

Exhibit C-34: Public Comments
Received 2022 During SEPA MDNS
Comment Period

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 4, 2022 8:23:38 AM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, March 3, 2022 4:50 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Kathryn Longfellow
Address : 5318 Cedar Ridge Pl
City : Sedro Woolley
State : WA
Zip : 98284
email : klongfellow@frontier.com
PermitProposal : PL16-0098

Comments : Miles Sand and Gravel gross revenue is between \$100,000 and \$500,000 million per year according to a internet search, a substantial amount. They are requesting to run many heavy duty truck and trailer vehicles on a substandard, curvy, sight impaired county lane (Grip Road) without bringing the lane to a level that can effectively handle heavy commercial-industrial traffic. This creates the potential for accidents involving drivers, both community and company-a major safety issue.

I request that those individuals who sign to ok this congestive, accident prone arena be required to bear the financial burdens of the result of their actions. The county community should not have to pay for employees of the county not taking responsibility for their actions, which cause potential life and property loss .

Act responsibly. Require Miles Sand and Gravel to bring the local Grip and Prairie roads to a standard that can sustain heavy truck-trailer commercial traffic.

From Host Address: 50.34.126.250

Date and time received: 3/3/2022 4:49:49 PM

From: [Wallace Groda](#)
To: [Kevin Cricchio](#)
Subject: Haul Route and Recent Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098
Date: Friday, March 4, 2022 7:50:21 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)

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Kevin,

Will the permit define and limit permissible haul routes? Without that, it would seem we would have additional traffic safety risks and unmanageable road maintenance.

Thanks,
Wallace Groda

From: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Sent: Thursday, February 24, 2022 11:27 AM
Subject: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098

2/24/2022

RE: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098

To Whom It May Concern:

You are identified as a party of record as you provided comment concerning the Concrete Nor'West application to permit a gravel mine/ quarry on the subject properties.

Enclosed is an issued **SEPA Mitigated Determination of Non-Significance (MDNS)** with mitigation measures therein associated with this project. Written comments must be received no later than **4:30 PM on March 11, 2022**.

Supporting documentation for the issued SEPA MDNS is located here:

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

Kevin Cricchio, AICP, ISA
Senior Planner

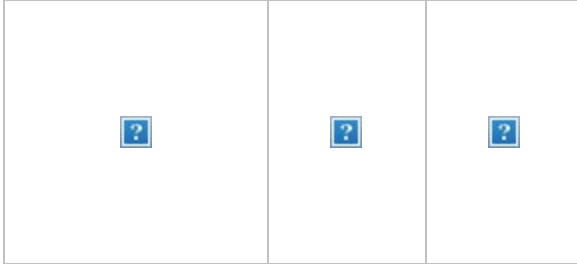
Skagit County Planning & Development Services

1800 Continental Place

Mount Vernon, Washington 98273

Phone: (360) 416-1423

Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: [Wallace Groda](#)
To: [Forrest Jones](#)
Cc: [Joe Amaro](#); [Kevin Cricchio](#); [Brandon Black](#)
Subject: Re: Issued SEPA MDNS, Concrete Nor"West, PL16-0097 & PL16-0098
Date: Thursday, March 3, 2022 11:14:52 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.png](#)

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Forrest,

Thanks for the response.

Further to the peer review of the TIA, were the turns from the two intersections (1. Prairie and Grip Road and 2. Grip and the mine road) included? It's basically impossible to make a right turn at those intersections and not make a significant intrusion across the center line. This can be validated with observations at the Old Highway 99 and Cook Road intersection. South bound truck/trailer traffic from the Belleville pit making a right turn onto Cook Road consistently uses 2 1/2 lanes at the intersection entrance and 1 1/2 lanes at the intersection exit onto Cook Road. East bound traffic on Cook Road is constantly forced to back up from the intersection to allow the turning truck rigs passage.

Grip Road does not provide that option at all for now. Grip road is simply too narrow and there is virtually no shoulder. However, this problem can be easily rectified by installing turn and merge lanes at both intersections of concern. There is land space available at both sites and those modifications would be of modest cost. This revision would reduce collision risk and improve traffic flow for both the haul trucks and the community at the same time.

Your thoughts/comments would be appreciated.

Thanks,
Wallace Groda

From: Forrest Jones <forrestj@co.skagit.wa.us>
Sent: Wednesday, March 2, 2022 8:32 AM
To: 'wallacegroda@msn.com' <wallacegroda@msn.com>
Cc: Joe Amaro <jamaro@co.skagit.wa.us>; Kevin Cricchio <kcrichio@co.skagit.wa.us>; Brandon Black <brandonb@co.skagit.wa.us>
Subject: RE: Issued SEPA MDNS, Concrete Nor"West, PL16-0097 & PL16-0098

Hi Wallace,

To my knowledge an Auto Turn Analyses was not completed on Grip Road. As you indicate there was one completed on Prairie Road due to the 90-degree curves just east of Old Hwy 99. It was determined that that the dump trucks with pups would not be able to stay in their lane of travel when navigating these curves and therefor Concrete Nor'West will be required to widen the roadway through this area. As for Grip Road, while the roadway does have some curves traveling to the west, which would be the main route to and from the pit, there should not be an issue with the dump trucks staying within the travel lane.

Public Works will continue to monitor this roadway for any additional problems that may arise and take any necessary action to assure the safe travel on Grip Road and other routes throughout the area and County.

As for the 30 trucks, yes this would be the mine's maximum haul trucks allowed under extended hours of operation. However, I believe during normal operations the there would be 46 trips or 23 trucks entering and exiting per day.



From: Wallace Groda <wallacegroda@msn.com>

Sent: Tuesday, March 1, 2022 11:01 AM

To: Joe Amaro <jamaro@co.skagit.wa.us>

Cc: Kevin Cricchio <kcricchio@co.skagit.wa.us>

Subject: Fw: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Joe,

I was referred to you for your perspective on impacts from the proposed mining operation on Grip Road traffic safety. Did your TIA peer review include Grip Road as well as Prairie? Did you have Auto Turn analyses or other information for Grip Road? And have you concluded that the road, as is, will be safe for the local commuter at the proposed traffic levels (30 haul rig round trips/hour)?

My neighbors and I are very concerned about trailer rigs crossing the road center line. To us, this portion of the haul route presents much more exposure/risk than the Prairie Road curves

that will be revised for the mining operation. Grip Road is steeper, narrower and has many curves similar to those on Prairie. But unlike Prairie, the drop off is very significant.

Thanks,
Wallace Groda

From: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Sent: Tuesday, March 1, 2022 8:24 AM
To: Wallace Groda <WallaceGroda@msn.com>
Cc: Brandon Black <brandonb@co.skagit.wa.us>; Joe Amaro <jamaro@co.skagit.wa.us>
Subject: RE: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098

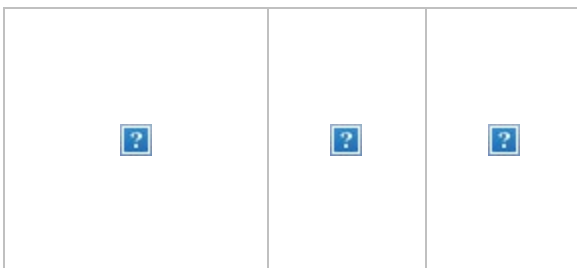
Hello Wallace. Thanks for the email. A traffic impact analysis (TIA) was already submitted for this project which also was peer reviewed.

Additionally, the Public Works Department has reviewed the subject application and TIA/reports. Their requirements and conditions have been included in the issued SEPA MDNS. For further questions about either the TIA or the requirements of the Public Works Department, you'll need to chat with them. Thank you.

Kevin Cricchio, AICP, ISA
Senior Planner

Skagit County Planning & Development Services

1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: Wallace Groda <WallaceGroda@msn.com>

Sent: Tuesday, March 1, 2022 6:59 AM

To: Kevin Cricchio <kcricchio@co.skagit.wa.us>

Subject: RE: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098

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Kevin,

Basis your note it appears that further traffic analyses will not be required for the gravel mine project. Have you concluded that traffic on Grip Road is safe from oncoming trailer rigs crossing the center line with the road as is?

Thanks,

Wallace Groda

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, March 3, 2022 9:43:45 AM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Wednesday, March 2, 2022 2:25 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Mary Ruth and Phillip Holder
Address : 201 S. 7th St.
City : Mount Vernon
State : WA
Zip : 98274
email : mruthholder@gmail.com
PermitProposal : PL16-0097 Grip Road Gravel Mine
Comments : March 2, 2022

Mr. Kevin Cricchio, AICP, ISA
Senior Planner
Skagit County Planning and Development Services
via PDS comment portal/site.

Dear Mr. Cricchio:

We received the February 22 MDNS on this project and in response we are resubmitting our opposition to the MDNS and request for a full Environmental Impact Statement (EIS) for the project. Below is our new comment.

We are opposed to the Mitigated Determination of NonSignificance (MDNS) issued for the above-referenced Puyallup based Miles Sand and Gravel proposal for the 90-foot deep open pit Grip Road Gravel Mine, an industrial-scale mining operation adjacent to the Samish River. Among other things, this project would cause significant adverse impacts and irreparable harm to the natural environment, including to water and air quality and fish and wildlife habitat. The issuance of the MDNS is inappropriate: a full Environmental Impact Statement (EIS) should be required for the project. The applicant failed to identify all of the areas impacted by the project and to provide updated and complete studies of all fish and wildlife adversely impacted. Additionally, the MDNS allows applicant to violate the County's Critical Area Ordinance.

The flawed MDNS only took into account just 60 acres of the project's impact, and ignored applicant's more than 700 contiguous acres and the two-mile long private road over which 11,000 truck trips will travel annually. Significantly, this private road is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was

proposed. Sensitive areas and buffers within the entire project area (not just the 60-acre mine site) must be identified so that operators and regulators know where they are. Significant adverse impacts to these sensitive areas would be made worse by the County's allowing applicant to provide only a 200-foot buffer on the river instead of complying with the County's Critical Area Ordinance requiring a 300-foot buffer based on applicant's proposed high intensity land use (industrial scale mining). An appropriate environmental review (EIS) must consider the full footprint of this project and all of its impacts.

The MDNS determination is based on applicant's out-of-date and incomplete Fish and Wildlife Assessment. This Assessment is more than five years old despite the fact that the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as "Endangered" in Washington State and "Threatened" federally. In addition, critical habitat for Bull Trout is located just downstream. Bull Trout is a "Candidate" species for listing in WA State, and is already listed as "Threatened" federally. The MDNS ignores these "ESA species" and does not require any protective measures for them. Furthermore, the County failed to consult with the appropriate state and federal agencies responsible for protecting these species pursuant to SEPA.

The MDNS was issued in the absence of a full wetlands delineation. Thus, there is no requirement for surveying and permanently marking wetlands. Sensitive areas and buffers within the entire project area (not just the mine site itself) must be identified so that operators and regulators know where they are.

Wildlife corridors were neither identified nor protected. This site is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. It is used by cougar, bear and bobcat - all animals that require large territories and are sensitive to disturbance.

Significant adverse water quality impacts could result from runoff from the private haul road, yet there is no drainage plan to identify treatment measures for this runoff. The high volume of truck traffic is likely to cause excess sedimentation and potential contamination from petroleum products that could pollute surface water flowing into Swede Creek, a fish bearing stream. An effective drainage plan must be developed.

Impacts to groundwater from the (eventually 90-feet deep) mining pit have not been adequately evaluated, and needed groundwater protection measures are not required in the MDNS. Applicant proposes to excavate the mine to within 10 feet of groundwater. Although applicant claims that runoff from the disturbed site will drain into the mine, and that infiltration will protect the groundwater, it is unclear how that ten-foot limit was determined, how the operation will avoid penetrating the water table and how seasonal groundwater fluctuation may influence drainage. The MDNS fails to consider the permeable nature of sand and gravel, thus it is unclear whether ten feet would be sufficient to filter out contaminants such as petroleum product spills. Applicant failed to address whether the groundwater at the site, essentially at the level of the Samish River and flowing directly into it, would contaminate the river.

Applicant failed to evaluate the impacts of emissions and dust on air quality resulting from mining equipment and hauling material minimum of 240,000 cumulative miles per year driven by diesel gravel trucks. No mitigation plan was prepared for this significant adverse impact on air quality.

Finally, the MDNS ignores the cumulative adverse impacts that the mine would create over its 25 years of operation. Neither on-site nor off-site cumulative impacts were evaluated. The twenty-five year period of this large mining operation will radically change and irreparably harm the landscape and important wildlife habitat and fish bearing streams. It will also degrade the quality of life of residents in surrounding areas and threaten their public health and safety (cumulative adverse impacts from noise, vibrations, air pollution and heavy diesel truck traffic driven more than 5,500,000 cumulative miles over the 25 year period).

For all of the above reasons, we request that you withdraw the MDNS and require a full EIS. Alternatives considered must include 1.) no permit and 2.) issuance of a permit for a much smaller operation for which impacts would be fully mitigated by applicant. Any permit must provide that any project expansion or other change to the operation will require a new application and full environmental review. If the applicant still fails to provide all the necessary updated and accurate information for purposes of an EIS, the permit must be denied. Thank you for your attention to our comments.

Sincerely,
Mary Ruth and Phillip Holder

From Host Address: 50.34.100.14

Date and time received: 3/2/2022 2:21:16 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, March 3, 2022 9:43:02 AM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Wednesday, March 2, 2022 2:00 PM
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 : wildefoods@yahoo.com

PermitProposal : PL16-0097 Concrete Nor'west

Comments : Re: Concrete Nor'west/Miles Sand & Gravel; PL16-0097 & PL16-0098

I don't believe this project is in the interest of Skagit County. I am disappointed that crucial aspects have not been studied sufficiently to know the potential damage that can be caused. For example, this project seems bound to have severe detrimental effects on the Samish River watershed. We appreciate that the haul road has been acknowledged and that a critical area report was made. This report recognizes 36 wetlands and 21 seasonal streams within 300 feet of the road, some of which may be suitable habitat for the endangered Oregon spotted frog. We believe the impacts of 11,000 heavy trucks with their exhaust, runoff disturbances, toxic tire debris, leaking toxins and noise and vibration, needs further study and consideration. We are also very concerned about the heavy truck traffic on the unstable slopes in the Swede Creek gorge, a fish bearing stream, and the potential dangers of a catastrophic slide severely damaging the creek. The fact that there has so far been no acknowledgement and corrective action or mitigation for the expansion of the haul road in 2018, and the claims that the impacts from this construction are not to be included in this project even though this work was conducted two years after the submission of the mining application, does not sit well for honest assessment of the project as a whole.

The mining itself intends to excavate "to within 10 feet of groundwater" and expects to collect all runoff from the disturbed site in the mine. The groundwater at the site is near the level of the Samish River and flows directly into it. Add on to all these contaminations waiting to happen, we know there will definitely be runoff from the roads into the watershed from the extreme increase of large trucks on the county roads over sensitive habitat (more than 11,000 per year and up to 60 trips/ hour !?!). We have put so many efforts into trying to revitalize the delicate Samish River. It is critical habitat for the Bull Trout, designated habitat for the Endangered Oregon Spotted Frog and an important River for our dwindling salmon populations. The limited Fish and Wildlife Assessment provided in the application is more than six years old, the direness of the state of salmon and the climate have become much more apparent in these few years. This is not time to assault these

delicate ecosystems with a project of this scope and destruction!

We are at a crucial moment of understanding that we are at a tipping point and our actions today will have extreme effects on the livability of many species, including our own. The value of clean water, salmon and orcas is irreplaceable. Please don't go to your deathbeds not knowing you did the right thing for the future.

This proposal for the mine lacks identification and mitigation of wildlife corridors, mention of effected endangered species the necessary agencies that need to be consulted for this, a drainage plan to protect water quality from runoff on the haul road, protections for groundwater and the expense of all the mitigations that would be needed to county road infrastructure to keep these roads from becoming a death trap for local travelers trying to navigate amongst the frankly inconceivable amount of heavy equipment on the county back roads.

Please do not approve it.
Thank you.

From Host Address: 50.34.204.195

Date and time received: 3/2/2022 1:57:31 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Wednesday, March 2, 2022 3:52:05 PM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Wednesday, March 2, 2022 3:20 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Mary Ruth and Phillip Holder
Address : 201 S. 7th St.
City : Mount Vernon
State : WA
Zip : 98274
email : mruthholder
PermitProposal : File # PL16-0097 Grip Road Gravel Mine
Comments : March 2, 2022

Mr. Kevin Cricchio, AICP, ISA
Senior Planner
Skagit County Planning and Development Services
Submitted via PDS portal/site

RE: Public comment File # PL16-0097, Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine issued February 24, 2022

Dear Mr. Cricchio:

We received the February 22 MDNS on this project and in response we are resubmitting our opposition to the MDNS and request for a full Environmental Impact Statement (EIS) for the project. Below is our new comment.

We are opposed to the Mitigated Determination of NonSignificance (MDNS) issued for the above-referenced Puyallup based Miles Sand and Gravel proposal for the 90-foot deep open pit Grip Road Gravel Mine, an industrial-scale mining operation adjacent to the Samish River. Among other things, this project would cause significant adverse impacts and irreparable harm to the natural environment, including to water and air quality and fish and wildlife habitat. The issuance of the MDNS is inappropriate: a full Environmental Impact Statement (EIS) should be required for the project. The applicant failed to identify all of the areas impacted by the project and to provide updated and complete studies of all fish and wildlife adversely impacted. Additionally, the MDNS allows applicant to violate the County's Critical Area Ordinance.

The flawed MDNS only took into account just 60 acres of the project's impact, and ignored applicant's more than 700 contiguous acres and the two-mile long private road over which 11,000 truck trips will travel annually. Significantly, this private road is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed. Sensitive areas and buffers within the entire project area (not just the 60-acre mine site) must be identified so that operators and regulators know where they are. Significant adverse impacts to these sensitive areas would be made worse by the County's allowing applicant to provide only a 200-foot buffer on the river instead of complying with the County's Critical Area Ordinance requiring a 300-foot buffer based on applicant's proposed high intensity land use (industrial scale mining). An appropriate environmental review (EIS) must consider the full footprint of this project and all of its impacts.

The MDNS determination is based on applicant's out-of-date and incomplete Fish and Wildlife Assessment. This Assessment is more than five years old despite the fact that the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as "Endangered" in Washington State and "Threatened" federally. In addition, critical habitat for Bull Trout is located just downstream. Bull Trout is a "Candidate" species for listing in WA State, and is already listed as "Threatened" federally. The MDNS ignores these "ESA species" and does not require any protective measures for them. Furthermore, the County failed to consult with the appropriate state and federal agencies responsible for protecting these species pursuant to SEPA.

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would be sufficient to filter out contaminants such as petroleum product spills. Applicant failed to address whether the groundwater at the site, essentially at the level of the Samish River and flowing directly into it, would contaminate the river.

Applicant failed to evaluate the impacts of emissions and dust on air quality resulting from mining equipment and hauling material minimum of 240,000 cumulative miles per year driven by diesel gravel trucks. No mitigation plan was prepared for this significant adverse impact on air quality.

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For all of the above reasons, we request that you withdraw the MDNS and require a full EIS. Alternatives considered must include 1.) no permit and 2.) issuance of a permit for a much smaller operation for which impacts would be fully mitigated by applicant. Any permit must provide that any project expansion or other change to the operation will require a new application and full environmental review. If the applicant still fails to provide all the necessary updated and accurate information for purposes of an EIS, the permit must be denied. Thank you for your attention to our comment.

Sincerely,
Mary Ruth and Phillip Holder

From Host Address: 50.34.100.14

Date and time received: 3/2/2022 3:18:01 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Wednesday, March 2, 2022 3:54:17 PM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Wednesday, March 2, 2022 2:40 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Randy Sue Collins

Address : 4824 State Route 9

City : Sedro Woolley

State : WA

Zip : 98284

email : sonomabeelady@att.net

PermitProposal : PL16-0097 PL16-0098

Comments : Spoke at great length with Kevin Cricchio today about the mine/quarry project near the Samish River by Nor'West. He helped me understand the complexities of this undertaking and what the zoning area is already approved for, which, in this case, is mining gravel.

I am interested in hearing about any future meetings associated with this project and appreciate the continued vigilance of our government bodies in supporting and protecting the environment and its citizens.

From Host Address: 152.44.195.21

Date and time received: 3/2/2022 2:38:03 PM

From: [Kevin Cricchio](#)
To: [John Day](#)
Cc: "Martha Bray"; [Brandon Black](#); [Joe Amaro](#); [Forrest Jones](#)
Subject: RE: Questions re PL16-0097/PL16-0098 Grip Road gravel mine MDNS
Date: Tuesday, March 1, 2022 10:23:00 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)

John,

For clarity sake I am emailing you again. All the comments we've received in the past associated with this project since 2016 are part of the record. They will be forwarded to the hearing examiner as an exhibit to the staff report/findings of fact.

However, comments on previous SEPA determinations are not applicable to the current issued SEPA MDNS. You need to comment on this issued SEPA MDNS during the comment period to be considered a party of record and thus potentially appeal our SEPA determination. I hope this makes sense. Thanks.

Kevin Cricchio, AICP, ISA

Senior Planner

Skagit County Planning & Development Services

1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: Kevin Cricchio
Sent: Tuesday, March 1, 2022 8:52 AM
To: John Day <jday0730@gmail.com>
Cc: 'Martha Bray' <mbray1107@gmail.com>; Brandon Black <brandonb@co.skagit.wa.us>; Joe

Amaro <jamaro@co.skagit.wa.us>; Forrest Jones <forrestj@co.skagit.wa.us>

Subject: RE: Questions re PL16-0097/PL16-0098 Grip Road gravel mine MDNS

Hello John. We've [PDS] received a number of comments on this project since 2016. All of these comments are part of the record of the project which will be made as an exhibit(s) as part of the staff report /findings of fact once this project goes to a public hearing before the Hearing Examiner. As stated in the recently issued SEPA MDNS, there is a new public comment period associated with the issued MDNS.

A traffic impact analysis (TIA) was already submitted for this project which also was peer reviewed. Additionally, the Public Works Department has reviewed the subject application and TIA/reports. Their requirements and conditions have been included in the issued SEPA MDNS. For further questions about either the TIA or the requirements of the Public Works Department, you'll need to reach out to them. Thank you.

Kevin Cricchio, AICP, ISA

Senior Planner

Skagit County Planning & Development Services

1800 Continental Place

Mount Vernon, Washington 98273

Phone: (360) 416-1423

Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: John Day <jday0730@gmail.com>

Sent: Monday, February 28, 2022 3:25 PM

To: Kevin Cricchio <kcricchio@co.skagit.wa.us>

Cc: 'Martha Bray' <mbray1107@gmail.com>

Subject: Questions re PL16-0097/PL16-0098 Grip Road gravel mine MDNS

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Hi Kevin,

I have a couple questions about the Grip Road gravel mine MDNS and one about the process going forward.

Mitigation Measures 13.vii. of the MDNS reads as follows: "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." (Emphasis mine)

1. Skagit County Road Standards, 2000, defines a "trip" as "A one-direction movement which begins at the origin and ends at the destination". Is that the applicable definition in this case?
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With regard to the comment process: Will PDS consider any of the comments that were submitted previously as part of the record for the current MDNS, or will only new comments made after the February 24 publication date and by the March 11 deadline be considered?

Thanks,
John

From: [Kevin Cricchio](#)
To: [John Day](#)
Cc: "[Martha Bray](#)"; [Brandon Black](#); [Joe Amaro](#); [Forrest Jones](#)
Subject: RE: Questions re PL16-0097/PL16-0098 Grip Road gravel mine MDNS
Date: Tuesday, March 1, 2022 8:52:00 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)

Hello John. We've [PDS] received a number of comments on this project since 2016. All of these comments are part of the record of the project which will be made as an exhibit(s) as part of the staff report /findings of fact once this project goes to a public hearing before the Hearing Examiner. As stated in the recently issued SEPA MDNS, there is a new public comment period associated with the issued MDNS.

A traffic impact analysis (TIA) was already submitted for this project which also was peer reviewed. Additionally, the Public Works Department has reviewed the subject application and TIA/reports. Their requirements and conditions have been included in the issued SEPA MDNS. For further questions about either the TIA or the requirements of the Public Works Department, you'll need to reach out to them. Thank you.

Kevin Cricchio, AICP, ISA

Senior Planner

Skagit County Planning & Development Services

1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: John Day <jday0730@gmail.com>
Sent: Monday, February 28, 2022 3:25 PM

To: Kevin Cricchio <kcricchio@co.skagit.wa.us>

Cc: 'Martha Bray' <mbray1107@gmail.com>

Subject: Questions re PL16-0097/PL16-0098 Grip Road gravel mine MDNS

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Hi Kevin,

I have a couple questions about the Grip Road gravel mine MDNS and one about the process going forward.

Mitigation Measures 13.vii. of the MDNS reads as follows: “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.” (Emphasis mine)

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With regard to the comment process: Will PDS consider any of the comments that were submitted previously as part of the record for the current MDNS, or will only new comments made after the February 24 publication date and by the March 11 deadline be considered?

Thanks,
John

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Tuesday, March 1, 2022 8:12:10 AM

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Sunday, February 27, 2022 9:45 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Donna Schoonover

Address : PO Box 207

City : Bow

State : WA

Zip : 98232

email : donnawh@earthlink.net

PermitProposal : Concrete Nor'West/Miles Sand & Gravel PL16-0097 & PL16-0098

Comments : I do not believe that a Traffic Activated Flashing Beacon System in the area of the Grip Road and Prairie Road intersection is going to be adequate to prevent fatalities at the intersection. I believe a traffic activated stop light would be more effective at prevent deaths there. We live on Prairie Road just west of the intersection and constantly note the speeding of vehicles on Prairie. If there was a known stop light at that intersection it would give drivers more of a change to slow down to a stop than a beacon where they are not required to slow nor stop, thinking they can outrun the gravel truck.

Thank you for considering my concern.

From Host Address: 152.44.196.240

Date and time received: 2/27/2022 9:43:45 AM

From: [Kevin Cricchio](#)
To: [Wallace Groda](#)
Cc: [Brandon Black](#); [Joe Amaro](#)
Subject: RE: Issued SEPA MDNS, Concrete Nor"West, PL16-0097 & PL16-0098
Date: Tuesday, March 1, 2022 8:24:00 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)

Hello Wallace. Thanks for the email. A traffic impact analysis (TIA) was already submitted for this project which also was peer reviewed.

Additionally, the Public Works Department has reviewed the subject application and TIA/reports. Their requirements and conditions have been included in the issued SEPA MDNS. For further questions about either the TIA or the requirements of the Public Works Department, you'll need to chat with them. Thank you.

Kevin Cricchio, AICP, ISA

Senior Planner

Skagit County Planning & Development Services

1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: Wallace Groda <WallaceGroda@msn.com>
Sent: Tuesday, March 1, 2022 6:59 AM
To: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Subject: RE: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098

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Kevin,

Basis your note it appears that further traffic analyses will not be required for the gravel mine project. Have you concluded that traffic on Grip Road is safe from oncoming trailer rigs crossing the center line with the road as is?

Thanks,
Wallace Groda

RECEIVED

MAR 03 2022

SKAGIT COUNTY
PDS

1 March 2022

Director of Planning and Development Services
Kevin Cricchio, AICP, Senior Planner
1800 Continental Place, Mount Vernon, WA 98275/3

Re: Comments on the most recent Concrete NW/Miles MDNS. 25 February 2022.

Below are some comments and concerns we, Jim Wiggins and Abbe Rolnick, have on the proposed Concrete Nor'West/ Miles Sand and gravel permits. We are not commenting on all aspects of said MDNS because we believe other concerned parties will be providing additional/other comments.

In the first paragraph of page 4, in part it states *"and the material will be transported to market on to one of Concrete Nor'West's nearby facilities for processing"*. The assumed transportation for sand and gravel was west on Grip Road, west on Prairie Road and then to Old 99 North". The statement above gives more latitude for Miles to move sand and gravel to market with no traffic road condition analysis nor ability to comment on environmental concerns. To enable us to provide comments on said alternative haul routes, we need to know those road possibilities. A simple answer is to stick to the original proposed haul roads as stated above, i.e., Grip to Prairie.

On page 2, *"Significant deviation from the proposal will require additional review and approval by Skagit County Planning and Development Services"*. I assume that the concerned public will be notified and able to provide comments when any deviations occur.

On page 3, *If permitted by PDS, such operations may be subject to additional conditions by PDS*. We are concerned about "additional extended hours. If such additional hours are allowed, we need a better description of the accepted deviations.

There are numerous comments/requirements on pages 3 and 4, regarding adherence to SCC 14.32. There needs to be a stormwater plan developed. If new stormwater features are installed, a Critical Areas report needs to be developed to ensure no critical areas are affected with impacts mitigated. Additionally, all CA's along the proposed haul road and the existing road prism and ditches, need to be field flagged and surveyed to determine the true location and proximity to any work, such as stormwater facilities, to be installed.

On page 5, it states, *"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 99 North (road improvements) to mitigate for trucks with trailers crossing over the center line while turning at said locations"*. Due to the proximity of Friday Creek, a shoreline of the state, suitable critical areas need to be field flagged, surveyed, and mitigation proposed for all work, including road and stormwater features. A shoreline permit, critical areas permit (including buffer encroachment), addressing ESA (endangered species) presence and avoidance, and mitigation for said disturbances.

Also, on page 5, it summarizes how the Samish River bridge on Old 99 North has load limit requirements and said truck and trailer traffic needs to go up Bow Hill road and onto Interstate-5. A concern we have is that to avoid this route, trucks may choose to turn left off Prairie onto F and S Grade road then onto Kelleher Road. If so, this route needs to be examined for safety and critical areas if any road work is required.

Also on page 5, *"The maximum daily truck traffic...mining operations not exceed 30 trucks per hour under extended hours operation. To address the extended hours condition, the applicant will seek permission from Skagit County prior to generating the higher truck volume"*. Please describe said conditions.

Also on page 5, *"No gravel mining operations shall occur with 10 feet of the groundwater table..."*. As adequately described in the letter from Skagit River System Cooperative dated 30 April 2021, on page 1, said requirements that we agree with are proposed, such as sampling timing, placement of elevation monumentation, and monitoring of said water table. Furthermore we agree with all of the comments and recommendations described in the SRSC letter.

On page 6 of your letter *"A 200-foot buffer on undisturbed vegetation shall be provided between the Samish River and the gravel mine"*. This 200-foot buffer was proposed by the Graham and Bunting report and is for moderate impacts. Said mine, as per SCC code for commercial and industrial land uses require a 300-foot buffer. The wetland and Samish River edge needs to be field flagged and surveyed for accuracy. Said buffer needs to be field surveyed and marked in the field. Furthermore due to the high intensity of use by the proposed truck traffic along the haul road, said wetlands and streams need to be ranked using the high intensity land use designation and buffered accordingly.

I did not see where there is mention within your letter of the construction of a "berm" along the Samish River buffer that has been included in previous documents submitted by Miles. We need to see a drawing of said berm. Said berm needs to be placed out of the prescribed buffer and designed by an engineer.

Thank you for the opportunity to provide these comments.

Respectfully



Jim Wiggins MS, Professional Wetland Scientist Emeritus.

21993 Grip Road
Sedro-Woolley, WA 98284



Abbe Rolnick

Aattachment: SRSC 30 April 2021 letter



Skagit River System Cooperative

11426 Moorage Way • P.O. Box 368 LaConner, WA 98257-0368

Phone: 360-466-7228 • Fax: 360-466-4047 • www.skagitcoop.org

April 30, 2021

Michael Cerbone
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Reference: Concrete Nor'West gravel pit
(submitted electronically via: County Comment Portal)

Dear Michael,

The Skagit River System Cooperative (SRSC) has reviewed the resubmittal of the proposal by Concrete Nor'West for a gravel pit near the Samish River (PL16-0097 and PL16-0098). The steelhead and coho salmon that spawn and rear in the Samish River and its tributaries are important tribal resources, so we are submitting comments on behalf of the Swinomish Indian Tribal Community and Sauk-Suiattle Indian Tribe.

Depth of Quarry Excavation

We would like to reiterate our previously stated concerns about the bottom depth of excavation for the pit. It is important to prevent any interaction of surface water and ground water in order to prevent pollution and protect water quality. We understand from the project documents that the extent of gravel mining will not go deeper than 10-feet higher than the groundwater levels surrounding the Samish River in order to prevent this interaction between groundwater and surface water. Limiting the depth of excavation should prevent the gravel pit from becoming a pond, and from river water being affected by groundwater interaction. However, it is important to consider the practicality of conveying this provision to the on-the-ground employees operating the pit decades from now, when that maximum depth of excavation will be approached.

For clarity and certainty, we would like the specific elevation of final excavation to be established as part of the permitting process, and that elevation should be based on Samish River water surface elevations at normal winter flow, not during summer low flow. On-the-ground monumentation should be available onsite with clear signage, located where it won't be disturbed by decades of mining, but close enough to be useful when the pit begins to exhaust its capacity.

Additionally, we would like to see periodic site evaluations every five years with reporting to the Department of Ecology. The evaluations should include a rod-and-level survey to determine the current depth of excavation using onsite monumentation, and an evaluation of the depth of excavation

remaining. This evaluation will serve to continue to convey the provisions and on-the-ground expectations to the employees operating this mine.

We expect there to be no surface runoff from the gravel mine, as pits create a topographically closed depression. Finally, we expect there to be no on-site processing of gravel, as stated in the plans.

Haul Route

The project proponent must expand their environmental assessment to include the haul route from the gate at Grip Road to the mine site itself. The existing onsite haul route is about 2 miles long and was developed for forestry activities. The quantity, seasonality, and duration of traffic; types and weights of vehicles; agency with jurisdiction; and maintenance responsibility will all change with this proposal, and as such, impacts must be considered. The route crosses numerous wetlands, a couple of typed streams, and the gorge and large stream Swede Creek, a known salmon-bearing stream. We have concerns on how the proposal will affect these sensitive areas.

The haul route was apparently widened recently. The as-built drawings recently provided by Semrau Engineering indicate the road is approximately 22 feet wide as-built. Archived airphotos and Google Earth indicate that this road was previously much narrower, approximately 15 feet as measured from airphotos.

I am unclear what permits were acquired to do the road widening, or if the work was under DNR jurisdiction (under FPA # 2816283 or FPA # 2814718) or Skagit County as improvements to a private road at the time. The two FPA's referenced do not indicate any road work or culvert replacements at typed streams would occur, but the roadwork did in fact replace culverts at approximate STA 12+27, STA 64+00, and STA 64+95 which with a cursory assessment and details in the FPA indicate would be Type N or Type F streams.

When this work occurred happens to be easy to ascertain. A 7/15/2018 Google Earth airphoto shows the work underway, with the northern portion of the haul route widened to more than 20 feet, and the southern part of the haul route remains narrow at about 10-12 feet and as in an apparent 2-track condition. An excavator is working at 48.563041, -122.280407. A roller is parked at 48.569462, -122.276716. The widening of the road adds up to more than 2 acres of new compacted gravel (2 miles x 10 feet). We would like to hear details of the design and regulatory approvals for this substantial road widening and project to replace all culverts.

Moving forward, we expect an environmental assessment to survey the road for stream crossings, wetlands, and seeps (of which there are many) to support a design that meets the Skagit County Drainage Ordinance and allows free flow of all surface waters across the road through appropriately sized culverts and ditches for streams and cross drains. We expect all culverts to be appropriately spaced and located, in particular those at approximate road stations STA 12+27, STA 64+00, and STA 64+95 where we believe typed streams to be present. All culverts must be appropriately sized to meet Skagit County Code or Washington State Forest Practices, whichever is more restrictive.

We feel that over the long term that the gravel operations use of this road presents an impact to surface waters and aquatic habitat due to sedimentation and runoff, and presents a greatly increased risk of slope failures that threaten to directly impact Swede Creek. We presume that the BMPs in the ditchline along the road were implemented concurrently with the above-described road work and the 2018 FPA. While remnants of the BMPs were evident in the ditchline (decayed straw wattles) recently, these BMPs

are clearly short-term treatments for forest practices, which typically represent a short duration of heavy use along a forestry road, as in during the harvesting and subsequent replanting activities. However, the proposed mine will have a very long duration (25 years) of a very heavy use (documents indicate 4.6 up to 30 trucks per hour). Typical forest practices short-term BMPs and management of stormwater are likely insufficient, unless scrupulously maintained, to effectively prevent runoff into surface waters.

The type of vehicle that will be utilizing this haul route is also notably different than a typical log truck, which can typically weigh around 88,000 pounds. The application materials indicate that the typical loaded gravel truck and pup will weigh 105,500 pounds, or 20% heavier. This, combined with the vastly greater number of vehicles and duration of the action, must be considered in an adequate drainage and stormwater management plan.

The road and all crossing structures must be assessed to ensure that they are capable of handling the types of traffic expected on the mine service road. We would like to see information specific to the age of the bridge and an onsite assessment by a bridge engineer that the bridge is capable of handling long-term usage by 105,500 pound vehicles; the provided memo is based on a typical engineering drawing dated 1999 and "from the original bridge installation and "photos and descriptions" sent to the engineer by the project proponent. This seems like an insufficient assessment of a bridge that serves as the key haul route for this mining project and is central to our concerns about the risk to aquatic habitat.

From our perspective, the risk of failure at this bridge would bring substantial harm to downstream aquatic habitat and we would like to be assured that this timber bridge is capable of handling the mine traffic. Traffic along the haul route must be adequately planned for, maintained, and mitigated. We request an onsite bridge inspection be completed prior to permitting, and repeated periodically at no less than every 5 years for the duration of the mine. We request this bridge inspection schedule and submittal of inspection reports to Skagit County Public Works be a provision of the permitting of this mine.

We would like to see the applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out as a provision to the permit, to prevent impacts to surface waters and wetlands in the vicinity of the haul route throughout the duration of this mine. We also feel that the 2-mile haul route, which has been essentially doubled in width ahead of this mining activity, should be fully assessed by a qualified consultant who can identify sensitive areas, priority habitat areas, wetlands, and streams; quantify the impact; and suggest appropriate and mitigation measures to reduce impacts resulting from this project.

When identifying mitigation measures, we would like to draw attention to an undersized and impassable culvert on a Type F stream located along a spur road on the subject property that we have recorded in a inventory of barrier culverts (48.563983, -122.275181). We suggest as a potential mitigation measure to compensate for road expansion and impacts to remove this culvert and naturalize the stream, or replace this culvert with an appropriately sized culvert based on an assessment of channel dimensions and fish use.

Swede Creek gorge

We have specific concerns about the haul route through the steep valley at Swede Creek. The route crosses a bridge at Swede Creek, which the proponent has designated will be a one-lane bridge with signage. The engineer, Semrau, has provided an as-built drawing set, dated 2018, for the haul route, which supported this review.

Firstly, we would like to see no additional road widening within the Swede Creek gorge. Should any widening be absolutely necessary, the road should be cut into the hillslope and not be built further onto the fillslope.

The slopes in this gorge are very steep, well over 70% at some locations, with delivery possible since Swede Creek is at the toe of steep slopes.

There are a couple of existing road failure issues within the gorge that must be corrected as soon as possible to prevent any further road failures or degradation to water bodies. These existing road failures serve as an example of the types of road issues we are very concerned about. There is presently a 60-80 foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek. Any further failure risks sediment delivery directly into Swede Creek. The sidecast failure occurred recently, at a time with relatively little road traffic. With the constant impact of loaded 105,500-pound gravel trucks passing by at a rate of 4.6 to 30 trucks per hour, the compaction, vibration, and degradation of appropriate ditches and drainage features will be constant, greatly increasing the risks that use of this road presents to Swede Creek.

In addition to the sidecast cracking, there are two cutslope failures that have slumped and filled the ditchline. All three of these failures must be immediately addressed to ensure that no further damage to the drainage infrastructure or Swede Creek occur.

In an environment like the Swede Creek gorge, water management is of the utmost importance. This fact cannot be understated. Cross drains and backup cross drains must efficiently transport surface runoff across the road surface and not be allowed to run haphazardly down the ditchline. The outlet of cross drains must be carefully selected by an experienced road designer to ensure that erosion or failure of the fill slope will not be aggravated.

Slope failures and debris slides are disastrous for fish habitat. Debris slides can decimate instream biota and adjacent riparian areas, bury redds and appropriate spawning substrates, and contribute to downstream water quality problems. Road management and reducing the risk of debris torrents originating at forest roads is something that our organization has invested a great deal of time, effort, and money to address and correct, and remains a significant concern of ours at this location. We understand that the road is proposed for paving at STA 21+00 to 26+00, located within the Swede Creek gorge and within the riparian buffer of Swede Creek. While there are some negative impacts and risks associated with paving due to increased impervious area and increased runoff quantity and speed, we recognize that paving can greatly reduce sediment delivery to streams. We recognize that sediment delivery is one of the greater threats to the aquatic habitat adjacent to this proposal. For that reason, we would like to see consideration of paving both the north and south approaches to the Swede Creek bridge, from hillcrest down to the bridge.

Washington State Forest Practices Board Manual suggests paving within 200 feet of a stream as a BMP for sediment control. "In situations where sediment control devices need to be used long-term consider surfacing that requires little to no maintenance such as chip sealing or paving portions of roads." We feel that would be a prudent BMP in this situation, where permanent management of sediment must be

required. However, as will all surface water management in a steep gorge, paving must be designed with care by an experienced road engineer with experience working with these building materials in steep terrain, to ensure that runoff is carefully managed to avoid erosion or slope failure, and disconnect from streams and wetlands.

We would like to see some improvements to drainage management within the gorge, with additional cross drains installed to ensure capacity and redundancy in the case of slumping into the ditchline, as is presently occurring. This ensures that water can get off the road if a culvert is clogged, rather than run down the road and trigger further slope failures and damage to the aquatic environment. In risky terrain for forest roads, redundancy and maintenance are key. The outlet of any cross drains in the gorge should be disconnected from directly contributing to Swede Creek; this may be in the form of swales, settling basins, sediment curtains, or straw wattles that can prevent pollution from reaching a surface water body. Permanent treatment BMPs should be considered and utilized. Substantial rock aprons should be built at the outlet of all culverts, with particular attention and size emphasized at culverts within the Swede Creek gorge. We feel strongly that to reduce sediment runoff in the gorge, paving, permanent BMPs, and ample cross drainage opportunities can help to reduce impacts.

Road Maintenance

We understand the access road from Grip Road to the quarry (nearly 2 miles) will be designated a Private Road by Skagit County, and the landowner(s) of the road will be responsible for its maintenance. We are concerned about impacts of this road should it go unmaintained over the 25-year duration of this project. Ditches and culvert inlets that become clogged with debris and sediment, potholes, washboards, winter snowplowing that forms windrows along road edges, damaged culverts and aprons, or damage to the Swede Creek bridge all present situations where there are increased and avoidable impacts to surface water bodies.

We would like to see an adequate drainage and stormwater management plan assessing and prescribing improvements to the private haul route. We would like to see applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. We would like to see a schedule of periodic on-site bridge inspection to assess the Swede Creek bridge and the anticipated traffic level and loads. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out, to prevent impacts to surface waters and wetlands in the vicinity of the haul route.

Reclamation

We would like to see the proponent submit a reclamation plan for their proposal, and this plan should be provided for ours and public review. The mine reclamation plan for this site should specify access controls that are adequate to assure that no dumping will occur, either by Concrete Nor'West or any authorized or unauthorized parties. Obsolete gravel pits have a tendency to become dumping grounds for all kinds of waste and trash. If some of that trash were to leach toxic materials into the permeable gravel at the pit, the result could be devastating for Samish River fish. A robust plan to prevent dumping at the pit would be a prudent step at this stage of permitting the mine.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our

comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 391-8472 or email at nkammer@skagitcoop.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Nora Kammer". The signature is fluid and cursive, with the first name "Nora" and last name "Kammer" clearly distinguishable.

Nora Kammer
Environmental Protection Ecologist
Skagit River System Cooperative

March 8, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine

File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

While I do not live in the area of the proposed mine, I am a long time resident of Skagit County. I care about this area and all those who reside in it (including both animals and plants). Please consider all evidence carefully. Your decision will impact us beyond the 25-year lifespan of the mine. I trust you will factor in environmental and quality of life issues in addition to profit.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by

Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

Thank you for the opportunity to comment.

Sincerely,

Sandra Krot

18045 Valentine Road

Mount Vernon, WA 98273

March 9, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

Once again, we are writing on behalf of the local community group Central Samish Valley Neighbors (CSVN) to comment on a new Mitigated Determination of Nonsignificance (MDNS) for the proposed Grip Road Gravel Mine, File #'s PL16-0097 & PL16-0098. In addition to this letter, our attorney Kyle Loring, is also submitting comments on behalf of CSVN. This MDNS is for a large new gravel mine along the Samish River proposed by Miles Sand and Gravel/Concrete Nor'West (CNW), as part of their application for a mining Special Use Permit (SUP). This is the third MDNS issued for this project, with two previous ones withdrawn by the County in 2021. This letter attempts to summarize our ongoing concerns, most of which still have not been addressed despite all of the time that has passed and hundreds of comment letters submitted by community members. Based on our own review and consultation with our attorney, the project impacts identified in the application are significant and warrant additional analysis through an Environmental Impact Statement (EIS) that fully evaluates them and identifies appropriate alternatives and mitigation measures. The County needs to, once and for all, withdraw this MDNS and require a full EIS. Our comments identify information that the County still needs to obtain in order to conduct an adequate review of the impacts that the proposed mine would cause. This information involves the need for both clearer project details and more thorough evaluation of environmental impacts.

The application review has suffered from the absence of institutional memory and inconsistent oversight. We have followed this application since its inception six years ago. During that time, there have been more staff changes at Skagit County Planning and Development Services (PDS) than we can count – the PDS Director has changed, the County attorney representing PDS has changed at least twice, as has the Assistant Director position for PDS; and three different planners have been the lead on this project. The County's review of this application has suffered from a lack of institutional memory and consistent oversight. We are very concerned that County staff at PDS and Public Works do not have a full grasp of the scale of this proposed industrial scale mine, and the potential cumulative and long-term impacts of it. And, the very real public safety impacts from truck traffic have not been taken seriously.

Mitigation Measures are inadequate. Despite all of the public comments, and County staff time into this, very little has actually changed from the original proposal. Of the nineteen “mitigation measures” proposed in this latest MDNS, almost all are simply re-stating the obvious, that the project must comply with existing state and county regulations. The few specific mitigation measures that go beyond existing code are either inadequate to address the impact, or contain loopholes that make them practically meaningless. In the case of Mitigation Measure #17, the County’s own Critical Areas Ordinance is disregarded in favor of a reduced buffer on the Samish River – this is certainly not mitigation in any true sense of the term. In addition, there are no monitoring or enforcement mechanisms proposed in any of these mitigation measures that would ensure compliance over the twenty-five year lifetime of this proposed mine.

Mistakes and delays are not a justification for incomplete environmental review. We know that PDS staff have their hands full with many important projects. And, understandably, people would like to see this project wrapped up. Nonetheless, having tracked it from the beginning, it is clear to us that most of the delays have been caused by the applicant’s recalcitrance to respond to the County’s reasonable requests for information. Avoidable delays have included two appeals filed by the applicant in attempts to avoid providing additional project information. The layers of often conflicting application documents, submitted over more than half a decade, have made it challenging for citizens and planners alike to understand the actual scope and impact of the project. This is quantity at the cost of quality. The applicant should have been required to start over with a comprehensive EIS years ago. Nonetheless, that error combined with the foot-dragging by the applicant should not force the County to now push the project through when there are still significant gaps remaining in the environmental review.

Summary of necessary information and environmental review omitted from the application materials. Based on our review of the March 7, 2016 SEPA Checklist, the August 2, 2019 Supplemental SEPA Checklist Information, the documents referenced in those materials, and the other documents posted to the County’s project website (including the two new documents submitted by the applicant in Dec. 2021), the application continues to suffer from the SEPA inadequacies listed below.

1) Project scale is under-represented: The application minimizes and under-represents the scale of the mining activity by avoiding many details and using vague descriptors such as “extracting relatively low volumes of aggregate”.

2) Impact to the environment from use of the private haul road is not fully evaluated: The applicant’s new Critical Area reports¹ for the 2.2 mile long private haul road are the only application materials that review the impacts to the larger property owned by CNW, outside of the mine site itself, even though this haul road is an integral part of the project. These reports identify

¹ “Impact Assessment and Mitigation Plan”, Northwest Environmental Services, Dec. 2021 and “Geo-Tech Memo”, Associated Earth Sciences, Dec. 2021

many sensitive wetlands and streams, but use false assumptions to minimize the estimated impacts that industrial hauling would have on them.²

3) Off-site and cumulative impacts are omitted and ignored: The application omits and/or minimizes descriptions of off-site and cumulative impacts of the project, especially off-site impacts related to truck traffic.

4) Future plans not disclosed: The application omits plans for future on-site processing despite the suggestion in the application materials that the applicant may seek to operate on-site processing in the future. This omission prevents a complete evaluation of the impacts and identification of appropriate mitigation.

5) Impacts on Environmental Elements inadequately reviewed: Defects in application materials result in a failure to fully disclose impacts for all of the “Environmental Elements” required by SEPA.

6) Mitigation measures and project alternatives not fully considered: The application and the MDNS do not identify or evaluate appropriate mitigation measures or alternatives.

We discuss all of these issues further below, in the order listed.

1) Project scale is under-represented. The SEPA Checklist, Supplement and Special Use Narrative minimized and under-represented the scale of the proposed mining development by avoiding detail and using vague descriptors such as “extracting relatively low volumes of aggregate”. The mining activity was described using generalities, and omitting many details. This approach obscured important information and it is unclear whether key details were used by the County in its SEPA review. Other examples of misleading application materials include the characterization of the site as “very remote” and the proposed mining as a “temporary” activity. The SEPA Checklist states, “traffic generated by the project will be typical of mining operations,” but does not state any actual numbers. To the extent the submitted documents actually provide this information, many of those details are buried in the referenced studies and drawings.

The truth is that this is a proposal for a 51-acre open pit mine that will eventually be ninety feet deep. This is a hole in the ground about the area of 38 football fields and ten stories deep. The Checklist states that there will be “4.28 million cubic yards of excavation”. If 4 million cubic yards are hauled off site (assuming 1 yard equals 3,000 pounds), this would be approximately 6 million tons of sand and gravel removed from the site over a twenty-five year-period, or

² See attached letter submitted by Bray/Day on 1/11/2022

240,000 tons per year. We do not see this scale of land disturbance and trucking at this location as “low volume”.

Furthermore, although the application characterizes the mining operation as a “temporary activity,” its proposed daily operations over 25 years will feel permanent to the community, as will the long-term alterations to the landscape. The “very remote” characterization likewise ignores the actual setting – the site is located in an area where no prior industrial scale mining has occurred, and it would operate amidst a rural residential neighborhood with more than 100 homes within a mile of the site and 750 homes within three miles. And, an investigation into the DN Traffic memo (June 2019) reveals that the “typical” gravel truck traffic referenced in the SEPA Checklist is actually an estimated 11,765 tandem gravel truck trips per year on narrow substandard County roads.³

By avoiding details in the main project documents, the application appears complete, but does not actually address the full impacts of the project, nor does it explore less damaging alternatives or identify real mitigation measures.

- 2) Impact to the environment from use of the private haul road is not fully evaluated.** The SEPA Checklist’s description of the project site (Section A. #11) as only a 68-acre parcel of land did not describe full scope of the project; it and both the original and updated SEPA narratives failed to clearly identify the two-mile-long haul road across the applicant’s 726-acre property that is required to get the gravel to Grip Road. In response to this failure, in 2021, the County required environmental review of the haul road. The applicant’s new Critical Area report for the haul road revealed 36 wetlands and 21 seasonal streams within 300 feet of the haul road. One of the largest of these wetlands was identified as suitable habitat for the endangered Oregon spotted frog. Yet, this new report does not acknowledge the high intensity industrial use of the haul road. Instead, it downplays the difference between mining use and previous uses that involved an occasional forestry operation. The impact on these streams and wetlands from 11,000 trips per year by dump truck/trailer combinations weighing as much as forty tons each has simply not been evaluated. Impacts to the aquatic habitat include potential hydrocarbon pollution from road run-off, increased sedimentation, and changes to surface water hydrology, as well as significant disturbance from constant noise and vibration and diesel exhaust.

³ Contrary to the volume of gravel stated in the SEPA checklist, the DN traffic memo assumes that 200,000 tons of material per year will be removed from the site. Using DN’s math, and assuming the larger volume stated in the SEPA checklist, the number of truck trips per year would be actually be closer to 14,118 (240,000 tons/34 tons/truck*2), or an average of 54 truck trips per day (not 46 per day as stated in the DN memo). This is one of many examples of inconsistent and confusing information provided in the application materials.

In addition the impacts from haul road expansion and construction were ignored. The haul road was significantly expanded in 2018 for mining purposes without regulatory oversight. The new Critical Area report claims that any past impacts from road construction are not part of this project, even though this work was conducted two years after they submitted the mining application. These impacts were never acknowledged, causing ongoing habitat degradation. No corrective action and no mitigation for this construction activity has been required.

In addition, the potential impact of heavy truck traffic on unstable slopes in the Swede Creek gorge has not been adequately addressed. The haul road crosses Swede Creek, a fish bearing stream, in a steep gorge. Unstable slopes and existing road failure issues have been identified in the gorge. Road triggered landslides in these locations can have catastrophic effects on streams, delivering sudden huge debris and sediment loads to the creek. The new Geo-Tech memo takes a cursory look at these issues without truly addressing them. A more thorough evaluation by a qualified geologist that identifies appropriate remediation, as well as ongoing preventative management of the road's drainage system, is essential to avoid slope failure and protect the habitat in Swede Creek.

- 3) Off-site and cumulative impacts omitted and ignored.** One of the most significant components of this proposal is the plan to haul approximately 4 million cubic yards of sand and gravel from the site to be processed at another facility. The material would be moved by truck along more than five miles of County roads over a period of 25 years. This trucking activity is a crucial part of the project that will cause significant environmental harm, yet the project description in the SEPA Checklist (Section A. #11), as well as the updated narrative for the Special Use Permit application, omit details of this aspect. The only mention of truck traffic is by reference – listing several “traffic memos” submitted by the applicant separately, together with piecemeal supplemental information and addenda. The County’s pursuit of additional information on traffic impacts eventually led to a third-party desktop review by a consulting traffic engineer engaged by the County (HDR), and most recently (September 2020) a longer Traffic Impact Analysis (TIA) that was prepared by DN Traffic Consultants on behalf of CNW. However, all of the documents that look at the traffic impacts appear as a kind of postscript. This has the effect of concealing the severity of the truck traffic impacts and it considers only those impacts related to a narrow set of criteria regarding County road standards and “level of service”. In reality, the off-site impacts from a heavy and sustained volume of truck traffic over a twenty-five year period are many-pronged and cumulative. These impacts include carbon emissions and air pollution, noise, vibration, public safety, and damage to public infrastructure. A full SEPA review needs to evaluate and identify mitigation measures for all of these impacts, not just those that fall under the narrowly defined criteria in County Code for triggering Traffic Impact Analyses (TIA). Furthermore, the applicant’s TIA fails to meet some of the basic requirements for such documents included in Skagit County Road Standards, 2000, as incorporated by reference in the Skagit County Code.

To illustrate the scale of this proposal (using the conservative figures in the DN traffic studies) approximately 294,000 truck trips over a 25-year period are required to haul the amount of material the applicant proposes to excavate from the mine. The shortest haul route to CNW's Belleville Pit site on County roads is approximately 11.5 miles round trip, plus an additional 4 miles round trip on the private haul road. Cumulatively, this is more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This is equivalent to almost 800 round trips between Seattle and New York City.⁴ Furthermore, one fully loaded standard gravel truck with pup trailer weighs more than 80,000 pounds. Very few of the off-site impacts associated with this hauling have been addressed in the application materials. Finally, the number of truck trips and cumulative mileage may actually be considerably higher than stated above depending on several factors, including weight limits on the bridge over the Samish River on Highway Old 99 and the extent of third-party sales.

Other off-site impacts that were minimized or inadequately described in the application documents include potential impacts to surface water; impacts of noise from mining equipment and hauling; and potential impacts to fish and wildlife. We address these concerns elsewhere in this letter under the specific environmental elements, in the order they appear in the SEPA Checklist.

- 4) Future plans not disclosed.** The SEPA checklist asks specifically if there are any plans for future additions, expansion, or further activity related to or connected with this proposal (Section A. #7). The applicant answered 'no' to this question on the SEPA Checklist but implies elsewhere that they may conduct onsite processing at a future date. The applicant was asked to clarify this point, and in a letter to the County on May 15, 2017, states only that no processing was proposed "in this application" – implying that future on-site processing is contemplated. And, the revised "Special Use Narrative," dated Aug. 2, 2018, states in the third paragraph that "No processing is proposed onsite at this time" (*emphasis ours*). SEPA guidelines require that all parts of a proposal be disclosed, even if the applicant plans to do them "over a period of time or on different parcels of land." We find the inconsistency on this topic troubling. Given the cost of hauling raw materials 184,000 miles/year, we find it unlikely that CNW will not apply for an additional permit in the future to allow on-site gravel processing. Furthermore, the disclosure of future plans is essential here because the project buffers would need to be larger to accommodate on-site gravel processing, and because the project would be subject to even more rigorous scrutiny. On-site processing would trigger a significantly larger buffer (200 feet—double the 100 feet currently proposed) on the northern and western borders to reduce

⁴ Different application documents identify conflicting amounts of material to be excavated and hauled from the site, as well as different haul routes and mileage and load weights. Using the higher extraction figures in the SEPA checklist (assuming 4 million cubic yards of excavation), 356,666 truck trips would be required over a 25-year period cumulatively more than 5,528,300 miles (220,000 miles per year), equivalent to 970 round trips between New York City and Seattle.

noise and vibration impacts to the neighboring private properties (SCC 14.16.440(10)). This would reduce the amount of gravel available for extraction, but it is an important mitigation measure for reducing impact to adjacent landowners. It is also reasonable to assume that the applicant plans to expand the mine itself over time to encompass more of the large property holding there. There have been many examples of Skagit County approving similar expansions and scope changes through the permitting process. Dividing the planned activities into separate development applications is a way to piecemeal SEPA review and thus under-evaluate project impacts. Under SEPA, the full scope of the proposed project must be considered in order to prevent inappropriate phased or piecemeal review (WAC 197-11-060(5)(d)(ii)). Given that the applicant has expressly reserved the right to pursue processing at this site in the future, the project must be reviewed on the basis of what has been reserved as a potential future activity—that such processing would occur on the site. Therefore, the conditions on the permit need to anticipate potential future expansion with larger buffers and additional measures to reduce likely future impacts. Alternately, restrictions need to be put in place to prevent such changes to on-site activities in the future.

- 5) Impacts on Environmental Elements inadequately reviewed.** As addressed below, defects in the application materials result in the lack of adequate review of the project’s impacts to earth, air, water, and environmental health are minimized or not completely disclosed in the SEPA Checklist and supporting documents.

Earth (SEPA Checklist, Section B. #1): Although question #1.e. of the SEPA Checklist requests a description of any project filling, excavation and grading, the applicant’s response limits its response to the 51-acre open-pit mine footprint. The Checklist does not describe such essential project elements as storage and management of excavated and side-cast materials. In fact, there is no description of what, if any, site preparation will occur outside of the footprint of actual mine.

The “Site Management Plan, Sand and Gravel Permit” document that the applicant submitted (also a requirement for WA Department of Ecology’s NPDES permit) does not cure the Checklist defect. It is almost entirely generic, and simply lists typical Best Management Practices (BMPs) to prevent erosion and manage buffers. It is not site-specific and does not actually explain how the side-cast materials, or “overburden”, will be handled or how buffers along property lines will be managed. It is unclear in this plan which, if any, of the BMPs listed will actually be implemented or when or where they will be used. This omitted information is essential for verifying that the project would protect water quality, minimize disturbance to wildlife habitat, and reduce noise, dust and vibration impacts on neighboring properties.

Numerous relatively small private parcels lie to the west and north of the proposed mine site. Noise, dust and vibration from the mine will impact these properties. An appropriately-scaled, undisturbed vegetated buffer must be established to protect these properties. It is unclear in

the application materials if the buffers between the mine and adjacent properties will be left undisturbed. In addition, there are repeated assertions in project documents that all runoff from the site will drain into the open pit and infiltrate into groundwater. This does not address any surface water runoff and contamination from side-cast material that the applicant states will be stockpiled outside of the footprint of the mine itself for use in reclamation when mining operations are completed. There is no way to evaluate the impact of this earth moving activity when it is not fully explained and described.

Question #1.g. asks if any impervious surfaces are proposed. The applicant states that no permanent, impervious surfaces are proposed. This is inaccurate. There would be a need for an on-site staging areas at the mine site for dozens of trucks and equipment. In addition, the entire two-mile private haul road will essentially be impervious, including the small stretch of the road they now plan to pave in the Swede Creek gorge. A site-specific surface water drainage plan that includes measures for protecting waterways from sediment and other contaminants from these impervious surfaces needs to be prepared and implemented.

Air (SEPA Checklist, Section B. #2): The applicant’s response to question #2.a., which requests disclosure of the project’s air emissions, avoids identifying the substantial amount of emissions to be expected over the project’s 25-year lifespan. Instead, the answer characterizes air quality impacts as “temporary.” Mining is an ongoing activity. It is not temporary construction. There will be earthmoving equipment generating emissions constantly during operating hours for decades. Additionally, there is no mention of the significant cumulative carbon and particulate emissions from 25 years of diesel truck traffic. This omission alone is fatal to SEPA review.

Question #2.b. The applicant states incredulously that there are no off-site sources of emissions or odor. This answer simply ignores emissions from diesel truck hauling. As stated above, the cumulative mileage of tandem diesel trucks hauling material from this mine is more than 4,600,000 miles, or more than 184,000 miles per year.⁵ The diesel emissions from this hauling activity will be concentrated in a small area, day after day, year after year. Diesel emissions include both particulates that create localized health hazards and greenhouse gasses that contribute to global climate change. The type of diesel fuel used, maintenance and age of vehicles, speed and driving patterns, idling activities, etc. all influence the intensity of emissions. The applicant must disclose the true nature and quantity of these emissions and identify measures to reduce the impact to air quality. A simplistic calculation of the carbon emissions from just the hauling component of this project is more than 17,200 metric tons over 25 years, or around 690 metric tons per year⁶. The actual amount of carbon emissions

⁵ Assumptions: round trip of 15.4 miles between the mine and Belleville Pit, 46 round trips per day, 260 days per year, for 25 years.

⁶ Carbon emissions estimation based on the per ton/mile truck emissions estimates and sample calculations included in the Environmental Defense Fund publication produced to assist industry in reducing carbon emissions, “A Green Freight Handbook”, Chapter 2, Establish Metrics, we estimate that depending again on which of the two proposed

will probably be considerably higher because, as discussed above, the mileage is under-represented. This is a very carbon-intensive proposal. The applicant needs to provide realistic estimates of the cumulative emissions from all of the truck hauling and on-site mining activities, as well as propose an adequate mitigation plan for them.

Water (SEPA Checklist, Section B. #3): Question #3.a. involves disclosing impacts to surface water. The Checklist does not fully disclose surface water impacts from the project’s proposed undersized buffer. The applicant proposes a 200-foot vegetative buffer between the mine and the adjacent Samish River, and the MDNS accepts this in Mitigation Measure #17, but a 200-foot buffer is not adequate and is inconsistent with Skagit County Critical Areas Ordinance (SCC 14.24.230) requirements for the intensity of this land use. Additionally, when slopes of 25% or more are present, buffers are generally required to extend 25 feet beyond the top of the slope. We address this further in the section on “animals” below.

Years ago, in response to these concerns, PDS asked the applicant to submit drawings showing a 300 foot buffer, which they did. This drawing is labeled “Alternate 300 foot buffer” (dated July 2018). And yet, this “alternate” buffer has not been required as a condition of the permit.

In addition, mine site plans identify an unnamed tributary to the Samish River on the southeast corner of the site. The supplement to the SEPA checklist references the Site Management Plan to explain how surface water will be protected. Again, as discussed above in the “Earth” section, this Site Management Plan does is not site-specific and simply lists a number of BMPs without explaining where or how they may be implemented; except that Appendix B (“Site Map”) of the plan identifies one “monitoring point” near the tributary stream. There is not enough information provided to determine if surface water will be adequately protected from sediment and other contaminants or if the minimal monitoring proposed will be adequate to detect such pollution. In addition, it is unclear from the project documents where all the surface water in the areas around the mine site may drain after the site is disturbed. The mine site is perched above the river and it is unclear if the proposed buffers encompass the entire slope edge between the mine and the river. There is not enough detail in the drawings and application materials to ensure that erosion and contaminated run-off will be prevented from making its way downslope to the river.

Question #3.b. involves disclosing impacts to groundwater. The applicant states that no waste discharge will occur into groundwater. The Supplement to the SEPA Checklist again references the Site Management Plan, and states that mining runoff will infiltrate into the bottom of the mine. However, the project description states that the intention is to mine within ten feet of the groundwater level. Given the pervious nature of the sand and gravel floor of the mine, we question if this method of preventing groundwater contamination is sufficient. This is

main haul routes is followed, annual (total) truck CO2 emissions will be between 271 (6,768) and 403 (10,064) metric tons.

especially concerning as the groundwater in this location will essentially flow directly into the Samish River and into designated critical habitat for the endangered Oregon Spotted Frog (discussed further below in the section about animals). Protection of groundwater requires further evaluation, especially in terms of the potential for fuel and other toxic material spills from heavy equipment in the mine (this issue is further discussed below under the section about environmental health and hazardous chemicals.)

Mitigation Measure #15 requires the applicant to work with their consultant to determine where the groundwater level is and to stay 10 feet above it. However, there is no requirement for groundwater monitoring wells to be installed, nor any compliance or enforcement mechanism discussed. It will be many years before the mining reaches these depths; in the absence of compliance monitoring and inspection, we have very little confidence that mine operators will be paying attention to the distance between the excavation and the groundwater.

Question #3.c. involves describing impacts from water runoff, including stormwater. In addition to the concerns related to runoff from the mining site described above in the ‘earth’ section, the impact of runoff from the haul road to surface water was not identified as a concern and has not been addressed. This involves impacts to both water quality and quantity -- to the wetlands on site, to Swede Creek and to the greater Samish watershed. There is the potential for sedimentation in Swede Creek, a fish-bearing stream, and for increased overland flows and downstream flooding. There are already significant flooding issues associated with Swede Creek. The ditch adjacent to Grip Road east of the bridge over the Samish River is an overflow channel of Swede Creek. The Public Works Department and local residents are well aware that this ditch routinely spills over its banks and floods the roadway during high rainfall events. In addition, the edge of the roadbed itself at this location has required repeated hardening and repair due to erosion caused by the high volume of water flowing through this ditch. The impacts to hydrology and the potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road, especially in the gorge where the road crosses Swede Creek, needs to be evaluated and appropriate mitigation measures required. A stormwater management plan for the haul road needs to be prepared and implemented.

Mitigation Measure #5 states that the applicant shall comply with the County’s Stormwater Management Ordinance, “as it relates to increased runoff resulting from additional impervious surfaces”. It does not explain what “additional impervious surfaces” this refers to, leaving the question of whether it applies to the existing but recently reconstructed haul road. It also states that “Best Management Practices shall be utilized throughout the life of the project”, but it is not clear if this relates to only impervious surfaces, or other land disturbance. It does not require that a specific Stormwater Management Plan be prepared and approved, thereby lacking enough specificity to be useful. And, again, there are no monitoring, inspection or

enforcement mechanisms included in this mitigation measure, making it ineffective, especially over the twenty-five year life time of this project.

Mitigation Measure #7 states that the applicant shall comply with the provisions of WAC 173-201, which is the law that sets standards and enforcement mechanisms for surface water quality. In absence of any specific prescriptions for this project and this site, this is a not a useful or enforceable condition, and certainly it is not proposing any meaningful mitigation for project impacts. Again, just restating existing law is not a mitigation measure.

Plants (SEPA Checklist Section B. #4): Notwithstanding that the mine would completely strip native vegetation from more sixty-five acres of land, the Checklist omits any discussion of ways to minimize this impact. A one-sheet survey drawing titled “Reclamation Plan and Mine Sequence” (May 2015) shows the proposed mine area divided into four quadrants labeled “1” through “4”. These labeled quadrants presumably explain the “sequencing” of the mining activity, but there appears to be no narrative explaining how or when this sequencing may occur. Phasing the mining so that portions of the site remain forested until it is needed, and/or reclaiming sections over time while other sections are being mined would significantly reduce the impact to native vegetation. Simply reducing the scale of the proposed mine would be even more appropriate. Measures and alternatives that reduce the impact to the native vegetation must be evaluated.

Animals (SEPA Checklist Section B. #5): The Checklist omits significant animal species and potential project impacts on them. First, the Checklist states that no threatened or endangered species are known to be on or near the site. In fact, the US Fish and Wildlife Service and WA Department of Fish and Wildlife have designated Critical Habitat for the Oregon Spotted Frog (*Rana pretiosa*) along the Samish River directly adjacent to the site. In addition, there is designated Bull Trout (*Salvelinus confluentus*) Critical Habitat a few hundred feet downstream from the northeast corner of the mine site. The Oregon Spotted Frog was believed to be extirpated from this area until breeding sites were discovered in 2011-2012 in the upper Samish River. The Samish River system is the only place in Skagit County that the Oregon Spotted Frog has been found. It is listed as Endangered in Washington State, and Threatened federally. Bull Trout is a Candidate species for listing in Washington State and is listed as Threatened federally. The presence of designated critical habitat for species listed under the Endangered Species Act (ESA) was not disclosed in the SEPA Checklist nor in the accompanying Fish and Wildlife Assessment (GBA/August 2015). These are serious omissions.

At the request of the County, an Addendum to the Fish and Wildlife Assessment was submitted by the applicant to address the presence of the Oregon Spotted Frog habitat adjacent to the site (GBA/April 2017). However, the addendum simply states that in the consultant’s opinion, their recommended 200-foot buffer is adequate to protect this designated critical habitat

without siting any clear science or expert biological opinion to back up the statements. In fact, a note in the Addendum states:

“Our original assessment and this addendum are not intended to constitute a biological evaluation pursuant to the requirements of the Endangered Species Act. The documents are intended solely to demonstrate compliance with the Skagit County Critical Areas Ordinance (SCC 14.24).”

Further evaluation of the impact from the proposed mining to the Oregon Spotted Frog, Bull Trout, and their designated critical habitat, needs to be conducted, consistent with State requirements and the Federal ESA. As discussed in sections elsewhere in this letter (in “earth”, “water” and “toxics”), measures are not clearly described that will protect the water quality of the Samish River, its tributaries, and the groundwater that flows to the river. This is a serious concern that must be addressed to ensure that the Oregon Spotted Frog, Bull Trout, and Puget Sound Steelhead habitat is adequately protected according to law.

In addition, the SEPA Checklist and Supplement do not acknowledge a number of large mammals that are known to frequent this area. These include bear, cougar and bobcat. Furthermore, the Checklist states that it is not an animal migration route even though local residents regularly observe the use of this area as a wildlife corridor between Butler Hill to the south and the Samish River Valley and Anderson Mountain to the north. Surrounding landowners have seen cougar, bobcat, and bear traveling across their properties on numerous occasions, and at least one resident located south of the subject property has captured many photos of these animals on remote trail cameras. These animals require large territories and are sensitive to disturbance. The subject property is the last large undeveloped property linking a larger landscape between Butler Hill to the south, and the Samish River to the north. The applicant’s Fish and Wildlife Assessment does not address the impacts to this wildlife corridor. Measures could be taken to protect a swath of land and maintain intact vegetative buffers surrounding the mine on the applicant’s larger ownership. This would help reduce this impact.

Finally, the applicant’s Fish and Wildlife Assessment is more than six years old (August 2015), and its limited scope does not address the current data regarding threatened and endangered species. A new complete Fish and Wildlife Assessment needs to be prepared that considers the full footprint of the project, including the land area impacted by the private haul road, as well as all ESA species that may be impacted by the proposal.

Energy (SEPA Checklist Section B. #6): This is a very fossil fuel and carbon intensive project, both on and off site. As stated previously, just to haul the proposed volume of gravel to the applicant’s processing site would require diesel truck/trailer combinations to drive more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This does not include the on-site energy consumption from the heavy equipment required for the mining activity. In

addition, there is no electrical power supply to the site. There is no mention of power supply in the application materials, but presumably the applicant plans to run generators to provide light and power to the site. This will create even more fossil fuel consumption (and noise pollution that has not been disclosed). The applicant has made no attempt to estimate the amount of energy required, nor the impacts to the environment from it. There are no proposed energy conservation measures. The applicant should be required to evaluate alternatives to such high rates of energy consumption, and a carbon budget should be calculated with mitigation identified to offset the effects of carbon emissions to the atmosphere.

Environmental Health (SEPA Checklist Section B. #7):

Question #7a. Toxics: The Supplement to the SEPA Checklist states that “mobile fueling vehicles” and “mobile maintenance vehicles” will be used and that “if fueling stations or other storage of these materials occurs on site, it will be in compliance with the NPDES Permit filed with the WA Department of Ecology”. These vague and inconsistent statements fail to confirm whether fueling stations and fuel storage are planned or not. Furthermore, the application does not define “mobile fueling” or “mobile maintenance” or measures to control or respond to spills from them in different locations across the site. The applicant must explain how they will monitor this and provide specific management practices for use with mobile fueling and maintenance units.

Although the Site Management Plan provided by the applicant purports to address spill prevention, it merely recites generic BMPs. It does not state what specific measures will be used on this site, nor does it show any locations for fueling, fuel storage, etc. The applicant needs to disclose what the nature and location of the fuel storage and vehicle refueling and maintenance process will actually be, and what measures will be taken to prevent spills and toxins from entering surface and groundwater. As discussed previously, there is a real danger of surface water contamination and or groundwater contamination through the bottom of the mine floor if this issue is not properly addressed.

Mitigation Measure #12 addresses requirements for safe onsite fueling of mining equipment. However, this condition does not specifically address or prohibit “mobile fueling” and “mobile maintenance”. Since these terms are used in the application materials, they need to be addressed in the mitigation measures, or there is a potential for contamination of ground and surface water.

Question #7.b. Noise: This section requires disclosure of health impacts related to noise generated from the project on-site and off-site. The applicant submitted an “Updated Noise and Vibration Study” (November 2018), which concludes through modeling that the noise generated from the mine, and from off-site trucking, is within the limits set forth in Skagit

County Code. There are several major flaws in this study that call into question its thoroughness and validity:

- Concerning the computer modeling of mine operation noise levels, the November 2018 noise study states “A front-end loader, dozer, and excavator were assumed to operate concurrently in the mine”, with noise levels at 100 feet from each shown as 75, 75, and 76, dBA respectively. The study does not cite the source for these numbers. Presumably, different sizes and models of heavy equipment generate different levels of noise, and are not interchangeable for noise level modeling purposes.
- Furthermore, the noise study appears to address only “typical” mine production levels, not the “extended hours” production scenario of up to 5,000 tons per day described in the September 2020 DN Traffic Consultants Traffic Impact Analysis. Presumably, the latter would require more pieces of heavy equipment to accomplish, as well as more trucks. Based on the seasonal nature of sand and gravel demand, it seems likely that the mine would exceed “typical” or “average” production levels for extended periods during late spring, summer, and early fall. For a noise study to be valid, it must address the maximum production level.
- The computer modeled noise level receptor labeled “R3” is located approximately 900 feet north of the receiving property boundary, not at the receiving property boundary as required under WAC 173.58-020(11) and 173-60-040(1).
- The study does not address the significant noise fully loaded truck/trailer combinations will generate using their compression brakes while descending the Grip Road hill. Adding an “average” of 46 diesel trucks a day (or 30 trucks an hour, as under the “extreme” scenario from the DN Traffic Impact Analysis) onto Grip and Prairie Road will be a major change to the soundscape for residents along the haul route for the next 25 years regardless of whether the trucks exceed legal noise limits.

There are 100 homes within a mile radius of the proposed mine, and 375 homes within a 2 mile radius. Even if the applicant’s consultant can somehow create a model that shows that the noise generated from the mine and truck traffic is below the thresholds set out in WAC and Skagit County Code, the ambient noise from the mine and the trucks will become a constant backdrop for the residents in the surrounding area. This noise will have a lasting impact on public health, on the quality of life in this quiet rural neighborhood, and on wildlife. Per an article titled “The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk” in the National Institute of Health’s online National Medical Library, “Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.”

The SEPA checklist and accompanying documents contain no discussion of ways to reduce or mitigate noise impacts, instead the focus is simply on proving that this new unprecedented level of industrial scale noise pollution will somehow meet legal standards. What is “legal” and what is “acceptable” are not interchangeable.

Light and glare (SEPA Checklist Section B. #11. Notwithstanding that the applicant intends to operate the mine during dark hours, the application does not describe the type of lighting that will be used on site. Nor does the application identify whether, or what, lighting would be installed for security purposes. The 700 acres owned by the applicant is currently used only for forestry, and it is dark at night. The type of lighting used for heavy construction tends to be very bright and penetrates into the night sky. Measures need to be taken to minimize light pollution from the site. Impacts on migrating birds from even small amounts of outdoor lighting is well-documented (<https://www.fws.gov/news/blog/index.cfm/2020/4/22/Lights-Out-for-Migrating-Birds>). The applicant needs to describe the type and extent of the lighting systems that are planned, and appropriate mitigation measures need to be required, including down-shielding of all lights, and installing motion sensors and controls where constant lighting is unnecessary.

Recreation (SEPA Checklist Section B. #12: This section requires disclosing “designated and informal recreational opportunities” in the vicinity. The applicant’s response mentions only hunting and fishing. In fact, local residents walk on Grip and Prairie Roads, and the haul route along Grip and Prairie Roads is a popular recreational bicycling route. The route is included in a “Skagit County Bike Map” produced by Skagit Council of Governments, and distributed by Skagit County Parks Department. This same bike map is also included in Skagit County’s 2016 Comprehensive Plan, as the “Bicycle Network Map”; it includes Grip and Prairie Roads as part of the inventory of the County’s non-motorized transportation system. In addition, a portion of Prairie Road and F&S Grade is part of U.S. Bike Route 87. Nonetheless, this important recreational activity was not disclosed in the SEPA checklist; nor were impacts to it evaluated. As discussed elsewhere in this letter, Grip and Prairie Roads are narrow and substandard with soft or nonexistent shoulders. There are many parts of this route where there is literally no option for a cyclist to move to the right to make room for a passing vehicle. The recent addition of guardrails on portions of Prairie Road have had the effect of eliminating options for a shoulder and narrowing the roadbed even further (guardrails were apparently installed more to protect power poles from vehicle collision than for public safety).

The introduction of an average of five tandem gravel trucks an hour (much less the 30 trucks an hour under the “extreme” scenario) to this route will render recreational cycling not only unpleasant, but very dangerous. Mitigation and alternatives could be identified for reducing the impact of trucking on these important recreational uses, such as widening and hardening road shoulders, limiting the number of trucks allowed per day on the road and designating ‘safe passage’ times during each day, when trucks are not allowed to haul from the site.

The omission in the SEPA checklist and project documents of the impact on pedestrians and bicyclists along the haul route is just one more example of the serious inadequacies in the application materials, and the disregard for public safety shown by the applicant. Issues regarding public safety related to truck traffic and the condition of County roads along the haul route are further discussed below under traffic.

Transportation/Traffic (SEPA Checklist Section B. #14): The SEPA Checklist and Supplement asserts that that no improvements to existing roads are necessary and that traffic generated will be “typical” of mining operations. The Checklist and Supplement then reference studies conducted by their traffic consultant DN Traffic Consultants without providing further details. However, a review of those documents reveals that “typical” traffic is a stunning 11,765 truck trips per year. The SEPA documents do not identify this number. DN Traffic goes on to calculate that this will “average” 46 truck trips per day. However, given the seasonal nature of gravel mining, this “average” is meaningless. The number of trucks that the applicant intends to deploy on a daily or weekly basis has never been clearly defined. This makes it impossible to evaluate the actual intensity of use and potential threats to public safety.

DN Traffic Consultants’ more recent “Traffic Impact Analysis” (TIA), submitted in September 2020, seems intended to address the basic requirement that a TIA be done for this project (we have been requesting a TIA since we first learned about the permit application in 2016). It also seems intended to address at least some of the issues we have raised in the many comment letters we have submitted since that time. However, the document fails on both counts. While we intend to submit a detailed comment letter to the county on the entire TIA in the future, we provide below a summary of some of our main concerns.

- It does not meet the requirements and format for a Level II TIA as set out in Skagit County Road Standards, 2000 (SCRS). – See SCRS 4.01-4.02 and Appendix A
- It does not state whether the information included in the TIA supersedes previous inconsistent and/or contradictory information submitted by the consultant and the applicant regarding critical aspects of the project, including hours of operation and numbers of truck trips. This adds to the overall lack of definition for the project rather than clarifying it.
- It proposes that if the applicant finds that they need to exceed a limit of 46 truck trips per day to meet demand (up to a limit of 29.4 trips each way per hour, or 294 trips per 10-hour operating period), they will first request permission from the county, and then Public Works will be responsible for determining temporary safety measures to mitigate for the increased risks. This is problematic in several regards:
 - It does not state how often and for how long this “extended hours operation” could occur.
 - It seems to imply, without ever stating clearly, that hauling under this scenario would take place for only 10 hours per day, while mining would happen for

unspecified “extended hours.” Since the applicant has repeatedly asserted their right to operate up to 24 hours per day, seven days per week, we must assume that both accelerated mining and hauling could take place during those hours. The actual number of round trips per 24-hour period under this scenario would be 706, meaning there would be 1,412 one-way truck trips every 24 hours, and 60 one way truck trips every hour. Mine traffic impacts must be evaluated on this basis, or limitations need to be placed on the number of daily truck trips allowed from the mine.

- o Without specifying what measures would need to be implemented to ensure traffic safety under this “extended hours” scenario, the applicant defers its obligation in this regard to the County and potentially exposes the County to liability.
- It contains false statements regarding existing road and future conditions and uses, such as:
 - o As previously noted, the statement that there are no designated bicycle routes on the roads proposed for the haul route, when in fact a map of these routes is included in the non-motorized transportation component of the County Comprehensive Plan.
 - o The statement that the shoulders on Prairie Road vary from two feet to four feet wide. In actuality, recently installed guardrails on the south side of the road practically eliminate the shoulder entirely for a considerable distance along the haul route.
 - o The statement that there is no significant development planned that will impact traffic levels on the proposed haul route. In fact, the County has already approved bringing Kalloch Road and North Fruitdale Road up to arterial standards to provide better access from the north to the Sedro Woolley Innovation for Tomorrow (SWIFT) Center. The bulk of this traffic from the north will come via I-5, Bow Hill Road, Prairie Road, Grip Road, and Mosier Road. In addition, a major new residential development is planned for north of Sedro Woolley between SR9 and Fruitdale Road. This will also generate a significant amount of traffic to the north via these same roads.
- It omits key facts and conditions, such as:
 - o The existence of several Burlington and Sedro-Woolley School District bus routes along the proposed haul route. It makes no mention of these bus routes; does not analyze the threats presented by mine truck traffic to the safety of schoolchildren, parents, or district employees and equipment; and proposes no mitigation actions for these risks.
 - o A major roadway misalignment issue on the Grip Road Hill curves, which requires that a truck with pup trailer repeatedly encroach on both the centerline and the edge of the pavement (there is no fog line) while navigating this very narrow, steep section of the road.

- The existing, progressive failure of the pavement and roadbed on the outside of the uphill (south side) lane of traffic in the above location. This presents both a safety hazard to the public and an ongoing maintenance liability for the county.
- It documents some of the other existing, critical road deficiencies and traffic hazards but either omits corresponding mitigating actions or proposes inadequate mitigation actions. For example:
 - It documents that a truck with pup trailer cannot navigate the two 90-degree curves on Prairie Road east of the Old Highway 99 intersection in either direction without encroaching significantly on both the fog line and centerline. It acknowledges that this constitutes a traffic safety hazard, but does not propose any mitigation actions. Instead, it states that the County is responsible for dealing with this issue.
 - It proposes a flashing yellow light warning system to mitigate for inadequate sight distance at the Prairie Road/Grip Road intersection, a measure the author of the TIA described as “temporary” in an earlier traffic memo. This is the same place where, in an email obtained via public records request, former PDS Senior Planner John Cooper described coming upon the scene of an auto accident at this intersection and being told by the attending Sheriff’s Department officer (who himself was a former commercial truck driver) that a flashing yellow warning light would be insufficient to prevent accidents in that location (John Cooper email to Dan Cox, 1/30/2017).

In addition, in the TIA fails to disclose serious impacts with regard to use of the bridge over the Samish River on Old 99. In response to information about the bridge’s weight restrictions, the TIA proposes either to reduce load weights or to use an alternate route that involves continuing west up Bow Hill Road from Prairie Road to I-5, heading south to the Cook Road exit, and then north on Old 99. However, these options either generate more truck trips than proposed (lighter loads equals more trucks trips) or follow a considerably longer haul route. The impacts from this longer haul route have not been analyzed. There are many concerns related to dozens of gravel trucks making their way up the steep Bow Hill Rd and entering and exiting two busy freeway interchanges, and passing through additional busy intersections that are already hazardous. And of course, either way, the cumulative mileage and emissions increase. These additional impacts have simply not been evaluated.

As we stated above, the comments included here on DN Traffic’s TIA are only some examples of how woefully short this document falls when it comes to addressing the true scope of road and traffic safety risks associated with this project. Until these issues are thoroughly analyzed and comprehensive mitigation measures proposed, the only valid SEPA threshold determination for the proposed mine is a determination of significance (DS) requiring a full environmental impact statement (EIS).

