

Exhibit C-27: Issued SEPA
Mitigated Determination of Non-
Significance (MDNS) (February 22,
2022)

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

For: Concrete Nor'West/Miles Sand & Gravel

File #: PL16-0097 (Special Use Permit) &

File #: PL16-0098 (Forest Practice Conversion)

PROJECT DESCRIPTION:

On March 7, 2016, Skagit County Planning & Development Services received an application for a Special Use Permit (**File: PL16-0097**) to permit a proposed gravel mine/quarry on the subject property. The proposed gravel mine would remove approximately 4,280,000 cubic yards of gravel from three parcels (P125644, P125645, & P50155) over a period of approximately 25 years. The three parcels total approximately 77 acres, of which 68 acres will be cleared, however the mining will occur on approximately 51 acres of the 68-acre cleared area. Gravel will be removed from the site by truck and trailer, generating an average of 46 trips per day, and the material will be transported to market or to one of Concrete Nor'West's nearby facilities for processing. The site is accessed from Grip Road on an existing private gravel haul road located approximately 0.70 miles east of the Prairie Road/Grip Road intersection. Operations onsite will be limited to excavation. No processing is proposed onsite. The applicant is proposing to haul material from 7:00 AM to 5:00 PM Monday through Friday.

In addition to the Special Use Permit application, the applicant also applied for a Forest Practice Conversion application (**File: PL16-0098**). To facilitate the proposed mining/quarry operation onsite, the applicant proposes to harvest approximately 50,000 board feet of timber on 68 acres, remove the stumps, and convert the parcels to a gravel mining operation.

Both applications were determined to be complete on **March 22, 2016** and a letter of completeness was issued for the applications. Additional information regarding this project is available at the Skagit County Planning and Development Services website:

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

APPLICANT:

Concrete Nor'West / Miles Sand & Gravel
C/O: Dan Cox, General Manager
P.O. Box 280
Mount Vernon, Washington 98273

LANDOWNER:

Lisa Inc.
Attention: Concrete Nor'West
400 Valley Avenue Northeast
Puyallup, Washington 98372

AGENT:

John Semrau, PLS, PE
Semrau Engineering & Surveying
2118 Riverside Drive, Suite 208
Mount Vernon, Washington 98273

PROJECT LOCATION:

The proposed properties subject to the mining operation are located approximately 1.5 miles north of Grip Road and south/southwest of the Samish River, within a portion of the Southeast Quarter of Section 27; Township 36 North; Range 04 East; Willamette Meridian within unincorporated Skagit County,

Washington.

SUBJECT PARCELS:

- Proposed Mine/Quarry: P125644, P125645, & P50155
- Haul Road: P125646, P125647, P125626, P125627, P125628, P125629, P125630, P125631, P125623, P125624, P125632, P125633, & P35704
- Contiguous Subject Parcels (Under Same Ownership): P125648, P125649, P50087, P125618, P125634, P125640, P125619, P125635, P125641, P125620, P125636, P125642, P125621, P125637, P125643, P125622, P125638, P125639, & P125625

ZONING & MINERAL RESOURCE OVERLAY:

The subject properties lie in the **Rural Resource-Natural Resource Lands** (RRc-NRL) Zoning District of unincorporated Skagit County. Additionally, the subject properties where the proposed mine/quarry would be located at is in a designated **Mineral Resource Overlay (MRO)**. Since the proposed use [a mine/quarry] is located in an MRO, it is permitted in the underlying RRc-NRL Zoning District with an approved Hearing Examiner Special Use Permit per Skagit County Code 14.16.430(4)(g).

LEAD AGENCY: Skagit County Planning and Development Services.

