April:** County issues administrative decision to deny Miles' Special Use Permit Application as incomplete and for failure to timely submit requested information (Notice of Decision 4/5/2018). Miles appeals County's Decision to the Hearing Examiner (Cox & Lynn 4/16/2018).
- **May:** CSVN files motion to intervene; on the same day, the County announces that settlement discussions with Miles are underway (5/9/2018). CSVN's request to intervene is denied by the Hearing Examiner; in the same Order (5/17/2018), he continues the appeal for 90 days. The settlement period is extended several times by the Hearing Examiner.

- **July:** During the settlement period, Miles conducts major work on its two-mile-long internal road to the mine site. Community members raise concerns about this work and the lack of approval for the development. Miles claims it is “routine maintenance” of forest roads allowed under their Forest Practice Application (Lynn email to Nicoll 7/30/2018). Numerous comments are sent to the County and to the WA Dept. of Natural Resources (DNR) stating that the road work is clearly in preparation for hauling gravel; as such, it is a conversion of the site to a mine, which is the jurisdiction of the County. The County refuses to assert its regulatory responsibility.
- **September:** Settlement discussions between County and Miles result in Miles submitting additional application materials, including an “as built” drawing of the improved internal haul road and a noise and vibration study. The noise study does not evaluate the significant impacts of off-site trucking.
- **For eight months from the date of Miles’ appeal -- April 2018 through year-end, no information is provided to the public by the County regarding the status of the application.**

2019

- **February:** The County informs Miles: *“Despite our best efforts to settle this matter, it appears we must proceed to hearing on the appeal of the denial of the incomplete application.”* (Nicoll to Lynn 2/22/2019).
- **October:** CSVN files a Renewed Motion to Intervene in the appeal (10/1/2019), which is denied by the Hearing Examiner (10/7/2019). The Hearing Examiner then orders the County to process the application. He states: *“This is a far cry from concluding that the project should be approved. It is merely to say that at some point the merits of this project must be squarely addressed. When that occurs the County can still conclude that the project should be denied.”* (9/17/2019).
- **July – December:** CSVN makes periodic unsuccessful inquiries to County staff about how they intend to proceed.

2020

- **January – April:** During the first four months of 2020, repeated public inquiries about project status receive some version of “no new developments”. Despite this, public records requests reveal that work is proceeding to process the permit, including hiring a contractor to evaluate traffic issues.
 - **May:** A new planner (Michael Cerbone) is assigned to the permit. When asked, he tells CSVN that the County plans to proceed with the permit soon, stating that he hopes by the end of May they will decide if they will re-issue SEPA. He assures CSVN that he is committed to transparency and public process.
- October:** Miles finally submits a Traffic Impact Analysis (TIA), more than four years after the application was originally deemed “complete” by the County.

2021

- **April:** Five years after the County issued an MDNS with deficient notice, it withdraws it and issues a new MDNS that relies heavily on the original application materials (4/15/2021).
- **May:** The County withdraws its reissued MDNS without explanation (5/13/2021).
- Subsequently, the County requires an evaluation of Critical Areas in and around the internal haul road, acknowledging for the first time that mine operations include trucking on the 2-mile-long road.
- **June:** Miles appeals the County's decision to require CAO review of the haul road to the Hearing Examiner (6/24/2021).
- **July:** The planner assigned as lead on the application in 2020 no longer works for the County as of July 1st. A new hire (Kevin Cricchio) is assigned as project lead. He is the third planner over five years to oversee the permit review.
- **August:** The Hearing Examiner denies Miles' appeal (8/30/2021). The County issues a deadline of Dec. 28, 2021 for submission of CAO reports.
- **December:** Miles submits an "Impact Assessment" that identifies 36 wetlands and 21 seasonal streams within 300 feet of the haul road, as well as a crossing of Swede Creek, a fish bearing stream, in a steep gorge. The report does not evaluate the impacts of road development and asserts that mine hauling impacts will be the same as those for infrequent timber hauling. A "Geo-Tech" report submitted at the same time overlooks potential geological slope instabilities associated with the haul road traversing the Swede Creek gorge and claims no significant danger to aquatic resources or impact from heavy truck traffic.

2022

- **February:** CSVN expresses concerns in writing to County regarding the inadequate CAO review of the internal haul road. The County does not respond.
- **March:** The County issues a new MDNS with some additional mitigating conditions (3/11/2022). The County receives many comments from the public and state and tribal agencies expressing concerns about the lack of adequate review of environmental and traffic impacts. The County finalizes the MDNS without change.
- CSVN appeals the MDNS to the Hearing Examiner, citing multiple concerns (3/25/2022).
- **May:** A new Hearing Examiner is assigned to the Special Use Permit application and the SEPA appeal.

Public records referenced herein, application documents, and public comment letters can be found @:

<https://skagitcounty.net/Departments/PlanningAndPermit/gravelmine.htm>