Finally, to our knowledge, the County’s hired traffic engineer/consultant, HDR, who has been reviewing the various traffic information submitted by the applicant, has never visited the site and actually observed the condition of the roads in question. All of the third-party review has been conducted remotely using information and data provided by the applicant and County – it is simply unacceptable that the reviewers signing off on the traffic studies have not observed in-person the problems with road conditions and safety.

Mitigation Measure #13 includes several conditions related to traffic impacts, including installation of a “Traffic Activated Beacon System” at two problematic intersections where there are site distance deficiencies. As discussed above, these beacon systems were recommended as a temporary solution by the applicant’s own traffic consultant. Furthermore, the measure states that the beacon system will be “turned over to Skagit County for operation and maintenance”, presumably at taxpayer’s expense.

Mitigation #13 also states that the maximum daily truck traffic allowed is “limited to an average of 46 daily trips...not to exceed 30 trucks per hour under extended hours operations”. It then states that the applicant will “seek permission from Skagit County prior to generating the higher truck volumes.” Unfortunately it is not clear how these ‘average’ truck trips will be calculated – on a daily basis, a weekly basis, a yearly basis, or through the life-time of the project. It doesn’t state how such calculation will be accomplished, nor by whom. Nor does it state what actions will be taken by the County to protect public safety should the applicant wish to run more trucks. This cuts out the affected public from any say in the matter; it doesn’t even require the public to be informed. Firm, safe limitations on numbers of hourly truck trips must be imposed.

Public Services (SEPA Checklist Section B. #15). The applicant states that there will be no impacts to public services, but absent measures to address the road safety issues discussed above, the traffic collision rate in this area will undoubtedly increase. This will create a heavier demand on law enforcement and first responders. In addition, the need for road maintenance will increase considerably with the hauling of 200,000 tons of gravel per year on Grip and Prairie Roads. The applicant should be required to share costs of necessary infrastructure improvements as stated in Skagit County Comprehensive Plan Policies: *Policy 4D-5-3: Roads and Bridges: New public roads and bridges accessing designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic for mineral extraction operations. 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.*

6) Appropriate mitigation measures and alternatives are still not identified. As previously stated, the mitigation measures proposed in the MDNS do not address the full impacts of this proposal, and simply stating that the applicant must comply with existing laws is not

mitigation. In addition to those discussed above in appropriate sections, below are a few more examples of the concerns we have with more of the proposed mitigation measures in the MDNS:

Mitigation Measure #2 addresses Hours of Operation. It states a limit on hours of operation as 7am-5pm Monday-Friday, but it allows for extended hours if seasonal demand “indicates a need”. It requires the applicant to request from the County a “temporary deviation” from these hours, and states that “such operations may be subject to additional conditions”. While limiting standard hours of operation is an improvement, it does not state what conditions might be imposed under “extended hours” conditions, nor state any limitation on the duration or frequency of such extended hours, nor how the public would be consulted or notified. This mitigation measure lacks specificity and clarity.

Mitigation Measures need to be clear and specific and impose enforceable limitations. This mine proposes to operate for 25 years without any additional permitting required. Most of the mining activity will occur in areas inaccessible to public scrutiny. Mitigation measures must be enforceable. There must be compliance monitoring to ensure that conditions intended to protect the natural environment are actually followed, and the applicant should be required to pay an annual fee to cover the cost of monitoring. Given the long duration of these proposed mining operations, there needs to be a periodic permit review process every five years to ensure activities are in compliance with the original permit conditions.

7) Identify and evaluate lower impact alternatives. The overriding assumption in the application documents seems to be that this project requires very little mitigation. There simply is no real exploration of project alternatives or other ways proposed to reduce impacts. We find this very troubling, and it supports the need for a full EIS. Since key aspects of the proposal are still not clearly defined, it is difficult to fully explore appropriate permit conditions and mitigation measures. Nonetheless, it is clear to us that there are some pathways to addressing the project impacts. A few examples of alternatives that should be explored, and mitigation measures or permit conditions that should be required are discussed in the various sections of this letter, and identified below, along with a list of additional studies that need to be completed.

- Explore alternative project scenarios that include significantly scaled back rates of extraction, a smaller mine size and limits on daily truck trips.
- Limiting hours of operation to daylight hours during the workweek, without exceptions for extended hours conditions.
- Limiting the daily number of truck trips without exception for extended hours conditions.

- Require a larger buffer on Samish River consistent with the County's Critical Areas Ordinance and Department of Ecology's guidance for protecting river and associated wetlands and sensitive & critical habitat from industrial uses.
- Require protection of a wildlife corridor through a permanent Native Growth Protection Easement that encompasses and links the sensitive wetlands and streams and their buffers across the applicant's larger property. Permanent protection of forested habitat would also off-set some of the carbon emissions from the project.
- Require a larger undisturbed vegetated buffer between the active mine and adjacent private property, to reduce noise, vibration and dust. Do not allow side-casting material in these buffers, which would significantly reduce their effectiveness at reducing noise and dust impacts.
- Major road and safety upgrades along the haul route need to be included before hauling is allowed, including but not limited to:
 - Traffic lights and/or turn lanes at critical intersections including: Grip Road at the intersection with the mine access road; at intersection of Grip and Prairie Roads; at the intersection of F&S Grade and Prairie Roads, at intersection of Prairie Road and Old 99.
 - Improve site distance to the east at intersection of Prairie and Grip Roads
 - Widen Grip and Prairie roads and harden shoulders.
 - Straighten and widen curves on Grip Road hill or find an alternate access point to the mine below the 'S curves' and hill.
 - Improve the two ninety degree turns on Prairie Road so that trucks can stay in their lanes.
- Gravel trucks must be restricted to the identified haul route (presuming necessary road improvements have been made). There are numerous safety issues with other haul routes that have not been evaluated, including at least four ninety degree corners on Grip Road heading east where it is impossible for large trucks to stay in their lane.
- The above safety concerns are also applicable to sale of mined materials to private parties and independent truckers. The application materials are not consistent regarding whether CNW intends to sell directly to third parties. If this were to occur, these third party trucks would not necessarily stay on the identified haul route. Therefore sale to private parties and independent truckers from the site must be prohibited.

Additional Assessments or Studies needed:

- Fully updated Critical Areas study and Fish and Wildlife assessment that evaluates the impact of a reduced buffer on the Samish River, and fully identifies and mitigates for the impacts to wetlands and streams adjacent to the private haul road, taking into consideration the "high intensity" land use that industrial scale mining clearly represents.

- Further evaluation needs to be conducted of the impact to the listed Oregon Spotted Frog and Bull Trout consistent with State and Federal Endangered Species Act.
- Full geological evaluation of impacts of the heavy truck use of the haul road in the Swede Creek gorge, including the potential for slope failure that could damage this fish bearing stream. This evaluation needs to identify appropriate ongoing management practices to avoid slope failure through the life of the project.
- Evaluation of potential changes to hydrology and potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road.
- Full Level II Traffic Impact Analysis.
- A realistic estimate of the cumulative emissions from all of the mining activities on-site, as well as the diesel emissions from truck hauling needs to be made, and a mitigation plan proposed.

Thank you for your time and consideration.

Sincerely,



Martha Bray and John Day
6368 Erwin Lane
Sedro-Woolley, WA 98284

Cc: Hal Hart, Director PDS

Attachment: Bray/Day 01/11/2022 Letter to Cricchio, re.Haul Road Critical Areas Assessment



By Electronic Portal, Email, and in-hand delivery

March 9, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273
kcricchio@co.skagit.wa.us

Re: File No. PL16-0097 & PL16-0098; Concrete Nor'West Grip Road Gravel Mine
Skagit County Planning and Development Services Mitigated Determination of
Nonsignificance

Dear Mr. Cricchio,

I'm writing on behalf of Central Samish Valley Neighbors ("CSVN") to request that Skagit County Planning and Development Services ("PDS") reconsider and withdraw the most recent Mitigated Determination of NonSignificance ("MDNS") that it issued for the clearing and development of a 51-acre sand and gravel mine ("Mine") along the Samish River. While this MDNS contains more conditions than the previous two threshold determinations that PDS issued and then withdrew for the mine, it continues to conflict with Washington's State Environmental Policy Act ("SEPA") because significant project impacts remain undisclosed and therefore unevaluated. Even six years after the initial application, the proponents have not evaluated such prominent issues as damage to the Samish River wetlands from an undersized 200-foot buffer, traffic impacts at potentially dangerous intersections, deforestation of 51 acres of a wildlife corridor, or carbon emissions, or slope instability that could cause sedimentation to Swede Creek. Absent this information and the numerous additional omissions identified below, PDS has not satisfied the SEPA requirement that it fully consider the environmental impacts of the Mine. The MDNS must be withdrawn.

Moreover, PDS must issue a Determination of Significance ("DS") because the information disclosed in the application materials for permits PL16-097 and PL16-0098 indicates that the Mine would cause significant impacts. For example, Concrete Nor'West's ("CNW") traffic impacts analysis confirms that dump trucks and trailers pose a threat to other users on the narrow, high-speed-limit roads that they will traverse.

CNW has had six years to address the potential impacts of its Mine, and while they have slowly piecemealed a few additional documents, they have not demonstrated that the Mine

will address the impacts. As the representative of the local community entrusted with ensuring that applicants for large, high-intensity industrial development analyze and address environmental impacts, PDS must respond accordingly and issue a DS and start the Environmental Impact Statement (“EIS”) process to address the Mine’s impacts.

This letter explains that: (1) the Project outlined by the application materials; (2) will have a variety of impacts, some unevaluated and others already identified as significant; on (3) its sensitive ecological surroundings and the local transportation network. The MDNS does not adequately condition the Mine to address those impacts.

In drafting this letter, we reviewed application materials that included the following:

- (1) the March 7, 2016 fact sheet, special use narrative, and project description;
- (2) subsequent special use narratives and revised project description;
- (3) SEPA Checklist;
- (4) fish and wildlife documents by Graham-Bunting Associates;
- (5) the December 2021 NW Ecological Services’ Impact Assessment & Mitigation Plan (“NES Report”);
- (6) the Hydrogeologic Site Assessment and December 16, 2021 Response to Skagit County Geologic Hazard Requirement from Associated Earth Sciences (“GeoTech Memo”); and
- (7) traffic documents by DN Traffic Consultants.

We also reviewed comment letters by state agency officials and well-informed members of the public, consulted with a geologist, fish and wildlife officials, and a traffic engineer, and reviewed publicly-available information about the site and environs like aerial photographs and the regional bicycle map. We have attached the February 7, 2022 comments the we submitted to address the flaws in the NES Report and the GeoTech Memo, which have not been addressed since we submitted that letter, and incorporate it by reference.¹

A. Project Details.

CNW has submitted two applications to allow it to convert three parcels, tallying 77 acres, into an open pit gravel mine. The first, PL16-0097 requests a Mining Special Use Permit to excavate approximately 4,280,000 cubic yards of sand and gravel in a 51-acre open pit mine in the Central Samish Valley.² The mining would excavate 90 feet down toward the water table.

¹ Attachment A.

² CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018). While the MDNS references

CNW projects that the mining would occur over 25 years, though the proposal would not be limited to a specified period of time and the rate of excavation would depend on demand for sand and gravel. To facilitate this mining, CNW has also requested a Forest Practice Conversion permit, PL16-0098, which would authorize it to fully clear 51 acres for the mine, including harvest of approximately 50,000 board feet, removal of stumps, and removal of all other vegetation and soils.³ While the proposed mining would occur on three parcels totaling 77 acres, these parcels form just a portion of an overall block of parcels totaling more than 726 acres.⁴ Although the SEPA Checklist suggests that there are no plans for future additions, expansion, or further activity related to or connected with the proposal, a large portion of the other 650+ acres of land have also been designated as Mineral Resource Overlay, with some of it approved for active harvest by the Washington Department of Natural Resources.⁵

While it is believed that CNW has not commenced gravel mining at the site, it appears to have already improved a forest road on the site in an effort to facilitate the gravel truck and pup shipping. Aerial photographs from 2018 indicate that the road was converted at that time to gravel, and possibly widened.

1. Hours and staffing.

According to the MDNS, standard mining hours at the site would extend Monday through Friday from 7:00 AM to 5:00 PM.⁶ To address seasonal demand, CNW could expand these hours to Saturday, Sunday, and a longer work day upon approval by PDS.⁷ CNW estimates that one to two full-time employees would work on-site and an unspecified number of truck drivers would haul gravel off-site throughout the day.⁸ On-site operations would involve heavy equipment like a front-end loader, excavator, dozer, and dump trucks.⁹

2. Hauling routes and volume.

Application materials and the MDNS each offer varying estimates of the amount of truck traffic that the mine would generate. A September 10, 2020 Traffic Impact Analysis (“TIA”) by DN Traffic Consultants estimates that under “extended hours conditions,” the Mine would

³ Skagit County, Notice of Withdrawn and Re-Issued MDNS, 1 (April 15, 2021) (“MDNS”).

⁴ CNW Special Use Narrative, at 2.

⁵ SEPA Checklist, 2 of 18 (March 2, 2016); Attachment B shows a DNR timber harvest map for the area, with approved Class II timber harvests marked in blue overlay.

⁶ MDNS.

⁷ *Id.* at condition 2.

⁸ CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018).

⁹ CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

generate 29.4 truck-and-trailer trips per hour.¹⁰ The TIA does not define extended hours or explain why the site would be limited to that number of trips if demand were high enough to require greater production. DN Traffic Consultants' earlier memo, aptly-titled "Maximum Daily Truck Traffic," estimated that a realistic maximum number of trips for truck-and-trailer was 60 trips per hour.¹¹ That study assumed that increased demand for material would lead to increased production at the site, limited only by the (likely artificial) logistical consideration of the number of truck and pups available in Skagit County.¹² DN Traffic explains in its TIA that the ~30 trips per hour that it estimates for a higher end number is based on the anticipation that the Mine could generate up to 5000 tons per day. It does not explain how this production amount was derived and does not explain the inconsistency between the ~30 trips figure and the 60 truck-and-trailer trips per hour that it deemed a realistic maximum in its Maximum Daily Truck Traffic memo.

Although CNW has not defined its exact haul route, its suite of proposed routes would involve the hauling of gravel and sand by trucks and trailers forced to navigate narrow rural roads with medium to high speed limits. The original road special use narrative stated that hauling would occur along Old Highway 99, Prairie Road, and Grip Road.¹³ Subsequent documents identified Bow Hill Road and F&S Grade Road as potential route extensions. Road widths along these routes are just 20-22 feet and they allow speeds up to 50 mph. Although the TIA suggests that shoulders exist along each of these roads but Grip Road, the Skagit County Bike Map identifies Grip Road, Prairie Road, and F&S Grade Road as roads without shoulders.¹⁴ A simple review of these roads through google maps' street view function confirms that paved shoulders are largely non-existent on those roads, though some stretches contain large gravel that promptly slopes down to a ditch. In addition, the TIA asserts that there are no known bike routes in the subject area, yet the readily-available Skagit County Bike Map identifies Prairie and F&S Grade Roads as part of a federal bike route, US Route 87. Local residents have communicated that guard rails have been installed along a significant stretch of Prairie Road, already shrinking the width available for cyclists and pedestrians outside the actual roadway.

The transportation documents associated with the application do not prescribe a haul route, but instead contemplate multiple options. The TIA states "[i]t is estimated that 95 percent of the trips will be assigned to and from the west on Prairie Road; with 80 percent south to the existing Belleville Pit Operation using either Old Highway 99N or I-5 south; ten (10)

¹⁰ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020).

¹¹ DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

¹² DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

¹³ CNW, Grip Road Special Use Narrative, page 9 of 17 (March 7, 2016).

¹⁴ See Skagit Valley Bike Map, attached hereto as Attachment C.

percent of the trips to end users via I-5 south, five (5) percent to end users west of I-5 on Bow Hill Road; and five (5) percent to end users east of the Mine access via Grip Road.”¹⁵ One of the options in the TIA assumes that truck/trailer combinations using Old Highway 99 would be short-loaded to comply with current weight restrictions on the Old Highway 99 Samish River bridge or that those restrictions would be removed. The Application does not evaluate the number of truck trips that would be required if vehicles were short-loaded to meet current bridge weight limits. The Application’s revised project description identifies a route through Grip Road, Prairie Road, and Old Highway 99 North.¹⁶

Within CNW’s property, material would be transported on a 2.2-mile-long haul road that was not acknowledged to be a component of the mining project until five (5) years after the initial application. Presumably to accommodate the Mine’s volume of heavy traffic, in 2018, significant road construction activities appear to have occurred along the full length of the haul road, expanding its width, significantly building up the surface, replacing culverts, and cutting vegetation. Under “Conditions on Approval / Reasons for Disapproval,” a DNR Notice of Decision for FPA #2816283 by Dave Klingbiel sets out conditions to be met “Prior to truck haul” and “during rock haul activities,” indicating that the road work was done for mining use. An April 30, 2021 letter by Skagit River System Cooperative (“SRSC”) noted that google map images showed that the forest roads were widened and that three culverts were replaced.¹⁷ SRSC estimated that the widening of the haul route by approximately 10 feet over its two miles and the conversion to a gravel surface had added 2 acres of compacted gravel. Although a recent NES Report found that 36 wetlands, one fish-bearing stream, and 21 seasonal, non-fishbearing streams lie within 300 feet of the roadway, the report did not evaluate the road conversion impacts on those ecological resources.¹⁸ This appears to be attributable to the report authors’ assumption about “the length of time the road has been present....”¹⁹

3. Hazardous materials.

The Application offers conflicting information about whether hazardous materials will be stored at the site. It responds “Yes” to a question about whether chemicals, waste oils, solvents, and fuels would be stored at the site, and describes the possibility of installing a 2,000-gallon diesel fuel tank.²⁰ But it also states that “[w]aste oils, solvents, etc. will not be

¹⁵ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine, 13 (Sept. 10, 2020).

¹⁶ CNW, Revised Project Description (Section A), 9 of 17 (received Feb. 23, 2018).

¹⁷ Letter from N. Kammer to M. Cerbone re: Concrete Nor’West gravel pit (April 30, 2021).

¹⁸ NW Ecological Servs., Grip Road Gravel Mine Impact Assessment & Mitigation Plan, i (Dec. 2021).

¹⁹ *Id.* at ii.

²⁰ CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

stored on site.”²¹

B. Valuable Ecological Setting.

The 68-acre mine site and associated properties provide important terrestrial and aquatic habitats. The Samish River, a salmon-bearing river, winds for more than one-quarter mile along the eastern portion of the mine property. Associated wetlands extend toward the Mine from the river’s active channel and floodplain, though it is unknown just how close the edges of the wetland reach to the proposed mining area because they have not been delineated.²² The recent NES report also acknowledges that the internal haul route winds through and within 300 feet of a rich ecosystem consisting of 36 wetlands and 21 seasonal streams, and that it directly crosses Swede Creek, a fish-bearing tributary of the Samish River.

C. SEPA Requires Withdrawal of the MDNS Because the Application Does Not Supply PDS With Sufficient Information to Fully Consider the Project’s Environmental Impacts.

PDS must withdraw the MDNS because it has not fully considered the environmental and ecological effects of CNW’s sand and gravel mining proposal. RCW 43.21C.030; *see Boehm v. City of Vancouver*, 111 Wn. App. 711, 717, 47 P.3d 137 (2002). For example, PDS issued the MDNS without analyzing the impact of clearcutting and mining a large portion of a wetland buffer intended to protect wetland species like the federally-threatened and state-endangered Oregon spotted frog. Nor has the Application fully evaluated and mitigated for the impacts associated with the private haul road that will traverse Swede Creek and travel near identified wetlands and streams. The Application also omits a full analysis of the risk to human health and safety from a haul route that involves public roads where the proposed truck and trailer would not be able to stay in its lane on two-lane roads with speed limits up to 50 mph, and the risks associated with the sight distance at the intersection of Grip Road and the site access road. In the absence of this information, PDS has not satisfied its duty under SEPA to fully consider the project’s adverse environmental impacts.

SEPA requires agencies to “consider total environmental and ecological factors to the fullest extent when taking ‘major actions significantly affecting the quality of the environment.’” *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978) (quoting *Sisley v. San Juan County*, 89 Wn.2d 822, 830, 567 P.2d 1125 (1977)). To determine whether an

²¹ CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

²² As explained below, the applicant estimated average widths for the river, its floodplain, and associated wetlands, but did not survey or delineate the boundaries of those areas and thus has not specifically measured them.

environmental impact statement is required for a major action, the responsible governmental body must first determine whether the action will cause significant impacts and render a threshold determination accordingly. RCW 43.21C.030(2)(c); *Boehm*, 111 Wn. App. at 717.

Agencies must first ensure that the proposal is properly defined. WAC 197-11-060(3). Every part of a proposal that combines to form a single course of action must be evaluated in the same environmental document. WAC 197-11-060(3)(b). Thus, where different parts of the same proposal could not proceed unless they are implemented simultaneously, they must be evaluated together. WAC 197-11-060(3)(b)(i). Because the Mine could not function without the use of the private haul road to transport the product off-site, environmental impacts associated with the use of that road must be evaluated as part of the project's SEPA review.

A major action significantly affects the environment when it is reasonably probable that the action will have more than a moderate effect on the quality of the environment. WAC 197-11-794; *Boehm*, 111 Wn. App. at 717 (citing *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 278, 552 P.2d 674 (1976)). Significance involves a proposal's context and intensity; an impact may be significant if its chance of occurrence is low but the resulting impact would be severe. WAC 197-11-794.

To evaluate an action's effects, a responsible official like PDS must: (1) review the environmental checklist and independently evaluate the responses of the applicant; (2) determine if the proposal is likely to have a probable significant environmental impact; and (3) consider mitigation measures that the applicant will implement as part of the proposal. WAC 197-11-060(1); WAC 197-11-330; *Indian Trail Prop. Ass'n v. Spokane*, 76 Wn. App. 430, 442, 886 P.2d 209 (1994). In reviewing a project's impacts, an official must review both direct and indirect impacts and both short-term and long-term impacts. WAC 197-11-060(4). If the responsible official's review concludes that the proposal will not cause probable significant adverse environmental impacts, she issues a determination of nonsignificance ("DNS"). WAC 197-11-340. Conversely, a finding of probable significant adverse environmental impact leads to the issuance of a Determination of Significance ("DS"). WAC 197-11-360. A determination of significance triggers the need for an environmental impacts statement to review the project's identified impacts. WAC 197-11-360.

An agency that determines that a proposal will not result in a significant impact bears the burden of demonstrating "that environmental factors were considered in a manner sufficient to be prima facie compliance with the procedural dictates of SEPA." *Bellevue v. Boundary Rev. Bd.*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978) (quoting *Lassila*, 89 Wn.2d at 814).

For example, the threshold determination must be based on information sufficient to evaluate the proposal's environmental impact. *Boehm*, 111 Wn. App. at 718. In addition, a court will not uphold a DNS unless the record demonstrates that the government gave actual consideration to the environmental impact of the proposed action or recommendation. *Boehm*, 111 Wn. App. at 718. An incorrect threshold determination will be vacated because it thwarts SEPA's policy to ensure the full disclosure of environmental information so that environmental matters can be given proper consideration during decision-making. *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).

The MDNS, SEPA Checklist, and associated application materials here demonstrate that PDS did not adequately consider the environmental factors, "in a manner sufficient to be a prima facie compliance with the procedural dictates of SEPA." *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978). The MDNS is not based on information sufficient to evaluate the proposal's environmental impact, as identified below and as exemplified by the lack of response to riparian and wetland requirements noted by Doug Gresham, Ecology's wetland specialist for Skagit County.

1. The MDNS is not based on information sufficient to evaluate the proposal's environmental impact.

The sections below summarize some of the information omitted from the Application that is necessary to fully understand and consider the Mine's environmental impacts. For more detailed descriptions and additional flaws, please see the CSVN Letter dated March 8, 2022 and attached hereto as Attachment H.

a. Lack of sufficient information about transportation impacts.

The Application omits significant, necessary information about potential traffic impacts, including final maximum traffic generation numbers, site distance impacts for intersections like that at Grip Rd/site access road, modeling with speeds anticipated by Skagit County's Road standards, mitigation for site distance impacts, the impact of truck-trailers crossing the centerline between the site and Old Highway 99, travel east of the Mine, and the redistributed traffic to Cook Road. These must be addressed.

Although CNW has provided several documents about the Mine's traffic impacts, CSVN obtained an independent review by Jeffrey Hee, P.E., Senior Transportation Engineer at Transportation Solutions Incorporated ("TSI"). That review revealed that some impacts have yet

to be addressed and others have not been fully evaluated.²³ Mr. Hee analyzed project documents, including the traffic reviews by DN Traffic Consultants, and discovered the following unresolved issues:

- the maximum trip generation numbers and frequency of maximum trip hours and days for the Mine have not been finalized. The Application offers conflicting information about the maximum traffic to be generated. Also, the Application does not identify whether the trip generation numbers account for on-site workers and non-haul mining operations (page 3);
- site distance impacts were not evaluated based on common industry practice that contemplates the use of 85th-percentile design speeds from the County's Road Standards. Instead, even though those 85th-percentile speeds were readily available on the Skagit County of Governments website, DN Transportation relied on lower posted speeds for its modeling. This may underrepresent sight distance risks (page 4);
- site distance impacts were not evaluated for the intersection where the site access road meets Grip Road, based on the mistaken assumption that it wasn't required for a lower volume road (page 4);
- no mitigation was proposed to address site distance impacts at the Grip Road/access road intersection for egress to the east, and no analysis occurred to determine whether a gravel truck or truck/trailer combination can safely navigate the road network east of the mine (page 4);
- intersection sight distances were not evaluated for truck/trailer combinations at the intersection of F&S Grade Road and Prairie Road. Consequently, Mr. Hee recommended preventing the hauling on F&S Grade Road (page 5);
- the significant truck-trailer impacts that the TIA identifies between the site and Old Highway 99 have not been fully addressed (pages 1, 5);
- there has been no analysis of safety impacts associated with truck-and-trailer combinations traveling east of the Mine access. Mr. Hee recommended preventing hauling east of the Mine site (page 5-6);
- the Application does not evaluate traffic impacts associated with the redistribution of truck traffic onto Cook Road due to Samish River bridge weight limits. This is important given the traffic issues that WSDOT and Skagit County have identified for the Cook Road interchange at Old Highway 99 (page 6);

²³ Memorandum from Jeff Hee to John Day and Martha Bray re: Grip Road Gravel Mine Traffic Analyses Peer Review Comments (April 30, 2021) (attached hereto as Attachment I).

- the Application does not provide detailed specifications for the type(s) of vehicle(s) it modeled for transportation impacts, preventing confirmation of its results (page 5).

Specifically, with regard to site distance and haul route concerns, Mr. Hee notes at pages 5 and 6 that the following comments and questions should be answered:

- is the County's vision clearance triangle satisfied in the study area?
- what speed is needed to achieve site distance at the study locations?
- are sight distance exhibits available for public review?
- Why are total crashes different in some of the Tables in the TIA?
- Will the applicant complete the improvements recommended by the TIA for the intersection of Prairie Road and Old Highway 99?
- Why doesn't the TIA provide conclusions about whether the project traffic will increase the frequency and severity of collisions on the haul route given the route's geometric and sight distance constraints?

Absent analysis of these significant traffic impacts, and resolution of these questions, the MDNS is premature. Nor would the flashing beacon at the Prairie Road and Grip Road intersection, MDNS condition at 13.ii, address this issue because that would not benefit traffic at the intersection of the haul road and Grip Road or any traffic east of that intersection.

b. Insufficient review of impacts within the Project's full footprint.

With the submittal in December 2021 of two new reports on the haul road, the application materials now identify critical areas associated with the two-mile-long private haul road that transects the applicant's larger contiguous ownership and traverses Swede Creek. However, these reports do not reveal or analyze the full impacts of the industrial-scale use of this haul road, even though it is a crucial element of the Project. For more details regarding the shortcomings of this critical areas review, see Attachment A, the letter that we submitted on February 7, 2022 to explain the reports' shortcomings.

c. Lack of review of climate impacts associated with hauling sand and gravel.

No application materials, including the SEPA Checklist, evaluate the climate change impact associated with carbon emissions from mining and hauling more than 4 million cubic yards tons of sand and gravel over a 25-year period. Indeed, the SEPA Checklist asserts that,

“[t]here are no off-site sources of emissions that would impact the proposal.”²⁴ For more information about this omission, see Attachment H, March 8, 2022 CSVN Letter at 5 (identifying off-site and cumulative impacts that were omitted and ignored), incorporated herein by reference.

d. Lack of analysis of the impacts caused by deforesting and mining 1/3 of the required Samish River wetland buffer, including impacts to listed species.

The MDNS conflicts with SEPA because neither CNW nor PDS evaluated the impacts of reducing the Samish River wetlands buffer by 100 feet over a stretch of approximately ¼ mile of the Samish River. Nor did either entity evaluate the impacts of this reduced buffer for the numerous wetlands and water courses along the haul road. Such impacts would include those imposed on the listed Oregon spotted frog that relies on the wetlands and environs for its habitat.

Rather than the 300-foot buffer that Skagit County’s critical areas regulations require for the Samish River wetlands, the MDNS allows just a 200-foot buffer.²⁵ The MDNS suggests that this narrower buffer would be consistent with those regulations, but does not explain the discrepancy between its 200-foot figure and the 300-foot width required by the regulations.²⁶

A buffer of at least 300 feet applies to the Mine as a high intensity land use adjacent to a Category II wetland.²⁷ According to the Skagit County Code, “high intensity land uses” include “land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses.”²⁸ The Mine qualifies as a commercial and industrial use of the land, and the removal of all vegetation and soil across at least 51 acres in order to gain access to underlying rock qualifies as a high level of human disturbance and substantial habitat impacts. In addition, the Application does not evaluate the angle of the slope in the buffer to determine whether it is greater than 25%, and thus warrants an extension of the buffer 25 feet past the top of the slope.²⁹

By clearing 100 feet of the required forested buffer, the Mine would adversely affect

²⁴ SEPA Checklist, at 5.

²⁵ MDNS, condition 17.

²⁶ *Id.*

²⁷ Skagit County Code 14.24.230.

²⁸ SCC 14.040.020 (emphasis added).

²⁹ SCC 14.24.230(2).

functions that the forest furnishes the productive riparian zone, like: (1) maintaining water quality; (2) controlling fine sediment; (3) contributing large woody debris; (4) providing shade and moderating the microclimate; (5) contributing litter fall and organic matter; (6) moderating site hydrology and stabilizing slopes; and (7) providing fish and wildlife habitat.³⁰

In addition to other individual species and ecosystem impacts, cutting into the riparian zone where the aquatic environment transitions to a terrestrial environment would affect habitat essential for the Oregon spotted frog--listed as endangered by Washington in 1997 and threatened federally in 2014--that relies on the wetlands and environs.³¹ The US Fish & Wildlife Service has identified critical habitat for the frog that extends from far upstream on the Samish River and includes the mine property adjacent to the river.³² The 2017 GBA Addendum acknowledges that these wetlands meet the definition of critical habitat for the spotted frog due to their size, saturated soils, and shallow ponds.³³ The GBA Addendum includes a photograph showing these ideal conditions, as well as a hand-drawn line intended to reflect the edge of the saturated area.³⁴

However, neither the SEPA Checklist nor the Application's documents by Graham-Bunting evaluate the impact on the Oregon spotted frog or other wetland species of converting one-third of the riparian buffer into a gravel mine. Consistent with the proposal to mine up to 200 feet from the wetland, the GBA Addendum suggests that a 200-foot buffer is sufficient to protect aquatic life, but does not offer any justification for that assertion other than the absurd claim that clear-cutting a forest and converting it to a sand and gravel mine is a "medium" intensity use.³⁵ Nor does the GBA Addendum indicate why a 200-foot buffer would protect the Oregon spotted frog when Skagit County's critical areas ordinance requires a 300-foot buffer to protect the Category II wetland from the impacts of high intensity land uses like mining

³⁰ See Washington Department of Fish & Wildlife, *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* (July 2020), available at: <https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf> (last visited April 29, 2021); May, *Stream-Riparian Ecosystems in the Puget Sound Lowland EcoRegion: A Review of the Best Available Science*, 25-26 (2003) available at:

https://salishsearestoration.org/images/d/d1/May_2003_riparian_best_available_science_puget_lowland.pdf (last visited April 29, 2021).

³¹ Graham-Bunting Associates, Addendum to Fish and Wildlife Site Assessment: Parcels 50155, 125644, 125645, 1 (April 18, 2017) (hereafter "GBA Addendum").

³² See US Fish and Wildlife Service Critical Habitat for Oregon Spotted Frog map attached to that addendum that shows critical habitat on the Mine property, attached hereto as Attachment D.

³³ GBA Addendum, at 1.

³⁴ GBA Addendum, at 2.

³⁵ GBA Addendum, at 2.

operations.³⁶ In fact, the GBA Addendum expressly disclaims that it is not intended to be used for the purpose of evaluating the spotted frog under the Endangered Species Act.³⁷

e. Lack of response to Ecology concerns.

In addition to overlooking the impacts of developing 1/3 of the buffer intended to protect species such as the Oregon spotted frog, CNW declined to address state agency concerns expressed by Doug Gresham, the Washington Department of Ecology wetland specialist responsible for Skagit County. In his initial April 7, 2016 email, Mr. Gresham stated that wetland impacts should be avoided by refraining from excavating within the buffer area associated with the Samish River and its associated riparian wetlands and that any wetlands identified on the property that would be impacted should be delineated and permits should be submitted to Ecology.³⁸ In a June 1, 2016 comment letter, Gresham declared that additional wetland requirements include: (1) flagging of the ordinary high water mark along the Samish River banks by a qualified biologist, and survey of the boundaries; (2) a jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction; (3) ratings of all wetlands based on Ecology standards; (4) a critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs; and (5) a mitigation plan for unavoidable wetland and buffer impacts per Ecology standards.³⁹ In addition, Mr. Gresham noted in his June 1, 2016 correspondence that the Application omitted maps showing associated wetlands or the ordinary high water mark of the Samish River.⁴⁰

Six months later, Mr. Gresham supplemented his earlier comments by expressing a concern with CNW's use of a 200-foot buffer rather than the required 300-foot buffer.⁴¹ Gresham stated that CNW needed to address the gravel mine's encroachment into the 300-foot buffer.⁴² Gresham also stated that he had "a concern with the access road that will need to be improved to accommodate 46 truckloads a day, which could impact wetlands and streams. This access road may need to be widened, the Swede Creek bridge may need to be upgraded, and

³⁶ Skagit County Code 14.24.230.

³⁷ GBA Addendum, at 2.

³⁸ Email from Doug Gresham to Planning & Development Services re: PDS Comments (April 7, 2016) (attached hereto as Attachment E).

³⁹ Gresham letter to J. Cooper re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 and PL16-0098, 2 (June 1, 2016) (hereafter "Gresham June 2016 Comments") (attached hereto as Attachment F).

⁴⁰ Gresham June 2016 Comments.

⁴¹ Gresham email to Planning & Development Services re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 (Dec. 23, 2016) (Attached hereto as Attachment G).

⁴² *Id.*

storm water drainage features may need to be reconfigured.”⁴³ Gresham noted that these issues had not been addressed.⁴⁴ The internal haul road documents that CNW submitted to the PDS likewise did not address the impact of the road development.

Notwithstanding these clearly-stated agency concerns, CNW continues to propose to excavate up to 200-feet from what it assumes is the ordinary high water mark of the Samish River and associated wetlands without delineating the specific location of the river’s edge, its floodplain, or the associated wetlands, and the MDNS inexplicably accepts this reduced buffer as “Mitigation Measure #17.” CNW did not supplement the Application with a survey or flagging of the edge of Samish River, actual delineation of wetlands on the property, critical area reports for wetlands near the mine area, or a mitigation plan. Instead, an engineering and surveying group drew a map with estimates for the location of Samish River “plotted from May 2011 aerial photo” and “wetland at toe of slope from LiDAR data and field observation,” without a delineation survey.⁴⁵

f. Water quality and quantity impacts.

Drainage from the site currently flows to the Samish River both above and below ground. The Application indicates that the mining would occur in an area that is currently elevated about 90 feet above the river and its associated wetlands (50-75 feet above the valley floor in the eastern portion of the site), and that groundwater from the site flows in a northerly direction and discharges to the Samish River.⁴⁶ According to the Application, CNW would construct a berm approximately 200 feet landward of the assumed wetland edge in order to direct drainage from the site to the gravel floor for infiltration into the groundwater.⁴⁷ The Application does not evaluate any dewatering effect this berm and mine infiltration would cause by redirecting water away from the sensitive wetlands and river complex.

g. Lack of sufficient information about wildlife impacts.

Notwithstanding that the Project would convert 51 acres of forested land to a gravel pit, the Application does not identify or analyze impacts to native fauna. CSVN have communicated to PDS that bears, cougars, and bobcats have been known to frequent the area and that local residents regularly observe the use of that area as a wildlife corridor between Butler Hill to the

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Semrau Engineering and Surveying, Pre-Mining Topographic Survey Map, Grip Road Gravel Mine (7-31-2018).

⁴⁶ GBA Assessment, at 3; Associated Earth Science Incorporated letter to Concrete Nor’West re: Hydrogeologic Site Assessment, Concrete Nor’West – Grip Road Mine, 3 (Aug. 21, 2015) (hereafter “Hydrogeo Assessment”).

⁴⁷ GBA Assessment, at 3.

south and the Samish River valley and Anderson Mountain to the north. Yet the SEPA Checklist asserts that the property is not an animal migration route. In addition to providing critical habitat for the Oregon spotted frog, bull trout, and Puget Sound steelhead, the Samish River and its associated wetlands provide important habitat for a wide range of species that include river otters, beavers, bald eagles, belted kingfishers, great blue herons, spotted sandpipers, and numerous species of migratory songbirds. The Application should be supplemented to identify the animal species that inhabit or necessarily transit that area and analyze the impacts of turning that land into an open gravel pit and the impacts of converting what is presumably a lightly-used forest road to heavy industrial use.

h. Potential water pollution impacts.

The Application repeatedly states that stormwater will be infiltrated at the site, and notes that the groundwater flows to the nearby Samish River, but does not evaluate whether spills of fuels or other hazardous materials will impact the river's water quality after traveling through, ultimately, just 10 feet of ground before entering the groundwater.

The Application also does not evaluate potential impacts from stormwater runoff of the private haul road, or of sedimentation and petroleum products entering Swede Creek or wetlands surrounding that road. As discussed in our February 7, 2022 letter, the GeoTech Memo did not address several slope instabilities that the Skagit River System Cooperative identified, and that could lead to significant sedimentation in the event of a slope failure.⁴⁸ These areas include a 60-80-foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek and two cutslope failures that slumped and filled the ditchline.⁴⁹

The MDNS contravenes SEPA in the absence of an evaluation of the potential for water pollution and the effects on the Samish River and Swede Creek.

i. Lack of requisite Critical Areas review.

Skagit County has incorporated the goals, policies, and purposes of its Critical Areas Ordinance ("CAO") into its SEPA policies.⁵⁰ Consequently, to satisfy its duties under SEPA, the County must require compliance with CAO directives like the standard review of impacts that includes the submission of a critical area checklist and/or a site plan that shows the location of

⁴⁸ Attachment A.

⁴⁹ SRSC letter, at 4.

⁵⁰ SCC 14.24.060(3).

the proposed activity and associated area of disturbance in relation to all known critical areas or critical areas indicators.⁵¹ The County must then review these project documents, complete a critical areas staff checklist, inspect the site, and complete the critical areas field indicator form.⁵² Because the MDNS authorizes mining in the outer 1/3 of the standard buffer, PDS must require a critical areas site assessment. Ultimately, this process should result in protected critical areas being delineated and their outer edges and buffers marked permanently.⁵³

With regard to wetlands, any proposed high impact land use within 300 feet of wetland indicators, and any other proposed land use within 225 feet of wetland indicators, requires a wetland site assessment.⁵⁴ The site assessment must result in a wetland delineation, classification, site plan with wetland and buffer boundaries, and functions and values analysis.⁵⁵

CNW's application does not satisfy these standards and thus does not meet Skagit County's SEPA requirements. The Application does not fully disclose and evaluate potential wetlands impacts associated with the proposed hauling of gravel in truck and trailers, or the road construction that occurred in 2018. The Application does not include a delineation, site plan with delineated boundaries depicted in relation to the Mine activities, or a full functions and values assessment for the impacts that would be imposed on the Samish River wetlands. Absent this information, the County does not have sufficient information to issue a threshold determination.

j. Lack of sufficient review of noise impacts.

The Application's noise studies rely on a flawed methodology and overlook the planned removal of the forest buffer between the Mine and neighboring properties. For more information about this omission, see Attachment H, March 8, 2022 CSVN Letter at 13-14.

k. Lack of sufficient review of recreation impacts.

The Application omitted any acknowledgement or analysis of impacts to cycling along regional and federal bicycle routes. For more information about this omission, see Attachment H, March 8, 2022 CSVN Letter at 14-15.

⁵¹ SCC 14.24.080(1).

⁵² SCC 14.24.080(2) (note that these reviews must occur to determine whether activities that are within 200 feet of critical areas or their buffers, or a distance otherwise specified by the CAO).

⁵³ SCC 14.24.090.

⁵⁴ SCC 14.24.210.

⁵⁵ SCC 14.24.220.

2. The MDNS authorizes unreviewed deviations from the proposal.

The MDNS states without clarification that only “significant deviation” from the proposal will require additional review and approval by PDS.⁵⁶ The MDNS does not identify what operational changes would be considered a significant deviation, or the quantum of deviation that could occur without review. This ambiguity, and the unspecified deviations permitted, prevent PDS from fully evaluating project impacts as required under SEPA.

3. PDS issued the MDNS absent consideration of applicable mitigation measures.

While the MDNS contains several conditions, it did not consider applicable measures that might reduce the Mine’s impacts below the level of significance. Mitigation measures that should have been considered include:

- Scaled-back size of mine;
- Scaled-back rates of extraction;
- Limiting hours of operation to daylight hours during the workweek, without exceptions for extended hours conditions.
- Limiting the daily number of truck trips without exception for extended hours conditions;
- Protecting against sedimentation and stormwater drainage into Swede Creek;
- A drainage/runoff plan for the length of the private haul road to prevent surface water impacts from heavy traffic on the haul road;
- Requiring roadway upgrades to decrease the likelihood of collisions between Project trucks and other vehicles, bicycles, and pedestrians;
- Identifying a prescribed haul route; and
- Establishing a wildlife protection corridor through a permanent easement across the sensitive wetlands and streams and their buffers on the applicant’s larger property.

D. Conclusion.

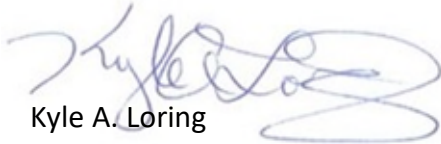
Notwithstanding the six-year interval since CNW initially applied for the special use permits, it has not supplied PDS with environmental information about the proposal sufficient to warrant a threshold determination. PDS issued the MDNS without fully considering the Project’s significant environmental impacts, from loss of habitat for an endangered frog to traffic impacts to impacts associated with the private haul road. CSVN therefore asks PDS to correct that mistake by withdrawing the MDNS and by coordinating with the Applicant to conduct an EIS for the significant impacts referenced above.

⁵⁶ MDNS, condition 1.

In addition, CSVN requests that PDS publish online the comments submitted to address the MDNS as soon as possible.

If you have any questions, please contact me at 360-622-8060 or kyle@loringadvising.com.

Sincerely,



Kyle A. Loring
Counsel for Central Samish Valley Neighbors

Cc: Hal Hart, PDS Director
Martha Bray
John Day

Attachs:

- A. Loring Advising Letter to Kevin Cricchio on behalf of CSVN re: CNW Grip Road Gravel Mine Critical Areas Review File #PL16-0097 (February 7, 2022)
- B. WDNR timber harvest map
- C. Skagit Valley Bike Map
- D. US Fish and Wildlife Service Critical Habitat map for Oregon Spotted Frog
- E. Email from Doug Gresham to Planning & Development Services re: PDS Comments (April 7, 2016)
- F. Gresham letter to J. Cooper re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 and PL16-0098, 2 (June 1, 2016)
- G. Gresham email to Planning & Development Services re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 (Dec. 23, 2016)
- H. CSVN Letter re: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098 (March 8, 2022)
- I. Grip Road Gravel Mine Peer Review Traffic Impact Analysis

ATTACHMENT A



By Electronic Portal, Email, and U.S. Mail

February 7, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273
kcricchio@co.skagit.wa.us

Re: File No. PL16-0097 & PL16-0098
Concrete Nor'West Grip Road Gravel Mine Critical Areas Review

Dear Mr. Cricchio,

I am writing on behalf of Central Samish Valley Neighbors ("CSVN") to request that Skagit County Planning and Development Services ("PDS") address several significant oversights in Miles Sand and Gravel's ("Miles")¹ December 21, 2021 response to the critical areas review requested by Skagit County Planning and Development Services ("PDS"). Those omissions include the lack of evaluation of the impacts associated with the road work that Miles conducted in 2018 along the full length of the 2.2 mile-long haul road, as well as an analysis based on the proper wetland buffer sizes for high intensity land uses, large gravel trucks and trailers, and unstable slopes near Swede Creek. The absence of such an evaluation under either of Skagit County's State Environmental Policy Act ("SEPA") rules or critical areas regulations is particularly remarkable given that Miles' consultant identified 36 wetlands, one fish bearing stream, and 21 seasonal, non-fishbearing streams within 300 feet of the roadway. The potential environmental impacts of the road improvements and identified use fall well within the critical areas review information requested for the haul route in PDS' September 2, 2021 letter, and the oversight must be remedied consistent with that request and to inform PDS' forthcoming issuance of a threshold determination under SEPA. While my client appreciates that the formal public comment period has been limited so that it will not recommence until issuance of that threshold determination, we are submitting this letter now to assist the County in issuing a fully-informed determination. Please note that this letter addresses only the haul road impacts; earlier SEPA comments address other environmental review flaws associated with the project.

This letter briefly explores the historical use of the overall Miles property within the context of the applications that Miles submitted in 2016 for a special use permit (PL16-0097) and forest practice conversion (PL16-0098), and then identifies critical omissions in the

¹ Note that references to "Miles" in this letter are intended to refer to Concrete Nor'West as well.

biological and geotechnical reports that the applicant submitted in December 2021 and the legal framework that requires that information. These omissions include an evaluation of the road improvements that Miles conducted in 2018 in conjunction with its projected gravel hauling, an analysis of impacts with the 300-foot buffers for high intensity uses, and potential impacts to Swede Creek from the road; associated steep, unstable slopes; and stream processes.

A. Procedural History and Haul Road Use and Development.

The property (“Property”) that contains the proposed gravel mine site (“Site”) has been owned for the purpose of forestry for at least twenty years. According to a 2009 Forest Management Plan (“Forest Plan”) prepared for Trillium Corporation, the Property spans approximately 722.6 acres and has been managed for forestry for a few decades.² The Forest Plan, prepared in conjunction with Miles assuming ownership of the Property, notes that Miles wished to maintain the current forest designation, and “the integrity of the property shall be maintained by managing the property as a productive tree farm,” that would “provide timber production, wildlife habitat, watershed management and recreational activities.”³ Miles has since applied to convert 68 acres to a gravel mine.

1. Mining site permit applications.

On March 7, 2016, Miles submitted two applications to PDS, one for a forest practice conversion (PL16-0098) and one for a mining special use permit (PL16-0097). The forest conversion application seeks to facilitate the mining by clearing 68 acres of land of their soil, trees, and other vegetation, including 50,000 board feet of timber and associated stumps. The mining application seeks approval to excavate approximately 4,280,000 cubic yards of sand and gravel within that same 68-acre expanse.⁴ While the mining application has been made publicly available on a PDS website dedicated to the project review, the forest conversion application, which the PDS Permits website indicates was approved in 2016, is not available there or on the Permits website.⁵ An active public records request seeks that document.

² Randy R. Bartelt, Timber Management Plan, Skagit County, Washington, for Trillium Corporation Lands (Nov. 5, 2009).

³ *Id.* at unnumbered page 2.

⁴ CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018).

⁵ While the project website (<https://www.skagitcounty.net/Departments/PlanningAndPermit/gravelmine.htm>) includes a link for “Forest Practice Conversion Permit, PL16-0098,” that link directs the view to a DNR document titled “Forest Practices Application/Notification: Western Washington,” rather than a Skagit County permit.

2. Application materials initially did not acknowledge the existence of the project's private haul road or its environmental impacts.

A consistent theme in the application process has been the lack of acknowledgment of impacts from the 2.2 mile-long haul road that would connect the mining portion of the property with the public road system. For example, the application initially implied that such a road did not exist, stating that the “site is accessed via Grip Road, which is a County Road,” and that “[t]he mine site will not have a defined road system per se, as the mine floor and elevation will be constantly changing as mining progresses.”⁶ The March 2, 2016 SEPA Checklist conceded the existence of this internal road, but omitted any reference to impacts from development or use of that road, stating merely that “[s]ite will access on Grip Road from an existing private forest road at an existing gate approximately 0.7 miles east of the intersection of Grip Road to Prairie Road.”⁷

This overlooked haul road would be subject to a significant amount of heavy truck traffic. A September 10, 2020 Traffic Impact Analysis (“TIA”) by DN Traffic Consultants estimates that under “extended hours conditions,” the Mine would generate 29.4 truck-and-trailer trips per hour.⁸ The TIA does not define extended hours or explain why the site would be limited to that number of trips if demand were high enough to require greater production. DN Traffic Consultants’ earlier memo, aptly-titled “Maximum Daily Truck Traffic,” estimated that a realistic maximum number of trips for truck-and-trailer was 60 trips per hour.⁹ Thus, the application anticipates as many as one truck and trailer every 1-2 minutes.

Presumably to accommodate this new volume of heavy traffic, in 2018, significant road construction activities appear to have occurred along the full length of the haul road, expanding its width, significantly building up the surface, replacing culverts, and cutting vegetation. Under “Conditions on Approval / Reasons for Disapproval,” the DNR Notice of Decision for FPA #2816283 by Dave Klingbiel sets out conditions to be met “Prior to truck haul” and “during rock haul activities,” clearly indicating that the work is being done for mining use, not forestry. An April 30, 2021 letter by Skagit River System Cooperative (“SRSC”) noted that google map images showed that the forest roads were widened and that three culverts were replaced.¹⁰ SRSC estimated that the widening of the haul route by approximately 10 feet over its two miles and the conversion to a gravel surface had added 2 acres of compacted gravel.

⁶ CNW, Revised Project Description (Section A), 9 of 17 (received Feb. 23, 2018).

⁷ SEPA Checklist, at 3.

⁸ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020).

⁹ DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

¹⁰ Letter from N. Kammer to M. Cerbone re: Concrete Nor’West gravel pit (April 30, 2021).

Historical forest practices documents for the site indicate that the road was not widened and graveled for forestry purposes. From the time that Miles purchased the Property in 2009 through two forest practices applications submitted to the Washington Department of Natural Resources (“DNR”) in 2015 and 2018, Miles communicated a lack of intent to further develop existing roads for forestry. The Forest Plan stated that “[a]n extensive all-season forest road system services the property,” and noted that all of the road maintenance contemplated by a 2002 Road Maintenance and Abandonment Plan had been implemented.¹¹ A July 29, 2015 Forest Practices Application/Notification (“FPA”) discussed the harvest of 125 acres of trees, at least some on very unstable soils, as well as wetland soils and riparian management zones for fish-bearing waters. That document noted that the roads had been maintained for forestry standards. A 2018 FPA proposed to harvest timber on the three parcels that would become the gravel mine and noted that no new roads would be needed for the logging and the attached RMAP checklist stated that the roads are maintained to forest practices standards. Although the earlier Forest Plan contemplated the possibility of substituting a lift of surface rock for grading, and a Miles representative later attempted to characterize the road work as associated with forestry activities, both the 2015 and 2018 FPAs indicated that no new roadwork was necessary for the proposed forestry activities. Nor did either of those FPAs include an environmental evaluation of the impacts of doing so.

While PDS initially declined to require a review of the haul road’s impacts, it reversed that decision on June 17, 2021 when it issued a letter to Dan Cox that requested that a critical areas review be conducted for the haul road.¹² PDS noted that the presence of steep slopes, wetlands within 300 feet, and streams within 200 feet of the haul road warranted critical areas review by a qualified consultant. On August 30, 2021, after Miles appealed that letter decision, the Hearing Examiner upheld the determination.

3. Recently submitted reports describe a property interlaced with sensitive ecological features but omit essential impact evaluations due to unwarranted assumptions.

On December 1, 2021, Miles submitted two reports: (1) Impact Assessment & Mitigation Plan; and (2) Response to Skagit County Geologic Hazard Requirement (“Geotech Report”). The Impact Assessment consultants investigated the haul road and its environs and found that it lay within 300 feet of a remarkable number of ecologically sensitive features.¹³ For example, a

¹¹ *Id.* at unnumbered page 3.

¹² Letter from H. Hart to D. Cox re: PL16-0097/98 Determination of need to complete Standard Critical Areas Review (June 17, 2021).

¹³ NW Ecological Servs., Grip Road Gravel Mine Impact Assessment & Mitigation Plan, i (Dec. 2021).

wetland that supplies the habitat needs of the federally threatened and state endangered Oregon spotted frog reaches within approximately 200 feet of the road.¹⁴ The Impact Assessment limited its analysis to “the use of the roadway to transport materials from the mine site only.”¹⁵ The report did acknowledge that the project would include the paving of a steeper section of roadway by the bridge across Swede Creek.

a. The Impact Analysis failed to evaluate road construction impacts.

Notwithstanding this rich ecological setting, and the submission of the mining applications in 2016, the Impact Assessment overlooked the impacts of the 2018 road expansion and graveling on those critical areas and failed to fully evaluate the impacts of its use by mining trucks and trailers. First, the report did not evaluate the road surfacing, expansion, culvert replacement or installation, vegetation cutting, or material stockpiling that occurred in 2018. This omission appears to be the result of a misunderstanding whereby the report authors were not aware of the 2018 roadwork. Thus, the report assumed that “[t]he proposed change in use does not extend the footprint of the road prism,” and that “[d]ue to the length of time the road has been present, no actions proposed outside the existing road prism, and continued similar use, no new direct impacts to wetlands, streams, or buffers are anticipated.”¹⁶ However, the report does note that the road is an existing impact, and states that “[t]he majority of water quality impacts to adjacent wetlands and buffers occurred with the installation of the roadway some time ago when the road was cleared, graded, compacted, and developed.”¹⁷ Because some of those impacts occurred in 2018 in conjunction with preparation of the road for the mining project, they must be evaluated, including potential impacts on wetlands intersecting with the road, as identified on Figures 4 through 9 of the Impact Assessment.

b. The road use analysis erroneously relied on a significant undercount of the trucking and assumed no difference between logging and gravel trucks.

The Impact Assessment incorporated erroneous assumptions about the road use and thus does not support its conclusion that the road use will cause “minor” indirect impacts to water quality and potentially wildlife functions associated with site critical areas and buffers. First, the report states that a 2019 traffic study projected just 46 trips per day for the haul road.¹⁸ However, as noted above, a 2020 memo by that consultant projected almost 30 trips

¹⁴ Impact Assessment, at i. The study did not survey the boundaries of the wetlands and streams it identified, so their precise location remains an estimate.

¹⁵ *Id.*

¹⁶ *Id.* at ii.

¹⁷ Impact Assessment, at 12, 13.

¹⁸ Impact Assessment, at 12.

per hour under extended conditions.¹⁹ This substantial difference between the traffic load assumed for environmental impacts and that projected by the applicant's traffic consultant likely led to a significant underrepresentation of project impacts. In particular, this may affect the statement that even the increased traffic levels assumed by the report "may detour wildlife from the area immediately around the roadway when trucks are present...but is not anticipated to deter use of this habitat all together."²⁰ Second, the report does not appear to appreciate any difference between past logging trucks and gravel trucks other than an increase in volume for the mine. Consequently, the report should be revised to reflect the different nature of gravel truck traffic. According to SRSC, the applicable gravel truck and pup will weigh 105,500 pounds, approximately 20% heavier than the typical 88,000 pound logging truck.

c. The Impact Analysis applied the wrong buffer sizes.

In addition, the report must be revised because it relied on buffer sizes for moderate intensity land uses rather than the buffers that apply to the proposed high intensity land use of frequent gravel hauling by trucks and trailers.²¹ The report argues that a moderate land use intensity applies but fails to note that the definition for moderate impact land uses includes such development as low-density residential development like one home/five or more acres, active recreation, and moderate agricultural land uses.²² According to the Skagit County Code, "high intensity land uses" include "land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses."²³ The proposed gravel mine and trucking qualify as an industrial use and therefore warrant buffers accordingly.²⁴ Consequently, the report must revisit its conclusion that the haul road "does not overlap with the regulated buffer for wetlands A, B, D, G, J, K, L, and X."²⁵ The applicable buffers for those wetlands are 10 to 40 feet wider than assumed by the report authors.

d. The Geotech Report does not address potential instabilities.

In its SEPA comment letter, SRSC identifies several concerns with the unstable slopes near the Swede Creek Gorge that are not addressed by the Geotech Report. For example, SRSC identifies the existence of a 60-80-foot long sidecast crack and slump (12-18" deep) on the

¹⁹ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020).

²⁰ Impact Assessment, at 17.

²¹ See Impact Assessment, at 8.

²² SCC 14.24.230(1)(a).

²³ SCC 14.040.020 (emphasis added).

²⁴ *Id.*

²⁵ Impact Assessment, at 12.

fillslope near the top of the hill north of Swede Creek, and opines that further failure could risk damaging sediment delivery to Swede Creek.²⁶ The letter also identifies two cutslope failures that slumped and filled the ditchline and requested that all three failures be addressed to prevent further damage to the drainage infrastructure.²⁷

The Geotech Report does not address the geological failures identified by SRSC. Nor does it address hydrological processes associated with Swede Creek that could impact the slope even though it concludes that the area qualifies as a landslide hazard area in part because it is a “[p]otentially unstable area[] resulting from rapid stream incision, stream bank erosion, and undercutting by wave action.”²⁸ It concludes that the change in haul road usage based on truck type can avoid impacts to the geologic hazards near the haul road but does not explain how it reached that conclusion.²⁹ For example, it does not compare the type of truck or volume of traffic proposed for the mine with the current use of the road to show that the significant increase can be accommodated without impacting the unstable slopes.

Further, like the Impact Assessment, the Geotech Report incorrectly assumed that it should not evaluate the impacts of the road construction activities in 2018.³⁰ Instead, with the exception of the asphaltting of an approach to the Swede Creek bridge, the report stated that it would base its impacts assessment on “the change in use of the haul road to a route used for aggregate mine trucking...”³¹ The unfounded assumption that “th[e] same haul road was used in the past to transport harvested logs from the surrounding area,” may have led the author to underappreciate the impacts of adding 30 hourly 105,500 pound trucks on a road that was altered significantly since much forestry occurred on the site, and must be corrected.³²

B. SEPA Requires Full Evaluation of the Road Impacts.

Prior to PDS issuance of a new threshold determination, Miles must address the omissions identified above so that PDS may fully consider the environmental effects of the haul road development and hauling use. RCW 43.21C.030; *see Boehm v. City of Vancouver*, 111 Wn. App. 711, 717, 47 P.3d 137 (2002). SEPA requires agencies to “consider total environmental and ecological factors to the fullest extent when taking ‘major actions significantly affecting the quality of the environment.’” *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978) (quoting *Sisley v. San Juan County*, 89 Wn.2d 822, 830, 567 P.2d 1125 (1977)). To

²⁶ SRSC letter, at 4.

²⁷ *Id.*

²⁸ Geotech Report, at 5 (citing SCC 14.24.410(2)(e)).

²⁹ Geotech Report, at 8.

³⁰ Geotech Report, at 5.

³¹ Geotech Report, at 5.

³² Geotech Report, at 6.

determine whether an environmental impact statement is required for a major action, the responsible governmental body must first determine whether the action will cause significant impacts and render a threshold determination accordingly. RCW 43.21C.030(2)(c); *Boehm*, 111 Wn. App. at 717.

A major action significantly affects the environment when it is reasonably probable that the action will have more than a moderate effect on the quality of the environment. WAC 197-11-794; *Boehm*, 111 Wn. App. at 717 (citing *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 278, 552 P.2d 674 (1976)). Significance involves a proposal's context and intensity; an impact may be significant if its chance of occurrence is low but the resulting impact would be severe. WAC 197-11-794.

To evaluate an action's effects, a responsible official like PDS must: (1) review the environmental checklist and independently evaluate the responses of the applicant; (2) determine if the proposal is likely to have a probable significant environmental impact; and (3) consider mitigation measures that the applicant will implement as part of the proposal. WAC 197-11-060(1); WAC 197-11-330; *Indian Trail Prop. Ass'n v. Spokane*, 76 Wn. App. 430, 442, 886 P.2d 209 (1994). In reviewing a project's impacts, an official must review both direct and indirect impacts and both short-term and long-term impacts. WAC 197-11-060(4). If the responsible official's review concludes that the proposal will not cause probable significant adverse environmental impacts, she issues a determination of nonsignificance ("DNS"). WAC 197-11-340. Conversely, a finding of probable significant adverse environmental impact leads to the issuance of a Determination of Significance ("DS"). WAC 197-11-360. A determination of significance triggers the need for an environmental impacts statement to review the project's identified impacts. WAC 197-11-360.

An agency that determines that a proposal will not result in a significant impact bears the burden of demonstrating "that environmental factors were considered in a manner sufficient to be prima facie compliance with the procedural dictates of SEPA." *Bellevue v. Boundary Rev. Bd.*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978) (quoting *Lassila*, 89 Wn.2d at 814). For example, the threshold determination must be based on information sufficient to evaluate the proposal's environmental impact. *Boehm*, 111 Wn. App. at 718. In addition, a court will not uphold a DNS unless the record demonstrates that the government gave actual consideration to the environmental impact of the proposed action or recommendation. *Boehm*, 111 Wn. App. at 718. An incorrect threshold determination will be vacated because it thwarts SEPA's policy to ensure the full disclosure of environmental information so that environmental matters can be given proper consideration during decision-making. *Norway Hill Pres. & Prot. Ass'n v. King*

County Council, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).

As described above, the reports that Miles submitted in December 2021 continue to omit essential information about impacts associated with the applications, including impacts associated with widening and surfacing the haul road with gravel, the use of larger gravel trucks and trailers, and potential destabilization of existing unstable slopes. The information made available to date indicates that those impacts, which are a direct result of the applications to mine the Property, have not been evaluated. Absent that information, PDS would not be able to adequately consider the environmental factors, “in a manner sufficient to be a prima facie compliance with the procedural dictates of SEPA.” *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978).

Furthermore, Miles’ forest conversion application documents indicate that the road was not upgraded to support forestry at the site. Regardless, the impacts of that development have never been evaluated, and since the current SEPA review process affords the first opportunity to do so, we urge you to request that information.

C. The Critical Areas Regulations Require a Full Review of the Road Impacts.

Skagit County has incorporated the goals, policies, and purposes of its Critical Areas Ordinance (“CAO”) into its SEPA policies.³³ PDS recognized its duty to review the haul road’s critical areas impacts when it communicated that requirement to the applicant. While the reports submitted in December provided previously undisclosed information about wetlands, streams, and unstable slopes that might be affected by the project, the information gaps discussed above fall short of the critical areas analysis directives.

For example, the reports did not describe efforts made to apply the mitigation sequence to the road development or the fillslope or cutslope failures or propose a mitigation plan to address those impacts.³⁴ Nor did they result in a delineation and permanent marking of critical areas and their buffers.³⁵ Ultimately, the reports did not ensure that these proposed alterations to wetlands, streams, and their associated buffers would maintain the functions and values of those critical areas or prevent risk from the unstable slopes.³⁶ It should be noted that the conversion of the forest practices to a mine are subject to these critical areas requirements.³⁷

³³ SCC 14.24.060(3).

³⁴ SCC 14.24.080(4)(c) (requiring site assessment that addresses mitigation sequence and proposes mitigation plan).

³⁵ SCC 14.24.090, .220.

³⁶ SCC 14.24.080(5)(a).

³⁷ SCC 14.24.110(1).

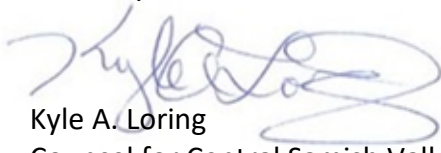
The Geotech Report also appears to omit several elements of the requisite site assessment, including: (1) a site plan depicting the height of the slope, slope gradient and cross section indicating the stratigraphy of the site; (2) a description of load intensity, surface and groundwater conditions, fills and excavations; and (3) a description of the extent and type of vegetative cover including tree attitude.³⁸ The August 2015 Hydrogeologic Site Assessment (by the same consultant) that Miles submitted along with its original permit application includes some of the above elements, but only addresses the actual mine site, not the haul road.

D. Conclusion.

We appreciate the effort work that PDS has put into obtaining sufficient information about the applications to conduct the applicable SEPA and critical areas review. As a result, the December 2021 reports submitted by Miles provided a significant amount of new information about site conditions and the vast amount of ecologically sensitive areas along the haul road. Now they must be amended to address the impacts of road upgrades that occurred in conjunction with the forest conversion to mining operations, as well as the impacts from high intensity, industrial use of the road.

If you have any questions, please contact me at 360-622-8060 or kyle@loringadvising.com.

Sincerely,



Kyle A. Loring
Counsel for Central Samish Valley CSVN

Cc: Leah Forbes
Jason D'Avignon
Martha Bray
John Day

Attachments: SRSC Letter

³⁸ Compare Geotech Report with SCC 14.24.420(2).



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April 30, 2021

Michael Cerbone
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Reference: Concrete Nor'West gravel pit
(submitted electronically via: County Comment Portal)

Dear Michael,

The Skagit River System Cooperative (SRSC) has reviewed the resubmittal of the proposal by Concrete Nor'West for a gravel pit near the Samish River (PL16-0097 and PL16-0098). The steelhead and coho salmon that spawn and rear in the Samish River and its tributaries are important tribal resources, so we are submitting comments on behalf of the Swinomish Indian Tribal Community and Sauk-Suiattle Indian Tribe.

Depth of Quarry Excavation

We would like to reiterate our previously stated concerns about the bottom depth of excavation for the pit. It is important to prevent any interaction of surface water and ground water in order to prevent pollution and protect water quality. We understand from the project documents that the extent of gravel mining will not go deeper than 10-feet higher than the groundwater levels surrounding the Samish River in order to prevent this interaction between groundwater and surface water. Limiting the depth of excavation should prevent the gravel pit from becoming a pond, and from river water being affected by groundwater interaction. However, it is important to consider the practicality of conveying this provision to the on-the-ground employees operating the pit decades from now, when that maximum depth of excavation will be approached.

For clarity and certainty, we would like the specific elevation of final excavation to be established as part of the permitting process, and that elevation should be based on Samish River water surface elevations at normal winter flow, not during summer low flow. On-the-ground monumentation should be available onsite with clear signage, located where it won't be disturbed by decades of mining, but close enough to be useful when the pit begins to exhaust its capacity.

Additionally, we would like to see periodic site evaluations every five years with reporting to the Department of Ecology. The evaluations should include a rod-and-level survey to determine the current depth of excavation using onsite monumentation, and an evaluation of the depth of excavation

remaining. This evaluation will serve to continue to convey the provisions and on-the-ground expectations to the employees operating this mine.

We expect there to be no surface runoff from the gravel mine, as pits create a topographically closed depression. Finally, we expect there to be no on-site processing of gravel, as stated in the plans.

Haul Route

The project proponent must expand their environmental assessment to include the haul route from the gate at Grip Road to the mine site itself. The existing onsite haul route is about 2 miles long and was developed for forestry activities. The quantity, seasonality, and duration of traffic; types and weights of vehicles; agency with jurisdiction; and maintenance responsibility will all change with this proposal, and as such, impacts must be considered. The route crosses numerous wetlands, a couple of typed streams, and the gorge and large stream Swede Creek, a known salmon-bearing stream. We have concerns on how the proposal will affect these sensitive areas.

The haul route was apparently widened recently. The as-built drawings recently provided by Semrau Engineering indicate the road is approximately 22 feet wide as-built. Archived airphotos and Google Earth indicate that this road was previously much narrower, approximately 15 feet as measured from airphotos.

I am unclear what permits were acquired to do the road widening, or if the work was under DNR jurisdiction (under FPA # 2816283 or FPA # 2814718) or Skagit County as improvements to a private road at the time. The two FPA's referenced do not indicate any road work or culvert replacements at typed streams would occur, but the roadwork did in fact replace culverts at approximate STA 12+27, STA 64+00, and STA 64+95 which with a cursory assessment and details in the FPA indicate would be Type N or Type F streams.

When this work occurred happens to be easy to ascertain. A 7/15/2018 Google Earth airphoto shows the work underway, with the northern portion of the haul route widened to more than 20 feet, and the southern part of the haul route remains narrow at about 10-12 feet and as in an apparent 2-track condition. An excavator is working at 48.563041, -122.280407. A roller is parked at 48.569462, -122.276716. The widening of the road adds up to more than 2 acres of new compacted gravel (2 miles x 10 feet). We would like to hear details of the design and regulatory approvals for this substantial road widening and project to replace all culverts.

Moving forward, we expect an environmental assessment to survey the road for stream crossings, wetlands, and seeps (of which there are many) to support a design that meets the Skagit County Drainage Ordinance and allows free flow of all surface waters across the road through appropriately sized culverts and ditches for streams and cross drains. We expect all culverts to be appropriately spaced and located, in particular those at approximate road stations STA 12+27, STA 64+00, and STA 64+95 where we believe typed streams to be present. All culverts must be appropriately sized to meet Skagit County Code or Washington State Forest Practices, whichever is more restrictive.

We feel that over the long term that the gravel operations use of this road presents an impact to surface waters and aquatic habitat due to sedimentation and runoff, and presents a greatly increased risk of slope failures that threaten to directly impact Swede Creek. We presume that the BMPs in the ditchline along the road were implemented concurrently with the above-described road work and the 2018 FPA. While remnants of the BMPs were evident in the ditchline (decayed straw wattles) recently, these BMPs

are clearly short-term treatments for forest practices, which typically represent a short duration of heavy use along a forestry road, as in during the harvesting and subsequent replanting activities. However, the proposed mine will have a very long duration (25 years) of a very heavy use (documents indicate 4.6 up to 30 trucks per hour). Typical forest practices short-term BMPs and management of stormwater are likely insufficient, unless scrupulously maintained, to effectively prevent runoff into surface waters.

The type of vehicle that will be utilizing this haul route is also notably different than a typical log truck, which can typically weigh around 88,000 pounds. The application materials indicate that the typical loaded gravel truck and pup will weigh 105,500 pounds, or 20% heavier. This, combined with the vastly greater number of vehicles and duration of the action, must be considered in an adequate drainage and stormwater management plan.

The road and all crossing structures must be assessed to ensure that they are capable of handling the types of traffic expected on the mine service road. We would like to see information specific to the age of the bridge and an onsite assessment by a bridge engineer that the bridge is capable of handling long-term usage by 105,500 pound vehicles; the provided memo is based on a typical engineering drawing dated 1999 and "from the original bridge installation and "photos and descriptions" sent to the engineer by the project proponent. This seems like an insufficient assessment of a bridge that serves as the key haul route for this mining project and is central to our concerns about the risk to aquatic habitat.

From our perspective, the risk of failure at this bridge would bring substantial harm to downstream aquatic habitat and we would like to be assured that this timber bridge is capable of handling the mine traffic. Traffic along the haul route must be adequately planned for, maintained, and mitigated. We request an onsite bridge inspection be completed prior to permitting, and repeated periodically at no less than every 5 years for the duration of the mine. We request this bridge inspection schedule and submittal of inspection reports to Skagit County Public Works be a provision of the permitting of this mine.

We would like to see the applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out as a provision to the permit, to prevent impacts to surface waters and wetlands in the vicinity of the haul route throughout the duration of this mine. We also feel that the 2-mile haul route, which has been essentially doubled in width ahead of this mining activity, should be fully assessed by a qualified consultant who can identify sensitive areas, priority habitat areas, wetlands, and streams; quantify the impact; and suggest appropriate and mitigation measures to reduce impacts resulting from this project.

When identifying mitigation measures, we would like to draw attention to an undersized and impassable culvert on a Type F stream located along a spur road on the subject property that we have recorded in a inventory of barrier culverts (48.563983, -122.275181). We suggest as a potential mitigation measure to compensate for road expansion and impacts to remove this culvert and naturalize the stream, or replace this culvert with an appropriately sized culvert based on an assessment of channel dimensions and fish use.

Swede Creek gorge

We have specific concerns about the haul route through the steep valley at Swede Creek. The route crosses a bridge at Swede Creek, which the proponent has designated will be a one-lane bridge with signage. The engineer, Semrau, has provided an as-built drawing set, dated 2018, for the haul route, which supported this review.

Firstly, we would like to see no additional road widening within the Swede Creek gorge. Should any widening be absolutely necessary, the road should be cut into the hillslope and not be built further onto the fillslope.

The slopes in this gorge are very steep, well over 70% at some locations, with delivery possible since Swede Creek is at the toe of steep slopes.

There are a couple of existing road failure issues within the gorge that must be corrected as soon as possible to prevent any further road failures or degradation to water bodies. These existing road failures serve as an example of the types of road issues we are very concerned about. There is presently a 60-80 foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek. Any further failure risks sediment delivery directly into Swede Creek. The sidecast failure occurred recently, at a time with relatively little road traffic. With the constant impact of loaded 105,500-pound gravel trucks passing by at a rate of 4.6 to 30 trucks per hour, the compaction, vibration, and degradation of appropriate ditches and drainage features will be constant, greatly increasing the risks that use of this road presents to Swede Creek.

In addition to the sidecast cracking, there are two cutslope failures that have slumped and filled the ditchline. All three of these failures must be immediately addressed to ensure that no further damage to the drainage infrastructure or Swede Creek occur.

In an environment like the Swede Creek gorge, water management is of the utmost importance. This fact cannot be understated. Cross drains and backup cross drains must efficiently transport surface runoff across the road surface and not be allowed to run haphazardly down the ditchline. The outlet of cross drains must be carefully selected by an experienced road designer to ensure that erosion or failure of the fill slope will not be aggravated.

Slope failures and debris slides are disastrous for fish habitat. Debris slides can decimate instream biota and adjacent riparian areas, bury redds and appropriate spawning substrates, and contribute to downstream water quality problems. Road management and reducing the risk of debris torrents originating at forest roads is something that our organization has invested a great deal of time, effort, and money to address and correct, and remains a significant concern of ours at this location. We understand that the road is proposed for paving at STA 21+00 to 26+00, located within the Swede Creek gorge and within the riparian buffer of Swede Creek. While there are some negative impacts and risks associated with paving due to increased impervious area and increased runoff quantity and speed, we recognize that paving can greatly reduce sediment delivery to streams. We recognize that sediment delivery is one of the greater threats to the aquatic habitat adjacent to this proposal. For that reason, we would like to see consideration of paving both the north and south approaches to the Swede Creek bridge, from hillcrest down to the bridge.

Washington State Forest Practices Board Manual suggests paving within 200 feet of a stream as a BMP for sediment control. "In situations where sediment control devices need to be used long-term consider surfacing that requires little to no maintenance such as chip sealing or paving portions of roads." We feel that would be a prudent BMP in this situation, where permanent management of sediment must be

required. However, as with all surface water management in a steep gorge, paving must be designed with care by an experienced road engineer with experience working with these building materials in steep terrain, to ensure that runoff is carefully managed to avoid erosion or slope failure, and disconnect from streams and wetlands.

We would like to see some improvements to drainage management within the gorge, with additional cross drains installed to ensure capacity and redundancy in the case of slumping into the ditchline, as is presently occurring. This ensures that water can get off the road if a culvert is clogged, rather than run down the road and trigger further slope failures and damage to the aquatic environment. In risky terrain for forest roads, redundancy and maintenance are key. The outlet of any cross drains in the gorge should be disconnected from directly contributing to Swede Creek; this may be in the form of swales, settling basins, sediment curtains, or straw wattles that can prevent pollution from reaching a surface water body. Permanent treatment BMPs should be considered and utilized. Substantial rock aprons should be built at the outlet of all culverts, with particular attention and size emphasized at culverts within the Swede Creek gorge. We feel strongly that to reduce sediment runoff in the gorge, paving, permanent BMPs, and ample cross drainage opportunities can help to reduce impacts.

Road Maintenance

We understand the access road from Grip Road to the quarry (nearly 2 miles) will be designated a Private Road by Skagit County, and the landowner(s) of the road will be responsible for its maintenance. We are concerned about impacts of this road should it go unmaintained over the 25-year duration of this project. Ditches and culvert inlets that become clogged with debris and sediment, potholes, washboards, winter snowplowing that forms windrows along road edges, damaged culverts and aprons, or damage to the Swede Creek bridge all present situations where there are increased and avoidable impacts to surface water bodies.

We would like to see an adequate drainage and stormwater management plan assessing and prescribing improvements to the private haul route. We would like to see applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. We would like to see a schedule of periodic on-site bridge inspection to assess the Swede Creek bridge and the anticipated traffic level and loads. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out, to prevent impacts to surface waters and wetlands in the vicinity of the haul route.

Reclamation

We would like to see the proponent submit a reclamation plan for their proposal, and this plan should be provided for our and public review. The mine reclamation plan for this site should specify access controls that are adequate to assure that no dumping will occur, either by Concrete Nor'West or any authorized or unauthorized parties. Obsolete gravel pits have a tendency to become dumping grounds for all kinds of waste and trash. If some of that trash were to leach toxic materials into the permeable gravel at the pit, the result could be devastating for Samish River fish. A robust plan to prevent dumping at the pit would be a prudent step at this stage of permitting the mine.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our

comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 391-8472 or email at nkammer@skagitcoop.org.

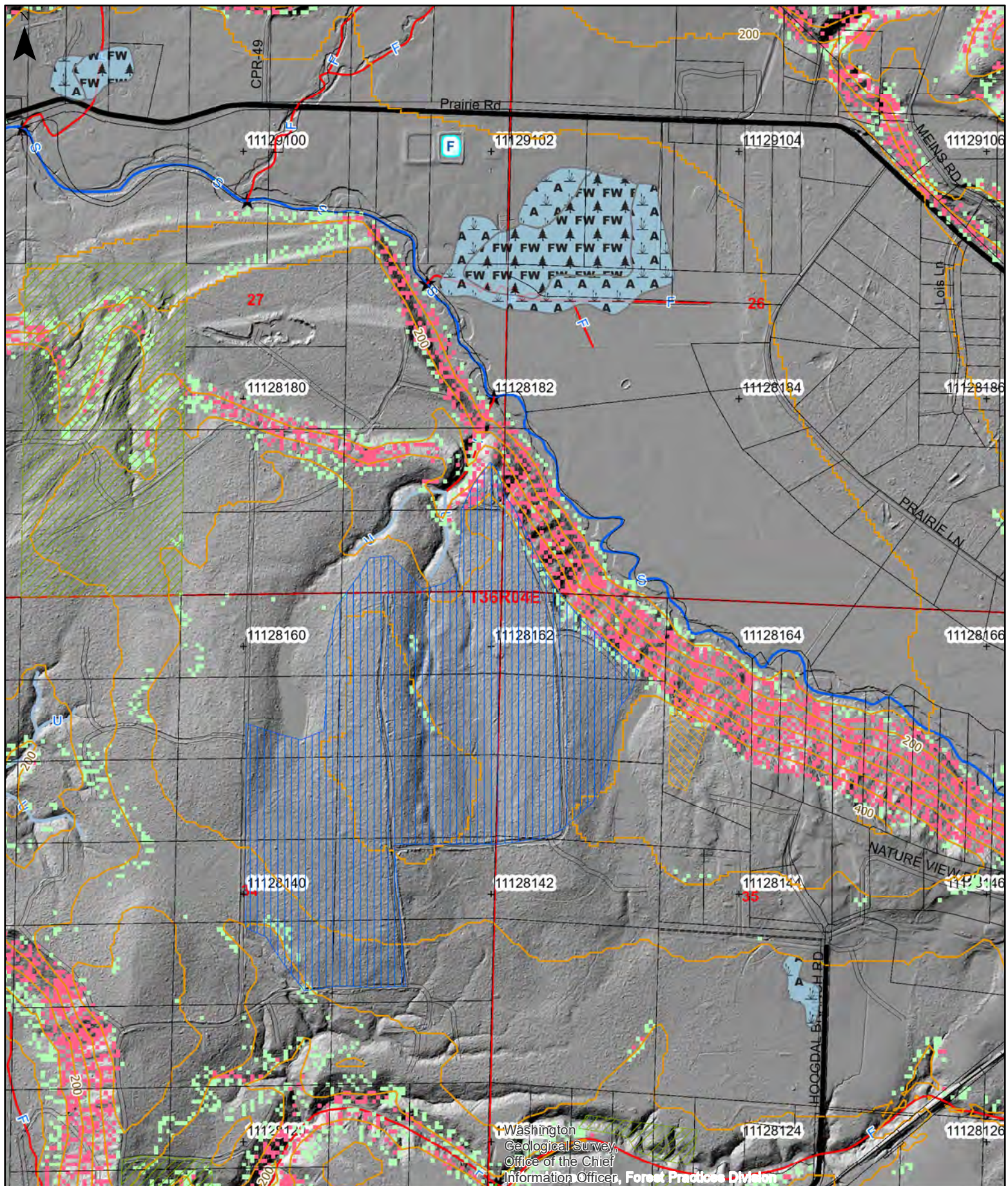
Sincerely,

A handwritten signature in black ink that reads "Nora Kammer". The signature is written in a cursive, flowing style.