The lead agency for this proposal has determined that, with appropriate mitigation, this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request and can be viewed on the PDS website at <https://www.skagitcounty.net/Departments/PlanningAndPermit/gravelmine.htm>.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures in Skagit County Code, Skagit County's Comprehensive Plan adopted under RCW 36.70A, and in other applicable local, state, or federal laws and rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12 and RCW 43.21C. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

MITIGATION MEASURES:

1. The scope of the project shall not exceed that as set-out in the Special Use Permit application (including attachments), those activities described in the SEPA checklist and supporting documents, and in accordance with the determinations made and conditions imposed. No crushing, processing, recycling, or blasting activities are permitted as part of this Special Use Permit application. Only excavation and transportation of mined material offsite is permitted. Significant deviation from the proposal will require additional review and approval by Skagit County Planning and Development Services.
2. Hours of operation of the mine/quarry are hereby limited to Monday through Friday from 7:00

AM to 5:00 PM. No mining operations are permitted outside of these times including holidays. If seasonal (temporary) demand indicates a need for extended hours, or Saturday or Sunday operations, the applicant shall submit a request for a temporary deviation to these permitted hours to Planning & Development Services (PDS). If permitted by PDS, such operations may be subject to additional conditions by PDS.

3. No track out of dirt, debris, or rocks onto county road/rights-of-way is permitted. For the duration of construction/mining activities, the applicant shall sweep, as needed, track out from county roadways/rights-of-way adjacent to the access associated with the proposed mine/quarry.
4. The applicant shall comply with Northwest Clean Air Agency (NWCAA) requirements for mining related activities both on and offsite. Visible dust generation shall require immediate best management practice (BMP) implementation. The Development at all times shall comply with Concrete Nor'West Fugitive Dust Control Plan (FDCP).
5. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices shall be utilized throughout the life of the project. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, shall be in place prior to mining, grading, or paving operations. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with (SCC 14.32). Said measures shall remain in place until the completion of the project.
6. The proposed gravel mine/quarry shall comply with SCC 14.16.840 (Skagit County Performance Standards) regulating vibration, heat, glare, steam, electrical disturbance, and noise in unincorporated Skagit County.
7. The applicant shall comply with the provisions of Washington State Administrative Code (WAC) 173-200 & 173-201A as required to prevent surface water quality and groundwater impacts. Best Management Practices shall be utilized to prevent interference and/or degradation of water quality.
8. This project may be subject to one of Ecology's National Pollutant Discharge Elimination Systems (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Northwest Regional Office at (206) 594-0000 to determine if an NPDES permit is required.
9. An approved/issued Class IV General Forest Practice Permit shall be obtained from the Washington State Department of Natural Resources prior to harvest of any trees onsite. A copy of the DNR issued Class IV General Forest Practice Permit shall be provided to Skagit County Planning & Development Services.
10. An approved/issued Reclamation and Surface Mining Permit shall be obtained from the Washington State Department of Natural Resources prior to any mining onsite. A copy of this permit shall be provided to Skagit County Planning & Development Services.
11. Should any human remains, archaeological, historic, or cultural resources be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of discovery, or as soon thereafter as possible, the owner/

applicant shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington Department of Archaeology and Historic Preservation, and affected tribal governments. If, following consultation with all parties, it is determined additional archaeological and cultural resource assessment is required, the owner or operator of the mining operation shall retain the services of a professional archaeologist to prepare an assessment. Project work in the affected area shall only continue when conformance with applicable state and federal law is met.

