

Exhibit B-12: Letter from PDS to
Concrete Nor'West requesting more
information (March 14, 2017)



Skagit County Planning & Development Services

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March 14, 2017

Via E-mail: Dan.Cox@miles.rocks; john@semrau.com; BLynn@gth-law.com

Dan Cox
Concrete Nor'west
P.O. Box 280
Mount Vernon, WA 98273

John Semrau, PE & PLS
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Mount Vernon, WA 98273

William Lyn
1201 Pacific Avenue, Suite 2100
Tacoma, WA 98402

RE: Request for Additional Information (PL16-0097)

Gentleman:

As you know, the second public comment period for Concrete Nor'West's gravel mining application has resulted in over one hundred comment letters. The comments indicated great concern about truck traffic and road safety. To address these concerns, Skagit County Public Works will run additional traffic models and road tests to ensure compliance.

Comment letters also indicated concern about noise and the facility's hours of operation. Per SCC 14.16.900 (Special Use Permit Requirements), the proposed use shall "not create undue noise, odor, heat, vibration, air or water pollution impacts" to its surroundings and shall "not cause potential adverse effects on the general public health, safety and welfare." To achieve compliance with this rule, the maximum number of truck trips per day and hours of operation will be conditioned. Based on the information you provided us, 46 truck trips per day is a reasonable limit. In addition, operations will be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. (except holidays).

In order for Skagit County to further evaluate the public's concerns, the following information is required:

- The Upper Skagit Tribe and Washington Department of Archaeology and Historic Preservation have indicated that the area proposed for mining has been inhabited by the Nuwaha band of the Upper Skagit Tribe. In order to confirm that mining activities do not disturb archaeological resources, please submit a professional archaeological survey for the project area.
- Comment letters stated that improvements to the access road are required to meet private road standards. Skagit County Public Works Department confirmed the access road is insufficient to meet private road standards and the Fire Marshal's Office requires improvements to the access road to meet private road standards. For example, 20 feet of driving surface is required for emergency access. See SCC 15.040.030(2)(f) (Section D103.2 Fire Department Vehicle Access Roads) and

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Skagit County Road Standards. Please provide a plan indicating the proposed improvements to the access road to achieve private road standards. Also include verification that the bridge over Swede Creek is rated as HS-25. In the event that the improvements to the access road are required within 200 feet of Swede Creek or other critical areas, additional critical areas review may be necessary.

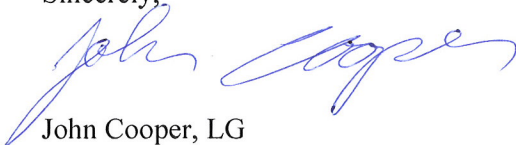
- The application indicates that a 2,000 gallon fuel tank *may* be stored on-site. However, the Hydrogeologic Site Assessment indicated that a mobile fuel truck may be used and no permanent fueling or maintenance facilities are proposed on-site. Please verify whether a fuel storage tank will be placed on-site or if a mobile fuel system will be used. Comment letters have also indicated a concern about potential fuel, hydraulic fluid, and oil spills on-site and potential impacts to water quality. Please include all plans to contain and prevent hazardous material spills, including the spill control plan and a clean-up plan in the event of a spill.
- The application indicates that no processing of material, including dry screening will occur on-site. However, the Hydrogeological Site Assessment indicates that dry screening of material (page 4, second paragraph) may occur. Accordingly, please verify whether processing or screening will occur on-site.
- Comment letters indicated that a full review of Endangered Species Act (ESA)-listed species, such as the Oregon spotted frog and Washington State sensitive species, was not addressed in the fish & wildlife/wetland site assessment per SCC 14.24.220 and SCC 14.24.520. Comment letters also indicate a 300 foot buffer should be applied due to the high intensity use. Currently, your fish & wildlife/site assessment plan includes a 200 foot buffer. Please update your fish & wildlife/wetland site assessment to address these comments.

Finally, as noted above and in the public comment letters received to date, there are numerous factual discrepancies in your Application, Project Description, SEPA Checklist, Traffic Study, and Fish & Wildlife Site Assessment. While we understand these materials were prepared at different times throughout the planning process, we ask that you update these materials to include the supplemental information requested above and to ensure consistency with your current project plans.

After receiving your updated materials, the County will issue a Revised SEPA Determination for public comment. Since certain neighbors were inadvertently excluded from the original notice list you prepared, we will update the list and ensure that proper notice is provided. Subsequently, the Staff Report for the Special Use Permit will be revised and published for public comment and hearing.

Thank you for your patience in this matter. If you have any questions, please contact my office at (360) 416-1334.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Cooper", is written over the typed name.

John Cooper, LG
Planner/Geologist