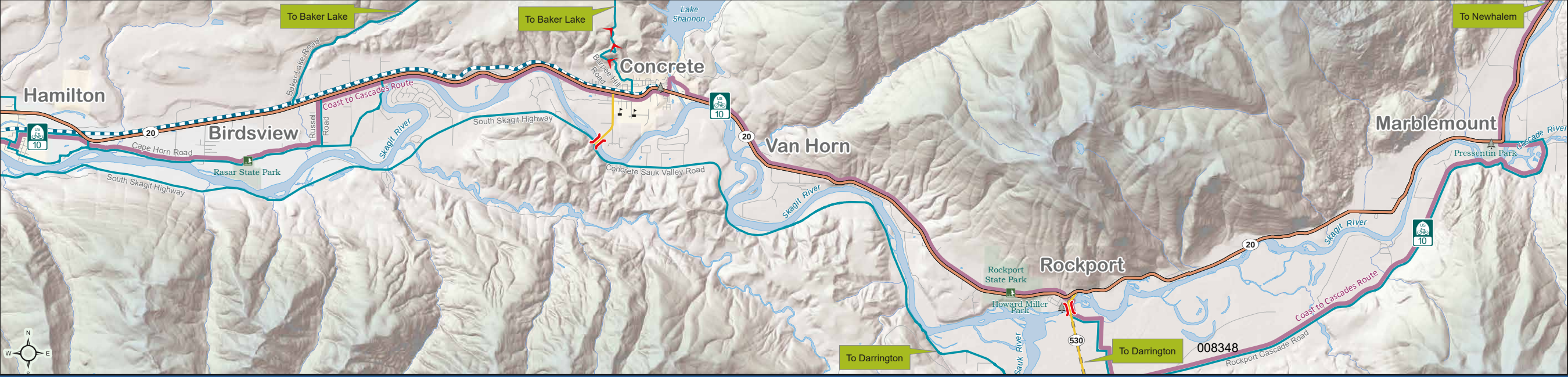
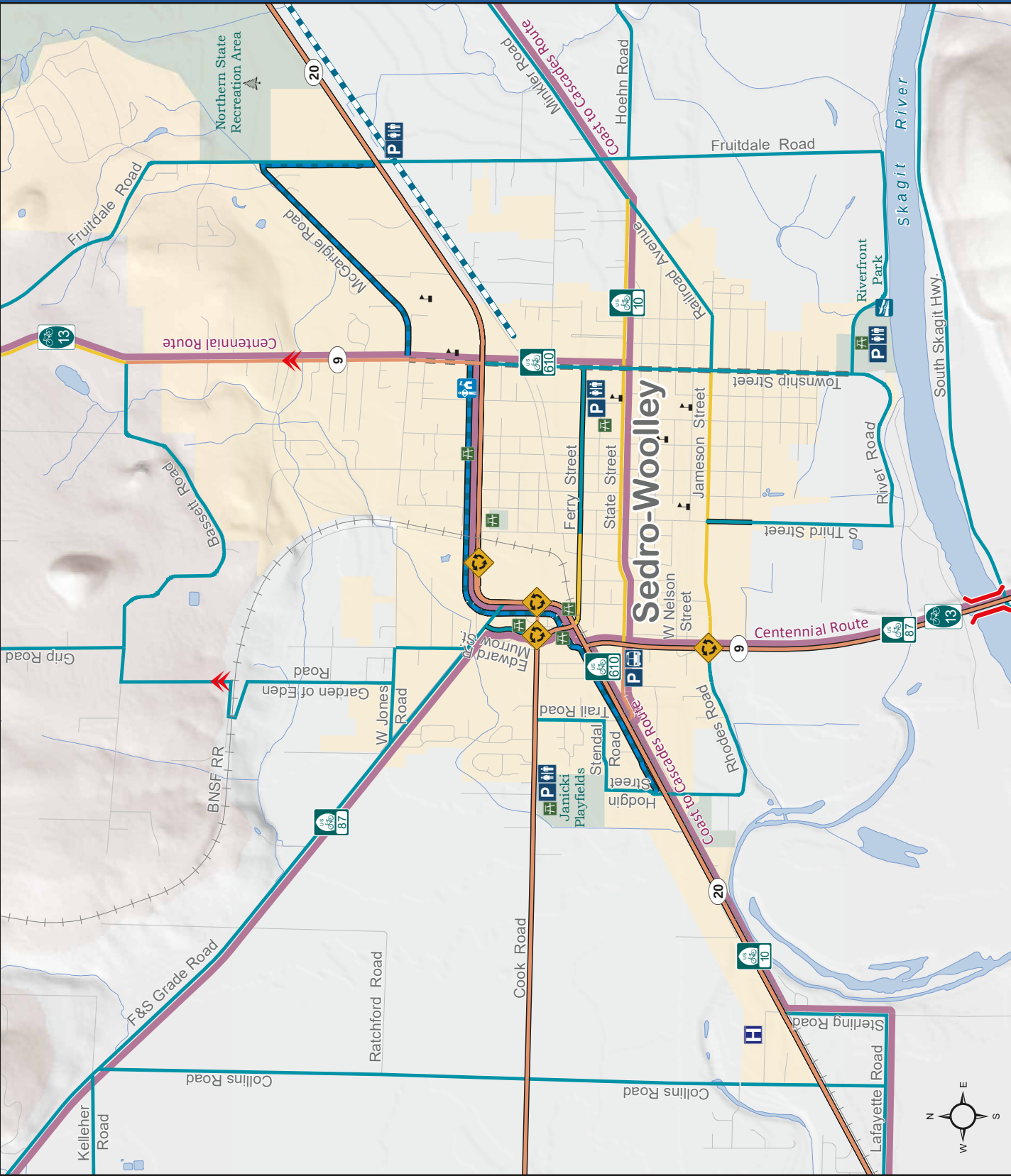
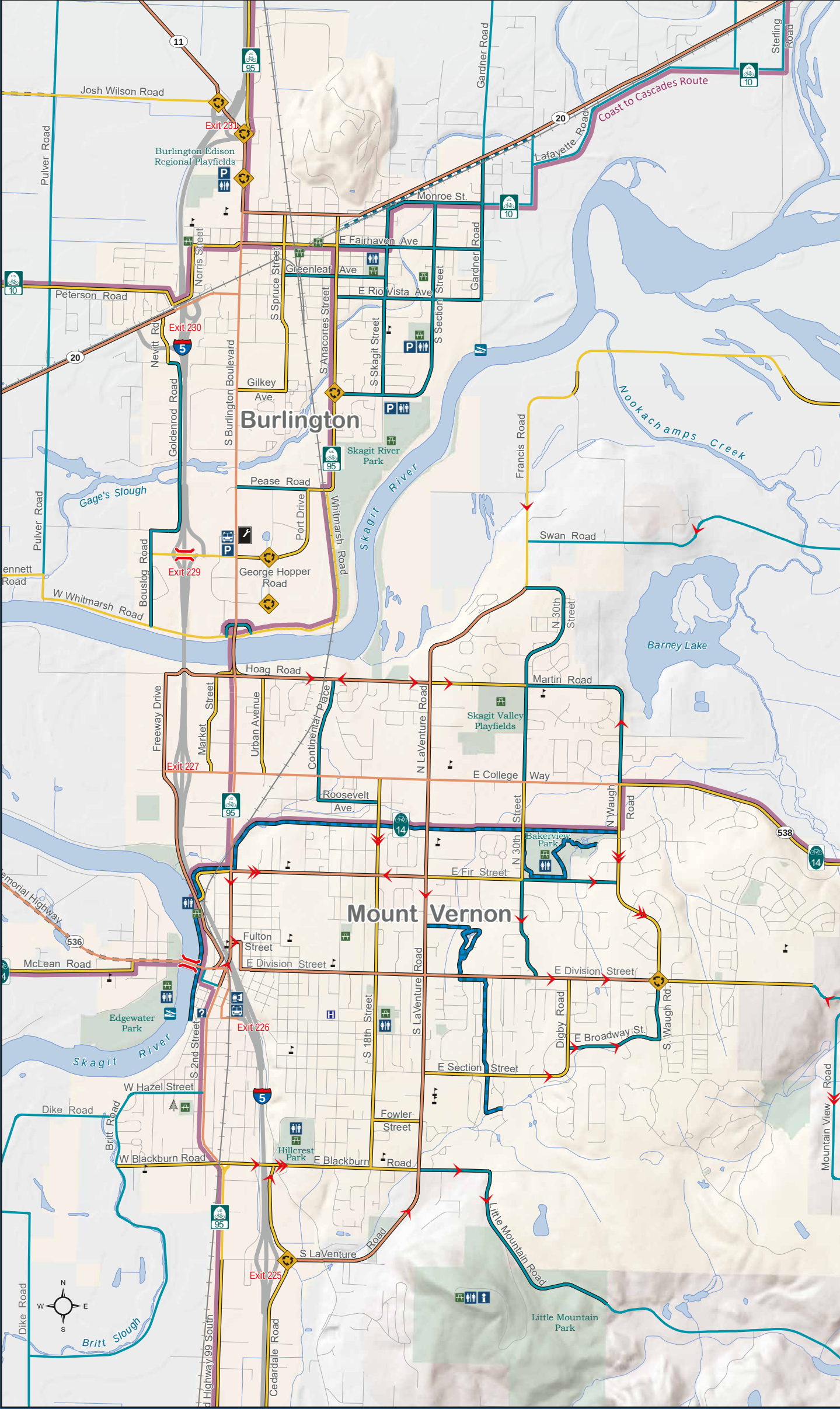
Nora Kammer
Environmental Protection Ecologist
Skagit River System Cooperative

ATTACHMENT B

Active harvest -- Lisa Inc



ATTACHMENT C



Discover the wonderful bicycling
Skagit County has to offer.



The Skagit County Bike Map is intended to familiarize cyclists with the many great bicycling opportunities in Skagit County and to provide information to cyclists so they can make their own decisions as to which route is suited for their skill level.

The 2018 edition of the map is made possible with support and funding from: Skagit Regional Health, Anacortes Chamber of Commerce, Skagit Valley Chamber of Commerce, Island Hospital, Port of Skagit, Skagit Cycle Center, Sedro-Wooley Chamber of Commerce, Kiwanis Club of Burlington-Edison, Skagit Bank, Skagit Valley Food Co-Op, Sherman Physical Therapy, Shell Puget Sound Refinery and La Conner Chamber of Commerce.

Special thanks to Skagit County Geographical Information Services, Skagit Council of Governments staff and Non-Motorized Advisory Committee members: Marie Erbsdoefer, Jerodine Halberg, Steve Jahn, Liz McNett Crowl and Linda Taiman. Thanks as well to Walt Farmer and John Pope for their assistance with the map.

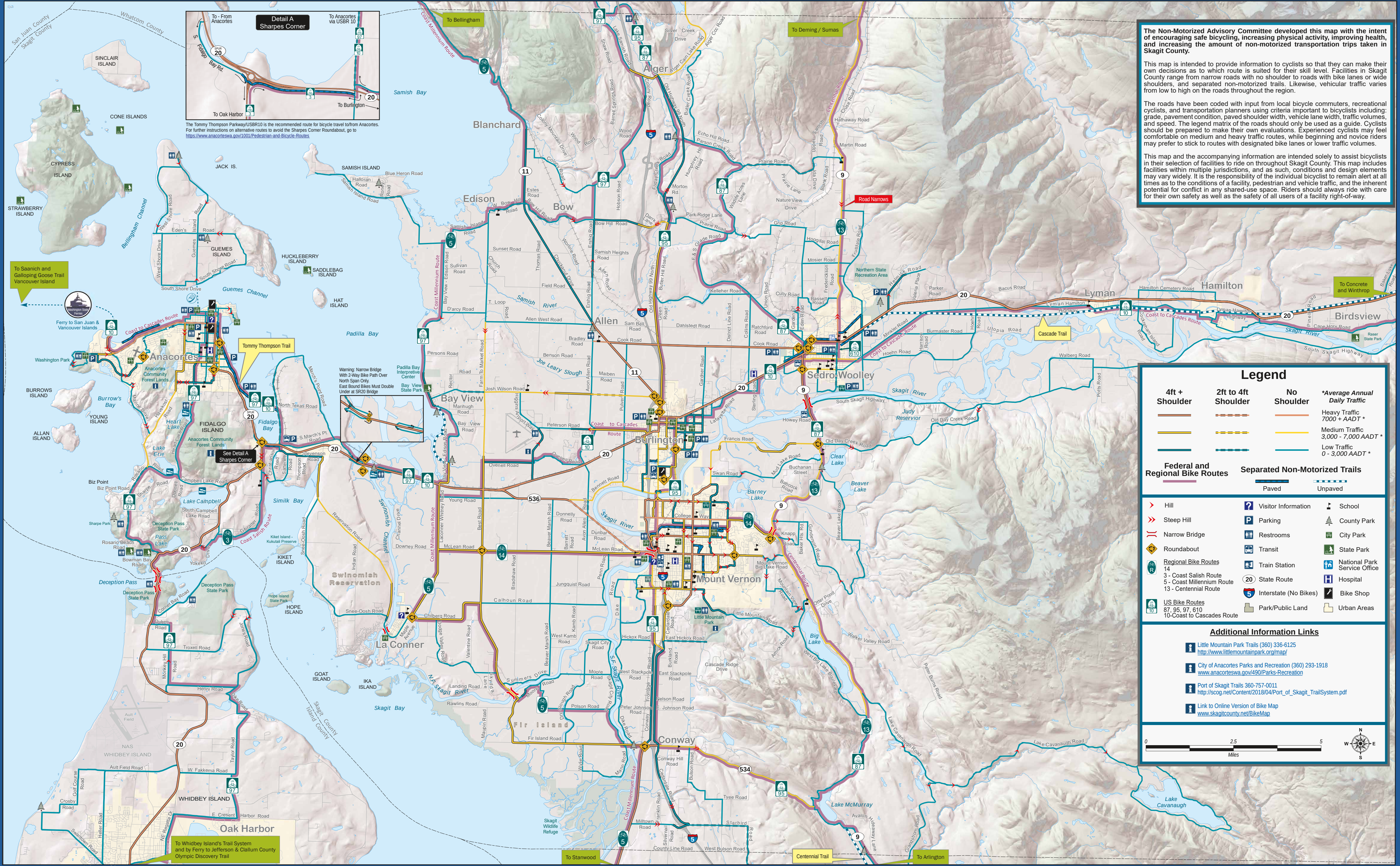
To contribute, request multiple copies, or to send comments and suggestions, contact info@scog.net.

Cartography & Map Design: Kim Berry, Skagit County Geographical Information Services and Mapping Services

Graphic Design: Thomas Pitting

Photos: Courtesy of Skagit Regional Health and Linda Wright Photography





The Non-Motorized Advisory Committee developed this map with the intent of encouraging safe bicycling, increasing physical activity, improving health, and increasing the amount of non-motorized transportation trips taken in Skagit County.

This map is intended to provide information to cyclists so that they can make their own decisions as to which route is suited for their skill level. Facilities in Skagit County range from narrow roads with no shoulder to roads with bike lanes or wide shoulders, and separated non-motorized trails. Likewise, vehicular traffic varies from low to high on the roads throughout the region.

The roads have been coded with input from local bicycle commuters, recreational cyclists, and transportation planners using criteria important to bicyclists including: grade, pavement condition, paved shoulder width, vehicle lane width, traffic volumes, and speed. The legend matrix of the roads should only be used as a guide. Cyclists should be prepared to make their own evaluations. Experienced cyclists may feel comfortable on medium and heavy traffic routes, while beginning and novice riders may prefer to stick to routes with designated bike lanes or lower traffic volumes.

This map and the accompanying information are intended solely to assist bicyclists in their selection of facilities to ride on throughout Skagit County. This map includes facilities within multiple jurisdictions, and as such, conditions and design elements may vary widely. It is the responsibility of the individual bicyclist to remain alert at all times as to the conditions of a facility, pedestrian and vehicle traffic, and the inherent potential for conflict in any shared-use space. Riders should always ride with care for their own safety as well as the safety of all users of a facility right-of-way.

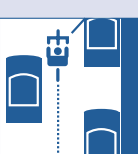
SAME ROADS • SAME RIGHTS • SAME RULES

Be Visible • Wear a Helmet • Be Alert • Have Fun

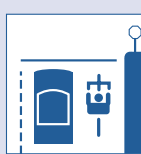
- BE PREDICTABLE**
Ride so drivers can see you and predict your movements. Remember that the rules in the driver's manual apply to bicyclists also.
- BE ALERT**
Ride defensively and expect the unexpected. Remember, bicyclists are more vulnerable.
- BE EQUIPPED**
Always wear a helmet. Use protective gear and wear visible clothing.
- USE HAND SIGNALS**
Hand signals tell others what you intend to do. Signal as a matter of courtesy and self-protection.
- RIDING ON SIDEWALKS MAY BE PROHIBITED**
Pedestrians have the right-of-way. Give them an audible warning before you pass. Watch for vehicles at driveways and intersections.



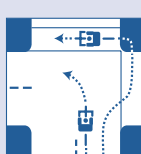
BE VISIBLE AT NIGHT
The law requires a strong headlight and a rear reflector or taillight at night or when visibility is poor. Wear light-colored clothes with reflective tape for extra protection.



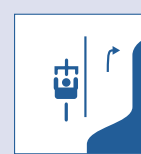
RIDE IN A STRAIGHT LINE
Ride in a straight line and far enough from parked cars so you can avoid suddenly opened doors. Riding in a straight line allows others to anticipate what you are likely to do.



OBEY TRAFFIC SIGNS, SIGNALS, AND LAWS
Bicyclists must follow the same laws as motorists. Stop at red lights and stop signs just as you would in a car.



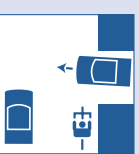
CHOOSE THE BEST WAY TO TURN LEFT
1) Like an auto, signal, move into the left lane, and turn left. Do not turn left from the right lane.
2) Like a pedestrian, use the crosswalk and walk your bike across the sidewalk.



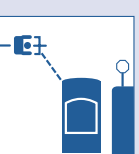
FOLLOW LANE MARKINGS
Do not go straight in a lane marked right-turn only.



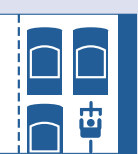
NEVER RIDE AGAINST TRAFFIC
Bicyclists must ride with traffic. Approach velocities are unsafe! Motorists are looking for oncoming traffic when turning right.



RIDE WITH BOTH HANDS READY TO BRAKE
You may need to stop suddenly at unexpected times. In rain, allow three times the normal braking distance.



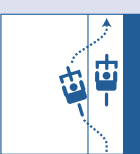
SCAN THE ROAD AROUND YOU
Look ahead and anticipate what other traffic is likely to do. Watch for cars, people, pebbles, grates, etc. Learn to look back over your shoulder without losing your balance or swerving.



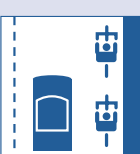
RIDE IN THE MIDDLE OF NARROW LANES
When the lane is too narrow for a car to pass you safely, ride in the middle of the lane.



DO NOT PASS ON THE RIGHT
When approaching an intersection or driveway, be especially cautious and do not overtake a vehicle on its right; it might turn right in front of you.



YOU MAY LEAVE A BIKE LANE
When overtaking a bicycle, making a left turn, avoiding a road hazard or other obstruction or you are afraid a motorist might turn across your path, you may temporarily merge WITH CAUTION into the adjacent automobile lane for safety or better visibility.



RIDE SINGLE FILE
When riding with other bicyclists, ride in a single file line so automobiles can safely pass. Cyclists in front should warn those following of potential hazards.

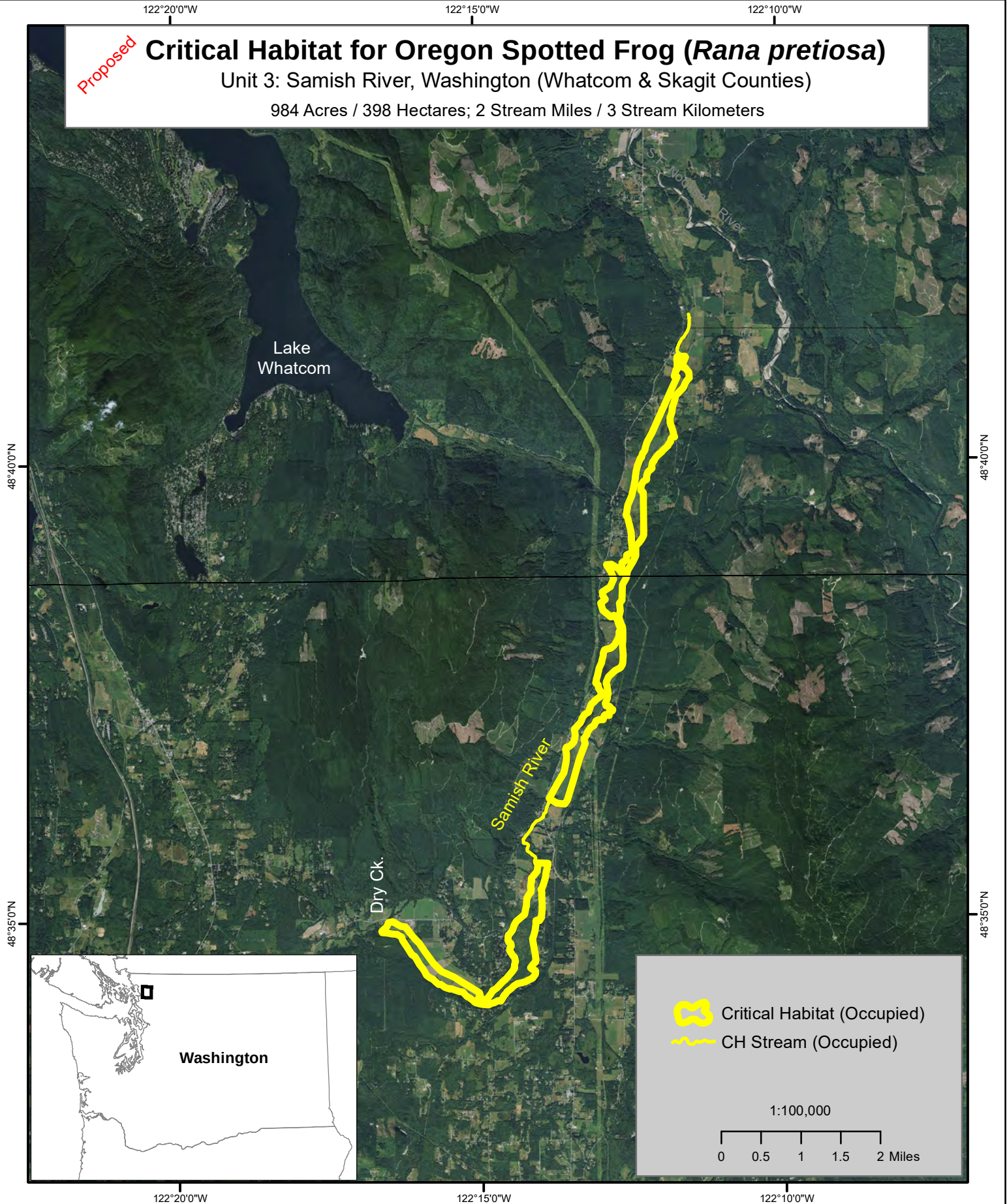
ATTACHMENT D

Proposed

Critical Habitat for Oregon Spotted Frog (*Rana pretiosa*)

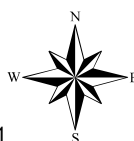
Unit 3: Samish River, Washington (Whatcom & Skagit Counties)

984 Acres / 398 Hectares; 2 Stream Miles / 3 Stream Kilometers



No warranty is made by the U.S. Fish and Wildlife Service as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notice.

008351



Proposed Critical Habitat for the
Oregon Spotted Frog 2013
U.S. Fish and Wildlife Service



ATTACHMENT E

JohnCooper

From: LoriAnderson on behalf of Planning & Development Services
Sent: Friday, April 08, 2016 8:31 AM
To: JohnCooper
Subject: FW: PDS Comments

From Dept Email

Lori Anderson, Permit Technician
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273
360-416-1320
loria@co.skagit.wa.us

www.skagitcounty.net/planning

From: website@co.skagit.wa.us [<mailto:website@co.skagit.wa.us>]
Sent: Thursday, April 07, 2016 2:45 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Doug Gresham
Address : 3190 160th Ave SE
City : Bellevue
State : WA
Zip : 98008
email : doug.gresham@ecy.wa.gov
Phone : (425) 649-7199

PermitProposal : PL16-0097 and PL16-0098

Comments : As a wetland specialist with the Washington Department of Ecology, I wish to enter my comments into the public record for this gravel mining operation by Concrete NW. Wetland impacts should be avoided by: not allowing any excavation within the buffer area associated with the Samish River and its associated riparian wetlands, don't excavate below the groundwater table to prevent dewatering the Samish River, and maintain a earthen berm between the gravel pit and the Samish River so storm water runoff can not discharge directly. Any wetlands identified on the property that would be impacted should be delineated and permits should be submitted to Ecology.

From Host Address: 198.239.77.118

Date and time received: 4/7/2016 2:41:22 PM

ATTACHMENT F



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000

June 1, 2016

John Cooper, Natural Resource Planner
Skagit County Planning and Development Services Department
1800 Continental Place
Mt. Vernon, WA 98273

**RE: Ecology Comments on the Grip Road Gravel Mine
Project File # PL16-0097 and PL16-0098**

Dear Mr. Cooper:

Thank you for sending information on the Grip Road Gravel Mine to the Washington State Department of Ecology (Ecology) for our review and comment. As the Ecology Wetland Specialist responsible for Skagit County, I wish to have the following comments entered into the record. The project submittal provided to us included a mitigated determination of nonsignificance, SEPA environmental checklist, and engineering drawings.

Concrete Nor'west has submitted an application for a forest practice conversion and mining special use permit to develop a gravel mining operation. This 68-acre property consists of three lots (Parcels P125644, P125645, and P50155) that are located northwest of Sedro Woolley in unincorporated Skagit County. The property is located north of Grip Road, south of Prairie Road, and is bisected by the Samish River. The Skagit County iMAP shows the Samish River flowing across the northeast corner of the property in the Warner Prairie area.

The proposed action involves harvesting approximately 50,000 board feet of timber, removing the stumps, and converting the property to a gravel mining operation. This gravel mining operation will remove approximately 4,280,000 cubic yards of gravel over a 25 year period. Gravel will be removed by truck and trailer (generating about 46 truck trips per day) to one of Concrete Nor'wests nearby facilities for processing.

The gravel mine will cover 51 acres and be excavated to within 10 feet of the groundwater table. A 200' buffer of undisturbed vegetation will be provided between the Samish River and the gravel mine. A 50' setback will also be provided along the remaining perimeter of the gravel mine where no grading will occur. All storm water runoff generated within the gravel mine excavation should flow into the closed depression and be prevented from reaching the Samish River.

According to the SEPA environmental checklist, a Fish and Wildlife Site Assessment was prepared by Graham-Bunting Associates. They stated that the toe of the slope adjacent to the Samish River was mapped using LIDAR data. The engineering drawings show the 200' setback from wetlands associated with the Samish River, which I assume occurs at the toe of slope. However, there weren't any maps showing associated wetlands or the ordinary high water mark (OHWM) of the Samish River.

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. To obtain state and federal authorization, the following items are required:

- A delineation of all wetlands on the property by a qualified wetland biologist, and survey of the delineated wetland boundaries;
- Flagging of the OHWM along the Samish River banks by a qualified biologist, and survey of the boundaries;
- A jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction;
- Ratings of all wetlands on this property using the current *Washington State Wetland Rating System for Western Washington*;
- A critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs;
- A Joint Aquatic Resources Permit Application form for impacts to jurisdictional wetlands and the Samish River; and
- A mitigation plan for unavoidable wetland and buffer impacts following the standards in *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a).

If you have any questions or would like to discuss my comments, please give me a call at (425) 649-7199 or send an email to Doug.Gresham@ecy.wa.gov.

Sincerely,



Doug Gresham, PWS
Wetland Specialist
Shorelands and Environmental Assistance Program

DG:awp

ATTACHMENT G

John Cooper

From: Planning & Development Services
Sent: Tuesday, December 27, 2016 9:45 AM
To: John Cooper
Cc: Betsy D. Stevenson
Subject: FW: PDS Comments

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Friday, December 23, 2016 9:45 AM
To: Planning & Development Services
Subject: PDS Comments

Name : Doug Gresham
Address : 3190 160th Ave SE
City : Bellevue
State : WA
Zip : 98008
email : doug.gresham@ecy.wa.gov
Phone : (425) 649-7199
PermitProposal : PL16-0097
Comments : December 23, 2016

John Cooper, Natural Resource Planner
Skagit County Planning and Development Services Department
1800 Continental Place
Mt. Vernon, WA 98273

RE: Ecology Comments on the Grip Road Gravel Mine
Project File # PL16-0097

Dear Mr. Cooper:

As the Washington State Department of Ecology (Ecology) Wetland Specialist responsible for Skagit County, I wish to have the following comments entered into the record for the Grip Road Gravel Mine. In addition to my previous comments for this project submitted on June 1, 2016, I want to address additional concerns during this second public notice period.

Concrete Nor'west submitted an application for a forest practice conversion and mining special use permit to develop a gravel mining operation. This 68-acre property consists of three lots (Parcels P125644, P125645, and P50155) that are located northwest of Sedro Woolley in unincorporated Skagit County. The property is located north of Grip Road, south of Prairie Road, and is bisected by the Samish River. The Skagit County iMAP shows the Samish River flowing across the northeast corner of the property in the Warner Prairie area.

The proposed action involves harvesting approximately 50,000 board feet of timber, removing the stumps, and converting the property to a gravel mining operation. This gravel mining operation will remove approximately 4,280,000 cubic yards of gravel over a 25 year period. Gravel will be removed by truck and trailer (generating about 46 truck trips per day) to one of Concrete Nor'wests nearby facilities for processing.

I have a concern with the wetland findings by Graham-Bunting Associates. They stated there will be a 200' setback from riverine wetlands associated with the Samish River. However, if these wetlands are rated as either Category I or II, then the standard buffer width may be 300' for a high land use intensity such as a gravel mine (Skagit County Code 14.24.230). We assume the proposed footprint of the gravel mine would encroach into this larger wetland buffer so this needs to be addressed.

I also have a concern with the access road that will need to be improved to accommodate 46 truckloads a day, which could impact wetlands and streams. This access road may need to be widened, the Swede Creek bridge may need to be upgraded, and storm water drainage features may need to be reconfigured. This access road would need to be upgraded to Skagit County higher standards for roads servicing mining operations but this was not addressed.

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.

If you have any questions or would like to discuss my comments, please give me a call at (425) 649 7199 or send an email to Doug.Gresham@ecy.wa.gov.

Sincerely,

Doug Gresham, PWS
Wetland Specialist
Shorelands and Environmental Assistance Program

From Host Address: 198.239.77.118

Date and time received: 12/23/2016 9:44:17 AM

ATTACHMENT H

March 9, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

Once again, we are writing on behalf of the local community group Central Samish Valley Neighbors (CSVN) to comment on a new Mitigated Determination of Nonsignificance (MDNS) for the proposed Grip Road Gravel Mine, File #'s PL16-0097 & PL16-0098. In addition to this letter, our attorney Kyle Loring, is also submitting comments on behalf of CSVN. This MDNS is for a large new gravel mine along the Samish River proposed by Miles Sand and Gravel/Concrete Nor'West (CNW), as part of their application for a mining Special Use Permit (SUP). This is the third MDNS issued for this project, with two previous ones withdrawn by the County in 2021. This letter attempts to summarize our ongoing concerns, most of which still have not been addressed despite all of the time that has passed and hundreds of comment letters submitted by community members. Based on our own review and consultation with our attorney, the project impacts identified in the application are significant and warrant additional analysis through an Environmental Impact Statement (EIS) that fully evaluates them and identifies appropriate alternatives and mitigation measures. The County needs to, once and for all, withdraw this MDNS and require a full EIS. Our comments identify information that the County still needs to obtain in order to conduct an adequate review of the impacts that the proposed mine would cause. This information involves the need for both clearer project details and more thorough evaluation of environmental impacts.

The application review has suffered from the absence of institutional memory and inconsistent oversight. We have followed this application since its inception six years ago. During that time, there have been more staff changes at Skagit County Planning and Development Services (PDS) than we can count – the PDS Director has changed, the County attorney representing PDS has changed at least twice, as has the Assistant Director position for PDS; and three different planners have been the lead on this project. The County's review of this application has suffered from a lack of institutional memory and consistent oversight. We are very concerned that County staff at PDS and Public Works do not have a full grasp of the scale of this proposed industrial scale mine, and the potential cumulative and long-term impacts of it. And, the very real public safety impacts from truck traffic have not been taken seriously.

Mitigation Measures are inadequate. Despite all of the public comments, and County staff time into this, very little has actually changed from the original proposal. Of the nineteen “mitigation measures” proposed in this latest MDNS, almost all are simply re-stating the obvious, that the project must comply with existing state and county regulations. The few specific mitigation measures that go beyond existing code are either inadequate to address the impact, or contain loopholes that make them practically meaningless. In the case of Mitigation Measure #17, the County’s own Critical Areas Ordinance is disregarded in favor of a reduced buffer on the Samish River – this is certainly not mitigation in any true sense of the term. In addition, there are no monitoring or enforcement mechanisms proposed in any of these mitigation measures that would ensure compliance over the twenty-five year lifetime of this proposed mine.

Mistakes and delays are not a justification for incomplete environmental review. We know that PDS staff have their hands full with many important projects. And, understandably, people would like to see this project wrapped up. Nonetheless, having tracked it from the beginning, it is clear to us that most of the delays have been caused by the applicant’s recalcitrance to respond to the County’s reasonable requests for information. Avoidable delays have included two appeals filed by the applicant in attempts to avoid providing additional project information. The layers of often conflicting application documents, submitted over more than half a decade, have made it challenging for citizens and planners alike to understand the actual scope and impact of the project. This is quantity at the cost of quality. The applicant should have been required to start over with a comprehensive EIS years ago. Nonetheless, that error combined with the foot-dragging by the applicant should not force the County to now push the project through when there are still significant gaps remaining in the environmental review.

Summary of necessary information and environmental review omitted from the application materials. Based on our review of the March 7, 2016 SEPA Checklist, the August 2, 2019 Supplemental SEPA Checklist Information, the documents referenced in those materials, and the other documents posted to the County’s project website (including the two new documents submitted by the applicant in Dec. 2021), the application continues to suffer from the SEPA inadequacies listed below.

1) Project scale is under-represented: The application minimizes and under-represents the scale of the mining activity by avoiding many details and using vague descriptors such as “extracting relatively low volumes of aggregate”.

2) Impact to the environment from use of the private haul road is not fully evaluated: The applicant’s new Critical Area reports¹ for the 2.2 mile long private haul road are the only application materials that review the impacts to the larger property owned by CNW, outside of the mine site itself, even though this haul road is an integral part of the project. These reports identify

¹ “Impact Assessment and Mitigation Plan”, Northwest Environmental Services, Dec. 2021 and “Geo-Tech Memo”, Associated Earth Sciences, Dec. 2021

many sensitive wetlands and streams, but use false assumptions to minimize the estimated impacts that industrial hauling would have on them.²

3) Off-site and cumulative impacts are omitted and ignored: The application omits and/or minimizes descriptions of off-site and cumulative impacts of the project, especially off-site impacts related to truck traffic.

4) Future plans not disclosed: The application omits plans for future on-site processing despite the suggestion in the application materials that the applicant may seek to operate on-site processing in the future. This omission prevents a complete evaluation of the impacts and identification of appropriate mitigation.

5) Impacts on Environmental Elements inadequately reviewed: Defects in application materials result in a failure to fully disclose impacts for all of the “Environmental Elements” required by SEPA.

6) Mitigation measures and project alternatives not fully considered: The application and the MDNS do not identify or evaluate appropriate mitigation measures or alternatives.

We discuss all of these issues further below, in the order listed.

1) Project scale is under-represented. The SEPA Checklist, Supplement and Special Use Narrative minimized and under-represented the scale of the proposed mining development by avoiding detail and using vague descriptors such as “extracting relatively low volumes of aggregate”. The mining activity was described using generalities, and omitting many details. This approach obscured important information and it is unclear whether key details were used by the County in its SEPA review. Other examples of misleading application materials include the characterization of the site as “very remote” and the proposed mining as a “temporary” activity. The SEPA Checklist states, “traffic generated by the project will be typical of mining operations,” but does not state any actual numbers. To the extent the submitted documents actually provide this information, many of those details are buried in the referenced studies and drawings.

The truth is that this is a proposal for a 51-acre open pit mine that will eventually be ninety feet deep. This is a hole in the ground about the area of 38 football fields and ten stories deep. The Checklist states that there will be “4.28 million cubic yards of excavation”. If 4 million cubic yards are hauled off site (assuming 1 yard equals 3,000 pounds), this would be approximately 6 million tons of sand and gravel removed from the site over a twenty-five year-period, or

² See attached letter submitted by Bray/Day on 1/11/2022

240,000 tons per year. We do not see this scale of land disturbance and trucking at this location as “low volume”.

Furthermore, although the application characterizes the mining operation as a “temporary activity,” its proposed daily operations over 25 years will feel permanent to the community, as will the long-term alterations to the landscape. The “very remote” characterization likewise ignores the actual setting – the site is located in an area where no prior industrial scale mining has occurred, and it would operate amidst a rural residential neighborhood with more than 100 homes within a mile of the site and 750 homes within three miles. And, an investigation into the DN Traffic memo (June 2019) reveals that the “typical” gravel truck traffic referenced in the SEPA Checklist is actually an estimated 11,765 tandem gravel truck trips per year on narrow substandard County roads.³

By avoiding details in the main project documents, the application appears complete, but does not actually address the full impacts of the project, nor does it explore less damaging alternatives or identify real mitigation measures.

- 2) Impact to the environment from use of the private haul road is not fully evaluated.** The SEPA Checklist’s description of the project site (Section A. #11) as only a 68-acre parcel of land did not describe full scope of the project; it and both the original and updated SEPA narratives failed to clearly identify the two-mile-long haul road across the applicant’s 726-acre property that is required to get the gravel to Grip Road. In response to this failure, in 2021, the County required environmental review of the haul road. The applicant’s new Critical Area report for the haul road revealed 36 wetlands and 21 seasonal streams within 300 feet of the haul road. One of the largest of these wetlands was identified as suitable habitat for the endangered Oregon spotted frog. Yet, this new report does not acknowledge the high intensity industrial use of the haul road. Instead, it downplays the difference between mining use and previous uses that involved an occasional forestry operation. The impact on these streams and wetlands from 11,000 trips per year by dump truck/trailer combinations weighing as much as forty tons each has simply not been evaluated. Impacts to the aquatic habitat include potential hydrocarbon pollution from road run-off, increased sedimentation, and changes to surface water hydrology, as well as significant disturbance from constant noise and vibration and diesel exhaust.

³ Contrary to the volume of gravel stated in the SEPA checklist, the DN traffic memo assumes that 200,000 tons of material per year will be removed from the site. Using DN’s math, and assuming the larger volume stated in the SEPA checklist, the number of truck trips per year would be actually be closer to 14,118 (240,000 tons/34 tons/truck*2), or an average of 54 truck trips per day (not 46 per day as stated in the DN memo). This is one of many examples of inconsistent and confusing information provided in the application materials.

In addition the impacts from haul road expansion and construction were ignored. The haul road was significantly expanded in 2018 for mining purposes without regulatory oversight. The new Critical Area report claims that any past impacts from road construction are not part of this project, even though this work was conducted two years after they submitted the mining application. These impacts were never acknowledged, causing ongoing habitat degradation. No corrective action and no mitigation for this construction activity has been required.

In addition, the potential impact of heavy truck traffic on unstable slopes in the Swede Creek gorge has not been adequately addressed. The haul road crosses Swede Creek, a fish bearing stream, in a steep gorge. Unstable slopes and existing road failure issues have been identified in the gorge. Road triggered landslides in these locations can have catastrophic effects on streams, delivering sudden huge debris and sediment loads to the creek. The new Geo-Tech memo takes a cursory look at these issues without truly addressing them. A more thorough evaluation by a qualified geologist that identifies appropriate remediation, as well as ongoing preventative management of the road's drainage system, is essential to avoid slope failure and protect the habitat in Swede Creek.

- 3) Off-site and cumulative impacts omitted and ignored.** One of the most significant components of this proposal is the plan to haul approximately 4 million cubic yards of sand and gravel from the site to be processed at another facility. The material would be moved by truck along more than five miles of County roads over a period of 25 years. This trucking activity is a crucial part of the project that will cause significant environmental harm, yet the project description in the SEPA Checklist (Section A. #11), as well as the updated narrative for the Special Use Permit application, omit details of this aspect. The only mention of truck traffic is by reference – listing several “traffic memos” submitted by the applicant separately, together with piecemeal supplemental information and addenda. The County’s pursuit of additional information on traffic impacts eventually led to a third-party desktop review by a consulting traffic engineer engaged by the County (HDR), and most recently (September 2020) a longer Traffic Impact Analysis (TIA) that was prepared by DN Traffic Consultants on behalf of CNW. However, all of the documents that look at the traffic impacts appear as a kind of postscript. This has the effect of concealing the severity of the truck traffic impacts and it considers only those impacts related to a narrow set of criteria regarding County road standards and “level of service”. In reality, the off-site impacts from a heavy and sustained volume of truck traffic over a twenty-five year period are many-pronged and cumulative. These impacts include carbon emissions and air pollution, noise, vibration, public safety, and damage to public infrastructure. A full SEPA review needs to evaluate and identify mitigation measures for all of these impacts, not just those that fall under the narrowly defined criteria in County Code for triggering Traffic Impact Analyses (TIA). Furthermore, the applicant’s TIA fails to meet some of the basic requirements for such documents included in Skagit County Road Standards, 2000, as incorporated by reference in the Skagit County Code.

To illustrate the scale of this proposal (using the conservative figures in the DN traffic studies) approximately 294,000 truck trips over a 25-year period are required to haul the amount of material the applicant proposes to excavate from the mine. The shortest haul route to CNW's Belleville Pit site on County roads is approximately 11.5 miles round trip, plus an additional 4 miles round trip on the private haul road. Cumulatively, this is more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This is equivalent to almost 800 round trips between Seattle and New York City.⁴ Furthermore, one fully loaded standard gravel truck with pup trailer weighs more than 80,000 pounds. Very few of the off-site impacts associated with this hauling have been addressed in the application materials. Finally, the number of truck trips and cumulative mileage may actually be considerably higher than stated above depending on several factors, including weight limits on the bridge over the Samish River on Highway Old 99 and the extent of third-party sales.

Other off-site impacts that were minimized or inadequately described in the application documents include potential impacts to surface water; impacts of noise from mining equipment and hauling; and potential impacts to fish and wildlife. We address these concerns elsewhere in this letter under the specific environmental elements, in the order they appear in the SEPA Checklist.

- 4) Future plans not disclosed.** The SEPA checklist asks specifically if there are any plans for future additions, expansion, or further activity related to or connected with this proposal (Section A. #7). The applicant answered 'no' to this question on the SEPA Checklist but implies elsewhere that they may conduct onsite processing at a future date. The applicant was asked to clarify this point, and in a letter to the County on May 15, 2017, states only that no processing was proposed "in this application" – implying that future on-site processing is contemplated. And, the revised "Special Use Narrative," dated Aug. 2, 2018, states in the third paragraph that "No processing is proposed onsite at this time" (*emphasis ours*). SEPA guidelines require that all parts of a proposal be disclosed, even if the applicant plans to do them "over a period of time or on different parcels of land." We find the inconsistency on this topic troubling. Given the cost of hauling raw materials 184,000 miles/year, we find it unlikely that CNW will not apply for an additional permit in the future to allow on-site gravel processing. Furthermore, the disclosure of future plans is essential here because the project buffers would need to be larger to accommodate on-site gravel processing, and because the project would be subject to even more rigorous scrutiny. On-site processing would trigger a significantly larger buffer (200 feet—double the 100 feet currently proposed) on the northern and western borders to reduce

⁴ Different application documents identify conflicting amounts of material to be excavated and hauled from the site, as well as different haul routes and mileage and load weights. Using the higher extraction figures in the SEPA checklist (assuming 4 million cubic yards of excavation), 356,666 truck trips would be required over a 25-year period cumulatively more than 5,528,300 miles (220,000 miles per year), equivalent to 970 round trips between New York City and Seattle.

noise and vibration impacts to the neighboring private properties (SCC 14.16.440(10)). This would reduce the amount of gravel available for extraction, but it is an important mitigation measure for reducing impact to adjacent landowners. It is also reasonable to assume that the applicant plans to expand the mine itself over time to encompass more of the large property holding there. There have been many examples of Skagit County approving similar expansions and scope changes through the permitting process. Dividing the planned activities into separate development applications is a way to piecemeal SEPA review and thus under-evaluate project impacts. Under SEPA, the full scope of the proposed project must be considered in order to prevent inappropriate phased or piecemeal review (WAC 197-11-060(5)(d)(ii)). Given that the applicant has expressly reserved the right to pursue processing at this site in the future, the project must be reviewed on the basis of what has been reserved as a potential future activity—that such processing would occur on the site. Therefore, the conditions on the permit need to anticipate potential future expansion with larger buffers and additional measures to reduce likely future impacts. Alternately, restrictions need to be put in place to prevent such changes to on-site activities in the future.

- 5) Impacts on Environmental Elements inadequately reviewed.** As addressed below, defects in the application materials result in the lack of adequate review of the project’s impacts to earth, air, water, and environmental health are minimized or not completely disclosed in the SEPA Checklist and supporting documents.

Earth (SEPA Checklist, Section B. #1): Although question #1.e. of the SEPA Checklist requests a description of any project filling, excavation and grading, the applicant’s response limits its response to the 51-acre open-pit mine footprint. The Checklist does not describe such essential project elements as storage and management of excavated and side-cast materials. In fact, there is no description of what, if any, site preparation will occur outside of the footprint of actual mine.

The “Site Management Plan, Sand and Gravel Permit” document that the applicant submitted (also a requirement for WA Department of Ecology’s NPDES permit) does not cure the Checklist defect. It is almost entirely generic, and simply lists typical Best Management Practices (BMPs) to prevent erosion and manage buffers. It is not site-specific and does not actually explain how the side-cast materials, or “overburden”, will be handled or how buffers along property lines will be managed. It is unclear in this plan which, if any, of the BMPs listed will actually be implemented or when or where they will be used. This omitted information is essential for verifying that the project would protect water quality, minimize disturbance to wildlife habitat, and reduce noise, dust and vibration impacts on neighboring properties.

Numerous relatively small private parcels lie to the west and north of the proposed mine site. Noise, dust and vibration from the mine will impact these properties. An appropriately-scaled, undisturbed vegetated buffer must be established to protect these properties. It is unclear in

the application materials if the buffers between the mine and adjacent properties will be left undisturbed. In addition, there are repeated assertions in project documents that all runoff from the site will drain into the open pit and infiltrate into groundwater. This does not address any surface water runoff and contamination from side-cast material that the applicant states will be stockpiled outside of the footprint of the mine itself for use in reclamation when mining operations are completed. There is no way to evaluate the impact of this earth moving activity when it is not fully explained and described.

Question #1.g. asks if any impervious surfaces are proposed. The applicant states that no permanent, impervious surfaces are proposed. This is inaccurate. There would be a need for an on-site staging areas at the mine site for dozens of trucks and equipment. In addition, the entire two-mile private haul road will essentially be impervious, including the small stretch of the road they now plan to pave in the Swede Creek gorge. A site-specific surface water drainage plan that includes measures for protecting waterways from sediment and other contaminants from these impervious surfaces needs to be prepared and implemented.

Air (SEPA Checklist, Section B. #2): The applicant's response to question #2.a., which requests disclosure of the project's air emissions, avoids identifying the substantial amount of emissions to be expected over the project's 25-year lifespan. Instead, the answer characterizes air quality impacts as "temporary." Mining is an ongoing activity. It is not temporary construction. There will be earthmoving equipment generating emissions constantly during operating hours for decades. Additionally, there is no mention of the significant cumulative carbon and particulate emissions from 25 years of diesel truck traffic. This omission alone is fatal to SEPA review.

Question #2.b. The applicant states incredulously that there are no off-site sources of emissions or odor. This answer simply ignores emissions from diesel truck hauling. As stated above, the cumulative mileage of tandem diesel trucks hauling material from this mine is more than 4,600,000 miles, or more than 184,000 miles per year.⁵ The diesel emissions from this hauling activity will be concentrated in a small area, day after day, year after year. Diesel emissions include both particulates that create localized health hazards and greenhouse gasses that contribute to global climate change. The type of diesel fuel used, maintenance and age of vehicles, speed and driving patterns, idling activities, etc. all influence the intensity of emissions. The applicant must disclose the true nature and quantity of these emissions and identify measures to reduce the impact to air quality. A simplistic calculation of the carbon emissions from just the hauling component of this project is more than 17,200 metric tons over 25 years, or around 690 metric tons per year⁶. The actual amount of carbon emissions

⁵ Assumptions: round trip of 15.4 miles between the mine and Belleville Pit, 46 round trips per day, 260 days per year, for 25 years.

⁶ Carbon emissions estimation based on the per ton/mile truck emissions estimates and sample calculations included in the Environmental Defense Fund publication produced to assist industry in reducing carbon emissions, "A Green Freight Handbook", Chapter 2, Establish Metrics, we estimate that depending again on which of the two proposed

will probably be considerably higher because, as discussed above, the mileage is under-represented. This is a very carbon-intensive proposal. The applicant needs to provide realistic estimates of the cumulative emissions from all of the truck hauling and on-site mining activities, as well as propose an adequate mitigation plan for them.

Water (SEPA Checklist, Section B. #3): Question #3.a. involves disclosing impacts to surface water. The Checklist does not fully disclose surface water impacts from the project’s proposed undersized buffer. The applicant proposes a 200-foot vegetative buffer between the mine and the adjacent Samish River, and the MDNS accepts this in Mitigation Measure #17, but a 200-foot buffer is not adequate and is inconsistent with Skagit County Critical Areas Ordinance (SCC 14.24.230) requirements for the intensity of this land use. Additionally, when slopes of 25% or more are present, buffers are generally required to extend 25 feet beyond the top of the slope. We address this further in the section on “animals” below.

Years ago, in response to these concerns, PDS asked the applicant to submit drawings showing a 300 foot buffer, which they did. This drawing is labeled “Alternate 300 foot buffer” (dated July 2018). And yet, this “alternate” buffer has not been required as a condition of the permit.

In addition, mine site plans identify an unnamed tributary to the Samish River on the southeast corner of the site. The supplement to the SEPA checklist references the Site Management Plan to explain how surface water will be protected. Again, as discussed above in the “Earth” section, this Site Management Plan does is not site-specific and simply lists a number of BMPs without explaining where or how they may be implemented; except that Appendix B (“Site Map”) of the plan identifies one “monitoring point” near the tributary stream. There is not enough information provided to determine if surface water will be adequately protected from sediment and other contaminants or if the minimal monitoring proposed will be adequate to detect such pollution. In addition, it is unclear from the project documents where all the surface water in the areas around the mine site may drain after the site is disturbed. The mine site is perched above the river and it is unclear if the proposed buffers encompass the entire slope edge between the mine and the river. There is not enough detail in the drawings and application materials to ensure that erosion and contaminated run-off will be prevented from making its way downslope to the river.

Question #3.b. involves disclosing impacts to groundwater. The applicant states that no waste discharge will occur into groundwater. The Supplement to the SEPA Checklist again references the Site Management Plan, and states that mining runoff will infiltrate into the bottom of the mine. However, the project description states that the intention is to mine within ten feet of the groundwater level. Given the pervious nature of the sand and gravel floor of the mine, we question if this method of preventing groundwater contamination is sufficient. This is

main haul routes is followed, annual (total) truck CO2 emissions will be between 271 (6,768) and 403 (10,064) metric tons.

especially concerning as the groundwater in this location will essentially flow directly into the Samish River and into designated critical habitat for the endangered Oregon Spotted Frog (discussed further below in the section about animals). Protection of groundwater requires further evaluation, especially in terms of the potential for fuel and other toxic material spills from heavy equipment in the mine (this issue is further discussed below under the section about environmental health and hazardous chemicals.)

Mitigation Measure #15 requires the applicant to work with their consultant to determine where the groundwater level is and to stay 10 feet above it. However, there is no requirement for groundwater monitoring wells to be installed, nor any compliance or enforcement mechanism discussed. It will be many years before the mining reaches these depths; in the absence of compliance monitoring and inspection, we have very little confidence that mine operators will be paying attention to the distance between the excavation and the groundwater.

Question #3.c. involves describing impacts from water runoff, including stormwater. In addition to the concerns related to runoff from the mining site described above in the ‘earth’ section, the impact of runoff from the haul road to surface water was not identified as a concern and has not been addressed. This involves impacts to both water quality and quantity -- to the wetlands on site, to Swede Creek and to the greater Samish watershed. There is the potential for sedimentation in Swede Creek, a fish-bearing stream, and for increased overland flows and downstream flooding. There are already significant flooding issues associated with Swede Creek. The ditch adjacent to Grip Road east of the bridge over the Samish River is an overflow channel of Swede Creek. The Public Works Department and local residents are well aware that this ditch routinely spills over its banks and floods the roadway during high rainfall events. In addition, the edge of the roadbed itself at this location has required repeated hardening and repair due to erosion caused by the high volume of water flowing through this ditch. The impacts to hydrology and the potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road, especially in the gorge where the road crosses Swede Creek, needs to be evaluated and appropriate mitigation measures required. A stormwater management plan for the haul road needs to be prepared and implemented.

Mitigation Measure #5 states that the applicant shall comply with the County’s Stormwater Management Ordinance, “as it relates to increased runoff resulting from additional impervious surfaces”. It does not explain what “additional impervious surfaces” this refers to, leaving the question of whether it applies to the existing but recently reconstructed haul road. It also states that “Best Management Practices shall be utilized throughout the life of the project”, but it is not clear if this relates to only impervious surfaces, or other land disturbance. It does not require that a specific Stormwater Management Plan be prepared and approved, thereby lacking enough specificity to be useful. And, again, there are no monitoring, inspection or

enforcement mechanisms included in this mitigation measure, making it ineffective, especially over the twenty-five year life time of this project.

Mitigation Measure #7 states that the applicant shall comply with the provisions of WAC 173-201, which is the law that sets standards and enforcement mechanisms for surface water quality. In absence of any specific prescriptions for this project and this site, this is a not a useful or enforceable condition, and certainly it is not proposing any meaningful mitigation for project impacts. Again, just restating existing law is not a mitigation measure.

Plants (SEPA Checklist Section B. #4): Notwithstanding that the mine would completely strip native vegetation from more sixty-five acres of land, the Checklist omits any discussion of ways to minimize this impact. A one-sheet survey drawing titled “Reclamation Plan and Mine Sequence” (May 2015) shows the proposed mine area divided into four quadrants labeled “1” through “4”. These labeled quadrants presumably explain the “sequencing” of the mining activity, but there appears to be no narrative explaining how or when this sequencing may occur. Phasing the mining so that portions of the site remain forested until it is needed, and/or reclaiming sections over time while other sections are being mined would significantly reduce the impact to native vegetation. Simply reducing the scale of the proposed mine would be even more appropriate. Measures and alternatives that reduce the impact to the native vegetation must be evaluated.

Animals (SEPA Checklist Section B. #5): The Checklist omits significant animal species and potential project impacts on them. First, the Checklist states that no threatened or endangered species are known to be on or near the site. In fact, the US Fish and Wildlife Service and WA Department of Fish and Wildlife have designated Critical Habitat for the Oregon Spotted Frog (*Rana pretiosa*) along the Samish River directly adjacent to the site. In addition, there is designated Bull Trout (*Salvelinus confluentus*) Critical Habitat a few hundred feet downstream from the northeast corner of the mine site. The Oregon Spotted Frog was believed to be extirpated from this area until breeding sites were discovered in 2011-2012 in the upper Samish River. The Samish River system is the only place in Skagit County that the Oregon Spotted Frog has been found. It is listed as Endangered in Washington State, and Threatened federally. Bull Trout is a Candidate species for listing in Washington State and is listed as Threatened federally. The presence of designated critical habitat for species listed under the Endangered Species Act (ESA) was not disclosed in the SEPA Checklist nor in the accompanying Fish and Wildlife Assessment (GBA/August 2015). These are serious omissions.

At the request of the County, an Addendum to the Fish and Wildlife Assessment was submitted by the applicant to address the presence of the Oregon Spotted Frog habitat adjacent to the site (GBA/April 2017). However, the addendum simply states that in the consultant’s opinion, their recommended 200-foot buffer is adequate to protect this designated critical habitat

without citing any clear science or expert biological opinion to back up the statements. In fact, a note in the Addendum states:

“Our original assessment and this addendum are not intended to constitute a biological evaluation pursuant to the requirements of the Endangered Species Act. The documents are intended solely to demonstrate compliance with the Skagit County Critical Areas Ordinance (SCC 14.24).”

Further evaluation of the impact from the proposed mining to the Oregon Spotted Frog, Bull Trout, and their designated critical habitat, needs to be conducted, consistent with State requirements and the Federal ESA. As discussed in sections elsewhere in this letter (in “earth”, “water” and “toxics”), measures are not clearly described that will protect the water quality of the Samish River, its tributaries, and the groundwater that flows to the river. This is a serious concern that must be addressed to ensure that the Oregon Spotted Frog, Bull Trout, and Puget Sound Steelhead habitat is adequately protected according to law.

In addition, the SEPA Checklist and Supplement do not acknowledge a number of large mammals that are known to frequent this area. These include bear, cougar and bobcat. Furthermore, the Checklist states that it is not an animal migration route even though local residents regularly observe the use of this area as a wildlife corridor between Butler Hill to the south and the Samish River Valley and Anderson Mountain to the north. Surrounding landowners have seen cougar, bobcat, and bear traveling across their properties on numerous occasions, and at least one resident located south of the subject property has captured many photos of these animals on remote trail cameras. These animals require large territories and are sensitive to disturbance. The subject property is the last large undeveloped property linking a larger landscape between Butler Hill to the south, and the Samish River to the north. The applicant’s Fish and Wildlife Assessment does not address the impacts to this wildlife corridor. Measures could be taken to protect a swath of land and maintain intact vegetative buffers surrounding the mine on the applicant’s larger ownership. This would help reduce this impact.

Finally, the applicant’s Fish and Wildlife Assessment is more than six years old (August 2015), and its limited scope does not address the current data regarding threatened and endangered species. A new complete Fish and Wildlife Assessment needs to be prepared that considers the full footprint of the project, including the land area impacted by the private haul road, as well as all ESA species that may be impacted by the proposal.

Energy (SEPA Checklist Section B. #6): This is a very fossil fuel and carbon intensive project, both on and off site. As stated previously, just to haul the proposed volume of gravel to the applicant’s processing site would require diesel truck/trailer combinations to drive more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This does not include the on-site energy consumption from the heavy equipment required for the mining activity. In

addition, there is no electrical power supply to the site. There is no mention of power supply in the application materials, but presumably the applicant plans to run generators to provide light and power to the site. This will create even more fossil fuel consumption (and noise pollution that has not been disclosed). The applicant has made no attempt to estimate the amount of energy required, nor the impacts to the environment from it. There are no proposed energy conservation measures. The applicant should be required to evaluate alternatives to such high rates of energy consumption, and a carbon budget should be calculated with mitigation identified to offset the effects of carbon emissions to the atmosphere.

Environmental Health (SEPA Checklist Section B. #7):

Question #7a. Toxics: The Supplement to the SEPA Checklist states that “mobile fueling vehicles” and “mobile maintenance vehicles” will be used and that “if fueling stations or other storage of these materials occurs on site, it will be in compliance with the NPDES Permit filed with the WA Department of Ecology”. These vague and inconsistent statements fail to confirm whether fueling stations and fuel storage are planned or not. Furthermore, the application does not define “mobile fueling” or “mobile maintenance” or measures to control or respond to spills from them in different locations across the site. The applicant must explain how they will monitor this and provide specific management practices for use with mobile fueling and maintenance units.

Although the Site Management Plan provided by the applicant purports to address spill prevention, it merely recites generic BMPs. It does not state what specific measures will be used on this site, nor does it show any locations for fueling, fuel storage, etc. The applicant needs to disclose what the nature and location of the fuel storage and vehicle refueling and maintenance process will actually be, and what measures will be taken to prevent spills and toxins from entering surface and groundwater. As discussed previously, there is a real danger of surface water contamination and or groundwater contamination through the bottom of the mine floor if this issue is not properly addressed.

Mitigation Measure #12 addresses requirements for safe onsite fueling of mining equipment. However, this condition does not specifically address or prohibit “mobile fueling” and “mobile maintenance”. Since these terms are used in the application materials, they need to be addressed in the mitigation measures, or there is a potential for contamination of ground and surface water.

Question #7.b. Noise: This section requires disclosure of health impacts related to noise generated from the project on-site and off-site. The applicant submitted an “Updated Noise and Vibration Study” (November 2018), which concludes through modeling that the noise generated from the mine, and from off-site trucking, is within the limits set forth in Skagit

County Code. There are several major flaws in this study that call into question its thoroughness and validity:

- Concerning the computer modeling of mine operation noise levels, the November 2018 noise study states “A front-end loader, dozer, and excavator were assumed to operate concurrently in the mine”, with noise levels at 100 feet from each shown as 75, 75, and 76, dBA respectively. The study does not cite the source for these numbers. Presumably, different sizes and models of heavy equipment generate different levels of noise, and are not interchangeable for noise level modeling purposes.
- Furthermore, the noise study appears to address only “typical” mine production levels, not the “extended hours” production scenario of up to 5,000 tons per day described in the September 2020 DN Traffic Consultants Traffic Impact Analysis. Presumably, the latter would require more pieces of heavy equipment to accomplish, as well as more trucks. Based on the seasonal nature of sand and gravel demand, it seems likely that the mine would exceed “typical” or “average” production levels for extended periods during late spring, summer, and early fall. For a noise study to be valid, it must address the maximum production level.
- The computer modeled noise level receptor labeled “R3” is located approximately 900 feet north of the receiving property boundary, not at the receiving property boundary as required under WAC 173.58-020(11) and 173-60-040(1).
- The study does not address the significant noise fully loaded truck/trailer combinations will generate using their compression brakes while descending the Grip Road hill. Adding an “average” of 46 diesel trucks a day (or 30 trucks an hour, as under the “extreme” scenario from the DN Traffic Impact Analysis) onto Grip and Prairie Road will be a major change to the soundscape for residents along the haul route for the next 25 years regardless of whether the trucks exceed legal noise limits.

There are 100 homes within a mile radius of the proposed mine, and 375 homes within a 2 mile radius. Even if the applicant’s consultant can somehow create a model that shows that the noise generated from the mine and truck traffic is below the thresholds set out in WAC and Skagit County Code, the ambient noise from the mine and the trucks will become a constant backdrop for the residents in the surrounding area. This noise will have a lasting impact on public health, on the quality of life in this quiet rural neighborhood, and on wildlife. Per an article titled “The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk” in the National Institute of Health’s online National Medical Library, “Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.”

The SEPA checklist and accompanying documents contain no discussion of ways to reduce or mitigate noise impacts, instead the focus is simply on proving that this new unprecedented level of industrial scale noise pollution will somehow meet legal standards. What is “legal” and what is “acceptable” are not interchangeable.

Light and glare (SEPA Checklist Section B. #11. Notwithstanding that the applicant intends to operate the mine during dark hours, the application does not describe the type of lighting that will be used on site. Nor does the application identify whether, or what, lighting would be installed for security purposes. The 700 acres owned by the applicant is currently used only for forestry, and it is dark at night. The type of lighting used for heavy construction tends to be very bright and penetrates into the night sky. Measures need to be taken to minimize light pollution from the site . Impacts on migrating birds from even small amounts of outdoor lighting is well-documented (<https://www.fws.gov/news/blog/index.cfm/2020/4/22/Lights-Out-for-Migrating-Birds>). The applicant needs to describe the type and extent of the lighting systems that are planned, and appropriate mitigation measures need to be required, including down-shielding of all lights, and installing motion sensors and controls where constant lighting is unnecessary.

Recreation (SEPA Checklist Section B. #12: This section requires disclosing “designated and informal recreational opportunities” in the vicinity. The applicant’s response mentions only hunting and fishing. In fact, local residents walk on Grip and Prairie Roads, and the haul route along Grip and Prairie Roads is a popular recreational bicycling route. The route is included in a “Skagit County Bike Map” produced by Skagit Council of Governments, and distributed by Skagit County Parks Department. This same bike map is also included in Skagit County’s 2016 Comprehensive Plan, as the “Bicycle Network Map”; it includes Grip and Prairie Roads as part of the inventory of the County’s non-motorized transportation system. In addition, a portion of Prairie Road and F&S Grade is part of U.S. Bike Route 87. Nonetheless, this important recreational activity was not disclosed in the SEPA checklist; nor were impacts to it evaluated. As discussed elsewhere in this letter, Grip and Prairie Roads are narrow and substandard with soft or nonexistent shoulders. There are many parts of this route where there is literally no option for a cyclist to move to the right to make room for a passing vehicle. The recent addition of guardrails on portions of Prairie Road have had the effect of eliminating options for a shoulder and narrowing the roadbed even further (guardrails were apparently installed more to protect power poles from vehicle collision than for public safety).

The introduction of an average of five tandem gravel trucks an hour (much less the 30 trucks an hour under the “extreme” scenario) to this route will render recreational cycling not only unpleasant, but very dangerous. Mitigation and alternatives could be identified for reducing the impact of trucking on these important recreational uses, such as widening and hardening road shoulders, limiting the number of trucks allowed per day on the road and designating ‘safe passage’ times during each day, when trucks are not allowed to haul from the site.

The omission in the SEPA checklist and project documents of the impact on pedestrians and bicyclists along the haul route is just one more example of the serious inadequacies in the application materials, and the disregard for public safety shown by the applicant. Issues regarding public safety related to truck traffic and the condition of County roads along the haul route are further discussed below under traffic.

Transportation/Traffic (SEPA Checklist Section B. #14): The SEPA Checklist and Supplement asserts that that no improvements to existing roads are necessary and that traffic generated will be “typical” of mining operations. The Checklist and Supplement then reference studies conducted by their traffic consultant DN Traffic Consultants without providing further details. However, a review of those documents reveals that “typical” traffic is a stunning 11,765 truck trips per year. The SEPA documents do not identify this number. DN Traffic goes on to calculate that this will “average” 46 truck trips per day. However, given the seasonal nature of gravel mining, this “average” is meaningless. The number of trucks that the applicant intends to deploy on a daily or weekly basis has never been clearly defined. This makes it impossible to evaluate the actual intensity of use and potential threats to public safety.

DN Traffic Consultants’ more recent “Traffic Impact Analysis” (TIA), submitted in September 2020, seems intended to address the basic requirement that a TIA be done for this project (we have been requesting a TIA since we first learned about the permit application in 2016). It also seems intended to address at least some of the issues we have raised in the many comment letters we have submitted since that time. However, the document fails on both counts. While we intend to submit a detailed comment letter to the county on the entire TIA in the future, we provide below a summary of some of our main concerns.

- It does not meet the requirements and format for a Level II TIA as set out in Skagit County Road Standards, 2000 (SCRS). – See SCRS 4.01-4.02 and Appendix A
- It does not state whether the information included in the TIA supersedes previous inconsistent and/or contradictory information submitted by the consultant and the applicant regarding critical aspects of the project, including hours of operation and numbers of truck trips. This adds to the overall lack of definition for the project rather than clarifying it.
- It proposes that if the applicant finds that they need to exceed a limit of 46 truck trips per day to meet demand (up to a limit of 29.4 trips each way per hour, or 294 trips per 10-hour operating period), they will first request permission from the county, and then Public Works will be responsible for determining temporary safety measures to mitigate for the increased risks. This is problematic in several regards:
 - It does not state how often and for how long this “extended hours operation” could occur.
 - It seems to imply, without ever stating clearly, that hauling under this scenario would take place for only 10 hours per day, while mining would happen for

unspecified “extended hours.” Since the applicant has repeatedly asserted their right to operate up to 24 hours per day, seven days per week, we must assume that both accelerated mining and hauling could take place during those hours. The actual number of round trips per 24-hour period under this scenario would be 706, meaning there would be 1,412 one-way truck trips every 24 hours, and 60 one way truck trips every hour. Mine traffic impacts must be evaluated on this basis, or limitations need to be placed on the number of daily truck trips allowed from the mine.

- o Without specifying what measures would need to be implemented to ensure traffic safety under this “extended hours” scenario, the applicant defers its obligation in this regard to the County and potentially exposes the County to liability.
- It contains false statements regarding existing road and future conditions and uses, such as:
 - o As previously noted, the statement that there are no designated bicycle routes on the roads proposed for the haul route, when in fact a map of these routes is included in the non-motorized transportation component of the County Comprehensive Plan.
 - o The statement that the shoulders on Prairie Road vary from two feet to four feet wide. In actuality, recently installed guardrails on the south side of the road practically eliminate the shoulder entirely for a considerable distance along the haul route.
 - o The statement that there is no significant development planned that will impact traffic levels on the proposed haul route. In fact, the County has already approved bringing Kalloch Road and North Fruitdale Road up to arterial standards to provide better access from the north to the Sedro Woolley Innovation for Tomorrow (SWIFT) Center. The bulk of this traffic from the north will come via I-5, Bow Hill Road, Prairie Road, Grip Road, and Mosier Road. In addition, a major new residential development is planned for north of Sedro Woolley between SR9 and Fruitdale Road. This will also generate a significant amount of traffic to the north via these same roads.
- It omits key facts and conditions, such as:
 - o The existence of several Burlington and Sedro-Woolley School District bus routes along the proposed haul route. It makes no mention of these bus routes; does not analyze the threats presented by mine truck traffic to the safety of schoolchildren, parents, or district employees and equipment; and proposes no mitigation actions for these risks.
 - o A major roadway misalignment issue on the Grip Road Hill curves, which requires that a truck with pup trailer repeatedly encroach on both the centerline and the edge of the pavement (there is no fog line) while navigating this very narrow, steep section of the road.

- The existing, progressive failure of the pavement and roadbed on the outside of the uphill (south side) lane of traffic in the above location. This presents both a safety hazard to the public and an ongoing maintenance liability for the county.
- It documents some of the other existing, critical road deficiencies and traffic hazards but either omits corresponding mitigating actions or proposes inadequate mitigation actions. For example:
 - It documents that a truck with pup trailer cannot navigate the two 90-degree curves on Prairie Road east of the Old Highway 99 intersection in either direction without encroaching significantly on both the fog line and centerline. It acknowledges that this constitutes a traffic safety hazard, but does not propose any mitigation actions. Instead, it states that the County is responsible for dealing with this issue.
 - It proposes a flashing yellow light warning system to mitigate for inadequate sight distance at the Prairie Road/Grip Road intersection, a measure the author of the TIA described as “temporary” in an earlier traffic memo. This is the same place where, in an email obtained via public records request, former PDS Senior Planner John Cooper described coming upon the scene of an auto accident at this intersection and being told by the attending Sheriff’s Department officer (who himself was a former commercial truck driver) that a flashing yellow warning light would be insufficient to prevent accidents in that location (John Cooper email to Dan Cox, 1/30/2017).

In addition, in the TIA fails to disclose serious impacts with regard to use of the bridge over the Samish River on Old 99. In response to information about the bridge’s weight restrictions, the TIA proposes either to reduce load weights or to use an alternate route that involves continuing west up Bow Hill Road from Prairie Road to I-5, heading south to the Cook Road exit, and then north on Old 99. However, these options either generate more truck trips than proposed (lighter loads equals more trucks trips) or follow a considerably longer haul route. The impacts from this longer haul route have not been analyzed. There are many concerns related to dozens of gravel trucks making their way up the steep Bow Hill Rd and entering and exiting two busy freeway interchanges, and passing through additional busy intersections that are already hazardous. And of course, either way, the cumulative mileage and emissions increase. These additional impacts have simply not been evaluated.

As we stated above, the comments included here on DN Traffic’s TIA are only some examples of how woefully short this document falls when it comes to addressing the true scope of road and traffic safety risks associated with this project. Until these issues are thoroughly analyzed and comprehensive mitigation measures proposed, the only valid SEPA threshold determination for the proposed mine is a determination of significance (DS) requiring a full environmental impact statement (EIS).

Finally, to our knowledge, the County's hired traffic engineer/consultant, HDR, who has been reviewing the various traffic information submitted by the applicant, has never visited the site and actually observed the condition of the roads in question. All of the third-party review has been conducted remotely using information and data provided by the applicant and County – it is simply unacceptable that the reviewers signing off on the traffic studies have not observed in-person the problems with road conditions and safety.

Mitigation Measure #13 includes several conditions related to traffic impacts, including installation of a "Traffic Activated Beacon System" at two problematic intersections where there are site distance deficiencies. As discussed above, these beacon systems were recommended as a temporary solution by the applicant's own traffic consultant. Furthermore, the measure states that the beacon system will be "turned over to Skagit County for operation and maintenance", presumably at taxpayer's expense.

Mitigation #13 also states that the maximum daily truck traffic allowed is "limited to an average of 46 daily trips...not to exceed 30 trucks per hour under extended hours operations". It then states that the applicant will "seek permission from Skagit County prior to generating the higher truck volumes." Unfortunately it is not clear how these 'average' truck trips will be calculated – on a daily basis, a weekly basis, a yearly basis, or through the life-time of the project. It doesn't state how such calculation will be accomplished, nor by whom. Nor does it state what actions will be taken by the County to protect public safety should the applicant wish to run more trucks. This cuts out the affected public from any say in the matter; it doesn't even require the public to be informed. Firm, safe limitations on numbers of hourly truck trips must be imposed.

Public Services (SEPA Checklist Section B. #15). The applicant states that there will be no impacts to public services, but absent measures to address the road safety issues discussed above, the traffic collision rate in this area will undoubtedly increase. This will create a heavier demand on law enforcement and first responders. In addition, the need for road maintenance will increase considerably with the hauling of 200,000 tons of gravel per year on Grip and Prairie Roads. The applicant should be required to share costs of necessary infrastructure improvements as stated in Skagit County Comprehensive Plan Policies: *Policy 4D-5-3: Roads and Bridges: New public roads and bridges accessing designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic for mineral extraction operations. 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.*

6) Appropriate mitigation measures and alternatives are still not identified. As previously stated, the mitigation measures proposed in the MDNS do not address the full impacts of this proposal, and simply stating that the applicant must comply with existing laws is not

mitigation. In addition to those discussed above in appropriate sections, below are a few more examples of the concerns we have with more of the proposed mitigation measures in the MDNS:

Mitigation Measure #2 addresses Hours of Operation. It states a limit on hours of operation as 7am-5pm Monday-Friday, but it allows for extended hours if seasonal demand “indicates a need”. It requires the applicant to request from the County a “temporary deviation” from these hours, and states that “such operations may be subject to additional conditions”. While limiting standard hours of operation is an improvement, it does not state what conditions might be imposed under “extended hours” conditions, nor state any limitation on the duration or frequency of such extended hours, nor how the public would be consulted or notified. This mitigation measure lacks specificity and clarity.

Mitigation Measures need to be clear and specific and impose enforceable limitations. This mine proposes to operate for 25 years without any additional permitting required. Most of the mining activity will occur in areas inaccessible to public scrutiny. Mitigation measures must be enforceable. There must be compliance monitoring to ensure that conditions intended to protect the natural environment are actually followed, and the applicant should be required to pay an annual fee to cover the cost of monitoring. Given the long duration of these proposed mining operations, there needs to be a periodic permit review process every five years to ensure activities are in compliance with the original permit conditions.

7) Identify and evaluate lower impact alternatives. The overriding assumption in the application documents seems to be that this project requires very little mitigation. There simply is no real exploration of project alternatives or other ways proposed to reduce impacts. We find this very troubling, and it supports the need for a full EIS. Since key aspects of the proposal are still not clearly defined, it is difficult to fully explore appropriate permit conditions and mitigation measures. Nonetheless, it is clear to us that there are some pathways to addressing the project impacts. A few examples of alternatives that should be explored, and mitigation measures or permit conditions that should be required are discussed in the various sections of this letter, and identified below, along with a list of additional studies that need to be completed.

- Explore alternative project scenarios that include significantly scaled back rates of extraction, a smaller mine size and limits on daily truck trips.
- Limiting hours of operation to daylight hours during the workweek, without exceptions for extended hours conditions.
- Limiting the daily number of truck trips without exception for extended hours conditions.

- Require a larger buffer on Samish River consistent with the County's Critical Areas Ordinance and Department of Ecology's guidance for protecting river and associated wetlands and sensitive & critical habitat from industrial uses.
- Require protection of a wildlife corridor through a permanent Native Growth Protection Easement that encompasses and links the sensitive wetlands and streams and their buffers across the applicant's larger property. Permanent protection of forested habitat would also off-set some of the carbon emissions from the project.
- Require a larger undisturbed vegetated buffer between the active mine and adjacent private property, to reduce noise, vibration and dust. Do not allow side-casting material in these buffers, which would significantly reduce their effectiveness at reducing noise and dust impacts.
- Major road and safety upgrades along the haul route need to be included before hauling is allowed, including but not limited to:
 - Traffic lights and/or turn lanes at critical intersections including: Grip Road at the intersection with the mine access road; at intersection of Grip and Prairie Roads; at the intersection of F&S Grade and Prairie Roads, at intersection of Prairie Road and Old 99.
 - Improve site distance to the east at intersection of Prairie and Grip Roads
 - Widen Grip and Prairie roads and harden shoulders.
 - Straighten and widen curves on Grip Road hill or find an alternate access point to the mine below the 'S curves' and hill.
 - Improve the two ninety degree turns on Prairie Road so that trucks can stay in their lanes.
- Gravel trucks must be restricted to the identified haul route (presuming necessary road improvements have been made). There are numerous safety issues with other haul routes that have not been evaluated, including at least four ninety degree corners on Grip Road heading east where it is impossible for large trucks to stay in their lane.
- The above safety concerns are also applicable to sale of mined materials to private parties and independent truckers. The application materials are not consistent regarding whether CNW intends to sell directly to third parties. If this were to occur, these third party trucks would not necessarily stay on the identified haul route. Therefore sale to private parties and independent truckers from the site must be prohibited.

Additional Assessments or Studies needed:

- Fully updated Critical Areas study and Fish and Wildlife assessment that evaluates the impact of a reduced buffer on the Samish River, and fully identifies and mitigates for the impacts to wetlands and streams adjacent to the private haul road, taking into consideration the "high intensity" land use that industrial scale mining clearly represents.

- Further evaluation needs to be conducted of the impact to the listed Oregon Spotted Frog and Bull Trout consistent with State and Federal Endangered Species Act.
- Full geological evaluation of impacts of the heavy truck use of the haul road in the Swede Creek gorge, including the potential for slope failure that could damage this fish bearing stream. This evaluation needs to identify appropriate ongoing management practices to avoid slope failure through the life of the project.
- Evaluation of potential changes to hydrology and potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road.
- Full Level II Traffic Impact Analysis.
- A realistic estimate of the cumulative emissions from all of the mining activities on-site, as well as the diesel emissions from truck hauling needs to be made, and a mitigation plan proposed.

Thank you for your time and consideration.

Sincerely,



Martha Bray and John Day
6368 Erwin Lane
Sedro-Woolley, WA 98284

Cc: Hal Hart, Director PDS

Attachment: Bray/Day 01/11/2022 Letter to Cricchio, re.Haul Road Critical Areas Assessment

ATTACHMENT I

April 30, 2021

To: John Day and Martha Bray, Central Samish Valley Neighbors

From: Jeff Hee, PE, Transportation Solutions

Subject: Grip Road Grave Mine Traffic Analyses
Peer Review Comments



This memorandum provides my professional opinion comments on the Applicant's traffic impact analyses and responses to comments, Skagit County and HDR staffs' comments, and Skagit County's Re-Issued conditions for the proposed Grip Road Gravel Mine project. If you have any questions, please contact me at your convenience.

Main Comments/Questions

- What is the maximum trip generation and anticipated frequency of maximum trip hours and days? The November 30, 2016 Maximum Daily Truck Traffic memorandum forecasted a maximum trip generation of 60 truck trips per hour. The September 10, 2020 TIA documented an extended hours maximum haul operation of 29.4 truck trips per hour. The frequency and intensity of trips generated suggest a need for additional analysis and mitigation on the part of the Applicant.
- The County's April 15, 2021 Re-Issued MDNS gives the Applicant the option to improve substandard roadway conditions or to not use truck/trailer combinations. If the Applicant elects not to resolve substandard roadway conditions and use standard gravel trucks (no trailer), then the number of truck trips generated is anticipated to be higher than what was evaluated in the traffic analysis.
- The Applicant's mitigation measures do not address all impacts at the new mine access/Grip Road intersection. The intersection sight distance is not satisfied at the site access and the mitigation measures do not extend to Grip Road east of the new access. Additionally, it is my opinion that the sight distance impacts were not accurately disclosed.
- Safety impacts were identified on the proposed haul route in the vicinity of Friday Creek east of Old Highway 99. There are sections along the haul route where the roadside shoulder sections do not meet County standards. The analyses of roadway centerline and shoulder impacts just in the vicinity of Friday Creek, in my opinion, does not provide sufficient information to conclude the other sections along the haul route are adequate for gravel truck traffic.

This document is organized to present my comments and questions regarding the trip generation analysis, proposed site operations, sight distance analysis, roadway shoulder and centerline impacts, haul route impacts, and requests for additional information on the Applicant's traffic mitigation plans, level-of-service standards and impacts to Cook Road.

The comments that follow are based on criteria from the Skagit County Road Standards as applied to the analyses prepared by the Applicant's consultant. References include:

Section 2.14. "Transportation and frontage improvements, SEPA mitigation, traffic impacts, fees, etc. or the proportionate cost share of the improvements based on peak hour trips and necessary to mitigate impacts of the development (or each phase of development if it is done in phases) shall be in place or paid no later than time of final plat approval or certificate of occupancy, whichever occurs first, for that development or

phase. If the improvements are not listed on the County Transportation Improvement Plan, they shall be installed prior to final plat approval.

“Frontage improvements will be required for all new development that front on an existing County road (See Section 13). Other transportation improvements that may be required will be identified in the Traffic Impact Analysis (See Section 4.06) and the Safety Analysis (See Section 4.09).”

Section 4.00. “All applications for land division and changes of land use shall include sufficient data to determine the amount of additional traffic generated by the development. Such data shall also be used as a guideline for access road and/or driveway requirements.”

Section 4.06. “The County may require developments to make traffic impact contributions if the development significantly adds to a road’s need for capacity improvement, to a roadway safety problem, or to the deterioration of a physically inadequate roadway. Such traffic impact contributions are in addition to transportation and frontage improvements required in the immediate area for access to and from the development. See also Section 2.14.”

Documents Reviewed

- *Grip Road Gravel Pit Preliminary Traffic Information* February 8, 2016, DN Traffic Consultants.
- *Grip Road Gravel Pit Maximum Daily Truck Traffic* November 30, 2016, DN Traffic Consultants.
- *Grip Road Mine Response to Skagit County Request* April 13, 2020, DN Traffic Consultants.
- *Concrete Nor’West Grip Road Gravel Pit Project* April 28, 2020 Grip Road Gravel Pit Traffic Impact Analysis, HDR recommendations.
- *Concrete Nor’West Grip Road Gravel Pit Project* May 14, 2020 Grip Road Gravel Pit Traffic Impact Analysis by County Staff, HDR recommendations.
- *Mitigated Determination of Nonsignificance PL16-0097 and PL16-0098* May 26, 2016, Skagit County.
- *PL16-0097 Revised Request for Additional Information* July 31, 2020, Skagit County Planning and Development Services.
- *Grip Road Min Traffic Impact Analysis* September 10, 2020, DN Traffic Consultants.
- *PL 16-0097 Mining Special Use Permit Response to Additional Information Request, July 31, 2020, October 8, 2020*, Semrau Engineering and Surveying, PLLC mitigation plans.
- *Notice of Withdrawn and Re-Issued MDNS for Concrete Nor’West File #’s PL16-0097 and PL16-0098* April 15, 2021, Skagit County.

Trip Generation Impacts and Hours of Operation

Page 1 of the February 8, 2016 Preliminary Traffic Information memorandum states that hauling from the project is limited to 9 AM-3 PM on 260 working days (Monday-Friday) per year. The trip generation assumes an average and even distribution of truck traffic during those hours. The time frame is typically consistent with the consultant’s conclusions that there will be negligible traffic impacts during the traditional AM (7-9 AM) and PM

(4-6 PM) peak hour traffic periods. The preliminary study forecasted the site's hourly trip generation to be 7.67 truck trips per hour.

Page 13 of the September 10, 2020 TIA changed the site operations to 7 AM-5 PM. Truck hauling was proposed to be limited to Monday-Friday and onsite activity proposed to extend to Saturday. Unlike the earlier project proposal, the current proposal will generate truck traffic during the peak hour periods. Under a typical operation, the TIA indicates that the site would generate an average of 4.6 combination truck/trailer trips per hour. The truck/trailer combination is assumed for all truck trips based on the 34-ton load capacity of the combination vehicle.

The frequency and to a degree the intensity of the peak number of truck trips generated by the site are unclear. The consultant's November 30, 2016 Maximum Daily Truck Traffic memorandum states that the maximum truck volume generated by the project could be up to 60 truck trips per hour, based on the availability of truck/trailer combinations in the County. The consultant's September 10, 2020 TIA computed a maximum truck volume of 29.4 trips per hour, assuming extended hours of operation and a higher daily volume transported for the site.

The forecasted maximum trip generation and frequency of maximum trip generating events needs to be clarified. It is assumed that maximum conditions will not occur every day or for every hour of the day; however, it is reasonable for the County to consider implementing restrictions on the project's operations. Restrictions such as prohibiting hauling during the weekday AM, PM, or school peak periods or limiting hauling to not to exceed 5 trucks per hour (based on the consultants 4.6 trucks per hour forecast) would reduce the potential for significant project impacts during peak traffic hours and during the time-periods associated with school bus pickup/drop-off.

Condition 12 of the County's April 15, 2021 Re-Issued MDNS allows the Applicant to limit their operations to non-truck/trailer combination vehicles unless other roadway safety mitigation measures are satisfied. If the Applicant elects to limit their operations to trucks without trailers, then the number of truck trips generated by the project is expected to be higher, due to the smaller hauling capacity of a gravel truck and assuming the same annual and daily tonnage goals provided by the Applicant.

A higher trip generation scenario, based on restrictions on the truck types, should be evaluated. Also, it is common practice to update level-of-service analyses provided in the September 10, 2020 TIA should the trip generation increase.

Trip Generation Impacts and Hours of Operation Additional Comments/Questions

- Does the trip generation account for onsite workers and mining/non-haul operations?
- The site operations have changed from 2013 to 2020. The average-normal hourly trip generation has ranged from 4.6 to 7.67 hourly truck trips. What is the peak hour trip generation anticipated?

Sight Distance Analysis

Sight distance factors include design speeds, brake reaction times, braking distances, and time gaps for turning vehicles, among other factors. Skagit County Road Standards Section 2.02 includes the following speed definitions:

Design Speed - A speed determined for design and correlation of the physical features of a highway that influence vehicle operation: the maximum safe speed maintainable over a specified section of road when conditions permit design features to govern.

Operating Speed - Used for determination of sight distance. Operating speed should be equal to the P85 speed for existing facilities and be equal to the design speed for new facilities.

Tables 5 and 6 from the September 10, 2020 TIA indicate that the posted speed was used to evaluate the sight distance requirements.

There are several locations where sight distance was identified as a concern. The County's Road Standards, suggest a design speed alternative to the posted speed. The Skagit Council of Governments (SCOG) publishes measured daily traffic volumes and 85th-percentile speeds on their website. A common practice is to use the 85th-percentile speed as the design speed when evaluating sight distance. The sight distance analyses should be revised to reflect the publicly available speed data from the SCOG. I note that in some instances the sight distance may be better than reported by the Applicant's consultant and in other instances sight distance may be worse, when revised using the SCOG data.

Page 11 of the September 10, 2020 TIA states that; "Existing sight distance at Prairie Road/Grip Road and Prairie Road/F&S Grade Road intersection is the responsibility of Skagit County. If sight distance deficiencies exist at these intersections, it is the responsibility of the County to make necessary improvement to provide acceptable sight distance."

Page 11 of the TIA states that; "The Applicant is responsible for providing acceptable SSD (stopping sight distance) and ISD (intersection sight distance) at Grip Road/site access." Page 12 of the TIA identifies intersection sight distance deficiencies at Prairie Road/Grip Road and Grip Road/site access. At Grip Road/site access the TIA states; "In this case, it is estimated there would be no more than one (1) left turning truck during the PM peak hour from the Mine access road. The WSDOT Design Manual (section 1310.05 Intersection Sight Distance), however, indicates that ISD is not required for low volume roadways such as Grip Road."

The Skagit County Road Standards are not based on the WSDOT Design Manual. The WSDOT Design Manual does not appear to include exemptions from sight distance requirements for low volume roads. The WSDOT Design Manual reference, does not deal with sight distance.

On April 28, 2020 HDR comments recommended a reanalysis of sight distance based on truck and trailer combinations and also mitigation for entering sight distance at the site access.

The September 10, 2020 TIA states that; "one (1) left turning truck is forecast during the PM peak hour from the Mine access road". There is no sight distance mitigation proposed to the east of the mine access. The warning beacon system proposed for sight distance mitigation, if still reasonable with any changes trip generation, should be extended to the east of the mine access, at minimum.

The warning devices are recommended by the Applicant and accepted by HDR and the County staffs. Since these devices are intended to mitigate and not resolve existing sight distance deficiencies, which the Applicant's consultant has indicated are the responsibility of the County, it is requested that the hours of hauling operations be limited to daylight hours to afford roadway users optimal conditions to navigate through sight distance impaired locations.