12. Any proposed refueling of trucks and/or equipment onsite shall comply with all requirements of Skagit County, including but not limited to, the following:
 - i. Obtain all required permits and approvals from the appropriate agencies. Provide copies of these permits to Skagit County Planning & Development Services.
 - ii. The applicant shall comply with the current Fire Code addition (per the IFC) and adopted Skagit County Fire Code Standards.
 - iii. Install all required improvements (approved and inspected by Skagit County Planning & Development Services) including but not limited to a concrete fueling pad; oil/water separator; gutter/swale to prevent runoff from leaving the pad; and spill kit. Any improvements shall be permitted, approved, and inspected prior to any onsite refueling.
13. Development shall comply with all requirements from both Skagit County Planning & Development Services and Skagit County Public Works including but not limited to:
 - i. Within the existing prism of the haul road that provides ingress and egress to the proposed mine/quarry, maintenance and repair may occur to the road itself. No further expansion of the roadway of any kind outside of the existing prism may occur without first obtaining the required permits, approvals, and reviews. Critical Area review would also be required with possible mitigation to any impacted critical areas and/or associated buffers pursuant to SCC Chapter 14.24.
 - ii. The Applicant shall purchase and install, at Applicants' expense, a Traffic Activated Flashing Beacon System in the area of the Grip Road and Prairie Road intersection to address sight distance deficiencies. The Applicant will submit a proposed plan for review and approval to the Skagit County Engineer. All equipment and signage to be installed shall meet the standards and specifications of Skagit County Public Works. After installation and acceptance by the Skagit County Engineer, said equipment will be turned over to Skagit County for ongoing operation and maintenance. The truck activated flashing beacon detector north of Grip Road on Prairie Road for southbound traffic shall activate the flashing beacon/lights for the following scenarios:
 - I. Westbound trucks on Grip Road approaching Prairie Road.
 - II. Southbound truck stopped on Prairie Road waiting to turn left onto Grip Road.
 - iii. The Applicant shall purchase and install at Applicants' expense, a Traffic Activated Flashing Beacon System in the area of the Grip Road and Mine Access Road intersection to address sight distance deficiencies. The Applicant will submit a proposed plan for review and approval to the Skagit County Engineer. All equipment and signage that is to be installed shall meet the standards and specifications of Skagit County Public Works. After installation and acceptance by the Skagit County Engineer, said equipment will be

turned over to Skagit County for ongoing operation and maintenance.

- iv. Prior to operating the mine, the applicant shall design and construct improvements to the two (2) sharp turns immediately east of the intersection of Prairie Road and Old Highway 99N ("road improvements") to mitigate for trucks with trailers crossing over the center line while turning at said locations. Said road improvements shall be constructed at the applicant's sole cost, expense, and liability, shall be constructed in accordance with plans and specifications reviewed and approved by the Skagit County Engineer, and shall be constructed in accordance with all applicable laws, rules, regulations, and standards.
 - v. All parking associated with mining/quarry operation's employees, trucks, and associated equipment shall be off street onsite and not include the public right-of-way or the private haul road.
 - vi. The applicant shall comply with all Skagit County load restrictions on the Samish River bridge on Old Highway 99 North. If the dump truck/pup trailer combinations exceed the load restrictions, the applicant will use Interstate 5 (I-5) for southbound access to the Belleville pit located on Old Highway 99 North, south of the Samish River Bridge until such time as the bridge is improved.
 - vii. The maximum daily truck traffic that is allowed associated with the subject gravel mine/quarry is limited to an average of 46 daily trips during mining operations not to exceed 30 trucks per hour under extended hours operations. To address the extended hours conditions, the applicant will seek permission from Skagit County prior to generating the higher truck volume.
 - viii. When hauling on any public highway and/or Skagit County Roadways, all loads shall meet the requirements as outlined in RCW 46.61.655 – Dropping load, other materials – Covering.
- 14. The subject parcels where mining is to occur, shall be reclaimed in accordance with the Washington State Department of Natural Resource's (DNR) Reclamation Plan, associated issued permits, and Washington State law.
 - 15. No gravel mining operations shall occur within 10 feet of the groundwater table as established by the Hydrogeologic Site Assessment report by Associated Earth Sciences, dated August 21, 2015. The proposed mine shall maintain a minimum of a 10-foot buffer of natural material between the base of the mine and typical seasonal high ground water levels. The applicant shall work with their consultant(s) to determine where this is in the field so that no encroachment of the groundwater table occurs.
 - 16. Development shall comply with Skagit County Code Chapter 14.24 (Skagit County Critical Areas Ordinance) including but not limited to:
 - A. Per "Northwest Ecological Service's Impact Assessment & Mitigation Plan" dated December 2021, the following is required:
 - I. During resurfacing of the haul road, establish erosion control and BMPs to ensure protection of downstream waters.
 - II. Haul trucks shall be maintained in good working condition such that petroleum products or other harmful chemicals do not adversely affect adjacent critical areas.
 - III. During operation of the mine, maintain existing forested vegetation adjacent to the roadway, particularly in wetlands and buffer areas. This forested buffer along the

road provides water quality filtration of surface waters prior to entering adjacent wetlands and streams and provides a buffer and screening for wildlife using the interior of the site.

IV. Review the proposal for compliance with applicable County/State stormwater management requirements.

B. Per “Associated Earth Sciences Incorporated’s Geological Hazard Assessment Report” dated December 16, 2021, the following recommendations shall be followed:

- I. No clearing of vegetation within the geologic hazard areas.
- II. Maintain roadside swales and check dams. Clean out material that has sloughed into the swales that could potentially block surface water. Avoid concentrated surface water discharge onto the steep slopes.
- III. Do not place uncontrolled fill, strippings, or other debris over the top of steep slopes.

17. Development shall comply with all applicable provisions of Skagit County Code Chapter 14.26, the Shoreline Master Program (SMP), including but not limited to:

- A. A 200-foot buffer of undisturbed vegetation shall be provided between the Samish River and the gravel mine. The buffer shall be measured on a horizontal plane landward of the ordinary high-water mark (OHWM) and associated wetland(s) edge.
- B. The 200-foot buffer and associated wetlands shall be designated as a Protected Critical Area (PCA) to assure identification and long-term protection. A Protected Critical Area Easement site plan acceptable to Skagit County’s Natural Resource division of Planning & Development Services shall be recorded with the Skagit County Auditor’s office.

18. Development shall comply with the Washington State Department of Ecology’s (DOE) requirements including but not limited to:

- A. Any wetlands that occur on the property would be waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. If any wetland impacts do occur, the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal.
- B. Wetland impacts shall be avoided by not allowing any excavation within the buffer area associated with Samish River and its associated riparian wetlands; don’t excavate below 10 feet above the groundwater table to prevent dewatering the Samish River; and maintain an earthen berm between the gravel pit and the Samish River so stormwater runoff cannot discharge directly.
- C. All storm water runoff generated within the gravel mine excavation should flow into the closed depression and be prevented from reaching the Samish River.
- D. The operation will require coverage under the NPDES Sand & Gravel General Permit to authorize the discharge of stormwater and/or process water to surface waters and/or groundwaters from sand and gravel operations. Applicants must submit the Notice of Intent (NOI) application online through Ecology's Water Quality Permitting Portal.

19. Development shall comply with Skagit County Code 14.16.440 regulating the Mineral Resource Overlay.

A copy of the SEPA MDNS, approved special use permit, and issued Forest Practice Conversion shall be kept onsite and made available to inspecting agencies. Failure to comply with any of these conditions will result in all work on the site being stopped until the condition is remedied. This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for fifteen (15) days from the date of the publication below.

Written comments must be received no later than **4:30 PM on March 11, 2022**

Email correspondence will not be accepted, however comments may be submitted via the PDS website under "recent legal notices" tab. (www.skagitcounty.net/pdscomments)

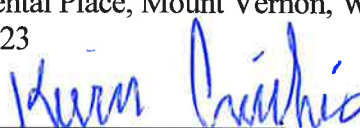
You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the closing of the above-described comment period.

Appeals must be submitted no later than **March 25, 2022**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services
CONTACT PERSON: Kevin Cricchio, AICP, Senior Planner
MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273
PHONE: (360) 416-1423

Date: **February 22, 2022**

Signature:


(On behalf of Hal Hart, Planning and Development Services Director)

CC: WSDOT, WDNR, WDOE, Skagit County Public Works, NW Clean Air Agency, Skagit County Fire Marshal, WSDF&W, Skagit River Systems Coop, Army Corps., DHAP, Samish Indian Nation, Upper Skagit Indian Tribe, Skagit County Health Department, Applicant, SEPA Register, Parties of Record

Date Transmitted to Skagit Valley Herald: **February 22, 2022**

Please Publish in the Skagit Valley Herald: **February 24, 2022**