Sight Distance Analysis Additional Comments/Questions

- Is County's Vision Clearance Triangle (Road Standards Figure C-2) satisfied in the study area?
- Were sight distance exhibits submitted and are they available for review?
- What is the speed needed to achieve sight distance at the study locations?
- Intersection sight distance for truck/trailer combinations was not evaluated at the F & S Grade Road/Prairie Road intersection (Table 6 September 10, 2020 TIA); and thus, it is requested that mine traffic be prohibited from using F & S Grade Road, unless additional analysis or mitigation is provided.

Roadway Shoulder and Centerline Impacts

Page 20 of the September 10, 2020 TIA states; "Prairie Road has a number of curves which would force the dump truck/pup rigs to encroach on the centerline or the shoulder." Page 21 states; "The Consultant prepared an AutoTurn® analysis of these turns on Prairie Road approximately 1200 lineal feet and 1800 lineal feet east of the Prairie Road/Old Highway 99 intersection. Based on this analysis, it was estimated the dump truck/pup trailer combination is expected to encroach approximately two (2) to three (3) feet onto the shoulder of over the centerline." Page 21 later states; "Potential encroachment of the dump truck/pup combination on shoulder and center line is a safety concern. It should be noted the roadways are not consistent with current Skagit County Road Standards for shoulder widths."

The exhibits included in the TIA are hard to read. The exhibits do not provide dimensions and specifications for the non-standard, "custom", truck/trailer design vehicle. Common practice for reporting vehicle-turn results is to provide an exhibit clearly showing the design vehicle and its analysis specifications. This is reasonable considering the design vehicle is "custom" and was created for this analysis.

The Grip Road east of the Prairie Road and west of the site is narrow and includes ditches, curve warning and speed reduction signs, guardrails, no shoulder striping, limited available shoulder area and a relatively steep grade section. Common practice is to apply design vehicle turning templates to justify the roadway section(s) can support the desired vehicle. No turning templates or similar analyses were applied to Grip Road based on the materials provided to review.

The Re-Issued MDNS Condition 12 gives the Applicant an option to operate with gravel trucks (no trailers).

To verify that the proposed haul route can support truck/trailer combinations or gravel trucks (no trailers) the Applicant's consultant should provide additional turning templates to support use of the existing road section.

Haul Route Impacts

Page 1 of the County's July 2020 Request for Additional Information document identifies concerns that truck/trailers will not be able to navigate the 90-degree turns on Prairie Road directly east of Friday Creek.

The project trip distribution, Figures 4 and 6 in the September 10, 2020 TIA, shows truck trips to/from the east of the site on Grip Road.

The 90-degree turns on Grip Road directly of the site access have similar challenges as those on Prairie Road near Friday Creek. There is no analysis that supports a truck/trailer combination traveling to/from the east of the site. I recommend that the County limit the haul route to/from the west of the site unless the roadway

geometry to the east of the site is analyzed and there is documentation provided to support a haul route either for truck/trailer combinations or a truck (no trailer) vehicles east of the site.

The crash history on pages 9 and 10 of the September 10, 2020 TIA does not report or evaluate collision trends on road segments on the haul route. It is common to include segment crash trends in a TIA, particularly when the analyses disclose safety issues on the haul road segment in the vicinity of Friday Creek and also since the County is allowing the Applicant the option of not mitigating certain existing substandard conditions.

Haul Route Additional Comments/Questions

- It would be useful if turning templates could be amended to show the gravel truck (non-combination) impacts at key locations along the haul route.
- The total crashes at I-5 SB Ramps/Bow Hill Road and at Old Highway 99 N/Bow Hill Road/Prairie Road are different in Tables 2, 3, and 4 in the September 10, 2020 TIA.
- The TIA report recommends improvements at Prairie Road/Old Highway 99. Will the Applicant complete the improvements recommended in the report?
- The analysis does not provide any conclusions on if the project traffic will increase the frequency and severity of collisions on the haul route, given the haul route's geometric and sight distance constraints.

Mitigation Plans Additional Comments/Questions

The plans included for the Mine Access do not include street names and are difficult read. May new copies be sent of Sheets 3 and 10 and any other relevant sheet?

Other Comments/Questions

- The TIA does not address the segment LOS requirements, per the County Road Standards. Based on the analyses to date, this is not likely to be a significant issue, unless the trip generation radically increases.
- The TIA references a weight limitation on the Samish River bridge on Old Highway 99. The Re-Issued MDNS requires the project to comply with the weight restrictions on the bridge. Compliance to the bridge loading was addressed in the TIA by redistributing traffic to I-5 southbound to the Cook Road interchange. The WSDOT, SCOG and County have identified traffic issues on Cook Road at the interchange and at and on Old Highway 99 and related to the local railroad crossing. Does the redistribution of truck traffic to Cook Road affect traffic operations and warrant mitigation?



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March 9, 2022

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

Reference: Concrete Nor'West gravel pit (PL16-0097 and PL16-0098)

Sent electronically via email and submitted through Skagit County PDS Comments Form

Dear Kevin,

SRSC has completed our review of the SEPA Mitigated Determination of Nonsignificance received from Skagit County for the Concrete NorWest gravel pit and haul route. We are not satisfied with the findings of the MDNS and request additional public and agency review take place before the County issues such a decision. We have the following comments and correction actions that should be addressed by the County prior to the reissuance of a SEPA decision.

Impacts due to Haul Route Development have not been considered

In review of the Impact Assessment & Mitigation Plan, the document's scope is described as "This project describes existing conditions". The impact assessment explains that "The haul road is currently gravel, and the drive surface is approximately 20 to 25 feet wide on average. Ditches border both sides, meeting Skagit County road standards. The project does not include expansion of the road footprint." The assessment goes on to state "The project does not include an expansion of the road footprint" and that "The project does not include any direct wetland, stream, or buffer impact. Therefore, traditional mitigation measures such as wetland or buffer enhancement have not been presented."

A substantial impact to wetlands, critical areas, and typed streams has occurred along this haul route, and there is no existing permit that has authorized the work and no mitigation for realized impacts to wetlands and streams have been realized. In 2018, the road was doubled in width. The road is approximately 2 miles long, and the action increased the road width from the

Fisheries and Environmental Services Management for the Sauk-Suiattle and Swinomish Indian Tribes

pre-existing (pre-2018) prism width of 15 feet, to an as-built width averaging 20 feet, resulting in a conversion of 1.2 acres of forestland to non-forest activities.

We raise concerns that this forest land conversion and development activity took place in preparation for the mining activities without a permit and without mitigation for its impacts. The Forest Practices Conversion Permit PL16-0098 associated with the Skagit County project file¹ does not address any conversion activities outside of parcels P125644, P125645, or P50155 and indicates that roads are “existing – no new roads needed for logging activity”. The FPAs for timber harvest in the years leading up to the road construction development activity never indicated that road work, road construction, or conversion activities would be carried out under the FPAs. As defined in WAC 222-16-010, “road construction” includes “road work outside of an existing road prism”. The development activity was clearly not road maintenance (or within an existing road prism). Road ‘daylighting’, or clearing of roadside vegetation, was in fact included in one of the FPAs and is not part of this concern, which is focused on road construction outside of the pre-existing road prism.

DNR also offers clear examples for forestry “conversion activities” (in WAC 222-16-010) including “construction of, or improvement of, roads to a standard greater than needed to conducted forest practice activities”, and “construction of, or improvement of, roads to a standard greater than needed to conduct forest practice activities”. Further, culverts were replaced in at least one or more Type F stream (DNR Class II activity), and a corridor of nearly 2 miles was converted from forest land to an improved road that now meet Skagit County private road standards through its Alternative.

In the August 7, 2019 Skagit County Prosecutor’s letter to the Hearing Examiner², the Prosecutor lists outstanding items from Concrete Nor’West that supported the denial of the application at the time. In that letter, Item #6 indicates that a letter from Skagit County on April 5, 2018 to the application indicates that Concrete Nor’West’s “application materials were not updated to ensure the access road is in compliance with the private road standards pursuant to SCC 14.16.440(8)(i). In a letter dated March 14, 2017, we asked you to provide a plan indicating the proposed improvements to the access road to achieve private road standards. In a letter dated July 6, 2017, this issue was raised again. However, this plan was never received. To date, the County has only received as-builts of the access road.”

In a May 15, 2017 letter (prior to the road widening) from Miles Sand & Gravel (MS&G) to the Skagit County PDS³, MS&G indicated to PDS that “we can agree to maintain the Forest Road at an average 20 foot width and graveled surface under the Forest Road standards per WAC 222-16-010 which has already been approved for this road system.” However at the time the road

¹ <https://skagitcounty.net/PlanningAndPermit/Documents/GravelMine/FPA%20Concrete%20Norwest.pdf>

² <https://skagitcounty.net/PlanningAndPermit/Documents/GravelMine/PI18-0200%20Nicol%20letter%20to%20Hearing%20Examiner%20August%207%202019.pdf>

³

<https://skagitcounty.net/PlanningAndPermit/Documents/GravelMine/Alternative%20Road%20Standard%20Request%20June%2014%202019.pdf>

was much narrower and no permissions were in place with DNR to construct a new wider road outside of the existing road prism for the purposes of mine access, and road improvements such as this constitute a conversion activity and are not covered by any existing FPA for the site. This correspondence indicates that the applicant could “agree to” widening the road in response to PDS requirements for Private Roads. The applicant points out to PDS that “in your letter you mention additional Critical Areas review for improvements to the haul road to County Road standards. The County should re-consider this approach and discourage any unnecessary impacts to critical areas. It is environmentally irresponsible to develop these roads to a greater standard than is necessary for the safe removal of the natural resources.”

At the time of this exchange between the County and applicant, the road was not yet widened. We encourage those interested to view the road north of Swede Creek in Google Earth and compare the road conditions between 7/2017 (the road is a ‘two track’ that is 12-15 feet wide) and 7/2018 (earth moving equipment are underway and finished sections of the road are 20-30 feet wide).

In a later letter, dated June 14, 2019 (after the road widening) from the MS&G engineer to Skagit County engineer, Skagit County is assured that “the existing gravel access road has the minimum 20’ driving surface in all but three locations.” There is no further account of the Critical Areas review for improvements to the haul route that was mentioned by PDS in the above-cited letter.

This correspondence indicates that the project proponent was working to meet County requirements for the use of the haul route, and that the pre-existing dimensions from the time the road served as an ‘internal logging road’ were insufficient to meet the County standards. The improvements constitute a “development” under SCC 14.04.020 since they included filling, grading and earthmoving activities and “requires(d) a permit, approval or authorization from the County” as described in the correspondence between the project proponent and PDS and described in the above referenced letters. It appears that the 2018 road widening development activities were not pre-authorized as required by the County Code. It also appears that no assessments or mitigation were completed for road development impacts to adjacent natural areas.

SRSC raised concerns and observations for road widening in our letter dated April 30, 2021 and requested “details of the design and regulatory approvals for this substantial road widening project...”. We have had no response to this request to receive the regulatory approvals through Skagit County, which would require mitigation measures to offset impacts to the wetlands, critical areas, and streams affected by the work. We are extremely concerned about what appears to be unpermitted development in 2018, the impacts to sensitive habitats, and whether any of those permissions must now be obtained after the fact, and impacts mitigated fully and completely.

We requested in our letter in 2021 for the widening along the haul route to “be fully assessed by a qualified consultant who can identify sensitive areas, priority habitat areas, wetlands, and

streams; quantify the impact; and suggest mitigation measures to reduce impacts resulting from this project,” but to date we have not received any results from this assessment or any indication the concern was addressed.

We challenge the findings of the Impact Assessment and Mitigation Plan that “Because the road is an existing impact, and proposed use is consistent with the current use, no direct impacts are anticipated.” At the outset of permitting this gravel mine in 2016, the haul route was a 15-foot wide forest road. It was subsequently improved and widened to 20-feet wide or more to meet standards for Private Roads within Skagit County in order to develop the haul route for a mining use constituting a conversion activity from forestry. The Impact Assessment and Mitigation Plan must be updated to include the already completed development activities conducted in preparation for the mine haul route and all associated adverse impacts to sensitive habitat areas. This impact assessment update must occur prior to any further activity or permits being issued on this project, and mitigation must account for the impacted wetlands and stream affected by the road widening, per SCC 14.24.240(6)(a) and SCC 14.24.540(5). We believe the project proponent should be required to post a bond for the mitigation necessary to address impacts to wetlands and streams that occurred in 2018 as the road widening development, and additional mitigation for the four years that the habitat has been impacted without addressing any impacts.

However, the new MDNS and supporting documentation does not evaluate the impacts of the road widening that occurred and recognizes the widened road an “existing condition” despite the development being done in preparation for the mine under consideration of this SEPA. Skagit County must consider all impacts associated with the haul route, including the completed improvements to County-agreed Private Road standards that were made in preparation for its use as a mining haul route. If the haul route improvements made along the haul route are not going to be incorporated into this SEPA, we request a detailed written justification for that decision prior to the permit being issued. We likely will want to schedule a staff-level government-to-government to try and remedy these serious concerns.

Swede Creek Gorge

The haul route passes through a ravine with over-steepened slope. For any slope failure within the ravine, there is a distinct possibility of sediment delivery to Swede Creek which is a known and important salmon-bearing stream offering habitat to protected aquatic species. We continue to have great concern about the potential impacts of the mine use of this road through the Swede Creek gorge.

A substantial sidecast crack along the fillslope shoulder at the location of the geologic hazard within the gorge was previously described in our April 2021 letter. This sidecast crack was observed in a period where there was no ongoing truck activity in recent months traveling along the road, nor saturating weather conditions. It is possible that the fillslope failure had been graded over by the time of the engineering geologist’s September 2021 site visit and was no longer detectable.

In the vicinity of the sidecast crack in the gorge, the geologist did describe “pistol-handle”-shaped trunk curvature, which can indicate shallow-seated soil creep is occurring” however, supporting the concern for unstable soils and soil creep on a slope exceeding 60 percent. These would not necessarily present a concern just anywhere on the landscape, but where sediment delivery to a type F stream is a possibility, these conditions merit serious concern with careful and detailed surface water management incorporated with numerous redundant water management measures, including cross drains, dips, and downpipes. Sediment can have negative effects on downslope fish habitat. Fine sediment from surface runoff, and more substantial delivery due to slope failures and mass wasting which can originate at locations with fillslope cracking, can affect egg survival and delivery of coarse sediment can affect channel structure and rearing habitat.

Road Maintenance Plan

Due to the 25-year planned use of this road as a Private Road accessing an active mining site, and its crossing of important fish-bearing waters, we requested in our April 2021 letter that the proponent provide a “see applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. We would like to see a schedule of periodic on-site bridge inspection to assess the Swede Creek bridge and the anticipated traffic level and loads. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out, to prevent impacts to surface waters and wetlands in the vicinity of the haul route.” We have not been able to review such a maintenance plan to date.

It seems that a maintenance plan is included with Private Road standards for Skagit County, as well, as described in the document Skagit County Road Standards⁴ such that “A written road maintenance agreement addressing the rights and responsibilities of all benefited property owners shall be provided to the County and approved by the Director – Planning and Permitting Center prior to final approval of the land development.” No such maintenance agreement has been presented for the public review to date. We request a maintenance agreement is provided to the County by the project proponent and such document is offered for public review. In light of site-specific concerns, we request that the maintenance plan include the responsibilities of periodic bridge inspections, inspections of surface water management BMPs, and identified responsibility and financial liability for maintaining such infrastructure.

If this road is to be plowed during winter for continued operations in the snow, management of water in rutted 2-track roads or where cross drains are affected by windrows left by a snowplow must be considered and described in the maintenance plan and BMPs utilized to protect over-steepened unstable slopes in gorges where delivery is a possibility. In our June 2021 letter, we requested an improved design with additional cross-road drainage (dips or

4

<https://skagitcounty.net/PublicWorksDevelopmentReview/Documents/road%20standards/roadstandards2000.pdf>

culverts) to manage surface runoff and offer redundancy, but no such improvements have been offered.

Reclamation

In our April 2021 letter, we requested a mine reclamation plan be prepared and offered for public review, and this has not happened. Obsolete gravel pits have a tendency to become a dumping ground for waste and trash and can leave an undesirable legacy on the landscape for the surrounding community. We request that such a plan be prepared and offered for public review to allow a complete review of this project and the potential impacts.

Conclusion

SRSC has serious, outstanding concerns with this proposed MDNS. We believe that the application is incomplete, and before the SEPA is reissued, it is essential that the concerns above be fully addressed.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 391-8472 or email at nkammer@skagitcoop.org.

Sincerely,



Nora Kammer

Cc: Elizabeth Babcock, NOAA Fisheries
Brendan Brokes, WDFW

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:42:17 PM

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 3:35 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Matthew Mahaffie
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State : WA
Zip : 98284
email : mahaffim@hotmail.com
PermitProposal : PL16-0097
Comments : Matt Mahaffie March 11, 2022
22031 Grip Road
Sedro Woolley, WA 98284

Kevin Cricchio
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: PL16-0097 & February 22, 2022 MDNS

Dear Mr. Cricchio,

I am writing in comment to the most recently issued MDNS for special use permit application PL16-0097, a proposed operation of a gravel mine by Miles Sand & Gravel I am supportive of the need of the company to have a reliable source of their base material going into the future, a need that also in many cases has a public benefit, but still have serious concerns about the proposal as presented which will place undo burden upon the local community's quality of life, safety, and environment without any meaningful mitigating measures volunteered by Miles nor Skagit County, even after extensive public input for going on seven years now.

I am very familiar with this property, having spent over 20 years traversing all portions of the property when it was open for public access (previous owners) as well as reviewing it professionally as a wetland/critical areas specialist under other development proposals. I am also a nearby resident

of the community who also spent many years as a CDL licensed driver of the types of trucks proposed to be utilized with this endeavor. Specific concerns are as follows:

Critical Areas Review

In the normal course of work (as a local County Environmental Planner as well as a private critical area consultant) I personally have the utmost respect for Graham-Bunting Associates, Northwest Ecological Services, and Skagit County Planning staff, and as previously commented, respectfully disagreed with a few key findings presented with the supplied reports and/or the scope of work that should have been specified by Skagit County. The fact that these distinct factual errors and very clear requirements of Skagit County Code were ignored after being pointed out by the Washington State Department of Ecology, two Skagit County approved Critical Area specialists, and countless community members is very disturbing.

- The singular wetland rating put forth for the riparian wetland associated with the Samish River appears accurate (Graham-Bunting, 2015), even if current wetland rating standards were applied. However, the land use intensity (moderate) put forth in no way conforms to the land use intensity description put forth in Appendix 8C of WA DOE Publication No. 05-06-008 as required if using the alternative buffers in SCC 14.24.230(1)(b). This is not just my personal opinion; it is my opinion as a Natural Resource Planner and staff biologist for a local County government, trained by the Department of Ecology in the use of their rating system, as well as a consulting wetland professional recognized by Skagit County since 2006. It was also the consistent opinion every professional wetland scientist and agency reviewer that I inquired with, including the Department of Ecology (Doug Gresham, DOE, personal conversation 12/23/16 and Chris Luerkens 3/11/2021) the authors of the said referenced publication who has also commented to Skagit County on this proposal with this specific fact (December 27, 2016 letter from Doug Gresham to John Cooper).

The land use intensity for a full-time gravel mining operation is unquestionably high. A high habitat score (as put forth by the supplied wetland rating) requires a 300ft wetland buffer per SCC 14.24.230, not 200ft as proposed (300 also being the standard buffer).

- The Graham-Bunting mine site review/assessment also neglected SCC 14.24.230(2), where in general, buffers are to extend 25 feet past the top of sloping areas that are 25% or greater. The site plan as indicated shows areas where this provision is applicable. Regardless of the aforementioned land use intensity issue, the buffer likely should still extend past the line indicated in areas unless there is a rational reason put forth not to, which does not appear to have been done specific to this.

- A wetland assessment is required for the mine site portion of the project as proposed (regardless of the land use intensity) per SCC 14.24.220. A wetland assessment has not been submitted for this project even though the Graham-Bunting Fish & Wildlife Assessment made it clear that a wetland was present. This report nor subsequent addendum meets the standards put forth by Skagit County Code for a Wetland Assessment. The wetland assessment should include a wetland delineation which was also requested to be completed by WA DOE during the initial SEPA comment period and noted by myself in two prior versions of this letter. It is unclear why this portion of Skagit County Code was ignored.

- Initially, critical area review, and to a lesser extent SEPA, was limited to the proposed mine site only. However, a Northwest Ecological Services “Impact Assessment and Mitigation Plan” noted the presence of presumably all wetlands and streams within the haul route. While the document was noted to not be a complete Wetland or Fish & Wildlife Assessment as put forth by Skagit County Code, it does appear to give a baseline on site conditions along the haul route. However notable discrepancies were noted:

- o As with the mine itself, the proposed haul route was noted as moderate land use intensity (report referenced Graham-Bunting for such, not an individual finding/analysis). The haul route cannot be conceived as as such, it is high intensity as well, and should have the appropriate buffers for that consideration.

- o No consideration was seriously given in the assessment to the change of use. This road went from an average of 12ft wide to over 28 per aerial photos, a significant change. While the structure was permitted under forest practice rules, such a change speaks to the proposed usage. Forest roads are intended to be excluded when used for forestry, a use that is basically fleeting in nature; a short time of harvest and then let rest for possibly decades with only minimal use until the next harvest. One can see the road 10 years ago, almost completely vegetated over, now a scar on the landscape. This continual maintenance for new use, and the 20 years of continual use will affect all of the wildlife that would still use these critical area/buffers under forest management only.

No consideration was made to such wildlife us; migration, water access, shelter, etc. This will be a distinct habitat break in what is presently one of the largest undeveloped tracts of left in lowland Skagit County, home to deer, bear, cougar, and elk as well as many avian and small mammal species in addition to the more water dependent amphibians found within the wetlands that depend on being able to traverse wetland buffer areas as part of their life cycles. Heavily trafficked corridors are well known to affect the habits of such wildlife and no assessment was made for this. There is ample literature available, best available science as it were, that could be drawn upon. However, none was cited or referenced in analyzing this change.

- o The road crosses one of the most productive tributaries in the Samish River basin as well as being within the buffer of many wetlands and small streams. Light, noise, and dust are all measurable impacts (and noted within Skagit County Code) as impacts to be mitigated for, however, Northwest Ecological Services did not even address such. Northwest Ecological has been observed to more properly address such impacts, and those noted above, on numerous other projects I have reviewed. It is unclear why the scope of this proposal has been so minimized and not actually addressing any of the potential impact of the amount of truck traffic this will produce or the habitat it will undeniably fragment. The road has already been improved, and it would be ridiculous to think that the significant improvements (grading, surfacing, and vegetation clearing) were solely for “forest management” after the special use permit is granted. It is unclear from the available documentation why Miles is not being held to the same standards as numerous clients of mine (professionally) building simple single-family homes have been, even within the provided ecological assessments; addressing the clear intensification of impacts when transferring the use of a logging road to another use.

- No meaningful protective measures have been assessed to the buffer of the critical area adjacent to the mine operations. While recording of a Protected Critical Area (PCA) site plan is standard and generally adequate for a single-family home, a commercial operation with employees on heavy equipment, no oversight, and no vested interest in the observation of the buffer is a recipe for disregard of said buffer (not to mention a PCA is required by SCC). Glaringly as well, there is no reference on the ground for the buffer. If there is no survey or mapping, how will anyone know where the buffer is? The buffer should be required to be demarcated in the field, an absolute standard practice, and in reality, should be fenced as well (absolutely another standard industry practice).
- All conversion activities (PL16-0098) were supposedly limited to the mine site. Most recent aerial photos of the site (Google Earth August 2020) clearly indicate conversion activities that have occurred onsite, including conclusively within the standard review area of a clearly apparent wetland, quite likely within the buffer. This was not addressed by the Northwest Ecological Report which supposedly covered this area. The proposal and subsequent review has in no way addressed these areas of converted forest land as defined by WAC/RCW, with the scope of the noticing of the conversion activities not held to, nor the apparent non-compliance of issued FPA conditions.

Noise

The applicants have stated that their project will have no noise concerns to the neighborhood. This is blatantly false. A raised voice can be heard on neighboring properties to the north (known from personal past observation) from the area proposed to be mined. How would heavy equipment not be heard? An excavator bucket hitting the side of a dump truck is as loud as a small caliber rifle shot, and such hits and bucket shaking will take place many times a day with such a mining operation. All of the neighboring properties will be subject to such noise. On the upslope side (where I live), any use of the onsite road system by even a diesel pickup truck can be clearly heard outside on a clear day, heavy equipment use can be heard inside. There is absolutely no way mining operations will be fully self contained in regards to noise. Operations during standard business hours would be one thing, but evening and weekend operations would result in a seriously degraded quality of life in this regard. While it can be noted that the area is in a mineral resource overlay (zoning), the overlay was added after many of us moved into the area.

Also lacking in analysis is the road noise going east from the site, and very questionable analysis going west. Although eastern traffic is not part of the proposal, without a condition regarding such, there will very likely be traffic going that way as well. We live on a small country road, and most of the homes are close to the road. When the infrequent gravel truck and trailer passes by, the entire house shakes, both from the noise of the truck/engine, and the constantly used exhaust brake. The noise has been so loud that objects have fallen off of walls, children wake from naps, and any sense of peace and quite country living is shattered. We knew the conditions when we bought property in the area, and were accepting, but a constant and potentially hundredfold increase in daily gravel truck traffic would be unacceptable for any in the area, especially in light of the fact that Skagit County Planning staff required that my home be built abutting the road rather than the several hundred feet back that I desired to address such issues. These trucks will pass many homes and will cause significant duress for many residents.

Traffic Safety

While it is nice to see that the County added conditions regarding the two 90-degree corners closest to Old 99 on Prairie Road be fixed prior to truck/trailer combos being allowed to access the site in the updated MDNS, glaring omission was made to the status of Grip Road if such happens. As an experienced driver of the types of trucks in question (still hold Class A CDL and have for many years), yes, a dump truck and pup trailer may technically traverse Grip Road from the property to Prairie Road. Reality, however, is far different. Virtually no truck driver is going to consistently traverse this road section safely. Center lines will be crossed and shoulders will be driven upon, it is a given. This creates an issue for taxpayers who will have to repair the road, for the environment that will be degraded by the continual influx of sediment from damage to the shoulder/ditch, and the public safety. There will be no place to safely walk or ride a bike on this stretch of road with trucks and trailers cutting corners. Families walk in the area, ride bikes, and commute on this road (as well as Prairie Road). Also present are hundreds of bicyclists throughout the warmer months with numerous planned rides/races using this area as one of the "safer" routes.

With the development of the Tope Ryan Conservation Area (Skagit Land Trust property at Swede Creek on Grip Road) trail system, the lower end of Grip Road has also become a park like setting with many families using the area, walking the road and bridge, and swimming in the river (which can only be accessed after walking from the parking spots down the road). How will this safety issue be mitigated? While I let our older children ride their bikes down to the river now, or their friends house, I cannot allow such with such an increase in industrial truck traffic. My children's safety and basic childhood experience will forever be altered by this proposal.

In over 30 years of living in the area, I have noted numerous very serious accidents at the intersection of Grip and Prairie Roads, one of the worst blind corners in the County. Recent work by Skagit County to extend the site distance has not significantly changed the response time for a driver, and while past lowering of the speed limit has helped some, but having trucks and trailers essentially blocking the intersection throughout the day will lead to disaster, regardless of a blinking warning light (that the drivers will assuredly become numb too).

While Grip Road can technically be argued to be traversable from the property in question to Prairie Road, it absolutely cannot the other way (east). The two 90-degree corners immediately west cannot physically be traversed by a truck and trailer within the bounds of their assigned lanes. Presently, when a truck meets another vehicle, one must stop as the truck must cross into another lane to traverse the corner. It is unclear why traffic analysis did not address this when application materials clearly left open the possibility and likelihood of routing this way (and why the County has only noticed the project with truck traffic going west) without any kind of mitigating measure put forth in the MDNS.

Future Plans

It is the stated purpose of the applicants and the County that this project is to haul gravel to haul to their other facilities for processing. However, onsite sales are also mentioned in some documentation, as is residential development. Miles also states their need as the existing pits in

their portfolio are being depleted. That begs the question of why would they continue to haul to other pits for processing? It would seem to be much more practical to bring their processing to this site. The issuing of this special use permit with the presently recommended conditions would simply lead to further intensification of the site and all that would entail (onsite processing, retail sales, batch plant construction?). Honesty and consistency on the part of the applicant with proper conditioning of the permit is a must, with an MDNS issued that applies concrete terms, not generalities; to be applied to any issued permits as well. Miles has not been a good neighbor here, or on other properties, and there is no reason to think that would change.

Additionally, the application states that the overall haul route being the Grip Road, Prairie Road, and Old 99 Route. It has been brought up, especially by those who also drive such trucks, that a more logical route would be to send empty trucks back to the new pit via a Sedro Woolley north on Hwy 9 over to Grip route, keeping miles trucks from meeting other company trucks on the narrow roads and keeping trucks from having to travers the hill on the back side of Grip. However, even though this would be a simple MDNS condition to address (prohibition of such route), these comments have also been ignored.

Conclusions

Whether I am sure that it was not intentional, the permitting review of this project quite preferential to the applicants and has created a high level of distrust with Skagit County in the local community, and I find that quite unfortunate. It is understood that as a company that supplies materials derived from mining operations that a reliable supply going forward would be a business necessity. However, unlike the other gravel pits in the Miles portfolio, they are not acquiring an existing pit in a neighborhood, but creating a new one in an existing, long-established neighborhood. There will be notable environmental, quality of life, and safety impacts with no notable or worthwhile mitigating conditions placed upon the applicants, and in many regards is a slap in the face to the citizens of Skagit County I work with on a daily basis that must comply with Skagit County Code to get their permits. Regardless of the complete lack of understanding of the SEPA process to put a mitigating condition as following County code, in the instance of following the CAO while blatantly ignoring factual errors as pointed out by professionals as well as representative of the Agency which wrote and manages the documentation the County is to follow is appalling.

We, the neighbors of this site, and the citizens of the County as a whole, should not have to bear the costs for a private companies profit whether it be lost property values, health and safety, or via sacrifice of local habitat and sensitive environments. While at this time I do not support the project as proposed, the appropriate conditions following review (that is required by Skagit County Code) would make it much more palatable and supportable. This should be via a holistic review of the proposal followed most likely by an EIS.

Thank you for your time and consideration on this matter.

Respectfully,

Matt Mahaffie

From Host Address: 172.92.204.74

Date and time received: 3/11/2022 3:32:17 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:42:01 PM

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 3:20 PM
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Subject: PDS Comments

Name : Barbara Lemme
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State : WA
Zip : 98284
email : Bobbilgm@gmail.com
PermitProposal : PL16-0097

Comments : I am still extremely concerned about the impact of the pit and haul road on the local environment. There are many wetlands in that area, plus the Samish river. I don't feel that the environmental impact has been fully explored. This is a time when we need to be especially sensitive about what we are doing to our land, streams, and rivers. Wetlands serve an important function and shouldn't just be dismissed!

I am also extremely concerned about gravel trucks, especially with a trailer, navigating our very narrow county roads that have virtually little or no shoulder. People like to ride their bikes on Prairie Road and with the constant traffic of trucks, collisions or injuries are bound to happen. I would like the county commissioners to drive behind these trucks to see how they navigate Grip Road, with low visibility curves, and how well they are able to turn on to Prairie road and remain in their lane. Warning lights will help, but people tend to drive fast on that road and turning trucks tend to drive slow. This is an accident waiting to happen. People's lives will be impacted and the county will get sued for allowing this to happen.

PLEASE reconsider what you are proposing to allow in the rural environment of Skagit County!

From Host Address: 50.34.188.133

Date and time received: 3/11/2022 3:17:11 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:41:43 PM

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To: Planning & Development Services <planning@co.skagit.wa.us>
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email : ilemmegm@gmail.com

PermitProposal : PL16-0097 Mitigated Determination of Non-Significance (MDNS)

Comments : Re: Concrete Nor'west/Miles Sand & Gravel; PL16-009, Notice of Mitigated Determination of Non-Significance (MDNS)

I would like to comment on the SEPA MDNS determination issued by Skagit County Planning and Development Services in response to the gravel mine development application submitted by Mile Sand & Gravel.

The proposed project will have significant impacts on wetlands, fish/wildlife and drainage, which are inadequately described in the MDNS. The MDNS also inadequately deals with the noise and vibration impacts and the increased diesel exhaust impact on air quality. There are also significant negative impacts on the public roads and neighborhoods surrounding this project and the routes used by the trucks. These issues need to be considered with a full EIS.

The application materials suggest a minimal impact on the critical areas along the haul road. I disagree. There are 36 wetlands and 21 seasonal streams within 300 feet of the haul road. Also, importantly, the haul road crosses Swede Creek, a fish bearing stream, in a deep gorge that contains steep unstable slopes. I am extremely concerned about the destructive impact of up to 11000 truck trips per year on the critical areas along this route! All of the significant impacts have not been adequately disclosed and evaluated. A full EIS is needed to consider these issues.

The reduced buffer between the proposed gravel pit and the Samish river is very concerning. We in the county have made many efforts to protect the Samish river and it is not appropriate to allow such an industrial project to be conducted so close to the river. Instead of a reduced buffer, there should be a significantly increased buffer.

Impact on wildlife and wildlife corridors in the area of the project have not been adequately identified or mitigated.

The environmental impact of the diesel exhaust from such a large number of truck trips per year has not been adequately identified or mitigated.

The route proposed for hauling the gravel over Grip Rd. and Prairie Rd. is inadequate for the type and volume of truck travel proposed. The MDNS does not adequately address the problems on this route including curves on the Grip Rd. hill that are not wide enough to accommodate the truck traffic without crossing the center line. There are many portions of this route that are dangerously narrow for such traffic. I am a bicyclist and long stretches of this route have virtually no shoulder, so that the road is not wide enough for a gravel truck, a vehicle traveling in the opposite direction and a bicycle. This is an extreme safety hazard. With the volume of truck traffic proposed by this project, the frequency of this hazard increases very significantly. These hazards are not adequately addressed in the MDNS and a full EIS is needed. Related hazards are the intersection of the haul road and Grip Rd. and the intersection of Grip Rd. and Prairie Rd., and these hazards are not adequately addressed or mitigated in the MDNS. Another issue inadequately addressed in the MDNS is the impact of the proposed truck traffic on the physical infrastructure of the roads themselves; these roads are inadequate for this volume and type of truck traffic, which will cause accelerated wear and need for expensive repairs.

Because of the inadequate delineation in the MDNS of both the impacts of this proposal on road safety and road degradation as well as the impacts on the environment, including wetlands, fish and wildlife, noise and air quality, I strongly disagree that a MDNS is adequate and request that a full EIS be required.

Thank you for your careful consideration of these important issues! This is a major project proposed for a very rural area and as proposed it will have significant impacts on the area surrounding the proposed project, the private haul road and the public roads. It will significantly deteriorate the natural environment and have terrible impacts on the people who live in the area as well as those who use the public roads. While I am firmly opposed to the project as proposed, I feel the minimum needed at this point is a full and complete Environmental Impact Statement that clearly identifies the impacts. It is unconscionable to me that our county would allow such a project to cause such impacts on the natural environment as well as the terrible impacts on the neighborhoods and roads surrounding the project.

From Host Address: 50.34.188.133

Date and time received: 3/11/2022 2:56:39 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:32:23 PM

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 2:50 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : John Hurd
Address : 19396 Ashe Lane
City : Burlington
State : WA
Zip : 98233
email : jhurd@qsoup.net
PermitProposal : PL16-0097 & PL16-0098
Comments : March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I live in Alger and drive Old Highway 99 and Prairie Road frequently.

I cannot see how these roads could be safe with the level of traffic being proposed.

But even more significantly, the broad impact upon the environment and the public's use of the area will be substantial. And for 25 years!

Miles Sand and Gravel should submit a full Environmental Impact Statement (EIS) that fully covers impacts to the natural environment from the mine itself, the associated private haul road, as well as off-site and cumulative impacts which includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

Thank you,

John Hurd

19396 Ashe Lane
Burlington, WA 98233
(Alger)

From Host Address: 152.44.193.78

Date and time received: 3/11/2022 2:49:35 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:32:10 PM

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 1:50 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Larry William Hedgpeth
Address : 5809 Brookings Rd
City : Sedro Woolley
State : Wa
Zip : 98284
email : ljhedgpeth@gmail.com
PermitProposal : PL16-0097 & PL16-0098
Comments : March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, Wa 98284

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s
PL16-0097 & PL16-0098

Dear Mr. Cricchio,

Since I commented earlier today about the proposed gravel mine on Grip road, my thoughts have kept going back to other concerns about roads and traffic safety. So I decided to submit another comment before today's deadline. Most of these notes are similar to the letter I submitted on 4/30/2021.

A major concern is the route the trucks will use getting to and leaving the mine. The only plan I have heard about is to take the gravel to a site south of Prairie Road on old 99 for processing and sale. Is there anything to limit Miles to that route or that destination? If so, that should be spelled out clearly in the paperwork for the permit and / or the MDNS. Failing that, shouldn't the county consider the condition of all likely haul routes and include reasonable requirements for them also in the MDNS? Many of these routes have some of the same problems as the route that has been identified – sharp turns, narrow roads, lack of shoulders wide enough for bicycles or people, limited visibility, etc.

Many of the roads up here were not built to any modern standard of width or materials. Running thousands of full gravel trucks a year over the same route could result in some pretty expensive repair bills. Will Miles be required to pay a share? Maybe using a variety of different routes would cause less of an overall impact and actually save money.

The warning lights at the mine entrance and at the Prairie/Grip intersection may work fine, or they

may need some sort of an upgrade or to be replaced by a different traffic control system. How can anyone tell in advance what will be needed at those two spots to keep everyone safe?

The county should examine all of this very carefully before giving Miles such a long permit.

Here's an idea I haven't heard considered yet: why not give the mine a provisional permit for 3 or 4 years of operation to see how many of these problems come up and how bad they are? Then the mitigations for the balance of the 25 year permit could be negotiated on the basis of evidence instead of conjecture.

Shouldn't the county represent the interests of all of us – Miles and the general public? Miles is a pretty large, successful company with people on staff who are well experienced working with government agencies on all the issues involved in the permitting process. Who in the county is representing the general public or the public interest?

Over this long process, many issues have been raised and questions asked by concerned citizens. And many, many comments submitted. But only very rarely in the past 5 years have any of us been able to dialogue with county staff in a substantive way about any of these issues and concerns. The process has not worked very well for those of us on the outside. If the county doesn't listen to us, how can we be heard?

Larry William Hedgpeth. 360-855-8326
5809 Brookings Rd
Sedro Woolley Wa 98284

From Host Address: 172.92.201.139

Date and time received: 3/11/2022 1:48:05 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:31:58 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 1:20 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Larry William Hedgpeth
Address : 5809 Brookings Rd
City : Sedro Woolley
State : Wa
Zip : 98284
email : ljhedgpeth@gmail.com
PermitProposal : PL16-0097 & PL16-0098
Comments : March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, Wa 98284

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s
PL16-0097 & PL16-0098

Dear Mr. Cricchio,

I am writing to comment on the new MDNS for the Grip Rd gravel mine. I have followed the county's oversight of this project almost since its start five plus years ago, but my personal interest is now much greater than it was back then. My 13-year-old grandson now lives with us and will, at times, be riding the school bus to Cascade Middle School in Sedro Woolley. I am very concerned for the safety of everyone on the roads in our area, especially school busses, if the county doesn't do more to keep the roads here safe after the mine is in operation.

Now, I know your office took a look at some of traffic concerns around this project because you're requiring mitigations for the two sharp turns on Prairie just east of old 99 and the Samish bridge on old 99.

But what about the rest of the haul route? There are two areas especially where it is very dangerous right now! I can't for the life of me understand why the county hasn't required effective mitigation measures in this new MDNA for at least the two areas below.

First, the downhill curvy stretch on Grip just west of where the mine access road comes in. As anyone will tell you, it's a white-knuckle experience meeting a dump truck anywhere on that short stretch of road. It's too narrow, the turns are pretty sharp, there's not much of a shoulder, the truck always comes over into your lane, and there is not much visibility around the curves – he's almost on top of you before you see him.

That's with a car or pickup meeting a dump truck. A school bus meeting a truck/pup combination on the road the way it is now could lead to an awful tragedy. Isn't it your job to protect the public interest? How can the county turn a blind eye to such a dangerous situation?

The second part of road I want to talk about is the Grip / Prairie intersection just west of the downhill section on Grip. Two parts in this area—two bridges and the intersection.

The bridges -- Why is there no mention of any protection for the Samish bridge on Grip comparable to that for the bridge on old 99? Is the Grip bridge in much better shape? When was it last inspected? What is its load limit? And all the same concerns hold for the bridge on Grip over Swede Creek, immediately east of the bridge over the Samish River.

Both of these are salmon streams. A lot of public and private money and effort has been spent working to improve and expand salmon habitat in this drainage. A truck in either of those waters could set things back a long ways. Have you shown they can handle this level of traffic?

Finally, the Grip / Prairie intersection . Visibility a big, big issue here. Traffic west bound on Prairie often goes through the intersection at a pretty good clip and has to slow down for rigs turning west onto Prairie from Grip. When making that turn onto Prairie you just can't see far enough east on Prairie to avoid having traffic back up behind you. The recent work cutting the hill back has helped, but it's still pretty dangerous.

With a gravel truck it's much more pronounced. With a constant string of truck/pup combinations, it could get pretty uncomfortable for everyone involved. Why can't the county could require a merge lane from the intersection west long enough for the trucks to get up to speed? That doesn't seem unreasonable, does it?

Both of these areas get some gravel truck use now, of course. But there will be a lot more truck traffic when the mine is up and running. How much more? Despite some numbers, (46/day, up to 30 /hr -- are there others I missed?) there aren't any real hard and fast limits. And even though Miles now says they plan to work set hours and not on weekends, I couldn't find anything in the permit that actually limits trucks per hour or hours per day.

Why does Miles need a blank check in this area? Why won't the county set limits to extra traffic on the roads and hours of operation? That would act to limit all potential dangers on the roads and seems very reasonable to me.

Thank you for your time considering my comments. This is very important to my wife and I – it will directly effect the risk our grandson will be exposed to while he is attending public school here!

Larry William Hedgpeth. 360-855-8326
5809 Brookings Rd
Sedro Woolley Wa 98284

From Host Address: 172.92.201.139

Date and time received: 3/11/2022 1:17:29 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:31:40 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 12:50 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Brian Bowser
Address : 21110 Parson Creek Road
City : Sedro Woolley
State : WA
Zip : 98284
email : cmsinc@myfrontiermail.com
PermitProposal : PL16-0097
Comments : March 10, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish

River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality, and surface water hydrology have not been fully identified and evaluated. It is concerning that the County has not required an evaluation of the reduced buffer along the Samish River. Furthermore, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road, yet, incredibly, this possibility has not been adequately evaluated. In addition, there has been no mitigation or restoration required for the many wetlands and streams along the haul road.

Considering the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis, whether on foot, by car, or by bicycle. I am also concerned about the accelerated damage that the heavy mine traffic will cause to our county roads and bridges, as well as about who will be left paying the bill for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

Moreover, despite earlier testimony to the County regarding safety issues on Grip Road, there has been no apparent attempt to correct any of the problems. I have personally observed a Skagit County dump truck and pup take a test run on the proposed haul route. As I watched, the truck and trailer did not stay in its lane traveling in either direction of Grip Road (Specific issues exist at the curves on the hill and at the Samish River Bridge). Also, Grip Road right-of-way is narrow and has regular flood events. Finally, the hill has been sloughing for years and requires regular maintenance to keep it from falling away down the embankment.

The currently proposed Prairie / Grip Road intersection flashing light is a very poor solution. Has County explored the possibility of purchasing right of way and cutting away the hill so that vehicles at the Grip Road intersection have a clear line of vision to the North? Cost estimates for the right of way can be found by inquiring with Puget Sound Energy regarding their recent Parson Creek Road power pole project. In addition to the Grip Road-Prairie Road intersection, sight distance issues at F&S Grade Road and Prairie Road have not been addressed. There is very limited sight distance for West bound traffic.

The gravel mine permit is based on Miles Sand and Gravel reporting they will be generating an average of 46 truck trips per day. Traffic evaluations are based on the same number; however, the permit allows for up to 300 truck trips per day, which is a significant increase without consideration for the impact, and there have been no limits placed to routes CNW trucks can take. Local roads were not engineered with heavy dump truck traffic in mind. If the route has not been evaluated and cleared for safety, then there should not be routine dump truck traffic.

Another concern is that CNW has not declared a specific processing location. Different locations create different haul routes, and currently, County and CNW are only addressing a single haul route. CNW is currently listing Bow Hill Road to I-5 to Cook Road to Old 99 as a haul route because there is a restrictive bridge weight limit at Old 99 and Samish River bridge. Would it be faster to take F&S Grade Road? At this juncture, an evaluation of how the trucks will impact the I-5 and Cook Road interchanges has not been completed. At the "average" of 46 trips per day, the intersections will only see 2 or 3 trucks per hour. At the upper limit proposed, that number jumps to 15 per hour. Finally, County and CNW have still not addressed the narrow width and incomplete shoulders on Prairie Road. Considering that guard rails have been added to the North end of Prairie Road, further limiting the width, a traffic study must be done.

Thank you for the opportunity to comment.

Sincerely,
Brian Bowser
21110 Parson Creek Road
Sedro Woolley, WA 98284

From Host Address: 50.34.98.215

Date and time received: 3/11/2022 12:45:55 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:31:14 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 10:50 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Andrew Rice
Address : 22356 Paririe Rd
City : Sedro Woolley
State : WA
Zip : 98284
email : internalconcepts@hotmail.com
PermitProposal : Concrete Nor'West/Miles Sand & Gravel PL16-0097, PL16-0098
Comments : March 11, 2022

Kevin Cricchio, AICP Senior Planner
Director of Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigation Determination of Non Significance for proposed Grip Road Mine File# PLL16-0097 & PL16-0098 – Impacts to the Natural Environment and ESA species.

“Daddy Listen! All you can hear is birds!” This was a profound observation from my 9 year old daughter in April 2021 as we were out walking in our neighborhood mid-morning. This is why we moved to the Central Samish Valley. This, if Concrete ‘NorWest has its own way, will all change – forever.

The initial proposal is for a 60+ acre open pit gravel mine for a foreseeable lifespan of 25 years. That is a long time – what has not been noted is that this “small” gravel pit is part of a 700+ acre (37+ Parcels) owned by Concrete ‘NorWest/Miles Sand and Gravel cover company Lisa Inc., forested region bounding the Samish River that will inevitably be developed in the same way over time as each area is exhausted of its natural resource. A never ending source of noise, dust, water table disruption, habitat destruction, and river disruption (you can say it won’t, but this can’t be known ahead of time.)

Perhaps you don’t know the sounds of silence, the un-interrupted sounds of the natural world surrounding you, un-marred by the sounds of chainsaws, heavy machinery, trucks, conveyers, and associated mining equipment. Perhaps your life is surrounded by the noise of urban existence. Where we live, the Central Samish Valley, silence is the norm, and that is why we, and our neighbors,

have chosen to live in this peaceful valley. You may have no context except for the incessant sounds of humanity on the move (I-5, Emergency Vehicles, Large Truck Traffic, Heavy Machinery, the constant background of Television and newscasts, ever present music). Silence of humanity and the sounds and presence of the natural world are a precious commodity, one which is a most valuable resource, and treasured aspect of our community. Our citizens live here for this reason, a place to escape the din of society. Many work in urban settings and find their homes their safe place and retreat. This is being threatened.

In conversations with neighbors there is evidence of early Tribal presence in this region (a clovis point being noted as being found in the river bed of the Samish River in the region of the proposed mining operation). This operation is also not congruent with the Clean Samish Initiative (CSI) that the county has promoted for years in efforts to improve river water quality for fish and shellfish at the mouth of the Samish River. Wildlife need extensive tracts of space to thrive, while walking with friends in the vicinity, a coyote and bobcat were both seen in the space of 30 min. Reports of other significant wildlife making this area home abound (Cougar, Bear).

Specific Points to Consider:

- 9-5 Safety Corridor Project: Prairie Rd from I-5 to HWY 9 is a main traffic corridor from East county and has a long history of traffic incidents. Added tandem truck traffic will not improve this.
 1. A recent trip down Prairie Rd highlighted this: An Amazon delivery van pulled out of Grip road as we rounded the corner from the east that has been carved away. It slowed us from the speed limit to 25 mph until past F&S grade road. Think – heavy, loaded tandem trucks, slowly entering the roadway with traffic from each direction.
 2. The length of the tandem pup trucks is dangerous for Prairie Rd – They often cross the center line in the S curve from Old 99 as well as points eastward. Combine this with the already frequent log truck traffic and the estimated 45 (90 round trip) trips daily is unfathomable along with daily school bus traffic (frequent stops and traffic delays as well as traveling the same corridor)
 3. While thoughtful in thinking of car safety – the new guardrails on the south side and along Prairie create an unsafe condition for A. Bicycles from the Skagit Cycle Club as well as individuals in combination with the narrow shoulder. B. No pull offs for stranded vehicles (my wife and I recently encountered a stranded vehicle unable to get off the road due to proximity of guardrails and the narrow shoulder) a dangerous condition – especially with heavy truck traffic.
- Environmental Review Lacking Scope of Impact: Ignores larger plans for future development of mining operations of adjacent 700 acres owned by same entity (LISA Inc aka Concrete 'Norwest). Fish bearing Swede Creek not included and approx 11,000 tandem truck trips annually along the haul road corridor.
- Labeled as Grip Rd. Mine – Ignores other regional affected Parties
Prairie Lane, Prairie Rd, Wildlife Acres, Hoogdal, Cedar Ridge Place, F&S Grade, and adjacent communities from Hwy 9 – I-5.
- Critical Area Ordinance misalignment: 300' buffer required in high intensity land use areas. Only 200' buffer noted in Fish and Wildlife Assessment
- Oregon Spotted Frog Habitat Infringement (*Rana pretiosa*): Listed as Threatened species under the Endangered Species Act. And Endangered in Washington. Local populations have been noted in adjacent sites to proposed mine activity.
- No Wetland delineation: There are significant wetlands in the proposed area that have not been

noted or buffered. Beaver activity has been noted.

- Groundwater Impacts not adequately evaluated: A common outfall of mining is groundwater disturbance. Conversations with landowners adjacent to other county mines (old 99) reflect noticeable water changes accompanied by mining operations. Well integrity must be preserved. Additionally mine contaminants must not enter the Samish River.
 - Noise and Vibration Study lacking real life impacts. Not only truck traffic on the exit roads but also the ambient noise of operation to the whole Central Samish Valley and Warner Prairie communities was not considered although of substantial impact to residents.
 - Emissions of operation: Diesel fumes, dust from traffic and operation from 240,000 miles of annual truck traffic – not to mention additional air pollution from heavy equipment involved in direct extraction.
 - No Assessment of regional cumulative long term impacts: Twenty-five (25) years is not a “temporary” activity. Especially given the potential continual development of the remaining 700 acres for similar use (100’s of years of use).
 - Poor planning on location of proposed facility: In a land tract of 700 acres the proposed mine is in the highest impact space adjacent to homes, sensitive wetland, forest, and riparian habitats. With transit of material through a major portion of the land tract.
 - Fox Guarding Henhouse: If the applicant is allowed to design and build any road improvements this amounts to the fox guarding the henhouse – unacceptable. Indeed they should pay for all necessary upgrades to facilitate their use beyond the scope of the current design of the roads. This should not be a tax burden to the landowners or other citizens of Skagit County.
 - Alternatives Exist: There is a gravel mine unused and for sale along Old 99 that is pre-existing. Why not utilize that location – rather than create environmental and health and safety hazards in a new location. Old 99 is well suited for such traffic as evidenced by the current pits along this stretch.
 - Unpermitted work already completed: PL 16-0098 (Forest Practice Conversion) Logging and stump removal from proposed mine site has already been largely completed...apparently unpermitted.
- In short, please reverse the current Threshold Determination under SEPA, the “Mitigated Determination of Non-significance” (MDNS), and require a full Environmental Impact Statement that addresses the above and other areas of concern noted in others comments. Including a Level II Traffic Impact Analysis (TIA) which has yet to be done. Having the company pay for road improvements may amount to a simple bribe to move forward. There is much more at stake than the simple financial interests of Concrete Nor'west, Miles Sand and Gravel and Skagit County. Our quality of life and the desirability of our valley and neighborhood, where we raise our families, is at stake.

Thank you for your heartfelt consideration.

Sincerely,

Andrew J. Rice
22356 Prairie Rd
Sedro Woolley, WA 98284

From Host Address: 172.92.208.127

Date and time received: 3/11/2022 10:49:02 AM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:30:44 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 12:20 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Jerry Eisner

Address : 1618 E Broadway

City : Mount Vernon

State : WA

Zip : 98274

email : stardoc2@gmail.com

PermitProposal : Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

Comments : Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Damage to our air and water quality, once initiated, cannot easily be undone. Road safety for bicycles, vehicular traffic and pedestrian must be preserved.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

Thank you for the opportunity to comment.

Sincerely,

Jerry Eisner

From Host Address: 63.225.185.36

Date and time received: 3/11/2022 12:15:32 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:30:20 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 12:15 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Julia Hurd

Address : 19396 Ashe Lane

City : Burlington

State : WA

Zip : 98233

email : hurdjulia@gmail.com

PermitProposal : Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

Comments : March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I submitted a letter last April on this mining project and understand it won't be included in the record for this recent MDNS, so am writing again as well as pasting last year's letter below.

I am dismayed the county believes 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."

There are still very real concerns about adequate stream and wetland protection, traffic safety, and long-term protection of the environment.

I note the Skagit Land Trust has concerns about traffic, protection of fish-bearing Swede Creek, the safety of visitors to the Tope Ryan Conservation Area, harming a wildlife corridor, among other issues. The Skagit River System Cooperative (SRSC) wrote "the gravel operations use of this road presents an impact to surface waters and aquatic habitat due to sedimentation and runoff, and

presents a greatly increased risk of slope failures that threaten to directly impact Swede Creek.” These are some of the concerns that I’m not sure are adequately addressed.

I live in Alger, just off Highway 99, and drive Old 99 as well as Prairie Road frequently. I believe both routes will less safe. But more broadly and importantly, Miles Sand and Gravel should submit a full Environmental Impact Statement (EIS) that fully covers impacts to the natural environment from the mine itself, the associated private haul road, as well as off-site and cumulative impacts that include impacts on traffic safety and county roads for all potential haul routes over the entire life of the mine.

Thank you for the opportunity to comment.

Julia Hurd
19396 Ashe Lane
Burlington, WA 98233
(Alger)

Comments on the Concrete Nor'west Gravel Operation Near Grip Road
To Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon WA 98273

Originally Submitted by Email April 4, 2021

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

I live in Alger, not far from the proposed Grip Road Gravel Mine. I am concerned about the effects on traffic, nature, and the radical change in the neighborhood from such a massive industrial project. I understood the now closed gravel mine on Highway 99 at the bottom of Bow Hill Road, and now the replacement mine farther down on 99 next to I-5 in terms of need and location, but this mine is significantly different.

The Grip Road Gravel Mine is located in a rural, sensitive, undeveloped 700-acre parcel of land next to a creek as well as the Samish River. Both are fish bearing and the home to listed threatened species. This mine will have negative impacts on and change life dramatically for local residents, wildlife and the environment.

The roads in and out of the mine are back county roads, not suitable for up to 30 noisy, heavy gravel trucks with trailers per hour; this is a problem for traffic, pedestrians and cyclists. The shoulders are too narrow in places and the roads were not designed for industrial usage or this type of traffic. Who will pay for road and safety improvements?

The enormous industrial usage in this rural area poses threats to drainage, noise, emissions,

groundwater, fish, wildlife wetlands, property values and living in general. The impacts, especially over the 25 years of the life of the project, are all areas of concern that need to be fully addressed in an Environmental Impact Statement. The scope and location of the mine demand this.

Thank you for considering my concerns.

Julia Hurd

From Host Address: 152.44.193.78

Date and time received: 3/11/2022 12:15:04 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:29:51 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 11:25 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Tristan Shaffer
Address : 22454 Prairie Road
City : Sedro Woolley
State : WA
Zip : 98284
email : tristanshaffer@gmail.com
PermitProposal : Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098
Comments : March 10, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

Thank you for the opportunity to comment on Skagit County's February 2022 Mitigated Determination of Nonsignificance for Miles Sand and Gravel's proposed Grip Road gravel mine. My family and I live on Prairie Road across the Samish River from the proposed mine site. We appreciate the importance of managing natural resources for the forestry, farming, and fisheries it supports. We also love the natural beauty, wildlife, and recreational opportunities this area offers.

We are concerned about hazards the increased volume and size of truck and trailer traffic will impose on other users of Grip and Prairie roads. In addition to passenger and commercial traffic, we commonly see cyclists, pedestrians, farm equipment, motorcycles, and other vulnerable users. Many areas of Prairie Road have a limited sight distance and little or no shoulder, which makes overtaking slow traffic difficult. Combined with the proposed increase in truck and trailer traffic, this elevates the risk of accident for all road users. We are also concerned about increased wear and damage to county roads. The westbound lane of Prairie Road at Park Ridge Lane is an example where the road shoulder crumbled and has since been repaired. Loaded gravel trucks will increase wear on areas like

this, requiring more frequent repair.

Another area of concern is stormwater handling along the private haul road. In some areas runoff from the road discharges into Swede Creek, which is known habitat for ESA listed Puget Sound steelhead, and spawning habitat for coho. The impact assessment states there will likely be indirect impacts including increased sedimentation from construction and paving operations, but there are no recommendations to monitor for these impacts. Mitigation would be limited to construction best management practices. There is also little consideration given to impacts to Swede Creek from the increased volume of heavy truck traffic; there will be around 300,000 trips by heavy truck/pup trailer combinations on this road over the estimated 25 year life of the project. The suggested mitigation steps are to make sure the trucks are in good operating order, which already being a minimum requirement for operating on public roads hardly seems like a mitigation.

Given these concerns, I ask that the County withdraw the current MDNS and require Miles Sand and Gravel to submit a full Environmental Impact Statement covering the proposed site, private haul road, and any off site impacts including traffic safety and county roads.

Thank you for your time and consideration.

Best Regards,
Tristan Shaffer

From Host Address: 24.17.141.64

Date and time received: 3/11/2022 11:20:28 AM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:29:01 PM

From PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 10:30 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Monty W McIntyre

Address : 585 Pleasant Bay Rd

City : Bellingham

State : WA

Zip : 98229

email : mont137@msn.com

PermitProposal : Regarding File # PL16-0097 and file PL16-0098

Comments : To: Kevin Cricchio Senior Planner

Skagit County Planning and Development Services

Regarding File # PL16-0097 and file PL16-0098

March 11, 2022

I am taking the time to address the claim that, "with appropriate mitigation , this project does not have a probable significant adverse impact on the environment."

Deforestation of 68 acres and 25 years of gravel removal will obviously cause unavoidable significant adverse impacts on the environment. Predicting otherwise makes no sense.

Hundreds of thousands of barrels of diesel fuel burned over a twenty five year span alone is just one ingredient to the slew of significant unavoidable impacts to our environment. Clear cutting forest and polluting the place with airborne hydrocarbons is only the beginning - one thing among many that would be set in motion by this proposal. How many tons of environmentally damaging hydrocarbons would be emitted to the atmosphere by this one project alone over twenty five years of extraction? This will contribute to the problem we are having on this planet with greenhouse gases that cause weather changes and create unhealthy air quality. Washington State has been experiencing drought and erratic rainfall. We are experiencing unprecedented wildfires, lingering inversions of that smoke, and flooding because the rain is arriving with compartmentalized intensity. Evidence of our current climate crisis is apparent, if our government does not acknowledge this we will suffer greater adverse impacts on our environment. I am depending on our government to apply common sense in assessing activities that would affect all of us. Please examine this application only after a completed EIS is submitted.

Activities enabled and resulting from gravel mining the land under the current forest, such as concrete production and the continuing transport of that material, must also be considered. The scope of negative impacts from this proposal have not been addressed. There will be a very substantial chain of negative impacts should this mining be allowed. Will the gravel used to make concrete be sourced internationally? Obviously all related activities must be considered for a MDNS to be valid. We need to understand the long term impacts this proposal will have on the health of our

environment. Please require an EIS be done so we know what the cost will be to our environment. Significant quantities of toxic chemicals such as 6PPD-quinone and brake dust will be disbursed throughout an enlarged transport area when the gravel is moved a second time as concrete. I understand that Coho salmon are disappearing in the Skagit River. Promoting the distribution of more toxic chemicals by approving this project will have more than a 'probable' negative influence on the recovery of Coho populations. How many pounds of this toxic chemical will be released from 25 years of gravel mining and the related activities? We need an answer to this and can only get one from an EIS.

People will be affected by nuisances, noise, time wasted and the dangers this long term project imposes. Many will suffer misery and stress created by the applicant for the rest of their lives. Some may even die in traffic accidents due to this activity.

Two Flashing Beacons Systems that are proposed as part of the 'mitigation' would apparently be "turned over to Skagit County for ongoing operation and maintenance." As read, Skagit County taxpayers would then be funding the upkeep for this 'mitigation'. That is just wrong for the County to accept liability.

The "two sharp turns", ("road improvements") described would undoubtedly cause more construction mess and delays during construction further impacting residents negatively. Consider the westward uphill portion of Bow hill Road from Hwy 99 having now been closed for a significant amount of time. This proposed reconfiguration would further place a continuing and undue burden on those of us who have been burning extra gas to steer a different course. Also, will eminent domain be implemented to obtain any private land for this? This may become an adverse event in that the current agricultural use of the corners may be converted from AG to Road.

Approval of this proposed project will contribute to the worldwide climate crisis and global warming. We know that the carbon footprint caused by gravel extraction and concrete production is huge. Cement to make concrete will also come at a price from somewhere. There is a ripple effect from great endeavors such as this, we can try and foresee them, try to understand them, and weigh them to the best of our ability. For that to happen we need better and truthful information which is severely lacking in this protracted application.

Enabling the creation of impervious surface by allowing 4,280,000 cubic yards to become concrete is another big chapter in the paving over of Skagit County. The pollution, environmental damage and dangers associated with this proposed project must be addressed in a complete EIS. What reason is there to pursue any other course of action?

Thank You for considering my comments.

From Host Address: 97.113.61.2

Date and time received: 3/11/2022 10:25:54 AM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:28:15 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, March 10, 2022 6:05 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Kathleen and Robert Reim
Address : 23262 Meadow View Lane
City : Sedro Woolley
State : Washington
Zip : 98284
email : kreim@earthlink.net
PermitProposal : File # PL16-0097

Comments : We are once again writing to express our concerns about the proposed gravel mine to be located near Grip Road and the Samish River. It is disheartening to find us once more requesting common sensical research regarding the impact to the natural environment and also the impact on traffic safety on all of the potential haul routes that will exist for at least the next 25 years. The wording regarding the number of trucks per day and per hour speaks to an, "average," which is simply not acceptable. This operation will be during hours of darkness, in the winter, on totally inadequate rural roads with residents on their way to work and school buses picking up children to safely take them to their destinations. We are baffled that warning beacons built by the applicant will be turned over to our already over-worked county roads personnel to maintain for 25 years- to allow the applicant to make profits. We wonder who will be designated to count the number of trucks on these roads-our over worked local law enforcement agencies or local residents or? It is the first responsibility of Skagit County government to care for our roads. I was taught this by Howard Miller in 1971 as he presented to my class at Cascade Middle School. We are calling on you to hold to that as your first priority. Provide the needed research. Do the traffic studies. Reassure us safety matters, and that community concerns can and will be addressed. Sincerely, Kathy and Robert Reim

From Host Address: 76.191.109.34

Date and time received: 3/10/2022 6:00:40 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:27:50 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, March 10, 2022 9:00 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Anne Winkes
Address : PO Box 586
City : Conway
State : WA
Zip : 98238-0586
email : annewinkes@gmail.com
PermitProposal : PL16-0097 and PL16-0098
Comments : March 10, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to ask that the 2/24/2022 MDNS for the Grip Road Gravel Mine (Reference file #PL16-0097 and PL16-0098) be withdrawn as SEPA requirements that must be fulfilled before issuance of a MDNS have not yet been met. A full Environmental Impact Statement (EIS) must be required.

Many of the concerns expressed in my April 26, 2021 letter to Michael Cerbone, Skagit County Planning & Services about potentially adverse impacts the proposed gravel mine may have on the environment remain either unaddressed or incompletely evaluated in this newly issued MDNS. This is unacceptable. SEPA requirements that all significant impacts be disclosed and evaluated, and alternatives to mitigate the impacts be proposed and analyzed, have not yet been met.

The issuance of this MDNS must be re-examined. The immediate, long-term, and cumulative adverse impacts to air and water quality and fish and wildlife habitat must be carefully studied and considered in a thorough and complete EIS.

In my 4/26/21 letter, I wrote that a full EIS must analyze the immediate, long term and cumulative

adverse impacts on the environment surrounding the two-mile haul road on which more than 11,000 trucks will pass each year as gravel is hauled from the pit mine toward its final destination. I specifically asked that an EIS examine what impacts these trucks will have on the wetlands and streams that lie adjacent to the road.

The “Impact Assessment and Mitigation Plan”, Northwest Environmental Services, Dec. 2021, submitted by the applicant prior to the issuance of this new MDNS, does comment that there are 36 wetlands, the largest of which would be suitable habitat for the endangered Oregon spotted frog, and 21 seasonal streams within 300 feet of the haul road. However, the Northwest Environmental Services’ Critical Area report rather than evaluating the impacts of the proposed mine’s high intensity industrial use of the haul road on the surrounding wetlands and streams, simply remarks on the previous use of the road for occasional logging purposes. There is a huge difference between impacts created by an occasional logging truck and those created by immensely heavy dump truck/trailer combinations traveling along the haul road 11,000 times a year. A full EIS must study in-depth all potential adverse impacts to the wetlands and streams, including water pollution caused by possible hydrocarbons in road run-off and changes caused by increased sediment; air pollution secondary to diesel exhaust; wildlife, fish and amphibian disturbances caused by the noise and vibrations from heavy trucks. When studies reveal adverse impacts, mitigations must be proposed and analyzed.

In my 4/26/21 letter, I asked that an EIS carefully consider the appropriateness of the 200-foot buffer size recommended in the now six-year-old Fish and Wildlife Assessment submitted by the applicant. The Skagit County Critical Area Ordinance requires a 300-foot buffer adjacent to high intensity land use. Without doubt, a 60-acre gravel pit mine producing enough gravel to fill more than 11,000 truck loads per year is industrial scale mining. Industrial scale mining is a high intensity land use. The new MDNS does not evaluate the adverse impacts of a 200-foot buffer on the Samish River. A full EIS must study how a 200-foot buffer will affect the Samish River, including impacts on fish and wildlife habitat, water quality and river hydrology.

In my 4/26/21 letter, I asked that a full EIS study the adverse effects of the proposed mine on wildlife, fish and amphibian habitats. The Oregon Spotted Frog is on the Washington State “endangered” animal list and the federal “threatened” animal list. The Bull Trout is on the federal “threatened” animal list and a “candidate” for listing in Washington State. Habitat for the Oregon Spotted Frog has been identified adjacent to the mine site in the Samish River, and Bull Trout habitat has been identified just downstream of the project. The MDNS does not include discussion of any protective measures for these species, nor does it evaluate the impact of the reduced buffer on these species. A full EIS, including recommendations from the state and federal agencies responsible for protecting these species, must study in depth the immediate, long term and cumulative impacts of the proposed project on these species.

In my 4/26/21 letter, I pointed out that the 70 acres owned by Miles Sand and Gravel is the last large area of undeveloped land lying between Butler Hill, the Samish River and Anderson Mountain. Cougar, bear and bobcat inhabit and travel through this area. I asked that the routes of these animals be identified as these animals are dependent on intact wildlife corridors and protection from disturbance within their large territories if they are to survive. The new MDNS does not identify or

protect wildlife corridors. No mitigations have been proposed. A full EIS must correct this omission.

In summary, the SEPA review done by Skagit County prior to issuing the 2/24/22 MDNS failed to take into account all the environmental impacts of the project. The County must require a full EIS, including specific mitigation measures, that will study and analyze the immediate, long term and cumulative effects of the project on the environment both on-site and off-site.

Thank you for considering my comments.

Anne Winkes
18562 Main St.
PO Box 586
Conway, WA
98238-0586

From Host Address: 152.44.192.132

Date and time received: 3/10/2022 8:59:33 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:27:21 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 3:35 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Robert & Linda Walsh
Address : 21710 Prairie Road
City : Sedro Woolley
State : WA
Zip : 98284
email : walshl2006@hotmail.com
PermitProposal : #PL16-0097 & PL16-0098
Comments : March 11 , 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to express my concerns again about the proposed gravel mine located near Grip Road and the Samish River. This is in regard to Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098. I am commenting on the new Mitigated Determination of Nonsignificance (MDNS) that the County issued on February 24, 2022. I sent comments in last year, on the MDNS dated April 15, 2021, but then the County withdrew that MDNS (on May 23, 2021). I understand that the comments I submitted last year won't be part of the formal record for the new MDNS. Unfortunately, it appears that very little has really changed regarding this proposed industrial scale mine. So, I am attaching my original comment letter. Please make these comments part of the record for this new MDNS. I am very disappointed that the County and Miles Sand and Gravel still have not addressed many of the community's concerns. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

I do understand that some new mitigation measures have been proposed in this MDNS, but they are not sufficient. For instance, conditions were proposed that address hours of operation (Mitigation Measure #2) and numbers of daily truck trips (Mitigation Measure #13.vii.). In both of these cases, vague "extended hour" scenarios are allowed without clarity about how or when this would actually happen, what additional conditions "may" be imposed, and there is no assurance that the public would be consulted or informed about these extended hours. Especially regarding truck numbers, the wording is unclear, and the limits are far too high. Similarly, the County has finally recognized that the private 2.2 mile long haul road is part of the project, but no mitigation is proposed to restore and protect the 36 wetlands and 21 seasonal streams that are within 300 feet of the haul road (this haul road was massively rebuilt in 2018, without a new permit, for mining purposes). In addition, not enough measures have been proposed to ensure that the haul road will not cause slope failure in the Swede Creek gorge, threatening this fish bearing stream.

Thank you for the opportunity to comment.

Sincerely,

Linda Walsh
Robert Walsh
21710 Prairie Road
Sedro Woolley WA 98284
March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

My husband and I own land adjacent to the proposed mine parcel so this project will have a significant impact on our lives and property. We have lived on Prairie Road for nearly 30 years. I have had many concerns regarding this project from the beginning in 2016 and want to comment on the many of the same concerns on the reissued MDNS.,

The revised MDNS has changed very little from the original 2016 document despite countless hours of documentation submitted to the County from our Community group that documents multiple traffic safety and environment issues. The video, photo, written and verbal communications provided over the past few years have recognized these serious concerns from the beginning.

It has taken nearly 5 years for County and experts to acknowledge what we have known from the beginning. The trucks cannot stay in their assigned lanes. However, the mitigation offered only addresses 2 intersections and 2 corners. Documentation is clear there are many other similar corners and intersections on the possible transportation routes. These routes and safety issues remain unevaluated and still falls far short of what Skagit County Code and SEPA requires. It does not fully evaluate the potential impacts of the proposed commercial mine project. This reflects the County's lack of understanding of the size and scope of this project. To ignore these documented problems will result in unacceptable risks for the environment and public safety. A full EIS must be required in order to adequately identify and address the number of safety and environment concerns.

The applicant's TIA and the MDNS have already identified significant current traffic problems in the area without even using accurate data. The average 46 truck trips per day that is calculated by spreading trips out over a 12 month period is a useless number for calculating traffic safety. The yearlong average of truck trips does not give an accurate number of trucks that will actually be present on the road system each day. During the high volume construction season they will exceed the average daily 46 truck trips for several months. The number is not only is inaccurate it is misleading to the public by implying there will be an actual 46 truck trips per day.

It does not take traffic experts to know the MDNS mitigation of the 2 corners which will not allow trucks and trailers, will cause a significant increase in the numbers of solo dump truck trips to haul the desired amount of material. These trips will far exceed the average 46 truck trips this proposal is based on and this increase of solo trucks must be evaluated. Likewise, sales to private or 3rd parties will also result in an increase of trucks. The additional number of trucks is not included in their TIA. These increases must be added to the 46 average truck trips. If the applicant decides to use alternate routes with truck and trailers, those routes need evaluated. A Level II TIA needs to be done.

Mitigation to comply with the weight limit on the Samish bridge will also cause unevaluated routes to be used. The Cook Road/Old Highway 99 intersection, which is included in the haul route but not evaluated in the TIA for safety or level of service (LOS), is well documented by the County to already be operating at LOS D, which is below the County's minimum requirement of LOS C. Adding hundreds of trucks to this intersection will degrade the LOS even farther. I have seen trucks and trailers force a vehicle stopped at the light to back up in order to avoid being hit by the truck trailer straying into their lane. The F & S Grade/Prairie Road intersection has in recent months had 4 traffic accidents and it remains unevaluated for safety of LOS, despite the fact it could become a regular alternate route for trucks and trailers. If it had been evaluated it would be apparent that trucks cannot stay in their assigned lanes, this is unacceptable.

The final SEPA determination must evaluate the traffic safety impacts of the project based on the actual maximum number or trips per hour and set a hard limit on it. The County must also set limits on the duration and frequency of occasions when it will allow higher than average trip numbers. We already see communication between the County and the Applicant deciding how they could be allowed to exceed a maximum of allowed trucks.

There should be no direct sales to private or 3rd parties without all routes being evaluated .

1. Require safety analysis and mitigation measures for ALL locations where trucks will encroach on the opposing lane of traffic. The MDNS states that trucks with trailers will encroach two to three feet into the opposing lanes of traffic at the two sharp corners on Prairie Road near the intersection with Old Highway 99. It also requires that the applicant reconstruct the road at this location and correct this acknowledged safety issue. The applicant's TIA identifies the same issue, but also states that there are several other locations on the haul route where trucks will cross over into the other lane. It does not identify these other locations, provide analysis of the specific safety issues there, or propose any mitigation. From my personal observations and those of other area residents, other locations where this is an issue include, but are not limited to, the steep S-curves on the Grip Road hill, the eastbound approach to the Samish River bridge on Grip Road, and practically every intersection on the identified haul routes.
2. Take increased non-mine traffic over time into account in analyzing the traffic safety and road capacity impacts of the project. The TIA uses intersection vehicle counts from 2020 as the base for evaluating the impact of mine traffic and does not factor in increasing traffic over time with growth. There is no explanation of why this was not done. If the applicant and the County are not going to take this into account, they must provide clear evidence to show that substantial increases in background traffic are not likely to occur during the proposed 25-year lifetime of the mine.
3. Provide clear, graphic analysis of ALL locations on proposed haul routes where intersection and/or stopping sight distances do not meet required minimums for all types of vehicles. Require mitigation of all such locations. Graphic "Vision Clearance Triangle" analysis (Skagit County Road Standards, 2000, Appendix C-7) or other industry standard graphic analysis is needed for all such locations and adequate mitigation measures required for project approval.
4. Flashing speed warning beacon systems proposed for the Grip/Prairie and Grip/Mine Entrance intersections require analysis as to what they are intended to accomplish and how they will do it. The existing speed warning signs on Prairie Road at the Grip intersection clearly do not work and no analysis has been provided to show that a flashing warning light system will work better at either location. The County must require the applicant to conduct field studies to determine what the actual maximum safe speeds are for these intersections and require mitigation measures that will ensure these limits are met.
5. Fully evaluate accident records for all road segments and intersections on the haul route, including causes and contributing factors. Provide analysis of the impacts mine traffic will have on the number, type, and severity of accidents to be anticipated with both existing and future traffic volumes. Require effective mitigation measures. The existing TIA accident record analysis is limited to certain intersections on the haul route and does not look at causes and contributing factors. It excludes a number of additional intersections, including Cook Road and Old Highway 99, as well as accidents not occurring at intersections.
6. Evaluate the impacts of mine traffic on the existing roads and bridges and require the applicant pay its fair share of the costs for increased maintenance on our already sub-standard rural roads. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required significant repairs over the last few years. Roughly 12,000 truck and trailer trips per year over 25 years will necessitate a lot of additional maintenance by the county roads department. This must be paid for by the applicant, not the taxpayers.
7. School buses are not match for the large trucks and there are several times per day, 180 days per year that the will be transporting our children. These children wait in the dark on roads with little to no shoulder and no evaluations have been done to ensure the Buses can share the road safely with

the massive dump trucks and trailers.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts.

- The environmental review did not consider the full footprint of the project. Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed. The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use and the MDNS needs to reflect proper mitigation to comply with CAO.

The Fish and Wildlife Assessment was done in 2015 and is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project footprint need to be identified so that operators and regulators know where they are. Wildlife corridors are not identified and or protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

A drainage plan needs to be required to protect water quality from runoff on the private haul road. Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream. Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. The hydrogeologic report is based on 2003 data supplied by Concrete Nor'West . They hydro company based the ground water levels on that data and it is nearly 18 years old. The High Seasonal Ground Water has not been re-evaluated since 2003 and yet they must keep the mine 10 feet above that unknown level. Leaving only 10 feet of natural material does allow for much error. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.

The Noise and Vibration Study did not base information on specific size of equipment. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. Here again they try to use an average of dBA, not maximum noise levels. They did not measure noise received at neighboring property boundaries but instead chose areas to take data

at least 1800 feet away from the property boundary. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a significant change for our property and should be taken into account in a full EIS.

Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves emissions from thousands of diesel trucks over a 25 year period. I know the County is aware of the significant adverse impacts vehicle emissions have on air quality because in their parking lot they have 'No Idle zone' signs. If there is a concern for ordinary automobile air pollution it seems thousands of diesel trucks and thousands of hours heavy equipment emitting pollutants would have been a priority to evaluate with an EIS.

Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a "temporary" activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. These are not reversible impacts. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

The MRO designation does not automatically give a business the 'green light' to operate, it does not even ensure extraction will be possible. It only identifies there are mineral resources present. This project would have received an automatic 'green light' to operate back in 2016 with little meaningful documentation if our Community had not spent countless hours and thousands of dollars submitting information supporting the safety issues and environmental issues, some are now recognized by the County to be present today. This industrial mine cannot be permitted based on incomplete and inaccurate data.

This project cannot be mitigated without causing undue hardship and adverse impacts on local residents and it is incompatible with current land uses.

In order to even try to fully mitigate road problems land-owners would be required to give up land on sections where the road needs to widen and there is no easement. The level of noise, dust and vibration that properties will receive cannot be mitigated. The County and the Applicant have had over a decade to invest into the infrastructure knowing they would be wanting to extract and transport the gravel, and yet their lack of investment and planning will cause an extreme burden on local residents if this project is allowed to move forward at this time.

Mitigation to lower the speed limit just because the applicant wants to introduce high volumes of trucks into our roads also adds the burden on the residents, increasing commute times which are already long.

There is no way to mitigate the decrease in property values due to the presence of undesirable truck traffic and adverse impacts of a nearby industrial gravel mine. Once again residents will bare the entire burden of this significant impact.

It is not just a "borrow pit" as one of the CNW representatives told the Hearing Examiner in a meeting. It is a high intensity, full scale industrial mine and transportation project that will remove and transport 4.2 million cubic yards of gravel and transport it via an inadequate, substandard public road system across wetlands and wildlife habitat. They will strip all topsoil, timber and vegetation and excavate 50 to 90 feet deep over 50 acres, this an open pit industrial mine with a 25 year duration. Approximately 6500 feet of Samish River front is the eastern border of the mine, this

project clearly needs a comprehensive EIS to identify all its adverse and dangerous impacts.
Please take another look at all the impacts this industrial mine will have on this area and listen to the
valid concerns we have regarding this project.

Sincerely,
Linda & Robert Walsh
21710 Prairie Road
Sedro Woolley WA 98284

From Host Address: 172.92.205.62

Date and time received: 3/11/2022 3:32:18 AM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:26:55 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 4:00 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Robert & Linda Walsh
Address : 21710 Prairie Road
City : Sedro Woolley
State : WA
Zip : 98284
email : walshl2006@hotmail.com
PermitProposal : #PL16-0097 & PL16-0098
Comments : March 11 , 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to express my concerns again about the proposed gravel mine located near Grip Road and the Samish River. This is in regard to Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098. I am commenting on the new Mitigated Determination of Nonsignificance (MDNS) that the County issued on February 24, 2022. I sent comments in last year, on the MDNS dated April 15, 2021, but then the County withdrew that MDNS (on May 23, 2021). I understand that the comments I submitted last year won't be part of the formal record for the new MDNS. Unfortunately, it appears that very little has really changed regarding this proposed industrial scale mine. So, I am attaching my original comment letter. Please make these comments part of the record for this new MDNS. I am very disappointed that the County and Miles Sand and Gravel still have not addressed many of the community's concerns. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

I do understand that some new mitigation measures have been proposed in this MDNS, but they are not sufficient. For instance, conditions were proposed that address hours of operation (Mitigation Measure #2) and numbers of daily truck trips (Mitigation Measure #13.vii.). In both of these cases, vague "extended hour" scenarios are allowed without clarity about how or when this would actually happen, what additional conditions "may" be imposed, and there is no assurance that the public would be consulted or informed about these extended hours. Especially regarding truck numbers, the wording is unclear, and the limits are far too high. Similarly, the County has finally recognized that the private 2.2 mile long haul road is part of the project, but no mitigation is proposed to restore and protect the 36 wetlands and 21 seasonal streams that are within 300 feet of the haul road (this haul road was massively rebuilt in 2018, without a new permit, for mining purposes). In addition, not enough measures have been proposed to ensure that the haul road will not cause slope failure in the Swede Creek gorge, threatening this fish bearing stream.

Thank you for the opportunity to comment.

Sincerely,

Linda Walsh
Robert Walsh
21710 Prairie Road
Sedro Woolley WA 98284
March 11, 2022

Please view link for video of truck on Grip Road crossing the center lines just to make the corners.

The comment site will not let me upload or attach a link to this letter so Please go online and view it on the Central Samish Valley Neighbors facebook page.

Linda Walsh
21710 Prairie Road
Sedro Woolley WA 98284

From Host Address: 172.92.205.62

Date and time received: 3/11/2022 3:55:14 AM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 11, 2022 4:26:10 PM

From the PDS Email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 11, 2022 10:20 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Wallace Walter Groda
Address : 6386 Lillian Lane
City : WA - Sedro Woolley
State : WA
Zip : 98284-8818
email : wallacegroda@msn.com
PermitProposal : Special Use Permit Application #PL16-0097
Comments : By Electronic Portal, Email, and in-hand delivery

March 11, 2022
Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

cc: Skagit County Commissioners: Ron Wessen, Peter Browning, Lisa Janicki
Skagit County Sheriff: Don McDermott

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Permit Process Comments:

Despite the County's recent invitation for public comments, it continues to be very disappointing and frustrating that none of those past comments have resulted in either being included as action items for the permit or feedback as to why the Planning Department has decided not to include

them. The MDNS has little changed as to where it was several years ago. The environmental review continues to ignore numerous issues and a structured traffic impact analysis for the entire haul route is still wanting.

A great deal of time and money has been spent by the County, by Miles Sand and Gravel, and by the public during the past six years, we've made little progress, and it's still not apparent that we have a roadmap on how to productively address the issues that will conclude with a safe traffic plan and an environmentally protective permit for the mine. An efficient process to clearly define all the criteria and input for the permit is still needed. Presence and overview of the County Commissioners in these large, complex project permits would be beneficial for providing accountability for the results. The Skagit County Sheriff Department should also be alerted about the expected traffic impacts and prepared for potential enforcement needs.

Permit Comments:

I purchased my farm property on Grip Road nearly 20 years ago and have done the Prairie/Grip Road commute one or more times daily since then. During that time, I have never witnessed a gravel truck with a pup stay in its lane on Grip Road. And worse, I've had several occasions of close calls when those oncoming rigs have crossed the center line. My neighbors have had those same experiences and are very concerned that nothing has yet been done or will be done to address this hazard on Grip Road for the permit. The collision risk will only get worse once mining operations start and the truck/trailer traffic intensifies.

My comments regarding Prairie Road and Grip Road:

1. The two right angle curves on Prairie Road near Highway 99 that requires modifications (widening) in the newly issued MDNS measure 80 degrees and 98 degrees.
2. There are sharp curves on Grip Road that measure 80 degrees (Prairie Road intersection), 132 degrees for a curve along the route to the mine entrance, and 90 degrees at the mine entrance road. This section of Grip Road is steep, the road is very narrow (narrower than Prairie), has virtually no shoulder, and has many places of limited visibility.
3. Continuing east from the mine entrance/exit on Grip Road to the Mosier Road intersection, there are 5 curves/turns ranging from 85 to 90 degrees.
4. Modifications for Grip Road are as much, if not more needed, than those being required for Prairie to reduce collision risks.
5. The intersection of Grip Road with Prairie has been improved but still has limited visibility and does not meet county code. Further improvement is needed for car and school bus safety, especially with the big increase in truck and trailer truck and trailers that will accompany the mining operation.

My comments regarding needed Grip Road improvements:

1. Do not allow gravel trailers on Grip Road until a thorough traffic study (including auto turn analysis) is done for this segment of the route that will assure haul rigs can stay in their lane.
2. Provide a turn and merge lane at the Prairie Road intersection to prevent the haul rigs from

crossing the center line on Grip Road

3. Provide turn and merge lanes for entrance and exit from/to Grip Road and to/from the mine road.
4. Do not allow any truck and trailer combinations to travel east of the mine entrance as those curves are as bad, if not worse, than those on Prairie that you require widening.
5. Require that all truck and trailers exiting the mine travel only from the mine directly to Prairie Road.
6. Do not allow 3rd party sales at the mine site unless they are counted in the haul number limitations for Miles and are restricted to the same haul routes.

My comments regarding haul routes:

1. Define and allow gravel transport only on those routes deemed safe for truck and trailer operation.
2. Reconsider the I-5 return route option for gravel hauling from the mine. The intersections on Cook Road with I-5 and on with Highway 99 are already experiencing very heavy traffic congestion. There are repeated traffic jams there each day and it's especially bad at commuter times. Gravel trucks/trailers coming from the Belleville plant already have problems making a right turn to access I-5 South. These trucks commonly use all three lanes at the intersection entrance and cross into the oncoming lane at the exit onto Cook Road. Trucks and cars often have to back away from the intersection to enable the truck to make that turn. Fully loaded trucks and trailers on Cook Road coming from the mine will not be able to back up without significant problems.
3. Load restrictions on the Highway 99 Samish River bridge will not support a fully loaded gravel truck and trailer. The permit should limit the transport weight to the bridge limit unless another route undergoes a safety review and is approved.

My comments regarding truck trip number limits:

1. The round trip hourly limits (30 round trips/hour) and daily averages (23 round trips/day) are inadequate for managing hauling activity. The 30 round trips/hour, particularly for an extended time, is extremely high and would have severe consequences on traffic hazards and traffic congestion.
2. There should be two hourly maximums; one that is low during work/school commuter time (6:30AM to 9AM and 3:30PM to 6PM) and a second for light traffic times (9AM to 3:30PM).
3. The permit should provide reasonable limits on hourly, daily, and weekly round trips as well as "average" round trip limits.
4. Make up days should be highly restricted to avoid the frequent bicycling and bicycling events that occur during weekends.

My comments regarding environmental compliance testing:

1. A water testing program should be required in the permit. The intent of the program is to identify and manage problems that the mining operations cause to the storm water runoff. This will protect the water shed, the Samish River, and the ground water. Water samples should be taken at specified

locations on the Samish River above and below the mining operation.

2. At a minimum, the tests should include total oil and grease, total suspended solids, total dissolved solids, and pH.

3. Test methods and frequency should be clearly spelled out in the permit. Testing should be done by a qualified lab and reported to the county and/or the Washington State Department of Ecology. Miles should be responsible for those costs. Note: these are standard requirements for all refineries, chemical plants, water treatment operations, and many other industries in Washington.

My comments regarding future reclamation:

1. Skagit County has many abandoned quarries and mines that have been left by owner/operators that are ugly scars on the landscape. There are many ugly stories of the cleanup and costs facing government agencies and the tax payer for those restoration activities. There are currently at least four inactive quarries within three miles of this proposed mine site and none have had any reclamation done at all.

2. The permit should define specific requirements for reclamation at the end of the permitted 25 year operation. An escrow account funded yearly by Miles is needed to assure that money is available for reclamation when operations cease.

Thank you for the opportunity to comment.

Sincerely,

Wallace Groda
6386 Lillian Lane
Sedro Woolly, WA 98284

From Host Address: 50.35.56.110

Date and time received: 3/11/2022 10:19:50 AM

Matt Mahaffie
22031 Grip Road
Sedro Woolley, WA 98284

March 11, 2022

Kevin Cricchio
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: PL16-0097 & February 22, 2022 MDNS

Dear Mr. Cricchio,

I am writing in comment to the most recently issued MDNS for special use permit application PL16-0097, a proposed operation of a gravel mine by Miles Sand & Gravel. I am supportive of the need of the company to have a reliable source of their base material going into the future, a need that also in many cases has a public benefit, but still have serious concerns about the proposal as presented which will place undue burden upon the local community's quality of life, safety, and environment without any meaningful mitigating measures volunteered by Miles nor Skagit County, even after extensive public input for going on seven years now.

I am very familiar with this property, having spent over 20 years traversing all portions of the property when it was open for public access (previous owners) as well as reviewing it professionally as a wetland/critical areas specialist under other development proposals. I am also a nearby resident of the community who also spent many years as a CDL licensed driver of the types of trucks proposed to be utilized with this endeavor. Specific concerns are as follows:

Critical Areas Review

In the normal course of work (as a local County Environmental Planner as well as a private critical area consultant) I personally have the utmost respect for Graham-Bunting Associates, Northwest Ecological Services, and Skagit County Planning staff, and as previously commented, respectfully disagreed with a few key findings presented with the supplied reports and/or the scope of work that should have been specified by Skagit County. The fact that these distinct factual errors and very clear requirements of Skagit County Code were ignored after being pointed out by the Washington State Department of Ecology, two Skagit County approved Critical Area specialists, and countless community members is very disturbing.

- The singular wetland rating put forth for the riparian wetland associated with the Samish River appears accurate (Graham-Bunting, 2015), even if current wetland

rating standards were applied. However, the land use intensity (moderate) put forth in no way conforms to the land use intensity description put forth in Appendix 8C of WA DOE Publication No. 05-06-008 as required if using the alternative buffers in SCC 14.24.230(1)(b). This is not just my personal opinion; it is my opinion as a Natural Resource Planner and staff biologist for a local County government, trained by the Department of Ecology in the use of their rating system, as well as a consulting wetland professional recognized by Skagit County since 2006. It was also the consistent opinion every professional wetland scientist and agency reviewer that I inquired with, including the Department of Ecology (Doug Gresham, DOE, personal conversation 12/23/16 and Chris Luerkens 3/11/2021) the authors of the said referenced publication who has also commented to Skagit County on this proposal with this specific fact (December 27, 2016 letter from Doug Gresham to John Cooper).

The land use intensity for a full-time gravel mining operation is unquestionably **high**. A high habitat score (as put forth by the supplied wetland rating) requires a 300ft wetland buffer per SCC 14.24.230, not 200ft as proposed (300 also being the standard buffer).

- The Graham-Bunting mine site review/assessment also neglected SCC 14.24.230(2), where in general, buffers are to extend 25 feet past the top of sloping areas that are 25% or greater. The site plan as indicated shows areas where this provision is applicable. Regardless of the aforementioned land use intensity issue, the buffer likely should still extend past the line indicated in areas unless there is a rational reason put forth not to, which does not appear to have been done specific to this.
- A wetland assessment is required for the mine site portion of the project as proposed (regardless of the land use intensity) per SCC 14.24.220. A wetland assessment has not been submitted for this project even though the Graham-Bunting Fish & Wildlife Assessment made it clear that a wetland was present. This report nor subsequent addendum meets the standards put forth by Skagit County Code for a Wetland Assessment. The wetland assessment should include a wetland delineation which was also requested to be completed by WA DOE during the initial SEPA comment period and noted by myself in two prior versions of this letter. It is unclear why this portion of Skagit County Code was ignored.
- Initially, critical area review, and to a lesser extent SEPA, was limited to the proposed mine site only. However, a Northwest Ecological Services “Impact Assessment and Mitigation Plan” noted the presence of presumably all wetlands and streams within the haul route. While the document was noted to not be a complete Wetland or Fish & Wildlife Assessment as put forth by Skagit County Code, it does appear to give a baseline on site conditions along the haul route. However notable discrepancies were noted:

- o As with the mine itself, the proposed haul route was noted as moderate land use intensity (report referenced Graham-Bunting for such, not an individual finding/analysis). The haul route cannot be conceived as as such, it is high intensity as well, and should have the appropriate buffers for that consideration.
- o No consideration was seriously given in the assessment to the change of use. This road went from an average of 12ft wide to over 28 per aerial photos, a significant change. While the structure was permitted under forest practice rules, such a change speaks to the proposed usage. Forest roads are intended to be excluded when used for forestry, a use that is basically fleeting in nature; a short time of harvest and then let rest for possibly decades with only minimal use until the next harvest. One can see the road 10 years ago, almost completely vegetated over, now a scar on the landscape. This continual maintenance for new use, and the 20 years of continual use will affect all of the wildlife that would still use these critical area/buffers under forest management only.

No consideration was made to such wildlife use; migration, water access, shelter, etc. This will be a distinct habitat break in what is presently one of the largest undeveloped tracts of left in lowland Skagit County, home to deer, bear, cougar, and elk as well as many avian and small mammal species in addition to the more water dependent amphibians found within the wetlands that depend on being able to traverse wetland buffer areas as part of their life cycles. Heavily trafficked corridors are well known to affect the habits of such wildlife and no assessment was made for this. There is ample literature available, best available science as it were, that could be drawn upon. However, none was cited or referenced in analyzing this change.

- o The road crosses one of the most productive tributaries in the Samish River basin as well as being within the buffer of many wetlands and small streams. Light, noise, and dust are all measurable impacts (and noted within Skagit County Code) as impacts to be mitigated for, however, Northwest Ecological Services did not even address such. Northwest Ecological has been observed to more properly address such impacts, and those noted above, on numerous other projects I have reviewed. It is unclear why the scope of this proposal has been so minimized and not actually addressing any of the potential impact of the amount of truck traffic this will produce or the habitat it will undeniably fragment. The road has already been improved, and it would be ridiculous to think that the significant improvements (grading, surfacing, and vegetation clearing) were solely for “forest management” after the special use permit is granted. It is unclear from the available documentation why Miles is not being held to the same standards as numerous clients of mine (professionally) building simple single-family homes have been, even

within the provided ecological assessments; addressing the clear intensification of impacts when transferring the use of a logging road to another use.

- No meaningful protective measures have been assessed to the buffer of the critical area adjacent to the mine operations. While recording of a Protected Critical Area (PCA) site plan is standard and generally adequate for a single-family home, a commercial operation with employees on heavy equipment, no oversight, and no vested interest in the observation of the buffer is a recipe for disregard of said buffer (not to mention a PCA is required by SCC). Glaringly as well, there is no reference on the ground for the buffer. If there is no survey or mapping, how will anyone know where the buffer is? The buffer should be required to be demarcated in the field, an absolute standard practice, and in reality, should be fenced as well (absolutely another standard industry practice).
- All conversion activities (PL16-0098) were supposedly limited to the mine site. Most recent aerial photos of the site (Google Earth August 2020) clearly indicate conversion activities that have occurred onsite, including conclusively within the standard review area of a clearly apparent wetland, quite likely within the buffer. This was not addressed by the Northwest Ecological Report which supposedly covered this area. The proposal and subsequent review has in no way addressed these areas of converted forest land as defined by WAC/RCW, with the scope of the noticing of the conversion activities not held to, nor the apparent non-compliance of issued FPA conditions.

Noise

The applicants have stated that their project will have no noise concerns to the neighborhood. This is blatantly false. A raised voice can be heard on neighboring properties to the north (known from personal past observation) from the area proposed to be mined. How would heavy equipment not be heard? An excavator bucket hitting the side of a dump truck is as loud as a small caliber rifle shot, and such hits and bucket shaking will take place many times a day with such a mining operation. All of the neighboring properties will be subject to such noise. On the upslope side (where I live), any use of the onsite road system by even a diesel pickup truck can be clearly heard outside on a clear day, heavy equipment use can be heard inside. There is absolutely no way mining operations will be fully self contained in regards to noise. Operations during standard business hours would be one thing, but evening and weekend operations would result in a seriously degraded quality of life in this regard. While it can be noted that the area is in a mineral resource overlay (zoning), the overlay was added after many of us moved into the area.

Also lacking in analysis is the road noise going east from the site, and very questionable analysis going west. Although eastern traffic is not part of the proposal, without a condition regarding such, there will very likely be traffic going that way as well. We live on a small country road, and most of the homes are close to the road. When the

infrequent gravel truck and trailer passes by, the entire house shakes, both from the noise of the truck/engine, and the constantly used exhaust brake. The noise has been so loud that objects have fallen off of walls, children wake from naps, and any sense of peace and quiet country living is shattered. We knew the conditions when we bought property in the area, and were accepting, but a constant and potentially hundredfold increase in daily gravel truck traffic would be unacceptable for any in the area, especially in light of the fact that Skagit County Planning staff required that my home be built abutting the road rather than the several hundred feet back that I desired to address such issues. These trucks will pass many homes and will cause significant duress for many residents.

Traffic Safety

While it is nice to see that the County added conditions regarding the two 90-degree corners closest to Old 99 on Prairie Road be fixed prior to truck/trailer combos being allowed to access the site in the updated MDNS, glaring omission was made to the status of Grip Road if such happens. As an experienced driver of the types of trucks in question (still hold Class A CDL and have for many years), yes, a dump truck and pup trailer may technically traverse Grip Road from the property to Prairie Road. Reality, however, is far different. Virtually no truck driver is going to consistently traverse this road section safely. Center lines will be crossed and shoulders will be driven upon, it is a given. This creates an issue for taxpayers who will have to repair the road, for the environment that will be degraded by the continual influx of sediment from damage to the shoulder/ditch, and the public safety. There will be no place to safely walk or ride a bike on this stretch of road with trucks and trailers cutting corners. Families walk in the area, ride bikes, and commute on this road (as well as Prairie Road). Also present are hundreds of bicyclists throughout the warmer months with numerous planned rides/races using this area as one of the “safer” routes.

With the development of the Tope Ryan Conservation Area (Skagit Land Trust property at Swede Creek on Grip Road) trail system, the lower end of Grip Road has also become a park like setting with many families using the area, walking the road and bridge, and swimming in the river (which can only be accessed after walking from the parking spots down the road). How will this safety issue be mitigated? While I let our older children ride their bikes down to the river now, or their friends house, I cannot allow such with such an increase in industrial truck traffic. My children’s safety and basic childhood experience will forever be altered by this proposal.

In over 30 years of living in the area, I have noted numerous very serious accidents at the intersection of Grip and Prairie Roads, one of the worst blind corners in the County. Recent work by Skagit County to extend the site distance has not significantly changed the response time for a driver, and while past lowering of the speed limit has helped some, but having trucks and trailers essentially blocking the intersection throughout the day will lead to disaster, regardless of a blinking warning light (that the drivers will assuredly become numb too).

While Grip Road can technically be argued to be traversable from the property in question to Prairie Road, it absolutely cannot the other way (east). The two 90-degree corners immediately west cannot physically be traversed by a truck and trailer within the bounds of their assigned lanes. Presently, when a truck meets another vehicle, one must stop as the truck must cross into another lane to traverse the corner. It is unclear why traffic analysis did not address this when application materials clearly left open the possibility and likelihood of routing this way (and why the County has only noticed the project with truck traffic going west) without any kind of mitigating measure put forth in the MDNS.

Future Plans

It is the stated purpose of the applicants and the County that this project is to haul gravel to haul to their other facilities for processing. However, onsite sales are also mentioned in some documentation, as is residential development. Miles also states their need as the existing pits in their portfolio are being depleted. That begs the question of why would they continue to haul to other pits for processing? It would seem to be much more practical to bring their processing to this site. The issuing of this special use permit with the presently recommended conditions would simply lead to further intensification of the site and all that would entail (onsite processing, retail sales, batch plant construction?). Honesty and consistency on the part of the applicant with proper conditioning of the permit is a must, with an MDNS issued that applies concrete terms, not generalities; to be applied to any issued permits as well. Miles has not been a good neighbor here, or on other properties, and there is no reason to think that would change.

Additionally, the application states that the overall haul route being the Grip Road, Prairie Road, and Old 99 Route. It has been brought up, especially by those who also drive such trucks, that a more logical route would be to send empty trucks back to the new pit via a Sedro Woolley north on Hwy 9 over to Grip route, keeping miles trucks from meeting other company trucks on the narrow roads and keeping trucks from having to traverse the hill on the back side of Grip. However, even though this would be a simple MDNS condition to address (prohibition of such route), these comments have also been ignored.

Conclusions

Whether I am sure that it was not intentional, the permitting review of this project quite preferential to the applicants and has created a high level of distrust with Skagit County in the local community, and I find that quite unfortunate. It is understood that as a company that supplies materials derived from mining operations that a reliable supply going forward would be a business necessity. However, unlike the other gravel pits in the Miles portfolio, they are not acquiring an existing pit in a neighborhood, but creating a new one in an existing, long-established neighborhood. There will be notable environmental, quality of life, and safety impacts with no notable or worthwhile mitigating conditions placed upon the applicants, and in many regards is a slap in the face

to the citizens of Skagit County I work with on a daily basis that must comply with Skagit County Code to get their permits. Regardless of the complete lack of understanding of the SEPA process to put a mitigating condition as following County code, in the instance of following the CAO while blatantly ignoring factual errors as pointed out by professionals as well as representative of the Agency which wrote and manages the documentation the County is to follow is appalling.

We, the neighbors of this site, and the citizens of the County as a whole, should not have to bear the costs for a private companies profit whether it be lost property values, health and safety, or via sacrifice of local habitat and sensitive environments. While at this time I do not support the project as proposed, the appropriate conditions following review (that is required by Skagit County Code) would make it much more palatable and supportable. This should be via a holistic review of the proposal followed most likely by an EIS.

Thank you for your time and consideration on this matter.

Respectfully,

Matt Mahaffie

From: [Matt Mahaffie](#)
To: [Kevin Cricchio](#)
Subject: PL16-0097 Comments
Date: Friday, March 11, 2022 3:37:17 PM
Attachments: [comment letter-20220311.pdf](#)

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Kevin,

Please see attached for comment letter for Miles Sand and Gravel MDNS comment period for PL16-0097. Yes, I understand it officially needs to be through the comment form (it was), this pdf format is much easier to read.

Thank you,

Matt Mahaffie

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MAR 11 2022

SKAGIT COUNTY
PDS

March 8, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

As a resident on Grip Rd. for well over 20 years we have many concerns about the significant increase in traffic. Currently there are several 90 degree turns to navigate on Grip Rd. It is impossible for a truck and trailer to stay in its designated lane. Is someone going to have to be seriously injured or killed for you to address the impossible safe navigation of trucks and trailers on this road? There are NO fog lines on this road, that is how narrow it is. Lift your heads from the sand and see that this is NOT safe for my community.

It seems unreasonable that a company would be permitted to mine so close to Samish River and Swede Creek. Homeowners cannot do anything so close to wetlands or creeks. How is it that a MINE can be allowed to do this and I cannot hardly even put a picnic table next to a creek?! This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate. Who is going to pay for my road to be repaired when upwards of 25 trucks a day can haul gravel down my road?

I feel confident that no one from Miles lives on or near this road otherwise they would not even consider this. Tear up your own community, not mine.

Sincerely,

Andrea & Steve Garcia

22199 Grip RD.

Sedro Woolley, WA 98284



MAR 11 2022

SKAGIT COUNTY
PDS

March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, Wa 98284

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

I am writing to comment on the new MDNS for the Grip Rd gravel mine. I have followed the county's oversight of this project almost since its start five plus years ago, but my personal interest is now much greater than it was back then. My 13-year-old grandson now lives with us and will, at times, be riding the school bus to Cascade Middle School in Sedro Woolley. I am very concerned for the safety of everyone on the roads in our area, especially school busses, if the county doesn't do more to keep the roads here safe after the mine is in operation.

Now, I know your office took a look at some of traffic concerns around this project because you're requiring mitigations for the two sharp turns on Prairie just east of old 99 and the Samish bridge on old 99.

But what about the rest of the haul route? There are two areas especially where it is very dangerous right now! I can't for the life of me understand why the county hasn't required effective mitigation measures in this new MDNA for at least the two areas below.

First, the downhill curvy stretch on Grip just west of where the mine access road comes in. As anyone will tell you, it's a white-knuckle experience meeting a dump truck anywhere on that short stretch of road. It's too narrow, the turns are pretty sharp, there's not much of a shoulder, the truck always comes over into your lane, and there is not much visibility around the curves – he's almost on top of you before you see him.

That's with a car or pickup meeting a dump truck. A school bus meeting a truck/pup combination on the road the way it is now could lead to an awful tragedy. Isn't it your job to protect the public interest? How can the county turn a blind eye to such a dangerous situation?

The second part of road I want to talk about is the Grip / Prairie intersection just west of the downhill section on Grip. Two parts in this area—two bridges and the intersection.

The bridges -- Why is there no mention of any protection for the Samish bridge on Grip comparable to that for the bridge on old 99? Is the Grip bridge in much better shape? When

was it last inspected? What is its load limit? And all the same concerns hold for the bridge on Grip over Swede Creek, immediately east of the bridge over the Samish River.

Both of these are salmon streams. A lot of public and private money and effort has been spent working to improve and expand salmon habitat in this drainage. A truck in either of those waters could set things back a long ways. Have you shown they can handle this level of traffic?

Finally, the Grip / Prairie intersection . Visibility a big, big issue here. Traffic west bound on Prairie often goes through the intersection at a pretty good clip and has to slow down for rigs turning west onto Prairie from Grip. When making that turn onto Prairie you just can't see far enough east on Prairie to avoid having traffic back up behind you. The recent work cutting the hill back has helped, but it's still pretty dangerous.

With a gravel truck it's much more pronounced. With a constant string of truck/pup combinations, it could get pretty uncomfortable for everyone involved. Why can't the county could require a merge lane from the intersection west long enough for the trucks to get up to speed? That doesn't seem unreasonable, does it?

Both of these areas get some gravel truck use now, of course. But there will be a lot more truck traffic when the mine is up and running. How much more? Despite some numbers, (46/day, up to 30 /hr -- are there others I missed?) there aren't any real hard and fast limits. And even though Miles now says they plan to work set hours and not on weekends, I couldn't find anything in the permit that actually limits trucks per hour or hours per day.

Why does Miles need a blank check in this area? Why won't the county set limits to extra traffic on the roads and hours of operation? That would act to limit all potential dangers on the roads and seems very reasonable to me.

Thank you for your time considering my comments. This is very important to my wife and I – it will directly effect the risk our grandson will be exposed to while he is attending public school here!

Larry William Hedgpeth. 360-855-8326

5809 Brookings Rd

Sedro Woolley Wa 98284

MAR 11 2022

SKAGIT COUNTY
PDS

March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, Wa 98284

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

Since I commented earlier today about the proposed gravel mine on Grip road, my thoughts have kept going back to other concerns about roads and traffic safety. So I decided to submit another comment before today's deadline. Most of these notes are similar to the letter I submitted on 4/30/2021.

A major concern is the route the trucks will use getting to and leaving the mine. The only plan I have heard about is to take the gravel to a site south of Prairie Road on old 99 for processing and sale. Is there anything to limit Miles to that route or that destination? If so, that should be spelled out clearly in the paperwork for the permit and / or the MDNS. Failing that, shouldn't the county consider the condition of all likely haul routes and include reasonable requirements for them also in the MDNS? Many of these routes have some of the same problems as the route that has been identified – sharp turns, narrow roads, lack of shoulders wide enough for bicycles or people, limited visibility, etc.

Many of the roads up here were not built to any modern standard of width or materials. Running thousands of full gravel trucks a year over the same route could result in some pretty expensive repair bills. Will Miles be required to pay a share? Maybe using a variety of different routes would cause less of an overall impact and actually save money.

The warning lights at the mine entrance and at the Prairie/Grip intersection may work fine, or they may need some sort of an upgrade or to be replaced by a different traffic control system. How can anyone tell in advance what will be needed at those two spots to keep everyone safe?

The county should examine all of this very carefully before giving Miles such a long permit.

Here's an idea I haven't heard considered yet: why not give the mine a provisional permit for 3 or 4 years of operation to see how many of these problems come up and how bad they are? Then the mitigations for the balance of the 25 year permit could be negotiated on the basis of evidence instead of conjecture.

Shouldn't the county represent the interests of all of us – Miles **and** the general public? Miles is a pretty large, successful company with people on staff who are well experienced working with government agencies on all the issues involved in the permitting process. Who in the county is representing the general public or the public interest?

Over this long process, many issues have been raised and questions asked by concerned citizens. And many, many comments submitted. But only very rarely in the past 5 years have any of us been able to dialogue with county staff in a substantive way about any of these issues and concerns. The process has not worked very well for those of us on the outside. If the county doesn't listen to us, how can we be heard?

Larry William Hedgpeth. 360-855-8326

5809 Brookings Rd

Sedro Woolley Wa 98284

RECEIVED

MAR 11 2022

SKAGIT COUNTY
PDS

By Electronic Portal, Email, and in-hand delivery

March 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

cc: Skagit County Commissioners: Ron Wessen, Peter Browning, Lisa Janicki
Skagit County Sheriff: Don McDermott

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Permit Process Comments:

Despite the County's recent invitation for public comments, it continues to be very disappointing and frustrating that none of those past comments have resulted in either being included as action items for the permit or feedback as to why the Planning Department has decided not to include them. The MDNS has little changed as to where it was several years ago. The environmental review continues to ignore numerous issues and a structured traffic impact analysis for the entire haul route is still wanting.

A great deal of time and money has been spent by the County, by Miles Sand and Gravel, and by the public during the past six years, we've made little progress, and it's still not apparent that we have a roadmap on how to productively address the issues that will conclude with a safe traffic plan and an environmentally protective permit for the mine. An efficient process to clearly define all the criteria and input for the permit is still needed. Presence and overview of the County Commissioners in these large, complex project permits would be beneficial for providing accountability for the results. The Skagit County Sherriff Department should also be alerted about the expected traffic impacts and prepared for potential enforcement needs.

Permit Comments:

I purchased my farm property on Grip Road nearly 20 years ago and have done the Prairie/Grip Road commute one or more times daily since then. During that time, I have never witnessed a gravel truck with a pup stay in its lane on Grip Road. And worse, I've had several occasions of close calls when those oncoming rigs have crossed the center line. My neighbors have had those

same experiences and are very concerned that nothing has yet been done or will be done to address this hazard on Grip Road for the permit. The collision risk will only get worse once mining operations start and the truck/trailer traffic intensifies.

My comments regarding Prairie Road and Grip Road:

1. The two right angle curves on Prairie Road near Highway 99 that requires modifications (widening) in the newly issued MDNS measure 80 degrees and 98 degrees.
2. There are sharp curves on Grip Road that measure 80 degrees (Prairie Road intersection), 132 degrees for a curve along the route to the mine entrance, and 90 degrees at the mine entrance road. This section of Grip Road is steep, the road is very narrow (narrower than Prairie), has virtually no shoulder, and has many places of limited visibility.
3. Continuing east from the mine entrance/exit on Grip Road to the Mosier Road intersection, there are 5 curves/turns ranging from 85 to 90 degrees.
4. Modifications for Grip Road are as much, if not more needed, than those being required for Prairie to reduce collision risks.
5. The intersection of Grip Road with Prairie has been improved but still has limited visibility and does not meet county code. Further improvement is needed for car and school bus safety, especially with the big increase in truck and trailer truck and trailers that will accompany the mining operation.

My comments regarding needed Grip Road improvements:

1. Do not allow gravel trailers on Grip Road until a thorough traffic study (including auto turn analysis) is done for this segment of the route that will assure haul rigs can stay in their lane.
2. Provide a turn and merge lane at the Prairie Road intersection to prevent the haul rigs from crossing the center line on Grip Road
3. Provide turn and merge lanes for entrance and exit from/to Grip Road and to/from the mine road.
4. Do not allow any truck and trailer combinations to travel east of the mine entrance as those curves are as bad, if not worse, than those on Prairie that you require widening.
5. Require that all truck and trailers exiting the mine travel only from the mine directly to Prairie Road.
6. Do not allow 3rd party sales at the mine site unless they are counted in the haul number limitations for Miles and are restricted to the same haul routes.

My comments regarding haul routes:

1. Define and allow gravel transport only on those routes deemed safe for truck and trailer operation.
2. Reconsider the I-5 return route option for gravel hauling from the mine. The intersections on Cook Road with I-5 and on with Highway 99 are already experiencing very heavy traffic congestion. There are repeated traffic jams there each day and it's

especially bad at commuter times. Gravel trucks/trailers coming from the Belleville plant already have problems making a right turn to access I-5 South. These trucks commonly use all three lanes at the intersection entrance and cross into the oncoming lane at the exit onto Cook Road. Trucks and cars often have to back away from the intersection to enable the truck to make that turn. Fully loaded trucks and trailers on Cook Road coming from the mine will not be able to back up without significant problems.

3. Load restrictions on the Highway 99 Samish River bridge will not support a fully loaded gravel truck and trailer. The permit should limit the transport weight to the bridge limit unless another route undergoes a safety review and is approved.

My comments regarding truck trip number limits:

1. The round trip hourly limits (30 round trips/hour) and daily averages (23 round trips/day) are inadequate for managing hauling activity. The 30 round trips/hour, particularly for an extended time, is extremely high and would have severe consequences on traffic hazards and traffic congestion.
2. There should be two hourly maximums; one that is low during work/school commuter time (6:30AM to 9AM and 3:30PM to 6PM) and a second for light traffic times (9AM to 3:30PM).
3. The permit should provide reasonable limits on hourly, daily, and weekly round trips as well as "average" round trip limits.
4. Make up days should be highly restricted to avoid the frequent bicycling and bicycling events that occur during weekends.

My comments regarding environmental compliance testing:

1. A water testing program should be required in the permit. The intent of the program is to identify and manage problems that the mining operations cause to the storm water runoff. This will protect the water shed, the Samish River, and the ground water. Water samples should be taken at specified locations on the Samish River above and below the mining operation.
2. At a minimum, the tests should include total oil and grease, total suspended solids, total dissolved solids, and pH.
3. Test methods and frequency should be clearly spelled out in the permit. Testing should be done by a qualified lab and reported to the county and/or the Washington State Department of Ecology. Miles should be responsible for those costs. Note: these are standard requirements for all refineries, chemical plants, water treatment operations, and many other industries in Washington.

My comments regarding future reclamation:

1. Skagit County has many abandoned quarries and mines that have been left by owner/operators that are ugly scars on the landscape. There are many ugly stories of the

cleanup and costs facing government agencies and the tax payer for those restoration activities. There are currently at least four inactive quarries within three miles of this proposed mine site and none have had any reclamation done at all.

2. The permit should define specific requirements for reclamation at the end of the permitted 25 year operation. An escrow account funded yearly by Miles is needed to assure that money is available for reclamation when operations cease.

Thank you for the opportunity to comment.

Sincerely,



Wallace Groda
6386 Lillian Lane
Sedro Woolly, WA 98284

e-mail = wallacegroda@msn.com

March 11, 2022

Comments Re Grip Road Mine Proposal, reference PL 16-0097

Overall Project Issues Not addressed in the MDNS:

Although the 2022 MDNS states that the project must comply with existing laws and regulations, they need to be more specific and have clearer monitoring and enforcement requirements.

- **Hours of Operation.** “Extended Hours” as a result of a request for a “temporary deviation” from the Monday-Friday, 7am to 5 pm, hours of operation, have no conditions, no limitations on the duration or frequency of these hours, contains no information on how the public would be consulted or notified.
- **Compliance monitoring with enforcement.** Most of the mining activity will occur in areas with no public scrutiny available. Mitigation measures must be enforceable and there must be compliance monitoring to ensure conditions to protect the natural environment are actually met. The applicant should be required to pay an annual fee to the county to cover the cost of this monitoring. Every 5 years, there should be a periodic review to ensure activities are in compliance with the original permit conditions.

Traffic, Road and Public Safety Issues Not addressed in the MDNS:

County government and the concerned public cannot evaluate the traffic safety impacts of the project and the adequacy of the MDNS without the following information:

- **The maximum number of truck trips per hour, how often the number of trips may exceed the average trips per hour, and how long the number of trips may exceed that average.** Mitigation #13 states the average of 46 trips per day , not to exceed 30 trucks per hour under extended hours of operations. The applicant’s October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 60 trips per hour (30 trucks in each direction). The SEPA determination must evaluate the traffic safety impacts of the project based on this maximum and set hard limits on this number, frequency, and duration. Unfortunately, it is not clear how these “average” truck trips will be calculated, It does not state who will be performing these calculations. It does not state what actions will be taken by the county if the applicant runs more trucks. Firm, safe limitations on daily truck trips must be imposed and monitored by the county to ensure public safety.
- **A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.**
- **Safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not.** The TIA provides analysis showing that truck and trailer combinations cannot traverse the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. The MDNS requires the applicant to take specific actions to mitigate this issue at this location. The TIA acknowledges that the same issue of lane encroachment exists at several other locations on the haul route, but neither it nor the MDNS lists those locations, provides any

analysis of the problems there, or sets out the mitigation measures required to correct them. These locations include, among others, the S-curves on the Grip Road hill and practically all of the intersections on the haul route. This is unacceptable.

- **Projections for the increase in non-mine traffic on the haul routes over time and evaluation of the safety and road capacity impacts of mine traffic with increased non-mine traffic.** The TIA uses 2020 traffic levels to evaluate mine traffic impacts and does not factor in growth.
- **Field studies to determine the speeds at which vehicles are currently traveling on the haul route and evaluation of how mine traffic will impact existing traffic given those speeds.**
- **More thorough evaluation of the accident records for all road segments and intersections on the haul route, including the contributing causes for the accidents. What are the implications for mine traffic safety?**
- **Determinations as to the actual safe speeds for any given road segment or intersection on the haul route, along with recommendations for changes to legal speed limits where they are needed for safety.**
- **More detailed evaluation of sight distances at all intersections, including “Vision Clearance Triangle” drawings as shown in Skagit County Road Standards, 2000, Appendix C – 7.**
- **A full evaluation of what the warning beacon systems proposed for the Grip Road/Prairie Road and Grip Road/Mine Entrance intersections are intended to accomplish and how they will do so.** Drivers are clearly ignoring the existing speed warning signs at Grip and Prairie. How can they be expected to slow down adequately for the warning beacons?
- **“Third party” sales at the mine would mean trucks traveling to and from the site via every route possible. Disallow third party sales from the mine.**
- **Adding heavy mine traffic to our existing, substandard roads will cause increased damage to public infrastructure and higher maintenance costs.** These impacts must be evaluated and the applicant required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels.
- **Pedestrian and bicycle safety must be evaluated along the entire haul route.** This is a particular concern in areas where there are no shoulders on Grip and Prairie, and where guardrails were recently installed on Prairie Road. Necessary safety improvements must be required.
- **Railroad crossings along the haul route will need to be beefed up.** They already require upgrades every 5 years with the current traffic levels.
- **School buses are along the haul route.** The school buses should be fitted with safety belts and the school bus driver must be responsible for ensuring the children are buckled up.
- **Traffic enforcement is almost non-existent along the long haul route today.** Funds must be set aside to increase manpower and equipment to ensure road safety and traffic law monitoring.

Environmental Concerns Not Addressed in the MDNS

The environmental review did not consider the full footprint of the project. The applicant owns more than 700 contiguous acres, however only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road.

This private road has previously been used only for forestry. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

Haul Road Expansion, construction and usage will cause significant impacts. The applicant's own Critical Area Report for the haul road revealed 36 wetlands and 21 seasonal streams within 300 feet of the haul road. The report did not resolve usage issues between an occasional forestry operation and a busy mining operation.

Heavy truck traffic on the unstable slopes of Swede Creek gorge will have catastrophic effect. These unstable slopes and existing road failure issues will deliver debris and sediment into the creek. The Geo-Tech memo takes a cursory look at these issues without truly addressing them. A more thorough evaluation should be done by a qualified geologist to ensure preventative management of the road's drainage system.

The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.

The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than six-years-old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as "Endangered" in Washington State and "Threatened" federally. In addition critical habitat for Bull Trout is located just downstream, Bull Trout is a "Candidate" species for listing in WA State, and is listed as "Threatened" federally. The MDNS does not mention these "ESA" species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.

Wildlife corridors are not identified and protected. Deer, cougar, bear, coyote and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

A drainage plan was not required to protect water quality from runoff on the private haul road.

Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, Samish River and Samish Bay.

Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. They claim that all runoff from the disturbed site will drain into the mine, and infiltration will protect the groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. No mention of seasonal fluctuation of the groundwater is discussed. Furthermore, with the previous nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river. \Our Community Well currently has VERY GOOD water and we have every right to have that quality maintained.

The Noise and Vibration Study did not use realistic scenarios to model noise impacts. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from "typical" and "average" mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a "temporary" activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

Thank you for ensuring these issues are dealt with to our satisfaction.

 3/11/22

Herb and Debra Anderson

7374 Erna Lane

Sedro Woolley, WA 98284

deb_janderson@hotmail.com

March 10, 2022

RECEIVED

MAR 11 2022

SKAGIT COUNTY
PDS

Kevin Ciccio, Senior Planner
Skagit Planning and Development Dept
Regarding File #PL16-0097 and PL16-0098

Dear Sir,

The letter is to register my opposition to the proposed gravel mine that has been moving through the permitting process for the last 6 years. Despite the obvious allure to the land owners of the resource they purchased the land to extract, it is a completely inappropriate location for a long term, industrial scale operation. The surrounding roads were never designed or built for the volume of heavy trucks pulling trailers that would be moving through these quiet residential neighborhoods for years to come.

At a minimum, the commission should require a full Environmental Impact Statement regarding the proposed mining operation, which is likely to demonstrate the hazards it poses to the roads, the region, and the people and wildlife living there. This EIS can provide cover to do the right thing and deny the permits for this mine.

If this operation were being proposed down the street from any of you decision makers, I imagine you would have a different view of it, and understand the strength of the opposition it from the neighborhood. To those who live in the immediate region, including the residents of the streams, river, and wetlands adjoining the site, the effects of this proposed operation are anything but "insignificant", as determined by your commission.

Please reconsider your determination of non-significance and require a full review of the Environmental Impacts of the proposal.

Sincerely,



Lois Canright
11589 Martin Rd
Rockport, WA 98283

MAR 11 2022

SKAGIT COUNTY
PDSMOUNT VERNON ACUPUNCTURE CLINIC

Donald Butterfield, Acupuncturist

February 01, 2022

To Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon WA 98273

Re: Mitigated determination of Nonsignificance for proposed Grip Road Mine
File #PL 16-0097 & PL 16-0098

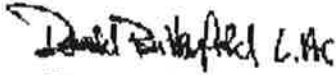
My letter is mainly in regard to the traffic study. The county is refusing to acknowledge what the amount and damage the mine will do. The county needs to do a full traffic study. Just doing a flashing light at Grip Road it does not adequately address this corner. This is a blind curve as one who travels this road just about every day this can be a dangerous corner. There is a rise from Grip Road to Prairie Road it will be hard for a double trailer truck to pull out with just a flashing light. This will need to be a full stop light.

As a commuter driver, when Miles starts running this amount of trucks the commuter traffic is going to start to move to Parson Creek Road. This should also be a part of the traffic study. There will also eventually need to be a traffic light on Prairie Road and Hwy 99. Miles should have to pay for that also.

You have asked that only at the sharp curve near HWY 99 for Miles to work to address the truck crossing over its lane. As one who travels this every day there is no room to widen the curve here without taking land from the property at those corners. Is the county taking land from private citizens to enrich a private company. There are several other spots along the road where this will also be a problem. These need to be addressed in the traffic study.

Since travelling along Hwy 99 with Bow Hill closed I have seen how much truck traffic pulls out onto Hwy 99. To think that the Miles site will be putting even more traffic onto Prairie Road. There needs to be a more complete study of the impacts of this much traffic on Prairie Road based on how much traffic there will be in the future not just now

We need to look at the growth for the full life of the projects not just from 2020 when traffic was lighter from covid.


Donald Butterfield

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MAR 11 2022

SKAGIT COUNTY
PDS



March 10, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

With this letter the Land Trust is submitting comments on the new Mitigated Determination of Nonsignificance (MDNS) on Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 and PL16-0098. This MDNS was issued by the County on February 24, 2022. The Land Trust submitted comments last year on the MDNS dated April 15, 2021, but that MDNS was subsequently withdrawn on May 23, 2021. It appears that very little has changed regarding this proposal, so the original letter sent on April 30, 2021, is still completely relevant, and is attached. Please make these comments part of the record for this new MDNS.

As stewards of important conservation lands along the Samish River, just downstream from this proposal, the Land Trust continues to have many concerns about the significant impacts of the project that have not been adequately evaluated, and the absence of acceptable mitigation for those impacts.

Thank you for the opportunity to comment.

Sincerely,

Molly Doran
Executive Director

Attached: April 30, 2021, letter from Skagit Land Trust President, Mark Hitchcock

1998-1999

1999-2000

2000-2001

April 30, 2021

Michael Cerbone, Assistant Director
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

(Submitted via www.skagitcounty.net/pdscomments)

Dear Mr. Cerbone,

Thank you for the opportunity to comment on the Mitigated Determination of NonSignificance (MDNS) for the proposed gravel mine on the Samish River near Grip Road. Since 1995 Skagit Land Trust has owned and cared for Tope Ryan Conservation Area, an important natural site along Grip Road approximately 2 miles downstream of the proposed mine. This preserve has long included 900 feet along the Samish River. The Trust also protects two other Samish River properties upstream of the project site and is continually seeking to protect more land along this important watercourse. All of Skagit Land Trust's properties along the Samish have been donated by landowners who wanted to protect the natural habitat of the river and its shoreline. We have partnered with federal, Tribal, state, and local agencies on numerous projects to protect and restore habitat in the Samish watershed. These partnerships include excellent work conducted by Skagit County Public Works Clean Samish Initiative, Skagit Fisheries Enhancement Group, and others.

Last year, Skagit Land Trust received a donation of land significantly expanding Tope Ryan Conservation Area on the other side of Grip Road protecting an additional 900 feet of shoreline along the Samish River and Swede Creek including their confluence. The river and creek in the vicinity of the conservation area are of particular importance for juvenile salmon due to the habitat complexity of the site. The river's wide gravel bars are critical spawning grounds for Coho and Chum Salmon as well as Steelhead and Cutthroat Trout. Last year, the latest restoration planting project at Tope Ryan added over 5,000 trees and shrubs. The costs of this effort were covered by the National Estuary Program, administered by the Washington State Department of Ecology with assistance from the U.S. Environmental Protection Agency. The Skagit Conservation District prepared the planting plan and helped secure a federal partnership grant to maintain the plantings. I mention these details to make the point that this is a preserve made possible and continually improved by the generosity of private landowners supplemented by public funds and the dedication of many staff and volunteer hours over a long span of years. The potential for adverse impacts from a nearby mine and associated heavy truck traffic greatly concerns us and could directly affect our ability to meet our responsibility to protect this significant area of habitat.

Each year the Trust organizes community volunteers to conduct amphibian monitoring at the Tope Ryan site, gathering significant data about the wetlands which we convey to Washington Department of Fish and Wildlife. We hope to someday discover that the endangered Oregon Spotted Frog has returned to this site, given its appropriate habitat for this now rare species present elsewhere in the Samish Watershed. Tope Ryan is a rich area laced with beaver ponds, important not only for native amphibians but also for a rich assemblage of riparian dependent songbirds and waterfowl. It also supports commercially important fish stocks. In addition, restoring and protecting this large riparian area helps protect water quality in the river that is so important for commercial shellfish grown in Samish Bay. Potential river degradation due to the proposed mine and haul road puts a long list of values at risk.

One of the lessons we have learned from years of restoration work is that protecting habitat is far more cost effective than restoring it after the fact. In addition, there are factors contributing to habitat degradation that are more subtle than direct impacts, but perhaps even more concerning. For instance, Swede Creek routinely spills over its banks into the ditch along Grip Road by the Tope Ryan property. This has created a cascade of effects including accelerated erosion of the roadbed, routine flooding of the road and increased sediment loading in the creek and river. Skagit Land Trust staff and volunteers have on several occasions discussed with staff at Public Works various ideas for "fixing" the creek; but have yet to arrive at a cost effective and feasible plan to solve this problem. The volume and type of truck traffic that would be using the haul road crossing Swede Creek could well add to the present problem.

The Trust is concerned that the impacts of the proposed mine have not been adequately evaluated, nor we will look back and wish we had considered taking stronger measures to prevent the ongoing unraveling of important habitats in the Samish Watershed. Further review of the impacts to the riparian habitat and associated wetlands along the river should be conducted with special attention to Oregon Spotted Frog and Bull Trout habitat, both listed species.

Under Skagit County's Critical Areas Ordinance it would be appropriate to require a 300' buffer, rather than 200', between the Samish River and the mine, clearly an industrial activity calling for this larger buffer. A larger buffer would provide greater assurance that the mining will not in fact degrade the river through sedimentation, erosion, and leaching of spilled fuel oil (noting the statement in the application materials that fueling of equipment will take place on site). We are also concerned that the plan to maintain the floor of the mine at least 10' above the water table, while well-intended, lacks certainty. There should be a more thorough analysis of the site hydrology through the seasons and of how it will be affected by the mining plan.

In addition, as mentioned, there are issues with Swede Creek just downstream on Trust property, and yet it appears that the impacts to the creek from heavy truck traffic on the private haul road have not been evaluated. The haul road crosses Swede Creek approximately 0.6 stream miles above Land Trust property. Sedimentation from this unpaved road would likely degrade the salmonid habitat downstream which we have been working for years to protect. We are also aware that there are beaver ponds and wetlands near the haul road and that the environmental review did not take these sensitive habitat areas into account.

The projected numbers of heavy trucks on this haul road are significant and will permanently change the nature of the forested upland habitat on the site. Local residents report that the uplands on the property are used by bear, cougar, and bobcat. Signs of these animals have also been observed on the Trust's nearby property. These animals require large territories, and the applicant's property is the last large undeveloped tract of land so close to the Samish River in this part of the watershed. The impacts from this disturbance to these important upland wildlife species should be evaluated.

We also have concerns related to the safety of staff, volunteers, and visitors to Tope Ryan Conservation Area in light of the heavy and frequent truck traffic which would be associated with the mine. Trucks entering Grip Road would pass the conservation area as they approach the turn onto Prairie Road. Vehicles using the preserve's small parking area will be at very significantly increased risk of collision as they pull into or out of the limited space. The conservation area lies on both sides of Grip Road. Pedestrians crossing from one part to the other will also be in the path of trucks approaching or leaving the mine.

Skagit Land Trust is not opposed to resource extraction; however, these uses must be balanced with effective measures to protect public resources, such as the Samish River, private ones such as Tope Ryan

Conservation Area, and public safety. In addition, the Trust staff would be happy to discuss conservation options with the landowner to address some of these concerns.

Before recommending approval of the Grip Road Gravel Mine application, please conduct further evaluation to ensure measures are taken to adequately protect the natural habitats of the Samish watershed that all of us are working so hard to restore. We ask that you do this by withdrawing the MDNS and requiring a full Environmental Impact Statement with thorough consideration of project alternatives and a more complete scope of mitigations than in the MDNS. It is essential that this analysis include not only the mine site itself but also the area traversed by the haul road, the downstream reaches of the Samish River and Swede Creek, and areas adjacent to the public roadways the trucks would use.

Again, thank you for the opportunity to comment, and for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Hitchcock", written in a cursive style.

Mark Hitchcock
President
Skagit Land Trust

March 8, 2022

Kevin Cricchio, Senior Planner

Skagit County Planning and Development Services

1800 Continental Place, Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine

File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to express my concerns **again** about the proposed gravel mine located near Grip Road and the Samish River. This is in regard to Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098. I am commenting on the new Mitigated Determination of Nonsignificance (MDNS) that the County issued on February 24, 2022. I sent comments in last year, on the MDNS dated April 15, 2021, but then the County withdrew that MDNS (on May 23, 2021). I understand that the comments I submitted previously won't be part of the formal record for the new MDNS. Unfortunately, it appears that very little has really changed regarding this proposed industrial scale mine. So, I am attaching my original letter. Please make these comments part of the record for this new MDNS.

I am very disappointed that the County and Miles Sand and Gravel still have not addressed many of the community's concerns. I would like the Planning Department **stop letting Miles Sand and Gravel dominate the decisions that are being made.** They have not followed any rules nor have they respected timelines for submitting updated information. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

The County must take public safety seriously and prioritize the safety of people ahead of profits for distant corporations. The mitigation measures MUST include limiting

the number of gravel trucks per hour and day. It should include restricting tandem gravel trucks on Grip Rd. This is a serious public health and safety issue, can you imagine your family member on the road walking or biking with passing tandem gravel trucks?!

I do understand that some new mitigation measures have been proposed in this MDNS, but they are not sufficient. For instance, conditions were proposed that address hours of operation (Mitigation Measure #2) and numbers of daily truck trips (Mitigation Measure #13.vii.). In both of these cases, vague "extended hour" scenarios are allowed without clarity about how or when this would actually happen, what additional conditions "may" be imposed, and there is no assurance that the public would be consulted or informed about these extended hours.

I have personal experience with permit violations left unanswered once the project gets underway. The PDS staff will have moved on and there will be little oversight or recourse once they begin to ravage the land and tear up the roads. What responsibility will Miles Sand and Gravel/ Concrete Nor'wester/ Lisa Inc have to repair roads? Will they be required to put in sidewalks so there will be safe passage for people?

Especially regarding truck numbers, the wording is unclear, and the limits are **far too** high. Similarly, the County has finally recognized that the private 2.2 mile long haul road is part of the project, but no mitigation is proposed to restore and protect the 36 wetlands and 21 seasonal streams that are within 300 feet of the haul road (this haul road was massively rebuilt in 2018, without a new permit, for mining purposes). In addition, not enough measures have been proposed to ensure that the haul road will not cause slope failure in the Swede Creek gorge, threatening this fish bearing stream.

I guess Salmon recovery and sustainability is not on Skagit County's priority list.

Included is my last letter:

Permit #PL16-0097 Mining Special Use Permit, Concrete NorWest Gravel Mine
Dear Mr. Hal Hart, I am submitting my concerns about the application and permitting process for a gravel mine. There are so many things wrong with this proposal that I hardly know where to start. I have read Concrete Nor'West's letters to the County in response for more and better information in their flawed application.

They demonstrate a clear disregard for the community they will negatively impact. They show a complete lack of concern over the risks to the Samish river and Swede creek system and salmon that depend on these waterways. Those are impacts they can hide from Public view, and we may not see erosion that allows silt to drift into and destroy spawning grounds. However, the impacts to all other users of Grip and Prairie Roads into and onto Hwy 99, cannot be hidden.

There does not need to be a traffic study to prove that unlimited 24 hour tandem gravel trucks will cause substantial harm to the road beds that the public will be asked to fix. There will be no safe place to walk and for sure a bicyclist will literally

be taking her life into jeopardy if one tries to exercise one's right to ride a bike on the public roads. I urge you to drive and bike the route they propose to have two gravel trucks an hour passing these roads. There will be collisions and accidents and injuries that may become fatal. This is not something the County should even consider in light of the health and safety risks. Especially, by a company that has such little regard for current residents and users of this right of way. Please put Safety First before profit. The risks and the benefits must be weighed in favor to Skagit County residents and not corporations. Concrete Nor'Wester does not pay its fair share of property tax and should not dictate the conditions of their permit. They are ignoring just plain old Common Sense when they refuse to respond to repeated requests by the County and pretend that the community will not suffer negative impacts. Nonsense. I am urging you to hold them to a high standard as gravel mining has proven that it impacts the environment in many varied and long term negative ways. Those need to be studied, and the record is filled with the items that need inclusion into a proper EIS. Please deny a permit for the current proposal. Sincerely, Laura Leigh Brakke

Laura Leigh Brakke



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MAR 09 2022

SKAGIT COUNTY
PDS

March 7, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am very concerned about the proposed Grip Road Gravel Mine. I wrote to you about this last year and, sadly, I still have the same two main concerns:

1) Grip Road: I have to wonder if you and other decision-makers have actually driven on Grip Road. I drive it frequently. It is a two-lane road with many sharp turns and curves. I can't even imagine what it would be like for the residents who use Grip Road daily to have over 900 large tractor-trailers per month on that already dicey road. It makes no sense to me that the County thinks this will be acceptable or safe for those of us who drive that road.

2) Environmental Issues: I still have concerns about environmental issues and think they need fuller evaluation. I would hope that the administrators of my county would want to have a full environmental study before allowing a mine that will operate for over two decades and whose heavy trucks could severely impact the wetlands and streams (including at least one fish-bearing one) along the haul road. I just don't understand why you would not want to require that the gravel company do an environmental impact study.

Frankly, I sometimes worry that the County seems to favor business ventures over the residents who wish to preserve our rural lands and environment. When the Fully Contained Communities issue was being considered, the County seemed to persist in ignoring the huge outpouring of concern by its residents. And now, here again with the Grip Road Gravel Mine, the County seems to be ignoring the residents and opposing the requirement of an EIS which would either confirm the environmental concerns or explain how those concerns have been addressed with due diligence.

I respectfully ask you to withdraw the current Determination of Non-significance and issue a Determination of Significance so that the gravel company is required to submit a full Environmental Impact Statement.

Sincerely,



Mary Kay Barbieri
16002 Colony Road
Bow, WA 98232

March 7th, 2022

To: Skagit County Planning and Development Services

From: Martha Hall 2617 16th Street, Anacortes, WA

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MAR 09 2022
SKAGIT COUNTY
PDS

Topic: Comments on File #PL 16-0097

These are my comments on File "PL 16-0097, a request for a 68 acre open pit mine near the Samish River that will operate for 25 years. The third MDNS in six years, and this one still is not adequate. This project requires a full EIS.

So many concerns have not been addressed and the mitigation still is not adequate. Too much of the data is still from 2016 and some has not yet been up-dated. The road was significantly improved in 2018 yet the impacts of this change were not studied. These improvements were done within the application period which started with the first application.

This road will be used very differently from that of a "forestry road" yet the paper suggests this mining road has the same impacts as a forestry road. This road should be classified as "high intensity industrial use". Even the length of time it will be used is significantly longer, as well as the number of trucks each year. For gravel operations, trips tend to be seasonal but there is no limit in the mitigation per day. Per day trips are important, especially if they happen during maximum wildlife use of the area. Maximum truck traffic and wildlife use may overlap a lot. To identify and limit traffic there needs to be a prohibition on "Third Party" sales. The clause about seasonal extended hours is not acceptable. This too will probably overlap periods of maximum wildlife use of the adjacent wetlands and streams.

New reports do show the richness of important ecosystems in the area of this proposal: 23 wetlands and 21 seasonal streams and a fish-bearing stream are within 300 feet of the haul road for the project. This stream is in a deep gorge. Why was the buffer reduced to 200 feet? This violates the Dept of Ecology standards. There is no cumulative impacts study yet this mine may operate for 25 years. The Fish and Wildlife Assessment is out-of-date and inadequate. Oregon spotted frog habitat should be protected which it is not. The heavy trucks on the haul-road are likely to negatively impact many species as well as this frog. The status of Bull Trout was not addressed and mitigation was not provided. Wetlands were not delineated and there are not any wetland determinations. This is necessary to see how wide the buffers should be. Wildlife corridors were not identified and protected.

Adjacent land owners and the county are not adequately protected from the impacts. There is no drainage plan. Digging is said to occur within 10 feet of the groundwater but there is not an adequate description and mitigation plan for protecting ground water. U.S. Bike Route 87 uses adjacent roads. The size and weight of the trucks and trailers as well as the amount of traffic will mean this bike route will no longer be safe. This was not studied and an alternative route was not suggested. If the 11,000 trips per year do occur, this is a huge impact on anyone who uses roads in this area, not just bike riders.

It is disappointing that the county is allowing this project to come back for a third try and the applicant still has failed to meet all of the necessary requirements. This means more time and money spent by staff and the public who has yet another inadequate proposal to comment on.

One thing most people in the Skagit Valley agree on is that we must preserve our quality of life. A 68 acre open pit mine will not do this. And the location is unacceptable. This area of wetlands and streams is unique and important to the Samish River and the fish and other species that depend on this river and its tributaries. This is an important habitat that deserves better protection than okaying a 68 acre open-pit mine.

Martha Hall
008483
pondfrog.mh@gmail.com

RECEIVED
MAR 09 2022
SKAGIT COUNTY
PDS

March 9, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

Once again, we are writing on behalf of the local community group Central Samish Valley Neighbors (CSVN) to comment on a new Mitigated Determination of Nonsignificance (MDNS) for the proposed Grip Road Gravel Mine, File #'s PL16-0097 & PL16-0098. In addition to this letter, our attorney Kyle Loring, is also submitting comments on behalf of CSVN. This MDNS is for a large new gravel mine along the Samish River proposed by Miles Sand and Gravel/Concrete Nor'West (CNW), as part of their application for a mining Special Use Permit (SUP). This is the third MDNS issued for this project, with two previous ones withdrawn by the County in 2021. This letter attempts to summarize our ongoing concerns, most of which still have not been addressed despite all of the time that has passed and hundreds of comment letters submitted by community members. Based on our own review and consultation with our attorney, the project impacts identified in the application are significant and warrant additional analysis through an Environmental Impact Statement (EIS) that fully evaluates them and identifies appropriate alternatives and mitigation measures. The County needs to, once and for all, withdraw this MDNS and require a full EIS. Our comments identify information that the County still needs to obtain in order to conduct an adequate review of the impacts that the proposed mine would cause. This information involves the need for both clearer project details and more thorough evaluation of environmental impacts.

The application review has suffered from the absence of institutional memory and inconsistent oversight. We have followed this application since its inception six years ago. During that time, there have been more staff changes at Skagit County Planning and Development Services (PDS) than we can count – the PDS Director has changed, the County attorney representing PDS has changed at least twice, as has the Assistant Director position for PDS; and three different planners have been the lead on this project. The County's review of this application has suffered from a lack of institutional memory and consistent oversight. We are very concerned that County staff at PDS and Public Works do not have a full grasp of the scale of this proposed industrial scale mine, and the potential cumulative and long-term impacts of it. And, the very real public safety impacts from truck traffic have not been taken seriously.

Mitigation Measures are inadequate. Despite all of the public comments, and County staff time into this, very little has actually changed from the original proposal. Of the nineteen “mitigation measures” proposed in this latest MDNS, almost all are simply re-stating the obvious, that the project must comply with existing state and county regulations. The few specific mitigation measures that go beyond existing code are either inadequate to address the impact, or contain loopholes that make them practically meaningless. In the case of Mitigation Measure #17, the County’s own Critical Areas Ordinance is disregarded in favor of a reduced buffer on the Samish River – this is certainly not mitigation in any true sense of the term. In addition, there are no monitoring or enforcement mechanisms proposed in any of these mitigation measures that would ensure compliance over the twenty-five year lifetime of this proposed mine.

Mistakes and delays are not a justification for incomplete environmental review. We know that PDS staff have their hands full with many important projects. And, understandably, people would like to see this project wrapped up. Nonetheless, having tracked it from the beginning, it is clear to us that most of the delays have been caused by the applicant’s recalcitrance to respond to the County’s reasonable requests for information. Avoidable delays have included two appeals filed by the applicant in attempts to avoid providing additional project information. The layers of often conflicting application documents, submitted over more than half a decade, have made it challenging for citizens and planners alike to understand the actual scope and impact of the project. This is quantity at the cost of quality. The applicant should have been required to start over with a comprehensive EIS years ago. Nonetheless, that error combined with the foot-dragging by the applicant should not force the County to now push the project through when there are still significant gaps remaining in the environmental review.

Summary of necessary information and environmental review omitted from the application materials. Based on our review of the March 7, 2016 SEPA Checklist, the August 2, 2019 Supplemental SEPA Checklist Information, the documents referenced in those materials, and the other documents posted to the County’s project website (including the two new documents submitted by the applicant in Dec. 2021), the application continues to suffer from the SEPA inadequacies listed below.

1) Project scale is under-represented: The application minimizes and under-represents the scale of the mining activity by avoiding many details and using vague descriptors such as “extracting relatively low volumes of aggregate”.

2) Impact to the environment from use of the private haul road is not fully evaluated: The applicant’s new Critical Area reports¹ for the 2.2 mile long private haul road are the only application materials that review the impacts to the larger property owned by CNW, outside of the mine site itself, even though this haul road is an integral part of the project. These reports identify

¹ “Impact Assessment and Mitigation Plan”, Northwest Environmental Services, Dec. 2021 and “Geo-Tech Memo”, Associated Earth Sciences, Dec. 2021

many sensitive wetlands and streams, but use false assumptions to minimize the estimated impacts that industrial hauling would have on them.²

3) Off-site and cumulative impacts are omitted and ignored: The application omits and/or minimizes descriptions of off-site and cumulative impacts of the project, especially off-site impacts related to truck traffic.

4) Future plans not disclosed: The application omits plans for future on-site processing despite the suggestion in the application materials that the applicant may seek to operate on-site processing in the future. This omission prevents a complete evaluation of the impacts and identification of appropriate mitigation.

5) Impacts on Environmental Elements inadequately reviewed: Defects in application materials result in a failure to fully disclose impacts for all of the "Environmental Elements" required by SEPA.

6) Mitigation measures and project alternatives not fully considered: The application and the MDNS do not identify or evaluate appropriate mitigation measures or alternatives.

We discuss all of these issues further below, in the order listed.

1) Project scale is under-represented. The SEPA Checklist, Supplement and Special Use Narrative minimized and under-represented the scale of the proposed mining development by avoiding detail and using vague descriptors such as "extracting relatively low volumes of aggregate". The mining activity was described using generalities, and omitting many details. This approach obscured important information and it is unclear whether key details were used by the County in its SEPA review. Other examples of misleading application materials include the characterization of the site as "very remote" and the proposed mining as a "temporary" activity. The SEPA Checklist states, "traffic generated by the project will be typical of mining operations," but does not state any actual numbers. To the extent the submitted documents actually provide this information, many of those details are buried in the referenced studies and drawings.

The truth is that this is a proposal for a 51-acre open pit mine that will eventually be ninety feet deep. This is a hole in the ground about the area of 38 football fields and ten stories deep. The Checklist states that there will be "4.28 million cubic yards of excavation". If 4 million cubic yards are hauled off site (assuming 1 yard equals 3,000 pounds), this would be approximately 6 million tons of sand and gravel removed from the site over a twenty-five year-period, or

² See attached letter submitted by Bray/Day on 1/11/2022

240,000 tons per year. We do not see this scale of land disturbance and trucking at this location as “low volume”.

Furthermore, although the application characterizes the mining operation as a “temporary activity,” its proposed daily operations over 25 years will feel permanent to the community, as will the long-term alterations to the landscape. The “very remote” characterization likewise ignores the actual setting – the site is located in an area where no prior industrial scale mining has occurred, and it would operate amidst a rural residential neighborhood with more than 100 homes within a mile of the site and 750 homes within three miles. And, an investigation into the DN Traffic memo (June 2019) reveals that the “typical” gravel truck traffic referenced in the SEPA Checklist is actually an estimated 11,765 tandem gravel truck trips per year on narrow substandard County roads.³

By avoiding details in the main project documents, the application appears complete, but does not actually address the full impacts of the project, nor does it explore less damaging alternatives or identify real mitigation measures.

- 2) Impact to the environment from use of the private haul road is not fully evaluated.** The SEPA Checklist’s description of the project site (Section A. #11) as only a 68-acre parcel of land did not describe full scope of the project; it and both the original and updated SEPA narratives failed to clearly identify the two-mile-long haul road across the applicant’s 726-acre property that is required to get the gravel to Grip Road. In response to this failure, in 2021, the County required environmental review of the haul road. The applicant’s new Critical Area report for the haul road revealed 36 wetlands and 21 seasonal streams within 300 feet of the haul road. One of the largest of these wetlands was identified as suitable habitat for the endangered Oregon spotted frog. Yet, this new report does not acknowledge the high intensity industrial use of the haul road. Instead, it downplays the difference between mining use and previous uses that involved an occasional forestry operation. The impact on these streams and wetlands from 11,000 trips per year by dump truck/trailer combinations weighing as much as forty tons each has simply not been evaluated. Impacts to the aquatic habitat include potential hydrocarbon pollution from road run-off, increased sedimentation, and changes to surface water hydrology, as well as significant disturbance from constant noise and vibration and diesel exhaust.

³ Contrary to the volume of gravel stated in the SEPA checklist, the DN traffic memo assumes that 200,000 tons of material per year will be removed from the site. Using DN’s math, and assuming the larger volume stated in the SEPA checklist, the number of truck trips per year would be actually be closer to 14,118 (240,000 tons/34 tons/truck*2), or an average of 54 truck trips per day (not 46 per day as stated in the DN memo). This is one of many examples of inconsistent and confusing information provided in the application materials.

In addition the impacts from haul road expansion and construction were ignored. The haul road was significantly expanded in 2018 for mining purposes without regulatory oversight. The new Critical Area report claims that any past impacts from road construction are not part of this project, even though this work was conducted two years after they submitted the mining application. These impacts were never acknowledged, causing ongoing habitat degradation. No corrective action and no mitigation for this construction activity has been required.

In addition, the potential impact of heavy truck traffic on unstable slopes in the Swede Creek gorge has not been adequately addressed. The haul road crosses Swede Creek, a fish bearing stream, in a steep gorge. Unstable slopes and existing road failure issues have been identified in the gorge. Road triggered landslides in these locations can have catastrophic effects on streams, delivering sudden huge debris and sediment loads to the creek. The new Geo-Tech memo takes a cursory look at these issues without truly addressing them. A more thorough evaluation by a qualified geologist that identifies appropriate remediation, as well as ongoing preventative management of the road's drainage system, is essential to avoid slope failure and protect the habitat in Swede Creek.

- 3) Off-site and cumulative impacts omitted and ignored.** One of the most significant components of this proposal is the plan to haul approximately 4 million cubic yards of sand and gravel from the site to be processed at another facility. The material would be moved by truck along more than five miles of County roads over a period of 25 years. This trucking activity is a crucial part of the project that will cause significant environmental harm, yet the project description in the SEPA Checklist (Section A. #11), as well as the updated narrative for the Special Use Permit application, omit details of this aspect. The only mention of truck traffic is by reference – listing several “traffic memos” submitted by the applicant separately, together with piecemeal supplemental information and addenda. The County’s pursuit of additional information on traffic impacts eventually led to a third-party desktop review by a consulting traffic engineer engaged by the County (HDR), and most recently (September 2020) a longer Traffic Impact Analysis (TIA) that was prepared by DN Traffic Consultants on behalf of CNW. However, all of the documents that look at the traffic impacts appear as a kind of postscript. This has the effect of concealing the severity of the truck traffic impacts and it considers only those impacts related to a narrow set of criteria regarding County road standards and “level of service”. In reality, the off-site impacts from a heavy and sustained volume of truck traffic over a twenty-five year period are many-pronged and cumulative. These impacts include carbon emissions and air pollution, noise, vibration, public safety, and damage to public infrastructure. A full SEPA review needs to evaluate and identify mitigation measures for all of these impacts, not just those that fall under the narrowly defined criteria in County Code for triggering Traffic Impact Analyses (TIA). Furthermore, the applicant’s TIA fails to meet some of the basic requirements for such documents included in Skagit County Road Standards, 2000, as incorporated by reference in the Skagit County Code.

To illustrate the scale of this proposal (using the conservative figures in the DN traffic studies) approximately 294,000 truck trips over a 25-year period are required to haul the amount of material the applicant proposes to excavate from the mine. The shortest haul route to CNW's Belleville Pit site on County roads is approximately 11.5 miles round trip, plus an additional 4 miles round trip on the private haul road. Cumulatively, this is more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This is equivalent to almost 800 round trips between Seattle and New York City.⁴ Furthermore, one fully loaded standard gravel truck with pup trailer weighs more than 80,000 pounds. Very few of the off-site impacts associated with this hauling have been addressed in the application materials. Finally, the number of truck trips and cumulative mileage may actually be considerably higher than stated above depending on several factors, including weight limits on the bridge over the Samish River on Highway Old 99 and the extent of third-party sales.

Other off-site impacts that were minimized or inadequately described in the application documents include potential impacts to surface water; impacts of noise from mining equipment and hauling; and potential impacts to fish and wildlife. We address these concerns elsewhere in this letter under the specific environmental elements, in the order they appear in the SEPA Checklist.

- 4) Future plans not disclosed.** The SEPA checklist asks specifically if there are any plans for future additions, expansion, or further activity related to or connected with this proposal (Section A. #7). The applicant answered 'no' to this question on the SEPA Checklist but implies elsewhere that they may conduct onsite processing at a future date. The applicant was asked to clarify this point, and in a letter to the County on May 15, 2017, states only that no processing was proposed "in this application" – implying that future on-site processing is contemplated. And, the revised "Special Use Narrative," dated Aug. 2, 2018, states in the third paragraph that "No processing is proposed onsite at this time" (*emphasis ours*). SEPA guidelines require that all parts of a proposal be disclosed, even if the applicant plans to do them "over a period of time or on different parcels of land." We find the inconsistency on this topic troubling. Given the cost of hauling raw materials 184,000 miles/year, we find it unlikely that CNW will not apply for an additional permit in the future to allow on-site gravel processing. Furthermore, the disclosure of future plans is essential here because the project buffers would need to be larger to accommodate on-site gravel processing, and because the project would be subject to even more rigorous scrutiny. On-site processing would trigger a significantly larger buffer (200 feet—double the 100 feet currently proposed) on the northern and western borders to reduce

⁴ Different application documents identify conflicting amounts of material to be excavated and hauled from the site, as well as different haul routes and mileage and load weights. Using the higher extraction figures in the SEPA checklist (assuming 4 million cubic yards of excavation), 356,666 truck trips would be required over a 25-year period cumulatively more than 5,528,300 miles (220,000 miles per year), equivalent to 970 round trips between New York City and Seattle.

noise and vibration impacts to the neighboring private properties (SCC 14.16.440(10)). This would reduce the amount of gravel available for extraction, but it is an important mitigation measure for reducing impact to adjacent landowners. It is also reasonable to assume that the applicant plans to expand the mine itself over time to encompass more of the large property holding there. There have been many examples of Skagit County approving similar expansions and scope changes through the permitting process. Dividing the planned activities into separate development applications is a way to piecemeal SEPA review and thus under-evaluate project impacts. Under SEPA, the full scope of the proposed project must be considered in order to prevent inappropriate phased or piecemeal review (WAC 197-11-060(5)(d)(ii)). Given that the applicant has expressly reserved the right to pursue processing at this site in the future, the project must be reviewed on the basis of what has been reserved as a potential future activity—that such processing would occur on the site. Therefore, the conditions on the permit need to anticipate potential future expansion with larger buffers and additional measures to reduce likely future impacts. Alternately, restrictions need to be put in place to prevent such changes to on-site activities in the future.

- 5) Impacts on Environmental Elements inadequately reviewed.** As addressed below, defects in the application materials result in the lack of adequate review of the project's impacts to earth, air, water, and environmental health are minimized or not completely disclosed in the SEPA Checklist and supporting documents.

Earth (SEPA Checklist, Section B. #1): Although question #1.e. of the SEPA Checklist requests a description of any project filling, excavation and grading, the applicant's response limits its response to the 51-acre open-pit mine footprint. The Checklist does not describe such essential project elements as storage and management of excavated and side-cast materials. In fact, there is no description of what, if any, site preparation will occur outside of the footprint of actual mine.

The "Site Management Plan, Sand and Gravel Permit" document that the applicant submitted (also a requirement for WA Department of Ecology's NPDES permit) does not cure the Checklist defect. It is almost entirely generic, and simply lists typical Best Management Practices (BMPs) to prevent erosion and manage buffers. It is not site-specific and does not actually explain how the side-cast materials, or "overburden", will be handled or how buffers along property lines will be managed. It is unclear in this plan which, if any, of the BMPs listed will actually be implemented or when or where they will be used. This omitted information is essential for verifying that the project would protect water quality, minimize disturbance to wildlife habitat, and reduce noise, dust and vibration impacts on neighboring properties.

Numerous relatively small private parcels lie to the west and north of the proposed mine site. Noise, dust and vibration from the mine will impact these properties. An appropriately-scaled, undisturbed vegetated buffer must be established to protect these properties. It is unclear in

the application materials if the buffers between the mine and adjacent properties will be left undisturbed. In addition, there are repeated assertions in project documents that all runoff from the site will drain into the open pit and infiltrate into groundwater. This does not address any surface water runoff and contamination from side-cast material that the applicant states will be stockpiled outside of the footprint of the mine itself for use in reclamation when mining operations are completed. There is no way to evaluate the impact of this earth moving activity when it is not fully explained and described.

Question #1.g. asks if any impervious surfaces are proposed. The applicant states that no permanent, impervious surfaces are proposed. This is inaccurate. There would be a need for an on-site staging areas at the mine site for dozens of trucks and equipment. In addition, the entire two-mile private haul road will essentially be impervious, including the small stretch of the road they now plan to pave in the Swede Creek gorge. A site-specific surface water drainage plan that includes measures for protecting waterways from sediment and other contaminants from these impervious surfaces needs to be prepared and implemented.

Air (SEPA Checklist, Section B. #2): The applicant's response to question #2.a., which requests disclosure of the project's air emissions, avoids identifying the substantial amount of emissions to be expected over the project's 25-year lifespan. Instead, the answer characterizes air quality impacts as "temporary." Mining is an ongoing activity. It is not temporary construction. There will be earthmoving equipment generating emissions constantly during operating hours for decades. Additionally, there is no mention of the significant cumulative carbon and particulate emissions from 25 years of diesel truck traffic. This omission alone is fatal to SEPA review.

Question #2.b. The applicant states incredulously that there are no off-site sources of emissions or odor. This answer simply ignores emissions from diesel truck hauling. As stated above, the cumulative mileage of tandem diesel trucks hauling material from this mine is more than 4,600,000 miles, or more than 184,000 miles per year.⁵ The diesel emissions from this hauling activity will be concentrated in a small area, day after day, year after year. Diesel emissions include both particulates that create localized health hazards and greenhouse gasses that contribute to global climate change. The type of diesel fuel used, maintenance and age of vehicles, speed and driving patterns, idling activities, etc. all influence the intensity of emissions. The applicant must disclose the true nature and quantity of these emissions and identify measures to reduce the impact to air quality. A simplistic calculation of the carbon emissions from just the hauling component of this project is more than 17,200 metric tons over 25 years, or around 690 metric tons per year⁶. The actual amount of carbon emissions

⁵ Assumptions: round trip of 15.4 miles between the mine and Belleville Pit, 46 round trips per day, 260 days per year, for 25 years.

⁶ Carbon emissions estimation based on the per ton/mile truck emissions estimates and sample calculations included in the Environmental Defense Fund publication produced to assist industry in reducing carbon emissions, "A Green Freight Handbook", Chapter 2, Establish Metrics, we estimate that depending again on which of the two proposed

will probably be considerably higher because, as discussed above, the mileage is under-represented. This is a very carbon-intensive proposal. The applicant needs to provide realistic estimates of the cumulative emissions from all of the truck hauling and on-site mining activities, as well as propose an adequate mitigation plan for them.

Water (SEPA Checklist, Section B. #3): Question #3.a. involves disclosing impacts to surface water. The Checklist does not fully disclose surface water impacts from the project's proposed undersized buffer. The applicant proposes a 200-foot vegetative buffer between the mine and the adjacent Samish River, and the MDNS accepts this in Mitigation Measure #17, but a 200-foot buffer is not adequate and is inconsistent with Skagit County Critical Areas Ordinance (SCC 14.24.230) requirements for the intensity of this land use. Additionally, when slopes of 25% or more are present, buffers are generally required to extend 25 feet beyond the top of the slope. We address this further in the section on "animals" below.

Years ago, in response to these concerns, PDS asked the applicant to submit drawings showing a 300 foot buffer, which they did. This drawing is labeled "Alternate 300 foot buffer" (dated July 2018). And yet, this "alternate" buffer has not been required as a condition of the permit.

In addition, mine site plans identify an unnamed tributary to the Samish River on the southeast corner of the site. The supplement to the SEPA checklist references the Site Management Plan to explain how surface water will be protected. Again, as discussed above in the "Earth" section, this Site Management Plan does is not site-specific and simply lists a number of BMPs without explaining where or how they may be implemented; except that Appendix B ("Site Map") of the plan identifies one "monitoring point" near the tributary stream. There is not enough information provided to determine if surface water will be adequately protected from sediment and other contaminants or if the minimal monitoring proposed will be adequate to detect such pollution. In addition, it is unclear from the project documents where all the surface water in the areas around the mine site may drain after the site is disturbed. The mine site is perched above the river and it is unclear if the proposed buffers encompass the entire slope edge between the mine and the river. There is not enough detail in the drawings and application materials to ensure that erosion and contaminated run-off will be prevented from making its way downslope to the river.

Question #3.b. involves disclosing impacts to groundwater. The applicant states that no waste discharge will occur into groundwater. The Supplement to the SEPA Checklist again references the Site Management Plan, and states that mining runoff will infiltrate into the bottom of the mine. However, the project description states that the intention is to mine within ten feet of the groundwater level. Given the pervious nature of the sand and gravel floor of the mine, we question if this method of preventing groundwater contamination is sufficient. This is

main haul routes is followed, annual (total) truck CO₂ emissions will be between 271 (6,768) and 403 (10,064) metric tons.

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especially concerning as the groundwater in this location will essentially flow directly into the Samish River and into designated critical habitat for the endangered Oregon Spotted Frog (discussed further below in the section about animals). Protection of groundwater requires further evaluation, especially in terms of the potential for fuel and other toxic material spills from heavy equipment in the mine (this issue is further discussed below under the section about environmental health and hazardous chemicals.)

Mitigation Measure #15 requires the applicant to work with their consultant to determine where the groundwater level is and to stay 10 feet above it. However, there is no requirement for groundwater monitoring wells to be installed, nor any compliance or enforcement mechanism discussed. It will be many years before the mining reaches these depths; in the absence of compliance monitoring and inspection, we have very little confidence that mine operators will be paying attention to the distance between the excavation and the groundwater.

Question #3.c. involves describing impacts from water runoff, including stormwater. In addition to the concerns related to runoff from the mining site described above in the 'earth' section, the impact of runoff from the haul road to surface water was not identified as a concern and has not been addressed. This involves impacts to both water quality and quantity -- to the wetlands on site, to Swede Creek and to the greater Samish watershed. There is the potential for sedimentation in Swede Creek, a fish-bearing stream, and for increased overland flows and downstream flooding. There are already significant flooding issues associated with Swede Creek. The ditch adjacent to Grip Road east of the bridge over the Samish River is an overflow channel of Swede Creek. The Public Works Department and local residents are well aware that this ditch routinely spills over its banks and floods the roadway during high rainfall events. In addition, the edge of the roadbed itself at this location has required repeated hardening and repair due to erosion caused by the high volume of water flowing through this ditch. The impacts to hydrology and the potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road, especially in the gorge where the road crosses Swede Creek, needs to be evaluated and appropriate mitigation measures required. A stormwater management plan for the haul road needs to be prepared and implemented.

Mitigation Measure #5 states that the applicant shall comply with the County's Stormwater Management Ordinance, "as it relates to increased runoff resulting from additional impervious surfaces". It does not explain what "additional impervious surfaces" this refers to, leaving the question of whether it applies to the existing but recently reconstructed haul road. It also states that "Best Management Practices shall be utilized throughout the life of the project", but it is not clear if this relates to only impervious surfaces, or other land disturbance. It does not require that a specific Stormwater Management Plan be prepared and approved, thereby lacking enough specificity to be useful. And, again, there are no monitoring, inspection or

enforcement mechanisms included in this mitigation measure, making it ineffective, especially over the twenty-five year life time of this project.

Mitigation Measure #7 states that the applicant shall comply with the provisions of WAC 173-201, which is the law that sets standards and enforcement mechanisms for surface water quality. In absence of any specific prescriptions for this project and this site, this is a not a useful or enforceable condition, and certainly it is not proposing any meaningful mitigation for project impacts. Again, just restating existing law is not a mitigation measure.

Plants (SEPA Checklist Section B. #4): Notwithstanding that the mine would completely strip native vegetation from more sixty-five acres of land, the Checklist omits any discussion of ways to minimize this impact. A one-sheet survey drawing titled "Reclamation Plan and Mine Sequence" (May 2015) shows the proposed mine area divided into four quadrants labeled "1" through "4". These labeled quadrants presumably explain the "sequencing" of the mining activity, but there appears to be no narrative explaining how or when this sequencing may occur. Phasing the mining so that portions of the site remain forested until it is needed, and/or reclaiming sections over time while other sections are being mined would significantly reduce the impact to native vegetation. Simply reducing the scale of the proposed mine would be even more appropriate. Measures and alternatives that reduce the impact to the native vegetation must be evaluated.

Animals (SEPA Checklist Section B. #5): The Checklist omits significant animal species and potential project impacts on them. First, the Checklist states that no threatened or endangered species are known to be on or near the site. In fact, the US Fish and Wildlife Service and WA Department of Fish and Wildlife have designated Critical Habitat for the Oregon Spotted Frog (*Rana pretiosa*) along the Samish River directly adjacent to the site. In addition, there is designated Bull Trout (*Salvelinus confluentus*) Critical Habitat a few hundred feet downstream from the northeast corner of the mine site. The Oregon Spotted Frog was believed to be extirpated from this area until breeding sites were discovered in 2011-2012 in the upper Samish River. The Samish River system is the only place in Skagit County that the Oregon Spotted Frog has been found. It is listed as Endangered in Washington State, and Threatened federally. Bull Trout is a Candidate species for listing in Washington State and is listed as Threatened federally. The presence of designated critical habitat for species listed under the Endangered Species Act (ESA) was not disclosed in the SEPA Checklist nor in the accompanying Fish and Wildlife Assessment (GBA/August 2015). These are serious omissions.

At the request of the County, an Addendum to the Fish and Wildlife Assessment was submitted by the applicant to address the presence of the Oregon Spotted Frog habitat adjacent to the site (GBA/April 2017). However, the addendum simply states that in the consultant's opinion, their recommended 200-foot buffer is adequate to protect this designated critical habitat

without citing any clear science or expert biological opinion to back up the statements. In fact, a note in the Addendum states:

"Our original assessment and this addendum are not intended to constitute a biological evaluation pursuant to the requirements of the Endangered Species Act. The documents are intended solely to demonstrate compliance with the Skagit County Critical Areas Ordinance (SCC 14.24)."

Further evaluation of the impact from the proposed mining to the Oregon Spotted Frog, Bull Trout, and their designated critical habitat, needs to be conducted, consistent with State requirements and the Federal ESA. As discussed in sections elsewhere in this letter (in "earth", "water" and "toxics"), measures are not clearly described that will protect the water quality of the Samish River, its tributaries, and the groundwater that flows to the river. This is a serious concern that must be addressed to ensure that the Oregon Spotted Frog, Bull Trout, and Puget Sound Steelhead habitat is adequately protected according to law.

In addition, the SEPA Checklist and Supplement do not acknowledge a number of large mammals that are known to frequent this area. These include bear, cougar and bobcat. Furthermore, the Checklist states that it is not an animal migration route even though local residents regularly observe the use of this area as a wildlife corridor between Butler Hill to the south and the Samish River Valley and Anderson Mountain to the north. Surrounding landowners have seen cougar, bobcat, and bear traveling across their properties on numerous occasions, and at least one resident located south of the subject property has captured many photos of these animals on remote trail cameras. These animals require large territories and are sensitive to disturbance. The subject property is the last large undeveloped property linking a larger landscape between Butler Hill to the south, and the Samish River to the north. The applicant's Fish and Wildlife Assessment does not address the impacts to this wildlife corridor. Measures could be taken to protect a swath of land and maintain intact vegetative buffers surrounding the mine on the applicant's larger ownership. This would help reduce this impact.

Finally, the applicant's Fish and Wildlife Assessment is more than six years old (August 2015), and its limited scope does not address the current data regarding threatened and endangered species. A new complete Fish and Wildlife Assessment needs to be prepared that considers the full footprint of the project, including the land area impacted by the private haul road, as well as all ESA species that may be impacted by the proposal.

Energy (SEPA Checklist Section B. #6): This is a very fossil fuel and carbon intensive project, both on and off site. As stated previously, just to haul the proposed volume of gravel to the applicant's processing site would require diesel truck/trailer combinations to drive more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This does not include the on-site energy consumption from the heavy equipment required for the mining activity. In

addition, there is no electrical power supply to the site. There is no mention of power supply in the application materials, but presumably the applicant plans to run generators to provide light and power to the site. This will create even more fossil fuel consumption (and noise pollution that has not been disclosed). The applicant has made no attempt to estimate the amount of energy required, nor the impacts to the environment from it. There are no proposed energy conservation measures. The applicant should be required to evaluate alternatives to such high rates of energy consumption, and a carbon budget should be calculated with mitigation identified to offset the effects of carbon emissions to the atmosphere.

Environmental Health (SEPA Checklist Section B. #7):

Question #7a. Toxics: The Supplement to the SEPA Checklist states that “mobile fueling vehicles” and “mobile maintenance vehicles” will be used and that “if fueling stations or other storage of these materials occurs on site, it will be in compliance with the NPDES Permit filed with the WA Department of Ecology”. These vague and inconsistent statements fail to confirm whether fueling stations and fuel storage are planned or not. Furthermore, the application does not define “mobile fueling” or “mobile maintenance” or measures to control or respond to spills from them in different locations across the site. The applicant must explain how they will monitor this and provide specific management practices for use with mobile fueling and maintenance units.

Although the Site Management Plan provided by the applicant purports to address spill prevention, it merely recites generic BMPs. It does not state what specific measures will be used on this site, nor does it show any locations for fueling, fuel storage, etc. The applicant needs to disclose what the nature and location of the fuel storage and vehicle refueling and maintenance process will actually be, and what measures will be taken to prevent spills and toxins from entering surface and groundwater. As discussed previously, there is a real danger of surface water contamination and or groundwater contamination through the bottom of the mine floor if this issue is not properly addressed.

Mitigation Measure #12 addresses requirements for safe onsite fueling of mining equipment. However, this condition does not specifically address or prohibit “mobile fueling” and “mobile maintenance”. Since these terms are used in the application materials, they need to be addressed in the mitigation measures, or there is a potential for contamination of ground and surface water.

Question #7.b. Noise: This section requires disclosure of health impacts related to noise generated from the project on-site and off-site. The applicant submitted an “Updated Noise and Vibration Study” (November 2018), which concludes through modeling that the noise generated from the mine, and from off-site trucking, is within the limits set forth in Skagit

County Code. There are several major flaws in this study that call into question its thoroughness and validity:

- Concerning the computer modeling of mine operation noise levels, the November 2018 noise study states “A front-end loader, dozer, and excavator were assumed to operate concurrently in the mine”, with noise levels at 100 feet from each shown as 75, 75, and 76, dBA respectively. The study does not cite the source for these numbers. Presumably, different sizes and models of heavy equipment generate different levels of noise, and are not interchangeable for noise level modeling purposes.
- Furthermore, the noise study appears to address only “typical” mine production levels, not the “extended hours” production scenario of up to 5,000 tons per day described in the September 2020 DN Traffic Consultants Traffic Impact Analysis. Presumably, the latter would require more pieces of heavy equipment to accomplish, as well as more trucks. Based on the seasonal nature of sand and gravel demand, it seems likely that the mine would exceed “typical” or “average” production levels for extended periods during late spring, summer, and early fall. For a noise study to be valid, it must address the maximum production level.
- The computer modeled noise level receptor labeled “R3” is located approximately 900 feet north of the receiving property boundary, not at the receiving property boundary as required under WAC 173.58-020(11) and 173-60-040(1).
- The study does not address the significant noise fully loaded truck/trailer combinations will generate using their compression brakes while descending the Grip Road hill. Adding an “average” of 46 diesel trucks a day (or 30 trucks an hour, as under the “extreme” scenario from the DN Traffic Impact Analysis) onto Grip and Prairie Road will be a major change to the soundscape for residents along the haul route for the next 25 years regardless of whether the trucks exceed legal noise limits.

There are 100 homes within a mile radius of the proposed mine, and 375 homes within a 2 mile radius. Even if the applicant’s consultant can somehow create a model that shows that the noise generated from the mine and truck traffic is below the thresholds set out in WAC and Skagit County Code, the ambient noise from the mine and the trucks will become a constant backdrop for the residents in the surrounding area. This noise will have a lasting impact on public health, on the quality of life in this quiet rural neighborhood, and on wildlife. Per an article titled “The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk” in the National Institute of Health’s online National Medical Library, “Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.”

The SEPA checklist and accompanying documents contain no discussion of ways to reduce or mitigate noise impacts, instead the focus is simply on proving that this new unprecedented level of industrial scale noise pollution will somehow meet legal standards. What is “legal” and what is “acceptable” are not interchangeable.

Light and glare (SEPA Checklist Section B. #11. Notwithstanding that the applicant intends to operate the mine during dark hours, the application does not describe the type of lighting that will be used on site. Nor does the application identify whether, or what, lighting would be installed for security purposes. The 700 acres owned by the applicant is currently used only for forestry, and it is dark at night. The type of lighting used for heavy construction tends to be very bright and penetrates into the night sky. Measures need to be taken to minimize light pollution from the site. Impacts on migrating birds from even small amounts of outdoor lighting is well-documented (<https://www.fws.gov/news/blog/index.cfm/2020/4/22/Lights-Out-for-Migrating-Birds>). The applicant needs to describe the type and extent of the lighting systems that are planned, and appropriate mitigation measures need to be required, including down-shielding of all lights, and installing motion sensors and controls where constant lighting is unnecessary.

Recreation (SEPA Checklist Section B. #12: This section requires disclosing “designated and informal recreational opportunities” in the vicinity. The applicant’s response mentions only hunting and fishing. In fact, local residents walk on Grip and Prairie Roads, and the haul route along Grip and Prairie Roads is a popular recreational bicycling route. The route is included in a “Skagit County Bike Map” produced by Skagit Council of Governments, and distributed by Skagit County Parks Department. This same bike map is also included in Skagit County’s 2016 Comprehensive Plan, as the “Bicycle Network Map”; it includes Grip and Prairie Roads as part of the inventory of the County’s non-motorized transportation system. In addition, a portion of Prairie Road and F&S Grade is part of U.S. Bike Route 87. Nonetheless, this important recreational activity was not disclosed in the SEPA checklist; nor were impacts to it evaluated. As discussed elsewhere in this letter, Grip and Prairie Roads are narrow and substandard with soft or nonexistent shoulders. There are many parts of this route where there is literally no option for a cyclist to move to the right to make room for a passing vehicle. The recent addition of guardrails on portions of Prairie Road have had the effect of eliminating options for a shoulder and narrowing the roadbed even further (guardrails were apparently installed more to protect power poles from vehicle collision than for public safety).

The introduction of an average of five tandem gravel trucks an hour (much less the 30 trucks an hour under the “extreme” scenario) to this route will render recreational cycling not only unpleasant, but very dangerous. Mitigation and alternatives could be identified for reducing the impact of trucking on these important recreational uses, such as widening and hardening road shoulders, limiting the number of trucks allowed per day on the road and designating ‘safe passage’ times during each day, when trucks are not allowed to haul from the site.

The omission in the SEPA checklist and project documents of the impact on pedestrians and bicyclists along the haul route is just one more example of the serious inadequacies in the application materials, and the disregard for public safety shown by the applicant. Issues regarding public safety related to truck traffic and the condition of County roads along the haul route are further discussed below under traffic.

Transportation/Traffic (SEPA Checklist Section B. #14): The SEPA Checklist and Supplement asserts that that no improvements to existing roads are necessary and that traffic generated will be “typical” of mining operations. The Checklist and Supplement then reference studies conducted by their traffic consultant DN Traffic Consultants without providing further details. However, a review of those documents reveals that “typical” traffic is a stunning 11,765 truck trips per year. The SEPA documents do not identify this number. DN Traffic goes on to calculate that this will “average” 46 truck trips per day. However, given the seasonal nature of gravel mining, this “average” is meaningless. The number of trucks that the applicant intends to deploy on a daily or weekly basis has never been clearly defined. This makes it impossible to evaluate the actual intensity of use and potential threats to public safety.

DN Traffic Consultants’ more recent “Traffic Impact Analysis” (TIA), submitted in September 2020, seems intended to address the basic requirement that a TIA be done for this project (we have been requesting a TIA since we first learned about the permit application in 2016). It also seems intended to address at least some of the issues we have raised in the many comment letters we have submitted since that time. However, the document fails on both counts. While we intend to submit a detailed comment letter to the county on the entire TIA in the future, we provide below a summary of some of our main concerns.

- It does not meet the requirements and format for a Level II TIA as set out in Skagit County Road Standards, 2000 (SCRS). – See SCRS 4.01-4.02 and Appendix A
- It does not state whether the information included in the TIA supersedes previous inconsistent and/or contradictory information submitted by the consultant and the applicant regarding critical aspects of the project, including hours of operation and numbers of truck trips. This adds to the overall lack of definition for the project rather than clarifying it.
- It proposes that if the applicant finds that they need to exceed a limit of 46 truck trips per day to meet demand (up to a limit of 29.4 trips each way per hour, or 294 trips per 10-hour operating period), they will first request permission from the county, and then Public Works will be responsible for determining temporary safety measures to mitigate for the increased risks. This is problematic in several regards:
 - It does not state how often and for how long this “extended hours operation” could occur.
 - It seems to imply, without ever stating clearly, that hauling under this scenario would take place for only 10 hours per day, while mining would happen for

unspecified “extended hours.” Since the applicant has repeatedly asserted their right to operate up to 24 hours per day, seven days per week, we must assume that both accelerated mining and hauling could take place during those hours. The actual number of round trips per 24-hour period under this scenario would be 706, meaning there would be 1,412 one-way truck trips every 24 hours, and 60 one way truck trips every hour. Mine traffic impacts must be evaluated on this basis, or limitations need to be placed on the number of daily truck trips allowed from the mine.

- Without specifying what measures would need to be implemented to ensure traffic safety under this “extended hours” scenario, the applicant defers its obligation in this regard to the County and potentially exposes the County to liability.
- It contains false statements regarding existing road and future conditions and uses, such as:
 - As previously noted, the statement that there are no designated bicycle routes on the roads proposed for the haul route, when in fact a map of these routes is included in the non-motorized transportation component of the County Comprehensive Plan.
 - The statement that the shoulders on Prairie Road vary from two feet to four feet wide. In actuality, recently installed guardrails on the south side of the road practically eliminate the shoulder entirely for a considerable distance along the haul route.
 - The statement that there is no significant development planned that will impact traffic levels on the proposed haul route. In fact, the County has already approved bringing Kalloch Road and North Fruitdale Road up to arterial standards to provide better access from the north to the Sedro Woolley Innovation for Tomorrow (SWIFT) Center. The bulk of this traffic from the north will come via I-5, Bow Hill Road, Prairie Road, Grip Road, and Mosier Road. In addition, a major new residential development is planned for north of Sedro Woolley between SR9 and Fruitdale Road. This will also generate a significant amount of traffic to the north via these same roads.
- It omits key facts and conditions, such as:
 - The existence of several Burlington and Sedro-Woolley School District bus routes along the proposed haul route. It makes no mention of these bus routes; does not analyze the threats presented by mine truck traffic to the safety of schoolchildren, parents, or district employees and equipment; and proposes no mitigation actions for these risks.
 - A major roadway misalignment issue on the Grip Road Hill curves, which requires that a truck with pup trailer repeatedly encroach on both the centerline and the edge of the pavement (there is no fog line) while navigating this very narrow, steep section of the road.

- The existing, progressive failure of the pavement and roadbed on the outside of the uphill (south side) lane of traffic in the above location. This presents both a safety hazard to the public and an ongoing maintenance liability for the county.
- It documents some of the other existing, critical road deficiencies and traffic hazards but either omits corresponding mitigating actions or proposes inadequate mitigation actions. For example:
 - It documents that a truck with pup trailer cannot navigate the two 90-degree curves on Prairie Road east of the Old Highway 99 intersection in either direction without encroaching significantly on both the fog line and centerline. It acknowledges that this constitutes a traffic safety hazard, but does not propose any mitigation actions. Instead, it states that the County is responsible for dealing with this issue.
 - It proposes a flashing yellow light warning system to mitigate for inadequate sight distance at the Prairie Road/Grip Road intersection, a measure the author of the TIA described as “temporary” in an earlier traffic memo. This is the same place where, in an email obtained via public records request, former PDS Senior Planner John Cooper described coming upon the scene of an auto accident at this intersection and being told by the attending Sheriff’s Department officer (who himself was a former commercial truck driver) that a flashing yellow warning light would be insufficient to prevent accidents in that location (John Cooper email to Dan Cox, 1/30/2017).

In addition, in the TIA fails to disclose serious impacts with regard to use of the bridge over the Samish River on Old 99. In response to information about the bridge’s weight restrictions, the TIA proposes either to reduce load weights or to use an alternate route that involves continuing west up Bow Hill Road from Prairie Road to I-5, heading south to the Cook Road exit, and then north on Old 99. However, these options either generate more truck trips than proposed (lighter loads equals more trucks trips) or follow a considerably longer haul route. The impacts from this longer haul route have not been analyzed. There are many concerns related to dozens of gravel trucks making their way up the steep Bow Hill Rd and entering and exiting two busy freeway interchanges, and passing through additional busy intersections that are already hazardous. And of course, either way, the cumulative mileage and emissions increase. These additional impacts have simply not been evaluated.

As we stated above, the comments included here on DN Traffic’s TIA are only some examples of how woefully short this document falls when it comes to addressing the true scope of road and traffic safety risks associated with this project. Until these issues are thoroughly analyzed and comprehensive mitigation measures proposed, the only valid SEPA threshold determination for the proposed mine is a determination of significance (DS) requiring a full environmental impact statement (EIS).

Finally, to our knowledge, the County's hired traffic engineer/consultant, HDR, who has been reviewing the various traffic information submitted by the applicant, has never visited the site and actually observed the condition of the roads in question. All of the third-party review has been conducted remotely using information and data provided by the applicant and County – it is simply unacceptable that the reviewers signing off on the traffic studies have not observed in-person the problems with road conditions and safety.

Mitigation Measure #13 includes several conditions related to traffic impacts, including installation of a "Traffic Activated Beacon System" at two problematic intersections where there are site distance deficiencies. As discussed above, these beacon systems were recommended as a temporary solution by the applicant's own traffic consultant. Furthermore, the measure states that the beacon system will be "turned over to Skagit County for operation and maintenance", presumably at taxpayer's expense.

Mitigation #13 also states that the maximum daily truck traffic allowed is "limited to an average of 46 daily trips...not to exceed 30 trucks per hour under extended hours operations". It then states that the applicant will "seek permission from Skagit County prior to generating the higher truck volumes." Unfortunately it is not clear how these 'average' truck trips will be calculated – on a daily basis, a weekly basis, a yearly basis, or through the life-time of the project. It doesn't state how such calculation will be accomplished, nor by whom. Nor does it state what actions will be taken by the County to protect public safety should the applicant wish to run more trucks. This cuts out the affected public from any say in the matter; it doesn't even require the public to be informed. Firm, safe limitations on numbers of hourly truck trips must be imposed.

Public Services (SEPA Checklist Section B. #15). The applicant states that there will be no impacts to public services, but absent measures to address the road safety issues discussed above, the traffic collision rate in this area will undoubtedly increase. This will create a heavier demand on law enforcement and first responders. In addition, the need for road maintenance will increase considerably with the hauling of 200,000 tons of gravel per year on Grip and Prairie Roads. The applicant should be required to share costs of necessary infrastructure improvements as stated in Skagit County Comprehensive Plan Policies: *Policy 4D-5-3: Roads and Bridges: New public roads and bridges accessing designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic for mineral extraction operations. 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.*

- 6) Appropriate mitigation measures and alternatives are still not identified.** As previously stated, the mitigation measures proposed in the MDNS do not address the full impacts of this proposal, and simply stating that the applicant must comply with existing laws is not

mitigation. In addition to those discussed above in appropriate sections, below are a few more examples of the concerns we have with more of the proposed mitigation measures in the MDNS:

Mitigation Measure #2 addresses Hours of Operation. It states a limit on hours of operation as 7am-5pm Monday-Friday, but it allows for extended hours if seasonal demand “indicates a need”. It requires the applicant to request from the County a “temporary deviation” from these hours, and states that “such operations may be subject to additional conditions”. While limiting standard hours of operation is an improvement, it does not state what conditions might be imposed under “extended hours” conditions, nor state any limitation on the duration or frequency of such extended hours, nor how the public would be consulted or notified. This mitigation measure lacks specificity and clarity.

Mitigation Measures need to be clear and specific and impose enforceable limitations. This mine proposes to operate for 25 years without any additional permitting required. Most of the mining activity will occur in areas inaccessible to public scrutiny. Mitigation measures must be enforceable. There must be compliance monitoring to ensure that conditions intended to protect the natural environment are actually followed, and the applicant should be required to pay an annual fee to cover the cost of monitoring. Given the long duration of these proposed mining operations, there needs to be a periodic permit review process every five years to ensure activities are in compliance with the original permit conditions.

7) Identify and evaluate lower impact alternatives. The overriding assumption in the application documents seems to be that this project requires very little mitigation. There simply is no real exploration of project alternatives or other ways proposed to reduce impacts. We find this very troubling, and it supports the need for a full EIS. Since key aspects of the proposal are still not clearly defined, it is difficult to fully explore appropriate permit conditions and mitigation measures. Nonetheless, it is clear to us that there are some pathways to addressing the project impacts. A few examples of alternatives that should be explored, and mitigation measures or permit conditions that should be required are discussed in the various sections of this letter, and identified below, along with a list of additional studies that need to be completed.

- Explore alternative project scenarios that include significantly scaled back rates of extraction, a smaller mine size and limits on daily truck trips.
- Limiting hours of operation to daylight hours during the workweek, without exceptions for extended hours conditions.
- Limiting the daily number of truck trips without exception for extended hours conditions.

- Require a larger buffer on Samish River consistent with the County's Critical Areas Ordinance and Department of Ecology's guidance for protecting river and associated wetlands and sensitive & critical habitat from industrial uses.
- Require protection of a wildlife corridor through a permanent Native Growth Protection Easement that encompasses and links the sensitive wetlands and streams and their buffers across the applicant's larger property. Permanent protection of forested habitat would also off-set some of the carbon emissions from the project.
- Require a larger undisturbed vegetated buffer between the active mine and adjacent private property, to reduce noise, vibration and dust. Do not allow side-casting material in these buffers, which would significantly reduce their effectiveness at reducing noise and dust impacts.
- Major road and safety upgrades along the haul route need to be included before hauling is allowed, including but not limited to:
 - Traffic lights and/or turn lanes at critical intersections including: Grip Road at the intersection with the mine access road; at intersection of Grip and Prairie Roads; at the intersection of F&S Grade and Prairie Roads, at intersection of Prairie Road and Old 99.
 - Improve site distance to the east at intersection of Prairie and Grip Roads
 - Widen Grip and Prairie roads and harden shoulders.
 - Straighten and widen curves on Grip Road hill or find an alternate access point to the mine below the 'S curves' and hill.
 - Improve the two ninety degree turns on Prairie Road so that trucks can stay in their lanes.
- Gravel trucks must be restricted to the identified haul route (presuming necessary road improvements have been made). There are numerous safety issues with other haul routes that have not been evaluated, including at least four ninety degree corners on Grip Road heading east where it is impossible for large trucks to stay in their lane.
- The above safety concerns are also applicable to sale of mined materials to private parties and independent truckers. The application materials are not consistent regarding whether CNW intends to sell directly to third parties. If this were to occur, these third party trucks would not necessarily stay on the identified haul route. Therefore sale to private parties and independent truckers from the site must be prohibited.

Additional Assessments or Studies needed:

- Fully updated Critical Areas study and Fish and Wildlife assessment that evaluates the impact of a reduced buffer on the Samish River, and fully identifies and mitigates for the impacts to wetlands and streams adjacent to the private haul road, taking into consideration the "high intensity" land use that industrial scale mining clearly represents.

- Further evaluation needs to be conducted of the impact to the listed Oregon Spotted Frog and Bull Trout consistent with State and Federal Endangered Species Act.
- Full geological evaluation of impacts of the heavy truck use of the haul road in the Swede Creek gorge, including the potential for slope failure that could damage this fish bearing stream. This evaluation needs to identify appropriate ongoing management practices to avoid slope failure through the life of the project.
- Evaluation of potential changes to hydrology and potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road.
- Full Level II Traffic Impact Analysis.
- A realistic estimate of the cumulative emissions from all of the mining activities on-site, as well as the diesel emissions from truck hauling needs to be made, and a mitigation plan proposed.

Thank you for your time and consideration.

Sincerely,



Martha Bray and John Day
6368 Erwin Lane
Sedro-Woolley, WA 98284

Cc: Hal Hart, Director PDS

Attachment: Bray/Day 01/11/2022 Letter to Cricchio, re.Haul Road Critical Areas Assessment

January 11, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Miles Sand and Gravel "Impact Assessment & Mitigation Plan" Grip Road Gravel Mine PL16-0097/0098 – VIA EMAIL

Dear Mr. Cricchio:

We have reviewed the "Impact Assessment and Mitigation Plan" for the proposed Grip Road Gravel Mine that was prepared by NW Ecological Services (NES) on behalf of Miles Sand and Gravel. This latest report was received by the County on December 21, 2021 and is now part of the application materials for a Mining Special Use Permit File # PL16-0097/0098. As you know, we are residents of the neighborhood near this proposed mine and are representative of a large number of citizens who are concerned about its potential impacts. We have been involved in the review of the project since Miles submitted their first application materials nearly six years ago in March 2016. We are already on record identifying major impacts of the proposal that still remain unaddressed in the existing application materials, but this letter focuses on the shortcomings of this most recent Critical Areas assessment. We are very concerned about the assumptions made in the NES report – assumptions that allowed the consultant to under-report or altogether dismiss significant direct impacts to the many streams and wetlands on the site, and downstream of the site.

We understand from you that Planning and Development (PDS) staff will be reviewing the NES report in the next few weeks, and then deciding on next steps. It is with this in mind that we are writing to you now, but we also want you to know that our attorney, Kyle Loring, will be submitting additional comments soon. We urge PDS staff to please consider the larger context of this latest Critical Areas assessment. Our primary concerns involve several aspects of the NES report: 1) The report ignores the major expansion and improvement of the haul road that was conducted by the applicant in 2018. This work developed a small logging road into a major haul road suitable for industrial mine use, and it constituted a conversion of land use out of forestry. The work was conducted without a County permit and thus we don't believe the environmental impacts to the wetlands and streams were evaluated. 2) The environmental footprint of the entire project has been minimized by providing a separate Critical Areas report that looks only at the haul road. The impact of the intensive industrial use of the haul road in combination with the mine site itself has not been taken into consideration, and no other

environmental assessments have been updated to reflect the additional findings of the NES report.

First, it is important to note that the NES report is only intended to evaluate impacts to streams and wetlands along the 2.2 mile long haul road that transects Miles contiguous ownership. The title of the report does not make this clear, and it could be misunderstood to be a more extensive assessment. The authors expressly state that evaluating the project for compliance with applicable stormwater management requirements is beyond their purview – this has yet to be addressed. In addition, the only Critical Areas review of the proposed mine site itself remains the “Fish and Wildlife Assessment” by Graham-Bunting Associates (GBA) dated 2015, and a brief “Fish and Wildlife Addendum” (also by GBA) dated 2017.

We have long argued that the entire project footprint needs to be evaluated, including the haul road. So, we do appreciate that the County finally has required environmental review of the haul road. However, the effect of producing separate Critical Areas reports on different elements of the project without any synthesis, is to minimize the impact of the whole project. This proposed project is a sixty-acre open pit mine, 90 feet deep, adjacent to the Samish River, and a 2.2 mile long industrial haul road which crosses a fish bearing stream, and includes 36 wetlands and 21 seasonal streams within 300 feet of the haul road. The collective and cumulative impact of the entire project is much greater than just one aspect of the project viewed without all the rest.

Second, the NES report disregards the impacts of the road expansion that occurred in 2018 by repeatedly stating that the haul road is “pre-existing” and has been used for decades for forestry. The report thus dismisses any impacts from road construction as having occurred at some indefinite time long ago, and states that the “project does not include any expansion of the road footprint”. This allows the applicant to avoid evaluating and mitigating for the road development and expansion. In fact, the road was massively rebuilt just in 2018 -- two years after the mining application had been submitted -- but the work was conducted without County permits. At the time Miles claimed they were simply conducting maintenance of their forest roads, and that it was legal under WA State Forest Practice Regulations, but it has since become apparent that the road upgrade has been intended to serve the significant expansion in truck traffic associated with the mine.

We know, from numerous observations from community members, that the road improvement work included significant widening of the old roadbed, new grading, ditching, culvert replacement and building up the roadbed with dozens of loads of rock and gravel. Furthermore, the only logging road on the entire 700-acre property that was so improved was

the one that goes directly from Grip Road to the mine site, and no significant forestry use has been made of the road since. After community members contacted the County with concerns, an "As Built" survey was then submitted to the County as part of the permit materials; the NES report states that the road conveniently meets County Road Standards (which is far above anything required for forestry use). This approach allowed Miles to avoid evaluation of impacts of the new road construction by the County or other regulators. Now the NES report uses a kind of circular logic to state that the impact of the road construction may have been significant, but it was caused years ago, so it is not addressed in their report as part of this permit process.

The NES report is simply built on false assumptions. The changes and impacts wrought by the recent road improvements, that were clearly conducted to serve the mining project, are simply not addressed. Since the County did not assert its regulatory authority over the land use conversion in 2018, this is the first opportunity to address the impacts from the road development and we request that you do so.

Third, the NES report downplays the impacts caused by the change in use from forestry to high intensity gravel truck traffic. The difference in traffic levels between an occasional forestry use and industrial mining is very significant. This haul road is scheduled to carry an 'average' of 46 tandem gravel trucks per day, weighing as much as forty-tons each, for 25 years. And, as we have stated repeatedly in previous comments, this 'average' daily truck number is meaningless and masks the fact that the mining operations are seasonal and market driven, and the applicant has still not provided a maximum possible number of daily truck trips.

Fourth, the NES report relies on the original GBA Fish and Wildlife report that claimed the mining activity would be a "Moderate Intensity" land use (rather than "High Intensity"), to justify its mitigation recommendations. We are already on record expressing our strong disagreement with the conclusion that industrial mining can be characterized as a "Moderate Intensity" land use. The NES report then goes on to state that they used this previous determination of Moderate Intensity to identify appropriate mitigation and buffers, and states: "[i]f a high intensity land use impact is applied buffers will be larger". Again, the NES report is relying on false assumptions.

Lastly, the NES report identifies the extensive network of wetlands and streams adjacent to the road, but these Critical Areas have not been surveyed. There is no way for the County to enforce protection of these areas without them being surveyed, signed and located on a map. Any future approval of this permit needs to be conditioned upon surveying and signage of the protected Critical Areas and the appropriate buffers prior to operations.

For all of the reasons stated above, the applicant has provided an inadequate Critical Areas Assessment that does not consider the construction impacts of the haul road, nor the intensity of the mining activity and gravel truck traffic. In addition they still have not evaluated the impact of stormwater runoff, nor identified appropriate mitigation measures. We urge County staff to require a complete and thorough assessment and mitigation plan for the footprint of the entire project, updating the old Critical Areas assessments and evaluating the impact of the haul road development together with the mine site itself.

Thank you for your time and consideration.

Sincerely,

Handwritten signatures of Martha Bray and John Day.

Martha Bray and John Day
6368 Erwin Lane
Sedro-Woolley, WA 98284
(360) 856-0644
mbray1107@gmail.com

Cc: Hal Hart, Director, PDS
Leah Forbes, Senior Planner
Brandon Black, Senior Planner
Kyle Loring, Attorney

By Electronic Portal, Email, and in-hand delivery

March 9, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273
kcricchio@co.skagit.wa.us

Re: File No. PL16-0097 & PL16-0098; Concrete Nor'West Grip Road Gravel Mine
Skagit County Planning and Development Services Mitigated Determination of
Nonsignificance

Dear Mr. Cricchio,

I'm writing on behalf of Central Samish Valley Neighbors ("CSVN") to request that Skagit County Planning and Development Services ("PDS") reconsider and withdraw the most recent Mitigated Determination of NonSignificance ("MDNS") that it issued for the clearing and development of a 51-acre sand and gravel mine ("Mine") along the Samish River. While this MDNS contains more conditions than the previous two threshold determinations that PDS issued and then withdrew for the mine, it continues to conflict with Washington's State Environmental Policy Act ("SEPA") because significant project impacts remain undisclosed and therefore unevaluated. Even six years after the initial application, the proponents have not evaluated such prominent issues as damage to the Samish River wetlands from an undersized 200-foot buffer, traffic impacts at potentially dangerous intersections, deforestation of 51 acres of a wildlife corridor, or carbon emissions, or slope instability that could cause sedimentation to Swede Creek. Absent this information and the numerous additional omissions identified below, PDS has not satisfied the SEPA requirement that it fully consider the environmental impacts of the Mine. The MDNS must be withdrawn.

Moreover, PDS must issue a Determination of Significance ("DS") because the information disclosed in the application materials for permits PL16-097 and PL16-0098 indicates that the Mine would cause significant impacts. For example, Concrete Nor'West's ("CNW") traffic impacts analysis confirms that dump trucks and trailers pose a threat to other users on the narrow, high-speed-limit roads that they will traverse.

CNW has had six years to address the potential impacts of its Mine, and while they have slowly piecemealed a few additional documents, they have not demonstrated that the Mine

will address the impacts. As the representative of the local community entrusted with ensuring that applicants for large, high-intensity industrial development analyze and address environmental impacts, PDS must respond accordingly and issue a DS and start the Environmental Impact Statement (“EIS”) process to address the Mine’s impacts.

This letter explains that: (1) the Project outlined by the application materials; (2) will have a variety of impacts, some unevaluated and others already identified as significant; on (3) its sensitive ecological surroundings and the local transportation network. The MDNS does not adequately condition the Mine to address those impacts.

In drafting this letter, we reviewed application materials that included the following:

- (1) the March 7, 2016 fact sheet, special use narrative, and project description;
- (2) subsequent special use narratives and revised project description;
- (3) SEPA Checklist;
- (4) fish and wildlife documents by Graham-Bunting Associates;
- (5) the December 2021 NW Ecological Services’ Impact Assessment & Mitigation Plan (“NES Report”);
- (6) the Hydrogeologic Site Assessment and December 16, 2021 Response to Skagit County Geologic Hazard Requirement from Associated Earth Sciences (“GeoTech Memo”); and
- (7) traffic documents by DN Traffic Consultants.

We also reviewed comment letters by state agency officials and well-informed members of the public, consulted with a geologist, fish and wildlife officials, and a traffic engineer, and reviewed publicly-available information about the site and environs like aerial photographs and the regional bicycle map. We have attached the February 7, 2022 comments the we submitted to address the flaws in the NES Report and the GeoTech Memo, which have not been addressed since we submitted that letter, and incorporate it by reference.¹

A. Project Details.

CNW has submitted two applications to allow it to convert three parcels, tallying 77 acres, into an open pit gravel mine. The first, PL16-0097 requests a Mining Special Use Permit to excavate approximately 4,280,000 cubic yards of sand and gravel in a 51-acre open pit mine in the Central Samish Valley.² The mining would excavate 90 feet down toward the water table.

¹ Attachment A.

² CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018). While the MDNS references

CNW projects that the mining would occur over 25 years, though the proposal would not be limited to a specified period of time and the rate of excavation would depend on demand for sand and gravel. To facilitate this mining, CNW has also requested a Forest Practice Conversion permit, PL16-0098, which would authorize it to fully clear 51 acres for the mine, including harvest of approximately 50,000 board feet, removal of stumps, and removal of all other vegetation and soils.³ While the proposed mining would occur on three parcels totaling 77 acres, these parcels form just a portion of an overall block of parcels totaling more than 726 acres.⁴ Although the SEPA Checklist suggests that there are no plans for future additions, expansion, or further activity related to or connected with the proposal, a large portion of the other 650+ acres of land have also been designated as Mineral Resource Overlay, with some of it approved for active harvest by the Washington Department of Natural Resources.⁵

While it is believed that CNW has not commenced gravel mining at the site, it appears to have already improved a forest road on the site in an effort to facilitate the gravel truck and pup shipping. Aerial photographs from 2018 indicate that the road was converted at that time to gravel, and possibly widened.

1. Hours and staffing.

According to the MDNS, standard mining hours at the site would extend Monday through Friday from 7:00 AM to 5:00 PM.⁶ To address seasonal demand, CNW could expand these hours to Saturday, Sunday, and a longer work day upon approval by PDS.⁷ CNW estimates that one to two full-time employees would work on-site and an unspecified number of truck drivers would haul gravel off-site throughout the day.⁸ On-site operations would involve heavy equipment like a front-end loader, excavator, dozer, and dump trucks.⁹

2. Hauling routes and volume.

Application materials and the MDNS each offer varying estimates of the amount of truck traffic that the mine would generate. A September 10, 2020 Traffic Impact Analysis ("TIA") by DN Traffic Consultants estimates that under "extended hours conditions," the Mine would

³ Skagit County, Notice of Withdrawn and Re-Issued MDNS, 1 (April 15, 2021) ("MDNS").

⁴ CNW Special Use Narrative, at 2.

⁵ SEPA Checklist, 2 of 18 (March 2, 2016); Attachment B shows a DNR timber harvest map for the area, with approved Class II timber harvests marked in blue overlay.

⁶ MDNS.

⁷ *Id.* at condition 2.

⁸ CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018).

⁹ CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

generate 29.4 truck-and-trailer trips per hour.¹⁰ The TIA does not define extended hours or explain why the site would be limited to that number of trips if demand were high enough to require greater production. DN Traffic Consultants' earlier memo, aptly-titled "Maximum Daily Truck Traffic," estimated that a realistic maximum number of trips for truck-and-trailer was 60 trips per hour.¹¹ That study assumed that increased demand for material would lead to increased production at the site, limited only by the (likely artificial) logistical consideration of the number of truck and pups available in Skagit County.¹² DN Traffic explains in its TIA that the ~30 trips per hour that it estimates for a higher end number is based on the anticipation that the Mine could generate up to 5000 tons per day. It does not explain how this production amount was derived and does not explain the inconsistency between the ~30 trips figure and the 60 truck-and-trailer trips per hour that it deemed a realistic maximum in its Maximum Daily Truck Traffic memo.

Although CNW has not defined its exact haul route, its suite of proposed routes would involve the hauling of gravel and sand by trucks and trailers forced to navigate narrow rural roads with medium to high speed limits. The original road special use narrative stated that hauling would occur along Old Highway 99, Prairie Road, and Grip Road.¹³ Subsequent documents identified Bow Hill Road and F&S Grade Road as potential route extensions. Road widths along these routes are just 20-22 feet and they allow speeds up to 50 mph. Although the TIA suggests that shoulders exist along each of these roads but Grip Road, the Skagit County Bike Map identifies Grip Road, Prairie Road, and F&S Grade Road as roads without shoulders.¹⁴ A simple review of these roads through google maps' street view function confirms that paved shoulders are largely non-existent on those roads, though some stretches contain large gravel that promptly slopes down to a ditch. In addition, the TIA asserts that there are no known bike routes in the subject area, yet the readily-available Skagit County Bike Map identifies Prairie and F&S Grade Roads as part of a federal bike route, US Route 87. Local residents have communicated that guard rails have been installed along a significant stretch of Prairie Road, already shrinking the width available for cyclists and pedestrians outside the actual roadway.

The transportation documents associated with the application do not prescribe a haul route, but instead contemplate multiple options. The TIA states "[i]t is estimated that 95 percent of the trips will be assigned to and from the west on Prairie Road; with 80 percent south to the existing Belleville Pit Operation using either Old Highway 99N or I-5 south; ten (10)

¹⁰ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020).

¹¹ DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

¹² DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

¹³ CNW, Grip Road Special Use Narrative, page 9 of 17 (March 7, 2016).

¹⁴ See Skagit Valley Bike Map, attached hereto as Attachment C.

percent of the trips to end users via I-5 south, five (5) percent to end users west of I-5 on Bow Hill Road; and five (5) percent to end users east of the Mine access via Grip Road.”¹⁵ One of the options in the TIA assumes that truck/trailer combinations using Old Highway 99 would be short-loaded to comply with current weight restrictions on the Old Highway 99 Samish River bridge or that those restrictions would be removed. The Application does not evaluate the number of truck trips that would be required if vehicles were short-loaded to meet current bridge weight limits. The Application’s revised project description identifies a route through Grip Road, Prairie Road, and Old Highway 99 North.¹⁶

Within CNW’s property, material would be transported on a 2.2-mile-long haul road that was not acknowledged to be a component of the mining project until five (5) years after the initial application. Presumably to accommodate the Mine’s volume of heavy traffic, in 2018, significant road construction activities appear to have occurred along the full length of the haul road, expanding its width, significantly building up the surface, replacing culverts, and cutting vegetation. Under “Conditions on Approval / Reasons for Disapproval,” a DNR Notice of Decision for FPA #2816283 by Dave Klingbiel sets out conditions to be met “Prior to truck haul” and “during rock haul activities,” indicating that the road work was done for mining use. An April 30, 2021 letter by Skagit River System Cooperative (“SRSC”) noted that google map images showed that the forest roads were widened and that three culverts were replaced.¹⁷ SRSC estimated that the widening of the haul route by approximately 10 feet over its two miles and the conversion to a gravel surface had added 2 acres of compacted gravel. Although a recent NES Report found that 36 wetlands, one fish-bearing stream, and 21 seasonal, non-fishbearing streams lie within 300 feet of the roadway, the report did not evaluate the road conversion impacts on those ecological resources.¹⁸ This appears to be attributable to the report authors’ assumption about “the length of time the road has been present....”¹⁹

3. Hazardous materials.

The Application offers conflicting information about whether hazardous materials will be stored at the site. It responds “Yes” to a question about whether chemicals, waste oils, solvents, and fuels would be stored at the site, and describes the possibility of installing a 2,000-gallon diesel fuel tank.²⁰ But it also states that “[w]aste oils, solvents, etc. will not be

¹⁵ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine, 13 (Sept. 10, 2020).

¹⁶ CNW, Revised Project Description (Section A), 9 of 17 (received Feb. 23, 2018).

¹⁷ Letter from N. Kammer to M. Cerbone re: Concrete Nor’West gravel pit (April 30, 2021).

¹⁸ NW Ecological Servs., Grip Road Gravel Mine Impact Assessment & Mitigation Plan, i (Dec. 2021).

¹⁹ *Id.* at ii.

²⁰ CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

stored on site.”²¹

B. Valuable Ecological Setting.

The 68-acre mine site and associated properties provide important terrestrial and aquatic habitats. The Samish River, a salmon-bearing river, winds for more than one-quarter mile along the eastern portion of the mine property. Associated wetlands extend toward the Mine from the river’s active channel and floodplain, though it is unknown just how close the edges of the wetland reach to the proposed mining area because they have not been delineated.²² The recent NES report also acknowledges that the internal haul route winds through and within 300 feet of a rich ecosystem consisting of 36 wetlands and 21 seasonal streams, and that it directly crosses Swede Creek, a fish-bearing tributary of the Samish River.

C. SEPA Requires Withdrawal of the MDNS Because the Application Does Not Supply PDS With Sufficient Information to Fully Consider the Project’s Environmental Impacts.

PDS must withdraw the MDNS because it has not fully considered the environmental and ecological effects of CNW’s sand and gravel mining proposal. RCW 43.21C.030; *see Boehm v. City of Vancouver*, 111 Wn. App. 711, 717, 47 P.3d 137 (2002). For example, PDS issued the MDNS without analyzing the impact of clearcutting and mining a large portion of a wetland buffer intended to protect wetland species like the federally-threatened and state-endangered Oregon spotted frog. Nor has the Application fully evaluated and mitigated for the impacts associated with the private haul road that will traverse Swede Creek and travel near identified wetlands and streams. The Application also omits a full analysis of the risk to human health and safety from a haul route that involves public roads where the proposed truck and trailer would not be able to stay in its lane on two-lane roads with speed limits up to 50 mph, and the risks associated with the sight distance at the intersection of Grip Road and the site access road. In the absence of this information, PDS has not satisfied its duty under SEPA to fully consider the project’s adverse environmental impacts.

SEPA requires agencies to “consider total environmental and ecological factors to the fullest extent when taking ‘major actions significantly affecting the quality of the environment.’” *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978) (quoting *Sisley v. San Juan County*, 89 Wn.2d 822, 830, 567 P.2d 1125 (1977)). To determine whether an

²¹ CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

²² As explained below, the applicant estimated average widths for the river, its floodplain, and associated wetlands, but did not survey or delineate the boundaries of those areas and thus has not specifically measured them.

environmental impact statement is required for a major action, the responsible governmental body must first determine whether the action will cause significant impacts and render a threshold determination accordingly. RCW 43.21C.030(2)(c); *Boehm*, 111 Wn. App. at 717.

Agencies must first ensure that the proposal is properly defined. WAC 197-11-060(3). Every part of a proposal that combines to form a single course of action must be evaluated in the same environmental document. WAC 197-11-060(3)(b). Thus, where different parts of the same proposal could not proceed unless they are implemented simultaneously, they must be evaluated together. WAC 197-11-060(3)(b)(i). Because the Mine could not function without the use of the private haul road to transport the product off-site, environmental impacts associated with the use of that road must be evaluated as part of the project's SEPA review.

A major action significantly affects the environment when it is reasonably probable that the action will have more than a moderate effect on the quality of the environment. WAC 197-11-794; *Boehm*, 111 Wn. App. at 717 (citing *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 278, 552 P.2d 674 (1976)). Significance involves a proposal's context and intensity; an impact may be significant if its chance of occurrence is low but the resulting impact would be severe. WAC 197-11-794.

To evaluate an action's effects, a responsible official like PDS must: (1) review the environmental checklist and independently evaluate the responses of the applicant; (2) determine if the proposal is likely to have a probable significant environmental impact; and (3) consider mitigation measures that the applicant will implement as part of the proposal. WAC 197-11-060(1); WAC 197-11-330; *Indian Trail Prop. Ass'n v. Spokane*, 76 Wn. App. 430, 442, 886 P.2d 209 (1994). In reviewing a project's impacts, an official must review both direct and indirect impacts and both short-term and long-term impacts. WAC 197-11-060(4). If the responsible official's review concludes that the proposal will not cause probable significant adverse environmental impacts, she issues a determination of nonsignificance ("DNS"). WAC 197-11-340. Conversely, a finding of probable significant adverse environmental impact leads to the issuance of a Determination of Significance ("DS"). WAC 197-11-360. A determination of significance triggers the need for an environmental impacts statement to review the project's identified impacts. WAC 197-11-360.

An agency that determines that a proposal will not result in a significant impact bears the burden of demonstrating "that environmental factors were considered in a manner sufficient to be prima facie compliance with the procedural dictates of SEPA." *Bellevue v. Boundary Rev. Bd.*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978) (quoting *Lassila*, 89 Wn.2d at 814).

For example, the threshold determination must be based on information sufficient to evaluate the proposal's environmental impact. *Boehm*, 111 Wn. App. at 718. In addition, a court will not uphold a DNS unless the record demonstrates that the government gave actual consideration to the environmental impact of the proposed action or recommendation. *Boehm*, 111 Wn. App. at 718. An incorrect threshold determination will be vacated because it thwarts SEPA's policy to ensure the full disclosure of environmental information so that environmental matters can be given proper consideration during decision-making. *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).

The MDNS, SEPA Checklist, and associated application materials here demonstrate that PDS did not adequately consider the environmental factors, "in a manner sufficient to be a prima facie compliance with the procedural dictates of SEPA." *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978). The MDNS is not based on information sufficient to evaluate the proposal's environmental impact, as identified below and as exemplified by the lack of response to riparian and wetland requirements noted by Doug Gresham, Ecology's wetland specialist for Skagit County.

1. The MDNS is not based on information sufficient to evaluate the proposal's environmental impact.

The sections below summarize some of the information omitted from the Application that is necessary to fully understand and consider the Mine's environmental impacts. For more detailed descriptions and additional flaws, please see the CSVN Letter dated March 8, 2022 and attached hereto as Attachment H.

a. Lack of sufficient information about transportation impacts.

The Application omits significant, necessary information about potential traffic impacts, including final maximum traffic generation numbers, site distance impacts for intersections like that at Grip Rd/site access road, modeling with speeds anticipated by Skagit County's Road standards, mitigation for site distance impacts, the impact of truck-trailers crossing the centerline between the site and Old Highway 99, travel east of the Mine, and the redistributed traffic to Cook Road. These must be addressed.

Although CNW has provided several documents about the Mine's traffic impacts, CSVN obtained an independent review by Jeffrey Hee, P.E., Senior Transportation Engineer at Transportation Solutions Incorporated ("TSI"). That review revealed that some impacts have yet

to be addressed and others have not been fully evaluated.²³ Mr. Hee analyzed project documents, including the traffic reviews by DN Traffic Consultants, and discovered the following unresolved issues:

- the maximum trip generation numbers and frequency of maximum trip hours and days for the Mine have not been finalized. The Application offers conflicting information about the maximum traffic to be generated. Also, the Application does not identify whether the trip generation numbers account for on-site workers and non-haul mining operations (page 3);
- site distance impacts were not evaluated based on common industry practice that contemplates the use of 85th-percentile design speeds from the County's Road Standards. Instead, even though those 85th-percentile speeds were readily available on the Skagit County of Governments website, DN Transportation relied on lower posted speeds for its modeling. This may underrepresent sight distance risks (page 4);
- site distance impacts were not evaluated for the intersection where the site access road meets Grip Road, based on the mistaken assumption that it wasn't required for a lower volume road (page 4);
- no mitigation was proposed to address site distance impacts at the Grip Road/access road intersection for egress to the east, and no analysis occurred to determine whether a gravel truck or truck/trailer combination can safely navigate the road network east of the mine (page 4);
- intersection sight distances were not evaluated for truck/trailer combinations at the intersection of F&S Grade Road and Prairie Road. Consequently, Mr. Hee recommended preventing the hauling on F&S Grade Road (page 5);
- the significant truck-trailer impacts that the TIA identifies between the site and Old Highway 99 have not been fully addressed (pages 1, 5);
- there has been no analysis of safety impacts associated with truck-and-trailer combinations traveling east of the Mine access. Mr. Hee recommended preventing hauling east of the Mine site (page 5-6);
- the Application does not evaluate traffic impacts associated with the redistribution of truck traffic onto Cook Road due to Samish River bridge weight limits. This is important given the traffic issues that WSDOT and Skagit County have identified for the Cook Road interchange at Old Highway 99 (page 6);

²³ Memorandum from Jeff Hee to John Day and Martha Bray re: Grip Road Gravel Mine Traffic Analyses Peer Review Comments (April 30, 2021) (attached hereto as Attachment I).

- the Application does not provide detailed specifications for the type(s) of vehicle(s) it modeled for transportation impacts, preventing confirmation of its results (page 5).

Specifically, with regard to site distance and haul route concerns, Mr. Hee notes at pages 5 and 6 that the following comments and questions should be answered:

- is the County's vision clearance triangle satisfied in the study area?
- what speed is needed to achieve site distance at the study locations?
- are sight distance exhibits available for public review?
- Why are total crashes different in some of the Tables in the TIA?
- Will the applicant complete the improvements recommended by the TIA for the intersection of Prairie Road and Old Highway 99?
- Why doesn't the TIA provide conclusions about whether the project traffic will increase the frequency and severity of collisions on the haul route given the route's geometric and sight distance constraints?

Absent analysis of these significant traffic impacts, and resolution of these questions, the MDNS is premature. Nor would the flashing beacon at the Prairie Road and Grip Road intersection, MDNS condition at 13.ii, address this issue because that would not benefit traffic at the intersection of the haul road and Grip Road or any traffic east of that intersection.

b. Insufficient review of impacts within the Project's full footprint.

With the submittal in December 2021 of two new reports on the haul road, the application materials now identify critical areas associated with the two-mile-long private haul road that transects the applicant's larger contiguous ownership and traverses Swede Creek. However, these reports do not reveal or analyze the full impacts of the industrial-scale use of this haul road, even though it is a crucial element of the Project. For more details regarding the shortcomings of this critical areas review, see Attachment A, the letter that we submitted on February 7, 2022 to explain the reports' shortcomings.

c. Lack of review of climate impacts associated with hauling sand and gravel.

No application materials, including the SEPA Checklist, evaluate the climate change impact associated with carbon emissions from mining and hauling more than 4 million cubic yards tons of sand and gravel over a 25-year period. Indeed, the SEPA Checklist asserts that,

"[t]here are no off-site sources of emissions that would impact the proposal."²⁴ For more information about this omission, see Attachment H, March 8, 2022 CSVN Letter at 5 (identifying off-site and cumulative impacts that were omitted and ignored), incorporated herein by reference.

d. Lack of analysis of the impacts caused by deforesting and mining 1/3 of the required Samish River wetland buffer, including impacts to listed species.

The MDNS conflicts with SEPA because neither CNW nor PDS evaluated the impacts of reducing the Samish River wetlands buffer by 100 feet over a stretch of approximately ¼ mile of the Samish River. Nor did either entity evaluate the impacts of this reduced buffer for the numerous wetlands and water courses along the haul road. Such impacts would include those imposed on the listed Oregon spotted frog that relies on the wetlands and environs for its habitat.

Rather than the 300-foot buffer that Skagit County's critical areas regulations require for the Samish River wetlands, the MDNS allows just a 200-foot buffer.²⁵ The MDNS suggests that this narrower buffer would be consistent with those regulations, but does not explain the discrepancy between its 200-foot figure and the 300-foot width required by the regulations.²⁶

A buffer of at least 300 feet applies to the Mine as a high intensity land use adjacent to a Category II wetland.²⁷ According to the Skagit County Code, "high intensity land uses" include "land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses."²⁸ The Mine qualifies as a commercial and industrial use of the land, and the removal of all vegetation and soil across at least 51 acres in order to gain access to underlying rock qualifies as a high level of human disturbance and substantial habitat impacts. In addition, the Application does not evaluate the angle of the slope in the buffer to determine whether it is greater than 25%, and thus warrants an extension of the buffer 25 feet past the top of the slope.²⁹

By clearing 100 feet of the required forested buffer, the Mine would adversely affect

²⁴ SEPA Checklist, at 5.

²⁵ MDNS, condition 17.

²⁶ *Id.*

²⁷ Skagit County Code 14.24.230.

²⁸ SCC 14.040.020 (emphasis added).

²⁹ SCC 14.24.230(2).

functions that the forest furnishes the productive riparian zone, like: (1) maintaining water quality; (2) controlling fine sediment; (3) contributing large woody debris; (4) providing shade and moderating the microclimate; (5) contributing litter fall and organic matter; (6) moderating site hydrology and stabilizing slopes; and (7) providing fish and wildlife habitat.³⁰

In addition to other individual species and ecosystem impacts, cutting into the riparian zone where the aquatic environment transitions to a terrestrial environment would affect habitat essential for the Oregon spotted frog--listed as endangered by Washington in 1997 and threatened federally in 2014--that relies on the wetlands and environs.³¹ The US Fish & Wildlife Service has identified critical habitat for the frog that extends from far upstream on the Samish River and includes the mine property adjacent to the river.³² The 2017 GBA Addendum acknowledges that these wetlands meet the definition of critical habitat for the spotted frog due to their size, saturated soils, and shallow ponds.³³ The GBA Addendum includes a photograph showing these ideal conditions, as well as a hand-drawn line intended to reflect the edge of the saturated area.³⁴

However, neither the SEPA Checklist nor the Application's documents by Graham-Bunting evaluate the impact on the Oregon spotted frog or other wetland species of converting one-third of the riparian buffer into a gravel mine. Consistent with the proposal to mine up to 200 feet from the wetland, the GBA Addendum suggests that a 200-foot buffer is sufficient to protect aquatic life, but does not offer any justification for that assertion other than the absurd claim that clear-cutting a forest and converting it to a sand and gravel mine is a "medium" intensity use.³⁵ Nor does the GBA Addendum indicate why a 200-foot buffer would protect the Oregon spotted frog when Skagit County's critical areas ordinance requires a 300-foot buffer to protect the Category II wetland from the impacts of high intensity land uses like mining

³⁰ See Washington Department of Fish & Wildlife, *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* (July 2020), available at: <https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf> (last visited April 29, 2021); May, *Stream-Riparian Ecosystems in the Puget Sound Lowland EcoRegion: A Review of the Best Available Science*, 25-26 (2003) available at: https://salishsearestoration.org/images/d/d1/May_2003_riparian_best_available_science_puget_lowland.pdf (last visited April 29, 2021).

³¹ Graham-Bunting Associates, Addendum to Fish and Wildlife Site Assessment: Parcels 50155, 125644, 125645, 1 (April 18, 2017) (hereafter "GBA Addendum").

³² See US Fish and Wildlife Service Critical Habitat for Oregon Spotted Frog map attached to that addendum that shows critical habitat on the Mine property, attached hereto as Attachment D.

³³ GBA Addendum, at 1.

³⁴ GBA Addendum, at 2.

³⁵ GBA Addendum, at 2.

operations.³⁶ In fact, the GBA Addendum expressly disclaims that it is not intended to be used for the purpose of evaluating the spotted frog under the Endangered Species Act.³⁷

e. Lack of response to Ecology concerns.

In addition to overlooking the impacts of developing 1/3 of the buffer intended to protect species such as the Oregon spotted frog, CNW declined to address state agency concerns expressed by Doug Gresham, the Washington Department of Ecology wetland specialist responsible for Skagit County. In his initial April 7, 2016 email, Mr. Gresham stated that wetland impacts should be avoided by refraining from excavating within the buffer area associated with the Samish River and its associated riparian wetlands and that any wetlands identified on the property that would be impacted should be delineated and permits should be submitted to Ecology.³⁸ In a June 1, 2016 comment letter, Gresham declared that additional wetland requirements include: (1) flagging of the ordinary high water mark along the Samish River banks by a qualified biologist, and survey of the boundaries; (2) a jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction; (3) ratings of all wetlands based on Ecology standards; (4) a critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs; and (5) a mitigation plan for unavoidable wetland and buffer impacts per Ecology standards.³⁹ In addition, Mr. Gresham noted in his June 1, 2016 correspondence that the Application omitted maps showing associated wetlands or the ordinary high water mark of the Samish River.⁴⁰

Six months later, Mr. Gresham supplemented his earlier comments by expressing a concern with CNW's use of a 200-foot buffer rather than the required 300-foot buffer.⁴¹ Gresham stated that CNW needed to address the gravel mine's encroachment into the 300-foot buffer.⁴² Gresham also stated that he had "a concern with the access road that will need to be improved to accommodate 46 truckloads a day, which could impact wetlands and streams. This access road may need to be widened, the Swede Creek bridge may need to be upgraded, and

³⁶ Skagit County Code 14.24.230.

³⁷ GBA Addendum, at 2.

³⁸ Email from Doug Gresham to Planning & Development Services re: PDS Comments (April 7, 2016) (attached hereto as Attachment E).

³⁹ Gresham letter to J. Cooper re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 and PL16-0098, 2 (June 1, 2016) (hereafter "Gresham June 2016 Comments") (attached hereto as Attachment F).

⁴⁰ Gresham June 2016 Comments.

⁴¹ Gresham email to Planning & Development Services re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 (Dec. 23, 2016) (Attached hereto as Attachment G).

⁴² *Id.*

storm water drainage features may need to be reconfigured.”⁴³ Gresham noted that these issues had not been addressed.⁴⁴ The internal haul road documents that CNW submitted to the PDS likewise did not address the impact of the road development.

Notwithstanding these clearly-stated agency concerns, CNW continues to propose to excavate up to 200-feet from what it assumes is the ordinary high water mark of the Samish River and associated wetlands without delineating the specific location of the river’s edge, its floodplain, or the associated wetlands, and the MDNS inexplicably accepts this reduced buffer as “Mitigation Measure #17.” CNW did not supplement the Application with a survey or flagging of the edge of Samish River, actual delineation of wetlands on the property, critical area reports for wetlands near the mine area, or a mitigation plan. Instead, an engineering and surveying group drew a map with estimates for the location of Samish River “plotted from May 2011 aerial photo” and “wetland at toe of slope from LiDAR data and field observation,” without a delineation survey.⁴⁵

f. Water quality and quantity impacts.

Drainage from the site currently flows to the Samish River both above and below ground. The Application indicates that the mining would occur in an area that is currently elevated about 90 feet above the river and its associated wetlands (50-75 feet above the valley floor in the eastern portion of the site), and that groundwater from the site flows in a northerly direction and discharges to the Samish River.⁴⁶ According to the Application, CNW would construct a berm approximately 200 feet landward of the assumed wetland edge in order to direct drainage from the site to the gravel floor for infiltration into the groundwater.⁴⁷ The Application does not evaluate any dewatering effect this berm and mine infiltration would cause by redirecting water away from the sensitive wetlands and river complex.

g. Lack of sufficient information about wildlife impacts.

Notwithstanding that the Project would convert 51 acres of forested land to a gravel pit, the Application does not identify or analyze impacts to native fauna. CSVN have communicated to PDS that bears, cougars, and bobcats have been known to frequent the area and that local residents regularly observe the use of that area as a wildlife corridor between Butler Hill to the

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Semrau Engineering and Surveying, Pre-Mining Topographic Survey Map, Grip Road Gravel Mine (7-31-2018).

⁴⁶ GBA Assessment, at 3; Associated Earth Science Incorporated letter to Concrete Nor’West re: Hydrogeologic Site Assessment, Concrete Nor’West – Grip Road Mine, 3 (Aug. 21, 2015) (hereafter “Hydrogeo Assessment”).

⁴⁷ GBA Assessment, at 3.

south and the Samish River valley and Anderson Mountain to the north. Yet the SEPA Checklist asserts that the property is not an animal migration route. In addition to providing critical habitat for the Oregon spotted frog, bull trout, and Puget Sound steelhead, the Samish River and its associated wetlands provide important habitat for a wide range of species that include river otters, beavers, bald eagles, belted kingfishers, great blue herons, spotted sandpipers, and numerous species of migratory songbirds. The Application should be supplemented to identify the animal species that inhabit or necessarily transit that area and analyze the impacts of turning that land into an open gravel pit and the impacts of converting what is presumably a lightly-used forest road to heavy industrial use.

h. Potential water pollution impacts.

The Application repeatedly states that stormwater will be infiltrated at the site, and notes that the groundwater flows to the nearby Samish River, but does not evaluate whether spills of fuels or other hazardous materials will impact the river's water quality after traveling through, ultimately, just 10 feet of ground before entering the groundwater.

The Application also does not evaluate potential impacts from stormwater runoff of the private haul road, or of sedimentation and petroleum products entering Swede Creek or wetlands surrounding that road. As discussed in our February 7, 2022 letter, the GeoTech Memo did not address several slope instabilities that the Skagit River System Cooperative identified, and that could lead to significant sedimentation in the event of a slope failure.⁴⁸ These areas include a 60-80-foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek and two cutslope failures that slumped and filled the ditchline.⁴⁹

The MDNS contravenes SEPA in the absence of an evaluation of the potential for water pollution and the effects on the Samish River and Swede Creek.

i. Lack of requisite Critical Areas review.

Skagit County has incorporated the goals, policies, and purposes of its Critical Areas Ordinance ("CAO") into its SEPA policies.⁵⁰ Consequently, to satisfy its duties under SEPA, the County must require compliance with CAO directives like the standard review of impacts that includes the submission of a critical area checklist and/or a site plan that shows the location of

⁴⁸ Attachment A.

⁴⁹ SRSC letter, at 4.

⁵⁰ SCC 14.24.060(3).

the proposed activity and associated area of disturbance in relation to all known critical areas or critical areas indicators.⁵¹ The County must then review these project documents, complete a critical areas staff checklist, inspect the site, and complete the critical areas field indicator form.⁵² Because the MDNS authorizes mining in the outer 1/3 of the standard buffer, PDS must require a critical areas site assessment. Ultimately, this process should result in protected critical areas being delineated and their outer edges and buffers marked permanently.⁵³

With regard to wetlands, any proposed high impact land use within 300 feet of wetland indicators, and any other proposed land use within 225 feet of wetland indicators, requires a wetland site assessment.⁵⁴ The site assessment must result in a wetland delineation, classification, site plan with wetland and buffer boundaries, and functions and values analysis.⁵⁵

CNW's application does not satisfy these standards and thus does not meet Skagit County's SEPA requirements. The Application does not fully disclose and evaluate potential wetlands impacts associated with the proposed hauling of gravel in truck and trailers, or the road construction that occurred in 2018. The Application does not include a delineation, site plan with delineated boundaries depicted in relation to the Mine activities, or a full functions and values assessment for the impacts that would be imposed on the Samish River wetlands. Absent this information, the County does not have sufficient information to issue a threshold determination.

j. Lack of sufficient review of noise impacts.

The Application's noise studies rely on a flawed methodology and overlook the planned removal of the forest buffer between the Mine and neighboring properties. For more information about this omission, see Attachment H, March 8, 2022 CSVN Letter at 13-14.

k. Lack of sufficient review of recreation impacts.

The Application omitted any acknowledgement or analysis of impacts to cycling along regional and federal bicycle routes. For more information about this omission, see Attachment H, March 8, 2022 CSVN Letter at 14-15.

⁵¹ SCC 14.24.080(1).

⁵² SCC 14.24.080(2) (note that these reviews must occur to determine whether activities that are within 200 feet of critical areas or their buffers, or a distance otherwise specified by the CAO).

⁵³ SCC 14.24.090.

⁵⁴ SCC 14.24.210.

⁵⁵ SCC 14.24.220.

2. The MDNS authorizes unreviewed deviations from the proposal.

The MDNS states without clarification that only “significant deviation” from the proposal will require additional review and approval by PDS.⁵⁶ The MDNS does not identify what operational changes would be considered a significant deviation, or the quantum of deviation that could occur without review. This ambiguity, and the unspecified deviations permitted, prevent PDS from fully evaluating project impacts as required under SEPA.

3. PDS issued the MDNS absent consideration of applicable mitigation measures.

While the MDNS contains several conditions, it did not consider applicable measures that might reduce the Mine’s impacts below the level of significance. Mitigation measures that should have been considered include:

- Scaled-back size of mine;
- Scaled-back rates of extraction;
- Limiting hours of operation to daylight hours during the workweek, without exceptions for extended hours conditions.
- Limiting the daily number of truck trips without exception for extended hours conditions;
- Protecting against sedimentation and stormwater drainage into Swede Creek;
- A drainage/runoff plan for the length of the private haul road to prevent surface water impacts from heavy traffic on the haul road;
- Requiring roadway upgrades to decrease the likelihood of collisions between Project trucks and other vehicles, bicycles, and pedestrians;
- Identifying a prescribed haul route; and
- Establishing a wildlife protection corridor through a permanent easement across the sensitive wetlands and streams and their buffers on the applicant’s larger property.

D. Conclusion.

Notwithstanding the six-year interval since CNW initially applied for the special use permits, it has not supplied PDS with environmental information about the proposal sufficient to warrant a threshold determination. PDS issued the MDNS without fully considering the Project’s significant environmental impacts, from loss of habitat for an endangered frog to traffic impacts to impacts associated with the private haul road. CSVN therefore asks PDS to correct that mistake by withdrawing the MDNS and by coordinating with the Applicant to conduct an EIS for the significant impacts referenced above.

⁵⁶ MDNS, condition 1.

In addition, CSVN requests that PDS publish online the comments submitted to address the MDNS as soon as possible.

If you have any questions, please contact me at 360-622-8060 or kyle@loringadvising.com.

Sincerely,



Kyle A. Loring

Counsel for Central Samish Valley Neighbors

Cc: Hal Hart, PDS Director
Martha Bray
John Day

Attachs:

- A. Loring Advising Letter to Kevin Cricchio on behalf of CSVN re: CNW Grip Road Gravel Mine Critical Areas Review File #PL16-0097 (February 7, 2022)
- B. WDNR timber harvest map
- C. Skagit Valley Bike Map
- D. US Fish and Wildlife Service Critical Habitat map for Oregon Spotted Frog
- E. Email from Doug Gresham to Planning & Development Services re: PDS Comments (April 7, 2016)
- F. Gresham letter to J. Cooper re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 and PL16-0098, 2 (June 1, 2016)
- G. Gresham email to Planning & Development Services re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 (Dec. 23, 2016)
- H. CSVN Letter re: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098 (March 8, 2022)
- I. Grip Road Gravel Mine Peer Review Traffic Impact Analysis

ATTACHMENT A



By Electronic Portal, Email, and U.S. Mail

February 7, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273
kcrichio@co.skagit.wa.us

Re: File No. PL16-0097 & PL16-0098
Concrete Nor'West Grip Road Gravel Mine Critical Areas Review

Dear Mr. Cricchio,

I am writing on behalf of Central Samish Valley Neighbors ("CSVN") to request that Skagit County Planning and Development Services ("PDS") address several significant oversights in Miles Sand and Gravel's ("Miles")¹ December 21, 2021 response to the critical areas review requested by Skagit County Planning and Development Services ("PDS"). Those omissions include the lack of evaluation of the impacts associated with the road work that Miles conducted in 2018 along the full length of the 2.2 mile-long haul road, as well as an analysis based on the proper wetland buffer sizes for high intensity land uses, large gravel trucks and trailers, and unstable slopes near Swede Creek. The absence of such an evaluation under either of Skagit County's State Environmental Policy Act ("SEPA") rules or critical areas regulations is particularly remarkable given that Miles' consultant identified 36 wetlands, one fish bearing stream, and 21 seasonal, non-fishbearing streams within 300 feet of the roadway. The potential environmental impacts of the road improvements and identified use fall well within the critical areas review information requested for the haul route in PDS' September 2, 2021 letter, and the oversight must be remedied consistent with that request and to inform PDS' forthcoming issuance of a threshold determination under SEPA. While my client appreciates that the formal public comment period has been limited so that it will not recommence until issuance of that threshold determination, we are submitting this letter now to assist the County in issuing a fully-informed determination. Please note that this letter addresses only the haul road impacts; earlier SEPA comments address other environmental review flaws associated with the project.

This letter briefly explores the historical use of the overall Miles property within the context of the applications that Miles submitted in 2016 for a special use permit (PL16-0097) and forest practice conversion (PL16-0098), and then identifies critical omissions in the

¹ Note that references to "Miles" in this letter are intended to refer to Concrete Nor'West as well.

biological and geotechnical reports that the applicant submitted in December 2021 and the legal framework that requires that information. These omissions include an evaluation of the road improvements that Miles conducted in 2018 in conjunction with its projected gravel hauling, an analysis of impacts with the 300-foot buffers for high intensity uses, and potential impacts to Swede Creek from the road; associated steep, unstable slopes; and stream processes.

A. Procedural History and Haul Road Use and Development.

The property ("Property") that contains the proposed gravel mine site ("Site") has been owned for the purpose of forestry for at least twenty years. According to a 2009 Forest Management Plan ("Forest Plan") prepared for Trillium Corporation, the Property spans approximately 722.6 acres and has been managed for forestry for a few decades.² The Forest Plan, prepared in conjunction with Miles assuming ownership of the Property, notes that Miles wished to maintain the current forest designation, and "the integrity of the property shall be maintained by managing the property as a productive tree farm," that would "provide timber production, wildlife habitat, watershed management and recreational activities."³ Miles has since applied to convert 68 acres to a gravel mine.

1. Mining site permit applications.

On March 7, 2016, Miles submitted two applications to PDS, one for a forest practice conversion (PL16-0098) and one for a mining special use permit (PL16-0097). The forest conversion application seeks to facilitate the mining by clearing 68 acres of land of their soil, trees, and other vegetation, including 50,000 board feet of timber and associated stumps. The mining application seeks approval to excavate approximately 4,280,000 cubic yards of sand and gravel within that same 68-acre expanse.⁴ While the mining application has been made publicly available on a PDS website dedicated to the project review, the forest conversion application, which the PDS Permits website indicates was approved in 2016, is not available there or on the Permits website.⁵ An active public records request seeks that document.

² Randy R. Bartelt, Timber Management Plan, Skagit County, Washington, for Trillium Corporation Lands (Nov. 5, 2009).

³ *Id.* at unnumbered page 2.

⁴ CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018).

⁵ While the project website (<https://www.skagitcounty.net/Departments/PlanningAndPermit/gravelmine.htm>) includes a link for "Forest Practice Conversion Permit, PL16-0098," that link directs the view to a DNR document titled "Forest Practices Application/Notification: Western Washington," rather than a Skagit County permit.

2. Application materials initially did not acknowledge the existence of the project's private haul road or its environmental impacts.

A consistent theme in the application process has been the lack of acknowledgment of impacts from the 2.2 mile-long haul road that would connect the mining portion of the property with the public road system. For example, the application initially implied that such a road did not exist, stating that the "site is accessed via Grip Road, which is a County Road," and that "[t]he mine site will not have a defined road system per se, as the mine floor and elevation will be constantly changing as mining progresses."⁶ The March 2, 2016 SEPA Checklist conceded the existence of this internal road, but omitted any reference to impacts from development or use of that road, stating merely that "[s]ite will access on Grip Road from an existing private forest road at an existing gate approximately 0.7 miles east of the intersection of Grip Road to Prairie Road."⁷

This overlooked haul road would be subject to a significant amount of heavy truck traffic. A September 10, 2020 Traffic Impact Analysis ("TIA") by DN Traffic Consultants estimates that under "extended hours conditions," the Mine would generate 29.4 truck-and-trailer trips per hour.⁸ The TIA does not define extended hours or explain why the site would be limited to that number of trips if demand were high enough to require greater production. DN Traffic Consultants' earlier memo, aptly-titled "Maximum Daily Truck Traffic," estimated that a realistic maximum number of trips for truck-and-trailer was 60 trips per hour.⁹ Thus, the application anticipates as many as one truck and trailer every 1-2 minutes.

Presumably to accommodate this new volume of heavy traffic, in 2018, significant road construction activities appear to have occurred along the full length of the haul road, expanding its width, significantly building up the surface, replacing culverts, and cutting vegetation. Under "Conditions on Approval / Reasons for Disapproval," the DNR Notice of Decision for FPA #2816283 by Dave Klingbiel sets out conditions to be met "Prior to truck haul" and "during rock haul activities," clearly indicating that the work is being done for mining use, not forestry. An April 30, 2021 letter by Skagit River System Cooperative ("SRSC") noted that google map images showed that the forest roads were widened and that three culverts were replaced.¹⁰ SRSC estimated that the widening of the haul route by approximately 10 feet over its two miles and the conversion to a gravel surface had added 2 acres of compacted gravel.

⁶ CNW, Revised Project Description (Section A), 9 of 17 (received Feb. 23, 2018).

⁷ SEPA Checklist, at 3.

⁸ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020).

⁹ DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

¹⁰ Letter from N. Kammer to M. Cerbone re: Concrete Nor'West gravel pit (April 30, 2021).

Historical forest practices documents for the site indicate that the road was not widened and graveled for forestry purposes. From the time that Miles purchased the Property in 2009 through two forest practices applications submitted to the Washington Department of Natural Resources (“DNR”) in 2015 and 2018, Miles communicated a lack of intent to further develop existing roads for forestry. The Forest Plan stated that “[a]n extensive all-season forest road system services the property,” and noted that all of the road maintenance contemplated by a 2002 Road Maintenance and Abandonment Plan had been implemented.¹¹ A July 29, 2015 Forest Practices Application/Notification (“FPA”) discussed the harvest of 125 acres of trees, at least some on very unstable soils, as well as wetland soils and riparian management zones for fish-bearing waters. That document noted that the roads had been maintained for forestry standards. A 2018 FPA proposed to harvest timber on the three parcels that would become the gravel mine and noted that no new roads would be needed for the logging and the attached RMAP checklist stated that the roads are maintained to forest practices standards. Although the earlier Forest Plan contemplated the possibility of substituting a lift of surface rock for grading, and a Miles representative later attempted to characterize the road work as associated with forestry activities, both the 2015 and 2018 FPAs indicated that no new roadwork was necessary for the proposed forestry activities. Nor did either of those FPAs include an environmental evaluation of the impacts of doing so.

While PDS initially declined to require a review of the haul road’s impacts, it reversed that decision on June 17, 2021 when it issued a letter to Dan Cox that requested that a critical areas review be conducted for the haul road.¹² PDS noted that the presence of steep slopes, wetlands within 300 feet, and streams within 200 feet of the haul road warranted critical areas review by a qualified consultant. On August 30, 2021, after Miles appealed that letter decision, the Hearing Examiner upheld the determination.

3. Recently submitted reports describe a property interlaced with sensitive ecological features but omit essential impact evaluations due to unwarranted assumptions.

On December 1, 2021, Miles submitted two reports: (1) Impact Assessment & Mitigation Plan; and (2) Response to Skagit County Geologic Hazard Requirement (“Geotech Report”). The Impact Assessment consultants investigated the haul road and its environs and found that it lay within 300 feet of a remarkable number of ecologically sensitive features.¹³ For example, a

¹¹ *Id.* at unnumbered page 3.

¹² Letter from H. Hart to D. Cox re: PL16-0097/98 Determination of need to complete Standard Critical Areas Review (June 17, 2021).

¹³ NW Ecological Servs., Grip Road Gravel Mine Impact Assessment & Mitigation Plan, i (Dec. 2021).

wetland that supplies the habitat needs of the federally threatened and state endangered Oregon spotted frog reaches within approximately 200 feet of the road.¹⁴ The Impact Assessment limited its analysis to “the use of the roadway to transport materials from the mine site only.”¹⁵ The report did acknowledge that the project would include the paving of a steeper section of roadway by the bridge across Swede Creek.

a. The Impact Analysis failed to evaluate road construction impacts.

Notwithstanding this rich ecological setting, and the submission of the mining applications in 2016, the Impact Assessment overlooked the impacts of the 2018 road expansion and graveling on those critical areas and failed to fully evaluate the impacts of its use by mining trucks and trailers. First, the report did not evaluate the road surfacing, expansion, culvert replacement or installation, vegetation cutting, or material stockpiling that occurred in 2018. This omission appears to be the result of a misunderstanding whereby the report authors were not aware of the 2018 roadwork. Thus, the report assumed that “[t]he proposed change in use does not extend the footprint of the road prism,” and that “[d]ue to the length of time the road has been present, no actions proposed outside the existing road prism, and continued similar use, no new direct impacts to wetlands, streams, or buffers are anticipated.”¹⁶ However, the report does note that the road is an existing impact, and states that “[t]he majority of water quality impacts to adjacent wetlands and buffers occurred with the installation of the roadway some time ago when the road was cleared, graded, compacted, and developed.”¹⁷ Because some of those impacts occurred in 2018 in conjunction with preparation of the road for the mining project, they must be evaluated, including potential impacts on wetlands intersecting with the road, as identified on Figures 4 through 9 of the Impact Assessment.

b. The road use analysis erroneously relied on a significant undercount of the trucking and assumed no difference between logging and gravel trucks.

The Impact Assessment incorporated erroneous assumptions about the road use and thus does not support its conclusion that the road use will cause “minor” indirect impacts to water quality and potentially wildlife functions associated with site critical areas and buffers. First, the report states that a 2019 traffic study projected just 46 trips per day for the haul road.¹⁸ However, as noted above, a 2020 memo by that consultant projected almost 30 trips

¹⁴ Impact Assessment, at i. The study did not survey the boundaries of the wetlands and streams it identified, so their precise location remains an estimate.

¹⁵ *Id.*

¹⁶ *Id.* at ii.

¹⁷ Impact Assessment, at 12, 13.

¹⁸ Impact Assessment, at 12.

per hour under extended conditions.¹⁹ This substantial difference between the traffic load assumed for environmental impacts and that projected by the applicant's traffic consultant likely led to a significant underrepresentation of project impacts. In particular, this may affect the statement that even the increased traffic levels assumed by the report "may detour wildlife from the area immediately around the roadway when trucks are present...but is not anticipated to deter use of this habitat all together."²⁰ Second, the report does not appear to appreciate any difference between past logging trucks and gravel trucks other than an increase in volume for the mine. Consequently, the report should be revised to reflect the different nature of gravel truck traffic. According to SRSC, the applicable gravel truck and pup will weigh 105,500 pounds, approximately 20% heavier than the typical 88,000 pound logging truck.

c. The Impact Analysis applied the wrong buffer sizes.

In addition, the report must be revised because it relied on buffer sizes for moderate intensity land uses rather than the buffers that apply to the proposed high intensity land use of frequent gravel hauling by trucks and trailers.²¹ The report argues that a moderate land use intensity applies but fails to note that the definition for moderate impact land uses includes such development as low-density residential development like one home/five or more acres, active recreation, and moderate agricultural land uses.²² According to the Skagit County Code, "high intensity land uses" include "land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses."²³ The proposed gravel mine and trucking qualify as an industrial use and therefore warrant buffers accordingly.²⁴ Consequently, the report must revisit its conclusion that the haul road "does not overlap with the regulated buffer for wetlands A, B, D, G, J, K, L, and X."²⁵ The applicable buffers for those wetlands are 10 to 40 feet wider than assumed by the report authors.

d. The Geotech Report does not address potential instabilities.

In its SEPA comment letter, SRSC identifies several concerns with the unstable slopes near the Swede Creek Gorge that are not addressed by the Geotech Report. For example, SRSC identifies the existence of a 60-80-foot long sidecast crack and slump (12-18" deep) on the

¹⁹ DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020).

²⁰ Impact Assessment, at 17.

²¹ See Impact Assessment, at 8.

²² SCC 14.24.230(1)(a).

²³ SCC 14.040.020 (emphasis added).

²⁴ *Id.*

²⁵ Impact Assessment, at 12.

fillslope near the top of the hill north of Swede Creek, and opines that further failure could risk damaging sediment delivery to Swede Creek.²⁶ The letter also identifies two cutslope failures that slumped and filled the ditchline and requested that all three failures be addressed to prevent further damage to the drainage infrastructure.²⁷

The Geotech Report does not address the geological failures identified by SRSC. Nor does it address hydrological processes associated with Swede Creek that could impact the slope even though it concludes that the area qualifies as a landslide hazard area in part because it is a “[p]otentially unstable area[] resulting from rapid stream incision, stream bank erosion, and undercutting by wave action.”²⁸ It concludes that the change in haul road usage based on truck type can avoid impacts to the geologic hazards near the haul road but does not explain how it reached that conclusion.²⁹ For example, it does not compare the type of truck or volume of traffic proposed for the mine with the current use of the road to show that the significant increase can be accommodated without impacting the unstable slopes.

Further, like the Impact Assessment, the Geotech Report incorrectly assumed that it should not evaluate the impacts of the road construction activities in 2018.³⁰ Instead, with the exception of the asphaltting of an approach to the Swede Creek bridge, the report stated that it would base its impacts assessment on “the change in use of the haul road to a route used for aggregate mine trucking...”³¹ The unfounded assumption that “th[e] same haul road was used in the past to transport harvested logs from the surrounding area,” may have led the author to underappreciate the impacts of adding 30 hourly 105,500 pound trucks on a road that was altered significantly since much forestry occurred on the site, and must be corrected.³²

B. SEPA Requires Full Evaluation of the Road Impacts.

Prior to PDS issuance of a new threshold determination, Miles must address the omissions identified above so that PDS may fully consider the environmental effects of the haul road development and hauling use. RCW 43.21C.030; see *Boehm v. City of Vancouver*, 111 Wn. App. 711, 717, 47 P.3d 137 (2002). SEPA requires agencies to “consider total environmental and ecological factors to the fullest extent when taking ‘major actions significantly affecting the quality of the environment.’” *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978) (quoting *Sisley v. San Juan County*, 89 Wn.2d 822, 830, 567 P.2d 1125 (1977)). To

²⁶ SRSC letter, at 4.

²⁷ *Id.*

²⁸ Geotech Report, at 5 (citing SCC 14.24.410(2)(e)).

²⁹ Geotech Report, at 8.

³⁰ Geotech Report, at 5.

³¹ Geotech Report, at 5.

³² Geotech Report, at 6.

determine whether an environmental impact statement is required for a major action, the responsible governmental body must first determine whether the action will cause significant impacts and render a threshold determination accordingly. RCW 43.21C.030(2)(c); *Boehm*, 111 Wn. App. at 717.

A major action significantly affects the environment when it is reasonably probable that the action will have more than a moderate effect on the quality of the environment. WAC 197-11-794; *Boehm*, 111 Wn. App. at 717 (citing *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 278, 552 P.2d 674 (1976)). Significance involves a proposal's context and intensity; an impact may be significant if its chance of occurrence is low but the resulting impact would be severe. WAC 197-11-794.

To evaluate an action's effects, a responsible official like PDS must: (1) review the environmental checklist and independently evaluate the responses of the applicant; (2) determine if the proposal is likely to have a probable significant environmental impact; and (3) consider mitigation measures that the applicant will implement as part of the proposal. WAC 197-11-060(1); WAC 197-11-330; *Indian Trail Prop. Ass'n v. Spokane*, 76 Wn. App. 430, 442, 886 P.2d 209 (1994). In reviewing a project's impacts, an official must review both direct and indirect impacts and both short-term and long-term impacts. WAC 197-11-060(4). If the responsible official's review concludes that the proposal will not cause probable significant adverse environmental impacts, she issues a determination of nonsignificance ("DNS"). WAC 197-11-340. Conversely, a finding of probable significant adverse environmental impact leads to the issuance of a Determination of Significance ("DS"). WAC 197-11-360. A determination of significance triggers the need for an environmental impacts statement to review the project's identified impacts. WAC 197-11-360.

An agency that determines that a proposal will not result in a significant impact bears the burden of demonstrating "that environmental factors were considered in a manner sufficient to be prima facie compliance with the procedural dictates of SEPA." *Bellevue v. Boundary Rev. Bd.*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978) (quoting *Lassila*, 89 Wn.2d at 814). For example, the threshold determination must be based on information sufficient to evaluate the proposal's environmental impact. *Boehm*, 111 Wn. App. at 718. In addition, a court will not uphold a DNS unless the record demonstrates that the government gave actual consideration to the environmental impact of the proposed action or recommendation. *Boehm*, 111 Wn. App. at 718. An incorrect threshold determination will be vacated because it thwarts SEPA's policy to ensure the full disclosure of environmental information so that environmental matters can be given proper consideration during decision-making. *Norway Hill Pres. & Prot. Ass'n v. King*

County Council, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).

As described above, the reports that Miles submitted in December 2021 continue to omit essential information about impacts associated with the applications, including impacts associated with widening and surfacing the haul road with gravel, the use of larger gravel trucks and trailers, and potential destabilization of existing unstable slopes. The information made available to date indicates that those impacts, which are a direct result of the applications to mine the Property, have not been evaluated. Absent that information, PDS would not be able to adequately consider the environmental factors, “in a manner sufficient to be a prima facie compliance with the procedural dictates of SEPA.” *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978).

Furthermore, Miles’ forest conversion application documents indicate that the road was not upgraded to support forestry at the site. Regardless, the impacts of that development have never been evaluated, and since the current SEPA review process affords the first opportunity to do so, we urge you to request that information.

C. The Critical Areas Regulations Require a Full Review of the Road Impacts.

Skagit County has incorporated the goals, policies, and purposes of its Critical Areas Ordinance (“CAO”) into its SEPA policies.³³ PDS recognized its duty to review the haul road’s critical areas impacts when it communicated that requirement to the applicant. While the reports submitted in December provided previously undisclosed information about wetlands, streams, and unstable slopes that might be affected by the project, the information gaps discussed above fall short of the critical areas analysis directives.

For example, the reports did not describe efforts made to apply the mitigation sequence to the road development or the fillslope or cutslope failures or propose a mitigation plan to address those impacts.³⁴ Nor did they result in a delineation and permanent marking of critical areas and their buffers.³⁵ Ultimately, the reports did not ensure that these proposed alterations to wetlands, streams, and their associated buffers would maintain the functions and values of those critical areas or prevent risk from the unstable slopes.³⁶ It should be noted that the conversion of the forest practices to a mine are subject to these critical areas requirements.³⁷

³³ SCC 14.24.060(3).

³⁴ SCC 14.24.080(4)(c) (requiring site assessment that addresses mitigation sequence and proposes mitigation plan).

³⁵ SCC 14.24.090, .220.

³⁶ SCC 14.24.080(5)(a).

³⁷ SCC 14.24.110(1).

The Geotech Report also appears to omit several elements of the requisite site assessment, including: (1) a site plan depicting the height of the slope, slope gradient and cross section indicating the stratigraphy of the site; (2) a description of load intensity, surface and groundwater conditions, fills and excavations; and (3) a description of the extent and type of vegetative cover including tree attitude.³⁸ The August 2015 Hydrogeologic Site Assessment (by the same consultant) that Miles submitted along with its original permit application includes some of the above elements, but only addresses the actual mine site, not the haul road.

D. Conclusion.

We appreciate the effort work that PDS has put into obtaining sufficient information about the applications to conduct the applicable SEPA and critical areas review. As a result, the December 2021 reports submitted by Miles provided a significant amount of new information about site conditions and the vast amount of ecologically sensitive areas along the haul road. Now they must be amended to address the impacts of road upgrades that occurred in conjunction with the forest conversion to mining operations, as well as the impacts from high intensity, industrial use of the road.

If you have any questions, please contact me at 360-622-8060 or kyle@loringadvising.com.

Sincerely,



Kyle A. Loring
Counsel for Central Samish Valley CSVN

Cc: Leah Forbes
Jason D'Avignon
Martha Bray
John Day

Attachments: SRSC Letter

³⁸ Compare Geotech Report with SCC 14.24.420(2).



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April 30, 2021

Michael Cerbone
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Reference: Concrete Nor'West gravel pit
(submitted electronically via: County Comment Portal)

Dear Michael,

The Skagit River System Cooperative (SRSC) has reviewed the resubmittal of the proposal by Concrete Nor'West for a gravel pit near the Samish River (PL16-0097 and PL16-0098). The steelhead and coho salmon that spawn and rear in the Samish River and its tributaries are important tribal resources, so we are submitting comments on behalf of the Swinomish Indian Tribal Community and Sauk-Suiattle Indian Tribe.

Depth of Quarry Excavation

We would like to reiterate our previously stated concerns about the bottom depth of excavation for the pit. It is important to prevent any interaction of surface water and ground water in order to prevent pollution and protect water quality. We understand from the project documents that the extent of gravel mining will not go deeper than 10-feet higher than the groundwater levels surrounding the Samish River in order to prevent this interaction between groundwater and surface water. Limiting the depth of excavation should prevent the gravel pit from becoming a pond, and from river water being affected by groundwater interaction. However, it is important to consider the practicality of conveying this provision to the on-the-ground employees operating the pit decades from now, when that maximum depth of excavation will be approached.

For clarity and certainty, we would like the specific elevation of final excavation to be established as part of the permitting process, and that elevation should be based on Samish River water surface elevations at normal winter flow, not during summer low flow. On-the-ground monumentation should be available onsite with clear signage, located where it won't be disturbed by decades of mining, but close enough to be useful when the pit begins to exhaust its capacity.

Additionally, we would like to see periodic site evaluations every five years with reporting to the Department of Ecology. The evaluations should include a rod-and-level survey to determine the current depth of excavation using onsite monumentation, and an evaluation of the depth of excavation

remaining. This evaluation will serve to continue to convey the provisions and on-the-ground expectations to the employees operating this mine.

We expect there to be no surface runoff from the gravel mine, as pits create a topographically closed depression. Finally, we expect there to be no on-site processing of gravel, as stated in the plans.

Haul Route

The project proponent must expand their environmental assessment to include the haul route from the gate at Grip Road to the mine site itself. The existing onsite haul route is about 2 miles long and was developed for forestry activities. The quantity, seasonality, and duration of traffic; types and weights of vehicles; agency with jurisdiction; and maintenance responsibility will all change with this proposal, and as such, impacts must be considered. The route crosses numerous wetlands, a couple of typed streams, and the gorge and large stream Swede Creek, a known salmon-bearing stream. We have concerns on how the proposal will affect these sensitive areas.

The haul route was apparently widened recently. The as-built drawings recently provided by Semrau Engineering indicate the road is approximately 22 feet wide as-built. Archived airphotos and Google Earth indicate that this road was previously much narrower, approximately 15 feet as measured from airphotos.

I am unclear what permits were acquired to do the road widening, or if the work was under DNR jurisdiction (under FPA # 2816283 or FPA # 2814718) or Skagit County as improvements to a private road at the time. The two FPA's referenced do not indicate any road work or culvert replacements at typed streams would occur, but the roadwork did in fact replace culverts at approximate STA 12+27, STA 64+00, and STA 64+95 which with a cursory assessment and details in the FPA indicate would be Type N or Type F streams.

When this work occurred happens to be easy to ascertain. A 7/15/2018 Google Earth airphoto shows the work underway, with the northern portion of the haul route widened to more than 20 feet, and the southern part of the haul route remains narrow at about 10-12 feet and as in an apparent 2-track condition. An excavator is working at 48.563041, -122.280407. A roller is parked at 48.569462, -122.276716. The widening of the road adds up to more than 2 acres of new compacted gravel (2 miles x 10 feet). We would like to hear details of the design and regulatory approvals for this substantial road widening and project to replace all culverts.

Moving forward, we expect an environmental assessment to survey the road for stream crossings, wetlands, and seeps (of which there are many) to support a design that meets the Skagit County Drainage Ordinance and allows free flow of all surface waters across the road through appropriately sized culverts and ditches for streams and cross drains. We expect all culverts to be appropriately spaced and located, in particular those at approximate road stations STA 12+27, STA 64+00, and STA 64+95 where we believe typed streams to be present. All culverts must be appropriately sized to meet Skagit County Code or Washington State Forest Practices, whichever is more restrictive.

We feel that over the long term that the gravel operations use of this road presents an impact to surface waters and aquatic habitat due to sedimentation and runoff, and presents a greatly increased risk of slope failures that threaten to directly impact Swede Creek. We presume that the BMPs in the ditchline along the road were implemented concurrently with the above-described road work and the 2018 FPA. While remnants of the BMPs were evident in the ditchline (decayed straw wattles) recently, these BMPs

are clearly short-term treatments for forest practices, which typically represent a short duration of heavy use along a forestry road, as in during the harvesting and subsequent replanting activities. However, the proposed mine will have a very long duration (25 years) of a very heavy use (documents indicate 4.6 up to 30 trucks per hour). Typical forest practices short-term BMPs and management of stormwater are likely insufficient, unless scrupulously maintained, to effectively prevent runoff into surface waters.

The type of vehicle that will be utilizing this haul route is also notably different than a typical log truck, which can typically weigh around 88,000 pounds. The application materials indicate that the typical loaded gravel truck and pup will weigh 105,500 pounds, or 20% heavier. This, combined with the vastly greater number of vehicles and duration of the action, must be considered in an adequate drainage and stormwater management plan.

The road and all crossing structures must be assessed to ensure that they are capable of handling the types of traffic expected on the mine service road. We would like to see information specific to the age of the bridge and an onsite assessment by a bridge engineer that the bridge is capable of handling long-term usage by 105,500 pound vehicles; the provided memo is based on a typical engineering drawing dated 1999 and "from the original bridge installation and "photos and descriptions" sent to the engineer by the project proponent. This seems like an insufficient assessment of a bridge that serves as the key haul route for this mining project and is central to our concerns about the risk to aquatic habitat.

From our perspective, the risk of failure at this bridge would bring substantial harm to downstream aquatic habitat and we would like to be assured that this timber bridge is capable of handling the mine traffic. Traffic along the haul route must be adequately planned for, maintained, and mitigated. We request an onsite bridge inspection be completed prior to permitting, and repeated periodically at no less than every 5 years for the duration of the mine. We request this bridge inspection schedule and submittal of inspection reports to Skagit County Public Works be a provision of the permitting of this mine.

We would like to see the applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out as a provision to the permit, to prevent impacts to surface waters and wetlands in the vicinity of the haul route throughout the duration of this mine. We also feel that the 2-mile haul route, which has been essentially doubled in width ahead of this mining activity, should be fully assessed by a qualified consultant who can identify sensitive areas, priority habitat areas, wetlands, and streams; quantify the impact; and suggest appropriate and mitigation measures to reduce impacts resulting from this project.

When identifying mitigation measures, we would like to draw attention to an undersized and impassable culvert on a Type F stream located along a spur road on the subject property that we have recorded in a inventory of barrier culverts (48.563983, -122.275181). We suggest as a potential mitigation measure to compensate for road expansion and impacts to remove this culvert and naturalize the stream, or replace this culvert with an appropriately sized culvert based on an assessment of channel dimensions and fish use.

Swede Creek gorge

We have specific concerns about the haul route through the steep valley at Swede Creek. The route crosses a bridge at Swede Creek, which the proponent has designated will be a one-lane bridge with signage. The engineer, Semrau, has provided an as-built drawing set, dated 2018, for the haul route, which supported this review.

Firstly, we would like to see no additional road widening within the Swede Creek gorge. Should any widening be absolutely necessary, the road should be cut into the hillslope and not be built further onto the fillslope.

The slopes in this gorge are very steep, well over 70% at some locations, with delivery possible since Swede Creek is at the toe of steep slopes.

There are a couple of existing road failure issues within the gorge that must be corrected as soon as possible to prevent any further road failures or degradation to water bodies. These existing road failures serve as an example of the types of road issues we are very concerned about. There is presently a 60-80 foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek. Any further failure risks sediment delivery directly into Swede Creek. The sidecast failure occurred recently, at a time with relatively little road traffic. With the constant impact of loaded 105,500-pound gravel trucks passing by at a rate of 4.6 to 30 trucks per hour, the compaction, vibration, and degradation of appropriate ditches and drainage features will be constant, greatly increasing the risks that use of this road presents to Swede Creek.

In addition to the sidecast cracking, there are two cutslope failures that have slumped and filled the ditchline. All three of these failures must be immediately addressed to ensure that no further damage to the drainage infrastructure or Swede Creek occur.

In an environment like the Swede Creek gorge, water management is of the utmost importance. This fact cannot be understated. Cross drains and backup cross drains must efficiently transport surface runoff across the road surface and not be allowed to run haphazardly down the ditchline. The outlet of cross drains must be carefully selected by an experienced road designer to ensure that erosion or failure of the fill slope will not be aggravated.

Slope failures and debris slides are disastrous for fish habitat. Debris slides can decimate instream biota and adjacent riparian areas, bury redds and appropriate spawning substrates, and contribute to downstream water quality problems. Road management and reducing the risk of debris torrents originating at forest roads is something that our organization has invested a great deal of time, effort, and money to address and correct, and remains a significant concern of ours at this location.

We understand that the road is proposed for paving at STA 21+00 to 26+00, located within the Swede Creek gorge and within the riparian buffer of Swede Creek. While there are some negative impacts and risks associated with paving due to increased impervious area and increased runoff quantity and speed, we recognize that paving can greatly reduce sediment delivery to streams. We recognize that sediment delivery is one of the greater threats to the aquatic habitat adjacent to this proposal. For that reason, we would like to see consideration of paving both the north and south approaches to the Swede Creek bridge, from hillcrest down to the bridge.

Washington State Forest Practices Board Manual suggests paving within 200 feet of a stream as a BMP for sediment control. "In situations where sediment control devices need to be used long-term consider surfacing that requires little to no maintenance such as chip sealing or paving portions of roads." We feel that would be a prudent BMP in this situation, where permanent management of sediment must be

required. However, as will all surface water management in a steep gorge, paving must be designed with care by an experienced road engineer with experience working with these building materials in steep terrain, to ensure that runoff is carefully managed to avoid erosion or slope failure, and disconnect from streams and wetlands.

We would like to see some improvements to drainage management within the gorge, with additional cross drains installed to ensure capacity and redundancy in the case of slumping into the ditchline, as is presently occurring. This ensures that water can get off the road if a culvert is clogged, rather than run down the road and trigger further slope failures and damage to the aquatic environment. In risky terrain for forest roads, redundancy and maintenance are key. The outlet of any cross drains in the gorge should be disconnected from directly contributing to Swede Creek; this may be in the form of swales, settling basins, sediment curtains, or straw wattles that can prevent pollution from reaching a surface water body. Permanent treatment BMPs should be considered and utilized. Substantial rock aprons should be built at the outlet of all culverts, with particular attention and size emphasized at culverts within the Swede Creek gorge. We feel strongly that to reduce sediment runoff in the gorge, paving, permanent BMPs, and ample cross drainage opportunities can help to reduce impacts.

Road Maintenance

We understand the access road from Grip Road to the quarry (nearly 2 miles) will be designated a Private Road by Skagit County, and the landowner(s) of the road will be responsible for its maintenance. We are concerned about impacts of this road should it go unmaintained over the 25-year duration of this project. Ditches and culvert inlets that become clogged with debris and sediment, potholes, washboards, winter snowplowing that forms windrows along road edges, damaged culverts and aprons, or damage to the Swede Creek bridge all present situations where there are increased and avoidable impacts to surface water bodies.

We would like to see an adequate drainage and stormwater management plan assessing and prescribing improvements to the private haul route. We would like to see applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. We would like to see a schedule of periodic on-site bridge inspection to assess the Swede Creek bridge and the anticipated traffic level and loads. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out, to prevent impacts to surface waters and wetlands in the vicinity of the haul route.

Reclamation

We would like to see the proponent submit a reclamation plan for their proposal, and this plan should be provided for ours and public review. The mine reclamation plan for this site should specify access controls that are adequate to assure that no dumping will occur, either by Concrete Nor'West or any authorized or unauthorized parties. Obsolete gravel pits have a tendency to become dumping grounds for all kinds of waste and trash. If some of that trash were to leach toxic materials into the permeable gravel at the pit, the result could be devastating for Samish River fish. A robust plan to prevent dumping at the pit would be a prudent step at this stage of permitting the mine.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our

comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 391-8472 or email at nkammer@skagitcoop.org.

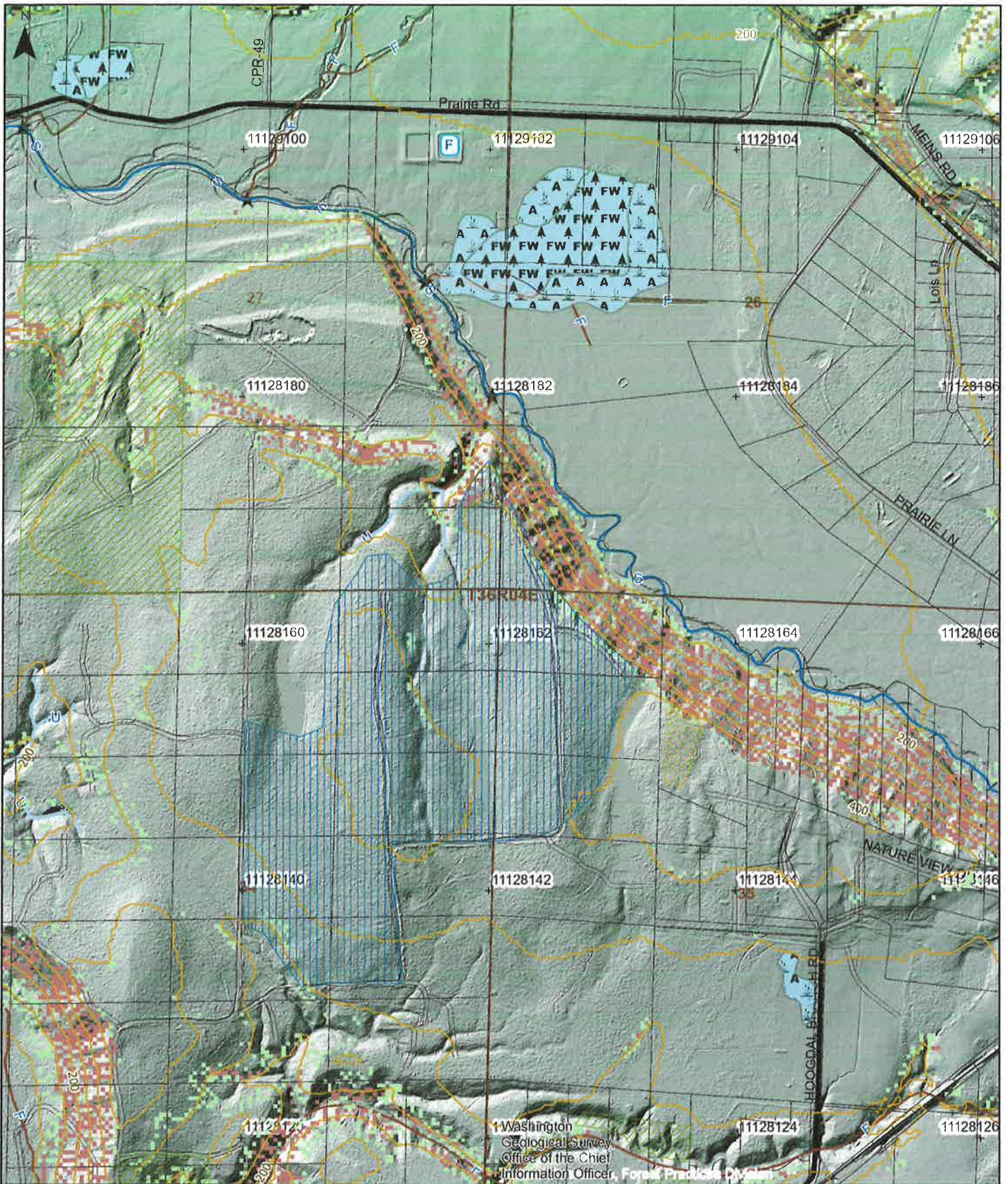
Sincerely,

A handwritten signature in black ink, appearing to read "Nora Kammer". The signature is fluid and cursive, with the first name "Nora" being more prominent than the last name "Kammer".

Nora Kammer
Environmental Protection Ecologist
Skagit River System Cooperative

ATTACHMENT B

Active harvest -- Lisa Inc



WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

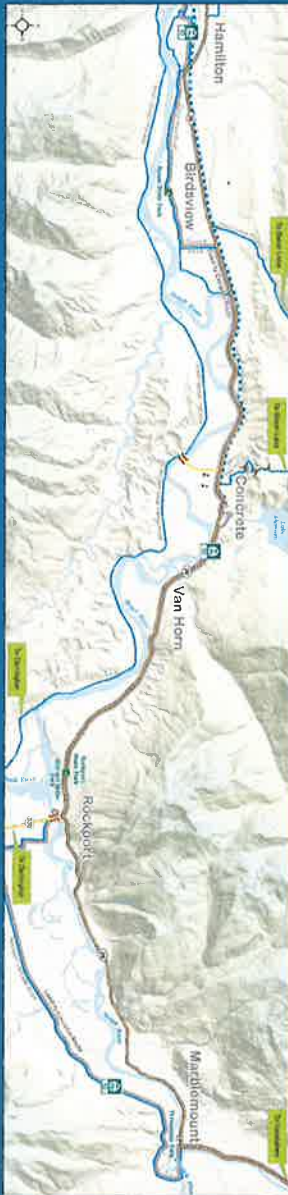
Extreme care was used during the compilation of this map to ensure its accuracy. However, due to changes in data and the need to rely on outside information, the Department of Natural Resources cannot accept responsibility for errors or omissions, and therefore, there are no warranties that accompany this material.

A horizontal scale bar with a black outline. The left end is labeled '0' and the right end is labeled '0.25'. Below the bar, the word 'Miles' is written.

Date: 4/26/2021

Time: 5:05:00 PM

ATTACHMENT C



Discover the wonderful bicycling Skagit County has to offer.



The Skagit County Bike Map is intended to familiarize cyclists with the many great bicycling opportunities in Skagit County and to provide information to cyclists so they can make their own decisions as to which route is suited for their skill level.

The 2016 edition of the map is made possible with support and funding from: Skagit Regional Health, Anacortes Chamber of Commerce, Skagit County Bicycle Club, Island Hospital, Port of Skagit, Skagit Cycle Center, Sedro-Woolley Chamber of Commerce, Kwaits Club of Burlington-Edison, Skagit Bank, Skagit Valley Food Co-Op, Sherman Physical Therapy, Shell Puget Sound Refinery and La Conner Chamber of Commerce.

Special thanks to Skagit County Geographical Information Services, Skagit Council of Governments staff and Non-Motorized Advisory Committee members: Marie Ebbeloe, Jeroline Halberg, Steve John, Liz McKelvey, and Linda Tolman. Thanks as well to Walt Farmer and John Pope for their assistance with the map.

To contribute, request multiple copies, or to send comments and suggestions, contact info@scog.net.

Cartography & Map Design: Kim Berry, Skagit County Geographical Information Services and Mapping Services

Graphic Design: Thomas Printing

Photos: Courtesy of Skagit Regional Health and Linda Wright Photography



SKAGIT COUNTY BIKE MAP

DISCOVER THE SKAGIT VALLEY



008551

ATTACHMENT D

Proposed

Critical Habitat for Oregon Spotted Frog (*Rana pretiosa*)

Unit 3: Samish River, Washington (Whatcom & Skagit Counties)

984 Acres / 398 Hectares; 2 Stream Miles / 3 Stream Kilometers

48°40'0"N

48°35'0"N

48°40'0"N

48°35'0"N

122°20'0"W

122°15'0"W

122°10'0"W

122°20'0"W

122°15'0"W

122°10'0"W

Lake
Whatcom

Samish River

Dry Ck.

Washington

Critical Habitat (Occupied)

CH Stream (Occupied)

1:100,000

0 0.5 1 1.5 2 Miles



No warranty is made by the U.S. Fish and Wildlife Service as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notice.



Proposed Critical Habitat for the
Oregon Spotted Frog 2013
U.S. Fish and Wildlife Service



ATTACHMENT E

JohnCooper

From: LoriAnderson on behalf of Planning & Development Services
Sent: Friday, April 08, 2016 8:31 AM
To: JohnCooper
Subject: FW: PDS Comments

From Dept Email

Lori Anderson, Permit Technician
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273
360-416-1320
loria@co.skagit.wa.us

www.skagitcounty.net/planning

From: website@co.skagit.wa.us [<mailto:website@co.skagit.wa.us>]
Sent: Thursday, April 07, 2016 2:45 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Doug Gresham
Address : 3190 160th Ave SE
City : Bellevue
State : WA
Zip : 98008
email : doug.gresham@ecy.wa.gov
Phone : (425) 649-7199

PermitProposal : PL16-0097 and PL16-0098

Comments : As a wetland specialist with the Washington Department of Ecology, I wish to enter my comments into the public record for this gravel mining operation by Concrete NW. Wetland impacts should be avoided by: not allowing any excavation within the buffer area associated with the Samish River and its associated riparian wetlands, don't excavate below the groundwater table to prevent dewatering the Samish River, and maintain a earthen berm between the gravel pit and the Samish River so storm water runoff can not discharge directly. Any wetlands identified on the property that would be impacted should be delineated and permits should be submitted to Ecology.

From Host Address: 198.239.77.118

Date and time received: 4/7/2016 2:41:22 PM

ATTACHMENT F



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000

June 1, 2016

John Cooper, Natural Resource Planner
Skagit County Planning and Development Services Department
1800 Continental Place
Mt. Vernon, WA 98273

**RE: Ecology Comments on the Grip Road Gravel Mine
Project File # PL16-0097 and PL16-0098**

Dear Mr. Cooper:

Thank you for sending information on the Grip Road Gravel Mine to the Washington State Department of Ecology (Ecology) for our review and comment. As the Ecology Wetland Specialist responsible for Skagit County, I wish to have the following comments entered into the record. The project submittal provided to us included a mitigated determination of nonsignificance, SEPA environmental checklist, and engineering drawings.

Concrete Nor'west has submitted an application for a forest practice conversion and mining special use permit to develop a gravel mining operation. This 68-acre property consists of three lots (Parcels P125644, P125645, and P50155) that are located northwest of Sedro Woolley in unincorporated Skagit County. The property is located north of Grip Road, south of Prairie Road, and is bisected by the Samish River. The Skagit County iMAP shows the Samish River flowing across the northeast corner of the property in the Warner Prairie area.

The proposed action involves harvesting approximately 50,000 board feet of timber, removing the stumps, and converting the property to a gravel mining operation. This gravel mining operation will remove approximately 4,280,000 cubic yards of gravel over a 25 year period. Gravel will be removed by truck and trailer (generating about 46 truck trips per day) to one of Concrete Nor'wests nearby facilities for processing.

The gravel mine will cover 51 acres and be excavated to within 10 feet of the groundwater table. A 200' buffer of undisturbed vegetation will be provided between the Samish River and the gravel mine. A 50' setback will also be provided along the remaining perimeter of the gravel mine where no grading will occur. All storm water runoff generated within the gravel mine excavation should flow into the closed depression and be prevented from reaching the Samish River.

According to the SEPA environmental checklist, a Fish and Wildlife Site Assessment was prepared by Graham-Bunting Associates. They stated that the toe of the slope adjacent to the Samish River was mapped using LIDAR data. The engineering drawings show the 200' setback from wetlands associated with the Samish River, which I assume occurs at the toe of slope. However, there weren't any maps showing associated wetlands or the ordinary high water mark (OHWM) of the Samish River.

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. To obtain state and federal authorization, the following items are required:

- A delineation of all wetlands on the property by a qualified wetland biologist, and survey of the delineated wetland boundaries;
- Flagging of the OHWM along the Samish River banks by a qualified biologist, and survey of the boundaries;
- A jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction;
- Ratings of all wetlands on this property using the current *Washington State Wetland Rating System for Western Washington*;
- A critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs;
- A Joint Aquatic Resources Permit Application form for impacts to jurisdictional wetlands and the Samish River; and
- A mitigation plan for unavoidable wetland and buffer impacts following the standards in *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a).

If you have any questions or would like to discuss my comments, please give me a call at (425) 649-7199 or send an email to Doug.Gresham@ecy.wa.gov.

Sincerely,



Doug Gresham, PWS
Wetland Specialist
Shorelands and Environmental Assistance Program

DG:awp

ATTACHMENT G

John Cooper

From: Planning & Development Services
Sent: Tuesday, December 27, 2016 9:45 AM
To: John Cooper
Cc: Betsy D. Stevenson
Subject: FW: PDS Comments

From: website@co.skagit.wa.us [<mailto:website@co.skagit.wa.us>]
Sent: Friday, December 23, 2016 9:45 AM
To: Planning & Development Services
Subject: PDS Comments

Name : Doug Gresham
Address : 3190 160th Ave SE
City : Bellevue
State : WA
Zip : 98008
email : doug.gresham@ecy.wa.gov
Phone : (425) 649-7199
PermitProposal : PL16-0097
Comments : December 23, 2016

John Cooper, Natural Resource Planner
Skagit County Planning and Development Services Department
1800 Continental Place
Mt. Vernon, WA 98273

RE: Ecology Comments on the Grip Road Gravel Mine
Project File # PL16-0097

Dear Mr. Cooper:

As the Washington State Department of Ecology (Ecology) Wetland Specialist responsible for Skagit County, I wish to have the following comments entered into the record for the Grip Road Gravel Mine. In addition to my previous comments for this project submitted on June 1, 2016, I want to address additional concerns during this second public notice period.

Concrete Nor'west submitted an application for a forest practice conversion and mining special use permit to develop a gravel mining operation. This 68-acre property consists of three lots (Parcels P125644, P125645, and P50155) that are located northwest of Sedro Woolley in unincorporated Skagit County. The property is located north of Grip Road, south of Prairie Road, and is bisected by the Samish River. The Skagit County iMAP shows the Samish River flowing across the northeast corner of the property in the Warner Prairie area.

The proposed action involves harvesting approximately 50,000 board feet of timber, removing the stumps, and converting the property to a gravel mining operation. This gravel mining operation will remove approximately 4,280,000 cubic yards of gravel over a 25 year period. Gravel will be removed by truck and trailer (generating about 46 truck trips per day) to one of Concrete Nor'wests nearby facilities for processing.

I have a concern with the wetland findings by Graham-Bunting Associates. They stated there will be a 200' setback from riverine wetlands associated with the Samish River. However, if these wetlands are rated as either Category I or II, then the standard buffer width may be 300' for a high land use intensity such as a gravel mine (Skagit County Code 14.24.230). We assume the proposed footprint of the gravel mine would encroach into this larger wetland buffer so this needs to be addressed.

I also have a concern with the access road that will need to be improved to accommodate 46 truckloads a day, which could impact wetlands and streams. This access road may need to be widened, the Swede Creek bridge may need to be upgraded, and storm water drainage features may need to be reconfigured. This access road would need to be upgraded to Skagit County higher standards for roads servicing mining operations but this was not addressed.

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.

If you have any questions or would like to discuss my comments, please give me a call at (425) 649 7199 or send an email to Doug.Gresham@ecy.wa.gov.

Sincerely,

Doug Gresham, PWS
Wetland Specialist
Shorelands and Environmental Assistance Program

From Host Address: 198.239.77.118

Date and time received: 12/23/2016 9:44:17 AM

ATTACHMENT H

March 9, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio,

Once again, we are writing on behalf of the local community group Central Samish Valley Neighbors (CSVN) to comment on a new Mitigated Determination of Nonsignificance (MDNS) for the proposed Grip Road Gravel Mine, File #'s PL16-0097 & PL16-0098. In addition to this letter, our attorney Kyle Loring, is also submitting comments on behalf of CSVN. This MDNS is for a large new gravel mine along the Samish River proposed by Miles Sand and Gravel/Concrete Nor'West (CNW), as part of their application for a mining Special Use Permit (SUP). This is the third MDNS issued for this project, with two previous ones withdrawn by the County in 2021. This letter attempts to summarize our ongoing concerns, most of which still have not been addressed despite all of the time that has passed and hundreds of comment letters submitted by community members. Based on our own review and consultation with our attorney, the project impacts identified in the application are significant and warrant additional analysis through an Environmental Impact Statement (EIS) that fully evaluates them and identifies appropriate alternatives and mitigation measures. The County needs to, once and for all, withdraw this MDNS and require a full EIS. Our comments identify information that the County still needs to obtain in order to conduct an adequate review of the impacts that the proposed mine would cause. This information involves the need for both clearer project details and more thorough evaluation of environmental impacts.

The application review has suffered from the absence of institutional memory and inconsistent oversight. We have followed this application since its inception six years ago. During that time, there have been more staff changes at Skagit County Planning and Development Services (PDS) than we can count – the PDS Director has changed, the County attorney representing PDS has changed at least twice, as has the Assistant Director position for PDS; and three different planners have been the lead on this project. The County's review of this application has suffered from a lack of institutional memory and consistent oversight. We are very concerned that County staff at PDS and Public Works do not have a full grasp of the scale of this proposed industrial scale mine, and the potential cumulative and long-term impacts of it. And, the very real public safety impacts from truck traffic have not been taken seriously.

Mitigation Measures are inadequate. Despite all of the public comments, and County staff time into this, very little has actually changed from the original proposal. Of the nineteen “mitigation measures” proposed in this latest MDNS, almost all are simply re-stating the obvious, that the project must comply with existing state and county regulations. The few specific mitigation measures that go beyond existing code are either inadequate to address the impact, or contain loopholes that make them practically meaningless. In the case of Mitigation Measure #17, the County’s own Critical Areas Ordinance is disregarded in favor of a reduced buffer on the Samish River – this is certainly not mitigation in any true sense of the term. In addition, there are no monitoring or enforcement mechanisms proposed in any of these mitigation measures that would ensure compliance over the twenty-five year lifetime of this proposed mine.

Mistakes and delays are not a justification for incomplete environmental review. We know that PDS staff have their hands full with many important projects. And, understandably, people would like to see this project wrapped up. Nonetheless, having tracked it from the beginning, it is clear to us that most of the delays have been caused by the applicant’s recalcitrance to respond to the County’s reasonable requests for information. Avoidable delays have included two appeals filed by the applicant in attempts to avoid providing additional project information. The layers of often conflicting application documents, submitted over more than half a decade, have made it challenging for citizens and planners alike to understand the actual scope and impact of the project. This is quantity at the cost of quality. The applicant should have been required to start over with a comprehensive EIS years ago. Nonetheless, that error combined with the foot-dragging by the applicant should not force the County to now push the project through when there are still significant gaps remaining in the environmental review.

Summary of necessary information and environmental review omitted from the application materials. Based on our review of the March 7, 2016 SEPA Checklist, the August 2, 2019 Supplemental SEPA Checklist Information, the documents referenced in those materials, and the other documents posted to the County’s project website (including the two new documents submitted by the applicant in Dec. 2021), the application continues to suffer from the SEPA inadequacies listed below.

1) Project scale is under-represented: The application minimizes and under-represents the scale of the mining activity by avoiding many details and using vague descriptors such as “extracting relatively low volumes of aggregate”.

2) Impact to the environment from use of the private haul road is not fully evaluated: The applicant’s new Critical Area reports¹ for the 2.2 mile long private haul road are the only application materials that review the impacts to the larger property owned by CNW, outside of the mine site itself, even though this haul road is an integral part of the project. These reports identify

¹ “Impact Assessment and Mitigation Plan”, Northwest Environmental Services, Dec. 2021 and “Geo-Tech Memo”, Associated Earth Sciences, Dec. 2021

many sensitive wetlands and streams, but use false assumptions to minimize the estimated impacts that industrial hauling would have on them.²

3) Off-site and cumulative impacts are omitted and ignored: The application omits and/or minimizes descriptions of off-site and cumulative impacts of the project, especially off-site impacts related to truck traffic.

4) Future plans not disclosed: The application omits plans for future on-site processing despite the suggestion in the application materials that the applicant may seek to operate on-site processing in the future. This omission prevents a complete evaluation of the impacts and identification of appropriate mitigation.

5) Impacts on Environmental Elements inadequately reviewed: Defects in application materials result in a failure to fully disclose impacts for all of the “Environmental Elements” required by SEPA.

6) Mitigation measures and project alternatives not fully considered: The application and the MDNS do not identify or evaluate appropriate mitigation measures or alternatives.

We discuss all of these issues further below, in the order listed.

1) **Project scale is under-represented.** The SEPA Checklist, Supplement and Special Use Narrative minimized and under-represented the scale of the proposed mining development by avoiding detail and using vague descriptors such as “extracting relatively low volumes of aggregate”. The mining activity was described using generalities, and omitting many details. This approach obscured important information and it is unclear whether key details were used by the County in its SEPA review. Other examples of misleading application materials include the characterization of the site as “very remote” and the proposed mining as a “temporary” activity. The SEPA Checklist states, “traffic generated by the project will be typical of mining operations,” but does not state any actual numbers. To the extent the submitted documents actually provide this information, many of those details are buried in the referenced studies and drawings.

The truth is that this is a proposal for a 51-acre open pit mine that will eventually be ninety feet deep. This is a hole in the ground about the area of 38 football fields and ten stories deep. The Checklist states that there will be “4.28 million cubic yards of excavation”. If 4 million cubic yards are hauled off site (assuming 1 yard equals 3,000 pounds), this would be approximately 6 million tons of sand and gravel removed from the site over a twenty-five year-period, or

² See attached letter submitted by Bray/Day on 1/11/2022

240,000 tons per year. We do not see this scale of land disturbance and trucking at this location as “low volume”.

Furthermore, although the application characterizes the mining operation as a “temporary activity,” its proposed daily operations over 25 years will feel permanent to the community, as will the long-term alterations to the landscape. The “very remote” characterization likewise ignores the actual setting – the site is located in an area where no prior industrial scale mining has occurred, and it would operate amidst a rural residential neighborhood with more than 100 homes within a mile of the site and 750 homes within three miles. And, an investigation into the DN Traffic memo (June 2019) reveals that the “typical” gravel truck traffic referenced in the SEPA Checklist is actually an estimated 11,765 tandem gravel truck trips per year on narrow substandard County roads.³

By avoiding details in the main project documents, the application appears complete, but does not actually address the full impacts of the project, nor does it explore less damaging alternatives or identify real mitigation measures.

- 2) Impact to the environment from use of the private haul road is not fully evaluated.** The SEPA Checklist’s description of the project site (Section A. #11) as only a 68-acre parcel of land did not describe full scope of the project; it and both the original and updated SEPA narratives failed to clearly identify the two-mile-long haul road across the applicant’s 726-acre property that is required to get the gravel to Grip Road. In response to this failure, in 2021, the County required environmental review of the haul road. The applicant’s new Critical Area report for the haul road revealed 36 wetlands and 21 seasonal streams within 300 feet of the haul road. One of the largest of these wetlands was identified as suitable habitat for the endangered Oregon spotted frog. Yet, this new report does not acknowledge the high intensity industrial use of the haul road. Instead, it downplays the difference between mining use and previous uses that involved an occasional forestry operation. The impact on these streams and wetlands from 11,000 trips per year by dump truck/trailer combinations weighing as much as forty tons each has simply not been evaluated. Impacts to the aquatic habitat include potential hydrocarbon pollution from road run-off, increased sedimentation, and changes to surface water hydrology, as well as significant disturbance from constant noise and vibration and diesel exhaust.

³ Contrary to the volume of gravel stated in the SEPA checklist, the DN traffic memo assumes that 200,000 tons of material per year will be removed from the site. Using DN’s math, and assuming the larger volume stated in the SEPA checklist, the number of truck trips per year would be actually be closer to 14,118 (240,000 tons/34 tons/truck*2), or an average of 54 truck trips per day (not 46 per day as stated in the DN memo). This is one of many examples of inconsistent and confusing information provided in the application materials.

In addition the impacts from haul road expansion and construction were ignored. The haul road was significantly expanded in 2018 for mining purposes without regulatory oversight. The new Critical Area report claims that any past impacts from road construction are not part of this project, even though this work was conducted two years after they submitted the mining application. These impacts were never acknowledged, causing ongoing habitat degradation. No corrective action and no mitigation for this construction activity has been required.

In addition, the potential impact of heavy truck traffic on unstable slopes in the Swede Creek gorge has not been adequately addressed. The haul road crosses Swede Creek, a fish bearing stream, in a steep gorge. Unstable slopes and existing road failure issues have been identified in the gorge. Road triggered landslides in these locations can have catastrophic effects on streams, delivering sudden huge debris and sediment loads to the creek. The new Geo-Tech memo takes a cursory look at these issues without truly addressing them. A more thorough evaluation by a qualified geologist that identifies appropriate remediation, as well as ongoing preventative management of the road's drainage system, is essential to avoid slope failure and protect the habitat in Swede Creek.

- 3) Off-site and cumulative impacts omitted and ignored.** One of the most significant components of this proposal is the plan to haul approximately 4 million cubic yards of sand and gravel from the site to be processed at another facility. The material would be moved by truck along more than five miles of County roads over a period of 25 years. This trucking activity is a crucial part of the project that will cause significant environmental harm, yet the project description in the SEPA Checklist (Section A. #11), as well as the updated narrative for the Special Use Permit application, omit details of this aspect. The only mention of truck traffic is by reference – listing several “traffic memos” submitted by the applicant separately, together with piecemeal supplemental information and addenda. The County’s pursuit of additional information on traffic impacts eventually led to a third-party desktop review by a consulting traffic engineer engaged by the County (HDR), and most recently (September 2020) a longer Traffic Impact Analysis (TIA) that was prepared by DN Traffic Consultants on behalf of CNW. However, all of the documents that look at the traffic impacts appear as a kind of postscript. This has the effect of concealing the severity of the truck traffic impacts and it considers only those impacts related to a narrow set of criteria regarding County road standards and “level of service”. In reality, the off-site impacts from a heavy and sustained volume of truck traffic over a twenty-five year period are many-pronged and cumulative. These impacts include carbon emissions and air pollution, noise, vibration, public safety, and damage to public infrastructure. A full SEPA review needs to evaluate and identify mitigation measures for all of these impacts, not just those that fall under the narrowly defined criteria in County Code for triggering Traffic Impact Analyses (TIA). Furthermore, the applicant’s TIA fails to meet some of the basic requirements for such documents included in Skagit County Road Standards, 2000, as incorporated by reference in the Skagit County Code.

To illustrate the scale of this proposal (using the conservative figures in the DN traffic studies) approximately 294,000 truck trips over a 25-year period are required to haul the amount of material the applicant proposes to excavate from the mine. The shortest haul route to CNW's Belleville Pit site on County roads is approximately 11.5 miles round trip, plus an additional 4 miles round trip on the private haul road. Cumulatively, this is more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This is equivalent to almost 800 round trips between Seattle and New York City.⁴ Furthermore, one fully loaded standard gravel truck with pup trailer weighs more than 80,000 pounds. Very few of the off-site impacts associated with this hauling have been addressed in the application materials. Finally, the number of truck trips and cumulative mileage may actually be considerably higher than stated above depending on several factors, including weight limits on the bridge over the Samish River on Highway Old 99 and the extent of third-party sales.

Other off-site impacts that were minimized or inadequately described in the application documents include potential impacts to surface water; impacts of noise from mining equipment and hauling; and potential impacts to fish and wildlife. We address these concerns elsewhere in this letter under the specific environmental elements, in the order they appear in the SEPA Checklist.

- 4) Future plans not disclosed.** The SEPA checklist asks specifically if there are any plans for future additions, expansion, or further activity related to or connected with this proposal (Section A. #7). The applicant answered 'no' to this question on the SEPA Checklist but implies elsewhere that they may conduct onsite processing at a future date. The applicant was asked to clarify this point, and in a letter to the County on May 15, 2017, states only that no processing was proposed "in this application" – implying that future on-site processing is contemplated. And, the revised "Special Use Narrative," dated Aug. 2, 2018, states in the third paragraph that "No processing is proposed onsite at this time" (*emphasis ours*). SEPA guidelines require that all parts of a proposal be disclosed, even if the applicant plans to do them "over a period of time or on different parcels of land." We find the inconsistency on this topic troubling. Given the cost of hauling raw materials 184,000 miles/year, we find it unlikely that CNW will not apply for an additional permit in the future to allow on-site gravel processing. Furthermore, the disclosure of future plans is essential here because the project buffers would need to be larger to accommodate on-site gravel processing, and because the project would be subject to even more rigorous scrutiny. On-site processing would trigger a significantly larger buffer (200 feet—double the 100 feet currently proposed) on the northern and western borders to reduce

⁴ Different application documents identify conflicting amounts of material to be excavated and hauled from the site, as well as different haul routes and mileage and load weights. Using the higher extraction figures in the SEPA checklist (assuming 4 million cubic yards of excavation), 356,666 truck trips would be required over a 25-year period cumulatively more than 5,528,300 miles (220,000 miles per year), equivalent to 970 round trips between New York City and Seattle.

noise and vibration impacts to the neighboring private properties (SCC 14.16.440(10)). This would reduce the amount of gravel available for extraction, but it is an important mitigation measure for reducing impact to adjacent landowners. It is also reasonable to assume that the applicant plans to expand the mine itself over time to encompass more of the large property holding there. There have been many examples of Skagit County approving similar expansions and scope changes through the permitting process. Dividing the planned activities into separate development applications is a way to piecemeal SEPA review and thus under-evaluate project impacts. Under SEPA, the full scope of the proposed project must be considered in order to prevent inappropriate phased or piecemeal review (WAC 197-11-060(5)(d)(ii)). Given that the applicant has expressly reserved the right to pursue processing at this site in the future, the project must be reviewed on the basis of what has been reserved as a potential future activity—that such processing would occur on the site. Therefore, the conditions on the permit need to anticipate potential future expansion with larger buffers and additional measures to reduce likely future impacts. Alternately, restrictions need to be put in place to prevent such changes to on-site activities in the future.

- 5) Impacts on Environmental Elements inadequately reviewed.** As addressed below, defects in the application materials result in the lack of adequate review of the project's impacts to earth, air, water, and environmental health are minimized or not completely disclosed in the SEPA Checklist and supporting documents.

Earth (SEPA Checklist, Section B. #1): Although question #1.e. of the SEPA Checklist requests a description of any project filling, excavation and grading, the applicant's response limits its response to the 51-acre open-pit mine footprint. The Checklist does not describe such essential project elements as storage and management of excavated and side-cast materials. In fact, there is no description of what, if any, site preparation will occur outside of the footprint of actual mine.

The "Site Management Plan, Sand and Gravel Permit" document that the applicant submitted (also a requirement for WA Department of Ecology's NPDES permit) does not cure the Checklist defect. It is almost entirely generic, and simply lists typical Best Management Practices (BMPs) to prevent erosion and manage buffers. It is not site-specific and does not actually explain how the side-cast materials, or "overburden", will be handled or how buffers along property lines will be managed. It is unclear in this plan which, if any, of the BMPs listed will actually be implemented or when or where they will be used. This omitted information is essential for verifying that the project would protect water quality, minimize disturbance to wildlife habitat, and reduce noise, dust and vibration impacts on neighboring properties.

Numerous relatively small private parcels lie to the west and north of the proposed mine site. Noise, dust and vibration from the mine will impact these properties. An appropriately-scaled, undisturbed vegetated buffer must be established to protect these properties. It is unclear in

the application materials if the buffers between the mine and adjacent properties will be left undisturbed. In addition, there are repeated assertions in project documents that all runoff from the site will drain into the open pit and infiltrate into groundwater. This does not address any surface water runoff and contamination from side-cast material that the applicant states will be stockpiled outside of the footprint of the mine itself for use in reclamation when mining operations are completed. There is no way to evaluate the impact of this earth moving activity when it is not fully explained and described.

Question #1.g. asks if any impervious surfaces are proposed. The applicant states that no permanent, impervious surfaces are proposed. This is inaccurate. There would be a need for an on-site staging areas at the mine site for dozens of trucks and equipment. In addition, the entire two-mile private haul road will essentially be impervious, including the small stretch of the road they now plan to pave in the Swede Creek gorge. A site-specific surface water drainage plan that includes measures for protecting waterways from sediment and other contaminants from these impervious surfaces needs to be prepared and implemented.

Air (SEPA Checklist, Section B. #2): The applicant's response to question #2.a., which requests disclosure of the project's air emissions, avoids identifying the substantial amount of emissions to be expected over the project's 25-year lifespan. Instead, the answer characterizes air quality impacts as "temporary." Mining is an ongoing activity. It is not temporary construction. There will be earthmoving equipment generating emissions constantly during operating hours for decades. Additionally, there is no mention of the significant cumulative carbon and particulate emissions from 25 years of diesel truck traffic. This omission alone is fatal to SEPA review.

Question #2.b. The applicant states incredulously that there are no off-site sources of emissions or odor. This answer simply ignores emissions from diesel truck hauling. As stated above, the cumulative mileage of tandem diesel trucks hauling material from this mine is more than 4,600,000 miles, or more than 184,000 miles per year.⁵ The diesel emissions from this hauling activity will be concentrated in a small area, day after day, year after year. Diesel emissions include both particulates that create localized health hazards and greenhouse gasses that contribute to global climate change. The type of diesel fuel used, maintenance and age of vehicles, speed and driving patterns, idling activities, etc. all influence the intensity of emissions. The applicant must disclose the true nature and quantity of these emissions and identify measures to reduce the impact to air quality. A simplistic calculation of the carbon emissions from just the hauling component of this project is more than 17,200 metric tons over 25 years, or around 690 metric tons per year⁶. The actual amount of carbon emissions

⁵ Assumptions: round trip of 15.4 miles between the mine and Belleville Pit, 46 round trips per day, 260 days per year, for 25 years.

⁶ Carbon emissions estimation based on the per ton/mile truck emissions estimates and sample calculations included in the Environmental Defense Fund publication produced to assist industry in reducing carbon emissions, "A Green Freight Handbook", Chapter 2, Establish Metrics, we estimate that depending again on which of the two proposed

will probably be considerably higher because, as discussed above, the mileage is under-represented. This is a very carbon-intensive proposal. The applicant needs to provide realistic estimates of the cumulative emissions from all of the truck hauling and on-site mining activities, as well as propose an adequate mitigation plan for them.

Water (SEPA Checklist, Section B. #3): Question #3.a. involves disclosing impacts to surface water. The Checklist does not fully disclose surface water impacts from the project's proposed undersized buffer. The applicant proposes a 200-foot vegetative buffer between the mine and the adjacent Samish River, and the MDNS accepts this in Mitigation Measure #17, but a 200-foot buffer is not adequate and is inconsistent with Skagit County Critical Areas Ordinance (SCC 14.24.230) requirements for the intensity of this land use. Additionally, when slopes of 25% or more are present, buffers are generally required to extend 25 feet beyond the top of the slope. We address this further in the section on "animals" below.

Years ago, in response to these concerns, PDS asked the applicant to submit drawings showing a 300 foot buffer, which they did. This drawing is labeled "Alternate 300 foot buffer" (dated July 2018). And yet, this "alternate" buffer has not been required as a condition of the permit.

In addition, mine site plans identify an unnamed tributary to the Samish River on the southeast corner of the site. The supplement to the SEPA checklist references the Site Management Plan to explain how surface water will be protected. Again, as discussed above in the "Earth" section, this Site Management Plan does is not site-specific and simply lists a number of BMPs without explaining where or how they may be implemented; except that Appendix B ("Site Map") of the plan identifies one "monitoring point" near the tributary stream. There is not enough information provided to determine if surface water will be adequately protected from sediment and other contaminants or if the minimal monitoring proposed will be adequate to detect such pollution. In addition, it is unclear from the project documents where all the surface water in the areas around the mine site may drain after the site is disturbed. The mine site is perched above the river and it is unclear if the proposed buffers encompass the entire slope edge between the mine and the river. There is not enough detail in the drawings and application materials to ensure that erosion and contaminated run-off will be prevented from making its way downslope to the river.

Question #3.b. involves disclosing impacts to groundwater. The applicant states that no waste discharge will occur into groundwater. The Supplement to the SEPA Checklist again references the Site Management Plan, and states that mining runoff will infiltrate into the bottom of the mine. However, the project description states that the intention is to mine within ten feet of the groundwater level. Given the pervious nature of the sand and gravel floor of the mine, we question if this method of preventing groundwater contamination is sufficient. This is

main haul routes is followed, annual (total) truck CO2 emissions will be between 271 (6,768) and 403 (10,064) metric tons.

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especially concerning as the groundwater in this location will essentially flow directly into the Samish River and into designated critical habitat for the endangered Oregon Spotted Frog (discussed further below in the section about animals). Protection of groundwater requires further evaluation, especially in terms of the potential for fuel and other toxic material spills from heavy equipment in the mine (this issue is further discussed below under the section about environmental health and hazardous chemicals.)

Mitigation Measure #15 requires the applicant to work with their consultant to determine where the groundwater level is and to stay 10 feet above it. However, there is no requirement for groundwater monitoring wells to be installed, nor any compliance or enforcement mechanism discussed. It will be many years before the mining reaches these depths; in the absence of compliance monitoring and inspection, we have very little confidence that mine operators will be paying attention to the distance between the excavation and the groundwater.

Question #3.c. involves describing impacts from water runoff, including stormwater. In addition to the concerns related to runoff from the mining site described above in the 'earth' section, the impact of runoff from the haul road to surface water was not identified as a concern and has not been addressed. This involves impacts to both water quality and quantity -- to the wetlands on site, to Swede Creek and to the greater Samish watershed. There is the potential for sedimentation in Swede Creek, a fish-bearing stream, and for increased overland flows and downstream flooding. There are already significant flooding issues associated with Swede Creek. The ditch adjacent to Grip Road east of the bridge over the Samish River is an overflow channel of Swede Creek. The Public Works Department and local residents are well aware that this ditch routinely spills over its banks and floods the roadway during high rainfall events. In addition, the edge of the roadbed itself at this location has required repeated hardening and repair due to erosion caused by the high volume of water flowing through this ditch. The impacts to hydrology and the potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road, especially in the gorge where the road crosses Swede Creek, needs to be evaluated and appropriate mitigation measures required. A stormwater management plan for the haul road needs to be prepared and implemented.

Mitigation Measure #5 states that the applicant shall comply with the County's Stormwater Management Ordinance, "as it relates to increased runoff resulting from additional impervious surfaces". It does not explain what "additional impervious surfaces" this refers to, leaving the question of whether it applies to the existing but recently reconstructed haul road. It also states that "Best Management Practices shall be utilized throughout the life of the project", but it is not clear if this relates to only impervious surfaces, or other land disturbance. It does not require that a specific Stormwater Management Plan be prepared and approved, thereby lacking enough specificity to be useful. And, again, there are no monitoring, inspection or

enforcement mechanisms included in this mitigation measure, making it ineffective, especially over the twenty-five year life time of this project.

Mitigation Measure #7 states that the applicant shall comply with the provisions of WAC 173-201, which is the law that sets standards and enforcement mechanisms for surface water quality. In absence of any specific prescriptions for this project and this site, this is not a useful or enforceable condition, and certainly it is not proposing any meaningful mitigation for project impacts. Again, just restating existing law is not a mitigation measure.

Plants (SEPA Checklist Section B. #4): Notwithstanding that the mine would completely strip native vegetation from more sixty-five acres of land, the Checklist omits any discussion of ways to minimize this impact. A one-sheet survey drawing titled “Reclamation Plan and Mine Sequence” (May 2015) shows the proposed mine area divided into four quadrants labeled “1” through “4”. These labeled quadrants presumably explain the “sequencing” of the mining activity, but there appears to be no narrative explaining how or when this sequencing may occur. Phasing the mining so that portions of the site remain forested until it is needed, and/or reclaiming sections over time while other sections are being mined would significantly reduce the impact to native vegetation. Simply reducing the scale of the proposed mine would be even more appropriate. Measures and alternatives that reduce the impact to the native vegetation must be evaluated.

Animals (SEPA Checklist Section B. #5): The Checklist omits significant animal species and potential project impacts on them. First, the Checklist states that no threatened or endangered species are known to be on or near the site. In fact, the US Fish and Wildlife Service and WA Department of Fish and Wildlife have designated Critical Habitat for the Oregon Spotted Frog (*Rana pretiosa*) along the Samish River directly adjacent to the site. In addition, there is designated Bull Trout (*Salvelinus confluentus*) Critical Habitat a few hundred feet downstream from the northeast corner of the mine site. The Oregon Spotted Frog was believed to be extirpated from this area until breeding sites were discovered in 2011-2012 in the upper Samish River. The Samish River system is the only place in Skagit County that the Oregon Spotted Frog has been found. It is listed as Endangered in Washington State, and Threatened federally. Bull Trout is a Candidate species for listing in Washington State and is listed as Threatened federally. The presence of designated critical habitat for species listed under the Endangered Species Act (ESA) was not disclosed in the SEPA Checklist nor in the accompanying Fish and Wildlife Assessment (GBA/August 2015). These are serious omissions.

At the request of the County, an Addendum to the Fish and Wildlife Assessment was submitted by the applicant to address the presence of the Oregon Spotted Frog habitat adjacent to the site (GBA/April 2017). However, the addendum simply states that in the consultant’s opinion, their recommended 200-foot buffer is adequate to protect this designated critical habitat

without citing any clear science or expert biological opinion to back up the statements. In fact, a note in the Addendum states:

"Our original assessment and this addendum are not intended to constitute a biological evaluation pursuant to the requirements of the Endangered Species Act. The documents are intended solely to demonstrate compliance with the Skagit County Critical Areas Ordinance (SCC 14.24)."

Further evaluation of the impact from the proposed mining to the Oregon Spotted Frog, Bull Trout, and their designated critical habitat, needs to be conducted, consistent with State requirements and the Federal ESA. As discussed in sections elsewhere in this letter (in "earth", "water" and "toxics"), measures are not clearly described that will protect the water quality of the Samish River, its tributaries, and the groundwater that flows to the river. This is a serious concern that must be addressed to ensure that the Oregon Spotted Frog, Bull Trout, and Puget Sound Steelhead habitat is adequately protected according to law.

In addition, the SEPA Checklist and Supplement do not acknowledge a number of large mammals that are known to frequent this area. These include bear, cougar and bobcat. Furthermore, the Checklist states that it is not an animal migration route even though local residents regularly observe the use of this area as a wildlife corridor between Butler Hill to the south and the Samish River Valley and Anderson Mountain to the north. Surrounding landowners have seen cougar, bobcat, and bear traveling across their properties on numerous occasions, and at least one resident located south of the subject property has captured many photos of these animals on remote trail cameras. These animals require large territories and are sensitive to disturbance. The subject property is the last large undeveloped property linking a larger landscape between Butler Hill to the south, and the Samish River to the north. The applicant's Fish and Wildlife Assessment does not address the impacts to this wildlife corridor. Measures could be taken to protect a swath of land and maintain intact vegetative buffers surrounding the mine on the applicant's larger ownership. This would help reduce this impact.

Finally, the applicant's Fish and Wildlife Assessment is more than six years old (August 2015), and its limited scope does not address the current data regarding threatened and endangered species. A new complete Fish and Wildlife Assessment needs to be prepared that considers the full footprint of the project, including the land area impacted by the private haul road, as well as all ESA species that may be impacted by the proposal.

Energy (SEPA Checklist Section B. #6): This is a very fossil fuel and carbon intensive project, both on and off site. As stated previously, just to haul the proposed volume of gravel to the applicant's processing site would require diesel truck/trailer combinations to drive more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This does not include the on-site energy consumption from the heavy equipment required for the mining activity. In

addition, there is no electrical power supply to the site. There is no mention of power supply in the application materials, but presumably the applicant plans to run generators to provide light and power to the site. This will create even more fossil fuel consumption (and noise pollution that has not been disclosed). The applicant has made no attempt to estimate the amount of energy required, nor the impacts to the environment from it. There are no proposed energy conservation measures. The applicant should be required to evaluate alternatives to such high rates of energy consumption, and a carbon budget should be calculated with mitigation identified to offset the effects of carbon emissions to the atmosphere.

Environmental Health (SEPA Checklist Section B. #7):

Question #7a. Toxics: The Supplement to the SEPA Checklist states that “mobile fueling vehicles” and “mobile maintenance vehicles” will be used and that “if fueling stations or other storage of these materials occurs on site, it will be in compliance with the NPDES Permit filed with the WA Department of Ecology”. These vague and inconsistent statements fail to confirm whether fueling stations and fuel storage are planned or not. Furthermore, the application does not define “mobile fueling” or “mobile maintenance” or measures to control or respond to spills from them in different locations across the site. The applicant must explain how they will monitor this and provide specific management practices for use with mobile fueling and maintenance units.

Although the Site Management Plan provided by the applicant purports to address spill prevention, it merely recites generic BMPs. It does not state what specific measures will be used on this site, nor does it show any locations for fueling, fuel storage, etc. The applicant needs to disclose what the nature and location of the fuel storage and vehicle refueling and maintenance process will actually be, and what measures will be taken to prevent spills and toxins from entering surface and groundwater. As discussed previously, there is a real danger of surface water contamination and or groundwater contamination through the bottom of the mine floor if this issue is not properly addressed.

Mitigation Measure #12 addresses requirements for safe onsite fueling of mining equipment. However, this condition does not specifically address or prohibit “mobile fueling” and “mobile maintenance”. Since these terms are used in the application materials, they need to be addressed in the mitigation measures, or there is a potential for contamination of ground and surface water.

Question #7.b. Noise: This section requires disclosure of health impacts related to noise generated from the project on-site and off-site. The applicant submitted an “Updated Noise and Vibration Study” (November 2018), which concludes through modeling that the noise generated from the mine, and from off-site trucking, is within the limits set forth in Skagit

County Code. There are several major flaws in this study that call into question its thoroughness and validity:

- Concerning the computer modeling of mine operation noise levels, the November 2018 noise study states “A front-end loader, dozer, and excavator were assumed to operate concurrently in the mine”, with noise levels at 100 feet from each shown as 75, 75, and 76, dBA respectively. The study does not cite the source for these numbers. Presumably, different sizes and models of heavy equipment generate different levels of noise, and are not interchangeable for noise level modeling purposes.
- Furthermore, the noise study appears to address only “typical” mine production levels, not the “extended hours” production scenario of up to 5,000 tons per day described in the September 2020 DN Traffic Consultants Traffic Impact Analysis. Presumably, the latter would require more pieces of heavy equipment to accomplish, as well as more trucks. Based on the seasonal nature of sand and gravel demand, it seems likely that the mine would exceed “typical” or “average” production levels for extended periods during late spring, summer, and early fall. For a noise study to be valid, it must address the maximum production level.
- The computer modeled noise level receptor labeled “R3” is located approximately 900 feet north of the receiving property boundary, not at the receiving property boundary as required under WAC 173.58-020(11) and 173-60-040(1).
- The study does not address the significant noise fully loaded truck/trailer combinations will generate using their compression brakes while descending the Grip Road hill. Adding an “average” of 46 diesel trucks a day (or 30 trucks an hour, as under the “extreme” scenario from the DN Traffic Impact Analysis) onto Grip and Prairie Road will be a major change to the soundscape for residents along the haul route for the next 25 years regardless of whether the trucks exceed legal noise limits.

There are 100 homes within a mile radius of the proposed mine, and 375 homes within a 2 mile radius. Even if the applicant’s consultant can somehow create a model that shows that the noise generated from the mine and truck traffic is below the thresholds set out in WAC and Skagit County Code, the ambient noise from the mine and the trucks will become a constant backdrop for the residents in the surrounding area. This noise will have a lasting impact on public health, on the quality of life in this quiet rural neighborhood, and on wildlife. Per an article titled “The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk” in the National Institute of Health’s online National Medical Library, “Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.”

The SEPA checklist and accompanying documents contain no discussion of ways to reduce or mitigate noise impacts, instead the focus is simply on proving that this new unprecedented level of industrial scale noise pollution will somehow meet legal standards. What is “legal” and what is “acceptable” are not interchangeable.

Light and glare (SEPA Checklist Section B. #11. Notwithstanding that the applicant intends to operate the mine during dark hours, the application does not describe the type of lighting that will be used on site. Nor does the application identify whether, or what, lighting would be installed for security purposes. The 700 acres owned by the applicant is currently used only for forestry, and it is dark at night. The type of lighting used for heavy construction tends to be very bright and penetrates into the night sky. Measures need to be taken to minimize light pollution from the site. Impacts on migrating birds from even small amounts of outdoor lighting is well-documented (<https://www.fws.gov/news/blog/index.cfm/2020/4/22/Lights-Out-for-Migrating-Birds>). The applicant needs to describe the type and extent of the lighting systems that are planned, and appropriate mitigation measures need to be required, including down-shielding of all lights, and installing motion sensors and controls where constant lighting is unnecessary.

Recreation (SEPA Checklist Section B. #12: This section requires disclosing “designated and informal recreational opportunities” in the vicinity. The applicant’s response mentions only hunting and fishing. In fact, local residents walk on Grip and Prairie Roads, and the haul route along Grip and Prairie Roads is a popular recreational bicycling route. The route is included in a “Skagit County Bike Map” produced by Skagit Council of Governments, and distributed by Skagit County Parks Department. This same bike map is also included in Skagit County’s 2016 Comprehensive Plan, as the “Bicycle Network Map”; it includes Grip and Prairie Roads as part of the inventory of the County’s non-motorized transportation system. In addition, a portion of Prairie Road and F&S Grade is part of U.S. Bike Route 87. Nonetheless, this important recreational activity was not disclosed in the SEPA checklist; nor were impacts to it evaluated. As discussed elsewhere in this letter, Grip and Prairie Roads are narrow and substandard with soft or nonexistent shoulders. There are many parts of this route where there is literally no option for a cyclist to move to the right to make room for a passing vehicle. The recent addition of guardrails on portions of Prairie Road have had the effect of eliminating options for a shoulder and narrowing the roadbed even further (guardrails were apparently installed more to protect power poles from vehicle collision than for public safety).

The introduction of an average of five tandem gravel trucks an hour (much less the 30 trucks an hour under the “extreme” scenario) to this route will render recreational cycling not only unpleasant, but very dangerous. Mitigation and alternatives could be identified for reducing the impact of trucking on these important recreational uses, such as widening and hardening road shoulders, limiting the number of trucks allowed per day on the road and designating ‘safe passage’ times during each day, when trucks are not allowed to haul from the site.

The omission in the SEPA checklist and project documents of the impact on pedestrians and bicyclists along the haul route is just one more example of the serious inadequacies in the application materials, and the disregard for public safety shown by the applicant. Issues regarding public safety related to truck traffic and the condition of County roads along the haul route are further discussed below under traffic.

Transportation/Traffic (SEPA Checklist Section B. #14): The SEPA Checklist and Supplement asserts that that no improvements to existing roads are necessary and that traffic generated will be “typical” of mining operations. The Checklist and Supplement then reference studies conducted by their traffic consultant DN Traffic Consultants without providing further details. However, a review of those documents reveals that “typical” traffic is a stunning 11,765 truck trips per year. The SEPA documents do not identify this number. DN Traffic goes on to calculate that this will “average” 46 truck trips per day. However, given the seasonal nature of gravel mining, this “average” is meaningless. The number of trucks that the applicant intends to deploy on a daily or weekly basis has never been clearly defined. This makes it impossible to evaluate the actual intensity of use and potential threats to public safety.

DN Traffic Consultants’ more recent “Traffic Impact Analysis” (TIA), submitted in September 2020, seems intended to address the basic requirement that a TIA be done for this project (we have been requesting a TIA since we first learned about the permit application in 2016). It also seems intended to address at least some of the issues we have raised in the many comment letters we have submitted since that time. However, the document fails on both counts. While we intend to submit a detailed comment letter to the county on the entire TIA in the future, we provide below a summary of some of our main concerns.

- It does not meet the requirements and format for a Level II TIA as set out in Skagit County Road Standards, 2000 (SCRS). – See SCRS 4.01-4.02 and Appendix A
- It does not state whether the information included in the TIA supersedes previous inconsistent and/or contradictory information submitted by the consultant and the applicant regarding critical aspects of the project, including hours of operation and numbers of truck trips. This adds to the overall lack of definition for the project rather than clarifying it.
- It proposes that if the applicant finds that they need to exceed a limit of 46 truck trips per day to meet demand (up to a limit of 29.4 trips each way per hour, or 294 trips per 10-hour operating period), they will first request permission from the county, and then Public Works will be responsible for determining temporary safety measures to mitigate for the increased risks. This is problematic in several regards:
 - It does not state how often and for how long this “extended hours operation” could occur.
 - It seems to imply, without ever stating clearly, that hauling under this scenario would take place for only 10 hours per day, while mining would happen for

unspecified “extended hours.” Since the applicant has repeatedly asserted their right to operate up to 24 hours per day, seven days per week, we must assume that both accelerated mining and hauling could take place during those hours. The actual number of round trips per 24-hour period under this scenario would be 706, meaning there would be 1,412 one-way truck trips every 24 hours, and 60 one way truck trips every hour. Mine traffic impacts must be evaluated on this basis, or limitations need to be placed on the number of daily truck trips allowed from the mine.

- Without specifying what measures would need to be implemented to ensure traffic safety under this “extended hours” scenario, the applicant defers its obligation in this regard to the County and potentially exposes the County to liability.
- It contains false statements regarding existing road and future conditions and uses, such as:
 - As previously noted, the statement that there are no designated bicycle routes on the roads proposed for the haul route, when in fact a map of these routes is included in the non-motorized transportation component of the County Comprehensive Plan.
 - The statement that the shoulders on Prairie Road vary from two feet to four feet wide. In actuality, recently installed guardrails on the south side of the road practically eliminate the shoulder entirely for a considerable distance along the haul route.
 - The statement that there is no significant development planned that will impact traffic levels on the proposed haul route. In fact, the County has already approved bringing Kalloch Road and North Fruitdale Road up to arterial standards to provide better access from the north to the Sedro Woolley Innovation for Tomorrow (SWIFT) Center. The bulk of this traffic from the north will come via I-5, Bow Hill Road, Prairie Road, Grip Road, and Mosier Road. In addition, a major new residential development is planned for north of Sedro Woolley between SR9 and Fruitdale Road. This will also generate a significant amount of traffic to the north via these same roads.
- It omits key facts and conditions, such as:
 - The existence of several Burlington and Sedro-Woolley School District bus routes along the proposed haul route. It makes no mention of these bus routes; does not analyze the threats presented by mine truck traffic to the safety of schoolchildren, parents, or district employees and equipment; and proposes no mitigation actions for these risks.
 - A major roadway misalignment issue on the Grip Road Hill curves, which requires that a truck with pup trailer repeatedly encroach on both the centerline and the edge of the pavement (there is no fog line) while navigating this very narrow, steep section of the road.

- The existing, progressive failure of the pavement and roadbed on the outside of the uphill (south side) lane of traffic in the above location. This presents both a safety hazard to the public and an ongoing maintenance liability for the county.
- It documents some of the other existing, critical road deficiencies and traffic hazards but either omits corresponding mitigating actions or proposes inadequate mitigation actions. For example:
 - It documents that a truck with pup trailer cannot navigate the two 90-degree curves on Prairie Road east of the Old Highway 99 intersection in either direction without encroaching significantly on both the fog line and centerline. It acknowledges that this constitutes a traffic safety hazard, but does not propose any mitigation actions. Instead, it states that the County is responsible for dealing with this issue.
 - It proposes a flashing yellow light warning system to mitigate for inadequate sight distance at the Prairie Road/Grip Road intersection, a measure the author of the TIA described as “temporary” in an earlier traffic memo. This is the same place where, in an email obtained via public records request, former PDS Senior Planner John Cooper described coming upon the scene of an auto accident at this intersection and being told by the attending Sheriff’s Department officer (who himself was a former commercial truck driver) that a flashing yellow warning light would be insufficient to prevent accidents in that location (John Cooper email to Dan Cox, 1/30/2017).

In addition, in the TIA fails to disclose serious impacts with regard to use of the bridge over the Samish River on Old 99. In response to information about the bridge’s weight restrictions, the TIA proposes either to reduce load weights or to use an alternate route that involves continuing west up Bow Hill Road from Prairie Road to I-5, heading south to the Cook Road exit, and then north on Old 99. However, these options either generate more truck trips than proposed (lighter loads equals more trucks trips) or follow a considerably longer haul route. The impacts from this longer haul route have not been analyzed. There are many concerns related to dozens of gravel trucks making their way up the steep Bow Hill Rd and entering and exiting two busy freeway interchanges, and passing through additional busy intersections that are already hazardous. And of course, either way, the cumulative mileage and emissions increase. These additional impacts have simply not been evaluated.

As we stated above, the comments included here on DN Traffic’s TIA are only some examples of how woefully short this document falls when it comes to addressing the true scope of road and traffic safety risks associated with this project. Until these issues are thoroughly analyzed and comprehensive mitigation measures proposed, the only valid SEPA threshold determination for the proposed mine is a determination of significance (DS) requiring a full environmental impact statement (EIS).

Finally, to our knowledge, the County's hired traffic engineer/consultant, HDR, who has been reviewing the various traffic information submitted by the applicant, has never visited the site and actually observed the condition of the roads in question. All of the third-party review has been conducted remotely using information and data provided by the applicant and County – it is simply unacceptable that the reviewers signing off on the traffic studies have not observed in-person the problems with road conditions and safety.

Mitigation Measure #13 includes several conditions related to traffic impacts, including installation of a "Traffic Activated Beacon System" at two problematic intersections where there are site distance deficiencies. As discussed above, these beacon systems were recommended as a temporary solution by the applicant's own traffic consultant. Furthermore, the measure states that the beacon system will be "turned over to Skagit County for operation and maintenance", presumably at taxpayer's expense.

Mitigation #13 also states that the maximum daily truck traffic allowed is "limited to an average of 46 daily trips...not to exceed 30 trucks per hour under extended hours operations". It then states that the applicant will "seek permission from Skagit County prior to generating the higher truck volumes." Unfortunately it is not clear how these 'average' truck trips will be calculated – on a daily basis, a weekly basis, a yearly basis, or through the life-time of the project. It doesn't state how such calculation will be accomplished, nor by whom. Nor does it state what actions will be taken by the County to protect public safety should the applicant wish to run more trucks. This cuts out the affected public from any say in the matter; it doesn't even require the public to be informed. Firm, safe limitations on numbers of hourly truck trips must be imposed.

Public Services (SEPA Checklist Section B. #15). The applicant states that there will be no impacts to public services, but absent measures to address the road safety issues discussed above, the traffic collision rate in this area will undoubtedly increase. This will create a heavier demand on law enforcement and first responders. In addition, the need for road maintenance will increase considerably with the hauling of 200,000 tons of gravel per year on Grip and Prairie Roads. The applicant should be required to share costs of necessary infrastructure improvements as stated in Skagit County Comprehensive Plan Policies: *Policy 4D-5-3: Roads and Bridges: New public roads and bridges accessing designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic for mineral extraction operations. 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.*

6) Appropriate mitigation measures and alternatives are still not identified. As previously stated, the mitigation measures proposed in the MDNS do not address the full impacts of this proposal, and simply stating that the applicant must comply with existing laws is not

mitigation. In addition to those discussed above in appropriate sections, below are a few more examples of the concerns we have with more of the proposed mitigation measures in the MDNS:

Mitigation Measure #2 addresses Hours of Operation. It states a limit on hours of operation as 7am-5pm Monday-Friday, but it allows for extended hours if seasonal demand “indicates a need”. It requires the applicant to request from the County a “temporary deviation” from these hours, and states that “such operations may be subject to additional conditions”. While limiting standard hours of operation is an improvement, it does not state what conditions might be imposed under “extended hours” conditions, nor state any limitation on the duration or frequency of such extended hours, nor how the public would be consulted or notified. This mitigation measure lacks specificity and clarity.

Mitigation Measures need to be clear and specific and impose enforceable limitations. This mine proposes to operate for 25 years without any additional permitting required. Most of the mining activity will occur in areas inaccessible to public scrutiny. Mitigation measures must be enforceable. There must be compliance monitoring to ensure that conditions intended to protect the natural environment are actually followed, and the applicant should be required to pay an annual fee to cover the cost of monitoring. Given the long duration of these proposed mining operations, there needs to be a periodic permit review process every five years to ensure activities are in compliance with the original permit conditions.

7) Identify and evaluate lower impact alternatives. The overriding assumption in the application documents seems to be that this project requires very little mitigation. There simply is no real exploration of project alternatives or other ways proposed to reduce impacts. We find this very troubling, and it supports the need for a full EIS. Since key aspects of the proposal are still not clearly defined, it is difficult to fully explore appropriate permit conditions and mitigation measures. Nonetheless, it is clear to us that there are some pathways to addressing the project impacts. A few examples of alternatives that should be explored, and mitigation measures or permit conditions that should be required are discussed in the various sections of this letter, and identified below, along with a list of additional studies that need to be completed.

- Explore alternative project scenarios that include significantly scaled back rates of extraction, a smaller mine size and limits on daily truck trips.
- Limiting hours of operation to daylight hours during the workweek, without exceptions for extended hours conditions.
- Limiting the daily number of truck trips without exception for extended hours conditions.

- Require a larger buffer on Samish River consistent with the County's Critical Areas Ordinance and Department of Ecology's guidance for protecting river and associated wetlands and sensitive & critical habitat from industrial uses.
- Require protection of a wildlife corridor through a permanent Native Growth Protection Easement that encompasses and links the sensitive wetlands and streams and their buffers across the applicant's larger property. Permanent protection of forested habitat would also off-set some of the carbon emissions from the project.
- Require a larger undisturbed vegetated buffer between the active mine and adjacent private property, to reduce noise, vibration and dust. Do not allow side-casting material in these buffers, which would significantly reduce their effectiveness at reducing noise and dust impacts.
- Major road and safety upgrades along the haul route need to be included before hauling is allowed, including but not limited to:
 - Traffic lights and/or turn lanes at critical intersections including: Grip Road at the intersection with the mine access road; at intersection of Grip and Prairie Roads; at the intersection of F&S Grade and Prairie Roads, at intersection of Prairie Road and Old 99.
 - Improve site distance to the east at intersection of Prairie and Grip Roads
 - Widen Grip and Prairie roads and harden shoulders.
 - Straighten and widen curves on Grip Road hill or find an alternate access point to the mine below the 'S curves' and hill.
 - Improve the two ninety degree turns on Prairie Road so that trucks can stay in their lanes.
- Gravel trucks must be restricted to the identified haul route (presuming necessary road improvements have been made). There are numerous safety issues with other haul routes that have not been evaluated, including at least four ninety degree corners on Grip Road heading east where it is impossible for large trucks to stay in their lane.
- The above safety concerns are also applicable to sale of mined materials to private parties and independent truckers. The application materials are not consistent regarding whether CNW intends to sell directly to third parties. If this were to occur, these third party trucks would not necessarily stay on the identified haul route. Therefore sale to private parties and independent truckers from the site must be prohibited.

Additional Assessments or Studies needed:

- Fully updated Critical Areas study and Fish and Wildlife assessment that evaluates the impact of a reduced buffer on the Samish River, and fully identifies and mitigates for the impacts to wetlands and streams adjacent to the private haul road, taking into consideration the "high intensity" land use that industrial scale mining clearly represents.

- Further evaluation needs to be conducted of the impact to the listed Oregon Spotted Frog and Bull Trout consistent with State and Federal Endangered Species Act.
- Full geological evaluation of impacts of the heavy truck use of the haul road in the Swede Creek gorge, including the potential for slope failure that could damage this fish bearing stream. This evaluation needs to identify appropriate ongoing management practices to avoid slope failure through the life of the project.
- Evaluation of potential changes to hydrology and potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road.
- Full Level II Traffic Impact Analysis.
- A realistic estimate of the cumulative emissions from all of the mining activities on-site, as well as the diesel emissions from truck hauling needs to be made, and a mitigation plan proposed.

Thank you for your time and consideration.

Sincerely,



Martha Bray and John Day
6368 Erwin Lane
Sedro-Woolley, WA 98284

Cc: Hal Hart, Director PDS

Attachment: Bray/Day 01/11/2022 Letter to Cricchio, re.Haul Road Critical Areas Assessment

ATTACHMENT I

April 30, 2021

To: John Day and Martha Bray, Central Samish Valley Neighbors

From: Jeff Hee, PE, Transportation Solutions

Subject: Grip Road Grave Mine Traffic Analyses
Peer Review Comments

This memorandum provides my professional opinion comments on the Applicant's traffic impact analyses and responses to comments, Skagit County and HDR staffs' comments, and Skagit County's Re-Issued conditions for the proposed Grip Road Gravel Mine project. If you have any questions, please contact me at your convenience.

Main Comments/Questions

- What is the maximum trip generation and anticipated frequency of maximum trip hours and days? The November 30, 2016 Maximum Daily Truck Traffic memorandum forecasted a maximum trip generation of 60 truck trips per hour. The September 10, 2020 TIA documented an extended hours maximum haul operation of 29.4 truck trips per hour. The frequency and intensity of trips generated suggest a need for additional analysis and mitigation on the part of the Applicant.
- The County's April 15, 2021 Re-Issued MDNS gives the Applicant the option to improve substandard roadway conditions or to not use truck/trailer combinations. If the Applicant elects not to resolve substandard roadway conditions and use standard gravel trucks (no trailer), then the number of truck trips generated is anticipated to be higher than what was evaluated in the traffic analysis.
- The Applicant's mitigation measures do not address all impacts at the new mine access/Grip Road intersection. The intersection sight distance is not satisfied at the site access and the mitigation measures do not extend to Grip Road east of the new access. Additionally, it is my opinion that the sight distance impacts were not accurately disclosed.
- Safety impacts were identified on the proposed haul route in the vicinity of Friday Creek east of Old Highway 99. There are sections along the haul route where the roadside shoulder sections do not meet County standards. The analyses of roadway centerline and shoulder impacts just in the vicinity of Friday Creek, in my opinion, does not provide sufficient information to conclude the other sections along the haul route are adequate for gravel truck traffic.

This document is organized to present my comments and questions regarding the trip generation analysis, proposed site operations, sight distance analysis, roadway shoulder and centerline impacts, haul route impacts, and requests for additional information on the Applicant's traffic mitigation plans, level-of-service standards and impacts to Cook Road.

The comments that follow are based on criteria from the Skagit County Road Standards as applied to the analyses prepared by the Applicant's consultant. References include:

Section 2.14. "Transportation and frontage improvements, SEPA mitigation, traffic impacts, fees, etc. or the proportionate cost share of the improvements based on peak hour trips and necessary to mitigate impacts of the development (or each phase of development if it is done in phases) shall be in place or paid no later than time of final plat approval or certificate of occupancy, whichever occurs first, for that development or



phase. If the improvements are not listed on the County Transportation Improvement Plan, they shall be installed prior to final plat approval.

“Frontage improvements will be required for all new development that front on an existing County road (See Section 13). Other transportation improvements that may be required will be identified in the Traffic Impact Analysis (See Section 4.06) and the Safety Analysis (See Section 4.09).”

Section 4.00. “All applications for land division and changes of land use shall include sufficient data to determine the amount of additional traffic generated by the development. Such data shall also be used as a guideline for access road and/or driveway requirements.”

Section 4.06. “The County may require developments to make traffic impact contributions if the development significantly adds to a road’s need for capacity improvement, to a roadway safety problem, or to the deterioration of a physically inadequate roadway. Such traffic impact contributions are in addition to transportation and frontage improvements required in the immediate area for access to and from the development. See also Section 2.14.”

Documents Reviewed

- *Grip Road Gravel Pit Preliminary Traffic Information* February 8, 2016, DN Traffic Consultants.
- *Grip Road Gravel Pit Maximum Daily Truck Traffic* November 30, 2016, DN Traffic Consultants.
- *Grip Road Mine Response to Skagit County Request* April 13, 2020, DN Traffic Consultants.
- *Concrete Nor’West Grip Road Gravel Pit Project* April 28, 2020 Grip Road Gravel Pit Traffic Impact Analysis, HDR recommendations.
- *Concrete Nor’West Grip Road Gravel Pit Project* May 14, 2020 Grip Road Gravel Pit Traffic Impact Analysis by County Staff, HDR recommendations.
- *Mitigated Determination of Nonsignificance PL16-0097 and PL16-0098* May 26, 2016, Skagit County.
- *PL16-0097 Revised Request for Additional Information* July 31, 2020, Skagit County Planning and Development Services.
- *Grip Road Min Traffic Impact Analysis* September 10, 2020, DN Traffic Consultants.
- *PL 16-0097 Mining Special Use Permit Response to Additional Information Request, July 31, 2020, October 8, 2020, Semrau Engineering and Surveying, PLLC mitigation plans.*
- *Notice of Withdrawn and Re-Issued MDNS for Concrete Nor’West File #’s PL16-0097 and PL16-0098* April 15, 2021, Skagit County.

Trip Generation Impacts and Hours of Operation

Page 1 of the February 8, 2016 Preliminary Traffic Information memorandum states that hauling from the project is limited to 9 AM-3 PM on 260 working days (Monday-Friday) per year. The trip generation assumes an average and even distribution of truck traffic during those hours. The time frame is typically consistent with the consultant’s conclusions that there will be negligible traffic impacts during the traditional AM (7-9 AM) and PM



(4-6 PM) peak hour traffic periods. The preliminary study forecasted the site's hourly trip generation to be 7.67 truck trips per hour.

Page 13 of the September 10, 2020 TIA changed the site operations to 7 AM-5 PM. Truck hauling was proposed to be limited to Monday-Friday and onsite activity proposed to extend to Saturday. Unlike the earlier project proposal, the current proposal will generate truck traffic during the peak hour periods. Under a typical operation, the TIA indicates that the site would generate an average of 4.6 combination truck/trailer trips per hour. The truck/trailer combination is assumed for all truck trips based on the 34-ton load capacity of the combination vehicle.

The frequency and to a degree the intensity of the peak number of truck trips generated by the site are unclear. The consultant's November 30, 2016 Maximum Daily Truck Traffic memorandum states that the maximum truck volume generated by the project could be up to 60 truck trips per hour, based on the availability of truck/trailer combinations in the County. The consultant's September 10, 2020 TIA computed a maximum truck volume of 29.4 trips per hour, assuming extended hours of operation and a higher daily volume transported for the site.

The forecasted maximum trip generation and frequency of maximum trip generating events needs to be clarified. It is assumed that maximum conditions will not occur every day or for every hour of the day; however, it is reasonable for the County to consider implementing restrictions on the project's operations. Restrictions such as prohibiting hauling during the weekday AM, PM, or school peak periods or limiting hauling to not to exceed 5 trucks per hour (based on the consultants 4.6 trucks per hour forecast) would reduce the potential for significant project impacts during peak traffic hours and during the time-periods associated with school bus pickup/drop-off.

Condition 12 of the County's April 15, 2021 Re-Issued MDNS allows the Applicant to limit their operations to non-truck/trailer combination vehicles unless other roadway safety mitigation measures are satisfied. If the Applicant elects to limit their operations to trucks without trailers, then the number of truck trips generated by the project is expected to be higher, due to the smaller hauling capacity of a gravel truck and assuming the same annual and daily tonnage goals provided by the Applicant.

A higher trip generation scenario, based on restrictions on the truck types, should be evaluated. Also, it is common practice to update level-of-service analyses provided in the September 10, 2020 TIA should the trip generation increase.

Trip Generation Impacts and Hours of Operation Additional Comments/Questions

- Does the trip generation account for onsite workers and mining/non-haul operations?
- The site operations have changed from 2013 to 2020. The average-normal hourly trip generation has ranged from 4.6 to 7.67 hourly truck trips. What is the peak hour trip generation anticipated?

Sight Distance Analysis

Sight distance factors include design speeds, brake reaction times, braking distances, and time gaps for turning vehicles, among other factors. Skagit County Road Standards Section 2.02 includes the following speed definitions:

Design Speed - A speed determined for design and correlation of the physical features of a highway that influence vehicle operation: the maximum safe speed maintainable over a specified section of road when conditions permit design features to govern.

Operating Speed - Used for determination of sight distance. Operating speed should be equal to the P85 speed for existing facilities and be equal to the design speed for new facilities.

Tables 5 and 6 from the September 10, 2020 TIA indicate that the posted speed was used to evaluate the sight distance requirements.

There are several locations where sight distance was identified as a concern. The County's Road Standards, suggest a design speed alternative to the posted speed. The Skagit Council of Governments (SCOG) publishes measured daily traffic volumes and 85th-percentile speeds on their website. A common practice is to use the 85th-percentile speed as the design speed when evaluating sight distance. The sight distance analyses should be revised to reflect the publicly available speed data from the SCOG. I note that in some instances the sight distance may be better than reported by the Applicant's consultant and in other instances sight distance may be worse, when revised using the SCOG data.

Page 11 of the September 10, 2020 TIA states that; "Existing sight distance at Prairie Road/Grip Road and Prairie Road/F&S Grade Road intersection is the responsibility of Skagit County. If sight distance deficiencies exist at these intersections, it is the responsibility of the County to make necessary improvement to provide acceptable sight distance."

Page 11 of the TIA states that; "The Applicant is responsible for providing acceptable SSD (stopping sight distance) and ISD (intersection sight distance) at Grip Road/site access." Page 12 of the TIA identifies intersection sight distance deficiencies at Prairie Road/Grip Road and Grip Road/site access. At Grip Road/site access the TIA states; "In this case, it is estimated there would be no more than one (1) left turning truck during the PM peak hour from the Mine access road. The WSDOT Design Manual (section 1310.05 Intersection Sight Distance), however, indicates that ISD is not required for low volume roadways such as Grip Road."

The Skagit County Road Standards are not based on the WSDOT Design Manual. The WSDOT Design Manual does not appear to include exemptions from sight distance requirements for low volume roads. The WSDOT Design Manual reference, does not deal with sight distance.

On April 28, 2020 HDR comments recommended a reanalysis of sight distance based on truck and trailer combinations and also mitigation for entering sight distance at the site access.

The September 10, 2020 TIA states that; "one (1) left turning truck is forecast during the PM peak hour from the Mine access road". There is no sight distance mitigation proposed to the east of the mine access. The warning beacon system proposed for sight distance mitigation, if still reasonable with any changes trip generation, should be extended to the east of the mine access, at minimum.

The warning devices are recommended by the Applicant and accepted by HDR and the County staffs. Since these devices are intended to mitigate and not resolve existing sight distance deficiencies, which the Applicant's consultant has indicated are the responsibility of the County, it is requested that the hours of hauling operations be limited to daylight hours to afford roadway users optimal conditions to navigate through sight distance impaired locations.

Sight Distance Analysis Additional Comments/Questions

- Is County's Vision Clearance Triangle (Road Standards Figure C-2) satisfied in the study area?
- Were sight distance exhibits submitted and are they available for review?
- What is the speed needed to achieve sight distance at the study locations?
- Intersection sight distance for truck/trailer combinations was not evaluated at the F & S Grade Road/Prairie Road intersection (Table 6 September 10, 2020 TIA); and thus, it is requested that mine traffic be prohibited from using F & S Grade Road, unless additional analysis or mitigation is provided.

Roadway Shoulder and Centerline Impacts

Page 20 of the September 10, 2020 TIA states; "Prairie Road has a number of curves which would force the dump truck/pup rigs to encroach on the centerline or the shoulder." Page 21 states; "The Consultant prepared an AutoTurn® analysis of these turns on Prairie Road approximately 1200 lineal feet and 1800 lineal feet east of the Prairie Road/Old Highway 99 intersection. Based on this analysis, it was estimated the dump truck/pup trailer combination is expected to encroach approximately two (2) to three (3) feet onto the shoulder of over the centerline." Page 21 later states; "Potential encroachment of the dump truck/pup combination on shoulder and center line is a safety concern. It should be noted the roadways are not consistent with current Skagit County Road Standards for shoulder widths."

The exhibits included in the TIA are hard to read. The exhibits do not provide dimensions and specifications for the non-standard, "custom", truck/trailer design vehicle. Common practice for reporting vehicle-turn results is to provide an exhibit clearly showing the design vehicle and its analysis specifications. This is reasonable considering the design vehicle is "custom" and was created for this analysis.

The Grip Road east of the Prairie Road and west of the site is narrow and includes ditches, curve warning and speed reduction signs, guardrails, no shoulder striping, limited available shoulder area and a relatively steep grade section. Common practice is to apply design vehicle turning templates to justify the roadway section(s) can support the desired vehicle. No turning templates or similar analyses were applied to Grip Road based on the materials provided to review.

The Re-Issued MDNS Condition 12 gives the Applicant an option to operate with gravel trucks (no trailers).

To verify that the proposed haul route can support truck/trailer combinations or gravel trucks (no trailers) the Applicant's consultant should provide additional turning templates to support use of the existing road section.

Haul Route Impacts

Page 1 of the County's July 2020 Request for Additional Information document identifies concerns that truck/trailers will not be able to navigate the 90-degree turns on Prairie Road directly east of Friday Creek.

The project trip distribution, Figures 4 and 6 in the September 10, 2020 TIA, shows truck trips to/from the east of the site on Grip Road.

The 90-degree turns on Grip Road directly of the site access have similar challenges as those on Prairie Road near Friday Creek. There is no analysis that supports a truck/trailer combination traveling to/from the east of the site. I recommend that the County limit the haul route to/from the west of the site unless the roadway

geometry to the east of the site is analyzed and there is documentation provided to support a haul route either for truck/trailer combinations or a truck (no trailer) vehicles east of the site.

The crash history on pages 9 and 10 of the September 10, 2020 TIA does not report or evaluate collision trends on road segments on the haul route. It is common to include segment crash trends in a TIA, particularly when the analyses disclose safety issues on the haul road segment in the vicinity of Friday Creek and also since the County is allowing the Applicant the option of not mitigating certain existing substandard conditions.

Haul Route Additional Comments/Questions

- It would be useful if turning templates could be amended to show the gravel truck (non-combination) impacts at key locations along the haul route.
- The total crashes at I-5 SB Ramps/Bow Hill Road and at Old Highway 99 N/Bow Hill Road/Prairie Road are different in Tables 2, 3, and 4 in the September 10, 2020 TIA.
- The TIA report recommends improvements at Prairie Road/Old Highway 99. Will the Applicant complete the improvements recommended in the report?
- The analysis does not provide any conclusions on if the project traffic will increase the frequency and severity of collisions on the haul route, given the haul route's geometric and sight distance constraints.

Mitigation Plans Additional Comments/Questions

The plans included for the Mine Access do not include street names and are difficult read. May new copies be sent of Sheets 3 and 10 and any other relevant sheet?

Other Comments/Questions

- The TIA does not address the segment LOS requirements, per the County Road Standards. Based on the analyses to date, this is not likely to be a significant issue, unless the trip generation radically increases.
- The TIA references a weight limitation on the Samish River bridge on Old Highway 99. The Re-Issued MDNS requires the project to comply with the weight restrictions on the bridge. Compliance to the bridge loading was addressed in the TIA by redistributing traffic to I-5 southbound to the Cook Road interchange. The WSDOT, SCOG and County have identified traffic issues on Cook Road at the interchange and at and on Old Highway 99 and related to the local railroad crossing. Does the redistribution of truck traffic to Cook Road affect traffic operations and warrant mitigation?

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 4, 2022 4:22:52 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 4, 2022 3:50 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Rachel Reim-Ledbetter
Address : 23262 Meadow View Lane
City : Sedro Woolley
State : WA
Zip : 98284
email : rachelreimledbetter@gmail.com
PermitProposal : File # PL16-0097

Comments : Once again we are requesting that a full and complete traffic study be done including all of the roads that will be involved in the operation of this new pit mine. We know traffic continues to increase; these roads are not capable of safely handling this additional heavy use; and assurances about an, "average," number of trucks per day is not even logical. My spouse and I travel Prairie road twice every day. We know the dangers. We see the travel trailers and lost RVs, the bicycle clubs and school buses that must be kept safe. We tout this valley as a place for recreation. Lastly, please review the limited number of turn-off sites so people can safely pull aside when needed. That must be part of the comprehensive plan. Safety must come before profits.

From Host Address: 76.191.109.34

Date and time received: 3/4/2022 3:49:10 PM

**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.

RESPONSE:

So your 46 trips will be actually 92 trips. 1-in, 1-out. Every 5.21 Min.

(480 Min.= 8 Hrs. / 92=5.21Min.)

Gravel Pit Entrance. Is on top of the Grip Rd. up the windy hill around two blind & windy corners 2 You can't see around at all. A truck cannot make it out of the entrance safely for one, as another car is coming up or down the hill. Then for the windy corners, they can't pass side by side..The road is too skinny to do this safely with a truck a trailer. I also believe a solo dump truck can't do this with staying with- in a single lane.

Prairie Rd. / Grip Rd. Intersection. This is, and will cause traffic congestion on both roads for a fact, as well as accidents, if not a dismemberment, or maybe even a fatal on this blind corner. This is a fact.

Then what about Bicycle & Pedestrian traffic. There is no room now, nor a safe place on the road(s) for them to go. Another accident prone problem. Especially when two trucks passing at the same time. Another dismemberment or fatal prone problem on this or topic.

There are areas that they can't pass side by side as seen by me, and others who live in this neighborhood. Also, there are other concerns about this topic by others as I've read in the past years.

By others responses presented to the county. These areas are on Grip Rd & Prairie Rd. Different areas on both roads. If I'm right there are 3 to 5 areas.

Then for the oil mat roads. That are thin and not designed for heavy truck traffic. Especially over a 25 year period. 92 trips up and down these roads. Then what about the swede Creek Bridge, or Samish River Bridge. Our they designed to with stand this abuse.

A standard heavy traffic roadway is 6" thick of ½'Hma asphalt and 2"-4" of crushed rock of 1.25" crushed base rock.

I'm sure the structural integrity isn't, and wasn't designed for day in and day out, surge pressure, nor the weight your going to put on it from a live load of a 35,000 Lbs. per each truck and trailer. Then 15,000 Lbs. per each solo.

But running solo is not cost effective. Your doubling the cost of your import product by doing this.

When Concrete Nor'west (Mills Sand & Gravel) was working in there illegally behind the trees on a

“**logging permit**” They were clearing the brush, and trees to widen the roads. Making new ditches, turn outs, and by pass areas. I remember mapping all these roads behind the locked gates of Grip Rd.

Both sides in fact. When I worked as a Volunteer for Fire Dist. 8. I mapped these roads for night time rescues, or Helicopter landing zones if needed. They area Concrete Nor’west disturbed, is defiantly not the way is was 14 years ago when it was already set up for logging in all these areas then.

When they were all done with their upgrades to the so called logging roads. They graveled the all the main roads they were going to use. They spread screened gravel materials onto the so called logging roads for future long term use. You don’t spend this kind a time & money on a logging road. You make a road to get in. Log it. Then get out. Temporary use. Not long term. The road now is built for long term. (you should take a walk or fly it with a drone)

Sense they supposedly closed and shut down, up to now. We’ve seen their white trucks in there behind the gate unlocking to come out over the year. So this tells the public. Their sneaking in there still to do what.

When they supposedly logging this area for only 1 year, a while back. The hill side on the top of the Grip Rd. gave away from the little bit of heavy traffic then. The two top windy corners had to be repaired twice that year.

The County had to come out and fix it twice. The oil mat Rd. spilt and was cracked on one corner. Then on the other corner it moved outwards, and split with wide long cracks due to surge pressure of the heavy trucks pushing outwards as they went around the corner.

There repair was the following. They filled the cracks with hot tar, and re rocked it the first time So we couldn’t tell. Then the next time they came out, and placed 2 to 3 man rocks on the hill side at a 2:1 batter, along quarry spalls trying to restrain the embankment and existing ground from moving out-wards from the surge pressure created by the heavy trucks going around the corner.

Another topic. The Grip Rd. is not wide enough for 2—Truck and Trailers to pass at the same time going up, or down the hill. What about Swede Creek by the bridge. The R/W is already to it limits, with no shoulders. The fog line is already on the edge of the asphalt. You can’t widen this road at all. The telephone poles are already in the ditches, **which is the R/W line now**. The only way you can widen the Grip Rd. is to buy up homeowners frontage property next to the road. Then upgrade it wider for safety and heavy traffic standards, in which new upgrades require a 4’ shoulder, and a Min. of a 12’ wide roadway for each lane. Which is the following **per skagit county standards**:

Traffic of 401 and under is 28’ with a sloping shoulder which won’t work.

Then 401 and above. Would be 34’ with sloping shoulders. Both with a 60’ R/W.

Here is another concern. When they start digging down to with in 10’ or less of our water aquifer source for our community wells, creeks and streams. It’s is going to change the natural state its in now. You’re going to cause changes to the ground pressure and flows. It’s kind of like squeezing a water source to create flow and pressure. When there’s less pressure or resistance. There there’s less flow, less pressure. Your taking this pressure away by removing the depth of the existing ground to mine gravel.

So. If this happens. We most likely. Long term or maybe short term. Where going to lose our water source to fill our wells, creeks stream and rivers. Then we’ll be force to pay for new water mains and water service hook ups. Which cost 15K or more for each home to hook up to. Plus more taxes

The Samish valley basin is not designed, nor permitted for commercial use. It’s “Rural” Residential use only. It’s stated in your ligature of zoning.

How is it. It can be turned into this. (commercial zoning) in just one area. Just to accommodate others. ""Tax money on the gravel""

Shouldn't this a topic be voted on by your tax payers whom it's going to affect.....More Taxes, and levy's to cover the cost of their upgrades to the infrastructure that going to affects us. Road repairs. Water lines. Maintenance prevention. Like repair the roads, bridges and cleaning the ditches. Etc.

""But most of all Public Safety and health of ours, and the environment""

Not by a company, Nor the County. Kind like a dictatorship. Being forced into this ""Gravel Pit""

There is a lot of different topics, and issues here. Peoples lively hoods, Safety, health, the loss of our natural wildlife habitat, pollution into the waters habitat, and the water shed, that leads all the way down to Bow and into bay. Our wells, the natural water aquifer. Noise. Dust. Traffic Accidents, Death or dismemberment on the roads, that are not designed, nor wide enough room for a dump truck(s) running up, and down these roads every 6 Mins or less due to this a gravel pit that you're trying to put in the middle of peoples neighborhoods or back yards. Yes. Back yards.

Some of us grew up here from childhood, as some of our parents have to. This is a disgrace to the public.

Then what **about the noise created** by the trucks going up and down the roads. The equipment back up alarms. Day in and day out.

Maybe you should visit a construction site or better yet a gravel pt. You'll then see how much noise, dust, traffic and disturbance there is.

Heck every morning at 5 am. When the gates get opened. The dump trucks are already rolling into the gates of Concrete Nor'west on Hwy. 99 every day. When I drive by.

We that live here now have already experience this. Its loud and disturbing. Just with a few trucks. You can here them coming up and around the corners. Then when there were working in there in the past. You could hear all that noise. Trucks incoming and outgoing as well of the equipment and back up alarms. Then some times you can even see the dust up in the air. Pollution its called. The real term is Fugitive Dust.

What about the public that WORKS NIGHTS. I beat this was never thought about. People who help run our community. Police, Fire, Doctors, Nurses, Infrastructure personnel, Etc. ""No Concern for Others"" Just. \$\$\$\$\$

Once you let this happen. There's no turning around. You opened pandoras box. Who or what's next. next. A Concrete plant or Asphalt plant.

The common person, nor the public has no intelligence, experience or sense of what alot of these topics are even about. The real impacts that it will create and cause. The real reality, cause or impact this will have, long term to the community.

I bet you. Most of the public does not know anything about ""reclaim mining"" Scroll Down 2 pages.

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.

RESPONSE:

So if they are going to log these sensitive areas. Why didn't they do that in 2016. All this is going to do is increase heavy truck traffic and loud noises, and damage to our roads again. More taxes and levy's. Then if allowed. What are they going to do with the slash and stumps. Burn it, or Grind it for use. Erosion control. Either way. It's pollution. Noise, smoke, ash in a rural residential area. Then what about the animals and the watershed habitat. Going to push them right out of their home. Out and into harm's way and the populated environment. Another problem. You see it on TV all the time.

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:

- o Proposed Mine/Quarry: P125644, P125645, & P50155
- o Haul Road: P125646, P125647, P125626, P125627, P125628, P125629, P125630, P125631, P125623, P125624, P125632, P125633, & P35704
- o 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.

RESPONSE:

So on the recycling aspect of the mine. This mine is supposed to be “RECLAMATION MINE” correct. “”You dig and hole. Then you fill the hole””

So if Mills Sand & Gravel / Concrete Nor’west gets an approval for this. Which we all hope not. It should be terminated.

Your telling the public that there will be no recycling to fill the mining hole back in with dirt spoils from other jobs sites around different cities or counties with possible containments in it. Petroleum based / Bio Hazards Waste, Etc.

Such Products as. Oil based or Lead paint. Asbestos. Acids. Concrete. Asphalt. Chemicals. Oils. Gas contaminated soils from other spill sites that are unknown. ETC.

Then the above eventually getting into the watershed or the aquifer and into our drinking water of the community. Most of us are still on wells around here in rural community and the Samish River Basin

I have never seen a gravel pit that digs out the gravel to create a hole and not fill it back in with imported dirt spoils from other Private or commercial projects as they export the gravel to them in my 40 years of experience of doing heavy civil infrastructure.

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.

RESPONSE:

If permitted and allowed to move forward. Hours should be from 9 Am to 2 Pm. M-F. No weekend work permitted at all.

This is a rural residential zoned area. Not commercial.

This would allow the school busses that pick up kids in the morning, then drop them off, and the residents to get their kids to school. Our to go to work without congestion of dump truck traffic at 7 am. Then also keeping the kids safe while waiting for the busses outside along the road to pick them up.

Did you even know the buses stop at the bottom of the hill on the Grip Rd. Many times every day to turn around and head back up the hill. This will also cause traffic congestion and possible accidents.

I bet you Didn’t even know this. I bet your traffic study doesn’t state or show that.

Where is your updated traffic study and report. So the public can provided input to it..... Is it a local company who knows our roads. Our weather. Etc.

Our is it someone from back east as before if I remember right. Who knows nothing about WA.. Just what they read or research.

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.

RESPONSE:

There is always track out through-out the day even when its dry. Then when it's raining its triple or more. This will also cause turbidity, and oils to be washed into the swells and ditches. Then down into the water shed, into our water habitat for the animals, mammals, and possibly into our drinking water aquifer of the surrounding community.

Constant sweeping of the roadway will also increase truck traffic, along with congestion. Sweepers have to go slow to sweep. Even if they swept the road. They won't be able to keep up 100% from the turbidity & oils going into the ditches that flow directly into Swede Creek and Samish river on this steep hillside when it's raining.

Meaning of Turbidity:

Dirty water. Turbidity impact can significantly reduce the aesthetic quality of lakes, rivers, streams, having a harmful impact. It can harm fish and other aquatic life by reducing food supplies, degrading the watershed habitat. Turbidity can harm aquatic life by reducing the food supply, degrading spawning beds and affecting the function of fish gills.

The cloudiness in the water is not just undissolved solids. It is also germs, bacteria, and other contaminants that are dumped, washed or sprayed into ditches off roadways.

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).

RESPONSE:

By using water constantly for dust control. You are also washing any Bio Hazards or oils into the ground, in which in the weeks, months, years later goes into the dirt, then into the water shed or habitat, then into the drinking water aquifer.

Along with washing the oil mat roadways with oil dripping from the dump trucks. It will defiantly wash it into the ditches and cause turbidity. Then directly into Swede Creek and Samish River. "Have you ever seen a dump truck not leak oil. Only New ones Don't. "Some drips, Some puddles"" The older they are, the more they leak.....Its a proven fact.

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.

RESPONSE:

These is Temporary Erosion Control Devices. They are only Temp. for 1 to 2 years maximum before they decay. They are not a permanent fixtures like Contech filter vaults, or oil water separators in which are intended to remove the gases and oils from storm water runoff, from roadways or parking lots. Again. The roads are not designed for this type of application.

So what TESC measures are you're going to use. To permanently protect the environment and the water shed below the hill for 25 years.

To keep any Bio hazards, waste or oils, going into our watershed habitat, creeks, streams, rivers and into the bay. Our out of the water aquifers, and or our wells.

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.

The above SCC 14.16.840 falls back on March 22, 2016. Not 2021-2022 rules and regulations.

RESPONSE:

What is the Noise variance for residential rural neighborhoods. Unknown at this time.

Residential zoning decibels is the following:

Residential areas should not be louder than 45 decibels at night* and 50 decibels during the day*
commercial areas should not be louder than 55 decibels at night* and 60 decibels during the day*
industrial areas should not be louder than 70 decibels at any time.

A lawn mower has lawn mowers producing around 90 dB to 100 dB.

Look up the following link: www.wsdot.wa.gov/accountability/SSB5806/docs/6

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.

Where is their written documentation of the above WAC code for the public to review and comment on. What Practices & measures are they using to keep and manage the water to keep its natural 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.

The NPDES program is a requirement of the federal Clean Water Act, which is intended to protect of water quality and to restore waters for "fishable, swimmable" uses.

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.

RESPONSE:

The general public has no common knowledge of any of the above. About what actually takes place in RECLAIM MINING or GRAVEL PIT PRODUCTION.

There is a lot of mechanical break downs that include petroleum products being released, among other Bio hazards waste being dumped or released into or onto the ground by equipment, trucks among other tools, used in this practice. A lot of people turn a blind eye to this.

Then some, but not all will be cleaned up if caught or noticed. But sometimes behind closed doors. Its just covered up with more gravel and forgotten about. Then eventually it leaches out into the surrounding area and washed away with the rains into the environment. Down ditches, into our. Ponds, creeks, streams, rivers, lakes, and eventually into the bay.

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.

RESPONSE:

Remember. Reclamation mining is dig a hole. Fill a hole with other's dirt spoils. Contaminated or not. How do you know, without every load being tested..

There is a lot of unknowns factors when hauling dirt spoils from other unknown resources to fill a hole in your community. That's how this works. you sell the gravel to make a profit. Then make another profit by bringing back dirt spoils to fill that hole from others you should the gravel to. . It's common daily practice.

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.

11. **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.

RESPONSE:

No matter how careful you are. You will have a spills of some sort. Could be drips, a cup to gallons. Wither it be from machinal breakdowns of refueling it's going to happen.

A concrete containment and an oil water separator is your best proactive device for your fueling station.

What about when you take the hose out of that fueling station onto raw ground to fuel your equipment. Then your employees start talking on the phoe our among themselves, and forget or not watching the fuel level as they are re-fueling equipment. I've seen this happen many times on job sites. What's written responses do you have.

What about mechanical break downs out in the field. Off the beaten path from clearing or extracting gravel. How you going to control Hydraulic hoses blowing, and spraying fluids in the environment and possibly getting into the washed, and into the wetland habitat.

Is all your equipment going flushed out and cleaned, then rinsed with, and use vegetable based Hydraulic oil in them. **It's a WSDOT requirement for any project**, next to any natural water sources or wetland area.

(For the public who don't know. A fueling station with containment is a concrete slab with walls that will hold as many gallons as the tank size is, with extra storage room for expansion. So if the tank breaks or leaks. It's contained in that concrete containment. It don't take care of any spills outside of it.

Here's a link to look at so can look at to gain some knowledge about storage and spills:
wsdot.wa.gov/sites/default/files/2021-10/Env...

12. Development shall comply with all requirements from both Skagit County Planning & Development Services and Skagit County Public Works including but not limited to:
- iv. 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.

RESPONSE:

Admittance to damaging the oil mat roadways. Again. The Grip is not designed for heavy traffic. What about Swede Creek Bridge. What about Prairie Rd. and the Samish River Bridge. What Engineering back up do you have to show that all the roads and Bridges are designed, and built to with stand what your planning on.

Every day. 92 dump trucks or more pounding the structural integrity of the concrete bridges, and thin oil mat roads that are not designed for this kind of traffic.

- v. 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.

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.

RESPONSE:

This flashing beacon is only going to warn people. Not going to stop accidents from trucks pulling out onto Prairie Rd. Maybe you should do some research through the 911 center or Fire Dist. 8. To see how many accidents they've responded to at that intersection for the past 20 years. I've seen lots of accidents there. Because I use to be a volunteer Fire-Fighter /EMT for 14 years.

A car parked and waiting to get out at a dead stop at the stop sign onto Prairie Rd. has trouble getting out and around the corner onto Prairie Road before a another car is on your bumper.

There is multiple accidents there yearly. You think a dump truck pulling a trailer out is any better than a car. Even knowing this. "" Really""

The county already cleared part of the R/W on this corner for this upcoming event 6 months ago. Its better.

But, Still limited sight distance and blind corner around that intersection, and the danger is still there.

The steep embankment that they created is unsafe and illegal by state, county and city standards. It's a fall hazard for the public. Then the weakening of the trees that sit above the hill side ready to Fall down onto to the roadway below possibly in the future.

- vi. 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.

RESPONSE:

This should also apply to the Grip Rd. & the Prairie Rd. In which it shouldn't be approved. Two trucks can't pass each other doing the speed limit as seen on both these roads. By the public. Even solo trucks on the Grip Rd. windy corners.

- vii. 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.

RESPONSE:

There is no R/W. The R/W now is in the ditches were the poles are.

- viii. 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.

- ix. **RESPONSE:**

More traffic congestion. Then at the stop sign or Going up Bow Hill Rd. Then hitting a red light at the top of the hill. I see machinal problems here. Busted drivelines and u-joints from a fully loaded truck. Now Trucks are dead in the roadway until towed.

- x. 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.

30 trucks x 8 Hrs= 240 trucks. The math don't add up. 92 trips >240 trucks

RESPONSE:

46 X 2= 92 trips a day. One in. One out Track out. Turbidity. Oil drips on the Rd.

- xi. 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.

Covering all loads for fugitive dust control.

13. 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.

14. 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.

RESPONSE:

Ground water disturbance is going to happen. this

You remove layers above a water source. Its eventually it's going to show signs in the areas of less resistance, and displace the water into other areas. Then will then cause lack of water of the water source and pressure to our community wells and water habitat possibly.

15. 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.

RESPONSE:

BMP's are only Temp. Not long term.

- 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.

RESPONSE:

Who going to check them each day and approve them for active work. Is there going to be written documentation.

- 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.

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

What is your buffer zone footage / set back.

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

- IV. No clearing of vegetation within the geologic hazard areas.
- V. 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.

RESPONSE:

Your clearing the land for gravel mining. Its going to be bare. Your going to have run off during heavy rain events that cause turbidity. Whos going to monitor this.

Whos going to report to the Dept. of Eco. Hopefully you have a true sub-contractor to do this. Not CNW or Mills who can say anything they want behind the trees.

- VI. Do not place uncontrolled fill, strippings, or other debris over the top of steep slopes.

RESPONSE:

How you going to prevent erosion. After you cleared all the area for mining.

- 16. 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.
- 17. 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.

RESPONSE:

Your going to impact the wetlands and the water aquifer by being there. You going To strip this land to bare ground.

It should be left for future community growth for houses, Schools and park settings to protect the wetlands so the public can use. The county would collect more taxes going this route then another gravel pit that’s not needed.

Public. Go to google Earth and take a look at some gravel pits to see how and what you think. Gravel pit names: Cadman. Mills Sand and Gravel. Concrete Nor'west. Glacier. Cal-Port. Cowden. Do research.

- 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.

RESPONSE:

But as allowed to leach into the ground, and possibly in the surrounding ground water.....with possible containments.

- 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.

This this whole topic and input about this gravel pit is wrong. Its worded with out explanations for the public to understand how a Reclamation and Surface Mining works. The Traffic issues with no reviews, Existing Roadway & Bridges designs or any research, Turbidity, TESC measure, and Public Safety. Etc.

All this is a big risk for the County to accept. I see lots of laws suits.

Its should not be allowed at all. It should be terminated and scraped immediately. There's enough gravel pits already here. There's 5 just north of the Cook Rd. just off Hwy. 99

The public should be able to vote on this. Not being told this is what is going to happen by others.

18. 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:** **Kevin Cricchio**
(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**

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, March 10, 2022 4:13:19 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, March 10, 2022 3:30 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Rick Eggerth
Address : 1304 39th Street
City : Bellingham
State : WA
Zip : 98229
email : rickeggerth@gmail.com
PermitProposal : Proposed Grip Rd. Gravel Mine File #'s PL16-0097 & PL16-0098
Comments : March 10, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Non-Significance for Proposed Grip Rd. Gravel Mine File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA Species

Dear Mr. Cricchio:

On behalf of the Mt. Mount Baker Group of the Washington State Chapter of the Sierra Club (MBG), encompassing San Juan/Skagit/Whatcom counties, and thousands of Sierra Club members and supporters in Skagit County, I write to express our concerns again about the gravel mine near Grip Road and the Samish River proposed by Miles Sand and Gravel Corporation in its application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098. We now comment on the new Mitigated Determination of Non-significance (MDNS) that the County issued on February 24, 2022. MBG sent comments in last year, on the MDNS dated April 15, 2021, but the County withdrew that MDNS on May 23, 2021. MBG understands that the comments submitted last year won't be part of the formal record for the new MDNS. But since it appears that very little has really changed regarding this proposed industrial scale mine, I have attached MBG's original comments letter dated April 29, 2021. It follows immediately after this letter.
Please make these comments, today's and last year's, part of the record for this new MDNS.

We are very disappointed that the County and Miles Sand and Gravel still have not addressed many community concerns. Due to this it is right and proper that the County withdraw the current MDNS

and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself and the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

We do recognize that some new mitigation measures have been proposed in this MDNS, and we appreciate them, but they are insufficient. For instance, conditions that address hours of operation (Mitigation Measure #2) and numbers of daily truck trips (Mitigation Measure #13.vii.), rely on vague “extended hour” scenarios without explaining how or when this would actually happen, what additional conditions “may” be imposed, and whether (or not) the public would be consulted or informed about these extended hours. The wording is especially unclear regarding truck numbers, and the limits are far too high.

Similarly, while the County finally recognizes that the private 2.2 mile long haul road is part of the project, no mitigation is proposed to restore and protect the 36 wetlands and 21 seasonal streams within 300 feet of the haul road (which was massively rebuilt in 2018, without a new permit, for mining purposes). In addition, insufficient measures have been proposed to ensure that the haul road will not cause slope failure in the Swede Creek gorge, threatening this fish bearing stream.

These examples are only examples. Please see our original letter from last year, immediately following this letter, to see all the problems that remain to be addressed.

Thank you for the opportunity to comment.

Sincerely,

Rick Eggerth
Chair, Mt. Baker Group, Washington State Sierra Club

Cc: Mt. Baker Group Executive Committee and Leadership Team
Central Samish Valley Neighbors

April 29, 2021

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

RE: Mitigated Determination of Non-Significance for Proposed Grip Rd. Gravel Mine File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA Species

Dear Mr. Cerbone:

As the chair of the Mt. Mount Baker Group of the Washington State Chapter of the Sierra Club (MBG), encompassing San Juan/Skagit/Whatcom counties, I speak on behalf of thousands of Sierra Club members and supporters in Skagit county. While we greatly appreciate and commend the work of the Skagit Planning and Devt. Services (SPDS) staff in what is a difficult task, we nonetheless have serious concerns about the recently re-issued MDNS for the proposed Grip Road Gravel Mine. And while the Sierra Club's status as the nation's largest and oldest environmental protection organization means we must direct our attention in this letter to environmental concerns, we also note that there are other significant concerns that deserve attention, such as the traffic and public safety issues raised in comments by the Central Samish Valley Neighbors organization. These concerns are also shared and supported by MBG.

Little has changed from the original mining 2016 proposal, especially in protecting the natural environment, as there have been minimal updates to the assessments and application documents related to protecting fish, wildlife, water and air quality. They were incomplete and inaccurate then, despite a 2017 update to the Fish and Wildlife Assessment, they still are now.

In addition, these documents fail to address community concerns raised during the past few years, and are also now completely outdated. We sincerely hope that failing to address previous public comments does not signify a rush to a new Threshold Determination without seriously considering and evaluating new public comment.

The fact of the matter is that this is an industrial scale development in a sensitive rural environment where commercial mining has never occurred. It will irreparably and significantly harm the natural environment along the Samish River and Swede Creek, as well as upland wildlife habitat. In light of these undeniable facts, the MDNS must identify and mitigate the harmful environmental impacts of this proposal, including:

- Considering the project's full footprint. Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on a two-mile long private road, requiring more than 11,000 heavy truck trips per year, that is adjacent to wetlands and crosses fish-bearing Swede Creek. These sensitive areas must be evaluated and mitigation proposed.
- The County's Critical Areas Ordinance (CAO) has not been followed. Only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, without justification and even though the CAO demands 300-feet adjacent to high intensity land use such as industrial scale mining. A full EIS is necessary to be sure that all relevant aspects of the CAO are followed.
- The Fish and Wildlife Assessment, though revised in 2017, is still out-of-date and incomplete. River and associated wetlands have changed and have not been adequately accounted for. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention this Endangered Species Act (ESA) species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
- Wetlands must be delineated, surveyed and permanently marked. Sensitive areas and buffers

within the entire project area (not just the mine site) must be identified so that operators and regulators know where they are.

- Wildlife must be identified and protected. As already mentioned, it must be determined whether the Oregon Spotted Frog, an endangered species and so protected under the ESA, is on or near the site. Reference to the OSF is by no means a shot in the dark. It was on the headwaters of the Samish River in Whatcom County in 2011-12 that OSF were found after having been thought to have been exterminated in the region. Which makes it all the more important that Samish County work with its northern neighbor to assure protection of this species. In addition, cougar, bear, and bobcat use the site. These animals require large territories and are sensitive to disturbance by human activity, so as the last large tract of undeveloped land between Butler Hill to the south and the Samish River and Anderson Mountain to the north, the site should accommodate the needs of these animals.
- A drainage plan is necessary to protect water quality against runoff on the private haul road. Treatment measures for runoff from the haul road must be identified, as the high volume of truck traffic is likely to cause pollution from petroleum products to pollute surface water flow into Swede Creek, a fish-bearing stream that also empties into the Samish River, which empties into Puget Sound. Pollution into any of these bodies of water must be stopped, or at least contained.
- Impacts to groundwater must be evaluated and protection measures required. The announced intent to excavate the mine to within 10 feet of groundwater leaves precious little room for error, especially because it is unclear how a 10-foot limit can be maintained for everywhere the aquifer touches the site. What measures will be undertaken to prevent pollutants from seeping down 10 feet to the water table? What measures will be taken to cleanse the aquifer if pollution does occur? These and related questions absolutely must be answered because, with the pervious nature of sand and gravel, 10 feet may not be enough to filter out pollution from petroleum product spills. Furthermore, the groundwater at the site is essentially at the level of the Samish River and flows directly into it, so groundwater pollution would become river, and then Sound, pollution.
- The Noise and Vibration Study used unrealistic scenarios to model noise impacts. Assumptions as to number and size of equipment operating on-site are vague and misleading. Noise levels must be modeled at maximum mine production levels, not merely “typical” and “average” levels. The significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road must also be included. But regardless of legal noise limits, the question of how this major change in soundscape for residents of the area must be addressed in a full EIS.
- Emissions must be evaluated and mitigation plans required. There will be air pollution from mining equipment and haul trucks, and this must be quantified and prevented, especially considering that at least 240,000 cumulative miles per year will be driven by diesel gravel trucks.
- Cumulative impacts must be considered. This major industrial scale proposal will create many cumulative impacts, both on and off-site. 25 years of mining is not a “temporary” activity, yet no off-site impacts were evaluated. This will permanently change the character of the landscape and surrounding neighborhoods, degrading wildlife habitat and fish-bearing streams. Hauling the amount

of material proposed to the closest site for processing means more than 5,500,000 cumulative diesel truck miles over 25 years. That's a lot of potential air and water pollution, not to mention road wear and tear and safety concerns. These and any other cumulative impacts, on and off-site, deserve evaluation and protective measures.

MBG respectfully requests that the County reverse its Threshold Determination under SEPA, and require instead a full Environmental Impact Statement that evaluates all impacts to the natural environment and identifies alternatives, including the possible alternatives of reducing the size of the mine, or denying the mine altogether.

Your cooperation in this matter is very much appreciated.

Sincerely,

Rick Eggerth
Chair, Mt. Baker Group, Washington State Sierra Club

Cc: Mt. Baker Group Executive Committee and Leadership Team
Central Samish Valley Neighbors

From Host Address: 71.197.249.80

Date and time received: 3/10/2022 3:29:30 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, March 10, 2022 2:06:08 PM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, March 10, 2022 1:15 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Renee Kenady
Address : 5319 Cedar Ridge Place
City : Sedro Woolley
State : Washington
Zip : 98284
email : rkenady44@gmail.co,
PermitProposal : PL16-0097
Comments : March 10, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine. Why an EIS has not been done is frustrating. I believe you are the third Senior Planner since this began. Lisa, Inc. / Miles Sand and Gravel are adequately able to pay for an EIS. They treat our concerns with disregard.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis. The numbers of allowed trucks can vary GREATLY with the extenuating circumstances stated taking it from 46 a day to 30 an hour. That is not safe or in tune with what we want our community to be like. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

I feel that with the “extenuating circumstances” stated in the report, that it gives them the ability to do whatever they want to do regarding: noise, traffic, safety and hours of operation We live nearby and travel this road daily.

This will be a real hit to the quality of life we have built here. It is our retirement, our home, our future.

Thank you for the opportunity to comment.

Sincerely,
Renee Kenady
5319 Cedar Ridge Place
Sedro Woolley, WA 98284

From Host Address: 50.34.151.227

Date and time received: 3/10/2022 1:11:42 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, March 10, 2022 1:08:32 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Wednesday, March 9, 2022 3:05 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Josh Nipges

Address : 20610 Prairie Rd

City : Sedro Woolley

State : Washington

Zip : 98284

email : nipges@gmail.com

PermitProposal : Miles Sand and gravel PI16-0097/0098

Comments : The changes to the permit still do not address road safety issues on Prairie Rd. The road is still too narrow for the number of trucks being proposed. Since the guard rail has been added along the power lines, (which is only a few feet off the shoulder) passing trucks have become very hazardous. When I meet semi trucks they tend to hug and/or be over the centerline. The ditch on the north side of the road is very deep and lacks any shoulder. Then add in the bicyclists riding on the road, they have been a number of times the mirror on the car is only inches away from the railing. The number of trucks being proposed dictates that the road needs to be brought up to current safety standards along the haul route. The revised permit also does not address the blind s curve coming down Grip Rd toward Prairie Rd. Numerous times while traveling east bound on Grip from Prairie I have been met with a gravel truck with a trailer in both lanes. It is only a matter of time before collisions between autos and commercial vehicles happens. More than likely resulting in a fatality.

From Host Address: 12.180.128.85

Date and time received: 3/9/2022 3:03:05 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, March 10, 2022 1:07:51 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, March 10, 2022 9:40 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Kelly Bush
Address : 11633 Martin Rd
City : Rockport
State : WA
Zip : 98283
email : kellybush510@gmail.com
PermitProposal : PL16-0097
Comments : March 10, 2022

Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273
RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097; PL16-0098

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098. I am a resident of rural Skagit County, and through having friends and business to do in this area, I am aware of the project proposal and have concerns about it - primarily environmental and traffic concerns.

I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for all potential haul routes over the entire life of the mine.

As I understand the scope of this mine, it would operate for at least 25 years. I feel that ANY project of this scope in Skagit County should be required to complete a full environmental review – a full EIS. At the rate Skagit County is developing now, this could be a move that is deeply regretted before long, due to the environmental impacts it will bring to our rural environment, as well as traffic complications when our roads are increasingly busy all the time!

In summary, I urge Skagit County Planning to reconsider this recent MDNS, and require a full EIS. I feel this potential mine has not been fully evaluated for the long-term impacts to fish (Samish River proximity), wetlands, water quality and the impacts to the quality of life in this area of rural Skagit County.

Thank you for this consideration of my concerns.

Kelly Bush
11633 Martin Road
Rockport, WA 98283

From Host Address: 50.34.220.130

Date and time received: 3/10/2022 9:37:34 AM

From: [Jennifer Rogers](#)
To: [Kevin Cricchio](#)
Subject: FW: Comments on the 2/24/2022 MDNS for the Grip Road Gravel Mine (Reference File # PL16-0097)
Date: Thursday, March 10, 2022 8:46:14 AM

From: Rhonda Nelson <rknelsondpm@gmail.com>
Sent: Wednesday, March 9, 2022 8:46 PM
To: PDS comments <pdscomments@co.skagit.wa.us>
Subject: Comments on the 2/24/2022 MDNS for the Grip Road Gravel Mine (Reference File # PL16-0097)

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

From: Rhonda Nelson
5209 Parkridge Place
Sedro Woolley WA 98284

I cannot imagine a school bus meeting a gravel truck with a pup on the S-curves of Prairie Road. I would be frightened for all concerned.

With Bow Hill closed currently , I see numerous gravel trucks each morning going to the Cook Road on ramp. They consistently run over the sidewalk turning from 99 southbound onto westbound Cook road. This makes me wonder, how are trucks going to make the corner from 99 to Prairie without swerving across the centerline of 99, or entering the oncoming lane on Prairie ?? Or are they just going to cut across the ditch there?

Many impacts still have not been fully evaluated. SEPA requires that all significant impacts be disclosed and evaluated, and alternatives that reduce impact be considered. This still has not been done. The MDNS must be withdrawn, and an Environmental Impact Statement must be required. Note that many issues have not changed from last year's MDNS comments. Those that have changed are listed first and are noted with asterisks**.

Some of the Impacts to the Natural Environment:

- The impacts to wetlands and streams adjacent to the haul road have not been fully evaluated.

(Changed from 2021 MDNS**) The applicant's new Critical Area report for the haul road ("Impact Assessment and Mitigation Plan", Northwest Environmental Services, Dec. 2021) revealed 36 wetlands and 21 seasonal streams within 300 feet of the haul road. One of the largest of these wetlands was identified as suitable habitat for the endangered Oregon spotted frog. Yet, this new report does not acknowledge the high intensity industrial use of the haul road. Instead, it downplays the difference between mining use and previous uses that involved an occasional forestry operation. The impact on these streams and wetlands from 11,000 trips per year by dump truck/trailer combinations weighing as much as forty

tons each, has simply not been evaluated. Impacts to the aquatic habitat include potential hydrocarbon pollution from road run-off, increased sedimentation and changes to surface water hydrology, as well as significant disturbance from constant noise and vibration and diesel exhaust.

- Impacts from haul road expansion and construction were ignored. (Changed from 2021 MDNS**) The haul road was significantly expanded in 2018 for mining purposes without regulatory oversight by using a legal loophole. The new Critical Area report claims that any past impacts from road construction are not part of this project, even though this work was conducted two years after they submitted the mining application. These impacts were never acknowledged, causing ongoing habitat degradation. No corrective action and no mitigation for this construction activity has been required.

- The potential impact of heavy truck traffic on unstable slopes in the Swede Creek gorge has not been adequately addressed. (Changed from 2021 MDNS**) The haul road crosses Swede Creek, a fish bearing stream, in a steep gorge. Unstable slopes and existing road failure issues have been identified in the gorge. Road triggered landslides in these locations can have catastrophic effects on streams, delivering sudden huge debris and sediment loads to the creek.

In response, the applicant submitted a new 'Geo-Tech' memo (Associated Earth Sciences, Dec. 16, 2021) that takes a cursory look at these issues without truly addressing them. A more thorough evaluation by a qualified geologist that identifies appropriate remediation, as well as ongoing preventative management of the road's drainage system is essential to avoid slope failure and protect the habitat in Swede Creek.

- The ongoing impact to the Samish River from a reduced buffer has still not been evaluated. County Critical Areas Regulations call for a minimum of a 300-foot buffer between high intensity land uses and wetlands, rivers and streams. This is based on established science and WA Dept. of Ecology guidance. Industrial mining that completely denudes sixty-acres of forested habitat, and creates continuous disturbance with heavy equipment over decades, is unquestionably a high intensity land use. Yet the MDNS is allowing for a reduced 200-foot buffer from the river, without studying how this would affect fish and wildlife habitat, river hydrology or water quality.

- The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and Wildlife

Assessment provided by the applicant is more than six-years-old. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as "Endangered" in Washington State and "Threatened" federally. In addition critical habitat for Bull Trout is located just downstream, Bull Trout is a "Candidate" species for listing in WA State, and is listed as "Threatened" federally. The MDNS does not mention these "ESA" species nor any protective measures necessary, nor the effect of reduced buffers. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

- Wildlife corridors are not identified and protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River, and Anderson Mountain to the north. These animals require large territories and are sensitive to human disturbance.

- Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining

equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

- Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

Some of the Traffic, Road and Public Safety Issues that are still not addressed: County government and the concerned public cannot evaluate the traffic safety impacts of the project and the adequacy of the MDNS without the following information:

- The maximum number of truck trips per hour, how often the number of trips may exceed the average trips per hour, and how long the number of trips may exceed that average. The average of 46 trips per day or 4.6 trips per hour given in the MDNS is meaningless due to the seasonal nature of product demand. The applicant’s October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 60 trips per hour (30 trucks in each direction). The SEPA determination must evaluate the traffic safety impacts of the project based on this maximum and set hard limits on this number, frequency, and duration. **Note: the new MDNS includes new “Mitigation Measure” (#13.vii.) regarding maximum daily truck trips, but it falls short of actually limiting the truck numbers. Please see section below on “Proposed Mitigation Measures”.

Traffic issues continued:

- A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.
- Safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not. The TIA provides analysis showing that truck and trailer combinations cannot traverse the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. The MDNS requires the applicant to take specific actions to mitigate this issue at this location. The TIA acknowledges that the same issue of lane encroachment exists at several other locations on the haul route, but neither it nor the MDNS lists those locations, provides any analysis of the problems there, or sets out the mitigation measures required to correct them. These locations include, among others, the S-curves on the Grip Road hill and practically all of the intersections on the haul route. This is unacceptable.

- Projections for the increase in non-mine traffic on the haul routes over time and evaluation of the safety and road capacity impacts of mine traffic with increased non-mine traffic. The TIA uses 2020 traffic levels to evaluate mine traffic impacts and does not factor in growth.
- More thorough evaluation of the accident records for all road segments and intersections on the haul route, including the contributing causes for the accidents. What are the implications for mine traffic safety?
- A full evaluation of what the warning beacon systems proposed for the Grip Road/Prairie Road and Grip Road/Mine Entrance intersections are intended to accomplish and how they will do so. Drivers are clearly ignoring the existing speed warning signs at Grip and Prairie. How can they be expected to slow down adequately for the warning beacons?
- “Third party” sales at the mine would mean trucks traveling to and from the site via every route possible. Disallow third party sales from the mine.
- Adding heavy mine traffic to our existing, substandard roads will cause increased damage to public infrastructure and higher maintenance costs. These impacts must be evaluated and the applicant required to pay their proportional share of the costs. An important example is the slumping shoulder

and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels.

- Pedestrian and bicycle safety must be evaluated along the entire haul route. Skagit County's Comprehensive Plan identifies Prairie and Grip Roads as a bike route and the section of Prairie Road between Grip Road and F&S Grade is part of U.S. Bike Route 87. This is a particular concern in areas where there are no shoulders on Grip and Prairie, and where guardrails were recently installed on Prairie Road. Necessary safety improvements must be required.

Proposed Mitigation Measures in the new MDNS: The 2022 MDNS proposes some new "Mitigation Measures". Most of these simply state that the project must comply with existing laws and regulations. A few appear intended to address concerns expressed by the public, however they either lack specificity or have no clear monitoring or enforcement mechanism, and so they do not accomplish any real limitations on the mining and hauling activity.

- Hours of Operation. Mitigation Measure #2 limits hours of operation to 7am-5pm Monday-Friday, but it allows for extended hours if seasonal demand "indicates a need". It requires the applicant to request from the County a "temporary deviation" from these hours, and states that "such operations may be subject to additional conditions". While limiting standard hours of operation is an improvement, it does not state what conditions might be imposed under "extended hours" conditions, nor state any limitation on the duration or frequency of such extended hours, nor how the public would be consulted or notified. This mitigation measure lacks specificity and clarity.

- Number of Truck Trips. Mitigation #13.vii states that the maximum daily truck traffic allowed is "limited to an average of 46 daily trips...not to exceed 30 trucks per hour under extended hours operations". It then states that the applicant will "seek permission from Skagit County prior to generating the higher truck volumes." Unfortunately it is not clear how these 'average' truck trips will be calculated – on a daily basis, a weekly basis, a yearly basis, or__? It doesn't state how such calculation will be accomplished, nor by whom. Nor does it state what actions will be taken by the County to protect public safety should the applicant wish to run more trucks. This cuts out the affected public from any say in the matter; it doesn't even require the public to be informed. Firm safe limitations on numbers of daily truck trips must be imposed.

- Mitigation Measures need to be clear and specific and impose enforceable limitations. This mine proposes to operate for 25 years without any additional permitting required. Most of the mining activity will occur in areas inaccessible to public scrutiny. Mitigation measures must be enforceable. There must be compliance monitoring to ensure that conditions intended to protect the natural environment are actually followed, and the applicant should be required to pay an annual fee to cover the cost of monitoring. Given the long duration of these proposed mining operations, there needs to be a periodic permit review process every five years to ensure activities are in compliance with the original permit conditions.

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Wednesday, March 9, 2022 2:27:17 PM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Wednesday, March 9, 2022 12:15 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Rick Brumfield

Address : 5318 Cedar Ridge Pl.

City : Sedro Woolley

State : WA

Zip : 98284

email : rbb123@frontier.com

PermitProposal : PL16-0097 and PL16-0098

Comments : • This project needs a full EIS (Environmental Impact Statement). The MDNS (Mitigated Determination of Nonsignificance) is for when projects are non-significant. This project is clearly significant!

. 25 years are significant.

. 19 mitigation measures are significant ... cumulative and/or crossover effects between the various mitigation items need to be addressed through a full EIS.

. Noise is presumably addressed in mitigation #6 ... how can we be assured this will be sufficient?

. (13.vii.) 46 trips per day are significant.

. (13.vii.) 30 trips per hour are significant.

. (15.) 10-foot buffer seems way too small for a buffer between the base of the mine and high ground water levels.

. (18.B.) 10 feet above the groundwater table seems way too small.

• The truck/trailer combinations cannot physically make many of the turns in the subject area without crossing over the centerline. I've already experienced this twice, being run off the road by a truck/trailer combination. Both instances were at tight, "right-angle" turns. Now imagine that same issue with the new proposed truck/trailer volumes. Now imagine the new volumes with a SW school bus and a truck/trailer combination trying to navigate one of our tight turns while approaching each other. I don't think it's possible, and someone's going to get hurt? /killed? If the truck/trailer combinations can't legally/safely navigate the planned roads, aren't they (or shouldn't they) be required to use flaggers or escort vehicles? Isn't the county exposing itself to unnecessary liability by allowing this to happen? This is an existing safety issue that's only going to get worse with the proposed added trip volumes.

• Mitigation item 13.i. feels like a joke ... the access haul road has already been recently "expanded? /improved?" ... significantly ... with?/ without? a permit.

- Will all mine activity truck/trailer trips be prohibited on Grip east of the Grip/Access Road intersection? There are many more tight/right angle turns in that direction.
- (13.ii.) Left turns from Prairie onto F&S Grade Rd. would appear to have the same sight issue as left turns onto Grip from Prairie or onto Prairie from Grip ... shouldn't the Prairie to F&S Grade Rd. be included?
- (13.ii, and iii.) The applicant should acquire and maintain all flashing beacon systems for the 25-year period and then turn them over to the county at the end of the 25-year period or the termination of the mining operations whichever comes first.
- (13.iv.) Design and improvements by the applicant should be mandated for all centerline violation locations, not just the two ... there are many such locations.

From Host Address: 50.34.99.205

Date and time received: 3/9/2022 12:11:54 PM

From: [Jennifer Rogers](#)
To: [Kevin Cricchio](#)
Subject: FW: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098
Date: Wednesday, March 9, 2022 8:01:35 AM

From: Ellen Martin <ellenkmartin39@gmail.com>
Sent: Tuesday, March 8, 2022 8:41 PM
To: PDS comments <pdscomments@co.skagit.wa.us>
Subject: Issued SEPA MDNS, Concrete Nor'West, PL16-0097 & PL16-0098

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March 8, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned

about the safety of anyone who must travel sections of the proposed haul route on a regular basis. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

There still needs to be a more thorough traffic impact analysis and review of the mitigation measures to address:

- the 90 degree turns on Prairie Road near Hwy 99 and
- the interchange of Grip and Prairie Road
- and the intersection of Prairie Road and Hwy 99

Thank you for the opportunity to comment.

Sincerely,

Ellen Martin
4929 Ida Dr.
Sedro Woolley, WA 98284

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Wednesday, March 9, 2022 7:47:39 AM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Tuesday, March 8, 2022 8:45 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Leslie Mitchell
Address : 4929 Ida Lane
City : Sedro-Woolley
State : WA
Zip : 98284-8282
email : LDMITCH2015@GMAIL.COM
PermitProposal : File # PL16-0097
Comments : March 8 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish

River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

The impacts of having large dump trucks with extra trailers on Grip and Prairie Roads will be remarkable. I travel past the junction of Grip and Prairie Road on a regular basis, as well as through the two 90 degree turns near the junction of Prairie Road and Route 99. These two areas are dangerous due to low visibility at Grip and Prairie and the hairpin turns previously mentioned even without the added weight and mass of these hauling vehicles. Additionally, these roads do not appear to have been built with this type of weight in mind. Again, who is going to pay for the likely and frequent road maintenance and repairs due to the weight of these vehicles and the frequency of their trips.

Thank you for the opportunity to comment.

Sincerely,

Leslie Mitchell

4929 Ida Drive

Sedro Woolley WA 98284

From Host Address: 172.92.193.57

Date and time received: 3/8/2022 8:43:10 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Tuesday, March 8, 2022 2:57:30 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Tuesday, March 8, 2022 12:10 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Donna A judy
Address : 20765 prairie rd
City : sedro woolley
State : Washington
Zip : 98284
email : cdjudy2007@gmail.com
PermitProposal : PL 16-0097

Comments : This letter is about MYLES dump trucks with trailers on the Prairie Rd. The county has put in guard rails from the second corner on Prairie Rd for approximately 1 mile to 1 1/2 miles. We who live on this road have been saying since you started to try getting these trucks on Prairie Rd., won't be able to keep their trucks in their own lane!!! AND TODAY IT ALL CAME CLEAR!!!! My husband and I were coming home from town, there was a Myles truck with trailer a head of us! We counted TEN (10) times the driver went over the yellow line. If there were any cars coming it would not have been good for the on coming cars and trucks!! PRAIRIE RD. wasn't built for these big trucks that ungulate from side to side on the road. There will be a lot of accidents if there isn't something done soon!! I say NO to this GRAVEL PIT!!!!

From Host Address: 172.92.222.159

Date and time received: 3/8/2022 12:05:36 PM

From: [Jennifer Rogers](#)
To: [Kevin Cricchio](#)
Subject: FW: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098
Date: Tuesday, March 8, 2022 12:43:36 PM

From: Christie Stewart Stein <jsteinwa@earthlink.net>
Sent: Tuesday, March 8, 2022 12:23 PM
To: PDS comments <pdscomments@co.skagit.wa.us>
Subject: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

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Dear Mr Cricchio,

I wish to express the concerns of our family regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts just as it did in 2016, and again in 2020, because most of the concerns expressed by the community then have still not been addressed.

The list of flaws in the proposal and the MDNS is long, encompassing everything from lack of critical areas protection, traffic safety concerns, and drainage. It appears the County is not following its own requirements in some of these areas. Where mitigation is proposed, it mostly simply states that the applicant must follow existing code, or is worded so vaguely as to be unenforceable. In addition, the mitigation proposed lacks any kind of compliance monitoring. This is troubling given the long-life of this proposed mine.

Our family is particularly concerned about the obvious environmental risks, and the safety of community residents. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a "temporary" activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. The traffic studies state that the operation may run as many as 30 truck trips per hour. These are gravel trucks with pup trailers that cannot stay within their lane on these roads, clearly placing community residents at risk.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and public safety, identifying alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Christie Stewart Stein

16384 Donnelly Road

Mount Vernon, WA 98273

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Tuesday, March 8, 2022 9:57:38 AM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Monday, March 7, 2022 7:50 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Rosemarie Kidder
Address : 20388 Park Ridge Ln
City : Sedro-Woolley
State : WA
Zip : 98284
email : rosepotts @frontier.com
PermitProposal : #PL 16-0097

Comments : I live off the W end of Prairie Rd and am very concerned about the proposed gravel pit off Gripp Rd. There would be serious negative affects to the watershed, wetlands, wildlife habitat and the county roads. These roads have little or no shoulders and were not designed for heavy truck traffic. The intersection of Gripp and Prairie and the two tight curves on Prairie just East of 99 are not navigatable by trucks pulling a trailer, per 2 trucker friends.

I know we need gravel and am not opposed to any projects or changes in Skagit Valley. but feel like this project is much to big and long-lasting for this area.

Thanks for accepting and considering my opinion.

From Host Address: 174.246.82.1

Date and time received: 3/7/2022 7:49:10 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Tuesday, March 8, 2022 9:56:35 AM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Monday, March 7, 2022 11:00 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Mary Brady
Address : 3739 Birch Way
City : Anacortes
State : WA
Zip : 98221
email : bradypower@comcast.net
PermitProposal : File #'s PL16-0097 & PL16-0098
Comments : March 7, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish

River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

Much work has been done to preserve salmon habitat. The negative impact this could have to streams and rivers of our county affect us all. The potential damage to roads and bridges will take away infrastructure dollars sorely needed for our aging roads and bridges.

Thank you for the opportunity to comment.

Sincerely,

Mary Brady?
3739 Birch Way
?Anacortes, WA 98221

From Host Address: 73.19.47.122

Date and time received: 3/7/2022 10:58:30 AM

From: [website](#)
To: [Planning & Development Services](#)
Subject: PDS Comments
Date: Monday, March 7, 2022 12:15:06 PM

Name : Norman Wasson
Address : 20836 Prairie Road,
City : Sedro Woolley
State : Washington
Zip : 98284
email : normfranwasson@gmail.com
PermitProposal : File # PL16-0097
Comments : March 7 , 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to express my concerns again about the proposed gravel mine located near Grip Road and the Samish River. This is in regard to Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098. I am commenting on the new Mitigated Determination of Nonsignificance (MDNS) that the County issued on February 24, 2022. I sent comments in last year, on the MDNS dated April 15, 2021, but then the County withdrew that MDNS (on May 23, 2021). I understand that the comments I submitted last year won't be part of the formal record for the new MDNS. Unfortunately, it appears that very little has really changed regarding this proposed industrial scale mine. So, I am attaching my original letter April 28 2021. Please make these comments part of the record for this new MDNS. I am very disappointed that the County and Miles Sand and Gravel still have not addressed many of the community's concerns. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

Grip Road Gravel Mine Environmental Concerns Not Addressed in the MDNS
(Traffic and road safety impacts are listed in a separate section below)

The environmental review did not consider the full footprint of the project. The applicant owns more than 700 contiguous acres, however only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. This private road has previously been used only for forestry. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas

were not evaluated and no mitigation was proposed.

The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.

The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than five-years-old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as “Endangered” in Washington State and “Threatened” federally. In addition critical habitat for Bull Trout is located just downstream, Bull Trout is a “Candidate” species for listing in WA State, and is listed as “Threatened” federally. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.

Wildlife corridors are not identified and protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

A drainage plan was not required to protect water quality from runoff on the private haul road. Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.

Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. They claim that all runoff from the disturbed site will drain into the mine, and infiltration will protect the groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. No mention of seasonal fluctuation of the groundwater is discussed. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.

The Noise and Vibration Study did not use realistic scenarios to model noise impacts. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks. Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change

the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

Grip Road Mine Traffic, Road and Public Safety Issues Not addressed in the MDNS:

County government and the concerned public cannot evaluate the traffic safety impacts of the project and the adequacy of the MDNS without the following information:

The maximum number of truck trips per hour, how often the number of trips may exceed the average trips per hour, and how long the number of trips may exceed that average. The average of 46 trips per day or 4.6 trips per hour given in the MDNS is meaningless due to the seasonal nature of product demand. The applicant's October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 60 trips per hour (30 trucks in each direction). The SEPA determination must evaluate the traffic safety impacts of the project based on this maximum and set hard limits on this number, frequency, and duration

A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.

Safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not. The TIA provides analysis showing that truck and trailer combinations cannot traverse the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. The MDNS requires the applicant to take specific actions to mitigate this issue at this location. The TIA acknowledges that the same issue of lane encroachment exists at several other locations on the haul route, but neither it nor the MDNS lists those locations, provides any analysis of the problems there, or sets out the mitigation measures required to correct them. These locations include, among others, the S-curves on the Grip Road hill and practically all of the intersections on the haul route. This is unacceptable.

Projections for the increase in non-mine traffic on the haul routes over time and evaluation of the safety and road capacity impacts of mine traffic with increased non-mine traffic. The TIA uses 2020 traffic levels to evaluate mine traffic impacts and does not factor in growth.

Field studies to determine the speeds at which vehicles are currently traveling on the haul route and evaluation of how mine traffic will impact existing traffic given those speeds.

More thorough evaluation of the accident records for all road segments and intersections on the haul route, including the contributing causes for the accidents. What are the implications for mine traffic safety?

Determinations as to the actual safe speeds for any given road segment or intersection on the haul route, along with recommendations for changes to legal speed limits where they are needed for safety.

More detailed evaluation of sight distances at all intersections, including "Vision Clearance Triangle" drawings as shown in Skagit County Road Standards, 2000, Appendix C – 7.

A full evaluation of what the warning beacon systems proposed for the Grip Road/Prairie Road and Grip Road/Mine Entrance intersections are intended to accomplish and how they will do so. Drivers are clearly ignoring the existing speed warning signs at Grip and Prairie. How can they be expected to slow down adequately for the warning beacons?

"Third party" sales at the mine would mean trucks traveling to and from the site via every route possible. Disallow third party sales from the mine.

Adding heavy mine traffic to our existing, substandard roads will cause increased damage to public infrastructure and higher maintenance costs. These impacts must be evaluated and the applicant required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have

required frequent repairs over the last few years just with existing traffic levels. Pedestrian and bicycle safety must be evaluated along the entire haul route. This is a particular concern in areas where there are no shoulders on Grip and Prairie, and where guardrails were recently installed on Prairie Road. Necessary safety improvements must be required.

I do understand that some new mitigation measures have been proposed in this MDNS, but they are not sufficient. For instance, conditions were proposed that address hours of operation (Mitigation Measure #2) and numbers of daily truck trips (Mitigation Measure #13.vii.). In both of these cases, vague “extended hour” scenarios are allowed without clarity about how or when this would actually happen, what additional conditions “may” be imposed, and there is no assurance that the public would be consulted or informed about these extended hours. Especially regarding truck numbers, the wording is unclear, and the limits are far too high. Similarly, the County has finally recognized that the private 2.2 mile long haul road is part of the project, but no mitigation is proposed to restore and protect the 36 wetlands and 21 seasonal streams that are within 300 feet of the haul road (this haul road was massively rebuilt in 2018, without a new permit, for mining purposes). In addition, not enough measures have been proposed to ensure that the haul road will not cause slope failure in the Swede Creek gorge, threatening this fish bearing stream.

Thank you for the opportunity to comment.

Sincerely,
Norman Wasson
20836 Prairie Rd.
Sedro Woolley, Wa 98284
(360) 724-5054
normfranwasson@gmail.com

April 28, 2021

Michael Cerbone, Assistant Director
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into

consideration new public comment even though previous comments seem to have been ignored.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts, including:

1. The environmental review did not consider the full footprint of the project. Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.
2. The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.
3. The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these "ESA" species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
4. Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.
5. Wildlife corridors are not identified and protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.
6. A drainage plan was not required to protect water quality from runoff on the private haul road. Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.
7. Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.
8. The Noise and Vibration Study did not use realistic scenarios to model noise impacts. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from "typical" and "average" mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the

Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

9. Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

10. Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Norman Wasson
20836 Prairie Rd.
Sedro Woolley, Wa 98284
(360)724-5054
normfranwasson@gmail.com

From Host Address: 172.92.214.129

Date and time received: 3/7/2022 12:13:15 PM

From: [website](#)
To: [Planning & Development Services](#)
Subject: PDS Comments
Date: Monday, March 7, 2022 12:00:07 PM

Name : Dale Romain Abbott
Address : P.O. Box 804
City : Burlington
State : WA
Zip : 98233
email : d_abbott@hotmail.com
PermitProposal : PL16-0097 & PL16-0098
Comments : March 7, 2022
Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Proposed Concrete Nor'west Gravel Operation Near Grip Road
Special Use Permit Application PL16-0097
And Mitigated Determination of Non-Significance for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cricchio,

I wish to once again register my concerns about the proposed gravel mine along Grip Road which I believe will have significant deleterious effects on the surrounding environment and community. It is my understanding that my previously submitted comments will not be considered under the current MDNS. Many of my concerns still do not appear to have been adequately addressed in the latest proposal.

First, there does not seem to be any mention about the safety of pedestrian and bicycle traffic on Grip and Prairie Roads. The shoulders are non-existent on long stretches, and yet I see many of my neighbors out walking or biking these roads on a regular basis. I also regularly ride my bike on Prairie Road for exercise. Having to share this road with huge dump trucks is a frightening thought. The proposed “Traffic Activated Flashing Beacon System” may reduce the risk of automobile/haul truck collisions, but the pedestrian and bicyclist safety problem has been completely ignored.

I am worried about the environmental impact to the natural environment of the Samish River. This valley is home to a variety of wildlife which both reside here permanently or transit through. I’ve had a bobcat on my land, and my neighbor had a cougar cross his property. In addition, there are deer, coyotes, opossums, raccoons, muskrats, beaver, and all manner of amphibians, reptiles, salmon, and birds living here. The wetlands proposal still only requires a 200 ft. buffer from the Samish River despite the county’s own regulations which require a 300 ft. buffer when adjacent to “high intensity” land use. As pointed out by the Central Valley Samish Neighbors group, a massive gravel mine would most certainly qualify as “high intensity” land use.

Another environmental concern I have that still has not been addressed is the problem of light

pollution. The proposed working hours at the mine do not appear to be set in stone, and once the mine is up and running the company will be able to simply extend those hours with permission from the county and minimal input from the community. I see no mention of what kind of lighting will be utilized. Light pollution can have a significant deleterious effect on wildlife---particularly birds and insects---and there is growing evidence that it is harmful for human health as well. At the very least, there should be a requirement for low impact, downward-directed outdoor lighting, and/or complete extinguishing of the lights during the darkest part of the night. A full Environmental Impact Statement would certainly take this problem into consideration.

I am worried about the effect that this mine will have on groundwater. By definition, they will be mining gravel which is much more porous than other forms of earth. A full Environmental Impact Statement could identify potentially unforeseen problems to ensure that sediment, petroleum products, and other toxic debris will not migrate through the ground into the Samish River. There is mention of the need for erosion control, maintenance of haul trucks, and so-forth in the MDNS, but I am left wondering how this will be enforced when there is no doubt in my mind that any attempt to visit the mine and haul road by the general public will be considered trespassing. If the MDNS provided for community oversight of the project, it would go a long way towards reassuring me of the good faith efforts of the mining company and the county.

The current MDNS does not mention noise. Previous studies mentioned the additional noise that the mine will contribute to the general background, but it has been hard for me to believe that such low numbers can come from intermittently dumping a bucketload of gravel into the metal bed of a dump truck. I've stood next to that kind of activity, and it hurt my ears. The examiner must have been referring to the routine operation of the motors and trucks, not the dumping of gravel. Also, will the trucks be using their compression brakes as they descend the haul road? I grew up in Darrington, and you could hear the logging trucks coming into town from a mile away. A complete Environmental Impact Statement would certainly take noise into consideration.

Before the mine proposal moves forward, I still believe that the county needs to require a full Environmental Impact Statement to address these concerns and how they might be mitigated.

Thank you for your time and consideration.

Sincerely,

Dale R. Abbott
22290 Prairie Road
Sedro-Woolley, WA 98284

d_abbott@hotmail.com

From Host Address: 172.92.195.144

Date and time received: 3/7/2022 11:56:39 AM

From: [Jennifer Rogers](#)
To: [Kevin Cricchio](#)
Subject: FW: comment on PL16-0097 & PL16-0098
Date: Tuesday, March 8, 2022 8:07:27 AM

Hi Kevin,

A couple messages in the PDS inbox are addressed to you regarding the Grip Road gravel mine. I'll forward them over to you.

Jenn Rogers, Assistant Long Range Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273
(360) 416-1320

-----Original Message-----

From: Barbara Trask <traskb@me.com>
Sent: Monday, March 7, 2022 8:19 AM
To: PDS comments <pdscomments@co.skagit.wa.us>
Subject: comment on PL16-0097 & PL16-0098

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#####

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to express my concerns again about the proposed gravel mine located near Grip Road and the Samish River. This is in regard to Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098.

I am very disappointed that the County and Miles Sand and Gravel have not addressed many of the community's concerns expressed during previous public-comment periods.

I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS).

The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

As a birdwatcher and nature lover, I am particularly concerned about the potential impact on wetlands and streams adjacent to the haul road as well as disruption of wildlife corridors.

The impact on these streams and wetlands from 11,000 trips per year by dump truck/trailer combinations weighing as much as forty tons each, has simply not been evaluated. Impacts to the aquatic habitat include potential pollution from road run-off, increased sedimentation and changes to surface water hydrology, as well as significant disturbance from constant noise and vibration and diesel exhaust. All these impacts should be evaluated in a full EIS.

Furthermore, wildlife corridors should be identified and protected in a full EIS. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River, and Anderson Mountain to the north. These animals require large territories and are sensitive to human disturbance.

Thank you for the opportunity to comment.

Sincerely,

Barbara Trask
41219 Elysian Ln
Concrete WA 98237

From: [Jennifer Rogers](#)
To: [Kevin Cricchio](#)
Subject: FW: Samish River gravel mine File# PL16-0097
Date: Tuesday, March 8, 2022 8:07:37 AM

From: Norm Wasson <outlook_DE6D996CFB2A870A@outlook.com>
Sent: Monday, March 7, 2022 12:10 PM
To: PDS comments <pdscomments@co.skagit.wa.us>
Subject: Samish River gravel mine File# PL16-0097

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March 7 , 2022

Kevin Cricchio, Senior Planner

Skagit County Planning and Development Services

1800 Continental Place

Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine

File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to express my concerns again about the proposed gravel mine located near Grip Road and the Samish River. This is in regard to Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098. I am commenting on the new Mitigated Determination of Nonsignificance (MDNS) that the County issued on February 24, 2022. I sent comments in last year, on the MDNS dated April 15, 2021, but then the County withdrew that MDNS (on May 23, 2021). I understand that the comments I submitted last year won't be part of the formal record for the new MDNS. Unfortunately, it appears that very little has really changed regarding this proposed industrial scale mine. So, I am attaching my original **letter April 28 2021**. Please make these comments part of the record for this new MDNS. I am very disappointed that the County and Miles Sand and Gravel still have not addressed many of the community's concerns. I ask that the County withdraw the current MDNS and

issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

Grip Road Gravel Mine Environmental Concerns Not Addressed in the MDNS
(Traffic and road safety impacts are listed in a separate section below)

The environmental review did not consider the full footprint of the project. The applicant owns more than 700 contiguous acres, however only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. This private road has previously been used only for forestry. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.

The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than five-years-old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as “Endangered” in Washington State and “Threatened” federally. In addition critical habitat for Bull Trout is located just downstream, Bull Trout is a “Candidate” species for listing in WA State, and is listed as “Threatened” federally. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.

Wildlife corridors are not identified and protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

A drainage plan was not required to protect water quality from runoff on the private haul road. Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.

Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. They claim that all runoff from the disturbed site will drain into the mine, and infiltration will protect the groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. No mention of seasonal fluctuation of the groundwater is discussed. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.

The Noise and Vibration Study did not use realistic scenarios to model noise impacts. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

Grip Road Mine Traffic, Road and Public Safety Issues Not addressed in the MDNS: County government and the concerned public cannot evaluate the traffic safety impacts of the project and the adequacy of the MDNS without the following information:

The maximum number of truck trips per hour, how often the number of trips may exceed the average trips per hour, and how long the number of trips may exceed that average. The average of 46 trips per day or 4.6 trips per hour given in the MDNS is meaningless due to the seasonal nature of product demand. The applicant’s October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 60 trips per hour (30 trucks in each direction). The SEPA determination must evaluate the traffic safety impacts of the project based on this maximum and set hard limits on this number, frequency, and duration

A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.

Safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not. The TIA provides analysis showing that truck and trailer combinations cannot traverse the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. The MDNS requires the applicant to take specific actions to mitigate this issue at this location. The TIA acknowledges that the same issue of lane encroachment exists at several other locations on the haul route, but neither it nor the MDNS lists those locations, provides any analysis of the problems there, or sets out the mitigation measures required to correct them. These locations include, among others, the S-curves on the Grip Road hill and practically all of the intersections on the haul route. This is unacceptable.

Projections for the increase in non-mine traffic on the haul routes over time and evaluation of the safety and road capacity impacts of mine traffic with increased non-mine traffic. The TIA uses 2020 traffic levels to evaluate mine traffic impacts and does not factor in growth.

Field studies to determine the speeds at which vehicles are currently traveling on the haul route and evaluation of how mine traffic will impact existing traffic given those speeds.

More thorough evaluation of the accident records for all road segments and intersections on

the haul route, including the contributing causes for the accidents. What are the implications for mine traffic safety?

Determinations as to the actual safe speeds for any given road segment or intersection on the haul route, along with recommendations for changes to legal speed limits where they are needed for safety.

More detailed evaluation of sight distances at all intersections, including "Vision Clearance Triangle" drawings as shown in Skagit County Road Standards, 2000, Appendix C – 7.

A full evaluation of what the warning beacon systems proposed for the Grip Road/Prairie Road and Grip Road/Mine Entrance intersections are intended to accomplish and how they will do so. Drivers are clearly ignoring the existing speed warning signs at Grip and Prairie. How can they be expected to slow down adequately for the warning beacons?

"Third party" sales at the mine would mean trucks traveling to and from the site via every route possible. Disallow third party sales from the mine.

Adding heavy mine traffic to our existing, substandard roads will cause increased damage to public infrastructure and higher maintenance costs. These impacts must be evaluated and the applicant required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels.

Pedestrian and bicycle safety must be evaluated along the entire haul route. This is a particular concern in areas where there are no shoulders on Grip and Prairie, and where guardrails were recently installed on Prairie Road. Necessary safety improvements must be required.

I do understand that some new mitigation measures have been proposed in this MDNS, but they are not sufficient. For instance, conditions were proposed that address hours of operation (Mitigation Measure #2) and numbers of daily truck trips (Mitigation Measure #13.vii.). In both of these cases, vague "extended hour" scenarios are allowed without clarity about how or when this would actually happen, what additional conditions "may" be imposed, and there is no assurance that the public would be consulted or informed about these extended hours. Especially regarding truck numbers, the wording is unclear, and the limits are far too high. Similarly, the County has finally recognized that the private 2.2 mile long haul road is part of the project, but no mitigation is proposed to restore and protect the 36 wetlands and 21 seasonal streams that are within 300 feet of the haul road (this haul road was massively rebuilt in 2018, without a new permit, for mining purposes). In addition, not enough measures have been proposed to ensure that the haul road will not cause slope failure in the Swede Creek gorge, threatening this fish bearing stream.

Thank you for the opportunity to comment.

Sincerely,

Norman Wasson

20836 Prairie Rd.

Sedro Woolley, Wa 98284

(360) 724-5054

normfranwasson@gmail.com

April 28, 2021

Michael Cerbone, Assistant Director

Skagit County Planning and Development Services

1800 Continental Place

Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine

File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into consideration new public comment even though previous comments seem to have been ignored.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts, including:

1. **The environmental review did not consider the full footprint of the project.** Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.
2. **The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.
3. **The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these "ESA" species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
4. **Wetlands were not delineated, and there is no requirement for surveying and permanently marking them.** A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.
5. **Wildlife corridors are not identified and protected.** Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.
6. **A drainage plan was not required to protect water quality from runoff on the private haul road.** Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.
7. **Impacts to groundwater are not adequately evaluated and protections measures are not required.** They intend to excavate the mine to within 10 feet of groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.
8. **The Noise and Vibration Study did not use realistic scenarios to model noise impacts.** The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from "typical" and "average" mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.
9. **Emissions were not evaluated and no mitigation plan was required.** Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.
10. **Cumulative impacts were ignored.** This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a "temporary" activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other

impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Norman Wasson

20836 Prairie Rd.

Sedro Woolley, Wa 98284

(360)724-5054

normfranwasson@gmail.com

Sent from [Mail](#) for Windows 10

Sent from [Mail](#) for Windows

From: [Jennifer Rogers](#)
To: [Kevin Cricchio](#)
Subject: FW: Grip Road Gravel Mine
Date: Tuesday, March 8, 2022 8:07:54 AM
Attachments: [March 8 Letter to County Planners.docx](#)

From: Sandra Krot <smkrot@frontier.com>
Sent: Monday, March 7, 2022 4:08 PM
To: PDS comments <pdscomments@co.skagit.wa.us>
Subject: Grip Road Gravel Mine

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March 8, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine

File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

While I do not live in the area of the proposed mine, I am a long time resident of Skagit County. I care about this area and all those who reside in it (including both animals and plants). Please consider all evidence carefully. Your decision will impact us beyond the 25-year lifespan of the mine. I trust you will factor in environmental and quality of life issues in addition to profit.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation or restoration required for the many wetlands and streams along the haul road.

In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

Thank you for the opportunity to comment.

Sincerely,

Sandra Krot

18045 Valentine Road

Mount Vernon, WA 98273

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

From: [website](#)
To: [Planning & Development Services](#)
Subject: PDS Comments
Date: Sunday, March 6, 2022 4:15:07 PM

Name : Paula Shafransky
Address : 22461 Prairie Rd
City : Sedro Woolley
State : WA
Zip : 98284
email : pshafransky@gmail.com
PermitProposal : File #'s PL16-0097 & PL16-0098
Comments : March 6, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to express my concerns again about the proposed gravel mine located near Grip Road and the Samish River. This is in regard to Miles Sand and Gravel Corporation's application for a Mining Special Use Permit, Files PL16-0097 & PL16-0098. I am commenting on the new Mitigated Determination of Nonsignificance (MDNS) that the County issued on February 24, 2022. I sent comments in last year, on the MDNS dated April 25, 2021, but then the County withdrew that MDNS (on May 23, 2021). I understand that the comments I submitted last year won't be part of the formal record for the new MDNS. Unfortunately, it appears that very little has really changed regarding this proposed industrial scale mine. So, I am attaching my original letter of April 25, 2021. Please make these comments part of the record for this new MDNS. I am extremely disappointed that the County and Miles Sand and Gravel still have not addressed many of the community's concerns. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

In my original comments I stated that I was very concerned about the impact of the gravel trucks on Prairie Road. This has not changed. The traffic on Prairie Road, however continues to increase as our population does also. The corner of Prairie and Grip has been a concern for standard size vehicles passing each other. This will only be made more dangerous with the big gravel trucks using this intersection.

I do understand that some new mitigation measures have been proposed in this MDNS, but they are not sufficient. For instance, conditions were proposed that address hours of operation (Mitigation Measure #2) and numbers of daily truck trips (Mitigation Measure #13.vii.). In both of these cases, vague "extended hour" scenarios are allowed without clarity about how or

when this would actually happen, what additional conditions “may” be imposed, and there is no assurance that the public would be consulted or informed about these extended hours. Especially regarding truck numbers, the wording is unclear, and the limits are far too high. Similarly, the County has finally recognized that the private 2.2 mile long haul road is part of the project, but no mitigation is proposed to restore and protect the 36 wetlands and 21 seasonal streams that are within 300 feet of the haul road (this haul road was massively rebuilt in 2018, without a new permit, for mining purposes). In addition, not enough measures have been proposed to ensure that the haul road will not cause slope failure in the Swede Creek gorge, threatening this fish bearing stream. Please do not turn our neighborhood into a place that has dangerous roads, environmental degradation, and noise pollution. Please find below my original comments.

Dear Mr. Cerbone,

As a 28 year resident on Prairie Road I am writing to say I have grave concerns about the Mitigated Determination of Non Significance for the proposed Grip Road mine project. Because this mine is in my neighborhood, I have been following these developments for the past 5 years.

I have always had significant concerns about the assessment and application documents that supposedly addressed the environmental protections for wild life and fish as well as water and air quality. Concrete Nor’west’s application for this mine was denied in 2018 due to incomplete application materials and factual inaccuracies. In reviewing the current documents, I don’t see that much has changed since then. The same environmental concerns I had in 2018 still don’t appear to being addressed or taken seriously.

In addition, the road safety issues are paramount. I have traveled Prairie Road for 28 years and have seen traffic increase significantly as well as numerous close calls and accidents particularly at the Grip Road and Prairie Road intersection. It is inconceivable that truck and trailer rigs would be able to navigate that corner in a safe fashion. The TIA provided an analysis showing these truck/trailer combinations cannot make the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. As far as I know this problem has not been addressed.

My husband and I moved to this area to enjoy a rural setting with quiet living, clean air, and wild life viewing in our back yard. This mine will drastically change all that. I don’t believe the planning commission is doing its due diligence in the oversight of this project. The commission is not following your own critical area ordinance. This whole project seems to be about ignoring public comments and legitimate concerns in order to facilitate Concrete Nor’West’s business interests at the expense of the environment and public safety issues. This MDNS decision needs to be reversed and a full EIS should be required before moving forward.

Thank you for your consideration in the matter.

Sincerely,
Paula Shafransky

From Host Address: 172.92.213.103

Date and time received: 3/6/2022 4:11:33 PM

From: [website](#)
To: [Planning & Development Services](#)
Subject: PDS Comments
Date: Sunday, March 6, 2022 4:30:05 PM

Name : Frank Larson Phillips
Address : 22461 Prairie Rd
City : Sedro-Woolley
State : Washington
Zip : 98284
email : fphillips67@gmail.com
PermitProposal : File #'s PL16-0097 & PL16-0098
Comments : March 6, 2022

Kevin Cricchio, Senior Planner
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Mitigated Determination of Nonsignificance (MDNS) for proposed Grip Road Gravel Mine
File #'s PL16-0097 & PL16-0098

Dear Mr. Cricchio:

I am writing to comment on Skagit County's February 24, 2022 Mitigated Determination of Nonsignificance (MDNS) for Miles Sand and Gravel's (Miles) proposed Grip Road gravel mine, Files PL16-0097 and PL16-0098.

This issue is very important to me as I have lived on Prairie Road for almost 30 years. I don't understand why this company is failing to address all the issues that are of concern over the past 6 years or more. It's not like we are asking them to do something above and beyond what is required. We are only asking that they comply with the current rules and regulations.

Despite the County's recent requirements for review of impacts from Miles' private mine haul road, the information Miles has submitted over the last six years to comply with the Washington State Environmental Policy Act (SEPA) still fails to adequately identify and address a wide range of potential adverse environmental impacts from this project. I ask that the County withdraw the current MDNS and issue a Determination of Significance (DS), requiring Miles to submit a full Environmental Impact Statement (EIS). The EIS must cover the impacts to the natural environment from the mine itself, the associated private haul road, as well as all off-site and cumulative impacts. This includes impacts on traffic safety and county roads for ALL potential haul routes over the entire life of the mine.

This is an industrial scale mine that would operate for at least 25 years. It is adjacent to the Samish River, and there are many wetlands and streams next to the 2.2 mile long haul road. The impacts to fish and wildlife habitat, water quality and surface water hydrology have not been fully identified and evaluated. It concerns me that the County has not required an evaluation of the reduced buffer along the Samish River. And, Swede Creek is one of the most important tributaries to the Samish; it may be threatened by landslides triggered by heavy use of the haul road. This has not been adequately evaluated. In addition, there was no mitigation

or restoration required for the many wetlands and streams along the haul road. I am not sure why the County has not considered the haul road as part of the project until now. In light of the numbers of dump truck/trailer combinations proposed for this project, I am particularly concerned about the safety of anyone who must travel sections of the proposed haul route on a regular basis. I am also concerned about the damage that the heavy mine traffic will cause to our county roads and bridges, as well as who will have to pay for the required additional maintenance and repairs. The traffic analysis submitted by Miles does not meet County code requirements; furthermore, the mitigation measures outlined in the traffic analysis and the current MDNS are woefully inadequate.

Thank you for the opportunity to comment.

Sincerely,

Frank Phillips

22461 Prairie Road

Sedro Woolley, WA 98284

From Host Address: 172.92.213.103

Date and time received: 3/6/2022 4:25:33 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 4, 2022 2:39:08 PM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 4, 2022 9:40 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Lauren Jaye

Address : 941 S. 4th St

City : La Conner

State : Washington

Zip : 98257

email : LBJAYE1@GMAIL.COM

PermitProposal : PL16-0097

Comments : To Whom It May Concern,

I am very concerned about the environmental impact of the proposed mine. There are many sensitive areas that will be impacted by this outsized project.

I am also concerned about the safety of impacts on the local roads

Thank you for your concern.

Lauren Jaye

From Host Address: 172.92.208.143

Date and time received: 3/4/2022 9:36:24 AM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 4, 2022 2:40:15 PM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 4, 2022 9:40 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : William Robinson

Address : 941 S. 4th St

City : La Conner

State : WA

Zip : 98257

email : billdog466@gmail.com

PermitProposal : PL16-0097

Comments : Hello

I am extremely concerned about the proposed mining project and feel that the amount of traffic that this will cause on the local roads is unsafe.

Please do not let this project proceed as proposed

From Host Address: 172.92.208.143

Date and time received: 3/4/2022 9:38:15 AM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, March 4, 2022 3:23:04 PM

From the PDS Email.

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, March 4, 2022 1:30 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Jim Wiggins
Address : 21993 Grip Road, Skagit
City : Sedro Woolley
State : WA
Zip : 98284
email : jimwiggins@fidalgo.net
PermitProposal : Concrete NorWest/Miles Sand & Gravel
Comments : 1 March 2022

Director of Planning and Development Services
Kevin Cricchio, AICP, Senior Planner
1800 Continental Place, Mount Vernon, WA 98273

Re: Comments on the most recent Concrete NW/Miles MDNS. 25 February 2022.

Below are some comments and concerns we, Jim Wiggins and Abbe Rolnick, have on the proposed Concrete Nor'West/ Miles Sand and gravel permits. We are not commenting on all aspects of said MDNS because we believe other concerned parties will be providing additional/other comments.

In the first paragraph of page 4, in part it states "and the material will be transported to market on to one of Concrete Nor'West's nearby facilities for processing". The assumed transportation for sand and gravel was west on Grip Road, west on Prairie Road and then to Old 99 North". The statement above gives more latitude for Miles to move sand and gravel to market with no traffic road condition analysis nor ability to comment on environmental concerns. To enable us to provide comments on said alternative haul routes, we need to know those road possibilities. A simple answer is to stick to the original proposed haul roads as stated above, i.e., Grip to Prairie.

On page 2, "Significant deviation from the proposal will require additional review and approval by Skagit County Planning and Development Services". I assume that the concerned public will be notified and able to provide comments when any deviations occur.

On page 3, If permitted by PDS, such operations may be subject to additional conditions by PDS. We are concerned about "additional extended hours. If such additional hours are allowed, we need a better description of the accepted deviations.

There are numerous comments/requirements on pages 3 and 4, regarding adherence to SCC 14.32. There needs to be a stormwater plan developed. If new stormwater features are installed, a Critical Areas report needs to be developed to ensure no critical areas are affected with impacts mitigated. Additionally, all CA's along the proposed haul road and the existing road prism and ditches, need to be field flagged and surveyed to determine the true location and proximity to any work, such as stormwater facilities, to be installed.

On page 5, it states, "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 99 North (road improvements) to mitigate for trucks with trailers crossing over the center line while turning at said locations". Due to the proximity of Friday Creek, a shoreline of the state, suitable critical areas need to be field flagged, surveyed, and mitigation proposed for all work, including road and stormwater features. A shoreline permit, critical areas permit (including buffer encroachment), addressing ESA (endangered species) presence and avoidance, and mitigation for said disturbances.

Also, on page 5, it summarizes how the Samish River bridge on Old 99 North has load limit requirements and said truck and trailer traffic needs to go up Bow Hill road and onto Interstate-5. A concern we have is that to avoid this route, trucks may choose to turn left off Prairie onto F and S Grade road then onto Kelleher Road. If so, this route needs to be examined for safety and critical areas if any road work is required.

Also on page 5, "The maximum daily truck traffic...mining operations not exceed 30 trucks per hour under extended hours operation. To address the extended hours condition, the applicant will seek permission from Skagit County prior to generating the higher truck volume". Please describe said conditions.

Also on page 5, "No gravel mining operations shall occur with 10 feet of the groundwater table..." As adequately described in the letter from Skagit River System Cooperative dated 30 April 2021, on page 1, said requirements that we agree with are proposed, such as sampling timing, placement of elevation monumentation, and monitoring of said water table. Furthermore we agree with all of the comments and recommendations described in the SRSC letter.

On page 6 of your letter "A 200-foot buffer on undisturbed vegetation shall be provided between the Samish River and the gravel mine". This 200-foot buffer was proposed by the Graham and Bunting report and is for moderate impacts. Said mine, as per SCC code for commercial and industrial land uses require a 300-foot buffer. The wetland and Samish River edge needs to be field flagged and surveyed for accuracy. Said buffer needs to be field surveyed and marked in the field. Furthermore due to the high intensity of use by the proposed truck traffic along the haul road, said wetlands and streams need to be ranked using the high intensity land use designation and buffered accordingly.

I did not see where there is mention within your letter of the construction of a "berm" along the Samish River buffer that has been included in previous documents submitted by Miles. We need to

see a drawing of said berm. Said berm needs to be placed out of the prescribed buffer and designed by an engineer.

Thank you for the opportunity to provide these comments.

Respectfully

Jim Wiggins MS, Professional Wetland Scientist Emeritus. Abbe Rolnick

21993 Grip Road
Sedro-Woolley, WA 98284

Aattachment to mailed hard copy: SRSC 30 April 2021 letter

From Host Address: 50.34.129.66

Date and time received: 3/4/2022 1:29:15 PM